



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

Y Pwyllgor Amgylchedd a Chynaliadwyedd **The Environment and Sustainability Committee**

Dydd Iau, 11 Gorffennaf 2013
Thursday, 11 July 2013

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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynddi. Yn y golofn dde, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

In the left-hand column, the proceedings are recorded in the language in which they were

spoken. The right-hand column contains a transcription of the simultaneous interpretation.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoniw	Llafur Labour
Yr Arglwydd/Lord Elis-Thomas	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales
Julie James	Llafur Labour
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Dilwar Ali	Prif Ddeisebydd Lead Petitioner
Sarah Brown	Cyngor Caerdydd Cardiff Council
Sally Burnell	Pennaeth y Cyfryngau a Chysylltiadau Cyhoeddus, Cymdeithas Milfeddygol Prydain Head of Media and PR, British Veterinary Association
Kate Cassidy	Cyfarwyddwr, Cyfathrebu a Threchu Tlodi, Llywodraeth Cymru Director, Communications and Tackling Poverty, Welsh Government
Andrew Charles	Pennaeth Datblygu Cynaliadwy, Llywodraeth Cymru Head of Sustainable Development, Welsh Government
Jeff Cuthbert	Aelod Cynulliad, Llafur, Gweinidog Cymunedau a Threchu Tlodi Assembly Member, Labour, Minister for Communities and Tackling Poverty
Gavin Grant	Prif Weithredwr, RSPCA Cymru Chief Executive, RSPCA Cymru
Gregg Jones	Pennaeth Swyddfa UE Cynulliad Cenedlaethol Cymru Head of National Assembly for Wales EU Office
Dave Joyce	Swyddog Cenedlaethol Iechyd, Diogelwch ac Amgylchedd, CWU National Health, Safety and Environment Officer, CWU
Gareth Pritchard	Dirprwy Brif Gwnstabl Dros Dro, Heddlu Gogledd Cymru Temporary Deputy Chief Constable, North Wales Police
Dermot Ryan	Cynrychiolydd Parhaol Iwerddon i'r UE Permanent Representation of Ireland to the EU

Rhodri Glyn Thomas Aelod Cynulliad, Plaid Cymru, Aelod o Bwyllgor y Rhanbarthau
 Assembly Member, Plaid Cymru, Member of the Committee of the Regions

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Chloe Corbyn	Gwasanaeth Ymchwil Research Service
Alun Davidson	Clerc Clerc
Elfyn Henderson	Gwasanaeth Ymchwil Research Service
Catherine Hunt	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 9.31 a.m.
The meeting began at 9.31 a.m.

Craffu ar Waith y Gweinidog Cymunedau a Threchu Tlodi
Scrutiny of the Minister for Communities and Tackling Poverty

[1] **Yr Arglwydd Elis-Thomas:** Bore da, Weinidog. Un o bleserau'r pwyllgor hwn yw bod gennym ni gymaint o Weinidogion sy'n atebol i ni—yn ein barn ni, beth bynnag—ac ein bod yn gallu eich galw yma i roi tystiolaeth inni.

Lord Elis-Thomas: Good morning, Minister. One of the pleasures of this committee is that we have so many Ministers who are accountable to us—in our opinion, anyway—and that we can call them here to give evidence to us.

[2] Mae'n bleser arbennig imi gael croesawu Jeff Cuthbert, y Gweinidog Cymunedau a Threchu Tlodi, a'i swyddogion, Kate Cassidy ac Andrew Charles, a fydd yn ei gefnogi y bore yma. Dechreuaf drwy ofyn i'r Gweinidog gwestiwn sydd o gonsŷrn i mi, sef cwestiwn proses. Rydym yn hoff iawn yn y pwyllgor hwn o allu cael gwybodaeth mor gynnar â phosibl am ddeddfwriaeth. Felly, nid yw'r pwynt hwn yn ddadl arbennig ynglŷn â'r Bil datblygu cynaliadwy. Rydym yn hoff iawn o gael Biliau ar ffurf ddrafft ymlaen llaw, a hynny mor gynnar â phosibl, fel y gallwn gychwyn ar y gwaith o graffu cyn deddfu. Credwn fod hon yn egwyddor dda o safbwynt llywodraeth, o safbwynt rhanddeiliad a'r gymuned sydd â diddordeb yn y ddeddfwriaeth, ac o'n safbwynt ni fel pwyllgor. Os ydym wedi gweld Bil drafft dros gyfnod o amser, mae'n bosibl y byddwn yn gallu ymdrin yn well â'r craffu manwl ar y Bil yng Nghyfnod 1, ac yn arbennig ar welliannau yng Nghyfnod 2 ac yn y Cyfarfod

It gives me great pleasure to welcome Jeff Cuthbert, the Minister for Communities and Tackling Poverty, and his officials, Kate Cassidy and Andrew Charles, who will be supporting him this morning. I start by asking the Minister a question that is of concern to me—the question of process. We are very fond in this committee of having information about legislation at the earliest possible stage. Therefore, this point is not a specific contention relating to the sustainable development Bill. We are very fond of having Bills in draft form beforehand, at the earliest possible stage, so that we can start the work of pre-legislative scrutiny. We believe that this is a good principle for government, for stakeholders and the community interested in the legislation, and for us as a committee. If we have seen a draft Bill over a period of time, it is possible that we will be able to undertake better detailed scrutiny of the Bill at Stage 1, and particularly of the amendments at Stage 2 and in Plenary at Stage 3. I was therefore slightly disappointed

Llawn yng Nghyfnod 3. Felly, roeddwn ychydig yn siomedig i ddeall nad yw'n debygol bellach y byddwn yn cael Bil drafft ar y pwnc hwn. Weinidog, a wnewch chi ymateb i'r pwynt hwnnw ac, efallai, ailystyried?

to learn that we are now not likely to have a draft Bill on this subject. Minister, will you respond to this point and, perhaps, reconsider?

[3] **The Minister for Communities and Tackling Poverty (Jeff Cuthbert):** Thank you very much indeed for that introduction and welcome. I think that it is only fair that I remind the committee that I am two weeks into my appointment. I would not have wished to appear before a committee of this nature to be scrutinised so early into my tenure. I would have liked to have used the summer recess to become fully au fait with the history and development of this particular Bill. Having said all that, I am well aware of the principles of sustainable development that embrace the whole of the Welsh Government and that should be clear in all our Bills and programmes. I am sure that you will understand that, when people want to talk about the history of the Bill to date, I will defer to the officials who were directly involved in that for any further explanation that may be necessary. However, I can say that, since the White Paper was produced, there has been considerable consultation and a large number of responses.

[4] We are now reviewing, together with the commissioner and his advisory panel—the reference group—exactly what the best way forward is. That will lead us to prepare a Bill. We do not intend to have a draft Bill prior to its introduction. Obviously, I can consider matters as I get more to grips with it, but we feel that we have done a considerable amount of consultation and have set out processes that will enable us to move towards a Bill that will go through its normal scrutiny stages in due course. The First Minister will make a statement on the legislative programme next Tuesday, and there will probably be greater clarity in that regard at that point. So, I am not really able to comment much more in advance of the First Minister's statement next Tuesday, but Andrew might like to add some points about the history to date.

[5] **Lord Elis-Thomas:** I am grateful to you for your response, Minister, and I understand the situation exactly. I should have started by wishing you well in your portfolio, I suppose, but we go back a long time in this institution. However, you will understand where we are coming from.

[6] **Jeff Cuthbert:** Yes, indeed.

[7] **Lord Elis-Thomas:** It is particularly about our work with our stakeholders, and you will have noted from our programme of work that we have had a number of public and not-so-public seminars with stakeholders on this whole area so that the committee is more able to understand the issues.

[8] **Mr Charles:** To add to the point that the Minister made around the consultation, we have had a series of three separate consultation exercises: a discussion paper in 2011, the consultation in May last year and then the White Paper. Throughout that process, we have been engaging with stakeholders on the key issues around the Bill and what that is trying to achieve. Since September last year, we have had the reference group that the previous Minister asked the commissioner to set up, and we have been engaging with the group quite closely on some of the areas of concern that it has and some of the areas that we have developed in terms of the policy proposals. So, we have gone through a range of different exercises to look at what the Bill could achieve and the specifics of that, and, as the Minister has said, we are, at the current stage, post the White Paper consultation.

[9] **Jeff Cuthbert:** I read the letter that you sent to not my predecessor, but the one

before that.

[10] **Lord Elis-Thomas:** We have had a few.

[11] **Jeff Cuthbert:** Hopefully, there will be stability now.

[12] I read the response that my predecessor Huw Lewis sent back to you. I can assure you that the views that you put in that letter are being given consideration and will be taken into account, as will other comments made between now and the preparation of the Bill.

[13] **Lord Elis-Thomas:** That is very helpful; thank you.

[14] **Julie Morgan:** I am fairly new to this, like you, Minister, having come in at a late stage, so I have a general question. We have had some discussion about international comparisons and we have looked at other countries that have attempted to do what we are trying to do in this Bill. Do you or your advisors have any views about which sort of model you felt was nearest to what we are trying to achieve?

[15] **Jeff Cuthbert:** Yes. I have been made aware of some of the work on international comparisons. Brundtland, for example, has devised what is generally considered to be good practice. I am now familiar with the position in Australia, Quebec, Manitoba and Malta. So, we are certainly looking at international comparators and will draw upon them. However, we will not be bound by them because, in terms of what is necessary in Wales and given the economic situation, which we have to balance against the environment and society more generally, we will need to develop a plan of our own, but, certainly, the answer to your question is that we will look carefully at reasonable comparators from elsewhere.

[16] **Julie Morgan:** It seems to me that it is quite difficult to get this Bill right. I find it difficult to understand how the sustainable duty would be developed. So, it seems to me that it is essential to look at other countries where, perhaps, they have done this, because this will be a great help. So, you will be considering what other countries have done very carefully.

[17] **Jeff Cuthbert:** The answer to that is ‘Yes, we will take those into account’.

[18] **Julie Morgan:** Right. I have one other question on this issue about how sustainable development could be an overarching duty rather than just another duty. Have you given any thought as to how that would work?

[19] **Jeff Cuthbert:** No duty trumps another duty; all duties have to be applied and observed. However, the issue at the moment is that the duty is on us to consider how sustainable development can be brought into our policies. What we want to take further with this Bill is to make sure that all those organisations delivering public services have a duty to promote sustainable development, and to show, a bit like statutory guidance, how they are considering issues of sustainable development when they come to make their own local policies.

[20] **Llyr Huws Gruffydd:** I ddilyn yr ateb hwnnw, a allwch chi roi enghraifft i mi o le nad yw datblygu cynaliadwy wedi bod yn ystyriaeth ganolog mewn penderfyniadau gan y sector cyhoeddus? **Llyr Huws Gruffydd:** To follow up on that reply, could you give me an example of where sustainable development has not been a central consideration in the decisions taken by Government?

[21] **Jeff Cuthbert:** I can give one, because I am particularly familiar with it and was discussing it not too long ago. For example, the system that we inherited from Westminster of the transport grant—the subsidy for buses—requires us to make a subsidy on the basis of how

many litres of fuel are used by the bus companies, as opposed to ensuring that their sustainable routes will serve the needs of local communities and that due account is taken to make sure that fuel wastage is kept to a minimum. My colleague the Minister for the Economy, Science and Transport is looking at a measure to do just that.

[22] **Llyr Huws Gruffydd:** Mae'n bwysig gyda'r fath hon o ddeddfwriaeth ein bod yn deall ei bod yn cael ei chyflwyno am reswm, ac er mwyn annog newid. Felly, mae'n dda ein bod yn cael enghreifftiau ymarferol, yn fy marn i.

Llyr Huws Gruffydd: It is important with legislation such as this that we understand that it is being introduced for a reason, and in order to encourage change. Therefore, it is good that we have practical examples, in my view.

[23] Mae cyfeiriad hefyd wedi bod at y ffaith y bydd yn ddyletswydd drosfwaol—rwy'n credu mai hwnnw yw'r gair am *overarching*. Yn ddiddorol iawn, fe ddywedoch chi fod dyletswydd yn ddyletswydd, ac felly mae disgwyl i chi weithredu'r ddyletswydd honno. Fodd bynnag, gyda dyletswydd drosfwaol, mae disgwyl i honno ddylanwadu ar ddeddfwriaeth arall sy'n dod ger ein bron. A allwch chi sôn ychydig, efallai, am y trafodaethau rydych chi wedi'u cael yng nghyd-destun y Bil amgylcheddol a'r Bil cynllunio? Wrth gwrs, bydd y ddau Fil hynny'n bwysig iawn yn y cyd-destun hwn. Sut ydych chi'n gweld y byddent yn cyfrannu at yr hyn rydym i gyd yn trio ei gyflawni o safbwynt datblygu cynaliadwy?

Reference has also been made to the fact that it will be an overarching duty. Very interestingly, you said that a duty is a duty, and therefore you are expected to act on that duty. However, with an overarching duty, the expectation is that that should influence other legislation that comes before us. Could you, perhaps, say a bit about the discussions that you have had in the context of the environment Bill and the planning Bill? Of course, those two Bills will be very important in this context. How do you see those contributing to what we are all trying to achieve as far as sustainable development is concerned?

[24] **Jeff Cuthbert:** Yes, forgive me when I say that I have not yet, personally, had discussions on those matters, but, during the summer recess, I will discuss with my colleagues and fellow Ministers. Perhaps Andrew or Kate could refer to discussions that have been held, either with Ministers or officials up until now. But, you are quite right; it will be an overarching duty. The Welsh Government's number one priority—I hate to categorise priorities, but I think that you will understand what I mean—is to provide jobs and strengthen the economy because of the economic situation that we face, and I am fully behind that. However, in terms of this Bill, I want to make sure that jobs are useful and take account of green technologies and that they are sustainable operations. We must also consider not just providing jobs, but ensuring that, as young people come through the education system, that type of teaching is embedded in their curriculum, in the courses that they follow, and that sustainability becomes unquestionably the norm. So, in all those very important aspects of our lives, the need to always give consideration to what is sustainable, as well as providing longer term futures for people in our communities, particularly our most disadvantaged communities, is paramount in thinking. So, I see it as overarching—although I just referred to education and the economy—in all of the decisions that we and our partners take. Andrew, perhaps you could comment a bit more on earlier discussions.

9.45 a.m.

[25] **Mr Charles:** In terms of the overarching nature of the duty, clearly, there is a commitment already in 'One Wales: One Planet' and the current programme for government around sustainable development being the central organising principle. We have looked at what that means in terms of how legislation can be used to improve the way that decisions are

made across the public service, so that, whatever duties and responsibilities they have, sustainable development is at the heart of how they make their key decisions. In terms of the relationship with the other Bills, there were close discussions between officials and between previous Ministers on the different elements of the Bill. However, it is important to see that there are, clearly, different ways in which other Bills are advancing sustainable development within Wales. This Bill is looking at the way in which the public service operates and the way in which it makes key decisions. So, its scope is focused on that, whereas other Bills are looking at other interventions and other aspects of sustainable development.

[26] **Llyr Huws Gruffydd:** Dim ond un cwestiwn bach arall sydd gennyf, achos mae'r adborth rwyf wedi ei gael oddi wrth lawer o'r budd-ddeiliaid yn awgrymu bod y Bil hwn wedi colli'i ffordd ychydig bach a bod y dyhead cychwynnol a ddangoswyd yn frwd iawn gan Lywodraeth Cymru i ddatblygu Bil cryf ac arloesol a fyddai'n torri tir newydd ac yn arwain y byd yn y maes hwn bellach yn troi mewn i ryw ymarferiad biwrocraidd sydd yn mynd i gynhyrchu rhywbeth reit wantan. A ydych yn cydnabod bod y consyrn hwnnw yn bodoli ac, os ydych, beth allwch ei ddweud i drio darbwyllo pobl nad dyna'r sefyllfa?

Llyr Huws Gruffydd: I have just one other, small question, because the feedback that I have been getting from many of the stakeholders suggests that this Bill has lost its way slightly and that the original aspiration demonstrated very enthusiastically by the Welsh Government to develop a strong and innovative Bill that would break new ground and be a world leader in this field, by now, is turning into some bureaucratic exercise that will produce something quite weak. Do you acknowledge that that concern exists and, if you do, what can you say to try to persuade people that that is not the position?

