

Simon Kirby
Chief Executive
High Speed Two (HS2) Limited
One Canada Square
London
E14 5AB

23rd May 2016

Re: Serious Concerns

Dear Mr Kirby,

We are writing together as Members of Parliament whose constituencies are directly and specially affected by the proposed line of route for Phase One of HS2 because there are a number of matters that have recently given us cause for serious concern, above and beyond our normal reservations. We have set these out below and would appreciate a full response from HS2 Ltd together with an outline of what steps will be taken to resolve all our concerns.

Locus Standi Challenges

We believe that the challenges to our ability to speak on behalf of our constituents in the House of Lords goes against basic democratic principles as one of the most serious and fundamental responsibilities of a Member of Parliament is our unique position to be able to represent those who elect us to serve.

For all eight MPs who petitioned their Lordships to have their locus challenged seems like an attempt to “gag” those of us whose areas are affected as well as the large number of our constituents who have similarly been challenged. A precedent for us all to speak at committee stages on this matter has already been set in the *High Speed Rail (London – West Midlands) Bill* process as we have all appeared, unchallenged, before the House of Commons Select Committee. Indeed some of us as well as other parliamentary colleagues appeared several times at various stages.

We are all aware of the content of pages 949-950 of Erskine May setting out the rules relating to Parliamentary Agents and petitioners. However, denying us the right to speak on the basis that HS2 Ltd believe that we are acting as Parliamentary Agents is quite simply incorrect. We are representing the views of people in our constituencies who are directly and specially affected by the Bill – including setting out our own views as affected persons – and we have not been appointed as Parliamentary Agents nor are we being paid as such.

As Members of Parliament we are probably unique in our ability to set out constituency-wide issues and reflect the almost daily changes to circumstances to the Lords Select Committee. We see daily the impact of HS2 at all levels and it is vitally important that this perspective is made available to their Lordships just as it was for our colleagues in the Commons. Not only that, we are able to try and improve the legislation for the benefit of not only our constituents but the project itself and it is counterproductive to fail to allow these views to be offered to their Lordships for their consideration.

In addition we remain concerned that the actions taken by HS2 Ltd in respect of our petitioning constituents are negatively impacting the reputation of Parliament at home and abroad, and could bring Parliament into disrepute. Only 1 per cent of petitioners against the original Bill in the Commons had their locus challenged and out of the 24 petitioner challenges issued by the Promoter, in 22 cases it was decided against granting locus standi. In the Lords the Promoter has issued 414 challenges against 827 petitions – a rate of over 50 per cent. Many of these challenges are against petitioners who have already been granted locus in the Commons, and exclude whole communities and interest groups from the process. This reflects badly on a leading and modern democracy and we hope you will reconsider this point.

We believe that the sheer number of challenges issued against petitions to the Lords Select Committee will be seen as inappropriate and undemocratic. It is also fairly inflammatory to suggest, as we understand the intention to be, that all these locus challenges will be heard within two to three weeks. This would allow each petitioner a minuscule amount of time to put forward an argument simply to be granted permission to be heard on an issue that is, for many people, most likely one of the most life-changing events they have had to face

Many of our constituents who have been issued locus challenges are incensed that they are being denied the opportunity to have their concerns heard in the Lords. It is most counterintuitive that some petitioners who have previously been told, in writing, that they are *directly and specially affected* or *significantly affected* are now told that they have no locus standi. Also little notice seems to have also been given to the fact that we are engaged for the next few weeks in one of the most important democratic decisions facing our country in which many people are involved not least members of both Houses and our constituents.

We urgently ask that HS2 Ltd reconsiders its stance and remove its challenges to MPs and re-evaluate those made to our constituents. We maintain that the locus standi challenges we have received are erroneous and injurious to our ability to discharge our duties as Members of Parliament. In addition, in reviewing our constituents' challenges we would ask you to provide us with a detailed explanation of why the challenge rate is so substantially higher in the Lords compared with the Commons. It is believed that HS2 Ltd is attempting to expedite the process through the Lords by ignoring the concerns and suggestions put forward by petitioners. This is not helpful to either our parliamentary processes or the public standing of this project.

