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Pwyllgor Menter a Dysgu
Enterprise and Learning Committee
Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Val Lloyd AM
Chair of the Petitions' Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

29 April 2009

Dear Val

Petition to change the law regarding school naming

You wrote to me on 17 April 2008 requesting that the Enterprise and Learning Committee consider the merits of the petition seeking a change to the law dealing with the re-naming of maintained schools by transferring the ultimate decision making power from Local Education Authorities (LEAs) to governing bodies.

The petition to change the law regarding school naming in the case of Ysgol Rhydfelen/Gartholwg was discussed in a meeting of the Enterprise and Learning Committee on 3 July 2008. At Members' request, I wrote to the Minister for Children, Education, Lifelong Learning and Skills, asking for a meeting to discuss the issue. A copy of my letter is attached at Annex A. In her reply dated 18 July 2008, the Minister expressed her view that a meeting would not be appropriate. A copy of her reply is attached at Annex B.

During the course of our consideration of this petition, I have taken extensive legal advice, which I now summarise for your information. First, we considered the most expeditious way of changing the law regarding school naming. The necessary provisions are contained in Section 20 of the Education Act 2002. The Minister has indicated that she is not inclined to use the powers available to her.

The National Assembly (under the former constitutional arrangements that applied before 2007) has made regulations under section 20(2) of the 2002 Act in the form of the Government of Maintained School (Wales) Regulations 2005 ('the 2005 Regulations'). Regulations 34 and 35 set out the procedures to be followed for the making and revision of instruments of government. In very broad and simplified terms the procedures focus on discourse between the LEA and the governing body

with a view to reaching agreement as to the instrument of government but, in the absence of agreement between the parties, the LEA may make or vary the instrument of government as it sees fit. The balance of the decision-making power sits firmly with the LEA. Neither procedure has an appeal mechanism.

Since our attempts to lobby the Government have proved unsuccessful, I have been advised that the only manner in which to effect legislative change would be Member- or Committee-backed legislation. Of course, the underlying theme remains the same – that of the likely response of the Government; without support any proposed legislation would undoubtedly be ill-fated.

We have considered a number of other options, such as collating a case file of examples where others have sought to change the name of their school. There is, however, and as far as we are aware, no precedent for the Ysgol Rhydfelen/Gartholwg issue.

Throughout our consideration, the petitioners have proactively expressed their concerns to me and other Members of the Committee. On 31 March 2009, I met with a group of governors, parents, pupils, and former teaching staff, representing the interests of the petitioners, to brief them on the legal position and the likely content of my letter to you. I have to inform you that much of the discussion did not centre on the need to effect legislative change, but rather how current law is being implemented. I have very deep concerns about the catalogue of evidence presented to me regarding the exclusivity of the current approach of introducing the name and branding of Ysgol Gartholwg. It would appear that appropriate democratic channels of consultation are being disregarded, which at the very least is undermining the fundamental relationship between pupils and teachers as well as between governors and the LEA.

While this marks an end to the Enterprise and Learning Committee's consideration of the petition, it is likely that others will wish to progress this issue by different means.

Owing to the grave nature of my concerns, I am copying this letter to the Minister for Children, Education, Lifelong Learning and Skills, the Minister for Social Justice and Local Government, and the Children's Commissioner.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gareth Jones', written in a cursive style.

Gareth Jones AM
Committee Chair

ANNEX A

Pwyllgor Menter a Dysgu Enterprise and Learning Committee

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Jane Hutt AM
Minister for Children, Education, Lifelong Learning
and Skills
Welsh Assembly Government

9 July 2008

Dear Jane

Petition to change the law regarding school naming

The Chair of the Petitions' Committee wrote to me on 17 April requesting that the Enterprise and Learning Committee consider the merits of the petition seeking a change to the law dealing with the re-naming of maintained schools by transferring the ultimate decision making power from Local Education Authorities to governing bodies. I have sought legal advice on this issue.

I am advised that the most expeditious way of effecting legislative change would be for you to exercise the powers invested in you to amend Regulations made under Section 20 (2) of the Education Act 2002. I understand from your correspondence with the Petitions' Committee that you are not disposed to exercise your power in this instance. I have taken further advice on the addition of a mechanism to give an aggrieved governing body some right of recourse. Legal advisers are of the opinion that the National Assembly for Wales already has the necessary legislative competence to legislate in this area, by virtue of Matter 5.2 of Part 1 of Schedule 5 of the Government of Wales Act 2006. They have advised me that making the re-naming of a school a prescribed alteration would provide a balance in the decision-making power of LEAs and governing bodies by necessitating an open consultation and a right of recourse to a third party (an adjudicator) in the event of one party being aggrieved.

