



Department
for Transport

Mr Mark Killiner
Deputy Head of Correspondence
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Web Site: www.gov.uk/dft

Our Ref: F0018331

5 March 2020

Mr Glynn Magheramorne
[By email: request-649569-c67c77d2@whatdotheyknow.com]

Dear Mr Magheramorne,

Freedom of Information Act Request – F0018331

I am writing in regard to your Freedom of Information (FOI) request of 25 February 2020, in which you requested the following information:

'From 02/03/20 the existing fares from Edinburgh, Leeds, Newcastle and Edinburgh to London Terminals are being re-routed by LNER from "Any Permitted" to "via York" in the case of Edinburgh to London and "via Peterborough" in the case of Newcastle/Leeds to London.

Clearly this would have required approval from the Department for Transport, if not being directed by yourselves.

Furthermore it is unlikely these changes would have been proposed by the DfT or LNER themselves and was likely requested another train company.

At present it is impossible to book a flexible single fare from Edinburgh to London Euston on direct Avanti services from 02/03/20; this suggests that the change was not made with due diligence. Surely this cannot have occurred with the approval of the Department for Transport?

Therefore can you please disclose all relevant information relating to these changes, including (but not limited to) any correspondence within the DfT and also between the DfT and any other relevant bodies (e.g. Rail Delivery Group) & train companies (such as Avanti and East Midlands Railway).'

I am writing to confirm that your request has been considered under the FOI Act 2000 and that the Department for Transport (DfT) has completed its search for the information.

We have estimated that the cost of complying with your request would exceed £600. Section 12 of the Act (the full text of which is attached at **Annex A**) does not require the Department to comply with requests that exceed this limit, and we are therefore refusing your request.

We are unable to answer your request within the cost limit because we do not keep a central record of all of this information. The volume of material your request would be likely to cover is considered to be excessive and the carrying out of manual and electronic searches of officials' records in order to determine what, if any, recorded information they hold, then to locate, retrieve and extract it, would exceed 24 hours staff time.

If you send us a new, more specific request, we will consider if that can be dealt with within the limit. You may wish to specify a specific timeframe or less broad area of interest.

However, in order to be helpful, we have set out some additional information below in relation to points raised in your request, which you may find useful should you wish to send us a new request.

In regard to your first point:

'From 02/03/20 the existing fares from Edinburgh, Leeds, Newcastle and Edinburgh to London Terminals are being re-routed by LNER from "Any Permitted" to "via York" in the case of Edinburgh to London and "via Peterborough" in the case of Newcastle/Leeds to London.'

'Clearly this would have required approval from the Department for Transport, if not being directed by yourselves.'

I can confirm that this change to routing permissions did require approval from the Department and that this was granted on 23 February 2020.

Turning to your second point:

'Furthermore it is unlikely these changes would have been proposed by the DfT or LNER themselves and was likely requested another train company.'

I can confirm that the application to change the routing permissions for the flows in question (which form part of London North Eastern Railway's (LNER) trial of single-leg pricing, which was announced on 29 August 2019 and launched on 2 January 2020), did in fact come from LNER and was received by the Department on 12 February 2020.

In regard to your final point:

'At present it is impossible to book a flexible single fare from Edinburgh to London Euston on direct Avanti services from 02/03/20; this suggests that the change was not made with due diligence. Surely this cannot have occurred with the approval of the Department for Transport?'

I am able to confirm that an Avanti West Coast only Edinburgh to London product has been available since 2 March 2020 and that this availability was a material consideration in DfT's approval of the change in routing permissions. This fare went live in industry systems on 26 February, which means that you would not have been aware of this product when you submitted your FOI request.

If you are unhappy with the way the DfT has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the DfT's FOI Advice Team at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DfT@dft.gov.uk

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely

Mark Killiner
Deputy Head of Correspondence – Passenger Services

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition, a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

Section 12 – Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.