

**LETTERS FROM MEMBERS OF THE PUBLIC**

**1. SUMMARY OF ISSUES**

- 1.1. Three letters have been received from members of the public since the last meeting of the Committee, all of which relate to the receipt of penalty fare notices for not having a valid ticket or not having validated a pass when travelling on the tram system.

**2. RECOMMENDATION**

- 2.1. The views of the Committee are sought.

**3. INTRODUCTION**

- 3.1. The Committee has been informed at recent meetings of the Penalty Fare System that has been established by Tramlink Nottingham for anybody found to be travelling on the tram system without a valid ticket or without having validated their pass. Following an intensive and long running awareness campaign and a period when revenue inspectors issued only warning notices to passengers, penalty fare notices were first issued from 23<sup>rd</sup> June. The penalty fare is £50 and anybody issued with such a notice has the right to appeal under a three stage appeals process.
- 3.2. Generally, in recognition of the fact that the system is new and still bedding in, the operator will review any penalty fares that are appealed to ensure that, where passengers have demonstrated a reasonable explanation for not having had a valid ticket or pass, the penalty fare is waived, and, generally, anybody who has made a genuine mistake in the validation of a pass for which they have paid, will be issued a warning notice as a first offence. The operator also checks if ticket machine equipment and validation were operating correctly.
- 3.3. Since an independent appeals panel has been established to adjudicate on any appeals that reach the third stage of the process, it is not possible for this Committee to intervene in any individual appeal decisions. The Committee is however asked for its views on the specific complaints that have been made about the procedure in the letters received.

**4. CORRESPONDENT A (Appendix A)**

- 4.1. Correspondent A is a Kangaroo pass holder who was issued with a penalty fare notice on 23<sup>rd</sup> June for not having validated her card before boarding the tram. She appealed against the notice and, following rejection of the appeal at the first stage, she appealed again and was successful. Correspondent A raised a procedural concern that she was not issued

instructions on how to validate her card before boarding a tram and that she had not received a bespoke response to her written complaints regarding how she was treated.

- 4.2. Tramlink Nottingham has confirmed that Kangaroo season tickets are now all smart and are only valid for travel when validated prior to boarding a tram (or bus). It is of note that Tramlink are unable to communicate directly with Kangaroo card holders because they do not hold details of their names and addresses. This matter has been raised at the Kangaroo Operator's Group and the City Council, as scheme administrator, has clarified the matter on its website and in printed material, to ensure that card holders are made aware of the need to validate prior to boarding a bus or tram.

## **5. CORRESPONDENT B (Appendix B)**

- 5.1. Correspondent B is an irregular tram user who last used the tram two years ago, when she purchased a ticket from a conductor. She was recently issued with a penalty fare notice when revenue inspectors boarded the tram that she was using and she did not have a ticket. She claims that she was not aware that the system had changed. She has since been informed by a colleague that some customers who have been found to be travelling without tickets have been advised by revenue protection staff to get off the tram at the next stop, buy a ticket and continue their journey.
- 5.2. The correspondent, who has submitted two appeals, feels that the operator is not implementing a consistent policy and that she has not been treated fairly. Two letters of appeal have been submitted by the correspondent, both of which have been rejected.
- 5.3. Tramlink Nottingham have advised that Nottingham Trams (NTL) operate a number of revenue protection exercises aimed at both educating the public as well as checking tickets and issuing Penalty Fares. Passengers found to be without a ticket, who have yet to board a tram will be directed to the ticket machines and validators rather than be issued with a penalty fare. In addition, since the launch of penalty fares NTL have utilised spare drivers to provide on stop advice to passengers in a similar way to the ambassadors utilised in April and May. It is possible that either of these could be what Correspondent B's friend witnessed although without further details there is insufficient information to investigate further.

## **6. CORRESPONDENT C (Appendix C)**

- 6.1. Correspondent C states that, when he boarded a tram on 29<sup>th</sup> June, he was unaware that the new ticketing policy had been introduced and was hence expecting to buy a ticket from a conductor. He was therefore unable to produce a ticket when requested by a revenue inspector and was issued with a penalty fare notice. The correspondent's appeal against the issue of the notice, on the grounds of there being insufficient signage at the tramstop, has been rejected at the first stage, but he considers that his appeal has not been given full consideration because the letter issued by Nottingham Trams has standardised content and that individual cases are therefore not considered on their merit.
- 6.2. Tramlink has confirmed that a standardised letter is sent at the first stage of appeal because it would be impractical to send individual responses to each appellant and would run the risk of errors being made. It is however possible for an appeal to be successful at the first stage if the tram operator's records demonstrate that a customer was unable to buy or validate a ticket or pass because the ticket machine or validator wasn't working correctly at the time.

