

## Session 7: Safety Regulators and Government

### Panel 1— Safety Regulators

**Witnesses:** David Jamieson, West Midlands Police and Crime Commissioner  
Kevin Myers, Acting Chief Executive, Health and Safety Executive (HSE)  
Ian Prosser, Director for Railways Safety, Office of Rail Regulation (ORR)  
Mark Swan, Director of Safety and Airspace Regulation Group, Civil Aviation Authority (CAA)

### Panel 1 Start

Chair: Good afternoon, ladies and gentlemen. Thank you so much for coming and thank you for the written evidence that you've submitted which is extremely helpful. We are making a transcript of this conversation so it's on the public record and it will go on to the website in due course. We're here to learn from you from your expertise. It's not like a select committee where we are trying to cross-question you about anything very much. So we're very grateful for you to be willing to come along. Can we start – do any of you wish to make an opening statement of any kind on this subject or shall we just go straight into the evidence? Richard Allsop.

Prof Allsop: Thank you, Chairman. Yes, before we get into the many specialist topics in relation to each of you, just to make sure you know that our enquiry is concerned.... its title is 'Transport safety in the UK – who is responsible?' We are concerned primarily with the lines of responsibility and so I would like to ask any of you to say what you would like to immediately as to what gaps or ambiguities or opportunities you see in the area of responsibility for transport safety in the UK as it is now.

Chair: David Jamieson.

Mr Jamieson: I'm happy to start, Chairman, with your permission. Firstly, thank you very much for inviting me. It's nice to be back here after nine years. You don't look quite as fearsome as Mrs Dunwoody but I'm sure your questions will be just as probing. I used to say when I was at the Department for Transport in charge of road safety that we were a little bit like a band playing at a dinner because, actually, what the Department did directly was very little. We did the national advertising, we of course did legislation and occasionally put some new legislation in place like the seizure of uninsured vehicles and the mobile phone use whilst driving, but actually directly we did very little. We relied very much on all the partners around the country, local authorities in particular, the police, fire brigade, and many of the third sector and voluntary organisations, and I used to say that we're playing the music in the corner of the dinner, in that the government set the tone for the dinner. I feel that in the last – and this has probably gone on since the 1930s. One of my predecessors, Hore-Belisha, was very keen on road safety right back in the 30's and I think all governments of all parties since then have actually shown a great deal of interest. I think what has happened in 2010 unfortunately I think the music was turned off and the chatter just carried on around the tables so local authorities, police are doing things, but I think what we've got is we've got the talk and the willingness but we don't have a strategic voice anymore for road safety. I feel that from my own perspective now, I don't feel from government there's a strong guide. I know the current government didn't like the targets and that's fine but the targets in road safety, the 50% reduction and 40% reduction of KSIs for children and adults, from 2000 to 2010, we met those targets and surpassed them but I think the reason why is because the targets were in place, and everybody said in 2000 they're just unattainable, we can't do this, it's just too grand an ambition, because those targets were in place a lot of local authorities said to themselves, 'We too must meet those targets. We don't want to be the ones that don't meet the targets. We've got to contribute to it.' And wherever I went I met people saying, 'This is where we are with our targets,' and helping the national target. That has gone. People don't say that anymore, even local authorities, because there are no targets. Some of the local authorities have set themselves their own targets to their great credit but they don't feel now there's an imperative upon them to be part of that national picture. So I think if there is a gap if I can say to Professor Allsop, if there's a gap I think the gap is at the top. We don't appear to have a strategy. And in my new role as a PCC I have taken this on board very much and I'm looking to see how the police can make their contribution, they already make an excellent contribution, but I'm just seeing how we can refine that

and make it better, and I'm working with the local authorities and funding them in some of the road safety areas to try and get some of that initiative back. Thank you.

Chair: Views from the other sectors about gaps, ambiguities, opportunities?

Mr Myers: Can I just clarify; did you ask the question in the context of road safety or transport safety more widely?

Chair: No, from across the piece.

Mr Myers: Okay.

Chair: One of the things we are trying to do is to learn from one sector to the other if you follow me. So if from where you're sitting you spot gaps in other sectors that would be particularly interesting to hear about if you had a comment on that. Mr Prosser...

[0:23:19]

Mr Prosser: I'd just like to pick up on one or two points. I think in the rail sector we do have very clear lines of responsibility for health and safety defined by the legislation and the law, and we enforce that as the National Safety Authority. And we have set – we do through that legislation have, some of which is European, have issued a strategy by which we will regulate the industry. We have a vision of zero workforce industry cause passenger workforce and public brutalities. Around the edges though there is some work that's being done in terms of level crossings, for example, by the Law Commission which we would like to see passed through Parliament. We have made that quite clear. There's been a lot of work done by the Law Commission and I think that will improve the way in which we regulate and the level crossings are managed in terms of either closures or improving the interfaces with highways authorities etc. so that we get a better overall system. The present legislation, to be frank, is well out of date. Some of it dates back to the last century, or the last but one century. So there is an opportunity there to transform that legislation and that's one area we particularly would like to see further recommendations made to make that happen.

Chair: Other witnesses.

Mr Swan: Yes, Mark Swan, Director of Safety for Civil Aviation. I think for the aviation sector aviation is a continuum of safety in which everybody plays a part so let me speak from the regulators' perspective. Over the last twenty years touch wood there hasn't been a major commercial fixed wing aviation accident in the UK. There have been several helicopter accidents offshore and two tragically onshore just recently. And there are routinely 20 – 30 general aviation fatalities per year in the country. So the idea that the safety network is absolute is clearly not true; accidents still happen. And so from the regulators' perspective we are taking a fresh look at this and this may play to your point about opportunities. So we know that compliance based regulation for the last 20 odd years or so has played a significant part in keeping the safety record for major airlines very tight. We know that compliance based regulation has been the benchmark or the foundation stone across Europe and the rest of the globe. But what we are now looking at is accepting that everybody has a part to play in the safety of the airspace and the aircraft that fly in them, is we're now looking at moving regulation towards what we're calling a risk-based approach so performance-based regulation which looks at joining up the risk picture of all the organisations, rather than just going and saying, 'Are you compliant with this? Have you got enough of these? Are you doing x, y and z?' We are changing the conversation. So we are saying to everybody from large airlines down to the smaller general aviators, 'What is your risk? How are you managing that risk? How can we, the regulator, and we are transforming internally the company and the way it positions itself to do this work, how can we as the regulator have a different risk based conversation with you and then have targeted interventions with our regulatory toolkit that drive the performance of that risk back up into an acceptable place?' So there may well be something for you to explore there in terms of the opportunity which is across the sector and not just focussing on the larger airlines.

Chair: Before I come to Mr Myers, Mr Prosser, is what's just been described similar in context to what already exists with the RSSB?

Mr Prosser: Well, I wouldn't say – it's just a reference RSSB but I wouldn't say it already exists in the rail sector. Effectively, we regulate through the duty holders which are the companies that exist in the industry. They will have a safety management system which we will approve but we will on a risk basis check how that's operating on the ground, as it were, over a period of time. so we don't set the standards or the rules, we actually let them manage their risks which they are creating by their operations through their safety management systems which we will check and regulate on a basis of complying with the law but also pushing them towards being better so that they comply with the law more often.

[0:28:19]

Chair: But in both cases, one way or the other, there's a mechanism for understanding where the risks are and for independently (inaudible 0:28:28) that those risks are managed?

Mr Prosser: Yes. What RSSB do for the mainline railway is that they act, as you like, as the bit of the glue that looks at the risk over the whole of the mainline railway system so that they collect through their safety management information system the data and allow the industry to see where their risks are and how they're moving or trending. LUL, which we regulate as well, has a similar approach and that's how they actually try and understand their risks and, therefore, then manage.

Chair: Thank you. Mr Myers...

Mr Myers: Kevin Myers, I'm the Deputy Chief Executive of the Health and Safety Executive. The key parts of our legislation are so broadly articulated that they cover a wide range of activities and increasingly, with lots of the myths, areas that they were never intended to cover. So that means that there is often a potential overlap on transport matters between our goal-setting, risk-based expectations. So we have interfaces for example with colleagues, in the CAA and ORR, and we have memorandums of understanding to set out respective responsibilities. There are sometimes some fuzzy edges in relation to that but none of them in relation to transport per se. Our policy, and it's a longstanding policy for government, given the nature of our legislation is that we do not seek to get involved and apply the Health and Safety at Work Act and its subordinate legislation if there is more bespoke legislation covering particular risks, and that generally works across the piece. We do occasionally become the regulator of last resort if there is a lacuna in the specific legislation and that poses questions for us as to whether it's what parliament intended because it could take us into areas where it is questionable whether we would seek to apply the Health and Safety at Work Act. In answer to the specific question, we don't see from the areas that we engage with in transport safety there is a particular issue with gaps. It's more that there are lots of players involved in influencing safety in the various forms and we need to ensure good collaboration and cooperation and all singing from broadly the same strategic hymn sheet.

Chair: Thank you. Mr Madgwick...

Mr Madgwick: Yes. Mr Jamieson, in relation to the current West Midlands policing strategy, the absence of road safety within it, have you any plans to change that and what sort of performance would you put alongside it bearing in mind the original comments?

Mr Jamieson: That actually sums up what has been the attitude to road safety is it's very often missing from the plans. That plan has local authority sub-plans to go with it and each one of them mentioned road safety as a priority of their area because they are talking to people in their local communities and they are worried about people going too fast, not necessarily breaking the speed limit, going too fast in their local communities, and they want to see some enforcement of some type, not necessarily through the law but they are looking for engineering solutions and so on. But what was interesting, the first thing I noticed, of course, the plan itself didn't include that. That plan was largely a reworking of the plan from the old Police Authority days and hadn't actually changed very much. If I tell you that now I'm actively re-writing the whole of the plan that it's going to look very different, and road safety is going to feature on the face of the plan. But that doesn't mean to say, of course, police weren't doing good work and even though it wasn't in the plan the West Midlands police were a major contributor to road safety on the motorways and on our very, very busy local roads. But it will be in the plan next April.

