

Transport for London

Minutes of the Finance and Policy Committee

**Conference Rooms 1 and 2, Ground Floor, Palestra,
197 Blackfriars Road, London, SE1 8NJ
10.00am, Tuesday 16 February 2016**

Members

Daniel Moylan
Brian Cooke
Angela Knight
Eva Lindholm

(Vice-Chairman, in the Chair)

In Attendance

Charles Belcher	Board Member
Michael Bridgeland	Head of Project Assurance, Programme Management Office
Nick Brown	Managing Director, London Underground and London Rail
Howard Carter	General Counsel
Patrick Doig	Director of Finance, Surface Transport
Garrett Emmerson	Chief Operating Officer, Surface Transport
Terry Morgan	Chairman Crossrail Limited
Rob Niven	Head of London Rail Investment Programme, Rail and Underground
Andrew Pollins	Finance Director, Rail and Underground
Gareth Powell	Director of Strategy, London Underground and Chief Operating Officer, London Rail
David Waboso	Capital Programmes Director, London Underground
Marc Wolman	Head of Programme Management Office, Finance
James Stanton	Secretariat
David James	Chairman, Independent Investment Programme Advisory Group
David Meyer	Member, Independent Investment Programme Advisory Group
Colin Porter	Member, Independent Investment Programme Advisory Group

20/02/16 Apologies for Absence and Chair's Announcements

Apologies for absence were received from Peter Anderson, Sir John Armitt, Isabel Dedring and Michael Liebreich. Angela Knight submitted apologies for lateness. Eva Lindholm participated in the meeting via conference call.

The meeting had been called with less than five clear working days' public notice in accordance with Standing Order 31. The Chairman had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that the meeting be called as a matter of urgency in order to deal with the business listed at Minute 29/02/16.

21/02/16 Declarations of Interests

The following interests were declared: Daniel Moylan as a Councillor for the Royal Borough of Kensington and Chelsea, as a non executive director of Crossrail Limited (appointed by TfL) and as Chairman of Urban Design London.

22/02/16 Barking Riverside Rail Extension

Gareth Powell and Rob Niven introduced the paper. On 25 January 2016, the Mayor directed TfL (Mayoral Direction 1594) to enter into agreements with Barking Riverside Limited (BRL) in respect of the Funding and a Land and Works arrangement necessary to facilitate the financing and construction of the Barking Riverside Rail Extension (BRE).

On 3 February 2016 the Board authorised the Finance and Policy Committee to make any decisions that were reserved to the Board for determination in relation to the Barking Riverside Rail Extension project (the Project), in order to enable such decisions to be taken at short notice. Given the proposed timeframe in the Mayoral Direction, the Chairman had agreed that a meeting of the Committee be held to consider this matter and the granting of authority for the completion of the necessary agreements.

The Committee noted that the Mayoral Direction had set 29 February 2016 as the date by which the Funding and Land and Works agreements should be completed and signed between the parties. Members agreed that, in line with the Mayoral Direction, authority should be put in place to enable this deadline to be met by TfL. Should the agreements not be in place by 4 March 2016, the matter would be referred to the Board for full consideration at its next meeting.

- 1 The Committee noted the paper and the related paper on Part 2 of the agenda and, under the authority delegated by the Board on 3 February 2016, agreed:**
 - (a) to note the direction issued by the Mayor to TfL on 25 January 2016;**
 - (b) subject to the completion of the agreements on the basis set out in 1(e), to approve:**
 - (i) £172m of unbudgeted Financial Authority to meet TfL's current estimated costs of delivering the Barking Riverside Extension (BRE) project (that sum to be provided by Barking Riverside Limited (BRL) pursuant to the funding agreement referred to at paragraph 1(c)(ii)1 below); and**
 - (ii) additional Project Authority of £258.5m, giving a total Project Authority of £263.2m for the following:**
 - 1 to receive external funding of £172m from BRL;**
 - 2 making an application for an order under the Transport and Works Act 1992 by TfL to secure the rights and powers (Order) that provides all the necessary land rights and planning permissions required to construct and operate the BRE; and**
 - 3 the development of the BRE designs to a Network Rail GRIP stage 5 detailed design; and**

- (c) subject to the completion of the agreements on the basis set out in 1(e), to authorise the:
 - (i) making of an application for an Order (including obtaining the Mayor's written consent as required by the Greater London Authority Act 1999) and related consents to provide all the rights necessary for the delivery of the BRE including, without limitation, the submission of documentation that may be entered into in connection with, or submitted to third parties in support such applications and consents; and
 - (ii) entry into and execution (whether by deed or otherwise) of agreements required to facilitate the delivery of the BRE (the Agreements), including:
 - 1 a funding agreement with BRL governing BRL's provision of £172m of funding toward TfL's costs of delivering the BRE; and
 - 2 a land and works agreement with BRL governing how TfL and BRL will: progress their respective projects (for TfL the Project and BRL their mixed use development of the Barking Riverside site); interface with each other; and support each other in their proposals,
 the terms of both of which shall be consistent with the direction issued by the Mayor on 25 January 2016;
- (d) to note, subject to the requirements set out in 1(e):
 - (i) that TfL Officers and Subsidiaries (as described in paragraphs 2(a) and 2(b) below) have authority, delegated to them by the Board on 3 February 2016, to:
 - 1 finalise, agree and execute (whether by deed or otherwise) the terms of the Agreements and submit any documentation that may be entered into in connection with, or submitted to third parties including, without limitation, those in support of an application for the Order;
 - 2 agree the final terms of the application (including the land and interests, environmental scoping and deemed permission to be subject of the Order) for the Order and related consents;
 - 3 obtain the Mayor's written consent to apply for the Order (as required by the Greater London Authority Act 1999); and
 - 4 do everything else necessary or desirable to facilitate the making of the Order including, without limitation promoting the Order including responding to any objections and dealing with any public inquiry that may be held in relation to the proposals; and
 - (ii) that further Financial and Project Authorities required for delivery of the BRE will be sought from the Board in due course should an Order be granted; and
- (e) that the authority granted by the Committee as set out in 1(b) and 1(c) above:
 - (i) be conditional on the completion of the funding and land and works agreements with BRL by 4 March 2016; and

(ii) should these agreements not be completed by 4 March 2016, this matter be referred to the Board for consideration at its next meeting.

2 The following Officers and Subsidiaries are authorised for the purposes of any decision made by the Committee pursuant to 1(b) and 1(c) above:

(a) TfL Officers: the Commissioner; Managing Director Finance; Managing Director Rail and Underground; Managing Director Planning; and General Counsel; and

(b) Subsidiaries of TfL including without limitation Transport Trading Limited and any other subsidiary (whether existing presently or to be formed) of Transport Trading Limited - any of the directors of these subsidiaries shall be authorised to act for and on behalf of any such subsidiary.

23/02/16 Any Other Business the Chair Considers Urgent

There was no other business.

24/02/16 Exclusion of Press and Public

The Committee agreed to exclude the press and public from the meeting, in accordance with paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended), in order to consider the exempt information in relation to the item on Barking Riverside Rail Extension.

The meeting closed at 10.40am.

The next meeting would be held on Wednesday 2 March 2016 at 10:00am.

Chair:  _____

Date: _____