The petition and legal advice was discussed by the Enterprise and Learning Committee at its meeting last week. The Committee resolved to seek a meeting with you so that the matter might be considered further. I would be grateful therefore if you would agree to meet me to discuss the issue.

Yours sincerely

Gareth Jones AM
Committee Chair

ANNEX B

Jane Hutt AC/AM
Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau
Minister for Children, Education, Lifelong Learning and Skills



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref
Ein cyf/Our ref JH/01038/08

Gareth Jones AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

18 July 2008

Dear Gareth,

Thank you for your letter dated 9 July inviting me to meet with you to discuss a possible change to education legislation which would enable governing bodies to make the final decision on the name of the school, instead of an LEA, which is currently the position.

You mention in your letter that as Welsh Minister I have powers to facilitate this change by introducing an Assembly Measure under Matter 5.2 of Part 1 of Schedule 5 of the Government of Wales Act 2006. Your reasons for suggesting this is because I have previously made clear that I would not use my powers in the Education Act 2007 to amend the legislation.

I understand your request for me to amend the legislation stems from a recent case involving the change of name for Ysgol Gyfun Rhydfelen. The governing body challenged legislation in the Government of Maintained Schools (Wales) Regulations 2005, which clearly states that in the event that agreement cannot be reached with the governing body over information to be included in a school's instrument of government, local education authorities have the power to make the final determination. The name of a school is one of the pieces of information that must be recorded.

In the case in question the governing body referred to the 1999 school government regulations and associated guidance both of which were no longer in force. My officials carried out a thorough assessment of the matter. Their conclusion, and my determination, was that the 2005 regulations were quite clear in placing responsibility for the final decision on school's instrument's of government with LEAs. It was also pointed out to the governing body (and others that have written to me on this matter) that this was not a new requirement. The same provision was also contained in the School Standards and Framework Act 1998, and the legislation had not changed therefore in 10 years.

The school government legislation is working well for schools in Wales. The Ysgol Gyfun Rhydfelen case is the only one of its kind to challenge the legislation in this way. In light of this I do not consider that at this time amendments should be made to the school government legislation at this time, and I do not think a meeting would be appropriate.

Bae Caerdydd • Cardiff Bay
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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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However, regulations are not meant to be in place for long periods of time without reviewing the provisions, and whether the statutory requirements imposed on schools and LEAs is the right balance to achieve effectiveness. The 2005 regulations have been in place for three years, and will no doubt be reviewed at some future date. When this occurs consideration can be given to amending the legislation in the way you have requested.

As to the process for amending the regulations, I have been advised by the Welsh Assembly Government's Legal Services that it would unnecessary for me to introduce an Assembly Measure to facilitate this, as I have powers in Section 20 of the Education Act

Ieuan Wyn Jones AC/AM
Dirprwy Brif Weinidog /Deputy First Minister



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref
Ein cyf/Our ref DFM/00635/09

1 - MAY 2009

Val Lloyd AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

Dee Val

29 April 2009

Thank you for your letter of the 1st April regarding Petition P-03-099 the multi-user pathway at Talybont-on-Usk.

In my previous letter to you I said that the Mid Wales Trunk Road Agency (MWTRA) had been asked to develop a design so that should resources become available in future years a clearer potential scheme would have been drawn up. I can confirm that Consultants commissioned by MWTRA to investigate and develop a shared use track have produced a draft report for consideration.

Once the findings of the report have been accepted, the scheme will be designed in detail. A bid for funding will then be made in competition with other schemes.

