

Agenda – Culture, Welsh Language and Communications Committee

Meeting Venue:

Committee Room 4 – Tŷ Hywel

Meeting date: Thursday, 14 July 2016

Meeting time: 09.15

For further information contact:

Gareth Price

Committee Clerk

0300 200 6565

SeneddCWLC@assembly.wales

Private pre-meeting (09.15 – 09.30)

1 Introductions, Apologies and Substitutions

2 Legislative Consent Memorandum on the Cultural Property (Armed Conflicts) Bill

(09.30 – 09.35)

(Pages 1 – 5)

Attached Documents:

CWLC(5)–01–16 (p.1) LCM Cultural Property (Armed Conflicts) Bill

Legal Brief

3 Petition by Cymdeithas yr Iaith regarding the Welsh language Standards

(09.35 – 09.40)

(Pages 6 – 10)

Attached Documents:

Cover page to the Petition

CWLC(5)–01–16 (p.2) Petition by Cymdeithas yr Iaith



4 Presentation by Loughborough University

(09.40 – 10.40)

Professor James Stanyer, Professor of Communications and Media Analysis,
Loughborough University

Dr Emily Harmer, Lecturer in Communication and Media Studies, Loughborough
University

5 Papers to note

5.1 Letter from the Presiding Officer to the Chair of the Culture, Welsh Language and Communications Committee

(Pages 11 – 16)

Attached Documents:

CWLC(5)–01–16 (p.3) Letter from the Presiding Officer to the Chair of the
Culture, Welsh Language and Communications Committee

5.2 Letter to Lord Hall, Director–General of the BBC

(Page 17)

Attached Documents:

CWLC(5)–01–16 (p.4) Letter to Lord Hall, Director–General of the BBC

6 Committee Visit to Media Wales

(11.00 – 12.15)

Agenda Item 2

LEGISLATIVE CONSENT MEMORANDUM

CULTURAL PROPERTY (ARMED CONFLICTS) BILL

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within, or which modifies the legislative competence of the National Assembly.
2. The Cultural Property (Armed Conflicts) Bill (the “Bill”) was introduced in the House of Lords on 19 May 2016. The Bill can be found at:
http://www.publications.parliament.uk/pa/bills/lbill/2016-2017/0003/lbill_2016-20170003_en_1.htm

Policy Objective

3. The UK Government’s stated policy objective is to enable the UK to implement the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols (“The Hague Convention”), to make a strong statement about the UK’s commitment to protecting cultural property in times of armed conflict.
4. The Hague Convention, adopted following the massive destruction which took place during the Second World War, provides for a system of general and special protection of cultural property in situations of international and non-international armed conflict. Parties to the Hague Convention are required to respect both cultural property situated within their own territory and cultural property within the territory of other Parties, by refraining from using it, or its immediate surroundings, for purposes which are likely to expose it to destruction or damage in the event of armed conflict, and by refraining from committing any hostile act against the property.
5. It was followed by two Protocols. The first, in 1954 (the “First Protocol”), deals with obligations in relation to cultural property in occupied territory on both the occupying power, and countries who find cultural property which has been exported from occupied territory in their jurisdictions. The second in 1999 (“the Second Protocol”) extends, and clarifies the obligations under the Hague Convention. In particular, it identifies five acts, each a serious violation of the Second Protocol, which are to be considered an offence under the First Protocol.

Summary of the Bill

6. The Bill is sponsored by the Department for Culture, Media and Sport.

7. The Bill makes provision to introduce a number of measures that would enable the UK to implement the Hague Convention and its two Protocols as follows:
- Introduction of offences designed to protect cultural property in the event of an armed conflict at home and abroad. These include an offence of making such property the object of attack.
 - Introduction of the Blue Shield as an emblem that signifies cultural property protected under the Hague Convention and its two Protocols.
 - Introduction of an offence of dealing in cultural property that has been illegally exported from occupied territory and a provision for such property to be seized and returned to the occupied territory after the close of hostilities, where appropriate.
 - Introduction of immunity from seizure for cultural property in the UK which is being transported for safekeeping during a conflict between two or more other states.

