

BERKSHIRE LOCAL TRANSPORT BODY (BLTB)

REPORT TO: BLTB

DATE: 18 July 2019

CONTACT OFFICER: Joe Carter, Director of Regeneration, Lead Officer to the BLTB

PART I

Item 13: TfSE – Proposal to Seek Statutory Status – Formal Response

Purpose of Report

1. On 18 March 2019 the Transport for the South East Shadow Board (TfSE) approved a draft Proposal to Government for formal consultation (See appendix 1). Staff from TfSE have separately approached each of the Berkshire Unitary Authorities and Thames Valley Local Enterprise Partnership to gather formal responses.
2. The formal consultation period opened on 2 May and runs to 31 July 2019. The proposal is largely unchanged from the version previously reported to your meeting on 14 March, which resolved to endorse the plan to seek statutory status.

Recommendation

3. You are recommended to
 - i) endorse the response set out in appendix 2
 - ii) suggest any further additional comments or amendments

Other Implications

Financial

4. 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 this joint committee (BLTB). Therefore, for the purposes of subscriptions, BLTB has been treated as a county authority. Slough BC, acting as the lead authority for the joint committee has paid the subscription and collected a one-sixth share from each unitary (£9,667 each).
5. TfSE received a contribution towards the development of its Transport Strategy of £1m from the DfT, and a further £500k for 2019-20 was recently announced.

Risk Management

6. There are no significant risks for BLTB.

Human Rights Act and Other Legal Implications

7. Slough Borough Council will provide legal support for the BLTB should any questions arise.

Supporting Information

8. The subject of the formal consultation is a Proposal to Government requesting statutory status for TfSE, which if approved by Parliament, will become a second sub-national transport body alongside Transport for the North, which was confirmed in April 2018. The draft proposal is set out in Appendix 1, and it contains only drafting changes and typographical corrections from the version circulated earlier this year as part of the informal engagement process.
9. The statutory basis for sub-national transport bodies is set out in [Part 5A of the Local Transport Act 2008](#)¹, 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.
10. The twin purposes of creating sub-national transport bodies are to facilitate the development of a transport strategy and so promote economic growth for the area.
11. 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.
12. The proposal must also set out the membership, voting powers, decision-making arrangements, functions and general powers.
13. The attached proposal to government 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 this joint committee, the Berkshire Local Transport Body.
14. 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
15. The proposal identifies the powers TfSE 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.

¹ <http://www.legislation.gov.uk/ukpga/2008/26/part/5A>

16. In a separate exercise, TfSE is currently developing its Transport Strategy, which will also be subject to consultation with constituent authorities and other stakeholder partners.
17. For more information please visit www.transportforthesoutheast.org.uk
18. Members of BLTB will recall that TfSE was debated on 16 March 2017 when you 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" (minute 22 refers), and again at your meeting on 14 March 2019 when you gave your support to the TfSE draft proposals for statutory status.
19. Members will further recall that TfSE subscriptions and membership were debated and agreed on 16 November 2017 (minute 19 refers); and that on 19 July 2018 you authorised Joe Carter (Director of Regeneration at Slough BC) to sign the collaboration agreement on your behalf (minute 15 refers).
20. Since the launch of the formal consultation the Secretary of State has subsequently written to all shadow Sub National Transport Bodies informing them that he is not minded to grant statutory status to any STBs for the foreseeable future. The Government's preference, for the time being, is to continue with the partnership working TfSE already has in place. The letter clearly states that Department for Transport will 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 can be ready for submission to government should these circumstances change.

Draft Response to the Consultation

21. This matter has been considered by the Berkshire Strategic Transport (Officers') Group and by individual transport authorities.
22. Attached at appendix 2 is a draft of the proposed response to the consultation questionnaire supplied by TfSE. You are invited to suggest further amendments or additions before endorsing the response.

Conclusion

23. The emergence of Transport for the South East as a potential sub-national transport body including the Berkshire area is to be welcomed.

Background Papers

24. Correspondence with TfSE, agendas, reports and minutes of the shadow TfSE Board and its associated forums and working groups.