

Merseytravel (MT) / MTUA meeting on 6<sup>th</sup> June 2014  
MTUA note after meeting

Delay in getting answers to MTUA points raised at last meeting (14 Oct 2013)

**Agenda for today's meeting -**

At the 14 Oct 2013 Merseytravel / MTUA meeting, the MTUA submitted 23 points / questions in writing (including one supplementary that was confirmed in an email the same day). There was no reply.

On 5<sup>th</sup> Feb 2014 MTUA made a FoI request '*for whatever information was generated within Merseytravel related to the list that we gave you including any information as to why it was decided not to give us any reply.*' On the 11<sup>th</sup> March MTUA received a response (two pages) to all but 3 of the points. On the 7<sup>th</sup> April MTUA received a response on 2 of the remaining points. On the 20<sup>th</sup> May MTUA received a response to the last point.

The MTUA said that there was little purpose in the MTUA raising points at these meetings if Merseytravel took so long to reply.

**At today's meeting -**

MT said that they they had actually given the MTUA answers at the last meeting (Oct 2013).

MTUA said that though they agreed that a few of the 23 items were discussed at the October meeting, the MTUA had said at that meeting that they did not want to go through the individual points but wanted a written answer after the meeting (in the event even after MTUA made the FoI request it took nearly 5 weeks for MT to produce answers to the questions and for two of those the answer indicated that MT needed to confirm something and MTUA did not get the real answer for another 4 weeks).

MT again asserted that they had given the MTUA all the answers in October and had not agreed to give us anything in writing after the meeting.

**Action** - MT volunteered that following this meeting they will produce a list of action points, and send a copy to MTUA.

## Merseytravel's' response to the points raised at last meeting and some new points

### **Agenda for today's meeting -**

Re the 23 points (including one supplementary) raised at the last meeting with Merseytravel on 14 Oct 2013. The agenda detailed two items that the MTUA wanted to follow up on (though MTUA are likely to come back on some of the other points).

### **At today's meeting -**

Item 2 from 14 October - The issue at the manned barriers of the drivers having to throw money into a basket rather than having the barrier raised by the toll collector. The MTUA did not think that the written answer from MT on the 11<sup>th</sup> March was plausible.

MT explained the way that the system worked and insisted that there was an '*audit trail*' from the individual toll lane / basket to the bank. MTUA said that from what they knew of the system, this was not the case.

MT still insisted that there was an audit trail and that the system was similar to that used at 'Asda' to check on the individual till takings. MTUA said that they doubted that Asda used a system where it was not possible to identify discrepancies down to an individual till.

MTUA said that they believed that some years ago the system had not prevented a large scale fraud at the point after the money had been counted and bagged.

MTUA also said that in any case, at other tolls they were able to control fraud without the need for drivers having to throw money that they had been given by a toll collector into a basket. The MT system caused drivers to suffer additional delays.

MT said that the system could not be compared with other tolls, due to unique circumstances, and that in any case they were not responsible for the last 20 to 30 years since the throwing money into a basket system was introduced.

MT also said that with 'congestion growing' they recognised the 'need to push more vehicles through the barriers quickly'

Item 22 from 14 October - The MTUA had asked about the bus stops just before the turn off into the Wallasey Tunnel when coming from town - '*Can either these stops be relocated or something else be done to improve this approach, possibly by using some of the space which is presently grass or otherwise not used.*'

The MT answer on the 11<sup>th</sup> March was '*.. There are no immediate plans to relocate this stop as you suggest..*'

The MTUA said that MT had on the 11<sup>th</sup> March not given a reason why the stop couldn't be in a bus lay-by in the space that the MTUA had indicated. MT insisted that they had answered, but the MTUA again said that MT had not answered and then explained the difficulties caused to drivers if there were buses stopped in the one and only lane that drivers were directed into by the road signs in Byrom Street.

MTUA also said that there was a similar situation with drivers approaching the Wallasey Tunnel from the Stanley Road and Kirkdale Road direction, though this did not seem to be as bad.

New points raised at today's meeting-

a) Disabled people currently have to use a manned lane, which in the case of the Wallasey Tunnels are located at the extreme left. Weaving between lanes is even more difficult for disabled drivers, so why can't they use any of the barriers?

