

Title of meeting:	Traffic and Transportation Decision Meeting
Date of meeting:	11 th July 2019
Subject:	Transport for the South East – Formal consultation on Draft proposal to government
Report by:	Tristan Samuels, Director of Regeneration
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1** This report responds to the consultation on the draft proposal to government for the establishment of a sub national transport body in the southeast: Transport for the South East.

Appendix A: PCC response to consultation

2. Recommendations

- 2.1** It is recommended that the Portfolio Holder:

- a. Welcomes the draft proposal to establish a sub national transport body (STB) for the South East, to be known as Transport for the South East (TfSE);
- b. Approves the attached consultation response for submission to TfSE.

3. Background

- 3.1** A sub national transport body (STB) is a body which may only be established by the Secretary of State if it is considered that:

- its establishment would facilitate the development and implementation of transport strategies for the area; and
- the objective of economic growth in the area would be furthered by the development and implementation of such strategies.

- 3.2** Sixteen upper tier authorities in the South East have been working together since 2016 to develop a proposal for an STB. They are:

Bracknell Forest; Brighton and Hove; East Sussex; Hampshire; Isle of Wight; Kent; Medway; Portsmouth; Reading; Slough; Southampton; Surrey; West Berkshire; West Sussex; Windsor and Maidenhead; and Wokingham.

- 3.3 The existing Shadow Partnership Board also includes arrangements for involving the five Local Enterprise Partnerships (Coast to Capital, Enterprise M3, Solent, South East, Thames Valley Berkshire); two National Park Authorities (South Downs and New Forest); 46 Boroughs and Districts in East Sussex, Hampshire, Kent, Surrey and West Sussex; and the transport industry and end user voice in its governance.
- 3.4 These efforts have been acknowledged by the Department for Transport, and a grant of £1m was awarded to TfSE to fund the development of the emerging Transport Strategy for the South East.
- 3.5 To achieve statutory status, TfSE is required to develop a Proposal to Government which will need to demonstrate the strategic case for the creation of a sub-national transport body and set out how TfSE will fulfil the statutory requirements for such a body as outlined in the enabling legislation.
- 3.6 The draft Proposal will also need to identify the types of powers and responsibilities that the STB will be seeking, as well as identifying the proposed governance structures.
- 3.7 The legislation requires that a new sub-national transport body will be promoted by, and have the consent of, its constituent authorities, and that the proposal has been the subject of consultation within the area and with neighbouring authorities.
- 3.8 The consultation is a full twelve week public consultation, which will be made available on the TfSE website and circulated to relevant stakeholders. Constituent authorities and other TfSE partner organisations are encouraged to circulate the consultation document to their own stakeholders.

4. The Draft Proposal to Government

- 4.1 At its meeting on 18 March 2019, the TfSE Shadow Partnership Board approved a draft Proposal to Government for formal consultation, which is attached at Appendix 1.
- 4.2 The consultation period will close on 31 July 2019. During this time there will be ongoing dialogue with key partners and stakeholders about the content of the proposal. All constituent authorities will be expected to provide a formal response to the consultation.
- 4.3 A final proposal will be recommended to the Shadow Partnership Board meeting in September 2019 and will be submitted to Government in November 2019. At this point formal consent will be required from all constituent authorities to signal their support for the creation of TfSE as a statutory body.
- 4.4 Once the Government has received the proposal from TfSE, Secretary of State will consider the request from TfSE. The Secretary of State will then formally respond to the TfSE proposal setting out the powers and responsibilities that have been granted to TfSE. Work will then begin on drafting the Statutory Instrument which will be laid before Parliament. All constituent authorities will be required to give their

consent to the creation of the statutory body following the formal response from the Secretary of State.

4.5 The draft proposal has the following headings:

- Executive Summary
- Transport for the South East
- The Ambition
- Strategic and Economic Case
- Constitutional Arrangements
- Functions

5. Constitutional arrangements

5.1 Each constituent authority will appoint one of their elected members or their elected mayor as a member of TfSE on the Partnership Board. It is intended that the regulations should provide for the appointment of persons who are not elected members of the constituent authorities to be co-opted members of the TfSE Partnership Board. Currently two LEPs, a representative from the Boroughs and Districts, the Chair of the TfSE Transport Forum and a representative from the protected landscapes in the TfSE area have been co-opted onto the Shadow Partnership Board.

