

GREATERLONDONAUTHORITY

REQUEST FOR DIRECTOR DECISION – DD2037

Title: High Speed Rail (London to West Midlands) Bill – Mayor's Petition

Executive Summary:

In April 2016, the Mayor (on behalf of the GLA) and TfL deposited separate Petitions against the High Speed Rail (London to West Midlands) Hybrid Bill ("HS2 Bill").

Petitions on the HS2 Bill are currently being heard in the House of Lords by the HS2 Select Committee. Items relating to Euston will be heard by the Committee after the Parliamentary recess in September 2016. Since the deposit of the two Petitions, discussions have taken place and continue to take place with the DfT and HS2 Ltd. in relation to resolving the various Petition items.

Good progress has been made and a number of draft assurances have been offered by the Secretary of State to the GLA (and separately to TfL). The GLA and TfL may appear before the Select Committee in respect of any unresolved matters. However, if the GLA and TfL accept the draft assurances, the understanding will be that the GLA and TfL do not appear before the Select Committee.

The Executive Director, acting under the Mayoral Scheme of delegation, is asked to approve the additional assurances given to the GLA and, consequently, the basis on which the GLA appears before the Select Committee.

Decision:

That the Executive Director of Development, Enterprise & Environment approves the form of the additional assurances to be given to the GLA by the Secretary of State for Transport and consequently the basis on which the GLA appears before the High Speed Rail 2 Select Committee (as set out in Appendix 1).

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.
It has my approval.

Name: Fiona Fletcher-Smith

Position: Executive Director of Development, Enterprise & Environment

Signature:



Date:

19/8/2016

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1 On 18th April 2016, the Mayor and TfL deposited separate but complementary Petitions against the HS2 Bill. The Mayor's Petition supported TfL's Petition but also focused on the comprehensive planning and design of Euston Station, whilst the TfL Petition was concerned with more detailed transport and construction matters. A copy of each Petition is contained within the supporting papers.
- 1.2 Since the Petitions were deposited, the GLA and TfL officers have been working closely with the DfT and HS2 Ltd. to resolve as many of the Petition items as possible. Good progress has been made on most items and draft assurances have been prepared as set out in Appendix 1. These draft assurances build upon the assurances received by the Mayor and TfL leading to the withdrawal of Petitions that both deposited in 2014 and 2015 while the HS2 Bill was being considered by the House of Commons (DD 1352).
- 1.3 A House of Lords Select Committee is now considering Petitions made against the HS2 Bill and can recommend changes to the Bill based on the petitioners concerns.
- 1.4 The Committee will consider Mayoral and TfL petition items from September 2016 (after Parliamentary recess) and work is ongoing to prepare evidence for Select Committee appearances. If satisfactory assurances are offered to the Mayor and TfL and are accepted, then the Mayor and TfL can withdraw their Petitions and need not appear before the Select Committee.

2. Objectives and expected outcomes

- 2.1 The expected outcome of petitioning is that additional assurances will be secured; satisfactorily addressing petitioning items, and/or the Select Committee may require the Secretary of State to give certain commitments or recommend changes to the HS2 Bill. Any changes to this proposal will be subject to further approval via the Authority's decision making process.

3. Equality comments

- 3.1 The GLA is subject to public sector equality duties, and the changes they are seeking are consistent with the Mayor's strategies and plans, including those identified at para 4.2 below with associated equality impact assessments.
- 3.2 Overall, no adverse impacts are identified; and it is expected that positive contributions to equality will be incorporated into any new transport facilities and services that are constructed and operated and through any improved access arrangements; mitigation proposals and other impacts that may arise, and as a result of the Mayoral and TfL petition items.

4. Other considerations

- 4.1 *Key risks and issues:* The outcome of the Petitioning process is uncertain; there is a risk that some or all of the commitments from the Secretary of State or changes to the HS2 Bill that are sought are not forthcoming. The Mayor and TfL would therefore need to continue to lobby the DfT as sponsors of the scheme, as well as the Secretary of State for Transport, to ensure the delivery of a scheme that secure the best outcome for London.

4.2 *Links to Mayoral strategies and priorities:* The Petitions are linked to The London Plan London Plan 2016 (The Spatial Development Strategy for London Consolidated with Alterations since 2011) and to associated documents including the Euston Area Plan, 2015.

4.3 *Impacts assessments and consultations:* Impact assessments have been undertaken for the Mayor's strategies. Consultation was undertaken with the London Assembly on the Petitions.

5. Financial comments

5.1 The cost of preparation for the next stage of the HS2 petitioning process is to be funded from the budget allocated for HS2 petitioning approved under MD1392. Of the original budget of £190,000 allocated to the planning team for this (from the Contingency budget) there now remains £57,000 to be spent on HS2 legal and consultant costs in 2016-2017.

5.2 The Planning and Transport Teams within the GLA's Development, Enterprise & Environment Directorate with Old Oak and Park Royal Mayoral Development Corporation and Transport for London will be responsible for work in relation to this petition.

6. Legal comments

6.1 Under Section 77 of the GLA Act 1999, the GLA may oppose any local Bill in Parliament which affects any of the inhabitants of, or any part of, Greater London. The HS2 Bill is such a Bill and the power to oppose it is exercisable by the Mayor on the Authority's behalf.

6.2 Under the Mayoral Scheme of Delegation, the Executive Director of Development, Enterprise and Environment may exercise any statutory power (Mayoral Power) exercisable by the Mayor, including any power exercisable by him on the Authority's behalf, which has not been reserved to be personally exercised by him under the terms of the Scheme. The power to oppose a local Bill under section 77 of the GLA Act 1999 is one that the Scheme authorises the Director to exercise.

6.3 The Executive Director acting under the Mayoral Scheme of Delegation and, as part of the overall process of the GLA opposing the HS2 Bill, is asked to approve the final form of any assurances to be given to the GLA and, consequently, the basis on which the GLA appears before the Select Committee in respect of petitioning items. The GLA has been asked to give a commitment not to appear on issues in respect of which a satisfactory assurance has been agreed in final draft form, in effect as consideration for the Secretary of State proceeding to execute that draft.

7. Planned delivery approach and next steps

7.1 A summary of the parliamentary process for the HS2 Bill is available at <http://www.hs2.org.uk/developing-hs2/hybrid-bill/the-parliamentary-process>

7.2 The various stages for passage of a Bill starting in the House of Commons are set out at <http://www.parliament.uk/about/how/laws/passage-bill/>

7.3 Consideration by Select Committee is anticipated as follows:

Activity	Timeline
Consideration by Select Committee – Euston Station	6 TH September

8. Appendices and supporting papers:

8.1

ANNEX 1: Briefing Note – High Speed 2 Petitioning and Assurances Update including:

- Appendix 1 GLA draft assurances
- Appendix 2 TfL [draft] assurances
- Appendix 3 Mayor of London Petition – April 2016
- Appendix 4 TfL Petition – April 2016

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Martin Cowie has drafted this report in accordance with GLA procedures and confirms that:

✓

Assistant Director/Head of Service:

Stewart Murray has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. J. O'Leary

Date

19.8.16

