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**Minutes**

Agenda item 8  
Drafted 29.10.13

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**Minutes of the meeting of the Board held on 15 October 2013 at Dexter House.**

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**Present**

Members

Richard Dilks, Glyn Kyle, Stephen Locke (Chair), Abdikafi Rage, John Stewart, Ruth Thompson

Guests

John Larkinson                      Office of Rail Regulation (Item 13)

John Holmes                         Office of Rail Regulation (Item 13)

Members of the public

Secretariat

Keletha Barrett                      Policy Assistant (Items 9-11)

Tim Bellenger                         Director, Policy and Investigation

Janet Cooke                            Chief Executive

Richard Freeston-Clough            Communications Officer

Susan James                           Casework Manager (Items 8-13)

Sharon Malley                         Executive Assistant (minutes)

Vincent Stops                         Policy Officer (Items 9-11)

## **1 Chair's introduction and pre-meeting announcements**

The Chair welcomed members and visitors to the meeting and made the standard safety announcements.

The Chair reported that Josephine Channer had resigned from the London TravelWatch Board for personal reasons. The Transport Committee of the London Assembly was seeking a replacement from the reserve list. The Board asked the Chair to send their best wishes to Ms Channer for the future.

## **2 Apologies for absence**

No apologies were received.

## **3 Declarations of interest**

There were no declarations of interest other than those published on the London TravelWatch website.

## **4 Chair's activities and Passenger Focus update**

The Chair reported that he had attended a workshop with senior officers and members of the London Assembly to discuss London TravelWatch's business plan for 2014-15. He and the Chief Executive had given a useful presentation on London TravelWatch's role, priorities for the future and ways it was changing.

The Chair said he had attended a useful update meeting with Mike Brown, MD of London Rail and London Underground, and Leon Daniels, MD of Streets at Transport for London (TfL). He and the Chief Executive had attended the Travel Demand Management Board, which was hoping to capture and extend the good joint working arrangements established during the Olympic Games.

The Chair said he had attended a Passenger Focus conference in Edinburgh in September. Discussions had covered Scottish transport, devolution and Scottish independence. He had also attended a meeting of the passenger contact working group, of which he is a member, on the way Passenger Focus handled appeals complaints.

The Passenger Focus Board heard from the Office of Rail Regulation's Deputy Director for Scotland and also discussed franchising, including how to increase passenger involvement in franchising. The Chair noted that London TravelWatch should be closely involved in the Thameslink/Southern/Great Northern franchise as it had significant impacts for transport users in its area.

The Passenger Focus Board also discussed the National Passenger Survey and in particular how to maintain a response rate above 30% and how to improve the response rate from younger people. It was noted that the current Chair of Passenger Focus, Colin Foxall, would be retiring in 2014 and arrangements were in hand for appointing a replacement.

The Chief Executive said that Passenger Focus was undertaking a survey of tram users but unfortunately funding was not available to include the London tram system in this research. It was noted that TfL already carried out significant survey work of its own on the Tramlink system. However, it may be possible to carry out some secondary benchmarking in early 2014.

## **5 Minutes**

The minutes of the meeting of 23 July 2013 were agreed and signed as a correct record, subject to correcting the spelling of Richard Dilks' name on the front page.

The minutes of the Governance committee of 21 May 2013 were noted.

## **6 Matters arising (LTW4446)**

It was agreed that the Executive Assistant would take forward the proposed visits to the Oyster helpdesk and the control room at East Croydon.

**Action: Executive Assistant**

It was noted that members had had some difficulty finding the good practice guide to short notice timetable changes on the London TravelWatch website and this would be investigated.

**Action: Communications Officer**

It was noted that the Communications Strategy would be discussed at the next meeting of the Governance committee. The next transport users engagement event would take place on 30 October in Bexleyheath between 10 am and 2 pm.

