



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

# Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Iechyd, Gofal Cymdeithasol a  
Chwaraeon](#)

[The Health, Social Care and Sport Committee](#)

23/03/2017

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

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. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Rhun ap Iorwerth <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Plaid Cymru The Party of Wales
Jayne Bryant <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur Labour
Angela Burns <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Ceidwadwyr Cymreig Welsh Conservatives
Huw Irranca-Davies <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur (yn dirprwyo ar ran Dawn Bowden) Labour (substitute for Dawn Bowden)
Caroline Jones <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	UKIP Cymru UKIP Wales
Dai Lloyd <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Julie Morgan <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur Labour
Lynne Neagle <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur Labour

**Eraill yn bresennol**  
**Others in attendance**

Rebecca Evans <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Aelod Cynulliad, Llafur (Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol) Assembly Member, Labour (The Minister for Social Services and Public Health)
Nia Roberts	Gwasanaethau Cyfreithiol, Llywodraeth Cymru Legal Services, Welsh Government
Chris Tudor-Smith	Uwch-swyddog Cyfrifol, Llywodraeth Cymru Senior Responsible Officer, Welsh Government

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

Gareth Pembroke      Cynghorydd Cyfreithiol  
 Legal Adviser

Claire Morris          Ail Glerc  
 Second Clerk

Sarah Sargent         Dirprwy Glerc  
 Deputy Clerk

Sian Thomas          Glerc  
 Clerk

*Dechreuodd y cyfarfod am 09:30.*

*The meeting began at 09:30.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau**  
**Introductions, Apologies, Substitutions and Declarations of Interest**

[1] **Dai Lloyd:** Croeso i gyfarfod diweddaraf y Pwyllgor Iechyd, Gofal Cymdeithasol a Chwaraeon yma yn y Cynulliad. Wrth groesawu fy nghyd-Aelodau, y Gweinidog a'i chynghorwyr, a'r cyhoedd i'r cyfarfod, a gaf i gyhoeddi mewn tri munud byddwn ni'n torri am funud o dawelwch i gofio'r digwyddiadau erchyll a'r colli bywyd yn San Steffan ddoe? Felly, bydd cloch yn canu. Ond yn y cyfamser, fe wnawn ni gario ymlaen efo'r cyfarfod. Felly, a gaf i groesawu Rebecca Evans, Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol, gyda Chris Tudor-Smith, uwch-swyddog cyfrifol, a Nia Roberts, gwasanaethau cyfreithiol, yma i'r cyfarfod? A allaf i bellach egluro, yn naturiol, fod y cyfarfod

**Dai Lloyd:** A very warm welcome to this latest meeting of the Health, Social Care and Sport committee here at the National Assembly. In welcoming fellow Members, the Minister and her advisers, and the public to this meeting, may I announce that in three minutes we will break for a minute's silence in remembrance of those who lost their lives in the terrorist attacks in Westminster yesterday? So a bell will be rung. But in the meantime, we will continue with our business. So, may I welcome Rebecca Evans, the Minister for Social Services and Public Health, joined by Chris Tudor-Smith, senior responsible officer, and Nia Roberts from legal services? May I explain further that the meeting will be held

yma yn ddwyieithog? Gellir defnyddio clustffonau i glywed cyfieithu ar y pryd o'r Gymraeg i'r Saesneg ar sianel 1, neu i glywed cyfraniadau yn yr iaith wreiddiol yn well ar sianel 2. Mae'r cyfarfod yma yn cael ei ddarlledu, a bydd trawsgrifiad o'r trafodion yn cael ei gyhoeddi. A allaf i atgoffa pawb i ddiffodd eu ffonau symudol, ac atgoffa pob Aelod a'r tystion nad oes angen cyffwrdd â'r meicroffonau? Ac os bydd larwm tân yn canu, ar ben popeth eraill—a nid ydym yn disgwyl y bydd hwnnw'n canu—a allaf ofyn i bobl ddilyn cyfarwyddiadau'r tywyswyr? Rydym ni wedi derbyn ymddiheuriadau oddi wrth Dawn Bowden y bore yma, ac mae Huw Irranca-Davies yma fel dirprwy. Felly, croeso ychwanegol i ti, Huw.

bilingually? Headphones can be used for interpretation from Welsh to English on channel 1, or for amplification on channel 2. This meeting is being broadcast and a transcript of proceedings will be published. May I remind everyone to switch off their mobile phones? I would remind all Members and witnesses that they don't need to touch their microphones. And in the event of a fire alarm, on top of everything else—and we don't expect that to happen this morning—then please follow the instructions of the ushers. We have received apologies from Dawn Bowden this morning, and Huw Irranca-Davies is substituting on her behalf. So, a warm welcome to you Huw.

09:31

## **Bil Iechyd y Cyhoedd (Cymru)—Trafodion Cyfnod 2** **Public Health (Wales) Bill—Stage 2 Proceedings**

[2] **Dai Lloyd:** O dan eitem 2, felly, Bil Iechyd y Cyhoedd (Cymru), Cyfnod 2, trafod y gwelliannau. Bydd Aelodau wedi derbyn ac wedi darllen yn drwyadl y papurau ategol, sydd yn cynnwys rhestr o welliannau wedi'u didoli a'r rhestr grwpio gwelliannau. Ac felly, diben y cyfarfod yma ydy cynnal trafodion Cyfnod 2 ar Fil Iechyd y Cyhoedd (Cymru). Nawr, mae rhestr o welliannau wedi'u didoli—dyna restr o'r holl welliannau a gyflwynwyd i'r Bil yma—wedi'u didoli yn y drefn y mae'r adrannau yn

**Dai Lloyd:** Under item 2, therefore, the Public Health (Wales) Bill, Stage 2, consideration of amendments. Members will have received and will have read in detail the supplementary papers, which includes a marshalled list of amendments as well as a groupings list. And the purpose of this meeting, therefore, is to undertake Stage 2 proceedings on the Public Health (Wales) Bill. The marshalled list is a list of all of the amendments tabled to this Bill, marshalled into the order in which

y mddangos yn y Bil. Felly, ar gyfer y cyfarfod hwn, y drefn ar gyfer trafod y gwelliannau fydd: adrannau 3 i 26, wedyn adran 2, wedyn adrannau 27 i 52, adrannau 54 i 91, wedyn adran 53, wedyn adrannau 92 i 124, Atodlenni 1 i 4, adran 1 a'r teitl hir, yn y drefn yna. Gallwch chi weld o'r ddogfen grwpio gwelliannau fod y gwelliannau wedi'u grwpio i hwyluso'r drafodaeth—. Gwnaf i dorri yn y fanna er mwyn y munud o dawelwch.

*Safodd Aelodau'r Cynulliad am funud o dawelwch.  
Assembly Members stood for a minute's silence.*

[3] **Dai Lloyd:** Diolch yn fawr, ac fe wnawn ni ailgydio yn y cyfarfod. Felly, i ailadrodd ychydig, gall Aelodau weld o'r ddogfen grwpio gwelliannau fod y gwelliannau wedi'u grwpio i hwyluso'r drafodaeth, ond mae'r drefn y cânt eu galw a'u cynnig er mwyn gwneud penderfyniad arnynt yn dilyn y rhestr o welliannau wedi'u didoli. Bydd angen i'r Aelodau, felly, ddilyn y ddau bapur, er y byddaf yn rhoi gwybod i'r Aelodau, wrth alw arnynt, a ydynt yn cael eu galw i siarad yn y ddadl ynteu i gynnig eu gwelliannau er mwyn gwneud penderfyniad arnynt. Bydd un ddadl ar bob grŵp o welliannau. Dylai unrhyw Aelod sy'n dymuno siarad am grŵp penodol, felly, gyfleu hynny yn y modd arferol. Byddaf yn galw ar y Gweinidog i siarad am bob grŵp, ac er gwybodaeth, yn unol â'r confensiwn y cytunwyd arno gan y Pwyllgor Busnes, byddaf i fel y

**Dai Lloyd:** Thank you very much, and we will reconvene. Just to reiterate what I was saying, Members will see from the groupings list that amendments have been grouped to facilitate debate, but the order in which they are called and moved for a decision is dictated by the marshalled list. Members will need, therefore, to follow both papers, although I will advise Members, when I call them, whether they are being called to speak in the debate or to move their amendments for decision. There will be one debate on each group of amendments. Any Member who wishes to speak in a particular group should indicate that in the usual way. I will call the Minister to speak to each group, and for your information, in accordance with the convention agreed by the Business Committee, as Chair I will move amendments in the name of the



Cadeirydd yn cynnig y gwelliannau yn enw'r Gweinidog. Er hwylustod, cymeraf yn ganiataol fod y Gweinidog yn dymuno i mi gynnig ei gwelliannau, a gwnaf hynny yn y man priodol yn y rhestr o welliannu wedi'u didoli. Gweinidog, os nad ydych am i welliant penodol gael ei gynnig, nodwch hynny ar y cam perthnasol o'r trafodaethau. Diolch yn fawr. Ac yn unol â'r arfer, ni ddisgwylir i gynghorwyr cyfreithiol y pwyllgor a'r Gweinidog ddarparu cyngor ar lafar yn ystod y cyfarfod. Os bydd yr Aelodau yn dymuno gofyn am gyngor cyfreithiol yn ystod y trafodion, dylid gwneud hynny drwy basio nodyn i'r cynghorydd cyfreithiol. Diolch yn fawr iawn.

Minister. For expediency, I will assume that the Minister wishes me to move all her amendments, and I will do so at the appropriate point in the marshalled list. Minister, if you do not want a particular amendment to be moved, please indicate that at the relevant point in proceedings. Thank you. And in line with our usual practice, legal advisors to the committee or the Minister are not expected to provide legal advice on record during the meeting. If Members wish to seek legal advice during proceedings, then they should do so by passing a note to the legal advisor. Thank you very much.

**Grŵp 1: Mynd i'r afael â Gordewdra  
(Gwelliannau 65, 66, 67, 68, 16, 77, 62, 63)**

**Group 1: Tackling Obesity (Amendments 65, 66, 67, 68, 16, 77, 62, 63)**

[4] **Dai Lloyd:** Felly, mae grŵp 1 yn ymwneud â mynd i'r afael a gordewdra. Y prif welliant yn y grŵp yma ydy gwelliant 65 yn enw Rhun ap Iorwerth. Galwaf ar Rhun ap Iorwerth i gynnig gwelliant 65 ac i siarad am y gwelliannau yn y grŵp hwn. Rhun.

**Dai Lloyd:** Therefore, group 1 relates to tackling obesity. The lead amendment in the group is amendment 65 in the name of Rhun ap Iorwerth. I call on Rhun ap Iorwerth to move amendment 65 and to speak to his amendments in this group. Rhun.

*Cynigwyd gwelliant 65 (Rhun ap Iorwerth).  
Amendment 65 (Rhun ap Iorwerth) moved.*

[5] **Rhun ap Iorwerth:** Diolch, Gadeirydd. Rydw i'n edrych ymlaen at sesiwn lle gallwn ni, gobeithio, gryfhau y Bil sydd o'n blaenau ni. Gwelliannau 65 i 68 a 62, 63 a 77

**Rhun ap Iorwerth:** Thank you, Chair. I look forward to a session where I hope we will be able to strengthen the Bill before us this morning. Amendments 65 to 68 and 62, 63

ydy ein gwelliannau ni ar gyfer mynd i'r afael â gordewdra. Rydw i'n meddwl bod y dystiolaeth wedi bod yn glir yn ystod ein sesiynau tystiolaeth ni fod yna awydd o ddifri i roi y mesurau i'r perwyl hwn ar wyneb y Bil. Mi fyddai'n gwelliannu ni yn mynnu bod Llywodraeth Cymru yn cyhoeddi ac yn diweddarau'n rheolaidd strategaeth i daclo gordewdra. Mae hyn yn bwysig oherwydd gordewdra, mae'n siŵr, ydy yr her fwyaf o ran iechyd cyhoeddus sy'n ein wynebu ni y dyddiau hyn. Ac nid oes dim yn y ddeddfwriaeth ar hyn o bryd ynglŷn a gordewdra. Nid oes yna strategaeth sengl ar gyfer gordewdra ar hyn o bryd. Mae deddfwriaeth wedi cael ei defnyddio i fynnu bod Llywodraethau yn cyhoeddi strategaethau ar gyfer lleihau neu waredu problemau eraill, er enghraifft, mae yna ofyniad i daclo tloidi tanwydd, tloidi plant ac ati mewn cyfraith. Rydym ni'n credu y byddai cael eu gorfodi i ddiweddarau strategaeth yn rheolaidd yn fodd o godi proffil y mater hwn o fewn Llywodraeth. Mi fyddai hefyd yn gyfle i'r Llywodraeth ystyried pa bwerau ychwanegol y bydden nhw'n dymuno eu cael, er enghraifft, dros hysbysebu, ddywedwn ni; ac mi fyddai cael diweddariadau rheolaidd yn sicrhau bod yna ffocws ar sut y gallai pwerau newydd gael eu defnyddio, ac yn gorfodi ystyriaeth reolaidd o dystiolaeth ynglŷn â pha bolisiau sy'n gweithio. Felly dyna y diben yn syml.

and 77 are our amendments in relation to tackling obesity. I think the evidence has been clear during our evidence sessions as a committee that there is a desire to put measures in place to this end on the face of this Public Health (Wales) Bill. Our amendments would require the Welsh Government to publish and regularly update a national obesity strategy. This is important because obesity, I'm sure, is the greatest public health challenge facing us these days. And there is nothing currently in the Bill dealing with tackling obesity. There is no single strategy for obesity at present either. Legislation has been used to require Governments to publish strategies for reducing or dealing with other problems, for example, there is a requirement to tackle fuel poverty, child poverty, and so on, and that is included in legislation. We believe that being required to update a strategy regularly would be a means of raising the profile of this issue within Government. It would also be an opportunity for the Government to consider which additional powers they would seek, in terms of advertising, for example; and having regular updates would also ensure a focus on how new powers could be used and implemented, and would require regular consideration of evidence in terms of which policies work best in this area. So that is, quite simply, the purpose of my amendments.

[6] Mae ein gwelliant 68 ni sydd o fewn yr un grŵp yn ymwneud â safonau maeth ac yn argymhell ymestyn safonau maeth i gartrefi gofal a lleoliadau blynyddoedd cynnar. Mae'n faes polisi sydd yn ymwneud â lleoliadau eraill yn barod. Rydym ni'n meddwl bod ymestyn hynny yn synhwyrol. Mae o ynghlwm â'n safbwynt ni ar yr hyn y dylem ni fod yn ei wneud parthed gordewdra, a lle rydym ni'n meddwl y gallai'r sector gyhoeddus fod ar y blaen, ac yn arwain y gad. Ar y cwestiwn hwnnw, mi fyddaf i yn gwranddo'n ofalus iawn ar yr hyn sydd gan y Gweinidog i'w ddweud, ac am sicrwydd os ydy'r Gweinidog yn teimlo bod ffyrdd eraill lle y gallai'r lleoliadau eraill yma gael eu cynnwys drwy reoliadau, gan gynnwys amserlen a *deadlines*, o bosib, yna mi allwn i ystyried a oes yna ffordd wahanol ymlaen ond am wthio i bleidlais.

Our amendment 68, which is within the same group, relates to nutritional standards and recommends the extension of nutritional standards to care homes and early years settings. This a policy area that is in place in other areas already. We think that it sensibly extends that. It relates to our position on what we should be doing in terms of tackling obesity, and where we believe that the public sector could be in the vanguard. On that question I will listen very carefully to what the Minister has to say, and I will be seeking an assurance if the Minister does feel that there are other ways and means where these other premises could be included through regulations, including a timetable and deadlines, possibly, then we could consider whether there is an alternative approach rather than pushing it to a vote.

[7] Mi wna i gyfeirio'n sydyn hefyd at welliant 16 gan Angela Burns, gan ddweud y byddwn ni hefyd yn cefnogi cynnwys gordewdra o fewn asesiadau impact iechyd.

I will briefly refer to amendment 16 in the name of Angela Burns, just to say that we will be supporting including obesity within health impact assessments.

[8] **Dai Lloyd:** Diolch yn fawr, Rhun. Galwaf ar Angela Burns i siarad nesaf.

**Dai Lloyd:** Thank you very much, Rhun. I now call on Angela Burns to speak.

[9] **Angela Burns:** I'd like to move the amendment tabled in my name on this section. Minister, I know that you have committed to undertake work into the nutritional standards of food served in care homes and nurseries. However, there are a great number of examples across the public estate in Wales—hospitals, leisure centres and schools—which are flouting the

statutory guidance issued by the Welsh Government on the nutritional standards of food.

[10] One of the biggest concerns with this Bill is the inability of the Bill to reach the bits that are hard to get to, which is the issue of obesity. It is one of our largest epidemics now striking our public health services, and the causes of obesity are multifaceted and complex, but I don't think we should shy away from them. Our amendment here is to ask you to consider improving the nutritional standards of all food served on the public estate. I do take on board that you may feel that there are other ways of looking at this area, and, if you could assure me that a detailed study might be able to go ahead to look at all of these nutritional standards right across the public estate, then I would be satisfied.

[11] I'd also like to take this opportunity to say that we will be supporting the amendments tabled by Rhun ap Iorwerth in the name of Plaid Cymru on this issue, because I cannot re-emphasise enough how much we think this could be a golden opportunity for us to move forward and tackle the obesity crisis that is looming in our nation and putting pressure on our public services.

[12] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. I now Angela. Galwaf ar Caroline Jones i call on Caroline Jones.  
siarad.

[13] **Caroline Jones:** Diolch, Cadeirydd. I will be abstaining on the majority of the amendments in this group. While I sympathise with the intentions, I do not feel that this legislation is the way to tackle obesity. Legislation can be used to ensure that we have sufficient open spaces for young people to play in, it can ensure active travel routes, but it should not be used to dictate what people should eat. Yes, we want people to eat and live healthily, but we achieve this through education and not prescription. For this reason, I will be rejecting amendment 68. This amendment is overly prescriptive. What happens when, for medical reasons, someone has to go on a high-fat diet or a low-carb diet? What happens to those people in a care home who are terminally ill? Do we deny them the food they crave because we have decided that it's bad for them? I feel that this is forming part of a nanny state, and I think that we must take steps to avoid becoming one. Thank you.

[14] **Dai Lloyd:** Lynne Neagle nesaf. **Dai Lloyd:** Lynne Neagle next.

[15] **Lynne Neagle:** Thank you, Chair. I just wanted to make a brief contribution on amendment 65 in Rhun's name, just to say that I personally would be very keen to see the Welsh Government have a national obesity strategy, and, although I won't be voting for this amendment if it goes to the vote today, I would be very keen to hear from the Welsh Government how the Welsh Government plans to take forward what is clearly a crucial issue that we need to address in Wales. I also have a lot of sympathy for amendment 68 on the need for nutritional standards in hospitals, adult care homes and early years settings. I don't agree with what Caroline said at all. These are provisions that it is absolutely right for us to try and ensure that there is good-quality nutrition available and if, as has already been said, there are other ways to achieve that, I think it would be very useful if the Minister could outline those today. In particular, I would be keen to know what the timescales would be for taking those forward.

[16] **Dai Lloyd:** Diolch yn fawr. Julie **Dai Lloyd:** Thank you. Julie Morgan Morgan nesaf. next.

[17] **Julie Morgan:** These amendments do raise very important issues, and I think we are all very concerned that these issues should be addressed. So, I also would like to hear from the Minister what ways she could use to address the sort of issues that we have debated at length on this committee, and we do feel they are very important issues. So, I wait to hear what the Minister says.

09:45

[18] **Dai Lloyd:** Galwaf ar y **Dai Lloyd:** I now call on the Minister Gweinidog, felly, i siarad. to speak.

[19] **The Minister for Social Services and Public Health (Rebecca Evans):** Thank you, Chair, and good morning, committee. I recognise that, in Wales, as in the rest of the developed world, obesity is one of the greatest threats to our health, and that is why we want to reduce the levels of obesity in Wales, and we continue to invest in a wide range of programmes to support people to achieve and maintain a healthy weight. However, we also recognise that some of the actions that need to be taken would need to be taken at a UK or European level, such as engagement with the food industry on reformulation, for example, and the availability of healthier options and on promotion and advertising. And I, and my predecessors, have written to the UK Government on several occasions on these matters, encouraging them to be more radical

in their approach to prevention.

[20] I'm grateful to the committee for its consideration of this issue and for the amendments that have been tabled by Angela Burns and Rhun ap Iorwerth. Amendments 62, 63 and 65 to 67 would place a duty on Welsh Ministers to prepare, consult on, publish and review a national obesity strategy, and I can see merit in bringing forward a range of measures to reduce Wales's obesity levels together through a coherent strategy. However, I have some concerns about the way in which the proposals are presented in the amendments before committee today. For example, if such a strategy were to be successful, it would need extensive engagement with key stakeholders and the public in its development, monitoring and review, and obesity is a complex issue and we'll only make progress on reversing it by working in a multisectoral way in engaging with individuals themselves. So, I believe that the time restraints imposed by these amendments in producing the proposed strategy would be counterproductive in achieving the outcomes that we want to see.

[21] I also have some concerns about amendment 67. Whilst I recognise the need for all Welsh Ministers and public bodies in Wales to be engaged in obesity prevention, I believe the inclusion of all the public bodies listed in this amendment does need some further consideration, as does how we engage with others who aren't listed in the amendment. So, I'm therefore unable to support these amendments in their current form, but I propose that the Member works with Government to consider this issue further, with a view to bringing forward amendments at Stage 3 that would achieve both our objectives to the benefit of the people of Wales.

[22] Turning to amendment 68, which would give Welsh Ministers regulation-making powers to set nutritional standards in hospitals, adult care settings and early years settings, I recognise the importance of such sectors in enabling people to have healthy diets. That's why we have an active programme of work to improve the food and drink that is available in these sectors.

[23] We want our hospitals to be exemplars of best practice and recognise the importance of good nutrition in patient health and in terms of supporting recovery. Under the existing statutory powers, we have already introduced mandatory nutritional standards for patients, which are supported by the all-Wales menu framework. This has been developed to ensure the consistent delivery of high-quality food for patients that meets the standards. We've

already introduced mandatory healthy food and drink vending standards and guidance for food and drink served to visitors and staff. We're having ongoing discussion with stakeholders to continue to improve food in hospitals, including an upcoming review of the mandatory standards. Funding's also being made available to develop electronic documentation that will ensure the proper recording of nutrition assessments and care plans, and a programme of work will be developed to deliver this over the next three years. I'm happy to write to all Members of the Assembly with the detail of our nutritional standards and the plans to deliver the improvements. I'm aware that the Public Accounts Committee published a report on hospital catering and patient nutrition earlier this week, but I don't feel that the report recognises the volume of work that's already been taken forward and the resulting improvements that have been made and will continue to be made.

[24] Turning to the other settings referred to in the amendment, older people, infants and children are among the most vulnerable groups in our society, and we've already identified care homes for older people and early years settings as lacking comprehensive, up-to-date guidance to provide nutritionally adequate food and drink and have begun to look at ways to address this. During the scoping exercise, we identified that additional legislation is not necessary to introduce nutritional standards in care homes for older people and in early years settings, as this can be taken forward using our existing legislative powers and guidance.

[25] For older people's care homes, it's intended that these nutritional standards and guidance will be included as part of the new regulation and inspection arrangements to be introduced from April 2019 under the Regulation and Inspection of Social Care (Wales) Act 2016. For early years settings, more detailed food criteria will be developed to underpin section 12 of the national minimum standard for regulated childcare 2012 for nutritional standards in early years settings. These have been identified as the most proportionate and pragmatic mechanisms for delivering the standards and for improving the diets of these vulnerable populations. Therefore, I'm unable to support this amendment and ask Members to reject it.

[26] Finally in this group, amendment 105, tabled by Angela Burns, proposes a different approach. It seeks to provide that a health impact assessment must specifically include an assessment of effects on obesity levels. I'm unconvinced this approach is appropriate, as the current

provisions on health impact assessments are sufficiently broad to allow for this issue to be considered as part of the assessment. Whilst health impact assessments will be an important way for issues relating to obesity to be explored, it would be incongruent to specifically single out a single issue on the face of the Bill—or air quality, indeed, which we will be discussing in a later group—without taking the same approach for a whole wide range of other important issues.

[27] I therefore feel that the approach that's taken in the Bill is appropriate, and regulations and supporting guidance will provide further detail to assist public bodies in carrying out health impact assessments in a way which covers this important issue, as well as others.

[28] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Minister. I call Weinidog. Galwaf ar Rhun ap Iorwerth on Rhun ap Iorwerth to reply to the i ymateb i'r ddatl. debate.

[29] **Rhun ap Iorwerth:** Diolch yn fawr iawn i'r Gweinidog ac i'r Aelodau am eu sylwadau. Ynglŷn â'r egwyddor o roi gordewdra a chamau i geisio mynd i'r afael â gordewdra drwy strategaeth newydd gan y Llywodraeth, rwy'n meddwl bod yna neges glir wedi dod gan aelodau'r pwyllgor yma bod hwn, fel mater o egwyddor, yn rhywbeth y byddem ni yn dymuno ei weld yn symud ymlaen, o bosibl drwy'r Bil yma. Mae y Gweinidog hefyd, wrth gwrs, yn cydnabod wrth reswm fod hwn yn un o'r materion mwyaf sy'n ein hwynebu ni. Mae yna elfen o'r hyn a ddywedodd y Gweinidog sy'n awgrymu bod yna resymau technegol, o bosibl, pam na all y Llywodraeth gefnogi'r hyn rydym ni yn ei gynnig yn ein gwelliant; er enghraifft, ar y cyfyngiadau amser yr ydym ni wedi eu cynnig. Ond, yn gyffredinol, rwy'n meddwl mai fy **Rhun ap Iorwerth:** I thank the Minister and fellow Members for their comments. In terms of the principle of placing on the face of the Bill obesity and steps to tackle obesity through a new strategy from Government, I think that a clear message has been conveyed by committee members that this, as a matter of principle, is something that we would wish to see progressing, possibly through this Bill. The Minister also, naturally, recognises that this is one of the gravest issues facing us. A certain aspect of what the Minister said suggests that there are technical reasons as to why the Government couldn't support our amendment; for example, in terms of the time restraints that we have proposed. But, in general terms, my message would be that I would be more than happy to work with Government in order to see whether



neges i ydy y byddwn i'n hapus iawn i weithio efo'r Llywodraeth ar weld a oes yna ffyrdd eraill drwy Gyfnod 3 i gyflwyno materion yn ymwneud â gordewdra ar wyneb y Bil, ond y byddwn i'n dal i ddymuno, o ran mater o egwyddor, i wthio i bleidlais ar hynny yn y pwyllgor heddiw.

[30] Ynglŷn a gwelliant 68, mi ddywedais i y byddwn ni yn gwrando ar y Gweinidog, ac rwy'n credu fy mod i wedi cael y sicrwydd yr oeddwn yn chwilio amdano fod camau penodol mewn golwg gan y Llywodraeth ynglŷn a sut i fynd i'r afael â'r cwestiwn o safonau maeth mewn lleoliadau cartrefi gofal a blynyddoedd ifanc. Mae'n dda cael hynny ar y cofnod yma yn y pwyllgor y bore yma, felly wnaf i ddim gwthio hynny i bleidlais, tra, rŵan, yn aros, wrth gwrs, i weld sut bydd y Llywodraeth yn gweithredu ar hynny. Ond, fel rwy'n dweud, yn ei gryswth mae yna bwynt o egwyddor yma ynglŷn a gordewdra y byddai hi'n ddefnyddiol i'w wthio i bleidlais heddiw.

[31] **Dai Lloyd:** Diolch yn fawr, Rhun. Felly, i gadarnhau, Rhun, a ydych chi'n dymuno symud i bleidlais ar welliant 65? Wyt. Reit, cyn i ni bleidleisio, felly, os na dderbynnir gwelliant 65, bydd gwelliannau 66, 67, 77 a 62 yn methu. Felly, y cwestiwn ydy: a ddylid derbyn gwelliant 65? A oes unrhyw wrthwynebiad? [*Gwrthwynebiad.*] Felly, symudwn ni i bleidlais trwy

there are alternative ways, via Stage 3, to introduce issues related to obesity on the face of the Bill, but I would still wish, on a point of principle, to push these amendments to a vote in committee today.

In relation to amendment 68, I said that I would listen to the Minister, and I do think that I have been given the reassurance that I was seeking that specific steps are to be taken forward by the Government in terms of how to tackle the issue of nutritional standards in care homes and early years settings. It's good to have that on record this morning, so I won't push that to a vote and I will wait to see how the Government takes that issue forward. But, as I say, generally speaking, there is a point of principle here in terms of obesity and I believe it would be useful to push that to a vote.

**Dai Lloyd:** Thank you very much, Rhun. Therefore, just to confirm, Rhun, do you wish to move to a vote on amendment 65? Yes. Okay, before we vote, if amendment 65 is not agreed, amendments 66, 67, 77 and 62 will fall. The question, therefore, is that amendment 65 be agreed. Does any Member object? [*Objection.*] We will therefore move to a vote by show of hands. The

ddangos dwylo. Y cwestiwn yw: a proposal is to agree amendment 65. ddyliid derbyn gwelliant 65? Y rheini o Those in favour, please indicate. Two blaid i ddangos. Dau o blaid. Y rheini in favour. Those against, please yn erbyn i godi eu dwylo. Pedwar yn indicate. Four against. And those erbyn. Y rheini sy'n ymatal i godi eu abstaining. One abstention. dwylo. Un yn ymatal. Felly, gwnaf Therefore, amendment 65 is not gyhoeddi bod gwelliant 65 wedi'i agreed, and also, as I mentioned, wrthod, ac felly hefyd, fel gwnes i amendments 66, 67, 77 and 62 also gyhoeddi, bydd gwelliannau 66, 67, fall. 77 a 62 hefyd yn methu.

*Gwelliant 65: O blaid 2, Yn erbyn 4, Ymatal 1.  
Amendment 65: For 2, Against 4, Abstain 1.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bowden, Dawn	Jones, Caroline
Burns, Angela	Bryant, Jayne	
	Morgan, Julie	
	Neagle, Lynne	

*Gwrthodwyd gwelliant 65.  
Amendment 65 not agreed.*

*Methodd gwelliannau 66, 67, 77 a 62.  
Amendments 66, 67, 77 a 62 fell.*

[32] **Dai Lloyd:** Rhun, a wyt ti'n Dai Lloyd: Rhun, do you wish to move dymuno cynnig gwelliant 68? amendment 68?

