



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Deisebau **The Petitions Committee**

Dydd Mawrth, 16 Hydref 2012
Tuesday, 16 October 2012

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol **Committee members in attendance**

Russell George

Ceidwadwyr Cymreig
Welsh Conservatives

Alun Ffred Jones

Plaid Cymru
The Party of Wales

William Powell

Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor)
Welsh Liberal Democrats (Committee Chair)

Joyce Watson Llafur
 Labour

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Marc Wyn Jones Dirprwy Glerc
 Deputy Clerk
Helen Roberts Cyngorydd Cyfreithiol
 Legal Adviser
Naomi Stocks Clerc
 Clerk

Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **William Powell:** Bore da a chroeso **William Powell:** Good morning and a warm
cynnes i bawb. welcome to you all.

[2] I welcome everyone to the Petitions Committee this morning. We have received
apologies from Bethan Jenkins who is unable to join us today. We will shortly be joined by
Alun Ffred Jones as her substitute. Normal housekeeping conditions apply. We are not
expecting any fire drills this morning, so if something happens it is the real thing.

9.30 a.m.

Deisebau Newydd
New Petitions

[3] **William Powell:** The first new petition is P-04-426, to introduce a mandatory 40mph
speed limit on the A487 at Blaenporth in Ceredigion. This petition was submitted by
Aberporth Community Council. It reads:

[4] ‘We, Aberporth Community Council call on the National Assembly for Wales to urge
the Welsh Government to introduce a mandatory 40mph speed limit on the A487 at
Blaenporth Ceredigion.’

[5] As yet, we have not undertaken any action.

[6] **Russell George:** At the moment, Chair, we should just write to the Minister for Local
Government and Communities to seek his views on the petition.

[7] **William Powell:** I think that that is a sensible first step.

[8] **Joyce Watson:** Having read the papers—and I also travel this road frequently—we
need to write to the county council because we can have a view here, but we need to be
assured of the facts that the county council might consider. I notice that the county council
has put a moratorium on any reduced speed limits for the next two years at a cabinet meeting,
which was mentioned in the background information that we had. We need to ask the council
some questions about that in light of receiving this petition, and whether it would reconsider
in this case. This is an extremely busy road.

[9] **William Powell:** It is obviously a real concern to the community council in taking this forward.

[10] **Joyce Watson:** It is a genuine concern. We are talking about children going to school and people crossing roads.

[11] **William Powell:** Furthermore, in addition to supporting that, I also suggest that we write to Jackie Roberts, the chief constable of Dyfed-Powys Police, to check what the accident record may be for the last five or 10 years, so that we have a picture that might be relevant to the petitioners' concerns. I see that we are all agreed on that.

[12] The next new petition is P-04-427, a new Welsh language law for Wales. This petition was submitted by Gethin Kurtis Sugar and collected 93 signatures. It calls upon

[13] 'the Welsh Assembly to create a new Welsh language law as we feel that the current laws regarding the Welsh language do not go far enough to protect the rights of Welsh speakers. Currently, the private sector is not required to have Welsh language plans or policies and does not have to treat the Welsh language as an equal to English. Whilst Welsh speakers have increased rights, they now need to have the right to be able to use Welsh in ALL aspects of their daily lives.'

[14] This is the first time that we have considered this petition. I suggest that we write to the Minister for Education and Skills on this matter, as he also has responsibility for Welsh language.

[15] **Joyce Watson:** I agree, because the difficulty, as the petition says, is that we can and have legislated for public bodies, but there is huge difficulty when it comes to the private sector. I would be very keen to seek his views.

[16] **Ms Roberts:** Chair, if I could be permitted to add to the committee's deliberations on this issue to clarify and confirm a few points, as Members are fully aware, the Welsh Language (Wales) Measure 2011 was passed by the National Assembly on 7 December 2010, and it was approved by Her Majesty in Council on 9 February 2011. The Measure outlines a number of key provisions and reforms to what was essentially the law that was previously governed by the Welsh Language Act 1993. Part 1 of the Measure provides official status for the Welsh language. Part 2 establishes a Welsh language commissioner. Part 4 provides for a number of standards of conduct that have to be maintained. Provisions in this Measure have been commenced, but of relevance to this particular petition are some requirements set out in Schedule 5. It sets out the categories of persons that can be added to Schedule 6, which lists the public bodies and the standards. Schedule 5 is not operational until the standards created by the Measure have been established, and the Welsh Language Commissioner is currently consulting on those standards.

[17] I would just like to draw committee's attention to a relevant provision within Schedule 5, which states:

[18] '(5) Persons providing services to the public who receive public money amounting to £400,000 or more in a financial year, where—

(a) that person also received public money in a previous financial year, or

(b) a decision has been made that that person will receive public money in a subsequent financial year'.

[19] The point that I would like to remind Members about is that there are thresholds and particular requirements. These requirements will eventually apply not only to public bodies, but also to the private sector, providing the threshold and other requirements are met. So, that is what I just wanted to add on this petition at this stage.

[20] **William Powell:** I am grateful for that because it puts things into a useful context. I wonder also whether it would be premature to consult the Minister for Business, Enterprise, Technology and Science in terms of the potential impact in that area. Do colleagues think that that would be premature or useful?

[21] **Joyce Watson:** It would be useful.

[22] **William Powell:** Let us do it, then. Thank you again for coming in at that point.

[23] The next one is P-04-428, alternative energy for street lighting. This petition was submitted by Ethan Gwyn and collected 22 signatures. It calls upon the National Assembly for Wales to urge the Welsh Government to convert streetlights on the trunk road system in Wales to an alternative energy source and to issue guidelines to the local authorities, requesting that they convert local streetlights to alternative energy. Again, this is our first consideration of this one.

