

West of England Partnership Board
25 February 2010

Local Transport Powers

Purpose

1. To consider the outcome of a review of the opportunities for increased transport powers and investment provided by the recent Local Transport Act, particularly measures to increase the quality of bus services.

Background

2. This report was requested by the Board and is now provided following discussions with the members of the Joint Transport Executive Committee and an official at the Department for Transport. No discussions have taken place with legal and finance colleagues.
3. The Appendix lists the powers and functions available under the Local Transport Act 2008; existing local powers delegated to the Joint Transport Committee with enable it to pursue most of these objectives. The Act states that it is for authorities to choose what action and arrangements they make, taking into account local circumstances. The Appendix is set out under four main headings:
 - *Planning & Implementing Major Transport Schemes*
 - *Improving Bus Services*
 - *Strategic Road & Rail Powers*
 - *General Powers of an Integrated Transport Authority*
4. Each of these functions is considered in this report by summarising current governance arrangements and how these might be varied locally or through the recent statute, in order to improve outcomes.

Maximising the Use of Existing Local Transport Powers

Planning & Implementing Major Transport Schemes

5. Through the Joint Transport Committee, Partnership Board and Council Cabinets/Councils the authorities already take collective action to:
 - Steer the development of the **Joint Local Transport Plan** and recommend its approval to the individual authorities.
 - Oversee the development of the Government's Delivering a Sustainable Transport System (DaSTS) studies and other regional and sub-regional policies, programmes and plans eg Congestion Delivery Plan, **Regional Funding Allocation process**, Rights of Way Improvement Plan, Joint Transport Asset Management Plan etc.

- Oversee the **delivery of major schemes** including the approval of Project Initiation Documents (PIDS), steering scheme development through periodic progress and exception reporting, and the endorsement of funding bids and other key milestones.
6. The **Joint Local Transport Plan** is part of the policy and budget framework of the individual Councils and therefore is formally approved by their Council meetings.
 7. The leadership and preparation of each **Major Scheme Bid** is provided by a Project Board, which comprises representatives of all the authorities. The Senior Responsible Owner leads the Project Board, supported by a project team from the local authorities. This approach and the individual arrangements for each scheme were endorsed by the Joint Transport Executive Committee on 24 April 2009.
 8. This approach to the Transport Plan and Major Scheme preparation works well as demonstrated by the planned level of investment, performance against the plan, the timely preparation of Major Scheme bids and delivery of GBBN. The work could be undertaken through a centralised team but this is not supported by Transport Executive members who recognise the benefits and achievements of the current federated approach; it integrates the transport function with spatial planning and economic competitiveness, embeds learning and encourages skills transfer.
 9. Currently **Local Highway Authority Powers** to give effect to Major Schemes are exercised individually by each authority. The preparation and implementation of such schemes could be undertaken through a unified team and be overseen by the Joint Transport Executive Committee. The current arrangement creates a balanced approach; the Executive Member responsible for setting the plan and priorities for investment understand the part they will later play in authorising Traffic Regulation Orders. The strategic and the local considerations are taken into account appropriately.
 10. Currently individual authorities support the exercise separately of Development Control powers for transport proposals, including cross-boundary major transport schemes. It would be possible to build on the existing integrated team of officers to undertake this work.
 11. The team would still need to account to individual authorities' Planning Members. It may be possible, say, for each authority to nominate a three-person committee and provide for the four committees to meet as necessary to consider a common agenda but only the relevant three-person committee would be able to make the decision on proposals within their Local Authority area. Such an arrangement may streamline decision making, but in may obscure who is in control of local issues. Members would also be concerned to ensure a proper balance is maintained between strategic and local considerations and impacts.

Improving Bus Services

12. The Current priorities of the joint Transport Committee are as follows:
 - To oversee the completion of a **Statutory Quality (Bus) Partnership Scheme** (QPS) and supporting Voluntary Partnership Agreement (VPA) for

the Midsomer Norton to Bath Greater Bristol Bus Network (GBBN) corridor. Use this model to negotiate and complete QPS's for the remaining GBBN corridors.