Ieuan Wyn Jones

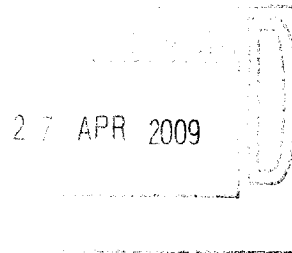
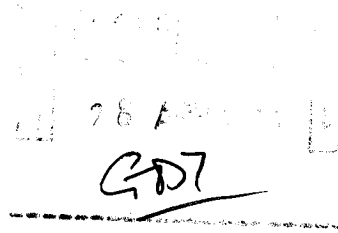
Ieuan Wyn Jones
Gweinidog dros yr Economi a Thrafnidiaeth
Minister for the Economy and Transport

GDT

Alun Ffred Jones AC/AM
Y Gweinidog dros Dreftadaeth
Minister for Heritage

Eich cyf/Your ref
Ein cyf/Our ref AJ/00262/09

Val Lloyd AM
Chair Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA



20 April 2008

Dear Val,

Thank you for your letter, dated 1 April 2009, regarding the petition for making the Windows version of the Cysgliad Welsh dictionary/thesaurus available for free download. It is my understanding that the petitioners' wishes are based on the fact that a Macintosh version of Cysgliad is available for free download, but not a Windows version. Obviously, the situation is causing some confusion, and the best result for the wellbeing of the Welsh language would be for all versions to be available for free download.

My officials have discussed this issue with the Welsh Language Board. The situation is an historical one, that will be solved with each new technological grant. The Board's strategy for Language Technology (2006) notes the need for each IT development that receives financial assistance from the Board to be made available freely (including individual components). The Macintosh version of Cysgliad was funded after this date, but grants were awarded for the Windows version prior to this date. In future, if grants were awarded by the Board to develop Cysgliad (Windows or Macintosh), the products would have to be made available freely.

Of course, this does not solve the current issue. Officials from the Board have held discussions with Canolfan Bedwyr, Bangor University, creators of Cysgliad (Windows) to explore the possibility of releasing the present version for free. The terms offered were more than the funding available. Canolfan Bedwyr were also not in a position to release the network version of Cysgliad Windows for free nor the individual components, so that other software developers could benefit from the work undertaken using the Government's grant, namely to promote the Welsh language.

The Welsh Language Board will continue to discuss this issue with Canolfan Bedwyr. In the meantime, any future financial assistance from the Board towards further development of Cysgliad (and any other IT product) will guarantee that it is made available for free download under an appropriate licence.

Yours sincerely,

Alun Ffred

Alun Ffred Jones AC/AM

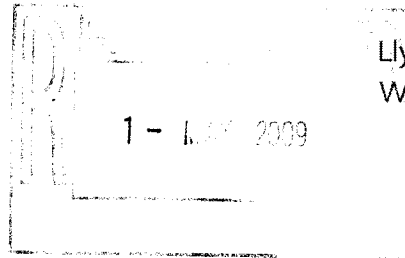
Y Gweinidog dros Dreftadaeth/Minister for Heritage

Ieuan Wyn Jones AC/AM
Dirprwy Brif Weinidog /Deputy First Minister



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref
Ein cyf/Our ref DFM/00632/09



Val Lloyd AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

29 April 2009

Dear Val

Thank you for your letter of 1 April about the petition that was received from the Guide Dogs for the Blind.

We do not believe a moratorium on the implementation of shared space schemes is appropriate at present given that there is no conclusive evidence to suggest that such surfaces are inherently any less safe than conventionally kerbed environments.

My officials are currently developing the National Transport Plan, and at this stage we are examining the transport issues across Wales. The approach is holistic, examining the issues across all modes, and will include identifying issues around safety and accessibility.

As with each element of the National Transport Plan, I will require that proposed interventions that address these issues are also assessed in relation to their impact on the wider programme, so that the National and Regional Transport Plans together deliver the Wales Transport Strategy 'One Wales: Connecting the nation'.

I hope to publish the Plan later this year.

Ieuan

Ieuan Wyn Jones
Gweinidog dros yr Economi a Thrafnidiaeth
Minister for the Economy and Transport

ADJ

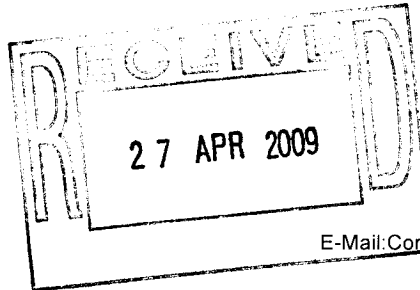
Edwina Hart AM MBE

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Our ref: EH/01295/09

Your ref: PET-03-153

Val Lloyd AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA



Llywodraeth Cynulliad Cymru
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Can Val

27th April 2009

Thank you for your letter of 2 April to Brian Gibbons AM regarding Petition P-03-153 on body piercing. I am replying because the issues raised are primarily ones of public health. There are a number of pieces of legislation relating to cosmetic piercing, however as you are aware, there is currently no statutory age of consent for cosmetic piercing (body piercing and ear piercing). Cosmetic piercing of a minor is lawful provided a valid consent is given. Minors are able to give valid consent themselves if they are capable of understanding the nature of the act to be done.

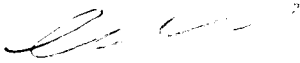
In 2004, the Local Government Act 2003 amended the Local Government (Miscellaneous) Provisions Act 1982 to include cosmetic piercing and semipermanent skin-colouring businesses in the list of those which local authorities have powers to regulate. This legislation gives local authorities in England and Wales specific powers to require persons carrying out cosmetic piercing businesses to register themselves and their premises and to observe byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment. However, this legislation is reserved and I understand that the Department of Health have no current plans to introduce legislation to make the cosmetic piercing of minors a criminal offence. The Department of Health are of the opinion that introducing a minimum age of consent might result in children piercing themselves or each other in an unsafe and unhygienic way or going to disreputable businesses. In addition, the UK Government prefers that businesses carrying out cosmetic piercing should be subject to local authority control so that these activities can be carried out in a safe and hygienic manner.

27 APR 2009

GP7

The Health and Safety Executive has produced guidelines for local authorities on the enforcement of skin piercing activities. These contain useful advice for local authorities in working with businesses to promote a reasonable approach to age of consent issues.

Powers are available to Welsh Ministers to regulate certain types of independent healthcare services in Wales under the Care Standards Act 2000. Although body piercing (as well as tattooing) is currently exempt from regulation under the Care Standards Act, my officials are currently assessing the regulatory options in relation to non-surgical cosmetic treatments, including body piercing and tattooing. The issues raised by the Committee will be taken into account in this work. Once this work has been completed, I will write to you to inform the Committee of the outcome.

A handwritten signature in black ink, appearing to be 'D. Jones', is located below the main text.

Ieuan Wyn Jones AC/AM
Dirprwy Brif Weinidog /Deputy First Minister



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref PET-03-197
Ein cyf/Our ref DFM/00562/09

1 - MAY 2009

Val Lloyd AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

29 April 2009

Deo Val

GDP

Petition P-03-197 Save the Vulcan

Thank you for your letter dated 24th March regarding the petition to save the Vulcan public house. You have requested that I clarify the current situation regarding the legal situation and my role, powers and responsibilities in the matter.

I have received a number of requests recently for information relating to the Vulcan public house. On 13th January I wrote to Jenny Randerson AM regarding the possibility of using the CPO powers available to acquire the property. On the 23rd January a detailed reply to a Freedom of Information request was written to Mr T Richards. I enclose copies of both letters as I believe that they will provide you with clarification of the situation.

I will, however, reply more fully to the implied question arising from your Committee's meeting with the petitioners as to whether the Welsh Ministers can influence the owner because the Welsh Ministers could decide to acquire the property.

I should commence by repeating the indication in both letters that the powers contained in the compulsory purchase order must be exercised only to achieve the objective justified when making the order. An order has a "life" of 3 years during which the powers can be used but at whatever date those powers are applied the justification for using them must remain valid. These powers are held by the Welsh Ministers and in this case fall within my portfolio.

Whilst in theory I can decide to serve the required Notices to take ownership of the Vulcan public house, in practise I consider it unwise to do so. The Adam Street site is now in single ownership and held by a party who has development proposals that accord with the existing planning permission. That party progressed acquisition on the basis of agreements reached with the former Welsh Development Agency. If we were to now seek to acquire the building, that would reverse the intention of the order to unify ownership so that comprehensive development could be achieved and would be contrary to the agreements reached. It would be questioned how that action furthered the objective of the Order. In addition, if the purpose of so acting was acknowledged to be preservation of the building, the current owner could then reasonably claim that the purpose of acquisition had changed (i.e. the justification for making the order no longer remained valid) and seek a Court action against the Welsh Ministers for acting ultra vires.

It is possible that some influence can be exercised with the owner but it is not considered to be possible to use the existence of the powers of acquisition under the compulsory purchase order as any form of pressure to comply.