Provisions in the Bill for which consent is required

8. The consent of the National Assembly is sought for Parts 2, 3 and 5 of the Bill.
9. Part 2 of the Bill makes it an offence to commit a serious breach of the Second Protocol, either in the UK or abroad and extends criminal liability to commanders and their superiors who fail to prevent the commission of an offence in certain circumstances. Serious breaches, which are set out in the Second Protocol, include:
- making cultural property the object of attack;
 - using cultural property in support of military action;
 - extensive destruction or appropriation of cultural property; and
 - the vandalising, theft, pillage or misappropriation of cultural property in the context of armed conflict.

Ancillary offenses such as assisting or conspiring to commit an offence, are also covered. The maximum penalty for these offences is 30 years imprisonment.

10. Part 3 of the Bill prohibits the unauthorised use of the Blue Shield, the cultural emblem created by the Hague Convention to identify cultural property which is protected. It will be an offence to use the emblem otherwise than as authorised by, or under the Bill. The Bill identifies authorised uses of the emblem, and gives the appropriate national authority power to designate further authorised uses. Crucially clauses 12 and 15 provide that the Welsh Ministers are the appropriate authority for

this Part, and may grant permission for the use of the cultural emblem in Wales.

11. Part 5 of the Bill provides immunity from seizure or forfeiture of cultural property which is entitled to special protection under Article 12 of the Hague Convention because it is being transported to the UK, or through the UK to another destination, for safekeeping during a period of armed conflict.
12. Consent is required for these provisions because they fall within the legislative competence of the National Assembly for Wales in so far as they relate to cultural property under the provisions of paragraphs 2 and 3, Part 1 of Schedule 7 to the Government of Wales Act 2006.

Reasons for making these provisions for Wales in the Cultural Property (Armed Conflicts) Bill

13. Making these provisions for Wales in the Bill will ensure that the UK as a whole can strengthen its commitment to the protection of its own heritage, and highlight respect for the cultural property of other nations. The Bill fulfils a long-standing commitment made by the UK in 2004 to implement the Hague Convention and its Protocols at the first opportunity.
14. The Bill should be seen in the context of recent international events and acts of cultural heritage destruction in the Middle East. UK implementation, through the Bill, is fundamental to the UK's credibility in taking the cultural protection agenda forward.

Financial implications

15. There are no financial implications for the Welsh Government if the National Assembly for Wales consents to the provisions applying to Wales.

Conclusion

16. It is the view of the Welsh Government that it is appropriate to deal with the provisions in this UK Bill as it represents the most practicable and proportionate legislative vehicle to enable these provisions to apply in relation to Wales. It is important that this is taken forward on a UK wide basis to demonstrate a coherent approach to protection of cultural property across the UK. The implementation of the Hague Convention will strengthen the UK's commitment to the protection of its own heritage and that of other nations.

Ken Skates AM
Cabinet Secretary for Economy and Infrastructure
June 2016

Document is Restricted

Agenda Item 3

Document is Restricted

P-04-655 Demanding our Rights for the Welsh Language in the Private Sector. Correspondence – Petitioner to the Chair 17.12.15

Dear Chairman of the Petitions Committee, William Powell AM

I write to you following Welsh Language Commissioner's announcement on 2 December this year outlining the timetable for setting Welsh-language Standards for certain categories of private company. The announcement is available here:

<http://www.comisiynyddygydraeg.cymru/english/news/Pages/Commissioner-presents-further-standards-reports-and-announces-the-next-steps-in-introducing-Welsh-language-standards.aspx>

We would stress that the Commissioner's announcement does not meet the requirements of our petition, which refers specifically to a timetable for including the telecommunications sector in the Standards regime. Indeed, the announcement contradicts what the Welsh Language Commissioner told us at a meeting on 26 October this year, namely that she would announce a timetable for all private sectors named in the Measure, including telecommunications and telephone operating companies, in her announcement before the end of the year.

We would ask you to call on the Commissioner to appear before the committee to explain why she has not stayed true to her word and to explain the absence of a timetable for applying standards to the telecommunications sector in particular.

