



House of Commons
Transport Committee

Transport questions with the Secretary of State

Oral and written evidence

24 February 2010

*Rt Hon Lord Andrew Adonis, Secretary of State
for Transport*

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The Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Transport and its associated public bodies.

Current membership

Mrs Louise Ellman MP (Labour/Co-operative, Liverpool Riverside) (Chair)
Mr David Clelland MP (Labour, Tyne Bridge)
Rt Hon Jeffrey M Donaldson MP (Democratic Unionist, Lagan Valley)
Mr Philip Hollobone MP (Conservative, Kettering)
Mr John Leech MP (Liberal Democrat, Manchester, Withington)
Mr Eric Martlew MP (Labour, Carlisle)
Mark Pritchard MP (Conservative, The Wrekin)
Ms Angela C Smith MP (Labour, Sheffield, Hillsborough)
Sir Peter Soulsby MP (Labour, Leicester South)
Graham Stringer MP (Labour, Manchester Blackley)
Mr David Wilshire MP (Conservative, Spelthorne)

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List of witnesses

Wednesday 24 February 2010

Page

Rt Hon Lord Andrew Adonis, Secretary of State for Transport

Ev 1

List of written evidence

1 Department for Transport

Ev 18

Oral evidence

Taken before the Transport Committee on Wednesday 24 February 2010

Members present

Mrs Louise Ellman, in the Chair

Mr David Clelland
Mr Philip Hollobone
Mr John Leech
Mark Pritchard

Ms Angela C Smith
Sir Peter Soulsby
Graham Stringer

Witness: **Rt Hon Lord Adonis**, a Member of the House of Lords, Secretary of State, Department for Transport, gave evidence.

Chairman: Good afternoon and welcome to the Transport Select Committee. Do any members have interests to declare?

Mr Clelland: Member of Unite.

Graham Stringer: Member of Unite.

Ms Smith: Member of GMB and Unite.

Chairman: I am a member of Unite.

Mr Leech: Just in case Heathrow Airport is mentioned, I will declare a non-pecuniary beneficial interest in a piece of land next to Heathrow Airport.

Mr Clelland: I had better also declare that I do live on an unadopted road.

Ms Smith: And so do I.

Q1 Chairman: All interests have been noted. Lord Adonis, did you want to make any initial statement?

Lord Adonis: I am all yours, Chairman, to answer questions.

Q2 Chairman: Lord Adonis, there are around 40,000 unadopted roads and we have received many complaints from the public about those. Can the Government do more than it is doing to deal with that problem and why are developers not required to enter into a Section 38 agreement to deal with that?

Lord Adonis: Of course, a good proportion of unadopted roads are not a problem at all; they are roads that are unadopted because they serve a purpose which does not require them to be maintained by the Highways Authority. However, it is up to local highways authorities themselves to adopt roads. Under the Highways Act 1980, any decision to adopt roads which are not maintainable at public expense is a matter for the local highways authority, and this is not a matter for central government. Believing, as I do, in decentralisation, I have quite enough things for which I am responsible on behalf of central government; I was not proposing to add this to my list of responsibilities, though if you wish to make recommendations in that regard, I would be glad to look at them.

Q3 Chairman: Have you made any estimates about the costs of taking over unadopted roads?

Lord Adonis: The cost that I have been advised of, on the basis of the estimate of 40,000 unadopted roads in the UK, is that it would cost an estimated

£3 billion for all these roads to be made up, if they are all to be made up. As I say, I do not think anybody would consider it necessary or appropriate to have made up a very high proportion of these.

Q4 Chairman: Who is liable for the costs of compensation in the case of accidents on unadopted roads?

Lord Adonis: I do not think that there is a single answer to that. It depends on whose land the unadopted road is and the nature of the accident. I do not think I can give a single definitive answer to that issue. I think it depends upon the location of the road and the ownership of the property through which the unadopted road passes.

Q5 Chairman: I turn to the strategic road network. How much do you think that Active Traffic Management and Intelligent Transport Systems can improve capacity?

Lord Adonis: I think they can improve capacity a good deal. There is a whole range of different measures which come within Active Traffic Management. If you take, for example, the hard shoulder running policies which are being brought in with variable speed limits and the use of the hard shoulder as part of it, that can bring up to one-third more capacity on to the motorways and by evening out speeds can reduce delays and increase the throughput of vehicles. The provision of information to motorists on a much more systematic and reliable basis, so enabling motorists to plan their journeys much more effectively, including of course visual display units on motorways and on other trunk roads, again enables motorists to regulate their behaviour far more effectively. I think the scope is considerable.

Q6 Mr Leech: Where we have had hard shoulder running on the M42, has there been any evidence that, in the event of an accident on the M42 when hard shoulder running is taking place, it takes longer actually to clear an accident and get people moving again?

Lord Adonis: No. Indeed, the accident rate on the M42 where the hard shoulder running pilot has been in operation is significantly lower than the accident

rate before the pilot started. I will confirm this to the Committee but when I last checked on this issue there had been, in the whole period over which the hard shoulder running pilot had been running, no fatal accidents on that stretch of the M42 at all, so the safety record, as I say, had improved. Two aspects of the hard shoulder running pilot which are important in this respect are the provision of frequent lay-bys and the monitoring by CCTV of those lay-bys. In respect of the M42, I have been into the control room where that stretch of the motorway is monitored; the motorway control centre immediately identifies vehicles that pull into the hard shoulder and arranges for a rescue vehicle to go and assist them. There is a very swift response. There is also a telephone call facility in the lay-by for the motorist. So there is a very swift response when there are incidents and breakdowns are very rapidly dealt with.

Q7 Chairman: What is the Department doing to encourage manufacturers to put ITS equipment in new vehicles?

Lord Adonis: There is a whole set of standards which apply in respect of equipment which must be fitted into new vehicles. I cannot tell you precisely what the standards are and precisely what equipment needs to be installed but standards are there.

Q8 Chairman: What kind of reviews are you doing to make sure that enough is being done to assist efficiency in that way? Have some assessments been made of what the Department is doing and what more needs to be done?

Lord Adonis: I believe there are. I am happy to get details to you, Chairman. I believe that there are regular reviews.

Q9 Chairman: We would like to be assured that the Department is not just paying lip service to this, that it is actually actively involved in encouraging more efficient vehicles.

Lord Adonis: I am certainly happy to provide that assurance. So far as the roll-out of technology on the strategic road network is concerned, this is a major area of investment at the moment. A core part of the £6 billion, five-year, strategic roads programme, which we announced last January, is the extension of hard shoulder running, to which we have just referred, which goes hand-in-hand with the provision of a great deal of information to motorists and much more active management of the motorway. This is a high priority for us.

Q10 Chairman: We are told that better land use planning can improve traffic efficiency and reduce emissions but what kind of influence does the Department have on land use?

Lord Adonis: Both the Highways Agency and the local highways authorities of course express their views on planning applications and there is a whole set of standards which are in place as to infrastructure provision that should be made available where planning consents, which generate more traffic, are granted. Both the Highways Agency

in respect of the trunk roads and local highway agencies in respect of other roads are intimately involved in the planning process and the views that they express are of course taken seriously by planning authorities. So far as emissions are concerned, of course you have referred earlier to regulation. There is now increasingly tight regulation on emission standards for new vehicles; this is a major area for EU regulation and that is already having a dramatic impact on reducing the average emissions of new vehicles.

Q11 Graham Stringer: Just on that point, has not the land use planning horse bolted really after the Barker report, which is basically proposing planning permission for hundreds of thousands, if not millions, of houses in the South East with all the extra infrastructure that is required, rather than using urban brownfield sites?

Lord Adonis: That is a matter of housing policy. However, the granting of planning consent for development is subject to there being proper infrastructure. I understand the big issue behind your question, which is whether it was better to go down the route of new greenfield developments or brownfield developments, but that was an issue of course which was not primarily one for my Department.

Q12 Graham Stringer: What I am saying is that if you put into context what you are saying, there is virtually nothing that can be done, is there, because most of the planning issues on housing are resolved by Barker and they are going through the RDAs at the moment? Basically anything that can be done against that is going to be tiny. There is going to be an increase in transport because of the planning permissions given.

Lord Adonis: I think there are two distinct issues here. There is the question as to whether or not there should be housing growth areas and whether the housing growth areas that have been identified are the appropriate ones. However, within those housing growth areas, proper infrastructure must be put in place before planning permissions can be granted and that proper infrastructure includes proper transport infrastructure too. So it is not the case that the identification of housing growth areas overrides the requirement to put proper transport infrastructure in place; on the contrary, there are very specific requirements as to the transport infrastructure that is required to support housing growth.

Q13 Graham Stringer: A lot of that is not public transport. It is not light rail, it is not heavy rail; it is roads and extra car journeys, is it not, that would not have taken place if these houses were built on brownfield sites?

Lord Adonis: Both are true actually; it is both roads and public transport, and that is true in respect of housing growth areas and in respect of brownfield developments. To give a concrete example, at the moment, as you know, I am busy poring over the report from HS2 on the potential for the high speed

24 February 2010 Rt Hon Lord Adonis

line from London to the West Midlands and conurbations going north. One of the key issues we are looking at there is the benefits of released capacity on existing rail lines. Two of the largest housing growth areas in the country are Milton Keynes and Northampton, both of them on the existing West Coast Main Line, which would benefit hugely from the released capacity which a high speed line could bring. So it is not just a matter of roads. Proper public transport links, including rail links, are important. In brownfield developments of course it is important too that planning authorities take proper account of the impact on the local road system and public transport. To give an example I am well aware of in the locality where I live in north London, it is now quite common for new brownfield housing developments, infill developments which take place there, to be given without any consent for new residents to have residents' parking spaces, and the housing growth increases are feeding into the transport plans for that area and are part of the justification for enhanced public transport provision. I think that both in greenfield and in brownfield developments seeing that there is adequate road capacity and adequate public transport are issues my Department takes seriously.

Q14 Mark Pritchard: Welcome, Secretary of State. I have two questions on rail and then two on transport policy, if you will allow me. You have a reputation in this House and throughout Whitehall of being extremely polite, and that is much welcomed and much needed, but are you not in danger of falling victim to your own politeness by having failed to take action over First Capital Connect's work to rule and the savaging of their timetable and also having to be dragged to the House by an urgent question tabled by the able and my Hon friend, the Member for St Albans, and is that franchise secure?