I must, however, also consider the rights and objectives of the owner of the property and the role of the Planning Authority in this matter. The future of the Vulcan public house was considered during both the progress of the planning application before Cardiff City Council and the compulsory purchase order before an Inspector at a Public Inquiry. The conclusions were similar; the property should form part of the comprehensive redevelopment of the Adam Street site. The form of development of that site was, and remains, in outline only with a requirement to comply with the approved Masterplan. The Inspector commented upon the merits of the Vulcan public house but on balance considered that it should be included in the site, leaving it to the local planning authority to decide whether or not the building should be incorporated into the development.

In my letter of 13th January to Jenny Randerson AM, I stated that I was of the opinion that this was a matter for resolution between the owner and Cardiff City Council as part of the planning process. I am not convinced that it would be correct for the Welsh Ministers to intervene in that debate with a statement at this time either promoting preservation or demolition of the building. This is particularly so as the Welsh Ministers have already considered the future of the property and approved the compulsory purchase order, which had as its foundation an approved planning permission.

If I were to seek to influence the owner at this time, it would be to press the company to discuss the matter with the Council and interested parties with a view to achieving an acceptable resolution. The petitioners have made their views known and I am sure that both the owner and the local planning authority will take these views into account.

As you say this is a complex situation but I hope that this letter and the attachments provide adequate clarification.



Ieuan Wyn Jones
Gweinidog dros yr Economi a Thrafnidiaeth
Minister for the Economy and Transport

Ieuan Wyn Jones AC/AM
Dirprwy Brif Weinidog /Deputy First Minister



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref NOR/Planning
Ein cyf/Our ref DFM/02386/08.

Jenny Randerson AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

13 January 2009

Dea Jenny

VULCAN PUBLIC HOUSE, ADAMSDOWN

Thank you for your letter dated 5th December 2008 regarding the Vulcan Public House, Adamsdown to Alun Ffred Jones, Minister for Heritage. It has been passed to me for reply. You have enquired as to whether the Welsh Assembly Government could implement its powers under the compulsory purchase order to protect the future of the Vulcan. My officials have considered this but advise me that it would not be reasonable or proper to do so. The purpose of the Welsh Ministers (St David's Phase 2, Cardiff) Compulsory Purchase Order 2006 was to facilitate comprehensive redevelopment. The proposed redevelopment received outline planning permission from Cardiff County Council in September 2005 and it requires that development of Adam Street be in accordance with an approved Masterplan.

The Order mirrored that permission and authorised compulsory acquisition for "the purpose of a mixed use development, including new shopping and leisure facilities, residential accommodation, car parking and related uses, construction of a new library, construction of new streets, public squares and other public realm works and transportation facilities". It would not be possible to use the powers available in the Order to preserve the Vulcan as to seek to acquire other than for comprehensive redevelopment would be contrary to the authorised purpose of the Order. Cardiff County Council can agree with the developer amendments to the Masterplan for Adam Street and therefore how the Vulcan is dealt within the redevelopment is a matter to be resolved between the Council and the developer

Ministerial Circulars recommend that property be acquired by negotiation, relying upon the compulsory powers only where agreement cannot be reasonably concluded. The developer has pursued negotiated acquisitions and has acquired the freehold interest in the Vulcan with a short-term lease back to Brains pending redevelopment.

I trust this fully addresses your query.

A handwritten signature in cursive script, appearing to read 'Ieuan Wyn Jones'.

Ieuan Wyn Jones
Gweinidog dros yr Economi a Thrafnidiaeth
Minister for the Economy and Transport



Mr T Richards
Via e-mail

Eich cyf * Your ref:
Ein cyf * Our ref: FOI//3034/63/NS
23rd January 2009

Dear Mr Richards

Freedom of Information Request 3034

I am writing with reference to your e-mail to the Freedom of Information Officer dated 22nd December 2008. You asked for the following information concerning The National Assembly For Wales (St David's Phase 2 Cardiff) Compulsory Purchase Order 2006 No 84:

- Confirmation of the purpose of the CPO.
- Whether this was subject to appeal by Brains Breweries.
- Confirmation of the sale of the land subject to CPO to Marcol Asset Management.
- The rationale for the sale.
- The person upon whose authorisation the sale was made
- What happened to the land
- A copy of records of the enquiry relating to Brains appeal particularly their arguments against the CPO
- A copy of the full text of the judgement against Brains

A review of files has identified the following:

- Confirmation of the purpose of the CPO

It is confirmed that The Vulcan public house is included in the Welsh Ministers (St David's Phase 2, Cardiff) Compulsory Purchase Order 2006. The Order authorised

the purchase of land “for the purpose of a mixed use development, including new shopping and leisure facilities, residential accommodation, car parking and related uses, construction of a new library, construction of new streets, public squares and other public realm works and transportation facilities”. The schedule and the map to the Order defined the extent of the properties involved.

