



HOUSE OF LORDS

Select Committee on the European Union

EU Goods Sub-Committee

Corrected oral evidence: Traffic management preparations for the end of the transition

Monday 23 November 2020

1.30 pm

Watch the meeting

Members present: Baroness Verma (The Chair); Lord Berkeley; Baroness Chalker of Wallasey; Lord Faulkner of Worcester; Lord Inglewood; Baroness Kramer; Lord Lamont of Lerwick; Lord Lilley; Lord Russell of Liverpool; Lord Shipley; Lord Turnbull; Lord Wood of Anfield.

Evidence Session No. 2

Virtual Proceeding

Questions 10 - 18

Witnesses

[I](#): Rachel Maclean MP, Parliamentary Under-Secretary of State, Department for Transport; Ben Rimmington, Co-Director, Road Safety, Standards and Services, Department for Transport.

Examination of witnesses

Rachel Maclean MP and Ben Rimmington.

Q10 **The Chair:** Thank you very much indeed for waiting for the session to begin. I know that we are slightly over time; we are extremely grateful to you for your patience.

I welcome the witnesses to our next session. They are Rachel Maclean, Member of Parliament and Under-Secretary of State at the Department for Transport, and Ben Rimmington, who is a co-director of road safety, standards and services at the Department for Transport.

As you have been told, this is a live broadcast. There will be a transcript afterwards. If any corrections need to be made, we would be grateful for them to be sent to us as soon as possible. If you do not have the answer at hand, and there is something you want to follow up in writing, we would also be very grateful if that could be done as quickly as possible.

As you are aware, this is a one-off session looking at the readiness of ports post transition. For the benefit of the Committee, could you set out what the Government are doing to prepare for and manage the impact of their own reasonable worst-case scenario, which assumes between 30% and 50% of vehicles travelling via the Port of Dover and Eurotunnel not being ready for the new border requirements, leading to queues of up to 7,000 vehicles in Kent? How do the Government's preparations link to preparations undertaken locally by members of the Kent resilience forum?

Rachel Maclean MP: Thank you, Chair. It is a great pleasure to be with everybody at this Committee hearing.

On the first question, it is clearly very important that we take all necessary steps as a responsible Government to prepare for all scenarios. The worst-case scenario is exactly as it says: a worst-case scenario based on extensive modelling. We very much hope and believe that things will not be at the extremes that have been set out there, but clearly we have to prepare for every eventuality.

We are working very closely with the Kent resilience forum. It has the responsibility for drawing up plans to manage the disruption at the Port of Dover and Eurotunnel. We have been working with it throughout that process. Our work is broadly divided into two parts. First, we are working with other government departments to mitigate the risk of disruption arising, through provision of information and guidance to hauliers through the rollout of an online service called Check an HGV is Ready to Cross the Border, or Check an HGV for short. That will entail a requirement for hauliers to have a Kent access permit before they can access the Port of Dover and Eurotunnel. Secondly, we are ensuring that there is sufficient capacity to hold HGVs in the event of disruption, which is consistent with the worst-case scenario and, most importantly, without requiring closure of major roads.

The work that we are doing in support of KRF and those plans includes the installation of a quick moveable barrier, which can be deployed within a few hours. That will be ready to be deployed before the end of December and will enable up to 2,000 HGVs to be held on the M20 between junctions 8 and 9 of the southbound carriageway while the M20 remains open both ways to other traffic via a contraflow.

The technology is costing Highways England £60 million. It will be in place shortly and it will be tested between 11 and 14 December. In addition, we are working to provide HGV holding capacity at both Sevington and Manston. Taken together, that will provide holding capacity of around 10,000 HGVs, which is more than the estimate in the reasonable worst-case scenario.

Ben Rimmington: I do not have much to add to the Minister's comments. We are trying to come at the problem from both ends. We are working with everybody to try to mitigate the risk of anything like the reasonable worst-case scenario emerging in the first place; nevertheless we are making sure that we are prepared for the risk of that scenario transpiring with all the holding capacity we are putting in place in Kent. I assure the Committee that we are working very closely with everyone in Kent: the Kent partners, particularly the Kent resilience forum and Kent Police; and Claire Nix, from whom you have just heard evidence, as well as Kent County Council. I am happy to take any follow-up points.

