

Report to:	COUNCIL
Date:	21 March 2022
Executive Member:	Councillor Brenda Warrington - Executive Leader
Reporting Officer:	Sandra Stewart - Director of Governance and Pensions Ian Saxon – Director of Place
Subject:	HS2 PHASE 2B PETITIONING REPORT
Report Summary:	The report seeks Full Council approval for Tameside Metropolitan Borough Council (the Council) to object to the High Speed Rail (Crewe-Manchester) Bill. Notwithstanding the Council’s overall support for HS2, the Bill as currently drafted includes provision for the full closure of the Metrolink Ashton Line for a circa two year period. The Council is therefore seeking approval to petition against the Bill and secure the necessary changes to make appropriate provision of sustainable travel modes during the construction period.
Recommendations:	That Council resolves: <ul style="list-style-type: none"> (i) That it is expedient for Tameside Council to oppose the High Speed Rail (Crewe to Manchester) Bill (“the Bill”); (ii) That, subject to the above, that authority is delegated to The Leader, in consultation with the Chief Executive, to take all such steps as may be necessary or expedient to carry the above resolution into effect including all those steps required for the Council to submit any petition and thereafter to maintain and if considered appropriate withdraw its petition in respect of the Bill and to instruct the Director of Governance and Pensions accordingly; and (iii) Authorises the corporate seal of the Council being affixed to any documents required to be sealed in connection with the submission of its petition and the subsequent opposition to the Bill.
Corporate Plan:	Key aims of the Corporate Plan are to ensure modern infrastructure and a sustainable environment that works for all generations and future generations. The proposed delivery of HS2 will support the delivery of these aims, subject to appropriate provision of sustainable travel modes during the construction period.
Policy Implications:	The delivery of HS2 will support the policy aims of the Council’s Inclusive Growth Strategy 2021, Tameside Climate Change & Environment Strategy, the Council’s growth priorities agreed at Council February 2020 and the draft Greater Manchester Places for Everyone joint development strategy, subject to appropriate provision of sustainable travel modes during the construction period. However, the proposed delivery method will cut across all of this and cause untold damage to the economy.
Financial Implications:	This report sets out proposals for alternative arrangements for the delivery of HS2 and to mitigate the potential impact on Metrolink services in the borough during the construction period.
(Authorised by the statutory Section 151 Officer & Chief	

Finance Officer)

Ashton Moss has been identified as the preferred location for a depot to accommodate the Metrolink fleet for the temporary closure of the link through Piccadilly (Manchester) which will provide Metrolink service continuity between the borough (Ashton) and New Islington (Manchester).

This is an alternative proposal to the existing plans where the construction of HS2 would remove Metrolink services on the Ashton to Manchester line for a period of approximately two years with alternative service provision via bus replacement services.

The related financing arrangements of the alternative Ashton Moss depot proposal are not contained within the report. However, it is assumed that there will be no cost liabilities on the Council if this alternative proposal is subsequently approved as there is no budget provision to support such a proposal. The assumption being that all related costs will be wholly financed via the Government, TfGM or GMCA.

However, the Council will be required to allocate budget provision via existing resources to support all related expenditure of the petition including any subsequent professional and technical advice that is required as further details become available. It is essential that all external grant funding opportunities are considered to finance related expenditure and to mitigate the liability on the Council's budget.

All related expenditure will be procured and monitored in accordance with the Council's financial regulations and procedures and reported to Members as appropriate.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

Under the Constitution Article 4.2 Functions of the Full Council Only the Council will exercise the following functions:- 11. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;

Under Council Constitution Part 4a – Procedural Standing Orders under rule 23 (6) A decision to promote or oppose a local or personal Bill in Parliament under Section 239 of the Local Government Act 1972 or to [apply for or] oppose an order under the Transport and Works Act 1992 will require to be passed or by a majority of the whole number of the Council (i.e. 29 affirmative votes are required).

Section 239 of the Local Government Act 1972 enables a local authority to oppose a public or private bill where it is satisfied that it is expedient to do so, but only in accordance with the procedure laid down in the Act. The aim of depositing a petition is not simply to oppose the Bill in principle but to seek additional provisions to the Bill such as provisions to address the Metrolink issue detailed in this report.

The procedure under section 239 requires local authorities to pass a resolution of full Council to deposit a petition in Parliament against a Hybrid Bill.

