



HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

Oral evidence: Adequate information to support the
Department for Transport's regulations

Tuesday 11 January 2022

4 pm

Watch the meeting

Members present: Lord Hodgson of Astley Abbotts (The Chair); Baroness Bakewell of Hardington Mandeville; Lord Chartres; Viscount Hanworth; Lord Hutton of Furness; Lord German; The Earl of Lindsay; Lord Lisvane; Lord Sherbourne of Didsbury.

Evidence Session No. 1

Virtual Proceeding

Questions 1 - 12

Witness

I: Baroness Vere of Norbiton, Parliamentary Under-Secretary of State, with Responsibility for Roads, Motoring Agencies, Buses and Taxis, Light Rail and Devolution.

Examination of witness

Baroness Vere.

Q1 **The Chair:** Let me begin, Minister, by thanking you for giving us a chance to talk to you about these particular bits of regulations, which we think are very important. We have some questions for you, but I have to read the formal cautions that start all these sessions. This is a formal evidence-taking session. It is on the record and being webcast live. A transcript is being taken, which will be put on the public record in printed form and on the parliamentary website. We will, of course, send a copy of the transcript to you for amendment of any errors. That is the end of your caution. The rest of the caution is to my fellow committee members as to whether they have any interests that they need to declare for the record. I see no hands going up, so I think we are clear on that.

The session will last for 60 minutes, and we may wish to ask you for further written evidence, depending on how we get on. Minister, would you like to make an opening statement of some sort?

Baroness Vere of Norbiton: Yes, I will, if that is okay. Thank you very much for giving me the opportunity to talk to you today. It is very important that we continue our close engagement with the Secondary Legislation Scrutiny Committee. We are incredibly grateful for your work. As you know, the Department for Transport has a great interest in secondary legislation because we have quite a lot of it. In my five years as a Minister I must have done 100-odd SIs—I have no idea—but I hope that there will be many more to come in the future.

Concern has been raised over the motor vehicles licensing No. 2 and No. 5 SIs, and we have had other issues with drivers' hours. I want to reiterate the huge complexity that is our road network and the huge challenge that one has in collating data on safety and establishing causality where correlation may exist. Causality is very difficult. Roads are a very complex ecosystem. There are north of 40 million licensed vehicles and about 40 million licensed drivers. Making them as safe as we can is our absolute priority, and we do so in an environment where the infrastructure, the vehicles, the road users, enforcement and education change. None of these stays the same and the Government are involved in only some of those things.

Many of the elements and factors involved in the approach that we take in the UK are interrelated. How do we measure how safe our roads are? We look for as much high-quality data as we can. We can see trends, to a great extent. We can identify certain segments such as at-risk groups—vulnerable road user groups. We know who they are. We know the fatal four factors that cause incidents. The main dataset is collated from something called STATS19, which is incomplete and occasionally subjective because it has to be when you are dealing with such an open and complex system. I ask you to bear that in mind when considering matters of road safety.

I have been Road Safety Minister for three years. I wish I had perfect data, I really do, but it is not something that we will ever achieve. No country in the world has achieved it, but we can seek out good data not only from STATS19 but from other sources when we are addressing specific interventions. I wanted to set out some context of the way in which I look at these things.

Q2 The Chair: Thank you very much indeed for that. We quite often find gaps in Explanatory Memoranda, because government is a complex business. We do not seek to draw these matters to the attention of the House unless we believe that the department has not looked at the data, does not have the data or has not thought about the data in the way it has approached the policy decisions that it is taking. That is the cause of our concern, and we shall come back to the lack of difference between the No. 2 and No. 5 regulations in a minute or two.

I will begin with the first question. When the No. 5 regulations were debated on 14 December, the APPG on Trailer and Towing Safety was quoted as saying that there had been a consistent 30% failure rate in driving tests. There must surely be implications for road safety if that is a standard failure rate, of some 9,000 people each year.

Baroness Vere of Norbiton: That figure is correct. Of course, some of those people will have gone on subsequently to pass their test. There are also 16 million licence holders who have grandfather rights to drive with a heavier trailer. It is worth noting that this applies only to heavier trailers. Everyone with a B private car licence has the right to tow a lighter trailer. I accept that there are people who may have failed a test who would feel confident in the current circumstances to drive with a heavier trailer.

