

HOUSE OF COMMONS

MINUTES OF EVIDENCE

TAKEN BEFORE

HOUSE OF COMMONS WELSH AFFAIRS COMMITTEE
AND NATIONAL ASSEMBLY OF WALES ECONOMIC DEVELOPMENT
AND TRANSPORT COMMITTEE

THE DRAFT TRANSPORT (WALES) BILL

WEDNESDAY 23 JUNE 2004

MR COLIN FOXALL, MR CLIVE WILLIAMS and MR MIKE HEWITSON

MR DAVID DIXON

Evidence heard in Public

Questions 135 - 220

Oral Evidence

Taken before the House of Commons Welsh Affairs Committee

and National Assembly of Wales Economic Development and Transport Committee

on Wednesday 23 June 2004

Members present:

Welsh Affairs Committee

Mr Martyn Jones, in the Chair

Martin Caton

Hywel Williams

Dr Hywel Francis

Mr Roger Williams

Albert Owen

Julie Morgan

Economic Development and Transport Committee

Christine Gwyther, in the Chair

Leighton Andrews	Elin Jones
Alun Cairns	Lynne Neagle
Christine Chapman	Jenny Randerson
Janet Davies	
Lisa Francis	
Brian Gibbons	

The Written evidence from the Rail Passengers Committee Wales and the Rail Passengers Council Network is on page Ev 19

Examination of Witnesses

Witnesses: **Mr Colin Foxall**, Chairman (Member of the Rail Passengers Council) and **Mr Clive Williams**, Director, Rail Passengers Committee Wales; **Mr Mike Hewitson**, Acting Policy and Research Manager, Rail Passengers Council, examined.

Q135 Mr Martyn Jones MP, Chairman: Welcome this afternoon to this historic joint meeting of the Economic Development and Transport Committee of the Welsh Assembly and our very own Welsh Affairs Select Committee. We are, of course, looking into the implications of the Draft Transport (Wales) Bill and we are looking forward to hearing what you are going to say about it. If you could, just for the record, introduce yourselves - we have seen at least one of you recently! Perhaps we could start with Mr Williams.

Mr Williams: Clive Williams, Director, Rail Passengers Committee, Wales.

Mr Foxall: Colin Foxall, Chairman of the Rail Passengers Committee, Wales and Member of the Rail Passengers Council.

Mr Hewitson: Mike Hewitson, Acting Policy and Research Manager at the Rail Passengers Council.

Q136 Mr Martyn Jones MP, Chairman: Thank you very much indeed. First of all, a general question to both organisations. Do you in principle welcome the aims of the draft Bill?

Mr Foxall: Yes, I think we do. I think from a whole series of points of view we think this is a sensible move; it fits in very well with the grain of the ideas that both the Wales Rail Passengers Committee and, indeed, the Rail Passengers Council have been advocating, shall I say, for some time in the sense that local is good, and geography and integrity are quite important in terms of looking at how you provide rail services and how you manage them; it is in line with the evidence we have given to the Rail Review and, most importantly we think, in all our dealings with passengers and the research we have done it fits really rather well with what passengers want.

Mr Hewitson: Indeed, I very much echo my colleagues' points. It was seen as the response to the Government review. There was support amongst the passengers we canvassed and the questionnaires and focus groups we held for local decisions being made for local people and for more accountability, as long as rail is planned within a strategic national framework as well – no more fragmentation, please. Within that context the idea had a great deal of support, both amongst passengers and the entire network of committees.

Mr Martyn Jones MP, Chairman: Can I now bring in Christine Gwyther, the Chair of the Economic Development and Transport Committee.

Q137 Christine Gwyther AM: Thank you, Chair. Can I ask all of you, do you think there is anything that should have been included in the Bill which has been left out?

Mr Foxall: I think it is strong to talk about “left out” and I hardly like to criticise the draftsman. If I can make one point, which is slightly carping, it does not mention “passengers” much; the only place that it mentions passengers, I think (and I have not gone through it in great detail) is where it says “the Rail Passengers Committee”, or something like

that. Presumably, the purpose of producing an integrated transport plan, improving transport and having a Wales Transport Bill is, I hope, largely for passengers. That is a disappointment, but it is a carping point because I understand legislation does not necessarily have to identify that, but that is one point I might make. The only other thing that perhaps I ought to mention is that we are not very clear, in terms of the powers the Assembly will have, or the Assembly Government will have, how they will relate to Network Rail, or how Network Rail actually fits into that, and how perhaps some other services or other things that are provided along with railways, like integrated ticketing, fit in with the terms of the Bill thus far. On the whole, they are the only things we would identify. Is that right, Clive?

Mr Williams: Absolutely. As regards wider consultation, under Clause 2(5) and 9(2) of the Bill, we would like to see the Bill have provisions to create a duty on the Assembly to consult widely over its transport strategy. That is an aspect that is missing from the Bill at the moment, although it does make provision for the Assembly to allow consultation with any person it considers appropriate. So I suppose that is all embracing. We feel there should be a duty to consult the RPC and we very much hope that that can be enshrined in the draft as it is improved.

Q138 Albert Owen MP: What is your experience in Scotland?

Mr Williams: In relation to consultation?

Q139 Albert Owen MP: Yes.

Mr Williams: There is consultation between the Executive and the Rail Passengers Committee and, indeed, with the Strategic Rail Authority. I think what we have said before, certainly to the Welsh Affairs Committee, is there is a need for a stronger rapport between the Rail Passengers Committee, the Welsh Assembly Government and the Strategic Rail Authority and many people think that the SRA has gone native in Scotland; they have a

member of staff in that country and there is a much better rapport between the SRA and indeed the Scottish Executive in actually pursuing the priorities of that Executive for Scotland. We very much hope that that sets a very helpful precedent for what can be achieved in Wales.

Q140 Albert Owen MP: Is that written into the legislation in Scotland? That is my point.

Mr Williams: No, not specifically. It is covered by the directions and guidance.

Mr Foxall: I do not think it is written in but what is clear is that the Rail Passengers Committee there has a very good relationship. What Clive was referring to when he was talking about involving the Rail Passengers Committee, I think, is something that we are very interested in developing. Perhaps I should explain, I have been in this job for about four or five weeks so I am at an early stage of helping the Committee with forming the kind of strategy that we would like to see pursued. I am very interested in the idea of the Rail Passengers Committee becoming much more involved in the strategic side of planning, the development of the services at an earlier stage without compromising our independence and without taking away our role as passenger champion. We think it would be useful if Welsh Ministers, perhaps, were to say, "It is clear that we ought to consult the Rail Passengers Committee at an early stage at various points in this Bill when directions and guidance are being given", because as it stands there is a choice. It is understandable, and I think I would draft the legislation that way myself, if I were drafting it, because it gives the Assembly Government a choice, and that is proper in a sense. On the other hand, I think it is useful for the Assembly Government to make it clear that it intends to consult the Rail Passengers Council on these issues and, in that sense, quite frequently.

<p>Q141 Hywel Williams MP: (Translated from Welsh) Thank you very much, Chair.</p>	<p>C141 Hywel Williams AS: Diolch yn fawr iawn, Gadeirydd. I gyfeirio'n ôl at yr hyn yr</p>
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Referring back to what Albert Owen was asking earlier about Scotland, we were talking to the SRA on Monday, and it did not seem to place much importance on having an authority member specifically from Scotland. However, from what you were saying, having a close link with Scotland has been very productive. Would you like to say more about that, or confirm that that is your opinion?	oedd Albert Owen yn ei holi yn gynharach ynglŷn â'r Alban, buom yn siarad gyda'r SRA ddydd Llun, ac nid oedd i'w weld yn rhoi pwys mawr ar gael aelod o'r awdurdod yn benodol o'r Alban. Ond, o'r hyn yr oeddech chi yn ei ddweud, mae cael cysylltiad agos â'r Alban wedi bod yn gynhyrchiol iawn. A fydddech yn hoffi sôn ychydig mwy am hynny, neu gadarnhau mai hynny yw eich barn chi?
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Mr Williams: Yes, I would confirm that is our opinion. I think it is very important that there is a rapport between the SRA and, indeed, the country that seeks improvements in its transport provision. Our experience is that there is that rapport in Scotland. There are different arrangements in Scotland as regards the direction and guidance that the Executive is able to give to the Strategic Rail Authority, but I think if there is that rapport between those providing the services and those at the Strategic Rail Authority within that country that sets a very helpful precedent for what and should be achieved in Wales.

Q142 Mr Martin Caton MP: Clause 8 of the draft Bill will confer on the National Assembly the power to appoint the Chairman of the Rail Passengers Committee Cymru. Do you welcome this proposal?

Mr Foxall: It seems to me a perfectly logical proposal in the context of the Bill. I therefore think it is a perfectly sensible one and welcome it entirely. The only issue I would raise is that I am extremely keen that it is clear that the independence of the chairman of the committee is continued because the structure at the present time is that the chairman of the

committees and the committees themselves are appointed as independent and indeed they are autonomous. The chairman is also automatically a member of the Rail Passengers Council, but essentially the Council is an autonomous, independent body. I think that independence is very important. I think, again, it would be useful – and not necessarily in the Bill – if statements were made to the effect that it was expected to be independent. The reason I am raising that is not to question anybody currently sitting in the Welsh Assembly Government but looking rather further forward and, also, because in a way the situation changes slightly from what it is now. I am appointed by the Secretary of State for Transport but the SRA disposes of the funds, as it were. In the new situation you could argue that it is the Welsh Assembly Government and the Welsh Assembly Government. So I think the need to know that the post is going to be independent – indeed that the Committee is being independent – is quite important, but beyond that, yes, I welcome it.

