



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

**Y Pwyllgor Deisebau  
The Petitions Committee**

**Dydd Mawrth, 19 Mai 2009  
Tuesday, 19 May 2009**

**Cynnwys**  
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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**

Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Michael German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Bethan Jenkins	Plaid Cymru The Party of Wales
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)

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

Dawn Gullis	Campaigns Officer, Mencap Cymru Swyddog Ymgyrchoedd
Liz Neal	Cyfarwyddwraig, Mencap Cymru Director, Mencap Cymru
Barbara Teague	Uwch-reolwr Cyflogaeth, Mencap Cymru Employment Manager, Mencap Cymru

**Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol**  
**Assembly Parliamentary Service officials in attendance**

Alun Davidson	Clerc Clerk
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser

*Dechreuodd y cyfarfod am 9.31 a.m.*  
*The meeting began at 9.31 a.m.*

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

[1] **Val Lloyd:** Good morning, and welcome to this morning's meeting of the Petitions Committee. All Members are present; therefore, there are no apologies or substitutions. I remind everyone to note where the emergency exits are. We are not expecting a fire drill today, so, if you hear the alarm, it will be for real and please follow the ushers and make your way to the door. Translation is available on channel 1 and amplification is available on channel 0 on your headsets. Please switch off all mobile phones and similar devices.

9.32 a.m.

**Sesiwn Dystiolaeth: Deiseb P-03-170 Mencap Cymru**  
**Evidence Session: Petition P-03-170 Mencap Cymru**

[2] **Val Lloyd:** I am delighted this morning that our first petition is from Mencap. It calls on the Assembly Commission and the Welsh Assembly Government to take a lead in employing more people with learning disabilities. Three people from Mencap have come to give evidence this morning. Perhaps you would like to introduce yourselves.

[3] **Ms Gullis:** My name is Dawn Gullis. With me are Liz Neal, our director, and

Barbara Teague.

[4] **Ms Teague:** I am the employment services manager for Mencap Cymru.

[5] **Val Lloyd:** Thank you. I will outline the procedure quickly. You have up to 15 minutes to give your evidence. That will be followed by questioning by Members for up to 15 minutes. After that, we will ask you to retire to the gallery; we will carry on with business and, when you are settled, we will return to discuss your petition. When you are ready, please start.

[6] **Ms Gullis:** Thank you. My name is Dawn Gullis. I am the campaigns officer for Mencap Cymru. I have worked for Mencap Cymru since 2003. This was my first proper chance to work in a job that paid me money.

[7] I am from Pontypool. I went to a special needs unit in a mainstream school. After school, I went to a special unit in Nash College in Usk. It was very difficult to get support at school and at home. My mother also has a learning disability.

[8] Since I started working for Mencap Cymru, I have been involved in a number of campaigns, which have made a real difference to the lives of people with learning disabilities, like me. In 2006, I campaigned for the introduction of free annual health checks for people with a learning difficulty. I campaigned to get better access to toilets for people with profound and multiple learning difficulties. As a result of the Changing Places campaign, we have seen a lot more money being spent by councils in Wales. I am very proud to be a part of both of these campaigns.

[9] I believe that our 'I want to work' campaign will have the biggest impact on people with a learning disability in Wales. The campaign was launched in 2008 by Mencap Cymru. We have three very simple aims. We want better careers advice for people with a learning disability in schools and colleges to help them plan the support that they need and the sort of lives that they want to lead when they leave school. We also want better access to work placements for young people with a learning disability in schools and colleges. We believe that it is impossible to ask young people with a learning disability what they want to do with their lives if they have not been given the chance to try different types of jobs. Finally, most importantly, and the reason we are here today, we want to see more people with a learning disability in jobs in the public sector. We need the National Assembly for Wales to ask the Welsh Assembly Government and the Assembly Commission to take the lead on employing more people with a learning disability. We need you to tell others, like the NHS and local government, to do the same.

[10] We know that disabled people are less likely than non-disabled people to be in paid employment. People with a learning disability are more discriminated against in the job market. From my own experience, and from talking to young people involved in 'Partners in Politics' training sessions, we know that many people with a learning disability, who want to work, cannot find work.

[11] Around nine out of 10 people with a learning disability who want to work are unemployed. That does not help them and it does not help Wales. That is a high number and if it were not for Mencap Cymru supporting me in my job as a campaigns officer, I would be among that number. Barbara and Liz will talk to you after me and they will tell you how we can help people like me to get paid jobs.

[12] My role here as campaigns officer is to introduce our petition to you, but, most importantly, as one of the few people with a learning disability to be in paid employment, it is to help you to understand the change that needs to be made to help people with a learning

disability to keep a paid job. I will now hand you over to Barbara who is the employment and services manager of Mencap Cymru.

9.40 a.m.

[13] **Ms Teague:** Thank you. As Dawn has just said, it is well established that disabled people are less likely than non-disabled people to take up or stay in paid employment. Fifty out of every 100 people with a physical disability are in paid employment, but only 10 out of 100 people with a learning disability have a job. This means that people with a learning disability are dependent on benefits and have little opportunity to contribute economically to society. The Disability Discrimination Act 1995 requires public authorities to promote equality of opportunity in employment between disabled and non-disabled people. Public sector employment has increased every year since 1998, but we have not seen a proportionate increase in the number of disabled people and people with a learning disability employed in the sector. The UK report by the Academic Network of European Disability Experts cites the underrepresentation of people with learning difficulties in the public sector as a specific cause for concern. A study by disabled people in public sector employment sought to identify the trends in public sector employment by impairment. They found that people with a learning disability had employment rates of less than half that of disabled people as a whole. Disability as a classification covers a wide range of impairments. We would argue that in order to ensure fairer representation for people with a learning disability, we will need specific monitoring.

[14] There are examples of successful recruitment of people with a learning disability in the public sector. The Welsh Assembly Government placement scheme is producing some success stories. The scheme, which was initiated by supported employment agencies, has enabled 11 people to access job-preparation placements in Welsh Assembly offices. Some of these have progressed to 50-week placements, so this is a positive step forward, although agencies would like to see improvements in the referral process. Another successful example has developed this year in Blaenau Gwent, where they were unable to fill vacancies in their environmental department. Mencap Cymru staff worked with them to recruit people and support them in learning the job. This is going well and 12 people should be employed eventually. Another local authority is considering replicating the scheme. Mencap's WorkRight scheme has been adopted by local authorities in England and, as with all supported employment services, works with the employer to assist with reasonable adjustments to work towards a successful outcome.

[15] What is reasonable adjustment? The reasonable adjustments required by the DDA to help disabled people work are most typically interpreted as building adaptations and the provision of specialist equipment that will help a person with a disability to do their job. Reasonable adjustments are a key part of the Disability Discrimination Act and can be central to enabling a disabled member of staff to retain their employment. We believe that where a person has a learning disability, reasonable adjustments need to be in place before that person is employed. We know that many people with a learning disability in Wales want to work. Naturally, their suitability for a particular role should be dependent on their skills and capabilities. For most people with a learning disability, the application and interview process will just serve to highlight their difficulties, rather than allowing them to demonstrate their abilities. We would argue that for most people with a learning disability, reasonable adjustment means three things: having the opportunity through a substantial period of work placement to demonstrate that they are competent to carry out the work, rather than needing a qualification to evidence their competence; training for work colleagues to help them to understand and support the person with a learning disability; and, interviews weighted in favour of practical skills and demonstrated ability to do the job, after the period of work placement. It is our premise that reasonable adjustments for people with a learning disability are not being made by public services in Wales.

[16] What do we think works? You should all have copies of the Mencap employment model. The model, which is endorsed by the British Association for Supported Employment, provides a seamless journey into employment. Briefly, it starts at age 11, introducing the concept of work, encouraging the development of aspirations in young people to work, using role models to help them and their families to see that work is a reality. From the age of 14, the model incorporates well-supported, work-based skills training and supported work experience placements, and it has been successfully piloted in a number of areas. We would start to introduce specialist welfare benefits advice and support.