However, when considering this it is worth looking at the environment as a whole. If there is a potential concern, what can one do about it and what mitigations can you put in place for the ecosystem as a whole? Hopefully one would come out with a higher level of road safety. Passing a test is incredibly important, of course, but it does not guarantee a lifetime of safe and responsible driving, as our road safety statistics show. To mitigate against any potential negative outcomes we made a commitment to focus on making sure that the right training is available, and better training than is available currently, which focuses very much on training to a test rather than training to a lifetime of safe driving.

That is why we are developing the accredited training scheme and core modules that will go far beyond what is available currently. This training will be available not only to people who would otherwise have taken a test and, as you say, potentially failed but to the 16 million people who may decide to buy a caravan tomorrow and have grandfather rights to do that. We have also committed to look again at the theory test to ensure that people who take their tests now are well aware of the challenges of towing and the interventions that might be available to them to improve their confidence and capabilities before they start towing. I accept that there is always a balance of considerations, but I am content that we took the right decision.

The Chair: Thank you very much. I am assuming that my colleagues on the committee will put their hands up if they wish to probe further. I see no hands up at present. Lord Sherbourne, would you like to take up the running?

Q3 **Lord Sherbourne of Didsbury:** Thank you. Good afternoon, Minister. Can you explain something to me? Your department does not seem to have the data that shows any causal link between road safety and a B+E test. What makes the department say that its removal will not result in more injuries?

Baroness Vere of Norbiton: As I have tried to explain, establishing a causal link, establishing that correlation, in many circumstances in road safety is complex, because things always change over time. I cannot be certain either way, but we can say that there is no statistically significant causal link at the moment. There is a lack of evidence in that area, which means that there is also a lack of evidence the other way round. That is the situation we are in, but now we are able to focus for the post-implementation review on the sorts of data that we might want to collect, which will have to go far beyond what we collect currently, to establish whether there is a causal link between the two.

Q4 **Lord Sherbourne of Didsbury:** I have a follow-up question about the voluntary training courses. That suggests that you are a bit concerned that there may be a safety issue here. How much do these courses cost, and why would people take the test? What encourages people to take the course?

Baroness Vere of Norbiton: We are doing this with an abundance of caution. I have said that there is no significant statistical causal link, and we are working with a large number of people in the towing sector to establish the course. I cannot say at the moment how much it will cost, but we are working with all the big representative groups that you would expect. We will be promoting the test and they will be promoting the test. It will be for the individual to decide, but I would have thought, and certainly responses from the consultation suggested, that people would be willing to go through the training and think that it would be a valuable addition to their driving skills.

Lord Sherbourne of Didsbury: Will the department be doing something to encourage people to take these training courses?

Baroness Vere of Norbiton: Yes. I cannot tell you exactly what at the moment because I think we need to establish them first but, yes, we will.

The Chair: Minister, sorry to press you on this, but you must have some idea what they will cost?

Baroness Vere of Norbiton: No, not at this current time.

Q5 **Baroness Bakewell of Hardington Mandeville:** Good afternoon, Minister. In the debate on 14 December you said, "The current theory test already includes questions on towing skills; we can add more

questions to that". Backing a trailer is a very difficult, practical activity. What evidence persuaded you that a theory question could effectively replace a practical test?

Baroness Vere of Norbiton: It is not necessarily that we are looking for a theory question to replace the test, but we can increase the awareness of novice drivers of towing and the particular challenges they might have with reversing, for example, and other challenges may arise. We can point them towards those, and reversing is a very important skill. Often people practise on private land, and it is done at low speed. It is something that we will be highlighting, among many other elements such as uncoupling and recoupling—some of the important concepts for towing a trailer that will be part of the training course that we develop.

Baroness Bakewell of Hardington Mandeville: I was contacted this morning by a smallholder who employs somebody to take their sheep to market who had not previously towed a trailer. This person was sent on one of these voluntary courses, which lasted a day and cost £300. Will the voluntary courses include manoeuvres?

