



**Cynulliad Cenedlaethol Cymru
Y Pwyllgor ar yr Ymchwiliad i'r Achosion E.coli
yng Nghymru**

**The National Assembly for Wales
The Committee on the Inquiry into the E.coli
Outbreaks in Wales**

**Dydd Llun, 7 Tachwedd 2005
Monday, 7 November 2005**

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 o'r Cynulliad yn bresennol: Jocelyn Davies (Cadeirydd), Jeff Cuthbert, Val Lloyd, Jonathan Morgan, Jenny Randerson, Karen Sinclair.

Swyddogion yn bresennol: Jeff Godfrey, Cyfarwyddwr Gwasanaethau Cyfreithiol; Peter Jones, Cwnsel i Wasanaethau Seneddol y Cynulliad.

Eraill yn bresennol: Julie Barratt, Cyfarwyddwraig, Sefydliad Siartredig Iechyd yr Amgylchedd Cymru; Dr Carl Clowes, Aelod o'r Bwrdd, Canolfan Iechyd Cymru; Dr David Seal, Prif Weithredwr Gweithredol, Canolfan Iechyd Cymru; Joy Whinney, Cyfarwyddwr, Asiantaeth Safonau Bwyd Cymru .

Gwasanaeth Pwyllgor: Jane Westlake, Clerc; Vaughan Watkin, Dirprwy Glerc.

Assembly Members in attendance: Jocelyn Davies (Chair), Jeff Cuthbert, Val Lloyd, Jonathan Morgan, Jenny Randerson, Karen Sinclair.

Officials in attendance: Jeff Godfrey, Director of Legal Services, Welsh Assembly Government; Peter Jones, Counsel to the Assembly Parliamentary Service.

Others in attendance: Julie Barratt, Director, Chartered Institute of Environmental Health, Wales; Dr Carl Clowes, Board Member, Wales Centre for Health; Dr David Seal, Acting Chief Executive, Wales Centre for Health; Joy Whinney, Director, Food Standards Agency Wales.

Committee Service: Jane Westlake, Clerk; Vaughan Watkin, Deputy Clerk.

*Dechreuodd y cyfarfod am 2.29 p.m.
The meeting began at 2.29 p.m.*

Ethol Cadeirydd Election of Chair

Ms Westlake: Good afternoon, ladies and gentlemen; welcome to this committee meeting. I remind members of the public to turn off any mobile phones and pagers, as they interfere with the recording equipment. In the event of an emergency, or the need to evacuate the building, please go out of the doors and follow the ushers' instructions. They will tell you in which direction to go.

The first task for the committee this afternoon is to elect its chair. Therefore, I ask for nominations.

Val Lloyd: I nominate Jocelyn Davies.

Ms Westlake: Are there any other nominations? I see that there are not.

*Etholwyd Jocelyn Davies yn gadeirydd.
Jocelyn Davies was elected chair.*

2.30 p.m.

Cyflwyniad, Ymddiheuriadau, a Datganiadau o Fuddiannau Introduction, Apologies, and Declarations of Interest

Jocelyn Davies: I do not think that any apologies have been notified to us. Does anyone have

any declarations of interest? I see that there are none.

2.30 p.m.

**Papur gan yr Ysgrifennydd Parhaol
Paper from the Permanent Secretary**

Jocelyn Davies: We have Mr Godfrey in attendance for this item. Please speak to the paper, and then we will take questions.

Mr Godfrey: I extend the Permanent Secretary's apologies that he is not here in person to present the report—he is at Cabinet this afternoon.

I have some additional comments to make to the report that has been circulated by the Permanent Secretary. The report deals with four issues: delegation, the funding of the inquiry, its composition, and the issue of rules of procedure.

On delegation, the paper invites the committee to consider the delegations that will be necessary for the public inquiry, once it is established, to operate effectively. It recommends to the committee that the most appropriate basis for delegating powers is to the Permanent Secretary via the First Minister, on the basis that this would be consistent with the division in the Assembly between the Assembly and the Welsh Assembly Government. Delegating powers under the Inquiries Act 2005 would not undermine the independence and impartiality of the public inquiry. That is, effectively, preserved by the Act itself, which would transfer responsibility for running the inquiry to a chairman and a supporting panel. This looks at the support that that panel and chairman would require from officials in the wider Assembly, and the best means by which that support could be delivered.

I do not propose to say a great deal about the items on funding and the composition of the inquiry, although the committee will need to consider composition, in particular when it looks at the proposed terms of reference. The last item to be dealt with by the Permanent Secretary's report is the question of statutory rules of procedure, on which I will add some comments, in view of comments that appear to have been made arising out of the Permanent Secretary's report.

The Permanent Secretary is not saying that a public inquiry cannot commence until rules are in place. Ideally, it would be better if rules were in place, but, as the report makes clear, the Inquiries Act 2005 does not prevent the inquiry being commenced at a time when rules may not have been adopted. Indeed, at the time that the Act was passed, this problem was anticipated in a Department for Constitutional Affairs consultation paper, which commented that, during the period between the Act coming into force and rules being made, it would be appropriate for the chairman to use powers of direction under the Act to conduct the inquiry, based on any draft rules that may be in existence, or using any draft rules as a guide.

At present, there are no draft rules published by the Department for Constitutional Affairs, but we are reasonably confident that there will be draft rules published for consultation in the next month or so. Therefore, it would be open to the chairman to use powers under the Act to adopt those rules, to the extent that they were considered appropriate, in order to conduct the public inquiry, pending any formal rules being brought into effect by the Assembly. However, the likely effect, in addition to the draft rules that will be published by the Department for Constitutional Affairs, is that there may be a need to consider, from our own part, Welsh-language provisions, which are unlikely to be in any draft rules that are published in England. That aside, there should be a basis on which the chairman, and those advising the chairman, could commence the inquiry without formal rules having been put in place.

Jonathan Morgan: On establishing the inquiry and the need for delegation Orders, presumably they would be fairly straightforward, and therefore we would anticipate that we should be able to get them done quickly. I cannot imagine that the delegation Orders would be that complex and, in terms of timing, we have to report back to Plenary by the first week of December.

Mr Godfrey: The Permanent Secretary is anticipating that the issue of delegation could be raised as part of your report to Plenary and, in establishing the terms of reference, Plenary could, at that stage, set out the delegations that are needed for the conduct of this inquiry.

