

Sub-National Transport Body for the South West Peninsula

Cabinet Member(s): Cllr John Woodman – Cabinet Member for Highways and Transport

Division and Local Member(s): All

Lead Officer: Paula Hewitt. Lead Director for Economic and Community Infrastructure

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	Seen by:	Name	Date
	County Solicitor	Honor Clarke	20/6/2018
	Monitoring Officer	Scott Wooldridge	20/6/2018
	Corporate Finance	Kevin Nacey	20/6/2018
	Human Resources	Chris Squire	20/6/2018
	Property / Procurement / ICT	Richard Williams	N/A
	Senior Manager	Paula Hewitt	20/6/2018
	Local Member(s)	All	
	Cabinet Member	Cllr John Woodman Cabinet Member for Highways and Transport	20/6/2018
	Opposition Spokesperson	Cllr Mike Rigby	27/6/2018
	Relevant Scrutiny Chairman	Cllr Anna Groskop for Scrutiny Place	27/6/2018
Forward Plan Reference:	FP/18/06/04		
Summary:	This decision seeks the approval of Cabinet to form a shadow sub-national transport body (STB) by entering an informal partnership with other authorities in the South West and key agencies responsible for infrastructure investment. The STB will be the principal mechanism for dialogue with Government regarding strategic transport investment in area.		
Recommendations:	<p>That Cabinet:</p> <ol style="list-style-type: none"> Agrees to join an informal partnership with Cornwall Council, Plymouth City Council, Torbay Council, Devon County Council and Dorset County Council; which will be known as a shadow sub-national 		

	<p>transport body for the South West Peninsula, subject to Government agreeing with that proposal, and subject to formal agreement of a final terms of reference once the partnership has formally convened.</p> <ol style="list-style-type: none"> 2. Agrees that the draft terms of reference attached as Appendix 1 provide an appropriate basis in principle upon which to create a partnership. 3. Agrees to become an associate member of the shadow 'Western Gateway' sub-national transport body which will also operate initially as an informal partnership, subject to agreeing appropriate terms of reference in due course. 4. Delegates authority to the Lead Director for Economic and Community Infrastructure in consultation with the Cabinet Member for Highways and Transport to agree the final terms of reference for both shadow sub-national transport bodies subject to the terms being generally in accordance with the draft terms attached as Appendix 1. 5. Delegates authority to the Lead Director for Economic and Community Infrastructure in consultation with the Cabinet Member for Highways and Transport to develop and agree a constitution for the South West Peninsula sub-national transport body with the partner authorities, and an inter-authority agreement to enable the informal partnership to operate. 6. Appoints the Cabinet Member for Highways and Transport to represent the Council on the sub-national transport bodies. 7. Delegates authority to the Lead Director for Economic and Community Infrastructure in consultation with the Cabinet Member for Highways and Transport to agree a prospectus for the proposed body for communication purposes. 8. Approves an initial partnership funding contribution of up to £80,000 to facilitate the development and operation of the partnership, and lever in match-funding from the Government; with the actual value of the contribution to be agreed between the parties following further development of technical workstreams. 9. Agrees to enter discussion with the West of England Combined Authority (WECA) with a view to forming a more formal association with that body.
<p>Reasons for Recommendations:</p>	<p>Sub-national Transport Bodies (STBs) were identified, with accompanying legislation, within the Cities and Local Government Devolution Act 2016. By formulating a statutory body, local authorities will have the ability to have direct influence over decisions that are currently within the control of Government and its agencies. The Act allows existing individual authorities to formally join in a partnership with another authority or authorities to formulate, and potentially deliver, a transport</p>

