



7 February 2017

To LCRCA,

Complaint about what happened at and around tolls / budget meetings

Last year I sent you a complaint about the annual tolls meetings, I have copied it at the end of this message. There was no reply from you. I am now making a fresh complaint about what happened at and around the equivalent meetings this year - the Authority on Friday 3rd February and its Merseytravel Committee on Thursday 2nd.

The MTUA would have been making a complaint anyway, but by coincidence the meeting of the Authority on Friday had a report on a revised “Code Of Corporate Governance”. The Code includes “Core Principle B – Ensuring openness and comprehensive stakeholder” and “Core Principle G - Implementing good practices in transparency, reporting, and audit to deliver effective accountability”.

It is our opinion that the Authority is failing to follow this Code because of the way that Tunnel tolls and the Authority budget are set and because the public are given inadequate or misleading information.

Part of meetings not being audible to public

At item 1 of the complaint a year ago I said that some of what was said was inaudible to the public. Last week the problem with sound was not as bad, but some members are still inaudible from where the public sits. This can be checked by listening to the start of [John Brace's recording of the Merseytravel Committee meeting](#) - John does his recording from the front row of the public area. Further back and by the window it is even harder to hear.

Failing to declare a financial interest when setting the tolls

At item 2 of the complaint a year ago, I said that that members with a Fast Tag should have declared a financial interest in the Tunnel tolls item, but no one did. It was the same this year. It is probable that at least some of the members of both the Committee and the Authority use Tags and it is wrong that they do not declare an interest in a decision that favours them against what is probably the majority of users of the Tunnels who do not have a tag.

Not setting the tolls before the Authority's budget meeting

I refer to item 3 of my complaint of a year ago. It is possible and practical for the Authority to make a decision on Tunnel tolls before its annual budget meeting. Delaying consideration of the tolls level so that the decision is taken at the same meeting as the budget is set makes it difficult and unlikely that the Authority will decide on a level of tolls that is lower than that which has been included in the budget prepared by Merseytravel. In any case, as the Merseytravel Committee no longer has the power to set the tolls, there is no need for them to consider the issue at all.

Decisions apparently being determined before the public meetings

Each year our impression is that the decision on tolls was made before the meeting. This year the impression was stronger. The report to the Authority on the 3rd February was circulated about a week before the previous day's meeting of the Merseytravel Committee but contained references to what was supposedly said about tolls at that Committee meeting. These references included-

Para 1.3 says - "This report conveys the recommendations of the Merseytravel Committee in respect of the schedule of tolls payable for 2017/18 and seeks formal approval of the Combined Authority to the recommendations of the Merseytravel (sic) Committee, as established herein."

Para 3.6 says "The Merseytravel Committee paid due regard to economic and social factors at its meeting of the 2 February 2017 and determined that with current and historic low rates of inflation, there would be no justification for increasing tolls in 2017/18."

Para 3.8 starts "In making its recommendation, the Merseytravel Committee was happy to receive assurances...."

Apart from the fact that the Committee had not met when the report to the Authority was circulated, there were no "economic and social factors" mentioned in the report to them apart from the usual "comparative costs for rail bus and ferry commuter fares". Neither was there any mention in the report to them, of "current and historic low rates of inflation" apart from the usual paragraphs claiming that the 2004 Act required that tolls should be increased in line with the RPI.

In the MTUA view quoting from a meeting that had not happened when the report was written and circulated shows that Merseytravel and the Authority believe that they can do what they like. They seem to expect that no one will complain or if they do then the Authority can ignore the complaints.

Failure to be open or to provide adequate information to the public

When the tolls setting report was considered at Friday's Authority meeting there was the briefest of presentations of a report which did not even say what the expected tolls income or "surplus" were, and the recommendations in the report were nodded through without any debate.

