

## EXHIBIT LIST

Reference No: HOL/10018

Petitioner: EUSTON STANDARD PACK

Published to Collaboration Area: Wednesday 31-Aug-2016

Page 1 of 8

No	Exhibit Name	Page
1	<a href="#">P2209_Independent Adjudicator.pdf</a>	2 - 8





# Independent Adjudicator

---

# Requests for an Independent Adjudicator

---

- Several petitioners in the Euston area have requested an “Independent Adjudicator” to ensure compliance with undertakings and assurances
- The Promoter considers such a person to be unnecessary in light of the proposed controls on the construction and operation of the scheme, and in particular through the appointment of a Construction Commissioner
- Those controls are summarised in the slides below

# General Principles of the EMRs

---

- The Nominated Undertaker and his contractors will be *contractually bound* to comply with the controls set out in the Environmental Minimum Requirements and as may be developed during the passage of the Bill through Parliament.
- The Nominated Undertaker will use reasonable endeavours to adopt mitigation measures which will *further reduce* any adverse environmental impacts reported in the Environmental Statement.
- The controls contained in the EMRs, along with powers contained in the Bill and the Undertakings given by the Secretary of State, will ensure that impacts which have been assessed in the ES will not be exceeded, unless any new impacts comply with the requirements summarised in paragraphs 1.1.3 and 3.1.8 of the General Principles.

# Construction - Securing compliance with the EMRs

---

- **Step 1 – Report to the Nominated Undertaker for remedial action by the contractor.** The nominated undertaker will secure the necessary corrective action from the contractor through contractual arrangements.
- **Step 2 – Report to the Construction Commissioner.** If the complaint cannot be resolved through the nominated undertaker, the complainant can refer it to the independent construction commissioner. This matter is further explained in Information Paper G3.
- **Step 3 - Report to the Secretary of State.** If still dissatisfied, the complaint can be reported to the Department for Transport, which can direct the nominated undertaker to implement corrective action.
- **Step 4 - Report to Parliament.** If dissatisfied with the Department for Transport's response, the issue can be reported to Parliament.

# Construction Commissioner

---

The role of the Construction Commissioner is described in HS2 Information Paper G3, Construction Commissioner. It states:

*'The Construction Commissioner will provide independent, impartial decisions. This will be important in ensuring a fair and balanced approach to cases that cannot be resolved through the normal complaints process. The Construction Commissioner will also be able to provide advice to members of the public on how to complain.'*

*If someone is unhappy with any aspect of Phase One's construction, the first step would be to complain to the nominated undertaker. If the complainant feels that the complaint has not been satisfactorily addressed through the normal procedure, they can put their case to the Construction Commissioner.*

*He or she will investigate any grievance where it is alleged that the nominated undertaker has not satisfactorily addressed a matter raised by a complainant. The Construction Commissioner will be independent of the Secretary of State and any nominated undertaker appointed to construct the Proposed Scheme.*

*The precise terms of reference for the Construction Commissioner will be established by an independent body, which will be made up of a variety of project stakeholders.'*

# Construction Commissioner

---

The Construction Commissioner's role is not expected to cover:

- complaints that have not first been considered by the nominated undertaker's helpdesk;
- complaints relating to works that are not part of, or associated with, the HS2 project;
- complaints relating to planning conditions and other matters that are subject to the approval of statutory authorities;
- matters considered by Parliament in approving the project; matters dealt with by the Office of Rail Regulation, and operational rail matters dealt with by train operating companies and passenger watchdogs;
- matters under investigation by the Health and Safety Executive;
- complaints relating to property compensation issues;
- claims for losses over £10,000;
- complaints relating to settlement deeds (see HS2 Information Paper C3, Ground Settlement and HS2 Information Paper C10, Small Claims Scheme, for further details);
- the operation of the HS2 railway or services; or matters relating to HS2 Safeguarding Directions.

# Interim Construction Commissioner

---

- It is the Promoter's intention to proceed with setting up the independent body later this year in order that it can establish its terms of reference and the process for selecting the Construction Commissioner as early as possible.
- In the meantime the Promoter has recently appointed an interim Construction Commissioner. His main responsibilities will include:
  - ensuring that people affected by HS2 know who the Construction Commissioner is and what they need to do including advice on how to make a complaint;
  - mediating in unresolved disputes between HS2 Ltd and individuals or bodies, including claims under the Small Claims Scheme; and
  - monitoring complaints and providing reports marking trends and providing advice on how to reduce the instance of complaints where possible.