

## Environment and Sustainability Committee

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Meeting Venue:  
**Committee Room 3 – Senedd**

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Meeting date:  
**4 December 2013**

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Meeting time:  
**09:30**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

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### Agenda

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- 1 Motion under Standing Order 17.22 to elect temporary Chair**
- 2 Introductions, apologies and substitutions**
- 3 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for items 4 – 7**

#### Private Session

#### **4 Environment Bill – White Paper: Factual Briefing from Welsh Government officials** (Pages 1 - 10)

Rhodri Asby, Head of Climate Change and Natural Resource  
Andy Fraser, Head of Natural Resource Management Programme  
Jasper Roberts, Head of Waste & Resource Efficiency  
Nia James, Head of Environment Legal Services

#### **5 Inquiry into waste and resources – consideration of consultation responses (10:30–11:00)** (Pages 11 - 27)

#### **6 Legislative Consent Memorandum – The Water Bill : Consideration of draft report** (Pages 28 - 44)

#### **7 Forward work programme – Spring 2014** (Pages 45 - 46)

## **Public Session**

### **8 Control of Horses (Wales) Bill – Discussion with the Minister for Natural Resources and Food (11:00–11:30)** (Page 47)

E&S(4)-30-13 paper 1

Alun Davies AM, Minister for Natural Resources and Food  
Gary Haggaty, Head of Agriculture and Rural Affairs Division  
Fiona Leadbitter, Equine Policy Official

### **9 Papers to note** (Pages 48 - 55)

Minutes of the meetings held on 14 and 20 November

### **Control of Horses (Wales) Bill : Additional information from the Minister for Natural Resources and Food** (Pages 56 - 63)

E&S(4)-30-13 paper 2

### **Letter from the Presiding Officer – Committee Remit and Responsibilities** (Pages 64 - 73)

E&S(4)-30-13 paper 3

# Agenda Item 4

Document is Restricted

## **Wood Panel Industries Federation: Response to Environment and Sustainability Committee Inquiry into Waste and Resources, November 2013**

**Name:** Alastair Kerr

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The WPIF would be happy to give oral evidence to the Committee.

### **The Wood Panel Industries Federation (WPIF)**

The Wood Panel Industries Federation (WPIF) represents all British manufacturers of wood panel products. The industry is worth more than £600m a year and provides 7,900 FTE jobs across the UK.

In North Wales, Kronospan operates a wood panel plant in Chirk. Kronospan is one of the Top 10 manufacturing companies in Wales, employing over 600 people, mainly from the rural population (over 90% of who live within 10 miles of the site). In the last 5 years, this site has seen investment of £30m.

### **Waste**

The WPIF supports the Welsh Government's aspiration of creating a zero waste society and this is demonstrated by Kronospan's actions in North Wales. Kronospan is the largest wood recycler in Wales and actively works to ensure that the best possible use is made of wood by processing it into products. This maximises wood's carbon sequestration properties and gives the wood a much longer useable lifespan than if it was immediately burned for energy generation. The company has invested in waste reduction for many years and is therefore supportive of the Welsh Government's efforts to make such action a standard feature of industrial operations across Wales.

Although the WPIF supports waste reduction efforts, the industry has some concerns about the impact of any waste reduction targets on companies like Kronospan. For companies that have already invested significantly in waste reduction any targets could prove to be unfairly challenging. Such investment means that waste levels are already very low and to be expected to continue to improve this by a specified amount every year would place an unnecessary burden and financial pressure on companies that have already put significant resources into waste reduction and continue to do so. It is essential that the introduction of any such targets would not see Kronospan and other companies that have invested in waste reduction being penalised for the early introduction of action in this area.

The WPIF also believes that the Welsh Government and WRAP Cymru should do more to encourage the recycling and reuse of wood waste as opposed to sending it to landfill or burning it for energy generation before the end of its usable life.

The WPIF is a strong supporter of the Waste Hierarchy and welcomes that this is a key focus of the Welsh Government's waste reduction strategy and a central tool for WRAP Cymru. It is also positive that the Welsh Government is considering banning untreated wood from being burned in energy from waste facilities as part of the proposals outlined in the Environment Bill white paper. This wood can be used by wood processors like Kronospan and it is therefore consistent with the Waste Hierarchy to maximise this use of the wood before it is used for energy generation. However, unless action is taken in other related policy areas these efforts will be undermined. For example, the subsidies provided by the UK Government for large-scale biomass energy generation are incentivising the purchase of domestic wood to burn for electricity generation. The wood types burned include virgin wood, small roundwood and sawmill products such as sawdust and post-consumer/post-industrial waste wood. These are all wood types that are utilised by wood processors for products which can be reused and recycled numerous times before they reach the end of their usable life. Unfortunately these subsidies provide energy generators with a very significant market advantage in purchasing this wood. They also damage efforts to encourage wood recycling and reuse by acting as a disincentive for segregation and sorting. Recovery of waste for energy should only occur when all other options have been exhausted, yet this is undermined by the use of wood types with other existing uses for energy generation.

Additionally, WRAP Cymru and the Welsh Government should consider wood a priority material for recycling and it is important that there is an effective means to collect wood waste and transport it to recyclers like Kronospan. However, it is also important that the focus on making products recyclable does not damage the wood panel industry's ability to ensure its products function as intended. For example, in some panel types the use of binders is essential. Although this can make recycling more difficult the products the panels are used to make will last for a number of years and can then either be reused, recycled or burned for energy generation once no further use can be made of them. This is still in keeping with the Waste Hierarchy and is certainly a much more efficient use of the wood than burning it immediately for energy generation or sending it to landfill.

Overall the wood panel industry is very supportive of WRAP's work and wider efforts to reduce waste. The industry itself works to reduce waste and ensures that its manufacturing processes make use of recycled wood. It is important that due attention is given to recycling and reusing wood waste without placing unfair expectations or regulations on an industry which has already invested heavily in waste reduction. Similarly it is also essential that both WRAP and the Welsh Government continue to look at ways to support the recycling of wood by ensuring that wood is not burned for energy generation before the end of its useable life.

Lord Dafydd Elis-Thomas AM  
Chair, Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
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19 November 2013

Annwyl Dafydd,

Thank you for your invitation to contribute to the inquiry to assess the effectiveness of WRAP Cymru.

As Natural Resources Wales, our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, with a view to benefitting the people, environment and economy of Wales in the present and in the future. We support the strategic direction within Welsh Government's strategy document 'Towards Zero Waste. We want to see less waste produced, less waste sent for disposal and more treated and recovered in ways that maximise its benefit as a resource – whilst minimising its impact on the environment and human health.

Within that context, we have statutory roles to advise Welsh Government and others, provide robust evidence on the adequacy of the waste infrastructure network and to regulate the waste sector, including reducing illegal activities that undermine legitimate economic activity. We have a remit to work broadly to unlock the potential from Wales' natural and man-made resources, including wastes, to support Wales' economy, jobs & enterprise. We help businesses and developers to understand and consider environmental impacts when they make important decisions. In this way, we have synergies with the portfolio of work that WRAP Cymru delivers.

I will shortly be meeting with Dr Liz Goodwin, CEO of WRAP to discuss those areas of work where our organisations may most fruitfully work together in the future. Currently, WRAP Cymru, run a number of funding programmes to develop new waste infrastructure and we have processes in place with them to ensure that operators with poor environmental performance records are no longer supported. We also welcome the work that WRAP delivers on, for example, quantifying the



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environmental impacts of food wastage in Wales and on the compositional analysis of household waste. We recognise that they provide a firm evidence base for Welsh Government policy making as the Towards Zero Waste agenda progresses. It is important that this evidence continues to be updated periodically to reflect, for example, the fast changing nature of municipal waste collection and increasing recycling rates. This will ensure that it remains fit for purpose in driving further change and identifying where local authorities and businesses should focus their efforts to maximise environmental and economic benefits.

WRAP Cymru also provide a range of guidance documents on many aspects of waste collection, recycling and reuse via their website. It is an organisation that we direct waste management operators towards so that they are able to identify opportunities for good practice in materials recycling, waste collection for recycling, and possible funding opportunities to develop their recycling services. Similarly, we signpost waste producers to the excellent guidance on designing out waste and maximising its recyclability.

