

LONDON ASSEMBLY

Len Duvall AM, Chair of the GLA Oversight Committee

London Assembly
City Hall
The Queen's Walk
London SE1 2AA

8 November 2017

Mike Brown MVO
TfL Commissioner
Transport for London
Windsor House
42-50 Victoria Street
London SW1H 0TL

Dear Mike,

I am writing on behalf of the GLA Oversight Committee to submit views to your consultation on TfL's Transparency Strategy.

We welcome TfL's commitment to improving the transparency of the organisation. As you will be aware, our report of February 2016, *Transparency of the GLA Group and Family*, concluded that while TfL had made some good progress, it must provide a consistent level of transparency across all parts of its organisation.¹ The current position is broadly unchanged. TfL continues to make progress, but areas of weakness remain. For example, TfL's searchable log of requests and responses under the Freedom of Information Act is a helpful development, and one we specifically asked for in our 2016 report. However, TfL is still not publishing its contracts, and the transparency of information related to Crossrail and Crossrail 2 remains a weakness; this is particularly disappointing since this committee raised these issues with your predecessor in both its 2013 and 2016 reports.

Our submission will cover the following aspects of transparency:

- Publication of datasets
- Monitoring investment programmes
- Monitoring service performance
- Publication of contracts
- TfL audit and procurement processes
- Submissions to Assembly scrutiny

Datasets

We note that TfL has made a large a number of datasets available since the Transparency Strategy was published in October 2015, such as those on tube crowding and taxi rank locations. This is welcome, as are plans for further releases such as tube temperature. This will help Londoners monitor the performance of TfL services and allow innovative data use to enhance services.

¹ <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/transparency-gla-group-and-family>

We believe that transparency should extend to those developers using publicly-owned TfL data for their own purposes. For instance, journey planning apps depend on the exploitation of real-time data provided freely by TfL; we believe you should consider reciprocal arrangements so TfL has access to app data and can use it to improve services.

We would also like to see more transparency in transport models, and the data and assumptions that underpin them. We realise that transport modelling is complex, but when new software is being developed, making openness and non-proprietary standards part of the specification would mean much greater levels of transparency could be achieved by TfL in this area.

Monitoring investment programmes

The information we receive from TfL is sometimes inconsistent, particularly when it comes to capital projects. For instance:

- TfL's 2017-18 Q1 [Investment Programme Report](#) gave the Four Lines Modernisation Programme an amber RAG rating, with some of the key milestones running around 6 months late. TfL's Director of Major Projects, however, told us at a meeting on 28 September that the project was running up to 18 months ahead of schedule.
- TfL's 2017-18 Q1 [Investment Programme Report](#) gave the Northern and Jubilee line upgrades a green RAG rating, suggesting that the project was on track. Around the same time this report was published, information was revealed by ASLEF, and then confirmed by TfL, to say that these projects had in fact been put on hold.²

It is difficult to hold TfL to account when the information keeps changing. We are concerned that some of the reports that TfL publishes do not reflect the reality of what is happening in the business. This is a concern in terms of transparency to the public, but also transparency to the TfL Board.

Monitoring service performance

TfL publishes a large amount of service performance information on your website. We believe steps could be taken to make this more accessible and more consistent across modes.

For instance, the [tube performance webpage](#) has one large 'almanac' spreadsheet with data going back to 2004/05 and a series of four-weekly PDFs for the past year, while the [bus performance webpage](#) has no almanac, an annual report and the latest quarterly report in PDF, and spreadsheets for bus speeds covering four years. Similarly, it is not clear why the [Congestion Charge webpage](#) has a section for 'monitoring and research' with no reports later than 2008, and a separate 'finance, operations and performance' section with quarterly fact sheets going back four years.

It is not clear when monitoring reports are going to be published, as the timings for these change. We believe it would be good practice for TfL to publish a calendar of upcoming reports and data releases, where appropriate noting which TfL committee is considering a particular report. You will be aware that as much notice as possible is always given to TfL about the release of Assembly scrutiny reports, including estimated timings earlier in the process and subsequently confirmed launch dates.

In the consultation survey, you have asked how long TfL should keep data on its website. We believe all service performance data should be kept on for a much longer period than two years. In some cases, this does already happen. We would recommend a more consistent approach across modes so that, for instance, you keep data available for ten years.

² The Transport Committee will be exploring this issue at its meeting on 8 November 2017.

Publishing contracts

Our February 2016 report recommended that the Mayor should ensure that all organisations in the GLA Group start to publish all their contracts in full, and set up search facilities on their websites to make them easy to find.

We are not convinced that TfL has implemented this recommendation in full. Using the Santander Cycles contract as an example, we put 'Santander' into TfL's search engine. None of the initial search results was for the cycle hire contract. TfL's [contracts webpage](#) also does not appear to include the Santander contract. And TfL's contract webpage provides a link to the [Data.gov website](#), which includes a disclaimer that it was archived in February 2015. The Transport Committee also found during its recent investigation into bus safety that contracts with bus operators were not available.

TfL must improve its contracts website, and ensure that all contracts can be easily located. At present, the only way to successfully locate the Santander cycle hire contract seems to be by searching online, rather than through TfL's website. TfL has not implemented the 2016 recommendations in full, and is at risk of going back on the commitment to improving transparency that it made to the Committee in its [25 July 2016 letter](#).

TfL audit and procurement processes

As you know, the GLA Oversight Committee has undertaken extensive work in relation to the, now failed, Garden Bridge project. We are pleased that significant changes have been made to the way TfL procures projects and the capacity, skills and evaluation software it draws on when doing so. In our latest meeting on the subject on 11 October, you gave us assurances that you were implementing the recommendations which Dame Margaret Hodge made in her independent review of the project. And we were encouraged about your reformed governance arrangements, which you are hoping will lead to "much greater oversight and scrutiny, including, very helpfully, decisions that are devolved to the role of the Commissioner that have to be reported properly and in full to the Programmes and Investment Committee".³

Based on recent discussions at the GLA Oversight Committee, however, we do have ongoing concerns about whether all the right policies are in place to stop the same mistakes happening again. Specifically, there are issues about what redress is available for smaller contractors when bidding for TfL contracts if they become concerned about the operation of the procurement process. There is a risk that with the increasing use of framework contracts, such firms would feel unable, for commercial reasons, to raise issues or challenge TfL's approach. Currently only companies who are bidding for a project are able to do so. We ask you to look at whether there might be a role for a 'Public Interest Challenge' when poor procurement practices become apparent. This would allow bodies other than those bidding for a contract (as is now the case) to highlight possible problems.

We would also ask you to return to the recommendation we made in our 2016 report on the Garden Bridge which asked the TfL Audit & Assurance Committee to "publish audit reports in full, not just the summary and conclusions as is now the case".⁴ This would allow the public to have access to more than just the edited version where only the key points which the organisation determines should be in the public domain are released.

³ Draft transcript, GLA Oversight Committee, 11 October 2017

⁴ <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/garden-bridge-design-procurement>

Submissions to Assembly scrutiny

Finally, we would like to address some concerns with TfL's submissions to Assembly scrutiny investigations and Mayor's Questions. Overall, we consider that TfL usually provides comprehensive and timely information to enable Assembly Members to do our job of holding you to account on behalf of Londoners.

However, there are occasions when requested information is delayed without explanation. We accept that sometimes information is not available or you require more time to check it; in these instances, we would expect TfL to be upfront with the Assembly, providing explanations and estimated delivery dates.

There are many instances of good practice from TfL in submitting information, such as the submission to the Transport Committee's recent investigation into bus network planning, which answered the Committee's key questions and provided relevant data. In contrast, after requesting data as part of the Committee's outer London junctions investigation, officers had to chase TfL multiple times after a reasonable deadline was missed with no explanation; the eventual submission did not contain the requested data, but instead an overly long narrative description of TfL policy.

It is also vitally important that all submissions from TfL are provided in accessible document formats. Data attachments to answers to Mayor's Questions should always be in spreadsheets rather than PDFs. Furthermore, submissions to investigations should be in searchable formats, whether Word or PDF, and not scanned documents.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Len Duvall', is positioned above the typed name and title.

Len Duvall AM
Chair, GLA Oversight Committee