

Transport Committee

Oral evidence: [Accessible transport: legal obligations - rail ticket office closures](#), HC 580

Wednesday 13 September 2023

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[Watch the meeting](#)

Members present: Iain Stewart (Chair); Jack Brereton; Sara Britcliffe; Paul Howell; Karl McCartney; Grahame Morris; Gavin Newlands; Greg Smith.

Questions 122–170

Witnesses

[II](#): Anthony Smith, Chief Executive, Transport Focus; and Stephanie Tobyn, Director of Strategy, Policy and Reform, Office of Rail and Road.

Written evidence from witnesses:

- [Office of Rail and Road](#)

Examination of witnesses

Witnesses: Anthony Smith and Stephanie Tobyn.

Q122 **Chair:** Welcome to our second panel. Could you introduce yourselves and your organisation, please?

Stephanie Tobyn: My name is Stephanie Tobyn. I am the director of strategy, policy and reform at the Office of Rail and Road.

Anthony Smith: I am Anthony Smith, chief executive of Transport Focus, the independent voice for Britain's transport users.

Q123 **Chair:** Thank you for giving us your time this morning. Anthony, could you set out for colleagues, and indeed the public who are watching, what the role of Transport Focus and London TravelWatch is in this consultation process?

Anthony Smith: We have a very prescribed role in the process, set out by the ticketing and settlement agreement, which is something you do not want to read before you go to bed. It is a vast, thick document that was set up at privatisation which governs the relationships on ticket retail and retailing generally between the train companies and the Rail Delivery Group. It was put in place at privatisation. It has existed through all successive Governments since then. It sets out the process by which changes are made to ticket office arrangements.

To be very clear, it is not our process. The process is owned by the Rail Delivery Group and the train operating companies. It requires train companies to put up notices at stations explaining any potential new arrangements and giving passengers the opportunity to contact us and London TravelWatch. We then analyse the proposals and give a response to the train company on each individual station. It is not a generic consultation about change. It is 860 individual consultations about changes at particular stations.

We then have to give a binary answer: yes, we agree or, no, we don't. There is no middle road on this one. It has to be yes or no. The ticketing and settlement agreement sets out the terms of reference for looking at the proposals. Train companies can make a change if—these two sentences are very important—"the change would represent an improvement on current arrangements in terms of quality of service and/or cost effectiveness, and members of the public would continue to enjoy widespread and easy access to the purchase of rail products, notwithstanding the change." Chair, that is our role in a nutshell.

Q124 **Chair:** Are you comfortable that the formal role that you have in this consultation does not involve a conflict of interest with your broader role as the voice of the passenger, one that is well respected?

Anthony Smith: We have the role that we have been cast into. As I say, it has survived successive Governments. Yes, we are comfortable. We will



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do a professional and responsible job on behalf of passengers in this respect. We will make sure that we have listened very carefully to the numerous representations that have been made.

It puts in place an opportunity for consultation. I do not necessarily agree with some of the previous comments made about the done deal of the consultation. This is a process. We do have a role. We have not come to a conclusion yet because we are still analysing the responses. The end date is not quite upon us.

Yes, to be honest, it is quite a challenge, given the scale. The process has been used in the past, either for individual stations or for five train companies when there were changes across their ticket office estate, but never anything quite on this scale. We are coping at the moment.

Q125 **Chair:** On analysing all the responses—colleagues will want to ask further questions about that—do you have a fixed date by which you have to make a judgment, or is it as long as it takes?

Anthony Smith: No, the timescales are set out by the train companies, essentially. After the readjustment of the timescales, we have to respond by 31 October to each train company. We cannot do a nil response. A nil response is deemed to be acceptance, so we have to say yes or no. Therefore, we are cast in this role, and we will play our part.

Q126 **Chair:** Stephanie, could I ask you to summarise the ORR's role in this process?

Stephanie Tobyn: Yes. We have no formal rule under the ticketing and settlement agreement. We have an ongoing and very fundamental role in ensuring the accessibility of the railway. That is through the licence conditions, where we grant the licence to operators. They are required to produce an accessible travel policy. You heard Katie allude to that earlier. In 2019 we produced, through a public consultation, guidance on that accessible travel policy. The operators provide their policies in accordance with that guidance.

