



The Williams-Shapps Plan for Rail: A Consultation on Legislation to Implement Rail Transformation

Response from Community Rail Network

Our response is set out below, following the format of the DfT [online response form](#). The topic areas and specific questions are highlighted in bold, followed by our responses to them. Text in italics indicates sections of the DfT consultation document itself.

Personal details

Question 1. Please provide your details (used for contact purposes only):

Contact details provided

Question 2. Are you responding:

as an individual?

on behalf of an organisation?

Question 3. Your organisation's name is?

Community Rail Network

Question 4. Your organisation is:

Another type of organisation?

A not-for-profit organisation involving communities with rail

Question 5. Describe what your organisation does.

We are a not-for-profit organisation working across Britain to support, champion and represent community rail: a growing, thriving grassroots movement that works to engage communities with their railways, and ensure local people benefit from railways and stations.

This growing movement now includes 76 community rail partnerships (CRPs) and c. 1,200 station friends' groups and other local groups, spread across Britain. These are community-based and -led groups and organisations, working closely with the rail industry, to:

- Enhance the railways' contribution to local sustainable development and community wellbeing, including by maximising access to and use of the railways;



- Ensure the community has a voice and plays a part in the development and improvement of our railways, so this meets community needs and aspirations and delivers maximum benefit;
- Communicate the development and importance of our railways to communities, enhancing understanding and pride, and promoting rail as a key part of sustainable, healthy travel.

Community Rail Network works to empower, support and champion community rail, as a growing membership organisation. We share good practice, connect those working in community rail, and help our members to develop, enhance their impact and overcome challenges, drawing on experience from across the movement and insights from the wider voluntary sector, rail industry and beyond. We also raise wider awareness about community rail and share its unique insights with policy and decision-makers. Find out more about our work, and our members, at www.communityrail.org.uk.

Community Rail Network is part-funded by the Department for Transport (DfT), our biggest funder, to support and enhance community rail in England. We also receive funding from the Welsh Government and a range of other authorities, agencies, and industry partners. We are the lead delivery partner for the DfT's Community Rail Development Strategy, and we work with government and partners at national and regional level to help community rail to deliver maximum support for a range of public policy goals.

Question 6. Your location is:

UK wide – (England, Scotland, Wales)

Question 7. Your size of organisation is:

1 to 25 employees

We are seeking your views on the proposed primary legislative changes required to implement commitments from the Williams-Shapps Plan for Rail ('Plan for Rail')

The plan for rail heralded the start of a major transformation of Great Britain's railways (Northern Ireland operates separately), to ensure better outcomes for passengers, freight customers and taxpayers.

At the heart of the proposals is the creation of a new public body, Great British Railways, that will bring the railway network together under single national, accountable, leadership, ending years of fragmentation. Great British Railways will be the new guiding mind for the railway:

- *bringing together the best of the public and private sectors*



- *integrating track and train by incorporating Network Rail*
- *taking on:*

- responsibility from the Department for Transport for procuring and managing passenger train services

- elements of the Rail Delivery Group

As guiding mind, Great British Railways will be an organisation that integrates decision-making effectively across the system, with clear accountability held by it and the partners locally and nationally that deliver within the system that it leads, guiding the right decision making by the right people, at the right stage in the process.

The complicated and broken franchising system will be replaced by new Passenger Service Contracts, designed to:

- *invigorate the competitive market*
- *improve services and create a more passenger focussed railway*

The plan also outlines measures to:

- *improve accessibility across the railway*
- *develop a comprehensive environmental plan to help meet our net-zero carbon emissions target*
- *reform fares and ticketing*
- *develop a new offer for rail freight*
- *create the first ever 30-year strategy to ensure our railways help level up every part of our country*

The ambitious package of reform set out in the plan for rail will ensure that Britain's railways become more customer-focused and financially sustainable, working in the national interest as a public service.

Many of the commitments set out in the plan for rail do not require legislation to enact, however, legislation is required to make important elements of structural reform.

This consultation provides details on the primary legislative changes that are proposed and seeks your views on these.

Your feedback is critical to ensuring this once in a generation transformation of Britain's railways delivers for passengers, taxpayers, and freight customers.

Core functions of Great British Railways

Great British Railways will have a set of core functions to:

- *plan and manage access to, and ensure the safe and effective use of, the Great British Railways network, consistent with Secretary of State guidance*



- *manage Great British Railways infrastructure*
- *manage and secure delivery of high-quality, reliable Great British Railways passenger services and be accountable for the customer offer*

As guiding mind, Great British Railways will be an organisation that integrates decision-making effectively across the system, with clear accountability held by it and the partners locally and nationally that deliver within the system that it leads, guiding the right decision making by the right people, at the right stage in the process.

Question 8. In your view does the proposed role of Great British Railways appropriately capture what you would expect to be delivered by an effective guiding mind for the railways?

Yes, I agree with the proposed core functions completely

Yes, I agree with the proposed core functions listed but think additional functions are needed ✓

No, I disagree with the proposed core functions

No, I disagree with the proposed core functions and think additional functions are needed

Don't know

Question 9. What other functions do you think are needed?

We propose that the third core function should be broadened and split into two, to align with the aspirations of the Williams-Shapps Plan for Rail and, as stated in paragraph 2.6 of the consultation document, the need to maximise social and economic value.

In order to maximise social and economic value from the railway, this requires thinking beyond 'the passenger' or 'the customer' (which suggests those using rail already). It means being mindful of communities as a whole and how the railway can meet their needs and serve these better, and how occasional or non-passengers can be supported and enabled to make good use of the network. This goes far beyond a customer service approach, and indeed we are seeing many of our railway industry partners recognising this already and going beyond a customer service approach, reaching out to non-passengers and making stations into thriving community hubs, working with community rail. This delivers environmental value (especially from encouraging and enabling lower-carbon travel) as well as social and economic value, and we recommend that the legislation specifically recognises these three types of value and aligns with the need to give them equal consideration and weighting, as per sustainable development good practice.

