

**Transport legislation affecting current governance structures –
Changes as a result of creation of Combined Authority**

Current strategic transport responsibilities in summary

Merseyside Integrated Transport Authority

- Local Transport Authority
- Travel Concession Authority
- Levying authority
- Accountable body to non-statutory Local Transport Body

Merseyside Passenger Transport Executive

- Legally distinct body, charged with delivering the policies of the ITA, with discrete powers to support this role.

Merseyside metropolitan district councils

- Highway Authorities
- Traffic Authorities
- Licensing Authorities (e.g. taxis)
- Local Planning Authorities
- Authorities for local air quality management / Environmental Health (e.g. declare Air Quality Management Areas)

Halton BC

- Local Transport Authority
- Travel Concession Authority
- Highway Authority
- Traffic Authority
- Licensing Authority (e.g. taxis)
- Local Planning Authority
- Authority for local air quality management / Environmental Health
- Owns arms-length bus company (Halton Transport), but a commercial venture, by law

The tables that follow highlight in more depth, the principal statutory provisions considered to be most relevant to the operational requirements of the ITA, the PTE, Halton BC and the local authorities and how these would be affected by the creation of the Combined Authority.

The tables are in three parts:-

- Part 1 - Transport Provisions set out in different legislation
- Part 2 - General Public Sector Related Legislation
- Part 3 - How the draft CA transport functions could apply in practice

NB - Reference to “Transport Executive” in this document is shorthand for the body that will deliver the CA’s policies and which will incorporate all existing functions and duties of the current Passenger Transport Executive. The preferred option is that the TE is renamed “Merseytravel” within the CA Order, with all previous powers of the PTE vested within it, in addition to the new functions that it will deliver on behalf of the CA.

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PART 1

Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
Transport Act 1968	<ul style="list-style-type: none"> The Act gave the ITAs the ability to give directions to PTE's 	ITA	Combined Authority			Procedural issues but 1968 Act does not apply to Halton BC but some provisions contained in 1985 Act for Halton BC
	<ul style="list-style-type: none"> PTEs to be accountable to ITA's (s15A) 	PTE	Transport Executive			
	<ul style="list-style-type: none"> PTEs to provide passenger transport services for their areas 	PTE	Transport Executive	By Transport Executive (Merseyside only)	By LCR-wide single Transport Executive	Opportunity to pool MT and HBC staff
	<ul style="list-style-type: none"> ITA to seek and have regard to PTE advice in determining appropriate services for PTEs to secure for the purpose of meeting any public transport requirements in the given area (s9A) 	ITA	Combined Authority	Advice to stem from Transport Executive	Advice to stem from Transport Executive	
	<ul style="list-style-type: none"> PTE/Halton to secure the provision of services [considered appropriate by the ITA] (s9A) (S63 of 1985 Act for Halton) 	PTE/Halton	Transport Executive	By Transport Executive (and Halton) in accordance with CA policy	By single Transport Executive in accordance with CA policy	
<ul style="list-style-type: none"> PTE/Halton to take measures promoting availability of services and convenience of public [in accordance with ITA general policies (s9A)] (S63 of 1985 Act for Halton) 	PTE/Halton	Transport Executive			Opportunity to pool MT and HBC staff, rationalise contracts and reduce costs	

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	<ul style="list-style-type: none"> PTE to keep local railway passenger services under review (s20) 	PTE	Transport Executive	Transport Executive (a Halton BC)	Transport Executive will have LCR-wide remit over rail	
	<ul style="list-style-type: none"> PTE to exercise control over subsidiary companies in order to ensure that they do not engage in activities which PTE has no power to engage in (s10) 	PTE	Transport Executive	Procedural issue		Opportunity to improve local railway services in Halton
	<ul style="list-style-type: none"> PTE can do anything it considers appropriate for the purposes of carrying out its functions (“functional purposes”) etc. and may also exercise any of these general powers for a commercial purpose (s10A) 	PTE	Transport Executive	Procedural issue		Subsidiary companies being disestablished over time
	<ul style="list-style-type: none"> PTE can enter into service subsidy agreements, subject to competitive tendering in accordance with ss89/90 Transport Act 1985 (s9A) 	PTE	Transport Executive	Procedural issue		
	<ul style="list-style-type: none"> PTE can carry passengers (other than by bus) within its area and up to the permitted distance outside the boundary (twenty-five miles from the nearest point on the boundary) (s10) 	PTE	Transport Executive	Procedural issue		Opportunity to enhance cross-boundary service provision