Thank you again for your consideration of our correspondence. Please do not hesitate to contact us if there is any other matter for which you require further information or clarification.

Yours faithfully,

Manon Elin James

Christine Chapman AM
Chair, Communities, Equalities and Local Government Committee
Welsh Government
Cardiff Bay
Cardiff
CF99 1NA

2 March 2016

Dear *Chris*

Petition No. P-04-655: Demanding our Rights for the Welsh Language in the Private Sector

The Petitions Committee has received the following petition from Cymdeithas yr Iaith which has collected 442 signatures:

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.

This petition was last considered at our meeting on 2 February. As your Committee has recently taken oral evidence from the Commissioner on this point, Members agreed that I should write to you to ask that you take into account the petitioner's views in following up the evidence session, and to seek further information on the timescale for the completion of your work on this issue.

Please forward your response to the Clerking Team at
SeneddPetitions@Assembly.Wales.

Yours sincerely



William Powell AC/AM
Cadeirydd/ Chair

Encs: Correspondence from the petitioner dated 17/12/15 and 28/01/16



William Powell AM
Chair, Petitions Committee

10 March 2016

Dear Bill

Petition No. P-04-655: Demanding our Rights for the Welsh Language in the Private Sector

Thank you for your recent letter asking the Committee to take into account the above petition when following-up on the evidence session held with the Welsh Language Commissioner in December 2015.

You will wish to be aware that we discussed the matter of Welsh language standards in the private sector with the First Minister when preparing for our Legacy Report. The [transcript](#) of that meeting is available on the Committee's webpage.

In our Legacy Report we recommend that our successor committee undertakes a review of the next round of Welsh language standards, as well as undertaking post-legislative scrutiny of the Welsh Language Measure (Wales) 2011.

Yours sincerely



Christine Chapman AM
Chair



Cynulliad Cenedlaethol Cymru
Elin Jones AC, Llywydd

National Assembly for Wales
Elin Jones AM, Presiding Officer

Agenda Item 5.1

Bethan Jenkins AM
Chair
Culture, Welsh Language and Communications Committee

Your ref:
Our ref:

30 June 2016

Dear Bethan

Congratulations on your appointment as a committee chair. By electing you to this role, the National Assembly has entrusted you with significant responsibilities. On behalf of the Assembly Commission and the Business Committee, I am writing to explain the Assembly's expectations and the support available to you and the Members of your committee.

The Assembly's committees are at the heart of the democratic process and the chairs of those committees are critical to their success in holding the Government to account, making laws and engaging directly with the people of Wales. I strongly endorse the vision set out by the Commission and Business Committee of the Fourth Assembly:

Committees of the Assembly should demonstrably improve the quality of policy outcomes, legislation, public services and government spending for society as a whole in Wales. They should be respected, influential and accessible, acting with integrity and independence. Their work should be strategic and rigorous.

This vision is underpinned by 10 strategic objectives, which are set out in the Annexe to this letter.

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English



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I have also included in the Annexe the key responsibilities of a committee chair. These have been endorsed by the Business Committee. They also form the basis for the independent Remuneration Board's assessment of the additional remuneration you will receive for the role. They therefore represent the expectations placed on you in your new role. I understand that the Remuneration Board will be considering the matter of chairs' pay for the Fifth Assembly at their next meeting in July.

You have been allocated a committee clerk to help you establish the committee before Summer recess: Gareth Price. Gareth manages a small team providing you and your committee with strategic, procedural and administrative support and advice. Gareth also leads an integrated team of specialists from other services (in research, communications, legal, and translation), and works with staff from across the Commission to deliver the services your committee requires. Gareth is your first point of contact for committee business, but I would encourage you to get to know, and work directly with, all other team members. Though Gareth will typically spend a large proportion of his time working with you, his role also involves supporting the other Members of the committee, and providing support for the scrutiny of Bills even after your committee has finished its consideration of them. As the number of committees has increased since the Fourth Assembly, work is underway to finalise the staffing structures, and my officials will contact you about this before the start of the Autumn term.