[27] **Jeff Cuthbert:** Yes, I have been made aware that that concern exists. Whether I regard it as legitimate, I am yet to see, until I look in a bit more detail at some of those responses. However, I know that we have received many thousands of responses from Oxfam and the WWF, for example. Much of them were identical responses, so we need to balance that. I value organised groups, whether working in the field of the environment, education or anything else, in that they have legitimate points to make, and they need to be taken account of. These have been fed into the reference group, which meets under the chairmanship of Peter Davies, the commissioner. I am due to meet with Peter very soon for an in-depth discussion. I have already met the reference group and introduced myself to it, and look forward to further discussions with it. However, we will ensure—I give you this assurance—that the comments that have been made will be fed into the process. No legitimate views will be ignored; I will make sure that that is the case. However, as I have indicated, I want to ensure that this Bill adds clear value and supports our existing key objectives, such as the economy and jobs.

[28] **Llyr Huws Gruffydd:** Er tegwch, mae hynny'n swinio'n wahanol iawn i'r hyn a oedd yn cael ei ddweud ar gychwyn y broses hon, sef bod hon yn mynd i fod yn ddeddfwriaeth a fyddai'n arwain y byd ym maes datblygu cynaliadwy, ac a fyddai'n trawsnewid y ffordd mae'r sector cyhoeddus yn gweithio yng Nghymru. A ydych dal yn hyderus mai dyna yw eich nod fel Llywodraeth gyda'r ddeddfwriaeth?

Llyr Huws Gruffydd: In fairness, that sounds very different to what was said at the beginning of this process, which was that this was going to be legislation that would lead the world in sustainable development and would change the way that the public sector works in Wales. Are you still confident that that is your aim as a Government with the legislation?

[29] **Jeff Cuthbert:** That remains our aim.

[30] **Lord Elis-Thomas:** You will not be surprised to hear me comment, Minister, that if you stick with 'One Wales: One Planet', you will not go far wrong.

[31] **Mick Antoniw:** I appreciate the difficulties in terms of being in position for two weeks and having had several years of debate and discussion. I suppose that part of the history is a degree of a lack of clarity as to precisely what we want the legislation to achieve. Where I thought that we were making progress in some of the last evidence sessions was that, rather than looking at legislation that seeks to impose very specific and focused objectives, we were looking more perhaps in terms of the European style, at a framework piece of legislation within which other legislation is encompassed. So, what you are doing is setting out the principles as to how legislation should operate and what it should aim to achieve, within which it has to be considered and operate. I am wondering whether that is, perhaps, a better way forward on this, because although you say that no duty trumps another and then you refer to it as an overarching duty, of course, an overarching duty does trump other duties. Consequently, perhaps what we are looking at is setting, legislatively, the framework within which we want policy actions, but also legislation, to operate. Perhaps that is an area to which you might give some consideration.

[32] **Jeff Cuthbert:** I do not want to get too involved in an argument about terminology in terms of overarching duty versus a normal duty or anything like that. However, first of all, this Bill should not be seen in isolation from other Bills and measures that the Welsh Government will be bringing in, in terms of its programme for government. However, perhaps it will act a bit like my job generally, as a co-ordinating body that ensures that all the actions of the Welsh Government and its key partners take the broader issues of sustainability into account, and help to lead to better decisions being taken by public service organisations in Wales. We would want, for example, to encourage those decision makers to anticipate future developments; to protect organisations by meeting the needs of current and future generations; to help to promote innovation and new ways of thinking; to promote resource savings; to encourage working across organisational boundaries; to safeguard and enhance the reputation of organisations at local and wider levels, and certainly at international levels; to try to ensure that there is a degree of consistency in decision making that relates to the ultimate provisions of the Bill; and to promote joined-up thinking between organisations, perhaps in a better way than happens now, with a focus on sustainability.

[33] In terms of the framework, we are not there yet; I appreciate that. I have already answered questions about international comparators and we will be taking all those into account. One key issue is that we need to ensure that the public is with us on this, whatever we do. We will be organising a series of national conversations across Wales, where interested people can contribute ideas about what they think should be in this. As with all programmes of this nature, it is important that there is a regular system for soliciting and recording views on how things are being implemented. You do not achieve sustainability; it is a process and you need to have processes in place so that you can review the decisions that you are taking in the light of changing technologies, for example. So, I see it as a live Bill.

[34] **Mick Antoniw:** That takes me on to one of the exciting elements of the international dimension. There are a lot of mentions around what they legislatively seek to achieve, but by the creation of sustainability commissions, which have a legislative status. It seems to me that the importance of the commissions is that they almost act as advisory and intervening bodies that give guidance, direction and assistance on how to achieve the objectives of other legislation or policy implementations that are taking place. It seems to me that a body like that, if given some form of legislative status, could be quite an effective body. When you look for example at some of the major planning issues that are going on, it may be that part of the issue there is how you actually achieve that sustainability and how you have an intervention that brings that within the framework of the legislation. That is how the international framework seems to be operating. Does that fit in with your thinking, or your process of thinking at the moment?

[35] **Jeff Cuthbert:** At this moment, I would not take exception to what you have said. I think that you are right that raising the issue of planning is important. For example, I know that there have been key issues in terms of building on playing fields and parks. I well understand the issue of local councils needing capital receipts—I understand that absolutely—but we need to ensure that, in the planning process, we are looking long term. So, using that example, what would be the long-term consequences of removing recreational areas from local communities? We can see the short-term reasons for doing that, but what are the long-term implications? So, I would certainly see a Bill of this nature embracing those sorts of issues.

[36] In terms of the commissioner and the body that works with him, exactly how we go forward is still a matter for consideration. We would certainly want to see the commissioner as a champion for people—certainly advising and encouraging them and overseeing the process. We would not want to see the commissioner scrutinising. You may be aware that, at the moment, the proposal is that the Wales Audit Office retains the role of scrutiny. I think that that is important, because I do not like the idea of mixing giving advice, encouragement and support with scrutiny. If you have had a major part in directing something, the natural inclination would be to say that everything is okay with it. I think that it is important that that function is separated.

[37] **Mick Antoniw:** The challenge is that part of the role of a sustainability body with some legislative status is going to be dealing with the inevitable conflicts that arise. One area of sustainability, for example, is the creation of a retail park in an area—in terms of the jobs and so on that that creates, the implications that the park may have for all sorts of traffic considerations and the implications of policy in terms of regeneration and the maintenance of town centres. You have areas, therefore, where there are conflicts regarding economics, jobs and sustainability. Might there be a sort of legislative role or direction as a sort of sustainability arbiter that would be worth considering?

[38] **Jeff Cuthbert:** I think that those are good ideas that we would want to consider. Bearing in mind where I have come from, I want to see more jobs being created, particularly for our young people. I hope that this Bill can help us with getting out of an argument of either saying ‘Do we decide what constitutes sustainable development first and then look to see what jobs we can create?’, or saying ‘We need jobs here; how can we ensure that the jobs that are provided are as sustainable as possible and take account of the environment?’ I do not really want to get into an argument as to whether the creation of jobs is more important than what others may see as the long-term environmental and sustainability issues for a particular community. I want to see a balanced approach. I think that the ideas that you put forward are worthy of further consideration and they will be fed in to the process.

[39] **Antoinette Sandbach:** Minister, I was very interested in the example that you gave about the transport grant. Can you explain why your central organising principle of sustainability could not deal with that position?

[40] **Jeff Cuthbert:** That is the issue that we are looking at now. As I said, my colleague the Minister is considering changing that process, so that there is a far more sustainable approach to that grant.

[41] **Antoinette Sandbach:** That was not my question. My question is why sustainability, as your central organising principle, was insufficient to deal with that example.

[42] **Jeff Cuthbert:** You must refer that question to the Minister for Economy, Science and Transport, perhaps by way of a note, because it is her decision. Perhaps Kate can provide clarity.

[43] **Ms Cassidy:** The original scheme was a UK scheme. The way in which those regulations were constructed mirrored what was done in the original scheme, because transport is not an entirely devolved matter.

[44] **Jeff Cuthbert:** I gave that answer off the cuff only because I heard about it not too long ago. Nevertheless, apart from decision-making processes, it is an example of where a grant was determined perhaps without giving full consideration to environmental impacts; that is the only point that I am trying to make.

[45] **Antoinette Sandbach:** I understand that, but I am not then clear on why you need legislation to deal with that position, rather than putting sustainability as your central organising principle.

[46] **Jeff Cuthbert:** That was not the question that I was asked. I was asked for an example of where policies had been made that did not, perhaps, apply sustainable principles properly; that was the question that I answered.

[47] **Antoinette Sandbach:** My concern is around how you are measuring this. As you are aware, there is a lot of concern about your definition of sustainability; I know that you have accepted that in the paper that you have submitted as evidence. You accept that there is a problem around definition. However, one of the words that you used in your evidence this morning was ‘balance’. You talked about the need for balance, and even with sustainability issues there may be conflicts between different strands of sustainability. There might be social sustainability in the environment but no sustainability around jobs, or there may be sustainability around economic development, which may harm the sustainability of the environment. Nothing that we have seen thus far indicates how those conflicts are going to be balanced.

10.00 a.m.

[48] **Jeff Cuthbert:** I daresay that there will be conflicts. No-one ever said that life was fair and easy, which is why we need to legislate in certain areas. It is anticipated because we have had many instances of conflict between what is perceived as an environmental issue and the need to create jobs. I will use, for example, the Circuit of Wales in Blaenau Gwent where I know there are issues. I find some of those issues a little strange, but, nevertheless, it is not for me to question people’s right to raise issues. Of course there are concerns, and there will be in the future from time to time. I hope that the Bill that we are proposing here will lead to clarity in that. I accept the issue about balance, and that is why I used the word. We do have to keep an eye on the need to develop economically, so that we are providing jobs and a secure, sustainable future, particularly for younger people across Wales, but most certainly in our most disadvantaged areas. I think that that deals with the question—or that is, at least, my response.

[49] **Antoinette Sandbach:** What I am trying to tie you down to, as it were, is how you are going to reconcile things where there is a conflict. I appreciate that you probably have not had the opportunity, given the shortness of time that you have been in the post—we had a very interesting meeting this morning with people from the Green Investment Bank. They are measuring outcomes in terms of investment and jobs. They have a process where they are looking and have a formula to measure and guarantee or enshrine outcomes. What I do not see in your paper is how you are going to do that and how you are going to reconcile potential conflicts. I wondered whether your officials have met with organisations such as the Green Investment Bank and similar organisations, which, rather than looking at the process, are actually looking at the outcome and how that is measured and quantified. It is only on looking at the outcomes that you can judge whether or not the sustainability criteria have actually been achieved. I just do not see, in any of the evidence that we have had thus far, any

indication of how, for example, a public authority needs to balance social sustainability with environmental sustainability. If we take your bus service, for example, with the idea that perhaps rural communities may need to have access to rural transport services in order to allow access to services, that process itself may not be very green because of emissions.

[50] **Lord Elis-Thomas:** I know that we are having a bit of a seminar here, but I think that the Minister might like to respond.

[51] **Jeff Cuthbert:** That is why I am writing notes frantically.

[52] **Antoinette Sandbach:** My question is this: how are you going to measure those outcomes, and how are you going to balance the conflicts? Where are we going to see that guidance in the legislation?

[53] **Jeff Cuthbert:** First of all, in terms of outcomes generally, that is work in hand. I want to see, wherever possible, some form of measuring our success so that we can be judged against it, or so that we can see that there is a problem in this particular area that we need to address. So, those discussions will continue as to how we can actually say that the Bill, in a tangible way, once it becomes law, is making an improvement. There will be further announcements on this and there will be work over the summer that I will lead to try to map a practical way forward on this. Essentially, planning for sustainability is about the process. It is about requiring those organisations providing public services to show that they have given proper and thorough consideration to the environmental impact that their policies are producing. In some cases it might be very difficult, unless it is in terms of money saved, perhaps, to show that it has caused a real step forward in terms of benefits to local communities. I have not met with the Green Investment Bank. If my officials have met with it they can expand on that in a moment, but I think that I will do so now, given the comments that you have just made, to find out exactly what it is saying and to receive ideas that it may have.

[54] I do apologise—in your previous question you asked about the definition of ‘sustainability’. Yes, I am aware that there are different points of view on what the term means. I am not surprised that that is the case, but at least for the time being I am standing by the definition that is already in ‘One Wales: One Planet’. That is our working definition of ‘sustainability’, and it is reflected in the White Paper. I know there are other definitions, but that is the one that we are working to. It refers to society, the economy and the environment, and I think that those are the key issues. I am not saying that one is more important than the others, although we need to bear in mind that the Welsh Government’s main priority is to protect the economy and create jobs.

[55] **Antoinette Sandbach:** If I might ask one final question—

[56] **Lord Elis-Thomas:** If it is a question.

[57] **Antoinette Sandbach:** It is a question. There was a real concern about the term ‘wellbeing’ in terms of that original definition, and that has been flagged up consistently by almost every organisation that we have spoken to, and I am a little bit concerned about that. Are you going to be looking at and considering in great detail the responses? I do not have a concern around economic, social and environmental sustainability in terms of the definition, but given the concerns about ‘wellbeing’, will you be prepared to look at that again?

[58] **Jeff Cuthbert:** Certainly. I was a little surprised when I read about the concerns, because the term ‘wellbeing’ to me seems clear enough—that, within resources, people and communities are as safe and secure as they can be. Perhaps sometimes it is not helpful to have just words that mean things; perhaps it is better to actually record what we want to achieve,

rather than having a specific term. I will certainly do that if that proves to be helpful. I acknowledge the concern and that is certainly something that I will take on board.

[59] **Julie James:** Good morning, and congratulations on your new role.

[60] **Jeff Cuthbert:** Thank you very much.

[61] **Julie James:** I just wanted to have a look at some of the practical things that have been brought up in evidence sessions around this Bill for a little while now. Members have mentioned them in passing. If we start with the point on wellbeing, for example, one of the things that I have not been able to get my head around at all, even though I have been part of the discussion right from the beginning, is quite how this Bill is going to interact with existing duties across the public sector. For example, local authorities have a duty to promote the economic, environmental and social wellbeing of the citizens of their area. That duty exists already, and they are already trying to do that. They have not got a lot of guidance on how they are supposed to do that, and it has turned out to be just a way to spend money on things they did not have the power to do otherwise. I am sorry to be cynical about it, but I think that that is what it has turned into.

[62] I am concerned to see whether we have any kind of route-map for how we will get this Bill and its provisions—I am trying to avoid this semantic thing about overarching duties as well—to interact with those existing duties, and perhaps strengthen them in a way that we would dearly like to see, and then, the other way, how it is going to affect or interact with all of these other Bills that we know are in the pipeline. We have had lots of conversations about the possibilities for that. I just wonder, Minister, if you have had a chance to get your head around any of that, and where you think we might be trying to go with it.

[63] **Jeff Cuthbert:** I am sorry, but I am looking through papers—I have had quite a substantive briefing, and I knew that that was referred to here. We will certainly try to make sure that this does not contradict any existing legislation, but rather helps to bring legislation together and give greater clarity and a co-ordinating role. We believe very much that the Bill does offer an opportunity to strengthen existing legislative approaches that are applicable to the devolved public service in Wales by conferring a sustainable development duty that is common to the entire devolved public service.

[64] We do not want sustainable development to be seen as a separate duty. We want it to be seen—and the term was used by Mick Antoniw—as ‘overarching’. In other words, it guides all the principles of planning and thought processes that are applied to the development and implementation of local policies. I think you mentioned the link between wellbeing and sustainability; I do not think that I need to add much more to the points that I made in reply to Antoinette Sandbach. However, we shall be looking at these definitions and at how well they relate to each other very carefully.

[65] Andrew, do you want to add a bit more about the history of that?

[66] **Mr Charles:** The existing legislative framework that the public service operates in was one of the questions that we raised in a previous consultation, and we then looked at the responses that we got back from that, because it is important to ensure that the legislation that comes forward through this Bill can work and can complement the others. So, we are currently looking at how this Bill will work with the existing legislative framework. Of course, the organisations covered by this Bill range from large bodies, such as the Welsh Government, to town and community councils, and there are different mechanisms that operate at different levels and scales. That is a piece of work that we have been looking at as we have developed the duty.

[67] **Jeff Cuthbert:** Obviously, I will be discussing all of this with my Cabinet colleagues, to make sure that there is good co-ordination here, and so that their Bills, where they have them, will mesh properly with what we are proposing here.

