



HOUSE OF COMMONS

LONDON SW1A 0AA

Mr Stewart Drew
Director and CEO
De La Warr Pavilion
Marina
Bexhill on Sea
TN40 1DP

Our Ref: HM/FM/59337

22 November 2016

Dear Stewart,

Southern Rail Dispute

Thank you and the co-signatories of your letter dated 31 October regarding the continued industrial action on Southern Rail and the impact this is causing to your businesses and organisations, and those you represent, based in the Bexhill and Battle constituency.

I agree with you that this matter is deeply frustrating and damaging to the constituency. I have commuted from East Sussex to London over the last ten years via Southern Rail so I have experienced the deterioration in service which you detail in your letter. Transport is a key issue for us locally and it was for this reason that I joined the Transport Select Committee. Sadly, much of my time as an MP, on this committee and in the constituency, has been spent pressing for action on our already poor network. We should be discussing the opportunities which High Speed Rail would bring if extended to Bexhill.

I therefore share your frustrations over the damage which this industrial action continues to cause to constituents, organisations and our local economy. Within the community, there is a concern that constituents will reconsider their ability to work or study if this pursuit relies on Southern Rail to get them home. Viewed from further afield, this poor service makes it harder to attract a labour and tourism market from London, and its surrounds, to regenerate our local economy.

With this issue being of such importance, I would like to set out the background to the poor performance, the rationale for the industrial action and the work which has been undertaken in Parliament and Government to see performance improve and the industrial action end.

Background

Over decades, successive Governments have failed to invest adequately in the rail network. Since privatisation in the 1990s, passenger numbers have doubled (making rail in the UK the fastest growing rail network in Europe). To meet this extra capacity, the Government has committed to spending almost £40bn on rail capital investment projects such as the redevelopment of London Bridge station and Thameslink. As a result of these factors, we have substantial redevelopment work, on already aged infrastructure, which is being carried out to improve the network at a time when passenger numbers are at their highest. This has undoubtedly had an impact on the performance of Southern.

It seems clear to me that the management at Southern failed to appreciate just how difficult this franchise would be to operate. It also appears clear to me that Network Rail failed to properly assess the impact of the redevelopment of London Bridge on Southern Rail services. It was estimated that 10,000 train hours would be lost in a year. In fact, the same amount has been lost each week. However, in the period between December 2015 and March 2016, passenger performance moved up markedly suggesting that Southern and Network Rail were making progress. It was at this time that the RMT Union balloted for industrial action and we have been left with the impact ever since.

Industrial Action

This dispute has occurred because new rolling stock is being incorporated on a large part of the Southern network which allows the driver to open and close the train doors. These Driver-Operated Only ('DOO') trains free the conductor up to spend more time with customers. This has to be better for customer service and security. This technology is not new. It has been in operation for decades and counts for 40% of all train services. I have supported the RMT Union, who represent conductors, in its desire to see a second crew member on trains but I support Southern in its desire that, should the second crew member not be available for exceptional circumstances, the DOO train runs with just the driver on board rather than being cancelled. With 23% of all UK passengers travelling on Southern, one cancellation can bring the entire network down.

The RMT Union have been given guarantees on jobs and pay which last for as long as Southern's franchise runs. Not many constituents have been given the same job security and their jobs will have evolved greatly over time. Despite the RMT Union claiming that this technology is not safe, their members are not on strike where it is in operation and has been for many years without incident. Whilst I am pleased that the RMT Union members have now accepted the new jobs, and the new technology is being rolled in, I have concerns that the drivers' union, ASLEF, will decide that their members will not drive the train. Should this occur, the dispute will continue. The lack of logic on why both unions are calling for strike action would appear to



demonstrate that the unions are attempting to exert power to prevent technology bringing changes for the better.

