



Department for Transport

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Your Ref: MPG/BRI207.1

Dear Sirs/ Devonshires Solicitors LLP

Anticipated award of Southern, Thameslink and Great Northern franchise to GTR

Your Clients: Bring Back British Rail (“BBBR”) and the Association of British Commuters (“ABC”)

We refer to previous correspondence, including your letters dated 1 and 11 February 2022 and our letter dated 16 February 2022 (“Our Letter”). We respond below to your letter dated 11 February (“Your Letter”).

We note from Your Letter that you are now instructed by both BBBR and ABC, but do not act for Ms Yates in her personal capacity.

Paragraphs 5 to 16 of Your Letter raise queries on, make follow-on requests about and/or express dissatisfaction about aspects of the Department’s responses to the Freedom of Information Act requests which were made by Ms Harrison on 2 and by Ms Yates on 14 January 2022. If either Ms Harrison or Ms Yates (neither of whom we understand you are acting for in a personal capacity in this correspondence) is dissatisfied with the way that the Department has responded, then the appropriate procedure is set out in the responses to those requests. We understand that Ms Yates has been in further contact with the Department and the procedure is being followed. We therefore do not propose to respond to those paragraphs of your letter, save to comment that our lack of response should not be taken as acceptance of either your characterisation of events or the various presumptions and assertions contained in Your Letter.

In paragraph 19 of Your Letter, you invite the Secretary of State to provide a copy of the review undertaken into the Southeastern franchise by Go-Ahead Group and Keolis. In our letter dated 16 February 2022, we confirmed that an Independent Committee led by the chairs of Go-Ahead Group and Keolis had appointed external lawyers and accountants to conduct an investigation and report

on their findings and that interim and final reports were provided to the Department following such investigation. The reports were provided to the Department on a strictly confidential basis. We also referred in Our Letter to the obligations of confidentiality owed by the Secretary of State pursuant to the Railways Act 1993 (“RA1993”) and the relevant franchise agreements. We confirmed in Our Letter that the Department was not in a position to share copies of any reports at this stage, but would make public relevant documentation at the appropriate time.

In addition to taking account of the company’s investigation, the Department has also taken account of LSER’s contemporaneous documents. As part of its review into LSER’s conduct, the Department is not bound by the company’s conclusions. The Department has raised questions of LSER, required the provision of documents by LSER, and reviewed the position of GTR (and its underlying documents) so as to ensure that sufficient information is available about the position at LSER and GTR to enable the SoS to make decisions about enforcement action against LSER and in relation to the TSGN franchise.

The Secretary of State is aware of the expiry date of the current franchise agreement for the TSGN franchise. In accordance with the Department’s established approach, the Secretary of State has taken appropriate steps to ensure that his operator of last resort duties under Section 30 of the Railways Act 1993 can be discharged, if required.

Yours faithfully,



Tim Rees

Market Lead, Cross-London Market