



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

**Y Pwyllgor Deisebau
The Petitions Committee**

**Dydd Mawrth, 6 Hydref 2009
Tuesday, 6 October 2009**

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

Swyddogion y Cynulliad yn bresennol
Assembly officials in attendance

Alun Davidson	Clerc Clerc
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser
Andrew Minnis	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Val Lloyd:** Good morning, everyone, and welcome to today's meeting of the Petitions Committee. I have received apologies from Mike German, who is unable to send a substitute, but we are quorate, so we can carry on with the meeting. We are not expecting a fire alarm test so, if you hear an alarm, you should make your way to the exit door. Please turn off all mobile phones and such equipment. I remind you that you can amplify the sound through channel 0 and receive translation through channel 1 on the headsets.

9.31 a.m.

Deisebau Newydd
New Petitions

[2] **Val Lloyd:** The first petition that we have before us is P-03-208, relating to the historic counties. This petition was raised by Owain Vaughan and has collected 23 signatures so far. It states:

[3] 'We call upon the National Assembly for Wales to urge the Welsh Government to instruct the Local Government Boundary Commission for Wales to conduct a review of preserved county boundaries in Wales. This review should consider amending the existing preserved county boundaries to match the boundaries of the 13 historic shires.'

[4] **Andrew R.T. Davies:** As someone who is quite familiar with the historic shires, as they are called, via the Royal Welsh Agricultural Society—its county system evolves around the historical counties—this is quite an interesting petition, to say the least. I am not quite sure what the format would be to activate this petition, so I suggest that we write to the Minister for Social Justice and Local Government, who I would have thought would deal with this. The Government could be minded to take it further with the boundary commission, or it could give us an analysis of how this petition could be incorporated into Government

thinking.

[5] **Bethan Jenkins:** I agree.

[6] **Val Lloyd:** I do, too, so we will take that course of action. Thank you.

[7] The second new petition before us is P-03-216, regarding IVF treatment. I think that this petition is familiar to the Members present, because we were able to be present when the petitioner presented it. The petition was raised by Kara Ellard, and it has collected 4,237 signatures so far. It states:

[8] ‘We call upon the National Assembly for Wales to urge the Welsh Assembly Government to set out a formal process leading to the full implementation of the NICE clinical guideline CG11 on fertility (published in 2004) including its recommendation to provide up to three full cycles of IVF. Three full cycles should be made available free of charge by the NHS.’

[9] **Bethan Jenkins:** Before we discuss anything, I have been supportive of this petition, so I would not be able to vote on it. However, I think that we should write to the Minister for Health and Social Services to see whether she has any plans to implement the National Institute for Health and Clinical Excellence’s CG11 guidelines on three cycles of in-vitro fertilisation treatment. I know that we have had a discussion in Plenary on the matter previously, and I believe that the Minister has announced that there will be a short review into the situation, but I think that it is worth getting this on record.

[10] **Andrew R.T. Davies:** We had a debate on this last term, and there seems to be consensus that three cycles increase the chances—it has been clinically proven—of people being able to have a child via IVF treatment. From my understanding of the debate that the Minister led in the Chamber, the issue revolves around funding. I stand to be corrected, but I believe that the funding to introduce three cycles amounts to around £4 million to £4.5 million. I agree with Bethan that we need to write to the Minister for Health and Social Services on this issue. I do not think that there is a strong feeling against three cycles—it is about whether the Government is prepared to put the money in to provide three cycles free of charge on the NHS in Wales.

[11] **Val Lloyd:** Yes, I think that you are quite right, Andrew—it is a question of finance rather than the will to do it. We are all agreed on that, so we will pass it to the Minister, along with the comments made by Andrew.

[12] **Andrew R.T. Davies:** At a later stage when the Minister has responded, can the committee consider asking the petitioners to come in to give evidence? This is a highly emotive subject and it is based on sound logic, particularly the NICE guidelines. There is a human side to this, as I know that there is to all the petitions that we deal with. We can talk about the monetary aspect, and there is also a postcode lottery situation, in that certain parts of Wales offer better availability of IVF than others. Once the Minister has responded, it would be good for us to consider asking the petitioners in to give evidence.

