



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Menter a Busnes **The Enterprise and Business Committee**

Dydd Iau, 4 Gorffennaf 2013
Thursday, 4 July 2013

Cynnwys **Contents**

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

Trafnidiaeth Gyhoeddus Integredig yng Nghymru—Sesiwn Ddilynol (Cynhadledd Fideo)
Integrated Public Transport in Wales—Follow-up Session (Video-conference)

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal,
cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol **Committee members in attendance**

Byron Davies

Ceidwadwyr Cymreig
Welsh Conservatives

Keith Davies	Llafur Labour
Julie James	Llafur Labour
Alun Ffred Jones	Plaid Cymru The Party of Wales
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Nick Ramsay	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)

**Eraill yn bresennol
Others in attendance**

Nick Jones, Comisiynydd Traffig Cymru a Gorllewin Canolbarth Lloegr
Traffic Commissioner for Wales and the West Midlands

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance**

Ffion Emyr Bourton	Dirprwy Glerc Deputy Clerk
Siân Phipps	Clerc Clerk
Graham Winter	Y Gwasanaeth Ymchwil Research Service

*Dechreuodd y cyfarfod am 1.16 p.m.
The meeting began at 1.16 p.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions**

[1] **Nick Ramsay:** I welcome Members to this afternoon's session of the Enterprise and Business Committee. The meeting is bilingual; headphones can be used for simultaneous translation—Welsh to English is on channel 1, and amplification on channel 0. The meeting is being broadcast, and a transcript will be available. Will Members please turn off their mobile phones? In the event of a fire alarm, please follow directions from the ushers. We have received apologies today from Dafydd Elis-Thomas, Mick Antoniw and David Rees.

**Trafnidiaeth Gyhoeddus Integredig yng Nghymru—Sesiwn Ddilynol
(Cynhadledd Fideo)
Integrated Public Transport in Wales—Follow-up Session (Video-conference)**

[2] **Nick Ramsay:** Today, we are having a follow-up session to our inquiry into integrated public transport in Wales. I welcome our witness, who joins us via a video-conference line from Birmingham. Thank you for being with us today. Nick Jones is the traffic commissioner for the west midlands and Wales traffic areas. I know that you have a busy day today with public inquiries, so many thanks for agreeing to help out with the work of the committee.

[3] This session with the traffic commissioner is intended to follow up the Welsh Government's response to the committee's report on integrated public transport in Wales, which was debated in the Assembly yesterday afternoon. On behalf of the committee, I have

written to the Silk commission to suggest the further devolution of transport powers to Wales, which will form the basis of the discussion today. Nick Jones has indicated that he agrees with recommendation 3 of our report, which recommends that the Welsh Government should continue to lobby the UK Government for bus regulation and registration powers to be devolved to Wales, including making the traffic commissioner for Wales accountable to Welsh Ministers.

[4] We have a fair number of areas on which to question you, so I propose that we go straight into those questions. The first question is from Byron Davies.

[5] **Byron Davies:** Good afternoon. My question is about your opinion on the effectiveness of the current arrangements for the delivery of the traffic commissioner's functions in Wales. Perhaps you could comment on the likely impact of changes to the deployment of traffic commissioners and the merger of the Vehicle and Operator Services Agency and the Driving Standards Agency.

[6] **Mr Jones:** There is a fundamental problem in relation to traffic commissioners in Wales in that, although I am a regulator and I am meant to enforce the law, I am more than embarrassed to say that it is clear that those who provide the administrative support do not provide facilities that meet the requirements of the Welsh Language (Wales) Measure 2011. I do not know whether it is because VOSA made the Welsh language officer that it had redundant in one of its cuts, but the IT equipment is not bilingual, bus registrations are not bilingual, and if people want to telephone with queries, they do not get a bilingual response. There are some real problems. I put it to the Department for Transport and VOSA that one of the solutions would be to ask the Welsh Government to assume the responsibility for bus registrations. Clearly, there are options for the Welsh Government to assume the other responsibilities.