[17] For the 16-plus age group, young people and adults will have access to supported employment services. Again, it will be targeted welfare benefits support, encouraging a greater percentage of people who have a learning disability to gain employment for 16 hours or more, and impacting on income levels and financial inclusion. These are just a few of the ways that we believe reasonable adjustments can be made to help to support people with a learning disability into paid employment. I am happy to answer any questions that you have. I now hand you over to Liz Neal.

[18] **Ms Neal:** I will try to be brief, because I appreciate that we are running out of time. You should have before you a policy matrix that we have developed. As you can see, there is quite a complex interweaving of policies within it. We have tried to indicate where current policies appear not to be supporting our move towards equality for people with a learning disability, where they are actively taking away from it, where the impact is neutral, and where they are actively helping. I can answer questions on the detail during the question session, if you like, but for the time being, I just want to draw out four themes that go across most of the policies that we identify as being problematic.

[19] The first is that the mainstream has a lack of knowledge, skills and ambition to deliver implementation of the equality agenda for all those people. There is the small scale of specialist providers and the funding barriers that this creates. There is the basic skills and higher skills level agenda, and there are the generic approaches to disability.

[20] On ambition, just one example is the recent Learning and Skills (Wales) Measure 2009, which excludes special schools, when the prescription for more flexible learning routes and personalised choices is something that we would really support for people with a learning disability. In current times, we are seeing disability employment advisers being diverted from working with disabled people to deal with new jobseekers allowance claimants, which suggests that disabled people are seen as having a low priority when it comes to employment.

[21] With regard to the specialist learning disability providers being small scale, recent changes to how services are procured mean that a lot of time has to be put into developing a complex web of relationships, and that has a resource implication, especially when there is no guarantee of funding when people are working hard to develop complex partnerships.

[22] The provision of special purpose vehicles, and the consultant from DWP who worked on that, is welcomed, but it is not addressing the issue of the time it takes. We are also seeing that local authority funding, which has traditionally filled the gap for people who have more significant needs is not a statutory responsibility. There is evidence that some social services have been withdrawing from this activity over the last few years. We anticipate that that will continue.

[23] The basic skills and higher skills agendas are clearly important for the majority of Welsh citizens, but the emphasis on NVQ level 2 qualifications and above is not effective in helping people with a learning disability to get jobs. The evidence that we have is that what works is working in a job, with job coach support, and learning the skills in the actual placement where you will have to use those skills.

[24] **Val Lloyd:** I am sorry, but I have allowed you some latitude. You may have one more minute, but you are over time.

[25] **Ms Neal:** Thank you.

[26] As Barbara said, schools are beginning to look at work experience placements, but this issue of the higher level skills agenda is impacting on the 14 to 19 Measure, Skills that Work for Wales, and the quality and effectiveness framework for post-16 learning.

9.50 a.m.

[27] The final theme is the generic approach to disability. As Barbara said, we need specific indications of what is happening to people with a learning disability. The 50 per cent rate of employment for disabled people as a whole masks the 10 per cent rate for people with a learning disability. Where measures have been taken to record learning disability in the past, they have included aspects such as dyslexia, which has resulted in non-optimal policy decisions.

[28] To conclude, people with a learning disability want to work. The benefits to them, to support systems and to society in general are significant. There are examples of innovative practice, and we have evidence of what works. We need a sustained, joined-up commitment to provision, adoption of the employment model and a focus on how to implement the policy outcomes that we support, to ensure that people with a learning disability can be prepared for and gain employment.

[29] **Val Lloyd:** Thank you. We will now move to questions and I will ask the first two. I understand that you have had some discussion with staff at the National Assembly. Can you outline those discussions, and whether any suitable employment opportunities have been identified since January?

[30] **Ms Teague:** Yes, we had a meeting some time ago. It was a positive meeting and we passed on the information from it to other supported employment agencies working in the Cardiff area, but they did not have people that wanted the type of jobs that were available. However, we hope to meet with them again very shortly, and we will keep in touch.

[31] **Val Lloyd:** Thank you. Lorraine Barrett, who is the relevant Assembly commissioner, has written to us in response to a letter from the committee, and she refers to 'suitable vacancies'. In your view, what is a 'suitable vacancy'?

[32] **Ms Teague:** People with a learning disability want to work in many different fields, so we would have to see if we could match each vacancy with the people who are referred to us who want to work. We would not rule out anything—we have to treat each person individually.

[33] **Bethan Jenkins:** Thank you for your evidence—it is important that we discuss this issue, because there seems to be quite a lot of gaps in the provision. My question follows on from Val's question: what more can the Assembly Commission do to encourage more people with learning disabilities to apply for jobs? I note that there are ideas in the letter about training the trainer through your organisation and through the jobcentre. Have you had any more discussions on that level?

[34] **Ms Teague:** The Welsh Assembly Government's placement scheme was a good start—it was a very positive thing to do, and we were very pleased to be involved. However, we need to spread this across the whole of the public sector. We are beginning to have

meetings with the NHS, for example. We want to see similar schemes across Wales.

[35] **Ms Neal:** We would like to see the Assembly Commission adopt the same approach as the Welsh Assembly Government to the placement scheme. In preparing for this meeting we uncovered much evidence—you may have sensed that because we struggled to keep to 15 minutes in giving evidence—and we know that other agencies that work in this field have a lot of evidence as well. We would like this committee to refer this issue to the Enterprise and Learning Committee and ask it to take a more in-depth look at how we join up different aspects. The policy outcomes and the vision are spot-on, and we totally support and welcome them. The problem is in the implementation, because what works for the vast majority of Welsh citizens will not work for people with a learning disability. The higher skills agenda is key, and it is where we need to go as a nation, but unless we do it differently for people with a learning disability, they will not be able to participate. Some will, but the majority will not be able to participate. So, we would like to see a more in-depth look at how we bring together a coherent implementation policy to make the outcomes that are in policy objectives a reality for people with a learning disability.

[36] **Bethan Jenkins:** You noted that other agencies are involved in collating evidence, but have you looked at what other legislatures are doing, such as the Scottish Parliament or the Northern Ireland Assembly? Are there examples of good practice that we could emulate in the National Assembly for Wales?

[37] **Ms Neal:** The examples of which I am aware are in England. England is looking at two things. First, it is looking at introducing a public service agreement—I think that it is PSA 16—that will record the number of people with a learning disability in work. The details are still being worked through and we would like to see more modifications to what is being done to make that as effective as it can be. Secondly, the Department for Work and Pensions has been charged with pulling together an employment strategy for how it will facilitate the employment of more people with a learning disability, and a pilot project is going on with the NHS on how it can employ more people with a learning disability. Again, we may want to do that slightly differently in Wales, but we would welcome those sorts of interventions.

[38] **Andrew R.T. Davies:** Thank you for your evidence this morning. I will ask a couple of questions. We have heard how favourably you look upon the Welsh Assembly Government's placement scheme. What sort of feedback have you had from the people who have been on those placements about their experiences? Has it been a success from day one or is it something that has evolved over time? From where it started to where we are at the moment, what sort of progress has been made according to the feedback from the people who participated in the placement scheme?

[39] **Ms Teague:** We have supported people and it has been very positive. Some people are doing very well indeed, although, obviously, it is a mixed story, but having the opportunity to trial a job is key to people with a learning disability, and it has really worked for a lot of people. The changes that we need are possibly in the referral system, which has been quite difficult. There are people for whom our staff and the other supported employment agencies have to put in a referral to elite supported employment agencies, which then refer them to human resources in Cardiff, which then refer them to HR in the local area, and so it can be quite a process. There are stories of people who have been referred, but we have heard nothing and have had no feedback, so some people have got lost in the system—

[40] **Andrew R.T. Davies:** So, communication is something that desperately needs to be addressed.

[41] **Ms Teague:** It needs some improvement, yes, but, by and large, it has been positive.



