
Consent for Transport for the South East becoming a Sub-national Transport Body – Supporting Information

1. Introduction/Background

- 1.1 Transport for the South East (TfSE) was established in 2017 as a partnership bringing together local authorities, business groups and other stakeholders including Network Rail and Highways England to speak with one voice on the region's transport needs.
- 1.2 TfSE is seeking statutory status as a sub-national transport body (STB). In order to submit a proposal to Government, TfSE needs the formal support of its constituent authorities, of which West Berkshire is one. Achieving statutory status would allow TfSE to directly influence government decision-making on transport issues on behalf of the South East's people and businesses and give it the tools to deliver major improvements to our region's transport network.
- 1.3 TfSE undertook a formal consultation on their detailed proposal from 7th May – 31st July 2019. The Council responded to this consultation with the draft response being considered by the Transport Advisory Group and agreed by the Executive Member for Transport. The Council's response is provided at Appendix E.
- 1.4 The powers and responsibilities included in TfSE's proposal are designed to help relieve congestion and improve journeys on our roads and railways, reduce greenhouse gas emissions and tackle poor air quality in our towns and cities, better connect our ports and airports, improve transport links for deprived communities and make planning and paying for travel simpler and easier for everyone. They would be used only with the agreement of TfSE's local authority partners.

2. Supporting Information

- 2.1 The statutory basis for sub-national transport bodies is set out in Part 5A of the Local Transport Act 2008, as amended by the Cities and Local Government Devolution Act 2016, which says that "the Secretary of State may by regulations establish a sub-national transport body for any area in England outside Greater London" (s102E(1)) and it goes on to set the conditions and limits for such arrangements.
- 2.2 The Act requires a new sub-national transport body to be promoted by its constituent authorities, to have the consent of its constituent authorities, and that the proposal has been the subject of consultation within the area and with neighbouring authorities.
- 2.3 The proposal must also set out the membership, voting powers, decision making arrangements, functions and general powers. An example of a power that TfSE are seeking through their proposal to Government and the rationale for seeking this power is set out below in Table 1.

Table 1 – Example of a power sought by TfSE

Power	Rationale
<p>Establish Clean Air Zones <i>Sections 163-177A of the Transport Act 2000 – Road User Charging</i></p>	<p>Local transport authorities and integrated transport authorities have the power under the Transport Act 2000 to implement road charging schemes.</p> <p>TfSE is seeking this general charging power as a mechanism for the introduction of Clean Air Zones, enabling reduced implementation and operating costs across constituent authority boundaries. This will be subject to the consent of the local transport authority.</p> <p>Transport is a major contributor to CO₂ emissions and poor air quality; these are increasingly critical issues which TfSE’s transport strategy will seek to address.</p>

- 2.4 The final proposal to government at Appendix D confirms that the 16 constituent authorities 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. It also confirms that the six Berkshire Unitaries will act together via the joint committee, the Berkshire Local Transport Body (BLTB).
- 2.5 The proposal sets out arrangements for involving the five Local Enterprise Partnerships; two National Park Authorities, 44 Boroughs and Districts and the transport industry voice in governance.
- 2.6 Members of BLTB debated the shadow partnership arrangements for TfSE on 16 March 2017 when they resolved to “...participate in the shadow arrangements for a sub-national transport body for the south east; and that Councillor Page represent BLTB at the shadow board meetings”. TfSE was discussed again at the BLTB meeting on 14 March 2019 when support was given to the TfSE draft proposals for statutory status.
- 2.7 TfSE subscriptions and membership were debated and agreed on 16 November 2017 (at BLTB) and on 19 July 2018 Joe Carter (Director of Regeneration at Slough BC) was authorised to sign the collaboration agreement on behalf of the Berkshire unitary authorities.
- 2.8 In June 2019, Chris Grayling, the former Secretary of State wrote to all shadow STBs stating that at that current time he was not minded to create any further statutory bodies. The Government’s preference was at the time to continue with the partnership working TfSE already had in place. The letter clearly stated that the Department for Transport would continue to take account of TfSE’s views in developing national transport policy and investment decisions regardless of any formal status. In June 2019, the TfSE Shadow Partnership Board agreed to

continue with the formal consultation process so that its proposal could be ready for submission to government should these circumstances change. TfSE have engaged with Government to best determine when they should progress their plans for statutory status and submit their bid. As a result, TfSE are currently proposing to submit their bid to Government in April 2020.

- 2.9 In a separate exercise, TfSE has developed its transport strategy for the south east which has been subject to its own consultation with constituent authorities and other stakeholder partners. The consultation ran from 10th October 2019 to 10th January 2020. A final transport strategy will be agreed prior to the bid to Government for statutory status.

3. Options for Consideration

- 3.1 In terms of the proposal set out by TfSE and included at Appendix D, the options for consideration are:
- (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.
 - (iii) 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

4. Proposals

- 4.1 It is proposed that option (iii) in section 3.1 is progressed. There is nothing in the proposals from TfSE that causes the Council concern or poses any significant risk. The proposals are positive for West Berkshire, the Thames Valley Berkshire area and the South East as a whole. There has been proper engagement with the constituent authorities and the Council is keen to be part of this collaborative working moving forward.
- 4.2 There is no reason to not support the proposal (and therefore block the possibility of TfSE becoming a STB) and there are no changes to the proposal that are considered necessary.

5. Conclusion

- 5.1 The final draft proposal to government has been developed in conjunction with member authorities, been through a formal consultation period and agreed by TfSE's shadow partnership board, of which we are a member via BLTB.
- 5.2 Following the development of their final transport strategy, informed by full consultation, TfSE proposes to submit their bid to Government for statutory status in April 2020.

5.3 The emergence of Transport for the South East as a potential sub-national transport body which includes West Berkshire and where this Council has a voice through the Berkshire Local Transport Body is to be welcomed.

6. Consultation and Engagement

6.1 Through engagement and Membership of the Berkshire Local Transport Body, the Council has been fully involved in previous consultation around the setting up of TfSE and its proposals to seek statutory status.

6.2 The Council's Transport Advisory Group (TAG) were consulted on the proposals in February 2019 via a presentation from TfSE and have also engaged in the formal consultation period running from May – July 2019. The draft response to the consultation was considered at TAG on 25th July 2019.

6.3 Officers consulted (in Spring / Summer 2019): John Ashworth, Jon Winstanley, Gary Lugg, Bryan Lyttle, Chris Sperring.

Background Papers:

The main background paper used in the preparation of this report is included at Appendix D and is the TfSE final draft proposal to Government. The Council's response to the first draft of this paper is included at Appendix E.

Subject to Call-In:

Yes: No:

Delays in implementation could compromise the Council's position



Wards affected: This proposal relates to the whole of the District of West Berkshire

Strategic Priorities Supported:

The proposals contained in this report will help to achieve the following Council Strategy priority:

GP1: Develop local infrastructure to support and grow the local economy

The proposals contained in this report will help to achieve the above Council Strategy priorities by ensuring any significant infrastructure or transport programmes for the District or our neighbouring areas are linked in to the TfSE strategy and have the support of TfSE thereby gaining a greater voice.

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