



# Strategic Transport Forum

12<sup>th</sup> July 2019

## Agenda Item 6 : Sub National Transport Body Transport for the South East

*Recommendation:*

**It is recommended that the Forum agrees the response (Annex B) to the consultation by Transport for the South East**

### 1. Context

- 1.1. The legislative framework for Sub National Transport bodies to plan and prioritise long-term infrastructure investment in a specific region was passed in January 2016 following an amendment to the Local Transport Act 2008.
- 1.2. The framework in place was not prescriptive in terms of how a Sub-national Transport Body might function or the functions that it would include. However, expected functions included:
  - a) Preparation of a Transport Strategy for the area;
  - b) Providing advice to the Secretary of State about the exercise of transport functions;
  - c) Co-ordination of transport functions in relation to the area that are exercisable by different constituent authorities, with a view to improving effectiveness and efficiency; or
  - d) Exercising specific transport functions that are currently exercised by other public bodies.
- 1.3. There are now four established Sub National Transport Bodies, all operating with effective and transparent structures and governance. The bodies are increasingly recognised for the leadership and ambitious approaches that they are delivering within their areas. In addition, three new Sub National Transport Bodies have begun to emerge in the east and south west of England. With the addition of these newer bodies, the whole of England is now being served by a Sub National Transport Body.
- 1.4. In April 2018, Transport for the North became the first STB to be designated as a statutory body. Since then other STBs have been considering their positions. In July 2018, Midlands Connect published and consulted on their vision for statutory status. Since then, Midlands Connect has not developed their options further as they continued to instead review and consider the most effective approach. In May 2019, Transport for the South East published their proposals for Statutory Status.

### 2. Transport for the South East

- 2.1. Transport for the South East's consultation sets out the proposed functions for the statutory body (Annex A).



- 2.2. In keeping with the Forum's supportive response to the Midlands Connect consultation, it is recommended that the Forum supports the TfSE proposal.
- 2.3. The Forum is therefore recommended to agree the draft response (Annex B).

### **3. England's Economic Heartland**

- 3.1. The agreed position for England's Economic Heartland continues to be one that we will seek statutory status in support of the work associated with the Transport Strategy: the argument being that the power/responsibilities sought through such a proposal will be those required to enable the Transport Strategy to be delivered.
- 3.2. This work will continue to be taken forward in parallel with that on the Transport Strategy.

**Naomi Green**  
**Head of Technical Programme**  
**July 2019**

## Proposed Powers for a Statutory Body in TfSE

POWER	RATIONALE
<b>General functions</b>	
<p><b>Section 102 H of the Local Transport Act 2008</b> Prepare a transport strategy, advise the Secretary of State, co-ordinate the carrying out of transport functions, make proposals for the transfer of functions, make other proposals about the role and functions of the STB.</p>	<p>This legislation provides the general powers required for TfSE to operate as a statutory sub-national transport body, meeting the requirements of the enabling legislation to facilitate the development and implementation of a transport strategy to deliver regional economic growth.</p>
<b>Rail</b>	
<p><b>Right to be consulted about new rail franchises</b> <i>Section 13 of the Railways Act 2005 – Railway Functions of Passenger Transport Executives</i></p>	<p>We are seeking the extension of the right of a Passenger Transport Executive to be consulted before the Secretary of State issues an invitation to tender for a franchise agreement.</p> <p>The right of consultation is significant to TfSE as it confirms our role as a strategic partner, enabling us to influence future rail franchises to ensure the potential need for changes to the scope of current services and potential new markets identified by TfSE are considered.</p> <p>TfSE recognises that changes to the current franchising model are likely following the Williams Review; regardless of these changes, TfSE is clear that it should have a role in shaping future rail service provision.</p>
<p><b>Set High Level Output Specification (HLOS) for Rail</b> <i>Schedule 4A, paragraph 1D, of the Railways Act 1993</i></p>	<p>TfSE requires a strong, formal role in rail investment decision making over and above that which is available to individual constituent authorities. We act as the collective voice of our constituent authorities, providing an evidence-based regional perspective and consensus on the priorities for investment in our rail network.</p> <p>This power would enable TfSE to act jointly with the Secretary of State to set and vary the HLOS in our area, ensuring TfSE's aspirations for transformational investment in rail infrastructure are reflected in the HLOS and enabling an integrated approach across road and rail investment for the first time.</p>
<b>Highways</b>	
<p><b>Set Road Investment Strategy (RIS) for the Strategic Road Network (SRN)</b> <i>Section 3 and Schedule 2 of the Infrastructure Act 2015</i></p>	<p>TfSE requires a strong, formal role in roads investment decision making over and above that which is available to individual constituent authorities. We act as the collective voice of our constituent authorities, providing an evidence-based regional perspective and consensus on the priorities for roads investment.</p>