[13] **Val Lloyd:** I was on the Health and Social Services Committee when we standardised it, because it was definitely a postcode lottery before 2006. The health committee was very strong on this and helped to draw up the guidelines so that everyone in Wales is entitled to one cycle.

[14] **Bethan Jenkins:** That is up to a certain age.

[15] **Val Lloyd:** Yes, because the NICE guidelines point in that direction. After a certain

age, it is not as effective and some other caveats had to be made for health reasons. Otherwise, as far as I understand it, it is the same for everyone on the NHS.

[16] **Andrew R.T. Davies:** For the first cycle; moving on to the second and third cycle, it becomes somewhat more—

[17] **Val Lloyd:** They do not get that on the NHS.

[18] **Andrew R.T. Davies:** Yes, but I am looking at the aspiration of the petition. I appreciate that it is not available at the moment, but the petition is seeking to access a second and third cycle of treatment. While we understand that there is an aspiration to deliver that, there is a monetary issue involved. In addition, the Petitions Committee would benefit from hearing about the human aspect from the petitioners.

[19] **Val Lloyd:** I am not necessarily voting against that, but all our sentiments are with the petitioners. It is a clear-cut case. However, we should probably wait until we hear from the Minister.

[20] **Andrew R.T. Davies:** I agree with you, but, at this stage, I am putting a marker down for us to give consideration to bringing the petitioners in to give evidence, when we know what the Minister has to say.

[21] **Val Lloyd:** I was putting a marker down that, because we all agree with what the petition is calling for, I do not know whether there is necessarily anything to be gained by that. However, we should wait for the Minister to reply, otherwise we are speaking academically.

[22] Petition 3, P-03-230, on International Conscientious Objectors' Day, was raised by Cynefin y Werin/Common Ground, and collected 14 signatures by the end of the month. It states:

[23] 'We call upon the National Assembly for Wales to recognise the strong tradition of conscientious objection in Wales, by marking the occasion of International Conscientious Objectors' Day on 15 May every year with an annual event.'

[24] **Bethan Jenkins:** Again, I have supported this petition, because I put down a statement of opinion on the issue. Having said that, because it calls upon the National Assembly to act, perhaps we should write to the Assembly Commission to see whether there is any scope in the National Assembly diary to organise an event. We should also write to the First Minister to see whether he has any plans to do anything. Perhaps we could take that two-pronged approach. I do not believe that this day is marked in Wales via the National Assembly, but we could clarify that.

[25] **Andrew R.T. Davies:** I would seek clarification of the position. Until I saw the petition, I had not realised that a day was put aside in other parts of United Kingdom—

[26] **Bethan Jenkins:** It is an international day.

[27] **Andrew R.T. Davies:** So, I would be grateful for that information.

[28] **Val Lloyd:** I would also be grateful for that, and I need to check whether I have signed Bethan's statement of opinion and whether I too need to declare that. I will check that by the next meeting.

[29] The next new petition is P-03-236, on the charter for grandchildren, which was raised

by Grandparents Apart Wales, calling on the National Assembly of Wales

[30] 'to urge the Welsh Government to adopt The Charter for Grandchildren and to make the Charter mandatory for professional workers who are employed in the welfare of children'.

[31] Should we write to the Minister with responsibility for children on this issue?

[32] **Andrew R.T. Davies:** That is a good idea, Chair, because I am not familiar with what the charter proposes, but we have all heard of cases of family breakdown in our respective electoral regions or constituencies, and we are surprised, every time, by how it is not just the main family unit that breaks down, but the extended family unit as well. It would be a useful exercise to see what exactly protects grandparent rights and what the Assembly's view is on this.

[33] **Bethan Jenkins:** I have not read the report, but I know that there has been a review of the Children and Family Court Advisory and Support. I wonder whether there is anything in that report outlining the role of grandparents, but perhaps that should be checked.

[34] 9.40 a.m.