The stated purpose briefly described the features of the development defined in a planning permission dated 14th February 2005 (No. 02/02419/C) and a variation planning permission to that dated 5th September 2005 (No. 05/00502/C) both by Cardiff County Council. Your attention is drawn to condition 40 in both permissions which requires that details are to be submitted to the Council in respect of the site south of Adam Street (within which The Vulcan is located) “for a comprehensive mixed use development in accordance with Masterplan 2 or such other Masterplan as shall be agreed in writing with the Local Planning Authority.”

The planning applications had been submitted on behalf of the St David’s Partnership (a consortium which included Land Securities) but it is incorrect to state that “the CPO was made to acquire property for Land Securities to use as a car park while St David’s Phase One (sic, actually Phase 2) was being developed”. First an Order is made by a statutory body having those powers to achieve a scheme considered by it to be in the public interest. It is the achievement of the objectives of the scheme and not the identity of the developer (or developers) which is of importance to an acquiring authority. This is expressed in the letter dated 10th May 2005 to John James of Fletcher Morgan (copy attached) who was acting on behalf of Messrs Rapport and Amodeo. For this reason the Order includes the lands owned by the developers and a separate agreement details the terms of the transaction between the acquiring authority and the developers with undertakings by the developers to progress the intended development. Second also stated in that letter is reference to the fact that the proposal for the Adam Street site was its comprehensive redevelopment rather than merely the temporary car park.

- Appeal by Brains Breweries

It is confirmed that an objection to the compulsory purchase order was made on behalf of S. A. Brain & Co Ltd in two letters dated 21st December 2005 and 8th February 2006. The nature of the objection was that they would lose a valuable trading outlet which has been a well known hostelry and that there was little or no opportunity to replace it with a property of similar character. They also mentioned that it was a well known Cardiff landmark and (incorrectly) that it was a Listed building.

A rebuttal statement was made on behalf of the Welsh Assembly Government as the promoting acquiring authority (copy attached). This explained the reasons for inclusion of The Vulcan public house in the scheme.

The written objection on behalf of S A Brain & Co Ltd was considered by the Inspector at a Public Inquiry together with the statement of the Welsh Assembly Government and his comments and recommendations are contained in his Report. Your attention is particularly drawn to paragraphs 8.51, 10.87 to 10.91 and 11.42 to 11.44 in that Report (copy attached).

- Sale of land to Marcol Asset Management.

There has been no sale of land to Marcol Asset Management by the Welsh Ministers.

Whilst a compulsory purchase order authorises acquisition the process to achieve ownership requires activation by the service of either a Notice to Treat or a Vesting Declaration and in the case of the Vulcan public house no such Notice or Declaration has been served.

It is understood that Marcol Asset Management has acquired the freehold interest in the property from S A Brain & Co Ltd by private negotiations, albeit with the background knowledge of the existence of the compulsory purchase order.

- Rationale for the sale

As there has been no sale the following comments explain the rationale behind the matter.

Prior to the former Welsh Development Agency promoting the draft compulsory purchase order in 2005 a number of collateral negotiations were being conducted as there is a desire to obtain the development by agreement rather than by Order. As recommended in NAFW Circular 14/04 "Compulsory Purchase Orders" the Order is promoted in parallel with those negotiations in order to ensure land assembly. One of those was with Messrs Rapport and Amodeo.

Marcol Asset Management (through various ownerships and agreements) effectively controlled a substantial part of the site south of Adam Street and at the time of promoting the Order only two major properties remained to be acquired – the Vulcan public house and D & B Meats premises. Marcol Asset Management also objected to the Order stating a number of grounds including that they had development proposals of their own. The site had long been identified by Cardiff County Council as being one which they wished to see redeveloped and Marcol Asset Management considered itself capable of achieving its development. The requirement for temporary car parking in connection with the St David's Phase 2 development would delay implementation of comprehensive development but they had accepted that in negotiations with St David's Partnership.

