

London Transport Users Committee	LTUC
Minutes of the Sheepcote Lane Curve Closures Sub-Committee: Held on 8 July 2004 at 6, Middle St. London	

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**Minutes of a meeting of the Sheepcote Lane Curve Closures Sub-Committee held on
8 July 2004 at 6, Middle St. London at 10:00am**

Present

Tony Shields	Chair of the Sub-Committee
David Bertram	Member of the Sub-Committee
Eric Roberts	Member of the Sub-Committee
Rufus Barnes	LTUC Director (attended for items 1 & 2)
Vincent Stops	LTUC Senior Research Officer
Richard Stuart	Strategic Rail Authority, Operations Performance Manager
Peter Lepper	Strategic Rail Authority, Consumer Benefits manager
Assita Diarra	Strategic Rail Authority, Arriva Train Wales Contract Manager (Observer only)
Professor Huxley	Member of the public
Mark Youngman	Deputy Secretary, Rail Passengers Committee for Wales (arrived part way through item 2)

1. Chair's opening remarks

The Chair opened the meeting at 10:00am by introducing the sub-committee and Officers. He emphasised that the meeting was strictly being held to investigate the closure of the Sheepcote Lane Curve and not the associated service to and from South Wales, though this would be discussed. He then pointed out the procedures laid down on the agenda and that he would be following them in the course of the meeting.

Before considering the closure itself the Chair asked if there were any issues regarding the legality and process that had been followed, particularly as the Director would be present during the first part of the meeting.

2. Professor Huxley

Professor Huxley indicated he wanted to speak on the issue of legality and the process and so was asked to speak to the Committee. He read a prepared speech that contained all of his points.

Professor Huxley firstly reminded the Committee that the definition of *hardship* could take account of wider transport policies.

His main concerns regarding the process were:

- i) the illegality of holding a closure meeting when the train service over the Sheepcote Lane Curve had already ceased operation and had been replaced by a taxi service;
- ii) that law required a Train Operating Company to promote a closure and not the Strategic Rail Authority;
- iii) the taxi service only serves Kensington Olympia, where services to and from Wales did not call.
- iv) the National Rail Enquiry Service was unaware of the service from Kensington Olympia to London Waterloo;
- v) how tickets for the taxi are to be sold;

vi) he had no evidence notices had been posted in the Welsh language or published in local Welsh papers.

Professor Huxley asked that given that the structure of the railway industry was changing London Transport Users Committee should postpone its considerations and the Pembroke Dock / London Waterloo / Maesteg service should be reinstated.

He also believed that the alternatives suggested by the Strategic Rail Authority were poor alternatives.

Professor Huxley recalled other railway closures where the Strategic Rail Authority and its predecessors had, in his opinion, not acted according to the law.

The Chair stated that the issue of other closures was not relevant to today's meeting and the future of the railway industry was not under consideration. The meeting was adjourned by the Chair to allow the Strategic Rail Authority to consider a response.

After some consideration Richard Stuart, of the Strategic Rail Authority, responded:

- i) the Strategic Rail Authority considered it was for the Committee to decide the scope of what they considered in terms of *hardship*;
- ii) the Strategic Rail Authority had a duty to take into account cost and therefore a taxi was the most appropriate way of providing a service that satisfied the legal requirements;
- iii) the closure was proposed under section 38 of the Railways Act 1993 which allowed the Strategic Rail Authority to promote closure;
- iv) the National Rail Enquiry Service was aware of the service and evidence of this was available;
- v) tickets could be purchased at ticket machines at Kensington Olympia and London Waterloo;
- vi) the statutory requirement for posters had been fulfilled at Reading and at London Waterloo where there was no duty to provide bilingual notices. Other station operators had been approached to post notices at stations served by the service to and from South Wales.

Members asked the Strategic Rail Authority to address the point that the service only ran between Kensington Olympia and London Waterloo one day a week, not four days as the train service had.

The Strategic Rail Authority responded that it had received legal advice that the taxi service was fulfilling its legal obligation, taking into account its duty to be cost effective.

