



Common Frameworks Scrutiny Committee

Corrected oral evidence: Post-Brexit common frameworks

Tuesday 9 November 2021

10.30 am

Watch the meeting

Members present: Baroness Andrews (The Chair); Lord Bruce of Bennachie; Baroness Crawley; Lord Foulkes of Cumnock; Lord Hope of Craighead; Lord Keen of Elie; Lord Murphy of Torfaen; Baroness Randerson; Baroness Redfern; Baroness Ritchie of Downpatrick; Lord Thomas of Cwmgiedd.

Evidence Session No. 16

Virtual Proceeding

Questions 196 - 215

Witnesses

[I](#): Martin Jones, Deputy Director, EU Division, Department for Transport; Jeremy Hotchkiss, Deputy Director, Rail Industry Standards and Capability, Department for Transport; Clare Boam, Team Leader, Future EU Roads Relationship Delivery, Department for Transport; Osian Lewis, Head of EU Negotiations—Motoring and Freight, Department for Transport.

Examination of witnesses

Martin Jones, Jeremy Hotchkiss, Clare Boam and Osian Lewis.

Q196 **The Chair:** Good morning, everybody. Welcome to the Common Frameworks Scrutiny Committee's 16th oral evidence session. We are very pleased indeed to have four expert officials from the Department for Transport who deal with different aspects of the common frameworks that we will be discussing this morning, which are all transport related. I am delighted to welcome Martin Jones, the deputy director of the EU division; Jeremy Hotchkiss, the deputy director of rail industry standards and capability; Clare Boam, the team leader of future EU roads relationship delivery; and Osian Lewis, the head of EU negotiations on motoring and freight. Good morning to you all.

I am sure this is not the first time you have given evidence or discussed your policy areas with a Select Committee, and we know that you are in fact officials and not Ministers, but we are particularly pleased to see you and to have the opportunity to get your take on developing and helping to frame these common frameworks and your experience of them, which covers such a complex area of policy across the devolved Administrations. Thank you very much for your time and for your knowledge.

We have seen a lot of summaries and some frameworks and have had a lot of evidence over the past year and a half, as well as having done our first report, and one of the reasons why we wanted to meet this morning is that these frameworks look different to us and feel slightly different. We wanted to have the opportunity to discuss with you why that was, particularly in relation to Northern Ireland, because that raises other issues for us, of course.

I will start with a very basic question that will help you to set out your experience and your stall, as it were. Some of these frameworks are very technical and it is very hard to understand how they operate on the ground and how they affect people. My question is simply this: can you provide us in layman's terms a brief overview of the four frameworks and why the Government think they are necessary? Tell us as clearly as possible what you think they are designed to achieve. Martin, if you can be the conductor, I will hand over to you and then you can bring in your colleagues as appropriate. Thank you very much.

Martin Jones: Thank you, Chair. Good morning to everybody. I will make just a couple of general comments and then pass over to my colleagues, who have been more closely involved in the individual frameworks.

I think we are trying to achieve the same as the overall policy, which is to make sure that when these laws come back into UK law and the laws of devolved areas, and when those devolved powers are being exercised, we do not exercise them in a way that causes problems for each other. That is partly about transparency and making sure that when we are thinking of doing things within our devolved areas we talk to each other, and

partly about potentially setting some bounds, although I do not think we are in that sort of area for the frameworks that we are talking about here. But it is really about transparency. It is about knowing what each other is doing, having processes to talk to each other and avoiding surprises—all those things—which is, I think, what the overall policy was always about.

Once you get into the technical detail, clearly each area throws up its own individual challenges, which is why some of the documents will look different from each other in the way they handle things. We also have the issue that some of these areas interface with international law and our trade agreement with the EU, and some are relevant to north-south co-operation on the island of Ireland. All four transport frameworks are devolved for Northern Ireland but reserved for mainland Great Britain.

Overall, that is what the frameworks are trying to achieve, which I think is consistent with what the overall policy is trying to achieve.

I wonder whether I could ask my colleagues whether they want to make any individual comments on the four specific frameworks. Perhaps I could go to Jeremy first, on the rail interoperability one, because that is unique in many ways.

Jeremy Hotchkiss: I think providing a couple of points of background on rail will help to explain to the committee why we are doing this and what we are looking to achieve. The rail systems within Great Britain and Northern Ireland have evolved quite differently over time. We have different track gauges. We do not have a Great Britain and Northern Ireland railway; the Northern Ireland railway is already much more closely aligned with the Republic of Ireland's railway than it is with Great Britain's, and the Northern Ireland protocol envisages two very distinct standards regimes.

Standard-setting powers are mostly a reserved matter for Westminster, but it is important to note that the national technical specification notices, which we will be issuing here in London, will apply only to Great Britain, and that for Northern Ireland the EU technical specifications for interoperability will continue to apply. This framework for rail recognises that peculiarity of the legislation and is largely about Great Britain keeping Northern Ireland informed of any planned divergence within Great Britain that might cause problems for Great Britain and Northern Ireland's trade in rail products; it is not intended to govern the way standards are set by London for Northern Ireland.

In practice, this is likely to be very limited. There is very little Great Britain-Northern Ireland trade at the moment, largely because of the differences that already exist within our rail systems, which mean that most of Northern Ireland's rail products are purchased from elsewhere within the EU. The framework is really to guard against a situation where a manufacturer sets up in Northern Ireland and seeks to sell into the Great Britain market, and it provides protections in that particular case.

Martin Jones: Chair, I wonder whether I could go to Osian next, to pick up the commercial road transport points, and then to Clare to deal with

the other two.

Osian Lewis: Good morning, everyone. The only additional point I would make, on the commercial transport framework, is that there are some examples of where the UK as a whole has signed up to international agreement or intends to do so where Northern Ireland and Great Britain are part of the same territory.

For example, we are in the process of signing up to the regular and special regular protocol to the Interbus agreement, which will expand that agreement to cover scheduled bus services as well as occasional holiday tour services, and that is a decision for the whole of the UK. However, as road transport is a devolved matter in Northern Ireland, it needs to be implemented in domestic law separately by the Northern Ireland Assembly and by the UK Parliament, so we need to work together on that, and I think it is worth stressing that we have a very good relationship with our counterparts in the Department for Infrastructure and we have regular conversations with them about this.

This framework is just about formalising that process in case there are areas where we need to diverge, such as if there are legal resource issues or if parliamentary timetables do not allow us to do things quite as quickly as we would like. It is just useful to have this framework there to underpin that relationship if necessary in the future. That is the only specific point I wanted to make.

Martin Jones: Perhaps I could now ask Clare to cover the driver licensing and motor insurance frameworks.

Clare Boam: Good morning, everybody. I would like to explain and pick up a particular point that the Chair made about the very technical nature of the way these frameworks have been prepared. As I think you will appreciate, if we go back a year or more, when the frameworks were being drafted it was against the background of some uncertainty and it was necessary for us to make sure that we had covered all the possibilities that might exist at the end of the transition period.