- To increase engagement and negotiation with bus operators to increase the quality of services.
 - To secure the **joint ticketing/smartcard initiative** based on the award of some £2.2m of DfT funding to develop smart and integrated ticketing. This funding would facilitate the development of a sub-regional back office system in line with the national ITSO standard which would provide a platform for the concessionary fare scheme and variety of potential smartcard applications.
 - Provide a co-ordinated approach to **communication activities** including roll out of the **Travel+ brand** to keep the public well informed, to secure a modal shift and to promote investment in schemes and initiatives in the West of England, locally, Regionally and Nationally.
13. Currently these priorities are being pursued by the Joint Transport Executive Committee by project teams of officers. They could be exercised and managed on a collective and/or centralised basis and with appropriate delegation of powers to the Joint Committee, but robust arrangements would be essential to ensure effective management of finances, procurement and risk.
14. If the authorities had the level of resources required to franchise particular or all Public bus routes such powers could be delegated to the Joint Committee but the management arrangements and safeguards for delivery would need substantial provision of staff and other resources. It may be necessary to consider an arms-length local authority controlled company to manage financial and other risks most effectively.

Strategic Road & Rail Powers

15. Currently the Joint Transport Committee is pursuing the following priorities:
- Oversee the monitoring and review of the actions and outcomes in the **2010/11 Action Plan** with the Highways Agency based on the **Memorandum of Understanding** developed as part of the Multi-Area Agreement and endorsed by the Joint Committee on 12 November 2009.
 - Develop and oversee the formulation of a Multi-Area Agreement **Memorandum of Understanding with Network Rail and First Great Western** to promote effective co-ordination and co-operation. Negotiations are continuing with the aim of making provision for consultation on timetable changes, investment and planning decisions, input into the Joint Local Transport Plan and co-ordinating data collection.
16. Since the publication of the Act the DfT have indicated that they do not envisage the transfer of rail powers to Integrated Transport Authorities or local authorities. The current work on the Memorandum of Understanding with the Rail Industry will continue to be progressed. Neither this, nor an ITA, can provide for direct control over rail infrastructure or the ready supply of rolling stock.

The transfer of strategic highway powers, for example trunk roads, to the local authorities could be exercised. The current work on the Memorandum of Understanding with the Highways Agency will be developed further, as necessary.

General Powers of an Integrated Transport Authority

17. The General Powers of Direction do not apply to arrangements based on a Joint Transport Executive Committee.
18. It could be decided to resource the management and support to a Joint Committee, which took and exercised more powers through existing or additional resources raised by local authorities in the normal way. Additional revenue and capital requirements for Schemes could be raised through a combination of Council Tax and other existing sources used by local authorities. Again appropriate arrangements would need to be agreed in advance; ones which are proportionate to the scale of financial, legal, procurement and risk management involved.

Conclusions

19. Following discussions the majority view of the Joint Committee was that they should continue to pursue key priorities, and in future seek the allocation of additional powers to the Joint Committee where these are necessary to achieve their objectives.
20. In reaching this conclusion Committee Members took into account the fact that much could be achieved through existing local powers exercised through the Joint Committee, without the lengthy and extensive preparation and planning required to establish an Integrated Transport Authority. They were also concerned about the cost of establishing a Levy and public reaction to additional scope for local taxation.
21. The Members also recognise the merits of a federated approach which is effective in balancing strategic and local considerations and impacts.

Recommendation

That the Board endorse the conclusions of the Joint Committee.

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**Local Transport Act 2008:
Scope of Potential Integrated Transport Authority (ITA) powers**

A. Planning & Implementing Major Transport Schemes

Joint Local Transport Plan

Major Scheme Bids

Local Highway Authority Powers

Highway Development Control

B. Improving Bus Services

Supported Bus Services and Information

Bus Quality Partnerships

Bus Quality Contracts

Concessionary Travel and Integrated Ticketing

Travel Plans

C. Strategic Road & Rail Powers

Strategic Highway Powers

Rail – Track (DfT do not propose to implement these provisions)

Rail – Services

D. General Powers of an Integrated Transport Authority

Power of Direction

Annual Levy