The resolution has to be passed by a majority of all the Council's Members as opposed to the majority of those Members in attendance.

Petitioning against a Bill requires specialist knowledge and expertise in drafting the petition and presenting this to the Select

Committee which is undertaken by Parliamentary Agents.

Parliamentary Agents are solicitors approved by the House of Commons and Lords to undertake this work on behalf of bodies seeking to petition. TfGM has appointed Parliamentary Agents on behalf of the GM councils to advise and assist with this process.

It is understood that the costs of the Parliamentary Agents will be borne by TFGM save where the advice is Tameside specific in which case Tameside will be responsible for the costs.

Risk Management:

The proposed severance of the Ashton Metrolink line for two years without appropriate provision for sustainable travel modes during the construction period would result in reduced connectivity, increased traffic congestion and vehicle emissions, and a significant negative impact on the Tameside economy.

Background Information:

Further information can be obtained by contacting Mike Reed – Head of Major Programmes



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1. INTRODUCTION

- 1.1 This report is concerned with a procedural matter, specifically, seeking Full Council approval for Tameside Metropolitan Borough Council (the Council) to object to the High Speed Rail (Crewe-Manchester) Bill. This relates to Phase 2b of High Speed Rail 2 (HS2).
- 1.2 This report and motion seeks the approval of the Council to delegate authority to The Leader, in consultation with the Chief Executive, to negotiate and seek assurances /undertaking /agreements in relation to the High Speed Rail (Crewe-Manchester) Bill; approval in principle for the preparation of a petition against the Bill; and that Full Council ratifies this decision, the subject of this report.

2. BACKGROUND

- 2.1 The Government plans to implement a new high speed rail network (HS2), including Manchester to London, Manchester and Leeds. This is a major national infrastructure proposal that is being progressed over several decades, by two Hybrid Bills through Parliament. Phases One and 2a of the network, between London and the West Midlands and between the West Midlands and Crewe have already been consented. Phase 2b, between Crewe and Manchester, will be progressed through a Hybrid Bill, which was deposited in Parliament on 24 January 2022. This report is concerned with the Phase 2b Hybrid Bill.
- 2.2 On 24 January 2022, the Government's High Speed Rail (Crewe-Manchester) Bill (the Bill) was deposited in Parliament to the House of Commons and this is the start of the formal parliamentary process to obtain royal assent. The Bill is accompanied by a range of documents including in particular the Bill, Environmental Statement, deposited plans and accompanying documents. The Bill will secure powers to implement Phase 2b of HS2, comprising Crewe-Manchester including stations at Manchester Airport and Manchester Piccadilly. More specifically the Bill includes powers to:
- build and maintain HS2 and its associated works;
 - compulsorily acquire interests in the land required;
 - sever the existing Ashton line of the Metrolink to enable the construction of HS2's Piccadilly station;
 - make consequential changes to the Metrolink network;
 - affect or change rights of way, including the stopping-up or diversion of highways and waterways (permanently or temporarily);
 - modify infrastructure belonging to statutory undertakers (e.g. utility companies);
 - carry out work on listed buildings and demolish buildings in conservation areas;
 - carry out protective works to buildings and third-party infrastructure;
 - make necessary changes to existing legislation to facilitate construction and operation of HS2;
 - It also grants the necessary changes to existing legislation to facilitate construction and operation of the HS2 Phase 2b (Crewe – Manchester) scheme.
- 2.3 The principal stages of the Bill are as follows:
- There is currently a period for representations on the formal Environmental Statement (ES) setting out the design and impacts of the railway, to which the Council will respond by 31st March 2022;
 - The first reading of the Bill has been completed and was a formality; the second reading in the House of Commons will approve the principle of the Bill and thereby the railway and set out the timetable for petitions against the Bill (see below). Thereafter, the Bill proceeds to a Select Committee which would present the first opportunity for petitioners to seek amendments to the Bill;
 - The Bill is then re-committed to a Public Bill committee of the House of Commons followed by Report stage and Third Reading; and
 - The Bill is sent to the House of Lords where the process is repeated with a further

opportunity for petitioning. When both Houses have approved a Hybrid Bill, it receives Royal Assent.

