

Buckinghamshire County Council guide on Hybrid Bill petitioning

Please note that petitioning is a Parliamentary process, and therefore the framework for this process is set by the Government. This guide is intended to provide information based on Parliamentary advice, as well as Buckinghamshire County Councils approach to petitioning. This document is not to be taken as legal advice, but merely supplementary information which should be used alongside the official parliamentary guidance. Official guidance can be found here: <http://www.parliament.uk/business/bills-and-legislation/current-bills/previous-bills/hybrid-bills/>. Alternatively, you can contact the House of Commons Private Bill Office at: House of Commons, London, SW1A 0AA, phone: 020 7219 3250, fax: 020 7219 3690, email: prbohoc@parliament.uk

What is a petition?	2
Who can petition?	2
Who is likely to have <i>locus standi</i> ?.....	2
How do I know if my property is within the Bill limits?.....	2
Can action groups formed specifically in response to HS2 submit a petition?	3
Should I submit a joint petition?	3
Should a household submit one petition, or should each individual submit a petition?	3
Can I petition if I have not responded to the ES?.....	4
Is it expensive to petition?	4
What technical support, do I as an individual need, if I decide to petition?.....	4
Do I need a solicitor or legal advice?.....	4
Do I need to appoint an agent?.....	4
What can I petition on?	5
Should I include points I support in my petition?	5
What should be included in the petition?.....	5
Who should sign the petition?	5
Will the petition template need altering if the Hybrid Bill changes?.....	5
How to make petitions effective	6
When is petitioning for HS2 Phase 1 likely to happen?	6
What happens after I have deposited my petition?.....	6
Do I have to appear before the Select Committee if I petition?	6
Can someone speak on my behalf at the Select Committee stage?	6
If I want to petition in different capacities, can I sign more than one petition?	7
What happens if I reach agreement with HS2 Ltd before petitioning?	7
How do I ensure agreements with HS2 Ltd are legally binding?.....	7
Does the petitioning process have to be repeated at the House of Lords, and if so, will expert witnesses be required to attend?	7
Can issues which have not been considered in the ES be petitioned on?	7
If someone raises a new issue in their ES response, can anyone petition on this point?.....	7
Can the same individual act as a Roll B agent and an expert witness on the same issue?.....	7

Can the same individual act as a Roll B agent for several different people/bodies?.....	8
Where and when should the petition be presented, and by whom?	8
Can the name of the petitioner be changed, for example if they are unable to appear before the Select Committee?	8
Can I have my draft petition checked?	8
What can be achieved during petitioning?	8
Where can I find further information?	9
Key terms.....	9
Useful links	10

What is a petition?

A petition is a formal document which is deposited in Parliament by a person or body who objects to a Hybrid Bill.

Who can petition?

Any individual or body can petition, as long as they:

- Pay the £20 fee
- Comply with the procedures
- Petition in the correct form

However, only those ‘*directly and specially affected*’ by the Hybrid Bill are entitled to appear before the Select Committee on a petition. This decision is made by the Committee themselves, and those who are considered to be ‘*directly and specially affected,*’ are considered to have what is called *locus standi* (a right to be heard).

Who is likely to have *locus standi*?

It is very difficult to predict whose *locus standi* will be challenged, as it depends on who the Secretary of State, as the promoter of the Bill, decides to challenge. However, the table below provides general criteria of who *may* be challenged. **Please remember** that this is a guide rather than definitive, and in previous cases (e.g Crossrail, Channel Tunnel) very few petitioners have been challenged.

Unlikely to have <i>locus standi</i> challenged	Local authorities, owners, lessees and occupiers of land within the Bill limits. Businesses within the Bill limits. Organisations representing the interests of those within the Bill limits.
May have their <i>locus standi</i> challenged	Bodies representing traders, businesses, amenities, education, travel, or recreational interests, who feel that they will be affected by the Bill, even if they are not within the Bill limits. Bodies affected by competition from the Bill’s proposal.
Likely to have their <i>locus standi</i> challenged	Councils and businesses whose land is not within the Bill’s limits, and are unlikely to be affected by the Bill. Groups which have formed specifically to object the principle of the Bill. Individuals who are not directly affected by the Bill.