[42] **Andrew R.T. Davies:** Is it a good model? Your petition calls on the commission, as well as on other bodies, to lift its model off the shelf and say to other bodies, 'Here you are; here is a working model that could be transferred into your model of employment'. Does the Welsh Assembly Government's basic infrastructure, because it is so much bigger than other organisations, make it that much easier for it to absorb the demands that would be placed on it by such placements? Could you see its model as one that is able to transfer into the NHS or local government?

[43] **Ms Teague:** Absolutely, yes.

[44] **Andrew R.T. Davies:** It is perfectly feasible, therefore.

[45] **Ms Teague:** We are starting to do that.

[46] **Ms Gullis:** One of our members of staff and Partners in Politics works for the Welsh Assembly Government on VAT matters—

[47] **Ms Neal:** One of the things that she does is issue VAT permits, but I am not sure exactly what she does altogether; she is based in Aberystwyth through the placement scheme. Her feedback to us is that it has been an extraordinarily valuable experience, which she is very much hoping will turn into a long-term job and which she greatly enjoys.

[48] **Andrew R.T. Davies:** I have a final question. The public sector is the focus of this petition, but are there exemplars of best practice in the private sector in Wales? Hopefully, those two could marry to create synergy, so that it is not just the public sector that is acting as a beacon of best practice, but the private sector too, thus increasing the opportunities for people to increase their skill base.

[49] **Ms Neal:** I will ask Barbara whether there is a particular example of private sector best practice, but, to give you the context for this, last year, our services alone—and we are only one part of what is happening in Wales—supported just under 200 people into work. The majority of those would be with the private sector, in small and medium-sized enterprises.

[50] **Ms Teague:** We have worked with a wide range of people. The WorkRight scheme in England, which I mentioned, works with the public sector and with the private sector, so it will work on a larger scale than we are used to working. Our staff normally go straight in and work one-to-one with employers; the WorkRight scheme is with organisations such as Sainsbury's, it is on a much larger scale and then it filters down across all branches. Therefore, that can work very well.

10.00 a.m.

[51] **Andrew R.T. Davies:** You said that there were 200 placements last year. Is that meeting the need or is it going nowhere near to meeting the need? Could you give us a feel for the amount of people who are looking for placements?

[52] **Ms Neal:** Some of the data are quite difficult. We know, based on prevalence data, that there are approximately 60,000 people with a learning disability in Wales. The statistics across Wales suggest that people who have a mild learning disability—for want of a better term—are more likely to be in work, and, obviously, those with a severe impairment are less likely to be in work. However, if you take 60,000 people, and consider that one in 10 are actually working, when we know that around 70 per cent of people with a learning disability actively want to work, you can see that there is a significant difference. Some of those 60,000 people will be children. You have long waiting lists, Barbara, have you not?

[53] **Ms Teague:** Yes, we have.

[54] **Ms Neal:** People are waiting for years to get the support to be able to get into jobs.

[55] **Ms Teague:** Also, with younger people, they will have greater aspirations to enter employment.

[56] **Michael German:** Thank you very much for what you have said this morning. I will now ask you the magic wand question. You have mentioned a number of actions that you would like to see: better careers advice, better access to work placements, and better monitoring and counting. If you were the Welsh Assembly Government, which would you put at the top of your list as the one that you think would make the most difference to the situation?

[57] **Ms Neal:** Am I allowed to avoid the question? That was the politician's response, there—or is that too rude? [*Laughter.*] We would very much like to see the focus on young people and raising awareness. That is where we think that we can make the biggest difference to young people's aspirations.

[58] **Michael German:** Is that careers advice?

[59] **Ms Neal:** No, it is more than that. When the Partners in Politics team go into schools, and when Dawn goes into schools—and perhaps I should let Dawn talk about this—the biggest feedback that we get is that people say, in the first place, 'Someone with a learning disability is working?' The aspirational element is really key and not just for the young people, but for the teachers. I was talking to a teacher recently about Partners in Politics, and the teacher said, 'We would never have thought of introducing politics to this group of people'. That is not an example from employment, but that is the kind of mindset, if you like. There is a sense that there are things that you just do not do with young people who have a learning disability. It is about families, the people themselves, the people who are involved in their day-to-day support, including the education profession, and just raising the whole aspiration and the expectation that people will work, and giving them a very visual representation that they can work. For me, it is almost a sense that you cannot do one thing; you need to have this coherent model, which is why we have put the model together to try to pull together all of the different strands, for which there is a good evidence base; there has been academic research on all of those elements. We get different trends and a focus at different times, which is partly why our services shift, but we do not have it all happening at the same time. It is a journey and to make it work, they all have to be in place.

[60] **Michael German:** Therefore, this is a much broader policy brush rather than just simply the headlines that you have given us.

[61] **Ms Neal:** Yes.

[62] **Michael German:** Okay. One of the difficulties that we have, I suppose, is with comparisons and knowing whether we are doing better or worse in Wales. You have mentioned your experience of England and the WorkRight scheme, and there is the difficulty of what the competence of the Welsh Assembly Government is, compared to the UK Government in the Department for Work and Pensions. Therefore, in terms of the biggest action that you think that the Welsh Assembly Government could do, will that be in the field of education, because of its more limited role in terms of the employment measures?

[63] **Ms Teague:** Yes, I think so, because of the emphasis needed on 14 to 25-year-olds. Therefore, I would say that it is in education, up to the age of 25, that we really need to put in that specialist support.

[64] **Michael German:** Your impression is that we are not doing as well as we could be doing, compared with England. That is the impression that I got. Would that be a fair assumption?

[65] **Ms Neal:** I am not sure that that is a fair assumption. I have outlined recent moves in England that have the potential to deliver things but, at present, we do not have the data to know exactly how we are doing in comparison with different countries. We have UK data, but we do not have data for the different countries. However, we have our experience, and that would suggest that, at present, it is about the same: there is no one area in which we can say that England is doing brilliantly and much better than we are. There is an opportunity for Wales to do that and to lead the way.

[66] **Michael German:** Who does it best in Europe, for example?

[67] **Ms Neal:** That is a good question. This goes slightly outside of Europe—

[68] **Michael German:** Sorry, you can go wider if you want.

[69] **Ms Neal:** According to Steve Bayer, who is an academic at the Welsh Centre for Learning Disabilities, and who is probably recognised as the UK's leading academic authority on this, Canada, America and Australia are the countries that have higher levels of employment and engagement. As part of its work, the pilot project in the NHS in England is incorporating a model from America that has worked very well there and which has many similar approaches to the supported employment model and the things that we have outlined. Everybody knows what the basic building blocks are, and part of our frustration is that there is a lot of evidence that people are doing very similar things around the world. Ensuring that it is done consistently would make the difference.

[70] **Michael German:** Is there—

[71] **Val Lloyd:** We will have to make this the last question, because we are out of time.

[72] **Michael German:** Is there any policy statement from the Welsh Assembly Government that encapsulates the sort of proposals that you have just outlined?

[73] **Ms Neal:** Not that I am aware of.

[74] **Val Lloyd:** Thank you very much, Dawn Gullis, Liz Neal and Barbara Teague, for giving evidence and taking our questions. If you would like to retire to the public gallery, we will carry on with some interim business, and then we will come back to this issue.

[75] **Michael German:** May I make a brief point, Chair? As Members, we do not have access to colour printers in our offices. In future, when things are submitted in colour, it would be helpful if they could be printed in hard copy in colour for us, because it was very difficult to judge which colours the circles were.

[76] **Val Lloyd:** I am sure that the clerk has heard that request.

10.07 a.m.

**Deisebau Newydd  
New Petitions**

[77] **Val Lloyd:** We have five new petitions before us this morning. The first is a request for the National Assembly to recognise that the diagnosis and treatment of pernicious anaemia does not take into account the individual needs of patients. There is a little more to it than that, but that is it paraphrased. We have some background information before us. I would suggest that our first port of call is to write to the Minister for Health and Social Services to ask for details of the pilot scheme referred to in the background information.