[24] **Russell George:** It is quite telling that the petition is asking for the Welsh Government to issue guidelines to local authorities. I think that the Welsh Government could probably take some lessons from local authorities in this case, because a lot of local authorities are already converting streetlights to make use of alternative energy sources. I think that this petition has some merit, but at this stage we should obviously write to the relevant Minister, which would be Carl Sargeant, and ask him for his views on the petition.

[25] **William Powell:** Yes, we should certainly write to Carl Sargeant, and potentially also to the Minister for Environment and Sustainable Development, given the natural overlap. I see that you agree.

[26] **Joyce Watson:** I like this petition, and I do not think that anybody in this Assembly would have any real problem with supporting it, particularly if it stopped councils turning lights off at night, which causes problems to certain people in certain areas. It might allow savings and increase provision at the same time. We need to look at it more seriously. There is part of me that would like to look at this much more seriously and give it a different level of consideration. I do not know whether we have any capacity to look at it.

[27] **William Powell:** I am attracted by that idea as well. Russell George and I need to declare or register some sort of interest in this matter, because the local authority that we were both members of at the time, Powys County Council, actually initiated the first wave of this. It was pretty difficult to introduce, highly controversial and difficult in some ways in the implementation, but nevertheless it has been rolled out in lots of other authorities in Wales since. However, there are lots of problems that arise around community safety, which you have referred to, Joyce.

[28] **Joyce Watson:** There are, particularly in Pembrokeshire. It would be a really good piece of work, if we have the capacity to do it. I am really quite inspired by this petition.

[29] **William Powell:** If we can give consideration to doing a discrete piece of work on this while we await the response from the two Ministers who we are getting in touch with, then that is probably the best way forward.

[30] **Russell George:** Part of that research would be writing to some relevant local

authorities—not them all—and asking for their advice. Some local authorities have gone through this and realised where they have made mistakes and that could be passed on to the Minister to issue further guidance, perhaps, to all local authorities.

[31] **William Powell:** That is agreed. Good.

[32] **Joyce Watson:** Okay.

[33] **William Powell:** Bore da a chroeso. **William Powell:** Good morning and welcome.

[34] **Alun Ffred Jones:** Bore da. Mae'n ddrwg gennyf fy mod yn hwyr. **Alun Ffred Jones:** Good morning. I am sorry that I am late.

[35] **William Powell:** Dim problem. **William Powell:** No problem.

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions

[36] **William Powell:** We will now consider petition P-04-403, 'Saving Plas Cwrt yn Dre/Old Parliament House for the Nation'. This petition was submitted by Sian Ifan in July 2012, having collected 218 signatures. An associated petition collected a further 10 signatures. The text of the petition reads as follows:

[37] 'We call upon the National Assembly of Wales to instruct the Welsh Government to purchase Plas Cwrt yn Dre also known as Dolgellau's Old Parliament House before this national treasure is sold on the open market and lost for ever.'

[38] To give the context of this petition, it was first considered by this committee in July 2012. At that stage we wrote to the Minister for Housing, Regeneration and Heritage to seek his views. We have his response in today's public papers, referring to issues around the level of the original build and the impact of the move to Newtown, among other matters. We also wrote to the petitioner highlighting the workshops that were being held by the Welsh Government on the forthcoming heritage protection Bill, and encouraging the petitioners to take an active part in that process. Colleagues, I appreciate your views on this petition. The Minister's letter was quite instructive in many ways. You indicated that you wished to make a comment, Russell.

[39] **Russell George:** Yes. It was, but I think that we could do with some more clarification from the Minister, following the regrading evaluation exercise. I would like to write back to him on that point and ask for some further clarification, if we can.

[40] **William Powell:** Yes; that would make a lot of sense. Perhaps we could also ask for an update on the progress of the workshops on the heritage Bill. That would make a lot of sense.

[41] **Joyce Watson:** Yes.

[42] **William Powell:** Perhaps we could agree to take it forward in that way at the moment so that decision making is well founded. I see that we are in agreement.

[43] We will now move to agenda item 3.2, to consider petition P-03-273, Transportation of Wind Turbines in Mid Wales. This petition was submitted by Welshpool Town Council in January 2010. It calls upon the National Assembly for Wales,

[44] ‘to urge the Welsh Government to issue guidance to Local Planning Authorities to ensure that communities are properly consulted on wind farm developments, that impact on road infrastructure is properly assessed and that the broader effects of traffic disruption on sectors such as tourism are properly considered before any development is approved to take place.’

[45] This was referred to the Environment and Sustainability Committee in July 2011, and was incorporated in consideration for the energy policy and planning report. In fact there was a substantial evidence session at which Mr Robert Robinson and colleagues spoke, which fed indirectly to the report that we have in today’s public papers that was published back in June 2012. In fact, a debate on that very report falls this week in Plenary. In the context of that, I think that there is probably little further that we can usefully do. Do colleagues agree that it would be the time to close this petition?

[46] **Joyce Watson:** Yes; I do.

[47] **William Powell:** I see that all colleagues are in agreement. So, let us do that.

[48] We now move to agenda item 3.3, to consider petition P-04-344, Freshwater East public sewer. This petition was submitted by Mr Royston Thomas in November 2011, having collected 106 signatures. The petition states:

[49] ‘We the undersigned householders of Freshwater East, ask the Welsh Government not to take enforcement action against Dwr Cymru Welsh Water concerning the installation of a public sewer in Freshwater East.’

9.45 a.m.

[50] The last time that we, as a committee, considered this petition, we agreed to await the outcome of the ongoing survey work being undertaken by the Environment Agency. We have been provided with an update on that work and the petitioners have also given us further information, both of which we have in our papers. Joyce, did you indicate that you wanted to come in on this point?

[51] **Joyce Watson:** At this point, we are still awaiting further information from the Environment Agency—

[52] **William Powell:** [*Inaudible.*]

[53] **Joyce Watson:** Yes, and its conclusions on that report. So, the sensible way forward on this is to wait until we have gathered all of the evidence before looking at the next steps.