Jonathan Morgan: On the statutory rules of procedure, I am pleased with the clarification that you have given as to whether the inquiry can proceed regardless of the fact that the rules do not exist. I am pleased that we can proceed on the basis that the draft rules could be in place in the next month or so. Can you confirm that, under section 17 of the Act, there would have been nothing to prevent the chairman of the inquiry from getting his work up and running? There are significant provisions in section 17, which outlines that the chairman of the inquiry can set out any procedures regarding the conduct of the inquiry. The chairman of the inquiry is bound by section 17(3) of the Act, which gives a certain degree of clarity to the role of the chairman. We are quite lucky in the fact that that is there to give authority to the chairman to undertake the inquiry. Can you indicate where the Act points to the desirability of making rules prior to an inquiry?

Mr Godfrey: I will deal with the two points in turn. Section 17 is the basis on which the chairman has an ability to give directions on the conduct of the inquiry, and that is why the inquiry can proceed in the absence of rules. I will deal with the second point briefly and then make an additional comment. No part of the Act talks about the desirability of making rules prior to an inquiry—you have to look at the debate that occurred in the context of the Act. The intention is that a large burden of responsibility will be passed to the chairman in relation to managing the inquiry process. Many decisions will need to be made by the chairman during an inquiry and the rules are intended as a framework in order to support and bolster those decisions. The rules will deal with things such as procedure, representation, and the assessment of costs, and they will give protection to the chairman, in a sense, in that they will provide an objective framework against which his decisions can be made. His is a weaker position if the decisions are being made in isolation; ideally, they should be made with reference to adopted rules, but we think that adopting draft rules will be sufficient for the chairman to effectively handle to public inquiry from the outset.

Jonathan Morgan: I have one final question. In the light of section 41 of the Act, which, thankfully for us, does not stipulate that the rules should be made prior to the inquiry being set up, do you think that it would be better from our perspective, in terms of timescale, to make use of the English statutory rules of procedure when they are drafted, as opposed to drafting our own rules from scratch? Obviously, it could further delay the implementation and use of the rules, if we were to do the work on our own, without making use of the draft rules from the DCA.

Mr Godfrey: I think that the expectation is that we will use the DCA rules for England and UK inquiries as the basis on which to draft our rules. That would be true of all devolved administrations, because certain types of inquiries may engage more than one administration and having a cross reference between them would be desirable. I cannot comment on the suitability of the draft rules, because I have not seen them, but, in principle, they would form a suitable basis on which to proceed. The obvious thing that will be missing, which we would need to fill in, but which I do not see as a problem, is Welsh-language issues.

Jocelyn Davies: Before I bring Karen in, can I assume, from your responses, that lawyers here have not been working on the draft rules, and that there was an expectation that we

would adopt the UK rules?

2.40 p.m.

Mr Godfrey: No, our lawyers have not been working on the draft rules. We have been waiting to see what the draft rules from England are, which will go out to consultation, and we will work on the basis of those in order to achieve as much consistency as possible in any rules here.

Jocelyn Davies: Thank you for clarifying that. Did you want to come in, Karen?

Karen Sinclair: I have a couple of points, Chair. Just to make it clear, my preferred route on the establishment of the inquiry would be to delegate the responsibilities to the First Minister. Also, I want to talk about the statutory rules of procedure. It really does depend on whether the person who is appointed as chair—and at this point, it looks as though it will be a he from the list—is confident to undertake that role with the draft rules only, or whether that person wants to wait for the rules to be on the statute. It looks as though the rules might be in place by spring 2006, as it says in the report, but they do not have to be done in conjunction with England, although the draft rules, which are UK-wide other than for the Welsh language bits, will be done by then. If we want to get those rules through in Wales by that time, then we can, as we have the capacity to ensure that they are done by spring 2006, do we not?

Mr Godfrey: I would envisage that, once the draft rules are published by the Department for Constitutional Affairs, which may be as early as this month, we would be able to adopt those draft rules, suitably amended for our own purposes, for the purposes of this particular inquiry. If, for any reason, those draft rules are not published, with regard to the position of the chairman, there would be a need to advise him on how he might set his own framework for conducting the inquiry. Effectively, you would use the same power of direction, but it would just throw an additional burden on the chairman and those advising him if the draft rules, which have been the subject of quite a lot of dialogue already in legal circles, were not actually produced. However, the intention would be for the draft rules to be published and adapted for our own purposes and adopted for the purposes of this inquiry at that stage. The formal rules that would then be drawn up through our subordinate legislation procedures would probably need to be the subject of consultation. So, while we could aim for spring 2006, at whatever time the formal rules come into place, that would not prevent the inquiry from operating in the meantime based on the draft rules from the outset.

Jocelyn Davies: From my understanding of Karen's question—although she will correct me, no doubt, if I am wrong—I think that the point was: would you envisage a situation in which someone might be reluctant to undertake the inquiry without the formal rules?

Karen Sinclair: It is whether that person has the confidence, Chair, is it not? It has to be, surely, the chair's choice as to whether he or she will work without the formality of those rules. I am asking that question because the chair is bound to have an opinion on this, and quite rightly so.

Mr Godfrey: Absolutely, and it would be the chair who actually exercises these powers. The one thing that I would say, though, is that, going back to the consultation document that was published during the time of the Bill, it was envisaged that there would be a period between the Act coming into force and rules being made. It was envisaged in the consultation paper itself that, during that period, if inquiries were set up, it would be open to the chairman to adopt any draft rules that were around or to use those draft rules as a guide. As part of the inquiry process, there will be, in all probability, an appointment of a solicitor to the inquiry and counsel to the inquiry, so the chairman will be supported by independent legal advice in that context. I would not have thought that that was a practical difficulty for the chairman

proceeding, but, clearly, there would need to be a dialogue with the individual who is appointed to that post.

Jocelyn Davies: Karen?

Karen Sinclair: I will come back a little bit later, if that is all right.

Jocelyn Davies: Okay. I have Jenny and then Jeff.

Jenny Randerson: To pick up on the draft rules, there would not be any question, while this inquiry was going on with draft rules, that we, as an Assembly, would not almost certainly adopt the permanent rules during the course of the inquiry. We would not have to change those rules in any way once we had started—they would be the draft rules which we would adopt. If we chose to do so, they would be the rules for this inquiry and we would not have to change them in any way.

We could discuss the draft rules, taking up Karen's point, with the chair to ensure that there was nothing about them with which the chair was unhappy. As they are draft rules, if we felt that we wanted to amend them in some way, we could do so, could we not?

I have a separate point to raise—

Jocelyn Davies: Do you wish to answer that point, because I took it from your previous answer that it would be at the discretion of the chair with regard to the rules, if there were no statutory rules.