The Chair: I may come back if time allows for further questions that were raised by our witnesses in the previous session, but we are mindful of time.

Q11 **Lord Inglewood:** Minister, you have just explained to us that the smooth running of traffic through Kent after 1 January will be very much dependent on the Check an HGV service. Obviously associated with that is the related Kent access permit. Could you tell us what progress you have made in the testing and rollout of those arrangements? Are you on track for the thing to be up and running on 1 January? What contingencies do you have in place if something goes wrong? Finally, will it work?

Rachel Maclean MP: It is important to say that this particular piece of software is relatively simple compared with many other pieces of government software. It is a self-declaration system.

To answer your question specifically, the system is now in its private beta phase. BPDG—the Border and Protocol Delivery Group—which is developing the service, is working very closely with the Road Haulage Association, Logistics UK and many other users to enable them to get hold of the software and have a go at it. That has been incredibly useful, because they have fed in many comments that we have been able to incorporate.

The final version of the service, which will be ready for use in January, is on schedule to be ready for December. It will be made fully available to

all users on GOV.UK during December. Between now and when the service is live, we will be communicating it very widely through our wider DfT haulier awareness campaign.

This afternoon, I am taking through the House the amended statutory instruments that underpin the enforcement of Operation Brock. They have been drafted to allow the Secretary of State for Transport in the worst case to dispense with the requirement for HGVs to go through that if, for whatever reason, the system is not working. That is our contingency plan. In that case, we have plans for manual enforcement and manual border readiness checks that would be conducted at holding facilities in the event that lorries were held there. As I said, we do not expect that to be the case, because the testing and the system development is proceeding as per our project timelines.

Lord Inglewood: Are you confident that it will be user-friendly for those whose first language is not English?

Rachel Maclean MP: Yes, absolutely. I have seen the system myself. It is a very simple system. The drivers themselves are not necessarily the ones who have to do the process. It is designed for the transport manager—the person back at base—to go through that process. It is not necessarily the person whose language is not English who would have to do it. In any case, you have heard previously from Claire Nix that the level of English required to undertake the system is quite basic because it is a very simple system.

Lord Inglewood: Thank you. Of course, a lot of haulage firms are not British, are they?

Rachel Maclean MP: Of course. That is right, and we are engaging widely with hauliers in all their languages. The haulier handbook that we have produced, which was made live last week, is being produced in 18 languages because we are absolutely aware that we have a number of different languages to cater for.

Ben Rimmington: On the languages point, the intention is that it would be possible to interact with CHGV in other languages. You would be able to choose a different language to respond to the questions. That should assist on that point.

To supplement the readiness point, I have two specifics. First, the ANPR cameras and weigh in motion sensors have now been put in locations at the top of the M20 and the M2. That infrastructure is now in place. The intention is that the system will be entirely live by mid-December. From mid-December, it will be possible to get a Kent access permit for journeys after 1 January.

The final bit of technological delivery, to be honest with you, is the interconnection between the ANPR systems and the CHGV online system. They have been talking for a while about how to make the databases speak to each other. Confidence is genuinely high, but, as the Minister

says, we have a robust fallback even should something fail in the technology.

Q12 **Baroness Chalker of Wallasey:** There are outstanding questions about how HGVs delivering goods domestically will be told apart from vehicles heading for either the Port of Dover or Eurotunnel. Could you clarify from your point of view, Minister, how and where the differentiation will take place, and would you set out the traffic enforcement measures as you see them, please?

Rachel Maclean MP: Yes. As you rightly say, Baroness Chalker, HGVs doing those domestic journeys will not need to obtain a Kent access permit, but in all our communications to hauliers—through the handbook, through our information and advice sites, which we might come on to later, through our webinars and our other communications with them—we have recommended that they carry confirmation of their delivery or their collection address. If they are stopped for any reason, any delays can be minimised and they can evidence that they are just doing a local journey.

When the enforcement officers are enforcing Operation Brock and looking for the presence of a Kent access permit, they will also have access to the standard international O licence database. Should an HGV not have an O licence, the officers will be able to conclude that the HGV is on a domestic journey in Kent. That means they will not be licensed to travel internationally, which includes picking up or dropping off trailers from the Port of Dover or Eurotunnel.