[54] **William Powell:** That is right. We will then see what the recommendations are for a possible section 101 determination. That makes sense. Are colleagues happy with that way forward? I see that you are.

[55] **Ms Roberts:** Chair, can I come in on the reference to the section 101A determination process? Just to confirm that that is section 101A of the Water Industry Act 1991, which has been amended by subsequent legislation, and to remind the committee that the main role of the Environment Agency, under those provisions, is as an arbiter of disputes between the owner, the occupiers and the relevant interested parties.

[56] **William Powell:** That is helpful. In the fairly near future, that role will fall entirely to the new natural resources body. It is helpful to have the context, and we may come back to

you for further advice when we come to consider this when we have received the full evidence. I see that we are all agreed on that.

[57] We now move on to P-04-326, 'No to Incineration'. There have been a number of incineration-related petitions in relatively recent times, and this is the first that we are considering today. This petition was submitted by Friends of the Earth Cymru in June 2011 and has the support of 1,299 signatories. An associated petition had in excess of 13,000 petitions. The petition calls on the National Assembly for Wales

[58] 'to urge the Welsh Government to revise its planning policy and policy on residual waste to provide a presumption against the building of incinerators'.

[59] The reasons are outlined in the petition—the details of which we have before us. We last considered this petition in September 2011. We suspended our consideration of it because of the Environment and Sustainability Committee's report on energy policy and planning, which I referred to earlier. As I said, that report was published in June this year and is included in the public papers for today's committee meeting. Our committee will be considering the report, which is currently in draft form, on P-04-341, which is a direct partner petition to this petition in terms of its theme, at our next committee meeting on 6 November. So, given the fullness of the consideration of these matters in the energy report and pending the other considerations in our short report on this matter, it is probably the correct time to close this position. Are colleagues content with that? I see that you are.

[60] **Alun Ffred Jones:** A gaf i ofyn cwestiwn? Mae'r pwyllgor hwn yn hapus bod adroddiad y pwyllgor amgylchedd yn delio'n ddigonol â'r materion hyn. Ai dyna yw sail cau'r ddeiseb hon? **Alun Ffred Jones:** May I ask a question? This committee is content that the environment committee's report adequately deals with these issues. Is that the basis for closing this petition?

[61] **William Powell:** It is partly for that reason and partly because we undertook, in the last Assembly, a report on the wider issues. It was quite an in-depth report, with several evidence sessions, that will be considered on the occasion of our next meeting on 6 November.

[62] **Joyce Watson:** In other words, it is fair to say that we have done everything that we can. When we reach the point where we have done absolutely everything that we can on a petition, it is right to support the closure of it, and I support that action on this petition.

[63] **William Powell:** We move now to P-03-309, which, again, relates to incineration, Cardiff Against the Incinerator. This petition was submitted by Rick Newnham in November 2010 and collected 2,203 signatures. It calls

[64] 'on the National Assembly for Wales to urge the Welsh Assembly Government to intervene to stop the incinerator scheme being proposed by Virador. As residents of Wales, we believe this scheme will be detrimental to the health and well-being of ourselves and our children.'

[65] With a similar rationale, I suggest that we undertake the same course of action that we have already agreed upon for the previous petition, namely to close this petition. We have the debate on the energy report forthcoming in Plenary this week and, in our meeting on 6 November, we will be considering these issues in the round, when we publish our report on wider incineration issues. For consistency, we should close this. Are we agreed? I see that we are; thank you, colleagues.

[66] We move now to P-04-351, on recalling local development plans. This petition was

submitted by Councillor Carrie Harper in January 2012 and collected 2,471 signatures. It calls

[67] ‘upon the National Assembly for Wales to urge the Welsh government to recall all Local Development Plans across Wales and to scrap the use of population projections issued by the Statistical Directorate that are used to inflate housing numbers in local development plans. We call for all LDPs at whatever stage of development to be halted immediately in order to bring the level of housing growth in line with genuine local needs.’

[68] The petition goes on to elaborate on the reasons behind that particular view. We first considered this in January and we agreed to write to the Minister. His response has now been received and is included in our public papers. At that time, we also expressed some concern about the legality of the matter, and it would probably be useful if I asked our legal adviser to refresh that advice in this context.

[69] **Ms Roberts:** The Minister has responded with a detailed letter, dated 7 September 2012, which outlines the Government position and highlights the fact that the Welsh Government does not have any powers in relation to an LDP once it is adopted. I do not have my previous legal advice in front of me at this point in time, Chair, but suffice it to say that, given the comprehensive way that the matter has been set out in Government correspondence, there does not appear to be anything more that the committee can do at this stage. If you require further clarification, I am more than happy to provide that in a future meeting. Unfortunately, I do not have the relevant resources in front of me today.

[70] **William Powell:** No, that is fine. I very much share that view. The advice that we have received from John Griffiths is absolutely clear. A number of authorities have already adopted plans, and we are not in a position to go any further on this. I think that the only course of action open to us is to close this petition. Do colleagues share that view? I see that you do.

[71] We now move to P-04-398, a campaign for a Welsh animal offenders register. This petition was submitted by Mari Roberts and Sara Roberts in June and collected 69 signatures. It calls for an animal offenders register to be created as a

[72] ‘central Welsh database which will consist of name, address and convictions of people who have been convicted of any form of animal cruelty and abuse within Wales. Breeders/sellers of animals will be required to check this central database before allowing any animal they own/bred to go to a prospective owner/new home; if it is found that someone who has been convicted of animal cruelty or abuse has an animal the supplier/breeder will be held liable and prosecuted. At the moment there is no law to stop anyone who has been convicted of animal cruelty from moving a few miles up the road’.

[73] According to the petition, stricter laws need to be implemented to help to protect animals, with heavier fines and longer prison sentences as well as an animal offenders register. The petitioners then go into further detail as to why they believe that this should be the case and they also reference the legal framework in the USA on this matter.

