

Cofnod y Trafodion The Record of Proceedings

Y Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol

The Communities, Equality and Local
Government Committee

26/11/2015

Trawsgrifiadau'r Pwyllgor
Committee Transcripts



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Remainder of the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Alun Davies	Llafur Labour
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Gwyn R. Price	Llafur Labour
John Griffiths	Llafur (yn dirprwyo dros Gwenda Thomas) Labour (substitute for Gwenda Thomas)
Rhodri Glyn Thomas	Plaid Cymru (yn dirprwyo dros Lindsay Whittle) The Party of Wales (substitute for Lindsay Whittle)

Eraill yn bresennol
Others in attendance

Rhodri Talfan Davies	Cyfarwyddwr, BBC Cymru Wales Director, BBC Cymru Wales
Yr Arglwydd Hall o Birkenhead/Lord Hall of Birkenhead CBE	Cyfarwyddwr Cyffredinol, BBC Director General, BBC
Angharad Huws	Rheolwr Bil, Cadw Bill Manager, Cadw
Kenneth Skates	Aelod Cynulliad, Llafur (Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth) Assembly Member, Labour (Deputy Minister for Culture, Sport and Tourism)
Eifiona Williams	Gwasanaethau Cyfreithiol, Llywodraeth Cymru Legal Services, Welsh Government

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

Sarah Beasley	Clerc Clerk
Chloë Davies	Dirprwy Glerc Deputy Clerk
Claire Morris	Ail Glerc Second Clerk
Sarah Sargent	Dirprwy Glerc Deputy Clerk
Joanest Varney– Jackson	Uwch–gynghorydd Cyfreithiol Senior Legal Adviser
Robin Wilkinson	Y Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 09:01.
The meeting began at 09:01.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant
Introductions, Apologies, Substitutions and Declarations

[1] **Christine Chapman:** Okay, we'll make a start then. Bore da, everyone, and welcome to the Communities, Equality and Local Government Committee. Can I just remind you that, if you have any mobile phones, they are switched to silent because they do affect the transmission? Now, we have some new members today. The Assembly elected two new members to the committee last week. I would just like to welcome Bethan Jenkins, and also Lindsay Whittle, but I know that Lindsay has sent his apologies today. I would welcome Lindsay if he was here. I also would like to extend the committee's thanks—I'm sure you would like me to do that—to Jocelyn Davies and Rhodri Glyn Thomas, but I know that Rhodri is going to substitute today for Lindsay. We have also received apologies from Gwenda Thomas, and John Griffiths again will attend. So, welcome, John. Janet Finch–Saunders has also sent apologies, and I'm very pleased that Suzy Davies will attend this morning's meeting in her place. Welcome, Suzy. I think I've included everybody now.

09:01

Bil yr Amgylchedd Hanesyddol (Cymru)—Trafod y Gwelliannau Historic Environment (Wales) Bill—Consideration of Amendments

Mae gwelliannau a nodir ag [R] yn dynodi bod yr Aelod wedi datgan buddiant cofrestradwy o dan Reol Sefydlog 2 neu fuddiant perthnasol o dan Reolau Sefydlog 13 neu 17 wrth gyflwyno'r gwelliant.

Amendments marked [R] mean that the Member has declared either a registrable interest under Standing Order 2 or relevant interest under Standing Orders 13 or 17 when tabling the amendment.

[2] **Christine Chapman:** The first item today is to consider amendments to the Historic Environment (Wales) Bill. I would like to welcome the Deputy Minister for Culture, Sport and Tourism, Ken Skates AM, and Angharad Huws, Bill manager for Cadw, and Eifiona Williams, legal services, Welsh Government. Welcome to you all.

[3] I need to just outline some of the procedures before we start the voting today. As agreed by the committee on 18 November, the order in which we consider amendments will be section 3, Schedule 1; sections 4 to 22; section 2; section 24, Schedule 2; sections 25 to 32; section 23; sections 33 to 41; section 1; and then the long title. Now, the amendments have been grouped to facilitate debate. There will be one debate on each group of amendments, but the order in which amendments will be called and moved for a decision will be dictated by the marshalled list. Only committee members, or those substituting for a committee member, are able to move amendments. In accordance with the convention agreed by the Business Committee, as Chair, I will move the amendments tabled in the name of the Minister. Unless the Minister indicates otherwise, I will assume that the Minister wishes me to move all his amendments.

[4] The debate on each group will follow the same format. I will invite the proposer of the lead amendment in the group to move and speak to that amendment and the other amendments in the group. I will then call other Members who wish to speak. Finally, I will call the Member with the lead amendment to reply to the debate. In those groups where the Minister does not have the lead amendment in the group, I will call him as the penultimate speaker. Following each debate, I will ask the Member who moved the lead amendment to confirm whether they wish to press the amendment to a decision. If not, the Member may seek the agreement of the committee to withdraw the amendment. If it is not withdrawn, I will put the question on the

lead amendment and ask whether any Member objects to the amendment being agreed. If no Member objects, the amendment will be deemed agreed in accordance with Standing Order 17.34. If any Member objects I will call for a vote by a show of hands and the vote will be recorded in the minutes. In accordance with Standing Orders 17.37 and 6.20, if there is a tied vote, I will exercise the casting vote against the amendment. I call on the proposers of other amendments in each group to move their amendments at the appropriate time in accordance with the marshalled list.

[5] If you don't wish to move your amendment, you should say so clearly when your amendment is called. Can I also say that, in line with our established practice, advisers to the committee or the Minister are not expected to provide advice on the record? If Members wish to seek legal advice during proceedings, could you do so by passing a note to the relevant adviser or by requesting an adjournment of proceedings? So, are there any questions before we start? No. Okay. So, now we move to the consideration of amendments and this item.

Grŵp 1: Adolygu Penderfyniadau Dynodi (Gwelliannau 1, 2, 3, 4, 11 a12)
Group 1: Review of Designation Decisions (Amendments 1, 2, 3, 4, 11 and 12)

[6] **Christine Chapman:** We'll start off now with group 1 and this relates to the review of designation decisions. The lead amendment in the group is amendment 1 in the name of the Deputy Minister.

Cynigiwyd gwelliant 1 (Kenneth Skates).
Amendment 1 (Kenneth Skates) moved.

[7] **Christine Chapman:** I move amendment 1 and call on the Deputy Minister to speak to his amendment and the other amendments in the group.

[8] **The Deputy Minister for Culture, Sport and Tourism (Kenneth Skates):** Thank you, Chair. Can I begin by declaring an interest as an owner and occupier of a listed building?

[9] I'm happy to be here today to address the proposed amendment to the Historic Environment (Wales) Bill. Recommendation 1 of the Constitutional and Legislative Affairs Committee called for the Bill to be reviewed to ascertain what regulations must be made to ensure that the legislation works effectively. This group of amendments has been introduced

in response to that recommendation, with sections 3 and 4 and 24 to 26 of the Bill making provisions for new arrangements for statutory consultation and interim protection where Welsh Ministers are minded to designate a building or a monument.

[10] Sections 3 and 24 introduce a right for the owner and occupier to request a review of a decision to designate. New sections 1AE(6) in the 1979 Act and 2D(6) in the 1990 Act make provision for the Welsh Ministers to make regulations in connection with reviews of designations. The proposed amendments will place a requirement on the Welsh Ministers to make regulations, setting out the grounds for a review, the information that must be submitted in an application for a review, the form and the manner of an application and the period within which an application must be made. The amendments will also make necessary consequential changes.

[11] **Christine Chapman:** Okay. Thank you. Are there any other Members who wish to speak? No. Okay. Deputy Minister, do you wish to proceed to a vote on amendment 1?

[12] **Kenneth Skates:** I do.

[13] **Christine Chapman:** Okay. If amendment 1 is not agreed, amendment 3 falls. So, the question is, then, that amendment 1 be agreed. Does any Member object? No. So, amendment 1 is agreed.

*Derbyniwyd gwelliant 1 yn unol â Rheol Sefydlog 17.34.
Amendment 1 agreed in accordance with Standing Order 17.34.*

[14] **Christine Chapman:** I propose that amendments 2, 3 and 4 are disposed of en bloc. Does any Member object? No.

*Cynigiwyd gwelliannau 1, 2 a 3 (Kenneth Skates).
Amendments 1, 2 and 3 (Kenneth Skates) moved.*

[15] **Christine Chapman:** I move amendments 2, 3 and 4 in the name of the Deputy Minister. The question is that amendments 2, 3 and 4 be agreed. Does any Member object? No.

*Derbyniwyd gwelliannau 2, 3 a 4 yn unol â Rheol Sefydlog 17.34.
Amendments 2, 3 and 4 agreed in accordance with Standing Order 17.34.*

Grŵp 2: Canllawiau i Berchnogion Henebion Cofrestredig (Gwelliant 49)
Group 2: Guidance to Scheduled Monument Owners (Amendment 49)

[16] **Christine Chapman:** Group 2 relates to guidance to scheduled monument owners. The only amendment in the group is amendment 49 in the name of Suzy Davies. So, I call on Suzy Davies to move and speak to her amendment. Suzy.

Cynigiwyd gwelliant 49 (Suzy Davies).
Amendment 49 (Suzy Davies) moved.

[17] **Suzy Davies:** Thank you, Chair. I move amendment 49 in my name. Amendment 49 does not alter the powers of Welsh Ministers or the legislative intention of the Bill. It is a proactive measure to help owners and occupiers of a property that is about to be listed as a scheduled monument to know and understand the obligations that they are about to have towards that property. It will help prevent future offences, as owners and occupiers will not be able to rely on any defence based on ignorance, if they have this information. We suggest that the guidance, as it contains statutory requirements and will refer to criminal offences, would need to be approved by the Assembly.

[18] Once the central principles are established in that fashion, personally I'd be quite happy then for any future changes to any guidance to be done through the negative procedure by Ministers. If it assists the Deputy Minister at all and Members, I'm not wedded to the procedure for introducing any guidance, despite the serious nature of its content. As that content is effectively already defined elsewhere, what I have more in mind is something like a handbook, collecting existing information together rather than offering new advice as such. The main point of the amendment is that Ministers would be obliged to provide that information at the specific time indicated.

[19] **Christine Chapman:** Okay. Thank you, Suzy. Are there any other Members who wish to speak? Bethan.

[20] **Bethan Jenkins:** I just wanted to say that if the Welsh Government is looking to improve the protection of scheduled monuments, it needs to be doing all that it can to make the landowners aware of their obligations. So, I see it very much as a preventative amendment, so I will be supporting that amendment.

[21] **Christine Chapman:** Thank you. Deputy Minister.

[22] **Kenneth Skates:** Thank you, Chair. I support the amendment's intention of making owners fully aware of the implications of scheduling, not least with regard to the criminal offences, which the Bill seeks to strengthen. However, I believe that the amendment is unnecessary. New section 1AA(4)(c)(i) of the 1979 Act already requires the Welsh Ministers to advise owners and occupiers of the effect of interim protection, which will include criminal offences, and guidance will be provided at that stage on the legal obligations arising from scheduling, and the consequences of breaching those obligations. Chair, we are also planning a programme of publication to get more general information on the Bill's changes to owners and occupiers of all scheduled monuments, not just those affected by new scheduling. In addition, we will publicise the effect of the Bill's provisions in the press and magazines, and include updated information in agri-environment scheme guidance. In short, there is no need to place this requirement in legislation, as the effect is already embodied in the Bill, and in the information that will support implementation.

[23] By way of conclusion, I'd like to remark on the amendment's final subsection. I do not believe that guidance, of the type proposed in the amendment, should be subject to approval by a resolution in the National Assembly for Wales, and I would, therefore, urge the committee to reject the amendment.

[24] **Christine Chapman:** Thank you, Deputy Minister. Suzy to reply.

[25] **Suzy Davies:** If I can thank the Deputy Minister and Bethan. Deputy Minister, I do take your point that you're reissuing guidance anyway, but, of course, another Deputy Minister in future might not be as obliging as you. I don't think you lose anything by taking on a duty to issue this guidance at this time, and I think we would all be happy knowing that owners and occupiers are protected by knowing that they're entitled to this information. The amendment is, of course, couched in terms of benefiting those who are about to be included on the list, because they're new to the game, if you like, and I appreciate that there are owners and occupiers in existence already. But there's nothing stopping Ministers using this guidance, or this handbook, if you like, for existing owners; it's not necessarily exclusive to the new entrants.

[26] I know that you're planning general publicity; I think you've mentioned

that. I think that's helpful because it will raise awareness amongst those who perhaps don't know what their obligations are, despite being owners of scheduled monuments, to do something proactive about finding out about it. So, I think that's helpful. I would like to stick with this amendment, simply because I think it goes some way to assisting prosecutors in proving that owners and occupiers knew, or reasonably should have known, about their obligations, and of course that's going to be relevant to the debate on the next group. Thank you.

[27] **Christine Chapman:** Okay. Thank you, Suzy. So, do you want to proceed to the vote?

[28] **Suzy Davies:** Yes, please.

[29] **Christine Chapman:** Okay. So, the question is, then, that amendment 49 be agreed. Does any Member object? [*Objection.*] Okay, so we'll take a vote by a show of hands. Those in favour. Those against. Five in favour, five against, so I use my casting vote against. Therefore, amendment 49 is not agreed.

*Gwelliant 49: O blaid 5, Yn erbyn 5, Ymatal 0
Amendment 49: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 49.
Amendment 49 not agreed.*

Grŵp 3: Baich Profi (Gwelliannau 50, 51, 52, 53 a 55)
Group 3: Burden of Proof (Amendments 50, 51, 52, 53 and 55)

[30] **Christine Chapman:** Group 3 relates to burdens of proof. The lead amendment in the group is amendment 50 in the name of Suzy Davies. So, I call on Suzy to move amendment 50 and to speak to the amendments in the group.

Cynigiwyd gwelliant 50 (Suzy Davies).
Amendment 50 (Suzy Davies) moved.

[31] **Suzy Davies:** Thank you, Chair. I move amendment 50, which is the lead amendment in this group. My amendments in this group remind us that, under England and Wales law, citizens are innocent until proven guilty. In criminal matters, it is for the prosecution to prove that the accused is guilty of an offence, and to do that, they must show not just that the act itself has been committed, but there is some form of criminal intent behind it. It is, however, possible to dispense with this central tenet of justice in particular cases, and either dispense with the availability of a defence, or reverse the burden of proof, so that it is the accused who must prove their lack of blameworthiness rather than the prosecution prove blame. These are crimes of strict liability. In such cases, all that needs to be proven is the act, not the intention behind it.

09:15

[32] Generally, the more serious the consequences of an offence, the higher level of guilty intention or recklessness a prosecution would need to show. And under this Bill, where unlawful works are carried out on a scheduled monument or are in breach of an interim protection order for either a scheduled monument or listed building, then the penalties are severe and can result in imprisonment. Most modern strict liability offences are statutory, just as these will be, but the vast majority are considered to be minor offences with minimum penalty. However, others that arise from the need to protect public health, such as selling meat unfit for human consumption or polluting rivers, attract severe penalties, even when no fault is attributable to the seller or polluter. So, the question I think before us is whether some unlawful work—because there is no indication of degree in this Bill—to a scheduled monument or one subject to an interim protection is in the same category as actions or emissions that harm or even kill people.

[33] This Bill is certainly about protecting precious heritage, and anyone committing the above offences knowingly or recklessly as to the protected status of the monument basically deserve all they get, as far as I'm concerned. But I don't think we can equate threats to heritage with threats to public health sufficiently to back these offences as being offences of strict liability. Not only must the act be proven—probably quite easily, actually, in some of these cases—but we believe strongly that some fault must be shown too.

[34] In these cases, we maintain that it should remain for the prosecution to prove that it was reasonable to expect the accused to have known about the scheduled status of a monument, or the existence of an interim protection order. And in view of the importance of protecting our heritage, we're not asking for the prosecution to prove intent to commit an offence or that the accused didn't care if what they were doing was an offence or not; we're just asking the prosecution to show that it was reasonable to expect the accused to know the monument was scheduled or subject to an interim protection order. What we will not accept is that it is down to the accused to prove that it was reasonable for them not to know.

[35] Amendments 50 and 51 relate to the breach of an interim protection order of scheduled monuments. Amendment 52 relates to work carried out on a scheduled monument that, as far as I can see, is not subject to such an order. Amendments 53 and 55 extend all the above arguments to breaches of interim protection and temporary stop notices on listed buildings respectively.

[36] **Christine Chapman:** Thank you. Do any other Members wish to speak?
Mike Hedges.

[37] **Mike Hedges:** My understanding—[*Inaudible.*—]—for correction, is that it's only the same protection as tree protection orders give to trees, and that if a tree is there and it's got a tree protection order on it, there is no defence like 'I didn't know there was a tree protection order on it'. And lots of trees have tree protection orders, but I've known people to move into a house with a tree protection order and start chopping the tree down and claimed lack of knowledge but were still prosecuted. So, why should buildings have less protection than trees?

[38] **Christine Chapman:** Thank you. Peter.

[39] **Peter Black:** Thank you, Chair. Can I start by declaring an interest in that I'm a member of the City and County of Swansea, because, obviously, local councils will have a role in this Bill?

[40] I understand what Mike Hedges has just said, but I think it's quite clear that in the Bill itself there is a defence actually listed in there. At the moment, it's a defence that the accused did not know and could not have been reasonably expected to know, so it's slightly different to a tree preservation order, in the sense that there is already a defence provided. I very much accept Suzy Davies's argument that the burden of proof in this country has always been on the prosecution. It should not be up to the defendant to be able to prove the contrary; in fact, the prosecution needs to prove that an offence has been committed. I'm very concerned that we are attempting to reverse that in this Bill, and therefore I will be supporting these amendments.

[41] **Christine Chapman:** Thank you. Bethan.

[42] **Bethan Jenkins:** I am minded to support Suzy, although I would like to hear what the Minister has to say, because when I first heard of the amendments I was in two minds because I was a bit concerned about how landowners potentially would use a defence of ignorance. But I think, having heard what the intention is in terms of the prosecution to make proof of the current situation, that is something that I would be minded to support, although I would like to understand the Minister's view in terms of how it was drafted in this way initially, so that we can understand why it wasn't so, because I think if the burden of proof is on the individual, it may lead to quite a burdensome process. So, I just wanted to hear what the Minister had to say.

[43] **Christine Chapman:** Thank you. Deputy Minister.

[44] **Kenneth Skates:** Thank you, Chair. I can assure the committee that careful consideration was given to the right to a fair trial during development of the Bill, and we consider that the imposition of a reverse burden of proof in certain provisions in the Bill is just providing a proportionate means of achieving the Bill's policy objectives. The changes to the offences and defences seek to increase the effectiveness of the protection provided to designated sites. They require persons seeking to establish a defence to an offence of damaging a protected site to show that they took reasonable steps to find out if the site was protected, and that they did not know, and had no

reason to believe, that the site had any such protection. If the prosecution were required to prove the accused's knowledge and belief about the protected site, the regime would not be able to operate effectively. The accused should be able to discharge the burden, since the matters needed to establish a defence will lie within the accused's own knowledge. A land charge is imposed at the time of scheduling, and Cadw carries out periodic inspections, so owners should be aware that a site they own is protected. From March of next year, information on all designated sites, including sites under interim protection, will be available through a map-based online database on Cadw's website.

[45] We consider that the provisions in the Bill are reasonable, justified and proportionate, given that there is a public interest in ensuring that the historic environment is adequately protected. The so-called 'ignorance defence' was put in place by the 1979 Act, and it has long been identified as a weakness in the protection offered by scheduling. There is significant support from stakeholders for the changes that I am proposing in the Bill and, as discussed during Stage 1, a number of stakeholders called for the Bill to go further and make this a strict liability offence. We do not consider that provision of this kind places an unfair burden on the accused or that it interferes with the right to a fair trial. The primary burden, the burden of proving that the accused caused damage to a protected site, still lies with the prosecution. So, I'm of the very strong view that I have struck the right balance in the Bill, and therefore urge committee to resist this group of amendments.

[46] **Christine Chapman:** Thank you. Suzy.

[47] **Suzy Davies:** Thank you, Deputy Minister, and all Members. I'll just deal with the issue of the TPOs first. This Assembly is about making law that's good for Wales. It may well be that the Assembly would like to revisit the issue of TPOs and burdens of proof regarding the strict liability nature of them. Just because it's already in law, doesn't mean it's necessarily good law. You might have just opened up a whole new area for consideration there.

[48] I just want to impress upon Members what these amendments are not about. They are not about creating a defence of ignorance here, but it should be up to the prosecution still to prove that it was unreasonable for a defendant to claim ignorance. If I can put it in these terms: when the prosecution has to prove something is reasonable, the onus is on them to do this, rather than the defendant to prove the contrary, and it would be

possible for the prosecution to prove that a defendant is being unreasonable if they're trying to rely on a defence of ignorance. So, this is not about trying to introduce a defence of ignorance.

[49] I appreciate what the Minister says about it being up to the prosecution to prove that the act has taken place and, as I said in my contribution, very often, I don't think that's much of a problem, as it's going to be pretty obvious who has committed the act, but the intention behind the act is also important. Where I would challenge you, Minister, is saying that—. When you assert that it is up to the prosecution to demonstrate the knowledge or belief of the accused, that's not what my amendment says. All they have to do is show that it was reasonable for the accused to have a knowledge or belief, and that's an important distinction. So, with your permission, Chair, I will move the amendment when I get the opportunity.

[50] **Christine Chapman:** Okay. Right. So, the question is, then, that amendment 50 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote by show of hands. So, those in favour. Those against. Five in favour, five against. So, I use my casting vote against. Therefore, amendment 50 is not agreed.

*Gwelliant 50: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 50: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 50.
Amendment 50 not agreed.*

[51] **Christine Chapman:** Suzy, do you wish to move amendment 51?

Cynigiwyd gwelliant 51 (Suzy Davies).
Amendment 51 (Suzy Davies) moved.

[52] **Suzy Davies:** Yes, please.

[53] **Christine Chapman:** Okay. So, the question is, then, that amendment 51 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Five in favour, five against. Therefore, I use my casting vote against. Therefore, amendment 51 is not agreed.

Gwelliant 51: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 51: For 5, Against 5, Abstain 0.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 51.
Amendment 51 not agreed.

Grŵp 4: Adolygu Penderfyniadau Dynodi: Person Penodedig (Gwelliannau 64, 65, 66, 67, 68 a 69)

Group 4: Review of Designation Decisions: Appointed Person (Amendments 64, 65, 66, 67, 68 and 69)

[54] **Christine Chapman:** Group 4 relates to the review of designation decisions and the person appointed for this purpose. The lead amendment in the group is amendment 64 in the name of Suzy Davies, and I call on Suzy to move amendment 64 and to speak to the amendments in the group. Suzy.

Cynigiwyd gwelliant 64 (Suzy Davies).

Amendment 64 (Suzy Davies) moved.

[55] **Suzy Davies:** Thank you very much, and I move amendment 64 in my name. We welcome the fact that Welsh Ministers' decisions to designate something as a scheduled monument will be open to review. That is something we should welcome. It's effectively an appeal, I suppose. Scheduling, of course, brings with it great responsibilities for the owner or occupier, and they should not be imposed on a private citizen or public body lightly. So, I think having space for review is pretty important. However, I think that there is an innate conflict of interest where the person to decide on that review is appointed solely by the body who made the original decision, namely the Welsh Ministers in this case.

[56] Amendments 64 and 65 allow for joint appointment of an arbitrator, as routinely happens in property disputes. Amendments 66 and 67 apply the same principle to additional appointees, and amendments 68 and 69 allow for a similar joint approach to that arbitrator delegating the job to somebody else, protecting both parties from the conflict. The inclusion of the familiar phrase 'consent not to be unreasonably withheld' is intended to prevent unprincipled refusal of the appointment by either Ministers or the party requiring the review. Neither a conflict of interest nor a unilateral veto commands confidence. It is open, of course, for the Deputy Minister in this Bill to name the independent appointee. If he were, for example, to name the Planning Inspectorate, a body respected for its expertise, then I'm sure we would be able to support a Government amendment to that effect at Stage 3.

[57] **Christine Chapman:** Okay. Thank you. Are there any other Members who wish to speak? Alun.

[58] **Alun Davies:** Can I say that I'm very concerned about this group of amendments, actually, because one of the reasons why we want to bring this legislation forward and why we want to see this legislation enacted and working is to ensure that we are able to resolve these issues in a timely way. One of the issues we've faced, certainly in my constituency, and I presume elsewhere, is that people have been able to slow down processes to enable the process to essentially grind to a halt. I can think of cases where somebody would object and object and object, not because they have real objections but because they want to slow the process down and they don't want the process to go ahead. I accept what you're trying to do. I don't think this is your intention, as it happens, Suzy, but I do believe the consequence of this amendment would be to allow an unscrupulous person to

unreasonably slow down the process. I think that's the impact of what the law would be. So, I've got very great concerns about this set of amendments.

[59] **Christine Chapman:** Okay. I call on the Deputy Minister, then, to speak.

[60] **Kenneth Skates:** Thank you, Chair. I am unable to support these amendments. Amendments 64, 65, 67 and 68 will prevent the Welsh Ministers from appointing a person to determine a review unless the owner has consented. So, they effectively give the owner a power of veto over the Welsh Ministers' appointment decision and could make it impossible for reviews to proceed, as Alun Davies said. There is also little comfort to be gained from the additional provision that the owner must not unreasonably withhold consent. This is not an enforceable legal proposition, and there's no means of challenging the withholding of consent. In addition, once the Welsh Ministers have appointed a person to undertake the review, they are unable to interfere in that person's decision making. The 1979 and 1990 Acts provide for recourse to the High Court if a person is aggrieved by a review decision.

[61] Amendments 66 and 69 are similar in nature, where the appointed person would need to gain the consent of the owner of the monument or building before any permitted task could be delegated to another person. The permitted tasks are matters of internal administration, such as booking rooms, timetables and circulation of statements. Seeking the consent of owners for another person to undertake these tasks would be bureaucratic and inefficient, and it is not obvious to me why the owner should wish to have any say in such internal matters. It's important to note that these amendments are incomplete, only making provision for owners, where occupiers are also entitled to request a review. So, for these reasons, I do not think that this group of amendments should be supported.

[62] **Christine Chapman:** Okay, thank you. Suzy to reply.

09:30

[63] **Suzy Davies:** Thank you again to Members and the Deputy Minister for the response to this. You're quite right, Alun. I've got no intention at all of slowing down process on this. The moving of this amendment was an attempt to—well, I'm quite happy to call it—open up a debate about the best way to deal with this potential conflict between the necessity for a speedy

and efficient process and public confidence. The point I was trying to really push with this amendment is that it really doesn't look right if a person who has made a decision is then also solely responsible for appointing the person who reviews or repeals that decision.

[64] I am more than happy to accept that there are alternative mechanisms to this, but I still think this part of the Bill needs some attention in order to command the confidence of the public in this, particularly, as we've mentioned in other debates on this, the consequences of things going wrong for an owner or occupier—and I take the point on the drafting here—are pretty severe. Certainly, if a monument is scheduled and the owner or occupier thinks that is an inappropriate move, they're suddenly lumbered with a whole pile of obligations, many of them financial, which they may not have been expecting and for which they're not prepared. So, there does need to be space for their voice to be heard.

[65] Based on what has been said in the debate today, I suspect this amendment won't pass, but I would be grateful if the Minister would consider, perhaps, doing something at Stage 3, which might allay the concerns that are at the base of the amendments that I've raised today. Thank you.

[66] **Christine Chapman:** Thank you, Suzy. So, do you wish to proceed to the vote?

[67] **Suzy Davies:** Yes. I'll proceed to the vote.

[68] **Christine Chapman:** Okay. So, the question is, then, that amendment 64 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote by show of hands. So, those in favour. Those against. Any abstentions. Okay, so we're three in favour, five against, two abstentions. Therefore, 64 is not agreed.

*Gwelliant 64: O blaid 3, Yn erbyn 5, Ymatal 2
Amendment 64: For 3, Against 5, Abstain 2.*

O blaid:
For:

Black, Peter
Davies, Suzy
Isherwood, Mark

Yn erbyn:
Against:

Chapman, Christine
Davies, Alun
Griffiths, John

Ymatal:
Abstain:

Jenkins, Bethan
Thomas, Rhodri Glyn

Hedges, Mike
Price, Gwyn R.

Gwrthodwyd gwelliant 64.
Amendment 64 not agreed.

[69] **Christine Chapman:** Suzy, do you wish to move amendment 65?

Cynigiwyd gwelliant 65 (Suzy Davies).
Amendment 65 (Suzy Davies) moved.

[70] **Suzy Davies:** Yes, please.

[71] **Christine Chapman:** Okay. The question is, then, that amendment 65 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then, by show of hands. So, those in favour. Those against. Any abstentions. Two abstentions. So, three in favour, five against, two abstentions. Therefore, 65 is not agreed.

Gwelliant 65: O blaid 3, Yn erbyn 5, Ymatal 2
Amendment 65: For 3, Against 5, Abstain 2.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Suzy Davies
Isherwood, Mark

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Jenkins, Bethan
Thomas, Rhodri Glyn

Gwrthodwyd gwelliant 65.
Amendment 65 not agreed.

[72] **Christine Chapman:** Suzy, do you wish to move amendment 66?

[73] **Suzy Davies:** Actually, Chair, no, I won't. I perhaps shouldn't have moved the last one, because, as the principle applies to all these amendments, I won't move the remainder of the amendments in this group.

[74] **Christine Chapman:** Okay, so you're going to withdraw that one, then.

[75] **Suzy Davies:** Yes, please.

[76] **Christine Chapman:** Okay, fine.

Ni chynigiwyd gwelliant 66 (Suzy Davies).
Amendment 66 (Suzy Davies) not moved.

Grŵp 5: Henebion Cofrestredig: Adrodd ar Newidiadau (Gwelliant 79)
Group 5: Scheduled Monuments: Reporting on Changes
(Amendment 79)

[77] **Christine Chapman:** Group 5 relates to reporting on changes to scheduled monuments. The only amendment in the group is amendment 69 in the name of Bethan Jenkins and I call on Bethan to move and speak to her amendment.

Cynigiwyd gwelliant 79 (Bethan Jenkins)
Amendment 79 (Bethan Jenkins) moved.

[78] **Bethan Jenkins:** Yes. I'm speaking to amendment 79. The 1979 Act—

[79] **Christine Chapman:** Sorry, did I say 69? I meant 79. Sorry, Bethan.

[80] **Bethan Jenkins:** The 1979 Act requires the Welsh Ministers to maintain a schedule of ancient monuments in Wales and, as we know, 'monument' is defined largely by reference to physical evidence, usually a building or a site, which includes the remains of a vehicle or an aircraft. In other words, there's physical evidence on the ground. Because of the nature of monuments, most of them are known about, so the schedule is unlikely to change very often. The Bill is obviously proposing to make it easier to obtain a prosecution for various offences, including damaging a scheduled monument, by putting greater onus on the accused to prove his state of knowledge, for instance, as to the presence of the monument. The Bill will also widen the definition of 'monument' so that it includes sites comprising of anything that evidences previous human activity. There may be no evidence of the monument above ground. This is quite a significant change to the public understanding, therefore, of what a monument is. So, my understanding and my reason for putting this amendment forward is that, given that the Bill is making these changes, it is all the more important that as much information is available as possible for the public to be aware of the presence of scheduled monuments.

[81] This amendment gives the Assembly a role in scrutinising the Welsh

Government's maintenance of a list by requiring the Minister to report to the Assembly at least every five years on changes to the schedule. While the information may be available publicly—I appreciate that—the five-year requirement will allow the Assembly to identify trends over a period of time and will ensure greater transparency and availability of information. This clearly wouldn't stop Assembly Members asking questions in the interim of any removal or situation regarding a monument, but it would provide a sufficient level of scrutiny. Once every five years is an Assembly term, and I don't think that would be unduly arduous for any Welsh Government Minister.

[82] **Christine Chapman:** Okay. Thank you, Bethan. Mike.

[83] **Mike Hedges:** Two points. I'm very much in favour of places that—like battlefields, for example. I mean, in the United States of America, a huge number of civil war battlefields are registered monuments. There's probably not a lot to see there, but they're registered because they are—. We will have a number of those within Wales, many of which have, unfortunately, been forgotten and which I think many of us would like to see registered in the future.

[84] I think it's probably a question for the Minister: this list will be a public list, won't it? Therefore, it'll be available for people to see; it's not a secret list that means that people will be caught out by it. It will be available and people will know and, if they are buying buildings, their searches should provide information on it.

[85] **Christine Chapman:** I'll ask the Deputy Minister to come in shortly. I'll take Alun Davies first and then, perhaps, the Deputy Minister will speak. Alun.

[86] **Alun Davies:** Thank you. I agree very much with the points that have been raised by Mike on this issue, but I am attracted by the proposal that Bethan has made. I think whilst you can have a public list, of course, you don't necessarily go and examine it and then do so in a structured way, which would be required in order to provide scrutiny of policy trends and policy directions. So, I think the issue about reporting is actually a reasonable issue. I'm not sure that this amendment does it in quite the way that I would support. Minister, I presume that you're not going to support the amendment itself, but I would say to you, in not supporting the amendment, I think it would be useful to support the concept and the idea, and to look at

different ways of ensuring that these reporting mechanisms are in place. You already report, I believe, on the work of Cadw and other institutions within your portfolio, and it might well be that a reporting instruction of this sort could be appended to almost any of the reports that you make to the National Assembly on the work of your departmental bodies. That, I think, would enable scrutiny to take place and to provide the accountability that I think is required.

[87] **Christine Chapman:** Thank you. Rhodri Glyn.

[88] **Rhodri Glyn Thomas:** Rwy'n Rhodri Glyn Thomas: I do think this credu bod y gwelliant yma yn codi amendment raises a number of nifer o bwyntiau sydd yn bwysig o important points regarding the ran y broses yn y fan hyn. Mae Alun process here. Alun Davies presumes Davies yn rhagdybio bod y Dirprwy that the Deputy Minister is going to Weinidog yn mynd i wrthwynebu'r oppose the amendment, but I do gwelliant, ond rwy'n croesawu ei welcome his support, in spirit and gefnogaeth e mewn ysbryd ac principle, to what this amendment is egwyddor i'r hyn y mae'r gwelliant trying to achieve. I very much hope yma yn ceisio ei gyflawni. Rwy'n that the Deputy Minister will accept mawr obeithio y bydd y Dirprwy that there is a feeling in this Weinidog yn derbyn bod yna committee that there should be ymdeimlad yn y pwyllgor yma y dylid movement on these issues and that symud ar y materion yma a bod yna there is an opportunity for him, in gyfle iddo fe yng ngham 3 i ddod Stage 3, to bring forward a form of gerbron â ffurf o eiriau a fyddai'n wording that would be acceptable to dderbyniol i Lywodraeth Cymru. the Welsh Government.

[89] **Christine Chapman:** Thank you. Deputy Minister.