Lord Adonis: I do not think that is a fair account of what happened in respect of First Capital Connect. The concerted action on the part of the drivers which led to the action in the first place was taken extremely seriously by my Department and we did make clear in the strongest terms we could to both parties the need to bring this to an early conclusion. Once it had been concluded and there was not an immediate restoration of normal service, which I expected to take place, within days I had the Chief Executive of FirstGroup in my office and we made it clear to FirstGroup that enforcement action would be taken if the service was not restored. I do not believe we could have acted more robustly. One can debate, though, whether when the concerted action started, it was right for the Department to count this as *force majeure* in respect of the franchise. The judgment I made, which I believe was the correct one, and in retrospect too I believe the correct one, was that this was in effect an industrial dispute and that I have to treat train companies consistently. Because it was in effect an industrial dispute, it was right that the *force majeure* provisions should apply. Obviously, I would wish to have seen this dispute resolved much more rapidly and I am glad to say that the service now, although still not fully back to

normal, is nearly back to normal. As I say, I have made it clear, and my officials are in daily contact with FCC, that we expect a completely normal service to operate now.

Q15 Mark Pritchard: Do you accept that the public were kept in the dark and, were it not for the question tabled by the Hon Member for St Albans, that Parliament would still be in the dark about it?

Lord Adonis: We reported to Parliament frequently on the situation. I have answered parliamentary questions in respect of it and of course we have made full public statements in respect of it as well.

Q16 Mark Pritchard: This is on rail again, on Eurostar briefly. Do you have confidence that the management of Eurostar have got their act together when it comes to evacuating passengers when a malicious or terrorist event occurs, given their own ability adequately to plan for weather impacts on existing services?

Lord Adonis: It is important that the recommendations in the independent report, which has recently been presented to me and to my French counterpart, M Bussereau, are implemented by Eurostar. I have asked them to report back to me by the end of March on their proposals in respect of implementation so that I can form a judgment on whether I am satisfied that they do now have robust processes in place to see that they can evacuate trains in a timely manner and command public confidence in periods when the service is suspended, which they clearly did not in the period before Christmas. My answer to your question is that I do believe that significant improvements need to be made by Eurostar in the way that they handle evacuations. Recommendations in that respect are set out in the independent report which has just been published and I have asked Eurostar to respond to me by the end of March on each of those recommendations so that I can be satisfied that they do have appropriate procedures in place.

Q17 Mark Pritchard: Trust is an integral part of the relationship between your Department and Eurostar; indeed, the public, your Department and Eurostar is a tripartite relationship. Do you think there is a role in order to rebuild that trust for scenario planning and actually have some mock evacuation of Eurostar planning?

Lord Adonis: I think Eurostar needs to do whatever is necessary to demonstrate that they have put appropriate procedures in place. That may include mock evacuations. That was not actually recommended by the independent report, so I cannot make a judgment on that myself. I certainly wish them to consider and report to me fully on all of the recommendations made by the independent report. I will be asking the authors of the independent report, which includes Christopher Garnett, who is a very senior British railway manager, to advise me on the adequacy of Eurostar's response. I would be very happy to let the Committee know his response to me once that has happened.

Q18 Chairman: Do you have plans for follow-up meetings with Eurostar, and maybe Eurotunnel as well, following the March meeting?

Lord Adonis: Definitely, and once they have responded at the end of March to the independent report, I would expect to meet them. As I say, I have asked Christopher Garnett also to report to me on the adequacy of Eurostar's own response to his report.

Q19 Mark Pritchard: I have two brief final questions. The loss of Air France 447 was a tragedy which of course included the loss of UK citizens. The cause of the accident, as you know, is still unknown. Airbus airframes are used by numerous UK carriers. Is it not time, with satellite technology in place, that real time data and information sent immediately from aircraft to safe remote data centres should be put in place rather than relying on outdated black box technology? Sometimes, as you know, these boxes are very difficult to locate?

Lord Adonis: I am in the hands of my safety advisers on these issues. If my safety advisers were to advise me that that would be an appropriate step to take, I would of course take that advice seriously. I am not aware that they have but I am happy to respond to you on that point.

Q20 Mark Pritchard: Thank you. Finally on transport security, we all agree that we need to keep our transport secure but it does appear that bureaucracy and infighting between your Department, the UK Treasury, the European Commission and the Transport and Tourism Committee of the European Parliament may be making that task far more difficult when it comes to airport security and who pays for the installation and roll-out and operation of the new generation of body scanners currently being piloted in airports throughout the United Kingdom. Who do you think should pay for those scanners and their installation and is this infighting and dithering—forgive me, procrastination in my view—potentially endangering the lives of the British public?

Lord Adonis: I am not aware of any infighting and the position is very clear. The airport operators pay for security equipment in airports.

Q21 Chairman: I think perhaps there is a difference of view on who should pay. I would not describe it as infighting. There is a difference.

Lord Adonis: Let me be clear that there are different views held within the European Commission on this issue but our position is very clear. The airport operators pay for the installation and operation of equipment; that is the position. That is the basis on which security equipment is installed in airports and I can assure you and the travelling public that the fact that these issues are debated, and you would expect them to be debated because there are different views on how you should pay for airport security, is not in any way holding up the installation of new security equipment in airports or in any way affecting the security of passengers as they pass through airports. Actually, there is not even a single

view within the European institutions on this issue. This is a debate which is not in any way affecting the actual operation of airport security in our airports.

Q22 Mark Pritchard: Forgive me, that is my point. On this important point, Secretary of State, you have just stated that there is not a single view within European institutions. I think some of the British public will be confused that perhaps entering the UK there may be a particular type of scanner and yet a dispute between the European Commission, European nation states and the European Parliament is delaying the installation of that vital aspect of security equipment.

Q23 Chairman: Can you give us an assurance that there are no delays in installing that equipment?

Lord Adonis: I can give you an assurance that there are no delays and I can give you an absolute assurance that the fact that the European Commission, rather like us actually, is having to assess the impact of the Detroit attack and what is the appropriate response is not in any way delaying the installation of body scanners in airports. The decisions on the installation of body scanners in airports were taken by myself and the Government after our assessment of the security threat that was faced at UK airports in the light of the Detroit attack and that was not in any way influenced by discussions taking place in the European Union. We took those decisions, as we are entitled to do because they are additional security measures to those which are put in place and required at the European level, on the basis of our own assessment of the threat at UK airports and we implemented them immediately. There was no requirement to gain EU consent for them and there was no delay in the implementation of those measures. I think it is very important that the travelling public understands that. The decisions that we are taking are decisions that are based on our assessment of the threat at UK airports and they are not being in any way held up by discussions at the European level.

Q24 Mr Clelland: To come back to the strategic road network, Secretary of State, has the Department now given up on the objective of creating a proper three-lane motorway on the A1(M) all the way from London to Newcastle?

Lord Adonis: No.

Q25 Mr Clelland: Your answer is “no” and so the objective is still to create a proper three-lane motorway from Scotch Corner to—

Lord Adonis: As you know, we are currently investing in the A1 upgrade from Dishforth to Barton and the A1 upgrade from Dishforth to Barton will provide a motorway standard road through to Newcastle. At the moment, the Dishforth to Leeming section, which is the southern section of that project, is proceeding at a cost of £318 million. Work began last March and is due to be completed by spring 2012, and the process is under way for the remaining section from Leeming through to Barton.

24 February 2010 Rt Hon Lord Adonis

Q26 Mr Clelland: I appreciate that and that is well done. However, it is the section of the road north of there that I am talking about.

Lord Adonis: I thought your question was about to Newcastle.

Q27 Mr Clelland: The question was about a three-lane motorway from London to Newcastle. When we get to Scotch Corner of course it reduces to a two-lane motorway.

Lord Adonis: But this will be a motorway standard road.

Q28 Mr Clelland: Yes, but it will be two lane not three lane?

Lord Adonis: On the issue of north of Newcastle, of course that—

Q29 Mr Clelland: I am not talking about north of Newcastle; I am only talking about between Scotch Corner and Newcastle at the moment. You are aware that we had a discussion about the Highways Agency now proposing that that section of the A1(M) around Tyne and Wear is to be reduced to 50 mph in advance of creating three very narrow lanes out of the current two lanes. Is there a danger that rather than having a proper three-lane motorway through the North East, the whole of the length of the motorway is eventually going to be three very narrow lanes at 50 mph so that people travelling from London to Scotch Corner on a normal motorway at 70 mph are going to come to the North East when everybody is reduced to 50 mph? Is that going to happen?

Lord Adonis: I was not aware that the 50 mph limits were going to be in place for any indefinite period. I am happy to look at that. I know that there have been temporary arrangements necessarily while work is taking place. I was not aware that there were proposals which would have permanent reductions in the speed limit. I am happy to look at that.

Q30 Chairman: Secretary of State, could you perhaps look at that and let us know what you find in answer to Mr Clelland's question?

Lord Adonis: Yes. I should stress that one of the biggest investments that the Highways Agency is currently engaged in is upgrading the A1 south of Newcastle to get a motorway standard road.

Mr Clelland: That is south of the North East you are talking about. South of Newcastle it is motorway standard but it is two-lane motorway as opposed to the rest of the country.

Chairman: Lord Adonis will give a full response to that question.

Q31 Graham Stringer: The Lisbon Treaty gave more competences at European level to transport matters. Do you think you could tell the Committee how that has affected your job? What have been the pluses and minuses of that change? What has been the real impact of that?

Lord Adonis: None so far.

Q32 Graham Stringer: None in security?

Lord Adonis: I am not aware of any change that the Lisbon Treaty has made to my relationship with the Commission and the European institutions. I know it does give some enhanced powers to the Parliament and it may be that therefore our relationship with the Parliament is a more significant one, but I have always, both before and after the Lisbon Treaty came into force, taken Parliament's Transport Committee seriously.

Q33 Graham Stringer: In the future with more European standards for bus passengers and for other parts of transport, are you planning for changes in any areas?

Lord Adonis: There is a whole lot of European legislation and initiatives in train but the Lisbon process itself does not, so far as I can see, change that. There was a lot before; there is a lot after. This is an ongoing process.

Q34 Graham Stringer: On another European issue, I was surprised at my last visit to the Department of Transport to see on your screen your pride in the Galileo project. This Committee has been very critical of the Galileo project for failing to secure private sector investment, being over-budget and behind schedule. Can you tell us why you are so proud of it and update us as to where we are with the Galileo project, both in cash terms and the number of satellites actually in the air?

Lord Adonis: I cannot provide you with a detailed update; I am happy to do that separately. On the issue of costs, we have been very clear that we do expect it to be delivered within the €3.4 billion envelope that has previously been agreed. I know that there is an ongoing debate, indeed I believe you had discussions on this when you were in Brussels, as to whether it might go over that. We would support a de-scoping of the system rather than see any cost overruns. So we are expecting the Galileo project to be delivered within the €3.4 billion envelope or there will need to be appropriate savings, which would mean fewer satellites or a redefined service.

