

Agenda – Petitions Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 2 February 2016

Meeting time: 09.00

For further information contact:

Steve George – Committee Clerk

Kath Thomas – Deputy Clerk

0300 200 6565

SeneddPetitions@assembly.wales

1 Introduction, apologies and substitutions

(Pages 1 – 13)

2 New petitions

2.1 P-04-668 Support Yearly Screening for Ovarian Cancer (CA125 Blood Test)

(Pages 14 – 20)

2.2 P-04-669 Repeal the Rent Smart Wales Legislation

(Pages 21 – 25)

2.3 P-04-670 Owain Glyndwr Motion Picture

(Pages 26 – 27)

2.4 P-04-671 Legalisation of Assisted Dying

(Pages 28 – 35)

3 Updates to previous petitions

First Minister

3.1 P-04-655 Demanding our Rights for the Welsh Language in the Private Sector

(Pages 36 – 46)

Natural Resources

3.2 P-04-648 Unconventional Oil and Gas Planning Applications

(Pages 47 – 48)



3.3 P-04-572 Grants for Flood Resilience

(Pages 49 – 54)

3.4 P-04-547 Ban Polystyrene (EPS) Fast Food and Drinks Packaging

(Pages 55 – 72)

Economy, Science and Transport

3.5 P-04-539 Save Cardiff Coal Exchange

(Pages 73 – 75)

4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

Item 5

5 Action on Petitions Open at the End of the Current Assembly

(Pages 76 – 78)

Document is Restricted

Agenda Item 2.1

P-04-668 – Support Yearly Screening for Ovarian Cancer (CA125 blood test)

This petition was submitted by Margaret Hutcherson, having collected 104 signatures.

Text of the Petition

We, the undersigned, call upon the Welsh Government to support yearly screening for ovarian cancer (CA125 Blood Test)

Assembly Constituency and Region

- Vale of Glamorgan
- South Wales Central

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-668
Ein cyf/Our ref MD/03536/15

William Powell AM
Chair - Petitions Committee
Welsh Government

Petition@Wales.gov.uk

8 January 2016

Dear William,

Thank you for your letter dated 4 December regarding petition P-04-668.

All population-based, pre-symptomatic screening programmes are developed and delivered using the best available evidence and are subject to regular review. The UK National Screening Committee (UK NSC) provides independent, expert advice to all UK Ministers about screening. Population screening programmes should only be offered where there is robust, high-quality evidence that screening will do more good than harm and be cost effective within the overall NHS budget.

The UK NSC does not currently recommend routine screening for ovarian cancer. However, it agreed that screening for ovarian cancer would be reviewed against the agreed criteria for the development of national screening programmes, following the publication of the UK Collaborative Trial of Ovarian Cancer Screening (UKCTOCS).

The results of the UKCTOCS trial were published on 17 December. They showed that screening based on an annual blood test may help reduce the number of women dying from ovarian cancer by around 20%. The study also concluded that longer follow-up is needed to establish more certain estimates of how many deaths from ovarian cancer could be prevented by screening. These future outcomes, together with health economic analyses, will assist the UK NSC in its future deliberations about whether to recommend the introduction of an ovarian cancer population screening programme.

Best wishes,

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.Mark.Drakeford@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

21 January 2015

Dear Chairman,

P-04-668 Support Security Screening for Ovarian Cancer (CA125 ^{blood test})

Thank you for the opportunity to send in my views on the contents of the letter sent by Mark Drakeford.

It is a well established fact that ovarian cancer is known as a "silent killer" in as much as by the time the symptoms are obvious - it is detected too late. It is the fifth most common cause of cancer death in women in the United Kingdom. According to Target Ovarian Cancer over 7000 women in the United Kingdom are diagnosed each year and over 4000 women die, each year, of the disease.

Prof Usha Menon led the fifteen year trial of UKCTOCS and admitted that "the use of an early detection strategy, based on an individual's CA125 profile, significantly improved cancer detection compared to what we've seen in previous screening trials". She also said that there was no doubt that those being screened, compared to those not being screened, were detected earlier at a lower stage.

Katherine Taylor, acting Chief Executive Officer at Ovarian Cancer Action, stated "Early diagnosis in ovarian cancer is crucial. When women are diagnosed in the early stages they have a 90% chance of surviving for more than five years but this reduces to 22% when diagnosed in the later stages. Anything that makes a diagnosis easier, earlier and quicker is urgently needed and could save the lives of thousands of women. Currently a woman dies from ovarian cancer in the UK every two hours.

Cancer Research Wales funded Prof Richard Neal in 2013/14 the sum of £114,856 over 18 months (Project Module 4 - Root causes of Diagnosis and Treatment Delays) stating that "The findings of this study have the potential to influence policy and practice in Wales so that cancers are caught earlier and at a stage where they are easier to treat, manage and cure".

Question: If this is the case what can the Health Minister do to address these findings?

It was announced, as of May 2015, from Ovarian Cancer Action "a new CA125 screening method can detect twice as many women with ovarian cancer as conventional CA125 blood tests - according to the latest results from a large trial".

Question: Will these findings contradict the results from the CA125 screening method used in the UKCTOCS study?

Dr Ramsay McFarlane, Bangor University 2013/14 was given £99,815 24 months to study Application of Systematic Genome Scale Analyses of Germ Line Genes: Targeting and Oncogenic Potential. This study involved biological markers for cancer, with emphasis on ovarian cancer, "a complex disease that is often diagnosed late, and for providing targets for a range of new potential therapies.

Obviously new therapies will be welcome but early screening of CA125 blood test should be implemented as soon as possible.

Question: Why the delay? Pack Page 17

The Health Minister says "Population screening programmes should only be offered where there is robust, high-quality evidence that screening will do more good than harm and be cost effective within the overall NHS budget."

Question: What possible harm can screening do compared to a late diagnosis, horrendous treatment and at the end of it all - a possible prognosis of a couple of years. That couple of years consists of regular out-patient appointments, chemotherapy (and the side-effects that goes with it), regular scans, hospital admissions endless medication. What are the financial implications in all this - compared to a cheap blood test? The emotional effect this has on the patient and their relatives can only be imagined. What price can you put on this?

A CA125 blood test costs roughly £20-£25 I believe. Surely the UKC TOCS Report qualifies as "high-quality evidence". It has been going on for 15 years and involved 202,638 women. In all that time over 100,000 women have been diagnosed and about 60,000 have died of the disease.

According to Ovarian Cancer Action "Scientists found that the new method detected cancer in 86% of women with invasive epithelial cancer (EOC) whereas the conventional test would have identified fewer than half of these women (41% or 48% respectively)".

Question: Are the final findings based upon the new method?

When one considers the amount of money spent on research it makes no sense not to implement the findings, and save women's lives. Women over 50 are more often than not carers of elderly relatives and grandchildren - thereby saving society and social services vast sums of money.

Question: Is this worth taking into consideration?

The UKCTOCS study concluded that "a longer follow-up is needed to establish more certain estimates of how many deaths from ovarian cancer could be prevented by screening."

Question: How long will this be for and how much longer will women have to wait before screening is implemented?

- Do you consider the cost of all this further research to be value for money?
- What action can be taken in the meantime to save women's lives?

Since Lloyd George, in the early 20th century, the Welsh have proved themselves trail blazers. It was the great Aneurin Bevan who founded the NUS. It was us who instigated charging for plastic bags (helping the environment) and us who recently implemented the 'Opt-out' donor scheme. No doubt the rest of the United Kingdom will follow in making a difference to the planet and general welfare of its' citizens.

If, in the rest of the UK, ovarian cancer screening is not implemented - why as a devolved NUS in Wales can we not look after our own women?

Well Woman's clinics are a thing of the past - can they not be reinstated to look after the backbone of our society?

Regarding the UK National Screening Committee - how many women are on it? And how influential are they in the decision-making process?

I look forward to receiving an up-date on any further correspondence from Mark Drabford.

Sincerely

Margaret Hutchison

Agenda Item 2.2

P-04-669 – Repeal the Rent Smart Wales Legislation

This petition was submitted by Parry Lowarch Estate Agents, having collected 29 signatures.

Text of the Petition

The legislation proposes all landlords and letting agents are licensed to be able to let a property in Wales. This in principle does have merit. However the scheme put forward is over complicated and extremely costly. Making it illegal for individuals or agencies to let properties who are not members of a recognised organisation ie ARLA NAEA RICS or private landlords affiliations, would ensure the tenant is protected as all the above have standards and criteria members have to adhere to. This is also backed up by the need to have clients money protection insurance and to be a member of an independent redress scheme like say The Property Ombudsman. Then there would be no need for any further costly Welsh Government involvement.

Assembly Constituency and Region

N/A



Eich cyf/Your ref P-04-669
Ein cyf/Our ref LG/01478/15

William Powell AM
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

18

January 2016

Dear Bill,

Thank you for your letter of 15 December, regarding a petition requesting the repeal of Part 1 of the Housing (Wales) Act 2014, more commonly now known as *Rent Smart Wales*.

Firstly, the legislation does not require all landlords to become licensed. Any landlord who does not take part in any letting or management activities as defined in the Act, will only need to register their details, along with the details of the property they own. Any landlord who is only registered will need to pass responsibility for carrying out letting and management duties to a licensed agent.

I plan to achieve both redress and Client Money Protection, for letting agents at least, through their licence conditions. It is difficult to see how Client Money Protection could be applied to landlords, whether individual or company, as they tend to have only one client i.e. the tenant. There is already legislation which protects the tenants' money should something untoward occur with their landlord.

Whilst I am an advocate of membership of professional bodies and redress schemes, failing to abide by their codes of practice or conditions of membership can mean, at worst, removal of membership of the body or redress scheme. Should a landlord or letting agent breach the *Rent Smart Wales* Code of Practice, this can lead, ultimately, to removal of their licence. For a landlord, this would mean they would have to pass the actual letting and management of that property to a licensed agent. For an agent, loss of licence would mean they would be unable to operate in Wales. I believe this is a far more effective way of policing the true rogue element within the letting agent sector.

Part 1 of the Housing (Wales) Act 2014 was drawn up following many months of working with representative bodies from across the private rented sector. It was fully consulted on at every relevant stage. It stood up to intense scrutiny in both Committee sessions and within the Senedd. Adjustments were made throughout these processes until a fully workable "scheme" was produced. Ultimately, the Act, as a whole, was passed by a clear majority of Assembly Members. I believe this gives us a completely sound basis to take forward *Rent Smart Wales*.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence: Lesley.Griffiths@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 22

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As a Minister, I am not in the business of repealing legislation which was voted for by Members. This legislation is in its infancy and has not even been fully implemented as yet. I absolutely cannot support this petition and would ask the Committee to endorse my approach.

Regards
Lesley

Lesley Griffiths AC / AM
Y Gweinidog Cymunedau a Threchu Tlodi
Minister for Communities and Tackling Poverty

P-04-669 Repeal the Rent Smart Wales Legislation- Petitioner to the Committee. 23.01.16

Dear Committee

I have read the Minister letter in response to the petition and I'm startled by the lack of understanding as to workings and needs of the private rental market.

I would like to know which interested parties have been consulted and what weight has been allocated to their input, equally has any of the more rational options been listened to.

There is already ample legislation to protect tenants. All that is needed is for it to be enforced. Rather than further costly bureaucracy, why not simply make it compulsory for all letting agents to be a member of one of the address schemes already in place. Then if they fall foul of their requirements and are expelled they will legally be unable to continue to practice.

This costly licencing farce will lead only to the following;

Some landlords just giving up which will then lose valuable housing to the market

Some agents will stop practising reducing choice and competition in the market for landlords

Increasing costs for both landlords and agent which in turn will lead to higher rent (this is really going to help tenants isn't it)

Actually encourage more landlords to go off line and join the ranks of the rogue landlords who already ignore the present rules anyway so are certainly not going to bother themselves with the new compulsory Welsh Government scheme. Who will then be able to offer their rents cheaper than those who comply. As a result pushing hard up tenants to exactly the element you are supposedly trying to protect them from!

If the government were to be honest this expense sham is nothing to do with protecting tenants it's more about building up a register of landlords to ensure their incomes are suitably taxed. If this is the case then surely there is a better way of achieving this goal?

I plead with the committee to revisit this legislation and have another think.

Yours Hopefully

Peter Lowarch

PARRY LOWARCH RESIDENTIAL

Agenda Item 2.3

P-04-670 – Owain Glyndwr Motion Picture

This petition was submitted by John Lewis, having collected 94 signatures.

Text of the Petition

I would like to petition the Welsh Assembly Government to finance a film about the life of Owain Glyndwr.

It is my opinion it is in the public interest as such a film would raise the profile of Wales on a global scale such as Braveheart did for Scotland.

Assembly Constituency and Region

- Vale of Glamorgan
- South Wales Central

Edwina Hart MBE CStJ AC / AM
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth
Minister for Economy, Science and Transport



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-670
Ein cyf/Our ref EH/00046/16

William Powell AM
Assembly Member for Mid & West Wales
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

19 January 2016

Dear William,

Thank you for your letter of 4 January regarding the financing of a film about the life of Owain Glyndwr.

We have not yet been approached by anyone involved in this project with regard to finance, nevertheless we would be happy to discuss options.

If you are able to provide contact details for Mr Lewis, then David Ball, Business Development Manager from my Creative Sector team would be happy to make contact. David will also be able to signpost to other sources of funding (Finance Wales, Arts Council Wales, Ffilm Cymru Wales, etc.) which may be relevant to the production.

Edwina Hart

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.edwina.Hart@Wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Pack Page 27

Agenda Item 2.4

P-04-671 Legislation of Assisted Dying

This petition was submitted by Joshua Smith, having collected 154 signatures.

Text of the Petition

As of the recent vote of no in the UK Parliament I did some research into the topic. I discovered that 82% of the general public believe that a doctor should probably or definitely be allowed to end the life of a patient with a painful incurable disease at the patient's request. People with a terminal illness are unable to end their life with dignity in the UK, currently having to go to Dignitas in Switzerland or living out their days in pain, which to me is not just. I call for the legalisation of assisted dying for those that are terminally ill. Even if a person has 3 months left to live, that's three months less pain and suffering. I would like to end with a quote by Brittany Lauren Maynard whom discovered she had an inoperable brain tumour and chose to end her life with dignity at the Dignitas clinic in Switzerland. Please, help Brittany's dream come true, so others won't have to endure such painful suffering. "I want to see a world where everyone has access to death with dignity".

Assembly Constituency and Region

- Swansea West
- South Wales West

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-671
Ein cyf/Our ref MD/00039/16

William Powell AM
Chair - Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

17 January 2016

Dear William,

Thank you for your letter of 6 January on behalf of the Petitions Committee regarding petition P-04-671 in support of the legalising assisted dying.

I note the issues raised in the petition. As Joshua Smith is aware, this issue is not devolved to Wales.

The principles behind Lord Falconer's Assisted Dying Bill were debated in the National Assembly for Wales in December last year; Assembly Members' contributions were well-researched and considered and covered the range of arguments for and against the Bill. In the event, the principles underlying the Bill were not supported by AMs.

Given the controversial and moral issues involved, we have agreed with the UK Government's intention to adopt a neutral position and this remains the case.

Best wishes,

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.Mark.Drakeford@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

P-04-671 Legalisation of Assisted Dying – Petitioner to the Committee.
25.01.16

I would like to comment on the documents that have been sent to me;

I am aware that Wales does not have the devolved powers as of yet. However this petition was created with the intent to raise awareness of the matter and to show Assembly members the public support for the legalisation of assisted dying, as provided in the document it states "In the event, the principles underlying the Bill were not supported by AMs." regardless of the 82% of the UK public agreeing with the bill, the "voice of the people" are clearly not supporting the majority of the public. It was also intended to allow the AM's to discuss the suffering that could be ended with such a bill.

Many thanks,

Joshua Smith

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

Agenda Item 3.1

P-04-655 – Demanding our Rights for the Welsh Language in the Private Sector

This petition was submitted by Cymdeithas yr Iaith and collected 442 signatures online

Text of the petition

We call upon the National Assembly to insist that the Welsh Government ensures that all private and voluntary sectors that come within the scope of the Welsh Language Measure 2011 offer enhanced Welsh-language services by collaborating with the Welsh Language Commissioner to introduce regulations to the National Assembly prior to the 2016 Assembly election or at the earliest possible opportunity.

Hundreds of thousands of people in Wales are being deprived of basic Welsh-language services every day by a large number of organisations, such as telephone, broadband, energy and transport companies. This totally unnecessary injustice occurs because the Welsh Government and the Welsh Language Commissioner have not fully implemented the powers that they have under the Welsh Language Measure, which was unanimously passed by the Assembly almost five years ago. The Welsh Government and the Welsh Language Commissioner are, therefore, hampering the democratic will of the people of Wales.

Furthermore, we believe that the Welsh Language Measure should be amended in order to speed up and simplify the process of imposing Welsh-language Standards on organisations and companies, establishing general rights for the Welsh language and extending the scope of the Measure to cover the remainder of the private sector, including supermarkets and banks.

Assembly constituency and region

-



Eich cyf/Your ref: P-04-655
Ein cyf/Our ref:FM -/01128/15

William Powell AM
Chair - Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

11 January 2016

Dear William,

I am writing in response to your letter of 15 December regarding petition P-04-655 - "Demanding our rights for the Welsh Language in the Private Sector". I am pleased that you are considering this matter.

I note that Cymdeithas yr Iaith Gymraeg has asked the Government to confirm that we will act on any timetable for preparing standards. Like the Welsh Language Commissioner, the Welsh Government wishes to include as many organisations and sectors as possible within the new standards regime, and to do so as soon as we can. The process for making standards has been prescribed by the Welsh Language (Wales) Measure 2011. When preparing Regulations to make standards specifically applicable to organisations, the Welsh Ministers are under a duty to give due regard to the Welsh Language Commissioner's conclusions following a standards investigation. It is very difficult to know the time needed to prepare Regulations which are suitable for different sectors until we receive and give due regard to the Commissioner's conclusions, and consider responses from the organisations which were subject to the investigation. To ensure that we are able to prepare Regulations which are suitable to be implemented, we will prepare and publish a timetable for specific sectors following our consideration of the Commissioner's standards investigation reports and conclusions.

You asked in your letter for my views regarding the Government's intentions for amending the Welsh Language (Wales) Measure 2011. As I noted in my letter dated 14 October 2015, I am happy to commit to amending the Measure, and to do so on the basis of the lessons that we have learnt during the last four years. It is early in the process to give details on the amendments that I would like to introduce, but I am keen to consider ways of facilitating the process of making standards, and will consider whether the scope of the Measure needs to be extended to allow the Commissioner to impose standards on other sectors.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
YP.PrifWeinidog@cymru.gsi.gov.uk • ps.firstminister@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

You also ask for the reasons why the Government apparently asked for certain businesses to be withdrawn from the Commissioner's third investigation. The Welsh Government has not tried to influence which bodies the Commissioner has included in any of the standards investigations. In the case of the third investigation, the Commissioner originally noted that 259 persons would be subject to that investigation. I sent a letter to the Commissioner on 23 September 2014 noting that it would be unlikely that Regulations could be prepared for that amount of Bodies before the 2016 election. The Commissioner's response was to reduce the number of bodies that were in the third investigation. A number of the bodies taken out of the third investigation were bus and train service providers. I am pleased to see that the Commissioner has decided to include those sectors in her plans for the standards investigations that she will be conducting in 2016.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

CARWYN JONES



William Powell AM
Chair
The Petitions Committee
National Assembly for Wales

6 January 2016

Dear William

Petition P-04-655: "Demanding our Rights for the Welsh Language in the Private Sector"

Thank you for your letter dated 15 December concerning the above petition.

Your letter requests a copy of the timetable for the next steps in the delivery of Welsh language standards for organisations in the private and voluntary sectors.

As you may know, the process of introducing standards has happened so far in a series of rounds:

- There are 26 organisations in Round 1, which are the Welsh Ministers, county councils and county borough councils in Wales and the National Park Authorities.
- There are 119 organisations in Round 2, including health boards, colleges and universities and public bodies in Wales.
- The 64 organisations in Round 3 include social housing providers, UK Government departments, water companies, the Royal Mail Group and the Post Office.

A copy of the timetable for these Rounds are on the Commissioner's website and, while the vast majority of organisations concerned are public sector, Round 3 includes some private organisations such as water companies and the Post Office.

On 2 December 2015, I issued a further statement on my website explaining the next steps for Round 3 and the work programme for 2016 (a copy of the statement is attached). It explains that I will commence standards inspections with the railway and bus sectors in March 2016 and commence standards investigations with the gas and electricity sectors in June.

Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
Cardiff CF10 1AT

0845 6033 221

post@comisiynyddygymraeg.org

post@welshlanguagecommissioner.org

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Correspondence welcomed in Welsh and English



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

You also asked about my response to some questions the petitioners would like the Petitions Committee to ask the First Minister. In particular, the role of the Welsh Language Commissioner in deciding which businesses should be exempt (from the initial timetable).

First, I should note that the petitioners' claim that the Welsh Government has asked me to remove organisations from the list in Round 3 is incorrect. I decided to amend Round 3 with a view to facilitating the process of setting standards and seeking to ensure that the maximum number of organisations possible are included in standards regulations before the recess for Assembly elections. I have corresponded with the petitioners (i.e. The Welsh Language Society) on my work programme for the standards on more than one occasion.

Finally, my role as Commissioner is to conduct standards investigations and determine how and when to investigate, but that is only the first step in the process of setting standards. Before the standards are implemented, I must issue a compliance notice, which is a notice issued to organisations that requires them to comply with one or more standards. I cannot do that until Welsh Ministers have introduced standards regulations that make the standards specifically applicable to the organisations included. The Welsh Language Standards (No. 1) Regulations, which make standards specifically applicable to Welsh Ministers, county councils and National Park authorities, came into force on 31 March 2015 and the Welsh Language Standards (No. 2) Regulations were laid before the Assembly in December. These regulations will make the standards specifically applicable to 32 additional organisations, and I understand there is a vote on them in the Assembly next month.

I hope that this response deals with the questions in your letter.

Yours faithfully

Meri Huws
Welsh Language Commissioner

P-04-655 Mynnu ein Hawliau i'r Gymraeg yn y Sector Breifat. Gohebiaeth gan y Deisebydd at y Cadeirydd 17.12.15

Annwyl Gadeirydd y Pwyllgor Deisebau William Powell AC

Ysgrifennaf atoch yn dilyn cyhoeddiad gan Comisiynydd y Gymraeg ar 2ail Rhagfyr eleni sy'n amlinellu amserlen ynghylch gosod Safonau'r Gymraeg ar rai categorïau o gwmnïau preifat. Gallwch chi weld y cyhoeddiad yma:

<http://www.comisiynyddygyymraeg.cymru/cymraeg/newyddion/Pages/Comisiynydd-yn-cyflwyno-mwy--o-adroddiadau-safonau-ac-yn-cyhoeddi%E2%80%99r-camau-nesaf-wrth-gyflwyno-safonau%E2%80%99r-Gymraeg.aspx>

Hoffem bwysleisio nad yw cyhoeddiad y Comisiynydd yn un sy'n bodloni gofynion ein deiseb, sy'n cyfeirio'n benodol at amserlen ar gyfer cynnwys y sector telathrebu o dan y gyfundrefn Safonau. Yn wir, mae'r cyhoeddiad yn groes i'r hyn ddywedodd Comisiynydd y Gymraeg wrthym mewn cyfarfod ar 26ain Hydref eleni sef y byddai hi'n cyhoeddi amserlen ar gyfer yr holl sectorau preifat a enwir yn y Mesur, gan gynnwys cwmnïau ffôn a thelathrebu, yn ei chyhoeddiad cyn diwedd y flwyddyn.

Hoffem ofyn i chi alw ar i'r Comisiynydd ymddangos gerbron y pwyllgor i esbonio pam nad yw hi wedi cadw at ei haddewid a pham nad oes amserlen ar gyfer gosod safonau ar y sector telathrebu yn benodol.

Diolch i chi eto am roi ystyriaeth i'n gohebiaeth. Mae croeso i chi gysylltu â ni os oes unrhyw fater arall yr hoffech ragor o wybodaeth neu eglurder yn ei gylch.

Yn gywir,

Manon Elin James

P-04-655 Mynnu ein Hawliau i'r Gymraeg yn y Sector Breifat. Gohebiaeth gan y Deisebydd at y Cadeirydd 28.01.16

Annwyl William Powell AC

Yn bellach i'r e-bost yr anfonom atoch ar 17 Rhagfyr 2015, rydym wedi cael cyfle i edrych ar yr ohebiaeth yr ydych wedi ei derbyn gan y Comisiynydd a'r Llywodraeth.

Rydym yn falch bod y Llywodraeth wedi datgan ei bod yn fodlon "ystyried os oes angen ymestyn sgôp y Mesur i alluogi Comisiynydd y Gymraeg i osod safonau ar sectorau eraill" er, gyda nifer o sectorau, megis y banciau, mae'n gwbl glir fod angen gosod Safonau arnynt.

Fodd bynnag, nid yw'r Comisiynydd na'r Llywodraeth wedi ateb pam nad oes amserlen ar gyfer gosod Safonau ar y sector telathrebu, a hynny dros bum mlynedd ers i Fesur y Gymraeg (2011) gael ei basio. Pam eu bod nhw'n osgoi ateb y cwestiwn?

Eto, awgrymwn fod angen i'r pwyllgor alw'r Comisiynydd gerbron y pwyllgor er mwyn iddi esbonio pam y dywedodd y byddai hi'n cyhoeddi amserlen ar gyfer yr holl sectorau a enwir y Mesur cyn diwedd 2015 mewn cyfarfod gyda ni ar 26ain Hydref 2015, ond ar 2il Rhagfyr 2015 cyhoeddodd amserlen nad oedd yn sôn am gwmnïau telathrebu o gwbl.

Dros bum mlynedd ers i Fesur y Gymraeg gael ei basio, mae'n sgandal nad yw'r Comisiynydd a'r Llywodraeth wedi ei weithredu'n llawn, a defnyddio eu pwerau i wella gwasanaethau Cymraeg. Er ein bod yn derbyn fod angen gwella ar y Mesur er mwyn hwyluso gosod Safonau ar y sectorau hyn yn gynt, mae'n fethiant gwbl annerbyniol nad oes cynnydd wedi ei wneud mewn nifer o feysydd. Mae'r methiant hwn yn amddifadu pobl, gan gynnwys pobl ifanc sy'n defnyddio'n helaeth y dyfeisiadau symudol a ddarperir gan gwmnïau telathrebu, o'r hawl i fyw eu bywydau drwy'r Gymraeg.

Pan ddaw hi at y sector telathrebu felly, yr unig gasgliad gallwn ni ddod iddo yw bod dealltwriaeth anysgrifenedig rhwng y Llywodraeth a'r Comisiynydd i beidio â gweithredu'r pwerau yn y Mesur.

Mae'r diffyg tryloywder ynghylch pam nad oes amserlen wedi ei gyhoeddi ar gyfer y sector telathrebu'n ddifrifol o wael. Gofynnwn yn garedig i chi ddefnyddio'ch pwerau i sicrhau fod y Comisiynydd a'r Llywodraeth yn atebol am eu methiant i weithredu.

