

LETTERS FROM MEMBER OF THE PUBLIC**1. SUMMARY OF ISSUES**

- 1.1. Four members of the public have written to the Advisory Committee since the last meeting. Two of these have made comments about the lack of seats available when boarding the tram at Hucknall, one is a complaint about being sold a 30-day tram pass in December, when there were only 29 operating days, and one makes comments about the proposed changes to the NET byelaws.

2. RECOMMENDATION

- 2.1. The views of the Committee are sought.

3. LETTERS 1 AND 2

- 3.1. Letters 1 and 2, copies of which can be found at Appendix A, raise similar issues relating to the number of seats available on the trams and the frequent requirement for passengers to stand. Correspondent 1 regularly uses the tram from Hucknall in the morning peak and would like to know why additional trams cannot be put on at this time. Correspondent 2 compares the amount of seating on trams to that on buses.
- 3.2. In response to these letters, Tramlink Nottingham has commented that the total fleet currently comprises fifteen trams and that the timetable operated during peak times requires thirteen of these to be in operation. This enables a service of six trams per hour on both the Phoenix Park and Hucknall routes and also allows for a vehicle to be under maintenance and a further vehicle to be available in the event of an incident that requires a tram to be withdrawn. Over the Christmas period, it was possible for additional services to be operated in the evenings because there are more spare trams available during off-peak times, when there is normally a 4 trams per hour service on each line.
- 3.3. Looking forward, with the introduction of the new trams for NET Phase Two in the summer of 2014, the frequency of services will increase to eight trams per hour on both the Phoenix Park and Hucknall routes, resulting in trams every 7 ½ minutes north of Highbury Vale and every 4 minutes on the main corridor. The availability of seats should therefore increase from this time.

4. LETTER 3

- 4.1. Correspondent 3 originally contacted the tram operator, Nottingham Trams Limited (NTL), by telephone about the fact that they were sold a 30-day tram pass for December but were only able to travel on 29 of these, because there is no service operated on Christmas Day. The correspondent was unhappy with the response that they received. In their letter to the Advisory Committee, a copy of which appears at Appendix B, the correspondent complains that the pass contravenes the Sale of Goods Act 1974 and is not fit for purpose and therefore requests reimbursement of the additional tram day that she has paid for.
- 4.2. In response to this letter, Tramlink accepts that the wording of the ticket could be confusing and has decided that, as a gesture of goodwill, a complementary 7-day ticket will be sent to

this customer. In the future, to avoid such confusion, the words "30 tram days" on Paypoint tickets will be replaced by just the number of "days".

5. LETTER 4

5.1. Correspondent 4 has written with regard to the review of the NET byelaws that is currently being undertaken by Tramlink Nottingham. He has requested that the Committee takes account of the issues listed in his email, a copy of which appears at Appendix C. The proposed replacement byelaws are currently being advertised to the public and can be inspected and downloaded from the NET website (www.thetram.net) ; copies are also available at the offices of Nottingham City Council, Loxley House, Station Street, Nottingham and Tramlink Nottingham Limited, St. Jame's Place House, 7, Castle Quay, Castle Boulevard, Nottingham.

5.2. The responses of Tramlink Nottingham to each of the points raised by the correspondent are as follows:

1) *Inclusion of the conduct and actions of the employees in both specific and general terms.*

Response: Employees ("Authorised Persons") are required to act reasonably in applying the Byelaws and Conditions of Carriage, although of necessity this cannot be defined as there are occasions when the reasonableness of a course of action is determined by events (e.g. a safety incident) - it is therefore not appropriate to try to provide specific courses of actions to cover all eventualities.

2) *The tram operator to be held responsible for certain actions (as an example limiting him to the amount and extent of advertising).*

Response: This is a contractual matter between the Concessionaire and the City Council - it is not a byelaw or condition of carriage issue.

