House of Commons
Transport Committee

Transport Committee
Annual Report 2002–03

Fourth Report of Session 2003–04

Report, together with formal minutes

Ordered by The House of Commons
to be printed 4 February 2004
The Transport Committee

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

Current membership

Mrs Gwyneth Dunwoody MP (Labour, Crewe) (Chairman)
Mr Gregory Campbell MP (Democratic Unionist, East Londonderry)
Mr Brian H. Donohoe MP (Labour, Cunninghame South)
Clive Efford MP (Labour, Eltham)
Mrs Louise Ellman MP (Labour/Co-operative, Liverpool Riverside)
Mr Ian Lucas MP (Labour, Wrexham)
Miss Anne McIntosh (Conservative, Vale of York)
Mr Paul Marsden (Liberal Democrat, Shrewsbury and Atcham)
Mr John Randall MP (Conservative, Uxbridge)
Mr George Stevenson MP (Labour, Stoke-on-Trent South)
Mr Graham Stringer MP (Labour, Manchester Blackley)

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/transport_committee.cfm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Eve Samson (Clerk), Dr John Patterson (Second Clerk), Clare Maltby (Committee Specialist), Miss Frances Allingham (Committee Assistant) and Susie Wheeldon (Secretary).

Contacts

All correspondence should be addressed to the Clerk of the Transport Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6263; the Committee’s email address is transcom@parliament.uk
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Task 1: To examine policy proposals from the UK Government and the European Commission in Green Papers, White Papers, draft Guidance etc, and to inquire further where the Committee considers it appropriate  

Task 2: To identify and examine areas of emerging policy, or where existing policy is deficient, and make proposals  

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TO ASSIST THE HOUSE IN DEBATE AND DISCUSSION  

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Reports from the Transport Committee since 2002
1 Introduction

1. This is the second Annual Report of the Transport Committee. When we published our first, in February 2003, the Committee had only been in existence since July 2002. Much of last year’s report dealt with work that was just begun, or continued from the Transport sub-committee of the Transport, Local Government and the Regions Committee. This report covers the first full year of our operation and completes those stories, deals with other inquiries undertaken in the course of the past year, and looks, in part, at work still to come.

2. We have followed the practice of our earlier report by discussing particular inquiries under the Liaison Committee task to which they most closely relate, but including a Table to indicate the spread of tasks covered in each inquiry. We consider this a helpful way to demonstrate how our work fits into the Liaison Committee’s framework. However, we should point out that not only are several different core tasks covered by a single inquiry, but also that our inquiries inform and influence one another. For example, our work on Overcrowding in Public Transport led us to examine the operation of Rolling Stock Operating Companies; this information will be useful in all our rail-related inquiries.

2 General Points

3. One of the most important roles of the Committee is to promote debate, to widen the political agenda and to ensure strategic issues are properly examined. In the last year we have done this in several ways. The reports Jam Tomorrow?: The Multi Modal Study Investment Plans and Urban Charging Schemes drew attention to the critical problem of congestion on Britain’s roads and heightened the public debate on policies to tackle congestion, including the potential role of road charging schemes. We entered the debate on the future of aviation, completing a major report in time to influence the Government’s Aviation White Paper. The present performance of the railway gives great cause for concern, and so we are currently conducting a root and branch examination of its structure and operation in The Future of the Railways. Although Government and the rail industry have repeatedly said that the priority must be incremental improvement rather than radical reform, we believed it was necessary to consider structural as well as operational issues. The Government seems to have belatedly come to the same conclusion, as the review announced by the Secretary of State for Transport on Monday 19th January demonstrates. This episode demonstrates the need for Committees to be prepared to set their own agenda: by choosing to undertake a fundamental inquiry before any hint of a change in Government policy we have ensured that we will be able to produce a considered report based on extensive evidence before policy decisions have been finalised.

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1 Transport Committee, Seventh Report of Session 2002-03, HC 201-I
2 Transport Committee, Third Report of Session 2002-03, HC 38-I
3 Transport Committee, First Report of Session 2002-03, HC 390-I
4 16 December 2003
4. But there is also value in focussing on particular aspects of the transport system, and we have looked at matters which are too often accepted as inevitably difficult, such as *Overcrowding on Public Transport*, and *Disabled People’s Access to Transport*.6

5. We have also taken up matters which are of general concern to Parliament, rather than to the Committee alone. We were extremely startled when the Secretary of State declined to answer a question on the grounds that to do so might expose him to judicial review. The Chairman has pursued this matter in correspondence with the Secretary of State himself, and the Attorney General. We acknowledge that the courts are increasingly using the Official Report in their proceedings, but it is at the least unfortunate that this should reduce the ability of Select Committees to inquire into matters of general public interest, which are not at that time actually sub judice. We were pleased that the Chairman of the Strategic Rail Authority fully answered a question which he had first attempted to avoid on the flimsy grounds that legal action might be taken against him at some unspecified point in the future. We have also responded to requests for our views from other committees.

6. We will always have criticisms of at least some of the Department’s policies, and on some matters, detailed later in this report, we found its responses unsatisfactory, but we wish to acknowledge that the Department has been extremely helpful to us during the course of the year. The Parliamentary branch in particular has been outstanding in dealing with our staff’s inquiries, and facilitating contact between our staff and policy officials. The Secretary of State and his Ministers have been willing to come before us whenever we have requested it, and appeared before us eight times in connection with as many inquiries in Session 2002-03. The Secretary of State alone appeared four times. We have been sent ministerial written statements, consultation documents, and other publications without having to request them. We have been kept informed on occasions when Government replies were to be delayed. On our side, we have attempted to time those inquiries which are connected to departmental consultation so that the Department’s processes are not delayed. There may be scope to build on this relationship, so that the information on the forward programme given to us by the Department is more structured; we will be asking our staff to explore this further.

7. The Department has also been extremely useful in helping us deal with other departments on transport-related matters, which may transcend departmental boundaries. Our inquiry into *Traffic Law and its Enforcement*7 has required us to look at the role of the police, and we have taken evidence from a Home Office Minister; other areas where the Department’s responsibilities overlap with other parts of government are school transport, transport and social inclusion and the planning for major transport projects. We have been grateful to our Parliamentary colleagues on other committees for their acceptance that, on occasion, inquiries will touch on matters within their remit.

8. We have been very ably assisted by the new Committee Office Scrutiny Unit, which has provided support and briefing on many subjects, particularly on those with a financial angle. **It is useful to have an in-house unit with financial expertise, which can be called in to deal with matters such as Estimates quickly, without disrupting the rest of the**

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6 Minutes of Evidence, HC 1263-i, 19 November 2003
7 Minutes of Evidence, HC 105-i, 10 December 2003, HC 105-ii, 17 December 2003
Committee’s timetable. We believe that the Committee Office Scrutiny Unit proved its worth as a central resource for Committees over the last year.

9. An Annual Report like this gives an overview of our work. What it cannot do is convey the longer process of dialogue between Government and select committees, and the way in which reports may produce results long after they are first made. We are not bound by our predecessors’ views, but we often find that we agree with recommendations they made. The re-iteration of a case over many sessions may eventually be effective. For example, we were very pleased that the Secretary of State has at last accepted the case for protecting flights between London and peripheral regions of the United Kingdom. This had been a key recommendation in our *Aviation*\(^8\) report, but it had also been made by each of our precursor committees.