[90] **Kenneth Skates:** Thank you, Chair. I'm very happy to make this information available, but placing a duty on Welsh Ministers to report periodically I do not believe is necessary. Information on the schedule, which now contains some 4,000 monuments of national importance, is publicly available and will be particularly easy to access through the map-based online system that I referred to earlier. Essentially, that will be a rolling report. It's worth saying as well, I think, that if there were any concerns about scheduling generally, I would expect the advisory panel for the Welsh historic environment to have a view and to advise accordingly. Of course, any such information could be included in their report. Naturally, Assembly Members will also be able to ask questions of the Government through normal scrutiny

procedures, such as Assembly questions, correspondence and so forth. So, I do not think that amendment 79 is required.

[91] **Christine Chapman:** Thank you. Bethan to reply.

[92] **Bethan Jenkins:** Thank you, everybody, for the comments. I think I explained in my initial introduction that, obviously, it wouldn't be a secret list, because I said it is already publicly available. But it's a way by which we can have that publicly available list more open, so that those in the public who may not know that it's online may then rely upon the fact that there would be a scrutiny process here by Assembly Members to understand how that would look, moving forward.

[93] I also appreciate the words from Alun Davies. I mean, I would push for the vote, but I suppose I would be open to—. It could be added to another report; I'm open to that. It would be only that we would want to see it coming to the Assembly, because I think, while you may be the best Minister in the world, it's important as things change, and we need to have accountability built into the system. As Suzy Davies said earlier, we cannot just rely on the goodwill of one Minister. So, that is why I've put the amendment forward so that it would then come to the parliamentary scrutiny process. So, I will ask to vote, but if the Deputy Minister does want to consider a future amendment, then I'd be open to that.

[94] **Christine Chapman:** Okay. Thank you, Bethan. So, the question is, then, that amendment 79 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote by show of hands. Those in favour, those against, no abstentions. So, there are five in favour, five against. So, I use my casting vote against. Therefore, amendment 79 is not agreed.

*Gwelliant 79: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 79: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 79.

Amendment 79 not agreed.

Grŵp 6: Ceisiadau Cydsynio Heneb Gofrestredig (Gwelliant 5)
Group 6: Scheduled Monument Consent Applications (Amendment 5)

[95] **Christine Chapman:** Group 6 relates to scheduled monument consent applications. The only amendment in the group is amendment 5 in the name of the Deputy Minister.

Cynigiwyd gwelliant 5 (Kenneth Skates).

Amendment 5 (Kenneth Skates) moved.

[96] **Christine Chapman:** I move amendment 5 and call on the Deputy Minister to speak to his amendment. Deputy Minister.

[97] **Kenneth Skates:** Thank you, Chair. Most works to a scheduled monument require scheduled monument consent. As originally drafted, section 9 of the Bill removed an applicant's automatic right to a hearing before the determination of their application for consent. The applicant could still request a hearing, but it would be for the Welsh Ministers to decide the most appropriate method of review. In some of the written evidence received by the committee, concerns were expressed that section 9 removed an applicant's right for an independent person to consider an application. This was not the policy intent, which was to allow Welsh Ministers to choose the most appropriate method of dealing with representations on scheduled monument consent applications. Amendment 5 makes explicit provision to allow the Welsh Ministers to choose the most appropriate of three possible ways to receive presentations: one, through a public local inquiry; two, a hearing before an appointed person; or three, written representations submitted to an appointed person. In all circumstances, the Welsh Ministers must consider any representations received.

[98] **Christine Chapman:** Okay. Thank you, Deputy Minister. Any other Members who wish to speak? No. Okay. So, Deputy Minister, do you wish to proceed to the vote on amendment 5?

[99] **Kenneth Skates:** I do.

[100] **Christine Chapman:** Okay. So, the question is, then, that amendment 5 be agreed. Does any Member object? No. So, amendment five, then, is agreed.

Derbyniwyd gwelliant 5 yn unol â Rheol Sefydlog 17.34.

Amendment 5 agreed in accordance with Standing Order 17.34.

Grŵp 7: Technegol a Drafftio (Gwelliannau 6, 27, 13, 14, 15, 16, 17 a 18)
Group 7: Technical and Drafting (Amendments 6, 27, 13, 14, 15, 16, 17 and 18)

[101] **Christine Chapman:** The amendments in group 7 are technical or drafting points. The lead amendment in the group is amendment 6 in the name of the Deputy Minister.

Cynigiwyd gwelliant 6 (Kenneth Skates).

Amendment 6 (Kenneth Skates) moved.

[102] **Christine Chapman:** I move amendment 6 and call on the Deputy Minister to speak to his amendment and the other amendments in the group. Deputy Minister.

[103] **Kenneth Skates:** Thank you, Chair. The amendments in this group are all addressing technical and drafting matters. So, they are generally relating to matters of consistency of style and accurate referencing of the Bill's provisions.

[104] **Christine Chapman:** Okay. Thank you. Any Members to speak? No. Okay. So, we'll move to the vote, then. The question is, then, that amendment 6 be agreed. Does any Member object? No. So, amendment 6 is agreed.

Derbyniwyd gwelliant 6 yn unol â Rheol Sefydlog 17.34.

Amendment 6 agreed in accordance with Standing Order 17.34.

Grŵp 8: Cytundebau Partneriaeth Dreftadaeth (Gwelliannau 7, 40, 8, 41, 19, 45, 20 a 46)

Group 8: Heritage Partnership Agreements (Amendments 7, 40, 8, 41, 19, 45, 20 and 46)

[105] **Christine Chapman:** Group 8 relates to heritage partnership agreements. The lead amendment in the group is amendment 7 in the name of the Deputy Minister.

Cynigiwyd gwelliant 7 (Kenneth Skates).

Amendment 7 (Kenneth Skates) moved.

[106] **Christine Chapman:** I move amendment 7 and call on the Deputy Minister to speak to his amendment and the other amendments in the group. Deputy Minister.

[107] **Kenneth Skates:** Thank you, Chair. Recommendation 2 of the Constitutional and Legislative Affairs Committee called for an amendment setting out the consultation required before a heritage partnership agreement is agreed or indeed varied. The Government amendments 7, 8, 19 and 20 give effect to that recommendation. Sections 11 and 28 of the Bill make provision for heritage partnership agreements. New sections 9ZB(3) of the 1979 Act and 26M(3) of the 1990 Act set out a range of matters where the Welsh Ministers may make regulations, including consultation and publicity requirements. The amendments will make it a requirement of the Welsh Ministers to make regulations about consultation and publicity that must take place before a heritage partnership agreement is made or varied.

[108] The amendments tabled by Peter Black—amendments 40, 41, 45 and 46—would, on the other hand, specify on the face of the Bill who should be consulted prior to the agreement or variation of a heritage partnership agreement. These amendments require consultation with the very parties who will be actively involved in the negotiation of heritage partnership agreements.

09:45

[109] Moreover, by limiting consultation to persons and organisations who could be party to a heritage partnership agreement, the amendments would exclude the possibility of wider consultation with interested stakeholders or the public. By placing on the face of the Bill those who must be consulted, it

would make it difficult to make any changes to the scope and manner of consultation in light of experience.

[110] **Christine Chapman:** Okay, thank you. Peter to speak.

[111] **Peter Black:** Thank you, Chair. I don't accept that these amendments are actually limiting the people who you consult with. There is a very comprehensive list in 9ZA(2) of those involved, which is also referred to in amendment 40, but these amendments are actually tabled in pursuance of the Constitutional and Legislative Affairs Committee's recommendation 2, which states:

[112] 'We recommend that the Deputy Minister should table amendments to sections 11 and 28 of the Bill to require, as free-standing provisions, a duty to consult before a heritage partnership is agreed or varied (under section 9ZB of the Ancient Monuments and Archaeological Areas Act 1979 and section 26M of the Planning (Listed Buildings and Conservation Areas) Act 1990).'

[113] It provides for the deletion of 9ZA(2)(a) and inserts a new subsection imposing a duty on Welsh Ministers to consult before entering into or varying heritage partnership agreements. Section 11(1) inserts new sections 9ZA and 9ZB into the 1979 Act, which make provision for heritage partnership agreements, and section 9ZB(3) enables Welsh Ministers to make regulations with respect to heritage partnership agreements before consultation and for publicity terms to be included and to apply, disapply and reproduce the provisions of the 1979 Act. And it also allows regulations to be made enabling the Minister to terminate by Order an HPA and any provision of such an agreement.

[114] The committee thought it was strange that a discretionary power to make regulations included a mandatory duty to consult before a heritage partnership agreement was made or varied and believed that a duty should appear on the face of the Bill and not within the ambit of a regulation-making power, and that's what these amendments seek to do. I think it's right that that duty to consult should not be discretionary. It should be on the face of the Bill. I think, therefore, I would ask that these amendments be accepted.

[115] **Christine Chapman:** Okay. Suzy.

[116] **Suzy Davies:** I appreciate that both the Deputy Minister and Peter Black have tried to address the recommendations of the Constitutional and Legislative Affairs Committee. As a member of that committee, I'm grateful for that. What I'm still not entirely certain about—and perhaps you can help me with this, Deputy Minister—is that amendments 7 and 8 basically look at section 11(3) that's currently in the Bill, and I'm not certain why some of the features of section 11(3) are appropriate to be included in mandatory regulations where others remain discretionary. Now, I appreciate that CLAC spoke specifically about consultation, which is why Peter Black's amendments have been brought forward in the way they have, judging by what he's just said, but I wondered if you were able to say why you distinguish between those that you've been prepared to take on as mandatory and those that you've left as discretionary. And also, perhaps you could confirm whether those matters that are left as discretionary—whether any regulations brought in as discretionary regulations would be subject to the affirmative procedure at all. My own view is that Peter Black's amendments simply enhance the Deputy Minister's amendments, and I think it's possible, which is our intention, to support all the amendments in this group because they're not mutually exclusive.

[117] **Christine Chapman:** Okay, thank you. Deputy Minister.

[118] **Kenneth Skates:** Thank you, Chair. I'd urge the committee to support amendments 7, 8, 19 and 20, which will require Welsh Ministers to put regulations in place for consultation on heritage partnership agreements. This will allow Welsh Ministers to introduce consultation and publicity arrangements that will effectively support the agreements and can be adapted in the light of experience, but I would still nonetheless urge committee not to support amendments 40, 41, 45 and 46.

[119] **Christine Chapman:** Okay, thank you. So, the question is that amendment 7 be agreed. Does any Member object? No. So, amendment 7 is agreed.

Derbyniwyd gwelliant 7 yn unol â Rheol Sefydlog 17.34.

Amendment 7 agreed in accordance with Standing Order 17.34.

[120] **Christine Chapman:** Peter, do you wish to move amendment 40?

Cynigiwyd gwelliant 40 (Peter Black).

Amendment 40 (Peter Black) moved.

[121] **Peter Black:** Yes. I move.

[122] **Christine Chapman:** Okay. So, the question is that amendment 40 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote by show of hands. Those in favour. Those against. So, it's five in favour, five against. I use my casting vote against. Therefore, 40 is not agreed.

*Gwelliant 40: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 40: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter Davies, Suzy Isherwood, Mark Jenkins, Bethan Thomas, Rhodri Glyn	Chapman, Christine Davies, Alun Griffiths, John Hedges, Mike Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 40.
Amendment 40 not agreed.*

*Cynigiwyd gwelliant 8 (Kenneth Skates).
Amendment 8 (Kenneth Skates) moved.*

[123] **Christine Chapman:** I move amendment 8 in the name of the Deputy Minister. If amendment 8 is agreed, amendment 41 falls. So, the question is that amendment 8 be agreed. Does any Member object? No. So, amendment 8 is agreed and amendment 41 falls.

*Derbyniwyd gwelliant 8 yn unol â Rheol Sefydlog 17.34.
Amendment 8 agreed in accordance with Standing Order 17.34.*

*Methodd gwelliant 41.
Amendment 41 fell.*

Grŵp 9: Hysbysiadau Stop Dros Dro (Gwelliannau 28, 9, 10, 29, 85, 21, 22 a 23)

Group 9: Temporary Stop Notices (Amendments 28, 9, 10, 29, 85, 21, 22 and 23)

[124] **Christine Chapman:** Moving on now to group 9. Group 9 relates to temporary stop notices. The lead amendment in the group is amendment 28 in the name of the Deputy Minister. I move amendment 28 and call on the Deputy Minister to speak to his amendment and the other amendments in the group.

*Cynigiwyd gwelliant 28 (Kenneth Skates).
Amendment 28 (Kenneth Skates) moved.*

[125] **Kenneth Skates:** Thank you, Chair. The purpose of temporary stop notices is to secure the immediate cessation of unauthorised works to a listed building or to a scheduled monument. The Government amendments will remove the requirement to give 24 hours' notice, prior to the use of powers of entry, to ascertain whether a temporary stop notice should be served, to display a notice or to ascertain compliance with a notice. For clarity, the amendments will also require the date the temporary stop notice is first displayed to be placed upon the notice itself. I don't support amendment 85, as I don't think it's necessary to set out in statutory guidance the circumstances in which it's appropriate to issue a temporary stop notice. Local planning authorities already have experience of serving temporary stop notices under the Town and Country Planning Act 1990.

[126] **Christine Chapman:** Okay. Thank you. Bethan.

[127] **Bethan Jenkins:** Thank you for that. Under the Bill, local planning authorities will be empowered to issue stop notices if it appears that unauthorised works are taking place to listed buildings. If breached, a person may be convicted of a criminal offence, and equally, if the local planning authority gets this wrong, they may be liable to pay compensation. So, it is important to ensure that these notices are used sensibly. The reason I entered this amendment on guidance on circumstances where it would be appropriate to issue stop notices was to scope out the Welsh Government's thinking. I've had experience in other areas of policy—in opencast mining, for example—where a local authority was reluctant to issue a stop notice for fear that it was to be liable for considerable compensation if it subsequently allowed the site to continue operating. So, in an age of extremely cash-

starved local authorities, you can see how much of a threat this would serve to deter any order being issued. So, I was just wondering, really, whether the Minister had anticipated this particular problem and how this might be overcome. So, it was a genuine intention to try and seek alleviation of any misunderstanding, and how such stop notices could be used in the best possible way.

[128] **Christine Chapman:** Okay, thank you. Alun.

[129] **Alun Davies:** May I say how much I very much welcome these amendments from the Minister? One of the reasons I've been so supportive of this legislation has been to deliver exactly this sort of regime where local planning authorities can take very quick action in order to maintain the integrity of scheduled monuments, and to ensure that damage is minimised. I accept the points that have been raised by Bethan. I don't disagree with the thrust of her argument and the concerns that she expressed. I think they're reasonable concerns. But again, my overriding priority is to ensure that we have a process that works in a timely fashion and that is able to provide the protection in exactly the way in which the original Bill sought to deliver. So, on this occasion, whilst I understand the points that she made, I really want to support the Minister's amendments to actually create as coherent a process as possible.

[130] **Christine Chapman:** Thank you. Rhodri Glyn.

[131] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. A gaf i siarad yn benodol ar y gwelliant sydd wedi'i gyflwyno yn enw Bethan Jenkins? A derbyn y pwynt mae Alun Davies yn ei wneud bod yn rhaid sicrhau bod y broses yn un dryloyw ac yn un glir y gellid ei gweithredu hi'n gyflym, mae yna broblemau ymarferol yn codi ar adegau. Rwyf i wedi cael achlysuron pan rwyf wedi ceisio cael yr awdurdod lleol i atal gwaith ac maen nhw wedi gwrthod gwneud hynny oherwydd eu bod nhw'n ofni y bydd y perchennog, yn enwedig os yw'n gwmni ag adnoddau ariannol y tu ôl

Rhodri Glyn Thomas: Thank you very much, Chair. May I speak specifically on the amendment that has been put forward in Bethan Jenkins's name? Accepting the point that Alun Davies makes that we have to ensure that the process is transparent and clear and can be implemented quickly, practical problems do arise from time to time. I've had cases where I've tried to get the local authority to prevent work, and they've refused to do so because they're concerned that the owner, especially if the owner is a company with financial resources behind it, would take them to the

iddyn nhw, yn mynd â nhw i gyfraith. Oherwydd hynny, maen nhw wedi peidio â gweithredu. Felly, nid oes pwynt cael proses sy'n effeithiol os nad yw'r broses honno'n mynd i gael ei gweithredu.

[132] Nid wyf yn credu bod unrhyw beth yng ngwelliant Bethan Jenkins sydd yn tanseilio'r hyn mae'r Gweinidog yn ei gynnig yn y fan hyn. Ein bwriad ni yw cefnogi gwelliannau'r Gweinidog, ond ar yr un pryd symud y gwelliant yn enw Bethan Jenkins a cheisio cael cefnogaeth y pwyllgor i hynny. Os oes gan y Dirprwy Weinidog broblemau ymarferol gyda geiriad gwelliant Bethan Jenkins, yna byddwn i'n tybio y gallai roi ymrwymiad inni y bore yma ei fod yn barod i drafod y gwelliant yma ymhellach gyda Bethan Jenkins ac i ddod â ffurf o eiriau fydd yn dderbyniol ger ein bron ni yng Nghyfnod 3.

courts. Because of that, they've refused to take action. So, there's no point having an effective process unless that process is going to be implemented.

I don't think there's anything in Bethan Jenkins's amendment that undermines what the Deputy Minister is proposing here. We intend to support the Deputy Minister's amendments, but at the same time, move the amendment in Bethan Jenkins's name and try to get the committee's support for that. If the Deputy Minister has practical concerns with regards to the wording of Bethan Jenkins's amendment, then I would think that he would be able to give us a commitment this morning that he is willing to discuss this amendment further with Bethan Jenkins and put together a form of words that would be acceptable at Stage 3.

[133] **Christine Chapman:** Thank you. Suzy.

[134] **Suzy Davies:** On Alun Davies's point, I mean, we're going to be supporting the Deputy Minister's amendments on this for the very reasons that you pointed out. But, on the point of introduction of guidance, bearing in mind now that councils will be under pressure to act more quickly, I think it helps both them and the people on the receiving end of a temporary stop notice to have some certainty about the circumstances in which they can act. So, I actually think that guidance which is issued well in advance—this is standard guidance—is a help—

[135] **Alun Davies:** Will you take an intervention?

[136] **Suzy Davies:** By all means, yes.

[137] **Alun Davies:** I wouldn't want my words to be interpreted as if I'm against guidance. I think guidance, working within a common framework across Wales, would be a reasonable way to work that out.

[138] **Suzy Davies:** I'm encouraged by that, because I think that that's the purpose of the amendment and that's one that's actually protective of both parties, so that's the reason we'll be supporting it.

[139] **Christine Chapman:** Thank you. Deputy Minister.

[140] **Kenneth Skates:** Thank you, Chair. The amendments, as Members have rightly identified, will enable temporary stop notices to be fully effective by securing an immediate stop to unauthorised works. A number of Members have spoken of the need to ensure that there is a mechanism in place to make sure that stop notices are effective. I encourage Members to support the Government amendments in this group, but not amendment 85 relating to statutory notice. In response to this committee's report, I've already explained that the Welsh Government will be preparing guidance on the use of temporary stop notices that will, effectively, make amendment 85, in my view, unnecessary.

[141] **Christine Chapman:** Thank you. The question is then that amendment 28 be agreed. Does any Member object? No. So, amendment 28 is agreed.

*Derbyniwyd gwelliant 28 yn unol â Rheol Sefydlog 17.34.
Amendment 28 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 9 (Kenneth Skates).
Amendment 9 (Kenneth Skates) moved.*

[142] **Christine Chapman:** I move amendment 9 in the name of the Deputy Minister. The question is that amendment 9 be agreed. Does any Member object? No. Amendment 9, then, is agreed.

*Derbyniwyd gwelliant 9 yn unol â Rheol Sefydlog 17.34.
Amendment 9 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 10 (Kenneth Skates).
Amendment 10 (Kenneth Skates) moved.*

[143] **Christine Chapman:** I move amendment 10 in the name of the Deputy Minister. The question is that amendment 10 be agreed. Does any Member object? No. Amendment 10 is agreed.

*Derbyniwyd gwelliant 10 yn unol â Rheol Sefydlog 17.34.
Amendment 10 agreed in accordance with Standing Order 17.34.*

[144] **Christine Chapman:** Suzy, do you wish to move amendment 52?

*Cynigiwyd gwelliant 52 (Suzy Davies).
Amendment 52 (Suzy Davies) moved.*

[145] **Suzy Davies:** Yes, please, from memory.

[146] **Christine Chapman:** The question is that amendment 52 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. So, those in favour. Those against. So, five in favour, five against. I use my casting vote; therefore, 52 is not agreed.

*Gwelliant 52: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 52: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 52.
Amendment 52 not agreed.*

Grŵp 10: Tiroedd o Ddiddordeb Lleol Arbennig (Gwelliannau 71 and 70)
Group 10: Grounds of Special Local Interest (Amendments 71 and 70)

[147] **Christine Chapman:** Group 10 relates to grounds of special local interest. The lead amendment in the group is amendment 71 in the name of Peter Black. I call on Peter to move amendment 71 and speak to the amendments in the group.

Cynigiwyd gwelliant 71 (Peter Black).
Amendment 71 (Peter Black) moved.

[148] **Peter Black:** Thank you, Chair. This is an attempt to extend the scope of the Bill to cover any land or area that would further the social wellbeing of a community and make sure that is protected. The amendment ensures land can also be registered 'of special interest'. I believe it's beneficial to register areas and grounds, such as playing fields, sports grounds and common land, and these are noted in the amendment: parks, gardens, ornamental landscapes, places of recreation and other grounds as may be determined by the authority.

[149] I don't believe this Bill should just be about listed buildings; it should be about the wider environment, including parks and gardens. So, I think this amendment is ensuring areas and grounds of local interest are registered appropriately. It is very much in line with the Well-being of Future Generations (Wales) Act in terms of community assets, which can be defined as any land or building that could potentially be of importance to a community's social wellbeing.

[150] **Christine Chapman:** Thank you. Any other Members to speak? Bethan.

[151] **Bethan Jenkins:** It was just to support the amendment, really, because I think that, as Peter has said, you know, land in this regard is important as well, especially if it has a social wellbeing element. I think it's important for us to remember that this is a historic environment Bill, so this amendment is ensuring areas and grounds of local interest are registered appropriately. It does widen the scope, but I think that's something that we should be looking at. We have widened the scope of what a monument is, and so I think that this is compelling as well.

[152] **Christine Chapman:** Suzy.

[153] **Suzy Davies:** We'll be supporting the amendment as well, but I wonder if I could just ask to hear from Peter Black on just a couple of points here. In order to avoid interested parties trying to register just any piece of ground that they love, we think that local authorities would benefit from statutory guidance to assist with assessing whether applications should be accepted or not.

10:00

[154] I see, in subsection 6 of your amendment, there's a power for Welsh Ministers to produce that guidance, but it doesn't require them to. I was just a little bit nervous that that might leave councils exposed to challenge if they can't point to statutory guidance when they refuse an application. I mean, they can't point to it if it doesn't exist.

[155] Statutory guidance containing the principles behind registration criteria would also ensure some consistency of approach across councils whilst allowing some flexibility to respond to local priorities.

[156] If we support the amendment in its current form, which we will do, would you consider bringing forward your own amendment at Stage 3 to ensure that Welsh Ministers are placed under a duty to provide that guidance, rather than a power? Now, I appreciate it might depend on what happens at this stage, but in principle would you consider that?

[157] **Christine Chapman:** Okay. I'll bring the Deputy Minister in first, and then Peter will reply. So, Deputy Minister.

[158] **Kenneth Skates:** Yes. Thank you, Chair. I think it's fair to say that open spaces, including parks, gardens and places of recreation, are undeniably important assets for all communities, but this Bill is concerned with the strengthening of the law relating to the historic environment. The definition employed in this amendment is so broad that it could capture a plethora of spaces that might not be of historic significance. There's also a danger that this amendment could lead to further complexity in the planning system and place additional demands on the capacity and resources of local authorities. The amendment's provision to permit the public to nominate grounds for inclusion on the local register could easily be used to frustrate legitimate development, and the potential consequences of these amendments, I believe, are wide-ranging and extend beyond the scope of this Bill; and the implications have not been properly been consulted upon. I therefore urge

Members to reject these amendments.

[159] **Christine Chapman:** Okay. Peter to reply.

[160] **Peter Black:** Thank you, Chair. I think the Deputy Minister's response to this amendment, in a sense, has strengthened Suzy Davies's point about the issue of guidance as to how this will actually operate. I certainly would consider statutory guidance—'the Minister must' as opposed to 'may'—if we were to bring this amendment back, if it were to fall today. But I do think that there are a number of parks and gardens in particular that are historic ornamental landscapes which would fall under the scope of this Bill and should have some protection. I think that it's only right that this Bill does encompass those particular areas. Clearly, it would be a matter for the criteria set by the Minister and by local authorities to determine whether or not such an application should be considered. I certainly think that the process of considering this would not be as onerous as, for example, seeking to register an area of land in terms of a registered common or some other alternative like that, but I do think that that process could be set out and we could provide that additional protection with robust enough guidance. I think it's right that maybe we should change the words 'may' to 'must' in subsection (6), but I think that that guidance would enable this to be operated effectively. Therefore, I will be progressing this amendment.

[161] **Christine Chapman:** Okay. So, the question is that amendment 71 be agreed to. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. So, five in favour, five against. So, I use my casting vote against. Therefore, amendment 71 is not agreed.

*Gwelliant 71: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 71: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 71.

Amendment 71 not agreed.

Grŵp 11: Parciau a Gerddi Hanesyddol (Gwelliant 80)
Group 11: Historic Parks and Gardens (Amendment 80)

[162] **Christine Chapman:** Group 11 relates to historic parks and gardens. The only amendment in the group is amendment 80 in the name of Bethan Jenkins. I call on Bethan to move and speak to her amendment. Bethan.

Cynigiwyd gwelliant 80 (Bethan Jenkins).

Amendment 80 (Bethan Jenkins) moved.

[163] **Bethan Jenkins:** Thanks. As we all know, the Bill introduces a statutory register of historic parks and gardens for the first time, and the register will be kept by the Welsh Government. While this is a welcome step, the Bill does not impose any statutory duty as to the maintenance of the parks and gardens. The only requirement is for a register to be kept. We heard evidence from the Wales Heritage Group that inclusion on the register

[164] ‘imposes no duty of care on the owner’.

[165] They also said that the

[166] ‘current level of protection afforded to parks and gardens through the planning regime was inadequate’.

[167] Monmouthshire and Powys councils also both suggested that it would be easier to determine what level of protection to give them when determining planning applications if there were more statutory protections in place.

[168] I have read the assessment of options for the protection of registered historic parks and gardens that the Minister committed to carry out as a result of the committee report, and I do thank the Minister for that work, yet despite considering four comprehensive options within that report, the Minister, as far as I read the document—and I’m happy to be corrected—seems to have decided that, and I quote:

[169] 'to extend protection would be costly and would provide only limited additional benefit.'

[170] Again, we were told in that document that there would be new guidance and consultation during 2016 that would support the management of historic parks and gardens through the existing framework, but, in my view, this does not go far enough in terms of the statutory protection now within this Bill that is needed to follow on from the statutory register, and this clearly will not appear on the face of the Bill, as my amendment would.

[171] Having read the options, I do feel that my amendment is moderate in that regard—having read the options within the Minister's paper—and would not lead to the costly situation that the Minister is concerned about, as it would require the Welsh Ministers to take reasonable steps to protect those parks and gardens that are registered. It would be within their gift to decide what would be reasonable to carry out, and financial or burdensome concerns would surely, then, be part of that decision-making process. It would be useful for me to emphasise that the term 'reasonable' is a legal concept that is well-understood and has been used in other pieces of Welsh Government law. It is used deliberately here so that the burden on local authorities is not too great, and it gives them some leeway. While none of us wants to see this issue determined in court, the courts are well versed in interpreting 'reasonable' in particular circumstances.

[172] **Christine Chapman:** Okay; thank you, Bethan. Do any other Members wish to speak? Suzy.

[173] **Suzy Davies:** Thank you. Bethan, this is a bit of a tricky one for us, because we agree that there's an intrinsic value in having the register, and also that it's no bad thing to have that act as a prompt to ensure that historic parks and gardens are looked after properly, but our issue is that it places a responsibility on Ministers, albeit reasonably, to actively protect, and I'm not entirely convinced that I know what 'protect' means, just in this particular section, or whether the primary responsibility is one for Welsh Ministers, rather than owners and occupiers. If the purpose of the amendment is to suggest that parks and gardens should come under a regime similar to scheduled monuments, for example, or listed buildings, then I think it could have just been a bit more explicit about that, but, of course, it could just mean that you're talking about a lighter touch protection, perhaps, where Ministers could be invited to introduce regulations, just even under the

section itself. But, I'm just not quite clear. If you could help cover off some of that in your answer, it really will help me decide which way to vote. Thank you.

[174] **Christine Chapman:** Okay. Any other Members? No. So, Deputy Minister.

[175] **Kenneth Skates:** Thank you, Chair. I do appreciate the importance of historic parks and gardens, but I am unable to support this amendment—the reason being, as Suzy Davies has already highlighted, that the vast majority of registered historic parks and gardens are not in the direct ownership or care of Welsh Ministers, and it would therefore be impossible for us to take direct steps to protect such grounds. I still believe that a much more appropriate way of conserving historic parks and gardens is to build on the current management arrangements, which provide a significant degree of protection for all historic parks and gardens listed on the register. I don't feel that this amendment would give any additional meaningful protection to historic parks and gardens. Indeed, many historic parks and gardens often contain scheduled monuments and listed buildings, which are protected.

[176] **Christine Chapman:** Okay, thank you. Bethan to reply.

[177] **Bethan Jenkins:** In light of the comments, I'm happy to go back and redraft, because I do think that it's important to make sure that there is more than just a statutory register. I think that's really what I was trying to probe, because it emanated from the suggestion by this committee that the Minister go back and look at it. The problem was that the Minister went back and looked at it, but didn't see fit to do anything more. So, it was more to try and tease that out, really. So, I think, if I can look at the form of words in terms of whether it would be for the Minister, the owners themselves, or for another body to be responsible; it was to try and have that lighter touch in the sense that you wouldn't want to put too much of an onerous responsibility in terms of updating them, but there would need to be some form of protection. So, I'm happy to not move it to a vote and to look at rewording that amendment.

[178] **Christine Chapman:** Okay. Well, as it's a main amendment, do Members agree? Are you happy for the amendment to be withdrawn? Yes. Okay; thank you.

*Tynnwyd gwelliant 80 yn ôl gyda chaniatâd y pwyllgor.
Amendment 80 withdrawn by leave of the committee.*

[179] **Christine Chapman:** Peter, do you wish to move amendment 70?

*Cynigiwyd gwelliant 70 (Peter Black).
Amendment 70 (Peter Black) moved.*

[180] **Peter Black:** Yes.

[181] **Christine Chapman:** Okay. So, the question is that amendment 70 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, we've got five in favour, five against. I use my casting vote against, so therefore 70 is not agreed.

*Gwelliant 70: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 70: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 70
Amendment 70 not agreed.*

*Cynigiwyd gwelliant 11 (Kenneth Skates).
Amendment 11 (Kenneth Skates) moved.*

[182] **Christine Chapman:** I move amendment 11 in the name of the Deputy Minister. The question is that amendment 11 be agreed. Does any Member object? No. Okay, so amendment 11 is agreed.

*Derbyniwyd gwelliant 11 yn unol â Rheol Sefydlog 17.34.
Amendment 11 agreed in accordance with Standing Order 17.34.*

Cynigiwyd gwelliant 12 (Kenneth Skates).
Amendment 12 (Kenneth Skates) moved.

[183] **Christine Chapman:** I move amendment 12 in the name of the Deputy Minister. The question is that amendment 12 be agreed. Does any Member object? No. So, then, amendment 12 is agreed.

Derbyniwyd gwelliant 12 yn unol â Rheol Sefydlog 17.34.
Amendment 12 agreed in accordance with Standing Order 17.34.

[184] **Christine Chapman:** Suzy, do you wish to move amendment 53?

Cynigiwyd gwelliant 53 (Suzy Davies).
Amendment 53 (Suzy Davies) moved.

[185] **Suzy Davies:** Yes, please.

[186] **Christine Chapman:** Okay. So, the question is that amendment 53 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Five in favour, five against. I use my casting vote against, therefore amendment 53 is not agreed.

Gwelliant 53: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 53: For 5, Against 5, Abstain 0.

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 53
Amendment 53 not agreed.

Grŵp 12: Adeiladau Eglwysig (Gwelliannau 81, 82, 83, 84 a 98)
Group 12: Ecclesiastical Buildings (Amendments 81, 82, 83, 84 and 98)

[187] **Christine Chapman:** We'll move on now to group 12 and this relates to ecclesiastical buildings. The lead amendment in the group is amendment 81 in the name of Bethan Jenkins, and I call on Bethan to move amendment 81 and speak to the amendments in the group. Bethan.

Cynigiwyd gwelliant 81 (Bethan Jenkins gyda chefnogaeth Darren Millar ac Aled Roberts).

Amendment 81 (Bethan Jenkins supported by Darren Millar and Aled Roberts) moved.

[188] **Bethan Jenkins:** Thanks. The 1990 Act provides for buildings to be listed. In most cases, the Act requires the owner of a listed building to seek consent from the local planning authority, but sometimes from the Minister, to alter, extend or demolish a listed building. To do so without consent is a criminal offence and carries a maximum penalty of two years' imprisonment. This underlines the importance of maintaining the integrity of listed buildings, and it is right that there is oversight by elected bodies of applications for consent to do so.

[189] But, these particular requirements around consent do not apply to eccle—I can never say the word—buildings, churches and things owned by numerous faith groups. So, their buildings can be altered or demolished with no oversight by any elected person. The exemption is for some Christian groups. They include: buildings within the faculty jurisdiction of the Church of England; buildings of the Church in Wales vested in the representative body of the Church in Wales, or any other representative body under section 13(2) of the Welsh Church Act 1914; buildings held in trust by the diocesan trustees of a diocese of the Roman Catholic Church; buildings owned by or held in trust for or for the purposes of the Methodist Church; buildings held in trust for a church in membership with the Baptist Union of Great Britain or the Baptist Union of Wales; and buildings situated within one of the provinces of the United Reformed Church.

[190] Buildings belonging to non-Christian faith groups are not exempt at all, and the exemption does not even apply to all Christian groups. I am struggling to see the justification for this, and I see no reason why faith groups should be exempt, but, in particular, I struggle to understand why

some faith groups should be favoured over others. These exemptions, set out in pre-devolution regulations, were made by the Welsh Office Minister, Sir Wyn Roberts, in 1994. I do not think we would allow regulations of this nature to be made in 2015, not least because of implications around equalities and human rights.

[191] My amendments, if passed, will mean that all eccle—.

[192] **Rhodri Glyn Thomas:** ‘Ecclesiastical’.

[193] **Bethan Jenkins:**—ecclesiastical buildings will be subject to the same consent regime as other listed buildings in Wales. This would be achieved by amendments 83 and 84. My amendment 81 further requires that, before applying for consent, the church must consult the congregation. This is something that has been called for by various church groups who have contacted me. Where a building has fallen out of use and there is no congregation, amendment 81 will require the local community to be consulted instead.