	<p>This power would enable TfSE to act jointly with the Secretary of State to set and vary the RIS in our area, ensuring TfSE’s aspirations for transformational investment in road infrastructure are reflected in the RIS and enabling an integrated approach across road and rail investment for the first time.</p>
<p><b>Enter into agreements to undertake certain works on Strategic Road Network, Major Road Network or local roads</b>  <i>Section 6(5) of the Highways Act 1980, (trunk roads) &amp; Section 8 of the Highways Act 1980 (local roads)</i></p>	<p>We are seeking the power that local highway authorities currently have to enter into an agreement with other highway authorities to construct, reconstruct, alter, improve or maintain roads.</p> <p>These powers, operated concurrently with the local authorities, will enable TfSE to promote and expedite the delivery of regionally significant cross-boundary schemes that otherwise might not be progressed.</p> <p>They would overcome the need for complex ‘back-to-back’ legal and funding agreements between neighbouring authorities and enable us to reduce scheme development time and overall costs.</p>
<p><b>Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction</b>  <i>Sections 239,240,246 and 250 of the Highways Act 1980</i></p>	<p>This power, exercisable concurrently and only with the consent of the relevant highway authority, would allow preparations for the construction of a highways scheme to be expedited where highway authorities are not in a position to acquire land.</p> <p>Land acquisition by TfSE could facilitate quicker, more efficient scheme delivery, bringing forward the economic and broader social and environmental benefits.</p>
<p><b>Construct highways, footpaths, bridleways</b>  <i>Sections 24,25 &amp; 26 of the Highways Act 1980</i></p>	<p>The concurrent powers required to effectively promote, coordinate and fund road schemes are vital to TfSE. Without them, we would not be able to enter into any contractual arrangement in relation to procuring the construction, improvement or maintenance of a highway or the construction or improvement of a trunk road.</p> <p>Granting of these powers would enable TfSE directly to expedite the delivery of regionally significant road schemes that cross constituent authority boundaries that otherwise might not be progressed.</p>
<b>Make capital grants for public transport facilities</b>	
<p><b>Make capital grants for the provision of public transport facilities</b>  <i>Section 56(2) of the Transport Act 1968</i></p>	<p>This concurrent power would enable TfSE to support the funding and delivery of joint projects with constituent local authorities, improving deliverability and efficiency.</p>
<b>Bus Service Provision</b>	
<p><b>Duty to secure the provision of bus services</b>  <i>Section 63(1) Transport Act 1985</i></p>	<p>Local transport authorities and integrated transport authorities have a duty to secure the provision of such public passenger transport services as it considers appropriate and which would not otherwise be</p>

	<p>provided.</p> <p>Travel-to-work areas do not respect local authority boundaries. TfSE is seeking to have this duty concurrently with the local transport authorities in our area, enabling us to fill in identified gaps in bus service provision within our geography or secure the provision of regionally important bus services covering one or more constituent authority areas which would not otherwise be provided.</p>
<p><b>Quality Bus Partnerships</b>  <i>The Bus services Act 2017</i>  <i>Sections 113C – 113O &amp; Sections 138A – 138S</i></p>	<p>TfSE is seeking powers, currently available to local transport authorities and integrated transport authorities, to enter into Advanced Quality Partnerships and Enhanced Partnership Plans and Schemes to improve the quality of bus services and facilities within an identified area. These powers would be concurrent with the local transport authority in the area.</p>
<p><b>Bus service franchising</b>  <i>The Bus Services Act 2017</i></p>	<p>This power, currently available to Mayoral Combined Authorities, would enable TfSE to implement bus service franchising in its area with the consent of the affected local transport authorities.</p> <p>We believe extending this power to STBs is consistent with the intention of the legislation in terms of delivering passenger benefit across travel-to-work areas and could enable a level of bus provision which otherwise would not exist. It would only be implemented with the consent of the local transport authority.</p>
<p><b>Smart ticketing</b></p>	
<p><b>Introduce integrated ticketing schemes</b>  <i>Sections 134C- 134G &amp; Sections 135-138 Transport Act 2000</i></p>	<p>We are seeking powers concurrently with local transport authorities to enable TfSE to procure relevant services, goods, equipment and/or infrastructure; enter into contracts to deliver smart ticketing and receive or give payments.</p> <p>This would enable us to expedite the introduction of a cost effective smart and integrated ticketing system on a regional scale which would dramatically enhance the journey experience and increase access to transport to support jobs and education.</p>
<p><b>Air quality</b></p>	
<p><b>Establish Clean Air Zones</b>  <i>Sections 163-177A of the Transport Act 2000 – Road User Charging</i></p>	<p>TfSE is seeking this general charging power as a mechanism for the introduction of Clean Air Zones, enabling reduced implementation and operating costs across constituent authority boundaries. This will be subject to the consent of the local transport authority. Transport is a major contributor to CO2 emissions and poor air quality; these are increasingly critical issues which our transport strategy will seek to address.</p>

<b>Other powers</b>	
<p><b>Promote or oppose Bills in Parliament</b>  <i>Section 239 Local Government Act 1972</i></p>	<p>Under the Transport and Works Act 1992, a body that has power to promote or oppose bills also has the power to apply for an order to construct or operate certain types of infrastructure including railways and tramways.</p> <p>Granting of this power would enable TfSE to promote, coordinate and fund regionally significant infrastructure schemes, accelerating delivery of cross-boundary schemes which might otherwise not be progressed.</p>
<p><b>Incidental amendments</b>  <i>Local Government Act 1972, Localism Act 2011, Local Government Pension Scheme Regulations 2013</i></p>	<p>A statutory STB requires certain incidental amendments to enable it to operate as a type of local authority, with duties in respect of staffing, pensions, monitoring and the provision of information about TfSE.</p>