



19 February 2018

Dear ,

Request for Information – ATISN 11954, 12006, 12050

I write in response to your three requests for information which were acknowledged on 31 January (ATISN 11954), 6 February (ATISN 12006) and 13 February (ATISN 12050).

For each request, you asked for the following:

ATISN 11954 (received 25 January 2018)

1. All communications (written and email) between 01/11/17 and 25/1/18 made by the Cabinet Secretary for Economy and Transport and all communications (written and email) between 01/11/17 and 25/1/18 made by the TrawsCymru Network Manager on the topic of the TrawsCymru T2 and T3 service changes introduced in January 2018.
2. All communications (written and email) between 21/11/17 and 25/1/18 made by the Cabinet Secretary for Economy and Transport and all communications (written and email) between 21/11/17 and 25/1/18 made by the TrawsCymru Network Manager on the the topic of the freedom of information request dated 22/11/17 regarding the “high level” review into operation of TrawsCymru services between Wrexham and Aberystwyth (attached below).



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding .

ATISN 12006 (received 22 January 2018)

1. Could the Minister reply to the 11 questions sent to him on 22/11/2017 regarding the Bevan Foundation review recommendation to route the T3 from Wrexham to Aberystwyth instead of Barmouth (your reference ATISN 11754)?
2. In view of the Ministers offer of 17/11/2017 to commission a “high level” review of the Bevan Foundation recommendation to route the T3 from Wrexham to Aberystwyth instead of Barmouth, could the Minister give the reason why the T2 timetable changes of 15th January 2018 were introduced, when the stated objective of the T2 timetable changes is to improve connectivity of the T2 with the T3 Wrexham to Barmouth service?
3. Could the Minister provide a copy of the remit for the “high level” review he has commissioned of the Bevan Foundation recommendation to route the T3 from Wrexham to Aberystwyth instead of Barmouth?
4. Could the Minister say when and where the “high level” review of the Bevan Foundation recommendation to route the T3 from Wrexham to Aberystwyth instead of Barmouth will be published?
5. Could the Minister give the reason why there are no Northbound T1 services connecting to the T2 in Aberystwyth and why T1 passengers have to wait in Aberystwyth for between 46 minutes and 1 hour 46 minutes for the next T2 ?
6. Could the Minister give the reason why the journey time on the Carmarthen to Bangor T1/T2 route in both North and South directions is now between 1 hour and 2 hours 15 minutes longer than the journey times which existed before the introduction of the T3 service from Wrexham to Barmouth?
7. In the T2 timetable changes of 15th January 2018, the Northbound and Southbound T2 connectivity times have been synchronised with the times for the T3 from Wrexham to Barmouth. In addition the connectivity times for both Northbound and Southbound T2 services to the T3 Wrexham to Barmouth service have been increased from 5 minutes to 10 minutes. Could the Minister give the reason why this synchronisation of arrival/departure times for T3 Wrexham to Barmouth and T2 (Northbound and Southbound) and the increased connectivity time of 10 minutes was necessary?
8. In the T2 timetable changes of 15th January 2018, the change to T2 departure time in Aberystwyth from 10.00 to 10.05 introduced by Edwina Hart in April 2016, to avoid failed connectivity between the T5 Northbound and the T2 service, has been reversed. Could the Minister give the reason why this improvement to connectivity in Aberystwyth has been removed? Could the Minister change this decision and allow the T2 to depart at 10.05 which would result in the T2 having to wait 10 minutes in Dolgellau for the T3 service from Wrexham instead of 15 minutes?
9. In the T2 timetable changes of 15th January 2018 a T2 arrival time in Aberystwyth has been changed from 16.35 to 16.52 so that the T2 no longer connects with the T1 and adding 43 minutes to the Bangor to Carmarthen journey time. Could the Minister give the reason for this change in T2 arrival time which has destroyed the connectivity to the T1?

10. In the T2 timetable changes of 15th January 2018, there is a footnote "T" which states "Connections with Services T1/T5/T3. Buses will wait up to 5 minutes for late running connections". Various departures from Aberystwyth and Bangor are marked with a "T". Could the Minister confirm that T2 services in Aberystwyth will wait for connecting T5 services? Could the Minister also confirm that this will only apply to T5/T3 services on the Northbound route as there are no Northbound connecting T1 services to the T2 in Aberystwyth? Since this footnote "T" comment is also included against various Bangor departures could the Minister confirm that the connecting T1/T5 services will wait in Aberystwyth up to 5 minutes for late running T2 connections?
11. Could the Minister confirm that the T1 and T5 timetables will be altered to record the above "wait up to 5 minutes for late running T2 connections" arrangements?
12. In the T2 timetable changes of 15th January 2018 the 18.40 T2 arrival time has been changed by 10 minutes from 18.40 to 18.50, thereby making this service impossible to connect with the last T1 departure of the day to Carmarthen at 18.40.
13. Could the Minister give the reason why an unnecessary 5 minute stop in the centre of Machynlleth (16 miles from Aberystwyth) has been introduced on this T2 service (18.40 arrival) along with an unnecessary 5 minute diversion just before Aberystwyth off the A487 via Comins Coch and the Waunfawr housing estate and back onto the A487 so that it now arrives at 18.50 not 18.40?
14. With respect to the same 18.40 T2 arrival, could the Minister give the reason for rejection of the suggestion to divert the T2 into Aberystwyth via Comins Coch/ Llanbadarn and Morrissons supermarket where Southbound passengers could transfer to the outbound 18.40 T1 to Carmarthen at Morrissons, which arrives there at 18.45?
15. With respect to the same 18.40 T2 arrival, could the Minister give the reason why a wait of 5 minutes by the 18.40 T1 could not have been applied to connect with late running 18.40 T2 services as referenced in item (10) above?

The T2/T1 services at 18.40 could still be classed as a non connecting service, but the 5 minute T1 delay option would mean 90% of services would connect. This solution would be far more sensible than the introduction of unnecessary stops in Machynlleth and unnecessary diversions around Aberystwyth housing estates.

16. Could the Minister give the name, job title and organisation of those persons who were involved in deciding the timings for the new T2 timetable?
17. Could the Minister say whether Ceredigion Council were involved in agreeing the timings for the new T2 timetable?
18. In view of the wholesale changes to the T2 timetable could the Minister give the reason why not one single change was made to the T1 (Aberystwyth to Carmarthen) and T5 (Aberystwyth to Cardigan) timetables?
19. Could the Minister say whether the Welsh Government have accepted (and recorded that they have accepted) the Bevan Foundation review conclusion that the T2/T1 North/South Carmarthen/Bangor route is strategically more important than the T3 East/West Wrexham/Barmouth route?

20. In view of items (5) and (6) above, regarding lack of connectivity in Aberystwyth and excessively long journey times on the T1/T2 Carmarthen/Bangor route, could the Minister say what plans the Welsh Government have for addressing this situation and introducing improvements to this route?
21. Could the Minister give the reason why the T2 timetable changes of 15th January 2018 were not publicised in the media, on buses, in bus shelters etc before the services were introduced?
22. Could the Minister give the reason why printed timetables are not available to the public for the changes of 15th January 2018?
23. Could the Minister give the reason why the electronic screens in TrawsCymru buses no longer provide information to the public? Could the Minister give the reason why the electronic screens in TrawsCymru buses have not been used to advise the public of the T3/T2 timetable changes of 15th January 2018?

The electronic screens either show the Trawscymru logo or are switched off.

24. Could the Minister give the figure that has been spent on electronic screen technology on TrawsCymru buses ?

ATISN 12050 (received 7 February 2018)

1. Could you please tell me whether you have a copy of the Bevan Foundation report on the Trawscymru Network produced in 2013?
2. Could you please tell me whether you have read the Bevan Foundation report on the Trawscymru Network produced in 2013?
3. Could you please tell me whether you are aware of the conclusion in the Bevan report that there was a stronger strategic case for the long-distance, north-south corridor T2/T1 (Bangor /Carmarthen) compared to the T3 (Wrexham/Barmouth)?
4. Could you please tell me whether you are aware of the recommendation in the Bevan Foundation report that further work be done in advance of the introduction of the proposed T3 service on the feasibility of its operation to Aberystwyth rather than Barmouth?
5. Could you please tell me whether you took part in discussions in advance of the introduction of the proposed T3 service on its operation to Aberystwyth rather than Barmouth?
6. Could you please tell me whether you took part in discussions after the introduction of the T3 service on its operation to Aberystwyth rather than Barmouth?
7. Could you please tell me on what date(s) was routing the T3 from Wrexham to Aberystwyth discussed by you?
8. Could you please tell me the name/job title of the Welsh Government official(s) who you were involved in discussions with regarding routing the T3 from Wrexham to

Aberystwyth?