I think that is one of the reasons why there was a lot of technical detail in the draft frameworks on the policy. We felt that it was really important to make sure that, at the start of this process, we in the Government and those in the Department for Infrastructure had a really clear common understanding of the detailed policy areas. That explains why there was a lot of technical detail in there. Obviously, things have continued to change and the frameworks have been updated as far as practical as we have gone along.

The Chair: You did exactly what I asked, Martin and colleagues: you gave us a clear layman's overview of the frameworks. Martin, I am particularly struck by your saying that where devolved powers are exercised you should make sure that you do not cause problems for each other. As we go into the questioning now, we will want to pick up some of the things that you have said. Interestingly, Clare, you refer to the difficulty of wanting to pin things down in technical detail because of the general fluidity of the situation you were working in. Thank you very

much indeed for all that. I will ask Lord Keen now to take up the questioning where you have left it.

Q197 Lord Keen of Elie: The Government's framework analysis identified 38 policy areas, within the remit of your department, where returning EU powers overlap with devolved competence. We find ourselves with four provisional frameworks, having hived that down, all of which concern policy areas where essentially there is devolved responsibility in only Northern Ireland.

With regard to the other policy areas, which were not developed into frameworks but which clearly had some devolution that intersected with both Scotland and Wales, what specific and particular engagement did you have with the devolved authorities in Scotland and in Wales in determining that these policy areas would not be developed into frameworks?

Martin Jones: Let me give a general answer, and then I will see whether my colleagues want to come in with any specifics. The answer is that this was all done through dialogue with the devolved Administrations. In short, the reason why we concluded that we did not need frameworks for most of the items of returning EU law was down to the application of the criteria. Clearly the application of the criteria is a judgment, but in this case the judgment was shared by the devolved Administrations.

Broadly speaking, we are looking at reasons such as the fact that we felt that the risk of divergence was minimal and so we did not need any specific intergovernmental arrangements, or that the existing arrangements that we already had in place for dialogue—some of these areas have existing arrangements to talk to the devolved Administrations—were sufficient, or, broadly, that we would not need anything in addition that would be more formal than what we had already.

The other important point to make here is that none of this is set in stone. This is all kept under review. If we were to conclude in due course that in one of those areas there was a desire to diverge and that we needed to put some constraints or processes around it to ensure that no problems would be caused, we could return to this. The decisions we have taken to date just to enter into these four frameworks, which are currently in provisional form, need not be considered final and set in stone. Essentially, this was agreed with the devolved Administrations through dialogue with them that was managed by the Cabinet Office, and we can revisit that at any time we need.

I do not think we necessarily need to go round to all my colleagues in turn, but I will just check whether anybody wants to add anything particular in respect of some of the areas they look after that are not the subject of these frameworks. If there are any specifics—obviously your question covers a wide area where we do not have the experts on line, such as aviation—I will have a go at answering, because I am moderately familiar with the areas in question.

That is broadly the answer.

Lord Keen of Elie: I do not know whether your colleagues want to come in at that point, Martin, but, absent that, can I be clear that as regards the other policy areas where frameworks were not developed there was essentially an express agreement with each of the devolved Administrations that those policy areas would not require the development of a provisional framework?

Martin Jones: Yes, that is right. The analysis that was published was agreed, and it sets out where we will have frameworks and where we will not have them. A lot of this comes down to the way the devolution settlement works in most cases—this is a generalisation based on transport. Broadly speaking, the operation of transport is reserved and the management of the infrastructure is devolved, and that generalisation works in most cases. For example, Scotland runs its roads, but the management of driving licences and the licensing of hauliers is reserved to Westminster. Ports are devolved, with the exception of Milford Haven, which obviously has some strategic importance, but shipping is reserved. For aviation, the management of airports is devolved, but the regulation of aviation is reserved now.

Similarly, a lot of the EU laws that are coming back regulated the operation rather than the infrastructure, which is why in a lot of those cases the matters were reserved, although when it comes to airports and airlines there are sometimes some grey areas between the two where it is not clear. We worked through all those, and the conclusion was that we would not need anything additional at that time. But as I said, we keep these things under review, and should an issue arise where we think we need to have some understanding between us, we can always do that.

Lord Keen of Elie: Do I take it that if the devolved Administrations in Scotland or Wales or indeed in Northern Ireland became concerned about the absence of a framework in a particular area, you would be amenable to them seeking to instigate the development of a framework?

Martin Jones: Yes, this is an arrangement whereby we work together as equals, if you like. The idea is that we are trying to help each other for the common good, so anybody can raise an issue.

Lord Keen of Elie: Is that with an emphasis on the JMC principle that we are concerned to ensure that we maintain or increase the powers of the devolved authorities in all these areas rather than to seek to draw them back to the centre?

Martin Jones: We are getting into overall policy on devolution here, which is a bit beyond my remit, but certainly we in the department want to make sure that we do not cut across the devolution settlement.

Lord Keen of Elie: Do you want to ensure that the frameworks you develop are compatible with the JMC principles?

Martin Jones: Yes, absolutely.

Q198 **Lord Keen of Elie:** Can I touch upon one matter of rail, the rail technical standards policy? That provisional framework is—I think you indicated this—rather dissimilar to other frameworks that have been developed. In

particular, there is no provision for an official working group to oversee the continued co-operation that may be required in that area. Was that a deliberate decision, and if so, why?

Martin Jones: Let me ask Jeremy to pick that one up.

Jeremy Hotchkiss: In answer to your first question, yes, rail is dissimilar to the other frameworks. One of the peculiarities of rail standards in particular is the way the competencies divide between London and Belfast. A lot of the powers vested by the legislation are reserved matters for Westminster. In practice, we have designed the legislative structure so that we set standards only for Great Britain, because standards set within the EU will apply direct to Northern Ireland.

So there is very limited discretion within Northern Ireland to set standards, not because of anything that we are doing in Westminster but because standards are set within Europe at EU level. The framework has been designed with that in mind. The practice of setting standards is that a lot of the work is done at a technical level within industry. Only at a relatively late stage in the process would government officials get involved, and the process has been designed with that in mind.

Lord Keen of Elie: I wonder whether I can come in at that point. I apologise for the interruption. Is it not important at least to understand the extent to which divergence may develop between Great Britain and Northern Ireland and therefore to have a continuing monitoring role over these standards?

Jeremy Hotchkiss: Yes, and I think our framework is designed to do that. It provides for official-level dialogue and information, and there are opportunities for officials in Northern Ireland to raise concerns at any point where they consider that the divergence would create a concern.

Lord Keen of Elie: But there is no regular working group to monitor that.

Jeremy Hotchkiss: Not as far as I am aware, but that is because the cycle of standard setting will not necessarily be regular. In fact, in the European standards, I do not think there are any that are in the process of being revised or set at this stage. I think it is envisaged that the groups would come together as and when new standards are being considered within Westminster. There would be a very clear trigger¹.