Baroness Vere of Norbiton: Yes, they will, for certain. They will include manoeuvres training.

Baroness Bakewell of Hardington Mandeville: I have a feeling that if the training includes manoeuvres they are incredibly important, and you do not get that if you do not have any practical training.

The Chair: What did your man think about £300? Not a lot, I imagine.

Q6 **Lord Hutton of Furness:** Minister, policy changes ideally should be evidence-based, should they not? I think most people would accept that assertions—in this case about safety—are not enough. We have recently asked about road safety issues in several department SIs that have come forward, but your department has responded each time that it does not have the relevant statistics. Why do you think that is?

Baroness Vere of Norbiton: We can go into detail on the statistics for lots of different types of concerns that the committee may have had. As I tried to explain at the outset, we have good high-level statistics, which are fantastic for trends and identifying big problem areas, but sometimes not when one drills down. With B+E trailers, for example, we know that of the 474 incidents in 2019 recorded by STATS there were, sadly, eight fatalities. We do not know whether the person had had a test, what sort of trailer the person was driving, whether the vehicle was at fault. We do not know all sorts of things about those eight fatalities, but they are hugely regrettable. Imagine that next year there are 10 fatalities. Is that statistically significant, or is it not statistically significant?

The data has its challenges. Sometimes the sample size is too small, and we are keen to look at it from lots of different directions. We will focus on B+E and will be able to use lots of other different ways of getting the data. That might be surveys of drivers and instructors, talking to the trainers, looking at doing surveys of people who are involved in incidents.

We cannot interrogate the current STATS19 data in every circumstance to come up with evidence-based policy.

I completely agree with you that we should be developing policy based on evidence. It is key to what we do, and I know that the DfT analysts try their absolute damndest to make sure that we have the evidence. In circumstance such as this one has to look at the system as a whole and at the balance between the benefits and the costs and how you can mitigate any negative impacts. I am always looking for ways to improve the data. We have a new road safety framework coming up in due course and we will look at how we improve the data, what are the big gaps and how we reassure ourselves that we are heading in the right direction.

Lord Hutton of Furness: It sounds from what you have just said that you are working in the dark in a number of areas here. It is almost like a finger in the air. You have to rely on other evidence and information. You do not have hard facts to inform policy. Is it basically judgment, or what, that guides you?

Baroness Vere of Norbiton: No, that is going probably slightly too far. It is not that we are working in the dark. It is whether the analysis of the available evidence provides something that is statistically significant. Also, one sometimes has to consider the other consequences of a decision. A Minister always has to do that. If you took the evidence-based policy thing to its extreme, you would not need Ministers at all. You would just have bureaucrats, which would be very easy. There are always other considerations. Globally we are leaders when it comes to road safety. We do have good road safety data, but sometimes we cannot say for certain that if we do X, Y is very likely to happen.

Lord Hutton of Furness: We have Ministers to make decisions because they are accountable. Bureaucrats are not. It is not the case that we would not need Ministers if we had facts. We want accountable people to make decisions, and that is you in this case. Why are you going to wait three years before you review this policy change? That seems to be quite a long time to come to any judgment about whether the changes that you put before Parliament may or may not have had a negative impact on safety.

Baroness Vere of Norbiton: I apologise if I came across as being flippant. I did not mean to in any way. I understand that Ministers are accountable, but I wanted to point out that in this case we do not have all the information. We have good information, but it is not perfect.

Turning to the B+E post-implementation review, the STATS19 data is collated over the 12-month period by police officers at the scene. Obviously we have many police forces across the country, and they all collect it independently. That data is collated, and the provisional data arrives at the department usually half way through the year following the year in which it was collated. It is assured and published in about September. It takes until September to get a full year's assured data from the year before from all the police forces in the country. We look

from the baseline that we have now and how that will compare going forward. We cannot really do it on the basis of just one year's data. We need to make sure that the numbers that we are talking about will end up being statistically significant.