Chair: The police have got lots of things to do and limited resources. Your plan is going to say to the police it is a high priority that they put resources in to enforcing against road safety, is it?

Mr Jamieson: Well, how I phrase it is this. The other thing that's missing from our plan is an overall picture of what the police do, and I think the police are a major contributor to the local economy. So I want to see the police have – for example, our motorway box around Birmingham and the Black Country and Coventry, if we have a major disruption on the road by lorries being used illegally or overloaded or people driving recklessly that can actually block the road, the motorway, and the clock is running at about £3 million per hour if we close the M6. So we see the policing in terms of safety, road safety, but we also see it in terms of helping the economy as well, of course, in reducing casualties to people. But a lot of the crashes that happen actually the casualties tend to be low to human beings but they tend to be very high to the economy. So I think the two things come together; the good road policing and then the motorway policing are doing two things. They are looking sometimes at terrorist attacks, major crimes, and they are also looking at road safety at the same time.

[0:34:09]

Mr Madgwick: Mr Jamieson, there seems to be – bearing in mind your initial comment, I assume there were a series of gaps not just from a West Midlands perspective but at a local level the evidence suggests that local communities would raise, road safety is one of them, almost across the country, as one of their local priorities. There seems to be a slightly disjointed approach depending on forces and areas, and then there is a gap further up the tree, if you like, at a national level. That doesn't seem a very confident way of addressing what is a key issue nationally for policing and communities.

Mr Jamieson: I've just been through a big consultation in August and September, it's called a by-election, it was the biggest by-election held in this country ever and listened to a lot of people. And I have to say the single most prominent issue being raised was road safety. Years ago when I was a Member of Parliament I did some work with schools and we talked to literally thousands of children, and the biggest issue they raised is how they felt on the roads, their perception of safety. But it is often the case that is what people say on the ground but what actually happens at the operational level is very different because other priorities take over like child sexual exploitation, terrorism and one or two minor things we have to deal with as well. But I think this is where the role of the police and crime commissioner comes in, if you like. That wasn't often translated through the committees because by the time it's been through a committee once you've got ten people in charge nobody is in charge. But this model there is it gives me an opportunity to challenge the force; I don't tell them what to do but I challenge the force, I'm sure they do in your force-

Mr Madgwick: Yes.

Mr Jamieson: But I challenge the force to look at some of these particular issues.

Chair: Mr Hunter. Sorry, unless any of those want to comment on that particular conversation, I'll give you the chance. Okay, Mr Hunter...

Mr Hunter: My question is for Mark Swan and Ian Prosser. The CAA and the ORR have both an economic regulatory role and a safety regulator role. Perhaps there's some conflict there. What sort of trade-offs do you see? Mark, perhaps if you could start.

Mr Swan: Well, I don't see any conflict certainly from where we sit with the rail regulator. As you'll be aware there is the rule that new economic regulators network, the RN, which I think will combine all the economic regulatory side, the best practice and the sharing of how we go about making regulatory settlements so that's a good thing and to be welcomed. And, in fact, Ian has been talking about perhaps more collaboration within that sort of concept between us in the future and we are actively about to look at that, his initiative, not mine, actively starting to look at that as a prospect for being even better joined up across the area you are talking about. I can't put my finger on any conflicts per se unless you had anything specific in mind, Rob.

Mr Hunter: If safety costs and you also have an economic regulatory role, is that a conflict in your work?

Mr Swan: Inside the CAA?

Mr Hunter: Yes, well in regulating the aviation industry.

Mr Swan: Yes, for the aviation sector – well, no, it's not a conflict because safety costs money, yes, and we pride ourselves on being a proportionate regulator but also efficient and effective, two of the five principles of better regulation. Aviation regulation doesn't cost the tax payer so it is funded by those we regulate and there is a very – in fact, we've just had one, there is a very routine meeting of minds, the fees and charges group, where we set out the costs of regulation to that group so they understand what they are paying for. So I think all of that is very transparent. There is not a sub-committee that is there to resolve conflicts i.e. we're not going to pay for that because we think it's too much. Those, sort of, specific conflicts don't arise but, of course, there's a robust conversation about the scale of the fees and charges that it cost – our costs of regulation every year, and those are robust conversations, we'd expect no less than the challenges from industry. But is there a conflict between the economic settlement and the cost of safety? I would say absolutely not because we are crystal clear that so long as we are evidence based, so why are we doing this, and we can set out the cost of why we are doing that then the industry is happy to pay because, at the end of the day, nobody God forbid wants the cost of an accident either on their conscience or on their purse if you're a commercial operator. So I would say not.

Mr Swan: Okay, Mr Prosser?

[0:38:57]

Mr Prosser: I'd agree with my colleague. I'll answer the question in two parts really. The first one is about the fact that we're an integrated safety and economic regulator and I've been in this role six years and I've actually seen significant benefits of being in an integrated economic and safety regulator for a rail sector because effectively I agree with Mark Carne's view that good safety is good business and you see the best performing businesses in the world you will see they have an excellent safety record and safety management system and culture, so the two go hand in hand. And when we were doing the last periodic review which was only last year we actually funded Network Rail to make specific improvements in safety where they've got some issues which will impact not just on safety but they will also impact on their business performance and their efficiency, things like improving the way they take electrical isolations, funding them to actually make sure that's done to modern standards will actually help improve both aspects of their operation. So there's some real positive benefits and I think Mark alluded to the fact I think also from answering the second bit, that as regulators we can learn more from each other and there's definitely opportunities to improve there and collaborate, and I'm trying encourage this by having a network of safety regulators. But from a fundamental point of view of being integrated as an economic safety regulator there are big benefits.

Chair: Thank you. Mr Prosser, you are the officer of regulations taking over a role in relation to roads under the current legislation whereas I understand it you've been doing monitoring and efficiency but you will not have a safety role. Do you foresee a difficulty with that?

Mr Prosser: The role that we've been asked to do on roads, we haven't been asked to look at the safety aspects of roads, we are not seeking it at this moment in time, but we've been asked to do a monitoring type role of the new Highways Agency becoming the highways appointed company. That's a very quite narrow role of monitoring and efficiency. Obviously when we are doing that we'll be taking into account how well they are actually doing on safety because they will be funded by the government to do certain aspects of road safety, but at the present time I don't see an issue with that narrow role that we've got and it's not for us to decide what might be done in the future.

Chair: Okay. Mr Myers, did you have anything on this?

Mr Myers: I would just say that the Health and Safety Executive, in relation to that last point, we regulate the Highways Agency, and we regulate them as an employer under the Health and Safety at Work Act. They are also a client in respect of construction activities and there's an element of their role where

they are also a designer under the construction regulations. So we engage with them in that way in relation to their responsibilities.

Chair: I'm right, aren't I, that throughout all of your work that the concept of what is reasonably possible is a fundamental thing that's – think should be as safe as is reasonably practicable is the phrase.

Mr Myers: Yes.

Chair: The key there is the word reasonable; how far is it reasonable to go, what can you reasonably expect people to expend in the name of low risk. That's an issue you can't duck. Somebody has got to make that decision is what I'm trying to say.

[0:42:41]

Mr Myers: Yes, it's a well-established principle in law about balancing the cost of the harm that you are trying to prevent and the cost of the harm itself. You wouldn't want to spend disproportionate amounts of money to address minor harm but equally if you've got significant harm you'd want to ensure that the steps you take are proportionate to that.

Chair: And as professional independent regulators that's part of your job to make that judgment?

Mr Myers: Well, the primary responsibility to make the judgment lies with the people that create the risk in the first place. Our job is to mark their homework.

Chair: The reason I'm asking that question is because we are particularly interested in roads because that's where the safety is a bigger issue. There's all this going on in your sector and everybody understands it, but arguing there's nothing of that kind on the road side. Mr Jamieson?

Mr Jamieson: There certainly isn't. We have the air accident and investigation branch and maritime for quite a long time. I think I was in the department when the rail accident investigation branch was brought in. I have changed my view on this somewhat now in the last few years. I think we ought to have some sort of equivalent for roads. I think what happens very often with road crashes, particularly where there has been a death involved, there isn't a joined up way of learning from what's actually happened from an incident. And I don't think every incident should be examined but I think some of the incidents should be examined. I had a Member of Parliament who brought to me a constituent whose daughter had died and the second daughter nearly died in the same incident as pedestrians and it was clear there were issues for the police, the way they handled it, but there were far more issues for the local authority. There were other issues to do with the law and how that worked in this particular case. So there were some of those issues I could deal with and others I couldn't, and the Member of Parliament is now pursuing parliamentary routes to look at those other things. But the police made a good investigation into the crime but they were mainly looking for criminal evidence. They weren't so much looking as what actually caused the incident and could there be changes to the road construction, could there be changes to signs that could have made some difference. They also aren't looking as well at the punishment that the driver got was pitifully low considering – it was almost certainly that this driver intentionally drove at the woman and he got four years. So there's another issue there. But I think if there was some sort of independent branch, as I say, not looking at every crash because every day they'd spend doing nothing other, but looking at certain of those crashes like that particular one and doing as the other investigation branches do is look at the detail, look at it dispassionately, they are not looking at a criminal investigation, they should be able to get open evidence from people, and then at the end of it what is missing now is recommendations to each of the bodies that could actually do something about it and make a change. So the police will actually do their report but there's no imperative upon the local authority to take any notice of that report or for local councils to address it.

Mr Jamieson: We heard in another session, I hope I get this right, in the railways if the RSSB did such an investigation they might well pick that up and make – have a statutory power to insist - that the players in the industry took notice of the report.

Mr Prosser: Yes.

Chair: Mr Prosser.

Mr Prosser: I just want to clarify, it's RAIB that do the independent investigations.

Chair: Sorry, thank you, thank you.