[74] **Russell George:** I notice that, in the letter from the Minister to the committee, he says that this is not something that the Welsh Government has considered and that discussions would need to take place with the police. So, he is showing that he is very open to exploring what is proposed in this petition. This is a very interesting petition. It has merit, and I think that we should at least write to the police on this matter. I think that the appropriate organisation to write to would be the Association of Chief Police Officers.

[75] **William Powell:** Yes, absolutely.

[76] **Russell George:** I also think that, if we have the ability to do so, the committee should carry out some research.

[77] **William Powell:** Yes, we can do that. We have previously expressed concern on capacity, but this matter is of great public interest and I think that that would have some merit.

[78] **Joyce Watson:** It is a really good petition. All too often, you see animals being abused and then, as it states in the RSPCA's letter, people simply move their address and commit a similar crime. I am particularly concerned, as I am sure are many here, that, in the first case, you protect the animals from the people, but there are patterns of behaviour and I think that it would be worth us exploring that. Evidence clearly shows that, in some cases, those who abuse animals go on to abuse people or do both at the same time. It would be a hugely interesting piece of work. As has been said, the Minister seems to be quite open at this stage, but we need to contact the police. I would like to do a piece of work and take some evidence that looks wider than the information that the petitioners have been able to give us.

[79] **William Powell:** I suggest as a first step that we seek a legal briefing. I am not going to seek it at this moment, but could we get a short note on issues around the legality of doing that. We could then go forward to commission a short piece of work and to draw in evidence, because a strong public interest has clearly been demonstrated in this matter and, in other respects, the letter from the RSPCA makes it clear that the jury is out in terms of the effectiveness of the American model that is referred to. Nevertheless, we need to hear more about it and perhaps we can then make some firm proposals to the Welsh Government.

[80] **Ms Roberts:** If I may be permitted to add to the debate, Chair, I would just like to say that I am more than happy to provide legal advice to the committee on this issue, which has obviously received some media attention as well, has it not?

[81] **William Powell:** Indeed.

[82] **Ms Roberts:** I will make some initial points. The petition refers to the developments in America. Some states in America seem to be leading the way in relation to the establishment of animal offender registers. In October 2010, a landmark Bill was unanimously passed by Suffolk County in America, and it is reported as having created the first animal offender register in the US. As a consequence of that, a number of other states have followed suit.

[83] I have done some initial research, Chair, and the main points to note about the animal offender register that was established in Suffolk County is that it requires people over the age of 18 who have been convicted of animal cruelty to register on an online database. The registration period is generally five years. Failure by the offenders to register can result in imprisonment and fines. As circumstances and details change, offenders are required to update their information annually and provide that information. It is a publicly accessible online database, and it is apparently quite easy to search, according to some media reports that I have read. It is quite interesting that it is not funded by the taxpayer but by offenders themselves, through an annual fee. The one in Suffolk County was established and is maintained by the Suffolk County Society for the Prevention of Cruelty to Animals. So, those are some of the key points I came across in doing some initial research.

10.00 a.m.

[84] Just to touch on some of the comments that have been made by Members, there is a difficulty in relation to this area of animal welfare. The law in this area is primarily covered by the Animal Welfare Act 2006. You have the role of the police and the RSPCA, because they are seen to be the main enforcers of animal welfare law. However, much depends on the

public. The police and the RSPCA rely quite a lot on the public reporting animal cruelty and neglect offences to them. They also rely on people reporting those who have been banned from keeping animals under the Animal Welfare Act 2006 to the police and the RSPCA. So, it is quite a complex area, but it is a very interesting one and I am more than happy to provide some more legal research, in terms of some of the issues that arise from the petition.

[85] **William Powell:** We are very grateful for that.

[86] **Joyce Watson:** Thank you, that is really useful. There is a possibility of exploring, I would think, whether that same list could be accessed by those who sell or breed animals and whether there could be a compulsion on them, almost, to check the purchaser against the list. I do not know whether that has come out of that, but it seems a natural next step to me to put the onus on people who sell and breed to make sure that their animals are going to a good home. It seems logical to me.

[87] **Ms Roberts:** To respond to your very valid point, Joyce, I have read that some states in America have that process in place. You referred earlier to the RSPCA letter dated 28 September. In the body of that letter—paragraph 3, I think—there is a reference to San Francisco and the fact that the city council there has required animal sellers and traders and sanctuaries to check people against its central database. Some other states have that checking system in place as well. As I say, it is a very interesting area; a number of legal complexities could arise, but, as was pointed out earlier, in the Minister for Environment and Sustainable Development's letter dated 12 July 2012, he says that the Government has not really considered this. Obviously further discussions are required, and, I think, further thought as to how it could be implemented and established if that is what is intended.

[88] **William Powell:** Thank you. I think it really would pay to do further work and there are a number of different ways we could take this forward. Obviously, we need to be conscious of capacity issues, but, nevertheless, this is one that would certainly merit that. So, initial actions have been agreed and we will return to this matter.

[89] We now move on to P-04-396, 'Emergency Life Support Skills (ELS) for Wales School children'. This was submitted by the British Heart Foundation in June this year. An associated petition collected around 4,000 signatures. It states:

[90] 'We call upon the National Assembly to urge the Welsh Government to make ELS skills training, including vital cardiopulmonary resuscitation (CPR) a compulsory part of the curriculum at secondary schools in Wales, forming part of the core knowledge and understanding that children acquire at school. This would create a new generation of lifesavers across Wales.'