[35] **Val Lloyd:** I think that Andrew and I participated in the review of CAFCASS, although I went on sick leave before we finalised it. However, I do not recall anything in it.

[36] **Andrew R.T. Davies:** I do not recall anything, specifically. As I recall, the review looked at the role of CAFCASS in facilitating court proceedings, access for children and trying to re-establish parental contact under guidance of the court. I do not believe that it looked at the extended family. I stand to be corrected because it is quite a weighty report.

[37] **Val Lloyd:** My memory is the same as Andrew's. Shall we write to the Minister for Children, Education, Lifelong Learning and Skills asking for clarification on the current legal status of grandparents and her position on the proposal that a charter be made mandatory for professional workers? Perhaps we should also write, for the second part, to the Minister for Social Justice and Local Government because most people are employed by local government social services departments. Perhaps we should just ask Dr Gibbons the second part of the question and ask Jane Hutt the first and second parts.

[38] The fifth new petition is petition number P-03-248 on improved access to public transport for people with disabilities, which was raised by the Multiple Sclerosis Society and collected nearly 800 signatures. We have recently had a petition regarding more accessible bus services in Pembrokeshire. The Deputy First Minister and Minister for the Economy and Transport wrote to us on that issue and we last had a very comprehensive letter from him a year ago, in October 2008, regarding the requirements for disability access on public transport, which is different to that for school transport.

[39] **Andrew R.T. Davies:** Access to school transport came out of our visit to Pembrokeshire. We were dealing with two or three petitions at one time, which we were related, specifically, to the school transport model. Obviously, this is a wider issue about general transport. Time and time again, the difficulties that people experience when they try to use public transport are raised with us, as elected Members. One example is a simple issue such as having audio provision in bus shelters. You will have the digital display, but, if you have a sight impairment, it is almost impossible to read it. I would be grateful to know how, in a wider context, what positive action the Government will be able to take. Perhaps the Welsh Local Government Association has a role in this in that a lot of the commissioning of public transport—bus routes, tender documents and so forth—emanates from local government.

[40] **Val Lloyd:** I think that they are still bound by Westminster legislation, which states that it does not have to come into force until 2020 unless it is a new bus, which is a huge lead-in time. The regulations were made in 2000, which gives them 20 years.

[41] **Andrew R.T. Davies:** The MS Society document discusses the issue of larger bus companies having quite extensive coverage, with Arriva Trains at 80 per cent, Stagecoach at 80 per cent, First Cymru at 88 per cent, and Cardiff Bus at 99 per cent with low-level buses.

[42] **Val Lloyd:** I think that it is very patchy but people need to access a whole range of transport. Shall we write again to the Deputy First Minister to ask him for an update on any action? What about writing to the Minister for Social Justice and Local Government as you suggested local government, asking your question, Andrew, and regarding his position in the light of the disability and equality legislation?

[43] **Andrew R.T. Davies:** I just wonder whether there is mileage in the WLGA because, while the aspiration might be there, again, in a very difficult climate, it might be able to come forward with some examples for us to mull over. It could outline how it would like to do things, and what would be needed to do that, rather than having a governmental response, which would be welcomed in informing the debate. Often, it is the councils that are charged with delivering this, along with the bus operators. If you take buses as an example, you will see that there is the bus operators consortium, and it might be worth contacting that organisation to see how it is getting on with implementing it. Some of the bigger operators are not having such difficulty; it is perhaps more difficult for independent operators who have a high cost base in purchasing new equipment, which prohibits them from jumping on the bandwagon.

[44] **Val Lloyd:** I have no problem with that. Bethan, do you?

[45] **Bethan Jenkins:** No.

[46] **Val Lloyd:** So, we will take a three-pronged approach.

[47] We now move on to our last new petition for this morning, namely P-03-251 on banning sunbeds. This petition was raised by Tenovus, and I believe that we were all there when we accepted it from the petitioners. The wording is very straightforward. It says that the petition is to ban unmanned—I should say ‘unsupervised’—coin-operated sunbeds in Wales and sunbed use by under-18s.