Mr Godfrey: If there are no statutory rules, the chair has a power under the Inquiries Act 2005 to control the procedure of the inquiry through direction, so he would use the draft rules effectively as a guide or framework within which to exercise those powers.

On the question of the formal rules coming into force during the period of the inquiry, the power that the chair exercises is subject to what the rules say. So, once the Assembly makes the formal rules, they become effective and become the basis for the chair to control the inquiry. We would anticipate that the differences between the draft rules and the formal rules are unlikely to be significant. If there are differences, we would need to pick that up at the time the Assembly makes the formal rules. I would envisage that they would go through a consultation process, so there may be issues that crop out, but that would have to be dealt with if there was a difference that was material to the way in which the inquiry was conducted at that stage—that would need to be addressed.

Jenny Randerson: That is fine. The second issue that I wanted to address was the process of establishing the inquiry, and the question of giving responsibility to the First Minister to deal with the establishment and administration of the inquiry. Could you flesh out what that means? Does it say, in effect, that the committee would pass the inquiry back to the First Minister to deal with, or would we retain framework control of it? When you establish and administer an inquiry—I assume that administration is the day to day running of it—would this committee and, therefore, the Assembly be able to retain overall control of the general framework, and elements such as the draft rules and the actual rules, as we apply them, to the inquiry? Would we continue to be able—if this were delegated—to decide whether there should be a panel or assessors, and so forth?

Mr Godfrey: In terms of the control of the inquiry, once it is established, the inquiry is largely under the control of the chairman, to preserve its independence. There are some higher level framework decisions that may need to be taken during the course of the inquiry; for example, if a panel member resigned or was unable to devote time to the committee, or if

there needed to be a change of chairman. So, there is a higher level of decisions that could be called to be made, but I think that what the Permanent Secretary is driving at is more of the administrative support and the resources that the inquiry may need, and looking at it in terms of providing the chairman and panel with support. There will be formal appointments of a secretary and a solicitor—probably a counsel—to the inquiry, who will be the immediate resource.

2.50 p.m.

Behind that, there are also further resources that may be needed for the inquiry, in terms of accommodation, records management, information technology and a series of administrative issues which would need to be dealt with. It is about looking at whether those officials who would normally do that are working within the Welsh Assembly Government and it is about preserving the current split between the Assembly Government and the Assembly and avoiding a situation whereby officials may effectively be serving two masters at that point. When you come to look at the issue of delegation, it may be useful to go back to a paper that was circulated previously, which identifies all of the powers under the Inquiries Act 2005 and perhaps one way of approaching it would be to delegate to the First Minister generally, except for those particular issues that you feel may need an involvement from Plenary or any continuation of a committee, if you are thinking of the framework higher level ones, as opposed to the day-to-day administrative ones.

Jenny Randerson: I will follow that up because it is a very helpful suggestion. I would not quibble with the idea of delegating the detailed administration; I can see the logic in that. However, I think that it is essential that, given the spirit of the decision by the Assembly as a whole, the Assembly retains control of decisions such as those on publication and the holding of hearings in public. That should also be true, insofar as is possible, for the time span of the inquiry so that we get the timely investigation that we envisaged when this was delegated. The key decisions on the key strategic aspects need to stay with the Assembly, so the suggestion made there that we might look at that and see what we might delegate to the First Minister and what we might retain is very helpful.

Jocelyn Davies: I think that there is a power there to suspend an inquiry, which you might prefer to stay within the Assembly. Jeff wants to comment and Jonathan wanted to come back on a small point.

Jeff Cuthbert: Just so that we are clear, when we refer to responsibility to a committee, once we have made our recommendations and reported back to the full Assembly, this committee will be dissolved. So, we are talking about any future committee that there may be.

I thank you for your clarification, particularly on the statutory rules of procedure. I was a little concerned over the weekend by some of the media publicity, which seemed to give the impression that the Permanent Secretary was almost suggesting that we should wait. Having read his paper, I could not see why that was being said. You have explained that very well. I too think that we should proceed as soon as we are able to do so.

I do not believe that you were here when we had an informal meeting some weeks ago—

Mr Godfrey: No, I was not.

Jeff Cuthbert: In terms of anything that is proposed here, especially regarding the draft rules—and I think that we should have those for the reasons that you have outlined—is there any way that we may inadvertently conflict with the other inquiries that are going on, for example those of the chief medical officer and the police?

Mr Godfrey: Establishing the public inquiry does not, in itself, conflict with other investigations that are going on. Clearly, there will be an issue for the chairman in conducting the inquiry to look at the extent to which the inquiry might overlap issues that are the subject of an ongoing investigation. The Inquiries Act 2005 does not prevent inquiries proceeding while other proceedings or investigations are ongoing, though there is clearly an issue that would need to be addressed to ensure that the inquiry process did not compromise those. I do not see that as being an impediment to the inquiry proceeding, but it may affect the inquiry structure and the way and sequence in which it approaches things.

To return to a point that was raised in terms of control, reference was made to the timescales and so on for the inquiry. Again, it may be useful, if a further paper is done on delegation, to clarify the powers that are vested in the chairman of the inquiry, because the Assembly will not retain a great deal of control over timescales and so on. On how the inquiry is conducted and decisions about representation and cross-examination that affect the length of the inquiry, those will be matters for decision by the chairman, who will effectively advise the Assembly on inquiry length and on cost.

Jenny Randerson: Let us look at an extreme scenario: I envisaged that we would not, by delegating, enable the establishment of an inquiry that was immediately put into a kind of suspension until the end of 2007. I was looking at the worst-case scenario. I understand entirely that when you embark on these things, you do not know how long they will take and neither does the chair, in that you often come across further evidence that needs to take further time. I am sure that none of us here would want to say that it has to be so quick that it does not deal with all of the details. That is not the case.

Jocelyn Davies: Thank you for clarification on that point, Jenny. Jonathan, did you want to come back on that?

Jonathan Morgan: I have an additional and very brief point relating to the reference to the fact that the chair will need to consider whether legal advice should be required for the inquiry. You mentioned it in terms of the provision of counsel to the inquiry. In your experience, how senior should that counsel be? I am not entirely sure what is standard practice, but I am aware of other inquiries that have had the support of a Queen's counsel. Are we talking about someone at such a senior level, in your experience?