[7] I have given evidence to the Silk commission. It is a wide subject; I am not sure how much you want me to talk about that. However, bus registrations, as I have pointed out, are what I have described as 'a no-brainer' as far as the Welsh Government is concerned, because I know that, in Wales, you seek higher quality details of registrations than are provided at the moment by the present system. In part, that is because of the work undertaken by Traveline Cymru, which provides a very good service. That is, in part, once again, because you provide a subsidy to Traveline Cymru, which facilitates that.

[8] The number of transactions that are chargeable is about 1,000 each year within Wales and the cost is £60 a transaction, I think. I understand that the staffing level for Wales is less than half of a member of staff on a junior administrative grade, civil servant post at the lowest grade. No way does that come to £60,000. So, I called it a no-brainer because I believe that it would address the concern that those in Wales prefer to have control over bus registrations. It would enable you to be flexible as to what you wanted in the bus registrations, if you had the power to decide what was in them. It would also address the present administrative set-up, which does not meet the needs of legislation relating to the provision of bilingual services. I have just dealt with bus registrations, but I can talk about other matters as well if you so wish.

[9] **Byron Davies:** You have pre-empted my question there; I was going to ask you about the cost of administrative support et cetera. What additional burdens, if you like to use that word, would it put on you?

[10] **Mr Jones:** Are we talking about bus registration?

[11] **Byron Davies:** Let us open it out a bit further.

[12] **Mr Jones:** Bus registrations have very little administrative input at the moment. In

the case of public services vehicles, if they were devolved to Wales, it would involve some staff. If goods vehicles were devolved to Wales, that would involve some more staff. I am told by a member of staff who worked here before computerisation, and before centralisation, that he was the team leader for Wales before I was appointed traffic commissioner—he was made redundant in 2006—and he said that there were between six and eight staff for dealing with Wales. Most of the work would have been for goods cases rather than PSVs. That may give you a flavour of the scale of staffing level that we are talking about.

[13] **Byron Davies:** That is very helpful; thank you. I do not know if anybody wants to raise anything else.

[14] **Nick Ramsay:** Alun Ffred Jones, do you want to come in?

[15] **Alun Ffred Jones:** Byddaf yn gofyn fy nghwestiwn yn Gymraeg. A yw Mr Jones yn fy nghlywed i? **Alun Ffred Jones:** I will be asking my question in Welsh. Can Mr Jones hear the interpretation?

[16] **Nick Ramsay:** Are you okay with the translation?

[17] **Mr Jones:** I can hear it in English; thank you.

[18] **Alun Ffred Jones:** A gaf eich llongyfarch chi, Mr Jones, ar eich agweddau goleuedig iawn tuag at ddatganoli, i ddechrau? Holaf ychydig ynglŷn â'ch ymwneud chi â Chymru. Beth yw'r cyswllt rhyngoch chi â Llywodraeth Cymru, er enghraifft, neu beth yw eich cyswllt ag awdurdodau lleol Cymru trwy Gymdeithas Llywodraeth Leol Cymru? **Alun Ffred Jones:** May I congratulate you, Mr Jones, on your very enlightened views towards devolution, first of all? I will ask a few questions on your relations with Wales. What is the link between you and the Welsh Government, for example, or what relationship do you have with local authorities in Wales through the Welsh Local Government Association?

[19] **Mr Jones:** One of the practical problems I have as traffic commissioner for two distinct areas is that I am based here in Birmingham, so that does not give me much opportunity to speak to people in Wales. In fairness, officers in the Welsh Government have always been helpful. I liaise on a day-to-day basis with Huw Thomas in the transport section of the Welsh Government, and he is always very helpful. By my explaining issues, you have provided a room that I can use in Brunel House in Cardiff, adjacent to the magistrates' court. It is a room that is shared with others as well, because I do not want to be seen to be wasting the space that is available there, but I have used that room occasionally. That is generous and it is provided by the Welsh Government.

