



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

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[The Health and Social Care Committee](#)

03/02/2016

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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

Alun Davies Bywgraffiad Biography	Llafur Labour
John Griffiths Bywgraffiad Biography	Llafur Labour
Altaf Hussain Bywgraffiad Biography	Ceidwadwyr Cymreig Welsh Conservatives
Elin Jones Bywgraffiad Biography	Plaid Cymru The Party of Wales
Darren Millar Bywgraffiad Biography	Ceidwadwyr Cymreig Welsh Conservatives
Lynne Neagle Bywgraffiad Biography	Llafur Labour
Gwyn R. Price Bywgraffiad Biography	Llafur Labour
David Rees Bywgraffiad Biography	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Lindsay Whittle Bywgraffiad Biography	Plaid Cymru The Party of Wales
Kirsty Williams Bywgraffiad Biography	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Erill yn bresennol Others in attendance	
Mark Drakeford Bywgraffiad Biography	Aelod Cynulliad, Llafur (y Gweinidog Iechyd a Gwasanaethau Cymdeithasol) Assembly Member, Labour (Minister for Health and Social Services)

Dr Ruth Hussey Prif Swyddog Meddygol
Chief Medical Officer

Dewi Jones Cyfreithiwr, Llywodraeth Cymru
Lawyer, Welsh Government

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

Sian Giddins Dirprwy Glerc
Deputy Clerk

Gareth Howells Cyngorydd Cyfreithiol
Legal Adviser

Catherine Hunt Clerc
Clerk

Llinos Madeley Dirprwy Glerc
Deputy Clerk

Dechreuodd y cyfarfod am 09:33.
The meeting began at 09:33.

Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

[1] **David Rees:** Good morning. Can I welcome Members and the public to this morning's meeting of the Health and Social Care Committee? Can I remind Members that the meeting is bilingual? If you require simultaneous translation from Welsh to English, the headphones are available and the translation is on channel 1. If you require the amplification facility, then that's available on the headphones via channel 2. There are no scheduled fire alarms this morning, so, if one does occur, please follow the directions of the ushers. Can I remind everyone to turn their mobile phones off or on 'silent', and any other electronic equipment that may interfere with the broadcasting equipment? We've received no apologies this morning.

09:34

Bil Iechyd y Cyhoedd (Cymru): Cyfnod 2—Trafod y Gwelliannau
Public Health (Wales) Bill: Stage 2—Consideration of Amendments

[2] **David Rees:** This morning we continue with our consideration of amendments at Stage 2 of the Public Health (Wales) Bill. During our first Stage 2 meeting on 28 January, sections 2 to 90 and Schedules 1 to 3 were deemed agreed. The committee will now dispose of the remaining amendments in the order published on the agenda. In line with the deadlines set by the Business Committee, we are required to complete our considerations by 5 February.

[3] Can I welcome the Minister, Mark Drakeford, this morning to the meeting, and your officials, Dr Ruth Hussey, the chief medical officer, and Dewi Jones, Welsh Government lawyer? Welcome, all.

[4] We should have, in front of us, a copy of the Bill, a marshalled list of amendments, and the groupings of the amendments for debate. Just as a reminder from last week, there will be one debate on each group of amendments. The debate on each group of amendments will follow the same structure. I will call the proposer of the lead amendment, who will speak to that amendment and any other amendments in the group. I will then call on any other members of the committee who wish to speak on the amendments in that group. If the Minister has not tabled the lead amendment, I will call the Minister as the penultimate speaker to the group. Then I will call the Member of the lead amendment to reply to the debate.

[5] If there's a tied vote in voting on the amendments, in accordance with Standing Orders I will be casting my vote in the negative against the amendment. All of the voting will be by a show of hands and recorded for the record.

[6] We will obviously ask each proposer of each amendment to move that amendment as we go through the amendments in the marshalled list. I will formally move amendments in the name of the Minister as the Minister is not a member of the committee, and unless the Minister tells me otherwise, I will do so automatically. I will not use the words 'formally moved', but Members can take the fact that I ask for a vote on the amendment to be formally moving that amendment.

[7] If any Member needs advice or legal advice, please either pass a note to the advisers or seek or request an adjournment to seek that legal advice. Advisers to the Minister are in the same position; they are not to partake in the proceedings.

[8] I think we've done the relevant business, so we can go on now straight to the next group of amendments, which is group 27.

Grŵp 27: Strategaethau Toiledau Lleol (Gwelliannau 104, 105, 106, 211, 107, 212, 213, 214, 215, 116)

Group 27: Local Toilets Strategies (Amendments 104, 105, 106, 211, 107, 212, 213, 214, 215, 116)

[9] **David Rees:** Group 27 relates to the local toilets strategies. The lead amendment in this group is amendment 104 in the name of Darren Millar. I call on Darren Millar to actually move the amendment and to speak to that amendment and to others in the group. Darren.

Cynigiwyd gwelliant 104 (Darren Millar, gyda chefnogaeth Lindsay Whittle, Kirsty Williams)

Amendment 104 (Darren Millar, supported by Lindsay Whittle, Kirsty Williams) moved.

[10] **Darren Millar:** Thank you, Chair. I move amendment 104 and want to speak to 105, 106, 107 and 116, all tabled in my name. These amendments are designed to strengthen the Bill's provisions regarding the provision of public toilets by local authorities. They seek to address two issues, really, Chair—both the need for implementation of local toilets strategies, the need for guidance to local authorities, and, indeed, the need for information to the public about the location of any toilets that are being provided in local communities. Amendment 104 requires that, in undertaking an assessment of the need for toilets in their area, local authorities must be fair and reasonable. Amendment 105 requires that local authorities should set out a clear timetable for the implementation of their toilet strategy, and this goes hand in hand with amendment 106, which also requires that that strategy should be implemented within the timescale that is set out.

[11] There's currently, of course, no requirement for local authorities to implement the strategies that they produce. Simply, there's a requirement for a strategy to be produced, and I think that this is a significant weakness in the Bill as it stands. We heard evidence from the older people's

commissioner, from Age Cymru and from Crohn's and Colitis UK that the Bill could be strengthened via the introduction of a requirement for local toilet strategies to be implemented, and I believe that setting out a clear timetable, and requiring local authorities to set that out, would enable people to hold them to account for the implementation of the strategies in a more effective way.

[12] Finally, amendment 116 requires that local authorities should provide clear information as to the location of the public toilets in their areas. I haven't prescribed on the face of the amendment precisely how that should be done, but, clearly, members of the public will need to know where a public convenience is in order that it can be used, and one of the regular complaints that many people have in relation to public conveniences, particularly those that are provided in non-local-authority establishments, is that they are often ill signposted and, as a result of that, people are very often not able to avail themselves of them. This information, of course, could also be provided on things such as the internet in order to enable people to plan their journeys or activities around the availability of toilets if they have a condition that requires them to be close by.

[13] I should have also said that amendment 107 provides the opportunity for Ministers to issue guidance to local authorities on matters that should be considered when implementing a local toilets strategy.

[14] I'll also be supporting Welsh Government amendment 211, which requires Ministers to publish guidance also. So, I just want to note that. But I do hope that Members will see the spirit in which these amendments have been tabled, and that they'll give them their support.

[15] **David Rees:** Thank you, Darren. Does any other Member wish to speak? Kirsty.

[16] **Kirsty Williams:** Thank you very much, Chair. Can I begin by saying, first of all, how much I welcome the fact that the Minister and Welsh Government have recognised the provision of public toilets as a public health measure? It's very appropriate to have the provision of public conveniences included in the Bill. What we do know is that a lack of public toilets can have a significant impact on a number of groups in Welsh society and their ability to go about and live their daily lives as they would like to out and about in the community. I remember my own family experience, when my father had a colostomy. He would not go out on a day trip or to do his shopping or to do

any kind of social activity unless he knew in advance how he could avail himself of public conveniences in those locations, and if he couldn't do that, he would just remain at home for fear of finding himself in a situation where he could not attend to his toileting needs. As a parent of—they're older children now—younger children, again, the lack of provision of public toilets for young parents can be a huge barrier to going about our daily lives. So, I'm grateful that the Government has recognised this and placed it in the Bill, but I will be supporting Darren Millar's amendments today, because I think we could go further to strengthen the requirements on local authorities.

[17] I'm very mindful that, at a time of austerity and constraints on public expenditure, putting a statutory requirement on the face of the Bill for local authorities to provide toilets is a step too far in the circumstances we find ourselves in, but I do believe that trying to hold the feet of local authorities to the fire to give a clear explanation as to how they're going to implement and deliver their strategy, using their own resources and the resources of other organisations, is to be welcomed. There is evidence of good practice in some parts of Wales, where, for instance, public money has been used to provide public conveniences in shops, restaurants and other places, and sometimes that is well advertised and clearly available to people, but in other areas we know that those conveniences aren't well advertised and people are missing out on the opportunity of using those facilities, and that is to be regretted.

[18] I do have concerns about whether there is a national overview needed with regard to provision as well.

[19] **David Rees:** That's in the next group.