[48] **Bethan Jenkins:** The Health, Wellbeing and Local Government Committee has already taken evidence on this, and the Minister has provided evidence saying that she intends to prohibit the use of sunbeds by people under the age of 18, which is positive. Perhaps we should signpost the Minister to this petition and ask for a timetable for that legislation, because I do not see in the Minister’s evidence a timeline for what she proposes. Perhaps we should also pass this petition to the Health, Wellbeing and Local Government Committee so that it has a record of the petition that it can refer to in future committee work.

[49] **Andrew R.T. Davies:** I would be supportive of that course of action. The Minister said in her evidence last week that she was waiting for the committee’s report, and I think that the committee is grateful for that because, hopefully, some of our evidence gathering will be able to inform that legislative process. One would hope that, when the Minister’s aspiration and the committee’s report come together, speedy progress can be made on this issue.

[50] **Val Lloyd:** So, we are all agreed on the way forward. That concludes our section on new petitions.

9.47 a.m.

Yr Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions

[51] **Val Lloyd:** We have nine updates to consider. The first is on P-03-187, which is the petition to abolish the Severn bridge tolls. We first considered this in March this year and the petition was last considered in July. It calls on us to urge the UK Government in Westminster to do everything in its power to abolish the two Severn bridge tolls. We are awaiting an update from the Deputy First Minister regarding the use of debit and credit cards to collect the tolls, and he gave us an update on 28 September. That is quite pertinent.

[52] **Bethan Jenkins:** We have had an interim statement and the letter says that we are just waiting for the Highways Agency to reply to the Deputy First Minister. So it seems that we are still waiting.

[53] **Val Lloyd:** I do not believe that we can do much apart from wait for that reply.

[54] **Andrew R.T. Davies:** I appreciate that the Minister finds himself in a difficult position with the Highways Agency, but I think that we would all agree that it is rather lamentable in the twenty-first century that, if a major infrastructure project is to charge tolls, it cannot accept debit or credit cards, given that many people who have jobs have their money paid straight into their bank and, whether we like it or not, fewer people handle cash these days. So, hopefully, we can keep pressing to get an answer one way or another. I am led to believe that the Act would have to be modified to allow direct debit and credit card payments, and that it would not be a case of a simple ministerial decision being made to make card payment facilities available on the Severn bridge. It is slightly more complicated than saying, 'Right, we will do it'.

[55] **Val Lloyd:** Yes, that is probably why there is a delay. The delay is not with the Deputy First Minister; he is waiting for a response. So, we are agreed on that.

[56] I will take the next two petitions together because they both relate to changes to access to the airport. The first is P-03-190, no Ely valley airport road—it is easier to say NEVAR—and the second is P-03-218, save Wenvoe village. We have had an update from the Deputy First Minister saying that the road scheme improving access to Cardiff international airport will not now proceed. I think that that is more or less it, and we can formally close the petitions, as their desired outcome has been achieved.

[57] **Andrew R.T. Davies:** I propose that we close them.

[58] **Val Lloyd:** So, there is agreement on that.

[59] On page 43, we have petition P-03-205 on keeping Abergavenny livestock market open. There is quite a lot of material here. It was first considered in May. We are still awaiting updates from the livestock market, National Farmers Union Cymru and the Farmers Union of Wales.

9.50 a.m.

[60] **Andrew R.T. Davies:** To make an informed decision, we need to be in possession of the critical information, which I would say is to come from the livestock markets, NFU Cymru and FUW. It is a pity that this has not come forward, because this petition has been open since—I am trying to recall when the petitioners came in, but it was some time ago.

[61] **Val Lloyd:** It was considered in May; I think that they must have come in sometime in June.

[62] **Andrew R.T. Davies:** So, if we could chase up the evidence that we are waiting for, it would be gratefully received. I am aware that issues have progressed in Monmouthshire. I believe that planning permission for a new site has been granted, has it not?

[63] **Mr Davidson:** I am not sure. The latest update from the campaign group, Keep Abergavenny Livestock Market, the lead petitioners, has been provided in the papers. We have been chasing up the responses and we have received some reassurance that they should be with us shortly.

