



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

**Pwyllgor Deddfwriaeth Rhif 1  
Legislation Committee No. 1**

**Dydd Mercher, 7 Gorffennaf 2010  
Wednesday, 7 July 2010**

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

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

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

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Chris Franks	Plaid Cymru The Party of Wales
William Graham	Ceidwadwyr Cymreig (yn dirprwyo ar ran Nick Ramsay) Welsh Conservatives (substitute for Nick Ramsay)
Ann Jones	Llafur Labour
Val Lloyd	Llafur Labour
Sandy Mewies	Llafur (yn dirprwyo ar ran Rosemary Butler) Labour (substitute for Rosemary Butler)

**Eraill yn bresennol**  
**Others in attendance**

David Lloyd	Aelod Cynulliad, Plaid Cymru Assembly Member, The Party of Wales
Steve Phipps	Adran Polisi Llywodraeth Leol, Llywodraeth Cynulliad Cymru Local Government Policy Division, Welsh Assembly
Carl Sargeant	Aelod Cynulliad, Llafur (Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (The Minister for Social Justice and Local Government)

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

Keith Bush	Prif Gyngorydd Cyfreithiol a Chyfarwyddwr Gwasanaethau Cyfreithiol Chief Legal Adviser and Director of Legal Services
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Bethan Roberts	Cyngorydd Cyfreithiol Legal Adviser
Liz Wilkinson	Clerc Clerk

*Dechreuodd y cyfarfod am 9.29 a.m.*  
*The meeting began at 9.29 a.m.*

**Ethol Cadeirydd dros Dro**  
**Election of Temporary Chair**

[1] **Ms Wilkinson:** Good morning, everyone. Welcome to today's meeting of Legislation Committee No. 1. In the absence of Rosemary Butler, the committee Chair, the first item on today's agenda is the election of a temporary Chair. Therefore, under Standing Order No. 10.19, I call for nominations for a temporary Chair.

[2] **Chris Franks:** I nominate Sandy Mewies.

[3] **Ann Jones:** I second that.

[4] **Ms Wilkinson:** Are there any other nominations? I see that there are none. I therefore declare that Sandy Mewies has been duly elected temporary Chair of the committee.

*Penodwyd Sandy Mewies yn Gadeirydd dros dro.  
Sandy Mewies was appointed temporary Chair.*

9.30 a.m.

### **Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions**

[5] **Sandy Mewies:** Thank you very much. I welcome everyone to the meeting. As you are aware, we have received apologies from Rosemary and Nick Ramsay. I believe that you are substituting for Nick, William. I understand that you may have to leave for a very short time during the meeting, William, and that you, Chris, may also have to leave the meeting.

[6] Before I move on to the main item on the agenda, I will tell you that the committee operates bilingually and you can use the headsets to listen to the translation of Welsh contributions, or use the induction loop as an additional hearing aid. Channel 0 on the headsets provides the verbatim broadcast and channel 1 provides the translation. Please turn off any mobile phones, pagers or other electronic devices that you may have with you as they interfere with the broadcast and translation systems. If there is a fire alarm, the ushers will escort everyone from the room. I do not know whether anyone needs this reminder, but we do not need to touch the microphones as they will come on automatically.

9.31 a.m.

### **Mesur Arfaethedig Caeau Chwarae (Ymgysylltiad Cymunedau â Phenderfyniadau Gwaredu) (Cymru)—Cyfnod 2: Ystyried Gwelliannau The Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure—Stage 2: Consideration of Amendments**

[7] **Sandy Mewies:** The purpose of today's meeting is to undertake Stage 2 proceedings on the Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure. I welcome to this meeting Dai Lloyd AM, who is the Member in charge of the proposed Measure, Keith Bush, the director of legal services, Carl Sargeant, the Minister for Social Justice and Local Government, and Stephen Phipps, from the local government policy division of the Welsh Assembly Government.

[8] You should all have before you a copy of the proposed Measure, the marshalled list of amendments and the groupings of the amendments for debate. The marshalled list of amendments is the list of all amendments tabled, and they have been marshalled into the order in which the sections appear in the proposed Measure. Schedules will be considered with the relevant sections that introduce them, so for today's meeting, the order in which we will be considering amendments is: sections 1 to 4, which is the Schedule, and sections 5 to 15, the new sections.

