

promoting quality public transport.....

David Hart
Head of International Networks Analysis and Support
Department for Transport
1/26 Great Minster House
76 Marsham Street
London
SW1P 4DR

2nd June 2009

Dear Mr Hart,

Reforming the framework for the economic regulation of UK airports

1. Introduction

1.1 TravelWatch NorthWest (TWNW) is an independent Community Interest Company representing users of all forms of public transport in North West England. We are grateful for the opportunity to comment on this paper.

1.2 TWNW is responding only to Part 10 of this consultation – “**Enhancing consumer representation within the aviation sector**”. This is because, having initially responded ¹ in March 2008 to **DfT’s consultation on bus passenger representation**, and having clearly set out the criteria which we would like to see applied to all passenger representation, we agree that widening the remit of Passenger Focus, if properly managed, could present further useful opportunities.

2. A further enhanced remit for Passenger Focus

2.1 In our response to the 2008 consultation on widening the role of Passenger Focus to representing bus, coach and possibly tram passengers we said: – “*TravelWatch NorthWest welcomes the proposal to create a statutory body to represent the consumer interests of bus passengers. This body should ideally and logically be a multi-modal body covering the interests, not only of bus passengers, but also of rail, light rail, ferry and taxi passengers, airport and airline users. The rationale for this is that many*

¹ www.travelwatch-northwest.org.uk

journeys utilise more than one mode of transport and many of the problems that rail, bus and other passengers face are similar. A single consumer group would also be more effective in promoting greater transport integration”.

2.2 Provided, therefore, that our specific concerns (rehearsed below) can be addressed we broadly support the creation of a true multi modal Passenger Transport Users’ Council/Committees.

2.3 We are however concerned that a further widening of the remit of Passenger Focus beyond rail, bus and LRT might, if not properly managed, result in

- fragmentation of what should be modally seamless representation
- inconsistency of procedures, such as complaints handling, applied to different modes, and
- a poorly constructed and thus widely misunderstood template for passenger. representation.

2.4 Our response is thus a plea for consistency across modes, It is not an objection *per se* to any further expansion of the remit of Passenger Focus.

3. An enhanced role for passenger consumer protection

3.1 TWNW would like to see Passenger Focus have, as a minimum, the following statutory duties with respect to all modes of public transport ².

- Being a passenger champion, representing them, investigation issues they bring to its attention and bringing relevant issues to the attention of the appropriate mode regulator ³.
- Keeping services under review
- Handling complaints
- Holding Public Meetings and producing annual reports
- Co-operating with other Public Transport User Bodies

3.2 The proposed multi modal remit is in line with the way consumer protection is progressing in other fields, such as energy and communications⁴. It makes sense in the context of so many journeys now being multi modal and presents more opportunities for promoting integration between services and modes – e.g. airport surface access, terminal handling procedures, bus and rail station management, remote check in and through ticketing between different modes ⁵.

² Ferries and Taxis are still outwith Passenger Focus’ remit

³ ORR, Traffic Commissioners, Local Transport Authorities, CAA and DfT as appropriate

⁴ OFGEM now represent gas and electricity users and OFCOM now represent postal, TV and telephone users

⁵ J Carr, CILT Public Policy Committee

4. A Regional Presence

4.1 In our response to the 2008 consultation on widening the role of Passenger Focus to representing bus, coach and possibly tram passengers we said: -

“We strongly feel that Passenger Focus should operate at both national and regional levels”.

4.2 With the demise of the Regional Rail Passenger Committees ⁶, Passenger Focus no longer has a regional presence in the conventional sense. There is a need to include a grass roots approach to passenger/consumer representation with the ability to identify issues on the ground and take them up directly with the operator of whatever mode. This should complement top-down "evidence-based" research.

4.3 It is highly feasible for Passenger Focus to overcome this “democratic deficit” by sub contracting functions such as local research and service monitoring to social enterprises like the Travel Watch network. However to be able to do so it must have the financial resources to support such sub contractors by buying in their services and, crucially, their expertise. Alternatively, independent funding for the Travel Watch network might be able to address this problem.

4.4 In this context TOWNW would support the proposal to fund passenger representation by recovering the cost of doing this through licence fees ⁷

5. Specific questions asked in this consultation.

Q10.1 Do you agree with the proposal to give Passenger Focus responsibility for consumer policy advocacy with regards to airlines and airports, funded through airport licence fees? In particular, we welcome views on the proposal for Passenger Focus to develop and support a network of consumer panels at leading airports.

5.1 TOWNW agrees with these proposals; independent funding for advocacy bodies and their agents should be a *sine qua non*.

5.2 Creating a Regional Network of consumer panels also accords with our views, but in the context of the above proposals relating to Air Transport there

⁶ Railways Act 2005

⁷ the consultation specifically mentions Airport Fees but the same arguments can be applied to franchise and licensing payments to DfT and ORR, and to PSV O- licence and registration fees paid to the Traffic Commissioners. It appears superficially unacceptable that BUUK which is currently handling bus passenger complaints should be industry funded.

might be a danger that expanding the use of Airport Passenger Service Committees (APSC) ⁸ without necessarily expanding their coverage could create two tiers of representation, denying those passengers using airports without APSCs the same voice as passengers at major airports.

Q10.2a Do you agree with the proposal to give Passenger Focus responsibility for complaints handling on airline and airport issues alongside its policy advocacy function?

5.3 TWNW does agree with this and fully supports the arguments given in the consultation paper. In particular that “the information gained through complaint handling can provide a useful (but not the only) source of input into their air passenger representation work and so there are clear advantages giving responsibility for both complaints and advocacy to the same body.”

5.4 We consider that Passenger Focus should have consistent and easily understood “mode agnostic” complaints handling procedures so that passengers will have a single portal through which they can lodge an appeal if they are dissatisfied with the initial response (or lack of response) by the transport operator. This means that, as well as air, bus passengers should have access to this procedure. However we understand that this scenario is by no means assured as far as bus passengers are concerned.

Q10.2b How can we best ensure the expertise and sector knowledge in relation to EU air passenger rights built up over time by the AUC is retained?

5.5 It will be a substantial challenge for Passenger Focus to acquire the competencies necessary to handle the various modes of public transport. It will be essential to bring in local expertise and knowledge and integration of the AUC within Passenger Focus together with the use of sub contracting bodies such as the TravelWatch network would be a practical way forward.

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⁸ see consultation paras 10.7 and 10.14. Air Passenger Service Committees are sub committees of the statutory (Civil Aviation Act 1982) Airport User Committees. Not every airport has such a sub committee.