[20] I understand that officials from the Welsh Government have indicated in the past that you sought powers and a degree of devolvment, and that you sought to deal with bus registrations, but, clearly, the decision is for others rather than me, ultimately. As far as local authorities are concerned, I do meet with local authority representatives. Indeed, earlier this week, I met with the Association of Transport Coordinating Officers. In fairness, I have not met with the association for over a year, and part of the problem is that I am based in Birmingham and the pressures that that brings.

[21] I made reference to my annual report and the fact that there is less regulation than is ideal in Wales. I indicated in my annual report that I believe that Wales suffers as a result of that. Good communication could produce improvements in safety and standards, and in synergies between the different public bodies that have responsibilities in relation to public transport.

[22] **Alun Ffred Jones:** Roeddech chi'n sôn eich bod yn dod i Gaerdydd o dro i dro. A allech chi ddweud pa mor aml y byddwch yn dod i Gymru a beth yw'r rhesymau dros eich ymweliadau?

Alun Ffred Jones: You mentioned that you come to Cardiff from time to time. Could you tell us how often you visit Wales and the reasons for your visits?

[23] **Mr Jones:** Public inquiries in relation to Wales—although, in law, they could be held anywhere—in practice, are always held in Wales. I tend to hear cases for south Wales in Cardiff. In the case of north Wales, we struggle to find a suitable venue, so we hire various premises. I have also sat in mid Wales. So, whenever I have a public inquiry—such as today, I am sitting in a public inquiry in my office in Birmingham—for Wales, I would use premises in Wales. The same is true when I am dealing with drivers in Wales; I will sit in Wales.

[24] **Alun Ffred Jones:** Pa mor aml mae hynny'n digwydd, fel arfer?

Alun Ffred Jones: How often does that usually happen?

[25] **Mr Jones:** There are statistics. I try to organise matters so that, if I do not come one week and I come the next week, I will come for perhaps two consecutive days. So, it might be every other week that I come. The traffic commission, including its deputies, will sit in north Wales maybe a couple of days a month; it is no more than that at the moment. Some of that is because of availability. In south Wales, it is an average of a couple of days a week at the most.

[26] **Alun Ffred Jones:** Rydych wedi cyfeirio at yr iaith Gymraeg. A ydych wedi cyfarfod â Chomisiynydd yr Iaith Gymraeg ers iddi gael ei phenodi?

Alun Ffred Jones: You referred to the Welsh language. Have you met with the Welsh Language Commissioner since she was appointed?

[27] **Mr Jones:** Yes. It was very helpful. In fact, meeting with the Welsh Language Commissioner has been a real eye-opener for me, because, of course, VOSA had a Welsh-language officer who was made redundant. I met with the Welsh Language Commissioner because an operator of a heavy goods vehicle complained that the operator licence disk was in English and they wanted a disk in Welsh. I dealt with this by asking staff to produce bilingual disks in the same way that the tax disks produced by the DVLA are bilingual. It has taken some time; I am not sure whether they have been produced yet, because they are a valuable commodity, so they have to be printed on special paper and there are various security issues involved. The complaint brought the matter to a head, and I had a very helpful and constructive meeting with the Welsh Language Commissioner. It was particularly helpful to me, because she pointed out that the Welsh language Measure has a specific provision that sets out that some private sector industries are required to have compliance with it by a date to be set by Ministers, which was anticipated at that time to be 2014—whether that has slipped or not, I do not know. The industries included rail, over which I have no jurisdiction, and also public service vehicles, the definition of which was one that would not include all PSVs, but it would be those that provided registered services. This means that, when the Welsh language Measure is extended to private industry to include those operators that provide registered services, they will have a statutory duty to have bilingual services in written and oral form. I have spoken to the trade association, the Confederation of Passenger Transport, and it is ready for this. It has advised members, and it will provide some assistance to members.

1.30 p.m.