[20] **Kirsty Williams:** The next group—so, I will address that in that group, Chair. As I've said, I'm grateful that the Minister has recognised this important subject, but I believe the amendments will put greater pressure on local authorities to explain quite clearly to members of the public—and, indeed, to the Welsh Government—how they will satisfy the provision of public conveniences in their local authority areas.

[21] **David Rees:** Thank you, Kirsty. Alun.

[22] **Alun Davies:** Can I say, I very much sympathise and agree with the points that have been made by both Darren and Kirsty this morning? I think all of us who have been parents of small children and children of older

parents understand the points that you made. Certainly, issues in my own constituency have made very clear to me that the provision of local toilets is something that is important to the community as a whole and particularly, of course, in areas where you've got a high rate of tourism and the rest of it. So, I think all the points are very well made. I don't think that there is any disagreement across this committee, or with the Government for that matter, on the ambition that is being outlined by the proposers of these amendments. My concern about the amendments is that, actually, the legislation I think is very powerful. I think it's very, very strong, and it's probably stronger than I would have wanted written in primary legislation, because we do have to balance here the interests that are being well represented, but also the place and what is right for national Government to do and what is right and proper for local government to do. I think the Government, on this occasion, has got that balance correct. I feel slightly uncomfortable when, here in Cardiff bay, we are dictating to local government the number of toilets, potentially, where they are and what they are doing in every community in Wales. I think that's overreaching ourselves here. I want to see local government having the opportunity and the right and the powers to take a lot of these decisions themselves.

09:45

[23] I do not want to see local government relegated to being the local administrators of Welsh Government policies—that's not the sort of vision I have for local government in Wales. So, I would resist these amendments, not because I disagree with the ambitions of those proposing them, but I think that we need to get the balance right between what is right and proper for us to do in Cardiff Bay, as Welsh Government and the National Assembly, and what it is right and proper that local government do and where local government take decisions.

[24] **David Rees:** Do any other Members wish to speak? John.

[25] **John Griffiths:** Yes, briefly, Chair. As other Members, I very much recognise the importance of these issues and I have met with a number of organisations representing particular sections of society that have issues that mean that toilet provision is very important to them. They want to be confident that wherever they go in Wales, there will be adequate provision, and there are lots of worries about the closures of toilets, which I think we're all familiar with as local representatives. I do believe that the amendments that the Minister is bringing forward do strike the sort of balance that Alun

Davies has just been speaking about. When I've met these groups, in fact, they have very much welcomed the strengthening of this legislation to ensure adequate provision, although it must be said that they would have wanted to have gone a little further. I do believe that the correct balance has been struck, and I very much welcome the amendments that the Minister has brought before us today.

[26] **David Rees:** Thank you. Altaf.

[27] **Altaf Hussain:** Just to highlight, really—good morning, Minister—about a case recently. I think he was a Parkinson's patient and he was in a wheelchair, being carried around a shopping centre by his wife or daughter, and she begged every shop that he wanted to pass water. He couldn't, until he passed water in the wheelchair. So, keep that in mind, please.

[28] **David Rees:** Are there any other Members who wish to speak? No. Then I call on the Minister to speak.

[29] **The Minister for Health and Social Services (Mark Drakeford):** Thank you, Chair. There's nothing in the spirit of what's been said this morning that I disagree with. The starting point for this Part of the Bill was an inquiry that this committee held very early on in this Assembly term, in which this committee made the public health case for the provision of toilets and that's what we try to achieve through this Bill.

[30] I won't be asking Members to support Darren Millar's amendments—sometimes for reasons that I'll explain, sometimes because I think the Government amendments go a bit further than his amendments do.

[31] The lead amendment 104 would require a local toilets strategy to include a fair and reasonable assessment of the need for toilets in a local authority area—that's exactly what I want this Bill to achieve. I'm advised that the general principles of public law already require local authorities to undertake assessments in a fair and reasonable way. And, because it's a requirement on local authorities to consult their local populations on the drawing up of these strategies, then I think the pressure from the local population—and we've all been lobbied, in the proper sense of that word, by organisations representing people in this area—I think that will guarantee that local authorities have to be fair and reasonable in what they do.

[32] I'm more concerned by elements of amendments 105, 106 and 107,

because this is where the amendments seek to make the implementation of the strategy mandatory on local authorities. I think I've said in front of the committee before that, if we lived in different times and I had money that I could put in the hands of local authorities, then I would feel differently about imposing that duty on them. We're not in that position; we're not going to be in that position for the foreseeable future. I think the danger of these amendments is that if we pass them and make it mandatory on local authorities to implement a strategy, they will draw up the narrowest possible strategy because they will know that they now have a legal obligation to deliver it.

[33] What I want is a strategy that is as imaginative and far-reaching as possible. We've always talked in this Part of the Bill, not about public toilets but about toilets for use by the public. That means a very different approach in which all those places that the public pays for already, and that includes some places where money has been given to local authorities to encourage public houses and other private places to open facilities to the public, I want all of those to be included in this strategy. I am fearful that if we—in the way that Alun was warning, in a way—are too specific in always trying to organise from here how local authorities go about their business, they will narrow down what they propose in the strategy because of the new duty that these amendments would seek to put on them. It would drive out innovation rather than encouraging it in the way that we would like to see.

[34] Amendment 116 requires local authorities to make arrangements to inform the public about the location of public toilets. That's absolutely what we would like to see them do. I think that amendments 211 and 213 go beyond amendment 116 because they are about not just the location of public toilets, but about the other information that members of the public need. They don't need simply to know where they are; they need to know when they are open, and they need to know what other facilities are available there. This Bill requires local authorities, in drawing up a strategy, to have regard to the needs of people with disabilities, and to have regard to the needs of parents with young children. So, the amendments I have tabled will ensure that issues such as the use of technology, signage, opening times, facilities available, as well as the location of the facility, will be covered by the guidance in order to promote awareness of toilets available for the public.

[35] Now, as well as Darren Millar's amendments, there are a series of Government amendments in this group, and they've all been brought forward

to reflect recommendations 16 and 18 of this committee. The committee recommended that I amend the Bill to require local authorities to consider the distribution of toilet facilities, particularly in areas that are frequently used, and to increase public awareness of toilet facilities. The committee also recommended that I require local authorities to ensure that private businesses that receive public funds are encouraged to open their facilities, as well as being explicit that public buildings have to make their facilities available for the public. All of that is captured in amendments 211 and 212, which require Welsh Ministers to publish guidance that takes into account all of those matters highlighted by this committee.

[36] Amendment 214 provides another significant change, as it introduces a requirement for the publication of interim progress statements, which, again, was something recommended by the committee. So, this is a new requirement in addition to the full review that a local authority will still need to undertake no later than one year after the end of the electoral term. This amendment inserts a new section that requires each local authority to prepare and publish an interim progress statement in relation to its local toilets strategy, and that that interim statement must be published during the two years since the strategy was last published or reviewed, and published no later than six months after that two-year period.

[37] So, the Government amendments, Chair, are all designed to further strengthen these provisions in the Bill and to do so in the way recommended by the committee. I hope Members will support them. For the reasons I've explained, the Government will not be supporting the amendments moved by Darren Millar this morning.

[38] **David Rees:** Thank you, Minister. I call on Darren to reply to the debate.

[39] **Darren Millar:** Thank you, Chair, and thank you to those who have contributed to the debate. I've listened carefully to what the Minister has said, but his assertion that public consultations will guarantee that local authorities are always fair and reasonable, I think, is completely misplaced. His experience of some local authorities, I think, is very different to the experience of many people across Wales. When some local authorities go to the public with a consultation, it's very often a fait accompli or a sort of tick-box exercise; it doesn't actually involve any genuine consultation at all. So, I will be putting all my amendments to the vote.

[40] I think the fundamental point here is—the Minister’s quite right, and Alun, John and Kirsty are quite right—that there’s nothing between us in terms of the aims here. We all want to see improved access to public conveniences across Wales, for the public to be informed about that access, and for local authorities to take this issue seriously and to consider the needs of those people who might need to use these conveniences. But I do think that requiring on the face of the Bill a timetable to be published, and requiring the implementation of a strategy on the face of the Bill, without placing a duty to provide public conveniences on the face of the Bill, is an important distinction. I think that that will allow for this democratic accountability that the Minister’s spoken about before, for the public to hold people in those local authorities to account for either the success that they’ve been able to demonstrate in implementing their strategies, or their failure to implement those strategies, against the timetables that are published.

[41] I think it’s for those individuals, like the person Altaf referred to in his contribution, and those others who have been referred to today—those people with medical conditions, those people with things like irritable bowel syndrome, weak bladder syndrome, young children and the elderly who may need access to these conveniences on a more regular basis—that these have been tabled. That’s why they’ve got widespread support from the charitable organisations that gave us evidence, as a committee, and Age Cymru and the Commissioner for Older People in Wales. So, I do hope that people will reflect on that. It doesn’t take anything away from the amendments that the Minister has tabled, which I will also be supporting—they are important amendments and it’s to the Minister’s credit that he’s brought them forward—but I do think that these will add value to the Bill and, therefore, I intend to move them all.

[42] **David Rees:** Thank you, Darren. As Darren has indicated that he intends to move amendment 104, we’ll proceed to a vote—sorry, a question on amendment 104. Does any Member object to 104 being agreed? [*Objection.*] I have an objection, so, now, we will proceed to a vote. Can those in favour of amendment 104 please raise your hands? Thank you. Can those against please raise your hands? Thank you. As there’s a tied vote, I use my casting vote in the negative against the amendment in accordance with Standing Order 6.20. Therefore, the amendment is not agreed.

*Gwelliant 104: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 104: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Griffiths, John
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 104.
Amendment 104 not agreed.*

[43] **David Rees:** Darren, just to confirm, amendment 105.

Cynigiwyd gwelliant 105 (Darren Millar gyda chefnogaeth Lindsay Whittle a Kirsty Williams).

Amendment 105 (Darren Millar supported by Lindsay Whittle and Kirsty Williams) moved.

[44] **Darren Millar:** Move.

[45] **David Rees:** The question is that amendment 105 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore we'll take a vote by show of hands. Can those in favour of amendment 105 please raise your hands? Thank you. Can those against please raise your hands? Thank you. As there's a tied vote, I use my casting vote in the negative against the amendment in accordance with Standing Order 6.20. Therefore, the amendment is not agreed.

*Gwelliant 105: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 105: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren

Davies, Alun
Griffiths, John
Neagle, Lynne

Whittle, Lindsay
Williams, Kirsty

Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 105.

Amendment 105 not agreed.

[46] **David Rees:** Darren, 106.

Cynigiwyd gwelliant 106 (Darren Millar gyda chefnogaeth Lindsay Whittle a Kirsty Williams).

Amendment 106 (Darren Millar supported by Lindsay Whittle a Kirsty Williams) moved.

[47] **Darren Millar:** Move.

[48] **David Rees:** The question is that amendment 106 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore I'll take a vote by show of hands. Can those in favour of amendment 106 please raise your hands? Thank you. Can those against please raise your hands? Thank you. As there's a tied vote, I cast my vote in the negative against the amendment in accordance with Standing Order 6.20. Therefore, the amendment is not agreed.

Gwelliant 106: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 106: For 5, Against 5, Abstain 0.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Griffiths, John
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in

accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 106.
Amendment 106 not agreed.*

*Cynigiwyd gwelliant 211 (Mark Drakeford).
Amendment 211 (Mark Drakeford) moved.*

[49] **David Rees:** The next question is that amendment 211 be agreed to. Does any Member object? There's no objection, therefore amendment 211 is agreed.

*Derbyniwyd gwelliant 211 yn unol â Rheol Sefydlog 17.34.
Amendment 211 agreed in accordance with Standing Order 17.34.*

[50] **David Rees:** Darren, amendment 107.

*Cynigiwyd gwelliant 107 (Darren Millar gyda chefnogaeth Lindsay Whittle a Kirsty Williams).
Amendment 107 (Darren Millar supported by Lindsay Whittle a Kirsty Williams) moved.*

[51] **Darren Millar:** Move.

[52] **David Rees:** The question is that amendment 107 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore I'll take a vote by show of hands. Can those in favour of amendment 107 please raise your hands? Thank you. Can those against please raise your hands? Thank you. As there's a tied vote, I use my casting vote in the negative against the amendment in accordance with Standing Order 6.20. Amendment 107 is not agreed.

*Gwelliant 107: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 107: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren
Whittle, Lindsay

Davies, Alun
Griffiths, John
Neagle, Lynne
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 107.

Amendment 107 not agreed.

Cynigiwyd gwelliant 212 (Mark Drakeford).

Amendment 212 (Mark Drakeford) moved.

[53] **David Rees:** We move on to amendment 212. The question is that amendment 212 be agreed to. Does any Member object? There are no objections, therefore amendment 212 is agreed.

Derbyniwyd gwelliant 212 yn unol â Rheol Sefydlog 17.34.

Amendment 212 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 213 (Mark Drakeford).

Amendment 213 (Mark Drakeford) moved.

[54] **David Rees:** Amendment 213. Does any Member object to 213 being agreed? There are no objections, therefore amendment 213 is agreed.

Derbyniwyd gwelliant 213 yn unol â Rheol Sefydlog 17.34.

Amendment 213 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 214 (Mark Drakeford).

Amendment 214 (Mark Drakeford) moved.

[55] **David Rees:** Amendment 214. Does any Member object to amendment 214 being agreed? There are no objections, therefore amendment 214 is agreed.

Derbyniwyd gwelliant 214 yn unol â Rheol Sefydlog 17.34.

Amendment 214 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 215 (Mark Drakeford).

Amendment 215 (Mark Drakeford) moved.

[56] **David Rees:** Does any Member object to amendment 215 being agreed? There are no objections, therefore amendment 215 is agreed.

Derbyniwyd gwelliant 215 yn unol â Rheol Sefydlog 17.34.

Amendment 215 agreed in accordance with Standing Order 17.34.

[57] **David Rees:** Darren, amendment 116.

Cynigiwyd gwelliant 116 (Darren Millar).

Amendment 116 (Darren Millar) moved.

[58] **Darren Millar:** Move.

[59] **David Rees:** The question is that amendment 116 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore I'll take a vote by show of hands. Can those in favour of amendment 116 please raise your hands? Thank you. Can those against please raise your hands? Thank you. As there's a tied vote, I use my casting vote in the negative against the amendment in accordance with Standing Order 6.20. Therefore, amendment 116 is not agreed.

Gwelliant 116: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 116: For 5, Against 5, Abstain 0.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Griffiths, John
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 116.

Amendment 116 not agreed.

Grŵp 28: Strategaethau Toiledau Cenedlaethol (Gwelliannau 128, 129, 130, 131)

Group 28: National Toilets Strategies (Amendments 128, 129, 130, 131)

[60] **David Rees:** We now move on to group 28, which relates to national toilets strategies. The lead amendment in the group is amendment 128 in the name of Darren Millar. I call on Darren Millar to speak to amendment 128 and all other amendments in this group. Darren.

10:00

*Cynigiwyd gwelliant 128 (Darren Millar).
Amendment 128 (Darren Millar) moved.*

[61] **Darren Millar:** I move amendment 128, and I speak to the other amendments that have been tabled in my name.

[62] The purpose of this group of amendments is to insert a new section into the Bill that requires the publication and development of national toilet strategies by Welsh Ministers. One of the issues that was raised as a concern by witnesses during the course of Stage 1 in this committee in the evidence that we received was that some local toilet strategies may not recognise the importance of public conveniences at national sites, such as national parks, Cadw sites, in conservation areas and monuments, gardens and parks of national importance and, indeed, along the trunk road corridors.

[63] The Minister has always asserted, quite rightly, that the electorate will be able to hold to account the local councillors for their failure or otherwise to implement a local toilets strategy. But, of course, those members of the public in those localities will only be interested in public conveniences that serve them primarily, and not public conveniences that are there for other people who may be visitors to the area and who do not have the opportunity to vote in those local authority areas.

[64] So, the purpose of this group is to introduce the concept of national toilet strategies and the need for those to be developed by Welsh Ministers. It provides for Ministers to have 12 months from the completion of local toilet strategies to review those and to determine whether the provision within them is adequate for those national sites that I have referred to. And it then provides an opportunity for Ministers to review and revise that strategy and revisit it at any time in the future.

[65] There's also a similar duty to require the public to be informed about the location of those public conveniences that might arise as a result of those strategies, in a similar way to the way that I outlined earlier in respect of my previous amendment to the local toilet strategies group. So, we know it's important that people are aware of the availability of these, particularly if people are planning long journeys, and particularly if we want to provide a welcome in the hillside and the vale, as it were, to those people who might visit our nation. And, you know, the number of times that people are caught out on a long journey, I can tell you there are some very well-watered hedgerows in my constituency as a result of the failure of local authorities to provide public conveniences in the right places. And I hope that this amendment will seek to address that.

[66] **David Rees:** Thank you, Darren. Kirsty.

[67] **Kirsty Williams:** Thank you, Chair. I think that there is a role for national government in looking at public convenience provision across the country, and Darren is quite right, often—not always, but sometimes—there is a conflict between what local people feel is a priority for them and what they don't. So, in some of my communities that are criss-crossed by the A470, the A40 and the A483 and the travelling public, some local communities recognise the importance of those facilities not only to their local population but as part of a tourism infrastructure and have taken them on. Other communities simply don't believe that it's their job to provide that particular facility. There was one community where the community council was absolutely adamant that they did not feel it was their responsibility or the responsibility of their local taxpayers to provide a toilet that they saw as a facility that was used by passing traffic.

[68] Now, I'd like at this point to acknowledge the contribution of the Welsh Government via the Minister for economic development to a pilot scheme that has provided resources directly to Rhayader Town Council, Builth Wells Town Council and a community group in Erwood to provide those toilets precisely for that purpose—so that there are places for the travelling public to stop. And it's great to see at this very moment the refurbishment going on in those towns to provide first-class facilities for people, and I'm very grateful to the Minister for that refurbishment money and for the investment over the next three years to those groups to keep those toilets open.

[69] But there can be a conflict, and we do need to look at how national government can work with local government and local organisations to provide a network of public conveniences, because sometimes there is a different need between that of local people—what’s important to local people and what they need—and other service users as they cross the country. So, I think there is a role for national government in this regard. [*Interruption.*]

[70] **David Rees:** Thank you. Okay—off?