Q35 Graham Stringer: The screen also talks about co-operation with the French between Paris and the Air Traffic Control Centre near Southampton. Can you expand on that and tell us what is happening?

Lord Adonis: We have succeeded jointly with the French in helping to host the Galileo Security Monitoring Centre. This has been a joint approach and one that I am glad to say has been successful.

Q36 Graham Stringer: You talked in your previous answer about de-scoping Galileo. Again, going back to the promotion you have in the front, it talks about it being for domestic use, but it also, rather intriguingly, talks about there perhaps being other uses. Can you assure the Committee, as previous Secretaries of State have done, that this is non-military?

Lord Adonis: I can give that assurance, yes.

Q37 Graham Stringer: Can you tell us what these other uses might be that were not spelt out on the screen?

Lord Adonis: Not having seen the screen and what it says—

Q38 Graham Stringer: It is at the entrance to your building?

Lord Adonis: I am sorry but I do not recall that I have seen the screen. I do not recall precisely what was said. I am not sure what the other uses that were being referred to might be but I am very happy to look into this.

Q39 Graham Stringer: I would be grateful if you would do so. Perhaps you could update us on the number of satellites and the essential total costs. We would be very grateful for that.

Lord Adonis: Yes. My understanding, from the notes I have here, is that our aim is to see 12 to 18 satellites in the sky by 2013 so that it is possible to start off giving a service soon, but I am happy to update you on the full details.

Q40 Mark Pritchard: Given that Galileo, if you will forgive the pun, is sort of reinventing the wheel for existing systems just as a European standpoint and given the UK contribution thus far, which I think is £138 million or thereabouts, but the funding is then in tranches or is phased, in a time of recession—arguably we are possibly coming out of recession but nevertheless these are tough times for most people in this country—do you think further funding of the Galileo project should be a strategic priority for the Government?

Lord Adonis: These are decisions which have been taken but, as I said, the requirement to keep this within the €3.4 billion agreed funding envelope is absolute for us and we would wish to see the project de-scoped rather than any cost overruns. What I am not in a position to do of course is to re-visit decisions that have already been taken.

Q41 Chairman: I would like now to move on to bad weather issues. Secretary of State, do you think the Government acted adequately on the latest spell of bad weather? Some areas were impassable. Local authorities were told that they had to reduce the gritting that they were undertaking.

Lord Adonis: The Government had three responsibilities in respect of the management of the transport systems in the bad weather. The first was of course to see that those systems for which we are directly responsible were maintained and kept open wherever possible. I am glad to tell the Committee that all the way through the period of severe weather virtually the entirety of the strategic road network was kept open. Apart from the trans-Pennine routes, there was no motorway or strategic “A” road that was closed for anything but a short period, mainly associated with accidents. The generality of the strategic road network was kept open all the way through the period of bad weather. The second responsibility we had was to help to co-ordinate with local authorities, who of course are responsible for

the local road network, the supply of salt under the Salt Cell arrangements when salt became scarce, because of course demand exceeded supply. We did convene the Salt Cell when the weather deteriorated and, although of course the basic problem of there being insufficient supply was still there, the Salt Cell did work effectively at prioritising the distribution of supplies to authorities that needed it most, and that ensured that no local authority ran out of salt and that all local authorities had a supply available—not as much as they would have wished—to keep their essential local roads open. Our third responsibility of course is to learn the lessons from poor weather and to put in place arrangements which see that we can cope properly in the future. When we had severe weather last February, the Government did take that role immensely seriously. You will have seen, Chairman, because you held an inquiry into it last year, the report of the UK Roads Liaison Group on the lessons from the severe weather in February 2009. That made 19 recommendations; 14 of those recommendations were to the highways authorities. We implemented all of the recommendations to the Government, including the putting in place arrangements for the Salt Cell and the keeping of at least six days’ worth of salt supplies to cope with severe weather on the part of the Highways Agency. In fact, we went into this period of severe weather with 13 days of supply on the part of the Highways Agency. Therefore, I believe the Government did do all it could to learn the lessons of last February and to encourage highways authorities to do so too. However, of course, last February we were responding to the worst period of weather that we had experienced in 19 years. This year we have had to respond to the worst sustained period of sub-zero weather and snow conditions since 1981. I gave an undertaking to Parliament that when we were through the period of severe weather, we would put in place a further review to see what further lessons could be learnt. I am in the process of putting in place that review and I will of course report fully to the Committee once we have the recommendations of the review.

Q42 Ms Smith: In fact the Snake Pass was closed for over a week, but I think most local people would say that it would have been a miracle if it had managed to stay open, to be frank. I wanted to talk about local authorities and salt stocks. Has it been notified to DfT that any local authority at all failed to observe the six days’ supply recommendation? Were there any failures across the country in terms of local authority levels of stock?

Lord Adonis: I believe that a good number of local authorities did not maintain the six days’ worth of supply. I am not in a position to give the figures because a very large number of local authorities did not respond to the survey that we did last year on the salt stocks held by local authorities. I think it is probably a fair judgment, in the light of the events over the last two months, that those that did not hold six days’ worth of supply were the ones most likely not to have responded. All I can tell the Committee is that, given the speed with which a

24 February 2010 Rt Hon Lord Adonis

number of authorities needed recourse to the Salt Cell and needed supplies to be prioritised, it does appear likely that a good number of local authorities have not maintained six days' worth of supply. I think it is very important that they take their duties in response to salt stocks seriously. The report of the UK Roads Liaison Group last year recommended that all local authorities should keep six days' worth of supply, and I think they need to take that responsibility seriously in future.

Q43 Ms Smith: There are two further questions. First, are you prepared to publicise a list of those local authorities that did fail to maintain the recommended level of supply? Sheffield in particular is continually seeking to blame the DfT for failure to supply salt to them because effectively you had to take control of the situation. Would it be helpful, in terms of transparency and public knowledge of the truth in all of this, to publish a list of those local authorities that failed to keep the recommended levels?

Lord Adonis: I need to choose my words carefully here. I can publish data that we have from the survey that was conducted. I do not believe, though, that I would be in a position to give an exhaustive list of authorities and how many days' worth of supply they kept because, as I say, we did not have a full return from local authorities. However, I should say, because it is very important that my Department continues to learn from the events of the last two months, that I believe it may be that we need to take further powers in respect of the handling of severe weather, and those powers may include absolute requirements on local authorities to maintain adequate levels of salt supplies. The point which is made by your local authority is in one sense a fair one, which is that local authorities which did take their responsibilities seriously and did maintain adequate supplies should not suffer because other authorities did not maintain adequate supplies and were therefore asking to be prioritised by the Salt Cell. I think we need to learn lessons in that regard. I should stress, though, of course, there is always in these areas a difficult judgment call to be made. The Local Government Association itself has been in the past strongly averse to central government imposing these requirements because it argues that this is a subversion of local democracy and accountability and so on, and we are sensitive to those arguments. I do not want, willy-nilly, to be imposing new requirements from Whitehall on local authorities. The experience of the last two months I think does point to the need for minimum standards to be observed across the country in respect of salt supplies, and that may include minimum numbers of days' worth of supplies that local authorities should be required to maintain.

Q44 Chairman: Are you saying that you would be prepared to insist on local authorities keeping a given number of days' supply?

Lord Adonis: I would be prepared to do so. I do not want to pre-judge the recommendations that were made to me by the inquiry into the events of the last

two months. I would not wish to pre-judge that but if recommendations were to be made to me on the need for there to be minimum national standards, and enforceable minimum national standards in this area, on the basis of my experience in the last two months, I would be minded to accept such recommendations.

Q45 Ms Smith: That certainly anticipates my second question which is around that issue. As a final point, can I read from what you are saying, Lord Adonis, that in fact a substantial percentage of local authorities failed to maintain the currently recommended minimum levels of the Salt Cell?

Lord Adonis: I cannot say a substantial percentage. I think I had better say a proportion because the return made to the Government was a partial one, as I have said. I am afraid that I cannot say what proportion.

Q46 Ms Smith: Perhaps you could give a broad indication of how many?

Lord Adonis: I would be happy to let the Committee have data that my Department holds but, as I say, that was from an incomplete return from local authorities.

Q47 Chairman: It would be helpful for us to know which local authorities were involved. Certainly, some local authorities were concerned that they had kept the recommended supplies and then were asked to give them elsewhere, and indeed did so. Others blamed the Department for their own failings. It would be helpful to have the facts.

Lord Adonis: I would be happy to provide that. I should say, though, that the recommendations of the UK Roads Liaison Group last year could not have been clearer: local authorities should seek to maintain six days' or more worth of supply as best practice. When people said that "the country was not prepared", it is certainly not the case that the Highways Agency was unprepared. The Highways Agency had 13 days of supply going into the severe weather. There was no excuse for any local authority not to have six days' worth of supply if they had properly implemented the report of the UK Roads Liaison Group.

Q48 Chairman: Would six days' supply have been enough to deal with the problems?

Lord Adonis: If every local authority had maintained six days' worth of supply, we would have been that much better prepared. Given the severity of the weather, there would still have been difficult situations in some parts of the country. I think we would still have needed the Salt Cell arrangements but the position would not have been so severe in some parts of the country.

Q49 Mr Leech: Did you receive many complaints from local authorities which said that they had kept enough stock but then were running out and you were not prioritising them because they had had the foresight to have more in stock?

Lord Adonis: Yes. Let us be clear: local authorities which had been fully mindful of their responsibilities and were not being prioritised for supplies were not happy bunnies. These were very difficult decisions which the Salt Cell had to take. Of course, given the situation that we faced, the Government's responsibility was to keep as much of the nation's transport network open as we could. Therefore, although I could well understand and did sympathise with some of the complaints that were made to me, there was a wider public interest here which did require the Salt Cell to prioritise supplies.

Q50 Mr Leech: In that case, though, you could publish the details of those local authorities which had contacted you because they were running out as a result of them having had the foresight to keep enough stock?

Lord Adonis: I should say to the Committee that this was a very intense period and there were people on the phone constantly to my officials who were responsible for the Salt Cell. I am not sure how detailed the records are of those conversations but I am happy to see what information I can make available to the Committee.

Q51 Mr Hollobone: Now that the salt crisis is more or less over, we have hundreds of thousands of potholes in local roads. Has the Department any estimate of the cost to repair those potholes?