One of our predecessor organisations (Environment Agency) jointly developed the Quality Protocols for aggregates, compost and anaerobic digestate, which established the criteria by which a waste becomes a product and no longer requires regulation as a waste. These are robust, evidence-led standards which give users confidence in the products and reduce any stigma against waste-derived products.

As regards the specific questions from the Committee, we have little direct contribution to make with regards the submission of evidence which would be relevant to your particular lines of enquiry. However, I trust this letter gives you an understanding of our connections and work with WRAP Cymru.

Yours sincerely

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Chief Executive

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / Correspondence welcomed in Welsh and English

# **Inquiry into Waste and Resources by the National Assembly for Wales' Environment and Sustainability Committee**

## **Memorandum by WRAP Cymru (the Waste & Resources Action Programme in Wales)**

### **Executive Summary**

1. WRAP Cymru welcomes the opportunity to provide written evidence to the Environment and Sustainability Committee's Inquiry into Waste and Resources. WRAP Cymru was established in September 2008 and is the Welsh Government's delivery partner for waste and resource efficiency issues. As a member of the Waste Strategy Steering Group, WRAP has actively supported the development of the Welsh Government's overarching waste strategy Towards Zero Waste, One Wales: One Planet and has utilised its expertise in drafting several of the waste sector plans. WRAP Cymru draws on the extensive technical experience across WRAP and has advised the Welsh Government on diverse issues such as end of waste criteria and safety and use of anaerobic digestate.. Further information on WRAP Cymru's role and remit is at Annex 1.

2. WRAP Cymru's key priorities are to:

- Work with businesses in Wales to drive down the amount of unnecessary packaging and food waste
- Support the development of the infrastructure in Wales for recycling by helping businesses and markets to grow
- Increase the diversion of biodegradable waste into quality products such as compost and digestate

Our delivery is based on building and understanding the evidence base, then working with partners to address the market failures that prevent the sustainable use of resources. WRAP works efficiently and cost effectively, always seeking to improve the quality of thinking, delivery and outcomes.

3. We hope that this evidence will be of use to the Committee, and would be happy to expand upon it further in oral evidence if that would be helpful.

### **Response to the Call for Evidence**

4. The Committee's call for evidence includes eight questions. We have responded to all of these in turn below.

***Q1. What contribution has WRAP made to developing Wales' recycling and reprocessing infrastructure and to developing, stabilising and promoting markets for recycled/recovered materials, and reuse of resources?***

5. In 2011/12, the activity of WRAP Cymru's Business and Markets team influenced £6.4 million sales growth in the Welsh resource recovery sector (Databuild, 2013). We estimate that this should have created 43 new green jobs<sup>1</sup>. An independent assessment and verification of the impacts during 2011/12 (the first year of the present business plan cycle) of WRAP Cymru's Business and Markets programme states:

*"The Programme has been successful in increasing capacity. Beneficiaries, predominantly SMEs in the recycling, reprocessing and manufacturing sectors, are using the support to take action as intended either to expand services and capacity through investment in tools, equipment or vehicles or to develop their business or by introducing new products and markets, with particular focus on recycled content and reduction of waste material in the production process."*<sup>2</sup>

6. The rural nature of Wales means that many businesses are small and dispersed, resulting in limited capacity for recycling and reprocessing in the more isolated communities in Wales, which are less commercially attractive to major waste management companies. The main objective of the WRAP Cymru Business and Markets programme is therefore to build capacity in Wales by supporting SMEs to be able to increase their collection service offering examples of which are capital grants for vehicles and specialist bins for source segregated collections.

7. A major criterion for success in terms of waste reduction in Wales is considered to be the creation of a closed loop economy. Alongside an increase in recycling and reprocessing capacity, the programme also aims to support businesses to improve segregation at source and thus the quality of recyclate available in the market, enhancing uptake of recyclate and so improving waste prevention and resource minimisation in Wales.

8. Evidence to support the points above is included in Annexes 2 to 4, as follows:

- Annex 2: GIS map showing delivery across Wales;
- Annex 3: WRAP Cymru's quantified impacts for 2008-2011;
- Annex 4: Projected WRAP Cymru impacts during the current Business Plan period (based on estimates provided by supported businesses);

**Q2. What actions has WRAP undertaken to address packaging and food waste in Wales?**

9. Four-fifths of food waste and associated packaging waste in the UK arises from four main sources: households, the manufacturing sector, the retail sector, and the distribution and hospitality sectors. In supporting the aims of both the waste and food strategies in Wales, WRAP is working with the relevant Welsh Government departments on a series of distinct but closely related initiatives:

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<sup>1</sup> Based on the HM Treasury assumption that for every additional £150k worth of business, one job will be created.

<sup>2</sup> Databuild (2012), Impact of activities undertaken in 2011/12: Communications, unpublished.

- The Love Food Hate Waste (LFHW) campaign – a national consumer campaign designed to promote behaviour change which addresses the issue of food waste in households;
- The Courtauld Commitment – a voluntary agreement aimed at improving resource efficiency and reducing waste within the UK grocery sector;
- The Hospitality & Food Service Agreement (HaFSA) – a voluntary agreement which supports this sector in working together to reduce food and associated packaging waste, and to increase recycling rates;
- The Hospitality, Tourism, Food & Drink (HTFD) Grant – Welsh SMEs working in the hospitality and food sectors can apply for grants of up to £50,000 towards waste prevention or recycling equipment, plus consultancy support worth up to £10,000.

10. In the last two years WRAP has worked in Wales to raise awareness of the issue of food waste and make it easier for the public and businesses to reduce their food waste. WRAP has:

- Developed and is now maintaining the consumer food waste website <http://wales.lovefoodhatewaste.com> ;
- Developed and is now maintaining the LFHW App (in English and Welsh);
- Delivered evidence, communications guidance and training for local authorities in Wales to maximise the amount of food waste collected with existing separate food waste collections;
- Started a kitchen and food skills pilot programme in Wales;
- Worked to support Courtauld phase 3 signatories deliver the target in Wales;
- Delivered 'out of home' consumer food waste research, recommendations and guidance for Welsh businesses;
- Carried out research into the food and drink wasted in Wales; and
- Embedded WRAP recommendations for shelf-life extension and food labelling changes in industry guidance around the new Food Industry Regulations, and supporting their implementation by the food industry in Wales.

11. WRAP is also working on new recommendations for engaging with single person households in Wales, and introducing the Love Food Hate Waste 'cascade' training programme in Wales, engaging with key stakeholders to 'pass on' the core messages and behaviours to consumers. This forms part of a new community-based social marketing pilot in Wales, using the proven Love Food Hate Waste 'Fresher for Longer' campaign, working alongside a key retailer, local authorities and communities. We have also just initiated a project to increase product life, extending usable time in the food loop and reducing waste in the supply chain and in the home.

12. Through the mechanism of the Courtauld Commitment, WRAP has been working with the major retailers and brands across the UK to deliver packaging reductions. Initially this focussed on the weight of packaging but in the last three years the emphasis has switched to the carbon intensity of packaging. The target for the second phase of Courtauld was to deliver a 10% reduction in the carbon emissions associated

with packaging by 2012 (from a baseline of 2009). The carbon impact was calculated using a methodology that took into account packaging weight, material recycling rates and the inclusion of recycled content in the packaging. Provisional data suggests that the Courtauld 2 target has been achieved; final figures for the 2012 recycling rates will be available in December. Since the Courtauld Commitment is a UK-wide initiative, the benefits will have been delivered across the grocery sector in Wales as across the rest of the UK.

13. In addition to the Courtauld Commitment, WRAP has been working on a number of technical projects to increase the recyclability of plastics. For example:

- The existing pigment (carbon black) used in black plastic trays is not generally detected by existing sorting equipment in Materials Recycling Facilities (MRFs), so the trays end up in the stream sent to landfill. WRAP has developed a range of alternative black pigments that can be 'seen and sorted' by MRFs and plastic reprocessors. We are hopeful that these will be adopted by retailers and brands in the foreseeable future, ensuring that such trays actually get recycled.
- At the present time, it is still not possible to recycle polypropylene used in food packaging in such a way that it can be used in food-contact applications again. WRAP has now developed a process that can produce food-grade recycled polypropylene (PP). For this to be rolled out, however, packaging that has been in contact with food needs to be clearly identifiable. WRAP is working on a solution (using a diffraction grating) which marks such packaging so that it can be automatically detected at end of life.
- These sorts of projects enable plastics reprocessors to maximise the economic value of the materials they receive by recycling it to the highest value end market, thus supporting the economic viability of the recycling sector.

