

Agenda – Economy, Infrastructure and Skills Committee

Meeting Venue:

Committee Room 4 – Tŷ Hywel

Meeting date: 1 March 2018

Meeting time: 09.30

For further information contact:

Gareth Price

Committee Clerk

0300 200 6565

SeneddEIS@assembly.wales

1 Introductions, apologies, substitutions and declarations of interest

2 Paper(s) to note

2.1 Correspondence from the Cabinet Secretary for Economy and Transport to the Chair regarding the Traffic Commissioner for Wales

(Pages 1 – 4)

Attached Documents:

EIS(5)–06–18(p1) Correspondence from the Cabinet Secretary for Economy and Transport to the Chair regarding the Traffic Commissioner for Wales

2.2 Correspondence to the Leader of the House and Chief Whip, and Minister for Culture, Tourism and Sport regarding Ofcom: Draft Memorandum of Understanding

(Page 5)

Attached Documents:

EIS(5)–06–18 (p2) Correspondence to the Leader of the House and Chief Whip, and Minister for Culture, Tourism and Sport regarding Ofcom: Draft Memorandum of Understanding



2.3 Correspondence to the Cabinet Secretary for Energy, Planning and Rural Affairs regarding the planning elements of the Mobile Action Plan and her response

(Pages 6 – 8)

Attached Documents:

EIS(5)-06-18 (p3) Correspondence to the Cabinet Secretary

EIS(5)-06-18 (p4) Correspondence from the Cabinet Secretary

2.4 Additional information from Openreach following the Committee meeting on 25 January

(Pages 9 – 10)

Attached Documents:

EIS(5)-06-18(p5) Additional information from Openreach following the Committee meeting on 25 January

3 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

4 Committee working practices and procedures

(09.30–11.00)

Kate Faragher, CEO, BeSpokeSkills

5 Correspondence to the Cabinet Secretary for Economy and Transport and written evidence received on speed limits – New Powers: New Possibilities inquiry

(11.00–11.15)

(Pages 11 – 23)

Attached Documents:

EIS(5)–06–18(p6) Correspondence to the Cabinet Secretary for Economy and Transport including annexed summary of key issues – New Powers: New Possibilities inquiry

EIS(5)–06–18(p7) Written evidence from the Royal Society for the Prevention of Accidents (RoSPA) regarding speed limits

EIS(5)–06–18(p8) Written evidence from Wales Police Forces regarding speed limits

EIS(5)–06–18(p9) Written evidence from GoSafe regarding speed limits

6 Consideration of draft summer Forward Work Programme

(11.15–11.30)

(Pages 24 – 25)

Attached Documents:

EIS(5)–06–18(p10) Draft Forward work programme

Ken Skates AC/AM
Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA – P/KS/0502/18

Russell George AM
Chair
Economy, Infrastructure and Skills Committee

13 February 2018

Dear *Russell,*

Thank you for your letter of 18 January 2018 regarding the Traffic Commissioner for Wales' first Wales specific Annual Report and his appearance at the Economy, Infrastructure and Skills Committee on 28 November.

I welcome the Commissioner's first annual report which has raised a number of important issues and I was pleased to be able to meet and discuss this report in further detail with the Commissioner on 23 November.

I am grateful to the Commissioner for his close and effective working relationship with officials, and for making available his expertise to assist in the work of the Welsh Government. The appointment of Wales's first, full-time Traffic Commissioner has created a resource sufficient to enable the Commissioner to significantly increase his engagement with the road freight and bus sectors, as well as other organisations with an interest in these modes of transport

You have raised a number of issues in your letter which I have endeavoured to address below.

The potential for a more effective and efficient Welsh approach to bus registration
Responsibility for the registration of local bus services will become a matter for the Welsh Ministers on commencement of the Wales Act 2017, expected later this year in the Spring.

In preparation for the new devolved responsibilities provided by the Wales Act 2017, I have asked my officials to consider reforms to the planning and delivery of local bus services. Our initial outline proposals were published following the first Welsh Bus Summit held in Wrexham in January 2017 and I expect to be able to bring forward detailed proposals for a further public consultation by the early spring, or early summer.

