EXPLANATORY MEMORANDUM TO

THE TYNE AND WEAR PASSENGER TRANSPORT AUTHORITY (INCREASE IN NUMBER OF MEMBERS) ORDER 2006

2006 No. 582

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Order covered by this Explanatory Memorandum increases the membership of Tyne and Wear Passenger Transport Authority (PTA) from 15 to 16 by increasing the number of members of the PTA appointed by North Tyneside Metropolitan District Council from 2 to 3.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The powers to establish Passenger Transport Authorities (PTAs) and Passenger Transport Executives (PTEs) are contained in the 1968 Transport Act and the Local Government Acts of 1972 and 1985.

4.2 The number of members of the Tyne and Wear PTA was established in Part 5, Schedule 10 of the Local Government Act 1985. The Secretary of State has powers under sections 29(2) and 103(1) of that Act to make alterations by statutory instrument in the number of members of joint authorities (including PTAs) specified in Schedule 10. In making any changes, in accordance with section 29(3) of the Local Government Act 1985 the Secretary of State must have regard to the number of local government electors. The Secretary of State is required to consult with the constituent councils which appoint members of the Tyne and Wear PTA in accordance with section 29(4) of that Act.

5. Extent

5.1 This instrument extends to England and Wales.

6. European Convention on Human Rights

6.1 Parliamentary Under Secretary of State, Karen Buck MP has made the following statement regarding Human Rights:

6.2 In my view the provisions of the Tyne and Wear Passenger Transport Authority (Increase in Number of Members) Order 2006 are compatible with the Convention rights.

7. Policy background

7.1 Since 1968 six PTAs have been created in England. They are:

Greater Manchester;
Merseyside;
South Yorkshire;
Tyne and Wear;
West Midlands;
West Yorkshire.

7.2 A PTA is made up of elected representatives from the area served by the PTA. It is a single purpose authority and has local authority status. A Passenger Transport Executive carries out the policies of the PTA but does not have local authority status.

7.3 Between 1974 and 1986 the English PTAs were the metropolitan county councils. The Local Government Act 1985 established new PTAs on the abolition of these councils. When these councils were abolished, PTAs were reconstituted with members from the constituent metropolitan district councils. Each council nominates councillors as PTA members, with the balance between districts allocated according to the number of local government electors, and the nominees within each district being selected according to the political balance within that authority. The PTA elects a chairman each year who acts as leader of the Authority.

7.4 PTAs are the designated local transport authorities for metropolitan areas in the Transport Act 2000. As such they are responsible for producing a five-year Local Transport Plan for their area. This is a joint plan with the endorsement of the metropolitan districts.

7.5 PTAs are levying authorities. Support for Revenue Support Grant is channelled through the metropolitan district councils, although capital grants and borrowing approvals are made directly to PTA/Es.

7.6 Tyne and Wear PTA requested the Department for Transport for a change to the number of PTA members in their area on the basis of a change in the distribution of local government electors. The distribution of local government electors in the Tyne and Wear PTA area has changed since the membership was established in 1985. By 2005, North Tyneside district contained 18.1% of the Tyne and Wear electorate as opposed to 16.7% in 1985. However, it only has 2 out of the 15 (13.3%) of the seats on the PTA. The electorate of North Tyneside is now virtually the same size as that of Gateshead which has 3 seats on the PTA.

7.7 Based on the evidence of the change in local government electors, the Secretary of State determined that the North Tyneside PTA membership should be increased from 2 to 3 members, increasing the membership of the PTA from 15 to 16. This would bring the North Tyneside representation to 18.8%, close to their 18.1% electoral share. The size of the total electorate for Tyne and Wear has declined (by more than 10% over the last twenty years). An alternative option to an extra member would be for the PTA to allocate the existing 15 seats differently. However, this would lead to a far less fair apportionment than moving to 16 seats. The extra North Tyneside seat

would be at the expense of Newcastle, which would then be represented proportionately significantly less than the other four districts.

7.8 The Secretary of State has consulted with the constituent councils which appoint members of the Tyne and Wear PTA in accordance with section 29(4) of the Local Government Act 1985. They were in full agreement to the proposed change.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal, with perhaps limited additional costs associated with the extra member.

9. Contact

Duncan Price at the Department for Transport Tel: 020 7944 2241 or e-mail: duncan.price @dft.gsi.gov.uk, can answer any queries regarding the instrument.