Mr Prosser: They place their recommendations on anyone. They placed them on me and they placed them on local authorities. They can place them on any public body. But I think it does work in the sense that you've got the dispassionate looking at a route cases type of investigation separate from us in terms of actually enforcing the law, in terms of driving the whole system forward. We are responsible then for looking in most of the cases particularly those on the duty holder at actually making sure those recommendations are implemented as far as reasonably practicable because they don't have to worry about the reasonably practicable bit, they make their recommendations and then it's for us to decide if the duty holder is doing the intent of the recommendation as far as reasonably practicable and then we will essentially close the recommendation out. That's been now going on for a number of years. We've settled down and I think it's improving the overall safety regulation, if you like, and safety management of the sector.

[0:48:00]

Chair: Good to hear. It's the Rail Accident Investigation, my mistake. So, Mr Jamieson, your proposal would be something similar at a national level covering both local and strategic roads, I guess?

Mr Jamieson: I think so, yes. I think if there was a body like the other branches and there was a road accident investigation branch that looked at some of the major crashes where there had been loss of life, and where it was clear that there were general lessons to be learned that were wider than just the criminal investigation, I think there would be some merit in that. At the moment the police do their work, the coroner might make some comments in the courts, but the local authority which very often – or the Highways Agency maybe is not under any obligation to do anything, nor are they obliged to listen. And in this particular case the local authority hadn't actually listened to even what the police had said in their report let alone another independent branch.

Chair: Thank you, that's helpful. Nicola Christie, you wanted to come in on this, and then Kate Carpenter after that.

Dr Christie: Just to say to David in some ways do you think that would work like a channel safeguarding where they have all the partners and you actually learn from – in some ways you were describing that happens for children.

Mr Jamieson: Well, the other branches are generally one or two experts who actually look at all the evidence. They pull together the police reports, they'd look at any other reports, they'd perhaps take some evidence from people in the local community and people would see what happened, witness what happened, and then they would come up with a report. What happens there on in would be generally a matter for the Highways Authority whoever that may be. And there may be recommendations for the police. So I don't think you'd set up a whole bureaucracy here, it would be a very simple report like some of the maritime investigation branch reports that I used to see were very simple, straightforward factual reports, 'This is what happened, this is why it happened,' and then at the end you'd flick to the last page and it would say, 'I recommend that,' and there would be a list of things in there for various bodies to undertake. I think if there was a body like that I think the local authorities and the Highways Agency and any other bodies, police, would have to sit up and take much more notice of those.

Chair: Thank you. Kate Carpenter.

Ms Carpenter: Mr Myers in respect of first of all local authorities or highway authorities and the round, you mentioned the Highways Agency, and you've been working with the Highways Agency both in their respect as a highway authority as an employer and procurer. Local authorities have been much more hard-hit by funding reductions in recent years and I wondered whether you'd found, a) has that affected the liability to do their jobs as authorities preventing incidences in the roads, and also have

they – is there (inaudible 0:51:00) from them to learn from what the agency has done in terms of work safety actually on the network itself?

Mr Myers: I'm not personally aware of any problems that have arisen in recent years in respect of that. I mean, you hear about maintenance in terms of pot holes and that; you experience it as a citizen. But that hasn't featured in any areas that I'm aware of that we've actually got involved with where health and safety legislation type issues have been brought in to bear.

[0:51:37]

Ms Carpenter: The other side we're interested in in respect of work-related collisions which clearly outnumber work placed death in the conventional sense as normal measured. In the highway environment, that includes the complex mix of people travelling for work and people working so there's maintenance workers and litter pickers and emergency services and breakdown organisations and so on. I just wondered what the (inaudible 0:52:04) is doing to ensure that employers are taking reasonable steps because that work-placed travel doesn't seem to be treated in the same way as other work place accidents, and is there scope for a change in that balance?

Mr Myers: Well, those issues are covered by the Health and Safety at Work Act because it is so, so broadly cast. We've produced guidance for employers in relation to how the interface of health and safety legislation with this particular risk is involved. We particularly engage proactively in areas like workplace transport on construction sites and at the interface to construction sites and where people are working alongside the road in terms of waste collection and things like that. We work with various trade associations, including the road haulage association and we've got an engagement strategy with what we call the logistics sector that have obviously got a lot of transport issues. We work through leverage and with supply chains and influencing trade associations to drive standards and communicate with their members.

Chair: The suggestion is, and it's nobody's fault, that the level of exposure to risk of an employee when he is out on the road in the course of work is far higher than you would tolerate legally if it was in the work place. Isn't that the kind of thing that is said?

Ms Carpenter: So it's not just hauliers, HGV's and so on, it's the wider fleet, people driving their own vehicles for work, so I think it's thought about a third of road death is associated with work-placed travel excluding commuting. So most of that isn't people working on the road side or hauliers, it's...

Mr Myers: I know of employers who assess what their health and safety performance is and, yes, they identify road risk as one of them. We as an employer identify that as one of the higher risk profiles for our employees, and we develop strategies and have things in place in order to address that. We've produced clear guidance, which we recently refreshed, addressing that sort of area. That's part of our strategy. The police investigate road traffic incidents and there is an agreement and an understanding that if, when they carry out their investigations, they think there are some management failings associated with them then they pass the baton on to us and we can then follow that up as a management issue as opposed to a road traffic issue in that sense.

Ms Carpenter: Do you feel that's happening enough? For example, we don't hear much about employees going to sleep at the wheel and driving off the road being investigated as a work-related death just as the same as they'd gone to sleep and fallen into machinery at work.

Mr Myers: To be honest, we do not get lots of those references but in terms of our memorandum of understanding, we stand ready to follow these matters up if they are brought to our attention.

Chair: Mr Hunter.

Mr Hunter: Just for clarification, Mr Myers, do the protections and provisions that you've described apply in commuting, so in the journey to and from work?

Mr Myers: It is arguable as to whether it does. However if you develop a standard that addresses people driving and you get everything right it doesn't actually matter whether they are doing it to commute or to get from one workplace to another workplace.

Mr Hunter: I guess the concern is that there are shift workers who have got very early starts and lengths of shifts can be twelve hours and so they can be then in a position where they're driving home after very long periods of wakefulness and so on, and so we would see a concern.

Mr Myers: And they are all considerations that we think would need to be taken into account in the risk assessment that employers would be required to take in order to address that issue, and it's covered in our guidance.

[0:56:24]

Mr Hunter: Thank you very much.

Mr Madgwick: Just a very brief one, because the police are required into the travelling to and from work and one of the issues we have is that there's a certain element of our workforce that would prefer to work twelve hour nights, twelve hour days, twelve hours nights, with the various rest day patterns it gives, yet I still see other sectors of the public sector scheduling thirteen hour night shifts with usually a minimum in a rural area of perhaps half an hour to an hour's travelling either side so there's no public transport. So I think there is an element there certainly we consider internally. I'm surprised there aren't more cases when I think I multiply that across the entire working environment that there aren't more cases flagged to yourself, but I think that's an issue there, a general point, how coroners then ask the right questions if there isn't a criminal standard of proof in the first place. I think there is an issue there for us to consider and I think it's one that's probably under-reported, probably under-reported to yourselves but under-reported generally.

Chair: Mr Prosser.

Mr Prosser: I wanted to pick up on what we call occupational road safety because it is amongst infrastructure workers, for example, on the railway it is one of the three top risks that they face. One is actually when they are working in or around trains, the other one is electrical safety, and occupational road safety and we do take this extremely seriously and so does the industry. RSSB has issued useful guidance on this, but also Network Rail lifesaving rules, a number of those rules are related to road safety for their workforce. We are particularly interested in fatigue. We've issued revised guidance for the industry on fatigue. We will enforce if there isn't a fatigue management structure and management system inside an organisation. We are actively investigating in particular a very serious road incident that took place while the guys were still on duty in reference to fatigue management, and we're also interested from the fact that if people are travelling to and from work at significant distances and Network Rail have now put some rules in around this that you don't want somebody who is doing safety critical work on the railways tired from the fact that he has driven many hours beforehand. So it is a very important aspect of workforce safety and the industry is actually more focussed than it used to be and is very focussed on this particular area because we have had tragically four – over the last three years, we've had four infrastructure workers killed in road traffic accidents, so it is very much on our agenda.

Chair: Mr Jamieson.

Mr Jamieson: May I add a sentence on this. I do recall seeing the first time, I think it was the first time, the Department of Transport looked and delved more deeply into different crashes on the road and we found that the people who were driving in connection with their work, not driving to and from work or driving as a driver, people driving in connection with their work were two or three times more likely to have a crash. And people like social workers for who driving is a subsidiary activity and I think it's a distraction element. And many local authorities took on courses for people who were driving quite a lot in connection with their work and there were courses to help people realise the risk and manage themselves. And, of course, the other thing is that some companies placing unreasonable demands on people to get from one place to another. That's something that I always hoped the HSE would look at that and build that into their inspections.

Chair: Do you want to respond to that?

Mr Myers: It is covered in the guidance that we produce. We, like all public bodies, have to prioritise the topics and issues that we can deal with. That is not something we tend to look at proactively through individual bilateral inspections of individual duty holders, we tend to deal with that more collectively through trade associations and working with the industry.

Chair: Professor Allsop.

[1:01:15]

Prof Allsop: I wonder, if I can, ask you, Mr Myers, to take us a little bit further in this area because we have heard in the case of the rail employers very good practice, and we know in the context of workplace road safety that the leading employers are doing very considerable work in from having policies from Board level downwards and so on. But in relation to the role of the HSE, correct me if I'm wrong but my understanding was that the HSE does not see itself as needing to investigate or concern itself with deaths and injuries that occur during use of the roads in the course of work in exactly the same way as you are concerned with them when they're in an office or a factory site or other similarly defined workplace. And I'm, again, you'll correct me if I'm wrong but my understanding is that if you needed to do that you would need to be resourced considerably to do so. and I just wonder suppose that parliament were to say to you from a certain date, a reasonable time ahead of course, with appropriately increased resources we would like you to have exactly the same kind of oversight, the consequences of accidents in use of the road in the course of work as you have in a factory or an office block or school and, as I understand it, that would be a considerable change. You would no longer wait for the police to be referring these matters to you. It would be your concern and your concern therefore would be with all those incidents happening on the road, not just the ones that the police are aware of, which is by no means all as we know in other connections. I'm just wondering how would you set about making that change in your remit?

