

Witness Name: Andrew Slade

Statement No: 1

Exhibits: 90

Dated: 13/12/2023

**UK COVID-19 PUBLIC INQUIRY
WITNESS STATEMENT OF ANDREW SLADE**

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 26 January 2023 and referenced M2B-WTG-01.

I, Andrew Slade, will say as follows: -

Preface

1. The Covid-19 pandemic was unprecedented for all of us, with impacts on lives, livelihoods, and our very way of living. On behalf of my team and myself, I would like to extend our deepest sympathies to all those who were affected, and particularly to those who lost loved ones or have suffered lasting health impacts.
2. Decisions taken during the pandemic by public authorities in order to safeguard the population had direct and immediate implications for businesses, communities, and individuals. As members of the Welsh Government and the civil service, we were motivated by the wish to protect and support the people of Wales, and I would like to put on record my thanks to colleagues and all our partners for their commitment and dedication during this extraordinary period. In the context of this specific statement, I wish to offer particular thanks to staff in Economic Infrastructure (later Transport) Directorate, who, together with colleagues in Transport for Wales, Cardiff Airport, and our local authorities, and wider partners across Wales and beyond, worked to deliver essential advice and services during the pandemic.

Introduction

3. I was appointed to the role of Welsh Government Director General of Economy, Treasury and Constitution Group in April 2022.

4. Until April 2022 I led, as Director General, the Economy, Skills and Natural Resources Group. Within that Group the Economic Infrastructure Directorate had policy responsibility for devolved transport matters.
5. The Economic Infrastructure Directorate moved to the newly formed Group for Climate Change and Rural Affairs (CCRA) in April 2022. It is led by my colleague Director General, Tracey Burke. Responsibility for Public Transport; Roads, Infrastructure Delivery and Network Management; Transport Policy and Planning; Aviation; and Transport for Wales has sat with CCRA Group since then.
6. I joined the Welsh Government in 2012, initially working on EU programmes, and then as Director, Agriculture, Food and Marine. Having subsequently held the positions of Lead Director for Environment and Rural Affairs and Welsh Government's Head of Policy Profession, in January 2018 I became Director General, Economy Skills and Natural Resources. I led the Economy, Skills and Natural Resources Group until April 2022, when I became Director General, Economy, Treasury and Constitution, also within Welsh Government.
7. Before coming to Wales, I worked for the UK Department for Environment, Food and Rural Affairs (Defra), where I led the establishment of their new national rural development services.
8. Between 2006 and 2011, I worked in south-west England in roles including Deputy Regional Director at the Government Office responsible for sustainable development and Whitehall lead engagement with Somerset, Dorset, Bournemouth and Poole, and then later as Executive Director of Programmes (including infrastructure) and Partnerships at the SW Regional Development Agency. My earlier career was with the UK government in London, where I held several posts, including Principal Private Secretary to the Secretary of State for Environment, Food and Rural Affairs.
9. I understand that the period of particular importance is that between 21 January 2020, which is the date on which the WHO published its "Novel Coronavirus (2019-nCoV) Situation Report – 1", and 30 May 2022 which is when the remaining Covid-19 restrictions were lifted in Wales.
10. In preparing this statement I have relied on advice and information from several members of my senior civil service team. Steve Vincent, former Interim Director for

Economic Infrastructure and Jasper Roberts, Deputy Director for Renewable Energy Program and Projects, and the Public Transport Bill, have supported me with material relating to road, rail, bus and aviation along with additional support from Stephen Rowan, Rob Kent-Smith, Ruth Conway and Andy Falleyn. Simon Jones, who was the Director for Transport (and later Economic Infrastructure) between 15 December 2016 and 16 August 2021, has also contributed to and reviewed this statement.

11. Responsibility for advice about the imposition and relaxation of restrictions on travel in response to the pandemic did not sit within the then ESNR Group. I have therefore also relied on advice from Reg Kilpatrick, Director General for Covid Recovery and Local Government, from Tom Smithson (who was an acting Deputy Director in the Covid 19 Project Team), Bethan Bateman, who was Interim Deputy Director on Covid-19 International Travel matters, and Liz Lalley, who was Interim Deputy Director of Recovery and Restart.

The Welsh Government – Transport Ministers

12. From November 2019 until the Senedd Election in May 2021 Ken Skates MS was the Minister for Economy, Transport and North Wales.
13. Lee Waters MS was the Deputy Minister for Economy and Transport for that period.
14. Julie James MS was appointed as Minister for Climate Change following the Senedd election in May 2021, and assumed portfolio responsibility for devolved transport and transport policy, along with roads, bus service, rail services (through the Wales and Borders franchise) and arm's length oversight of Cardiff Airport from that time.
15. Lee Waters MS was appointed as Deputy Minister for Climate Change following the May 2021 election. He has direct responsibility for transport within the Climate Change portfolio. Details of the organisational structure of the Welsh Government including Ministerial portfolios and senior official responsibilities, between 2019 and 2022, are set out in organograms which are exhibited at paragraph 31 of Andrew Goodall's statement in respect of M2B-WG01. These describe at all material points between 2019 and 2022, the portfolio responsibilities of the First Minister, the Welsh Ministers and Deputy Welsh Ministers.

The Welsh Government - senior officials involved in Transport

16. The Welsh Government's responsibilities in relation to transport matters are led by the Economic Infrastructure (now Transport) Directorate which was established to allow the Welsh Government to develop, improve and oversee the operation of the national assets, and interventions in the transport, digital and property space. The directorate covers the following areas:
- i. Public Transport
 - ii. Roads, Infrastructure Delivery and Network Management
 - iii. Transport, Policy, Planning & Partnerships
 - iv. Property
 - v. Aviation
 - vi. Digital Infrastructure
17. I have set out below a non-exhaustive list of senior officials who had particular involvement in the transport response to Covid-19.
- i. I, Andrew Slade, was Director General of Economy, Skills and Natural Resources Group until April 2022
 - ii. Tracey Burke was appointed as Director General of Climate Change and Rural Affairs in April 2022 and remains in that role.
 - iii. Steve Vincent was interim Director of Economic Infrastructure Transport from 16 August 2021 to 24 October 2022, having been Deputy Director of Economic Infrastructure Transport from July 2019 to October 2021 with responsibility for rail and air.
 - iv. Simon Jones is the former Director of Economic Infrastructure. He held this post from 15 December 2016 to 16 August 2021.
 - v. Ruth Conway, Deputy Director Public and Integrated Transport, joined on 4 April 2022 and is currently lead officer for bus and rail.
 - vi. Helen Ryder is the former Deputy Director of Public and Integrated Transport from 6 April 2021 to 3 April 2022 with responsibility for bus and rail.
 - vii. Andy Falleyrn has been Deputy Director of Infrastructure Delivery since 2 January 2013 and is the Welsh Government lead for the Strategic Road Network.
 - viii. Robert Kent-Smith was Deputy Director Transport Strategy and Policy from 1 April 2021 until April 2023 and was lead for transport policy and strategy including active travel and decarbonisation.
 - ix. Dewi Rowlands was the former Deputy Director of Transport Strategy and Policy from 1 June 2009 to 16 June 2021 with responsibility for transport policy and strategy and bus.

- x. Stephen Rowan has been Deputy Director National & International Connectivity since 6 April 2021 and is lead for Cardiff Airport, ports and taxis.
 - xi. Jasper Roberts who was up to 31 March 2022 the Deputy Director for Renewable Energy Programme and Projects and is now the Deputy Director for the Renewable Energy Programme; he was lead for the Public Transport Bill and guidance in respect of Covid-19.
18. I exhibit at **ASM2BWTG01/01-INQ000198602** an organisational chart identifying the senior positions within the Group.
19. Given the breadth of policy and delivery functions within the ESNR group and in line with my role as Additional Accounting Officer, responsibilities were passed to Directors under delegation arrangements to manage affairs within their respective Directorates. There were established group committees which were used to manage our collective corporate responsibilities. The ESNR Covid-19 Coordination function was stood up formally during week commencing 16 March 2020, when an initial dashboard was developed to keep track of Covid-19 related issues and risks emerging from across the ESNR Group. This built on existing structures in place to prepare for a possible no-deal Brexit and evolved into daily stocktake meetings. The function, in turn, fed into the central Covid-19 project team. Each Director led and managed the Covid-19 response in their respective areas, feeding into central/cross cutting work and escalating issues as required.
20. As noted above, policy responsibilities in relation to the imposition and relaxation of restrictions on travel did not sit in ESNR; I list below a non-exhaustive list of the key officials with responsibilities in this area:
- i. Tom Smithson, who became the Interim Deputy Director of Covid-19 Restart - 21 Day Review in October 2020. Tom Smithson's work was initially overseen by Reg Kilpatrick, then from July 2020 by Simon Brindle, and from June 2021 Tom reported to Liz Lalley.
 - ii. Bethan Bateman, who is now the Deputy Director for Covid Transition Planning in the Health and Social Services Group but was from 13 December 2021 until May 2022 the Interim Deputy Director on Covid-19 International Travel matters and reported to Liz Lalley.

Transport for Wales

21. Transport for Wales (“TfW”) is a company limited by guarantee, wholly owned by the Welsh Ministers, the sole guarantor member. It was incorporated in March 2015. TfW’s Articles of Association (“the Articles”), exhibited at **ASM2BWTG01/02-INQ000198603**, note that the Objects of TfW are specifically restricted to the following:
- i. “to discharge the functions of the Guarantor Member, including those under section 60 of the Government of Wales Act 2006 and section 1 of the Welsh Development Agency Act 1975, in particular to –
 - i. act in a professional advisory and consultancy capacity in connection with transport projects in Wales by providing support and expertise to the Welsh Government,
 - ii. provide compliance with the Welsh Government’s requirements for projects in respect of the statutory and administrative stages of preparation, engineering standards, construction, propriety and financial and contractual control by providing support and expertise to the Welsh Government,
 - iii. provide project management services in connection with transport projects in Wales by providing support and expertise to the Welsh Government,
 - iv. to undertake any action whatsoever which in the opinion of the Guarantor Member is necessary or desirable for the furtherance of the Objects including without limitation providing any assistance required by the Guarantor Member in relation thereto”
22. The Articles set out the powers of TfW at paragraph 3.2 and the reserved matters at paragraph 3.3. The Articles are being revised by officials with a view to ensuring greater consistency with the Articles of other Welsh Minister-owned companies.
23. There is no delegation of ministerial functions to TfW; rather TfW provides support to the Welsh Government to enable the Welsh Ministers to discharge their functions. This is a conventional “Teckal” type arrangement (which essentially allows an exemption from public procurement for the award of contracts between a public authority and a wholly owned company where various requirements are met) and comes with the attendant Teckal constraints, in particular that TfW is subject to the same degree of control as the Welsh Government’s internal Directorates.

24. Executive functions of the Welsh Ministers cannot be transferred to TfW without primary legislation which would enable TfW to become a statutory body, with its own executive functions then conferred by virtue of legislation.

Structure of TfW

25. Since its establishment in 2015, TfW's corporate structures have become more complex by virtue of the creation and acquisition of several subsidiary companies (all approved by the Welsh Ministers). The most important one for present purposes is the Transport for Wales Rail ("TfWRL").
26. TfWRL is responsible for providing the rail passenger services in the Wales and Borders franchise network further to the termination of the previous franchise in February 2021. This is in support of the discharge of the Welsh Ministers duty in section 30 of the Railways Act 1993, often referred to as the duty to act as "Operator of Last Resort" ("section 30 duty") in the absence of a franchise. The company accepted the transfer of a number of staff from the former franchisee, Keolis Amey.

TfW governance arrangements

27. TfW has a Welsh Government sponsorship team that sits within the Economic Infrastructure Directorate which was until very recently overseen by the Interim Director of Economic Infrastructure, Steve Vincent, and before him, Director Simon Jones. The Welsh Government issues TfW with an annual remit letter which sets out requirements for the forthcoming year. On receipt of that remit letter, TfW responds with a business plan outlining how it will undertake those requirements and the outcomes to be achieved, which is approved by Welsh Ministers. TfW has its own Board and its main purpose is to ensure that TfW meets the requirements of its remit, as set out by the Welsh Government, and to ensure the delivery of its strategy. The board is chaired by Scott Waddington and its Chief Executive is James Price.

Transport infrastructure and usage in Wales

28. The dominant mode of transport in Wales, for both the number of journeys undertaken and distances travelled, continues to be the private car. The transport data and trends data available at the time of consultation on the new Wales Transport Strategy (described further below), exhibited at **ASM2BWTG01/03-INQ000198601**, identified the greatest growth in the usage of transport in respect of rail (measured by passenger numbers) and private car (measured by distances travelled). Both modes of transport reached their highest ever recorded levels over the period 2018-2020.

29. The geography of Wales and the nature of the public transport network is also significant. North-south road travel is largely by trunk road or by travelling into England to use the motorway network. North-south rail services utilise the Wales and Borders network, necessitating travel into England.
30. The trends identified suggested that despite expected growth in rail use, private cars will remain the dominant mode of transport in Wales in the short to medium term. There is also evidence that Covid-19 increased the dominance of the private car, at least in the short term. Research undertaken in June/July 2020 identified that, in Wales more than any other part of the UK, car traffic levels were recovering at a much greater rate than public transport patronage: by 3 July 2020 car traffic had reached 80% of pre-lockdown levels, whereas public transport patronage had only recovered to 30%.
31. Although there had been a downward trend in the number of passenger journeys made on local bus services over the past decade, buses accounted for 101.87 million passenger journeys in 2018/19. Local bus is therefore far more significant than rail in relation to number of passenger journeys undertaken.
32. The impact of the pandemic on public transport was significant: demand effectively collapsed. Welsh Ministers' ambition was, and remained during the pandemic, for Wales to have a sustainable integrated public transport network, which included community transport. Steps were taken during the pandemic to maintain the services required at that time to enable key workers to be able to continue to travel to work. The Welsh Ministers introduced free bus travel for NHS frontline staff for the first six-month period of the pandemic, which matched TfW's offer of free travel by rail, confirmation of which I exhibit at **ASM2BWTG01/04-INQ000198313**.
33. As well as ensuring continuity of service during the pandemic, there was also a need to act with a view to ensuring there was a viable transport strategy and network in place after the pandemic. Stakeholder engagement and collaborative decision making were important throughout.

Functions of the Welsh Government in respect of transport

The Legislative Context

34. I understand that the nature of devolved functions and the Senedd's legislative competence is dealt with in detail in other statements in this Module, primarily in my colleague Helen Anne Lentle's statement on legislation in response to M2B-WG-01, paragraphs 4-43 inclusive. In respect of transport, although the Senedd has powers to pass laws in relation to highways and transport, there are many regulatory areas which are reserved to the UK Parliament. The relevant reserved matters are set out in Schedule 7A of the Government of Wales Act 2006 (GoWA). The reservations relating to transport fall under the headings of road, rail, air, marine and waterway transport; paragraphs 103-129 of Schedule 7 A set out the full list of transport matters which are reserved.
35. Given this mix of devolved and reserved matters, the Welsh Government has always sought to work effectively with the United Kingdom Government ("UKG") on shared responsibilities and objectives.