[78] **Andrew R.T. Davies:** I would support that. We have been provided with considerable information, but having an understanding of the pilot scheme would give a greater understanding of the issue and would give us the wider context in which the NHS deals with this condition when it is presented.

[79] **Val Lloyd:** That reminds me that, in the further information provided by the petitioners, it is pointed out that this society is a worldwide society. However, we can only deal with issues for Welsh domiciled patients—I am sure that the petitioners will understand that.

[80] **Andrew R.T. Davies:** We have not quite taken the world on yet.

[81] **Val Lloyd:** We could think about it. We might need a few more Members on the Petitions Committee. [*Laughter.*]

[82] **Michael German:** In addition to asking about the work of the pilot study, can we also ask what the Welsh Assembly Government's intentions are with regard to treating pernicious anaemia? Obviously, it will be informed by the study, but it would be useful to know whether it has come to any conclusions—

[83] **Val Lloyd:** So far.

[84] **Michael German:** Yes.

[85] **Val Lloyd:** The second petition refers to the Glamorganshire canal and calls on the Assembly to support the creation of a historical trail related to the canal from Merthyr to Cardiff bay. Does anyone have any views on that?

[86] **Bethan Jenkins:** I guess that we should write to the Minister, namely Alun Ffred Jones, I think, to see whether he would consider the merits of establishing a trail. Coming from Merthyr, I have always thought that this should be done, and it has never happened. Perhaps we should ask whether he is aware of anything in the pipeline. I do not think that there is anything.

[87] **Michael German:** The connection with the Taff trail is interesting, because that starts outside the door here and goes to Merthyr and follows the canal for part of its route, particularly at the Merthyr Tydfil end. It may well be that there is a way of combining the two to make sure that you have diversions with footpaths or whatever alongside it.

10.10 a.m.

[88] **Bethan Jenkins:** What is also interesting in this is how tourism is promoted. The petition mentions that there is only a small plaque and a two-line reference in the information on it. It is much the same as our experience yesterday in the Vulcan Hotel as regards how we

retain the history of a place. Perhaps we should ask whether anything could be incorporated into the Government's tourism strategy about realising industrial heritage.

[89] **Michael German:** Tucked behind B&Q in Pontypridd is a wonderful old lock, which you would never get to know about unless you could not find a parking space there. It is a bit of a hidden jewel.

[90] **Val Lloyd:** I agree.

[91] **Andrew R.T. Davies:** The Minister for Environment, Sustainability and Housing also has a role in dealing with this petition, because does she not deal with rights of access? Coastal access is one example of that, and the money for the cycle route around the bay here has come from her department rather than that of the Minister for Heritage. As I presume that this would have an access angle to it, it would fall within her remit. Could we send it to both Ministers, as it is one of those things that fall into two camps?

[92] **Val Lloyd:** We can certainly write to both of them, but I suspect that she might refer it back to the Minister for Heritage. However, it would certainly be a good opening shot.

[93] **Andrew R.T. Davies:** It might be worth ascertaining whether there are any access issues, or whether those are resolved, because it is a question of policy.

[94] **Val Lloyd:** Yes, thank you. Our third petition is P-03-205, 'Keep Abergavenny Livestock Market'.

[95] 'We call upon the National Assembly for Wales to preserve Abergavenny's historic character as a market town by not repealing or amending the Abergavenny Improvement Acts 1854 to 1871.'

[96] **Michael German:** This must be the first petition that is asking the National Assembly to do nothing, and to take no action. [*Laughter.*] I suspect, however, that we need to know a bit more about the legal background to those Acts, which have clearly been passed around between various public bodies since 1854. Could we get the Counsel General and Leader of the House to tell us about the powers that he has in relation to retention, repeal and amendment? Our own legal advisers could do the same. A little trip down memory lane with the old books would probably be helpful to us. It sounds to me like a very challenging and interesting exercise.

[97] **Val Lloyd:** I will not ask Joaneest to comment straight away. I think that we are all agreed on that, as we need more information.

[98] We will move on to the next petition, which is P-03-218, 'Save Wenvoe Village'. I believe that Joaneest wants to contribute to this.

[99] 'We call upon the National Assembly for Wales to urge the Welsh Government to reconsider any decision following the recent Ove Arup consultation that might lead to the dualling of the existing Port Road through the eastern edge of the village of Wenvoe.'

[100] **Ms Jackson:** From my understanding of the papers that have been submitted, this scheme would be undertaken by the Vale of Glamorgan Council. However, in my opinion, it would be unlikely to proceed without compulsory purchase orders and various line orders being made in respect of any proposed route. As such, there would be a defined statutory procedure to go through before anything could proceed, allowing those affected by the scheme, or those who perceive themselves to be affected by it, to object formally to any such order. Depending on whether anything comes to fruition on this, we cannot discount the

possibility of the Standing Order No. 25 procedure being invoked. Any compulsory purchase order would most likely have to be confirmed by the Deputy First Minister before any work could proceed, and so we must be careful that we do not fetter any action that could come before the relevant Minister in due course or potentially before any Members of the Assembly. I say ‘potentially’ as to the Standing Order No. 25 procedure, because I cannot be certain; it would need a lot more investigation.

[101] **Andrew R.T. Davies:** I want to ask Joaneest for clarification. I was led to believe—and I have had dealings on this issue—that it is, in fact, a Welsh Assembly Government project and not a Vale of Glamorgan Council project. The state of play is that the consultation process closed last autumn and the Deputy First Minister is going through the consultation responses as we speak. There should be an announcement by the end of the spring. That is what has been confirmed to us—in Plenary as well as in written correspondence. I am not quite sure where the Vale council comes into this equation, unless, were it to proceed, it would be the contractor to oversee the building of the road. That is just a point for clarification.

[102] **Ms Jackson:** It was something that I saw in the paper referring to compulsory purchase orders and so on and applications for grants made by the council. However, I may have got things out of order.

[103] **Michael German:** I would like to check whether I am clear on this. This is a trunk road, is it not? It is a Welsh Assembly Government-maintained road. If that is the case, surely it is the Welsh Assembly Government who is responsible for this.

[104] **Ms Jackson:** I am uncertain as to where it is a trunk road and where it might just be an A-road.

[105] **Val Lloyd:** How does this relate to the previous position on NEVAR—the no Ely valley airport road?

[106] **Andrew R.T. Davies:** There are three options before the Deputy First Minister at present. The first is the NEVAR route, which is to go through the village of Pendoylan. The next is this option, which bypasses Wenvoe, or runs alongside it. The third option is to bypass St Nicholas. Those are options A, B and C, if you like. A comprehensive consultation exercise has been undertaken. Various concerns have arisen from it, which Members may be aware of, given the NEVAR petition that we have been dealing with for some time. Members will recall that this petition was presented a fortnight ago for its initial consideration here today. To date, the Deputy First Minister has given no indication as to which is his preferred option of the three. It is my understanding that, when the preferred option is designated, various environmental and other statutory obligations will commence. However, at the moment, it is very much at the consultation stage, with three options in play for the airport access road.

[107] **Val Lloyd:** Thank you for that clarification, Andrew. We have already put questions to the Deputy First Minister in his role as the Minister for the Economy and Transport. Should we not wait for those responses?

[108] **Michael German:** Have we asked, in those questions, whether he is responsible for this?

[109] **Val Lloyd:** I cannot remember at this point in time.

[110] **Michael German:** Perhaps that could be a potential starting question.

[111] **Val Lloyd:** What if we waited but asked the clerk to check whether that question has been asked? If not, we could add it to the list.

[112] **Andrew R.T. Davies:** Given that there is great synergy with the ground that we have covered on the NEVAR petition, could the clerking team work with the petitioner to collate information that could be of interest or that is important to this petition? Hopefully, that will speed up the process of understanding where we are at the moment. However, we are now waiting for the Government to come out with its response. Concerns have been raised over the consultation process. I believe that information was given to us by the legal team in a briefing.

[113] **Mr Davidson:** It was by the Members' research service.

