



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

**Y Pwyllgor Deisebau
The Petitions Committee**

**Dydd Iau, 20 Tachwedd 2008
Thursday, 20 November 2008**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi 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
Michael German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
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
Bethan Webber	Clerc Clerk

Dechreuodd y cyfarfod am 12.29 p.m.
The meeting began at 12.29 p.m.

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

[1] **Val Lloyd:** Good afternoon and welcome to this afternoon's meeting of the Petitions Committee. Channel 1 of the headsets can be used to listen to the translation from Welsh to English; channel 0 will amplify the sound. I have not received any apologies or notifications of substitutions for this afternoon's meeting. Before we start, would anyone like to declare an interest?

[2] **Bethan Jenkins:** I have made a statement in favour of the petition on the Welsh Olympic team.

[3] **Val Lloyd:** Thank you; that does not preclude you from speaking.

12.30 a.m.

Deisebau Newydd
New Petitions

[4] **Val Lloyd:** Our first petition is the one that Bethan just mentioned. It is a new petition so, for the purposes of the record, I will read out the wording:

[5] 'We call upon the National Assembly for Wales to ensure that a team from Wales competes in the 2012 Olympic Games, and every subsequent games thereafter.'

[6] There is some background information before us as regards the situation, which seems to be contradictory. I will open this up for comment.

[7] **Andrew R.T. Davies:** I think that we should close it. I cannot see how we have

jurisdiction over this. I read that in order to qualify you have to be an independent territory, a commonwealth, a protectorate or geographical area. We may be a geographical area, and I look to Joaneke for advice on that, but I am sceptical about whether Wales would be defined as such because our geographical area is part of the British Isles rather than just Wales. We are not a protectorate or a commonwealth, such as Australia, and we are certainly not an independent territory. So, I am not quite sure what the Assembly's jurisdiction is on this petition.

[8] **Mr Jackson:** I do not have an answer for you I am afraid. There may be more information on the International Olympic Committee website or other documentation that may further define or give some explanation of the terms used.

[9] **Bethan Jenkins:** There is no harm in our contacting the IOC to confirm what it states about this so that we have a clear idea. To close it straightaway would be disrespectful to the petitioner.

[10] **Val Lloyd:** I agree with Bethan. I have no set views either way, but I think that we should get a formal decision from the IOC so that we would have a firm decision.

[11] **Michael German:** I have heard many members of the Olympic team say that it would be a bad idea, but committee members' personal positions on this do not matter because we must ensure that we treat the petition in the same fair way as anyone else's petition. So, we need to find out what the IOC rules are on this.

[12] **Val Lloyd:** That is the way forward. We will write to the IOC to ask whether Wales's constitutional position within the UK would preclude it from establishing such a team. We will come back to discuss it further when we have that information.

[13] The second new petition is on European funding. It was raised by the west Wales business initiative and includes the signatures of 39 people. It calls on the Assembly's Enterprise and Learning Committee

[14] 'to launch an investigation into the economic use of the European funding received by Wales since 2000 and into the proposed mechanisms for delivery of the Convergence funds in 2007-14.'

[15] I open this up for discussion.

[16] **Michael German:** This would be a major piece of work for the Assembly and would require a full inquiry. The first point of call is the Enterprise and Learning Committee. The European and External Affairs Committee is probably going to look at post-2013 convergence funding because we are starting work on the next round, which is probably more important. So, if the Enterprise and Learning Committee would be prepared to have a look at it, that would be a useful way of starting the process. I am not certain that they will want to take on work of this scale, but it is always worth asking first because the petition is directed at that committee.

[17] **Val Lloyd:** Are there any further comments?

[18] **Andrew R.T. Davies:** I concur with that because, ultimately, we want to see what the main relevant scrutiny committee of this institution could offer the petitioners. If there were then a strand of work that we, as the Petitions Committee, could undertake because the Education and Learning Committee found that it was unable to advance the petition, we could pick that up. However, it is ultimately the Enterprise and Learning Committee's role to scrutinise this petition.

[19] **Michael German:** Not necessarily. The point that I am making is that, although the petition is directed at that committee, the Committee on European and External Affairs also has a role in this. However, it is looking at post-2013 funding—it is looking forward because the real work to be done now is to get the next round right. The first paper on that will be in February 2009, so 2013 starts tomorrow, as it were.

[20] **Val Lloyd:** I agree that we should write to the Enterprise and Learning Committee, particularly in view of the fact that it is going to hold an inquiry early next year. However, I wonder whether we should copy the letter to the Committee on European and External Affairs, out of courtesy, not to ask its members to do anything, but because the petition concerns an area of its remit. I think that it would be courteous to do so.

[21] **Bethan Jenkins:** I agree, but I wonder whether we should also copy the Minister in, or write to the Minister, if there is a response to seek on this. That might also inform the debate more.

[22] **Michael German:** There are two relevant Ministers—

[23] **Val Lloyd:** I was just going to ask which Minister you meant.

[24] **Michael German:** It concerns the First Minister and the Deputy First Minister.

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

[26] **Andrew R.T. Davies:** Is Leighton Andrews also included?

[27] **Michael German:** No, this concerns Rhodri Morgan and Ieuan Wyn Jones.

[28] **Val Lloyd:** The letter would go to both of them. I was about to say that, but Mike pre-empted me.

[29] **Michael German:** Sorry.

[30] **Val Lloyd:** No, not at all. We should send a copy of our letter to the First Minister and the Deputy First Minister, as well as to the Committee on European and External Affairs. I see that we are agreed; thank you.

[31] Our third new petition, P-03-183, is from Coleg Ceredigion, in which the students ask us

[32] ‘to urge the Welsh Assembly Government to improve the rail service in Aberystwyth.’

[33] **Michael German:** Have we discussed a petition recently, or are we about to do so, about trains to Aberystwyth? Is this the petition about the length of trains?

