

**Date:** 30 June 2016

**Item:** Legal Compliance Report (1 October 2015 – 31 March 2016)

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## **This report will be considered in public**

### **1 Summary**

- 1.1 This paper summarises the information provided by each TfL Directorate for the Legal Compliance Report for the period 1 October 2015 to 31 March 2016.

### **2 Recommendation**

- 2.1 **The Panel is asked to note the report.**

### **3 Background**

- 3.1 The Legal Compliance Report is compiled from information supplied through questionnaires completed by each TfL Directorate and follow up discussions concerning known legal compliance issues.

### **4 Scope of the Report**

- 4.1 The Directorates were asked to identify where they are aware of any alleged breaches of law between 1 October 2015 and 31 March 2016. The questionnaire sought responses concerning the following:
- (a) prosecutions against TfL;
  - (b) formal warnings or notices from the Health and Safety Executive, the Office of Rail and Road, the London Fire and Emergency Planning Authority, the Environment Agency, or other Government Agencies;
  - (c) investigations by an Ombudsman;
  - (d) alleged legal breaches notified by Local Authorities or other bodies;
  - (e) judicial reviews;
  - (f) involvement in inquests;
  - (g) personal injury claims;
  - (h) proceedings in relation to discrimination on the grounds of race, sex, disability, age, religion or belief, sexual orientation, equal pay or breach of contract;
  - (i) wrongful or unfair dismissal;
  - (j) other material breaches of the law;
  - (k) any other material compliance issues; and
  - (l) any initiatives introduced by Directorates to address compliance issues.

- 4.2 The reporting periods for the graphs included in this report follow the six monthly Legal Compliance reporting periods from April to September and October to March. The graphs commence in the reporting period covering October 2013 – March 2014. Each period includes any ongoing matters carried over from previous reporting periods where applicable. In accordance with TfL's commitment to transparency, the legal compliance report is included in this public paper.

## **5 Commentary on Legal Compliance Issues**

### **Notification of Intention to Prosecute**

- 5.1 Since the end of the last reporting period, on 16 June 2016 London Underground and Tube Lines received a summons from the Office of Rail and Road (ORR) to appear at Highbury Coroner Magistrates Court on 19 July 2016. The ORR is prosecuting London Underground for breaches of sections 3(1) and 33(1)(a) of the Health and Safety at Work etc. Act 1974, and Tube Lines Limited for breaches of sections 2(1) and 33(1)(a) of the 1974 Act. The prosecution relates to an accident which occurred in September 2014 when an employee fell from a scaffold tower which was erected in a disused lift shaft at South Kentish Town station for the purpose of cleaning the shaft period. TfL is considering its response.

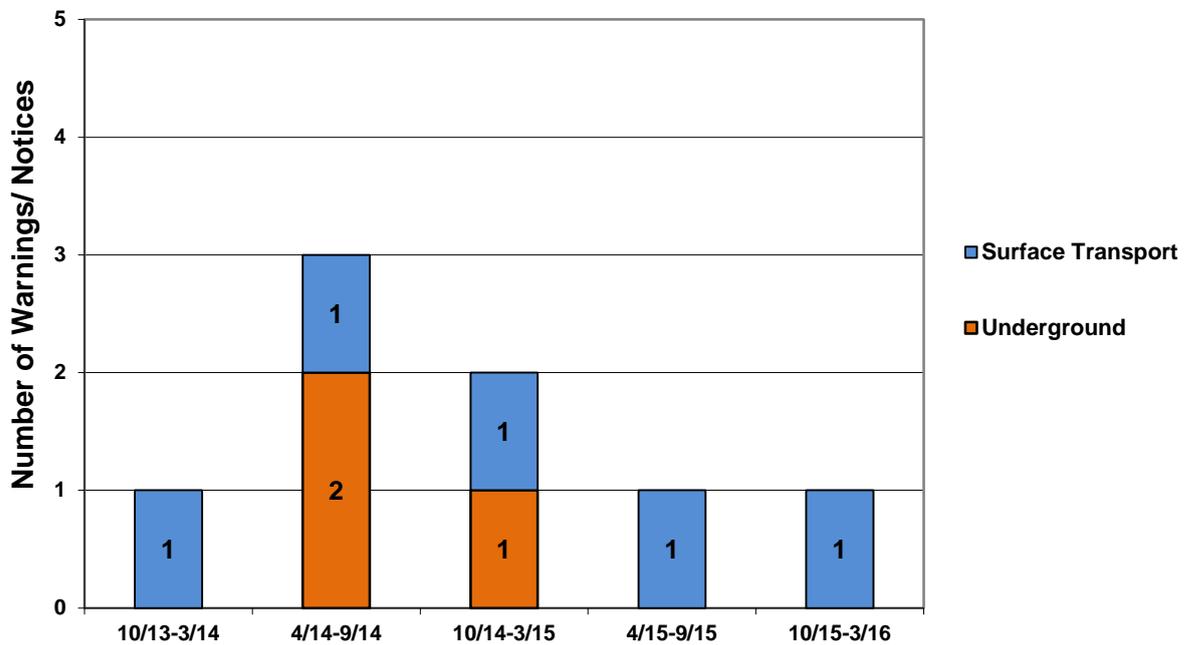
### **Formal Warnings or Notices from the Health and Safety Executive (HSE) or Office of Rail and Road (ORR)**

- 5.2 Surface Transport previously reported an incident on the A40 in November 2011, in which a motorcyclist was injured as a result of temporary bridging plates installed over defective expansion joints on the A40 Westway. The HSE investigation is still ongoing and no formal warning or notices have been issued to date.
- 5.3 Since the end of the reporting period, the ORR has served two Improvement Notices on London Underground. The first is in relation to an embankment failure which occurred on 1 May 2016 between Chorleywood and Rickmansworth stations on the Metropolitan line. The ORR has concluded that after the slip was reported London Underground should have ordered a suspension of service until an assessment of the stability of the embankment was carried out by a properly qualified person rather than, as happened, London Underground and Chiltern Line trains being allowed to continue running past the area of the slip on speed restriction for a period of c75 minutes. The notice also refers to concerns over the length of time (c66 minutes) it took London Underground to inform Chiltern Rail of the embankment failure and also the lack of guidance in the line operating procedures for the Metropolitan line for action to be taken in the event of an infrastructure failure such as an embankment failure. The improvement required of London Underground by the ORR is to review and amend operating procedures to ensure that they cover what to do in the event of an infrastructure failure and what to do until the situation has been assessed to ensure safety of staff, passengers and the public generally. The improvements have been discussed and agreed between London Underground and ORR. London Underground has taken immediate action to tighten procedures.
- 5.4 The second Improvement Notice is in relation to an incident in the early hours of 4 June 2016 at Whitechapel station. An On-Track Plant machine was travelling in a convoy along the railway tracks from West Ham when it trapped and crushed its

controller between the side of the machine and the platform edge. The machine controller, an employee of Balfour Beatty Rail Limited (BBR), suffered serious injuries to his pelvis.

- 5.5 The Improvement Notice states that London Underground permitted BBR to move On-Track Plant on its infrastructure travelling on rails and in convoy to a site of work without satisfying itself that a safe system of work had been planned and was being maintained to control risks. London Underground is required to review arrangements between it and BBR to ensure that the risks associated with moving On-Track Plant in convoy along rails are fully assessed, and a safe system of work is devised to either eliminate the risk to machine controllers being struck by such machinery or to control the risks as far as possible. London Underground is taking steps to comply with the Notice.