Ben Rimmington: The police and the DVSA, who will be enforcing it, will also I am sure be applying common sense to the approach they take. The spotting is done automatically by cameras. They spot trucks and read number plates. The identity of a truck that does not appear to have a permit is then notified to human beings in the police and the DVSA, who will be able to make an informed judgment as to whether the HGV concerned looks as if it is going to be heading to the border. They will take into account the fact that over 85% of HGVs heading for the ports are always EU registered rather than UK registered. For instance, any HGV carrying the brand of a well-known supermarket is almost certainly heading to a destination to make a delivery in Kent and is highly unlikely to be stopped.

I understand that the domestic haulage industry is concerned about this. I honestly think that in practice it will not be a major concern. Were there to be any concern about too many of those kinds of trucks being stopped, we will have very close feedback loops and will be able to have conversations quickly to try to take corrective action.

Baroness Chalker of Wallasey: Rachel and Ben, I wish you had been in our previous session with the RHA, Unite and so forth. They seemed to be behind the scene that you two have just described. How can you make your communication to those people, who should be passing it on to their members and so forth, rather better than it seems to have been during the last few months?

Rachel Maclean MP: Michael Gove is leading the BPDG side of things. The Secretary of State for Transport and I meet the Road Haulage Association on an almost weekly basis. I have been doing that for a number of months, pretty much ever since I have been in this role. We have a very good relationship with the RHA. We engage in a huge amount of detail. Of course, I accept that it is always going to challenge us robustly on the work and the plans that we have put in place, and it does that very regularly on behalf of its members, as it is right to do. Every time we meet the RHA and we have that engagement and those conversations, it recognises the work that is going on.

Clearly, things are challenging. We are working on a tight timescale and there are still a number of uncertainties that are out of the Government's control regarding the overall negotiations. We work incredibly closely with the RHA on the impact on its members. While we would expect it to make that kind of criticism, and it does that to us in person behind closed doors and up to a point in public, we have a very good communication loop with it.

Lord Berkeley: If I was wanting to buck the system in a truck, I would go down the A20, which is parallel to the M20. Will there be similar controls and enforcements there? If there are, are you going to allow local people, local deliveries and local cars to get past what is a pretty narrow road?

Ben Rimmington: Do not worry; as part of our compliance and enforcement plan with Kent Police, the DVSA and Highways England, we have a robust county rat-running strategy. There are specific plans for DVSA vehicles in particular to be located on key rat-running routes, of which the A20 is definitely one, and making sure that they also pull over trucks that appear to be evading the Brock system.

Do not forget that the Kent access permit is about showing that you are border ready, but there is a more fundamental requirement under the statutory instruments that the Minister will be taking through, which is to require internationally bound trucks to use only specified routes. Any Dover or Eurotunnel-bound trucks found on the A20 will already be committing an offence, regardless of their border readiness. The DVSA is standing by to enforce that.

Q13 **Lord Russell of Liverpool:** This question is about your intended inland checking sites in Kent, and I would like to preface it, similarly to Lady Chalker, with some data from our earlier session.

The Road Haulage Association told us that in relation to those intended inland checking sites it wants to hear from you exactly what facilities and capability those sites will have, and in particular what the operation and management plans are for each of those sites. It needs to know, so that it can integrate those into its own operating procedures.

The other side of the card is representing the drivers. We heard from the Unite representative that, first, unlike the Road Haulage Association, it has had dialogue with the Government only within the last fortnight.

Secondly, he said, not unreasonably, that the provision of Portaloos, much heralded as the right facilities, is in his words “unacceptable”.

The sites that you intend to put in place, as we understand it, are Sevington, Waterbrook and Ebbsfleet. As far as we know, they are still subject to planning permission. Is that still the case? What is the timeline to make them operational? In the case of Manston airfield, under Operation Stack, does it require further upgrades and, if so, will they be ready in time?

Rachel Maclean MP: I will try to cover all those points. I will start with the sites that you mentioned. We made a special development order in September that gave planning permission for inland border-related infrastructure in those areas of Kent. That was because it was a nationally important site and there was urgent need to have it in place. The SDO requires a further approval from the Secretary of State for Housing, Communities and Local Government. We are working at pace with consultants to ensure that all the requirements are met. Of course, time is tight, but we are confident that everything is on track to be completed and that all the work can be carried out in time for the sites to be operational on 1 January.