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	<ul style="list-style-type: none"> • PTE can enter into agreements with heavy rail network and station operators for replacement, redevelopment, operation or staffing, subject to ITA approval (s10) • PTE can let passenger vehicles on hire under a service subsidy agreement (s10) • PTE can let rolling stock on hire to rail franchisees where the PTE is a co-signatory of the franchise agreement or in connection with local rail services or otherwise with Secretary of State consent (s10) • PTE can develop land for use by others, subject to ITA approval (s10); • PTE can dispose of land, subject to ITA approval (s10) 	PTE	Transport Executive			Legislative provisions that will transfer from PTE to new Transport Executive, in the main
		PTE	Transport Executive			
		PTE	Transport Executive			
		PTE	Transport Executive subject to CA approval			
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	<ul style="list-style-type: none"> • PTE can obtain land through compulsory purchase orders (CPO) if authorised by the Secretary of State at the request of the ITA (s10) • PTE and ITA have financial powers such as to borrow/guarantee moneys in certain circumstances (ss12-13) • ITA and PTE have duty to have regard to the combination of economy, efficiency and effectiveness (s9A) • ITA and PTE have duty to have regard to the transport needs of elderly or disabled persons (s9A) • ITA and PTE have financial duties (ss11 and ss14-16) • ITA/PTE - prohibition on directors/operators of public transport services being appointed as members, officers or servants of ITAs/PTEs (s9A) 	PTE	Transport Executive at request of CA			Legislative provisions that will transfer from PTE to new Transport Executive, in the main
		PTE/ITA	Transport Executive/CA			
		ITA/PTE	CA /Transport Executive			
		ITA/PTE	CA /Transport Executive			
		ITA/PTE	CA /Transport Executive			
		ITA/PTE	CA /Transport Executive			

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County of Merseyside Act 1980/Mersey Tunnels Act 2004	<p>The Mersey Tunnels Order 1986 made pursuant to the Local Government Act 1985 transferred the responsibility for the operation of the Mersey Tunnels to the MITA on 1 April 1986. Part XIII of the County of Merseyside Act 1980 (as amended by the Mersey Tunnels Order 1986 and the Mersey Tunnels Act 2004) governs the Mersey Tunnels. The Act:-</p> <ul style="list-style-type: none"> • empowers the MITA to take tolls - toll increases are to be linked to the RPI. • states that MITA shall in each February make an order to come into force on the first day of April immediately following the making of the order fixing the amount of the tolls. • entitles the MITA to apply to the Sec of State for any other increase in tolls or re-classification provided the procedure laid down in the Act is followed. • gives MITA the power to use surplus toll revenue to support transport related schemes in the region. • places an obligation on the MITA to consult the people of Merseyside on the issue of toll levels once the tunnel debts have been paid off. • gives MITA the power to carry out or 	ITA	Combined Authority	Transport Executive	Transport Executive	<p>Combined Authority will assume all functions of the ITA in respect of the Mersey Tunnels, and bring toll income within its control</p> <p>Delivery arrangements will remain as now via Transport Executive</p> <p>Mersey Tunnels Police are currently employees of the ITA, and will become employees of CA</p> <p>CA Order likely to need to make provision to transfer affected staff to the staffing structures of the Transport Executive, as CA does not wish to be a staffing body</p>

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	<p>instruct others to carry out traffic noise insulation work on any residential building on the Kingsway Tunnel approach road.</p> <ul style="list-style-type: none"> • requires the MITA to notify holders of a road service licence for a route through the tunnel of any proposed closure of the tunnels (28 days' notice except in case of an emergency). • requires the MITA to notify the public by advert in a newspaper of any proposed closure of the tunnels (7 days' notice except in case of an emergency). • requires the MITA to display traffic signs communicating proposed closures at the entrances to the tunnels for a period of 7 days prior to any proposed closure of the tunnels. • requires MITA to keep an annual account of their income and expenditure and within 4 months after the end of each financial year (or such other longer period as the Minister may allow) send to the Secretary of State a copy of that account. • entitles the MITA to make and enforce byelaws for the regulation control and protection of the tunnels etc. • requires MITA to display a copy of all 					