Lord Adonis: No, we do not because of course that is the responsibility of local highways authorities. I can tell the Committee, though, that damage to Highways Agency roads, the strategic road network for which I am responsible, will be made good and the making good of that damage is part of the road maintenance contracts that we have in place. We do take very seriously the repair of damage to the strategic road network for which I and the Department are responsible. So far as local roads are concerned, this is of course a matter for local highways authorities. It is an important issue for them that they do make good that damage, and of course to make good the damage they need to make their own estimates, locality by locality.

Q52 Mr Hollobone: Would you expect the Department for Communities and Local Government to have a central estimate of the national cost of such pothole repairs?

Lord Adonis: Only if the local authorities wish to make such estimates available to them. They have not made such estimates available to me. I have had a letter from the Local Government Association asking me if I would write them a cheque to help deal with the issue. I should say that I get letters from local authorities asking me to write cheques all the time. Part of the function of central government is to receive such requests from local authorities. I have not had any assessment which is based on any proper survey evidence of what the damage to highways is and so I am not in a position even to make an estimate of what it is. This is something that local authorities need to do on their own account.

Q53 Mr Hollobone: I think the watching and listening public would actually be very surprised that the Secretary of State for Transport does not have an estimate for the cost of repairing potholes in this country.

Lord Adonis: I believe that those watching would expect their local authority which is responsible for making good the damage to the roads to have such estimates and to be making good that damage. I do not believe that they would think that I should myself have a detailed knowledge of the state of roads for which I am not responsible. What the public needs to know is that the people who are responsible for maintaining the roads are aware of their responsibilities and what needs to be done to fulfil them. As I say, I am responsible directly for the motorways and the strategic road networks and the contracts that we have in place for the strategic road networks will ensure that road damage caused by the poor weather is made good.

Q54 Chairman: The Department is due to publish a climate change adaptation plan in March 2010. Can you tell us what will be in that plan and what that is addressing?

Lord Adonis: It will be a follow-on report from the carbon reduction strategy which my Department published last year, which set out a whole suite of measures that we were taking to ensure that carbon emissions from transport reduce over the coming decades. That was a very substantial document, which set out everything from the moves we are taking in respect of electric and plug-in hybrid cars right the way through to aviation, shipping and the rail industry; all of these sectors were set out and we will be setting out further measures in the adaptation plan.

Q55 Sir Peter Soulsby: When we get incidents of severe weather, inevitably there are stories in the media about how well prepared other countries are and how badly prepared we are in the UK. The response to that is that of course these events are unusual in the UK. I wonder, though, with the increasing number of severe weather incidents we have had over recent years, whether the Department is looking rather more strategically at the level of preparation that we have for severe weather conditions and whether there are actually changing conditions that require us to be tooled up?

Lord Adonis: I think that is a perfectly fair point. The inquiry that needs to take place into the events of the last two months, which will be set up once we are through the winter, needs to look at that issue strategically. As I say, the review that took place after last February's severe weather then put in place a set of recommendations to deal with one-in-18 year weather events. One of the issues which needs to be addressed by the next review is whether there need to be standards in place which deal with even more severe conditions and to see that local authorities and central government are prepared for those. So far as the position of Britain compared with other countries is concerned, although it is not my job to comment on what went on abroad, I did note, and

24 February 2010 Rt Hon Lord Adonis

the Committee will have noted, that we were not unique either in experiencing severe weather or, more to the point, in experiencing massive disruption caused. Indeed, though I do not want to name other countries, there were some other countries whose road networks were being day by day subject to TV coverage where the strategic road network was closed for days on end. It is not clear to me that we did particularly badly by comparison with other European countries.

Q56 Chairman: Would you agree that it is time for a strategic look at whether we could be doing things differently?

Lord Adonis: Oh, yes, absolutely, and we do need to look at that. I think the public would expect it of us. As I say, it is important to take a balanced view of what happened. We did keep the strategic road network almost fully open throughout the period of severe weather and local authorities, by and large, did a reasonable job in their localities, but I am sure we could do better and we need to learn the lessons.

Q57 Ms Smith: Finally on this point, because of course the other extreme weather events that we have had recently have been related to flooding in Cumbria and in my part of the world with major flooding in 2007, a road in my constituency was out of action for 18 months. As part of this review, will local authorities be required to make assessments of the potential impact of further flooding on their own transport networks? It is not just about snow; it is about flooding and other major weather events.

Lord Adonis: I would expect the review to look at the issue. Of course, I cannot prejudge its recommendations.

Q58 Ms Smith: Will local authorities be asked to be part of that?

Lord Adonis: Local authorities will be part of the review. They are an integral part of the UK Roads Liaison Group.

Q59 Ms Smith: Will they be asked precisely to look at the potential impact of further flooding on their areas and to identify potential weak spots if that is possible?

Lord Adonis: Yes, absolutely, to identify them, and then of course the review will need to look at what recommendations are appropriate in the light of the evidence they receive.

Q60 Ms Smith: If the potential cost from that is high, then what chance is there that DfT will be able to fund the potential improvements?

Lord Adonis: I will need to consider the recommendations when I see them,

Q61 Chairman: Will you be publishing the review in full?

Lord Adonis: Yes. I should point out that in respect of the severe floods in Cumbria, my Department made very substantial grants both to restore the transport infrastructure and to provide emergency infrastructure. The emergency bridges that had to be

provided over the River Derwent and emergency train services were paid for by my Department, and so we were prepared to make significant funds available to deal with that situation. I think we did our best by the communities affected.

Q62 Ms Smith: Significant funds were also made available to repair the roads in our area as well, but would it not make sense in the long term to anticipate potential disruption and problems and to invest rather than to end up with a big bill because we have allowed severe weather events to cause unimagined damage to our transport infrastructure?

Lord Adonis: I would expect the review to look at this and at where they believe improvements can be made in contingency planning but also in investments to mitigate the likely impact of flood damage.

Q63 Chairman: When do you expect to publish the review?

Lord Adonis: I have not appointed it yet. I deliberately did not appoint it until we were through the severe weather because I did not want the local authorities, and indeed the Highways Agency, to have their eye taken off the ball. Their prime duty, until we are absolutely through the winter, is to see that they keep the road network open. Although one member of the Committee said earlier that they thought we were through the severe weather, up north that is not the case at the moment. There has still been very severe weather even in the last few days. Once we are through the period of severe weather, I will appoint the review. I would anticipate it taking a few months to complete its work and then I will publish the report in full.

Chairman: The fact that you will be publishing it in a few months is good news.

Q64 Mr Clelland: Members of Parliament have been receiving a considerable amount of post from worried constituents about the proposals by Network Rail to reduce maintenance staff by 1,500 and of course trade unions, rail unions, have claimed that this could result in another Hatfield disaster. What is your response to that?

Lord Adonis: Maintaining a safe railway is a prime duty of Network Rail and ensuring that a safe railway is maintained is a prime duty of the Office of Rail Regulation. I have met with the trade unions which have voiced their concerns. What I said to them was that any concerns that they wished to put in writing to me I would immediately forward to the ORR, and I encouraged them to make their concerns known to the Office of Rail Regulation. I believe they have done so. They have certainly sent some to me and I forwarded those to Anna Walker, the Chair of the Office of Rail Regulation. On 29 January, Anna Walker wrote to me to say, and I quote: "I can assure you that we have been scrutinising Network Rail's restructuring proposals for some time and that we will continue to do so. We will make our own independent judgment as to whether the proposed new structure and workforce can safely maintain the railway and will take the

appropriate follow-up and enforcement action if we believe safety may be compromised as a result of the changes.” So the ORR is taking its responsibility seriously. They are, as I understand it, in detailed dialogue with Network Rail on issues to do with job reductions and the safe operation of the railway. I believe that they will in due course be making further statements.

Q65 Mr Clelland: As of now, we actually do not know whether these redundancies will have an effect on safety or not. We are waiting for that.

Lord Adonis: What I do know is that the ORR has a prime responsibility to ensure that any changes to maintenance practices that are made are consistent with the safe operation of the railway and that they are engaged with Network Rail to be satisfied that the changes in maintenance practices that are taking place are indeed consistent with that.

Q66 Mr Clelland: When will they expect to have the results of that investigation?

Lord Adonis: This work is ongoing at the moment and I would expect the Office of Rail Regulation to make further statements on this issue.

Q67 Chairman: These cuts have come about because the same Office of Rail Regulation has demanded over 20% of cuts from Network Rail following similar cuts in the previous control period. Are you not uneasy that the same Office of Rail Regulation is responsible for both economic regulation and for safety regulation? Is there not a conflict there?

Lord Adonis: The ORR is expected to operate proper assessments when it makes efficiency judgments and of course its responsibility to maintain a safe railway is a prime responsibility. It is essential that it maintains Chinese walls within the organisation.

Q68 Chairman: Are you satisfied that that happens? After all, the ORR demands efficiency cuts. As a consequence of that, Network Rail is losing all these jobs, all at the front line, leading to great fears about safety. Then it is the same ORR that declares safety is not being jeopardised. Surely there is a conflict there?

Lord Adonis: They are expected to operate Chinese walls within the organisation.

Q69 Chairman: Are you satisfied on that?

Lord Adonis: I am satisfied that they do take this responsibility immensely seriously. It was Parliament which set in place the arrangements to ensure that these responsibilities were pulled together. This was long before my time; it was because they believed that these responsibilities were not being properly maintained within the HSE. Members of the Committee will recall the previous regime; the concern that there was then was that having rail safety as one of many responsibilities of the HSE was not giving a sufficient priority to rail safety issues and that having a more expert safety inspectorate in the ORR would improve the regulation of safety. That was the background, and remember that this was in the light of very serious rail accidents which had taken place before these

arrangements were put in place in 2005. The factors which led to the current arrangements were, it seems to me, perfectly proper considerations which led to the current arrangements, and the ORR does take absolutely seriously its prime responsibility to maintain safety alongside its economic regulatory duties.

Q70 Chairman: What steps are the Department taking to ensure that those Chinese walls are maintained? After all, 1,500 redundancies are taking place on people dealing with inspecting and laying lines and overhead lines. Safety concerns have been realised. You are assuming that there are Chinese walls. Is the Department doing anything to ensure that that is in fact the case?

Lord Adonis: I have been assured by the ORR that they are taking concerns that have been drawn to their attention immensely seriously and that they will be in a position to say more about those concerns after they have looked at the concerns that have been expressed to them. On the basis of the assurances I have been given and our view that the ORR is doing a satisfactory job, we are so satisfied. I should say that the judgment that matters in this respect is the judgment of those people who have the responsibility and that is the ORR, which has been entrusted by Parliament with the responsibility for regulating safety. That is an immensely important and serious responsibility which the ORR has and it is a responsibility which it accepts and undertakes.