[34] **Val Lloyd:** There was only the petition about trains to Wrexham.

[35] **Michael German:** If that was the only other one on trains, this must be the one that I am thinking of.

[36] **Val Lloyd:** Is Carno not on that line to Aberystwyth?

[37] **Andrew R.T. Davies:** We have had a petition on roads in the area.

[38] **Michael German:** No, not roads. I am mixing up another petition with this one; I thought that this petition was to do with the length of trains, but it is more general than that.

[39] **Val Lloyd:** It is about the service, is it not?

[40] **Michael German:** Okay.

[41] **Andrew R.T. Davies:** It is a very general petition and it would obviously be the responsibility of the Deputy First Minister. Our first port of call should be to seek his views on this.

[42] **Val Lloyd:** Yes, I think that that would be the best course of action.

[43] The last of our four new petitions, P-03-188, is one that all Members will remember because they were present to receive the petition. It received a very large number of signatures and some associated sign-ups on Facebook. The petition concerns the downgrading of the Royal Glamorgan Hospital special care baby unit from a level 3 intensive care unit to a level 2 high-dependency unit. We have received associated letters from the lead petitioner, one of which states that it is a temporary decision. However, temporary or otherwise, I am sure that the people who use it would like more information. Shall we write to the Minister for Health and Social Services to get a clearer picture on why she downgraded it, whether it will be temporary or permanent, when, if it is temporary, the level 3 intensive care unit will be reinstated and what she is doing to promote that end?

[44] **Michael German:** Could I add something, as a little note?

[45] **Val Lloyd:** Yes.

[46] **Michael German:** When we consider the Minister's response, could we have a short note on what a SCBU—I have learnt the word now; that is what it is called, is it not?

[47] **Val Lloyd:** Yes, SCBU is the acronym for special care baby unit.

[48] **Michael German:** Could we have a short note on the difference between a level 3 and a level 2 SCBU? It would be useful to have that.

[49] **Val Lloyd:** I do not know precisely what the difference is.

[50] **Michael German:** The Minister will probably talk about this in general terms and I have no idea what they represent.

[51] **Val Lloyd:** We will ask for that, certainly. In general terms, it is about the level of care that can be provided. A level 3 unit would be able to take care of sicker infants.

[52] **Michael German:** A note to go with it would be helpful.

[53] **Val Lloyd:** That finishes our work on the new petitions for now. I am sure that we will have some responses by our next meeting and, if not, certainly by the one after that, when we will pick up those matters again.

12.40 p.m.

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol

Updates on Previous Petitions

[54] **Val Lloyd:** We have updates of varying descriptions for 13 previous petitions. We will work through them in the order they appear on the paper. The first is P-03-061, which is the petition about the Coal MTAN exclusion zone. We have considered this petition for some time, first in September 2007, then in April 2008, and most recently in October 2008, at which time we agreed to write to the Minister for Environment, Sustainability and Housing. You have a copy of the Minister's reply and of her second consultation on the Coal MTAN. I open the matter up for discussion.

[55] **Bethan Jenkins:** The Minister says in her letter that the matter will go before the Cabinet on 24 November. She also says that she will update the Petitions Committee, but I wish to ask her whether the matter will come before the National Assembly for debate. Can we ask her?

[56] **Michael German:** It would normally be in a statement. Perhaps we could ask for an oral statement. If it is going to come back to the committee, it will presumably be after the matter has gone before the Cabinet. As that is only next Monday and since the Cabinet papers will be made public within a few weeks of that meeting, I presume that we are likely to get the announcement between now and our next meeting.

[57] **Andrew R.T. Davies:** We need to wait for the Minister's response to this.

[58] **Michael German:** We will see the technical advice note, but it would be sensible to have an oral statement on it in any case.

[59] **Val Lloyd:** Shall we wait for the Minister, then? We will pick it up at our next meeting. If we do not have an intimation that there is going to be a statement by then we can write to the Minister asking for one.

[60] **Andrew R.T. Davies:** If the matter is going before Cabinet next week, would now be an opportune time for the committee to write to the Leader of the House asking whether a statement has been scheduled?

[61] **Val Lloyd:** That is a good idea.

[62] **Andrew R.T. Davies:** Otherwise, these things tend to roll on, and I am conscious of the date when this petition was presented—20 September 2007.

[63] **Val Lloyd:** It is a really good idea to write. I assumed that the matter would return to us before the end of term, but it is as well to write.

[64] **Andrew R.T. Davies:** I am just aware that there are only three weeks from today until the end of term.

[65] **Val Lloyd:** Our next update deals with banning plastic bags, P-03-063. We had this petition a considerable time ago from a gentleman who supports the banning of plastic bags and disposable carrier bags. He asked the National Assembly for Wales to ban them. We referred the petition to the Sustainability Committee for consideration, which launched a comprehensive inquiry to investigate the matter. It has now completed its inquiry and published its report. The Chair has courteously sent us a letter, for the record, which is now before us. He suggests that the petition should be closed because the committee did not agree with the petitioner's recommendation that all plastic bags be banned in Wales. Also, the Chair

has pointed out to us that the powers to do so are contained in the Climate Change Bill or within the environmental protection and waste management legislative competence Order. It is a comprehensive reply.

[66] **Michael German:** I understand the reply, but I do not think that we should close the petition at this stage, given that a Plenary debate is due to be held on the topic. We have a committee report, which, as always, will go to Plenary, and during the debate there will be a ministerial response. As a general point, when committees have produced reports of this sort, keeping the petition to the point at which we have the ministerial response would mean that we could conclude the matter when we have reached the end of the process in the National Assembly. So, there are two more stages to go yet. I do not think that we should do anything about it until we hear the Minister's response.

[67] **Val Lloyd:** I concur. Do Members also agree? I see that you do. We may as well see it through to the end.