Q143 Mr Martin Caton MP: That is a possible disbenefit. What are the main benefits of the change?

Mr Foxall: I hope, in a sense, there will not be benefits in saying that someone would be appointed because they were a particular colour or have a particular relationship, or whatever. What is important is that you should appoint the person who is best suited to do the job, whoever that might be. I guess there may be some advantage in the sense that the Welsh Assembly Government may understand the local issues rather better and, therefore, may be looking for a particular set of skills. So that would be useful.

Q144 Mr Martin Caton MP: In your written submission you say that the Assembly would also become responsible for appointing the chair and members of the Rail Passengers Committee for Wales. That is not what it actually says in the Bill, is it? There will be a right of consultation but it will still be the Strategic Rail Authority. Are you jumping the gun and

saying *de facto* what is going to happen is that the National Assembly will have that power of appointment?

Mr Foxall: I think you are being very clever, looking at our drafting and maybe we drafted too quickly or too slowly. I do not know. We are not hinting at it in that sense. I think, in a sense, that is an error. On the other hand, I do not have a problem with the idea that the members should be appointed too, because it seems to me perfectly logical if you are going to appoint the chairman you may as well appoint the members (at least, I think so). You can do it in consultation with others, no doubt, and perhaps in consultation with the SRA, or whatever body is appropriate if the Rail Review changes any of that, but we are not particularly flagging that and nor am I waving a flag against it.

Q145 Alun Cairns AM: Thank you, Chairman. To whom will the Rail Passengers Committee principally report: the National Assembly, the relevant Assembly Government Minister or the SRA?

Mr Foxall: I think I am right in saying we are required to present our report to the Minister who is then required to lay that report before the Assembly, but I am not absolutely certain that is right. I think that is correct. In terms of the principality I think we will have to see how that works out. I am sure we will be held accountable by the Assembly, and I would expect to appear before the Committee from time to time and indeed explain myself.

Q146 Alun Cairns AM: The Assembly's Committee has a policy-making role as well as a scrutiny role. What sort of relationship do you envisage having with the current Economic Development and Transport Committee?

Mr Foxall: I think much the same one as I would expect to have, in a way, with the Minister, in the sense that we will be explaining our views, we will be explaining what we think

passenger priorities are and how they can be achieved. I think an open one but, also, a very close one.

Q147 Alun Cairns AM: What about situations where there are potential conflicts between, maybe, the strategic desires of the Minister and, maybe, differences you might have? Do you feel that the relationship would be sufficiently robust to share those concerns with the Committee?

Mr Foxall: I would hope so, and I cannot see why they should not be. I believe very firmly that we have to be an independent, strong passenger voice. That is clear, that is our reason, in a sense, for existing. That having been said, it is clear that from time to time we may have to share in difficult decisions; we may have to not take those decisions but the consequences of those decisions we may have to look at and understand. It may well be that there are situations where you cannot possibly satisfy every single constituency or area or point of view. As to the questions, I suppose, of privilege or privacy, then I would hope that we could reach a working relationship with Ministers which would allow us to be open with the Committee as well. I think that is perfectly possible. I do not see it as a difficult issue. We are not dealing here with something that is a state secret; we are dealing with transport and we ought to be able to be fairly open in our discussions about it.

Q148 Albert Owen MP: If I can come back to the subject of your independence, you made a big play of it in your written submission and you said that you were not really worried. Can I put to you that if the Minister is appointing you and you are reporting to that Minister and you are involved in the policy-making, and even the finances may be coming from the National Assembly, I as an independent representative or body would be a little concerned about that. Can I push you on that to extend your views, please?

Mr Foxall: I think it is perfectly reasonable you should say that. I understand that. However, it seems to me it is a perfectly manageable situation, providing you deal openly. What we are saying is not that we want to take the decisions – those are not for us to take – but it is crazy, in our view, for policy to reach a very developed stage to the point where papers are produced and then for us to have to go through a process of representation when, perhaps, earlier discussion would have been able to resolve that. It has to be on the basis that it is understood quite clearly that if we disagree we may have to disagree publicly. I do not suggest that we should go around and break up the furniture and start punching people on the nose. On the whole my view is that it is useful to introduce yourself to people before you start to assault them, and talk to them and discuss things. I think it would have to be accepted, which is really where the point about independence comes from, that we may publicly disagree. I hope we will disagree in the right way, and in a polite way but a firm and resolute way, if we have to disagree, that is part and parcel of the independence that we are seeking. I do not think that is incompatible with being involved in discussions about where policy is going. If the chairman and the committee cannot manage that then the chairman and the committee need replacing.

Q149 Albert Owen MP: Can I put a question to Mr Hewitson, with regard to the Scottish model? How does that work, for instance? Are you involved directly with the SRA or is the appointment done by the Scottish Parliament?

Mr Hewitson: I confess I am not an expert on the arrangements in Scotland. The Convener (as I think he is called) will in future be appointed under a similar arrangement to the proposals here. The current Convener was appointed by the Scottish executive, so I think we are still waiting to see the changeover. I have not, in all my discussions with my colleagues in Scotland, come across threats to independence, as such. I think there is this mature arrangement and it is based, largely, on discussion – private discussion and public discussion

– to make sure that differences of opinion are aired. There is another important point in terms of independence as well, and it is the way that we as a network are viewed by passengers. Passengers put a lot of faith in us at times because we are independent, we are not part of the industry, we are not part of the Government and when they talk to us they can talk to a consumer body that will push and protect their interests. If they perceive – and it can sometimes be an issue of perception – the organisation to be beholden to someone then that questions that perception.

Q150 Albert Owen MP: Do you think this legislation, as it is drafted now, will give that perception to the people that you represent?

Mr Hewitson: Currently we have a situation where chairmen are appointed by the Secretary of State and it has not come across. I think people realise that if you are a consumer body you are funded by the taxpayer, or you have to be funded by someone else; we cannot charge for our services. So how feasible is it to charge an industry levy, in which case people will be paying for us on top of their fares, or you are funded through the taxpayer, in which case somebody has to appoint us. I think providing it is explained, providing we are at arms' length and providing we have something such as the current directions and guidance to the SRA to which we can point at and say "It says here: independence", as long as we have that statement, that back-up, then I think that is sufficient.

Q151 Albert Owen MP: So you would like that word to be in the legislation somewhere?

Mr Hewitson: Personally I think it is important; whether it is in the legislation or written in the directions and guidance that back it up – as long as it is somewhere.

Q152 Julie Morgan MP: Good afternoon. If the draft Bill was to pass into law the National Assembly would have powers of direction and guidance over the Strategic Rail Authority.

Do you welcome this move and what benefits do you think it would bring to Wales and, in view of your role, in particular, to the passengers in Wales?

Mr Foxall: Clearly, there is little point, it seems to me, in establishing the Bill without giving the powers of direction and guidance. I am not sure what the role would be or how effective the role would be without the ability to give that direction and guidance. The benefits, it seems to me, are, clearly, you can specify more locally and in terms of a Wales Strategic Plan what it is that you seek from the rail providers. Those benefits may sound slightly apple pie but I do not think there is a better way of describing them. You cannot precisely weigh what they are going to be. There are, I think, some potential limitations on those powers. I am not referring to the way they vary between train companies operating solely in Wales and cross-border services, rather I am referring to the fact that the extent to which you can give directions and guidance is obviously controlled, to some extent, by funding, and by the cost that might be involved consequent upon the directions and guidance that you give. So the issue that, perhaps, has to be addressed is whether the funding is adequate to actually support the directions and guidance you want to give. It may also be, I suspect, that the directions and guidance have been given less frequently than you might imagine. It is my impression that it is perhaps the case in Scotland that these are not things that are used, as it were, every day because otherwise you would be micro-managing the railways, which is not the intention. So, yes, we welcome them and they are important but, being realistic about them, there are some limitations and some of those limitations are to do with funding and some are to do with cross-border services.

Q153 Julie Morgan MP: Do you think that one of the reasons there has not been more direction from Scotland has been to do with the fact of the funding issue?

Mr Foxall: I want to be careful about this because I have not really had an extensive chance to look at the system in Scotland. If the Committee is particularly interested in understanding

how directions and guidance have operated in Scotland it would be very sensible to make a direct inquiry of colleagues there, but my impression is that funding is an issue. You would be surprised if it was not. There has been, perhaps, I understand, a reticence about using new funds for things that the SRA already has funds for.

Julie Morgan MP: Thank you. I think that is a useful answer for some of us to follow up.

Q154 Janet Davies AM: You have just mentioned funding, and the National Assembly will be able to enter into financial agreements with the SRA to provide enhanced services. Could you give a bit of an indication as to how you see this happening in practice?

