



# Department for Transport

Northern Trains Limited  
George Stephenson House  
Toft Green  
York  
YO1 6JT  
Attention: Nick Donovan, Company Secretary

CC: Robin Gisby, DOHL Sponsoring Team,  
RNP Board Members, Fiona White, Peter Wilkinson

[by email]

Dear Nick,

**AMENDMENT AND RESTATEMENT AGREEMENT DATED 31 JANUARY 2023 IN RESPECT OF THE SERVICE CONTRACT ENTERED INTO DATED 24 FEBRUARY 2022 (THE "SERVICE CONTRACT") BETWEEN THE SECRETARY OF STATE FOR TRANSPORT (THE "SECRETARY OF STATE"), DFT OLR HOLDINGS LIMITED ("DOHL") AND NORTHERN TRAINS LIMITED (THE "OPERATOR")**

**WRITTEN NOTICE PURSUANT TO CLAUSE 8 OF THE SERVICE CONTRACT – "BREACH NOTICE"**

1. Words and expressions defined in the Service Contract have the same meaning when used herein unless the context otherwise implies.
2. The Secretary of State is satisfied that the Operator is contravening or is likely to contravene the following provisions of the Service Contract:
  - i) Schedule 7.3, Paragraph 3.2 (a) and 3.2 (b) – relating to "SQR Register"
  - ii) Schedule 7.3, Paragraph 4.3 (g) (iv) – relating to "Planned and Unplanned Disruption"
  - iii) Schedule 7.3, Paragraph 4.3 (a) – relating to "Non-inspection of Wi-Fi"
  - iv) Schedule 7.3, Paragraph 4.1 (a) and 4.3 (a) – relating to "Misrepresentation of Wi-Fi scores"
  - v) Schedule 7.3, Paragraph 6.2 and 13.1 – relating to "Inclusion of reinspections in published scores"
  - vi) Schedule 7.3, Paragraph 13.1 – relating to "Timeliness of publication of scores"
  - vii) Schedule 7.3, Paragraph 13.1 – relating to "SQR – publication of scores"
  - viii) Schedule 7.3, Paragraph 4.1 (a) and 4.3 (a) – relating to "Omission of inspections"
  - ix) Schedule 7.3, Paragraph 4.3 (e) (i) and (ii) – relating to "Station Inspections"
  - x) Schedule 7.3, Paragraph 4.3 (f) (i) and (ii) – relating to "Train Inspections"
  - xi) Schedule 7.3, Paragraph 4.3 (e) (i) (ii) and (f) (i) – relating to "Distribution of Inspections"and the following provisions of the Annual Business Plan 2022/23:
  - xii) Train Service Operations Plan, BPCs 13 & 14 – relating to "Digital Trains" - in respect of Angel Trains 150/3 car and Porterbrook 769/4 car vehicles
  - xiii) Customer and Communities Plan, BPC 6 – relating to "CCTV"
  - xiv) Customer and Communities Plan, BPC 10 – relating to "Whoosh"

Market Lead: Gary Bogan  
Market Team: Rail North Partnership  
c/o Midlands, North and Wales

c/o Passenger Services  
Rail Group  
2<sup>nd</sup> Floor  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Tel: [REDACTED]  
E-Mail: [REDACTED]  
Website: [www.gov.uk/dft](http://www.gov.uk/dft)  
Date: [REDACTED]

- xv) Customer and Communities Plan, BPC 20 – relating to “Station Improvements”
  - xvi) Accessibility Plan, BPC 3 – relating to “Access for All”
  - xvii) Accessibility Plan, BPC 15 – relating to “LED Lighting”
  - xviii) Accessibility Plan, BPC 17 – relating to “Stepping Distances”
  - xix) Growth and Revenue Plan, BPC 4 – relating to “Remote Gatlina Technology”
3. Pursuant to Clause 6.2 and paragraph 4.8 of Schedule 8.4 of the Service Contract, this constitutes a contravention of the Service Contract.
4. The Secretary of State, in accordance with Clause 8 of the Service Contract, does hereby serve written notice ("Breach Notice") to the Operator, setting out the provisions of the Service Contract which the Secretary of State is satisfied that the Operator is contravening or is likely to contravene and the acts or omissions which, in the Secretary of State's opinion, constitute or would constitute contraventions of such provisions:

**(a) the provisions of this Agreement which the Secretary of State is satisfied that the Operator is contravening or is likely to contravene;**

- i) Schedule 7.3, Paragraph 3.2 (a) and 3.2 (b) – relating to “SQR Register”

*3.2 SQR Register*  
 (a) The Operator shall prepare and complete the SQR Register so as to include the facilities and services which exist on every SQR Train and every SQR Station by no later than 1 April 2022.  
 (b) The form and content of the SQR Register shall include as a minimum the following content:  
 (i) description, purpose and quantity of each facility or service;  
 (ii) photographic evidence of each facility or service;  
 (iii) Not Used;  
 (iv) details of the applicable Service Quality Indicators against which the facility or service will be measured and reported against as set out in Appendix 2 (Service Quality Areas/Service Quality Indicators/Weightings) of this Schedule 7.3.  
 (v) Not Used.

- ii) Schedule 7.3, Paragraph 4.3 (g) (iv) – relating to “Planned and Unplanned Disruption”

(g) ensure that, in each Reporting Period:  
 (iv) at least 28 Customer Service Quality Inspections are conducted of the “Planned and Unplanned Disruption” Service Quality Indicator,

- iii) Schedule 7.3, Paragraph 4.3 (a) – relating to “Non-inspection of Wi-Fi”

*4.3 The Operator shall (as a minimum):*  
 (a) ensure that each Service Quality Inspection is carried out so as to determine whether any Service Quality Indicator has been passed or failed in accordance with the failure criteria specified in the Service Quality Schedules;

- iv) Schedule 7.3, Paragraph 4.1 (a) and 4.3 (a) – relating to “Misrepresentation of Wi-Fi scores”

*4.1 In each Reporting Period commencing from 1 April 2022, the Operator shall procure the undertaking of:*  
 (a) Station Service Quality Inspections, and Train Service Quality Inspections and Customer Service Quality Inspections (together to be known as the “Service Quality Inspections”) in accordance with the requirements of paragraph 4.3;  
*4.3 The Operator shall (as a minimum):*  
 (a) ensure that each Service Quality Inspection is carried out so as to determine whether any Service Quality Indicator has been passed or failed in accordance with the failure criteria specified in the Service Quality Schedules;

- v) Schedule 7.3, Paragraph 6.2 and 13.1 – relating to “Inclusion of reinspections in published scores”

*6.2 Where a Service Quality Re-inspection or Rectification Evidence Failure results in a Service Quality Failure being recorded against a facility or service, such Service Quality Failure(s) shall be included in the calculation of the Pass Rates for the Reporting Period in which the Service Quality Re-inspection is conducted or the Rectification Evidence Failure occurs, in accordance with the provisions of paragraph 10*

of Part C of this Schedule 7.3 (Calculation of Pass Rates), paragraph 20 of Part E of this Schedule 7.3 and Part 4 to Appendix 1 (Service Quality Schedules) of this Schedule 7.3.

13.1 The Operator shall publish (as a minimum) on its web site (in such format as the Secretary of State may reasonably require) details of:

(a) within two (2) weeks of the end of each Reporting Period, the Pass Rate for SQR Stations and SQR Trains for that Reporting Period, alongside the SQR Benchmark for such Service Quality Area; and  
(b) within two (2) weeks of receipt of the confirmation from the Secretary of State provided in accordance with paragraph 11.3(b) (ii) (Calculations related to the Service Quality Regime), the Pass Rate for each Service Quality Area for each Service Year alongside the applicable SQR Benchmark for such Service Quality Area.

vi) Schedule 7.3, Paragraph 13.1 – relating to “Timeliness of publication of scores”

13.1 The Operator shall publish (as a minimum) on its web site (in such format as the Secretary of State may reasonably require) details of:

(a) within two (2) weeks of the end of each Reporting Period, the Pass Rate for SQR Stations and SQR Trains for that Reporting Period, alongside the SQR Benchmark for such Service Quality Area; and  
(b) within two (2) weeks of receipt of the confirmation from the Secretary of State provided in accordance with paragraph 11.3(b) (ii) (Calculations related to the Service Quality Regime), the Pass Rate for each Service Quality Area for each Service Year alongside the applicable SQR Benchmark for such Service Quality Area.

