



Department
for Transport

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Web Site: www.gov.uk/dft

R Good

[By email: request-430493-d5979eec@whatdotheyknow.com]

Our Ref: F0015191

3 October 2017

Dear R Good,

Freedom of Information Act Request – F0015191

Thank you for your Freedom of Information (FOI) request of 8 September 2017 in which you requested the following information:

‘Train companies routinely indicate that the lack of rolling stock/quality of rolling on their lines are not their responsibility, but the responsibility of the DfT. However, they also routinely publicise that they are procuring new/longer trains for their services. Both of these statements cannot be correct.

Please provide the documentation you hold which defines the responsibilities/roles of both the DfT and TOCs in the procurement of trains.

Note, if the requested information is held disparately or on a per-TOC basis, please only provide the documentation you hold between the DfT and Southeastern and the DfT and South Western Railways.’

I am writing to confirm that the Department for Transport (DfT) has now completed its search for the information. Under section 21 of the FOI Act (for the full text of the exemption see **Annex A**), we are not required to provide information which is already reasonably accessible to you.

However, in order to be as helpful as possible, I have provided some information below relating to franchise agreements and the provision of rolling stock.

The Rail Passenger Franchise Competition guides set out the generic competition process used by the DfT to specify and procure the operation of franchised passenger rail services as part of the rail franchise programme. The guide can be found at:

<https://www.gov.uk/government/publications/rail-passenger-franchise-competition-guide>

Bidders prepare their franchise bids based on the requirements set out in the Invitation to Tender (ITT) for each competition and rolling stock forms part of one of the Delivery Plans that bidders must prepare. You specifically asked for information in respect of

Southeastern and South Western Railway. The ITT in respect of the recent South Western franchise competition can be found here:

<https://www.gov.uk/government/publications/south-western-franchise-2016-invitation-to-tender>

The ITT for the forthcoming South Eastern Franchise competition is currently being prepared and will be published on the DfT website when issued to bidders.

The Franchise Agreement for each franchise sets out the obligations in respect of any rolling stock agreed between a Franchisee and the Secretary of State.

You specifically asked for information in respect of Southeastern and South Western Railway. The current South Eastern Franchise Agreement can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/558065/red-lser-rail-franchise-agreement.pdf

The current Franchise Agreement for South Western Railway is being prepared for the public register and will be published before the end of 2017. The public register of all Franchise Agreements can be found at:

<https://www.gov.uk/government/collections/public-register-of-rail-passenger-franchise-agreements>

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.gsi.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

Michael Cook
Correspondence Manager – 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

21 Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.