[71] **Lynne Neagle:** Sorry, my phone’s doing its own thing. [*Laughter.*]

[72] **David Rees:** Elin—you do your own thing as well, now.

[73] **Elin Jones:** Diolch, Gadeirydd a diolch i Darren Millar am gyflwyno’r achos dros y gwelliannau yma. Roeddwn i’n fwy na pharod i gefnogi’r gwelliannau yn ei enw fe a oedd yn edrych i gryfhau’r gofyniad ar awdurdodau lleol i gyflwyno a chreu strategaethau lleol, ond rwy’n credu’n gryf iawn taw cyfrifoldeb ac arweiniad llywodraeth leol yw’r maes yma, ac felly nid wyf yn mynd i fod yn cefnogi’r gwelliannau yn grŵp 28.

Elin Jones: Thank you, Chair, and thanks to Darren Millar for presenting the case for these amendments. I was more than willing to support the amendments tabled in his name as a means of strengthening the requirement on local authorities to introduce and create local strategies, but I believe very strongly that this area should be the responsibility and lead of local government, and therefore I will not support the amendments in group 28.

[74] Rwy’n credu ei bod yn bwysig, fel mae Darren Millar wedi sôn, ac mae pawb arall, gan gynnwys y Gweinidog, wedi sôn bore yma, fod strategaethau awdurdod leol ar ddarpariaeth toiledau yn strategaethau ar gyfer yr holl doiledau mewn ardal leol, nid dim ond y ddarpariaeth uniongyrchol gan awdurdod lleol, ac felly mae yna ofyniad iddyn nhw, yn ei strategaeth, i hyrwyddo’r defnydd o doiledau sydd mewn adeiladau cyhoeddus neu ar

I think it’s important, as Darren Millar said, and everybody else, including the Minister, has said this morning, that local authority strategies on toilet provision are strategies for all the toilets in a local area, not only the direct provision by a local authority, and therefore there is a requirement for them, in their strategy, to promote the use of toilets that are in public buildings or on sites within public ownership—and that would include those

safleoedd sydd mewn perchnogaeth gyhoeddus—ac fe fyddai hynny yn cynnwys y safleoedd hynny sydd o dan oruchwyliaeth Cadw neu mewn parciau cenedlaethol. Ond rwyf yn credu taw nid strategaeth genedlaethol sydd angen i hyrwyddo hynny, ond strategaeth leol i hyrwyddo'r defnydd o doiledau sydd yn eiddo i'r sector gyhoeddus, a'r sector breifat mewn mannau penodol hefyd, ac i wneud hynny ar lefel lleol.

[75] Rwy'n deall y pwynt ynglŷn â'r ffaith bod pobl yn ymweld ag ardal, ac felly bod yna rywffaint o wrthdaro o bosib rhwng cynghorau cymuned a chynghorau lleol ynglŷn â darparu ar gyfer eu hetholwyr neu darparu ar gyfer eu hymwelwyr. Ond fy mhrofiad i, yn wahanol efallai i Kirsty Williams, yw bod awdurdodau lleol yn ymwybodol iawn o'u cyfrifoldeb nhw i ymwelwyr i'w hardal nhw, ac i'w diwydiant twristiaeth nhw yn enwedig, ac felly eu bod nhw yn gweld y cyfrifoldeb yna fel rhan o'u gwaith nhw, ac fe fyddai hynny'n cynnwys, wrth gwrs, eu gwaith nhw yn hyrwyddo strategaeth doiledau lleol. Felly, o'i gael yn iawn, ac o fod wedi pasio'r ddeddfwriaeth yma fel y mae, rwy'n credu ei bod yn gam pwysig iawn ymlaen o ran sicrhau darpariaeth toiledau cyhoeddus ym mhob ardal yng Nghymru, ond rwy'n credu bod creu gofyniad i Weinidogion Cymru greu strategaethau cenedlaethol yn peryglu dyblygu gweithgaredd a gwaith yn y maes yma, ac yn gam rhy

premises that are under the supervision of Cadw or in national parks. But I do think that it's not a national strategy that's needed to promote that, but a local strategy to promote the use of toilets that are in the ownership of the public sector, and the private sector in certain particular areas as well, and to do that on a local level.

I understand the point regarding the fact that people visit an area, and that there is a possible clash between community councils and local councils regarding provision for their constituents or provision for visitors. But my experience, which is perhaps different to Kirsty Williams's, is that local authorities are very aware of their responsibility to visitors to the area, and to their tourism industry in particular, and therefore they do see that responsibility as part of their work, and that would include their work in promoting a local toilet strategy. So, in getting this right, and having passed this legislation as it is, I think it's a very important step forward in order to ensure public toilet provision in every area of Wales, but I think creating a requirement for Welsh Ministers to create national strategies risks duplication of activity and work in this area, and is a step too far, I think, in terms of the requirement. In getting it right, the local authority should be doing this work, and it's

bell, rwy'n credu, o ran y gofyn. O'i most appropriate for the local gael yn iawn, yr awdurdod lleol a authority to do that work. ddylai fod yn gwneud y gwaith yma, ac sydd yn fwyaf priodol i wneud y gwaith yma.

[76] **David Rees:** Thank you, Elin. Does any other Member wish to speak? Lindsay.

[77] **Lindsay Whittle:** I don't want to labour the point, but there are some local authorities—. Elin Jones is very fortunate; Ceredigion, if you read the *Municipal Journal*, year after year wins awards for its very high standards in public conveniences, and they are first class. Brecon, to be fair, is an excellent town that I visit very often, and the public amenities are to a very high standard. But that doesn't necessarily follow in every Welsh town. And I think that—. I'm not so worried about the M4 and the A55; they can be well served by these service stations and stops, but I think we have a duty, when we're trying to encourage people to visit Wales—I hesitate to use the words 'mop up', but to mop up the areas where local authorities do fail, I'm afraid, and they do fail. And that's why I think, if a Government is worth its salt and wants these strategies, I'm afraid it has to find a little bit of money, and, in the overall scheme of things, by the end of financial years, some moneys can be found. And that's why I will be supporting Darren Millar.

[78] **David Rees:** Does any other Member wish to speak? No. Then I call the Minister.

[79] **Mark Drakeford:** Thank you, Chair. Could I just begin just by giving Members an assurance that, in relation to the last group, group 27, I will carefully review the record of today and think about whether there are any things that we would want to reflect on further between now and Stage 3?

[80] In relation to this group, I won't be supporting these amendments. I think there are three reasons why. I think the amendments, as before the committee, are odd in the timing that they propose because they propose that the national toilet strategy should be published one year after the publication of local toilet strategies by local authorities. If our purpose is to influence local authorities in their strategies, then I think it would be better for a national strategy to be available in advance of those local strategies, rather than only be able to reflect on what those local strategies had already set out.

[81] That is why the Government amendments in group 27, which the committee has agreed to this morning, were all framed to make sure that the statutory guidance is available to local authorities in advance of the strategies that they will now be required to prepare. That, I think, is my second reason for not supporting these amendments: I think they under-represent the importance of the statutory guidance that has now been agreed to accompany this part of the Bill. Because I agree with Kirsty Williams that there is a role for national government in all of this, but I think that the statutory guidance provides that national perspective in many ways, given the matters that statutory guidance will now have to cover as a result of the group 27 amendments. That does include roads that are of more than local significance. They will very specifically have to be addressed in the local strategies now. I think the statutory guidance amounts to a statement of national requirements. It will provide what Darren is looking for in the way that he described it.

[82] The third reason why I'm not in favour of these amendments is the point that Elin has made in this group, and that Alun Davies made in the last group, namely that I think that it just gets the balance of responsibilities wrong between national and local. Darren's list of national sites are not all national responsibilities. So, in my view, these amendments are mistaken in the way that they allocate responsibilities between the national and the local democratic tiers. They under-represent the statement of the national perspective, which will now be embodied in the statutory guidance, and they reverse the proper chronological order between national and local documents and, as a result, I ask Members to reject these amendments.

[83] **David Rees:** Thank you, Minister, and I call on Darren to reply to the debate.

[84] **Darren Millar:** Thank you, Chair. I'm a little bit surprised at the strength of the opposition to the amendments from the Minister. I'm also a little bit confused as to why he would think it would be necessary for local authorities to publish their strategies after the publication of a national strategy. The idea here is that the gaps that are identified by the Minister in local toilet strategies, in relation to some of these more strategic sites and locations, would be able to be plugged by the national strategy so that there's a national overview of whether the local authority strategies—the local toilet strategies—are adequately providing for those strategically important sites.

[85] So, I don't accept the argument that there is a chronological problem with this. The idea was that the Minister could review the local strategies and that would help to inform a more national strategy for implementation. I think that's exactly the point that Lindsay Whittle was making when he said that we need to mop up some of the gaps because he's quite right that there's variability in the performance of local authorities in relation to the provision of public conveniences. Even within local authorities, particularly where you have local community councils that are providing public toilets these days as the local authorities have disinvested in their public conveniences, there is that tension that Kirsty Williams referred to. Some will recognise the importance of providing local toilets for those who visit; others will not.