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	byelaws in conspicuous positions within a reasonable distance of each of the entrances to the tunnels. <ul style="list-style-type: none"> entitles the MITA to appoint law enforcement officers for the policing of the tunnels etc. 					
Transport Act 1983	<p>PTEs shall perform their functions to ensure so far as practicable that their combined revenues (including revenues of their subsidiaries) for any accounting period are sufficient to meet their combined charges properly chargeable to revenue account in that period (s2)</p> <p>ITAs, in exercising or performing any of their functions, shall have regard to the duty imposed on PTEs by this section (s2)</p> <p>PTEs shall, in the case of such of their activities as they may determine to be appropriate, invite other persons to submit tenders to carry on those activities for such period and on such basis as decided by the PTEs. A tender shall be accepted where to do so would result in the relevant activities being carried on in a satisfactory manner and at less cost (s8)</p>	<p>PTE</p> <p>ITA</p> <p>PTE</p>	<p>Transport Executive</p> <p>Combined Authority</p> <p>Transport Executive</p>	<p>Transport Executive</p> <p>Combined Authority</p> <p>Transport Executive</p>	<p>Transport Executive</p> <p>Combined Authority</p> <p>Transport Executive</p>	<p>Halton BC will retain powers in respect of tendering of bus services during the transitional period</p>

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	ITAs can require PTEs to invite tenders to carry on, for such period and on such basis as may be specified by the ITAs, such activities carried on by the PTE as the ITA specifies (s8).	ITA	Combined Authority	Delivered by Transport Executive	Delivered by Transport Executive	
Transport Act 1985	s92 provides that Halton/PTEs must have regard to the interests of the public and bus operators.	Halton/PTE	PTE	Transport Executive	Transport Executive	Halton BC will retain powers in respect of tendering of bus services during the transitional period
	s106 provides powers for Halton/PTEs to provide grants for transport facilities and services.	Halton/PTE	PTE	PTE	PTE	
	Ss93-103 includes powers for Halton/ITA/PTE to establish local travel concession schemes. The administrative duties and limitations placed on Halton/ITA/PTE running such schemes are in ss94-103. Subordinate legislation of relevance includes the Travel Concession Scheme Regulations 1986 and the Travel Concessions (Eligible Services) Order 2002 which further regulate how travel concession schemes are organised.	ITA/PTE/ Halton	Combined Authority/ Transport Executive	Combined Authority/ Halton	Combined Authority/ PTE	
	Halton/PTEs, under s81 of the 1985 Act, also have the power to maintain and operate bus stations and associated facilities. This includes ensuring that bus station charges	Halton/PTE	Transport Executive	Halton/Transport Executive	Transport Executive	

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	<p>are reasonable and PSV operators may apply to the traffic commissioner to challenge the reasonableness of such charges.</p> <p>s82 of the Act places Halton/PTEs under a duty not to act in any way so as to discriminate against any bus operator. This duty applies to the Halton/PTE provision of bus stations and associated facilities and bus station charges and s82 also precludes Halton/PTEs from engaging bus operators to operate bus stations or associated facilities that Halton/PTEs are empowered to provide.</p> <p>Halton/PTEs must co-operate with other authorities to secure best value for money from public transport expenditure (s88).</p> <p>Halton/PTEs have duties in respect of receiving/evaluating tenders for subsidised services (s89-90)</p>	Halton/PTE	PTE	Halton/Transport Executive	Transport Executive	
	Halton/PTEs must co-operate with other authorities to secure best value for money from public transport expenditure (s88).	Halton/PTE	PTE	Halton/Transport Executive	Transport Executive	
	Halton/PTEs have duties in respect of receiving/evaluating tenders for subsidised services (s89-90)	Halton/PTE	PTE	Halton/ Transport Executive	Transport Executive	
Transport Act 2000 (as amended by Transport Act 2008)	ITA to prepare Local Transport Plans (s108).	ITA and Halton BC	Combined Authority	Transport Executive, steered by Transport Advisory Group	Transport Executive, steered by Transport Advisory Group	Responsibility for single LTP to pass to CA, but in practice, would need to be delegated to Transport Committee.

