

WATCHDOGS - The example of LTUC and the British system of institutionalised representation

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Introduction

In conventional market economics, the consumer rules. Failure by the supplier to satisfy his or her needs will result in a transfer of patronage to a competing source, and the consequent loss of business will send clear signals to the failing company that it must improve the quality and range of its goods and services or face oblivion. Consumers assert their preferences by voting with their feet, and when they are dissatisfied they have the freedom to “exit” – i.e. simply to stop using the unsatisfactory source.

But in most sophisticated economies, public transport has long since ceased (for perfectly good reasons) to operate in a completely free market. In some countries it is provided by a state monopoly, generally owned by the national government in the case of railways and by municipalities in the case of metro, tram and bus services. In others, whilst the actual operation of the services may be in private sector hands, the pattern of service is closely regulated and often highly subsidised, with little or no on-route competition. So the passengers have no choice of supplier, and short of abandoning public transport altogether in favour of other modes of travel (which would usually be contrary to current public policy goals), they must simply accept what they are given.

This crude take-it-or-leave-it approach is hardly consistent with an inclusive and participatory approach to policy making. Citizens of a democratic society expect their rulers to serve them, and to be responsive to their needs. Where “exit” is not a viable option, some other mechanism is needed to mediate between supplier and consumer. This is the alternative approach for which Professor Hirschman at Princeton University coined the term “voice” (¹).

Of course, it is possible to leave all decision-making to the relevant political authorities. But such authorities usually have a wide range of responsibilities, of which public transport is but one. Transport issues must then compete with education, health, housing, policing and other political concerns for their place on the agenda. Broad strategies and funding priorities will quite properly be set by elected representatives, but it is impracticable and an inappropriate use of their time for politicians to involve themselves with the minutiae of service planning and delivery which impact directly on the well-being of the passengers. How, then, can the users’ voice be heard?

One approach, which has operated in Britain for half a century, is to establish official consumer representative bodies with a remit enshrined in law. Such bodies exist for all of the major utilities or regulated industries: post, telecommunications, gas, electricity, water, airlines, airports, railways and (some) buses. In London and its commuter hinterland, the equivalent body in the passenger transport sector is now known as the London Transport Users Committee (LTUC) – which is an associate member, incidentally, of the International Union of Public Transport.

1 The tasks of the LTUC

The Committee has four principal spheres of activity: consultation, monitoring, investigation, and representation.

Consultation involves it in a continuous dialogue with the bodies which plan and operate the services. They are formally required to seek its views before making any major changes to routes, times or fares. Railway lines and stations cannot be permanently closed without the relevant regulator’s agreement, and this cannot be given until he or she has received and considered a report from the Committee, taking account of any representations made to it by those affected. But in practice, consultation extends over the entire range of issues which affect the users.

So the Committee is also routinely involved in discussions about, for example, ticketing systems, passenger information, vehicle design, station facilities, safety (i.e. from accidents), security (i.e. from crime), and the particular transport needs of young travellers, or women, or people with disabilities. It does not wait passively to be asked for its views, but asserts them proactively in regular meetings with the decision-makers in the industry. And it has a research programme leading to widely-circulated reports on issues of current concern: recent topics have ranged from the views of disabled rail users to the principles of good complaint-handling practice, and from the intelligibility of timetables to the quality of toilets at transport interchanges.

Monitoring means that the Committee keeps a close watch on the quality of service provided. This includes both “hard” measures of reliability and “soft” measures of user satisfaction, e.g. with cleanliness, information and staff helpfulness. With 24 train companies, ten Underground lines, two light rail systems and more than 700 bus routes to scrutinise, this is no small task. Where trends are favourable, the Committee is always ready to give recognition to those who deserve it. But when services deteriorate, the Committee is vigilant in seeking explanations and remedial action.

Investigation is required when users are dissatisfied with any aspect of the service received (or, quite possibly, not received), and when in the complainant’s view the operator’s initial response has been inadequate. In these circumstances, the Committee is the appellate body to which the aggrieved user can turn. It handles some thousands of such cases each year, and if it believes that a complaint has merit, it will seek a fuller explanation, a more fulsome apology, a more convincing assurance of future improvements, and (where appropriate) more generous compensation. But it is not only concerned to obtain more helpful responses from operators to complainants. The Committee also requires to be satisfied that the root cause of the problem which gave rise to the appeal is being seriously tackled.

Representation is provided by the Committee in the wider arena of public debate. Because it is the recognised voice of public transport users, its views on any issues which may affect them are sought as a matter of course by national and local government and other public agencies. So it is regularly commenting on proposed changes to laws and regulations affecting transport and consumers, on land use planning and traffic management policies, and on matters of safety (for example, it is always represented at public inquiries into serious accidents). It gives evidence to parliamentary investigations, and is represented on a variety of official advisory bodies. It is becoming increasingly involved with the European Union’s agenda, as this extends into the spheres of transport policy and consumer protection.