6.3. The signage at the tramstops and on the trams meets the requirements set out in the Nottingham Express Transit System Order 2009. In addition throughout the awareness campaign and since off tram ticketing was launched additional signage has been posted on tramstops (e.g. shelter flashes, information posters) and throughout trams as well as on the Passenger Information Displays, website and on social media. In order to further raise public awareness of the need to buy tickets or validate passes before boarding the tram a new campaign has been initiated to refresh the posters on and around the system.

**Contact Officer:**            **Andy Holdstock**

**Telephone Number:**    **0115 8764199**

**E-mail:**                      [andrew.holdstock@nottinghamcity.gov.uk](mailto:andrew.holdstock@nottinghamcity.gov.uk)



## APPENDIX A - Correspondent A

Dear Sirs,

I would like to complain about the way I was treated on and subsequently to 23<sup>rd</sup> June 2014.

I am very proud of our new tram system and want it to be the best. Unfortunately the service I have recently received from the staff at NET falls well below satisfactory, never mind the best.

I hold a Kangaroo pass because I principally travel to work by bus and train but I also might use the tram about 1 day a week. When the new *buy before you board* came in, I was given the impression by a member of the tram staff at the stop the first time I used my new card that I only needed to swipe once to use the tram all day. I didn't need to swipe a second time. In hindsight this may have been a misunderstanding due to the fact that Mango card holders need to swipe a second time (when they get off). Swiping once per day was my habit and no one ever explained anything different to me.

When I was challenged by the inspector for not scanning my new card, which was about a month and a half into the new system and possibly my 4<sup>th</sup> return journey, surely it would have been fair for him to explain the system and politely warn me (because I *had* paid!). Instead the inspector ordered me off the tram, lied to me, issued me with a £50 penalty ticket and made me wait for the next tram. He lied because he said that if I appealed, I would definitely be successful as I had a valid Kangaroo card. This treatment of an honest fare paying customer is unreasonable.

I was very upset but I went home and appealed the same day, expecting the penalty to be quashed. However I received a letter in the post, dated 9<sup>th</sup> July, stating that my appeal had been unsuccessful. I couldn't believe it! How dare NET treat anyone like this? I have not been well recently and this just made me much worse. I have been sick with worry and have had sleepless nights. I can't believe the wording you used were that I should pay within 2 weeks to avoid receiving a criminal record – how dare you speak to me like this?

To compound bad service onto bad service, I asked that my appeal letter also be treated as a complaint letter; however I **have received no response from that complaint.**

As you might have noticed from my address, I'm only 60 yards away from a tram stop on the new Chilwell line and have been so looking forward to being able to use the service to travel to work soon. Now I feel so upset that I may be put off trams forever. What if my card malfunctions for no fault of mine? Will you be fining me because my pass wouldn't scan properly and then making me sick with worry? Will I have to go through the hell of appealing many times and being threatened with a criminal record because your scanner didn't work? My partner got thrown off a tram because he only had a £20 note and the conductor was very rude and dismissive with him on that occasion also. **All these bad experiences of mine are making me dread using the tram in the future.**

**It is very important** that my second appeal letter and my first appeal/complaint letter be read as an integral part of this second complaint letter. These two other letters are attached.

In summary:

- I have a pre-paid annual pass and have never been given any instructions on how to swipe my card either through the post or otherwise.
- I stand to gain nothing by not swiping (unlike a Mango holder who could fare dodge)
- I was ordered off the tram by the inspector and lied to.
- I have not received a response to my first complaint letter.
- I have been very unjustly given a penalty fare (see second appeal letter)
- I have spent many, many hours writing appeals and complaints letters.
- I have become very upset and ill because of the stress of the situation.

The service I have received over the last few weeks is not befitting a world class tram service. Please re-assure me that this sort of thing will never happen again and that you intend to compensate me for all the hours I have spent preparing letters. I also expect to be compensated for the ill health that has predictably resulted from the stress caused by your extended poor service.

Kindly acknowledge, by return of post, that you have received this communication.

Yours Sincerely,

Dear Sirs,

Please treat this letter as an appeal and as a complaint.

Today I was ordered off the tram and handed a £50 penalty notice in spite of having paid nearly £500 for a Kangaroo card.

1. No clear instructions given about how to use the card

There were no instructions sent with the new card and when I asked a member of your tram staff at the Forest site how to use the new card I was simply told "to scan the card before I got on the tram" – my understanding was that this would validate my card for the day.