- MT said that drivers had to go to a manned booth to identify themselves to the toll collector in order to stop fraud, i.e. vehicles going through without the disabled person being in the vehicle.

(After the meeting the MTUA contacted the Tunnels user who had raised this disabled issue, they were not happy with the MT response and said *“came through today 2 booths open for change and disabled lots of big lorries and trucks waiting in these lanes it gets a bit frightening being between these large vehicles.”*)

MT also mentioned that 25 million journeys were made through the Tunnels by disabled drivers, but then corrected this to say that the credits that they gave out covered 2.5 million journeys with only 0.4 million of these disabled credits being actually used. MT also said that 25% of disabled drivers make 3 or less journeys a year.

b) At manned booths, some collectors pass the notes and coins together to the driver, others pass them separately. It would be better if all toll collectors passed notes separately to coins.

- MT said that they would not do this as they did not want to be 'prescriptive' to toll collectors, that it was quicker to give notes and coins together and coins stopped the notes blowing away. MTUA did not agree, but did not press the issue.

c) Almost all drivers and the Highways Agency refer to the 'Birkenhead' and 'Wallasey' tunnels. Merseytravel refer to them as the 'Kingsway' and 'Queensway' tunnels. It would be better if Merseytravel followed the same practice as drivers.

- MT said that they used these names because the tunnels had been opened by royals, though they knew that almost all drivers did not use these names. They also said calling the Tunnels 'Birkenhead' and 'Wallasey' would confuse drivers who were strange to the area, particularly if they were going in the direction of Liverpool. The MTUA suggested that the big name signs at the Birkenhead and Wallasey entrance could make it clear that the tunnel was going to Liverpool. MT rejected this.

d) The MPTA was made responsible for the Mersey Tunnels in 1986. The MPTA name was changed to MITA (following the Local Transport Act 2008). There is also the MPTE, which has no responsibility for the Tunnels but shares the name 'Merseytravel'. From the 1<sup>st</sup> April 2014 there is a Liverpool City Region Authority and 'Merseytravel' is now a 'committee' of the authority. On the 1<sup>st</sup> April at the one and so far only meeting of the authority, Mr Brown said 'Merseytravel' would 'continue to operate the tunnels on behalf of the Combined Authority'. Will the new authority make any decisions on the Tunnels and particularly on the tolls?

In any case it seems that 'Merseytravel' now includes two Halton Council representatives, is this correct?

- MT explained that whatever legislation had created the new Liverpool Regional authority (which MT referred to as the 'CA' (combined authority)) had wound up MITA. (MT also explained what the situation was with the MPTE, but this was not clear to the MTUA.)

MT said that the old MITA functions, including the Tunnels were now part of the 'CA', but many of the responsibilities had either been delegated or subsumed to a 'CA' committee which was known as the 'Merseytravel' committee. The members of this committee were the councillors who were formerly on MITA plus some (two) from Halton.

MT said as far as the Tunnels were concerned most decisions had been delegated by the 'CA' to the 'Merseytravel' Cttee. The decisions which had been 'reserved' to the 'CA' were approval of the revenue and capital budget (including that of the Tunnels) and the setting of the tolls. Though Halton was now partly over the Mersey Tunnels, the 'CA' and Merseytravel would not be taking over Halton's tolls.

MT also said that though the MT Chief Executive (and Director General of the MPTE) was now the 'Head of the Paid Staff' for the 'CA', the 'CA' would have no staff as the Transport function would be carried out by the Merseytravel Cttee, and the only other function (Economic Development) would be carried out by staff employed by the six districts.

e) MITA used to have a 'Tunnels Board' which had on it a person who was said to represent the users. As users of the tunnels are forced to contribute a large part of Merseytravel's budget, why is there no representation for users of the Tunnels now?

- MT said that the Tunnels Board had been useless, rarely met and never made decisions. It had been abolished when MT got rid of its 'Byzantine' Cttee structure and most of the 28 committees that they once had. MT had no intention of giving representation to Tunnels users as they would then have to give representation to bus users etc.

The MTUA pointed out that other services were subsidised whereas the tunnel were one of MT's sources of finance, and mentioned 'no taxation without representation'.

One of the points (number 6) raised last October had been the possibility of issuing receipts to drivers, which MT rejected in their answer of 11<sup>th</sup> March. The MTUA did not intend to raise this again, but it came up at the meeting, though the MTUA are not pressing for the issue of receipts.