As has been stated the objective of an acquiring authority is not acquisition per se but achievement of the scheme. The Welsh Assembly Government, continuing the approach of the former Welsh Development Agency, agreed to defer activating the Order in respect of the properties in Adam Street to provide time for Marcol Asset Management to continue their negotiations with those owners to acquire by agreement. If this was achieved, as it has been, there would be no need for the powers of the Order to be exercised as the ownership would have been unified in a private development company capable of achieving the objective of comprehensive redevelopment.

The fact that these discussions with Marcol Asset Management were proceeding was mentioned in the Statement of Case (copy attached) and is also referred to by the Inspector in his Report.

- Person who authorised the sale.

Again as no sale by the Welsh Ministers has occurred there has been no authorisation of a sale.

The principle of an agreement with Marcol Asset Management not to acquire in the event of them achieving ownership of the whole site was made as part of the process of preparation of the draft compulsory purchase order when being managed by the Welsh Development Agency and was "inherited" by the Welsh Assembly Government upon merger of the bodies in 2006. This principle accords with advice given in Circular 14/04 mentioned above regarding justification of a compulsory purchase order and the requirements of the Welsh Development Agency Act 1975 (as amended) that it must be shown that the land would probably not be brought forward for development unless the acquiring authority acted.

- What happened to the land

Redevelopment of the Adam Street site cannot commence until the temporary car parking requirement has been fulfilled. The Vulcan public house was not required in connection with the temporary car park but is required as part of the redevelopment of the area.

We are aware that Marcol Asset Management has acquired the freehold interest in the Vulcan public house and has let it back to S A Brain & Co Ltd as a temporary arrangement pending redevelopment. We are also aware that redevelopment proposals in accordance with the Masterplan approved by Cardiff County Council are being prepared. The form of the redevelopment and how the Vulcan public house is treated as part of that redevelopment is a matter for agreement between the owner and the local planning authority.

- A copy of records of the enquiry relating to Brains appeal particularly their arguments against the CPO.

A number of copy documents are attached but if you are unable to read them I can post under separate cover if you would please provide a mailing address.

- A copy of the full text of the judgement against Brains.

A copy of the Inspector's Report in respect of the Public Inquiry into the compulsory purchase order is attached and if you prefer I can send you a printed copy.

Your request was considered according to the principles set out in the Assembly's Code of Practice on Public Access to Information (third edition). The Code is

published on the Internet at www.information.wales.gov.uk. If you prefer, I can send you a printed copy.

If you believe that I have not applied the Code of Practice on Public Access to Information correctly or have not followed the relevant laws, please contact me to request a first stage review. If, after that, you are still not satisfied you may request a formal review by the Assembly Government. When dealing with any concerns, we will follow the Assembly Government's Code of Practice on Complaints which is available on the Internet at www.wales.gov.uk or by post.

You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745
Fax: 01625 524 510

Email: enquiries@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request then you may make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Yours sincerely

Nick Srdic
Senior Finance and Performance Manager
DE&T OPS South East Region

Jane Hutt AC/AM

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau
Minister for Children, Education, Lifelong Learning and Skills



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref PET-03-207
Ein cyf/Our ref JH/00547/09

Val Lloyd AM
Chair, Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

23rd April 2009

Dear Val,

P-03-207 - Support for the unemployed in Monmouth

I am replying to your letter of 1st April regarding a petition received by the Petitions Committee, which urges the Welsh Assembly Government to:

"investigate how to provide support and effective information to people in Wales who are looking for employment, training, or trying to initiate a business enterprise, locally [ie Monmouth area]".

I appreciate that there are significant concerns about the support available to help people into employment, particularly in light of the current economic situation. I note also that the petition has been prompted in part by concerns about the impact of the closure a few years ago of the Jobcentre Plus office in Monmouth. I am enclosing with this letter a separate note provided by Jobcentre Plus Wales, outlining their services for jobseekers in Monmouth, and I set out in more detail below the support that is available to help unemployed and economically inactive people.

As you will know, employment policy is a non-devolved area, being reserved to the UK Government (Department for Work and Pensions – DWP). However, the Welsh Assembly Government works in close partnership with DWP and Jobcentre Plus to ensure that programmes are tailored as far as possible to meet the particular needs and circumstances of people and communities throughout Wales. The range of provision includes the New Deal (due to be superseded later this year by the Flexible New Deal), *Pathways to Work*, Local Employment Partnerships and the *City Strategy* partnerships in Heads of the Valleys and Rhyl. We are currently working with DWP in developing the comprehensive and wide-ranging programme of reform outlined in the recent White Paper (*"Raising expectations and increasing support: reforming welfare for the future"* – December 2008) and the Welfare Reform Bill. Key elements of the reforms are a focus on greater support to help disabled

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English Enquiry Line 0845 010 3300
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people and older people into employment; simplifying the benefits system; and achieving a better integration between employment and skills services.

