

A RAILWAY FIT FOR BRITAIN'S FUTURE – OPEN CONSULTATION

RESPONSE FROM LONDON TRAVELWATCH

Introduction

London TravelWatch is the statutory transport watchdog for London. Officially known as the London Transport Users Committee, we were established in our current form in 2000, though our roots go back to the 1947 Transport Act and beyond.

We represent the interests of all those who use the bus, Underground and rail services in and around the city as well as users of Dial-a-Ride, trams, taxis, cable cars and river transport, and those who walk, cycle and wheel in the city. Our remit also covers matters related to the capital's principal road network. We are funded by and accountable to the London Assembly. We work in close partnership with our sister watchdog, Transport Focus, which covers issues outside the capital.

Our response below seeks to answer the consultation questions in which we have a direct interest but also sets out our expectations for wider rail reform, of which this specific consultation is only one enabler.

We have been disappointed by the accelerated eight-week timetable for this important consultation, which will have been particularly challenging for membership organisations, including those representing the interests of disabled people. While an easy read document for people with learning disabilities was produced, this was not until 26 March, less than three weeks before the official deadline. This is clearly not enough time to allow for proper consultation and engagement.

Summary of our response

Overall, we welcome this consultation, but it does not in itself offer a compelling route to the dramatically improved experience which London's rail users desperately need.

The consultation document sets out a series of proposals to restructure the industry to deliver the long-standing consensus that responsibilities for track and train need to be brought together.

We understand and support the key reform principle of bringing track and train together. But the consultation is unclear how in practice this process will improve the user experience, what else needs to be true for improvement to happen, and what better outcomes the user should expect over what timescale because of the changes.

Our three key asks are:

1. A clear and concrete commitment to users

In parallel with the legislative process, we would like to see the Government make a commitment to a clear set of outcomes – performance indicators for the railway – to which they

can be held to account by passengers in the short, medium and long term, and against which the success of the reform programme can be assessed.

2. Put users at the heart of how the new structures operate

The new railway structure needs to be designed around the needs of users and users need to be truly influential in shaping the way in which it operates. Where the Bill talks about GBR functions and the SoS function in determining HLOS, there should also be an explicit duty to consider and act on passenger views. The proposed new passenger watchdog is welcome, and it should be incontrovertibly on the side of the user. Users should have a powerful voice on the new body. New national arrangements should not compromise existing devolved structures which bring valuable independence and an operational multi-modal focus.

3. Build on the positive experience of devolution and give more authority and funding certainty to local decision makers

In addition to vertical integration, the rail industry needs horizontal integration (ie making sure that there is good co-ordination across different operational and political geographies). As a devolved passenger watchdog, the powers and duties of London TravelWatch should mirror those of the new national consumer body. Devolution works for passengers and there should be a presumption in its favour. TfL's access rights to national rail infrastructure must be protected. TfL should be put on a firmer long term financial footing.

More detail on each of those issues is below.

1. A clear and concrete commitment to users

The consultation document is very light on measurable commitments to outcomes for users.

We recognise that content of consultation document does not cover the totality of the reform programme, but it is still striking how little analysis is offered on the impact of the changes proposed on rail users.

We believe that this needs to be set out much more clearly so that the travelling public can know what to expect in the short, medium and long term. At the current time, rail punctuality and reliability are not good enough. One-third of services are not on time, with no prospect of overall improvement under the current industry five-year plan. Latest ORR data show service cancellations at their highest level since quarterly data began to be collected over a decade ago. We see a risk that the process of reform itself will absorb industry bandwidth at the expense of near-term operational performance.

Passengers in London need to know what they should expect from the rail industry both now, during the reform programme and after its implementation. The commitment to users will need to cover not just punctuality/reliability, but other issues not covered at all by the consultation document, including delivery of commitments on accessibility, fares and ticketing, safety and security etc.

If, as the consultation document suggests could happen, any regulatory functions are transferred from the ORR to the new passenger watchdog, the enabling legislation should place a duty on the watchdog to consult London TravelWatch and take account of its views, in the way that the ORR does now.