These initiatives will help to create new opportunities for reprocessing industries in Wales

***Q3. How will the 'Recycling on the Go' initiative contribute to the 'Towards Zero Waste' objectives?***

14. The Recycle on the Go Wales grant scheme was launched in October 2012 since when just over £390,000 has been allocated to 19 successful applicants. The first of which to be launched was at Techniquest with the Minister for Natural Resources and Food.

15. These projects will lead to an additional 72 locations across Wales having over one thousand more recycling facilities, which we expect to divert an additional 1,590 tonnes of material to recycling over the three years of the project. The sites include two universities, six holiday parks and six local authorities, with a total of 29 new recycling sites, as well as a number of events and tourist attractions across Wales including the Hay Festival, the Millennium Centre, the Monmouth Festival and the Urdd. The project has funded three organisations to provide waste and recycling services to up to thirty

events across Wales, ensuring a consistent recycling message for the 6 million visitors these events receive annually.

16. A key part of this project has been communication tools to promote the availability and location of the new recycling containers. A range of templates are available, all using the National Recycle for Wales branding. The technical and communications guidance documents are free to download from the WRAP website<sup>3</sup>.

17. The main aim of Recycle on the Go in Wales has been to increase recycling in Wales by providing facilities for the public while they are out and about at a variety of locations. An additional expected benefit is that it should also encourage some people to recycle more at home, as well as 'on the go'.

***Q4. What work has been undertaken by WRAP to support companies working in the anaerobic digestion (AD) and compost sectors?***

18. WRAP has provided several different types of support for companies working in the AD and composting sectors in Wales. We have helped 4 companies to develop quality products through the provision of consultancy support around the requirements of the PAS 100 (compost) and PAS 110 (AD) quality standards and a further 2 companies with their business plans to develop AD facilities.

19. Using quality digestate and compost in agriculture can improve soil fertility and provides valuable plant nutrients. We are running the 'DC-Agri' (Digestate and Compost in Agriculture) field experiments programme<sup>4</sup> to demonstrate the benefits of quality compost and digestate. This programme will gather data which will enable these materials to be used more efficiently by farmers, helping to control costs and improve production.

20. A vital objective of the DC-Agri programme is to make the research results accessible to farmers and growers. A strong programme of knowledge exchange is being developed to deliver this through guidance tools, events and learning materials. A large number of agricultural colleges are directly involved, to provide both current and future farmers with the knowledge and skills to maximise the potential of quality digestate and compost to benefit their gross margins and the environment.

21. Since it started in 2010, the DC-Agri programme has so far delivered in Wales:

- Four experimental sites;
- Six training events for farmers (one in partnership with Aberystwyth University, two in partnership with Farming Connect, one in partnership with Coleg Lysfassi and Fre-energy, one with Monmouthshire Farmers Club, one for Wynnstay's team of farm advisers);

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<sup>3</sup> See [www.wrapcymru.org.uk/content/recycle-go-wales](http://www.wrapcymru.org.uk/content/recycle-go-wales) .

<sup>4</sup> For further details of the DC-Agri programme, see [www.wrap.org.uk/content/digestate-compost-agriculture](http://www.wrap.org.uk/content/digestate-compost-agriculture) .

- Four lectures for agriculture students (three in partnership with Bangor University and one with Aberystwyth University);
- Online resources for college lecturers to integrate into relevant courses; and
- Six project bulletins, providing updates on the latest project results.

22. We have also organised five 'farmer-to-farmer' training events since 2010 which are part of a programme of smaller events, aimed at supporting AD and compost operators' marketing activities to farmers.

***Q5. What has Local Authority uptake of the Collaborative Change Programme for Wales been, and is there more the Welsh Government could do to support local authorities?***

23. The Collaborative Change Programme (CCP) is a partnership between Welsh Government, the Welsh Local Government Association (WLGA) and WRAP. It is co-ordinated by a steering group consisting of the three partners. Its remit is to support local authorities to review services and put in place more sustainable and cost effective waste management services.

24. The programme has proved to be popular, with 16 of the 22 Welsh Authorities either already in receipt of, or soon to receive, support. Demand has been such that applications for support have had to be prioritised by the steering group.

25. If the Welsh Government wished to increase its support to local authorities, it might consider extending the bans that have been proposed on the disposal of certain materials (through landfill or incineration) to residual waste containers presented for collection by householders. This could result in the increased capture of target materials, leading to an uplift in recycling rates, increased income from the sale of materials for recycling, reduced disposal costs and improved efficiencies of collection. Such actions would help to accelerate the development of a circular economy in Wales.

26. Equally, the Welsh Government could indicate a firm commitment to full resourcing of the CCP for a minimum of 5 years from 2014/15, including both revenue and capital support. This would encourage all Welsh local authorities to become fully engaged with the programme; in turn, this would drive consistency, quality and efficiency of local service delivery whilst achieving national targets.

27. The support programme will be monitored and its effectiveness reported on. The Welsh Audit Office (WAO) could be invited to assess the value for money of the programme, including how much public money has been saved as a consequence of investments through the CCP.

***Q6. How is WRAP Cymru working within the wider waste prevention agenda set out by the Welsh Government in its draft Waste Prevention Plan?***

28. WRAP Cymru has been a key member of the steering group set up by the Welsh Government to develop the Waste Prevention Programme. In that role, we have facilitated several stakeholder engagement events as part of the Government's consultation process.

29. WRAP Cymru's programme is designed to support the Welsh Government's agenda on waste and resources, including waste prevention. As an example, our work has shown that 60% of Welsh households are storing unwanted clothing and shoes for later disposal or re-use, and that Welsh households dispose of 6,000 tonnes of working electrical items each year. WRAP's work on resource efficient clothing and resource efficient business models will demonstrate improvement opportunities and the case for alternative business models for these products. WRAP is also supporting the development of initiatives to increase re-use within Wales, and is discussing this with the Welsh Government.

30. The Welsh Government's draft Waste Prevention Programme also identified the food manufacturing sector as a priority. Our work suggests that food manufacturers could reduce waste by 10-15% through relatively simple, low cost changes. Our work with this sector, through initiatives such as the Courtauld Commitment, addresses this key waste stream, with potential cost savings to Welsh manufacturers of around £1,200 per tonne of food waste avoided. WRAP Cymru is also applying what we have learned from the food manufacturing sector to non-food products.

31. On re-use, our objectives for the coming year are:

- To encourage the development of markets and infrastructure for re-used and repaired products by increasing supply and quality of priority products for re-use markets from post-consumer, business and public sector waste streams;
- To encourage market demand for re-used and repaired products that have entered the waste stream; and
- To increase recycling and reprocessing infrastructure for electrical and electronic equipment (both through existing technologies and by developing new, innovative infrastructure).

32. To do this, we are undertaking the following projects:

- An outline assessment of the potential for increasing re-use in Wales under three different scenarios;
- Technical support to the Welsh Government to produce an implementation strategy on re-use and repair;
- Develop and launch UK re-use standards for priority products;
- Disseminate updated Recycled Products Guide, including Welsh-specific re-use & repair organisations, to key audiences in Wales;
- Encourage the increase in levels of re-use and repair activity for priority products;
- Encourage improvement in stock management for priority products within re-use organisations;

- Support pilot projects to encourage the increase in re-use and repair infrastructure across Wales;
- Commissioning Welsh trials on a geographical basis for mattress recycling and re-use;
- Integrating re-use into sustainable procurement work by Value Wales and others; and
- Working with the Welsh Government to promote the re-use and recovery of critical raw materials.

***Q7. What is the likely impact of Defra funding cuts to WRAP at the UK level on the capacity of WRAP Cymru to achieve its objectives?***

33. Defra’s funding for WRAP is over £15 million for the 2014/15 programme. This is a significant level of funding which will enable WRAP to focus its work on the key priorities in England regarding the future sustainable use of resources.

34. WRAP Cymru has received the Welsh Government’s strategic steer for 2014/15 and is currently drawing up a programme proposal for delivery which includes resource allocation from the central WRAP team in our Banbury headquarters for specific technical and professional expertise. A dedicated delivery team with the necessary skills and expertise will be based in Wales focussed on the delivery of the WRAP Cymru programme.

***Q8. How effective is WRAP guidance, dissemination of good practice, communications and customer interface?***

Our approach

35. WRAP works in partnership with government, industry and local authorities, sharing evidence-based, tried-and-tested good practice advice, guidance and communications materials. This low-cost collaborative approach means that the impact of our work is far greater than if we were to work in isolation or collaborate with one sector alone and enables us to reach many more people at a minimal cost.

36. We use a diverse range of channels for communicating with our customers, who include our funders, businesses, councils and individuals. We only undertake communications or engagement activity which contributes to the delivery of our organisational, and ultimately our funders’, objectives, and for which there is a clear business need.

37. We have an evidence-based approach to communications, and endeavour to place evaluation at the heart of our work. In particular, we regularly request customer feedback to help us in our aim of continuous improvement. We recognise that there are often multiple drivers to behaviour change, and that it is not always possible to attribute a change directly to communications alone.

## Our impact

38. Examples of the effectiveness of our guidance, dissemination of good practice, communications and customer interface include:

- Since its launch in March 2009, the On-Pack Recycling Labelling scheme<sup>5</sup>, which helps consumers choose the appropriate recycling method (developed using WRAP's Recycle Now brand and managed independently by OPRL Ltd), has been adopted by more than 75,000 product lines.
- In 2010-2011 the WRAP website supported £16 million annual cost savings to businesses UK-wide, and annual sales growth driven by information accessed from the website of £50 million<sup>6</sup>.
- In Wales we were charged with raising awareness of the benefits of recycled content and resource efficiency among manufacturing SMEs. We reached 1,485 direct contacts (against an external target of 306) and provided training to 98 (against a target of 22) as part of the European Commission funded ReMake eco-innovation voucher scheme<sup>7</sup>.
- Our work to change consumer behaviour and support local authority collections influenced an increase in the UK-wide recycling rate of plastic bottles from 5 per cent in 2000 to 48 per cent in 2011<sup>8</sup>.
- Communications activity around our WEFO funded Accelerating Reprocessing Infrastructure Development (ARID) programme of capital funding for SMEs in Wales' Convergence Region has been central to our over-delivery of the programme to date. A £39,000 communications and engagement spend has helped generate successful applications worth £4 million to end September 2013, which are estimated to create 139 new jobs and result in 464,000 tonnes of waste prevented, reused or recycled<sup>9</sup>.

## **Submitted by:**

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19 November 2013

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<sup>5</sup> See [www.wrap.org.uk/content/pack-recycling-label](http://www.wrap.org.uk/content/pack-recycling-label).

<sup>6</sup> Databuild (2012), WRAP Impact Model 2010-2011, unpublished.

<sup>7</sup> European Commission (2013), ReMake Final Publishable Report Summary.

<sup>8</sup> WRAP (2012), Closing the Loop: WRAP's Contribution to Economic Growth.

[www.wrap.org.uk/sites/files/wrap/WRAP%20contribution%20to%20economic%20growth\\_0.pdf](http://www.wrap.org.uk/sites/files/wrap/WRAP%20contribution%20to%20economic%20growth_0.pdf).

<sup>9</sup> WRAP estimates.

**About WRAP Cymru**

39. WRAP (the Waste & Resources Action Programme) is an independent, not-for-profit company, recognised in the UK and internationally for our expertise in resource efficiency and product sustainability, our leading-edge evidence, our skills and knowledge and our ability to bring people together to solve problems.

40. WRAP's vision is: 'A world where resources are used sustainably.'

41. We occupy a unique space as a trusted interface between Governments, business, local authorities, communities and organisations working for more sustainable resources.

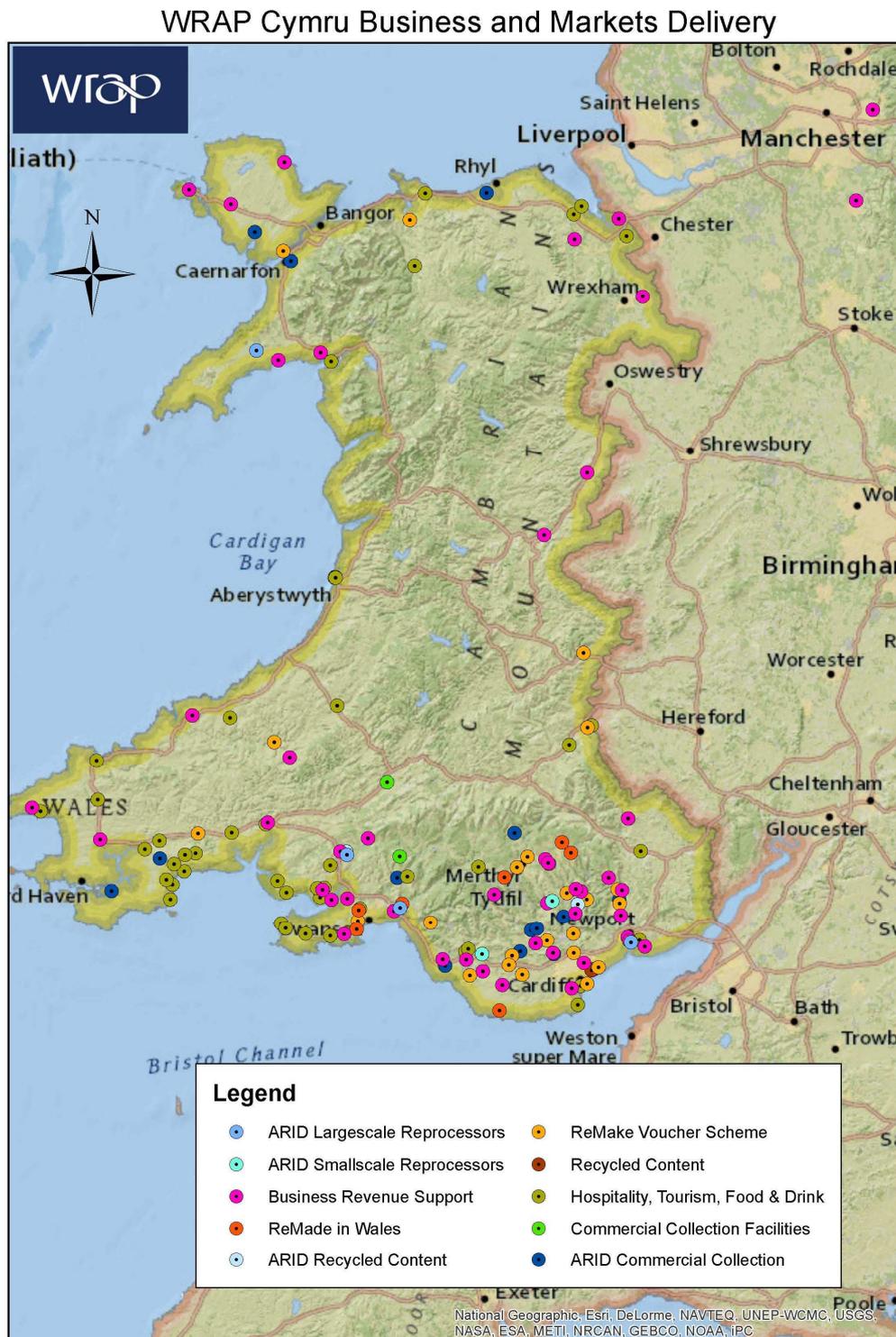
42. WRAP acts as a catalyst, accelerating change in the behaviour of business and communities in ways that neither governments nor individual companies can do, working on their own.

43. We do this through a combination of:

- Technical knowledge and the ability to apply that knowledge;
- An ability to forge partnerships and build alliances;
- Developing insights into business and consumer attitudes and behaviour;
- Research and a developing evidence base.

44. Our delivery is based on carefully building and understanding the evidence base, then working with partners to address the market failures that prevent the sustainable use of resources. Tackling these, in the right order and cost effectively, is essential to effective market operation and is at the heart of the way WRAP operates.