vii) Schedule 7.3, Paragraph 13.1 – relating to “SQR – publication of scores”

13.1 The Operator shall publish (as a minimum) on its web site (in such format as the Secretary of State may reasonably require) details of:

(a) within two (2) weeks of the end of each Reporting Period, the Pass Rate for SQR Stations and SQR Trains for that Reporting Period, alongside the SQR Benchmark for such Service Quality Area; and  
(b) within two (2) weeks of receipt of the confirmation from the Secretary of State provided in accordance with paragraph 11.3(b) (ii) (Calculations related to the Service Quality Regime), the Pass Rate for each Service Quality Area for each Service Year alongside the applicable SQR Benchmark for such Service Quality Area.

viii) Schedule 7.3, Paragraph 4.1 (a) and 4.3 (a) – relating to “Omission of inspections”

4.1 In each Reporting Period commencing from 1 April 2022, the Operator shall procure the undertaking of:

(a) Station Service Quality Inspections, and Train Service Quality Inspections and Customer Service Quality Inspections (together to be known as the “Service Quality Inspections”) in accordance with the requirements of paragraph 4.3;

4.3 The Operator shall (as a minimum):

(a) ensure that each Service Quality Inspection is carried out so as to determine whether any Service Quality Indicator has been passed or failed in accordance with the failure criteria specified in the Service Quality Schedules;

ix) Schedule 7.3, Paragraph 4.3 (e) (i) and (ii) – relating to “Station Inspections”

4.3 The Operator shall (as a minimum):

(e) ensure that:

(i) each SQR Station (which is not a Relevant Managed Station) is the subject of a Station Service Quality Inspection at least four (4) times in each Service Year; and

(ii) each Station Service Quality Inspection is carried out in respect of each Reporting Period at one-hundred and fifty (150) different SQR Stations (which are not Relevant Managed Stations) with such Station Service Quality Inspection being distributed across the day and between the days of the week in proportion to typical passenger use of the SQR Station across the day and the days of the week in each such Reporting Period. Such Station Service Quality Inspections shall be reasonably apportioned so that subsequent Service Quality Inspections in respect of each SQR Station are not unduly concentrated on a particular time of the day or day of the week;

x) Schedule 7.3, Paragraph 4.3 (f) (i) and (ii) – relating to “Train Inspections”

4.3 The Operator shall (as a minimum):

(f) ensure that:

(i) in respect of each Reporting Period, five hundred and fifty (550) Train Service Quality Inspections are carried out in respect of different vehicles comprised within different SQR Trains with such Train Service Quality Inspection being apportioned across the day and between the days of the week in proportion to the typical distribution of passenger journeys across the day and between the days of the week; and

(ii) Train Service Quality Inspections are carried out in respect of vehicles operating on each Route once every other Reporting Period. Such Train Service Quality Inspections shall not be unduly concentrated on vehicles that operate on a particular Route;

xi) Schedule 7.3, Paragraph 4.3 (e) (i) (ii) and (f) (i) – relating to “Distribution of Inspections”

4.3 The Operator shall (as a minimum):  
(e) ensure that:  
(ii) each Station Service Quality Inspection is carried out in respect of each Reporting Period at one-hundred and fifty (150) different SQR Stations (which are not Relevant Managed Stations) with such Station Service Quality Inspection being distributed across the day and between the days of the week in proportion to typical passenger use of the SQR Station across the day and the days of the week in each such Reporting Period. Such Station Service Quality Inspections shall be reasonably apportioned so that subsequent Service Quality Inspections in respect of each SQR Station are not unduly concentrated on a particular time of the day or day of the week; and  
(iii) each SQR Station (which is a Relevant Managed Station) is the subject of a Station Service Quality Inspection two (2) times in each Contract Year with such Station Service Quality Inspection being distributed across the day and between the days of the week in proportion to typical passenger use of the SQR Station across the day and the days of the week; and  
(f) ensure that:  
(i) in respect of each Reporting Period, five hundred and fifty (550) Train Service Quality Inspections are carried out in respect of different vehicles comprised within different SQR Trains with such Train Service Quality Inspection being apportioned across the day and between the days of the week in proportion to the typical distribution of passenger journeys across the day and between the days of the week;