For the GBR core purposes to be suitably future-focused and all-embracing of what GBR needs to do, we therefore suggest the third core purpose should be broadened to refer



specifically to social, environmental, and economic value, and to communities and their needs, or perhaps better split into two distinct points as follows:

- manage and secure delivery of high-quality, reliable Great British Railways passenger services
- be accountable for a railway that serves communities and country effectively, maximising social, environmental, and economic value

Proposed factors for Public Interest Duty

Great British Railways will have an overarching duty to perform its functions, and act in the public interest, in a way that balances a range of considerations to be set out in the Great British Railways Licence. This will include a duty to act in a manner it considers maximises the social and economic value (as defined by Secretary of State) from the use of the network. In addition, these considerations are likely to include:

- *benefits for current and future rail passengers*
- *benefits from promoting the carriage and growth of rail freight*
- *benefits from improving accessibility*
- *benefits for communities, regions, the economy, and the supply chain*
- *impacts on the environment*
- *benefits from promoting efficiency, affordability and value for passengers, taxpayers, and rail funders*

Question 10. Do you agree with the proposed factors that Great British Railways must consider as part of its public interest duty?

Yes, I agree with the proposed factors completely

Yes, I agree with the proposed factors listed but think additional factors are needed ✓

No, I disagree with the proposed factors

No, I disagree with the proposed factors and think additional factors are needed

Don't know

Question 11. What other factors do you think Great British Railways should consider?

We strongly support the recognition of communities and future passengers in the list of considerations, and agree with the factors as a whole, but suggest a couple of further refinements and additions. Firstly, we suggest that as well as considering the growth of freight, GBR should be considering opportunities to grow passenger numbers, especially



given the DfT's own priority of 'accelerating modal shift' (the first priority in the Transport Decarbonisation Plan) and growing evidence that private car use needs to be reduced by around 25% this decade (see, for example, evidence and expert options collated in Greener Transport Solutions' recent report on Pathways to Net Zero).

Secondly, we recommend that the point about accessibility (which we strongly support) is expanded to expressly recognise the related point about modal integration, which is often not fully recognised as being crucial to accessibility as well as sustainable end-to-end journeys, for example 'benefits from improving accessibility and integration with other public transport, active travel and shared modes.' We note that this topic was a key theme in the responses to the recent GBR call for evidence, and is often a challenging area for community rail and other local/regional initiatives, which GBR could contribute positively to through strong leadership.

Lastly, we highlight that the point 'impacts on the environment' is framed negatively compared to the others, suggesting a focus on minimising environmental damage rather than recognition of the great environmental benefits the railways can deliver, at local, national, and global level, including through modal shift, but also biodiversity net gain, and use of stations to encourage sustainable businesses and development. We recommend again that environmental value is included alongside social and economic value at the top of this list, and that this bullet point is reframed to say, 'benefits for and impacts on local and global environments.'

Option to delegate devolved contracting authority to Great British Railways

The existing role and responsibilities of the devolved administrations in relation to provision of passenger services will remain unchanged.

However, the plan for rail set out that devolved railways will be strengthened, through close collaboration with Great British Railways.

To support this and to enable the integration of track and train across Great Britain, we propose to enable, through legislation, the ability for Scottish or Welsh ministers to delegate their contracting authority for devolved passenger services to Great British Railways. This proposal would not require such delegation but would enable it to happen in the future should Scottish or Welsh ministers decide to pursue it. The terms of any delegation would need to be mutually acceptable to ministers in the devolved administrations and the Secretary of State and clearly set out the roles and responsibilities of each party including appropriate governance controls, taking into account the existing devolution settlements.

Question 12. Do you support including a primary legislation power to enable:

Yes No Don't know

Scottish ministers to delegate their contracting authority to Great British Railways? Yes ✓

Welsh ministers to delegate their contracting authority to Great British Railways? Yes ✓

If not, why not?

Direct award to public sector operator

We propose amending section 25 of the Railways Act 1993, which prohibits the appointment of a public sector operator for services that would be let by:

- *Great British Railways*
- *Welsh Ministers*

We propose to legislate so as to allow for a direct award to a public sector operator in specific circumstances such as to facilitate a major infrastructure project or a major industry reform programme.

The prohibition on public sector bidders in England and Wales for operators appointed via competition would remain.

The ability to make a direct award to a public sector operator would provide an alternative route for ensuring passenger service provision if an existing contract ended mid-way through a major infrastructure project or delivery of a major industry reform programme, where the uncertainty associated with those initiatives meant that competition was likely to have poor value for the taxpayer.

Question 13. What, if any, views do you have on allowing appointment of a public sector operator by Great British Railways by direct award?

We are supportive of legislation offering this option, but suggest it should go further to allow public sector bidders into competitions too. If they can offer the best value to passengers and communities, we can see no reason why public sector operators should not be awarded specific contracts, or be allowed to engage in the bidding process.

Facilitating passenger service contracts (by amending EU Regulation 1370)

To:

Assist the reforms outlined in the plan for rail

Ensure the smooth introduction and running of passenger service contracts

we will need to amend Regulation 1370/2007.



EU Regulation 1370/2007 creates a bespoke procurement and state aid or subsidy regime for 'public service contracts' in recognition that such contracts are needed in the general interest of the public and cannot be operated on an entirely commercial basis.

We propose amending Regulation 1370/2007 in primary legislation, with the purpose of ensuring the ongoing operation of the rail contracting regime in Great Britain and for the smooth delivery of the plan for rail. The proposed amendments are:

Introduce domestic legislation for awards made under Regulation 1370/2007 that reduces the limitation period for the challenge remedy (the route through which a train operator can challenge decisions) to provide a relatively short period for challenges to be made.

Introduce a recovery remedy to accord with the new UK subsidy regime and clarify who may bring a claim.

Reintroduce Articles 5(6) which provides maximum flexibility in making direct awards and 7(3) which ensures transparency for awards made under Article 5(6) to ensure that flexibility and transparency in making direct awards is retained.