Mr Foxall: I would like to say yes, but I am not sure I can because I do not think there is a huge amount of track record in terms of models that we can actually look at to compare with. The only one - again, I am speaking with limited experience – that I can comment on is one in Scotland where an agreement was entered into, I believe, under this sort of arrangement for platform lengthening, and I think it took a great deal of time to conclude. What needs to be, perhaps, established is some sort of model system, model structure, as it were, of how you would use such an arrangement. We would certainly be very willing, as it were, to assist in the process of trying to help specify what might go into such an agreement.

Q155 Janet Davies AM: You would accept that basic rail services in Wales would be funded from the United Kingdom rail budget and, therefore, there needs to be a clear definition of what enhanced services are. Do you feel at present that this Bill and existing structures clearly define the difference between those two types of services?

Mr Foxall: The honest answer is I do not know. We have not looked at that particular issue. I am sure you are right that there does need to be a distinction. Looking at the Scotland experience, I suspect it is something that actually evolves rather than, as it were, is determined well in advance, but in practice what may happen is that the Welsh Assembly Government

would be rather reluctant to pay for things that it knows are going to be funded elsewhere and, therefore, the distinction will arise inevitably out of the operation.

Q156 Janet Davies AM: In order to prevent future possible conflicts it would be absolutely essential to have that definition because, I think, as Assembly Members we would be concerned for the future of the Assembly if our budget were to be nibbled away into basic services.

Mr Williams: Yes. I think there has been that debate as regards the opening of the Vale of Glamorgan line, for example. Certainly Assembly Members have concerns there as regards the use of Strategic Rail Authority money for that line to be upgraded for passenger use as against money coming from the Assembly. It is very much a partnership approach. Of course, at that time we had the Rail Passenger Partnership Scheme which the Strategic Rail Authority had to withdraw because of the straitened financial circumstances within which they were operating.

Q157 Mr Roger Williams MP: Good afternoon. It certainly struck me when I was listening to those answers that there may be many ways in which the Assembly would like to enhance services. The two most obvious are through revenue funding from increasing the number of services, for instance, but, also, capital funding for the upgrade of stations and other facilities. Presumably, there would have to be more than one model?

Mr Williams: That is right. When you consider what the Assembly has done on station enhancements – Bangor and Holyhead come to mind straightaway – work has been done in South Wales and work now needs to be done in North Wales, and we recall *The Daily Post* and their campaign following the attack on the individual at Prestatyn Station and the concern that prevails about the state of stations in North Wales. Here is an issue where the Welsh Assembly Government can be proactive and has been proactive in other parts of Wales.

Mr Hewitson: In terms of looking for this differentiation between what, if you like, the Strategic Rail Authority will fund and what the Assembly will fund, I think one of the benchmark documents is the actual franchise agreement for the company itself, which sets out the minimum service levels, the minimum facilities at stations and will lay down, particularly in future franchises, certain qualitative targets as well using key performance indicators and a whole variety of things – passenger satisfaction levels. That, in a sense, I think, would be what the Strategic Rail Authority is going to fund in respect of that train company. So over and above that could well be some of the areas that the Assembly would be looking at.

Q158 Janet Davies AM: I am concerned, Mr Williams, that you brought up the issue of safety on trains as something that would be an enhanced service, because in my view safety on railway stations should actually be part of the basic services.

Mr Williams: I would not disagree with that. I think, as a Committee, we have been very active in association with Members in North Wales about route crime issues and about the strength of the British Transport Police, for example. However, from the passengers' point of view, their perception about safety starts at the station and they want a station where they feel safe and secure, and we want a programme where we can have a partnership not only with British Transport Police and the civilian police but, indeed, with the local authorities. Members in North Wales have been active on this very issue, trying to get engaged with local authorities to get a secure station initiative embraced at stations where there is this feeling of an unsafe environment.

Q159 Jenny Randerson AM: To look more specifically at the question of powers, and the difference between what is proposed for Wales and Scotland, in your evidence you say that the Scottish Executive has powers that are extra to those proposed for the Assembly, and one of these is legislative competence over the powers for the promotion and construction of new

railways in Scotland. Is it your view that the Bill as currently drawn is too broad and not specific enough in this, and do you feel that these powers are implied in the Bill and, therefore, could be under some sort of question in the future, or are they in your view lacking in what is proposed?

Mr Foxall: It may well be that they need to be expanded. We are drawing attention to the fact that they are not there. I am not sure it necessarily means that these things cannot be done; it is rather saying that they are not here in the Bill, and I think if you want clarification you want to put those powers in. Then, of course, I make the point that the budget has got to go along with them to make them, at the end of the day, effective powers that you can use.

Q160 Jenny Randerson AM: I think we all understand that but it might be that what you are saying is it would be a good idea to establish the powers.

Mr Foxall: Sitting from here I am not quite sure why they are not there. That is, I suppose, the simplest thing to say. There may well be a good reason that has not communicated itself in the notes to the Bill, and so on, as to why they are not there, but I am not quite sure why they are not there.

Q161 Alun Cairns AM: I want to refer back to what Janet Davies asked in terms of the basic services or core services provided or funded by the SRA. Do you think it would be useful to have the core services listed at various stages after certain budget rounds, so that at least the Assembly could preserve its additionality, if you like, for the extra services that it is funding itself?

Mr Williams: I think we go back to the Passenger Service Requirements, and the Passenger Service Requirement is very much an instrument that lays out what a franchisee is expected to provide in a given area. Members, certainly of the Welsh Affairs Committee, will recall the concerns that we had regarding the Swansea to York service and, indeed, the other services

that were introduced. Additional Virgin services were introduced into South East Wales, which we wholeheartedly welcomed and we were very gratified at the passenger loadings on those services, demonstrating a need for the services in South East Wales to the North East of England and indeed to Scotland, but because of the pressures that were on the Strategic Rail Authority and what they perceived to be the overcrowding on the rail network, the decision was made to withdraw the Swansea to York service and, rightly or wrongly, we made our representations at the time and we were very heartened that the Welsh Affairs Committee endorsed the stand that we took, particularly regarding the Swansea to York service. Again, it goes back to what the chairman was saying about independence; there are times when you can be somewhat lonely and you have to make a stand on behalf of the passenger, and that is what we did at the time. Yes, there were national considerations that the Strategic Rail Authority had to address, and we very much hope that with dialogue with Chris Green and Virgin Trains we may look at the possibility of some of those services being reinstated, but you are absolutely right there needs to be a clear understanding as to what the franchisee is expected to deliver and then to look at what possibilities there are, given budget constraints, for enhancement above that base level, which is the PSR.

Q162 Alun Cairns AM: If the franchise is used as the main vehicle to preserve the Assembly's interest, do you not accept that there could be a chipping away of the core service every time a franchise is negotiated, so that in a number of years' time the Assembly ends up funding what is considered to be a core service now but, in 30 years, might not be a core service?

Mr Hewitson: The original PSRs were rooted on the 1994 timetables, so they had a basis in what went before privatisation and they have been linked to that since. However, it is true, they are not etched in stone and we have seen changes afoot recently to take certain services out, albeit on the grounds of trying to improve the overall capacity or the performance of the

railway. I know it sounds a strange concept, taking trains out to improve things, but you can get such a thing as an over-congested railway.

Mr Foxall: If I can just add to that, I think for services within Wales, when the franchise is renewed that is your opportunity for the directions and guidance to specify exactly what you want. For services which cross the border you have a non-binding guidance and, therefore, you are in a weaker position. I believe there is way through all of that because I do not think these cross-border issues need to be quite as huge as they perhaps appear to be, and that is if a kind of concordat or a memorandum of understanding, or whatever you like to call it, is included with the parties who provide the services and the authorities through whose areas those services go. So, First Great Western would be an example, and then you have an agreement with the areas, either local authority areas or passenger transport authority areas – whatever it turns out to be, at the end of the day, regional devolved areas – and an agreement, also, with the train operating company. That agreement specifies that services at various points along the line are going to be respected by the other parties. It is clear that if you do something in London it might well affect something in Swansea, quite easily. You therefore need to have some sort of boundary agreement running through, and what we propose is there should be these agreements. Again, we would be very happy, as it were, to act as the catalyst or the broker for setting those agreements up in the first place, and we are in a position to do that because we have rail passenger committees and, therefore, the chairmen of those committees, representing each of the regions through which they flow, have relationships with the appropriate people in the train operating companies and so on. That can help you in the direction of the kind of thing that you are describing.

Q163 Brian Gibbons AM: At the bottom of page 3, top of page 4, in your evidence you suggest as well greater powers and directions in a number of areas – joint ticketing and so on and so forth – the implication being that the existing arrangements are not sufficiently robust.

I think we had evidence from the Bus Users' Federation largely along similar lines. I am just wondering why you feel that the existing arrangements are not working, because they are fairly extensive, in terms of the quality of partnerships and the quality of contracts. So the options are there to achieve a lot of these desirable objectives, but you feel we need to have further legislation which may duplicate existing powers.

Mr Williams: The common-sense view from the public is that because parent companies have responsibility for the train operating company – in South Wales, Great Western, and in Swansea, if you think of that locality, First Cymru – then there should be this synergy and there should be this opportunity for co-ordinated journeys and through-ticketing facilities. Very often, however, the practice in reality is quite divorced from the theoretical standpoint of companies. We have been working very hard with companies and, indeed, with the National Federation of Bus Users to get this more integrated approach. Government policy is to try to persuade people to leave their car and to use public transport, and there are opportunities to get on a train at Paddington and to travel to the outskirts of Swansea, to the High Street, and then by bus to the next leg of the journey.

