

## REQUEST FOR DIRECTOR'S DECISION – DD1352

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

#### Executive Summary:

In May 2014, 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 Commons by the HS2 Select Committee. Items relating to London will be heard by the Committee from summer 2015 onwards (both before and after the Parliamentary recess). Since the deposit of the two Petitions, discussions have taken place and continue with the DfT and HS2 on how to best resolve various Petition items.

Good progress has been made and a number of draft undertakings proposed to be given by the Secretary of State to the GLA (and separately to TfL) are in an advanced state. Negotiations continue however over the final form of these undertakings. The GLA and TfL will appear before the Select Committee in respect of any unresolved matters.

The Executive Director, acting under the Mayoral Scheme of Delegation, is asked to approve the final form of any undertakings to be 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 any undertakings 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:**

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 On 16 May 2014, the Mayor and TfL deposited separate but complementary Petitions against the HS2 Bill. The Mayor's Petition focused on development and regeneration, while the TfL submission was more closely concerned with transport matters. A copy of each petition is at Appendix 1.
- 1.2 Since the Petitions were deposited, GLA and TfL officers have been working closely with the DfT and HS2 Ltd to resolve as many of the Petition items as possible. Progress has been made on a number of items, and a number of draft undertakings are being developed.
- 1.3 A Select Committee is now considering Petitions made against the HS2 Bill, and can recommend changes to the Bill based on petitioner concerns.
- 1.4 The Committee will consider Mayoral and TfL petition items from summer 2015 (before and after Parliamentary recess) and work is ongoing to prepare evidence for Committee appearances.

#### **2. Objectives and expected outcomes**

- 2.1 The expected outcome of petitioning is that Undertakings will be secured, satisfactorily addressing petitioning items, and/or the Select Committee may 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 services that become constructed and operated and through any improved access arrangements; improved compensation and mitigation package; and other impacts that may arise, 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 changes to the HS2 Bill that it proposes are not forthcoming. The Mayor and TfL would therefore need to continue to lobby the Department for Transport as sponsors of the scheme, as well as the Secretary of State for Transport, to ensure the delivery of a scheme that best secures a quality outcome for London.
- 4.2 *Links to Mayoral strategies and priorities:* The Petitions are linked to 'The London Plan, 2011' (and 'Draft Further Alterations to the London Plan, 2014') – and to associated documents, including 'Draft Old Oak and Park Royal Opportunity Area Planning Framework, 2015' and the Euston Area Plan. In addition, there are links to the Mayor's other strategies including 'The Economic Development Strategy, 2010' and 'The Transport Strategy, 2010'
- 4.3 *Impact 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 budget allocated for HS2 petitioning approved under MD 1392. Of the original budget of £190,000 allocated to

planning team for this (from Contingency budget) there now remains £169,000 to be spent on HS2 legal and consultant costs in 2015-16.

5.2 Transport and Planning Teams within 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 Executive 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 undertakings 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 may be asked to give a commitment not to appear on issues in respect of which a satisfactory undertaking 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

6.1 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>.

6.2 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/>.

6.3 Consideration by Select Committee is anticipated as follows:

Activity	Timeline
Consideration by Select Committee – <i>Old Oak Common Overground Connections, Station Access, Over Station Development, Compensation and Mitigation</i>	1 July 2015
Consideration by Select Committee – <i>Euston Station, the Crossrail 1/West Coast Main Line link, the HS2 to HS1, and the Heathrow Express (HEX) relocation</i>	Estimated September 2015

## Appendices and supporting papers:

Appendix:

(a) Mayoral briefing on HS2 (confidential – see Part 2)

Supporting papers:

(b) Mayor of London Petition: <http://www.publications.parliament.uk/pa/cmhs2/petitions/0491.pdf>

(c) TfL Petition: <http://www.publications.parliament.uk/pa/cmhs2/petitions/0497.pdf>

**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 – YES**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer:**

Erica Walker has drafted this report in accordance with GLA procedures and confirms that:

✓

**Assistant Director/Head of Service:**

Tim Steer 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**

**Date**