

Agenda item:

Title of meeting: Cabinet

Date of meeting: 29th June 2017

Subject: Membership of Transport for the South East - a sub-national transport body for SE England

Report From: Director for Transport, Environment and Business Support

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

1.1. Portsmouth City Council has been invited to join Transport for the South East (TfSE) which is the proposed Sub National Transport Body for the South East of England (SNTBSE). This report seeks to gain Cabinet approval for Portsmouth City Council to jointly join TfSE with Southampton City Council.

2. Recommendations

2.1. Cabinet is recommended to agree that:

- Portsmouth City Council and Southampton City Council jointly join TfSE as a single member with a single vote. The membership cost for the first year is £20k which will be shared between the 2 authorities.
- To reflect the joint approach the meetings will be attended by the relevant transport portfolio holder from 1 authority with officer support from the other authority
- The success of the joint arrangement should be jointly reviewed with Southampton City Council after a year to ensure that the interests of both cities and the wider Solent area is being represented effectively with this proposed approach

3. Background

3.1. The South East of England is a powerful motor for national prosperity, adding more than £200 billion to the UK economy which, for example, is more than Scotland and Wales combined. Economic growth is dependent on, and underpinned by, the effectiveness of transport networks. The scale of the South East's economy is reflected in the national and international importance of its transport network. The area includes both of the nation's busiest airports in Heathrow and Gatwick (alongside smaller airports like Southampton), a string of major ports including Dover, Portsmouth and Southampton, many of the country's most vital motorways and trunk roads and crucial railway links to London, the rest of Britain and to mainland Europe.

- 3.2. Within the South East (SE) region it is felt that the UK can no longer take the South East's economic success for granted. In parts of the SE region, such as the Solent, the infrastructure deficit is actively holding back the potential contribution to economic growth. Under-investment has left the area's infrastructure under significant pressure. Urgent investment is now needed in its road, rail and bus network to meet the pressures on growth and to ensure a system that is resilient for travellers and businesses. We can clearly see this in the Portsmouth area with the M27 experiencing significant congestion and slow rail journey times to London and within the Solent area. TfSE is part of the suggested solution to this problem acting as a strong united voice on transport issues within the South East.
- 3.3. The Cities and Local Government Devolution Act 2016 makes changes to the Transport Act 2008, creating enabling powers for a Sub National Transport Body (SNTB) to prepare a Transport Strategy. There is a clear expectation that the Transport Strategy prepared by a SNTB will contain the proposals for the promotion and encouragement of sustainable, safe, integrated, efficient and economic transport facilities and services within the area of the SNTB. The key objective underpinning the Transport Strategy should be the promotion of economic growth. The proposal to create TfSE is using these powers.
- 3.4. The TfSE initiative is led by south east local authorities including the South East Seven councils (Brighton and Hove; East Sussex; Hampshire; Kent; Medway; Surrey and West Sussex), together with the Solent area authorities (Isle of Wight; Portsmouth; and Southampton) and with the Berkshire local authorities (Bracknell Forest; Reading; Slough; West Berkshire; Windsor and Maidenhead; and Wokingham). It is expected the five Local Enterprise Partnerships (Coast to Capital; Enterprise M3; Solent; South East; and Thames Valley Berkshire) will also have representation.
- 3.5. TfSE will speak with a single voice on the area's transport needs, priorities and investment plans. If it is successful it will directly influence the decisions of national and regional infrastructure providers and operators (for example Network Rail, Highways England, ports, airports). Investment in new infrastructure will unlock the further growth potential of the area, including in housing and jobs where lack of transport infrastructure has been a major barrier to further development. Directing this investment from within our own area will be the most effective way to keep us moving and growing. Within the Solent area we have particular growth ambitions and need for growth and so TfSE could help us achieve these significant strategic objectives.
- 3.6. A successful integrated transport system must be economically, socially and environmentally sustainable. This is recognised by Government. Its legislation for Sub-National Transport Bodies will move strategic planning of investment from national level to areas like the South East, to 'those that know their economies and customers best.' The government's Industrial Strategy speaks of the need to: 'build on the particular strengths of different places and address factors that hold places back.' TfSE will mean that the South East's priorities can influence major projects in road, rail and other types of infrastructure. TfSE would develop a single integrated transport strategy for the South East to secure investment where it is most needed and to improve services for all. This would build on existing local transport plans and align spending programmes for the area (for example from Network Rail and Highways England). Working with the South East's travellers

and businesses is vital as TfSE's priority it to bring clear benefits to all who rely on the area's transport network.

3.7. With Government agreement it is expected that TfSE will begin full operation from 2018-19. Attached as Appendix 1 is the proposed Constitution of TfSE and attached as Appendix 2 is a diagram which shows how TfSE will relate to existing bodies and organisations. The cost of membership of TfSE will be £20,000 for the first year. A meeting of TfSE in the autumn will then agree future funding contributions (with match funding sought from DfT) to enable the developing work programme for TfSE to be pursued.