Q71 Mr Clelland: We await with some concern the outcome of those investigations by the ORR. In the meantime, to what extent are you concerned that these redundancies may result in a possible skills loss in the industry? A lot of these jobs are highly skilled jobs.

Lord Adonis: If you look at the Network Rail programme of activity over what is called CP4, the next five years, and if you look at the enhancements together with the renewals and maintenance work, the totality of work that Network Rail undertakes is broadly maintained across that period. In terms of the skills base for the rail industry, I do not believe that the skills base at large is an issue here. Of course for those who are directly engaged in certain maintenance activities there are changes taking place, and I would expect Network Rail to ensure that they have the requisite skills in their organisation to conduct that work properly. It is not for me to determine precisely how many people Network Rail has in particular functions.

Q72 Mr Clelland: There must be a concern, given the experience of the West Coast Main Line operation in 2008 and the overruns and disruption that the passengers involved suffered, which was put down to the lack of skills available. Are you not worried that this might be repeated in future as a result of these lost jobs?

Lord Adonis: It is not my job to manage Network Rail.

24 February 2010 Rt Hon Lord Adonis

Q73 Mr Clelland: But you will get the blame for it if it all goes wrong?

Lord Adonis: I get the blame for everything that goes wrong! It is not my job and it is not for me to determine what are the precise numbers of employees that they need to carry out their functions properly and to maintain a proper skill level. I believe it is important that there is proper regard on the part of Network Rail to maintain a skills base, but it does not need me to make a judgment on the precise number of people that they should be employing. I should say, on the issue of efficiency, that it is absolutely essential that safety is assessed; that is a prime responsibility of the ORR and it is a prime responsibility of Network Rail. However, it must also be said that there is an issue about the efficiency of Network Rail. Efficiency targets are not, I should stress, a jobs reduction target but a requirement for Network Rail to conduct its work more efficiently at large. The reason why that target has been put in place is because of the international studies which have led the economic regulation part of ORR to conclude that Network Rail is a comparatively inefficient operator by international standards. Of course that means that the taxpayer is getting much less good value for the money being invested in the railway and of course I, as Secretary of State, want to see that we get the best value, consistent with the safe operation of the railway, for the taxpayer. It is important that safety is properly regarded. It is also important that Network Rail becomes more efficient.

Q74 Ms Smith: I take that point, Lord Adonis, but of course people in South Yorkshire and all the way down the East Midlands through to London are waiting for a decision from yourself on electrification of the Midland Main Line. I think they are looking for you to be seeking reassurance from Network Rail that they will have the skills base necessary in order to implement projects such as this. Comment on the Midland Main Line as well while you are at it, if you do not mind.

Lord Adonis: I absolutely understand the point about continuity of skills. It is precisely for that reason that we wish to see a rolling programme of electrification. We made announcements in respect of electrification in the north-west of England and the electrification of the Great Western Main Line, because of course those are the first significant electrifications that have taken place since the electrification of the East Coast Main Line. That will ensure that we do have a skills base, which in due course can be applied to other electrification projects. We have talked on many occasions about the importance of electrifying the Midland Main Line. The business case for electrifying the Midland Main Line is strong and we have said that it is an immensely strong candidate for a future programme of electrification.

Q75 Mr Leech: I just want to bring you back to the point about the ORR looking at the safety implications of the job reductions. If they are still making that assessment, and we do not know when

they are going to come up with a view on that, in the meantime are jobs actually currently being lost or have Network Rail been told: do not lose any jobs until we have worked out whether or not it is safe for you to do so?

Lord Adonis: This is an ongoing responsibility; it is not a responsibility which has suddenly come upon the ORR in respect of the changes that Network Rail is making at the moment to its maintenance operations. The ORR has an ongoing responsibility to ensure that Network Rail's operations are conducted in accord with its safety responsibilities. So this is an ongoing issue and ongoing work takes place on the part of ORR to ensure that those responsibilities are fulfilled.

Q76 Mr Leech: Maybe I misunderstood what you said earlier. I understood you to have said that they would assess whether or not losing 1,500 jobs would have any safety implications.

Lord Adonis: No. What I said was that representations have been made by the trade unions to me and to the ORR making a series of claims about safety aspects. I have forwarded those to the Office of Rail Regulation, and indeed the trade unions have made some representations direct to the Office of Rail Regulation. The ORR has told me that they will look at those as they do any concerns that are drawn to their attention in respect of safety. They also of course have ongoing work that they do to ensure that Network Rail's safety responsibilities are properly observed.

Q77 Chairman: So the assessment on safety is firmly with the ORR, although it has an economic regulation responsibility?

Lord Adonis: It has ongoing safety responsibilities.

Q78 Chairman: You are saying that you have not made any independent assessment?

Lord Adonis: It is not for me to do so. It is for me to draw to the ORR's attention any concerns that have been raised with me, and I have done so. When the trade unions raised concerns with me, I did forward those to the ORR. As I say, the ORR has ongoing responsibilities to ensure that Network Rail's safety duties are properly observed, and also of course, because concerns have been drawn to its attention, it is looking at those concerns too.

Q79 Mr Leech: In the meantime, while these concerns are being looked at and Network Rail are cutting these jobs, how can we be absolutely certain that those cuts that are currently ongoing are not actually going to have some safety implications if the ORR has not yet made the assessment?

Lord Adonis: As I say, this is ongoing work on the part of the ORR. If the ORR had immediate concerns, it would be the ORR's duty to make those concerns immediately known to Network Rail and to ensure that Network Rail takes immediate action to deal with those concerns. The ORR is the responsible body here and that is not only in respect of its ongoing work but of its assessment of particular issues that are drawn to its attention.

Where it has any immediate concerns, it should immediately make those concerns known to Network Rail.

Q80 Mr Clelland: We can assume then from what you are saying that because you have not, as far as we know, expressed any concern to Network Rail about these redundancies, they therefore have concluded that these redundancies will not result in any safety implications?

Lord Adonis: I can only give the Committee what I have been told by the ORR, which is in the letter that was sent to me on 29 January and which I am happy to make available to the Committee. It is an assurance by the Chair and I quote: We have been scrutinising Network Rail's restructuring proposals for some time and we will continue to do so. We will make our own independent judgment as to whether the proposed new structure and workforce can safely maintain the railway and will take the appropriate follow-up and enforcement action if we believe safety may be compromised as a result of the changes.

Q81 Chairman: I think that we have got the situation clear now as to where the responsibility lies. The assessment of what is happening is another matter. I think we are clear on that.

Lord Adonis: To reinforce the point I made to Mr Leech, which was an immensely important one, if the ORR had any immediate concerns about safety, it is its duty to make those immediately known to Network Rail and to require follow-up action to be taken. This is not an issue that requires third-party action for that process to start; the ORR has ongoing responsibilities. However, in addition to its ongoing responsibilities, the unions have raised specific concerns, and the ORR is also looking at those.

Q82 Chairman: And the ORR have not submitted further issues?

Lord Adonis: I have had this letter from the ORR on 29 January, and they have assured me that they are engaged with Network Rail and that they will be making further statements in due course.

Chairman: I think we would like to be kept informed of any future developments.

Q83 Sir Peter Soulsby: Just before we move away from questions about railways, I wanted to return to the question of electrification of the Midland Main Line. I think there has been a very warm welcome, which has been widely expressed, for your acknowledgement of the strong business case for the electrification of the Midland Main Line, and we are very grateful for that. When you answered the earlier question about that you talked about it, perhaps, being included in a future programme of electrification. Would you accept, Secretary of State, that there is actually a case for the commitment to the electrification of Midland Main Line being made at a very early stage so that rather than being included, as it were, separately in a future programme it is integrated into the planning for the

creation of the Great Western and the other infill electrification schemes, rather than seen as something separate, and that actually the rail industry in general would benefit from that early commitment so that it can be seen as an integrated project of electrification?

Lord Adonis: At the moment, Network Rail is still in the early stages of preparation for the electrification work on the Great Western Main Line and the lines north-west of Manchester. That is a huge job of work for Network Rail. The Great Western electrification is the largest main line electrification project since the East Coast Main Line electrification, so network Rail does have its hands full, at the moment. I have made clear, though, that I would expect this electrification to be part of a rolling programme, and at the point at which the planning of successor projects becomes important I would hope the Government is in a position to make statements about further projects, but that point is not clear.

Q84 Sir Peter Soulsby: Would you accept then that it will be helpful for there to be a strong indication of the Government's commitment to the electrification of the Midland Main Line in helping them in their costing and in tooling-up the schemes that are already there?

Lord Adonis: I have said repeatedly the business case for electrifying the Midland Main Line is strong. There has been a lot of work done by Network Rail together with the Department on the costs of electrification of the Midland Main Line, so there is a good deal of preparatory work that has taken place. I can assure you that this issue has been looked at. However, I am not in a position at the moment to make a commitment in respect of the Midland Main Line. In response to your point about seeing that it is properly integrated, the big job of work Network Rail has at present is tooling-up for the Great Western and North West electrification projects. That work is going to fully occupy Network Rail for the next few years.

Q85 Chairman: So it is a strong business case but not an exact commitment. That is probably what we will get this afternoon. I would like to turn now to the very important issue of transport security. Transport security matters are divided between different departments, principally the Department for Transport and the Home Office. Are you easy with the way those responsibilities are divided?

Lord Adonis: Yes.

Q86 Chairman: What kind of discussions do you, in fact, have with the Home Office about transport security issues?

Lord Adonis: Yes, I am satisfied, Chairman, that the departments work together closely, and indeed we have a Cabinet committee which deals with other parties engaged in it too—the security services, the police and so on—which is responsible for security issues, and that also plays a co-ordinating role in respect of the different departments engaged. So I am satisfied that we have both proper allocation of

24 February 2010 Rt Hon Lord Adonis

responsibilities and proper co-ordination between departments. However, it is important that there is constant dialogue between departments, and that does take place.

Q87 Chairman: How often do you have that dialogue?

Lord Adonis: At ministerial level, as necessary.

Q88 Chairman: Are there any changes you would like to see in the working relationships between the Home Office and the Department in respect of security matters?

Lord Adonis: I believe that the current arrangements do work satisfactorily. So I am satisfied with the arrangements, but they do require constant dialogue between the various agencies responsible, and they require co-ordination at ministerial level, which does take place.

Q89 Chairman: Aviation is global, and there are continuing concerns about the impact of airlines coming from other countries which are thought to be less secure. What action are you taking to deal with the international threats?

