

**Report to:** Partnership Board –Transport for the South East

**Date of meeting:** 28 October 2024

**By:** Chief Officer

**Title of report:** Next Steps for Transport for the South East

**Purpose of report:** To review the options and agree the next steps for Transport for the South East

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### ***RECOMMENDATIONS:***

The members of the Partnership Board are recommended to:

- (1) Review the options for next steps for Transport for the South East; and**
  - (2) Approve for Transport for the South East to consult with Local Authorities and other key stakeholders on whether Transport for the South East having powers would help them to achieve their objectives.**
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## **1. Overview**

1.1 Following a request from Partnership Board in July, officers at Transport for the South East (TfSE) have developed options on next steps for the future direction of travel for TfSE following the General Election.

## **2. Background**

2.1 At the July Partnership Board, Members asked TfSE to develop options for next steps for TfSE following the General Election. The change of government, programme of legislative reform (including, for example the creation of Great British Railways) and potential new devolution arrangements provides a timely opportunity to consider how TfSE as sub-national transport body (STB) can most effectively deliver the transport strategy on behalf of the Board.

2.2 Up to this point, TfSE has been operating as a voluntary partnership with an agreed constitution and inter authority agreement to underpin its activities. In establishing ourselves as a voluntary partnership, TfSE have replicated the principles set out in Cities and Local Devolution Act 2016, which amends the Transport Act 2008, providing the framework for STBs to be established. We deliver the same core functions of an STB that

are set out in legislation, and we have the same constitutional arrangements of a statutory STB, with democratic accountability delivered through our Partnership Board.

### 3. Options for the future direction of travel

3.1 Broadly, there are two options that TfSE could take as next steps as an organisation. We could continue to act as a voluntary partnership or ask the Department for Transport (DfT) to provide powers and functions set out in the Cities and Local Devolution act, in certain agreed policy areas, to enable us to deliver more on behalf of our local authorities.

#### Continue to act as a Voluntary Partnership

3.2 TfSE have had multiple successes as a voluntary organisation, and we could look to continue operating under this model. In the previous parliament, the Department for Transport committed to have regard to TfSE's transport strategy and strategic investment plan when making investment decisions. We could ask new Ministers to re-assert this commitment when we submit the refreshed transport strategy. However, the Board have previously expressed their ambitions to seek appropriate powers, particularly in relation to road and rail investment.

#### Consult with Local Authorities on whether TfSE having powers would support them

3.3 The new Government has set out an ambitious agenda of change for the country, through its five missions and the Transport Secretary's five priorities for transport. Our Local Authority members also have an ambitious agenda for the South East, codified in our Transport Strategy in 2020, which is currently being refreshed. This refresh is being led by Board Members through the Task and Finish Group.

3.4 It is therefore right that we take stock of TfSE's ability to deliver against the priorities of both the Government and our Local Authorities, by analysing our impact as a voluntary partnership and whether we would be able to deliver even more impact with certain powers.

3.5 Officers have developed a theory of change model, for Members to review at the Board Meeting, setting out how effectively we can deliver on the Government's missions as a voluntary partnership, and with statutory powers. This is an initial piece of work, but to take this to the next step, we need to test these powers with our Local Authorities, and other key stakeholders, to get their feedback on whether they believe TfSE seeking these powers could add value.

3.6 A consultation plan is attached at **Appendix 1**. As set out in the plan, we propose a six week consultation, primarily focused on gaining views from our sixteen Local Authorities, District and Boroughs, neighbouring authorities, protected landscapes, and the Business Advisory Group Co-Chairs. We also suggest a wider stakeholder engagement group, which includes MPs, who we would engage with in a more light touch way, by emailing them to let them know that this work is taking place.

3.7 We do not know how Government would receive a request for statutory powers, and TfSE would not ask for statutory powers, unless the Government had given us an

indication that they would support this. We also do not know what the Devolution White Paper, expected in November, will say about the future of devolution in the South East. There are a number of other uncertain policy areas, including the National Planning Policy Framework (NPPF) and Great British Railways. The Board would want more clarity on all of these issues, before seeking powers from Government.

3.8 However, by consulting our Local Authorities on powers now, we will be able to better analyse the impact these powers could have - and how these powers could support our Local Authorities in achieving their objectives.

3.9 We also know that all our Local Authorities will be undertaking a similar process and will be exploring what transport powers they may want in a possible combined authority deal from the Government. By consulting with our Local Authorities now, we can ensure that the powers we may seek are complimentary and not duplicative of the powers Local Authorities may seek. Any powers that Local Authorities request TfSE to have would not prejudice any future devolution deals and Local Authorities would retain their right to ask for the same powers in future.

3.10 Consulting with other key stakeholders now also ensures that TfSE remains in the conversation – and that key stakeholders continue to recognise the vital role that TfSE plays in joining up transport decision making at the regional level, particularly on the strategic road and rail networks, which will always cut across more than one Local Authority boundary.

