



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion

The Record of Proceedings

[Y Pwyllgor Deisebau](#)

[The Petitions Committee](#)

07/03/2017

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynndi yn y pwylgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Gareth Bennett UKIP Cymru
[Bywgraffiad](#) | [Biography](#) UKIP Wales

Mike Hedges Llafur
[Bywgraffiad](#) | [Biography](#) Labour

Simon Thomas Plaid Cymru (yn dirprwyo ar ran Neil McEvoy)
[Bywgraffiad](#) | [Biography](#) The Party of Wales (substitute for Neil McEvoy)

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

Kayleigh Driscoll Dirprwy Glerc
 Deputy Clerk

Graeme Francis Clerc
 Clerk

Lisa Salkeld Cyngorydd Cyfreithiol
 Legal Adviser

Kath Thomas Dirprwy Glerc
 Deputy Clerk

Dechreuodd y cyfarfod am 09:06.

The meeting began at 09:06.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Mike Hedges:** Bore da. Good morning. Can I welcome everyone to the meeting? I remind participants they are welcome to speak in Welsh or English. Headsets are available for the translation of Welsh to English. There's no need to turn off mobile phones or other electronic devices, but please ensure that any devices are on silent mode. We've got one substitution—Simon Thomas is substituting for Neil McEvoy. And we've got one apology from Janet Finch-Saunders, who's unable to make it.

Deisebau Newydd New Petitions

[2] **Mike Hedges:** That takes us on to item 2: new petitions. The first one we've got is 'Stop Forsythia Closing'. This petition was submitted by Forsythia Youth Centre, having collected 74 signatures and also collected 533 signatures on an alternative e-petition. A first consideration letter was sent to the Cabinet Secretary for Communities and Children on 24 January, with a response on 9 February. We've had a research briefing on the petition and related issues, which has been prepared for Members' information. The petitioner was informed the petition would be considered by the committee, but had not responded when papers for the committee were being finalised.

[3] What do we want to do? The Cabinet Secretary states that a consultation on the future of Communities First closed on 15 January. Consequently, on 14 February, the Cabinet Secretary announced that Communities First will be phased out. The Government has stated that it will adopt a careful approach going forward, seeking to preserve some of the most effective aspects of the work Communities First has done. Transitional funding of 70 per cent of the Communities First budget will be provided in 2017–18, with a legacy fund of £6 million introduced from 2018.

[4] In the light of the statement confirming that Communities First will be phased out, things we could do is: write to the Cabinet Secretary for Communities and Children to ask how he intends that successful Communities First schemes and projects will be supported in the future, and whether the continued investment in the Flying Start and Families First programmes will support the sustainability of youth centres, such as Forsythia. Are we happy to do that? Yes. And we've got a statement coming from the Minister for lifelong learning on the future of youth work delivery, which will inform us when it comes back.

[5] **Simon Thomas:** You might have a lot of these petitions. I'm aware of a lot of organisations, in my region, that are looking to protest about the effect of Communities First facilities closing.

[6] **Mike Hedges:** I've got a number in my constituency as well. They just haven't been very good at doing it up until now.

[7] 'End the Exotic Pet Trade in Wales'—a first consideration letter was sent to the Cabinet Secretary for Environment and Rural Affairs on 31

January, with a response on 8 February. A research briefing on the petition and related issues has been prepared for Members' information. The petitioner has also submitted further comments, which are included in the papers for the meeting.

[8] What do we want to do? A letter from the Cabinet Secretary states that officials are set to discuss the RSPCA Cymru campaign for a ban on keeping primates as pets in the coming months, and the Welsh Government is awaiting the findings of a review being carried out in Scotland on the trade of exotic pets. The Welsh Government's Wales animal health and welfare framework group will also discuss the issue at a future meeting. The petitioner has welcomed the actions referred to by the Cabinet Secretary and asked a number of further questions. The petitioner has also shared some findings from an information request from local authorities, and asked for the Assembly to consider both a total end to the trade in exotic pets or, as a minimum, the introduction of a positive list system. I suggest that we send the further questions on to the Cabinet Secretary.