In developing these proposals, I shall be working with the Traffic Commissioner for Wales, the bus sector and local authorities to ensure that the procedures for the registration of local bus services are improved to ensure that the services delivered to passengers are the best they can be.

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

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

Like the Traffic Commissioner, I believe that better use of new technology will enable information about commercially registered local bus services to be shared more easily. I also consider it important that in registering local bus services, consideration is given to the viability of the proposed service, the impact on the local bus market and the standards of service to be provided to passengers in local communities.

Closer alignment of taxi and private hire vehicles

The enactment of the Wales Act 2017, and its expected commencement this year, will for the first time bring the licensing of taxis and private hire vehicles within the competence of the National Assembly for Wales. It is on that basis that I consulted last year on how licensing of taxis and private hire vehicles can be reformed and improved here in Wales.

The summary of responses to the consultation on taxi and private hire vehicle licensing in Wales has been published. The document can be found here:

https://consultations.gov.wales/sites/default/files/consultation_doc_files/summary-of-responses-taxi-and-private-hire-vehicle-licensing-in-wales.pdf

Detailed proposals will now be developed by officials on how best the licensing regime can be reformed to better meet the transportation needs of the people of Wales, operators and professional drivers in Wales. It is expected that these detailed proposals will be published for public consultation in the late Spring/early summer.

It is important that we explore how best the role of the Traffic Commissioner can support our ambitions for an integrated public transport network within the constraints that remain as part of the new devolved settlement. It is also important to note that functions of the Traffic Commissioner, other than the registration of local bus services, shall continue to remain matter reserved to the UK Government.

Making the Traffic Commissioner for Wales an appeal body and creating a pan-Wales DBS body

In principle, there is merit in exploring the opportunities now possible through the Welsh Government's investment in delivering a Traffic Commissioner dedicated to Wales.

An enhanced role in relation to transport appeals and disclosure and barring servicing may be a useful expansion to the role of the Traffic Commissioner in Wales. It should be noted however, that any formal expansion of the Traffic Commissioner's function may require the consent of the UK Government.

To make the rate of BSSG payments conditional on DBS checks for PSV drivers

In principle, I am in agreement that drivers of public service vehicles should be subject to DBS checks as a condition of their employment for the delivery of local scheduled bus services, as is the case currently with professional drivers delivering dedicated learner transport.

I have asked my officials to consult with stakeholders and local authorities to further explore the potential impact this proposal may have on the bus sector in Wales. Passenger safety must be our first duty.

The introduction of service standards to ensure PSV operators are not financially disadvantaged by late reimbursement of moneys such as concessionary fares

Local authorities already have their own targets for reimbursing bus operators for carrying passholders for free. We have asked all local authorities to develop a common timetable and to make that available to all bus operators.

The review of criteria for the award of contracts by local authorities

We have asked local authorities to confirm their procedures for awarding bus contracts with the aim of distilling those into a single set of criteria, and a common tender process and documentation throughout Wales. It is hoped that this could, subject to approval by each authority, be implemented from April 2020.

BSSG to put a greater focus on quality

Local authorities are already required to insist upon minimum standards, set by the Welsh Government, if they wish to award any BSSG to bus operators. Operators attaining enhanced quality standards may receive a higher award.

The Commissioner's recommendations, contained as examples in his report, will be included as part of the ongoing review of the quality standards required from operators to maintain their eligibility for BSSG.

Whether operators could be obliged, to use electronic card readers to monitor the use of concessionary fare cards to reduce the scope for mistakes and fraud?

The use of Electronic Ticketing Machines which meet the Welsh Government's minimum criteria for recording concessionary bus pass journeys has been a core requirement within the Welsh Government's Voluntary Welsh Bus Quality Standards since its publication in March 2016.

We have committed funding in 17/18 to replace obsolete smartcard machines for affected operators. This will ensure electronic pass recording continues to be undertaken in line with our reimbursement and counter fraud processes.

