

THE EXECUTIVE

Tuesday, 12 July 2005

Agenda Item 8a Crossrail: Petitioning the Bill (Pages 1 - 5)

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REPORT FROM THE DIRECTOR OF REGENERATION AND ENVIRONMENT

This report is submitted under Agenda Item 8. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency, so as to avoid delay in obtaining Councillors' instructions on petitioning of the Crossrail Bill.

CROSSRAIL: PETITIONING THE BILL	FOR DECISION
<p>Summary</p>	
<p>This report considers the current position in respect of Crossrail project in view of the Bill passing through Parliament; which will provide powers to enable Crossrail to be constructed.</p>	
<p>There are comparatively minor local impacts on the Borough arising from the project, which can be resolved through means other than petitioning the Bill.</p>	
<p>Strategic issues stand very little chance of being successfully argued.</p>	
<p>Independent petitioning of the Crossrail Bill could require substantial resources commitments and cost with the prospect of any beneficial outcome being poor. However, the exception could be the one issue of construction working hours, but if not resolved this could be pursued with other councils as a joint petition with considerably lesser resource implications as a consequence.</p>	
<p>Wards Affected Whalebone and Chadwell Heath.</p>	
<p>Implications</p>	
<ul style="list-style-type: none"> • Financial If the Council were minded to petition the Bill independently there could be major financial implications in respect of employing legal Counsel etc for which there is no budgetary provision (see section 4 below) 	
<ul style="list-style-type: none"> • Legal None. 	
<ul style="list-style-type: none"> • Equalities and Diversity None. 	
<ul style="list-style-type: none"> • Crime and Disorder None. 	

• **Risk Management**

None.

Recommendation

The Executive is recommended to agree that:

1. the Council should not petition the Crossrail Bill for the reasons in the report.
2. in the event negotiations break down over the issue of construction working hours, joint petitioning on this point with other local councils takes place and that a further report be presented to the Executive on the financial implications of this option prior to any formal involvement.

Reason

To assist the Council in achieving its Community Priorities of *“Regenerating the Local Economy”*, to assist in the good planning of the area and to promote the social, economic and environmental well being of the area; and to make the Borough *‘Cleaner, Greener and Safer’*.

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1. Crossrail – Powers to Construct and Bill ‘Petitioning’

- 1.1 Crossrail is a £10billion rail scheme that will connect east with west London via a new tunnel under central London. In the east it will terminate at Shenfield, Essex and Abbey Wood, in the London Borough of Greenwich).
- 1.2 Powers for its construction will be secured by virtue of an Act of Parliament. A Bill for this is currently proceeding through the House of Commons. When the Bill is considered in detail (the ‘Committee Stage’) there is an opportunity for any objectors to the scheme to have their case heard – a process known as ‘Petitioning’ the Bill.
- 1.3 Accordingly the Council needs to consider whether or not to petition the Bill to represent any objections or concerns it may have about the scheme. This must be done within a certain timescale as set out in the ‘Second Reading’ stage of the Bill (a more detailed debate on the floor of the House which considers broad principles, before the Bill is referred to the Committee Stage for detailed consideration). At the time of writing this report, the timescale for deciding whether or not to petition is likely to be 18 July.

- 1.4 Petitioning is not a matter to be taken lightly. It is time consuming of Officer resources in preparing and representing a case; it may well require the employment of Parliamentary Agents, legal Counsel and consultant support. Although it is not possible to be precise at this stage the costs associated with petitioning could be substantial, and Councillors need to weigh this against the chances of any petition being successful in deciding whether or not to petition.
- 1.5 Also, the House Select Committee may be averse to considering issues that are too detailed or resolvable through some other more appropriate way. The broad principles of the scheme as represented in the Bill will also be taken as a given (as established at Second Reading stage) and so major objections such as proposing alternative routes will not be heard in all probability.
- 1.6 The Executive last considered the Crossrail scheme at its meeting on 9 November 2004. The Executive agreed to support the scheme in view of its overall benefits, and that officers continue to work with Crossrail on reducing localised (mainly construction) impacts. The Council's previous stance of a preference for an alignment via Barking Town Centre was also reiterated. It is these issues that form the basis of any decision as to whether or not to petition the Bill.