3) *All penalties/fines to be related back to national standards/laws rather than be individually determined.*

Response: This is already the case - byelaw offences are subject, on prosecution, to a penalty not exceeding level 3 on the standard scale as determined by the courts.

4) *To reflect the ability of individuals to undertake certain actions which have no effect on the operator or other members of the public (e.g. on-line gambling via smart phones).*

Response: Byelaw 8(1) should preclude this although it would only become an issue if it became obvious to an authorised person that an unauthorised activity was taking place. This is a matter that should ultimately be determined by the courts as it is entirely conceivable that individuals on the same tram could be gambling against one another in an unacceptable manner.

5) *To ensure that all fines/penalties are received by the City Council not the operator to ensure that there is no incentive for the operator to "chase" fines aggressively.*

Response: The Byelaws and Conditions of Carriage are made by the Concessionaire and administered by the operator, any fines levied by the courts will be payable to the Concessionaire as determined by the courts.

6) *To ensure that there is a formal route to the City Council in the event of inappropriate action or inaction by the operator or his employees.*

Response: This already exists in the GNLRT Advisory Committee which was established under the Nottingham Express Transit System Order 2004. It is also a contractual matter under the NET Concession Agreement between the City Council and the Concessionaire.

- 7) *To ensure that a copy of the bye-laws are readily available, together with the conditions of carriage, to passengers and/or those who do not have access to the internet (e.g. disabled persons).*

Response: Hard copies are available on application to NET by phone, in writing or email. Hard copies will also be available at the NET Travel Centre when this opens in the summer.

- 8) *Ensure that the operator ensures all aspects of the tram are kept clean and serviceable.*

Response: This is a matter of contract between the City Council and the Concessionaire.

- 9) *Have transferred to the conditions of carriage those aspects which are more properly part of the contract between the operator and the passenger (e.g. resale of tickets).*

Response: The Conditions of Carriage have been re-written to act as a more informative user guide as well as formal "rules" for using the system. It is considered that the balance between the byelaws and Conditions is appropriate and the Department for Transport has been consulted on both of these documents.

- 10) *Have a better definition of what as a bicycle is acceptable to be carried.*

Response: The byelaws (18(4)(a)) and conditions of carriage (s12) permit folded bicycles to be taken onto the tram. We will consider this definition further if appropriate in response to formal comments received as part of the public consultation.

- 11) *Some of the existing byelaws (2003) relating to the tram appear to contravene the following Governmental guidance and as such they should be changed when the byelaws are reviewed: "that the nuisance they address merits criminal sanctions and that, to a reasonable person, the penalty available is proportionate".*

Response: The byelaws (and conditions of carriage) have been reviewed by and amended to reflect the views of the Department for Transport. We are of the opinion that the byelaws are appropriate for the regulation of behaviour on and about the NET system.

Contact Officer: Andy Holdstock

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LETTER 1

LETTER 1

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

11 December 2012

Dear Sirs

I am writing to make a formal complaint about NET trams. I live in Hucknall and work in the city centre, and have been getting a tram into work for around 18 months. I pay £42 per month for this pleasure.

It is becoming increasingly frustrating to find that when I get on the tram at 7.45am, 7.55am, 8.05am and 8.15am I am unable to get a seat because of the sheer volume of people catching the tram at these times. This has a knock on effect, and by the time the tram reaches The Forest, it is simply heaving with passengers.

One way, and perhaps the only way, to resolve this problem would be to add additional trams in the morning. The trams are ill equipped to deal with as many people standing as there and this is due to the fact that tram conductors need room to move up and down the carriage to inspect tickets. Further, I have witnessed trams refusing to let people on in the morning as the tram is at its capacity of passengers.

I therefore find it somewhat disappointing to see advertised extra trams on Wednesdays and Fridays 'to cope with the Christmas rush', when quite frankly there is a greater need to put on extra trams in the morning to cope with what I can only describe as the 'morning rush'.

