

**Board**



**Date:** 12 October 2022

**Item:** **Matters Arising, Actions List and Use of Delegated Authority**

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

### **1 Summary**

- 1.1 This paper informs the Board of any use of Chair's Action or authority delegated by the Board, any Mayoral Directions to TfL and progress against actions agreed at previous meetings, since the last ordinary meeting of the Board on 27 July 2022.
- 1.2 There have been two uses of Chair's Action by the Chair of the Finance Committee: one in relation to a short extension from 28 July to 3 August of the funding settlement with Government (prior to a long-term settlement being agreed by the Board on 30 August 2022); and one in relation to changes to the Santander Cycles – 2022 Scheme Tariff Change.
- 1.3 There has been no other use of specific authority delegated by the Board to Committees.
- 1.4 There are two Mayoral Directions to TfL to report, relating to: revision of the Mayor's Transport Strategy (MTS) and road-user charging guidance; and September 2022 fares revision.
- 1.5 This paper also provides an update on the appointment of a new Member to the Board and seeks a delegation of authority to the Deputy Chair in relation to appointment of the new Member to Committees and Panels of the Board. There is also a request to waive the requirement for the Safety, Sustainability and Human Resources Panel to meet four times in 2022/23, and an update to defer the review of the terms of reference of the Land and Property Committee.
- 1.6 Appendix 1 sets out the progress against actions agreed at previous meetings.

### **2 Recommendation**

#### **2.1 The Board is asked to note the paper and:**

- (a) **note the use of Chair's Action since the last meeting and the receipt of Mayoral Directions to TfL;**

- (b) **note the appointment of a new Member to the Board to 8 September 2024 and delegate to the Deputy Mayor authority to appoint that Member to Committees and Panels of the Board; and**
- (c) **waive the requirement for the Safety, Sustainability and Human Resources Panel to meet four times in 2022/23.**

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

- 3.1 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. Any use of Chair's Action is reported to the next ordinary meeting. The Board on occasion will also make specific delegations to its Committees which, when exercised, are reported to the next ordinary meeting of the Board, as well as the next meeting of the relevant Committee.
- 3.2 There have been two uses of Chair's Action since the last meeting by the Chair of the Finance Committee.

#### **Funding**

- 3.3 At the meeting of the Board on 27 July 2022, Members were informed that on 22 July 2022, a draft proposal for a funding settlement from Government was received. Due to the detail and complexity it contained, including several new conditions, TfL requested a further extension to the funding agreement, which expired on 28 July 2022, to review the proposal and make a recommendation to the Board.
- 3.4 On 27 July 2022, a paper was issued to Members informing them that the Government had consented to a short extension. On 28 July 2022, the Chair, in consultation with available Members of the Board, noted the paper and, subject to receipt of a signed letter from the Secretary of State in the terms described in the paper, accepted the recommendation of a further extension to the funding agreement with the Department for Transport (DfT) for TfL to 3 August 2022, to enable discussions to continue.
- 3.5 Discussions on the funding offer continued throughout August 2022. On 30 August 2022, the Board met and approved a long-term funding settlement.

#### **Santander Cycles – 2022 Scheme Tariff Change**

- 3.6 On 3 August 2022, Members were sent a paper and asked to approve amendments to the scheme tariff for the London Cycle Hire Scheme, also known as Santander Cycles. The proposals were part of the Cycle Hire Modernise, Electrify and Expand programme, which aims primarily to increase usage of Santander Cycles
- 3.7 On 5 August 2022, the Chair, in consultation with Members of the Board, noted the paper and approved a revised scheme tariff as set out in the paper for Santander Cycles for implementation in September 2022 and authorised the Commissioner to revise the scheme tariff from time to time, as they may

consider appropriate, to reflect TfL's operational requirements and/or financial objectives.

- 3.8 The use of Chair's Action was considered appropriate as a decision to vary the tariff was required to meet the proposed implementation timetable.
- 3.9 The paper has been published on the TfL website but the appendix remains exempt from publication.

## **4 Use of Delegated Authority**

- 4.1 There has been no use of authority relating to matters reserved to the Board.