Mr Myers: There's an awful lot of heroic assumptions loaded into that question which is so far beyond what I think is ever likely to be deliverable that I'm struggling. But I understand exactly what you are saying. Firstly, you haven't correctly described our approach. We do stand ready to get involved and are occasionally involved in investigating such issues where there are managerial shortcomings identified by the primary source of investigation, the police. I'm not sure whether you are suggesting that the police should investigate these and HSE should also investigate them, and that raises question in my mind about the best use of limited public resources. But clearly we are an independent body funded by government, subject to government policy. If government decided that they wanted us to do more in this area and were willing to fund us to do so or to say what they wanted us to stop doing then we would develop a strategic approach. I would like to think it would need to be more sophisticated than just, 'Go out and investigate accidents.' We would need to develop criteria to flag up the ones where there are more indications that there are management shortcomings involved in it, and we could develop a strategy in relation to that. But, at the moment, there are other player that are involved in it. We've produced clear guidance. The standards are there. A proportion of what we do as a regulator, and it's the same as all regulators, is a balance of proactive work and reactive work. I understand the complimentary comments you made about the approach of our colleagues in ORR. I'm not quite sure how many employers they regulate but I don't think it's potentially 1.5 million duty holders.

Prof Allsop: Absolutely, no, no, no.

Mr Myers: Which is what we regulate, so you need to-

Prof Allsop: They're in a favourable situation because they've got a well-defined job, yes.

Chair: We're running a little short of time so we need to move on a little bit. Mr Conradi, you wanted to take up the issue of data.

Mr Conradi: Yes, a question for Mark Swan. Thank you in your opening comments you talked about a move towards performance based regulation. I wondered if you could explain to the commission the role of data in that and how they might quality assure the data you use to performance regulate.

Mr Swan: Thank you. Big topic. I'll try and be concise. For us, data and the flow of the right information clearly is the baseline for driving all of the safety outcomes that we want to get to, so rubbish in rubbish out. And so the data that comes in to us at the moment, if I use the CA as an example, principally is based on what we call mandatory recurrence reports so you get a series of reports in that says x and y has happened, that data and the quality of that data then feeds into our regulatory safety management system and then is pushed out in terms of how we regulate the community bearing in mind we're moving towards risk based regulation. Areas such as the AIB doing their accident and investigations also use their data streams to come in and carry out their recommendations. But what is lacking at the moment, I think, is a much wider more rich source of all-encompassing data, so sharing – we intend to do this in the future, sharing airlines private risk data if you like, some of the commercially really sensitive stuff that doesn't get out there into the public domain. I see the role of the regulator in the future as being perhaps the broker of that data where we can actually suck in every single scrap that is relevant to safety across the airline community, disidentify it, pass it up, and then push it back out again as usable performance data for everybody to gain benefit for. I think, Chair, going back to your initial opening remark I would say that's where there is a gap in the market. We are currently doing that in the international context with the European Aviation Safety Agency and I know that their Chief Executive, Patrick Quay, is trying to fund through the commission an international approach, a feasibility study on the phrase Big Data, so how that Big Data in terms of what I've just described to you might be laid out across the European context, and we are very happy to be involved in that. So I think in terms of the role of data, absolutely essential to get into the right outgoing. We are a data driven regulatory organisation. The data feeds that we use I would say are satisfactory but they are limited and we always want to do better. So widening that data scope is for us a key goal because we think that will improve safety performance over and above where there's already a very good level. But we want different sets of data to that that we currently now have and I think a Big Data given today's technology is absolutely the way to go if that's at the heart of your question.

[1:10:10]

Chair: Mr Bottomley.

Mr Bottomley: I apologise for not being here right at the beginning. It's twelve years on since Richard Dykes produced his report for the health safety commission and for the transport. He made a number – they made a number of recommendations, one of which was the (inaudible 01:10:31) which would include the purpose of the journey. One was that there should be promotion of research, another was that the (inaudible 01:10:42) review, and they were last reviewed I think in 2013, should include work related injuries as reportable, not necessarily reportable, but should be reported and need be reported. And there was a recommendation 17 that there should be a standing body to oversee injuries and deaths in work related road incidents. I don't think any of those have happened. Are those issues which the health and safety executive might take up with the Department of Transport and with the association of police and crime commissioners? The figures they had thirteen years ago were an estimate of 20 deaths a week related to work journeys. We've halved the general deaths, 3400 to 1700, so let's assume that's 10 a week, that's 500 a year which compares with 133 work related deaths which are reported to the HSE. It seems to me that we should be giving at least as much attention to the 500 work related deaths on the roads as we do to the 133 which were reported last year. Are there any comments that people might like to make on either side of my comments?

Chair: Mr Jamieson.

Mr Jamieson: I'm just nodding in total agreement. I think that's right. I'm not sure about how you would have a separate body just to look at incidents because you wouldn't know until investigation had taken place whether it was work related. So I think my idea of having a road investigation branch and that was one of the remits to look, for the inspector to look at that particular incident and say was that person driving in connection with their work, and then you could say had they got realistic expectations, were they working long hours, were they being expected to hold hands-free phone calls during the course of their work? A lot of people who do sales will conduct conferences on motorway which is not illegal at the moment but it's actually exceedingly dangerous. And, Chairman, with your permission, could I just – two other things that I would suggest in terms of safety on the road. I think that there's two issues here. There's one with the young drivers and the other one is with serial

offenders. Many of the serious crashes are caused by these people. I would like to see introduced now, and I've thought about this for a long time, I think some people should be subject to a lifetime ban on driving. If you have been caught three times drunk-driving I do not see why society should allow you back out on the road after two or three years, and the person should have to then prove why they were suitable to go back on the road. I would also look at the younger drivers and perhaps extend the period, the probationary period if you like, and I would actually reduce the age at which you could hold a licence to 16 and a half or even to 16 but to increase the age at which you could drive on your own with a full licence to 17 and a half or 18, so a longer period of supervised driving or potential supervised driving for a young person. Thank you.

[1:13:59]

Chair: Thank you. Did you, Nicola, want to pick up on this? We need to come to a close fairly soon. Or Kate?

Dr Christie: Yes, I think just a question about research really. How do you use research? Do you have vibrant research programmes and do you put that research – how does that affect individual policy and can that be done relatively quickly or do you have to wait (inaudible 01:14:25).

Chair: Who wants to take that, Mr Swan?

Mr Swan: Yeah, let me kick off. We have from the Department of Transport a section 16 liability, I don't mean it in the negative sense, so we have funding from government for broadly speaking achieving aviation safety outcomes that are beyond the national regulatory remit, so safety partnerships with other countries, we've had some excellent results with Turkey, Spain and others in reducing risk in those areas. We've been doing work overseas in other countries to drive down specific risks and that section 16 money the government funding we're looking at drones at the moment, clearly a very current topic. That funding which is not the airlines money, if you like, allows us to run research programmes and other programmes, that specifically helps to join up areas where we wish to have international influence in terms of on international civil aviation panels and (inaudible 01:15:38) panels in Canada and also in Europe. So I wouldn't say we had a vibrant research programme, I don't think that's within our remit, but we do have access to funds that does allow us to run either some research programmes or programmes per se that might have international outcomes. And we devote quite a lot of our resource to that but appropriately funded by government.

Chair: Thank you. Either of the others, Mr Prosser?

Mr Prosser: ORR has a similar duty under the Railways Act to ensure that research has taken place. We don't actually carry out research ourselves. What actually happens is RSSB is funded by the DFT direct and also we also ensure that Network Rail has been funded to some extent through the periodic review, and all this research and development which is now being coordinated through an industry group is called the TLSSG, Technical Leadership Strategy Group, so that it's targeted in areas that can improve, as I said earlier, both safety and performance of the industry. They publish the research on their dedicated website. some of the areas we've just been talking about which was there has been research done on fatigue and areas of human factors, for example, which is quite important in the areas that we've been discussing. And so we believe that we can always do more but there has been increased recently as well that research is taking place.

Chair: Thank you. Mr Myers.

Mr Myers: We have a research budget, we have our own in-house research facility laboratories in Buxton, the Health and Safety Laboratory, and we also spend money with extra mural research through other bodies and we use that to help us in both our forensic investigations and in anticipating future issues, drilling down to find out underlying causation, but across the piece. I wouldn't be able to say how much of that is focussed on transport related activity today.

Chair: Of course, there's a vast amount of research done in road safety but I suppose the difference is it's not the directed programme of work in the way that would be the case in the other industries. Mr Jamieson...

[1:18:06]

Mr Jamieson: Some of the research that has been done into road safety, of course, has ended up in some very practical measures that we now see in the design of modern cars which are endlessly safer than they were, say, twenty years ago. One of the problems with road safety research is making sure that it's disseminated so the people are actually going to carry it out and do something about it. I think there's a dissemination issue that needs to be addressed. And there's also the issue of the capacity of many of the organisations, for example, small highway authorities now have sometimes very little expertise left in their departments to actually handle some of the issues. It's fine for someone like Birmingham which is a big authority but some of the small authorities now are struggling on some of these matters.

Chair: We must wind up in a second but, Mr Madwick, did you want to pick up the issue about consistency across police forces and consistency with alcohol limits?

Mr Madwick: Yes, I was interested from a panel's perspective because there's clearly various limits across various industries in terms of alcohol, milligram rates per 100 ml of blood. There are inconsistencies now across the EU. So there are two very brief questions. Should there be more consistency across transport modes because there have been assessments of how dangerous it is, and what's the panel's view in relation to the impending law that's just about to come into Scotland in relation to the reduction of their limit?

Sir Peter: I think I saw the Bill through parliament that put in place alcohol restrictions for people on ships and in aircraft, and if I remember it's 20 for an airline. I would like to think it was 0 for my airline pilot but there we are. I'm interested in this discussion and when I looked at the figures years ago and looked more recently there isn't a lot of strong evidence that people between let's say 20 and 80 on the blood sample, there's not a lot of evidence that those people are causing a lot of crashes. There is evidence that people who are way over the limit are causing serious crashes and doing it very often. So my concern is, to start with, what are we doing about those people who are well over the limit? Just moving the limit down I don't think makes any difference. That's my personal view.

