



The
Chesham Society

Review of Hybrid Bill petitioning process

The Chesham Society presented a joint petition (with Chesham Town Council) to the House of Commons committee, but was refused locus to appear at the AP4 hearings, and before the House of Lords Committee. However, the author appeared as a witness for Great Missenden PC (AP4) and the Chilterns Society (HoL).

How should the process of depositing petitions be modernised?

By submitting a single pdf document, by Email. This would allow a searchable set of petitions to be placed online, in contrast to scanned images which are not in general searchable.

Should petitioning fees be changed or abolished? Are other petitioning expenses significant?

Yes. The cost of attending a hearing, even from just outside the M25, exceeds the petitioning fee.

This will lead to serious problems for phase 2 of the HS rail bill, unless hearings are held nearer to the petitioners neighbourhoods.

Should there be different processes for determining rights of audience ('locus standi'), such as a written or partly written process?

The entire locus standi procedure should be reconsidered as part of this review. The promoter should play no part in selecting who may appear before the committees. (*See appendix, below.*)

Would guidance on cases where locus is likely or unlikely to apply be helpful?

How can petitioner representation, including by agents, be improved and simplified?

Should Members of Parliament be allowed to petition on behalf of their constituents and/or to represent petitioners?

Obviously.

How should Committees programme petitions so that arguments are heard fully and fairly by different contributors, and with opportunities for pursuing different remedies, but without unnecessary repetition?

By funding some (sympathetic) coordinators to work with groups of petitioners, so that they can reach agreement on which groups are best placed to cover each

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topic. A better planned programme would enable better decisions to be reached in a shorter time. (See appendix, below.)

Should programming of petitioner appearances be handled by area or by type of petitioner – for example, should local authorities all appear first?

Route wide methodological issues (e.g. sound level assessments) should be decided first.

Then it is probably best to group petitions geographically. This might require higher level authorities to appear more than once, or delegate some appearances to the lower level authorities.

How can petition hearings work better?

1. Provide a 21st century working environment.
2. Provide a broadcast feed for the evidence presented, as well as the speakers faces, and post both transcript and evidence in a timely fashion.
3. Provide an index of topics discussed, as well as the transcript. This would help avoid some repetition.

Should written representations be allowed?

Yes, if so chosen by the petitioner

How can strength of support for petitions be demonstrated without requiring appearances by petitioners who do not necessarily want to appear?

By allowing extra signatories/supporters to be associated with a petition.

Which rules and guidance need clarifying?

The rules need reconsideration, not just clarification.

Has there been a difference in the process of petitioning the Lords' Committee and petitioning the Commons' Committee? If so, what was different?

Yes, a marked difference –

1. The Lords decided in advance that they would not amend the bill, so rendering their proceedings irrelevant for most practical purposes
2. The Lords showed an excessive concern for historical precedent, while giving little weight to the impact of their decisions on the real world.
3. The Commons appeared to regard petitioners as potential constituents, while in the Lords they were regarded more as witnesses – or the accused.

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4. The Commons were polite to witnesses, even under trying circumstances.

Summary

The Hybrid Bill procedure is quite unfit for purpose, and it is doubtful that it complies with the governments obligations under the Aarhus convention. Why are you not considering use of a major projects planning enquiry, rather than attempt to update this antiquated ritual ?

Dr J E Conboy C.Phys MBCS
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Appendix

(An updated version of our previous response, following the House of Commons hearings)

Locus

While the top tiers of local government, and individuals whose property is to be purchased are untroubled by locus challenges, there is much uncertainty for groups in between, who represent a large number of people who are 'directly affected' to varying degrees, and who may not be a priority for their local council. Currently the promoter has a disproportionate influence over locus, and can prevent large groups of would be petitioners suffering significant impacts from appearing before the committee. One example would be those who use the AONB for recreational purposes, who featured in the arguments of various organisations, but few of whom appeared in person.

The process may also be abused by the promoter, as happened during the AP4 round of petitions, when a major reassessment of the AONB traffic was released as part of the (SES3) environmental assessment. However, the promoter successfully challenged many organisations not specifically affected by the AP4 route change, so limiting any discussion of the traffic reassessment, which had a much wider impact.

Another argument against locus was that the petitioner's concerns would be dealt with by some higher authority (County or District council). The presentations of these bodies (to the House of Lords Committee) were limited to a small number of very specific topics, and so these concerns were not in fact presented before the committee.

A further objection (in the case of Chesham) was that the town was 'too far from the route' to be affected (which would be a great relief to all concerned, if true). Since our petition was concerned with the widespread effects of traffic congestion throughout the AONB, this assertion by the promoter effectively prejudged the entire issue, and was accepted without question by the (HoL) committee.

If the locus standi mechanism is to continue, then some provision of legal advice and representation for those challenged should be put in place, to lessen the disparity between the two parties which currently exists. However, a more effective and less wasteful method of selecting petitioners is described in the next section.

Coordination of petitions

One weakness of the Hybrid Bill process is the lack of any overall structure to the petitioners' arguments. While this is to some extent an inevitable consequence of having a large number of individual petitioners with different grievances, there is no evidence of any attempt to coordinate the presentations of different bodies and individuals, beyond the agreements reached between local authorities and other major players.

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While the Community Forum Area (CFA) mechanism provided a degree of coordination during the 'Consultation' phase, the forums had no existence independent of HS2, and so played a very limited role after the Environmental Statement was published and consultations ceased. None of the constituent groups could claim ownership of the Forum, and there was no budget to hold further meetings. Groups and individuals with general concerns (noise, traffic, tourism and environmental impacts) prepared their presentations without advance knowledge of how other petitioners might be covering the same topics. This inevitably lead to repetitions, some of which might have been avoided.

One possibility would be for the committee to fund local authority post(s) at county or district level to help coordinate petitioners and groups in each area, allowing each petitioner to focus on issues of particular concern and so reduce duplication. This could be based on the CFA structure, and would bring some local knowledge to the scheduling task currently undertaken by the promoter's agent.

Even a modest reduction in the length of hearings would result in substantial savings, given the cost of running the committee, to offset the expense of local coordinators.

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