[33] **Rhun ap Iorwerth:** Nac ydw. **Rhun ap Iorwerth:** No.

[34] **Dai Lloyd:** Felly, fe dynnir Dai Lloyd: Therefore, amendment 68 gwelliant 68 yn ôl. A oes unrhyw is withdrawn. Does any Member Aelod yn anghytuno efo hynny? Nac disagree with that proposal? No. oes. Felly, mae gwelliant 68 wedi'i Therefore, amendment 68 is dynnu nôl, ac felly yn cwmpo. withdrawn, and therefore falls.

*Ni chynigiwyd gwelliant 68 (Rhun ap Iorwerth).  
Amendment 68 (Rhun ap Iorwerth) not moved.*

*Methodd gwelliant 63.*

*Amendment 63 fell.*

[35] **Dai Lloyd:** Reit. Dyna ni wedi **Dai Lloyd:** Okay. We have dealt with cyrraedd diwedd y grŵp ar ordewdra. the group on obesity.

**Grŵp 2: Ysmygu—Mangreoedd Di-fwg  
(Gwelliannau 80, 81, 82, 83, 84, 85, 69)**

**Group 2: Smoking—Smoke-free Premises (Amendments 80, 81, 82, 83, 84, 85, 69)**

[36] **Dai Lloyd:** Rydym ni'n mynd **Dai Lloyd:** We now move to group 2, ymlaen nawr at grŵp 2 o welliannau which relates to smoke-free sy'n ymwneud â mangreoedd di-fwg. premises. The lead amendment in Y prif welliant yn y grŵp yma ydy this group is amendment 80 in the gwelliant 80 yn enw Angela Burns. name of Angela Burns. I therefore call Galwaf, felly, ar Angela Burns i siarad on Angela Burns to speak to her am ei gwelliant a gwelliannau eraill amendment and other amendments yn y grŵp yma. Angela. in this group. Angela.

*Cynigiwyd gwelliant 80 (Angela Burns).*

*Amendment 80 (Angela Burns) moved.*

[37] **Angela Burns:** Diolch, Chair. I would like to move my amendments 80, 81, 82, 83, 84 and 85, tabled in my name.

[38] Minister, the purpose of these amendments, or the lead amendment, is to add clarity to the Bill for those who work from home. Adding 'regularly' to the Bill will protect those working from home, as this legislation will only apply to those who routinely use their homes for the purposes of work. Welsh Conservatives are concerned that this legislation is likely to have the largest impact on the working practices of small businesses. In many aspects, the success of this Bill is dependent on the ability of small firms to comply with the changes in legislation, so it is vital that businesses are able to fully understand the implications of the Bill and take steps, or make changes to their working practices to ensure that they comply.

[39] Statutory guidance, we believe, must be published in tandem with this Bill on how this Bill is to be implemented by small businesses. This will act to promote both compliance with the law and act as a safeguard for businesses when adjusting the changes in the law.

[40] Amendment 81—the purpose of this amendment is to put in place practical steps to ensure the implementation of the designation of a smoke-free area in hospital grounds. Evidence was given to committee by a range of stakeholders who held contrasting views on the role of the NHS and facilitating smoking. ASH Wales stated that people should not expect their smoking behaviour to be facilitated by the NHS, whereas others, such as the North Wales Community Health Council, the Royal College of General Practitioners, the local health board and directors of public health emphasise the need to support smokers, offer advice on cessation and offer alternatives to e-cigarettes. This links with recommendation 5 of the committee’s report that

[41] ‘the Minister works with Local Health Boards to ensure smoking cessation support and advice is promoted extensively in healthcare settings’.

[42] This should be particularly emphasised, we believe, in smoking areas where these are provided.

[43] Amendment 82—the purpose of this is that it’s a probing amendment to seek assurance from you, Minister, that you will not use this power to implement a blanket ban. Subsection 3 states that a place is to be

[44] ‘treated as smoke-free premises only if the Welsh Ministers are satisfied that doing so is likely to contribute towards the promotion of the health of the people’.

[45] Now, although a blanket ban is unlikely to be ever implemented, we would like to challenge the premise that the Welsh Government, or indeed any future Government, could implement a blanket ban throughout Wales on smoking under this power. We want this restricted or, in addition, to say that this power cannot be used for a blanket ban.

10:00

[46] Amendments 83, 84 and 85 are all pursuant to amendment 82. I would like to just briefly go back to amendment 82 and say that I think this is an area for technical clarification in terms of the drafting of the legislation. Thank you.

[47] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. I call

Angela. Galwaf ar Rhun ap Iorwerth i hon Rhun ap Iorwerth to speak.  
siarad.

[48] **Rhun ap Iorwerth:** I speak to amendment 69, correcting what is more than likely, I think, an unintended consequence of the current drafting of the Bill. Amendment 69 is an amendment to ensure that the Government can only specify one place for smoking to be banned per vote in the National Assembly. This, we believe, prevents the Government, current or future, from being able to impose a blanket ban or a widespread ban with only one vote, giving all parties, all stakeholders, greater flexibility when considering proposals. For example, currently, the legislation would allow the Government to ban smoking in, say, five additional places through one regulation. We, as Assembly Members, would have to either vote for it or against it. This would be a problem if we agreed, and if public opinion agreed, with banning or extending a ban to four new settings, but not the fifth. We would have to take it or leave it. If our amendment passes, we could proceed to a ban in the four places, but vote against the fifth. I believe this to be simply a matter of democracy and clarity. We consider it to be a technical amendment, but an important one, nonetheless.

[49] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Rhun. Any Rhun. Unrhyw Aelod arall isho siarad? other Member wish to contribute? No. Na. Galwaf ar y Gweinidog, felly, i I therefore call on the Minister.  
siarad.

[50] **Rebecca Evans:** Thank you, Chair. I am grateful to Angela Burns and Rhun ap Iorwerth for their consideration of the proposals relating to smoke-free places. Amendment 80 would amend the provisions in relation to smoking in dwellings. The policy intention is that dwellings used as a workplace are only smoke-free for the period that they're used as a workplace. Amendment 80 would amend this position by inserting the word 'regularly' into section 5(5). It's not clear what the intention behind the amendment is, and the effect in law is unclear. I must reject this amendment, because it's inconsistent with the overall policy intent and introduces serious uncertainty into a provision that creates criminal offences.

[51] Amendment 85 attempts to limit the use of regulations in making additional areas smoke-free. I believe there are already sufficient safeguards in place to ensure that no additional areas are made smoke-free inappropriately. The Bill provides that Welsh Ministers may only introduce additional smoke-free premises if they're satisfied that doing so is likely to

contribute towards the promotion of the health of the people of Wales. Other safeguards include the requirement to consult, the use of the affirmative procedure and the need to comply with the Human Rights Act 1998. This amendment is, therefore, unnecessary.

[52] Amendment 81 would place on the face of the Bill some conditions relating to the designation of smoking areas in hospital grounds. Section 8(5) provides Welsh Ministers with the power to make regulations that specify conditions that must be met before a smoking area can be designated in hospital grounds. These regulations would be subject to the affirmative procedure. It's my intention to consult as to the conditions that should be applied. I believe it's more appropriate to consult on the full package of conditions in order to identify any problems or unintended consequences of conditions placed on hospital managers. I'm of the view it's more appropriate, therefore, for conditions to be set out in regulations, as this allows for sufficient flexibility, whilst retaining sufficient safeguards and scrutiny by the Assembly.

[53] The group also includes amendments that seek to change some terms that are used in the singular form in the Bill to the plural. It's established practice in legislation, arising from the Interpretation Act 1978, that words in the singular include the plural, and vice versa. The amendment, if made, could call into question this principle and lead to a lack of clarity in the Bill, and as such, I can't support these amendments.

[54] Finally, amendment 69, tabled by Rhun ap Iorwerth, would mean that regulations made under section 10 could only make one place or description of a place smoke-free at any given time. This kind of restriction would be highly unusual. It's been our practice to introduce regulations incrementally. So, for example, regulations on smoking in cars carrying those under 18 were presented separately to those on smoking in prisons. It's our intention that such an approach would continue.

[55] However, it may be appropriate to link similar areas in a set of regulations. For example, it would appear sensible for settings related to each other, such as amusement parks and fairgrounds, to be considered together, even though difficulties of definition may mean that they would not count as one type of premises. In such circumstances, if accepted, this amendment would result in an inefficient use of Assembly time, as the regulations would be subject to the affirmative procedure, and each set of regulations would need to be considered separately.

[56] This amendment would also introduce cause for legal challenge. For example, if Welsh Ministers considered making the outside of areas of healthcare premises smoke-free, as discussed in committee, it's unclear whether it would be acceptable to treat healthcare premises as one place or description of a place, or whether, for example, GP surgeries would need to be dealt with separately to dental surgeries.

[57] As a point of principle, I should like to reassure the committee that Welsh Ministers will consult extensively on all proposals to introduce new smoke-free areas in the future, so that any combination of settings within a set of regulations would not present a problem for Assembly Members, as they would not include a disputed area in amongst areas for which there is general support. So, I therefore consider that amendment 69 is unnecessary.

[58] **Dai Lloyd:** Diolch, Gweinidog. **Dai Lloyd:** Thank you, Minister. I call Galwaf ar Angela Burns i ymateb i'r on Angela Burns to reply to the ddadl. debate.

[59] **Angela Burns:** Thank you for your responses, Minister. However, I do not think that your responses have clarified the situation in respect of smoke-free premises. The advice that I have received, whilst looking through these amendments, is that there is a lot of ambiguity and there's an enormous amount of powers being reserved to Welsh Ministers. The letter of the law would appear to enable Welsh Ministers to actually say, 'We want to have a blanket ban on smoking in the whole of Wales', for example. I'm quite sure your policy intent is not to do that, but that's not the point. This is about having tight legislation that does what it says on the tin.

[60] The other thing that your legislation would infer is that if somebody, for example, worked from home and smoked, and then their cleaner came in to clean, or a van driver who works for a couple of hours for them, perhaps picking up deliveries that they then take away to be delivered, because they have an internet business, for example, or if anybody else were to come into their home, then that is now a smoke-free premises. That clarity is not there, and neither is there clarity about what constitutes work, because, again, within the technical phrasing of the Bill, there's an element that suggests that, as long as you're not doing work, you're okay, but you can sit there and think about work and smoke.

[61] So, these are all small points, perhaps, but if we are seeking to do a

clear law and to add it to the compendium of law in Wales, it is our duty to make sure, and it is your duty as a Welsh Government, in my view, to make sure that that law is really clear, so that the man or woman on the street can pick it up and understand immediately what their responsibilities are and what their rights are. I do not believe that the answers you have given me today on all of my amendments, and, indeed, on Rhun ap Iorwerth's amendment, have clarified that. I would urge you, Minister, when you go back to Stage 3, that you might have another look at that, because at the moment, as I say, the legal advice that I have got is that there is a real ability for this law to be interpreted in a number of different ways, and I'm sure that that is not what you are aiming to do, but at present, it does enable that, so I would like to move these amendments.

[62] **Dai Lloyd:** Diolch, Angela. Y cwestiwn, felly, ydy: a ddylid derbyn gwelliant 80? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Felly, fe awn ni i bleidlais. Gwelliant 80 ydy hwn. Y rheini sydd o blaid gwelliant 80 i godi eu dwylo. Pedwar. A'r rheini yn erbyn i godi eu dwylo. Pedwar. Nid oes neb ar ôl i ymatal. Pleidlais fwrw gennyf fi, sydd yn rhaid aros a phleidleisio yn erbyn y gwelliant, rwy'n cymryd. Felly, mae'r gwelliant yna yn cwmpo ar sail pleidlais fwrw y Cadeirydd.

**Dai Lloyd:** Thank you, Angela. The question, therefore, is that amendment 80 be agreed. Does any Member object? [Objection.] We will, therefore, move to a vote. This is amendment 80. Those in favour of amendment 80, please indicate. Four. And those against, please indicate. Four. There's no-one left to abstain. I therefore use my casting vote, which is in the negative, I assume. So, that amendment falls on the basis of the Chair's casting vote.

*Gwelliant 80: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 80: For 4, Against 4, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

ap Iorwerth, Rhun  
Burns, Angela  
Jones, Caroline  
Lloyd, Dai

Bryant, Jayne  
Irranca-Davies, Huw  
Morgan, Julie  
Neagle, Lynne

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



*accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 80.*

*Amendment 80 not agreed.*

[63] **Dai Lloyd:** Felly, dyna gwelliant 80. Angela, a ydych chi yn cynnig gwelliant 81? **Dai Lloyd:** So, there's amendment 80 dealt with. Angela, do you wish to move amendment 81?

*Cynigiwyd gwelliant 81 (Angela Burns).*

*Amendment 81 (Angela Burns) moved.*

[64] **Angela Burns:** Ydw.

**Angela Burns:** Yes.

[65] **Dai Lloyd:** Y cwestiwn ydy: a ddylid derbyn gwelliant 81? A oes unrhyw wrthwynebiad? **Dai Lloyd:** The question is, therefore, that amendment 81 be agreed. Does any Member object? [*Objection.*] We will vote again. Those in favour. Four. Those against, please indicate. Four. The Chair's casting vote is in the negative, and therefore that amendment falls.

*Gwelliant 81: O blaid 4, Yn erbyn 4, Ymatal 0.*

*Amendment 81: For 4, Against 4, Abstain 0.*

O blaid:

Yn erbyn:

Ymatal:

For:

Against:

Abstain:

ap Iorwerth, Rhun

Bryant, Jayne

Burns, Angela

Irranca-Davies, Huw

Jones, Caroline

Morgan, Julie

Lloyd, Dai

Neagle, Lynne

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

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

*Gwrthodwyd gwelliant 81.*

*Amendment 81 not agreed.*

[66] **Dai Lloyd:** Os na dderbynnir gwelliannau 82 ac 83, bydd gwelliant 84 yn methu. Felly, Angela, a ydych chi yn dymuno cynnig gwelliant 82? **Dai Lloyd:** If amendments 82 and 83 are not agreed, amendment 84 falls. Angela, do you wish to move amendment 82?

*Cynigiwyd gwelliant 82 (Angela Burns).  
Amendment 82 (Angela Burns) moved.*

[67] **Angela Burns:** Yes.

[68] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 82? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Mae gwrthwynebiad. Pleidlais. Y rheini o blaid gwelliant 82 i godi eu dwylo. Pedwar. Y rheini yn erbyn i godi eu dwylo. Pedwar. Pleidlais fwrw y Cadeirydd—rhaid bod yn erbyn, felly, mae gwelliant 82 yn cwmpo. **Dai Lloyd:** The question is that amendment 82 be agreed. Does any Member object? [*Objection.*] There are objections. We will move to a vote. Therefore, those in favour of amendment 82, please indicate. Four. Those against, please indicate. Four. The Chair's casting vote must be in the negative, and therefore amendment 82 falls.

*Gwelliant 82: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 82: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 82.  
Amendment 82 not agreed.*

[69] **Dai Lloyd:** Angela, a ydych yn dymuno cynnig gwelliant 83? **Dai Lloyd:** Angela, do you wish to move amendment 83?

*Cynigiwyd gwelliant 83 (Angela Burns).  
Amendment 83 (Angela Burns) moved.*

[70] **Angela Burns:** I do.

[71] **Dai Lloyd:** Diolch. Y cwestiwn yw: a ddylid derbyn gwelliant 83? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Y cwestiwn yw: a ddylid derbyn gwelliant 83? Y rheini o blaid i godi eu dwylo. Pedwar. Y rheini yn erbyn i godi eu dwylo. Pedwar. Pleidlais fwrw y Cadeirydd yn erbyn, felly mae gwelliant 83 yn cwmpo.

**Dai Lloyd:** Thank you. The question is that amendment 83 be agreed. Does any Member object? [*Objection.*] The proposal is to agree amendment 83. Those in favour of amendment 83, please indicate. Four. Those against. Four. The Chair's casting vote is in the negative, and therefore amendment 83 falls.

*Gwelliant 83: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 83: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 83.  
Amendment 83 not agreed.*

*Methodd gwelliant 84.  
Amendment 84 fell.*

[72] **Dai Lloyd:** Felly, i gadarnhau, awn ni ymlaen wedyn i Angela. A ydych yn dymuno cynnig gwelliant

**Dai Lloyd:** Therefore, to confirm, we move on to Angela. Do you wish to move amendment 84?

84?

[73] **Angela Burns:** I do.

[74] **Dai Lloyd:** O na, sori, mae 84 eisoes wedi methu. Roeddwn wedi cyhoeddi hynny. Felly, awn ni yn syth i gynnig gwelliant 85. Yr un cwestiwn, Angela: a ydych chi'n dymuno cynnig gwelliant 85? Ydych.

**Dai Lloyd:** I apologise, 84 has fallen. I had announced that. We will move on to amendment 85. It's the same question, Angela: do you wish to move amendment 85? Yes.

*Cynigiwyd gwelliant 85 (Angela Burns).  
Amendment 85 (Angela Burns) moved.*

[75] **Angela Burns:** I do.

[76] **Dai Lloyd:** Felly y cwestiwn yw: a ddylid derbyn gwelliant 85? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Oes. Y cwestiwn yw: a ddylid derbyn gwelliant 85? Y rheini o blaid i ddangos. Pedwar. Y rheini yn erbyn i ddangos. Pedwar. Pleidlais fwrw y Cadeirydd yr erbyn. Felly, mae gwelliant 85 yn cwmpo.

**Dai Lloyd:** The question is that amendment 85 be agreed. Does any Member object? [*Objection.*] Yes, there are objections. The question is that amendment 85 be agreed. Those in favour, please indicate. Four. Those against, please indicate. Four. The Chair's casting vote is in the negative, and therefore amendment 85 falls.

*Gwelliant 85: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 85: For 4, Against 4, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

ap Iorwerth, Rhun  
Burns, Angela  
Jones, Caroline  
Lloyd, Dai

Bryant, Jayne  
Irranca-Davies, Huw  
Morgan, Julie  
Neagle, Lynne

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

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

*Gwrthodwyd gwelliant 85.*  
*Amendment 85 not agreed.*

[77] **Dai Lloyd:** Rhun, a ydych yn dymuno cynnig gwelliant 69? **Dai Lloyd:** Rhun, do you wish to move amendment 69?

*Cynigiwyd gwelliant 69 (Rhun ap Iorwerth).*  
*Amendment 69 (Rhun ap Iorwerth) moved.*

[78] **Rhun ap Iorwerth:** Ydw. **Rhun ap Iorwerth:** Yes.

[79] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 69? A oes unrhyw wrthwynebiad? **Dai Lloyd:** The question is that amendment 69 be agreed. Does any Member object? [*Objection.*] The proposal is that amendment 69 be agreed. Those in favour, please indicate. Four. Those against, please indicate. Four. The Chair's casting vote is in the negative, and therefore amendment 69 falls.

[*Gwrthwynebiad.*] Y cwestiwn yw: a ddylid derbyn gwelliant 69? Y rheini o blaid i ddangos. Pedwar. Rheini yn erbyn i ddangos. Pedwar. Pleidlais fwrw y Cadeirydd yn erbyn, felly mae gwelliant 69 yn cwmpo.

*Gwelliant 69: O blaid 4, Yn erbyn 4, Ymatal 0.*  
*Amendment 69: For 4, Against 4, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 69.*  
*Amendment 69 not agreed.*

**Grŵp 3: Ysmygu—Awdurdodau Gorfodaeth (Gwelliannau 19, 20)**  
**Group 3: Smoking—Enforcement Authorities (Amendments 19, 20)**

[80] **Dai Lloyd:** Symud ymlaen yn awr i'r grŵp nesaf o welliannau. Mae grŵp 3 yn ymwneud ag ysmygu ac awdurdodau gorfodaeth. Y prif welliant yn y grŵp yma ydy gwelliant 19 yn enw'r Gweinidog.

**Dai Lloyd:** We'll move on now to the next group of amendments. Group 3 relates to smoking and enforcement authorities. The lead amendment in the group is amendment 19 in the name of the Minister.

*Cynigiwyd gwelliant 19 (Rebecca Evans).  
 Amendment 19 (Rebecca Evans) moved.*

[81] Cynigiaf, felly, welliant 19 yn enw'r Gweinidog, a galwaf ar y Gweinidog i siarad am ei gwelliant a'r gwelliannau eraill yn y grŵp yma. Gweinidog.

Therefore, I move amendment 19 in the name of the Minister, and I call on the Minister to speak to her amendment and the other amendments in this group. Minister.

[82] **Rebecca Evans:** Thank you. The amendments in this group respond to an issue explored by the Constitutional and Legislative Affairs Committee at Stage 1, and which was also explored during the scrutiny of the Bill in the fourth Assembly. The issue concerned whether the Bill should explicitly provide that only public authorities will be the enforcement authorities for the restrictions on smoking in public places. I've reflected on this issue during Stage 1, and made a commitment to bring forward amendments at Stage 2. This was welcomed by the Constitutional and Legislative Affairs Committee in its report on the Bill at Stage 1. Amendments 19 and 20 make good that commitment. In developing them, I've considered which public authorities will likely to be needed for the enforcement of the provisions in Chapter 1 of Part 2 of the Bill, and concluded that local authorities should be the enforcement authority for all premises and vehicles. However, it's also necessary to involve the police in enforcing the ban on smoking in vehicles as they have the power to stop private vehicles. This replicates the current position for smoking in vehicles carrying those under the age of 18. I ask that Members support these amendments.

10:15

[83] **Dai Lloyd:** Diolch yn fawr, Gweinidog. A oes unrhyw Aelod yn

**Dai Lloyd:** Thank you, Minister. Does any Member wish to speak? No. The

dymuno siarad? Na. Nid oes eisiau i'r Minister therefore needn't reply to Gweinidog ymateb i'r ddadl nas the debate, as it didn't take place. cymerwyd lle, felly. Gweinidog, a Minister, would you wish to move to hoffech symud i bleidlais ar welliant a vote on amendment 19? ar welliant 19?

[84] **Rebecca Evans:** Yes:

[85] **Dai Lloyd:** Y cwestiwn yw: a Dai Lloyd: The proposal is that ddylid derbyn gwelliant 19? A oes amendment 19 be agreed. Does any unrhyw wrthwynebiad? Dim Member object? There are no gwrthwynebiad. Felly, derbyniwyd objections, and therefore amendment gwelliant 19. 19 is agreed.

*Derbyniwyd gwelliant 19 yn unol â Rheol Sefydlog 17.34.  
Amendment 19 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 20 (Rebecca Evans).  
Amendment 20 (Rebecca Evans) moved.*

[86] **Dai Lloyd:** Cynigiau welliant 20 Dai Lloyd: I move amendment 20 in yn enw'r Gweinidog. Y cwestiwn yw: a the name of the Minister. The ddylid derbyn gwelliant 20? A oes question is that amendment 20 be unrhyw wrthwynebiad? Na. agreed. Does any Member object? No. Derbyniwyd gwelliant 20. Amendment 20 is agreed.

*Derbyniwyd gwelliant 20 yn unol â Rheol Sefydlog 17.34.  
Amendment 20 agreed in accordance with Standing Order 17.34.*

**Grŵp 4: Ysmygu—Gorfodaeth (Gwelliannau 21, 22, 23, 24, 25, 26, 27, 28, 29, 30)**

**Group 4: Smoking—Enforcement (Amendments 21, 22, 23, 24, 25, 26, 27, 28, 29, 30)**

[87] **Dai Lloyd:** Rydym ni'n symud Dai Lloyd: We move on the next i'r grŵp nesaf, grŵp 4, o welliannau. group of amendments, which is Mae'r grŵp yma yn ymwneud ag group 4. This group relates to ymysgu a gorfodaeth. Y prif welliant smoking and enforcement. The lead yn y grŵp yma ydy gwelliant 21 yn amendment in the group is enw'r Gweinidog. amendment 21 in the name of the Minister.

*Cynigwyd gwelliant 21 (Rebecca Evans).*

*Amendment 21 (Rebecca Evans) moved.*

[88] Cynigiau welliant 21 yn enw'r I move amendment 21 in the name of Gweinidog a galwaf ar y Gweinidog i the Minister and call on the Minister siarad am y gwelliant a'r gwelliannau to speak to her amendment and eraill yn y grŵp yma. Gweinidog. other amendments in this group. Minister.

[89] **Rebecca Evans:** Thank you. If the Bill's passed it's crucially important that enforcement authorities are able to effectively implement and enforce the legislation. To this end, the Bill includes provision for warrants to be issued and for authorised officers to enter premises where appropriate. The group brings forward amendments to make minor technical changes in relation to the provisions dealing with warrants and powers of entry, specifically in Part 2 of the Bill. The changes that are proposed are at two points relating to the smoke-free requirements and the register of retailers of tobacco and nicotine products. This ensures a consistent approach to these provisions, and equivalent amendments to Parts 3 and 4 of the Bill will be discussed in a later group. The majority of the amendments in this group make minor changes in wording to help futureproof the Bill by taking account of possible changes of practice relating to the issuing and signing of warrants.

[90] The courts have the power to issue warrants electronically, and the changes made to the Bill are to take account of this move from hard-copy warrants, signed by hand, to electronic warrants, which are signed electronically. The remaining amendments provide further detail about how powers of entry are to be exercised by authorised officers. If the occupier of a premises is present when the warrant is being executed, the authorised officer will need to provide their name, documentary evidence that they are an authorised officer, and produce the warrant and supply the occupier with a copy of it. If these amendments are agreed, they will provide further detail and clarity for both occupiers and authorised officers on what is expected from both parties if an authorised officer has been given permission to enter a premises to execute a warrant. I urge Members to support all of the technical amendments in this group tabled in my name.



[91] **Dai Lloyd:** Diolch yn fawr, Gweinidog. Unrhyw Aelod yn dymuno siarad? Na. Diolch yn fawr. Felly, Gweinidog, a hoffech symud i bleidlais ar welliant ar welliant 21?

**Dai Lloyd:** Thank you, Minister. Does any Member wish to speak? No. Thank you. Minister, do you wish to move to a vote on amendment 21?

[92] **Rebecca Evans:** Yes.

[93] **Dai Lloyd:** Diolch yn fawr. Y cwestiwn yw: a ddylid derbyn gwelliant 21? A oes unrhyw wrthwynebiad? Na. Derbyniwyd gwelliant 21.

**Dai Lloyd:** Thank you very much. The question is that amendment 21 be agreed. Does any Member object? No. Amendment 21 is therefore agreed.

*Derbyniwyd gwelliant 21 yn unol â Rheol Sefydlog 17.34.  
Amendment 21 agreed in accordance with Standing Order 17.34.*

*Cynigwyd gwelliant 22 (Rebecca Evans).  
Amendment 22 (Rebecca Evans) moved.*

[94] **Dai Lloyd:** Cynigiau welliant 22 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 22? A oes unrhyw wrthwynebiad? Na. Felly, derbyniwyd gwelliant 22.

**Dai Lloyd:** I move amendment 22 in the name of the Minister. The question is that amendment 22 be agreed. Does any Member object? No. Therefore amendment 22 is agreed.

*Derbyniwyd gwelliant 22 yn unol â Rheol Sefydlog 17.34.  
Amendment 22 agreed in accordance with Standing Order 17.34.*

[95] **Dai Lloyd:** Cynigiau welliant 23 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 23? A oes unrhyw wrthwynebiad? Nac oes. Felly, derbyniwyd gwelliant 23.

**Dai Lloyd:** I move amendment 23 in the name of the Minister. The question is that amendment 23 be agreed. Does any Member object? No. Amendment 23 is therefore agreed.

*Derbyniwyd gwelliant 23 yn unol â Rheol Sefydlog 17.34.  
Amendment 23 agreed in accordance with Standing Order 17.34.*

[96] **Dai Lloyd:** Cynigiau welliant 24 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 24? A oes

**Dai Lloyd:** I move amendment 24 in the name of the Minister. The question is that amendment 24 be

unrhyw wrthwynebiad? Nac oes. Felly agreed. Does any Member object? No.  
derbyniwyd gwelliant 24. Amendment 24 is therefore agreed.

*Derbyniwyd gwelliant 24 yn unol â Rheol Sefydlog 17.34.*

*Amendment 24 agreed in accordance with Standing Order 17.34.*

[97] **Dai Lloyd:** Cynigiau welliant 25 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 25? A oes unrhyw wrthwynebiad? Nac oes. Felly, derbyniwyd gwelliant 25. **Dai Lloyd:** I move amendment 25 in the name of the Minister. The question is that amendment 25 be agreed. Does any Member object? No. Therefore, amendment 25 is agreed.

*Derbyniwyd gwelliant 25 yn unol â Rheol Sefydlog 17.34.*

*Amendment 25 agreed in accordance with Standing Order 17.34.*

#### **Grŵp 5: Ysmygu (Gwelliannau 78, 79)** **Group 5: Smoking (Amendments 78, 79)**

[98] **Dai Lloyd:** Symud ymlaen i'r grŵp nesaf o welliannau. Rydym ni wedi cyrraedd grŵp 5, ac mae grŵp 5 yn ymwneud ag ysmygu. Y prif welliant yn y grŵp yma ydy gwelliant 78, yn enw Angela Burns. Galwaf ar Angela Burns i gynnig ei gwelliant ac i siarad amdano ac am y gwelliant arall yn grŵp yma. Angela. **Dai Lloyd:** We'll move on to the next group of amendments. We've reached group 5, and group 5 relates to smoking. The lead amendment in this group is amendment 78, in the name of Angela Burns. I call on Angela Burns to move her amendment and to speak to it and the other amendment in this group. Angela.

*Cynigwyd gwelliant 78 (Angela Burns).*

*Amendment 78 (Angela Burns) moved.*

[99] **Angela Burns.** Diolch, Chair. I'd like to move amendment 78 and the other amendments tabled in this group in my name. Minister, amendment 78 is a technical amendment that seeks to clarify that this Bill is only seeking to legislate within the Welsh Government's competence. The amendment removes reference to

[100] 'any other lit substance in a form in which it could be smoked'

[101] so the definition of smoking is confined to tobacco-based smoking. I accept that you might argue that this meaning is consistent with the

definition of smoking in the current UK Parliament legislation on smoking—section 2 of the Health Act 2006—but then we believe that this should be referenced in the Bill. There are examples in the Bill, such as the definition on tattoos, where you've chosen not to adhere with consistency, so we would like to try to bring that through.

