

## HYBRID BILLS PETITIONING TACTICS



Neil Cameron QC  
Landmark Chambers

### Introduction



- The petition
- Liaising with other petitioners
- Preparation for an appearance before the Select Committee
- Appearing before the the Select Committee



## The Petition (1)



- A petition is “... a summary of objections to particular aspects of the Bill. It is a request to the House of Commons for the Petitioner to be allowed to argue their case before the Select Committee” (Select Committee on the Crossrail Bill First Special Report paragraph 10)



## The Petition (2)



### Context

- The purpose of the petitioning process is to protect those who may suffer particular adverse effects beyond those suffered by the public at large (HS2 House of Commons SC 2<sup>nd</sup> Special Report paragraph 376)
- The onus is on a petitioner to prove that they are unreasonably affected by the bill
- If the petition does not establish that the petitioner will be specially affected, locus standi is likely to be challenged.
- The House of Commons Select Committee on HS2 recommended “There should be less petitioning, with more focus on serious detriment” (2<sup>nd</sup> Special Report paragraph 385)

## The Petition (3)



### The Principle of the Bill

- The Bill is approved in principle at second reading, and the principle cannot be challenged
  - The House of Commons may give an instruction to the Select Committee as to what should be considered to be the principle of the bill
  - The Crossrail Bill Select Committee (First Special Report paragraph 28) expressed the view that future hybrid bill committees should be allowed to decide what is the principle of the bill without an instruction



## The Petition (4)



### The Ambit of the Petition

- What can you ask the committee to do?
  - Amend the Bill
    - Amendments which limit powers
    - Amendments which extend powers (additional provisions)
  - Invite the promoter to give an undertaking/enter into an agreement
- Petitioners can only be heard on matters included in their petition

See House of Lords HS2 Petitioning Kit Guide page 4 – What Should I Put In The Petition?



## The Petition (5)



Specific objectives

- Tunnel
- Changes to station design- e.g. Euston
- Amend the compensation provisions: e.g. temporary possession



## The Petition (6)



Concerns of general application

- Noise
- Vibration
- Air pollution
- Dust
- Etc....




## Liaising with other Petitioners (1)

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### Environmental issues


- Noise
  - Construction
  - Operation
- Air quality

### Other issues of general application

- Compensation schemes (e.g. non-statutory schemes)
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## Liaising with other petitioners (2)

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- Lead local authority on certain environmental issues
  - Specific issues
    - Liaison between local authorities and local interest groups
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## Preparation (1)

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- Decide on which petitioning points to present to the committee



## Preparation (2)

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- Obtain any technical reports
- Disclose technical reports and discuss with the the promoter

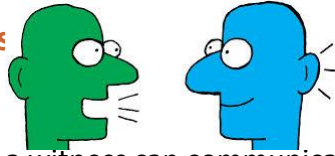
e.g. movement of materials by rail



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"I know nothing about the subject, but I'm happy to give you my expert opinion."



### Preparation (3) Selecting Witnesses



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- Very important that a witness can communicate well with committee
- Experts – focus on the issues in dispute, in clear non-technical language
- Council officers – sufficient seniority (but with knowledge)
- Politicians
  - MPs
  - Local councillors
- Residents
  - MPs interested in real people with genuine problems

### Preparation (4) - evidence

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- Be clear on what you are asking the committee to do
- Explain why you are asking them to do it
  - What is the problem
  - How will the action sought overcome the problem
- Show that there is no realistic or practical alternative way of overcoming the problem
- Establish that there is no technical impediment to any change requested (e.g. put forward an alternative which was considered feasible by the promoter)
- Identify the cost of any change

## Preparation (5) Evidence

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- Proofs of evidence (for internal use only)
  - Exhibits
    - Power point slides (to be submitted in advance)
    - Identify the witness
    - Set out what the petitioner is asking the committee to do
    - Identify the problem
    - Identify the solution
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## Preparation (6) Evidence

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- Page 1 of the exhibits
    - Identify the problem
    - Demonstrate the problem (how the petitioner is unreasonably affected)
      - E.g. road leading to railway bridge too close to existing house
      - Worksite unnecessarily large
      - Compensation provisions will result in unfairness
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## Appearance (1)

Some points can be covered by submission – e.g. compulsory purchase provisions

In most cases  
Short opening  
Evidence  
Response by promoter  
Closing



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## Appearance (2)



- Don't ask/expect the committee to do any pre-reading or reading 'at your leisure'
  - Don't cover up: if in doubt, be more open and more frank about your position.
  - Don't worry about rules of evidence etc....
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### Appearance (3)

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- Q and A to witness
- Be prepared for questions from any committee member at any time
- Be flexible/responsive



### Appearance (4)

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- 'asks' should be
  - Reasonable
  - Feasible
  - Easy to understand
  - Capable of being granted by the committee
- Presentation should be short and to the point



## Outcomes

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- Agreement in the committee corridor
    - If there is no signed final agreement make sure that you read the agreement into the record
  - Indication from the committee that the promoter should take action
    - Reserve the right to come back to the committee if agreement is not reached
  - Committee amend the Bill or make recommendations in their special report
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