Paragraph 4.1 of Schedule 8.4 of the Service Contract:

*In each Business Plan Year, the Operator shall deliver the Business Plan Commitments in accordance with the Business Plan with respect to such Business Plan Year.*

Annual Business Plan 2022/23:

xii) Train Service Operations Plan, BPCs 13 & 14 – relating to “Digital Trains” - in respect of Angel Trains 150/3 car and Porterbrook 769/4 car vehicles

[13.]  
The Operator shall, unless otherwise agreed or specified by the Secretary of State, by no later than 28 February 2023:  
(a) undertake all refurbishment works on all rolling stock vehicles to the following standard and specification;  
(b) fitted with Wi-Fi that is compliant with at least the Minimum Wi-Fi Service Requirements;  
(c) fitted with a passenger information system that is compliant with the Passenger Information System Specification;  
(d) fitted with CCTV that is compliant with the Internal CCTV Specification;  
(e) fitted with a driver advisory system to advise the driver on the most economical method of driving consistent with good timekeeping;  
(f) fitted with forward facing CCTV;  
(g) remote condition monitoring equipment of a reasonably appropriate specification;  
(h) fitted to be “ERTMS-ready” so that when ETCS equipment needs to be installed in accordance with the Network Rail programme it can be done without needing further intrusive rolling stock modification works, because necessary wiring is in place and space for the equipment has been kept free as part of the refurbishment works;  
(i) fitted with at least one (1) USB socket every two (2) seats; and  
(j) infrastructure monitoring equipment for purposes which shall include the identification of faults on Network Rail’s infrastructure before the occurrence of an incident.  
In addition to the specification above:  
(a) 12 Class 158 units only will be refurbished to a standard that meets the Rolling Stock Quality Requirements and be fitted with remote condition monitoring equipment; and  
(b) each Class 333 unit shall be fitted with pantograph monitoring CCTV;  
The Operator shall provide to the Secretary of State a production plan each week which shall include a detailed narrative addressing all of the outstanding works, including progress by fleet and painted number.  
[14.]  
[1] The Operator shall:  
(a) by no later than 28 February 2023 provide an operating wireless internet service (“Wireless Internet Service”) on all its Train Fleet used for the provision of the Passenger Services; and

(b) use all reasonable endeavours to provide a Wireless Internet Service on all rail replacement buses provided by the Operator in accordance with its obligations pursuant to [paragraph 6.2 of Schedule 1.2 (Operating Obligations)].

[2] The Wireless Internet Service procured by the Operator pursuant to paragraph [1] shall:

(a) be made available to all passengers who use the Passenger Services at no cost to the passenger which for these purposes, but without limitation, shall mean that:

(i) the passenger will not have to pay directly or indirectly to use such Wireless Internet Service whether on an intermittent or continuous basis; and

(ii) the passenger is able to access the Wireless Internet Service without utilising any minutes data or other allowance (such as 4G or later mobile broadband connection) that may be available to such passenger through any subscription they may have with one or more internet service providers or mobile network operators; and

(b) comply with the Minimum Wi-Fi Service Requirements.

[3] the Operator shall monitor the performance of the Wireless Internet Service for the purposes of providing to the Secretary of State a report on the performance of the Wireless Internet Service. Such report shall include information on the customer usage statistics, statistics on the availability of the Wireless Internet Service including information on the average internet speed (in Megabits per second) and the latency figures (in milliseconds) and shall be submitted to the Secretary of State one month after the end of each Service Year.

[4] By no later than 28 February 2023, the Operator shall procure that all rolling stock vehicles comprised in its Train Fleet and used for the provision of the Passenger Services are fitted with such equipment as is necessary to ensure compliance with the requirements of paragraph [19]. Any such equipment shall, subject to paragraph [5], include the following:

(a) CAT-7 Ethernet cabling (or such other local area network cabling technology that offers equivalent or better bandwidth to Ethernet) forming a through rolling stock unit Ethernet backbone including inter-carriage connectivity; and

(b) an additional CAT-7 Ethernet cable (or such other local area network cabling technology that offers equivalent or better bandwidth to Ethernet) with supporting Power over Ethernet from the designated rolling stock vehicle equipment space to the middle of the void located at the ceiling of each rolling stock vehicle so as to permit the connection of additional internet access point equipment in the future.