Mr Godfrey: I cannot comment from direct experience, but, from the inquiries that have taken place, a great many have Queen's counsel, some have fairly senior barristers just below Queen's counsel, and some have more than one counsel to the inquiry. It is a judgment that would need to be made by the chairman and supported by the solicitor to the inquiry, having looked at the terms of reference and the scope of the evidence that will be produced. Given that you have a non-legal chairman in prospect and the fact that the rules will be in draft and adopted for guidance, there may be a need, for that reason, to have a counsel to the inquiry of some weight in order to support the chairman and give the sort of confidence that one of the earlier questions alluded to.

Jocelyn Davies: Just for the committee to be aware, we have also had a copy of a letter that the Presiding Officer has written to the Lord Chancellor, explaining the Assembly's position and urging him to issue the draft guidance as soon as possible. No doubt we will be made aware of any response that we get, and it could be that these draft rules will be available next month or certainly early in the new year.

Mr Godfrey: Obviously, I cannot give a specific timetable, but our understanding is that they may be published sometime during the current month.

Jocelyn Davies: From our discussions, it seems that no-one is opposed to delegating

functions directly to the First Minister in order for the administration of the inquiry to take place. However, there may be caveats attached to that so that political decisions still remain with the Assembly, and not with this committee, because, as you rightly point out, Jeff, this committee ceases to exist once we report to Plenary. I see that you are all in agreement with that. So, the point of establishing the inquiry and the delegation is cleared up.

Not much has been said on the funding, but the paper states that the Finance Minister is planning to incorporate a main expenditure group in the final budget, so we will be seeing that shortly.

We will need to discuss the composition of the inquiry later. On the rules of procedure, it looks as though draft rules will be available very soon that could be adopted by whoever we appoint to carry out the inquiry, and statutory rules will be made available later, which will then overtake the draft rules. Is everyone clear on that?

Karen Sinclair: I think that we still need to allow the person appointed as chair to make the final decision on whether he or she wants to go forward within the draft rules.

3.00 p.m.

Jocelyn Davies: Yes, you make a good point there, Karen. If the person who accepts our invitation to act as chair were reluctant to accept the draft rules, we could be in a difficult position. Jonathan, did you want to make a point on that? Karen is pointing out the worst-case scenario.

Jonathan Morgan: Certainly, but I think, therefore, that if we find ourselves in that position, it would be necessary for the Office of the Counsel General to point out that there are various parts of the Act of Parliament that give a considerable amount of support to the chairman of an inquiry. It is not as though there is no reference to the role of the chairman, the rules, procedures and what happens when and where, because they are referred to in some detail. It is not as though the chairman of the inquiry would be proceeding without any legislative support. It is fairly clear in the Act.

Karen Sinclair: I assume that whoever chairs the inquiry will know that and will explore all of those avenues. I think that, at the final point of decision, it has to be the chair's decision. That is all that I am saying.

Jocelyn Davies: From what you have said, I think that once we appoint someone, the discretion lies with that person.

Jonathan Morgan: That is right.

Jocelyn Davies: So, that is not a decision that we would be faced with; it would be for the person appointed.

Are there any other questions for Mr Godfrey? I see that there are none. Thank you.

3.01 p.m.

Cylch Gorchwyl yr Ymchwiliad Terms of Reference for the Inquiry

Jocelyn Davies: Two papers have been sent to us, one of which is from the Food Standards Agency Wales, and the other from the Chartered Institute of Environmental Health Wales. We also have a number of officials here today. I assume that you have the right names in front of you at the table. I see that you do.

We have representatives from the Wales Centre for Health, the Food Standards Agency, and the Chartered Institute of Environmental Health Wales. As I said, we have two papers. Do you intend to speak to your papers or would you just like to move straight to questions?

Ms Barratt: Perhaps you would take the paper as read.

Jocelyn Davies: We do not have a paper from you, so you may want to give a brief introduction.

Dr Seal: If it would be helpful, I have some copies of my response.

Jocelyn Davies: While the copies are being circulated, you might like to make some introductory comments. That will give Members time to glance over the paper. We will then move to questions.

Dr Seal: Good afternoon and thank you very much for inviting the Wales Centre for Health to attend this afternoon's meeting. We appreciate the invitation. My colleague beside me is a member of the board of the Wales Centre for Health, Dr Carl Clowes, who is a very experienced public health doctor in Wales. Together, we will try to explain to the committee what we believe should be included in the terms of reference, if that is all right.

Jocelyn Davies: Okay, thank you.

Dr Seal: We believe that the terms of reference should be sufficiently broad to enable evidence to be collected or taken from individuals and organisations involved in the production, sale, and the transportation of livestock, meat and meat products, and premises. That, therefore, covers a broad spectrum. We believe that the terms of reference should enable the examination of outbreak control and prevention of infection arrangements in place to be conducted very thoroughly, and to identify the legal powers and systems in place for outbreak investigation and control. These are the existing legal powers and control measures.

Also, we believe that the inquiry should quite clearly discover how the outbreak was recognised in the first instance and what the response to that initial recognition was. We believe that an outbreak control team report will be published at some time, so the inquiry should have the opportunity to examine that report, and, following that examination, take or collect further evidence if necessary. Finally, it should report and make recommendations on its findings. You will notice that I have broken it down into four areas of activity in the paper and gone into some detail as to what the Wales Centre for Health believes should be included in each one. The areas have been specified in that way, and they need to be turned into terms of reference for the inquiry. I am very happy to go through those or to answer questions on them. I have outlined a logical sequence that I believe the inquiry should adopt in the way that it conducts itself.

Val Lloyd: Forgive me because I have only just seen the paper, but could you provide more clarification of your first bullet point with regard to what you think that the terms of reference should be broad enough to achieve? I think I know why you include it, but I would value a more in-depth comment on the first bullet point, which relates to anything from production onwards, including the transportation of livestock.

Dr Seal: It is of fundamental importance that the inquiry goes beyond the start of this outbreak. It needs to go back a step, to discover where and how livestock is produced, how it is marketed, how it reaches abattoirs or slaughterhouses, whether those premises are licensed and under what laws they are governed, how the meat gets from those premises to cutting plants or butchery premises, how those premises are licensed or controlled, and, following

that, how the meat or meat products are distributed from those premises. The inquiry needs to have the ability to look at any aspect of the process from production to consumption. Along the way, it should probably take evidence, on the live side, from the veterinary investigation centres and so on that might be involved in monitoring levels of E.coli on farms, during transit and so on.

Jeff Cuthbert: I wish to express a note of concern. The other bullet points seem to be reasonable with regard to what we are seeking to achieve through the inquiry. However, although I acknowledge the point that you have just made, I still feel that the first bullet point might be taking us into areas that are so broad they might be a bit beyond the scope of the inquiry and might make it extremely lengthy. I am not suggesting that it is not related to the issues in question, but I wonder whether we ought to give it a bit more thought. All we are doing is gathering opinion on what should be included in the terms of reference. We have a blank page at this stage, but this must be considered in close collaboration with the chair, and having regard to our terms of reference on the depth and breadth of the inquiry that the Assembly envisages.