Your clerk and integrated team will assist you in convening your committee and designing its initial programme of work. I recommend that you set aside time early in your tenure to work with all Members of your committee on strategic planning and your preferred ways of working. Experience in the previous Assembly suggests that time dedicated for this, away from the routine of Assembly business, will be well spent. A comprehensive programme is available for your continuing professional development (CPD) as chair, and for your committee Members, to help with this process.

I intend to convene a Chairs' Forum meeting as soon as possible. This will provide an opportunity for you to discuss and agree with your peers, on a cross-party basis, how best to maximise the impact of scrutiny through the committee system. I hope that the Forum will meet regularly and I would urge you to

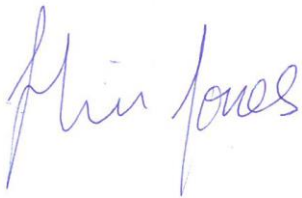


participate actively in order to drive the strategic agenda for committees over the course of the Fifth Assembly.

I am copying this letter to your Party Leader and Business Manager. I will also arrange for a copy to be published on the Assembly website. This will ensure that everybody who has an interest in your committee, from your colleagues to the people of Wales, has clarity on your role and the parameters within which you are operating.

I wish you every success in your role as a chair, and I would encourage you to contact me at any time if you would like to discuss any aspect of your committee's work. Furthermore, please be assured that all Commission staff, from the Chief Executive throughout the organisation, are ready and willing to help your committee achieve its objectives.

Yours sincerely

A handwritten signature in blue ink that reads "Elin Jones". The signature is written in a cursive style with a large initial 'E'.

Elin Jones AM
Presiding Officer



Annexe

1. Strategic objectives for Assembly committees

Committees will:

- a. have a clear, agreed, strategic plan for their work that prioritises their activities and focuses their use of time and resource;
- b. be a top priority for the Members who serve on them;
- c. be guided by chairs who fulfil all of the expectations set for them by the Assembly;
- d. be respected and listened to by the Welsh Government because of the quality of their inquiries and scrutiny, the rigour of their questioning, the depth of their analysis and the value of their legislative amendment. The Government will be mindful of the reaction of committees as it formulates its policy, spending and legislative plans;
- e. scrutinise policy, spending and legislation within their portfolio in the round, not as isolated aspects of their responsibilities;
- f. offer and expect constructive engagement with the Welsh Government but retain their detachment and ability to offer objective criticism;
- g. not be limited by constraints on access to Ministers, information or witnesses and will be able to draw on the expert advice and support they require;
- h. engage with a wide diversity of people, be seen by stakeholder groups as important, influential players and as the natural place to go to with concerns and ideas, and undertake work that enhances the public reputation of the Assembly. Their outputs will be accessible to as wide an audience as possible;



- i. ensure that those who contribute to their work see the value of their participation; and
- j. seek critical analysis and evaluation to improve their performance.

2. Key responsibilities of committee chairs:

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.



CWLC(5)-01-16 (p.4) Letter to Lord Hall, Director-General of the BBC



Cynulliad
Cenedlaethol
Cymru National
Assembly for
Wales

Rt Hon Lord Hall of Birkenhead

Director-General

BBC

Dear Tony,

Regional Governance of the BBC

The National Assembly's new committee on Culture, Welsh Language and Communications met for the first time this week and noted with concern your announcement of a Director of Nations and Regions position.

Your statement of the 6 July 2016 mentioned that the Directors in Scotland, Wales, Northern Ireland and the regional hubs will report to this role. This would mean that the Director of BBC Cymru Wales will no longer be part of the executive team.

We are concerned that this change will result in a weaker voice for Wales (and the other devolved nations) at a time when the BBC is trying to better recognise the changing nature of the Union as well as increase its portrayal of Wales in its programming and commissioning processes.

Please could you provide us with more detail on how the re-establishment of the Director of Nations and Regions position will ensure Wales, and the other devolved nations, have a strong voice in the future of the BBC across the UK.

Yours sincerely,

Bethan Jenkins AM

Chair

Culture, Welsh Language and Communications Committee

National Assembly for Wales



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