[114] **Andrew R.T. Davies:** Sorry, it was the Members' research service. I think that you, as Chair, had to seek the Presiding Officer's approval to allow that brief to be made available to the petitioners. If that is allowed, could it also be made available to the Wenvoe petitioners? That might inform the debate.

[115] **Mr Davidson:** That briefing is in the public domain now; it has been released under the Freedom of Information Act 2000. There is no problem with forwarding it to the petitioners.

[116] **Val Lloyd:** Thank you. Joanest, do you have any further comments?

[117] **Ms Jackson:** I just want to reiterate that whichever authority becomes responsible for this, it is likely to engage statutory procedures along the way. That should be borne in mind when this committee considers any future agenda items on the matter, or on the NEVAR petition, for that matter.

[118] **Michael German:** Presumably, we will come back to this when we get the answers to those questions. Perhaps Joanest could prepare a note for us on what we should be doing in response to the points made by the Deputy First Minister when he replies.

10.20 a.m.

[119] **Andrew R.T. Davies:** Joanest has made a very valuable point that we have to be careful not to prejudice any future inquiry, given our understanding of the previous appeals that the Assembly initiated on a similar road project in west Wales.

[120] **Val Lloyd:** That is why I called on Joanest twice. I have no wish for us to cause any problems and that is why I asked Joanest for her opinion.

[121] The last new petition before us this morning is P-03-220 on lowering the speed limit on the A40 near Abergavenny.

[122] **Michael German:** Chair, may I ask a question about my position on this matter? This relates to ongoing casework that I have been engaged with over the past five years. I have been given commitments from Ministers of all sorts over the past five years to do something to deal with this road, because it is very narrow at this particular point. I have not been engaged with this particular petition, but I have been engaged with the issue; therefore, should I declare that at this point and say that I cannot take part in what goes on?

[123] **Val Lloyd:** Joanest, do you want to comment on that?

[124] **Bethan Jenkins:** Mike, have you been supporting this petition?

[125] **Michael German:** Not this particular petition, but the objective of the petition, yes, I have; I have been working on it. I have been given some commitments.

[126] **Val Lloyd:** We will follow the procedure that we have used all along: you may contribute to the discussion, but do not take part in the decision.

[127] **Michael German:** Thank you.

[128] **Val Lloyd:** I think that that is a very good watchword for us all.

[129] **Michael German:** I can explain what happens on this stretch of road. As the trunk road passes through the middle of Abergavenny, the road narrows considerably at this point, which is before you get to Nevill Hall Hospital, travelling in a westerly direction, and the pavement on one side is so narrow that even walking in single file becomes very difficult indeed. It is a very dangerous stretch of trunk road. If you were to look at it, you would think that it was a normal town road, but it is actually part of the A40.

[130] **Val Lloyd:** I notice that the last letter that we had from the Deputy First Minister and Minister for the Economy and Transport refers to some work that is going on. Shall we write to him, asking for the latest information on that stretch of road and whether the improvements referred to in his letter have been implemented?

[131] **Andrew R.T. Davies:** I would agree with that, Chair. I think that it is important to find out whether the improvements that he has identified have been carried out, before we move any further.

[132] **Val Lloyd:** Then we will know exactly where we are. Thank you very much. We have finished the new petitions and I suggest that it would be sensible now to return to the Mencap petition and open it up for discussion on the way forward.

[133] **Michael German:** I thought that some very important points were raised—I would say that, though, would I not? The answer to the question that I asked at the end, about whether there are existing Welsh Assembly Government policy statements on this matter, was crucial. There is no policy extant, as far as is known, and we need to establish that as a matter of fact before we proceed any further. We need to know whether there is Government policy in this area, so that we can at least be reassured that, if there is not, there should be. Perhaps we can then decide what ought to be done with it. There was a very good suggestion that this ought to be referred to another committee, but I think that we ought to be absolutely certain in our minds that there is not already a glossy, high-quality Welsh Assembly Government booklet on a shelf that outlines the policy in this area. If this is shining a light on a particular area and there is not a comprehensive policy on it, it would seem appropriate to refer it to another committee.

[134] **Val Lloyd:** So, you are suggesting that we try to find that out first, before we decide on our next step.

[135] **Michael German:** If there is no such policy and the petitioner is therefore correct, it would be appropriate to refer it to another committee, because it is a piece of work to be done.

[136] **Val Lloyd:** What about the Committee on Equality of Opportunity?

[137] **Michael German:** It could go to the equality committee.

[138] **Bethan Jenkins:** I understand what you and the petitioners are saying, but we have



taken evidence from Ministers at the Committee on Equality of Opportunity in the past, and I think that they are saying in these letters what they perceive the policies in place to deal with such matters to be.

[139] **Michael German:** However, it is not comprehensive and that is the point, is it not? It is all in bits and pieces.

[140] **Bethan Jenkins:** We need to seek clarification of whether they think that that is bringing them together. I think that we need to say that we acknowledge what they have said in their letters about what is happening with the single equalities scheme, but we need to know whether there is any project or plan to bring them together holistically. That holistic plan is what the petitioners are saying does not exist currently.

[141] **Michael German:** Treating disability in all its aspects for accounting purposes is probably masking this huge problem underneath.

[142] **Val Lloyd:** As well as the desire to move forward on it by a lot of people with learning disabilities.

[143] **Andrew R.T. Davies:** The point that came over in the evidence is that, yes, good work is being done, but that it is happening almost in isolation in the Welsh Assembly Government, whereas it is quite patchy and fragmented across other public sector bodies. That is why I was struck by the petitioners' request to have it moved to the Enterprise and Learning Committee, which can take more of an overview of this—very often, the problem is that communication breaks down, and people feel that they are working in isolation on a certain issue. When you look at the demand, you see that it is going to take a joined-up approach to deliver a meaningful programme of engagement. While the Committee on Equality of Opportunity is the committee that you would instinctively think of, I suggest that the Enterprise and Learning Committee is probably the better of the two, in that it looks at all aspects of the employment side of things as well as the educational side. In our engagement with the Enterprise and Learning Committee, we have had very good outcomes for the petitions that we have referred to it.

[144] **Val Lloyd:** They have been very good, and the committee continues to ask us to refer things to it.

[145] **Michael German:** Good—a willing recipient of petitions is always worth two in the bush. [*Laughter.*]

[146] **Val Lloyd:** They certainly are. Do we want to wait while we gain more insight before passing it on to the EL committee, or shall we move on it straight away?

[147] **Michael German:** Could we say that we would seek to pass this matter to that committee, informing it that we are in the process of gathering more information on what is happening in Government, and that we will pass that on to it as well?

[148] **Val Lloyd:** So, we will take both actions—pass it on now, and continue to gather evidence.

[149] **Michael German:** Yes.

[150] **Val Lloyd:** Thank you.

[151] **Bethan Jenkins:** Sorry to go back, but is it worth informing the Committee on Equality of Opportunity? As the committee that scrutinises equality issues, is it worth sending

it a note to say that this is happening, just out of courtesy?

[152] **Val Lloyd:** I think that it would be a good idea to keep its members up to date. Thank you, Bethan.

10.27 a.m.

### **Hynt y Deisebau Blaenorol Updates to Previous Petitions**

[153] **Val Lloyd:** We have 10 updates to previous petitions to deal with this morning. The first is P-03-098 on abolishing the school name 'Ysgol Gyfun Rhydfelen'.

[154] **Michael German:** We are waiting for Bethan to say something. *[Laughter.]* The key to this is that the Government is not prepared to take any action. The answer, it seems to me, is that some change to the regulations or whatever is needed to allow a school to make its own decision in these matters. The Government has said 'no' to that, and I do not know what more we can do. We could continue to press the Government. The letter from the Chair of the Enterprise and Learning Committee is very strong indeed, and I support him with regard to the grave nature of the concerns that he raises. The response that he has had, however, basically closes the door.

[155] **Val Lloyd:** He acknowledges that, does he not?