Q164 Brian Gibbons AM: The implication of your recommendation or suggestion is that the powers we have got, at the minute, are inadequate, whereas I am suggesting to you that we have got plenty of powers at the moment, but clearly they are not being used properly. So I am trying to tease out whether or not you feel that the existing powers need to be amended to make them more user-friendly.

Mr Williams: It is the application of those powers and how those powers can help the public that are using the services.

Q165 Brian Gibbons AM: On that basis, the powers exist, as they are at the moment, and we really do not need anything in this Transport Bill to change the powers, it is just the way they are used. What do you think is the obstacle in their current application?

Mr Williams: I think it is a question of the application of the powers. You are absolutely right, the powers are there but they are not being applied effectively.

Q166 Brian Gibbons AM: So what is the problem? Is it lack of political will? Is it too bureaucratic? Is it too one-way? Do they cost too much?

Mr Hewitson: I cannot speak, obviously, for the situation in Wales but in other areas we have encountered difficulties when you are combining different modes of transport in terms of competition law – that crops up from time to time – and sometimes it is just train companies looking for commercial advantages and they will not join products together (that is another issue). So the ability to have somebody to say to them “Do this please” and to have some powers behind that “please” can be quite effective.

Q167 Julie Morgan MP: I just wondered if I could give an example that I have been looking at, at the moment, and if you could tell me if you think there are any powers that should be put in the Bill to address that. It is about linking up in Cardiff, basically. Great Western runs from Paddington to Cardiff, and they have changed their timetable so now there is no convenient interconnection with Valley Trains as there used to be before, and there does not seem to be any power to make both those train companies look at how they can fit in with the other one. Is there anything that could be put in this Bill that would make that happen?

Mr Williams: The guidance is there to Arriva as part of its franchise agreement - of which we are still trying to get hold of a copy, would you believe? They had the franchise from 7 December and we have been making efforts to get that franchise agreement from the Strategic Rail Authority. Once we get that we will have a much better steer as to what provisions are in

that agreement for Arriva to operate against. As regards the timetable at Cardiff, you are absolutely right, there has been a change with Arriva trains and their development of a standard pattern timetable which, again, the Welsh Affairs committee looked at in October of last year, and indeed there is a prospect of Great Western changing its timetable by 15 minutes, and we very much hope that we can get the synergy we need for parts of Wales where connections are absolutely crucial - Newport, Cardiff, Swansea and, indeed, in North Wales, Crewe and, of course, at Shrewsbury. So we need to have that dialogue between Arriva Trains, which is covering all the regional services in Wales, and an Intercity operator like Great Western and Virgin Trains.

Mr Foxall: May I, perhaps, Chairman, have a very small bite? It seems to me that you will have power of guidance there in relation to Arriva. That is the point I was trying to make.

Julie Morgan MP: The situation has got worse for passengers, at the moment, in Cardiff and the Valleys.

Q168 Christine Chapman AM: Would you support the establishment of an office of the Strategic Rail Authority in Wales?

Mr Foxall: Yes.

Mr Williams: Yes.

Q169 Christine Chapman AM: In your report you talk about devolved administrations actually not working in isolation, and I just wondered whether you felt there were any tensions, possibly, for passengers who obviously want to cross borders, and, if we had an office here in Wales, how well they would work with the other offices. Do you think there would be any problems in that at all?

Mr Foxall: Provided we go along the route I have described earlier of reaching agreements, I think that would be a solution to that problem.

Q170 Christine Chapman AM: You are obviously very keen on having an office in Wales.

Mr Foxall: Yes.

Mr Martyn Jones MP, Chairman: So are we.

Q171 Jenny Randerson AM: Following on from that, do you think that the National Assembly should be given the power to appoint one or more members of the SRA board?

Mr Foxall: I am not sure I am not treading into someone else's territory in answering that question. It seems to me, in principle, perfectly sensible. However, one has to bear in mind that there may be a number of authorities who will also have devolved powers over time and their board may end up being constituted by quite a large number of appointed people from various parts of Wales, Scotland and the rest of the United Kingdom, and that might not be practicable. As an emotional thing, sitting here, speaking here, representing Wales, the answer is yes, of course I do, but I do not know whether it is practicable.

Q172 Christine Chapman AM: Do you have any knowledge about how the work of the existing member of the SRA , who is Welsh but not appointed as a member for Wales specifically, is undertaken and whether they do take a particular interest in Wales?

Mr Williams: That is quite a leading question. I would like to think that the member does take an interest in Wales and I think there would certainly be an expectation that she would take an interest in Wales; I think it is very important, given that there is that opportunity to fulfil a place within the Strategic Rail Authority, that the individual concerned is batting for that country. I would very much hope that she would see that as part of her remit.

Q173 Leighton Andrews AM: The Bill gives the Assembly powers both to direct local authorities and to establish joint transport authorities to support its strategic transport policy. In your written evidence you refer to this as an extension of what you call the semi-official

status at present. What role do you envisage your organisation playing in these joint transport authorities?

Mr Williams: We already play a role. The first area of success concerns SEWTA, which is the South East Wales Transport Alliance. This covers ten local authorities in Wales and, people argue, 50% of the population of Wales. We think this is a very good initiative by SEWTA and we very much hope that this can be replicated in other parts of Wales. Certainly within North Wales we have been very keen to be involved in TAITH which is the transport arm of the North Wales Economic Forum, and we think it is much more important to have this joined-up approach. There is no way in which we can do our missionary work with 22 local authorities, and we think it is much more cohesive, much more co-ordinated and a strategic outlook to have sister local authorities working collectively. Particularly, when you look at the railway map in Wales, we would like to see three discrete areas where we could have that rapport: South Wales, Mid Wales and North Wales. We have got the four transport consortia groupings in place, we think that sets a very helpful foundation for getting this partnership working. Yes, whilst we recognise individual local authorities will have their own pet projects and their own agendas they will want to pursue, many see the value of working in partnership on a strategic basis, particularly when you look at the rail services where the train is going through so many different local authority boundaries. If you think in terms of people travelling to work - and you have got so many people travelling now from Swansea to Cardiff and people from Cardiff travelling to Bath and Bristol and because of property prices people are travelling extensive distances. So, yes, there does need to be this co-ordination amongst the local authorities, and we are very happy to be part of that process.

Q174 Leighton Andrews AM: Mr Foxall, earlier you referred to your desire to play a more strategic role in the planning policy. Do you feel you are resourced to do that?

Mr Foxall: Yes, I think we probably are. I think it is a question of using our resources in the right way in making sure that we, first of all, set about the job in a structured way so we actually understand what the passenger needs are and can translate those into reasonable objectives that we can then discuss with all the authorities that Clive has just been discussing and with the newer authorities that will exist. So I think, at this precise moment, no, I am not making a bid for more people or more members.

Q175 Leighton Andrews AM: You do not think that anything in the new arrangements is going to change your role in any major way then?

Mr Foxall: No, I think it will change our role; what I am really saying is it may well be that we will need to focus our efforts in a slightly different direction. That is all.

Q176 Mr Martin Caton MP: Mr Williams, you seem to look at what is in Clauses 4 and 5 as building on the present consortium arrangements for the regions. In fact, certainly the local authorities feel, it is not doing that at all; what it is doing is replacing a voluntary system with one where the National Assembly has powers of imposition. In the end, do you come down on the side of that or do you want to build on the present arrangements?

Mr Williams: Yes, we understand some of the issues that have been advocated by the local government sector and they have their own agenda. From our point of view, which is to represent the passenger (and the passenger standing in a cold, wet, windy station is not interested in the politics of how a local authority organises itself, they want to be represented), we want a framework whereby we can be at the table of local authorities engaging with them when they are developing their local transport plans, in which rail can play such an important part. If we can be part of that process, which has been established certainly in South East Wales and which we would like to be replicated in other parts of Wales, the passenger view

can be put forward. I think it is for the local authorities to put forward their concerns as to the efficacy of how this Bill could be working in practice.

Q177 Lisa Francis AM: The draft Bill would give the National Assembly the power to provide financial assistance to local authorities and joint transport authorities, for passenger transport services and for air services. However, the explanatory notes to the Bill indicate that these funds would have to come out of existing budgets. Do you think that there are sufficient existing funds to provide the necessary assistance?

Mr Foxall: In relation to rail, which is the only thing I can helpfully comment on at this precise moment, I think we are bound to be a bit sceptical in terms of the ability to do so. We have Stuart Coles' well-publicised assessment, with which you will all be familiar, and I recognise that that is only one assessment. No, we are not negative; we would like to have the powers and we would like people to go forward, but we are sceptical.

Q178 Lisa Francis AM: Some organisations in their evidence have suggested that the Assembly has been overly optimistic in assessing the financial implications of the Bill. Apart from the identified costs which we know about, no other administrative costs have been envisaged yet and the Bill, as currently drafted, proposes a much more rigorous examination of local transport plans than hitherto. So the new regime may need as many as 20 new posts. Do you think that is a fair assessment?

