



Local Transport Act 2008

2008 CHAPTER 26

PART 5

INTEGRATED TRANSPORT AUTHORITIES ETC

CHAPTER 2

ARRANGEMENTS RELATING TO INTEGRATED TRANSPORT AUTHORITIES

Other powers to make orders about arrangements relating to an ITA

82 Authorities' review of arrangements

- (1) Any one or more of the authorities falling within subsection (2) may undertake a review of one or more of the matters mentioned in subsection (3).
- (2) An authority falls within this subsection if it is—
 - (a) an ITA,
 - (b) a district council for an area comprised in an integrated transport area,
 - (c) a county council for an area comprised in an integrated transport area,
 - (d) a county council or district council for an area which could be comprised in a proposed integrated transport area.
- (3) The matters are—
 - (a) those in relation to which an order may be made under any of sections 84 to 91,
 - (b) in relation to an ITA or any executive body of the ITA existing at the time of the review, any matter concerning the ITA or the executive body which the ITA has power to determine.
- (4) A review under this section must relate to one or more integrated transport areas or proposed integrated transport areas.

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- (5) Where one or more authorities, having undertaken a review under subsection (1), conclude that the exercise of the power to make an order under any one or more of sections 84 to 91 would improve—
- (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, or
 - (b) the effectiveness and efficiency of transport within such an area,
- they must prepare and publish a scheme relating to the power to make that order or those orders.
- (6) In this section a “proposed integrated transport area” means one which may be designated by an order under section 90 (ITA boundary changes).

83 Secretary of State’s power to direct a review of arrangements

- (1) The Secretary of State may direct one or more of the authorities falling within subsection (2) (including two or more authorities of the same description) to undertake a review of one or more of the matters mentioned in subsection (3).
- (2) An authority falls within this subsection if it is—
- (a) an ITA,
 - (b) a district council for an area comprised in an integrated transport area,
 - (c) a county council for an area comprised in an integrated transport area,
 - (d) a county council or district council for an area which could be comprised in any proposed integrated transport area to which the direction relates.
- (3) The matters are—
- (a) those in relation to which an order may be made under any of sections 84 to 91,
 - (b) in relation to an ITA or any executive body of the ITA existing at the time of the direction, any matter concerning the ITA or the executive body which the ITA has power to determine.
- (4) The Secretary of State may give a direction only if the Secretary of State considers that the review and any scheme are likely to improve—
- (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, or
 - (b) the effectiveness and efficiency of transport within such an area.
- (5) A direction under this section must relate to one or more integrated transport areas or proposed integrated transport areas.
- (6) A direction may require the preparation and publication of a scheme relating to the power to make an order under any of sections 84 to 91.
- (7) If a direction is given to two or more authorities the review must be undertaken jointly by all the authorities subject to the direction.
- (8) The provision which may be made by a direction includes provision for—
- (a) the timetable for the review and for the preparation and publication of a scheme,
 - (b) the procedures to be followed in carrying out the review,
 - (c) particular issues which the review and any scheme must address,
 - (d) the implementation of any scheme.

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- (9) An authority to which a direction is given must, in carrying out the review and preparing any scheme, do so in the manner that they consider most likely to improve—
 - (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, and
 - (b) the effectiveness and efficiency of transport within such an area.
- (10) An authority which is carrying out a review and preparing any scheme in accordance with a direction may include in the review and any scheme—
 - (a) any matter (whether or not it is the subject of the direction) in relation to which an order may be made under any of sections 84 to 91, and
 - (b) where the review is carried out by an ITA, whether alone or jointly, any matter concerning the ITA which the ITA has power to determine.
- (11) In relation to the dissolution of an integrated transport area (see section 91) the references in subsections (4) and (9) to an integrated transport area have effect as references to the territory comprised in a dissolved integrated transport area.
- (12) In this section “proposed integrated transport area” means one which may be designated by an order under section 90 (ITA boundary changes).