[86] You suggested also that my amendments underplay the role of the national guidance, which we've just—

10:15

[87] **Kirsty Williams:** Will you take an intervention?

[88] **Darren Millar:** I will happily take an intervention.

[89] **Kirsty Williams:** If I could, perhaps, give the committee the example of Llangorse, a tourist attraction in the Brecon Beacons national park, with lots of visitors. The local community council did not feel it was their responsibility to provide public conveniences, because local people using the lake can go beforehand in their own homes. We had such an outcry and genuine public health concerns, with people urinating in that area and leaving such a mess. In the end Powys County Council was forced to reopen those conveniences, because we had the potential of a public health issue arising out of that. So, there can genuinely be a tension between local and national.

[90] **Darren Millar:** Absolutely, and I completely concur with that point, because it's happened in my own constituency, too, in places like Gwytherin, for example, which receives lots of visitors but where there are no public conveniences provided because of a disinvestment by the local council.

[91] Again, I would reinforce this point about the need for direct accountability. I think Elin, in her opposition, suggested that local people

recognise that tourism's important, et cetera, and therefore they will vote with their hands if something's not provided to the tourists who might visit. Again, I just don't see that happening on the ground, and I think there's nothing like some direct accountability to change things. I think it is important that Ministers are responsible for mopping up the gaps. Ministers have already accepted some responsibility—

[92] **Alun Davies:** Darren, will you take an intervention?

[93] **Darren Millar:** Just a second. Ministers have already accepted some responsibility—Kirsty Williams has mentioned this already—in respect of one particular important trunk road. So, you can't have this slapdash approach, where Ministers intervene in one area, but then don't, perhaps, in others. There's a danger there that, because it's happened once, it sets a precedent and that without a strategy, you get a snowball situation that might arise for Ministers. I'm trying to avoid that, and I think that these are sensible amendments that might be able to address that. I'm happy to take an intervention.

[94] **Alun Davies:** Thanks very much. I think your faith in Government creating a strategy and solving all the problems at a stroke is a bit innocent, but lovely to see.

[95] **Darren Millar:** Ye of little faith.

[96] **Alun Davies:** You've talked about accountability, and I agree with you. I think there should be public accountability there, but surely when there is a failure of local government, as Kirsty has described—and I think that is a failure of local government; I've got no issue with that at all—the accountability has to be of local government. It's not for a Minister to come in and say, 'Local government's failed, therefore, we're going to do A, B and C'. Surely, if you believe in local accountability, you believe in local accountability. What you can't do, and what undermines local accountability, is that council or those councillors knowing that they can make a mess of their local area, knowing that Mark Drakeford, or the health Minister, or another Minister somewhere else, will come in and clear their mess up. It's up to the electorate to do that, and that is the hard reality of local accountability. And we'll be facing accountability in May.

[97] **Darren Millar:** I understand the point that's been made. Certainly, I think you've got little faith in your Government if you think that their

strategies might not deliver. But, just to get back to the important point here about local accountability, the reality is that many local voters would happily support a reduction in public conveniences in their area, even though they may be of national importance, because they want to pay a lower rate of council tax, or they want to get their local bills down, or because the council needs to cut its cloth according to its pocket, and it needs to ring-fence money for some other local service.

[98] Just to deal with the final point that the Minister made, in terms of the list that is in the Schedule, I'm very happy to see that amended if the Minister feels it's appropriate to have it amended. I think it's an appropriate list. It makes it clear that it needs to be about nationally important sites—sites that attract significant numbers of visitors. They may also be locally important as well, but local authorities may not be the custodians of them. I'm simply trying to make the point here that there is a role for Government in trying to address those gaps that local authorities may not actually be able to plug with their local strategies because they're of no importance to their local communities and their local voters. I think that the Minister probably recognises that this is an issue, and if there's some way that he thinks is a more creative and a better way to address it, I'd be happy to listen, but until then I'm going to keep pressing these amendments.

[99] **David Rees:** Thank you, Darren. Do you wish to proceed to a vote on amendment 128?

[100] **Darren Millar:** I do. Yes.

[101] **David Rees:** The question is that amendment 128 be agreed to. Does any Member object? [*Objection.*] We have an objection. Therefore, I'll take a vote by a show of hands. Can those in favour of amendment 128 please raise your hands? Thank you. Those against, please raise your hands. Thank you. In relation to amendment 128, there voted four in favour and six against. Therefore, the amendment is not agreed.

*Gwelliant 128: O blaid 4, Yn erbyn 6, Ymatal 0.
Amendment 128: For 4, Against 6, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf

Davies, Alun

Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Griffiths, John
Jones, Elin
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gwrthodwyd gwelliant 128.
Amendment 128 not agreed.*

[102] **David Rees:** Darren, amendment 129.

*Cynigiwyd gwelliant 129 (Darren Millar).
Amendment 129 (Darren Millar) moved.*

[103] **Darren Millar:** Move.

[104] **David Rees:** The question is that amendment 129 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore I'll take a vote by show of hands. Those in favour of amendment 129, please raise your hands. Thank you. Those against, please raise your hands. Thank you. Therefore, in relation to amendment 129, there voted four in favour and six against. Therefore, the amendment is not agreed.

*Gwelliant 129: O blaid 4, Yn erbyn 6, Ymatal 0.
Amendment 129: For 4, Against 6, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Griffiths, John
Jones, Elin
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gwrthodwyd gwelliant 129.
Amendment 129 not agreed.*

[105] **David Rees:** Darren, amendment 130.

*Cynigiwyd gwelliant 130 (Darren Millar).
Amendment 130 (Darren Millar) moved.*

[106] **Darren Millar:** Move.

[107] **David Rees:** Does any Member object to amendment 130 being agreed? [*Objection.*] I have an objection, therefore I will take a vote by show of hands. Can those in favour of amendment 130 please raise your hands? Thank you. Those against, please raise your hands. Thank you. Therefore, in relation to amendment 130, there voted four in favour and six against and the amendment is not agreed.

*Gwelliant 130: O blaid 4, Yn erbyn 6, Ymatal 0.
Amendment 130: For 4, Against 6, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Griffiths, John
Jones, Elin
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gwrthodwyd gwelliant 130.
Amendment 130 not agreed.*

[108] **David Rees:** Darren, amendment 131.

*Cynigiwyd gwelliant 131 (Darren Millar).
Amendment 131 (Darren Millar) moved.*

[109] **Darren Millar:** Move.

[110] **David Rees:** The question is that amendment 131 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore I will take a vote by show of hands. Can those in favour of amendment 131 please raise your hands? Thank you. Those against, please raise your hands. Thank you. Therefore, in relation to amendment 131, there voted four in favour and six against. Therefore the amendment is not agreed.

*Gwelliant 131: O blaid 4, Yn erbyn 6, Ymatal 0.
Amendment 131: For 4, Against 6, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Griffiths, John
Jones, Elin
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gwrthodwyd gwelliant 131.
Amendment 131 not agreed.*

**Grŵp 29: Derbyniadau Cosb Benodedig ar gyfer Troseddau Sgorio Hylendid
Bwyd (Gwelliannau 216, 144, 142)
Group 29: Fixed Penalty Receipts for food Hygiene Rating Offences
(Amendments 216, 144, 142)**

[111] **David Rees:** We move on to the next amendment, which is the start of group 29. Group 29 relates to fixed penalty receipts for food hygiene rating offences. The lead amendment in the group is amendment 216 in the name of the Minister.

*Cynigiwyd gwelliant 216 (Mark Drakeford).
Amendment 216 (Mark Drakeford) moved.*

[112] **David Rees:** I move amendment 216 and I call on the Minister to speak to this amendment and others in the group. Minister.

[113] **Mark Drakeford:** Thank you, Chair. These amendments make only a minor technical change to the Act relating to the use of fixed penalty notice receipts. They're introduced for reasons of rationality and consistency in the public health field. The arrangements will enable food authorities—primarily local authorities—to retain the receipts from fixed penalty notices paid for non-compliance with the food hygiene rating scheme. At present, such receipts are returned to the Welsh consolidated fund. I've considered the views of environmental health officers and Members of this committee who've pointed to the challenge faced by local authorities in fulfilling enforcement duties. All the new fixed penalty notice receipts created by this Bill will be retained by the enforcement authority to support the new duties it creates. These amendments simply bring the food hygiene arrangements into

line with the regime created by this Bill and thus contribute to consistency and clarity in the public health field. The change will assist the authorities who operate and enforce the scheme, by simplifying the arrangements for dealing with fixed penalty notice receipts, and ensuring that moneys are used specifically to support the enforcement of the food hygiene rating scheme. I ask Members to support these amendments.

[114] **David Rees:** Thank you, Minister. Does any other Member wish to speak on these amendments? No. I'll therefore assume, Minister, that you do not wish to say anything extra.

[115] Can we move to a vote therefore on amendment 216? Does any Member object to amendment 216 being agreed? There are no objections. Therefore, amendment 216 is agreed.

Derbyniwyd gwelliant 216 yn unol â Rheol Sefydlog 17.34.

Amendment 216 agreed in accordance with Standing Order 17.34.