Mr Foxall: It is difficult for us to make a real assessment. What I would say is that from what I have been able to see so far I think it is more rather than less. I cannot comment on the figure of 20 but it does seem to me unlikely that some of the assumptions made in the Bill are going to prove accurate. I do not want to discourage anybody from going forward with the Bill on that basis but I think that may need examination.

Q179 Mr Roger Williams MP: The draft Bill has legislative implications on a number of transport systems that are cross-border between England and Wales and the services they provide. Are you happy that the Bill contains enough safeguards for English users and customers, or are you not worried?

Mr Foxall: I think so, yes, because this is non-binding guidance that you can give in relation to those services, and I think it is fairly clear that the SRA has tended to operate in a way which respects that quite severely. I am still advocating what I advocated earlier on, which is that - at the risk of repeating it again, and drawing the Chairman's attention to my repeating it - agreements would be useful.

Mr Hewitson: Just, again, to stress the importance of planning rail in terms of corridors or travel-to-work areas rather than just taking geographical boundaries, the way passengers look at a journey is end-to-end and they do not really care what boundaries it goes through. So provided that route is planned on a basis that has involved the participation of all the various parties – the Rail Passengers Council and local authorities – a consensus will be found.

Q180 Albert Owen MP: You told Mr Williams earlier on that you were not aware of the full details of the franchise for Wales and the Borders because you had not seen it. The one thing we are aware of is that it goes into England. How do the councils now work together? In your paper you talk about it being a region and then having representatives on the national council. Is there a region within the franchise from the England side of the border that actually liaises with their Welsh colleagues?

Mr Williams: Certainly within the RPC network what we have done, as a Wales committee, is to embrace the sister committees in Manchester (for the North West services going into Manchester, Liverpool and those areas); ditto Birmingham and Bristol. Certainly when we had our last meeting in May in Wrexham we had representation from those three committees. After the conclusion of that Wrexham meeting the Rail Passengers Committee for North

Western England, based in Manchester, wanted to meet Peter Strachan, the Managing Director for Arriva Trains, and it was a classic example of how we can get that cross-border synergy and co-operation with what the concerns are in Manchester and in Birmingham or Bristol. In fact, there is a meeting in Cardiff on Friday about concerns that the Bristol committee have concerning Arriva Trains and their standard pattern timetable for services from South Wales into the West Country. So we have got arrangements within the RPC network. The other part of your question as regards local authorities, yes, they need to have dialogue and a rapport between their sister authorities in Shropshire, in Manchester and, indeed, in the West Country.

Q181 Albert Owen MP: Do you think this Bill will enhance it in some way, have a negative effect or be neutral?

Mr Williams: I hope it would enhance it. Given further drafting of the Bill and taking on board the representations that we have made and other organisations have made, I think there is an opportunity to get that cross-border co-operation.

Mr Hewitson: From memory, the Bill also includes a duty on the Assembly to consult neighbouring authorities who will be affected by these decisions, which I think almost forces consultation where, perhaps, there may not have been before.

Q182 Hywel Williams MP: (Translated from Welsh) Thank you very much, Mr Chairman. Large parts of the network serving Wales are physically located in England. How can the National Assembly voice its opinions in an appropriate manner, with regard to the process of making decisions

C182 Hywel Williams AS: (Diolch yn fawr iawn, Mr Cadeirydd. Mae rhannau mawr o'r rhwydwaith sy'n gwasanaethu Cymru wedi'u lleoli yn ffisegol yn Lloegr. Sut all y Cynulliad Cenedlaethol ddweud ei ddweud mewn ffordd briodol, o ran y broses o wneud penderfyniadau ynglŷn â'r rhwydwaith sydd

about the network in England—a network yn Lloegr—rhwydwaith sy'n hanfodol i'r
which is crucial to the services run in Wales? gwasanaethau sy'n cael eu rhedeg yng
Nghymru?

Mr Foxall: I think that is really along the lines, to some extent, of the discussion we have been having earlier. I think the way forward is to reach agreement with the authorities through whose areas those things flow; I think it is to use the Rail Passenger Committee and the Rail Passenger Council because we have, effectively, a network that can provide that pattern for agreement, if you will. It seems to me it is clear that what works one way works the other way, so if things cannot be done to the detriment of England they cannot be done to the detriment of Wales. I think it is very important that we pursue that to make sure that that is there. I simply want to say I am keen on the agreement. I think the agreements are going to be really key to this whole exercise working out well.

Q183 Hywel Williams MP: (Translated from Welsh) May I refer you back to what you said earlier about having a concordat between England and Wales? That, of course, depends to some extent on how much power the Assembly has. May I refer you not so much to the network, but to the services? On page 5 of your presentation you say that there is an argument in favour of giving the Assembly stronger powers over inter-city services across the border, and you refer to

C183 Hywel Williams AS: A gaf i gyfeirio yn ôl at yr hyn a ddywedasoch yn gynharach ynglŷn â chael concordat rhwng Cymru a Lloegr? Mae hynny, wrth gwrs, yn dibynnu i ryw raddau ar faint o rym sydd gan y Cynulliad. A gaf i eich cyfeirio nid at y rhwydwaith yn gymaint, ond at y gwasanaethau? Ar dudalen 5 eich cyflwyniad yr ydych yn dweud bod dadl o blaid rhoi grymoedd cryfach i'r Cynulliad o ran gwasanaethau ar draws y ffin rhwng

services between Carmarthen and London. As a north Wales member, perhaps I can also mention the trains that I hope to see running to Birmingham, and specific Virgin services to London. Would you like to talk a little more about the way in which you see these stronger powers being given to the Assembly in this Bill, and what the result would be?

dinasoedd, ac yr ydych yn cyfeirio at y gwasanaethau rhwng Caerfyrddin a Llundain. Fel aelod o'r Gogledd, efallai y caf hefyd sôn am y trenau yr wyf yn gobeithio eu gweld yn rhedeg i Birmingham a gwasanaethau penodol Virgin i Lundain. A fyddech yn hoffi sôn ychydig mwy am y ffordd yr ydych yn gweld y grymoedd cryfach hyn yn cael eu rhoi i'r Cynulliad yn y Mesur hwn, a beth fyddai canlyniad hynny?

Mr Hewitson: One potential power is the ability to purchase that type of service. If it is over and above the core specification you have the power to say, "We would like it. We will fund it". Whether you call that a power or whether that is just the value of a cheque book I do not know, but there is the potential to do things like that. It is a stronger voice as much as stronger powers. I think that is perhaps where some of the emphasis might be. You can give advice to somebody but it is the degree of importance they have to place on that advice – that is the area that we are delving into here. There are issues if the Assembly has the powers to dictate what the stopping pattern of Great Western service is, for instance. The domino effect of that could be quite immense and the Assembly would have powers that the equivalent English regions would not. That is the type of scenario I personally would try to avoid because it takes us away from planning something as a group corridor. Another potential role is in terms of the SRA conducting its route utilisation strategies, what is the best use of a particular railway line, and the Great Western mainline is a perfect case in point. There is a strong role here as well for the Assembly in terms of influencing that.

Q184 Brian Gibbons AM: The Transport Commissioner covers both the West Midlands and Wales. What is your feeling on the merits or otherwise of establishing a Welsh Commissioner for Transport specific for Wales?

Mr Foxall: I am not absolutely sure that we have very strong views, to be very honest with you, one way or the other. It would depend to some extent on what those powers and the purpose of the Traffic Commissioner were. In my understanding of what the Traffic Commissioner does I do not have particularly strong views in so far as it affects rail, which I think it only does to a limited extent, if at all.

Q185 Brian Gibbons AM: The implication of your reply would suggest that you are pretty happy with the way that the bus services interface with rail services because one of the roles of the Transport Commissioner would be to enforce bus company timetables and to ensure that if connections with rail services were not adequate then the Transport Commissioner would be able to take action, but from what you are suggesting you are happy enough with that.

Mr Foxall: Absolutely not. If that indeed is to be what you envisage as the powers of a Traffic Commissioner for the whole of Wales, that that would be a really viable role in terms of developing and encouraging the right sorts of interconnects, then no, we are not happy and we would certainly want to see that improved. For our part we have seen improving that with these authorities that we have talked about and to some extent the local authorities with the transport authorities as being the place where we can have the influence, and indeed one of the things we want to look at very strongly is the whole issue of interconnects throughout Wales because it is one of the biggest things to get more people to use the railways.

Q186 Brian Gibbons AM: Personally I do agree that the interface with the rail services leaves a lot to be desired and if the Traffic Commissioner was in a position to be more

proactive with the bus operating companies then we would probably get a better integrated service. Would you also like to say something on the set-up at railway stations in relation to how user friendly the RFR(?) people are trying to make these connections? In other words, is the information in relation to local bus services adequate, is the information in relation to local taxi companies adequate and do you think that there is sufficient clarity in the public's mind or the rail transport user's mind as to who is responsible for what part of the services? We have had evidence from the train operating companies but they were quite happy with the clarification that exists in terms of responsibility for railway stations and so forth. Are you happy in relation to how people are aware of that?