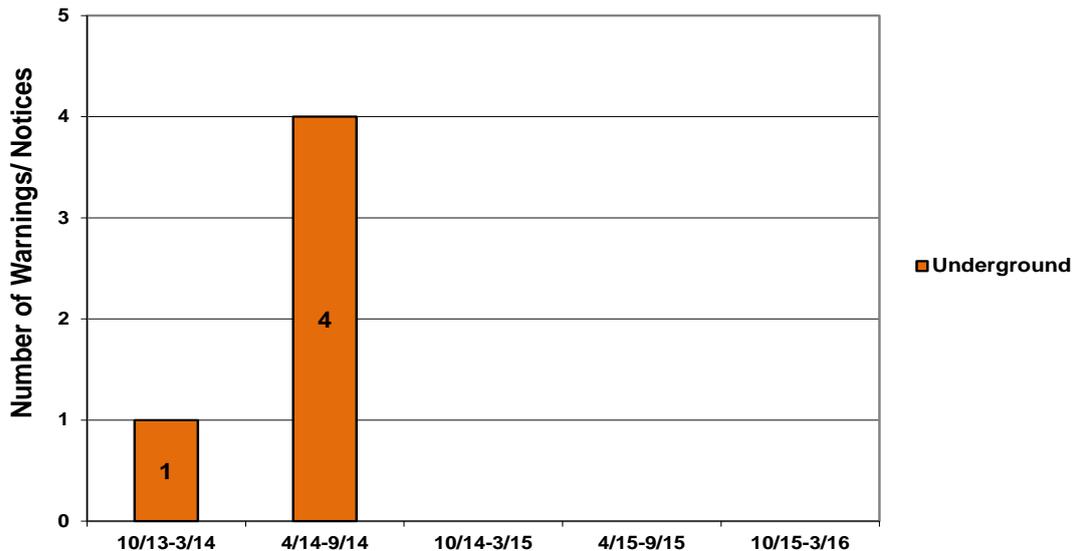
### HSE/ ORR Formal Warnings or Notices



### Formal Warnings or Notices from the London Fire and Emergency Planning Authority (LFEPA)

- 5.6 No warnings or notices were reported for this period.

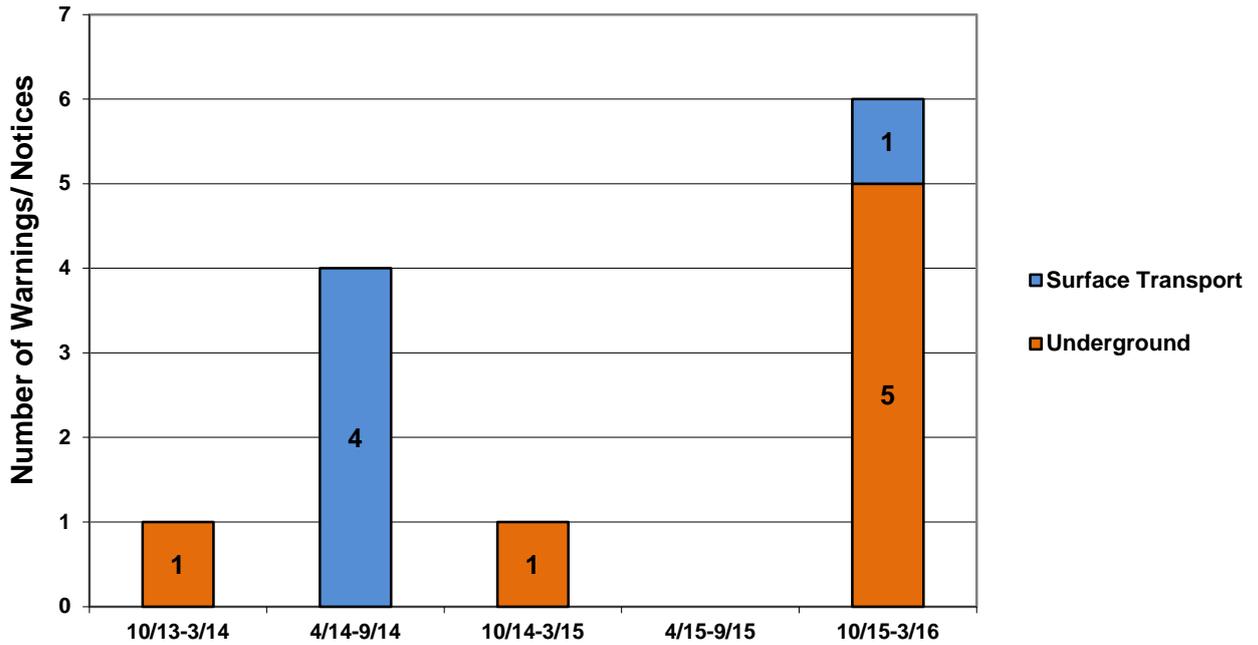
## LFEPA Formal Warnings/Notices



### Formal Warnings or Notices from the Environment Agency

- 5.7 As reported in the June 2015 report, London Underground received an Enforcement Notice on 4 November 2014 for failure to order its carbon dioxide emissions allowances by the deadline in accordance with the provisions of the Carbon Reduction Commitment Energy Efficiency Scheme Order 2010. London Underground has complied with the Enforcement Notice.
- 5.8 Subsequently, in July 2015 (but reported in this period) London Underground received a Notice of Intent from the Environment Agency to impose a penalty of £6.5m. London Underground successfully appealed and the penalty was reduced to £20,000. London Underground has paid the penalty.
- 5.9 In the current period, London Underground received four fixed penalty notices for breaches of the Environmental Protection Act 1990. One was from the London Borough of Hillingdon in January 2016 in respect of fly tipped rubbish at Eastcote Station. Three were from the London Borough of Barking and Dagenham relating to the disposal of commercial waste in domestic bins. The four fixed penalty charges have been paid. The fly tipped rubbish has been cleared; security of business and personal information arrangements have been addressed; new waste management measures have been implemented including the provision of extra bins and shredding facilities; and monitoring and response procedures have been improved.
- 5.10 Also in the current period, Surface Transport reported a letter dated 23 March 2016 from the Forestry Commission issuing a Notice under Article 31(4) of the Plant Health (Forestry) Order 2005 in relation to infestation of Oak Processionary Moth (OPM) on oak trees on TfL property on Wickham Road Street, Croydon. The Notice requires the destruction or treatment of the OPM infestation by 15 July 2016.

