
Meeting: Transport for the North Board
Subject: Governance Update
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Sponsor: Martin Tugwell, Chief Executive
Meeting Date: Wednesday 20 March 2024

1. Purpose of the Report:

- 1.1 To enable the Board to consider and action recommendations from General Purposes Committee on the membership of Board.

2. Recommendations:

- 2.1 It is recommended that the Board:
- Reaffirms the co-option of representation from the business community on the Board and Partnership Board
 - Agrees that where a LEP continues in a modified form it shall continue to nominate a co-opted non-voting representative on TfN's Board and Partnership Board
 - Agrees that where the responsibilities of a LEP have been subsumed into Business Boards within their Constituent Authority, that Authority is invited to nominate a business representative from that Business Board to be co-opted on to TfN's Board and Partnership Board
 - Agrees that the arrangements for business representation on the Board are reviewed by the General Purposes Committee after 12 months
 - Notes the changes to the Constituent Authority membership of Transport for the North and the effective dates for those changes, and notes that the consequential changes to Constitution will be made under officer delegated authority at the appropriate time.

3. Business Representation:

- 3.1 The Constituent Authority members (i.e. the voting members) of TfN have always been very clear about the importance of having a strong business voice on TfN. The Board decided unanimously when it was established as a statutory body on 1 April 2018 to co-opt a representative onto TfN Board and Partnership Board from each of the 11 Local Enterprise Partnerships (LEPs). In accordance with the Regulations which established TfN as a statutory body, co-opted members must be non-voting. The Board has also decided, more recently, that Partnership Board should also include a representative from the Chambers of Commerce. Although Partnership Board is separate from, and serves a different purpose to Board, this evidences the importance TfN attaches to ensuring input from business representatives.
- 3.2 Following the withdrawal of central funding for LEPs beyond 2023/4, Constituent Authorities have been considering the future of their LEPs and in a number of cases have already implemented alternative arrangements. Of the 11 LEPs that were in operation, a number are continuing to operate in their original format, with others having had their functions subsumed into Business Boards operated within the relevant Constituent Authorities.
- 3.3 The General Purposes Committee has considered TfN's position regarding the business voice and has recommended that TfN should continue to have strong

business representation on both the Board and Partnership Board. It further recommends that where the LEPs continue in a modified form they continue to nominate a co-opted representative. For areas where the LEP has been subsumed into a Business Board, it recommends that the Constituent Authority be invited to nominate a representative from that Business to be co-opted.

- 3.4 A specific Board resolution is required to co-opt members as the new arrangements do not automatically replace the arrangements for the former LEPs. A decision to co-opt replacement members needs to have the unanimous support of TfN's Constituent Authority members.
- 3.5 Given that the arrangements for business representation remain in a period of transition the General Purposes Committee recommended that the arrangements for TfN be reviewed after a period of 12 months.

4. Constituent Authority membership:

- 4.1 Since 2018, the number of Constituent Authorities that form TfN has changed from 19, to 21 because of changes in local government structures. This number will revert to 19 in 2024 and reduce to 15 by 2025 because of devolution deals.
- 4.2 Two changes in 2024 will affect TfN's membership. Firstly, the York and North Yorkshire Combined Authority Order 2023 (which amends the Sub-national Transport Body (Transport for the North) Regulations 2018) came into force on 20 December 2023, and establishes the new combined authority from 1 February 2024. This provides for a Mayoral election on 2 May 2024 with the elected Mayor taking office from 7 May 2024. The new Mayor, or other representative as permitted by the Regulations, will replace two existing authorities on TfN (City of York and North Yorkshire Councils). As no Mayor has yet been elected, interim representatives of the Y&NYCA have been selected locally to replace the previous members from City of York and North Yorkshire.
- 4.2 In the North East, the current two Combined Authorities, namely the North East Combined Authority (NECA), and The North of Tyne Combined Authority (NoTCA), will be replaced by a new North East Mayoral Combined Authority (NEMCA). On 2 May 2024 an election for a new directly elected Mayor will be held, with the Mayor's term of office commencing on 7 May 2024. The secondary legislation to effect changes to TfN's membership has yet to be made, but it is anticipated that the changes for TfN will not be effective until 7 May 2024. Accordingly, the existing members for the two combined authorities continue to represent their areas at TfN's 20 March Board meeting, and the new Mayor or other representative as permitted by the Regulations will represent NEMCA from 7 May 2024.
- 4.3 The 2023 Autumn Statement as published on the Government website outlines further future changes to areas within England, with three of the four areas it refers to involving TfN, namely (i) Hull and East Yorkshire, (ii) Greater Lincolnshire, and (iii) Lancashire. The website information includes an explanation of historic deals (for context), and information on possible future devolution deals which may lead to further reorganisation. Hull and East Yorkshire, and Lincolnshire have been offered a "Level 3" deal, with first elections for Mayors in May 2025. Lancashire has been offered a "Level 2" deal, with the formation of a non-Mayoral combined authority with Blackpool, and Blackburn with Darwen from 2025.

