

Cabinet
Council

11 February 2014
25 February 2014

Name of Cabinet Member:

Cabinet Member (Business, Enterprise and Employment) – Councillor Kelly

Director Approving Submission of the report:

Executive Director, Place

Ward(s) affected:

None

Title:

High Speed Rail (London – West Midlands) Bill

Is this a key decision?

No

Executive Summary:

The City Council passed a resolution in June 2013 which noted the Government's commitment to proceed with HS2 and sought to secure the best possible outcome for the City.

The Government has since maintained its position and on 25th November 2013 introduced the High Speed Rail (London – West Midlands) Bill ("the Bill") in the House of Commons. The Bill will grant the powers necessary to construct and operate phase 1 of HS2 and further details the project, including plans of the route and the anticipated environmental and economic impacts which are set out in the Environmental Statement (ES) and other accompanying documents.

To secure the best possible outcome for Coventry, the City Council will need to formally engage in the Hybrid Bill petitioning process. To do this, the Council is required to pass a resolution to formally oppose the Bill in accordance with the Section 239 of the Local Government Act (LGA) 1972. Depositing a petition against the Bill will allow the Council to make representations and give evidence to the House of Commons Select Committee in order to try to secure the best possible outcome for the City. Unless the Council passes a resolution to technically oppose the Bill, it will not be able to appear before Select Committee.

Resolving to oppose the Bill will not change the City Council's resolution of June 2013 on HS2, but will allow it to carry out its intention to secure the best possible outcome for the City from HS2.

Recommendations:

That Cabinet are requested to recommend that the Council:

- (1) In order to get the best possible outcome from HS2 for the City Bill and in accordance with the Section 239 of the Local Government Act (LGA) 1972, the Council formally opposes aspects of the High Speed Rail (London – West Midlands) Bill and in order to do this passes the following resolutions:

RESOLVED–

- (1) That in the judgment of the Coventry City Council it is expedient for the Council to oppose the High Speed Rail (London – West Midlands) Bill introduced in the Session of Parliament 2013-14.
- (2) That the Cabinet Member (Business, Enterprise and Employment), the Executive Director, Place and Assistant Director, Legal & Democratic Services take all necessary steps to carry the foregoing Resolution into effect, that the Common Seal be affixed to any necessary documents and that confirmation be given that Sharpe Pritchard (Parliamentary Agents) be authorised to sign the Petition of the Council against the Bill.

List of Appendices included:

None

Background Papers

None

Other useful documents:

High Speed Rail (London - West Midlands) Bill 2013-14

<http://services.parliament.uk/bills/2013-14/highspeedrailondonwestmidlands.html>

Council Report - High Speed 2 and Coventry - 25 June 2013

<http://internalmoderngov.coventry.gov.uk/documents/s11592/HS2%20Report.pdf>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 25 February 2014

Report title: High Speed Rail (London – West Midlands) Bill

1. Context (or background)

- 1.1 On 25th November 2013 the government introduced the published the High Speed Rail (London – West Midlands) Bill (“the Bill”) in Parliament. The Bill deals with phase one which provides the route between London Euston and Birmingham Curzon Street including a new station near Birmingham Airport. The Government anticipates the Bill will gain royal assent in 2015, which will give it parliamentary permission to build the railway and the specific powers needed to operate it. Construction would commence in 2017.
- 1.2 The Hybrid Bill presents the most significant opportunity for Coventry to engage in the process and secure measures which will benefit the City. The parliamentary process includes Select Committee hearings which will provide the opportunity for the Council to petition against the Bill in order to try to gain benefits for the City. The intended areas of petitioning include the following points:
- Petitioning for improvements to the integration and linkage between HS2 and the existing HS1 line in order to provide for direct connectivity to Europe from the West Midlands;
 - Petitioning for improved provision for local jobs and training arising from the design, construction, operation and maintenance of HS2;
 - Petitioning for improved mitigation arising from disruption caused by construction of HS2;
 - Petitioning for changes to the Bill to provide passive provision for line capacity upgrades (West Coast Mainline and Coventry-Leamington);
 - Petitioning for improvements to the integration of the proposed ‘People Mover’ facility provided as part of the Interchange Station with existing West Coast Mainline facilities; and
 - Petitioning for the Select Committee to ask Government for additional investment and commitments related to Coventry Station; West Coast Mainline and other rail line infrastructure capacity and services; and connectivity to HS2.
- 1.3 This list of 6 points is a general one at this stage and is not exhaustive. It may change and develop as part of the process of preparing the petitions.
- 1.4 In accordance with section 239 of the LGA 1972, in order to oppose the Bill a majority of all of the City Council’s members must resolve to oppose it. The Council’s intention to pass a resolution to oppose the Bill must be publicised in newspapers circulating in the Council’s area and 10 clear days’ notice of the meeting must be given. This notice must be given in addition to any other notification given in respect of a full Council meeting.
- 1.5 It has been widely reported that the Bill and accompanying documentation exceeds 50,000 pages. While the petition itself will be a relatively short document, the representations and evidence that will need to be prepared for any Select Committee appearance may be lengthy. As a result of this, the work required in preparing the petition, representations and evidence will need to be undertaken with the assistance of Parliamentary Agents, who the Council need to engage as part of the process. The Council’s Parliamentary Agents, Sharpe Pritchard, will also assist by advising on parliamentary procedure and tactics.
- 1.6 The Select Committee might expect to direct petitioners with similar concerns to work together to present a combined case and, to this end, it is anticipated that partnership working with Warwickshire’s Councils, Centro and other West Midlands Council’s will be necessary and beneficial.

