

**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Growth, Environmental and Transport / Environment, Planning and Enforcement / Strategic Planning Policy

Name of decision, policy, procedure, project or service: Kent County Council's decision to consent to Transport for the South East's Proposal to Government.

Responsible Owner/ Senior Officer: Katie Pettitt/Joseph Ratcliffe

Version: 1 – Initial Screening

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Pathway of Equality Analysis: An EqIA screening was completed for KCC's response to the draft Proposal to Government. This is now updated to reflect the final Proposal to Government for which KCC's Constitution requires a Leader decision to consent to.

Summary and recommendations of equality analysis/impact assessment.

Context

Government is seeking to transform transport and rebalance the economy by offering areas legal powers for transport through the creation of Sub-national Transport Bodies (STBs). The South East 7 (SE7) councils initially proposed the establishment of an STB for the South East, which has now expanded to include the 16 Local Transport Authorities (LTAs) and the five Local Enterprise Partnerships (LEPs) that cover the geographic area. Kent County Council (KCC) and Medway Council are included. The development of Transport for the South East (TfSE) is being led by East Sussex County Council.

TfSE will speak with a single voice on the South East's transport needs to directly influence the decisions of national infrastructure providers and operators. Once a statutory body, the Secretary of State must have regard to the STB's transport strategy in agreeing the investment priorities of Highways England and Network Rail.

TfSE is operating in 'shadow' form until it becomes a statutory body. To become a statutory body, it needs to submit a proposal to government with a request for transport powers. If that proposal is accepted by the Secretary of State, it will then be taken through Parliament. Although the Secretary of State has indicated that he is not considering any more STBs becoming statutory bodies at this time, TfSE nevertheless prepared a draft Proposal and consulted on this from 3rd May to 31st July 2019. KCC responded to this consultation and an EqIA screening was completed alongside the response.

As part of the Proposal to Government, TfSE will also submit their final Transport Strategy for the South East. KCC responded to the consultation (which ran from 7th October 2019 to 10th January 2020) and TfSE will revise the Transport Strategy before submission to Government. For the draft Transport Strategy, TfSE completed an Integrated Sustainability Appraisal, including an Equalities Impact Assessment on the draft Strategy. It found that:

“...the interventions are likely to result in a positive impact on protected characteristics, particularly age and deprivation. Improvements to the transport network, including pedestrian and cycleways, should result in more reliable and comfortable journeys, encouraging users to move away from private vehicles.”

The Integrated Sustainability Appraisal will be updated with the final Transport Strategy for the South East. Therefore, this EqIA focuses only on the Proposal to Government for powers in addition to the general powers of an STB.

Aims and Objectives

The SE7 councils proposed the establishment of an STB for the South East that would bring central government, the South East's LTAs and LEPs together with Highways England, Network Rail and port, airport, rail and bus operators in one body: TfSE.

TfSE is now seeking to formalise its role as the South East's voice for strategic transport issues by becoming a statutory body. In order to do so they have worked with member authorities to develop a Proposal to Government which makes the case for becoming a statutory body and sets out the specific powers and responsibilities required to help TfSE deliver economic growth, improve quality of life, and protect and enhance the environment.

The table below outlines the powers and responsibilities to be sought by TfSE in their final Proposal to Government.

	Proposed Power
General functions	As set out in the Local Transport Act (2008), these functions will give TfSE the powers to develop a transport strategy for the area and to provide advice to the Secretary of State (this is the minimum power for STBs).
Rail	Right to be consulted about new rail franchises
	Set high level output specification for rail
Highways	Set the Road Investment Strategy for the Strategic Road Network
	Enter into agreements to undertake certain works on the Strategic Road Network, Major Road Network or local roads
	Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction
	Construct highways, footpaths, bridleways
Capital grants	Make capital grants for the provision of public transport facilities
Bus service provision	Power to secure the provision of bus services
	Enter into Quality Bus Partnerships
Smart ticketing	Introduce an integrated ticketing scheme
Air quality	Establish clean air zones
Other powers	Promote or oppose bills in parliament
	Incidental amendments to enable TfSE to operate as a type of local authority

All the proposed powers and responsibilities would be concurrent with Highway Authorities' and LTA's existing powers and responsibilities, and would only be implemented with the consent of the affected Highway Authority/LTA and with the consensus of all TfSE's constituent authorities.

