



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

**Y Pwyllgor Deisebau  
The Petitions Committee**

**Dydd Iau, 31 Ionawr 2008**

**Thursday, 31 January 2008**

**Cynnwys**  
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

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

Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)

**Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol**  
**Assembly Parliamentary Service officials in attendance**

Alun Davidson	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser
Stefan Sanchez	Clerc Clerk

*Dechreuodd y cyfarfod am 12.32 p.m.*  
*The meeting began at 12.32 p.m.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau**  
**Introduction, Apologies, Substitutions and Declarations of Interest**

[1] **Val Lloyd:** Good afternoon everyone and welcome to today's meeting of the Petitions Committee. I have received an apology from Mike German, who has been unavoidably delayed, but will join us as soon as possible.

[2] I remind everyone to turn off any mobile devices. If there is an emergency, the ushers will direct us to leave. I remind colleagues to assist the Record of Proceedings and me by speaking into the microphones and checking that they are on. I remind you that translation is available should you need it.

12.33 p.m.

**Deisebau Newydd**  
**New Petitions**

[3] **Val Lloyd:** The first petition that we have to consider is P-03-080, on the Old School and House at Caergeiliog. This petition calls on the National Assembly to request that the Assembly Government rescinds a decision made by the Welsh Office regarding a property. The petitioner has said that the request is based on evidence and that the ownership of the property has been disputed. I understand that this is currently being looked at by the legal team.

[4] **Ms Jackson:** That is right. We will come back to you.

[5] **Val Lloyd:** Thank you.

[6] **Andrew R.T. Davies:** We will have to wait for the legal advice, will we not? We cannot progress any further until we know what ground we are standing on.

- [7] **Val Lloyd:** That is a sound decision. Bethan, are you content with that?
- [8] **Bethan Jenkins:** Will they provide us with the additional information?
- [9] **Mr Sanchez:** We have a lot of additional information.
- [10] **Bethan Jenkins:** You have that. Is that what has been passed to the legal team?
- [11] **Mr Sanchez:** Yes.
- [12] **Bethan Jenkins:** Okay, that is fine.
- [13] **Val Lloyd:** That is a sound decision in view of the amount of information. If we tried to consider it before we received the advice of the legal team, we would not be in possession of the full facts.
- [14] Our second petition is P-03-083, Cardiff Stop the War Coalition. I understand that this has been deemed as being admissible. However, I understand that the petitioners are fully aware that this is not a devolved issue; it is reserved for Parliament. I will open it up to Members.
- [15] **Bethan Jenkins:** I am unclear as to what the petitioners want to achieve from the petition. They say that they are aware that we have no powers over this area, which shows that they may have been using it more as a publicity tool than as a way of getting anything out of us. That is what I am unclear about. I do not see where we could go with it, apart from taking a message to the Westminster Government.
- [16] **Andrew R.T. Davies:** I concur with that. At the end of the day, if someone feels strongly enough about this issue—I am sure that most people would sign up to the sentiment—you are able to lobby your Assembly Member in the normal way, and the AM can raise it in the Chamber if they so wished. Members also have the opportunity of using the short debate on this subject, if they wish to. It is not the Assembly's role to determine this issue—that is done in another place. I suggest that the second action point is recommended, and that we close the petition.
- [17] **Val Lloyd:** I tend to agree with you, but we have a difficulty here. I agree wholeheartedly with what you both say, but this petition has been deemed admissible. Therefore, if it has been deemed admissible, why are we closing it straight away? I am putting that out in order to have a full debate on it.
- [18] **Andrew R.T. Davies:** It might well be deemed admissible, but it is surely our role as a committee to decide to point a petition, take a petition, or pull a petition back. One of the criteria that we ask of petitioners is what action they have taken to seek resolution in the first instance before it comes to this committee. Ultimately, we cannot resolve this one—it is not in our sphere of influence. As a committee, I do not believe that we can advance it any further. I believe that most people would concur with this petition; no-one is against its sentiments—it is about the credibility of this system in offering the petitioners satisfaction in what they are trying to seek. They will not get that satisfaction in this institution.
- [19] **Val Lloyd:** Yes, and the petition calls on the people of Wales to oppose any plans for an attack on Iran; it does not actually call on the Assembly to take any action.
- [20] **Bethan Jenkins:** Yes, that is the point. If they were asking the Government to take a message to the Prime Minister, then we could possibly look at that, but because it is not calling for us to do anything, I do not believe that we can do anything.