[91] This was first considered by our committee in June this year. We wrote to the Minister for Education and Skills. His response is among our public papers. I also recall that when we attended the National Eisteddfod we were able to meet some of the activists associated with this petition, because there was an address on the issue attended by the former First Minister, Rhodri Morgan, back in August. So, this is an issue of quite considerable concern. Having said that, the Minister is fairly clear in his correspondence to us that on this matter he does not wish to impose his will or any central control, and that it is very much a matter for schools to determine their personal and social education curricula. So, in light of the clarity of what Leighton Andrews tells us, probably the only thing that we can usefully do at this time is to close the petition. I would welcome colleague's thoughts on that, and, in particular, any contrary views.

[92] **Joyce Watson:** The Minister is absolutely right. It is up to schools to decide on their PSE, or what forms part of their PSE, in their individual schools. I do not think that anybody

would disagree that teaching children emergency life-support skills is a good thing to do; nobody would disagree with that. The problem here is how you implement it. While I agree that we cannot do anymore, and that is a question that we always have to ask ourselves, could we ask anyone else to do anything differently? We could ask, as is suggested, the Children and Young People Committee to look at it to see how it feels about it, but we will still come back to the point that the buck stops with the individual school. However, the value of the Children and Young People Committee looking at it—if it has the capacity—is that it would raise awareness yet again of the issue, but we still cannot change the outcome, unfortunately. However, there is some merit in asking the committee, and, if it does not have the capacity, it will tell us.

[93] **Alun Ffred Jones:** A oes unrhyw **Alun Ffred Jones:** Is there any purpose in referring the matter to the Children's Gomisiynydd Plant Cymru? A fyddai ganddo Commissioner for Wales? Would he have an diddordeb o gwbl yn y maes hwn? interest at all in this field?

[94] **William Powell:** I think that he would have a clear interest, and it would do us no harm at all to write to him to flag this issue up. Clearly, it is something that has widespread support out there. The Minister's view is clear, but, nevertheless, the commissioner would have a useful perspective. On reflection, I think that we should write to the commissioner, and I would support, for the reasons that Joyce has outlined, writing to the Children and Young People Committee to seek its views and to ensure that this matter is taken on board. If it has capacity to do a short piece of work, then I am sure that would be welcome. Are we happy with that as a course of action? I see that you are. We will do that.

[95] We move on to P-03-318, Cross Border Maternity Services, which was submitted by Helen Jervis back in March of last year, with the support of 164 signatures. It states:

[96] 'We, the undersigned, note the proposal to move the consultant-led maternity unit, neonatal intensive care unit and child inpatient unit from the Royal Shrewsbury Hospital (RSH) to the Princess Royal Hospital (PRH) at Telford.'

[97] In subsequent paragraphs, the petitioner details her particular concerns about the quality of service that would result from that move. We wrote to Helen Jervis stating that we felt that in our earlier actions we had probably taken this as far as we realistically could. We have not heard back from Helen Jervis since, so, in the light of that, the only thing, to be consistent with the approach that we have adopted previously, would be to close this petition.

[98] **Russell George:** I would agree that we have to close the petition because this committee has gone as far as it can in looking at it. Clearly, this was about the consultation process, which has now taken place. What is important to point out is that, even though we may close this petition, it does not mean to say that this committee is happy with the outcome. There is a great deal of concern in Montgomeryshire and mid Wales about services moving further away and people having to travel further, as the petitioner states:

[99] 'fifty minutes at best and ambulance response times will inevitably be significantly increased'.

[100] It is quite right that there will be continued concern. My observation would be that, if we close this petition, it is likely that there will be other future petitions on this. We will have to close it because we have done as much as we can, but that does not mean that I think that the petitioner is happy with the end outcome.

[101] **William Powell:** I would certainly reiterate the fact that our act of closing it does not diminish the importance of the issue or the validity of the comments expressed within it.

However, in terms of process, we have taken it as far as we realistically can. So, if we are all agreed, we will close the petition at this time.

[102] We move now to P-04-400, NICE quality standard in mental health, which was submitted by Action for Mental Health in June 2012 and collected approximately 200 signatures. It states:

[103] ‘We urge the National Assembly for Wales to urge the Welsh Government to adopt and implement the NICE quality standard for service user experience in adult mental health in its entirety.’

[104] That is the concise wording of this petition. We first gave consideration to this back in June 2012 and we agreed to write to the Minister. We have received a response from Lesley Griffiths and that is among our pack of public papers. The petitioners have also responded to the Minister’s correspondence, and that is also included in our pack, which we have had the opportunity to study in advance of today. In addition, we have further briefing material that was presented by petitioners, but, because it is of a sensitive nature, the view taken was that we should circulate that, as we have done to Members, as a private paper. The issues that are raised within that are of considerable concern and it is only right and proper that we share those in confidence with the Minister and the relevant authorities. I also think that it would be appropriate for us to raise the petitioner’s concerns with the Minister, because there are areas of challenge around points of detail in the Minister’s response. Are colleagues content with that approach?

[105] **Joyce Watson:** Absolutely.

[106] **William Powell:** So, that is what we shall do and we will await the further comments from the Minister in light of the feedback that we received from the petitioners, for which we are extremely grateful.

[107] We move now to P-04-373, school exclusion zones for mobile hot food vans, which was submitted by Arfon Jones in March 2012 and collected 43 signatures. The petitioners

[108] ‘call upon the Welsh Government to consider legislation to exclude Mobile Fast Food Vans from operating within a 400 metre exclusion zone around all schools in Wales during the hours of 8am to 4.30pm weekdays during term time.’

[109] We initially had feedback from the Minister for Environment and Sustainable Development, who advised us that the relevant source of jurisdiction here was in fact the Minister for Local Government and Communities and that it was a matter of licensing mobile food vans. We have quite a comprehensive response from Carl Sargeant among our papers and the petitioner has indicated that he is content with the approach that the Minister has taken in this matter, which is a guarantee that the views expressed in the petition will be taken forward in the formulation of future policy.