9. Could you please tell me the name/job title/organisation of the officials from external organisations to the Welsh Government (Local Authorities and Bus Service Providers) who were involved in discussions with you regarding routing the T3 from Wrexham to Aberystwyth?
10. If you took part in discussions regarding the T3 service operation to Aberystwyth rather than Barmouth could you please tell me what form your discussions took (verbal one to one, phone conversations, email , meetings etc)?
11. If you took part in discussions regarding the T3 service operation to Aberystwyth rather than Barmouth could you tell me whether you instigated any investigations by your staff regarding the T3 service operation to Aberystwyth rather than Barmouth?
12. Could you please tell me whether you or the Welsh Government hold any documentation relating to discussions/feasibility studies regarding routing the T3 to Aberystwyth instead of Barmouth eg emails , memos, meeting minutes, meeting notes, data gathering exercises, personal notes, reports etc?
13. Could you please tell me the conclusions that resulted from your discussions regarding routing the T3 from Wrexham to Aberystwyth
14. Could you please tell me the reason that a decision was taken to not pursue the T3 service operation to Aberystwyth rather than Barmouth?

On 6 January, 2017, you were advised that the Freedom of Information Act (Fol) provides a right to ask for recorded information held at the time a request is made and does not require an authority such as the Welsh Government to provide views or opinions where those views are not already recorded. It was explained to you that this is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:

"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."

It was further explained that on this basis, although you have submitted numerous questions in which you expect a response, the FOI Act does not oblige us to 'explain' or 'confirm' whether discussions have been held (etc.) except insofar as such information is held in recorded form at the time the request was made.

The majority of the questions you have submitted above are not asking for recorded information. It is my view that the recorded information you are seeking is:

- ATISN 11954 – questions 1 and 2
- ATISN 12006 – questions 3, 4, 16, 17, 19 and 24
- ATISN 12050 – questions 8, 9, 13 and 14

Where you are not asking for recorded information but are still expecting a response, it has previously been explained to you, on 6 January 2017 and again on 20 October 2017, that given the Welsh Government has received a significant amount of correspondence from you regarding the TrawsCymru bus services, to both Ministers and Officials, the Welsh Government has nothing further to add to its previous correspondence to you, and that in the absence of any new information from you, the Welsh Government will not be responding to further correspondence from you on this topic and such correspondence will not be acknowledged and simply filed. This position remains. It was further explained to you that the Welsh Government would respond to valid requests for recorded information.

Turning, then, to your latest requests for recorded information, to which I have given careful consideration.

For the reasons explained below, and in accordance with Section 14(1) of the Freedom of Information Act 2000 (FOIA), I have concluded that your requests are vexatious.

Guidance from the Information Commissioner on vexatious or repeated requests¹ explains that “Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress”. My view is that dealing with these requests would be likely to cause a disproportionate and unjustified level of disruption to the Welsh Government.

For the purpose of identifying potentially vexatious requests, the Information Commissioner’s Guidance sets out a series of indicators (albeit not a definitive or limiting list) which demonstrate typical key features of a vexatious request. The Guidance also allows public authorities to take into account the wider context and history of the request.

In reaching my decision that I consider your latest three requests to be vexatious, and in accordance with the Information Commissioner’s Guidance, I have taken into account the context and history of your requests. In particular, I have given consideration to the following headings/indicators within the Guidance:

- Abusive or aggressive language
- Personal grudges
- Unreasonable persistence
- Unfounded accusations
- Intransigence
- Frequent or overlapping requests

I have outlined below my full reasoning for reaching this decision under the relevant indicator descriptors taken from the Information Commissioner’s Guidance. There is a natural overlap between some of the arguments and the decision has been based on the cumulative argument.

¹ http://www.ico.org.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information

In your e-mail of 28 November, 2017, you summarised your discontent regarding the TrawsCymru bus services:

“All Ken Skates needs to do is:-

- 1. Insist his Trawscymru Network Manager, [named official] restores connectivity of the T2/T1 in Aberystwyth at 18.40 which he has ruined by a 15 minute change to the T2 departure time in Dolgellau.*
- 2. Apologise to the Welsh Assembly for the incorrect statement he made on 15th August 2017 (WAQ74049) regarding the Trawscymru network.*
- 3. Apologise to the Welsh Assembly for Welsh Government officials not carrying out the one recommendation regarding the Trawscymru network in the Bevan Foundation report in 2013 to examine routing the T3 from Wrexham to Aberystwyth.*
- 4. Ensure the “high level” review on routing the T3 from Wrexham to Aberystwyth is carried out using the report recommendation “recommend that further work be done in advance of the introduction of the proposed T3 service on the feasibility of its operation to Aberystwyth rather than Barmouth”.*
- 5. Ensure the “high level” review on routing the T3 from Wrexham to Aberystwyth is overseen by someone independent of his own officials who have proved to be incapable of not lying”.*

