



Department
for Transport

Mr Paul Roberts
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Mr D Paulley
[By email: request-530786-7a5287a3@whatdotheyknow.com]

Web Site: www.gov.uk/dft

Our Ref: F0016693

21 December 2018

Dear Mr Paulley,

Freedom of Information Act Request – F0016693

Following on from my previous letter of 5 December 2018, I am writing to provide you with a further update on your Freedom of Information (FOI) request of 7 November 2018, in which you requested the following information:

The TransPennine Franchise Agreement says:

"82.2 The Franchisee shall engage and use its reasonable endeavours to agree with:
(a) Network Rail that the advance notice required to be given by a customer when making a Passenger Assistance reservation in respect of a rail journey from or to a Network Rail Managed Station at which the Passenger Services call is reduced to no more than 2 hours;
(b) the Northern Franchisee that the advance notice required to be given by a customer when making a Passenger Assistance reservation in respect of a rail journey from or to a station in respect of which the Northern Franchisee is the Facility Owner and at which the Passenger Services call is reduced to no more than 2 hours ("Advanced Notice Reduction"). From the date of such agreement, the Franchisee shall establish and implement such procedures as are necessary for the purposes of giving effect to the Advance Notice Reduction as agreed with the Northern Franchisee."

The ORR said in their most recent TransPennine DPPP approval letter:

"We recognise that you have not been able to secure the introduction of a 2-hour notice period for booked assistance travelling on your services to or from Northern and Network Rail managed stations, as envisaged in your franchise agreement, and that this is the subject of franchise variation discussions with Rail North"

I am disappointed that Network Rail and Northern have proven to be intransigent on this issue. Please provide material that demonstrates what has happened; what TPE have done to attempt to get Network Rail and Northern to acquiesce; and what they are negotiating about in respect of their franchise agreement.

The FOI Act obliges us to respond to requests promptly, in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to

the information, the public interest test needs to be fully considered. We are not required to comply with your request until such time as is reasonable in the circumstances.

In your case we need to extend our response time limit by a further 12 working days in order to complete the public interest test considerations for withholding the information or disclosing it. The exemption that is of potential application to the information you have requested is section 43(2)-(Commercial Interests) of the FOI Act. Therefore, we plan to let you have a response by 11 January 2019. We hope there is no further need to extend the deadline, however if there is a need to do so, we will keep you informed.

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

Yours sincerely

Paul Roberts
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