Comparing one year probably will not work. We probably need to compare two years of STATS19 data, which would be available in the September of the third year, but also within that time we will put in place a programme of other things that we can look at, such as surveys with drivers and instructors. For example, some police forces do deep dives into certain collisions, and we can interrogate those deep dives to see whether there has been any learning or interesting data from those. We will look at the data on whether people have previously passed the test or not, whether they have had grandfather rights, whether they are new people. We need to collate lots of different things. At the core of it is making sure that we have sufficient STATS19 data and other things will run alongside that, so that is why we feel we need three years.

Lord Hutton of Furness: That all sounds perfectly reasonable, but if there were to be, for example, any very clear evidence sooner than the three-year period that these changes to the driving test requirements have had a negative impact on road safety, would you change the regulations again?

Baroness Vere of Norbiton: Of course we would. Road safety is our priority, so I am always open to hearing evidence and information from anybody at any time about road safety.

The Chair: Minister, are we going to try to persuade the police forces to be a bit quicker? In this time of real-time data, from 1 January to September seems quite a long time to collect all this stuff.

Baroness Vere of Norbiton: I have asked that question many times, and I will interrogate again. I agree. There is a balance between speed of data and the reassurance that we need that the data is absolutely correct and comparable between the different police forces, but I completely agree. If I could have month-by-month real-time data, I would be very happy.

Q7 **Lord German:** That pre-empts my question. I want to interrogate the STATS19 approach. Minister, you said that it is the best data we have, and we are looking to improve it. My first question is: when are you going to improve it? Secondly, the definition on your department's website says, "The STATS19 database is a collection of all road traffic accidents that resulted in a personal injury and were reported to the police within 30 days of the accident". Clearly, if that is the case, there is information that could be transferred, as you say, in real time.

I wonder about your one-year analysis. Further down, the report on your website says that there is a statistical publication quarterly of these incidents. Surely you get them more frequently than once a year. You are getting them in time to produce a quarterly report. If you are saying that

this is not fit for the purpose for which you want it, what do you want and when do you want it by?

Baroness Vere of Norbiton: It is a very fair challenge, and I can hear lots of interest in STATS19 and where it has come from and where it is going. I know that we have just done a review of STATS19, because there is always that balance and we have to work very closely with the Home Office on this. There are a number of fields that you can put into the STATS19 form versus the time it takes for the police to do it. There is also the effectiveness of the information that we get back. It is subjective; it is according to what the police officer sees or feels at the time. That can sometimes be a very snap judgment but nevertheless is important information.

You have made some important points, which I would like to respond to in writing, about STATS19, what we get and whether it is sufficiently granular to make any reasonable judgments in the short term. My understanding is that the proper full dataset is not available provisionally in the following June. The actual findings are in the September.

Lord German: I suppose the follow-up question is: when do you want to make the changes and when will you achieve those changes?

Baroness Vere of Norbiton: Sorry, I did not quite finish an earlier point. The review of STATS19 has already happened, and it will be rolled out and the data available in 2024, so the year after next.

Lord German: In 2024?

Baroness Vere of Norbiton: Yes, from the current review. I am not saying that the data we have already is not fit for purpose, but rolling it out across all the police forces takes more time than perhaps I would like.

Lord German: To be absolutely clear, is the form on which they are collected in use now, or will it be in use by next month, or when?

Baroness Vere of Norbiton: STATS19 is a very long-standing dataset, so when you make changes to STATS19 it is very important to make sure that you have consistency over a long period. A review is done, and the form will then change and be rolled out across all the police forces, and the new form will be used. Changes are always made incrementally and quite cautiously, because we have a very good dataset that feeds into our road safety work, and we need to be very cautious about instructing that.

Lord German: It would be very helpful if you could indicate in your written reply the sort of changes and when they are likely to happen. That would be very helpful.

Baroness Vere of Norbiton: No problem.

The Earl of Lindsay: Before asking the other question I intend asking, I will go back to what is in a way a supplementary to the data question and to the earlier question about incentives and ask you about the extent to

which you liaise with the insurance industry.

It struck me that in incentivising people to take the course, the insurance sector may be one possible source of incentives and possibly of disincentives. The insurer could quite easily increase the premium on someone who wants to drive a trailer over a certain weight while enjoying the exemption from having to do the additional test, and equally incentivise by reducing the premium where people have done the course. The insurance industry has a real interest in accurate data, and presumably it is as real time as they can make it. Do the department and the motor insurance underwriting community liaise over data?