In order to increase the chance of having *locus standi* make your petition personal, state why you should be heard, and clearly state how you specifically will be affected, rather than highlighting general points that affect many people.

How do I know if my property is within the Bill limits?

The maps showing the land potentially required during construction can be found here:

<https://www.gov.uk/government/publications/hs2-phase-one-environmental-statement-volume-2-community-forum-area-reports-and-map-books/hs2-phase-one-environmental-statement-volume-2-community-forum-area-reports-and-map-books>.

The land highlighted in pink on the construction maps shows the land that will potentially be required.

The maps showing the Safeguarding zones can be found here:

http://www.hs2.org.uk/safeguarding?sg_link=576

Can action groups formed specifically in response to HS2 submit a petition?

Any group can deposit a petition against the Hybrid Bill. However, there have been numerous cases where action groups formed specifically to object the subject matter of a Bill have had their *locus standi* challenged. If the promoters of HS2 choose to challenge the *locus standi* of these groups, it is likely -based on previous cases- that the Select Committee will disallow *locus standi*. However, committees are unpredictable and have been known to grant action groups *locus standi*. Furthermore, it is unclear whether the promoters of HS2 will challenge any petitioner's *locus standi*, and this will depend on the tactical approach they take. The Select Committee can only disallow *locus standi* if the promoters of HS2 decided to challenge it, and cannot do so of their own accord.

With this in mind, it is suggested that action groups do petition if they feel they are specially and directly affected, but bear in mind that they could well have their *locus standi* challenged.

Should I submit a joint petition?

The Select Committee will want to avoid repetition of petitioning points. Therefore, petitioners with similar concerns are encouraged to communicate with each other prior to submitting their petition. The forum on the 51m website should provide a place for this communication to take place, and lays out specific topics people may petition on.

In terms of submitting joint petitions, BCC have been advised that in general, individuals and groups should avoid submitting joint petitions, as they may take diverging views later on in the process. Alternatively, petitioners are encouraged to identify the most suitable petitioner to lead on a specific point (i.e. strongly affected, knowledgeable on the topic, unlikely to have their *locus standi* challenged), and other petitioners should support this petition. For example a supporting petitioner could state: 'Your petitioner supports the petition raised by {leading petitioner's name} regarding {topic of petition}. The supporting petitioner could then copy the petition stated by the leading petitioner, but indent the text and put it in quotation marks and italics to make it clear that this is a quote. By including this text, even if the lead petitioner is not granted *locus standi*, the information will still be presented to the Select Committee. If the supporting petition is affected in a different way to the lead petitioner, this should also be stated to ensure all petitions are from a personal perspective.

For petitioners with similar concerns who wish to appoint a professional agent, it is worth appointing the same agent. This person would then be the main point of contact (for Parliament and HS2 Ltd) for all petitioners with a particular concern.

Should a household submit one petition, or should each individual submit a petition?

There is nothing in the Parliamentary guidance to suggest that you should only submit one petition, and there is no harm in submitting separate petitions, particularly if the concerns and therefore the petitioning points vary. However, given that a fee must be paid for each petition submitted, it may be more favourable to combine petitioning points and submit this as one petition. If the concerns within the household are identical, there is little point in submitting the same petition twice. However, the ultimate decision is down to the individuals.

Can I petition if I have not responded to the ES?

Yes. As confirmed by HS2 Ltd, anyone can submit a petition regardless of whether they submitted a response to the ES. However, we have been advised that if you raise a point in a petition that you have never previously raised with HS2 Ltd, the Select Committee may question why you have not attempted to address this earlier. Therefore, if you wish to petition on a topic you have not previously raised, it is worth contacting HS2 Ltd to discuss how this could be resolved prior to submitting your petition.

Is it expensive to petition?

The fee is expected to be £20. A similar fee would be payable in the House of Lords if a petition was to be deposited there.

What technical support, do I as an individual need, if I decide to petition?