	<p>strategy for the wider area.</p> <p>The South West remains the only part of England not covered by a STB, and Government has highlighted that it expects such a body to be put in place to enable discussion and agreement on strategic transport infrastructure investment priorities.</p> <p>The South West Region risks losing out on essential infrastructure investment without such a body in place.</p> <p>There is a consensus amongst South West authorities that forming two bodies, initially as informal partnerships; would be the most effective way to swiftly put in place a clear mechanism for Government to engage formally with us on strategic transport investment matters, including use of a new roads fund to improve the major road network.</p>
<p>Links to Priorities and Impact on Service Plans:</p>	<p>The Body will play an important role in delivering the 2018 County Plan and Business Plan outcome of:</p> <ul style="list-style-type: none"> • A county infrastructure that drives productivity, supports economic prosperity and sustainable public services.
<p>Consultations and co-production undertaken:</p>	<p>The proposal has evolved from discussion between all the upper tier and unitary authorities in the South West Region and has been discussed with the Department for Transport.</p> <p>A letter was sent from the South West Authorities to DfT officials in June 2018 setting out the rationale for the proposed bodies.</p> <p>Discussion and engagement with key stakeholders will form an important part of the activity needed to establish the Body, and the draft terms of reference propose a stakeholder group is formed as part of the governance arrangements.</p> <p>The draft terms of reference propose that the Body also includes representation from Network Rail, Highways England, Homes England and the Local Enterprise Partnerships as the key bodies responsible for strategic infrastructure investment in the area. Discussions with those organisations are underway.</p> <p>Consultation is being undertaken with the Opposition Spokesperson and Chairman of the relevant Scrutiny for Policies and Place Committee as part of this decision process.</p>
<p>Financial Implications:</p>	<p>It is likely that additional financial resources will be required to set up and administer the new body. Technical work is also likely to be commissioned to develop the required evidence base and transport strategy setting out the strategic transport investment needs of the area. Government's intention is for the required evidence base to be proportionate and it is anticipated that much of the required information can be brought together from existing studies and expertise already within the partner authorities.</p> <p>Nonetheless it is prudent to assume that some additional</p>

	<p>technical work will be required. The local transport authorities of the STB must make a contribution in respect of any reasonably incurred costs if they all agree on the need for a contribution and the amount required.</p> <p>Costs will initially be shared between the six local authorities forming the partnership split proportionately per population, and the intention is to submit a business case to Government for additional funding to enable the body to become a sustainable entity.</p> <p>An initial funding contribution of the order of £50k-£80k is likely to be required from the Somerset County Council to fund the initial activity of the Body and lever-in Government financial support. This is based on a total partnership budget of £250k to £400k, with work currently underway to establish a more accurate estimate of likely cost. By way of a comparison, Transport for the South East has an initial partnership budget of £500k.</p> <p>Further work on costs will be needed, and efforts will be made to minimise the costs associated with establishing the SNTB. However a contribution up to £80k may be needed and in the first instance ECI services will try to manage this additional cost within their existing budget.</p> <p>The financial implications will be kept under close review and the affordability of the Body will be reviewed in due course once the likelihood of Government support and the potential benefits from new infrastructure investment are clearly established.</p>
<p>Legal Implications:</p>	<p>There is no statutory requirement for a sub-national transport body but Government has made it clear that it's strong preference is for strategic transport infrastructure priorities to be established through such a body rather than dealing with individual local authorities.</p> <p>The terms of reference for the body propose that a shadow body is created as an informal partnership whilst a more detailed business case for a statutory body with new powers is considered.</p> <p>A statutory body would be constituted under the Cities and Local Government Devolution Act 2016 which enables the Secretary of State to establish such a body. The body would then be required amongst other things to publish a transport strategy for the area which the Secretary of State must have regard to in setting and implementing national transport policy as it relates to the STB area.</p> <p>Members of the STB Board will retain their existing accountabilities and responsibilities for transport. During the Board's shadow operating phase they will also be responsible for ensuring that necessary approvals for STB Board decisions are obtained within their organisation.</p>