What is particularly relevant here is that if the operators change staffing or processes that affect accessibility, then, if it is a material change, we have to reapprove that guidance. What we are doing now, very briefly, is to have active and early engagement with the operators. We want them to understand those responsibilities, to think very carefully about what they are proposing and to ensure that they take everything into account through that process.

Q127 **Chair:** I want to pick up a point made by the previous panel that the TSA was primarily designed for individual proposals to close or reform a ticket office. As you said, it is 860 individual ones and people are viewing this as being all lumped together. Do you think the process is an appropriate one to look at this widescale change in the industry?



Anthony Smith: I don't think the ticketing and settlement agreement was ever designed for something of this magnitude, to be honest. I cannot imagine that it was. It has worked quite well in the past with individual stations or operators. We took a full part in the Scottish consultation in 2021 and dealt with all the responses there. The decision as to whether to proceed or not is now sitting on the desk of the Scottish Government.

We are where we are. The ticketing and settlement agreement is being followed in this respect. As I say, we cannot walk away. We can't not participate. We have to give a response.

Q128 **Chair:** We heard from the previous panel of witnesses considerable concerns about the nature of the consultations that the individual train operators have run. There have been problems with accessibility and vague terms. I recall one that affects my local station, which was that there will be a mobile service unit, without any clarification as to whether that was once a day, once a week, once a month or whatever. Do you think the consultation was designed well? What role did you have in framing it?

Anthony Smith: The consultation design is very much that of the individual train companies. We liaised with the train companies beforehand to make sure that they had the correct contact details for us and London TravelWatch on the posters and websites. The decision on how much information and what to publish was very much in the gift of the train companies.

We tried to make it as easy as possible for people to contact us. We accepted responses by email and freepost and we created a web form. Anybody who wanted to ring us and request any form of assistance was able to do that. Initially, we set up email addresses for each train company because that is how the consultation was being structured, but then eventually we started to get quite a lot of generic, general responses saying, "We don't like any of this." There was no discussion about the overall policy proposal, so we set up a general response form as well.

We argued from the start that the train companies had to make the proposals available in as many different formats as was applicable. We went through train company websites after the beginning of the process on 5 July to check all the details and reported on some of the gaps that we found there. We pushed for the equality impact assessments to be made public as soon as possible. What we have also done is survey people who have responded to us, just to check that they form a representative sample of the travelling public so that there was not a bias towards commuters, disabled passengers or whatever. From our initial assessment, it looks like a pretty good cross-section of the British rail-travelling public have actually responded.

Q129 **Paul Howell:** I want to specifically pick up on a couple of points that you



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have raised. If I have picked the numbers up right, 860 stations are to be evaluated, all at individual level.

Anthony Smith: Yes.

Q130 **Paul Howell:** You said you had to do it by the end of October.

Anthony Smith: Yes.

Q131 **Paul Howell:** That is about six weeks. It is about 30 stations a day.

Anthony Smith: Yes.

Q132 **Paul Howell:** Do you have the resources to deliver that?

Anthony Smith: Yes, we have. There are two things that make it possible. While 860 stations sounds like a scary amount, some of the proposals are relatively generic with some of the train companies. They are fairly similar at individual stations.

At the beginning of the month Transport Focus had had about half a million responses and London TravelWatch had about 180,000, and we are still checking through the postal ones, which take a bit longer to read, so I suspect that we will reach three quarters of a million by the end of the tally. Quite a lot of those responses are relatively similar. They have been generated through organised campaigns, either by some of the unions or by online petition platforms. Those responses are much easier to analyse, in a sense. What we are making sure of is that we pull out any response which picks up individual responses about individual stations. We are making sure that we can do all that.

We are using an outsourced contact provider to do all the initial responses. We have worked with those people for years. They handle all our frontline complaints handling and they know the rail industry well. They know us well. We have a good process in place, but I would not say it is easy. We have not done much else for the last three months; let's put it like that. At the end of the day, sitting here now, I think we will be able to play a full and professional part in the responses by 31 October.