## **7 Key activities (LTW447)**

The Director, Policy and Investigation, said that meetings with some train operating companies (TOCs) with recent poor performance figures had focused closely on how to improve performance. The TOCs were aware of the problems and were taking steps to resolve them. In the case of London Midland, where performance had been very poor, there had been a restructure at senior levels and a fundamental change of approach. Performance at South West Trains had been affected by the discovery of new issues related to the age and durability of the infrastructure. Network Rail had been repairing problems as they arose but the long-term solution was wholesale replacement.

The Director, Policy and Investigation, said that he had met the Department for Transport (DfT) in relation to the franchise extension for Southeastern. This had included a series of routes that had been identified for possible devolution to the Mayor of London which had not in the event materialised. London TravelWatch had emphasised to the DfT that it would be unacceptable to leave services unchanged during the four-year franchise extension because on many lines evening, Sunday and off-peak services were unacceptably infrequent compared to the rest of London, and when set against the general constraints in capacity across the capital.

The Chief Executive said that the meeting on 16 September with TfL had been positive and she had been reassured that TfL was looking closely at the issues London TravelWatch had identified as concerns.

In relation to the removal of the ability to pay for bus fares using cash, it was noted that the Transport Committee of the London Assembly had agreed with London TravelWatch's concerns about vulnerable and stranded passengers, but appeared to believe that these could be and were being addressed satisfactorily. It was noted that Age Concern had declared opposition to the removal of cash from buses.

## **8 Fares on Transport for London services in 2014**

The Director, Policy and Investigation, presented a paper on TfL fares in 2014 and the government's review of fares and ticketing. He said that TfL had not yet announced its 2014 fares plans but that the business plan envisaged an increase of RPI + 2% each year, so if the rise is only RPI + 1% there was likely to be a gap between revenue and spending commitments.

Members were briefed on potential ways that the funding gap could be closed, including increasing levels of use, closing concessions and anomalies in the fares structure, increasing zonal rates or reorganising the zonal structure, reducing levels and eligibility of concessionary fares, increasing revenue protection and reducing operating costs by cutting capacity or service levels.

Members recognised that increasing revenue protection, increasing targeted marketing and cutting costs would probably be seen as acceptable responses to the funding gap, to the extent that they were feasible. However, members did not consider it appropriate for London TravelWatch to endorse or prioritise other measures that may be detrimental to specific groups of passengers.

The Director, Policy and Investigation, briefed members on the implications of the DfT's decision to reduce the flex in fares 'baskets' from 5% to 2%, thereby limiting the extent to which operators could apply above-inflation fare increases. but that the frequency of rebalancing or revising fares baskets would be increased. There were possible unintended consequences as a result of this, which could mean that some individual fares could increase by higher levels in the longer term to compensate for those that were restricted.

The Director, Policy and Investigation, said that there were some anomalies in the current arrangements. For example, the fares basket on the Greater Anglia route was originally predicated on most passengers travelling to Zone 1 at Liverpool Street station. However, the growth of Stratford and the Docklands meant that many passengers were not travelling as far as Zone 1 and the TOC was not generating the income anticipated in the fares basket. This would lead to some fares being increased to make up the shortfall, even though it might be carrying the same or an increased number of passengers.

In addition, because fares need to move in 10p increments, the impact on lower priced fares was likely to be greater than the impact on higher priced fares.

It was noted that although the reduction in flex may be beneficial to consumers in the short term, it may reduce the industry's ability to innovate in relation to fares.

For example, the move to the zonal system that was essential for the introduction of Oyster would not have been achievable under the new more limited flex arrangements.

The Director, Policy and Investigation, said dialogue with the DfT would continue. The Chair noted that the report highlighted areas where individuals could potentially be disadvantaged and this would be something to return to in the future.

**Action: Executive Assistant**

## **9 Transport for London performance targets (LTW448)**

The Policy Officer presented a report on the ways in which TfL measured its performance. The report highlighted several areas where London TravelWatch might consider that the targets did not provide a satisfactory suite of measures, either because they measured the wrong thing or because they were not comprehensive enough.

Members noted for example that the targets for Dial a Ride related to the number of journeys provided and that generally these targets were being met. However, this hid significant problems relating to the ability of customers to book one-off journeys.