[64] **Val Lloyd:** Okay, we will await those responses.

[65] The next petition is P-03-219, on pharmacies in Barry. This was first heard in June. This calls upon the Welsh Government to save local high street pharmacies. It relates to the problems of relocation and crossing neighbourhoods.

[66] **Bethan Jenkins:** The Minister for Health and Social Services has established a task and finish group on the provision of pharmacy services in Wales. It would be good if we could ask the Minister to provide details of the findings of this group as soon as it reports in the autumn. Perhaps we could ask her to notify us whether, subject to the findings of the group and in light of the views of the petitioners, the Royal Pharmaceutical Society of Great Britain and the Welsh Pharmacy Board, there can be more flexibility in the location of pharmacies. In its letter to us, it talked about proximity to neighbourhoods and the definition of 'neighbourhoods', so perhaps we could ask for those rules to be clarified.

[67] **Andrew R.T. Davies:** I agree with that. I do not recall whether the suggestion has been made that we ask Community Pharmacy Wales for its view on this petition and whether it would like to comment on it. It is a body that may be able to inform our discussions on this petition. Would that be in order?

[68] **Val Lloyd:** I do not see why not. It would inform the discussion, would it not?

[69] **Andrew R.T. Davies:** While this is Barry, I assume that it is a wider issue.

[70] **Val Lloyd:** It will happen everywhere; it is to do with relocation, so it is a problem that could arise everywhere in Wales.

[71] **Andrew R.T. Davies:** I support Bethan's suggestion, but could we also consider contacting Community Pharmacy Wales?

[72] **Val Lloyd:** That is a good idea.

[73] The next petition in the updates list is P-03-222 from the National Osteoporosis Society. We have received an update from the Minister for Health and Social Services, which is on page 79. Do you agree that we need to write to the Minister to ask for more information on this?

[74] **Andrew R.T. Davies:** Especially around the national service framework, to see what is being implemented and to see what interim arrangements can be made, especially with the danger of regional variations.

[75] **Val Lloyd:** The review is not to be completed until next summer. Will we keep this

petition open, wait, and ask her to inform us of the outcome of the review?

[76] **Andrew R.T. Davies:** I would hope so. The review will inform the decision.

[77] **Val Lloyd:** I think so.

[78] **Bethan Jenkins:** The Minister has indicated that she will meet the National Osteoporosis Society, so that is something positive for the organisation following the petition. It has gained from that. Perhaps we should keep it open until it feels that its voice has been fully heard.

[79] **Val Lloyd:** Absolutely. We could ask the Minister to notify us of the outcome of her meeting with the petitioners, which would also be helpful.

[80] Our next update is on page 80. It is P-03-223, which refers to section 6 of the Welsh Language Act 1993. We first considered this in July. I would like to ask for a legal update on this, please.

[81] **Ms Jackson:** The position under the Welsh Language Act 1993 is that section 5 requires notified public bodies that provide services to the public in Wales to prepare a Welsh language scheme by specifying measures that the body proposes to take to give effect, so far as is appropriate in the circumstances and reasonably practicable, to the principle that, in the conduct of public business, English and Welsh are treated on the basis of equality.

[82] Certain public bodies are listed in section 6 of the Act and, as you would expect, they include bodies such as councils, police authorities, various health bodies, the Higher Education Funding Council for Wales, and so on. It is important to note that section 6 also gives Welsh Ministers a power to add to this list any persons, whether a body corporate or unincorporated, who appears to them to be exercising functions of a public nature. This power has existed since 1993 and has been variously exercised, first by the Secretary of State and then by the Assembly; it is now vested in the Welsh Ministers. Therefore, Ministers do have a power to amend section 6 by adding to the list of those persons required to produce a scheme.

[83] **Val Lloyd:** Thank you, Joanest. In light of that, do you think that we should write to the Minister for Heritage on this issue?