Q133 **Paul Howell:** You said that your specific role in the consultation process is as you have defined it. Is there also a role, with your Transport Focus hat on, to say, "Overall, this is our view of the assessment as a whole" in terms of whether the consultation has been done well and what the outcomes or recommendations are? Do you have a separate situation that is appropriate for you to comment on today?

Anthony Smith: Yes, we think it is. On 31 October, we will publish two things, and we will publish absolutely everything. On 31 October, there will be 12 letters published to the train companies concerned, setting out all of our comments. On top of that, we will publish a general comment about the process and types of issues that we have seen. That will respond to the fact that quite a lot of people came back to us and said, "We are worried about this across the country. We are worried about how



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the train company proposals fit together. We are worried about how the train company proposals fit with Network Rail and their role at major stations.”

British Transport police have expressed concerns about some of this, which we have been in discussion with them about. We will publish two things. We will publish a generic watchdog response, and then we will publish exactly what we have to do and are prescribed to do in our role.

Q134 Paul Howell: You talked about trying to get a cross-section of inputs that you feel represent people across society. Is your evaluation cognisant of the fact that the impact is disproportionately high for vulnerable or disabled people? I do not know what the proportionate submissions are, but the impact of changes on them and the need to get an accessible train service is disproportionate. Would that be reflected in the way that you consider your conclusions?

Anthony Smith: Yes, it would. We published criteria right at the beginning of this process setting out how we would judge the proposals and how we would take account of the responses that we have received.

Chair, could I circulate the document I have here, so that Members have it in detail? Thank you very much. The criteria we will use are that passengers can easily buy the right ticket for the journey they want to make. Passengers requiring assistance to travel should receive that assistance in a timely and reliable manner. Passengers can get information they require to plan and make a journey. Passengers feel safe at a station. Passengers are not penalised if they cannot buy the ticket they require from the station. Passengers can continue to use the facilities—toilets, waiting rooms or whatever—at the station.

That very much mirrors the criteria which the Secretary of State would apply if train companies appeal an objection from us. We have very clear criteria. So that the Committee is assured, what we are doing now is talking in detail to the train companies about the proposals and about the emerging conclusions that we are seeing from all the responses from the public. We have sent extremely detailed clarification letters to the train companies, which we are discussing at the moment, seeking to tease out a lot of the detail. We are, therefore, engaged in quite a detailed discussion at the moment. We will have a very full picture by the end of this process as to exactly what is being proposed.

Q135 Paul Howell: How do you think the Secretary of State will have the right basis for his decision? Is the structure there in your report?

Anthony Smith: I think our responses will be very full and very comprehensive. If it comes to that, and train companies decide to trigger an appeal to the Secretary of State on individual stations or groups of stations, the Secretary of State will have a very detailed, comprehensive and well documented passenger view from us.

Q136 Paul Howell: I have one final point, Chair, before we move on. I read



that, when TfL closed some of the underground stations, London TravelWatch said that closures were done before all the accompanying elements were put in place. Do you believe that the train operating companies have learnt from that and that they will make sure that if there are things that they have said they are going to do, they are actually done before rather than after any changes? Would that be part of your evaluation and recommendations?

Anthony Smith: Without prejudging any individual responses, I think it is quite clear that we will be saying to the train companies that the mitigation factors have to be in place before the changes come in, otherwise you are getting the cart and the horse slightly the wrong way round. I think there is a case, and we may well argue it either in particular cases or generally, for piloting this and seeing what the effect is, and then having a formal review after a period of time. Members put questions before about the potential for people not to travel, but frankly we will not know until it happens. You can model it all you like, I suspect, but we will have to find out by seeing what happens in reality. Of course, every individual who turns up at a rail station is slightly different. Every rail station is slightly different. How people interact is a very particular thing. We might be arguing for a review period after 12 months to see how the changes have gone.

It is worth saying, Chair, if I may, that we are not in any way opposed to the principle of redeploying staff out of ticket offices to a more visible role on stations. If done properly, that could be of benefit to very many passengers who seek assistance. Our research over the years has always shown that people want visible staff. They want to be able to see a member of staff. That is what gives reassurance, even if they do not need to ask them for or seek help. I think the principle of redeployment is a positive one, but it has to be done well and it has to pass quite a high hurdle.