Baroness Vere of Norbiton: Those are very interesting points. Yes, we are speaking to the insurers. They do have an incentive, and it would be good if we could encourage them to provide some sort of incentivisation to customers to take the test. These are all part of the discussions that we are having. I have road safety discussions with insurers more generally, because it is in their interest to ensure better road safety and there is a lot that they can do. Those discussions are continuing. They hold a lot of data. It is a private sector, and they are sometimes not entirely willing to share it, but I think it will become increasingly important, particularly with the advent of automated vehicles. There will be a lot more data sitting in the vehicles, which will be hugely helpful for policy-making if we can get our hands on it and essential for the insurers to make sure that they keep it appropriately.

Q8 The Earl of Lindsay: Thank you, Minister. Can I ask you about the information that you included in your letter of 18 October? This is information that was produced after the regulations were laid. We are keen to understand what safety figures or risk assessment you saw when you signed the original No. 2 regulations.

Baroness Vere of Norbiton: For the original No. 2 regulations, I think the signing submission was 16 September, and at that time there had been limited analysis. We had looked at the trailer safety report and had a good understanding of what the benefits were for mitigating the acute shortage of HGV drivers. On the benefit side of things, we had a deep understanding of exactly what we needed to do and quickly. On what we would do and how we mitigate, we looked at the trailer safety report. Following that, we saw data from STATS19 where we went from the trailer safety report that was towing a trailer of whatever type to car and van, so that was much better.

The decision was made on the basis of the trailer safety report, and the subsequent decision that I saw confirmed the original decision. Having been Roads Minister for nearly three years, this is not a topic that is particularly new to me. I have had a lot of discussions with the APPG on trailer safety prior to this, because there have been some tragic accidents involving light trailers, not the heavier trailers that we were referring to. That is what we saw at the time.

The Earl of Lindsay: So that I understand the answer correctly, are you

saying that some of the information in the correspondence of 18 October became clear to you only after you had laid the original regulations and the original Explanatory Memorandum?

Baroness Vere of Norbiton: I think that is the case, the drilling down into the 474, yes.

The Earl of Lindsay: Out of interest, because I cannot recollect the answer, was that additional information included in the Explanatory Memorandum for the No. 5 regulation?

Baroness Vere of Norbiton: No, it was not because it was in the letter that we sent to you. In the relaying scenario that we had with No. 2 and No. 5, as you know we did not update the Explanatory Memorandum. The debate was on 9 November and, as I recall, I said at the start of the debate that the SI would have to be re-laid, but we debated it anyway and we had a robust debate of nearly an hour where lots of issues were raised. I wrote a fairly lengthy response back to the noble Lords afterwards to fill in the points that were not covered previously. We had 9 November and I saw the approval-relaying submission about a week later. I will be honest with you; I did not think about updating the Explanatory Memorandum, because we had just had a monster debate about it and I was about to write to the noble Lords with lots of further information that they had requested.

If I had my time again, would I have said we should include some extra information in the Explanatory Memorandum? Quite possibly. I suppose in my naivety I thought that we had already debated for it a whole hour. The next SI was going to be exactly the same, and I slightly felt that the next debate would be more straightforward, and indeed it was. If I had my time again—I will stick my hand up right now and say *mea culpa*—I would have redone the Explanatory Memorandum.

The Chair: Minister, when you write to people who participate in debates on the Motions on the Floor of the House, we cannot use that. In so far as we wish to provide the House with some updated information on the No. 5 regulations, we need the information sent to us; otherwise, we cannot publish it, because it is private correspondence between you and another Member of the House of Lords. It is off limits as far as we are concerned. From our point of view, that is one of our problems.

Baroness Vere of Norbiton: Is it not copied to the Library?

The Chair: What you give is up to you, but we can only publish information that is sent to us as a committee; otherwise, we would find ourselves picking up all sorts of bits and pieces all over the place. There is a fairly clear chain of command that also provides Ministers with the protection that we will not pick up all sorts of bits and pieces. We have the stuff that is sent to us by a Minister, you or whoever else, and we can use it, but if you write to other noble Lords that is between you and them, not between us. I suspect that in the longer run, Minister, it is best if we have a very clear chain of command and communication between

us.