2. Poor customer service

I explained this to your inspector but he was not interested. It was very humiliating to be sent off the tram being fined £50 and being made to wait for the next tram.

My work colleagues (many of whom are tram users) were appalled at the way fare paying customers can be treated by tram staff.

Instead the inspector could simply have explained that the card needed to be scanned before every tram journey then allowed me to scan the card at the next stop and return to the tram.

As £50 penalty tickets can be incurred so easily I am wary about using the tram in the future.

I have been using the tram for many months before the advent of the new card and scanners and am not therefore in the habit of scanning my kangaroo card – I am worried that I may forget to scan the card or the scanner may not be working properly and incur further £50 fines.

I have written to the Nottingham Post and Beeston Express to warn other tram users of the hidden costs of traveling by tram and the unsympathetic view that the tram staff take towards its customers.

Yours faithfully



INDEPENDENT APPEAL PANEL  
NOTTINGHAM EXPRESS TRANSIT  
ARMSTRONG WAY  
WILKINSON STREET  
NOTTINGHAM  
NG7 7NW

Ref 982

14 July 2014

Dear Independent Person,

I would like to make a second appeal against the penalty fare issued to me for not being able to produce a "valid pass/ticket" for my journey.

I produced a valid Kangaroo season ticket when asked by the inspector but I had not scanned it because I did not realise that I had to do so. I was given the impression by a member of the tram staff at the stop the first time I used my new card that I only needed to swipe once to use the tram all day, I didn't need to swipe a second time. In hindsight this may have been a misunderstanding due to the fact that Mango card holders need to swipe a second time (when they get off).

The grounds on which I would like to appeal are that NET are unreasonable, unfair and technically incorrect for the following reasons:

1. I was not made aware that I had to scan the ticket before I boarded the tram for each journey.
  - a. I received a new 'swipe-able' card in the post when the new 'buy before you board' ticketing system was introduced but there were absolutely no instructions with the card. NET were unreasonable in assuming that it was obvious how to use the card and no instructions were needed.
  - b. It was contrary to common sense that I would need to swipe my card for each journey, when I had paid for a season ticket in advance. I was neither gaining a monetary advantage nor otherwise by not swiping my card. I understand why Mango card holders have to swipe because their fare is debited from their card but for a season ticket, it is not.
  - c. I believe that it was reasonable of NET to decide not to issue fines at first and to inform customers of the new rules for a short period, in order to check that regular travellers were properly informed of the new system. However what plan did they have in place for people like me who travel about once a week or less? I had no warning about the new rules being an occasional traveller on the tram and they did not have a plan in place to warn about the new rules and this is unreasonable.
  - d. When I was challenged by the inspector for not scanning my new card, which was about a month and a half into the new system and possibly my 4<sup>th</sup> return journey, surely it would have been fair for him to explain the system and politely warn me (because I had paid!). Instead the inspector ordered me off the tram, (he scanned my card at the stop and confirmed it was a valid card) then he lied to me, issued me with a £50 penalty ticket and made me wait for the next tram. He lied because he said that if I

appealed, I would definitely be successful as I had a valid card. This treatment of an honest fare paying customer is totally unreasonable.

2. NET need to be fair, I paid my fare! Media publicity clearly suggest that NET decided to 'clamp down' earlier than originally planned because of public complaints that passengers were 'deliberately' not paying in advance when they knew about the new rules. But NET should not have included those who simply failed to swipe a pre-paid season ticket.
  - a. At the tram stops there are lots of signs saying 'buy before you board' but this same level of warning is not aimed at season ticket holders because we have bought before we board, so we think these signs don't apply to us. There are no signs saying that (unlimited pre-paid) season ticket holders must also swipe or be penalised.
  - b. NET says on their website in answer to the question *what is a penalty fare:* "If you travel without a valid ticket, pass or smartcard you will be issued with a £50 Penalty Fare Notice." Again, there is no mention of valid pass holders (who fail to swipe) receiving a penalty fare. This is not fair. How can you obey the rules if you are not informed of them.
3. NET need to be technically right. I did produce a valid (Kangaroo) pass for the inspector. He scanned it when he accompanied me off the tram and agreed that it was a valid pass before issuing a penalty notice.
  - a. The letter that I received reminding me of the penalty fare stated the following reason for its issue "you were unable to produce a valid pass/ticket for your journey". It did not use the words valid ticket/validated pass as in later communications.
  - b. But I was able (and did) produce a valid pass (although I had not validated it). So as well as being totally unreasonable NET is technically incorrect and their sole grounds given have no foundation.