[68] On the issue of the other public bodies, Andrew is absolutely right to point out that they range from large-scale organisations, such as ourselves, local authorities and higher education institutions, right down to town and community councils, whose number is getting on for 800 in Wales—I was surprised that the figure was as high as that, but it is indeed that many. That will be done in a phased way over a period of three years, up to 2017. That is what we envisage at this point. Obviously, there will be further consultation before that is finally resolved, but all those providing public services will be involved and included.

[69] **Julie James:** Thank you, Minister. I have to say that I was also disappointed that we are not going to get a draft Bill, because I think that this is such a complicated thing to get your head around, and that would have been very helpful indeed. I would therefore add my voice to those asking you to reconsider that.

[70] One of the things that we have discussed a great deal with all of the stakeholders—and we have all had individual discussions, as well as discussions in the committee—is how the hierarchy that you have just mentioned might work. We had interesting discussions with people about whether we actually ought to be looking at a set of principles, a bit like the principles of public life set out by Nolan, as an underpinning set of principles that would then inform all the other Acts, and which could be retrospective as well, because principles can be. We discussed whether that might not be a more practical way of getting the thing to run right through all the other Bills—of course, you are familiar with the principles of Nolan, and they have worked very well in informing all other duties and so on. I wondered whether you or your officials had given any thought to trying to do it in that way, rather than as this legal, overarching duty, which is rather more difficult to pin down, I think.

[71] **Jeff Cuthbert:** Again, I will ask officials to come in on the historic aspects of that. However, once again, I note your comments and the request for a draft Bill, but I will not add anything further to the points that I have already made in that regard.

[72] Even though it has only been two weeks, obviously, I have been aware generally, as a Member of the Welsh Government, of issues surrounding this Bill, but I have not had the opportunity to go into them in detail. However, points have been made to me, even to the point of saying, ‘Do we need a Bill; can’t we just develop a set of principles that everyone signs up to?’. I can see the logic in that. Nevertheless, the Welsh Government is committed to this Bill; it is part of its programme for government. I think that there are far more pluses than negatives to putting into statute a Bill that requires the duties that I have referred to, and I think—and it is my intention to ensure—that it does what is written on the tin, and that it does improve the situation in terms of sustainable development and provides that backdrop for all other legislation that has to take account of it in Wales. I will ask Andrew if he can just—

[73] **Julie James:** Just to be clear, I was not suggesting to not have the Bill; I was suggesting that a set of principles be incorporated into it that would become statutory principles.

[74] **Jeff Cuthbert:** Okay, thank you.

[75] **Mr Charles:** On the principles approach, we have looked at where there are existing principles in terms of sustainable development. You will be aware that there are five at the UK level; there are the principles that were established in ‘One Wales: One Planet’; there are the 27 Rio principles; and there are the six European principles and five objectives. So, there is a range of principles out there already.

10.15 a.m.

[76] The consultation document published last May set out four options for an approach of how you could change the way, fundamentally, that decisions are made for public services. Those options were: first, a behavioural, principled approach, which looked at the principles of decision making; the second was an objective approach to look at setting up the objectives that organisations have to achieve; the third option was a combination of the first and second options; and the fourth option was a single sustainable development proposition—a statement, if you like.

[77] The responses that we got back from that indicated a preference for a combination of a principled approach as well an objective approach. So, in the White Paper, you will see that there were proposals for how you could embed those decision-making principles as well as link them to outcomes. That is the approach that was taken in terms of the White Paper. However, as was mentioned earlier, we have had a lot of stakeholder interest in what these principles are and how they could be used in terms of decision making.

[78] One of the issues has been that we need to find a way that makes it easier for organisations to make better decisions, to resolve the conflicts that they have to resolve in a way that is easily understandable and can be delivered at the decision-making level. So, we have looked at those principles, but the approach in the White Paper has looked at a combination of principles and outcomes in terms of decision making.

[79] **Lord Elis-Thomas:** Mick has a quick question on this point, before I call Russell.

[80] **Mick Antoniw:** Minister, two small points arise from your earlier answers. The first is in relation to the extent to which there may be discussions with the UK Government over areas of common interest or where there are mixed devolved responsibilities. However, particularly in terms of your thinking or potential thinking that sustainability can also encompass ethical sustainability—and that is, for example, when you look at things like procurement, some of the companies we deal with, and so on—the actual ethics of trade, contracts, business and so on, should be a feature or part of this as well. Is that something that you would envisage?

[81] **Jeff Cuthbert:** Yes, we would certainly want ethical considerations to be taken into account. You mentioned, by way of an example, procurement. I believe very much that, when a local authority, for example, wishes to procure, let us say, building services, that it should not only look at the quality and the technical requirements of the jobs to be done, but give due regard to employing people who are as local as possible. I see all of those as being a part of this process.

[82] **Mick Antoniw:** The fairness of terms would also be important.

[83] **Jeff Cuthbert:** Yes, absolutely.

[84] **Lord Elis-Thomas:** I have to go to Russell or he will be deprived of his opportunity again.

[85] **Russell George:** Could you just state in a couple of sentences your definition of sustainable development?

[86] **Jeff Cuthbert:** I will do it in one sentence: it is what is contained in ‘One Wales: One Planet’ at this time.

[87] **Lord Elis-Thomas:** That is a good answer, Minister.

[88] **Russell George:** That is not a definition. If somebody asked me what ‘sustainable development’ is, I could not tell them that as they would not know what that means. Can you say in a couple of sentences what ‘sustainable development’ means in a way that the average person on the street would understand?

[89] **Jeff Cuthbert:** You have asked me for my definition of sustainable development; I am here as a Minister of the Welsh Government, and the Welsh Government has declared its definition of sustainable development, which is the phrase that is used in ‘One Wales: One Planet’, and that is what I stand by. I have read it; we read it very recently and I do not see what is so unclear about it. You may not agree with it, but I do not see what is unclear. Really, Chair, I cannot go beyond that.

[90] **Russell George:** Do you think that the Welsh public shares your view of that definition?

[91] **Jeff Cuthbert:** I have no means of answering that in any practical way. However, one of the things that I referred to earlier, as part of this process, is the national conversation that we will establish across Wales, which will feed into the reference group and then the commissioner and his advisory body that will support him. I am a great believer in going out to people. In my previous role as the Deputy Minister for Skills and Technology, we held real conversations with young people and employers, for example, so that both sides could understand the needs of the other. That process was very successful. So, I would certainly see it as important that we engage very much with the people of Wales, and that they engage with us, because it is a two-way process, perhaps through the system that I have outlined of the national conversation. We will look for other means of ensuring that we have buy-in from the population in Wales.

[92] **Russell George:** I am pleased to hear that, and I was also pleased to hear your answer to Mick that you want to take the public with you. Can you detail the work that the Welsh Government has done to date to help people to understand the definition of sustainable development, and what that means to people in Wales?

[93] **Jeff Cuthbert:** In terms of the definition, I will not repeat myself, so perhaps I could ask Andrew to detail what has happened to date.

[94] **Mr Charles:** In terms of communicating sustainable development, we have done a lot of work to understand what that means. We have carried out some research to understand what terms work for different people and communities, and what terms are useful in explaining on the street what sustainable development is. We also have a contract with Cynnal Cymru for it to promote engagement in SD, so it is doing some work on engaging with communities and public service bodies on what sustainable development means for them.

[95] We have looked at how we can communicate better on sustainable development, because it is a very difficult concept to work through in terms of understanding. We have the narratives work that we have done, we have the work with Cynnal Cymru, and there is other work in relation to the SD indicators and how we explain what sustainable development means to different audiences. As the Minister referred to earlier, the national conversation, which was referred to in a letter to Peter Davies and the reference group, is looking at how to engage with a wider sector of people on the key challenges of sustainable development, so that there is an understanding of those conflicts and issues, particularly in relation to the long term. That is in course at the moment.

[96] **Russell George:** How successful has that work been in helping people to understand the importance of sustainable development?

[97] **Mr Charles:** We will need to look at the success of the work that we have done at some point to see whether communities' understanding of sustainable development has improved.

[98] **Jeff Cuthbert:** Speaking generally, and putting aside the issue of definitions, I acknowledge that, for many people in Wales who are very worried about their jobs or getting a job, and living in a community that feels safe and secure, this may seem on the face of it to be a rather abstract concept. We need to change that and to show that there is no contradiction, and that we will do all that we can to help people in our disadvantaged communities and those in other communities facing severe economic problems. We will be stressing that there is no contradiction whatsoever in seeking to help them and in ensuring that we do it in a way that ensures long-term sustainability within Wales.

[99] **Russell George:** I was not seeking to put forward an opinion on whether I agree with the definition or not; my point is that if I walked up a street in my local town and asked people what sustainable development meant, I would get a range of completely different answers. That is why I want to know what the Welsh Government has done to date to help people to understand what the definition is, what it means to people and why it is important. Your last point leads me to my final question: how will sustainable development will be at the core of the tackling-poverty side of your portfolio?

[100] **Jeff Cuthbert:** Thank you for that question. We launched the tackling poverty action plan, and my colleague the Deputy Minister for Tackling Poverty will have day-to-day responsibility for seeing that through. We need to ensure that the tackling poverty agenda, as with this agenda, embraces all departments. It certainly embraces jobs and the economy; you could say it is a no-brainer that the best way out of poverty is through sustainable employment. It is about ensuring that we give children, particularly in our most disadvantaged areas, the right start through education, in programmes such as Flying Start and with the support of health workers.

[101] I would argue that all of these contribute to long-term sustainability, in that you are giving people a better chance in life to become productive citizens in due course who value their local communities. I will be making sure that there is a good joined-up approach and good straightforward thinking between all aspects of my portfolio, and that they complement each other and not contradict each other.

[102] **Joyce Watson:** It is good to see you here as a Minister; congratulations on your appointment. I want to tease out a little bit about sustainability. I understand the concept, which is that it is to secure the future, whatever that future might entail, whether that is in work, whether it is in raising people out of poverty, or whether it is in balancing doing that without interfering too much with the environment. This is the bit that I want to tease out. We are going to have to rely sometimes on the things that we want delivered being delivered by another body, like local government. I want to try to understand, Minister, how you are going to ensure balance the economy—you talked about the economy, and I want to talk about it—and having economic benefit that is sustainable, in terms of the contracts that might be issued. I am particularly thinking about the promises that are often made at the start of a development, such as that it will bring x amount of jobs. In reality, some of those jobs are zero-hour contracts, and some of them are not available to some people, because they find themselves on a blacklist. We need to be aware of those sorts of issues, which are trade-union-type issues. How are you going to bring those into your thinking? I know that there are rules that should prevent that from happening, but they are not working at the moment.

[103] **Jeff Cuthbert:** You began the question with a number of concepts relating to what the Bill could contain. I think that it is about all of those things, such as fairness and care for the environment. We will be proposing that all organisations that deliver public services, as I said earlier, recognise the duties and responsibilities that they have. As I said in response to a question by Mick Antoniw, procurement is clearly very important, not just for the body that requires it but also for local economies, so that they can do whatever is being procured and can contribute to local employment. That will be an important part of the requirements of the Bill. In terms of some of the detrimental aspects of life at the moment, you mentioned blacklists and zero-hour contracts. On blacklists, there are rules, and even if we were not doing this, that is a terrible state of affairs. We have to ensure that no bodies with which we deal are applying any sort of practice of that nature, and that those from which they are procuring services are not practising those policies. In terms of zero-hour contracts, of which I am aware, they would obviously impact on my portfolio, but I will have to double-check whether they would come under my portfolio. I will be getting more information on that policy. I understand that it is legal, but it seems highly questionable to me.

[104] **Joyce Watson:** Morally, it is not a good place to be, but yes, it is legal. Thank you for your answer, Minister. I was trying to tease out the possible implications of trying to balance bringing sustainable jobs into the future. Someone gave an example of that: an edge-of-town development that might displace existing jobs because it is in direct competition. A supermarket or a multinational might be in direct competition with a local shop, which might cease to trade. However, that shop might be employing people full time, and may have been doing so for a long time. Meanwhile, the multinational may be offering zero-hour contracts. Those are the sorts of issues, both to me and to the communities that sustain people and keep them out of poverty, that are critical when we consider sustainable development. I do not expect you to give all of the answers. I am just highlighting this as a source of thinking in that direction. The other aspect that would interest me in talking about sustainable development in employment and training is balance: how we achieve the gender balance, the ethnicity balance and all of those equality of opportunity issues, which are clearly written in law. If we are going to do something that is radical, let us be radical.

10.30 a.m.

[105] **Lord Elis-Thomas:** I think that that was a question.

[106] **Joyce Watson:** It is a question.

[107] **Jeff Cuthbert:** Yes; thank you. A key aspect of sustainable local communities is a sustainable local economy. So, of course it is possible and, at the best of times, it is important. We now need to make sure that we have policies in place that can deal with the best of times as well as the not-so-good times, which are what we are in at the moment. You used the example of the big supermarkets coming in, setting up and competing with local shops. That is something that has to be considered. I believe that it is considered now, to quite a degree, in terms of the planning processes, because local authorities are alert to that issue. I am very surprised that local chambers of commerce do not make the point clear if they have fears.

[108] However, it can work in both directions. There are many instances in my constituency where the establishment of a supermarket has acted as a hub, and local businesses, apart from those that are in direct competition with the supermarkets—grocery stores, for example—very often, if they diversify, can find that their trade increases. So, it does need to be planned out. In Bargoed, for example, local retailers are very much in support of Morrison's setting up a store there—it is under construction now—as they believe that it will draw more people into the town centre, because of how the building is being constructed and its location. So, those issues need to be taken account of. They will provide additional jobs for the area, which are desperately needed. For me, that is the biggest issue. If people are without work, they need

work, but we need to make sure that it is the right type of work.

[109] You also mentioned fairness and equality, which is very much part of my portfolio and I would want to see that enshrined within this Bill as well.

[110] **Lord Elis-Thomas:** Finally, William Powell is next.

[111] Ar ôl hynny, cawn air byr gan Llyr. After that, we will have a short word from Llyr.

[112] **William Powell:** Good morning, Minister. I would like to add my congratulations to you on your recent appointment to this challenging portfolio. I very much support the emphasis that you have placed on education and on winning the struggle for hearts and minds—to use that cliché—in terms of gaining public support for sustainable development. However, when all is said and done, it will also be around enforcement. I wonder what sanctions you envisage building into the Bill for non-compliance with the sustainable development duty.

[113] **Jeff Cuthbert:** Those matters are still being looked at in terms of the sanctions. We do not want the Bill to be over-prescriptive in the sense that it tells, let us say, a local authority, or even a town and community council, exactly what it has to do. It will make crystal clear that the principles of sustainability, which we will be defining, have to be there as part of their thinking processes when taking policies forward. They will be held to account for evidence that they have considered those requirements, in the same way, but not identical, as when statutory guidance is issued to local authorities for particular actions—they have to show how they have given consideration to it.

[114] Ultimately, if there is clear evidence that the requirements have not been pursued, it could be a matter for the courts, as in any other judicial review situation. The indications are that there will be a willing partnership and that, while we will need methods of enforcement, they will be hardly used. These are the discussions that we are having.

[115] **William Powell:** Concerns have also been expressed about the independence of any sustainable development body, particularly that the body and the commissioner might be, to some extent, a prisoner of Government, ultimately. How would you reassure those stakeholders who have those concerns?

[116] **Jeff Cuthbert:** No, that is not going to be the case. The proposal will be that the commissioner follows the public appointments process and is appointed by the Welsh Government. That is the case with the Welsh Language Commissioner, the Commissioner for Older People in Wales and the Children's Commissioner for Wales. I know of no serious allegations that any of those three do not act in line with their own way of thinking and independently from Government. Likewise, the Government is independent from them. Most recently, we have had a dispute, shall we say, where my former colleague Leighton Andrews, as Minister, refused to accept the Welsh language standards that came from the commissioner. So, there are examples that show that there is genuine independence, and I look forward to that continuing.

[117] **William Powell:** Could you flesh out what you see as being the likely relationship with the Auditor General for Wales, to give further assurance in this area?

