

Report to: Partnership Board –Transport for the South East

Date of meeting: 13 July 2026

By: Chief Officer, Transport for the South East

Title of report: Proposed Transfer of Accountable Body Responsibilities from East Sussex County Council to the Sussex and Brighton Strategic Authority.

Purpose of report: This report seeks the Board's agreement in principle to the transfer of accountable body responsibilities for Transport for the South East (TfSE) from East Sussex County Council (ESCC) to the Sussex and Brighton Strategic Authority. The matter has been discussed previously by the Board and is now brought forward for formal consideration. The proposed change is a straightforward transfer of hosting arrangements, including the transfer of TfSE staff and associated accountable body functions, together with the necessary legal and administrative updates.

RECOMMENDATIONS:

The Members of the Partnership Board are recommended to:

- 1) Agree, in principle, that accountable body responsibilities for TfSE should transfer from ESCC to the Sussex and Brighton Strategic Authority, subject to their agreement, with effect from an agreed implementation date;**
 - 2) Note that any proposed transfer is expected to be a straightforward change in hosting arrangements under TUPE and the associated transfer of administrative, financial and contractual responsibilities;**
 - 3) Authorise the TfSE Chief Officer, in consultation with the Chair of the Partnership Board, to work with ESCC and the Sussex and Brighton Strategic Authority to complete the detailed implementation arrangements and to report back to the Board as necessary.**
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1. Background

1.1 TfSE was established in 2017 as a shadow sub-national transport body for the South East and has since developed into a mature regional partnership, bringing together local transport authorities and wider partners to provide a single strategic voice on the transport needs of the region. TfSE's purpose is to determine what investment is needed to transform the South East's transport system and support sustainable

economic growth, and it has developed both a long-term Transport Strategy and a Strategic Investment Plan to inform engagement with government and national delivery agencies

1.2 As TfSE is not yet constituted as a body capable of employing staff, entering into contracts and holding funds in its own right, these functions have been undertaken by East Sussex County Council (ESCC) as accountable body. In that role, ESCC has hosted staff, administered budgets, received and accounted for government funding and partner contributions, procured external support where required, and provided the governance, legal, democratic services, financial and administrative framework necessary for TfSE to operate. These arrangements have served the partnership well and have provided stability during a period of establishment, growth and increasing delivery maturity.

1.3 The governance landscape within the South East is, however, changing. This matter has previously been discussed by the Board as part of its wider consideration of TfSE's future governance and hosting arrangements. In particular, the establishment of the Sussex and Brighton Strategic Authority, and the transfer of local transport authority functions to that body, will mean that ESCC will cease to exercise those responsibilities in due course. It is therefore appropriate to consider whether TfSE's accountable body arrangements should now be aligned with that emerging governance framework. The Sussex and Brighton Strategic Authority has indicated its willingness in principle to assume the accountable body role, subject to the completion of the necessary implementation arrangements and formal approvals.

2. Rationale for Transfer

2.1 The case for transfer is primarily strategic. As devolution arrangements mature, strategic authorities are increasingly expected to provide leadership across transport, infrastructure, economic development and spatial planning. Aligning TfSE's accountable body arrangements with a strategic authority would reflect that wider policy direction and place the partnership on a footing that is more consistent with the institutional model now emerging across England. It would also help demonstrate that TfSE is evolving in step with the governance reforms affecting many of its constituent authorities and partners.

2.2 There is also a clear organisational case for change. ESCC has fulfilled the accountable body role effectively and with commitment over a sustained period. However, the role carries administrative, legal, financial and employer responsibilities which sit alongside ESCC's own corporate priorities and statutory functions. As local transport authority functions transfer to the Sussex and Brighton Strategic Authority, ESCC will no longer be the transport authority for the area. In those circumstances, the continued location of TfSE's accountable body responsibilities within ESCC would be increasingly difficult to justify on a long-term basis. The proposed transfer would therefore place those responsibilities with the authority whose remit will most directly align with transport leadership.