We are seeking to procure a further site in Kent near Dover. It is known as the white cliffs site, and will be for HMRC and Defra purposes for use from 1 July. The site will not be used to hold HGVs for traffic management. Commercial negotiations for that site, as indeed for the Manston site, are ongoing, so I am not able to go into details at this time. On Manston, while the commercial negotiations are still strictly speaking ongoing, we are very confident that we are close to resolving them and that we should have Manston ready on time.

You mentioned Unite. Of course, I would be more than happy to meet Unite and discuss the concerns in person. I am very happy to do so, should it wish to do that with us on the back of this session. We take the driver welfare issue seriously, with Portaloos and other welfare requirements. It is very important that we recognise the needs of drivers.

We owe a great debt of gratitude to hauliers and drivers who have kept goods moving around the country throughout the pandemic and at these difficult times. Again, we are looking to them to continue to do that throughout the EU transition period and the second wave of Covid that we are experiencing now. That is why we have worked closely with the Kent resilience forum to develop plans for driver welfare, which will involve limited facilities, but nevertheless facilities that are required, for drivers. Of course, we do not want them to be waiting in queues, and we understand that there will be a need for their welfare. Those plans are being developed and we take them very seriously. We intend to have adequate facilities for drivers.

I hope that has covered all your questions, but please come back if I have missed any points.

Lord Russell of Liverpool: Thank you; it has. The only follow-up

comment I would make is that if I had been the head of the Government I might have ensured that a large number of Conservative MPs from Dover were put in ministerial positions, as I suspect the concerns of their constituents would be heard rather loud and clear, which is not the case if you come from the Midlands.

Rachel Maclean MP: Absolutely. I am from the Midlands, but I can still be very concerned with what is going on in Kent. I have been to Kent twice to look at the facilities on the ground and speak to stakeholders. I have obviously been to Kent before, but I am referring to my ministerial capacity. I also have very regular engagement with Kent MPs. I have had three or even four round tables with Kent MPs, where they absolutely put questions to me in a great amount of detail about the impact on their communities of the road traffic measures. They all have a lot of experience because they have gone through it before, in many cases. Those are vital conversations. As well as the round tables, I have had multiple one-on-one conversations with them, because the point you make is absolutely right.

Ben Rimmington: I assure the Committee that obviously the welfare provision is not only toilet facilities. There will be food facilities on the sites and medical facilities as required. We are not talking about Portaloos in the sense of the stand-alone plastic construction that you might be familiar with from building sites. We are talking about a Portakabin-style arrangement, with proper, fully plumbed-in toilets that will be available on both sites in considerable numbers. I could give you numbers, but we probably do not need to go into that level of detail this afternoon.

We have been working very closely, as the Minister says, with Kent MPs, who rightly have many interests in this. We know there is also a question about welfare provision in the event of lengthy delays on the M20 contraflow. That is obviously a more complicated situation because it is a live motorway, and for safety reasons we cannot have toilets next to a live carriageway in advance. Were there ever to be very lengthy delays on that section of road, there is a reactive plan that would see toilets taken out to be put in place so that there was welfare for the drivers stuck at that point. I hope that helps.

Q14 **Lord Lamont of Lerwick:** In our previous session, we received evidence that the guidance manual for hauliers was not really a manual but a website, although it was available in pdf form, and that it had not been translated into foreign languages. Given that reference has already been made to the high proportion of drivers—85%—who are non-UK, that seems rather a basic and important point.

As a general point, leaving aside the truck information points that we are coming to later, what other steps are the Government taking to ensure that drivers receive the necessary information?

Rachel Maclean MP: The handbook will be available in 14 languages, including Welsh, Romanian, Polish, Dutch, Bulgarian, French and Spanish. I am sure that Ben, in a supplementary, can update you on when exactly

that will be. My understanding is that work is ongoing at the moment to make sure that the handbook is translated and ready. At the moment, it is available online, and as you say via pdf, but we intend to have physical copies available at the information and advice sites and in various other fora.

I think you asked how we are communicating with hauliers. Yes, we have the 45 information and advice sites, but we also have a multimillion-pound government information campaign running across the UK and Europe. We are publicising it through all the trade bodies—the RHA, Logistics UK, et cetera, as I mentioned earlier—which have links with their members and have very good databases of everybody who would be affected. We are publicising in the EU via the IRU, which is the EU trade body for hauliers; also via the Department for International Trade, the Foreign, Commonwealth and Development Office, and through other trade bodies. We are covering as many bases as we possibly can to ensure that the information gets into the right hands in the right languages.