Yours Sincerely,

09 July 2014

~~NOT CORRECT~~  
I DID HAVE  
A VALID PASS

09 July 2014

On the 23 June 2014, you were found within a compulsory ticket area on the NET system and an request from an authorised person were unable to produce a valid pass for your journey. As a result of your failure you are liable to pay a penalty fare.

In accordance with article 63(1) of the Nottingham Express Transit System "Order" 2009, you have been issued with the above Penalty Fare Notice requiring payment of £50.

Payment must be made within 22 days from the day of notice this will bring the matter to a close. However, if we do not receive payment, this could result in legal action being taken against you and may affect your credit rating.

Payment of your penalty fare may be made by sending a cheque or postal order to Nottingham Trams Limited, Penalty Fares Administration, at the address below. Alternatively, you can pay by debit or credit card by phoning our Travel Centre on:

0115-942 7777 between 08:00 and 17:30 hours, Monday to Saturday.

Should you consider the Penalty Fare Notice was incorrectly issued you may appeal in writing. Details of how to make an appeal can be found at [www.thetram.net](http://www.thetram.net).

Yours sincerely,

Penalty Fare Administration.

Nottingham Express Transit  
Armstrong Way, Wilkinson Street,  
Nottingham, NG7 7NW

T 0115 942 7777  
E [info@thetram.net](mailto:info@thetram.net)

Nottingham Express Transit  
is operated and maintained by  
**Nottingham Trams**



PENALTY FARE REFERENCE: 982

CORRECT

I write in response to your letter of appeal against the penalty fare notice issued to you.

Your appeal has been unsuccessful due to failure to produce a valid ticket/validate pass for your intended journey to the NET authorised person when requested as per our Conditions of Carriage.

Full payment is now due within the next 14 days to avoid prosecution of up to £1,000 and a criminal record.

Acceptable methods of payment are by

- Contacting the NET Travel Centre on 0115 942 7777 using a debit or credit card between 08:00-17:30, Monday to Saturday.
- In person at our NET Travel Centre using cash, credit or debit card.
- By post, sending in a postal order or cheque made payable to Nottingham Trams Limited.

When making payment please quote your Penalty Fare reference number.

Should you decide to make a second appeal this must be received in writing within 14 days of the date of this letter and sent to Nottingham Trams Limited at the address below.

Yours Sincerely,

Penalty Fares Administration.

Nottingham Express Transit  
Armstrong Way, Wilkinson Street,  
Nottingham, NG7 7NW

T 0115 942 7777  
E [info@thetram.net](mailto:info@thetram.net)

Nottingham Express Transit  
is operated and maintained by  
**Nottingham Trams**





## APPENDIX B - Correspondent B

The Greater Nottingham Light Rapid  
Transit Advisory Committee  
C/O NET Project Office  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

Dear Sirs

PENALY FARE

I am attaching self explanatory correspondence relating to a penalty fare I was given.

I would never normally pursue this matter but I feel so strongly that I am not being treated fairly and Nottingham Trams are not treating customers consistently.

I work for [REDACTED] We take very seriously the Council's policy to treat customers fairly, unlike Tram Net.

I would appreciate your comments.

Yours sincerely

Penalty Fare Administration  
Nottingham Trams Limited  
Armstrong Way  
Wilkinson Street  
Nottingham NG7 7NW

9<sup>TH</sup> July 2014

Dear Sirs

PENALTY FARE REFERENC:313-300614-1249-1

I was extremely disappointed to receive your response to my appeal and am making a second appeal.

My appeal was unsuccessful as I had failed to produce a valid ticket. Clearly this was never in dispute. As I explained in my original letter, a copy of which is attached, I am not a tram user and did not know the system had changed.

The operator who humiliated me and took me off the tram knew I was new to the system and had money in my hand to pay. She wrote this on the ticket I was given and advised me to appeal. Why would she do this when your standard response is a rejection and threat of prosecution and a criminal record? She had to give me a ticket apparently it was more than her job was worth.

I was informed by a colleague today who is a regular tram user that she has seen this happen regularly since the change of system but has never seen anybody be given a ticket before. In fact she was on the 11 am tram on Saturday 2 July from Hucknall to Nottingham and the same thing happened. This customer was advised to get off the tram at the next stop buy a ticket and then get on the next tram.

I would like to officially complain that I am not being treated fairly and your operators are not treating customers consistently and I would like an explanation please.

I look forward to hearing from you.

Yours sincerely

07 July 2014

PENALTY FARE REFERENCE: 313-300614-1249-1

Dear Sirs

**PENALTY FARE NOTICE 001361**

I wish to appeal against the above notice I was given today.