Q137 Paul Howell: The points that were raised earlier were concerned about not necessarily the change that is going to go on but the legislative underpinning of that new world, and making sure that it is not just a way to de-man and remove our personnel from stations. Do your responses pick up that nuance as well?

Anthony Smith: Yes. We will be making that our general response, saying that, for all its faults, this process at least provides almost a tripwire of consultation on staffing changes. Once staff are moved out of the ticket office and there ceases to be the so-called schedule 17 protection, it is arguably simpler and easier to make changes. Having some sort of future consultation mechanism about changes would be desirable. I don't think you can say that there are never going to be changes because the world changes, stations change and passenger numbers ebb and flow. There have to be changes in future, but I think it would be really reassuring that there was some consultation mechanism in future if this level of change went ahead.



Q138 **Paul Howell:** Some checks and balances, certainly. Is there anything you want to add to that, Stephanie? I will come to questions for you separately.

Stephanie Tobyn: Absolutely. There is just one point. There is already the check and balance in the accessible travel policy. In future, if there was a change in staffing, and it was a material change, we would need to reapprove the accessible travel policy. We would consult Transport Focus, London TravelWatch and DPTAC. It is not this sort of consultation, but it already has an element of safety net. We can think about how that could work in future.

Q139 **Chair:** Is that a statutory provision?

Stephanie Tobyn: It is in our guidance, and licence holders are required to comply with the guidance for us to approve their accessible travel policy. It is not written in a statutory instrument or an Act, but it is in our guidance.

Q140 **Karl McCartney:** My question has partly been covered. Anthony, you gave a pragmatic view, but my question is aimed at Stephanie. Do you honestly believe that these changes, if completely brought in, would generate a better railway system for the vast majority of current passengers?

Stephanie Tobyn: We are obviously not proposing these changes. What is important to recognise is that there is not a consistent process today across the network. We have partially staffed stations; we have unstaffed stations; and we have mobile assistance teams. We have a variety of ways that operators are providing assistance. This is a significant potential expansion of that. I fully understand that people who are used to turning up to the station and having a ticket office and member of staff will not think that is a step forward.

Q141 **Karl McCartney:** I will use the example of supermarkets. Lots of people still go to supermarkets, although some people get deliveries. Many supermarkets have automatic tills that you can go through, but there are vast swathes of the population who do not use those tills—I am one of them—and will go to a person, whether that is because we want to speak to somebody or pay in cash, whatever we might do. It is the same for stations. You are involved in the rail industry, as are many others. Do you think that those people are going to be well served by these changes being brought in, in totality?

Stephanie Tobyn: In any scenario there will be a lot of people who will not like this and not adapt well to it without support. That is what these mitigations—

Q142 **Karl McCartney:** Will the rail industry lose their custom, therefore?

Stephanie Tobyn: I cannot answer that, obviously; it is a huge question.



Q143 **Karl McCartney:** In your humble opinion, do you think that some people will not use the rail system?

Stephanie Tobyn: I think it will take time to adjust. I think there will be a significant period of adjustment. I know from my own immediate family exactly what you were talking about; they do not like supermarkets or these ticket machines. They need support, but as time goes on they adjust. That is a personal experience. You need to think about that as the bigger picture.

Q144 **Karl McCartney:** Nobody likes changes. It is the management of the change. We understand that. Anthony, do you want to add anything?

Anthony Smith: I think the impact is very hard to judge. Clearly, at the moment, some people turn up at the ticket office because it is nice and easy, and they cannot be bothered with digital and fiddling around on apps. If that option is removed, they may well just move to digital and get on with it. There is a group of people who, I think, will find it quite difficult and will need some adjustment and some support. There is probably a group of people who will think, "Oh, I just can't be bothered. It's just too complicated."

Ticket machines are interesting. If you know what you want, they are great. If I want an off-peak return to Milton Keynes with my senior railcard, it is easy. If I want to go to Milton Keynes in the peak and come back in the off-peak using my Oyster 60-plus photocard, "Oh blimey, I need a bit of help."