[118] **Jeff Cuthbert:** In response to an earlier question, I said that I see the Wales Audit Office and the auditor general retaining the role of scrutiny, as they do for a wide range of public activities. It is important that the role of advice and support and guidance is separate from the role of scrutiny. So, that will be the formal link. Otherwise, as I said, there would be

a great danger if the commissioner for sustainable development was, in some way, seen to be endorsing his or her own approach. There needs to be that separation.

[119] **Llyr Huws Gruffydd:** Mae llu o gyrff a mudiadau wedi bod yn tanlinellu pwysigrwydd cynnwys yr iaith Gymraeg yn y diffiniad o ddatblygu cynaliadwy, gan gynnwys Cyfeillion y Ddaear, WWF ac Oxfam. Yn fwy arwyddocaol, dywedodd Peter Davies, Comisiynydd Dyfodol Cynaliadwy Cymru, yn gwbl ddi-flewyn ar dafod yn ddiweddar bod yn rhaid i'r diffiniad gynnwys yr iaith Gymraeg. Rwy'n cymryd eich bod chi'n cytuno â hynny.

Llyr Huws Gruffydd: A plethora of bodies and organisations have underlined the importance of including the Welsh language in the definition of sustainable development, including Friends of the Earth, WWF and Oxfam. More significantly, Peter Davies, the Sustainable Futures Commissioner for Wales, said unambiguously recently that the definition has to include the Welsh language. I take it that you agree with that.

[120] **Jeff Cuthbert:** Yes. We very much want to see Wales as a sustainable, fair and bilingual country.

[121] **Lord Elis-Thomas:** Thank you very much, Minister. There are one or two matters that we will want to continue to pursue. Regarding the timing of the Bill, perhaps we can send you a note after this meeting.

[122] **Jeff Cuthbert:** You can. I expect to be given clarification on that matter by the First Minister on Tuesday.

[123] **Lord Elis-Thomas:** I will throw in another potential model, namely a national sustainable development council, totally independent of Government, with the Wales Audit Office as its secretariat. There we are; I will leave that with you.

[124] **Jeff Cuthbert:** I look forward to the note on that. [*Laughter.*]

[125] **Lord Elis-Thomas:** Thank you very much. Diolch yn fawr.

*Gohiriwyd y cyfarfod rhwng 10.38 a.m. a 10.42 a.m.
The meeting adjourned between 10.38 a.m. and 10.42 a.m.*

**Cymorth y Wladwriaeth ar gyfer Pysgodfeydd a Dyframaethu—Trafodaeth
gyda Rhodri Glyn Thomas AC
State Aid to Fisheries and Aquaculture—Discussion with Rhodri Glyn Thomas
AM**

[126] **Yr Arglwydd Elis-Thomas:** Rydym yn ddiolchgar i gael chi'ch dau yn y pwyllgor. Mae Rhodri Glyn yn un o ddau o gynrychiolwyr y Cynulliad Cenedlaethol ar Bwyllgor y Rhanbarthau; mae'r llall yn eistedd yma. Dechreuaf drwy ofyn pa mor bwysig yw hi ein bod ni, fel Cynulliad Cenedlaethol, yn chwarae rhan gryf ym Mhwyllgor y Rhanbarthau. Pa mor ddefnyddiol i ti, fel aelod, yw'r gefnogaeth broffesiynol ar lefel uchel, o ran polisi'r Undeb Ewropeaidd, y mae Comisiwn y Cynulliad yn gallu ei chynnig i ti ym

Lord Elis-Thomas: We are grateful to have you both attend the committee. Rhodri Glyn is one of two representatives of the National Assembly on the Committee of the Regions; the other is sitting here. I will begin by asking how important is it that we, as a National Assembly, play a robust role on the Committee of the Regions. How useful to you, as a member, is the high-level professional support, regarding European Union policy, that the Assembly Commission can offer you in the person of Gregg Jones, if he does not mind me putting it like that?

mherson Gregg Jones, os nad yw'n meindio fy mod yn dweud hynny?

[127] **Rhodri Glyn Thomas:** Diolch yn fawr iawn am y gwahoddiad i ddod gerbron y pwyllgor. Credaf fod ein cynrychiolaeth ar Bwyllgor y Rhanbarthau yn eithriadol o bwysig, a bod cyfle gwirioneddol i ni wneud cyfraniad yn y fan honno. Rydym yn cael y cyfle i gyfarfod â chynrychiolwyr o ranbarthau a gwledydd bach eraill yn Ewrop, ac yn gallu cymharu'r hyn sy'n digwydd yng Nghymru â'r hyn sy'n digwydd yn eu rhanbarthau a'u gwledydd nhw, a chael y drafodaeth honno, sy'n eithriadol o bwysig.

[128] Hefyd, trwy ein cynrychiolaeth ar Bwyllgor y Rhanbarthau, mae gennym gyfle i baratoi adroddiadau ar safbwyntiau. Rwyf wedi gwneud dau o'r adroddiadau hyn yn barod. Fel sy'n amlwg o'm mhresenoldeb yma y bore yma, rwyf wrthi'n paratoi adroddiad arall ar bysgodfeydd a dyframaethu, sef y term Cymraeg am 'aquaculture', rwy'n deall. Er mai newydd ddechrau ar Bwyllgor y Rhanbarthau ydyw, rwy'n deall bod Mick eisoes wedi cael adroddiad i'w baratoi.

10.45 a.m.

[129] O ran yr adroddiadau blaenorol, efallai mai dyma'r ffordd i mi ddangos effeithiolrwydd y broses yn fwyaf clir. Cyflwynais ddau adroddiad: un oedd ar y synergeddau rhwng y gyllideb Ewropeaidd a chyllideb yr aelod-wladwriaeth ar lefel rhan-wladwriaeth. Beth oedd hynny yn caniatáu i ni ei wneud oedd edrych ar fwriadau'r Undeb Ewropeaidd wrth gyflwyno arian a gweld a oedd y rhaglenni a'r prosiectau ar lawr daear yn adlewyrchu hynny ac yn gwneud y math o wahaniaeth roedd yr Undeb Ewropeaidd yn chwilio amdano ef o ran trawsffurfio cymunedau, bywiogi'r economi a chreu gwaith a chyfleoedd newydd mewn ardaloedd nad ydynt yn perfformio'n effeithiol yn economaidd. Yna cyflwynais adroddiad ar y synergeddau rhwng partneriaethau preifat a chyhoeddus. Cefais gyfle, bythefnos yn ôl, i fynd i'r fforwm partneriaethau, a gynhelir yng Nghymru, i edrych ar brosiectau o dan gronfeydd strwythurol Ewropeaidd yn benodol. Cefais gyfle i rannu gyda'r fforwm y profiad o gael

Rhodri Glyn Thomas: Thank you very much for the invitation to come before the committee. I believe that our representation on the Committee of the Regions is exceptionally important, and that there is a real opportunity for us to make a contribution there. We have the opportunity to meet representatives from other regions and small nations in Europe, and we can compare what is happening in Wales with what is happening in their countries, and have that debate, which is exceptionally important.

Also, through our representation on the Committee of the Regions, we have an opportunity to prepare reports of opinions. I have already submitted two of these opinions. As is clear from my presence here today, I am currently preparing another opinion on fisheries and aquaculture—I understand that 'dyframaethu' is the Welsh term for aquaculture. Although Mick has only just started on the Committee of the Regions, I understand that he has already been given an opinion to prepare.

As regards the previous opinions, perhaps this is the best way of showing the effectiveness of the process most clearly. I have submitted two opinions: one was on the synergies between the European budget and the member-state budget on a sub-state level. What that allowed us to do was to look at the European Union's intentions in presenting funds and to see whether the projects and programmes on the ground reflected that and made the kind of difference that the European Union was looking for in transforming communities, rejuvenating the economy and creating work and new opportunities in areas that are not performing effectively economically. Then I presented an opinion on the synergies between private and public partnerships. I had the opportunity, a fortnight ago, to attend the partnerships forum, which is held in Wales, to look at projects under the European structural funds specifically. I had the opportunity to share with the forum the experience of having discussions with the European Investment

trafodaethau â'r Banc Buddsoddi Ewropeaidd yn Lwcsembwrg a sôn am y cyfleoedd sydd ar gael ar gyfer buddsoddiad o'r banc arbennig hwnnw yng Nghymru. Mae'n fath gwahanol o fuddsoddiad. Heblaw am y cyfle i lunio'r adroddiad, ni fyddwn wedi cael cwrdd â 10 o uchel swyddogion y Banc Buddsoddi Ewropeaidd yn Lwcsembwrg a meithrin y berthynas honno. Un o'r pethau yr awgrymais fel posibilrwydd i'r fforwm partneriaethau hon yw y byddai'n fuddiol i'r Banc Buddsoddi Ewropeaidd gynnal cyfarfod cyhoeddus ar gampws newydd Prifysgol Abertawe, sydd wedi cael ei ariannu gan y banc hwnnw, er mwyn i bobl o Gymru gwrdd â swyddogion y banc a gweld beth gall y banc ei wneud i'w cynorthwyo. Mae gwaith Gregg yn hyn i gyd yn allweddol. Fi sy'n siarad ac ef sy'n gwneud y gwaith caled o ran y math o ymchwil sydd angen ei wneud.

[130] **Yr Arglwydd Elis-Thomas:** Sgersli belief.

[131] **Rhodri Glyn Thomas:** Ef sy'n paratoi'r adroddiad. Gwnaeth hynny'n flaenorol i Chris Chapman pan oedd hi'n paratoi dau adroddiad. Felly, credaf ein bod yn ffodus iawn o bresenoldeb Gregg yn Nhŷ Cymru ym Mrwsel ac o'r berthynas gyda chynrychiolwyr y Llywodraeth yno. Daeth y swyddog sy'n gyfrifol am bresenoldeb y Llywodraeth ym Mrwsel gyda ni i Lwcsembwrg i gwrdd â'r Banc Buddsoddi Ewropeaidd. Felly, mae'r cysylltiadau hynny'n bwysig hefyd.

[132] **Lord Elis-Thomas:** Antoinette is first, then I will call on Mick.

[133] **Antoinette Sandbach:** I am probably going to ask you a very unfair question, Rhodri. So, I will preface it. This week there was a significant judgment about the allocation of unused quota from the UK quota system going to the under 10m fleet. Of course, most of the Welsh fleet is an under 10m fleet. There was a significant judgment in the High Court, which was reported this week, that has upheld the stance that unused quotas should be reallocated to the under 10m fleet, which it seems to me has significant consequences both for Wales and, perhaps, for other regions. I wonder whether you would be prepared to look at that, and, perhaps, share that in your report—looking at how the smaller scale fleet can be supported in a more sustainable way and how Governments might be able to achieve that by using this type of mechanism.

[134] **Rhodri Glyn Thomas:** I am certainly happy to look at that, because, obviously, I am coming at this opinion from the perspective of Wales. I certainly want to argue the case of the smaller fleets. That will probably get us into a bit of a confrontation with representatives from other countries such as Spain and Belgium, where they have large fleets. The important thing, I think, is to try to get a sustainable fisheries policy. That might mean that they will have to

Bank in Luxembourg and to talk about the opportunities available for investment from that particular bank in Wales. It is a different kind of investment. If I had not had the opportunity to write that opinion, I would not have had the opportunity to meet with 10 senior officials from the European Investment Bank in Luxembourg and develop that relationship. One of the things that I suggested as a possibility to the partnerships forum is that it would be beneficial for the European Investment Bank to arrange a public meeting on Swansea University's new campus, which has been funded by that bank, so that people from Wales could meet with bank officials and see what the bank can do to assist them. Gregg's work in this is key. I talk and he does the hard work in terms of the kind of research that is needed.

Lord Elis-Thomas: I can scarcely believe that.

Rhodri Glyn Thomas: He prepares the opinion. He did that previously for Chris Chapman when she also prepared two opinions. Therefore, I think that we are very fortunate in having Gregg's presence at Tŷ Cymru in Brussels and also in having the relationship with Government representatives there. The official responsible for the Government's presence in Brussels came with us to Luxembourg to meet the European Investment Bank. So, those links are also important.

look at diversification and other things. That will all be part of the opinion. Basically, it is a very small amount of money that goes into fisheries in Wales, so we are looking at how that can be used most effectively. Yes, that will mean, perhaps, making points that will favour smaller fleets rather than the larger fleets.

[135] **Antoinette Sandbach:** May I highlight one other thing that came out of that judgment? There seems to be the creation of a kind of superboat at 9.5m to 10m, which may get round the under 10m—. Those superboats of 9.5m may fish in a way that is not sustainable. I wonder, again, whether that might be something on which you would try to gather more information and take some evidence.

[136] **Rhodri Glyn Thomas:** All that we can do with an opinion is to raise certain points. We cannot go into great detail, but, certainly, the impact of the environment will be part of the opinion. In the past, certainly, European money has been used to buy bigger boats with larger engines so that they can travel further to fish, and the size of the catch is increased. That obviously has an effect on the fisheries themselves, and also on the wider environment.

[137] **Mick Antoniw:** I really just want to make a couple of comments around the work that Rhodri does, and Christine did before, because it is quite a learning curve for me. I am very grateful for the advice on how the system operates, because one of the key things is obviously getting to understand the terminology and the nature of the Committee of the Regions. However, what is very clear to me—I know it says that I have been on it since April, but I think that I was notified in June—is that, the way in which Europe works, this is a tremendous opportunity to actually influence decisions that are being taken. If it is done right, it is also a way of forming alliances and relationships with other states, regions and countries, some of which are quite powerful institutions in their own right. That is an opportunity that is important to Wales. I think that it is also important to Europe that that happens. What is interesting, of course, is that a lot of the agenda that I am starting to become aware of is very similar to some of the agenda that is developing within the Assembly: the issues of sustainability, the whole approach to environment, the whole approach to some decentralisation and regional economic development, and Smart Cities. There is absolutely a fascinating agenda there, and I think that it is one that we perhaps ignore at our peril. With regard to the work that you have been doing, Rhodri, for example, I think it is very clear that it does influence. It influences that process, because it seems that, in Europe, it is not so much a decision-making process as a sort of nuanced hegemony, is it not, that takes place over quite a period of time, and it is about looking for those particular levers. That is perhaps one lesson that I have learned in the first month or so. I think that meetings like this in committee about the work that is happening there are incredibly invaluable, because we get an input that we do not necessarily get from some of the evidence sessions that we have had. I suppose that my question to you on that is: do you agree and do you think that that is something that needs to develop across the committees and policy levels of the Assembly?

[138] **Rhodri Glyn Thomas:** Yes, I think that it is very important. I had the opportunity, with regard to the previous opinions, to appear before the Finance Committee, chaired by Jocelyn Davies. The point that you make about connections within the Committee of the Regions is very important. When we were doing the opinions on the budget, we had a three quarters of an hour meeting with Commissioner Lewandowski at a time when he was in charge of the budget process, and yet he gave us three quarters of an hour to discuss the opinions. This time, we have had meetings with the Directorate-General for Maritime Affairs and Fisheries, which is headed by Lowri Evans from Wales, who is very well respected within Europe.

[139] **Lord Elis-Thomas:** [*Inaudible.*]

[140] **Rhodri Glyn Thomas:** I take your point, Chair. There are also those connections that

can be made at a very high level. However, I think that it is very important, as you say, that committees in the Assembly look for opportunities to look at what is happening within Europe and the European Union generally, and make sure that we feed into that process.

[141] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr. Mae Llyr nesaf, ac yna Julie James.

Lord Elis-Thomas: Thank you. Llyr is next, and then Julie James.

[142] **Llyr Huws Gruffydd:** Fel rhan o'r adolygiad o'r fframwaith rheoleiddio, rwy'n tybio y bydd nifer o ystyriaethau canolog yn rhan o'r broses. Un peth sy'n cael ei gysylltu'n aml iawn â threfniadau fel hyn yw'r gwaith biwrocraidd sy'n dod yn sgîl derbyn cefnogaeth gan y wladwriaeth. Yn aml iawn, rhaid i unrhyw fusnes neu unrhyw un sy'n derbyn cefnogaeth daro cydbwysedd: a yw'r swm rydych chi'n ei gael mewn cefnogaeth yn werth y gwaith biwrocraidd sy'n dod yn ei sgîl? Ydych chi wedi cael unrhyw dystiolaeth am hynny? Oes gennych chi unrhyw deimladau cryf am y cydbwysedd hwnnw?