5.2 A number of voting options were considered to find a preferred option that represents a straightforward mechanism, the characteristics of the partnership and which does not provide any single authority with an effective veto. The starting point for decisions will be consensus, and if that can't be achieved then decisions will require a simple majority of those Constituent Bodies who are present and voting. Where consensus cannot be achieved the following matters will require enhanced voting arrangements:

- The approval and revision of Transport for the South East's ("TfSE") Transport Strategy;
- The approval of TfSE annual budget;
- Changes to the TfSE constitution.

5.3 Decisions on these issues will require both a super-majority, consisting of three quarters of the weighted vote in favour of the decision, and a simple majority of the constituent authorities. The details of the proposed weighting voting system are set out in Section 5 of the draft Proposal to Government set out in Appendix 1.

6. Functions

6.1 The specific functions that TfSE is seeking as part of its Proposal to Government are set out in Section 6 of Appendix 1. The proposed powers will operate

concurrently and with the consent of the constituent authorities. In outline these include the following:

- General STB functions relating to the preparation of a Transport Strategy, advising the Secretary of State and co-ordinating transport functions across the TfSE area (with the consent of the constituent authorities)
- Being consulted on rail franchising and setting the overall objectives for the rail network in the TfSE areas
- Jointly setting the Road Investment Strategy RIS for the TfSE area
- Obtaining certain highways powers which would operate concurrently and with the consent of the current highways authority to enable regionally significant highways schemes to be expedited
- Securing the provision of bus services, entering into quality bus partnership and bus franchising arrangements
- Introducing integrated ticketing schemes
- Establish Clean air zones with the power to charge high polluting vehicles for using the highway
- Power to promote or opposes Bills in Parliament
- Incidental powers to enable TfSE to act as a type of local authority.

7. Reasons for recommendations

- 7.1 TfSE provides an opportunity to support and deliver growth plans across the region through the development of a long-term strategic programme of transport measures to facilitate economic growth and make the South East more competitive. It will complement the work of the LEPs and support delivery of Local Plans.
- 7.2 It would enable the council to influence the prioritisation of investment by the major national transport agencies such as Highways England and Network Rail in a way that has not been possible in the past.
- 7.3 TfSE will address some of the barriers to growth of the economy that have been held back by transport infrastructure shortcomings, notably the strategic infrastructure, that is the responsibility of Network Rail and Highways England. The STB would enable the council, to more directly influence the priorities and programmes of these agencies, so helping to secure delivery of longstanding transport infrastructure ambitions, which could for example include the improved rail links between Portsmouth and Southampton, and Portsmouth and Southampton Airport. The TfSE Economic Connectivity Review has recognised the importance of improvements to both this east west corridor, and the corridor to London.
- 7.4 The proposed powers will only operate concurrently and with the consent of the constituent authorities.

8. Equality impact assessment

8.1 An EIA is not required at this stage as the report does not put forward any proposals and therefore the recommendations do not have a disproportionate negative impact on any of the specific protected characteristics as described in the Equality Act 2010. Each subsequent new proposal will be subject to public consultation and a separate report that assesses any impact on the Equalities Groups.

9. Legal implications

9.1 The legislative background to this proposal is described in the body of this report.

9.2 The proposed constitutional arrangements, functions and powers intended for TfSE as a statutory body are set out in the consultation draft Proposal to Government.

9.3 It is noted in particular that those functions and powers are expressed to be complementary to the statutory functions and powers of the constituent authorities themselves and TfSE will have no power to give binding directions to any constituent authority about the exercise of transport functions by them in their administrative area.

10. Director of Finance's comments

10.1 There are no financial implications as a result of the recommendations within this report.

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Signed by:
Tristan Samuels
Director of Regeneration

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:
Councillor Lynne Stagg
Cabinet Member for Traffic and Transportation