Q199 **Lord Foulkes of Cumnock:** Good morning, Clare and gentlemen. You may, like me, have lost your sense of timing during the pandemic; I cannot remember when things started, because of all the furore over the past couple of years. I wonder whether you could help us in relation to the timetables for these frameworks and when they started. Clare, I think you said that you started drafting them a year or more ago. Could you tell us precisely when each of them was started and where we are in

¹ Note by witness, "In my answer to Lord Keen's follow-up question under Q198 about the existence of a regular working group, where I gave the Committee my understanding of the arrangements, I can confirm that my understanding of these arrangements as set out in my answer was correct."

relation to each of the five phases? That would be really helpful.

Martin Jones: Shall I have a go at giving just a general answer on that and then pass over to Clare for the specific work? There was quite a lot of preliminary work, led by the Cabinet Office, which I was involved in at the beginning, then ducked out of and then became involved in again. I confess that I, too, struggle to keep track of the various phases of work.

There was a question about phases 2 and 3. I think the answer is that we designed a process to begin with and then decided, as we got into the process, that we did not need all these separate phases. I asked the Cabinet Office what happened with the apparent merging of phases 2 and 3, and they told me that during the phase 3 review and assessment they decided, for a majority of frameworks across the programme, including DfT frameworks, to proceed directly to the comprehensive review and assessment. Phase 2 was in there to help us to break the processes down, but they decided that that was not a necessary step.

So I think there has been some flexibility in developing the structures around the framework and the phases, but it was decided by the centre that we could merge some of those. What was important was that we did the thinking and we the consultation with the devolved Administrations rather than worrying too much about phases. Maybe Clare can just explain—

Lord Foulkes of Cumnock: Before Clare comes in, could you go back to what you spoke about at the beginning. I think you spoke earlier about discussions in the Cabinet Office. When precisely did you start all these discussions?

Martin Jones: There was a JMC communiqué back in 2017, when the work started. Then there were some early deep dives—that is what I was told they are called; I dislike the term, but anyway, let us go with it—to try to understand and scope out the sort of work that we needed to do.

For DfT, we came up with the initial six frameworks that we were going to work on, which were then boiled down to four. We merged commercial transport and operator licensing into a single framework, and the other was the intelligent transport systems framework, where it was concluded after discussion with the devolved Administrations that we already had a structure through a subgroup called STREETWISE ITS, a forum where we could discuss and co-ordinate, and that we would not need a framework because that body would be sufficient to make sure that we could co-ordinate as much as we needed to.

From there, we went on to do the phase 2 development, which is where we get into phases 2 and 3. That is probably the point at which Clare can explain in a little more detail how we worked through this with colleagues in Belfast.

Clare Boam: As Martin said, it started back before I was involved in this, but I think it was around 2017 when my predecessors were involved in the early discussions with the Cabinet Office and were thinking about how these documents should look. I would say that my involvement in the

drafting ramped up—Lord Foulkes, you are right that it is quite difficult to keep track of time during the pandemic—late spring or early summer last year, as the negotiations on the final deal intensified.

That was the point where we had a bit more clarity on what things would look like. That is certainly when my work on the text of the agreements started to increase, as well as our discussions with our counterparts in DfI, so that we could properly start to fill out the detail. Then we continued to work over the summer and the autumn, which I think culminated in being rolled up into the joint phase 2 and 3—Martin has explained this—with the formal review and assessment process which the Cabinet Office led in, I think, October last year.

Lord Foulkes of Cumnock: There was a bit of a hiatus in October last year, was there? Was it because of a problem within the Cabinet Office, or was it waiting for Northern Ireland Executive approval? In the quarterly report for the Cabinet Office there was no mention of them. Was there a problem then?

Clare Boam: I cannot speak for the Cabinet Office. We were certainly working on them pretty constantly throughout September and October.

Lord Foulkes of Cumnock: Martin, do you know whether there was a problem?

Martin Jones: I do not, I am afraid. I was not directly involved at the time; I was facing more towards the negotiations. But as Clare said, we were certainly busy. That might be a question you would need to put to colleagues in the Cabinet Office.

Lord Foulkes of Cumnock: Was there was a problem in getting approval from the Northern Ireland Executive? They had difficulties with ministerial oversight and so on, did they not? Did that create a problem?

Martin Jones: It was probably not really a problem for us. We had and still have very good working relations with the officials in Belfast, and I think we were able to identify all the technical issues and express them in text. However, obviously we were unable to get the political cover to take these to the next step in the political process without the Northern Ireland Executive.

So the answer is yes and no. We were able to do a lot of work, and I do not think there was ever going to be any fundamental misunderstanding between us as to what they should say, but getting that last step of political cover to move it forward obviously had to wait until we had the Executive.

Lord Foulkes of Cumnock: You will obviously keep us in touch as you move through the other phases, too. The fifth phase—post-implementation review and amendment—will be interesting, when we get to it.

Martin Jones: Yes.

The Chair: Thank you, Lord Foulkes. As you say, we are puzzling as to why there was this delay between 2020 and 2021 in the delivery of the frameworks. It is of interest to us. We move on now to Northern Ireland and the obligations under Article 11 of the protocol.

Q200 **Baroness Ritchie of Downpatrick:** Martin and colleagues, you are very welcome. I want to concentrate on Northern Ireland, starting with a follow-on, I suppose, from Lord Foulkes' question. You said that although you did not have political cover for that period in Northern Ireland during the three years when the institutions were suspended, and you had very good relations with the officials, those institutions have been back up and running since January of 2020. Was the problem within the Department for Infrastructure, or did the problem or the delays lie with the Executive themselves whenever the Minister for Infrastructure—I have to declare that she is a colleague of mine—presented those papers to the Executive, because of the nature of the five-party coalition?

The second part of my question is to do with the Northern Ireland protocol. How have the obligations under Article 11 of the protocol on Northern Ireland affected the development of these frameworks, and do you see the Irish Government as stakeholders who should be consulted in these frameworks? We have a certain level of confusion there, because it says in Article 11: "Consistent with the arrangements set out in Articles 5 to 10, and in full respect of Union law, this Protocol shall be implemented and applied so as to maintain the necessary conditions for continued North-South co-operation, including"—among other areas—"transport".

Martin, you referred to that in your initial comments, so maybe you can provide us with some answers. I have another question, which I will ask after you have answered those questions.

Martin Jones: Let me deal with the first one first. The simple answer is that I do not know where the delay was and I was not following it at the time. We in the department were not aware that things were being particularly held up, but I wonder whether colleagues in the Cabinet Office might be able to give you a better answer.

We were certainly busy working on these. We were getting the input we needed from officials in Northern Ireland. I have not managed to ask colleagues at the centre what was going on. Maybe I could do that offline and we can write to you or ask Cabinet Office officials to answer your questions on that point, but I am afraid I am not sighted on it and I am not able to give an answer.

Baroness Ritchie of Downpatrick: It would be very helpful if we could have a letter through our Chair.

Martin Jones: Okay.

The Chair: Yes, indeed. I will come back on that point, Martin, once you have finished answering. Have you finished answering Lady Ritchie's question?