Transport Strategy

36. The Transport (Wales) Act 2006 (the "T(W)A") places a duty on Welsh Ministers to prepare and publish a strategy setting out its policies and how they will be discharged. Covering all modes of transport, it sets out the Welsh Government's strategic priorities and desired outcomes, providing a link to the wider priorities as well as plans at the local authority level. The T(W)A also requires the Welsh Ministers to keep the strategy under review and provides the ability to revise it from time to time.
37. The Welsh Government's most recent Transport Strategy is exhibited at **ASM2BWTG01/05-INQ000198613**. That strategy was developed during the pandemic. It was issued for public consultation between November 2020 and January 2021, and published in its final form in March 2021. A diagram at page 39 of the strategy provides a summary of the roles and responsibilities of the UKG, the Welsh Government, local authorities, and commercial and third sector operators.
38. The strategy sets out a vision for an accessible, sustainable and efficient transport system, with challenging modal shift targets to increase the proportion of journeys being undertaken using public transport and active travel. It sets out three priorities for the first five years of the strategy:
- i. Bring services to people in order to reduce the need to travel;
 - ii. Allow people and goods to move easily from door to door by accessible, sustainable and efficient transport services and infrastructure;

- iii. Encourage people to make the change to more sustainable transport.
39. The T(W)A imposes general transport duties upon the Welsh Ministers to:
- i. develop policies for the promotion and encouragement of safe, integrated, sustainable, efficient and economic transport facilities and services to, from and within Wales, and
 - ii. carry out their functions so as to implement those policies.
40. Section 108 of the Transport Act 2000 (TA 2000) requires local authorities to develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area. They are also required to develop policies for the implementation in their area of the Wales Transport Strategy. Local authorities are required to produce a local transport plan containing these policies, which must be approved by the Welsh Ministers. It may be prepared by a local transport authority in respect of the whole of its area, in respect of part only of its area or jointly with one or more other local transport authorities.
41. Section 6 of T(W)A allows the Welsh Ministers to give financial assistance to joint transport authorities and local authorities in Wales for the purpose of enabling or facilitating them to discharge their functions relating to transport. They may attach conditions to financial assistance under this section.
42. Section 7 of T(W)A allows the Welsh Ministers to secure the provision of such public transport services as they consider appropriate in order to meet any public transport requirements which would not otherwise be met. This includes the power to enter into an agreement providing for service subsidies. They may not enter into a service subsidy agreement unless the service in question would not be provided, or would not be provided to a particular standard (for example, in relation to the frequency or timing of the service and the vehicles used to provide the service), without a subsidy.
43. By section 63 of the Transport Act 1985 (TA1985) local authorities have a duty to secure the provision of such public transport services as they consider appropriate to meet any public transport requirements which would not otherwise be met. This includes the power to enter into an agreement providing for service subsidies where the service in question would not be provided, or would not be provided to a particular standard, without subsidy.

Road transport

44. The Welsh Ministers are the highway and traffic authority for trunk roads in Wales. As a Highways Authority, Welsh Ministers have a statutory duty under the Highways Act 1980 to maintain the Strategic Road Network, which in essence consists of major arterial routes including the M4 (within Wales), the A470 (the main north-south trunk road), and the A55 (the main east-west trunk road in north Wales). For all other roads, the relevant local authority will be the highway or traffic authority. The Severn bridges and their immediate vicinity fall outside of the scope of the above.
45. The highway and traffic authorities regulate roads for which they are responsible by way of orders, for example by setting speed limits, restricting traffic during works and maintaining the roads to ensure safe passage for the public.
46. The Welsh Ministers also have extensive powers to promote road schemes, acquire land and build new roads and highways.
47. The Senedd has express competence in respect of the following:
 - i. The subject-matter of Part 6 of the Traffic Management Act 2004 (civil enforcement of traffic contraventions);
 - ii. Regulation relating to trunk road charging schemes;
 - iii. Regulation relating to the descriptions of motor vehicles and trailers that may be used under arrangements for persons to travel to and from the places where they receive education or training, unless the regulation is the setting of technical standards for construction or equipment of motor vehicles or trailers which differ from the standards that would or might otherwise apply to them;
 - iv. Regulation of the carriage of animals in motor vehicles or trailers for the purposes of protecting human, animal or plant health, animal welfare or the environment;
 - v. Licensing of taxis, taxi drivers, private hire vehicles, private hire vehicle drivers and private hire vehicle operators (but not enforcement by means of penalty points).
48. There is a comprehensive list of reserved matters, at section E1 of Schedule 7A of GoWA, relating to road transport in respect of which the Senedd does not have legislative competence. This includes road traffic offences, driver licensing (including training, testing and certification) and vehicle insurance and vehicle registration.

49. Welsh Ministers have no powers in respect of the registration or licensing of operators of Heavy Goods Vehicle (HGV) drivers, nor of operators of Public Service Vehicle (PSV) drivers (i.e. buses and coaches). This sits with Traffic Commissioners, who are appointed by the Secretary of State for Transport under section 4 of the Public Passenger Vehicles Act 1981, and have responsibility in their area for licensing the HGV and PSV operators.

Bus and coach

50. The Welsh Government's role in relation to bus and coach is essentially that of financing and, by virtue of its duties under the T(W)A, strategy.
51. Local transport authorities may enter into partnership schemes (by sections 114-123 of the Transport Act 2000 (TA 2000)) by which they may invest in improved facilities along bus routes. Operators who wish to use those facilities then undertake to provide services of a particular standard (for example, new buses, or driver training standards). Authorities may also establish a quality contracts scheme. Through such a scheme, the deregulated market for bus services in an area may be suspended, with the local transport authority letting an exclusive contract to an operator to run the services specified by the scheme.
52. By section 139 of TA 2000 local authorities must, from time to time, determine what local bus information should be made available to the public and the way in which it should be made available.
53. Holders of a current statutory travel concession permit are entitled to a complete waiver of the fare in respect of specified journeys. Local authorities are responsible for reimbursing operators providing concessions under section 149 of the TA 2000.
54. The mandatory bus concessionary travel scheme is operated in Wales by virtue of sections 145B to 150 of TA 2000 and the associated regulations made under sections 149(3) and 150(6) of TA 2000: the Mandatory Travel Concessions (Reimbursement Arrangements) (Wales) Regulations 2001 (MTC Regulations 2001).
55. Regulation 4 of the MTC Regulations 2001 provides that costs to operators of providing the mandatory concession scheme must be met by payments made by the local authority.

56. The MTC Regulations 2001 also make provision as to the manner and frequency of reimbursement payments (regulation 5) and provide that a local authority must adopt a standard method to determine the total number of journeys made by concessionary pass holders and the fares value to be attributed to those journeys (regulation 6).
57. Community bus services are local services provided using a vehicle adapted to carry more than eight passengers by a body concerned for the social and welfare needs of one or more communities without a view to profit, either on the part of that body or of anyone else. The local traffic commissioner may, under section 22(2) of the Transport Act 1985, grant a community bus permit for a public service vehicle providing a community bus service.
58. The Welsh Ministers do not have any powers in relation to the wider regulatory regime for the bus industry. This covers the operator licensing and service registration functions undertaken by the Traffic Commissioners, as well as issues like driver licensing, vehicle insurance and the regulation of the use of vehicles. These powers are contained in various Transport Acts and a range of other more specific legislation such as the Public Passenger Vehicles Act 1981, the Road Traffic Act 1988, the Vehicle Excise and Registration Act 1994 and the Goods Vehicles (Licensing of Operators) Act 1995.

Rail transport

59. The Senedd has limited legislative competence in relation to railway services.
60. The Welsh Ministers have executive functions in relation to rail transport under the Railways Act 2005 and by virtue of The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 which transferred functions to the Welsh Ministers under the Railways Act 1993 and Railways Act 2005.
61. These functions are primarily connected with funding, the franchising of railway passenger services, and the discontinuance or closure of railway services and certain railway assets within Wales. Executive function in respect of the rail network infrastructure has not been transferred to the Welsh Ministers, except for the Core Valley Lines which are now under Welsh Government ownership.
62. Subject to certain exceptions, the Welsh Ministers have power to make orders (known as 'TWA Orders') under section 1 of the Transport and Works Act 1992 in relation to

the construction and operation of railways, tramways, trolley vehicles and certain other guided transport systems in Wales. TWA Orders may authorise matters ancillary to these guided transport systems, such as the compulsory acquisition of land, the creation or extinguishment of rights over land, and the charging of tolls and penalty fares. If, however, an application relates to both England and Wales (for example, a proposed new railway straddling the border) it would fall to be determined by the Secretary of State.

63. The Welsh Ministers have further powers under the Planning Act 2008 to grant Development Consent Orders in respect of railway lines which would be wholly situated within Wales and would be more than 2km in length.
64. Under the relevant heading in Schedule 7A to GoWA, the Senedd cannot legislate in relation to “Railway Services” nor the subject-matter of the Channel Tunnel Act 1987.
65. Subject to those reservations, the Senedd may legislate in relation to rail transport and, in particular, may do so to provide financial assistance so far as relating to railway services. However, such financial assistance cannot be made in connection with:
 - i. the carriage of goods;
 - ii. a railway administration order; or
 - iii. Regulation (EC) No. 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road.

Marine and waterway transport

66. The Senedd has legislative competence in relation to harbours in Wales but cannot legislate in relation to a number of reserved matters including navigational rights and freedoms, hovercraft, coastguard services, and reserved trust ports and harbours not wholly in Wales.
67. Whilst there are a number of reservations relating to marine and waterway transport, there are also a number of specific exceptions to the reservations, in relation to which the Senedd may legislate. For example:
 - i. The regulation of works that may obstruct or endanger navigation apart from works in relation to, or for constructing, reserved trust ports or harbours not wholly in Wales;
 - ii. The participation by Welsh fire and rescue authorities in maritime search and rescue responses;

- iii. Financial assistance for shipping services to, from or within Wales;
 - iv. The regulation of the carriage of animals on vessels for the purposes of protecting human, animal or plant health, animal welfare or the environment.
68. The Senedd has legislative competence in relation to ports and harbours wholly in Wales, except for reserved trust ports. A number of matters relating to maritime transport in Wales are reserved under Schedule 7A to GoWA, specifically:
- i. Navigational rights and freedoms;
 - ii. Shipping and technical and safety standards of vessels that are not ships (whether or not capable of navigation), including the subject-matter of the Merchant Shipping Act 1995;
 - iii. Reserved trust ports and harbours not wholly in Wales;
 - iv. Pilotage other than devolved pilotage;
 - v. Coastguard services and maritime search and rescue;
 - vi. Hovercraft.
69. Subject to the reservations, the Senedd may legislate, in particular, in relation to:
- i. The regulation of works that may obstruct or endanger navigation apart from works in relation to, or for constructing, reserved trust ports or harbours not wholly in Wales;
 - ii. The participation by Welsh Fire and Rescue Authorities in maritime search and rescue responses;
 - iii. Financial assistance for shipping services to, from or within Wales;
 - iv. The regulation of the carriage of animals on vessels for the purposes of protecting human, animal or plant health, animal welfare or the environment.
70. Executive functions under the Harbours Act 1964 have been transferred to the Welsh Ministers. These reflect the legislative competence of the Senedd and relate to the day-to-day governance of ports and harbours wholly in Wales (with the exception of reserved trust ports).
71. The Welsh Ministers have concurrent powers with the Secretary of State under section 17 of the Ministry of Transport Act 1919 to make grants or loans to any authority or person for the construction, improvement or maintenance of canals or inland navigations, transport services by water, harbours, docks or piers. Such powers can be exercised either by the Welsh Ministers or the Secretary of State.

Aviation and Air transport

72. Under this heading in Schedule 7A to GoWA the Senedd cannot legislate in relation to aviation, air transport, airports and aerodromes. However, there are some exceptions, giving the Senedd legislative competence in relation to:

- i. Financial assistance to providers or proposed providers of air transport services or airport facilities or services;
- ii. Strategies by the Welsh Ministers or local or other public authorities about provision of air services;
- iii. Regulation of the carriage of animals on aircraft for the purposes of protecting human, animal or plant health, animal welfare or the environment.

73. Section 11 of the Transport (Wales) Act 2006 gives the Welsh Ministers power to give financial assistance to those who provide air transport services which start or end at an airport in Wales and to those who provide airport facilities or services in Wales, but only in circumstances where the services or facilities would not, in the Welsh Ministers' view, be provided without that financial assistance.

Transport security

74. Under this heading in Schedule 7A to GoWA, transport security is reserved. However, the Senedd has competence to legislate in relation to the regulation of transport security relating to the carriage of adults who supervise persons travelling to and from the places where they receive education or training.

School Transport

75. The law on school transport in Wales is set out in The Learner Travel (Wales) Measure 2008 and The Learner Travel Information (Wales) Regulations 2009. By way of overview, the Measure says that:

- i. children at primary school get free home to school transport if they live two miles or more from the nearest suitable school and
- ii. children at secondary school get free transport if they live three miles or more from the nearest suitable school.

Transport for disabled people

76. The overarching framework for disabled persons' parking badges (Blue Badges) is the responsibility of the Welsh Government. The Blue Badge (Disabled Persons' Parking) scheme was introduced in 1971 by section 21 of the Chronically Sick and Disabled Persons Act 1970.

77. That scheme provided for a national arrangement throughout the UK of on-street parking concessions for people who experience the greatest barriers to their mobility when seeking to access community-based facilities. It is open to eligible people who may be travelling as a driver or a passenger.
78. The Welsh Government is responsible for the policy and has competence for the legislative framework of the Scheme. The current scheme is set out in The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 (as amended) This includes:
- i. the prescribed description of people to whom a badge may be issued; i.e. the eligibility criteria;
 - ii. the fee that can be charged by local authorities for the issue, or reissue of a badge;
 - iii. the period of issue of a badge;
 - iv. the grounds for refusal to issue a badge and the grounds to withdraw a badge;
 - v. the circumstances in which a badge should be returned to the issuing authority;
 - vi. Blue Badge Digital Service (BBDS) decision to refuse to issue or to withdraw a badge;
 - vii. the manner in which the badge should be displayed; and,
 - viii. the concessions available nationally under the scheme to badge holders.
79. Individual decisions in respect of applications are determined by local authorities, and the Welsh Government has no role in respect of those decisions save for a right of appeal conferred by Regulation 10 of the 2000 Regulations.
80. Local authorities are responsible for the day-to-day administration and enforcement of the scheme. They are responsible for determining and implementing administrative, assessment and enforcement procedures in accordance with the governing legislation.

Civil Contingencies in Wales

81. I understand that the application and relevance of the Civil Contingencies Act 2004 ("the 2004 Act") has been dealt with by Andrew Goodall, our Permanent Secretary, in the corporate statement for M2B/WG/01, paragraphs 91-98 inclusive. For the sake of brevity, I do not repeat the entirety of what he has said in that statement, except to confirm that the Transfer of Functions Order 2018/644 amended the 2004 Act so that functions under Part 1 of the Act were transferred to the Welsh Ministers. No functions

under Part 2 of the 2004 Act have been transferred to the Welsh Ministers. In respect of transport, in so far as functions relate to matters which the Welsh Ministers are responsible for by section 1 of the Highways Act 1980. They are devolved. To date, the Welsh Ministers have not prepared any Regulations nor an Order pursuant to the 2004 Act.

Transport Policy and Response to the Pandemic

- 82. Given the particular challenges and separate approach taken in respect of each mode of transport I deal with each in turn below.
- 83. Before setting out the Welsh Government and Welsh Minister's response I note that Andrew Goodall has, at paragraphs 69 to 74 of the corporate statement for M2B/WG/01, provided a narrative account of the Welsh Government's decision-making process and the use of Ministerial Advice documents. That process is reflected in the references to Ministerial Advice, below.
- 84. Officials within Economic Infrastructure/Transport Directorate worked closely with their counterparts in other directorates of the Welsh Government.
- 85. Senior officials within the transport group held regular meetings with counterparts in UKG together with taking part in the four nation calls.
- 86. There were weekly calls between officials and the Office of the Secretary of State for Wales which included, amongst other matters, social distancing, PPE, Holyhead ferry support, Cardiff airport.

