

# KENT COUNTY COUNCIL – RECORD OF DECISION

**DECISION TAKEN BY:**

Leader of Kent County Council

**DECISION NO:**

20/00010

**For publication**

Transport for the South East – Proposal to Government

**Key decision: YES**

Affects more than two Electoral Divisions

**Title of Decision: Transport for the South East – Proposal to Government****Decision:**

As Leader of the Council, in accordance with Section 19.2 of the Council's Constitution, I agree to:

1. Consent to Transport for the South East's Proposal to Government for powers in addition to the general powers of a Sub-national Transport Body and endorse the Transport Strategy for the South East as part of this proposal.
2. Participate in, and cooperate with, Transport for the South East in accordance with the powers requested from Government and those powers operating concurrently with Kent County Council as Highway Authority and Local Transport Authority.

And delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Leader and Monitoring Officer, to enter into relevant legal agreements and take other appropriate actions as necessary to implement the decision.

**Reason(s) for decision:****Background**

The Cities and Local Government Devolution Act 2016 amended the Local Transport Act 2008 to allow the creation of Sub-national Transport Bodies (STBs). There are now several shadow STBs in England, with Transport for the North becoming the only statutory STB in April 2018.

The South East 7 (SE7 – Kent, Medway, Surrey, West Sussex, East Sussex, Hampshire, Brighton and Hove) councils proposed the establishment of an STB for the South East. From this, Transport for the South East (TfSE) emerged, which is now a partnership of 16 Local Transport Authorities and five Local Enterprise Partnerships. In addition to the SE7, TfSE includes Southampton, Portsmouth, Isle of Wight, and the Berkshire unitary authorities represented by the Berkshire Local Transport Body (West Berkshire, Wokingham, Windsor and Maidenhead, Bracknell Forest, Reading, Slough).

TfSE has sought to formalise its role as the South East's voice for strategic transport issues by becoming a statutory body. To do this, TfSE has worked with its members to develop a Proposal to Government. This draft proposal was consulted on from May to July 2019. KCC provided a response to the consultation, supporting the powers TfSE proposed. Some of these were supported only conditionally provided that the principle of subsidiarity is applied (i.e. powers are used at the most local level). This was in relation to highways and transport functions that constituent members already hold but TfSE wants to enact concurrently.

Transport for the South East have since revised their Proposal to Government taking account of the comments they received in the consultation. The revised Proposal includes the application of the principle of subsidiarity.

TfSE has also consulted on its draft Transport Strategy for the South East (October 2019 – January 2020). KCC responded positively to this consultation to support the overall aims and aspirations of TfSE. The development of a Transport Strategy is one of the central functions of a STB, and the Department for Transport awarded TfSE funding (in addition to funding from the constituent authorities) to produce one. The Transport Strategy for the South East is being revised now that the public consultation has closed.

TfSE plan to submit the revised Proposal to Government and the Transport Strategy for the South East to the Department for Transport concurrently. This is to present a unified vision for the region alongside the request for powers to achieve it, with the consent of constituent bodies.

### **Financial Implications**

As a constituent authority, KCC contributes £58,000 per year to fund the development of TfSE. This has been matched by £1 million of Department for Transport funding in 2018/19 and a further £500,000 in 2019/20.

### **Legal Implications**

Invicta Law have provided advice that KCC's Constitution requires Transport for the South East to be listed in Section 19, Partnerships. The Monitoring Officer will be informed of the decision and asked to list TfSE as an Outside Body on the Council website and also asked to update the Constitution consequent to the exercise of Executive power in relation to the decision taken concerning Transport for the South East.

### **Equalities implications**

An Equalities Impact Assessment has been undertaken and provided alongside the decision report to Environment and Transport Cabinet Committee for consideration. TfSE have completed an EqIA for the Transport Strategy for the South East.

### **Data Protection implications**

A Data Protection Impact Assessment is not required as this project does not require the processing of personal data.

### **Cabinet Committee recommendations and other consultation:**

#### **Is any public consultation planned or has already been undertaken?**

Transport for the South East published a draft Proposal to Government for consultation in May 2019, with the consultation ending in July 2019. The draft Transport Strategy for the South East was consulted on from October 2019 to January 2020.

#### **Cabinet Committee consultation planned or undertaken**

The KCC proposed response to the Transport for the South East draft Proposal to Government was taken to Environment and Transport Cabinet Committee on 16th July 2019. At that meeting it was resolved that the proposed response would be noted. This proposed response supported the powers requested by Transport for the South East, and conditionally supported the powers that would be shared with KCC provided that the principle of subsidiarity applies – i.e. that decisions on the use of these powers are made at the most local level by constituent authorities.

The KCC proposed response to Transport for the South East's Transport Strategy for the South East was taken to Environment and Transport Cabinet Committee on 23rd January 2020. At that meeting it was resolved that the proposed response be noted.

Transport for the South East have revised their Proposal to Government after review of the

consultation responses received. The Transport Strategy for the South East is in the process of being revised. The final Proposal to Government and Transport Strategy for the South East will be presented to Environment and Transport Cabinet Committee in advance of this decision being taken.

**Which Divisions / Local Members are particularly affected:**

All Divisions.

**Have views been sought from local Members?**

All consultations held by Transport for the South East are discussed at Environment and Transport Cabinet Committee.

Cabinet Committee Members were engaged informally via email in advance of this proposed decision being published and all comments received were duly considered by the Leader as part of his decision-making.

**Any alternatives considered and rejected:**

Kent County Council is one of the founding bodies of Transport for the South East. As such, the only other option would be to decline to endorse the Proposal to Government and rescind support for TfSE. This would restrict KCC's opportunities to progress transport schemes for investment and isolate the county from wider regional discussions about transport in the future. It could potentially see the Council's influence in lobbying for schemes on the Strategic Road Network and railway network diluted because KCC would be a small area alone, hence not in alignment with the move to regional prioritisation that the Government has promoted to date.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

None.

Roger Gough  
signed

10 July 2020  
date