The Director offered the Committee some clarification by referring them to the consolidated Act (The Railways Act 1993, as amended by Transport Act 2000). He believed section 38 did allow the Strategic Rail Authority to promote a railway closure and there was no requirement for a Train Operating Company to be involved or named.

Further he stated that he believed that a line could be regarded as open if a service ran in each direction just once a year. It was for the sub-committee to consider the *hardship* caused due to closure of just this section of line and any possible alleviation of that *hardship*, taking into account the cost.

The Chair then asked the Director to confirm that he believed the meeting could continue. This the Director confirmed. He read out extracts from the consolidated Railways Act 1993

as amended by the Transport Act 2000 which addressed a number of the procedural points raised by Professor Huxley.

Mark Youngman, Deputy Secretary of the Rail Passengers Committee for Wales joined the meeting and in passing confirmed there had been some Welsh language posters displayed.

The Director again reminded the sub-committee of their obligation, under the Act, to take into account cost to the Strategic Rail Authority, or any other public body, and that any recommendation to alleviate *hardship* must represent good value for money. He then left the meeting.

After a few minutes break the Chair asked the Strategic Rail Authority to make its presentation.

3 The Strategic Rail Authority

Richard Stuart introduced himself and his colleague, Peter Lepper. He then read from a prepared statement covering the procedure followed, the Strategic Rail Authority's reasons for proposing the closure and their responses to the points raised by objectors and London Transport Users Committee as set out in the report to sub-committee, Document C.

Richard Stuart set out the procedures that the Strategic Rail Authority had followed.

He told the sub-committee the Strategic Rail Authority's reasons for proposing the closure:

a) the operation of the services would incur subsidy that would exceed the benefits derived: The Strategic Rail Authority's economic appraisal which was undertaken when the franchise specification for the new Wales & Borders franchise was developed indicated that the subsidy required to maintain the services from Wales to Waterloo, including those which operated via the Sheepcote Lane Curve, was greater than any wider benefits that would be derived from continuing the services. This conclusion was confirmed during the re-franchising process when bidders were asked to provide their own estimates of the subsidy that they would require to continue their operation.

b) the usage of the services is low: The passenger counts for the services which operated via the Sheepcote Lane Curve were very low: On average, only 6 passengers used the service between Reading and London Waterloo and just 2 between London Waterloo and Reading.

c) the provision of these services is inconsistent with the SRA objective of reducing the number of operators at London termini which, following a positive response to its consultation document, "Combining franchises: London termini 12 March 2002", the SRA is pursuing. This policy will facilitate the optimum use of capacity, provide a simplified, more understandable and impartial interface between operator and passenger, and will improve recovery from service disruption.

d) alternative services exist. The Strategic Rail Authority detailed in the statement of reasons the alternative services for those which operated via the Sheepcote Lane Curve. Alternative services existed in both directions. For the service which departed London Waterloo 05:05, arriving in Reading at 06:00, the alternatives are either to depart London Paddington at 03:35, arrive Reading 04:30 or depart London

Paddington 06:00, arrive Reading 06:31. For the service via the Shepcote Lane Curve which departed Reading at 03:00, arriving in London Waterloo at 04:13, the alternatives are to depart Reading at either 02:34, arrive London Paddington 03:26 or to depart Reading at 04:34, arrive London Paddington at 05:30. Connections between London Paddington and London Waterloo are available using taxis, or by bus with either one or two changes. Alternatives for journeys west of Reading were detailed in the tables at the rear of the Statement of Reasons.

Additionally, the sub-committee was told that since the publication of the Statement of Reasons, the Strategic Rail Authority had sought to improve the alternative service options, which Richard said he would talk about later.

The Strategic Rail Authority told the sub-committee that the current service provision, i.e. the taxi service, would continue to be a weekly return service between Kensington Olympia and London Waterloo pending the decision on closure by the Secretary of State and a further four weeks after that (if closure was agreed).