Organisations which issue community transport permits could be reduced to a single body, with the Traffic Commissioner for Wales dealing with appeals

The proposal put forward by the Traffic Commissioner for Wales appears to be a sensible and proportionate approach to the issuing of community transport permits in Wales. The Community Transport permit regime is a non devolved matter and shall continue to be a matter reserved to the UK Government following commencement of the Wales Act 2017 later this year.

The UK Government is proposing to undertake a public consultation in relation to the Community Transport Permit regime, expected to begin in the Spring. Discussions will be undertaken with the relevant organisations in Wales to bring forward proposals to adopt a system that best meets the needs of the Community Transport Sector in Wales.

The appropriateness of allowing HGVs to use bus lanes in limited cases where it might be effective means of improving traffic flow

This will be reviewed during 2018-19, including the possible safety implications, through discussions with responsible highway bodies, the Traffic Commissioner and road and freight transport organisations, enabling conclusions to be published by April 2019.

Welsh Government position on the balance between BSSG and concessionary fares in maintaining and developing bus services in Wales

Welsh Government and local authority funding for reimbursing bus operators for carrying passholders, and for supporting the bus network, meet entirely independent objectives.

Legislation requires local authorities to ensure that their reimbursement of bus operators meets the legislative obligation they have that those operators should be "no better and no worse off" as a result. There is no evidence that local authorities are reimbursing bus operators contrary to their obligation.

In contrast, local authorities' payments to bus operators under the BSSG scheme support the retention of the bus network.

Community Transport permitting arrangements currently and following commencement of the Wales Act 2017.

The community transport permit regime is a non-devolved matter and my understanding is that responsibility will continue to be a matter reserved to the UK Government once provisions within the Wales Act 2017 are commenced early next year.

Traffic Commissioner for Wales Resourcing

The Traffic Commissioner for Wales is appointed by and accountable to the Secretary of State for Transport. His existing staff and those three new bilingual staff we have agreed to fund are not and will not be Welsh Government employees. This means that his and their employers must be satisfied as to the suitability of their accommodation.

The Welsh Government initially asked the Commissioner's office to estimate the cost of refurbishing the premises formerly occupied by Bus Users Cymru, and to which he had access. Their estimate was into six figures, which we considered too high.

We then identified several commercial premises for the Traffic Commissioner to view. None was acceptable. More recently, the Commissioner viewed several other possible premises, and his office has been asked to assess their suitability.

We have reviewed internally what accommodation might be available within the Welsh Government's property estate, and commercially. This identified that the Commissioner's support staff could be accommodated within the Welsh Government's Llandudno Junction office, and his office has been advised of that.

The Annual Report initially available in English Only

My officials had explained to the Traffic Commissioner that we would meet the cost of translating his annual report into Welsh.

I trust this outlines our position on the issues you have raised and I look forward to continuing to work closely with the Commissioner to tackle the challenges facing the road freight and bus networks in the future.

*Yours ever,
Ken*

Ken Skates AC/AM

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Cyfrifon Cyhoeddus

National Assembly for Wales
Public Accounts Committee

Julie James AM
Leader of the House and Chief Whip
Dafydd Elis-Thomas AM
Minister for Culture, Tourism and Sport
Welsh Government

19 February 2018

Dear Julie and Dafydd,

Ofcom: Draft Memorandum of Understanding

Thank you for the opportunity to comment on the draft Memorandum of Understanding between the Welsh Government, the National Assembly for Wales and the Office of Communication (Ofcom). This was considered by the Public Accounts Committee on 12 February 2018, Economy, Infrastructure and Skills Committee on 14 February and Culture, Welsh Language and Communications Committee on 15 February.

The Committees noted that Welsh Ministers will lead on the appointment of the Welsh Ofcom Board Member. We believe that there is real merit in a pre-appointment hearing being held for this candidate by one of the Assembly Committees. While this hearing may not afforded a power of veto, it is a vitally important appointment, and such a hearing will enable Members to endorse and support the appointment, or highlight any concerns which may need to be addressed. We believe it will bring transparency and accountability to the process.


As you are aware, the MoU commits to the Ofcom accounts being laid before the National Assembly for Wales. Each Committee supports this position and agreed that this should be considered as part of the annual account scrutiny work that takes place across the Assembly's Committees.