A petition is simply a document in a particular format, which explains how you will be affected by the Bill, and how you would like your concerns to be met (see below). Although the format is important, anyone can write a petition if they follow the guidance.

The House of Commons will provide a standard template and advice on how to write a petition, and this will be available on its website. Petitioners may, if they wish, send their draft petition to the Private Bill Office for comment. Further information and guidance can be found in the useful links below.

Do I need a solicitor or legal advice?

No, you can petition and appear in front of the Select Committee in person. It is important to remember that those personally affected by the Bill can come across very effectively to the Select Committee, and there is certainly no obligation to call upon professional agents or witnesses. If you would like someone to appear on your behalf, please refer to the guidance on appointing an agent below.

Do I need to appoint an agent?

The parliamentary guidance states that:

‘Petitioners in person do not have to appoint an agent. Corporations, associations and groups must appoint a Roll A or Roll B agent unless they choose to be represented by a member or officer authorised as below.’

(<http://www.parliament.uk/business/bills-and-legislation/current-bills/previous-bills/hybrid-bills/>, petitioning forms, correct as of 7th April 2014)

Anyone who you feel can put your point across effectively can become a Roll B agent and act on your behalf.

Any corporation, association or group petitioning against a Bill should hold a properly constituted meeting and pass a resolution authorising the deposit of a petition against the Bill and authorising a named person to act on behalf of the organisation. A letter containing such a resolution should be presented at the Private Bill Office when the petition is deposited. Further guidance and the relevant forms for Roll B agents to complete can be found here, under ‘petitioning forms’

<http://www.parliament.uk/business/bills-and-legislation/current-bills/previous-bills/hybrid-bills/>

Please note, you cannot apply to be a Roll B agent in advance, and you should only present Roll B application forms when you submit your petition.

What can I petition on?

Assuming the Bill passes its Second Reading in the House of Commons, the principles of the Bill cannot be petitioned against. Therefore, do not draft a petition with the sole purpose of stopping HS2, although if you are opposed to the scheme in principle, you should say so.

Petitions should relate to objections about the Bill, the formal environmental statement and supporting documents. This can include the route itself, issues associated with noise, traffic, waste, ecological issues etc. The Select Committees will also usually hear objections about lack of consultation.

Should I include points I support in my petition?

If there are points in the ES that you strongly support such as green tunnels and mitigation measures, it is worth including this in your petition. This is because somebody else may petition against a particular point, which could result in HS2 Ltd removing it without carrying out further consultation.

What should be included in the petition?

As mentioned above, the House of Commons will publish a standard template. However the following information should be included:

- A brief explanation of what the Bill does
- Who the petitioner is, and why they should be heard (i.e. their *locus*)
- The grounds of objection to the Bill. This should include all points, as the Select Committee will not hear any points that were not raised in the petition. Points should be kept brief; and stated in a concise form.
- What you want to be done, e.g. the Bill to be amended, further assessments carried out, other Bill documents to be amended, assurances or undertakings from HS2 on particular matters

No crossing out or underlining should appear in the petition, and there must be no letters, appendices or other documents included. Petitions should be typed, printed or clearly handwritten on single-sided A4 paper.

Who should sign the petition?

According to the Parliamentary guidance:

‘The petition must be either signed by the parties who are petitioning against the bill, or signed on their behalf by their duly authorised agent (see “Agents” below). If the petition is signed by the agent the authority in writing must accompany the petition. If a limited company or corporation or local authority is a petitioner against the bill, and if the petition is not signed on behalf of the petitioner by a duly authorised agent, the common seal of that company, corporation or local authority should be affixed to the petition, and attested in the usual way by the appropriate officers, e.g. The Company Secretary and a director. The first signature or seal must be on the same parchment or paper as the prayer or part of the prayer’

(<http://www.parliament.uk/business/bills-and-legislation/current-bills/previous-bills/hybrid-bills/>,
Petitioning forms, correct as of 7th April 2014)

Will the petition template need altering if the Hybrid Bill changes?