Martin Jones: I have on the first question, but perhaps you would like me to deal with the points about Article 11 of the Northern Ireland protocol that Lady Ritchie described. "North-south co-operation" is not a defined term. The Belfast agreement talks generally about north-south co-operation, which may include areas such as transport planning—I think that is the wording in the Belfast agreement. The Northern Ireland protocol basically says that we will implement this in a way that does not cut across the Belfast agreement when it comes to north-south co-operation, but it is not specific about the areas in which that will happen.

That is different from the way it treats the movement of goods. It contains some lengthy annexes listing a lot of EU legislation in relation to customs and internal market rules for the movement of goods. Incidentally, that includes the rail interoperability side of things to some extent. Out of our four frameworks, that one deals with the approval of goods, so it gets a mention in the Northern Ireland protocol and is therefore a little different. The other three do not. There are no annexes in the Northern Ireland protocol that list all the other pieces of EU legislation that we considered in respect of frameworks. So there is nothing specific to refer back to in the Northern Ireland protocol to make sure that we do not cut across north-south co-operation.

That takes us to the second part of the question: whether we consider Ireland to be a stakeholder in this. The answer is that probably the Northern Ireland Executive do. We are not party to north-south co-operation. The department does not sit in those meetings. That is a matter for the Northern Ireland Executive and their contacts in the Government in Dublin. But to the extent that the Northern Ireland Executive are a party to these frameworks, I suppose they would consider Ireland to be a stakeholder.

The other angle to this, and where the frameworks are relevant to our international relations and the trade and co-operation agreement, is that, of course, Ireland is a member state, and the UK Government's dealings with the EU and its member states are through the framework of the trade and co-operation agreement, where we have some governance structures, including some committees. Obviously, if we were doing things that affected the operation of that agreement, we would deal with the EU via the Commission, which in turn would draw in the interests of its member states, including Ireland.

So the answer is that Ireland is sort of a stakeholder, but probably not a direct one for the Department for Transport, although it will be for others.

Q201 **Baroness Ritchie of Downpatrick:** Perhaps we could take those issues up directly with the Northern Ireland Executive, including the Minister for Infrastructure in Northern Ireland, on the elements to do with north-south co-operation, so that we get a fuller understanding of them.

Perhaps I could put a final question. We have had further communication with the Cabinet Office, and basically we want to know from you whether Article 11 applies in the case of the Visiting Victims scheme, which is

probably more to do with insurance.

Martin Jones: That is right. The first point is that the motor insurance legislation is not listed in any of annexes to the Northern Ireland protocol, so there is no specific requirement for Northern Ireland to align with the south on Visiting Victims. The Northern Ireland Executive may wish to discuss the application of Visiting Victims, now that the UK has left the EU, to ensure whatever they wish to ensure, because, as I said before, the arrangements for north-south co-operation are loosely defined, and it is for the two parties to that to define what they mean by maintaining co-operation.

As we mentioned in one of our letters back to you—one of the letters that the Minister wrote—a lot of the issues that apply with regard to Visiting Victims in other countries, where you might have a language barrier and different forms of law, are less of an issue on the island of Ireland. That is certainly our understanding. But we are not aware, and certainly have not been told by colleagues in the Executive, that they have particular concerns about that and have raised it under north-south co-operation. That question should be addressed directly to them, I think. They have certainly not mentioned it to us.

Q202 **The Chair:** Martin, can I ask just a very general question? I do not want to spring this on you. It arises out of what you have been saying about the relationship between you and the Cabinet Office when it comes to understanding the border politics of Northern Ireland and so on. How closely have you worked with the Cabinet Office as the co-ordinating driving body of the framework programme? I ask, because it is a matter of concern to this committee that there should be central co-ordination, coherence and standardisation of the quality of framework, and we have worked closely with the Cabinet Office on those issues. Have you had regular contact with the Cabinet Office officials? Have they been instrumental in influencing the way you have done things?

Martin Jones: Certainly when I was involved in this at the very beginning, the whole process was very actively co-ordinated by the Cabinet Office, and we were in touch with it multiple times a day, certainly in the run-up to the publication of the crucial documents. I will come to Clare in a moment, because she has been a bit more actively involved, but my impression is that that has continued and that, as we have iterated our way through the development of these documents, the Cabinet Office absolutely has been guiding this.

The templates and the structures that we have used have been worked up by the Cabinet Office in consultation, obviously, with the devolved Administrations through to the JMC and with departments. So my sense is that, yes, they have been very active, although I cannot tell you that from personal experience over the last year or so. Clare may have been a bit more actively involved, so I wonder whether she could comment on that.

Clare Boam: Yes, that is right, Martin. This has been led centrally by the Cabinet Office. As you say, it has guided us through the approach and the different phases and template documents. That activity has reduced over the past year, because agreements are obviously in place and we are now in a different phase, but the Cabinet Office still co-ordinates things like today's event. I think it is responsible for the overall management of the process.

The Chair: That is really helpful. I have an apology, Lord Bruce. Lady Ritchie was quite right that you should have been able to ask your question before her. Would you like to pick it up now, or would you like to ask something entirely different?

Q203 **Lord Bruce of Bennachie:** I will develop it slightly, because Martin partially answered the question about how the phases were merged. The first simple question is: did that apply to all four?

The other, more general point is that this committee has been very supportive of the process of common framework but also very concerned about slippages, disruptions and changes of responsibilities, which have caused delays. Martin, you have said that in some cases you have been able to compress things and move them along. Is there more potential for that in ways that obviously do not prejudice the outcome that are legitimate?

In other words, people might set up a process but maybe, as they embark upon it, find it unnecessarily long-winded. It does not look like that at the moment because we are way behind, but are there realistic ways in which time could be saved without prejudice? If this were decided in relation to two, should it apply to all four? From your experience, could it be the case for others? Presumably other frameworks are still pursuing different phases. It would be helpful to understand how that rationale developed and whether there is helpful potential in it.

Martin Jones: I might ask colleagues who have been a bit closer to the process to comment, but my sense is that, having got our four frameworks to this provisional stage, if we are not—[*Inaudible.*—]—them, the scope for compressing processes at this end of the process might be limited, because we do not have too much further to go to get these formally in place.

In a sense, we are achieving the desired objective of the processes by having the discussions to get them in place anyway. The most important thing about all these is that we talk to each other, share information with each other and deal with problems as and when they occur, and crucially that—[*Inaudible.*—]—about some of the areas that are not subject to the frameworks, just in case there were an issue and we needed to press the button on those and put something in place. I am not sure how other departments are getting on with their processes. They will be at earlier stages. Apart from the hazardous substances one, which has now gone through all its phases, I think we are next in line, so we are guinea pigs for the process to an extent.

I wouldn't like to comment on how other departments are doing and whether there is scope to improve the processes there. Again, that is probably a question that the Cabinet Office ought to answer, as guardians of the overall process and system.

Clare, seeing as you have been closely involved, do you see any scope for compressing things and speeding them up for the last stages of our frameworks?