Yours sincerely,



Committee Chair

cc: Elin Jones AM, Llywydd



Committee Chair



Acting Committee Chair



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Agenda Item 2.3

Cynulliad Cenedlaethol Cymru
Pwyllgor yr Economi, Seilwaith a Sgiliau

National Assembly for Wales
Economy, Infrastructure and Skills Committee

Lesley Griffiths AM
Cabinet Secretary for Energy, Planning and Rural Affairs
Welsh Government

29 January 2018

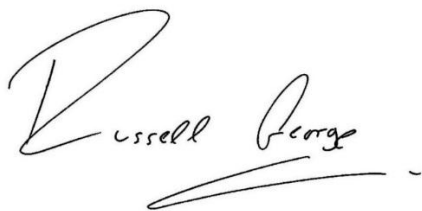
Dear Lesley,

Digitalisation update

The Economy, Infrastructure and Skills Committee recently took evidence from the Leader of the House and Chief Whip, Julie James AM on the subject of digitalisation update and in particular planning restrictions on masts.

The Committee would be grateful for an update on where the Welsh Government is on planning restrictions particularly in regards to the Mobile Action Plan?

Yours sincerely,



Russell George AM

Chair Economy, Infrastructure and Skills Committee



Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-P/LG/0444/18

Russell George AM
Chair – Economy, Infrastructure and Skills Committee
National Assembly for Wales
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22 February 2018

Dear Russell

Thank you for your letter of 29 January, requesting an update on the planning elements of the Mobile Action Plan. There are three action points for planning in the document covering permitted development rights, planning policy and TAN19/Code of Practice.

With regard to the first of these, the research report on permitted development rights for telecommunication equipment was published in January and is available to view on the Welsh Government website at:

<http://gov.wales/topics/planning/planningresearch/publishedresearch/planning-for-mobile-telecommunications-an-assessment-of-permitted-development-rights-in-wales/?lang=en>

This research will inform a consultation on permitted development rights which I anticipate will commence in the spring of 2018.

On revisions to Planning Policy Wales (PPW), I recently launched a consultation on a revised version of PPW. The new version of the document highlights the positive relationship between telecommunications and the economy and the contribution digital connectivity makes to successful places.

The consultation documents can also be accessed on the Welsh Government website at:
<https://consultations.gov.wales/>

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

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

The third point on TAN19 and the Industry Code of Best Practice is a longer term action which can only be commenced once the legislative and policy elements of the first two actions are complete. My officials will continue to engage with representatives from the mobile phone industry to ascertain what further work can be done in this area.

Yours sincerely

A handwritten signature in black ink that reads "Lesley". The signature is written in a cursive style with a large, sweeping flourish at the end.

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Russell George AM
Chair, Economy, Infrastructure and Skills Committee
National Assembly for Wales
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20th February, 2018

Dear Russell,

Thank you for giving Openreach the opportunity to appear before the Economy, Infrastructure and Skills Committee on 25th January. There were a number of points on which I agreed to write to the committee.

Fibre-to-the-Premises (FTTP)

You asked what number of premises connected with FTTP technology under Superfast Cymru are accessing superfast services from a provider other than BT.

Our FTTP product is regulated and open to all providers to use at the same wholesale cost. When it becomes available, all providers are notified at the same time. In other words, there is no discrimination in how the product is offered. A list of providers that offer the service are available on our website:

<https://www.homeandbusiness.openreach.co.uk/fibre-broadband/ultrafast-broadband/ultrafast-fibre-buy-it-now>.

BT Superfast Services

You asked what the current take-up of BT's superfast services via the Superfast Cymru network is and what the corresponding figure is in areas where Openreach has deployed superfast broadband on a commercial basis.

We are not able to publically share commercial take-up figures. However, the take-up in our commercial footprint is in line with the project take-up.

Superfast Cymru

Finally, you asked how many premises were told that they were in scope of the Superfast Cymru project before 31st December 2017, only for the project to end before they had been connected.

Kim Mears
Strategic Infrastructure Development

Page 1 of 2

Openreach
www.openreach.co.uk

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The intervention area (defined as postcodes and premises within a postcode) in the Wales contract was defined as approximately 767,000 premises. This increased from an original figure of 727,000 in 2012, due to the Superfast Extension Programme (SEP).