Lord Lamont of Lerwick: Thank you very much.

Lord Faulkner of Worcester: To follow up Mr Rimmington's reply to Lord Russell a moment ago, it is fine for him to talk about suites of Portakabins for loos at the inland checking sites, and I am sure that is possible because they are not going to move. What I think is concerning people in Kent, and concerned at least one of our witnesses earlier this morning, is the fact that drivers may be stopped on the carriageway for anything up to two or three hours. It does not appear that any sort of provision is being made for them, and all sorts of unpleasant anti-social activities may perforce happen as a result. Have you any comment about that?

Ben Rimmington: That is the point that I was trying to make at the end of my previous response. As you say, the sites are one thing. Lengthy delays on the carriageway are a different thing. In the Brock system, the place where we may have lengthy delays on the carriageway is the M20 contraflow. If traffic is moving, even if it is moving slowly through that queue, we cannot have a situation where drivers are getting out, even to use welfare facilities, for reasons of safety, particularly with 44-tonne trucks. If we get to a position where traffic is static for a prolonged period, there is a reactive protocol in place with Highways England, the police and the DVSA whereby Portaloos could be deployed next to the carriageway, so that there is basic welfare provision for drivers in those difficult circumstances. Those are the details we find ourselves getting into in this area of policy.

Lord Berkeley: Oh, come on.

Lord Faulkner of Worcester: One of my colleagues is not impressed by that. All I would say is the best of luck, honestly.

Q15 **Baroness Kramer:** Can I pick up on truck information points? Minister,

you referred to advice centres or advice points, possibly to describe the same thing. You will have seen some of the news reports that drivers are—[*Inaudible.*—]disengaged from those information points. What is your assessment of how successful they have been in getting proper communication with lorry drivers? What steps are in place to encourage drivers to stop at them and familiarise themselves with the new border requirements? You might address the language problem when you respond.

Rachel Maclean MP: You broke up a little in your question, Baroness Kramer. I will give my answer, and you can pick me up if you have not received an answer to the question you asked.

They are named information and advice sites. That is what we are calling them. They are sites that are often co-located at existing truck stops, for example, where hauliers already stop, so they would already be familiar with those locations. At the moment, we are monitoring the statistics daily. We now have 44 sites live across Great Britain, and they will remain operational until March 2021.

The latest data I have, as of last Friday, is that we have had over 10,000 engagements and over 1,000 detailed conversations with drivers. Staff have engaged with commercial drivers from Bulgaria, Hungary, Poland, Romania, Germany, Spain, Russia, Turkey and France. We average around 1,000 hauliers a day across our sites. I hope that assures you that we are engaging with foreign hauliers, and that language needs are being considered in those conversations. We have multilingual staff at all sites.

There is an extensive programme to publicise these sites and the services that are available, both here in the UK and in the EU, for drivers who begin their journeys in the EU. We have been publicising the sites via our haulier outreach programme, which I referred to a little earlier, even since the beginning of the summer. That includes the methods I referenced earlier.

We have also been delivering seminars at EU industry days, which have been co-ordinated across government. We have had speaker slots at events in the EU, co-ordinated by industry stakeholders. We have had DfT exhibition stands at physical and virtual events and conferences across the EU, targeting commercial drivers and haulage firms. We have made presentations to high-volume EU firms, co-ordinated by ferry operators and local resilience fora; for example, when I visited Portsmouth, I spoke to the port. It has all the information that we, as DfT, have provided. It then has its own engagement, through its own local user group. It knows who is actually using the port. I know that is not in Kent, but it is an example of the work that is going on. It is very granular work, to make sure that the ports are addressing all the very practical questions from the people who will be using them.

Baroness Kramer: I should be more on top of the numbers than I am. What percentage of the drivers do you think you have reached at this

point in time? Is it 70%, 80%, 20% or 10%? I do not know where that percentage lies. It must be a number that you are tracking against your target presumably to reach 100%.

Rachel Maclean MP: We track broadly across government. We track what we call haulier readiness on a range of indicators.

Baroness Kramer: My question was about the extent to which you are reaching the drivers, so that we can know how effective these measures are. I just wondered whether you had a percentage. We need to have a sense of whether we are at the 20% mark or the 80% mark.

