

# Transport for the North Board Meeting – Item 9

**Subject:** Transport for the North/Department for Transport  
Memorandum of Understanding

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**Sponsor:** Barry White, Chief Executive

**Meeting Date:** Thursday 28 June 2018

## **1. Executive Summary:**

- 1.1 The Memorandum of Understanding (MoU) between Transport for the North and the Department for Transport sets out the nature of the working relationship and sponsorship arrangements between the two organisations now that Transport for the North is a statutory body. The MoU will replace the current principles document and needs to be endorsed and signed by both Transport for the North and the Department for Transport. After extensive discussion and consultation within Transport for the North and the Department for Transport, Members will find attached a final draft Memorandum of Understanding which is being recommended to the Board for endorsement.

## **2. Recommendation:**

- 2.1 It is recommended the Board endorses the draft Memorandum of Understanding and approves the signing of the document.

## **3. Issues:**

- 3.1 The Department for Transport/Transport for the North MoU sets down the respective obligations, principles and working arrangements that underpin the relationship between the two organisations. Although the Department has similar relationships with other organisations, sub-national transport bodies are new and therefore bespoke arrangements and working practices have needed to be developed.
- 3.2 The aim is to provide both the Department for Transport and Transport for the North with the information and lines of communication needed to ensure the effective functioning of both bodies and to ensure an efficient working relationship between the two.

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#### **4. Options Considered:**

- 4.1 There are no options to be considered.

#### **5. Considerations:**

- 5.1 The draft MoU has been developed and refined over several months through joint discussion between Transport for the North and Department for Transport officials. It has also been circulated to Transport for the North Executive Board Members and legal officers for review and comment, and where necessary amendments have been made to take account of comments received.
- 5.2 The MoU is largely focused on the day-to-day working level, administrative arrangements between Transport for the North and the Department for Transport. It is divided into 12 broad sections:

- a) Section 1 sets out the shared vision of Transport for the North and the Department of delivering transformational economic growth in the North, with transport at the heart of this
- b) Sections 2 and 3 detail the background to the document and Transport for the North's statutory functions and responsibilities
- c) Sections 4 and 5 detail Transport for the North's role in the national transport network and Transport for the North's governance arrangements - this captures how Transport for the North will engage with the Department to fulfil its role as a statutory partner in the Department's road and rail investment processes
- d) Section 6 details the Department's roles and responsibilities, including having due regard to the priorities identified by Transport for the North when making decisions affecting the North and supporting Transport for the North in its dealings with other Government Departments
- e) Section 7 notes the annual funding letter, a separate document which should be read alongside the MoU, which the Department provides to Transport for the North to set out the conditions attached to Transport for the North's funding
- f) Section 8 sets out the sponsorship and governance arrangements between the two organisations. These are primarily working-level, administrative details regarding day-to-day working between Transport for the North and Department for Transport officials
- g) Section 9 covers joint working between the two organisations, noting that currently Northern Powerhouse Rail and elements of the Integrated and Smart Ticking programme are undertaken jointly and subject to their own funding arrangements and working practices (although underpinned by the principles set out in the MoU)
- h) Section 10 discusses how both Transport for the North and the Department for Transport will consider the other in the adoption, consideration and publication of documents

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- i) Section 11 sets out the position with regards to Transport for the North's long-term funding and recognises Transport for the North's obligation to maintain a certain level of reserves
  - j) Finally, section 12 covers information sharing and confidentiality provisions.

5.3 It should be noted that the MoU cannot (and does not) impose any limits or restrictions on Transport for the North's statutory duties and functions, as set out in the regulations establishing Transport for the North as a statutory body. The intention is for the MoU to complement and support Transport for the North in fulfilling these statutory functions through an effective working relationship with the Department.

## **6. Preferred Option:**

- 6.1 There are no options to consider. The attached MoU has been approved at Transport for the North's Operating Board Team Meeting and has been reviewed by Transport for the North's Executive Board.
- 6.2 Transport for the North's Scrutiny Committee has also considered the draft MoU. The Scrutiny Committee recommended one amendment to paragraph 15 to clarify that, in the event that the Department for Transport does not take due account of a recommendation from Transport for the North, Transport for the North reserves the right for the Chair of the Board to raise this with the Secretary of State. The draft MoU has been amended to reflect this.

## **7. Appendices:**

- 7.1 Appendix 1 – Draft Memorandum of Understanding between Transport for the North and Department for Transport

## List of Background Documents

### Required Considerations

Please confirm using the yes/no options whether or not the following considerations are of relevance to this report.

#### Equalities:

Age		No
Disability		No
Gender Reassignment		No
Pregnancy and Maternity		No
Race		No
Religion or Belief		No
Sex		No
Sexual Orientation		No

Consideration	Comment	Responsible Officer	Director
Equalities	A full Impact assessment has not been carried out because it is not relevant to this report.		

#### Environment and Sustainability

	No
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Consideration	Comment	Responsible Officer	Director
Sustainability / Environment	A full impact assessment has not been carried out because it is not relevant to this report.		

#### Legal

	No
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Consideration	Comment	Responsible Officer	Director
Legal	TfN's External Legal Advisor has confirmed there are no new legal implications.		

### Finance

	No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Finance	The financial implications have been considered and there are no new financial implications.		

### Resource

	No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Resource	There are no new resource implications.		

### Risk

	No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Risk	There are no new risks to be considered.		

### Consultation

	No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Consultation	A consultation has not been carried out because it is not relevant to this report.		