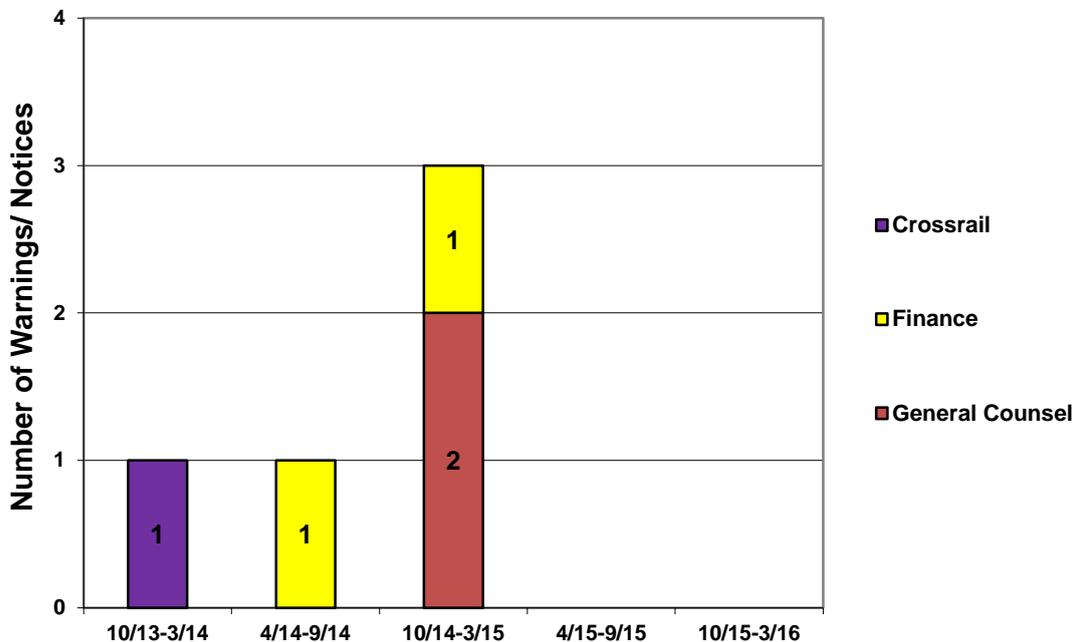
### Environment Agency Formal Warnings/Notices



### Formal Warnings or Notices from any other Government Department or Agency Indicating a Breach of Law

5.11 No formal warnings/notices were received during this period.

### Other Government Agencies Formal Warnings/Notices



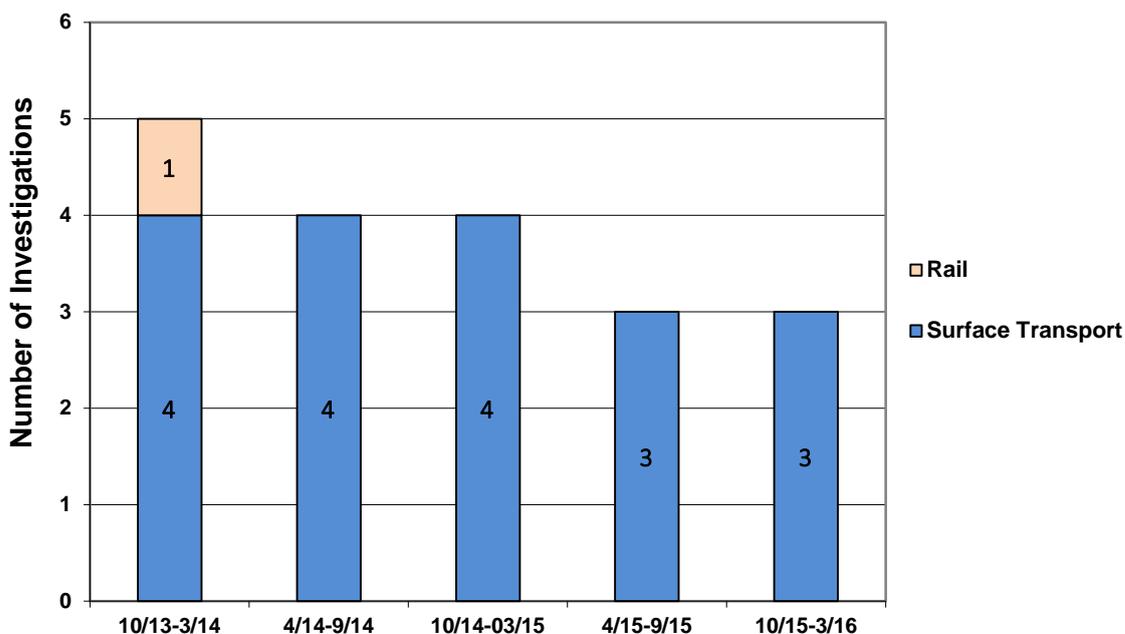
### Investigation by an Ombudsman

5.12 Surface Transport reported one outstanding investigation from the last report and two new investigations. The outstanding investigation relates to antisocial behaviour as a result of a bus stop outside a property. The two new investigations relate to changes to a coach stop blocking the light to the complainant's property

and a compensation claim for lost revenue caused by flooding to a commercial tenant's business.

- 5.13 In the outstanding investigation, as previously reported, the Local Government Ombudsman (LGO) found that TfL was not at fault. TfL was not informed by Havering Council of the complainant's objection before starting refurbishment works. TfL took up the complainant's concerns with Havering Council for consideration. Havering Council concluded that the clearway would not be moved which means it is not possible to move the bus stop. The complainant will now need to take the matter up with the Council directly.
- 5.14 In the first new investigation, the LGO requested TfL to amend the bus cage (bus stop sign on the road surface) and its policies for handling appeals submitted late. The LGO has concluded its investigation however discussions between TfL and the complainant are still ongoing as to the remedial action that could be taken.
- 5.15 In the second new investigation the LGO found that TfL had acted reasonably in reaching a settlement with the tenant.

Investigations by Ombudsman

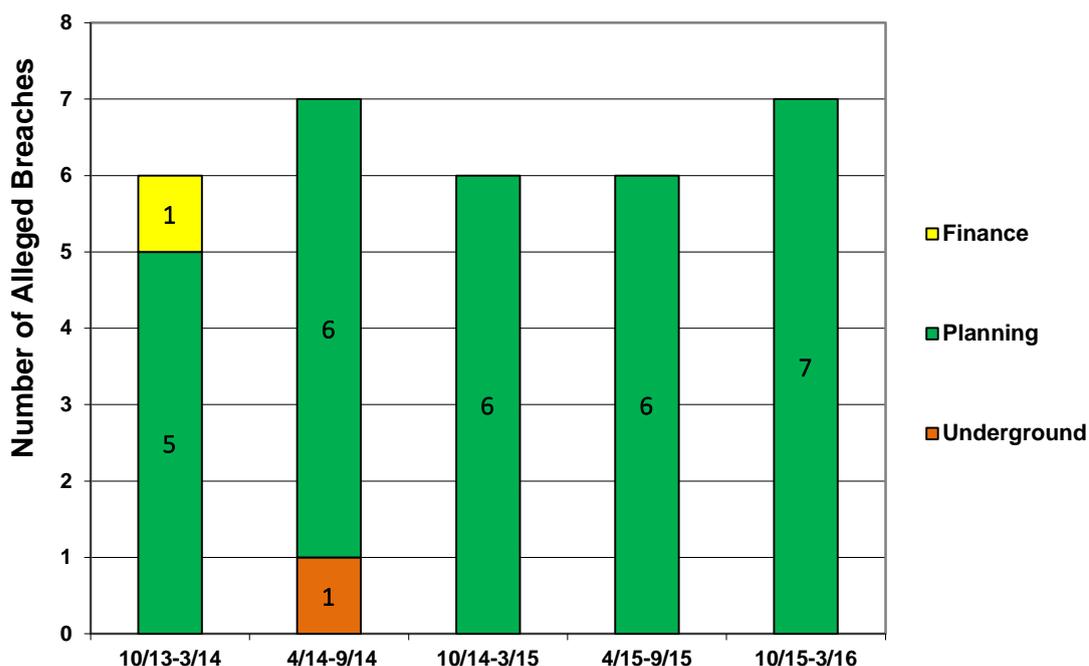


**Notices Received Regarding any Alleged Breach of Law by a Local Authority or Other External Agency**

- 5.16 Planning reported five outstanding notices from the previous reporting period and two new notices in the current period. The first outstanding notice was a Decision Notice of an Enforcement Appeal received on 25 October 2013 regarding the installation of a new shopfront, awning and roller shutter at 42-43 Haven Green. The tenant has not complied with the Notice and it has been agreed that unless the tenant complies prosecution will proceed on 31 August 2016. TfL continues to monitor the matter.

