
Consent for Transport for the South East Becoming a Sub-National Transport Body - Summary Report

Committee considering report:	Executive
Date of Committee:	13 February 2020
Portfolio Member:	Councillor Richard Somner
Date Portfolio Member agreed report:	31 July 2019
Report Author:	Jenny Graham
Forward Plan Ref:	EX3791

1. Purpose of the Report

- 1.1 The purpose of this report is to consider the plans for Transport for the South East (TfSE) becoming a Sub-national Transport Body (STB).

2. Recommendations

- 2.1 It is recommended that as a constituent authority, West Berkshire Council formally gives its consent to TfSE seeking statutory status and becoming a Sub-national Transport Body based on the Proposal to Government included at Appendix D
- 2.2 It is also recommended that delegated authority is given to the Portfolio Holder for Transport & Countryside to agree any minor changes that TfSE may make to their proposal for the final submission to Government.

3. Implications

- 3.1 **Financial:** TfSE collects an annual contribution from its constituent authorities. The current rate is £58,000 per county authority and £30,000 per unitary authority. The six Berkshire Unitary Authorities have previously chosen to act together and join TfSE via the Berkshire Local Transport Body (BLTB). Therefore, for the purposes of subscriptions, BLTB has been treated as a county authority. Slough BC, acting as the lead authority for BLTB pays the subscription and collects a one-sixth share from each unitary (£9,667 each).
- 3.2 **Policy:** Through the development of its Transport Strategy and its work to deliver infrastructure and programmes, TfSE's role will assist in the delivery of certain aspects of West Berkshire's and the TVB LEP's policies and plans.
- 3.3 **Personnel:** None

- 3.4 **Legal:** Through supporting the proposal to Government, the Council would, in the future, formally become a constituent authority of the sub-national transport body with voting rights via the Berkshire Local Transport Body.
- 3.5 **Risk Management:** There are no significant risks for West Berkshire Council as a result of these proposals.
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

4.1 Two other options have been considered:

- (i) West Berkshire Council does not support TfSE's plans to seek statutory status as a sub-national transport body.
- (ii) West Berkshire Council supports TfSE's proposals on the condition that certain aspects of its plans are amended prior to it submitting the proposal to Government.

4.2 The two options above have been discounted for the following reasons:

- (i) If the Council refused to support TfSE's proposal, this would block TfSE being able to seek statutory status and becoming a sub-national transport body (STB). The Act under which STBs can be created requires an STB to have the consent of all its constituent authorities. There are no fundamental reasons why the Council should not lend its support to TfSE's proposals.
- (ii) TfSE have been operating as a shadow body since June 2017. They have worked successfully to bring authorities together, worked collaboratively and have built consensus. They have shared their draft plans with the constituent authorities and have engaged with West Berkshire Council through the BLTB and by presenting to the Transport Advisory Group in February 2019. They have conducted a formal consultation on their proposals and have taken comments on board throughout all these stages. The final proposal has been amended to reflect the responses received and it is therefore considered that there is no need to request any further amendments.

Executive Summary

5. Introduction / Background

- 5.1 Transport for the South East (TfSE) want to formalise their role as the voice for strategic transport issues in the South East by becoming a statutory sub-national transport body (STB). Statutory status would give TfSE the ability to directly influence the government's decisions on transport issues and provide them with the tools they need to deliver their transport strategy.
- 5.2 TfSE currently operate as a shadow partnership board of which West Berkshire are a part via the Berkshire Local Transport Body. They have worked with member authorities to draw up a proposal to government which sets out the case for a statutory STB for the South East. It also includes the statutory powers and responsibilities they want to help deliver economic growth, improve quality of life and protect and enhance the environment.
- 5.3 The final proposal (Appendix D) has been agreed by the shadow partnership board. It includes amendments that were made following formal consultation in 2019. The next stage is for constituent authorities to provide their formal approval of TfSE seeking statutory status.

6. Proposal(s)

- 6.1 Statutory status will give TfSE the ability to directly influence the development of national investment programmes and become a trusted partner for Government, Highways England and Network Rail. If approved, it will become the second STB alongside Transport for the North which was confirmed in April 2018.
- 6.2 In June 2019, Chris Grayling, the former Secretary of State for Transport, wrote to all shadow STBs stating that at that current time he was not minded to create any further statutory bodies. This caused a delay in the submission of TfSE's proposal to Government but has meant that the consultation on their Transport Strategy has now taken place and they will have developed a final strategy prior to progressing their plans for statutory status. TfSE are currently proposing to submit their bid to Government in April 2020.
- 6.3 TfSE's proposal identifies the powers it wants to draw down from central government; it goes on to identify a number of powers it hopes to exercise concurrently with local authorities. The proposal emphasises that it will only ever exercise these local powers with the consent of the local authority concerned.
- 6.4 It is proposed that West Berkshire Council formally supports TfSE's proposals set out in Appendix D. In the event that the proposal is tweaked by TfSE for final submission to Government it is proposed that the Portfolio Holder is granted the authority to agree this.

7. Conclusion(s)

- 7.1 The twin purposes of creating STBs are to facilitate the development of a transport strategy and so promote economic growth for the area. TfSE's proposals include the statutory powers and responsibilities they want to help deliver economic growth, improve quality of life and protect and enhance the environment.

7.2 This is considered to be a positive step forward for the south east and something that West Berkshire Council, via the Berkshire Local Transport Body should play an active and supportive role in.

8. Appendices

8.1 Appendix A – Data Protection Impact Assessment

8.2 Appendix B – Equalities Impact Assessment

8.3 Appendix C – Supporting Information

8.4 Appendix D – Transport for the South East: Proposal to Government (Final Draft, September 2019)

8.5 Appendix E – West Berkshire Council’s consultation response to TfSE’s draft proposal to government, May 2019

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Economy and Environment
Service:	Development and Planning
Team:	Transport Policy
Lead Officer:	Jenny Graham
Title of Project/System:	Statutory Status for Transport for the South East
Date of Assessment:	22.07.2019

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>		X
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>		X
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>		X
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>		X
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>		X
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>		X
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>		X

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To formally support the proposals of TfSE to seek statutory status as a sub-national transport body
Summary of relevant legislation:	The statutory basis for STBs is set out in Part 5A of the Local Transport Act 2008
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Jenny Graham
Date of assessment:	22.07.2019

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	For the South East to have a greater voice and direct influence over the development of investment programmes affecting its area.
Objectives:	In a coordinated way across the south east to help deliver economic growth, improve quality of life and protect and enhance the environment.
Outcomes:	The development and delivery of a transport strategy for the south east
Benefits:	An improved transport system for the south east helping to facilitate economic growth and improve quality of life by delivering improvements in a way that seeks to protect and enhance the environment.

<p>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>

Consent for Transport for the South East Becoming a Sub-National Transport Body - Summary Report

Group Affected	What might be the effect?	Information to support this
Age	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a protected characteristic than on anyone else
Disability	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a protected characteristic than on anyone else
Gender Reassignment	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a protected characteristic than on anyone else
Marriage and Civil Partnership	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a protected characteristic than on anyone else
Pregnancy and Maternity	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a protected characteristic than on anyone else
Race	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a protected characteristic than on anyone else
Religion or Belief	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a protected characteristic than on anyone else
Sex	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a

		protected characteristic than on anyone else
Sexual Orientation	None	The impact of supporting TfSE's proposals would be unlikely to have any more impact on a person with a protected characteristic than on anyone else
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	n/a
Timescale for Stage Two assessment:	n/a

Name: Jenny Graham

Date: 22.07.2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.