[156] **Michael German:** Has there been a reply to his letter of 29 April? We have the reply from the Government of 18 July last year, so I do not know whether there is a later reply. If Gareth has not had a reply to his letter of 29 April, we should perhaps wait to see what reply comes.

[157] **Val Lloyd:** We should ask Gareth whether he has had a reply, and if he has, we can bring it to the next meeting. I would imagine that, by then, he will have had a reply.

[158] **Andrew R.T. Davies:** It is a great disappointment that a school cannot choose its name. I appreciate that, under the procedures that we have in place at the moment, if the Government does not want to move on the issue, it is its prerogative. Given the power of the evidence before us and likeminded people on other committees, however, I hope that if we were to close this petition at a later juncture—I appreciate that we are going to wait for the Chair of the Enterprise and Learning Committee—we could make our views known to the Government. This was a very emotive petition, which gained significant support. I think that most people would say that it is right that a school should have its own policy to determine a matter such as this.

[159] **Val Lloyd:** I agree. The Minister's point is that it is not for her to decide; it is a decision between the local authority and the school. The school contends that consultation did not take place as it should have. There is a protocol for dealing with local authority issues, as we all know to our cost.

[160] **Michael German:** I am sorry, Chair, but I have probably misled the committee a little. I did not want to mention this earlier, but the letter dated 29 April is addressed to you, of course. I suppose that there has not been a letter from Gareth Jones to the Minister—he has just copied it to her. So, you might have to write to the Minister to ask for comments in response to Gareth Jones's letter, and ask whether she is prepared to look again at the Government of Maintained Schools (Wales) Regulations 2005, which is the guiding piece of legislation behind it.

10.30 a.m.

[161] **Val Lloyd:** I will write back to Gareth Jones as the Chair, because he has been dealing with the Minister on this issue. The right thing to do would be for me to write to him asking whether he has received a reply.

[162] **Bethan Jenkins:** The way in which the current petition is worded is not unfortunate, but Gareth Jones has said that the committee has tried to go through these processes. The current situation has arisen because of the way in which the consultation process took place, but that is not in the wording of the petition. However, that is how the petitioners should progress if the petition is closed, based on how schoolchildren and school governors have felt alienated from the whole process in this regard.

[163] **Val Lloyd:** Unfortunately, that is not a matter for us. The consultation process is between the local authority and the school.

[164] **Andrew R.T. Davies:** You will be writing to the Chair of the Enterprise and Learning Committee; I assume that he would not have received a response from the Minister, because this letter was sent to your good self, as Chair, rather than to the Minister. So, the Minister has probably not even had sight of this letter.

[165] **Val Lloyd:** Yes, he has copied it to her.

[166] **Andrew R.T. Davies:** You said that you would write to the Chair to see whether he has received a response—

[167] **Michael German:** The Government Minister would not necessarily reply to either letter, because it was copied and not addressed. That was the point that I was trying to make.

[168] **Andrew R.T. Davies:** We just need clarification on it. The letter needs to be addressed to the Minister for the Minister to reply. It is a bit like a *Yes, Minister* sketch. [*Laughter.*]

[169] **Michael German:** In the letter from the Minister to Gareth Jones on 18 July 2008, the last paragraph—I am setting Joanest up with a long question here—refers to the regulations. The Assembly Government's legal service said that it already has the powers to achieve the amendments. I do not know which amendments we are talking about; are they the amendments that would allow a school a definite role in specifying its own name? What are the amendments referred to in that paragraph?

[170] **Ms Jackson:** I think that the point that the Minister is making in her letter of 18 July is that she has some executive powers to make amendments to the current regulations. However, there is a suggestion in the letter written by the Chair of the Enterprise and Learning Committee that bringing forward Measures under the powers currently available under the Government of Wales Act 2006 would allow for something that goes further than the amendments that could be made under the Minister's current executive powers. That is my reading of it, but we can look at it further if you wish.

[171] **Michael German:** In her response to Gareth, perhaps Val could also clarify that as well.

[172] **Val Lloyd:** The Minister says, in the penultimate paragraph, that the regulations have been in place for three years and will, no doubt, be reviewed at a future date, and that consideration can be given then to amending the legislation. I will write as requested.

[173] The next update is on petition P-03-099, concerning the multi-user pathway at Talybont-on-Usk. The Minister mentioned a report with regard to this petition. May we ask for a copy of that report?

[174] **Michael German:** The issue of a multi-user pathway will come up again later this afternoon. Are we clear that the report deals with a multi-user pathway or a multi-user route? I was not clear what 'multi-users' might be included in the project that the Minister is putting forward. We could, perhaps, ask the Minister about the criteria when we ask for a copy of the report.

[175] **Val Lloyd:** Are you talking about the brief that he gave to the consultants?

[176] **Michael German:** Yes.

[177] **Val Lloyd:** That is where it is at the moment, is it not?

[178] **Michael German:** Yes. So, even if he does not have the report yet, can we ask for the brief that was given to them?

[179] **Val Lloyd:** I hope that it was non-motorised multi-use, because that is what the petitioners—

[180] **Michael German:** I do not know; we will not know until we see the brief. However, does it refer to horses and people?

[181] **Andrew R.T. Davies:** It was for horses, if I remember the original application correctly. I think that Kirsty was deputising for you when it came before us. Funding of £100,000 was talked about.

[182] **Val Lloyd:** I thought that it was for people as well as horses. The key thing was that it was non-motorised. That is my memory of it.

[183] **Michael German:** This will come up again later with the guide dogs petition.

[184] **Val Lloyd:** We now turn to P-03-124, on Cysgliad, which has moved on since we last considered it in March, has it not? We should write to Canolfan Bedwyr to ask for details of the terminology that it offered the Welsh Language Board and whether it can see a version being made for Windows.

[185] **Andrew R.T. Davies:** I agree, Chair.

[186] **Bethan Jenkins:** I was confused as to why it was free for Macs and not—

[187] **Michael German:** It was because I have a Mac.

[188] **Bethan Jenkins:** So do I; I am fine.

[189] **Val Lloyd:** I thought that that was all that was commissioned. The development cost money and that was what was on offer. We will find out. That is the important thing.

[190] We have now reached P-03-144, from Guide Dogs for the Blind.

[191] **Michael German:** I know that there is a research project, about which we need to know more, but, as I understand it, we referred an earlier petition about the shared use of paths by Sustrans—for cycles and guide dogs—to the Enterprise and Learning Committee,

and there was a debate about that. It would be sensible for us to be informed of the relevant parts of the committee's report on the shared use of pathways. The Minister talks somewhere about a shared-use manual for streets to encourage low vehicle speeds and so on. There is a wider shared-use issue. We have already seen it with horses and people today and we have previously seen it with guide dogs and bicycles. I do not understand what we mean by shared use. Are we clearly defining what we mean by that? Is there a definition? What did the committee decide in its conclusions on its report? It was some time ago, was it not?

[192] **Andrew R.T. Davies:** That report, sadly, ended up as pending, because it was a request for a legislative competence Order, if I am thinking of the same petition, from Sustrans. The Government indicated that it would not support a committee request for an LCO, so the committee—things may have moved on; I have not been a committee member for nearly a term—decided to wait for the publication of the Government's strategy on walking and cycling to see whether there was any compatibility with the aspirations of Sustrans and its request for an LCO. I am unsure what stage the Government's walking and cycling strategy has reached. When the Minister was before us, we were told that the delivery of that strategy was imminent, but I have not picked up on that strategy being launched or announced. It might be worth finding out what stage that strategy has reached, because, without the agreement of the Government, I believe that the request for the LCO would fall.

[193] **Michael German:** However, the committee could put forward an LCO.

[194] **Andrew R.T. Davies:** Yes, but it would have to get approval in Plenary before moving forward with the LCO. If the Government did not support it in Plenary, it would fall, would it not? The indication from the Minister was that, if it went before Plenary as the committee's request, the Government—

[195] **Michael German:** Even though the Government's committee members supported it?

[196] **Andrew R.T. Davies:** We had not taken a vote on the final report.