Lord Adonis: We have regular security and intelligence updates. As Secretary of State, I have to take full account of those in deciding what the appropriate measures are that we should put in place. To give an example which you will be aware of, as a result of such assessments I took the decision that we would not allow direct flights from Yemen to continue, and that decision has been implemented, and there are now no direct flights taking place from Yemen. So there are assessments that take place on an ongoing basis, and decisions which I and my colleagues have to take in the light of them.

Q90 Chairman: What is the role of Europol—the European safety agency?

Lord Adonis: That, of course, is one of the providers of intelligence and security information which is then made use of by our own agencies in giving advice to myself and other ministers.

Q91 Chairman: How important is it that standards and regulations for security are harmonised across Europe?

Lord Adonis: It is important that there are effective standards, and there are effective standards in place. It is also important, and this links to the earlier answer I gave in respect of body scanners, that Member States can enhance security provision and requirements where they believe they are necessary for their own situations, and that is precisely what we have done in this country; we have enhanced those requirements where we believe they are necessary—and will continue to do so. We think it is very important that harmonisation, which is important in terms of seeing that we have proper, interoperable standards (and of course we absolutely depend upon there being regulation at the European level so that other countries observe high standards

of security in their own airports, because of course they are sending flights to us the whole time) is also compatible with us being able to take enhanced measures where we believe that they are necessary to protect the public here in the United Kingdom.

Q92 Chairman: There was a meeting of the EU Transport Ministers on 12 February in Spain, and there was some discussion there about international standards, and the reference to further discussions that were going to be held both across Europe and internationally. Can you tell us what progress has been made since then?

Lord Adonis: There have been a large number of discussions, actually. The discussion at ministerial level under the Spanish Presidency is one of the sets of discussions; there have also been discussions taking place in the EU's Regulatory Committee for Aviation Security, which is the committee which comprises experts looking, in particular, at further measures which should be brought into operation as a result of the Detroit attack. That includes the issue of security scanners, which we have started to introduce, as you know, at UK airports, and it includes the issue as to whether security scanners and explosive-trace detection equipment (for which we have also enhanced requirements in the light of the Detroit attack) should be made part of standard EU-wide security arrangements. That work is ongoing at ministerial level and at official level within the European Union, and proposals will be forthcoming from the Commission soon.

Q93 Chairman: How soon is "soon"?

Lord Adonis: Within a short number of months for the proposals.

Q94 Chairman: Are you satisfied that individual states can still take their own measures if they feel there is an emergency situation?

Lord Adonis: Yes.

Q95 Chairman: Without having to wait for European-wide agreement?

Lord Adonis: Yes, I am satisfied, and I have taken such measures here in the UK.

Q96 Mr Clelland: Secretary of State, you have just said if individual Member States feel that their own security needs enhancement in provision they can enforce that. That raises the interesting point which has been put to the Committee that terrorists attack states, not airlines, and therefore the airlines and air operators feel that it should be the state that provides the security. How do you respond to that?

Lord Adonis: It is obviously essential that when security is provided each country has to work out what is the best way of providing it. The decision we have taken is that the airport operators should provide it; they have an absolute requirement to provide it because the government regulates the provision of security infrastructure at airports. So the public authorities, country-by-country, set in

place the requirements. Precisely how that is paid for is a matter for the individual country to determine for itself.

Q97 Mr Clelland: So are some countries providing it by public funds?

Lord Adonis: Some do, but of course because in some countries the airports are public entities the relationship between them and our airports is rather different. I should stress that the requirements to provide security equipment and infrastructure in airports are very precisely regulated by the Government in the United Kingdom, and the fact that the provision itself is made independent of private operators does not affect the requirements or, because, of course, we also inspect airport security, the quality of such provision.

Q98 Mr Leech: During the trial at Manchester Airport for the full-body scanners, there was one person looking at all the images at any one time. I understand that now that has been made compulsory Manchester is planning to have women viewing images of women and men viewing images of men. Is that going to be compulsory at all airports, so that privacy is as good as it possibly can be, in the same way that for people being hand-searched women are searched by women and men are searched by men?

Lord Adonis: When the requirement for passengers to undergo body scanning was introduced I put in place an interim code of practice to govern the operation of body scanners at airports, and this includes a provision in respect of privacy which says: "A person selected for scanning may request that the screen reader is of the same sex as that person", so there is a right for passengers to request that they have a screen reader who is of the same sex. This is an interim code of practice. I am also, at the moment, consulting on a permanent code of practice which will be put in place. I am consulting on all of the issues relating to the operation of body scanners at the present time and it is open to individuals or organisations to make representations of the kind that you have just described—that there should be screen readers of the sex of the person being screened who look at the images—and I will make a judgment on whether that is an appropriate thing to do in the light of the consultation.

Q99 Mr Leech: Can I ask how many objections or complaints the Department has received regarding the compulsory use of scanners?

Lord Adonis: A tiny number. I was informed yesterday that in Manchester we had the first cases—and this is after some weeks of compulsory operation—I believe two, of individuals declining to be screened, but those are the first cases; we have had no other cases until that point.

Q100 Mr Leech: In both those cases were the two people not allowed to board their plane?

Lord Adonis: Yes, they were not allowed to board the plane.

Q101 Mr Leech: That moves neatly on to my next question. What happens with transit passengers in the event of a transit passenger coming in, going through the security system, being told that they were going to be scanned? What would happen if that person then refused?

Lord Adonis: That would then be a matter for the immigration and border authorities to make a judgment on what was the appropriate course of action in response of those individuals.

Q102 Mr Leech: That is the answer I got from Paul Clark in response to my parliamentary question. Are you aware that TRANSEC tried to stop me from submitting this question?

Lord Adonis: I did not believe that TRANSEC had any power whatever to stop you submitting any question you wish to submit.

Q103 Mr Leech: The fact that it has been submitted and been answered proves that that is the case, but were you aware that TRANSEC tried to stop the question being put?

Lord Adonis: I was not aware of that. If you wish to explain to me the circumstances I would be happy to examine them.

Q104 Mr Leech: So as far as you are concerned, there would be no security implications from answering that question?

Lord Adonis: No. What, of course, I cannot say is precisely what the immigration and borders authorities would do because that would very much depend upon the circumstances of the case, but it is a perfectly proper question for you to ask, and I have provided you with an answer, and my colleague, Paul Clark, did so too.

Q105 Mr Leech: Do you see there being any potential for problems in the future if people, say, who were planned to be deported were refusing to go through scanners?

Lord Adonis: There is a whole set of issues to do with people who are subject to deportation, which has to be dealt with by the borders and immigration authorities. A lot of them are very difficult ones to deal with, and I think this comes into that category.

Q106 Mr Leech: Have there been any discussions with the Home Office and the UK Border Agency of exactly how they would deal with these cases, of either transit passengers or people being deported and held—what solution you would find? The parliamentary question that I put suggested that the UK Border Agency would deal with any application for leave for a transit passenger to remain in the UK, but I imagine there would be circumstances where that leave to remain would not be granted, so there are a whole host of additional questions as to how that person would then be deported.

Lord Adonis: These issues are being discussed. As I say, they so closely concern the individual circumstances of the case that I am not in a position to say any more.

24 February 2010 Rt Hon Lord Adonis

Q107 Chairman: There have been discussions with the Home Office, presumably, on this particular issue?

Lord Adonis: Yes—with the Home Office's agencies, I should say.

Q108 Mr Leech: One last question, to do with the liquid scanners. I understand that EU legislation suggests that by 2011 transit passengers will be allowed to carry liquids through UK airports and then, from 2012, all passengers should be allowed to carry liquids.

Lord Adonis: Alongside the introduction of screening equipment which can detect explosive liquids. This is the key point to understand. The requirements are being changed alongside the introduction of the technology at airports that will enable baggage scanners to detect explosive liquids.

Q109 Mr Leech: That was not actually the question I was going to ask. I have spoken to the chief executive of a company called Kromek about liquid scanners that are currently on the market. Has any consideration been given to running trials at an airport for these liquid scanners? I understand that potential companies who could actually build these machines have not had any joy in their discussions with the Department about the possibility of running a trial.

Lord Adonis: This equipment, of course, is properly tested before it is introduced. I am not sure what kind of trial you have in mind.

Q110 Mr Leech: In the same way that full body scanners have been trialled.

Lord Adonis: I think there is a distinction between testing, which is to see that the equipment works properly, which, of course, is an absolute requirement, and TRANSEC, my security agency, is absolutely concerned to see that equipment which is introduced into airports is effective, and the issue of trialling in respect of body scanners, which is not simply about testing the equipment but, also, crucially, about the interaction between the equipment and the public. There is not the same issue in respect of liquids. The putting of liquids through scanners does not raise civil liberties and other concerns. The issue, which has been an important one for the trialling of body scanners, and to which I am seeking to give further consideration as part of the consultation taking place on the code of practice, is to be sure what is the appropriate regime for requiring passengers to undergo body screening, which does, as I fully accept, raise issues of concern to some members of the public and to organisations which represent them.

Q111 Mr Leech: I understand the need for the tests, and I understand that those sorts of tests have already taken place and the liquid scanners that are available seem to be quite effective—not perfect but there is no perfect scanning process. Surely, trials are actually needed in terms of seeing whether or not the equipment will work on the ground in terms of the

impact that it will have on queuing and the number of people having to put liquids through these scanners.

Lord Adonis: As I understand it, that is part of the testing regime that takes place; to address precisely those points.

Q112 Mr Leech: There will not be a trial?

Lord Adonis: These new scanners are being introduced over a period of time, so of course as they are introduced—and they will be introduced over a period of time before requirements for them to be in place come into effect—airport operators will be taking full account of the early experience in terms of the wider role it has. So this is a constant learning experience, as I see it. I am not sure I understand the issue of concern underlying your question.

Mr Leech: My concern is that if tests prove that the scanners are effective and they then get introduced without actually running a trial, there is the potential for chaos around security if it ends up being the case that the scanners actually slow down the process of getting passengers through security.

Q113 Chairman: We are talking about queues, as we raised before, and the potential danger created by queues of passengers.

Lord Adonis: I now understand the point, but making an assessment of the time it takes for liquids to pass through scanners is a key part of testing the equipment, and making judgments about how this will interact with the management of queues—

Q114 Chairman: That could be tested, could it not, is the point Mr Leech is making?

Lord Adonis: It is absolutely critical that the equipment works efficiently and that it is consistent with the management of queues, including, for example, consistent with the CAA's own target that 95% of passengers should have to wait no more than five minutes going through security queues at airports. So the testing that takes place would need to ensure that the equipment can meet the standards that are in place.

Q115 Chairman: The Equality and Human Rights Commission have written to you and suggested that the implementation of the body scanners might be illegal. Do you accept what they are saying?