[194] Finally, I want to make it crystal clear that I’m not restricting these proposals to Christian faith groups or, indeed, to any particular Christian denomination. My amendment 82 defines an eccles—oh, gosh—building as one that has or had in the past a spiritual or religious purpose, or which is used by a religious or spiritual group. This definition is deliberately wide.

[195] I see the purpose of these amendments as sparking a debate on this subject today, and I look forward to hearing the views of the Minister and others, as I know many have received communication on it. I’m considering at this moment whether to bring back an amendment at Stage 3, having carried out further work on this. So, I am minded not to push it to a vote today, having had correspondence from various groups. But, I would say that the thrust of my argument remains the same, although I’m happy to go back and further communicate with those who have concerns or have communicated with me on this issue.

[196] **Christine Chapman:** Thank you, Bethan. Suzy, I understand you’ll be speaking to the amendment tabled in the name of Darren Millar.

10:15

[197] **Suzy Davies:** I wasn’t aware that I would be doing that, but, I’m

pleased to hear what Bethan had to say. The amendment arises from the same contact that we've had with the groups; it's come from the same source. This is an opportunity for ecclesiastical buildings to be apparent on a publicly available list, for pretty much the same reasons as parks and historic gardens are, so that the buildings are publicly known and would prompt the opportunity for further protection. I know, from talking about protection today, that I need to be a bit more specific, but I can't be. So, I can see that they've got an intrinsic value in being listed on a public list.

[198] **Christine Chapman:** Okay, thanks. I've got Rhodri, then Alun.

[199] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Mae'n debyg, yn y Gymraeg, y byddem yn cyfeirio at 'adeiladau eglwysig', sydd yn cynnwys eglwysi a chapeli ac sydd llawer iawn rhwyddach i'w ynganu nag 'ecclesiastical' .

Rhodri Glyn Thomas: Thank you very much, Chair. In the Welsh language, we would refer to '*adeiladau eglwysig*', which includes churches and chapels, and which is much easier to pronounce than 'ecclesiastical'.

[200] Mae hwn, rwy'n credu, yn bwynt eithriadol o bwysig. Rydym yn wynebu argyfwng ar hyn o bryd yng Nghymru, lle mae yna, yn llythrennol erbyn hyn, degau, os nad cannoedd, o adeiladau, addoldai, nad ydynt bellach yn cael eu defnyddio neu ddim yn hyfyw nac yn gynaliadwy. Rwy'n meddwl ei bod yn eithriadol o bwysig—ac nid ydym yn cyfeirio at hyn yn benodol yn y gwelliannau yma—i gael y rhestr yma o adeiladau nad ydynt bellach yn cael eu defnyddio ar gyfer addoliad ond sydd o bwys o ran treftadaeth neu o ran pensaernïaeth ac mae angen eu cadw nhw, a gwahaniaethu rhwng y rhestr honno a'r adeiladau eraill sydd ar gyfer addoliad.

I do think that this is an extremely important point. We are facing a crisis at the moment in Wales, where literally, by now, there are tens, if not hundreds, of buildings that were used for worship that are no longer used, or are not viable and are not sustainable. I think it's extremely important—and we don't refer to this specifically in these amendments—to have this list of buildings that, although not being used for worship now, are important in terms of heritage or architecture, and there is a need to retain them and differentiate between that list and other buildings that are used for worship.

[201] Nawr, mae'r gwelliannau yma yn ymwneud â'r angen i gynnal

Now, these amendments relate to the need to have a discussion, a

trafodaeth, ymgynghoriad, gyda'r gymuned ar ddefnydd yr adeiladau yma. Mae'n bwysig cofnodi yn y fan hon fod yr adeiladau yma, wrth gwrs, yn adeiladau cymunedol. Maen nhw'n adeiladau o addoliad, ond maen nhw'n adeiladau cymunedol ar gyfer y gymuned ac, yn aml iawn yn y traddodiad anghydfurfiol rwyf i'n perthyn iddo, o ran Undeb yr Annibynwyr a rhai o'r enwadau eraill, mae'r capeli yma wedi cael eu codi o ganlyniad i gyfraniad gwirfoddol gan unigolyn neu unigolion ar gyfer y gymuned.

[202] Rwy'n deall mai'r broblem sy'n codi yn y fan hon yw problem ymarferol: bod consyrn wedi cael ei godi—ac rwyf wedi gweld yr ohebiaeth, hefyd—yn glŷn â'r rhestrau yma sydd i'w cael, ac yn glŷn â'r eithriadau sydd i'w cael i'r rhestrau. Mae yna gonsyrn hefyd yn glŷn â'r ffaith y gallai hyn olygu fod y broses yn hirach. A gaf i ddatgan diddordeb fel gweinidog ar eglwysi'r annibynwyr yn Sanclêr? Rydym ni, ar hyn o bryd, yn mynd trwy'r broses o geisio creu cynulleidfaoedd hyfyw a chynaliadwy yn yr ardal, ac mae hynny'n golygu, yn syml iawn, fod gennym ni ormod o adeiladau a dim digon o aelodau a phobl sy'n dymuno mynychu'r adeiladau hynny i addoli. Mae hi yn broses eithriadol o gymhleth ac eithriadol o hir fel y mae hi, ac nid wyf yn gallu gweld pam y byddai ymgynghori â'r gymuned o reidrwydd yn golygu bod y broses honno yn hirach. Mae'n rhaid mynd trwy broses

consultation, with the community on the use of these buildings. It is important to record here that these buildings, of course, are community buildings. They are buildings used for worship, but they are community buildings for the community and, very often, in the nonconformist tradition that I belong to, in terms of the Union of Welsh Independents and some of the other denominations, these chapels have been built as a result of voluntary contributions by an individual or individuals for the community.

I understand that the problem that arises here is a practical problem: that concerns have been raised—and I have seen the correspondence, too—about the lists that are available and the exceptions to these lists. There is also concern about the fact that this could mean that the process would be longer. May I declare an interest here as a Minister with the independent churches in St Clears? We are, at the moment, going through a process of trying to create viable and sustainable congregations in the area, and that means, quite simply, that we have too many buildings and not enough members and people who want to attend those buildings to worship. It is an extremely complex process and an extremely long process as it stands, and I can't see why consulting with the community would necessarily mean that that process would be longer. There is a need to go through

o ymgynghori gyda'r aelodau ar hyn o bryd. Mae'n rhaid hefyd mynd at y gweithredoedd, ac mae'n rhaid edrych yn fanwl ar y gweithredoedd hynny i weld beth oedd dymuniadau'r bobl a gyflwynodd y rhodd elusennol yn y lle cyntaf. Mae'n rhaid mynd trwy broses hir o ymgynghori â'r Comisiwn Elusennau. Felly, o ran y syniad bod hyn, rhywsut, drwy ymestyn yr ymgynghoriad i'r gymuned yn mynd i wneud y broses yn hirach, nid wyf yn gallu gweld pam na all y broses honno fod yn rhan o'r broses sydd eisoes yn bodoli.

[203] Y peth pwysig ydy, wrth gwrs, y gellid wedyn gweld a oes yna unrhyw bosibilrwydd i'r adeiladau yma, nad ydynt yn angenrheidiol ar gyfer addoliad bellach, fod o werth i'r gymuned, fel y bwriadwyd nhw yn wreiddiol, ond i bwrpas arall yn hytrach nag addoliad. Felly, rwyf yn credu, os oes problemau ymarferol y mae'r Gweinidog am eu codi yn y fan hyn, fod popeth yn iawn, ond rwy'n gobeithio y bydd y Gweinidog yn barod i ystyried hyn ac i gael trafodaeth ehangach ar hyn, oherwydd mae cynnwys y gwelliannau yma wedi codi o drafodaeth weddol eang. A gaf i jest ddweud wrth y Gweinidog—rwy'n credu, pan fo pleidleisiau'n cael eu penderfynu gan bleidlais fwrw'r Cadeirydd, bod yna gyfrifoldeb ar y Gweinidog i roi ystyriaeth i'r gwelliannau hynny oherwydd y mae yna gorff o gefnogaeth iddyn nhw yn

a process of consultation with the members at the moment. There is also a requirement to look at the deeds, and the deeds have to be considered carefully to see what the intentions were of those who gave the charitable donation in the beginning. There is a need to go through the long consultation process with the Charities Commission. Therefore, in terms of this idea that, somehow, extending the consultation to the community, will make the process longer, I can't see why that process can't be a part of the process that already exists.

The important thing is, of course, that you could then see whether there is any possibility that these buildings that aren't necessary for worship now, could be of value to the community, as was intended originally, but for another purpose, rather than worship. So, I do think, if there are practical problems that the Minister would like to raise here, that everything is fine, but I do hope that the Minister is willing to consider this and have a wider discussion on this, because the content of these amendments has arisen as a result of quite a wide discussion. May I just tell the Minister—I think, when votes are decided by the casting vote of the Chair, that there is a responsibility on the Minister to consider those amendments because there is a body of support for them in the committee? What should happen to those amendments that are rejected

y pwyllgor? Yr hyn a ddylai ddigwydd gyda'r gwelliannau hynny sy'n cael eu gwrthod yn y broses yma—. Hynny yw, mae'n broses digon derbynol i hynny ddigwydd, ac rwyf wedi bod yn y sefyllfa hynny fy hunan, ond pan fydd yna gefnogaeth oddi wrth bobl sy'n cynrychioli pleidiau a chymunedau yn y fan hyn, mae angen nid yn unig i ddweud, 'Wel, dyna fe, mae'r gwelliant wedi cael ei wrthod', ond i edrych ar gynnwys y gwelliant a gweld sut y gellid ei ymgorffori.

[204] Un pwynt arall, ac rwy'n sylweddoli fy mod i'n siarad braidd yn faith ar y pwnc yma, ond rwy'n meddwl ei fod yn bwnc sydd yn haeddu ystyriaeth, ac rwy'n gobeithio fod y Gweinidog yn credu hynny hefyd. Mae yna berygl yn y sefyllfa yma. Rwy'n perthyn i enwad sy'n gosod pwys enfawr ar sofraniaeth y gynulleidfa leol, ond mewn proses lle mae ymgynghoriad yn cael ei osgoi, mae yna broblem lle gallai enwadau weld yr adeiladau gwag yma fel problem y maen nhw moyn cael gwared arni, heb roi unrhyw ystyriaeth i ba ddefnydd ymarferol, adeiladol y gallan nhw fod i'r gymuned y maen nhw wedi'i gwasanaethu dros gannoedd o flynyddoedd. Felly, rwy'n credu bod yr egwyddor o'r drafodaeth gymunedol yma yn eithriadol o bwysig.

[205] **Christine Chapman:** Thank you. Alun.

[206] **Alun Davies:** Can I say that I very much agree with a lot of what's been

in this process—. That is, it is an acceptable process for that to happen, and I've been in that situation myself, but when there is support from people who represent parties and communities here, is that there is a need not only to say, 'Well, that's it, the amendment has been rejected', but to look at the content of that amendment and see how it could be incorporated.

One other point, and I realise that I have spoken extensively on this subject, but I do think that it is a subject that deserves consideration, and I hope that the Minister believes so as well. There is a danger in this situation. I belong to a denomination that places a great emphasis on the local congregation's sovereignty, but in a process where a consultation is avoided, there is a problem where denominations could see these empty buildings as a problem that they want to get rid of, without any consideration to what practical and constructive use they could be to the community that they've served over hundreds of years. So, I do think that the principle of community discussion is extremely important.

said? I come from the same Christian tradition as Rhodri and I share his view about the importance of that conversation taking place within the congregation of a community. I think it's absolutely essential that we don't simply debate the amendment this morning—I was very pleased to hear what Bethan said in proposing this amendment—but that we actually look for solutions to this. We don't often, and we won't only, find solutions to this issue in terms of legislation, but also in the way that Government and local authorities and churches work together in order to deliver a solution for the future.

[207] I think that the chapels of Wales are a great national treasure. They are an important part of communities, large and small, and they have an absolutely enormous emotional attachment as well, as part of a community today but also about the communities that we have been and our history as different communities. The chapels in Blaenau Gwent, in Tredegar, are hugely important to who we have been as a community and I would like to see ways for Welsh Government and local authorities, as well as churches, to work together to ensure that we can protect our heritage.

[208] I think it's absolutely essential that we look at how that is best done. If Bethan Jenkins is willing to withdraw the amendment that's on the order paper this morning, and if the Minister is prepared to work alongside Bethan and other Members and other political parties here to reach an agreement that we could all support in Stage 3, I think that that would be the best outcome. But I would like to emphasise the importance that I place on the role of ecclesiastical buildings of all denominations and backgrounds—

[209] **Bethan Jenkins:** Everyone's showing off now. [*Laughter.*]

[210] **Alun Davies:** —in our communities across Wales. So, I hope that the Minister will take a very generous view of the conversation that we've been having this morning.

[211] **Christine Chapman:** Okay. Thank you, Alun. Mike.

[212] **Mike Hedges:** Can I first declare an interest as a member of Seion Newydd Baptist chapel in Morryston? I agree almost totally with what was said by Rhodri Glyn Thomas and Alun Davies. Can I also make a plea to the Minister: there is a serious problem with the future, especially with chapels but certainly with churches within Wales? There are a number of places—I could say in Morryston, but not just in Morryston, but in places like

Aberystwyth—where you have chapels which dominate the landscape. You have the three chapels in the one street in Aberystwyth, for example. It's something throughout the whole of Wales. We have five Grade I listed chapels in Wales. We have a Grade II listed Chapel in Landore that is going to close at Christmas. We have a serious problem.

[213] I'm quite prepared to vote against these amendments, and I hope people won't push them to the vote. But can I ask the Minister to come back with some recommendations at Stage 3, because we are facing a major problem, and history will not treat us very well if we allow this to happen today—and it is really happening today. I've seen the list of 100 chapels drawn up in the 1960s and at least a dozen of those have gone and at least a dozen of those are under threat. There really is a huge problem here. I'm a nonconformist—in everything I do as well as my religious beliefs—and I'm obviously interest in—

[214] **Rhodri Glyn Thomas:** You're not very nonconformist on this committee. [*Laughter.*]

[215] **Mike Hedges:** I think it is really important that we do look at some of these major churches in Wales, which are in danger of just being left. Some of these places actually dominate the landscape. They are the most important buildings in the area. Think of Murryston without the Tabernacle chapel, think of St Thomas without St Thomas Church—you will be taking out the major buildings in those areas. This is a matter of great concern, I think, to the whole of this committee, certainly the vast majority of the committee. I think that the majority of this committee believes something needs to be done. I hope the Minister will come back at Stage 3 with some amendments of his own, which that will actually start dealing with what is a serious problem that is getting more serious.

[216] **Christine Chapman:** Okay. Thank you, Mike. Deputy Minister.

[217] **Kenneth Skates:** Thank you, Chair. First of all, I think whilst there may have been some very good intentions behind these amendments, I'm not convinced that they'll deliver any lasting benefits for our religious buildings. Indeed, they're likely to have some pretty serious adverse consequences for the management of some of our most treasured places of worship. There are currently six exempt denominations and I'm aware that there is concern amongst them—many Members will have received letters regarding this—that these amendments threaten the exemption, which works well, it has to be

said, to protect the religious buildings in their care. Removing the exemption would have major implications for what are well-established internal processes that the exempted denominations have developed for managing changes to listed buildings. These are processes that are deemed appropriate by Welsh Ministers. Removing them would also have the impact of increasing resource needs for local authorities, which would be required to administer a significant increase in the number of listed buildings in consent applications.

[218] **Suzy Davies:** Would you take an intervention?

[219] **Kenneth Skates:** Yes.

[220] **Suzy Davies:** Thank you very much for that, Deputy Minister. On the point that Bethan Jenkins made regarding the distinction between ecclesiastical buildings that come under certain denominations and those other religious buildings that don't have the benefit of this exemption, do you have anything to say on that particular distinction, because I think her point about equality amongst religions was quite forcefully made? I'd really value hearing from you on that.

[221] **Kenneth Skates:** Yes, but the six exempt denominations already have those processes that are well established and are deemed appropriate by Welsh Ministers, so it's therefore not required for the removal of the exemptions.

[222] Turning to amendment 81—that would introduce new consultation requirements for listed building consent applications for ecclesiastical buildings. Listed building consent applications are already subject to consultation and publicised through local newspapers and through site notices in order to give them and the community an opportunity to comment. The purpose of listed building consent is to control works that would affect the character of a listed building and not the use for which the building is put. If additional requirements are to be imposed in relation to the change of use of a religious building, then I believe they belong in planning legislation rather than in this Bill. However, I also believe, as many Members have stated, that there is actually a wider discussion about alternative use for assets such as ecclesiastical buildings where their traditional purpose is on the wane. I know this as I live in a chapel myself and fully appreciate the need to identify practical uses for them in the twenty-first century.

[223] Given the—

10:30

[224] **Mike Hedges:** Will you take an intervention?

[225] **Kenneth Skates:** Yes.

[226] **Mike Hedges:** You talk about practical uses, but we've got a number of castles in Wales, none of which have current practical uses, but are protected because of their historical importance. Do you think that exactly the same thing could be done for some of these ecclesiastical buildings, especially some of the great nineteenth-century chapels?

[227] **Kenneth Skates:** Yes, indeed. Actually, I was with the Welsh Religious Buildings Trust yesterday, which protects six chapels in the way that you've identified. Given that the Minister for Communities and Tackling Poverty will shortly be issuing a statement on the outcome of the consultation on protecting community assets, I think it would make sense to give further consideration to this matter in the coming weeks.

[228] **Christine Chapman:** Okay. Thank you, Deputy Minister. Bethan to reply.

[229] **Bethan Jenkins:** I just wanted to thank everybody for their comments.

[230] Hoffwn ddiolch yn enwedig i Rhodri Glyn Thomas am ei eiriau ynglŷn ag ymgynghori gyda'r gymuned a phwysigrwydd gwneud hynny. Rwy'n dueddol o gytuno ynglŷn â'r broses ac a ydyw'n gallu dod yn rhan o'r broses sydd yn bodoli'n barod. Mae'n hirfaith ar hyn o bryd a byddai ychwanegu'r gymuned yn rhan o hynny, gan ddod yn rhan o'r broses fel y mae, yn hytrach nag ychwanegu amser ychwanegol at y broses hynny— I especially thank Rhodri Glyn Thomas for his contribution in terms of consultation with the community and the importance of doing that. I tend to agree in terms of the process and whether it can become part of a process that already exists. It is a very long-winded one at present and adding the community as part of that process, so that it's part of the process as it is, rather than adding additional time to the process—.

[231] Hefyd, roedd y syniad hynny o ymgynghori â'r gymuned yn rhywbeth a oedd i fod yn bositif yn hynny o beth, oherwydd os nad oes yna rywun yn mynd i'r capel oherwydd ei fod wedi cau, yna pwy yn y gymuned sy'n mynd i wneud penderfyniad, felly? I fi, a fy ngwleidyddiaeth i, mae'n bwysig bod y gymuned sy'n byw o gwmpas y capel neu'r eglwys hynny yn cael mewnbwn llwyr i mewn i beth sy'n digwydd gyda'r adeilad hwnnw. Felly, bwriad y peth oedd nid ceisio ei wneud yn anodd i newid yr hyn sydd yn digwydd yno, ond ceisio hwyluso trafodaeth gymunedol ynglŷn â'r hyn sydd yn digwydd yno.

[232] Rwy'n hapus fod Alun Davies wedi nodi pwysigrwydd y mater yma yn ôl ei brofiad lleol. Byddwn hefyd eisiau cael trafodaeth i'r dyfodol. Nid wyf wedi clywed gan y Gweinidog heddiw ei fod yn barod i wneud hynny, ond nid i bwmpas creu dadl wleidyddol oedd hyn, ond ceisio dod i'r afael â'r sefyllfa yma. Felly, byddwn yn hapus i drafod ymhellach, yn yr un cyd-destun ag yr oedd Mike Hedges yn sôn am ba mor bwysig y mae ef yn ardal Abertawe.

[233] Just moving on to Ken Skates's ministerial comments on the adverse consequences, that is what I've read from the letter from Cytûn and the Church in Wales with regard to the exemptions. Certainly, my legal advice has suggested that they're not subject to the same level of scrutiny, and obviously they're not part of the consent regime that other people are. So, after I put this amendment in, this has all come to light. So, it just doesn't sit comfortably with me, to be honest. You could find a position where a church

Also, the idea of consultation with the community is something that was meant to be positive in that regard, because if no-one goes to the chapel because it's closed, then who in the community is going to make decisions, therefore? For me, and in terms of my politics, it's important that the community that lives around that chapel or church has full input into what happens to that building. So, the intention of this wasn't to try to make it harder to change what happens in that place, but to try and facilitate a discussion on a community level about what happens in that place.

I'm happy that Alun Davies emphasised the importance of this matter in terms of his local experience. I also want to have a discussion in future. I've not heard from the Minister today that he is willing to have that discussion, but this wasn't about creating political debate, but trying to get to grips with this particular situation. So, I would be happy to discuss this further, in the same context as Mike Hedges talked about with regard to how important it is in the Swansea area.

or a chapel, if they wanted to, and they knew that there were exemptions, they could potentially look into this further. Mosques and others have to comply. I don't know the rationale that was put forward at the time when the Minister, Sir Wyn Roberts, in 1994 put this forward. So, that's why I wanted to go back and look at it, because it is something that, now I know fully about the situation, I don't really feel is fair. I don't see why they should not be part of the same consent regime as others. I don't think that they have any more of an issue with the situation at hand about changing what their buildings do than any other denomination or group. It is the same problem for everybody. But I'm willing to speak to the sector and hear what they have to say.

[234] Just in relation—

[235] **Rhodri Glyn Thomas:** O ran ymyrraeth, yn ogystal â'r drafodaeth hynny, o ystyried y gefnogaeth drawsbleidiol sydd wedi bod i'r egwyddor sydd y tu cefn i'r gwelliannau yma, a hefyd yr hyn a ddywedodd y Gweinidog ynglŷn â'r datganiad rydym yn ei ddisgwyl gan y Gweinidog cymunedau ynglŷn ag asedau cymunedol, a oes modd ystyried peidio â symud y gwelliannau yma ar hyn o bryd a chynnal trafodaeth gyda'r Gweinidog a'r Gweinidog Cymunedau a Threchu Tlodi hefyd i weld a allwn ni geisio sicrhau bod yr egwyddorion sylfaenol hyn yn cael eu gweithredu, a bod unrhyw broblemau ymarferol yn cael eu goresgyn ar yr un pryd?

[236] **Rhodri Glyn Thomas:** In terms of intervention, as well as that discussion, given the cross-party support that has been to the principle behind these amendments, and also what the Minister said regarding the statement we're expecting from the communities Minister about community assets, is there a means of considering not to move these amendments at the moment and have a discussion with the Minister and the Minister for Communities and Tackling Poverty to see whether we could try to ensure that the fundamental principles are implemented, and that any practical problems are overcome at the same time?

[237] **Bethan Jenkins:** Nid wyf yn siŵr os all y Gweinidog ddod yn ôl ar hynny, ond byddwn yn hoffi pe bai hynny'n digwydd, oherwydd y byddai jest yn dilyn fy mhwynt olaf o ran newid defnydd. Os mai'r lle gorau i drafod y mater hwn yw'r system

Bethan Jenkins: I don't know whether the Minister can respond to that, but I would like that to happen because it just follows my final point in terms of change of use. If the best place to discuss this is within the planning system, then I would be content to

gynllunio, yna byddwn yn hapus i have that discussion in that regard. gael trafodaeth yn hynny o beth. That's the whole point about how Dyna'r holl bwynt ynghylch pa mor difficult this Bill is, because it goes anodd yw'r Bil hwn, gan ei fod yn into other legislation. Then, if the mynd i mewn i gyfreithiau eraill. Os, planning system is the best place in wedyn, mai'r system gynllunio yw'r which to change the use of a lle gorau i newid defnydd adeilad, building, I would want to have that yna, wedyn, byddwn am gael y discussion, because we can't drafodaeth honno, achos ni allwn continue with a situation where so barhau gyda sefyllfa lle mae cymaint many buildings are empty and falling o adeiladau'n wag ac yn dirywio, fel y into disrepair, as it stands. mae.

[238] **Christine Chapman:** Okay, Bethan. We'll just see where we are with this one. So, do you want to move amendment—

[239] **Bethan Jenkins:** No, I don't today.

[240] **Christine Chapman:** You want to withdraw that one. Okay, so I just want to check with the other Members that they are content for that to be withdrawn.

[241] **Suzy Davies:** Is this amendment 81?

[242] **Christine Chapman:** Eighty-one, yes. So, we will withdraw amendment 81.

*Tynnwyd gwelliant 81 yn ôl gyda chaniatâd y pwyllgor.
Amendment 81 withdrawn by leave of the committee.*

[243] **Christine Chapman:** What about amendment 82, Bethan?

[244] **Bethan Jenkins:** Yes, I just won't move them.

[245] **Christine Chapman:** Sorry?

[246] **Bethan Jenkins:** No.

[247] **Christine Chapman:** Right, okay. So, we're going to withdraw amendment 82.

*Ni chynigiwyd gwelliant 82 (Bethan Jenkins).
Amendment 82 (Bethan Jenkins) not moved.*

*Cynigiwyd gwelliant 27 (Kenneth Skates)
Amendment 27 (Kenneth Skates) moved.*

[248] **Christine Chapman:** I move amendment 27 in the name of the Deputy Minister. Okay. So, the question is that amendment 27 be agreed. Does any Member object? No. Amendment 27 is agreed.

*Derbyniwyd gwelliant 27 yn unol â Rheol Sefydlog 17.34.
Amendment 27 agreed in accordance with Standing Order 17.34.*

[249] **Christine Chapman:** I propose that amendments 67, 68 and 69 are disposed of en bloc. Does any Member object? Okay. Suzy, do you wish to move amendments 67 to 69?

*Cynigiwyd gwelliannau 67, 68 a 69 (Suzy Davies).
Amendments 67, 68 and 69 (Suzy Davies) moved.*

[250] **Suzy Davies:** Yes, please.

[251] **Christine Chapman:** Okay. So, the question is that amendments 67 to 69 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. So, those in favour. Those against. Okay. So, it's five in favour, five against, so I use my casting vote against. Therefore, amendments 67 to 69 are not agreed.

*Gwelliannau 67, 68 a 69: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendments 67, 68 and 69: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais
fwrw yn unol â Rheol Sefydlog 6.20(ii).*

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliannau 67, 68 a 69.
Amendments 67, 68 and 69 not agreed.*

*Cynigiwyd gwelliant 13 (Kenneth Skates).
Amendment 13 (Kenneth Skates) moved.*

[252] **Christine Chapman:** I move amendment 13 in the name of the Deputy Minister. The question is that amendment 13 be agreed. Does any Member object? No. Amendment 13 is agreed.

*Derbyniwyd gwelliant 13 yn unol â Rheol Sefydlog 17.34.
Amendment 13 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 14 (Kenneth Skates).
Amendment 14 (Kenneth Skates) moved.*

[253] **Christine Chapman:** I move amendment 14 in the name of the Deputy Minister. The question is that amendment 14 be agreed. Does any Member object? No. So, amendment 14 is agreed.

*Derbyniwyd gwelliant 14 yn unol â Rheol Sefydlog 17.34.
Amendment 14 agreed in accordance with Standing Order 17.34.*

[254] **Christine Chapman:** Bethan, do you want to move amendment 83?

[255] **Bethan Jenkins:** No.

[256] **Christine Chapman:** No. Okay. So, that one is withdrawn.

*Ni chynigiwyd gwelliant 83 (Bethan Jenkins).
Amendment 83 (Bethan Jenkins) not moved.*

*Cynigiwyd gwelliant 15 (Kenneth Skates).
Amendment 15 (Kenneth Skates) moved.*

[257] **Christine Chapman:** I move amendment 15 in the name of the Deputy Minister. The question is that amendment 15 be agreed. Does any Member object? No. Amendment 15's agreed.

*Derbyniwyd gwelliant 15 yn unol â Rheol Sefydlog 17.34.
Amendment 15 agreed in accordance with Standing Order 17.34.*

[258] **Christine Chapman:** So, again, Bethan, you want to withdraw amendment 84, don't you? Eighty-four you want to withdraw. Right. Okay.

*Ni chynigiwyd gwelliant 84 (Bethan Jenkins).
Amendment 84 (Bethan Jenkins) not moved.*

[259] **Christine Chapman:** So, I propose now that amendments 16, 17 and 18 are disposed of en bloc. Does any Member object? No.

*Cynigiwyd gwelliannau 16, 17 ac 18 (Kenneth Skates).
Amendments 16, 17 and 18 (Kenneth Skates) moved.*

[260] **Christine Chapman:** So, I move amendments 16 to 18 in the name of the Deputy Minister. The question is that amendments 16 to 18 be agreed. Does any Member object? No. So, amendments 16 to 18 are agreed.

*Derbyniwyd gwelliannau 16, 17 ac 18 yn unol â Rheol Sefydlog 17.34.
Amendments 16, 17 and 18 agreed in accordance with Standing Order 17.34.*

*Tynnwyd gwelliant 44 yn ôl.
Amendment 44 withdrawn.*

[261] **Christine Chapman:** We're now going to take a short break of about five minutes, because we've got a lot of business. If you can come back by a quarter to, please, and bring your drinks with you as well.

*Gohiriwyd y cyfarfod rhwng 10:38 a 10:47.
The meeting adjourned between 10:38 and 10:47.*

Grŵp 13: Adeiladau o Ddiddordeb Lleol Arbennig (Gwelliannau 54, 73, 74, 75, 42 a 72)
Group 13: Buildings of Special Local Interest (Amendments 54, 73, 74, 75, 42 and 72)

[262] **Christine Chapman:** Okay. Group 13 relates to buildings of special local interest. The lead amendment in the group is amendment 54 in the

name of Suzy Davies, and I call on Suzy to move amendment 54 and speak to the amendments in the group.

Cynigiwyd gwelliant 54 (Suzy Davies).

Amendment 54 (Suzy Davies) moved.

[263] **Suzy Davies:** Thank you very much, Chair, and I do move amendment 54 in my name. I'm slightly bemused by the order of this, because amendment 54 actually amplifies Peter Black's amendment 73, so for us to talk about an amendment to an amendment that's not been moved yet is a bit complicated, but I'll do my best.

[264] Amendment 73, which we will support, introduces registers of buildings of local interest, and my amendment just says that Ministers must introduce guidance for councils to which they must pay due regard, and, actually, if I'd thought of it, I would have introduced a similar amendment in group 10 when we were talking about local authorities defining their criteria for registering grounds of special interest.

[265] In this case, too, guidance would make it clear to all the principles that need to be observed in compiling a local register. And we ask for any such guidance to come before the Assembly for approval, as, on this particular point, I think Members are keen to represent their constituents and ensure that their concerns, informed by local examples, are met. I'm fairly sure that all of us have constituents who think that something should be protected, possibly by means of a local list, and yet the means for doing that don't exist at the moment.

[266] In speaking to amendment 74, I'd be grateful for an indication from Peter Black if he would be happy at Stage 3 to table a further amendment to either identify, or introduce a procedure to identify, the evidence that local authorities might need to establish to conclude that it was expedient to issue a special interest order. It's a little bit like Bethan's guidance for temporary stop orders—the same sort of principle. This could be ministerial guidance again, but we could be talking about situations where the order is predicated on uniquely local factors, and that guidance would need to be very much principle-based, rather than prescriptive.

[267] As I said, we'll support amendment 74, but I would like to hear whether Peter Black thinks it's possible to have a legislative mechanism that enables the use of these orders, whilst limiting the potential for their abuse.

[268] We will also support amendment 75, but I just ask you, Peter, to check whether the definition of a 'special interest order' needs to be imported into the 1990 legislation itself, before couching his amendment in the way it is.

[269] **Christine Chapman:** Okay. Thank you. I'll call Peter now then to address some of those points.

[270] **Peter Black:** I'm going to have to ask the lawyers on that last point about the 1990 legislation and other legislation.

[271] **Suzy Davies:** That's fine, I get that.

[272] **Peter Black:** I think we need to have a look at that one. Thank you, Chair. I think this is an important set of amendments. We've long called for some form of local listing so that buildings that form part of our architectural heritage, that help create civic pride and a sense of identity, and which represent a huge amount in terms of history and distinctiveness, can be protected. These buildings may not necessarily be deemed architecturally or historically significant enough to enjoy the protection afforded by a Cadw listing, but they are nevertheless of great importance to the locality. Buildings do speak to the character of a community, and I believe that new uses can and will be found with imagination and the creative input of local people. I think that, whereas we are busy demolishing some of these buildings and rebuilding townscapes, we do need, I think, to find ways of incorporating them into those new townscapes to make sure that the identity that we are creating for the twenty-first century includes a reference back to our past and to the heritage on which those particular townscapes have been built.

[273] It is important, of course, that each case is considered on an individual basis rather than being compared against a national model, as each community will hold certain buildings in higher esteem than a neighbouring community, but this is about local interest, which is the underlying factor, and I think it's very much down to the local authority, working within the sort of guidance that I think the Minister could issue on this, to determine which buildings should be included in the local list. I think the local authority needs to publicise how a building could be added to the local list, as well as the criteria. I think all of that can be dealt with in terms of guidance, and I very much accept Suzy Davies's point, in terms of amendment 74, that we do need some guidance as part of this, setting out the evidence needed to

identify these buildings and so as to prevent abuse.

[274] We have discussed this on a number of occasions in the Assembly. Certainly, the recommendation of this committee, recommendation 11, was that the Bill should be amended to require local authorities to prepare and maintain lists of historic assets of special local interest and it urged the Deputy Minister to bring forward an amendment at Stage 2. I think that I have sought to do that. I accept that these amendments may not be perfect and that, if the Minister's prepared to accept the principle, he may want to come back with something different, but I do think that that needs to be addressed.

[275] Just in terms of amendment 74 and special interest orders, the inclusion of a building on the local list can be undermined by current permitted development rights, and I think that needs to be addressed. Permitted development rights may be removed from buildings of special interest via a special interest order, which would allow a local authority to remove those rights as they see appropriate, and I've modelled this amendment on the current ability of local authorities to make local development orders. It enables a local authority to make its own order, restricting permitted development rights, as it thinks appropriate, and would enable it to decide how far it wanted to go in restricting those permitted development rights—as few or as many as they consider expedient, and it gives them the freedom to decide to which buildings it would apply. Buildings of special local interest receive none of the protection afforded to listed buildings, so I think these special interest orders can provide their only protection. Obviously, there are available to local authorities article 4 directions, but they are very rarely used. I think this particular format of special interest orders provides a specific direction that I think could be applied to those sorts of buildings.

[276] There are, of course, some good examples of these types of buildings to which it can apply. We've got the Royal Buildings and Customs House that no longer exist in Port Talbot and, of course, the Vulcan Hotel in Cardiff. When I had the meeting earlier in the week with the Minister he pointed out to me that there are only so many buildings that St Fagans can take, and I think, really, we do need to try to preserve as many of these buildings within our own communities, and that's the purpose of these particular amendments. Thank you, Chair.

[277] **Christine Chapman:** Okay, thank you. Alun Davies.