Amend wording within Article 7(2), which details the notice period for publishing a Prior Information Notice (PIN) before an Invitation to Tender (ITT) or direct award, to ensure clarity.

Question 14. Do you support the proposed amendments to Regulation 1370/2007, which are:

Yes No Don't know?

reducing the limitation period for the challenge remedy? Yes ✓

introducing a remedy of recovery to accord with the new UK subsidy regime? Yes ✓

clarifying who may bring a claim? Yes ✓

retaining the ability to make direct awards under Article 5(6)? Yes ✓

clarifying the PIN notice period? Yes ✓

If not, why not?

We support the proposed amendments, as they appear to offer to simplify, and speed up, the awards process. We also strongly support the recognition of the need for transparency and flexibility. Our experience is that community rail activity, and wider involvement with rail among communities and local leaders, can be interrupted or undermined by the uncertainty surrounding drawn-out contracting processes.



Office of Rail and Road duty to facilitate the furtherance of Great British Railways' policies on matters of access to and use of the railway where these have received Secretary of State approval

It is important that Office of Rail and Road (ORR) is an engaged participant and actively enables Great British Railways to:

- *plan*
- *manage*

the railway network in the public interest.

ORR, Great British Railways, and public sector funders will need to work to align and coordinate their decision-making processes and criteria. This work aims to ensure the appropriate decisions about the use and operation of the network are more effectively led by Great British Railways as the Secretary of State's expert rail body, whilst maintaining effective safeguards through a rules-based regime that gives confidence to users of the network.

To enable this we are proposing a new duty for ORR to facilitate the furtherance of Great British Railways' policies on matters of:

- *access to*
- *use of*

the railway, where these have received Secretary of State approval and to take them into account when carrying out its functions as the regulator for access.

ORR will be a consultee on Great British Railways' policies on matters of access and will provide advice to the Secretary of State on whether they align with the requirements placed on Great British Railways through its legislative and governance framework.

This new duty and ways of working will be underpinned by updated Secretary of State guidance to ORR which will address priorities for simplification, efficiencies, and management of the network in the public interest.

The government has worked closely with ORR to ensure that the new duty:

- *Does not conflict with existing duties.*
- *Does not compromise ORR's independence.*
- *Provides ORR with a clear and specific legal requirement to take Great British Railways' approved access policy into account in its decision-making.*

Question 15. Do you support the proposed statutory duty on ORR to facilitate the furtherance of Great British Railways' policies on matters of access to and use of the railway where these policies have received Secretary of State approval?

Yes ✓

No

Don't know

Question 16. Why?

Giving the ORR the powers to execute this duty seems a natural and fitting place for it to sit.

Amendments to enable Great British Railways to function as a guiding mind

There may be some immediate amendments to retained EU rail markets legislation that need to be made to enable Great British Railways to fulfil its guiding mind functions. Any such amendments will only apply to the Great British Railways network and will not directly affect other infrastructure managers.

In particular, bringing track and train closer together under Great British Railways may require primary legislation to make some technical changes to the EU derived Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016. These regulations set out requirements for separation of certain decision-making functions, for example the rules around:

- *separation of management structures and processes*
- *capacity allocation and charging*

We are using this consultation to identify whether there are immediate legislative amendments that need to be made to ensure we do not restrict collaboration, integration and a joined-up approach between track and train which current retained EU rail markets legislation prevents.

We strongly recognise the need for the access regime to operate consistently and coherently as a whole. Any initial changes will be limited to those we consider necessary to enable the effective management of the network.

Question 17. What changes, if any, do you think are needed to the existing access and management regulations to ensure that Great British Railways can meet its guiding mind function?

We are not qualified to comment on the technicalities of the legislation, but support, in principle, the bringing together of track and train, and the need for coherence across the network. It is also important to ensure that fair access to the railway is retained, which can be difficult on lines/routes with multiple operators. Our only other comment on this point is that we propose that attention is also needed to competition regulations that inhibit



cooperation and coherence between train and bus operators. These modes should work in synergy, to provide the joined-up, accessible, inclusive, and sustainable transport system we all aspire to, in line with levelling up ambitions and transport decarbonisation imperatives, however current competition and markets regulation appears to get in the way of this. Rail and transport reform is an opportunity to address this.

Widening the scope of ORR's duty to promote competition

Rail is different to many consumer markets given the scale of public money involved, so it is important that this is given due consideration by the regulator when making decisions in what is a mixed public and private market. In addition to ORR's existing duty to have regard to the Secretary of State's funds, to further strengthen protections for taxpayers, we are proposing a limited legislative amendment to ORR's existing section 4(1)(d) competition duty so that, in addition to users, the regulator takes into consideration public sector funding of rail services in applying the competition duty including on access to the track. ORR's duty to promote competition is just one duty the regulator must weigh alongside its other duties.

Question 18. Do you agree with the proposed recasting of ORR's competition duty to better reflect public sector funding?

Yes

No

Don't know

Removing barriers to collaboration between Great British Railways contracted operators

The plan for rail places a strong emphasis on collaboration across the whole of the industry to achieve benefits such as securing significant efficiencies, removing duplication, and a focus on the things customers have told us matter to them. These include:

- *safe, punctual, reliable, and good value services*
- *encouragement of more innovation that will continue to improve services and connections with other modes of transport*
- *a joined-up approach to finding a resolution when things go wrong*
- *a simple consistent fares structure*

Great British Railways will also need to ensure that efficiencies are considered across all operators with rail passenger contracts with Great British Railways, across the system as a whole rather than by individual operators, to:

- *reduce the need for public subsidy of the system*



- *protect taxpayers, growing the system and ensuring efficient use of available capacity*

Passenger service contracts focus on improving the passenger experience and will support operators to collaborate effectively with Great British Railways as well as other industry partners, including other operators, local teams and suppliers, such as train-leasing companies, to improve services and performance.