\(^8\) Transport Committee, Sixth Report of Session 2002-03, HC 454-I
## Identification of Inquiries Relating to the Core Tasks

Transport Select Committee Report Session 2002-03
Inquiries and Evidence Sessions: Relationship to Core Tasks

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3 OBJECTIVE A: TO EXAMINE AND COMMENT ON THE POLICY OF THE DEPARTMENT

Task 1: To examine policy proposals from the UK Government and the European Commission in Green Papers, White Papers, draft Guidance etc, and to inquire further where the Committee considers it appropriate

10. The Committee closely examined the Government’s transport policy proposals. Our Aviation report responded to its consultation on the Future of Aviation\(^9\) by identifying the key questions the Government had to answer in making decisions about airport expansion in its forthcoming White Paper. We also examined whether the proposals contained in the Government document Modern Ports: A UK Policy\(^{10}\) were adequate to address the difficulties and opportunities faced by UK ports. Our conclusions regarding safety, capacity, the environment, employment and competition, were published in the Ports\(^{11}\) report in November 2003.

11. In terms of examining policy at the European level, our report on Aviation looked at European Policy. We took evidence from Commission officials on the transfer of negotiating competence in international aviation negotiations from Member States to the Union itself, and on other aspects of European Union regulation of aviation. Our report on Ports examines the draft directive on Market Access to Ports Services, and its publication took place shortly before that directive was rejected by the European Parliament. In addition, we have identified European Union competence and transport as a subject for inquiry in the forthcoming year, when we will be examining, in particular, proposals for road user charging, enforcement of the law against ship source pollution, and the progress of negotiations with the United States on aviation agreements.

Task 2: To identify and examine areas of emerging policy, or where existing policy is deficient, and make proposals

12. Much of the work of the Committee over the preceding year has been concerned with this task. One of our most important reports published in 2002-03 was Jam Tomorrow?: The Multi Modal Study Investment Plans, which followed on from the Urban Charging Schemes report, for which we took evidence in the 2001-02 session and reported in the 2002-03 session. The reports helped launch a much needed national debate on congestion charging on the inter-urban road network. In the report on multimodal studies we questioned whether the objectives of the integrated transport paper could be realised without some form of inter-urban road charging or alternative.

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\(^9\) Department of Transport Consultation Papers, The Future of Aviation, 12 December 2000 – modified, 1 October 2003

\(^{10}\) Modern Ports: A UK Policy, 29 November 2000

\(^{11}\) Transport Committee, Ninth Report of Session 2002-03, HC 783-I
13. We also completed our precursor’s inquiry into Railways in the North of England,\textsuperscript{12} originally undertaken on the basis that current regional rail policy was not operating satisfactorily, given the very significant socio-economic implications of rail services for a region.

14. In Overcrowding on Public Transport we concluded that there should be urgent plans implemented to improve the trauma faced daily by millions of travellers. Following the derailment of an Underground train at Chancery Lane the Committee held a one-off evidence session, Crisis on the Central Line,\textsuperscript{13} examining any deficiencies in policy which may have led to the incident and failures of procedure in coping with the situation once it had occurred. Coincidentally, the line reopened on the day we took evidence. We received responses from both the Department for Transport and the Office of Fair Trading to our inquiry into the bus industry, published in the First Special Report of Session 2002-03.\textsuperscript{14} Their responses wrapped up our inquiry, undertaken in the previous session, on bus deregulation and quality of service.

**Task 3: To conduct scrutiny of any published draft bill within the Committee’s responsibilities**

15. The Department has not published any draft legislation in the time under review. However, the Committee has examined Disabled Access to Transport, and our report will take into account the Draft Disability Discrimination Bill\textsuperscript{15} published in December 2003. The Committee also drew the attention of the Joint Committee on the Draft Civil Contingencies Bill to a possible gap in the Bill’s provision and this point was used in the Joint Committee’s report.\textsuperscript{16}

**Task 4: To examine specific output from the Department expressed in documents or other decisions**

16. The most significant documents published by the Department in the past year must be the suite of consultation papers on The Future Development of Air Transport in the United Kingdom.\textsuperscript{17} The Committee responded to this by undertaking a major inquiry, and reporting in time to influence the recent White Paper on Aviation.

17. On 20 June 2003 the Secretary of State for Transport announced that “responsibility for a number of tasks associated with the management of the strategic road network should be transferred from the police to the Highways Agency”.\textsuperscript{18} Our inquiry into Traffic Law and its Enforcement both examines this decision and looks at the wider issues of traffic law enforcement. Before we had completed our oral evidence, the Government published a

\textsuperscript{12} Transport Committee, Session 2002-03, HC 782-I
\textsuperscript{13} Minutes of Evidence, HC 592-I, 1 April 2003
\textsuperscript{14} Transport Committee, Session 2002-03, HC 97
\textsuperscript{15} Department for Work and Pensions Bill, 3 December 2003
\textsuperscript{16} Joint Committee on the Draft Civil Contingencies Bill, Draft Civil Contingencies Bill, Session 2002-03, HC 1074, paras 132-6
\textsuperscript{17} Department of Transport, The Future Development of Air Transport in the UK, July 2002
\textsuperscript{18} HC Debates, 20 June 2003, Column 23WS
Traffic Management Bill. We were able to draw both on the work we had done on Local Roads and Pathways and on the evidence already taken in our current inquiry to prepare a short report, which was published a week after the Bill itself appeared. The Report was referred to by many members during the Bill’s Second Reading, and we hope it will also assist the Standing Committee on the Bill.

18. The Inquiry into Disabled People’s Access to Transport explored the Department’s proposal to lift the exemption for transport services from some of the civil rights duties in Part Three of the Disability Discrimination Act.

4 OBJECTIVE B

EXAMINATION OF EXPENDITURE

Task 5: To examine the expenditure plans and out-turn of the Department, its agencies and principal NDPBs

19. Like our precursors, we take the examination of expenditure very seriously. Central Government is expected to spend £12 billion a year on transport in the next three financial years and local authorities will spend more. It is important that this is properly scrutinised. The Committee held a session on the Department for Transport Annual Report. This was followed by extensive correspondence seeking to clarify the reasons for changes in expenditure. Our subsequent report, The Departmental Annual Report, focused on the targets and PSA agreements, the competence of the Department’s partnership working arrangements, and financial management – including the 66% increase in administration costs over five years. It also examined the Department’s decision to provide £940 million in ‘de-risking grants’ to London & Continental Railways to facilitate completion of the Channel Tunnel Rail Link.

20. We have similarly examined the reports and plans of the Department’s executive agencies; we intend to take oral evidence from each agency at least once over the course of the Parliament, and this programme is well advanced.

21. It is gratifying to note that many of the financial matters we or previous Committees have felt it necessary to examine as issues unfolded have subsequently been the subject of investigation by the National Audit Office, and that concerns raised by us at the time have been shared by those conducting the subsequent value for money studies. For example, in July 2003, the National Audit Office report on the sale of National Air Traffic Services

19 11 December 2003, Bill 13
20 Transport Committee, Fifth Report of Session 2002-03, HC 407-I
21 Disability Discrimination Act 1995
22 Department for Transport Annual Report 2003, Appendix A, Public Expenditure Tables, Table A1
23 Transport Committee, Second Report, Session 2003-04, HC 249
24 HC 249, p 8
25 ibid, p 13
found that the organisation had inappropriately high levels of debt and was vulnerable to downturns in traffic – as our precursor committee had pointed out a year before.26

22. The Annual Report is the most accessible part of our financial scrutiny, but we also consider it important to look at the Estimates. Ideally, we would like to do this in time to report before the House considers the Estimates, but the timing prevents this. Although there has been slightly longer between laying the Estimates and their approval this year than last, there was still under a fortnight between them. To assist Committees, the Treasury provides advance proofs of the Estimates, but these consistently arrived only a day before they were formally presented.

23. *In our last year’s annual report we recommended “that the Liaison Committee makes it clear that there should be an adequate interval between the appearance of the main and supplementary estimates and their approval.”*27 We take the scrutiny of departmental expenditure extremely seriously, and regularly question the Department on its financial arrangements. We are disappointed that the Estimates are still presented with so little time between their appearance and their debate that timely select committee scrutiny is impossible. The motion to reduce is one of the few effective ways in which select committees can make their views known; the unseemly haste with which the Estimates are published and approved reduces our ability to use it.

## 5 OBJECTIVE C

**EXAMINATION OF PUBLIC SERVICE AGREEMENTS**

*Task 6: To examine the Department’s Public Service Agreements, the associated targets and the statistical measurements employed, and report if appropriate*

24. The 10 Year Plan28 and accompanying targets and PSA agreements are at the heart of transport policy and our work in scrutiny of the Department’s activity. We examine them in the context of our yearly investigation of the departmental annual report. This year we were surprised to find that the Department was still in the process of developing a new way to measure congestion at the end of 2003 - almost a third of a way through the 10 Year Plan. We also look at the subsidiary targets for the department, and for its agencies both in our regular sessions with agencies, and in the course of subject-related inquiries.

25. One difficulty is that targets may distort policy decisions. In our experience, the Department has dodged discussion about this, rather than engaging with our points. Our report on *Railways in the North of England* examined the targets for rail and passenger kilometre growth and identified a danger that the Strategic Rail Authority’s targets

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28 DETR, Transport 2010: The Ten Year Plan, July 2000
encouraged *infrastructure* investment in areas of the country that were already well served. We concluded:

“The Government has rightly set itself targets for transport which address wider issues than simply moving people from A to B. There appears to be a real danger that the SRA’s current targets encourage investment in areas which are already well served, or on long distance routes, rather than where investment may most benefit the wider community.”29

26. **We were disappointed by the response to Railways in the North of England**, which responded to a recommendation about investment by referring to the level of subsidy for revenue. We hope that in the future Government responses will deal with what our reports actually say, rather than with what the Government would prefer to answer.

27. The rail passenger targets were further explored in the *Departmental Annual Report 2003* and the evidence sessions for the *Future of the Railways*.

28. The *Urban Charging Schemes* report examined the target and performance indicators for congestion. The report identified serious problems with the measure and the general approach to tackling congestion and welcomed the fact that the Government was in the process of developing a new and more meaningful measure.

**Task 7: To monitor the work of the Department’s Executive Agencies, NDPBs, regulators and other associated public bodies**

29. The Committee has a programme of rolling inquiry into the Department’s Executive Agencies and Non-Departmental Public Bodies. During the year we took evidence on the work of the Highways Agency,30 the Driving Standards Agency,31 the Strategic Rail Authority,32 and the Driver, Vehicle and Licensing Agency.33 Our report, *The Work of the Highways Agency*,34 was highly critical of the Agency’s lack of proper accounting systems and subsequent overspend, and its failure to adequately manage winter maintenance contracts, which led to severe motorway disruption during the bad weather in January 2003. We were pleased that the Department’s reply recognised the validity of our points, and announced that the changes had been made. We appreciate this openness.

30. Our *Departmental Annual Report* also covered, in some detail, the partnership working between the Department and the Agencies, with particular reference to the accounting and budgeting decisions of the DVLA and the Highways Agency.

31. In addition we have taken evidence from various Agencies, NDPBs and regulators during the course of other inquiries. The inquiry into *Railways in the North of England* and the evidence sessions for *The Future of the Railways* scrutinised the role of the SRA and its

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29 Transport Committee, Fourth Report of Session 2002-03, HC 782-I, Conclusions and Recommendations, p. 27
30 Evidence session held on 5 March 2003
31 Minutes of Evidence, HC 917-i, 2 July 2003
32 Minutes of Evidence, HC 125-i, 26 November 2002
33 Minutes of Evidence, HC 917-i, 2 July 2003
34 Transport Committee, Eighth Report of Session 2002-03, HC 453
relationship with the Rail Regulator, Network Rail, the Department and other stakeholders. The work of the Health and Safety Executive was examined in relation to the Crisis on the Central Line, and Overcrowding on Public Transport.

Task 8: To scrutinise major appointments made by the Department

32. The Committee heard evidence from the new Permanent Secretary at the Department for Transport, Mr David Rowlands, during the session on the Departmental Annual Report 2003. During the session, the Permanent Secretary outlined his strategy for making the Department for Transport more effective, and his approach to the work set in progress by his predecessor. We look forward to a hearing with the new Chief Executive of the Highways Agency in due course.

Task 9: To examine the implementation of legislation and major policy initiatives

33. As we said last year, the policy set out in the 10 Year Plan for Transport informs almost all our work; there are few of our inquiries which do not look at the principles of the 10 Year Plan, and the evolution of policy, and of practice since it was first set out.

34. More specifically, we published a report on Local Roads and Pathways which exposed the deficiencies of the Government’s policies with respect to maintaining the road and pathway network – the public service that is used most frequently and by almost everyone. The report concluded that the implementation of the New Roads and Street Works Act 1991 by Government and by local authorities had been inadequate, and that more should be done to improve targets, indicators and appropriate funding for local maintenance work.

6 OBJECTIVE D

TO ASSIST THE HOUSE IN DEBATE AND DISCUSSION

Task 10: To produce Reports which are suitable for debate in the House, including Westminster Hall, or debating committees

35. Our report on Urban Charging Schemes was debated on 22 May 2003 in Westminster Hall. Opportunities for debate in Westminster Hall are, of course, welcome, but it is even better when our work relates directly to the House. Our reports on Local Roads and Pathways, and on the Traffic Management Bill, and the evidence we had taken on Traffic Law and its Enforcement, informed the Second Reading debate on the Traffic Management Bill.
Conclusions and recommendations

1. It is useful to have an in-house unit with financial expertise, which can be called in to deal with matters such as Estimates quickly, without disrupting the rest of the Committee’s timetable. We believe that the Committee Office Scrutiny Unit proved its worth as a central resource for Committees over the last year. (Paragraph 8)

2. In our last year’s annual report we recommended “that the Liaison Committee makes it clear that there should be an adequate interval between the appearance of the main and supplementary estimates and their approval. We take the scrutiny of departmental expenditure extremely seriously, and regularly question the Department on its financial arrangements. We are disappointed that the Estimates are still presented with so little time between their appearance and their debate that timely select committee scrutiny is impossible. The motion to reduce is one of the few effective ways in which select committees can make their views known; the unseemly haste with which the Estimates are published and approved reduces our ability to use it.” (Paragraph 23)

3. We were disappointed by the response to Railways in the North of England, which responded to a recommendation about investment by referring to the level of subsidy for revenue. We hope that in the future Government responses will deal with what our reports actually say, rather than with what the Government would prefer to answer. (Paragraph 26)
Formal minutes

The following Declarations of Interest were made:

Mrs Gwyneth Dunwoody, Member, Associated Society of Locomotive Engineers and Firemen

Mr Brian H Donohoe, Clive Efford and Mrs Louise Ellman, Members of Transport and General Workers’ Union

Mr Ian Lucas and Mr Graham Stringer, Members of MSF Amicus

Miss Anne McIntosh, Member, RAC, Holder of shares in: First Group, Eurotunnel, BAA plc, BA and BAE SYSTEMS

Wednesday 4 February 2004

Members present:

Mrs Gwyneth Dunwoody, in the Chair

Mr Brian H Donohoe          Miss Anne McIntosh
Clive Efford                Mr John Randall
Mrs Louise Ellman           Mr Graham Stringer
Ian Lucas

The Committee deliberated.

Draft Report (Transport Committee Annual Report 2002-03), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 35 read and agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Wednesday 11 February at 2.30pm.]
## Reports from the Transport Committee since 2002

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<td>HC 454-I</td>
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<tr>
<td>Seventh Report</td>
<td>Overcrowding on Public Transport</td>
<td>HC 201-I</td>
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<td>Eighth Report</td>
<td>The Work of the Highways Agency</td>
<td>HC 453</td>
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<td>Ninth Report</td>
<td>Ports</td>
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<td>Second Special Report</td>
<td>Government Response to the Committee’s Fourth Report, Railways in the North of England</td>
<td>HC 1212</td>
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