[9] **Simon Thomas:** I thought the response of the Cabinet Secretary was quite weak, actually. I thought the petitioner had asked some very good questions that were reasonable to ask of the Welsh Government about their proposals. And it just so happens that I met with the RSPCA over the weekend to discuss this, so I'm sort of across it, but waiting for reviews to happen elsewhere doesn't really take Welsh Government off the hook for responding on what they intend to do. So, I think it would be useful to press more on this.

[10] **Mike Hedges:** Which is what their questions do, so we can just forward on their questions. I've got to be careful; I hold very strong views on this, but I'm not supposed to have them at the moment.

[11] **Simon Thomas:** No, no, and I'm only here for one meeting.

[12] **Mike Hedges:** Possibly.

[13] **Simon Thomas:** Possibly, yes. [*Laughter.*]

[14] **Mike Hedges:** 'Stop Gazumping: Follow Scotland's Buying Process'. We sent a letter to the Cabinet Secretary on 31 January and received a response on 15 February. We've had a research briefing. The petitioner has not responded. Do you want to explain the current position on this?

[15] **Mr Francis:** Yes, certainly. It posed some unusual admissibility questions when this petition came in, based upon the fact that housing is a devolved area, but things like consumer protection are not. Because the petition called for a review of the house buying process in Wales, the petition was deemed admissible. They didn't ask the Government to change the law, and the rules about petitions' admissibility state that petitions are admissible unless it covers something that the Welsh Government clearly does not have the power to do. And we didn't think that applied in this case at the time. The Government has written back to say that it doesn't believe it has the power to change the process for buying and selling houses in Wales, and, since the petition was accepted, the Royal Assent received for the Wales Act 2017 I think makes that position clearer, in that regulation of estate agents is a specific exemption under that new Act even though that Schedule hasn't commenced yet. So, I think we may view the petition differently if it was submitted today to the time when it was submitted.

[16] **Mike Hedges:** As this is not a devolved matter, I can hold a view on it. I think the petitioners are raising a very important point. I would hate to see this lost completely. We have to close the petition because we can't do anything with it, but can we write to the petitioner, explaining the change of circumstances and the further clarity over the reservation of powers in this area, and suggest they contact the UK Parliament?

09:13

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol **Updates to Previous Petitions**

[17] Three long-standing bus ones: 'Buses for Meirionnydd', from April 2013, Wrexham/Barmouth, November 2013, and funding for Welsh bus services, 26 November 2013. These have been around a long time. What's happened so far is the X94 between Wrexham and Barmouth has been replaced by the T3 service, operated by a different provider. Therefore, that petition has been successful. We can't make any further progress on the others, and we've had difficulty contacting the petitioners. The three petitions were considered as part of the Enterprise and Business Committee inquiry into bus and community transport in the fourth Assembly. Can I suggest we close the other two, and can I suggest that this is a lesson to the Petitions Committee to make sure that things are dealt with promptly, because when you leave things hanging around for well over three years,

then it gets overtaken by events?

[18] **Simon Thomas:** And it's certainly been overtaken now by the statement on bus services that the Minister made, and the proposals the Welsh Government have to regulate more in this area, so that will, perhaps for future petitions, give a clearer steer as to what should be done.

[19] **Mike Hedges:** 'Install a Traffic Lights System at Cross Hands Roundabout.' We had this, I think, in July last year. It was considered on 13 September. The clerking team has since sought to contact the petitioners on a number of occasions to gather their views on the response from the Cabinet Secretary but have been unable to secure a response. The response received from the Cabinet Secretary for Economy and Infrastructure stated that improvements to street furniture and signing at the roundabout had been identified and planned for the financial year. Shall we close the petition?

[20] **Simon Thomas:** Agree.

[21] **Mike Hedges:** There is a problem on Cross Hands roundabout, which does need addressing at a further stage.

[22] **Simon Thomas:** I'm very familiar with it. [*Laughter.*]

09:15

[23] **Mike Hedges:** 'Removal of M4 Speed Restrictions at the Brynglas Tunnels'. This was received on 17 January this year, with 15 signatures. It was considered on 17 January. A response was received on 18 February. The petitioner was informed that the petition would be considered by the committee, but had not responded when papers to the committee were being finalised. Still not responded?

[24] **Mr Francis:** No.

[25] **Mike Hedges:** The committee enquired whether an assessment of the impact of the variable speed limit had been carried out on the basis of the response given by the First Minister in 2013. The Cabinet Secretary's letter to the committee states that no such assessment has been conducted, but that the Government plans to conduct a review when it has collected 12 months-worth of data from the enforcement of the variable speed limit, which commenced in September 2016.

[26] **Simon Thomas:** So, you could say that the petitioner's concerns will be met in due course.

[27] **Mike Hedges:** Yes.

[28] **Simon Thomas:** It's reasonable to—

[29] **Mike Hedges:** Yes. Just tell them they will have a response sometime towards the end of this year. I'm not sure, but when we close a petition, which I hope we will with this one, when we get further information relating to the petition, is there any way of actually telling them that this has now happened?

[30] **Mr Francis:** Yes, we can certainly do that behind the scenes. We would, I think, in that case, probably prompt the Cabinet Secretary to write to us about the petition.

[31] **Mike Hedges:** And then we can send it on.

[32] **Simon Thomas:** I think there would be wider interest to know, you know, about the review, but maybe not—. People will have different perspectives on it, but they might be interested to know that this review is going on.

[33] **Mr Francis:** Okay. Just to clarify, did you want to close that—

[34] **Mike Hedges:** Close it, but we'll write to them and tell them what is happening, and tell them we'll write to them again when we get the final information.

[35] 'No Further Actions on Nitrate Vulnerable Zones (NVZ) In Wales At All'. The petition was received on 17 January. It was considered for the first time on 17 January and the committee agreed to await the view of the petitioner on the Welsh Government's response before deciding whether to take further action. The petitioner has now submitted further comments, which are included in the papers for the meeting. A Welsh Government consultation on the implementation of the EU nitrates directive closed at the end of 2016. Options in the consultation included the designation of new zones, or applying the measures across the whole of Wales. The Welsh Government is currently considering the responses. The petitioner is primarily concerned

with a proposed Milford Haven zone. Send on the comments to the Cabinet Secretary? And when we get an announcement of the Welsh Government's chosen course of action, send it on to the petitioner?

[36] **Simon Thomas:** I think so, Chair. I think I was the one that asked the question that refers to when she was unhappy with the response of the Minister on the construction industry, instead of the contractors industry. But this is still under active consideration by Welsh Government, isn't it?

[37] **Mike Hedges:** I was sat next to you when you did it. [*Laughter.*]

[38] 'Improving specialised neuromuscular services in Wales'. This petition was submitted by the Muscular Dystrophy Campaign and was first considered on 4 February 2014—another one that hits its third anniversary. We last considered it on 15 November and agreed to ask the Health, Social Care and Sport Committee to share a copy of the Cabinet Secretary for Health, Well-being and Sport's response when received, and seek further views from the petitioner at that point. A response from the Chair of the Health, Social Care and Sport Committee was received on 17 January. The petitioner has also submitted further comments, which are included in the papers for the meeting. The Cabinet Secretary's letter to the Health, Social Care and Sport Committee states that a refreshed neurological conditions delivery plan is due to be published this summer. Third sector organisations are represented on a group informing the refresh of the plan via the Wales Neurological Alliance. The Cabinet Secretary has also outlined details of funding provided for neurological conditions and further longer term plans. The Health, Social Care and Sport Committee has not currently allocated time in its forward work programme on this issue. The petitioners have welcomed the progress being made and urged health boards to adopt the service requirements for neuromuscular services, including investing in specialist multidisciplinary care. We could write to the Cabinet Secretary to ask if the petitioners can be provided with the assurances they are seeking regarding that a national decision-making forum with resources is sufficiently aware of the service risks and assigns an informed priority to the situation, and that neuromuscular services are included within the scope of the national review of neurosciences in Wales being led by the Welsh Health Specialised Services Committee. Everybody happy?

[39] **Simon Thomas:** I'd be happy with that. I just want to ask a question—I don't know if it's usual in this—

[40] **Mike Hedges:** It is, yes; please do.

[41] **Simon Thomas:** Is this committee in a position to write to the health boards themselves just to draw their attention to the—because I think the petitioner is particularly concerned about local delivery—just to bring their attention to the correspondence.

[42] **Mike Hedges:** Yes. We'll send it to the health boards.

[43] **Simon Thomas:** That would be a useful addition as well.

[44] **Mike Hedges:** The next one is 'Inequitable Access to Treatments That Have Not Been Nationally Appraised in NHS Wales'. It was first considered on 15 July 2014 and last considered on 3 February 2015. That is a long time. A research briefing on the petition and related issues has been prepared to assist Members in determining an appropriate future course of action. The petitioner was informed that the petition would be considered by the committee and provided with a copy of the research brief, but had not responded when papers for the committee were being received.

[45] **Mr Francis:** If I could say, Chair, we're not sure that they received that original e-mail due to a member of staff being on maternity leave. So, they have since received that, but it may not be the usual length of time that petitioners have had.

[46] **Mike Hedges:** Shall we give them until the next meeting to respond, then? Give them further time to respond.

[47] **Mr Francis:** Yes, and I think on this petition, the Cabinet Secretary has stated that they'll be making a decision and an announcement shortly as well. I think that that potentially impacts directly upon the issue in the petition, so we can await that as well.

[48] **Mike Hedges:** Happy with that?

[49] **Gareth Bennett:** Yes.

[50] **Mike Hedges:** 'A Treatment Fund for Wales—There Must be an End to the Healthcare Postcode Lottery'. This was first considered on 13 September 2016. We agreed to seek the views of the petitioner, given that the announcement of a new treatment fund might address the issues raised by

the petition. You attempted to contact the petitioner on a number of occasions to gather their views, but have been unable to secure a response.

[51] **Simon Thomas:** Is it more appropriate to close it, then?

[52] **Mike Hedges:** Yes.

[53] **Mr Francis:** I think, again, the subject matter for this petition—we put them next to each other on the agenda because it's quite similar to the previous one we discussed. So, again, the Cabinet Secretary's announcement may shed light on it. This one's in a slightly different situation given our difficulty in contacting the petitioner.

[54] **Mike Hedges:** I think that, if we close it now, and we also send a copy of the Cabinet Secretary's response when it comes in, so that we keep them informed.

[55] **Mr Francis:** We'll do that.

[56] **Mike Hedges:** 'Give Every Child in Wales the Meningitis B Vaccine for Free'. This was last considered on 11 October 2016, when we agreed to write to Meningitis Now and the Meningitis Research Foundation to seek their views on extending the existing vaccination programme. A joint response from both organisations was received on 12 January. The petitioner was informed the petition would be considered by the committee but had not responded when the papers for the committee were being finalised. Meningitis Now and the Meningitis Research Foundation are supportive of the aims of the petition. It says lots of things about the benefits of that. I suggest that we send on their comments to the health Secretary for his view. Are we happy with that?

[57] **Simon Thomas:** Yes.

[58] **Gareth Bennett:** Yes.

[59] **Mike Hedges:** 'Close the Gap for deaf pupils in Wales'. This petition was submitted by the National Deaf Children's Society Cymru and was first considered on 15 May 2013. It was last considered on 29 November 2016 and we agreed to write to the Cabinet Secretary for Education to set out some of the background to the petition and ask for the Welsh Government's views. A response was received from the Minister for Lifelong Learning and

Welsh Language on 11 January. The petitioners have also submitted further comments, which are included in the papers. The Minister attempted to provide reassurance. The petitioners have highlighted a reduction in funding, and call for Welsh Government to strengthen the law. In relation to teacher training, the Minister's letter refers to the additional learning needs Bill and the additional learning needs transformation programme. The petitioners have asked further questions in relation to the coverage of deaf awareness and deaf-specific provision. Shall we write with their further questions to the Minister?

[60] **Gareth Bennett:** Yes.

[61] **Mike Hedges:** 'Bring Back January Exams for AS/A level Students'. This was submitted on 11 October 2016, having collected 88 signatures. The committee considered the petition on 11 October 2016 and considered responses from the Cabinet Secretary for Education and Qualifications Wales on the petition. Qualifications Wales stated their regulatory view that the policy of ending January assessments was in the best interests of learners. The committee agreed to await the views of petitioners before deciding whether to take any further action. The clerking team have attempted to contact the petitioner on a number of occasions to gather their views, but were unable to secure a response.

[62] **Simon Thomas:** The petition should be closed, then.

[63] **Mike Hedges:** So, I have an 18-year-old at home with a number of friends who would have really liked to have had an opportunity to resit in January.

[64] **Simon Thomas:** It's a bit difficult, though, when the responsibility is, in effect, in the hands of an independent organisation from Welsh Government now, which has been approved by the Assembly. So, taking forward a petition like this, you do come up against a situation where it's a question of—you've got to build the evidence to change policy. But a petition, in itself, doesn't do that.

[65] **Mike Hedges:** I think the reason it was brought in was to stop people building grades. You could have four goes at an AS-level or A-level exam, and you'd keep the best grade from any of those. You'd have an opportunity to build grades—

[66] **Simon Thomas:** You could use your best—you could use your best element.

[67] **Mike Hedges:** There are good reasons for it; there was a lot of grade building taking place.

[68] **Simon Thomas:** I think there was a story in the press of somebody who took five resits.

[69] **Mike Hedges:** But the opportunity was there to do AS-levels. Instead of doing four, doing two at a time, so you'd end up only having to study for two exams. There are good reasons, but, anyway, we decided to note it, haven't we? Close it.

[70] ‘Protect Special Educational Needs’, from 13 December 2016. Last considered on 13 December, I agreed to write to the Minister for Lifelong Learning and Welsh Language to ask how the Welsh Government monitors the effectiveness of services and support for children with autism and their parents, and the outcomes achieved from the funding provided; and to Neath Port Talbot council to seek their response to the specific experiences related by the petitioner. Responses from both have now been received. The petitioner was informed that the petition would be considered by the committee, but had not responded when the papers for the committee were being finalised. Still not responding?

[71] **Mr Francis:** No.

[72] **Mike Hedges:** And they've had plenty of time?

[73] **Mr Francis:** Just the usual—they have a week between when we send them the papers and when we publish the papers, so there's only a period of a week.

[74] **Mike Hedges:** Shall we give them another two weeks, then? Are you happy to give another fortnight to respond?

[75] **Simon Thomas:** It was quite a comprehensive response from the local authority, so it might be worth waiting to see whether they've got something specific to raise.

[76] **Mike Hedges:** Yes, I think the point you raise is very pertinent,

because, as they've had such a substantial response, then, obviously, it may take them some time to produce their response to the response. But, in the meantime, we could press for a response from Neath Port Talbot council to the specific comments made by the petitioner about their experiences in trying to access support services in their area. Are you happy with that?

[77] **Simon Thomas:** Yes.

[78] **Mike Hedges:** 'Ancient veteran and heritage trees of Wales to be given greater protection', first considered on 4 December 2012. The previous committee last considered it on 13 May 2014, noted that Coed Cadw are now members of the task and finish group and agreed to await the Minister informing the committee of the outcome of the group's meetings. The clerking team have requested updates from the Welsh Government at regular intervals and have recently been informed that several options contained in the report remain under consideration.

[79] On 23 February, the petitioners sent an update, which is included in the papers. The petitioners are members of the task and finish group, which has reported to the Welsh Government. Their update states that the Cabinet Secretary had confirmed in November 2016 that officials would respond to the group's recommendations 'as soon as possible'.

[80] Shall we write and ask for an update from the Cabinet Secretary?

[81] **Simon Thomas:** I just wondered if, because the petitioners are now actually part of the process around meeting the demands of the petition, which is, presumably, a positive outcome of the whole process—

[82] **Mike Hedges:** It's very positive, I would have thought.

[83] **Simon Thomas:** —and it's been going for nearly five—well, four and a half years—whether the committee would want to consider that this aspect should be closed now, because there are very obvious alternative routes for them to go down.

[84] **Mike Hedges:** Yes, if they're talking to the Minister, talking to us to talk to the Minister does seem to add an extra step.

[85] **Simon Thomas:** Exactly, and there's an extra process there that doesn't need to happen because they've got this direct—.

[86] **Mike Hedges:** Are you happy to close it?

[87] **Gareth Bennett:** Yes, on that basis; yes, fine.

[88] **Mike Hedges:** ‘Allow Public Recording of Local Government Meetings’ from 8 March 2016. Last considered 17 January, we agreed to seek further information from the Cabinet Secretary for Finance and Local Government on how he intends to implement proposals for compulsory recording of local government proceedings. We had a response on 17 February. The petitioner was informed that the petition would be considered by the committee, but had not responded when the papers for the committee were being finalised.

09:30

[89] The Cabinet Secretary’s letter confirms an intention to make broadcasting of council meetings a statutory requirement, following the current consultation exercise on the reforming local government White Paper. I would have thought that had achieved—

[90] **Simon Thomas:** Achieved the aims of the petition.

[91] **Mike Hedges:** Yes. ‘Local Government Finance and Funding’, this petition was submitted by Unison. It was first considered on 17 January 2017, with 2,192 signatures. It was considered on 17 January, when we agreed to write to the Cabinet Secretary for Finance and Local Government to ask whether, and how, the petitioners will be able to engage in the development of proposals on local government reform.

[92] There was a response on 7 February and the petitioner was informed that the petition would be considered by the committee, but had not responded when the papers for the committee were being finalised.

[93] We know that a White Paper on reforming local government was published on 31 January. As previously welcomed by the petitioners, the Cabinet Secretary has also confirmed that the final local government settlement for 2017–18 ensures that no local authority will see a reduction in funding of more than 0.5 per cent in cash terms.

[94] So, we could close the petition because there is now an opportunity for the petitioner to be involved in the discussion. Are we happy with that?

[95] **Simon Thomas:** Yes.

09:31

Cynnig o dan Reol Sefydlog 17.42(ix) i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod
Motion under Standing Order 17.42(ix) to Resolve to Exclude the Public from the Remainder of the Meeting

Cynnig:

Motion:

bod y pwylgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in 17.42(ix).

accordance with Standing Order 17.42(ix).

Cynigiwyd y cynnig

Motion moved

[96] **Mike Hedges:** Can I move a motion under Standing Order 17.42, to resolve to exclude the public from the remainder of this meeting? I propose. Are Members content?

[97] **Gareth Bennett:** Yes.

[98] **Simon Thomas:** Yes.

Derbyniwyd y cynnig

Motion agreed

*Daeth rhan gyhoeddus y cyfarfod i ben am 09:31.
The public part of the meeting ended at 09:31.*