The contract with the Welsh Government required completion of 690,000 premises. Because of the ongoing test and verification process on final results we are unable to give precise numbers. However, an intervention area that was greater than the contractual obligation was always going to lead to raised expectations versus numbers delivered.

I am copying this letter to the Deputy Clerk of the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kim Mears', written in a cursive style.

Kim Mears

Cynulliad Cenedlaethol Cymru
Pwyllgor yr Economi, Seilwaith a Sgiliau

National Assembly for Wales
Economy, Infrastructure and Skills Committee

Ken Skates AM
Cabinet Secretary for Economy and Transport

22 February 2018

Wales Act 2017 Transport Powers and transport scrutiny session

Dear Cabinet Secretary,

You may be aware that the Economy, Infrastructure and Skills Committee recently received oral evidence from stakeholders in relation to the devolution of transport powers under the Wales Act 2017. Please find attached as an annex to this letter a summary of the key issues raised in relation to the devolution of bus registration powers, devolution of taxi and private hire vehicle licensing and devolution of ports policy and development powers. The Committee has also written to stakeholders to seek views on devolved powers relating to speed limits, and will provide an update in due course.

The Committee heard that there was unanimous support for Traveline Cymru taking responsibility for bus service registrations. We understand that such a change could be relatively straightforward to implement, but should result in more accurate information for passengers. The Committee notes from your letter of 13 February that your officials are considering reforms to the planning and delivery of local bus services and believes that the Welsh Government should give early consideration to the proposal that Traveline take this responsibility and would be grateful for your response to this.



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Strong evidence was presented in favour of updating legislation relating to taxi and private hire vehicles, particularly in light of technological developments which have impacted on the industry. Many of the issues raised by stakeholders could be addressed by introducing proposals to legislate once the powers are in place, in particular having a consistent approach across Wales on issues such as cross-border hire, national standards for drivers and operators and a national register of drivers. The Committee notes that your officials will be developing proposals to reform the licensing regime and believes that this should be given urgent consideration to ensure an effective and safe service for passengers and drivers. The Committee would be grateful for updates as this work progresses, including specific timescales for bringing forward detailed proposals for reform.

The Committee heard that devolution of ports policy and development will allow the Welsh Government to join up relevant policy areas and better reflect ports in its strategies. It will be important that the Welsh Government be ready to administer its additional responsibilities when powers are devolved, including ensuring that there is sufficient expertise among its staff. We were told that the Scottish Government have an effective team in place, so it will be important to learn from their experience.

Following on from these oral evidence sessions, the Committee agreed that it would like to invite you to attend a scrutiny session focussing specifically on the transport aspects of your remit, and I understand that arrangements for this are being put in place.

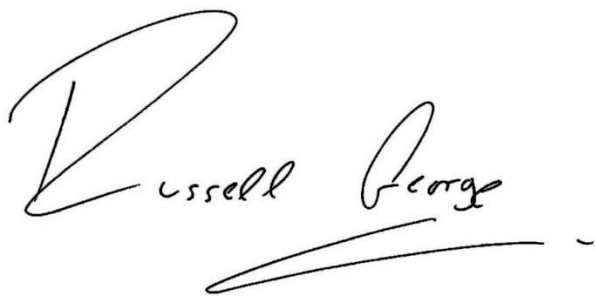
Prior to that session, the Committee would be grateful if you could provide an outline of the Welsh Government's plans for how you intend to use the powers once devolved, and an indication of timescale for bringing forward any legislation. Additionally, continuing our consideration of planning and delivery of highway schemes, in the light of your recent letter of 31 January, the Committee would be grateful if, in replying to this letter, you could provide the following information



for all trunk road projects (both new roads and improvements) completed between 2007/08 and 2017/18:

- The earliest cost estimate identified during scheme development (including the quarter / year on which the price estimate is based);
- The final cost estimate identified during scheme development pre-construction (if different from the above, including the quarter / year on which the price estimate is based);
- The actual final cost of each completed scheme; and
- A brief description of each scheme, including the contract type length of road constructed / upgraded by the scheme and the reason for any under / overspend against estimated costs.”