[68] The third petition is on the miners' welfare ground. This petition has also been with us for some time, initially in September 2007, and we considered the updates in November 2007, February 2008, March 2008, April 2008 and October 2008. At the last meeting, we wrote as a committee to the Deputy First Minister, who has provided a response. He says that officials met with the community council in June, when they explained that there is no possibility of considering reinstating the miners' welfare ground. The Minister has offered to work with the community council to ensure that plans for biodiversity, dog walking and access to the site are considered, and he has offered to keep the community council informed of any major decisions. I also note that the petition is now being moved to the European Parliament by the people who brought it to us. Are there any comments?

[69] **Mr Davidson:** Just to clarify, the petition that has gone to the European Parliament is not from the same group, but it is in relation to the same issue.

[70] **Val Lloyd:** Right, thank you very much for that.

[71] **Andrew R.T. Davies:** It is about how much we can do. The Minister has made his position crystal clear and, although we might not like the decision, that is the decision and that is what Ministers are charged with delivering. Hopefully, through the petitions process, we have shone a light on certain elements of this about which people feel aggrieved, but ultimately someone has to make a decision. There is scope to pass on the work that has been done to the European petitions system, if that is the correct protocol.

[72] **Michael German:** I think that we are creating it.

[73] **Andrew R.T. Davies:** We are creating the protocol because there is no precedent, I presume. However, as it is not from the same petitioners, is it right for us to pass it on or would it be for the petitioners to pass it on?

[74] **Michael German:** Perhaps it is for the European Parliament to ask for it. I was going to raise the same point, Chair.

[75] **Val Lloyd:** I do not know. I think it is up to us, do you not?

[76] **Michael German:** Yes, it is our decision because this is a process in which we have engaged. We are setting a precedent, and it would be useful to establish a link with the European Parliament to ensure that there is a dialogue. There could be reciprocity so that the European Parliament would inform us of petitions it receives that affect Wales.

[77] **Mr Davidson:** We have received correspondence from Marcin Libicki, the chairman of the European Parliament's Committee on Petitions, informing us that it has received that petition and asking whether this committee would be interested in sharing with it any of the information that it had gathered. On a related point, ministerial letters are all in the public domain.

[78] **Michael German:** I am not talking only about this petition—I am thinking about future situations. We should set a good precedent by offering the work that we have been doing to the European Parliament's Committee on Petitions when there is a similar petition on a similar area. However, I would hope that the European Parliament would do the same for us. If it was dealing with something that was within the ambit of the National Assembly for Wales in some way or other, I hope that it would share information with us too.

[79] **Val Lloyd:** Are there any opposing views on that?

[80] **Andrew R.T. Davies:** I would be all for that, but perhaps place a caveat on that. I seek guidance on this, but if a petitioner provides evidence or information—I know that it is all in the public domain—that they have collated specifically as part of their campaign, and you often have two or three campaigns happening in an area because people will try different avenues to raise the profile, who has the right to pass on that information? It is almost like a copyright, so who has the right to pass it on to another jurisdiction? It is in the public domain and people can read it, but who has the right to say that you can use it in formulating another strand of an inquiry and another aspect of evidence-gathering? The petitioners have provided us with evidence that is specific to their cause, which they have collated themselves, and may have paid for, because they might have done a feasibility study for example. If we set a precedent, we must think about how you use the information that petitioners have provided that is personal to them.

12.50 p.m.

[81] **Mr Davidson:** Perhaps Joanest wants to elaborate on that, but we can take a look at that and come up with clear guidance for Members for the future. In this particular instance, I cannot see that there is an issue with sharing correspondence that this committee has received as a result of actions that this committee has taken. It would be for the committee to decide on that.

[82] **Bethan Jenkins:** Surely we can ask the petitioner whether they are happy for us to send information on. If they are not happy with our sending feasibility studies or work that they have done to another body, we could reconsider.

[83] **Val Lloyd:** I suggest that we record it that way and ask the clerk to write to the lead petitioner, suggesting that we will do that. If they say 'yes', the clerk can go ahead, do that and report back to us at the relevant meeting.

[84] **Michael German:** We need to clarify that there is no objection.

[85] **Val Lloyd:** We will close this petition for—

[86] **Andrew R.T. Davies:** I agree entirely with those sentiments, Chair. We need to put a caveat about information in our procedures for future petitioners. It would be good practice for us to try to share information with other bodies and to have petitioners indicate whether they are happy with that at the start, rather than towards the end of the process. We are in new territory, and we all understand that, but that should perhaps be part of our terms of engagement with petitioners. We need to clarify it.

[87] **Ms Webber:** It is something that we need to think through a little further. Perhaps we can have a chat with Joaneest about the different types of information that we receive from different petitioners and the status of that information. We will come back to you on that.

[88] **Michael German:** It is worth saying that every single piece of information that we have received has been, as far as I can judge, in the public domain. There was one occasion when we received—

[89] **Val Lloyd:** Yes, there was one occasion.

[90] **Michael German:** We need some clarity.

[91] **Ms Webber:** It merits some extra thought and we will come back to you on this.

[92] **Val Lloyd:** As you said earlier, this is new ground.

[93] **Michael German:** All these precedents are creating history, Chair.

[94] **Val Lloyd:** You can look at it that way.

[95] **Andrew R.T. Davies:** You are looking for your place in history, Mike.

[96] **Michael German:** It is the Chair who will be in the history books.

[97] **Val Lloyd:** We have agreed to close the petition.

[98] The fourth petition to update you on is Ysgol Hen Felin. This petition was raised by the pupils of the school, and we gave it consideration in February and took evidence from the petitioners in May. We have considered it twice since then, and the relevant Minister made a statement on this recently, which should lead us to consider closing the petition because I note from paragraph 2 of the Minister's statement that she has established a task group. Furthermore, later in the statement, she points to the problems faced by disabled young people when they are trying to access facilities, particularly leisure facilities, and says that she has allocated money to improve that.