On the first bullet point, regarding the issue of the sale of livestock, are you referring to auctions or just paper transactions?

Dr Seal: We are referring to the methods of sale of cattle and livestock generally, whether by auction or other methods. As you know, some abattoirs purchase directly from farms, and some do not. So, it is important to capture what happens out there before the inquiry embarks on the particulars of the current outbreak.

3.10 p.m.

Jocelyn Davies: Jeff, did you want to come back?

Jeff Cuthbert: No. I have made my point about the breadth and depth, which we need to consider further.

Jonathan Morgan: Thank you for the report, and for the depth into which you have gone on these issues. In terms of your advice, you seem to suggest that we need, in essence, two inquiries. One inquiry would provide the information as to what happens pre-consumption, in terms of abattoir controls, marketing, the movement of livestock, and so on, which is a huge issue, and which I suspect is probably somewhat beyond the scope of our inquiry, because we are looking specifically at that particular E.coli outbreak. However, notwithstanding that, there could be other issues here that ought to be considered at some point.

I appreciate the work that you have put into this particular report, but we are looking at a fairly defined time period within which this inquiry can be conducted. Given your experience, what is it that you are asking for? How much time would need to be allocated to undertake this amount of work, in light of the fact that we have one chairman of an inquiry, and, as we heard earlier from our legal advisers, we would probably need to employ a senior counsel, which does not come cheap these days, probably with a limited number of assessors or panel members? Over what time period do you envisage this sort of work taking place?

Dr Seal: That is quite a difficult question to answer. I would imagine that, if we are referring to bullet point 1 only, the majority of that evidence could be collected very simply—by correspondence, for example. So, I do not think that it would need to take up a great deal of inquiry time, but it is important that this sort of background information is available to the inquiry. It is also important for the inquiry to have at its fingertips evidence of the surveillance of E.coli in live animals, livestock and so on, as part of its background information, before it embarks upon that. However, I suspect that all that could be obtained

by correspondence rather than by appearing before the inquiry and giving evidence.

Jenny Randerson: I have a comment rather than a question. I think that the Pennington inquiry looked right back at farming issues, and, therefore, that is a perfectly manageable approach. It is my understanding that, with regard to the premises at the centre of this inquiry, the owner also owns a farm, and so the farming conditions and the conditions in the meat plant are integral issues. Even if we did not set out at the start to encompass that, the chair would find it necessary, probably, to go back to the farm. Additionally, we have new legislation coming through, do we not—the farm-to-fork legislation—which encompasses all these things together, so we cannot disaggregate them, because the new regime will have this whole approach at the heart of its philosophy and strategy, will it not?

Karen Sinclair: I wrote down what Jonathan said, that it almost essentially asks for two inquiries there—

Jonathan Morgan: I was not asking for two inquiries, if I may clarify. I was saying that it almost suggested that you need the public inquiry to deal with our particular issues.

Jocelyn Davies: Thank you for clarifying that, Jonathan.

Karen Sinclair: All this pre-abattoir is presumably covered quite strictly by environmental health regulations anyway. I wonder whether it will distract us from our task.

Dr Seal: I cannot speak on the particular incidents, but I can say that I think that it is important for the inquiry to know what the legislative background is, and who is responsible for enforcing various pieces of legislation on the farm, at the abattoir, in the cutting plant, and in the butchery premises, in order to inform the inquiry properly of the way forward. I think that that is important. Similarly, I do not think that it needs to be a lengthy process, because all the facts are known, generally, and I am sure that that could be done simply, as I said earlier, by correspondence.

Karen Sinclair: We are not talking about compiling evidence that is already there. You go on to talk about taking evidence from individuals and organisations. If you were talking about including all the information that is there already as a prelude to the inquiry, as a reference section, I would say, 'Yes, I understand where you are coming from', but you go further than that. You talk about taking evidence from individuals and organisations that were involved in production, sale, transportation and livestock management, which is much further on again.

Dr Seal: You will notice that I also refer in that bullet point to meat, meat products and the premises. I am sure that the inquiry will want to take evidence about meat products, meat and certain premises, and that is why that is included.

Jocelyn Davies: I call Dr Clowse and then I will bring in our other witnesses because I think that they will have views on this point—Joy Whinney seems to be bursting to say something. I will take Dr Clowse first and then I will come to you, Joy.

Dr Clowse: Yr wyf am bwysleisio mai un *outbreak* o'r gorffennol sydd gennym i ganolbwyntio arno, sef yr un yng nghanolbarth yr Alban yn 1996, lle yr oedd dros 400 o achosion. Fel a grybwyllwyd eisoes, siarsiyd yr Athro Pennington ar 22 Tachwedd 1996 i gynhyrchu adroddiad erbyn diwedd y flwyddyn. Yr oedd yn amserlen hynod o dynn. Mae'r hyn y mae David wedi

Dr Clowse: I would like to emphasise that we have only one past outbreak upon which to concentrate, and that is the outbreak in central Scotland in 1996, with more than 400 cases. As has already been mentioned, Professor Pennington was instructed on 22 November 1996 to produce a report by the end of that year. It was an incredibly tight timetable. That which David has outlined is

ei amlinellu eisoes yn debyg i'r hyn a wnaethant hwy. Hynny yw, ni allwch edrych ar rywbeth sydd wedi tarddu o un ganolfan, ffatri neu weithdy ac edrych ar hynny yn unig, gan fod dealltwriaeth mai yn y fan honno y gwnaeth darddu, wrth gwrs, ond rhaid edrych o ble y daeth cyn hynny. Bron y byddwn yn dweud y byddai'n anghyfrifol i beidio â chamu yn ôl at y man cychwyn ac edrych ar y gwendidau yn y broses, fel y gwnaeth Pennington. Dyna fy marn broffesiynol.