Best wishes,

A handwritten signature in black ink that reads "Russell George". The signature is written in a cursive style with a large, sweeping initial 'R' and a long horizontal flourish at the end.

Russell George

Chair of the Economy, Infrastructure and Skills Committee



Annex – Summary of oral evidence on the use of new transport powers devolved by the *Wales Act 2017*.

17 January: bus registration powers and taxi / private hire licencing; and

25 January: ports policy and development powers.

Devolution of bus registration powers

Key points included:

- The importance of providing a framework to enable a stable and effective bus network;
- Congestion is the biggest barrier to an efficient service. The industry would welcome further measures to tackle congestion and give buses priority. Reliability, punctuality and speed are the biggest passenger priorities;
- There is a need to simplify and improve information for passengers. Traveline Cymru’s biggest source of public complaints is inaccurate information as Traveline isn’t notified of service changes;
- All witnesses urged caution on bus franchising. For example, there was concern that it would be expensive and, particularly in rural areas, could lead to a marketplace with fewer operators. WLGA was reticent about franchising but agreed that it should be an option available to local authorities;
- Partnership working on a regional level was seen as key to delivering improvements, in particular a defined joined-up plan is needed as well as stable funding;
- Regional planning should cross local authority boundaries and take account of ‘travel to work’ areas;
- The Welsh Government has consulted on repeal of the current statutory prohibition on local authorities setting up bus companies. However, witnesses felt it is unlikely that local authorities would set up bus companies unless there was a serious failure in the provision of services in an area;
- Low emission vehicles could make bus travel an appealing option if low emission zones were introduced;
- Stakeholders are still waiting to see the outcome of the Welsh Government’s “bus summit” held in January 2017 and the subsequent workshops. Currently



the outcomes are unclear. Clarity on bus policy, combined with continuity of funding, were felt to be key;

- The Bus Services Support Grant is an important element of bus funding, particularly when combined with voluntary bus standards;
- Enhanced standards were introduced in south-east Wales. Operators get paid a different rate per kilometre depending on the standard reached;
- Technology can improve service delivery, but requires investment;
- All witnesses supported Traveline Cymru taking responsibility for bus service registrations. This would enable them to receive information directly rather than relying on local authorities or bus operators for updates. This should lead to more up to date, accurate information for passengers; and
- Bus Users Cymru felt it is important to stop bus operators “over-extending” themselves leading to financial difficulties.

Devolution of taxi and private hire vehicle licensing

Key points included:

- The view that the current system is not fit for purpose. The legislation is antiquated and some was drafted for horse drawn hackney carriages. It needs a “complete overhaul”;
- Overhauling the legislation will be a major task and will require resources;
- The two-tier licensing system is complicated. While there was some support for a single tier, this was not universal;
- A regional system was discussed as a stepping stone to a national approach;
- It was clear that there is variation in practice across Wales. For example, Cardiff is the only local authority which currently limits the number of hackney carriage plates;
- The fee regime should enable local authorities to recover costs of enforcement and other costs, such as taxi marshals. The system should be self-financing. However, the cost of the licensing regime, and the fact that the burden is currently on drivers, was also raised;
- Local authorities are not carrying out annual assessments of need. The GMB Union felt this has led to too many licences being issued;
- Legislation has not kept pace with technology – for example GPS is widely used but is not a “taxi meter” for the purposes of the legislation;



- Cross-border hire / working (i.e. taxis licenced in one local authority working in another) is a major issue and needs to be addressed. Some suggested all journeys should start or finish in the area which issued a driver's taxi / PHV licence. Witnesses said currently Transport for London registered drivers are working in Cardiff, and 144 Uber drivers registered in Newport live in Cardiff;
- Enforcement is an issue due to the age of current legislation. Local authorities cannot currently enforce against a driver working in their area who is licensed in a different authority. Greater funding is needed to improve enforcement;
- The Welsh Government's consultation on taxi and private hire vehicle licensing focused on implementing Law Commission recommendations. However, the GMB suggested the Law Commission report would need to be updated;
- Standards for drivers and operators are needed at a national level;
- More streamlined enforcement is needed;
- A definition of 'fit and proper' person is required, and a code of conduct for operators needed, to address the risk of exploitation of drivers and establish a driver complaints mechanism; and
- A national register of drivers and consistent approach across Wales is required.

