



Department
for Transport

Department for Transport
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Mr Mike Haville

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request-714209-b189eb84@whatdotheyknow.com

Our Ref: F0019296

22 January 2021

Dear Mr Haville,

Freedom of Information Act Request - F0019296

Thank you for your email of 22 December 2020. You requested the following information:

“Can I have a copy of the minutes of meeting of HS2 Chairman & Dft SoS, that took place April 2019, as described in HS2 Ltd Board meeting minutes Wednesday, 24 April 2019 section 3.1.1”

3 Chair Report including assessment update (HS2B_19-003)

3.1 The Board received a verbal update from the Chairman and noted the following key points:

3.1.1 The Chairman provided feedback to the Board following a meeting with the Secretary of State for Transport to update him on the progress of the project and work with the supply chain.

Please find attached, at Annex A, a copy of the minutes of that meeting.

The names of Departmental junior officials, that is staff below the senior civil service, and those of some external stakeholders have been redacted from the information in reliance on the third party personal information exemption at section 40(2)&(3A)(a) of the FOI Act. These individuals are not in public facing roles and therefore have a reasonable expectation that their names will not be placed into the public domain. To do so would be unfair and would contravene current Data Protection legislation.

A sentence in the first paragraph of the minutes has been redacted in reliance on the exemptions at section 35(1)(a) - formulation or development of Government Policy of the FOI Act.

The exemption of section 35(1)(a) is a qualified exemption which means we are required to balance the public interest in releasing the information against that for withholding.

Public Interest Arguments for Disclosure

HS2 is a project of great significance to the general public and is one of the Governments flagship infrastructure projects at present. The Government also seeks to promote transparency, accountability across all schemes to support the general public interest.

Public Interest Arguments for Withholding

The provision of official advice has been and continues to be an important contribution that is relied upon in the policy-making process. We do not believe it would be in the public interest to disclose official advice as some of the information still relates to the formulation and development of 'live' Government policy on some phases of the HS2 Project.

For example, in relation to future phases of HS2, in particular phase 2b of the project, policy is still being developed for future hybrid Bill deposits with Parliament. Decisions on the detail still need to be taken and many areas are still under development. To ensure that the right decisions are made, Government officials and ministers need a safe space in which to consider and develop policies. The information that we hold may well change over the development process and there is a significant risk that releasing the information at this stage could be misleading and not reflect final decisions. This would clearly not be in the wider public interest.

On balance, the public interest in withholding the information outweighs that for disclosure.

The fourth paragraph of the minutes has been redacted in reliance of the exemption at section 41 of the Act which relates to information provided to the Department in confidence.

The eighth and ninth paragraphs have been redacted in reliance of the exemption at section 43 (2) of the Act which relates to the prejudice of commercial interests. This is a qualified exemption which means we are required to balance the public interest in releasing the information against that for withholding.

Public Interest Arguments for Disclosure

HS2 is a project of great significance to the general public and is one of the Government's flagship infrastructure projects at present. The Government also seeks to promote transparency, accountability across all schemes to support the general public interest. There is a clear public interest in how public money is spent.

Public Interest Arguments for Withholding

Reference is made to a live procurement and any release of data may prejudice that procurement competition, which would result in possible competition challenge and place financial cost and schedule pressure on the HS2 project.

Disclosure of this information would be likely to prejudice the commercial interests of the Department and HS2 Ltd as our ability to negotiate or compete in the commercial environment would be reduced. Further, disclosure would make it less likely that individuals and companies would provide the Department with commercially sensitive information in the future and would undermine the Department's ability to function in the commercial environment.

On balance, the public interest in withholding the information outweighs that for disclosure.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's FOI Advice Team at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely,

High Speed and Major Rail Projects

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Readout – meeting between Secretary of State and Allan Cook (Chair of HS2)

Attendees: Michael Bradley (CFO HS2 Ltd), Clive Maxwell, Nusrat Ghani,
[REDACTED]

- AC updated SoS on the cost and schedule position of the programme. He said that he had concluded that phase 1 could not be delivered to the current scope within the current schedule and budget. The HS2 Ltd board had been told by the exec that the latest point estimate for phase 1 was approximately £28bn, with a £6-7 billion gap in the forecast, and a 2-3 year change to the schedule. This means no contingency in the funding envelope. [REDACTED]
[REDACTED]
[REDACTED] SoS stated that he was concerned and not happy with this news. AC responded that he would have an assessment as quickly as possible, hopefully by mid-May.
- HS2 Ltd are working with the Department on this assessment, and there was a peer group (Ian King sits on this group). SoS asked if there was a collective view on the issues, AC replied that there was.
- SoS asked how the cost had increased. MB responded that there had been changes to the groundworks which had increased the costs. This was due to previously unknown complexities.
- [REDACTED]
[REDACTED]
- AC stated that there would need to be some difficult decisions.
- SoS asked if an alternative scheme would be cheaper. AC replied that he was unable to answer that. CM added that assessments had been made a while ago about other options. CM also reminded the meeting that the bill was linked to the current route. AC added that through all the discussions he'd had, no one had suggested the current scheme was the incorrect route.
- AC stated that with the current scope, HS2 could not meet the current cost and SR15 schedule.

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[REDACTED]

- SoS outlined that he had met [REDACTED] whose view was that the design was meeting unrealistic standards (e.g. 1000 year flooding). AC replied that some will need to remain but will look at it as part of the assessment.
- There was a discussion around groundworks and possible alternatives. AC stated that all options were being looked into.
- AC would be reporting to Bernadette on a monthly basis.