Mr Foxall: The answer is no. One of our targets in our business plan is to look at stations, to look at interconnects and to choose the ones where there is the most urgent need, not simply saying, "Stop there", but "Start there", to make those sorts of improvements. I want to look at the whole range of things with us acting in a lobbying and catalyst role to bring about changes in terms of access for all, in terms of bus interconnects and taxi interconnects and information about those – and they are things to be done elsewhere in the rail passenger network – and indeed in car parks. I do not want to be afraid of tackling the issue of car parks because in Wales you very often have to drive to get to the station and if we do not get people to the station we will not get people to use the railways. No, I am not happy, and yes, we want to take a proactive role in changing those things.

Q187 Mr Martin Caton MP: I would like to ask a timetable question, not about rail or bus timetables but about the pre-legislative timetable. Mr Foxall, you said you had to produce your written submission in a hurry and that might have resulted in a mistake in it. You say you hold your right to put forward different views at a later stage in your written submission. Do you feel that in this case this pre-legislative scrutiny, historic as the Chairman says it is, is

too rushed for you to have been able to make as measured a contribution as you would like to have done?

Mr Foxall: I believe so. I have to say that it is partly framed by the fact that I am new to the post and arrived virtually as the consultation began. It has been a very good learning instrument to me and very helpful, but if we were not in that situation I would have liked more time, partly to take many more views from my own committee, partly to talk to some of the other stakeholders and people with whom we are in partnership so that we could have formulated our views in a rather more considered way. As it was, we had about a week effectively in our terms to put those views together. I think that a Bill of this kind, which is an important Bill, deserves better.

Mr Martin Caton MP: It occurred to me when you were giving your evidence that you obviously had not had a chance, for instance, to contact the Rail Passenger Committee in Scotland and get out a little bit more detail of their experience, which obviously would have been tremendously valuable to us, and we will perhaps try to get hold of it directly. It comes from the government having published this Bill very late and forced this rush onto us. We need to get the information from you so that we can tell the government that it should not happen like this again. Thank you.

Mr Martyn Jones MP, Chairman: Are there any other questions? No? If the next witness is available I propose to start with the next witness. We are likely to have another division in the House round about 4.30 and I hope then to get some refreshments for our colleagues.

The written evidence submitted by **The Traffic Commissioner for the Welsh Area** is on
page Ev 3

Examination of Witness

Witness: **Mr David Dixon**, The Traffic Commissioner for the Wales Area, examined.

Q188 Mr Martyn Jones MP, Chairman: Mr Dixon, welcome. For the benefit of the record would you introduce yourself and describe what you do?

Mr Dixon: Yes. I am the Traffic Commissioner for the Welsh Traffic Area and I am responsible within the whole of Wales for the licensing of operators of large goods and passenger road vehicles. I am also responsible for the registration and monitoring of timekeeping of the local bus services within Wales. I also have responsibility for the conduct of drivers of large road vehicles who are resident in Wales.

Q189 Mr Martyn Jones MP, Chairman: In principle do you welcome the aims of the draft Bill?

Mr Dixon: Yes.

Q190 Christine Gwyther AM: You could not have been more direct than that, could you? Good afternoon. I would like to ask you if you think there is anything that should have been included in the Bill that was not. In the written submissions that we have had the National Federation of Bus Users thought that there should be funding for a Bus Passengers' Committee rather like the Rail Passengers' Committee. Is there anything of that nature that you think should have been in the Bill but which has been left out?

Mr Dixon: My personal view on passengers' committees is that there ought to be a Transport Passengers' Committee rather than separate bus and rail ones. I say that in the context of the

general desire for integration of transport and the issues that often arise, and I heard a few moments ago about the connections between buses and trains and maybe taxis and so on. Personally I would favour a Welsh Transport Passengers' Committee.

Q191 Leighton Andrews AM: When you say a Transport Passengers' Committee are you seriously talking about every kind of transport, including air, being covered in the same committee?

Mr Dixon: You can go as wide as you like. Given that virtually all domestic travel within Wales is either rail or bus that is the important part of it. Whether you include air and ferries is, if you like, a subsidiary question which could be debated. I think the key to it is buses and trains under the same body.

Q192 Christine Gwyther AM: But you certainly think that that would assist you in your job as well if such a committee existed?

Mr Dixon: I do not think directly because my responsibilities are a bit outside that. I was answering the question really in the general context of the wellbeing of public transport in Wales and I try and take sometimes a broader view of that than my own job.

Q193 Albert Owen MP: On your idea, which I think is very interesting, for a whole transport portfolio being held, you mentioned ferries. We have got some of the busiest ports in the United Kingdom and many millions of passengers travelling through those ports and ports are not a devolved issue, so there could be issues there. Is that the reason you are saying it, that there are huge areas that are left out because we concentrate too much on road and rail?

Mr Dixon: I was answering the question solely in the context of passengers' committees. It seems to me that travel by ferry is international travel, if you like, rather than domestic travel. I think there are rather different issues there. I see no objection to including that in such a

committee if that was felt to be a good idea but it does raise somewhat different issues; that is all I am saying. I am not agin it; I just think it is not essential, if I may put it that way.

Q194 Mr Martin Caton MP: A number of transport systems contained within the draft Bill provide services both in Wales and in England. Are you satisfied that there are sufficient safeguards for English travellers and transporters contained within the Bill?

Mr Dixon: In terms of bus services I am reasonably content. My only comment, and this is a comment as a passenger rather than as a Traffic Commissioner, as somebody who uses the rail services a lot in Wales, is that I find the exclusion of the main intercity routes from the Assembly's involvement disappointing. The particular reason I say that is that if you look at internal movements within Wales the biggest is likely to be along the Newport/Cardiff/Bridgend/Swansea axis. That could be an extremely busy intercity rail route but, of course, most of those trains at the moment are provided by Great Western. They are coming through from London. It seems to me that either you have got to have a separate domestic service, in which case the Bill covers it well enough, but if you are going to continue to see the services from London along to Swansea, and indeed along the North Wales coast, as part of the domestic travel offer within Wales then it seems to me that the Assembly ought to have powers over those as well. To a lesser extent that applies also to the Birmingham/Cardiff service of Central Trains.

Q195 Mr Martin Caton MP: It does have the power of advice to the Strategic Rail Authority on that sort of line, like the main South Wales line, but it does not have the stronger powers that it has over Arriva.

Mr Dixon: It seems to me that the distinction that is drawn between the two is drawn for reasons of the way the franchises are organised, but from the point of view of travel within

Wales I think the powers of the Assembly ought to be similar with those services as they are with the domestic Arriva services.

Q196 Brian Gibbons AM: Following on from that, Clause 2(5) suggests that the Assembly should consult with persons it considers appropriate in preparing or revising the Wales Transport Strategy. Using your knowledge as covering the West Midlands as well, do you feel that these clauses will provide reassurance across the border for those services that do need to be joined up in relation to Wales? Do you feel that the clause is sufficiently robust?

Mr Dixon: If you are looking at bus services there are not all that many cross-border services, particularly perhaps from Chester and maybe Shrewsbury to a lesser extent. Yes, the consultation provisions are general ones. Of course, you can carry on and say, “You should consult X, Y and Z” and have a long list. Given the commonsense approach by the Assembly, I am sure they would consider consulting the neighbouring counties, maybe places like Gloucestershire and Herefordshire and so on, but whether you need to put that in the Bill I think is a matter for other people.

Q197 Julie Morgan MP: The draft Bill provides the National Assembly with the powers to develop an integrated transport strategy. Do you feel those powers are sufficient? Do you think it will be possible to develop an integrated transport strategy from the powers within the Bill?

Mr Dixon: I suppose the glib answer is that it depends what you mean by “integrated”. I am not sure how well that has ever been defined. In terms of integration between road and rail, which I talked about earlier, certainly it would be better as a result of the Bill in my view. If you are talking about integration between, say, bus services and roads policy and priority use of roads and issues of that kind, you would have to be careful, I think, in implementing policy for this Bill not to divorce the two further away from where they are at the moment. At the

moment the unitary authorities look after roads and public transport to an extent. If you start having joint authorities that look after buses but do not look after roads then you are becoming less integrated, and that of course depends on what powers you give the joint authorities. That is left open in the Bill as I read it. I think it is a question of how you implement it and what powers you give to the joint bodies rather than separating them too far apart.

Q198 Julie Morgan MP: So you do not think there should be any other specific powers in the Bill? It is rather a matter of how they handle it?

Mr Dixon: I would have thought the Bill as drafted could work quite well. I do not have in mind any particular additional power that I would wish to see at this stage.

Q199 Alun Cairns AM: Mr Dixon, how confident are you that there are sufficient funds available to the National Assembly for it to successfully implement its policy objectives, bearing in mind your experience?

Mr Dixon: I think this is a bit outside my field in a way. In terms of the costs of setting up new structures I really do not have the knowledge to comment on that. I know there has been some suggestion that the amount suggested is inadequate but I really do not have the knowledge to comment on that. At the end of the day, of course, what determines good transport in part is how much money the public sector, the government (whether it be national government or UK government or whatever), puts into transport and that is a much bigger issue. It seems to me that the Bill of itself is not going to change the amount of money that is put in. It does give the Assembly more powers to put funds in and that must be good but ultimately it depends on what funds the Assembly has got.

Q200 Alun Cairns AM: Some might argue that this Bill offers exciting opportunities to the Assembly and the Assembly Government. Therefore, do you feel that the Assembly Government has available sufficient funds, bearing in mind pressures elsewhere, in order to seize what some would see as those opportunities?

