

**Date:** 18 May 2022

**Title:** Use of Delegated Authority

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## **This paper will be considered in public**

### **1 Summary**

- 1.1 This is a standing item on the agenda to inform the Committee of any use of delegated authority by the Committee, through Chair's Action, or of Procurement Authority and Programme and Project Authority (in respect of matters within the Committee's remit) granted by the Commissioner and the Chief Finance Officer in accordance with delegated authorities under TfL's Standing Orders since the last meeting of the Committee. The paper also provides information on Mayoral Directions to TfL within the Committee's remit.
- 1.2 Since the last meeting of the Committee, on 2 March 2022, there have been:
- (a) no uses of specific authority delegated by the Board;
  - (b) three uses of Chair's Action in relation to: the approval of authority requests submitted to the meeting of the Committee on 2 March 2022; Expanding Pay As You Go on Rail in the South East; and Healthy Streets Programme Continuation;
  - (c) no approvals of Programme and Project Authority by the Commissioner nor by the Chief Finance Officer;
  - (d) three approvals of Procurement Authority by the Commissioner, relating to: Piccadilly Line Upgrade Track – Manufacturing Contract for Composite Conductor Rail and Accessories; London-wide Ultra Low Emission Zone (Road User Charging 2023 Scheme); and the variation of the Managed Services contract to cover additional business critical changes to the SAP system;
  - (e) one approval of Procurement Authority by the Chief Finance Officer, relating to: Project Support Agreement – Four Lines Modernisation Wayside Works Agreement Wayside Delivery and Wayside Asset Protection; and
  - (f) no Mayoral Directions within the Committee's remit.
- 1.3 A similar report is submitted to the Finance Committee in respect of the use of Chair's Action and of Procurement Authority and Land Authority granted by the Commissioner and the Chief Finance Officer in respect of matters within the Finance Committee's remit, together with relevant Mayoral Directions.

## **2 Recommendation**

**2.1 The Committee is asked to note the paper.**

## **3 Use of authority delegated by the Board**

3.1 There have been no uses of authority delegated by the Board since the last meeting of the Committee.

## **4 Use of Chair's Action**

4.1 Under Standing Order 113, in situations of urgency, the Board delegates to each of the Chair and the Chairs of any Committee or Panel the exercise of any functions of TfL on its behalf, including the appointment of Members to Committees and Panels. Any use of Chair's Action is reported to the next ordinary meeting.

4.2 There have been three uses of Chair's Action since the last meeting of the Committee:

### **Approval of Authority Requests at the Meeting of the Committee on 2 March 2022**

4.3 The meeting on 2 March 2022 was held on Microsoft Teams only, following which the Chair exercised Chair's Action to approve the recommendations in the papers, as published on the TfL website. The minutes of the meeting are elsewhere on the agenda.

### **Expanding Pay As You Go on Rail in the South East**

4.4 On 22 February 2022, the Committee was sent a paper that requested Authorities required to deliver a Department for Transport (DfT) initiative to expand Pay As You Go (PAYG) on Rail in the South East as TfL had been selected as the DfT's preferred partner to implement the project. TfL will deliver the required PAYG solution, subcontracting the provision of on-station validation equipment to Cubic Transportation Systems Limited, a provider of PAYG services to TfL under the existing Revenue Collection Contract.

4.5 The use of Chair's Action was considered appropriate due to the urgency of the programme to meet the Government's timetable for implementation by May 2024. To meet this challenging deadline, TfL had to commence delivery as soon as possible in the 2021/22 financial year.

4.6 On 24 February 2022, the Chair of the Committee, following consultation with Members, approved unbudgeted Financial Authority for the receipt and expenditure of grant funding from the DfT of up to £61.77m for the remainder of financial year 2021/22 and financial years 2022/23 to 2026/27 and approved Programme and Project Authority of £43.61m for remainder of financial year 2021/22 and financial years 2022/23 and 2023/24.

4.7 The paper has been published on the [TfL website](#) but the appendices remain exempt from publication, pending a formal announcement by the DfT on the project and the stations within scope.