It is essential that legislation enables this collaboration and additionally gives operators a level of reassurance and confidence that they can collaborate and share relevant information where this will lead to benefits. Therefore we propose to clearly set out in legislation that Great British Railways will have a power to issue directions which requires its Great British Railways operators to share information and undertake other collaborative activities with each other in circumstances where doing so could otherwise give rise to concerns under Chapter 1 of the Competition Act 1998. In particular, such a direction would only be possible where collaboration would lead to defined benefits, such as improving the operational delivery of services for passengers and improving the efficiency of the rail system as a whole for taxpayers.

Question 19. What do you think of the proposal to include in legislation, a power for Great British Railways to issue directions to its contracted operators to collaborate with one another?

We strongly support this proposal. Collaboration between operators can greatly improve service provision for passengers and communities, and open up new opportunities to derive increased value from rail. However, there is also a critical need for collaboration with those outside of rail, as was recognised in Williams-Shapps, especially local authorities, regional/city leaders and authorities, other transport providers and stakeholders (especially the bus sector) and the community and voluntary sector. We recommend that attention is given to how legislation and the wider change programme can facilitate and support this. See also our response to Q17 on enabling better coordination between rail and buses, which is grossly lacking in most localities and often difficult to achieve under present arrangements. For rail to become the backbone of a sustainable transport system as the industry and government aspires, this needs to be addressed.

Question 20. In your view would train operating companies be willing to share information and collaborate in the way envisaged without the proposed legislative provisions?

Yes

No

Don't know

Risks to train operating companies

Question 21. What are the risks to the Great British Railways contracted operators without the proposed legislative changes?

There are numerous examples over the past 20 years where chapter 1 of the Competition Act has prevented projects from happening or services being improved. Without the proposed legislative changes, operators run the risk of operating in silos and not sharing information that could lead to better services for passengers, so we would argue that this change is essential.

Question 22. In your view do the proposed measures help to resolve these risks?

Yes

No

Don't know

Why?

Operators need to be able to work productively together to facilitate the best possible services for passengers. For example, better partnership working can result in improved timetable connections, making journeys more viable (for passengers who might otherwise have to travel another way, or not be able to travel at all) as well as faster and easier. Sometimes this can make a major difference to communities and people's lives, for example by opening up new employment opportunities that might have otherwise been unreachable. However, we propose that the legislation could go further, to extend beyond the rail industry. It would be highly beneficial for operators to be encouraged, supported, and facilitated to work collaboratively with other travel modes, especially to develop bus/train links, to offer and promote a fully integrated transport system. Our experience within community rail suggests a commitment from community rail partnerships and groups to working with other transport modes, e.g. bus operators, but frustration in getting modal integration initiatives to work, particularly when it comes to coherent timetabling. Legislation to help facilitate collaboration and connectivity, and address the negative effects of the Competition Act, can play a key role in enabling sustainable travel and the desired modal shift from road to rail and other forms of public/shared/active travel.

Removing barriers to collaboration between Great British Railways contracted operators

Question 23. What, if any, particular additional safeguards do you consider necessary to:

- support the interests of third parties (including freight, open access and charter operators)?

- protect passengers? ✓
- protect taxpayers?

We suggest that some form of protection for passengers and potential future passengers from above inflation fares increases, or changes to service levels which would negatively impact on communities, would be beneficial.

Customer offer

We need to reform the industry to improve the customer experience of buying rail tickets, grow revenue and save taxpayers' money. Great British Railways will set the approach for fares, ticketing, and retailing, which means we will ask them to:

- *act as a 'guiding mind' so that they can set a consistent customer offer over the network*
- *make fares simpler, clearer, and easier to understand, and also reduce inconsistencies that have developed over time*
- *sell tickets through their website and app, learning from the best in-class providers' approach to digital ticketing and putting an end to current confusion of multiple train operators selling tickets which will, as well as making it easier for customers, reduce the cost to the taxpayer*

By customer offer we mean the ticket products and services developed to meet customers' needs.

Independent retailers will continue to sell tickets, and the industry as a whole will benefit from the innovation they will continue to bring. We want to make sure that retailers are treated fairly, which we think should mean Great British Railways' online retailing activities are independent of its wider decision making about retail strategy, including licensing decisions.

Question 24. How, in your view, can we ensure that Great British Railways is able to fulfil its accountability for the customer offer while also giving independent retailers confidence they will be treated fairly?

We agree providing a clear, flexible, affordable fare offer is vital to encourage rail over road use, and to open rail up to wider groups supporting levelling up objectives - and we support consistency in this area. Having GBR as a high-quality official 'one stop shop' for rail information and ticket purchasing will be a big step forward in this regard.

We also strongly welcome a commitment to independent retailers being supported and allowed to continue to flourish, and do not see this as conflicting. To ensure accountability for the customer offer, the role of Transport Focus, in its guise as 'passenger champion' (see Q31) could be enhanced to ensure that elements such as through ticketing, integrated



transport, and impartiality of third-party retailers were monitored and measured for success within the business plan cycle. This is something Community Rail Network would be pleased to feed into in a formal capacity, drawing on our network.

Within community rail, there are examples of community groups and social enterprises that sell tickets as a small part of their wider operation, which provides excellent value for the communities they serve, and has been part of wider work to rejuvenate stations and bring them into the heart of their communities. For example, Severn Dee Travel is a not-for-profit organisation run by volunteers and the Chester Shrewsbury Community Rail Partnership. Based at Gobowen Station, it provides ticketing services across the entire rail network, with a particular focus on group travel. Alongside its ticket retail arm, it runs a station café that offers work experience opportunities to students with special educational needs, enabling them to develop work skills.

A ticket office has also been a key element of the major redevelopment of Millom Station in Cumbria, led by Community Rail Cumbria working with Northern, with the office managed by the trustees and directors of Millom Discovery Centre and run as a social enterprise. Profits go towards upkeep and maintenance of the town museum, which has relocated to the station and includes a strong focus on local education and community empowerment. The scheme, which includes a rail heritage centre to increase pride and connection with the railway, has been at the heart of the wider regeneration of the town, boosting tourism, education, employment opportunities, and the passenger and visitor experience. Given the positive experience they offer to customers, and the wider social value they provide, we would encourage such community-led projects to be encouraged and allowed to develop with a flexible and supportive approach from GBR and local train operators.