Members noted that while the reliability of journey length for streets was important, it was also important to measure speed, congestion and crowding. It would be useful to obtain information from the iBus data systems to analyse bus performance in more detail.

It was noted that London TravelWatch's role was to encourage good performance by TfL in the interests of passengers, road users and pedestrians, and that the published targets were not necessarily the most critical aspect of performance monitoring. London TravelWatch should concentrate on obtaining as much performance data as possible and analysing it in order to improve its ability to assess and seek improvements to the services provided by TfL.

The Policy Officer said that it would be difficult to tighten the target for roads maintenance as this would be very expensive. Members said that it may be worthwhile trying to identify those roads with very high percentages in need of repair and focus on those rather than trying to tighten the overall target.

Members agreed that the report was a thoughtful response to the question of TfL's performance and invited the Policy Officer to open discussions with TfL in the light of the comments made. If appropriate the Chair would be prepared to write to TfL about this issue.

**Action: Policy Officer**

## **10 Transport for London performance report (LTW449)**

The Policy Officer apologised that the report was not complete and did not reflect some of the concerns members previously raised. The information about bus stop accessibility in each London borough had been omitted from the report and was

circulated separately. The Policy Officer said that the red/amber/green indicator triangles had been included in the text on this occasion but would be withdrawn in future reports, in line with members' wishes.

The Policy officer said that information on value for money was now included and was a useful indicator of performance. The data on streets performance would be included once it had been received from TfL and analysed by London TravelWatch.

It was noted that data on right time arrivals should exist for London Overground and could be included as part of the performance assessment in future. This would not be possible for the Docklands Light Railway or London Underground as they did not run to published timetables.

**Action: Policy Officer**

In relation to the usage figures for the Cycle Hire scheme, it was agreed that it would be useful to have like-for-like comparisons in order to properly assess whether usage was increasing or whether growth was down to increasing the number of bikes for hire. It would also be useful to see usage trends by season. It was noted that fare increases had influenced usage levels and that it may be useful to look at data such as miles cycled per bike.

**Action: Policy Officer**

Members noted that the use of the green, amber and red labels was somewhat simplistic and that labelling a service such as Dial a Ride "green" might suggest that the service was performing well in all respects when all it actually meant was that it was delivering the target number of journeys.

It was noted that members did not need to review the report every quarter but it was a useful tool for officers to monitor performance and so should still be produced quarterly. This would allow for any key concerns to be reported to the Board as appropriate.

## 11 **National Rail performance report (LTW450)**

The Policy Assistant presented London TravelWatch's report assessing the performance of National Rail for the first quarter 2013-14. She said that performance of the Train Operating Companies (TOCs) operating within the London area had generally improved during the quarter, as could be seen in the trend charts for each operator. She said that the report now included more information on passengers carried in excess of capacity and differentiation of peak and off peak.

It was noted that different TOCs had different standards of floorspace for standing passengers. The Safety and Policy Adviser said that the different configurations of rolling stock resulted in different spaces being available for standing passengers and to understand the standards fully members would need to see the layouts of each TOC's rolling stock.

It was noted that TOCs had limited influence in improving capacity on their routes and were restricted to measures such as changing stopping patterns and

lengthening trains. Beyond this, capacity could only be increased with significant infrastructure investment.

It was noted that generally poorer performance correlated with higher numbers of complaints. However, Chiltern's performance was good but its complaint levels were high. It was suggested that this was down to a change in schedule that resulted in the loss of some stops in London and had generated a large volume of complaints from affected passengers. It was noted that even though Chiltern's overall performance was rated as good, its service to London passengers was now reduced.

It was agreed that First Capital Connect and London Midland continued to show areas of concern and the Board asked the staff to continue to focus attention on these areas at future meetings with the operators.

## **12 London TravelWatch business plan 2014-15 (LTW451)**

The Chief Executive said that the business plan had been sent to the Transport Committee of the London Assembly for its consideration at its meeting on the day following the Board meeting. Assuming the Transport Committee approved it as it stood, it would then be sent to the Mayor's office for consideration during the planning of the overall budget, which would be published in Spring 2014.

