
Minutes

Agenda item : 3
Drafted : 25.4.09

**Minutes of the Consumer Affairs Committee meeting held on 22 April 2009
at 6 Middle Street, London, EC1**

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Present

David Barry; Terry Bennett; Daniel Francis (Committee Vice Chair); Sharon Grant (London TravelWatch Chair); Sophia Lambert; Teena Lashmore; Sarah Pond (Committee Chair); Lorna Reith

Chief Executive; Casework Manager; Director, Public Liaison; Senior Committee Administrator;
Committee Administrator

Stakeholder Engagement Manager, Group Public Affairs, Transport for London (TfL)

Minutes

- 1 **Chair's introduction, pre-meeting announcements and apologies for absence**

There were no apologies for absence.

- 2 **Declarations of interest**

No additional declarations of interest were made.

- 3 **Election of vice-Chair of the Committee**

Daniel Francis was elected as Vice Chair of the Committee.

4 Introductory briefing on the role of the Committee

This committee was the successor to the Casework Committee, and as such would continue to be driven by appeals by passengers, but focus on consumer rights issues.

5 Minutes

The minutes were agreed and signed for the record.

6 Actions taken (CA001)

The report was noted, and it was agreed that future editions would include a website reference to consultations, a synopsis of the London TravelWatch response and a link to it if public. It was also agreed to indicate the level of response in order to understand the amount of resources diverted towards it.

7 Casework team performance report (CA002)

The Director, Public Liaison highlighted the spike in work load when First Capital Connect's (FCC) consultation on reducing ticket office opening hours. There was a high response to this proposal coinciding with an already busy work period due to January fares changes, and unusual staff shortages. Overall the report was positive and showed good trends.

Regarding the volume of response to the FCC consultation, there was some evidence that FCC, trade unions and several MPs had passed contact details for London TravelWatch to passengers and constituents and encouraged them to respond to the consultation. The decision on the proposals by the Department for Transport (DfT) represents a success for London TravelWatch but the impact of the extra work put immense pressure on the team.

The Chair commented that London TravelWatch's handling of the FCC consultation had been a good profile-raiser, which should be communicated to stakeholders as an example of how this organisation works with passengers and resolves issues.

Action : Communications Officer

The clear conclusion to be drawn from the report was that London TravelWatch receives a surprisingly small number of complaints about TfL given the number of journeys undertaken, in comparison with those about rail operator services. Members agreed that this reflected the varying demographic of rail, tube and bus passengers, and it appeared that bus passengers were the least likely to complain. There were however a number of Rail operators for whom the team receives a relatively high amount of appeals.

The Safety and Policy Advisor pointed out that in the National Rail performance review, data relating to the total volume of complaints is normalised to reflect differences between the passenger demographic of transport operators.

8 Policy Issues arising from Casework (CA006)

Annex A : First Class travel

This issue comprised three problems: inconsistency of policing; disabled passengers and the need for priority seating; and difficulty claiming compensation for the non-provision of first class accommodation on train services.

The Committee was advised that buying a ticket does not entitle you to a seat unless the passenger has made a seat reservation. Standard fare holders who have bought standard tickets and then stand in first class are penalised. The Chief Executive reported that the Research and Development team were undertaking a project on first class travel in forthcoming months, and that ATOC would be contacted in the course of this research.

Members agreed that if a train operating company could not police first class or if they could not be reasonably sure that seats will be available then the seats should not be there at all. On a regular commuter service the case for first class seating was much debated, and members agreed that each carriage should have at least four priority seats, as on London buses.

The Safety and Policy Advisor reported that a number of routes sell standard class tickets only. However when short of rolling stock, they use other trains which, may have carriages marked as first class. As all tickets were standard, the first class carriages are often left empty. It was suggested that labelling or announcements should be made clear on such trains.

The committee came up with a list of recommendations to be written to all train operating companies (or via ATOC):

- (i) If first class carriages are provided, then the TOC should take steps to ensure they have adequate 'policing' in place so that available seating for those passengers is maximised
- (ii) Priority seating –should be provided on all carriages and clearly marked, with reference to good practice by TfL. This issue would also be copied to the matters arising for the Access to Transport Committee.
- (iii) Claiming for non-provision of first class seats. At present passengers are only compensated if first class is not provided, but not if first class is full. This needs to be made simpler and more user friendly.
- (iv) Declassified first class carriages should be clearly marked as such and some seats for disabled. Announcements should be made on stations, and on the train to alert passengers.

Action : Casework / Research and Development team

Annex B : Buying tickets on line

Train operating companies are not informing purchasers that they were being redirected to a third party website when they purchased the tickets. The Committee cited the example, of Amazon.co.uk which directs sales to third parties and makes clear that this is the case. It is the on line protocol to make clear that consumers are being redirected, and in the case in question this was not being followed.

(Trainline is a private company, licensed by the Association of Train Operating Companies

(ATOC) and London TravelWatch had recently undertaken an audit of Trainline's complaint handling procedures.)

It was agreed to write to all TOCs and copy to ATOC, DfT and Passenger Focus to advise that their ticket sales portals should follow online protocol in advising customers when redirected to a third party website, and that the ticket transaction is with that third party.

Action : Casework Manager on behalf of Chair

Annex C : Suitability of compensation arrangements for major disruptions

There is currently no standard compensation scheme across transport providers for passengers. The introduction of the European Commission Third Railway Package into British law through a statutory instrument will mean that the National Rail Conditions of Carriage will be reviewed before December 2009. Once this has passed through Parliament, London TravelWatch will look for consistency and clear policies on this from all train operating companies.

The implications of the Third Railway Package was discussed in more detail later in the meeting – see minute 10.0904.C.

Regarding the case in question, the Casework Manager would respond to the Train Operating Company that the passenger should be treated equally to other passengers and offered vouchers as compensation.

Action : Casework Manager

9 Casework review update (CA003)

The report summarised recent work on performance improvement. In particular it looked at the workload for Casework and the need to address capacity and resourcing issues. Opportunities to reduce the work handled by the casework team, particularly unnecessary call handling, were being actively researched.

On this last point, an audit of incoming calls had been carried out in November 2008. In total 1165 calls were received. 24% were information requests on travel and a further 38% were initial enquiries about complaints that needed to go to the operator in the first instance.

The Chief Executive recommended that London TravelWatch's telephone number be removed from posters on buses. In response, the Deputy Chair disagreed as it was important to tell people their rights as passengers. Bus passengers rarely knew where to go if they had a complaint.

Broadly it was agreed that answering such queries was an important function, but not one for the casework team. It was also felt that the GLA should be made aware of the amount of time spent these calls, and on advising callers of the complaints procedures.

The key issue was that callers chose to call the London TravelWatch number as this is a landline and TfL's number is an 0845 number.

It was agreed to press TfL to provide a more cost effective number for passengers to call.

Action : Director, Public Liaison

The Deputy Chair suggested that when someone phoned in to London TravelWatch to complain, a note could be taken of their name and address and a leaflet on how to complain should be sent to them, thus empowering complainants.

Action : Casework team

The Chair of London TravelWatch requested that the report be prefaced by a list of expected outcomes of the casework review, and clarity about how these changes would lead London TravelWatch in the direction of the purposes of the review, which have to be related to the business plan, so the connection between the two may be made. Members were invited to submit further comments on this by email to the Chair.

Action: Members

The Chair thanked the Chief Executive for the report.

10 Consumer rights (CA004)

The Director, Public Liaison reported that a number of things discussed are now coming to fruition and new passenger rights are going to be introduced. These consumer rights and regulations would be Europe wide, and would strengthen London TravelWatch's role, with a clear legal route for grievances. The regulations would then be embedded into industry codes of practice and conditions of carriage, and the statutory instrument to be put before Parliament in December.

The consultation would be in May 2009 followed by a review of the industry in the autumn and implemented in December 2009.

Regulation is currently being drafted on the allocation of freight paths, and has changed focus so that passenger views will be listened to. Passenger rights for buses and coaches were also being drafted, which would bring limited rights to passengers. The Office of Rail Regulation would increase its powers through the extension of consumer law to the rail industry.

The Chair requested regular updates on the impact of European legislation, and that if the consultation on the new passenger rights fell outside a meeting, members would have it sent to them for comment with a draft response included.

The Deputy Chair felt that the European regulations were relevant to other Committees and that this report should be tabled at the next Board meeting for information

Action : Committee Services

The London TravelWatch Chair stated that this legislation had the potential to strengthen London TravelWatch's role representing passengers.

The Safety and Policy Advisor made reference to paragraph 5.3 regarding injuries sustained on buses and pointed out that the legislation would mean that passengers would be eligible for direct compensation, resulting in increased costs for operators and the tax payer.

11 Consumer Affairs Committee Work plan 2009

It was agreed to defer the focus on young people until 2010/11, but to keep a watching brief on issues related to this area meanwhile.

It was agreed to focus on passenger rights, particularly bus passengers, for the forthcoming year. To this end the Chair invited members to submit comments by email on the work plan.

Action : Members

It was agreed that members would provide feedback to the Director, Public Liaison, on the 'Dealing with Your Complaints' document that had been circulated before the meeting. Link to this document : www.londontravelwatch.org.uk/document/3690/get

Action : Members

12 Resolution to move into confidential session

The Committee resolved, under section 15(b) of schedule 18 of the Greater London Authority Act 1999, that by reason of the confidential nature of the following items, it was desirable in the public interest that the public should be excluded from the meeting.

In confidential session the Committee considered the confidential minutes of the Casework committee meeting on 28 January 2009 and reviewed the meeting.