[102] Amendment 79 is a technical amendment that seeks to clarify that smoking does not include e-cigarettes or nicotine inhaling devices. In other words, it clarifies that Chapter 1 of Part 2 of the Bill does not cover those products—e-cigarettes or nicotine inhaling devices. We believe it is unclear that the drafting of the smoking reference omits e-cigarettes and nicotine inhaling devices, and we seek clarity in both of these two amendments. In consideration of your answer, Minister, these are both technical amendments, and, if you were to assure me that you would go and review the legislative framework that seeks to describe and prohibit these to take into account my concerns, I would be most content.

[103] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. Does Angela. A oes Aelod arall eisiau any other Member wish to speak? No. siarad? Nac oes. Galwaf ar y I therefore call the Minister. Gweinidog i siarad.

[104] **Rebecca Evans:** Thank you, Chair. I've considered the amendments proposed in this group, which aim to amend the definition of smoking. Chapter 1 of Part 2 restates the Health Act 2006. The definition of smoking is therefore the same definition that's currently used throughout England and Wales. The definition is commonly accepted and has worked well in respect of smoking in public places for the last 10 years, so I don't see the need for an amendment to it. It's important to retain the part of the definition that would be removed by amendment 78, which refers to

[105] 'being in possession of any lit substance in the form in which it could be smoked.'

[106] This is important in order to capture the smoking of substances other than tobacco within the smoking restrictions. I'd emphasise that the current definition of the Bill does not capture nicotine inhaling products or e-cigarettes as they aren't a lit substance. To illustrate this point, when it was the policy intention for these products to be captured by the Bill that was considered by the fourth Assembly, a different definition was used. This is not the case in the Bill being considered now. The drafting in the Bill uses the

same definition of smoking as in current legislation, which doesn't cover these products. So, amendment 79 is therefore unnecessary, and I hope that provides the reassurances that are being looked for.

[107] **Dai Lloyd:** Diolch, Gweinidog. **Dai Lloyd:** Thank you, Minister. I call Galwaf ar Angela Burns i ymateb i'r on Angela Burns to reply to the ddadl. debate.

[108] **Angela Burns:** Back to my previous point on the other amendments, this is about making concise legislation that is crystal clear to the layman or woman as to what the intentions are. I know that it may seem to be a very small gripe, but I think that I'm very passionate that we should do good legislation. Now, the advice that I have received, for example, says that it is possible, with this legislation, to be arrested for smoking a kipper in a public place. What I'm trying to do is to ensure that we are talking about lit cigarettes or nicotine-based substances. So, I will be pushing for a vote on this, but I would absolutely ask you, Minister, to review this again, because there does appear to be a lack of consistency. What I'm asking for is for a reference to be added in, and a margin of clarity to ensure that there is absolutely no room for any confusion, going forward. This is a public health Bill that we would hope to see on the statute books for the years to come. I do believe it is up to us to make sure that this is absolutely crystal clear and in layman's terms. At the moment, I believe that there is confusion in this area.

[109] **Dai Lloyd:** Diolch. Felly, **Dai Lloyd:** Thank you. Angela, do you Angela, a ydych chi eisiau symud i wish to proceed to a vote on bleidlais ar welliant 78? Ie? amendment 78?

[110] **Angela Burns:** Yes.

[111] **Dai Lloyd:** Y cwestiwn yw: a **Dai Lloyd:** The question is that ddylid derbyn gwelliant 78? A oes amendment 78 be agreed. Does any unrhyw wrthwynebiad? Member object? [Objection.] There [Gwrthwynebiad.] Gwrthwynebiad. are objections. We therefore question Felly, y cwestiwn yw: a ddylid derbyn whether amendment 78 should be gwelliant 78 yn ffurfiol? Y rheini o agreed. Those in favour of blaid i godi eu dwylo. Pedwar. Y amendment 78, please indicate. Four. rheini yn erbyn. Pedwar. Pleidlais And those against. Four. The Chair's fwrw y Cadeirydd yn erbyn. Felly, casting vote is in the negative, and mae gwelliant 78 yn cwmpo. therefore, amendment 78 falls.

*Gwelliant 78: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 78: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 78.  
Amendment 78 not agreed.*

[112] **Dai Lloyd:** Angela, a ydych yn dymuno cynnig gwelliant 79? **Dai Lloyd:** Angela, do you wish to move amendment 79?

*Cynigwyd gwelliant 79 (Angela Burns).  
Amendment 79 (Angela Burns) moved.*

[113] **Angela Burns:** I do.

[114] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 79? A oes unrhyw wrthwynebiad? **Dai Lloyd:** The question is that amendment 79 be agreed. Does any Member object? [*Objection.*] There are objections. We move to a vote, therefore. Those in favour of amendment 79, please indicate. The usual four. And those against. Four. The Chair's casting vote is in the negative, and therefore amendment 79 falls.

*Gwelliant 79: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 79: For 4, Against 4, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

ap Iorwerth, Rhun  
Burns, Angela  
Jones, Caroline  
Lloyd, Dai

Bryant, Jayne  
Irranca-Davies, Huw  
Morgan, Julie  
Neagle, Lynne

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

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

*Gwrthodwyd gwelliant 79.*

*Amendment 79 not agreed.*

**Grŵp 6: Manwerthwyr Cynhyrchion Tybaco a Nicotin—Cofrestr (Gwelliannau 6, 7, 8, 9, 10, 18)**

**Group 6: Retailers of Tobacco and Nicotine Products—Register (Amendments 6, 7, 8, 9, 10, 18)**

[115] **Dai Lloyd:** Symud ymlaen i'r **Dai Lloyd:** We move on to the next grŵp nesaf o welliannau. Mae grŵp 6 group of amendments. Group 6 yn ymwneud â'r gofrestr o relates to the register of retailers of fanwerthwyr tybaco a chynhyrchion tobacco and nicotine products. The nicotin. Y prif welliant yn y grŵp yma lead amendment in this group is ydy gwelliant 6 yn enw Angela Burns. amendment 6, in the name of Angela Galwaf ar Angela Burns i gynnig y Burns. I call on Angela Burns to move gwelliant ac i siarad amdano, ac am y her amendment and speak to it and gwelliannau eraill yn y grŵp yma. other amendments in this group. Angela.  
Angela.

*Cynigwyd gwelliant 6 (Angela Burns).*

*Amendment 6 (Angela Burns) moved.*

[116] **Angela Burns:** Diolch, Chair. I would like to move amendments 6, 7, 8, 9, 10 and 18, tabled in my name. Again, Minister, much of my amendments here are about tightening the wording of the legislation, and to ensure that there's proportionality visited upon those who will be subject to this legislation. So, amendment 6—the purpose of this amendment is to protect

retailers and their data by ensuring that only relevant information is held of them on the retailers register. At present, the Bill basically says that the Welsh Government can require a retailer to furnish them with absolutely any bit of information they happen to have. So, you could be asking for their profit and loss accounts, their balance sheets, who their shareholders are. I am absolutely convinced that is not your policy intent. However, it is how the Bill is currently worded. And I do believe—I will say it again and I will say it all through this session—that we have got to make good laws here in Wales, and I would like to see this area tightened up.

[117] I think it is really important that retailers understand what it is the Welsh Government is going to ask of them. This is a register to ensure that we know who sells tobacco and nicotine. There will be a lot of information about their business that you do not need to know, that we do not need to know, that is not relevant to this. However, as it presently stands, you can ask them for anything at all, and I would like to see that amendment. Amendment 7 is a technical amendment that aims to tighten up the language of the Bill. The current wording merely explains the process of registration, and we do not believe that that is sufficient. Amendment 8 is pursuant to amendments 6 and 7. Amendment 9: this is where we believe that the Bill is stating that retailers must pay a fee when applying to be on the register, and this is set at £30. And this amendment says that this is the first set of such regulations—if such regulations are made—and cannot specify a fee of more than £30 when first applying to be registered, £10 when adding further premises, and £10 if you're adding extra premises. The amendment also says that before making subsequent regulations, the Welsh Ministers must consult on the fee, and we believe that this is only fair and proportionate to the retailers. So, the fee could be higher than £30 or £10, but the Welsh Ministers must have consulted before you go ahead and raise that fee.

[118] Amendments 10 and 18 are pursuant to amendments 7 and 9. Again, we're trying to protect businesses from too much red tape. We're trying to protect businesses from having to give information that is not necessary. We're trying to ensure that businesses understand what they have to do, what their obligations are under the law. We have no problem at all with the law being applied to businesses, but many of these businesses are small businesses. We do believe that it should be proportionate. We believe the fees should be proportionate, that there should be adequate consultation

moving forward, and we believe that this is to protect businesses from potential penalisation because of a lack of clarity in the law.

[119] **Dai Lloyd:** Diolch, Angela. **Dai Lloyd:** Thank you, Angela.  
Caroline Jones. Caroline Jones.

[120] **Caroline Jones:** Diolch, Chair. I was going to abstain on this amendment because I was unclear as to what Angela wanted, but now that Angela has so eloquently explained, in great detail, I've changed my mind and I'm for. Sorry.

[121] **Dai Lloyd:** Rhun.

[122] **Rhun ap Iorwerth:** Jest yn fyr **Rhun ap Iorwerth:** Just very briefly, iawn, yn benodol yn ymwneud â and specifically in relation to gwelliant 9: mi ydw i'n deall ac yn amendment 9: I understand and cydymdeimlo efo pam bod y sympathise with the rationale behind the amendment, but there's a large gwelliant yn cael ei gyflwyno, ond part of me that feels that it's through mae yna ran fawr ohonof i sy'n regulations that we ensure the teimlo mai drwy reoliadau y mae greatest flexibility in moving forward, sicrhau yr hyblygrwydd mwyaf wrth and that's why I will be abstaining. symud ymlaen, a dyna pam y byddaf i'n ymatal fy mhleidlais ar hwnnw.

10:30

[123] **Dai Lloyd:** Galwaf ar y **Dai Lloyd:** I call on the Minister.  
Gweinidog i siarad.

[124] **Rebecca Evans:** Thank you, Chair. I'd like to thank the committee for its consideration and scrutiny of this Chapter of the Bill. I'm encouraged that the committee supports creating a national register of retailers of tobacco and nicotine products. Protecting children and young people from accessing tobacco and nicotine products is essential in ensuring that they don't become addicted. Evidence suggests that early uptake of smoking is associated with subsequent heavier smoking, higher levels of dependency, a lower chance of quitting and higher mortality. While the introduction of a retail register should not be seen as the solution to the problem in itself, it will be an important additional tool in supporting the wider tobacco control



agenda.

[125] I'd like to thank Angela Burns for her amendments, which I've carefully considered. The amendments seek to make a number of changes, including removing definitions and changing the approach for the setting of registration fees. I'm unable to support amendment 6, as this would limit the ability to add additional appropriate information to the retail register. For example, it may become necessary for photographs of mobile retail structures to be included so that enforcement officers can identify them. If this amendment is passed, such changes would be precluded. One of the key considerations when developing the retail register was ensuring that the appropriate balance is struck between achieving the policy aims whilst minimising the burden on retailers. In line with this guiding principle, we would not want to include extra details, such as photographs, unless it became absolutely necessary. Nevertheless, it is important that the ability to add additional information to the retail register is retained in order to be able to respond to changing circumstances. Despite this, the amendments have prompted a reconsideration of section 27(6). I recognise that there could be unintentional consequences where the registration authority could include information on the retail register that doesn't support the policy objective. Therefore, I'd be happy to work with the Member to bring forward an amendment at Stage 3 to provide that it would be for Welsh Ministers to decide whether any additional information was required on the register to ensure that the overall policy aim was met.

[126] Amendment 7 would remove section 27(7). Currently, the Bill provides that a person or business must register in order to carry on a nicotine or tobacco business in Wales. That person or business must also provide details of all their premises that sell these products. This provision clarifies what's meant by a registered person and is necessary to aid understanding. Similarly, amendment 10 would remove the definition of 'registered' from the interpretation section. I cannot support this amendment as this is a fundamental definition within this part of the Bill.

[127] Amendments 8, 9 and 18 relate to the ability to require a fee when making an application to the retail register. I indicated in the explanatory memorandum that the fee would be £30 for a person or business to be included on the register, and £10 for each additional premises. When I gave evidence to the Finance Committee, I explained that these proposed fees were illustrative and that work that's been done to date demonstrates that fees to be set by the initial regulations would not exceed this amount. I can

also confirm that the registration fees would be fully compliant with the Hemming judgment and therefore will only reflect the administration costs of the register. For these reasons, I'm unable to support these amendments and ask Members to reject them.

[128] **Dai Lloyd:** Diolch, Gweinidog. **Dai Lloyd:** Thank you, Minister. I call Galwaf ar Angela Burns i ymateb i'r on Angela Burns to reply to the ddadl. debate.

[129] **Angela Burns:** Thank you for your answer, Minister. I am reassured that, in regard to amendment 6, you're happy to take some discussions forward, because I do believe that our small businesses in Wales are under substantial pressure, and it is incumbent on us all to ensure that red tape does not drown them overly. I'm very happy to work with you to try to find an acceptable way of making sure that there's a real clarity around that definition of the law.

[130] In regard to amendments 7 and 10, I've listened carefully to what you have to say and I'm prepared to withdraw those two amendments. I would like to put amendments 8, 9 and 18 to the vote, because I would like to see that the—there's a slight sort of get-out-of-jail card there for those who are going to implement this register; I'd like to see consistency and, you know, the costs of maintaining a register could become quite stratospheric and could therefore become an enormous weight upon small businesses. And I would like to re-emphasise at this point that a huge number of these businesses that we are looking at rightly should be on the register, but they are usually very, very small with very, very low profit margins, and I'm just keen to ensure that there is a real element of proportionality as we go forward. And whilst I do take your point that it would only be to defray the cost of setting up such a register, we have no idea in the future of how this thing may grow and the kind of cost that may eventually get attributed to it. So, I'd like to have that fall-back position to ensure that there was that element of protection for small businesses.

[131] **Dai Lloyd:** Diolch, Angela. **Dai Lloyd:** Thank you, Angela. We'll Felly, awn ni i bleidleisio, gwelliant therefore move to a vote, amendment wrth welliant. Y cwestiwn cyntaf i by amendment. The first question to Angela: a hoffech symud i bleidlais ar Angela is: do you wish to move to a welliant 6? Rydych chi wedi crybwyll vote on amendment 6? You have eich bod chi eisiau tynnu'r gwelliant suggested that you wish to withdraw yna yn ôl. it.

[132] **Angela Burns:** I'd like to withdraw.

[133] **Dai Lloyd:** A oes **Dai Lloyd:** Are there any objections to the withdrawal of that amendment?  
 gwrthwynebiad i dynnu'r gwelliant the withdrawal of that amendment?  
 yna yn ôl? Na. Felly, mae gwelliant 6 No? Therefore, amendment 6 is  
 wedi cael ei dynnu yn ôl. withdrawn.

*Tynnwyd gwelliant 6 yn ôl gyda chaniatâd y pwyllgor.*  
*Amendment 6 withdrawn by leave of the committee.*

[134] **Dai Lloyd:** Angela, a ydych yn **Dai Lloyd:** Angela, do you wish to  
 dymuno cynnig gwelliant 7? move amendment 7?

[135] **Angela Burns:** No, I would like to withdraw amendment 7.

[136] **Dai Lloyd:** A oes **Dai Lloyd:** Any objections to the  
 gwrthwynebiad i dynnu gwelliant 7 withdrawal of amendment 7? No.  
 yn ôl? Na. Felly, mae gwelliant 7 yn Amendment 7 is therefore  
 cael ei dynnu yn ôl. withdrawn.

*Ni chynigiwyd gwelliant 7 (Angela Burns).*  
*Amendment 7 (Angela Burns) not moved.*

[137] **Dai Lloyd:** Angela, a ydych **Dai Lloyd:** Angela, do you wish to  
 chi'n dymuno cynnig gwelliant 8? move amendment 8?

*Cynigiwyd gwelliant 8 (Angela Burns).*  
*Amendment 8 (Angela Burns) moved.*

[138] **Angela Burns:** Yes, I would like to move amendment 8.

[139] **Dai Lloyd:** Y cwestiwn yw: a **Dai Lloyd:** The question is that  
 ddylid derbyn gwelliant 8? A oes amendment 8 be agreed. Does any  
 unrhyw wrthwynebiad? Member object? [*Objection.*]There are  
 [*Gwrthwynebiad.*] Mae yna objections. We'll therefore move to a  
 wrthwynebiad. Symudwn ni i vote. Those in favour please indicate.  
 bleidlais. Y rheini o blaid i godi eu Amendment 8—four in favour. Those  
 dwylo. O blaid gwelliant 8, pedwar. Y against amendment 8, please  
 rheini yn erbyn gwelliant 8 i godi'u indicate—four. No abstentions. The  
 dwylo. Pedwar. Neb yn ymatal, felly Chair's casting vote is in the negative

pleidlais fwrw'r Cadeirydd yn erbyn, and therefore amendment 8 falls.  
felly mae gwelliant 8 yn syrthio.

*Gwelliant 8: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 8: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 8.  
Amendment 8 not agreed.*

[140] **Dai Lloyd:** Angela, a ydych yn dymuno cynnig gwelliant 9? **Dai Lloyd:** Angela, do you wish to move amendment 9?

*Cynigiwyd gwelliant 9 (Angela Burns).  
Amendment 9 (Angela Burns) moved.*

[141] **Angela Burns:** I would like to move amendment 9, Chair.

[142] **Dai Lloyd:** Os na dderbynnir gwelliant 9, bydd gwelliant 18 yn methu. Y cwestiwn yw: a ddylid derbyn gwelliant 9? A oes unrhyw wrthwynebiad? [*Gwrthwynebiad.*] Mae gwrthwynebiad. Symudwn ni i bleidlais. Y cwestiwn yw: a ddylid derbyn gwelliant 9? Y rheini o blaid i ddangos. Dau. Y rheini yn erbyn. Pedwar. Y sawl sy'n ymatal. Dau. Felly, mae gwelliant 9 wedi syrthio.

**Dai Lloyd:** If amendment 9 is not agreed, amendment 18 will fall. The question is that amendment 9 be agreed. Does any Member object? [*Objection.*] There are objections. We'll therefore move to a vote. The question is that amendment 9 be agreed. Those in favour, please indicate. Two. Those against. Four. Abstentions. Two. Therefore, amendment 9 is not agreed.

*Gwelliant 9: O blaid 2, Yn erbyn 4, Ymatal 2.  
Amendment 9: For 2, Against 4, Abstain 2.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Burns, Angela Burns Jones, Caroline	Bryant, Jayne Irranca-Davies, Huw Morgan, Julie Neagle, Lynne	ap Iorwerth, Rhun Lloyd, Dai

*Gwrthodwyd gwelliant 9.  
Amendment 9 not agreed.*

*Methodd gwelliant 18.  
Amendment 18 fell.*

[143] **Dai Lloyd:** Rydym ni nawr yn gwneud cynnig i bleidleisio ar welliant 26, a gafodd ei drafod fel rhan o grŵp 4, fel yr ydych chi i gyd yn cofio yn iawn, rwy'n siŵr.

**Dai Lloyd:** Okay, that brings us to amendment 26, which was discussed as part of group 4, as you will all recall, I'm sure.

*Cynigiwyd gwelliant 26 (Rebecca Evans).  
Amendment 26 (Rebecca Evans) moved.*

[144] Cynigiau welliant 26 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 26? A oes unrhyw wrthwynebiad? Na. Felly, derbyniwyd gwelliant 26.

I move amendment 26 in the name of the Minister. The question is that amendment 26 be agreed. Does any Member object? No. Amendment 26 has been agreed.

*Derbyniwyd gwelliant 26 yn unol â Rheol Sefydlog 17.34.  
Amendment 26 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 27 (Rebecca Evans).  
Amendment 27 (Rebecca Evans) moved.*

[145] **Dai Lloyd:** Cynigiau welliant 27 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 27? A oes unrhyw wrthwynebiad? Na.

**Dai Lloyd:** I move amendment 27 in the name of the Minister. The question is that amendment 27 be agreed. Does any Member object?

Derbyniwyd gwelliant 27.

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.*

*Cynigiwyd gwelliant 28 (Rebecca Evans).*

*Amendment 28 (Rebecca Evans) moved.*

[146] **Dai Lloyd:** Cynigiaf welliant 28 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 28? A oes unrhyw wrthwynebiad? Derbyniwyd gwelliant 28.

**Dai Lloyd:** I move amendment 28 in the name of the Minister. The question is that amendment 28 be agreed. Does any Member object? No. 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 29 (Rebecca Evans).*

*Amendment 29 (Rebecca Evans) moved.*

[147] **Dai Lloyd:** Cynigiaf welliant 29 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 29? A oes unrhyw wrthwynebiad? derbyniwyd gwelliant 29.

**Dai Lloyd:** I move amendment 29 in the name of the Minister. The question is that amendment 29 be agreed. Does any Member object? Na. Felly, agreed. No. Amendment 29 is agreed.

*Derbyniwyd gwelliant 29 yn unol â Rheol Sefydlog 17.34.*

*Amendment 29 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 30 (Rebecca Evans).*

*Amendment 30 (Rebecca Evans) moved.*

[148] **Dai Lloyd:** Cynigiaf welliant 30 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 30? A oes unrhyw wrthwynebiad? Derbyniwyd gwelliant 30.

**Dai Lloyd:** I move amendment 30 in the name of the Minister. The question is that amendment 30 be agreed. Does any Member object? Na. agreed. No. Amendment 30 is agreed.

*Derbyniwyd gwelliant 30 yn unol â Rheol Sefydlog 17.34.*

*Amendment 30 agreed in accordance with Standing Order 17.34.*

[149] **Dai Lloyd:** Rydym nawr yn gwneud cynnig i bleidleisio ar welliant 10, a gafodd ei drafod fel rhan o grŵp 6. Angela, a ydych chi'n dymuno cynnig gwelliant 10?

**Dai Lloyd:** We now move to vote on amendment 10, which was debated as part of group 6. Angela, do you wish to move amendment 10?

[150] **Angela Burns:** Hold on—no, thank you. Thank you, Rhun. [*Laughter.*]

[151] **Dai Lloyd:** Diolch. Mae Angela wedi mynegi ei bod hi yn dymuno tynnu gwelliant 10 yn ôl. A oes gwrthwynebiad i dynnu gwelliant 10 yn ôl? Nid oes gwrthwynebiad, felly mae gwelliant 10 wedi cael ei dynnu yn ôl, sydd yn dod â ni nesaf i'r grŵp nesaf, grŵp 7 o welliannau.

**Dai Lloyd:** Thank you. Angela wishes to withdraw amendment 10. Is there any objection to that withdrawal of amendment 10? There are no objections, therefore amendment 10 is withdrawn, which brings us to our next group of amendments, which is group 7.

*Ni chynigiwyd gwelliant 10 (Angela Burns).  
Amendment 10 (Angela Burns) not moved.*

**Grŵp 7: Rhoi Tybaco etc. i Bobl dan 18 Oed—Troseddau (Gwelliannau 31, 32, 33, 34, 35, 36, 37, 38)**  
**Group 7: Handing Over Tobacco etc. to Persons under 18—Offences (Amendments 31, 32, 33, 34, 35, 36, 37, 38)**

[152] **Dai Lloyd:** Mae grŵp 7 o welliannau yn ymwneud â throseddau yn gysylltiedig â rhoi tybaco, ac yn y blaen, i bersonau o dan 18 mlwydd oed. Y prif welliant yn y grŵp yma ydy gwelliant 31 yn enw'r Gweinidog.

**Dai Lloyd:** Group 7 of amendments relates to offences relating to handing over tobacco, et cetera, to persons under 18. The lead amendment in the group is amendment 31 in the name of the Minister.

*Cynigiwyd gwelliant 31 (Rebecca Evans).  
Amendment 31 (Rebecca Evans) moved.*

[153] **Dai Lloyd:** Cynigiaf felly welliant 31 yn enw'r Gweinidog, a galwaf ar y Gweinidog i siarad am ei gwelliannau yn y grŵp yma. Gweinidog.

**Dai Lloyd:** I therefore move amendment 31 in the name of the Minister, and call on the Minister to speak to the amendments in this group. Minister.

[154] **Rebecca Evans:** Thank you. I welcome the committee's support for the provision to introduce a new offence of handing over tobacco and nicotine products to a person under the age of 18. I believe that this, along with the other existing legislation, will help reduce the risk of under-18s accessing these products. As the committee noted in its Stage 1 report, the responsibility for committing an offence lies with the person handing over these products. I've indicated I fully intend to produce guidance to support these provisions. This guidance will set out people's responsibilities in lay terms, and will therefore help persons affected by the legislation to understand what their new responsibilities are. This includes retailers ensuring that their delivery staff are sufficiently trained to deliver these products without inadvertently committing an offence.

[155] Amendment 34 clarifies circumstances where it would not be an offence to hand tobacco or nicotine products to a person under the age of 18. These are situations where it's not intended for an offence to be committed, such as handing tobacco or nicotine products to an employee who is under 18 as part of their job. The amendment therefore would help ensure that the offence is only committed where it's consistent with the overall policy intent.

[156] Amendment 38 sets out the defences for the handing over offence. I considered it was important to set the defences out on the face of the Bill in order to give a clear indication of the steps that a delivery driver should take before handing over tobacco or nicotine products to a young person, such as asking for proof of age. The guidance to be produced under the Bill will also build on these actions.

[157] The remaining amendments in this group are technical and are needed as a result of the changes I've proposed with amendments 34 and 38, as well as providing additional clarity on the definitions of 'package' and 'employment'. I ask that Members support these amendments.

[158] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Gweinidog. A oes unrhyw Aelod yn Minister. Are there other Members dymuno siarad? Na. Dim dadl i'r who wish to speak? No. No debate for Gweinidog i ymateb iddi felly. the Minister to respond to, therefore. Gweinidog, a hoffech symud i Minister, do you wish to proceed to a bleidlais ar welliant 31? vote on amendment 31?



[159] **Rebecca Evans:** Yes.

[160] **Dai Lloyd:** Y cwestiwn yw: a **Dai Lloyd:** The question is that ddylid derbyn gwelliant 31? A oes amendment 31 be agreed to. Does unrhyw wrthwynebiad? Dim any Member object? No objection. gwrthwynebiad. Derbyniwyd gwelliant Amendment 31 is agreed. 31.

*Derbyniwyd gwelliant 31 yn unol â Rheol Sefydlog 17.34.*

*Amendment 31 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 32 (Rebecca Evans).*

*Amendment 32 (Rebecca Evans) moved.*

[161] **Dai Lloyd:** Cynigiaf welliant 32 **Dai Lloyd:** I move amendment 32 in yn enw'r Gweinidog. Y cwestiwn yw: a the name of the Minister. The ddylid derbyn gwelliant 32? A oes question is that amendment 32 be unrhyw wrthwynebiad? Na. agreed. Does any Member object? No. Derbyniwyd gwelliant 32. Amendment 32 is agreed.

*Derbyniwyd gwelliant 32 yn unol â Rheol Sefydlog 17.34.*

*Amendment 32 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 33 (Rebecca Evans).*

*Amendment 33 (Rebecca Evans) moved.*

[162] **Dai Lloyd:** Cynigiaf welliant 33 **Dai Lloyd:** I move amendment 33 in yn enw'r Gweinidog. Y cwestiwn yw: a the name of the Minister. The ddylid derbyn gwelliant 33? A oes question is that amendment 33 be unrhyw wrthwynebiad? Dim agreed. Does any Member object? No gwrthwynebiad, felly derbyniwyd objection. Therefore, amendment 33 gwelliant 33. is agreed.

*Derbyniwyd gwelliant 33 yn unol â Rheol Sefydlog 17.34.*

*Amendment 33 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 34 (Rebecca Evans).*

*Amendment 34 (Rebecca Evans) moved.*

[163] **Dai Lloyd:** Cynigiaf welliant 34 **Dai Lloyd:** I move amendment 34 in yn enw'r Gweinidog. Y cwestiwn yw: a the name of the Minister. The

ddylid derbyn gwelliant 34? A oes unrhyw wrthwynebiad? Dim gwrthwynebiad. Derbyniwyd gwelliant 34.

question is that amendment 34 be agreed. Does any Member object? No objection. Amendment 34 is agreed.

*Derbyniwyd gwelliant 34 yn unol â Rheol Sefydlog 17.34.*

*Amendment 34 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 35 (Rebecca Evans).*

*Amendment 35 (Rebecca Evans) moved.*

[164] **Dai Lloyd:** Cynigiaf welliant 35 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 35? A oes unrhyw wrthwynebiad? Dim gwrthwynebiad. Derbyniwyd gwelliant 35.

**Dai Lloyd:** I move amendment 35 in the name of the Minister. The question is that amendment 35 be agreed. Does any Member object? No objection. Amendment 35 is agreed.

*Derbyniwyd gwelliant 35 yn unol â Rheol Sefydlog 17.34.*

*Amendment 35 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 36 (Rebecca Evans).*

*Amendment 36 (Rebecca Evans) moved.*

[165] **Dai Lloyd:** Cynigiaf welliant 36 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 36? A oes unrhyw wrthwynebiad? Na. Derbyniwyd gwelliant 36.

**Dai Lloyd:** I move amendment 36 in the name of the Minister. The question is that amendment 36 be agreed. Does any Member object? No. Amendment 36 is agreed.

*Derbyniwyd gwelliant 36 yn unol â Rheol Sefydlog 17.34.*

*Amendment 36 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 37 (Rebecca Evans).*

*Amendment 37 (Rebecca Evans) moved.*

[166] **Dai Lloyd:** Cynigiaf welliant 37 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 37? A oes unrhyw wrthwynebiad? Na, felly derbyniwyd gwelliant 37.

**Dai Lloyd:** I move amendment 37 in the name of the Minister. The question is that amendment 37 be agreed. Does any Member object? No objection. Amendment 37 is

therefore agreed.

*Derbyniwyd gwelliant 37 yn unol â Rheol Sefydlog 17.34.*

*Amendment 37 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 38 (Rebecca Evans).*

*Amendment 38 (Rebecca Evans) moved.*

[167] **Dai Lloyd:** Cynigiau welliant 38 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 38? A oes unrhyw wrthwynebiad? derbyniwyd gwelliant 38.