## **13 Consumer responsibilities of the Office of Rail Regulation**

John Larkinson and John Holmes of the Office of Rail Regulation (ORR) gave a presentation on the ORR's consumer responsibilities. Mr Larkinson said that the ORR was now the safety and economic regulator of the railway industry and the integration of the two functions was beneficial, leading to much better periodic reviews of Network Rail.

Mr Larkinson said that the Railway Act placed several duties on the ORR and there was a balancing act to perform between the various obligations. It had strategic objectives of safety, customer service, value for money and commercial sustainability, which included balancing the relationship between the TOCs and Network Rail. It did not cover the letting of franchises or the setting of fares.

Mr Larkinson said that most of the work of the ORR had benefits for consumers as its fundamental objective was to improve the passenger and freight rail service. He was now focusing on putting more information about Network Rail's obligations into the public domain to encourage a wider dialogue.

The ORR was looking at how the various bodies in the industry interacted with the consumer. For example, Network Rail had certain obligations such as right time arrivals but other related obligations such as service levels were specified in individual franchises.

Mr Larkinson said that the Enterprise Act 2002 the ORR could enforce certain consumer laws such as the Consumer Protection Regulations 2008 (CPRs) where there was found to be harm to the collective interests of consumers. He said that London TravelWatch and Passenger Focus had previously provided data to assist

the ORR to take enforcement action and they would welcome that continuing in the future.

The Government was taking forward proposals to enhance consumer protection generally, to empower consumers and enhance the role of enforcers. The ORR would keep London TravelWatch informed of relevant changes.

John Holmes said that the industry was focused on changes to franchises but other aspects also needed consideration, such as the management of disruption. He said that the ORR spoke to many user groups, especially during consultations, to enhance its evidence base. He tried to highlight best practice where possible and also commissioned some original research. A good deal of data was published through the ORR's data portal.

John Larkinson said he was working towards a re-launch of the ORR's consumer panel, on which Janet Cooke would be representing London TravelWatch. He hoped that the panel would be able to generate insight and intelligence through the commissioning of members to do pieces of work for discussion. The panel was not intended to be representative of consumers but to discuss issues from a consumer perspective.

John Larkinson said the ORR was working on a Passenger Experience Report, which looked at the effectiveness of the market, the ability of consumers to purchase what they want and the responsiveness of the industry to passenger demands. He hoped to published the report in December 2013 and that it would send out a signal about the ORR's changing consumer focus.

John Holmes said the ORR was working on a review of the conditions of carriage in light of the Department for Transport's recent review of fares and ticketing. John Larkinson said that he was also focusing on improving the TOCs' understanding of the ORR alongside their franchise obligations.

Mr Holmes said that he hoped the ORR would become more involved in discussions such as the review of fares and ticketing. The role of the ORR should include the creation of good regulation, not simply the enforcement of existing, possibly unhelpful regulation.

Members noted that there was considerable debate over the application of consumer law in the transport industry, including whether general consumer law applied to the conditions of carriage. Mr Holmes said the Government was trying to promote simplicity by applying the general consumer regulations wherever possible rather than having a range of exceptions.

The Board was strongly supportive of the ORR's enhanced emphasis on consumer interests. It was agreed that London TravelWatch and the ORR should collaborate as far as possible, and London TravelWatch would do its best to ensure that the interests of London's travelling public were clearly articulated in the ORR's work. Many transport user groups saw London TravelWatch as a conduit to organisations such as TfL and the ORR and it would be beneficial for London TravelWatch to mediate any issues arising in seeking to represent the passenger voice to ORR.



The Chair thanked Mr Larkinson and Mr Holmes for their interesting and informative presentation.

**14 Any other business**

There was no other business.

**15 Resolution to move into confidential session**

It was resolved, under section 15(2)(b) of schedule 18 of the Greater London Authority Act 1999, that by reason of the confidential nature of the item(s) to be discussed, it was desirable in the public interest that the public should be excluded for a section of the meeting.

During the confidential session, members considered research on passenger priorities on the London Underground and reviewed the meeting.