Yn gywir,

Manon Elin James, Cadeirydd, Grŵp Hawl, Cymdeithas yr Iaith Gymraeg

Document is Restricted

Agenda Item 3.2

P-04-648 Amendment to Unconventional Oil and Gas Direction 2015

Petition wording:

We the undersigned call upon the Minister for Natural Resources to amend the THE TOWN AND COUNTRY PLANNING (NOTIFICATION) (UNCONVENTIONAL OIL AND GAS) (WALES) DIRECTION 2015 to call in all Planning Applications for Unconventional Oil and Gas development including exploratory drilling for Shale Gas, Coal Bed Methane and Underground Coal Gasification, to the Minister

Additional Information

At present the Direction only relates to applications involving certain unconventional extraction techniques where the Local Planning Authority is inclined to approve the application.

The current Direction does not apply to Underground Coal Gasification, the impacts of which would be equally damaging to the environment and communities. Nor does it apply to exploratory drilling or test drilling. There are growing concerns about the impact of exploratory drilling, particularly around noise, traffic, disturbance of water courses, the potential for seismic disturbance, industrialisation of the countryside and the impact on house prices.

If there is an effective moratorium on extraction, then what is the purpose of exploration? Allowing exploration to proceed when, at present, extraction will be prohibited is perverse and illogical

Petition raised by: Councillor Arfon Jones

Date petition first considered by Committee: 22 September 2015

Number of signatures: 1,254 Online signatures and 293 paper signatures. A further 415 signatures have been handed in after the petition was closed.

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-648
Ein cyf/Our ref CS/01912/15

William Powell AM
Assembly Member for Mid & West Wales
Chair - Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

5th January 2016

Dear William Powell AM,

Thank you for your correspondence, on behalf of the Petitions Committee, relating to underground coal gasification.

I would reiterate my previous comments made to you on 13 October with regard to exploratory boreholes and the need for guidance or action in relation to underground coal gasification.

I will report in the New Year on these matters and confirm that I will write to the committee at the same time.

Yours sincerely,

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.Carl.Sargeant@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Agenda Item 3.3

P-04-572 – Grants for Flood Resilience.

Petition Wording

We call on the National Assembly for Wales to urge the Welsh Government to approve grants for properties that have recently flooded to fund work to make them more resilient to future flooding.

Petition raised by: Charles Edward Moore

Date Petition first considered by Committee: 15 July 2014

Number of signatures 88



William Powell AM
Chair, Petitions Committee,
National Assembly for Wales,
Cardiff Bay,
Cardiff
CF99 1NA

23 January 2015

Dear William,

RE: P 04-572 Grants for Flood Resilience

Thank you for your letter dated December 2014 on Petition P 04-572 calling for grants for properties that have recently flooded, to fund work to make them more resilient to future flooding.

You ask for our opinion on the petition and the correspondence. We would make the following points:

- The issue as to whether grants should be made available is a policy issue for Welsh Government and not for Natural Resources Wales.
- However, our view is that whilst a grant system may have attractions in providing assistance to householders, it has significant drawbacks that mean that very careful consideration would have to be given to operating such a system. These include: flood resistance or resilience measures are by no means appropriate or cost effective in all cases; the cost in administering and operating a grant scheme could use up a significant amount of the budget allocated; and there would be a need to ensure the grant is actually spent on appropriate measures.
- It is useful to make a distinction between flood resistance measures (usually temporary measures such as flood gates that can be installed when floods are expected), and flood resilience measure (which are usually more permanent measures to reduce the impact of flooding, such as hard floors or water resistant plaster). Often, the distinction between the two is blurred.
- In general, we would concur with the points made in the Minister's letter to you dated 1 September 2014, that property level protection measures are not always the most appropriate or effective option, in terms of cost and in terms of applicability. For example, an Environment Agency study of the effectiveness of such measures included the comment that "the high cost of resilience measures makes these largely cost ineffective as a means of Government intervention, unless flooding of a property is extremely frequent, at greater than a 20% annual exceedance probability (1 in 5 years)." This means, in general, that such measures are not

appropriate for low frequency and high depth flooding, such as flood from the sea and from main rivers, which is NRW's remit. It may be more appropriate for frequent low depth flooding, usually associated with surface water or local watercourse flooding, which in general is the remit of Local Authorities.

- There are also issues around the practical use of flood resistance measures in a flood. For example, flood gates will not be used very frequently – will they still be serviceable and accessible when they are needed? Will the householder know how and when to install them? Or what happens if the householder is not in when flooding occurs? Such measures can sometimes give a false sense of security or even actually increase the danger (by effectively trapping people inside their homes, for example).
- However, as stated in the Minister's letter to you, NRW does provide flood resistance measures such as flood gates, where we are of the opinion it is the best option for a community as a whole. We do not provide them for individual houses on demand, as our view is that this is not consistent with our community-based approach to flood alleviation. We would also concur with the point in the Minister's letter that better value for money is achieved through community schemes.
- Flood resistance and resilience measures can play a role though, and we do direct householders, for example through our Flood Awareness Wales work and through our website, to information sources on what products are available privately should anyone wish to take their own action.
- We would agree that installing flood resilience measures in a property prone to flooding is, in general, a sensible idea, including doing so when repairing a flooded property. We would encourage this.
- We would also agree with the point that it would be desirable for insurance companies to take flood resistance and resilience measures into account when arriving at premiums, and we have lobbied for this. However, this is primarily a matter for Government and the insurance industry.
- Our information on flood risk is made available to the insurance industry, but it is our understanding that they also use their own information in calculating premiums.

We would also make some clarifications on specific issues raised in Mr Moore's correspondence that you have attached to your letter:

- 1st paragraph: Mr Moore refers to 'NRW correspondence', but it appears that the correspondence he is referring to is the Minister's letter of 1 September 2014, and not from NRW.
- 3rd paragraph: Mr Moore is talking about surface water flooding, and the statement that "the amount of rain which caused homes to nearly flood was a 1 in 6 year event and I believe this figure falls within the NRW remit to supply individual flood protection" is not correct: this was surface water flooding which is not NRW's remit, and we do not have (and we not aware that any other flood risk management authority in Wales has) such a criteria on frequency of flooding and eligibility for individual flood protection.
- 7th paragraph: Mr Moore is again referring to the Minister's letter when he says that 'NRW seems to be contradicting itself on the figures they present'. We are not presenting these figures - our experience of providing flood resistance products on a community basis has been that the average cost per household is around £1,200-£1,400 per property. If the cost of flood resilience measures were also included then the costs would naturally be higher.

I hope that these comments are helpful to the Committee; if there are any further questions, please do contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Emyr Roberts". The signature is written in a cursive style with a large, stylized 'R'.

Emyr Roberts

**Prif Weithredwr
Chief Executive**

P-04-572 Grants for Flood Resilience – Petitioner to the Committee.

25.01.16

Dear Sirs

Please find attached a communication from DEFRA to our MP. It clearly defines a different approach to tackling flooding issues than that of NRW, particularly where it is stated that it wants to *ensure that the correct incentives are in place to drive the uptake of resilient repairs*. This is opposite to the stance of NRW and I believe it will leave households in Wales at a disadvantage to those in England and could even create household insurance issues for Welsh properties when Flood Re is implemented and over the long term when Flood Re ends.

Yours Sincerely

C. Moore.



Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T 03459 335577
helpline@defra.gsi.gov.uk
www.gov.uk/defra

James Davies MP
House of Commons
London
SW1A 0AA

Our ref: MC391204/FW

22 December 2015

From Rory Stewart OBE MP

Parliamentary Under Secretary of State for Environment and Rural Affairs

Dear James,

Thank you for your letter of 2 December about properties eligible for Flood Re.

It will be for insurers to decide as to which properties are eligible for Flood Re. If an insurer calculates that the technical flood risk insurance premium for a household exceeds the premium threshold for their council tax band they can transfer the flood risk to Flood Re. We currently estimate that in the region of 350-500,000 households will have their flood insurance premium limited by Flood Re but there is no set limit. If another insurer calculates the price or the risk lower it could still offer insurance without having to use Flood Re. If anyone is unhappy with a quote then it almost always pays to shop around for other insurers. We advise talking to insurers over the phone or contacting a specialist broker to explore ways of reducing premiums, such as through fitting property-level resistance and resilience measures (where these are appropriate). Insurers use a variety of models to identify flood risks. These may differ by area and organisation and will depend on their approach to risk and their underwriting strategies. Insurance companies do not have to disclose the criteria they use.

Flood Re is not intended to provide permanent support to those at high risk. The powers in the Water Act 2014 require the Flood Re Scheme administrator to produce and publish a plan for achieving the transition to risk reflective prices at the end of the 25 years. We are expecting this plan to be published in February 2016. We are also continuing to explore with the industry to find out how people could be incentivised to take action to manage their own flood risk to help them prepare for the withdrawal of the subsidy over time.

We will continue to work closely with the industry to ensure people have access to flood insurance in the long-term. We want Flood Re to play its part in preparing those that benefit from the scheme for the withdrawal of the subsidy over time. This will be done by signposting them to information about their flood risk and the transitional nature of Flood Re; and by ensuring that the correct incentives are in place to drive uptake of resilient repairs after a flood.