Un peth nad ydym yn ei wybod—rhywbeth na nodwyd yn y papur hwn ond a ddylid ei ystyried yn yr ymchwiliad hwn—yw beth yw lefel E.coli 0157 yn y gymuned wartheg. Beth yw ei *prevalence* ar hyn o bryd? Nid ydym yn gwybod. Byddai cael gwybodaeth o'r fath yn rhoi rhywfaint o ffon fesur i ni o ba mor debygol ydyw y bydd hwn yn digwydd eto. Nid pob achos sy'n amlygu ei hun yn y gwartheg a dyna sy'n gwneud y mater yn un anodd i ddelio gydag ef. Rhaid profi'r gwartheg yn wyddonol, felly, er mwyn cael gwybod a ydynt yn ffynhonnell o'r bacteriwm hwn ai beidio. Ni allwch ond dechrau mewn un man hwylus a chyfleus, ac edrych ar ryw ganolfan ym Mhen-y-bont ar Ogwr, ac er mwyn dilyn y broses ymlaen at y gymuned, rhaid camu yn ôl i'r cam cyn hynny: sut oedd yn tarddu yn y dechrau un?

similar to what they did. That is, you cannot look at something that has originated from one centre, factory or workshop and look at that in isolation because of an understanding that it originated from there, of course; you must look at where it originated before that. I would almost say that it would be irresponsible not to go right back to the starting point and examine the deficiencies in the process, as Pennington did. That is my professional opinion.

One thing that we do not know—something that is not included in this paper, but which should be considered in this inquiry—is the level of E.coli 0157 in the cattle community. What is its prevalence at the moment? We just do not know. Having such information would give us some kind of yardstick as to how likely it is that this will happen again. Not every case manifests itself in cattle and that is what makes this matter difficult to deal with. The cattle need to be tested scientifically, therefore, to know whether they are a source of this bacterium or not. You cannot but start in one convenient place, and look at some centre in Bridgend and, to follow the processes through to the community, we must step back to the stage before that: where did it originate in the first place?

3.20 p.m.

Jocelyn Davies: Joy, did you want to comment on this?

Ms Whinney: I very much agree with the Wales Centre for Health that you should not rule out a farm-to-fork view on all of this. Obviously, we would want to put information to the inquiry team on the whole legislative and enforcement framework right through from the farm, and also, I suppose, in relation to the Pennington recommendations and what has been done on the meat hygiene side since then on those particular recommendations. It would be better to keep the terms of reference broad, and talk about food hygiene measures generally, which could encompass actions taken on farms, in slaughterhouses and so forth, but, at this stage, although I know that the outbreak and the investigation is still going on, we do not actually know which, if any, of those factors will be relevant. So, it is more a case of not ruling it out so that the inquiry can then delve deeper into those sorts of areas should it need to. If it turns out that it needs to look at clean livestock policy, slaughterhouse approvals or the fresh meat regulations and so on in more detail, then the terms of reference will be broad enough to allow it to do that.

Jocelyn Davies: Thank you, Joy. Julie, did you want to comment?

Ms Barratt: I do not want to prolong the point, Chair, but I entirely agree with what my colleagues have said. We raised the point in point 7 of our letter that the whole of the farm-to-

fork regime should be looked at, and, for the reasons that they have stated, I endorse what they have said.

Jocelyn Davies: With regard to point 1, we are talking here about school meals. I have absolutely no idea at all of how much of the meat used in school meals is produced in the UK. I have absolutely no concept of whether any or all of it is from within the UK. We could be talking about production methods outside the UK. Val, did you want to ask a question?

Val Lloyd: Yes, I want to elaborate or pick up on some things that have been said, but still on the same point. I listened intently to Dr Clowse's remarks. I am a lay person, and do not claim to have any particular, specific knowledge, but I was surprised that the prevalence of the causative organism is not already known. It is a surprise to me that, in the already existing arrangements, records are not already kept or all animals tested for an organism that is known to have such effects. However, as I said, I am a lay person.

The original point that I was going to make added to it. There is a difference between the general and the specific. Picking up very much on what Jenny said, in general terms, a system should already be in place for that bullet point that I brought up initially. You referred to the source, or what we all believed to be the source because of what we read, but surely that would need to be tested against the existing general regulations, which is where the specific would come in. I am certainly not speaking against the need for specificity in checking that out against arrangements that should be in place. However, I agree with the items that Jonathan brought up, that we are in danger of prolonging it unnecessarily.

Jocelyn Davies: Do any of our panel have any response to Val on the prevalence?

Dr Clowse: Gwnaf un pwynt. Mae hyn wedi bod yn wers bwysig i ni i gyd. Yr oedd yn eithaf pell, wrth gwrs, oddi wrth y profiad yn yr Alban. Cafwyd un farwolaeth yn ystod yr achosion hyn, ond bu farw llawer iawn, 16 os cofiaf yn iawn, yn yr Alban. Felly, rhaid inni gymryd hynny o ddifrif—fel yr ydych yn ei wneud, wrth gwrs. Yn lle bod rhywun yn siarad ond am fygythiad, dyma gyfle hefyd, os caf ddweud. Am fod yr achosion wedi cael proffil mor amlwg, mae cyfle yn awr i godi ymwybyddiaeth ymysg y cyhoedd yn gyffredinol, athrawon, plant, gweithwyr lladd-dai, a ffermydd ac ati, o bwysigrwydd y bacteriwm hwn. Felly, awgrymu ydwyf, yn sgîl yr ymchwiliad, yn gynffon i'r ymchwiliad, megis, fod modd ei ddefnyddio i bwrpas, sef creu gwell ymwybyddiaeth ymysg y cyhoedd o'r hyn sydd ei angen o ran glanweithdra a'r peryglon sy'n perthyn i beidio bwyta'n iach a pharatoi bwyd yn iach.

Dr Clowse: I will make one point. This has been an important lesson to us all. It has been far removed, of course, from the experience in Scotland. One death has occurred during this outbreak, but very many died, 16 if I recall correctly, in Scotland. So, we must take that seriously—as you are doing, of course. But, instead of someone just talking about a threat, there is a real opportunity here, if I can say so. Given that the outbreak has had such a high profile, there is now an opportunity to increase awareness among the general public, teachers, children, abattoir workers and farmhands and so on, of the importance of this bacterium. So, what I am suggesting, in the wake of the inquiry, appended to the inquiry, as it were, is that it can be used for a purpose, namely to create better awareness among the public of what is required in terms of hygiene and the risks associated with not eating healthily and not preparing food in a healthy way.

Jenny Randerson: I want to come back to your point, first of all, Chair. To clarify, if you have a meat processing plant that deals with both foreign imported meat and Welsh or UK meat, am I right in saying that there is a possibility of cross-contamination? We do not know yet whether it was foreign or UK meat that caused the problem, and whether that will be a relevant issue.