Mr Madwick: Could I just raise the issue for me that the latest research would suggest there would be 40 people alive each year in relation to halving the drink drive limits. So we talk about road safety targets in terms of reducing fatalities but what price do we put on 40 lives per year is an interesting challenge. I think there is a lot of evidence around Europe, the Scottish government are being persuaded by the most recent evidence, and every year the halving of that rate or the bringing of that rate down to an EU common figure would mean 40 people would be alive which is interesting.

Mr Jamieson: But I think the issue, Chairman, is that in terms of policing and in terms of enforcement we are already having difficulty enforcing it over the 80 limit and those are the people who are causing the most casualties. I mean, I wouldn't have a problem if it was reduced, it's just I'm not actually sure that it would have the effect that we want and how do we enforce it? Is the question – see, they are bringing them in in European countries the lower limits but they don't enforce them. They just have the lower limits. I know France is doing a much better job than it was some years ago but the enforcement is anything like it is here.

Prof Allsop: Aren't you expecting the evidential roadside breath tester to help with that?

Mr Jamieson: I think it would. Yes, it would. It would cut a lot of the time out that police officers have to take. I mean, police officers, a drunk driving incident, actually takes a police officer off the road for several hours doing his/her work, yes.

Chair: You might decide having looked at the evidence and obviously need to look at the most recent evidence that a reduction from 80 to 50 would have a certain benefit in terms of life saving if it was enforced. And then you might decide, well, we'll find the resources to enforce it because there are more lives saved by doing that than will be lost by taking the resources from other activities. In principle, somebody might do that calculation might they not?

[1:22:44]

Bottomley: Or, alternatively, you might say that if there were 200 remaining over the limit drink-drive deaths at the moment down from 1200 25 years ago it might be best to find the ways of getting the 200 already against the law and then see whether it has an indirect impact on the 40 which we'll have seen in 1580.

Chair: I think what we're all saying is it needs a proper research proposition, properly researched proposition.

Mr Jamieson: I think what I would like to see is some very clear evidence of those people who are in the band just underneath the drink-drive limit at the moment, just how many casualties they are causing, that's what I would like to see. And if that could be shown then I would support it.

Chair: Professor Allsop...

Prof Allsop: Give me your e-mail address. It's crystal clear, and it's been there for fifteen years at least.

Chair: Mr Madgwick.

Mr Madgwick: I think I have no doubt in my mind there is the evidence there, it is available now, and I think it's a question of, well, the police have all sorts of demands placed upon them but preservation of life, article 2 issues, seem to come pretty high up our list of issues compared with some things in terms of collection of dogs or finding loose horses. So I think from my (inaudible 01:24:02) that we would find the motivation to do the right thing. And there are countries in Europe, I know you mentioned some that don't, but there are some with a very good track record. I'm not proposing we move to Scandinavian level but I think there needs to be a lot more clarity for drivers about the approach because we are trying to promote a non-drink and driving approach because that ultimately is the safer route. I think there is too much ambiguity at the moment for people to work out what two pints of medium strength larger means to...

Bottomley: I think the commissioner was saying to us there are 200 remaining deaths above the present legal limits and perhaps those 200 deserve at least as much attention as the 40 below.

Prof Allsop: As much attention. So far they've had all the attention and the others have been forgotten.

Chair: Thank you, colleagues. Any burning issues we haven't covered?

Mr Bottomley: If it's not too much work, if someone in the HSE knows whether anyone has seen whether the recommendations from the Dykes report have had any action on them if that could be sent to us. If it's too much work, don't worry, but if it is possible to know it would be helpful.

Mr Myers: Thank you very much, Sir Peter. I was looking for the opportunity to intervene. I can send you a note on what's happened in respect of the Dyke's report. It is slightly more positive than you are saying since several of the things that I've been talking about in the course of the day have actually flowed from that report.

Chair: Thank you. We are always very happy to have written material. That would be very helpful. Thank you, gentlemen.

## Panel 2- Government

**Witness:** Robert Goodwill MP, Under Secretary of State for Transport

## Panel 2 Start

[1:25:37 – 1:27:00]

Chair: Can we start again please? Are we ready? Minister, thank you so much for coming along. We are making a recording of this and we will have a transcript (inaudible 01:27:14). We're not here to cross-question you particularly but just to learn from your expertise and get our ideas together. So thank you so much for coming along. Would you like to make any initial remarks? We've got your speech which you made the other day at the Road Safety Foundation which is very helpful. Anything you wanted to say at this juncture in addition to that?

Mr Goodwill: I think just to mention the fact that particular groups of people particularly in terms of road safety we're targeting the young drivers, the motorcyclists, the persistent drink drivers, and I was enjoying the debate – in fact, I almost forgot I was next door and I was getting into that debate, and dangerous areas like rural roads etc. So I think we do know where the areas we need to target are and, indeed, in the New Year we'll be bringing in the type of road-side drug testing and giving the police and the prosecutors the power to prosecute drug-drivers in the same way that fifty years ago we started with alcohol. I'm looking forward to the questions you may want to ask.

Chair: Thank you. Do you have any remarks you'd like to make about your vision for the government's (inaudible 01:28:29) for road safety in the future, looking forward?

Mr Goodwill: I think we need to fight on every single front and it's not just in terms of penalties and legislation and I often speak to ministers in justice talking about the penalties. For example, we've increased the penalty for using a mobile while driving. Some would say we should increase it even more; £100 and 3 points in many peoples' view is not enough and it's certainly something that I think we need to keep under review. We need to I think also – I think the big challenge, and just while I'm touching on the issue of using mobiles while driving, is how we can change attitudes because what has happened in fifty years of drink drive legislation is attitudes have really changed to drink driving. It is absolutely unacceptable, certainly to my children's generation and to most right minded people. I was in Rochester the other day for reasons you may be able to work out and I saw people openly using mobile phones while driving along. I think we need to not only come at it from the legislation and the enforcement but also I think the attitudes and people do need to understand their responsibilities. So there are a number of areas that we certainly need to keep the pressure up on and I think it's about public information campaigns, it's about penalties, it's about enforcement, and I know you had police and crime commissioners here, and then it's also about I think how we particularly target the groups that we know are still contributing disproportionately to the casualties on our roads in particular. I'm not going to specifically go into other areas of rail and (inaudible 01:30:07) but if you want to ask me about that I would be happy to give you my views on that as well.

Chair: I'm interested you used the mobile phone examples, so I would like to just have a word about that since you've raised it. I noticed in your speech you remarked that you are commissioning some research to find out more about who the offenders are in this respect and so on, but isn't this an area where, as you've just said, it's apparent to anybody looking on the street that this is not being enforced. There are offences being committed all the time. And certainly in my neck of the woods the police for whatever reason are not enforcing this rigorously, whereas I understand in other parts of the country they are enforcing it more rigorously. There's a difference across police forces in other words about this. We know it's very dangerous. Why do we tolerate this?

Mr Goodwill: Well, we have now democratically elected police and crime commissions around the country and it's their job to respond to the needs and the demands of their electorate and to prioritise the areas that they feel is appropriate, and I suppose in the same way that we are very much a government of localism within local government in the way that they set their priorities then I think it's very much down to police and crime commissioners working with their chief constables to prioritise how to target that. I know particularly some forces are very understandably keen to look at people using mobiles in trucks on the motorway and they've actually pressed into services trucks that they can use to look into the cabs and see some frightening things going on in lorry cabs which are being driven along the motorway at 56mph where people are on laptops, they are texting, they are doing all sorts of things, and indeed there has been one or two high profile cases where that has resulted in fatal accidents. So I think it's very much down to our local police and crime commission. But it is true that you don't have to spend very long walking on the streets of London or any other big city before you see somebody using their mobile. And unless the engine is stopped and the vehicle not in use

then it is an offence. Even in stationary traffic it's an offence to use a mobile, a hand-held mobile, when in traffic.

[1:32:19]

Chair: The problem is I may have a vote in London where I live but I may be concerned about the lack of police enforcement up in Lancashire or somewhere where I'm going.

Mr Goodwill: The other point I was talking about attitudes. Whilst I would – if I got in a car with somebody who'd obviously been drinking and was over the limit my attitude would be not to get in that car with them. I'm not sure we've got to that stage yet in terms of a mobile while driving where a passenger in the car where the driver takes a call will say, 'Stop the car. I'm going to get out. This isn't safe.' And I think that's maybe what we need to do with our public information, with our think campaign, to actually ensure that people do understand particularly texting which is horrendous to think somebody sending a text message while actually driving a car or indeed flying a helicopter. You may well be aware of a recent case where a helicopter pilot crashed at Vauxhall and either just before or during the crash evidence was that text messages were being sent by the pilot to that helicopter. It's something that we are very well aware of but it's down to local policing priorities. And, of course, one of the challenges facing police forces like the wonderful one we have in North Yorkshire, for example, is that while speed is something you can use technology to enforce you really can't do that in the same with with handheld mobiles. In many ways speeding is low hanging fruit in terms of the camera vans and our own police and crime commissioners, Julia Mulligan, uses mobile vans going around. And actually putting the paper where they're going to be so there's no excuse for getting caught, to be honest. But mobile phone use is much harder for the police to actually detect.

Chair: Mr Madgwick, somebody else who knows about North Yorkshire.