For the "Level 3" deals powers similar to devolution arrangements agreed in 2022 for York and North Yorkshire, and the North East are described as "broader than the Government's long standing focus on transport, skills and the economy" but will include these areas. The Hull & East Riding devolution includes funding for "transport, flood and coastal erosion programmes." This and the Greater

Lincolnshire deal “anticipate the Mayor taking on roles around careers advice and resilience.” They “feature a new collaborative partnership with the Department for Culture Media and Sport’s national delivery bodies”.

The “Level 2” powers for the Lancashire deal involve fewer powers, as the Levelling Up White Paper and Devolution Framework anticipated. There is no annual investment fund, power to raise Council Tax, brownfield housing funding or a single transport fund but they will manage the Adult Education Budget and UK Shared Prosperity Fund for the areas (as Mayoral areas do). Whilst there will be no transport fund, it is anticipated that the Regulations will be amended to provide the new authority is the relevant TfN Constituent Authority from the relevant date.

4.4 The following therefore summarises the expected effect on TfN Board and Partnership Board Membership:

- For York and North Yorkshire - the York and North Yorkshire Combined Authority member replaces North Yorkshire and City of York from 20 December 2023
- For the North East - the North East Mayoral Combined Authority (NEMCA) member will replace NECA and NoTCA from 7 May 2024
- From 2025, the two Hull, and East Riding of Yorkshire seats on Board will be replaced with the new single Mayor
- For Greater Lincolnshire from 2025, the new Mayor will replace two North East Lincolnshire and North Lincolnshire members for the Lancashire non-Mayoral combined authority, the Leader of that new authority will replace the three current members for Lancashire, Blackpool and Blackburn with Darwen.

As a result of these changes the TfN Board membership will reduce to 15 by 2025.

4.5 There is likely to be a need for more detailed consideration of the Regional Groupings used for representation on Rail North Committee and General Purposes Committee because of rail reform. In the meantime, the current changes raise the more immediate need to update the Regional Groupings tables for RNC and GPC in paragraphs 21.6 and 22.9 of the Constitution.

City of York has historically been grouped with WYCA, with voting allocations for each authority being combined for these purposes. WYCA will now be alone in its group, with the City of York voting allocation transferred to Y&NYCA. The Grouping which historically comprised solely of North Yorkshire will now be the sole authority in it amended to Y&NYCA, and the voting allocations for North Yorkshire and City of York combined.

NoTCA and NECA are already grouped together, so the new NEMCA will replace them in the Group and have both their voting allocations transferred to it. These amendments and any consequential ones arising can and will be made under the delegated authority of the Monitoring Officer in consultation with the Chief Executive.

5. **Corporate Considerations:**

Financial Implications

5.1 There are no finance implications to TfN as a result of this report.

Resource Implications

5.2 There are no direct resourcing implications to TfN as a result of this report.

Legal Implications

- 5.3 Legal implications including the provisions of the Constitution and Sub-national Transport Body (Transport for the North) Regulations 2018 as amended, are included within the report.

Risk Management and Key Issues

- 5.4 There are no risk implications as a result of this report. TfN have a risk on the corporate risk register which relates to compliance with good practice, governance and corporate processes.

Environmental Implications

- 5.5 There are no environmental implications as a result of this report.

Equality and Diversity

- 5.6 There are no environmental implications as a result of this report.

Consultations

- 5.7 None required.

6. Background Papers:

- 6.1 None.

7. Appendices:

- 7.1 None.

Glossary of terms, abbreviations and acronyms used

LEP	Local Enterprise Partnership
NECA	North East Combined Authority
NEMCA	North East Mayoral Combined Authority
NoTCA	North of Tyne Combined Authority
TfN	Transport for the North