The table below shows the powers and responsibilities that TfSE is not seeking, which includes highway maintenance.

Power	Reason for TfSE to not seek the power
Set priorities for local authorities for roads that are not part of the Major Road Network (MRN)	TfSE will only be responsible for identifying priorities on the MRN.
Being responsible for any highway maintenance responsibilities	There is no intention of TfSE becoming involved in routine maintenance of MRN or local roads.
Take on any consultation function instead of an existing local authority	Local authorities are best placed to seek the views of their residents and businesses
Give directions to a constituent authority about the exercise of transport functions by the authority in their area	Constituent authorities understand how best to deliver their transport functions to meet the needs of their residents and businesses
Carry passengers by rail	There are no aspirations for TfSE to become a train operating company
Act as co-signatories to rail franchises	There are no current aspirations for TfSE to become involved in this area.
Be responsible for rail franchising	

In the formation of the final Proposal to Government, the bus franchising power was removed from the proposal. Instead, the emphasis has been placed on building stronger relationships with bus operators and working with Local Authorities to ensure that services are operating in a way that supports the delivery of the Transport Strategy, e.g. smart and integrated ticketing at a regional (or wider) level.

TfSE's Proposal to Government also includes the constitutional arrangements of the STB. As with the existing 'shadow' body, once statutory status is granted it is expected that each constituent authority will continue to appoint one of their Councillors/Members or their elected Mayor as a member of TfSE on the Partnership Board. The Partnership Board will be the only place where all constituent authorities are represented at an elected Member level, therefore the Board will have formal decision-making powers. The Partnership Board will meet at least twice per annum, with the option to meet more regularly. Each constituent authority will also appoint another one of their Councillors/Members as a substitute member.

TfSE expects the Partnership Board will continue to work by consensus but have also proposed an approach to voting when consensus cannot be reached and for certain key decisions, i.e. agreeing the TfSE Transport Strategy, budget and changes to its constitution. It is proposed that a population weighted voting arrangement is adopted in these circumstances. Kent, with the largest population of all the constituent authorities, would have the most votes (11 votes) but this is not large enough to have a veto (there are a total of 54 votes across all constituent authorities).

KCC's response to the draft Proposal agreed that as the LTA and Highway Authority, KCC should be a constituent member authority of TfSE. This position remains with respect to the final Proposal to Government. The UK's international gateways of the Port of Dover and Eurotunnel, which both play a significant role in the performance of the South East and national economies, are within Kent. With a population of just over 1.5 million people, Kent has the largest population of all the English non-metropolitan authorities and its proximity to London and the Continent make it a unique and attractive place in the South East to live, work and visit. Kent should therefore be part of the STB for the South East.

Summary of equality impact

This EqlA is for KCC's proposed decision to consent to the final Proposal to Government for statutory powers by the emerging STB: TfSE.

As a founding member, KCC strongly supports the establishment of an STB for the South East and understands the benefits of TfSE having statutory status. These benefits include the ability to speak with one voice to ensure the case for strategic transport investment in the region is clearly heard by government. As a statutory body under the legislation, TfSE will also be able to inform and influence the critical spending decisions of Highways England and Network Rail in the South East as government will have to 'have regard to' the adopted regional transport strategy. This will enable a collective voice for the South East to make the case to

government for improved rail services and investment in the Strategic Road Network, including the new Lower Thames Crossing and associated wider network improvements. It is important to have a regional voice to balance competing investment priorities across the region, and across the country (given Transport for the North is the only STB with statutory status at this time).

KCC's response to the draft Proposal gave support to TfSE's proposed population weighted voting mechanism, and this mechanism has not been amended in the final Proposal.

KCC's proposed response gave support on the condition that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of these powers are made at the most immediate (or local) level, i.e. by constituent authorities. For example, this would be KCC in the case of TfSE's proposal to have the concurrent powers of a Highway Authority through the Highways Act 1980 to:

- Enter into agreements to undertake certain works on Strategic Road Network, Major Road Network or local roads.
- Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction.
- Construct highways, footpaths, bridleways.

Support conditional on the principle of subsidiarity was also given for TfSE's proposal to have the concurrent powers of a LTA for:

- The duty to secure the provision of bus services (Transport Act 1985).
- Quality Bus Partnerships (The Bus Services Act 2017).
- Establishing Clean Air Zones (The Transport Act 2000 – Road User Charging).

Invicta Law have provided detailed legal advice to officers on the revised Proposal to Government for the establishment of TfSE and its impact on KCC. The revised proposal sets out the specific legal powers that are being sought from the Secretary of State for Transport and these powers would be broadly in line with KCC's objectives as a founding member of TfSE, if TfSE is established as a new STB. Many of the original comments KCC made on the draft Proposal have been taken into account and the position on certain matters clarified, including where decisions should be made at the most local level.

The final Proposal to Government now clearly sets out that any decisions relating to the powers is made at the most relevant level and that, where possible, future aspirations will focus on drawing down powers from central government rather than seeking concurrent powers with LTAs.

In conclusion, the changes to the final Proposal to Government strengthen the document and address the comments and concerns raised by KCC. Therefore, this EqlA screening makes the same conclusions as the screening on KCC's proposed response to TFSE in identifying that that some protected characteristic groups could benefit from TfSE becoming a statutory body. For example, individuals with limited access to a private car (such as the elderly and young people) could benefit from TfSE making capital grants available for the provision of public transport facilities, and the establishment of Clean Air Zones could benefit those with a respiratory-related disability. More detail is provided in the screening grid.

To allow TfSE to submit their Proposal to Government requires the consent of all constituent authorities. For KCC, this requires a Leader decision and an update to the Constitution to add TfSE to the Partnerships section. The findings of this EqlA support the decision to consent to the TfSE Proposal to Government.

Adverse Equality Impact Rating Low

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning Kent County Council's proposed decision to consent to Transport for the South East's Proposal to Government. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

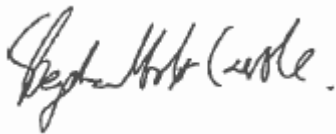
Signed: T. Marchant

Name: Tom Marchant

Job Title: Head of Strategic Planning & Policy

Date: 04.03.2020

DMT Member



Signed:

Name: Stephanie Holt-Castle

Job Title: Interim Director of Environment, Planning and Enforcement

Date: 01.04.2020

Part 1 Screening

Protected Group	Please provide a brief commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact	Medium negative impact	Low negative impact	High/Medium/Low Positive Impact Evidence
Age	None	None	None	The revised Proposal to Government requests powers that would help deliver the outcomes of KCC's adopted Local Transport Plan 4 (LTP4) which are to promote affordable, accessible and connected transport to enable access for all ages to jobs, education, health and other services. The draft LTP4 was itself subject to a Sustainability Appraisal and Equalities Impact Assessment, which were both consulted on alongside the draft LTP4. This information and the comments received informed the development of the final LTP4.
Disability	None	None	None	As above, TfSE having the powers set out in their revised Proposal would help to promote accessible transport and support independence, providing wider benefits for those whose disabilities may prevent them from driving.
Sex	None	None	None	The powers requested in the revised Proposal to Government would help deliver the outcomes of KCC's adopted

				LTP4. For example, these powers will help to promote affordable and accessible transport which will benefit specific groups, such as parents with children and single parents. Safer travel is another outcome of KCC's LTP4 which will be promoted by TfSE's powers by improving opportunities for travel for women, as they are likely to use public transport more than men but drive less than men. Men are more likely to be road casualties and providing a safer road network will help mitigate this.
Gender identity/ Transgender	None	None	None	None
Race	None	None	None	Certain ethnic groups are in lower than average income groups and TfSE obtaining the powers in their Proposal will help to promote affordable travel <u>on a regional level</u> which in turn will help to promote equality of opportunity for all ethnic groups in enabling access to greater employment and education opportunities.
Religion and Belief	None	None	None	None
Sexual Orientation	None	None	None	None