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	Mandatory concessions outside Greater London are provided for, imposing an obligation on PTEs to provide elderly and disabled people in their areas with a concessionary travel pass free of charge and people who are entitled to a statutory travel concession with a permit to travel half price (s145). PTE's are the travel concession authority for ITA areas (S146)	PTE/Halton	Transport Executive/ /CA	Transport Executive and Halton	By single Transport Executive	Scope to integrate Halton and Merseyside concessions to provide a more consistent offer for the LCR. Halton would need to transfer from Cheshire scheme to LCR concessionary travel arrangements
	Local transport authority (including an ITA), (or two or more acting jointly) may make a quality partnership scheme if it is satisfied that the scheme will contribute to the implementation of its local transport policies. (s114)	Halton/ITA	Combined Authority	Transport Executive	Transport Executive	Scope to extend SQPS provision into Halton and improve cross-boundary bus links
	A local transport authority, (or two or more acting jointly) may make a quality contracts scheme covering the whole or any part of their area, or combined area (s124)	Halton/ITA	Combined Authority	Transport Executive	Transport Executive	Policy decision for CA to take in future, with advice from Transport Committee and Executive Body.
	A local transport authority (or two or more acting jointly) may make a ticketing scheme covering the whole or any part of their area, or combined area, if they consider that the proposed scheme would be in the interests of the public and would contribute to the implementation of their local transport	Halton/ITA	Combined Authority	Transport Executive	Transport Executive	No pre-paid ticketing scheme within Halton at present. Opportunity post-transitional period for pre-paid ticketing system to extend into

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	<p>policies (s135).</p> <p>In respect of ticketing schemes, local transport authorities must co-operate with one another (s135(7)), and in considering whether to make a ticketing scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority (s135(8)). Additional provisions in relation to ticketing schemes and their administration are provided within ss136-138 of the Act.</p> <p>Local transport authorities to determine what local bus information is to be made available to the public and if necessary to ensure it is made available (ss139-141).</p> <p>Local transport authorities have the power under the Act to require operators of local services to provide specified information regarding services (s143):</p> <p>s153 and Sch 10 of the Act apply competition tests in respect of the exercise of functions relating to quality partnership schemes, ticketing schemes, subsidised local services, voluntary partnership agreements and certain other agreements, decisions and practices</p>	<p>Halton/ITA</p> <p>Halton/ITA</p> <p>Halton/ITA</p> <p>Halton/ITA</p>	<p>Combined Authority</p> <p>Combined Authority</p> <p>Combined Authority</p> <p>Combined Authority</p>	<p>Transport Executive and Halton BC</p> <p>Transport Executive and Halton</p> <p>Transport Executive and Halton</p> <p>Transport Executive</p>	<p>Transport Executive</p> <p>Executive Body</p> <p>Transport Executive</p> <p>Transport Executive</p>	<p>Ticketing and information provision within Halton limited at present. Opportunity to extend Merseytravel information offer into Halton</p>

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The Merseyrail Electrics Order 2002	<ul style="list-style-type: none"> PTEs and the Secretary of State have a mutual duty to provide each other with information that the other requires for purposes connected with their rail related functions. 	PTE	Transport Executive	Transport Executive	Transport Executive	Important to ensure existing PTE arrangements are transferred via Order to Transport Executive, (if required) as PTE is signatory to existing legal agreement
	<ul style="list-style-type: none"> Railway funding authorities (defined at s45 to include PTEs in certain circumstances) have rights to make network modifications, including the proposal of closures of local railway stations/services under ss22-45 of the Act. 	PTE	Transport Executive	Transport Executive Transport Executive	Transport Executive Transport Executive	
	<ul style="list-style-type: none"> Made the Merseyrail network a rail concession and not a rail franchise, exempt from national Franchising arrangements. 	PTE	PTE			