[9] You will see from the groupings list that amendments have been grouped to facilitate the debate, but the order in which they are called and moved for a decision is dictated by the marshalled list. Members will need to follow the two papers. This is a very important point—there will be one debate on each group of amendments, and I will call the proposer of the lead amendment, that is, the first amendment in the group, to move their amendment and speak to it and to the other amendments in that group. I will then invite the proposers of other

amendments in the group to speak to their amendments and to the other amendments in the group. However, no other amendments in the group are moved at this point, but will be called when the time comes to vote on them. I will invite other members of the committee to speak on the amendments in the group, followed by the Member in charge of the proposed Measure, Dai Lloyd. Finally, the proposer of the lead amendment will be invited to respond to the debate.

[10] Following the debate on a group, I will clarify whether the proposer of the lead amendment in the group wishes to press the first amendment in the group to a decision. If not, he or she may seek the agreement of the committee to withdraw it. If it is not withdrawn, I will put the question on the first amendment in the group that the amendment be agreed to. It is my intention that all votes are recorded so that the names of those voting for, against or abstaining will be recorded in the minutes. Any other amendments in the group will be called at the appropriate time during the proceedings, in accordance with the marshalled list. For the record, only committee members can move amendments. For the purpose of today's proceedings, and in line with the Business Committee convention, I will move amendments on behalf of the Minister. Members will be aware that the only way to debate a section of the proposed Measure is to have tabled an amendment to it. Any sections that do not have amendments tabled to them will be deemed agreed, as will any sections where tabled amendments are not agreed to. I will announce which sections have been agreed at the end of the meeting.

9.34 a.m.

**Ymgysylltiad Cymunedau â Gwarediadau gan Awdurdodau Lleol o Gaeau Chwarae  
(Gwelliannau 4, 5, 1, 6, 2, 7, 3, 19, 8, 9, 16, 17 a 12)  
Community Involvement in Disposals by Local Authorities of Playing Fields  
(Amendments 4, 5, 1, 6, 2, 7, 3, 19, 8, 9, 16, 17 and 12)**

[11] **Sandy Mewies:** Group 1 is amendments 4, 5, 1, 6, 2, 7, 3, 19, 8, 9, 16, 17 and 12. That is the first group of amendments that we are going to consider, and it is in relation to community involvement in disposals by local authorities of playing fields. The lead amendment in the group is amendment 4. Minister, would you like amendment 4 in your name to be moved?

[12] **The Minister for Social Justice and Local Government (Carl Sargeant):** Yes, please, Chair.

[13] **Sandy Mewies:** I move amendment 4 in the name of Carl Sargeant. I call on the Minister to speak to amendment 4 and the other amendments in the group.

[14] **Carl Sargeant:** I thank the committee for inviting me to be here this morning. Group 1 is very broad and includes many amendments, which I will speak to today, with your permission. Although I will start by looking at amendment 4, it is necessary to consider all the Government's proposed amendments as a package. Despite the concerns of the Assembly Government and those of the committee at Stage 1 about the proportionality of Dai Lloyd's proposed Measure, we recognise the importance of what it is trying to achieve. For that reason, the Assembly Government undertook to work with Dai to find a more appropriate way forward. I think that we have worked extremely hard to do that, and we have come to some good agreements in this respect.

[15] I am pleased that the Government's proposed amendments have been discussed and agreed with Dai, and in my view they appear to provide, more appropriately, the detailed procedures to be followed by local authorities before taking a decision on whether to dispose of playing fields, as described and prescribed by the Welsh Ministers in regulations. While I

welcome the amendments that have been tabled by Eleanor Burnham, in some respects, they do not go far enough. The amendments that I have proposed will, I hope, address her concerns. If I may say so, Chair, I would like Eleanor to consider withdrawing her amendments if the committee supports the approach that I am advocating. Eleanor's amendments would, in any event, become redundant at a later stage.

[16] Turning to amendment 4, it deletes section 1 of the proposed Measure and should be read alongside amendment 12. It is, essentially, a consequential amendment that arises from the intention to provide the Welsh Ministers with the power to make regulations for the purpose of involving communities in decisions about proposals for the disposal of playing fields.

[17] The Government's amendment 5 is also a consequential amendment. It deletes definitions that are made unnecessary by amendment 12, which includes the definitions that are necessary for the purposes of the amended proposed Measure.

[18] The Government's amendment 6 removes the requirement for local authorities to prepare an impact statement for a proposed disposal. In its place, amendment 12 provides for regulations to be made by the Welsh Ministers, which may require the provision of information about the effect of a proposed disposal.