**Dai Lloyd:** I move amendment 38 in the name of the Minister. The question is that amendment 38 be agreed. Does any Member object? No. Therefore, amendment 38 is agreed.

*Derbyniwyd gwelliant 38 yn unol â Rheol Sefydlog 17.34.*

*Amendment 38 agreed in accordance with Standing Order 17.34.*

#### **Grŵp 8: Ysmygu—Canllawiau (Gwelliant 86)** **Group 8: Smoking—Guidance (Amendment 86)**

[168] **Dai Lloyd:** Fe symudwn ni ymlaen i'r grŵp nesaf o welliannau nawr, sef grŵp 8. Mae grŵp 8 yn ymwneud â chanllawiau ynglŷn ag ysmygu. Yr unig welliant yn y grŵp yma ydy gwelliant 86 yn enw Angela Burns. Galwaf ar Angela Burns i gynig gwelliant 86 a siarad amdano. Angela.

**Dai Lloyd:** Moving on to the next group of amendments, namely group 8. Group 8 relates to guidance on smoking. The only amendment in this group is amendment 86 in the name of Angela Burns. I call on Angela Burns to move and speak to amendment 86. Angela.

*Cynigiwyd gwelliant 86 (Angela Burns).*

*Amendments 86 moved (Angela Burns).*

[169] **Angela Burns:** Diolch, Chair. This amendment 86, Minister, seeks to insert within the Bill a new section on guidance. It asks that Welsh Ministers should publish guidance for small businesses and individuals about how to comply with this part. We firmly believe that the success of this legislation depends heavily on the compliance of small businesses, so it's critical that they are supported to follow the changes in legislation.

10:45

[170] This amendment here imposes a duty on Welsh Ministers, or seeks to impose a duty on Welsh Ministers, to publish guidance to these small businesses, and the guidance, we believe, must cover the following specific areas: the reasonable steps that managers of workplaces and premises open to the public must take to stop persons in those workplaces and premises smoking. When does the smoking ban apply in people's homes? For example, the guidance could clarify which parts of farmhouses or vicarages are smoke free. In both these examples, vicars and farmers may work in various parts of their homes. The tobacco and nicotine offences that can lead to a restricted premises order—this has been included in the list as something that small businesses may find helpful.

[171] The reference to vicars means that the guidance isn't directly aimed just at small businesses, but also at individual workers. There will obviously be lots of other lone workers or individual workers that this guidance or this Bill could affect. So, what we're seeking to do, again, is to ensure that the law is crystal clear to somebody who's not going to pick up this Act and plough through every single bit, and go and ask someone what they should think; but that they can turn to a nice clear set of guidance, issued by the Ministers, that makes it very easy for them to follow, to ensure compliance, to ensure agreement with the objectives of the policy, and to make sure that people don't inadvertently fall foul of this.

[172] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Angela. Mae Caroline Jones hefyd Angela. Caroline Jones also wants to eisiau siarad. speak.

[173] **Caroline Jones:** Diolch, Chair. I wholeheartedly support the amendment in this group. This Bill introduces huge changes that will affect small businesses and individual traders, and it is only right that we issue guidance on how to comply with new and updated legislation.

[174] **Dai Lloyd:** Diolch, Caroline. **Dai Lloyd:** Thank you Caroline. I call Galwaf ar y Gweinidog i siarad. on the Minister to speak.

[175] **Rebecca Evans:** Thank you. I thank Angela Burns for bringing forward this amendment, which highlights the importance of guidance to support legislation, and of considering who will need this guidance. Indeed, there are a number of places across the Bill where I've made commitments to produce guidance to support the provisions. Whilst I agree that guidance will be

needed in support of Part 2, I've concluded that all of the areas where this amendment suggests guidance is needed are being or will be covered by other means.

[176] When we introduced the ban on smoking in enclosed and substantially enclosed public spaces in 2007, guidance was produced to help the general public, staff and owners understand their responsibilities under the new law. The guidance included what actions could be taken if someone refused to stop smoking, even though they'd been asked to. I can confirm that this existing guidance will be updated and republished to support the new smoke-free areas to be introduced in this Bill.

[177] In relation to the specific point within the amendment about test purchases, I'd emphasise that enforcement officers already have guidance on carrying out test purchases that they comply with. Separate guidance on this matter is therefore unnecessary and could unintentionally lead to confusion.

[178] The amendment also suggests that guidance should cover the tobacco and nicotine offences that may result in restricted premises orders. The existing offences that contribute to a restricted premises order are well known to retailers. When new offences are added to this list by regulations in the future, I can confirm that the intention is to inform all retailers on the retail register of the changes.

[179] In terms of my general approach, for each chapter in Part 2, due consideration will be given to the need for guidance, including which organisation is best placed to draft the guidance, and who is the most appropriate audience. This will provide for a more comprehensive approach than that which would result from this amendment, which would focus guidance on the limited audience of small businesses and private individuals. If the amendment's passed, there could be significant gaps, such as for larger businesses and supermarkets.

[180] In order to further assure Members that it's always been my intention to produce guidance under Part 2, I'd emphasise that guidance relating to Part 2 was costed in the Bill's regulatory impact assessment. For these reasons, I'm unable to support amendment 86, but would reassure Members of my intention to ensure guidance is provided appropriately in support of Part 2 of the Bill.

[181] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Minister. I call

Gweinidog. Galwaf ar Angela Burns i ymateb i'r ddadl. Angela. on Angela Burns to reply to the debate.

[182] **Angela Burns:** Diolch, Chair. Thank you for your response, Minister. I'm not as convinced as you are that the guidance being offered within the context of this Bill is as clear or as direct as it could be or should be. I will be putting this to a vote, but, having said that, I will also be going away to review again your answer, as on the record, and review all the guidances that you have referenced. If I believe that the guidance that you have proposed would be sufficient to take into account and be clear enough for the smaller operator as well as the larger operator, then I'm content to let this matter rest. However, if I were to lose this amendment now and I were to review it and not believe that there is sufficient guidance or a sufficient ability to put out clear guidance that is easily understood by the individuals we're talking about, and, again, this comes down to tight law, clear language and easy understanding by the person on the street, then I will be bringing it back again at Stage 3 of this Bill.

[183] **Dai Lloyd:** Felly, i gadarnhau, Angela, a hoffech symud i welliant 86? **Dai Lloyd:** Therefore, to confirm, Angela, do you wish to proceed to a vote on amendment 86?

[184] **Angela Burns:** Yes.

[185] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 86? A oes unrhyw wrthwynebiad? **Dai Lloyd:** The question is that amendment 86 be agreed. Does any Member object? [*Objection.*] There is an objection, therefore, we'll move to a vote. Those in favour of amendment 86 to show their hands. Four. Those against. Four. The Chair's casting vote is in the negative, therefore amendment 86 falls.

[*Gwrthwynebiad.*] Mae yna wrthwynebiad. Felly, symudwn ni i bleidlais. Y rheini o blaid gwelliant 86 i godi eu dwylo. Pedwar. Y rheini yn erbyn i godi eu dwylo. Pedwar. Pleidlais fwrw'r Cadeirydd yn erbyn, felly mae gwelliant 86 yn methu.

*Gwelliant 86: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 86: For 4, Against 4, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

ap Iorwerth, Rhun  
Burns, Angela  
Jones, Caroline  
Lloyd, Dai

Bryant, Jayne  
Irranca-Davies, Huw  
Morgan, Julie  
Neagle, Lynne

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

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

*Gwrthodwyd gwelliant 86.*

*Amendment 86 not agreed.*

[186] **Dai Lloyd:** Dyna ddiwedd y trafodaethau ar grŵp 8. Mae yna doriad naturiol yn ein trafodaethau nawr, ac felly rwy'n mynd i gyhoeddi egwyl o 10 munud cyn inni ddechrau ar grŵp 9, sydd yn trafod materion amgen i'r materion rydym ni wedi bod yn eu trafod eisoes. Felly, egwyl o 10 munud. Diolch yn fawr.

**Dai Lloyd:** That is the end of the discussion on group 8. There is a natural break in our discussions now, so I'm going to announce a break of 10 minutes before we start on group 9, on alternative issues to those we have already discussed. So, a break of 10 minutes. Thank you very much.

*Gohiriwyd y cyfarfod rhwng 10:51 ac 11:01.*

*The meeting adjourned between 10:51 and 11:01.*

[187] **Dai Lloyd:** A gaf i groesawu pawb yn ôl wedi'r egwyl fer yna? Rydym ni yn dal i ymdrin â Chyfnod 2 Bil iechyd y cyhoedd.

**Dai Lloyd:** May I welcome everybody back following that short break? We continue to discuss Stage 2 of the public health Bill.

**Grŵp 9: Triniaethau Arbennig—Ystyr Triniaethau Arbennig a'r Dehongliad (Gwelliannau 11, 87, 14, 72 ac 89)**

**Group 9: Special Procedures—Meaning of Special Procedures and Interpretation (Amendments 11, 87, 14, 72 and 89)**

[188] **Dai Lloyd:** Rydym ni wedi cyrraedd grŵp 9 o'r gwelliannau nawr. Mae grŵp 9 o'r gwelliannau'n ymwneud ag ystyr a dehongliad triniaethau arbennig. Y prif welliant yn y grŵp ydy gwelliant 11, yn enw

**Dai Lloyd:** We've reached group 9 of the amendments now. Group 9 of the amendments relates to meaning and interpretation of special procedures. The lead amendment in the group is amendment 11, in the name of

Angela Burns. Galwaf ar Angela Burns i gynnig gwelliant 11 ac i siarad am ei gwelliant hi a'r gwelliannau eraill yn y grŵp yma—Angela Burns.

Angela Burns. I call on Angela Burns to move amendment 11 and speak to her amendment and other amendments in this group—Angela Burns.

*Cynigiwyd gwelliant 11 (Angela Burns).  
Amendment 11 (Angela Burns) moved.*

[189] **Angela Burns:** Diolch, Chair. I'd like to move amendments 11, 87, 14 and 89, tabled in my name. This is the subject of special procedures, and, as you've just said, Chair, this is about the meaning of special procedures and their interpretation. In amendment 11, what I'm seeking to do here, Minister, is to add 'lasers' to the list of special procedures under section 54 of this Bill. Now, this is totally in line with recommendation 9 of the Health and Social Care Committee. Our report said that the face of the Bill should be

[190] 'amended to include use of lasers/intense pulsed light (IPL) for aesthetic, non-surgical purposes, such as tattoo removal or hair removal.'

[191] We believe that this is a process—from the evidence that we took, as a committee, we believe that the evidence was very, very clear that, actually, lasers are developing, in the wrong hands, as a very dangerous weapon in the hands of people who are not really good at using those lasers. People are reporting scarring, burning, permanent disfiguration.

[192] I did listen very clearly to the response that you gave in the Assembly when you went through your responses to the Health and Social Care Committee report. However, Minister, I want to take this opportunity to absolutely urge you. I thought that the evidence that we heard was overwhelming on this subject, and that lasers should be added.

[193] Amendment 87 defines lasers for the purposes of this part of the Bill, but it does stipulate that such lasers or intense pulsed light systems are for aesthetic or non-surgical purposes only. We're certainly not trying to interfere with the medical use and the appropriate medical use of lasers. So, I'm prepared to accept that my wording of my amendments could be a bit clumsy and that you might consider wording it better, but what we're trying to get there is the point that, in the hands of the wrong people, they're highly damaging and we want to add them to the face of the Bill.



[194] Amendment 14 does seek to create an umbrella phrase for special procedures. The overriding concern—and I do understand that overriding concern—is that it could give rise to new procedures emerging that could cause harm. Minister, you have argued in the past that there’s not sufficient evidence to legislate in this way, and that those named are familiar to local authorities already. This does little, though, in our view, to protect individuals from procedures and, unfortunately, by the time that we are aware of them, mostly through hospital records or through appalling incidents that we also looked at in committee, the harm has been done. So, this umbrella term for these procedures would limit the scope of harm, we believe, far more effectively than just naming them. The Bill must regulate any procedure that is for aesthetic purposes, non-surgical or non-medical, which pierces the skin or mucous membrane, and this is totally contiguous with the evidence that was provided by the Royal College of GPs.

[195] Finally, my amendment 89 removes from the purpose of the Bill, from the definition of tattooing, the word ‘colouring’. The effect of this amendment, and what we are aiming to do—again, I’m prepared to accept that my wording is clumsy—is that we want to cover any material that is put into a tattoo-style process that is designed to leave a semi-permanent or permanent mark, including the ashes of a deceased individual. Again, this is in line with the evidence given to the committee by the Chartered Institute of Environmental Health and by the RCGP. By removing the words—well,

[196] ‘after “material”, insert “, or any other substance or material,”.

[197] It was because the committee heard so clearly that it isn’t just inks that are being used. In fact, it isn’t just the ashes of deceased people—there is a methodology out there which enables people to have pretty much any non-sterile object added to their skin in the form of a tattoo, and that’s our objective here. As I said, I appreciate that our wording could be clumsy, but I would urge you to give real consideration to this, because there are no lines at all between somebody having a tattoo and somebody having a tattoo that is done with anything that is not a coloured ink. It’s still the same process, it’s still highly effective, it still causes permanent harm—or can cause permanent harm—it’s still breaking the skin, it still brings people into exactly the same kind of danger zone, and that’s what we’re trying to prevent with this public health Bill. So, as I say, although I heard what you had to say in the Assembly, this is all in line with the committee’s recommendation and it’s very much in line with the evidence that we heard, which I felt was very strong on this matter.

[198] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. I call on Rhun ap Iorwerth to speak.

[199] **Rhun ap Iorwerth:** Rydw i'n siarad ynglŷn â gwelliant 72, sydd, i bob pwrpas, yn ategu yr hyn a glywsom ni gan Angela Burns parthed gwelliannau 87 ac 89. Mae'r gwelliant yn dechnegol i raddau helaeth, ac eto wedi ei dargedu at sicrhau bod 'tasio', neu defnydd o lwch gweddillion amlosgi yn ystod y broses o tatŵio, yn cael ei gynnwys tu hwnt i unrhyw amheuaeth yn y ddeddfwriaeth yma. Fy mhryder i hefyd oedd bod y Bil, fel ag y mae o, yn cyfeirio yn benodol at ddefnydd lliwio yn y broses tatŵio, yn hytrach na chynnwys hefyd ddeunydd eraill yn y broses honno. Felly, wrth i finnau ystyried pa un ai i'w fwrw ymlaen i bleidlais ai peidio, yr hyn rydw i'n chwilio amdano fo ydy sicrwydd clir gan y Gweinidog bod y drafftio presennol â'r un nod o gynnwys tasio fel rhywbeth sydd angen trwydded ar ei gyfer. Felly, mi wrandawaf i yn ofalus ar sylwadau y Gweinidog.

**Rhun ap Iorwerth:** I wish to speak to amendment 72, which, to all intents and purposes, echoes what we've just heard from Angela Burns in relation to amendments 87 and 89. The amendment is technical to a great extent, and, again, it is targeted at ensuring that 'tashing', or the use of ashes during the tattooing process, should be captured beyond any doubt in this legislation. My concern too was that the Bill, as it's currently worded, makes reference to colouring in the tattooing process, rather than also capturing other materials that could be used as part of that process. So, as I consider whether to move to a vote or not, what I am seeking is a clear assurance from the Minister that the current drafting has the same aim of including tashing as something that needs to be licenced. So, I will listen carefully to the Minister's comments.

[200] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Rhun. I call on Rhun. Galwaf ar Caroline Jones i siarad.

[201] **Caroline Jones:** Diolch, Chair. I also fully support the amendments in this group. It's been clear from the evidence we received during Stage 1 that we needed to expand the types of procedures to cover anything that penetrates the skin or mucous membranes, as well as anything that makes a permanent or semi-permanent mark on the skin. This will ensure that these

risky procedures are only conducted by licensed professionals. Diolch, Chair.

[202] **Dai Lloyd:** Diolch, Caroline. **Dai Lloyd:** Thank you, Caroline. I call Rydw i'n galw ar Julie Morgan i siarad on Julie Morgan to speak next. nesaf.

[203] **Julie Morgan:** Thank you, Chair. I echo the concerns expressed about the use of lasers and IPL. I would ask the Minister that she carefully consider a way ahead of bringing more regulation around these practices, and could she confirm what regulation there is at the moment to cover these practices and what she thinks she could do in the future to ensure that these practices, which we are very concerned about on the committee, are more controlled?

[204] **Dai Lloyd:** Diolch yn fawr, Julie. **Dai Lloyd:** Thank you, Julie. Lynne Lynne Neagle. Neagle.

[205] **Lynne Neagle:** Thank you, Chair. I would just like to echo Julie's comments: Angela is absolutely right that this was one of the Stage 1 recommendations. I note that, in the Minister's response to the committee, she does suggest that it will be her intention to consider, in due course, the adding of lasers to the legislation, or more regulation. I would be grateful if, in her response, she could set out some sort of timescale for doing that so that the committee can consider that further.

[206] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Lynne. I call on Lynne. Galwaf ar y Gweinidog i the Minister to speak. siarad.

[207] **Rebecca Evans:** Thank you. I'm grateful to the committee for its consideration of this part of the Bill and for your support for the licensing system, which aims to increase protection for the public. As the committee is aware, the proposed licensing system in the Bill currently covers four procedures, namely acupuncture, body piercing, electrolysis and tattooing. These procedures all involve piercing of the skin and are currently subject to local authority regulation. Part 3 of the Bill was carefully drafted to ensure that local authorities are not overwhelmed by the licensing and enforcement responsibilities being placed on them. The Bill allows an incremental, evidence-based approach to be taken to the inclusion of further special procedures, thus allowing local authorities time to become familiar with the system and the procedures covered. In determining the procedures to be covered by the licensing system, I've always been mindful of the regulatory

burdens being placed on local authorities and the capacity of the sector to fulfil their duties. I therefore believe an incremental approach to adding procedures to the Bill is most appropriate, as it enables local authorities to focus initially on the regulation of the full procedures for which they already have regulatory responsibility before taking on additional duties.

[208] All current practitioners of the four listed procedures—over 2,000 people—will need to apply to be licensed, along with other premises, once the Bill comes into force. The training of officers, and subsequent processing and assessment of these applications, will be a considerable undertaking for local authorities. Additions to the list should only be considered once this initial task has been completed.

[209] I closely followed discussions at Stage 1 about the list of special procedures included in section 54 of the Bill, and also noted the committee's recommendation in its Stage 1 report to include lasers and/or intense pulsed light for aesthetic non-surgical purposes such as tattoo removal or hair removal. As I outlined in my response to the committee's report, and in Plenary, laser and IPL use is already regulated by Healthcare Inspectorate Wales. If lasers were to be added to the list of special procedures on the face of the Bill at this stage, there would be a regulatory duplication and a risk of causing unintended confusion. Any definition of these treatments would also require detailed consideration to ensure they would be proportionate and legally robust. This issue should only be considered following a process of full and thorough consultation, and I'd emphasise again that the Bill already provides a mechanism in section 90 for this to happen, if deemed appropriate, by regulations subject to the affirmative procedure.

[210] The role and functions of Healthcare Inspectorate Wales are subject to an ongoing review, following responses to the 'Our Health, Our Health Service' Green Paper. Adding lasers to the Bill at this stage would therefore be premature. I believe it would be more appropriate to consider whether to add lasers and IPLs for non-surgical purposes in due course, but, again, only after appropriate consultation with Healthcare Inspectorate Wales, local authorities, and the public.

11:15

[211] In reflection of the concerns that committee have raised—I think Angela used the words of these IPL and lasers falling into 'the wrong hands'—and concerns about that, I'll certainly meet with Healthcare

Inspectorate Wales to talk about the efficacy of the current system that's in place as well.

[212] Turning to amendment 90, which would add to the list of special procedures

[213] 'any other procedure undertaken for non-medical, non-surgical, aesthetic or therapeutic reasons, which perforates an individual's skin or mucous membrane with a semi-permanent or permanent effect'.

[214] To license all procedures involving piercing of the skin or mucous membrane, which are undertaken for non-medical, non-surgical, aesthetic or therapeutic reasons, would be unrealistic and exceedingly difficult to effectively enforce due to the sheer volume of procedures captured. The blanket addition of such procedures also bypasses a test provided in section 90 that their performance for those purposes is capable of causing harm to human health.

[215] For these reasons I'm unable to support the amendments that would add to the current list of special procedures in the Bill. Within this group, different amendments have been brought forward that would alter the definition of 'tattooing' under section 91 of the Bill. In responding to these amendments, I would emphasise that I understand the reasoning behind these amendments. As I said in my response to the committee Stage 1 report, my officials have revisited the definition of 'tattooing', and our view remains that the current definition is broad enough to cover materials such as ultraviolet substances and ash from cremated remains. The definition is broad, and it does not specify ink.

[216] In the case of tashing, which is the use of cremated remains in the act of tattooing, we believe that ash would be classified as a colouring material to leave a semi-permanent or permanent mark, and so would be captured by the current definition. Furthermore, when the ash is mixed with other pigments, such as normal tattoo ink, then both the ash and the pigment would be considered colouring materials. Although not visible in natural light, the purpose of UV substances is still designed to leave a coloured visible mark on the skin that would be visible under ultraviolet light, and so would be captured by this definition.

[217] Amendments 72 and 89 are therefore not necessary and could create confusion as to what constitutes tattooing for the purposes of the Bill.

[218] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Gweinidog. Galwaf ar Angela Burns i Minister. I call on Angela Burns to ymateb i'r ddadl. Angela. reply to the debate. Angela.

[219] **Angela Burns:** Diolch, Chair. Thank you for your response, Minister. I do take on board a number of the comments that you made. However, we sat as a committee, and the evidence we heard was absolutely overwhelming, I thought, in terms of the damage. This is a public health Bill, and its aim is to protect people. There's a clear and present danger at the moment in regard to pulsed lights and lasers. It's not just people having them, for example, to remove a wart from a face, but there are also a lot of lasers now being used because people are regretting tattoos that they've had. They're having the tattoos removed, using lasers, and they are being left with scars that they're carrying forward for the rest of their lives. I think this is a very small addition to the list. I take on board your concerns that this would put undue pressure on the public health officials, however the public health officials themselves didn't seem to believe that this particular instance would be overly onerous. As you say, the other areas that they're looking at, they already have experience in. So, it's not like they're on ground zero and trying to become all-seeing and all-knowing on all five potential procedures; they already have experience on a number of the other ones that are already registered. So, they're half way there. So, this is one small step forward, and adding just one more thing. I do have a slight concern when you talk about the fact that they'd have to—you know, as if they have no knowledge of any of these other processes, because that is there.

[220] I am happy to accept the points you make about the overriding principle of banning everything that pierces the mucous membrane, and I'm prepared to withdraw that amendment. I don't accept the commentary that you've made in regard to the tattooing, and, indeed, I've just been looking at the Bill again. It says:

[221] 'means the insertion into punctures made in an individual's skin, or mucous membrane, of any colouring material designed to leave a semipermanent or permanent mark'.

[222] I don't understand how saying 'any colouring material' is exactly the same, or covers, ashes, bits of metal that I understand that people are now putting in and, you know, heaven only knows what else. By colouring material, you think of a liquid or you think of a substance that has a

pigmentation to it, and you can argue that ashes are not a pigmented material—they're a carbon-based product—so they are as they are; they've not been artificially pigmented. Whereas if you were to take a plain colour and add a blue to it, you've added a pigment to it, you've made a change and you've made it coloured. So, I really believe that this is not covering the same as tattooing, and I will definitely be moving that amendment.

[223] My final comment, actually, I beg your pardon, goes back to amendment 11. We talked about the public health officials, and you said that this is already being reviewed by Healthcare Inspectorate Wales, and they're on the case. However, Healthcare Inspectorate Wales do not have officials in all the corners of Wales—our county councils do, and they are the people on the ground, they know the kinds of operations that are going to do this, and they also know the kinds of operations that might undertake these procedures in a more cavalier fashion. That's a very hard thing for Health Inspectorate Wales to know, because they run an entirely different, far more centralised, operation, hence, again, why I'm making this push that this should be put into the hands of public health officials.

[224] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Angela. Felly, i gadarnhau, Angela, a Angela. Therefore, to confirm, hoffech symud i bleidlais ar welliant Angela, do you wish to proceed to a 11? vote on amendment 11?

[225] **Angela Burns:** I would like to put 11 to the vote.

[226] **Dai Lloyd:** Diolch yn fawr. Os **Dai Lloyd:** Thank you very much. If na dderbynnir gwelliant 11, bydd amendment 11 is not agreed, gwelliant 14 yn methu. Y cwestiwn amendment 14 falls. The question is yw: a ddylid derbyn gwelliant 11? A that amendment 11 be agreed. Does oes unrhyw wrthwynebiad? any Member object? [*Objection.*] [*Gwrthwynebiad.*] Mae yna There is objection. We will move to a wrthwynebiad. Symudwn ni i vote. Those in favour, please bleidlais. Y rheini o blaid i godi eu indicate—in favour of amendment dwylo—o blaid gwelliant 11, felly. 11, that is. Four. Those against to Pedwar. Y rheini yn erbyn i godi eu indicate. Four. And the Chair's dwylo. Pedwar. Pleidlais fwrw y casting vote is in the negative, so Cadeirydd, felly, yn erbyn, felly mae amendment 11 falls. gwelliant 11 yn disgyn.

*Gwelliant 11: O blaid 4, Yn erbyn 4, Ymatal 0.*

*Amendment 11: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 11.*

*Amendment 11 not agreed.*

*Methodd gwelliant 14.*

*Amendment 14 fell.*

[227] **Dai Lloyd:** Angela, a hoffech gynnig gwelliant 87? **Dai Lloyd:** Angela, do you wish to move amendment 87?

*Cynigiwyd gwelliant 87 (Angela Burns).*  
*Amendment 87 (Angela Burns) moved.*

[228] **Angela Burns:** I do.

[229] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 87? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Mae yna wrthwynebiad. Awn i bleidlais. Y rheini o blaid i godi eu dwylo. Dau o blaid. Y sawl yn erbyn? Pedwar. Unrhyw un yn ymatal? Dau yn ymatal. Mae gwelliant 87, felly, hefyd wedi ei wrthod.

**Dai Lloyd:** The question is that amendment 87 be agreed. Does any Member object? [*Objection.*] There is objection. We will go to a vote. Those in favour, please indicate. Two in favour. How many against? Four. Any abstentions? Two abstentions. Amendment 87, therefore, has been rejected.

*Gwelliant 87: O blaid 2, Yn erbyn 4, Ymatal 2.*  
*Amendment 87: For 2, Against 4, Abstain 2.*



O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Burns, Angela  
Jones, Caroline

Bryant, Jayne  
Irranca-Davies, Huw  
Morgan, Julie  
Neagle, Lynne

ap Iorwerth, Rhun  
Lloyd, Dai

*Gwrthodwyd gwelliant 87.*

*Amendment 87 not agreed.*

**Grŵp 10: Triniaethau Arbennig—Trwyddedau Triniaethau Arbennig**  
(Gwelliannau 12, 101, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 61)  
**Group 10: Special Procedures—Special Procedure Licences**  
(Amendments 12, 101, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 61)

[230] **Dai Lloyd:** Rydym yn symud ymlaen nesaf nawr i'r grŵp nesaf—grŵp 10. Mae grŵp 10 o welliannau yn ymwneud â thrwyddedau triniaethau arbennig. Y prif welliant yn y grŵp yma ydy gwelliant 12 yn enw Angela Burns. Galwaf ar Angela Burns i gynnig gwelliant 12, ac i siarad am ei gwelliant hi a'r gwelliannau eraill yn y grŵp yma. Angela Burns.

**Dai Lloyd:** We move on next to the next group—group 10. Group 10 relates to special procedure licences. The lead amendment in the group is amendment 12 in the name of Angela Burns. I call on Angela Burns to move amendment 12, and to speak to her amendments and other amendments in this group. Angela Burns.

*Cynigiwyd gwelliant 12 (Angela Burns)*  
*Amendment 12 moved (Angela Burns)*

[231] **Angela Burns:** Diolch, Chair. I'd like to move amendments 12 and 101 tabled in my name. This is in relation to special procedure licences. Welsh Conservatives believe that no individual should be exempt from obtaining a licence if they are administering a special procedure. So, this amendment seeks to remove this exception from the Bill. If an individual does not have the specific related competence to do the procedure, then they should not be able to do it, and this is consistent with much of the evidence given at committee stage, and recommendation 12 of the committee report that says, and I quote,

[232] ‘the Bill should be amended so that there is no provision for a blanket exemption on the face of the Bill for any healthcare profession.’

[233] We cannot always rely upon the royal colleges of any specific exempted group of professionals to know that, for example—. I don’t want to keep using examples in case it’s mistaken, but we have a number of professionals who are currently exempted. Their royal colleges are not going to necessarily know that any of those professionals are going to suddenly take quite a big step and move into an area that they’ve never practised in before, and which is not regulated by them. Therefore, I think it is incumbent upon us to ensure that anybody, whether they are a doctor, physio or whoever, if they want to go and do any of these special procedures, are registered and licensed by the appropriate authorities.

[234] In terms of amendment 101, this is actually a probing amendment, Minister. I’m trying to determine what is meant by this subsection. We believe that all procedures that are being legislated for are of potentially significant harm to an individual’s health, and we have concerns that this could be used as a defence, and we’d like, Minister, for you to clarify what this adds, and if it does not add, for it to be removed.

[235] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you. Are there any other Members who wish to speak on these amendments? No. I call on the Minister to speak, therefore.

[236] **Rebecca Evans:** Thank you. I noted the committee’s recommendation at Stage 1 that the Bill should be amended so that there’s no blanket exemption for the special procedures licensing requirements on the face of the Bill for any healthcare profession. Angela’s amendment 12 seeks to implement this recommendation by removing section 57 from the Bill. I recognise the concerns that underpin this amendment, and we share the same ambition insofar as wishing to ensure that the special procedures covered by the Bill are only performed by those with the required expertise and knowledge.

[237] However, as I indicated in my written response to the committee’s Stage 1 report, I’m unable to support amending the Bill in the way proposed by this amendment. Currently, section 57(1) of the Bill provides that a member of a profession that is regulated by a body listed in paragraphs (a)

to (ga) of section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 is exempt from the requirement to hold a special procedures licence unless the Welsh Ministers make regulations that bring them back within the licensing regime. The regulatory bodies in paragraphs (a) to (ga) comprise the core regulated medical profession, such as doctors, dentists, nurses, midwives, chiropractors and pharmacists. These professions are those that have a good understanding of hygiene and patient safety.