Q9 Viscount Hanworth: In this committee we rely on the impact assessment to inform us of the policy-making process. The IA tends to reveal the cogency of that process, and in our opinion it is not something to be tacked on to the end of the whole affair. In the case that we are discussing, the IA was not made available to us before the regulations were debated in the House, some three months after the regulations had been originally laid. Can you explain the reason for the delay?

Baroness Vere of Norbiton: None of us would have wanted to bring these regulations in the way we did. It is not standard. It is not the way the process normally works; it is exceptional. We needed to make these regulations very quickly. This was the biggest single intervention that I could do to get more driving tests quickly. That is why I needed to get these regulations through quickly, and in that time it was not possible for us to complete an impact assessment and get it through the RPC, such that we felt that it had had all the relevant scrutiny. In this case we asked the House to approve regulations on the basis of the information available and without an impact assessment.

Viscount Hanworth: We understand that the impact assessment became entrained within the internal processes of the department. I understand that the Regulatory Policy Committee in some way caused the delay. Is that true? Can you comment on that? Can you tell me, because I am a little ignorant about this, what the role of the Regulatory Policy Committee is and why it should take precedence over us?

Baroness Vere of Norbiton: I do not think it is a question of taking precedence. The impact assessment was in process, had to go through clearances, was sent to the RPC at the end of November. Our assessment was that we wanted to get their response to it. We wanted to make sure that it was fit for purpose and to ensure that when we started the process of having these regulations in place we had a very solid impact assessment to work from. I absolutely accept that it was not available because it had not gone through due process. In normal circumstances of course it would have done. We would be having the debate on the SI with an RPC-cleared impact assessment available to discuss alongside of everything else.

Viscount Hanworth: Are you suggesting that the RPC has to in some way sanction it before it reaches us?

Baroness Vere of Norbiton: We took the decision that we wanted the RPC to ensure that the impact assessment was fit for purpose.

Viscount Hanworth: In spite of the fact that it was going to cause further delay in a process that had already been hugely delayed?

Baroness Vere of Norbiton: It did not cause delay because the regulations went through without the impact assessment.

Viscount Hanworth: Yes, okay. Of course the impact assessment is

what I meant to imply. I think we were a little bit upset that the RPC should hold up the process because it is vital that we should see as much information as is available to make a judgment.

Baroness Vere of Norbiton: I am well aware of your concerns and if I get anything close to this sort of situation again it will not happen again. Things will happen differently.

Viscount Hanworth: You feel chastened?

Baroness Vere of Norbiton: God, yes.

The Chair: Minister, to dwell for one brief moment on that point, I quite understand that you wanted to take quick action to free up some opportunities for more driving tests, for the reasons we have discussed. If you are going to do that and you say we have to do this in a rush, you can send us the RPC report and say, "This is the RPC report in draft and, therefore, you cannot depend on it, but it is here and that is what we have". I think if you are going to say that we need to break with the conventional way of doing things moving forward because of the need for more HGV tests you can at the same time not just ride roughshod over Parliament by saying, "We will stick with the way we normally do it where it suits us, and we will break the rules and go faster where we feel it is better for us". This leads to the concern that the Government do not want to hear what Parliament—it is our role to tell our colleagues, your colleagues in the House, and indeed widely, what our concerns are.

Baroness Vere of Norbiton: I agree and if I had my life again would I have pressed—to do things in that way is thankfully relatively rare and, therefore, I am hoping never to be in this circumstance again. Next time I do an SI it will be so perfect you are not going to believe it, fingers crossed. I agree. Could we have potentially said, "We can assure as much as we possibly can. We are still working on it, but we can provide X now"? I think that is an absolutely fair challenge and the department is well aware of that. Should we have things that are unusual in the future we will think twice, maybe three times, about ensuring that the right information is getting to the right people effectively.

