



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

**Y Pwyllgor Deisebau
The Petitions Committee**

**Dydd Mawrth, 21 Hydref 2014
Tuesday, 21 October 2014**

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

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

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

Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur (yn dirprwyo ar ran Joyce Watson) Labour (substitute for Joyce Watson)
Bethan Jenkins	Plaid Cymru The Party of Wales
William Powell	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)

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

Kayleigh Driscoll	Dirprwy Glerc Deputy Clerk
Steve George	Clerc Clerc
Matthew Richards	Cynghorydd Cyfreithiol Legal Adviser
Kath Thomas	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 09:30.
The meeting began at 09:30.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **William Powell:** Bore da, bawb. **William Powell:** Good morning, all.

[2] I am looking forward to today's meeting of the Petitions Committee. It is particularly good to welcome Mike Hedges who is acting today as substitute for Joyce Watson, who has given her apologies. I hope that we will also be joined by our colleague, Russell George, shortly. The normal housekeeping arrangements apply. I would also like to welcome Luke Arundel of Llanishen High School in Cardiff, who is on work experience and is joining us here in committee this morning. With no further ado, I will move straight to agenda item 2.

09:31

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions

[3] **William Powell:** The first update is to P-04-526, 'Please make Senedd TV accessible to deaf people'. This petition was submitted by Mervyn James and was first considered on 21 January 2014. It has the support of 25 signatories. We considered this petition back on 3 June and agreed a number of actions, particularly to write to the petitioner to seek clarification on exactly the kind of facilities that he and his supporters would like to see for senedd.tv, and also stressing again the Presiding Officer's kind offer, which she had made earlier, to hold a meeting to discuss the issues. In the course of the letter that we have received from Mr James, it becomes clear that, in fact, it was specifically an issue that arose around cross-party committees, as he termed them—it is the cross-party group on deaf and sensory impairment that is mentioned in his letter. To some extent, that might reflect a bit of a confusion regarding the role that those groups have in our business. In that context, colleagues, do you have any proposals as to how we best take this one forward? It may be useful if we could get a member of Assembly Commission staff to engage directly with the petitioner to work through the issues, because I think—

[4] **Bethan Jenkins:** The cross-party groups, which are mentioned in the petitioner's letter, do not get televised, and do not get any funding unless a charity decides to sponsor it.

[5] **William Powell:** Yes, unless a particular organisation provides the secretariat.

[6] **Bethan Jenkins:** I actually agree that it would be great if cross-party groups could be televised, because they are really important, but that is just an expense that the Commission cannot afford at the moment.

[7] **William Powell:** Absolutely. So, I think that, really, we could get a member of

Commission staff to engage direct with the petitioner.

[8] **Bethan Jenkins:** Regarding the notes, the rules have changed so that all the write-ups of the meetings have to be on the website, so you can get an idea of what cross-party groups do at least.

[9] **William Powell:** Yes, absolutely.

[10] **Mike Hedges:** It just would not be feasible, would it? As people here know, it is unusual for there to be fewer than two or three cross-party groups meeting at any one time, so how would you decide which one went on?

[11] **William Powell:** Yes. I think that there would be big logistical challenges, to be candid, yes.

[12] **Mike Hedges:** There are three meeting at lunchtime today, are there not?

[13] **William Powell:** I believe so, yes.

[14] **Russell George:** Chair, the nature of cross-party groups is that they are informal to an extent, as well. I just think that it would be impractical. I think that it would be nice if that could happen, but I just do not think that it is practical.

[15] **William Powell:** That is right. I am just going to check with Steve whether or not we have previously engaged with Ann Jones as chair of the relevant cross-party group at a previous time.

[16] **Mr George:** I think that we possibly did.

[17] **William Powell:** If we could just revisit that before we get somebody from the Commission to engage directly with Mr James, I think that that would be useful, just for the record. Okay, I think that that is probably as far as we can go on that at this time.

[18] The next update is to P-04-468, on road safety concerns on the A48 at Chepstow. This petition was submitted by Chepstow town council, and we first considered it on 19 March 2013. There was also an associated petition, which collected a significant number of signatures. We considered this on 11 March and we agreed to write to Mrs Edwina Hart, Minister for Economy, Science and Transport, seeking views on the petitioner's earlier comments, specifically around point 8, where there was a feeling that there might have been some confusion. The Minister has responded, as we have seen, and we have further comments from the petitioner. I would be very happy to have a steer from you as to the way we should go on this one.

[19] **Russell George:** It would be useful if we could ask the Minister to keep us updated on timelines on this and put some dates to it.

[20] **William Powell:** Yes, this feasibility study that has been referred to.

[21] **Russell George:** If we are doing that, then, at the time of asking that, it would be good to let the Minister know of the petitioner's views at the same time, as well.

[22] **William Powell:** Absolutely. I am happy to write to the Minister in that connection, and also to request any further comment that she may have on what Chepstow town council has submitted. That would be useful to further progress this one. Good. Are colleagues agreed? I see that you are.