Abusive or Aggressive Language

I am of the view that the tone of your frequent correspondence goes beyond the level of criticism that employees of a public authority should reasonably expect to receive. For example, you have stated that *“Government Advisors and Officials know they are allowed to lie and make incorrect statements with impunity and follow their own strategies rather than the Welsh Government strategies”*. You have frequently brandished Welsh Government employees and Welsh Ministers as liars and questioned their behaviour. You have stated that officials and Ministers have made misleading statements and manipulated reviews. You have stated you will be *“taking steps to find out whether your action to “officially ignore me” is valid”* and *“I shall also be taking steps to ensure that the undemocratic way the Labour Government in Wales works gets maximum publicity”*.

Personal Grudges

The guidance under this indicator states that *‘For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity’*. You have referenced one particular Welsh Government official in almost every piece of correspondence you have submitted to the Welsh Government, branding that individual a liar. In doing so, you are submitting that correspondence to a varied and wide audience. It is clear to me, therefore, that you are targeting your correspondence towards a particular employee of the Welsh Government in a hostile manner in order to incite a response from the numerous and varied copy recipients.

Unreasonable persistence

I believe that in submitting your requests, there is evidence of unreasonable persistence on your part in that you are attempting to reopen an issue on which you have already received responses or which has been subject to independent scrutiny, through Dr Winckler's review of TrawsCymru commissioned by Welsh Ministers, which reported in August 2013. As outlined above, it has previously been explained to you that in the absence of any new information from you, the Welsh Government will not be responding to further correspondence from you on the TrawsCymru bus services, unless you are asking for recorded information. Whilst I note you have stated you have since provided new information, I am of the view that you have not. Rather, you are attempting to reopen issues, as you summarised on 28 November 2017, which have been exhaustively addressed and considered.

Unfounded Accusations

As outlined above, you have frequently labelled Welsh Government employees and Ministers as liars. Such accusations are based entirely on your own assumptions or conclusions. Where you have asked for recorded information which have been responded to as Freedom of Information requests, for example about meetings with local authorities, and have received a response which states no such recorded information is held, that will be a matter of fact. Where meetings about particular subject matters may have been held, it does not necessarily follow that there will be a record of those discussions. This was explained to you in response to your request reference ATISN 11754, which we sent you on 20 December 2017.

Intransigence

Welsh Government Officials, Welsh Ministers and Bus Users Cymru have corresponded with you numerous times regarding various matters you raise on TrawsCymru bus services. The Welsh Government has also offered to meet you to discuss your various concerns regarding the TrawsCymru bus services, including a meeting with Bus Users Cymru and the Deputy Director of Network Management. You have declined those offers of meetings.

In your e-mail of 31 July 2017 to the Cabinet Secretary for Economy and Transport, you stated *"Before I would take part in any meeting I would wish to have recorded before the meeting the facts relating to the T2/T1 service and whether [named official] agrees or disagrees with these facts. This could be used as a basis for any discussions at a meeting. I enclose the list of facts relating to this service and would be grateful if you could ask [named official] to signify whether he agrees/disagrees with these facts"*. I am of the view, therefore, that in not accepting the offer to meet unless your conditions to do so are adhered to, you are unwilling to engage with the Welsh Government.

Frequent or overlapping requests

You have submitted a high number of correspondence items, to both Welsh Ministers and Welsh Government employees, regarding the TrawsCymru bus services. Since April 2016, you have submitted 14 Freedom of Information requests on the TrawsCymru bus services. In the last 3 months alone, you have submitted at least 19

pieces of correspondence to Welsh Ministers on the TrawsCymru bus services. In addition, your correspondence often overlaps before Officials have had opportunity to consider and address your earlier enquiries. With each piece of correspondence, I am of the view that your intention is to re-examine and re-open issues, as you have summarised on 28 November 2017, that have already been considered and addressed.

To conclude, as evidenced above, I believe your latest requests are vexatious in accordance with Section 14(1) of the Freedom of Information Act 2000 (FOIA).

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or FreedomOfInformationOfficer@wales.gsi.gov.uk.

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,

Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely