
Transport for the North General Purposes Committee Agenda

Date of Meeting	Wednesday 19 July 2023
Time of Meeting	1.00 pm
Venue	Virtual

Filming and broadcast of the meeting

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5.0	Future Constitution developments Lead: Martin Tugwell	221 - 224

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Meeting:	General Purposes Committee
Subject:	Consideration of Future Constitution Developments
Author:	Martin Tugwell, Chief Executive
Sponsor:	Martin Tugwell, Chief Executive
Meeting Date:	Wednesday 19 July 2023

1. Purpose of the Report

- 1.1 The Constitution sets out the framework within which Transport for the North operates. It is a living document that is kept under regular review to ensure that it remains fit for purpose. A combination of circumstances mean that now is timely moment for a more substantive review of certain elements of the Constitution. The purpose of this paper is to seek the Committee's endorsement for the scope of that review.

2. Recommendations

- 2.1 That the Committee endorses, subject to any amendment agreed by the meeting, the scope of the review as set out in Section 3 of this report.

3. Main Issues

- 3.1 It is proposed to focus this review on 5 key areas, as set out below.

Implementation of the Strategic Transport Plan

- 3.2 The preparation and publication of the Strategic Transport Plan is at the core of TfN's work. In parallel with the work underway to update the Plan, work is also underway to develop advice for consideration by the TfN Board on how to improve the efficiency and effectiveness of its implementation.
- 3.3 In this regard there are three aspects that require consideration in terms of what, if any, implication they may have on TfN's work:
- Whether there is a case for systemic changes that improve the efficiency and effectiveness of implementation – an example of which could be the added value of indicative funding allocations at the pan-regional level,
 - Whether there is added value in strengthening the relationship with existing national processes – for example those associated with national investment programmes for road and rail,
 - Whether there is a need to consider linkages with processes associated with other pan-regionally significant infrastructure – for example TfN's work on EV charging infrastructure has involved representatives from the energy sector.

Representation on TfN

- 3.4 A strong business voice has been an integral component of TfN from the start, with the Chairs of the Local Enterprise Partnerships co-opted on to the TfN Board. With the decision to withdraw central Government funding for LEPs from April 2024 there is a need to consider what alternative arrangements should be made to maintain a strong independent business voice on the TfN Board.
- 3.5 Members of the Committee will be aware that former Rail North Authorities from the Midlands are themselves members of the TfN Board (albeit in a non-voting capacity), a reflection of the fact that they are served by either Northern and/or

TPE. A number of these authorities are themselves involved in new arrangements being established as part of the wider devolution agenda, which in turn prompts the need for TfN to engage with the authorities about future working arrangements.

- 3.6 A third aspect of representation which it is proposed to include in the review is the use of sub-regional groupings in the context of membership of the Rail North Committee, and by implication the General Purposes Committee. Here the review would consider as to whether the continued use of the sub-regional groupings is appropriate, and if not, what alternative(s) might be appropriate.

Rail Reform Agenda

- 3.7 The Government has set out its commitment to reform of the rail sector. The North already has a degree of devolution in respect of rail services delivered by Northern and TPE. This is set out in the Rail North Agreement between TfN and the DfT. It is under the terms of this Agreement that the North East and North West Business Units have been established as a means of increasing the integration of local rail services with other local transport services.
- 3.8 The North's experience of devolution to date provides valuable experience and insight that can inform the wider rail reform agenda. It also provides the basis for the North setting out its ambitions for further rail devolution in support of the Government's reform agenda.
- 3.9 Members of the Rail North Committee have highlighted the importance of services provided by other rail operators – for example Cross Country, Avanti and LNER. As part of the work focused on implementation of the Strategic Transport Plan it would be appropriate to consider what relationship TfN might seek with operators other than Northern and TPE.
- 3.10 Although not linked with the Rail Reform agenda, this review of the Constitution is an opportunity to sense check whether there are aspects of the co-sponsor agreement associated with NPR that needs to be reflected in the Constitution.

Highways North Board

- 3.11 The Highways North Board is included within the TfN Constitution to reflect the importance of the strong working relationship with both the Department and National Highways in respect of the processes associated with the Road Investment Strategy. This will continue to be a key relationship moving forward in implementing the Strategic Transport Plan and therefore it is appropriate to ensure that the terms of reference for the Board continue to be fit for purpose.

Consultation Calls

- 3.12 The TfN Constitution was amended in the early days of the pandemic to reflect the temporary change in legislation permitting formal meetings to be held remotely. That temporary change in legislation has now lapsed meaning that formal meetings of TfN once again, must be in person. Use is made of consultation calls held under the powers held by the Chief Executive where in person calls are not possible or practical, to allow delegated power to be exercised. It would timely as part of this review to examine whether there is a need to consider a refinement of the current arrangements as set out in the constitution.

4. Next Steps

- 4.1 The Committee is asked to consider the scope of the review as set out in Section 3 and is invited to endorse it, subject to any amendment agreed by the meeting.

- 4.2 Work on the review of the Constitution will take place in parallel with that on updating the Strategic Transport Plan and in developing TfN's advice on implementation. The intention would be that this committee considers the outcomes of this review in the autumn, enabling its recommendations to be put to the December meeting of the TfN Board.
- 4.3 The Executive will work closely with the Department and national bodies – such as Network Rail and National Highways – as part of the review to ensure that their perspective shapes any proposal brought back to this Committee.
- 4.4 In parallel DfT and TfN officials are undertaking a review of the Memorandum of Understanding (MoU) between the two organisations. This review of the Constitution is therefore timely in that it will ensure that it and the MoU are aligned in their content.
- 5. Corporate Considerations:**
- 5.1 ***Financial Implications***
There are no direct financial implications as result of this report.
- 5.2 ***Resource Implications***
There are no direct resourcing implications as result of this report.
- 5.3 ***Legal Implications***
Legal implications are addressed within the report.
- 5.4 ***Risk Management and Key Issues***
There are no direct risk implications as a result of this report.
- 5.5 ***Environmental Implications***
There are no environmental implications as a result of this report.
- 5.6 ***Equality and Diversity***
There are no direct issues as a result of this report
- 5.7 ***Consultations***
Engagement with partners will form part of the review process.
- 6. Background Papers**
- 6.1 None

Glossary of terms, abbreviations and acronyms used

Please include any technical abbreviations and acronyms used in the report in this section. (Please see examples below.) This will provide an easy reference point for the reader for any abbreviations and acronyms that are used in the report.

a) TfN *Transport for the North*

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