Rachel Maclean MP: Yes. The tracking that we are doing is of what we call haulier readiness. We are looking at hauliers and drivers: what actions they have taken, what they have done, whether they have taken any actions to prepare and whether they have engaged with our information. I will ask Ben to come in with a bit more detail on the percentage figure you are after.

Ben Rimmington: It is a very fair question. We do not know with certainty the total number of HGV drivers involved in cross-channel traffic. We know the number of vehicles that use the route per week, which averages at about 8,000, 9,000 or 10,000. If that is the number of vehicles that tend to use it in a week, having already contacted 10,000 people is not a bad start.

I could work out the number of international licence holders and internationally licensed UK drivers, but, as discussed previously, the significant majority of people doing cross-channel work are EU hauliers. We do not know how many of those are making just one trip every three months or doing a trip every other day. On an overall gut-feel basis, having already hit 10,000, when that is about the weekly volume, is not a bad place to be, given that 39 of the 44 sites had been up and running for only a couple of days when those numbers came in.

I think we are doing okay. There is no room at all for complacency, because it is not about just one conversation. It is probably about repeat conversations to embed understanding of some quite complicated issues. I think it shows that we are not doing badly, if that is a satisfactory answer at this stage.

Q16 **Lord Shipley:** Minister, the Government are working closely with Highways England to improve signage for drivers to current motorway refreshment facilities. Can you confirm that both those and other facilities that are being established in Kent—all sites—will be Covid secure?

I jotted down a number of the things that you said about taking driver welfare seriously. You said that there would be limited facilities for drivers, that plans "are being developed", as opposed to "have been developed", and that you intend to have "adequate facilities" for drivers, without actually defining what those are.

In our previous session, one of the things that was raised several times

was the need for a clear list of service facilities that would be available and that everyone knew would exist. They could then choose where to aim for. Can you confirm whether you are publishing a list of facilities available at each site?

Rachel Maclean MP: The answer to your first question is yes. Everything that we are putting in place is Covid secure; not just the welfare facilities, but the provision of information and advice. Everything in support of this exercise is Covid secure. We have taken considerable precautions to enable that to happen.

Your supplementaries were on what I said about the toilets and the welfare. Ben Rimmington has provided a bit more detail. I caveated my comments a little because of the issues that Ben highlighted about having a toilet next to a live motorway. Clearly, a lot of thought, care and caution has to go into that.

You asked whether we will publish where the toilets and facilities are. I think that you are after details of all the facilities, not just toilets. It is about everything. That is a very sensible suggestion. Let me take it away. It may be that we are already doing that. It may be that we are not, but I think it is a very sensible suggestion to take forward.

You asked why we did not have the plans developed. We are working in conjunction with a number of other agencies. The work is led by the Kent resilience forum, which is a body separate from my department. Although we have close links, it has its own operational procedures. That in itself is a multiagency arrangement. It considers not just toilets, but distribution of food, water, medicine and blankets, for example, and sanitation. A lot of that work is developed to a great extent. I cannot give you a definitive number of toilets, because it is my understanding that there are some details still to be worked out. I will let Ben come in if I have missed any points.

Ben Rimmington: Thank you, Minister. On the welfare point, those were all the key messages. The other question about facilities at the sites relates to the functions that will be carried out by government agencies at the sites, I suppose. The RHA and others have been keen to have written down in one place exactly which function will be offered at which point at which site.

It is absolutely our intention that in the final version of the haulier handbook, to be published early next month, we will confirm that. We have not done it before now because we are waiting for the KRF to sign off the phasing of the full Kent traffic management plan. We also need the agreement of all the other agencies involved. We completely understand that everyone needs to be entirely clear about what is available at which site at which point.

Q17 **Lord Berkeley:** Minister, in the event that there is no agreement on transport with the EU, what will the situation be with ECMT permits? A previous witness today said that no UK haulier knew yet whether or not

they would be allocated a permit. What arrangements have there been with other member states, particularly those that provide quite a few drivers, as to whether they will have permits? If neither of those things is done, there will be enormous traffic jams and a shortage of food in the shops. It seems very late not to have come up with a solution.