[5] Where any rolling stock vehicle comprised in the Train Fleet as at the Service Commencement Date is already fitted with through rolling stock unit Ethernet backbones that are not compliant with the requirements of paragraphs [4(a)] or [4(b)], the Operator shall be permitted to retain these cables and the provisions of paragraph [4(a)] and [4(b)] shall not apply in respect of such rolling stock vehicle."

xiii) Customer and Communities Plan, BPC 6 – relating to "CCTV"

The Operator shall, by no later than 31 March 2023, upgrade CCTV systems at 85 stations. This is subject to change and the Operator shall produce an updated programme plan every 3 months.

xiv) Customer and Communities Plan, BPC 10 – relating to "Whoosh"

The Operator shall, by no later than 31 March 2023, extend the QR code information provision programme across all of the Train Fleet and stations without CIS screens, prioritised by the Stations with the highest footfall. The Operator shall, by no later than 31 December 2022, provide the Secretary of State with a cost report detailing the viability of extending the software license agreement beyond the current agreed terms, and, if so instructed by the Secretary of State, shall use reasonable endeavours to secure such an extension.

xv) Customer and Communities Plan, BPC 20 – relating to "Station Improvements"

The Operator shall:

(a) by no later than 31 March 2023, deliver 19 (nineteen) replacement shelters, 9 (nine) shelter refurbishments and 2 (two) waiting room refurbishments; and

(b) by no later than 31 March 2023 agree with the Secretary of State the locations at which a further 35 (thirty five) replacement shelters will be installed, and deliver such replacement shelters by no later than 31 March 2024.

xvi) Accessibility Plan, BPC 3 – relating to "Access for All"

The Operator shall, by 31 March 2023, and to the extent that such facilities do not already exist at the Station, deliver the following Access for All station improvements at 27 Stations:

(i) provide new induction loop systems on platforms and waiting rooms;

(ii) Help Points will be installed on every platform;

(iii) improvements in station wayfinding signage and station layout maps;

(iv) introduction on new tactile signage on handrails;

(v) provide accessible toilets and baby change facilities;

(vi) provide step free access from car parks, bus stops or provide a canopy covered drop off point; and

(vii) asset improvements including tactile handrails, stair nosings replacement, entrance door matting & doors, waiting rooms improvements, platform furniture and window manifestations.

For the avoidance of doubt, this BPC does not include funding renewal of existing facilities at any Station

xvii) Accessibility Plan, BPC 15 – relating to “LED Lighting”

*The Operator shall:*

- (i) by no later than 15 January 2023, complete the installation of all LED Lighting at Rotherham station;*
  - (ii) by no later than 30 September 2022, submit to the Secretary of State a costed, feasibility report and business case together with recommendations for installing LED lighting at Saltaire station (“Report”); and*
  - (iii) subject to the approval of the Report by the Secretary of State (which shall not be unreasonably withheld), by no later than 31 October 2022, agree with the Secretary of State a reasonable deadline for the completion of the LED lighting installation at Saltaire station.*
- If, the parties fail to agree a reasonable date in accordance with the obligations at (iii) above, the Operator shall by no later than 31 March 2023 complete the installation of all LED lighting at Saltaire station.*

xviii) Accessibility Plan, BPC 17 – relating to “Stepping Distances”

*In addition to and without prejudice to its obligations elsewhere in the Services Agreement, including but not limited to its obligations in relation to persons with disabilities, customer experience and engagement, the Operator shall:*

- (a) procure that works to improve the stepping distance between the edge of the platform and the train on platforms where the Operator reasonably determines the platform stepping distances are outside of acceptable tolerances;*
- (b) by no later than 31 March 2023, carry out its obligations under (a) above of this Business Plan Commitment (BPC) on a minimum of 6 (six) platforms;*
- (c) by no later than 31 March 2024, carry out its obligations under (a) above of this BPC at a minimum of 8 (eight) platforms, in addition to those already installed under (b) above of this BPC; and*
- (d) by no later than 31 March 2025, carry out its obligations under (a) above of this BPC at a minimum of 8 (eight) platforms, in addition to those already installed under (b) and (c) above of this BPC.*

xix) Growth and Revenue Plan, BPC 4 – relating to “Remote Gateline Technology”

