



WMCA Board

Date	25 May 2018
Report title	Midland Metro – Wednesbury to Brierley Hill
Portfolio Lead	Councillor Roger Lawrence - Transport
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Report to be/has been considered by	WMCA Board - 8 December 2017 Wednesbury - Brierley Hill Project Board - 27 September 2017 Metro Board - 10 October 2017 WMCA Investment Board - 30 October 2017 Strategic Transport Officers' Group - 13 November 2017 HS2 Local Delivery Team - 16 November 2017 WMCA Programme Board - 24 November 2017 HS2 Growth Delivery Board - 29 November 2017

Following the West Midlands Combined Authority Board meeting that took place on 8 December 2017 where Councillor Roger Lawrence presented a report seeking the approval under the provisions of section 239 of the Local Government Act 1972 (which applies by virtue of section 20 of the Transport and Works Act 1992) for WMCA to submit an application for The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order to the Secretary of State for Transport under the Transport and Works Act 1992 it was resolved that WMCA is authorised to submit the above application. This Report is now presented to the full WMCA Board by virtue of section 239 of the Local Government Act 1972 in order to provide a second resolution confirming the resolution passed on 8 December 2017.

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Confirm the resolution passed on 8 December 2017 to authorise the WMCA to submit an application for the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order to the Secretary of State for Transport.

Purpose

1. To seek from the full West Midlands Combined Authority (WMCA) Board a second resolution confirming the resolution as set out in the West Midlands Combined Authority Board Report of 8 December 2017 to promote a Transport & Works Act Order (TWAO) for the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order under the Transport and Works Act 1992.

Background

2. On 8 December 2017 the WMCA Board passed a resolution authorising the submission of a TWAO for the extension to the existing Midland Metro tramway system in Sandwell and Dudley. The proposed extension will connect with Midland Metro Line 1 at Wednesbury and run via the existing railway corridor to Dudley Town Centre and then on to the Waterfront / Merry Hill terminating in Brierley Hill. The application for the above TWAO was submitted to the Secretary of State for Transport on 12 December 2017.
3. By virtue of Section 20 of the Transport & Works Act (TWA), Combined Authorities such as the WMCA may promote a TWA Order, but the power to do so is subject to the same conditions as apply to Combined Authorities promoting bills in Parliament.
4. In this instance, therefore, the Combined Authority must comply with the conditions set out in Section 239 of the Local Government Act 1972.
5. Section 239 provides that where a Combined Authority is satisfied that it is expedient to promote a Bill (and so also a TWAO) 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).
6. Such a resolution must:
 - (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 WMCA;
 - (b) be passed by a clear majority of the whole number of the members of the WMCA Board (i.e. not a majority of those present but a majority of all members).
7. The wording of the proposed resolution has been based directly on the wording of the resolution passed on 8 December 2017, and any proposed changes to it should be subject to further legal advice.

Impact on the Delivery of the Strategic Transport Plan

8. Expansion of Midland Metro, as set out in this report, is an important element in the development of the Strategic Transport Plan's Metropolitan Rail and Rapid Transit Network.

Wider WMCA Transport Implications

9. The WBHE is a key part of the Midland Metro extensions programme. This expansion of Midland Metro, as part of an integrated Rail and Rapid Transit Network, will enable better connectivity of key centres and corridors in the Black Country with the wider Combined Authority area through effective interchange with suburban and regional rail services.

Background, Aims, Description of the Route, Operational Issues and details of the TWAO Application

10. The application for powers to construct the extension represents a significant milestone for the WBHE project, and this report seeks approval to submit a TWAO application for that project. This submission is crucial as there is a greater need for the scheme now compared with in 2005 due to the linkages it provides with the enhanced opportunities for growth and the regeneration associated with HS2.
11. 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 8 December 2017 in Appendix 1 of this report.

Programme

12. The programme for delivery will be subject to the timescales and outcome of the statutory process associated with the TWAO and to securing funding approval from the DfT.

Legal Comments

13. 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.
14. 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).
15. 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 Board 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 resolve to continue with decision of the first resolution made at the WMCA Board Meeting of 12 December 2017.

Equalities Implications

16. The extensions of Midland Metro will facilitate fully accessible journeys and access to employment, leisure, education and link to other transport modes.

Schedule of background papers

WMCA report 8 December 2017

WMCA report 30 September 2016 Midland Metro Update.

WMCA report 21 April 2017 Midland Metro Wednesbury to Brierley Hill Extension