Grŵp 30: Dyletswydd i Wneud yn Fawr o Iechyd, ac Asesiadau o'r Effaith ar Iechyd (Gwelliannau 110, 111, 112, 113, 114, 109, 108)

Group 30: Duty to Maximise Health, and Health Impact Assessments (Amendments 110, 111, 112, 113, 114, 109, 108)

[116] **David Rees:** Our next amendment in the marshalled list is the first amendment in group 30. Group 30 relates to a duty to maximise health and health impact assessments. The lead amendment in this group is amendment 110 in the name of Kirsty Williams. I call on Kirsty to move amendment 110 and speak to the amendments in this group.

Cynigiwyd gwelliant 110 (Kirsty Williams).

Amendment 110 (Kirsty Williams) moved.

[117] **Kirsty Williams:** Thank you very much, Chair. The amendments in this group—110, 111, 112, 113, 114, 109, 108—relate to issues of maximising public health and health impact assessments, as you say, and are tabled in response to recommendation 19 of the committee's report when we scrutinised the Bill and took evidence from a wide variety of stakeholders. In recommendation 19, this committee asked that the Minister bring forward amendments to the Bill

[118] 'to include a requirement to undertake mandatory health impact

assessments when developing certain policies, plans or programmes’.

[119] We heard during the evidence sessions the kind of programmes and plans that may be suitable—for instance, strategic and local development plans, certain large-scale planning applications, the development of new transport infrastructure, and Welsh Government’s own legislation as well. The committee did so because we recognised the calls made by stakeholders that health impact assessments are an important way of ensuring that the practical considerations that could impact upon people’s health are taken into account when developing these strategies. They pointed to international evidence where the use of health impact assessments had been particularly important in focusing the minds of people whose first instinct, perhaps, isn’t to think about health and the impact on health when carrying out their work, and bringing a focus, for instance, to large-scale strategic planning documents that there was a duty, not just to think about land use, and not just to think about housing need or economic need, but actually, when thinking about these things, how we could design them in such a way that would maximise the opportunity to promote good public health in Wales. Goodness knows, all of us here in this committee would agree that we need to take every opportunity—every step that we can—to put public health at the forefront of other policy thinking and policy developments if we’re to address many of the public health issues that we face as a nation, and that will help make us a healthier population but also help us to sustain our national health service and make our national health service more sustainable than perhaps it currently is at the present time.

[120] Now, I appreciate that the Minister believes that this is an unnecessary addition to the Bill, and I regret that in the face of the recommendation by the committee. He does so because he believes that the future generations Act provides an opportunity to address these points. It seems to me that this is a missed opportunity to make explicit recommendations on the face of the public health Bill, which I think, symbolically, would send a message, but we also need to be clear that the future generations Act does not include explicit reference to health impact assessments or any requirement for those to be carried out. Therefore, I’ve tabled the amendments today in response to the evidence received by this committee and this committee’s unanimous recommendation No. 19. I hope that we can convince the Government that this is the opportunity to restate this important principle in this legislation.

[121] **David Rees:** Thank you, Kirsty. Darren?

[122] **Darren Millar:** I fully support this set of amendments. It was very clear from the evidence that we received—I think there were 22 different organisations lobbying us on this to ensure that health impact assessments were put onto the face of this Bill, including BMA Cymru, of course, which sort of led the charge, really, on this issue. We all know that there are other pieces of legislation that encourage public authorities to consider health issues when making decisions, but there's nothing that would so clearly be able to specify this overarching duty to consider health as a requirement to ensure that there are health impact assessments when undertaking significant decisions at local authority level. We've all seen barmy decisions taken by local authorities on occasions—and others at different times—as a result of a lack of consideration of the health impact of decisions that have been taken, and I think that this set of amendments would help to address that. It was a clear recommendation from this committee, and I think that, notwithstanding the Government's argument that there are some provisions in other Bills and other Acts of this Assembly, there is a need to consolidate this legislation in this way and to gird it, to strengthen its loins, by putting it on the face of this Bill. This is the appropriate place to put a requirement for health impact assessments to be undertaken.

[123] **David Rees:** Thank you, Darren. Do any other Members wish to speak? Elin.

[124] **Elin Jones:** Dim ond i gefnogi'r gwelliannau yn enw Kirsty Williams, a'r hyn y mae Kirsty a Darren wedi'i gyflwyno, ac i adlewyrchu, wrth gwrs, y dystiolaeth a gymerom ni a'r argymhelliad a wnaethom fel pwyllgor. Rwy'n credu bod rhoi gofyniad statudol am asesiadau effaith ar iechyd yn bwysig i yrru'r newid sydd ei angen yn y penderfyniadau sydd yn cael eu cymryd o ran cynllunio darpariaeth. Os ydym yn meddwl am un enghraifft yn unig, sydd yn digwydd dro ar ôl tro, lle mae datblygiadau newydd—p'un ai ydyn nhw'n ffyrdd newydd, yn ddatblygiadau siopa newydd, neu'n ystadau tai—yn amlach na pheidio,

Elin Jones: Yes, just to support the amendments in the name of Kirsty Williams, and to support the comments made by Kirsty and Darren, and also to reflect, of course, the evidence that we gathered and the recommendation that we made as a committee. I think that placing a statutory requirement for health impact assessments is important in order to drive the change that is required in the decisions that are taken in terms of the planning of provision. If we think of just one example, which happens time and time again, where there are new developments—whether they are new roads, new shopping developments,

maen nhw'n cael eu cynllunio o ran hyrwyddo defnydd y car, ac mae anghenion cerddwyr a seiclwyr yn cael eu gadael ar ôl, yn aml iawn tan yn rhy hwyr i integreiddio i mewn i'r datblygiadau newydd.

or even housing estates—more often than not, they are planned in terms of promoting the use of the car, and the needs of pedestrians and cyclists are often forgotten until it's too late to integrate them into these new developments.

10:30

[125] Nid oes ond angen edrych ar fae Caerdydd fel un enghraifft o hynny, ac wrth gwrs mae hynny'n hen enghraifft erbyn hyn. Mae yna ddatblygiadau sylweddol iawn wedi digwydd ym mhob lle yng Nghymru, byddwn i'n dweud, dros y blynyddoedd diwethaf yma, lle mae defnydd y car yn flaenoriaeth ar ddefnydd y cerddwr a'r seiclwyr.

You need only look at Cardiff bay as an example of that, but of course that's now an old example. There are very significant developments that have happened in all parts of Wales, I would say, over the past few years, where the use of the car is prioritised over the requirements of pedestrians and cyclists.

[126] Felly, mae gosod cyfyngiad a fyddai ar flaen meddwl awdurdodau lleol pan mae'n dod i hyrwyddo cynlluniau datblygu strategol a hefyd y penderfyniadau unigol ar geisiadau cynllunio, a bod asesiad ar hyrwyddo iechyd y cyhoedd yn flaenoriaeth nawr o ran cynllunio. Mae hynny'n hollbwysig ac rwy'n credu ei bod yn briodol, felly, i'w rhoi ar wyneb y Mesur yma hefyd.

Therefore, placing a requirement that would be at the forefront of local authority thinking when it comes to promoting strategic development plans and also the individual decisions on planning applications, and that an assessment on promoting public health should be a priority in terms of planning. That is crucially important and I think it is appropriate, therefore, that it should appear on the face of this Bill also.

[127] **David Rees:** Thank you. Any other Members wish to speak? No, then I call on the Minister.

[128] **Mark Drakeford:** Thank you, Chair, and could I thank Kirsty Williams for tabling these amendments? It is a very important issue and it's very good that we have another chance to think about it. I think it's just important, at the very beginning, to say, of course, that it's not that we don't have a health

impact assessment regime here in Wales—we've had health impact assessments taking place in all parts of Wales since 1997, and since that time we've had a dedicated Welsh health impact assessment support unit currently in Public Health Wales with a budget of £133,000 every year. The choice is not between whether to have a health impact assessment system or not—we have one already. The debate is about whether that system could be strengthened by being more mandatory in identifying those circumstances in which a health impact assessment should be a statutory requirement.

[129] Chair, I've reflected carefully on the evidence that this committee received on this matter. I've been particularly influenced by the latest set of evidence produced by BMA Cymru and, as a result, it is my intention to bring a Government amendment forward on this matter at Stage 3. It will put health impact assessments on the face of the Bill in the way that Members have argued for this morning. That amendment will be consistent with this committee's recommendation 19 in its Stage 1 report, but it will also have to be consistent with and complementary to existing statutory requirements. It won't, therefore, be identical to the amendments in front of this committee this morning. I understand that the Member may still want to move them today. If she were to decide not to do so on the basis that there will be a Stage 3 amendment, I would be very happy to work with her in the period between now and then. I certainly intend to have further discussion with the BMA and others before bringing forward the Government amendment on this matter.

[130] **David Rees:** Thank you, Minister. I call on Kirsty to reply to the debate.

[131] **Kirsty Williams:** Thank you, Chair. Can I thank Darren Millar and Elin Jones for their support of the principles of including health impact assessments as a statutory requirement on the face of the Bill? But, given the commitment that has been made by the Government this morning to recognise this important inclusion, I will take the Minister at his word that the Government amendments will come forward. It has always been my intention that we win the battle, so to speak, rather than necessarily have the glory of whose name is attached to them, therefore I will not move the amendments this morning.