2. Local Impacts

- 2.1 There is only a short length of the Crossrail route that actually would pass through the Borough - just eastwards beyond Chadwell Heath Station towards Romford. Construction works would mainly comprise platform lengthening at Chadwell Heath station and the building of a crossover for the line as it approaches Romford (depot). There would be some comparatively minor permanent land take. Access to construction sites would be via Station Road, Crow Lane and from the A118 (London Road).
- 2.2 With respect to local impacts these may arise from construction (hours of working; construction site access; noise) and to some limited degree from Crossrail operation (some minor permanent land take). The impact of Romford depot is not likely to be an issue for residents within the Borough's boundary as it is located some distance to the east in London Borough of Havering.
- 2.3 These matters are not recommended as appropriate for petitioning the Bill by the Council. Construction impacts are likely to be relatively minor; temporary; and capable of mitigation through other means such as a Code of Construction Practice. These are under active discussion between all relevant London boroughs and Crossrail.
- 2.4 The only major generic 'sticking point' at present for local authorities along the length of the route is the issue of what constitutes 'normal' construction hours of working.
- 2.5 It is common practice throughout London and in many of the outer London authorities to insist on a normal working day on construction sites of 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday, with no construction work at other times. The

proposal from Crossrail is to start and finish one hour earlier / later respectively on these days.

- 2.6 This is not acceptable as it would expose residents to additional noise and disturbance, and would set a dangerous precedent for the control of other construction sites.
- 2.7 Negotiations are currently underway between the local authorities and Crossrail into resolving this issue. At the time of writing this report these negotiations have not been completed.
- 2.8 In the event that there is a failure to reach agreement on this matter, this is an area where joint petitioning by councils along the route would take place. If this were to become a petitioning issue it would be led by another Council (probably LB Havering) on behalf of all authorities.
- 2.9 If joint petitioning were necessary the implications for the Council would be a commitment of officer time to assist in developing a case, and a requirement to contribute to the cost of the case development and presentation. As this would be a joint petition the resources implication for each council (other than the lead council) is likely to be comparatively nominal, although a precise cost cannot be given at this stage.

3. Strategic Issues

- 3.1 Petitioning independently by the Council is also not recommended in respect of the more strategic issue of routing the scheme via Barking Town Centre.
- 3.2 This is not a proposition on offer in the Bill and would so far detract from its basic principles that any petition on this point may not be heard by the House Select Committee. There is also no support for this position from any other Council or agency (e.g. Thames Gateway London Partnership); and the absence of such 'allies' would render as negligible the Council's chances of successfully arguing the point.

4. Financial Implications

- 4.1 There are no immediate financial implications as a result of the Crossrail scheme itself.
- 4.2 If joint petitioning on the hours of work issue is required there may be some demand on officer time and a contribution to costs. The amount is not known but is likely to be comparatively nominal as the joint petition will be on behalf of a large number of Councils.
- 4.3 If the Council decides to petition independently then there could be significant resource as cost implications for which there is currently no provision.
- 4.4 A further report to establish the full financial implications for the Council of joint petitioning will be required if this approach is pursued.

5. Regeneration Board

- 5.1 This matter was considered by the Regeneration Board at its meeting on the 28 June 2005. A verbal report on the Regeneration Board's views will be given at the meeting.

6 Consultation

The following have been consulted during the preparation of this report and are happy with the report as it stands.

Councillors

The following Councillors have been advised of the proposals.

Portfolio Holder
Regeneration, Councillor Kallar

Ward Councillors have also been advised of the proposals

Chadwell Heath: Councillors Curtis; Justice, N Smith

Whalebone: Councillors Denyer, Gibbs, West

Officers

Corporate Strategy

Muhammad Saleem, Solicitor to the Council and Monitoring Officer
Robin Hanton, Corporate Lawyer

Finance

Alex Anderson, Head of Finance (DRE)
Alan Russell, Head of Audit

Housing and Health

Jeff Elsom, Crime and Anti Social Behaviour Unit Manager

Background Papers.

- Crossrail Bill, House of Commons, February 2005.
- Crossrail Supplementary Environmental Statement, May 2005.
- Report to Regeneration Board, 28 June 2005.
- 'Developing Crossrail: Round 2 Consultation Document: August to October 2004' – Cross London Rail Links Ltd.
- Crossrail Draft Safeguarding Direction - Department for Transport.
- Executive Report and Minute 179, 9 November 2004. Re: Crossrail - Response to Consultations on the Main Scheme and Draft Safeguarding Direction

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