Devolution of ports policy and development powers

Key points included:

- The view that current UK ports policy is generally effective but devolution might bring greater clarity and dialogue in some areas;
- Beyond some policy and guidance documents, current policy is largely delegated to ports and is market led. This allows ports to operate flexibly as businesses and respond to customer needs;
- Devolution will allow the Welsh Government to join up relevant policy areas and better reflect ports in its strategies. Currently policy areas affecting ports are partly devolved (e.g. land use planning, marine licensing, highways) and partly reserved (port development);
- Brexit and negotiations on customs and other checks are important issues – port capacity is a function of the size of the ports and the speed traffic passes through. Devolution may help by bringing relevant frameworks together in Wales;



- The Welsh National Marine Plan “could be quite an important document” which will have to balance sustainable development and marine environmental protection;
- Ports want to see environmental protection “tailored” with “port zones” supporting “a pro-business and development-type policy”. Ports cannot be relocated and are often in economically deprived areas;
- Ports need a level playing field. Compared to Wales, EU governments have put in place simpler consenting regimes and in England longer licences are granted with more activities exempt from marine licence requirements;
- Delays in the consenting process are a major issue. Opportunities can be lost if applications are not handled efficiently;
- The ports supported both “free zones” in appropriate circumstances (i.e. areas with exemptions from import duty requirements while goods remain in the zone), and also “port zones” (simplified and accelerated development arrangements);
- Resourcing in the Welsh Government to administer policy will be important – Scotland was described as a good model with sufficient staff, appropriate expertise and an effective system; and
- Discussions with the Welsh Government are on-going with “some positive indications”. There has been consistency in the Welsh Government staff which ports are dealing with and mutual respect. Ports are “in a good place with officials and the transport team”.



RoSPA Response to “New Powers: New Possibilities Inquiry”

The Wales Act 2017 – Speed Limits

16 February 2018

Introduction

This is RoSPA’s response to the Economy, Infrastructure and Skills Committee’s consultation into, New Powers: New Possibilities and in particular the Wales Act 2017 on speed limits.

The Committee is seeking views on:

- Current speed limits and arrangements for setting speed limits in Wales; and
How the powers to be devolved by the Wales Act 2017 from 1 April 2018 should be used by the Welsh Government and the Assembly.

RoSPA Response

Speed significantly increases the chance of being injured in a collision. A well designed road network could reduce the risk of exposure to the conditions that can cause serious and fatal injuries.

RoSPA believes that the Welsh Government should have the flexibility to set or amend speed limits and should still involve local authorities where necessary. We think it would still be beneficial for the Speed Limit Appraisal Tool to be used to help assess the cost and benefits of any proposed scheme. This would ensure that evidence-based decisions can be made when introducing local speed limits, which would reflect the needs of all road users.

A study of collisions together with analysis of traffic volumes and speeds should indicate whether an existing speed limit is appropriate for the class of road and its use by different groups of road users, including the presence or potential presence of vulnerable road users (including pedestrians, cyclists, horse riders or motorcyclists), or whether it needs to be altered. Local residents may also express their concerns or desire for a lower speed limit and these comments should be considered.

While RoSPA is of the view that road safety should be the primary reason for setting speed limits, there are many links to be made between injury prevention and other areas of public health. Vehicle emissions and air quality is one such link. RoSPA understands that compliance with air quality limits could be a factor when implementing speed limits, however, this should not override safety concerns.

Where there is poor compliance with an existing speed limit, the reasons behind non-compliance should be examined. It could be that a speed limit need not be changed if the collision rate can be improved with alternative measures. If the speed limit is set too low for no visible reason and the risk of a collision is low, then it may be appropriate to increase the limit.

It could be far easier to persuade people to drive at safer speeds if they understand and accept that driving too fast significantly increases the chances of being involved in a collision, and significantly increases the chances of such an incident being serious or fatal.

