

**Date:** 19 October 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 20 July 2022, there have been:
- (a) no uses of specific authority delegated by the Board;
  - (b) two uses of Chair's Action, in relation to road user charging and Heathy Streets: Active Travel and Bus Priority Programmes;
  - (c) no approvals of Programme and Project Authority or Procurement Authority by the Commissioner nor by the Chief Finance Officer; and
  - (d) no Mayoral Directions within the Committee's remit.
- 1.3 A similar report is submitted to the Finance Committee and the Land and Property Committee in respect of the use of Chair's Action and of Authorities granted by the Commissioner and the Chief Finance Officer and of relevant Mayoral Directions that fall within the remit of those Committees.

### **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 two uses of Chair's Action since the last meeting of the Committee:

### **Road User Charging**

- 4.3 On 12 September 2022, Members received a follow-up paper to that considered at the previous meeting on 20 July 2022. The paper summarised the key developments in road user charging (RUC) as part of the wider Air Quality and Environment Programme annual submission. Specifically, progress of the three newest proposed RUC projects (potential London-wide Ultra Low Emission Zone (London-wide ULEZ), potential Scrappage Scheme and Future RUC), along with requests for additional Programme and Project Authority for these and the Business Operations in-house project, totalling £177.2m.
- 4.4 On 14 September 2022, the Chair, in consultation with available Members, noted the paper and the exempt supplementary appendix and: approved additional Programme and Project Authority of £177.2m to support the continued development of the following proposed RUC projects: London-wide ULEZ, Scrappage Scheme, Future RUC and Business Operations in-house giving a total Programme and Project Authority of £523.2m for RUC; and approved additional Procurement Authority in the sums requested in the exempt supplementary appendix to extend the contracts with Capita Business Services Limited and Siemens Mobility to continue activities in support of the proposed London-wide ULEZ, Scrappage, Business Operations in-house, Tunnel User Charging and Future RUC projects.
- 4.5 The use of Chair's Action was considered appropriate to enable the Committee to make an informed decision following the Government funding agreement of 30 August 2022, discussions for which were still underway when the previous paper was presented to Committee for noting on 20 July 2022.
- 4.6 The paper has been published on the [TfL website](#) but the appendix remains exempt from publication.

### **Heathy Streets: Active Travel and Bus Priority Programmes**

- 4.7 On 4 October 2022, Members received a paper requesting additional authority for the continuation of the Healthy Streets Programme in the remaining periods of 2022/23 and 2023/24, following confirmation of allocated funding for Active Travel and Local Implementation Plans in the 30 August 2022 Government funding agreement.
- 4.8 On 6 October 2022, the Chair, in consultation with available Members, noted the paper and: approved additional unbudgeted Financial Authority and Programme and Project Authority of £215m to support delivery of the Healthy Streets Programme, bringing the total Healthy Streets Programme and Project Authority to £530.6m; and approved additional unbudgeted Financial Authority of £24.8m and Programme and Project Authority of £25m to support delivery of Other Active Travel as described in the paper, including Borough Cycle Training, Customer

Marketing and Communications, Asset Renewals, Direct Vision Standard Phase 2, e-bikes and e-scooter trial.

- 4.9 The use of Chair's Action was considered appropriate as additional Programme and Project Authority was needed to enable delivery to commence in the current financial year in line with the funding and parameters set out in the Government funding agreement of 30 August 2022.
- 4.10 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 and Chief Finance Officer**

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

## **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:**

None

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