- 5.17 The second outstanding notice received on 25 February 2014 was an Enforcement Notice from London Borough of Haringey relating to an unauthorised front extension to units on 231-243 High Road and 249a High Road Tottenham. The tenant failed to remove the extension by 31 July 2014 as required by the Notice. TfL wrote to the tenant to remind them of their lease obligations and the risk of prosecution by the London Borough of Haringey. The tenant lodged an appeal with the Planning Inspectorate. During this period, the Enforcement Notice remains stayed while a newly appointed property management company prepares proposals for the frontages of the properties and all the adjacent properties. TfL continues to monitor the matter.
- 5.18 The third outstanding notice received on 16 April 2014 was an Enforcement Notice from London Borough of Tower Hamlets regarding the removal of an unauthorised shop front, shutter and awnings and reinstatement of a timber framed shop front at 285 Whitechapel Road. The tenant had until 1 December 2015 to complete the works. The London Borough of Tower Hamlets Enforcement Officer confirms that the approved shopfront has been installed and that the matter is now closed.
- 5.19 The fourth outstanding notice received in July 2014 was an Enforcement Notice from London Borough of Tower Hamlets regarding an unauthorised change of use of premises on Mile End Road. TfL wrote to the tenant to remind them of their lease obligation. The premises have now returned to their original use and the matter is closed.
- 5.20 The fifth outstanding notice received in August 2015 was from Westminster City Council for removal of an unauthorised temporary electrical cabinet at Terminus Place. The cabinet was removed while TfL submitted a planning application. Westminster City Council has granted TfL temporary permission until 30 June 2016.
- 5.21 The first new notice was received in January 2016 in relation to Green Ferry Road, E17 regarding overhanging vegetation. TfL established that the land is owned by the London Borough of Waltham Forest and it has been agreed that the notice can be disregarded.
- 5.22 The second notice was received in March 2016 from the London Borough of Camden in relation to Godstone Road, Purley in respect of advertising hoarding installed on TfL land without consent. TfL has informed the London Borough of Camden that the hoarding will be removed.

## Alleged Breaches of Law by a Local Authority/Other External Agency



### Decisions Subject to a Judicial Review

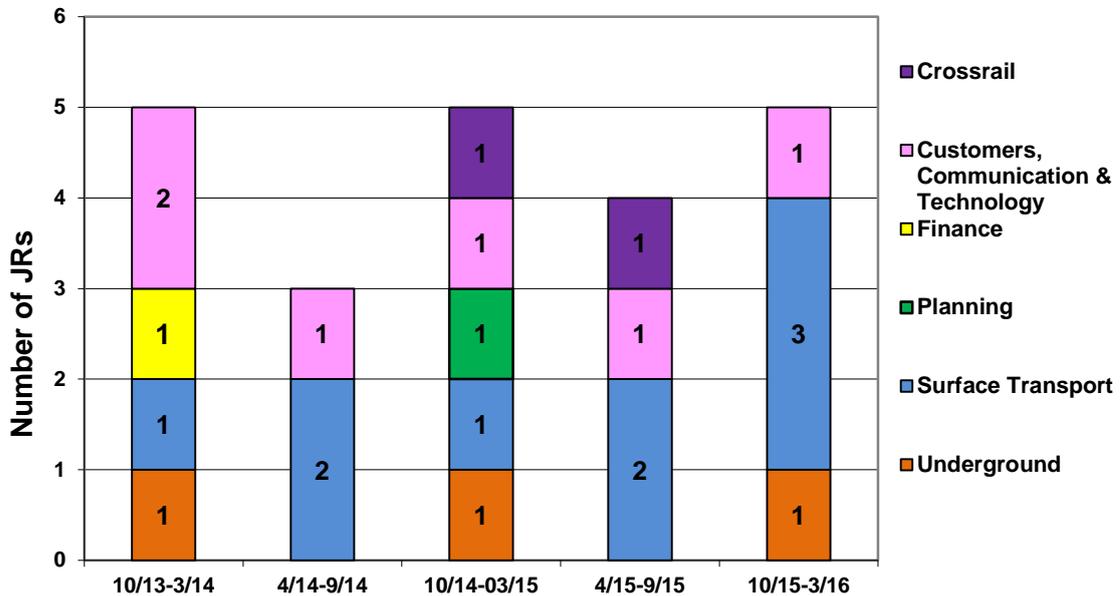
- 5.23 Surface Transport previously reported that Eventech Limited (a subsidiary of Addison Lee) was granted permission to bring a judicial review against the London Borough of Camden's Parking Adjudicator's decision not to allow Private Hire Vehicles (PHV) the same rights as Hackney licensed vehicles to use bus lanes. In April 2012, TfL successfully obtained an injunction preventing Addison Lee from causing, encouraging or assisting PHV drivers to use bus lanes marked for use by taxis. The Court also declared the indemnity Addison Lee had offered to drivers in respect of bus lane fines and liabilities to be void and unenforceable. The hearing took place on 19-21 June 2012 and the application was refused on all grounds and Eventech Limited was ordered to pay TfL's costs of defending the claim.
- 5.24 Eventech Limited then made an application for permission to appeal the decision and this was granted on 6 December 2012. The Court of Appeal hearing took place on 23 and 24 May 2013. On 29 September 2013 the Court of Appeal issued an Order referring the State aid questions raised to the European Court of Justice (ECJ). The appeal was adjourned pending the outcome of the ECJ hearing which was held on 3 July 2014. On 24 September 2014, the Advocate General, who represents the EU's interests, issued its opinion to the ECJ. The Opinion concluded that if TfL could show that black cabs and PHVs are not legally and factually comparable on grounds of safety and efficiency (which the Advocate General suggested may well be the case), no question of State aid would arise by allowing taxis but not PHVs to use the bus lanes during certain hours of the day.
- 5.25 On 14 January 2015, the ECJ gave its judgment on the State aid issues. The ECJ's decision concluded that making bus lanes available to taxis and not PHVs in order to establish a safe and efficient transport system does not appear of itself to amount to State aid. The judgment also states that the policy may conceivably affect State trade but this finding alone would not affect the conclusion overall

that the policy does not appear to the ECJ to give rise to State aid.