3.11 It should be noted that whilst any powers for TfSE should be fit for the ‘end state’ of Local Authority devolution, an added benefit is they would give ‘back-up’ support to Local Authorities through any forthcoming ‘transition period’ to combined authorities or equivalent, during which this partnership must retain a laser focus at a regional level to ensure the South East secures the best deal possible from policy and investment decisions to be made by government over the next 24 months, including Rail Reform, Bus Reform, the National Transport Strategy and the Government’s 10-year investment plan.

#### **4. Audit and Governance Committee**

4.1 The Audit and Governance Committee, which deliver the scrutiny function on behalf of the Partnership Board, have reviewed the options for next steps and endorsed that further work be done to develop this. The Audit and Governance Committee noted the importance of TfSE being aligned to changes to the devolution landscape. Consulting with our Local Authorities would enable us to do this.

#### **5. Conclusions and recommendations**

5.1 The Partnership Board is recommended to review the options for next steps for TfSE.

5.2 The Partnership Board is recommended to approve for Transport for the South East to consult with Local Authorities and other key stakeholders on whether Transport for the South East having powers would help them to achieve their objectives.

**RUPERT CLUBB**  
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**Transport for the South East**

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# TRANSPORT FOR THE **South East**



## Next Steps for TfSE - Consultation Plan



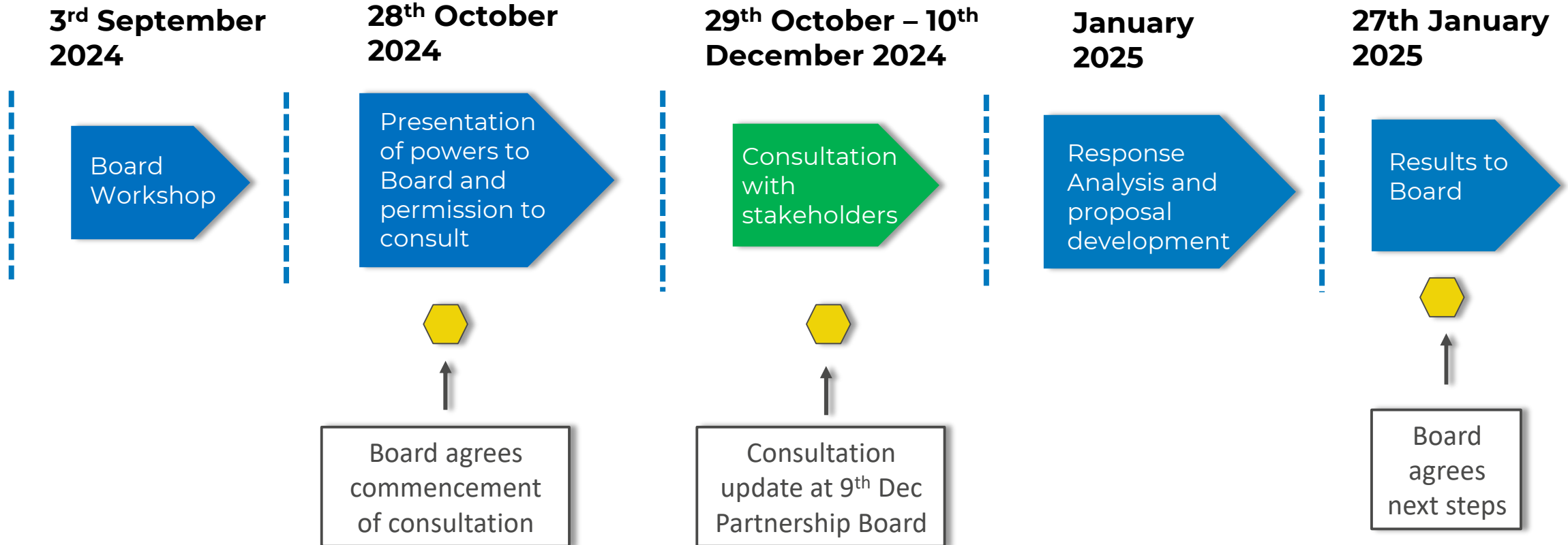
# Background

- Transport for the South East, along with Transport East and England's Economic Heartland are exploring whether powers could help them deliver more value for their constituent authorities.
- TfSE will carry out a 6 week consultation on the draft proposed powers it could seek as part of a proposal to government from 28 October to 10 December 2024.
- Consultees across the TfSE geography will include both local transport authorities and local planning authorities. Neighbouring authorities and STBs will also be engaged.
- The outcomes of this consultation will be presented at the January Partnership Board.

# Objectives

- The primary aim of the consultation is to ensure opportunity for consultees are to input into potential powers sought by TfSE.
- This will enable us to:
  - Continue to make the strategic and economic case for Transport for the South East.
  - Increase awareness of TfSE, our vision and transport strategy.
  - Gain support among stakeholders for the specific powers we may seek.
  - Position ourselves as:
    - On the side of our partners, businesses, residents and transport users re: making the case for future investment; and
    - Serious about limiting the environmental impacts of our transport network.