The Strategic Rail Authority noted that if closure is allowed, although the Shepcote Lane Curve will no longer be used in relation to any regular scheduled passenger services, it will continue to be used by empty stock movements of Eurostar services trains between Waterloo International and North Pole depot and will be available for freight services, and also as an emergency diversionary route. Network Rail had confirmed to the Strategic Rail Authority that it had no plans that will affect its availability for future passenger use, except for possessions booked in the usual manner, and it will continue to be maintained to the current standards.

The Strategic Rail Authority then responded to points made by objectors and London Transport Users Committee as set out in Document C.

Section 3.1 of Document C - Fares

The Strategic Rail Authority acknowledged in the Statement of Reasons, that the withdrawal of the Arriva Trains Wales services via the Shepcote Lane Curve would lead to the withdrawal of the lowest cost advance purchase fares between Wales and London. However, take up of these SuperAdvance and Apex fares was very low. Over a three week period in February and March 2004, only 5 sales of these fares were made in the Cardiff to London direction and none in the London to Cardiff direction, therefore their withdrawal will not in itself lead to passenger disbenefit.

London Transport Users Committee highlighted the issue that though the 'Statement of Reasons' compares various fares, they may be more readily available on the Arriva Trains Wales services than First Great Western services.

In response to this further question raised by London Transport Users Committee on quotas on the First Great Western services, which the Strategic Rail Authority had identified as being alternatives in the Statement of Reasons, the Strategic Rail Authority advised members that First Great Western have confirmed that quotas for the SuperAdvance and Apex fares are available on all the services. Members were told that these quotas are more than sufficient to meet the demand.

Section 3.2 - Demand

The Strategic Rail Authority told members that an average of 6 passengers used the service between Reading and London Waterloo and 2 between London Waterloo and Reading. They said that this level of demand did not indicate that the services via the Shepcote Lane Curve should continue.

Section 3.3 - Availability of line for future use

The Strategic Rail Authority confirmed that the line will remain available for future use. The Sheepcote Lane Curve will continue to be used by Eurostar empty stock movements between North Pole Depot and Waterloo International, and will also be available for freight use and as an emergency diversionary route. Network Rail has confirmed that it has no plans that will affect its availability for future passenger use. However, the Strategic Rail Authority could not give an indefinite guarantee that the Sheepcote Lane Curve will always be available for future passenger use, and they believed that it would be inappropriate to do so. Members were told that if the area were resignalled at some point in the future, it is possible that it would be appropriate to consider future requirements for this line.

Section 3.4 - Alternatives

A number of objectors had suggested that the alternatives available are not at equivalent times. The Strategic Rail Authority responded that the very low level of demand for the services between Reading and London Waterloo and vice versa was not sufficient to warrant the provision of alternative services at the precise times of those being withdrawn via the Sheepcote Lane Curve. Other alternative services, which involve travel at different times, are available.

The Strategic Rail Authority had, considered the suggestions put forward by objectors for alternative service provision.

Firstly, the suggestion that the 22:00 Penzance to London Paddington again calls at Bristol Temple Meads allowing early morning connections from Bristol to Heathrow and Gatwick via London Paddington. The Strategic Rail Authority had asked First Great Western for its comments on the feasibility of this. First Great Western reported that this service does not operate via Bristol Temple Meads on approximately 50% of Monday mornings and 25% of Tuesday to Friday mornings, instead the service is diverted via the Berks and Hants route. If the service was advertised to call at Bristol Temple Meads, on these occasions it would instead need to call at Westbury and substitute road transport be arranged to Bristol Temple Meads. Arranging this, often at short notice, in the middle of the night, would be difficult and costly. Having considered these factors, the Strategic Rail Authority does not propose to request First Great Western to make the Bristol Temple Meads call an advertised one.

Secondly, there had been a suggestion that the 06:11 Reading to Cardiff service could start from London Paddington and so serve as a more equivalent and useful early morning service to the West Country and Wales. The Strategic Rail Authority had asked First Great Western to examine this as an option for the Winter 2004/05 timetable. Members were pleased to hear that a path for this service departing at 05:39 from London Paddington had been identified, and it is the intention that this service will operate as a passenger service from London Paddington from the start of the new timetable on 12 December 2004. However, this would be subject to, as is the whole timetable from December, receipt of the formal timetable offer from Network Rail.