I have only used the tram once before over 2 years ago and paid for my ticket at that time onboard.

Today I took my car to a garage in Basford with the intention of getting a taxi into work at the Council House where I work as a manager for the City Council Registration Service. The gentleman at the garage suggested I used the tram so I took his advice and did so. A tram arrived just as I got to the stop and I got on having no idea the system had changed. As you can see from my address I do not live on the tram route.

The lady attendant came to me and asked to see my ticket. I had my money ready and asked to purchase one. I was informed this was no longer possible and I was committing an offence getting on the tram without a ticket.

I was taken off the tram and issued with this notice as no discretion could be shown apparently, although it was clear I had made a genuine mistake and had no intention of not paying for a ticket. I am appalled that I was humiliated this way and would appreciate you deal with my appeal sympathetically. I work with local service users and would never dream of treating anybody who had obviously made a genuine mistake so disrespectfully and harshly.

Yours sincerely

I write in response to your letter of appeal against the penalty fare notice issued to you.

Your appeal has been unsuccessful due to failure to produce a valid ticket/validated pass for your intended journey to the NET authorised person when requested as per our Conditions of Carriage.

Full payment is now due within the next 14 days to avoid prosecution of up to £1,000 and a criminal record.

Acceptable methods of payment are by

- Contacting the NET Travel Centre on 0115 942 7777 using a debit or credit card between 08:00-17:30, Monday to Saturday.
- In person at our NET Travel Centre using cash, credit or debit card.
- By post, sending in a postal order or cheque made payable to Nottingham Trams Limited.

When making payment please quote your Penalty Fare reference number.

Should you decide to make a second appeal this must be received in writing within 14 days of the date of this letter and sent to Nottingham Trams Limited at the address below.

Yours Sincerely,

Penalty Fares Administration.

Nottingham Express Transit  
Armstrong Way, Wilkinson Street,  
Nottingham, NG7 7NW

T 0115 942 7777  
E info@netram.net

Nottingham Express Transit  
is operated and maintained by  
**Nottingham Trams**



**APPENDIX C - Correspondent C**

**Dear Sir / Madam**

**I would be grateful if you would look at the 2 appeals enclosed and comment on the second appeals notes about not reviewing individual cases. I hope I have sent it to the correct people if not please could you forward to the correct department I look forward to hearing your comments**

**Yours truly,**

**Ref No 313-010714-1004-53**

**Dear Sir / Madam**

**I wish to make a second appeal against the penalty fare given on 29/06/2014.**

**The reason for appeal is that I received a reply from the first appeal, which appeared to be just a stock reply. I have contacted other people who have appealed against this penalty and they all received exactly the same letter with their names on top. My conclusion is that all appeals are rejected with out anybody looking at individual cases on merit. If they were looked at individually then surely an individual response would have been provided.**

**I enclose a copy of the first appeal just in case you have not got it anymore.**

**I look forward to getting a personal response outlining the reasoning for the decision whichever way it goes**

**Yours truly**



Appeal against £50 penalty fare

Dear Sir / Madame

I wish to appeal against the penalty fare issued on the 29/06/2014 at 9.30am at Davids Lane tram stop.

Details of events and reasons below

Events

My wife's sister asked us if we could help in supervising a pack of cubs, of which she is leader, on a guided tour of the council house and caves. We agreed and because we were meeting at the council house we decided to take the tram. We had not used the tram for about 6 months prior to this. We arrived at the tram stop and parked the car. As we got out of the car the tram was just pulling into the stop so we rushed over the tram lines and got on the end carriage not even going onto the tram stop platform. We were approached by what we thought was a conductor and I offered money to buy a ticket as I had done in the past. We were then informed that we should have bought a ticket before boarding. I explained that I had been a while since I had been on a tram and did not know of the rule change. I offered to buy my ticket at the end of the journey or even at the next stop. I was told that this was not possible. We were the escorted of the tram at the next stop and issued with the ticket (Ref above)

Reasons

Because the tram was already at the stop and there is no sign before you cross the track there was no way we could have know of this rule change and even if we had gone on the beginning of the stop the only sign is a small one at the top of the shelter so would have only noticed it if we had look up.

I actually tried to buy a tram ticket so I was not trying to avoid paying and even offered to buy a ticket at the next stop but this was declined. We were the escorted of the tram at the next stop anyway. Being taken off the tram made us both feel like criminals and not just people who had made a genuine mistake.

I hope that NET will have the common sense and decency to uphold this appeal

Yours truly