	<p>It is not proposed to establish standalone scrutiny arrangements for the STB during the shadow phase of operation but as formal proposal for a statutory body is developed for submission to Government, consideration shall be given in consultation with the DfT, as to what formal scrutiny requirements will be required once the STB is fully operational. During the shadow phase it will be for each of the Constituent Authorities to scrutinise the activities of the Board through their own scrutiny arrangements.</p> <p>During the shadow phase the STB has no statutory standing, cannot enter contracts and cannot employ staff. Therefore, for the shadow phase of operation, the STB will need to appoint a Lead Authority responsible for coordinating and administering the project including matters such as managing any available budget, keeping appropriate accounting and operational records and overseeing the preparation of the proposal to the Secretary of State to transition to a statutory Body.</p> <p>The full detail of the Lead Authority role will be set out in an Inter-Authority Agreement to be agreed by all Constituent Organisations.</p>						
HR Implications:	<p>There are no HR implications at this stage in setting up a shadow STB as an informal partnership. In due course the Lead Authority may need to employ dedicated staff to administer the shadow Body and this will be a matter for further decisions once the Lead Authority is identified.</p>						
Risk Implications:	<p>The key risk is a loss of potential strategic infrastructure investment should the Council choose not to enter into a partnership to form a sub-national transport body.</p> <table border="1" data-bbox="528 1218 1482 1256"> <tr> <td>Likelihood</td> <td>3</td> <td>Impact</td> <td>4</td> <td>Risk Score</td> <td>12</td> </tr> </table>	Likelihood	3	Impact	4	Risk Score	12
Likelihood	3	Impact	4	Risk Score	12		
Other Implications (including due regard implications):	<p><u>Equalities Implications</u></p> <p>The STB will identify strategic transport infrastructure investment priorities which are intended to lead to funding allocations for new strategic transport schemes in the area, including within Somerset,</p> <p><u>- Access</u> The STB may increase transport investment in strategic road, rail, air and ports transport infrastructure which may include improved provision for pedestrians and cyclists as well as wheelchair users and people with mobility issues.</p> <p><u>- Equality and Diversity</u> Impacts on people with protected characteristics have been considered and the following issues identified: Any transport improvements will provide an appropriate environment for people with disabilities and for younger and older people to move around the area and use the transport system safely. The detailed designs of any schemes will be compliant with access requirements for people with disabilities. Contracts will cover requirements for the conduct of the staff on the ground.</p>						

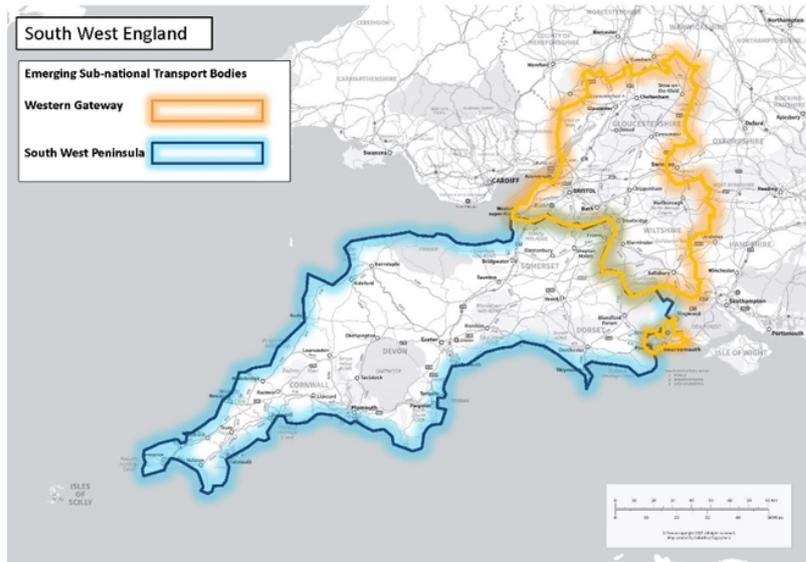
	<p><u>- Human Rights</u> Human rights issues have been considered and none have been identified.</p> <p><u>Community Safety Implications</u> Community safety issues have been considered and the STB may increase investment in strategic transport projects which have community safety benefits.</p> <p><u>Sustainability Implications</u> Community safety issues have been considered and the STB may increase investment in strategic transport projects which improve access for all users and make improved provision for pedestrians, cyclists, and public transport users which will promote travel by these sustainable forms of transport.</p> <p><u>Health and Safety Implications</u> The contractor constructing any schemes will be required to comply with stringent health and safety requirements.</p> <p><u>Privacy Implications</u> Privacy issues have been considered and none have been identified.</p> <p><u>Health and Wellbeing Implications</u> Community safety issues have been considered and the STB may increase investment in strategic transport projects which encourage health and wellbeing via the sustainable travel benefits set out above in respect of enabling walking and cycling.</p>
<p>Scrutiny comments / recommendation (if any):</p>	<p>Not applicable.</p>