Mr Madgwick: Yes, two things. one I think if we utilise the voice of those families who'd suffer fatalities as a result of people using mobile phones as I was advocating to last Sunday at the Oakleaf Ceremony which is a series of ceremonies that are run for families who have suffered bereavement on the roads, they would be very powerful advocates for clearly communicating that message to others and the impact it has. The other good news, Mr Goodwill, is that the next generation of road safety camera vans that we have now commissioned will be able to do both speed and mobile devices so the technology and the advancement of technology will mean we'll be able to prosecute people in quite considerable numbers using those vans across the road network. So that's – there is an absence in – I don't think there's a tolerance amongst policing of people using mobile devices, it's just a process of (inaudible 01:34:54) at the moment – the volume is considerable and we know that everybody knows it and uses their own network and we need to become better at enforcing that. technology is one opportunity because, as I said, the devices we'll be bringing in, the road safety (inaudible 01:35:08) will be online from next March will enable us to do that as well as speed as well as enforce other forms of dangerous and careless driving.

Chair: Right, Kate Carpenter, we're going to broaden this out.

Ms Carpenter: You've expressed a division which I think we'd all support of one death on the road as being one death too many. A critic might argue that that's trite if it's not supported by evidence-based policing and we talked a little bit about it, things like drink drive, graduated driver licensing, hands-free phone are more dangerous than being at the drink-drive limit but the communication of that and the legislation on that, for example, things like enforcing the national speed limit including on B roads which is – the evidence base is very clear but that's a policy issue. So I just wondered whether you think we could possibly meet our commitment which we've made the EU target for 50% reduction in deaths unless we have more of that kind of evidence based policy.

Mr Goodwill: You mentioned using a mobile hands-free in a car and certainly I get representations from people saying that you should make that illegal as well. I think maybe we're not minded to do that and indeed I think people say, 'Well, there are other distractions in a car. You can tune the radio, you can talk to people that are in the car with you.' And I think maybe we need to think about how we utilise that particular right that we give people in a way that doesn't make you a more dangerous driver. For example, I wouldn't be re-tuning my radio while negotiating a difficult junction or going round a

roundabout. If I was having a conversation with fellow passengers that conversation would pause and they'd understand why it paused because I was trying to overtake or trying to get off at a junction. And certainly when I use my hands-free mobile in the car I try and use those same principles. In other words, I'll say to the person I'm speaking to, 'Look, I'm just coming to a junction. Just hang on a minute while I get on to the next road and we'll finish our conversation then.' And I certainly wouldn't engage in the sort of conversation negotiating a business deal or getting involved in quite a detailed conversation. I think there's a useful way to get quick messages and ensure that people who are – particularly people who are working and then need to possibly receive messages during the day use that. So I think maybe we should look at how we can use that privilege which I think we currently give people in a way that minimises the risk. And I'm sure companies that employ people maybe should think about how they can maybe issue guidance to their members of staff. I know some companies do not allow any use of mobile phones while driving vehicles but it might be quite difficult if you are sending one of your reps off to Preston for a meeting and ten minutes after he sets off you get a message that the meeting has been cancelled. So I can see the practicalities of that. I think that enforcement is the key in terms of using mobiles while driving. And, of course, what we have seen over the last twenty years from a period when hardly anybody had a mobile phone to a period now when everybody has a mobile phone virtually, we haven't seen certainly enough to buck the trend of reducing road casualties over that period, so I'm sure it has had an effect but it's not had an effect that's counteracted some of the other measures which have been forcing down deaths on the road. But I think using a hands-free mobile while driving is every bit as much a skill that you need to work on as any other driving operation that you may carry out.

[1:38:52]

Ms Carpenter: I think it's the broader issue that even a hands-free phone is (inaudible 01:38:53) research is 15% worse than being a drink-drive limit, so the message perhaps should be if you wouldn't drink and drive you don't use the hands-free kit. But it's not precise detail, it's the bigger policy we're after is we have an apparent government policy or vision that one death is one too many but a whole range of what could be evidence based interventions to underpin and deliver that don't seem to be part of that commitment, so it seems to be a vision without the strategy where there is good evidence, and also things that we don't have evidence of yet but we do have strong evidence for some of these things like graduated driver licensing and those sorts of things. And, as I say, more of the speed enforcement including at the higher end. It's that broader question we're really after.

Mr Goodwill: There's always a balance between what people would see as their personal freedom and road safety. For example, we were looking at young drivers in particular and when I arrived in the department there was a number of proposals which would have reduced the number of young people killed on our roads by imposing a curfew, by limiting the number of people in a car, by introducing graduated licensing, which would in effect have increased the driving age to 18. That would have reduced the number of young people killed on our roads because it would have reduced the number of young people driving on our roads. We could have increased the driving age to 25 and that would have completely, apart from people not complying, that would have completely reduced that number. And you've got to balance the needs of young people in that situation to access work and education and a social life, particularly those living in rural areas, with the need to bring in legislation. I met my opposite number from Yemen a few months back and they've banned motorcycles in the capital city. Well, we could – by banning motorcycles in this country we could reduce 18% of our road deaths would go. It's only 1% of road traffic, I'm sure those people would find another way to get to their journey, they'd have to find something else to do on a sunny Saturday or Sunday afternoon in North Yorkshire but you could by restricting peoples' freedoms dramatically reduce the number of people killed on our roads. You've pushed people into public transport, indeed you could tax them off the road by increasing the cost of vehicle excise duty so that maybe those young drivers who already struggle to pay the cost of insurance would therefore not be on the roads. As an alternative to that, and I think that – and I'm very encouraged, we've seen the dramatic rise in telematics in terms of insurance policies and certainly I had a meeting with one of the big insurers this week and they have said that they have had 25% reduction in claims from young drivers using telematics policies who also benefit from a 25% lower premium. Now to what extent that's a self-selection group of young drivers who have themselves decided, 'I'm a safe driver therefore I'm going to have a telematics policy,' we are not yet sure and that's why we have commissioned research working with a number of the big insurers to see just what lessons can be learnt. But we can actually

achieve as much using the telematics without actually restricting peoples' freedom to travel in cars as we could with maybe some of the more draconian measures which, of course, you can impose these measures but you can't necessarily police them. Things like curfews are very difficult to police and, indeed, you might have situations where people are rushing home to beat the curfew which in itself would be dangerous.

[1:42:24]

Chair: Mr Goodwill, what I think you've just said is essentially that if I could put it my way that the one death too many slogan is a bit simple minded. There are many things as you've just indicated one could do which would save, whatever your words were, a lot of deaths on the road but for want of a good reason you've chosen not to do it.

Mr Goodwill: There's always got to be balance.

Chair: Precisely.

Mr Goodwill: We can impose a 20mph national speed limit and we'd be pretty sure that the number of people killed who were complying with that law would be virtually zero, but unfortunately you've got to always strike that balance. And there are things that we're doing, for example, the new drug-drive legislation which will be coming in the New Year so we can actually treat drug-drivers in the same way that we've been treating drink-drivers. We believe that will force down the number of deaths on our roads. We've made it easier for police to enforce drink-driving by removing the statutory option. We think there's probably about 25% of cases which can be sometimes not prosecuted for that reason so that will increase the level of policing and, therefore, I hope the level of compliance. So there are a number of things that we are doing and we will continue to do. And, of course, from the other side of the game we've got the way that the motor manufacturers are improving their vehicles with better breaking systems and, indeed, heavy trucks now have compulsory autonomous automatic breaking. One issue I am raising with the motor industry which I hope you might be able to echo and support me on this is that currently in cars, autonomous automatic breaking is an option, and because it's an option the insurance companies won't recognise that in setting lower premiums. Now what tended to happen in the past with things like traction control or anti-lock breaking systems etc. is that they would come in as an option on a model this year and then just before they get to the end of that model run they'll put it in as a standard feature to sell off the last few, and then when the new model comes out it will be a standard feature. If we can get autonomous automatic breaking as a standard feature then that can be reflected in lower insurance premiums which will be an incentive for people to take that technology. Currently they tell me it's too complicated to track every single option on every single car so we don't have the benefits of that in terms of saying, well, yes, it's going to cost you a little bit more for that vehicle which has it as a standard feature at that level but unfortunately at the moment you don't get the cheaper insurance.

Chair: In a second I'm going to bring Professor Allsop and then Mr Sheerman in, but just wanted to ask you our interest is across the piece and the different industries, not just in the roads. You obviously have a particular expertise in roads at the moment. Clearly there is a balance between sectors. There's a lot of effort goes into safety and reduction of risk in aviation and in railways, a lot of resources are consumed doing that, tax payer resources. And as I think we would agree if we had more resources available in roads you could save some more lives here at the price of let's say fewer lives in other sectors. Do you think that balance between the sectors is set appropriately?

Mr Goodwill: Well, of course in rail and aviation and, indeed, in maritime you are a passenger in a vehicle which is being run by the operator, whether it be an airline or a train operating company and, therefore, you don't have that factor which is the driver error to the same extent and, indeed, pilot training and train drivers training is at a very high level as you would expect from professional drivers in the same way that coach and truck drivers have a higher standard of training and regular updates in their training. I think that aviation is – it's safer than being at home, it's safer than walking down the street, it's the safest thing we do. Indeed, most of my time as aviation minister in terms of aviation safety is connected with the terrorism threat rather than the actual risks of aviation. And, of course, the CAA and (inaudible 01:46:47) was mentioned from the European air safety authority. We have zero tolerance to any risk factors and, indeed, we've got a culture within airline pilots where they report

things with – the sort of thing they are trying to get into the health service where a potential thing that could go wrong is reported. So if both pilots have the same prawn sandwich that is reported as a potential risk in case there were dodgy prawns. And in aviation people expect a completely uncompromising attitude to safety, and I think railways – the biggest problems with the railways of course is suicides and if you really wanted to save lives on the railways we need to put more effort into how we can identify those people acting strangely on the platforms which is work that is being done. I know that Network Rail work with the Samaritans to try and do more on that. So on the railway perspective, having been through a period of some very nasty accidents when we know that maybe money that should have been invested in maintenance of the network was being given in dividends possibly we're in a much better place on the railways. But in terms of travelling on the roads, currently it is generally the driver that is at fault and the driver error that causes the crash. Now, of course, moving forward there is a lot of technology which promises to improve on that situation in terms of we've already got technology that prevents cars throwing out of lanes, we've got technology which can automatically break vehicles, we have technology which will allow trucks to travel in convoy so that there is no prospect of a truck hitting the truck in front because all the break systems talk to each other. And moving to the era of driverless cars, I'm not sure when we're going to see driverless cars but I think we will see cars with many more of the potential errors that a driver can make being taken away from the driver and actually put within an automatic system and that will, of course, mean that we can have safer roads.