[197] **Bethan Jenkins:** There would be no Government members on the committee.

[198] **Michael German:** There would be committee members from the Government side.

[199] **Bethan Jenkins:** They would be backbenchers.

[200] **Val Lloyd:** How does that help this particular petition? This petition does not call for a shared space.

10.40 a.m.

[201] **Michael German:** Exactly. The letter talks about protected space and shared surfaces, and I do not know enough about what the difference is between 'shared surface' and 'protected space'. This has been put in inverted commas as follows:

[202] 'protected space should no longer be described as a shared surface although it may still be a shared place'.

[203] There are bits of legislation that I do not fully understand and we need to know more about. That is all.

[204] **Val Lloyd:** I have just been informed that, some time ago, we had a paper from the Members' research service on this; therefore I suggest that we reissue that paper. I think that all of us on the committee—barring the clerks, of course, who are up to date—need to get

back on track with this so that we can give it proper consideration. Therefore, we will have a reissuing of the MRS paper and make this a priority at our next meeting.

[205] Andrew, the next petition is just for you. It is petition P-03-153 on body piercing.

[206] **Andrew R.T. Davies:** I thought that we had agreed to undertake a visit, but my request was refused. [*Laughter.*]

[207] **Bethan Jenkins:** I thought that we had agreed to it.

[208] **Andrew R.T. Davies:** Yes. As we have a new clerk now, perhaps we might get away with it. [*Laughter.*] I understand that Nerys Evans has an LCO request going through at present—or pending—but correct me if I am wrong, and I believe that it is within this field, albeit addressing suntan salons. I think that we should forward this petition to Nerys to see whether there is any compatibility in what Nerys proposes.

[209] **Bethan Jenkins:** Was that accepted as the LCO?

[210] **Andrew R.T. Davies:** Perhaps it was merely a request.

[211] **Bethan Jenkins:** Yes. I submitted the same request, although it was not about body piercing; it was about tanning. However, I am not sure whether we were chosen from the ballot. I do not think that we were.

[212] **Andrew R.T. Davies:** All right.

[213] **Ms Jackson:** The ballot was held last week. The successful proposal for a legislative competence Order was submitted by Joyce Watson.

[214] **Andrew R.T. Davies:** I stand corrected.

[215] **Ms Jackson:** The proposals submitted by Nerys and Bethan will stay in the live list unless they decide to withdraw them at the next ballot.

[216] **Andrew R.T. Davies:** There must have been an overly keen press officer in Plaid because I read in the paper that Nerys had proposed an LCO, but it was obviously just going into the ballot.

[217] **Bethan Jenkins:** It was mentioned because it had gone into the ballot.

[218] **Andrew R.T. Davies:** I stand corrected.

[219] **Bethan Jenkins:** I am not even sure that it was included, because I chose not to include the body piercing element.

[220] **Michael German:** In which case, Chair, the last paragraph of the letter to you from Edwina Hart states,

[221] ‘body piercing...is currently exempt from regulation under the Care Standards Act, my officials are currently assessing the regulatory options’.

[222] We need to know more about those regulatory options and also, whether there was again a case for having a further legislation demand, and whether there is a need for an LCO. If there is a need for an LCO in order to be able to legislate in this matter, presumably that should be referred from us to the Health, Wellbeing and Local Government Committee.

[223] **Val Lloyd:** If my memory serves me right, the Health, Wellbeing and Local Government Committee is about to undertake a scoping exercise on this.

[224] **Michael German:** On body piercing?

[225] **Val Lloyd:** On sun tanning. Andrew and I are members of that committee.

[226] **Bethan Jenkins:** You can go on a trip with that committee instead.

[227] **Andrew R.T. Davies:** I will be there.

[228] **Michael German:** We need to keep a watching brief on this and on whether the list of changes that are necessary in order to be able to effect it are being executed.

[229] **Val Lloyd:** I think so. I certainly do not think that we should close this. We have two petitions that it might be beneficial to consider together. First is petition P-03-179 on post-19 students with additional learning needs. If you remember, for students who do not wish to attend residential courses, there is no appropriate college in Wales. The other petition, which is similar, is petition P-03-203 submitted by Scope Cymru.

[230] **Bethan Jenkins:** There will be a Plenary debate on this. Do you think that we should keep it open until that Plenary debate takes place so that the Minister can respond?

[231] **Michael German:** Perhaps we should consider it when the Plenary debate has taken place, and the committee's report and the Government's response have been published, and look at it again after that.

[232] **Val Lloyd:** That is a very sensible idea. Is everyone in agreement? I see that you are.

[233] **Andrew R.T. Davies:** I think that the Enterprise and Learning Committee has conducted a detailed inquiry. I know that the petitioner, in the first instance, was very grateful for the opportunity to present her own personal evidence.

[234] **Val Lloyd:** The next petition to be considered is petition number P-03-197, Save The Vulcan. I know that committee members, apart from me as I was unable to be there, unfortunately, visited The Vulcan yesterday.

[235] **Michael German:** I think that two things came out of yesterday's visit, Chair; first of which was the fact that Cadw expects some form of revisiting of its criteria at some stage. We need to establish what the timetable is from the Minister for Heritage. If the deadline is towards the end of the year, and if the change in the criteria might encompass the issue of whether this building should be listed by Cadw, we need to communicate that somehow to those who are negotiating the future of the building.

[236] The second issue that came up that I thought was important was the continuing pressure by Cadw to look at a local listing. We were unable to get the local authority to attend to answer that point. I see that we now have a note. I do not know whether this came in after the meeting.

[237] **Mr Davidson:** Cadw presented it at the meeting yesterday.

[238] **Michael German:** The note is on local listing. I think that we ought to ask the council to come to discuss with us whether a local list is appropriate here. We do not know the answer to that question, and if Cadw's view is that the way to solve this problem is to

have a local listing, we need to know what the local authority thinks.

[239] **Bethan Jenkins:** I concur, but we need to be mindful that the council wishes to close the pub on 23 June, so there is limited time for us to get more evidence from the council and interested parties.

[240] **Michael German:** That is why I said that we need to communicate the whole issue to the council, the developers and whomever else might be involved in negotiating.

[241] **Val Lloyd:** Cadw is going to revisit—

[242] **Michael German:** We also want the council to look at the issue of local listing; we are being pressured by Cadw to do that. We need the council's response on whether that would be appropriate. In the meantime, it would be helpful if the pub is not closed until such time as we have had that discussion. We are asking for a stay of execution in a way.

[243] **Bethan Jenkins:** Cadw pre-empted what the consultation would say by suggesting that there had been no move to change the current guidance, if you remember from yesterday's meeting.

[244] **Michael German:** It said that it would be for others to suggest what the changes to its criteria would be. It is not bringing forward any changes itself. However, I think that is more to do with the nature of this particular body.

[245] **Val Lloyd:** Has it gone out to consultation on this?

[246] **Michael German:** It will be doing so. We think that will be the end of the year, but we are not certain.

[247] **Andrew R.T. Davies:** It was definite that it would be in November.

[248] **Michael German:** Yes, but the Minister calls it.

[249] **Andrew R.T. Davies:** I see; I thought that it had been given a definite date.

[250] **Val Lloyd:** So we need to write to the local authority to ask about local listing, and we need to ask the developer to defer closing the pub.

[251] **Michael German:** We also need to write to the Minister to find out about the timetable for revisiting the criteria. I would like to take evidence from the local authority on the matter of local listing, because it keeps coming up, and we have nothing on paper with regard to why it might not be an appropriate route.

[252] **Andrew R.T. Davies:** On the basis of the evidence that we took yesterday, I believe that the Cadw door is now firmly closed. I am prepared to be shouted down on that by other Members who were present, but it said that, under its national guidelines, and looking at it from a national perspective, the Vulcan does not tick many of the boxes at all. Cadw has to consider the national importance of a building. However, on the basis of its evidence at the formal presentation, it was of the opinion that the best route for dealing with this is local listing. It was regrettable that the council could not attend yesterday, given that the closing date for the Vulcan is 23 June. Its attendance would have informed, if not also speeded up, the process of establishing whether any pressure could be applied for a local listing, if that were the approach that could save the pub. Ultimately, the petition is calling for a very simple thing—to save the pub. If we cannot achieve that—or rather, if we cannot achieve an understanding of why that has not been done, we will have failed the petition.