2.3 The proposed transfer should also be seen as part of ensuring that TfSE remains resilient and well-governed. A planned transition, undertaken at an agreed point and with appropriate due diligence, would provide the opportunity to refresh the supporting

agreements, clarify responsibilities, review internal controls and ensure that TfSE's governance framework remains fit for purpose for the next phase of its development.

3. Governance, Legal, Financial and Staffing Implications

3.1 If the Board agrees the recommendation in principle officers will need to complete the practical steps required to implement the transfer. This is not expected to be a complex exercise. In substance, it is a transfer of hosting arrangements from one public authority to another, with the principal staffing implication being the TUPE transfer of the TfSE team.

3.2 From a legal and governance perspective, the principal requirement will be to update the agreements, delegations and associated documentation that currently reflect ESCC's accountable body role so that they instead rest with the Sussex and Brighton Strategic Authority. This is a standard consequence of transferring hosting arrangements between public authorities and should be manageable through the usual legal and governance processes.

3.3 From a financial perspective, the work required is principally to transfer budget management, accounting and associated administrative arrangements to the new accountable body. This will require proper implementation, but it is not expected to give rise to unusual complexity.

3.4 The principal staffing implication is the transfer of TfSE staff currently employed by ESCC to the Sussex and Brighton Strategic Authority under the Transfer of Undertakings (Protection of Employment) Regulations. This is expected to be a straightforward TUPE process, supported by the usual legal, human resources and pension advice, and managed through normal consultation and implementation arrangements.

3.5 Governance arrangements will require consequential amendment to reflect the change in host authority, but the intention is not to alter TfSE's underlying partnership governance. The purpose of the transfer is to align the accountable body role with the authority that will in future hold the relevant transport responsibilities in Sussex and Brighton.

4. Risks and Mitigations

4.1 The principal risk is delay in completing the administrative and employment steps required to give effect to the transfer. That risk can be mitigated through clear joint planning between TfSE, ESCC and the Sussex and Brighton Strategic Authority. Given the nature of the change, no significant disruption is anticipated provided the transfer is implemented in the usual way.

5. Next Steps

5.1 Subject to the Board agreeing the recommendations set out in this report, and subject to the agreement from the Sussex and Brighton Strategic Authority, the Chief Officer should work with ESCC and the Sussex and Brighton Strategic Authority to

complete the TUPE process, update the relevant agreements and administrative arrangements, and confirm an implementation date for the transfer. A further report may be brought back to the Board if required to confirm completion and any consequential matters.

6. Conclusion

6.1 Subject to agreement from all parties the transfer of accountable body responsibilities from ESCC to the Sussex and Brighton Strategic Authority is a sensible and proportionate step. As ESCC will cease to be the local transport authority, and the Strategic Authority has indicated its willingness in principle to assume the role, the proposed change would provide an orderly realignment of TfSE's hosting arrangements. The Board is therefore recommended to endorse the transfer in principle and to authorise officers to put in place the necessary TUPE and administrative arrangements.

7. Recommendations

7.1 The Partnership Board are recommended to agree, in principle, that accountable body responsibilities for TfSE should transfer from ESCC to the Sussex and Brighton Strategic Authority, subject to their formal agreement, with effect from an agreed implementation date and to note that the proposed transfer is expected to be a straightforward change in hosting arrangements, including the transfer of TfSE staff from ESCC to the Sussex and Brighton Strategic Authority under TUPE and the associated transfer of administrative, financial and contractual responsibilities.

7.2 The Partnership Board are further recommended to note that the Sussex and Brighton Strategic Authority has confirmed its willingness in principle subject to their Board agreement, to assume the accountable body role and to authorise the TfSE Chief Officer, in consultation with the Chair of the Partnership Board, to work with ESCC and the Sussex and Brighton Strategic Authority to complete the detailed implementation arrangements and to report back to the Board as necessary.

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