

Rt. Hon Mark Drakeford AM
First Minister of Wales
PS.FirstMinister@gov.wales

15 October 2020

Dear Mark,

Announcement on Travel from England into Wales

I am writing to seek urgent clarification of issues arising from your recent announcement.

Businesses and residents across Wales and England are legitimately asking on what basis you believe that these additional travel restrictions on people travelling from England, Scotland, and Northern Ireland are proportionate.

Whilst you have committed to providing further details in due course, the uncertainty caused by this announcement (which creates a fourth variation of measures across the UK) requires urgent and thorough analysis. As far as the evidence you rely on is concerned: this, too, needs to pass scrutiny.

I remain worried that, without rapid explanation, this approach risks stirring division and confusion in Wales. We both know that, in reality, communities in Wales are as hard-hit by Covid-19 as English, Scottish, and Northern Irish communities. Your recent comment about residents in West Wales being 'on the lookout for people who shouldn't be in those areas' is an example of exactly the situation we should be trying to avoid.

So, firstly, I ask that you provide further detail about how this decision was made. I know we agree that we should proceed within a UK-wide framework that is broadly aligned. Further information about your decision will be helpful for the continuation of this shared understanding. It will also enable residents in Tier 2 and 3 areas in England to fully understand this change to the deliberately very simple advice they have been provided by UK Government – namely, not to travel outside their area unless for specific purposes, including travelling to work.

Please could I therefore request answers to the questions detailed overleaf.

Basis for the Decision

- Will you publish the Public Health Wales advice that led to your decision?
- What data was used to support the case made in your letter to the Prime Minister that virus prevalence in Wales can be tracked to areas of high transmission in England or Scotland? What data from our (shared) track and trace app used?
- Is your decision based on evidence that residents in Tier 2 and 3 areas are not complying with UK Government advice? If so, will you publish this evidence?
- Are you able to publish legal guidance that confirms that these decisions are lawful?

Enforcement

- The Police Federation of England and Wales states that the travel ban would be 'unenforceable'. How will you enforce these measures? Are you relying on police enforcement or other measures?
- Do the restrictions apply to individuals travelling through Tier 2 and 3 areas, or just those whose journey originates in those areas? If the former, are essential stops (comfort breaks, fuel, etc.) permitted?
- How will enforcement be managed on public transport, especially the rail network?
- Will ANPR be the preferred enforcement technology and, if so, how will distinctions readily be made between exempt and non-exempt travel?

Impact

- How will you distinguish between tourists and workers? If workers are included in the ban, how will the Welsh Government compensate those businesses which are no longer viable, either as a result of business forgone or due to a reduced workforce, given that 25% of commuters in some border areas travel between England and Wales every day for work?
- Has an economic impact assessment, or a wider community impact assessment, been undertaken to understand the cost of such measures? What are the associated expected costs to the supply chain?
- In the hospitality sector, will accommodation providers be required to engage in any enforcement? For example, will they have to refuse or cancel bookings from recreational guests, or make judgements as to what constitutes a booking for work purposes?
- Will accommodation providers have to audit all future bookings now, and make cancellations?
- Will the Welsh Government compensate providers (including in the supply chain) who have acquired materials that will now be wasted?

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- Will companies in Wales be permitted to receive deliveries (including freight) from Tier 2 and 3 areas of the UK?
- Have you carried out an equalities analysis of this policy?
- Do these restrictions mean that university students will be unable to return home?
- Have you assessed the impact on the Common Travel Area?

Finally, businesses clearly benefit from as much early notice of decisions as is reasonably possible. If the Welsh Government decides to move to a 'circuit break' position, will you commit to giving businesses sufficient notice to adjust their order books? In the case of any potential school closures, will you commit to giving parents sufficient notice to organise alternative childcare arrangements?

I would be grateful to receive your response by 4pm on Friday 16th October so that we can communicate this information to the widest possible audience.

Best wishes,

PD

Rt Hon Simon Hart MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru