

# KENT COUNTY COUNCIL – RECORD OF DECISION

**DECISION TAKEN BY:**

**Leader of the Council**

**DECISION NO:**

22/00023

**For publication**

**Key decision: YES**

Affects more than two Electoral Divisions

**Subject Matter / Title of Decision: Transport for the South East – KCC Participation**

**Decision:**

As Leader, I agree to:

1. Kent County Council continuing to participate in a non-statutory voluntary Sub National Transport Body (SNTB) for the South East, known as Transport for the South East (TfSE), at the cost, for the purposes, and with the membership, set out in the accompanying report; and
2. Delegate to the Corporate Director Growth, Environment and Transport to take, in consultation with the Cabinet Member for Highways and Transport, the actions necessary to implement the decision, subject to the Council's decision-making procedures.

**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.

Transport for the South East (TfSE) is a partnership of 16 Local Transport Authorities and five Local Enterprise Partnerships. In July 2020, TfSE's Shadow Board adopted a Transport Strategy. TfSE applied to Government to become a Statutory body in July 2020, submitting a business case following adoption of the Transport Strategy. In October 2020, TfSE was notified it would not be granted statutory status for the foreseeable future. TfSE had also embarked on a series of Area Studies and Thematic Strategies (Freight and Future Mobility) in August 2020 and which are completing in early 2022. These completed studies will enable the preparation of a Strategic Investment Programme for submission to government, following public consultation, in 2023.

**Financial Implications**

As a constituent authority, KCC contributes £58,000 per year to fund the development of TfSE. The Department for Transport (DfT) has provided funding support to TfSE, most recently to a value of £1.625m within Financial Year (FY) 2021/22. Funding for future FYs has not yet been confirmed by DfT.

**Legal Implications**

Invicta Law have previously 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. This advice remains valid for this decision.

**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 and are undertaking further assessment as part of an Integrated Sustainability Appraisal for the Area Studies and Thematic Studies.

**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. A further public consultation will be undertaken by TfSE on a draft Strategic Investment Plan in 2022.

**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.

KCC will prepare a future response to the proposed draft Strategic Investment Programme and take that to Environment and Transport Cabinet Committee in 2022.

**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.

This latest key decision was discussed and endorsed by Members of the Environment and Transport Cabinet Committee at their meeting on 17 March 2022.

**Any alternatives considered and rejected:**

Kent County Council is one of the founding bodies of Transport for the South East (TfSE). As such, the only other option would be to cease participation in TfSE. This would reduce the county's opportunities for participation from wider regional discussions about transport in the future that TfSE host, although KCC can nonetheless engage with authorities across the England through its own effort whilst also participating in other regional and national fora.

Non participation 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 in comparison to TfSE as a whole, albeit still the largest County Council in the country and a statutory body that must be regarded as such through any statutory process, whereas the failure of TfSE to achieve that status means that its powers and obligations on others to engage with it are less than those held by KCC.

The DfT has continued to fund TfSE since refusing statutory status, recognising value in TfSE

providing a streamlined, single point of contact through which to engage with its constituent members. On balance, given these factors, the option of ceasing participation and associated funding to TfSE has been discounted at this stage.

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

None.



7 April 2022

.....  
signed

.....  
date