[278] **Alun Davies:** Thank you very much for that. I'd like to ask the Government to look seriously at these issues. It would cause me great pain if I felt the Welsh Government didn't wish to take a very generous view of these amendments. When you think about what we want to preserve and what we want our future generations to see about our heritage—I'm thinking of my hometown in Tredegar—you don't simply think of the things that are clear and very grand, if you like, whether it is the town clock or Bedwellty House, but you think of number 10 The Circle, which is, to all intents and purposes, for somebody driving past, a terraced house, but what it was, of course, was the engine room of the national health service, the headquarters of the Tredegar Medical Aid Society, something that has revolutionised not only the town but Wales and, I would say, the UK and is a shining beacon across the world. The creation of the national health service is something that is integral to the history of our town and our people. So, a place like that is exactly why I would have hoped that we would be both taking forward this legislation and also doing so in a way that ensures that our heritage is something that is protected.

[279] If you look at the general hospital in Tredegar, architecturally, it's an Edwardian red brick building. There are probably a lot of Edwardian red brick buildings in Wales and elsewhere, but it's also the home of the national health service. It was the first hospital—the Tredegar Medical Aid Society hospital. It's where Bevan's vision literally took shape, and I believe that we should be looking at how we can ensure that protection happens in a way that doesn't create legal complexity and bureaucratic burdens upon either communities or people or businesses or local authorities, but we also really need to find a way through of ensuring that the heart of who we are as a people isn't simply lost or isn't simply defined as the great buildings that were owned or occupied by the rich and the gentry and the aristocracy.

[280] I wouldn't for a moment wish to see some of our grand stately homes taken away from future generations, but I don't believe the totality of our history lies in those places either. So, I would hope that, whatever the Government's view is towards the individual amendments that we have in front of us here this morning, there's a wider issue and a wider point and a bigger issue and a bigger point that, I hope, the Government—. And I know the Government and this Minister do take seriously and do understand and appreciate—. But I hope that we can find our way through the legal complexities in order to arrive at a place where the issues that have been well raised this morning by Suzy and Peter are actually recognised.

[281] **Christine Chapman:** Okay. Thank you, Alun. John and then Mike.

[282] **John Griffiths:** I do think, Chair, that the discussions we've had as a committee on these issues do reflect the strength of feeling in local communities up and down Wales, where they really do value the local buildings, which do come within this category of having special local interests but not being listable, as it were, under the criteria that deal with listed buildings. I very much agree that it is very much about local pride and people's sense of belonging and identity. If we recognise the strength of those sorts of feelings and acknowledge them in the legislation and the strategies and policies that we see pursued by Welsh Government, then it feeds into the sort of care that we want to see people having for their local environment and the local surroundings. I think that's so positive in so many ways that there is a great deal of strength in the points that have been made in terms of these issues here today and in previous discussions of the committee.

[283] I recognise that there are issues for local authorities in terms of resources. At the moment, I think it's very patchy in terms of one local authority's approach to these issues compared to another's, and we do need to see much more consistent and higher valuing of these buildings of special local interest. I think Welsh Government does have a role, as the Government for all of Wales, to make sure that we do get to a much more consistent system that understands the strength of feeling that local communities have and makes sure that these buildings are recognised, are valued and are protected. So, I'd like to add my voice to the calls for the Minister to reflect very carefully on that strength of feeling and, hopefully, reassure the committee and communities that Welsh Government will act to give that value, that recognition and that protection.

11:00

[284] **Christine Chapman:** Okay. Thank you. Mike.

[285] **Mike Hedges:** Can I just agree with almost everything that's been said, especially what Alun and John just said there? Two points, and why I will not be supporting the amendment: one of my concerns is that people who are trying to stop development will go for the village green option because that always seems a very good place to start. They lose the village green option and then they go for the next option: 'This is a building of special local

interest'. I think there needs to be some protection in order to stop people using it as another means of trying to stop, quite often, very important developments taking place, which a small group of people are trying to stop. So, I think it needs some of that protection.

[286] The other thing is that it needs to have some advice with it. I can tell you now that if, in Swansea 10 years ago, we would have been asked to choose buildings to protect, the Vetch Field would have been one of them. I'm sure that, in Newport, Somerton Park would have been one of them, for all historical reasons. But an empty football ground, although it has some historic interest, is not much use to anybody and it's just going to become both dangerous and derelict. So, I think that there does need to be some of that protection in there as well to ensure that they're not giving listed status to something that is inevitably going to collapse, as Somerton Park and the Vetch Field would have done, and also that it isn't just another thing in our list of how to stop development. I'm still going to vote against these today, but I agree with both my colleagues, Alun Davies and John Griffiths, and other people here that we do need something to enable those buildings that do have very important local interest—. I think Alun Davies summed it up beautifully when he talked about the birth of the NHS. It would be a terrible situation in 50 years' time, when somebody says, 'Where was the NHS first started? Oh, where that supermarket is now'.

[287] **Alun Davies:** Absolutely.

[288] **Christine Chapman:** Okay. Thank you, Mike. Bethan.

[289] **Bethan Jenkins:** I just wanted to come in on the back of what Mike Hedges was saying, really, because it concerns me that some of the debates that we have today are about how people will try and stop some things from happening from a negative point of view, because they want to try and protect something that perhaps others may deem not worthy of being protected. I think I see it from the other way around, and I think that's how Peter's seeing it—if there is something of special local interest, then than warrants at least a discussion about how that's protected, not in the sense of trying to protect it for protection's sake and to stop something else from happening. I think of the Customs House in Port Talbot. That's gone now, and I would have deemed that of special local interest, yet others didn't see it that way. Now we have coastal housing flats there instead, and that's a part of our history that we'll never get back. So, I would just like to see the debate framed around the fact that people generally, in my opinion, want to see

things that are viable and part of our history protected, not some random piece of land that they want to protect just for the sake of stopping something else going there. So, I just wanted to put that on the record.

[290] **Christine Chapman:** Okay. Thank you, Bethan. Deputy Minister.

[291] **Kenneth Skates:** Thank you, Chair. I think what Members have spoken about today is incredibly important—the desire to improve a sense of pride right across Wales in our communities by ensuring that those assets of special local interest are recognised and protected. I think that there are very similar concerns driving these amendments to those of the group that we considered before we broke for tea and coffee. I'm very aware that communities value local historic assets, since they contribute to distinctiveness and, in general, a sense of identity and pride. There are already a number of statutory and non-statutory approaches to the identification and management of historic assets at a local level, such as conservation areas, characterisation and local listing. Now, I note that Peter Black's amendments are concerned with buildings of cultural or social significance. This would extend the scope of the local register beyond buildings of historic or architectural interest to include any locally valued buildings, such as those that Members have identified—pubs, shops, village halls, leisure centres, properties that may appear quite anonymous on the front but actually capture the rich scenes of our history. They could include libraries and telephone boxes, for example. It goes way beyond historic or architectural value, and, for that reason, I think the protection of community assets is something that we need to visit subsequent to the Minister for Communities and Tackling Poverty's statement on the outcome of her consultation. In fairness, I think Mike Hedges summed up how some have identified local lists as potentially adding complexity and frustrating the planning system. For those reasons, I can't support these amendments on this occasion, but, as I say, I think we need to examine the statement that is forthcoming—it's due within the next month, I believe.

[292] **Christine Chapman:** Okay, thank you, Deputy Minister. Suzy to reply.

[293] **Suzy Davies:** Thank you very much. Peter, if you want to intervene at any point to make your point, I'd be more than happy to take those interventions. I think something that's emerged from this debate is a clear consensus across all parties that this is an area where we need some activity. And, even though I pick up that perhaps the amendments, as drafted today, may not be accepted by all, I'm not sure if I actually picked up a commitment

from you, Deputy Minister, to make sure that this is looked at further in the context of this Bill. The three South Wales West Members sitting around this table will inevitably call upon the Customs House as the totem for why we need local listing, but of course, everybody has their own examples. What I think the Customs House campaign showed me, and I'm sure it's the same for everybody else, is that there's often a genuine sense of desperation amongst 'protesters', let's call them, because they have nowhere else to go, despite the existence of things like conservation areas and so forth—

[294] **Bethan Jenkins:** It wasn't in a conservation area.

[295] **Suzy Davies:** No, well it wasn't. It showed me that, with buildings, which can be architecturally interesting as well—actually, the Customs House was—there is nowhere for them to go in order to protect something that's of importance to them

[296] On the point that you make, Deputy Minister, on Peter Black's drafting, I think you just said social and cultural doesn't necessarily mean that it's relevant to this Bill. On that, I would disagree, because even the most modest, let's say, building, for the sake of argument, will become heritage if it's important enough to us now. I'm thinking of something like Dylan Thomas's birthplace in Swansea, which I think happens to be in a conservation area, but that's incidental to what we're talking about. There's nothing special about that house really, but considering the attention that it got in the last two years, it would be sacrilegious if that building were lost.

[297] I take the point that local listing shouldn't be a, 'You can't do anything with your house, ever' situation. That particular example I've given you is a dwelling that people live in. So, there needs to be some proportionality built into any local listing and that's why, to go back to the point we were mentioning earlier, guidance would be crucial to make the concept of local listing work, because you're quite right; we don't want things landing on our heads, just because some football fans liked it once upon a time. There has to be principle-based guidance introduced to support the idea of local listing, whether that's done today through Peter's amendments or through future amendments to this Bill, or indeed something separate that the Welsh Government might introduce.

[298] **Christine Chapman:** Thank you, Suzy. So, do you want to proceed to a vote on amendment 54?

[299] **Suzy Davies:** Yes, please.

[300] **Christine Chapman:** Okay. So, the question is that amendment 54 be agreed, Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. Five in favour, five against. I use my casting vote against, therefore 54 is not agreed.

*Gwelliant 54: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 54: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter Davies, Suzy Isherwood, Mark Jenkins, Bethan Thomas, Rhodri Glyn	Chapman, Christine Davies, Alun Griffiths, John Hedges, Mike Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 54.
Amendment 54 not agreed.*

[301] **Christine Chapman:** Peter, amendment 73.

*Cynigiwyd gwelliant 73 (Peter Black).
Amendment 73 (Peter Black) moved.*

[302] **Peter Black:** Move.

[303] **Christine Chapman:** Okay. So, the question is that amendment 73 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, five in favour, five against. I use my casting vote against, therefore 73 is not agreed.

*Gwelliant 73: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 73: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 73.

Amendment 73 not agreed.

[304] **Christine Chapman:** Peter, amendment 74.

Cynigiwyd gwelliant 74 (Peter Black).

Amendment 74 (Peter Black) moved.

[305] **Peter Black:** I move.

[306] **Christine Chapman:** Okay. The question is that amendment 74 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, five in favour, five against. Therefore, 74 is not agreed.

Gwelliant 74: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 74: For 5, Against 5, Abstain 0.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in

accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 74.

Amendment 74 not agreed.

Cynigiwyd gwelliant 19 (Kenneth Skates).

Amendment 19 (Kenneth Skates) moved.

[307] **Christine Chapman:** I move amendment 19 in the name of the Deputy Minister. The question is that amendment 19 be agreed. Does any Member object? No. So, amendment 19 is agreed.

Derbyniwyd gwelliant 19 yn unol â Rheol Sefydlog 17.34.

Amendment 19 agreed in accordance with Standing Order 17.34.

[308] **Christine Chapman:** Peter, amendment 45.

Cynigiwyd gwelliant 45 (Peter Black).

Amendment 45 (Peter Black) moved.

[309] **Peter Black:** I move.

[310] **Christine Chapman:** Okay. The question is that amendment 45 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, it's five in favour, five against, I use my casting vote against, so 45 is not agreed.

Gwelliant 45: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 45: For 5, Against 5, Abstain 0.

O blaid:

For:

Black, Peter

Davies, Suzy

Isherwood, Mark

Jenkins, Bethan

Thomas, Rhodri Glyn

Yn erbyn:

Against:

Chapman, Christine

Davies, Alun

Griffiths, John

Hedges, Mike

Price, Gwyn R.

Ymatal:

Abstain:

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in

accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 45.

Amendment 45 not agreed.

Cynigiwyd gwelliant 20 (Kenneth Skates).

Amendment 20 (Kenneth Skates) moved.

[311] **Christine Chapman:** I move amendment 20 in the name of the Deputy Minister. If amendment 20 is agreed, amendment 46 falls. So, the question is that amendment 20 be agreed. Does any Member object? No. So, amendment 20 is agreed.

Derbyniwyd gwelliant 20 yn unol â Rheol Sefydlog 17.34.

Amendment 20 agreed in accordance with Standing Order 17.34.

Methodd gwelliant 46.

Amendment 46 fell.

Cynigiwyd gwelliant 29 (Kenneth Skates).

Amendment 29 (Kenneth Skates) moved.

[312] **Christine Chapman:** I move amendment 29 in the name of the Deputy Minister. The question is that amendment 29 be agreed. Does any Member object? No. So, amendment 29 is agreed.

Derbyniwyd gwelliant 29 yn unol â Rheol Sefydlog 17.34.

Amendment 29 agreed in accordance with Standing Order 17.34.

[313] **Christine Chapman:** Suzy, amendment 55.

Cynigiwyd gwelliant 55 (Suzy Davies).

Amendment 55 (Suzy Davies) moved.

[314] **Suzy Davies:** Yes, please.

[315] **Christine Chapman:** The question is that amendment 55 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. So, those in favour. Those against. Five in favour; five against. So, I use my casting vote against; therefore, 55 is not agreed.

*Gwelliant 55: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 55: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Black, Peter	Chapman, Christine
Davies, Suzy	Davies, Alun
Isherwood, Mark	Griffiths, John
Jenkins, Bethan	Hedges, Mike
Thomas, Rhodri Glyn	Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 55.
Amendment 55 not agreed.*

[316] **Christine Chapman:** Bethan, amendment 85.

*Cynigiwyd gwelliant 85 (Bethan Jenkins).
Amendment 85 (Bethan Jenkins) moved.*

[317] **Bethan Jenkins:** Yes.

[318] **Christine Chapman:** So, the question is that amendment 85 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. So, that's five in favour, five against. So, I use my casting vote against; therefore, 85 is not agreed.

*Gwelliant 85: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 85: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Black, Peter	Chapman, Christine
Davies, Suzy	Davies, Alun
Isherwood, Mark	Griffiths, John
Jenkins, Bethan	Hedges, Mike
Thomas, Rhodri Glyn	Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 85.

Amendment 85 not agreed.

[319] **Christine Chapman:** I propose that amendments 21, 22 and 23 are disposed of en bloc. Are you happy with that? Yes, okay.

Cynigiwyd gwelliannau 21, 22 a 23 (Kenneth Skates).

Amendments 21, 22 and 23 (Kenneth Skates) moved.

[320] **Christine Chapman:** So, I move amendments 21 to 23 in the name of the Deputy Minister. The question is that amendments 21 to 23 be agreed. Does any Member object? No. So, amendments 21 to 23 are agreed.

Derbyniwyd gwelliannau 21, 22 a 23 yn unol â Rheol Sefydlog 17.34.

Amendments 21, 22 and 23 agreed in accordance with Standing Order 17.34.

Grŵp 14: Gwaith Brys—Adennill Costau (Gwelliannau 56 a 57)

Group 14: Urgent Works—Recovery of Costs (Amendments 56 and 57)

[321] **Christine Chapman:** Now, we move on to group 14. This relates to the recovery of costs for urgent work. Before I do that, just to remind you we've got 23 groups, so we're over halfway now. Group 14 relates to the recovery of costs for urgent works. The lead amendment in the group is amendment 56 in the name of Suzy Davies. I call on Suzy to move amendment 56 and speak to the amendments in the group. Suzy.

Cynigiwyd gwelliant 56 (Suzy Davies).

Amendment 56 (Suzy Davies) moved.

[322] **Suzy Davies:** Thank you very much, Chair. I move amendment 56. But, before I speak to that, I just wanted to flag up with the Deputy Minister and other Members that I am considering further amendments to this part of the Bill dealing with urgent works carried out to listed buildings and the ownership of a third party by local authorities. Now, of course, local authorities should be reimbursed in a timely manner, and those who

deliberately allow a listed building to decay in order to make it too dangerous to preserve deserve to be brought to book speedily and to face a fine, as suggested elsewhere by Peter Black, and we'll talk about that at the time. However, some buildings decay because owners have difficulty finding the money to do the work in the first place and, in view of the likely high cost of urgent works, I'm looking at the period before appointing a receiver and the prioritisation vis-à-vis secured borrowing. So, even though there are no amendments on that today, I thought it was important to raise it now, because it will come back at Stage 3.

[323] As for today, amendments 56 and 57 deal with the setting of interest rates attached to the debts due to the council for attending to urgent works to preserve listed buildings. We believe that it is entirely inappropriate for local authorities to set their own individual interest rates. It presents a conflict of interest and a perverse incentive to carry out urgent works. Our amendment 56 asks that interest rates need to be introduced by regulation by Welsh Government after consultation on what would be a reasonable rate. Amendment 57 asks that the regulation be brought before the Assembly so that Members can be certain that our constituents have consistency across all councils and that there has been a fair process in arriving at a figure.

[324] If amendment 57 is unacceptable as drafted, then I would consider bringing it back at Stage 3, amending the process to affirmative in the first instance so that Members can check the process for how an interest rate is being set, but with any changes over time being introduced by the negative process. Thank you.

[325] **Christine Chapman:** Thank you. Are there any other Members who wish to speak? Okay, Deputy Minister.

[326] **Kenneth Skates:** Thank you, Chair. I am willing to support amendment 56, and my officials will liaise with WLGA and others to develop a suitable methodology. I will also need to bring forward an amendment at Stage 3 to set out procedural requirements for putting amendment 56 into effect. However, I can't accept that it's appropriate for the drafting of a statutory instrument that concerns fairly routine business to be subject to affirmative resolution of the National Assembly and I, therefore, urge Members to support amendment 56 and to reject amendment 57.

[327] **Christine Chapman:** Thank you. Suzy, do you want to reply?

[328] **Suzy Davies:** Well, obviously, first of all, can I thank the Deputy Minister for his confirmation that he will be accepting 56? It won't surprise him to know that I do disagree with him on his reasons for rejecting 57. We are talking about interest rates that could, in theory, be punitive, and I think it's quite in order for Members to have a view on whether interest rates proposed by Government have been arrived at in a fair and consistent manner.

11:15

[329] I was hoping that the introduction of the negative procedure for any minor changes, once a principle has been established, would have been acceptable. Sadly, that doesn't seem to be the case. In which case, I will be moving 57 in its current form. Thank you.

[330] **Christine Chapman:** So, Suzy, do you wish to proceed to a vote on 56?

[331] **Suzy Davies:** Yes, please.

[332] **Christine Chapman:** Okay. So, the question is, then, that amendment 56 be agreed. Does any Member object? No. So, amendment 56 is agreed.

*Derbyniwyd gwelliant 56 yn unol â Rheol Sefydlog 17.34.
Amendment 56 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 57 (Suzy Davies).
Amendment 57 (Suzy Davies) moved.*

[333] **Christine Chapman:** The question is that amendment 57 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Five in favour, five against. I use my casting vote against. Therefore, amendment 57 is not agreed.

*Gwelliant 57: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 57: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark

Chapman, Christine
Davies, Alun
Griffiths, John

Jenkins, Bethan
Thomas, Rhodri Glyn

Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 57.

Amendment 57 not agreed.

[334] **Christine Chapman:** Peter, amendment 75.

Cynigiwyd gwelliant 75 (Peter Black).

Amendment 75 (Peter Black) moved.

[335] **Peter Black:** I move.

[336] **Christine Chapman:** Okay. So, the question is that amendment 75 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, five in favour, five against. I use my casting vote against. Therefore, 75 is not agreed.

Gwelliant 75: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 75: For 5, Against 5, Abstain 0.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 75.

Amendment 75 not agreed.

Grŵp 15: Grantiau ar gyfer Atgyweirio a Chynnal a Chadw (Gwelliant 76)
Group 15: Grants for Repair and Maintenance (Amendment 76)

[337] **Christine Chapman:** Group 15 relates to grants for repair and maintenance. The only amendment in the group is amendment 76 in the name of Peter Black, and I call on Peter to move and speak to his amendment.

Cynigiwyd gwelliant 76 (Peter Black).
Amendment 76 (Peter Black) moved.

[338] **Peter Black:** Thank you, Chair. This is a fairly straightforward amendment to amend the power available to a local authority to contribute by way of a loan or grant to include a deferred payment provision, which allows the repayment of a loan to be deferred until such time as the property is sold. In the meantime, the local authority would take a charge over the property. I think this is just another solution to trying to find the resources to deal with some of these issues, where that is practical.

[339] **Christine Chapman:** Okay; thank you. Do any Members want to speak? Mike.

[340] **Mike Hedges:** Why is that not available now? I thought that it was.

[341] **Christine Chapman:** Okay; any others first? Any other questions? No. Okay. Deputy Minister.

[342] **Kenneth Skates:** Thank you, Chair. While I would support measures that would help local authorities find innovative ways of supporting owners in tackling neglected listing buildings, the deferred payment agreement system that this amendment introduces is unnecessary, because section 57(5)(b) of the 1990 Act already gives local authorities the power to vary the terms and conditions of a loan by agreement with the borrower. The amendment also purports to apply to all local authorities, including those in England. I cannot therefore support the amendment.

[343] **Christine Chapman:** Thank you. Peter to reply.

[344] **Peter Black:** I'm not quite sure it's exactly the same as the provision that the Minister's referred to. In fact, we're actually seeking to amend that particular subsection, I think, in this amendment. But I think, clearly, it's

right that we have on the face of the Bill that provision and local authorities understand that that is available to them. I think this is actually an enhancement of what is currently available.

[345] **Christine Chapman:** Okay; thank you. Peter, do you wish to proceed to a vote?

[346] **Peter Black:** I do.

[347] **Christine Chapman:** Okay. So, the question is that amendment 76 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, five in favour, five against. I use my casting vote against. So, 76 is not agreed.

*Gwelliant 76: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 76: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 76.
Amendment 76 not agreed.*

**Grŵp 16: Diogelu Adeiladau Rhestredig (Gwelliant 86)
Group 16: Protection of Listed Buildings (Amendment 86)**

[348] **Christine Chapman:** Group 16 relates to the protection of listed buildings. The only amendment in the group is amendment 86 in the name of Bethan Jenkins, and I call on Bethan to move and speak to her amendment.

Cynigiwyd gwelliant 86 (Bethan Jenkins).

Amendment 86 (Bethan Jenkins) moved.

[349] **Bethan Jenkins:** I just want to say at the start that this is a probing amendment, because it emanates from what Peter's just said; it's about how we can have a situation where we would be able to not only list and put statutory protections in place, but how we could actually make this a reality. We've heard evidence from those who've come to us that there are too many listed buildings in Wales in a poor state of repair, decaying and unsightly, and they won't be repaired very soon. So, this was a way to try to spark a debate about whether there would be capacity somewhere in the system for some financial support. So, my amendment would require the Welsh Government to provide adequate funding to improve listed buildings. I know, having spoken to the Minister, that obviously this would be, potentially, quite difficult, because some buildings would require astronomical sums, and others wouldn't. But I did put the amendment forward as I felt there was a need for backing in this regard. Many buildings are empty for years, and it was a way to have a discussion about the potential to create a clear mechanism for lifting those buildings out of their current state.

[350] I understand from the Minister that there are funds in place, via Cadw and via other such organisations. So, I'd be minded to potentially look at another amendment to see how AMs could better scrutinise that process. I can't speak for other AMs today, but I would encourage debate on this. Quite often, I don't feel that we have that information at our fingertips about who's applying for what fund and how those funds are applied. Potentially, they're on the website, but is there a way, as with other amendments that I've put forward, that we could at least see some of that coming through the system in a parliamentary process, so that we can know, for example, who are getting grants, who are not, the level of the grant, and so forth?

[351] As I've said, the amendment also gives power to Ministers to require owners of listed buildings to pay into a fund which will be used to meet the obligation to make public funding available for repairs. And where owners do not pay into the fund as required, the local authority may seek a charge on the land. The reason why I put the charge on the land is because this operates in a similar way to a mortgage, and if the building is sold, the proceeds of sale may be used to recover unpaid sums. And these enforcement provisions adopt the same approach as already appears in the Bill in section 30, which will allow a charge to be imposed on land where a local authority carries out urgent works and seeks to recover costs from the owner. So, it was following through from that principle, really. The

amendment also requires Welsh Ministers to report to the Assembly once a year about the value of the fund and related matters, such as steps taken to recover unpaid sums.

[352] So, as I said at the beginning, it was more of a probing amendment to see potentially if there were ideas around the committee table about addressing some of these fundamental issues, because while I think some elements of the Bill are great in terms of protecting better our buildings, for me, it still doesn't provide a lot of the answers in terms of how they will move from being empty or unused to actually being viable buildings for the future. So, that was the positive intention of the amendment.

[353] **Christine Chapman:** Thank you, Bethan. There are a number of Members who wish to speak. Mike first.

[354] **Mike Hedges:** I think that one thing perhaps we all agree on is that too many listed buildings are left empty, almost up until the point they burn down. We've lost too many listed buildings through fire, including one in the ward that Peter Black represents and in the constituency that I represent, which was left for a very long time until, finally, it burned down and it had to be demolished on safety grounds. That's not abnormal. I also know—and some of the south-west Wales Members are also aware—of Danbert House, which has been the subject of a long-running saga in Morriston, which goes back before I was elected as a councillor in 1989, where it's just been left empty. Eventually, the council forced the sale of it. So, I think that something does need to be done.

[355] I'm glad Bethan treated it as a probing amendment rather than actually pushing it, because I think that the one thing that would make matters worse is asking the owners of listed buildings to pay money in. It would just make buildings empty earlier, and I just think that if you told some of the chapels that are struggling to continue at the moment that they had to pay money into this fund, they'd just put their head in their hands and walk away. I think it would cause that sort of unintended consequence.

[356] But, the general idea is that something needs to be done—people just can't leave these buildings. Sometimes, the owner lives in another part of the world. Sometimes, they split the ownership of the land and the building. They do all these things to make it incredibly difficult for action to be taken, and in at least one case I'm aware of—well, I've been told; I'm not aware whether it's actually true—they actually split the building, so a part of it

belonged to one person and part of it belonged to another, again to make life difficult.

[357] So, I think that the idea of probing on this is very important, and I welcome Bethan coming in with a probing amendment. I hope the Minister is going to treat it in that manner, and is going to realise that this is a problem, as I'm sure a number of other people are going to say, that exists in their region or constituency as well.

[358] **Christine Chapman:** Thank you, Mike. Rhodri.

[359] **Rhodri Glyn Thomas:** I ategu yr hyn mae Mike Hedges wedi ei ddweud nawr, mae'n bwysig fod yna welliannau o'r math yma yn cael eu codi yn ystod y Cyfnod yma, oherwydd mae'n gyfle i godi pwnc, hwyrach, lle nad oes yna ateb syml na chllir, ond i sicrhau fod y pwnc ei hun yn cael ei godi a'r broblem sydd y tu ôl iddo yn cael cyfle i gael ei thrafod. A gaf i ychwanegu at y cymhlethdodau? Mae yna nifer o gapeli yng Nghymru, er enghraifft, ac mae cylch eglwysi annibynwyr Sanclêr yn cynnwys dau ohonyn nhw, dau gapel sydd wedi'u rhestru heb i unrhyw un yn y capel fod yn ymwybodol eu bod nhw wedi'u rhestru, hyd nes i ni edrych ar y rhestr o adeiladau a oedd wedi'u rhestru yn Sanclêr, a chanfod bod rhywun, ar ryw adeg, wedi trefnu bod y capeli wedi cael eu rhestru a bod pob manylyn ar y capeli wedi cael eu rhestru. Mae hynny'n codi problemau enfawr pan fod eisiau gwneud gwaith atgyweirio arno. Yn sicr, petai yna ystyriaeth yn cael ei rhoi i'w gwerthu nhw, mae hynny'n codi problemau ychwanegol. Nid oes dim byd, ac

Rhodri Glyn Thomas: To endorse what Mike Hedges has said, it's important that there are amendments of this kind being raised at this Stage, because it's an opportunity to perhaps raise a subject where there isn't a simple or clear solution, but just to ensure that the subject itself is raised and the problem behind it is discussed. May I also add to the complexity? There are a number of chapels in Wales, for example, and the group of independent churches in St Clears includes two of them, two chapels that have been listed without anyone in the chapel being aware that they had been listed, until we looked at the list of listed buildings in St Clears and we found that somebody, at some time, had ensured that the chapels had been listed and that every single detail on the buildings had been listed. That raises huge problems when there needs to be repair work undertaken on them. Certainly, if consideration were given to selling them, then that would raise additional problems. There is nothing, except perhaps the organ, that is exceptional in these

eithrio o bosibl yr organ, sydd yn eithriadol yn y capeli yma—maen nhw'n gapeli anghydfurfiol nodweddiadol sydd, at ei gilydd, yn adeiladau sgwâr, gweddol blaen a diaddurn.

chapels—they are typically nonconformist chapels that are square, fairly plain buildings without ornamentation.

[360] Felly, mae yna sefyllfa yn codi, Weinidog, ac rwy'n gwybod nad yw'n amser da i sôn am unrhyw gronfeydd o arian cyhoeddus ar hyn o bryd, ond mae yna broblem yn ein hwynebu ni, lle, os nad oes yna arian cyhoeddus ar gael, mae llawer iawn o'r adeiladau yma—. Rŷch chi'n sôn, hwyrach, am gynulleidfaoedd o hanner dwsin o bobl, i gyd yn eu 80au ac i gyd, o bosibl, yn ymddiriedolwyr o'r capeli ac yn gyfrifol amdanyn nhw, ac eto heb unrhyw adnoddau ariannol y tu ôl iddyn nhw ac yn gorfod cadw adeilad enfawr, oherwydd ei fod wedi'i rhestru. Felly, mae'r gwelliant yma'n codi pwnc sydd yn aruthrol o bwysig ac rŷm ni'n falch iawn o drosglwyddo'r cyfrifoldeb i chi, Weinidog, i ganfod ateb iddo.

So there is a situation arising, Minister, and I know that it's not a good time to talk about any public funds at present, but there are problems facing us, where, unless there is public funding available, then a great many of these buildings—. You're talking about congregations of half a dozen people in their 80s, and all, possibly, trustees of the chapels and responsible for them, and yet they don't have any financial resources behind them and they have to maintain a huge building because it has been listed. So, this amendment does raise a very important subject and we are very pleased to transfer responsibility to you, Minister, for finding an answer to this issue.

[361] **Christine Chapman:** Okay, thank you. Suzy.

[362] **Suzy Davies:** Thank you, and I'm grateful to Bethan for confirming that this is a probing amendment because we did look at it very carefully and really had some sympathy with what you were trying to do with this, but we had two significant problems with it. In fact, this is for the Deputy Minister as well—if the Government or Assembly Members are coming back with it, it's just to indicate some suggestions that we couldn't agree with in a revised version of this.

[363] The first is that the amendment, as it stands, imposes a responsibility on Ministers to collect payments from a particular group to redistribute to a particular group. I think that if this arrangement were a locally arranged

situation, where owners of various buildings came together and agreed to do this amongst themselves, I'd have some sympathy with that as an idea, but as a national programme, it really amounts to a ring-fenced levy and, unsurprisingly, that's not something that's particularly attractive to Welsh Conservatives.

[364] The second issue for us, and it's Mike Hedges's point really, is that money is sought from owners who already face considerable preservation obligations themselves and they're being asked to subsidise people in exactly the same position, regardless of the reason why. On a point of principle, I think that needs a bit more investigation, if you like, because there's an opportunity there for people to swing the lead a little bit.

[365] **Christine Chapman:** Bethan to reply.

[366] **Bethan Jenkins:** Thank you for the comments—

[367] **Christine Chapman:** Sorry—

[368] **Bethan Jenkins:** I thought then, 'I haven't heard from the Minister'.

[369] **Christine Chapman:** Apologies. I forgot to call the Deputy Minister. So, the Deputy Minister first and then Bethan.

[370] **Kenneth Skates:** Thanks, Chair. On this amendment, the proposals would come with an astronomical cost to people owning and often living in listed buildings. To provide adequate funding to all owners of Wales's 30,000 listed buildings, paid for through a listed buildings tax, would be wholly unreasonable. It wouldn't so much be a Robin-Hood-in-reverse tax as a Sheriff of Nottingham tax, so it would come at immense cost to people and, indeed, to congregations and communities. It would also benefit those who have been least responsible in maintaining listed buildings and it would penalise those who have been most responsible and who live in, or own, the most modest listed buildings.

11:30

[371] The issue of cost and neglect are intertwined, but cost is not always the primary reason for a listed building falling into a state of disrepair. There are owners who wilfully neglect their properties, who have the resources available to maintain them, but choose not to. There are those who do not

have the resources available to properly and fully maintain their properties, and that's particularly an issue with some of our grand old country estates that are passed down and inherited without sufficient resources to actually maintain them. There are also those who deliberately neglect—and I think Members have identified those—their properties, because they may wish to see them demolished and the land used for another purpose. So, a single solution is not available in order to address all of those reasons.

[372] There are also problems that can't be overcome by de-listing. For example, the cost of elaborate architecture will not be overcome simply by de-listing. It would enable you to knock down a building, to demolish it, but the cost of the skills and the materials to fully maintain a listed building can sometimes be prohibitive. So, there are a number of factors that need to be considered, and a number of solutions. For example, with the deliberate neglect, we're bringing forward the proposals to impose land charges, where urgent works need to be undertaken by local authorities. There are other ways of delivering resources to enable people to be able to maintain listed buildings. For example, the Cadw grants can lever in additional financial resource, and there are also lottery grants that can lever in additional resources as well. So, I accept that this is a probing amendment, and I'm pleased that it's a probing amendment, because I think the idea of a repair fund that would amount to billions of pounds would simply be impossible to deliver.

[373] **Christine Chapman:** Okay; thank you, Deputy Minister. Bethan to reply.

[374] **Bethan Jenkins:** Thanks to everybody who has commented. I suppose that what I will say is that it was an idea to create a debate, because obviously there is no one-size-fits-all solution. It was just an attempt to try to see whether this idea would spark a way of us trying to come up with a solution, because I don't think it's going to go away, regardless of the fact that this amendment won't be pushed to a vote. The situation will still exist where many buildings will be empty and they won't be able to access those grants and those repair systems. So, I would appreciate it if there could be some discussion, moving forward to Stage 3, to see if there is a way forward. I appreciate that there are emergency situations that will come as part of this Bill, but that's not long-term or sustainable and that's why I said, in terms of looking again at the grants that Cadw and others provide, while I appreciate we wouldn't be able to legislate for non-government bodies, we're still in the situation we are in and I wouldn't want us to be in this situation again in 10 or 20 years' time. That was really the intention in putting this forward today.

But, I'm not going to move it.

[375] **Christine Chapman:** You're not going to move it.

[376] **Bethan Jenkins:** No.

[377] **Christine Chapman:** Right; okay. Are Members okay for it not to be moved? Okay. Thank you.