If the Hybrid Bill changes, certain sections in the petition template will need editing to reflect this. However, according to the Parliamentary advice, the Hybrid Bill will remain unchanged until after the Second Reading, and therefore no changes will be required.

How to make petitions effective

- Make petitions personal. State how you will be affected specifically, rather than general impacts that affect many people.
- Clearly state in what way you will be affected, and justify why you should be heard.
- State your proposed remedy (i.e. what you want HS2 Ltd to do), rather than just the issue. This may include a hierarchy of remedies if the preferred option is a big ask.
- Ensure the issues you raise in your petition and your proposed remedies do not conflict with other petitioners. If there are conflicts, the Select Committee are unlikely to consider these seriously, and HS2 Ltd will have a good reason to reject them. In order to ensure there are no conflicts, it is vital to communicate with other petitioners prior to submitting your petition.
- Ensure you raise all issues in your petition. The Select Committee will not consider anything that is not included in the petition.
- Do not go into extensive detail in the petition. Instead, briefly set out the grievance and the proposed remedy. This can be expanded upon later in front of the Select Committee.
- Remember that the Select Committee cannot change the principle of the Bill. Therefore do not write a petition with the sole purpose of stopping HS2. However, if you do object to the principle of the Bill you should state this briefly.

When is petitioning for HS2 Phase 1 likely to happen?

The petitioning period is set immediately after the Second Reading, which will take place on the 28th April 2014. We believe that there will be two separate deadlines for depositing a petition- the 16th May for petitioners other than individuals, and the 23rd May for individuals. However the official dates will be confirmed at the Second Reading.

What happens after I have deposited my petition?

A copy of your petition will be sent to the promoter of the Bill, and it will also be published on the Parliament website. Providing you are granted *locus standi*, you will be contacted inviting you to present your petition at the Select Committee. Further details on the Select Committee process will be released at the Second Reading.

Do I have to appear before the Select Committee if I petition?

The Select Committee will decide if you have *locus standi*, if it is challenged by the Secretary of State. Any such challenges will be heard right at the beginning of the proceedings. If they decide you do not, you will not be able to appear before the Select Committee.

The promoter of the Hybrid Bill may contact you and seek to reach an agreement on the points raised in your petition. If an agreement is reached and you are happy with this, you will no longer need to appear before the Select Committee.

If no agreement is reached, you or your representative will be called to appear before the Select Committee. A petitioner can appear on behalf of other petitioners whose names and signatures appear on the original petition. Petitioners with common interests can nominate a spokesperson to make a joint case.

Can someone speak on my behalf at the Select Committee stage?

If you would like to submit a petition but do not want to speak at the Select Committee a number of options are available:

- You could appoint an agent and arrange that they speak on your behalf
- If someone else agrees with your petitioning points, they could speak at the Select Committee stage and you could support their points

If you are concerned about appearing in front of the Select Committee and require further information on this process, it is worth contacting the Private Bill Office: Telephone: 020 7219 3250, Email: prbrhoc@parliament.uk

If I want to petition in different capacities, can I sign more than one petition?

Yes, providing you are not making exactly the same case twice over. For example you could sign a petition as an individual setting out your individual complaint, and another as a member of an affected body setting out the effects on a group of people. You could also submit one petition as an individual resident, and one as an owner of a business. However, if your petitioning points are the same in both cases, there is little point in submitting two separate petitions. However you should mention your different roles (e.g. individual resident and business owner) when explaining who you are and why you should be heard.

What happens if I reach agreement with HS2 Ltd before petitioning?

If an agreement is reached or a satisfactory assurance or undertaking given, this should be obtained in writing. It will then be placed in a register of undertakings and assurances which will be binding on the person who builds and operates the railway. Petitions can be withdrawn by writing to the Private Bill Office where the petition was originally deposited. Letters must be signed by the petitioner or agent. If a petition has been deposited by or on behalf of more than one person, any one of those persons may withdraw the petition.

How do I ensure agreements with HS2 Ltd are legally binding?