2 Structure and Operation of LTUC

The Committee has 25 members, who are recruited by public advertisement and serve as volunteers. They are expected to devote two or three days per month to their role, and they receive payment of £4000 [approximately €6000] per year. The Committee meets in full session twice a year, but its members are also required to attend numerous sub-committees, working parties, public consultation events, site inspections and the like. The Chair of the Committee spends three or four days a week on its work, and receives commensurately greater remuneration.

Members of the Committee are appointed by the London Assembly, the elected body which scrutinises the work of the Mayor and approves his budget. The Assembly also funds the Committee. Members normally serve for an initial two-year term, but are reappointed if they make an effective contribution to its work. When making appointments, the Assembly must follow guidelines to guarantee the probity of its decisions and ensure that there is a proper balance by age, gender, ethnicity, physical ability or disability, and place of work and/or residence. All members must be regular users of London’s passenger transport systems.

The Committee is assisted by a professional secretariat which now numbers 22 staff (full-time equivalent). They are divided roughly equally between caseworkers, policy and research officers, and administrative support workers. As in any public body, ultimate power of decision-making rests with the members, but much of the detailed day-to-day work is delegated to the professional officers who provide them with advice and implement their decisions in accordance with the policy guidelines they have determined.

Obviously, it is impossible for a body composed of part-time volunteers to be intimately familiar with every facet of a transport network catering for around eight million passenger journeys every day (though the transport operators are sometimes surprised by the level of detailed knowledge that Committee members collectively possess, and would be ill-advised to attempt to mislead them). So the Committee has always sought to extend its reach by working in close collaboration with the many ad-hoc local transport users' groups which operate in its area. It also seeks to maintain a dialogue with the 60 or so local authorities in the London area, and with other bodies whose activities impinge on the quality of transport provided, such as the police and the safety regulators. It is represented on the Rail Passengers Council, which handles rail policy issues at national level.

The Committee is not an executive body, and can only operate by dialogue and persuasion. Therefore, its policies must be well-researched and its arguments must be convincing. The operators are not obliged to accede to its wishes, but they are obliged to respond to the questions it raises. And because its work is conducted in public, the world at large can judge which side of any argument has the greater merit. The Committee's meetings are open to all, its reports and papers are freely available on its website, and its activities are widely covered in the media.

There is no scientific proof of the effectiveness of a pressure group. It is always possible (however improbable) that improvements in London's transport for which the Committee has campaigned over the years would have occurred without its existence. But it is noteworthy that when the Committee routinely polls all of the aggrieved passengers who seek its help, two out of three give its efforts a positive verdict – no small achievement when it is remembered that as an appellate body it deals only with the most litigious complainants and/or the most complex cases. And when Parliament enacted legislation six years ago to create a new system of city-wide government for London, it not only reaffirmed the Committee's role but extended it to cover additional modes of transport including cycling, walking, taxis and ferries.

I myself have been involved with the work of the Committee for the past 30 years, initially as a member and subsequently as a full-time official. I have devoted most of my working life to it, and would not have done so if I did not believe that it plays an important and worthwhile part in shaping the transport policy agenda for the people of London, and helping to keep the transport providers on their toes. It is therefore a pleasure and a privilege for me to be able to address you as its representative here today. But I do not wish to seem complacent, and I would be failing to conform with one of my fellow countrymen and women's most characteristic national stereotypes if I did not take the opportunity to indulge in at least a few minutes' worth of self-criticism.

3 Problematic aspects

So it may be helpful to you for me to mention four specific difficulties which we face in our work, and of which I think it is important that you should be aware if you are considering the potential value of creating something similar in your respective cities or countries. I must emphasize that from this point on I am voicing personal opinions, not necessarily shared by the Committee (on the record, at least).

The first problem is that when dealing with complaints from users, the Committee has no formal power. It is not an ombudsman or woman, and cannot impose its wishes. Indeed, it does not even have the right to demand the disclosure of documents or the attendance of witnesses. The transport providers do have to answer its questions, but how they do so is for them to decide, and if they wish to be uncooperative or uncommunicative, that is their choice. There are particular difficulties in handling complaints about the behaviour of individual members of staff, because employment law may restrict the information that can be publicly revealed. Because the Committee cannot instruct the operators, it has to persuade them – and this means that it must express itself in diplomatic terms.