*Tynnwyd gwelliant 86 yn ôl gyda chaniatâd y pwyllgor.
Amendment 86 withdrawn by leave of the committee.*

Grŵp 17: Adeiladau heb eu Meddiannu (Gwelliannau 77 a 78)
Group 17: Unoccupied Buildings (Amendments 77 and 78)

[378] **Christine Chapman:** Group 17 relates to unoccupied buildings. The lead amendment in the group is amendment 77 in the name of Peter Black, and I call on Peter to move and speak to his amendment and the other amendment in the group.

*Cynigiwyd gwelliant 77 (Peter Black).
Amendment 77 (Peter Black) moved.*

[379] **Peter Black:** Thank you, Chair. This is very much, I think, along the lines of the themes we've been going after in previous groups in terms of the number of empty listed buildings around Wales that are falling into disrepair. This is a particular recommendation of the committee, recommendation 9, looking at introducing financial penalties for those owners who deliberately allow their listed buildings to fall into disrepair. This refers to empty buildings, but, of course, given that we haven't brought into effect the community asset provision of the Localism Act 2011, then there are not many avenues available to local communities and local councils in terms of actually tackling this particular issue.

[380] It is my view that, if an owner of a listed building deliberately allows a building to fall into disrepair in this way, they should be subject to fines. This is a valuable community asset, they are causing a major blight on the local community, and certainly it's a major problem, not just for Cadw, but also for the future of that building. Often, those buildings, as Mike Hedges pointed out earlier, can end up falling into complete disuse and then effectively catch fire, as happened to Libanus in Cwmbwrla, which I think is

still listed, even though it's no longer there. I don't think they've actually delisted that yet. I think that we have a situation whereby we do need to make sure that owners pay a price if they allow their buildings to fall into disuse in this way.

[381] I accept that, in terms of amendment 78, possibly the penalty is too small. It was just a probing amendment really—maybe an unlimited penalty might be more appropriate in terms of being particularly useful. I also accept that there may well need to be some guidance in terms of understanding whether the actions of the owners are deliberate or not. I think that may need to be dealt with as part of this. So, certainly, I can see these amendments may need to come back in a different form, but I do think the principle is right. I think there may well be ways of establishing whether an action is deliberate or not—maybe serve a couple of notices, giving the owner the opportunity to put right their neglect before the fine kicks in. I certainly would hope that, if the Minister isn't prepared to accept these amendments, maybe he would give an undertaking to come back at Stage 3 with further amendments that are more acceptable for this particular purpose.

[382] **Christine Chapman:** Thank you. Suzy.

[383] **Suzy Davies:** Yes, thank you. I'm very grateful, actually, to Peter Black for the points that he's made in his opening remarks because we support the principle of amendment 77 wholeheartedly. Cynical owners with an eye to development potential should be stopped from letting buildings decay. So, what I would say is, I would like to support the amendment, but on one proviso—and I think you might have given it to me, but, just confirm it in your summing up, if that's okay—that further amendment is brought forward at Stage 3 to address two issues. Firstly—which I don't think you did cover, but I'm raising it now—is the issue of who bears the burden of proof when it comes to demonstrating that the omission is deliberate. Normally, I wouldn't raise it, but because the Bill has introduced changes to the burden of proof elsewhere within its contents, I'm just worried that silence on this point will just lead to happy lawyers, and I don't think we particularly want that. So, if you can—

[384] **Rhodri Glyn Thomas:** You're a lawyer.

[385] **Suzy Davies:** Not anymore. [*Laughter.*] So, I'd be much happier supporting this amendment if you could give me some reassurance, or

perhaps the Deputy Minister will give assurance, that something on that will come forward at Stage 3. The second, I think you did cover off, actually, which is the nature of the word 'deliberate'. I've got a particular concern that executives of estates might end up on the wrong side of this definition of 'deliberate', which is unclear at the moment, because they might be unable to maintain the building during a complex probate. That omission would be deliberate in the ordinary understanding of the word, but might be considered reasonable. Any further amendment, as you have suggested, would deal with how the word 'deliberate' is dealt with. I'm quite happy with your reassurance on that.

[386] We won't support amendment 78, mainly for the reasons that you gave. I think it's a matter for Ministers to propose the figure of any fine after consultation, and then to put that to the Assembly in the first instance, so that we're satisfied as to the reasonableness and the process followed to arrive at the figure, and subsequent changes could be via the negative procedure—£1,000 isn't enough.

[387] **Christine Chapman:** Thank you, Suzy. Mike.

[388] **Mike Hedges:** I think Suzy has got a point on this so that when buildings are awaiting probate et cetera, people aren't doing anything that might be considered deliberate. Really, I've got a question for Peter Black on this. Would it be considered deliberate when—. We know New Siloh is going to close its doors at Christmas this year. It's going to be left, unless something is done. Will that be considered to be deliberate, the fact that it's been left and it falls into decay, because there's two trustees there who would have full responsibility for it? Some people might consider that to be mildly unfair.

[389] **Christine Chapman:** Thank you. Deputy Minister.

[390] **Kenneth Skates:** Thank you, Chair. I have already given an undertaking to investigate the feasibility of introducing financial penalties for owners who deliberately neglect their buildings. I think all Members here would agree that there need to be levers put in place to ensure that buildings in the hands of those who are not responsible can be used, to make sure that they do properly maintain their buildings. The amendment, in fairness, as Peter Black has identified, is premature. It does require further work and consultation to determine if financial penalties would be an effective deterrent in stopping neglect.

[391] If I could just outline, in addition to those points already made, a key question is how a local authority can prove that the neglect is deliberate, and how the owner's motives will be established. The amendment, as drafted, gives no consideration to the rights of owners, such as a right of appeal against the decision, which would be needed to ensure compatibility with human rights. Amendment 78 imposes financial penalties for failure to comply with a notice. It does not, however, say how the penalties are to be imposed or by whom. I don't know how the fixed amounts put forward for the penalties were calculated, but I would argue that there's a need for further research and analysis. We need sound evidence to determine if such penalties would be an effective deterrent to this type of deliberate neglect, and, if so, what level of penalties would be most effective. While I think there is much merit in the idea, significant further research and consideration needs to be undertaken in this area. I will undertake that work, but I cannot guarantee, due to the complexities of it, that it will be completed in time for Stage 3.

[392] **Christine Chapman:** Okay, thank you. Peter to reply.

[393] **Peter Black:** Thank you, Chair, and thank you, everybody, for making the points that you have done. I won't proceed with this amendment on that basis, but, certainly, I've listed six points here that we need to try to address when we bring this back at Stage 3, which I will do my best to do. Just in answer to Mike Hedges's point, the act of closing a chapel is not, in my view, neglect. But, certainly, whoever continues to own that chapel still has a duty to keep it in good condition until they find a use for it. I think that's the issue around which we need to define neglect or not. So, in the case of Siloh, the trustees would continue to be responsible for the chapel and would need to either find a use for the chapel or make sure it was in good condition up until that point. I think that's what we are seeking to try to do here. Absolutely right, I mean—. I'm not going to try and answer all the points, because I don't have answers, but I think we do need to try to look further into this point.

[394] **Christine Chapman:** Okay. Thanks. So, you don't want to move amendment 77.

[395] **Peter Black:** I won't move it, no.

[396] **Christine Chapman:** Are Members content for it to be withdrawn?

*Tynnwyd gwelliant 77 yn ôl gyda chaniatâd y pwyllgor.
Amendment 77 withdrawn by leave of the committee.*

[397] **Christine Chapman:** And, Peter, what about amendment 78? You don't want to—

[398] **Peter Black:** No. That's the same.

[399] **Christine Chapman:** Yes, you want to withdraw that one as well.

*Ni chynigiwyd gwelliant 78 (Peter Black).
Amendment 78 (Peter Black) not moved.*

[400] **Christine Chapman:** Suzy, amendment 98 in the name of Darren Millar.

*Cynigiwyd gwelliant 98 (Darren Millar, gyda chefnogaeth Rhodri Glyn Thomas ac Aled Roberts)
Amendment 98 (Darren Millar, supported by Rhodri Glyn Thomas and Aled Roberts) moved.*

[401] **Suzy Davies:** Yes, I do move that.

[402] **Christine Chapman:** Okay. So, the question is then that amendment 98 be agreed. Does any Member object? [*Objection.*] Okay, so we'll take a vote then. Those in favour. Those against. Okay. Five in favour, five against. So, I use my casting vote against, so 98 is not agreed.

*Gwelliant 98: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 98: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 98.
Amendment 98 not agreed.*

[403] **Christine Chapman:** Peter, amendment 42.

*Cynigiwyd gwelliant 42 (Peter Black).
Amendment 42 (Peter Black) moved.*

[404] **Peter Black:** I move.

[405] **Rhodri Glyn Thomas:** Sorry, just a point of order.

[406] **Christine Chapman:** Yes?

[407] **Rhodri Glyn Thomas:** We haven't had an explanation, unless I missed something, on the reasons for opposing amendment 98, which was placed in the name of Darren Millar, Aled Roberts and myself.

[408] **Kenneth Skates:** We did.

[409] **Rhodri Glyn Thomas:** You did?

[410] **Kenneth Skates:** Yes.

[411] **Rhodri Glyn Thomas:** Okay. Well—

[412] **Christine Chapman:** Yes, we've had that. Peter, amendment 42.

[413] **Peter Black:** Move.

[414] **Christine Chapman:** Right. So, the question is then that amendment 42 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Five in favour, five against. I use my casting vote, then, against, therefore 42 is not agreed.

*Gwelliant 42: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 42: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 42.
Amendment 42 not agreed.*

*Tynnwyd gwelliant 43 yn ôl.
Amendment 43 withdrawn.*

[415] **Christine Chapman:** Peter, amendment 72.

*Cynigiwyd gwelliant 72 (Peter Black).
Amendment 72 (Peter Black) moved.*

[416] **Peter Black:** I move.

[417] **Christine Chapman:** Okay. The question is that amendment 72 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. So, five in favour, five against. I use my casting vote against, therefore 72 is not agreed.

*Gwelliant 72: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 72: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 72.

Amendment 72 not agreed.

Grŵp 18: Enwau Lleoedd Hanesyddol (Gwelliannau 30, 31, 87, 32, 88, 33, 34, 35, 36, 37, 38 a 93)

Group 18: Historic Place Names (Amendments 30, 31, 87, 32, 88, 33, 34, 35, 36, 37, 38 and 93)

[418] **Christine Chapman:** Group 18, now, relates to historic place names. The lead amendment in the group is amendment 30 in the name of the Deputy Minister.

Cynigiwyd gwelliant 30 (Kenneth Skates).

Amendment 30 (Kenneth Skates) moved.

[419] **Christine Chapman:** So, I move amendment 30 and call on the Deputy Minister to speak to amendment 30 and the other amendments in the group. Deputy Minister.

[420] **Kenneth Skates:** Thank you, Chair. Amendment 30 places a requirement on the Welsh Ministers to compile and maintain a list of historic place names in Wales. I'm giving consideration as to how this duty might be discharged. Amendments 31 to 38 allow the information that is contained in the list to be accessed through the historic environment records. While I appreciate that referencing historic place names in HERs will not formally safeguard them, it will be an important first step. By raising awareness of the historical, cultural and linguistic importance of historic place names and giving members of the public and, indeed, local authorities access to accurate and reliable information, I believe it will make our historic place names more secure in the future. With access to place name information, the HERs will become even richer resources for local authorities and the wider community. To fully realise the opportunities offered by these changes, the guidance on HERs may need to be revisited, so that its use can be extended to public authorities beyond local planning authorities. This may, in turn, have implications for the way in which the HER duty is articulated in the Bill, and I will need to give this further consideration.

11:45

[421] Amendments 87 and 88 propose a different approach to including historic place names in the HERs. These amendments would require commonly used place names to be recorded in addition to historic place names and would place a responsibility for collecting them on each local authority rather than on the Welsh Government. This would involve significant additional and unnecessary expense. It would also raise a very real risk that the HERs would be overwhelmed by the volume of place name records and that their relevance for local planning authorities would be diluted. Consequently, I cannot support these proposals.

[422] Amendment 93 goes even further and proposes a degree of protection for what are described as ‘appropriate’ names of places, buildings and landmarks. It would subject certain public bodies to penalties if they failed to refer to places, buildings or landmarks by their appropriate names in any materials that they produce. The amendment, however, offers no definition of an ‘appropriate’ name. Furthermore, the number of entries on the list of place names is likely to be significant. So, the task of determining the appropriate names would be an extremely costly one and, in many cases, is likely to be controversial and contested. Finally, the restrictions would only apply to certain public bodies, which might be considered to be the least likely to fail to respect historic place names.

[423] **Christine Chapman:** Thank you, Deputy Minister. Bethan.

[424] **Bethan Jenkins:** Diolch, Chair. I note the Minister seeks to include place names in the historic environment records and I do welcome this. It’s not that we don’t support that, but I wanted to put a wider scoping to the amendments that I’ve put in, especially with regard to including landmarks; that’s something that reflects the petition that we had from Mynyddoedd Pawb to the Petitions Committee, in terms of the listing of certain aspects of Welsh heritage that may not fall within a place name.

[425] Like the Minister, I propose to add place names to the historic environment record, but, unlike the Minister, I wanted to protect all place names—historic and living. I also wanted to ensure protection for names in any language where commonly used, now or in the past. Of course, many place names in Wales are in Welsh, many are in English and some are in other languages. As we know, Swansea is a Viking name, and this demonstrates

the rich history of Wales.

[426] I also wanted to ensure that the names on the lists are actually used in written form, at least by public bodies. I'm open to suggestion as to who they are and tried to put forward some ideas. You can never win in this regard; you either list some and then they're scrutinised, or you list none and then you're accused of not being specific enough. So, there we go.

[427] Amendment 93 gives power to the Minister to place obligations on various bodies. I've included protection to ensure that works of fiction and non-written communication are not included in the requirements. I believe that's something that some Members have an issue with. I wanted to try and guard against that. The list may be changed at the request of a member of the public, subject to the Minister's agreement.

[428] I note the issues that the Minister raises with regard to cost implications and the implications in general of what I propose. I suppose it just comes from evidence we had in, saying that we need to give regard and proper protection to this. So, having a list, again, is something that we need to question as to whether that goes far enough, in my view. We need to know exactly, if somebody wanted to add or take away from that list, that that could be done, because obviously, things change. So, it was trying to act appropriately in that regard. But I will be pushing these amendments to a vote, because I do believe that it goes further. I'm happy to listen to any views as to how it could be improved upon, because, again, these amendments come from ideas from evidence that we've had and some comments from the Welsh Language Commissioner, as well.

[429] **Christine Chapman:** Okay, thanks. Rhodri.

[430] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Rwy'n credu bod y gwelliannau hyn sydd wedi cael eu gosod yn enw Bethan Jenkins—87, 88 a 93—yn hynod o bwysig. Rŷm ni wedi derbyn tystiolaeth o fwy nac un cyfeiriad ynglŷn â'r angen i ddiogelu enwau hanesyddol. Mae yna ragdybiaeth weithiau ein bod ni'n sôn yn unig am enwau yn y Gymraeg, ond nid yw hynny'n wir. Mae yna rai yn y

Rhodri Glyn Thomas: Thank you very much, Chair. I think these amendments that have been presented by Bethan Jenkins—87, 88 and 93—are extremely important. We have received evidence from more than one direction about the need to protect historic names. There is a presumption, sometimes, that we are only talking about names in Welsh, but that isn't true. There are some in

Gymraeg, rhai yn Saesneg a rhai mewn ieithoedd eraill sydd yn dynodi rhywbeth o bwys o ran treftadaeth a hanes. Petaem ni'n colli rhai o'r enwau yma fe fyddai fe'n golled enfawr.

[431] Fe allaf i dderbyn y ddadl, hwyrach, fod gofynion y gwelliannau yma yn anymarferol neu yn anodd eu gweithredu ac rwy'n falch bod y Gweinidog wedi mynd i ryw raddau i geisio mynd i'r afael â'r broblem yma yn ei welliannau fe. Ond mae'n rhaid imi ddweud nad wyf i'n credu bod ei welliannau fe'n mynd yn ddigon pell ar y mater yma, ac nid wyf i'n credu eu bod nhw'n mynd i wneud gwahaniaeth sylfaenol i'r hyn sy'n digwydd o ran erydu yn y maes yma ar hyn o bryd. Fe fyddaf i, wrth reswm, yn cefnogi gwelliannau 87, 88 a 93, ond nid wyf i'n gweld anghydfurfiaeth yn torri allan yn y pwyllgor yma o ran tueddiadau pleidleisio, felly gallaf i ragdybio beth fydd yn digwydd gyda'r gwelliannau yma. Ond rwyf i yn pwysu ar y Gweinidog i ystyried—os nad oes modd ei wneud e mewn deddfwriaeth, beth elli di wneud gyda chyfeiriadaeth? Mae cyfeiriadaeth yn aml iawn yn arf y gellir ei ddefnyddio yn y maes yma sydd ddim yn creu rhai o'r rhwystrau y byddai'n codi trwy ddeddfwriaeth.

[432] **Christine Chapman:** Thank you. Peter.

[433] **Peter Black:** Thank you, Chair. I've always thought this is a particularly difficult issue in terms of how you establish that people should use a

Welsh, some in English and some other languages that denote something of importance in terms of heritage and history. If we were to lose some of these names, it would be a massive loss.

I can accept the argument, perhaps, that the requirements of these amendments are impractical or difficult to implement, and I am pleased that the Minister has gone to some extent to try and address the problem in his amendments. But I must say that his amendments do not go far enough on this issue, and I don't think they're going to make a fundamental difference to what's being eroded in this field at the moment. I will be, naturally, supporting amendments 87, 88 and 93, but I don't see non-conformity breaking out in this committee regarding voting tendencies, so I can predict what's going to happen. However, I would put pressure on the Minister to consider—if there's no way of doing it through legislation, can it be done through direction? Direction is, very often, a tool that can be used in this area that doesn't create some of the barriers that would arise through legislation.

particular name for a particular area because it is historic, because names, as language, tend to evolve over time, and people tend to adopt their own names for particular areas, which then become in common use, and they change accordingly. I think that makes it particularly difficult in terms of issuing a direction, as referred to in amendment 93.

[434] I certainly support the Minister's amendment. I think 87 is an interesting one; I'm happy to vote for it, although I can see there are issues in terms of complexity and in terms of cost around that. But I think it compliments what the Minister has done, because it provides for an index, if you like, of a number of different names you might want for a particular area, I mean, Swansea, Abertawe, Sweyn's Eye, whatever.

[435] But I also think that, sometimes, the statutory authorities are the worst offenders. I recently had a run-in with the Post Office, because they're insisting on spelling the Welsh version of Skewen with a 'c' instead of a 'g'. When we challenged it, they asked the local authority, which confirmed to them it was spelt with a 'c', even though the local authority have signs all around the area spelt with a 'g'. Of course there is a Welsh Gazetteer of place names, which I think finally settled that one.

[436] I do think that the best we can most probably do is to provide a list that would be authoritative, and I think that that list could then form the basis for resolving issues around place names, which I think would be particularly useful in this. That's why I will not be able to support, at this stage, amendment ninety-whatever-it-was—93—in terms of actually giving direction, because I just don't think—. It only relates to a number of bodies, and I don't think it really is practical to actually deliver that particular direction.

[437] **Christine Chapman:** Okay. Thank you, Peter. Alun.

[438] **Alun Davies:** Thank you. I find myself in the curious position of agreeing with all the speakers who have spoken on this matter, although they haven't actually agreed with each other. I certainly agree with the ambition in the amendments that Bethan has laid, but I also recognise some of the difficulties that Peter has outlined. But I sometimes don't think we should allow the difficulties to prevent us doing what we want to do.

[439] I warmly welcome the amendments from the Minister, I think this is something where the Minister's listened to an argument and has actually

ensured that we put something on the statute book that reflects where we want to be. I think that's really important and I think it's an important subject where the Minister's clearly taken up what he's heard and has moved forward to bring forward these amendments. I warmly, warmly welcome that, but the purpose has to be to move on from where we will be when this reaches the statute book. My issue with Bethan's amendment 93 is that it doesn't actually seek to do anything. I actually think that the Minister and the Government do need regulation-making powers, and I see the purpose of delineating and creating a list, but what is the purpose and the point of that list? There needs to be one.

[440] I also agree with what Bethan was saying about what Rhodri said about commonly used names. Now, if you look at Chartist cave in Trefil, I doubt if that's the original name—I'm assuming the original name was in Welsh, but I haven't got a clue what that original name is, and I've yet to meet somebody who does because that has become the commonly used name for that place. I think it's important to capture that sort of thing.

[441] We talked about the names that exist in different languages in the country, and that's true and that's important, but it's also, of course, the industrial heritage in the country. Many of our names, whether they're dram roads or areas that have come from the name of a colliery or from a particular works of some description, have come from industrial processes and industrial history, which are no longer there. I think it's important that we recognise and capture some of that as well.

[442] So, I agree with the creation of a list and I agree with the creation of the mechanisms to sustain that, but then I think—and this where I don't support amendment 93 because I don't know what it does. But I think there must be some amendment 93 that does something. So, I would ask the Minister and others here to—. I would ask Members to support the Minister's amendments—this gets us to where we want to be now—and then look at how we can create regulation-making powers and the secondary instrument-making powers that will actually then provide powers with a purpose to achieve something else. I'm not sure that 93 does that today, although, as I say, I think those powers would be needed for the Government if they were to make the list work.

[443] **Rhodri Glyn Thomas:** You can support amendment 87.

[444] **Alun Davies:** I don't think amendment 87 does that either, as it

happens, but I'm happy with where the Minister is today, but I hope that, before we get to Stage 3, we can find a place to be where we can reach agreement on those matters.

[445] **Christine Chapman:** Okay. Thanks. Suzy, then Mark.

[446] **Suzy Davies:** Thank you very much. Can I say 'thank you' to all Members and the Deputy Minister for trying to tackle this area, which has come up in evidence. Our view is, actually, that all these amendments are complementary. If amendment 93 is moved, even though it's perhaps incomplete—I won't bother going into the details because they've been mentioned here—we would actually support that, but as a first step. What I'm looking for, in particular, is that, at Stage 3, you consider extending the current amendment to include the application of the affirmative procedure to regulations under 2(d) in your list, which allows for the introduction of penalties. At the moment, Welsh Ministers have a discretion to introduce penalties, not a duty, so I think, Deputy Minister, you were slightly wrong when you said that this amendment is subject to penalties. There is a discretion involved in there, but I don't think that that's a terminal error at all. Stage 3 is an opportunity to improve this amendment, rather than start again. That's my view on it, anyway.

[447] **Alun Davies:** Will you take an intervention?

[448] **Suzy Davies:** By all means, yes.

[449] **Alun Davies:** I agree with the points you're making. I would agree also that the affirmative process will be the best way of providing these regulations.

[450] **Suzy Davies:** Where there are penalties, let's have the affirmative, at least in the first instance. That was the only point that I wanted to make, really.

[451] **Christine Chapman:** Mark.

[452] **Mark Isherwood:** I agree. They are predominantly complementary. As worded, and as I see it, the Minister's definition—maintaining a list of historic place names in Wales—taken to the nth degree, could end up with an army of historians and archaeologists almost permanently employed in research into the dim and distant past to identify every historic place name in

the Roman period, in the pre-Roman Celtic period, all the previous names of all our hill forts and everything else, which would be wonderful, but is that the intent? At least in amendment 87 there's an attempt to narrow that down to a point of commonly used current and historic names. So, it's how the Minister intends to define historic place names rather than perhaps unintentionally legislating to deliver what would be practically undeliverable.

12:00

[453] **Christine Chapman:** Okay. We've had quite a good discussion on that. I'm going to call the Deputy Minister in now.

[454] **Kenneth Skates:** Thank you, Chair. I'd urge Members to support amendments 30 to 38, which actually go further than the committee's recommendation by creating a list of place names as well as requiring the HERs to reference it. But, as I've already said earlier, to fully realise the opportunities available through these changes, I think the guidance on HERs may need to be revisited so that its use can indeed be extended to public authorities beyond local planning authorities. I would urge Members to reject amendments 87, 88 and 93, which I believe would introduce unacceptably complex, costly and cumbersome provisions. As Alun Davies rightly said, it's not clear—

[455] **Bethan Jenkins:** Sorry, can I—?

[456] **Kenneth Skates:** —what they would actually achieve.

[457] **Christine Chapman:** Wait till the Deputy Minister finishes and I'll bring you in then. Okay. Sorry, do you want to continue?

[458] **Kenneth Skates:** I've finished.

[459] **Christine Chapman:** Okay. Bethan.

[460] **Bethan Jenkins:** Sorry, I wanted to ask whether you would consider looking at 87 and 88 separately to 93, because I don't believe that they're entirely the same. Obviously, I'm asking for a list that would be included of current and historic names and places in any language, and then 93 would be going into more of the specifics in relation to regulations. As others have said, I think 87 would complement your intention, whereas 93, of course, I appreciate from what has been said—although I don't agree—that you don't

want to go into the detail of how it would work at this stage—that that would be through regulations. So, I just wondered whether you would at least consider that.

[461] **Christine Chapman:** Deputy Minister, do you want to—?

[462] **Kenneth Skates:** I still believe that it would be in the best interests to accept amendments 30 to 38 and to reject 87, 88 and 93.

[463] **Christine Chapman:** Okay. Deputy Minister, do you wish to proceed to a vote on amendment 30?

[464] **Kenneth Skates:** I do.

[465] **Christine Chapman:** Okay. So, the question is that amendment 30 be agreed. Does any Member object? No. So, amendment 30 is agreed.

Derbyniwyd gwelliant 30 yn unol â Rheol Sefydlog 17.34.

Amendment 30 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 31 (Kenneth Skates).

Amendment 31 (Kenneth Skates) moved.

[466] **Christine Chapman:** I move amendment 31 in the name of the Deputy Minister. So, the question is that amendment 31 be agreed. Does any Member object? No. So, amendment 31 is agreed.

Derbyniwyd gwelliant 31 yn unol â Rheol Sefydlog 17.34.

Amendment 31 agreed in accordance with Standing Order 17.34.

[467] **Christine Chapman:** Bethan, amendment 87.

Cynigiwyd gwelliant 87 (Bethan Jenkins).

Amendment 87 (Bethan Jenkins) moved.

[468] **Bethan Jenkins:** Yes.

[469] **Christine Chapman:** If amendment 87 is not agreed, amendment 88 falls. So, the question is that amendment 87 be agreed. Does any Member object? [*Objection.*] Okay. So, we take a vote then. So, those in favour. Those against. So, there are five in favour, five against. Therefore, I use my casting

vote against. Therefore, 87 is not agreed.

*Gwelliant 87: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 87: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 87.
Amendment 87 not agreed.*

*Methodd gwelliant 88.
Amendment 88 fell.*

*Cynigiwyd gwelliant 32 (Kenneth Skates).
Amendment 32 (Kenneth Skates) moved.*

[470] **Christine Chapman:** I move amendment 32 now in the name of the Deputy Minister. So, the question is that amendment 32 be agreed. Does any Member object? No. So, amendment 32 is agreed.

*Derbyniwyd gwelliant 32 yn unol â Rheol Sefydlog 17.34.
Amendment 32 agreed in accordance with Standing Order 17.34.*

[471] **Christine Chapman:** I propose that amendments 33, 34, 35, 36, 37 and 38 are disposed of en bloc. Does any Member object? No.

*Cynigiwyd gwelliannau 33, 34, 35, 36, 37 a 38 (Kenneth Skates).
Amendments 33, 34, 35, 36, 37 and 38 (Kenneth Skates) moved.*

[472] **Christine Chapman:** So, I move these amendments 33 to 38 in the

name of the Deputy Minister. So, the question is that amendments 33 to 38 be agreed. Does any Member object? No. So, those amendments, 33 to 38, are agreed.

Derbyniwyd gwelliannau 33, 34, 35, 36, 37 a 38 yn unol â Rheol Sefydlog 17.34.

Amendments 33, 34, 35, 36, 37 and 38 agreed in accordance with Standing Order 17.34.

Grŵp 19: Cofnodion Amgylchedd Hanesyddol (Gwelliannau 89, 90, 24, 92 a 91)

Group 19: Historic Environment Records (Amendments 89, 90, 24, 92 and 91)

[473] **Christine Chapman:** We now move on to group 19. This relates to historic environment records. The lead amendment in the group is amendment 89 in the name of Bethan Jenkins, and I call on Bethan to move and speak to her amendment and the other amendments in the group. Bethan.

*Cynigiwyd gwelliant 89 (Bethan Jenkins).
Amendment 89 (Bethan Jenkins) moved.*

[474] **Bethan Jenkins:** Thanks. The Bill provides for the Minister to issue guidance to local authorities about creating and keeping up-to-date historical records. My amendment 89 will make the issuing of guidance obligatory. It would also be subject to scrutiny by affirmative procedure under amendment 92. It only seems right, given that this is a new legal requirement, that local authorities should have some guidance. It is also important for consistency across Wales. Amendment 90 will require local authorities specifically to think about the Welsh language in compiling the historic environment records.

[475] Amendment 91 requires that the Welsh Government must audit the historic environment records of local authorities at least once every five years or, to put it another way, at least once in every term of this Assembly. In doing so, Ministers must report on that audit to the National Assembly. I believe that this is necessary as we have heard evidence already that the historic environment records can be patchy and that they can vary from area to area and that there are capacity issues. I would wish for this to be scrutinised on an Assembly level so that we can hold the Minister to account,

track progress of the historic environment records efficiently and assess how they could be improved upon. Again, I have read the draft guidance on managing the historic environment records in Wales. It says that, and I quote,

[476] ‘Welsh Ministers will monitor the effective discharge of local planning authority duties...by reviewing services against the standards set out in this guidance. In the event that a local planning authority fails to discharge its HER services satisfactorily, the Welsh Ministers will then work with the local planning authority...to agree a plan to rectify failings.’

[477] I believe that this is all well intended but this is where it stops, under the draft guidance, in relation to how we would scrutinise it. We are reliant upon the Minister to do this job, and while that may be so, as I’ve said previously in relation to the ministerial capacity, we cannot always rely on this. Therefore, a parliamentary scrutiny element is my desire here, especially if we’re expanding on the scope of the records with recording place names also. This means, I think, that there would be clear interest from Assembly Members in looking at the audits of those historic environment records.

[478] While I appreciate that the guidance is in draft form as we sit here today, and that the consultation may change things down the line, I do believe that accountability should be on the face of the Bill, not only in guidance, as the details of the HERs—what they are, and who is responsible for them—are in the Bill before today, so why not the audit. I also wonder why the consultation on the guidance did not happen prior to the Bill coming to Assembly Members for consideration because this would have allowed for us to have a more comprehensive view on the current situation, how they would work, and how we would be able to reflect upon that. As it stands, we are still waiting for the public at large and those in specialist sectors within the archaeological movement to respond, and therefore it makes it more difficult for us to be able to come to conclusive ideas as to where and how the historic environment records should sit in the future.

[479] I think that they are too important a record not to be scrutinised by this Assembly. I think that it would be remiss of us not to have the audits come to the Assembly for scrutiny. It doesn’t have to be an Assembly debate; it can be done through a committee investigation. But I will hold firm in acknowledging that it would be entirely appropriate, and it would complement the rest of the Bill in that regard.

[480] **Christine Chapman:** Okay. I don’t see any other Members, so I call on

the Deputy Minister.

[481] **Kenneth Skates:** Thank you, Chair. Amendment 24 meets recommendation 3 of the Constitutional and Legislative Affairs Committee, which called for the Welsh Ministers to lay the guidance on historic environment records before the National Assembly for Wales; however, I'm not able to support amendment 92, which seeks to make this subject to the affirmative procedure. Amendment 89 requires the Welsh Ministers to issue this guidance, and I do accept this amendment. However, I am not able to support amendment 90, which requires the guidance to incorporate a consideration of the Welsh language. Consideration of the Welsh language is already required by other legislation and by Welsh language standards. Nor am I able to support amendment 91, which requires the Welsh Ministers to undertake a five-yearly audit—[*Interruption.*]

[482] **Christine Chapman:** Hang on a second—let the Deputy Minister finish.

[483] **Kenneth Skates:** A five-yearly audit of the historic environment records is already standard practice, and I see no benefit in prescribing this in legislation with a specific frequency.

[484] **Christine Chapman:** Okay. Rhodri, do you want to put your question?

[485] **Rhodri Glyn Thomas:** In terms of the point you raised that this matter is covered by Welsh language standards, if the Welsh Language Commissioner felt that further action needed to be taken in this area, would you be persuaded to act on this matter?

[486] **Kenneth Skates:** If the Welsh Language Commissioner wishes to raise it with me ahead of Stage 3, then I'll be more than willing to listen to her concerns.

[487] **Christine Chapman:** Okay. Thank you. Are there any other comments, Deputy Minister?

[488] **Kenneth Skates:** No.

[489] **Christine Chapman:** Okay. Bethan.

[490] **Bethan Jenkins:** I've basically said what I wanted to say. I am pleased that there will be the issuing of guidance but I do believe that my other

amendments are equally as strong. I think that it would be appropriate for the Assembly to be able to look at them. I'm not saying that the guidance is not going to be there, that the work is not going to be done. It's how we monitor, as an Assembly, how it operates. I know that people in the sector would appreciate that level of monitoring, and so I will be moving the amendments.

[491] **Christine Chapman:** Okay. Thank you, Bethan. The question is, then, that amendment 89 be agreed? Does any Member object? No. So, amendment 89 is agreed.

*Derbyniwyd gwelliant 89 yn unol â Rheol Sefydlog 17.34.
Amendment 89 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 90 (Bethan Jenkins).
Amendment 90 (Bethan Jenkins) moved.*

[492] **Christine Chapman:** The question is that amendment 90 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, it's five in favour, five against. I use my casting vote against, therefore, 90 is not agreed.

*Gwelliant 90: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 90: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Jenkins, Bethan	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 90.
Amendment 90 not agreed.*

Cynigiwyd gwelliant 24 (Kenneth Skates).
Amendment 24 (Kenneth Skates) moved.

[493] **Christine Chapman:** I move amendment 24 in the name of the Deputy Minister. The question is that amendment 24 be agreed. Does any Member object? No. So, amendment 24 is agreed.

Derbyniwyd gwelliant 24 yn unol â Rheol Sefydlog 17.34.
Amendment 24 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 92 (Bethan Jenkins).
Amendment 92 (Bethan Jenkins) moved.

[494] **Christine Chapman:** The question is that amendment 92 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, five in favour, five against. I use my casting vote against, therefore, 90 is not agreed.

Gwelliant 92: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 92: For 5, Against 5, Abstain 0.

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Jenkins, Bethan	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 92.
Amendment 92 not agreed.

Cynigiwyd gwelliant 91 (Bethan Jenkins).
Amendment 91 (Bethan Jenkins) moved.

[495] **Christine Chapman:** The question is that amendment 91 be agreed.

Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, it's four in favour and six against. Therefore, 91 is not agreed.

Gwelliant 91: O blaid 4, Yn erbyn 6, Ymatal 0.

Amendment 91: For 4, Against 6, Abstain 0.