Llyr Huws Gruffydd: As part of the review of the regulatory framework, I presume that many central considerations will be part of the process. One thing that is linked to arrangements of this sort is the bureaucracy that comes with receiving state aid. Very often, any business or anyone who receives aid must strike a balance: is the amount that you receive worth the bureaucratic burden that comes in the wake of that aid? Have you had any evidence about that? Do you have any strong feelings about that balance?

[143] **Rhodri Glyn Thomas:** Mae hynny bob amser yn broblem gydag unrhyw fath o gyllid Ewropeaidd, ond yn y maes hwn, mae'r symiau o arian rydym ni'n sôn amdanynt mewn gwirionedd mor fach, sy'n golygu nad yw'r gwaith biwrocraidd mor fawr â phe baem yn delio â symiau mwy o arian. Fodd bynnag, mae hwnnw'n un o'r cwestiynau rydym wedi ei ofyn pan gawsom gyfarfod o randdeiliaid ym Mrwsel wythnos diwethaf. Gofynnem nifer o gwestiynau, yn cynnwys 'Pa mor bwysig yw'r sector hwn i'ch gwlad neu eich rhanbarth chi?', 'Beth yw'r problemau ymarferol rydych chi'n eu hwynebu?' a 'Beth ellir ei wneud er mwyn sicrhau bod yr arian hwn yn cael ei ddefnyddio mewn ffordd fwy effeithiol a gwell?' Er enghraifft, yng Nghymru, byddai'n ddiddorol gweld beth fyddai'r potensial ynghylch datblygu system brosesu a gwerthu ar y tir, i fynd ochr yn ochr â'r diwydiant pysgota. Ar hyn o bryd, os nad ydych yn gwerthu oddi ar y llong, rhaid i chi werthu drwy rywun arall, ac mae hynny'n broblem. A oes modd cael gwerth ychwanegol drwy ddatblygu system brosesu a fyddai'n mynd ochr yn ochr â'r diwydiant pysgota? A ellid cael arian cyfatebol o gyfeiriadau eraill?

Rhodri Glyn Thomas: That is a perennial problem with any kind of European funding, but in this field, the sums of money that we are talking about are, in fact, so small, which means that the bureaucratic burden is not as large as if we were dealing with larger sums of money. However, that is one of the questions that we asked when we had a meeting of stakeholders in Brussels last week. At that meeting, we asked a number of questions, including 'How important is this sector to your country or region?', 'What are the practical problems you face?' and 'What can be done to ensure that this funding is used in a more effective and better way?' For example, in Wales, it would be interesting to see what the potential might be of developing a processing and selling system on the land, in parallel with the fishing industry. At present, unless you can sell off the ship, you have to sell through someone else, and that is a problem. Is it possible to have added value by developing a processing system that would go hand in hand with the fishing industry? Could match funding be sought from other areas?

[144] **Llyr Huws Gruffydd:** Diolch am yr ateb hwnnw. Mae fy nghwestiwn arall

Llyr Huws Gruffydd: Thank you for that answer. My other question concerns the issue

ynghylch y rhicyn o €30,000 dros dair blynedd pan mae'n dod i de minimis. Ydych chi wedi gweld unrhyw dystiolaeth bod y rhicyn yn dderbyniol fel y mae, neu a ydych chi'n teimlo bod galw i'w godi neu ei ostwng, oherwydd, yn amlwg, rydym eisiau gweld maes chwarae cytbwys ar draws yr Undeb Ewropeaidd? Fodd bynnag, mae perygl, pan fyddwn yn sôn am brosiectau mwy, nad yw'r symiau hynny'n ddigon.

of €30,000 over three years in terms of de minimis. Have you had any evidence that that is acceptable as it is, or do you feel that there is a call for it to be increased or decreased, because, obviously, we want to see a level playing field across the European Union? However, there is a danger, when we talk about larger projects, that these sums are not enough.

[145] **Rhodri Glyn Thomas:** Mae'r dystiolaeth rydym wedi ei derbyn yn dweud nad yw hi'n debygol y bydd hynny'n newid o gwbl. Nid ydym wedi derbyn llawer o gwynion am hynny. Rydym wedi bod yn trafod gyda'r swyddogion yn y Comisiwn yn y Gyfarwyddiaeth Gyffredinol ar gyfer Cystadleuaeth ynghylch os ydym yn galw ar bobl sydd yn y diwydiant pysgota i edrych ar gyfleoedd i arallgyfeirio, a ydynt wedyn yn gallu cael mynediad at arian o gyllidebau eraill, o botiau eraill o arian. Yr ateb a gawsom oedd hyn: cyn belled â bod y prosiectau'n glir ac ar wahân, nid oes problem â hynny. Fodd bynnag, mae problem o ran ariannu dwbl, os ydych chi'n ceisio rhoi yr arian i gyd i mewn i un prosiect.

Rhodri Glyn Thomas: The evidence that we have received is that it is not likely that that will change at all. We have not received many complaints about it. We have been in discussions with officials at the Commission in the Directorate-General for Competition regarding if we call on people in the fishing industry to look at diversification possibilities, would they, therefore, be eligible for funding from other pots of money. The answer we received was that, as long as the projects were clear and separate, there is no problem with that. However, there is a problem from the point of view of double funding, if you are trying to put all the money into one project.

[146] **Julie James:** I am interested in some of the possibilities for the block exemptions spending that you have set out, and being a bit of an anorak about state aid, I have had some dealings with it over the years. In your opinion, will you be able to have a look at whether we can use some of the moneys in the convergence areas from the convergence funding as part of that? Gregg knows that I go on about this all of the time, which is why he is smiling, but it seems completely bonkers to me that the European Union gives us money for convergence funding and then applies its procurement rules, so that you cannot favour local firms because it distorts the market. That seems an unintended consequence of two directives acting together. Is it possible to mention whether, as part of this state-aid-block-exemption funding, we could use some of the convergence funding that is being given to west Wales, and everywhere but east Wales, in fact, to assist with some of the schemes that we have already talked about, and the processing and all the rest of it?

[147] On top of that, there are two other things that I have come across with the very small fishing fleets in my area, which is the development of some local markets for local fish—fish that are not quota fish, and which are not popular in Britain. Most British people eat four types of fish that are not even caught around our shores, which is ironic. So, it is about the help to develop markets locally for those fish, and that would include this processing that we are talking about. Secondly, is there help for developing some of the aquacultures around those local fish—mussels, cockles and that sort of stuff—for which generating a bigger market would help, so that there would be a circle of virtue around helping people to want to eat more of them, which would mean producing more of them? That was inarticulately expressed, but you can see where I was trying to go with that—basically to stop people eating cod and tuna all the time.

11.00 a.m.

[148] **Rhodri Glyn Thomas:** Yes, and, certainly, these are exactly the kinds of points that we can raise within an opinion, without going into great detail about them. We can raise these issues as, potentially, issues that would help the position of the fishing fleet in Wales, but also in other regions and countries within Europe that have fairly small fleets. Looking at convergence, yes, the procurement rules can be prohibitive, at times, and, again, we can raise that issue as something that should be looked into further.

[149] **Joyce Watson:** I support Antoinette on looking at the unused quota and the advantages to Wales, because, principally, we have got small fleets. I am concerned—and I am pleased that she has put this on the table—about the superboat that is just short of being a superboat and how we deal with that. As somebody who, virtually, covers the whole coastline of Wales—that is certainly how it feels—I know that the interest in this would be enormous in Wales. The sustainability of the fishing industry is much watched and wanted by those people who are trying to make a living out of it. I am really pleased that you are taking this work forward in that respect.

[150] I wanted to explore the idea of diversification further, because there is one way—you can either call it diversification or adding value to what you have got. Very often, what we do in Wales, it seems, is extract the fish from the sea and move it on en bloc—I should know, I live not far from Milford Haven—but we do not seem to add any value. There was a time when we used to. We used to do that in New Quay and in Milford Haven. We used to can the fish and make much more money out of them, because they were a much more valuable product as a consequence. So, what I am really asking, I suppose—it has taken me a long time to do it—is whether, in your discussions, you have explored adding value. There is more than one way: Julie talked about market stalls and other people talk about adding premium fish beyond tuna and cod, but there are other ways in terms of processing. Have those discussions come out in any of the discussions that you have had?

[151] **Rhodri Glyn Thomas:** Yes, we have certainly highlighted the issues of both diversification and adding value as, potentially, areas that, from our experience, could be developed in Wales, but that is also true of other regions and countries within Europe. One of the things that have come up is that the rules sometimes prohibit that. For example, in discussions that we have had with officials here, one of the ideas that were raised was that, as well as fishing, the owners of boats could take people on trips around the coastline on their boats. However, the rules would not allow them to get financial support for that, because the rules prohibit putting money into what is a fishing boat that is getting support for doing that. So, there are things that need to be addressed there as well. However, we certainly will be highlighting those issues and drawing attention to them, so, hopefully, there will be further discussion, both here in Wales and in the Committee of the Regions, on that.

[152] **Joyce Watson:** It would be really great, would it not, to have a Welsh fish mark? We have some wonderful meat and it is a highly prized, value-added product—Welsh lamb, Welsh beef. It would be fantastic to have a Welsh fish mark.

[153] **Rhodri Glyn Thomas:** Generally in Wales, not only in terms of fisheries but also agriculture, we have traditionally been very good at producing, but we have not been very good at adding value. We have, in our area, one of the biggest milk fields in Europe, and yet very little processing happens in Wales. It all gets shipped across the border. So, we have to look at that as a way of developing what we have got, because we cannot really extend the fishing fleet, or the ability of that fleet to catch a lot more fish, and so we have to try to make the most of the catch we have in terms of that fleet.

[154] **Julie James:** Just in terms of that double funding issue—and again, Gregg will be smiling, because I raise this all the time—if we could just emphasise the unintended

consequence of that double funding thing as it applies to fisheries, because that actually applies also to a large number of other European streams of funding. You can see why it does not want to double-fund something, but at the same time, it is actually stopping a valuable project going forward.

[155] **Rhodri Glyn Thomas:** It is fair to say generally that the Commission is looking to become more flexible in these things, but obviously it has to keep the safeguards in as well. We are happy to raise that. It is something that has been part of our discussions already. I am grateful for the suggestions.

[156] **Julie Morgan:** On what Julie and Joyce were saying earlier, every week on a Sunday morning I buy fresh mackerel on the market, and sometimes it comes from the Welsh coast, and sometimes it does not. Following up particularly on what Julie was saying about encouraging the eating of local fish—I do not know how widely it is eaten—you say that you are able to raise those issues. What can you do beyond raising them? Is there any more you can do in your role?

[157] **Rhodri Glyn Thomas:** We can follow it through, obviously, and once the opinion has been adopted—it is going back to the natural resources commission on 1 October, and then it will hopefully be adopted by the plenary at the end of November—what you need to do is to follow up on those issues. If I go back to the previous opinions that were adopted, for example, with the one on synergies between budgets, we were able there to have the meeting with the commissioner, and one of the reasons he wanted the meeting was that he wanted me to make sure that Wales's voice was heard. He realised that we had a very different view in terms of the budgeting needs of the European Union, and I was able to bring those messages back to the First Minister and other Ministers, and Wales did make its voice heard, very clearly. So, you can follow up in that way once you have it adopted. It is then a matter for us to have the internal discussion in Wales as to how we can diversify and add value, and find practical ways of promoting that.

[158] **Lord Elis-Thomas:** Antoinette, you have one more question—please make it brief.

[159] **Antoinette Sandbach:** I wanted to give an example from north Wales. As I know Dafydd knows well, we have fantastic mussel producers in north Wales, and their mussels have to be loaded on to a lorry and driven over to Holland, where they are then treated, to then come back into the UK market. That is a very good example of the lack of sustainability in terms of food miles and travel.

[160] **Lord Elis-Thomas:** That has changed since last Friday.

[161] **Antoinette Sandbach:** Has it? I am glad to hear that. I was more informed on the legal front than I am on the mussel front, clearly. It is the kind of example of how having local processing facilities—and I am told that there is not a demand for those products in Wales, and I do not agree with that. I think there is a lot of demand. People do not realise that it is being produced on their doorstep and being exported. If they were aware of how local, fresh and seasonal it was, and it was easy to get hold of, I think that people absolutely would buy that produce in droves, and anything that we can do to support and encourage that kind of facility here would be of huge benefit to our local fishermen.

[162] **Yr Arglwydd Elis-Thomas:** 'Ie' **Lord Elis-Thomas:** The answer is 'yes'.
yw'r ateb.

[163] **Antoinette Sandbach:** Yes.

[164] **Yr Arglwydd Elis-Thomas:** Rhaid i **Lord Elis-Thomas:** We must move on

ni fwrw ymlaen oherwydd mae'r hanner awr ar ben ac mae gennym gynhadledd fideo gyda Brwsel. Dau bwynt yn sydyn: yn gyntaf, pwysigrwydd dyframaeth, a diolch yn fawr i Antoinette am ganolbwyntio arno—mae ganddo botensial enfawr ac rwy'n gwybod dy fod yn ymwybodol o hynny. Yn ail y mae cwestiwn cydleoli datblygiadau morol—hynny yw, datblygiadau sy'n ymwneud â physgodfeydd a datblygiadau ynni adnewyddadwy. Rwy'n credu bod eisiau inni edrych yn fanylach ar hynny, ac ar y modd o gyd-ddefnyddio cyllid er mwyn hyrwyddo datblygu pysgodfeydd heb danseilio potensial defnydd arall o'n hamgylchedd morol. Diolch yn fawr iawn.

because our half-hour is up and we have a video-conference with Brussels. Two quick points: first, the importance of aquaculture, and thank you very much, Antoinette, for concentrating on that—it has huge potential and I know that you are aware of that. Secondly, there is the question of the co-location of marine developments—that is, developments that are to do with fisheries and developments that are concerned with renewable energy. I think that we need to look in greater detail at that, and at how we can use funding jointly in order to develop fisheries without undermining the potential for an alternative use of the marine environment. Thank you very much.

[165] **Rhodri Glyn Thomas:** Croeso.

Rhodri Glyn Thomas: You are welcome.

*Gohiriwyd y cyfarfod rhwng 11.11 a.m. a 11.15 a.m.
The meeting adjourned between 11.11 a.m. and 11.15 a.m.*

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod ar gyfer Eitem 5
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from
the Meeting for Item 5**

[166] **Yr Arglwydd Elis-Thomas:** Lord Elis-Thomas: I move that
Cynigiad fod

y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog Rhif 17.42. *the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42.*

[167] Gwelaf fod y pwyllgor yn gytûn. I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.15 a.m.
The public part of the meeting ended at 11.15 a.m.*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 1.33 p.m.
The committee reconvened in public at 1.33 p.m.*

**Deddfwriaeth Rheoli Cŵn—Trafodaeth Bwrdd Crwn
Control of Dogs Legislation—Round-Table Discussion**

[168] **Lord Elis-Thomas:** Prynawn da. I will be welcoming you in Welsh, partly because I cannot welcome Gareth in any other language.

[169] Mae'n bleser gennyf eich croesawu chi i'r drafodaeth hon y prynawn yma. Mae gan y pwyllgor gyfrifoldeb arbennig nid yn particular responsibility not only for the

unig am yr amgylchedd a chynaliadwyedd, ond hefyd am les anifeiliaid. Rydym yn falch iawn eich bod chi wedi cytuno i gymryd rhan yn y drafodaeth hon o gwmpas y bwrdd ynglŷn â'r camau polisi a deddfwriaethol y mae modd inni eu cymryd yng Nghymru ar y mater hwn ac ar reolaeth a lles cŵn, eu perchnogion a'r cyhoedd yn arbennig. Caiff pawb gyfrannu fel yr ydych yn dymuno ar y cwestiwn cyntaf hwn. Beth yw eich barn chi am benderfyniad y Gweinidog yn Llywodraeth Cymru sydd â chyfrifoldeb yn y maes hwn—y Gweinidog Cyfoeth Naturiol a Bwyd—i atal gwaith ar Fil Cymreig o blaid datblygu deddfwriaeth ar sail Cymru a Lloegr, drwy gyd-ddeddfu gyda Senedd y Deyrnas Unedig?

environment and sustainability, but for animal welfare. We are very pleased that you have agreed to take part in this round-table discussion on the policy and legislative steps that we can take in Wales on this matter, and in relation to the control and welfare of dogs, their owners and the public. Everyone will have the opportunity to contribute as they wish on the first question. What are your views regarding the decision of the Welsh Government Minister with responsibility for this area—the Minister for Natural Resources and Food—to suspend work on a Welsh Bill in favour of taking forward legislation on an England and Wales basis, through joint legislation with the UK Parliament?