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EU Regulation on public passenger transport services by rail and by road (1370/2007)	<ul style="list-style-type: none"> This Regulation regulates how PTEs and ITAs may intervene to grant exclusive rights and/or compensation to operators of public transport services by rail or road. 	Halton/ITA/PTE	Combined Authority/Transport Executive	Halton/Transport Executive	Transport Executive	
Local Transport Act 2008	<p>Passenger Transport Authorities were renamed Integrated Transport Authorities (s77).</p> <ul style="list-style-type: none"> The Act allows ITAs to work with local authorities to put forward proposals to Government to (ss78-98) extend their boundaries, extend their influence over the highway network, extend their powers over the local heavy rail network, change their names and change their Governance structures. The Act provided wellbeing powers to ITAs. Accordingly, an ITA has power to take any action if it determines that doing so is likely to achieve any one or more of the objects listed in section 99. These powers may be exercised for the 	ITA ITA	Combined Authority Combined Authority (delegated to Transport Executive)	Combined Authority Transport Executive and Halton BC	Combined Authority Transport Executive	ITA will be disestablished and functions transferred to CA

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Royal Charter 1330/ Ferries (Acquisition by Local Authorities) Act 1919/ Transport Act 1968	<p>benefit of the whole or any part of the ITA's area or of persons resident or present in, or travelling in or through the area. An ITA may delegate to a PTE its function of taking action under s99 but not the function of determining what action to take.</p> <ul style="list-style-type: none"> Operation of the Mersey Ferries 	PTE	Transport Executive	Transport Executive	Transport Executive	No change from current delivery arrangements, but overall ferries policy steered by CA

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PART 2

General Public Sector Related Legislation						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
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Local Government Act 1972	<p>Makes provision for councils, their members, meetings, proceedings and finance, confers powers and functions and makes miscellaneous and general provisions. Several of its provisions affect local transport bodies for example, meetings and proceedings (s99) and the access to information provisions (VA and s146A)</p>	Halton/ITA	Halton/ Combined Authority	Transport Executive	Transport Executive	<p>Largely procedural issues.</p> <p>The CA is required to have specific named officers.</p>
	<p>s151 requires every local authority to appoint a suitably qualified officer responsible for the proper administration of its financial affairs. An analogous provision for joint authorities is contained in s73 of the Local Government Act 1985.</p>	Halton/ITA	Combined Authority	Transport Executive	Transport Executive	
	<p>s224 requires local authorities to make proper arrangements in respect of the records that they create.</p>	Halton/ITA	Combined Authority	Halton/Executive Body	Transport Executive	

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General Public Sector Related Legislation						
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Local Government Act 1985	Set up joint authorities following the abolition of the former metropolitan county councils. It provides the constitutional basis for ITAs. Schedule 10, Part III deals with the number of members of Merseyside joint authorities.	ITA	Combined Authority Transport Cttee	Executive Body would provide technical and professional advice to the CA and Transport Committee	Executive Body would provide technical and professional advice to the CA and Transport Committee	Transport Committee of the CA could be a joint committee, to provide proportional representation from each of the constituent authorities.
	s34 requires ITAs to appoint a chairman, vice-chairman, and clerk. s73 requires ITAs to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has responsibility for the administration of those affairs. s73 provides that a new authority under s73 includes a reference to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.	ITA	Combined Authority			Assumed that constitution of CA will need to address appointment / nomination of statutory officers. Transport Executive to support as appropriate.
Local Government Finance Act 1988	Part VIII deals with financial administration and includes the required qualifications of the	ITA/PTE	Combined Authority/ Transport	Transport Executive	Transport Executive	No change in practice