[99] **Michael German:** We ought to close the petition, Chair. However, we should give careful thought to how we communicate this to the petitioners from this school and from Porterfield School, which is to come, considering Mencap's project in relation to this sort of work. Perhaps we could seek some advice from Mencap as to how we could best present our final response to the petition, given the information that we have acquired, because I know that letters such as this would not be very accessible to the group concerned. I do not how we might do it, which is why we might seek advice.

[100] **Val Lloyd:** I think that that is a good way forward. We heard from the petitioners, did we not, with their teachers?

[101] **Bethan Jenkins:** Perhaps we can consider this with the communications team. You will probably think that this is an odd idea, but perhaps we could send them a video of what we have said and how we have closed the petition, and about the money allocated, or perhaps we could get the Minister to do that. We could think of other ways of communicating with younger groups that are more accessible to them than letters. As we look at the e-forums and how we are developing our website, perhaps we can start thinking about that for the future.

[102] **Michael German:** The nature of the language that is used is very important.

[103] **Val Lloyd:** We cannot take the petition any further, because we have received an outcome, which is a very good outcome, and I am delighted that the Minister has taken that on board, as I am sure that every other Member is. I take that very good point about how we can communicate that back. I will leave that to the team; I am sure that we will be kept up to date.

[104] **Bethan Jenkins:** For this particular petition, will we be thinking about it in line with responding to this one?

[105] **Val Lloyd:** Yes; we may as well do so.

[106] **Ms Webber:** Yes. We will work with the communications team and find the best way forward.

[107] **Michael German:** It will also probably be the same for the one on Portfield School.

[108] **Val Lloyd:** That very helpfully leads to the next point. You have all seen the last-minute letter that is before you. All of it is relevant, of course, but the important paragraph, in many ways, is the final paragraph. The letter is from the director of transportation and the environment in Pembrokeshire County Council. The final paragraph states that:

[109] ‘we are constantly looking at ways of improving the passenger experience’,

[110] and it thanks us for bringing the issues to Mr Westley’s attention, and states that the issues will be considered as and when services are reviewed or planned in the future.

[111] Is there anything more that we can do on this petition?

[112] **Andrew R.T. Davies:** I have briefly read the letter. I accept the points made by the council. This was not directed specifically at the council; it was a general issue. What came over to me—Mike might have a different appraisal of the meeting that we held down there—is that it states here that all buses have seat belts. One of the children said to me that that was not the point; the point was the inflexibility of the seat belts, given the nature of the disability that many of the children faced. The individual who told me that had a curvature of the spine, so the angle at which he sat meant that the seat belt stuck into his chin, because the seat belt was rigid. They would have a 40-minute journey each way. I felt that it is a matter of practicality more than anything else.

[113] Another student spoke to me about getting on the bus—I think that I have used this example before. There was no handrail for her to use to pull herself onto the bus. She would use the driver’s operating manual bag as a way of pulling herself up the steps. It seems that a simple modification of bus design was all that most of them were looking for, by and large. The impression that I got of the petition was that things are there but not a lot of thought is actually given to the practical use of the instruments that are on much of this public transport.

[114] **Val Lloyd:** I suppose that there is tension somewhere between the general practicalities and the specifics, because each individual pupil in that school, probably, had a specific requirement.

[115] **Andrew R.T. Davies:** That was their point: that they had special needs requirements. If you are going to provide a service for that requirement, surely you should take those into consideration. We do not seem to have had any representation from the transport operators, to get an opinion of how they go about training their drivers. I noticed that the letter from the Minister in London highlights the point that there should be training for drivers; assistance should be offered to people, who request it, to mount buses and so on. By and large, from

talking to people, I have found that that assistance is not forthcoming. However, I appreciate that great strides have also been taken. It would have been quite useful to have a take from transport providers in the private sector—they are the ones who are charged with delivering this type of transport—on their view of the requirements that are placed on them under statute and how they go about meeting those requirements.

[116] **Val Lloyd:** I need to talk this through, because, in my head, I am not sure. Were the transport services at the school that you visited provided by a specific provider, or was it the general transport system?

[117] **Michael German:** The local authority provided specific disabled vehicles for some pupils, and normal service buses on their normal routes. It says that new disability awareness training has been introduced for drivers, which is interesting. I would like to see someone from the transportation and environment department at Pembrokeshire County Council going to the school to talk to the pupils about these issues in the same way as we did.

1.00 p.m.

[118] That would be wonderful, but we cannot require the council to do that. We could suggest that, as a way of explaining it, given that a letter like this is not the best method of communication for this audience. It might be helpful for the council to do precisely what we did—to listen and talk about these issues. We cannot do more than ask whether it would like to do that.

[119] **Val Lloyd:** We could write to Mr Westley, the gentlemen who sent us the letter, saying how much we appreciated his letter and his consideration, but that, when committee members visited the school, they noticed that many pupils had very specific needs, which may not be accommodated and that, perhaps, he could take a look for himself.

[120] **Michael German:** There is an exceptionally high likelihood that Mr Westley will be in the National Assembly next Monday giving evidence to the Standing Order No. 25 Special Assembly Procedure Committee on an entirely different matter. I might take the opportunity, Chair, if you do not mind, to speak to him or to his colleagues about that sort of approach.

[121] **Val Lloyd:** I do not mind at all, if other Members do not mind. Shall we leave the letter until after that?

[122] **Michael German:** No, I think that we should still write the letter; I will tell him that the letter is on its way.

[123] **Val Lloyd:** So, we will write a letter along those lines, outlining why we are doing this. Can we now close this petition?