Rachel Maclean MP: Obviously, the Government are determined to reach agreement with the EU. We are negotiating at pace. Ben and his team are doing fantastic work there. You will be aware that, although we have a number of very sensible proposals on the table from our side in order to ensure continuity arrangements, which we absolutely want and have wanted from day one, this is a two-sided negotiation. Clearly, we need the EU to respect our red lines and negotiate with us on a sensible basis. We are confident that an arrangement will be reached. We appreciate that time is tight, as is the case with all these matters.

On the ECMT permits, in the unfortunate event that a deal was not reached with the EU, we expect that the European Commission would grant us a temporary connectivity regulation. Of course, it is in its interests as well. We have discussed foreign hauliers many times in this meeting already. The EU has a number of foreign hauliers who need to access our roads to carry out their business, so we expect that to happen.

We would seek to supplement the ECMT regime with bilateral agreements with individual member states. Some of those already exist. They would automatically revive at the end of the transition period. For those that are not in force, we would expect to conclude new treaties in the absence of EU-wide arrangements, given that it is in the interests of both sides to do that.

We have explained all this to the haulage industry. We have made it clear that ECMT permits would only ever be used to supplement wider market access arrangements. We have kept in close touch with the haulage industry throughout this period. Of course, we want to provide clarity just as much as the industry wants to have it. We have provided as much clarity as we possibly can on all the elements that are within our control.

Ben Rimmington: May I supplement that answer? As the Minister said, I have been leading the negotiation team on the roads issues in the EU negotiations. We have made good progress, but, as the Minister said, there will not be agreement on that without agreement on everything. We wait to see what comes over the coming days on that front.

The Minister mentioned a potential temporary connectivity regulation from the Commission. To reassure you, that is not a blind hope on our side. It did such a thing before the risk of no deal previously. There was also a call at the October European Council from all member states for the Commission to make such preparations, so there are grounds to assume that that would indeed be the Commission's approach in the event that there was no agreement.

We have not proceeded to allocate ECMT permits before this point, for two reasons. First, if we did so, it would not be the most efficient allocation of permits, because we would not know what, if any, gaps in market access there were to plug from any agreement that we might reach with the Commission. Secondly, to take up a permit, a haulier has to pay a fee. We do not want people to pay fees that they may not need to pay. We completely understand that hauliers find the situation difficult because of the uncertainty, but I think that we are doing things in the best way we can in the circumstances.

Lord Berkeley: Good luck.

Q18 **Lord Turnbull:** To achieve smooth running of the ports, it is essential that people's documentation is in good order when they arrive at a port and the congestion around it. A response to that is the Kent access permit, but, as I understand it, that is a self-declaration. You say, "I think my papers are okay", and you send your driver off. Is there an earlier point at which the paperwork is checked—a sort of triage—so that people do not get within a few miles of Dover before being assured that their paperwork will see them through?

Rachel Maclean MP: You are right. It is a self-declaration system, but we have made it very clear in all our conversations that there will be significant negative consequences if people are found not to have undergone the procedure correctly. Mr Rimmington has already talked about the powers that we will be taking in the Brock statutory instrument to enable us to stop hauliers, to prevent them using the wrong roads and, ultimately, to fine them. We believe that is a sensible approach and it is what we expect to happen.

Obviously, we do not want to fine people, but we expect that if we have to use those powers we will find very quickly that people comply with what we are requesting them to do, which is very reasonable and not impossible for them to achieve. Ultimately, if they are not complying and are incurring fines, they will also be incurring delay. They will not be able to make the crossing, and it will not be in their best interests commercially to do that. Earlier in his remarks, Ben Rimmington referred to the system of ANPR cameras that will check whether the HGVs have completed the process. It will be possible for enforcement officials to see who is on the road and to flag them down and stop them to check.

Lord Turnbull: I think that you were in for the tail end of the previous session, when I asked our witnesses what was top of their to-do list. I think you have answered most of their points. One that you did not was from Mr Reardon, which was about whether there was sufficient funding available to complete all the infrastructure works that are needed in and around the Kent ports.

Rachel Maclean MP: Forgive me, but I was not in on that session. I can absolutely give you the assurance that the Government have made available significant amounts of funding, both through our budgets in this department and through additional Treasury funding, for the

infrastructure, for all the associated services that need to go along with it, for all the work that I referred to earlier in my comments and for the ports themselves. A number of ports have been able to access additional funding to make their own arrangements to manage any potential disruption. In some cases, those will be of great benefit to the ports, because they will enable them to have better and more streamlined facilities in the future, when we get beyond the immediate transition period. The Government have stood behind everything that is needed in that regard.