- 2.4 Petitioning allows any individual, group of individuals or organisation directly and specially affected to petition against a Bill. A petition is a summary of objections to particular aspects of a Bill, to be heard before a Select Committee of MPs, and can be submitted if petitioners' concerns are not addressed in advance of the Bill's petitioning stage. The Council has instructed Parliamentary Agents to act for it advising on negotiations with the DfT and HS2 Limited, and preparation of any petition.
- 2.5 Notwithstanding the Council's overall support for HS2, the Council will need to ensure that any necessary provisions are included in the Bill and/or seeking assurances/undertakings from the promoters to maximise benefits and minimise negative impacts of HS2 on the Borough. Officers will work closely with HS2 Ltd and representatives from the Department of Transport (DfT) to ensure that necessary provisions are provided and will seek to negotiate agreements accordingly; if agreement cannot be reached on specific matters it may be necessary to petition the Bill during a specific window, with authority to do so the subject of this report. The Council has identified a number of areas which it considers to be critical in maximising benefits and minimising negative impacts of HS2 on the Borough.
- 2.6 It is essential that the construction methodology for the HS2 infrastructure is focused on limiting disruption to Metrolink operations. The Bill as currently drafted includes provision for the full closure of the Metrolink Ashton Line for a circa two year period. To address this, the Bill should be amended to enable the construction of a new depot at Ashton Moss to enable a tram shuttle service to operate between Ashton and New Islington instead of the full closure of the Ashton Line and the provision of ancillary works, to enable the Ashton Metrolink line to remain open throughout the construction of HS2.
- 2.7 The Council require that the existing Metrolink Ashton Line should be kept connected to the remainder of the Metrolink network for as long as practicable during construction of the HS2 station and modified Metrolink infrastructure and, when the line has to be disconnected from Piccadilly, trams are able to operate as far into Manchester city centre as possible, with bus services provided to bridge the gap. There will be a need for a number of enabling works to facilitate this approach, including a stabling and maintenance depot constructed on the Ashton Line. In the Council's view, adequate provision has not yet been made for them within the Bill and it is essential that omissions are incorporated. It is the Council's position that any additional or modified powers needed to construct and operate the Metrolink enabling works must be obtained by HS2 Ltd. This means that the Bill needs to be amended to include these powers.
- 2.8 The overall financial and resource implications of reaching agreements and/or petitioning will be the subject of further assessment as matters requiring agreement and associated technical work are better understood. These implications will be met through existing council resources and/or instructions to external parties to provide technical advice in-line with delegated authority approvals. As additional funding requirements become known, resources will be identified and reported for approval in accordance with the Council's financial procedure rules.

3. NEXT STEPS

- 3.1 The Council has the power to petition against a Hybrid Bill contained in Section 239 of the Local Government Act 1972 where they are satisfied that it is expedient to oppose the Bill. Under the Local Authority (Functions and Responsibilities) Regulations 2000 this power must be exercised by Full Council. Under section 239 a resolution of the Council to oppose the Bill must be passed by a majority of the whole number of the members of the Council after giving 10 clear days' notice of the meeting and its purpose in one or more local

newspapers, in addition to the normal notice required to convene that meeting. The requisite newspaper notice was published on 3 March 2022.

- 3.2 The details of the Council's petition will be worked up by officers, with the support of TfGM, the GMCA and instructed Parliamentary Agents. They will be informed by the Council's response to the Environmental Statement consultation. It is proposed that the Leader be given delegated authority, in consultation with the Chief Executive to approve the final text of the petition and the final steps necessary to submit it to Parliament, when the petitioning timetable is finalised Parliament is expected to publish timescales for the stages of the Bill, however it is currently understood that those petitioning the Bill will be able to do so during late May/early June 2022. The Government is aiming for the Bill to receive Royal Assent after November 2024, with construction commencing from 2027 onwards, and Phase One of the new railway opening to the public in 2036.

4. MOTION

4.1 That Full Council resolves as follows:

- That it is expedient for Tameside Council to oppose the High Speed Rail (Crewe to Manchester) Bill ("the Bill");
- Subject to the above, that authority is delegated to The Leader, in consultation with the Chief Executive, to take all such steps as may be necessary or expedient to carry the above resolution into effect including all those steps required for the Council to submit any petition and thereafter to maintain and if considered appropriate withdraw its petition in respect of the Bill and to instruct the Director of Governance and Pensions accordingly; and
- Authorises the corporate seal of the Council being affixed to any documents required to be sealed in connection with the submission of its petition and the subsequent opposition to the Bill.

5. RECOMMENDATIONS

5.1 As set out at the front of the report.