[1:48:57]

Chair: Professor Allsop and then Mr Sheerman.

Prof Allsop: Yes, thank you, Chairman. I would just like to go back to this mantra, one death on the road is one too many. I mean, if were known as a road safety campaigner which to some extent I am you might be surprised at how much of what you said about proportionality and individual freedom and so on I personally would agree with you. I'm not one of those people who thinks in terms of eliminating all death and serious injury from the road system, not in my lifetime or even younger people's lifetime who are around. But it does leave us with the question when we come to communicate our findings how this phrase is around, and I just wonder are you able just in a few words to tell us what is in your mind when you use it.

Mr Goodwill: Well, I often get asked if we should set a target for reductions in casualties and governments quite like to set themselves targets, particularly if that target is beyond the present electoral cycle so somebody else will be the minister at the time, that target is or isn't achieved. Indeed, the Highways Agency have set themselves a target of a 40% reduction. The Highways Agency is actually in a position of having much more control of its network than we are in terms of local highways authorities around the country. And they are embarking on a massive programme of investment. So, for example, we've seen many more concrete central barriers which not only prevent vehicles crossing over but also by the way don't need repairing when a vehicle does hit them. And, of course, the smart motorways or the managed motorways hard shoulder running or whatever you are going to call it is actually rather counter-intuitively delivered a 50% reduction in accidents, and I think people are starting to understand that a little bit more. When it first came in there were a lot of people who said, 'Well, the hard shoulder is a safety feature therefore we should keep it there as a safety feature,' and indeed I think your colleague in South Yorkshire still isn't convinced of the benefits of the hard shoulder running. So the Highways Agency are in a position that they can actually have much more control. If we set a target, I think we'd have to be able to justify that target by what we're doing and what the outcomes would be, and I'm not 100% sure that each of the measures that we are taking in terms of investment injunctions, in terms of stricter penalties, in terms of the drug-driving, in terms of the changes in our HGV speed limits which is another one where some of the research would indicate we're doing the right thing but there's other critics that say not. I think each individual one is very difficult to predict how much it will do and if you put them altogether then it's almost impossible to predict what the outcome will be. But what we can say, and looking across the world and looking across the European Union, is that we must be doing something right in this country because we are in the premiere league along with Sweden and indeed on Tuesday I met the Indian transport safety minister; they kill nearly a quarter of a million people a year on their roads mainly because they have so many motorcycles.

[1:52:31]

Chair: Mr Goodwill, you know that one of the arguments for targets, whether it's right or wrong I don't know, is that it helps at local level the people interested in road safety to fight their corner for limited resources in local government, and I think we'd agree we rely a lot on local government delivering the safety in the future. We know from the national audit office report of a couple of days ago that local authorities have cut their resources in this area by at least 20% along with everything else. Do you not think targets would have been helpful to those people to protect their particular activity against all the other things that's going on?

Mr Goodwill: I think local authorities are perfectly free to set themselves a target. Indeed, if a local authority is intending to invest money in cycling provision, is intending to put in more 20mph zones in residential areas or outside schools then I think that they are probably in a better position than central government looking at the whole variety of different transport modes in our roads to actually say that we could end up – we will reduce by 10% the number of people killed or seriously injured on the roads in our city because we are doing x, y and z. We're doing A through to Z and it is difficult I think to put them altogether to predict what's going to happen. What I think we do need to do is look at each individual area, and I mentioned increasing the speed limit for trucks on single carriageway roads which has been a little bit contentious, and ensuring that we do what we can in each area to make things work and make things better. And, of course, what will I think make a big difference, but it's hard to quantify, is the fact that we're investing three times as much in our roads as previous governments were. There's £24 billion in our kitty for investing in our road network and what is a fact is when we improve a road we improve its safety and, for example, we're also cycle proofing all the big junctions that we're doing, we are making sure that we take into account road safety is part of that, and indeed of the six priority routes that the chancellor – that we're looking at and encouraging the chancellor to announce in the autumn statement, one of them, the A1 north of Newcastle, is not a route which is actually desperately congested but it is a very dangerous road. And I suppose there is a debate to be had as to the balance between where you invest to address a congestion problem and, of course, congestion does actually make roads more dangerous. If you've got stationary traffic, if you've got traffic backing up on a slip road, that will cause a hazard on the road itself. But how you judge between addressing the congestion with your investment and addressing areas where the road is particularly dangerous, in many cases it's both but that is a decision that governments have to make.

Chair: From your position in central government, do you not regret as I think some people on this end of the table would the loss of expertise and resource in local authorities, that they have chosen to make in the face of the cuts in their own safety area?

Mr Goodwill: Yes.

Chair: It's just up to them to make that decision, it's not a matter of national regret.

Mr Goodwill: Yes, I mean, some local authorities have kept road safety and obviously I work very closely-

Chair: On average they've cut them by over 20%.

Mr Goodwill: Yes, well that's a decision they've had to make in terms of their budgets. Unfortunately we cannot get away from the facts of life that when this government came into power there was a massive deficit and a number of areas have borne the brunt of that not least local authorities. The headcounter at my town hall is down by 50%. I'm not sure whether people in Scarborough would necessarily notice the effects that that's particularly had on them so some of those jobs may have been superfluous but I think it's important that you do have local authorities who do know how to prioritise their spending. Indeed, as I said, many councils still do have people working in the area of road safety. A lot of councils have people working particularly to try and improve the safety of cyclists in their cities. And, indeed, we've got our eight cycling cities who have had funding to the level that's been recommended, £10 a head, as well as London. So we are – money is being invested in particular areas in terms of making our city safer for cyclists and we've set an aspiration to move to that £10 a head investment in cycling across the whole country not just in those cycling cities and in London.

[1:56:52]

Chair: Thank you. Mr Sheerman...

Mr Sheerman: Minister, as a fellow Yorkshire Member of Parliament you would be as horrified as I was hearing about the deaths of those young people in Doncaster at the beginning of the week, and of course it is Road Safety Week this week. And I just want to push you a little bit on where your passion is because the kind of view that you expressed earlier and asked the first questions about not wanting to introduce draconian measures, I don't think anyone on this side of the table has ever wanted draconian measures. In fact, I get teased by your side because I'm a (inaudible 01:57:39); I believe that you should edge forward, learning by experience, learning by good practice in other parts of the world similar to yourself, and you make progress. But I'm wondering what gives you your forward thrust, if you like.

Mr Goodwill: I was at the Road Peace service in St James' in Piccadilly on Sunday to remember those killed on our roads. Indeed, there were two people in particular who gave a testimony as to how the bereavement in their family had affected them so I'm never far away from people who are affected in that way and most people in their ordinary lives have had friends or family affected. I think what drives me is actually I'm a bit of a geek and I just like to see a technological solution to a problem. So if we do have an issue say with somebody who is a persistent drunk driver who has been caught two or three times and somebody who may cause death under the influence then should we look at some of the alcohol technology that's out there to ensure that the person can't drive the car unless they actually are clean? There's often the technological solution in the same way that we're looking at autonomous breaking systems. There is a system in the department some years ago actually when Mr Jamieson was a minister trialled in Leeds, a system of automatic speed control. So basically the speed limiter which is fitted to many cars including mine which you can manually set as part of the cruise control system was linked to the sat nav which told them what the speed limit was, so it's perfectly possible, indeed, very simple to actually produce a car that will not break a speed limit. Now do we want to go down that route? Do we want to say to people you don't have to worry about speeding because you can set your car not to break the speed limit and, indeed, if you are a person with nine persons on your license or a justice of the peace or the road safety minister that will be something I'd be delighted to have fitted to my car. Currently it's not an option, but I just wonder how big a market there would be for that. but certainly the people in Leeds who drove the Skodas I think that were adapted in that way at the end of the trial the majority said, 'That's it, I'd quite like to keep that system because it actually means that I don't have to worry about the speed.' And the additional benefit of that is, and I find that if I'm driving in town and have got my speed limiter set at 30 that I don't need to look at my speedometer which means I can look for the hazards, for the cyclists, for the people crossing between cars. It's of double benefit. That technology is available. Do people want to buy it? I would be very reluctant to actually make it compulsory but who knows? There may be some that think that will be a great thing to do, in the same way we have speed limiters on trucks which stop them going over 56. It will be perfectly possible to have every car in the country fitted with one of these devices that stops them breaking the speed limit.

Mr Sheerman: Minister, I'm with you on part of the answer will be technology, absolutely with you. In fact, if you want to meet FMG in my constituency, real innovators with the insurance industry in telematics, I would be happy to escort you to their premises.

Mr Goodwill: This is the black box that you plug into your car. It takes ten seconds to fit in and that will ensure that you are in compliance. And, indeed, I was speaking at one other conference today and they said that they had a car with three named drivers and they could tell within ten minutes who was driving the car just by their driving behaviour and what this box could tell them. It's an amazing technology and one that provides feedback to people. So that's why I think there is technology out there which will help.

Mr Sheerman: Minister, I'm with you on technology, the part it can play. But when I'm asked about the passion, is it 1318 people died on British roads last year that is all of it unnecessary, it shouldn't have happened, and the bereavement and the – they'd been killed, I have to say, in a foreign war at that level, or the people that have been killed on the roads had been killed in foreign wars since the last World War

Two, it is a mountainous figure and still 1318 you've got to admit is still not acceptable in a civilised society. What I'm trying to get at is when you look at the overall picture of death and serious injury it's usually human error of some kind, isn't it? If we cease having a culture where children learn about road safety because of the cuts in the education budgets where we cease to have road safety officers teaching kids to ride safely because there has been cuts, there is something seriously going wrong because the culture of the teaching kids to be safe on the road will disappear, won't it, and we'll get rising figures of casualty?