[110] **Alun Ffred Jones:** Yr argymhelliad felly yw eich bod yn cau'r ddeiseb. Fodd bynnag, beth yw dyletswyddau'r pwyllgor hwn o ran addewidion y Gweinidog? Mae'n dweud y bydd yn edrych ar yr awgrymiadau hyn yng nghyd-destun deddfwriaeth yn y dyfodol, felly pan ddaw'r ddeddfwriaeth gerbron, ac mae'r Gweinidog yn dweud y bydd yn ystyried hwn, a oes gan y pwyllgor hwn unrhyw ddyletswydd i ofyn iddo a yw

Alun Ffred Jones: Therefore, the recommendation is that we close the petition. However, what are the duties of this committee as far as the Minister’s pledges are concerned? The Minister says that he will look at these recommendation in the context of future legislation, so when that legislation is introduced, and the Minister has said that he will consider this, does this committee have any duty to ask him whether he has

wedi'i ystyried?

considered it?

10.15 a.m.

[111] **William Powell:** Cwestiwn da.

William Powell: Good question.

[112] That is a useful question to ask at the moment. On this matter, I will refer to the long-standing clerk of the committee, who probably has more experience of this in the round, with several years' worth of experience.

[113] **Ms Stocks:** The committee could choose to do that, to keep it on the books and then revisit it once legislation had been brought forward. In the past, the committee has not tended to do that, but it is certainly an option that it could choose to take forward.

[114] **William Powell:** In many ways, given the clarity with which the Minister has undertaken to take account of it, it probably would be an interesting step if we resolved to do what Alun Ffred is suggesting. However, I would value the views of other colleagues on this.

[115] **Alun Ffred Jones:** Nid wyf yn dadlau mai dyletswydd y pwyllgor hwn yw sicrhau bod hwn yn dod yn ddeddfwriaeth. Derbyniaf nad dyna rôl y pwyllgor hwn. Fodd bynnag, gan fod y Gweinidog wedi gwneud addewid pendant, sy'n arwain y pwyllgor i gau'r ddeiseb, byddwn yn disgwyl bod rhyw fecanwaith i alluogi'r pwyllgor, pan fydd deddfwriaeth yn dod gerbron, o leiaf i ofyn y cwestiwn, 'A ydych wedi ystyried hyn?'. Fodd bynnag, nid wyf wedi bod yn rhan o'r pwyllgor hwn o'r blaen, felly nid wyf yn deall eich ffyrdd o weithio.

Alun Ffred Jones: I am not saying that it is the responsibility of this committee to ensure that this becomes legislation. I accept that that is not the role of this committee. However, as the Minister has made a clear promise, which has led the committee to close the petition, I would expect there to be some kind of mechanism to allow the committee, when legislation is introduced, at least to ask the question, 'Have you considered this?'. However, I have not been on this committee before, so I do not understand your ways of working.

[116] **William Powell:** It is that very fact that makes the comment particularly valid.

[117] **Joyce Watson:** It is valid. We do not want things lost in the ether, but there are only four members of this committee, and our capacity is not huge. However, it might be worthwhile our writing back to the Minister, welcoming his comments, and asking him to keep us updated when he then decides to legislate, and to demonstrate to us how he has considered this aspect that we have brought to his attention. I think that that would help, and we should then be kept involved.

[118] **William Powell:** I would support that. The Minister has given quite a specific undertaking, and the petitioner has engaged with that enthusiastically, as we can see from his response. I think that that would be a good way forward. So, if we resolve to do that, in the way outlined, it will be a positive step.

[119] We now move on to petition P-04-370, which calls for the improvement of psychic and intuitive services in Wales. This petition was submitted by Ant Edwards, and I recall receiving it in March of this year. It has collected 43 signatures. It reads:

[120] 'We the undersigned call on the National Assembly for Wales to urge the Welsh Government to raise awareness with providers of Psychic services and the public of the Consumer Protection from unfair Trading Regulations 2008.'

[121] When we last considered this, we resolved to write and seek the views of Consumer

Focus Wales. As you will see from our papers, there is a comprehensive response from Consumer Focus Wales. Among its recommendations, it suggests that we write to the Welsh heads of trading standards departments, asking them whether they have particular experiences in their area, or if relevant issues have been brought to their attention. It also recommends that we write to them, advising their members to be mindful of this issue, particularly given the points that have been made in the petition, and the way in which it has been flagged up. Therefore, I would be content to write to the Welsh heads of trading standards, and potentially to copy in Steve Thomas CBE of the Welsh Local Government Association, so that he is alive to these issues. Do colleagues believe that that is a sensible way forward?

[122] **Joyce Watson:** Yes, that sounds fine.

[123] **William Powell:** Okay, let us do it.

[124] The next petition is P-04-380, 'Bring back our bus!', which is against the removal of scheduled bus services from east Lampeter, Cwmann and Pencarreg. This petition was submitted by Sharon McNamara in March of this year, with over 500 signatures in support. There has also been a substantial amount of interest in this campaign in the local and regional media. There was a very high-profile presentation of this petition with a lot of vehement views expressed.

[125] 'We request the urgent implementation of a properly scheduled and timetabled bus service in those affected areas and would urge those governmental agencies concerned, to commit to this on our behalf at the earliest possible opportunity.'

[126] When we last considered this, the committee agreed to seek the views both of Arriva and the Commissioner for Older People in Wales. In addition, we sought further information from the Minister following his earlier correspondence. As you will see from our public papers, we have a substantial report that was commissioned by the older people's commissioner back in 2010, which has a lot of highly relevant material. We have also been provided by the petitioners with further information, which has been partially anonymised, detailing the impact on their quality of life that results from the withdrawal of services. It is clear that we will need to engage further with Ceredigion County Council on this one. Joyce, you have indicated that you were very much involved on the occasion that the petition was received, and I think that you have spent some time living in areas very close to those affected.

