

Devolved Powers Consultation



What is this consultation about?

Amidst a changing policy environment, Transport for the South East (TfSE) is taking stock of our next steps as an organisation; and exploring whether devolved powers would help us facilitate economic growth more effectively for our local authorities, government, and other partners.

We are consulting with stakeholders to ensure that the powers we are currently considering will deliver maximum benefits, particularly to our local authorities. We also want to make sure the powers we might seek would be complimentary powers to those our local authorities are considering, as part of the Government's wider devolution agenda.

Why is TfSE considering next steps?

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. The South East has the potential to be key to these missions, helping the Government to kickstart economic growth, make Britain a clean energy superpower, and break down barriers to opportunity.

Local authorities and partners have an equally ambitious agenda for the region. This was codified in our Transport Strategy, which was signed off by government in 2020, and our Strategic Investment Plan, which was signed off in 2023. Our Transport Strategy is currently being refreshed, led by our Partnership Board through a Task and Finish Group – and Board Members' ambitions for our region have only increased since 2020.

However, despite this level of ambition, we know that there are a number of barriers to delivering the Government's missions, and the priorities of our local authorities.

TfSE currently has no formal role in funding decisions, leaving local leaders with limited control over strategic transport investment across the South East. With decision-making not joined-up at the regional level, different modes of transport are not integrated as well as they could be with one another, or with other strategic investments in energy, housing, and industry.





Funding for new transport investment in the South East has been limited. Too often, funding has been short-term and siloed, without a formal mechanism for the region to lever-in private sector financing, to deliver more impacts for the funding allocation that is available. Our local authorities are facing several financial pressures, which means they have less funding available to develop and maintain a pipeline of future schemes.

Why a consultation is needed?

By consulting our local authorities and stakeholders on powers now, we will be able to better analyse the impact powers could have – and how these powers could support our local authorities in achieving their objectives.

Proposed Powers

We have grouped the proposed powers into four main categories:

-  General powers and powers to be a statutory consultee
-  Railway powers
-  Highways powers
-  Funding and Finance powers

Below displays detail on the powers we could consider under each theme, and why these powers will make a difference.

All these powers are based on current legislation, which the Government could amend, when agreeing to give Transport for the South East powers. Some legislative changes are straightforward, and some changes are more complex. If, in the future, the Board wishes to ask the Government for powers, we will engage with the Government to work through the correct legislative process, and timescales for implementing each power.

General Powers and powers to be a statutory consultee

General Powers would give the Board a formal voice by activating the powers for STBs proposed in the Local Government and Cities Devolution Action 2016. This would give the TfSE transport strategy and strategic investment plan more formal weight with Government.

It will consolidate TfSE's role in providing strategic advice on the transport investment for the South East and will set out the wider benefits this investment will bring.

By being a statutory consultee on local transport plans, TfSE can help join up transport across the South East. By being a statutory consultee on significant infrastructure and energy applications, TfSE can help make sure that housing and energy are in the right place, connected by adequate transport provision.

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Specific powers could include:

- Set a Statutory Regional Transport Strategy for the South East: The Government must have regard to this when determining national policy, and constituent authorities would exercise transport functions with a view to implementing the integrated regional transport strategy.
- Provide advice to the Secretary of State about the exercise of transport functions in the South East
- Coordinate transport functions that are exercisable by different constituent authorities
- Make proposals to Government about the role and functions of TfSE
- Statutory consultee for Local Transport Plans and significant infrastructure applications which have strategic transport implications
- Statutory consultee for OFGEM / energy infrastructure providers

Railway powers

Giving the Board a formal role in railways will ensure integration of rail investment across the region. The Board will be able to ensure the Government's strategy for the railways is aligned with local authorities' ambitions for the South East, as expressed in the Transport Strategy and Strategic Investment Plan.

TfSE having a role in railways would help improve connectivity between major economic hubs, ports and airports.

Specific powers could include:

- Statutory consultee on rail strategy, investment priorities and operations
- Set the rail strategy, investment priorities and operations



Highways powers

Giving this Board a formal role in provision of statutory advice to the Secretary of State on roads investment, to ensure integration of Strategic Road Network and Major Road Network policy and investment with the South East.

It will allow TfSE to ensure our aspirations for transformational investment in road infrastructure are reflected in the Road Investment Strategy. It will ensure that TfSE has a strong, formal role in roads investment decision making acting as a collective voice of our local authorities.

Specific powers could include:

- Statutory consultee on the Road Investment Strategy
- Set the Road Investment Strategy for the South East
- Act as scheme Promotor on behalf of Local Authority to design and/or deliver

Funding and Finance powers

Giving this Board a devolved, un-ringfenced funding allocation for the South East would enable TfSE to deliver transport investment more effectively in our region. It would enable the democratically elected Board to prioritise investment. TfSE could use this to lever-in private sector funding and financing for transport investment, meaning the South East got more investment than it would otherwise, helping to drive economic growth.

Increased resource funding to accelerate scheme pipeline development would ensure the South East had a strong pipeline of schemes. This is particularly important at a time when Local Authority funding is under pressure, putting the forward pipeline of schemes at risk.

It would enable TfSE to support the funding and delivery of joint projects with constituent local authorities, improving deliverability and efficiency. Local authorities would benefit from the granting of this as a concurrent power as they may, in future, be recipients of funding from TfSE to partly or wholly fund a transport enhancement within the South East.

Specific powers could include:

- A devolved, un-ringfenced regional transport funding allocation
- Increased resource funding to accelerate scheme pipeline development
- To receive and pay grants to support delivery, complementary measures and benefits realisation of strategic / national projects

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Principles of Powers

TfSE would follow these principles when exercising powers.

Principles	Proposed Position
Geography	TfSE is expected to retain the same geography. Board members will remain our elected representatives of their constituent authorities.
Accountability	<p>TfSE is seeking greater ability to ensure the Government gives due regard to and realises the region's agreed priorities.</p> <p>Strengthening TfSE's role of providing a single voice and influencing long-term planning decisions. This provides the direct link of accountability between national level decision-making and local democratic decision-making of Board members.</p>
Good Governance	<p>TfSE would continue to operate with high standards of governance. Accountability sits with the locally elected leaders, through the Board. Board meetings will take place in person and all meetings shall be open to the public. Board Members will follow the code of conduct for members as set out in the constitution and declare and notify any interests.</p>
Proportionality	Any statutory functions or powers must complement the existing roles of our constituent authorities, with those being sought being proportionate to the delivery of our transport strategy. They must be for the benefit of the whole TfSE partnership.
Complementarity	Any statutory functions or powers will not detract from the sovereignty of local and combined authorities. They must complement any devolution deals or other governance arrangements of our members. The proposals do not take any powers away from local authorities, nor do they prejudice any future devolution deals.
Consent	Powers will be exercised with the consent of our constituent authorities. Powers may be exercised jointly or concurrently with either the local or combined authority or the Secretary of State, as applicable
Significant decision making	Decision making will remain with the Board as set out within our constitution.

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What else do I need to know?

If TfSE decided to seek powers, there are a number of other issues that the Partnership Board would need to consider, including TfSE's governance, funding, and operational business model. One of our next steps would be to work with the Government to work through these considerations in more detail.

How to respond?

You can respond online until Sunday 15 December.

If you have any queries, or require any further information please get in touch through tfse@eastsussex.gov.uk

Respond here!



What happens next?

All responses will be considered, and consultation outcomes will be reported to our Partnership Board on 27 Jan 2024. The Board will then consider options for next steps that TfSE should take.