3.8. The proposed timetable for the development of TfSE is:

2017

Shadow STB established;

Development of the Transport Strategy;

Develop Governance arrangements and draft Proposal to Government;

2018

Finalise Governance arrangements, constitution and Proposal to Government

Publish draft Transport Strategy; and

Undertake Transport Strategy consultation

2019

Agreement to the Proposal by Government;

Preparation by Government of the Order establishing the STB; and

Parliamentary process and sign-off of the Order.

Transport for the South East established (April)

4. Reasons for the recommendations

4.1. TfSE has the potential to be a powerful lobbying voice for the SE in regards to transport infrastructure. The Solent area has a significant infrastructure deficit which is holding back economic growth and productivity. Whilst part of the solution to this is the creation of the Solent Combined Authority, a powerful voice for the wider region on transport funding also has the potential to be a powerful asset for the area. If TfSE is effective it will enable more transport infrastructure resource to come to the region.

4.2. Having made a joint submission, with Southampton and the Isle of Wight, to the Secretary of State to create the Solent Mayoral Combined Authority it makes sense to jointly link on this body bearing in mind the importance of transport and infrastructure to the agenda for the proposed Solent Mayoral Combined Authority. However, the Isle of Wight have decided that they wished to be an individual member on TfSE and so on this basis it is proposed that Portsmouth and Southampton jointly join TfSE to reflect the desire of the needs of the Solent

coming through with 1 voice. It is likely that issues will be discussed and agreed at Solent Transport to help create this single voice for the sub-region.

- 4.3. If this is agreed then it is proposed that the relevant portfolio holder from one authority will attend, supported by the relevant officer from the other authority. Initially it is suggested that the Southampton portfolio holder will be supported by the Portsmouth officer. However, as stated above, there will be a chance for a political discussion about the issues at Solent Transport meetings. This arrangement will mean that the membership costs will be shared between the two authorities but equally that the two authorities only have 1 vote.
- 4.4. It is suggested that this approach is reviewed in 12 months' time to check that is working appropriately and that the interests of the Solent and the two cities are being adequately represented through this joint arrangement with Southampton. This review could consider whether we would wish to maintain the current arrangements, become individual members or withdraw from TfSE. The review would need to be undertaken jointly with Southampton City Council. We are currently discussing with colleagues how to ensure that the constitution allows for local authorities, that were part of shared membership arrangements, to join in their own right if they wish to follow that route.

5. Equality impact assessment (EIA)

- 5.1 There will be a need to undertake an initial EIA around any sub national transport strategy that the Council needs to agree but not about the setting up of TfSE.

6. City Solicitor comments

- 6.1 The Cities and Local Government Devolution Act (CLGDA) 2016 makes changes to the Transport Act 2008, comprising enabling powers for a Sub National Transport Body (STB) to prepare a Transport Strategy
- 6.2 The CLGDA 2016 sets out the expectation that an STB's Transport Strategy will be "a document containing the STB's proposals for the promotion and encouragement of sustainable, safe, integrated, efficient and economic transport facilities and services to, from and within the area of the STB" and, "facilitate the development and implementation of transport strategies for the area."
- 6.3 Other functions include:
- 6.3.1 Provision of advice to the secretary of state about the exercise of transport functions in relation to the area.
- 6.3.2 Coordinating transport functions in relation to the area that are exercisable by different constituent authorities, with a view to improving the effectiveness and efficiency in the carrying out of the functions.
- 6.4 Should a combined authority be established, and become a member of the STB, the legislation would require that the whole of that area form part of the STB.

7. Director of Finance and Information Services comments

- 7.1 The membership cost of joining Transport for the South East is anticipated to total £20,000 per annum. It is anticipated that this cost will be shared equally between Portsmouth and Southampton City Council, with Portsmouth's share being funded from existing Traffic and Transport budgets.

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Signed by: Alan Cufley, Director for Transport, Environment and Business Support

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by:
Cllr Donna Jones, Leader of the Council on behalf of the Cabinet

- APPENDIX 1 Draft Constitution of Shadow Board
- APPENDIX 2 Diagram showing the relationship of TfSE to other transport bodies

Shadow Partnership Board Draft Constitution

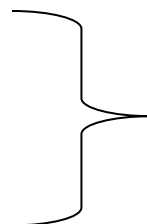
TRANSPORT FOR THE SOUTH EAST (TfSE)

CONSTITUTION OF THE SHADOW SUB-NATIONAL TRANSPORT BODY (SSTB)

1. **Constituent Authorities**

The constituent authorities are the local transport authorities situated wholly or partly in the South East region of England, namely:-

Brighton & Hove City Council
East Sussex County Council
Hampshire County Council
Isle of Wight Council
Kent County Council
Medway Council
Portsmouth City Council
Southampton City Council
Surrey County Council
West Sussex County Council
&
Bracknell Forest Council,
Reading Borough Council,
Slough Borough Council,
West Berkshire Council,
Royal Borough of
Windsor and Maidenhead
Wokingham Borough Council