[124] **Andrew R.T. Davies:** May I labour the point—I appreciate that I might have gone on too much on this—about getting the operators' perspective? It is one thing putting an obligation on someone, but their being able to deliver it is another issue altogether. We have sorted out the obligation that is currently in place by talking to Whitehall, and we have talked to the users, but—unless I missed it in the papers—we have not really heard anything from the providers about their view of the obligation that is put on them, their ability to meet that obligation, or how they think that it could be fine tuned. They might say that everything is hunky-dory, but, from what I heard and saw, things are not hunky-dory. I know that John Pockett from the Confederation for Passenger Transport Cymru came in and gave quite consistent evidence to the Enterprise and Learning Committee on the Draft Learner Travel (Wales) Measure.

[125] **Val Lloyd:** I am wondering whether we are going beyond what we should be doing on this petition. I can see where you are all coming from

[126] **Andrew R.T. Davies:** They are asking for more public service buses in Pembrokeshire to have improved access for wheelchair users.

[127] **Ms Webber:** I am not clear on some of the letters that we have received from Whitehall and from the Deputy First Minister. Do the regulations go into the level of detail on the issues that you are saying were raised? If so, that is a slightly different issue than whether they can be implemented. I am not clear that the requirements that those pupils have are required of the providers, if that makes sense?

[128] **Val Lloyd:** That was the point that I made, but probably not as elegantly as that. The things that the Westminster Minister was suggesting are more run of the mill than the very specific needs of some of the pupils in the school that you visited; those requirements would have to be provided under specific arrangements as part of their extra statement of care, I would imagine.

[129] **Michael German:** That is the case with some of them. It largely depends on the individuals' disabilities—it could be as simple a matter as that of a handle. If the regulation says that you must be aware of disability in a more general sense, how you implement it is down to the local conditions.

[130] **Val Lloyd:** Seat belts, for example, are required, and, yet, one specific pupil had a slightly different requirement that the operator would need to provide for. That is a good example, but it does not fit with this.

[131] **Mr Webber:** So, does the committee want to write back, on a national policy level, to suggest that the regulations are not detailed or flexible enough for the needs of different people, or do you want to write to providers to ask them whether they consider—

[132] **Ms Jackson:** I would like to make two points. First, in all the cases that you referred to, my expectation would be that those needs should be taken into account in the statements of special needs. I am sure that, in this school, every child has a statement of their special educational needs, and their specific needs should be taken into account.

[133] As regards the regulations generally, I would be surprised if there was not a very full consultation with stakeholders, including transport providers, when these regulations were made.

[134] **Val Lloyd:** We have probably gone too far. We should backtrack a little.

[135] **Bethan Jenkins:** The first option is the best in this regard—contacting Pembrokeshire County Council and Ian Westly, its director of transport and environment. We could get bogged down in the regulations.

[136] **Val Lloyd:** Yes, we could get bogged down, although it would be with the best of intentions. Andrew is quite right in that you have to look at it from the point of view of service providers as well. We will close the petition and leave it as we said.

[137] We move on to the sixth petition, which is about Cysgliad. The request is that the Welsh Assembly Government makes the Windows version of that Welsh dictionary and thesaurus available for free download.

[138] **Michael German:** Shall we wait for the Minister to get back to us in due course?

Though I am not sure what ‘due course’ means.

[139] **Val Lloyd:** Yes. The Minister is currently in discussions, although we do not have a date for his response to us.

[140] **Bethan Jenkins:** We could always chase him on that.

[141] **Val Lloyd:** I thought that the letter from Bangor University was very nice—you have probably seen it—thanking us for what we have done.

[142] Petition 7 in this section looks at Welsh honours. We have had a letter from the First Minister on this, and one from the Cabinet Office.

[143] **Michael German:** I thought that the short debate on this subject in a recent Plenary session was one of the best debates that we have had for a long time. More Members were present, from all sides, than usual, which is a sign that they were interested. It was mentioned in more general terms that there is a need for a mechanism to take this forward. There were several possibilities: a cross-party group, a committee of the Assembly, or leaving it to the Business Committee or to the Presiding Officer to find a way of taking this forward. I would not want this issue to get lost, but I think that it is a cross-party issue, and there should be some formality about it. It ought to be a committee of the Assembly rather than an informal committee, which would be like a cross-party group. I do not quite know how it will be formed—perhaps the Business Committee would be responsible for setting it up.

[144] **Bethan Jenkins:** I would suggest that, if people are interested, they set up a cross-party group. I do not think that we need to insist on a formal committee.

[145] **Michael German:** I am not insisting, but the mood of the Assembly at that debate was that there ought to be a mechanism for taking this forward in a formal manner, so that a report can go back to the Assembly on that. The people who determine that, if I am right, are those on the Business Committee. That is what I am saying.

[146] **Andrew R.T. Davies:** Yes, if it is to be formalised.

[147] **Michael German:** Could we write to the Presiding Officer and to the Business Committee and perhaps the Leader of the House, to say that, following the short debate, where there was almost universal support for having some form of Welsh honour, and there was much discussion, we need a way of taking this forward? The trouble with a cross-party group is that it does not report to anyone, it has no authority, and it is not responsible to anyone.

[148] **Bethan Jenkins:** Just for the record, I do not think that there was universal support for Welsh honours. I do not know how you would do this, but perhaps we need to ask all Members whether they would be interested in setting up a cross-party group. There is a strength in having a cross-party group as a first point of call. Then we can perhaps approach it. We need to gather that information before embarking on the formal processes.

1.10 p.m.

[149] **Val Lloyd:** That is what the committee would be doing.

[150] **Andrew R.T. Davies:** I recommend that we write to the Presiding Officer in his role as Chair of the Business Committee. I think that I am right in saying that he chairs the Business Committee. If you wanted to push it forward, irrespective of your view on it, it would have to be on a formal basis, and it would have to be recognised that it would be an

initiative of the National Assembly for Wales—and the Leader of the House is quite right on this—and not a Welsh Assembly Government initiative. That letter to the Presiding Officer in the light of this petition, and in the light of the short debate on the matter, would be well timed. The Business Committee might take the view that there is no need to pursue this any further. However, ultimately, we are responding to the petition rather than the short debate and the views expressed in that debate. If the Business Committee comes back and says, ‘No, that’s not going to happen’, we will have responded to the petition.