Bus and Coach

- 87. The bus sector in Wales has been de-regulated since 1985. The current legislative framework which underpins the network is commercially-led. However, the model has not delivered a profit-making sector and approximately 50% of revenue, some £88.9million, is direct funding from the Welsh Ministers. That funding is in the main delivered through the 22 local authorities to over 80 operators.
- 88. The pandemic created uncertainty and challenge across all industries and sectors in Wales, including the bus industry. Bus operators faced a significant reduction in demand due to measures introduced to limit the transmission of Covid-19 and to ease pressures on the NHS. These included lockdowns, closure of non-essential businesses, travel restrictions, advice to work from home where possible, the closure

of educational establishments and social distancing requirements. Their cumulative effect impacted severely on the sector's ability to generate revenue to support operations.

89. There was a close and transparent working arrangement between operators, local authorities and the Welsh Government through which information and data were shared. A collaborative approach was adopted with the Welsh Government seeking to work together with operators to arrive at solutions in response to the impact of the pandemic, as opposed to simply imposing measures upon them. For example, Welsh Government officials liaised with the Community Transport Association (CTA) regarding the impact for that sector. The CTA were planning on issuing a weekly questionnaire to a representative sample of the sector and, after collating the results, shared details of the responses with the Welsh Government.
90. There had been an unprecedentedly sharp and severe drop in bus passenger numbers (by around 90%) following the initial Covid lockdown. Numbers remained low as result of social distancing requirements limiting capacity on public transport to around 10-15% of pre-lockdown levels, as well as the public's appetite for travel on public transport. Bus companies and community transport operators, many of whom were SMEs or charities in the community transport sector, were facing a significant challenge.
91. As the bus network services a substantial portion of the geographical area of Wales and includes long distance routes which cross local authority boundaries, Welsh Government intervention and assistance was required in particular to maintain the network, initially on a skeleton basis, and thereafter to ensure the availability of future increased capacity.
92. During March 2020, and following consultation with operators, local authorities and schools, the Welsh Ministers put in place a short-term Bus Hardship Fund. The Bus Hardship Fund provided financial support to the bus industry and community transport sector through grants administered by local authorities. Grants were paid in advance based upon the value of historical payments made under previous grants (Bus Services Support Grant, Mandatory Concessionary Fare reimbursement and payments under the MyTravelPass scheme). The Bus Hardship Fund decision was taken by the Minister following submission of MA/KS/1088/20 which I exhibit at **ASM2BWTG01/06-INQ000198433**. The total funding package was in excess of £29

million, which was based on the approximate level of funding that operators would have received had there been no change in passenger numbers. The funding represented around 45% of the revenue that operators normally received over the same period pre-Covid-19.

93. In return for this support, all operators made a series of commitments:
- i. Scheduled services to operate a timetable that would be sufficient to allow key workers to get to work and those without a car to get to shops for essential food and medical supplies;
 - ii. No bus to carry more than 50% of its maximum capacity;
 - iii. All NHS workers to travel free of charge;
 - iv. Demonstrate how every bus in its fleet has met its obligations;
 - v. Set out what routes had been run, what times it arrived at each stop, how many passengers alighted and the fare each passenger paid.
94. The aim of the Bus Hardship Fund was for key workers and those without access to a car to travel for work, essential food and medical supplies. The initial tranche of support was agreed for the period April-June 2020.
95. A Ministerial discussion took place on 7 May 2020 on the future of bus provision delivery and the future funding of bus services via a new Bus Emergency Scheme 1 (BES 1). That meeting was attended by the First Minister, Minister for Economy and Trade, Minister for Finance, Minister for Housing and Local Government and the Council General and Minister for European Transition; together with officials including Simon Jones.
96. At that meeting the Minister for Economy and Transport introduced a paper on the future of bus services in Wales. That paper identified the prevailing fragmentation and lack of control over services, and the impacts of Covid-19 on the existing system. The paper identified an opportunity to help re-shape the industry and its operation to deliver more positive outcomes.
97. The First Minister said at that meeting “that this was a rare moment, with passenger levels so low, that should be seized to do radical things to deliver as much public benefit as possible”. The note is annexed to the Cabinet paper CAB (19-20)72 which is exhibited below. The First Minister was further keen to align learner travel and scheduled bus provision.

98. A desire to increase the role of TfW in deliver delivering bus services was also identified.
99. Following that meeting, Cabinet Paper CAB (19-20)72 was drafted setting out the outcomes of the meeting which I exhibit at **ASM2BWTG01/07- INQ000198385**.
100. On 15 June 2020 the Cabinet considered Cabinet Paper CAB (19-20)72 and agreed to a phased approach to the BES 1 intervention, which was formally approved by the Minister for Economy, Transport and North Wales via a Ministerial Advice document which I exhibit at **ASM2BWTG01/08-INQ000198611**. The intervention comprised three measures:
- i. creating a “single controlling mind” to better coordinate public transport;
 - ii. re-setting the public sector taxpayers’ relationship with bus operators to allow Welsh Government to exert the appropriate level of control that public funding merits, and
 - iii. developing a long-term investment plan that could support the restart of the economy and wider Welsh Government ambitions.
101. To support this, Cabinet agreed £16.8 million emergency COVID-19 funding from existing budgets for the quarter starting from 1 July 2020.
102. In return for this funding, bus operators were expected to adhere to Welsh Government Covid-19 guidance, a requirement for access to passenger data, plus a reasonable list of open book data (including financial data) to support reimbursement of costs and to enable financial reconciliation to ultimately demonstrate that operators are “no better no worse off” as a result of the funding. TfW would work with local authorities and operators to agree on service levels and routes (including Demand Responsive Travel). Bus operators would also fully implement social distancing and hygiene requirements and contribute to the development of new joint Welsh Government guidance to help maintain safety.
103. Further requirements were imposed by the BES 1 scheme upon those benefiting from the scheme including requirements for them:
- i. To seek financial support through all other grants available to them;
 - ii. Not to increase any of their commercial bus fares.

104. The scheme operated a system of withholding payments for subsequent months in the event of a failure to provide information or other non-compliance.
105. The initial period was followed by a grant arrangement which provided operators with an operating subsidy. That scheme, known as BES 1.5 operated for the period August 2020 to 31 December 2020.
106. As the need for support to the bus sector continued, the short-term funding arrangements which underpinned BES were reviewed by Ministers on an ad hoc basis with the intention being to develop a lasting partnership that would continue post-pandemic.
107. In March 2021, following further consultation with the sector, a further £20m of support was agreed by Ministers to support a return to pre-Covid service levels, to increase capacity of bus networks, and facilitate social distancing, as Wales came out of lockdown and schools returned in September 2021. That is exhibited at **ASM2BWTG01/09-INQ000198608**. Funding to cover until end of September 2021 was approved by MA/KS/2220/20 which I exhibit at **ASM2BWTG01/10-INQ000198439**.
108. BES 2 proposed a formal Public Service Obligation (PSO) contract with operators, which would allow a level of co-ordination and direction to deliver passenger benefits which would not be possible in the normal competitive, de-regulated environment of the bus industry. The legislative regime at that time meant that a PSO could not last for more than two years from the start of funding. Given the terms of BES1 that meant that BES2 funding would terminate at the latest in July 2022. That decision was made via MA/KS/4165/20, which I exhibit at **ASM2BWTG01/11-INQ000198609**.
109. The agreement was intended to ensure that support provided to bus operators was more closely aligned with the objectives for public transport recently set out in the Wales Transport Strategy. It aimed to support the management and integration across transport modes, including smart ticketing, unified routing and integrated timetabling. It included a fair and consistent approach and agreement to the principles of an Economic Contract. It also provided a framework for development of future partnership working between the public sector and bus operators, which can be built upon over the coming years.

110. Additional financial support to maintain existing levels of services and additional ramp-up on critical routes from October 2021 to April 2022 was also agreed until the end of the 2021/22 financial year. I exhibit the relevant Ministerial Advice documents at **ASM2BWTG01/12-INQ000103957** (MA/KS/2731/20) and at **ASM2BWTG01/13-INQ000198610** (MA/LW/3386/21).

111. At the same time, and following the reconciliation of BES 1.5 funding, local authorities had identified up to £11m of funds to be recovered from operators. This recovery of funds was due to several factors such as a reduced need for duplicate buses for both school and regular services as a result of less social distancing and driver shortages. Ministers also agreed via MA/LW/3386/21 that this funding could be used by local authorities to maintain and improve their service provision.

112. BES 2 allowed for a level of co-ordination and direction, to deliver passenger benefits, which would not be possible in the normal competitive, de-regulated environment of the bus industry.

Bus Reform Programme Board

113. The Bus Reform Programme Board (the Bus Board) was formed in June 2020 and met for its first governance meeting on 1 June 2020. I exhibit the meeting notes at **ASM2BWTG01/14-INQ000198605**. Its members during the pandemic included:

- i. Simon Jones (SRO), Andrew Jeffreys (Welsh Treasury), Scott Waddington (TfW), , Mike Clarke (Legal Services), James Price (TfW) Lee Robinson (TfW), Michael Clarke (Legal), Ellen Donovan (External), Steve Vincent, Dewi Rowlands, Richard Cope (ATCO), and Tim Peppin (WLGA).

114. The focus of the Bus Reform Programme Board was to inform and oversee the significant support measures that the Welsh Government and TfW gave to local authorities and bus operators during the Covid-19 crisis.

115. The board met on 30 June 2020 following a request from Ministers to prepare guidance on the impact on public transport for the reduction in social distancing restrictions from two metres to one metre.

116. Initially the Bus Board met fortnightly but then moved to monthly meetings with a return to more business-as-usual conditions. It considered various aspects of bus reform and

received updates from the five Bus Reform Programme Workstreams and Communications activity:

- i. **Workstream 1:** Integrated Transport
- ii. **Workstream 2:** Funding and Legislation
- iii. **Workstream 3:** TfW Bus (Newport and Cardiff Bus)
- iv. **Workstream 4:** Transfer of Functions
- v. **Workstream 5:** Covid-19 Emergency
- vi. **Communications**

117. Workstream leads also attended meetings as well as various Welsh Government and TfW officials and external consultants working for them. Board meetings were supplemented with a fortnightly 'Working Group' meeting where local authority colleagues were updated, and discussions held on various aspects of the Bus Reform Programme workstreams with Welsh Government and TfW colleagues.

118. TfW supported Welsh Government's initiatives to support the bus industry by working with local authorities and operators to develop the terms of the BES 1.5 and BES 2 agreements. Legal advice was taken to ensure that Welsh Government's interventions were acceptable within the legal framework governing competition in the bus industry.

119. Transport for Wales also sought additional funding from Welsh Government at the start of the pandemic to implement contactless payment technology for all SME bus operators who were not already offering this service. That was approved by Ministers; I exhibit the MA at **ASM2BWTG01/15-INQ000177004**. This provided practical support for drivers and passengers who wished to minimise payment transaction contact during the pandemic.

Rail

120. Prior to the pandemic the Welsh Ministers' role in respect of rail transport was limited. It essentially focused upon being the franchising authority for the Wales and Borders franchise. In that role the Welsh Government was required to procure a commercial rail passenger service operator to operate the route. Most of that work sat with Transport for Wales with Welsh Government oversight.

121. The immediate impact of and response to Covid-19 led to a significant reduction in passenger numbers: down by 77% on Friday 20 March 2020 and over 80% following

the announcement by the First Minister on 23 March 2020 restricting movement on the Wales and Borders route.

122. The Operator and Development Partner (ODP) for the Wales and Borders route was Keolis Amey (KA). KA relied on a certain level of patronage and revenue from passengers to fund the operating costs of the Wales and Borders rail network. Under the provisions of the Grant Agreement (the GA) between the Welsh Ministers and the ODP there was a profit share mechanism whereby, if the ODP's profit exceeded a certain threshold, a percentage of profit above that threshold would be returned to the Welsh Ministers to offset the subsidy element of the franchise.

123. Conversely, should revenues have fallen below a threshold (known contractually as the Revenue Line) then, under the terms of the GA, the ODP was able to make a claim to the Welsh Ministers for Revenue Support Payments (RSP). A claim for RSP by the ODP required the Welsh Ministers to make available additional revenue funding. The payment of an RSP to the ODP in such circumstances was therefore a contractual obligation on the Welsh Ministers.

124. To protect the Welsh Ministers against ODP insolvency a financial security granted by the parent companies of the ODP was provided for in the GA. The Welsh Government officials understood from TfW that the ODP had called down £15m of the £50m available.

125. KA's obligations pursuant to the GA were to:

- i. Operate the Wales and Borders rail franchise, which includes the future operation of South Wales Metro services; and,
- ii. Act as development partner for the infrastructure works required to deliver the South Wales Metro services (the Core Valley Lines (CVL) Transformation).

126. The significant and sudden decrease in passenger volumes and corresponding revenues meant that Covid-19 had an immediate and profound impact on the fare-box and would continue to do so as citizens responded to the need for further self-isolation and social distancing. Combined with the need to retain the ODP on contract to keep train services running to support key workers in Wales, it was considered that using the contracted RSP mechanism to provide immediate financial support to the ODP was a reasonable approach.

127. As such the Minister for Economy, Transport and North Wales agreed that revenue funding of £40.2m for March - June 2020 should be allocated to offset the fare box reductions. I exhibit MA/KS/1003/20 at **ASM2BWTG01/16-INQ000198349**. At the same time the Minister also agreed that TfW should look at a number of options to reduce the risk of ongoing revenue support.
128. Whilst the Minister approved this package of support, KA rejected the offer beyond the short-term because it was carrying significant additional financial, operational and commercial risks and it was likely that it could fail at short notice. In order to protect passenger services and the delivery of the South Wales Metro, alternative arrangements with KA were required.
129. KA requested arrangements similar to the Emergency Management Agreement (EMA) introduced in England by the UK Department for Transport (DfT). Transport Scotland had also adopted a form of EMA. An EMA coming into effect puts in place a variation to the franchise agreement with the train operating company, which temporarily suspends the requirement to meet certain obligations set out in clauses within the franchise agreement and replaces the schedule on payments to define that costs and revenue risk will be met by Government departments.
130. The Deputy Minister for Economy & Transport agreed this planned approach in May 2020 for an EMA with KA for rail services, under which all risks related to revenue, operating cost and non-deferrable capital expenditure transferred from KA to the Welsh Ministers for a period of up to six months with an option to extend subject to further agreement. Ministers also agreed additional revenue funding of up to £65m and additional capital funding of £31m by MA/LW/1551/20 which I exhibit at **ASM2BWTG01/17-INQ000198348**.
131. At the same time the Deputy Minister for Economy & Transport wrote to the Secretary of State for Transport (SoST) in accordance with Agency Agreement 3, to inform him that an EMA was being put in place.
132. The ODP was in a precarious financial position, which, without intervention, would have resulted in the ODP breaching the Grant Agreement financial covenants, putting at risk its ability to operate as a going concern.

133. Even with the EMA in place, it became apparent that whilst passenger revenues had started to recover, it was almost impossible that they would recover to the levels that would make the ODP GA financially sustainable by the cessation of the third EMA in January 2021. It was also very likely that performance and service obligations would all be breached or need to be rewritten to reflect a post-Covid-19 world.