[170] Would you like to start on that one, Gavin?

[171] **Mr Grant:** May I say that it is a pleasure to be with you this afternoon? I had the privilege, with several colleagues at this table, of giving evidence to the United Kingdom Parliament's Environment, Food and Rural Affairs Select Committee, and, indeed, of giving evidence to the Bill committee that is currently considering the legislation at the Westminster Parliament. Let me say, as chief executive of the RSPCA, our responsibility is for England and Wales. I had the pleasure in the restructure of the RSPCA of designating, for the first time in the society's history, a director for Wales, recognising Wales as it is indeed a nation in its own right. Therefore, I appear before you and recognise the status of this committee in exactly the same way as the committees that exist as both a select committee and a Bill committee at Westminster.

[172] **Lord Elis-Thomas:** That was very well said, if I may say so; thank you.

[173] **Mr Grant:** To answer your specific question, I am afraid that it is a matter of rather deep disappointment to the RSPCA. We believe that successive Welsh Governments, and the work of this Assembly and its Members, have shown the way forward on a number of animal welfare matters and it has been my pleasure to prompt counterparts at Whitehall and Westminster to follow some of the examples of Wales. I had hoped to be able to prompt them on this particular matter. So, it is a matter of disappointment, and if I may say so, for perhaps a series of specific reasons.

[174] First, it was apparent to me when appearing before the Bill committee that Members of Parliament from all sides of the House recognised that the current Bill does not particularly focus on matters relating to dog welfare at all, or indeed, to dogs. It is a very broad Bill, and your own Bill here would have focused specifically on dogs. It is clear to me that there are members of the current Bill committee in the United Kingdom Parliament who are deliberating as to whether it might be better if the current legislation before Parliament in Westminster did not have anything relating to dogs in it at all, and that the way forward might be—this view is shared by some of the organisations at this table—a comprehensive Bill that deals with all matters relating to dogs. This Bill would have done that.

[175] Secondly, in the current legislation of the United Kingdom Parliament, there is very little that looks at a preventative approach. If I may gently remind you, we are the Royal Society for the Prevention of Cruelty to Animals and we believe that there is an enormous amount that can be done to prevent dog attacks on both people and other animals and, indeed,

on irresponsible ownership and the cruelty and neglect that result from such ignorance. Again, the Bill, as we understood it to be moving forward, placed a strong emphasis in that regard, as far as Wales was concerned and would have been an exemplar to the United Kingdom.

[176] I am probably unique in this room in having been present with the then Home Secretary, Mr Baker—now Lord Baker—when the Dangerous Dogs Act was being drafted in 1991, during my previous service with the RSPCA. Therefore, I suppose that, in part, I take some responsibility for one of the worst pieces of legislation that has been drafted in many a long year in this country. However, I said to the Home Secretary at the time that the attempts to prevent the importation of such animals into the United Kingdom—because that was the main thrust of the legislation—were very welcome to all, but that it would do little or nothing to correct the problems of irresponsible dog ownership and the use of some of these animals by criminal elements, with the results of the implications on people and other creatures. As a male, I quite often like to be proved right and I deeply regret having been proved right on this particular occasion.

[177] Your Bill, if the Government here moves forward with it, does have that specific dog framework. It would give a reference for the preventative actions that should be taken, which the United Kingdom Bill simply does not. In particular, there would be dog control notices and the United Kingdom Bill approach is a rather more draconian one than that. We have seen great success with dog control notices through local authorities. Indeed, through the advisory notices that the RSPCA issues, we find that there is more than 90% compliance with our notices, which have no statutory enforcement. In many ways, I have an anxiety that the United Kingdom Government's proposals may end up inappropriately criminalising dog owners in a matter that I presume is not the Government's intent.

[178] Finally, we have deep concerns about the approach that the United Kingdom Government is taking, as to those who are going to make judgments upon these animals. We work very closely with the police force and others to ensure that people are trained and knowledgeable on matters relating to dogs. The proposed United Kingdom legislation will not require a court to take account of that; it will advise it to take account of the previous behaviours of the owner and the animal, for example.

[179] So, for all of those reasons, particularly for the leadership that this would have allowed the National Assembly for Wales and the Government of Wales to demonstrate on this matter, as it has on many other matters, we regret the fact that this Bill does not appear to be going forward, and that the intent appears to be to follow a piece of legislation that has a number of substantial inadequacies and dangers inherent within it.

[180] **Yr Arglwydd Elis-Thomas:** A oes rhywun arall am gyfrannu? **Lord Elis-Thomas:** Does anyone else wish to contribute?

[181] **Mr Pritchard:** Rydym wedi bod yn gwneud y gwaith hwn ers nifer o flynyddoedd. Yr hyn roeddem yn ei geisio, ynghyd â'r RSPCA, oedd un Ddeddf gynhwysfawr, er mwyn dod â'r Deddfau i gyd, o 1871 ymlaen, at ei gilydd mewn un Ddeddf. Dyna oeddem yn ei geisio pan wnaethom ddechrau'r drafodaeth hon. Gwnaethom ysgrifennu Bil rheoli cŵn gyda'r RSPCA, a rhesom hwnnw o flaen y Llywodraeth. Mae'n glir na fydd hynny'n digwydd gyda'r Llywodraeth yn Llundain. Yn fy marn i, rwy'n meddwl bod cryfderau **Mr Pritchard:** We have been undertaking this work for a number of years. What we were seeking, along with the RSPCA, was a comprehensive piece of legislation to consolidate all pieces of legislation from 1871 onwards together in one Act. That is what we were seeking when we started this discussion. We wrote a dog control Bill along with the RSPCA, which we presented to the Government. It is obvious that that will not be taken forward by the Government in London. In my view, there are strengths inherent in the piece of legislation that Wales

yn y Bil roedd Cymru am ei gyflwyno. Rydym eisiau rhywbeth i arbed yr achosion hyn. Mae 16 o bobl wedi marw mewn achosion yn ymwneud â chŵn ers 2005. Roedd naw o'r rheini yn blant ifanc iawn. Felly, yn wahanol i Mr Grant, sy'n edrych ar faterion yn ymwneud ag anifeiliaid, rwyf yn trio diogelu'r cyhoedd.

[182] Dyna yw fy mwriad i yma ar ran heddluoedd Cymru a Lloegr. Rydym eisiau strwythur clir i atal y digwyddiadau hyn ac er mwyn ymwneud â hwy yn sydyn, yn lleol ac y tu allan i'r system llysoedd os yn bosibl. Rydym yn gwybod bod pethau fel *dog control notices* yn gweithio yn llwyddiannus o dan yr *Animal Welfare Act 2006*. Mae nifer o bobl sydd eisiau edrych ar ôl cŵn, ac mae poblogaeth enfawr yn derbyn cyngor a hyfforddiant.

[183] Felly, rydym yn cefnogi cael strwythur o atal y digwyddiadau hyn. Rydym wedi bod yn y Swyddfa Gartref, DEFRA a nifer o bwyllgorau, ac rydym wedi cael strwythur gwahanol gan y Llywodraeth yn Llundain. Fodd bynnag, nid yw plismona na'r llysoedd wedi eu datganoli, ac rwy'n rhagweld y bydd ein gwaith ni yn yr achosion difrifol yn mynd yn ôl i'r llysoedd. Felly, byddai'n well gennyf i gael rhywbeth cryf ar draws Cymru a Lloegr, gan fy mod yn siarad ar ran y 43 o heddluoedd. Fodd bynnag, roedd cryfderau mawr i'r hyn a oedd yn yr arfaeth yng Nghymru.

[184] Rydym yn ceisio, o fewn y strwythur newydd sy'n dod o Lundain—rwyf wedi bod ym mhob pwyllgor y bu Mr Grant ynddynt—edrych ar sut y gallwn gryfhau agweddau fel yr *anti-social behaviour Bill*, a gweld sut y byddai'r canllawiau y tu ôl i'r ddeddfwriaeth yn gweithio i ddelio efo cŵn. Y trwbwl efo'r Bil ymddygiad gwrthgymdeithasol yw ei fod mor eang ac yn trio delio efo pob math o achos. Rydym ni'n trio cael strwythur clir i atal y digwyddiadau difrifol hyn, ond gan gadw llawer ohonynt y tu allan i'r llysoedd. Felly, mae cryfderau i'r hyn yr oedd Cymru yn ei gyflwyno, ond mae'n rhaid i ni ddelio ag, a thrio gweithredu, yr hyn sy'n dod o Lundain yn llwyddiannus ar draws Cymru a Lloegr.

was proposing. We want something that will prevent these cases. Sixteen people have been killed in cases related to dog attacks since 2005, nine of whom were very young children. So, unlike Mr Grant, who is looking at animal welfare-related matters, I am looking at public safety.

That is my intention here on behalf of England and Wales police forces. We want a clear structure to prevent these incidents and to deal with them quickly, on a local level and outside the court system if possible. We know that things such as dog control notices under the Animal Welfare Act 2006 are successful. There are so many people out there who do want to care properly for their dogs, and a huge population takes advice and is willing to undergo training.

We therefore support a structure of prevention. We have been to the Home Office, DEFRA and a number of committees, and we have seen a different structure introduced by the Government in London. However, policing and the criminal justice system are not devolved, and I anticipate that our work in the most serious cases going back to the court system. Therefore, I would prefer to have a strong piece of legislation on an England-and-Wales level, as I am speaking on behalf of the 43 police forces. However, there was great merit in what was proposed in Wales.

We are endeavouring, within the new structure emerging from London—I have been to the same committees as Mr Grant has—to look at how we can strengthen aspects such as the anti-social behaviour Bill, and looking at how the guidance underpinning the legislation would work in dealing with dogs. The problem with the anti-social behaviour Bill is that it is so broad and tries to deal with all kinds of cases. We are seeking a clear structure to prevent these serious incidents, but, where possible, by keeping them out of the court system. Therefore, there are strengths in what was proposed in Wales, but we have to try to deal with and implement what is coming from London successfully across England and Wales.

[185] **Yr Arglwydd Elis-Thomas:** Cyn i mi alw ar Antoinette, un o'r problemau sydd gen i efo datblygiadau yn y maes hwn yw, gan ei bod yn debygol y bydd cyd-ddeddfu rhwng Cymru a Lloegr o fewn y Deyrnas Unedig, na fydd modd i ni gael sail gyfreithiol i wneud beth oedd yn y Bil drafft gwreiddiol ar gyfer Cymru, oherwydd na fydd y pwerau o dan y Bil yn rhoi cymhwysedd i Weinidogion Cymru i allu datblygu rheoliadau i gyflwyno cynlluniau a fyddai yn mynd yn fwy i'r cyfeiriad a oedd wedi ei fwriadu yn wreiddiol.

1.45 p.m.

[186] **Mr Pritchard:** Rydym yn deall hynny. Dyna pam mae swyddog sydd yn gweithio i mi wedi ysgrifennu canllawiau i ddelio gydag ymosodiadau gan gŵn o dan y Ddeddf newydd o Lundain. Rydym wedi cael y drafodaeth honno, ac rydym wedi rhannu'r strwythur er mwyn ceisio cael strwythur clir i atal y digwyddiadau hynny. Dyna beth yr ydym ni ei eisiau a dyna beth fyddai'n diogelu'r cyhoedd

Lord Elis-Thomas: Before I call on Antoinette, one of the problems that I have with developments in this area is that because it is likely that there will be joint legislation between England and Wales within the UK, there will not be a means for us to have a legal basis to do what was in the original draft Bill for Wales, because the powers in the Bill will not give Welsh Ministers the competence to develop regulations to bring forward plans that would move more in the direction originally intended.

Mr Pritchard: We understand that. That is why an officer working for me has written guidelines for dealing with attacks by dogs under the new legislation from London. We have had that discussion and we have disseminated a structure so that we do have a clear structure to prevent those incidents. That is what we are seeking and that is what would protect the public.

[187] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr. Antoinette sydd nesaf.

Lord Elis-Thomas: Thank you very much. We now turn to Antoninette.

[188] **Antoinette Sandbach:** I will address this question to both Gareth Pritchard and to Gavin Grant. I must declare an interest because, in my previous role, I both prosecuted and defended under—

[189] **Lord Elis-Thomas:** Sorry, does anybody wish to make an opening remark before—I am sorry, I am trying to chair this in a reasonable way.

[190] **Mr Joyce:** My name is David Joyce. I am the national health and safety officer of the Communication Workers Union. We represent 220,000 communication workers and we, unfortunately, represent the largest group of victims of dog attacks in the UK. So, from that perspective, we are the No. 1 stakeholder from a victim standpoint.

[191] The statistics are quite shocking: 23,000 postal workers have been attacked in the last five years, with two nearly killed. In spite of the efforts that we put in jointly with Royal Mail through different approaches to drive down the numbers, we are still getting attacks in the thousands every year.

[192] We desperately need new legislation and we have been campaigning for that legislation since 2007-08. We have succeeded in achieving new laws in Scotland and Northern Ireland and, of course, we believed that we were well on the way to achieving similar progressive changes in Wales. I have to say that our organisation was desperately unhappy with the Welsh Minister's decision to suspend the Welsh Bill in favour of taking forward dog control legislation via the UK Bill. CWU worked very closely with the Welsh Government in making progress towards the point at which we were about to see a Bill introduced, so it was very disappointing and many of our members employed in Wales signed

a petition to the effect that they were extremely unhappy with that decision.

[193] As far as Westminster is concerned, let us not forget that I had a personal assurance from the current Prime Minister in April 2010 that he would change the legislation, and he gave our organisation his full backing and support. Since then, to be frank, we have had three years of delays and shilly-shallying. Only now have we seen a Bill introduced, which we are not that happy with. We were making good progress, as I say, in Wales. We felt that we would definitely be moving positively in the right direction in Cardiff, as opposed to where we were in Westminster, with flexibility and the right approach to get the right results. Throwing our lot in with Westminster could lead to more delays, we fear, and delays in achieving a new law for our members in Wales at least. So, the opportunity for cleaner, clearer legislation has been, possibly, passed up.

[194] The Dangerous Dogs Act 1991 has not adequately achieved its primary objective of protecting the public from dangerous dogs. There is little doubt that the DDA needs to be repealed and replaced with new, consolidated legislation. You have heard reference made to that on many occasions. The existing dog laws are very confusing; they cause confusion among those who are employed to enforce the legislation.

[195] The Act should not be used in the wrong way. Instead of making further amendments to legislation that has been amended on several occasions, the time was right, we believed, to look at a complete overhaul and consolidation of the legislation. For example, we have the Dogs Act 1871, the Guard Dogs Act 1975, the Dangerous Dogs Act 1989, the Dangerous Dogs Act 1991, the Control of Dogs Order 1992, the Dangerous Dogs Amendment (Act) 1997. Do I need to go on? There are many more than that, and those are just primary examples of what we currently have on the statute book. What is proposed in Westminster is to add to that legislation further. Indeed, the Minister has said that he is not going to end it there. He intends that some further aspects will be dealt with by way of secondary legislation. So, the confusion and complexity do not end with where we currently are.

[196] The main difference in approach between Westminster and Wales is that we have a Christmas tree Bill, as they call it, in Westminster. It covers everything from terrorism to forced marriages and dealing with dangerous dogs. I do not think that that is a solid foundation for dealing with an issue that stands in its own right, bearing in mind the number of victims and what we consider to be an out-of-control problem in the United Kingdom. Dangerous dogs are an out-of-control problem in this country; there is no two ways about it. It is about time that we faced up to that.

[197] This is not about the old-joke approach—we still see cards and adverts showing pictures and caricatures of the postman running down the footpath, chased and being bitten by a dog, with the letters going everywhere. It is still seen as some sort of joke, when, in reality, it is not. I can tell you that the level and nature of the injuries that are suffered by our people are profound. Many of our people are badly injured. As I said, one was nearly killed in Sheffield, while another was nearly killed in Cambridge. The level and nature of those injuries were devastating. Many of our people are not able to return to doing their ordinary jobs as postmen or postwomen as a result of the physical and psychological injuries that they received.