All agreements reached with HS2 Ltd prior to the Select Committee stage should be recorded in the Register of Undertakings and Assurance. It is important that you check the wording in this register, and ensure you are happy with this. If you are in any doubt or do not agree with the wording, we recommend that you submit your petition anyway, as you are under no obligation to present this at the Select Committee stage if you do reach a satisfactory agreement with HS2 Ltd prior to the Select Committee stage.

Does the petitioning process have to be repeated at the House of Lords, and if so, will expert witnesses be required to attend?

The petitioning procedure is slightly different in the House of Lords. For more information on this process contact the House of Lords Private Bill Office, Room 23, 1st Floor, House of Lords, London, SW1A 0PW, phone: 020 7219 3231, fax: 020 7219 2571, email: prbohol@parliament.uk. It is up to the petitioner whether or not they want to employ an expert witness or agent for this process. However, as with the House of Commons process, there is no obligation for petitioners to call upon professionals to represent them.

Can issues which have not been considered in the ES be petitioned on?

Strictly speaking, petitions should focus on what is included within the Hybrid Bill. However, the Hybrid Bill is closely linked to the Environmental Statement and other supporting documents. Therefore petitioners can raise concerns regarding what is included in any of these documents.

If someone raises a new issue in their ES response, can anyone petition on this point?

Yes. As long as an issue affects you directly you are able to petition on it, even if you have not considered this issue previously. However, if you raise a completely new issue in your petition, the Select Committee may question why you have not previously mentioned this. Therefore it is worth contacting HS2 Ltd and raising this issue prior to submitting a petition.

Can the same individual act as a Roll B agent and an expert witness on the same issue?

Yes. An individual can present a case to the Select Committee and also give evidence under oath regarding the same issue.

Can the same individual act as a Roll B agent for several different people/bodies?

Yes, and according to the Parliamentary guidance

'you only need [to] complete one Roll B application form. However, you will need separate forms of authority from each person or body you represent.'

(<http://www.parliament.uk/business/bills-and-legislation/current-bills/previous-bills/hybrid-bills/hybrid-bill-faqs/>.

Correct as of 7th April 2014)

Where and when should the petition be presented, and by whom?

Petitioning will begin on the 28th April, and the deadline for submitting petitions will be determined at the Second Reading. Petitions must be deposited in person at the House of Commons by either the petitioner, any MP, or a Parliamentary Agent. Cheryl Gillan MP has offered to deposit petitions. Further details can be found here: <http://www.cherylgillan.co.uk/hs2-petitioning-process>

Petitions must be presented on the parliamentary estate in Westminster at Portcullis House, the entrance to which is on the Embankment round the corner from Westminster tube station. The location is marked 4 on the attached map: <http://www.parliament.uk/documents/facilities/maps/colmap1.pdf>. Please be aware that there are likely to be many people submitting petitions and queues are expected. Therefore, it is recommended that you do not leave submitting your petition to the end of the final day, and you are prepared to queue.

A checklist of what should be deposited has been produced by Parliament, and can be found by clicking on 'checklist', under the 'further information' and 'petitioning toolkit' sections:

<http://www.parliament.uk/business/bills-and-legislation/current-bills/previous-bills/hybrid-bills/>.

Can the name of the petitioner be changed, for example if they are unable to appear before the Select Committee?

Yes. The name of the petitioner can be changed if necessary. This can be done by contacting the Private Bill Office where the petition was originally deposited.

Can I have my draft petition checked?

If you would like the format of your petition to be checked prior to depositing it, you can send a draft petition to the Private Bill Office for comment. We recommend that you do this sooner rather than later.

What can be achieved during petitioning?

Although the Select Committee cannot change the principle of the Bill, there is scope to alter aspects of the design and improve mitigation measures. For example the Select Committee for the Crossrail Bill listened to 205 petitioners, and outcomes include:

- Further communication with owners/occupiers of properties expected to be subject to compulsory acquisition, including details of whether their property is likely to be used, which parts, and on which dates.
- Further noise and vibration mitigation for a historic church.
- Requirements for the nominated undertaker to work with a local residents association and landowner to enhance an area of green space post construction, which otherwise would have been adversely affected.
- Suitable noise insulation for specific communities affected by the construction works.
- Changes to the construction route preventing lorries from using a specific residential road which the residents deemed unfit for construction vehicles.
- Installation of dust monitors at specific locations.
- Requirements for the Promoter to make pre-construction surveys available to the petitioner.