**Action** - There was no agreed action on the above points except -

On item 22 from October, the MTUA were left with the impression that MT would not be looking at the possibility of creating a bus lay-by, but will MT confirm this.

(c) MT said that they would consider the names that they use when referring to the Tunnels, though they would probably still give priority to the royal names.

(d) MTUA said that they would look at the 'CA' constitution etc as recommended by MT.

## Feasibility study on replacing toll equipment

### **Agenda for today's meeting -**

Merseytravel decided at a meeting on 14th March 2013 to hire Parsons Brinkerhoff at a cost of £51,700 to carry out a feasibility study into replacing tolls equipment. This was mentioned at the Merseytravel / MTUA meeting on 5<sup>th</sup> April 2013. At the meeting on 14th October the MTUA were told that a report would be going to MITA members and that MT would then meet with MTUA.

On the 11<sup>th</sup> March 2014 in answer to MTUA point about introducing one way tolling, MTUA were told by MT - *'As you are aware, Mersey Tunnels have recently commissioned a tolls feasibility study aimed at reviewing all available toll collection system options. One of these options is indeed one way tolling, so this is within scope of that tolls feasibility study. It is expected to be reported to and considered by the Integrated Transport Authority over the next few months.'*

The MTUA had 5 questions on the agenda.

### **At today's meeting -**

a) The report is not *'recently commissioned'*. Why has nothing been published?

- MT answer was quite long, but it seemed that there were many complex issues (though it was not clear to the MTUA why these were only apparent after the report had been commissioned).

A draft report from the consultants was ready about the end of December 2013 but it would be some 'weeks' before anything would be going to Merseytravel members. Amongst the issues being considered were changing the existing four toll categories as they 'can be confusing'.

MT had been considering 'free flow tolling', but thought that it would probably not be suitable for a road which partly had streets at the end rather than a motorway or similar. MT also thought that drivers might prefer to queue at toll barriers rather than queue in a tunnel.

(It was not said at today's meeting but the MTUA may make an FoI request for a copy of the brief that was given to Parsons Brinkerhoff, and a copy of whatever P.B. have produced for MT.)

b) How were Parsons Brinkerhoff chosen as the consultants for this work?

- MT answer was that firms on a list of approved contractors were invited to tender.

c) Are the costs of the study coming out of the tolls?

- MT answer was yes.

d) Has there yet been any actual consultation with users or others, if so then who with and when?

- MT answer was quite long but boiled down to 'not yet'.

e) Is there any planned consultation with users?

- MT answer was that MT will consult once a decision has been made. Consultation will be with tag users but using various methods will also probably consult other users and non users of the Tunnels.

**Action** - None (though MTUA may make an FoI request and / or MT will report to members and then consult).

## FoI requests from MTUA

### **Agenda for today's meeting -**

When the MTUA started, Merseytravel were refusing to answer questions, but since the Freedom of Information Act 2000 came into force on 1st January 2005, the MTUA had made FoI requests from time to time. So far in 2014 the MTUA had made six requests -

a) On 5<sup>th</sup> Feb 2014, querying why Merseytravel had apparently not replied to a message sent on 26 April 2013 about an information request concerning the (non) publication of Tunnels accounts. It was the 22<sup>nd</sup> April 2014 before MTUA got a full reply.

b) At the meeting on 5 April 2013 the MTUA had raised the question of the misleading information in the Council Tax leaflets and were told in an email of 5 May 2013 that '*it is entirely up to the district authorities what they wish to show in their leaflets*'. On 14<sup>th</sup> May the MTUA replied saying that they thought this was not correct and raised it again at the meeting on 14th October 2013. Merseytravel told us that -

i) what was in the Council Tax leaflets was determined by the district councils and that Merseytravel would send us a copy of what was sent to the councils to show that it was not Merseytravel who was responsible for the misleading figures, and

ii) that the way the Tunnels was shown as only breaking even was because of the Council Tax (Demand Notices) (England) Regulations 2009. In an email later that day JMc said that he had read the 2009 regulations and could not find anything that was relevant to this issue and asked which section of the regulations supported the Merseytravel claims.