RORY STEWART

Agenda Item 3.4

P-04-547 Ban Polystyrene(EPS) Fast Food and Drinks Packaging

Petition wording:

The time has come to halt the sight of millions of polystyrene food and drinks cartons littering the beaches and countryside of Wales.

Polystyrene(EPS) is a major component of urban litter and marine debris. It is detrimental to wildlife that ingests it and costs millions for Welsh Councils to remove from our streets. Polystyrene takes hundreds of years to degrade.

Over 100 US (including New York),Canadian, and also European cities have banned polystyrene food packaging as a result of the negative impacts of the Environment. We hope that wales will have the vision to join that list.

Therefore, with so many alternatives to polystyrene(EPS) packaging now available which has significantly less impact on the environment and human health and also to save Welsh taxpayers millions of pounds in street cleansing costs we, the undersigned, request that the Welsh Government introduces a ban on all polystyrene fast food and drink packaging.

Petition raised by: Friends of Barry Beaches

Date Petition first considered by Committee: 29 April 2014

Number of signatures: 295

**P-04-547 Ban Polystyrene Fast Food and Drinks Packaging. Correspondence
- Oxford City Council to the Clerking Team. 20.01.16**

Here's a brief summary of what we did and who it affects:

In 2015, Oxford City Council carried out a review of its 2010 Street Trading Policy. As part of the review process, and following a period of public consultation, a number of changes were introduced into the 2015 policy and to its General Conditions for Street Trading Consents. These changes included a new condition as follows:

For food traders, all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials.

This condition only affects consented street traders that sell food; it does not apply to fixed food premises. I would also point out that despite a number of press reports that the Council has banned the use of polystyrene, the condition does not ban the use of any specific type of material.

I hope this helps.

Kind regards,

Lesley

**Lesley Rennie | Business Regulation Team Manager | Environmental
Health | Planning and Regulatory Services**

To: General Purposes Licensing Committee

Date: 27th January 2015 **Item No:**

Report of: Head of Environmental Development

**Title of Report: Review of the Street Trading Policy and Policy
Consultation Responses**

Summary and Recommendations

Purpose of report: To report to Committee on the responses to the public consultation on the Street Trading Policy review 2014. To seek Committee's agreement to the revised Street Trading Policy and to recommend the revised Policy to Council.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

**Policy Framework: A vibrant and sustainable economy
Street Trading Policy 2010**

Recommendations:

Committee is recommended to:

i) approve the draft revised Street Trading Policy and recommend it to Council.

Introduction

1. The current Street Trading Policy was approved by the General Purposes Licensing Committee at its meeting on 8th February 2010 and adopted by Council on 19th April 2010. At its meeting on 19th April 2010 Council delegated subsequent revisions of the Policy to the General Purposes Licensing Committee.
2. At its meeting on 10th June 2014, General Purposes Licensing Committee received a report on the Street Trading Policy review 2014. Committee resolved to carry out public consultation on a revised Street Trading Policy. This report summarises the responses to the consultation and gives comments from officers.

Consultation

3. The Council has completed an eight week consultation on the review of its Street Trading Policy and General Conditions. The consultees included the following:
 - Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways
 - Central, South and West Area Committee
 - Oxford City Centre Manager
 - Nightsafe
 - Oxford Covered Market traders
 - Gloucester Green Market traders
 - All current Consent Holders
 - The general public
 - Relevant departments within Oxford City Council

4. 58 people responded to the consultation document. The responses were generally positive and in support of all the proposed changes.

5. Copies of the comments received are provided at Appendix A.

6. A copy of the draft Street Trading Policy and conditions is provided in Appendix B. A copy of the current Street Trading Policy is provided in Appendix C.

7. Members are asked to review the comments made during the consultation period and consider any additional amendments to the policy.

Legal Implications

8. There is no legal requirement for a district council to set any policy on Street Trading. However, authorities may if they wish decide to set policies in order to guide applicants and assist in consistent decision making. Policies may guide but not bind the authority.

Financial Implications

9. There are no financial implications attached to this report.

Recommendations

10. Committee is recommended to:

- i) approve the draft revised Street Trading Policy; and
- ii) recommend the revised Policy to Council .

Name and contact details of author: **Samantha Howell**
Licensing Officer
(01865) 252558
sjhowell@oxford.gov.uk

Background papers:

Appendix A – Copy of responses to the consultation

Appendix B – Copy of the proposed Street Trading Policy

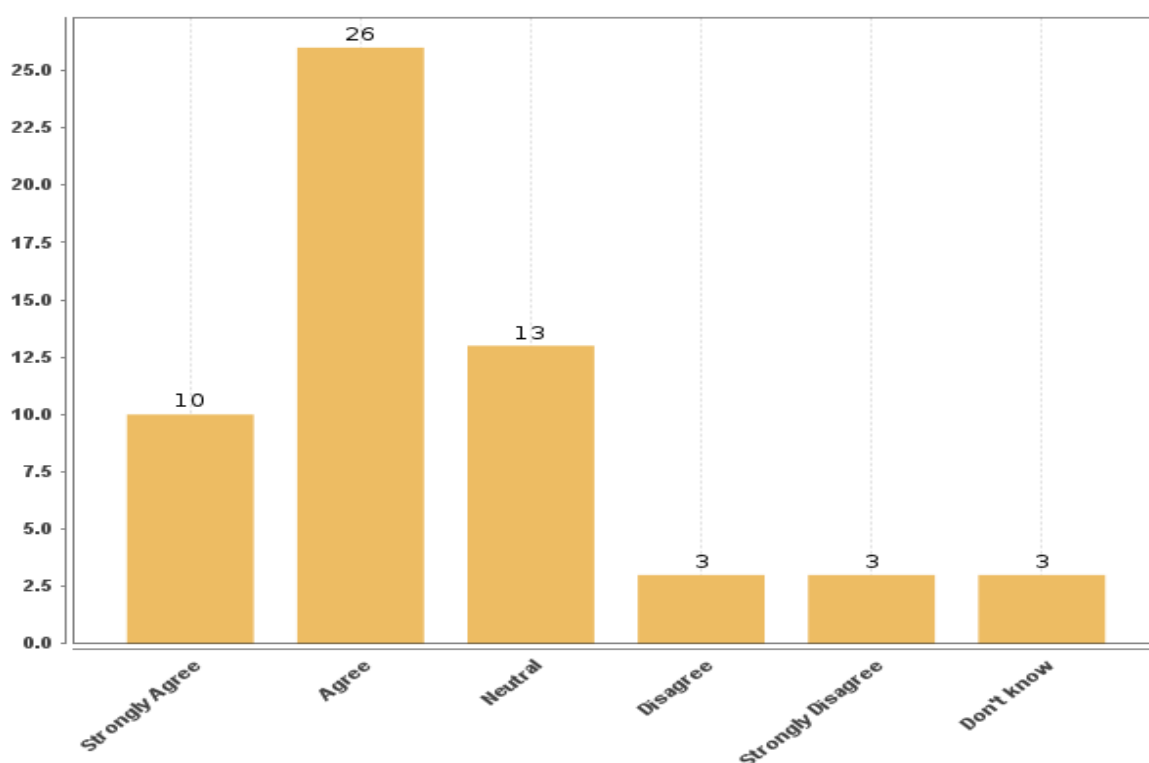
Appendix C – Copy of the Current Street Trading Policy

Version: 2

Street Trading Policy 2014 Consultation Responses

The following responses were received; where necessary, comments from the Licensing Team follows in bold black italic font:

1) To what extent do you agree with the proposed consultation process for new applications?



“I agree with the inclusion of food hygiene and environmental impact standards. However the fees are already so high that street trading is inaccessible to entrepreneurs or start-ups, and the inclusion of more regulations will only increase this exclusion. The 'appearance' seems subjective and likely again to possibly exclude traders who don't have a large amount of capital from being able to trade in Oxford. Waivers, discounts or longer-term payment options would make the local economy stronger.”

“I think the fees should be on a sliding scale that reflects the true commercial value of the trading event. e.g. the Cocoa Cola marketing event in Broad Street last Christmas must have a premium commercial value. Multinational conglomerates should pay more than local small traders!”

For legal reasons, we are not permitted to set street trading fees in this way.

“The current consultation process does not involve small trader tenants of Oxford City Council, who could be highly affected by street trading and ad hoc markets.”

Relevant amendments to the process have been made to address this.

“There is considerable scope across Oxford for more street traders. They broaden the portfolio away from boring chain stores and offer more local employment and sourcing (environmental).”

“To demonstrate a commitment to the promotion of healthy alternatives food handlers could be required/ incentivised to take a healthy eating qualification, such as the CIEH Level 2 Award in Healthier Food and Special Diets.”

“It seems inappropriate for small street traders to be regulated as though they were large fixed-site businesses. How many can jump these hurdles?”

“Try to make the process as smooth and easy as possible. Oxford could really benefit from street trade.”

“We feel that there should be opportunity for members of the public to comment on applications - this would allow both landowners and business occupiers within the vicinity to make representations on the proposals which should form part of any consideration of street trader applications. The Town Centre Manager should be consulted on any applications within the town centre.”