We would additionally note how community engagement within community rail - especially engaging young people, marginalised groups, and families not used to rail use – shows that the affordability of rail tickets, and confusion around ticketing and how to access the best value fares, remains a major inhibitor and barrier to bringing more people to rail. We believe from this experience that not only simplification of the ticketing system (both for rail and multi-modal journeys), which we welcome, but attention to affordability (including relative to driving, and specific to lower income groups and cost of living) would unlock socio-economic benefit, and could open the railways up to far wider audiences, boosting patronage and financial sustainability long-term. We suggest that thinking is needed around how the planned changes to the fares regime will apply to more rural lines (i.e. outside city regions and long-distance routes), with attention to affordability and the socio-economic benefits of widening access to rail. We will be pleased to discuss this further with GBR TT drawing on community rail experience.

Governance framework

The governance framework for Great British Railways will be underpinned by a number of strong and effective instruments.



The approach resembles other customer focussed sectors (for example regulated utilities and highways) but has been tailored to reflect the rail sector.

The instruments are:

Statute: primary legislation will set out the essential requirements for the establishment of Great British Railways and the statutory framework for governance.

Great British Railways Licence (the licence): will be consulted on and issued by the Secretary of State to Great British Railways. This will be redesigned from today's Network Rail network licence to reflect that Great British Railways will have integrated responsibilities across track and train.

Directions and guidance: will allow the Secretary of State to set additional requirements on Great British Railways on policy issues and matters relating to its funder role and where a more direct or bilateral relationship between the Secretary of State and Great British Railways is considered appropriate. These will need to be consistent with the licence and statute.

Business planning and funding process: Great British Railways will be required to produce a five-year business plan setting out planned activity in response to high level outputs issued by Secretary of State and Scottish Ministers. The business plan will be produced to align with the five-year infrastructure funding settlements from government, and other income Great British Railways will receive during the business plan's period. Funding for passenger services will continue to be set through government fiscal events.

Question 25. In your view does the proposed governance framework give Great British Railways sufficient ability to act as a guiding mind for the railways while ensuring appropriate accountability?

Yes

No

Don't know ✓

Great British Railways duties in licence

The Secretary of State will issue a statutory licence to Great British Railways, focused on enduring duties, activities, and behaviours in respect of railway management and delivery. This will be redesigned and go beyond the current network licence to reflect that Great British Railways will have integrated responsibilities across track and train and is not just an infrastructure manager.

We are proposing to capture the duties of Great British Railways in the statutory licence issued by Secretary of State.



The plan for rail confirmed that Great British Railways will have specific statutory duties to improve accessibility, promote rail freight and to consider environmental principles in all its operations. We propose putting a requirement in primary legislation for the scope of the licence to include duties on Great British Railways relating to accessibility, freight, and the environment.

Question 26. Do you agree with the proposal for Great British Railways' new duties to be captured in the statutory licence and that primary legislation should require the licence to include specific duties in relation to accessibility, freight, and the environment?

Yes

No

Don't know

Question 27. Why not?

We agree with capturing GBR's duties in the licence, and that this should include specific duties in relation to accessibility, freight, and the environment. However, as per our earlier comments (see especially Q9), we propose that it would be beneficial for these specified duties to also include social value, and the related need to be responsive to and collaborative with communities, and integrated sustainable travel. In the community rail movement's long-running and wide-ranging experience, recognition of and attention to these issues, led from the top and permeating through the rail sector, is vital in helping communities to derive maximum value (social, economic, and environmental) from the railways, and achieving the aspirations of the Williams-Shapps white paper.

Social value - Our members strongly believe that GBR should consider social value on an equal footing to commercial value when considering key issues to communities such as the use of disused/redundant station property. Community rail already works closely with rail industry partners to eke out greater social value from rail in a broad range of ways (see our ['The Value of Community Rail'](#) report for evidence and examples under each pillar of the DfT's Community Rail Development Strategy). This helps communities to get as much benefit as possible from their railways and stations, often transforming people's lives, helping marginalised/left-behind groups, supporting local regeneration, and delivering economic and environmental benefits in tandem. While community rail already has excellent support from the rail industry and central government, and its role is recognised strongly in Williams-Shapps (and we are liaising with GBR TT and DfT about how this can be maintained and enhanced), we also see lots of opportunity for further development through the process of transformation. We also see wider opportunities to learn from community rail and for rail (and transport) to generally take a more engaging, participatory, collaborative approach to working with communities and local leaders and being responsive



to local needs and voices, as is repeatedly referenced in Williams-Shapps. We propose that specifying GBR's duties around maximising social value and ensuring communities are engaged would enshrine this approach, supporting and accelerating the cultural and procedural shift towards a truly people and community-centric railway, and complementing and supporting other duties around accessibility and the environment.

Integrated travel - Empowering communities to travel through sustainable and healthy means, including a shift away from car use and more equitable access to transport, brings a range of benefits for local people, places, and our wider environment, and appears to be a necessity in combatting the climate emergency (as per the CCC's latest recommendations to government). Community rail has a critical part to play in supporting modal shift, and much activity is already taking place across Britain to promote and enable wider use of rail as part of everyday sustainable and healthy travel, and to join rail up better with other sustainable modes e.g. partnership working on cross-modal ticketing, active travel hubs and route improvements, community and youth engagement to build travel confidence, and communications and promotions on leisure travel. However, good connectivity between modes remains lacking in most localities, and our members report that it can be challenging for communities to achieve the substantive changes needed. Fully integrated travel will require not only work within the rail industry, but a much more collaborative approach to working with other transport sectors and providers (most notably the bus industry, but also community transport and the growing shared mobility sector) as well as local authorities and community groups on active travel development and coordination. We suggest that this challenge, of creating a coherent sustainable transport system, is of such fundamental importance (reflected in the recent GBR call for evidence, as well as DfT and wider government strategies from transport decarbonisation to levelling up), that GBR's duties towards it should be written into the legislation.