GIS Map showing WRAP Cymru's delivery across Wales



Author: Shelley Timms-Knowles, WRAP

Date: 15/10/2013

### WRAP Cymru's quantified impacts for 2008-2011

45. The achievements of WRAP Cymru in our first business plan period ending in March 2011 are shown in **Error! Reference source not found.** below. These figures have been assessed and externally verified. Impacts and targets are expressed as 'per annum at the end of the business plan period'.

**Table 1: 2008-11 Quantified annualised impact against targets**

Indicator	Target	Impact (per annum)	Result
Waste diverted from landfill	175,000	411,000	Exceeded
CO <sub>2</sub> e emissions avoided	90,000	280,000	Exceeded
Cost savings	£32 million	£78 million	Exceeded
Sales growth	£1 million	£7.6 million	Exceeded
Economic benefits	£33 million	£85 million	Exceeded

46. During this period WRAP Cymru's Business and Markets team worked directly with 48 businesses.

**WRAP Cymru’s projected impacts during the current (2011-2015) Business Plan period**

47. The table below shows WRAP Cymru’s achievements during this business plan period to date. These figures are based on estimates, provided by supported businesses, of the likely impact of our support and must therefore be treated with caution.

**Table 2: Expected impact projected from Business & Markets work contracted to date (2011-2015 Business Plan)**

<b>Indicator</b>	<b>Expected Impact</b>
Waste diverted from landfill (biodegradable only)	625,770 tonnes
CO <sub>2</sub> e emissions avoided	786,000
Cost savings	£634,000
Sales growth	£63.4 million <sup>10</sup>

48. During this business plan period WRAP Cymru’s Business and Markets team worked directly with 95 businesses (49 in 2011/12 and 46 in 2012/13). In the last five years, WRAP Cymru has worked with a total of 143 businesses.

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<sup>10</sup> Since this is a self-reported figure, we would expect it to be an over-estimate, but provide it here in good faith.

Document is Restricted

Document is Restricted

Alun Davies AC / AM  
Y Gweinidog Cyfoeth Naturiol a Bwyd  
Minister for Natural Resources and Food



Llywodraeth Cymru  
Welsh Government

Our ref - LF/AD/1134/13  
Your ref -

Lord Dafydd Ellis Thomas AM  
Chair  
Environment and Sustainability  
Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

November 2013

## CONTROL OF HORSES (WALES) BILL – DRAFT GUIDANCE

As promised at Committee I can now confirm that the draft guidance for the Control of Horses (Wales) Bill will be available on Wednesday 4 December for consideration and amendment by members.

Members will be aware that Business Committee has already agreed to fast track this Bill and as such we are all working to challenging deadlines. With this mind I hope the Committee will agree to provide comments/amendments if any, by Friday 13 December. This will allow the legislative timetable to progress as scheduled and assures that the guidance will be available to local authorities and horse owners in advance of Royal Assent in early January.

As the guidance may be subject to change the draft will be available in English only – the final version will be made available bilingually.

Alun Davies AC / AM  
Y Gweinidog Cyfoeth Naturiol a Bwyd  
Minister for Natural Resources and Food

# Agenda Item 9

## Environment and Sustainability Committee

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Meeting Venue: Committee Room 3 – Senedd

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Meeting date: Thursday, 14 November 2013

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Meeting time: 09:30 – 12:00

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This meeting can be viewed on Senedd TV at:

[http://www.senedd.tv/archiveplayer.jsf?v=en\\_400000\\_14\\_11\\_2013&t=0&l=en](http://www.senedd.tv/archiveplayer.jsf?v=en_400000_14_11_2013&t=0&l=en)

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



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### Concise Minutes:

#### Assembly Members:

Dafydd Elis-Thomas (Chair)  
Mick Antoniw  
Paul Davies  
Llyr Gruffydd  
Julie James  
Julie Morgan  
Eluned Parrott  
Gwyn R Price  
Antoinette Sandbach  
Joyce Watson

#### Witnesses:

Alun Davies, Minister for Natural Resources and Food  
Gary Haggaty, Welsh Government  
Julia Hill, Welsh Government

#### Committee Staff:

Alun Davidson (Clerk)  
Catherine Hunt (Deputy Clerk)  
Gwyn Griffiths (Legal Advisor)

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#### TRANSCRIPT

View the [meeting transcript](#).

## 1 Introductions, apologies and substitutions

- 1.1 Apologies were received from Russell George and William Powell. Paul Davies, Eluned Parrott attended as substitutes.
- 1.2 Gwyn Price attended as a substitute for Vaughan Gething.

## 2 Control of Horses (Wales) Bill – Stage 2 : Consideration of amendments

2.1 In accordance with Standing Order 26.21, the Committee considered and disposed of the amendments to the Bill in the following order:

Sections 1 – 10

Section 1:

No amendments were tabled to this section, therefore it was deemed agreed to.

Section 2:

No amendments were tabled to this section, therefore it was deemed agreed to.

Section 3:

Amendment 11 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 1 (Antoinette Sandbach)

As Amendment 11 was agreed, Amendment 1 fell.

Amendment 12 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 13 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 14 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 15 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 16 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Section 4:

Amendment 17 (Alun Davies)

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw	Paul Davies	
Julie James	Llyr Gruffydd	
Julie Morgan	Eluned Parrott	
Gwyn Price	Antoinette	

	Sandbach	
Joyce Watson		
5	4	0
Amendment 17 was agreed to.		

Amendment 25 (William Powell)

As Amendment 17 was agreed, Amendment 25 fell.

Section 5:

Amendment 18 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 19 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 7 (Llyr Gruffydd)

For	Against	Abstain
Paul Davies	Mick Antoniw	
Llyr Gruffydd	Julie James	
Eluned Parrott	Julie Morgan	
Antoinette Sandbach	Gwyn Price	
	Joyce Watson	
4	5	0
Amendment 7 was not agreed to.		

Amendment 20 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 2 (Antoinette Sandbach)

For	Against	Abstain
Paul Davies	Mick Antoniw	
Llyr Gruffydd	Julie James	
Eluned Parrott	Julie Morgan	
Antoinette Sandbach	Gwyn Price	
	Joyce Watson	
4	5	0
Amendment 2 was not agreed to.		

Amendment 21 (Alun Davies) was agreed to, in accordance with Standing Order 17.34 (i).

Amendment 3 (Antoinette Sandbach)

For	Against	Abstain
Paul Davies	Mick Antoniw	
Llyr Gruffydd	Julie James	
Eluned Parrott	Julie Morgan	
Antoinette Sandbach	Gwyn Price	
	Joyce Watson	
4	5	0

Amendment 3 was not agreed to.

Amendment 22 (Alun Davies)

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw	Paul Davies	
Julie James	Llyr Gruffydd	
Julie Morgan	Eluned Parrott	
Gwyn Price	Antoinette Sandbach	
Joyce Watson		
5	4	0
Amendment 22 was agreed to.		

Section 6:

No amendments were tabled to this section, therefore it was deemed agreed to.

Section 7:

Amendment 23 (Alun Davies)

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw	Paul Davies	
Julie James	Llyr Gruffydd	
Julie Morgan	Eluned Parrott	
Gwyn Price	Antoinette Sandbach	
Joyce Watson		
5	4	0
Amendment 23 was agreed to.		

Amendment 4 (Antoinette Sandbach)

As Amendment 23 was agreed, Amendment 4 fell.

Amendment 5 (Antoinette Sandbach)

As Amendment 23 was agreed, Amendment 5 fell.

Amendment 8 (Llyr Gruffydd)

As Amendment 23 was agreed, Amendment 8 fell.

New Sections:

Amendment 6 (Antoinette Sandbach)

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Paul Davies	Mick Antoniw	
Llyr Gruffydd	Julie James	
Eluned Parrott	Julie Morgan	
Antoinette Sandbach	Gwyn Price	
	Joyce Watson	
4	5	0
Amendment 6 was not agreed to.		

#### Amendment 9 (Llyr Gruffydd)

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Paul Davies	Mick Antoniw	
Llyr Gruffydd	Julie James	
Eluned Parrott	Julie Morgan	
Antoinette Sandbach	Gwyn Price	
	Joyce Watson	
4	5	0
Amendment 9 was not agreed to.		

Amendment 10 (Llyr Gruffydd) was not moved.