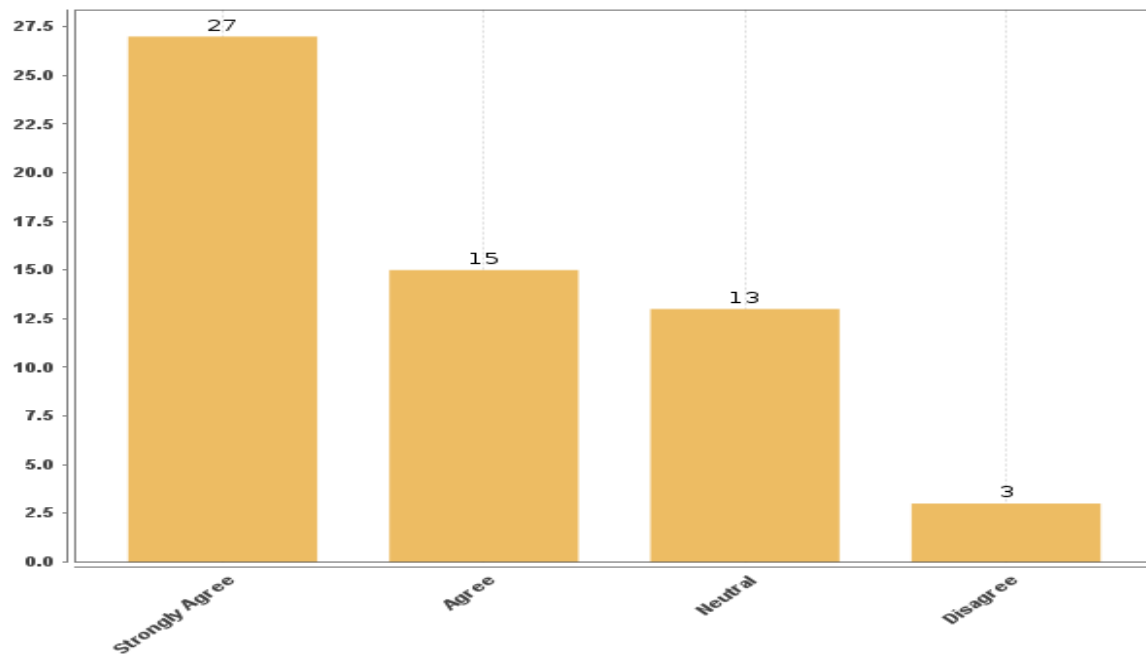
Relevant amendments to the process have been made to address this.

“5.3g would be over onerous if it applies to all traders in for example a street market or street fair.”

Small community events are exempt under the proposed policy.

“In general we wish to reduce litter and ensure high levels of hygiene are maintained in the serving of ready to consume food to the public. We welcome the consultation but do not agree in the proposal to limit vendors to specific packaging.”

2) To what extent do you agree with the proposed condition regarding Street Trading Consent not normally being granted within 100 metres of any school or college between the hours of 07:30 and 18:00?



“100m may not be enough.”

“Disagree if college includes any Oxford University College or any other establishment where the students are over 18.”

The proposed condition relates to colleges of higher education for under 18s. It does not refer to University or further education establishments.

“I agree providing we are talking about a school or college that has U18s present. If there are no U18s present then I fail to see the need for the restriction.”

“How can 'not normally' be circumvented? Also is 100 yards enough?”

The purpose of this condition is to help prevent children from eating at unhealthy fast food outlets in the school fringe in recognition that food takeaway diets can be a contributing factor in the rise of childhood obesity and other major health problems. This condition would not apply to applications for traders selling exclusively healthy options.

“Does this include Oxford University?”

“School yes, college no.”

“I see no reason why in the case of higher education institutions this policy should not be extended to midnight. There are two vans stationed in St Aldate's, one outside Christ Church and one outside Pembroke College. They create unnecessary congestion, smell and noise as well as obscuring site lines at both colleges' entrances. Moreover they do not assist

crossing what is an extremely busy street. In addition they sell food which could not be described as healthy.”

“This restriction makes the assumption that all street traders sell unhealthy food and will always continue to do so. If a street trader only sells unhealthy food consideration should be given to extending the exclusion zone around schools and colleges. Alternatively, if some street traders can be incentivised to sell only healthy food and drink they should be exempt from this restriction.”

“This should be left so that that individual cases are decided entirely on their own merits. It does not require a blanket policy.”

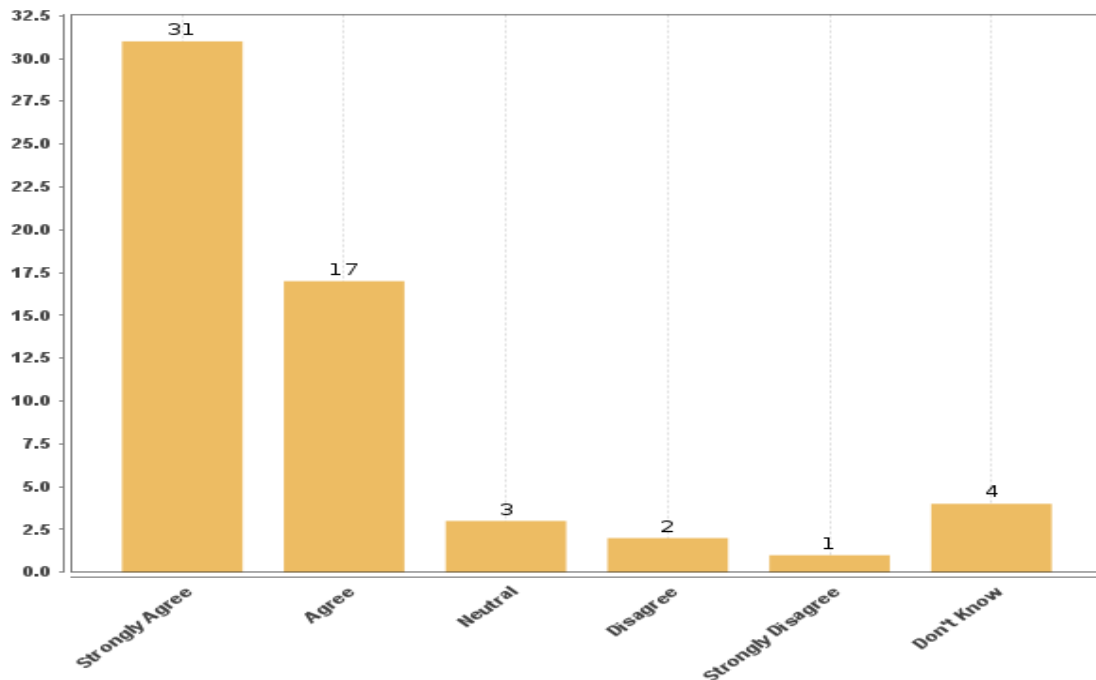
“100 metres is insufficient, suggest 250 metres minimum.”

A 100 metre distance is in line with the practice adopted by other Local Authorities for this type of condition.

“100m is no distance at all - to be meaningful would need to be greater than this.”

“I would caveat by saying that I would not necessarily object if the street trader in question was offering healthy food - the objection is to fast food operators close to schools offering unhealthy food.”

3) To what extent do you agree with the proposed condition that requires food businesses to achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory' under the Food Hygiene Rating Scheme?



“I'm still not going to eat them.”

“I think the minimum Food Hygiene Rating should be higher.”

“It has to be a 5 or they will work at a 3 level. Keep it tight. Far too important to allow a low minimum.”

“Of course food traders should be properly trained.”

“Generally Satisfactory doesn't sound very good to me!”

“To allow customers to make an informed choice about food safety standards all street traders should be required to prominently display an up to date Food Hygiene Rating Sticker.”

“I would prefer the requirement to be higher than this, but this is a workable minimum provided it is properly enforced.”

“5 would not be unachievable. Premises manage it.”

“Agree so long as this is the same standard for someone to trade from a fixed shop premises - wouldn't be fair to have a different standard.”

Compliance of food businesses with food hygiene law is measured on a 0-5 scale. Achieving a rating of 3 – Generally Satisfactory (or above) means that a business is considered to be 'broadly compliant' with the legal requirements. The council is committed to Building a World Class City and uses its regulatory influence wherever possible to raise standards. National legislation does not permit us to impose these standards on fixed premises. Any food business that fails to meet this standard (0-2 rating) is targeted for enforcement to improve their standards.

