

# Agenda – Constitutional and Legislative Affairs Committee

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Meeting Venue:  
Newport City Campus, University of  
South Wales, Usk Way, Newport, NP20  
2BP

For further information contact:  
Gareth Williams  
Committee Clerk  
0300 200 6362

Meeting date: Monday, 20 March  
2017

[SeneddCLA@assembly.wales](mailto:SeneddCLA@assembly.wales)

Meeting time: 14.55

- 1 Introduction, apologies, substitutions and declarations of interest  
(14.55)
- 2 Instruments that raise no reporting issues under Standing Order  
21.2 or 21.3  
(14.55 – 15.00) (Pages 1 – 2)

**CLA(5)–09–17 – Paper 1 – Statutory Instruments with Clear Reports**

Affirmative Resolution Instrument

**SL(5)073 – The Marine Licensing (Notices Appeals) (Wales) (Amendment)  
Regulations 2017**

Negative Resolution Instruments

**SL(5)074 – The Local Authority Social Services Annual Reports (Prescribed Form)  
(Wales) Regulations 2017**

**SL(5)075 – The Marine Licensing (Fees) (Wales) Regulations 2017**



### **3 Paper to note**

(15.00)

**Public Health (Wales) Bill: Correspondence from the Minister for Social Services and Public Health**

(Page 3)

**CLA(5)-09-17 – Paper 2 – Correspondence from the Minister for Social Services and Public Health, 10 March 2017**

### **4 A stronger voice for Wales inquiry: Evidence session 5**

(15.00 – 15.55)

(Pages 4 – 16)

Rt. Hon Carwyn Jones AM, First Minister of Wales

Hugh Rawlings, Director, Constitutional Affairs, Welsh Government

Desmond Clifford, Director of the Office of the First Minister, Welsh Government

**CLA(5)-09-17 – Research Service briefing**

### **Break**

(15.55 – 16.05)

### **5 Welsh Government White Paper – 'Securing Wales' Future':**

#### **Evidence session 1**

(16.05 – 17.00)

Rt. Hon Carwyn Jones AM, First Minister of Wales

Hugh Rawlings, Director, Constitutional Affairs, Welsh Government

Desmond Clifford, Director of the Office of the First Minister, Welsh Government

[Welsh Government White Paper: 'Securing Wales' Future'](#)

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

(17.00)

**7 Consideration of evidence**

(17.00 – 17.10)

**8 Forward work programme**

(17.10 – 17.20)

(Pages 17 – 20)

**CLA(5)-09-17 – Paper 3 – Forward work programme**

**CLA(5)-09-17 – Paper 4 – Draft correspondence to Chairs of constitutional committees of other UK legislatures**

**Date of the next meeting**

27 March 2017

# Statutory Instruments with Clear Reports

## Agenda Item 2

### 20 March 2017

#### SL(5)073 – The Marine Licensing (Notices Appeals) (Wales) (Amendment) Regulations 2017

**Procedure: Affirmative**

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These draft Regulations amend the Marine Licensing (Notice Appeals) (Wales) Regulations 2011 to ensure there is an adequate system to appeal against a notice issued in relation to non-payment of fees and deposits charged pursuant to powers created by the Environment (Wales) Act 2016.

**Parent Act:** Marine and Coastal Access Act 2009

**Date Laid:** 7 March 2017

**Coming into force date:** 1 April 2017

#### SL(5)074 – The Local Authority Social Services Annual Reports (Prescribed Form) (Wales) Regulations 2017

**Procedure: Negative**

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Section 144A of the Social Services and Well-being (Wales) Act 2014 was inserted by section 56 of the Regulation and Inspection of Social Care (Wales) Act 2016 and requires local authorities in Wales to prepare and publish an annual report about the exercise of the authority's social services functions.

Section 144A(4) requires the annual report to be in such form as may be prescribed by regulations.

These Regulations prescribe the form of the annual report. The requirements as to the form of the annual report are contained in the Schedule to the Regulations. The Schedule describes the headings under which the information, which is required to be included in the annual report, must be set out.

**Parent Act:** Social Services and Well-being (Wales) Act 2014



**Date Made:** 5 March 2017

**Date Laid:** 8 March 2017

**Coming into force date:** 4 September 2017

## SL(5)075 – The Marine Licensing (Fees) (Wales) Regulations 2017

### **Procedure: Negative**

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These Regulations will replace current fees and charges for the marine licensing system in Wales under the Marine Licensing (Application Fees) (Wales) Regulations 2011.

These Regulations apply to marine licensing fees in relation to which the Welsh Ministers are the appropriate licensing authority under the Marine and Coastal Access Act 2009.

Under section 67(1)(b) of that Act the appropriate licensing authority may require that an application for a marine licence be accompanied by a fee. For example, regulation 4 and Schedule 1 provide that the fee for determining an application for a licence is either a fixed fee or an amount calculated by multiplying the number of hours worked by £120.

**Parent Act:** Marine and Coastal Access Act 2009

**Date Made:** 6 March 2017

**Date Laid:** 8 March 2017

**Coming into force date:** 1 April 2017



Rebecca Evans AC/AM  
Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol  
Minister for Social Services and Public Health

Agenda Item 3.1



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA-L/RE/0144/17

Huw Irranca-Davies AM  
Chair of the Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Ty Hywel,  
Cardiff Bay  
Cardiff  
CF99 1NA

10 March 2017

Dear Huw,

### Public Health (Wales) Bill

Thank you once again for your Committee's consideration of the Public Health (Wales) Bill during Stage 1. I confirmed during the general principles debate on the Bill on 28 February that I would write to the Committee to provide a formal response to its report.

While I recognise the intention behind the sole recommendation in the Committee's report, I am unable to respond by amending the Bill in the specific way the Committee recommends. Local authorities are already bound by and are very familiar with their obligations under section 6 of the Human Rights Act 1998. They are therefore well versed in the duties placed upon them. In view of this I believe it would be unnecessary and inappropriate to add specific provision on the face of the Bill, and could unintentionally lead to confusion if such a provision was included in this Bill and not in other legislation.

However, in response to a previous request by the Committee in relation to Part 2 of the Bill, I intend to bring forward an amendment at Stage 2 to state on the face of the Bill that only specific public authorities will be the enforcement authorities. This will also ensure that enforcement authorities will only be those which already must act in line with their obligations under human rights legislation. I hope this will provide general reassurance to the Committee on this issue.

I trust the Committee will be content with this approach.

I am copying this letter to Dr. Dai Lloyd AM, Chair of the Health, Social Care and Sport Committee.

Kind regards,

**Rebecca Evans AC / AM**

Y Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol  
Minister for Social Services and Public Health

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)  
[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)

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 4

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

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