*The Operator shall, by no later than 31 March 2023, trial remote gateline technology at a minimum of one station and provide the Secretary of State with a detailed report on the outcomes of the trial, including plans for future roll out if applicable by no later than 31 March 2023.*

**(b) the act or omissions which, in the Secretary of State's opinion, constitute or would constitute contraventions of such provisions:**

- i) Schedule 7.3, Paragraph 3.2 (a) and 3.2 (b) – relating to “SQR Register”  
The Operator does not have a complete SQR Register.
- ii) Schedule 7.3, Paragraph 4.3 (g) (iv) – relating to “Planned and Unplanned Disruption”  
There have not been any Customer Service Quality Inspections conducted of the “Planned and Unplanned Disruption” Service Quality Indicator since the enhanced regime introduction in April 2022.
- iii) Schedule 7.3, Paragraph 4.3 (a) – relating to “Non-inspection of Wi-Fi”  
The Operator was not undertaking inspections of Wi-Fi on its trains until 1 January 2023.
- iv) Schedule 7.3, Paragraph 4.1 (a) and 4.3 (a) – relating to “Misrepresentation of Wi-Fi scores”  
The Operator was not inspecting Wi-Fi on trains until 1st January, but still scored itself as 100% for this indicator.
- v) Schedule 7.3, Paragraph 6.2 and 13.1 – relating to “Inclusion of reinspections in published scores”  
The Operator published Pass Rates on its website that did not include Reinspection and Rectification Evidence Failures.
- vi) Schedule 7.3, Paragraph 13.1 – relating to “Timeliness of publication of scores”  
The Operator has not been publishing its scores in the timescales required. In January 2023, the website was only showing up to P7.

- vii) Schedule 7.3, Paragraph 13.1 – relating to “SQR – publication of scores”  
The Operator did not publish Customer Service scores on its website until P13.
- viii) Schedule 7.3, Paragraph 4.1 (a) and 4.3 (a) – relating to “Omission of inspections”  
The Operator has not been inspecting all required areas. The Operator has been taking unilateral decisions about which measures or aspects of the Service Quality regime they choose to comply with or not carry out. P1-P10 SQR audit data identified 267 instances of non-compliance for stations and 4,972 for trains.
- ix) Schedule 7.3, Paragraph 4.3 (e) (i) and (ii) – relating to “Station Inspections”  
The Operator has not met the requirement to conduct at least 4 Station Service Quality Inspections at each SQR Station (which is not a Relevant Managed Station) in this Contract Year. It has also not met the requirement to conduct 150 different SQR Stations (which are not Relevant Managed Stations) in Period 13 2022/23.
- x) Schedule 7.3, Paragraph 4.3 (f) (i) and (ii) – relating to “Train Inspections”  
The Operator has not met the requirement to conduct 550 Train Service Quality Inspections of different carriages comprised within different SQR Trains every Period. The Operator has been inspecting the same vehicles (carriages) more than once a Period, potentially up to four times in one Period.
- xi) Schedule 7.3, Paragraph 4.3 (e) (i) (ii) and (f) (i) – relating to “Distribution of Inspections”  
The Operator has advised that it has not undertaken inspections of stations or trains after 4pm since the original SQ regime began in 2017. It has therefore not complied with the obligation to apportion inspections across the day.
- xii) Train Service Operations Plan, BPCs 13 & 14 – relating to “Digital Trains” - in respect of Angel Trains 150/3 car and Porterbrook 769/4 car vehicles  
The Operator was required to undertake the specified refurbishment works on “all rolling stock vehicles”. It has failed to deliver to the scope required on the following units:
- Angel Trains 150 / 3 car (a total of 2 trains, 6 vehicles)
  - Porterbrook 769 / 4 car (a total of 8 trains, 32 vehicles)
- xiii) Customer and Communities Plan, BPC 6 – relating to “CCTV”  
The operator did not complete the installation of the 85 upgraded CCTV systems by the date required.
- xiv) Customer and Communities Plan, BPC 10 – relating to “Whoosh”  
The Operator did not complete the QR code information provision programme by the date required.
- xv) Customer and Communities Plan, BPC 20 – relating to “Station Improvements”  
The Operator did not deliver 19 replacement shelters, 9 shelter refurbishments and 2 waiting room refurbishments (part (a) of the BPC) by the date required.
- xvi) Accessibility Plan, BPC 3 – relating to “Access for All”  
The Operator did not deliver the Access for All station improvements at 27 stations by the date required.
- xvii) Accessibility Plan, BPC 15 – relating to “LED Lighting”  
The Operator did not complete the installation of LED lighting at either Rotherham or Saltaire stations by the date required.