#### Section 8:

No amendments were tabled to this section, therefore it was deemed agreed to.

#### Section 9:

##### Amendment 24 (Alun Davies)

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Paul Davies
Julie James		Llyr Gruffydd
Julie Morgan		Antoinette Sandbach
Eluned Parrott		
Gwyn Price		
Joyce Watson		
6	0	3
Amendment 24 was agreed to.		

#### Section 10:

No amendments were tabled to this section, therefore it was deemed agreed to.

2.2 The Chair advised that all sections of the Bill had been agreed by the Committee and as all amendments had been disposed of, Stage 3 will commence from 15 November 2013.

2.3 The Minister agreed to write to the Committee in due course with further details on the provision of guidance.

### 3 Papers to note

3.1 The Committee noted the minutes.

**Draft Budget 2014–2015 – Letter from the Minister for Housing and Regeneration**

3.2 The Committee noted the letter and discussed the procedure for agreeing committee outputs electronically.

# Environment and Sustainability Committee

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Meeting Venue: Committee Room 3 – Senedd

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Meeting date: Wednesday, 20 November 2013

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Meeting time: 09:35 – 11:15

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This meeting can be viewed on Senedd TV at:

[http://www.senedd.tv/archiveplayer.jsf?v=en\\_400000\\_20\\_11\\_2013&t=0&l=en](http://www.senedd.tv/archiveplayer.jsf?v=en_400000_20_11_2013&t=0&l=en)

Cynulliad  
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Cymru

National  
Assembly for  
Wales



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## Concise Minutes:

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### Assembly Members:

Mick Antoniw  
Russell George  
Llyr Gruffydd  
Julie James  
Julie Morgan  
William Powell  
Joyce Watson

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### Witnesses:

Gideon Carpenter, Natural Resources Wales  
Ceri Davies, Natural Resources Wales  
Natalie Hall, Natural Resources Wales

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### Committee Staff:

Alun Davidson (Clerk)  
Catherine Hunt (Deputy Clerk)  
Lisa Salkeld (Legal Advisor)  
Elfyn Henderson (Researcher)  
Chloe Corbyn (Researcher)

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## TRANSCRIPT

View the [meeting transcript](#).

## **1 Introductions, apologies and substitutions**

1.1 William Powell was elected temporary Chair in the absence of Dafydd Elis-Thomas.

1.2 Apologies were received from Dafydd Elis-Thomas and Antoinette Sandbach.

## **2 Hydro Power Flow Standards – Evidence from Natural Resources Wales**

2.1 Gideon Carpenter gave a presentation to the Committee on the scientific aspects of hydro power flow standards.

2.2 The witnesses responded to questions from members of the Committee.

## **3 Papers to note**

**Draft Budget 2014 – 2015 : Response from the Minister for Natural Resources and Food**

3.1 The Committee noted the letter.

**Inquiry into the Welsh Government's proposals for the M4 around Newport – Letter of clarification from Wildlife Trusts Wales**

3.2 The Committee noted the letter.

## **4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for item 5**

4.1 The Committee agreed the Motion.

## **5 Legislative Consent Memorandum – The Water Bill**

5.1 The Committee discussed the Legislative Consent Memorandum on the Water Bill.

Alun Davies AC / AM  
Y Gweinidog Cyfoeth Naturiol a Bwyd  
Minister for Natural Resources and Food



Llywodraeth Cymru  
Welsh Government

Our ref - LF/AD/1182/13  
Your ref -

Lord Dafydd Ellis Thomas AM  
Chair  
Environment and Sustainability  
Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

28 November 2013

## CONTROL OF HORSES (WALES) BILL: ADDITIONAL INFORMATION

During the Committee hearing on 14 November I undertook to provide additional information to the Committee on certain points.

Section 7 of the Bill now provides for a horse owner to make a referral to the Welsh Ministers where there is a dispute over whether the local authority concerned has reasonably incurred the costs it is seeking to claim from the horse owner.

Further to Stage 2 proceedings, detailed consideration of each of the Bill's provisions has now been undertaken to examine the possibility of widening the appeals provision. This is set out below with a summary in the table at Annex A.

The local authority has only limited scope under the Bill to exercise any discretion because the Bill sets out what it can and cannot do. However, Section 2 (Power of local authorities to seize horses), gives the local authority discretion to seize horses where they reasonably believe that specified circumstances exist. The "reasonable grounds" threshold contained in section 2 of the Bill gives the legislation its effectiveness. It means that the local authority need only satisfy itself that there are reasonable grounds to believe that the horse is where it is without lawful authority, before it may seize a horse. This provides an appropriate balance between the need to create an efficient solution to the problem of fly grazing with the need to ensure horse owners' rights are properly protected.

As a public body, the local authority itself must act lawfully in all its dealings but the provision of the Bill at Section 2 builds in certain safeguards against any unlawful seizure. There are in effect three separate 'tests' which the local authority must satisfy

Bae Caerdydd • Cardiff Bay  
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English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: Alun.Davies@wales.gsi.gov.uk

before it may seize and impound a horse, depending on the context of individual incidents of what appears to that local authority to be an act of fly grazing.

Section 2(1) contains the broadest power given to the local authority to seize and impound a horse on any highway or any public place. If the local authority has reasonable grounds for believing the horse is there without lawful authority. There is little if any scope for a dispute given that it is highly improbable that a person can have negotiated grazing rights on the highway or a public place without the relevant local authority being aware of it. The local authority would have to undertake an appraisal of the situation in order to satisfy itself that the reasonable grounds element was met and to do this, it would use its local knowledge and work collaboratively with the Police and the local community.

Under section 2(2)(a), the local authority may seize and impound a horse in its own area where it is itself the occupier of that land, e.g. a school playing field or park. There is little scope for dispute given the local authority will know whether lawful authority for grazing has been given by it in those circumstances.

Section 2(2)(b) - private or other land, already includes safeguards before the local authority may exercise its power to seize and impound. Not only does it need to have "reasonable grounds" it must also obtain the consent of the owner of the land on which the horses are found fly grazing. The requirement for consent therefore severely limits any basis for a dispute.

The policy intention has always been to give the local authorities the necessary powers to react quickly and efficiently to incidents of fly grazing and the reasonable grounds test, as stated above, gives the legislation this effectiveness - this is what local authorities have sought from the Welsh Government. Effective and appropriate remedies when things go wrong are of course important and if a horse is unlawfully seized by the local authority, the owner may bring an action in trespass to goods against the local authority in the County Court for which compensation may be awarded by the court if the local authority is found at fault.

As I undertook when I appeared before the Committee on 14 November, my officials have considered again the potential for appeals against the serving of notices and a review provision on this basis was also considered inappropriate. The local authority is under a statutory duty to give a notice to an identified owner and a constable and to put a notice up at or near the site of seizure. If notices under section 3 are wrongly served or not served at all, then that is a breach of that section 3 statutory duty. To obtain redress from the local authority (and the resulting consequences which may mean a horse is sold on or destroyed), it is likely that the owner will be seeking damages by way of financial recompense from the local authority for their loss. The proper route for redress in such circumstances would be through the County Court in a claim against the local authority for a breach of its statutory duty in that it did not issue the notice correctly or failed to give one at all and as a result the owner suffered a detriment.

I consider that widening the scope of the review mechanism for the Welsh Ministers to deal with disputes as to the seizure of horses and service of notices is both unnecessary and inappropriate. There are existing and more appropriate and effective remedies available in the County Court for horse owners. The court will be able to hear the evidence from the parties and assess any quantum of damages in line with proper reference to relevant civil procedure guidelines and case law.

Expanding the original policy intention by providing for a review to the Welsh Ministers on matters other than disputed costs may have a detrimental effect and provide greater potential for those wishing to frustrate local authorities in their attempts to deal with the problems by 'playing the system'. There may also be a risk of local authorities simply not using their new powers and the situation may arise that local authorities find the legislation to be problematic because of a complicated system of reviews which can be triggered when it uses the new powers. In addition, those local authorities that currently have the local Acts at their disposal would no longer have those available to them because this Bill would have revoked the fly grazing provisions in those local Acts. It is worth noting that the local Acts do not include rights of appeal.

The right of review to the Welsh Ministers is restricted to disputes about costs for a number of reasons.