[19] The Government's amendment 7 is, again, a consequential amendment. It is more appropriate for procedural requirements for consultation to be dealt with in regulations. I agree with the conclusions of the committee at Stage 1 that a requirement to consult all households, which could number many thousands, is excessive and potentially costly. I will look to adopt a more proportionate approach in the regulations, should we reach that point.

[20] Amendment 19 is also a consequential amendment, which deletes the Schedule of organisations to be consulted by an authority on a proposed disposal of playing fields, as it would be more appropriate for that to be in regulations. In bringing that forward, I will take on board the recommendation at Stage 1 that the list of statutory consultees should be rationalised.

[21] Moving on to the Government's amendment 8, it is another consequential amendment, which removes the provision relating to the consideration of representations that are received during and after consultation. An equivalent provision will be made in the regulations.

[22] The Government's amendment 9 is a consequential amendment, which deletes provision relating to a decision by a local authority as to whether to proceed with a disposal following consultation. Comparable provision will, again, be made in regulations. The regulations will reflect the committee's recommendation at Stage 1 that there should be a more proportionate approach to the distribution of reports on decisions, by requiring authorities to send it to only those consultees who make substantial representations.

[23] The Government's amendment 16 removes the power of Welsh Ministers to make further supplementary and consequential provision from the face of the proposed Measure. Equivalent provision is included in the power to make regulations under amendment 12, as mentioned earlier.

9.40 a.m.

[24] The Government's amendment 17 is a consequential drafting amendment, which deletes the section on interpretations. Amendment 12 is the meat of the proposed Measure, as it provides Welsh Ministers with the power to make regulations for the involvement of

communities in decisions by local authorities about the way in which they dispose of playing fields. This power will enable Ministers to prescribe the types of disposal covered by the regulations and the detailed procedures relating to the publicity and consultation around that, which are to be followed by authorities before they decide to dispose of a playing field. It is an accepted practice that such detail is more appropriately set out in subordinate legislation. That also provides flexibility for Ministers to bring forward timely amendments. That would be far more difficult to effect if changes were to be required during the making of the primary legislation. This will enable Ministers to react more swiftly to changes in need in light of experience of the operation of new legislation by local authorities.

[25] In bringing forward these regulations, I intend to honour the underlying intent of Dai Lloyd's proposed Measure, while addressing concerns about the proportionality of some aspects of the proposed Measure as currently drafted identified by this committee in scrutiny of the legislation at Stage 1. There have already been some discussions with Dai Lloyd about the likely content of the regulations and my officials and I intend to work with Dai in working up the proposals for consultation in future.

[26] Turning to amendments 1, 2 and 3 in the name of Eleanor Burnham, I agree with the implicit recognition in amendment 1 that the proposed Measure would have a disproportionate impact on community and town councils, given the limited scale of their resources and expertise. However, I do not consider it appropriate to exclude community and town councils from the requirements of the proposed Measure today. Therefore, I will not be supporting amendment 1. The amendment that I have tabled will enable Ministers to prescribe in regulation requirements that a local authority must comply with prior to making a decision to dispose of a playing field. In so doing, we will look to adopt a sensible and proportionate approach in relation to all authorities, and community and town councils in particular.

[27] On amendment 2, again, I recognise that the preparation of an impact statement for each and every disposal potentially represents a significant and unnecessary burden on local government, particularly in the current difficult economic climate. Authorities have already produced a range of statutory and other strategies and plans, such as the local development plan and open space assessments, which should provide adequate evidence for the impact of a particular disposal of an overall provision in any area. So, I welcome amendment 2, but, if the amendments that I have proposed, which would make this subject to regulations made by Welsh Ministers, are accepted, again, this amendment would be redundant. So, I will not support amendment 2.

[28] Amendment 3 deals with the proportionality of the consultation requirement in the proposed Measure. However, again, I do not think that it is appropriate to remove the requirement to consult households in its entirety. The owner or occupier of property adjacent to a playing field would have a very real interest in a disposal and should be consulted directly. Again, I propose that this should be the subject of regulations under a revised proposed Measure, which I will be working on with Dai. That would render Eleanor's third amendment unnecessary.

[29] **Sandy Mewies:** Members now have an opportunity to speak to these amendments. Eleanor, please speak first.

[30] **Eleanor Burnham:** That is very kind of you. I welcome the Minister's warm words and thank him for those. I respectfully ask whether I may speak to my amendments.

[31] **Sandy Mewies:** Yes, you may.

[32] **Eleanor Burnham:** We believe that the Government amendments effectively delete all the important parts of the proposed Measure and replace them with a new set of powers for

the Minister to make regulations to deal with the disposal of certain types of assets, namely playing fields, by local authorities. We believe that this places too much power in the hands of the Minister. The Government's centralising power in this way goes against the principle of community involvement stated in the title of the proposed Measure. Although there are many aspects of the original proposed Measure with which we disagree, this set of amendments goes too far in the other direction. Our amendments offer a happy medium; they still give power to communities to be involved in the decision but do not overburden local authorities or give the Welsh Assembly Government too much control.

[33] The purpose of amendment 1 is to remove community councils from the face of the proposed Measure. Removing the reference to community councils from section 2 will remove all reference to community councils from the proposed Measure. We believe that certain aspects of this proposed Measure, in particular the requirement to consult as widely as the proposed Measure states, puts an unreasonable amount of pressure on local councils. Community councils, in particular, are not well placed to absorb additional bureaucracy since they operate on a much smaller level than principal county councils. We tabled this amendment, therefore, in the belief that the requirement to consult should be limited to principal local authorities.

[34] Amendment 2 removes the requirement for local authorities to assess the effect of the proposed disposal on the residents in the area. We have put forward this amendment because we feel that sufficient duty is already placed on local authorities to assess the effect of their plans on residents without adding an additional requirement through primary legislation. If this amendment is agreed, there will still be a heavy duty on local authorities to publish the proposals and to consult on them, as well as a duty to publish the effect of the proposals on services in the locality. As it stands, we believe that the proposed Measure goes a bit too far and places an unreasonable burden on local authorities. This amendment is intended to even things out a bit and make the process a little less burdensome.

[35] Finally, amendment 3 deletes the part of section 4 that requires the local authority to write to each and every resident in the electoral ward that contains the playing field. Again, we have tabled this amendment as this requirement appears to place another unreasonable burden on the local authority. If these lines are removed from the proposed Measure, there is still, in our view, ample consultation that the local authority must conduct before it can dispose of a playing field. If the amendment is agreed, the authority will still have to consult with the list of statutory bodies outlined in the Schedule to the proposed Measure, and with others who represent users of the playing fields. In our view, this amendment does not remove any rights from residents as they will still be consulted, albeit through residents' groups and suchlike. As far as we know, there has never been a requirement placed on local authorities to consult every resident in an area. The standard approach is to consult with a set of consultees. In our view, our amendment brings the proposed Measure back in line with the standard practice elsewhere in local government.

[36] **Ann Jones:** I think that Eleanor's amendments would shade matters and would lead to uncertainty as to how local authorities and so on would go ahead. I think that the Minister's amendment 12 is the meat of where we are. I wish to seek clarification from the Minister. I think that I heard him say that he would discuss how the regulations would appear with the Member in charge of the proposed Measure. I seek that clarification for many reasons, not necessarily to do with this committee. I seek your clarification, Minister, that it is the intention—everyone is laughing now; they have just realised why I am seeking this clarification—and not just your personal intention, but the Government's intention, to seek to discuss the regulations with the Member in charge of the proposed Measure.

[37] **Sandy Mewies:** Would you like to come back on that, Minister?



[38] **Carl Sargeant:** We are in an unusual situation, Chair. This is our first Member proposed Measure. It is a little bit of learning by process, but we believe that, particularly with regard to this proposed Measure, we have consulted with the lead Member throughout to find a way forward for this proposal. With the agreement of the lead Member, that is the way forward and the best way of doing this in relation to forming the regulations around this proposal. I am not sure whether it would be appropriate in all cases but, again, it is about the process of taking the proposed Measure through, with the agreement of the Member. This could be stopped in this process, but it has been agreed with the Member that this would be the best way forward.

[39] **Ann Jones:** To clarify, is that your personal assurance to the Member in charge of this proposed Measure, or is it a Government assurance to all Members in charge of proposed Measures? While Dai has the first one, there are others in the pipeline and I would seek equality and an assurance of equitable treatment.

[40] **Carl Sargeant:** It is absolutely right, Chair, for Ann to bring this up. I am here representing the Government, not myself. Therefore, that is the Government's position on this.

9.50 a.m.

[41] **Sandy Mewies:** Do any other Members want to come in before I bring Dai Lewis in—Dai Lloyd, rather. Sorry, Dai, I do not know who I was thinking of then. *[Laughter.]*

[42] **David Lloyd:** Thank you, Chair. I nearly said, 'Thank you, Rosemary'. *[Laughter.]* Thank you for the opportunity to address the committee this morning. I will start with some general thanks, because I intend to speak just once during this committee meeting to put everything into context.

[43] Members will be aware that I won the ballot for this Member proposed Measure, the Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure, back in December 2007. That was quite some time before the credit crunch and all the rest of it. There was a unanimous vote following a debate on the principles of the proposed Measure; therefore, we are all agreed on the general principles as an Assembly. That vote took place in February 2008, and there was a further unanimous vote following another debate in July 2009, which established the principle that presale consultation would be fixed somewhere in legislation. There was much discussion behind the scenes over the ensuing months to see how we could incorporate that unique call for presale consultation, that is, consultation before a local authority has decided what to do with a playing field, and not consultation during the planning process, by which time, as many people said to us in evidence, it would be a done deal and the whole consultation process would be a sham. I am sure that, in many cases, that is what it can turn out to be, as the local authority has decided what it is going to do before involving the public in the consultation. So, the unique feature of my proposed Measure, which has been preserved and honoured by the Minister, as he outlined, is the fact that consultation will now take place prior to sale and prior to the decision by a local authority to dispose of a playing field. That is true consultation.

[44] Where we have differed over the months is on the debate about proportionality and what form consultation should take. Members and various organisations have expressed disquiet about the supposed proportionality of writing to each concerned householder, or even just incorporating that information in the latest free council broadsheet that arrives automatically through the letterbox. However, the feeling was that even that was disproportionate. So, I am happy to concede on that point, because there is an imperative to move on, given that, as I outlined at the start, this proposed Measure has been going for most of this Assembly and unless we move forward now it will fall and we will lose that unique

presale consultation agreement that two unanimous votes have endorsed. We would therefore revert to the former position whereby residents would have no rights to be involved in any consultation prior to sale. As now, they would just be involved in a consultation process as part of the planning procedure, when a decision has already been made vis-à-vis a particular playing field.

[45] Therefore, I am happy to proceed on the basis of many hours of negotiations behind the scenes, because, as the Minister has emphasised, he has honoured that central unique principle of presale consultation. What has gone out of the window is the form in which that consultation takes place. I am happy that the Minister will deal with in exactly what form the consultation will take place, and what exactly will be written into regulations, in negotiation. I am happy for this to proceed along those lines, because, as I said, proceed it must because another set of Assembly elections is looming and, although we may differ on points of detail, unless we get a move on the whole thing falls and the principle of presale consultation falls with it. With those words, I thank my legal support, Keith Bush, the Members' research service, and my own Plaid Cymru research officers, who have been invaluable, because, as the Chair will be aware, I am a very timid, shy person usually—

[46] **Sandy Mewies:** I think that you are describing Dai Lewis, actually. [*Laughter.*]

[47] **David Lloyd:** That is the other Dai, is it? [*Laughter.*] The arguments, marshalled as they have been over the months and years of the progress of this proposed Measure, have been down to the excellent support that I have received from legal officers here in the Assembly, the Members' research service, and my own political staff.

[48] Diolch yn fawr iawn i chi i gyd. Thank you all very much.

[49] **Sandy Mewies:** I call on you to reply, Minister.

[50] **Carl Sargeant:** As I have gone through my amendments and the reasons behind them, I will not labour the point other than to say that the Government's amendments, as a package, are a more proportionate and appropriate way of ensuring that local authorities have proper regard to the views of the community before deciding to dispose of a playing field, as Dai has alluded to. It is our intention as a Government to pursue that. Let us proceed without any further ado.

[51] **Sandy Mewies:** So, you wish to proceed to a vote on amendment 4 and not to withdraw it.

[52] **Carl Sargeant:** Yes, please.

[53] **Sandy Mewies:** The question is that amendment 4 be agreed to. I call for a vote.

*Gwelliant 4: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 4: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 4.  
Amendment 4 agreed.*

[54] **Sandy Mewies:** In accordance with the marshalled list, we now come to dispose of the series of amendments that were debated as part of group 1. Minister, would you like amendment 5 in your name to be moved?

[55] **Carl Sargeant:** Yes, Chair.

[56] **Sandy Mewies:** I move amendment 5 in the name of Carl Sargeant. The question is that amendment 5 be agreed to. I call for a vote.

*Gwelliant 5: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 5: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 5.  
Amendment 5 agreed.*

[57] **Sandy Mewies:** As amendment 5 has been agreed, amendment 1 in the name of the Eleanor Burnham falls.

*Methodd gwelliant 1.  
Amendment 1 fell.*

[58] **Sandy Mewies:** We now come to dispose of amendment 6. Minister, would you like amendment 6 in your name to be moved?

[59] **Carl Sargeant:** Yes, Chair.

[60] **Sandy Mewies:** I move amendment 6 in the name of Carl Sargeant. The question is that amendment 6 be agreed to. I call for a vote.

*Gwelliant 6: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 6: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 6.  
Amendment 6 agreed.*

[61] **Sandy Mewies:** As amendment 6 has been agreed, amendment 2 in the name of the Eleanor Burnham falls.

*Methodd gwelliant 2.  
Amendment 2 fell.*

[62] **Sandy Mewies:** We now come to dispose of amendment 7. Minister, would you like amendment 7 in your name to be moved?

[63] **Carl Sargeant:** Yes, Chair.

[64] **Sandy Mewies:** I move amendment 7 in the name of Carl Sargeant. The question is that amendment 7 be agreed to. I call for a vote.

*Gwelliant 7: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 7: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 7.  
Amendment 7 agreed.*

[65] **Sandy Mewies:** As amendment 7 has been agreed, amendment 3 in the name of the Eleanor Burnham falls.

*Methodd gwelliant 3.  
Amendment 3 fell.*

[66] **Sandy Mewies:** We now come to dispose of amendment 19. Minister, would you like amendment 19 in your name to be moved?

[67] **Carl Sargeant:** Yes, Chair.

[68] **Sandy Mewies:** I move amendment 19 in the name of Carl Sargeant. The question is that amendment 19 be agreed to. I call for a vote.

*Gwelliant 19: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 19: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 19.  
Amendment 19 agreed.*

[69] **Sandy Mewies:** We now come to dispose of amendment 8. Minister, would you like amendment 8 in your name to be moved?

[70] **Carl Sargeant:** Yes, Chair.

[71] **Sandy Mewies:** I move amendment 8 in the name of Carl Sargeant. The question is that amendment 8 be agreed to. I call for a vote.

*Gwelliant 8: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 8: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 8.  
Amendment 8 agreed.*

[72] **Sandy Mewies:** We now come to dispose of amendment 9. Minister, would you like amendment 9 in your name to be moved?

[73] **Carl Sargeant:** Yes, Chair.

[74] **Sandy Mewies:** I move amendment 9 in the name of Carl Sargeant. The question is that amendment 9 be agreed to. I call for a vote.

*Gwelliant 9: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 9: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 9.  
Amendment 9 agreed.*

10.00 a.m.

**Cyfarwyddiadau gan Weinidogion Cymru (Gwelliant 10)  
Directions by the Welsh Ministers (Amendment 10)**

[75] **Sandy Mewies:** The second grouping of amendments to consider is in relation to directions by the Welsh Ministers. The only amendment in that group is amendment 10. Minister, would you like amendment 10 in your name to be moved?

[76] **Carl Sargeant:** Yes, please, Chair.

[77] **Sandy Mewies:** I move amendment 10 in the name of Carl Sargeant. I call for a vote.

[78] Sorry, there is meant to be a discussion on this. Please forgive me. You have to speak. [*Laughter.*]

[79] **Carl Sargeant:** I have to speak, as well; I was happy with that, Chair,

[80] **Sandy Mewies:** You kept very quiet, did you not?

[81] **Carl Sargeant:** I do not think that I would have got past Ann Jones. [*Laughter.*]

[82] **Sandy Mewies:** I have moved the amendment, so you should now speak to it.

[83] **Carl Sargeant:** Thank you, Chair. Amendment 10 is a much shorter amendment for us this time. It removes the power of the Welsh Ministers to issue direction to an authority to temporarily stop a disposal until remedial action is taken by the authority, thereby ensuring substantial compliance with the proposed Measure. In the light of the regulation-making power, I propose that this power is no longer necessary. Within the regulation-making power that I have proposed, the Welsh Ministers will be able to introduce provision requiring authorities to have regard to guidance issued by them when making a disposal, Chair.

[84] **Sandy Mewies:** No-one has indicated that they wish to speak. Dai, you have also indicated that you do not wish to speak. Minister, do you wish to proceed to a vote on amendment 10 or to withdraw it?

[85] **Carl Sargeant:** I wish to proceed to a vote, Chair.

[86] **Sandy Mewies:** The question is that amendment 10 be agreed to. I call for a vote.

*Gwelliant 10: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 10: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 10.  
Amendment 10 agreed.*

**Diwygio Deddf Llywodraeth Leol 1972 (Gwelliannau 11 a 13)  
Amendment to the Local Government Act 1972 (Amendment 11 and 13)**

[87] **Sandy Mewies:** The third grouping of amendments to consider is in relation to amendment to the Local Government Act 1972—amendments 11 and 13. The lead amendment in the group is amendment 11. Minister, would you like amendment 11 in your name to be moved?

[88] **Carl Sargeant:** Yes, please, Chair.

[89] **Sandy Mewies:** I move amendment 11 in the name of Carl Sargeant. I call on the Minister to speak to amendment 11 and the other amendment in the group.

[90] **Carl Sargeant:** Again, amendment 11 is a technical drafting amendment that deletes section 8, which amends the Local Government Act 1972 to require a principal authority or community council to comply with the proposed Measure when proposing the disposal of a playing field. Comparable provision is reintroduced by amendment 13. Government amendment 13 replicates the provision of the deleted section 8, and updates the date and the title of the proposed Measure. I trust therefore that you will be able to support these amendments.

[91] **Sandy Mewies:** Do any Members wish to speak? I see that no-one does. Minister, do you wish to proceed to a vote on amendment 11 or to withdraw it?

[92] **Carl Sargeant:** I wish to proceed to a vote, Chair.

[93] **Sandy Mewies:** The question is that amendment 11 be agreed to. I call for a vote.

*Gwelliant 11: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 11: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

*Derbyniwyd gwelliant 11.  
Amendment 11 agreed.*

### **Gorchmynion a Rheoliadau (Gwelliant 15) Orders and Regulations (Amendment 15)**

[94] **Sandy Mewies:** The fourth grouping of amendments to consider is in relation to orders and regulations. The only amendment in the group is amendment 15. Minister, would you like amendment 15 in your name to be moved?

[95] **Carl Sargeant:** Yes, please, Chair.

[96] **Sandy Mewies:** I move amendment 15 in the name of Carl Sargeant. I call on the Minister to speak to amendment 15.

[97] **Carl Sargeant:** Amendment 15 is a consequential amendment that specifies the procedure to be followed on making regulations under amendment 12. The amendment replaces the provision in section 9, which becomes redundant in its current form.

[98] **Sandy Mewies:** Do any Members wish to speak? I see that no-one does. Minister, do you wish to proceed to a vote on amendment 15 or to withdraw it?

[99] **Carl Sargeant:** I wish to proceed to a vote, Chair.

[100] **Sandy Mewies:** The question is that amendment 15 be agreed to. I call for a vote.

*Gwelliant 15: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 15: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 15.  
Amendment 15 agreed.*

[101] **Sandy Mewies:** In accordance with the marshalled list, we now come to dispose of amendments 16 and 17, which have been debated as part of group 1. Minister, would you like

amendment 16 in your name to be moved?

[102] **Carl Sargeant:** Yes, Chair.

[103] **Sandy Mewies:** I move amendment 16 in the name of Carl Sargeant. The question is that amendment 16 be agreed to. I call for a vote.

*Gwelliant 16: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 16: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 16.  
Amendment 16 agreed.*

[104] **Sandy Mewies:** We now come to dispose of amendment 17. Minister, would you like amendment 17 in your name to be moved?

[105] **Carl Sargeant:** Yes, Chair.

[106] **Sandy Mewies:** I move amendment 17 in the name of Carl Sargeant. The question is that amendment 17 be agreed to. I call for a vote.

*Gwelliant 17: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 17: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 17.  
Amendment 17 agreed.*

### **Enw Byr a Chychwyn (Gwelliant 18) Short Title and Commencement (Amendment 18)**

[107] **Sandy Mewies:** The fifth grouping of amendments to consider is in relation to the short title and commencement. The only amendment in the group is amendment 18. Minister, would you like amendment 18 in your name to be moved?

[108] **Carl Sargeant:** Yes, Chair.

[109] **Sandy Mewies:** I move amendment 18 in the name of Carl Sargeant. I call on the Minister to speak to amendment 18.

[110] **Carl Sargeant:** Amendment 18 is largely a technical drafting amendment, but it will ensure that the proposed Measure comes into force immediately following approval by Her



Majesty the Queen. I intend to bring forward the first set of regulations under the proposed Measure soon after commencement, and I imagine that Members would welcome that.

[111] **Sandy Mewies:** Do any other Members wish to speak? I see that no-one does. In that case, Minister, do you wish to proceed to a vote on amendment 18 or to withdraw it?

[112] **Carl Sargeant:** I wish to proceed to a vote, Chair.

[113] **Sandy Mewies:** The question is that amendment 18 be agreed to. I call for a vote.

*Gwelliant 18: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 18: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

*Derbyniwyd gwelliant 18.  
Amendment 18 agreed.*

[114] **Sandy Mewies:** In accordance with the marshalled list, we now come to dispose of amendment 12, which has been debated as part of group 1. Minister, would you like amendment 12 in your name to be moved?

[115] **Carl Sargeant:** Yes, Chair.

[116] **Sandy Mewies:** I move amendment 12 in the name of Carl Sargeant. The question is that amendment 12 be agreed to. I call for a vote.

*Gwelliant 12: O blaid 4, Ymatal 0, Yn erbyn 1.  
Amendment 12: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Burnham, Eleanor

*Derbyniwyd gwelliant 12.  
Amendment 12 agreed.*

[117] **Sandy Mewies:** In accordance with the marshalled list, we now come to dispose of amendment 13, which has been debated as part of group 3. Minister, would you like amendment 13 in your name to be moved?

[118] **Carl Sargeant:** Yes, Chair.

[119] **Sandy Mewies:** I move amendment 13 in the name of Carl Sargeant. The question is that amendment 13 be agreed to. I call for a vote.

*Gwelliant 13: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 13: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

*Derbyniwyd gwelliant 13.  
Amendment 13 agreed.*

**Gwaredu Caeau Chwarae gan Awdurdodau Parciau Cenedlaethol (Gwelliant  
14)  
Disposal by National Park Authorities of Playing Fields (Amendment 14)**

[120] **Sandy Mewies:** The sixth and final grouping of amendments to consider is in relation to disposal by national park authorities of playing fields. The only amendment in the group is amendment 14. Minister, would you like amendment 14 in your name to be moved?

[121] **Carl Sargeant:** Yes, please, Chair.

[122] **Sandy Mewies:** I move amendment 14 in the name of Carl Sargeant. I call on the Minister to speak to amendment 14.

[123] **Carl Sargeant:** This is our final amendment to the proposed Measure. Amendment 14 is a consequential drafting amendment, which amends the Environment Act 1995 so that the disposal of playing fields by the national park authorities is subject to the requirements of the proposed Measure.

[124] **Sandy Mewies:** Do any other Members wish to speak? I see that no-one does. Minister, do you wish to proceed to a vote on amendment 14 or to withdraw it?

[125] **Carl Sargeant:** I wish to proceed to a vote, Chair.

[126] **Sandy Mewies:** The question is that amendment 14 be agreed to. I call for a vote.

*Gwelliant 14: O blaid 5, Ymatal 0, Yn erbyn 0.  
Amendment 14: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Burnham, Eleanor  
Franks, Chris  
Graham, William  
Jones, Ann  
Lloyd, Val

*Derbyniwyd gwelliant 14.  
Amendment 14 agreed.*

[127] **Sandy Mewies:** For the record, all sections of the proposed Measure are deemed to have been agreed by the committee. Standing Order No. 23.40 states that

[128] ‘if a proposed Measure is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum.’

[129] I consider that amendments agreed by the committee have substantially altered some existing provisions and, as such, do Members agree that the Member in charge should prepare a revised explanatory memorandum? I see that Members agree.

[130] In accordance with Standing Order No. 23.42, Stage 3 begins tomorrow, 8 July, which is the first possible day on which it can begin. Members will be notified in due course of the deadline for tabling amendments, which will also be published in the business notice.

[131] I thank everyone for their attendance and for their patience during this meeting. There is more work for Dai—perhaps he can call on Dai Lewis to help him. [*Laughter.*] I thank everyone for the work that they have done, and I declare the meeting closed.

*Daeth y cyfarfod i ben am 10.09 a.m.  
The meeting ended at 10.09 a.m.*