xviii) Accessibility Plan, BPC 17 – relating to “Stepping Distances”  
The Operator did not deliver stepping distance improvements (part (b) of the BPC) by the date required.

xix) Growth and Revenue Plan, BPC 4 – relating to “Remote Gateline Technology”  
The Operator did not deliver the trial of remote gateline technology at a station by the date required.

**(c) the date and time of any meeting that the Secretary of State may require the Operator to attend (which shall be at least five (5) Weekdays from the date the Breach Notice is served) to discuss the causes of the contravention and the measures to be implemented to: (i) remedy the contravention and/or (ii) prevent the occurrence of such contravention**

In respect of the Service Quality Commitments, the parties need to engage in further dialogue in order to outline and agree upon measures that the Operator will take. In order to remedy the contraventions and prevent the occurrence of such contraventions going forward, the Secretary of State reserves the right to issue a Breach Remedial Notice requiring the Operator to produce a remedial plan.

In respect of the Business Plan commitments, the Operator is unable to remedy the contraventions within the 2022/23 business year. The parties will need to agree which commitments will need to be considered as part of the Annual Business Planning process for 2023/24. The Secretary of State will formalise these, and any relevant remedial actions, and these will be included as part of the contractualised Annual Business Plan for 2023/24.

In order to prevent the occurrence of such contraventions going forward, the Secretary of State reserves the right to issue a Breach Remedial Notice requiring the Operator to produce a remedial plan which may include but is not limited to the following:

- i) Clearly identifies the inherent issues, project-by-project and collectively, which have led to multiple contraventions of the contract, including those which are passenger-facing;
- ii) Addresses the issue of inaccurate information being passed to RNP regarding project status and decisions being made which should have been subject to RNP approval;
- iii) Clearly outlines an operating model and governance processes which will ensure contract compliance and Business Plan management going forward. This should include consideration of managing the Business Plan as a stand-alone programme with senior ownership, clear reporting, clear governance and adequate assurance;
- iv) Has a clear plan with milestones for the programme of activity to ensure complete compliance with the contract, which details how this will be achieved and the transition plan to the new operating model which will be put in place as identified in 4.c.iii (including what organisational changes, accountabilities, responsibilities and processes will be improved in order to achieve this);
- v) Has an adequate process of assurance and;
- vi) Demonstrates ownership of the plan by the NTL Board, to ensure the plan is successful and ensures RNP and public confidence in the Operator in all areas of the business



The Secretary of State is also minded to have an audit of the Operator carried out. This is being discussed with Government Internal Audit Agency (GIAA) and any requirements in this regard will be notified in due course.



The Secretary of State will arrange a meeting, the date and time of which will be notified in due course, at which these matters are to be discussed.

5. A copy of this letter shall be placed on the Department's Contract Management System (CMS) for essential record keeping and to monitor ongoing compliance, in line with our obligations under the Service Contract.
6. In addition, the Secretary of State may choose to publish a copy of this or future 'Breach Notice' letters with passenger facing/impacting contraventions on the Rail Public Register where it is deemed in the public interest, in line with our other contract publication activities.

Yours sincerely,

SIGNED FOR AND ON BEHALF OF <b>The Secretary of State for Transport</b>	) ) ) ) )	
<b>Print Name of Authorised Signatory:</b>	Gary Bogan	
<b>Position:</b>	RNP Director / Market Lead	
<b>Date:</b>		

 Redaction under FOIA 2000 exemption