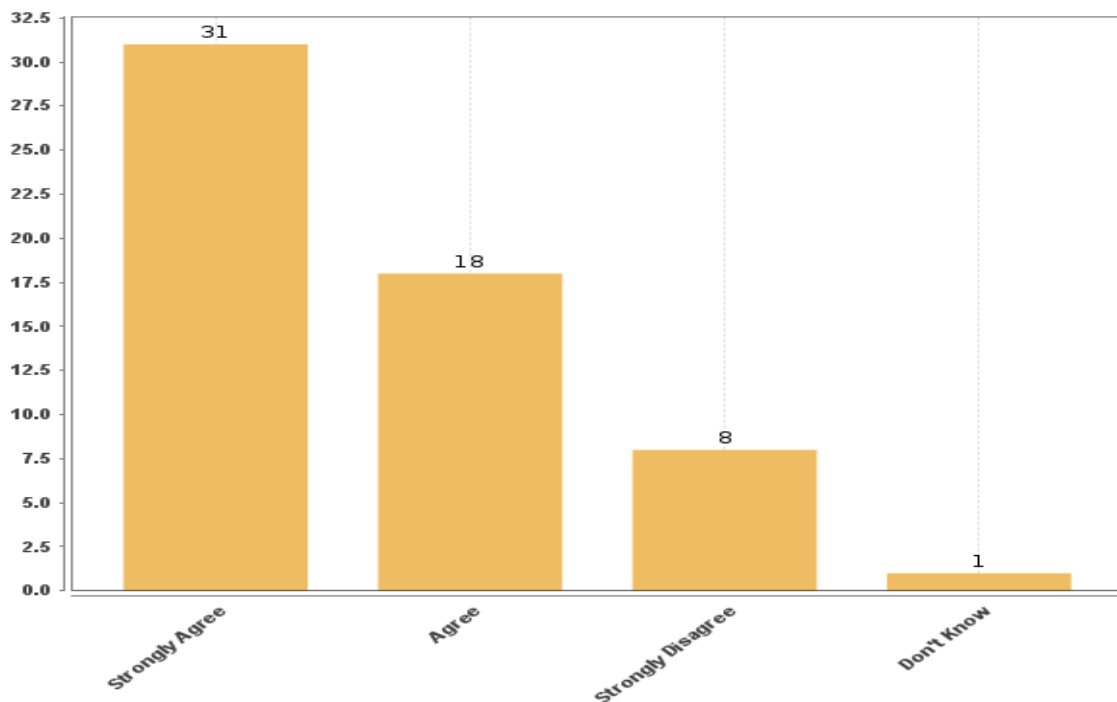
“This rule should also apply to traditional restaurants and cafés. No one should be able to trade with 0 or 1 hygiene rating.”

“Should be far better than that.”

“Should be higher.”

“Current Extruded Polystyrene (EPS) packaging is extremely hygienic and safe with evidence to prove so. This is why it used to a very large extent by the NHS.”

4) To what extent do you agree with the proposed condition for food traders which requires all packaging and utensils for use by customers to be made of biodegradable or recyclable materials?



“This will not prevent litter and will cause more problems. BIODEGRADABLE materials do not degrade overnight so need to be cleared away. Some people think it's acceptable to litter degradable items so litter may increase. RECYCLABLE materials need to be collected. Irresponsible people who do not use a bin are very unlikely to look for a recycling bin. Polystyrene (EPS) trays keep food hot so less chance of food waste. EPS is 98% air, has lowest carbon footprint of any plastic is recyclable.”

“There is no reason for street traders to have be treated differently to Marks and Spencers.”

As previously, the Council takes the opportunity to improve standards wherever it is possible to do so.

“A lot of 'biodegradable' materials are not very biodegradable. More exact standards would help. Although anything to lessen polystyrene is a start!”

“The policy should be specific in defining the terminology for and recyclable and biodegradable. In addition, compostable packaging should also be considered and mandating that packaging is certified to a standard e.g. BS EN 13432 Packaging: requirements for packaging recoverable through composting and biodegradation.”

“The environment is not a fringe issue. It has the potential to cause business real money and though perceived as indirect costs, this does not make them any less real. Environmental costs will be borne by someone. There is also a common misconception that bio material is more expensive. Depending on volume, this is not necessarily the case. Switching to bio-packaging allows business to leverage sustainability to enhance reputational value, reduce costs and secure their license to operate.”

"I support the direction, biodegradable and recyclable are 2 different things and you need to think hard about how all the waste does NOT end up in landfill. Disposal instructions must be included."

The council is committed to reducing waste sent to landfill year on year and to increasing the amount of waste we recycle. As a waste collection authority, the Council does not currently have the facilities to process biodegradable waste.

"If the Council is going to impose this cost on traders, in turn it should promote the traders as being sustainable and local sourced food."

"But this won't reduce litter nuisance: biodegradable/recyclable litter will still need to be collected and dealt with."

"Packaging and utensils should be functional and recyclable. Foam foodservice products are 100% recyclable, cost effective and have a low environmental impact. If compostable products are mandated, the city must have an existing, functional municipal wide composting operation that accepts foodservice containers. One cannot dispose of compostable products in a landfill or just toss away as litter as they will not compost. To properly dispose of them requires an industrial composting facility."

"It would be better if all packaging and utensils had to have vendor's name and then fines imposed when any bit of rubbish found. I live on a road where a lot of rubbish is tossed - it's not going to biodegrade in 10 minutes is it?"

"Yes packaging should be biodegradable and or recyclable and have printed on it PLEASE BIN ME, or something to that effect as nudges do work on the general public."

"But it still should not require local Council Tax payers to pay for cleaning up the streets. This cost should be levied on the street traders."

Legislation dictates that the cost of street cleansing cannot be levied on the street traders.

"The Polystyrene (EPS) trays currently used keep food hot thus minimising food waste. EPS is a good example of the efficient use of natural resources as it is 98% air. It is also recyclable. Biodegradability is a very complex field. Whilst there are some excellent applications for these materials, they can contaminate recycling streams and may actually encourage littering. Biodegradable materials require specific conditions to degrade - they will not simply disappear in the open environment."

"Polystyrene packaging is recyclable. Banning it will not reduce litter. Biodegradable packaging takes time and the correct conditions to biodegrade and can be an encouragement to litter. The effect will be to substitute one form of litter for another. EPS uses less resources in its creation than other materials so has a lower Co2 footprint."

5) Do you have any other comments in respect of the draft policy?

“Ensure the area where there stall is kept clean and tidy.”

This is already a general condition of consent.

“No. Well done.”

“INCPEN shares concerns about litter and we have worked with litter abatement bodies to prevent it. We would welcome the opportunity to meet with Oxford CC to discuss how we can help tackle the problem in Oxford.”

“We share concerns about our products & litter and we have already worked with litter abatement bodies to prevent it. We would welcome the opportunity to meet with Oxford CC to discuss this issue further.”

5.14 Who will the council consult with re nuisance complaints? Is there consistent checking procedure in place to confirm all stalls have been included in an application?

The Council refers any nuisance complaints to the Environmental Health Service. There is already a consistent procedure in place for checking applications.

“Biodegradable vs. Compostable. Compostable plastics are a subset of biodegradable plastics that biodegrade within the conditions and timeframe of the composting process. Compostable is always biodegradable. Biodegradable is not always compostable. For example the following are all of the following are biodegradable when they are scattered about as litter: cotton rags 1-5 months, paper 2-5 months, rope 3-14 months, orange peels 6 months, wool socks 1 to 5 years, cigarette butts 1 to 12 years, plastic coated paper milk cartons 5 years, leather shoes 25 to 40 years, nylon fabric 30 to 40 years, plastic 6-pack holder rings 450 years.”

“Fast food traders must provide bins and there should be strong enforcement to ensure that they are used. If there is rubbish in the street the next morning traders' licence should be reviewed (if necessary removed for persistent & offenders).”

“AOK to me, but we don't need any more street traders of any kind in the town centre.”

“Exempted community events should include the Cowley Rd Carnival?”

The proposed exemption regarding events is for small community events. As with any larger event, commercial stalls at the Cowley Road Carnival will be subject to a street trading fee.

“Oxford City Council has the opportunity to lead the way and set a positive benchmark for other councils to follow with regard to switching to bio-packaging material. There is a real push from smart business and the ethically minded consumer for councils to promote sustainable development and in a world of ever increasing extreme weather events, this pressure is only going to increase. Making the switch to bio-material has other exciting benefits, as well as offsetting environmental damage. With compostable bio-packaging, users have the opportunity to close the loop on this waste stream, a strategy London Bio Packaging specialises in. By closing the loop and ensuring used packaging is properly disposed of through the correct waste stream at its end of life, you eliminate waste altogether, as the bio-packaging material becomes the raw material supply for the another (composting) industry. Such an achievement would be totally possible for the Oxford area.”

“We suggest that pedlars should be only granted permission to trade in designated areas. Cornmarket Street is currently overrun with pedlars. We also suggest that buskers and entertainers be regulated with specific pitches. We suggest that Oxford City Council re-gain control of its only market square, Gloucester Green, which is currently as we understand being rented to a private company. We suggest that all ad hoc markets in Oxford City, should take place in areas that are designed for markets with proper power facilities. Currently markets are being held in inappropriate places, which is greatly affecting local small businesses. We also suggest that Oxford City Council devise a long term marketing strategy for utilising spaces which are currently under occupied, such as The Castle and Gloucester Green, rather than quick-fix flooding the city with events to increase footfall.”

Pedlars, buskers, Gloucester Green chartered market and farmers markets fall outside the scope of the Street Trading Policy.

“It seems to try to address some of the key issues of our time - obesity, type 2 diabetes, waste and landfill.”

The Council should be encouraging diversity of sourcing and small business provision (UK Government Treasury Policy). Street traders add life and vitality to Oxford and provide for a different market. I am concerned by the unqualified statements in the policy which are open to significant interpretation on adequacy of provision. That could only be tested by the market, not Council officials. The Council should be looking to international best practice such as street traders in Germany or Portland Oregon which promotes its thousands of food carts and they draw in tourists to the city.