Ben Rimmington: On the previous point, to reassure the Committee, it will be an offence under the statutory instruments to have declared that you have done something on Check an HGV when actually you have not. There will be spot checks of that as well. A £300 penalty can be issued if you are found not to have been truthful in your Check an HGV declaration. As the Minister said, the £300 penalty is a deterrent. The experience that you would have, should you reach the French authorities without having your paperwork in order, is probably an even greater deterrent not to repeat the mistake.

Baroness Kramer: In testimony that we have received, ports have been grateful for the fund that is being made available, but it is expected to be very heavily oversubscribed. In relation to the last question, obviously money has been made available, but is it enough and is it soon enough? That is the answer we are looking for.

Rachel Maclean MP: The ports I have engaged with, and have had correspondence and dealings with in my individual capacity as a Minister, have received all the funding they asked for, for the business cases that they put forward, so I am not aware of those individual criticisms. Of course, I am more than happy to take that away and look into it. That may fall more within my colleague Robert Courts' remit, with some other ongoing port work. He is the Maritime Minister. We have made funding available to some of the local resilience fora, too, to enable them to manage. Of course, that will have a big impact on the ports as well, as it will help them to keep traffic flowing smoothly through the ports.

Lord Shipley: We keep hearing about the £300 fine, but I am not clear who has to pay it. It is a simple question. Is it a levy on the driver, or is it a levy on the owner? If the owner cannot be reached, does that mean that the lorry is stuck and the driver cannot move? How will it work?

Rachel Maclean MP: That is a very good question and is actually one that I myself asked very recently. The fine will be on the manager, the owner of the business. In the case that the truck is stopped and asked to pay, there will be an option for them to pay immediately, if they choose to do that. However, if they do not, cannot or will not, they will be fined in the normal way. They will receive something through the post. That is how it will work in practice. Ben, do you want to add any more detail?

Ben Rimmington: No, that is fine. There are different ways, depending on the relationship between the driver and the haulage company.

Additionally, when DVSA stops trucks, it will be looking for any other non-compliance issues to do with safety requirements et cetera, which will then be taken up in the appropriate way.

Lord Berkeley: Minister, could I press you a little more on that? You referred to the business. There is the trucking business. The trailer may be owned by somebody else. The tractor unit may be owned by a third party. Then there is the cargo in the trailer. Then there is the driver, who may or may not be employed by the trucking company or whomever. Which of those people will actually receive the fine by post, email or however you are saying it might happen?

Rachel Maclean MP: Obviously, I recognise that there are different commercial arrangements. I would not be able to comment in detail on all the ramifications. Essentially, it is the commercial entity that is responsible for moving the load, whatever that might be. In some cases, it may be the driver. You referred to a number of other cases. It will be the commercial entity that is ultimately responsible and where we would seek to levy the fine.

The Chair: I conclude this session, Minister, by asking where would you be today if you were to give yourself a score between one and 10 for readiness on a scorecard?

Rachel Maclean MP: Oh my goodness. If you are talking about readiness across the board, it is a very broad measurement. Clearly, there is more work to do, but, likewise, we still have time and we are progressing at pace. Forgive me, but I do not think that it is possible to sum it up with one number, because we are talking about so many different things. I think that colleagues on the call will have seen the amount of work, government funding and ministerial time we are putting into this and the seriousness with which we are taking it, as well as all the engagement that we are having with industry bodies. I would be the first to accept that there is more to do, but we are working on all the angles that you have exposed, and many more, every single day.

The Chair: That draws the session to a close. Thank you very much, Minister and Mr Rimmington. We are extremely grateful for your time. We know how busy you are. It has been a very helpful session. I am sure that colleagues have appreciated that you came in for this session, and joined us on the previous session a little earlier, to give us as full a picture as you possibly could from the Government. The representative from Unite will be very pleased to hear that you are looking forward to having a meeting with him. I am sure the secretariat will pass that message on to him.

Thank you very much, Minister and Mr Rimmington. We look forward to seeing you again.

Rachel Maclean MP: Thank you very much for your questions.

Ben Rimmington: Thank you.