Represented by the Berkshire Local
Transport Body Partnership (BLTB)

2. **Area of the SSTB**

The area of the SSTB is the area of the constituent authorities

3. **Name of the SSTB**

The name of the SSTB will be **Transport for the South East (TfSE)**

4. **Terms of Reference**

The Terms of Reference of TfSE will be those that TfSE may from time to time at its discretion determine but will include:

- Developing an overarching Transport Strategy for the area of the TfSE
- Developing responsibilities and accountabilities (including their delegation) for TfSE including governance and assurance arrangements
- Preparing a submission to Government in relation to the creation of a statutory Sub National Transport Body for the area of the TfSE

Any amendments to the Terms of Reference will be considered a change to the Constitution for the purposes of the voting arrangements set out in paragraph 5.5 and 5.6.

5. Membership

- 5.1 Each Constituent Authority, with the exception of those set out in paragraphs 5.2 and 5.3, will appoint one person as a member of TfSE and shall be entitled to one vote. The person appointed shall be that organisations elected mayor, chair, leader, committee or cabinet member for transport.
- 5.2 Bracknell Forest Council, Reading Borough Council, Slough Borough Council, West Berkshire Council, the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council, who are Constituent Authorities and through their Joint Committee Berkshire Local Transport Body (BLTB), will appoint one person as a member of TfSE, and Councils shall therefore be entitled to one vote between them. The person appointed shall be an elected mayor, chair, leader, committee or cabinet member from one of the 6 authorities.
- 5.3 Portsmouth City Council and Southampton City Council will jointly appoint one person as a member of TfSE, and shall therefore be entitled to one vote between them. The person appointed shall be an elected mayor, chair, leader, committee or cabinet member for transport from one of the 2 authorities.
- 5.4 The Constituent Authorities will appoint, another of their councillors as a substitute to act as a member of the TfSE in the absence of the person appointed. Such appointments will reflect the levels of representation set out in paragraphs 5.1, 5.2 and 5.3 above.
- 5.5 There will be a presumption that decisions are normally agreed by consensus. In exceptional circumstances where consensus cannot be achieved a formal vote shall be taken. Subject to paragraph 5.6, the matter shall be decided by a simple majority of those members present and voting.
- 5.6 Notwithstanding paragraph 5.5 the following decisions will require the support of more than 75% of the members present and voting to be carried:
- The approval and revision of TfSE's transport strategy
 - The approval of TfSE's annual budget
 - The approval of the submission to Government in relation to the establishment of a statutory Sub National Transport Body
 - Any changes to TfSE's constitution.

6. Co-opted Members

- 6.1 The TfSE can appointment persons who are not elected members of the constituent authorities to be co-opted members of TfSE
- 6.2 Persons who may be appointed as co-opted members will include:
- (a) the person appointed by TfSE as Chair of the Transport Forum
 - (b) two people nominated collectively by the Local Enterprise Partnerships.

(c) A person nominated by the National Parks, to represent environmental and protected landscapes organisations

(d) A person nominated by the District and Borough Authorities

6.3 Co-opted members will be non-voting members of TfSE, except to the extent that the voting members of TfSE resolve that such members should have voting rights.

6.4 Co-opted members will be able to appoint a substitute to act as a member of the TfSE in the absence of the person appointed.

6.5 The LEP members may collectively agree to withdraw their representative(s) and nominate a new member or members to represent them by giving written notice of this to the Chair no less than two clear days in advance of the next meeting of the Board.

7. Election and role of Chairman and Vice-Chairman

7.1 The Chairman and Vice-Chairman will be elected on a simple majority of those members present and voting for a term of one year.

7.2 The first election will take place at the inaugural meeting of the TfSE and at the meeting scheduled nearest to the 12 month anniversary of the inaugural meeting, every year thereafter.

7.3 In the absence of the Chairman the Vice-Chairman will Chair the meeting

7.4 In the event of a tied vote, the Chairman will have a casting vote.

8. Quorum

8.1 The Quorum shall be 5 voting members of TfSE, of which three must be members appointed by constituent authorities pursuant to section 4 above.

9. Executive Arrangements

9.1 TfSE will not operate formal statutory executive arrangements

9.2 TfSE may delegate the discharge of its functions to a committee, sub-committee or officer, or to another local authority. As such, TfSE may establish a committee(s) to discharge any functions.

9.3 The functions of agreeing a budget and the transport strategy of TfSE will **not** be delegated functions and will only be determined by a meeting of the full TfSE.

10. Executive Body

10.1 TfSE may establish an executive officer body of its own, but may also delegate the discharge of agreed functions to the officers of the Constituent Authorities in accordance with a scheme of delegation or on an ad hoc basis.

How a Sub National Transport Body fits within existing transport structures