Q145 **Karl McCartney:** I am not there yet, but I know what you are saying.

Anthony Smith: I wouldn't dream of trying to use a ticket machine for that. I would go and ask a member of staff. I think there is a great group of people in the middle of this who will need reassurance and visible help in the transition process.

Chair: As someone who may not have a senior citizen railcard yet but who sometimes does complex journeys, I can understand the complexity.

Q146 **Jack Brereton:** Most of my questions are to Stephanie. Was ORR consulted in advance by DFT or any of the operators?

Stephanie Tobyn: We were not consulted, no. We were informed about a year ago by a senior industry representative that the industry wanted to make changes to retailing, to ticket offices, and to save costs, but there was no period of consultation. We did not see any consultations in advance. No operator approached us in advance. Literally, we knew the date very close to the date that everything was announced, but that was it.

Q147 **Jack Brereton:** In terms of the overall impact, have you done any analysis of the impact of these proposals, particularly on people with disabilities and access issues?



Stephanie Tobyn: I have asked my team to look at the various proposals. There is a lot about what you have heard here already on the inconsistencies that different operators are putting forward. We can see obvious variation in what is being proposed. We have a lot of research on disabled passengers' use of booked assistance, but less research on turn-up-and-go assistance. We have not had any discussions about any of this with any passenger group.

Q148 **Jack Brereton:** Are you very concerned about the impact that is going to be particularly felt by those with a disability?

Stephanie Tobyn: The question now is what mitigations the operators will put forward. For example, in the past I have been very close to GTR moving to using mobile assistance teams. It probably took us about four months to assess what they were doing and to interrogate the processes, to collect data and look at how that was all working in practice before saying, "Okay, we can accept that because it is working for passengers." That was a number of years ago. I think they operate mobile assistance teams at around 50 stations now. I have not had cause to go back and look at that.

There is a period of transition, assessment and potentially making changes, but the mitigations are absolutely key. We have not seen those yet. When Transport Focus engages with the operators, we will have a better feel for what they look like.

Q149 **Jack Brereton:** You mentioned the accessible travel policy that could result in further consultation if future changes were made, but do you think that is robust enough? Do you think that other regulatory reforms need to be made to put additional mechanisms in place, so that if future staffing changes were made, there would be proper, formal consultation processes that operators would have to go through?

Stephanie Tobyn: It is definitely not equivalent to this process because it does not involve the element of public consultation. I imagine that many people here will not think that is sufficient. Certainly, we are willing to look at what else could be done in that area, if that was seen as a tool that could facilitate some of this.

Q150 **Jack Brereton:** In terms of how the alternative arrangements might work, what further things would ORR want to see?

Stephanie Tobyn: If you are just talking about staffing, it would certainly assist us on the ATPs to go through the process that is already decided, but it is really up to Government and the Ministers whether or not public consultation is necessary for all of the changes that could happen in the future. We are speculating, but is a backstop position required, and where or what would that backstop be? We are certainly happy to engage in discussions on that.

Q151 **Gavin Newlands:** Stephanie, a short while ago you mentioned the importance of the accessible transport policy. I think you described the



licence holders' obligations to follow the guidance. If we were to look at the review from last year, some of it was concerning and some of it was deeply concerning. That was a year ago. Looking at the proposed changes, why did the ORR have to write to the TOCs back in July highlighting the relevant regulatory considerations and asking them to review their proposals against ATP?

Stephanie Tobyn: As I said at the start, we do not have a formal role, but we felt it was incumbent upon us to take an active and early role in trying to ensure that all of the requirements were being thought of in the development of the consultation. It was more of a belt-and-braces approach. We also wanted to support the sector by asking questions and understanding some of these things.

I genuinely do not understand some of the proposals that have been put forward. I do not think there are answers yet to some of the proposals, so already we are starting to think, "Well, how would that work? That wouldn't fit with what we think should be done under the accessible travel policy." I cannot understand how a team could turn up at a prescribed time at a station once a week. I cannot understand how that would facilitate turn-up-and-go assistance. We have multiple questions on that, but we felt that it was important to start to help the operators understand that early.