134. Therefore, following the commencement of the emergency measures in July 2020, TfW began to investigate potential contracting options for the future of rail services on the Wales and Borders Network. In September 2020 Ministers agreed the preferred approach, namely:

- i. Welsh Ministers/TfW "step in" to contract directly with Amey Keolis Infrastructure Limited (AKIL) for Infrastructure Management (IM) and Core Valley Lines (CVL) Transformation Services (using substantially the same contract terms as currently exist);
- ii. Wales Operator of Last Resort (WOLR) arrangements for the provision of rail passenger services; and
- iii. Contract with Keolis / KA to provide integration and innovation services under an agreed structure to WOLR/TfW/the Welsh Ministers.

135. To allow for negotiations and due diligence, Ministers also agreed to extend the EMA until 6 February 2021, plus additional funding of up to £5m to cover operating costs plus a fee that would be payable to the operator. I exhibit MA/KS/2304/20 at **ASM2BWTG01/18-INQ000103956**.

136. On 13 October 2020 Ministers received advice [MA/KS/3276/20, exhibited at **ASM2BWTG01/19-INQ000198505** from Welsh Government officials which included:

- i. Agreement to the key principles/draft Heads of Terms relating to the Preferred Option relating to WOLR, contract novation for Infrastructure Management (IM) and CVL Transformation Services, and Joint Venture (JV) for integration services;
- ii. Agreement that TfW could engage with Department for Transport on the terms of the WOLR services contract in respect of the operation of the agency arrangements; and
- iii. Agreement to additional funding of up to £40.4m to cover additional costs over and above those approved previously (£28.5m of capital funding as a settlement to conclude all the contractual liabilities/payments between the Welsh Government and KA and to facilitate a mutually agreed termination of

the Grant Agreement; up to £11.9m of revenue funding being a gross spend of £18.9m offset by the estimated £7m savings identified against previous funding approvals for the EIA/EMA period).

137. On 14 October 2020 officials met with the First Minister, Minister for Economy, Transport & North Wales, Deputy Minister for Economy & Transport, and the Minister for Finance & Trefnydd to discuss the advice.

138. Following Ministerial approval, the operations of rail services transferred from the private sector into public control on 7 February 2021. For the 2021-22 financial year the rail subsidy budget was baselined on the pre-Covid level as it was not clear how passenger demand would respond as restrictions were lifted. Based upon passenger demand analysis and an ongoing cost saving review, at that time TfW were forecasting a likely overall additional funding requirement of circa £145m through to the end of the financial year. Additional funding of £70m was approved in July (based on forecast passenger demand through to the end of November), via Ministerial Advice which I exhibit at **ASM2BWTG01/20-INQ000198606** (MA/JJ/2092/21).

139. Due to passenger demand rising to an average of 66% pre-Covid-19 levels, and an increased focus on ticket enforcement and revenue protection, the required shortfall had decreased to circa £123m (from £145m). Additional financial support of revenue funding from the Welsh Government of up to £53.1m for the period from January to end of March 2022 was approved by Ministers which I exhibit at **ASM2BWTG01/21-INQ000198607** (MA/JJ/3422/21).

140. Whilst passenger demand as an overall average had increased, this was and has not been uniform across the rail network. For example, on the Core Valley Lines (CVL), which before Covid-19 carried around 60% of the overall passenger numbers on the Wales and Borders Network, demand was around 55% of the pre-Covid level, in comparison to an average of 72% for the network as a whole. Outside of the CVL the allocation of passenger fare revenue is split between operating train companies who also provide services along those routes, for example GWR in South Wales, and Avanti West Coast along the North Wales Mainline. Therefore, overall farebox returns remained constrained.

Rail Services and Infrastructure - Programme Board

141. The Rail Services & Infrastructure Programme was established to ensure that rail services were run in the most cost-effective way; that the Welsh Ministers had control over how the Welsh Government exited from the Covid-19 pandemic; and that future deliverables and programmes were responsive to policy requirements, objectives and funding availability. The Programme Board was established in June 2020 and a Programme Initiation Document set out its purpose, role and membership, which I exhibit at **ASM2BWTG01/22-INQ000198617**. It was responsible for providing oversight of the delivery of the Rail Services & Infrastructure Programme and oversight of strategic level decisions for rail service and the delivery plan for the Core Valleys Lines Transformation.

142. Three work streams were established to drive the Rail Services & Infrastructure Programme:

- *Service Design and Obligations* (What does the Welsh Government want/need and how the requirements can be met by the rail services). The objective of this workstream was for the Welsh Government to advise TfW on policy requirements and “red lines” to inform service design and the rail proposition. It was also to review and agree TfW proposed changes to service design and the rail proposition.
- *CVL & Infrastructure Delivery* (How the CVL transformation and wider *capital* infrastructure programme can meet the redefined service design and obligations). The objectives were to review the delivery plan for CVL transformation and non-CVL stations redevelopment programmes and to agree programme changes necessary as a consequence of Service Design changes (Workstream 1).
- *Finance & Governance* (How Rail Services will operate and be funded). Its objective was to run scenarios on the NET cost of rail service delivery to Welsh Government based upon the outputs of Workstreams 1 and 2; to review financial management arrangements necessary for future rail; and to review how the future rail proposition will be governed and organised.

143. These workstreams contributed to the development of a Programme Implementation Plan for approval by the Board, and ultimately Welsh Ministers. The Board made decisions on documents and advice provided by each workstream. It also monitored the overall risk register and designate actions as required.

144. Throughout the relevant period Welsh Government officials were meeting on a fortnightly basis with counterparts in DfT to discuss potential changes to rail service

provision and the move to Operator of Last Resort, in accordance with the requirements of the Co-operation and Collaboration Agreement. In particular a conversation on 30 April 2020 discussed the move to introduce the Emergency Measures Agreement (EMA), and the contractual arrangements in place for the funding of English services. Formal notification of the move to the EMA was submitted to the UK Secretary of State via a formal letter, approved under MA/LW/1551/20

145. Relations between Governments during this period were constructive and positive. DfT and Welsh Government officials continued to meet and collaborate in accordance with Clause 4 of the Agency Agreement between Welsh Ministers and Secretary of State for Transport

Road Transport and roads and highways, including traffic regulations.

146. The main road-related issues that arose during the pandemic centred on finding ways to ensure procedural compliance with ongoing road schemes and traffic regulation orders: in other words, they were related to governance. The Traffic Orders Procedure (Coronavirus) (Amendment) (Wales) Regulations 2020 amended elements of the usual procedure by, for example, changing the advertising and inspection requirements.
147. On the roads the existing infrastructure was utilised in an attempt at ensuring that there was clear messaging in respect of restrictions. Variable Message Signs (VMS) were utilised to provide up to date information and to highlight the difference for people travelling from England. For example, messages such as “Welsh Covid Rules Apply” were displayed.
148. Where there were differences in restrictions between local authorities because of the introduction of Local Health Protection Areas in September and October 2020, yellow temporary signs were utilised to highlight the change in restrictions. Again, VMS were used to highlight that there were local rules in place at the time and referred people to the gov.wales website for the latest information on Covid restrictions. The travel implications of local restrictions are covered below.
149. Decisions taken in respect of roadside messaging and the use of signs were taken by way of regular meetings with the internal communications team. Formal ministerial clearance was not sought, but Ministers were aware of the messaging intentions.

Decisions were regularly updated to ensure that it was in line with the current guidance. Decisions on appropriateness of messaging were taken by the internal communications team.

150. There was regular liaison with the Driver and Vehicle Standards Agency with particular emphasis on driver testing. As that is not a devolved matter, we worked with colleagues in DVSA to ensure the services they delivered in Wales complied to the changing rules and regulations in Wales throughout the pandemic.

Taxi and Private Hire Vehicles

151. The Welsh Government's role in respect of taxis and private hire vehicles is limited; the licensing of taxis and private hire vehicles is a function of local government. At the start of the pandemic there were approximately 12,000 licensed drivers across Wales, whereas there were 5,000 licensed taxis and 5,400 private hire vehicles (PHVs).

152. The Minister for Economy, Transport & North Wales made an oral statement regarding issuing free Personal Protective Equipment (PPE) to taxi and PHV drivers on 24 November 2020.

153. The Minister for Economy, Transport & North Wales agreed via MA/KS/0006/21, which I exhibit at **ASM2BWTG01/23-INQ000176817**, that the Welsh Government would lead this exercise on behalf of all 22 local authorities. Implementation was taken forward by a small project team with representatives from the Welsh Government, the Welsh Local Government Association, and the National Procurement Service, who had also worked together to develop the proposal.

154. The Project Team considered the delivery of the Minister's commitment, on all aspects, from first principles. This included whether it should take form of gift vouchers to the eventual number and type of PPE products provided. Decisions took into account the constraints on usual public sector distribution channels; how best to limit potential for driver fraud by multiple applications; and how to ensure value for money.

155. It was decided that a one-off invitation to all 12,000 licensed taxi and PHV drivers in Wales to claim a free Welsh Government PPE pack would be issued. The PPE pack contained sufficient product for six months use. The invitation was open for a limited period of three weeks, beginning on 3 February 2021. That approach was adopted as it concentrated the validation process into a single period, making it easier for

fraudulent claims to be identified (multiple orders for the same address/license no. etc) whilst also addressing the potential issue of driver inertia by setting a deadline for a response.

156. A multi-media communications campaign was planned, targeting all licensed taxi and PHV drivers in Wales (including Uber). The awareness campaign included a press release from the Welsh Government, a social media campaign, together with articles placed in taxi and PHV periodicals.

157. The use of a direct publicity campaign avoided the need for licensing officers in local authorities to contact all 12,000 drivers, for consent to share personal data with the Welsh Government and Lyreco (in accordance with GDPR), particularly at a time when local authority licensing officers did not have capacity to assist due to other pressing Covid-19 demands.

158. The Minister for Economy, Transport and North Wales announced the opening of the scheme on 3 February 2021.

Aviation, Maritime Ports and Freight & Logistics Policy

159. Before dealing in turn, below, with each thematic policy sub-group, I note that the Aviation, Maritime Ports and Freight & Logistics Policy branch were responsible for advising colleagues in the Health and Social Services Group, Covid-19 Recovery and Restart Directorate and Welsh Ministers on the positive or negative impacts of tightening or lifting international travel restrictions could have on air, and sea connectivity, maintaining critical supply chains and the future viability of those industries if they could not continue to operate.

160. In addition, the branch advised Ministers and colleagues on making amendments to the Passenger Information Regulations in relation to Aviation, Maritime Ports & Freight operations across Wales and the wider UK on a four-nations approach.

161. Regulations placing obligations upon passengers were made by the Welsh Ministers based upon advice provided by the Health and Social Services Group (and the relevant Legal Services team), rather than by Economic infrastructure/Transport Directorate. Matters relating to international travel are covered later in my statement.

162. Some regulations were made which related to port operators: namely the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020, the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021). No obligations were imposed upon passengers nor any airport by those regulations. However, the obligations upon operators generally mirrored the obligations placed upon passengers. For example, where passengers had an obligation to take a test before travel, the operator had a corresponding obligation to check the tests.

163. Officials from Legal Services and the Health and Social Services Group worked closely on those regulations, often combining amendments in one set of regulations, for example. A four nations approach was adopted where possible with co-operation with the UKG, the Scottish Government and the Northern Ireland Executive.

Aviation

164. The Welsh Government's main role, pre-pandemic, in respect of aviation in Wales was as sole shareholder of, and therefore the financing and provision of support for Cardiff International Airport Ltd ("CIAL").

Cardiff International Airport Limited (CIAL)

165. CIAL is the operational company responsible for the day to day running of Cardiff International Airport. CIAL has over the years faced several substantial challenges to its existing business, including the UK's exit from the European Union and the failures of Thomas Cook and Flybe airlines, both of which flew from Cardiff. CIAL was in the process of reviewing its strategy and funding requirement in response to this when the pandemic struck.

166. CIAL is a wholly-owned subsidiary of WGC Holdco Limited (Holdco), which in turn is wholly owned by the Welsh Government. The Welsh Government, on behalf of the Welsh Ministers, operates CIAL, which is operated as an arms-length company, with distinct separation achieved through Holdco.

167. Holdco was incorporated as a private company limited by shares on 21 March 2013; it acquired the entire shareholding in CIAL on 27 March 2013 as part of a share acquisition whereby CIAL was sold by its previous owner, TBI Limited. Holdco currently owns 100% of the share capital in CIAL.

168. The Welsh Ministers do not run Cardiff Airport. The airport operates in an independent and commercial manner, makes investment decisions on a commercial basis, and is liable for its own actions and any issues arising from the running of its business. The existing governance arrangements ensure that while CIAL enjoys a high degree of operational and commercial autonomy, at an arms-length from the Welsh Government, measures are in place to ensure the Welsh Government is able to reserve specific items for agreement by Holdco, via the Holdco shareholder agreement and the constitutional documents of CIAL.

169. A management agreement sets out the responsibilities of both HoldCo and CIAL, with key features being the ability of HoldCo to veto the appointment or removal of Directors to CIAL's Board, to approve the Company's business plan and budget and to monitor its performance. The management agreement also sets out the limits of delegation and certain decisions by the Board that require the consent of HoldCo before they can be implemented.

CIAL – impact of pandemic

170. Covid-19 Recovery and Restart Directorate was responsible for advising Ministers on amendments to the International Travel Regulations, in response to the changing public health situation or changes to the equivalent UKG regulations. Public health policy officials were responsible for advising on the public health risks of any changes / amendments which were the primary concern of the Ministerial Advice.

171. Covid-19 and the associated restriction on people's movements had a catastrophic effect on airport businesses across the UK and beyond. As the pandemic took hold, CIAL handled its last scheduled passenger flight on Monday 30 March 2020.

172. CIAL made a commercial decision to close its passenger terminal and reduced the operational hours of the airfield to the minimum necessary during the pandemic. This was a conscious decision, instead of closing all its operations, addressing a number of important considerations:

- i. Reduced running costs including allowing the airport to benefit from the UKG's furloughing scheme for c50% of its employees;
- ii. Provision of cargo flight handling facilities particularly around freight and logistic support for PPE;
- iii. Operations could continue for general aviation carriers including Signature, Global Trek and Dragon Fly who were available for call outs and handling of

any movements for military or medical flights, or other essential flying requests which may be critical during the Covid-19 crisis;

- iv. This would enable a swift recovery once movement restrictions were lifted;
- v. Safeguarding of airport operations in order to comply with contractual and regulatory obligations;
- vi. Mitigation of costs arising from damages which would be incurred if the airfield were to close;
- vii. Provision of active storage capacity for airlines' planes; and
- viii. Continuation of the Bro-Tathan operation – as CIAL itself operates 24/7, it could continue to support any out-of-hours requirements for any of its stakeholders, including the Ministry of Defence and any military movements that needed fire support and air traffic control on a 24/7 basis.

173. CIAL closely followed government advice / guidance provided by the relevant authorities such as Public Health Wales and the Welsh Government as it continued to operate CIAL throughout the pandemic. Following the announcement of national lockdown measures CIAL remained open as a vital part of the transport infrastructure in Wales but only for legitimate travel and air movements such as for work or education as it has done throughout the pandemic.

174. Given the significant uncertainty surrounding the Covid-19 situation it was very challenging to model the future of the airport with a high degree of accuracy. However, based on projections during this period, CIAL expected to experience a cash shortfall impacting around June 2020. To ensure CIAL had sufficient cashflow to pay its debts as they fell due, CIAL's Board requested a drawdown of their final loan tranche of £4.8m which, according to their forecasts, would allow them to trade through until September 2020.