[198] The first thing that has been missed is the opportunity for consolidation. I think that it is now recognised by everyone that we need to extend the law to apply everywhere. Seventy per cent of the 5,000 attacks on our people that occur every year occur on private property, where the owner is not held to account for the injuries that are sustained. In fact, one of our members could get killed on private property and the owner could be completely immune from prosecution; that has happened to members of the public, so it could happen to members of our union, which concerns us greatly. That is how important it is that we deal with this

effectively. If we accept the fact that we need to extend the law to cover private property, so that legitimate visitors to a property are protected in legislation, it would have the appropriate effect on focusing the owners' minds, as opposed to what we have now.

[199] The secondary objective, as far as we are concerned, is to put in place effective preventative measures. The dog control notice is the measure that we have long supported as needing to be introduced. We are not convinced that the Westminster approach using the one-size-fits-all control notice or community protection notice is the right way forward. Let us not forget that that approach is based on legislation that was a failure; it is widely recognised that it did not work. It is a complex myriad of different notices, covering everything from crack houses to brothels and dog control. Again, I do not believe that that is the right way forward. It is difficult and complex to use, it is resource intensive and it is difficult to adjust.

[200] As far as Wales is concerned, if you give up that opportunity to control the way in which you put those notices in place, you are not going to have the opportunity to revisit that particular issue at a later stage and to put it right and adjust it if you think that that needs to be done. A specific dog control notice would be more effective in helping to establish the measure and raise the profile and awareness among the target audience. At the moment, that is not being achieved. We must have legislation in place, both corrective and preventative, that draws and maintains the attention of the target audience—the dog owners. More dog owners are likely to take notice and seek specific information about a specific notice than they are if they are lost in a complex myriad of anti-social behaviour notices that cover all sorts of things. A specific notice will also impress on the enforcers the need to ensure expertise among those people who are going to be charged with the responsibility of enforcing it. If you say it is going to cover anti-social behaviour, then anybody could be responsible for dealing with this wide range of anti-social behaviour issues. We need properly qualified and effective experts who know what they are doing and who are able to issue the notices appropriately with the correct measures contained in them.

[201] We have raised a whole list of questions with central Government. As yet, none of those questions have been answered. I will not go on, because I believe that I have said enough at this stage. However, I am more than happy to go through the issues that we have raised in relation to dog control notices specifically, to which we are not convinced that we have adequate answers at this particular point in time.

[202] **Lord Elis-Thomas:** Thank you very much. I advise you to take your headphones off, in case there is some occasional interference. I believe that Sally Burnell wishes to make an opening statement.

[203] **Ms Burnell:** Thank you very much for inviting the British Veterinary Association to be a part of this discussion. I will keep my comments short because I agree with pretty much everything that has been said before. I am not a veterinary surgeon. The BVA is a UK-wide organisation and we represent 13,500 members. Here in Wales, about 60% of vets are BVA members. We have a Welsh branch, and I am here representing its view. We have worked a lot with charities on these issues, including the guys here today, and with Blue Cross, Dogs Trust and the Kennel Club. Primarily, we wanted a consolidated piece of legislation. We hugely supported the work that had gone into the original draft Bill here. In terms of how that would fit into the dog welfare road map as a whole, we are very supportive of that approach. So, when the announcement came, we were very disappointed, and we issued press statements along those lines.

[204] However, taking a more pragmatic approach, we met with the Minister last week, and we wondered if we could turn this on its head, and if the great work that has been done here could push what is happening in Westminster. So, if we can come up with a solution that is more along the lines of what was proposed in Wales across England and Wales, everyone will

be a winner. So, this is about whether we can find a way to introduce a lot of the elements that came up in the draft. Dog control notices are a key thing for us, in respect of the preventive elements, as is training for the people who are going to be issuing notices. Another element that is missing from the Westminster proposal at the moment is protection for protected animals—dog-on-dog attacks, or attacks on other protected animals. That is completely missing, and it was a direction that Wales was going in and we would like to see it come back in. I spoke to a vet earlier this morning and he told me that, earlier this week, he had a small dog in that had been attacked by a larger dog. It is incredibly harrowing, and vets are seeing that too often. That is all that I will say for the moment.

[205] **Lord Elis-Thomas:** We will have Antoinette Sandbach and then Julie Morgan.

[206] **Antoinette Sandbach:** A common theme in your evidence is that there is a very broad spectrum of behaviour that needs to be treated. At one end, there is what I would classify as very serious criminal behaviour, which leads to serious attacks, causing serious bodily harm and death. That behaviour clearly needs to be dealt with, as you have already identified, through the criminal courts. At the other end, we have the animal welfare issues, which are more around the dog control notices. I was quite interested in your evidence, Mr Grant, that advisory notices from the RSPCA have a 90% compliance rate. While I appreciate that you might want to have a consolidated piece of legislation, that is not happening at the moment. The criminal behaviour is largely being dealt with. I used to prosecute and defend Dangerous Dogs Act cases, so I know how the legislation worked and did not work. One of the concerns was around the private home exemption. Could you comment on why we could not bring through the DCN aspect of this under the animal welfare provisions in Wales, leaving the criminal element of it to the UK Parliament, if it was felt that the UK Parliament did not adequately address the dog control notice aspect of the proposals in Wales? That is my first question.

[207] Secondly, I have grave reservations about the subjectivity of the test that was in the Bill previously, about someone feeling apprehension. I felt that it was a very nebulous test. If you were bitten by a dog as a child, you might naturally be more fearful than someone who has been a dog owner and understands the natural behaviour of the dog. So, if we were to bring forward dog control notices under our own competence, so that it would not deal with the criminal aspect of this but would deal with the animal welfare side of it, how would you modify that test to ensure that it does not become too subjective and that it has the appropriate safeguards to allow the dog to behave naturally in its own environment?

[208] **Mr Pritchard:** Would you like to answer first, Gavin?

2.00 p.m.

[209] **Mr Grant:** Let me thank you, Gareth. I thank you very much for that question and, if I may say so, for that very thoughtful series of reflections. I share your apprehension. The old adage ‘Let sleeping dogs lie’ is there for a reason. I have been a dog owner, mainly of rescue dogs, and during the passage of the 1991 Act my particular rescue dog was a cross Staffordshire bull terrier. At that time, my two eldest children were very young. My then wife was the first Royal Veterinary College graduate to go to serve with the People’s Dispensary of Sick Animals, where she spent her entire career. There is not a way in the world that we would have put such a supposedly dangerous animal into our family home with two young children. However, one taught the children that if the dog was asleep, you did not go up to tweak his nose, pull his tail or grab his ears, because you could not be certain as to what that dog might do when it was awakened. Similarly, we now own a neutered Dalmatian bitch and she, like all Dalmatians, is the subject of fascination for children, because of the *101 Dalmatians* story. I watch with some apprehension, now, the number of children who, even when the parents have checked that she is friendly—which she certainly is—are fearful of

approaching her. I am deeply concerned that we might be moving from a nation of broadly animal loving, responsible dog owning people into one where there is an increasing number of people who are fearful of all dogs for no good reason.

[210] Your point about the subjectivity of the test is one that I made in giving evidence before the Bill committee. With regard to the dog control notices, the essential difference here is that the issuance of those notices is by individuals who know what they are doing. There are many examples in local authorities throughout the United Kingdom, and I cite particularly Eastleigh Borough Council in Hampshire, which has had tremendous success with the issuance of these notices. They are issued by dog wardens who have valid training and experience of understanding the difference in dog behaviour, particularly in public places, parks and shopping centres and so on. Clearly, our own notices are issued by trained RSPCA officers, who similarly understand the differences. With reference to the point made by Mr Joyce eloquently earlier, because of that focus there is a degree of compliance. As you rightly detect, broadly, we have two groups of people. We have owners whose dogs are not behaving appropriately because the owners do not know how to treat the dog. It is not malicious, there is no criminal intent, but they are not responsible in the way that they are acting with those dogs and, as such, they potentially pose a hazard to other animals, as Ms Burnell has said. I echo her comments on that very deeply, not least with regard to Wales with the level of attacks on sheep and other farmed animals, as well as on companion animals and horses and so on. There is an element of people who own those animals for entirely the wrong motivation, either as some sort of very bizarre reflection of their inadequacies—mainly as males—or for criminal purposes. I accept that dog control notices for those who are keeping an animal as a defence for drug dealing are likely to be ineffectual, but there are other elements of the law that can deal with those particular matters.

[211] I believe, Chairman, that if we are to move forward as perhaps has been mooted by the Government here, there is a serious role for this committee and this Assembly to look at exactly these sorts of matters, which could be injected into legislation in Wales, through the devolved powers that you have, and in the way that you can act to prompt serious reflection in the House of Commons and the House of Lords on elements of this Bill. You have an extraordinary opportunity to do that. How this would operate if you had both in Wales might involve a degree of complexity for the law enforcement forces, but I defer to Mr Pritchard in that matter.

[212] **Mr Pritchard:** I have two points to make on that comment. I think that dog control notices would have a high degree of compliance. However, we would want, for the people who do not comply, to step that up and be clear to the courts and the Crown Prosecution Service what the consequences would be for that small minority in taking it forward. There is an issue with dog control notices that has some strength. We need to tie the person to the dog, because of the rapid and frequent transfer of these dangerous dogs between people. So, there has to be a process and clear legislation that if the dog control notice goes, it sticks with the person. We know that these dogs are transferred very frequently.

[213] I have just one final point. Slightly differently to the RSPCA, I want a first tool that deals with this quickly and effectively outside the courts. We have nine dog legislation officers currently in Wales and we have, as supported by the Welsh Government, many hundreds of PCSOs. On the first involvement, when it is not intrusive on the animal—for example, it is 2 p.m. and there is a dog running around outside a school—I would like somebody to put that dog on a lead and for it to behave better. I would like our neighbourhood policing team, our PCSOs, to deal with that, because it would get a high level of compliance. I think that that is supported by education, training courses, charities, dog legislation officers and local authorities. I would like a tool that PCSOs can use to deal with this on the lowest level, without intruding on animal welfare, quickly and effectively. I think that that gives communities reassurance that something is being done today to deal with that

issue.

[214] **Mr Joyce:** May I just add a point on this? The question is: is it right or is it wrong to issue a dog control notice? Where do you draw the line? It would have to be investigated and it would have to be evidence based, obviously. Let us not forget that there is already an offence under the Dangerous Dogs Act 1991 based on apprehension. A dog dangerously out of control does not have to injure someone or bite someone to commit an offence. If it terrorises someone, and it causes fear, fright or flight, an offence has been committed. The enforcing officer would then have to decide whether it should be prosecuted or not and it is an all-or-nothing situation, basically. In effect, very few of those types of situations are prosecuted. If an injury occurs, of course, it is an aggravated offence. So, that possibility, in theory, is already there.

[215] With a dog control notice, of course, what you do then is that you open up the range of added options and, without a prosecution, you actually have a situation where a dog control notice can be issued without the complexities of going to the court, getting a judge's court order and all that expense and rigmarole. An enforcing authority officer can issue a dog control notice, specify a range of control options, and then the owner has the choice to comply with those control options. An offence would not be committed until such time as they had not complied with a dog control notice. Then, of course, you have the other added option to consider, at the lower end. With the minor offences, of course, you could use fixed-penalty notices. So, in fact, what you have is that you are introducing a wider range of options to improve the ability to get compliance and responsible dog ownership in a quicker way, in a cheaper way, in a less-resource-intensive way, utilising what would be, in our view, a far more effective package of solutions, rather than those that you have at present, which are not used, to be quite honest.

[216] **Antoinette Sandbach:** Forgive me for interrupting, but the 1991 Act has been criticised for being a very badly drafted piece of legislation and bad law is no law. I am not saying, 'Don't have the dog control notice', what I am saying is that, under the welfare provisions, we could probably proceed on that element anyway. The concern has been around the number of deaths and attacks on private property, which are completely outside the legislation, and that effectively form criminal acts, whether it is a criminal type of negligence or dogs being used as weapons and specifically being set on people. What I am asking is: do you not accept that, as a matter of criminal law, that does probably need to be on a UK level, in order that people understand what the legislation is and understand the seriousness of the consequences of that level of attack?

[217] Secondly, I was reflecting concerns, because we have heard some evidence before this committee previously around the apprehension idea. It is subjective and that is very hard, particularly when you are dealing with illegitimate cases. I also have a concern about what happens if someone is not lawfully on the premises and whether a householder would then be liable to be sued, for example, if a dog bites someone who is attempting to burgle the property. I know that that sounds stupid, but when you look at what has happened with people being sued for the use of shotguns and the self-defence regulations under criminal law, that is a genuine concern. I would quite like to hear your comments on that.

[218] **Ms Burnell:** On the issue of a dog biting someone, perhaps when the owner is not around, or a trespasser, that is something that we have been concerned about the whole way through, because dogs are dogs. They are very protective, by nature. We have not come up with the solution. We are not particularly skilled in drafting new legislation, but we have raised it consistently with those who are drafting the legislation to say that there need to be safeguards for people who have taken all reasonable steps—perhaps they know that their dog can be a bit rowdy around people that it does not know, so they have signs on the front of their house, or all sorts of things that someone could have put in place to try to reduce the

likelihood of that harm happening so that they are protected by the law if an incident did occur. It is something that we have raised, but I am afraid that I do not have the solution.

[219] **Mr Pritchard:** Clearly, following deaths in private properties, we are delighted to see that provision in clause 98 in the Bill. We have suggested some strengthening of the wording of it. We are concerned about where the householder believes that there is a trespasser. The drug dealer will reasonably believe that it is a trespasser when the police are coming in. Clearly, there are many cases where that happens—we are lawfully on the property, but if it is left as the belief of the householder, that could cause concern. So, we are working on clause 98 and the wording of it.

[220] Just to go back to your earlier point, one of the issues is sentencing and the powers available to the courts. In many cases, when there is a death, the police will conduct a manslaughter investigation, but rarely do we get to prove the evidential test to the Crown Prosecution Service. So, it ends up being a case of dog out of control. The sentencing for that is two years. When you have had so many deaths, from a victim point of view, that seems insufficient. I made that point at Westminster: that Parliament needs to consider the sentence. If we cannot get to manslaughter—and often, we cannot—what is the sanction when someone dies? In my view, two years does not seem sufficient. I asked Parliament to consider that, and I know that one amendment is proposing a life sentence, which I think is probably the other end. However, there is something to consider, in terms of the appropriate sanction.

[221] **Mr Grant:** I think that there is a very broad consensus, actually, among this group at the table, partly because we have all been working together on these matters for so long. I think that your suggestion is a good one and is worthy of further explanation by this committee and Members of this Assembly on dog control notices. I think that we are seeking to avoid cases where individuals who are perfectly responsible owners, who are acting responsibly, but where an action occurs on private property or, indeed, in a public place that is unexpected and unpredictable, somehow become subject to the criminal law as a result of that. One element that we have suggested, for example—and I would be delighted to share this with the committee, as suggested by the RSPCA—is that, within the Bill, there is a proposal that courts may take into account the previous behaviour of the animal and of the owners. We would prefer that to be a mandatory requirement: that they should take that into account. Although I do not like to remove discretion from the judiciary, on this matter, I believe that they should be required to do so. So, in such circumstances, the individuals and the animal will get a better sense of justice. For whatever reason, previous good conduct and behaviour is not reflected upon in the courts. It does seem quite extraordinary that the elements and examples that Mr Joyce and Mr Pritchard have given clearly reflect individuals who are irresponsible owners and, in many cases, have criminal intent. The RSPCA is not going to seek to defend those individuals. We feel desperately sorry for the dogs concerned and what happens to those dogs as a result, which, in some cases, is a rather more vigorous sentence and execution at the end of it, than for the people who have perpetrated that act. Our view very much is that this is the responsibility of the human owners rather than of the animal.

[222] **Mr Joyce:** To add to what my colleagues have said, the Communication Workers Union fully accepts the need for householders to defend themselves against intruders and trespassers with criminal intent in their homes and properties. We fully support that.

2.15 p.m.

[223] However, this obviously must not excuse owners from their duty of care towards legitimate visitors and workers who visit their premises to provide a service. Postal workers visiting, delivering letters or parcels to or into private premises—there is a huge increase in packets and parcel traffic, and it is increasing by the day as a result of e-retail and internet

sales, which means that more of our members now have to deliver a parcel in person. That means that more doors now have to open for the collection of signatures or to hand parcels over. Therefore, we have reached the point now where we can see the risk increasing if we do not bring animals under control and impress upon people that they have to be responsible in respect of keeping their animals under control. So, it is a point that we fully accept. We should not have a situation in which householders face prosecution as a result of their animal biting a criminal. In fact, I have a dog and I would want the dog to bite a criminal, a trespasser or a burglar if they came on to my property. I would actually encourage it. However, that is slightly different to a postal worker delivering a service, which everybody cherishes in this country, to the front door.