Q152 **Gavin Newlands:** You said you have a number of concerns with many of the proposals. You have outlined one. Could you outline some other concerns?

Stephanie Tobyn: I think you have probably heard them from a number of people. Most obviously, there is the use of mobile teams and whether that is the same as the current situation, which is more about a passenger summoning assistance, or whether people are saying, "We will appear at a certain time at a certain place or on a certain frequency," which is completely different from what we have now.

There is a question over passengers with visual impairments and how they find staff. Can the staff spot them? How do they identify that they need assistance to the guard on the train? We have not talked about guards today. We talk a lot about station staff. Many trains are fully staffed, and to have those staff assisting passengers is almost equivalent to having station staff. That is why things need to be looked at on a case-by-case basis. We are concerned about the induction loop situation. I have heard that guide dogs are trained through command to find the ticket office. There are many unknown questions.

I would narrow it down, very briefly. The most risk will come into play at unstaffed stations where people wish to turn up and go. How will assistance be provided? The risk is there now, and it is managed to a certain extent, but if it expands, there need to be different and more robust processes.



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Q153 **Gavin Newlands:** To summarise your position, you are very concerned that accessibility is not being taken into account at this point.

Stephanie Tobyn: At this point, we cannot answer some of those questions. I am not sure that Transport Focus can answer them yet. Hence, they are communicating with the operators to gather more information. It is not obvious to us how it would operate.

Q154 **Gavin Newlands:** Have you received responses from all the TOCs?

Stephanie Tobyn: We have. We asked for a very high level of information. I think it struck us that they were not fully clear on some things yet, so we had to go back for further information. We do not want to duplicate the Transport Focus process. That would be a waste of time. We have got to a point where we are concerned. We are working with Transport Focus to understand and to look at what you have been asking, which effectively covers the majority of the issues. We have to keep track of the process.

Q155 **Gavin Newlands:** You mentioned earlier that this is guidance and not a statutory power. What powers does ORR have if you consider that the ATP guidance is not being followed by an operator?

Stephanie Tobyn: The ATP guidance is, effectively, how the operator complies with their licence. It contains things that they must do and things that they may wish to consider. On the things that they must do, we could effectively take action against operators if they did not then comply.

We spend a lot of time working with operators, trying to ensure that they comply. We explain to them what they need to do and go through improvement plans, if they are not doing things appropriately. We do deep dives into the information. We try to stop issues at an early stage rather than going to formal enforcement action, but that is an option.

Q156 **Gavin Newlands:** Moving forward, would you assume that the TOCs will work with you to improve their compliance with ATP?

Stephanie Tobyn: I do. I think the industry has moved forward on accessibility, although I know that there is a lot of negativity from people who have had poor experiences.

I will give you two examples. Since 2019, since we brought in that guidance, the period for booked assistance has moved from 24 hours in advance of travel to two hours in advance of travel. It is almost incredible now to think that you had to plan your travel a day ahead. It has moved to two hours because of that guidance. We have improved the content and the frequency of staff training. We assessed all of the training. We have set out outcomes for training. We required induction training, which covered around 30,000 staff. We now require training every two years. Those are two examples of where the industry has worked with us to



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move forward on those two issues. As you can see, and as you have heard, there remain a number of issues to tackle.

Q157 Gavin Newlands: To both of you, do you think compliance with ATP will improve or deteriorate if these changes go ahead?

Stephanie Tobyne: For me, at this stage, it is very difficult to tell because I have not seen the mitigations that are proposed. We would not approve an ATP unless it complied. I will let Anthony comment.

Anthony Smith: We are still analysing the responses, so I cannot prejudge. The main themes of objection that we have been seeing through the responses—no surprise—have a lot to do with accessibility, and the issue about a fixed point. Where do you find somebody? How do you replicate the ticket office, for all its faults, arguably, in terms of where it is located? What is the ability to purchase the range of tickets, and what is the retail capacity of the ticket vending machines? If you have six people in a queue at a ticket office, can that be replicated at the number of ticket vending machines that are proposed?

