

WMCA Board

Date	15 January 2021
Report title	Midland Metro Byelaws
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Report has been considered by	Transport for West Midlands Decision Making Meeting Strategic Transport Officers Group Strategic Leadership Team

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Note the background to the existing Midland Metro Byelaws.
- (2) Note the proposed changes to the Midland Metro Byelaws.
- (3) Grant approval to progress the changes in accordance with the powers conferred upon WMCA by section 49 of the Midland Metro Act (1989).

1. Purpose

- 1.1 To inform the WMCA Board of the proposal to make changes to the Midland Metro Byelaws and to seek approval to progress the changes in accordance with the powers conferred upon WMCA by section 49 of the Midland Metro Act (1989).

2. Background

- 2.1 On the 13 September 2019 WMCA Board approved the policy of moving to an off tram 'Buy Before You Board' (BBYB) ticketing system on West Midlands Metro. The project will be delivered in Winter 2021 to align with the opening of the Metro extension to Edgbaston Village. The new BBYB ticketing system requires all tickets to be purchased off-tram and the tram must not be boarded without valid authority to travel. Revenue Protection Inspectors (RPIs) will be introduced to conduct random compliance checks and issue Penalty Fare Notices where necessary.
- 2.2 West Midlands Metro currently operates a penalty fare regime in accordance with section 4 of the Midland Metro (Penalty Fares) Act 1991. The Act states that 'If a person travelling on a Metro vehicle, on being required to do so by an authorised person, fails to produce a fare ticket or general travel authority, he shall be liable to pay a penalty fare if required to do so by an authorised person.' Should a passenger be issued with a penalty fare notice and fail to pay, the passenger will become liable to prosecution for a fare offence under the Midland Metro Byelaws (maximum penalty £1000).

3. Issue

- 3.1 Although the existing legislation supports the penalty fare regime, a loophole exists for persons who have travelled without a valid ticket and have alighted a vehicle. In such cases where ticket inspections may take place on tram platforms and exits to tram stops, fare evaders may advise that they have left their ticket onboard the vehicle. To close this loophole and to ensure effective revenue protection is in place for the introduction of BBYB an additional clause within the Midland Metro Byelaws is required. The proposed additional clause is detailed in Section 4(6) in the amended Byelaws and is shown below:

“Any person identified as having travelled upon a vehicle and who subsequently leaves the vehicle must retain a valid ticket whilst upon Midland Metro Property.”

- 3.2 In addition to the changes relating to fares offences the opportunity has also been taken to make other administrative changes and to update the Midland Metro Byelaws to ensure they remain relevant. The amended Byelaws and a summary of the changes are shown in appendix 1 and 2 respectively.

4. Financial Implications

- 4.1 West Midlands Metro (WMM) is currently operated by Midland Metro Limited (MML), a wholly owned subsidiary of WMCA. WMCA therefore indirectly assumes revenue risk on WMM and need to ensure MML has robust revenue protection measures in place. Appropriate Byelaws are fundamental to this, to provide an effective deterrent measure to manage the risk of potential fare evaders. By seeking the changes as proposed WMCA will be further protecting future revenues which contributes to the continued and successful delivery of West Midlands Metro operation.

5. Legal Implications

- 5.1 The measures discussed in the body of this paper are supported by the relevant legislative provisions. Legal are accordingly, providing assistance to ensure Byelaws are appropriately drafted and ensuring that required legal processes are followed to achieve the required updates designed to improve management and revenue protection across the West Midlands Metro tram network. As the proposed Byelaws progress through the legislative approvals process, there may be minor amends, but the fundamental principles of the changes will remain.

6. Equalities Implications

- 6.1 An equalities impact assessment has been completed for the proposed changes. This has considered best practise/lessons learned from other light rail systems where similar changes have been implemented.
- 6.2 Customers have always had the option to buy Metro tickets on board. An interim period is needed before the enforcement of larger penalty charges to ensure that all customers, including more vulnerable customers, have a clear understanding of the new arrangements both in terms of off-board ticketing and penalty fare levels.
- 6.3 A soft launch approach is considered best practice which should involve a sufficient transition period of a number of months to ensure passengers are fully informed of what BBYB ticketing involves and the consequences of not being compliant.
- 6.4 As part of this soft launch, it would be beneficial to have WMM employees available across the tram network to support passengers with purchasing their tickets via the off-board ticketing machines.
- 6.5 Alongside this, an effective promotional period well in advance of the introduction of BBYB ticketing is vital in order to inform the WMM customer base of the changes. The changes need to be very visible across the tram network before and post-implementation to make sure customers are fully aware of the BBYB ticketing system. Moreover, communication needs to also be targeted at key equality and disability groups in the region.

7. Inclusive Growth Implications

- 7.1 No Implications.

8. Geographical Area of Report's Implications

- 8.1 The implications of this report are not isolated to a geographical region but are applicable to all passengers traveling on West Midlands Metro.

9. Other Implications

- 9.1 This paper has been shared with WMCA Media team who have advised that they have no further comments.

10. Schedule of Background Papers

None