Section 3.6 - Consultation

A question had been raised by London Transport Users Committee concerning the consultation undertaken by the Strategic Rail Authority before withdrawing the South Wales to Waterloo services. Members were told that as these services were not part of the Passenger Service Requirement for the original Wales & West franchise, let in September 1996, which became the Wales & Borders franchise in October 2001, there was no requirement to consult with the Rail Passengers Committees on the Strategic Rail Authority's intentions for these services in the new Wales & Borders franchise which commenced operation in December 2003. However, the Strategic Rail Authority did discuss its intentions

for these services with London Transport Users Committee in February 2002 and the Rail Passengers Committee for Wales in March 2002, prior to the publication of the Core Franchise Proposition for the new Wales & Borders franchise in April 2002.

The Strategic Rail Authority noted that London Transport Users Committee found the decision to cease operating the services before the closure was completed as not being satisfactory but also that LTUC acknowledges that to have maintained a service over the line would have been very costly. The Strategic Rail Authority believed that it has acted in accordance with the Act. The cost of maintaining a rail service along the line would have been significant and the Strategic Rail Authority has considered its duty to use taxpayers money prudently in deciding to operate a bus rather than a train.

Section 3.7 – Legality

Richard Stuart asked if the sub-committee wanted him to repeat the earlier discussion on the legality of the process. After consideration the Chair agreed with members that this would not be necessary.

However Richard Stuart raised one further point that one objector had stated “this service was originally an experimental one and therefore there is no requirement for a closure process.” In response the Strategic Rail Authority confirmed that under Section 48 of the Act, no service may be designated as experimental for more than 5 years. As more than 5 years had elapsed since the introduction of the service, it was necessary to go through the closure procedure.

Section 3.8 – Publicity

The Strategic Rail Authority noted that concerns had been raised over the technical nature of the notices which were without reference to the services affected. The Strategic Rail Authority agreed that the Closure Notice for Sheepcote Lane Curve would have benefited from showing the times of the Arriva Trains Wales services which operated over it. Members were told that the Strategic Rail Authority is reviewing the format for future Closure Notices to ensure that they continue to comply with the requirements of the Act, but in a way which is more “user friendly”.

In summary the Strategic Rail Authority believed that the closure of the Sheepcote Lane Curve should be allowed and considered that it had followed the correct procedures as required under the Act to progress the closure.

The Chair then asked for any questions of clarification for the Strategic Rail Authority.

Confirmation was given that the lowest cost fares would be withdrawn, but that advance purchase fares were available and an adequate allocation would be available.

It was also confirmed that if closure was allowed then any future change in status of the line would be determined by a ‘Network Change Procedure’ promoted by Network Rail and approved by the Office of Rail Regulation.

The sub-committee noted that no figures were available regarding the subsidy and asked that the Strategic Rail Authority give some indication of the cost of the subsidy or how the subsidy compared to other supported services.

The Strategic Rail Authority told the sub-committee that these were not part of the ‘Passenger Service Requirement’ and so fell into a different category regarding subsidy. They were also not willing to disclose the subsidy, even in closed session, to the sub-committee, but described the subsidy as substantial.

Members asked why the service had not been part of the Passenger Service Requirement. The Strategic Rail Authority responded that it had been introduced by Wales and West as a commercial service on the basis that it had not required additional subsidy

In response to a question from an objector regarding the accuracy of the Statement of Reasons as to the start date of the Wales to Waterloo service the Strategic Rail Authority confirmed that the service had started in 1994.

The Chair asked if Mark Youngman of the Rail Passengers Committee for Wales had any points on the Strategic Rail Authority's presentation. He confirmed that discussions had taken place with his committee, as described in Document C, paragraph 3.6, and similar points had been raised to those being discussed at the present meeting regarding the Passenger Service Requirement.

The Chair asked Professor Huxley if he had any further points. He had none.

The Chair asked if there were any more general points from the public.

Mark Youngman suggested he would get some further clarification from First Great Western about advance purchase allocations. It was agreed that the Secretariat should liaise after the meeting about any issues this raised.