[238] The approach taken in the Bill recognises that some health professionals perform special procedures as part of their professional role. For example, some doctors may perform tattooing to reconstruct a patient's nipple following breast reconstruction surgery. We also recognise that, if performed in their professional capacity, any special procedure would already be regulated by the relevant regulating body—for example, the General Medical Council. I can confirm it's my intention to carry out consultation with the regulatory bodies to determine whether each of the special procedures listed is within the scope of the professional practice of their members. The exemption is therefore subject to their regulatory body confirming that they are competent in the procedure they wish to perform. If not, they will be brought back into the licensing system through regulations and will be required to apply for a licence. The Bill therefore already provides a mechanism for addressing the concerns underpinning the amendment. In addition, section 57 of the Bill has been carefully drafted to ensure that the provision is within the legislative competence of the National Assembly for Wales and does not fall within the regulation of health professionals exception in subject 9 of Schedule 7 to the Government of Wales Act 2006. For these reasons, I am unable to support amendment 12, and urge Members to reject it.

[239] Amendment 101 seeks to replace the words 'presents or could present' with 'pose or could pose a'. I cannot accept this amendment because 'presents' is used throughout the Bill and changing the language in this section only would lead to inconsistencies. The word 'presents' is used in other, related public health legislation. I would urge the Members to reject this amendment on the basis that it is unnecessary and does nothing to alter the meaning or clarify the provision.

[240] Moving on to the relevant offences section of the Bill, the committee will be aware that, when considering an application for special procedure licences, local authorities will be able to take into account any relevant offences listed in section 63. This does not mean that an applicant with a

relevant offence will automatically be denied a licence, but means that unspent convictions for those offences can be considered by the local authority when exercising its discretion about whether to grant the licence. I've closely followed the evidence the committee received during Stage 1 on the current list of relevant offences within the Bill. I'm particularly concerned about sexual offences not being included. As a result, the Government amendments in this group make good my previous commitments to committee and in Plenary that I would bring forward amendments to respond to the committee's recommendation about relevant offences. In direct response to the committee's recommendation, I am now persuaded that enabling local authorities to take account of unspent convictions for sexual offences is justified on the grounds of public protection.

11:30

[241] I agree this is needed, particularly as some procedures such as genital piercings involve an element of intimacy and clients are often alone with the practitioner when the procedure is performed. In the spirit of the committee's recommendation, this group of amendments goes a step further by replacing the list of specific relevant offences with a wider list of broad categories of offences. The group, therefore, significantly extends the ability of local authorities to consider unspent convictions for offences that may bring an applicant's fitness to perform a special procedure into question.

[242] Importantly, amendment 39 strengthens the Bill by providing local authorities with the ability to consider unspent convictions for relevant offences committed by applicants outside England and Wales. This means that an applicant who has committed a relevant offence outside of England and Wales would have to declare that unspent conviction if they applied for a special procedural licence in Wales. The amendment ensures that all applicants are on a level playing field.

[243] Amendment 40 provides further clarity about the discretion of local authorities in deciding whether or not to grant a special procedure licence. It provides that the local authority must decide whether the applicant's fitness to perform a procedure has been called into question to such an extent it would be inappropriate to issue the licence. It therefore provides a level of protection for the applicant by ensuring the discretion is exercised appropriately and proportionately. In reaching its decision, the local authority would be required to have regard to the nature and circumstances of the relevant offence and guidance issued by the Welsh Ministers.

[244] Amendment 43 specifically requires Welsh Ministers to provide guidance to local authorities about the matters to be taken into account when deciding whether an applicant's fitness to perform a special procedure has been called into question due to a conviction for a relevant offence. If the local authority decides that the applicant's fitness to perform the procedure has not been called into question, it must issue the licence for the performance of that procedure. If it decides the applicant's fitness has been called into question to such an extent it would be inappropriate to grant the licence, it must not issue the licence and must give notice to the applicant that the application has been refused.

[245] The Bill then allows applicants who have had their application for a special procedure licence refused to make representations to the local authority. The Bill also provides an appeal mechanism to the magistrates' court.

[246] Amendment 42 makes the most significant change within this group. It seeks to replace the current list of specific relevant offences with a wider list of broad categories of offences. Amendment 42 provides that unspent convictions for the following are relevant offences for the purpose of Part 3 of the Bill: an offence involving violence; an offence of a sexual nature, or relating to sexual material or images; a tattooing of a child under 18; an offence related to health and safety at work; or an offence relating to a failure to comply with the special procedure licensing or registration scheme that covers special procedures listed in section 54. The new approach provides a more coherent and comprehensive package of offences, which would more fully support the policy aim of ensuring practitioners of special procedures operate to appropriate standards.

[247] Amendments 45 to 48 and amendment 50 provide additional clarity about when a local authority can revoke an existing special procedure licence. For example, amendment 45 makes it clear that a local authority may only revoke a licence if a licence holder is convicted of a relevant offence that was a relevant offence at the time the licence was issued. This gives a licence holder certainty that a local authority could not retrospectively consider the application if new offences were added to the list of relevant offences during the three-year licence term. However, when a licence is due for renewal, all relevant offences at the time of renewal will be taken into consideration when deciding whether or not to renew the licence.

[248] Amendment 61 would enable local authorities to require information about previous convictions for any offences and not just relevant offences. This would avoid a situation where an applicant would have to determine for themselves whether a conviction fell within the definition of a relevant offence. The amendment allows the local authority to analyse the nature of any previous conviction in order to decide whether it constituted a relevant offence. This amendment does not change the fact that only unspent convictions for relevant offences can be taken into consideration when determining whether or not to grant a licence.

[249] The remaining amendments in this group are technical amendments to ensure correct cross-referencing in the Bill. I urge Members to support amendments 39 through 50 and 61, tabled in my name.

[250] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Gweinidog. Galwaf ar Angela Burns i Minister. I call on Angela Burns to ymateb i'r ddadl—Angela. reply to the debate—Angela.

[251] **Angela Burns:** Diolch, Chair. Minister, in respect of the amendments that you have tabled in your name, I'm delighted to see these amendments being brought forward at this stage. The Welsh Conservatives will be supporting them. I think we were all quite horrified during our evidence sessions when we understood that people with relevant offences or who had doubts over their fitness to perform were not going to be included into the regime. So, we welcome these amendments and, as I say, we'll be supporting them.

[252] With regard to our amendments, amendment 12—I did not seek to impact upon the role or practice of, for example, plastic surgeons, and that's why we thought we'd worded this quite well, to ensure that we were trying to exclude those people who have that kind of experience. But, again, we listened to the evidence that came before us, and we heard medical professionals saying that, actually, at the moment, people who are entirely unregulated and have nothing to do with any of these procedures could literally set up shop. Now, they may be the cleanest and most hygienic people on earth, because they have that experience and knowledge, and they may understand wound care and all the rest of it, but it doesn't actually mean to say that they're going to be good at those particular areas. They could be people who've been not practising for a number of years. They could be people whose fields are entirely divorced from the fields that we're talking about here, and that's why we believe it is so important that everyone

should go forward and have a licence. I'm afraid that the answers that you've given me have not reassured me in the slightest.

[253] We've obviously done some research on this ourselves. We've contacted various royal colleges to find out how they monitor their professionals and what views they take of their professionals being involved in adjacent businesses that aren't directly related to them, and there's a whole slew of grey areas there about even whether or not they'd need to be notified as to whether or not one of their practitioners was going to also be providing other services. So, because of this grey area, I urge you, once again, and I would ask you to consider this for Stage 3 of the Bill—that you have a view of this, because there is an enormous grey area.

[254] I go back to what I said at the beginning: this is a public health Bill. It's about making the law incredibly clear so that those who want to practice the law can pick it up, understand what they can and can't do, what they must and mustn't do. It's also there to protect the public, and this has got to be our overriding desire, and because somebody was an orthopaedic surgeon 30 years ago, it does not necessarily make them a fit and proper person to carry out one of these procedures today. I think it is very important that they have that restriction placed on them by the Government, and they have to go forward for licensing. I am prepared to accept that my amendment was clumsily worded, because it was not, as I have said earlier, my intention to disavow or disallow people such as plastic surgeons who are doing it as part of their day-to-day professional journey.

[255] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. To Angela. I gadarnhau, felly, Angela, a confirm, therefore: do you wish to hoffech chi symud i bleidlais ar proceed to a vote on amendment 12? welliant 12?

[256] **Angela Burns:** Yes.

[257] **Dai Lloyd:** Y cwestiwn yw: a **Dai Lloyd:** The question is that ddylid derbyn gwelliant 12? A oes amendment 12 be agreed. Does any unrhyw wrthwynebiad? Member object? [*Objection.*] There is [*Gwrthwynebiad.*] Mae an objection, so we move to a vote. gwrthwynebiad. Symudwn ni i The question is that amendment 12 bleidlais. Y cwestiwn ydy a ddylid be agreed. Those in favour to derbyn gwelliant 12. Y rheini o blaid i indicate. One in favour. How many ddangos. Mae un o blaid. Y sawl yn against? Four against. Abstentions.

erbyn. Pedwar yn erbyn. Y rhai sy'n Three abstentions. Amendment 12, ymatal. Tri yn ymatal. Mae gwelliant therefore, falls. 12, felly, yn cwmpo.

*Gwelliant 12: O blaid 1, Yn erbyn 4, Ymatal 3.  
Amendment 12: For 1, Against 4, Abstain 3.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Burns, Angela	Bryant, Jayne Irranca-Davies, Huw Morgan, Julie Neagle, Lynne	ap Iorwerth, Rhun Jones, Caroline Lloyd, Dai

*Gwrthodwyd gwelliant 12.  
Amendment 12 not agreed.*

[258] **Dai Lloyd:** Angela, a ydych chi'n dymuno cynnig gwelliant 101? **Dai Lloyd:** Angela, do you wish to move amendment 101?

*Cynigiwyd gwelliant 101 (Angela Burns).  
Amendment 101 (Angela Burns) moved.*

[259] **Angela Burns:** Yes, I do.

[260] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 101? A oes unrhyw wrthwynebiad? **Dai Lloyd:** The question is that amendment 101 be agreed. Does any Member object? [*Objection.*] Yes, [*Gwrthwynebiad.*] Oes, mae yna wrthwynebiad. Y cwestiwn yw, felly—there is objection. The question, therefore—we'll go to a vote. The question is that amendment 101 be agreed. Those in favour, please indicate. One in favour. How many against? Four against. How many abstentions? Three abstentions. Therefore, the result is that amendment 101 falls.

*Gwelliant 101: O blaid 1, Yn erbyn 4, Ymatal 3.  
Amendment 101: For 1, Against 4, Abstain 3.*



O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Burns, Angela	Bryant, Jayne Irranca-Davies, Huw Morgan, Julie Neagle, Lynne	ap Iorwerth, Rhun Jones, Caroline Lloyd, Dai

*Gwrthodwyd gwelliant 101.  
Amendment 101 not agreed.*

**Grŵp 11: Tatŵio'r Wyneb a Phelenni'r Llygaid (Gwelliannau 70, 71, 92, 93, 94, 96)**  
**Group 11: Tattooing of the Face and Eyeballs (Amendments 70, 71, 92, 93, 94, 96)**

[261] **Dai Lloyd:** Rydym yn symud ymlaen, felly, i'r grŵp nesaf o welliannau—grŵp 11. Mae grŵp 11 yn ymwneud â thatŵio'r wyneb a phelenni'r llygaid. Y prif welliant yn y grŵp yma ydy gwelliant 70 yn enw Rhun ap Iorwerth. Galwaf ar Rhun ap Iorwerth i gynnig gwelliant 70 a siarad am ei welliant a'r gwelliannau eraill yn y grŵp yma—Rhun.

**Dai Lloyd:** We move on, therefore, to the next group of amendments—group 11. Group 11 relates to tattooing of the face and eyeballs. The lead amendment in the group is amendment 70 in the name of Rhun ap Iorwerth. I call on Rhun ap Iorwerth to move amendment 70 and to speak to his amendment and other amendments in this group—Rhun.

*Cynigiwyd gwelliant 70 (Rhun ap Iorwerth).  
Amendment 70 (Rhun ap Iorwerth) moved.*

[262] **Rhun ap Iorwerth:** Mi siaradaf i am welliannau 70, 71, 92, 93, 94 a 96.

**Rhun ap Iorwerth:** I will speak to amendments 70, 71, 92, 93, 94 and 96.

[263] Amendments 70 and 71 relate to tattooing the face. They define what a face tattoo is and introduce the principle of requiring a seven-day cooling-off period from when an individual asks for a facial tattoo procedure to be carried out and when that tattooing procedure can take place. It reflects that lifelong consequences of facial tattooing are significantly greater than tattoos elsewhere on the body. An individual may face problems with employment and so on as a result. Therefore, the cooling-off period, in my

opinion, is to act as a final safeguard against impulsive behaviour—even drug or alcohol-induced behaviour—that could have lifelong consequences. This in no way prohibits anyone’s rights to have a facial tattoo—that’s important to note—but introduces a safeguard. I note the ‘think before you ink’ campaigners have welcomed this as a step forward.

[264] I move on to other amendments relating to eyeball tattooing, which would prohibit people licensed for general tattooing from carrying out this procedure, which would be left to individuals regulated by the General Medical Council. Again, I make the point that this is not a prohibition; this is a safeguarding act for public health reasons. The amendment reflects the fact that the health risks of eyeball tattoos are considerably greater than general tattooing or piercing. The known risks include, but are not limited to: perforation of the eye, which can lead to blindness; retinal detachment; endophthalmitis—an infection inside the eye that, again, can lead to blindness; sympathetic ophthalmia—an auto-immune inflammatory response that affects both eyes and can, again, result in blindness; bleeding and infection at the injection sites; delayed diagnosis of medical conditions, as the true colour of the eye is hidden, for example, jaundice is often a first symptom for many diseases; adverse reactions to the ink injected into the eye; sensitivity to light; and the staining of the surrounding tissue due to ink migration. As I say, I do not believe that to be a comprehensive list of possible complications of undergoing such a procedure, but I think it’s clear that we are not talking here about risks that can be minimised through what you might call normal, proper hygiene and infection control.

[265] As the legislation stands, in my opinion, an individual who is licensed to perform skin tattooing would be able to perform an eyeball tattoo, even though the procedures are clearly very, very different. Although the legislation isn’t explicit in allowing a licensed individual for tattooing to perform an eyeball tattoo, I think it is certainly a reasonable interpretation. In New South Wales in Australia, a similar piece of legislation specifically added the procedure of eyeball tattoos as requiring a licence, so we would not be the first legislature to focus on this.

11:45

[266] The person who claims to have invented the procedure himself warned that an unintended consequence of the Australian legislation was that individuals who may be competent in normal tattooing and piercing may feel that, because they had a licence to perform the procedure, it would be okay

to do so. But, given the risks involved, this, in my opinion, is clearly not the case. Therefore, we have tabled this amendment in order to certainly elicit the Government's view of how best safeguarding can be achieved. We recommend and propose the introduction of GMC-regulated individuals.

[267] Now, as I proposed both these sets of amendments, I'm looking for an indication from the Minister on her agreement, in principle, for the outcomes that we are seeking in relation to protecting public health, and for ways perhaps in which we could work together towards those outcomes at Stage 3 or otherwise through regulation. The fact that these areas were not subject to detailed scrutiny at Stage 1 should not mean that we can't progress with these matters, I believe, but I do recognise that this was not the subject of detailed scrutiny. If additional work meant that there was a scope to reach agreement with the Government at Stage 3, or to receive assurances about regulation, I would certainly be prepared to engage with those discussions.

[268] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Rhun. I call on Rhun. Galwaf ar Caroline Jones i Caroline Jones to speak.  
siarad.

[269] **Caroline Jones:** Diolch, Chair. I will totally be supporting Rhun's amendment in this group. Whilst I cannot understand why anyone would want to tattoo their face, suggesting a seven-day cooling-off period is a perfect solution and will prevent anyone making irreparable modifications to their face under the influence, maybe, of alcohol or even due to peer pressure. I also support totally banning the tattooing of eyeballs. Not only do I find it incomprehensible as to why anyone would want to do this, it's clear that this procedure is a danger to health, and people undergoing this procedure are unaware of the risks and the permanency of the risks to their health and their eyesight. Diolch, Chair.

[270] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Caroline. I call Caroline. Galwaf ar Angela Burns i on Angela Burns.  
siarad.

[271] **Angela Burns:** Diolch, Chair. I'm very grateful to Rhun ap Iorwerth for bringing forward these amendments. I'm very keen to listen to what the Minister has to say in regard to the seven-day cooling-off period with regard to facial tattoos, and I'm very keen to hear the Minister's response in terms of what she may or may not be able to do to work with the Member to enhance this Bill, going forward, or the regulations under it. So, I'm very keen

to listen to that.

[272] In regard to the tattooing of an eyeball, Rhun was absolutely right to say that we heard no evidence about it during our committee stage. However, what we did hear evidence about, very clearly, was the dangers to public health of the insertion of a foreign body via a needle through the skin and into a person. It didn't specifically mention eyeballs, but it was that whole process about puncturing the skin and allowing a foreign body to come into it. So, on the basis of the fact that we heard that kind of evidence, and on the basis of the fact that our eyes are so precious, other things that people do may leave them with regret, may leave them with disfigurement, but they will be able to cope. But if someone were to lose their sight because of an inappropriate use of this kind of tattooing, then not only would it devastate their lives, and those of those people around them, but they would have enormous consequences again on the public health because we would have to come in and support that individual for the rest of their lives. So, because of that, I will be supporting the tattooing of eyeballs amendment. But, again, I'd like to hear what you might be able to say, Minister, that would take that forward and consider it as a special procedure that we should have some kind of additional protection around.

[273] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. I call Angela. Galwaf ar y Gweinidog i on the Minister to speak.  
siarad.

[274] **Rebecca Evans:** Thank you, Chair. Rhun ap Iorwerth's amendments 70 and 71 seek to add a mandatory licensing condition that a practitioner may only perform a facial tattoo after a cooling-off period of seven days, and after the initial booking of the appointment. Tattoos are not easily removed, and I think we can all agree that such significant and possibly life-changing procedures shouldn't be undertaken in haste, and not done on impulse. That's why the Bill was amended during scrutiny by the fourth Assembly to prohibit the performance of a special procedure in circumstances where the individual on whom the procedure is to be performed is, or appears to be, intoxicated.

[275] It's important that clients give such procedures a lot of thought, as their appearance can be drastically altered. That's why section 60 of the Bill provides that the mandatory licensing conditions set out in regulations must include conditions imposing requirements in connection with consultation to be carried out before a special procedure is performed. In addition, the

mandatory licensing conditions may also specify information to be provided by a licence holder before and after a procedure is performed.

[276] I understand that, as a matter of good practice, tattoo studios usually discuss the potential for job-related discrimination as a result of visible tattoos with clients before tattooing them. It's my intention that this best practice will be made common by incorporating the potential implications of visible tattooing and piercing into the mandatory licensing conditions relating to pre-treatment consultation provided for by the Bill. I therefore cannot support these amendments and ask Members to reject them.

[277] But turning to amendment 92 through 94 and 96, which seek to prohibit the tattooing of an eyeball, I share the Member's concerns that tattooing of the eye for non-medical reasons could present serious risks to health. The risks relate to the performance of the procedure itself and the outcome of the procedure, in that delayed diagnosis of medical conditions may occur as the true colour of the eyeball is now hidden. It's also important to note that it's unlikely that the techniques that can be used to remove skin tattoos can be used on the eyeball. Eyeball tattoos should therefore be regarded as permanent.

[278] For these reasons, I believe tattooing of the eyeball should not be regarded as tattooing in the traditional sense and that specific licensing criteria and conditions are needed to limit performance to competent individuals in appropriate settings. I believe that controls are required, but that these are best achieved by using the mechanism of licensing criteria and conditions provided for by the Bill. Regulations to be made under section 59 will set out the criteria that must be met by an applicant for a special procedure licence. The licensing criteria can address, among other things, an individual's eligibility, including standards of competence. Mandatory licensing conditions can also control the setting and the way in which the procedure is undertaken. By using these existing mechanisms within the Bill, effective controls could be put in place to ensure eyeball tattooing, if carried out in Wales, is only carried out by appropriate individuals safely and hygienically.

[279] Welsh Ministers are required under section 61 of the Bill to consult with representative persons before making regulations setting out the mandatory licensing criteria and conditions, and I'd be very happy to work with the Member to ensure that the consultation captures facial tattoos and tattooing of the eyeball to make sure that appropriate and proportionate

safeguards are put in place. I therefore cannot support the amendments in this group and would encourage Members to reject them.

[280] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Minister. I call Gweinidog. Galwaf ar Rhun ap Iorwerth to reply to the lorwerth i ymateb i'r ddadl. Rhun. debate. Rhun.

[281] **Rhun ap Iorwerth:** Thank you for the thoughtful comments that have been made by both committee members and the Minister. I would emphasise again, in response to comments made by Caroline Jones, that we are not talking about a ban in either of these cases. Perhaps that could be perceived as being a symptom of a nanny state, and that is not something that we are pursuing here.

[282] **Caroline Jones:** I thought we were banning the tattooing—[*Inaudible.*]

[283] **Rhun ap Iorwerth:** I am satisfied enough not to proceed to a vote today, I think, on both of these issues. I accept what the Minister said regarding current safeguards on not allowing people to proceed with tattoos when intoxicated, but I do feel we need to go further than that. There are many issues that could affect an individual's decision to proceed with a facial tattoo or not—including peer pressure and mental health conditions—that we should not expect a tattooist to be able to identify. But, I am satisfied, or happy, to hold off until Stage 3 in order for us to have further conversations where you can convince me that regulation can be an adequate way to introduce safeguards through the mandatory licensing conditions. Also, with eyeball tattooing—and again, reflecting on the fact that there had not been detailed scrutiny of this particular procedure at Stage 1—I look forward to pursuing this matter with you and your officials to see if I can be convinced, prior to Stage 3 that, again, regulation and the licensing conditions can be stringent enough to protect public health in this regard. Otherwise, the door is still open to introduce subsequent amendments.

[284] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Rhun. Just to Rhun. Jest i gadarnhau, felly, Rhun, a confirm, therefore, Rhun, do you ydych yn dymuno pleidlais ar welliant wish to proceed to a vote on 70, ynteu ei dynnu yn ôl? amendment 70, or do you wish to withdraw it?

[285] **Rhun ap Iorwerth:** Ei dynnu yn **Rhun ap Iorwerth:** I wish to withdraw ôl. it.

[286] **Dai Lloyd:** A oes unrhyw **Dai Lloyd:** Is there any objection to the withdrawal of amendment 70? yn ôl? Nac oes. No.

*Tynnwyd gwelliant 70 yn ôl gyda chaniatâd y pwyllgor.*  
*Amendment 70 withdrawn by leave of the committee.*

[287] **Dai Lloyd:** Gan nad yw **Dai Lloyd:** As amendment 70 is not agreed, that means that amendment 71 falls. hynny'n golygu bod gwelliant 71 yn methu.

*Methodd gwelliant 71.*  
*Amendment 71 fell.*

[288] **Dai Lloyd:** Rydym yn awr yn **Dai Lloyd:** We therefore move to a vote on amendment 39 and the other amendments discussed as part of group 10, which was the previous group. gwneud cynnig i bleidleisio ar welliant 39 a'r gwelliannau eraill a gafodd eu trafod fel rhan o grŵp 10, y grŵp blaenorol.

*Cynigiwyd gwelliant 39 (Rebecca Evans).*  
*Amendment 39 (Rebecca Evans) moved.*

[289] **Dai Lloyd:** Cynigiau welliant 39 **Dai Lloyd:** I move amendment 39 in the name of the Minister. The question is that amendment 39 be agreed. Does any Member object? No objections. Therefore, amendment 39 is agreed. yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 39? A oes unrhyw wrthwynebiad? Nac oes. Derbynnir gwelliant 39.

*Derbyniwyd gwelliant 39 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 39 agreed in accordance with Standing Order 17.34.*

[290] **Dai Lloyd:** Os na dderbynnir **Dai Lloyd:** If amendment 40 is not agreed, amendment 41 will fall. gwelliant 40, bydd gwelliant 41 yn methu.

*Cynigiwyd gwelliant 40 (Rebecca Evans).*  
*Amendment 40 (Rebecca Evans) moved.*

[291] **Dai Lloyd:** Cynigiau welliant 40 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 40? A oes unrhyw wrthwynebiad? Nac oes. Derbynnir gwelliant 40.

**Dai Lloyd:** I move amendment 40 in the name of the Minister. The question is that amendment 40 be agreed. Does any Member object? No. Amendment 40 is agreed.

*Derbyniwyd gwelliant 40 yn unol â Rheol Sefydlog 17.34.*

*Amendment 40 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 41 (Rebecca Evans).*

*Amendment 41 (Rebecca Evans) moved.*

[292] **Dai Lloyd:** Cynigiau welliant 41 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 41? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 41.

**Dai Lloyd:** I move amendment 41 in the name of the Minister. The question is that amendment 41 be agreed. Does any Member object? No. Amendment 41 is agreed.

*Derbyniwyd gwelliant 41 yn unol â Rheol Sefydlog 17.34.*

*Amendment 41 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 42 (Rebecca Evans).*

*Amendment 42 (Rebecca Evans) moved.*

[293] **Dai Lloyd:** Cynigiau welliant 42 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 42? A oes unrhyw wrthwynebiad? Na. Derbyniwyd gwelliant 42, felly.

**Dai Lloyd:** I move amendment 42 in the name of the Minister. The question is that amendment 42 be agreed. Does any Member object? No. Amendment 42 is therefore agreed.

*Derbyniwyd gwelliant 42 yn unol â Rheol Sefydlog 17.34.*

*Amendment 42 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 43 (Rebecca Evans).*

*Amendment 43 (Rebecca Evans) moved.*

[294] **Dai Lloyd:** Cynigiau welliant 43 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 43? A oes unrhyw wrthwynebiad? Na.

**Dai Lloyd:** I move amendment 43 in the name of the Minister. The question is that amendment 43 be agreed. Does any Member object? No.



Derbyniwyd gwelliant 43.

Amendment 43 is agreed.

*Derbyniwyd gwelliant 43 yn unol â Rheol Sefydlog 17.34.*

*Amendment 43 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 44 (Rebecca Evans).*

*Amendment 44 (Rebecca Evans) moved.*

[295] **Dai Lloyd:** Cynigiaf welliant 44 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 44? A oes unrhyw wrthwynebiad? Nac oes. Derbynnir gwelliant 44.

**Dai Lloyd:** I move amendment 44 in the name of the Minister. The question is that amendment 44 be agreed. Does any Member object? No. Amendment 44 is agreed.

*Derbyniwyd gwelliant 44 yn unol â Rheol Sefydlog 17.34.*

*Amendment 44 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 45 (Rebecca Evans).*

*Amendment 45 (Rebecca Evans) moved.*

[296] **Dai Lloyd:** Cynigiaf welliant 45 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 45? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 45.

**Dai Lloyd:** I move amendment 45 in the name of the Minister. The question is that amendment 45 be agreed. Does any Member object? No. Amendment 45 is agreed.

*Derbyniwyd gwelliant 45 yn unol â Rheol Sefydlog 17.34.*

*Amendment 45 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 46 (Rebecca Evans).*

*Amendment 46 (Rebecca Evans) moved.*

[297] **Dai Lloyd:** Cynigiaf welliant 46 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 46? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 46.

**Dai Lloyd:** I move amendment 46 in the name of the Minister. The question is that amendment 46 be agreed. Does any Member object? No. Amendment 46 is agreed.

*Derbyniwyd gwelliant 46 yn unol â Rheol Sefydlog 17.34.*

*Amendment 46 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 47 (Rebecca Evans).*  
*Amendment 47 (Rebecca Evans) moved.*

[298] **Dai Lloyd:** Cynigiaf welliant 47 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 47? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 47.

**Dai Lloyd:** I move amendment 47 in the name of the Minister. The question is that amendment 47 be agreed. Does any Member object? No. Amendment 47 is agreed.

*Derbyniwyd gwelliant 47 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 47 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 48 (Rebecca Evans).*  
*Amendment 48 (Rebecca Evans) moved.*

[299] **Dai Lloyd:** Cynigiaf welliant 48 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 48? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 48.

**Dai Lloyd:** I move amendment 48 in the name of the Minister. The question is that amendment 48 be agreed. Does any Member object? No. Amendment 48 is agreed.

*Derbyniwyd gwelliant 48 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 48 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 49 (Rebecca Evans).*  
*Amendment 49 (Rebecca Evans) moved.*

[300] **Dai Lloyd:** Cynigiaf welliant 49 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 49? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 49.

**Dai Lloyd:** I move amendment 49 in the name of the Minister. The question is that amendment 49 be agreed. Does any Member object? No. Amendment 49 is therefore agreed.

*Derbyniwyd gwelliant 49 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 49 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 50 (Rebecca Evans).*  
*Amendment 50 (Rebecca Evans) moved.*

[301] **Dai Lloyd:** Cynigiaf welliant 50 yn enw'r Gweinidog. Y cwestiwn yw: a

**Dai Lloyd:** I move amendment 50 in the name of the Minister. The

ddylid derbyn gwelliant 50? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 50.

question is that amendment 50 be agreed. Does any Member object? No. Amendment 50 is agreed.

*Derbyniwyd gwelliant 50 yn unol â Rheol Sefydlog 17.34.*

*Amendment 50 agreed in accordance with Standing Order 17.34.*

**Grŵp 12: Triniaethau Arbennig—Cofrestr (Gwelliant 13)**  
**Group 12: Special Procedures—Register (Amendment 13)**

[302] **Dai Lloyd:** Rydym ni'n awr yn cyrraedd y grŵp nesaf o welliannau—grŵp 12. Mae grŵp 12 yn ymwneud â'r gofrestr triniaethau arbennig. Yr unig welliant yn y grŵp hwn yw gwelliant 13, yn enw Angela Burns. Galwaf ar Angela Burns i gynnis gwelliant 13 ac i siarad amdano. Angela.