[132] **David Rees:** Thank you. Considering you have actually formally moved amendment 110, do you wish to withdraw it?

[133] **Kirsty Williams:** Yes, I do.

[134] **David Rees:** Does any Member object to the withdrawal? No. Thank you. Therefore, we have amendment 110 withdrawn.

*Tynnwyd gwelliant 110 yn ôl gyda chaniatâd y pwyllgor.
Amendment 110 withdrawn by leave of the committee.*

[135] **David Rees:** Can you just confirm, Kirsty, as I go through them, the amendments you wish to not move? Amendment 111—not move?

[136] **Kirsty Williams:** Not move.

[137] **David Rees:** Thank you. Does any other Member wish to move it? To save me repeating myself, if you wish to move it, let me know, please.

*Ni chynigiwyd gwelliant 111 (Kirsty Williams, gyda chefnogaeth Darren Millar).
Amendment 111 (Kirsty Williams, supported by Darren Millar) not moved.*

[138] **David Rees:** Amendment 112.

[139] **Kirsty Williams:** Not move.

*Ni chynigiwyd gwelliant 112 (Kirsty Williams, gyda chefnogaeth Darren Millar).
Amendment 112 (Kirsty Williams, supported by Darren Millar) not moved.*

[140] **David Rees:** Amendment 113.

[141] **Kirsty Williams:** Not move.

*Ni chynigiwyd gwelliant 113 (Kirsty Williams, gyda chefnogaeth Darren Millar).
Amendment 113 (Kirsty Williams, supported by Darren Millar) not moved.*

[142] **David Rees:** Okay, that's where we are so far. We now move on. We'll come back to the other amendments on the marshalled list.

Grŵp 31: Cyffredinol—Rhoi Hysbysiadau (Gwelliannau 94, 95, 96)
Group 31: General—Giving Notices (Amendments 94, 95, 96)

[143] **David Rees:** We move on to group 31 now. The lead amendment in group 31, which relates to giving notices, is amendment 94, which is in the name of the Minister.

Cynigiwyd gwelliant 94 (Mark Drakeford).
Amendment 94 (Mark Drakeford) moved.

[144] **David Rees:** I move amendment 94 and call on the Minister to speak to the amendment and others in this group. Minister.

[145] **Mark Drakeford:** Thank you, Chair. There are a number of places where the Bill provides for notices to be given by one person to another. For example, the special procedures part of the Bill provides for stop notices and remedial action notices to be provided to licence holders by the local authority. The required form of notices and the detail about how they need to be delivered is set out in a new section provided by amendment 95. The other amendments in this group are technical and support that amendment.

[146] The group as a whole adds detail that benefits both the person giving and the person receiving a notice under the provisions of the Bill, as both will now be clear about the processes that need to be followed, and I ask Members to support these technical amendments.

[147] **David Rees:** Does any other Member wish to speak on these amendments? No. Then I assume, Minister, you're happy to move ahead. The question is that amendment 94 be agreed to. Does any Member object? No objection, therefore amendment 94 is agreed.

Derbyniwyd gwelliant 94 yn unol â Rheol Sefydlog 17.34.
Amendment 94 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 95 (Mark Drakeford).
Amendment 95 (Mark Drakeford) moved.

[148] **David Rees:** Does any Member object to amendment 95 being agreed? No objections, therefore amendment 95 is agreed.

Derbyniwyd gwelliant 95 yn unol â Rheol Sefydlog 17.34.

Amendment 95 agreed in accordance with Standing Order 17.34.

[149] **David Rees:** We now move back to the marshalled list and we'll go on to amendment 16. Kirsty.

*Cynigiwyd gwelliant 16 (Kirsty Williams, gyda chefnogaeth Darren Millar).
Amendment 16 (Kirsty Williams, supported by Darren Millar) moved.*

[150] **Kirsty Williams:** Move.

[151] **David Rees:** Thank you. The question is that amendment 16 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore I'll take a vote by a show of hands. Can those in favour of amendment 16 please raise your hands? Thank you. Those against amendment 16, please raise your hands. As there's a tied vote, I use my casting vote in the negative against the amendment in accordance with Standing Order 6.20. Therefore, amendment 16 is not agreed.

*Gwelliant 16: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 16: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Griffiths, John
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais
fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used his casting vote in
accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 16.
Amendment 16 not agreed.*

**Grŵp 32: Cyffredinol—Gweithdrefn ar gyfer Gwneud Is-ddeddfwriaeth
(Gwelliannau 217, 218, 219, 220)**
**Group 32: General—Procedure for Making Subordinate Legislation
(Amendments 217, 218, 219, 220)**

[152] **David Rees:** We move on to the next group of amendments, which is the last group of amendments—group 32—that relates to the procedure for making subordinate legislation. The lead amendment in the group is amendment 217 in the name of the Minister.

Cynigiwyd gwelliant 217 (Mark Drakeford).
Amendment 217 (Mark Drakeford) moved.

[153] **David Rees:** I move amendment 217 and call on the Minister to speak to the amendment and others in this group. Minister.

[154] **Mark Drakeford:** Chair, can I thank you and all committee members for the debate on all the previous groups in these Stage 2 proceedings? These final amendments respond directly to recommendations from the Constitutional and Legislative Affairs Committee to apply the affirmative procedure to a number of additional provisions within the Bill. I have thought carefully about that committee's conclusions and agree that there are a series of issues that are sufficiently significant to justify the use of the affirmative procedure.

[155] Amendment 217 directly responds to the recommendation of that committee, so that in future the Welsh Ministers' power to specify in regulations the meaning of 'enclosed', 'substantially enclosed' and 'not substantially enclosed' premises would now be subject to the affirmative procedure.

[156] Amendments 218 to 220 make changes to some of the regulations to be made under the special procedures of the Bill, and, again, would require those regulations to be subject to the affirmative procedure. Amendment 220, for example, ensures that regulations that amend the definition of body piercing in the Bill are subject to the affirmative procedure. Regulations under these powers will be required to be laid before and approved by resolution of the National Assembly for Wales.

[157] All the amendments in this group strengthen the oversight of the National Assembly. I would expect all of them to be brought forward to the

Assembly following proper forms of consultation, and I ask Members to support the amendments in this group.

[158] **David Rees:** Thank you, Minister. Does any other Member wish to speak? No. Therefore, Minister, do you wish to move straight to the vote?

[159] **Mark Drakeford:** Yes. Thank you.

[160] **David Rees:** The question is that amendment 217 be agreed to. Does any Member object? No objections, therefore amendment 217 is agreed.

*Derbyniwyd gwelliant 217 yn unol â Rheol Sefydlog 17.34.
Amendment 217 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 218 (Mark Drakeford).
Amendment 218 (Mark Drakeford) moved.*

[161] **David Rees:** Does any Member object to amendment 218 being agreed? No objections, therefore amendment 218 is agreed.

*Derbyniwyd gwelliant 218 yn unol â Rheol Sefydlog 17.34.
Amendment 218 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 219 (Mark Drakeford).
Amendment 219 (Mark Drakeford) moved.*

[162] **David Rees:** Amendment 219—does any Member object to that being agreed? No objections, therefore amendment 219 is agreed.

*Derbyniwyd gwelliant 219 yn unol â Rheol Sefydlog 17.34.
Amendment 219 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 220 (Mark Drakeford).
Amendment 220 (Mark Drakeford) moved.*

[163] **David Rees:** The question is that amendment 220 be agreed. Does any Member object? No objections, therefore amendment 220 is agreed.

*Derbyniwyd gwelliant 220 yn unol â Rheol Sefydlog 17.34.
Amendment 220 agreed in accordance with Standing Order 17.34.*

[164] **David Rees:** We now go back to the marshalled list, and we have amendment 114. Kirsty, do you move?

[165] **Kirsty Williams:** Not move.

[166] **David Rees:** Not move. Thank you.

Ni chynigiwyd gwelliant 114 (Kirsty Williams, gyda chefnogaeth Darren Millar).

Amendment 114 (Kirsty Williams, supported by Darren Millar) not moved.

Cynigiwyd gwelliant 96 (Mark Drakeford).

Amendment 96 (Mark Drakeford) moved.

[167] **David Rees:** And amendment 96. The question is that amendment 96 be agreed to. Does any Member object? No objections, therefore amendment 96 is agreed.

Derbyniwyd gwelliant 96 yn unol â Rheol Sefydlog 17.34.

Amendment 96 agreed in accordance with Standing Order 17.34.

[168] **David Rees:** Darren, would you like to move amendment 227?

Cynigiwyd gwelliant 227 (Darren Millar).

Amendment 227 (Darren Millar) moved.

[169] **Darren Millar:** Move.

[170] **David Rees:** Amendment 227 has been moved. Therefore, does any Member object to amendment 227 being agreed? [*Objection.*] We have an objection. Therefore, I take a vote by a show of hands. Can those in favour of amendment 227 please raise your hands? Thank you. Those against, please raise your hands. Thank you. In relation to amendment 227, there voted 3 in favour and 7 against, and therefore the amendment is not agreed.

