

Enterprise and Learning Committee

EL(3) 19-08 (p1) - Annex 1: 3 July 2008

Handling of petitions

Background

1. The Chair of the Petitions Committee has written to the Chair of the Enterprise and Learning Committee requesting that the Committee considers the merits of the following petitions and further action as appropriate:

Petition to change the law regarding school naming

Sustrans call on the Welsh Assembly Government to Develop and Maintain a Network of Traffic Free Shared Use Paths

Powys Community Schools Action

Pride in Barry

Fuel Prices

2. Information regarding all of the above is available on the Petitions Committee website: <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-pc-home.htm>

3. This annex sets out a summary of each petition and draft recommendations for handling for Members' consideration.

Petition to change the law regarding school naming

4. The petition was last considered by the Petitions Committee on 10 April 2008. In essence it sought a change to the law dealing with the re-naming of maintained schools by transferring the ultimate decision making power from Local Education Authorities (LEAs) to governing bodies. The Chair of the Enterprise and Learning Committee sought legal advice.

5. The Welsh Ministers have made Regulations under Section 20 (2) of the Education Act 2002 in the form of the Government of Maintained School (Wales) Regulations 2005. The most expeditious way of effecting legislative change would undoubtedly be to persuade the Government to amend these Regulations. In correspondence with the Petitions Committee, the Minister for Children, Education, Lifelong Learning and Skills indicated that she was of the opinion that the decision-making power should continue to rest with the LEA.

6. At that stage the Minister had been asked that the decision making power be transferred wholesale from one party to another. The Minister had not been asked to consider the addition of a mechanism to give an aggrieved governing body some right of recourse. The Chair sought further legal advice on this issue.

7. Legal Advisers are of the opinion that the National Assembly for Wales already has the necessary legislative competence to legislate in this area, by virtue of Matter 5.2 of Part 1 of Schedule 5 to the Government of Wales Act 2006. Matter 5.2 reads:

Provision about the establishment and discontinuance of schools maintained by local education authorities, their change from one category to another and their alteration in other respects.

They have advised the Chair that making the re-naming of a school a prescribed alteration would provide a balance in the decision-making power of LEAs and governing bodies by necessitating an open consultation and a right of recourse to a third party (an adjudicator) in the event of one party being aggrieved. Legal Advisers have stated that it in their view Matter 5.2 provides the Assembly with the legislative competence to do so.

Recommendation

That Members consider the legal advice provided and whether the Committee should seek to influence the Minister or sponsor legislation seeking to change the current legal framework. Since the petition has not been closed, the Petitions Committee has requested that the Enterprise and Learning Committee report back on its conclusions.

Sustrans Cymru call on the Welsh Assembly Government to Develop and Maintain a Network of Traffic Free Shared Use Paths

8. The petition was last considered by the Petitions Committee at a meeting on 31 January 2008. The petition was formally referred to the Enterprise and Learning Committee. The Chair sought legal advice.

9. Legal advice states that the proposal is valid and that the Committee or an Assembly Member could sponsor a Legislative Competence Order. The current live list of Legislative Competence Order proposals for the next ballot contains three proposals along the lines suggested - from Mick Bates, Eleanor Burnham and Michael German.

10. The chief petitioner has been invited to present his petition and further written evidence before the Committee today.

Recommendation

That Members evaluate the evidence presented today and decide whether to sponsor future legislation. The advantage of a committee proposal would be that it would not have to wait for a ballot.

Powys Community Schools Action

11. This petition is being considered by the Petitions Committee. On 21 February 2008, it agreed to write to both the Chair of the Enterprise and Learning Committee and the Chair of the Rural Development Sub-Committee asking that they consider joint working to address the issues raised in the petition. The Chair of Enterprise and Learning was of the opinion that the petition would be better handled by the Rural Development Sub-Committee, given its inquiry into the provision of rural services and at the time his Committee's ongoing work on school funding. He wrote to the Chair of the Rural Development Sub-Committee to that effect. Members of the Enterprise and Learning Committee have subsequently been invited to participate in the Rural Development Sub-Committee's inquiry on rural schools.

Recommendation

That Members endorse the action of the Chair and where possible support the work of the Rural Development Sub-Committee, which will report its finding to the Petitions Committee.

Pride in Barry

12. The Petitions Committee agreed to write to the Enterprise and Learning Committee on 24 April 2008. Business and community leaders in Barry are seeking reassurance regarding the funding of regeneration schemes and are specifically requesting that at least some of the £60 million accrued as a result of the sale of Barry dockland be re-invested in the town. The Minister for Economy and Transport has written to the Chair of the Petitions Committee responding to the petition.

Recommendation

That Members request that the Auditor General of Wales investigates the issues raised by the petitioners in the form of a report to the Enterprise and Learning Committee in due course and that he provides advice on the Welsh Assembly Government's response. Based on the Auditor General's report and advice, Members may then wish to scrutinise the Minister for Economy and Transport.

Fuel Prices

13. This petition was considered for the first time by the Petitions Committee at its meeting on 25 June 2008.

14. The petitioners are concerned about "the crippling financial impact of rising fuel prices on Welsh Haulage businesses" and have asked that the Assembly undertakes a review into the competitiveness and sustainability of the industry. A request for consideration by the Enterprise and Learning Committee is imminent, though the petition has not been formally referred.

Recommendation

That the Committee elects a rapporteur group to undertake scoping work on a future inquiry and that it reports to the full Committee as appropriate in due course.