[28] The paradox is that, if bus operators are not compliant, I should be taking regulatory action. In theory, they could even be closed down. It is astonishing that I am not compliant. There are no Welsh-language staff. I find it truly astonishing, which is why I regard it as a serious matter. It could be a cause of real embarrassment. On a practical basis, I pointed out to

the Department for Transport and to VOSA that, whatever the reasons for this arising, devolution of at least some matters would be a potential solution to the problem created by the non-compliance with the Welsh language legislation.

[29] **Eluned Parrott:** Good afternoon, Nick. It is Eluned Parrott here. I want to ask you about compliance arrangements. Before I do that, I will return to the issue of devolving functions to the National Assembly. Can you itemise for us what you think the three main benefits would be of devolution of bus regulation, for example, aside from the language issues that you have already discussed?

[30] **Mr Jones:** I need to make it clear that it is not for me to say that I am proposing or favouring devolution. I want to be non-political here. I am conscious that, in Wales, there appears to be all-party support for devolution. I am pointing out that the Welsh language problems are such that there is a need to address issues. Having discussed matters with professionals—and I am really reiterating the discussion with the Silk commission—if there were devolution, say, of matters involving buses, it would enable the Welsh Government, if it so chose, to have legislation that suited the people of Wales. I have pointed out in annual reports that the legislation relating to PSVs is convoluted, difficult to understand, sometimes illogical and sometimes contradictory. That is because it has been political—by that I mean party political—over the years. The rest of the legislation has been enacted on a piecemeal basis, and it has created a huge amount of problems. It is ripe for consolidation.

[31] It is also quite inefficient. For example, there is no provision for interim licences, vehicles are not specified, it makes enforcement difficult and it is more expensive to enforce. There are some very simple changes that could be brought in that would make PSV legislation clearer and easier to enforce. I would anticipate that, if Wales had devolved powers in relation to PSVs, for example, it could legislate from scratch in a way that addressed what are clear problems with the current legislation that applies for England and Wales. I discussed this with some senior managers who work in the Office of the Traffic Commissioner, and they had wry smiles, because Wales could be an exemplar for others if, in fact, this was devolved. I make no secret of the fact that traffic commissioners over the years have have said that the PSV legislation is in need of reform. If it was reformed, it would be reformed in a way that suits you, frankly.

[32] There are other areas as well. I spoke to the Silk commission; it asked about community permits, and there is provision there, but at the moment, there are some anomalies whereby traffic commissioners grant community permits, but so do the Community Transport Association and sundry organisations—charities, such as the boy scouts, girl guides, and so on—and because people have a choice of licensing authority, it creates various anomalies. No one body regulates effectively, so it is an area that I have discussed with the Silk commission, and I think that it has identified that it could, if there was devolution, rationalise and improve the provisions relating to community transport. Frankly, a whole range of areas was discussed, although I do not want to appear flippant. Some have suggested that there is a crossover between local authority private hire and the traffic commissioner role, and that is something that local authority officers have also discussed with me on occasion. I sit as a one-person, specialist tribunal, which is a road transport tribunal, so in theory I could be used, if the traffic commissioner was answerable to Welsh Ministers, in whatever way you felt fit. I should add that, because I am not a Welsh speaker, you probably would not want me in the first place, and I understand that and accept that and do not have a problem with that. However, I understand that, in terms of achieving synergies, there might be some benefits in having a Welsh-speaking traffic commissioner answerable to a Welsh Minister.

[33] Wales suffers at the moment—I have indicated in annual reports that standards of road safety are lower in Wales than in England, in comparative areas. That is for the reasons that I have articulated in the annual reports. Some of that is because of the lack of regulation

and the fact that, if there was a Welsh traffic commissioner, although it would be the smallest of the various traffic areas, it would enable him or her, if there was a new person appointed, to provide a degree of education to improve the standards of safety for the hauliers and bus operators. There are various innovations that they could do—they could revive the operator seminars that used to exist, which used to be held by traffic commissioners, but are no longer held.