[127] **Joyce Watson:** I have, and what you have here is two parallel roads serving populations in the middle. The bus has always gone—and I have travelled on it many times—from Lampeter, through Pencarreg and on to Carmarthen or up to Aberystwyth, depending on which way you are going. What happened was that the bus operators changed the route to the alternative one from Lampeter, through Llanybydder and up into Carmarthen, thus missing out completely Cwmann, Pencarreg and what have you. They said at the time that that was done because of population. Anyway, what we hear now is that the bus is not reliable. That is what we have been told. While it was scheduled to turn up in Temple Bar at 10.12 a.m., which is on the Aberaeron to Lampeter road—and I know exactly where it is because I used to have a pub there—

[128] **Alun Ffred Jones:** It is going in the other direction—

[129] **Joyce Watson:** Yes. The bus did not turn up until 11 a.m.. It is all part of the route up to Aberystwyth from Carmarthen. I know the concerns of these people. They are absolutely right in everything that they say about the area. The fact that the Minister, as I understand it, is still out on it and has not decided how bus funding is to be finalised means that we really need to get to the bottom of this, because people are in danger of being cut off. This service

goes back probably over 40 years. I know that. So, in light of all that, I think that we need to write again to Ceredigion council, and we need to do a service to these people to ensure that they have some form of transport that meets their needs. It is a rural area and transport is a lifeline to many people. If the authority takes that service away in its current form, we need to know that there is at least something else in its place that will assist these people to carry on living their lives, because there are no shops or facilities in those areas that you could walk safely to and from.

[130] **William Powell:** The piece of research clearly shows how deep the impacts are on the lives of the people living in such deep rural communities.

[131] **Joyce Watson:** Very much so.

[132] **William Powell:** One thing that I would add is that we probably need to ensure that the Minister has sight of some of the feedback on Bwcabus, because it is often quoted as a flagship policy—and, indeed, it is, and it has many merits. However, there are also specific points of detail showing where the petitioners have had significant difficulties with how it operates in practice and in their experience. That is useful feedback to the Minister.

[133] **Alun Ffred Jones:** Nid oes gennyf wrthwynebiad i ddilyn yr awgrymiadau. Yr unig beth sy'n fy nharo i yw eich bod yn sôn am un gwasanaeth bws penodol. Pe bawn i'n cyfeirio pob newid y mae etholwyr yn fy ardal yn anhapus ag ef i'r pwyllgor hwn, byddech chi'n brysur iawn. Pe bai pob Aelod yn penderfynu mai hwn yw'r lle i ddod â chwynion am fsysys sy'n cael eu hatal neu sy'n cael eu hamseroedd wedi'u newid, byddech yn eistedd yn amlach nag ydych ar hyn o bryd, hyd yn oed. Felly, er fy mod yn hollol hapus i dderbyn awgrymiadau Joyce—ac rwy'n siŵr bod yr hyn y mae'n ei ddweud yn hollol gywir—rydych yn agor y drws, mae arnaf ofn, i nifer fawr o ddeisebau gan y bydd lot fawr o fsysys yn cael eu hatal dros y misoedd nesaf.

Alun Ffred Jones: I have no objection to pursuing the suggestions. The only thing that strikes me is that you have mentioned one specific service. If I were to refer every change that constituents in my area were unhappy with to this committee, then you would be extremely busy. If every Member were to decide that this is the place to bring complaints about bus routes that are discontinued or timetabled differently, you would find yourselves sitting even more often than you do at present. So, while I am happy to accept Joyce's suggestions—and I am sure that what she says is completely true—you are opening the door, I am afraid, to a great number of petitions, because a lot of bus routes will be discontinued over the next few months.

[134] **William Powell:** That is a well-placed note of caution, but it does not undercut the validity of what Joyce said. It is a point very well made, however, and we note from this, your first contribution to this committee, that you have a number of quite insightful remarks to share.

[135] **Alun Ffred Jones:** Not very insightful.

[136] **Russell George:** We do not mind the door opening to new petitions, either. We do not mind that at all, do we, Chair?

[137] **William Powell:** Clearly not. I think that we have agreed, in summary, to write to Ceredigion council on the matter to seek more detail on the statutory quality bus partnership scheme, to which the Minister made significant reference in his letter. We will also give feedback on the specific points on Bwcabus that I referenced earlier.

[138] The next petition on the agenda is P-04-402. This relates to council prayers, not prayers before the Petitions Committee, in the light of a further workload. This is an

important issue. The petition was submitted by the Rev. Alan Hewitt in July 2012, with the support of 155 signatures.

[139] ‘We the undersigned call upon the Welsh Government to amend the Local Government Act 1972 to afford each local authority in Wales the opportunity to decide whether it would like to hold council prayers during each council meeting and have it formally recorded on the official business agenda.’

[140] Now, we first considered this matter back in June and agreed to seek the views of the Minister for Local Government and Communities. His response is included in the public papers. We also have the legal briefing that was provided to the committee when we last considered the issue. We are very grateful for that, because the Bideford case and the high-profile intervention of Eric Pickles in that matter is something that we were all aware of in the lead-up to the first consideration of this petition, and it is useful to have that specific advice.

[141] **Russell George:** I was a bit disappointed by the response, although the Minister does say that he has carefully considered the matter. I do not disbelieve that, but I have had sight of earlier letters from the Minister to people who have written to him on this issue, and at that point, which was before the Petitions Committee got involved, the Minister’s response seemed to be that there was no need to legislate because councils already have the power to include prayers on the official agenda. However, his response to us now seems to have changed or been refined, perhaps as a result of the committee’s work on this. Nevertheless, the response now is more one of uncertainty as to whether councils do have the power to do this.

10.30 a.m.

[142] In his letter to us, he says that it is a matter for local authorities to determine whether they can rely upon the wellbeing power to include prayers as part of the formal business. So, he is effectively saying that he does not really know, but he is the Minister for local government. Therefore, I would want a clear answer from the Minister on what his view is on this. At the very least, we could write to the WLGA asking for its view. Possibly, we could write to all local authorities, but I would take on board the views of other Members on that. Finally, at some point, I think it would be worth our considering asking the Minister to come to give evidence in light of the work we have done on this.