- 5.26 The Court of Appeal will now determine the State aid issue (which must take into account the ECJ's ruling) and whether the policy breached freedom of movement of services and the principle of equal treatment. A decision of the Court of Appeal is awaited.
- 5.27 In the last report, Surface Transport reported that on 13 August 2015 TfL received a claim for judicial review made by the London Taxi Drivers' Association (LTDA) seeking a declaration that the ongoing construction of the East-West Cycle Superhighway, without planning permission, was in breach of planning control. TfL defended the claim. Following a hearing on 13-14 January 2016, the LTDA's claim was dismissed and TfL was awarded £10,000 in costs.
- 5.28 Surface Transport reported one new claim for judicial review. The application was made on 31 March 2016 by residents living in the vicinity of Archway in respect of the consultation process for creating bus stands as part of the Archway gyratory system improvement works. Since the end of the reporting period, permission for judicial review has been refused and the residents were ordered to pay TfL's costs.
- 5.29 Customers, Communication and Technology previously reported a judicial review application arising out of a decision (in April 2012) not to allow an Anglican Mainstream/Core Issues Trust advert on London's buses. The claim was initially issued against the Mayor but TfL was substituted as the Defendant. The hearing took place on 28 February and 1 March 2013. On 22 March 2013 the claim was dismissed on all grounds and the Judge held that displaying the advertisement would have been in breach of TfL's duties under the Equality Act 2010. The claimant was also ordered to pay TfL's costs.
- 5.30 Permission to appeal to the Court of Appeal was granted and the appeal hearing took place on 9 and 10 December 2013. On 27 January 2014 the Court of Appeal decided that while it would not have been a breach of the Equality Act to run the advert, the decision not to run the advert was justifiable in terms of the Human Rights Act and European Convention provisions on freedom of expression and freedom of religion.
- 5.31 The Court of Appeal awarded TfL 75 per cent of its costs for both the first hearing and the Court of Appeal hearing.
- 5.32 The Mayor was added as second defendant and a further hearing took place on 30 June and 1 July 2014. On 30 July 2014, the Judge found that it was TfL rather than the Mayor which took the decision, and while the Mayor had strongly expressed his opinion on the decision, his motivation in doing so was not electoral and not improper.
- 5.33 The Claimant applied for leave from the Court of Appeal to appeal the decision, which was refused at a hearing on 10 June 2015. We continue to seek recovery of our costs and have recently agreed a settlement with the claimant.
- 5.34 London Underground has reported one new judicial review claim in this period. Proceedings were issued by the London Borough of Islington in a claim challenging TfL's decision to close Caledonian Road tube station from March to October 2016 in order to refurbish its lifts. TfL decided to withdraw its decision for

reconsideration and the claim was discontinued. Following a further risk assessment, TfL decided to that the station could remain open during the lift refurbishment work.

### Judicial Reviews



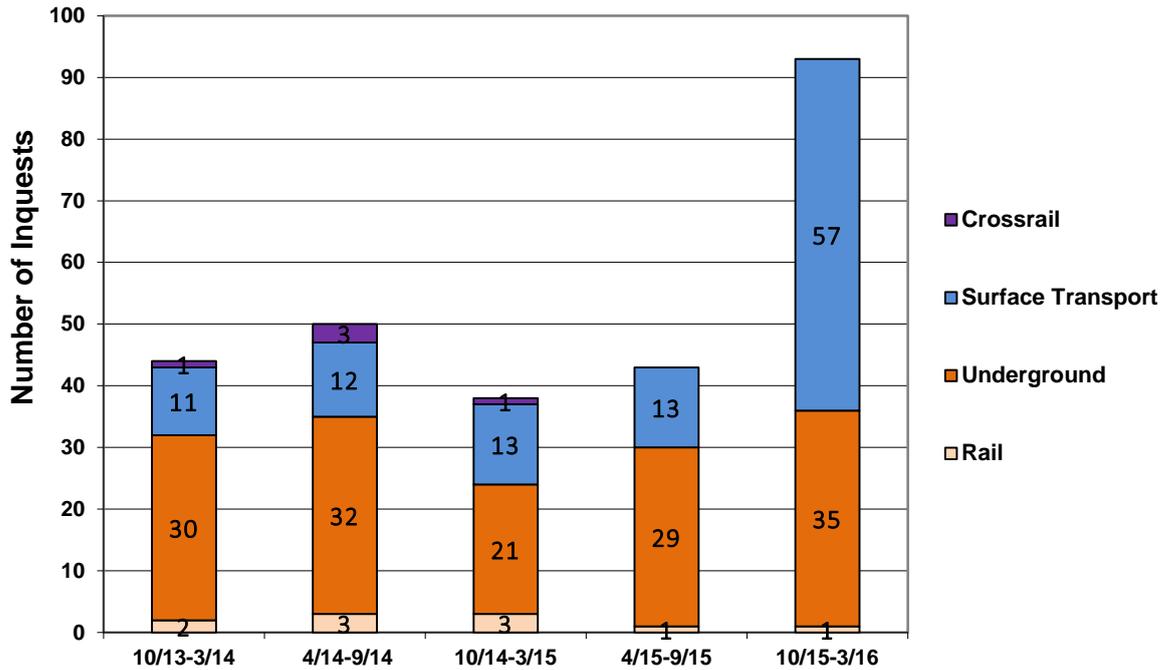
### Inquests

- 5.35 London Underground has been involved in 35 inquests, 18 have been carried forward from the previous report and 17 are included in this report for the first time.
- 5.36 Of the 18 inquests carried forward from the previous report, 12 were suicides, one was a narrative verdict, one an accident, one death from surgical complications and three are awaited. Of the 17 new inquests reported, five were suicides, one was an open verdict and 11 are awaited.
- 5.37 London Rail reported one inquest carried forward from the previous report. An inquest took place on 11 January 2016 recording a narrative verdict.
- 5.38 Surface Transport reported 16 outstanding inquests in the last report and 41 new inquests. One of the inquests outstanding in the last report related to a fatal accident on board the Woolwich Ferry that occurred on 3 August 2011. The Marine Accident Investigation Branch published their report on 16 August 2012. The Maritime and Coastguard Agency prosecuted Serco Ltd, which was the operator of the ship at the time. On 16 October 2015 Serco was found not guilty of failing to take reasonable steps to ensure that the ship was operated in a safe manner contrary to section 100 of the Merchant Shipping Act 1995. However, it was found guilty of failing to ensure the health and safety of workers and other persons so far as is reasonably practicable. Serco was fined £200,000 and ordered to pay £220,000 prosecution costs. The inquest took place on 18 and 19 April 2016 and the Coroner recorded a verdict of accidental death.
- 5.39 Of the 15 remaining outstanding inquests, three inquests were accidents, five resulted in no inquests being held following the prosecution of the drivers involved and seven are awaited.