[21] **Val Lloyd:** That is clear. We will therefore close the petition.

[22] We now move to the third of our new petitions, P-03-076, on tighter controls on the emissions of Aberthaw power station. I do not know about other Members, but I had some difficulty in understanding the scientific rationale for this. I believe that we should get much more information before we move on this. We should get a briefing note from the Assembly Parliamentary Service legal team, if that would be satisfactory, Joaneest.

[23] **Ms Jackson:** Yes, we can do that.

[24] **Val Lloyd:** Thank you. We should also get a briefing note from the Members' research service to clarify any technical aspects, and we could perhaps involve the Environment Agency as well, asking for its view on the petitioners' aims. Are you happy with that?

[25] **Andrew R.T. Davies:** I would concur with that. This issue is very sensitive locally. I live in the Vale of Glamorgan, some six to eight miles away from the power station, and having seen, growing up, what goes on there, I believe that we require detailed information on this subject as a committee, so that we can offer a fair input, and hopefully address the petitioners' concerns. I would recommend that course of action.

[26] **Val Lloyd:** Do you agree, Bethan?

[27] **Bethan Jenkins:** Yes.

[28] **Val Lloyd:** Right. Therefore, to reiterate, the Assembly Parliamentary Service legal team has agreed to do a legal briefing, we will ask for a briefing note from the Members' research service, and information from the Environment Agency.

[29] We now move on to petition P-03-098, on amending legislation regarding school naming. This arose following the closure of our petition regarding Ysgol Gyfun Garth Olwg, which had run its course, so to speak. I am happy to open this up for discussion.

[30] **Bethan Jenkins:** May I clarify, is this a new petition from the Lord in question?

12.40 p.m.

[31] **Val Lloyd:** No, this is a petition from Mr Emlyn Penny-Jones, chairman of the governors of Ysgol Gyfun Garth Olwg. I do not know what Members think, but I think that we have already taken the action that has been requested. When we closed the previous petition, we had already requested that Lord Gwilym Prys-Davies's suggestion be passed to the relevant Minister. We have done what is asked of this committee already, so there is no further action that we can take.

[32] **Andrew R.T. Davies:** I would be minded, if possible, Chair, to hold it in abeyance while we await the Minister's response, because that response will be interesting. I believe that it was the sentiment around the table here that it was a tragedy for all concerned that consensus could not be reached, and there was a desire—and correct me if I am wrong—for some sort of remedial action be taken so that governing bodies could be empowered to determine their own destiny and school name. It seems early to close this one until we have the letter back from the Minister, because it could be that the letter does not provide satisfaction in terms of what we aspire to do and, through this petition, we might have the opportunity to take it down another route.

[33] **Val Lloyd:** I remember that you spoke very eloquently on this at the last meeting. I will just check to see whether that is what the petition asked. It says:

[34] ‘We wish to support his request...if you could forward a copy of these comments, together with our names’—

[35] No, that is about forwarding it to the Petitions Committee. I think that it supports the letter from Lord Prys-Davies, as I said, but if you wish to hold it until the response comes back—

[36] **Andrew R.T. Davies:** Perhaps we can hold it in abeyance until we have heard back from the Minister. If it is still open, it will encourage us to chase the Minister should the reply not come quite as speedily as we would hope.

[37] **Bethan Jenkins:** For clarification, in the last meeting, we decided to send the letter to the Minister, but was there any obligation for the Minister to reply to us, given that we had closed the petition?

[38] **Val Lloyd:** No, I imagine that the Minister would reply to any letter that is sent to her. I would expect the reply to come to the committee and, as a matter of course, I would share it with the committee.

[39] **Bethan Jenkins:** I only ask because we closed the petition. I was a bit unclear, on leaving the committee meeting, whether we had—

[40] **Val Lloyd:** We closed the petition because what the petitioners requested had been answered but, because we had had an extra letter from Lord Prys-Davies, we had also followed that lead, rather than leave it in abeyance. We tried to be as helpful as we could and passed on that letter with the request that the Minister consider it and take it forward.

[41] **Bethan Jenkins:** In that case, I agree with Andrew, because it would seem odd if we were to have a reply and had already closed the petition, so we should keep it open for now.

[42] **Val Lloyd:** Okay. I am trying to clarify at the end of each item what we have decided. So, we will keep the petition open until we have a response from the Minister and then we will consider that response.