[253] **Bethan Jenkins:** I thought that Jenny Randerson had a letter stating that, regardless of whether the building had been on a local list, the Government could have made an order to demolish it anyway. That would undermine the whole local listing process.

10.50 a.m.

[254] **Andrew R.T. Davies:** I think that what Jenny's letter said was that a demolition order is already in place for the pub and that, even if the local authority now placed it on a list, as the order has already been sanctioned, it cannot be rescinded. The information from Cardiff Council's deputy leader's office was that it had had information from the Assembly Government's planning department that, as the order was already in place, you could not instigate anything. The necessary process of looking at the viability or the worthiness of the building to be listed would have been gone through before the demolition order was made. It does seem as though a lot of doors have been shut after horses have bolted.

[255] **Val Lloyd:** If that is the case, how can we stop the demolition order?

[256] **Michael German:** We need to understand it first. We know of a letter that the deputy leader has sent to a Member, but the committee has not had sight of that. Cadw gave us the impression that local listing is a route, but the council does not think that it is route. We need to examine that matter before we go any further.

[257] **Val Lloyd:** Are we talking about the leader of the council?

[258] **Andrew R.T. Davies:** We are talking about the deputy leader's office.

[259] **Bethan Jenkins:** So, you would say that because the committee has not received that letter, we cannot write to the Government on the planning decision.

[260] **Michael German:** It is very difficult to do that when we only have a letter to a Member.

[261] **Andrew R.T. Davies:** Could we ask the Member, namely Jenny Randerson, whether she would be prepared to share the letter with the committee, so that we can have sight of it? We had an informal sight of it in the pub yesterday, but it has not formally come before us.

[262] **Val Lloyd:** We will write to the deputy leader regarding local listing, and we will also write to our colleague Jenny Randerson to ask her whether she would formally share the letter with us.

[263] **Andrew R.T. Davies:** Would it be possible to call the council in to give evidence on local listing at our next meeting, rather than doing it via correspondence?

[264] **Val Lloyd:** We could request that council representatives come before us.

[265] **Michael German:** They can but refuse. Summoning is very difficult.

[266] **Val Lloyd:** It is a very difficult thing to do.

[267] **Michael German:** That is because of the protocol with local government.

[268] **Val Lloyd:** Yes.

[269] **Andrew R.T. Davies:** But the council is integral to our understanding this.

[270] **Mr Davidson:** We need to be mindful of the protocol that we have agreed with the Welsh Local Government Association not to get involved in local authority decision-making processes.

[271] **Michael German:** But this is a joint issue.

[272] **Andrew R.T. Davies:** With respect, we are not looking to get involved in the process; we are looking to understand the process of local listing and to see whether there are any anomalies in that system. It is entirely the council's prerogative to decide which way it goes, and we are not seeking to influence that decision, but, as a committee, we are trying to get an understanding of local listing, given the importance that Cadw has placed on it.

[273] **Val Lloyd:** Could we not do that by letter?

[274] **Michael German:** The problem is that we will be going back and forth, and we are trying to understand a complex legal context. Before we rule out Cadw's suggestion, which is noted on this piece of paper, I would like to know what its answer is. We have Cadw saying, 'Well, it's not really our baby, but it could well be the local authority's baby' and, at the same time, Cadw is going to redo its criteria.

[275] **Bethan Jenkins:** We have to be mindful of the protocol. If we are going to start inviting councils in to give us evidence on issues, where do we stop?

[276] **Michael German:** It would be an invite rather than a summons. The council can always turn us down.

[277] **Bethan Jenkins:** We would be putting it in the position to have to turn us down. It might be difficult for it.

[278] **Michael German:** The problem is that, with so many of these issues, when you have such an overlay of the relationship between a local authority and the functions of the Welsh Assembly Government, which are so close together, you cannot understand one without understanding the other. We would not be requiring the council to come before us; we would be asking it whether it would like to tell us why it thinks that Cadw's proposal is not appropriate.

[279] **Val Lloyd:** If I received that letter, I would say, 'Why can't I do that by letter and do it thoroughly?'.

[280] **Michael German:** If we do it that way, we cannot ask questions.

[281] **Val Lloyd:** I am looking at the protocol to see whether we would be breaking it.

[282] **Andrew R.T. Davies:** I propose that an invitation be sent to Cardiff Council to attend an evidence-gathering session, strictly to inform us and provide us with information. Obviously, we would make the point that we are not seeking to meddle in the council's autonomy and that we fully respect that, but that we have clear guidance from Cadw, the national body, that the council is integral to delivering local listing. It is about understanding the local listing process rather than having any predisposition as to the decision or the autonomy—

[283] **Val Lloyd:** It is about how the local list works in general, rather than specifically. We need to make that point. We will write and ask whether that could be done, and we will also write to Jenny Randerson.

[284] **Bethan Jenkins:** Could I clarify something? Was the council asked to come to the informal meeting yesterday?

[285] **Mr Davidson:** Yes. It declined on the grounds that there was concern that it could be perceived that the essentially statutory processes that would need to be observed were being, potentially, influenced by discussion in the back room of a pub.

[286] **Bethan Jenkins:** Yes, literally.

[287] **Mr Davidson:** There were concerns over that. That is why the council declined.

[288] **Andrew R.T. Davies:** That was a Sir Humphrey, was it not?

[289] **Val Lloyd:** Can I clarify that it was objecting to talking to us about it because of where that discussion was going to take place? That would not be a hangover—[*Laughter.*] I was not even at the pub, so no pun intended. That was its reasoning there.

[290] **Bethan Jenkins:** What I am wondering is whether it will give us the same reason if we write to it today to ask whether it can come here to give us formal evidence or to tell us about the general aspects of the local list.

[291] **Mr Davidson:** Possibly. My understanding was that the reason was twofold. There was the issue of where the meeting was held, and also of the potential for it to be seen that we were interfering with due process with regard to determining such things as planning. However, I am sure that if we write to the council with this new proposal, making it clear that we are asking for a general picture on the issue of local listing, we may receive a different response.

[292] **Val Lloyd:** We will do that. We need to move on. The next petition is P-03-206 on free swimming all year round.

[293] **Bethan Jenkins:** The Minister for Heritage announced a new Government policy document last week with regard to ‘Climbing Higher’. So, obviously, we have not missed the boat to a large extent, but in that regard we have done so, because he was taking evidence from Assembly Members in Plenary about the whole issue. However, that does not mean that we cannot seek clarification on the Audit Committee’s report on physical activity as to whether he believes that he should extend the free swimming initiative. I do not see why we cannot write back to the Audit Committee to keep an eye on what is happening, and also to the chief medical officer as to the merits of the petition before us.

[294] **Michael German:** For the record, we have to write to the Minister to ask for clarification as to whether he is considering an extension of the free swimming initiative. We may know the answer, but we could have it on the record for the petitioners.

[295] **Val Lloyd:** I think that we should do the three things that Bethan suggested, and then we will get a view in the round.

[296] **Bethan Jenkins:** We know that it is definitely the Minister for Heritage. I did say, but nobody listened to me. [*Laughter.*]

[297] **Val Lloyd:** The last petition before us this morning is P-03-207, on support for the unemployed in Monmouth.

[298] **Michael German:** Can we ask the petitioners what they think about the Welsh

Assembly Government's response, and ask Jobcentre Plus whether it is happy and whether it would like to take up the county council's offer of facilities?

[299] **Val Lloyd:** I agree with that. There is nothing else before us at the moment. I formally declare the meeting closed.

*Daeth y cyfarfod i ben am 10.59 a.m.*  
*The meeting ended at 10.59 a.m.*