Q10 **Lord Hutton of Furness:** Minister, a final question about impact assessments. One of the key functions of an impact assessment is to provide illustrations of other policy options that were considered by Ministers and rejected. In the absence of the impact assessment in this case, could you explain why you decided, for example, against temporarily suspending the B+E tests? That would have given you the additional HGV testing capacity that you required, would it not?

Baroness Vere of Norbiton: The interesting point about part of this—and, as I say, it was a step change for the testing arena because it gives us an extra 500, 550-odd tests a week. That is all well and good. However, you have to provide certainty to the training industry to upskill and get instructors and to buy the vehicles to get people through. Temporarily suspending would have been very confusing for a number of

reasons. First, it would not have given certainty to the training sector. I have spoken to them. They are about to spend an awful lot of money and they need reassurance that this focus on recruiting HGV drivers will continue, but also it is much better for the people who are driving. There is less chance that they will end up breaking the law inadvertently. They know exactly what is expected of them and we will be able to market the training more effectively. Temporarily suspending the B+E test would have resulted in an awful lot of confusion, and it was not something that we were willing to take forward.

Lord Hutton of Furness: In making the changes that you have done through these regulations; you have just referred to the fact that it freed up 550 HGV testing opportunities. Have they all been taken up?

Baroness Vere of Norbiton: Yes, although capacity utilisation currently is running at about 89% where normally it would run at about 94%. The reason is because we are waiting—the training sector has started to ramp up, so lots of things are all happening at once. We need the pipeline of candidates coming through, which is now coming through because they have got their driving licences. The training sector has had to ramp up enormously and also the testing for C and C+E at the moment is also supported by the MACA request that we had in and that is finished, so we have lost 500. Now that we have lost the 500, capacity utilisation will be back up to exactly where we expect it to be. When that happens, we will be using every single test that we have.

Lord Hutton of Furness: A final question about safety. At the very beginning of the session this afternoon you said that safety was your absolute priority. There was no equivocation about that. It would have been possible, would it not, if safety had absolutely been at the forefront of your mind to have said, for example, when you were considering these regulatory changes that you might have set a new requirement that someone held a full driving licence for two years before they were allowed to drive a heavy trailer on the motorways or on country roads or whatever? Did you give any consideration to those sorts of safety concerns as well?

Baroness Vere of Norbiton: I am not aware that we thought about that in particular, but we do not support putting restrictions on licences. We looked at graduated driving licences and decided not to pursue it because particularly for rural areas that can limit access to education, employment and leisure, and also you have to remember that 16 million already have this right. It is not necessarily something that would have been attractive to us and so it is not something we considered.

Q11 **Lord German:** Can I take a question to you about the quality of information that is provided to Parliament? I think you may have given a clue as to why this has happened, but I think we are looking here at whether and how these matters can be improved. The first example is in the Explanatory Memorandum on the negative impact on road safety if towing licences were to be removed. The EM said that there would be about 1,000 accidents a year and in the debate on 14 December you

cited 474 would be the sort of figure. That is quite an enormous difference. One might understand if it was within a margin of error, but that is quite significant. How is it that information of that sort is provided to Parliament that leads anyone listening to say, "Who do we believe? Which of these two figures is correct?" Perhaps you could tell us which is correct.

Baroness Vere of Norbiton: I completely accept the point that you are making and, of course, both figures are correct. One is for all vehicles towing a trailer and one is drilled down specifically to cars and vans. It is the case that we initially just looked at some data. That could be any vehicle, a tractor, a bus, all sorts of different things, but then we drilled down a bit further to make sure that we were comparing apples with apples and that is where the 474 comes from.

Lord German: The principle is that we need to get consistently the right quality of information. There is another example in the Explanatory Memorandum that said they had received no objections to the published draft of the regulations when in fact 26% of the respondents raised safety issues. The important issue here is not so much that there was a mistake here and a mistake there but much more about the quality not just of the data but of how the information is presented so that people can understand that it is accurate within the confines that you have said it. What steps will your department and you be taking to make sure that that happens now?