[224] May I add that we also share Gareth's view in relation to the shortfalls in sentencing? We have looked carefully at making some comparisons, and one comparison that we have drawn is to section 3ZA(2) of the Road Traffic Act 1988. For a motoring offence of careless driving or driving that falls short of

[225] 'what would be expected of a competent and careful driver',

[226] the maximum sentence is five years. We think that there is a comparison to be made between those two offences: someone who, basically, is careless in respect of how they drive their vehicle and causes injury or death, and somebody who is careless and could not care two hoots about what their dog does when it injures somebody. I think that there is a good case for increasing the maximum sentence, and that is something that we have looked at and that I would put forward.

[227] **Julie Morgan:** I am very pleased that my constituent Dilwar Ali is here today, because I became involved in this area of work after Dilwar's son was very badly bitten. He has campaigned very strongly for better legislation. I just wanted to make that point.

[228] I have been looking through the evidence regarding the Bill, and I also have to echo what people have said about one page being about guns, another forced marriage and then there is a little bit about dogs. So, it is very difficult to see how anything comprehensive will come out of this. From the way that the debate has been going this afternoon so far, it does seem as if you are thinking that we will not be able to get dog control notices into this particular bit of legislation. I would just like to hear your comments about that.

[229] **Mr Pritchard:** I think that, at the scrutiny committee at Westminster, we still felt—I put forward the police's view—that we would still prefer dog control notices. I am a public servant; whatever Parliament dictates, we will work with that, but we are also working with the Home Office. We have drafted guidance on the community protection notices and have drafted a preventative strategy on dog control issues. So, plan A would be dog control notices, but we are meeting again with the Welsh Government and the Home Office to look at the guidance for CPN, because it covers such a wide range. How will this apply to dog control using this legislation and other legislation about public order and other aspects, to give police officers a tool, using appropriate legislation in the appropriate circumstances? However, we still seek dog control notices. We have put that to the Environment, Food and Rural Affairs Committee and the scrutiny committee in Parliament and hope that that has been influencing the debate.

[230] **Mr Grant:** Indeed, the EFRA committee, which, again, many of us gave evidence to—as you will appreciate, it is an all-party group—was clear in its views on this matter, and unanimous in its opinion. I have great regard for and aspiration about the good sense of those who were elected to represent us, in all Parliaments across the lands. I have high hopes that members of the Bill committee—indeed, it was quite clear, I think, although I bow to those who have their own experience of such committees—across the political divide on that

committee between coalition Government and opposition. There were many Members on the Government side who saw the wisdom of this particular approach. Therefore, who knows, as we go through committee stage and report stage in either House, as to whether we will see good sense prevail? I am also very taken—if good sense, for whatever reason, does not prevail—by Antoinette Sandbach’s suggestion as to how you might be able to do something here in Wales and, once again, show the way.

[231] **Mr Joyce:** Very briefly, I agree entirely. What better example could you have than the cross-party EFRA committee, which looked in detail at the legislation, unanimously coming down in favour of dog control notices, only for that to be ignored? That just seems completely irrational to me. I would not like to hazard a guess or bet, but the House of Commons committee will be making its decision on that shortly, and there is a good chance that that committee may also decide that it favours the dog control notice option. I would not be surprised if that was the decision it took. With everybody I speak to across the political divide in Westminster, I have not found one person who has been opposed to it, or has argued in favour of the Government’s position, which I find strange. The campaign coalition of organisations—if you really want to get it right, you ask all the organisations that have an interest. Of course, there are over 40 organisations representing all the trade unions, all the animal welfare charities, the veterinarians, the medical profession and the police, and they are all in favour of dog control notices. It seems crass that the Government wants to go down a road that has no support, for all the very good reasons that we have expounded here today. We live in hope, and we will continue to fight and argue that corner. Hopefully, at the end of the day, we will get the decision that everybody can support, and thinks is right. I just do not think that you should pass up that opportunity here in Wales. You were moving in the right direction, and why you decided to change tack, and go down that road—which is fraught with dangers and difficulties, and an unknown end result—is beyond me. I would hope that you would reconsider your position on that and get back to the good work that you were doing.

[232] **Lord Elis-Thomas:** We have not decided anything. *[Laughter.]*

[233] **Mr Joyce:** I am glad to hear it.

[234] **Lord Elis-Thomas:** The Minister took a decision, and the way that things are going this afternoon, I can see that we will be reporting by letter, or some other form, to the Minister and to the National Assembly the views that have been expressed to us. Julie, have you finished?

[235] **Julie Morgan:** I was going to ask one more very quickly. Community protection notices—are they, in your view, inadequate compared to dog control notices?

[236] **Mr Pritchard:** As it stands at the moment, before you issue a CPN you should have given a written warning. In terms of the situation this afternoon, it is not clear, with the guidance not having been written, how long we should wait after the written notice to give the CPN, and the circumstances of that. I am still looking for early intervention to reassure the community that something is being done about this issue. That is why we are heavily involved in writing the guidance. We are getting to a situation now where we can give written notice, and then five minutes later give a CPN. I am not sure that that is quite right. How are we going to get to that intervention early, to reassure the complainants and the community that this nuisance is being dealt with? There is a lot more to be done on the guidance. We understand DCNs and feel confident around their application, but on CPN, we will continue to work around the guidance.

[237] **William Powell:** Good afternoon. I am particularly pleased, as Julie Morgan said, to see Councillor Dilwar Ali present today. In my role as Chair of the Assembly’s Petitions Committee it was my privilege to receive, with my colleagues, the petition that you brought

forward a few months ago. I am also pleased to meet Dave Joyce again, and hear about a number of his members, with the horrific stories of attack that you referred to today. That is still a live petition, and is something that I am in correspondence on with the Minister and others. We very much value that, and all the effort that you have put into that.

[238] Turning to the issue of control notices, what is your view about the level of knowledge and expertise that is available across Wales to assess individual cases, and also to implement potential control notices? If there is currently an insufficient level of knowledge, what proposals would you have to improve that situation, to make things more enforceable?

[239] **Mr Grant:** If I may start, clearly, there are a number of individuals and organisations with skills and expertise in this regard, including my own inspectorate. There are those involved in local authorities who have specific training; Mr Pritchard has referred to his dog legislation officers. Certainly, I think that there is a framework here in which additional training and guidance can be provided to community support officers of the police, for example. The power that the dog control notices have is that—well, it is almost a cliché, is it not? The clue is in the name, really. One is dealing with a very specific problem. In our experience, in general, the vast majority of people do not want to be considered to be irresponsible dog owners—they do not; their irresponsibility resides in a lack of knowledge and experience, and they would genuinely prefer to do the right thing.

[240] The RSPCA, often working with local authorities—well, in every case, in fact—and with our colleagues in the police, and often with local vets and our sister organisations, such as the Dogs Trust and others, will undertake community action days in areas where we have had high levels of complaints of cruelty to animals and irresponsible ownership, and the vast majority of the people who we see in those communities want to do the right thing, but are unaware of what the right thing is. Now, those who own dogs and have owned dogs for many years may find that difficult to believe, but that is the simple truth of it. Of course, there is an element that is more hard-core than that and has an entirely inappropriate relationship—quasi-criminal and, in some cases, actually criminal—in terms of why they own the dog and what they are seeking to do with that, and that responsibility rests squarely and appropriately within the law, with Mr Pritchard.

[241] I think, because we have this range of organisations that care passionately about this subject, there is a tremendous amount of competency and capability to enable those who may well come into contact with irresponsible owners who have no criminal intent to do something about it. The difficulty that you have in going down the Westminster route is that, as Mr Pritchard has highlighted, this is a statutory approach; these notices have serious legal consequence, and, indeed, the bureaucracy associated with them, and the court implications of them, are major. So, one is going, as Mr Pritchard rightly said, away from something where we want to intervene early to deal with the vast majority of people who do genuinely wish to do the right thing—and I instance the fact that we have found that, with our notices under the Animal Welfare Act 2006, with other local authorities that have gone down this path, nine out of 10 owners comply with what is being asked of them. We are then left with the one in 10, but, candidly, then the other parts of legislation can deal with them.

[242] So, in answer to your question, we stand ready to provide our help and support to public bodies in Wales, to enable a more effective intervention to be made earlier through dog control notices, and, indeed, to continue that good work in that regard if it is available to us.

[243] **Mr Pritchard:** Could I just make one point? I am representing the police force in England and Wales. Clearly, in London, Manchester, West Midlands and Merseyside, you have specific dangerous dog units, and they have a number of staff and skills. The issue for me in Wales is that we have a lot fewer dog legislation officers and, therefore, we do not have as many skills and resources in this area. Working closely with the charities and with the local

authorities, and getting an agreed position, is important. Clearly, we would want to enhance training as part of a dog control notice, for people to go on courses. We would want to deal with community safety partnerships: if there is a problem in a local park, on a local estate, or on a local street, how can we deal with that issue jointly and get everybody involved to deal with that specific community? So, I think it is about flexibility of the resources—they are thinner in Wales, but, by working together, I think that we can achieve what the legislature wants.

[244] **William Powell:** It is interesting that you referred to the level of resource, because, on a number of occasions, I have come across dog wardens in my region of Mid and West Wales, from more than one local authority, who feel fairly isolated and under resourced themselves. Very often, they have a really small team, or are working alone as an individual, and that makes it very difficult for them to bring sufficient service to bear to protect the public and to protect the dogs. Do you think that there would be a case for the dog warden service to be put on a stronger, statutory footing? In recent years, it has been an area where a number of local authorities have felt the need to make reductions because of the wider financial climate, and it seems to have been a relatively easy hit. Do you feel that there is a need for that to be taken more seriously?

2.30 p.m.

[245] **Mr Grant:** Indeed. I had the privilege to address a conference hosted by the RSPCA, to which we invite local authorities—both dog wardens and animal welfare officers—and police officers to come together with us to discuss these matters. My simple answer to your question is ‘yes’, not least because, at our last event last summer, there was considerable concern along exactly the lines that you suggest, namely that that provision—we understand that that is the case with all local authority provision—is under severe pressure, and may, indeed, be subject to further cuts. We are already witnessing, whether they are owned by the local authority or operated by others on behalf of the local authority, that the hours of opening of the dog pounds and so on appear to be much more restricted. We are certainly seeing a larger number of dogs coming in to us, and I know that that is also true of our sister charities across the land—and I would be interested to hear from them. We are seeing a larger number of dogs being abandoned and dumped as a result. Again, I fear that, if we go down too draconian a path with owners who are irresponsible through ignorance, that that will simply get a lot worse.

[246] **Lord Elis-Thomas:** Sarah, do you wish to add anything?

[247] **Ms Brown:** Yes. I am here representing Cardiff Council today. I manage the Cardiff Dogs Home and also the dog warden service. Some people might be surprised to know that, in Cardiff, which is quite a large authority, we have two dog wardens dealing with all of the complaints about stray dogs as well as out-of-control dogs. Although there is a strain on resources, we see this legislation as another tool in our belt, so to speak, which could help to deal with these issues and all of the complaints that we are getting so that we resolve situations before we get more serious incidents. I think I can speak for most local authorities in Wales in saying that we were keen to see this legislation brought forward as it is an additional resource for us all.

[248] **Ms Burnell:** Everything that we want to achieve is reliant on there being a strong dog warden service. Anything that can be done to help to strengthen that is incredibly important. We would fully support that.

[249] **Julie James:** I want to ask a short question, right at the end, about something that came up in the RSPCA’s evidence, although I expect that other people might want to comment on it. I will just make a little personal statement before I start so that people know

where I am coming from. I am a long-term owner of a series of rescue dogs, some of which have exhibited difficult behaviour when first rescued. One thing that irritates me profusely is that people such as me are debarred from public spaces in Wales during certain times of the year, because all dog owners are forbidden to walk their dogs on the beach, for example. I am a proponent of chipping dogs and having a proper DNA register, because I do not think that the majority of people, who are well-behaved, should be penalised because of the poor behaviour of a different section of the population. That is not to say that I do not have every sympathy with what is being said about DCNs and dangerous dogs, and all the rest of it—although I sympathise with the view that the dog is often penalised far more than the owner in question.

[250] I am very worried about this public space protection order thing—which is not to say that a large part of the other legislation does not worry me, but we have covered that ground—because it seems to me that it is often the case that rescue dogs end up having to be rescued because their owners are unable to exercise them. Exercise is a massive issue for bigger dogs. It seems to me that we are going to have another piece of legislation that has a completely unintended consequence, which is that it prohibits perfectly reasonable dog owners from exercising their dogs carefully, especially in urban areas, because the only park available will now be the subject of some sort of protection order. So, I just wonder whether you share my concern and whether we can include that in the issues that we have, because that seems to me to be quite a big issue already, never mind making it worse.

[251] **Mr Grant:** I do share your concern. It is a cliché to say it, but I am afraid I believe it to be true that we are at something of a crossroads as a nation in this regard. The notion that dogs are mankind's best friend is a British cliché, but it has been broadly seen to be true. Unfortunately for the rescue organisations, the RSPCA in particular, because the animals that come to us have usually been the subject of appalling neglect, and, sadly, in far too many cases, vicious cruelty, their suspicion of humanity is well-founded. Those animals tend to stay with us for longer because the degree of rehabilitation needed for the animal is greater.

[252] I am minded of a group known as the 'scaredy dogs', which came into our rescue centre in Taunton, which had been kept in an area broadly the size and height of this table in complete darkness. There were seven adult dogs kept in such an area, and they were deeply suspicious of human beings. I am pleased to say that the vast majority of those animals are now happily re-homed with the sorts of people whom you represent, Julie. To you and to all who have been involved in rescue dogs and, indeed, all rescue animals, my heartfelt thanks.

[253] We need appropriate approaches here. It is a truism—I said it to the Home Secretary in 1991 and I will say it again here—that it is far too easy to acquire a dog. We give it a lower status in that, if I do not tax and insure my car, I commit a criminal offence. If I do not tax my television set and pay a licence for it, I commit an offence. Twenty three countries have introduced the dog licence since this nation decided to abolish it, and successive Governments of all political stripes have steadfastly refused to go back to that very sensible approach of requiring people to make a modest payment within their means to own and be with these fantastic creatures, and to be held accountable for their actions by their dogs. I reflect that—I am a parent and a person, and I do not want to be attacked by a dog any more than anyone else does, and I have spoken to a number of the organisations and to families who have been the subject of such attacks.

[254] It is also about how owners treat their dog and use their dog with other creatures. I have met many people who have had rescue dogs, and I have had discussions with the Guide Dogs for the Blind Association and other assistance dog organisations, which do fantastic work. When people have their animals attacked, it is a profound shock to them, particularly when they are vulnerable people. Can we not find ways in which we can honestly re-inherit our claim to be a nation of animal lovers, and to treat dogs appropriately and accordingly,

recognising that a small minority of people have an inappropriate relationship with their dogs, which reflects, in the most lenient cases, their own inadequacies, but, in many cases, something far worse, and use the law to deal with those people rather than building a state where I see in the eyes of children that apparently a neutered Dalmatian bitch might be a threat to their wellbeing, and I see that in the eyes of their parents, too? That is a terrifying prospect going forward in this country, and one which most of us as responsible dog owners do not wish to see.

[255] **Lord Elis-Thomas:** Diolch yn fawr iawn. I am extremely grateful to you all for your contributions today. As a committee, we will consider carefully what we have been told, along with the earlier evidence that we took. We will have further discussions with the Minister and among ourselves, and we will look for ways forward. These are always difficult issues for us when we have the capacity to legislate, but the Government seems to have put in abeyance, for the time being, the possibility of doing that within Wales. However, we have heard clear evidence today that it is the wish of a whole series of organisations and public authorities, based on people's experience and for various other reasons, that you want this to happen. Therefore, as I always say in these committees, committees are only as good as their stakeholders who bring the evidence. You are the people who tell us what you want, and it is our duty as democratic representatives to ensure that we try to give effect to that. Thank you.

Daeth y cyfarfod i ben am 2.39 p.m.
The meeting ended at 2.39 p.m.