[34] **Eluned Parrott:** You have talked about the lack of effectiveness sometimes in the current arrangements in terms of monitoring compliance. By comparison, why is it that Wales is less able to improve safety and monitor compliance than other traffic areas in Great Britain?

[35] **Mr Jones:** When I talk about compliance, I am talking about compliance relating to road safety, not bus timetable compliance. In fairness, the Welsh Government provides a subsidy and has given a grant to Bus Users UK Cymru to employ staff to check timetables. The standards in Wales in that one area are actually higher than in England. I should make that point.

[36] I have pointed out that, within Wales, the number of traffic examiners and vehicle examiners is limited. A large amount of the work undertaken is on the M4 and A55 corridors, targeting the operators that VOSA believes are likely to be non-compliant, which will include a lot of non-UK traffic going to the ports serving Ireland. Although that work is essential, it has meant, in the case of Wales, that the large area between the A55 and the M4 has relatively little enforcement. It has meant that I have come across operators in inquiries who have not had any intervention from VOSA, the enforcement body, for decades. I do not exaggerate; it is not the case that VOSA does not do any work—it does—but the numbers for what I would describe as rural Wales, and parts of industrial Wales, are sparse in any event: they concentrate on international traffic, rather than on local traffic within Wales. That has affected safety standards.

[37] **Eluned Parrott:** Do the same problems exist in rural parts of England?

[38] **Mr Jones:** I am traffic commissioner for the west Midlands, so I cover rural areas in the west Midlands, not just Birmingham. I have not come across the same level of non-compliance, and I think that it is because those officers serving the A55, say, do not often get into—there are fewer officers there, and they concentrate so much on the corridors there.

[39] **Nick Ramsay:** I have to move things on, because time is moving on. Byron, did you have a question?

[40] **Byron Davies:** My questions have been covered already, thank you.

[41] **Nick Ramsay:** Great. Keith Davies is next.

[42] **Keith Davies:** Rwyf yn mynd i ofyn fy nghestiynau yn Gymraeg hefyd. Roeddwn yn rhyfeddu at beth a ddywedoch yn gynharach, achos yn gynharach yr wythnos hon roeddem yn sôn am gywirdeb gwybodaeth amserlenni bysiau yng Nghymru, a'r ffaith eu bod yn newid mor aml nad yw pobl yn gallu dibynnu arnynt o gwbl. A oes rhyw ffordd o dan y fframwaith statudol presennol i wneud rhywbeth am hyn?

Keith Davies: I will also be asking my questions in Welsh. I was surprised at what you said earlier, because earlier this week we talked about the accuracy of information on bus timetables in Wales, and the fact that they change so frequently that people cannot depend on them at all. Is there any way under the current statutory framework to do something about this?

[43] **Mr Jones:** There is the provision whereby people can amend the timetable if they give 56 days' notice. If there are exceptional circumstances, they can ask that I give a degree of dispensation. It is a judicial act, and one that is capable of being appealed, and the appeal courts have said that I need to give reasons in each case where there is such an application. Generally, where there is a commercial impact on others, I would not grant a dispensation. What I believe has happened is that, within Wales, you have sought a higher standard of timetable accuracy, and that is what has created the problem in Wales. There are approximately 3.4 members of staff dealing with all bus registrations for England and Wales outside of London, and they are based in Leeds. So, there are 3.4 members of staff dealing with the many thousands of bus registrations. The IT system is not very good, and a lot of registrations are of poor quality.

[44] Forgive me if I repeat the point in terms of the standard of registrations, but it has been pointed out to me by local authorities in Wales that there have been a number of registrations that merely say a place called 'Ysgol' to another one called 'Ysgol', and they point out politely that 'ysgol' is Welsh for 'school', and there is more than one school in Wales. Therefore, the standard of information on the registration is poor.

[45] Quite frankly, that does happen, and those who undertake the monitoring of compliance of bus timetables told me only this week that they often use the local authority timetable information, rather than the information that is held at Leeds. So, there are issues relating to the accuracy of the timetables as well. Given that there are so few members of staff, it creates a problem. It is less of an issue in England, because less monitoring is taking place in any event.