On this latter point, training and skills provision is of course a devolved matter, and we have a key training programme called *Skillbuild*. We are striving to enhance the link between employment and skills services through the "Careers Ladders Wales" model, as outlined in our skills and employment strategy, "*Skills that Work for Wales*". The model, on which we are currently progressing a number of trial projects, is based on the principle of a seamless journey of support for the individual, incorporating skills and employment assistance, in tandem with an improved information, advice and guidance system. The Wales Employment and Skills Board is driving forward the implementation of the actions set out in "*Skills that Work for Wales*", and has established a working group to progress ideas for the most effective integration of the employment and skills agendas.

It is important to emphasise that we are progressing Wales-specific activities to support unemployed and economically inactive people. Perhaps the most notable initiative is *Want2Work*, which we have developed jointly with Jobcentre Plus Wales, and which is supported with European funding. This provides a range of back-to-work support for people claiming inactive benefits in some of the most disadvantaged areas across Wales.

We are also very conscious of the need to take positive action in the current economic circumstances. In our ongoing series of All-Wales Economic Summits, we have announced a range of actions. These include work with DWP on a recruitment and training grant to assist employers who take on people who have been unemployed for six months or more; enhancements to our *ReAct* programme, which provides training assistance to people who have been made redundant; and a new initiative called *ProAct*, which provides financial support for employees to undertake training, as well as assistance in relation to wage costs while training is in progress.

We place an equally great emphasis on ensuring that there is appropriate support for young people who are on the brink of making the transition into employment, as evidenced by 14-19 Learning Pathways, the Welsh Baccalaureate, our programme to retain apprenticeships levels, and the recently published strategy document, "*Delivering Skills that Work for Wales: reducing the proportion of young people not in education, employment or training (NEET) in Wales*".

I trust that this response demonstrates the wide range of activity to support unemployed people in Wales, both in terms of the Welsh Assembly Government's own programme of actions and also our joint work with DWP and Jobcentre Plus.

Y
Laws,
Jane

Jobcentre Plus Wales – Information on services in Monmouth area

Over the last few years, Jobcentre Plus has modernised the way in which it delivers its business. The changes that have been introduced with the new service are designed to enhance the service that is provided to all customers.

Jobcentre Plus has made a significant investment in Information Technology and this means that as more of their services become available online and via the telephone, they are reducing the need for many customers, especially those living in rural areas like Monmouth, to travel to a Jobcentre Plus office just to report a routine change in their circumstances or to seek information about job vacancies.

All Jobcentre Plus customers making a new claim for Jobseeker's Allowance or other benefits do so by telephoning on 0800 055 66 88 or by textphone on 0800 022 48 88. In addition, a Welsh Language service is available on 0800 0121 888, or Welsh textphone on 0800 022 48 88.

Jobcentre Plus appreciates that customers travelling from Monmouth to the offices in either Abergavenny or Chepstow have a round trip of about 35 miles; however, there are alternative Jobcentre Plus offices in Coleford, Gloucestershire (which would be a 14 mile round trip) and in Ross-on-Wye, Herefordshire (which would be approximately 22 miles there and back).

Jobcentre Plus have recently contacted all customers with a Monmouth address to let them know of the alternative offices that they could use, and customers in Monmouth making a new claim for Jobseeker's Allowance would be advised by the Call Centre that they can choose to sign fortnightly at either the Abergavenny, Coleford, Chepstow, or Ross-on-Wye offices.

However, where there are customers claiming benefits other than Jobseeker's Allowance who have exceptional difficulties in attending at an office, for example, disabled people with mobility problems, or lone parents who have no access to childcare facilities, Jobcentre Plus will consider making home visits to meet the customer and discuss the support that can be provided.

Similarly, customers can telephone on 0845 60 60 234 to find out what vacancies are available and how to apply for them. Textphone service is available on 0845 60 55 255, a Welsh Language service on 0845 60 67 890, and a Welsh Language textphone service on 0845 60 44 022.