As a result, it is not always able to be as publicly critical of their actions as some aggrieved passengers expect, and when these appellants are dissatisfied with the outcome of their cases, they tend naturally to focus their anger on the Committee in turn. A watchdog without teeth is, in their view, an animal of no use. The fact that the Committee has the freedom to disregard their wishes if it sees them as unrealistic or undesirable does nothing to make them look upon it more favourably.

The second problem is one of political accountability. London's regional government, the Greater London Authority, consists of a Mayor and an Assembly, both of which are directly elected. The Mayor has executive power and controls the transport authority. The Assembly's role is primarily to hold him or her to account, and to scrutinise the policies of the various agencies which he appoints. So the Assembly continually holds hearings about, and issues reports on, aspects of transport policy and delivery. But it is also – now - the body which appoints and funds LTUC.

Because there is no clearly drawn line between its agenda and its responsibilities on the one hand, and those of LTUC on the other, the opportunity for rivalry and tension is obvious. The members of the Assembly are politicians, and because they are elected they believe they have a unique right and capability to express the views of their constituents. They can be very resentful when the Committee takes positions with which they disagree, and because there are five parties in the Assembly endlessly arguing with each other, it is almost impossible for the Committee to express any opinion which all of them will share.

Some of them probably regard the Committee as a rival, and as a threat to their own status, not least because its pronouncements often enjoy more respect amongst transport industry professionals. The law does not allow them to abolish it – but it does allow them to restrict its funding and to try to rein in its freedom of expression.

The third problem relates to the Committee's modal remit. Originally, it was concerned only with championing the needs of public transport users. But when London's government was reorganised five years ago, the transport authority was also put in charge of managing London's main roads. From a policy perspective, this makes sense – it is much easier to develop an integrated transport system if the body responsible for buses and taxis is also in charge of the streets they use, and can control private road traffic and parking as well. But against the Committee's wishes, the Government changed LTUC's remit to include all the users of transport systems (other than freight) for which the transport authority is responsible.

This means that our constituency now includes not only cyclists and pedestrians - whose needs are broadly complementary to those of passengers - but also motorists, of whom this is often not the case. On a road network with finite capacity and conflicting demands, hard choices have to be made about who has priority and how the available space should be used. As citizens, we may well believe that preference should be given to public transport because it is more environment-friendly, safe, and socially inclusive.

But from a narrowly consumerist perspective, we may be under pressure to give expression to calls from the motoring lobby to champion its demands for road widening, road building, and less restrictive controls on parking. How to respond to such pressure, when it arises, is a question which has the potential to create a real crisis of conscience for some members and some officials of the Committee. Are we willing to engage in the intellectual prostitution needed to argue a case which we believe in our hearts to be false?

The fourth and last problem can perhaps best be summarised as one of democratic credibility. When the Committee was first established more than fifty years ago, it was perfectly acceptable for such an advisory body to rely entirely on the experience and judgement of its own members and advisers, and its legitimacy was not challenged. It did not have to engage in "outreach" activity. But today we live in a different world, where advances in information technology (such as teleconferencing and internet chatrooms) have created new opportunities for instantaneous communication and popular participation.

It is possible for millions of citizens to vote directly, using mobile phones, in a ballot to decide the winner of the Eurovision song contest. Can we exploit such developments to capture public opinion on transport policy issues? What value should we attach to the results of polls conducted without serious prior debate about the costs and benefits of different policy options? What are the strengths and weaknesses of referenda? Or "citizens' juries"? Or any of the myriad of other techniques of public consultation?

And how do we deal with the problem (which bedevils transport policy making) of asymmetry in the debate? By this I mean the fact that the voices of the few who believe that their interests and privileges are threatened by a particular proposal (such as the introduction of a bus lane or a change in the stopping pattern of a train) are invariably heard more loudly and assertively than those of the many who it is intended to benefit but who have much less incentive to speak up on their own behalf. These are questions with no easy answers, and we are keen to know how they are being addressed elsewhere.

4 Conclusion

Let me end with a note about the importance of the choice of words. A number of the other presentations here have referred to methods of considering the needs of the “customer”, and this word appears in the title of the conference. But it is never used by the London Transport Users Committee. It implies a narrowly commercial relationship, based simply on purchase and payment, and when used by transport operators in Britain, it causes abiding annoyance to passengers.

For us, to be a consumer of transport is to enjoy an altogether more lofty status than that of a mere customer, because the operator is responsible for our complete safety and welfare in the course of the journey, and is providing a vital public service, not simply a commodity. If this distinction exists in other languages too, perhaps it contains an important message for the passenger transport industry in other parts of the world as well?

Reference

⁽¹⁾ *Hirschman, Albert O. (1970) Exit, Voice and Loyalty Harvard University Press, Cambridge, Massachusetts.*