[43] We now move to our next petition—well, these are three petitions taken together. Two are regarding the south-east Wales draft regional waste plan. One of them relates to the actions of Caerphilly County Borough Council and the other relates to Rumney. Another has come from north Wales, which is almost identically worded, and the petitioner has asked for it to be considered with the other two. We also have a further petition, but the petitioner has not asked for it to be considered with the others. I now open this up for discussion.

[44] **Andrew R.T. Davies:** From memory—although I should not say ‘from memory’; the paper is in front of us—the one thing that the petitioners are asking for is that the consultation be extended to 29 February. Am I right?

[45] **Val Lloyd:** Or until such time as people have been properly consulted. The petitioners did mention that date, certainly.

[46] **Andrew R.T. Davies:** Given the time-sensitive nature of it, I am not sure how we approach that initial request. There seems to be genuine concern over a flaw in the consultation process, given the evidence that is before us. The Minister’s officials have responded on the basis of what they are aware of. It was 28 December when they responded

with a very concise letter. I would be minded to listen to what the petitioners have to say on the issue, but I am also aware that there is a time constraint on this consultation process.

[47] **Val Lloyd:** I hear what you are saying, and I think that there is some doubt around the consultation process. The reply from the Minister's officials was very direct and clear, but there are a number of ambiguities that need sorting out—I have looked at the technical advice note, and it states that it lies with the regional waste authority. However, I draw the committee's attention to the letter regarding the south-east Wales regional waste plan. Working backwards, No. 5 is not within our power to deal with, and I am not sure about the legality, or even the correctness, of No. 3—that was answered in the letter, with the certificate of lawfulness, and, in view of that, perhaps we should ask for more information from the Members' research service on the workings of the regional waste plans—

[48] **Mr Sanchez:** Sorry to interrupt, Val, but I just wanted to point out that it is paper 5A that you are referring to. I see that some of the Members are unsure about which paper we are on.

[49] **Andrew R.T. Davies:** There is another paper that has five points as well.

[50] **Mr Sanchez:** Yes, I saw you looking at that, and I thought that it was the wrong one.

[51] **Val Lloyd:** The paper that opens this is paper 5, and then there is paper 5A. I was commenting on Nos. 3, 4 and 5. I have no problem with Nos. 1 or 2, but in view of the complexity of some of the others, I think that we need more advice. I am sure that at least one of them is not a matter for this committee, but the others are, and I think that we need a wider briefing from Members' research service on them. That is not to delay it, but so that we are better informed. Are Members content with that? I see that you are.

[52] **Andrew R.T. Davies:** We have a meeting, anyway, next week or the week after.

[53] **Val Lloyd:** Only if you want to come in during recess.

[54] **Andrew R.T. Davies:** Next week is the first week of February—that is not recess.

[55] **Val Lloyd:** Recess is the week after, but we do not have a meeting next week; we meet fortnightly. I will be attending the Committee on European and External Affairs at this time next week.

[56] **Bethan Jenkins:** Will that deadline of 29 February be affected by—

[57] **Val Lloyd:** It says 29 February,

[58] 'or until such time that the people of the Borough have been properly consulted'.

[59] Even if we cannot reach a final decision, we may be able to reach an interim decision. Perhaps we could set that in motion, if we think that we will need even more information. I am mindful of that. So, we have an action point to ask the Members' research service for more information.

[60] If you are all content, we will move to the last of the new petitions. Sorry, it is not the last, I have missed out the one on the north Wales draft regional waste plan—this is the petition that was not intended to be considered with the other three waste plans. However, the briefing would also apply here—in fact, even though we intended to look at that one in isolation, it is probably better to take them all together.

[61] Moving to paper 7, this is a petition entitled 'Open Our Junction', and it relates to a junction in Cardigan called Tesco junction.

[62] **Andrew R.T. Davies:** We need to see the Minister's response. It falls into that Minister's ballpark.

[63] **Val Lloyd:** We might well have decided to ask the Minister for a response anyway if a response had not been due. If we wait for that, we will be better informed. So, we will wait for the response from the Deputy First Minister and Minister for the Economy and Transport.

[64] That finishes the consideration of new petitions.

12.50 p.m.

### **Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates on Previous Petitions**

[65] **Val Lloyd:** We now move to the petitions that we have already considered in some shape or form.