Clare Boam: It is not something I have really looked at. As we have been saying, we have been guided by the central Cabinet Office process on this. The frameworks are almost running in the background now. We have regular contact with DfI and touch on all manner of issues. My interest is more in the policy and how it will work, and less in the actual in the actual functioning of the frameworks overall. So the honest answer is that I am not sure.

Lord Bruce of Bennachie: Does it raise a question for us with the Cabinet Office. First, it is encouraging that you say that it is still providing that overview, because the committee is slightly concerned that its eye is off the ball because of the government reorganisation. Secondly, it presumably therefore agreed to the merging of phases 2 and 3 for yours. Has it learned anything that might apply to others? That may not be a question for you, but is it a legitimate one for us to pose to the Cabinet Office?

Martin Jones: Yes, I think these are questions about the general system that we are not best placed to answer and that are probably better answered by the Cabinet Office. One of my colleagues has just reminded me that we still have regular weekly meetings with the Cabinet Office on the development of all this, so they are definitely involved, and everything is reviewed by the constitutional teams in the Cabinet Office before they are signed off, so there is a lot of oversight from the Cabinet Office. We are certainly very happy with the input we get from them. We are not just left to our own devices to sort this out. It feels like there is the right level of co-ordination, because this is part of a wider processing relationship and we do not and should not operate in isolation.

Lord Bruce of Bennachie: Thank you, that is very helpful.

Q204 **Baroness Crawley:** Martin, you said at the start of this session that you have very good relations with the Department for Infrastructure in Northern Ireland, and that when it comes to exercising devolved powers, "We don't exercise them in a way that causes problems for each other"—the whole point of the relationship. You also said that, "It's about knowing what each other is doing". That is a very good operational basis for frameworks.

On a slightly more political note, we in the committee would see the frameworks as the building blocks for better intergovernmental relations across the devolved Administrations. Coming back to your work, what was the process for working with the Northern Ireland Department for

Infrastructure on these frameworks, and did you see it as a partnership, or did you see the Department for Transport mostly taking the lead? We know that the rail technical standards framework is an exception in that sense, as you have very clearly set out. How was the work distributed?

Martin Jones: I might call in one or two of my colleagues, but the first point to make is that it was very definitely a partnership. We probably have more resource than DfI and can therefore get into more detail, but it is probably only for that reason that we did a bit more of the drafting work—a practical matter of us having the resource. We were probably also providing a bit more input in the relationship on the commercial road transport operations side, because it was the UK Government who were negotiating with the EU at the time, so we had the information on the emerging agreement with the EU, which obviously we had to feed in.

Those are practical matters where people have knowledge and expertise, and obviously they will be called on a bit more to do the legwork, if you like, which does not undermine the principle that this was a partnership and that both sides needed to be comfortable with what we were agreeing. I do not know whether Clare, Osian or Jeremy has anything to add to that.

Clare Boam: I think that is exactly how it was, certainly with regard to the roads frameworks. I think the Department for Transport did a lot of the legwork, as you say Martin, partly because of the resourcing issue, and because we have been scrutinising a lot of this stuff—we have been looking at what EU law needed to be retained and we have had the detail. As you say, on some of the issues, for example driving licences, the UK is leading the negotiations on the follow-up arrangements, so there were matters on which we had the first go and then shared the drafting.

Jeremy Hotchkiss: I should add that, for rail, as well as the joint working we had with the Department for Infrastructure, a lot of work was being done at the technical level between Translink, NI Railways and our Rail Safety and Standards Board, which involved the signing of an MoU between Translink and RSSB to strengthen the relationships at that technical level.

Q205 **Baroness Crawley:** What would you say have been the most challenging aspects of the work that you have been doing with the Department for Infrastructure? Was it the possibility of divergence on policy or standards because of the protocol? Was it the time it took for ministerial sign-off? Was it about different approaches to parliamentary scrutiny from the two departments? Was it because of transport and border issues on the island of Ireland?

Martin Jones: Again, if I can just give a general answer, nothing has been difficult between us. The main challenges have been the technical detail and just getting our minds around where there might be problems in future and where we need to create the structures to discuss them.

The other thing, particularly in the commercial transport part of the piece, was the uncertainty towards the end about the outcome of the

negotiations on the trade and co-operation agreement with the EU, but that uncertainty was out of our control. None of that caused any difficulties between us and DfI, and everybody understood what the uncertainties were. It was something we had to work around.

Again, I will turn to my colleagues, who may wish to add something. Let me start with Osian.

Osian Lewis: As you said, there were never any problems between us as the two Governments. It was more to do with the uncertainty. However, even with that uncertainty we were able to lead on the fact that we had a very good relationship with our counterpart, and still do. During the intense period of negotiations, we were still in touch with each other and keeping each other updated on what we thought the likely outcome would be and what we might need to think about including in the framework. So I think it is fair to say that the relationship was there and the difficulties were largely outside our control.

Q206 **Lord Murphy of Torfaen:** A very good morning, and welcome to Martin and his colleagues. I will continue a question on the relationship between the Northern Ireland Executive and the United Kingdom Government. To what extent did you consider the balance of the frameworks? Did you consider equally the role of the Northern Ireland Executive and the UK Government in each framework?

Building on some pretty interesting things that you have said about partnership with the Department for Infrastructure, which is obviously the equivalent of your own department, could this way of working be a model for other departments of government in Whitehall to follow? It seems to me that you were very pleased with the fact that you worked very well together, in very difficult circumstances of course, when the Northern Ireland Executive were not up and running.

That is one set of questions. The other question, which you may or may not be able to answer—I ask, because it intrigues me—is that there are very good official working relationships between the Northern Ireland Executive and the UK Government. Is that reflected in ministerial working? Was there, for example, a particular Minister in your department who had responsibility for dealing with the Northern Ireland Executive, and, on the other side of the coin, was the Northern Ireland Department for Infrastructure Minister ever involved, to your knowledge, in some of these framework issues?

Martin Jones: I will deal with the second of those questions first, having stepped back into this only relatively recently. I simply do not know to what extent there was personal contact between the two. If there was not much, I think that would have been a product of the fact that there was no fundamental disagreement at official level that needed to be resolved, so these things could be put through the machinery and signed off by the JMC at that level. My colleagues might be aware of some particular contact, and I will come to them in a moment. If there was none, it would have been down to the fact that they did not need to be, rather than that there was a problem at a political level.

On the question of the broader relationship—I think we have already covered this to a large extent—it is very much a partnership, but underpinning the whole of this exercise is the fact that these are devolved matters and either side can choose to diverge from the other if it wishes to. That is inherently recognised in the framework. I think there is a mutual respect for that constitutional fact, and I think that underpins the fact that this is a partnership and it is not one side trying to tell the other what to do.

Let me see whether any of my colleagues have anything to add, and, in particular, whether they are aware of any specific ministerial engagement.

Jeremy Hotchkiss: I have nothing to add on the rail side.

Osian Lewis: From the roads perspective, this was a task that we managed to agree very much at an official level. As Martin said, that is usually a sign of the fact that there are no disagreements between us, which is a good thing.

I have just one comment on the broader question of whether the relationship should be a model. To echo what Martin said, this relationship is a consequence of the fact that the issues that we deal with in our divisions in the Department for Transport are devolved to Northern Ireland but not to Wales and Scotland, which means that we have managed to build a relationship, for the practical reason of needing to work together very closely with the Department for Infrastructure. However, I would hope that in other policy areas where the issues might be devolved we would have a similarly positive and constructive relationship with our counterparts in both Wales and Scotland.

Martin Jones: Thanks to my colleagues on that. I hope that addresses the question to the extent that we can.

Q207 **Lord Murphy of Torfaen:** Yes, indeed, it is very interesting. It is pretty clear that there has been a good story to tell here with regard to your separate departments, so I assume that I know the answer to this question. Has a personal relationship built up between individual officials in the Department for Transport and those in the Department for Infrastructure? We sometimes overlook the personal in government, and presumably there is a personal relationship and you have got to know your counterparts reasonably well, even though it might have to be as we are talking to you—by Zoom.

Martin Jones: That is definitely the case. Immediately after the referendum, I went over to Belfast a few times just to make sure that we understood the Northern Ireland angle to the various things that we were dealing with, whether it was negotiations of the future agreement, the Northern Ireland protocol or these sorts of UK framework issues.

There is always the problem in any organisation when people move on to different jobs that you have built a personal contact, you lose it and the next person coming in does not have your phone number. The fact is that

we have a formal relationship through these frameworks, even if we do not meet every month, and in anybody's handover note to their successor they will have to say, "You need to maintain this relationship, because you need to have meetings with these people", almost to force us to rebuild those personal relationships.

I am very confident that those will carry on, and that at a more senior level in the two departments I think there is a real desire to make sure that those relationships are maintained. You always have to work on these things; you cannot presume that they will happen automatically. But I am confident that we have a few structures in place to make sure that these relationships will be maintained and rebuilt as people move on to different jobs, which has happened on both sides of the Irish Sea. We have had a bit of turnover in both Administrations.

Lord Murphy of Torfaen: That is very encouraging indeed. Thanks a lot for your comments.

Q208 **The Chair:** Can I just extend that very slightly? It is very interesting to hear what you say you have done in practical terms to develop relationships. That sense of relationships that are developing is what we are finding, which is why we say that the frameworks are about constructing a stronger union.

Do those close relationships mean that you have not felt that you have had to build into the process some anticipation of divergence, if you see what I mean? We were slightly struck by the fact that you are aware that there may be divergence and that it will emerge organically and practically in the course of the framework being implemented, but there seems to be no specific aspect where we say, "Right, we've absolutely got to be aware that this might happen". Is it a function of these practical relationships that you have not created that capacity, as it were?

Martin Jones: I think we have. It might be worth turning to Clare on the driver licensing, because there have been one or two things we have done in the context of addressing the driver shortage where rules that have come back into UK law are being looked at, and obviously there are some questions there for Northern Ireland for which we have had the lines of communication open.

Clare, do you want to mention those just as an illustration of the fact that we have certainly not sat back in these dialogues and said, "Well, we're never going to diverge, are we?" It has been more a question of how we would handle divergence if it were to happen.

Clare Boam: Yes, that is right, Martin. You mentioned driving licences. About 12 to 18 months ago, when the frameworks were being drafted, people had heard of driver shortages, but they were not such a big issue, and no one had contemplated that we might be changing driving licences in the way we are now going to do through Parliament. When we were preparing the frameworks, it was not possible to predict how we might diverge. We just acknowledged that it could happen, and from either direction.

Obviously, as we saw over the summer, the Government have had to look at how we can tackle HGV driver shortages with a range of different things. We have looked at changes that we can make to driving licensing rules, and the regulations that are currently going through Parliament will bring changes for GB that Northern Ireland, certainly at the moment, is not making. I do not know who is diverging from whom. I guess it is we who are diverging from the underlying EU legislation.

What I am trying to say is that we could not anticipate everything, but we have those dialogues with our counterparts to make sure that when something comes up that affects that legislation, we can talk to them and decide whether we want to do the same thing or do something different.

The Chair: Thank you. I am satisfied with that, Martin, unless you want to add something, because time is getting on and I realise that my additional questions are holding people up here.

Q209 **Lord Thomas of Cwmgiedd:** Can I therefore take this fairly briskly? How did you set about drafting these agreements? Did you use what the Cabinet Office set out as its initial framework? It looks as if you did not, as yours differ a lot. Could you explain how you set about the process, assuming there is someone who can answer that question, going that far back?

Martin Jones: We definitely started with the templates, because they were provided by the centre. Clare has probably been the closest of anybody to drafting one of these. Sorry Clare, I will ask you again whether you can elaborate a bit on the practicalities.

Lord Thomas of Cwmgiedd: Yes, could you?

Clare Boam: It is tricky. I have not seen any other frameworks, so I am perhaps not aware of how far we have diverged from the model. We certainly tried to follow it. As we said at the start, a lot of ours had quite a lot of technical policy detail, and it is probably different for something like the rail framework, which has more of an infrastructure element to it. It was not intentional. I guess it was just a natural evolution to make sure that we captured all the issues.

Lord Thomas of Cwmgiedd: That is what often happens when you draft, but does not someone from either the Cabinet Office or, now, the Department for Levelling Up, Housing and Communities just come and have a chat to be certain that these things are proceeding in roughly the same direction, cover roughly the same areas and have roughly the same provisions? Is there not a mechanism for this?

Martin Jones: There is, and they did exactly that. Clearly, they were comfortable, to the extent that we pushed the boundaries of the template a bit and that was all agreed.

Lord Thomas of Cwmgiedd: When did that happen?

Martin Jones: It was an ongoing process while we were we were drafting.

Lord Thomas of Cwmgiedd: Where does it for review?

Martin Jones: We have our contacts in the Cabinet Office who deal with this. They must run it up their hierarchy.

Lord Thomas of Cwmgiedd: Who is the person?

Martin Jones: It is all done in consultation. We share drafts with them on an ongoing basis. We do not sort of shut ourselves away, draft something and then send it over as a finished item. It is a collaborative process and we are drafting in full sight.

Lord Thomas of Cwmgiedd: Is this continuing? Is it the Cabinet Office that is still superintending this, given the creation of the new department?

Martin Jones: As far as I am aware, it is still the Cabinet Office. I hope that one of my colleagues will be able to give me the answer to that, but my understanding is that this responsibility still sits within the Cabinet Office. I will let you know if that is wrong.

Lord Thomas of Cwmgiedd: May I press you on this? You have just told me that this is an ongoing process. If it is to be an ongoing process, there must be a mechanism in place. If you are unsure of the answer now, will you come back to us on it? It would be quite interesting to know how a co-ordinated set of agreements will be brought into operation.

Martin Jones: My colleagues have just confirmed that the part of government that deals with the framework still sits within the Cabinet Office. We have now pretty much reached the end of that process with the agreement with the devolved Administrations on the provisional framework, so we are just going through the last stages, where it is for others to give the input before those are finalised. Otherwise, we have been working very closely with the Cabinet Office.

They have been content with the extent to which we have pushed the boundaries of the template they have given us. I have not discussed this with them, but I guess their view is that the template is a guide. Ultimately, the frameworks need to do what they need to do for the sector in question.

Q210 **Lord Thomas of Cwmgiedd:** One could take you up on a lot of detail but, in view of the time, can I ask you one question? The templates indicate that you would have a concordat or MoU accompanying the framework agreements, but yours do not. I think that one of your previous answers may have touched on this, in that you have a lot of policy in it, but could you explain whether that is the right answer or whether there is a different answer?

Martin Jones: I will have to defer to my colleagues on that one. Let me just check and see whether anybody knows the answer to the MoU question.

Clare Boam: I think we started to prepare concordats, and it was a decision by the Cabinet Office not to proceed with them for our frameworks. Unless colleagues can remember better than me, we might have to double check on that.

Q211 **Lord Thomas of Cwmgiedd:** Could you come back to us on that? Bearing in mind that these are constitutional instruments, it would be interesting to know how they evolved and how they are managed.

Can I ask you just one final question? You have given explanations as to why certain things are not there. Will a note or a memorandum be published that explains to someone who might be looking at this in five years' time why something is not there?

Martin Jones: When you say that something is not there, do you mean that, out of all the potential frameworks, we have only the four and the others were not done?

Lord Thomas of Cwmgiedd: No. You have explained, for example, why you have done certain things. Will a note or memorandum be published that explains how this is drafted? I imagine that you will all have different jobs in five years' time.

Martin Jones: Do you mean a sort of Explanatory Memorandum to download memory?

Lord Thomas of Cwmgiedd: Yes.

Martin Jones: I do not think that is foreseen by the Cabinet Office, and I think we would defer to them as to whether that was a necessary item. I think you are talking about an Explanatory Memorandum similar to what would be provided for draft legislation going through the House, that sort of thing.

Lord Thomas of Cwmgiedd: And one explaining why you made certain decisions. You have been very helpful in your evidence, but to expect someone to find out years hence will be quite difficult. But thank you very much.

Q212 **Lord Hope of Craighead:** Good morning, everybody. I will be brisker than Lord Thomas said he was going to be, partly because time is marching on and partly because my question has been largely answered in the detailed and very helpful answers you have already given.

The point that we seek to raise in this question is that we have noticed that the four frameworks take different approaches to the policy issues that they cover, and there are two points I would like to make by way of background, just to explain why we are focusing on this issue. One is the ways in which the frameworks differ. The outstanding example, of course, as Jeremy Hotchkiss has explained, is the rail framework, which is

dissimilar to the others, for the reasons which he has very helpfully explained. In addition, the framework seemed to use different language to discuss ongoing stakeholder or parliamentary engagement and transparency, and there seems to be no clear pattern or rationale for these differences.

So the question really is this: how was the decision made to adopt a certain approach, framework by framework, and to what extent was there co-ordination between the teams at the departments that were developing the frameworks? Martin, the question is put in case you have anything to add to what you have already been telling us.

Martin Jones: As you say, Lord Hope, I think we have covered some of this already. The rail standards framework is very different because of the way it is caught in the Northern Ireland protocol and because of the complicated competence arrangements, let alone the technical complexity of the measures themselves. The commercial road transport framework has an interface with the trade and co-operation agreement, which gives it a dimension which the others do not have. I think that there are some similarities between licensing and insurance—they are not too dissimilar. So that explains that.

As for the differences in the way we have referred to stakeholder engagement and the question of whether people have sight of each other's frameworks, we at the centre of the Department for Transport kept a general overview, but we didn't want to impose too much consistency. That judgment call was made because the individual policy leads understand their own stakeholders and wanted to include what made sense for engaging with them, as agreed with officials in Northern Ireland. The stakeholders involved in the haulage industry are very different sorts of people from those in the rail industry when it comes to the sorts of structures they work in, which might justify a slightly different approach.

Equally, it could be that people were just drafting separately. When do you impose commonality? You do it only when it is necessary to avoid a problem. I do think we necessarily saw a problem there, so we did not need to impose the commonality. Again, if any of my colleagues have anything to add on the specifics, I am happy for them to pick that up.

Lord Hope of Craighead: I think that is a very helpful answer. I will not pursue it further myself, but others have questions that follow mine.

The Chair: Thank you very much, Lord hope. In that spirit, we turn to Lady Redfern and then Lady Randerson on some specific aspects.

Q213 **Baroness Redfern:** My question regarding the process and the template being a guide was partly answered earlier, but can I just mention the four frameworks, which take different approaches to policy issues? In particular, the rail technical standards framework does not appear to have a joint decision-making process, but others do. Can you clarify whether the DfT will carry out any monitoring of potential divergence and keep a record of any concerns raised by the DfI about the potential

divergence?

Martin Jones: If that question is focused particularly on the railway, perhaps I could ask Jeremy to pick it up.

Jeremy Hotchkiss: For rail, the start point is obviously that there are constraints on decision-making anyway. For Northern Ireland, as far as standards setting is concerned, all the decisions are taken within the European Union, so DfT's decision-making and the scope for raising concerns relate only to the impact of decisions that we take in Whitehall on GB standards to the extent that those might impact on cross-border trade. So there is quite a limited scope for disagreement. This is a reserved matter, in any case, and the framework very much reflects that. The decision-making is properly done within Whitehall. I hope that explains why there is not a joint decision-making process.

On your second question, about the monitoring of divergences, the answer is yes, very much so. We have established with RSSB—the Rail Safety and Standards Board—a process to consult on proposed changes. This is largely an industry-led process whereby RSSB seeks the views of stakeholders, including those in Northern Ireland, to form an industry view on whether to align or diverge.

If there is a proposal to diverge, particularly where this would lead to a divergence between Great Britain and Northern Ireland, this would be picked up in RSSB's impact assessment, which would need to examine very specifically the impact on the UK internal market and goods moving from Northern Ireland to Great Britain. At that point, the decision would come to us within DfT and we would consider submissions made by the Department for Infrastructure and by Translink, both in Northern Ireland, to RSSB on that subject. At that point, we would work very closely with DfI to examine the impacts on the UK internal market and work together to find a suitable solution.

One other thing that is probably worth mentioning is that we have already committed to informing Parliament if there is a proposal to diverge substantially from EU standards within Great Britain. A Written Ministerial Statement would be put out and there would be an opportunity for comment or debate within Parliament, which Ministers would take into account.

Those are the processes for recording divergences and notifying us of them.

Baroness Redfern: Would there be a full audit trail regarding the concerns raised on divergence?

Jeremy Hotchkiss: Absolutely. That would be picked up very much in RSSB's impact assessment, which would be the document that we would look at within the Department for Transport.