84 Constitutional arrangements

- (1) The Secretary of State may by order make provision about the constitutional arrangements of an ITA.
- (2) “Constitutional arrangements”, in relation to an ITA, means—
 - (a) the membership of the ITA (including the number and appointment of members of the ITA and the remuneration of, and pensions or allowances payable to or in respect of, any member of the ITA),
 - (b) the voting powers of members of the ITA (including provision for different weight to be given to the vote of different descriptions of member),
 - (c) the executive arrangements of the ITA,
 - (d) the functions of any executive body of the ITA.
- (3) In subsection (2)(c) “executive arrangements” means—
 - (a) the appointment of an executive,
 - (b) the functions of the ITA which are the responsibility of an executive,
 - (c) the functions of the ITA which are the responsibility of an executive and which may be discharged by a committee of the ITA or by a body other than the ITA,
 - (d) arrangements relating to the review and scrutiny of the discharge of functions,
 - (e) access to information on the proceedings of an executive of the ITA,
 - (f) the disapplication of section 15 of the Local Government and Housing Act 1989 (c. 42) (duty to allocate seats to political groups) in relation to an executive of the ITA or a committee of such an executive,
 - (g) the keeping of a record of any arrangements relating to the ITA and falling within paragraphs (a) to (f).
- (4) The provision which may be made by an order by virtue of subsection (2)(d) includes—
 - (a) provision setting up or dissolving an executive body of an ITA, or merging two or more executive bodies of an ITA,

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- (b) provision conferring functions on, or removing functions from, an executive body of an ITA,
 - (c) provision transferring functions of an ITA to an executive body of the ITA, and transferring functions of an executive body of an ITA to the ITA.
- (5) An order may not provide for the budget of an ITA to be agreed otherwise than by the ITA.

85 Provision that may be made in an order under section 84: membership of ITA

- (1) An order made by virtue of section 84(2)(a) which includes provision about the number and appointment of members of the ITA must provide—
- (a) for a majority of the members of the ITA to be appointed by the ITA's constituent councils (see subsection (2)),
 - (b) for those members to be appointed from among the elected members of the constituent councils, and
 - (c) for each of the representative councils (see subsection (3)) to appoint at least one of its elected members as a member of the ITA.
- (2) For the purposes of this section, the constituent councils of an ITA are—
- (a) any county council, and
 - (b) any district council,
- for an area within the integrated transport area of the ITA.
- (3) For the purposes of subsection (1)(c), the following councils are representative councils in respect of an area which is, or is to be designated as, the integrated transport area of an ITA—
- (a) if that area includes the whole of a county, the county council;
 - (b) if that area includes a metropolitan district or a non-metropolitan district comprised in an area for which there is no county council, the district council;
 - (c) if that area includes one or more districts in a county but does not include the whole county, either the county council or the council for each of those districts (as determined by or in accordance with the order).
- (4) If an order under section 84 provides (by virtue of subsection (2)(a) of that section) for members of an ITA to be appointed otherwise than from among the elected members of its constituent councils, the order must provide (by virtue of subsection (2)(b) of that section) for those members to be non-voting members.
- (5) The voting members of an ITA may resolve that provision made in accordance with subsection (4) is not to apply in the case of the ITA.

86 Delegation of functions of the Secretary of State

- (1) The Secretary of State may, to any extent, by order delegate to an ITA or an eligible local transport authority any function of the Secretary of State—
- (a) which does not consist of a power to make regulations or other instruments of a legislative character or a power to fix fees or charges, and
 - (b) which the Secretary of State considers can appropriately be exercised by the ITA or eligible local transport authority.
- (2) A delegation by virtue of this section may be made subject to conditions.

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- (3) “Eligible local transport authority” means an authority which has been designated as a local transport authority by an order under section 90 or 91.

87 Delegation of local authority functions

- (1) The Secretary of State may, to any extent, by order provide for the delegation to an ITA, or to an eligible local transport authority, of any function of a local authority—
- (a) which is exercisable by the local authority in relation to an area which is comprised in the ITA’s integrated transport area or the eligible local transport authority’s area, and
 - (b) which the Secretary of State considers can appropriately be exercised by the ITA or eligible local transport authority.
- (2) A delegation by virtue of this section may be made subject to conditions.
- (3) An order under this section which provides for the delegation of any function of a charging authority within the meaning of Part 3 of the TA 2000 may be made—
- (a) where the area in relation to which the order has effect comprises all or part of the area of one charging authority, only with the consent of that authority;
 - (b) where that area comprises all or part of the area of two or more charging authorities, only with the consent of a majority of those authorities.
- (4) “Local authority” means—
- (a) a county council,
 - (b) a district council.
- (5) “Eligible local transport authority” means an authority which has been designated as a local transport authority by an order under section 90 or 91.