2. Options considered and recommended proposal

- 2.1 If the City Council does not comply with Section 239 of the LGA 1972, it will not be able to petition against the Bill.

3. Results of consultation undertaken

- 3.1 Consultation on the implications of this report is not required as it does not constitute a change in policy.

4. Timetable for implementing this decision

- 4.1 The Bill has had its First Reading in the House of Commons. First Reading is a formality and the Bill's next significant stage will be Second Reading when its principle will be established. Once established the principle (essentially a brief description of where the railway will begin and end and where any stations, inter-changes and links along the route will be located) will not be challengeable by petition.
- 4.2 Shortly after the Second Reading, which is anticipated to take place in Spring 2014, the deadline for submission of petitions will be set. The Select Committee hearings will then take place and petitioners will present their cases to the committee. Committee stage will be followed by Report Stage and Third Reading and the Bill will then pass to the Lords where the process will be repeated. There will be an opportunity for the Council to petition against the Bill in the Lords also. The Government hopes that the Bill will get the Royal Assent in or around May 2015 which, if achieved, will be much faster than other recent Hybrid Bill processes. This is considered by many (including our parliamentary agents) to be an ambitious timetable.

5. Comments from the Executive Director, Resources

5.1 Financial implications

There are no direct financial implications of the recommendation in this report. However, as previously set out in the June 2013 Council report, it is estimated that technical and legal consultancy costs up to the value of £150,000 will be incurred in order to position the authority sufficiently to respond to Government HS2 proposals. The exact timing of costs is not known, but it is expected that existing revenue budgets, together with expected cost sharing can fund £50,000 of the costs. The remaining £100,000 will result in a budgetary control pressure in Place Directorate.

5.2 Legal implications

Section 239 of the Local Government Act 1972 imposes a legal requirement on any council wishing to either promote or oppose certain types of Bill, including a Hybrid Bill, to first :

- give notice of its intention to pass a resolution in a local newspaper. This is in addition to the duty to give public notice of council meetings; and
- pass a formal resolution of the Council to promote or oppose the Bill.

Ten clear days' notice of an intention to pass a resolution to oppose a Bill must be given. If a resolution is not passed, then the Council cannot participate in the petitioning process. The resolution must be to oppose since the Council will be seeking either amendments to the Bill or for improvements outside the Bill.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Engagement in the petitioning process will help Coventry to secure the best possible deal it can on the back of HS2 to support improved rail connectivity. Having a good transport network in place is essential if the city is to attract investment. Improving rail connectivity to Coventry will help to support development proposals such as Friargate as well as open up new markets and support local travel to work movements. Encouraging travel by rail will also help to address climate change and reduce congestion on the road network.

6.2 How is risk being managed?

Not engaging in the Hybrid Bill process would risk Coventry missing out on potential rail investment opportunities. Not securing the best possible deal from projects such as HS2 would put at risk the City's ability to attract inward investment.

6.3 What is the impact on the organisation?

Much of the work will be led by existing City Council officers; however additional specialist resources such as parliamentary agents will need to be procured in order to assist with the preparation of the evidence base, business cases and engagement with consultations and the Select Committee.

6.4 Equalities / EIA

An equality impact assessment has not been carried out because the recommendation does not constitute a change in service or policy.

6.5 Implications for (or impact on) the environment

Rail provides an efficient and sustainable way to travel. The enhancement and promotion of improved rail services which serve Coventry will make rail travel more attractive and will help to reduce congestion, particularly on the strategic road network. This will reduce emissions from traffic which can impact on climate change and air quality.

6.6 Implications for partner organisations?

There will not be any direct impact on partner organisation as a result of this decision.

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