A very important point about information and advice was mentioned by previous witnesses. Ticket offices perform a range of functions. They sell tickets. People ask the staff for information and advice, and they provide a general security sense. There is a light on at the end of the night in the ticket office. There is the point about station facilities being open, toilets and waiting rooms, and of course general security issues. Whatever comes about as part of this process will have to find effect in the ATPs of the future.

Q158 Gavin Newlands: From a Transport Focus point of view, do you think that the changes, if they are to go ahead, should be postponed until all ticket machines can offer all forms of tickets, to ensure that everyone has the best or most economic form of travel?

Anthony Smith: I think we would probably be proposing that. You have to upgrade the ticket machines. If it is the case that the ticket office is either closing or is being reduced in hours significantly, the ticket vending machine has to be able to replicate pretty much what the ticket office can do at the moment. We would argue that you would want to delay until you have that capacity in place, otherwise people are being disadvantaged. There are certain types of ticket that you can only get at the moment from a ticket office. You have to be able to get them from a ticket vending machine.

Q159 Gavin Newlands: In response to these new arrangements, if they are to go ahead as planned, how big is the risk that some passengers will simply decide not to travel or will have to travel from a different station? How big an issue do you think that might be?

Anthony Smith: It is very hard to judge at the moment in advance of actually seeing the final proposals. I would be able to answer that



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question for the Committee in a much better way in about six weeks' time.

Q160 **Gavin Newlands:** How could the impacts be identified? How would that be tracked?

Anthony Smith: Through ticket sales. The industry has a very good track on ticket sales data. I think they would be able to plot what is predicted, what is actual, how ticket buying habits have changed, how more is shifted online, how more is now being done through TVMs and also, perhaps, how more sales are being done on trains, where that is possible. Of course, some trains still have guards on them who can sell you a ticket.

Gavin Newlands: Thank you very much. A very artful answer on the compliance improvement or deterioration question from both.

Q161 **Grahame Morris:** Mr Smith, in your opening remarks you mentioned that you had called on the Department for Transport to publish the results of their discussions with the Equality and Human Rights Commission. I understand that both the ORR and Transport Focus have separately met the Equality and Human Rights Commission. What can you tell us about the discussions that you have had?

Anthony Smith: We had very detailed discussions with the commission about the process of the consultation and about the potential impacts of some of the changes. The commission had quite serious concerns about both elements of that. We were able to allay quite a lot of their concerns about the potential proposals because we are in discussion with the train companies about those, and therefore we are able to reflect and take into account all of the comments that we have received.

On the comments about the consultation itself and the mechanisms, there have been some threats and some legal challenges. There have been some quite vociferous complaints about the process and the way it is being done. Whether or not it is sufficient to trigger legal action in the future I don't know, but we engaged in detail with them.

Q162 **Grahame Morris:** Earlier, Stephanie referred to the accessible travel policies that the train operating companies are required to sign up to under the terms of their licence. If it is not possible to deliver that, surely there must be a breach of equality and human rights provisions as a result of ticket office closures. Is that a matter for the commission to decide?

Stephanie Tobyn: I can briefly answer that. We make it very clear to the operators that they have obligations under the Equality Act, as do we, and they have an accessible travel policy. Just because they comply with the accessible travel policy or do not comply, if that was the case, they still have obligations under the Equality Act. They are not equivalent. They need to think about both. It is very important.



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Q163 **Grahame Morris:** And you pointed that out.

Stephanie Tobyn: Yes, absolutely.

Q164 **Grahame Morris:** Did you hear the first panel?

Anthony Smith: Yes.

Q165 **Grahame Morris:** I thought there was really quite an important point about the importance of schedule 17. Both Katie Pennick and Mick Lynch, from the RMT, said that without schedule 17, once the ticket offices are closed, there would be no mandatory or statutory obligation on operators to provide staffing, or indeed assistance. That is once the ticket offices are closed, so this is the last redoubt in some regards. Mr Lynch also said that the train operating companies have already announced 2,300 station staff job losses. They are going to go ahead with that. That is about a quarter of all station staff employed by the train operating companies.