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	responsible finance officer together with a significant duty in s114 on the chief finance officer to report to the ITA/PTE under specified circumstances including unlawfulness, loss or deficiency or expenditure in excess of resources.		Executive			
Local Government and Housing Act 1989	<p>Part I - local authority members, officers (including the monitoring officer), staff and committees etc;</p> <p>Part V - companies in which local authorities have interests. This includes ITAs and PTEs. Part I contains important provisions affecting transport bodies including the requirement to appoint a monitoring officer, politically restricted posts and political proportionality in allocating seats to political groups.</p>	<p>ITA/Halton</p> <p>ITA/PTE</p>	<p>Combined Authority</p> <p>Combined Authority/ PTE</p>	<p>Transport Executive</p> <p>Transport Executive</p>	<p>Transport Executive</p> <p>Transport Executive</p>	Need to agree what 'statutory officers' are required for CA purposes
Local Democracy, Economic Development and Construction Act 2009	This Act allows the creation of appointed combined authorities covering multiple local authority areas.					Legislative provision to establish the CA.
Localism Act 2011	Further and wider general powers granted for ITAs (s102B). These	ITA	Combined Authority	Delegable to Transport	Delegable to Transport	

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	<p>provide that an ITAs can do anything it considers appropriate for the purposes of carrying out its functions (“functional purposes”) etc.</p> <p>Chapter 7 of Part 1 (together with Schedule 4) contains the statutory infrastructure for the new standards regime affecting the ITA</p>	ITA	Combined Authority	Executive Transport Executive	Executive Transport Executive	

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PART 3

How the draft CA transport functions could apply in practice				
CA Functions within draft scheme	What this means in practice or in law	Current arrangement or convention	How supported/deployed under CA model	
			Transitional	Final
Setting the long-term strategic transport vision and outcomes for the Liverpool City Region	A requirement to produce a Local Transport Plan under Local Transport Act 2008	Transport planning is the responsibility of the ITA and Halton BC.	Transport Executive would be responsible for co-ordinating technical and professional input, supported by LA officers and other stakeholders via the Transport Advisory Group (TAG).	
Agreeing the development and approval of a single, city region Local Transport Plan (or its equivalent), which will include high level policy responsibility for major investments (e.g. freight, cycle, rail, highway maintenance, new transport infrastructure, traffic management)	As per above. This will also include wider responsibilities for co-ordinating activity around, and lobbying around HS2, port access and related 'big ticket' issues.	Functions split at present between ITA Halton BC, LAs and LEP, with associate risk of inconsistency or duplication.	<p>The CA's Transport Committee would be charged with overseeing drafts and detailed considerations arising as part of the development of a transport strategy.</p> <p>CA would take strategic decisions on key issues and sign-off responses to government and other external bodies.</p> <p>CA would have influential, co-ordination role over all transport functions, including school travel (LEA duty) and social services transport and taxi licensing. Transport Executive could become the delivery agent for these services, to allow consistency, joint procurement and economies of scale, but statutory responsibility or appeal roles would remain with LAs.</p>	
Agreeing a long-term transport investment strategy as part of the Single Local Growth Plan to deliver the strategic economic vision and outcomes (which includes housing, employment and skills)	Linked to above requirements and associated decision-making.	<p>The LTPs for Merseyside and Halton provide the current transport investment strategy for the LCR.</p> <p>The Local Transport Body agreed a prioritised list of major schemes as</p>	<p>By the Transport Executive and the Transport Advisory Group.</p> <p>The move towards a Growth Deal provides a strategic focus for economic development, skills and transport issues, linked to a single funding pot.</p> <p>Decisions by the CA would need to address transport and economic development considerations in an integrated and mutually supportive way.</p>	

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CA Functions within draft scheme	What this means in practice or in law	Current arrangement or convention	How supported/deployed under CA model	
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		required by DfT in July 2013 There is a structural disconnect between other policy issues around economic development and skills, however.	Representation by officers of the Transport Executive on other thematic groups, such as the Planning and Housing Board will be important so as to secure integration between the themes that will form the core functions of the CA. There will be a need to agree protocols for setting CA agendas and developing reports, to ensure consistency and read-across.	
Aligning transport investment with inward investment activity across the Liverpool City Region	A co-ordination and strategic alignment role to ensure that transport priorities are linked to economic development priorities. The Growth Deal would introduce a single, strategic funding source against which candidate schemes and priorities would be considered.	No single body with this responsibility at present, as it is split between thematic areas or funding sources (e.g. LTP, Regional Growth Fund, ERDF, Growing Places Fund)	As above.	
Ensuring strategic traffic and highway management co-ordination across the City Region	To be discussed at CA working group	To be discussed at CA working group	To be discussed at CA working group	To be discussed at CA working group
Setting the transport levy for the City Region	As per legislative provisions relating to levying authorities.	ITA sets the levy for Merseyside No levy exists in Halton	A transitional levy would exist, whereby Halton BC would pay no more than its current levels of expenditure	All LAs would pay a levy in respect of their transport functions, delivered by a single Executive Body across the LCR.