Following on from the issue of the specifics that Val raised, as you envisage it, it is possible that the chair might look at the specific case and identify that it was a result of a general weakness in the regulations, which might in any event be tightened up by the new regulations that are coming through, or that it might be the result of a failure to follow current guidelines adequately. So, the judgment could be that it is a general weakness in the regulations, or that the regulations are fine, it is just that they were not being followed. You are looking for an approach, which was possibly summed up by the Food Standards Agency, that is an enabling one, so that the chair can delve as deeply as is necessary.

Dr Seal: That sounds like a very good summary.

Jocelyn Davies: Actually, Jenny, I think that the issue of producing food on the cheap is very relevant, and, in relation to point 1, we need to look at that issue and what the results of that are. Jeff, you wanted to raise a point?

Jeff Cuthbert: I am sure that you do not need me to reassure you, but we take this issue extremely seriously. I recognise that there are many things that are linked into this. However, my initial concern was, in terms of the inquiry, that we need to set it up to deal with the cause and effect of the outbreak, and the lessons that are to be learned. To use your phrase, in the wake of the inquiry there will be many issues that we will want to take further. It is important and to right to note that within the Education Act 1996, although it is not publicly known, there are clauses about school meals and the type of food that should be provided. There is an ongoing issue about healthy eating and encouraging the growing, cooking and use of fresh produce. That will continue and, I am sure, will be informed by the outcome of this work, as well as the outcome of the chief medical officer's report into the more urgent and immediate issues that arise.

So, I think that these are issues that should be before us at this stage, but while I think that the chair's terms of reference should be broad enough so that there is no unreasonable constraint on the chair, on the other hand we do not want them to be so broad that it will go on, as I believe the Pennington review did, for quite a while. It produced recommendations in an initial report quite quickly, but the review then continued to look at other issues. Perhaps something like that will emerge afterwards, but at this stage I feel that we need to be focused on the issues.

Jocelyn Davies: In the other two papers that we received beforehand, the first bullet point in both is on what caused the outbreak. I take it, Jeff, that you would prefer for the inquiry to deal with that, and leave other issues?

Jeff Cuthbert: Yes.

Jocelyn Davies: We have about 10 minutes left of this portion of the meeting. Are there any other questions based on the other papers that we have received?

3.30 p.m.

Julie, I notice that you mention communication issues in yours, which is very pertinent. Perhaps you would like to expand on that, because you felt that information was put into the public domain that, perhaps, it would have been wiser not to put there.

Ms Barratt: Yes, Chair, that is the case. At the beginning of the inquiry there was some frustration that local authorities were saying nothing, and that is entirely understandable in these circumstances, where there is the possibility of litigation. They were well advised to say nothing, but then there was a void in which no-one was saying anything and speculation was taking place that was unfortunate.

I fully understand why the outbreak team tried to keep the public as informed as it did. The Chartered Institute of Environmental Health was also making public statements on a hypothetical basis. I would not say that I did not know what I was talking about, but I was very clear that I did not know enough of the specifics to be seen to be talking about the case, and it was the same for Joy when she spoke to the press. Unfortunately, the death of Mason Jones then caused a criminal inquiry to commence but, by that point, information was in the public domain that should not have been in the public domain. It is of great concern that, in its attempts to tell the public things and to calm speculation, the outbreak control team said things that would have been better left unsaid. The Chartered Institute of Environmental Health's concern is that, while there is guidance on dealing with and controlling the outbreak, there was not enough guidance on communication, and the information that should have been put into the public domain. We would like to see that remedied by a set of guidelines.

Jocelyn Davies: That is an important point.

Val Lloyd: I agree with Julie, and it is a two-way process. As you pointed out, it is important that people get the information, but there are guidelines set up. When I first saw this, I thought the opposite of what you said, Julie: I was thinking about the importance of ensuring that people are kept fully informed. So it was good to hear the opposite point and I would support that staying in the terms of reference.

Jenny Randerson: It would be helpful if the outcome of the inquiry were to produce some guidelines, because I notice that there has been press coverage criticising Bridgend County Borough Council for refusing to give details that it has clearly been legally advised not to give for exactly the reasons that Julie outlines. While we all want to know as much as possible—and knowing a lot helps you to understand and helps to ensure that the message is understood—those staff who are under pressure and under media scrutiny need the support of guidelines to assist them, and it would be helpful if that were to come out of this inquiry.

Jeff Cuthbert: I have a quick question for Joy. Would you expand on the interesting sentence in the final paragraph, where you talk about how important it is that the

‘handling and management of the outbreak’ would encompass care given to those who were affected by illness’?

Would you like to expand on what you mean by that?

Ms Whinney: In a way, that is one of the areas that is not related to the Food Standards Agency's responsibilities. However, I was trying to be careful not to focus it purely on food safety and the FSA's side of responsibility. So I am not sure that I can answer the question. It is just that the terms of reference would have to allow you to look at issues around the care and advice given to patients and families as well as the preventative work and the food safety structures. So, I am sorry, but I cannot really answer your question. I was just allowing for the fact that that side of things would also need to be there.

Jeff Cuthbert: That is perfectly fair, and I understand if you are reluctant to answer the question, but might that include the sort of advice that general practitioner surgeries would give to patients or the parents of patients who are affected, to see whether it is adequate?

Ms Whinney: We had imagined that it would, but obviously that is one to consider.

Karen Sinclair: An interesting point has been made, and at an opportune moment. It is stated in the paper that:

‘Due to the... long term health problems of sufferers of HUS, we would like the Inquiry to investigate the possibilities of long term follow-up studies of these patients’.

Obviously, that is as long as the families are fully in agreement with that. That has been well thought out—that that would be a point in time where this could be monitored clearly.

Jocelyn Davies: I think you are referring to a point in one of the written responses that we have had.

Karen Sinclair: I am sorry.

Jocelyn Davies: No, you can ask the experts in front of us, but I think that it was in the written response from the UK E.coli support group that there was the suggestion of a long-term study.

Karen Sinclair: I wondered whether that had ever been done before. I would certainly be interested to hear the Wales Centre for Health’s opinion on that.

Dr Clowes: Yn sicr, mae’n rhywbeth y byddai rhywun yn ei dderbyn, fel y mae’n cael ei argymhell fan hyn. Mae’n werth dweud, rhag ofn nad yw’n wybyddus i bawb, mai dim ond yn 1982, 23 mlynedd yn ôl, ymddangosodd yr achos gyntaf o E.coli 0157. Hynny yw, dyna oedd y tro cyntaf iddo gael ei labeli. Felly, mae’n facteriwm cymharol newydd, ac yr ydym yn parhau i ddysgu amdano. Dylem fod yn astudio pobl sydd wedi dioddef o HUS er mwyn dysgu mwy am y bacteriwm, felly byddwn yn cefnogi hynny’n gryf.

