

PROPOSED POWERS AND RESPONSIBILITIES

POWER	RATIONALE
General functions	
<p>Section 102H of the Local Transport Act 2008</p> <p>Prepare a transport strategy, advise the Secretary of State, co-ordinate the carrying-out of transport functions, make proposals for the transfer of functions, make other proposals about the role and functions of the STB.</p>	<p>This legislation provides the general powers required for EEH to operate as a statutory Sub-national Transport Body, meeting the requirements of the enabling legislation to facilitate the development and implementation of a transport strategy to deliver regional economic growth.</p> <p>Government at both national and local level recognises that the solutions required to deliver regional economic growth are best identified and planned for on a regional scale by those who best understand the people and businesses who live and work there.</p>
Rail	
<p>Right to be consulted about new rail franchises.</p> <p>Section 13 of the Railways Act 2005 – Railway Functions of Passenger Transport Executives.</p>	<p>This right would ensure that as a statutory Sub-national Transport Body EEH would be consulted before the Secretary of State issues any invitation to tender for a franchise agreement.</p> <p>The right of consultation reflects the role of EEH as a strategic partners, enabling us to influence future rail franchises to ensure the potential need for changes to the scope of current services and potential new markets identified by EEH are considered by the Secretary of State.</p> <p>EEH is uniquely placed to provide a regional perspective and consensus on the priorities for rail in its region.</p> <p>Changes to the current franchising model are likely following the Williams Review. Regardless of those changes, EEH is clear that it should have a role in shaping future rail service provision.</p>
<p>Set High Level Output Specification (HLOS) for Rail</p> <p>Schedule 4A, paragraph 1D of the Railways Act 1993.</p>	<p>EEH requires a strong, formal role in rail investment decision making over and above that which is available to individual constituent authorities. EEH acts as the collective voice of our constituent authorities, providing an evidence-based regional perspective and consensus on the priorities for investment in our rail network.</p> <p>This power would enable EEH to act jointly with the Secretary of State to set and vary the HLOS in our area, ensuring that EEH's aspirations for transformational investment in rail infrastructure are reflected in the HLOS and enabling an integrated approach across rail and road investment for the first time.</p>
Highways	
<p>Set Road Investment Strategy (RIS) for the Strategic Road Network</p> <p>Section 3 and Schedule 2 of the Infrastructure Act 2015.</p>	<p>EEH requires a strong, formal role in roads investment decision making over and above that which is available to individual constituent authorities. EEH acts as the collective voice of our constituent authorities, providing an evidence-based regional perspective and consensus on the priorities for roads investment.</p> <p>This power would enable EEH to act jointly with the Secretary of State to set and vary the RIS in our area, ensuring that EEH's aspirations in road infrastructure are reflected in the RIS and enabling an integrated approach across road and rail investment for the first time.</p>

POWER	RATIONALE
<p>Enter into agreements to undertake certain works on Strategic Road Network, Major Road Network or local roads</p> <p>Section 6(5) of the Highways Act 1980, (trunk roads) & Section 8 of the Highways Act 1980 (local roads).</p>	<p>These powers, operated concurrently with the local authorities, would enable EEH to promote and expedite the delivery of regionally significant cross-boundary schemes that might not otherwise be progressed. They would overcome the need for complex 'back-to-back' legal and funding agreements between neighbouring authorities and enable us to reduce scheme development time and overall costs.</p>
Make capital grants for public transport facilities	
<p>Make capital grants for the provision of public transport facilities</p> <p>Section 56(2) of the Transport Act 1968.</p>	<p>This concurrent power would enable EEH to support the funding and delivery of joint projects with constituent authorities, improving deliverability and efficiency.</p> <p>Constituent authorities would benefit from the granting of this concurrent power as they may, in the future, be recipients of funding from EEH to partly or wholly fund a transport enhancement within their local authority area.</p>
Bus Service Provision	
<p>Duty to secure the provision of bus services</p> <p>Section 63(1) Transport Act 1985.</p>	<p>Local transport authorities and integrated transport authorities have a duty to secure the provision of such public transport services as it considers appropriate and which would not otherwise be provided.</p> <p>Travel to work areas do not respect local authority boundaries, EEH is seeking to have this duty concurrently with local transport authorities in our region, enabling EEH to fill in identified gaps in bus service provision within the EEH geography or secure the provision of regionally important bus services covering one or more constituent authority areas which would not otherwise be provided.</p>
<p>Quality Bus Partnerships</p> <p>The Bus Services Act 2017 Sections 113C – 113D and Sections 138A – 138S.</p>	<p>EEH is seeking powers, currently available to local transport authorities and integrated transport authorities to enter into Advanced Quality Partnerships and Enhanced Partnership Plans and Schemes to improve the quality of bus services and facilities within an identified area. These powers would be concurrent with the local transport authority in the area.</p> <p>This would allow us to expedite the introduction of partnership schemes covering more than one local transport authority area which otherwise might not be introduced.</p>
Smart Ticketing	
<p>Introduce integrated ticketing schemes</p> <p>Sections 134C – 134G & Sections 135 – 138 Transport Act 2000.</p>	<p>EEH is seeking powers concurrently with local transport authorities to enable EEH to procure relevant services, goods, equipment and/or infrastructure; enter into contracts to deliver smart ticketing and receive or give payments.</p> <p>This would enable EEH to expedite the introduction of cost effective smart and integrated ticketing system on a regional scale which would enhance the journey experience and increase access to transport that supports jobs and education.</p>

Table continued overleaf

PROPOSED POWERS AND RESPONSIBILITIES (CONTINUED)

POWER	RATIONALE
Other Powers	
Promote or oppose Bills in Parliament Section 239 Local Government Act 1972.	<p>Local authorities have the power to promote or oppose Bills in Parliament; granting the power concurrently to EEH is supportive of the devolution agenda of which Sub-national Transport Bodies are a key part.</p> <p>Under the Transport and Works Act 1992 a body that has the power to promote or oppose Bills also has the power to apply for an order to construct or operate certain types of infrastructure including railways and tramways.</p> <p>Granting this power would enable EEH to promote, co-ordinate and fund regionally significant infrastructure schemes, accelerating delivery of cross-boundary schemes which might otherwise not be progressed.</p>
Incidental amendments Local Government Act 1972, Localism Act 2011, Local Government Pension Scheme Regulations 2013.	<p>A statutory Sub-national Transport Body requires certain incidental amendments to enable it to operate as a type of local authority, with duties in respect of staffing, pensions, monitoring and the provision of information about EEH.</p>

The proposal to establish a statutory Sub-national Transport Body would not propose seeking the following functions/powers:

Power not being sought	Rationale
Set priorities for local authorities for roads that are not part of the Major Road Network (MRN).	EEH will only be responsible for identifying priorities for the MRN.
Being responsible for any highway maintenance responsibilities.	There is no requirement for EEH becoming involved in routine maintenance of MRN or local roads.
Carry passengers by rail.	There is no aspiration for EEH to become a train operating company.
Take on any consultation function instead of an existing local authority.	Local authorities are best placed to seek the views of their residents and businesses.
Give directions to a constituent authority about the exercise of transport functions by the authority in their area.	Constituent authorities understand how best to deliver their transport functions to meet the needs of their residents and businesses.