Mr Dixon: As a transport professional I suppose I would answer that by saying that there is never enough money for all the things one ought to do. I cannot honestly answer that question, I am afraid.

Q201 Mr Roger Williams MP: Mr Dixon, how useful are joint transport authorities in providing efficient integrated transport networks?

Mr Dixon: It is, of course, a hypothetical question; it is not set up yet. It seems to me that the present informal arrangements have been quite helpful, probably in all the areas there are. If you follow that logic then if they are put on a statutory basis and on a permanent basis they ought to help quite a bit. They will not be perfect but they ought to help. It seems to me they are going in the right direction. The obvious point is always that transport does not respect administrative boundaries, and particularly where you have got 22 authorities in Wales those are quite small areas from a transport point of view. My view is that if you have bigger areas that would be more effective in providing better transport over a wider area.

Q202 Mr Roger Williams MP: In the evidence that you have given us you have mentioned that the joint transport authorities could significantly reduce the border issues. How do you believe they will achieve that?

Mr Dixon: Simply because there are an awful lot of important cross-border bus services. If we take south east Wales as an example, there are buses going from Merthyr and Blaenavon and all sorts of places down to Cardiff and Newport which are crossing two or three boundaries. If they are all in one grouping then you do not have those sorts of boundary

issues. There will always be boundaries; wherever you draw lines there will always be boundaries, but at the moment an awful lot of important bus routes cross at least one boundary and often more than that. By having the groupings you would reduce very substantially the number of cross-border routes and therefore the cross-border issues.

Q203 Mr Roger Williams MP: We have had evidence from the Brecon Beacons National Park that they are involved in a number of the local consortia at the moment and about the difficulties of getting co-ordination between them. It seems to me that the logical conclusion of that argument is that you have a national transport authority. What would your views be on that?

Mr Dixon: You can always take the logic as far as you want to. It seems to me that the bigger you get the more remote you are from local needs. There has to be a balance and my personal view is that the present 22 authorities are too small. I think a completely national authority would be too big. My own judgment would be that having four or five or six or whatever it may be would be about right.

Q204 Brian Gibbons AM: One of your responsibilities covers HGVs and it is not an area that we have had much evidence about and it may not be strictly within your competence. How do you feel the powers in this Bill would facilitate inter-modal shift from the road to the rail network in particular?

Mr Dixon: I think the honest answer on the goods side has to be none at all because I think that depends on having facilities. In essence rail freight is a relatively small percentage of total freight moved in this country. It is an even smaller percentage in Wales compared with Great Britain, and that depends ultimately on cost factors and so on. If the Assembly were to choose, for example, to subsidise rail freight, and I guess that would be within its powers under this Bill, then that could be a different matter, but that could be pretty expensive. In

practice I think there would be very little or no effect at all unless there were substantial subsidies for rail freight.

Q205 Brian Gibbons AM: You feel that subsidies are the only way of achieving that? At the very beginning you were asked if there was anything else you would like to have included in the Bill. Other than subsidies can you think, in relation to freight, if there is anything else? A better rail head maybe?

Mr Dixon: Again, you are a bit outside my area because I am not a mover of freight. There are one or two other issues here. One perhaps is the degree of enforcement of the law on hauliers. The majority of hauliers are very law-abiding but there is a minority who either condone or deliberately break the law in terms of drivers' hours in particular, and speed limits; those are abused, and of course the faster you drive and the longer hours you work the cheaper it is to move goods, so enforcement of the law in regard to road haulage more effectively might encourage a certain amount of modal shift. I do not think it would be huge but I think it could have an effect but that is perhaps a bit outwith the powers being sought in this Bill.

The Committee suspended from 4.30 pm to 5.22 pm for a division in the House

Mr Martyn Jones MP, Chairman: I do apologise, Mr Dixon. It is the way of the world in this place at the moment with the change of hours and the Welsh Affairs Committee always seems to pick the worst Wednesdays to have its meetings.

Q206 Lisa Francis AM: Local transport consortia are held accountable through the local authorities. How do you think that democratic accountability will be retained in joint transport authorities?

Mr Dixon: I would imagine that the authorities would be set up with people chosen by the unitary authorities and maybe it would be councillors who would represent them on it, which

would maintain the democratic principle. I would just make the comment that sometimes you can be too close to the voters, and I make that in the context of things like traffic management schemes where everybody wants bus lanes as long as they do not affect their journey to work or their parking outside their front door, and I believe there have been difficulties in places in Wales where there has been a desire for, say, a bus lane which would improve the journeys of a lot of people but they have been stymied by people living locally who have not been enthusiastic about them. It seems to me that there would be some benefit for the majority of the population if in fact the joint transport authorities were a little bit removed from the minutiae, if you like, of the democratic process and, while still having a democratic system in principle, can make decisions in the interests of the majority of people.

Q207 Lisa Francis AM: It was flagged up in some of the evidence taken that the regulatory impact assessment of the Bill had not looked at the implications of a joint transport authority on local authorities and had not examined the costs of what they considered to be a dictate-and-deliver approach and, more crucially, had not assessed the amount of finance needed to deliver the vision of an integrated system. Would you agree with that?

Mr Dixon: I suppose it is difficult to anticipate exactly how these things are going to work while there is just a Bill on the cards. You could lay it all down and the Bill could be three times as long. It seems to me that if a Bill lays down a framework for joint transport authorities the precise way it would work in practice is something that could and probably should be worked out afterwards once there are those powers there. I would hope that it would be done amicably (if that is the right word) between the Assembly and the unitary authorities involved. Certainly my impression of the way things have worked up to now between the Assembly and the unitary authorities in regard to transport is that on the whole it has been reasonably amicable and I would hope and assume that there is no reason why it should not be in the future.

Q208 Mr Martin Caton MP: You drew attention earlier on to the difficulty of defining integrated transport networks, integrated transport strategies, but do you think an integrated transport strategy should definitely include cycling? If so, are you concerned that this Bill does not mention cycling at all?

Mr Dixon: Transport in the broadest sense is moving people and goods from A to B in any one of a number of ways. That certainly would include cycling and pedestrian movement. This comes back to the question of if you do set up joint transport authorities what responsibilities and powers do they take over from the unitary authorities because if they took over responsibility for buses but not for cycling, for example, then cycling might get the rough end of the stick. If on the other hand you said you would transfer the majority of or all transport powers from the unitary councils to the transport authorities, then there is absolutely no reason why that should not have its rightful place in the scheme of things. If you get into the situation where one thing is dealt with by one body and one by others there can clearly be problems.

Q209 Christine Chapman AM: Mr Dixon, you are responsible for both Wales and the Midlands. Do you think that this is a sensible geographical area to cover and do you think it would be better to create a Traffic Commissioner based in Wales?

Mr Dixon: It is a matter ultimately of how many Traffic Commissioners the government wants to have for Great Britain as a whole and how you carve it up. At one time I believe there were 12 Traffic Commissioners. It got down at one stage to six; we are now seven. The workload is broadly based on the number of operators that each of us deals with. The smallest of the eight traffic areas is Wales. If you look at the goods side it has got 7,000 operators out of 105,000 or thereabouts; it is quite small. West Midlands is the next smallest. Putting the two together does give me a big job. It gives me perhaps a slightly bigger job than

some of my colleagues but I do not think you could justify a full-time Commissioner for Wales and a full-time Commissioner for the West Midlands.

Q210 Christine Chapman AM: Can I just pursue that? In the report you talk about the fact that there are no practical difficulties in you covering this area, Wales and the West Midlands, but equally are there any particular benefits to you covering both areas?

Mr Dixon: No, I do not think so, other than I suppose it gives me a wider perspective. I can see what Welsh operators are like by comparison with some of the English ones, but that is a very broad point. Specifically, no. I think it has been set up that way simply from the point of view of workload and that is how it is at the moment.

Q211 Christine Chapman AM: Finally, if we were to have a separate Traffic Commissioner for Wales how do you think that person would deal with the cross-border issues?

Mr Dixon: I do not think you would ever have a full-time separate Commissioner because I do not think there would be the work for them. What you could do would be to have somebody doing something like my job but who was based in Wales rather than in England. That would be no problem in concept about that. There would be a cost to it, I guess, but I do not in my job have much in the way of cross-border issues as such. There are very few bus routes crossing the border. There are a few but relative to the total number I deal with it is very few. In terms of operator licensing either they are based in Wales or they are based in England. If they have a base in both places they have two separate licences and they are dealt with separately, so there are no cross-border issues as such in terms of operator licensing.

Q212 Jenny Randerson AM: In your evidence you say that public inquiries involving Welsh operators are almost always held in Wales. To your recollection in what circumstances have they not been held in Wales?