Pregnancy and Maternity	None	None	None	TfSE obtaining the powers will help to benefit travellers with children by helping to deliver KCC's adopted LTP4 outcome of improved accessibility connectivity within transport, as well as it being more affordable.
Marriage and Civil Partnerships	None	None	None	None
Carer's Responsibilities	None	None	None	KCC's adopted LTP4 outcomes of safer, affordable, accessible connected travel will be promoted by TfSE if they obtain the powers requested. This will help encourage equality of opportunity for this group and future schemes to ease congestion will make travelling for carers more reliable in terms of journey time.

Part 2

Equality Analysis /Impact Assessment

Protected groups

From the initial screening, it is not anticipated that any protected characteristics will be negatively impacted by KCC's decision to consent to TfSE's Proposal to Government.

Information and Data used to carry out your assessment

As of 2019, the estimated population for Kent is 1,554,600¹. Going forward the population growth for Kent is expected to rise due to natural increase (more births than deaths) and in addition more people moving into Kent than leaving.

Analysis of 2011 census data about equality and diversity in Kent was undertaken to better understand the demographics of the Kent population and the impact of KCC's response to TfSE's consultation will have. This information has been reviewed in relation to the updated Proposal to Government following the close of the consultation.

The focus has been placed on groups that tend to rely on public transport, with their access to a car being limited.

Equality and diversity data from 2011² shows that:

- Kent has an ageing population, as estimates indicate the number of 65+ year olds is forecast to increase by 55% between 2013 – 2033, however the proportion of population aged under 65 is only forecast to increase by 6.9%.
- There are more female residents in Kent than male. In 2014, this equated to 51% and 49% (770,300 females and 740,100 males).
- 93.7% of Kent residents are white, compared to 6.3% Black and Minority Ethnic (BME) residents.
- The 2011 office labour market statistics census data for Kent has the following statistics³:
 - The number of males and females (16+) owning a car or van, or having access to these within households (including company vehicles that are available for private use): 91% of males vs 88% of females.
 - The car or van availability by gender and for those who consider they have a long-term health problem or disability: 86% of males vs 83% of females.

¹ <https://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent/population-and-census>

² <https://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent/equality-and-diversity-data>

³ DC3407EW - Long-term health problem or disability by car or van availability by sex by age
<https://www.nomisweb.co.uk/census/2011/dc3407ew>

- The number of people (16+) with a disability of which there are no cars or vans in the household: 17% females compared to 12% of males.
- KCC Road Casualties in Kent (Annual Review 2014)⁴ – there was an increase in the number of people killed or seriously injured (KSI) compared to 2013 of 11% (594 KSIs increasing to 658 KSIs).
- Casualty data for Kent roads between 2012-2014, shows there are generally more male casualties than females across all age groups⁵:
 - 0-16, there were 1,891 casualties of which 57% were male and 43% were female.
 - 17-24, there were 4,126 casualties of which 58% were male and 42% were female.
 - 25-64, there was a total of 10,029 casualties, of which 58% were male and 42% female.
- According to the Kent Public Health Observatory⁶, the percentage of adults in Kent currently classed as physically inactive is 28.1%. Currently 56.3% of the adult population meet the physical activity guidelines of 150 minutes per week to improve or maintain health.
- In addition, the Kent Joint Strategic Needs Assessment (Kent JSNA) showed that obesity is at 64.6%, which equates to 771,476 individuals who are 16+.
- The ONS 2011 Census Analysis – Method of Travel to Work in England and Wales Report⁷ – found that in the South East 66.8% use road vehicles as a method of travelling to work; however, only 12.1% use public transport and 13.9% choose to walk or cycle.
- Using the ONS 2011 Census to break down method of travel to work by age (Age 16 – 65+) and gender shows in Kent that⁸:
 - 14% of females travel to work using active travel compared to 10% of males in the county choosing to travel by bicycle or foot, therefore males could further benefit from the promotion of active travel.
 - 13% of males choose to travel by rail, bus, minibuss or coach. The female population comes out slightly lower at 12%.
 - 62% of males either use a car or van to travel to work or are a passenger. The number of females under the same criteria comes to 63%.
- For 2015-2016, September Quarter 2 the number of⁹:
 - Older person's bus passes: 266,949
 - Disabled person's bus passes: 20,312
 - Disabled person's companion bus passes: 5,133