# 2024 Consultation Timeline





# October – December Engagement Period

## ➤ Activity

- Prospective powers list published and sent to key stakeholders for response.
- Bespoke emails depending on stakeholder level to encourage response.
- Light touch promotion in other communications.
- Offer meetings to statutory and other key consultees.

## ➤ Considerations

- Consultation window in line with government guidance
- Need to have time to consciously consider the feedback from the consultation before determining next steps
- Wider considerations around devolution and national transport policy will also inform any future decision
- Consultees will be determined by how impacted an organisation would be by the proposed powers

# Engagement Period 29<sup>th</sup> October – 10<sup>th</sup> December 2024 – Statutory Consultees

Who		Activities
Bracknell Forest	Reading	<ul style="list-style-type: none"> <li>➤ Briefings offered to all leaders.</li> <li>➤ Bespoke emails to Board members and senior officers to encourage responses.</li> <li>➤ Timeline aligned with member engagement on Transport Strategy Refresh</li> </ul>
Brighton & Hove	Slough	
East Sussex	Southampton	
Hampshire	Surrey	
Isle of Wight	West Berkshire	
Kent	West Sussex	
Medway	Windsor and Maidenhead	
Portsmouth	Wokingham	

# Engagement Period 29<sup>th</sup> October – 10<sup>th</sup> December 2024 – Other Key Consultees

Who	Activities
District and Borough Authorities	<ul style="list-style-type: none"> <li>➤ Bespoke emails to key representatives.</li> <li>➤ Briefings given where necessary or requested.</li> </ul>
Government Agencies	
Neighbouring Authorities	
Protected Landscapes	

1 Full list of proposed consultees in Appendix 1

# Consultation Period 29<sup>th</sup> October – 10<sup>th</sup> December 2024 – Wider Stakeholder Group to inform

Who	Activities
Membership Bodies	<ul style="list-style-type: none"> <li>➤ Emails to inform of ongoing consultation</li> <li>➤ Mentions at any appropriate TfSE Forum</li> </ul>
Rail Operators	
Wider Business Groups	
Airports	
Bus Operators	
Cross channel and ferry services	
Passenger Organisations	
Ports	
Other Transport Forum Members	

# Appendix 1: Wider Stakeholders

## ➤ 46 District and Borough Authorities:

Surrey	East Sussex	Kent	Hampshire	West Sussex
Elmbridge	Eastbourne	Ashford	Basingstoke & Deane	Adur
Epsom & Ewell	Hastings	Canterbury	East Hampshire	Arun
Guildford	Lewes	Dartford	Eastleigh	Chichester
Mole Valley	Rother	Dover	Fareham	Crawley
Reigate & Banstead	Wealden	Folkestone & Hythe	Gosport	Horsham
Runnymede		Gravesham	Hart	Mid Sussex
Spelthorne		Maidstone	Havant	Worthing
Surrey Heath		Sevenoaks	New Forest	
Tandridge		Swale	Rushmoor	
Waverley		Thanet	Test Valley	
Woking		Tonbridge & Malling	Winchester	
		Tunbridge Wells		

# Appendix 1: Full Wider Stakeholders

Neighbouring Authorities	
Bexley	Kingston Upon Thames
Bournemouth, Christchurch & Poole	Oxfordshire
Bromley	Richmond Upon Thames
Buckinghamshire	Southend-on-sea
Croydon	Sutton
Dorset	Swindon
Essex	Thurrock
Hillingdon	Transport for London
Hounslow	Wiltshire

## Appendix 2 - Proposed Powers to Consult on

	<b>Detail of powers</b>
	<p>General Functions &amp; Statutory Consultee</p> <ul style="list-style-type: none"> <li>• Set a Statutory Regional Transport Strategy</li> <li>• Statutory consultee for local plans / big applications which have strategic transport implications</li> <li>• Statutory consultee for OFGEM / energy infrastructure providers</li> <li>• Statutory consultee on Local Transport Plans</li> </ul>
	<p>Railways</p> <ul style="list-style-type: none"> <li>• Statutory consultee on rail strategy, investment priorities and operations</li> <li>• Set the rail strategy, investment priorities and operations</li> </ul>
	<p>Highways</p> <ul style="list-style-type: none"> <li>• Statutory consultee on the Road Investment Strategy</li> <li>• Set the Road Investment Strategy for the South East</li> <li>• Act as scheme Promotor on behalf of Local Authority to design and/or deliver</li> </ul>
	<p>Funding and Finance</p> <ul style="list-style-type: none"> <li>• A devolved, un-ringfence regional transport funding allocation</li> <li>• Increased resource funding to support accelerated scheme pipeline development</li> <li>• The powers to receive and pay capital grants to support delivery, complementary measures and benefits realisation of strategic / national projects</li> </ul>