O blaid:

Yn erbyn:

Ymatal:

For:

Against:

Abstain:

Davies, Suzy

Black, Peter

Jenkins, Bethan

Chapman, Christine

Isherwood, Mark

Davies, Alun

Thomas, Rhodri Glyn

Griffiths, John

Hedges, Mike

Price, Gwyn R.

Gwrthodwyd gwelliant 91.

Amendment 91 not agreed.

Grŵp 20: Y Panel Cyngori ar Amgylchedd Hanesyddol Cymru (Gwelliannau 58, 47, 59, 94, 62 a 48)

Group 20: Advisory Panel for the Welsh Historic Environment (Amendments 58, 47, 59, 94, 62 and 48)

[496] **Christine Chapman:** We move on now to group 20 and this relates to the advisory panel for the Welsh historic environment. The lead amendment in the group is amendment 58 in the name of Suzy Davies and I call on Suzy to move amendment 58 and speak to the amendments in the group.

Cynigiwyd gwelliant 58 (Suzy Davies).

Amendment 58 (Suzy Davies) moved.

[497] **Suzy Davies:** Thank you, Chair. I move amendment 58. When I tabled this amendment originally, it was primarily as a probing amendment to allow the Deputy Minister another chance to explain why exactly he needs any advice to be sought via statute. My view remains that both the Deputy Minister and Cadw don't need a statutory body for advice; they can ask whomever they please whenever they please without all the unnecessary cost, structure and bureaucracy involved in the Bill as drafted. However, the wording of subsection 3 actually prompted me to move this amendment, as I've just done, because I see that the panel is under a duty to provide a work plan setting out the matter on which it plans to advise the Deputy Minister.

[498] Now, my first observation is that there's nothing in the Bill that suggests what happens if this statutory body fails to provide a work plan. But more importantly, to me, it suggests that the Deputy Minister and Cadw would be relying, to a degree, on this advisory panel to set out the agenda; it is not just a responsive body offering advice on the request of Ministers. That, to me, sounds far more like the work of an arm's-length body—something like a mini Law Commission. It sounds a bit more like the work that Cadw used to do when it was outside Government and when the kind of work referred to by Bethan Jenkins in group 16 would have been more apparent and capable of scrutiny, not least by Government itself—you were talking about grants and how they were made and so forth. If that is the level of independent support that you need, Deputy Minister, then you're really looking at something more akin to structural change, rather than the appointment of a statutory advisory panel.

[499] Amendment 59 is simply consequential to amendment 58. On the other amendments in the group, on the basis that my amendment's not going to pass, I can confirm that we will be looking sympathetically at both suggestions.

[500] **Christine Chapman:** Thank you, Suzy. Peter.

[501] **Peter Black:** Yes, thank you, Chair. I just wanted to speak to my amendments 47 and 48. Forty-seven refers to recommendation 14 of the committee that the Bill includes a requirement for the advisory panel to report to the Welsh Ministers annually on work undertaken and outputs achieved and to make these reports publicly available. I think that's a reasonable requirement of a body that is set up on this statutory basis.

[502] Amendment 48 is pursuant to the Constitutional and Legislative Affairs Committee's recommendation 4 requiring regulations made under section 38(7)(h) to be subject to the affirmative procedure. I think they make the very important point that the act of disqualifying a person or of deciding not to do so is an important matter that warrants consideration by the Assembly, and I think that's been underlined by this particular amendment.

[503] **Christine Chapman:** Thank you, Peter. Bethan.

[504] **Bethan Jenkins:** I would support Suzy Davies's aim in seeking not to create a new advisory body. It's not clear to me what additional value will be

gained from creating this body, given that we already have a group in existence at the moment and given the fact that Cadw and various other bodies, such as the royal commission, can, effectively, advise the Minister. It will also have financial implications that, to put it bluntly, I would rather spend on updating buildings of historic importance that are falling into disrepair. An historic environment group that is effective already exists and it is composed of the bodies listed in subsection 3 of my amendment 94. So, I also propose to give the Minister power to add or remove a body to or from that list and I propose that the power should be subject to the affirmative procedure.

12:15

[505] I know that I've asked you previously, Minister, if the Chartered Institute for Archaeologists, for example, could be added to the group. I'm sure there are other examples of groups that could be put on that body for various reasons. They work in the field day in, day out, and are no less expert than an appointed panel, I would argue. Did we have a bonfire of the quangos only to replace them with panels and task and finish groups? If this amendment were to pass today, I would wish to add an amendment at Stage 3 regarding the desirability for the group to report on its work so that the remit of the group is open and transparent.

[506] **Christine Chapman:** Thank you, Bethan. Alun.

[507] **Alun Davies:** I believe in the fallibility of Ministers and the fallibility of civil servants. I think we do need advisory panels and advisory groups on some matters. I find it rather curious that people would seek to remove that. I think that sort of external input is exactly what Government does need—

[508] **Suzy Davies:** Will you take an intervention on that point?

[509] **Alun Davies:** Yes, of course.

[510] **Suzy Davies:** I think, in all fairness, none of us has suggested that the Minister wouldn't benefit from advice; it's just whether that advice needs to be provided by a statutory body.

[511] **Alun Davies:** Yes, I accept that, but I think the statutory body provides the framework within which that advice is provided, and it does allow for greater transparency and greater accountability, of course, because if you are

talking about a statutory body, the way its funds are used and the way its work programme, as you've just outlined, is published guarantees a level of transparency, which wouldn't be there if that advice was simply given by ad-hoc individuals on an ad-hoc basis. So, you would have greater opportunity for scrutiny and for accountability through a more formal process. I would ask the Minister, in responding to this debate, to put on record his commitment to ensuring the greatest possible transparency for the operation of all of these different bodies, but I really think, from our point of view as Members of this National Assembly, this sort of structure provides us with far greater opportunities for the scrutiny of Ministers than any informal process.

[512] **Christine Chapman:** Okay, thank you. I've got the Deputy Minister and then Suzy to reply. So, the Deputy Minister first.

[513] **Kenneth Skates:** Yes, thank you, Chair. I did undertake to ensure that there is as much transparency as possible and, for that reason, I accept the principle of the amendment proposed by Peter Black to put in place annual reporting arrangements for the advisory panel, but I do need to consider this further with a view to returning to this at Stage 3. I strongly resist the amendments to remove the provisions on the advisory panel for the Welsh historic environment from the Bill. Welsh Ministers do need a source of independent expert, specialist advice and perspectives on a range of statutory and policy responsibilities. Now, by its very nature, as a body composed of representatives of various stakeholder organisations, the historic environment group can't provide such independent specialist advice.

[514] I can't support the amendments to require regulations relating to disqualification from membership of the advisory panel to be subject to the affirmative procedure in the National Assembly for Wales. Now, I acknowledge that the Constitutional and Legislative Affairs Committee recommended that an amendment be introduced to this effect, however, the main disqualifications from membership are already clearly set out on the face of the Bill.

[515] **Christine Chapman:** Okay, thank you. Suzy.

[516] **Suzy Davies:** Thank you very much to all Members and to the Deputy Minister there. On Peter's point about reporting, I'm glad that the Deputy Minister took that, but I will continue to disagree with him on this issue of disqualification. We know as Members that being disqualified from being

able to do anything, really, does speak to the reputation of a particular individual, and even though this is a fairly benign context in which to be disqualified from doing something, I think that it really is for Assembly Members to decide whether a disqualification is appropriate, rather than a Minister. So, I do support Peter's amendment on that.

[517] Bethan, I think you make an incontrovertible point that the historic environment group could do the work that the Minister is expecting from the statutory advisory group. I genuinely don't see what the added value is there, apart from—and it's not significant enough to make me change my mind—the point that Alun Davies raised about transparency, because even raising this as an argument is to admit that the existing position within the department at large—and I certainly don't mean the Deputy Minister's part of this—is less than transparent at the moment. It doesn't matter; we've raised with a particular Minister task and finish groups and advisory panels before and have never had a satisfactory response, and it's because of that that I raised the issue in my argument for arm's-length bodies. I appreciate that not everyone's going to subscribe to that, but those are situations where decisions are made and where Government itself is part of the scrutiny process; there's actually additional scrutiny. I might accept that the argument for a statutory panel is something of a halfway house in terms of accountability, but it still doesn't go far enough for me to support the trappings that go with the creation of such a body. Thank you.

[518] **Christine Chapman:** Okay. If amendment 58 is agreed, amendment 47 falls. So, the question is that amendment 58 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. So, those in favour. Those against. So, that's five in favour, five against. I use my casting vote against, therefore 58 is not agreed.

*Gwelliant 58: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 58: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Jenkins, Bethan
Isherwood, Mark
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 58.

Amendment 58 not agreed.

[519] **Christine Chapman:** Peter, amendment 47?

[520] **Peter Black:** I'm not moving that one. I'll work with the Minister to redraft that.

[521] **Christine Chapman:** Right, okay, so you're not going to move 47.

Ni chynigiwyd gwelliant 47 (Peter Black).

Amendment 47 (Peter Black) not moved.

[522] **Christine Chapman:** So, the question is, then, that amendment 59 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. So, those in favour.

[523] **Suzy Davies:** I didn't actually move that amendment.

[524] **Christine Chapman:** Sorry, I thought you want—. So, the question is—. Sorry, do you want to move that?

[525] **Suzy Davies:** No, because it's consequential on 58.

[526] **Christine Chapman:** Okay, you're not going to move amendment 59, then. You withdraw that. Okay.

Ni chynigiwyd gwelliant 59 (Suzy Davies).

Amendment 59 (Suzy Davies) not moved.

[527] **Christine Chapman:** Bethan, amendment 93?

Cynigiwyd gwelliant 93 (Bethan Jenkins).

Amendment 93 (Bethan Jenkins) moved.

[528] **Bethan Jenkins:** Yes.

[529] **Christine Chapman:** The question is that amendment 93 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, four in favour, six against. Therefore, 93 is not agreed.

*Gwelliant 93: O blaid 4, Yn erbyn 6, Ymatal 0.
Amendment 93: For 4, Against 6, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Davies, Suzy	Black, Peter	
Jenkins, Bethan	Chapman, Christine	
Isherwood, Mark	Davies, Alun	
Thomas, Rhodri Glyn	Griffiths, John	
	Hedges, Mike	
	Price, Gwyn R.	

*Gwrthodwyd gwelliant 93.
Amendment 93 not agreed.*

*Methodd gwelliant 96.
Amendment 96 fell.*

[530] **Christine Chapman:** Bethan, amendment 94?

*Cynigiwyd gwelliant 94 (Bethan Jenkins).
Amendment 94 (Bethan Jenkins) moved.*

[531] **Bethan Jenkins:** Yes.

[532] **Christine Chapman:** Okay. The question is that amendment 94 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Five in favour, five against. Therefore, I use my casting vote against. Therefore, 94 is not agreed.

*Gwelliant 94: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 94: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	

Davies, Suzy
Jenkins, Bethan
Isherwood, Mark
Thomas, Rhodri Glyn

Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 94.

Amendment 94 not agreed.

Grŵp 21: Diogelu Treftadaeth Gludadwy Cymru (Gwelliant 95)

Group 21: Protection of Portable Heritage (Amendment 95)

[533] **Christine Chapman:** Group 21 relates to the protection of portable heritage. The only amendment in the group is amendment 95 in the name of Bethan Jenkins. I call on Bethan to move and speak to her amendment. Bethan.

Cynigiwyd gwelliant 95 (Bethan Jenkins).

Amendment 95 (Bethan Jenkins) moved.

[534] **Bethan Jenkins:** As people will know, this amendment is seeking to protect the portable heritage of Wales and, by 'portable', I mean those items which can easily be moved. They may be found in museums or private collections. In tabling this amendment, I hope to initiate a debate about how we can best look after our portable heritage in Wales. I take my lead from the evidence given to our committee by the Federation of Museums and Arts Galleries of Wales, who were initially encouraged in the early stages of discussion over a heritage Bill to hear that it would, in fact, include references to the portable heritage of Wales. And they commented that they were dismayed that the Bill became solely focused on the historic environment, as important as this is to them, and to all of us.

[535] So, I'm proposing an obligation on Ministers to take reasonable steps to protect these items, which are of importance to our history and culture. In doing so, I accept that where items are held in private collections, there is a limit to what can be done, even in terms of identifying those items. However, given their importance, I would urge Members to accept that it is realistic to ask the Minister at least to take steps that are open to him. I do not think it is

unreasonable or overly ambitious to ask this. I also suggest that the Minister should report to the Assembly once a year on progress.

[536] Similarly, my amendment seeks to put an obligation on local authorities—that would be the status quo at the moment—to look after archives in their area and to give the public access to them. Again, I accept that there is little that can be reasonably done with those archives that are held privately by individuals, but many are held by public bodies. It is acceptable to expect that, where feasible, they are maintained in a reasonable condition and that the public have reasonable access to them. I say this as both of my colleagues, Rhodri Glyn Thomas and Simon Thomas, have been faced with real issues in Carmarthenshire whereby archives were closed for over a year due to an outbreak of mould. While the Minister provided some specialist advice, and we do thank him for that, a one-off financial commitment was made to disinfect them by the local authority, and so there needs to be a long-term solution with regard to collections and their maintenance. Expecting them to be reasonably maintained in this Bill is essential so that we can protect our history and access to information from them. I have used the word ‘reasonable’ in numerous places in my amendment, and this is deliberately designed to give flexibility to local authorities, and it is a concept that is commonly used in legislation.

[537] The amendment requires a report once a year by local authorities to the Assembly about their compliance with these provisions, and my amendment also proposes that a local authority will remain responsible for archives that are moved to another area. I say this as archives are currently scattered all over Wales, and there needs to be responsibility built into the system. I am happy to hear comments about where that responsibility lies, however, and to bring back more amendments if Members have strong views or differing views on that point.

[538] **Christine Chapman:** Okay. Thank you, Bethan. Can I just mention to Members? We were hoping to finish at 12.30 p.m., because we have got the BBC coming in at 1.30 p.m., and, obviously, Members will need to have a break—it may not be a very long break—and, obviously, the clerks. So, can I just remind Members to try and be as concise as possible? We should get through it, but, obviously, I know that it could be quite difficult. So, anyway, thank you Bethan. Any other Members wish to speak? Suzy.

[539] **Suzy Davies:** Again, to support conciseness, we’ll be supporting you, but is there any chance at Stage 3 that we could pay some attention to the

definitions of the words ‘protect’ and ‘portable’?

[540] **Christine Chapman:** Okay. Rhodri?

[541] **Rhodri Glyn Thomas:** Dim ond **Rhodri Glyn Thomas:** Just a question
cwestiwn i'r Gweinidog, mewn for the Minister, actually. That is, if
gwirionedd. Hynny yw, os nad yw e'n he doesn't accept this amendment
derbyn y gwelliant yma gan Bethan from Bethan Jenkins, how, in future,
Jenkins, sut mae yn y dyfodol yn is he going to safeguard collections
mynd i ddiogelu casgliadau fel like Carmarthen's archives, because
archifau Caerfyddin, oherwydd mae'r what's happened in that place is a
hyn sydd wedi digwydd yn y fan huge tragedy, and a huge amount of
honno yn drasiedi enfawr ac mae yna damage has already been done to
ddifrod enfawr wedi'i wneud i'r that collection?
casgliad yn barod?

[542] **Christine Chapman:** Thank you, Rhodri. Deputy Minister.

[543] **Kenneth Skates:** Thank you, Chair. There are many challenges facing
museums and archives in Wales today—it's not just confined to the area
identified by Members already—but I'm not convinced that this amendment
would adequately meet them. As framed, this amendment makes no
distinction between items and records in public collections and private
ownership. There would be manifest human rights issues in cases where
items or archives are in private ownership, and I do believe that it is better to
take forward the work of the expert panel that reviewed local museums in
Wales, rather than to accept these amendments.

[544] **Christine Chapman:** Okay. Thank you, Deputy Minister. Bethan to
reply.

[545] **Bethan Jenkins:** To be fast, I'll say that I will press ahead with the vote,
but I'm happy to try and make the distinction between private and public,
and also with regard to Suzy's comments on definitions.

[546] **Christine Chapman:** Thank you. So, the question is, then, that
amendment 95 be agreed. Does any Member object? [*Objection.*] Okay, we'll
take a vote, then. Those in favour. Those against. Five in favour, five against.
I use my casting vote against, therefore 95 is not agreed.

Gwelliant 95: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 95: For 5, Against 5, Abstain 0.

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 95.

Amendment 95 not agreed.

Grŵp 22: Comisiwn Brenhinol (Gwelliant 97)
Group 22: Royal Commission (Amendment 97)

[547] **Christine Chapman:** Group 22, now, relates to the Royal Commission on the Ancient and Historical Monuments of Wales. The only amendment in the group is amendment 97 in the name of Bethan Jenkins, and I call on Bethan to move and speak to her amendment.

Cynigiwyd gwelliant 97 (Bethan Jenkins).

Amendment 97 (Bethan Jenkins) moved.

[548] **Bethan Jenkins:** Thank you. I'm aware that discussions took place when this Bill was first mooted about a merger of the commission with Cadw, and in January 2014, the Minister's predecessor decided not to do this after considerable lobbying. This decision was welcomed by many, especially given the necessity to provide independent advice to Government—something that the Minister is now trying to recreate with the panel set-up. The commission is important, and I was involved in the discussion at the time with all parties and the previous Minister, John Griffiths, about its retention outside of Government, and I'm glad he listened.

[549] As the commission is sponsored by the Welsh Government, it is reasonable to expect that the Minister has some influence as to its future. My

amendment simply puts an obligation on the Minister to do what he can to ensure that the commission remains independent. This is so that we can futureproof the situation and so that we're not revisiting this matter every few years or so. I am aware that the royal commission is established under a royal warrant, last renewed, according to the commission's website, in the year 2000. But, it seems to me that the existence of the royal warrant does not prevent this Assembly from requiring the Minister to take reasonable steps to maintain the independence of this well-respected body.

[550] **Christine Chapman:** Okay. Thank you, Bethan. Mike.

[551] **Mike Hedges:** Very, very briefly, I think that this recommendation emerging is one of what I call the 'very stupid recommendations' of the Williams commission, as opposed to just the 'stupid ones' from it. *[Laughter.]*

[552] **Alun Davies:** An important distinction.

[553] **Mike Hedges:** I think a very important distinction. I think that John Griffiths, as Minister, made a very sensible decision not to take it forward. Leighton Andrews, in an answer to me last week, said it was one of the recommendations from the Williams commission that were not being taken forward. I'm very pleased with that at this moment. I don't think that we can say what a future Government, even a future Minister, can do on this. I'm very loath to try and commit future Ministers to how they're going to organise things. I mean, they may wish to do something as stupid as that. Never underestimate the ability of a Minister to make stupid decisions—we heard the Chancellor yesterday. So, I would urge—

[554] **Rhodri Glyn Thomas:** What about the shadow chancellor?

12:30

[555] **Mike Hedges:** I would urge people not to vote for this as this stage, but I think it is important that we do show that we really do support its independence.

[556] **Christine Chapman:** Alun.

[557] **Alun Davies:** I really don't think this is a matter for legislation. This is a matter for democracy and the people of Wales. If the people of Wales elect

a Government and a Minister who wish to do something like that, then they're absolutely right to do so. Trying to tie the hands of future Governments, I think, is absolutely wrong.

[558] **Christine Chapman:** Deputy Minister.

[559] **Kenneth Skates:** Yes, thanks Chair. Since becoming the Deputy Minister for Culture, Sport and Tourism, I have to say, I've been impressed by the work of the royal commission. But, I'm unable to support this amendment that, for the reasons given by Alun Davies, would essentially tie the hands of a future Government if it wished to look at alternative delivery options. So, I would urge Members to resist this amendment.

[560] **Christine Chapman:** Suzy, very quickly.

[561] **Suzy Davies:** Do you accept that future Governments could repeal this anyway if they felt so strongly?

[562] **Kenneth Skates:** In that case, why put it into legislation?

[563] **Christine Chapman:** Okay, well, we've had that discussion. Bethan do you wish to reply?

[564] **Bethan Jenkins:** If we're talking about how decisions are made, it wasn't actually in the Labour manifesto to try and merge the royal commission into Government. So, what I'm trying to say is, that was the decision by the Minister at the time, to seek to have that discussion—*[Interruption.]* Sorry?

[565] **Alun Davies:** The elected Minister.

[566] **Bethan Jenkins:** Yes, elected Minister.

[567] **Christine Chapman:** Bethan, can you continue?

[568] **Bethan Jenkins:** So, this is a way in which I'm seeking to try and build a consensus around the fact that we—. Perhaps it's just because I was involved in the discussions at the time; I don't think that we should be having these discussions every two or three years about whether the royal commission should be out or inside Government. Mike Hedges seems to agree that it should be independent, but then says in the next breath that it shouldn't be

legislated for that. If the Government doesn't want to follow this through in future, it can be repealed, as Suzy Davies said. I don't think that would be too difficult. It's just about putting a statement of intent down about how this process should work in the future and to keep the royal commission in an independent status.

[569] **Christine Chapman:** Okay, thank you. So, the question is that amendment 97 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. Five in favour, five against. I use my casting vote against. Therefore, 97 is not agreed.

*Gwelliant 97: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 97: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 97.
Amendment 97 not agreed.*

Grŵp 23: Rheoliadau a Gorchmynion, Dod i Rym (Gwelliannau 60, 26, 61, 96, 39 a 63)

Group 23: Regulations, Orders and Coming into Force (Amendments 60, 26, 61, 96, 39 and 63)

[570] **Christine Chapman:** The final group relates to regulations, Orders and arrangements for coming into force. The lead amendment in the group is amendment 60 in the name of Suzy Davies. I call on Suzy to move amendment 60 and speak to the amendments in this group.

Cynigiwyd gwelliant 60 (Suzy Davies).

Amendment 60 (Suzy Davies) moved.

[571] **Suzy Davies:** Thank you very much, Chair. I move amendment 60 in my name. All my amendments in this group arise from the recommendations of the Constitutional and Legislative Affairs Committee, and relate to procedures applied to certain regulations. Initially, I did think that the Deputy Minister's amendment 26 might have dealt with my concerns about ministerial powers to make additional regulations about how reviews of scheduling decisions are made. I'm not entirely sure that they do, which is why I am moving amendment 60, although I might ask for that to be withdrawn if the Minister can persuade me otherwise. Part of my confusion is because of the complexity in the way this Bill is drafted. But, we've been down that road, and I think there's some consensus about that.

[572] Returning again to amendment 26, section 39 currently contains some discretionary powers exercisable through the negative procedure. The Deputy Minister has tabled his own amendments—I think in group 8, but I'm not 100 per cent sure—to make some of those powers mandatory and exercisable through the affirmative procedure, which is to be welcomed. However, it is only some of those powers. Amendments 60 and 61 just ensure that the rest of those powers, which remain discretionary, also attract the affirmative procedure.

[573] Amendment 63 asks that a procedure be applied to commencement Orders if they contain consequential or ancillary changes to primary law. Now, this is a familiar one from the Constitutional and Legislative Affairs Committee, but no less important because of its familiarity. Any change to primary law is of interest to this Assembly—however minor—because, in the case of Welsh law, it's this Assembly that made it. If Ministers need to change it, they need to tell us. In view of the ostensible minor nature of changes, I think it's reasonable to support relaxing the central principle that any changes to primary legislation be via the affirmative procedure and accept the negative procedure in the case of commencement Orders. What remains unacceptable is that Welsh Government seeks to rely on convention when the Assembly, via CLAC, has consistently said that the convention has no place here.

[574] **Christine Chapman:** Thank you. Bethan.

[575] **Bethan Jenkins:** It was to complement the fact that, if my amendments were put forward—86, 93 and 95—they would be subject to Assembly

scrutiny by the affirmative procedure, but, considering that they haven't been passed, there's no point me saying anything more on it.

[576] **Christine Chapman:** Thank you. Alun.

[577] **Alun Davies:** I agree with the final point that Suzy Davies has made regarding the process by which we amend primary legislation. I think that's an important point of principle, and it's something that I still hope that the Government will adopt on a regular basis.

[578] But the point that I wanted to make in this final debate was that we have here what I believe is a very, very good piece of legislation—a very powerful tool that will help people protect the natural environment of Wales in a very profound way. However, a consolidated Bill would have been a better way of achieving this. We don't have a consolidated Bill for the reasons that we have understood and discussed and agreed. However, I would appeal to the Minister, in completing this stage of the legislative process, to look again at the reports of the Constitutional and Legislative Affairs Committee, both on this particular Bill and on making law in Wales, and to look at how powers can be obtained to enable consolidation to take place during the term of the next Assembly. As well as putting good legislation on the statute book, we have to put accessible legislation on the statute book. This Bill certainly achieves the former; I'm unsure that not simply this Bill, but a number of Bills that we discuss, achieve the latter. Consolidation is a key to understanding and making law accessible. I hope that the Minister will discuss this matter with the First Minister and with others in Government and will bring forward proposals to enable consolidation to take place in the next Assembly.

[579] **Christine Chapman:** Thank you. Deputy Minister.

[580] **Kenneth Skates:** Yes, thank you. This is a matter for the future, and I will certainly take a look at this. In terms of Government amendment 26, it gives effect to recommendation 6 of the Constitutional and Legislative Affairs Committee report, to require that any amendment to primary legislation made under new section 60(1A) of the 1979 Act be subject to the affirmative procedure. Amendment 39 makes commencement arrangements for the Bill's provisions for the register of historic parks and gardens. But I can't support amendments 60, 61 and 63, which, I believe, unreasonably subject certain secondary instruments to the affirmative procedure in the National Assembly for Wales.

[581] **Christine Chapman:** Thank you, Deputy Minister. Suzy to reply.

[582] **Suzy Davies:** Yes, just to thank the Deputy Minister and Alun Davies for their contributions. I don't think I've got anything in particular to add that will enhance the debate, shall we say. Thank you.

[583] **Christine Chapman:** Okay. So, do you want to proceed to a vote on amendment 60?

[584] **Suzy Davies:** Yes, please.

[585] **Christine Chapman:** Okay. The question is, then, that amendment 60 be agreed. Does any Member object? [*Objection.*] Okay. We will take a vote, then. Those in favour. Those against. So, it's five in favour and five against. I use my casting vote against. Therefore, amendment 60 is not agreed.

*Gwelliant 60: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 60: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 60.
Amendment 60 not agreed.*

*Cynigiwyd gwelliant 26 (Kenneth Skates).
Amendment 26 (Kenneth Skates) moved.*

[586] **Christine Chapman:** I move amendment 26 in the name of the Deputy Minister. The question is that amendment 26 be agreed. Does any Member

object? No. So, amendment 26 is agreed.

Derbyniwyd gwelliant 26 yn unol â Rheol Sefydlog 17.34.

Amendment 26 agreed in accordance with Standing Order 17.34.

[587] **Christine Chapman:** Suzy, amendment 61.

Cynigiwyd gwelliant 61 (Suzy Davies).

Amendment 61 (Suzy Davies) moved.

[588] **Suzy Davies:** Yes, please.

[589] **Christine Chapman:** Okay. So, the question is then that amendment 61 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. So it's five in favour and five against. Therefore, I use my casting vote, and therefore 61 is not agreed.

Gwelliant 61: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 61: For 5, Against 5, Abstain 0.

O blaid:

For:

Black, Peter

Davies, Suzy

Isherwood, Mark

Jenkins, Bethan

Thomas, Rhodri Glyn

Yn erbyn:

Against:

Chapman, Christine

Davies, Alun

Griffiths, John

Hedges, Mike

Price, Gwyn R.

Ymatal:

Abstain:

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 61.

Amendment 61 not agreed.

[590] **Christine Chapman:** Suzy, amendment 62?

[591] **Suzy Davies:** I think it was consequential so I won't move that one.

[592] **Christine Chapman:** You are not going to move that one.

*Ni chynigiwyd gwelliant 62 (Suzy Davies).
Amendment 62 (Suzy Davies) not moved.*

[593] **Christine Chapman:** Peter, amendment 48.

*Cynigiwyd gwelliant 48 (Peter Black).
Amendment 48 (Peter Black) moved.*

[594] **Peter Black:** Move.

[595] **Christine Chapman:** Okay. So, the question is that amendment 48 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. So, it's five in favour and five against. I use my casting vote against, and therefore amendment 48 is not agreed.

*Gwelliant 48: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 48: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Suzy
Isherwood, Mark
Jenkins, Bethan
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais
fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in
accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 48.
Amendment 48 not agreed.*

*Cynigiwyd gwelliant 39 (Kenneth Skates).
Amendment 39 (Kenneth Skates) moved.*

[596] **Christine Chapman:** I move amendment 39 in the name of the Deputy Minister. The question is that amendment 39 be agreed. Does any Member object? No. Amendment 39 is agreed.

*Derbyniwyd gwelliant 39 yn unol â Rheol Sefydlog 17.34.
Amendment 39 agreed in accordance with Standing Order 17.34.*

[597] **Christine Chapman:** Suzy, amendment 63.

*Cynigiwyd gwelliant 63 (Suzy Davies).
Amendment 63 (Suzy Davies) moved.*

[598] **Suzy Davies:** Yes, please.

[599] **Christine Chapman:** Okay. So, the question is then that amendment 63 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. So, it's five in favour and five against. I use my casting vote against, and therefore 63 is not agreed.

*Gwelliant 63: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 63: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Suzy	Davies, Alun	
Isherwood, Mark	Griffiths, John	
Jenkins, Bethan	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 63.
Amendment 63 not agreed.*

[600] **Christine Chapman:** That completes Stage 2 proceedings. Stage 3 begins tomorrow. The relevant dates for Stage 3 proceedings will be published in due course. Before we finish, Members will wish to be aware that the Minister will bring forward a revised explanatory memorandum ahead of Stage 3 proceedings. We will now break until 1.30 p.m., when we will reconvene to hear evidence from the BBC executive in relation to our

inquiry into the review of the BBC charter.

Barnwyd y cytunwyd ar bob adran o'r Bil.

All sections of the Bill deemed agreed.

Gohiriwyd y cyfarfod rhwng 12:40 a 13:32.

The meeting adjourned between 12:40 and 13:32.

Ymchwiliad i Adolygiad Siarter y BBC: Sesiwn Dystiolaeth 7—BBC **Inquiry into the BBC Charter Review: Evidence Session 7—BBC**

[601] **Christine Chapman:** Welcome back, everyone. In this session of today's committee, we'll continue our evidence gathering as part of our inquiry into the BBC charter review process. Can I give a very warm welcome to our panel this afternoon—Lord Hall of Birkenhead, director general of the BBC, and also Rhodri Talfan Davies, director of BBC Cymru Wales? Welcome to you both. Lord Hall, I understand you've asked to do a very brief introduction. We have got questions, but—

[602] **Lord Hall:** Would it be okay—?

[603] **Christine Chapman:** Yes, we're happy if it's very brief.

[604] **Lord Hall:** I promise you I'll be brief, and I'm sure you'll tell me if I'm not being very brief. [*Laughter.*] I just wanted to talk a little bit about what we are doing in terms of charter review and also the nations and also the regions of England. We recognise the changes that devolution is constantly bringing about, and we want to make sure that we are neither in the lead nor lagging, and we're exploring all options with national Governments but also stakeholders and our audiences around three themes. First of all, around news, we are looking both at the range of news and the nature of the news provided to the nations themselves but also the nations to the UK and UK portrayal within our news programmes and the best way of delivering that, especially thinking about online and online news editions, looking at our audiences and looking at what our stakeholders are saying. So, that's one point.

[605] The second point is nations to themselves but also nations to the whole of the UK. I think we've done remarkable things in terms of the volume of commissions now and, in Welsh terms, the extraordinary success of Roath Lock, which we all, I hope, applaud. Now, building on that, I think the issue is

very much portrayal. As I said last year, I think it is about Wales to Wales but also Wales to the whole network, realising that there is a different financial settlement than when I last spoke to you and also realising that the BBC has a very special place in Wales. I think the Institute of Welsh Affairs report brought that out very, very clearly and made some recommendations, but this whole idea of how we ensure that the networks are reflecting Wales, not just in money terms but in portrayal terms, I think is very important too.

[606] Thirdly, I said something about governance at a speech when I was in Cardiff a couple of nights ago. I do believe that the review being done by Sir David Clementi into the governance of the BBC is really important, and I think that that gives us a chance to say how we can change the governance of the BBC—and I'll just talk operationally here because that's my remit—so that the director of Wales is responsible for the totality of the output to Wales, and, therefore, if, in consultations with whatever governance there is for Wales, he or she wishes to move money or change direction, or do whatever, that is something that is done within Wales—in an envelope, of course, and in discussion with the whole-of-the-UK part of the BBC. But the notion that the Wales director should have almost like a service licence agreement for Wales—I think that probably is the right way of putting it—I think is really important.

[607] The fourth thing I just want to say since we last spoke is that I'm so pleased that we've now got the building—that it's got the go-ahead. I am thrilled, in all the other issues that we've got to deal with here, that the building also seems to be acting as an anchor for others coming into that part of Cardiff. I saw the current building in my first week back as director general. It was clear that we had to make a decision. We'd avoided decisions for a very, very long time, and I'm thrilled that that's going ahead.

[608] Thank you very much for your time in just listening to a few things.

[609] **Christine Chapman:** Okay. Thank you. Obviously, today's session is to try and delve deeper into some of these issues. I just want to start off. I know that Members will have other questions; they've already started to indicate. The trust has suggested changing the wording of the BBC's public purpose relating to the nations and regions—and you started to talk about that, Lord Hall—so that the BBC has to provide content to meet the nations' needs rather than merely representing them. Would you support this change?

[610] **Lord Hall:** Yes, I would. I go back to the IWA report, which I think put it

better than I could, and the sense of the importance of the BBC, particularly to Wales. We're all aware that the BBC's role varies around the UK, but particularly—. Increasingly, as others move away from representing Wales to Wales or Wales to the whole of the UK, I think to have a public purpose that clearly defines that for the BBC is really welcome and important. Equally, I think the public purpose around the importance of the BBC to the creative industries is really important too. When you look at what has been achieved—I repeat myself—at Roath Lock, I think it again shows you the importance of the BBC acting as a kind of anchor, not only through its own spending but because others come around that; I think that is important too.

[611] **Christine Chapman:** Okay. Thank you. I'm going to bring Alun Davies in now. So, Alun, you had some questions.

[612] **Alun Davies:** Thanks very much. I just want to refer back to a point that you made in your opening remarks about the Clementi review, and also a point that you made—I saw reports of your speech on Monday evening—that you were concerned about the erosion of independence of the BBC. I fully accept that. I wouldn't expect you to comment on it, but I think that you are being bullied sometimes by the Department for Culture, Media and Sport in their attitude and the way that they are pursuing things, but you might accept that there needs to be a tension sometimes between a public broadcaster and public accountability, and it's creating the structures for that tension that is what's important. Again, broadcasting at the moment isn't a devolved subject, and there are some issues around that, which I'm sure you wouldn't want to go into as well, but do you see any role for this place in delivering elements of that accountability? Because you've been very forthright in your own comments about the position of Wales in the BBC universe, if you like, over the last few years. Do you accept that there's been a collective failure, not of the BBC but of the system of accountability over the last decade or so, and that a new structure of accountability would help that?