175. Whilst CIAL had submitted a 'routine' request for a drawdown of £4.8m from its existing loan facility, the Covid-19 crisis meant that this was no longer a 'routine' draw-down – the crisis (and its impact on the industry) constituted a "Material Adverse Event" for the purposes of the Loan Agreement, enabling the Welsh Ministers to revisit the terms of the loan and determine whether it is appropriate to proceed as it would have done in normal circumstances. Based upon third party expert advice from Oxera Consulting LLP, including legal advice, the drawdown would need to be approved subject to a higher rate of interest (15.9%) and accompanied with efforts to ensure CIAL receives

State Aid for damages at the earliest opportunity, in order for the support to remain State Aid compliant.

176. The Minister for Economy, Transport and North Wales agreed to the drawdown request on the basis that Cardiff Airport would be provided with the minimum amount of finance which it necessarily required to enable it to discharge any ongoing liabilities, after it had implemented all cost mitigation measures and utilised its existing cash by MA/KS/1059/20 which I exhibit at **ASM2BWTG01/24-INQ000198578**.

177. The Welsh Government also submitted a State Aid Notification to the European Commission for approval to grant compensation to Cardiff Airport for the damage caused by Covid-19 for up to £6.5m, following Ministerial Advice dated 28 September 2020. That decision is exhibited at **ASM2BWTG01/25-INQ000177001** (MA/KS/2737/20). The initial damages for the first period between 17 March – 30 June 2020 at a value of c£2.39m was agreed.

178. In March 2021 Ministers agreed a financial package to provide support to Cardiff Airport in the medium term against a five-year plan for the rescue and restructure of the airport following Covid-19. Ministers agreed investment by way of a grant of up to £42.6m which has enabled Cardiff Airport to begin restructuring its operations and securing its viability, via Ministerial Advice document MA/KS/0809/21 which I exhibit at **ASM2BWTG01/26-INQ000198612**.

179. At same time, and separately as sole shareholders of Cardiff Airport and its only lender, the First Minister also made the decision on a purely commercial basis to write off £42.6 million of the airport's debt, via Ministerial Advice document MA/FM/0846/21 which I exhibit at **ASM2BWTG01/27-INQ000198621**.

Anglesey – Cardiff PSO

180. The Cardiff to Anglesey Public Service Obligation air service was a return air service twice a day, Monday to Friday, from CWL to RAF Valley on Anglesey. It was a fully subsidised service by the Welsh Government operated by UK regional airline, Eastern Airways.

181. The service was important because it offered connectivity between north and south Wales, with passengers able to make a return flight in a single day.

182. On 30 March 2020 Ministers agreed to suspend flights under the PSO Contract for an initial period of up to 3 months whilst the Covid-19 travel restrictions remained in place, via MA-KS-1123-20 which I exhibit at **ASM2BWTG01/28-INQ000198577**. The suspension was subsequently extended a number of times between that date and 20 May 2022, and the service has now been withdrawn.

Aviation

183. Aviation Policy branch were responsible for jointly reviewing the International Travel Regulations and Passenger Information Regulations with the devolved nations and providing feedback to the UK Department of Transport. The UK Department for Transport had ownership of the published guidance. The Welsh Government worked closely with the UK Government (and the Scottish and Northern Irish Governments) on approach and the sharing of information.

184. Changes to the monitoring of the enhanced General Aircraft Declarations and Maritime Declarations of Health were made via amendments to The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 which Covid-19 Recovery and Restart Directorate were responsible for leading on advising Ministers on with input from Public Health colleagues, Aviation and Maritime Ports Policy. Aviation and Maritime, Public Health Colleagues, PHW and port health authorities met regularly to monitor and discuss potential changes to GAD and MHDs on a regular basis in Wales and advise Recovery and Restart Directorate on making recommendations to Ministers. I exhibit at MA/EM/3872/21 at **ASM2BWTG01/29-INQ000116724**.

Maritime, ports and harbours

185. Pre-pandemic work in respect of maritime, ports and harbours was largely focused on harbour revision orders, and other matters which Welsh Ministers were required to determine (for example, objections to harbour dues) and providing input into relevant UK wide policy matters.

186. The UK Government offered support to direct ferry routes between Great Britain and Northern Ireland and between England and mainland Europe, but no support was put in place for routes between Great Britain and the Republic of Ireland, including ferries from Welsh ports. Given the importance of Holyhead to North Wales and the key role it plays in freight movements between Great Britain and both Northern Ireland and the Republic of Ireland, the Welsh Government pressed the UK Government on why these

routes had been excluded. The UK Government's rationale was that there wasn't evidence they were at risk of commercial failure and there was sufficient capacity on the routes to meet demand.

187. DfT officials subsequently worked with the Welsh Government to agree principles for the threshold at which Government intervention would be required, either in case of the reduction of excess capacity on the route or if an operator was credibly making the case that they would withdraw services. It was agreed in that case the Welsh Government would work with the Irish Government to explore putting similar Public Service Obligation arrangements to other routes in place. It was acknowledged at the time that the risk of this was low and, in the event, it never materialised. This position was set out in Ministerial Advice document MA/LW/1734/20, which I exhibit at **ASM2BWTG01/30-INQ000198615**.

188. As direct ferry routes to Holyhead and Fishguard were all within the Common Travel Area, ferry operators were not required to check Passenger Locator Forms.

Active Travel (Walking and Cycling)

189. This statement is intended to deal solely with the "transport" elements of active travel: it does not seek to deal with the "exercise" element of pandemic restrictions which will be dealt with separately in the relevant statement.

190. Decisions in respect of active travel largely fell within the remit of local authorities, given that it was restrictions upon the use of rights of ways and walking/cycling routes which impacted upon active travel. Though these impacted upon transport, they were not transport decisions per se.

191. The Welsh Government established a grant programme (Local Sustainable Transport Measures in Response to Covid 19) to allow local authorities to request funding to put in place measures to enable people to safely and in comfort walk and cycle for travel purposes during the pandemic. Similar programmes were put in place in Scotland and England.

192. Following a decision to write to all local authorities via MA/LW/1453/20 which I exhibit at **ASM2BWTG01/31-INQ000198614**, a submission deadline date of 21 May 2020 was set.

193. Authorities set out briefly what type of measures they wanted to put in place, such as widening of pavements, signing and lining or installing temporary cycle tracks, as well as the funding requirement. They were also asked to identify any risks regarding required permissions and procedures to deliver the proposed measures.

194. There were 209 expressions of interest with each local authority making a submission. The total value in excess of £45m. Total funding of £15.4m was allocated to 141 measures or packages in June 2020 by MA/LW/1808/20 which I exhibit at **ASM2BWTG01/32-INQ000198616**.

195. Delivery of the schemes was undertaken by the local authorities and the Welsh Government's involvement was limited to assessing the initial requests, making a funding recommendation to Ministers and managing the grant allocations to local authorities.

School transport

196. As above, the Welsh Government's functions in respect of school transport are limited, with duties placed primarily upon Local Authorities. However, those bus and coach operators who provided school transport were entitled to claim under the bus operator schemes identified above.

197. The operators were also subject to the guidance in respect of buses and coaches generally.

198. Regular sessions were established with local authorities and industry to consider the implications of introducing Covid-19 measures on public transport and what that also meant for school transport, including for learners with additional learning needs. These sessions included education, transport and health officials. Separate discussions also took place with trades unions. The balance of harms was a key consideration when determining the measures to put in place for learners using school transport. Detailed discussions took place covering a range of issues including the evidence available; risk to and from the age groups; how to manage contact groups; seating arrangements; health and safety of the drivers; cleaning regime.

199. In the lead up to the reopening of schools in September 2020, feedback from industry operators to officials indicated that a period of around three weeks would be required to undertake safety checks and schedule vehicles and operators. Preparations for

school transport were required by operators from around 10 August 2020 to ensure that services would be ready to meet demand in September 2020.

Dealing with the Pandemic: Guidance and Regulations

Guidance/regulations relevant to transport – face coverings, social distancing, guidance to operators

200. Save for transport-specific guidance, which is dealt with here, the issuing of guidance and regulations did not sit within ESNR Group. The below reflects in large part the impact of those decisions upon transport policy, as opposed to decisions taken, or advice provided, by Economic Infrastructure/Transport Directorate itself.

201. From March 2020 into April 2020 the Welsh Government worked on the original guidance on face coverings on public transport and the guidance 'Taking All Reasonable measures to maintain Physical Distancing in the Workplace' which was published in April 2020. I exhibit that at **ASM2BWTG01/33-INQ000049002**. That guidance included the requirement for face coverings to be worn, closure of premises, physical distancing, staying at/working from home, reasonable measures e.g. where people could not work from home, key workers, gatherings, etc.

202. As regards public transport, the guidance covered restrictions on numbers to maintain physical distancing in all forms of public transport and restrictions in transport facilities such as stations and airports, and these were extended over time to cross border travel (e.g. Wales and England), international travel, schools transport, the tourism sector, taxis and private hire vehicles. The guidance also covered enforcement. The guidance was to provide specific advice on the application of the Regulations then in force and their application to the transport sector. The core messages of the guidance at that time were about physical distancing and the wearing of face coverings, which was common to many situations, and not only transport. The guidance also covered other transport situations arising in the tourism sector, in the public realm generally and where there was cross-over between transport and work-places.

203. On 22 May 2020 guidance was published entitled "Restarting public transport: guidance for operators". This was transport-specific guidance developed and published by Economic Infrastructure/Transport Directorate. That is exhibited at **ASM2BWTG01/34-INQ000198596**. It was periodically updated and reviewed as I set out below.

204. The May 2020 version of the guidance identified that Part 3 of the Health Protection (Coronavirus restrictions) (No. 2) (Wales) Regulations contained obligations and restrictions including:

- i. a requirement to take all reasonable measures to ensure that a distance of two metres was maintained between persons on the premises;
- ii. a requirement for any other reasonable measures to be taken – for example to limit close face to face interaction and maintain hygiene; and,
- iii. information to be provided to those entering or working at premises about how to minimise risk of exposure to coronavirus.

205. For the purposes of the regulations, and therefore the application of the above, “premises” included vehicles used as taxis and for public transport. The guidance noted that capacity on public transport remained limited and referred to the general guidance on limiting travel.

206. Also on 22 May 2020 a guidance document entitled “Public transport: guidance for operators” was published. Again, that was transport-specific guidance, in this case aimed at operators as opposed to the general public. That is exhibited at **ASM2BWTG01/35-INQ000198597**. It was periodically updated and reviewed as I set out below. The guidance identified transport specific issues such as the need and use of PPE, workforce planning, dealing with queues and passenger flow and cleaning.

207. It was recognised early on that many drivers would be at greater risk of more severe symptoms of Covid-19 due to their ethnicity, age or underlying health conditions. At the same time maintaining social distancing is virtually impossible in the majority of licensed taxis/PHVs. For this reason, officials looked into what further measures could be taken to mitigate the risks. This resulted in the provision of free PPE, the provision of taxi/PHV specific guidance as well as gathering of scientific evidence on the effectiveness of screens in vehicles.

208. Together with the specific transport guidance, both general and for operators, there was also general guidance published by the Welsh Government which was relevant to and impacted upon the use of public transport. The specific guidance covered the requirements to take reasonable steps to comply with the regulations, e.g. two metre physical distancing and face coverings, mitigations where the requirements could not reasonably be met, e.g. key workers in limited spaces, and general guidance on, for

example, how to ventilate a room/vehicle to reduce risks from potential circulation of the virus and protect passengers and others.

209. In the summer of 2020, as conditions eased, Welsh Government updated its guidance, 'Public Transport: Guidance for Operators', and published the revised guidance in July 2020. That is exhibited at **ASM2BWTG01/36-INQ000198599**. That guidance was again aimed at transport operators to help protect passengers from Covid-19 and provide safer premises and workplaces. It updated the previous guidance as appropriate and included guidance on health and safety, risk assessment, managing risk, equality and diversity, self-isolation, PPE and face coverings, workforce planning, queues and protecting passengers flows, crowd management and emergencies, cleaning, hygiene and ventilation and communications and training.

210. On 24 July 2020 Ministerial Advice MA/FM/2363/20 which I exhibit at **ASM2BWTG01/37-INQ000116694** identified proposed amendments to the regulations then in force so as, from 25 July 2020, to:

- i. remove restrictions on the use of shared facilities to allow all self-contained holiday accommodation, such as campsites, to reopen;
- ii. exempt supervised recreation for children and young people under 18 from the Regulations to allow for activities such as children's clubs. In addition the Regulations will allow for any public services to be accessed (currently it is only critical public services);
- iii. reopen underground attractions;
- iv. remove the requirement to work from home where practicable to do so.

211. MA/FM/2363/20 further recommended amendments from 27 July 2020, to:

- i. reopen cinemas, museums, galleries and archive services, and fully open crematoriums;
- ii. allow amusement arcades (which include adult gaming centres and family entertainment centres) to operate;
- iii. reopen close-contact services including nail and beauty salons; massage parlours; and establishments providing tanning services, body piercings, tattooing, electrolysis or acupuncture. This will include those services when provided in spas;
- iv. permit activity relating to house rental or sales in all properties (not just unoccupied premises);
- v. introduce new requirements to wear face coverings on public transport;

212. On 26 August 2020 the Minister for Health and Social Services and the Minister for Education issued a written statement recommending that face coverings should be worn by “all members of the public over 11 years in indoor settings in which social distancing cannot be maintained, including schools and school transport”.
213. On 17 November 2020 Ministerial Advice submission MA/KW/3847/20 which is exhibited at **ASM2BWTG01/38-INQ000176813**, was submitted to the Minister for Education, seeking agreement to amend operational guidance for schools and settings to strengthen the position on face coverings in schools and settings and on dedicated school transport. That MA was agreed.
214. On 22 December 2020 updated transport guidance was published. It is exhibited at **ASM2BWTG01/39-INQ000198600**. That guidance reflected Cabinet’s decision to put Wales at Alert Level 4, as set out below.
215. That guidance in substantially the same form was re-issued on 18 January 2021 and is exhibited at **ASM2BWTG01/40-INQ000198592**.
216. On 17 June 2021 updated transport guidance was published reflecting the removal on restrictions agreed on 8 April 2021. That guidance is exhibited at **ASM2BWTG01/41-INQ000198593**.
217. On 13 July 2021 the First Minister agreed to amend the Coronavirus restrictions to complete Wales’s move to Alert Level One from 17 July. The First Minister also agreed to provide for other changes to the restrictions from that date, notably for the ‘outdoor’ elements of the proposed Alert Level Zero. Changes from Saturday 17 July 2021 to move to complete the phased transition to Alert Level One included maintaining the requirement that face coverings were to be worn in public places, such as on public transport, in shops and when accessing healthcare. The First Minister and Minister for Health and Social Services also agreed to the publication of an update to the Coronavirus control plan: Alert Level Zero. I exhibit MA/FM/2517/21 (**ASM2BWTG01/42-INQ000198586**) and MA/FM2509/21 (**ASM2BWTG01/43-INQ000198584**).
218. On 17 July 2021 updated transport guidance was published which addressed the lifting of restrictions on non-essential international travel. That guidance is exhibited at **ASM2BWTG01/44 INQ000198594**. I deal with international travel separately, below.

