
Secretariat report

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Agenda item 7
CA024
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Policy issues for consideration

1 Purpose of report

- 1.1. To provide details of policy issues for consideration by the Committee which have arisen from recent cases dealt with by the London TravelWatch Casework team.

2 Recommendations

- 2.1. Passenger denied access to pre-booked train because of overcrowding.

Members are asked to consider whether the policy of Virgin to restrict access to trains for ticket holders is appropriate, and if it is, whether they should be advertising such restrictions to customers.

3 Information

- 3.1. Details of cases to be considered at this meeting are attached at Annex A.

4 Equalities and inclusion implications

- 4.1. No specific issues regarding equalities and inclusion arise from this report.

5 Legal powers and financial implications

- 5.1. Section 248 of the Greater London Authority Act 1999 places upon London TravelWatch (as the London Transport Users Committee) a duty to consider – and, where it appears to it to be desirable, to make representations with respect to – any matter affecting the services and facilities provided by Transport for London which relate to transport (other than freight) and which have been the subject of representations made to it by or on behalf of users of those services and facilities. Section 252A of the same Act (as amended by Schedule 6 of the Railways Act 2005) places a similar duty upon it in respect of representations received from users or potential users of railway passenger services provided wholly or partly within the London railway area.
- 5.2. No specific financial implications arise from this report.

Annex A

Passenger denied access to train because of overcrowding

The case concerns Mr D who twice in a two week period was turned back at the barrier for not holding a seat reservation for an Oxenholme or Lancaster train (during a bank holiday period). He argued that, in each case, there were many first class seats unoccupied, and that Virgin could have declassified one coach for standard class ticket holders or that he should have been allowed to stand. On each occasion, his ticket was valid but he had not booked a seat reservation for the specific service as you need to give three hours' notice in order to get a seat reservation. We considered that Mr D's arguments had some merit and raised his concerns with Virgin.

Virgin responded that if there is an expectation that a particular service, to any destination, may be heavily loaded, staff may decide to restrict boarding to those customers with pre-printed reservations. They argue that this is done on the basis of safety and comfort considerations. They also stated that they advertise the availability of seat reservations up to three hours before a service departs from an originating station. They also stated that they try to protect the extra comfort and privacy of First Class passengers but a Train Manager can use their discretion to declassify some, or all, of the First Class accommodation.

Recommendation

We accept that overcrowding can be an issue for operators and that they have to take account of the comfort of all passengers. However, if a passenger purchases a ticket that is valid for the service, we believe that they should be able to board that service if they wish. We have been informed that overcrowding is not a safety issue because unlike a double decker bus for example there is no risk to the stability of a train if there are a high number of passengers on it. We consider that Virgin should have either declassified part or all of the First Class for the journey and reimbursed those First Class passengers who are in a declassified area. Alternatively, Virgin should consider the policy employed by British Rail in the past to make reservations compulsory on certain services as this provides certainty to passengers using them.

We consider that it is inappropriate for Virgin to sell tickets without restrictions and then to inform passengers at the ticket barrier that they cannot use their tickets. We therefore consider that we should encourage Virgin to review their policy.