RoSPA thinks that education is absolutely vital in trying to change attitudes towards speeding. Inappropriate speed contributes to a number of injury and fatal collisions. This can be when the speed limit is exceeded but also when a driver or rider is within the speed limit but their speed is excessive for the conditions at the time (for example, in poor weather, poor visibility or densely populated areas).



RoSPA Response to “New Powers: New Possibilities Inquiry”

Those people who drink or take drugs and drive are seen as behaving in a dangerous, anti-social and selfish manner with little or no regard for the safety of other road users. However, those who speed are often not regarded in this way unless they grossly exceed the posted speed limit. Therefore, we feel it is essential that the dangers caused by driving at inappropriate speeds are clearly explained and demonstrated to highlight the consequences of illegal and inappropriate speed.

Roads policing is an indispensable action, which plays a vital role in saving lives and minimising injury on the road in Wales. In order for this to be done effectively and consistently across the country, roads policing must be given its rightful priority by the Welsh Government and the Police Service, and be adequately resourced.

In having the devolved powers to alter speed limits in Wales, the Welsh Government will be able to continue to work in conjunction with the already long-standing Wales Road Casualty Reduction Partnership to address issues proactively and efficiently, and also help to ensure that road users continue to comply.

RoSPA thanks the Economy, Infrastructure and Skills Committee for the opportunity to comment on the consultation. We have no objection to our response being reproduced or attributed.

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This is a composite response from the four Welsh Police Forces that responded to the consultation on the Welsh Government New Powers: New Possibilities Inquiry – Speed Limits

Views on current speed limits and arrangements for setting speed limits in Wales.

There are current arrangements in place for the setting of speed limits in Wales through which the Highways Authority are able to set 'local speed limits'. Where the Police have been fully engaged in discussions prior to adoption there has been consistency through to any subsequent police enforcement of the new regulation. There have been instances where NPCC guidance regarding 20mph speed limits/zones has not been followed and this has created some enforcement challenges.

Views on how the powers to be devolved by the Wales Act 2017 from 1st April 2018 should be used by the Welsh Government and Assembly

It is a shared view across the Welsh Roads Policing landscape that it is vital the Police continue to be consulted prior to any changes. As the enforcement agency, it is important to public confidence that any changes are evidence based, are proportionate to the objective they are looking to achieve and a justifiable response to ensuring the safety of the public on our roads.

There are already differences between speed limits for certain classifications of vehicles within England and Wales to those in Scotland, although some across Wales are of the view that engineering solutions should form an equal part of the Road Safety thought process.

There is a general consensus that devolving the responsibility for Speed Limits would help bring about a greater consistency across the country. This, however, needs to form part of a wider awareness raising campaign promoting the safe use of our roads and the dangers of speed, whether that is in excess of the limit or excessive due to prevailing weather/road conditions. It is important the key message remains to educate and not punish road users.

In terms of comments on the use of powers in Wales, I would add as follows from a GoSafe perspective:

- Wales should not deviate from national (UK) policy for setting limits unless there are solid, exceptional, circumstances. This would apply particularly where it would affect enforcement. This would include the setting of, signing and enforcement of limits. The reason for this response is:
 - the police as the enforcement agency are often challenged about the prosecution of speeding offences and a common defence is signing. There is clear and consistent guidance in the UK which allows a robust legal standing where this guidance is followed. Any deviation from this would leave the public bodies exposed for challenges. As such, it would be prudent to ask the relevant police force for comment when setting local speed limits
 - A clear and consistent speed limit setting policy needs to be adhered to for the motoring public: often we find compliance with speed limits in particular is where there is a clear and obvious reason for that reason to be applicable
- There should be no deviation or special adjustments to signage or policy across Wales: all highways authorities in Wales should be held to the same policies and guidance for purposes of clarity and fairness
- There is a significant amount of tourist traffic from the English border, any signage should be easily recognisable to the UK motoring public as 'common' practice to ensure best compliance.

Best Regards,

Teresa Ciano
Partnership Manager
GoSafe

Agenda Item 6

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