219. On 5 August 2021 the First Minister agreed to amend regulations from 6am on 7 August to move the whole of Wales to Alert Level Zero as set out in the Coronavirus Control Plan published 14 July and agreed by Cabinet. As a result, the requirement for reasonable measures so as to remove the specific step required in relation to 2m social distancing was amended. The relevant MA is exhibited at **ASM2BWTG01/45-INQ000198582**.
220. The First Minister also agreed to amend the Regulations from the start of the day on Saturday 7 August 2021 to clarify that face coverings did not need to be worn on 'open air' transport.
221. On 17 August 2021 updated transport guidance was published. It is exhibited at **ASM2BWTG01/46-INQ000198595**. That updated guidance addressed the requirement to wear face coverings introduced earlier in the month.
222. On 2 December 2021 Cabinet met to consider an update on Covid-19 and the new variant identified. It was decided that Alert Level Four should not include the closure of public transport. Further consideration would be given to the proposal to suspend public transport.
223. On 9 December 2021 it was agreed that officials would explore whether alternative forms of transport could be utilised to ensure that key workers were able to travel to their place of employment., I exhibit the minutes of the meetings on 2 and 9 December at **ASM2BWTG01/47- INQ000057922**.
224. Cabinet met on 21 December 2021. I exhibit the minutes at **ASM2BWTG01/48-INQ000022562**. It was decided that in the light of the particular impact upon public transport the sector would be removed from the definition of 'regulated premises' in the Regulations. On 22 December 2021 it was confirmed that guidance would be published to emphasise the flexibility in relation to reasonableness and other mitigating measures: a specific example in relation to public transport would be used.
225. On 7 February 2022 Cabinet met and agreed that the Regulations should be extended upon their expiry on 25 February 2022. I exhibit the minutes at **ASM2BWTG01/49-INQ000130031**. Given the need to continue to protect vulnerable people, the necessity

for face coverings on public transport was agreed to remain in place until 28th March 2022.

226. On 10 February 2022 Ministerial Advice, MA/FM/0541/22 exhibited at **ASM2BWTG01/50-INQ000198585** was submitted to the First Minister to agree amendments to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 which included retaining the requirement to wear face coverings on public transport.

227. On 11 February 2022 the First Minister issued a written statement confirming that Wales would remain at Alert Level Zero but would begin to relax some of the protections. The international Covid Pass would continue to be integral to arrangements for safer international travel. Travellers would need to check the relevant countries' rules for entry, including any different requirements for children. The statement said that following the three-week review due by 24 March, the Welsh Government hoped to be able to remove the legal requirements to wear face coverings on public transport.

228. Regulations introduced on 24 February 2022 maintained the need for face covering on public transport.

229. On 25 February 2022 the First Minister issued a written statement confirming that from 28 February 2022 adults and children aged 11 and over would no longer be required to wear face coverings in many indoor places but that they would continue to be required on public transport.

230. On 28 February 2022 Cabinet met and confirmed the intent to remove the requirements for face coverings from public transport. I exhibit the minutes at **ASM2BWTG01/51-INQ000130041**

231. On 24 March 2022 Cabinet met again to consider the latest 21-day review. I exhibit the minutes at **ASM2BWTG01/52-INQ000058010**. Cabinet concluded there was a need move more cautiously than previously signalled. However, it was agreed that from 28 March 2022 the legal requirement for face coverings to be worn on public transport should be removed. The First Minister agreed to the necessary changes to the regulations; relevant MA is exhibited at **ASM2BWTG01/53-INQ000177047**.

232. On 29 March 2022 updated transport guidance was published. That guidance followed the decision of 24 March 2022 to remove the requirement to wear face coverings on public transport.

Restrictions on travel within the UK

233. Responsibility for the operation of the 21-day review process, including the preparation of advice for the First Minister and Cabinet on the imposition and relaxation of restrictions, did not sit in the Economy, Skills and Natural Resources Group. However, as the Director General for the Group I did attend Cabinet where most of the key decisions about restrictions were taken during the pandemic.

234. Matters relating to travel between Wales and other parts of the UK arose largely in the context of the restrictions imposed by the coronavirus regulations, which were subject to the 21-day review process. For the references in this part of my statement to travel restrictions within the UK, I have relied upon advice and information from Reg Kilpatrick, Director General for Covid Recovery and Local Government and his team. I also understand that the process by which the 21-day review cycle operated, and the policies and principles which underpinned the decisions made about the imposition and relaxation of restrictions, are described by Andrew Goodall at paragraphs 217-271 of his statement to the Inquiry in response to M2B-WG-01, so I have not rehearsed them again here.

235. The issue in respect of internal borders primarily arose in the context of divergence in legal restrictions between Wales and England; and the related impacts those differences could have on the incidence and spread of Coronavirus. Other considerations were also taken into account as part of the overall decision-making, including: the social and economic impacts where people needed to travel across borders to visit friends and family and to access goods and services; the short and longer-term economic impacts on businesses and risk of displacing activity; and the need to balance equalities impacts, such as including reasonable excuse exemptions.

236. I understand that Andrew Goodall has already provided evidence in respect of the varying prevalence, incidence and rates of growth across the four nations of the United Kingdom at paragraphs 300-206 of his statement in response to M2B-WG-01.

237. In May 2020, the Welsh Government published 'Unlocking our society and economy – continuing the conversation'. 'Unlocking our society and economy' built upon the

general approach to the lifting of restrictions which had been set out in 'Leading Wales out of the coronavirus pandemic: a framework for recovery', including a proposed 'traffic light' approach to the lifting of the lockdown. Both of those documents have already been exhibited to M2B WG01.

238. This traffic light approach set out four categories of restriction – lockdown, red, amber and green – and what restrictions would apply across a range of matters and sectors, including education and care for children, seeing family and friends, exercise and sport, working or running a business, shopping, and using public services.

239. In relation to travel, the four categories (listed under 'getting around') were:

- i. Lockdown – leave the house for essential travel only
- ii. Red – local travel, including for click-and-collect retail. Promote active travel and adapt public transport for physical distancing. Allow outdoor leisure and recreation.
- iii. Amber – travel for leisure, access non-essential retail and services, and more people travelling to work.
- iv. Green – unrestricted travel, subject to ongoing precautions.

Intra-UK travel – local restrictions and the 'firebreak'

240. The border between England and Wales was, at times, a key issue in the consideration of the measures which Ministers would put in place to limit the incidence and spread of Covid-19 in Wales, as did discussion about travel to and from Wales or parts of Wales to different parts of the United Kingdom. The significant issue arose given the relative ease of travel from high areas of infection (in England particularly) to areas of low prevalence in Wales. The Welsh Government's view was that such travel posed a high risk of importation new variants to Wales, seeding more infection in communities, and driving up infection rates and in turn, adversely impacting the Welsh NHS. The issue also applied to Wales in the early stages of the spread of the Delta variant in October 2020.

241. Geographically variable legal restrictions and public health guidance had been put in place in areas of the UK, for example Leicester. At that time, while an imperfect solution, preventing travel between communities was thought to help control the wider spread of the virus to other areas where incidence was lower and fewer restrictions were in place.

242. The emergence of geographical variations in the incidence of coronavirus that could be tracked closely through Test Trace and Protect led to the introduction from September 2020 of Welsh local health protection areas. These measures were designed to limit the spread of infection within Wales, specifically from areas of high prevalence to areas of lower prevalence. The Welsh Government's Coronavirus Control Plan (which has already been exhibited to M2B WG01), published in August 2020, had described how, in scenarios where local and regional Test Trace Protect (TTP) teams identified complex cases or clusters of cases and where incident and outbreak control measures were not thought to be sufficient, local or regional measures to protect public health could be introduced by Welsh Ministers, to provide tailored public health advice and / or regulations that applied to a specific geographic area. The CCP stated that local/regional restrictions could include the provision of guidance or the imposition of restrictions on the movement of people, which could include requirements to 'stay at home', to stay within a local area, to prevent people staying away from home overnight, or restrictions on entering or leaving the area.

243. The first of these local restrictions was introduced in respect of the County Borough of Caerphilly and took effect from 18.00 on 8 September 2020. Following information received from Public Health Wales about a steep rise in the number of confirmed COVID-19 cases in Caerphilly over the previous 10 days, and in the light of advice from the Chief Medical Officer, the First Minister agreed to amendments to the principal regulations, making provision in relation to "a local health protection area" which for the purposes of the amending regulations meant the area of Caerphilly County Borough Council. Those regulations followed MA/FM/2952/20 which I exhibit at **ASM2BWTG01/54-INQ000116696**.

244. These regulations (the Health Protection (Coronavirus Restrictions) (No.2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020) prohibited households within the area from being part of an extended household with other households; prohibited residents of the area from leaving or remain away from the area without a reasonable excuse; required residents of the area to work from home, unless it was not reasonably practicable for them to do so; prohibited people outside of the area entering the area without a reasonable excuse; and required people present in the area to wear a face covering when at open premises (subject to certain exemptions and exceptions). The regulations also required the restrictions and requirements introduced by these amendments for the area of Caerphilly County Borough Council to be reviewed on or

before 24 September 2020, and at least once every seven days thereafter. Those restrictions were in addition to the general restrictions then in place across Wales, in so far as is relevant, to wear face coverings on public transport.

245. In support of the restriction prohibiting people leaving or remaining away from the local health protection area without a reasonable excuse, the MA document noted advice from public health officials about the growing body of evidence that 'superspreaders' could be responsible for up to 80% of new infections. As such, restricting travel in a population that had a rising level of uncontrolled community incidence was more likely to prevent uncontrolled spread into nearby areas. The MA also noted that requiring people to stay in the local health protection area and prohibiting people from entering the area would prevent individuals within the area from visiting friends/family outside of it, and that this might increase feeling of isolation/loneliness for certain groups, particularly the elderly. This would be mitigated by the list of reasonable excuses, which had been carefully considered to protect vulnerable people. The MA further recognised the potential impact on businesses of prohibiting persons from entering a local health protection area, stating that this could be mitigated by maintaining restrictions for the shortest possible length of time.

246. Over the following weeks, in response to rapid increases in confirmed Covid-19 cases across a significant number of areas in Wales, the First Minister made a series of decisions extending 'local health protection areas' to further parts of Wales. By 1 October, there were 17 local health protection areas, covering 15 of the 22 principal local authorities in Wales (Caerphilly, Rhondda Cynon Taf, Blaenau Gwent, Bridgend, Merthyr Tydfil, Cardiff, Swansea, Vale of Glamorgan, Torfaen, Neath Port Talbot, Conwy, Denbighshire, Flintshire, and Wrexham), as well as electoral wards in the Welsh towns of Bangor and Llanelli.

247. The purpose of the measures introduced by the Welsh Government was to prevent the spread of coronavirus within Wales. In addition, all parts of the UK had introduced restrictions on international travel to prevent the same. However, those same precautions were not being taken in England in those areas where prevalence was high. The lack of restriction on people traveling from high-risk areas in England to low-risk areas of Wales risked undermining the efforts of Welsh Ministers to prevent the spread of coronavirus in Wales. At that time, there was no legal requirement in England to prevent people travelling from high prevalence areas in England, which were otherwise under a range of other legal restrictions, to low prevalence areas in other

parts of England or the UK (including Wales) and thus resulting in the spread of infections from those high prevalence areas and across borders.

248. On 28 September 2020, the First Minister wrote to the Prime Minister noting the different travel restrictions in place across England and Wales and highlighting concerns about travel from England to those areas in Wales subject to local measures. That letter is exhibited at **ASM2BWTG01/55a-INQ000198489**, with a note of the meeting in the associated email at **ASM2BWTG01/55-INQ000198488**.

249. The First Minister attended a COBR meeting chaired by the Prime Minister on 12 October 2020. During that meeting the First Minister raised the possibility of internal travel restrictions between Wales and England. As COBR minutes are held by the Cabinet Office, and are not shared with attendees, it has not been possible to review the detail of the discussion during that meeting.

250. Later that day, at a meeting of the Welsh Government Cabinet on 12 October 2020, the First Minister informed his Ministerial colleagues that earlier that day, he had attended the COBR meeting and the Winter Summit, which had been led by the Chancellor of the Duchy of Lancaster. Both the First Ministers of Scotland and Northern Ireland had been in attendance. I exhibit the Cabinet minutes at **ASM2BWTG01/56-INQ000129903**.

251. The First Minister told Cabinet that there would be a detailed discussion of the issues raised the following morning (13 October 2020), but that one of the items that Ministers would need to consider would be potential cross border travel restrictions, as, even with the most stringent measures being introduced in England, it was still not illegal for people to travel from a very high risk area to parts of Wales that were not in local 'lockdowns'.

252. A note of the 9am ministerial call on 13 October 2020 is exhibited at **ASM2BWTG01/57-INQ000198496**.

253. On 13 October 2020 the First Minister wrote to the Prime Minister, again raising concerns about travel from high-prevalence areas to low-prevalence areas. The First Minister also requested that a further meeting of COBR(M) be convened urgently to discuss circuit-breaker measures. That letter is exhibited at **ASM2BWTG01/58-**

INQ000198495, with the Genomic Insights Paper (October 2020) at **ASM2BWTG01/58a-INQ000198494**.

254. On 15 October 2020, the First Minister considered Ministerial Advice MA/FM/3459/20 which I exhibit at **ASM2BWTG01/59-INQ000198587**. That set out three options for the restriction of travel from the rest of the UK into Wales. The options, which were set out in an accompanying discussion paper which I exhibit at **ASM2BWTG01/60-INQ000198591**, were:

- i. Preventing travel into Wales for all local authorities subjected to enhanced lockdown measures by other UKGs e.g. Tiers 2 (High) and 3 (Very High) in England, or areas under restrictions in Scotland and Northern Ireland,
- ii. Preventing travel into Wales by applying risk assessment measures similar to the Joint Biosecurity Centre international travel corridor assessment,
- iii. "Stay local" Wales wide restrictions.

255. The Ministerial Advice document (MA) recommended that option (iii) should be implemented. The recommendation was supported by the Chief Medical Officer, whose advice was set out in the MA. He advised that he fully supported the proposal to restrict travel from high-Covid transmission areas to protect the public health of people living in areas which have lower rates of virus in circulation, often areas which are remote or less densely populated, as a sensible and necessary approach in line with the existing restrictions for travel that were in place for the 17 local health protection areas.

256. The MA stated that to prevent further spread of coronavirus, and to avoid seeding events in areas where there was still a relatively low prevalence of the virus, there was an urgent need to limit non-essential travel across the UK. It noted that people in Welsh local health protection areas were not permitted to travel outside those areas without a reasonable excuse such as work, but that the UKG had refused to put in place legal restrictions to prevent people living in areas of high prevalence in England from visiting low prevalence areas in Wales (i.e. those not designated as local health protection areas); leading to the inability in Wales to turn away visitors from high incidence areas in other parts of the UK visiting low incidence areas in Wales.

257. The MA noted that the First Minister had written to the UKG on the two occasions set out above formally to request that the UKG prohibit people living in areas of high prevalence to visit areas of low prevalence in Wales, and that in that correspondence

and in subsequent public statements, the First Minister had clarified that he would use Welsh Government powers to act.

258. The MA set out the economic, social, and environmental impact of imposing the travel restrictions being recommended, against which the increasing risks of Covid-19 health impacts needed to be balanced. It noted a wealth of survey evidence pointing to the social harms from lockdown measures, including significant negative impacts on mental health and wellbeing, which were particularly acute for the young, and those less able to understand the necessity of a change in routine such as young children or people with autism. It was suggested that allowing children to travel to participate in supervised activities would assist in alleviating some of these impacts.

259. The MA also set out the harms associated with the long-term social and economic impact of continued restrictions, which were likely to be significant. It noted the unprecedented contraction in gross domestic product (GDP) in the UK, and that a prolonged economic downturn was likely to have adverse consequences on the Welsh economy in the longer term, which would be particularly severe for younger generations. It further noted that travel restrictions would have a negative impact on tourism and the wider economy in those parts of rural Wales where there was a low prevalence of Coronavirus restrictions.

260. The First Minister agreed to the recommended option: the restriction of travel from areas of the UK which have a high prevalence of Coronavirus infection to areas of Wales which are not Local Health Protection Areas. The Regulations (The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 19) Regulations 2020) were laid on 16 October 2020 and came into force at 18.00 that day.

261. Also on 15 October 2020, Cabinet agreed in principle to the introduction of a 'firebreak' (also referred to as a 'circuit breaker') from Friday 23 October 2020. I exhibit the minutes at **ASM2BWTG01/61-INQ000048796**.

262. Also on 15 October 2020 the Prime Minister responded to the First Minister's letter of 13 October 2020, which I exhibit at **ASM2BWTG01/62-INQ000198504**. In his response the Prime Minister stated that he "*deeply regret[ed] [the First Minister's] announcement yesterday that [he] intended to legislate to prevent people from other parts of the UK travelling into Wales.*" The then Prime Minister also stated "I agree,

and will ask the Chancellor of the Duchy of Lancaster urgently to convene a meeting with all the Devolved Administrations to consider this and what more we can do together to reduce the spread of the virus across the UK. I suggest our officials meet ahead of this meeting.” From October 2020, four nations Ministerial calls were held, chaired by the then Chancellor of the Duchy of Lancaster, Michael Gove. These were held weekly until April 2021, then fortnightly until the end of September 2021 (with a break over August). There were then more occasional calls, though to February 2022. These are detailed in my colleague Liz Lalley’s statement paragraphs 46-65.

263. The First Minister wrote to the Prime Minister on 16 October 2020 to advise him that the Welsh Government was considering a circuit breaker of two to three weeks, to begin a week later, on 23 October. The letter, which I exhibit at **ASM2BWTG01/63-INQ000198519**, also noted that the Welsh Government and the UK Government agreed about the importance of minimising transmission from areas of high prevalence to those where it was lower, and that the governments only differed on the delivery mechanism – regulation or guidance.

264. Cabinet’s ‘in principle’ agreement was followed by further work to firm up the proposed restrictions and to make substantive recommendations. The recommendations were for a two-week firebreak, beginning at 18.00 on 23 October, and ending on 9 November 2020, during which time everyone in Wales would be required to stay at home. This meant mean working from home wherever possible, with the exception of critical workers and those whose jobs prevented them from doing so. Cabinet agreed these recommendations at its meeting on 19 October 2020.

Intra-UK travel – post-firebreak restrictions

265. At its meetings on 29 October 2020 and 1 November 2020, Cabinet discussed and agreed a new set of restrictions to come into effect at the end of the two-week firebreak. Under these new restrictions, people were not able to travel from areas of high prevalence regions in the rest of the UK to Wales without a reasonable excuse. Similarly, without a reasonable excuse, if Wales were to be considered a region of high prevalence, then people from Wales were not able to travel elsewhere in the UK without a reasonable excuse. Non-essential international travel from Wales and into Wales was prohibited.

266. Under these new restrictions, Wales became a single geographical unit in the UK, which meant that it was possible to travel within Wales. This change was identified in

MA/FM/36/89/20, exhibited at **ASM2BWTG01/64-INQ000198589**, as a key difference from the restrictions in place before the firebreak. The MA advised that the 22 local authority landscape in Wales had long been recognised as too complex for managing local health and related services. The low populations in some local authorities in Wales could skew disease prevalence figures and did not reflect realistic functional areas (e.g. travel to work or access to service areas will span multiple local authorities in Wales). The MA stated that the geographical coverage of any future local or regional restrictions would need to be revisited but a local authority boundary had not been suitable for travel restrictions, hence the adoption of an all-Wales approach immediately post-firebreak.

267. At the Cabinet meeting on 29 October 2020, Ministers agreed that travel within Wales should be unrestricted following the fire-break. It was also agreed that there should be no restrictions on travel from “medium” areas of infection in England, and Level 0 and 1 areas of Scotland. Travel to “hotspots” would remain allowed only for certain categories, for example work, childcare or medical reasons. I exhibit the minutes of the Cabinet meeting at **ASM2BWTG01/65- INQ000048929**.

268. On 1 November 2020 it was agreed that in the light of the ‘lockdown’ in England there should not be any travel into Wales from England. It was agreed and understood by Cabinet that enforcement of that restriction would be crucial. The plans for unrestricted travel within Wales were to be implemented on 9 November 2020, and individuals would be able to travel to England providing they had a reasonable excuse. There would be no international travel permitted while the lockdown remained in England. I exhibit the minutes of the Cabinet meeting at **ASM2BWTG01/66- INQ000048786**.

269. On 3 November 2020 the First Minister agreed to new national restrictions being implemented based upon MA/FM/3689/20, exhibited at **ASM2BWTG01/64-INQ000198589**. These included, in respect of intra UK travel, restrictions so that people would not be able to travel from areas of high prevalence in the rest of the UK to Wales without a reasonable excuse. Similarly, without a reasonable excuse, if Wales was considered a region of high prevalence, then people from Wales would not be able to travel elsewhere in the UK. Wales would be a single geographical unit or region in the UK for disease control purposes which meant that it would be possible to travel within Wales.

Intra-UK travel – the run-up to Christmas 2020

270. At a Ministerial call on 24 November 2020 (when the post-firebreak national restrictions remained in place), the First Minister noted that a paper on NHS capacity had been circulated, and that the latest figures on Covid-19 cases and NHS capacity suggested that unless further measures were taken, the demand on the NHS would rise between that point and the festive period in an unsustainable way. A note of that call is exhibited in **ASM2BWTG01/87-INQ000281694**. A UK-wide approach to the relaxation of restrictions over the festive period to allow households to come together was jointly announced by the governments of the UK's four nations that day. That statement is exhibited at **ASM2BWTG01/67-INQ000198604**. Further measures introduced in advance of the relaxation over the festive period would be approached in the broader Christmas context, and if possible, aligned with action in other nations of the UK. It was noted that a paper was being put together on the options for alignment with the Tier systems in Scotland and England, with decisions needed that week.

271. On 26 November 2020, Welsh Government Cabinet met twice to consider whether to implement further restrictions to help guarantee that families could meet for up to five days over the Christmas period. At the first meeting, Ministers noted the increases in both Covid-19 cases and in hospital admissions and considered the potential for alignment with the system of Tiers in England and of Levels in Scotland. When Cabinet reconvened later that day, it agreed that further restrictions should be deployed on an all-Wales basis, the details of which would be considered by Cabinet the following day, 27 November. I exhibit the minutes of the minutes of 26 and 27 November at **ASM2BWTG01/68-INQ000048925** and **ASM2BWTG01/69-INQ000048927**.

272. Following the Cabinet meeting on 27 November 2020, Cabinet met again on 29 November 2020, when it was asked to agree that existing travel restrictions should be reviewed, with a public health assessment, for a decision the following week. The Cabinet paper noted that at that point, no travel was permitted in or out of Wales (including international travel), without a reasonable excuse, (e.g. work or education). This was to prevent travel into or from other high prevalence areas of the UK, as well as to prevent the spread of the virus from Wales. The paper also noted that work was underway at four nation level to agree a common set of principles, whilst also suggesting that the UKG was unlikely to legislate to restrict travel. Cabinet agreed to the review of travel restrictions proposed. I exhibit the paper at **ASM2BWTG01/88-INQ000282120** and minutes of the 29 November meeting at **ASM2BWTG01/70-INQ000048930**.

273. At its 2 December meeting, Cabinet considered a paper on travel restrictions, which is exhibited at **ASM2BWTG01/71-INQ000048905**. The paper noted that such restrictions needed to be part of an overall package of mitigations to reduce rates of community transmission. If widespread community transmission was already taking place, travel restrictions were not likely to be effective, but if other non-pharmaceutical interventions (NPIs) were in place to reduce rates of community transmission, travel restrictions could support the approach. Without these, the efforts by areas under strict restrictions to bring down community prevalence in an area could be undermined.

274. The paper noted that the legal basis upon which restrictions are imposed in Wales (under Part IIA of the Public Health (Control of Disease) Act 1984) was only exercisable “as respects Wales” (section 45T), and not in relation to other parts of the UK, and that Ministers should consider decisions specifically within the context of the need to control the prevalence and transmission of coronavirus within Wales. As such, preventing people from Wales from travelling to low prevalence areas in the rest of the UK might not have been an appropriate use of these powers; the issue of managing the risks associated with people in Wales exporting the virus to other parts of the UK was a matter for the relevant government.

275. However, the paper also noted the apparent inconsistency of Welsh Ministers protecting Wales by preventing importation of the virus from high prevalence areas, but at the same time facilitating exportation of the virus into low prevalence areas of the UK (either via Welsh travellers or English visitors to Wales).

276. To balance these issues, Ministers agreed to an approach which would restrict travel to and from areas at the equivalent to Tier 3 in England and Level 3 and above in Scotland by regulation but would restrict by guidance travel to and from Tier 2 / Level 2 regions or lower. Cabinet also agreed that international travel restrictions would continue, and that options would be explored to see whether enforcement of quarantine mechanisms might be possible, to allow for more international travel. The Cabinet minutes of 2 December are exhibited at **ASM2BWTG01/72-INQ000025514**.

277. On 14 December 2020, the Welsh Government published ‘Coronavirus Control Plan: Alert Levels in Wales’ which has already been exhibited as part of Andrew Goodall’s statement in response to M2B-WG-01, at paragraph 232. This plan developed the traffic light model into an updated, four-tier alert level system:

- i. Alert Level One (low risk): represented the level of restrictions closest to normality, which were possible while infection rates were low and other preventative measures, such as social distancing and working from home, remained in place.
- ii. Alert Level Two (medium risk): included additional controls to limit the spread of coronavirus, which might be complemented by more targeted local actions to manage specific incidents or outbreaks.
- iii. Alert Level Three (high risk): represented the strictest restrictions short of a firebreak or lockdown, in response to higher or rising level of infections where local actions were no longer effective in containing the growth of the virus.
- iv. Alert level Four (very high risk): restrictions at this level would be equivalent to the firebreak regulations or lockdown. These could either be deployed as a preventative firebreak or as a lockdown measure.

278.As with earlier plans, the December 2020 Coronavirus Control Plan described the restrictions that would apply under each Alert Level, across a range of activities and sectors. For travel, the restrictions were:

- i. Alert Level One (low risk): No travel to areas of high prevalence or entry of people from high prevalence areas (Level Three or higher), without reasonable excuse. International travel allowed.
- ii. Alert Level Two (medium risk): No travel to areas of high prevalence or entry of people from high prevalence areas (Level Three or higher), without reasonable excuse. International travel allowed.
- iii. Alert Level Three (high risk): No travel to areas of high prevalence or entry of people from high prevalence areas (Level Three or higher), without reasonable excuse. Guidance against travel to lower prevalence areas in other parts of the UK (Level Two or lower). Advice against international travel.
- iv. Alert Level Four (very high risk): Stay at home unless reasonable excuse; no travel into or out of area without reasonable excuse. No international travel; without reasonable excuse.

279.At its meeting on 19 December 2020, the First Minister told Cabinet that earlier that day he had met with the Chancellor of the Duchy of Lancaster and the First Ministers of Scotland and Northern Ireland, along with the Chief Medical Officer and Chief Scientific Adviser for England, to discuss the latest information about a new strain of coronavirus. As a result of this development, the Prime Minister would be announcing, later that afternoon, significant new measures to control COVID-19 in London, Kent,

Essex and the East of England, and changes to arrangements over the Christmas period for the rest of England.

280. Cabinet agreed to bring forward Alert Level 4 restrictions for the whole of Wales, in line with the action being taken in London and the southeast of England. Minutes are exhibited at **ASM2BWTG01/73-INQ000227847**. The new restrictions would come into effect from midnight that night instead of from 28 December 2020; this would require non-essential retail, close contact services, gyms and leisure centres, hospitality, and accommodation to close at the end of trading. In addition, stay-at-home restrictions would also come into effect from midnight.

Intra-UK travel – lifting of restrictions March/April 2021

281. The 'stay at home' restrictions were kept under review as part of the 21-day review process, based upon the Alert Levels set out in the Coronavirus Control Plans. On 8 March 2021 Cabinet agreed that the 'stay at home' restrictions could be replaced with 'stay local', with effect from 13 March 2021. Minutes are exhibited at **ASM2BWTG01/74-INQ000057740**.

282. On 19 March 2021 the updated Coronavirus Control Plan: Revised Alert Levels in Wales was published. This has previously been exhibited to Andrew Goodall's statement in response to M2B-WG01, at paragraph 234. It described how the Welsh Government would move through the Alert Levels via a phased approach to relaxing the restrictions. The updated plan refreshed both the interventions at each level and the range of indicators the Welsh Government intended to analyse alongside professional expert advice and intelligence from local partners.

283. On 25 March 2021, the First Minister agreed that from 27 March 2021, the 'stay local' restrictions would be lifted in Wales and replaced with restrictions on leaving or entering Wales, which would remain in place until 12 April, with the intention of removing all travel restrictions within the UK and the Common Travel Area from 12 April 2021, subject to an assessment to be undertaken before then on the risk of variants from other parts of the UK being seeded in Wales.

284. On 29 March 2021, Cabinet confirmed its agreement that whilst restrictions on international travel would remain, journeys into and out of Wales from the rest of the United Kingdom and Common Travel Area would be allowed. I exhibit the minutes at **ASM2BWTG01/75-INQ000057895**.

285. On 8 April 2021, the First Minister agreed to amendments to the coronavirus restriction regulations, including to give effect to the removal of restrictions on travel within the UK and Common Travel Area (whilst continuing to prohibit international travel without a reasonable excuse). That MA (MA/FM/1541/21) is exhibited at **ASM2BWTG01/76-INQ000176842**.

International Travel

286. The factual background is significant when considering international travel and its impact upon Wales. As above, CWL was not operational for passengers: all flight travel had to enter the UK via other airports.

287. There was early liaison with UKG Cabinet Office on the approach to international travel in May and early June 2020. Meetings were arranged by the Cabinet Office. Draft versions of the England Regulations were shared with the Welsh Government to consider and confirm if a consistent approach could be agreed across the four nations.

288. Tim Render, then co-ordinating in Welsh Government, was the lead Director until June 2020, followed by Simon Brindle, and then from July 2021, Liz Lalley. The Travel Regulations were viewed as a public health intervention and therefore policy responsibility for these regulations fell initially within the public health division, before moving to the Restart and Recovery Directorate. Initially, Neil Surman was the Deputy Director responsible, followed by Tom Smithson from November 2020 until March 2021, then Bethan Bateman from April 2021 until May 2022.

289. On 15 May 2020 it was agreed "in principle", by MA/FM/1614/20 which I exhibit at **ASM2BWTG01/77-INQ000144889**, that the Welsh Ministers would lay regulations for Wales which would:

- i. require travellers entering Wales to provide prescribed information and to self-isolate for a period of up to 14 days; and
- ii. require carriers to provide health information to travellers on entering Wales.

290. On 4 June 2020 the above was agreed by Ministers by MA/FM/1809/20 which I exhibit at **ASM2BWTG01/78-INQ000198590**. The Regulations were thereafter laid and between 8 June and 9 July 2020, the Travel Regulations required all persons arriving at ports from outside of the common travel area (which is the United Kingdom, the Channel Islands, the Isle of Man, and Ireland), subject to exemptions for certain

categories of person, to provide information about where they would reside when in Wales ("passenger information") and to isolate for 14 days following arrival.