Lord Adonis: Not on the basis of the legal advice that I have been given. The legal advice that I have been given is that the requirements I have put in place are absolutely justified under the law, but I will of course take full account of all representations made to me.

Chairman: Thank you. There are no other security questions.

Q116 Mr Hollobone: Can I bring us back to the more mundane subject of the interface between the Department and local government, and the issues of street wardens and road adoptions? I am a member of Kettering Borough Council. Kettering Borough Council wants to employ a number of wardens who would walk down, for example, Kettering High Street, and take action on civil offences such as

littering and dog fouling, but who are also, at the same time, undertaking duties to do with parking enforcement. As the legislation now stands, Kettering Borough Council is not able to employ one set of wardens to do that (it could employ two sets of wardens) and the legislation that is blocking this is the Road Traffic (Regulation) Act 1984. I have raised this issue with your Minister, the Member for Tooting, on the floor of the House and he has promised to look into it, and I have raised it with him. I also understand that it is subject to one of the bids under the Sustainable Communities Act. Given that all of us are interested in having effective enforcement of regulations at the lowest possible cost, would you agree that on the face of it this looks like an area where this problem could be resolved relatively easily to the benefit of all?

Lord Adonis: I am happy to look at the issue. I am glad you have raised it with Sadiq Khan, and he will be coming back to you. I am happy to look at the issue. I certainly do not want to see pointless regulation preventing local authorities being able to fulfil their responsibilities efficiently, so I am happy to look at the issue.

Q117 Chairman: So will you look at that and give a response?

Lord Adonis: Yes, I certainly will. I am happy to come back to Mr Hollobone about that.

Q118 Mr Hollobone: Thank you very much indeed. The other issue is road adoptions, which we started this session with. I know you said, understandably, that this is an issue for local authorities; nevertheless the issue of road adoptions comes under the Highways Act 1980, in particular section 38. When Mr Speaker granted me permission for an adjournment debate on the floor of the House on this issue, the Government fielded the Hon Member for Tooting to address the debate, so the Department has taken responsibility for this issue. I was staggered to find out that the estimates on the number of roads that require adoption is based on a figure from the 1970s, and that no one—the House of Commons Library, the Department for Transport nor the Department for Communities and Local Government—has any more up-to-date estimate of the number of roads, nor the mileage of roads, which are unadopted in this country. Can you, Secretary of State, think of any other area of policy where government estimates go back to the 1970s?

Lord Adonis: I do not accept that there is a concern here at all because it is a matter for local highways authorities themselves to determine whether they should adopt roads. The fact that a road is unadopted does not mean that there are concerns about that road; there is a whole set of reasons why roads are unadopted, many of which are simply to do with the nature of the road and the fact that it is not judged by the local authority to be a road that requires adoption. I would accept that local authorities themselves should have a good knowledge of the unadopted roads in their area, and their responsibilities in respect of them, but I do not accept that this is a matter for central government

because it is not central government responsibility either to seek and promote the adoption of unadopted roads or to hold the local authorities to account for them.

Q119 Mr Hollobone: The issue here, Secretary of State, is that in law local authorities can enter into agreements with developers to adopt roads under section 38 of the Highways Act, but there is no way legally that local authorities can force the developers to do that by a certain point. So we have an unknown number of roads, many tens of thousands of miles of roads in this country, new housing estates, which effectively are remaining unadopted for five, 10, 15-plus years, and the concern is that in many cases the pavements, lighting columns and road surfaces are substandard and they are substandard because the local authorities will not adopt them until they meet the requisite standards. Surely, it must be a concern to Her Majesty's Government that hundreds of thousands of British citizens are living in residential estates where the highways are not up to the requisite standard.

Lord Adonis: Under sections 205 to 218 of the 1980 Act the highways authority can resolve to make up a private street at any time, which is then usually adopted. So the arrangements by which it does so are then a matter for them, and there are a whole set of powers which apply which do enable those adoptions to take place. This is a matter for local authorities. If local authorities wish to make representations to me as to how their powers in respect of adoptions could be enhanced, I would look at those. I am always responsive to approaches made to me by local authorities. I should say I have not received any such representations directly to me, as Secretary of State. I am happy to report back to the Committee on representations we have received from local authorities, and the view that we take of them, but in view of the fact that this is a local authority responsibility clearly set out under the 1980 Highways Act, it is not a central government responsibility, I do not think it is therefore requisite on me to conduct surveys of how many unadopted roads there are in the country.

Q120 Chairman: You would respond to representations?

Lord Adonis: Absolutely.

Q121 Mr Hollobone: I have made a representation on the floor of the House with your colleague, who undertook that I could seek a meeting with his officials to talk about this further.

Lord Adonis: I understand that such a meeting is being arranged.

Q122 Mr Hollobone: I hope so; we have pencilled in the morning of Tuesday 23 March. I very much appreciate the Secretary of State's support that that meeting goes absolutely ahead, but with respect to the Secretary of State's comments about it being the responsibility of the local authorities, yes, of course, the local authorities could offer to pay for the make up of the roads to the requisite standard and,

24 February 2010 Rt Hon Lord Adonis

therefore, get them adopted, but the point is it is the developer's responsibility to make those payments to get the highways up to standard. There is no legal way for the local authorities to force the developers to do that. This £3 billion cost, which we are being told is the cost even though we do not know how many miles of road are actually involved, need not fall on the public sector at all if the developers were to fulfil their obligations.

Lord Adonis: In fact, as ever when dealing with these issues, the situation is more complicated than that. There are a whole set of provisions in the 1980 Act which concern requirements on landowners to make good the costs of making up roads. Sections 219 to 225 of the 1980 Act concern the advance payment code, and the advance payment code is one of the prime vehicles by which local authorities can ensure that the costs of streets being made up for adoption are recovered. The section 38 powers which you have referred to concern the adoption of roads in new estates, and there is a whole set of quite complicated provisions in respect of that. The law is complex in this area. It does give local authorities a very wide range of powers. As I say, if the view is held by local authorities that those powers are not sufficient, I am prepared to look at that issue, but these are local authority responsibilities and there a whole set of powers in place at the moment.

Chairman: It is obviously important that the meeting that has been arranged does take place and then the matter can be discussed.

Q123 Mr Hollobone: I am grateful for that response, but on the advance payment code, for example, Secretary of State, developers can bond moneys to local authorities but local authorities cannot release that money without the consent of the developers. So you are quite right to say the law is complex, and, as a result, I am afraid, it is ineffective. So your support for this meeting would be most welcome.

Lord Adonis: I am not aware that it is ineffective. There may be cases it does not properly cover and I am happy to look and see whether there are improvements that can be made, but I am not aware that it could be described as ineffective.

Q124 Chairman: I think the meeting should take place and see what comes from that. Finally, I want to ask you about Toyota, a matter of concern in relation to potential safety hazards. Clearly, there is great consternation about what has happened with Toyota vehicles. It has been reported that you had a

meeting with Toyota. I wonder if you could give us any information on that meeting and whether you have any continuing concerns in relation to safety.

Lord Adonis: I did meet the UK Director of Toyota and he assured me, in the light of the concerns that have been raised, that there would be an early recall of a number of makes of Toyota car. I wished to discuss with him the arrangements for that recall and, in particular, to assure him that the DVLA (for which, of course, I am responsible) would make available very rapidly the driver/owner details that are required for those recalls to take place. Of course, I sought assurances from him that these safety concerns would be fully addressed as rapidly as possible, and he gave me such assurances.

Q125 Chairman: Did you feel that the delays between Toyota knowing they had problems and the consumer being told about that—

Lord Adonis: He assured me that these matters had been addressed as rapidly as they were able to properly assess them. My main concern, of course, in this meeting was to see that all of the information that was required for the recall of the vehicles was made available to Toyota so that there was no delay in those recalls taking place. There had been detailed discussions between Toyota, my vehicle standards and safety advisers and the DVLA to ensure that that was the case.

Q126 Mr Leech: Changing the subject completely, what guidance does the Department give to local authorities and transport operators on the safe carriage of bicycles? The reason for the question is recently Greater Manchester ITA took a decision not to allow bicycles on to the new trams because the trams that have been ordered were trams that could not safely store bikes, and they were given advice that under health and safety legislation they would be held responsible if there was any accident on board. I just wondered whether there was any guidance provided by the Department. Obviously, we will want to encourage people to use integrated transport.

Lord Adonis: Yes. I am sure there is guidance, since my Department provides guidance on almost everything relating to the operation of transport systems. I do not have immediately available the details of that guidance but I will look it up and come back to Mr Leech on that directly.

Q127 Chairman: Thank you for coming in and answering so many very important questions. Thank you very much.

Lord Adonis: Thank you.

Written evidence

Memorandum from the Department for Transport (QTB 01)

I am writing following my appearance at the Transport Select Committee on 24 February for Transport Questions. At the hearing, I agreed to provide you with information on a number of issues. This information is set out below.

Accidents on the M42

The Highways Agency have confirmed that from the introduction of the hard shoulder running trial on the M42 between junctions 3a and 7 to December 2008—the most recent date for which validated accident figures are available—there have been no fatal accidents. In the first 12 months of the M42 trial Personal Injury Accidents more than halved from 5.1 per month to 1.8 per month. When accidents do occur, there are detailed operational protocols in place with the emergency services. The use of technology means that the hard shoulder or any of the other lanes can be swiftly closed to allow access for emergency vehicles. The Highways Agency has no recorded occasions to date when the emergency services have been impeded in responding to incidents on this section of the M42 through traffic using the hard shoulder.

Work which the Department is undertaking in order to ensure a greater number of vehicles are manufactured with intelligent transport systems (ITS)

The Department recognises that in-vehicle ITS technologies have the potential to make an important contribution to realising better use of the road network. However, they are at an early stage of maturity. So, at this point the Department's role is to help motorists and industry to see the benefit in offering and using ITS, to nurture ideas for ITS applications and to ensure their efficient and safe deployment. Our approach includes:

- using market based measures such as consumer information and awareness raising for current technologies;
- research with industry and other stakeholders to understand the aspects of vehicle design most critical to delivering our objectives; and
- negotiating European and international standards and regulation where appropriate (eg to deliver consistent performance or interoperability).

Whether permanent 50mph limits will be in place on the A1(M) between Scotch Corner and Newcastle

The speed limit on the section of the A1 Newcastle and Western Bypass between Birtley and Seaton Burn may be reduced overnight to 50mph during roadworks. This has been put in place to maintain safe conditions during maintenance works on that section.