## **Healthy Streets Programme Continuation**

- 4.8 On 30 March 2022, the Committee was sent a paper that provided an update on progress across the Healthy Streets programme during 2021/22, future proposals that took into account the February 2022 TfL funding settlement with Government and an update on actions and recommendations from the Integrated Assurance Review undertaken in winter 2022. The paper requested additional Programme and Project Authority for the programme.
- 4.9 The use of Chair's Action was considered appropriate as reviewing the programme to take account of the funding settlement meant the paper could not go to the meeting on 2 March 2022 and additional Programme and Project Authority was needed to enable ongoing delivery of Healthy Streets priorities, including funding borough activity.
- 4.10 On 5 April 2022, the Chair, following consultation with the Committee, approved additional Programme and Project Authority of £10.4m to support delivery of the Healthy Streets programme, bringing the total Programme and Project Authority to £319.2m.
- 4.11 The paper has been published on the [TfL website](#).

## **5 Programme and Project Authority Approvals**

- 5.1 To enable an appropriate level of governance, processes are in place for the authorisation, control and reporting of projects.
- 5.2 Programme and Project Authority will normally be granted by the Committee for all programmes and projects as part of the defined Programmes within the overall Investment Programme. Where individual programmes or projects have a value in excess of £50m and have not already received full approval as part of a Programme, requests will be submitted to the Committee for consideration. Those programmes and projects with an estimated final cost of £50m or below, which have been approved by the Commissioner or the Chief Finance Officer, will be reported to subsequent meetings of the Committee.
- 5.3 Where the main contract has not yet been awarded, the Financial Authority and Estimated Final Cost may not be stated because they are commercially confidential.

### **Approvals by the Commissioner and Chief Finance Officer**

- 5.4 Since the last meeting of the Committee, neither the Commissioner nor the Chief Finance Officer has approved any Programme and Project Authority requests within the Committee's remit.

## 6 Procurement Approvals

### Approvals by the Commissioner

- 6.1 Since the last meeting of the Committee, the Commissioner has approved three Procurement Authority requests in respect of matters within the Committee's remit. These related to: Piccadilly Line Upgrade Track – Manufacturing Contract for 21.6km of Composite Conductor Rail and Accessories; London-wide Ultra Low Emission Zone (Road User Charging 2023 Scheme) – Drawdown; and the variation of the Managed Services contract to cover additional business critical changes to the SAP system.

### Approvals by the Chief Finance Officer

- 6.2 Since the last meeting of the Committee, the Chief Finance Officer has approved one Procurement Authority request in respect of matters within the Committee's remit. This related to Project Support Agreement – Four Lines Modernisation Wayside Works Agreement, Wayside Delivery and Wayside Asset Protection.

## 7 Mayoral Directions to TfL

- 7.1 The Greater London Authority Act 1999 (as amended) permits the Mayor to issue to TfL general directions as to the manner in which TfL is to exercise its functions or specific directions as to the exercise of its functions (or not to exercise a power specified in the direction). Directions are also often made in relation to the implementation of matters in respect of which the Mayor delegates statutory powers to TfL.
- 7.2 The Mayor makes Mayoral Directions through Mayoral Decisions. Papers for Mayoral Directions set out the financial and other implications. If those implications change over time, that will be reported to the Greater London Authority (GLA).
- 7.3 All Mayoral Decisions are issued in writing, with the information that is not exempt from publication included on the GLA's Decisions Database on its website: <https://www.london.gov.uk/about-us/governance-and-spending/good-governance/decisions?order=DESC>.
- 7.4 Mayoral Directions fall into three broad categories: those addressing technical issues relating to statutory powers; those related to commercial development activities; and those related to projects and programmes. Mayoral Directions relating to TfL are reported to the Board's Committees for discussion as soon as possible after they are received by TfL or published. Regular reports will list the relevant Directions for as long as they are applicable.
- 7.5 Annually the Audit and Assurance Committee considers the list as part of its consideration of the annual audit plan to ensure that appropriate audit resource is applied to assurance on TfL's work in implementing Mayoral Directions. This will also be kept under review at each quarterly meeting of that Committee.
- 7.6 A summary of current Mayoral Directions to TfL is maintained on the [How we are governed](#) page on our website, with links to the relevant Mayoral Decisions. That page will be updated as and when further Directions are made.

7.7 Mayoral Directions to TfL related to projects and programmes are reported to this Committee. There have been no Mayoral Directions to TfL within the Committee's remit since the last meeting.

**List of appendices to this report:**

None

**List of Background Papers:**

Chair's Action paper on Expanding Pay As You Go on Rail in the South East, issued 22 February 2022

Chair's Action paper on Healthy Streets Programme Continuation, issued on 30 March 2022

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