

Date: 22 November 2023

Item: Use of Delegated Authority

This paper will be considered in public

1 Summary

- 1.1 The use of delegated authority 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 Financial Authority (unbudgeted), Procurement or Land 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 meeting of the Committee on 11 October 2023, there has been:
 - (a) no use of Chair's Action;
 - (b) one use of Procurement Authority by the Commissioner in relation to the Bus Stops and Shelters Maintenance Services Contract award; and
 - (c) one Mayoral Direction to TfL relating to the 18-25 Care Leavers' Discounted Travel Concession Scheme (MD3173).
- 1.3 The Mayoral Direction on the Withdrawal of Day Travelcards on the TfL Network (MD3142) is no longer applicable because, as provided for in that decision, agreement has been reached that is financially acceptable to TfL such that Day Travelcards can continue to be bought by customers as part of their train tickets to London.
- 1.4 Similar papers are submitted to the Land and Property Committee and the Programmes and Investment Committee in respect of any use of Chair's Action or Procurement Authority and Programme and Project Authority granted by the Commissioner and the Chief Finance Officer in respect of matters within the remit of those Committees, 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 has been no use of authority delegated by the Board since the last meeting.

4 Use of Chair's Action

- 4.1 Under Standing Order 112, 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 has been no use of Chair's Action since the last meeting.

5 Authority Approvals

- 5.1 Financial Authority is the authority to spend money, receive income, incur a financial liability or redistribute funds to relevant third parties in respect of their respective allocated budgets. Financial Authority is automatically granted to the extent that an activity or Programme or Project is 'budgeted'. This paper reports on any use of unbudgeted Financial Authority.
- 5.2 Procurement Authority is the authority to make a binding or contractual commitment with a supplier for the purchase of goods, services, land or works or to receive income arising from TfL Group activities in the areas of goods, services, land or works.
- 5.3 Land Authority is the authority to engage in a Land Transaction or to dispose of any assets. Use of Land Authority related to Places for London Limited will be reported to the Land and Property Committee.
- 5.4 The Board had delegated to the Committee approval of unlimited Financial Authority, Procurement Authority and Land Authority in relation to Transactions and Commercial Development opportunities. The approvals delegated to the Commissioner and the Chief Finance Officer are set out in the Table of Authorities in Standing Order 164.
- 5.5 Since the last meeting, the following use of delegated authority has been exercised.

Procurement Authority Commissioner:

- (a) Bus Stops and Shelters Maintenance Services Contract. Procurement Authority of £44,028,831 was approved for the award of the contract to ABM Facilities Services Limited, following a competitive tendering exercise. The contract length is five years with an option to extend for up to the three years.

6 Mayoral Directions to TfL

- 6.1 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.
- 6.2 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.
- 6.3 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>.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 Mayoral Directions to TfL addressing technical issues with our statutory powers are reported to this Committee.
- 6.8 There has been one Direction issued to TfL since the last report, which was reported to the Board on 18 October 2023 and will be reported to the next meeting of the Audit and Assurance Committee.

18-25 Care Leavers' Discounted Travel Concession Scheme (MD3173 06/10/23)

- (a) TfL is directed to implement, provide and operate the 18-25 Care Leavers' Discounted Travel Concession Scheme for those meeting the eligibility criteria as soon as practicable before the end of February

2024. This will provide London care leavers aged 18-25 with half-price adult fares on the TfL bus and tram network. The travel concession will extend to pay-as-you-go tickets and Bus & Tram Pass season tickets. TfL will fund the development and ongoing costs of this new concession from its existing budgets, including utilising previous financial support for Mayoral ticketing priorities which have already been provided by the GLA.

Withdrawal of Day Travelcards on TfL Network (MD3142 11/07/23)

- 6.9 At the last meeting, it was reported that the Mayor had directed TfL to give six-months' notice to terminate the relevant provisions of the Travelcard Agreement, as TfL assessed that it was underfunded on Day Travelcards at a total cost of approximately £40m a year.
- 6.10 As provided for within the Mayoral Decision, the Direction is no longer applicable as agreement has been reached with the Department for Transport and Train Operating Companies which is financially acceptable to TfL and allows such that Day Travelcards can continue to be bought by customers as part of their train tickets to London.

List of appendices to this report:

None

List of Background Papers:

Minutes from previous meetings of the Committee.

Greater London Authority Decision Making Database.

Contact Officer: Andrea Clarke, Interim General Counsel
Email: AndreaClarke@tfl.gov.uk