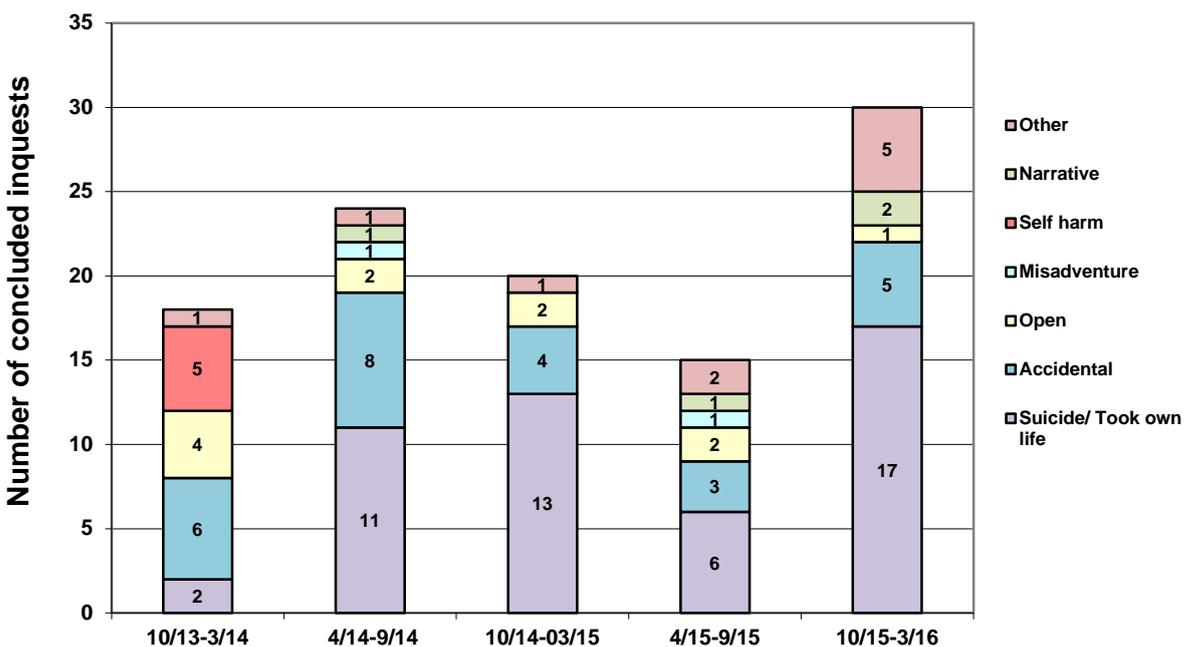
5.40 Of the 41 new fatal accidents reported, 24 occurred during this reporting period and 17 occurred during previous periods but are reported here for the first time. All of the 17 fatal accidents involved bus collisions. We await further information from the Metropolitan Police and Coroner’s Court on the status of any inquests.

5.41 Of the 24 new fatal accidents reported, ten fatalities involved collisions with buses, five involved collisions with HGVs, three involved collisions with motorbikes, four involved collisions with vehicles, one involved a collision with a minicab and one a police van. The status of the inquests for these fatalities is yet to be confirmed by the Metropolitan Police and Coroner’s Court.