1. Background

- 1.1. Local Authorities across England are responding to Government's request for more strategic thinking about transport investment with the aim of improving regional productivity and sustainable economic growth by joining up to become Sub-national Transport Bodies (STB) using legislation, within the Cities and Local Government Devolution Act 2016.
- 1.2. Nationally three STBs have been formed and are working towards becoming statutory authorities. They include: Transport for the North, Midlands Connect and England's Economic Heartland. In addition, a shadow STB has been created for South East England and work has begun on creating a STB for East Anglia. The South West remains the only part of England not covered.
- 1.3. A recent consultation document on defining a new tier in the major road network for England (MRN), has highlighted Government's intention to work with STBs to agree investment priorities. Authorities in the South West have identified that a failure to put STBs in place would present a considerable risk in missing investment opportunities, and that such bodies will provide a unique opportunity for unprecedented access to Government and a key role in

advising on use of the new national roads fund and other infrastructure investment processes.

- 1.4.** The Authorities are now well progressed in setting up two STBs, Western Gateway and South West Peninsula, to cover the South West Region; and are on-track to establish shadow bodies as informal partnerships by September 2018 whilst longer-term discussions about statutory body status take place. The SW authorities wrote to



DfT in June 2018 (attached as Appendix 2) setting out the intention to set up two bodies and explaining the benefits and opportunities that this would create.

- 1.5.** A draft terms of reference for the shadow South West Peninsula STB has been drafted and is attached as Appendix 1.
- 1.6.** Work is now underway to establish the detailed resourcing requirements and activity required to develop the evidence base and transport strategy which will be the key initial output from the Body to inform imminent discussions with Government about strategic transport investment needs.
- 1.7.** Corridor alliances such as those formed around the A303 corridor and the Bristol South West Economic Link are a strong feature of joint working in the area and will remain a key mechanism for joint working between the sub-national bodies.
- 1.8.** The draft terms of reference for both bodies refer to the opportunity for local authorities to become 'associate members' of bodies where they are not part of the core STB area but have important strategic connectivity issues and investment needs related to a neighbouring STB. It would be beneficial for Somerset County Council to become an associate member of the Western Gateway STB given the investment needs and connectivity issues on the road and rail corridors that would be shared priorities with the Western Gateway area (e.g. M5, A38, A303, rail links to Bristol etc).
- 1.9.** Similarly the West of England Combined Authority has recently been created to facilitate strategic planning for the West of England area and there may be opportunities and benefits with forming a more formal association with that body.
- 1.10.** The sub-national transport body model being followed is similar to the recently established 'Transport for the South East' which has an informal partnership in place utilising a £0.5m budget formed of contributions from its constituent authorities. The budget has been used to set up governance arrangements, a

programme management office and technical workstreams which include preparing an initial evidence base and 'connectivity review' which has now been published. The body has recently been awarded £1m by the DfT to develop its transport strategy and activity needed to become a statutory body by 2020.