Baroness Randerson: Good morning. The individuality of approach also applies to consultation with stakeholders. It says, for example, that

consultation on the commercial transport operating licensing framework was held “via regular round tables”. Am I right in assuming that those round tables involved a number of stakeholders? Perhaps you could give us some guidance as to how many. On driver licensing, it appeared that only the DVLA was consulted.

I am interested in the reason for the difference. Why is there such a narrow interpretation of what a stakeholder is—in general, actually? It was never a broad consultation, but why was it even narrower in some cases than in others?

Martin Jones: I will ask Osian to pick up the point about the round table and who was involved in that, and then I will ask Clare to say why we kept this fairly narrow. Clearly, there is a distinction here between consulting on the framework and consulting on a change to rules and to the law for the UK, because obviously some requirements come with proposed legislation, so that would go much more widely anyway. This is about just the framework and the structures that we are putting in place. Osian, do you want to say just briefly who was involved in the round-table discussions? Then Clare could perhaps pick up why we limited the consultation to DVLA on the framework in respect of driver licensing.

Osian Lewis: As Martin said, there is a distinction between consulting on the framework—that is, the process by which we would discuss any need or desire to diverge between DfT in Great Britain and DfI in Northern Ireland—and consulting with stakeholders on the policy need to diverge and any level of divergence required in policy. It is on the latter that we would involve round tables. DfT holds a round table, which I think it is probably fair to say now happens frequently rather than regularly, with the logistics sector, including the key road haulage trade associations, individual haulage companies and organisations from the wider logistics space—grocery distribution and so on. That provides us with a body or a forum that we could use to consult on these policy issues, but I do not think we would go to that forum to discuss the workings of the framework, per se.

Clare Boam: In terms of the driving licence framework, it is a similar principle. We felt very much that how the framework will operate was an issue between government departments and the licensing authorities—the DVLA, in Great Britain, and the DVA, in Northern Ireland.

In terms of the underlying policy, at the time there were no changes to driving licences. We retained the existing international and EU law relevant to them, so there was no wider active engagement needed at that point. Obviously, things have now changed, and you know that we are looking at driving licence changes. We react according to the circumstances. With the current changes, for example, we have done a consultation and worked with various stakeholders. As for preparing the frameworks themselves, at that point there were simply no changes to take into account.

Baroness Randerson: Can I press you on that, Clare? There is clearly

an interface between the structure of the framework and changes in policy. One leads to the other. Structuring the framework in a particular way would make it easier or more difficult to change policy. Surely a broader interpretation of who the stakeholders are would be valuable in those circumstances.

Clare Boam: Yes, and I wonder whether, when we prepared the frameworks, there was a slight difference in how we interpreted that. At the time when we were drafting them, we were looking at who we were consulting with or engaging with at that moment in time and not necessarily setting out who would be potential stakeholders in future, because, I think, that would have been really hard to predict.

Q214 **Baroness Randerson:** Can I turn briefly now to the motor insurance framework? The consultees to this are listed as the Motor Insurers' Bureau and other insurance bodies. I am interested in what those other insurance bodies are. Given the changes with regard to cross-border accidents and their victims, I can immediately see a broader application for the ordinary motorist than, for example, technical standards on aviation. It is a different beast entirely. I would be interested to know what those other insurance bodies are.

Martin Jones: Again, can I go to Clare on that?

Clare Boam: Again, we did not work with the stakeholders on the principle of the framework, but we worked with them on the underlying policy and how we were going to handle the situation with green cards et cetera. As well as the MIB, the main stakeholders were the ABI and BIBA—the Association of British Insurers and the British Insurance Brokers' Association.

Q215 **The Chair:** These are the last two questions, and I am sure you are not sorry to hear that.

One question picks up on a question that is pretty obvious, because it is topical. Have the changes to licensing, such as hours worked or trading standards—I think Clare mentioned this in passing—had, or will they be likely to have, any impact on the framework? That very specific question arises out of the current situation.

The second and final question is about transparency. The committee recommended in its report that the four Administrations should provide regular updates to legislatures and publish reports as part of their planned reviews, and the Government agreed with us, but in none of the four frameworks for which you are responsible is there a commitment to that. I just wonder what your policy or your plan is. Baroness Vere wrote to us that she would certainly note the suggestion and ask officials to consider that.

What are your plans to do that, and do you see that as part of your wider responsibility to promote the greater transparency of connection between the DAs and the frameworks' role in? So there is one specific question and one broader one.

Martin Jones: Perhaps I could ask Clare to pick up the specific question on licensing, as she is closer to that, and then I will pick up the transparency point.

Clare Boam: I do not see licensing changes—I think you are talking about driving licences rather than operator licensing here—affecting the framework as such, but obviously this is an example of where we are in the process of diverging. We have been working with colleagues in Northern Ireland not only to make sure that they are aware of the Government's proposals, but also to consider, if there are any consequences, how those changes could affect either side—for example, a GB driver taking a test in Northern Ireland or vice versa. We are still actively working with them on those sorts of issues to make sure that even if we diverge, the systems will still work together and residents and citizens know how the rules differ.

The Chair: Would you have to amend the framework to accommodate that?

Clare Boam: I do not think we would need to amend it. If the framework is going to be a live document that reflects the latest policy, it will certainly need to be updated. I do not see the immediate need for amendment to the process of how we work together and how we escalate issues, but I guess this is a good test, and we will see how it works.

Martin Jones: On the transparency point, I think I know where our Ministers want to be, but I hesitate to commit them to something without checking back, so perhaps we can take that one away and note your request on it. The Cabinet Office may have views about precedents across the whole of the system. If you will forgive me, I will not make any commitments on that one, but we will take it away and talk to our Ministers about how we should come back to you on that, in consultation with the Cabinet office.

Let me say this while I still have the microphone, so to speak. A question on concordats came up earlier, and I am told that the answer is that the Cabinet Office concluded that we did not need concordats in this particular case. I do not have any more on the reasoning why that was not the case, but that was clearly something that was agreed with the centre. That is at least a partial answer to the question.

So there are one or two things we will need to come back to you on as a result of this, but I am sure the clerks will be in touch with us to just pin down exactly what we need to do.

The Chair: On that note, thank you very much indeed. It has been a very good session. We very much appreciate your frankness and, indeed, all the hard work that has clearly gone into this. It is very positive to know that you have such good working relationships with Northern Ireland, which is something we certainly note. I am aware, from everything you said, how difficult it has been working in a climate of successive waves of uncertainty and having to accommodate what you

are required to do, which is highly important and deeply legalistic, within a moving framework. We are very conscious of that. It was very interesting to hear of your relationships across Whitehall as well, and to look at the balance between the broader political considerations and the hugely technical content of what you are doing.

We will obviously read the evidence with great care. There are things we have said we will pick up on and follow through and I am afraid that there will be some additional homework. We much appreciate your time. We know how busy you are, basically every day. On behalf of the committee, can I thank you very much indeed?