Mr Smith, you are going through these, you told my colleague, at a rate of knots. You are making an assessment, yes or no, on 30 ticket offices a day. Are you taking that into account? It seems to be a bit of a fait accompli. A quarter of the staff are already going, so there must be some impact of that on the availability of staff, whether they are in the ticket office or roving commissioners.

Anthony Smith: I am not party to the kind of detail of industrial relations discussions between the industry and the union, so I cannot comment on that. I just don't know about that, but it will not sway how we approach this. We will look at it from the passenger point of view. I think it is very important that that is what we do in this process. We are the only party in the process that is only charged with looking at this from the passenger's point of view.

Your point about the future is a good one. The rail industry would be very well advised to say that, if some of these proposals go ahead, in future there is a consultation mechanism on changes in staffing. That will give some comfort to people, otherwise we are in very open territory, as you said.

Q166 **Grahame Morris:** I am afraid that was not the view of the previous panel. They thought that if this went ahead there was no mandatory or statutory basis to resist train operating companies completely de-staffing their platforms and so on. That was their view. They pointed to schedule 17.

I want to ask about the independence of Transport Focus. You gave evidence in March, and I asked you a little bit about it then. Mr Montgomery was on another panel. I asked him about the ticket office closures of almost 1,000. He said that there weren't any plans. Maybe there wasn't a plan to close 1,000, but they are closing 860. I am sure it was all done in good faith.

On the independence of Transport Focus, are you and the other board



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members actually appointed by the Secretary of State? I think I asked you this in March as well. Is there any suggestion that there would be any influence on the independence of your outcome in assessing whether it is yes or no to the closure because of the nature of your appointments?

Anthony Smith: I am the chief executive. I am not appointed by the Secretary of State. I am appointed by the board of Transport Focus.

Q167 **Grahame Morris:** But the board are all appointed by the Secretary of State.

Anthony Smith: They are. I do not disguise the fact that we receive most of our funding from the Department, but the Department have been absolutely clear throughout this whole process that it is a key part of the consultation that we play an active, independent, professional and responsible role. They have been at pains to say that. I have sat in front of the Transport Minister, Huw Merriman, who has said that to us. They are very keen that we play a full role on behalf of passengers. I can absolutely assure you that this will be done in an independent and responsible way. If it was not, I would not be sitting here in front of you because I would be ashamed.

Grahame Morris: I am grateful. Thank you for that answer.

Q168 **Chair:** I have one last question. I am not asking you to prejudge the conclusions that you will reach, but when you report on 31 October what is your best guess for the timescale thereafter? How likely are we to see this process move forward or kicked into the long grass, or whatever you think the outcome might be? Is that an impossible question?

Anthony Smith: No. There are three potential options when we give our responses. If we say yes in particular cases, the train companies can move forward on it, and they will take their accessible travel policies to the Office for Rail and Road. They then have to seek permission from the Department to formally go ahead with the proposals, if they are going ahead.

If we object, the train company has three choices. They can withdraw the proposal and go back to square one. They can talk to us about getting the objection withdrawn, which is by offering mitigations. But that gets you into quite difficult territory because you get to a point where the mitigated proposal is so different from the original proposal that was being consulted on that it is a bit apples and pears. We have to be a bit careful about that.

Finally, they can refer individual cases to the Secretary of State for adjudication. The Secretary of State has a kind of appellate right in that respect.

We will fulfil our part. The responses will be in and published by 31 October. Then it is very much down to the train companies to guide what happens next and the timetable.



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Q169 **Chair:** Let's say the majority of your conclusions on individual stations are, "We are not happy. We need to talk to the TOCs for them to potentially revise them." If you have several hundred of those to do, what is the likely time that it is going to take?

Anthony Smith: We are then into quite difficult territory. I would not put a date on it. They would be extremely difficult. There would need to be discussions at individual station level and it would be weeks and weeks before we were able to get to any conclusions. I hope we don't get to that point, but it would be weeks and weeks.

Q170 **Chair:** Thank you both very much indeed for your time. We wish you well in your Herculean task of going through all the responses. Thank you.