- First, the Bill is very prescriptive in what the local authority must do so scope for factual dispute is limited. However, it is appropriate to have an independent review about factual disputes on costs as the imposition of those costs provides the local authorities with a certain amount of discretion.
- Second, it is envisaged that disputes of this nature can be dealt with quickly and effectively by the Welsh Ministers without recourse to formal litigation by the horse owner.
- Thirdly, this approach avoids lengthy delays pending the outcome of such litigation where the local authority may incur the expense of extended livery pending a court judgement.

Having therefore considered each of the Bill's provisions, I do not believe that there are any other areas within the Bill that require further clarification and amendment.

I have been advised that officials at the Ministry of Justice are content that this provision does not lead to direct and additional burdens on the courts. Officials at the Home Office are also content with the use of the word "constable" in section 3 of the Bill - the local authority is required to issue a notice to a "constable" to advise the Police that a horse or horses have been seized and impounded. This particular provision is already contained in the 3 local Acts in Wales, namely the Mid Glamorgan Act, West Glamorgan Act and the City of Cardiff Act.

I have also looked again at the issue of identification and the need for local authorities to microchip all horses seized before returning them to their identified owner or selling them.

The guidance to accompany the Control of Horses (Wales) Bill will set out very clearly what the local authority should do in respect of identifying horses they have seized. It also re-states what the existing legal requirements are in respect of owners in complying with the relevant regulations on passports and microchips including the potential for criminal prosecution.

The guidance will cover what an owner must do to identify any horses they own and what happens in the case of a horse being seized where the owner has failed to obtain a passport or have the horse micro-chipped. In addition, the guidance covers local authorities' responsibilities over verifying the ownership of any horses they seize. A copy of the draft guidance will be made available to the Committee by no later than 4 December as agreed with the Committee Clerk.

Finally, on the issue of a financial dispute resolution, there is no provision in the Bill for a local authority to recover any costs from the owner for damage that his/her horse has caused to the local authority land by horses either by way of fly grazing there or in the operation of seizing such horses. Local authorities are in the same position as private landowners in terms of recovering their costs in these circumstances.

The local authority may only recover the costs that it has reasonably incurred in relation to seizing, impounding, feeding and maintaining the horse and if applicable the disposal of the horse.

Existing law provides private landowners with at least two avenues under the Animals Act 1971 where they have suffered damage as a result of being a victim of fly grazing. If the horse owner is known, the landowner may claim expenses from that owner. If the owner is not known the landowner may be able to sell the animal that has strayed on to their land and gain recompense in that way. This information will be provided in the guidance.

Handwritten signature in blue ink, appearing to read 'Alun Davies'.

**Alun Davies AC / AM**  
Y Gweinidog Cyfoeth Naturiol a Bwyd  
Minister for Natural Resources and Food

Section of Bill	What it means and action taken	Review
Section 1 – Overview	This section describes the purpose and provisions of the Bill.	This section simply sets out what the Bill does so there could be no basis for any review
Section 2 - Power to seize horse	This section gives the local authority the power to seize a horse under specific circumstances once it is satisfied that there are reasonable grounds to believe it is there without lawful authority.	This Section gives local authorities the power to interfere with another's property in specified circumstances. There is an existing mechanism for challenge if a horse is seized unlawfully, by way of an action for tort of trespass to goods in the County Court. It may also be possible to judicially review the decision of the local authority. There is no scope for a review on the basis that the specified circumstances leading to the horse's seizure did not exist. To provide for this would undermine the local authority's statutory right and would not achieve the policy intention of enabling LAs to act quickly to deal with fly grazing.
Section 3 - Notices	This section sets out what Notice the local authority must put in place once they have seized and impounded a horse. It sets out where and to whom those notices must be given and what those Notices must contain. There are 3 types of Notice. (1) place notice at or near site of seizure within 24 hours of seizure (2) notice to constable and owner or person acting for owner if known with 24 hours of seizure (3) notice	This section of the Bill imposes statutory duties on the local authority to deal with Notices in the manner prescribed by the Bill.  If the local authority does not follow the requirements of the Bill this would amount to a breach of statutory duty. If someone has suffered a detriment as a result of this breach, they may take action against the local authority for breach of that

	to the owner, once identified following local authority searches and within 24 hours of ascertaining that identity	<p>statutory duty in the County Court for which damages may be assessed and ordered by the court. There is no scope for a review by Welsh Ministers in respect of a case for breach of statutory duty other than through the Courts.</p> <p>There is a legal duty on owners, under the provisions of the Animal Welfare Act 2006, to ensure that their basic needs are met in respect of environment, diet, behaviour, company and health and welfare. The Welsh Government Code of Practice on equines also sets out the duties on owners and their responsibilities including a duty to check any horses owned at least once a day. Breach of the Act could result in a prosecution by the local authority and other enforcement bodies.</p>
Section 4 – costs of seizure	This section provides for the owner to pay the local authority costs reasonably incurred in the seizing and impounding of the horse and in feeding and maintaining it while it is impounded. It also sets out information that the local authority must provide to the owner regarding those costs and inform the owner of their right of review to Welsh Ministers of those costs.	A review process under which the Welsh Ministers can deal with disputes as to the costs reasonably incurred by the local authority is already provided for in the Bill (section 7).
Section 5 – disposal of impounded horses	This section provides for the local authority to dispose of the horse by sale, re-homing, returning or destruction when certain conditions are met.	<p>Potential review that the owner disputes the value of the horse resulting from disposal via sale.</p> <p>An owner disputing the value of the horse would have the right to a review by the Welsh Ministers</p>

		under Section 7.
Section 6 – Record of horse dealt with	A record that a local authority is required to keep of all horses seized.	This is a statutory requirement imposed on the local authority. If no records were kept by it, this would be a breach of statutory duty. If a person suffered a detriment as a result of a breach, a claim may be made to the County Court which would assess and award any damages payable.
Section 7 – Resolution of disputes	This section provides for a review by Welsh Ministers in respect of costs.	This is the mechanism under which an owner may refer a dispute as to costs reasonably incurred by the local authority, to the Welsh Ministers. The provisions in the Bill on the setting of costs do allow for some local authority discretion therefore it is appropriate for a dispute of fact on costs to be referred to the Welsh Ministers for determination.



Dafydd Elis-Thomas AM  
Chair  
Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

15 November 2013

Dear Committee Chair

Under Standing Order 16, it is the Business Committee's responsibility to consider the number, remit and titles of Assembly committees, and to keep them under review during the course of an Assembly.

At its meeting of 12 November, Business Managers considered the question of committee responsibilities. This discussion arose partly as a result of concerns over the relationship between committee remits and Ministerial portfolios highlighted during the scrutiny of the Government's draft budget.

The remits of our committees<sup>1</sup>, agreed at the start of this Assembly, are designed to ensure that all areas of ministerial responsibility are open to scrutiny by at least one Assembly committee. By allowing all committees to examine any issue from their particular perspective, they also enable cross-cutting examination of all areas of government responsibility. The Business Committee believes that this fundamental design of the committee system is sound and we do not propose to alter it radically. Neither do we propose changing the requirement for our policy-based committees to be responsible for both legislative and policy scrutiny.

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<sup>1</sup> See the attached report laid by the Business Committee on 12 July 2011



Llywydd  
Presiding Officer



We do believe, however, that now would be an appropriate time to ask committees whether any more limited alteration to remits should be made, I would ask you to consult your committee and report back to me on any remit changes which you believe would be advantageous to improve the operation of the current structure.

I would be grateful if you could get back to me by Friday 29 November.

Yours sincerely

A handwritten signature in black ink that reads "Rosemary Butler".

**Rosemary Butler AM**  
**Presiding Officer**



## **Committee Portfolios and Responsibilities in the 4th Assembly**

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### **Introduction**

On 22 June, the Assembly approved motions to establish its committee system.

The Standing Orders require all areas of government responsibility to be open to scrutiny by the Assembly's committee system. Hence, no areas of ministerial responsibility should be out of bounds for examination by at least one Assembly committee. At the same time, the Business Committee intends the system to allow for cross-cutting examination of all areas of government responsibility. So, whilst this report indicates the lead committee for each broad area of ministerial responsibility, all committees are free to examine any issue from their particular perspective.