Not imposing financial penalties on Great British Railways in the event of a licence breach

ORR can currently issue a financial penalty for breach of licence conditions. Issuing a financial penalty to a publicly funded and owned body has limited ability to incentivise behaviour and may diminish Great British Railways' ability to make improvements for passengers and end users.

We propose to remove the power for ORR to fine Great British Railways for breach of its licence, although ORR will still be able to fine Great British Railways if it disregards a decision made by ORR relating to access or charging.

ORR would also still have powers to fine other types of licence holders where it currently has those powers.

Great British Railways will be ultimately accountable to the Secretary of State, and the Secretary of State will hold the powers to sanction Great British Railways where necessary, by exercising corporate and funding controls, including appointing certain members of Great British Railways Board.



The Secretary of State would take into account Great British Railways' performance in this regard when considering performance-related pay recommendations.

Question 28. Do you support the proposal to amend ORR's powers so as exempt Great British Railways from financial penalty in the event of a licence breach?

Yes

No

Don't know

Great British Railways business planning and funding

The plan for rail committed to a stable planning framework for Great British Railways, requiring Great British Railways to set out an integrated business plan over a five-year planning horizon, covering passenger services and infrastructure. This will enable Great British Railways to plan activities on a whole system basis and provide a link between longer term strategy and delivery of activities.

Today's periodic review process will be retained for Great British Railways. Through this process, Great British Railways will be required to produce an integrated business plan (across both infrastructure and passenger services). The business plan will address the expected activity and output across Great British Railways' remit. As with today's periodic review, there will be engagement with operators and local partners as part of the process.

As today, the Secretary of State and Scottish Ministers will each continue to issue their 'High-Level Output Specification' (HLOS) and 'Statement of Funds Available' (SoFA) during the Periodic Review process. Also as today, ORR will consider whether the expected level of funding available to Great British Railways is sufficient to deliver the proposed activities. ORR will also assess Great British Railways' business plan for key matters including safety, performance, efficiency, deliverability, and long-term asset sustainability.

The periodic review will set the access charging framework for Great British Railways' network, and the five-year infrastructure settlements from government funders (Secretary of State for Transport and Scottish Ministers).

The financial settlement for passenger services will be agreed during government fiscal events, as is the case today. Major enhancements will continue to be separately governed.

Once agreed, Great British Railways will be accountable for the delivery of the five-year business plan and reports on progress against delivery. Independent monitoring and assurance against deliver will also be provided by ORR. This will include a role assuring changes required to the business plan in-life.



Only narrow changes to the current legislation will be required to enact these changes. We propose:

- *adding a requirement on Great British Railways to produce an integrated business plan (covering both track and train).*
- *amending current legislation to improve information flows between government bodies ahead of and during the periodic review process.*

The detailed process for developing and agreeing the business plan will be supported by non-legislative levers, such as the Great British Railways Licence, issued by the Secretary of State.

Question 29. What feedback, if any, do you have on the proposed business planning arrangements for Great British Railways?

We have nothing to add on proposed legislative change, however we are keen to discuss with GBR TT and DfT how the involvement of and responsiveness to communities, and collaboration with community rail specifically, can be hardwired into the business planning process, and we are preparing some specific recommendations on this. We welcome the retention of the five-year planning cycle and associated funding statements, and the level of stability this provides for community rail.

Independent scrutiny and challenge

Great British Railways will become a powerful guiding mind at the centre of the new, customer-focused system. In order to effectively hold it to account for meeting its obligations, organisations that provide independent scrutiny and challenge will also be reformed, so Great British Railways can be:

- *independently supported*
- *robustly scrutinised across priorities including passenger experience, performance, efficiency, and safety*

As the independent safety and economic regulator, ORR will continue to play a central role in the new rail system by:

- *providing whole-sector oversight that transparently holds Great British Railways and other railway businesses to account*
- *encouraging best practice and problem solving across the sector*
- *using its expertise and independent perspective to advise government*
- *continuing as health and safety regulator across Great Britain*
- *maintaining regulatory oversight of the access framework and continuing to regulate other infrastructure managers*
- *continuing to be responsible for taking action on certain rail-related competition and consumer law issues*

- *taking over sponsorship of the rail ombudsman*
- *continuing to monitor and enforce licences*
- *maintaining a central position in the Periodic Review process, including in assessing and advising on infrastructure funding and outputs, and assuring subsequent changes to the plans*

In order to give confidence that Great British Railways is meeting its objectives, ORR will also monitor and scrutinise Great British Railways' ability to meet its business objectives against its:

- *Secretary of State-issued licence*
- *business plan*

ORR will continue to have robust enforcement powers to take action if necessary, to require Great British Railways' compliance with its licence.

ORR will help improve transparency by:

- *supporting Great British Railways to develop mature and open self-assurance processes*
- *directly reporting on Great British Railways' delivery of objectives*
- *publishing key information to help inform decision makers and stakeholders*
- *continuing to publish Official Rail Statistics for the rail sector*
- *continuing to hold broad information gathering and investigatory powers in statute and through the licence*

Question 30. In your view will the proposed approach to independent scrutiny and challenge provide sufficient:

Yes No Don't know

transparency? Don't know ✓

assurance that Great British Railways can be held to account? Don't know ✓

If not, why not?

Not qualified to comment on the above.

Great British Railways fee to cover the cost of ORR functions currently funded by the Network Rail licence fee

To preserve ORR's independence in the new model and assuage any concerns that government could exert undue influence over ORR in the course of its duties, we propose to provide ORR with the statutory powers to levy a fee on Great British Railways in order to



cover the costs of ORR's functions which are currently funded from the Network Rail licence fee.

ORR already has similar powers to raise levies to fund its safety activities, and its regulation of some other networks.

Question 31. Do you support the proposal to give ORR a statutory power to levy a fee on Great British Railways?