88 Conferral of a power to direct

- (1) The Secretary of State may by order confer on—
- (a) an ITA, or
 - (b) an authority which has been designated as a local transport authority by an order under section 90 or 91,
- a power to give a direction about the exercise of an eligible power.
- (2) An “eligible power” means a power of a council for a county, metropolitan district or non-metropolitan district comprised in an area for which there is no county council, which the council has—
- (a) as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66), or
 - (b) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).
- (3) In this section references to a power do not include references to a duty.
- (4) A power of direction under this section must relate only to the exercise of an eligible power in—
- (a) the area of the directing authority, and
 - (b) the area of the authority subject to the direction.

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- (5) Where an authority has been designated as a local transport authority by an order under section 91 (dissolution of an integrated transport area), the reference in subsection (4) to the area of the authority is a reference to the territory previously comprised in the integrated transport area.
- (6) A power of direction under this section must relate only to the exercise of an eligible power in respect of—
- (a) a particular road (whether or not specified in the order), or
 - (b) a description of road (whether or not specified in the order).
- (7) In subsection (6) “road”—
- (a) has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984, and
 - (b) does not include any road which is the subject of a concession agreement under Part 1 of the New Roads and Street Works Act 1991 (c. 22).
- (8) A power of direction under this section must relate only to any one or more of—
- (a) the provision of information about the exercise of an eligible power which the authority subject to the direction has or might reasonably be expected to acquire,
 - (b) the imposition on such an authority of requirements relating to procedures to be followed prior to the exercise of an eligible power,
 - (c) the imposition on such an authority of requirements relating to the obtaining of consent prior to the exercise of an eligible power,
 - (d) the imposition on such an authority of conditions subject to which an eligible power may be exercised (including conditions relating to the times at which, and the manner in which, an eligible power may be exercised),
 - (e) a requirement to exercise an eligible power (including a requirement to exercise an eligible power subject to conditions),
 - (f) a prohibition on the exercise of an eligible power.
- (9) A power of direction under this section may be conferred subject to conditions.
- (10) Any direction given by virtue of this section—
- (a) must be given in writing and may be varied or revoked by a further direction in writing, and
 - (b) may make different provision for different cases and different provision for different areas.
- (11) If an order makes provision for a direction by virtue of subsection (8)(e), the order must make provision for the direction not to have effect unless the directing authority meets the cost of complying with the direction.
- (12) An order under this section must not provide that an authority is subject to concurrent directions given by more than one directing authority about the exercise of the same eligible power.

89 Contravention of an order under section 88

- (1) An order under section 88 may provide that, if an authority exercises any power in contravention of a direction under such an order, the directing authority may take such

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steps as it considers appropriate to reverse or modify the effect of the exercise of the power.

- (2) For the purposes of subsection (1), the directing authority has power to exercise any power of the authority subject to the direction on behalf of that authority.
- (3) Any reasonable expenses incurred by the directing authority in taking any steps under subsection (1) are recoverable from the authority subject to the direction as a civil debt.

90 Changing the boundaries of an integrated transport area

- (1) The Secretary of State may by order designate an integrated transport area in England by—
 - (a) including a county or district in an integrated transport area, or
 - (b) removing a county or district from an integrated transport area.
- (2) No part of an integrated transport area established under this section may be separated from the rest of it by a territory which is part of another local government area but which is not included in the integrated transport area.
- (3) Where by virtue of an order a territory ceases to be comprised in an integrated transport area, the order—
 - (a) must make provision for designating an authority to be a local transport authority for the territory for the purposes of section 108(4) of the TA 2000, and
 - (b) may transfer functions to that authority from the ITA which was formerly the local transport authority.
- (4) Provision made by virtue of subsection (3) may designate different authorities for different parts of the territory.

91 Dissolution of an integrated transport area

- (1) The Secretary of State may by order dissolve an integrated transport area and abolish the ITA for the integrated transport area.
- (2) The order—
 - (a) must make provision for designating an authority to be a local transport authority for the territory previously comprised in the integrated transport area for the purposes of section 108(4) of the TA 2000, and
 - (b) may transfer functions to that authority from the ITA which was formerly the local transport authority.
- (3) Provision made by virtue of subsection (2) may designate different authorities for different parts of the territory.