[46] **Keith Davies:** A fyddai'n well pe na byddem yn gweithio gyda Leeds, ac i awdurdodau lleol wneud y gwaith yng Nghymru? Yr hyn mae'r cyhoedd yn ddweud yw nad yw'n cael gwybodaeth am newid yn yr amserlenni. **Keith Davies:** Would it be better for us not to work with Leeds, and for local authorities to undertake the work in Wales? What the public say is that they do not receive information about changes to the timetables.

1.45 p.m.

[47] **Mr Jones:** There is a need for local authorities to be consulted at the moment. If you had the registrations with each individual local authority, it would be expensive; I suspect that it would cost a lot of money. What is being suggested is that, if there is 0.4 member of staff, or whatever, dealing with bus registrations for Wales in Leeds, if the responsibility was transferred to the Welsh Government, you could do it. It would be cheaper for it to be dealt with centrally by the Welsh Government through, say, Traveline Cymru or whoever, rather than by individual local authorities, because, if it is just the local authorities dealing with registrations, you would be adding an element of duplication of effort, and it would not be efficient. I am not casting aspersions on local authorities, but it is more efficient to have one body doing it, and it does not take a lot of people to do it.

[48] **Nick Ramsay:** Julie James is next.

[49] **Julie James:** Sorry, I am struggling with the headset, as I am hearing myself on the feedback, but I am struggling to hear without the headphones. So, apologies.

[50] One of the things that concern us is the decline in bus registrations in Wales. We have had a series of announcements that I think have taken the blame for that. Is that decline part of a trend, in your view, and do you think that it will carry on? What can we do about it?

[51] **Mr Jones:** In my present role, if someone registers a service and there is evidence that the service is not run, then I will take regulatory action. I am not trying to be dismissive, but, at the moment, as the law stands, it is not my role to say what registration should take place. That is a matter for the Welsh Government and for the constituent local authorities. I am aware, from listening to industry and from reading about what is going on, that, in part because of funding issues and so on, there are concerns relating to reductions in services, particularly in some rural areas. Although I very much do what I can to encourage the use of buses by good compliance with timetables and having safe, efficient buses, I believe that it is a political decision as to how much subsidy there should be in any individual case, and it is for others to decide what sort of services should be run. People can ask for advice and what is most effective, but I do not want to stray into—if I seek to be independent, I also need to respect the fact that there are areas that I should not stray into. I do not want to fudge your question, but you understand the point.

[52] **Nick Ramsay:** Mr Jones, I notice that there is someone behind you at the door. If you feel that you have to go back to whatever other business you have on today, do not feel bad about it.

[53] **Mr Jones:** Okay.

[54] **Julie James:** Thank you for that, Nick. I appreciate the point that you make. I suppose that what we were asking is whether you think the complicated process for registration and timetabling and all the rest of it is contributing in any way to the decline in registrations. I take the political point about subsidising or not, and so on, but do you think that the system that you have described to us, which seems less than optimal, is contributing to that?

[55] **Mr Jones:** Not particularly; it is just not very efficient, and it does not comply with the law in terms of the Welsh language. However, that is another matter.

[56] **Julie James:** Thank you.

[57] **Nick Ramsay:** Are there any other questions? No? I think that you have satisfied our questioning today, Nick Jones. Thank you for finding the time to be with us as the traffic commissioner for the west midlands and the Welsh traffic areas.

[58] **Mr Jones:** My pleasure.

[59] **Nick Ramsay:** We wish you all the best for your second inquiry this afternoon.

[60] **Mr Jones:** Thank you very much.

[61] **Nick Ramsay:** Thank you. Bye.

[62] We finished Stage 2 of the Active Travel (Wales) Bill earlier, so I close the meeting.

*Daeth y cyfarfod i ben am 1.49 p.m.
The meeting ended at 1.49 p.m.*