



WEST MIDLANDS
COMBINED AUTHORITY

Board Meeting

Date	17 March 2017
Report title	Second Resolution for Submission of the Transport and Works Act Order application for the Midland Metro (Birmingham Eastside Extension) Order
Cabinet Member Portfolio Lead	Councillor Roger Lawrence – Transport
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Report to be/has been considered by	Programme Board 3 March 2017

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

The West Midlands Combined Authority is requested to consider the contents of this report and pass a second resolution to confirm the resolution passed on the 30th September 2016, authorising WMCA to submit an application for the Midland metro (Birmingham city Centre Extension) Order.

Summary of Main Issues:

The West Midlands Combined Authority (WMCA) at its Board meeting held on the 30th September 2016 resolved to authorise the submission of the above TWA Order by WMCA to the Secretary of State for Transport. Pursuant to that resolution, the TWA Order was duly submitted to the Secretary of State for Transport on the 4th October 2016. In accordance with S.239 of the Local Government Act 1972, a second approval is required from the WMCA Board to confirm its resolution passed on the 30th September 2016 to promote the TWA Order.

1. Purpose of this Report

- 1.1 To seek from the WMCA Board the second resolution referred to above confirming the resolution to promote a Transport and Works Act Order for MM Birmingham Eastside Extension.

2. Background information

- 2.1 On 30th September 2016, the WMCA Board passed a resolution, inter alia authorising the submission of a TWAO to the Secretary of State for Transport. The application was duly submitted to the Department for Transport on the 4th October 2016.
- 2.2 By virtue of Section 20 of the Transport and Works Act 1992, the West Midlands Combined Authority may apply for a TWA Order but the power to do so is subject to the same conditions as apply to a Local Authority promoting bills in Parliament.
- 2.3 In this instance, the West Midlands Combined Authority must comply with the conditions set out in S.239 of the LGA 1972.
- 2.4 S.239 provides that where a Local Authority is satisfied that it is expedient to promote a Bill (and this applies to TWAO's), it must pass a resolution to do so which then needs to be confirmed at a further meeting of the authority after the Bill is deposited (or in the case of a TWAO), the application made. In each case the necessary resolutions must be passed by a majority of the full Council (i.e. not just the members present).
- 2.5 Such a resolution must be:
 - a) be preceded by not less than 30 clear days' notice, given by advertisement in one or more local newspapers and by the ordinary notices required to be given for convening a meeting of the authority;
 - b) be passed by a clear majority of the whole number of the members of the authority (i.e. not a majority of those present but a majority of all members).
- 2.6 Notice was given to the public of the second resolution in accordance with section 239 of the Local Government Act 1972 in the Birmingham Post on 9 February 2017 and in the Sunday Mercury on 12 February 2017.

3. Main Issues:

3.1 Need for a Transport and Works Act Order submission:

- 3.1.1 The application for powers to construct the extension represents a significant milestone for the Birmingham Eastside Extension project, and this report seeks approval to submit a TWAO application for that project. This submission is a key deliverable to Government in the region's HS2 Growth Strategy Implementation Plan.
- 3.1.2 The full background, aims, description of the route, operational issues and the details of the TWAO application including cost funding and process are presented in the report taken to the WMCA Board on 30th September 2016 in Appendix 1 of this further report.

3.2. Details of the application as made:

- 3.2.1 The TWAO includes powers for the compulsory acquisition of land and rights, temporary land acquisition, the payment of compensation, the carrying out of works to implement the BEE Metro Scheme, provision for street works, stopping up of highways, traffic regulation and fares. These will enable the construction and operation of the BEE, which includes provision of the BEE Metro Stops and the required substation to power BEE. A copy of the draft application for BEE is attached to this report in Appendix 1.

4. Legal Implications

- 4.1 The WMCA has power to apply for a TWA Order by virtue of section 20 of the Transport and Works Act 1992. Subsection (2) of section 20 provides that the power to make a TWAO application is subject to the same conditions (if any) that apply to the applicant when promoting a Bill in Parliament.
- 4.2 The WMCA has powers to promote Bills in Parliament under section 10 of the Transport Act 1968 (as amended) and section 239 of the Local Government Act 1972 (as amended).
- 4.3 In order to comply with the conditions that apply to the exercise of the power in the LGA 1972, special notice of this meeting and its purpose has been given in accordance with section 239. As WCMA has approved the submission of the TWA application, it will also be required by the LGA 1972 to decide, at this second meeting whether to the application for the Order can continue to be promoted.

5. Equalities Implications

- 5.1 The BEE will facilitate fully accessible journeys and access to employment, leisure, education and link to other transport modes.

6. Background papers

- 6.1 Report to WMITA 27 January 2016 Metro Programme.
- 6.2 Report to the WMCA 30 September 2016