[151] **Val Lloyd:** I think that Andrew is quite right that we are responding to the petition. I was not present during the short debate on this subject, so I cannot comment on it, but we are responding to the petition. In that case, I would suggest that we write to the Presiding Officer as Chair of the Business Committee.

[152] **Ms Webber:** So, we are writing to ask for a view rather than to support?

[153] **Val Lloyd:** We can say what we have done.

[154] **Michael German:** We are responding to have the petition, and the committee is looking for a mechanism by which this could be taken forward and, at present, there is no Assembly committee to take it to.

[155] **Andrew R.T. Davies:** It is calling on the National Assembly for Wales to introduce a Welsh honours system, and the committee that deals with the business of the National Assembly for Wales is the Business Committee, of which the Presiding Officer is Chair.

[156] **Val Lloyd:** We are not in a position to say ‘yes’ or ‘no’ to it. We have to set up the proper mechanisms, and that is why we are writing to the Presiding Officer as Chair of the Business Committee, and it will be for the Business Committee to take this forward rather than this committee. We need not close the petition until we have heard from the committee. We can write back to the petitioners telling them what we have done, but it is not for us to say ‘yes’ or ‘no’ to it.

[157] The next petition, P-03-137, is on hypothyroidism. We first considered this in the last meeting in October. We have also had an additional paper. We have had a letter back from the Minister for Health and Social Services, and we have also had a letter from the petitioner.

[158] **Andrew R.T. Davies:** The Minister has responded to a point in the letter that we had on 5 November. Perhaps we should dialogue with the petitioner to see what—

[159] **Michael German:** Sorry, I do not like that use of the English language: ‘dialogue’ is a noun, not a verb.

[160] **Andrew R.T. Davies:** I stand corrected. [*Laughter.*]

[161] **Val Lloyd:** Mike must have had the same grammar teacher as me.

[162] **Michael German:** I am sorry, it just grates on me.

[163] **Andrew R.T. Davies:** We need to see where we can go with this. It is important that the petitioner feels that the dialogue has taken place in the light of what the Minister has come back and said to us.

[164] **Val Lloyd:** Has the petitioner not said that in her letter of 14 November, which she sent to all of us?

[165] **Andrew R.T. Davies:** I am not sure whether I have had it.

[166] **Michael German:** It came the day before yesterday, I think.

[167] **Ms Webber:** That letter was circulated separately, because it came in after the briefing papers were sent out. So, it was sent out with the report on the plastic bags, I think—sorry, it was sent out with Joanest’s paper on the Llanbedr legal point.

[168] **Val Lloyd:** She does not answer the question. It is a comprehensive letter from the petitioner, but I cannot find any specific reference to what she wants done. So perhaps we should write to her first, thanking her for this letter and asking her what steps she would like to see the Minister take to improve the situation regarding diagnosis and management.

[169] **Michael German:** I presume that the recommendations and guidelines in the last but one paragraph on the second page are some of the things that she would like to see addressed. However, I am guessing.

[170] **Val Lloyd:** She is referring to the situation in America in 2006, is she not? It is now nearly 2009, so the situation could have changed again. We will write to ask exactly what she would like, and then we can ask the Minister a specific question. Are you happy with that?

[171] **Andrew R.T. Davies:** Yes.

[172] **Val Lloyd:** It takes a while to get through that letter.

[173] Petition number nine on our list of updates, P-03-140, relates to the foundation phase. This calls upon the National Assembly for Wales to provide sufficient funding for the full roll-out of the foundation phase programme. We considered it initially in July. The Finance Committee has since conducted an inquiry into the financial aspects of the foundation phase and has reported to the Assembly. We have the findings of the Finance Committee before us: item 40 on the foundation phase.

[174] **Andrew R.T. Davies:** What the petitioners asked for has been achieved through pressure by the opposition.

[175] **Val Lloyd:** I see that the Finance Committee welcomes the additional funding provided for the important initiative. So, in that case, shall we close the petition?

[176] **Andrew R.T. Davies:** Yes.

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

[178] **Bethan Jenkins:** We could have fewer party-political points then.

[179] **Val Lloyd:** For obvious reasons, we will consider the next two petitions, P-03-141 and P-03-149, together, because they are the petitions for and against Llanbedr airfield. Joanest, you have provided a very helpful paper. Would you like to make any comments?

[180] **Ms Jackson:** The paper that was circulated by e-mail was my attempt to undertake the task from a meeting or two ago to try to set out some general points, not related to the specific circumstances, that would, hopefully, help you to understand and take into account points made by both sets of petitioners regarding the duties of national park authorities under National Parks and Access to the Countryside Act 1949. It was not an attempt to interpret the current circumstances in the light of the law, but was something by way of background, which was, hopefully, useful for you in considering the particular petitions.

[181] **Val Lloyd:** Thank you, Joanest. For obvious reasons, we are considering these petitions together. We have had a response from the Deputy First Minister and Minister for the Economy and Transport.

[182] **Michael German:** If you put the letter from Jane Davidson alongside the letter from Ieuan Wyn Jones, it is quite clear that the Minister has received a full briefing. I note that it is suggested in the committee's papers that a statement might emerge tomorrow. If that is the case, then we can look at that statement. Since there has been a briefing, I suspect that what we need to know more than anything else is what the obligations are under section 62, and whether these have been complied with and how it has met its duties on those issues. Either we wait for the statement and then write to the Deputy First Minister if it is not in the statement, or, alternatively, we write the letter anyway and we look at the response with the statement when it is provided. We do not know that there will definitely be a statement.