[66] The first is petition P-03-064 on North Torfaen swimming pool and leisure centre. If you remember, we asked for ministerial responses after a full hearing of the petitioners, and we have now had a full response from the Deputy Minister for Regeneration. In his response, he said that he had been in discussion with the Minister for Heritage about the issue, and that the decision on the future of this facility is a matter for Torfaen County Borough Council, since it is owned and run by it. He pointed out that the Heads of the Valleys programme's aim is to tackle the root causes of economic inactivity, and that it was not envisaged that it would maintain swimming pools. He gave further information about the free swimming initiative and alternative facilities.

[67] The Minister for Heritage has not replied directly, but he has liaised with the Deputy Minister for Regeneration on the issue, and has asked the Sports Council for Wales to investigate any support that could be provided.

[68] **Bethan Jenkins:** I understand what the Minister is saying, but should we wait until the Minister for Heritage receives a reply from the sports council to see whether there are any alternative streams of funding?

[69] **Val Lloyd:** There are two reasons why I would oppose that: first, I do not think that the sports council will come up with the funding to build a new facility, which is what the petitioners were after, and, secondly, it is not in the original petition as a request, but is something that we brought up as we went along.

[70] **Bethan Jenkins:** Right.

[71] **Andrew R.T. Davies:** I think that the Deputy Minister for Regeneration has replied fully and clearly to the points raised by the petitioners. When we heard from the petitioners themselves I think that there was unanimity—and I stand to be corrected by Members—that there was a lack of dialogue and consensus between the local authority and the community. That was emphasised greatly by the number of signatures that they had obtained and the concise plans that they had managed to draw up. Sadly, that does not change the fact that Torfaen council is the authority with responsibility for carrying out the measures, and you live and die by your decisions. We have got inside the problem. Sadly, we cannot offer the answer and the result that the petitioners wanted, but, hopefully, we have addressed an issue of



consultation that was deficient, I would suggest, with regard to this proposal in the first instance. I cannot see that we can take this any further.

[72] **Val Lloyd:** Thank you for that reasoned reply. I am inclined to agree with Andrew.

[73] **Bethan Jenkins:** I cannot see what else we can do. I do not understand the Heads of Valleys programme totally, and the only thing that I can suggest is that we ask why, because there is going to be a wealth of petitions about swimming pools, the Heads of the Valleys programme does not include them. Perhaps we could question that and then close the petition.

[74] **Val Lloyd:** I think that we should move towards closure. If you wanted, you could take that up as an individual Member, because it covers part of your constituency at the other end, almost, does it not?

[75] **Bethan Jenkins:** Well—I do not know.

[76] **Val Lloyd:** Following that letter, we will close that petition.

[77] The next petition is from the Royal Society of Chemistry, regarding a chief scientific officer. We have a response from the First Minister's office. Are there any comments?

[78] **Bethan Jenkins:** One has been appointed.

[79] **Andrew R.T. Davies:** The only point to make about this is that the appointment was made before we received the petition. I think I am right in saying that it was made in September or October.

[80] **Val Lloyd:** He did not take up his position until November, but I think that the announcement was made by the First Minister in September. Perhaps it was missed because it was made in a speech to the Institute of Welsh Affairs. Therefore, we close that petition.

[81] We will move on to the petition relating to Sustrans. The petitioners have been to the committee to give evidence.

[82] **Bethan Jenkins:** We have received another letter.

[83] **Val Lloyd:** Yes, I think that we received that this morning.

[84] **Bethan Jenkins:** I think that it was from Lee Waters.

[85] **Val Lloyd:** Yes. We received an e-mail from Andrea Gordon from the Guide Dogs for the Blind Association, and we have a response from Lee Waters on 30 January. He says that they are still considering how best to meet the concerns of the association and are hopeful that they can reach a common position. He would also be grateful if the Petitions Committee could allow them a few more weeks to reach agreement. We will not be able to deal with this ourselves, so I would be in favour of passing this to the Enterprise and Learning Committee in order for it to decide whether to take it forward as an LCO.

[86] **Andrew R.T. Davies:** I support that view. The passage of time might focus people's minds and enable them to reach a common position. It is interesting that there is a dialogue, and, aside from the LCO issue—because we are not seeking that detailed information at this stage but just looking at getting the power devolved to this institution—it is incumbent upon the individuals involved to reach as broad a consensus as possible. The Enterprise and Learning Committee can put some impetus behind that. Ultimately, this committee could not take this on board as an LCO; all we could do is some of the preparatory spade work through

evidence gathering. Therefore, I fully endorse the recommendation to pass this to that committee.