[143] **William Powell:** Thank you very much for that. Joyce, I think that you wanted to contest one or two points.

[144] **Joyce Watson:** I have asked for the legal advice on this, but I did not read it in the way that you have just read it. I read it as it says. The Minister has said many times that he is not going to intervene or interfere with the powers that exist by making it compulsory for councils to include prayers on their agendas. I do not have a view either way particularly, but I would like our legal adviser to clarify this. My understanding and interpretation is that the powers are there for councils to decide themselves and he is not going to intervene—it is up to them.

[145] **William Powell:** Perhaps we could refresh the legal advice we were given previously.

[146] **Ms Roberts:** Thank you for the comments that have been made. I provided some legal advice back in July on this issue. It is quite a complex issue to be honest. The nub of the issue is that there is no specific provision in law that allows councils to hold prayers or have periods of quiet reflection as part of council business. What we have in Wales is section 2 of the Local Government Act 2000, which enables local authorities in Wales to use this

wellbeing power, as it is referred to. That power is seen to enable local authorities to do anything that would promote social, economic or environmental wellbeing of their areas or their citizens. This is quite a wide power, and what the Minister is saying in his letter is that he is satisfied that that power exists and that local authorities are able to rely on it. We have heard a conflicting view from the petitioner based on research that he acquired from some local authorities in Wales. However, from the Government's perspective, the power is there and it is available for local authorities to use.

[147] The situation in England is somewhat different because of the Localism Act 2011, which contains a general power of competence. What I would say is that a great deal of media interest was focused on the leading case, which I outlined in my previous note. It is a very recent decision by the High Court. The case was the National Secular Society and Mr Clive Bone against Bideford Town Council. The media highlighted some of the issues and perhaps misinterpreted some of the main points from the case. What the case decided was whether prayers could be said as part of formal business transacted by the council at a meeting to which all councillors were summoned. The point is that that case did not establish the principle that worship is prohibited before a council meeting; it does not prevent councillors who want to get together for prayer provided it is not part of formal council business. It is a very difficult one. What I am saying is that the judgment—and this is the leading case—interprets provisions in the Local Government Act 1972, section 111(1), which is used by some councils in England.

[148] As I said, we have a different position in Wales, where we have the wellbeing power in section 2 of the Local Government Act 2000. To my knowledge, that has not been tested in court. We need to remember that this judgment means that prayers are still permissible if they are said before a formal council meeting, if they do not form any part of the minutes of that meeting and if the councillors are not forced to attend. There is an element of choice there.

[149] **Russell George:** The petition is asking that prayers are put on the official agenda; the petitioner is not content that they are said before the meeting starts. The petitioner is asking that councils in Wales have the same ability as those in England. I do not think that Joyce and I are at odds here, because I agree that it should be a matter for county councils to determine for themselves. The issue for the petitioner is that at the moment, the way he sees it, there is not that choice. As we have seen from the research that has been carried out, local authorities in Wales are not prepared to test this because they are concerned about repercussions; that is the issue. We should, perhaps, write to the Welsh Local Government Association on this to seek its views as a representative of local authorities.

[150] **William Powell:** I would be happy to write to the WLGA on this.

[151] **Alun Ffred Jones:** Rwy'n cefnogi'r cais i ysgrifennu at Gymdeithas Llywodraeth Leol Cymru, ond rwy'n meddwl ein bod yn anghywir—mae'r ddeiseb yn dweud y dylid rhoi hawl i gynghorau os ydynt yn dymuno cael gweddi fel rhan o'r trafodion i wneud hynny. Fodd bynnag, y ffaith amdani yw bod amryw gynghorau yn gwneud hynny yn barod, ac mae hynny ar y rhaglen swyddogol, boed yn gynghorau sir neu'n gynghorau tref a chymuned. Bwm mewn cyfarfod cyngor y diwrnod o'r blaen ac agorwyd y cyfarfod yn swyddogol â gweddi. Felly, mae'n digwydd, ac rwy'n meddwl mai'r prawf fyddai pe bai rhywun, fel yn Lloegr, yn dwyn achos yn **Alun Ffred Jones:** I support that request to write to the Welsh Local Government Association, but I think that we are wrong—the petition is saying that we should give the right to councils to say prayers as part of their proceedings if they wish to do so. However, the fact is that many councils do this already, and it is on the official programme, whether they are county councils or town and community councils. I attended a council meeting the other day and it was officially opened with a prayer. It does happen, and I think that the test would be whether, as happened in England, someone brought a case against a council that did this. The case

erbyn cyngor sy'n gwneud hynny. Byddai would then be heard in court.
hynny wedyn yn cael ei brofi yn y llys.

[152] **William Powell:** Thank you for that contribution; I think that it probably broadens things a little. We should write to the WLGA. I suggest that we also write to the chief executive officer of One Voice Wales, because that is the overarching body for town and community councils. One thing upon which I wanted to test colleagues' views is whether or not we should also write to the Welsh national parks authorities, because they are also local authorities, albeit special purpose authorities. They are, on occasion, as in need of intervention and support as any other body.

[153] **Alun Ffred Jones:** That is your personal opinion. [*Laughter.*]

[154] **William Powell:** I think that it is appropriate to be inclusive at this time. We will write to all three bodies to seek their views on this matter. It may well be that we come back to the subject on a future occasion.

[155] Diolch yn fawr am ddod heddiw. Thank you very much for attending today.

[156] I remind Members that there will be a petition presentation tomorrow at 1.00 p.m., when we will receive the windfarm moratorium petition, to which you are all most welcome. Our next Petitions Committee meeting falls on 6 November.

Daeth y cyfarfod i ben am 10.39 a.m.
The meeting ended at 10.39 a.m.