Inquests



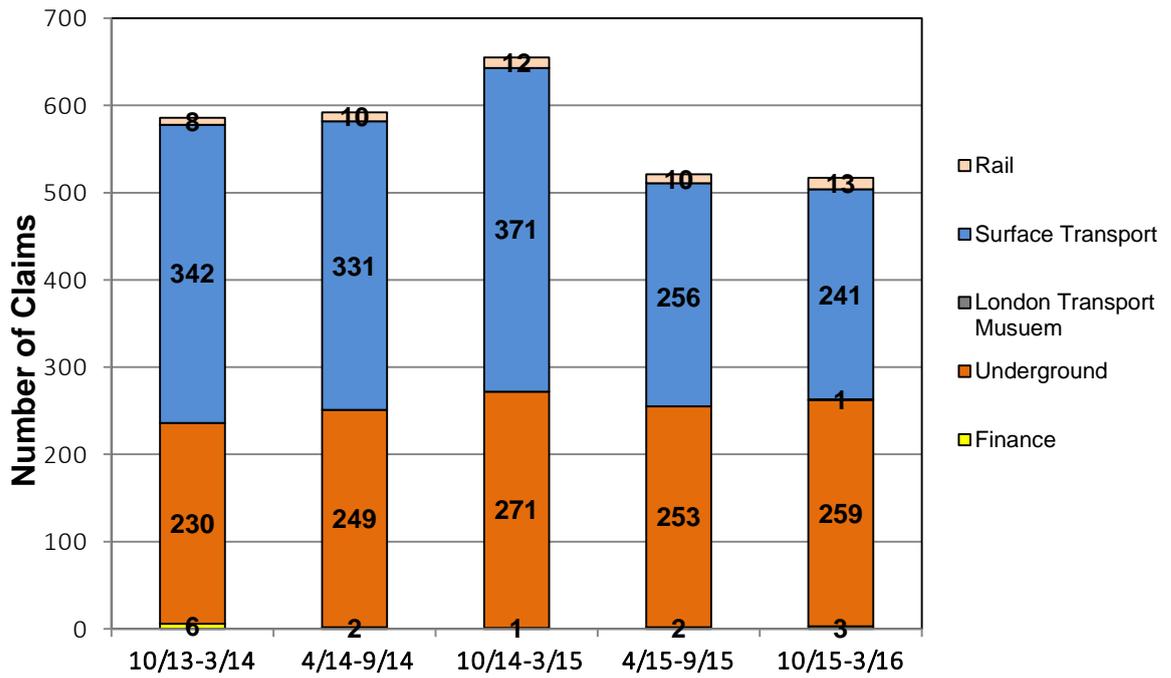
Inquest Findings



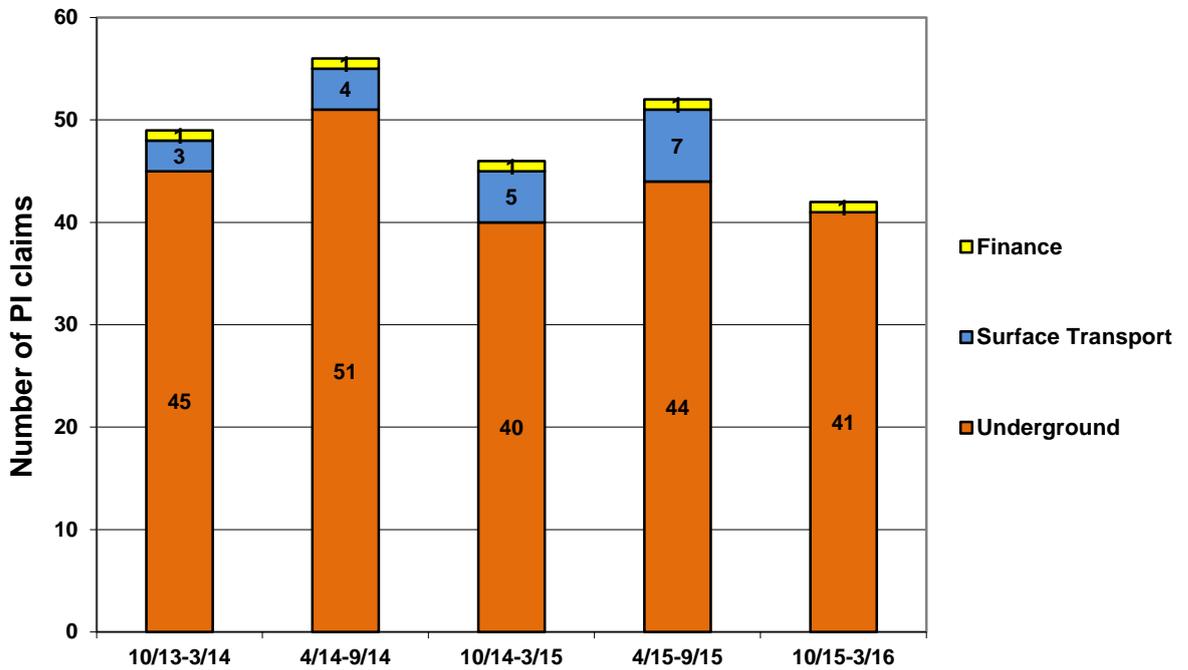
## **Personal Injury Claims**

- 5.42 London Underground has been the subject of 259 claims for personal injury that were closed during the period of this report, of which 41 claims were employers' liability claims by staff and 218 claims were for public liability by customers/members of the public.
- 5.43 Of the 218 claims for public liability, 157 were closed without payment and 61 were settled.
- 5.44 Of the 41 claims for employers' liability, six were closed without payment and 35 were settled.
- 5.45 London Rail has been the subject of 13 claims for personal injury that were closed during the period of this report, of which all claims were for public liability. Of the 13 claims, six were closed without payment and seven were settled.
- 5.46 Surface Transport has been the subject of 241 claims for personal injury that were closed during the period of this report, of which all claims were for public liability.
- 5.47 Of the 241 claims for public liability, 148 were closed without payment and 93 were settled.
- 5.48 Finance has been subject to three claims for personal injury that were closed during the period of this report. One was an employer's liability claim and two were public liability claims.
- 5.49 The employer's liability claim was closed without payment.
- 5.50 Of the two public liability claims, one was closed without payment and one was settled.
- 5.51 London Transport Museum has been subject to one claim for personal injury that was closed during the period of the report, which was for public liability. The claim was closed without payment.
- 5.52 Out of the 517 personal injury claims closed by TfL during this period, 320 were closed without payment and 197 were settled. There was a decrease of four personal injury claims closed for this reporting period compared to the 521 claims closed and reported in the last reporting period (1 April 2015 – 30 September 2015).

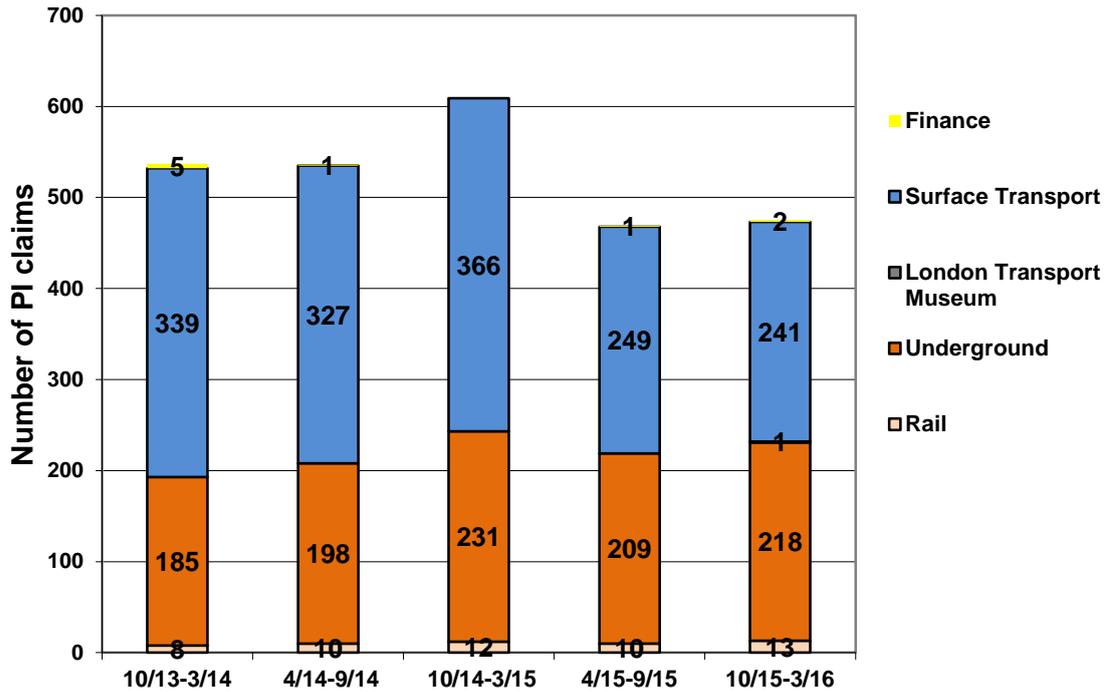
### Personal Injury Claims Concluded in the Reporting Period



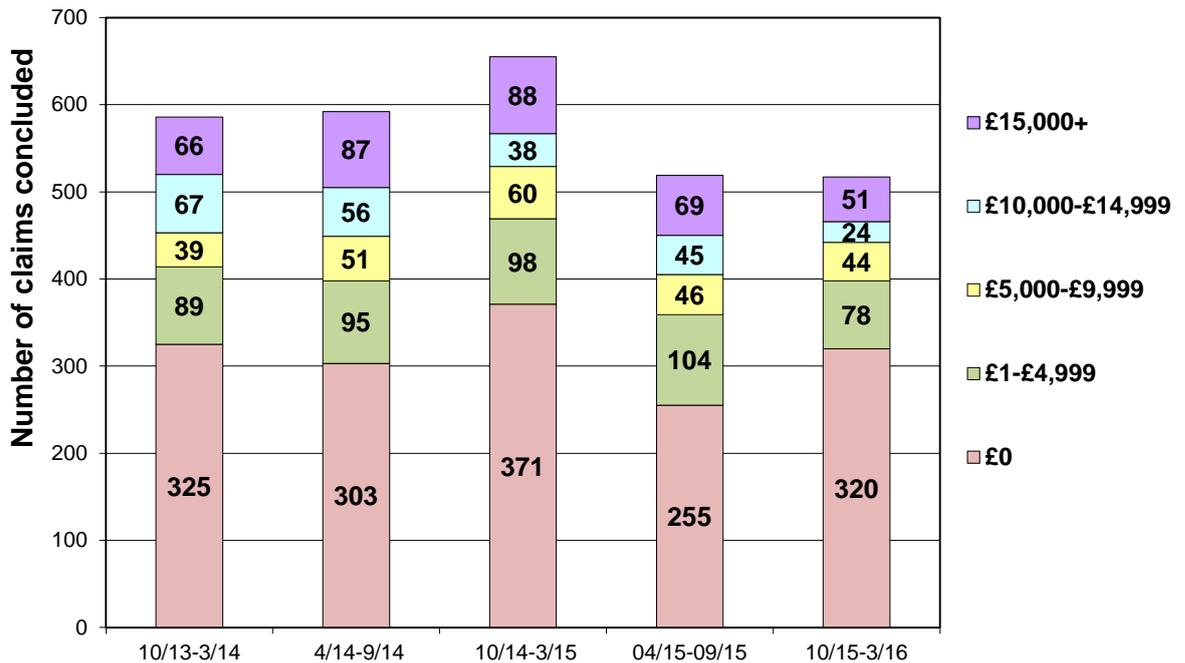
### Personal Injury Claims – Concluded Employers' Liability (Staff)