**Dai Lloyd:** We now reach our next group of amendments, which is group 12. Group 12 relates to the special procedures register. The lead and only amendment in this group is amendment 13, in the name of Angela Burns. I call on Angela Burns to move and speak to amendment 13. Angela.

*Cynigiwyd gwelliant 13 (Angela Burns).*

*Amendment 13 (Angela Burns) moved.*

12:00

[303] **Angela Burns:** Diolch, Chair. Minister, this is a very simple amendment. All I am seeking to do is to add into the Bill, where it says the register must be open for inspection to the public, the words 'and be published annually'. The implication and what county councils often mean when they open something for inspection by the public is that the public have to go to that place, usually county hall, to look at planning applications or whatever it might be, and I just want to ensure that this makes sure that this information is published on a website or in any other way, simply because I think it's quite important that those people who can't travel will be able to get there and that this information will be free and accessible to everybody, no matter where they are.

[304] **Dai Lloyd:** Diolch yn fawr, Angela. Lynne Neagle.

**Dai Lloyd:** Thanks, Angela. Lynne Neagle.

[305] **Lynne Neagle:** Yes, I mean I recognise the good intentions of what

Angela is trying to achieve with this, but I think that the unintended consequence of that would be that that register, if published annually, would not be up to date and would have people who had been revoked left on it and people who should be on there not on it. I think that, possibly, there is a better way of doing this, maybe to be considered later on in the passage of this Bill, in terms of asking local authorities to actually promote the register that they hold, which is entirely up to date. But I recognise the good intentions behind it.

[306] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Lynne. Does Lynne. Unrhyw Aelod arall eisiau any other Member wish to speak? No. siarad? Nac oes. Galwaf ar y I therefore call on the Minister. Gweinidog i siarad, felly. Gweinidog. Minister.

[307] **Rebecca Evans:** I'd like to thank Angela Burns for raising the important issue regarding the timeliness of the publication of the special procedures licences register. Section 72 of the Bill already places a duty on local authorities to maintain an up-to-date register of all valid special procedure licences and all currently approved premises and vehicles. Section 72(5) then provides that this register must be open for public inspection. It's crucially important that the information available to the public about special procedure licences and approvals is as accurate as possible at any given time.

[308] My concern with the amendment is that it would not achieve the desired effect. If the register were only to be published annually, I'm concerned that members of the public could be relying on information that may be up to a year out of date, not taking into account those practitioners who have been licensed since the last date of publication or, perhaps more importantly, who have had their licence revoked. This would have the unintended consequence of creating confusion for the public and for local authorities viewing the published information.

[309] The Bill provides for a contemporaneous register that will be electronically available, which displays practitioners as they are licensed or removes them should their licence be revoked. This approach is more valuable and accurate, and it's envisaged, as I say, that the register will be available online. The current approach in the Bill is therefore fairer to practitioners than an annual register approach, as newly licensed practitioners will be recognised almost immediately, rather than having to wait up to a year to appear on the published list. It's also safer for

customers, as practitioners who are no longer licensed would be removed from the register immediately, rather than displaying as licensed for up to a year after their licence has been terminated.

[310] A register that is published only annually would also fail to capture temporary licensees for events, such as tattooing and piercing conventions, where licences or approvals may only be granted for up to seven days. For these reasons, I am unable to support this amendment, but I am grateful to Angela Burns for bringing this matter to my attention.

[311] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Minister. I call Gweinidog. Galwaf ar Angela Burns i on Angela Burns to reply to the ymateb i'r ddadl. Angela. debate. Angela.

[312] **Angela Burns:** Diolch, Chair. Thank you very much for your response, Minister. I take on board the comments you make, and indeed the comments made by Lynne Neagle. I think you're absolutely right. That wasn't my intention to say that it was only a one-off, but I want to make sure that the register is accessible by all people at all times. I have to say that I'm prepared to withdraw this amendment at this stage, but I will have to go back through this Bill and I'd be very grateful if perhaps your legal adviser might care to indicate at some point in the future where it says in this Bill that there will be an electronic register running at all times and kept up to date. Because I've just re-read the section again and I cannot see that, and that's what I want to see. Something that anybody in any part of my constituency will be able to log on to or find out by a phone call whether or not the person they're about to use is a fit-and-proper person. I do not want them to have to get on a bus or a train or walk to county hall in order to try and find that information.

[313] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. So, to Angela. Felly, i gadarnhau, a ydych confirm, do you wish to withdraw chi'n dymuno tynnu gwelliant 13 yn amendment 13? ôl?

[314] **Angela Burns:** Yes.

[315] **Dai Lloyd:** A oes gwrthwynebiad **Dai Lloyd:** Are there any objections i dynnu gwelliant 13 yn ôl? Na. Mae to the withdrawal of amendment 13? gwelliant 13, felly, wedi cael ei No. Amendment 13 is therefore dynnu'n ôl. withdrawn.

*Tynnwyd gwelliant 13 yn ôl gyda chaniatâd y pwyllgor.  
Amendment 13 withdrawn by leave of the committee.*

**Grŵp 13: Triniaethau Arbennig a Thyllu mewn Rhannau Personol o'r Corff—  
Gorfodaeth (Gwelliannau 51, 52, 53, 54, 55, 56, 57, 58, 59, 60)  
Group 13: Special Procedures and Intimate Piercing—Enforcement  
(Amendments 51, 52, 53, 54, 55, 56, 57, 58, 59, 60)**

[316] **Dai Lloyd:** Symud ymlaen i'r **Dai Lloyd:** That brings us to our next  
grŵp nesaf o welliannau: grŵp 13. group of amendments: group 13.  
Mae grŵp 13 yn ymwneud â Group 13 relates to special  
thriniaethau arbennig a rhoi twll procedures and intimate piercing,  
mewn rhannau personol o'r corff, a and enforcement. The lead  
gorfodi. Y prif welliant yn y grŵp yma amendment in this group is  
ydy gwelliant 51, yn enw'r Gweinidog. amendment 51 in the name of the  
Minister.

*Cynigiwyd gwelliant 51 (Rebecca Evans).  
Amendment 51 (Rebecca Evans) moved.*

[317] **Dai Lloyd:** Cynigiaf welliant 51 **Dai Lloyd:** I move amendment 51 in  
yn enw'r Gweinidog a galwaf ar y the name of the Minister and call on  
Gweinidog i siarad am ei gwelliant a'r the Minister to speak to her  
gwelliannau eraill yn y grŵp yma. amendment and other amendments  
Gweinidog. in this group. Minister.

[318] **Rebecca Evans:** Thank you. The amendments in this group seek to  
make equivalent changes to the provisions relating to warrants and powers  
of entry as those discussed earlier under group 4. But these changes are  
made within the special procedures and intimate piercing parts of the Bill. So,  
I don't want to take up the time of the committee by rehearsing the same  
arguments again, and I would ask for the committee's support for these  
technical amendments that will ensure consistency in approach to warrants  
and powers of entry across all relevant provisions in the Bill.

[319] **Dai Lloyd:** Diolch yn fawr. **Dai Lloyd:** Thank you. Does any  
Unrhyw Aelod eisiau siarad? Nac oes. Member wish to speak? No.  
Felly, Gweinidog, a hoffech symud i Therefore, Minister, do you wish to  
bleidlais ar welliant 51? proceed to a vote on amendment  
51?

[320] **Rebecca Evans:** Yes.

[321] **Dai Lloyd:** Cynigiaf welliant 51 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 51? A oes unrhyw wrthwynebiad? Derbyniwyd gwelliant 51.

**Dai Lloyd:** I move amendment 51 in the name of the Minister. The question is that amendment 51 be agreed. Does any Member object? No. Amendment 51 is agreed.

*Derbyniwyd gwelliant 51 yn unol â Rheol Sefydlog 17.34.*

*Amendment 51 agreed in accordance with Standing Order 17.34*

*Cynigiwyd gwelliant 52 (Rebecca Evans).*

*Amendment 52 (Rebecca Evans) moved.*

[322] **Dai Lloyd:** Cynigiaf welliant 52 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 52? A oes unrhyw wrthwynebiad? Derbyniwyd gwelliant 52.

**Dai Lloyd:** I move amendment 52 in the name of the Minister. The question is that amendment 52 be agreed. Does any Member object? No. Amendment 52 is agreed.

*Derbyniwyd gwelliant 52 yn unol â Rheol Sefydlog 17.34.*

*Amendment 52 agreed in accordance with Standing Order 17.34*

*Cynigiwyd gwelliant 53 (Rebecca Evans).*

*Amendment 53 (Rebecca Evans) moved.*

[323] **Dai Lloyd:** Cynigiaf welliant 53 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 53? A oes unrhyw wrthwynebiad? Derbyniwyd gwelliant 53.

**Dai Lloyd:** I move amendment 53 in the name of the Minister. The question is that amendment 53 be agreed. Does any Member object? No. Amendment 53 is agreed.

*Derbyniwyd gwelliant 53 yn unol â Rheol Sefydlog 17.34.*

*Amendment 53 agreed in accordance with Standing Order 17.34*

*Cynigiwyd gwelliant 54 (Rebecca Evans).*

*Amendment 54 (Rebecca Evans) moved.*

[324] **Dai Lloyd:** Cynigiaf welliant 54 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 54? A oes

**Dai Lloyd:** I move amendment 54 in the name of the Minister. The question is that amendment 54 be

unrhyw wrthwynebiad? Na. agreed. Does any Member object? No.  
Derbyniwyd gwelliant 54. Amendment 54 is agreed.

*Derbyniwyd gwelliant 54 yn unol â Rheol Sefydlog 17.34.  
Amendment 54 agreed in accordance with Standing Order 17.34*

*Cynigiwyd gwelliant 55 (Rebecca Evans).  
Amendment 55 (Rebecca Evans) moved.*

[325] **Dai Lloyd:** Cynigiaf welliant 55 yn enw'r Gweinidog. Y cwestiwn yw: A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 55. **Dai Lloyd:** I move amendment 55 in the name of the Minister. The question is that amendment 55 be agreed. Does any Member object? No. Amendment 55 is therefore agreed.

*Derbyniwyd gwelliant 55 yn unol â Rheol Sefydlog 17.34.  
Amendment 55 agreed in accordance with Standing Order 17.34*

**Grŵp 14: Triniaethau Arbennig a Thyllu mewn Rhannau Personol o'r Corff—  
Canllawiau (Gwelliannau 88, 15)  
Group 14: Special Procedures and Intimate Piercings—Guidance  
(Amendments 88, 15)**

[326] **Dai Lloyd:** Rydym ni'n troi at y grŵp nesaf o welliannau: grŵp 14. Mae grŵp 14 yn ymwneud â thriniaethau arbennig a rhoi twll mewn rhannau personol o'r corff, a chanllawiau. Y prif welliant yn y grŵp yma ydy gwelliant 88 yn enw Angela Burns. Galwaf ar Angela Burns i siarad am ei gwelliant a'r gwelliannau eraill yn y grŵp. Angela Burns. **Dai Lloyd:** We turn now to our next group of amendments: group 14. Group 14 relates to special procedures and intimate piercings, and guidance. The lead amendment in the group is amendment 88 in the name of Angela Burns. I call on Angela Burns to speak to her amendment and other amendments in the group. Angela Burns.

*Cynigiwyd gwelliant 88 (Angela Burns).  
Amendment 88 (Angela Burns) moved.*

[327] **Angela Burns:** Diolch, Chair. I'd like to move amendments 88 and 15, tabled in my name. Minister, I fear you're going to give me the same answer that you gave at the other time when I asked for guidance, but this amendment, 88, is about placing a duty on the Welsh Ministers to issue



guidance to small businesses and individuals to cover anyone who carries out a procedure, and it's to give them guidance on how to comply with Part 4 of the Bill. We believe firmly that this legislation depends heavily on the compliance of small businesses, so it is critical they are supported to follow the changes in legislation. And I make exactly the same plea that I made before—I'll try and make it slightly shorter this time—which is about producing good law and clear guidance, so that people do not inadvertently find themselves in breach when they had no intention of being in breach, particularly in this area of special procedures and intimate piercings, because we know what a delicate minefield this area is, and I'd like to see real clarity on that. And my amendment 15 is in pursuance to my initial amendment 88.

[328] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. Does Angela. Unrhyw Aelod arall eisiau any other Member wish to speak? No. siarad? Nac oes. Galwaf ar y I call on the Minister. Gweinidog i siarad.

[329] **Rebecca Evans:** Thank you, Chair. I thank Angela Burns for highlighting the importance of guidance in relation to special procedures and intimate piercing through these amendments. I agree that guidance will be necessary. In debating these amendments, I would emphasise that we have already made a commitment within the explanatory memorandum to the Bill to develop comprehensive guidance in relation to special procedures. This guidance, which will include intimate piercing, will be crucial as it will assist a broader audience than that proposed under these amendments to understand the legislation and its requirements.

[330] It's worth noting that the Bill already provides that the mandatory licensing conditions, which will be set out in regulations, will include conditions covering the age verification of an individual receiving a special procedure, including intimate piercing. Anyone applying for a licence to perform a special procedure, including an intimate piercing, will also be required to demonstrate knowledge of a range of relevant issues, such as health and safety, hygiene processes, and duties imposed by Part 3 of the Bill. The guidance will assist practitioners in complying with these criteria.

[331] There will also be guidance aimed at local authorities to assist them in their enforcement functions, and posters and information leaflets for the public, informing them of these changes. There's already a national code of practice on test purchasing covering the sale of age-restricted products and services. If the Bill receives Royal Assent, special procedures will be included

within that code. This code of practice is commonly used across the UK and it would be wrong to undermine it by producing further guidance. It would also be confusing for local authorities to work to one set of guidance for special procedures and another for everything else, including other areas that fall within the remit of this Bill, such as tobacco.

[332] I am also of the view that guidance is not required in relation to section 93(4) on what is meant by a medical procedure. The definition given provides sufficient clarity as to the types of procedures that would be classified as a medical procedure. So, for these reasons I am unable to support these amendments.

[333] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Minister. I call Gweinidog. Galwaf ar Angela Burns i on Angela Burns to reply to the ymateb i'r ddadl. Angela. debate. Angela.

[334] **Angela Burns:** Very briefly, Minister. I'm prepared to drop these two amendments at this juncture, along the same lines that I dropped the previous ones about going back and looking for the guidance. I think my big fear is that the Welsh Government will end up producing a book this thick, saying, 'This is all the guidance for the Public Health (Wales) Bill.' What we have actually are whole numbers of different sections that only apply to certain types of people. And I'm very keen that the guidance should be really tightly targeted to special procedures, or to the provision of public toilets, or to whatever it might be, so that it's really clear, and that the person or the small business that's involved in that area of guidance will just pick up that bit off the shelf and go, 'Right, that bit's for me', rather than going, 'I've got to wade through all of this to find out the bits that apply to me.' So, I will drop this for the moment, Chair, but I do want to have the opportunity to review it prior to Stage 3.

[335] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. Just to Angela. Felly, i gadarnhau mae'r confirm, the Member wishes to Aelod yn dymuno tynnu gwelliant 88 withdraw amendment 88. Does any yn ôl. A oes unrhyw wrthwynebiad i Member object to that withdrawal? hynny? Nac oes. Felly, mae gwelliant No. Therefore, amendment 88 is 88 wedi'i dynnu yn ôl. withdrawn.

*Tynnwyd gwelliant 88 yn ôl gyda chaniatâd y pwyllgor.  
Amendment 88 withdrawn by leave of the committee.*

[336] **Dai Lloyd:** Wrth fynd trwy'r gwelliannau, rydw i'n gweld bod gwelliant 14 wedi cwmpo eisoes. Felly hefyd gwelliant 71—mae hwnnw wedi cwmpo eisoes ar sail trafodaethau blaenorol.

**Dai Lloyd:** As we proceed through the amendments, I see that amendment 14 has already fallen, as has amendment 71, on the basis of our earlier debate.

[337] Rydym ni nawr yn cyrraedd cynnig i bleidleisio ar welliant 72, a gafodd ei drafod fel rhan o grŵp 9. Rhun, wyt ti'n hoffi cynnig gwelliant 72?

We now move to a vote on amendment 72, which was discussed as part of group 9. Rhun, do you wish to move amendment 72.

[338] **Rhun ap Iorwerth:** Grŵp 9—

**Rhun ap Iorwerth:** Group 9—

[339] **Dai Lloyd:** Roedd e sbel yn ôl.

**Dai Lloyd:** It was a while ago.

[340] **Rhun ap Iorwerth:** Na, nid ydw i'n dymuno ei wthio i bleidlais.

**Rhun ap Iorwerth:** No, I don't wish to push that amendment to a vote.

[341] **Dai Lloyd:** Rwyd ti'n dymuno tynnu gwelliant 72 yn ôl. A oes unrhyw wrthwynebiad i hynny? Na. Tynnwyd felly gwelliant 72 yn ôl.

**Dai Lloyd:** Do you wish to withdraw amendment 72 then? Is there any objection to that withdrawal? No. Therefore, amendment 72 is withdrawn.

*Ni chynigiwyd gwelliant 72 (Rhun ap Iorwerth).*

*Amendment 72 (Rhun ap Iorwerth) not moved.*

[342] **Dai Lloyd:** Rydym ni nawr yn gwneud cynnig i bleidleisio ar welliant 89, a gafodd ei drafod hefyd fel rhan o grŵp 9. Angela, a hoffech gynnig gwelliant 89? Angela.

**Dai Lloyd:** We now move to amendment 89, which was also discussed as part of group 9. Angela, do you wish to move to a vote on amendment 89? Angela.

[343] **Angela Burns:** I will be with you in a moment, Chair.

[344] **Dai Lloyd:** Rydw i'n credu y gwnaethoch chi grybwyll yn flaenorol, tua hanner awr yn ôl, efallai y byddech chi'n dymuno tynnu

**Dai Lloyd:** I believe you mentioned earlier, around half an hour ago, that you may wish to withdraw this amendment. But my memory may be

hwn yn ôl. Ond efallai bod fy nghof failing me.  
i'n mynd yn angof.

[345] **Angela Burns:** I would be delighted to withdraw this amendment, Chair. I'm so glad your memory is so much better than mine. [*Laughter.*]

[346] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. Is there any objection to withdrawal of amendment 89? No. Amendment 89 is withdrawn therefore.

*Ni chynigiwyd gwelliant 89 (Angela Burns).  
Amendment 89 (Angela Burns) not moved.*

[347] **Dai Lloyd:** Rydym ni nawr yn **Dai Lloyd:** We now move to a vote on amendments 92, 93 and 94, which were debated as part of group 11. Rhun, you will recall the debate on group 11, as we are now at group 14. Do you wish to move amendments 92, 93 and 94?

[348] **Rhun ap Iorwerth:** Na. Mi **Rhun ap Iorwerth:** No. I suggested at the time that I was willing to have further discussion with the Government on reaching the same end in a different way.

[349] **Dai Lloyd:** Da iawn. Jest i **Dai Lloyd:** Excellent. Just to confirm, therefore, if amendment 92 is not agreed, that is, it is withdrawn, then amendments 93, 94 and 96 also fall. So, amendment 92 is withdrawn. I assume there's no objection to that. No. Just to confirm, therefore, amendment 92 is withdrawn.

*Ni chynigiwyd gwelliant 92 (Rhun ap Iorwerth).*

*Amendment 92 (Rhun ap Iorwerth) not moved.*

12:15

[350] **Dai Lloyd:** Naw deg tri—na, **Dai Lloyd:** Ninety-three—no, that mae hwnnw wedi methu, so awn ni falls; 94 also falls—they all fall. We're heibio i hynny, a 94—mae'r rheini i making swift progress now. gyd yn cwmpo. Rŷm ni'n mynd yn gyflym yn awr.

*Methodd gwelliannau 93, 94 a 96.  
Amendments 93, 94 and 96 fell.*

**Grŵp 15: Tyllu mewn Rhannau Personol o'r Corff—Oedran Caniatâd  
(Gwelliannau 2, 3, 4, 5, 1)**

**Group 15: Intimate Piercings—Age of Consent (Amendments 2, 3, 4, 5, 1)**

[351] **Dai Lloyd:** Reit, rŷm ni wedi **Dai Lloyd:** We've now reached group cyrraedd nawr grŵp 15 o welliannau. 15. Group 15 relates to intimate Mae grŵp 15 yn ymwneud â rhoi twll piercings and the age of consent. The mewn rhannau personol o'r corff ac lead amendment in the group is oedran caniatâd. Y prif welliant yn y amendment 2 in the name of the grŵp yma ydy gwelliant 2, yn enw'r Minister. Gweinidog.

*Cynigiwyd gwelliant 2 (Rebecca Evans, gyda chefnogaeth Angela Burns).  
Amendment 2 (Rebecca Evans, supported by Angela Burns) moved.*

[352] **Dai Lloyd:** Cynigiaf welliant 2, **Dai Lloyd:** I move amendment 2 in the felly, yn enw'r Gweinidog, a galwaf name of the Minister and call on the ar y Gweinidog i siarad am ei Minister to speak to her amendment gwelliant a'r gwelliannau eraill yn y and the other amendments in this grŵp yma. Y Gweinidog i siarad. group. Minister.

[353] **Rebecca Evans:** Thank you. I'm grateful to the committee for the very detailed consideration it's given to the most appropriate age restriction for intimate piercings. Throughout the consideration of the Bill, I've consistently stated that arriving at the most appropriate age restriction for intimate piercing is a finely balanced and complex issue. In doing so, I've recognised the need to balance the need to protect young people from potential harm with the rights of young people to make decisions about matters that will

affect them. I've previously confirmed in correspondence with the committee and in Plenary that I've asked my officials to revisit this issue in light of the evidence received at Stage 1 and the committee's conclusions on this point. Following this work, I've been persuaded that raising the proposed age restriction to 18 is needed in order to fully protect children and young people in Wales from the harms that can result from intimate piercing. The change would also be consistent with good practice within the sector, as well as bringing the restriction into line with a range of other public health age restrictions, such as those relating to tattooing and the purchase of alcohol and cigarettes.

[354] The group therefore brings forward amendments to put into effect the recommendation by this committee in its Stage 1 report that section 92 of the Bill be amended to raise the proposed age restriction for intimate piercings from 16 to 18. Amendments 2 and 3 would make the principal change of making it an offence to perform, or make arrangements to perform, an intimate piercing of a person under the age of 18. Amendments 4 and 5 make the equivalent changes to the provisions outlining a defence for these offences, and amendment 1 reflects the change in the overview section of the Bill.

[355] I again thank the committee for its thorough consideration of this issue, which has directly contributed to these changes, which will provide an important additional protection for children in Wales. I urge Members to support amendments 1 through 5, tabled in my name.

[356] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Gweinidog. Galwaf ar Angela Burns i Minister. I call on Angela Burns to siarad. speak.

[357] **Angela Burns:** Diolch, Chair. Minister, I'm so very grateful that you have tabled these amendments and I'm delighted to formally support all of them as they are so described. I felt that the evidence that we saw was utterly compelling for the reduction in the age of consent from 18 down to 16 and I would be more than happy to defend your corner on this to all comers. In fact, I'd actually go so far as to say that I was quite concerned that some of the organisations who might have thought that the rights of the child and individual were paramount here had made a decision based on a good heart and a good sense and an absolute cleaving to the United Nations rights of the child, but perhaps without thinking that many young people who undergo some of these procedures are in a very dark and troubled place and

have been so put there by evil people. I would like to ensure that we take this lesson forward—and, by this, I'm not necessarily including yourselves in this, Minister, but take this forward, and say to all organisations that, when we are looking at legislation, we have to be fully cognisant of all of the facts. I'd just like to put on record my grateful thanks to some of the witnesses who came to us and gave us this utterly compelling evidence, which was tough to hear, but absolutely essential. I believe that this is something that is probably the best thing that we have going in this public health Bill going forward.

[358] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Angela. Rhun ap Iorwerth nesaf. Angela. Rhun next.

[359] **Rhun ap Iorwerth:** Wnaf i ddim **Rhun ap Iorwerth:** I won't speak for siarad yn hir. Mae Angela Burns wedi too long. Angela Burns has summed dweud mewn ffordd glir iawn pam ei up very clearly why she believes that bod hi yn credu bod y Bil yn mynd i the Bill will be strengthened as a arwain at Ddeddf gryfach oherwydd y result of the process that we as a broses rydym ni wedi mynd drwyddi committee have gone through. I am fel pwyllgor. Rydw i'n gwbl grediniol entirely convinced of that too. I could o hynny hefyd. Mi oeddwn i'n gallu see the justification for the original gweld y cyfiawnhad dros y drafftio drafting and having 16 as the age gwreiddiol ac 16 oed fel yr oed a recorded, but the strength of nodwyd, ond mi oedd cryfder y evidence was entirely compelling and dystiolaeth yn gwbl, gwbl glir i ni. Ac clear to us. And, in addition to mi hoffwn i, yn ogystal â rhoi fy thanking the stakeholders who nioch i'r rhanddeiliaid a wnaeth roi provided such clear and robust tystiolaeth mor glir a chryf i ni, evidence to us, I would also like to ddiolch hefyd i'r Gweinidog am fod thank the Minister for being so mor barod i symud ymlaen yn unol willing to move in line with the ag argymhelliad y pwyllgor. recommendations made by the committee.

[360] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Rhun. Caroline Rhun. Caroline Jones nesaf. Jones next.

[361] **Caroline Jones:** Diolch, Chair. I'd just like to place on record my thanks to the Minister for listening to our concerns, and bringing forward these amendments to raise the age of consent for intimate piercing to 18. Thank you.

[362] **Dai Lloyd:** Jayne Bryant.

[363] **Jayne Bryant:** Thank you, Chair. I just wanted to add my note of thanks to you, Minister, for taking into consideration and bringing forward these amendments. I think, as other Members have said so eloquently today, it was something that the committee took the evidence, and we heard so much compelling evidence on this that I think we were united immediately on this. We're very grateful to you for listening to this, and to those who came forward with evidence.

[364] **Dai Lloyd:** Lynne Neagle.

[365] **Lynne Neagle:** Thank you. I won't repeat what others have said. Obviously, thank you, Minister, for listening on this; it's absolutely the right thing to do. But I would just also like to place on record my particular thanks, not just to the stakeholders, but to the witness who came from the sexual health clinic, who'd worked with young people. I think her evidence absolutely sealed the deal on this. So, we do owe her a debt on that, as a committee. Thank you.

[366] **Dai Lloyd:** Diolch, Lynne. Julie Morgan.

[367] **Julie Morgan:** Thank you. I agree, as the Minister said, that it is a finely balanced decision, and I know that we all do strongly support the rights of the child. But I do think that we were convinced by the evidence we had that this was the best direction to go in, and I know that some of the people who promote the rights of the child also changed their minds as a result of the consideration of the committee. So, I think this—. I'm very grateful to the Minister for taking this forward in the way she has, and I think it really illustrates the benefits of the work that this committee has done.

[368] **Dai Lloyd:** Diolch yn fawr, Julie. **Dai Lloyd:** Thank you very much, Galwaf ar y Gweinidog i ymateb i'r Julie. I call on the Minister to reply to ddadl. the debate.

[369] **Rebecca Evans:** I'd just like to thank all Members for their contributions and their support, and thank the committee for its work, particularly, in this area.

[370] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Gweinidog. Jest i gadarnhau, felly, a Minister. Just to confirm, therefore, hoffech symud i bleidlais ar welliant do you wish to proceed to a vote on



2?

amendment 2?

[371] **Rebecca Evans:** Yes, please.

[372] **Dai Lloyd:** Hoffech. A gaf i jest cyhoeddi, os na dderbynnir gwelliant 2, bydd gwelliannau 3, 4, 5 ac 1 yn methu? Cynigiaf welliant 2 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 2? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 2.

**Dai Lloyd:** You would. If I could just announce, if amendment 2 is not agreed, amendments 3, 4, 5 and 1 will fall. I move amendment 2 in the name of the Minister. The question is that amendment 2 be agreed. Does any Member object? No. Amendment 2 is agreed.

*Derbyniwyd gwelliant 2 yn unol â Rheol Sefydlog 17.34.*

*Amendment 2 agreed in accordance with Standing Order 17.34.*

[373] **Dai Lloyd:** Cynigiaf fod gwelliannau 3, 4 a 5 yn cael eu gwaredu en bloc. A oes unrhyw Aelod yn gwrthwynebu'r bwriad yna? Nac oes.

**Dai Lloyd:** I propose that amendments 3, 4 and 5 are disposed of en bloc. Does any Member object to that intention? No.

*Cynigiwyd gwelliannau 3, 4 a 5 (Rebecca Evans, gyda chefnogaeth Angela Burns).*

*Amendments 3, 4 and 5 (Rebecca Evans, supported by Angela Burns) moved.*

[374] **Dai Lloyd:** Cynigiaf welliannau 3, 4 a 5, yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliannau 3, 4 a 5? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliannau 3, 4 a 5.

**Dai Lloyd:** I move amendments 3, 4 and 5 in the name of the Minister. The question is that amendments 3, 4 and 5 are agreed. Does any Member object? No. Amendments 3, 4 and 5 are agreed.

*Derbyniwyd gwelliannau 3, 4 a 5 yn unol â Rheol Sefydlog 17.34.*

*Amendments 3, 4 and 5 agreed in accordance with Standing Order 17.34.*

[375] **Dai Lloyd:** Rydym nawr yn gwneud cynnig i bleidleisio ar welliannau 56, 57, 58, 59 a 60, a gafodd eu trafod, fel rydych yn ei

**Dai Lloyd:** We now move to vote on amendments 56, 57, 58, 59 and 60, which were debated, as you remember, as part of group 13.

gofio'n iawn, fel rhan o grŵp 13.

*Cynigiwyd gwelliant 56 (Rebecca Evans).*

*Amendment 56 (Rebecca Evans) moved.*

[376] **Dai Lloyd:** Cynigiaf welliant 56 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 56? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 56.

**Dai Lloyd:** I move amendment 56 in the name of the Minister. The question is that amendment 56 be agreed. Does any Member object? No. 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 (Rebecca Evans).*

*Amendment 57 (Rebecca Evans) moved.*

[377] **Dai Lloyd:** Cynigiaf welliant 57 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 57? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 57.

**Dai Lloyd:** I move amendment 57 in the name of the Minister. The question is that amendment 57 be agreed. Does any Member object? No. Amendment 57 is agreed.