2. Options considered and reasons for rejecting them

- 2.1.** Several detailed options for setting up sub-national transport bodies have been discussed with the South West local transport authorities, and the proposal for the two bodies set out in paragraph 1.4. has emerged as the consensus view.
- 2.2.** The alternative options considered are as follows:
 - Seek to establish a statutory body from the outset. This is not recommended due to the need to swiftly put in place a body for Government to deal with; statutory body status will take several years to progress.
 - Seek to establish one body for the whole South West Region. This is not recommended for the reasons set out in Appendix A.
 - Not to form a partnership with other authorities and seek to negotiate future strategic transport investment with Government as an individual authority. This is not recommended as Government has expressed a strong preference for such bodies. An authority seeking an individual relationship with DfT on these matters would be unlikely to attract any significant new investment.

3. Background Papers

- 3.1.** None

Equality Impact Assessment Form and Action Table 2015

(Expand the boxes as appropriate, please see guidance
(www.somerset.gov.uk/impactassessment) to assist with completion)

"I shall try to explain what "due regard" means and how the courts interpret it. The courts have made it clear that having due regard is **more than having a cursory glance** at a document before arriving at a preconceived conclusion. Due regard requires public authorities, in formulating a policy, to give equality considerations the weight which is **proportionate in the circumstances**, given the potential impact of the policy on equality. It is not a question of box-ticking; it requires the equality impact to be **considered rigorously and with an open mind.**"

Baroness Thornton, March 2010

What are you completing the Impact Assessment on (which policy, service, MTFP reference, cluster etc)?

Setting up a sub-national transport body for the south west peninsula

Version

1

Date

20 June 2018

Section 1 – Description of what is being impact assessed

Setting up a sub-national transport body for the south west peninsula, initially as an informal partnership to discuss and agree strategic transport investment priorities for the area (e.g. road, rail, air, ports investment etc).

Section 2A – People or communities that are targeted or could be affected (taking particular note of the Protected Characteristic listed in action table)

Investments are likely to relate to larger transport projects of regional benefit rather than local transport schemes.

People with protected characteristics who are most likely to be affected are people with disabilities and younger and older people moving around the area and needing to use the transport system safely.

Section 2B – People who are delivering the policy or service

The service will be delivered by the south west local transport authorities and their consultants.

Section 3 – Evidence and data used for the assessment (Attach documents where appropriate)

None specifically. Professional knowledge of the purpose of the STB and the likely nature of transport investments that may flow from the creation of the body and the typical implications of such investment from other schemes.

Section 4 – Conclusions drawn about the equalities impact (positive or negative) of the proposed change or new service/policy (Please use **prompt sheet** in the guidance for help with what to consider):

Impacts on people with protected characteristics have been considered and the following issues identified: Any transport improvements will provide an appropriate environment for people with disabilities and for younger and older people to move around the area and

use the transport system safely. The detailed designs of any schemes will be compliant with access requirements for people with disabilities. Contracts will cover requirements for the conduct of the staff on the ground.

If you have identified any negative impacts you will need to consider how these can be mitigated to either reduce or remove them. In the table below let us know what mitigation you will take. (Please add rows where needed)			
Identified issue drawn from your conclusions	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions? When will the action be completed?	How will it be monitored? What is the expected outcome from the action?
Age			
Need for any schemes to meet the needs of younger and older people.	None at this point in the process. To be dealt with as specific schemes identified.		
Disability			
Need for any schemes to meet the needs of people with disabilities.	None at this point in the process. To be dealt with as specific schemes identified.		
Gender Reassignment			
None			
Marriage and Civil Partnership			
None			
Pregnancy and Maternity			
None			
Race (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)			
None			
Religion and Belief			
None			
Sex			
None			
Sexual Orientation			
None			
Other (including caring responsibilities, rurality, low income, Military Status etc)			
None			

Section 6 - How will the assessment, consultation and outcomes be published and communicated? E.g. reflected in final strategy, published. What steps are in place to review the Impact Assessment	
As part of the decision process.	
Completed by:	Mike O'Dowd-Jones
Date	20 June 2018
Signed off by:	Mike O'Dowd-Jones
Date	20 June 2018

Compliance sign off Date	
To be reviewed by: (officer name)	
Review date:	