Gwelliant 227: O blaid 3, Yn erbyn 7, Ymatal 0.

Amendment 227: For 3, Against 7, Abstain 0.

O blaid:

For:

Hussain, Altaf

Yn erbyn:

Against:

Davies, Alun

Ymatal:

Abstain:

Millar, Darren
Williams, Kirsty

Griffiths, John
Jones, Elin
Neagle, Lynne
Price, Gwyn R.
Rees, David
Whittle, Lindsay

*Gwrthodwyd gwelliant 227.
Amendment 227 not agreed.*

[171] **David Rees:** Darren, amendment 228.

*Cynigiwyd gwelliant 228 (Darren Millar).
Amendment 228 (Darren Millar) moved.*

[172] **Darren Millar:** Move.

[173] **David Rees:** The question is that amendment 228 be agreed. Does any Member object? [*Objection.*] We have an objection, therefore I'll take a vote by a show of hands. Can those in favour of amendment 228 please raise your hands? Thank you. Can those against amendment 228 please raise your hands? Thank you. Therefore, in relation to amendment 228, there voted 3 in favour and 7 against, and therefore the amendment is not agreed.

*Gwelliant 228: O blaid 3, Yn erbyn 7, Ymatal 0.
Amendment 228: For 3, Against 7, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Millar, Darren
Williams, Kirsty

Davies, Alun
Griffiths, John
Jones, Elin
Neagle, Lynne
Price, Gwyn R.
Rees, David
Whittle, Lindsay

*Gwrthodwyd gwelliant 228.
Amendment 228 not agreed.*

*Cynigiwyd gwelliant 143 (Mark Drakeford).
Amendment 143 (Mark Drakeford) moved.*

[174] **David Rees:** Before we move to a vote on amendment 143, we should be aware that if amendment 143 is agreed, amendments 2 and 3 will fall. So, the question is that amendment 143 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore I'll take a vote by a show of hands. Can those in favour of amendment 143 please raise their hands? Thank you. Can those against please raise your hands? Thank you. In relation to amendment 143, there voted 6 in favour and 4 against. Therefore, the amendment is agreed, and amendments 2 and 3 have fallen.

*Gwelliant 143: O blaid 6, Yn erbyn 4, Ymatal 0.
Amendment 143: For 6, Against 4, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Davies, Alun
Griffiths, John
Jones, Elin
Neagle, Lynne
Price, Gwyn R.
Rees, David

Hussain, Altaf
Millar, Darren
Whittle, Lindsay
Williams Kirsty

*Derbyniwyd gwelliant 143.
Amendment 143 agreed.*

*Methodd gwelliannau 2 a 3.
Amendments 2 and 3 fell.*

[175] **David Rees:** Darren, amendment 229.

*Cynigiwyd gwelliant 229 (Darren Millar).
Amendment 229 (Darren Millar) moved.*

[176] **Darren Millar:** Move.

[177] **David Rees:** Amendment 229 has been moved. Does any Member object to it be agreed? [*Objection.*] I have an objection. Therefore, we'll take a vote by a show of hands. Can those in favour of amendment 229 please raise your hands? Thank you. Can those against please raise your hands? Thank you. As it's a tied vote, I use my casting vote in the negative against the amendment, in accordance with Standing Order 6.20, and the amendment is not agreed.

*Gwelliant 229: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 229: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Hussain, Altaf	Davies, Alun	
Jones, Elin	Griffiths, John	
Millar, Darren	Neagle, Lynne	
Whittle, Lindsay	Price, Gwyn R.	
Williams, Kirsty	Rees, David	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 229.
Amendment 229 not agreed.*

[178] **David Rees:** Darren, amendment 224.

*Cynigiwyd gwelliant 224 (Darren Millar)
Amendment 224 (Darren Millar) moved.*

[179] **Darren Millar:** Move.

[180] **David Rees:** The question is that amendment 224 be agreed. Does any Member object? [*Objection.*] I have an objection. Therefore, we'll take a vote by a show of hands. Can those in favour of amendment 224 please raise your hands? Thank you. Can those against please raise your hands? Thank you. In relation to amendment 224, there voted 3 in favour and 7 against. The amendment is not agreed.

*Gwelliant 224: O blaid 3, Yn erbyn 7, Ymatal 0.
Amendment 224: For 3, Against 7, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Hussain, Altaf	Davies, Alun	
Millar, Darren	Griffiths, John	
Williams, Kirsty	Jones, Elin	
	Neagle Lynne	

Price, Gwyn R.
Rees, David
Whittle, Lindsay

Gwrthodwyd gwelliant 224.
Amendment 224 not agreed.

Cynigiwyd gwelliant 144 (Mark Drakeford).
Amendment 144 (Mark Drakeford) moved.

[181] **David Rees:** Amendment 144—does any Member object to amendment 144 being agreed? No objections, therefore amendment 144 is agreed.

Derbyniwyd gwelliant 144 yn unol â Rheol Sefydlog 17.34.
Amendment 144 agreed in accordance with Standing Order 17.34.

[182] **David Rees:** Kirsty, 109.

[183] **Kirsty Williams:** Amendment 109—not move.

[184] **David Rees:** Not move. Thank you.

Ni chynigiwyd gwelliant 109 (Kirsty Williams, gyda chefnogaeth Darren Millar).
Amendment 109 (Kirsty Williams, supported by Darren Millar) not moved.

[185] **David Rees:** Amendment 1, Kirsty.

Cynigiwyd gwelliant 1 (Kirsty Williams, gyda chefnogaeth Darren Millar).
Amendment 1 (Kirsty Williams, supported by Darren Millar) moved.

[186] **Kirsty Williams:** Move.

[187] **David Rees:** The question is that amendment 1 be agreed to. Does any Member object? [*Objection.*] I have an objection, therefore we'll take a vote by a show of hands. Can those in favour of amendment 1 please raise your hands? Thank you. Can those against please raise your hands? Thank you. Those abstaining, please raise your hands? In relation to amendment 1, there voted 4 in favour, 5 against and there's 1 abstention. Therefore, the amendment is not agreed.

Gwelliant 1: O blaid 4, Yn erbyn 5, Ymatal 1.

Amendment 1: For 4, Against 5, Abstain 1.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Griffiths, John
Neagle, Lynne
Price, Gwyn R.
Rees, David

Jones, Elin

*Gwrthodwyd gwelliant 1
Amendment 1 not agreed.*

*Cynigiwyd gwelliant 142 (Mark Drakeford).
Amendment 142 (Mark Drakeford) moved.*

[188] **David Rees:** Amendment 142—does any Member object to amendment 142 being agreed? No objections, therefore amendment 142 is agreed.

*Derbyniwyd gwelliant 142 yn unol â Rheol Sefydlog 17.34.
Amendment 142 agreed in accordance with Standing Order 17.34.*

[189] **David Rees:** Kirsty, finally, do you wish to move amendment 108?

[190] **Kirsty Williams:** Not move.

[191] **David Rees:** Thank you.

*Ni chynigiwyd gwelliant 108 (Kirsty Williams, gyda chefnogaeth Darren Millar).
Amendment 108 (Kirsty Williams, supported by Darren Millar) not moved.*

[192] **David Rees:** All sections and Schedules of the Bill have now been deemed agreed by the committee.

*Barnwyd y cytunwyd ar bob adran o'r Bil.
All sections of the Bill deemed agreed.*

[193] As Stage 2 has been completed today, Stage 3 begins tomorrow. Members will be notified of tabling deadlines in due course, but Members should also be aware that the Minister will bring forward a revised

explanatory memorandum ahead of Stage 3, in accordance with Standing Order 26.27. Thank you. Can I thank Members and the Minister and his team for their contributions to the proceedings of Stage 2 of the Public Health (Wales) Bill? [*Interruption.*] We haven't quite finished business yet. Okay. Thank you, Minister.

10:43

Papurau i'w Nodi Papers to Note

[194] **David Rees:** We have some papers to note. Can I ask Members to note the following: minutes of the meetings held on 14, 20 and 28 of January 2016? Thank you. The response from the Minister for Health and Social Services to our Stage 1 report on the general principles of the Public Health (Wales) Bill, which we've been obviously been using, I assume, in our deliberations—can we note that? And the additional information from the Minister following the committee's scrutiny of the Welsh Government's draft budget—can Members note that? Thank you.

10:44

Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y Cyhoedd Motion under Standing Order 17.42(vi) to Resolve to Exclude the Public

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod hwn ac o'r cyfarfodydd ar 11 remainder of this meeting and for the Chwefror, 24 Chwefror a 9 Mawrth meetings on 11 February, 24 2016 yn unol â Rheol Sefydlog February and 9 March 2016 in 17.42(vi) ac (ix).

accordance with Standing Order 17.42(vi) and (ix).

Cynigiwyd y cynnig.

Motion moved.

[195] **David Rees:** Before we close today, in accordance with Standing Order

17.42, can we have Members agree that the committee resolves to meet in private for the meetings on 11 February, 24 February and 9 March? Are Members content for that to take place? Thank you very much. If Members are content, we can now go into private session. We'll close the meeting.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10:44.

The public part of the meeting ended at 10:44.