⁴ http://www.kent.gov.uk/__data/assets/pdf_file/0020/11819/Personal-injury-crashes-in-Kent.pdf

⁵ Transport Intelligence Team: Casualty data 2012-2014 against age and gender

⁶ <http://www.kpho.org.uk/joint-strategic-needs-assessment/jsna-behaviour-and-lifestyle/jsna-physical-activity>

⁷ http://www.ons.gov.uk/ons/dcp171766_299766.pdf

⁸ DC7101EWIa - Method of travel to work (2001 specification) by sex by age
<https://www.nomisweb.co.uk/census/2011/dc7101ewla>

⁹ Revenue and Capital Budget Monitoring for 2015-2016, Quarter 2 paper. Page 136

- According to a study conducted by Transport for London (TfL)¹⁰, BME individuals are more likely to use buses than white individuals (although they are less likely to travel by bicycle). In addition, they are more likely to express concerns for their safety and more likely to be injured in road accidents.

Who have you involved consulted and engaged?

In preparation of KCC's response to TfSE's consultation, senior managers and directors of KCC were engaged and consulted to gather their views on the proposed powers being sought by TfSE. Members were consulted through the Environment and Transport Cabinet Committee on 16th July 2019. For the revised Proposal, legal advice was sought from Invicta Law. This concluded that the revised proposal sets out the specific legal powers that are being sought from the Secretary of State for Transport and these powers would be broadly in line with KCC's objectives as a founding member of TfSE, if the TfSE is established as a new STB.

Analysis

The establishment of a statutory STB for the South East will generally have a positive impact for all Kent residents, commercial operators and tourists as transport network improvements will improve their experience of Kent and the South East region. The delivery and promotion of improved transport infrastructure and public transport will increase accessibility to key services, jobs and education throughout the region. The overall aim of TfSE is to tackle issues like congestion, poor air quality, access to employment, housing and energy whilst growing a sustainable economy.

Overall, carrying out the screening grid has identified that some groups will likely benefit from the aims and objectives of TfSE being a statutory body. For example, individuals with limited access to a private car (such as the elderly and young people) will benefit from promotion of modes of transport that are different from a car in terms of affordability and accessibility. Those residents who are unable to drive (such as some people with a disability, or again due to age), will benefit from improved travel options and this will also benefit carers across Kent and the South East. Due to the nature of their travelling preferences and independence from a car, women will also benefit from affordable and improved transport services.

Adverse Impact

After completing the initial screening grid, it indicated that a KCC Leader decision to consent to the TfSE Proposal to Government will not have a significant negative impact on any of the protected characteristics. Individual schemes that are delivered as part of TfSE's priorities will be subject to an individual Equalities Impact Assessment (as well as other requirements, including Business Cases and Sustainability Appraisal) as the schemes are developed and taken forward for delivery to ensure that no protected characteristics are adversely impacted.

¹⁰ <http://content.tfl.gov.uk/BAME-summary.pdf>

Positive Impact

The aims and objectives of TfSE becoming a statutory body and promoting schemes will encourage a better quality of life for all residents within Kent and the South East, by providing a transport network of all modes that enables access to jobs and services within the county and across the South East region. Therefore, it will benefit the overall needs of residents within Kent and the South East.

The older generation and families with younger children tend to rely on public transport, and therefore will benefit from more affordable and accessible transport solutions (bus and rail) that will enable them to enjoy their journeys throughout Kent, for example through accessing jobs and education services. The provision and promotion of active travel choices will potentially benefit all residents' health and well-being, but equally reducing congestion and pollution will benefit road users. Disabled people, who may rely on public transport, will also be a beneficiary.

JUDGEMENT

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken

Internal Action Required

YES/NO