Dr Clowes: Certainly, it is something that one would accept, as it is recommended here. It is worth mentioning, in case some of you do not know, that it was only in 1982, 23 years ago, that the first case of E.coli 0157 appeared. That is, that was the first time it was labelled. So, it is a relatively new bacterium and we are still learning about it. Therefore, we should be studying people who have suffered from HUS in order to learn more about the bacteria, so I would strongly support that.

Jocelyn Davies: If there are no more questions, I thank the witnesses and we will move on.

3.36 p.m.

Ymatebion i’r Ymgynghoriad Ysgrifenedig ar y Cylchoedd Gorchwyl Responses to Written Consultation on Terms of Reference

Jocelyn Davies: We will now look at the written responses from other consultees. Karen, you made a point about a long-term study—

Karen Sinclair: Sorry, I had already got to that.

Jocelyn Davies: That is okay. You obviously want to see that included.

Karen Sinclair: I think that it would be very sensible to include that at this point. I saw the witnesses as a resource, and not only here to talk about their own papers. I think that it would be something worth the chair’s while to consider including.

Jocelyn Davies: Are there any other points?

Jeff Cuthbert: I think that that is what is referred to as a health register—the long-term effects are followed up to see what lessons are learned.

Jocelyn Davies: There is also a very interesting point about hygiene and the advice given to families—hygiene for families, groups, and those affected—at the time.

Val Lloyd: You are absolutely right, Chair. I agree with what you say. The point about the available literature is sound. You can talk to people, but they do not always take the information in because of the stress of the moment or because they are distracted, so to have follow-up literature that people can take away and read to help them through it is an admirable suggestion.

Jocelyn Davies: I am sure that we would all be interested in the last point on that paper about the appropriateness of closing schools. Are there any other points on the written suggestions? Those who have replied to us seem to agree with each other about what needs to be in the terms of reference.

Karen Sinclair: There is nothing in there about the state of school toilets. We know that this is a communicable disease and that should be looked at, particularly in relation to children.

Jocelyn Davies: Yes, I would support including the condition of school toilets in this. The children's commissioner has commented on that in the past in reports and that may be very relevant.

3.40 p.m.

Jenny Randerson: I have a general point. If you take all the papers together, there is a very broad overlapping consensus. Each one brings in a few points that the others do not, but we have just seen an issue that one group had brought up strongly endorsed by others. I think that we have to take a wide, gathering approach and look at it as a comprehensive list, in the end, to see whether we can deal with it in a way which is enabling. We need to take account of the fact that, when the inquiry gets going, it would be a dereliction of duty on our part if the chair felt that there was a strong line of inquiry that should be followed up that cannot be followed up because we have set the terms too rigidly. The phrase was used by the representative of the Food Standards Agency that we need to take an enabling approach, which would then allow the inquiry to go off in the direction which was most relevant to the current outbreak. As has been said, quite a lot of it will, possibly, be gathered by written evidence, covered by legislation which has gone through recently or is about to go through, and so on. We need to look at the specifics to enable them to follow up any specific things that have gone wrong this time which should not have gone wrong.

Karen Sinclair: However, it will still be the ultimate decision of the chair, not ours, as to what he feels needs to be explored.

Jenny Randerson: That is exactly the point that I am making—that our terms of reference need to be enabling.

Jocelyn Davies: Sometimes, you see terms of reference that are just one sentence, giving a free rein. As you know, Karen, it is a duty of ours to discuss the terms of reference with the person who we recommend. It is not our job to set the terms of reference. We have to discuss them with those who will carry out the inquiry, and then make recommendations to the full Assembly to adopt those terms of reference. I take your point, Jenny, about enabling those who carry out the inquiry, so that they are not prevented from looking at anything that they want to look at. Peter, do you want to say something?

Mr Jones: I remind the committee that, under the Act, the inquiry can only look at matters in relation to which the Assembly has functions. For instance, in respect of the closure of schools, I am not quite sure whether the Assembly has a function in that regard or whether it

is a local authority function. I do not know what control the Assembly would have over matters such as school toilets. I think that we always have to bear that in mind. If we tried to require the inquiry to look at matters in which the Assembly does not have functions, that would be a matter for legal argument during the course of the inquiry, and could cause some problems.

Jenny Randerson: Can I follow up on that?

Jocelyn Davies: Yes.

Jenny Randerson: That is a bit of a bombshell.

Mr Jones: It is in the Act.

Jenny Randerson: No, the fact of it is not a bombshell; the interpretation is the bombshell. I know that we can only look at matters over which we have responsibility, but if matters such as the condition of school toilets, or general hygiene regulations in relation to schools, are the responsibility of local authorities, it does not mean that we do not have overall responsibility for them. We set the parameters under which local authorities operate.

Mr Jones: It may be that we do.

Jenny Randerson: So, you are saying that that would be all right as long as we set the regulations, and have delegated responsibility to local authorities? Do you understand what I am saying?

Mr Jones: Yes. If we could make legislation which controlled all of those matters, in relation to local authorities, I think that they would be our functions.

Jenny Randerson: That is all right.

Mr Jones: There may be certain instances where we do not have that legislative power.

Jocelyn Davies: Thank you, Peter. Jonathan, did you want to come in on that?

Jonathan Morgan: I have a quick point, following on from what Jenny said. Once we have put together what we would envisage to be possible terms of reference, subject to the agreement of the chair of the inquiry, they will have to be tested from a legal perspective to see that they do not contravene section 29 of the Act.

Mr Jones: Yes. I think that that is where the Welsh Assembly Government has that specialist knowledge.

Jocelyn Davies: The chair will be supported at all times by legal advisers.

Mr Jones: Yes; very much so.

Jocelyn Davies: That is why it is so important to have that.

Mr Jones: Otherwise, the chair will be challenged at all times. Therefore, he or she needs to be supported.

Jocelyn Davies: Are there any other points on that? I see that there are none. Thank you.

3.45 p.m.

Cynnig Trefniadol
Procedural Motion

Jocelyn Davies: I propose that

Jocelyn Davies: Cynigiaf fod

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 8.24(vi). y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog Rhif 8.24(vi).

I see that the committee is in agreement.

Gwelaf fod y pwyllgor yn gytûn.

Derbyniwyd y cynnig.
Motion carried.

Daeth rhan gyhoeddus y cyfarfod i ben am 3.45 p.m.
The public part of the meeting ended at 3.45 p.m.