Merseytravel neither supplied what had been sent to the districts nor did they answer the question on the regulations. On 5<sup>th</sup> Feb 2014 MTUA made an FoI request for the information. It was the 22<sup>nd</sup> April 2014 before MTUA got a full reply (which showed that what Merseytravel had claimed was not correct).

c) As already mentioned in this doc, on 5<sup>th</sup> Feb 2014 MTUA made a request about Merseytravel's non answer to the points in the list that MTUA gave at the 14<sup>th</sup> October 2013 meeting. It was the 20<sup>th</sup> May before MTUA got a full reply.

d) On 6<sup>th</sup> Feb 2014 MTUA asked for information about Merseytravel's use of RIPA in connection with the Tunnels and about surveillance of the MTUA. MTUA got a full reply on 7<sup>th</sup> March

e) On 10<sup>th</sup> Feb MTUA asked that a) confirmation that a schedule MTUA had for the so called 'Levy repayment' was correct, b) where precisely the figure that was to be 'repaid' had come from, c) copies of the accounts for 5 years (1990/91 to 1994/95). MTUA are still waiting for a full reply.

f) On 10<sup>th</sup> Feb MTUA asked some questions about £12,630,000 that Merseytravel claimed 'was invested' in Tunnels in 2012/13. MTUA are still waiting for a full reply.

The above requests had resulted in various messages back and forth, but the general pattern was that it had been difficult to get proper answers. Despite this, Merseytravel in a long letter dated 17<sup>th</sup> April 2014 (emailed to the MTUA on 22<sup>nd</sup> April) said -

*'In terms of our future dealings Merseytravel has always complied with its legal duties, provided information when requested and followed up such. That said MTUA find ourselves with your requests, providing the information several times. I am also aware that MTUA have facilitated meetings and discussions between our officers (often at a senior level) and yourself to discuss matters that you have raised. Merseytravel has in my view complied with and even, on occasion, exceeded its legal responsibilities to you in respect of information.*

*Whilst Freedom of information applications are clearly within your rights, MTUA would respectfully request that you view the information MTUA publish on our website and consider information already received from ourselves before submitting requests.'*

MTUA had said that it was amazing that Merseytravel expected the MTUA to believe and accept the above statements (in italics).

a) In MTUA opinion Merseytravel had not complied with its legal duties either generally or in relation to FoI requests and in for five of the six requests made this year Merseytravel did not give a proper answer within the times laid down or MTUA had to ask further questions.

b) Merseytravel claim that they have to provide information to the MTUA 'several times'. Why would the MTUA ask for information that MTUA already have?

c) Merseytravel say they have '*facilitated meetings and discussions .. to discuss matters that you have raised.*'

Prior to today, the MTUA had had two meetings with Merseytravel, in MTUA view the purpose of those meetings was not to get answers to questions that could be submitted as FoI requests for information. As far as MTUA knew the purpose of the meetings was to exchange views and for the MTUA to submit complaints and suggestions.

d) Merseytravel refer to the information on their website. Though Merseytravel have for a long time claimed that information such as accounts and meeting agenda and minutes was on their website, those items did not actually appear until 2 years ago (accounts) and 3 years ago (agendas and minutes).

If the information is on the website then MTUA would take it from there. If in MTUA ignorance MTUA asked for information that was already on the website, then MTUA would expect Merseytravel to refer us to the website. MTUA do not recall any instance where MTUA have asked for information and it turned out to really be on Merseytravel's website.

As far as the Tunnels are concerned there is little on the Merseytravel website which is of use. E.g. there are only two years of accounts for MITA (to March 2012 and to March 2013) and one of those years excludes the Tunnels accounts. The accounts are also put on the website as pdf images so that you can not search them whether through a search engine or directly.

#### **At today's meeting -**

So long was spent on the earlier items on the agenda that none of the above agenda for this item was gone through and the subject was only discussed in general.

MT said that they would 'fight for the right' for people to make FoI requests.

MT said that they accepted that their FoI responses to MTUA had been late, but strongly asserted that the responses had been full and proper ones. It was not their fault that the MTUA did not like the MT responses.

The MTUA strongly disagreed that they had had proper responses. The MTUA said that they might be taking some of the cases up with the Information Commissioner.

MT complained that the MTUA had made an FoI request with 23 questions. MTUA said that the 23 items were the suggestions that the MTUA had put to MT last October and had not received a response to. The FoI request from the MTUA was to either get the answers or for MT to supply information as to why MT had decided not to reply.

MT also referred to MTUA's complaint about MT supplying information and putting it on their website in image form rather than text. MT said that this was to prevent someone from altering one of their documents and distributing a fraud.

MTUA said that if anyone wanted to make up a fraudulent document they could easily do that anyway, and that if anybody did so then it could easily be demonstrated that the contents of the document was not what the original said.

(Following the meeting MTUA checked what Councillor Robinson's own authority do. Liverpool City Council accounts are published as searchable pdfs and not as images -

<http://liverpool.gov.uk/media/578467/auditedstatementofaccounts2012-13withauditopinion.pdf>

It seems that Liverpool started publishing its accounts on the web in 2004, MT did not do so until 2012 (and even then it missed out the Tunnels.).

MT also said on the 'image' issue that as per page 2 of a letter that MT sent to the MTUA dated 17 April 2014, the MTUA were quoted as saying that the MTUA wanted something 'in whatever format' and that it was inconsistent for the MTUA to say that and at the same time complain about MT putting docs on their website in a form that cannot be searched. (Following the meeting the MTUA have checked this and the same message from the MTUA on 21 Jan 2013 had said that the MTUA "don't mind if it is printed or electronic, and if it is the latter if it is a pdf file, a Word doc or a spreadsheet." This was in the context that what MT had previously given the MTUA for that FoI request was not what was requested, and that the MTUA was trying to make it easy for MT. Of the four docs that the MTUA then received, one was a Word text doc, one was also a Word text doc but in a different format, one was a pdf text doc, and one was a pdf image doc. In the event they proved to be useless as MT had excluded the Tunnels pages from the published accounts for those years. There were follow up emails, the last one of which from the MTUA was on 26 April 2013, and the letter of 17 April 2014 that MT were referring to was the MT reply - nearly 12 months later )

**Action** - MT are to endeavour to try and deal with MTUA FoI requests within the statutory limits, but will otherwise not change anything.

## Merseytravel making misleading statements

### **Agenda for today's meeting -**

Over the years, Merseytravel have made what in MTUA view are misleading statements about Tunnels finances and about the reasons for toll increases. MTUA have drawn attention of MITA members to some of these statements in various messages that the MTUA send out each year around the time that MITA members consider whether to increase the tolls.

The last message that was sent to MITA members was on the 11<sup>th</sup> February 2014 and detailed on pages 3 to 10 some of the things said by Merseytravel earlier that month and / or published on Merseytravel's website.

The MTUA message to MITA members ended "*MTUA invite you to point out to us anything MTUA say which you know or believe to be untrue, inaccurate or misleading.*" There was no response, which implied that MITA members were either not able or not willing to say anything to challenge what MTUA said, yet the web page which the MTUA believes contains misleading statements is unchanged.

### **At today's meeting -**

MT was very strongly of the view that what they said was not misleading, and that what was on the MT website were 'facts' and whatever MT said was checked by their lawyers.

MTUA was very strongly of the view that MT were misleading people.

MT said that the MTUA were ignorant of the way that the Tunnels operated and did not understand things

MTUA again pointed out that MITA members had been invited to challenge what the MTUA had said e.g. in the letter of 11<sup>th</sup> Feb, but no one had. MT said that they were not concerned with what MTUA said whether in that letter or on MTUA website etc and would not make any responses.

**Action - None**

## Merseytravel Customer Forums

### **Agenda for today's meeting -**

At Merseytravel's suggestion, two people from MTUA had attended a few of these forums.

### **At today's meeting -**

MTUA said that the forums were useful but as they were mainly for passenger transport the MTUA may stop attending them.

MT said that they were considering changing the format, timing and location of the forums.

**Action** - None

## Issues that were not on the agenda

a) MTUA had mentioned that Dave Loudon, the MTUA chairman, could not attend the meeting due to his work. MT said that they were prepared to consider having future meetings at a different time.

**Action** - After consulting Dave, the MTUA will advise MT of what timing might be suitable, though this is probably best sorted out when the next meeting is being arranged.

b) MTUA asked for details of the establishment structure and pay for people working on the Tunnels. MT agreed to supply this.

(Having considered this after the meeting, the MTUA think that this would be best handled as an FoI request.)

**Action** - MTUA will make an FoI request after they have decided exactly what they want to know.

End