2. Put users at the heart of how the new structures operate

In carrying out their new functions, there should be clear duties on both the Secretary of State and GBR to invite, consider and act on passenger views.¹

We support the commitment to stronger representation of the interests of the consumer through a new passenger watchdog. It will be important for users to have a powerful voice on the governance of the new body.

It will be important for the new body to be able to champion actively the interests of consumers - to be incontrovertibly in their corner. We will expect the new body to have:

- A clear statutory role on accessibility and the levers to be able to drive improvement (this is a key area of underperformance across the sector).
- stronger powers to obtain information and make representations to the rail industry and policymakers (but stopping short of regulatory powers that would compromise its ability to act as consumer champion).
- the ability to be proactive on issues around fares and ticketing, which are very much in need of rationalisation to improve the attractiveness of the network to users and potential users.

We think it is important that any legislation does not inadvertently compromise the non-rail responsibilities currently held by Transport Focus. TF carries out vitally important work including as Highways Monitor and on bus performance and this needs to be protected in any future model.

Like Transport Focus, the new body will be an Arm's Length Body (ALB) of the Department for Transport – as will GBR. We are concerned that this common reporting line could risk compromising the independence of the new body, making it more difficult to say uncomfortable things about industry performance. As a minimum, the new body should be given clear protections in statute which give it bankable protection from day-to-day political oversight. And potentially, a different accountability model could be considered, perhaps offering a direct line to Parliament rather than Government.

In London, the existing arrangements provide an opportunity for scrutiny which is truly independent of government. We believe that there is an important continuing role for London TravelWatch, funded by the London Assembly, as part of the London system, to champion and support the interests of people who travel in London. Over decades, the work of London TravelWatch has demonstrated the benefits of having representation for consumers which reflects devolved responsibilities, and the specific issues which are faced by consumers in particular parts of the country.

¹ (See especially con doc refs 1.6, 3.19, 4.14)

We believe that rail travel into London must continue to be an important part of our remit given the importance of rail to London's economy and society and how it interacts with other parts of London's transport system. Any provisions which strengthen the ability of customer watchdogs for journeys outside London must be mirrored for London TravelWatch representing the interests of those within the London Network.

3. Build on the positive experience of devolution and give more authority and funding certainty to local decision makers

We believe that these proposals need to go further in strengthening the role of London's Mayor in decision-making in the rail system.

We welcome the support in the paper for different models of devolution – from the existing devolution settlements with Scotland, Wales and London, to the future stronger role offered to Mayoral Combined Authorities in England.

But we believe that the responsibilities given to the Mayor of London on the face of the Bill need to go beyond a right to be consulted and to set out a clear role in decision making on key issues affecting London's rail users. Where the Bill talks about the functions of the Secretary of State in relation to HLOS, GBR Board appointments and the role of devolved administrations, there should be an explicit duty to invite, consider and act on the London Mayor's views.²

The current devolution settlement has offered benefits to the London travelling public. Transport Focus data shows both the London Overground network and the Elizabeth Line among the top performing operations for user satisfaction. This consultation represents an opportunity to strengthen the devolution settlement as we work through the respective roles of TfL and GBR. We welcome the opportunity to request devolution but would like to see strong safeguards in the legislation to ensure transparency in the decision-making process.

There is also a need for operational safeguards. To run its services, TfL needs effective access to some assets which in future will be managed by GBR, with access allocated by GBR. We will need to ensure that TfL continues to get the access to assets that it needs, with an appeal right to ORR if it feels it is not being treated fairly.

Finally, there is clear consensus that industry (including wider supply chain) needs greater certainty of its financial environment – so we strongly support a five-year funding model for all the bodies that fund rail. TfL specifically has been hampered in recent years by short term funding settlements unlike Network Rail and Highways England. We are clear that TfL too needs a sustainable 5-year settlement so that it can plan and deliver better rail services for Londoners.

We would of course be very happy to discuss or follow up anything in this response.

LONDON TRAVELWATCH

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² (See especially con doc refs 1.16, 1.19, 4.14)