- The requirement to use floating slab tracks in all tunnels routed under residential properties at a depth of 15 metres or less.
- The requirement for a 'One Stop Shop' to be set up for the duration of the works, to enable local residents to report concerns regarding noise and dust.
- Changes to the hours lorries were able to operate on roads which a school faces onto.
- Further mitigation to protect listed buildings.
- Further consultation regarding the design of a specific footbridge.
- Noisy works close to schools to be carried out during the school holidays.
- Further consultation with stakeholders to improve Rights of Way diversions.
- Further discussion with the transport authority regarding the most appropriate routes for HGVs.

Where can I find further information?

The House of Commons Clerk of Private Bills handling the HS2 legislation is Neil Caulfield. Contact details for the Private Bill Office of the House of Commons are:

Telephone: 020 7219 3250, Email: prbrhoc@parliament.uk

The useful links below also contain a range of information.

We recommend that you get copies of all verbal correspondence with the Private Bill Office in writing as confirmation of what you have been told.

Key terms	
Parliamentary Agent	<p>Petitioners may wish to instruct an agent to act on their behalf on matters relating to the petition. There are two types of agents:</p> <ul style="list-style-type: none"> • Roll A Agent: Professional Parliamentary Agents (who also act for promoters). These are specialists in parliamentary Bill procedures. In the case of HS2, Winkworth Sherwood and Eversheds are acting as Roll A Agents for the promoters, and therefore cannot act for petitioners • Roll B Agent: All other agents. These are not necessarily lawyers or professionals, although if they are not, they must present a Certificate of Respectability from a Member of Parliament, Justice of the Peace, solicitor or barrister. Anyone you think can put your case effectively can apply to be a Roll B agent and act on your behalf.
Hybrid Bill	Combines features of public Bills (legislation that affects us all) and private Bills (affects specific individuals/organisations).
Locus standi	A right to be heard. A petitioner may only be heard by the Select Committee if their <i>locus standi</i> is not successfully challenged.
Petition	A formal document laying out in summary objections to aspects of the Hybrid Bill. This includes the interests of the objector, objections to the Bill, and what changes the petitioner requires.
Principle of the Bill	Parliament's endorsement in principle of the HS2 proposed scheme from London to Birmingham. The principle of the Hybrid Bill is endorsed when the Bill has its second reading.
Second reading	Once the Bill has been presented (First Reading), it is then debated in a Second Reading debate. This will take place no earlier than the 28 th April 2014.
Select committee	7-10 backbench MPs with no constituency or other interest in the Bill. These are sometimes referred to as 'quasi-judicial', as the Committee hears in an impartial way the arguments and evidence for and against some of the proposals. They also decide on <i>locus standi</i> , and have the power to amend (but not reject) the Bill.

Useful links

- FAQ on HS2 Hybrid Bill:

http://www.parliament.uk/documents/commons-public-Bill_office/HS2-website-FAQs-v4.pdf

- High Speed Rail Bill - What you need to know:

<http://www.parliament.uk/documents/commons-committees/HS2-leaflet.pdf>

- Petitioning advice and template petitioning form (click on the link under 'Further information'):

<http://www.parliament.uk/business/bills-and-legislation/current-bills/previous-bills/hybrid-bills/>

- Examples of petitions submitted to petition against the Crossrail Hybrid Bill. It may be useful to look at the format used when preparing your petition:

<http://www.publications.parliament.uk/pa/cm200506/cmbills/001/001pet.htm>

- The Select Committee's report regarding Crossrail. This provides further examples of what can be achieved by petitioning, as well comments made by the Select Committee:

<http://www.publications.parliament.uk/pa/ld200708/ldselect/ldcross/112/112.pdf>

- Presentation and handouts from the Buckinghamshire Council and Buckinghamshire Districts petitioning workshops:

<http://www.51m.co.uk/petitioning/>