[613] **Lord Hall:** It's for David Clementi to suggest what the right form of that accountability should be. But you're spot on. What I was suggesting in my remarks on Monday evening, here in Cardiff, was that there's a balance, and you're quite right about that. On the one hand, I think the way in which the BBC responds to its audiences has got to be strengthened. But, equally, we can't be unaccountable to Members of this place or Westminster, and getting that balance right is really important. Finding the right way to get that balance right is really important. It's also why I was suggesting that a

five-year charter for the BBC—you'll have picked up from some newspapers suggesting this—I think would be very damaging for the BBC. But I do believe that—. For example, I was, again, thinking how to get the public involved more in our services, and the ideas service, which is something that I really want to think through and I hope we can launch in the next charter period, subject to all the charter negotiations, would be something that we can first of all test here in Cardiff. But getting that balance right, I think, is really important.

[614] **Alun Davies:** But you did say you saw a potential role for this place.

[615] **Lord Hall:** Yes. I think it's really important. This is one of the—. It's why I'm delighted to come back here again today, because, actually, I think it's really important that the BBC is both listening and responding. But, then, as I think you may be suggesting, you've got to stand back and say, 'Okay. How can we also balance that against what our audiences are saying?' Sometimes there'll be congruence, sometimes there might not be. The BBC's independence is very, very important to the people who pay for us, but, equally, we've got to make sure that we're accountable.

[616] **Christine Chapman:** Do you have any comments, Mr Talfan Davies?

[617] **Mr Davies:** I was just going to add to what Tony said in the sense that I think that, for the first time with this process of charter review, we have formal arrangements in place between the UK Government, the BBC Trust and the devolved administrations to make sure that there is an effective consultation process and that the national voices are heard in this process. I think that is a step forward and I think, in a sense, that echoes what Tony is saying about finding the right *modus operandi* over the next 10 years.

[618] **Christine Chapman:** Okay. Alun, or Gwyn? Gwyn Price.

[619] **Gwyn R. Price:** Just to follow on from that, how are you explaining the Welsh Government describing the July 2015 licence fee deal process as 'entirely unsatisfactory' because there was no consultation with the devolved nations?

[620] **Lord Hall:** Yes. I think I've said in a number of places that the agreement we came to in July was done at breakneck speed and in a way that actually shouldn't happen again. I think what has been good—well, I'm being presumptive—what I hope is good about the way we're responding to you

here, is that there is a negotiation, a discussion going on about the terms of what the BBC should be offering in the new charter period. But, of course, that was pre-empted, in all sorts of ways, by what happened in July.

[621] **Gwyn R. Price:** You realise, then, perhaps it should've been handled a little bit better in that respect.

[622] **Lord Hall:** I think it's really hard, because—. I don't want to waste your time on this, but, actually, the Chancellor was quite clear that the over 75s were going to be imposed on the BBC from 2017. You can either walk away from that and say, 'Well, we don't accept that, but we've got effectively 15 months to sort that out', or go in there and negotiate very, very hard. And he listened and we came out with, as you know, the over 75s deal being pushed back in years, the licence fee pegged to the consumer price index, top-slicing for broadband removed, and the iPlayer loophole to be sorted out by next summer. All of those things we've been asking for, so, in a week, we got a long way. But my point, and the point I was making in the speech earlier this week was that, in the future—this has happened twice—we should find another way of ensuring that the BBC's importance to communities, to nations to the UK, goes through a longer and better process.

[623] **Gwyn R. Price:** I'm glad to hear that. Thank you.

[624] **Christine Chapman:** Thank you. Before I move on to other Members, you'll be aware that the Welsh Government has called for a separate review of the BBC's obligations to Wales to be undertaken in parallel with the charter renewal process. Would you agree with this? How do you feel about that?

[625] **Lord Hall:** Do you want to take that?

[626] **Mr Davies:** Yes. I think the charter review process, as it's already mapped out, gives an opportunity for a wide range of stakeholders, particularly the national Government and the National Assembly, to express their views on the priorities. Certainly, I know Tony met with the First Minister earlier this week, and I think those conversations and that dialogue with Welsh Government is ongoing, so I would hope that those discussions can pick up the relevant points. Certainly, the Welsh Government, as you know from your own inquiry, has been clear about how it sees the broadcasting picture in Wales.

13:45

[627] **Christine Chapman:** What about the time constraints? I know we've been, you know, rather concerned about the time constraints with the charter renewal, because it's coming up quite quickly and then, if there was to be a separate review—. I mean, how would you see that?

[628] **Mr Davies:** Well, I think the dialogue with Welsh Government has been going on for a number of months. You'll be aware that the Welsh Government has already submitted its evidence to the DCMS public consultation in some detail. I suspect that the review process will continue into the spring, so I think there is opportunity and space for this conversation to continue.

[629] **Christine Chapman:** Thank you. Alun, did you have some more questions?

[630] **Alun Davies:** Yes. If I could take a few issues forward in terms of programming and portrayal, if you look at programming produced in Wales for Wales—domestic programming for Wales—you said, Lord Hall, that you've seen an 'erosion', I think was the word that you used, over the last decade or so. There are two things that occurred to me there, and I agree with your analysis. First of all, what sort of structures do you have in place that allow that to happen? Because that strikes me as a pretty systemic failure. It's not something that has happened in one year simply by an accident of financial years, or whatever. It's a systemic failure if something's happened for that length of time, and that implies a management failure, I would have said. How do you foresee putting in place structures that, first of all, address that issue today, but then ensure that we don't have another decade where that programming is eroded?

[631] **Lord Hall:** If we just stand back from this issue—it's a really important issue; I completely agree with you—and say, 'What's been achieved over the last decade?', then I think network spend in the nations and outside the M25, because this also affects England, has been a success. So, more than half the spend, and more than half the people in the BBC, are now working outside the M25, and I mean really outside the M25. I think that's a big plus and I'd like to do more.

[632] If you look at spend, therefore, in Wales for Wales, again, I think Roath Lock is a—I don't need to tell you that—huge, huge success story. Having now been just over two years back in the organisation, I think we've got to

recognise those and say, 'Where do we go from now and build on that?'

[633] The second thing is within a constraint, whereby we were talking just now: we have basically flat cash, as long as that is agreed to centrally, for the next five years. That's why I think the things we've got to be looking at are: of what resources we have, and they are limited, what resources should be put into programming reflecting the nations to the nations themselves and what balance of what resources, insofar as we can find them, should we put into the nations to the whole of the UK? So, there's a kind of financial issue there.

[634] I think there's a second issue that is about how you make the commissioning of programmes feel that it is much more fluid than it is now and that we are more responsive to what's going on outside London. One of the things that really struck me, going to GloWorks and talking with a whole load of people there, mainly indies, was this sense that they want a much more fluid way of talking to commissioners who happen to be in London for drama or for other things like that. When I was talking earlier on, in the statement at the beginning, about the second part of the work we need to do, that's what we need to look at, because this is a real issue and, again, I'm aware of the importance of BBC in Wales to Wales, but also to the UK.

[635] Now, how that balance works out, we need to discuss, we need to talk and we need to work through, but a lot of this is about changing the nature of the way that we work with each other and the way we commission. I've talked a lot about the openness of the BBC; we should be much more porous to ideas that are coming from other parts the UK, not just London.

[636] **Alun Davies:** I'm grateful to you for that, but I was trying to separate out those two issues to look at them—I understand they're not entirely separate—for the purpose of this conversation this afternoon. If you look at programming that is produced in Wales for Welsh audiences, then we've seen a significant decline, both in terms of hours broadcast and in terms of the genres that are broadcast. We've also seen a movement to, at best, shoulder peak, so that those programmes are not seen by the maximum audience possible—the *Coronation Street* slot, essentially. So, if the BBC is seeking to be a national broadcaster for the United Kingdom and for Wales, as part of the United Kingdom, how do you ensure that either Rhodri, or whoever is responsible, has the ability to first of all commission programming across a range of genres to reflect the totality of Welsh life and the culture of the nation, that is able to be broadcast at a time when audiences are available to

see it, and then that you have the structures in place to ensure that that doesn't happen as a fix because you've been in front of committee this afternoon, but is going to happen next year, the year after and the year after, and you don't have what I honestly believe have been managerial failures over a number of years?

[637] **Lord Hall:** I disagree on the managerial failures, because I think, actually, what I was trying to say earlier on was that I think our eyes have been on a different, allied ball, which is how much spending and how many people can we get out London, and I think that's been really successful. But, to go back to your point, this is exactly why I've asked for this review of how we commission, and our commissioning arrangements with not just the nations, but also with the regions of England, too, because that's an issue I think is really important for us. If I can just stand back a bit from this, the strength of the BBC is exactly as I think you are suggesting, which is if we get our relations with the nations and relations with the whole of the UK in terms of output right, and indeed in England with our local radio stations and with our regional stations, then actually the BBC's got an enormous strength that we need to play to. How we do that managerially is the question I'm asking.

[638] **Alun Davies:** And, in asking that question—and I'm very grateful—you would be reviewing the opportunities for BBC Wales, as a part of the UK BBC, to be able to not just commission programmes for Welsh audiences, but also have control over scheduling.

[639] **Lord Hall:** I'm looking at the best way of getting Wales to Wales, obviously—and I've made a point there about how that organisation should be run—but, also, Wales to the network. What I'm interested in is the best way of getting the best ideas coming out of Wales. Look, I was in Scotland last week, and exactly the same issues came up. When I've been in parts of the English regions, exactly the same issues come up as well. And why is that? Because exactly as you are, they're saying, 'Because you're the BBC, this is something that really should matter to you', and it does, and I want us to get this right, but also I'm grateful for the appreciation that, actually, we've done an awful lot in spend terms and people terms; this is now the issue for us, I think.

[640] **Alun Davies:** Look, I don't want to be churlish at all, in any sense, but what I'm trying to—

[641] **Christine Chapman:** Alun, before you come in, Mr Talfan Davies wants

to come in to add to this.

[642] **Mr Davies:** I was just going to say, in terms of the review that Tony's referring to, you have to look at these things end to end. It's not just about the decisions that are taken, it's about how you develop ideas, it's about what ideas and in what genre you develop them, it's about the people; you need to look at the end-to-end pipeline in terms of how ideas get through. We do have examples: we often talk about *Hinterland*, which was an idea that S4C brought to BBC Wales, but was actually an idea that was commissioned in Wales and has ended up being a global success. *A Poet in New York*, which was the biopic of Dylan Thomas, was, again, a programme commissioned by BBC Wales, with BBC Two, that again went to international audiences. So, I think that what we need to unpick is, where we had successes, what was the secret there; what were the magic ingredients that got those projects, maybe not in the case of *Hinterland*, on to BBC UK screens, but got them on to screens all over the world and, in the case of *A Poet in New York*—another success. It's very easy to talk about where it's gone wrong, but often we find the answers by looking at the things that have gone right.

[643] **Lord Hall:** Just one other thing, on the BBC National Orchestra of Wales, and their role in taking something—and it's music I care a lot about—Ten Pieces came from them, and that is infecting schools right across—. That is absolutely fantastic, and I think we need to find ways of connecting in that way with the rest of the—

[644] **Mr Davies:** It's also about ambition. You're absolutely right that there has been contraction in terms of the amount of local content that we've done over the last 10 years, for reasons we could spend quite a lot of time on, but the truth is, in a series like *Hinterland*, we have Wales's biggest ever local drama success. Even in this constrained financial climate, we now have a series that is syndicated right across the world through Netflix and has major distribution in Europe. There has never been, to my knowledge, a locally-commissioned drama—not network commissioned, but locally commissioned—that has had that level of audience impact. And there are lessons in that, I think, for the BBC.

[645] **Alun Davies:** I don't disagree with any of that, and the programmes you've listed, of course, make it even more frustrating that you produce so little here. But, expanding that a little from domestic production in Wales for Wales to the place of Wales on the wider network, I take your point, Lord Hall, about the conversations you have in Scotland, and you could be having

those conversations in any other regions of England as well. But, that, to me, reinforces, possibly, the problem that the BBC probably needs to be more British and less London in the sense of addressing the audiences, because we're looking at this from the point of view of a Welsh perspective, and I don't make any apology for that this afternoon. But, I recognise that if, I was a Cumbrian elected representative or from somewhere in East Anglia, I'd probably be saying very similar things—that the BBC represents the people in London exceedingly well, but has a culture, potentially, which is limited to that M25 and where it is more difficult to sell into it than it would be if, I don't know, I was lunching in the Groucho.

[646] **Lord Hall:** I don't lunch in the Groucho, but I get the point. I know the issue for us is exactly that, and this is why this is work I'm leading myself, and maybe I should have said that at the very beginning, because I think this is a really important part of the BBC for the next charter—this idea that we are, and you put it really well, actually, that we are British and therefore should be reflecting all parts of the UK. I think this is really important, and I think getting the managerial structures in place to be able to do that properly and easily—. Some of that depends on relationships, some of that depends on structure, but in everything I want a more fluid—. I want a BBC where, as I've said, there are often fewer managers but where it's tighter and where there's more fluidity—that's an awful way of putting it—with Wales and Scotland but also the regions of England too.

[647] I'll give you an example when the BBC really—. Which is not from Wales, but forgive me. I was in Brighton last week, and BBC Radio Sussex were the only people who were allowed and trusted to cover the memorial service for the Shoreham air crash. Why? Because they were local, they were the BBC, they weren't from London, even though that's not very far from London, and they were trusted. And I think in news terms, we want to build on that, and I think in all other creative terms too, we want to build on that.

[648] **Alun Davies:** Absolutely. I don't think the BBC is full of bad people doing bad things; you know, we don't believe that this is some sort of conspiracy to do these things. But, you know, when you've got a situation whereby a country of the United Kingdom, in Wales, is not seen on the screens in mainstream drama for seven years, that's not something which can be explained away by a commissioning mistake or whatever—commissioning decisions. That to me indicates a much more structural or cultural problem. And I'm interested in understanding—I accept what you've been saying this afternoon—but is it possible, do you think, that we can

change the culture of the BBC whilst the BBC remains such a strong unitary organisation, or do we need to say—? I'm not talking about breaking up the BBC; I'm talking about creating new power structures within the BBC where commissioning is done outside of London, and where significant decisions about the structure and running of the BBC are taken outside London.

[649] **Lord Hall:** As you say, you don't want to break up the BBC or atomise the BBC, because, actually, as you're agreeing, that would be a bad thing to do at a time when money is tight. I think there is an issue, which is a broad issue which I referred to some months ago, which is not just about content from Wales representing Wales—it's actually about British content. Because what we've seen in the nations and the regions of England is that the BBC's content has gone down. We all know that it's because the licence fee's been flat, so the amount we can spend on content has gone down. ITV's spend in the nations and regions has also gone down, so there's an issue. And I absolutely see that the best way to do that is not by atomising the BBC, but actually it's finding the right structures to ensure we're commissioning the very best from the whole of the UK. And I think this notion that we can act as a conduit for talent from across the UK on to things that are both national and UK-wide is really important.

14:00

[650] **Christine Chapman:** Okay. Rhodri.

[651] **Mr Davies:** Just two quick points, just to reassure Alun in one sense, which is that, in terms of scheduling, the nations have an awful lot of freedom. When we commission, beyond moving *BBC News at Ten* and things, in terms of where we place our programmes, we have a huge amount of autonomy already on that. The challenge of scheduling is simply that we're scheduling onto a hugely successful network called BBC 1. That is not a problem. That is a good thing, because as well as making great local programmes for Wales, the other great asset we have is we can put those programmes onto the UK's most popular channel. So, when we talk about some of the funding decisions that Tony faces, and the BBC faces, over the coming months, it's as important to us in Wales that BBC 1 remains a successful channel, because that is where we place our output. So, these are the balances, the nuances, of some of the debate that will no doubt unfold over the coming months.

[652] **Alun Davies:** If I can ask one more question—

[653] **Christine Chapman:** Just one more, Alun, because a lot of other Members want to come in now.

[654] **Alun Davies:** In terms of portrayal, and of coverage on news output, I know you said in your evidence that you were looking at the *BBC News at Six* and all the rest of it, but put that to one side. I accept that. It's difficult sometimes. I listen to *Today* in the morning, and I think there's been one Welsh story in the last however long, and that was promoting *Week In, Week Out*, as it turned out, but—

[655] **Lord Hall:** There was a rugby one the other night.

[656] **Alun Davies:** Promoting a BBC programme—. But—

[657] **Mr Davies:** That's harsh, Alun.

[658] **Alun Davies:** It is harsh.

[659] **Mr Davies:** It was a good rugby news story.

[660] **Alun Davies:** Yes, it was. But outside of that—

[661] **Bethan Jenkins:** It's the only one we've had in years, though.

[662] **Alun Davies:** Outside of that, and I accept that with the spending review and Paris, these last few weeks have probably not been an average time where you'd want us to take any measurements, but it's difficult, if you look across the breadth of news output on the BBC, to see a devolved country being represented. There are particular issues in Scotland, and I think clearly those are represented, but I remember discussing this with Anthony King, when he wrote his report, and it appeared to me that the way the BBC were going to respond to that was to insert the words 'in England' whenever necessary and appropriate, which didn't really, I feel, address the spirit of what was written in that report. I don't know if you think that that's a fair criticism, but if you sit in Cardiff, you get an impression that interviewees, people who are on factual programmes—and I'm thinking perhaps more Radio 4 than a lot of other outlets—tend to be the same people from the same institutions who often say the same things and come from the same perspective, and the news programming tends to cover very much SW1 rather than CF99. I get a very strong impression of a news-gathering operation that

is culturally enmeshed in central London and doesn't fully appreciate and understand the UK that it is supposed to be reporting on.

[663] **Lord Hall:** I don't want to reply by anecdote, but I will do—but in a moment. If you look at the King report, and then the follow-up to King, and then the work that the trust have been doing, as it were holding us to account on this, I think you'd draw two conclusions. One is that accuracy is now more or less not an issue. Of course, you'll then say, 'But hang on—the other day' and all that, but that's not the issue. The issue is one of judgment, and about the sense of using the whole of the UK as a test bed for ideas both for news that actually is going to make the UK agenda, but also, where you're looking for examples of stories, it being outside the M25 belt.

[664] The anecdote is: yesterday, looking at the Chancellor's autumn statement and the coverage there, it was very interesting, I thought, watching it with the lens of 'I've been in Cardiff on Monday, and I'm thinking about that'. Now, it wasn't Welsh, but what you got was, first of all, a piece talking about what had happened from Corby, and then the second piece was in the Greater Manchester area. I applaud that, because I think the notion that you are getting commentary on what is going on in SW1 from other postcodes—and the further away you can make it from London, the better—I thought was really good. I think that's what I want to encourage, and I think that will be part of what we have a look at as we're looking at our news.

[665] **Christine Chapman:** Okay. Right, Bethan.

[666] **Bethan Jenkins:** Roeddwn i eisiau—. Diolch. A yw popeth yn iawn? Roeddwn i jest eisiau mynd nôl at bwynt roedd Alun Davies yn dechrau ymwneud ag ef, sef sut y mae Cymry yn cael eu portreadu. Pan gawsom ni dystiolaeth yr wythnos diwethaf gan arbenigwyr yn y maes, gwnaethon nhw ddweud bod yna dargedau mesuradwy yng nghydestun portreadu Cymru. A fyddai hynny'n rhywbeth y byddwch chi'n edrych i mewn i'w wneud fel BBC, fel ein bod ni, fel Aelodau Cynulliad, a'r cyhoedd, yn gallu deall wedyn, er

Bethan Jenkins: I wanted to—. Thank you. Is everything okay? I just wanted to go back to a point that Alun Davies had started talking about, namely how Welsh people are portrayed. When we received evidence last week from experts in the field, they said that there were measurable targets in the context of the portrayal of Wales. Would that be something that you would be looking into doing as the BBC, so that we as Assembly Members and the public could understand, then, for example if there is a programme about

enghraifft os oes yna raglen ar wyddoniaeth bod Cymru yno neu ddim; os oes yna raglen ar chwaraeon bod Cymru yno neu ddim; os oes yna raglen ar y celfyddydau, bod Cymru yno neu ddim—er mwyn inni gael rhyw fath o syniad cynhwysfawr o'r hyn sydd yn digwydd ar hyn o bryd yn hytrach na'n bod ni'n trafod y portread mewn rhyw fath o ffordd eithaf eang? Dyna'r consŷrn sydd gen i.

[667] **Mr Davies:** A gaf i ddechrau, ac wedyn efallai y daw Tony i mewn wedyn. I ryw raddau, mae'r targedau sydd gennym ni ar hyn o bryd yn adlewyrchu'r broses rŷm ni wedi mynd drwyddi. Achos dros y degawd diwethaf, mae'r BBC wedi canolbwyntio ar fesur gwerth cynhyrchu mewn gwahanol rannau o'r Deyrnas Unedig. Felly, y targed yma o 17 y cant, ynglŷn â gwariant rhwydwaith ar raglenni, yw'r prif fesur sydd wedi gyrru newid o fewn y BBC.

[668] Jest i ailadrodd beth ddywedodd Tony, y cam amlwg nesaf ydy troi'r buddsoddiad hynny, sydd bellach yn digwydd ym mhob rhan o Brydain, ac yn enwedig yng Nghymru—rydym yn cael cyfran o wariant rhwydwaith sydd ymhell uwchben cyfran y boblogaeth sydd gennym ni yng Nghymru, achos y llwyddiant creadigol. Sut mae sicrhau bod y buddsoddiad hynny hefyd yn gweithio yn galetach i adlewyrchu Cymru? Rwy'n ddigon hapus i ddod

science, that Wales is there or not; if there is a programme on sport, that Wales is there or not; if there is a programme on the arts, that Wales is there or not—so that we do get some sort of comprehensive idea of what is happening at the moment, rather than us discussing portrayal in some sort of quite broad way? That's my concern.

Mr Davies: May I start, and then perhaps Tony will come in afterwards? To some extent, the targets that we have reflect the process that we've gone through, because over the past decade, the BBC has focused on measuring the value of production in different parts of the United Kingdom. So, this target of 17 per cent, in terms of network spending on programmes, is the main measurement that we've had within the BBC.

Just to repeat what Tony said, the next obvious step is to turn that investment that now happens in all parts of the UK, and especially in Wales—we have a proportion of network expenditure that is far higher than the proportion of the population that we have in Wales because of creative success. How do we ensure that that investment works harder to reflect Wales? I'm more than happy to come here and to share with you the examples of

yma ac i rannu gyda chi yr portrayal that does happen on the
enghreifftiau o bortreadu sydd yn British networks. There are plenty of
digwydd ar y rhwydweithiau examples, and as you say, it would
Prydeinig. Mae yna ddigon o perhaps be easier if you had those
enghreifftiau. Fel roeddet ti'n dweud, examples before you rather than the
byddai'n haws, o bosibl, os oedd yr anecdotalism that perhaps happens.
esiampiau yna o'ch blaenau chi yn
hytrach na'r *anecdotalism* sydd
weithiau'n digwydd.

[669] **Lord Hall:** Could I just add to that? I mentioned a bit earlier the ideas service, which is one of the new things that we want to offer people from 17 onwards. I also want to stress to you my belief in the importance of partnerships. Now, the ideas service should represent the very best thinking of UK culture, arts, science ideas, and so on. I think that is exactly where I should be looking to ensure that the organisations or individuals represented in that are from across the whole of the UK, building on some of the partnerships that I think have been working really well in Wales—for example, with the national theatre, or the Arts Council for Wales. So, I absolutely understand the desire to get beyond the talk and actually down into being able to point very directly at things where we're making a difference.

[670] **Mr Davies:** Could I just quickly add, because sometimes we skip over it—both Alun and you have talked about whether there is a mindset? Is there an issue within the BBC around mindset? I'll tell you where I've seen it work brilliantly, which was in the conversations we had internally around the six nations, where, both working with the BBC sports department and with the director general's office, there was an understanding that, culturally, the resonance of that tournament in the devolved nations was off the scale, and that even with the constraints we face in terms of sports rights, and even within the funding settlement—the new licence fee funding settlement—we needed to go the extra mile. Clearly, it's a different deal to the previous one, but keeping that tournament free to air for the next five years, and going the extra mile to secure it with ITV, I think is an example where the BBC does get it right.

[671] **Bethan Jenkins:** Okay. Diolch.

[672] **Christine Chapman:** Obviously, you talked about the rugby side, which is very popular, but what about other things as well? I get a sense sometimes

that things are happening, but it's not happening as quickly as it could.

[673] **Mr Davies:** Sorry, in relation to—?

[674] **Christine Chapman:** Well, in relation to this portrayal—this issue of portrayal and partnerships, and our place within the United Kingdom as far as the other regions—

[675] **Mr Davies:** It's a good question. I think in a sense that's what's driving the review that Tony's called for—to understand whether there are obstacles that we can address that can sometimes prevent ideas from different parts of the UK really breaking through onto the network? Are there process questions? Are there other subtler questions that we need to—are there particular levers that we could pull?

[676] **Lord Hall:** I want to advance on a number of fronts as fast as we can. One of them is offering the iPlayer. I said I wanted to offer the iPlayer to other, like-minded organisations. I think what we've learned from working with S4C on the iPlayer is that it benefits them and it benefits us—you know, like-minded people coming together to do things together.

[677] I was thrilled on Monday to go and see the Welsh-language online site. What I loved about what they were doing—really thoughtful people; you know, lots of ideas—was it wasn't just the BBC's content on the site; it's the best of other Welsh-language content on there. So, you know, us acting as an aggregator or a marketer, if you like, to other people's content I thought was great, and that sort of partnership working I think is really important.

[678] **Christine Chapman:** Bethan, have you—? Mike—. Do you want to complete—?

[679] **Bethan Jenkins:** Roeddwn i jest eisiau gofyn—wel, mae gen i gwpl yn fwy o gwestiynau. Mae'n rhaid imi jest sicrhau'r pwynt yma, a bod yn onest. Rwy'ti'n gwybod y 17 y cant o'r gwariant, roedd yn swnio fel yr oeddech yn dweud bod hwnnw'n gam yn y broses, felly. Achos beth yr ydym ni wedi ei glywed gan bobl yn y gorffennol yw bod unrhyw fath o *lift*

Bethan Jenkins: I just wanted to ask—well, I have a couple of questions more. I just have to get this point certain, to be honest. You know the 17 per cent of spend, it sounded like you were saying that that's a step in the process, therefore. Because what we've heard from people in the past is there is some sort of lift and shift, and yes, that's great, as it shows that

and shift, ac wedyn, ie, grêt, mae'n dangos bod y BBC yn gallu gwneud hynny, a'u bod yn gallu symud pethau o Lundain i fannau eraill o Brydain, ond nid yw e wedi treiddio trwyddo wedyn yng nghyd-destun y portread. Ond yr ydych chi, rwy'n clywed, yn dweud, 'Wel, na, nawr rydym ni'n dechrau edrych fwyfwy ar sut mae'r portread yn gallu bod yn fwy llwyddiannus'.

[680] **Mr Davies:** Ydw, ac, yn achos Cymru, nid wyf i'n derbyn y cyhuddiad o *lift and shift*. Nid oedd *Doctor Who* ddim yn *lift and shift*. Nid oedd *Sherlock* ddim yn *lift and shift*. Nid oedd *Atlantis* ddim yn *lift and shift*. Nid oedd *Merlin* ddim yn *lift and shift*. Beth sydd wedi digwydd yng Nghymru, oherwydd y buddsoddiad cychwynnol o'r BBC ddegawd yn ôl yn sgil *Doctor Who*, yw bod yr ecoleg wedi datblygu yn naturiol, a bellach mae gennym ni stiwdios yn Abertawe, ger Pen-y-bont, yn Chepstow hefyd. Mae yna nifer o gwmnïau masnachol, rhyngwladol wedi dod i mewn oherwydd bod y sgiliau yma a'r talentau yma.

[681] Wrth gwrs, mi symudodd *Casualty* o Fryste, ond mi symudodd *Casualty*, nid oherwydd ein bod ni eisïau cyrraedd cwota, ond bod y sgiliau drama yma yng Nghymru ac mi oedd creu canolfan lle'r oedd y sgiliau drama'n gallu cael eu canolbwyntio a'n bod ni'n gallu creu—beth ydy *critical mass* yn

the BBC can do that and it can move things from London to other areas of Britain, but it hasn't penetrated further, then, in the context of the portrayal. But what I hear is that you're saying, 'Well, no, now we're now starting to look more and more at how the portrayal can be more successful'.

Mr Davies: Yes, and, in the case of Wales, I don't accept the accusation of lift and shift. *Doctor Who* wasn't an example of lift and shift. *Sherlock* and *Atlantis* weren't examples of that. Neither was *Merlin*. What's happened in Wales, because of that initial investment from the BBC a decade ago following the success of *Doctor Who*, is that the ecosystem has developed naturally, and we now have studios in Swansea, near Bridgend, and also in Chepstow. There are a number of international, commercial companies that have come in because of the skills and talents that are here.

Of course, *Casualty* moved from Bristol, but *Casualty* moved not because we wanted to hit a quota, but because the drama skills are here in Wales, and creating a centre where those drama skills could be focused and we could create—what's 'critical mass' in Welsh—that we could create that. That was important with regard

Gymraeg?—ein bod ni'n gallu creu to the strategy.
hynny. Roedd hynny'n bwysig o ran y
strategaeth.

[682] **Bethan Jenkins:** Océ. Diolch. **Bethan Jenkins:** Okay. Thank you.

[683] **Mr Davies:** Ac a gaf i gywiro un **Mr Davies:** May I just correct one
peth? Rwy'n meddwl, mewn un thing? I think, in one committee
pwyllgor gawsoch chi yn ddiweddar, meeting that you recently had, there
mi oedd awgrym ein bod ni am was a suggestion that we wanted to
dynnu yn ôl o'r addewid yma o ran withdraw from this promise in terms
17 y cant o fuddsoddiad. Nid oes of 17 per cent on investment. There
awydd gan y BBC i wneud hynny o is no intention on the part of the BBC
gwbl. to do that at all.

[684] **Christine Chapman:** Okay. Thank you. Mike.

[685] **Mike Hedges:** Can I return to sport? I'm very pleased about what you
said about the six nations. What about the autumn internationals? Are you
still committed to showing them? And the other thing is, I come from
Swansea, and quite often people seem to think that as long as you've done
Cardiff, you've finished Wales. I'll just mention that Swansea's larger than
Islington. The point I was going to make, of course, is that Swansea have to
be on television every Saturday night on *Match of the Day* because they're
one of the premier division teams. Unfortunately, my constituents tell me
that they're always last or last but one, or nearly always last or last but one,
and one of my constituents did a list of teams that were appearing last or
last but one, and Swansea won the competition by a long way over teams
that finished around them.

[686] **Alun Davies:** I think he wants you to answer that?

[687] **Mr Davies:** Okay. Can I come to that second? On the autumn
internationals, we signed an agreement with the Welsh Rugby Union a couple
of years ago, and I think that's got another two years to run. Beyond that,
predicting sports rights and how sports rights will develop is not an exact
science. You'll have seen an announcement last week, given the funding
constraint we have, that we have to really look hard at what sports rights we
can support and what we can't. But, as I say, the autumn internationals are
certainly secure for the foreseeable future.

[688] On the question of *Match of the Day*, I watch it myself—I saw the question in the inquiry session two or three weeks ago. I looked on Saturday, and I didn't ring anyone in Salford and say, 'Change it'. I think there were two matches after the Salford match, and somebody who works in my office who is a huge Wrexham fan actually took the time to watch six episodes of *Match of the Day* and could only find two examples in the six where Swansea were in the bottom or were bottom. So, I'm not sure the data would support the contention that Swansea are getting a hard time. They may not be quite as high as they were last season, but that might reflect the performance on the field. [*Laughter.*]

[689] **Mike Hedges:** This was actually about last season rather than this season. You have to go through a whole season to get the feel of it.

14:15

[690] Can I just welcome your comments on the autumn internationals, and can I put in a plea, if possible—can you keep them?

[691] **Mr Davies:** I'd love to keep them.

[692] **Christine Chapman:** You had another question, Bethan.

[693] **Bethan Jenkins:** Jest i fynd nôl at y materion cyllido, mae Llywodraeth Cymru wedi gofyn am £30 miliwn ychwanegol y flwyddyn ar gyfer BBC Cymru. Beth ydych chi'n dweud am hynny, yng nghyd-destun y ffaith bod Cymru yn derbyn llai na'r Alban, Gogledd Iwerddon a'r rhanbarthau eraill yn Lloegr? A hefyd, yn olaf, fe fues i mewn digwyddiad IWA ac roedd James Purnell wedi dweud yno fod angen inni fod yn greadigol oherwydd diffygion cyllidebol. I fod yn hollol onest, fe wnaeth e ddweud 'creadigol' tua 40 o weithiau. Nid wyf *actually* yn gwybod beth mae 'bod yn greadigol' yn ei feddwl. A fedrwch chi roi rhyw fath o

Bethan Jenkins: Just to go back to the funding issues, the Welsh Government has asked for an extra £30 million of funding a year for BBC Wales. What do you make of that, in the context of the fact that Wales is receiving less than Scotland, Northern Ireland and other regions in England? And also, finally, I went to an IWA event and James Purnell said there that we needed to be creative because of funding challenges. To be completely honest, he said 'creative' around 40 times. I don't think I'm actually sure what 'being creative' means. Can you throw some light on that for us, so that we can deal with the reality of the situation rather than

olau ar hynny i ni, er mwyn i ni allu flowery language?
delio â realiti'r sefyllfa yn hytrach na
geiriau blodeuog?

[694] **Lord Hall:** I'll try to deal with it without any flowery language. [*Laughter.*] I am reviewing, as of now, having made the cuts of £150 million last week in our budget to get to 2017 with a balanced budget, and I am now working—and will be over the next six months—to work out what our budget will look like, as we estimate, from 2017 onwards to 2021–22. Our estimate within that was that we would like to find—we have to absorb inflation and we have to find savings overall of £550 million—but, within that, we want to, if we can, find £150 million to reinvest in the business. So, take out money and reinvest in the business. Now, what things we'll invest in, I can't tell you right now. But what I know is that you can't stand still. The organisation has to find ways of investing in new things. It could be content, it could be nations, and it could be something to do with online. That's the decision we're going to have to work out and then consult through the trust and so on from, I guess, late spring onwards.

[695] But one of the issues there is about how much we can invest in the nations. The funding settlement last July, just to repeat, cash flat, puts a real constraint on our ambition. We could all have hoped for having more money to be able to invest in nations or other new product. We don't have that. So, whatever we do, we have to do it in the line that we have a funding settlement that is very tough for the BBC, but we need to be alive to all the opportunities too. So, I can't tell you how much we will be able to spend, if at all. That's what we have to work through over the next six months.

[696] **Christine Chapman:** Okay, Rhodri.