*Derbyniwyd gwelliant 57 yn unol â Rheol Sefydlog 17.34.*

*Amendment 57 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 58 (Rebecca Evans).*

*Amendment 58 (Rebecca Evans) moved.*

[378] **Dai Lloyd:** Cynigiaf welliant 58 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 58? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 58.

**Dai Lloyd:** I move amendment 58 in the name of the Minister. The question is that amendment 58 be agreed. Does any Member object? No. Amendment 58 is agreed.

*Derbyniwyd gwelliant 58 yn unol â Rheol Sefydlog 17.34.*

*Amendment 58 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 59 (Rebecca Evans).*

*Amendment 59 (Rebecca Evans) moved.*

[379] **Dai Lloyd:** Cynigiau welliant 59 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 59? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 59.

**Dai Lloyd:** I move amendment 59 in the name of the Minister. The question is that amendment 59 be agreed. Does any Member object? No. Amendment 59 is agreed.

*Derbyniwyd gwelliant 59 yn unol â Rheol Sefydlog 17.34.*

*Amendment 59 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 60 (Rebecca Evans).*

*Amendment 60 (Rebecca Evans) moved.*

[380] **Dai Lloyd:** Cynigiau welliant 60 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 60? A oes unrhyw wrthwynebiad? Nac oes. Derbyniwyd gwelliant 60.

**Dai Lloyd:** I move amendment 60 in the name of the Minister. The question is that amendment 60 be agreed. Does any Member object? No. Amendment 60 is agreed.

*Derbyniwyd gwelliant 60 yn unol â Rheol Sefydlog 17.34.*

*Amendment 60 agreed in accordance with Standing Order 17.34.*

[381] **Dai Lloyd:** Rydym yn awr yn gwneud cynnig i bleidleisio ar welliant 15, a gafodd ei drafod fel rhan o grŵp 14. Hwn oedd y gwelliant yr oedd Angela eisoes wedi ei ddweud ei bod hi'n dymuno ei dynnu yn ôl. Felly, a oes yna unrhyw wrthwynebiad i dynnu gwelliant 15 yn ôl? Dim gwrthwynebiad. Felly, mae gwelliant 15 wedi ei dynnu nôl.

**Dai Lloyd:** We now move to vote on amendment 15, which was debated as part of group 14. This was the amendment that Angela had previously said she wished to withdraw. So, is there objection to withdraw amendment 15? No objection. Therefore, amendment 15 is withdrawn.

*Ni chynigiwyd gwelliant 15 (Angela Burns).*

*Amendment 15 (Angela Burns) not moved.*

[382] **Dai Lloyd:** Rydym ni yn awr yn gwneud cynnig i bleidleisio ar welliant 16, a gafodd ei drafod sbel yn ôl nawr, fel rhan o grŵp 1. Angela,

**Dai Lloyd:** We now move to vote on amendment 16, which was debated as part of group 1, a while ago. Angela, do you wish to move

a hoffech gynnig gwelliant 16, a oedd amendment 16, which was in group  
yng ngrŵp 1? 1?

*Cynigiwyd gwelliant 16 (Angela Burns).  
Amendment 16 (Angela Burns) moved.*

[383] **Angela Burns:** I believe I do, Chair. I do.

[384] **Dai Lloyd:** Diolch yn fawr, Angela, am y cadarnhad. Y cwestiwn yw: a ddylid derbyn, felly, gwelliant 16? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Mae yna wrthwynebiad. Felly, y cwestiwn yw: a ddylid derbyn cwestiwn 16? Y rheini o blaid i godi eu dwylo. Mae yna bedwar o blaid. Y rheini yn erbyn i godi eu dwylo. Mae yna bedwar yn erbyn. Felly, mae pleidlais fwrw y Cadeirydd yn cael ei fwrw yn y negyddol, felly mae gwelliant 16 yn methu ac yn disgyn.

**Dai Lloyd:** Thank you very much, Angela, for that confirmation. The question is that amendment 16 be agreed to. Does any Member object? [Objection.] There is objection. The question is that amendment 16 be agreed to. Those in favour, please indicate. There are four in favour. Those against to indicate. There are four against. Therefore, the Chair's casting vote is in the negative. Therefore, amendment 16 fails and falls.

*Gwelliant 16: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 16: For 4, Against 4, Abstain 0.*

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

ap Iorwerth, Rhun	Bryant, Jayne
Burns, Angela	Irranca-Davies, Huw
Jones, Caroline	Morgan, Julie
Lloyd, Dai	Neagle, Lynne

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

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

*Gwrthodwyd gwelliant 16.  
Amendment 16 not agreed.*

[385] **Dai Lloyd:** Gan ein bod ni wedi dod i ddiwedd ein trafodaethau ar faterion i ymwneud efo triniaethau arbennig, rwy'n cynnig ein bod yn torri nawr am egwyl a chinio. Diolch yn fawr am eich presenoldeb mor belled, ac mi wnawn ni dorri am dri chwarter awr. So, mi welwn ni chi nôl yn fan hyn am 1.15 p.m. os ydy hynny'n dderbyniol gyda phawb. Diolch yn fawr iawn i chi.

**Dai Lloyd:** And as we've come to the end of our discussions on issues relating to special procedures, I propose that we break now for a break and for lunch. Thank you very much for your attendance so far, and we will have a break of three quarters of an hour. So, we will see you back here by 1.15 p.m. if that is acceptable. Thank you very much.

*Gohiriwyd y cyfarfod rhwng 12:26 a 13:15.  
The meeting adjourned between 12:26 and 13:15.*

**Grŵp 16: Mynd i'r Afael â Llygredd Aer (Gwelliannau 105, 73, 74, 75, 95, 64)  
Group 16: Tackling Air Pollution (Amendments 105, 73, 74, 75, 95, 64)**

[386] **Dai Lloyd:** Croeso nôl i gyfarfod y Pwyllgor Iechyd, Gofal Cymdeithasol a Chwaraeon yma yn y Cynulliad. Rydym yn ailymgynnull ar gyfer trafodaethau Cyfnod 2 Bil Iechyd y Cyhoedd (Cymru). Rydym wedi cyrraedd grŵp 16 o welliannau rŵan, ac mae grŵp 16 yn ymwneud â mynd i'r afael â llygredd aer. Y prif welliant yn y grŵp yma ydy gwelliant 105 yn enw Angela Burns, a galwaf ar Angela Burns felly i siarad am ei gwelliant a'r gwelliannau eraill yn y grŵp yma. Angela.

**Dai Lloyd:** Welcome back to the meeting of the Health, Social Care and Sport Committee here in the Assembly. We are reconvening with our deliberations on Stage 2 of the Public Health (Wales) Bill. We've reached group 16 of amendments, and group 16 relates to tackling air pollution. The lead amendment in the group is amendment 105 in the name of Angela Burns. I call on Angela Burns to speak to her amendment and other amendments in this group. Angela.

*Cynigiwyd gwelliant 105 (Angela Burns).  
Amendment 105 (Angela Burns) moved.*

[387] **Angela Burns:** Diolch, Chair. Good afternoon, Minister. Amendment 105 seeks to include an assessment of the likely effect, both in the short term and the long term, of a proposed action or decision on ambient air quality by the Welsh Ministers under the air quality standards, as amended from time to time. This is contiguous with the evidence provided by the

British Heart Foundation and the British Lung Foundation to our committee that the Bill falls short in this important area of public health, and this amendment is seeking to place a duty on public bodies to consider air quality in their health impact assessments. Health impact assessments, as you know, are something that the Welsh Conservatives support, and all we wish to do is broaden their scope marginally to take account of this very vital area.

[388] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. I call Angela. Galwaf ar Rhun ap Iorwerth i siarad. on Rhun ap Iorwerth to speak.

[389] **Rhun ap Iorwerth:** Diolch yn fawr i chi. Mae llygredd awyr yn amlwg yn beryglus i iechyd y cyhoedd, efo dros 1,300 o farwolaethau yng Nghymru oherwydd llygredd awyr, neu safon awyr gwael. Mae ymchwil gan Sefydliad yr Ysgyfaint Prydain Cymru, drwy geisiadau rhyddid gwybodaeth, yn dangos nad yw nifer o gynghorau lleol yn gweld ysgolion fel maes blaenoriaeth ar gyfer monitro safon aer, efo 53 y cant ohonyn nhw hefyd yn dilyn canllawiau presennol DEFRA, sydd ddim yn blaenoriaethu ysgolion. Felly, bwriad ein gwelliannau ni yw ychwanegu y rhan bwysig honno i'r Bil a fyddai yn gwella argaeledd data, ac yn gwella monitro llygredd awyr, yn enwedig o gwmpas ysgolion. Mae gwelliant 73 yn gofyn i Weinidogion roi canllawiau i fyrddau iechyd ar hysbysu trigolion os oes yna ragdybiaeth o lefelau uchel o llygredd—*forecast*, felly. Mae gwelliant 74 yn gofyn i Weinidogion roi canllawiau i lywodraeth leol ar fonitro safon aer y tu allan i ysgolion, neu ar lwybrau teithio llesol hefyd. Gwelliant 95—mae yna ofyn yma i

**Rhun ap Iorwerth:** Thank you very much. Air pollution is clearly a risk to public health, with over 1,300 deaths in Wales as a result of air pollution or poor air quality. Research by the British Lung Foundation Wales through freedom of information requests shows that a number of local authorities don't see schools as a priority area for monitoring air quality, with 53 per cent also following the current DEFRA guidance, which doesn't prioritise schools. So, our amendments have the intention of adding that important consideration to the Bill, which will improve the availability of data, and would also improve the monitoring of air pollution, particularly around our schools. Amendment 73 asks ministers to give guidance to health boards on informing residents if it is anticipated there will be forecasted high air pollution levels. Amendment 74 asks Ministers to give guidance to local authorities on monitoring air quality outside schools, or on active travel routes. In amendment 95, there is a requirement here to publish data on

gyhoeddi data am fonitro safon awyr. monitoring air quality.

[390] Rwy'n eiddgar i gael datganiad gan y Gweinidog os ydy hi o'r farn bod y gwelliannau yma yn torri ar draws deddfwriaeth arall, ac amserlen unrhyw weithredu a allai gyflawni yr hyn yr ydym ni yn chwilio amdano. Rwyf yn hapus, yn sicr, i gydweithio efo'r Llywodraeth wrth i ni fynd ymlaen at Gyfnod 3, ond mi ydw i yn ystyried bod hwn yn rhywbeth yr ydw i yn dymuno mynd i bleidlais heddiw, ar yr egwyddor o sicrhau bod llygredd awyr yn cael ei weld fel mater creiddiol pan mae'n dod i iechyd y cyhoedd yng Nghymru.

I am eager to hear a statement from the Minister if she is of the view that these amendments do interfere with other legislation, and the timetable of any action which could achieve what we are seeking through these amendments. I am happy, certainly, to work with Government as we proceed towards Stage 3, but I do believe that this is an issue that I would want to push to a vote today, on the principle of ensuring that air pollution is seen as a core element when it comes to public health in Wales.

[391] **Dai Lloyd:** Diolch yn fawr, Rhun. Julie Morgan.

**Dai Lloyd:** Thank you, Rhun. Julie Morgan.

[392] **Julie Morgan:** Just to say briefly that I do agree that air pollution is a very important issue, and I'm also very keen to hear what the Minister feels we can do in this area.

[393] **Dai Lloyd:** Diolch yn fawr, Julie. A oes unrhyw Aelod arall sydd eisiau siarad? Na. Pawb yn hapus. Galwaf ar y Gweinidog, felly, i siarad.

**Dai Lloyd:** Thank you, Julie. Are there any other Members who wish to speak? No. Everybody's content. I call on the Minister, therefore, to speak.

[394] **Rebecca Evans:** I thank Angela Burns and Rhun ap Iorwerth for bringing forward these amendments, which seek to make specific provision about air quality on the face of the Bill. The amendments take two different approaches: one to amend the provisions on health impact assessments to refer specifically to air quality, and the other to create a specific new Part on air pollution and air quality within the Bill.

[395] As I've consistently stated, the Welsh Government fully recognises the importance of these issues, as shown by a recent, wide-ranging consultation led by the Cabinet Secretary for Environment and Rural Affairs. Air pollution is an issue that requires true cross-Government working and we're fully

committed to taking forward this agenda.

[396] Amendment 105, tabled by Angela Burns, seeks to provide that a health impact assessment must specifically include an assessment of effects on ambient air quality. As I explained in relation to group 1, I'm unconvinced that this approach is appropriate as the current provisions of the health impact assessment are sufficiently broad to allow for this issue to be considered as part of the assessment. Whilst health impact assessments will be an important way for issues such as air quality to be explored, it would be incongruent to single out a single issue specifically on the face of the Bill without taking the same approach for a wide range of other important issues.

[397] I therefore feel that the approach taken in the Bill is appropriate and regulations and supporting guidance will provide further detail to assist public bodies in carrying out health impact assessments in a way that covers this important issue as well as other issues.

[398] Turning to the remaining amendments tabled by Rhun ap Iorwerth, which seek to create a new Part within the Bill, firstly, in relation to amendment 73, the Cabinet Secretary for Environment and Rural Affairs and I have already written to the Chair of the Climate Change, Environment and Rural Affairs Committee to outline that the Welsh Government will issue guidance to local health boards encouraging them to support local authorities in their air quality work. High pollution episodes across parts of Wales and the UK can be caused by winds bringing in pollution from the continent or dust from the Sahara desert, combined with locally generated pollution and still weather conditions. These episodes can particularly affect vulnerable groups such as those with heart or lung conditions. The Welsh Government already works with the UK Government, other devolved administrations and public health bodies to ensure that the management of these episodes and communications to the public are timely and consistent. Alerts are issued by the Public Health Wales web pages and social media, and this activity is best delivered through organisations that have an all-Wales remit. I'd also add that we're currently taking account of the outcome of our recent consultation on local air quality and noise management in Wales. The Cabinet Secretary for Environment and Rural Affairs will be issuing a written statement on that work. In addition, we'll shortly be jointly consulting with the other UK administrations on a new air quality plan to achieve the EU nitrogen dioxide limit values for Wales and the rest of the UK within the shortest possible time. That consultation is due to begin on 24 April.



[399] Turning to the next amendment, amendment 74, in relation to local authority monitoring outside schools and on active travel routes, addressing high levels of air pollution outside schools and along active travel routes is important given the emphasis on early years and environmental sustainability in the well-being of future generations Act. However, amendment 74 only refers to monitoring. This is only a good use of resources when local authorities have good reason to suspect that national air quality objectives may be being breached at these locations. Informing and communicating and taking action where appropriate are equally if not more important than taking the measurements. I can confirm that the Welsh Government has committed to issuing new guidance in the next few months that will provide an appropriate steer to local authorities in relation to schools and active travel routes.

[400] In relation to amendment 75, which proposes a change to the Active Travel (Wales) Act 2013, I don't see a need to amend the Act, as the purpose of this amendment can be achieved by changing the statutory active travel design guidance that local authorities need to adhere to when assessing active travel routes. The inclusion of this requirement in that guidance would achieve the purpose of the amendment. The guidance includes the cycling and walking route audit tools local authorities use when assessing the suitability of routes. The walking route tool already includes noise and pollution as criteria, as well as traffic volumes, and the cycle tool currently includes consideration of traffic volumes. The Welsh Government is also planning to refresh the design guidance early next year, following the submission of the integrated network maps, so there will be opportunity to strengthen consideration of air quality in the route assessments. I think this is a better way to achieve that objective.

[401] Finally, moving to amendment 95, the publishing of air quality monitoring information is already required under regulation 23 of the Air Quality Standards (Wales) Regulations 2010. The monitoring is carried out through a UK-wide contract overseen by the Environment Agency. The information is published under the open government licence on behalf of Welsh Ministers. Annual reports of air quality in the UK are published on behalf of DEFRA, the Welsh Ministers and the devolved administrations on the UK-AIR DEFRA website. I consider that this amendment, therefore, is an unnecessary duplication and I would ask Members to reject it. For these reasons, I am unable to support the amendments in this group.

[402] **Dai Lloyd:** Diolch, Gweinidog. **Dai Lloyd:** Thank you, Minister. I call

Galwaf ar Angela Burns i ymateb i'r on Angela Burns to reply to the ddadl. debate.

[403] **Angela Burns:** Diolch, Chair. Thank you, Minister, for your commentary on your rejection of all of these issues. I do find it surprising and somewhat concerning that you are of the view that, elsewhere in your regulation-making powers, and in the Act, there is sufficient provision for the protection of people against the adverse effects of air pollution. We stand in that Chamber day after day, or week after week, talking about the enormous pressures that our public health services are under. We talk about the risk of heart and lung conditions to people and the risks of strokes, and all of these things are impacted by the quality of the air that we breathe. We're trying to stop people from smoking, but essentially, we're not going to do anything about people being forced to endure living in a place that might have indescribably high pollution levels. Indeed, I think the most polluted road in Wales is on the way up to Caerphilly, where the confluence and the dips and the type of traffic that goes through there, et cetera, raises that pollution so high—it's way off the scale.

[404] My problem with the health impact assessments is that, although you say in the Act that the provision is for regulations to bring forward a health impact assessment, my concern is that they will be too broad. As we know, the public bodies are under immense pressure to conduct their own business—what they would see as their primary business—and I am worried that health impact assessments could become a secondary piece of legislation, where people will pay lip service. There are a number of important things—. And I don't deny—it's not just air pollution. If I had my way in health impact assessments, I would have a number of things that I would say that public bodies would have to have a look at whilst they're conducting a health impact assessment, but I just felt that the whole issue of air pollution was one of the most critical ones.

[405] I don't want to have the temerity to answer for Rhun ap Iorwerth here, but I have to say that, again, on some of the amendments that he's made, which I think are extremely sensible, these kind of guidance to local authorities about how to monitor air quality standards and how to look at air quality standards outside of schools, are also things that can be contained within the health impact assessments, and I would've liked to have seen that in a statutory format.

[406] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much,

Angela. A allaf gadarnhau, felly, a hoffech symud i bleidlais ar welliant 105? Felly, y cwestiwn ydy: a ddylid derbyn gwelliant 105? A oes unrhyw wrthwynebiad? [*Gwrthwynebiad.*] Mae yna wrthwynebiad, felly, mi symudwn ni i bleidlais. Y cwestiwn ydy: a ddylid derbyn gwelliant 105? Y rheini sydd o blaid i godi eu dwylo. Pedwar. Y rheini sydd yn erbyn i godi eu dwylo. Pedwar. Rydym ni'n gyfartal, felly, ac fel sy'n arferol, fel Cadeirydd, rwy'n defnyddio fy mhleidlais fwrw yn y negyddol ac yn erbyn y gwelliant yma. Mae'r gwelliant, felly, yn cwmpo.

Angela. Can I confirm, therefore, that you wish to proceed to a vote on amendment 105? Therefore, the question is that amendment 105 be agreed. Does any Member object? [*Objection.*] There is an objection, therefore, we move to a vote. The question is that amendment 105 be agreed. Those in favour, please indicate. Four. Those against, please indicate. Four. We are equal, therefore, and as is usual, as Chair, I use my casting vote in the negative against this amendment. Therefore, that amendment falls.

*Gwelliant 105: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 105: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 105.  
Amendment 105 not agreed.*

**Grŵp 17: Gwasanaethau Fferyllol (Gwelliannau 90, 91, 17)**  
**Group 17: Pharmaceutical Services (Amendments 90, 91, 17)**

[407] **Dai Lloyd:** Rydym yn symud Dai Lloyd: We move on now to group ymlaen nawr at grŵp 17. Mae grŵp 17. Group 17 relates to 17 o welliannau yn ymwneud â pharmaceutical services. The lead

gwasanaethau fferyllol. Y prif welliant amendment in this group is yn y grŵp yma ydy gwelliant 90 yn amendment 90 in the name of Angela enw Angela Burns. Galwaf ar Angela Burns. I call on Angela Burns to speak Burns i siarad am ei gwelliant a to her amendment and other gwelliannau eraill yn y grŵp—Angela. amendments in this group—Angela.

*Cynigiwyd gwelliant 90 (Angela Burns).*

*Amendment 90 (Angela Burns) moved.*

[408] **Angela Burns:** Diolch, Chair. I'd like to move amendments 90, 91 and 17, tabled in my name.

13:30

[409] Amendments 91 and 17 are pursuant to section 108. What I'm trying to do here is to insert 'including dispensing doctors' in section 108. This is to amend subsection (4)(b) of the new 82A—. Sorry, I'll start again. I want to insert into the National Health Service (Wales) Act 2006. The effect of this amendment is that, when the Welsh Ministers make regulations about the preparation, publication, review and revisions of a pharmaceutical needs assessment and the extent to which an assessment takes account of likely future needs, this includes dispensing doctors. Because, from what I read in the Act, they are not mentioned and nor do I think they fit into the criteria.

[410] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. Are Angela. A oes unrhyw Aelod arall there any other Members who wish to eisiau siarad? Nawr yw'r amser. Na. speak? Now is the time. No. I call Galwaf felly ar y Gweinidog i siarad. therefore on the Minister to speak.

[411] **Rebecca Evans:** So, as you heard, Angela Burns's amendments aim to change the Bill in two ways. Firstly, they specify that regulations may make provision relating to the extent to which pharmaceutical needs assessments may take account of dispensing doctors, and, secondly, they place a requirement on local health boards to determine applications made by persons wishing to provide pharmaceutical services from different or additional locations within six weeks of an application being made. The overall purpose of this part of the Bill is to improve access to pharmaceutical services, including in rural areas. The General Practitioners Committee agree that the Bill will encourage existing pharmacies to adapt and expand services according to local need, and that planning and delivery of pharmaceutical services will be improved. I'm also convinced there are lessons that can be

learnt from the experience in England, which will ensure our policy is appropriate for the needs of citizens in Wales.

[412] The committee will be aware that the previous Minister for Health and Social Services wrote to the chair of the GPC when the Bill was being considered in the fourth Assembly, to recognise the role of dispensing doctors and to confirm that we would be pleased for them to contribute to the detail on how pharmaceutical needs assessments will be conducted in Wales. I reaffirmed this commitment in a letter to BMA Cymru Wales during Stage 1, and in direct response to the request made during the evidence to this committee. I recognise that, in rural areas served by dispensing doctors, there is a need to ensure that pharmaceutical needs assessments take into account those services. This is why the Bill was amended, to take account of this issue following amendments introduced by Darren Millar during the fourth Assembly's scrutiny of the Bill.

[413] Section 108 inserts a new section, 82A, into the NHS Wales Act 2006. Section 82A(4)(a) allows the Welsh Ministers to make regulations about the preparation, publication, review and revision of pharmaceutical needs assessments. These regulations can make provision about the information to be contained in a pharmaceutical needs assessment, which can include information relating to persons with whom a local health board has entered into a general medical services contract. This includes dispensing doctors. Section 82A(4)(b) already allows Welsh Ministers to make regulations that make provision about the extent to which an assessment is to take account of likely future needs, or of other matters. This broad provision would allow regulations to make further provision in relation to dispensing doctors. The definition of 'dispensing doctors' proposed under amendment 91 is also unnecessary and it could unintentionally cause confusion, as dispensing doctors are already covered by the provision in the new section 82A(4)(a).

[414] In considering amendment 17, my general starting point is that I agree the pharmaceutical service applications should be dealt with as promptly as possible. I therefore have no difference of view insofar as the overall objective behind the amendment is concerned. However, while I recognise the intention behind the amendment, I disagree that the method for dealing with this issue proposed by the amendment is appropriate. Specifying a time limit on the face of the Bill for dealing with this type of application is too inflexible. Each application must be considered on its own merit, with the facts of each case being taken into account. A one-size-fits-all approach would be unworkable. In addition, it's crucially important that there is fair

opportunity for persons affected by an application to be consulted, make representations and have those representations considered. Following amendments introduced by Darren Millar to the fourth Assembly scrutiny of the Bill, the Bill already recognises this issue. Section 109(7) allows the Welsh Ministers to make regulations about the timescales within which an application to provide pharmaceutical services must be determined. This takes a more appropriate approach, which allows for the required level of flexibility. So, for the above reasons, the issues raised in this group are already addressed in the Bill, and I'm unable to support these amendments and would ask Members to reject them.

[415] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Minister. I call Gweinidog. Galwaf ar Angela Burns i on Angela Burns to reply to the ymateb i'r ddadl. Angela. debate. Angela.

[416] **Angela Burns:** Diolch, Chair. Minister, thank you very much for your responses to that; I listened to them most carefully. You are very obviously of the view that the currently amended Bill will have the ability for the Minister to have the regulatory powers to ensure that dispensing doctors are included within the pharmaceutical needs services. I think that's what I've understood you to have just said. So, in that case, then, I'm content to drop these probing amendments, on the face of that. I would like to, perhaps, ask—I don't know if you can ask in this committee at this stage—if there may be an assurance that, during the regulation-making powers, this area would be naturally covered off and that dispensing doctors would be included, because, within the rural constituencies, some of which I represent, this is a crucial issue and would make a great impact on people.

[417] **Dai Lloyd:** Reit. Nid ydw i'n **Dai Lloyd:** Right. I don't know gwybod a yw'r Gweinidog yn mynd i whether the Minister is going to ymateb i'r cais yna, yn fyr. respond to that request, briefly.

[418] **Rebecca Evans:** I would just confirm that I've already given that assurance to the BMA in the letter that I shared with the committee previously.

[419] **Angela Burns:** Diolch.

[420] **Dai Lloyd:** A allaf i jest **Dai Lloyd:** Can I just confirm, gadarnhau, felly, Angela, nad ydych therefore, Angela, that you do not chi'n dymuno gwthio gwelliant 90 i wish to proceed to a vote on

bleidlais? Rydych chi'n ei dynnu e yn amendement 90? You're withdrawing  
ôl. it.

[421] **Angela Burns:** I do not, no.

[422] **Dai Lloyd:** A oes unrhyw **Dai Lloyd:** Is there any objection to  
wrthwynebiad i dynnu gwelliant 90 withdrawing amendement 90? No  
yn ôl? Nid oes gwrthwynebiad, felly objection, therefore amendement 90  
mae gwelliant 90 wedi cael ei has been withdrawn. That means,  
dynnu'n ôl. Mae hynny'n golygu, also, that amendement 91 falls.  
hefyd, bod gwelliant 91 yn methu.

*Tynnwyd gwelliant 90 yn ôl gyda chaniatâd y pwyllgor.*  
*Amendment 90 withdrawn by leave of the committee.*

*Methodd gwelliant 91.*  
*Amendment 91 fell.*

[423] **Dai Lloyd:** Rydym ni'n mynd yn **Dai Lloyd:** We go straight on to  
syth ymlaen i waredu gwelliant 17. dispose of amendement 17. Angela,  
Angela, a ydych chi'n dymuno cynnig do you wish to move amendement 17?  
gwelliant 17?

[424] **Angela Burns:** I will withdraw 17.

[425] **Dai Lloyd:** A ydy'r Aelodau yn **Dai Lloyd:** Do Members agree, or is  
cytuno, neu a oes yna unrhyw there any objection to amendement 17  
wrthwynebiad i welliant 17 yn cael ei being withdrawn? No. Therefore, I  
dynnu'n ôl? Nac oes. Felly, gallaf can confirm that amendement 17 has  
gadarnhau bod gwelliant 17 wedi'i been withdrawn.  
dynnu'n ôl.

*Ni chynigiwyd gwelliant 17 (Angela Burns).*  
*Amendment 17 (Angela Burns) not moved.*

**Grŵp 18: Darparu Toiledau (Gwelliannau 102, 103, 97, 98, 99, 100, 104)**  
**Group 18: Provision of Toilets (Amendments 102, 103, 97, 98, 99, 100, 104)**

[426] **Dai Lloyd:** Mae hynny yn ein **Dai Lloyd:** That leads us on to the  
harwain ni at y grŵp nesaf o next group of amendments, group  
welliannau, grŵp 18. Mae grŵp 18 o 18. Group 18 relates to the provision

welliannau yn ymwneud â darparu of toilets. The lead amendment in the toiledau. Y prif welliant yn y grŵp group is amendment 102 in the yma ydy gwelliant 102 yn enw Angela name of Angela Burns. I call on Burns. Galwaf ar Angela Burns i Angela Burns to speak to her siarad am ei gwelliant a'r gwelliannau amendment and the other eraill yn y grŵp. Angela Burns. amendments in this group. Angela Burns.

*Cynigiwyd gwelliant 102 (Angela Burns).  
Amendment 102 (Angela Burns) moved.*

[427] **Angela Burns:** Diolch, Chair. During our committee sessions, Minister, we took an awful lot of evidence in terms of how we might be able to better provide public facilities for people throughout Wales. We felt that this was very essential on a number of counts. First was providing facilities for tourists and visitors, but, secondly and probably more importantly, was providing facilities for people who are in need, may have medical conditions, et cetera. So, my amendment 102 seeks to insert a new section, which basically identifies ways of putting together a national toilet strategy, and this amendment requires the Welsh Ministers to prepare and publish a national toilet strategy for Wales. This would be in addition to local authority duties. I appreciate there are local authority duties already, but it's to ensure that there's an overarching strategy that puts toilets in places of need rather than in areas where—. You know, town centres may already have a number of different facilities, but if you're out on the Brecon Beacons or wherever it may be, you still need to have those facilities there. Amendment 103 is pursuant to amendment 102, and it just continues the insertion of a new section on the national toilet strategy consultation. And, finally, my amendment 104 is also pursuant to my amendment 102.

[428] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. I call Angela. A allaf i alw nawr, nesaf, ar next on Caroline Jones to speak to Caroline Jones i siarad i'w her amendments. gwelliannau hi?

[429] **Caroline Jones:** Diolch, Chair. Amendment 97, tabled in my name, seeks, by way of Welsh Government guidance, to strengthen local toilet strategies by making clear the actions a local authority must take to address the needs for public toilets in their local area in an effective and timely manner. I believe that this is the best way to achieve what the majority of witnesses want, which is a way to ensure local authorities ensure there is



adequate provision of public toilets in their local areas. In an ideal world, we would not be looking at ways to maximise the number of available toilets that the public can access; we would have enough facilities to cater for this most basic of needs. But we don't live in an ideal world. We live in a world where the elderly and the disabled are trapped in their own homes, unable to venture outside because they don't have widespread access to public toilets. The fact that the Bill simply requires councils to prepare a public toilet strategy will do nothing to improve provision or allay the concerns of those affected by the lack of provision.