[183] **Val Lloyd:** No, it is not definite. It may be an educated guess.

[184] **Michael German:** Perhaps we should write anyway and hope that we can get the statement to go with a response.

[185] **Val Lloyd:** You mentioned section 62; I am looking at Joanest's paper at the moment—

[186] **Ms Jackson:** Some people refer to it as section 62, because it was that section of the Environment Act 1995 that introduced a new section, 11A, into the National Parks and Access to the Countryside Act 1949.

[187] **Michael German:** So, we should refer to section 11A.

[188] **Val Lloyd:** I had 11A marked down.

[189] **Michael German:** I am sorry.

[190] **Val Lloyd:** That is fine. We have had clarification.

[191] Therefore, we will write to the Deputy First Minister asking him how he has met the duties under that section.

1.20 p.m.

[192] **Michael German:** We could ask him to come back to us with the statement, if one is made.

[193] **Val Lloyd:** Yes. The next petition is P-04-166, on Abertillery District Hospital, in which we were asked to urge the Welsh Assembly Government to look into and address the proposed closure of that hospital by the LHB. We have the Minister's response before us. She notes that:

[194] 'Following the closure of this hospital, Gwent Healthcare NHS Trust proposes to sell the land and it will have no further use as a health facility. The hospital building is not listed.

[195] However, CADW has indicated that it is considering listing the main building and entrance gates.'

[196] **Michael German:** Just to be clear on this, when a health trust sells land, can it do so

without the authority of the Welsh Assembly Government? I am not certain. I am also not certain whether the receipts from healthcare land or assets go back into a central pot inside the Welsh Assembly Government. I may be wrong, but if that were the case then we do not have an answer from the Minister as to whether she is content for the land to be sold. It depends on where the responsibility lies, and, without the answer to that question, I cannot say for certain. Could we have some clarification on that point—whether the disposal of any asset of that sort requires authority from the Welsh Assembly Government.

[197] **Andrew R.T. Davies:** We had a similar situation with the Heath Park residents, did we not? They mentioned that the local health board was selling off assets, and were asking where those proceeds went, and what sort of audit had to be undertaken before the land was sold.

[198] **Michael German:** I do not know the answer to that.

[199] **Val Lloyd:** No, neither do I. I do not think that it has to be used—it goes into a general pot, unless there is a particular clause on it when it was granted, possibly. I do not know.

[200] **Michael German:** If, for example, we find that there is a role for the Welsh Assembly Government in the disposal of health assets—either by approving them, or receiving the money that comes from them—then there are different sets of tests that you need to apply as to whether it is value for money, and so on. Unfortunately, the terms of the petition are very wide—

[201] ‘to look into and address the proposed closure’

[202] does not tell us what we are to address, so presumably we have to address the proposed closure.

[203] **Val Lloyd:** Yes, I believe that we do. Therefore, we would need to ask whether a local determination needs central agreement, and whether the receipt from the sale of the land goes into the general fund of the local health organisation, or does it just go back into the main pot and out again.

[204] Our next petition is another health-related one, P-03-167, on wet age-related macular degeneration. The Minister’s statement has dealt with this in great depth, and I believe that that is what the petitioner was looking for. Therefore, I suggest that we close the petition, as the Minister has resolved the concerns raised in the petition.

[205] **Michael German:** Can we claim a success for the committee?

[206] **Val Lloyd:** I will leave that; I do not write the letters. [*Laughter.*]

[207] The last petition is P-03-171, on fire safety. This petition notes the new risk reduction plans, and calls on us

[208] ‘to urge the Welsh Assembly Government to take action to ensure that current standards of safety are not reduced.’

[209] We have received a comprehensive reply from the Minister, which has clarified issues that I was not aware of previously.

[210] **Andrew R.T. Davies:** I believe that we have all been enlightened by the various points in the Minister’s letter. I fail to see how much further the petition can progress.

[211] **Val Lloyd:** I agree. We should perhaps send a copy of the Minister's letter to the petitioner. I can understand the petitioner's concerns, but I think that the Minister has addressed all of them. It might not be the answer that the petitioner wanted, but the concerns have been addressed in depth. Is everyone happy to close this petition and to send the letter? I see that you are.

1.25 p.m.

Adolygiad o Gynnydd Review of Progress

[212] **Val Lloyd:** There are six petitions that we have chosen not to close at this stage. The first is on the A465 relief road. We have an update from the lead petitioner, Doug Harris. He has written to local residents on this. Is everyone happy to continue with the watching brief on this one? I see that you are.

[213] The next petition is entitled 'Open our Junction'.

[214] **Michael German:** Here is another example of the use of the word 'soon', but in this case it is more specific in that the word 'summer' was used by the Government with regard to when its feasibility study would be ready. I suggest that we now say that the summer has ended and ask whether we can have sight of the feasibility study and the Government's decision on it.

[215] **Val Lloyd:** I agree.

[216] The next petition is on allotments in Treherbert. Those are private allotments. We last considered this in April, after which we wrote to the petitioners to ask whether they wished us to add anything to the letter received from the Assembly Government and they have not responded. We have given them quite a considerable amount of time in which to respond.

[217] **Andrew R.T. Davies:** If you do not get a response, there is not much that you can do.

[218] **Bethan Jenkins:** They probably feel a bit despondent if they have now been closed, so they probably see no benefit in responding.

[219] **Val Lloyd:** We have no option but to close it. We have waited a reasonable length of time.

[220] Our next petition is on anti-bullying schemes in schools. The wording is as follows:

[221] 'The pupils at Pembroke School would like the Welsh Assembly Government to fund anti-bullying schemes in schools'.