[2:02:39]

Mr Goodwill: What we have had, of course, is an understanding that when people get caught speeding the first time as long as they are not grossly over the limit they get referred for speed awareness courses. And, actually, people I have spoken to whose attitude before they went on that course was, 'Well, this is going to be a complete waste of my time. I know how to drive etc. etc.' actually have found that a very, very useful process and, indeed, has made them understand that just going that extra four or five miles an hour over the limit can be the difference between life and death on the roads. And I think we are gradually improving in some ways attitudes because there's people who have an accident because they lack expertise, they are a novice driver and that's an issue, and of course what we shouldn't do in that situation is make the driving test more difficult because the evidence that I've heard is that it's the people, the young men in particular, who fly through the driving test who sadly appear in the casualty figures, not the people who maybe have to take the test three times, the slightly more timid people maybe who don't see themselves as king of the road and don't see themselves as driving round like some formula one driver. So I think that we need to make sure that we do focus on those people who are particularly at risk so the young drivers who are just starting...

Chair: You've shifted up there.

Mr Goodwill: Sorry.

Mr Sheerman: I was interested in little kids. Little kids that have to be protected, have to be nurtured, have to get those – understand the culture of safety early on and that's what worries me. I really do worry with the significant number of casualties and children, pedestrians, children and cyclists, that taking away that culture of educational support and learning will be a dreadful – we'll pay a dreadful price for that.

Chair: Briefer, please, because we must move on.

Mr Goodwill: Okay. We're certainly not planning to withdraw bikeability funding. In fact, we just extended it for a year and I think we've trained over 1.4 million people mainly school age children in bikeability how they can be safe and responsible.

Mr Sheerman: Okay, we'll draw a line on this. My last question is this. When do you get really angry, bash on the door of your friend, Patrick McLoughlin, and even drag in Eric Pickles, and say, 'For God's sake, we've got to do something about this.' What is the – what makes you angry? I want passion and anger to do something rather than relying on technology.

Mr Goodwill: What really makes me angry is when I get – we get reports from coroners quite regularly which is a very good system if a coroner – and it's when the accident is caused by a person who knows they are driving recklessly and irresponsibly. That's what really gets me annoyed. Accidents sometimes happen, I know that, some of the road charities don't like using the word accident, but sometimes they are accidents; the person lacks the skills or something unexpected happens. But in many cases, and we are looking at the people over the drink-drive limit, the people who have taken drugs, the people who know that they are driving at ridiculous speeds, they are the ones that really get me angry and they are the hard core of people that we need to get to and I think the police need to get to as well and they are the people that get me really angry and they are the people actually where it should be low hanging fruit because we know those people are being dangerous and, therefore, that's where I think – rather than maybe restricting everybody's freedoms and everybody's what they see as their rights, we need to ensure that we can actually get to those people and it's an attitudinal problem in many cases, to make sure that those people who will disproportionately appear in the

statistics and will also sadly disproportionately appear in other people's statistics because they are killed in the accidents.

[2:06:27]

Chair: Right, I'd like Mr Conradi to explore with you further the issue about how we make better use, better understanding, of all these rather good reports you are saying coming together. Mr Conradi.

Mr Conradi: Well, I wanted to talk about regulation if you like in terms of we know the status of the Highways Agency is changing and some of its regulatory powers on moving including with the ORR I believe. Is there or are there any plans for a safety regulator for the roads with overarching responsibility, not just for those who use the roads but also for those who work on them as well?

Mr Goodwill: The new Highways Agency, Go-Co, the government company, will have two regulators, one which is based on passenger focus which I suspect would be within their remit to look at safety and investment in safety, and the other which is the more economic regulator as well. I think it would definitely be within the remit of that passenger focus side of the watchdog to actually have a watching eye on levels of casualties, on where investment is maybe probably better spent in terms of safety, and also I think to try and help us to get that balance which I've mentioned already between addressing congestion and addressing what can be called accident black spots or very dangerous pieces of road. It's difficult to know you are getting that balance right. I hope that we are and I've seen those maps with the Euro end cap, so we know where the dangerous roads are and it's to what extent that we respond to those calling us to invest in those roads to make them safer, and also those people – I've got to say the majority of people that come to me are saying, 'Look, please invest in this road because I sit in a queue every morning,' and it's getting that balance right. And I hope that the watchdog may develop its role in a way that actually helps the government in terms of setting the priorities of the Highways Agency. The change at the Highways Agency are more about delivering these things cost-effectively than changing the culture within the organisation. It's about long-term planning, it's about long-term relationship with contractors, it's about value for money, rather than being about any fundamental change in the way that the Highways Agency operates. And, of course, the Secretary of State will still own all the shares in the company so he will have oversight and the control of what goes on.

Mr Conradi: Would that passenger focus group have the same level of responsibility as say the CAA does for aviation?

Mr Goodwill: No, it's not a – it won't be a regulator, it will be a reference group that will feed in and help represent the views of the road users. I mean, the CAA is a completely different role as a regulator and the CAA can mandate, the CAA can ground plans, the CAA can do all sorts of things. This group will be about representing the road users but I know that road users see safety on the roads as a very important aspect of what goes on as well as the reliability of journey times which is also something that as politicians we get our ears bent all the time about.

Chair: But what we've heard about in the other industries is an independent (inaudible 02:09:46) of some kind collecting information and with statutory powers to do things, to insist that things happen. And I think you are telling us that you don't see that as a role for passenger focus or anybody else except for yourself as a minister.

Mr Goodwill: Yes, I certainly don't see a role for either the Health and Safety Executive or for independent road accident investigation bureau, and I think that's for a number of practical reasons. The Health and Safety Executive would I think triple its workload were it to get involved in this. And you'd also have a rather strange situation that somebody who was driving professionally as a lorry driver would find that the Health and Safety Executive would come in and would investigate, but me driving as a private individual wouldn't, and I think that would be slightly difficult for people to understand why a person who is killed in the course of their work is treated in a different way to a person who is killed on their way to work. And, indeed, what is – and you remember when the smoking legislation came in and a barrister got done for smoking in his car on the way to court and he argued that it wasn't his workplace but it was determined it was his workplace, so there would be all sorts of arguments about that. If we had a separate investigation branch that would be as well as the police. Now, one of our

biggest challenges when we have a fatal accident or even an accident with serious injury is getting that road clear again, back into use, but at the same time protecting the site and collecting the evidence. And the police have got some really good technology they use with laser scanning and they're in a much better position to do that. But would we have to wait for the road accident investigator branch to arrive as well? If there was a prosecution pending, would they be able to produce their evidence and their data before the prosecution? I suspect not. So I think it overcomplicates it and I think the police do a very good job in terms of going on to a scene of an accident. They do try and determine what the cause is and when we see the data it's often down to the guy on the ground to actually determine what the cause of the accident was. It's not 100% accurate but it's his judgment on the ground. But it is important that it remains the role of the police to attend these accidents assisted by all the other agencies including our Highways Agency people, but also then the police to take the view that if there is a prosecution to collect the evidence. And then, when everything is fine, when everything is cleared up and they know that they can open – the road can open again, I think anything else would complicate things and mean that road wouldn't be open again and, of course, if you close a major road and send everybody on a detour through the local town you are creating a hazard in itself. The longer that detour is in operation the more people Interviewer: hat town are going to be pedestrians subjected to potential hazards from all that extra traffic.

[2:12:25]

Chair: Right. We have to finish in three minutes. Are there any burning issues...

Mr Goodwill: Peter is shaking his head.

Chair: The last word in a second. But just before we do that, is there anything else we need to pick up?

Mr Madgwick: Very briefly. You've heard the discussion earlier about the drink-driver. I think the facts were slightly misrepresented. The evidence all shows over the last decade that there would be 40 less fatalities a year, 40 – 50 actually I believe the latest evidence shows. Scotland are moving in that way. We are out of kilter with the majority of our European partners in relation to this. Is there going to be a drive or desire to review that position?

Mr Goodwill: Well, obviously we will constantly keep this under review but we have no plans to change it at the moment. If you look around Europe, the first point is that countries with lower drink-drive levels have worse drink-drive records than us, so just setting the limit at a lower level doesn't actually change peoples' behaviour. The second point is that in contrary to the lower limit they have a variety of different penalties, so we could find somebody who is done for drink-driving at 30 rather than 80 or 40 or 50 would find that they got points and a fine. Now, I'm not sure that that sends out the right message. I think at the moment with our current limit we have the twelve month ban which is a serious penalty particularly for somebody who drives in connecting with their job or to get to work; it can be a life-changing event in somebody's life, they may lose their job and their house and their marriage and everything else. So I don't think that moving to a lower limit and at the same time having lower penalties will send out the right messages. The evidence I was given was that people who seek to comply with the current limit by and large underestimate what they can drink. So people who are being responsible and endeavouring to stay within the limit are actually well within the limit. The people who break the existing limit are doing so irresponsibly and they know they're over the limit in the majority of cases. They are the people I think that we should be targeting. They are the people that are causing the 230 deaths on our roads, and I would be very keen to see that figure of 230 be further reduced. It has come down dramatically from over 1600 when even in the 1970s I think it was up there, so things are changing and it's because of attitudes. I think it's also because we are doing things like removing the statutory option, allowing the police – making it easier for them to prosecute those.

Chair: Thank you. We must stop. Peter is going to just make a last comment.

[2:14:58]

Sir Peter: Two sentences. One on your reply about investigations. The British Transport Police have a reputation of getting railways running faster than the other police and yet they are involved in helping investigations of deaths on the railways, so I'm not asking you to give your answer again but I just offer that as a thought. My question which you can nod in reply to if you want is you may have heard the discussion about the (inaudible 02:15:23) regulations and the Richard Dykes report of 2001. Can I ask that your advisers might let you see a summary of that report and the recommendations and see whether any of them which haven't yet been implemented might be with some advantage.

Mr Goodwill: Yes, in fact there was some reference in here which I won't find the right page but they did specifically mention that so I shall say – I promise to read that on my next long train journey.

Chair: Minister, thank you, we're very, very grateful for giving your time. Thank you very much.

[End of Transcript]