The budget document as presented to the Merseytravel Committee is inadequate as an explanation of what is to be spent by them and the Authority. The detailed part of the report has been reduced from 40 pages when the 2015/16 budget was considered to 28 pages for the 2016/17 budget and is now down to 14 pages for the 2017/18 budget. The number of columns of figures was five in the 2016/17 detailed budget and is now down to only two columns of figures in the detailed pages for the 2017/18 budget (for the current year - the "Approved budget" column has disappeared, and for the following year - the columns for "Base estimate" and "Growth / savings" have gone).

Among the pages that have disappeared between what was presented last year and what was presented this year is the "Service Detail" page for the Mersey Tunnels. That page used to show analyses of Traffic, Tolls and staffing.

As for the Tunnels budget page that still goes to the Merseytravel Committee, the presentation for all years up to a year ago showed what the "Toll income" was and what "Fees & Other Charges" was. That information has now gone.

It seems to the MTUA that the lack of budget information which was previously made public is intended to make it harder for the public to see what is happening and in particular to obscure the "surplus" that the Authority makes from the Tunnels.

There was no discussion of the tolls at the Authority meeting, but the discussion at the Merseytravel Committee meeting implied that the tolls were all being spent on the upkeep of the Tunnels or were needed to deal with unexpected problems. It was said that "charging a toll to those people who use the Tunnel is fairer than it being funded via Council Tax". There was a complete failure to be open about the fact that the Tunnels are far from being funded by Council Tax. The average person seeing the reports or who was at the meetings would be misled as to the real situation which seems to be that there is a "surplus" of over £13 million.

John McGoldrick
Secretary
Mersey Tunnels Users Association

Copy of last year's complaint

----- Original Message -----

Subject: Complaint about meetings on 4th and 5th February 2016
From: Mersey Tunnels Users Association <sec@tunnelusers.org.uk>
To: comments@merseytravel.gov.uk
Date: 11/02/2016 15:23

I rang the Committee section and asked how to make a complaint about the meetings held last week, and was told to do it though you. Will you please treat this message as a complaint about the City Region authority and confirm that you have received the message..

The complaint is about the meeting of the Liverpool City Region Combined Authority on Friday 5th February and of its Merseytravel Committee on Thursday 4th.

There are three parts to this complaint.

1. As is common at these meetings it was not possible for the public to hear all that was said. I realise that the chair usually opens the meeting by asking members and officers to make sure they can be heard, but a lot of them seem to pay no attention to this request and the microphones are either inadequate or not used properly. As this is a long standing problem I think that the authority should have done something to improve the situation by now but apparently they have not. In my view this problem means that the meetings are not truly open to the public.

2. At both of the meetings, there was an item on what the Tunnel tolls would be for the coming year. The recommendation at both meetings was that cash tolls would remain the same but that there would be another reduction in 'Fast Tag' tolls. In my opinion members should at some point before the discussion and vote have declared whether they had any financial interest in the item. Clearly anyone who had a Fast Tag toll did have such an interest and should have declared it. No one did. It is theoretically possible that no one had a Fast Tag, but given what was said at the meetings, it seems most unlikely that none of the members taking part had a Fast Tag. I realise that members may have been embarrassed to reveal that they were benefiting from something that would only benefit a minority, but I don't think that can be a valid reason for failing to declare an interest. In my view the authority should have made it clear to members that if they had a Fast Tag then

they needed to declare an interest.

3. We have in previous years suggested that the tolls decision should be made at meetings held well before the budget meetings. But again this year there were no such meetings to decide on tolls. Both of last week's meetings were presented with budgets for the coming year which assumed that the tolls would be as recommended in the tolls report - even though those budget reports were prepared at least a week before the tolls decision. Despite that situation the budget report made no mention of any possible implications or alternatives if the tolls were not set at the recommended - but not yet approved - levels. This system completely nullifies any attempt made by the MTUA or others to lobby members on what the tolls should be. If members were to agree to anything other than what was presented to them, then there would be a hole in the budget. In our view this is not democratic. It also implies that prior to the public meeting, decisions may have been made in private.

Depending on what the authority response is to this complaint we may raise this complaint elsewhere.

John McGoldrick

(End of copy of 11 Feb 2016 complaint)