[697] **Mr Davies:** A gaf i jest **Mr Davies:** May I just add to that, on ychwanegu, ar y cwestiwn ynglŷn â the question of what James Purnell beth fuodd James Purnell yn cyfeirio was referring to, to some extent, I ato, i ryw raddau, rwy'n meddwl yr think that he was asking the question oedd o'n gofyn y cwestiwn ynglŷn â'r about the expenditure on network gwariant ar raglenni rhwydwaith? programming? That is, if those Hynny yw, os yw'r rhaglenni yna'n programmes were to work harder to gwneud gwaith caletach i bortreadu represent all parts of the UK, would pob rhan o Brydain, a ydy hynny'n that be helpful? Also, you may have help? Hefyd, efallai fod rhai ohonoch seen the statement this morning in chi wedi gweld y datganiad y bore terms of BBC3 moving to the online

yma ynglŷn â BBC3 yn symud i'r byd ar-lein. Felly, mae'r sianel ddarlledu yn diffodd yn y flwyddyn newydd a'r model hynny fydd darparu dros blatfform ar-lein. Rydym eisoes wedi dweud bod bwriad gennym ni i gynnig sianel ar-lein i bob cenedl. Mae hynny o bosibl hefyd yn cynnig ffordd newydd i gyrraedd, yn enwedig, y to iau o wrandawyr a gwylwyr nad ydynt, ar hyn o bryd, efallai, yn cael cystal gwasanaeth yn y cenhedloedd datganoledig. Felly, mae nifer o opsiynau i ni eu hasesu ar hyn o bryd.

world. So, that broadcast channel is being switched off in the new year and that model will be providing on an online platform. We have already said that we have an intention to offer an online channel for every nation. That also perhaps offers a new opportunity for us to reach, in particular, younger listeners and viewers who are perhaps, at present, not receiving as good a service in the devolved nations. So, there are a number of options for us to assess currently.

[698] **Bethan Jenkins:** Ond nid ydych chi wedi gwneud asesiad clir eto o'r hyn y mae Llywodraeth Cymru wedi gofyn amdano. Ni fyddwch yn gallu hyd nes eich bod wedi penderfynu ar y potiau gwahanol o arian i mewn i'r sectorau gwahanol. Rwyf eisiau sicrhau ein bod yn clywed hynny'n iawn.

Bethan Jenkins: But you haven't made a clear assessment yet of what the Welsh Government has asked for. You won't be able to do that until you've decided about the different pots of money in different sectors. I just want to make sure that we're hearing that correctly.

[699] **Lord Hall:** That's right. That's exactly right. Yes, you are. The sum I've set myself, as I say, is to get the £150 million sorted out—that's painful and that's constraining us in all sorts of areas—and then look at the budget. I'm going to do this—I've said to the staff, to all people—I want to do this slowly. I want to do this actually very, very carefully, because I owe that both to our audiences and to other partners, and also to our staff.

[700] **Christine Chapman:** Okay, thank you. Peter, did you want to come in?

[701] **Peter Black:** Yes, thank you. Just briefly on the sport issue, personally, I'm looking forward to watching Welsh soccer internationals on terrestrial television. Maybe you could sort that.

[702] **Mr Davies:** On the BBC, I hope.

[703] **Peter Black:** On the BBC would be great. If you could just sort it out for us, that would be great.

[704] I think we've touched largely throughout this session on the issues I want to talk about, around the structure of the BBC and how you serve Wales, et cetera. I just want to explore something that you said, Lord Hall, at the beginning, about this service licence for Wales. I know that you have touched on elements of what that involves. Could you try to be more specific about what exactly that service licence for Wales is, what it would look like, and what do we get out of it?

[705] **Lord Hall:** I think the benefits of a service licence agreement is that it specifies the nature of the service you are going to get from the BBC. My own view is that that does, and should, play to the distinctive things you are getting from the BBC through that particular service. My own view is that it would be easier, better and probably more 'creative', to use James's word—

[706] **Bethan Jenkins:** Oh no. [*Laughter.*]

[707] **Lord Hall:** I withdraw the word then—if that was done for Wales as a whole We're riding two horses. I hope and I believe that, for a very long time, people will consume television and radio in linear channels or linear services. But, at the same time, we are seeing, especially among younger people but others too, a growth in on-demand, iPlayer and other online services too. Better, therefore, that decisions about the balance between those services are made as close as you can to the communities you are seeking to serve. Also, I think, better that the conversations about the services that you are offering to a very distinct and important community are also done as close as they can be to the nation. So, I think a service licence agreement for the whole of Wales would answer that point, but that's just my view. I mean, this has got to be decided by Sir David Clementi and his team and, ultimately, by the charter process in the Government. But I can see a real advantage to that.

[708] **Peter Black:** So, how does that work out, in terms of how Wales is portrayed on the network—how we commission drama, for example? At the moment, all the commissioning for Wales, I understand, is done in England. If you want to star in a role that is being filmed in Roath Lock, you are going to go to England for auditions or to be cast in that. Is that going to be changed as part of that?

[709] **Lord Hall:** Well, that is a separate piece of work, as I was saying earlier

on, about how we commission and therefore portray the nations and the regions of England to the whole of the UK.

[710] **Peter Black:** But shouldn't that be rolled up into this licence?

[711] **Lord Hall:** I think that could be—. We need to explore this. I think that could be difficult, tricky and unclear. What I want above all from arrangements about Governments and responsibilities for our directors is clarity about who is responsible. As far as we can, that clarity, I think, would come better from having an agreement that is about Wales to Wales. There still has to be an agreement on what is BBC One, what is BBC Two, what is Radio Four and so on. That is where I think an assessment about how they are covering the whole of the UK is better placed.

[712] **Peter Black:** You see—

[713] **Mr Davies:** Could I just bring the issue to life a little bit? If you take the last financial year and exclude S4C from this for a second, if you take the dedicated BBC services for Wales, we have spent about £60 million. That £60 million, at the moment, is governed by bits of six—no, five—separate service licences. So, I have a Radio Wales service licence, I've got a Radio Cymru service licence, I've got a bit of an online licence, I've got a bit of a news licence, I've got a bit of a BBC One and I've got a bit of a BBC Two licence. All those licences don't just describe the audience outcomes; they describe the financial inputs. We are going through, right now, a period of consumer audience technological change that requires very rapid decision making. So, I think that what Tony has put his finger on is an issue of: do the nation's directors have the flexibility to be able to reprioritise at a speed that keeps pace with audiences? I think, at the moment, that the regulatory structural licences arguably act as a break on making decisions that would keep us in tune.

[714] **Peter Black:** I can understand and I can see the logic behind rationalising the way you organise your production in Wales in that particular way. The danger, as I can see it, is that you can compartmentalise and restrict, if you like. That licence could be restrictive in terms of what Wales can do. You raised the point, as we are raising the point, about the amount of money being spent on English-language drama and on the commissioning process. People in head office say, 'Well, Wales has got its own licence. What are you complaining about?' Isn't that a danger, as part of this process?

[715] **Lord Hall:** There are always equal and opposite dangers. I think the strength of this is that, in Wales, there is much more authority to Rhodri, or whoever's the director, to make decisions that affect Wales directly in Wales. That's really, really important. But I'm not then saying that you don't also have responsibility, absolutely, to understand what we're doing for the whole of the UK in drama or in sport or in news or whatever. Those are things that I want to be able to look at as a whole. And we know, as I'm with you, you can't just say, 'Well, you've got your own service agreement, then, you know, go off.' That absolutely has to be addressed across the UK, as indeed, for example, our proposal on BBC studios is actually saying, 'How can we best, across the whole of the UK, address the issue we've got with in-house production?'

[716] **Peter Black:** I was going to ask that question. Does this authority extend to Roath Lock? Does it mean that Roath Lock is part now of the Welsh licence, or is that still part of UK drama?

[717] **Lord Hall:** No. Roath Lock absolutely will be a part of BBC studios if we get the go-ahead for that. And why is that important for Roath Lock? Because, actually, I fear the gradual diminution of in-house production within the BBC unless we take this action to ensure it can start balancing out and then start growing again. I think that, from the point of view of Roath Lock, it is better to be part of a larger unit to do that than saying, 'It's on its own.'

[718] **Peter Black:** So, you have this Welsh licence, and you have Roath Lock in the capital city, which is separate from that Welsh licence.

[719] **Mr Davies:** Can I just come in? I think that slightly misunderstands what Roath Lock is. So, Roath Lock is the production centre for *Pobol y Cwm*; Roath Lock was the production centre for *Under Milk Wood*. Roath Lock can make dramas for Welsh audiences, UK audiences and—under the proposals that Tony's set out on in-house production—for global audiences and, potentially, for other broadcasters. So, I don't want to constrain Roath Lock to just being a network production base or a local production base. It needs to have ambitions right across the range.

[720] Also, the point I would make about the changes that have been proposed for BBC studios is that they are a big opportunity for Wales. Wales has a growing reputation not just in the UK, but globally, for high-end television drama. Having an in-house base that can remain ambitious, that can attract talent—. At the moment, we attract talent and they sell ideas into

one commissioner—a single BBC drama commissioner. That is a constraint for talent; talent want to sell to multiple buyers. So, the proposals for BBC studios potentially could see Roath Lock as the absolute primary centre of drama production in the UK for the BBC but a seller of ideas to global audiences. That's a big opportunity for Wales, and we need to make sure we grab it.

[721] **Peter Black:** Yes, because the danger—. I mean, commissioners commission in their own image. And because you haven't got someone based in Roath Lock, if you like, commissioning, they don't think, 'Shall I commission something that's actually going to reflect the area and the community and the culture I live and work in?' They're based in London; they're based in Manchester, so they commission around that particular culture that they live in.

[722] **Lord Hall:** Just to go back, as Rhodri was just saying, the whole principle behind in-house becoming BBC studios is to say—. It struck me when I came back and was talking to people and meeting with people that they were saying, 'I had this wonderful idea. It wasn't accepted for something in the BBC. I then had to pass it out for someone else to go and develop.' That's crazy when you've got something as vibrant—or what should be as vibrant and exciting as in-house production is—and as necessary to the future of the BBC, because intellectual property is really important. Giving in-house the freedom to be able to say, 'Okay, if you didn't want it, I'll take it to someone else who would', I think is a real exciting opportunity for the whole of in-house, and that's why I really believe in this—Roath Lock, but the rest of in-house as well.

[723] **Peter Black:** And how much of this £150 million that you're hoping to release will actually come to Wales in terms of the gaps that have been identified by several people in terms of English drama reflecting Wales?

[724] **Lord Hall:** I think, as I was saying to your colleague earlier on, I don't know yet. I can't answer that yet, and I will take my time making sure that I listen and think before we come to conclusions about that.

[725] **Peter Black:** Okay. Just one more question.

[726] **Christine Chapman:** Yes.

[727] **Peter Black:** We talked about the various Welsh licences, but you know

as well as I do that a lot of people in Wales watch English tv, they listen to English radio—Radio 2 is the most popular in Wales. How can we make sure that those particular networks, and particularly Radio 2, reflect Wales in terms of their output and what people are listening to as well?

[728] **Lord Hall:** I think one of the things we're looking at—I think it's been mentioned in various conferences and so on—is how we can make Radio 1 and Radio 2 in news terms more responsive to what is happening to Wales. That's absolutely on the agenda.

[729] **Bethan Jenkins:** Would you be considering a Wales opt-out for news?

[730] **Lord Hall:** All those things are absolutely on the agenda for the news review I talked about earlier on. We really get the point of how important Radio 1 and Radio 2 are to Wales.

14:30

[731] **Christine Chapman:** It might be too early to judge, but where are your discussions going with this, on Radio 1 and Radio 2? You know, what sort of—

[732] **Mr Davies:** Can I just say something on this? Because I think it's really important, because we tend to immediately—you know, you have a conversation about the 'Scottish Six', or Radio 1 or Radio 2 opts and lots of different levers. I think the strategy, or the thing that's preoccupying us in internal conversations in Wales, is a recognition that the BBC has a disproportionate responsibility in Wales. We've seen so many of the media sources contract. Take yesterday's announcement on the variance of income tax: the policy agenda in Wales is only going in one direction. So, the question for the BBC is: how do we keep pace with that, but also, how do we ensure that citizens in every part of Wales have the information that they need to make the decisions that affect their lives? The challenge that we have at the moment is making sure that relevant Welsh news reaches the maximum number of people. Our own internal research suggests that about 50 per cent to 55 per cent of people are engaging regularly with Welsh news. It doesn't matter from which source, but that's the total picture in terms of a meaningful engagement with Welsh news. So, the proposals—. When we look at this over the next few months in terms of the internal review that we're doing, I think the thing that's preoccupying me is: how can we extend that reach? What are the levers that we could pull that would enable us to get

relevant Welsh news to an even bigger audience? Because that's the democratic challenge I think you grapple with in your daily lives, but the BBC needs to grapple with in terms of our responsibilities around citizenship. So, there are lots of different levers that we'll think about, but I just wanted to set that as context, because I think that's the overriding principle that I'm interested in looking at.

[733] **Christine Chapman:** Okay. Thank you.

[734] **Bethan Jenkins:** Sorry, can I just ask there: what does 'meaningful' mean? How are you measuring whether it's meaningful or not?

[735] **Mr Davies:** Well, there are lots of different ways that you can look at it, but I suppose that what we're looking at is who regularly consumes Welsh news.

[736] **Bethan Jenkins:** Right. So, that would be via distinctly the news at 6.30 p.m.

[737] **Mr Davies:** No, we're looking at this in the round. We're looking at who, for example, are using newspapers regularly—Welsh, indigenous press—and who might be using ITV Wales.

[738] **Bethan Jenkins:** Oh, right. Okay.

[739] **Mr Davies:** We need to look at the whole news ecology and ask ourselves which communities in Wales are currently really untouched by news and may be receiving a lot of their information from over the border.

[740] **Bethan Jenkins:** So, do you have that as a piece of research, then? Can we have that?

[741] **Mr Davies:** Yes. I'm happy to share with you the headlines of that. We do a regular tracking survey, where we look at overall media consumption in Wales. It's a difficult picture. We all talk about the decline of the printed press: actually, some of the commercial news operators' online sites are doing very well. That may be different news that they're consuming to what they would have consumed in print, so, there are subtleties and nuances. But I guess that all I wanted to say in terms of that review is that I think that the challenge is: how do we ensure that we reach the maximum number of people with news that's relevant? It's why, sometimes, I—. People have asked

me about 'Newsnight Wales'. The question I would always ask on 'Newsnight Wales' is: is that going to get us to an audience that isn't currently consuming Welsh news? I think the first overriding priority should be to think about the reach of news services and reaching people who currently don't get enough relevant Welsh news. Does that make sense?

[742] **Bethan Jenkins:** Yes.

[743] **Christine Chapman:** Okay. I know that Rhodri wanted to come in, but Alun has a very quick question. Then I'll bring Rhodri in.

[744] **Alun Davies:** I get what you're saying there, Rhodri, but also, you know, I doubt if *Newsnight* is the only method by which people who watch *Newsnight* get their news either.

[745] **Mr Davies:** Absolutely.

[746] **Alun Davies:** So, I think you've got to apply the same standards across the board. I accept what you say, absolutely, in terms of news and the production of news. But do you worry sometimes that the news values that drive the BBC are not British enough, that there isn't that perspective of looking at the news from outside of London, outside of the perspective of an editor based in London? I return to this because you could describe news values in all sorts of different abstract ways, and it's the interpretation of those values that will then lead to decisions of what ends up on the screen, or being heard or broadcast, or whatever. Is the interpretation of those values too driven by the values that you would find in central London and in that cultural region, if you like, of the United Kingdom? What I'm saying is: are you British enough?

[747] **Lord Hall:** I've edited an awful lot of programmes, admittedly some time ago, so I kind of know from the heart, really, what you're juggling when you're standing in a gallery putting together a news programme, or at the back of a gallery in a radio programme, too. And I think what fires you is a sense of, 'Actually, what are the significant stories today?' There's almost a significance test, and, to apply that to stories, you have to think beyond wherever you happen to be sitting. So, for example, if you look at what happened in Paris, I take my hat off to the teams that just managed that though in a way that no other broadcaster could in that sort of way. And then there are other days when you've got to test yourself in other ways to make sure that you're representing both what people are interested in, but also

what you think they ought to be interested in, and that's a kind of difficult test, too.

[748] I go back to what I said about yesterday's coverage of the Chancellor's statement. I thought it was really impressive and good. I listened to the radio and I watched television, and I thought that sense of—you know, we understand that people often say we're very metropolitan, and, in the sense that Parliament is there, you've got to cover that, but that sense of reaching out to the rest of the UK, I thought was a really good sign. Now, I think we can take that further. I was at a conference with news editors from the English regions two weeks ago and they were raising some of these points about how we can make more of our roots in communities in England, but also the nations likewise. So, it's work in progress and what I know about the news operation is that they are never satisfied with what they've done; they're constantly asking questions about whether they've got this right, and that is a very good thing, but, you know, it is—I think I said when I was last here—a bit of a Forth bridge question. You've got to constantly ask yourself whether you're making the right decisions, and I think the organisation does, but it's something that you've got to be even more aware of as devolution is changing the nature of the UK.

[749] **Christine Chapman:** Can I just—? Before I bring, and I will bring, Rhodri Glyn in, going back to Alun's question about the portrayal, sometimes it does feel—. When I've listened, say, to the Today programme, a lot of it sometimes is about the US, which is, you know, appropriate, but, sometimes, it's almost disproportionate the amount of time that's spent on stories about the US, and you think, 'Well, there are stories in Wales, which, for lots of people, would be just as relevant', so I just wondered if you had a comment on that.

[750] **Lord Hall:** I think a huge amount has been done—and, again, in news, you're constantly readapting and reassessing what you're doing—over the last couple of years by James Harding and the team to cement the relationships with the national news rooms and London, and also the local radio network and London in England, too. I think you do hear—in *Today* terms—or see the results of that on air. It's a constant process, but I think the sense of people—. Last time I was here, I was saying I think more should be done to bring people together so that they know each other, so, you know, 'You've got a great story, I know you've got a good news sense, I'll use that story'. I think a lot has been done to make those sorts of informal relationships work, but I think we could push it still further. I go back to why

we're all here, in a way—the strengths the BBC can offer in news terms are that it is both international and it's national and it's nations and it's the regions of the UK, and playing to that more and more, I think, is really important.

[751] **Christine Chapman:** Okay, thank you. Rhodri Glyn.

[752] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Yng ngoleuni datganiad y Canghellor ddoe am doriad pellach i gyllid S4C, a ydy S4C yn gallu gweithredu fel darlledwr cyhoeddus cenedlaethol, bellach?

Rhodri Glyn Thomas: Thank you very much, Chair. In light of the Chancellor's statement yesterday about further cuts in S4C's funding, can S4C operate as a public service broadcaster on a national level now?

[753] **Lord Hall:** Well, I think there's been a lot of progress, it seems to me, in our editorial relationship with S4C. I mentioned the iPlayer earlier—fantastic. I'd love to see more collaborations à la *Hinterland*—again, terrific. And I'm very, very pleased that they are part locating with us in our new building in the centre of Cardiff. So, at that sort of level, I think—. At the operational level, I think we're doing a lot and I'd love to build on that. It's not for me to comment on the governance arrangements there might be for S4C, or the other budgetary arrangements that the Government are coming to with them.

[754] **Rhodri Glyn Thomas:** O ran yr hyn rŷm ni wedi derbyn fel tystiolaeth, mae awdit cyfryngau'r Sefydliad Materion Cymreig yn dweud os nad ydy cyllid S4C wedi ei ddiogelu, bydd yn dirywio ac yn dirywio ac yn mynd i bwl diwaelod o ddirywiad. Fe wnaeth Equity ddweud wrthym ni nad yw S4C fawr fwy bellach na mantolen i gefnogi ymrwymiad y BBC i'r gwledydd a'r rhanbarthau. Mae S4C ei hun wedi dweud bod yn rhaid i gyllid S4C yn y dyfodol gael ei drafod y tu allan i siarter y BBC ac i gyllid y BBC. Maen nhw wedi gofyn am sicrwydd ynglŷn â chanran o'r drwydded i'r dyfodol.

Rhodri Glyn Thomas: In terms of what we've received as evidence, the media audit of the Institute of Welsh Affairs says that, if S4C's funding is not safeguarded, it will decline and decline, and fall into a bottomless pit of decline. Equity told us that S4C is now no more than a balance sheet figure to support the BBC's commitment to the nations and regions. S4C itself has said that S4C's funding in the future needs to be discussed outside the BBC charter and the BBC's funding. They've asked for assurances regarding the percentage of the licence fee in the future. What is the BBC's view on the

Beth yw barn y BBC am ddyfodol future of S4C's funding?
cyllid S4C?

[755] **Lord Hall:** Well, can I just say one thing, and maybe Rhodri would like to join in here? I read the point from Equity and I didn't really understand it, to be quite frank with you, because—

[756] **Rhodri Glyn Thomas:** No, I didn't understand it, either, but I thought I'd quote it. [*Laughter.*]

[757] **Lord Hall:** Because, actually, we're very pleased and proud of the just under £20 million-worth of programming we produce, including *Pobol y Cwm*, for S4C each year. I would love to see more collaborations, where their independence editorially is completely recognised, but where there are things that we can do together to show off the creativity of writers and directors and others in Wales.

[758] **Mr Davies:** Jest i ychwanegu at hynny, yn amlwg, fe wnes i weld sylwadau'r Canghellor ac ymateb S4C neithiwr, ac, yn amlwg, mae yna gonsŷrn difrifol ynglŷn â'r sefyllfa, ac, yn amlwg, mae S4C wedi wynebu toriadau sylweddol dros y blynyddoedd diwethaf. O ran ein hymateb ni fel rheolwyr o fewn y BBC, beth sy'n bwysig iawn yw ein bod ni'n bartner da, a'n bod ni'n parhau i edrych am gyfleoedd i gynyddu effaith S4C ar gynulleidfaoedd. Mae Tony eisoes wedi cyfeirio at y bartneriaeth dros yr iPlayer; mae hynny wedi gweld cynnydd sylweddol iawn yn nefnydd rhaglenni S4C ar alw. Mae'r cydleoli yng nghanol Caerdydd yn mynd i arbed, dros gyfnod, miliynau o bunnoedd i'r ddau sefydliad. Felly, yn amlwg, mae'r materion sylfaenol ariannol yn faterion i'r Llywodraeth, i Awdurdod S4C a hefyd i Ymddiriedolaeth y BBC.

Mr Davies: Just to add to that, clearly, I saw the comments made by the Chancellor and the response by S4C last night, and, clearly, there is serious concern about that situation, and, clearly, S4C has faced significant cuts over the past few years. In terms of our response as managers within the BBC, what is very important is that we are a good partner, and that we continue to look for opportunities to increase the effect of S4C on audiences. Tony has already referred to the partnership over the iPlayer; that's seen a huge increase in the use of S4C programmes on demand. Co-location in the centre of Cardiff is going to save, over a period, millions of pounds for both institutions. So, clearly, the fundamental funding matters are matters for the Government, for the S4C Authority and also for the BBC Trust. What's important for us to concentrate on is

Beth sy'n bwysig i ni ganolbwyntio arni yw natur, gwerth ac ansawdd y bartneriaeth, a dyna rydym wedi ei wneud. Rydym ni wedi gweithio'n galed iawn dros y blynyddoedd diwethaf i wella'r berthynas yna, a chyda lot fawr o lwyddiant, rwy'n credu.

[759] **Rhodri Glyn Thomas:** Rwy'n derbyn y pwynt rydych yn ei wneud, na allwch chi wneud unrhyw sylw uniongyrchol ar gyllid S4C a'r dull o drafod a phenderfynu ar gyllid S4C, ond beth am alwad Llywodraeth Cymru fod angen adolygiad annibynnol bellach o'r bartneriaeth rhwng y BBC ac S4C? A fydddech chi'n hapus i weld y math hynny o adolygiad yn digwydd?

the nature, value and quality of the partnership, and that's what we've done. We have worked very hard over the past few years to improve that relationship, and with a great deal of success, I believe.

Rhodri Glyn Thomas: I accept the point that you're making, that you can't make any direct comment on S4C's funding, and the method of discussing and determining S4C's funding, but what about the call from the Welsh Government that there is a need for an independent review now of the partnership between the BBC and S4C? Would you be content to see that sort of review being undertaken?

[760] **Lord Hall:** Well, I think the partnership is clearly an important one. It's not for me to say there should be a review, or shouldn't be a review. My own view—and I talk to Rhodri about this a lot—is that the partnership with S4C is working very well. All my experience says, when organisations, including the BBC, including S4C, including others, are under financial pressure—as we all are; that's the situation we're in—the better we work together, the more things we can do.

[761] **Mr Davies:** Jest i ychwanegu at hynny, yn y diwedd, mae'r cwestiwn o adolygiad annibynnol yn gwestiwn i'r Llywodraeth ac i Awdurdod S4C. Beth y byddwn i'n ei ddweud yw bod trafodaethau parhaol ynglŷn â sut rydym ni'n sicrhau bod y cyflenwad rhaglenni at ddant S4C ac at ddant gwylwyr S4C. Mae'r berthynas yna yn un cryf.

Mr Davies: Just to add to that, ultimately, the question of an independent review is a question for the Government and for the S4C Authority. What I would say is that there are continuing discussions about how we ensure that the programme supply for S4C and its viewers is suitable. That relationship is a very strong one.

[762] **Rhodri Glyn Thomas:** Ydy, rwy'n derbyn hynny, ac rwy'n croesawu'r cydweithio a'r bartneriaeth sydd wedi datblygu, ond nid yw'n bartneriaeth rhwng partneriaid sy'n gydradd â'i gilydd, mewn ffordd, nac yw? Mae gennych ddarlledwr cyhoeddus sy'n darlledu yn y Gymraeg yn unig, sef S4C, sydd yn gorff ac yn sefydliad cymharol fach, mewn partneriaeth gyda'r BBC yng Nghymru, ac wedyn gyda'r BBC drwy'r Deyrnas Unedig, sydd yn sefydliad enfawr. Sut mae modd diogelu y partner lleiaf yn y math yna o drefn?

14:45

[763] **Mr Davies:** Nid wyf yn meddwl ei fod yn fater i ni drafod y sefyllfa lywodraethol, ond jest i ganolbwyntio ar y berthynas weithredol, mae yna egwyddor sylfaenol y mae lan a fi yn gweithio ar ei sail, sef bod partneriaeth yn gorfod bod yn broses wirfoddol. Mae popeth rydym wedi ei wneud dros y blynyddoedd diwethaf ynglŷn â chydleoli, cydgomisiynu *Y Gwyll*, a symud i iPlayer, wedi bod yn benderfyniadau sydd wedi cael eu gwneud ar y cyd ac sydd â chefnogaeth y ddau gorff. Os ydym yn anghytuno, rydym yn symud ymlaen at y project nesaf; nid oes rheidrwydd ar unrhyw un i gydweithredu os nad yw'r partneriaid eisiau gwneud.

[764] **Rhodri Glyn Thomas:** Diolch yn fawr.

Rhodri Glyn Thomas: It is, I accept that, and I welcome the collaboration and the partnership that has developed, but the partnership is not one between equal partners, is it, in a way? You have a public service broadcaster that is broadcasting in Welsh only, namely S4C, which is a comparatively small body, in partnership with the BBC in Wales, and then with the BBC throughout the UK, which is a massive institution. How can the smaller partner in that sort of situation be safeguarded?

Mr Davies: I don't think it's a matter for us to discuss the governance arrangement, but just to discuss the operational matters, there is a fundamental principle that lan and I work on, which is that the partnership has to be a voluntary process. Everything that we've done over the past few years, in terms of co-location, co-commissioning *Y Gwyll/Hinterland*, and moving to iPlayer, have been decisions that have been made on a joint basis that have the support of both bodies. If we disagree, then we move on to the next project; there's no compulsion on anyone to collaborate unless the partners want to do so.

Rhodri Glyn Thomas: Thank you very much.

[765] **Christine Chapman:** Bethan.

[766] **Bethan Jenkins:** Sori; roeddwn i jest eisiau parhau gyda'r pwynt, a bod yn onest, o ran beth roeddech yn ei ddweud am bartneriaeth. Pa mor realistig yw e—er i chi ddweud ei fod yn bositif ac rwy'n hapus ei fod e yn bositif—fod S4C yn cael toriad fel y maen nhw wedi ei gael ddoe a'u bod nhw'n gallu bod yn rhan o bartneriaeth hyfyw, sefydlog, os yw'r toriadau yn meddwl nad ydynt yn gallu gwneud yr un lefel o bethau ag yr oeddent yn ei wneud o fewn y bartneriaeth cyn ddoe? So, dyna beth fyddai'n fy mhoeni i yn hynny o beth—nid agwedd y BBC tuag at S4C, ond realiti y sefyllfa nawr bod y toriad hwnnw wedi digwydd.

[767] Yr ail gwestiwn—efallai fy mod i'n anghywir achos rwyf wedi bod yn gwneud stwff treftadaeth drwy'r bore o ran gwelliannau—ond gwelais fod gwasanaeth y byd y BBC—y *BBC World Service*—wedi cael cryn dipyn o arian. A oes yna broblem yn mynd i godi fel bod yna dyndra eto rhwng y BBC a S4C, lle mae pobl yn gallu gweld bod yna ychwanegiad o arian fan hyn, fan draw i'r BBC, ac wedyn bod yna doriadau i S4C a phobl yn dweud, 'Pam bod unig sianel Cymru wedi cael toriad ac wedyn mae yna elfen o bot o arian y BBC wedi cael ehangiad o gyfrifoldeb neu ehangiad o gyllideb?' Rhyw sylw o'r tu allan yw hynny gen i.

Bethan Jenkins: Sorry; I just wanted to continue with the point, to be honest, as to what you were you saying about partnership. How realistic is it—even though you said it was positive and I'm happy that it's positive—that S4C has a cut as they've had yesterday, and that they can be part of a viable, stable partnership, if the cuts mean that they can't do the same level of things they were doing within the partnership before yesterday? So, that is what would concern me—not the BBC's attitude towards S4C, but the reality of the situation now that that cut has happened.

The second question—maybe I'm wrong as I've been doing things on heritage all morning in terms of amendments—but I saw that the BBC World Service had received quite a lot of money. Is a problem going to arise that there will be tension once more between the BBC and S4C, when people see that there is additional money here and there in the BBC, and then there are cuts to S4C and people saying, 'Why is the funding for Wales's only channel being cut and there is an element of the BBC's pot having additional funding or an expansion of responsibility?' That's just a comment from outside, from me.

[768] **Lord Hall:** You do the partnership, and I'll do the world service thing. Maybe I'll do the last question, and then you go.

[769] So, the World Service's arguments are completely separate to the licence fee agreement that we came to with the Chancellor in July. At the time, I said there were a number of places where I wanted to come back to the Chancellor, and this was one of them. The agreement that he announced earlier this week is quite separate from the licence fee agreement we had; it is money to be spent in areas agreed with the Government, where the UK's voice is through the BBC World Service, and this is money that will only be spent on the BBC World Service or its online equivalent. Those moneys will be spent on areas outside the UK where we want to do services and the Government thinks it's right that the UK's voice is heard. So, it's a completely separate arrangement with the Chancellor to the licence fee agreement in July.

[770] **Mr Davies:** Roeddwn i jest **Mr Davies:** I just wanted to add, in eisiau ychwanegu, o ran y cwestiwn terms of the question on S4C's ynglŷn â chyllid S4C, y gwirionedd yw funding, the truth is that every public bod pob darlledwr cyhoeddus yn broadcaster is facing a very wynebu sefyllfa heriol o ran arian a challenging situation in terms of chyllid. Mae Tony eisoes wedi trafod funding and budgets. Tony has yn setliad trwydded. Yn y bôn, mae already discussed the licence fee hynny yn '*cash flat*'; mae hynny'n settlement. Essentially, that is a golygu mewn gwirionedd arbedion o cash-flat settlement, and that means ryw £550 miliwn i'r BBC dros y savings of around £550 million for cyfnod nesaf yma. Felly, mae yna the BBC over the coming period. So, heriau i bawb, ac rwy'n credu beth there are challenges for everyone, sy'n angenrheidiol yn yr amgylchedd and I think what's vitally important in bresennol yw ein bod ni yn chwilio this current environment is that we am gyfleoedd i gydweithio, os oes do look for opportunities to modd, a'n bod ni yn chwilio am—. Yn collaborate if possible, and that we yn achos y BBC, mae pawb yn sôn bod y look for—. In the BBC's case, BBC yn gorff mawr ac ei fod yn everyone talks about the BBC being a anghyfartal o ran partneriaeth. Mae very large body and that there are yna gryfderau amlwg i'r BBC: mae inequalities in terms of partnerships. gennym ni '*scale*' ac mae gennym ni There are very clear strengths to the berthynas ddyddiol gyda'r BBC: we have scale and a daily gynulleidfa. Mae'r boblogaeth yng relationship with the audience. The Nghymru yn defnyddio'r BBC am population in Wales uses the BBC for rhyw 18 awr yr wythnos ar around 18 hours a week on average,

gyfartaledd, ac mae gwasanaeth fel yr iPlayer yn amlwg yn gallu cynnig gwerth mawr i S4C o ran cyrraedd cynulleidfaoedd newydd, ac mae eisiau i ni barhau i chwilio am y cyfleodd hynny. Mae Tony wedi buddsoddi'n sylweddol yn y blynyddoedd diwethaf yma i ddatblygu technoleg personoleiddio, ac rwy'n meddwl y gallai hynny hefyd gynnig gwerth mawr i S4C o ran cyrraedd cymunedau gwahanol a chynulleidfaoedd, o bosibl, sy'n llai rhugl yn yr iaith. Mae eisiau i ni chwilio am bob cyfle posibl i gymryd mantais o arbenigedd y BBC i helpu S4C, os ydyn nhw'n dymuno.

and a service such as the iPlayer can clearly offer a great deal of value to S4C in terms of reaching new audiences, and we need to continue to look for those opportunities. Tony has invested significantly over the past few years in developing personalised technology, and I think that that too could offer a great deal of value to S4C in terms of reaching different communities and audiences that are perhaps less fluent in the Welsh language. We need to look for every possible opportunity to take advantage of the BBC's expertise to help S4C, if they wish us to do so.

[771] **Christine Chapman:** Okay, thank you. I don't think there are any other questions. So, I think we will close this part of the session now. Can I thank you both for attending? I think it's been a very interesting session. It'll certainly help with our deliberations. We will send you a transcript of the meeting so that you can check for factual accuracy. Thank you very much for attending, both of you.

[772] **Lord Hall:** Thank you for your time.

[773] **Mr Davies:** Diolch yn fawr.

Mr Davies: Thank you.

14:50

Papurau i'w Nodi Papers to Note

[774] **Christine Chapman:** Before we close the public part of the session, there are a couple of papers to note.

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod**

**Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Remainder of the Meeting**

Cynnig:

Motion:

*bod y pwyllgor yn penderfynu that the committee resolves to
gwahardd y cyhoedd o weddill y exclude the public from the
cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in
17.42.*

*accordance with Standing Order
17.42.*

Cynigiwyd y cynnig.

Motion moved.

[775] **Christine Chapman:** Could I invite the committee to agree to move into private session for the remainder of the meeting? Okay.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 14:51.

The public part of the meeting ended at 14:51.s