Mr Dixon: There are two circumstances. One is that we are dependent on other people's premises to hold the inquiries. We normally hold them in county courts or magistrates courts or whatever, and clearly that is dependent on their availability. We have very occasionally – I think not more than three or four times – used a court in Chester for North Wales operators simply because there was not one available further afield, and we thought that in practical terms that would be acceptable to the people we were seeing. The other situation is if an inquiry has been set up in Wales on a particular day and the operator concerned seeks an adjournment, for whatever reason. Maybe they are on holiday or the solicitor is not available. I am not obliged to give an adjournment but if I do I sometimes say to them, "Look: that is the day we have fixed. I can offer you another date within a reasonable length of time but it will be in Birmingham because I am going to be in Birmingham that day for other reasons, and so if you want an adjournment I would agree it if you are willing to come to Birmingham", and if they want the adjournment badly enough they will tend to agree. I think those are the only two circumstances in which I have held an inquiry outside Wales. Those are practical points, clearly.

Q213 Leighton Andrews AM: You said earlier that basically the Welsh region is the smallest and the West Midlands is the next smallest. That appeared to be the reason that they have been put together. Is that right?

Mr Dixon: Yes.

Q214 Leighton Andrews AM: Do you discuss with other Traffic Commissioners then cross-border issues that affect Wales, like, say, the north west or the south west? Do you have occasion to have those discussions?

Mr Dixon: Very rarely. We do as Commissioners meet normally twice a year for a couple of days to discuss all sorts of issues of common interest. The occasions on which I have talked to a Commissioner have been when there has been a Welsh operator who has also had a licence, say, in the Bristol area, in which case it is my colleague from the Western traffic area, or sometimes people who have operations, say, on Merseyside and also in North Wales, so I might want to discuss a particular operator. Those are the only cases I can think of where I have specifically discussed Welsh issues.

Q215 Leighton Andrews AM: You gave us the impression that you did not think there was enough work for a full-time Traffic Commissioner for Wales. If this were a part-time appointment what kind of other support would be necessary?

Mr Dixon: First of all it is a question of whether it would be permissible to have a part-time Commissioner. I am not entirely clear on the primary legislation about that. Assuming it was possible, if the Commissioner was based in Wales you would need at the minimum an office staff of, say, two or three by way of support. One or two of those jobs could probably be balanced by jobs not required any more in a Birmingham office. That would be the minimum. You could conversely set up an office with, say, 15 people which would cover virtually all the people dealing with Welsh issues. In these days of technology you would not have to have the admin things physically dealt with in Wales by staff located in Wales any more than you do at the moment, so I would envisage a Commissioner based in Wales having probably a modest office of two or three people, something of that kind.

Q216 Brian Gibbons AM: What seemed to strike a chord with the Rail Passenger Committee for Wales when they gave their evidence was the weakness of the interface between rail transport and onward journeys, particularly buses. I do not know whether or not you are in a position to make any observation as to the validity of that frustration that they felt and how far do you think these weaknesses come within your remit? Are there opportunities in this legislation to address any of these shortcomings which seem to induce such a passionate response in the RPC?

Mr Dixon: I think the difficulty is that the bus industry is a deregulated industry. As a matter of principle under the 1985 Transport Act the bus companies decide what they want to run and if they do not want to run a bus from A to B at a particular time or on a particular route the only recourse is for the local council to subsidise the route. The latter thing is entirely a matter for the local council; I am not involved in that. Where I do get involved is, once the timetables have been registered, in enforcing the timekeeping. There is one particular area where, if you have buses which are designed to connect with trains, for example, I have to decide what I do if they run late because the trains are running late. I have always taken the view that, so long as the timetable advertises that they may leave late if the train arrives late, and so long as they have a mechanism for knowing that the train is late and they do not just use it as an excuse for running late themselves, I would never penalise a bus company for that if that is a service designed to connect with trains. To that extent I very much support the principle of interchange between the two. I do not think there is anything in the Bill which would directly affect that other than, I suppose, if the Assembly were giving guidance or whatever in regard to rail services under the plans they are talking about, that could include connecting with the buses in some way. I suppose there is an area there of the other way round, of buses feeding into trains, that could help.

Q217 Leighton Andrews AM: I am sure a fair amount of your work is related to interconnections between buses and other bus companies and so forth. Can you give us a feel for the number of complaints that you might have in relation to bus companies not actually complying with their specified routes in relation to rail services? Is this something that ever comes through your office? Is it exceedingly rare or common?

Mr Dixon: It is not something that has been drawn to my attention, which suggests that it is rare. We do get a number of complaints. It is of the order probably of a couple of hundred a year, something like that, but certainly all the ones I have ever seen have simply been about the running of a bus service. They have not been related to connections with trains.

Q218 Janet Davies AM: With devolution Wales can set its own strategy and it is possible, to put it mildly, that in the future that strategy could be somewhat different from the strategy for public transport in England. Do you think there is any likelihood or possibility in the future that that would cause problems for your duties? If so, do you think there is any way of catering for that in this Bill?

Mr Dixon: I honestly do not see why it should create difficulties for me. I can see difficulties perhaps for other people. I take the broad view, as I said in my submission, that transport is a matter that you have as near the people who are using it as makes sense. I do not believe that it makes sense for people in London to have the degree of control over transport in Wales that they have at the present, and that is why I think the philosophy behind this Bill is good. In terms of my particular jurisdiction I cannot think of any problems that it would create.

Q219 Hywel Williams MP: (Translated **C219 Hywel Williams AS:** Diolch yn fawr, from Welsh) Thank you, Chair. A while ago I Gadeirydd. Dro yn ôl yr oeddwn yn was involved in the splitting up of a body ymwneud â rhannu corff wedi'i seilio ar based on Wales and the West of England. I Gymru a gorllewin Lloegr. Hoffwn siarad

would like to talk to you about establishing a commissioner for Wales, and to ask you what the effect of that would be on the other part of your area, namely the West Midlands. Would it be viable without Wales? What happened with the other body, when a separate institution was established for Wales, was that the West Midlands region had to be altered to take in some of the east, and so on and so on. In the end, to everyone's shock, the London region also had to be altered. What would happen to the West Midlands, as it were, if Wales were to have a commissioner of its own?

Mr Dixon: I am afraid I am going to answer in English. I see no issue in this because the jurisdiction of Traffic Commissioners, which goes throughout Great Britain, is divided up at present on a geographical basis, but it is divided up related to workload. At one time, as I mentioned earlier, there were 12 Commissioners. They then decided they did not need 12 because quite a lot of the work disappeared in the 1985 Transport Act and they eventually reduced it down to the seven we have now. If there was a Commissioner based in Wales then that Commissioner might do a bit of work in England, which might be at West Midlands or elsewhere, or West Midlands might be tacked on to one of my colleagues' areas, depending on the workload at the time. The other point that is perhaps helpful to mention is that we do all of us have Deputy Traffic Commissioners. These are people who have the same training, the same powers, as the Commissioners do. We bring them in for a day at a time when the

workload is too great for the full-time Commissioner. I in fact have four deputies, all of whom are appointed both in West Midlands and in Wales. If the Commissioner based in Wales had not enough time to do the West Midland job as well, then a very simple way out of that would be that those deputies would get a bit more work. They would work more days a year than they do at present. I really do not think there is any issue in that. I think it is a practical matter of location and clearly a political matter in terms of having somebody down here.

Q220 Hywel Williams MP: (Translated from Welsh) May I ask you another question, on a practical point? You say in your evidence that you are not aware of any practical difficulties arising from the fact that you are based in England. Forgive my ignorance, but can you tell the Committee whether you have a Welsh language scheme, approved by the Welsh Language Board, that shows how you treat the Welsh language and English language on the basis that they are equal? That is, of course, to do with providing a service to the public in Wales. You say that there are no difficulties; do you have such a scheme?

C220 Hywel Williams AS: A gaf ofyn cwestiwn arall i chi, ar rywbeth ymarferol? Yr ydych yn dweud yn eich tystiolaeth nad ydych yn ymwybodol o unrhyw anawsterau ymarferol yn codi o'r ffaith eich bod wedi'ch lleoli yn Lloegr. Maddeuwch fy anwybodaeth, ond a allwch ddweud wrth y Pwyllgor a oes gennych gynllun iaith Gymraeg, wedi'i gymeradwyo gan Fwrdd yr Iaith Gymraeg, sydd yn dangos sut yr ydych yn trin yr iaith Gymraeg a'r iaith Saesneg ar y sail eu bod yn gyfartal? Mae hynny'n ymwneud, wrth gwrs, â darparu gwasanaeth i'r cyhoedd yng Nghymru. Yr ydych yn dweud nad oes anawsterau; a oes gennych gynllun o'r fath?

Mr Dixon: Yes, we do. I cannot tell you the detail of it but this is a scheme that is approved by the Welsh Language Board. Any documents that are asked for in Welsh we will provide in Welsh and we have somebody who will translate the ones that have not previously been translated. We do not in the office have anybody who is a fluent Welsh speaker, though some of them have learnt a little Welsh in terms of getting on the phone and so on as a matter of politeness. There is somebody available, not in my office; I think in another office elsewhere in England, who is a fluent Welsh speaker. If somebody wants to have a conversation in Welsh they are put on to that person. The person rings them back or whatever. I understand that is an approved scheme. To add to that, every time an operator is called to a public inquiry in front of me in Wales it says at the bottom of the letter, in Welsh, of course, that if they wish the hearing to be held in Welsh they should give us notice within 14 days or whatever. That does happen occasionally, not very often, and we then have translation as you have got today for that purpose.

Mr Martyn Jones MP, Chairman: No further questions? Thank you very much, Mr Dixon. It has been very helpful.