[430] These concerns were shared not only by the patient groups and the older people's commissioner, but also by the NHS Confederation, the Association of Directors of Public Health and Public Health Wales, who told the health committee that financial pressures on councils will mean that a strategy will not improve provision. Amendment 97 strengthens the language used and makes it clear to local authorities that they must take action, not merely put forward proposals, and that the actions they take are the most effective possible and are delivered in a reasonable timescale.

[431] I fear that, given the financial constraints placed upon us, this is the best that we can hope for. I proposed amendment 98 in case Members felt they could not support amendment 97. It's a much softer amendment, while at the same time provides clarity that local authorities will have to take steps to meet the need for public toilets. Throughout the Stage 1 proceedings of this Bill, I felt that the Welsh Government needs to have a grasp of the overall picture of public toilet provision right across Wales. It's no good having 22 local toilet strategies if there is patchy provision in some parts of the country. It needs to be looked at as a whole. Hence amendments 99 and 100 tabled in my name. This puts the onus on the Welsh Government to ensure that, combined, the local toilet strategies provide sufficient national provision and, by ensuring collaboration between local authorities, sufficient regional provision. Diolch yn fawr, Chair.

[432] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you Caroline. Can I Caroline. A allaf i alw ar Rhun ap call on Rhun ap Iorwerth to speak? Iorwerth i siarad?

[433] **Rhun ap Iorwerth:** Yn fyr, rydw **Rhun ap Iorwerth:** Very briefly, I have i wedi cael fy argyhoeddi bod angen been convinced that we do need a strategaeth genedlaethol yn hytrach national strategy rather than a series na chyfres o strategaethau lleol yn of local strategies, although,

unig, er, wrth reswm, y byddai mewnbyn lleol yn allweddol wrth gyfrannu at greu'r darlun llawn o'n hanghenion ni ac anghenion y boblogaeth. Mi glywsom ni, fel pwyllgor, dystiolaeth am elfennau o strategaethau lleol a allai fethu ambell elfen angenrheidiol o'r hyn y byddem ni'n chwilio amdano fe fel darpariaeth genedlaethol o bosibl—er enghraifft, lle mae prif lwybrau trafnidiaeth ag iddyn nhw agwedd genedlaethol bwysig, ond efallai nad ydyn nhw mor bwysig o ran darluniau lleol. Felly, dyna pam byddaf i'n cefnogi gwelliannau 102, 103 a 104.

naturally, local input would be crucial to the creation of that bigger picture of our needs and the population's needs. We as a committee heard evidence on elements of local strategies that may fail to provide some of the crucial elements that we would seek in terms of national provision—for example, where main transport routes are of national importance, but perhaps are not as important in terms of local circumstances. And that is why I will be supporting amendments 102, 103 and 104.

[434] **Dai Lloyd:** Diolch yn fawr, Rhun. Unrhyw aelod arall? Na. Galwaf ar y Gweinidog i siarad. Gweinidog.

**Dai Lloyd:** Thank you Rhun. Any other Members? No. I therefore call on the Minister. Minister.

[435] **Rebecca Evans:** Thank you. The amendments in this group propose changes that both seek to implement a new national toilet strategy and strengthen the statutory guidance to be made under Part 7 of the Bill. Amendments 102 to 104, tabled by Angela Burns, would require Welsh Ministers to prepare, publish and implement a national toilet strategy, not later than one year after the date on which this Act receives Royal Assent. I'm aware that similar amendments for a national toilet strategy were tabled during the scrutiny process for the Bill during the fourth Assembly. These were rejected on the basis that greater influence on the development of the local authority strategies could be achieved by instead strengthening the provisions related to the content of the guidance. And I believe that this remains appropriate. In direct response to the original amendments, amendments were agreed to the Bill that strengthened the statutory guidance and ensured that a national perspective is appropriately included. These provisions remain in the Bill.

13:45

[436] The amendments placed a statutory duty on the Welsh Ministers, rather than leaving it to their discretion, to publish guidance to which local

authorities must have regard when developing their strategies. Other amendments prescribed the scope and the content of that guidance, and included matters that were important from a national perspective. In my view, these amendments tabled today suffer from the same drawbacks as those that were previously rejected. They would result in responsibilities being replicated at both the national and local democratic tiers. I believe the planning provision and servicing of public toilets within a local authority's boundary are matters for each local authority, taking account of the guidance, rather than for Welsh Ministers.

[437] The remaining amendments in the group, tabled by Caroline Jones, seek to make changes to the content of statutory guidance. Whilst I'm unable to support them, as they go beyond the policy intent, and would produce inconsistencies within the Bill, I will give further consideration to one of the issues they raise—collaboration between local authorities in addressing needs for toilet provision, which could involve more than one authority. This might include, for example, provision on a major route that crosses two or more local authorities. So, I'd therefore ask Members to reject the amendments in this group.

[438] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Minister. I call Gweinidog. Galwaf ar Angela Burns i ymateb i'r ddadl. Angela. **Angela:** Thank you, Minister. I call Angela Burns to respond to the debate. Angela.

[439] **Angela Burns:** Diolch, Chair. Minister, I'd like to thank you for the commitments that you did make in the Assembly debate on the Health and Social Care Committee's report on this Bill, in terms of actually publicising where toilets are, doing a web app et cetera, et cetera, and that is very welcome. However, I do believe—and I still believe, even having listened to you—that we are missing a trick here.

[440] Local authorities will be under a lot of pressures. They have many, many things to take care of, and, to be frank, loos tend to slip down everybody's priority list. And I believe that, unless the Government puts together a national strategy—where I totally understand that local strategies would fit in as a jigsaw, and be part of that—then we will not provide a comprehensive and consistent level of public facilities throughout Wales. This particularly applies to trunk roads, which are under the purview of the Government, and we need to ensure that you can travel on a trunk road, anywhere in Wales—particularly the more rural areas—and know that you are able to access facilities. And it's not just for the ill, disabled, children and so

on and so forth. There's a real problem about this; it was raised by an awful lot of people.

[441] I'm prepared to accept that you may not wish to replicate the different layers of Government—I totally understand that—but I do think it is incumbent upon Welsh Government to step in into areas where local government are not under a compulsory mandate to sort this out. And I can see that, whilst we may have, you know, public halls open to the public, where they may open their own county council offices to the public, so that people can access facilities, that's going to be very difficult to do in the middle of the Preseli mountains, on the top of the Brecon Beacons, in Snowdonia—wherever it may be. And I do think that we ought to have that overarching view. So, I would ask people to resist the Government's desire to resist my amendments.

[442] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Angela. Does Angela. A ydy hynny'n golygu yr that mean that you wish to proceed hoffech chi symud i bleidlais ar to a vote on amendment 102? welliant 102?

[443] **Angela Burns:** I do, yes.

[444] **Dai Lloyd:** Os na dderbynnir **Dai Lloyd:** If amendment 102 is not gwelliant 102, bydd gwelliannau 103 agreed, amendments 103 and 104 a 104 hefyd yn methu. Felly, y will also fall. Therefore, the question cwestiwn ydy: a ddylid derbyn is that amendment 102 be agreed. gwelliant 102? A oes unrhyw Does any Member object? wrthwynebiad? [*Gwrthwynebiad.*] Mae [*Objection.*] There is objection. yna wrthwynebiad, felly mi wnawn ni Therefore, we will move to a vote. symud i bleidlais. Y cwestiwn yw: a The question is whether amendment ddylid derbyn gwelliant 102? Y rheini 102 is agreed. Those in favour; three o blaid i godi eu dwylo. Tri o blaid. Y in favour. Those against—four. And rheini sydd yn erbyn. Pedwar. A'r abstentions—one. Therefore, can I sawl sydd yn ymatal. Un. Felly, a gaf i announce that amendment 102 has gyhoeddi bod gwelliant 102 wedi fallen? That means that amendments cwmpo, felly? Ac mae hynny'n 103 and 104 have also fallen. golygu bod 103 a 104 hefyd wedi mynd yr un ffordd.

*Gwelliant 102: O blaid 3, Yn erbyn 4, Ymatal 1.*

*Amendment 102: For 3, Against 4, Abstain 1.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	Jones, Caroline
Burns, Angela	Irranca-Davies, Huw	
Lloyd, Dai	Morgan, Julie	
	Neagle, Lynne	

*Gwrthodwyd gwelliant 102.*  
*Amendment 102 not agreed.*

*Methodd gwelliannau 103 a 104.*  
*Amendments 103 and 104 fell.*

[445] **Dai Lloyd:** Rydym yn symud ymlaen nawr i welliant 97. Caroline, a hoffech gynnig gwelliant 97? **Dai Lloyd:** We now move on to amendment 97. Caroline, do you wish to move amendment 97?

*Cynigiwyd gwelliant 97 (Caroline Jones).*  
*Amendment 97 (Caroline Jones) moved.*

[446] **Caroline Jones:** Yes.

[447] **Dai Lloyd:** Y cwestiwn ydy: a ddylid derbyn gwelliant 97? A oes unrhyw wrthwynebiad? **Dai Lloyd:** The question is that amendment 97 be agreed. Does any Member object? [*Objection.*] There is objection. We'll go to a vote, therefore. The question is that amendment 97 be agreed. Those in favour please raise their hands. One in favour. Those against, please indicate. Four against—five against. Any abstentions? One abstention. There we are. That means that amendment 97 has also fallen.

[*Gwrthwynebiad.*] Mae gwrthwynebiad. Awn i bleidlais, felly. Mae hynny'n golygu bod gwelliant 97 hefyd wedi cwmpo.

*Gwelliant 97: O blaid 1, Yn erbyn 5, Ymatal 1.*  
*Amendment 97: For 1, Against 5, Abstain 1.*

O blaid:	Yn erbyn:	Ymatal:
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For:	Against:	Abstain:
Jones, Caroline	ap Iorwerth, Rhun Bryant, Jayne Irranca-Davies, Huw Morgan, Julie Neagle, Lynne	Burns, Angela

*Gwrthodwyd gwelliant 97.  
Amendment 97 not agreed.*

*Cynigiwyd gwelliant 98 (Caroline Jones).  
Amendment 98 (Caroline Jones) moved.*

[448] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 98? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Reit, awn ni i bleidlais am hynny hefyd, gan taw gwelliant Caroline Jones ydy hwnnw. Y cwestiwn yw: a ddylid pleidleisio o blaid gwelliant 98? Pawb sydd o blaid i ddangos. Un. Y rheini yn erbyn i godi eu dwylo. Pedwar—pump. A oes rhywun yn ymatal? Mae un yn ymatal. Felly mae gwelliant 98 wedi cwmpo.

**Dai Lloyd:** The question is that amendment 98 be agreed. Does any Member object? [*Objection.*] Right, we'll go to a vote as well, as that is Caroline Jones's amendment. The question is that amendment 98 be agreed. Everybody in favour, please indicate. One. Those against, please indicate. Four—five. Any abstentions? One abstention. Therefore, amendment 98 falls.

*Gwelliant 98: O blaid 1, Yn erbyn 5, Ymatal 1.  
Amendment 98: For 1, Against 5, Abstain 1.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Jones, Caroline	ap Iorwerth, Rhun Bryant, Jayne Irranca-Davies, Huw Morgan, Julie Neagle, Lynne	Burns, Angela

*Gwrthodwyd gwelliant 98.  
Amendment 98 not agreed.*

[449] **Dai Lloyd:** Caroline, a ydych chi'n dymuno cynnig gwelliant 99?

**Dai Lloyd:** Caroline, do you wish to move amendment 99?

[450] **Caroline Jones:** No.

[451] **Dai Lloyd:** Na. Rŷch chi'n ei dynnu yn ôl. **Dai Lloyd:** No. You're withdrawing it.

[452] **Caroline Jones:** Leave it, yes.

[453] **Dai Lloyd:** A oes yna unrhyw wrthwynebiad i dynnu gwelliant 99 yn ôl? Dim gwrthwynebiad. Felly, mae gwelliant 99 wedi'i dynnu yn ôl. **Dai Lloyd:** Is there any objection to withdrawing amendment 99? No objection. Therefore, amendment 99 has been withdrawn.

*Ni chynigiwyd gwelliant 99 (Caroline Jones).  
Amendment 99 (Caroline Jones) not moved.*

[454] **Dai Lloyd:** Caroline, a ydych yn dymuno cynnig gwelliant 100? **Dai Lloyd:** Caroline, do you wish to move amendment 100?

[455] **Caroline Jones:** Na, dim diolch. **Caroline Jones:** No, thank you.

[456] **Dai Lloyd:** A oes unrhyw wrthwynebiad i dynnu gwelliant 100 yn ôl? Dim gwrthwynebiad. Felly, mae gwelliant 100 wedi'i dynnu yn ôl. **Dai Lloyd:** Is there any objection to withdrawing amendment 100? No objection. Therefore, amendment 100 has been withdrawn.

*Ni chynigiwyd gwelliant 100 (Caroline Jones).  
Amendment 100 (Caroline Jones) not moved.*

[457] **Dai Lloyd:** Reit, rydym ni nawr yn gwneud cynnig i bleidleisio ar welliannau 73, 74, 75 a 95, a gafodd eu trafod fel rhan o grŵp 16. Rhun, a hoffech gynnig gwelliant 73? **Dai Lloyd:** Right, we now move to vote on amendments 73, 74, 75 and 95, which were debated as part of group 16. Rhun, do you wish to move amendment 73?

*Cynigiwyd gwelliant 73 (Rhun ap Iorwerth).  
Amendment 73 (Rhun ap Iorwerth) moved.*

[458] **Rhun ap Iorwerth:** Os gwelwch yn dda, Gadeirydd. **Rhun ap Iorwerth:** Yes, please, Chair.

[459] **Dai Lloyd:** Os na dderbynnir gwelliannau 73, 74, 75 a 95, bydd gwelliant 64 yn methu. Y cwestiwn yw: a ddylid derbyn gwelliant 73? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Mae yna wrthwynebiad. Mi awn ni yn syth i bleidlais. Y cwestiwn yw: a ddylid derbyn gwelliant 73? Y rheini o blaid i godi eu dwylo. Pedwar o blaid. Y rheini yn erbyn i godi eu dwylo. Pedwar yn erbyn. Mae'r bleidlais yn gyfartal, felly mae pleidlais fwrw y Cadeirydd yn mynd yn erbyn, felly mae gwelliant 73 yn cwmpo.

**Dai Lloyd:** If amendments 73, 74, 75 and 95 are not agreed, amendment 64 falls. The question is that amendment 73 be agreed. Does any Member object? [*Objection.*] There is objection. We'll go straight to a vote. The question is that amendment 73 be agreed. Those in favour, please indicate. Four in favour. Those against, please indicate. Four against. It's an equal vote, therefore the Chair's casting vote is in the negative, therefore amendment 73 falls.

*Gwelliant 73: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 73: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 73.  
Amendment 73 not agreed.*

[460] **Dai Lloyd:** Rhun, a ydych yn dymuno cynnig gwelliant 74?

**Dai Lloyd:** Rhun, do you wish to move amendment 74?

*Cynigiwyd gwelliant 74 (Rhun ap Iorwerth).  
Amendment 74 (Rhun ap Iorwerth) moved.*

[461] **Rhun ap Iorwerth:** Os gwelwch

**Rhun ap Iorwerth:** Yes, please.



yn dda.

[462] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 74? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Mae yna wrthwynebiad. Awn ni'n syth i bleidlais. Y cwestiwn yw: a ddylid derbyn gwelliant 74? Y rheini o blaid i godi eu dwylo. Pedwar o blaid. Y rheini yn erbyn. Pedwar yn erbyn. Mae'r bleidlais yn gyfartal. Mae pleidlais fwrw'r Cadeirydd yn erbyn, felly, fel arfer, ac mae gwelliant 74 hefyd yn methu.

**Dai Lloyd:** The question is that amendment 74 be agreed. Does any Member object? [*Objection.*] There is objection. We'll go straight to a vote. The question is that amendment 74 be agreed. Those in favour, please indicate. Four in favour. Those against—. Four against. There's an equal vote. The Chair's casting vote is in the negative, therefore, as usual, and amendment 74 also falls.

*Gwelliant 74: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 74: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 74.  
Amendment 74 not agreed.*

[463] **Dai Lloyd:** Rhun, a ydych chi'n dymuno cynnig gwelliant 75?

**Dai Lloyd:** Rhun, do you wish to move amendment 75?

*Cynigiwyd gwelliant 75 (Rhun ap Iorwerth).  
Amendment 75 (Rhun ap Iorwerth) moved.*

[464] **Rhun ap Iorwerth:** Os gwelwch **Rhun ap Iorwerth:** Yes, please.

yn dda.

[465] **Dai Lloyd:** Y cwestiwn yw: a ddylid derbyn gwelliant 75? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Mae yna wrthwynebiad, felly awn ni'n syth i bleidlais. Y cwestiwn yw: a ddylid derbyn gwelliant 75? Y rheini o blaid i godi eu dwylo. Pedwar o blaid. Y rheini yn erbyn i godi eu dwylo. Pedwar yn erbyn. Mae'r bleidlais yn gyfartal, felly mae pleidlais fwrw y Cadeirydd yn erbyn unwaith eto, felly mae gwelliant 75 yn cwmpo.

**Dai Lloyd:** The question is that amendment 75 be agreed. Does any Member object? [*Objection.*] There is objection, therefore we'll go straight to a vote. The question is that amendment 75 be agreed. Those in favour, please indicate. Four in favour. Those against, please indicate. Four against. Equal vote—the Chair's casting vote is in the negative, once again. Amendment 75 falls.

*Gwelliant 75: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 75: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

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

*Gwrthodwyd gwelliant 75.  
Amendment 75 not agreed.*

[466] **Dai Lloyd:** Rhun, a ydych chi'n dymuno cynnig gwelliant 95?

**Dai Lloyd:** Rhun, do you wish to move amendment 95?

*Cynigiwyd gwelliant 95 (Rhun ap Iorwerth).  
Amendment 95 (Rhun ap Iorwerth) moved.*

[467] **Rhun ap Iorwerth:** Ie, plîs.

**Rhun ap Iorwerth:** Yes, please.

[468] **Dai Lloyd:** Ie. Y cwestiwn yw: a ddylid derbyn gwelliant 95? A oes unrhyw wrthwynebiad? [Gwrthwynebiad.] Mae yna wrthwynebiad. Awn ni'n syth i bleidlais felly. Y cwestiwn yw: a ddylid derbyn gwelliant 95? Y rheini o blaid i godi eu dwylo. Pedwar o blaid. Y rheini yn erbyn i godi eu dwylo. Pedwar yn erbyn. Mae'r bleidlais yn gyfartal, felly mae pleidlais fwrw y Cadeirydd yn erbyn yn golygu bod gwelliant 95 hefyd yn methu.

**Dai Lloyd:** The question is that amendment 95 be agreed. Does any Member object? [*Objection.*] There is objection. We'll go straight to a vote, therefore. The question is that amendment 95 be agreed. Those in favour, please indicate. Four in favour. Those against. Four against. There's an equal vote. The Chair's casting vote is in the negative, which means that amendment 95 also falls.

*Gwelliant 95: O blaid 4, Yn erbyn 4, Ymatal 0.  
Amendment 95: For 4, Against 4, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
ap Iorwerth, Rhun	Bryant, Jayne	
Burns, Angela	Irranca-Davies, Huw	
Jones, Caroline	Morgan, Julie	
Lloyd, Dai	Neagle, Lynne	

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

*Gwrthodwyd gwelliant 95.  
Amendment 95 not agreed.*

*Methodd gwelliant 64.  
Amendment 64 fell.*

**Grŵp 19: Troseddau Sgoriau Hylendid Bwyd: Derbyniadau Cosbau Sefydlog  
(Gwelliant 76)**

**Group 19: Food Hygiene Rating Offences: Fixed Penalty Receipts  
(Amendment 76)**

[469] **Dai Lloyd:** Rydym ni'n symud ymlaen nawr i grŵp 19 y gwelliannau. Grŵp 19 yw'r grŵp olaf o welliannau ac mae'n ymwneud â throseddau sgorio hylendid bwyd a derbyniadau cosb benodedig. Yr unig welliant yn y grŵp yw gwelliant 76 yn enw Rhun ap Iorwerth. Galwaf ar Rhun ap Iorwerth i gynnig ei welliant ac i siarad amdano. Rhun.

**Dai Lloyd:** We move on now to group 19 of amendments. Group 19 is the final group of amendments and it relates to food hygiene rating offences and fixed-penalty receipts. The lead and only amendment in the group is amendment 76 in the name of Rhun ap Iorwerth. I call on Rhun ap Iorwerth to move and speak to his amendment. Rhun.

*Cynigiwyd gwelliant 76 (Rhun ap Iorwerth).  
Amendment 76 (Rhun ap Iorwerth) moved.*

[470] **Rhun ap Iorwerth:** We can take our time over this one then. [*Laughter.*] Right, with this amendment we are seeking to ensure that fixed-penalty receipts cannot, do not, become the sole means of funding the enforcement of the food hygiene Act, as we believe this could create inappropriate incentives. We believe that currently identified resources to enforce the Act should remain, and that it would be inappropriate to allow receipts from fines to be seen as a source of funding for future actions. So, in tabling the amendment, we're seeking clarification on the record, from the Government, that this is not the case in their view, both for this and future Governments, and, if I'm satisfied with the Minister's response, I would be happy to withdraw.

[471] **Dai Lloyd:** Diolch yn fawr, Rhun. A oes unrhyw Aelod eisiau siarad? Nac oes. Galwaf ar y Gweinidog i siarad, felly.

**Dai Lloyd:** Thank you, Rhun. Are there other Members who wish to speak? No. I call on the Minister to speak, therefore.

[472] **Rebecca Evans:** Thank you, Chair. So, Rhun ap Iorwerth's amendment 76 seeks to add to the provisions in the Bill, which provide for fixed-penalty-notice receipts under the food hygiene rating scheme to be retained by local authorities. And it provides that fixed-penalty-notice receipts are not to replace other local authority funding allocated for the enforcement of the

food hygiene rating scheme. Whilst I support the notion behind the amendment, it's not necessary. The Bill's provisions on fixed-penalty receipts for food hygiene rating offences are intended to support enforcement in this area and not to undermine existing funding.

[473] Local authorities, as the statutory food authorities in the Food Hygiene Rating (Wales) Act 2013, are under a statutory duty to prepare, operate and keep under review a programme of assessments and inspections in accordance with the requirements of the food hygiene rating scheme. This means that enforcing the food hygiene rating scheme cannot be treated as an optional extra when funding is being allocated within local authorities. I believe, therefore, that there are already sufficient safeguards in place within the legislation to address the concern behind the amendment.

[474] I consider that it's important to work with local authorities to encourage them to adequately fund food safety services more generally. Penalty notices are intended to be a deterrent to undesirable behaviour. The majority of food businesses already comply with the requirements of the food hygiene rating scheme. A very low number of fixed-penalty notices are issued in relation to the overall number of food businesses that have a rating. Therefore, while the change made by the Bill will provide limited additional funding, it will be insufficient to replace existing funding of enforcement. The total value of the receipts that have been returned to the Welsh Government by local authorities under the scheme for this financial year so far has been £3,600 returned by seven local authorities. It's therefore extremely unlikely that fixed-penalty receipts will be seen as an alternative source of funding in the future, and for these reasons, I am unable to support the amendment, and would urge Members to reject it.

[475] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you, Minister. I call Gweinidog. Galwaf ar Rhun ap Iorwerth to reply to the Iorwerth i ymateb i'r ddadl. Rhun debate. Rhun.

[476] **Rhun ap Iorwerth:** Thank you. I think it satisfies me that the spirit of what is drafted already in the Bill is not to undermine the principle of additionality in this respect, and I'm pleased we have, from the Minister, a confirmation of that on the record. And in that context, I will be happy to withdraw that amendment.

[477] **Dai Lloyd:** Diolch yn fawr, **Dai Lloyd:** Thank you very much, Rhun. Mi wnaf gadarnhau, felly, fod Rhun. I confirm, therefore, that Rhun

Rhun yn dymuno tynnu gwelliant 76 yn ôl. A oes gwrthwynebiad i'r bwriad yna? Nac oes. Felly, tynnwyd gwelliant 76 yn ôl.

wishes to withdraw amendment 76. Is there any objection to that withdrawal? No. Therefore, amendment 76 is withdrawn.

*Tynnwyd gwelliant 76 yn ôl gyda chaniatâd y pwyllgor.*  
*Amendment 76 withdrawn by leave of the committee.*

[478] **Dai Lloyd:** Prysurwn ymlaen. Mae yna nifer o welliannau sydd wedi cwmpo eisoes yn ein trafodaethau blaenorol. Rydym yn dod rŵan at y cynnig i bleidleisio ar welliant 61, a gafodd ei drafod fel rhan o grŵp 10, ychydig yn ôl nawr.

**Dai Lloyd:** We move on now. We have a number of amendments that have already fallen in previous debates. That brings us therefore to a proposal to vote on amendment 61, which was discussed as part of group 10, a little while ago now.

*Cynigiwyd gwelliant 61 (Rebecca Evans).*  
*Amendment 61 (Rebecca Evans) moved.*

[479] **Dai Lloyd:** Cynigiau welliant 61 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 61 yng ngrŵp 10? A oes unrhyw wrthwynebiad? Nac oes. Felly, derbyniwyd gwelliant 61.

**Dai Lloyd:** I move amendment 61 in the name of the Minister. The question is that amendment 61 be agreed. Does any Member object? There are no objections. And, therefore, amendment 61 is agreed.

*Derbyniwyd gwelliant 61 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 61 agreed in accordance with Standing Order 17.34.*

[480] **Dai Lloyd:** Rydym nawr yn gwneud cynnig i bleidleisio ar welliant 1, a gafodd ei drafod fel rhan o grŵp 15.

**Dai Lloyd:** We now move to dispose of amendment 1, which was discussed as part of group 15.

*Cynigiwyd gwelliant 1 (enw'r Rebecca Evans, gyda chefnogaeth Angela Burns).*  
*Amendment 1 (Rebecca Evans, supported by Angela Burns) moved.*

[481] **Dai Lloyd:** Cynigiau welliant 1 yn enw'r Gweinidog. Y cwestiwn yw: a ddylid derbyn gwelliant 1? A oes

**Dai Lloyd:** I move amendment 1 in the name of the Minister. The question is that amendment 1 be

unrhyw wrthwynebiad? Nac oes. agreed. Does any Member object? No  
Derbyniwyd gwelliant 1. objections. Therefore, amendment 1  
is agreed.

*Derbyniwyd gwelliant 1 yn unol â Rheol Sefydlog 17.34.*

*Amendment 1 agreed in accordance with Standing Order 17.34.*

[482] **Dai Lloyd:** Daw hynny â'n **Dai Lloyd:** And that brings our  
trafodaethau i ben. Ar ddiwedd y proceedings to an end. At the end of  
sesiwn felly, a allaf ddiolch i'r the session, may I thank the Minister  
Gweinidog a'i swyddogion am eu and her officials for their attendance?  
presenoldeb? A allaf hefyd roi May I also advise you that you will be  
gwybod i chi y byddwch yn cael sent a transcript of the meeting so  
trawsgrifiad o'r cyfarfod i gadarnhau that you can check it for factual  
ei gywirdeb ffeithiol. accuracy.

14:00

[483] Daw hyn â thrafodion Cyfnod That completes Stage 2 proceedings.  
2 i ben. Bydd Cyfnod 3 yn dechrau Stage 3 begins tomorrow. The  
yfory. Bydd y dyddiadau perthnasol relevant dates for Stage 3  
ar gyfer trafodion Cyfnod 3 yn cael proceedings will be published in due  
eu cyhoeddi maes o law. Mae'r course. Standing Orders make  
Rheolau Sefydlog yn gwneud provision for the Minister to prepare  
darpariaeth i'r Gweinidog baratoi a revised explanatory memorandum  
memorandwm esboniadol diwygiedig taking account of the amendments  
sy'n ystyried y gwelliannau a agreed today. The revised  
dderbyniwyd heddiw. Bydd y memorandum will be laid at least five  
memorandwm diwygiedig yn cael ei working days before Stage 3  
osod o leiaf bum diwrnod gwaith cyn proceedings. That concludes our  
trafodion Cyfnod 3. Felly, dyna Stage 2 proceedings on the Public  
ddiwedd ein trafodion ar Gyfnod 2 Bil Health (Wales) Bill.  
lechyd y Cyhoedd (Cymru).

*Barnwyd y cytunwyd ar bob adran o'r Bil.*

*All sections of the Bill deemed agreed.*

## **Papurau i'w Nodi**

### **Papers to Note**

[484] **Dai Lloyd:** Symud ymlaen felly **Dai Lloyd:** We'll move on therefore to

i eitem 4. Mae yna bapurau i'w nodi. Mi fydd Aelodau wedi darllen y llythyr gan y Gymdeithas Siartredig Ffisiotherapi, Coleg Brenhinol y Therapyddion Lleferydd ac Iaith a Choleg y Therapyddion Galwedigaethol ynglŷn â strategaeth genedlaethol ddrafft Llywodraeth Cymru ar ddementia. Byddwch hefyd wedi darllen yn drwyadl y llythyr gan Lynne Neagle yn nodi gohebiaeth rhyngddi hi, fel cadeirydd y grŵp trawsbleidiol ar ddementia, ac Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon.

item 4. We have some papers to note. Members will have read the letter from the Chartered Society of Physiotherapy, Royal College of Speech and Language Therapists and the College of Occupational Therapists regarding the Welsh Government's draft national dementia strategy. You will also have read in detail the letter from Lynne Neagle noting correspondence between herself, as the chair of the cross-party group on dementia, and the Cabinet Secretary for Health, Well-being and Sport.

14:01

### **Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd Motion under Standing Order 17.42 to Resolve to Exclude the Public**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).*

*that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).*

*Cynigiwyd y cynnig.*

*Motion moved.*

[485] **Dai Lloyd:** Ac o dan eitem 5, cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o weddill cyfarfod heddiw. A ydy pawb yn cytuno ar symud i sesiwn breifat? Diolch.

**Dai Lloyd:** And under item 5, a motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting. Are we all agreed that we move to private session? Thank you.

*Derbyniwyd y cynnig.*

*Motion agreed.*



*Daeth rhan gyhoeddus y cyfarfod i ben am 14:01.  
The public part of the meeting ended at 14:01.*