Action Taken

Being a member of the Transport Select Committee has given me the opportunity to evidence your frustration to Southern and Network Rail management, Union leaders and Government Ministers at the Department of Transport. I have also met with, and lobbied, these same individuals directly or in conjunction with Amber Rudd as my constituency neighbour. My website includes my questioning and communications but I will summarise below the action which I have demanded (either in committee, via correspondence or in personal meetings):

- that Southern engage in talks with the Unions, and give guarantees over jobs and pay, to give this dispute every opportunity to be ended. Southern have done this;
- that Southern ends its emergency timetable which had cut services by 15%. Whilst this has now ended, I have challenged Southern to better plan to avoid cancellations or to give more notice of cancellations. This remains a challenge;
- that Southern prioritises a better service on the south coast on the basis that (a) this service is full to capacity even on a good day and (b) our local service sees all of the downside of industrial action but will get none of the upside from modernised new rolling stock (of the type which has caused the industrial action). These arguments were successfully deployed by Amber and I to secure a rail replacement bus service on strike days;
- that the Unions recognise that (a) safety is a matter for the Regulator to opine over and (b) it is safer for a DOO train to run rather than risk overcrowding from cancelling a train due to a second member of staff not being available for 'exceptional circumstances'. The Unions do not agree but there is a lack of evidence to back up their assertions;
- that the Regulator, notwithstanding it has signed off on the DOO technology as being safe and is in use across the network, does more than audit the matter and provides a full independent report to ensure that the independent body has opined fully that the technology is indeed safe on the Southern network. The Regulator last week publicly promised to consider my request and I have followed this up with the Secretary of State;



- that the Department for Transport, and Southern, publish data evidencing that all breaches of performance are solely due to industrial action/Network Rail impact or whether Southern is in breach of its franchise agreement without justification. The Department has now published simplified performance data, will do so at regular intervals, and will report back to the Transport Select Committee, on whether Southern is in breach, this month;
- that the Transport Select Committee, as well as continuing to question and issue reports on the matter, rides with both Southern Management and Unions on a DOO train and non-DOO train to assess safety concerns and mitigation. I am arranging this myself and will be taking part;
- that the Government ensures that a better 'delay and repay' system is granted to passengers. The Government last month brought in repayment for a delay of 15 minutes (down from the previous 30 minute barrier);
- that the Government, via the Secretary of State and Rail Minister, considers all that it can do to intervene. Where it believes its intervention would turn this in to a political dispute, the Government should assess other forms of compensation to Southern passengers (perhaps by fare freezes or discounted ticketing), further Government spending in areas such as ours which have been badly impacted and new legislation which would stop strikes on the grounds of 'safety' where a regulator has already opined that the service is safe. I hope to hear more on this shortly; and
- that the Chief Executive of Network Rail, the Secretary of State for Transport and the Chancellor provide the funds and infrastructure to allow High Speed 1 trains to connect between Ashford and Bexhill.

Whilst I continue to lobby for Southern's services to improve and the industrial action to end, the push for High Speed 1 remains a key deliverable. Amber and I have evidenced the challenges with Southern as being another justification for HS1 extension. Technology, whilst at the heart of this dispute, now allows bi-model trains to run on both electric and non-electric track. This is being used on Great Western, and was one of the reasons why the electrification of that track was delivered only in part. The franchise for South Eastern will be awarded in 2017. Our push for HS1 is delivered by the HS1 Reference Group, which Amber chairs, and, in addition to my participation, includes local civic leaders, officials, rail user groups and and business networks. We are currently awaiting a decision on inclusion of HS1 in to Network Rail's Kent Route Study and the tender offer documents for train operators who wish to bid for the Southeastern network. The existing franchise operator, Southeastern, is supportive of bidding for a franchise



which would include a new HS1 extension (which would therefore replace Southern).

I am deeply sorry for the impact suffered by constituents due to the poor performance on Southern. I am focussed not only on an end to this debacle but in attempting to deliver a better replacement rail service to our constituency in the longer term.

Yours sincerely,

Huw Merriman MP
Member of Parliament for Bexhill and Battle

Copies to Co-Signatories:

Graham Peters DL
Vice Chairman South East LEP; Chairman Team East Sussex

Rupert Clubb
Chair Culture East Sussex; Director of Communities, Economy and Transport
East Sussex County Council

Paul Barnett
Chair Hastings and Rother Cultural Leaders Network; Director Culture
Change Company

Paul Hobson
Chair Contemporary Visual Arts Network, South East; Director Modern Art
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Christina Ewbank
on behalf of The Alliance of Chambers in East Sussex (ACES)