“Rightly, the new policy places great emphasis on seeking to ensure that any food sold is microbiologically safe to eat and that consumers are in a position to make an informed choice about the safety of their food. In much the same vein the policy could easily be used to promote and incentivise healthy alternatives. To allow people to make more informed choices about the longer term health impacts of eating particular foods, all menu items including fizzy drinks could clearly state how many calories are contained in a single portion. Healthier choices could be prominently highlighted on the menu and a health rating score/award could be provided. Standards could be devised to control the amount of hidden fat, sugar and salt in condiments and sauces. To incentivise street traders to obtain a healthy eating qualification and provide healthier choices those meeting specified health promoting standards could be offered a reduced annual fee.”

“I should like to see the introduction of licence streets to raise the barrier to shorter hours for the evening sale of hot food (3am is unnecessarily late; 1am would be late enough) in order to reduce both litter nuisance and noise nuisance by removing incentives for people to hang around in the City centre in the small hours.”

The current scheme allows us to amend hours where necessary.

“It is important to achieve a balance which allows street trading to flourish where it is appropriate, and does not regulate it out of existence.”

“I would like to offer an invitation to council officers to use the CCTV suite for monitoring and enforcement opportunities with regards to breaches of licence.”

“How does this policy relate to community markets? Currently the Headington Farmers market is exempted from street trading fees. Our reading of the draft policy is that fees would apply. A £25 charge per trader would mean that Headington Action would no longer be able to run the market.”

The revised policy does not include community farmers' markets.

"I question the benefit of street vendors to the local economy and the fact they add to the character of the area. In a historic city such as Oxford I feel strongly that they detract from the overall streetscape and compete with existing traders who pay significantly more in rent and rates for the privilege. They have a place in controlled shopping centre environments but otherwise surely detract from the retail/ visitor experience."

"Litter is a social problem and not a material specific issue - plastic packaging products do not litter, people do. The British Plastics Federation (BPF) is committed to increasing plastics recycling and helping to reduce the wide social problem of litter. We would welcome the opportunity to meet with Oxford City Council to discuss how we can help tackle these issues in Oxford."

"The decision should include some consideration of the impact on the historic environment and conservations areas - it cannot be right to have vans like this outside tom Tower at Christ Church, for instance. We cannot support Broad street, High Street, St Aldates therefore should include the Castle which is allowed market trading 7.2 please add Oxford Open Doors/OPT."

"As the trade association representing the manufacturers and distributors of packaging used by the foodservice industry we are very committed to reducing litter and are working with Keep Britain Tidy, Defra and foodservice retailers to find ways of discouraging litter. Packaging manufacturers and most foodservice operators are not to blame for litter however there is much we can do together to discourage littering. Used EPS packaging has a value so we need to support an increase in bins designed to encourage the public to use them. We need to work together to educate the public and modify the behaviour of those who litter. In Oxford we need to work with vendors to help get the message across about disposing of packaging correctly. This could include labelling on packs and signs. We believe the most successful LA's with regard to waste are those who treat it as a resource and not a cost and so our industry needs to work with you to achieve this."

"Perhaps experience of a food trader outside 66 St Giles makes us feel that the use and sighting of generators needs to be included in the street trading policy."

Advice is already provided to applicants regarding the use of generators. The use of a generator is considered by relevant departments during the application process.

"In 5.6 - we wonder if 'immediate vicinity' needs further definition - what does this mean in practice?"

This wording is best practice amongst Local Authorities. The wording at 5.6 is provided as guidance for new applicants to consider.

In 5.8 (c) - nuisance from noise and odours can be caused to businesses as well as residents and this should be provided for.

Control of nuisance from noise and odours affecting businesses is dealt with under other legislation enforced by the Environmental Health Service.

In 5.8 (d) last sentence - "the unit will not detract from the appearance of the surrounding area" - we believe that the words "or character" need to be added in after the word 'appearance' - whilst appearance is important, different streets have very different characters and this should also be a factor in considering whether a trader is appropriate.

5.8 generally - the compatibility of the trader with the businesses in the immediate vicinity should be a factor in considering applications, to avoid incompatibility of uses e.g. fast food vans outside fine art galleries.

There should be consideration given to a healthy food policy in relation to food traders, to limit the amount of overall fast food vans in any one area and generally within the district. Ties in with Corporate Objectives - promoting healthy living.

The policy suggests that renewals of consents once granted will be virtually automatic, other than where there have been complaints or breaches of condition. We think that the original factors should be reconsidered at renewal to take account of changes, such as the changing nature of streets and environments, e.g. following development or pedestrianisation. What was once appropriate may no longer be so.

Traders must apply for Street Trading Consent annually. There is no automatic renewal. The original factors are reconsidered and where necessary, applications are referred to the Licensing Committee for a decision.

The street trading policy could be expanded to regulate the advertising on streets that currently takes place illegally e.g. the use of A boards and bikes and the like to advertise businesses, markets etc - it is unclear who currently enforces or controls these aspects. A formal policy and a clear consent process with enforcement powers is needed to tackle these issues.

The street trading legislation does not give powers to the Council to regulate advertising in the form of A Boards or bikes. There is other legislation in place to deal with these issues, e.g. the Highways Act 1980.

As regards Broad Street where the Council owns the main retail parade from no 1 to 23/25 - the allocation of 2 daytime sites outside no 14 and no 17 has caused controversy with some of the Council's tenants who trade from the retail units. From a property landowning perspective, we have a vision for Broad Street retailing to attract high quality tenants to form an alternative destination to the High Street, building on the historic character of the street. The presence of fast food street traders conflicts with that vision and there is already an incompatibility of uses e.g. outside no14. We would wish that no further sites be allocated in Broad Street and that the present allocation of daytime sites be reviewed."

"It is the City Council's proposal that environmental credentials will be considered when assessing applications for the grant or renewal of a Street Trading Consent that is of interest to us: specifically clause 31 within the general policy conditions that requires street traders to ensure that "all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials."

We believe that this policy is a really positive step by the City Council and may be the first of its kind. Not only will this help tackle litter at source, but the policy will also increase the recyclability of any litter generated, reducing the prevalence of materials such as Styrofoam that are difficult to recycle.

A key consideration should be that any recyclable packaging distributed by street traders should be compatible with the Council's local recycling facilities; particularly with the on-street recycling bins located within the city centre. Some simple guidance to street traders on suitable packaging materials and advice on where these may be sourced would be beneficial.

We believe that it is preferable to specify recyclable packaging over biodegradable packaging. Generally, the term "biodegradable" is poorly understood by members of the public, whereas "recycling" has in recent years become a main stream activity that people

have grasped. Limiting the materials to recyclable (rather than biodegradable) will simplify the policy and improve public understanding.”

Biodegradable disposables. Reasonable choice of healthy eating options (e.g. not only fried foods) also healthy drink options (not only sweet fizzy drinks). Water always available. Site visits. Language and written skills of all employees at site to be of sufficient standard (e.g. to read instructions, labels etc., to deal with emergencies, to interface properly with public and inspectors, to understand any paper work they may have to deal with).

P-04-539 Save Cardiff Coal Exchange

Petition wording:

This petition seeks a commitment from the Welsh Government to set up a public enquiry into the events surrounding the Coal Exchange and to support public opinion which seeks to protect and conserve the building.

The Coal Exchange is one of Cardiff's most important buildings and one of the finest buildings in Wales. It's where the world's first million pound deal was struck during the city's industrial heyday (equivalent to over £100m today). Yet far from cherishing this building, Cardiff council proposes to demolish the main body of the building, keeping only the facades.

If this happens, then the magnificent interior with its immense historical significance will be lost forever. This grade 2* listed building deserves better, and the views of the public need to be heard.

The Council have been claiming for the past year that it is on the point of collapse. No works have been done, yet there is no apparent evidence that the building is about to collapse. It is questioned if Cardiff Council were able to use section 78 powers under the building act to progress their plans, and this needs to be investigated openly.

So much of Cardiff Bay's social and built heritage has already been destroyed; it seems inconceivable that more can be cast aside with cynical abandon.

It's unclear why the council refuses to see the value of restoring the Coal Exchange to protect this iconic building for the use and enjoyment of future generations.

The issues are of the highest level of public interest, and it is considered essential that an open public consultation occurs to review matters.

Petition raised by: Jon Avent

Date Petition first considered by Committee: 11 March 2014

Number of signatures: 389 signatures. An associated petition hosted on another website collected 2680 signatures.

Edwina Hart MBE CStJ AC / AM
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth
Minister for Economy, Science and Transport



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-539
Ein cyf/Our ref EH/05326/15

William Powell AM
Assembly Member for Mid & West Wales
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

19 January 2016

Dear William,

Thank you for your letter of 15 December regarding the Cardiff Coal Exchange Petition No. P-04-539.

I understand that Cardiff City Council are currently considering a number of opportunities for the Cardiff Coal Exchange, including private commercial investment, of which the Welsh Government is fully supportive.

I note your concerns regarding Cardiff City Council's approach, however this matter is rightly the Council's responsibility and it would therefore be inappropriate for me to comment further.

Edwina Hart

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.edwina.Hart@Wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Pack Page 75

Agenda Item 5

By virtue of paragraph(s) ix of Standing Order 17.42

Document is Restricted