I hope that you will take my complaint into consideration as somebody that uses the tram twice a week, 5 days a week. I look forward to hearing from you with an acknowledgement of my complaint in the near future and the outcome of your investigations in due course.

LETTER 2

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GNLRTAC
C10 Net Project
Loxley House
Station Street
Nottingham
NG2 3NG

Tuesday 11th December

Dear Sir

I am writing to you regarding the subject of the seating on your trams. I always use the trams and I try to get a seat but I always have to stand up all the time. The buses have more seats than trams. Other people are complaining about standing up and not having a seat.

In addition I am very annoyed that the fares for the buses and the bus Cards are very expensive. Other people are complaining about it also. I would appreciate it if you could tell me why the fares are so expensive and why there aren't enough seats on the trams.

Yours faithfully

LETTER 3

NET Advisory Committee
NET Project Office
Loxley House
Station Street
Nottingham
NG2 3NG

21 January 2013

Dear Sirs

30 Day Tram Pass

I wish to complain about the titular service and was given your address by your marketing manager Florian Le-loroux (FLL) to whom I have already spoken.

I bought the pass for £42 (copy attached) and you will note it states that it covers 30 **TRAM DAYS**. However, the period covered by my pass is not 30 days as the tram service does not run on Christmas Day and, in fact, that is the only day it does not run all year. Therefore, it strikes me that this particular pass (which includes Christmas Day) contravenes the Sale of Goods Act 1974 because it is "not fit for the purpose." It is not a 30 Day Tram Pass; it is actually a 29 Day Tram Pass.

When I spoke to FLL about the matter, his answer was that I "got it cheap anyway" but I think that is rather missing the point and does nothing for your credibility and reputation! The fact is, I didn't get what was advertised and what I entered into an agreement to buy and you didn't fulfil your side of the bargain.

Therefore, I should appreciate your reimbursement to me of 1 tram day and I believe you should pre-program your machines to exclude Christmas Day in future so that you do not short-change anyone else who buys a 30 Day Tram Pass over the Christmas period (including me).

LETTER 4

From: Sent: 24 February 2013 11:01
To: Andrew Holdstock
Subject: RE: Greater Nottingham Rapid Transit Advisory committee Byelaws

I understand that the operator and the committee are in the process of undertaking a review of the current bye-laws as they relate to the existing and future operation of the tram

I would request the committee take into account the need for the following:-

The bye-laws should:

- 1) also include the conduct and actions of the employees in both specific and general terms
- 2) also hold the operator responsible for certain actions (as an example limiting him to the amount and extent of advertising)
- 3) have all penalties/fines related back to national standards/laws rather than be individually determined
- 4) reflect the ability of individuals to undertake certain actions which have no effect on the operator or other members of the public (e.g. online gambling via smart phones)
- 5) ensure that all fines/penalties are received by the City council not the operator to ensure that there is no incentive for the operator to "chase" fines aggressively
- 6) ensure that there is a formal route to the City council in the event of inappropriate action or inaction by the operator or his employees
- 7) ensure that a copy of the bye-laws are readily available, together with the conditions of carriage, to passengers and/or those who do not have access to the internet (e.g. disabled persons)
- 8) Ensure that the operator ensures all aspects of the tram are kept clean and serviceable
- 9) Have transferred to the conditions of carriage those aspects which are more properly part of the contract between the operator and the passenger(e.g resale of tickets)
- 10) Have a better definition of what as a bicycle is acceptable to be carried

Please be assured that I am not trying to detract from the tram and its advantages; only trying to ensure that an individual has an equal opportunity in using or interfacing with a large organisation

Further to my earlier email (attached) I feel that some of the existing byelaws (2003) relating to the tram appear to contravene the following Governmental guidance and as such they should be changed when the byelaws are reviewed

"that the nuisance they address merits criminal sanctions and that, to a reasonable person, the penalty available is proportionate"

I look forward to the committee's review in the near future