[222] **Michael German:** I agree with closing this, but what worries me is that the school made the decision and we do not know necessarily whether they referred to the petitioners, namely the pupils who were at that school. This is an important issue—it is anti-bullying week this week. There is not much that we can do about it, but there is an issue about whether schools in general have the right to say that they want nothing to do with a petition raised by its pupils.

[223] **Andrew R.T. Davies:** We were supposed to visit it.

[224] **Val Lloyd:** That is right—we took it very seriously.

[225] **Michael German:** Yes, but the school said ‘no’; they did not want anything to do with the petition. We do not know this, but the context presumably was that pupils were worried that bullying was not being dealt with effectively in the school. We were taking instructions from those on the other side of the argument, which was not helpful. For future reference, perhaps we should desist from proceeding only at the request of the petitioner and not of someone else on their behalf, unless the petitioners are under the age of 16, in which case we would probably need to refer to their parents. However, since the petitioners in this case have left school, they are presumably over 16.

[226] **Val Lloyd:** You make a good point.

[227] **Andrew R.T. Davies:** Could we seek clarification?

[228] **Val Lloyd:** From the school?

[229] **Andrew R.T. Davies:** Yes—on why the petition was stopped dead. I thought that that happened because the pupils had left. I am sure that I heard that the administrative part of the school knew nothing about the petition and would therefore not host the Petitions Committee on the school campus. I thought that that was the reason for this. The petitioners did this off their own bat and only at the last minute, or whenever they received the request for us to attend, did the administrative side of the school become aware of the petition that was before the Assembly.

[230] **Val Lloyd:** That lends more credence to Mike’s arguments.

[231] **Andrew R.T. Davies:** There were definitely two camps and one of them won the day.

[232] **Bethan Jenkins:** That is the problem is it not? If we are going to encourage young people to submit petitions, we need to allow them to do so in the most flexible way for them.

1.30 p.m.

[233] If they feel that there is a clampdown on their opinions because the school would disagree with them, perhaps we need to clarify our procedures in relation to children.

[234] **Val Lloyd:** We will have to think this through very carefully.

[235] **Michael German:** May I also suggest that it might be worth asking the Children’s Commissioner for Wales for a view on the matter? I know that he has very strong views on how children’s voices are represented, and that might give strength to the argument. I absolutely agree with Bethan and I think that that is the right way forward.

[236] **Val Lloyd:** I think that we are all in agreement.

[237] **Ms Webber:** I have just been informed that Mencap was involved in setting this petition up, so we could go back to Mencap, if the committee wanted to, to see about pursuing this further.

[238] **Andrew R.T. Davies:** As we are relying on memory rather than fact, and as our next meeting is in only two weeks’ time, I suggest that a bit of digging should go on—

[239] **Ms Webber:** In relation to the visit, I think that what you said about why the school pulled out is correct. We still tried to pursue the petition aside from the visit, but the pupils

have left the school. Perhaps we can now contact the petitioners through Mencap and pursue whether they have any views on how we could take it forward.

[240] **Andrew R.T. Davies:** So, there is an administrative angle to consider here, rather than the petition itself. We can direct our energies only to the petition itself. We have learnt a lesson here, and we need to decide how we would deal with the situation at another juncture. If the pupils have left—

[241] **Michael German:** There is the issue about setting a precedent, which is what I was raising, and the broader issue about young people and what happens when there is a request to close a petition from someone other than the petitioners, when the petitioners are children. In that broader context, I thought that it might be useful to have the views of the children's commissioner.

[242] **Val Lloyd:** Yes, I think that it would be. We could also go back to Mencap.

[243] **Michael German:** Yes.

[244] **Bethan Jenkins:** In relation to this specific issue—

[245] **Val Lloyd:** Yes, in relation to this specific issue. So, there are two—

[246] **Michael German:** Separate the two; the one from—

[247] **Val Lloyd:** We can ask for the children's commissioner's view on the general issue regarding someone other than the petitioner seeking to close a petition and send the other one to Mencap.

[248] **Bethan Jenkins:** Shall we keep the petition open, if we do not know where the children who submitted the petition are at the moment?

[249] **Val Lloyd:** Yes. I do not think that we can close it at the moment.

[250] We last considered the petition on St Illtyd's car park, P-03-135, in June, and we wrote to the Vale of Glamorgan Council, asking for a response about ownership. We have not had a reply.

[251] **Michael German:** Chase them, Chair.

[252] **Val Lloyd:** Yes, we will chase them. The last one is P-03-143 on Ysgol Penmaes.

[253] **Michael German:** Sorry, this must be the ex-teacher in me, but this is not an extract from the Rural Development Sub-committee report on 'poverty and deprivation'—

[254] **Val Lloyd:** 'Deprivation'—yes, I had already picked that up.

[255] **Andrew R.T. Davies:** You really are going for it today. [*Laughter.*]

[256] **Michael German:** Yes.

[257] **Val Lloyd:** It should be an 'i'—'deprivation'. Do tell us what is happening.

[258] **Michael German:** There may be all sorts of things happening on that committee—or in rural Wales—I do not know.

[259] However, I make the same point that I made earlier, Chair: this is a report from a sub-committee, which has to go before the full committee, which then has to present it to the Assembly, which then has to debate it, and there then has to be a ministerial response. In such cases, we should keep the petition open until the ministerial response is in place, so that we know precisely what the outcome is with regard to the report. It will not require much to be done because it is just wending its way through the system.

[260] **Val Lloyd:** We did agree that principle earlier. That brings us to the end of the review of progress.

[261] We now have two papers to note. The first is in relation to the petition on Rhyl flats, P-03-068. We closed it, but we also wrote to the Minister on the side issue of naming, and she has replied on that. We also closed the petition relating to Wyeside Arts Centre, P-03-139. This related to funding. We have had a response. That concludes our business for today, so I formally close the meeting.

Daeth y cyfarfod i ben am 1.34 p.m.
The meeting ended at 1.34 p.m.