[87] **Bethan Jenkins:** If this were a Measure discussion it would be very different, but, because it is an LCO, we cannot really control it.

[88] **Val Lloyd:** Yes, it is outside our remit, but, as you say, perhaps at some point we will get a petition for a Measure. Therefore, we shall pass this to the Enterprise and Learning Committee for its consideration and formally close the petition.

[89] We move now to the petition for charging double council tax on holiday homes.

[90] **Bethan Jenkins:** Again, it would be up to an individual Member to propose this as the subject of an LCO through the ballot. I do not see where we can take this, because we cannot make a decision to endorse a particular position.

[91] **Val Lloyd:** Joanest, you have written a comprehensive legal paper for us as usual, but please summarise the situation for those of us with less legal understanding.

1.00 p.m.

[92] **Ms Jackson:** The paper was available at the last meeting. In brief, although councils can make determinations about reductions in the level of council tax, which is raised in respect of certain properties, there is no power in the relevant primary legislation, which is the Local Government Finance Act 1992, for levels to be increased. That was basically the summary. This might have come back again because of something that I suggested; the second part of the petition is about what councils could do with any money raised in this way. It might be useful for you to know that I had a look through some legislation and there are lots of powers already available to local authorities as regards the building and converting of properties into houses, and they also have specific powers that allow them to give loans or other assistance to first-time buyers. I thought that I should inform you of the points relevant to the second part of the petition.

[93] **Val Lloyd:** Does anyone wish to comment?

[94] **Andrew R.T. Davies:** I take the point on board from Joanest's briefing. I would go for the first recommendation.

[95] **Val Lloyd:** I do not think that there is anything that the Welsh Assembly Government can do in this regard and it would be pointless in our taking it any further. So, do we agree to close the petition formally? I see that you are in agreement.

[96] We will turn briefly to the update paper. I do not propose to go through it, but I am happy for Members to spend a short time looking at it to raise any issues that they wish to raise.

[97] **Andrew R.T. Davies:** On the petition on retrospective changes to work permits for foreign nurses and other care workers, we seem to be forever waiting for the Minister to reply. I appreciate that it is not the clerk's fault, but—

[98] **Mr Sanchez:** We did chase that, but it had been lost somewhere. We were awaiting a response from the Minister's office before we came to committee, but we have not received one. I understand that it is now back on its books, and we are expecting a reply soon.

[99] **Val Lloyd:** Thank you for chasing it up. Are there any other comments on any

petitions?

[100] **Bethan Jenkins:** We are still awaiting responses from Ministers, so we cannot do anything until we get those responses.

[101] **Val Lloyd:** Perhaps I could give an update on the petition by the Welsh Kidney Patients' Association. The Health, Wellbeing and Local Government Committee started its review at its meeting yesterday. The committee is going out to public consultation, and we want to set standards and norms, because we intend to consult across Wales. It may be that small groups of committee members, to facilitate the process, might go to different places. Therefore, we want a standard approach, so that, when we evaluate the responses, we start from the same baseline. We talked about different issues also; the committee has begun its process. A representative from the Kidney Wales Foundation came to give us evidence yesterday, and we also heard the legal opinion and received information from the Members' research service. So, the committee has started the ball rolling quite quickly.

[102] **Andrew R.T. Davies:** That is excellent.

[103] **Val Lloyd:** You are right to say that a lot of petitions are awaiting ministerial response.

[104] **Andrew R.T. Davies:** From your Government, that is.

[105] **Mr Sanchez:** In the past, we have asked Ministers to respond to us, whereas, in the future, we might look more towards getting information from the Members' research service, because it might be a quicker way to deal with some of the business.

[106] **Andrew R.T. Davies:** It must be inordinately frustrating for the petitioners, when they have been to give their formal evidence, to have to wait two or three months for a response. It is no-one's fault in particular; it is just the sheer weight of the work that has to be done. However, in terms of someone's specific petition, that will not always come into play.

[107] **Val Lloyd:** Absolutely. There do not seem to be any more comments, so that concludes the formal meeting.

*Daeth y cyfarfod i ben am 1.05 p.m.  
The meeting ended at 1.05 p.m.*