Email Communication

The email correspondence from your Parliamentary Agents and your Systems & Process Team has caused a great deal of confusion amongst our petitioning constituents. The email from the former informed that a locus challenge had been issued, setting out the reasons and the process to be followed, and the subsequent email from the latter included information about possible settlement of petitions and the Promoter's Response Documents.

Whilst we recognise that some efforts have been made by HS2 Ltd to rectify this, in the form of a further email from your Systems & Process Team, it remains another confusing and regrettable chain of events.

The email error, however accidental, does not help an already difficult situation. It created a significant increase in our offices' work as we have again had to field distressed queries from our constituents. Many had asked whether the email from your Systems & Process Team superseded the email from your Parliamentary Agents, and whether they should therefore disregard the locus challenge.

This is yet again a repeat of poor communication from HS2 Ltd, (notwithstanding the usual spelling errors in names which reflects on the poor attention to detail). A number of constituents received incorrect information in the email from your Parliamentary Agents and had to chase for the right "copy and paste" section of the letter. There are also instances in our constituencies where some residents in a village received both emails, and other residents in the same village received only the locus challenge.

The failure in communication from HS2 Ltd continues to be systemic. HS2 Ltd has a Residents' Commissioner who cannot engage with individual residents and there is no day to day oversight of the project nor complaints procedure that is separate from HS2 Ltd's internal processes.

Report after report in recent months has made the point very clearly. From the Parliamentary Ombudsman to the Commons Public Administration and Constitutional Affairs Committee to Ian Bynoe's recent report, all have said the same thing: a radical overhaul of HS2 Ltd's processes and approach to engagement is key, not a vague promise to improve in future. Currently we see little improvement and feel sure you would want the opportunity to address these matters forthwith.

The basic and avoidable confusion that arose over the locus standi emails must never occur again and we naturally seek your assurances on this matter for those people who have again been damaged by the process.

Lords Select Committee Sitting Dates

Referring to an earlier point, we understand that it is proposed the Lords Select Committee will sit throughout the EU Referendum recess for the locus standi hearings.

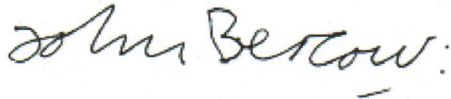
Given that the entire country will be focused on the singular issue of the future of our relationship with the European Union, regardless of one's stance it is impossible for us to provide the level of support that our constituents will need at this time. Most Members of Parliament and their staffers will be out in their constituencies on the campaign trail making their case for Leave or Remain, and the possibility of having to be in Westminster throughout the recess for locus standi hearings is not practical.

We should be interested to learn HS2 Ltd's approach if a petitioner requests that we attend their locus hearing as a witness during the upcoming recess and we are unable to attend due to other commitments. This is also applicable to our own locus standi hearings if these should fall within the recess timeframe.

Consideration should be given to the EU referendum and the timings of the locus standi hearings should take the associated recess into account. To do otherwise risks again more reputational damage to our democratic processes and the HS2 project.

In conclusion, we all remain convinced that the approach by HS2 Ltd over the Lords Select Committee has already harmed the democratic process and has not taken into account the strength of feeling at a local level. We would like to offer you the opportunity to reverse this and look forward to hearing from you with a positive response to our concerns.

Yours sincerely,



The Rt Hon. John Bercow MP (Buckingham)



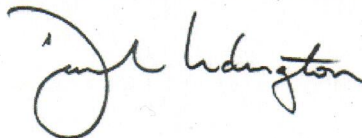
The Rt Hon. Cheryl Gillan MP (Chesham and Amersham)



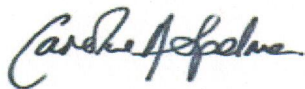
Nick Hurd MP (Ruislip Northwood and Pinner)



Andrea Leadsom MP (South Northamptonshire)



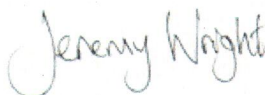
The Rt Hon. David Lidington MP (Aylesbury)



The Rt Hon. Caroline Spelman MP (Meriden)



Craig Tracey MP (North Warwickshire)



The Rt Hon. Jeremy Wright QC MP (Kenilworth and Southam)

Cc: Lord Walker of Gestingthorpe, Chairman, HS2 Lords Select Committee
The Rt Hon. Patrick McLoughlin MP, Secretary of State for Transport