

Misleading the public

By Matthew Deaves

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The Advertising Standards Authority upheld three complaints in April against Luton Borough Council, ruling that an advertisement about the guided bus planned for the Luton-Dunstable rail line contained factual inaccuracies that meant it was misleading.

Two further complaints were not upheld, although the ASA ruled that the council had not substantiated the claims relating to one of them. The advertisement portrayed benefits of replacing the Luton-Dunstable railway with a concrete-kerb guided-bus system.

The advert, which was placed in all three of the local papers at the end of 2000 and in the spring of 2001, claimed that the borough council's Translink guided-bus scheme would reduce traffic congestion, and would be more environmentally friendly than reopening the existing Luton-Dunstable railway.

After more than a year of investigation, the ASA ruled that the Translink scheme would do nothing to prevent a forecast increase in local traffic levels, calling into question the purpose of the £99million scheme. The ASA also asked the council not to repeat claims that the guided buses would be more environmentally friendly than the reopened railway, nor to imply that other guided-bus schemes would shortly be going ahead when they were yet to be approved.

The ruling came after a local resident, Mr Matthew Deaves of Round Green, Luton, queried some of the adverts' claims with the Translink project office and the council's head of marketing. Despite numerous enquiries, the council was unable to provide any evidence to support its claims, so Mr Deaves referred the advert to the Advertising Standards Authority for its consideration.

Commenting on the ruling, Mr Deaves, 25, a magazine editor and qualified engineer, said the whole purpose of the Translink project has been called into question. Councillors and the public have persistently been told that the guided-busway is the only solution to the town's traffic congestion, but now we learn that it's no solution at all. Even after the £99million guided-bus scheme is up and running, local traffic levels will continue to rise. As public ser-

Council's busway adverts

vants, the council's officers have a duty to present information in an even-handed manner.

In addition to the council's claims that traffic levels would reduce with Translink, the council claimed that no rail companies are interested in taking over the railway. However, during the course of the ASA investigation, Mr Deaves was passed communications from five companies that have expressed an interest in running the railway. Two companies have expressed an interest on more than one occasion, and it emerged that Chiltern Railways managing director, Mr Adrian Shooter, has met with Dunstable Town Council to discuss the railway. In spite of this, Mr Deaves was unable to prove that Luton Council was aware of these expressions of interest, so the ASA ruled that the claim was justified. The claim was not, however, substantiated.

Mr Deaves said it seems incredible that the council was unaware that the managing director of the country's most successful rail company had visited Dunstable to discuss reopening the railway. Council members have been told repeatedly that no rail company is interested. Perhaps now they will reconsider what is best for the conurbation as a whole and investigate this interest further before committing themselves to destroying the railway.

Government rules mean that funding for railway projects is awarded directly to rail companies and not to local authorities. This means that Luton Borough Council needs to actively approach rail companies to gauge their interest, and cannot expect companies to cold-call the council when its policy is anti-rail.

Mr Deaves commented: "I hope

that the council as a whole will learn from this ruling, and ensure that future consultation exercises are both fair and accurate. I hope too that the Translink project officers will put this sorry affair behind them and concentrate on what we all want: an attractive alternative to the private car. For that we need a fast, reliable rail link to Dunstable and beyond."

The full adjudication can be seen at www.asa.org.uk. The complaint to the ASA was made independently by Mr Deaves, but was supported by the Association for Dunstable Area Passenger Trains (ADAPT) and Luton Friends of the Earth (FoE). Mr Deaves has no formal connections with either of these organisations.

The code of recommended practice on local authority publicity, published by the DTLR, states that local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view.

It also states: Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments, and markets views and opinions. See <http://www.local-regions.dtlr.gov.uk/ncc/crplap/03.htm> sections 5, 14, 16, 19, 30

Mr Deaves believes that the Translink advertisement contravened these guidelines and should therefore never have been placed in the first place. This matter will now be referred to the District Auditor for consideration. The ASA investigation was initiated after the council's head of marketing and PR, Rik Hammond, and Translink

project manager Keith Dove MIHT, refused to provide any documentary evidence to substantiate claims made in the advertisement. The council had ample opportunity to avoid a long inquiry that had a considerable cost in terms of Translink project office staff time.

Luton Borough Council is an inexperienced transport authority, with no previous experience of any major transport project. The borough became a unitary authority in 1997, prior to which the transport authority was Bedfordshire County Council.

When the Translink scheme was first proposed, costs were in the region of £40million. In October and November last year, two separate borough council documents quoted costs of £90million and £99million respectively.

Chiltern Railways runs services from London Marylebone to Aylesbury, High Wycombe and Birmingham. The company has consistently been the UK's top performing rail company in terms of reliability and punctuality, and was recently the first company to be rewarded with a 20-year franchise extension. Chiltern Railways promotes integrated transport, and is believed to be the only train company that has appointed a bus manager. The company has pioneered schemes with Arriva the Shires and Essex at Chinnor, Aylesbury and High Wycombe, and has also introduced connecting bus services at Solihull and Birmingham. Further information is available at www.chilternrailways.co.uk.

The possibility of a Luton-Dunstable-Leighton Buzzard-Milton Keynes railway is currently under consideration as part of the London to South Midlands multi-modal study. This route has the support of local MPs Kelvin Hopkins (Luton North) and Andrew Selous (South Bedfordshire).

Labour gets on the wrong bus

Liberal Democrat Jonathan Chatfield, who has questioned the Labour-promoted policy of building a busway on the Cambridge-St Ives rail line, won a seat on South Cambridgeshire District Council in the May elections.

Mr Chatfield said: "Given that there is already a railway line in place, is it right to concrete this over to provide a bus route? How will the bus keep to time when it leaves the dedicated section?" There was no mention of the guided busway on the Labour party leaflet for the

Histon and Impington seat, but the candidate has told Railfuture members that she too is against the idea. Campaigners from the Council for the Protection of Rural England have also questioned the busway.

However Transport Secretary Stephen Byers and Cambridge city MP Anne Campbell are both reported to be in favour of the busway. They are ignoring the obvious solution to reopen the railway which could be run with a combination of heavy and light rail services.