[84] **Bethan Jenkins:** Yes, if that is within the Minister's current powers. I was going to ask whether that could be incorporated into the current proposed LCO on the Welsh language, but if that is already within the Minister's powers, we should ask whether he would exercise his power to incorporate MPs into the Act.

[85] **Val Lloyd:** I think that we need to ask him whether he has given any consideration to that, whichever way we phrase it, because this is the same. Now that we are aware of that, perhaps we should write to him.

[86] **Andrew R.T. Davies:** Before Joanest spoke, I thought that we could not go any further, but Joanest has put an angle on it that needs to be explored possibly with the Minister or with the Wales Office.

[87] **Val Lloyd:** I think that our first port of call would be the Minister for Heritage.

[88] **Andrew R.T. Davies:** It is just that the Wales Office seems to have taken it on itself to announce things these days.

[89] **Bethan Jenkins:** You are playing politics with the issue now.

[90] **Val Lloyd:** Going down that road, Andrew, would not be a good idea. We should write to the Minister for Heritage. Do we agree on that? I see that we do.

[91] The next petition, P-03-225, relates to Gorseinon College regarding extra funding to keep courses and classes open. We first considered this in July 2009. We had an update from the Deputy Minister for Skills, outlining the petition and some funding that the college may access.

[92] **Andrew R.T. Davies:** The Deputy Minister identifies funding streams that he hopes that the college will seek to access. I would have thought that the college had already looked at those funding streams, but, if not, it would be worth while us getting a response to the Deputy Minister's letter. I suggest that course of action to see whether what the Deputy Minister has pointed out to this committee partly alleviates the funding crisis faced by Gorseinon College.

[93] **Bethan Jenkins:** I have talked to the college about this issue. On the European funding, I know that the Deputy Minister states in his letter that a decision on convergence funding will be reached shortly, but he gave that answer some time ago, so could we press the Deputy Minister further to give us a definitive timeline for this because this affects not only Gorseinon College, as other colleges are also unable to access European funding? Perhaps we should also write to Ieuan Wyn Jones because this issue comes under his portfolio and not the John Griffiths's portfolio.

[94] **Andrew R.T. Davies:** On convergence funding, I had a briefing from Fforwm around 12 months ago—and I appreciate that time has moved on considerably since then—which pointed out that very little European funding is getting to the further education colleges. I hope that the situation has progressed, but, as the Deputy Minister's letter suggests, we are still waiting for a decision and time is of the essence, because all of these colleges are into the new academic year and have to cut their coats according to their cloth.

10.00 a.m.

[95] So, there are two strands to this. I would agree with Bethan that the first is to ascertain the situation from the college, but the second may be widening out the questions on ministerial portfolios to Ieuan Wyn Jones who, I would assume, is the lead on convergence funding.

[96] **Val Lloyd:** Yes, he is the lead on convergence funding. I think that we had the letter from the Deputy Minister for Skills at the end of July, so I do think that we need an update. We need a response from the college and we also need a response from the Deputy First Minister regarding convergence funding.

[97] That last petition on which we have received an update is P-03-232 on Ffynone and Cilgwyn woods. We considered this at our last meeting and we have had an update from the petitioners, but we are still awaiting the findings of the Wales Audit Office's investigation.

[98] **Bethan Jenkins:** It does not read as if the public inquiry would be possible given the explanations from the Minister and Forestry Commission Wales, but I certainly think that we should wait for the Wales Audit Office review.

[99] **Val Lloyd:** I think that it would be very previous of us if we did not wait, so I would support that. I think that we are all agreed on that and we will await the findings of the Wales Audit Office. Do we know when it is likely to report?

[100] **Mr Davidson:** We have received an update saying that it is due fairly soon. The Wales Audit Office has reassured the committee that that update will be forthcoming and that it will send us a copy of the report as soon as it is available.

[101] **Val Lloyd:** Thank you, that is very helpful. We will await that report. We have no other business this morning and therefore I thank Members for their attendance and their work, and I close the meeting.

Daeth y cyfarfod i ben am 10.02 a.m.
The meeting ended at 10.02 a.m.