## **5 Mayoral Directions to TfL**

- 5.1 The Greater London Authority (GLA) 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.
- 5.2 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 GLA.
- 5.3 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>.
- 5.4 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.
- 5.5 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.
- 5.6 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: <https://tfl.gov.uk/corporate/about-tfl/how-we-work/how-we-are-governed>. That page will be updated as and when further Directions are made.

- 5.7 There have been two Directions issued to TfL since the last report and these have been reported to the Finance Committee.

**Revision of the MTS and road-user charging guidance [MD2987](#)** (20 May 2022)

- 5.8 The Mayor directed TfL to draft revised MTS text to provide for road user charging's role in addressing the triple challenges of toxic air pollution, the climate emergency and congestion and, as a first step, the potential London-wide expansion of the Ultra Low Emission Zone; arrange for an integrated impact assessment to be produced; and consult the public and stakeholders on his behalf. In addition, the Mayor issued supplementary guidance to TfL as to the consultation. The consultation ran from 20 May to 29 July 2022.

**September 2022 fares revision [MD3028](#)** (2 September 2022)

- 5.9 The Mayor directed TfL to implement from 4 September 2022 an increase in the fee for obtaining an Oyster card from £5 to £7 and to make this fee non-refundable and to apply a peak fare to all journeys to/from Heathrow that include Zone 1 travel.

## **6 Changes to the Membership of the Board, Committees and Panels**

- 6.1 Discussions have been taking place with London Councils on the appointment of a new Member of the Board until 8 September 2024. Those discussions are expected to conclude, and an appointment made, ahead of this meeting of the Board but after papers have been published. Members will be advised when the appointment is made, and a verbal update will be provided at this meeting.

- 6.2 It is proposed that authority be delegated to the Deputy Chair, following discussion with the new Member, to appoint the new Member to relevant Committees and Panels of the Board. Members will be informed when appointments have been made and this will be reported back to the next meeting of the Board.

### **Government Special Representatives**

- 6.3 Under the terms of the 14 May 2020 funding settlement with Government and all subsequent settlements, the Secretary of State for Transport may appoint two Special Representatives to attend all meetings of the Board and one to attend all meetings of the Finance Committee and the Programmes and Investment Committee. They are entitled to receive all papers and attend all briefings that are open to other members of the Committees, unless there is a conflict of interest. They do not have any voting rights and their presence does not count toward the quorum for any meeting.
- 6.4 Following the change of Prime Minister in September 2022, Becky Wood remains a Government Special Representative and will continue to attend meetings of the Board, the Finance Committee and the Programmes and

Investment Committee. The second Special Representative, Andrew Gilligan, who received papers for and was invited to attend meetings of the Board is no longer the Government's Special Representative. The Board will be informed when the new Secretary of State for Transport appoints a replacement.

### **Safety, Sustainability and Human Resources Panel**

- 6.5 A meeting of the Panel was scheduled for 14 September 2022 and papers were published on 6 September 2022. Following the sad death of Her Majesty Queen Elizabeth II on 8 September 2022, the meeting fell within the official mourning period. Given the proximity of the next scheduled meeting on 16 November 2022, the Chair agreed to cancel rather than postpone the meeting. All relevant papers and information from the cancelled meeting will be transferred to the next scheduled meeting of the Panel.
- 6.6 The terms of reference of the Panel require it to meet four times a year. The Board is therefore asked to waive this requirement for 2022/23.

## **7 Terms of Reference of the Land and Property Committee**

- 7.1 When established in April 2022, it was proposed to review the terms of reference of the Committee within six months considering operational experience. The first meeting of the Committee was held on 30 June and the next meeting is scheduled for 18 October 2022. Therefore, the terms of reference will be kept under review but no changes are proposed at present.

## **8 Actions List**

- 8.1 Appendix 1 sets out the progress against actions agreed at previous meetings.

### **List of appendices to this report:**

Appendix 1: Actions List

### **List of Background Papers:**

Minutes from previous meetings.

Greater London Authority Decision Making Database.

Chair's Action papers – issued on 27 July and 3 August 2022 and subsequently published on [tfl.gov.uk](https://www.tfl.gov.uk)

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