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CA Functions within draft scheme	What this means in practice or in law	Current arrangement or convention	How supported/deployed under CA model	
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	CA Order would need to make legislative provision for a transitional levy in respect of Halton.	by virtue of being a unitary, non-metropolitan authority.	on passenger transport services	This would become more consistent between Halton and Merseyside, with additional levied funds used to enhance service provisions and align concessions, ticketing and service provision within Halton.
Strategic decisions relating to the Integrated Transport Block and Highway Maintenance funds across all networks (as per existing ITA responsibilities)	Ability to receive and allocate core funds from DfT for Highways Management and the Integrated Transport Block across the LCR	<p>ITA has this responsibility for decisions affecting funding Merseyside. Funding allocation is largely formulaic, with some central holdback.</p> <p>A separate funding allocation exists for Halton, and is outside of any decisions taken by the ITA.</p>	<p>CA would be responsible for receiving and deploying an LCR-wide transport block/maintenance block, linked to the priorities of the LCR.</p> <p>This would be likely to move away from a formulaic reallocation, between LAs, especially in the case of the identification of a strategic highway network.</p> <p>The Transport Advisory Group would remain closely involved in the provision of advice to the Transport Executive and thence to the CA.</p>	
Assuming the role of the Local Transport Body in respect of major transport schemes	LTB is a non-statutory body, but is charged, under current conventions, with making decisions on developed major transport funds post 2015.	LTB sits as a stand-alone constituted body to take decisions on major transport schemes (leaders, Chair of ITA and Chair of LEP) The ITA is its accountable body.	<p>In practical terms, LTB issues would be addressed as part of a CA meeting agenda, with provision for the Chair of the LEP and Chair of the Transport Committee to join the meeting and vote, in line with the current Assurance Framework principles.</p> <p>The Assurance Framework would need to be amended to take account of the creation of the CA and the abolition of the ITA.</p> <p>The ITA would be disbanded as a result of the CA and a new accountable body would need to be formalised. This could be the</p>	

Appendix D

How the draft CA transport functions could apply in practice				
CA Functions within draft scheme	What this means in practice or in law	Current arrangement or convention	How supported/deployed under CA model	
			Transitional	Final
			Transport Executive, on behalf of the CA.	
Acting as accountable body for Transport Schemes, e.g. devolved major transport scheme funding	The legal ability to hold funds and make payments, whilst holding relevant partners to account	<p>Split across LCR local authorities and LAs at present.</p> <p>LEP cannot act as an accountable body.</p> <p>ITA is accountable body for LSTF funds and core LTP funding at present (Merseyside only).</p> <p>LAs are accountable bodies for other funds, e.g. ERDF</p>	<p>Likely that existing accountable body arrangements would remain in the short term (for the transitional period), as it would be difficult to change extant funding programme arrangements.</p> <p>Transport Executive would inherit all existing PTE and ITA 'accountable body' functions in the short term</p>	<p>Considered logical to move towards a single accountable body for all strategic LCR funding sources, on behalf of the CA.</p> <p>The Transport Executive would be a logical accountable body for funds, as it enjoys all relevant accounting practices and the ability to arrange audits and scrutiny.</p>
Setting a differential transport levy ("the Differential Levy") in respect of a Constituent Authority	That a differential levy would apply to Halton Borough Council under the CA arrangements during the transitional period.	Does not apply at present. The five Merseyside LAs pay the levy on a population basis. Halton does not pay a levy.	Halton would pay no more than their current level of expenditure on passenger transport services.	Beyond the transitional period, Halton would be levied at a higher rate, reflecting enhanced transport provision across the borough to bring LCR provision to a more consistent level.