In addition, the Highways Agency has recently consulted on putting in place a permanent 50 mph speed limit on the A1 Gateshead Western Bypass between Birtley and the River Tyne. The primary purpose of the proposed speed limit is to reduce the accident rate on this part of the A1 which is currently twice the national average. The Highways Agency's analysis suggests that it is also likely to improve journey time reliability on the road. Responses to this consultation are still being considered.

A further proposal is under consideration to address a bottleneck at the Dunstan interchange which lies on this same section of the A1 Gateshead Western Bypass. It is proposed to reduce lane widths to allow three lanes to be marked in place of the current two lanes. The case for this proposal has yet to be fully considered. There is no direct relationship between the solutions being investigated for these small scale improvements—which are of lower cost than major schemes but potentially still provide significant benefits—and any solutions that may in due course be recommended on other congested lengths of the A1 around Newcastle.

Representations received from local authorities concerning road adoptions

In the last year, the Department's records show that one local authority (St Alban City and District Council) has expressed concerns about unadopted streets. I am not aware of any specific proposals made to the Department by local authorities on how their powers could be enhanced in relation to this issue. As I said to the Committee, I would be happy to consider any such representations.

Data that the Department holds on local authorities' salt stocks prior to the recent severe weather

The Department will shortly release the data which it collected in October on local authorities' salt stocks at that time. I will write again enclosing that data when it is released. The data shows that one third of local authorities responded to the survey. Only one return showed that less than six days' stock was held.

Details of local authorities which made representations to the Department because they had stocked adequate levels of salt and were not being prioritised by the Salt Cell

My Department was aware of a number of complaints, made either directly to my officials or via the media, in which local authorities complained that stocks which they had ordered had not been delivered because other local authorities which had not prepared sufficiently for the severe weather were being prioritised by the Salt Cell. Given the anecdotal nature of these complaints, I do not believe that they provide a full picture of salt stocks and would suggest that the Committee examine the data which we will shortly publish on salt stocks in October.

The letter sent to me by the Chair of the Office of Rail Regulation dated 29 January 2010

I enclose a copy of this letter.

The Department's position on using satellite technology to send real-time data and information to data centres, instead of relying on black box technology

Following the accident involving Air France flight AF 447, an international flight data recovery working group was established to investigate new technologies aimed at safeguarding flight data and facilitating the search for and recovery of on-board flight recorders.

The working group concluded that there are currently a number of technical and legal constraints which prevent real-time data transmitters from replacing aircraft flight recorders but that their capability to assist investigations could be enhanced in a number of areas.

The term "flight recorder" is a general description that includes Flight Data Recorders, Cockpit Voice Recorders and Airborne Image Recorders. Cockpit Voice Recorders are already subject to stringent privacy controls which limit their accessibility. However, the protections afforded to the flight data recorded on an aircraft's Flight Data Recorder are less stringent.

The working group concluded that voice and image recordings should remain "private" and not be transmitted by any means from an aircraft. However, recommendations have been made to aid the location of such devices, such as requiring locator beacons with a longer battery life, the fitment of an additional beacon to the aircraft capable of transmitting over longer distances or an additional recorder which would be released from the aircraft during an accident and float on the water's surface pending its recovery.

Continuous transmission of flight parameters was considered but deemed impractical due to the costs of additional airborne equipment and satellite communications. Further work is currently being conducted to establish whether smaller amounts of data could be transmitted on an "as required" basis over existing aircraft equipment.

All of these proposals are due to be considered at the forthcoming International Civil Aviation Organisation High Level Safety Conference which is to be held at the end of March 2010.

A detailed update on the Galileo project

I enclose a separate annex containing this information.

The Department's response to the situation whereby local authorities are not permitted to employ one set of wardens both to undertake parking enforcement and to deal with civil offences

My colleague Sadiq Khan wrote to Philip Hollobone about this matter on 18 March. I enclose a copy of this correspondence. I agree entirely with Sadiq's comments on the matter.

Guidance that the Department has issued on the safe carriage of bicycles on public transport

The Department would like to see cycling better integrated with other modes of transport, for instance improving cycle parking at rail stations. We believe, however, that it is for local transport operators to decide for themselves, based on their local circumstances, whether it is appropriate to allow carriage of cycles.

March 2010

COPY OF LETTER SENT BY THE CHAIR OF THE OFFICE OF RAIL REGULATION TO THE SECRETARY OF STATE FOR TRANSPORT DATED 29 JANUARY 2010

RMT safety concerns on network Rail's maintenance restructuring proposals

Thank you for your letter of 27 January enclosing details of RMT's concerns about Network Rail's current maintenance restructuring proposals. Bob Crow's letter confirms the useful intelligence RMT has already provided to our railway safety directorate, enabling us to better target our oversight and inspections on this important issue.

I can assure you that we have been scrutinising Network Rail's restructuring proposals for some time and that we will continue to do so. We will make our own independent judgement as to whether the proposed new structure and workforce can safely maintain the railway, and will take the appropriate follow up and enforcement action if we believe safety may be compromised as a result of the changes.

I have asked Ian Prosser, our director of railway safety, to report to the ORR board on 16 February his conclusions and next steps on the RMT's concerns and he will then write separately to Bob Crow, to respond to the specific points he has raised. He will copy the letter to your private office.

I would like to stress that whilst it is for Network Rail to consider how best to manage its resources and meet its efficiency targets safely, including decisions on the staffing levels it requires, we expect assurance, confirmed by our own inspection activity, that safety will not be compromised as a result of any changes it makes.

COPY OF LETTER SENT BY THE MINISTER OF STATE FOR TRANSPORT TO MR P HOLLOBONE MP DATED 18 MARCH 2010

Thank you for your letter of 18 February relating to the use of street wardens for parking and environmental offences is a matter that you raised during Transport Questions on 28 January.

As you know, one of the purposes of the Traffic Management Act 2004 (TMA) was to encourage authorities to take a comprehensive approach to managing traffic, and regard the setting of parking policies and their enforcement as a means to the end of managing traffic rather than an end in itself. Any parking attendant appointed under Section 63A of the Road Traffic Regulation Act 1984 by an enforcement authority becomes a Civil Enforcement Officer (CEO) in relation to parking contraventions and may be appointed a CEO in relation to other road traffic contraventions for which they are the enforcement authority. Section 63A is not repealed by the TMA and says that parking attendants (now CEOs) shall also have such other functions in relation to stationary vehicles as may be conferred by or under any other enactment. I am of the view that CEOs should only be used for duties related to the road traffic contraventions that their authority is responsible for enforcing.

If CEOs have the time available, Kettering may wish to consider asking them to carry out tasks such as: informing the police of criminal parking activity; reporting suspected abandoned vehicles; reporting vehicles with no valid tax disc to the DVLA; putting in place and removing notices about the suspension of parking places; checking that shops selling parking vouchers have adequate stocks; reporting on changes in parking patterns; assisting with on-street enforcement surveys; and checking that non-mobile objects in parking places (for example, skips) are in compliance with the authority's license.

Enforcing parking contraventions lawfully is a difficult and, on occasions, dangerous task. It requires a great deal of knowledge, skill and expertise. It can be difficult for a relatively lowly paid CEO to carry out his or her task in full compliance with the law. The Fixed Penalty Notices for littering and dog fouling are part of the criminal enforcement process whereas the enforcement of parking contraventions is part of a very different civil regime. The laws governing the procedures and the procedures, for the two systems are completely different. A number of local authorities seem to be struggling to operate parking enforcement legally and it would not be reasonable for them to ask their most junior staff to cope, in addition to their duties under the Traffic Management Act 2004, with a criminal enforcement system that is more properly the responsibility of the Environmental Health Department.

The Government has no plans at the moment to change the provisions in the Road Traffic Regulation Act 1984.

Annex

UPDATE ON THE GALILEO PROJECT

At present there are two Galileo test satellites in space: Giove A, built by Surrey Satellite Technology Limited (SSTL) and launched in December 2005; and Giove B built by EADS and launched in April 2008.

There will be four satellites launched at the end of 2010, beginning of 2011 as part of the In Orbit Validation phase which is funded by the European Space Agency. The European Commission is in the process of letting contracts for the Full Operation Capability phase which should see the system go to 30 satellites by 2013 offering five services:

- the open signal, which will be free to users and should be widely used as GPS is now, will probably be used in conjunction with GPS to give enhanced availability and accuracy;
- the commercial service, which will be encrypted and will provide an accurate signal for paying users. The Department for Transport is funding a study to support the Commission in considering the way forward for that service after 2013;
- the Public Regulated Service, a secure encrypted service for use by government approved users. Although we do not see much call for this service in the UK, there could be certain uses around the need for secure timing signals which could be critical for us.
- The Safety of Life service will be mainly of use to aviation users who need to be sure of the integrity of signals to confirm their accuracy; and
- finally, the Search And Rescue service which will be the EU contribution to international Search And Rescue work.

The European Commission have recently let three contracts as part of the Full Operation Capability phase: system support to Thales Italy; Launchers to Arianespace; and a contract for 14 satellites to a German/UK consortium which is worth €236 million to SSTL.

Of the over 50 ground installations, there are control centres already set up in Germany and Italy and we are about to enter negotiations on the siting of the Galileo Security Monitoring Centres in France and UK.

The financial position of Galileo remains unchanged. Galileo is funded from the EU budget (apart from design and development work handled directly by the European Space Agency at a cost of €1.6 billion) and a cap of €3.4 billion was agreed at the end of 2007 for the Financial Perspective 2007–13.

All future funding for Galileo will be the responsibility of the EU. The European Commission has estimated a further £6 billion will be needed for operation and maintenance costs from 2013–30. In spring of this year, we expect the Commission to bring forward proposals for how funding after 2013 might be sourced and what elements might come from private and public sources.

The European Commission have intimated that the available funds are not sufficient to complete the full constellation. However, the UK continues to strongly support the €3.4 billion cap and is insisting that any potential cost overrun is addressed by means of a reduction in scope of the programme (for instance fewer services based on fewer satellites) rather than finding additional resources from already tight budgets elsewhere.

The last part of the question, about “other uses” is almost impossible to answer, as it depends on the development of technology and innovation. However, it is possible to provide an idea of what uses are already being developed following success at the annual GNSS Masters Competition run from Germany. The UK won the main prize in 2008 with POB, a device that tracks mariners when they fall overboard. Among the regional winners that year was a system to monitor heart patients when they were exercising— at a hospital over 300 miles away from the patient. This came from Australia where development of remote medicine techniques is very important. There were other systems to calculate personal carbon footprints, some integrated with shared bicycle use. There are possible uses which would enable companies or enforcement agencies to be able to prove where a vehicle was at any moment in time. The range of past winners can be found on the competition website www.galileo-masters.eu

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