### Personal Injury Claims – Concluded Public Liability (Customers)



### Personal Injury Claims – Concluded Cases



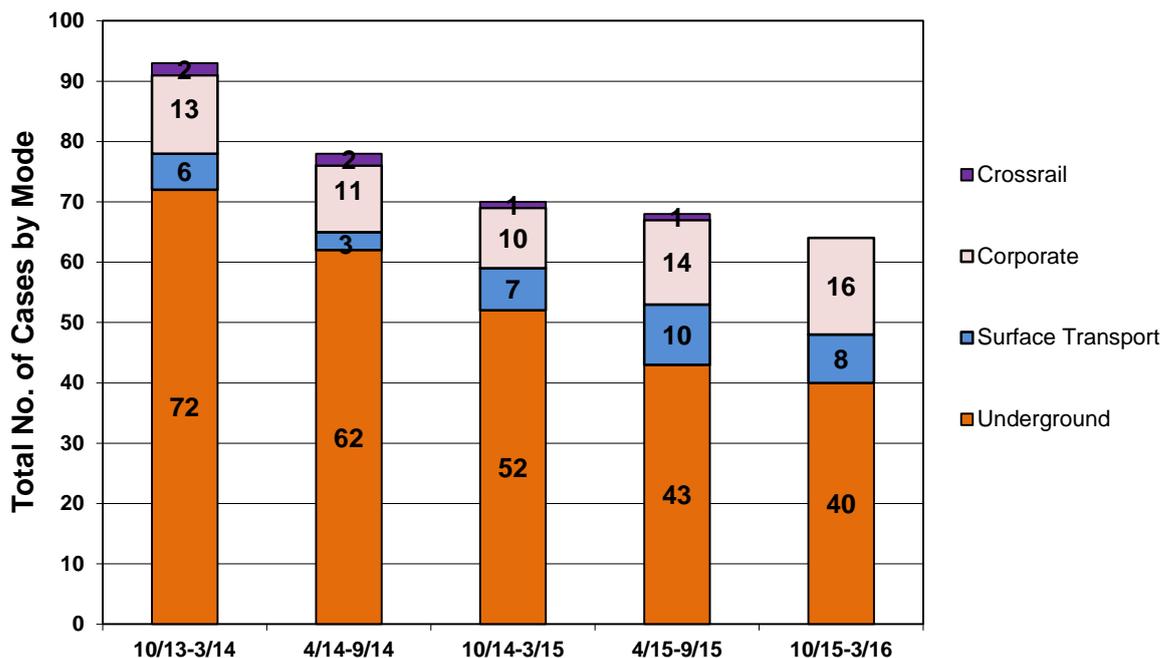
### Employment Tribunal (ET) Proceedings

- 5.53 TfL continues to take a proactive and robust approach to managing ET cases, coupled with an extensive training programme for managers on the latest developments in the law and best practice so as to avoid employment disputes as far as possible. The number of ET claims continues to decrease.
- 5.54 The procedure for employment tribunal cases has changed, with conciliation taking place at an earlier stage. The ACAS early conciliation regime has been in

place for approximately 20 months. It requires employees wishing to bring a claim in the Employment Tribunal to attempt conciliation via ACAS before a claim is issued. In TfL's experience the process is effective in that it has enabled a number of claims to be resolved without resorting to litigation which has saved time and money for TfL. In addition, early conciliation has enabled better identification and focus of the key issues in any claim. Although early conciliation can extend the overall length of the case management process, we consider that the benefits of early conciliation outweigh this.

- 5.55 London Underground has been the subject of 40 ET claims during the period of this report. Of these, 23 were for unfair dismissal, two were for sex discrimination, one was for trade union detriment, eight were for disability discrimination, two for race discrimination, one was for breach of the Agency Workers Regulations, one was for public interest disclosure and two were for discrimination on grounds of religion.
- 5.56 Surface Transport has been the subject of eight ET claims during the period. Of these, seven were for unfair dismissal and one was for discrimination on grounds of religion.
- 5.57 Specialist services have been the subject of 16 ET claims during the period. Of these, four were for unfair dismissal, nine were for disability discrimination, one was for race discrimination and two were for unlawful deductions of wages.
- 5.58 Of a total of 64 ET claims, 40 cases are ongoing and 24 were concluded during the period. Of the 24 ET cases concluded during this period, eight were won, five were withdrawn, one was struck out, seven were settled and three were lost.
- 5.59 There was a decrease of four ET claims during this reporting period from the 68 claims reported in the last reporting period (1 April 2015 – 30 September 2015).

Total number of Claims



## Employment Tribunal Cases Concluded



## Other Known Breaches

5.60 The Directorates were asked to identify other material breaches of law which had not been addressed elsewhere. Customers, Communication and Technology reported one complaint received from a member of the public regarding the information on the TfL website and a leaflet produced on assistance dogs for Taxi and Private Hire, alleging the information was misleading and harmful, because they implied that only assistance dogs accredited by Assistance Dogs UK (ADUK) should be accepted by taxis and private hire drivers. The Advertising Standards Authority (ASA) agreed that the information was misleading under the Advertising Code. ASA resolved the complaint informally and TfL amended the information on the website on 22 April 2016. TfL has advised the ASA that if a customer with a dog which is not accredited by the ADUK experiences a driver refusing them travel in London, TfL will take up their complaint and investigate. This may lead to prosecution of drivers and /or operators if found that an offence under the Equality Act has been committed. No further action has been taken by the ASA and the matter is closed.

5.61 No other alleged breaches were identified.

## Other Material Compliance Issues

5.62 Finance previously reported a dispute in relation to highways land that was vested in various London Boroughs which TfL maintain and was transferred to TfL on 3 July 2000 pursuant to the GLA Roads and Side Roads (Transfer of Property) Order 2000. Of the 32 London boroughs, agreement has been reached for land transfers with 29 boroughs. Proceedings and discussions are still ongoing with the remaining two boroughs.

## Management of Compliance Issues

- 5.63 It should be noted that with effect from 1 February 2016 there have been changes to the sentencing guidelines for health and safety offences. If an organisation is prosecuted for a health and safety offence, the fines are likely to be higher than they may have been previously, with the level of fine being based on turnover.
- 5.64 TfL's legal and compliance risks are managed as part of TfL's overarching strategic risk management framework. A range of operational and assurance processes are in place to mitigate these risks at all levels in the organisation.
- 5.65 These safeguards are supported by the provision of advice on and training in relevant legal and corporate governance issues, which are tailored to the needs of TfL's business units.
- 5.66 The legal and compliance framework is the subject of continuous review and improvement. Initiatives to address compliance in information governance across TfL have included:
- (a) advice to all areas of TfL on the use of customer and employee data, requests for the disclosure of information, management of information and working with business areas to develop and review processes, systems and supplier relationships as necessary;
  - (b) promotion of e-learning courses on Freedom of Information, Data Protection and records management, including mobile versions available for staff without computer access;
  - (c) the implementation of a programme of pro-active publication of information, to improve transparency and simplify the handling of FOI requests;
  - (d) ongoing bespoke training to the business and HR on a range of employment issues including employment law updates, compliance with TUPE, reasonable adjustments requirements and effective case management and providing guidance and best practice learned from Employment Tribunal cases;
  - (e) training on a range of legal issues including alternative dispute resolution, contract law update, NEC Contracts, land transactions and use of TfL's resources and the rules governing the pre-election period;
  - (f) the delivery of bespoke training in connection with the new Utilities Contracts Regulations and preparation of robust documentation to ensure compliance. A 'train the trainer' approach has been adopted to ensure business areas retain a good level of knowledge with the teams;
  - (g) support of compliance with the Modern Slavery Act 2015. TfL's initial annual statement is being drafted and to include the measures taken to ensure modern day slavery does not form part of its supply chain;
  - (h) continued updates to the standing TfL PQQ template and other documents in the TfL Commercial Toolkit to capture ongoing regulatory changes; and
  - (i) the ongoing issue of the Commercial Law Bulletin to the Commercial Teams to support the dissemination of important messages relating to regulatory and legal issues.

## **6 Conclusions**

- 6.1 The Legal Compliance Report for the period 1 October 2015 to 31 March 2016 sets out the legal and compliance matters of which TfL senior management is aware. There are no material breaches of the law which would affect TfL's continued operations.
- 6.2 Reported matters continue to be broadly in line with previous reports.

### **List of Appendices to this report:**

None

### **List of Background Papers:**

None

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