The core roles of the Assembly's committee system can be summarised as follows:

- scrutinising Bills and other Assembly, UK and EU legislative proposals, reporting to the Assembly with recommendations for their improvement, and considering and making amendments to Bills;
- examining the finance and performance of relevant parts of the Welsh Government, associated public bodies and others of relevance to Wales; and
- examining and reporting on the implementation of Welsh Government policy, legislation and other commitments, including identifying and scrutinising areas of existing or emerging Welsh Government policy, or areas where existing policy is deficient, and making proposals for improvements.

This report sets out in more detail the remits of the various committees.

### **Children and Young People Committee**

The Children and Young People Committee's role is to consider expenditure, administration, policy and legislative matters within its remit. The main areas of ministerial responsibility falling within the committee's remit are listed below.

The rights and entitlements of children and young people

Child Poverty

Social care for children

Child health

Adoption and fostering services

Play

Parenting and Families

Childcare

Children's Commissioner for Wales;

The Children and Family Court Advisory Support Service (CAFCASS)

Safeguarding children

Schools, including teaching standards, curriculum, governance and effectiveness

Welsh medium and bilingual education

Additional learning needs

Inclusion in schools

Pupil attendance and behaviour

Early years education

14-19 learning

Youth work

Relevant EU policy matters

### **Environment and Sustainability Committee**

The Environment and Sustainability Committee's role is to consider expenditure, administration, policy and legislative matters within its remit.

The main areas of ministerial responsibility falling within the committee's remit are listed below.

Agriculture, Fisheries and Food

Water resources, control and quality (including the marine environment)

Wildlife, biodiversity and nature conservation

National Parks

Countryside and open spaces

Forestry

Waste management

Energy policy and fuel poverty (including steel and coal)

Animal health and welfare

Planning and Building Regulations

Climate change

Sustainable Development

Common Agricultural Policy

Relevant EU policy matters

### **Health and Social Care Committee**

The Health and Social Care Committee's role is to consider expenditure, administration, policy and legislative matters within its remit. The main areas of ministerial responsibility falling within the committee's remit are listed below.

National Health Service

Social care

Mental health services

Public health and health protection

Health improvement

Carers

Social services activities of local authorities

Regulation of residential, domiciliary, adult placements

Aids, adaptations and support at home

Independent living

Care in the community

The Older People's Commissioner for Wales

Food safety

Research and development in health and social care

Prison Service health service

Relevant EU policy matters

### **Communities, Equality and Local Government Committee**

The Communities, Equality and Local Government Committee's role is to consider expenditure, administration, policy and legislative matters within its remit. The main areas of ministerial responsibility falling within the committee's remit are listed below.

Housing and housing-related activities

Homelessness and housing advice

Affordable housing (including quality)

Local Government and Communities

Public Service Ombudsman Wales

Public service improvement

Equal opportunities

Domestic violence

Asylum, immigration and migrant workers

Community cohesion

Community Safety

Gypsies and travellers

Culture

Welsh language

Welsh heritage and the historic environment and buildings

Museums, public libraries and archives

Arts

Tourism

Sport, physical activity and active recreation

Fire and Rescue Services

Civil Contingencies

Broadcasting

Relevant EU policy matters

### **Enterprise and Business Committee**

The Enterprise and Business Committee's role is to consider expenditure, administration, policy and legislative matters within its remit. The main areas of ministerial responsibility falling within the committee's remit are listed below.

Business and enterprise, including inward investment / exports

Research, development and innovation

Higher education

Technology and Science

Strategic, physical and legacy regeneration

Employment

Workforce development

Skills

Vocational qualifications

NEETS

Adult community learning and work based learning

Employability and careers advice

Welfare reform

ICT Infrastructure

Transport

Social Enterprise

EU structural funds programmes

Relevant EU policy matters

### **Finance Committee<sup>i</sup>**

The Finance Committee's role is to carry out the functions of the responsible committee set out in Standing Order 19. This includes consideration of the use of resources by the Assembly Commission or Welsh Ministers and in particular reporting during the annual budget round. The Committee may also consider any other matter relating to expenditure out of the Welsh Consolidated Fund.

In respect of the examination of the financial implications of Bills the Business Committee considers that the Committee should be selective, focusing its scrutiny on Bills of greatest financial significance, and take a strategic overview of financial matters relating to legislation.

### **Public Accounts Committee<sup>ii</sup>**

The Public Accounts Committee's role is to carry out the functions of the responsible committee set out in Standing Order 18. The Committee will consider reports prepared by the Auditor General for Wales on the accounts of the Welsh Government and other public bodies, and on the economy, efficiency and effectiveness with which resources were employed in the discharge of public functions. Its remit also includes specific statutory powers under the Government of Wales Act 2006 relating to the appointment of the Auditor General, his or her budget and the auditors of that office.

### **Constitutional and Legislative Affairs Committee**

The Constitutional and Legislative Affairs Committee's role is to carry out the specific functions of the responsible committee in Standing Order 21 and to consider any other constitutional or governmental matter within or relating to the competence of the Assembly or Welsh Ministers. This includes the consideration of statutory instruments, draft statutory instruments, any other subordinate legislation laid before the Assembly, Assembly and UK Bills as well as a wider remit to consider the subsidiarity implications of draft European Union legislation and other constitutional matters. In particular

they also have an overview of the First Minister's functions as they relate to constitutional or overarching governmental matters.

### **Petitions Committee**

The Petitions Committee's role is to consider all admissible petitions which are submitted by the public. Its specific functions are set out in Standing Order 23

### **Standards Committee**

The Standards committee's role is to carry out the functions set out in Standing Order 22. These include the investigation of complaints referred to it by the Standards Commissioner, consideration of any matters of principle relating to the conduct of Members, establishing the procedures for the investigation of complaints and the arrangements for the Register of Members' interests and other relevant public records determined by Standing Orders.

### **European and External Affairs**

The Business Committee agreed to mainstream European policy matters across committees rather than have a single, dedicated committee. The Constitutional and Legislative Affairs Committee will be responsible for subsidiarity monitoring checks as well as considering any other constitutional or governmental matter within or relating to the competence of the Assembly or Welsh Ministers.

### **Review<sup>iii</sup>**

The Business Committee has agreed that it will review the operation of the committee system in 2012. As part of that review, it will consider the impact of the decision to mainstream European matters.

### **The role of committee chairs**

Committee chairs play a vital role in the delivery of the strategic objectives of the Assembly. Given this, and the fact that each Chair is elected by the Assembly as whole, we feel it is appropriate to set out in more detail the role that committee chairs must fulfil on behalf of the Assembly.

The key responsibilities of committee chairs are to:

- set the strategic direction of the committee and ensure the transparent prioritisation of its activity so as to deliver a balanced, comprehensive and effective programme of legislative, policy and financial scrutiny;

- maximise the relevance and influence of the committee whilst maintaining its clear independence from the Welsh Government;
- act impartially at all times, decisively, fairly and in a manner that maintains the confidence of the committee;
- command the confidence of Members, witnesses and the public at large through knowledge of the subject matter of the committee's remit; demonstration of effective legislative, policy and financial scrutiny techniques; maintenance of order; and the application of all relevant legal and procedural requirements on the committee;
- secure the commitment and engagement of all committee members and build cross-party consensus wherever possible;
- build the culture and skills mix within the committee required to maximise its effectiveness as a scrutiny body;
- ensure that the committee receives the expert advice, information and other support it requires to fulfil its objectives effectively;
- drive the delivery of all aspects of the committee's work with pace and quality;
- represent the committee publicly, in the media and in formal Assembly business; and
- ensure critical analysis and evaluation of the committee's work and drive innovation in its operation so as to increase effectiveness, public engagement and impact.

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<sup>i</sup> The remit of the Finance Committee was amended on 15 October 2013 so that it is now responsible for the functions set out in Standing Orders 18.10 and 18.11 in relation to oversight of the Wales Audit Office and Auditor General for Wales.

<sup>ii</sup> The remit of the Public Accounts Committee was amended on 15 October 2013 so that it is no longer responsible for any functions relating to the oversight of the Wales Audit Office and Auditor General for Wales.

<sup>iii</sup> A Committee for the Scrutiny of the First Minister was established in March 2012 "To scrutinise the First Minister on any matter relevant to the exercise of the functions of the Welsh Ministers and the Counsel General."