291. The Travel Regulations operated alongside the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales) Regulations 2020 ("Passenger Regulations") which were made on 15 June 2020.

292. The Passenger Regulations placed a requirement on operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales to provide passengers with certain public health information relating to the virus.

293. The Travel Regulations were subject to a regular review, the first of which took place on the 29 June 2020. Initially the review period was every 21 days, before being increased to every 28 days via MA/FM/2236/20, which I exhibit at **ASM2BWTG01/79-INQ000198523**.

294. The review of the Regulations was based on the four-step decision making process as set out below.

Step 1: Impact on containing coronavirus

295. The overriding consideration in determining whether the Regulations remained proportionate to Welsh Ministers' aims and whether the proposed amendments to those regulations did the same, was the public health justification for them. It was vital that the package of measures could be demonstrated to be necessary to prevent danger to public health in order for them to be lawful, reasonable and desirable.

Step 2: Mitigating Action

296. Assuming it were concluded, following consideration under Step 1 that the measures in the Regulations (and any proposed amendments to those regulations) were necessary steps for the prevention of danger to public health, it also followed that we should consider whether alternative, less intrusive measures could achieve the same outcome or, whether there were any mitigating steps that could be put in place instead.

297. In terms of the Regulations themselves, there were initially two main facets, namely a requirement to provide passenger information and a requirement to self-isolate. This was supplemented by a testing requirement and in time a vaccination requirement. In

terms of alternative legal measures, there were powers at Schedule 21 of Coronavirus Act 2020 and Part 2A of the Public Health (Control of Disease) Act 1984 that would enable persons to be required to self-isolate, although these steps would be based on a suspicion that a person is or may be infected with coronavirus and so, less conducive to the more blanket approach outlined in Regulations.

298. There were also non-legislative measures that could be taken, such as focusing on public messaging campaigns to advise self-isolation when a person exhibits symptoms or tests positive and to link into the contact tracing programme. As these were already broadly in place it was not a viable or sufficiently robust mitigation in itself for the restrictions on international travel and passenger information.

Step 3: Impact on General Public Health

299. Assuming it was concluded, taking account of steps 1 and 2, that there were good reasons to maintain restrictions to contain coronavirus, the impact of public health more generally then needed to be considered.

Step 4: Other social, economic and environmental impacts

300. As noted at Step 1, the predominant factor in reaching a decision on whether to retain and/or whether to amend the Regulations needed to be based on public health grounds. However, the question of whether the restrictions were proportionate could also be influenced by other factors, such as wellbeing or equality. It was therefore important throughout to assess whether the Regulations (as made or as per proposed amendments) could have such a disproportionately detrimental effect on social, economic and environmental wellbeing (essentially our Wellbeing of Future Generation (Wales) Act 2015 duties) that the overall effect on society is negative. The Welsh Ministers are under a statutory duty to have regard to the need to:

- i. eliminate discrimination, harassment, victimisation prohibited by the Equalities Act;
- ii. advance equality of opportunity between persons sharing a 'protected characteristic'¹ and persons who do not share it;
- iii. foster good relations between persons with a protected characteristic and persons without it.

¹ Age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

301. This four-step approach guided the advice to Ministers set out in Ministerial Advice submissions (MAs) for any amendments to the Regulations.
302. For each review and any amendments to the Travel Regulations advice from the Chief Medical Officer (“CMO”) team was obtained to ensure the decisions regarding the travel restrictions or easing of restrictions reflected the public health situation.
303. The CMO advice on the general need for international travel restrictions was that imported cases matter most when the UK has a low level of infection. When domestic transmission is very high imported cases are such a small amount of total that they are likely to make no significant difference to an epidemic. If the UK moved to a situation where local incidence and prevalence was much lower, imported cases could become a higher proportion of the overall number of infections and so preventing them could have some benefit. This was initially a gradual process, so there was not a ‘threshold’. It was however the case that once rates of domestic transmission were low it was potentially a material issue. This was initially dealt with by MA/FM/2236/20 dated 8 July 2020 which I have exhibited above at **ASM2BWTG01/79-INQ000198523**.
304. However, if a different variant and, potentially a more severe variant was circulating internationally then this would provide a different rationale to limit ingress at the border from international travel. This became more important later in the pandemic.
305. The Travel Regulations were amended from 10 July onwards by MA/FM/2271/20 which I exhibit at **ASM2BWTG01/80-INQ000144985** to exempt arrivals from certain countries outside of the common travel area from the need to isolate for 14 days, as well as amending exceptions to the need to isolate and some categories of persons who are exempt from the requirements of the Regulations. A list of exempt countries appeared at Schedule 3 of the Travel Regulations (“the exempt list”).
306. Countries were exempted on the basis of a risk categorisation developed by the UKG, taking data collected and analysed by Public Health England and Joint Biosecurity Centre (“JBC”) to categorise countries as green, amber or red in terms of public health risk. It was intended that all green (lower risk) countries will be listed as exempt, along with those amber (medium risk) countries where they have a reciprocal arrangement in place for arrivals from the UK. No red (higher risk) countries should appear on the list.

307. The indicative list of countries that were at risk of moving from high risk to moderate and vice versa were updated and reviewed largely on a weekly basis by the JBC with a view to making removals or additions if necessary. The frequency of reports varied according to the international Covid-19 situation. When assessing the data a country was considered over a 14 day period before being removed from the exempt list. If there were an upward trend in numbers over 14 days that moved a country's risk status from moderate to high. Conversely, if there were a downward trend over 14 days that might result in movement from 'high' to 'moderate' to 'low', resulting in a country being added once more to the exempt list.

308. Broadly, Wales acted on a joint basis with the UK. In July 2020 officials sought advice from the Welsh CMO, Dr Frank Atherton, on whether there was any rationale for the Technical Advisory Cell ("TAC") to undertake its own data analysis in relation to the indicative list of countries. The CMO's opinion was it would be a nugatory exercise and would not wish to call upon stretched TAC resources to:

- i. Carry out a separate assessment for Wales (as undertaken in Scotland and Northern Ireland), and would therefore accept that the UK category applies to Wales; or
- ii. Comment on a country-by-country basis, as to the public health implications to Wales of the higher risk country exemptions. Given the nature of the porous England and Wales border, the view taken was that any independent assessment which hypothetically took place was unlikely to differ from the findings of Public Health England/the UK Government. That was set out in in MA/FM/2236/20 which is exhibited above.

309. Throughout this period there was collaboration with the UKG and other devolved governments although there were issues with the timely sharing of country risk assessments with devolved governments. As a general rhythm, there was a weekly 'four nations' meeting on a Tuesday morning and then a ministerial meeting – "Covid-O" - on a Thursday to agree decisions on the exempt countries etc. The exception to this was where there was increased risk from variants of concern or sudden spikes in a country or territories transmission rates that required urgent action. For example, on 8 July 2020 (via MA/FM/2236/20, exhibited above) the First Minister agreed to a list of exempted countries, which included Serbia. However, after the amending regulations were made, further information was received, following which Ministers agreed on 10 July that Serbia should be removed from the list of exempted countries via MA/FM/2271/20, exhibited above.

310. While four nations or, due to the porous nature of the border, an England-Wales approach was the preferred approach there were some instances of divergence.

311. Areas of divergence included:

- i. Exemptions for certain sporting or other events (typically if they were not based near the Welsh boarder)
- ii. Exemptions for certain categories of workers or travellers
- iii. On rare occasions decisions around exempting or restricting certain countries or territories, with Wales often taken a more cautious approach.
- iv. Use of private Covid-19 test providers for the purpose of pre-departure testing, in Wales the decision to enable private test providers was delayed pending assurance in respect of the quality and efficacy of private test providers, as such the NHS tests were used for a longer period in Wales than in any of the other nations.

Managed Quarantine

312. The UKG developed proposals for managed quarantine at pace in the early part of 2021. The First Minister discussed the UK Government's proposals with the Chancellor of the Duchy of Lancaster on 27 January 2021. It was agreed that a five-nation approach would be adopted.

313. By February 2021, UKG proposals were at an advanced stage. By MA-FM-0573-21 which I exhibit at **ASM2BWTG01/81-INQ000136881** the First Minister was provided with the options available for Wales. On the basis that a five-nation approach was to be agreed, entry by sea to Wales from the Common Travel Area would not give rise to any managed quarantine issues. The very limited number of international arrivals into Wales, with there being no direct arrivals, meant that the requirement for quarantine accommodation was very limited. The Welsh Government proceeded on the basis that there might potentially be a future requirement once Cardiff Airport (CWL) re-started international flights.

314. It was decided that Wales would join the UK Government exercise and not seek to procure its own managed quarantine facilities. The First Minister then agreed on 11 March 2021 that the Welsh Government would not designate a Welsh port as a point of entry and not, therefore, set up any managed quarantine facilities. I exhibit MA/FM/1003/21 at **ASM2BWTG01/82-INQ000116637**.

315. Notwithstanding the above it was decided that Wales would adopt the UK wide system of banning travel from red list countries. That was by MA/VG/0538/21 which I exhibit at **ASM2BWTG01/83-INQ000116682**. The decision was taken to ensure the MQ system across the UK could operate effectively. Anyone returning to the UK from a 'red list' country would therefore be prohibited from doing so via a Welsh port of entry and instead must enter at one of the 'designated ports' in England or Scotland where MQ facilities were established.
316. Although direct flight routes from 'red list' countries was prohibited, in England regulations allowed any British national who has visited a 'red list' country within the previous 10 days to arrive at a 'designated port' which included Heathrow Airport, Glasgow Airport, London City Airport, Birmingham Airport and Farnborough Airport. Wales did not have a designated port, so entry was principally via England's designated ports. Any travellers arriving into an English designated port from a 'red list' country with the intention of travelling to Wales would be required to complete MQ in England before onward travel to Wales.
317. The position was continually reviewed with other measures being adopted to strengthen the position. For example, the Minister for Health and Social Services agreed that from 13 March 2021 immigration officers could impose a £10,000 Fixed Penalty Notice upon any person found to have arrived at a Welsh port having been in a "red list" country within the previous 10 days: see MA/VG/1171/21, which I exhibit at **ASM2BWTG01/84-INQ000198560**.
318. Immigration is a reserved matter and the UK Border Force enforced all relevant regulations at the Border. No relevant functions are devolved in respect of those issues. Enforcement within the hotels was carried out in respective jurisdictions.
319. Contingency planning had been put in place in the event of it becoming necessary to stand up quarantine hotels in Wales and designate an entry point (for example, should any CWL route be covered by the 'red list'). This was not ultimately needed.
320. The Scottish Government implemented arrangements from 15 February 2021 for anyone returning to Edinburgh, Glasgow and Aberdeen airports from anywhere outside of the Common Travel Area (CTA) to enter MQ for a minimum of 10 days.

321. The Northern Ireland Executive did not initially establish MQ arrangements and, like Wales, did not have a port designated as a point of entry for anyone who has been in a 'red list' country within the previous 10 days. MQ was however introduced in April 2021.
322. During the period that the Travel Regulations were in place the methodology and approach changed in order to keep pace with the public health situation. For example, in early September 2020 the domestic rate of incidence and transmission of coronavirus across the UK started to increase. The initial rationale and advice from the four UK CMOs set out in July 2020 – that travel restrictions were only effective when the transmission rate in the UK - was amended.
323. Changes to the methodology were agreed with the Joint Biosecurity Centre by the UK's four CMOs on Monday 5th October 2020. A relative approach was still applied but this was based on a comparison of rate of incidence and transmission to the top of the lower third of the UK (i.e. UK bottom tertile). The rationale was that this protected those areas of the UK where coronavirus risks were lower from imported infections. A maximum absolute threshold was also agreed (set to 7.5% test positivity figure and/or weekly incidence of 100 per 100k population), above which measures would be applied to countries regardless of UK domestic transmission rates.
324. Further methodology changes were made in November 2020. The decision was made to retain an absolute maximum threshold but to update it to a weekly incidence per 100K of population of 150, and positivity of 7.5% (based on number of tests). It was accepted that this could create a paradox that incidence rates were lower in an overseas country / territory than in the UK, yet a traveller would have to quarantine on return. CMOs felt this appropriate because:
- i. An overseas country/territory's health system might not be coping and so confidence in reported data fell.
 - ii. Significant transmission risk existed on return journeys to the UK.
 - iii. UK residents were asked to restrict their movement to protect UK public health – so to be consistent inbound travellers should be asked to restrict their movement if exposed to this infection rate overseas.
 - iv. UK's health system and ICU beds were at full capacity and inbound travellers would add further pressures to the health system.

325.The Travel Regulations were consolidated in the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022 which came into force on 11 February 2022.

326.Both the Travel and Passenger Regulations were revoked on 18 March 2022².

Modelling

327.The Economic Infrastructure Directorate did not undertake any of its own modelling for the purpose of policy, guidance or regulations. Rather, the group used advice and data provided by Welsh Government TAC/TAG.

328.TfW provided weekly data in as part of the transport group's intelligence gathering exercise. TfW also worked with the Rail Safety and Standards Board (RSSB) on their Industry Covid modelling - assessing the risk of Covid-19 transmission on trains (rssb.co.uk). RSSB gave guidance and data which was presented weekly to the senior team at TfW.

329.Modelling data was used by CIAL which it obtained from third parties. That modelling related to rescue and recovery and key risk from a commercial perspective.

Lessons learned

330.During the pandemic our established working relationships with operators and public transport users were key as we introduced a range of protection measures such as social distancing and PPE. We have not lost these important relationships and continue to build upon them as we co-develop public transport policy.

331.Among a range of internal lessons learned work, our WG internal audit team (IAS) conducted a review of the support provided to bus operators during the pandemic period which was included in the 2021/22 Internal Audit Plan agreed with the Director General and approved by the Welsh Government Audit and Risk Assurance Committee. This was part of their continued approach of reviewing significant items of Covid-19 related expenditure.

² The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers etc.) (Wales) (Revocation) Regulations 2022 (2022/315)

332. Based on the findings of their review which was published in August 2022, and which I exhibit at **ASM2BWTG01/85-INQ000022610**, IAS made several observations to help improve and strengthen the control framework. The report noted that the observations made are not only relevant if there is a resurgence of Covid-19 or other emergency situation that necessitates the introduction of a similar scheme; they also reflect best practice which should be applied to the future provision of support to the bus sector in Wales. The report recommended a review of the governance for support to bus operators, and that management should ensure appropriate mechanisms were in place to record funding decisions, the acceptance of grant terms and conditions, and robust monitoring arrangements.

333. Officials are currently scoping a thorough review of the funding support available. This will include governance arrangements to ensure there are appropriate mechanisms in place to record all funding decisions, clear and unambiguous documentation to evidence the acceptance of the terms and conditions of the funding and robust monitoring arrangements.

334. In December 2020 IAS also published its internal audit report in relation to whether support for rail intervention was appropriately managed and controlled. The review focussed on the EMA and the extent to which risks had been identified and managed. In undertaking the review, IAS gave due consideration to the need for decisions to be made at pace in difficult and unprecedented circumstances, which meant officials did not, necessarily, have the time to design as comprehensive a governance, risk management and control framework as would normally be expected. IAS noted that a key focus of its work had been to determine whether the decisions and judgements made were appropriate given the level of information available at the time they were taken.

335. IAS provided reasonable assurance that key risks had been identified in relation to the introduction of the EMA and appropriate controls had been implemented to mitigate them. I exhibit their report at **ASM2BWTG01/86-INQ000022584**, which has previously been provided to the Inquiry.

Statement of Truth

336. I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Personal Data

337. **Signed:**

338. **Dated:** 13/12/2023