Yes

No

Don't know ✓

Independent passenger champion

In the new rail industry model Great British Railways will be accountable for the 'customer offer' on its contracted services. Transport Focus will take on the passenger champion role.

The passenger champion role is in place principally to advise, monitor and help hold Great British Railways to account rather than to set or directly enforce policy. The emphasis for Transport Focus will be to work collaboratively with Great British Railways and ministers to improve passenger experience through effective joint working.

Building on the plan for rail, in partnership with our stakeholders, we have further developed the proposed responsibilities of Transport Focus as the new passenger champion under the four broad themes of:

passenger advocacy - which includes:

- *championing accessibility across all stages of the passenger journey*
- *considering unresolved passenger complaints not covered by the Rail Ombudsman*
- *ensuring the passenger (and non-passenger) voice is heard by Great British Railways and other contracting authorities and working with them to help resolve identified issues (while respecting the parameters of the agreed settlement and supporting good value for money)*

strategy development - this includes:

- *providing ministers and Great British Railways with advice on passenger priorities to feed into five-year business plans*
- *holding Great British Railways to account through reporting to Secretary of State on how it is deploying its funding against passenger priorities*
- *inputting on strategy development where this impacts on the customer experience, and ensuring greater focus on multi-modal whole journey thinking.*

monitoring - which includes:

- *engaging passengers on their experience (adding value to work undertaken by Great British Railways and the Department for Transport)*
- *monitoring Great British Railways' performance in relation to passenger experience*
- *monitoring passenger complaint volumes and themes*

passenger watchdog - which includes:

- *investigating matters relating to rail passengers and station services generally to understand whether commitments to passengers have been met*
- *conduct investigations at the request of Secretary of State on receipt of a complaint or proactively*
- *work closely with Great British Railways to address problems or pass the matter to ORR where necessary with Transport Focus will retaining its ability to escalate issues to the Secretary of State or the relevant devolved authority for action where resolution cannot be reached*

Transport Focus currently has a duty to investigate matters relating to the provision of:

- *railway passenger services*
- *station services by licensed station operators*

Where appropriate, Transport Focus can make representations to the providers of these services, as well as prepare a report with its findings for the Secretary of State. Transport Focus also has a duty to keep matters affecting the public interest under review.

We propose to amend section 76 of the 1993 Railways Act to ensure the duty to investigate will apply to all matters that affect passenger experience and enable Transport Focus to make representations to the organisations that provide these services, including Great British Railways. We will amend wording across Transport Focus legislation, where required, to reflect the proposed new rail industry structure. The role and scope of London TravelWatch will not change.

Question 32. In your view will the proposed change to the railways act enable Transport Focus to effectively undertake the role of independent passenger champion in the new rail industry structure?

Yes ✓

No

Don't know



Improving accessibility

While significant progress has been made to improve accessibility across the rail network in recent years, there are still several areas where improvements are needed and the call for evidence submissions to the Williams Rail Review highlighted an 'urgent need' to improve accessibility. Further work is also needed to ensure that disabled people and those with additional needs have the reliable information they need to use rail services. There needs to be a consistent level of customer service and a simple, effective process for addressing failures on the network.

Our aim is to drive culture change in the rail industry and transform the passenger experience through a suite of reforms, including a new accessibility duty on Great British Railways.

The new duty looks to ensure that accessibility, the need for passengers to access the network as easily as possible, is not a 'nice to have' but is considered in everything that Great British Railways does. This duty would be in addition to the Public Sector Equality Duty (PSED) which will apply to Great British Railways.

Question 33. In your view how do we ensure that accessibility is integral to Great British Railways' decision making?

The desire to make rail travel accessible to all is a common thread running through community rail activity across Britain, and a top priority for our members, so we strongly support this consultation's recognition of 'the need for passengers to access the network as easily as possible,' and the proposal to enshrine this in legislation. A critical part of this is working to better meet the needs of people with disabilities and other specific mobility needs or vulnerabilities. However, we also highlight that in communities everywhere, many people with and without disabilities and protected characteristics, from all sorts of backgrounds, face a plethora of barriers (practical and perceptual) in accessing the railway.

These barriers are often most acutely experienced among disabled groups and those with other mobility issues, and so it is right to give these groups particular prominence in our thinking, but we should not side-line or underestimate wider accessibility issues, ranging from: railways being challenging to use for those with young children; low income groups perceiving or experiencing that rail is unaffordable for them; young people who have no experience using trains and are unsure how to do so; elderly people being worried about missing a tight connection between buses and trains, and unable to face a lengthy wait if they do; to women, girls and LGBTQ+ communities not feeling safe when using the rail network.

In our experience, the term 'accessibility' is often more narrowly interpreted to be about physical accessibility within stations, and this can limit thinking and obscure opportunity. In this consultation, this narrower view is reflected in the opening paragraph 4.9 of this section, but then in 4.11 a wider view of accessibility is given. We suggest that there is a



need for government to clarify that accessibility does encompass the wider range of needs involved in ‘[all] passengers [being able] to access the network as easily as possible,’ and that this goes far beyond physical station enhancements, *albeit with suitable priority given to better serving those with disabilities and other mobility needs.*

Addressing these issues is closely bound up with the need to engage and work collaboratively with local communities, in order to better understand local needs, barriers and concerns, and address them drawing on diverse lived experiences. We therefore point back to our answer to Q26: by also enshrining social value, and the need to engage and be responsive to communities, the duty towards accessibility will be strengthened and realised. Ongoing support for and partnership working with community rail, and other community and voluntary sector partners representing people with specific needs like disability groups, is clearly invaluable. We would stress again that this is not only to improve the physical accessibility of stations, important though this is. There is also a need for a “more inclusive culture,” as recognised in the Williams Shapps Plan for Rail and decision-making that considers not only making things better for existing passengers but better meeting the needs of non-passengers who might be enabled, through change, to use rail in future. This inherently involves dialogue and listening to diverse voices, drawing on work taking place and views being expressed at a grassroots level, and proactively reaching out and engaging those not using rail at present. Opening rail up to people who may feel marginalised from rail for wide-ranging reasons is often where there is greatest scope for benefitting communities, levelling up, and enabling sustainable mobility: we see in community rail how this can profoundly transform lives. In community rail, this not only involves traditional and physical accessibility improvements like step-free access, but also:

- rail confidence programmes, particularly for young people and groups at risk of being marginalised/excluded from rail;
- ‘try the train’ trips and sociable, supported journeys for families or groups with additional needs;
- guided walks, bikeability, travel planning and route improvements to enhance active travel access;
- working with community transport providers or setting up new inclusive bus connections, such as demand responsive electric mini buses;
- projects to make the railway more inclusive for those with hidden disabilities such as dementia or autism, including engaging these groups and gathering their input, rail staff training, as well as physical adjustments to stations;
- arts and creative projects that celebrate diversity and bring people together with the railway as a focal point, and make stations more visually welcoming and inclusive and encourage social interactions;
- inclusive volunteering opportunities promoting social confidence and skills.



By considering accessibility in this more holistic way, and recognising how it can be delivered in partnership with communities, GBR has the potential to open up and transform travel for a hugely diverse range of passengers, making rail a truly accessible travel option for all.

DPTAC's remit

We propose that the role of the Disabled Persons Transport Advisory Committee (DPTAC) is expanded in primary legislation to become a statutory advisor to Great British Railways.

Established by the Transport Act (1985), DPTAC is the statutory advisor to the government on matters relating to disability and transport.

By acting as a critical friend and policy advisor, DPTAC has ensured accessibility is prioritised in the Department for Transport.

We believe that DPTAC will have an equivalent, highly positive impact on Great British Railways.

Question 34. Do you support the proposal to expand DPTAC's remit to become a statutory advisor to Great British Railways as well as to the Secretary of State on matters relating to disability and transport?

Yes

No

Don't know

Promoting open data

The Plan for Rail committed to an "open by default" approach to data sharing, in order to:

- *better inform journeys*
- *improve transparency*
- *unlock new innovations*

We want to unlock the full potential of data, harnessing it to power the services of the future.

Among its priorities, Great British Railways will need to make strategic decisions in the interests of the public. These decisions will require further open data sharing across the industry and its partners, to effectively collaborate and ensure efficient delivery of rail services that meet passengers' and freight customers' needs.



To promote open data, we plan to extend to Great British Railways powers around information and data currently granted to the Secretary of State in section 145 of the Railways Act 1993.

While information obtained by Great British Railways will be subject to existing legislative requirements for confidentiality, Great British Railways will be enabled to make permitted information disclosures for the purpose of carrying out its functions and activities.

Question 35. In your view are further legal changes necessary to ensure data is open by default?

Yes

Unsure

No

Don't know

Question 36. What further changes would you propose?

We are not qualified to comment on the specific required legal changes, but are very supportive of the principle of data sharing across the rail industry being increased in order to deliver increased social benefit.

Question 37. What, if any, other barriers do you think need to be addressed to promote open data?

Not qualified to comment.

Luxembourg Rail Protocol

The UK signed the Luxembourg Rail Protocol ("the protocol") in 2016.

The protocol is an international treaty which aims to reduce the cost of finance for rolling stock and leasing companies by reducing the level of risk to creditors (for example private lenders or lessors) involved in these transactions.

Operators often face challenges in raising finance for large, high-value mobile assets such as rolling stock (locomotives, carriages, wagons, or other vehicles used on a railway) given this often involves cross-border transactions with creditors financing assets across different jurisdictions. This leads to uncertainty for creditors and can translate into higher financing costs or barriers to operators securing finance for rolling stock.

The protocol aims to address this by establishing:

- *a harmonised international legal framework for the creation and registration of international interests (similar to mortgages and leases) in rolling stock*
- *legal remedies for default or insolvency*

We are committed to unlocking the benefits of greater private sector financing of rolling stock to deliver new vehicles and upgrade existing fleet, secure inward investment and promote UK rail exports. To do so requires new legal powers in legislation which will enable the UK to implement and then ratify the terms of the protocol through secondary legislation in due course. We therefore propose to include new powers within the legislation to enable the UK to give effect to its obligations under the protocol via subsequent regulations.

Question 38. Do you support the proposal to include a power in primary legislation to enable the ratification of the Luxembourg Rail Protocol?

Yes ✓

No

Don't know

Impact assessments

The impact assessments for this consultation outline our current best understanding of the:

- *costs*
- *benefits*
- *risks*
- *disbenefits*

associated with the policy proposals from engagement with stakeholders and internal analysis of the policies. We are looking to further develop our understanding of the impact of these legislative proposals.

Question 39. Do you have evidence relating to the impacts and risks identified discussed within the impact assessments?

Yes ✓

No

Don't know



Question 40. What impacts, risks and why, including any evidence?

Choose file – We will provide a link to our [‘The Value of Community Rail’](#) report, bank of [case studies](#), and briefing on how community rail can support [Covid-19 recovery and building back better](#).

Comments: Our members strongly believe that social value should be given sufficient weighting/priority in the legislation, and we are pleased to see it referenced explicitly within the impact assessments. We have provided a link to our ‘Value of Community Rail’ report (cited earlier in our response to question 27), to illustrate how the community rail movement provides social value especially, alongside economic, and environmental, linked to a range of policy areas, helping communities get as much benefit as possible from their railways and stations, working productively with the wider rail industry.

Question 41. Are there, in your view, impacts or risks of the policies proposed which have not been covered by the impact assessments?

Yes

No

Final comments

Question 42. Any other comments?

Community Rail Network remains very keen to have a structured programme of dialogue with GBR TT and DfT as relevant on how the railways can become more community-focused and responsive to local needs, and integrated more fully with other public transport, shared, and active travel modes, and local development plans. We have a broad range of insights and recommendations, many outside the scope of this consultation, which we are keen to share and put to good use.