Baroness Vere of Norbiton: I have already taken steps in great—I want to say fury, but not quite fury because I do not get furious. I now require that every single Explanatory Memorandum goes through an additional stage before it gets to me where somebody completely unrelated to the policy area and at quite senior level reads it with a cold towel on their head and makes sure that if you know something about it but not lots about it you can read the Explanatory Memorandum and it makes sense. There is nothing more frustrating in a Minister's life than a poor Explanatory Memorandum, and of course we are responsible for them. It is very frustrating, and I will do my best to make sure that I am as content as I possibly can be, although I am often too close to the detail, so it is hard to catch those things. I want it to be as good as possible so I commit that we will make sure that we introduce this new level.

I know that when you spoke to Minister Courts he would have talked about a broader SI push that is going on across the department. I think that we can do better. We can learn lessons from different policy groups more effectively and the central system and central parliamentary team will be responsible for making sure those lessons learnt are shared. I will try to commit to a better quality of Explanatory Memorandum, although I was joking with the team that I have never been in an SI debate where you stand up, tell them about the SI and they stand up and say, "Yes, it was all in the Explanatory Memorandum, thanks very much" and sit down. We will never quite get to that. There will always be questions, but

it must be the case that all reasonable questions are answered within the Explanatory Memorandum.

Lord German: I thank the Minister for that commitment for accuracy and good information in the future.

Q12 **Lord Hutton of Furness:** I will follow up on Lord German's questions. There is a Minister in your department, one of your fellow Ministers, who has been given specific responsibility to improve the quality of statutory instruments that come out of the Department for Transport. Minister, could you explain to us what role she played or did not play in this process dealing with these particular regulations?

Baroness Vere of Norbiton: I am afraid I cannot. I can write to you. That Minister is not me, so I cannot say what role she played. I take responsibility for the regulations that are in front of us today because they are mine. Also, as a Lords Minister I have to do all of them. I always think of myself as a quasi SI Minister anyway, because it is me who has to take them through, and the level of scrutiny we get in the Lords is several times more than it is in the Commons.

Lord Hutton of Furness: It would be good to have some response to that question. Thank you.

The Chair: That is quite important. Minister, one of the issues that we have—this is nothing to do with this particular case—is that there is nobody with cross-departmental responsibility for ensuring that appropriate standards are met. It is the equivalent of your cold-towel person on a cross-departmental matter. We have had a list of people, but we have not been entirely convinced that they are allowed to exercise a really worth-while function. They appear to be more a name on a piece of paper who can be pointed to at the appropriate moment, rather than someone who is doing a real job of work, and, in parallel with that, the senior official who is responsible for it.

It would be helpful, when you reply to us on Lord Hutton's very apposite question, if you could give us a bit more background on how, in your view, the SRO, as he or she is called, fits into this particular structure and your department, and your knowledge of how it is working.

Baroness Vere of Norbiton: Yes, I am very happy to do that. Our Minister is Minister Harrison, taking over the role from Minister Maclean. I am very happy to look into that. It will always be an important part of my life too.

The Chair: Lord Lisvane, among the other failings of the Chair this afternoon, we did not allocate you a question and we have not heard your usually rather devastating critique of what we are about. Is there anything you would like to say?

Lord Lisvane: That is much too kind, Lord Chair. I was slow to the party because I was struggling with tech, but you have covered the ground admirably and I have nothing to add.

The Chair: Thank you very much indeed. I am sorry we did not give you a question. Minister, our last question hacks to death the difference between No. 5 and No. 2 and why there was not more of a difference. I do not think we need to cover that any more.

I do have to point out that we have a similar problem with the drivers' hours and tachographs. We went through a great many iterations before we were able to get the appropriate acknowledgement in the Explanatory Memorandum. That is another issue, and I am sure you are now aware of our keenness to hear what is going on. You have been very kind. Is there anything else you would like to say before we wrap up?

Baroness Vere of Norbiton: I do not think so, but I do have the utmost respect for everything that you do for secondary legislation.

The Chair: Flattery will always work. Thank you very much indeed. We are grateful to you and your officials. We look forward to hearing the further information you promised us, and we look forward to seeing how your undoubted determination to improve things reflects itself in the quality of the information we receive in connection with SIs from your department. In the meantime, thank you and your officials very much.

Baroness Vere of Norbiton: Thank you very much.