4 Committee Discussion

The Chair explained that the sub-committee would now consider the issues raised. Members would indicate their view on points raised in order that the Secretariat could produce a report that would then be the subject of a postal consultation with members.

The Senior Research Officer was then asked to take members through Document B which described the background to the proposal and the Committee's duties.

It was brought to the attention of members that two supplementary objections had been received by the Secretariat, but that these had raised no new points.

It was brought to members attention that the Secretariat had tried to catch the 03:45 service from Kensington Olympia on 6 July 2004, but that it had not turned up by 04:00. Subsequently Silverlink had assured the Secretariat that it had operated that day, but had been late. The Secretariat also contradicted the earlier response by the Strategic Rail Authority insofar as the Secretariat believed that it was not possible to purchase a Kensington Olympia to Waterloo ticket using the Kensington Olympia ticket machine.

The Senior Research Officer was asked to take members through Document C which described issues raised by objectors and London Transport Users Committee.

Discussing the issues members agreed that the report should reflect the following points:

Subsidy

Members felt that it was not satisfactory that the Strategic Rail Authority would not give the sub-committee any economic data relating to the service as this would have informed the discussion, particularly as the Committee had a general duty to take costs and benefits into account when making recommendations.

Fares

Members welcomed the Strategic Rail Authority's statement that advance purchase fares would be available and would meet demand.

Demand

Members accepted that there was little evidence of demand for the Pembroke Dock / London Waterloo / Maesteg service that had previously used the Sheepcote Lane Curve.

Availability of line for future use

Members felt there was legitimate concern about the future availability of the line for passenger services and welcomed the assurance from Network Rail that there were no current plans to change the status of the line and that it would continue to be maintained. The Committee had been informed that any subsequent change to the line would follow the Network Change Procedure and have to receive consent from the Office of Rail Regulation, but were unclear what this entailed. The Strategic Rail Authority undertook to advise the Secretariat after the meeting whether Transport for London or London Transport Users Committee would be consulted as part of this process. Members suggested both should be. Members also asked that the Secretariat seek advice from the Director as to whether a condition could be attached regarding consultation with Transport for London and London Transport Users Committee as part of the Network Change Procedure.

Alternatives

Members accepted that there were satisfactory alternatives, given the demand, from London to South Wales. Members particularly welcomed the statement that the Secretariat's proposal that the train that forms the 06:11 from Reading could start from London Paddington had been accepted and that it was fully expected by the Strategic Rail Authority that it would be included in the December 2004 timetable, departing from London Paddington at 05:39.

Members noted that alternative services from South Wales to London were less satisfactory and they would wish to see improvements progressed by London Transport Users Committee and the Rail Passengers Committee for Wales.

Consultation / Legality

Members accepted that the Strategic Rail Authority had followed the closure process required by the Railways Act 1993, as amended by the Transport Act 2000. However, members felt strongly that the process should have been initiated much earlier, before the South Wales service was removed from the timetable.

Publicity

Members agreed that the technical nature of the notices was not 'user friendly' and welcomed the proposal from the Strategic Rail Authority that it would be reviewing the notice 'template' in order that it was more 'user friendly'. Members wanted the Strategic Rail Authority to be asked that the Rail Passengers Council, Committees and London Transport Users Committee are invited to contribute to this review.

Accessibility

Members discussed accessibility issues and asked the Secretariat to look into the availability of accessible buses between London Waterloo and Paddington. Members believed that accessible bus services should be available as the cost of taxis was high and the very low cost advance fares had been withdrawn. Members welcomed the fact that the new rolling stock that formed the 06:11 service from Reading was accessible.

5 Chair's closing remarks

The Chair finally asked attendees if they were happy with how the meeting had been conducted. All said they were happy.

Professor Huxley asked two questions regarding the legality of running a taxi replacement service as opposed to a train and an issue regarding another closure.

The Strategic Rail Authority told the meeting that its legal advice was that it could run a road service in order to maintain a service. It said it was not prepared to enter into discussion about any other closures. The Chair accepted this.

The Chair closed the meeting at 12:08 pm.