[23] We move now to P-04-416 on north-south rail services. This petition was submitted by Neil Taylor and was first considered on 2 October 2012. It had the support of 19 signatories. We last considered this petition back on 30 April 2013, and we agreed to write to the Minister for Economy, Science and Transport asking that our committee be kept updated on the issue. As colleagues will recall, on 25 September, the Minister made a written statement on north Wales rail services, and we have now drawn that, because of its relevance to the topic, to the attention of Mr Taylor. He has offered further comments on the statement, and these again are in our public papers. We should probably be seeking an update from the Minister on her statement, to see whether there is any fresh news.

[24] **Russell George:** Agreed.

[25] **Bethan Jenkins:** Also, when I speak to Network Rail and Arriva about issues in my area, they just say now that it is very difficult to make changes until the new franchise comes up.

[26] **William Powell:** Which is in 2018, is it?

[27] **Bethan Jenkins:** Yes, so I think that we—not necessarily this committee, but we in Wales collectively—need to pull together those ideas for the consideration of the new franchise. That could then form the basis—

[28] **William Powell:** Now is the time when these things will be framed.

[29] **Bethan Jenkins:** Yes, and that could form the basis of what would be stipulated for the company that would win that contract. So, for the petitioners, I think that that should be their focus, as well.

[30] **William Powell:** Absolutely. I think that that is a very valid point, because we are in this kind of preparatory period when all that is going to be firmed up and the tender and so on going forward. Are there any comments on this one? I see that there are not. In the light of that, we will seek periodic updates from the Minister, but also make that point back to the petitioner regarding the relevance of the emergence of the new contract.

[31] **Mr George:** Sorry, Chair. I assume that you want us to ask the Minister in the response about that point as well, as to what sort of preparation—

[32] **Bethan Jenkins:** It would be useful if we could ask the Minister what preparation she is making in terms of having a public debate about what people would like to see and what would be fit for purpose.

[33] **William Powell:** And what would be fit for people's needs.

[34] **Bethan Jenkins:** Obviously, we have the issue of rolling stock and the issue of timetabling and updates to lines—

[35] **William Powell:** And an integrated approach, as well.

[36] **Bethan Jenkins:** Yes, those are the types of things that we need to understand whether she is going to be doing.

[37] **William Powell:** That would certainly move things forward because there are other transport-related petitions that that would be also be relevant to. Good.

[38] P-04-522 is the petition on asbestos in schools. This petition was submitted by Cenric Clement-Evans, who is in the public gallery today. It was first considered on 10 December 2013 and had the support of 448 signatories. We last considered the petition back on 17 June, when we agreed a series of actions, including writing to the Minister, Huw Lewis, forwarding the recent correspondence that we had received from the petitioner, and also writing to the Chair of the Children, Young People and Education Committee, drawing attention to the petition. We have sought views from a number of bodies, including Wales TUC, the Welsh Local Government Association, and Governors Wales. We have received a further response from the Minister for Education and Skills, as well as a useful and full response from Governors Wales, and, more recently, the Wales TUC and the Joint Union Asbestos Committee have also shared their views. We also have some further comments from Mr Clement-Evans, the lead petitioner, and he has asked that our committee review matters once again, once the Minister has had the opportunity to consider the results of the consultation. However, I think that it is worth emphasising that the exercise that has been carried out is specific to schools in England at this time.

[39] I do not know whether Mike, with his long-standing background in local government, and in grappling with these issues, has a particular take on this, but we would very much appreciate colleagues' views on how best to take this one forward.

[40] **Mike Hedges:** Good question. I think that people have a problem with asbestos, in the sense that it is this terrible material, but, if it is left alone, it is not. They want to know which schools have it, and I can answer that question: almost any school built between 1930 and 1980, and every school built between 1950 and 1975. It was the wonder material during those times. However, as long as it is left untouched, it is safe. I think that one of the problems is that you need—and my understanding is that all local authorities have done this—a certified check on the schools that have asbestos. They should have an asbestos policy in place, which means that, where there is asbestos—which is quite often lagging piping and lagging boilers et cetera, which no-one is likely to have any contact with—as long as it is left in place, it should not cause any damage.

[41] I am old enough to remember when we used to have asbestos mats in a classroom, in order to stop heated beakers damaging benches. I left school in 1975, so that was certainly less than 40 years ago. We can continue to engage in this discussion with lots of people, but I think that there is a fear of asbestos that has become great. Most people who have been injured by asbestos, or have had an asbestos-related death, will be people who have actually worked with it, not worked in an area where it has been. However, local authorities should be examining it anyway, and they should have a safety policy. As long as they fulfil those safety policies, there should be no problem whatsoever.

[42] **William Powell:** Well, the letter that we have received from Governors Wales, dated 4 September, emphasises that the consequence of not complying with asbestos regulations is clearly a criminal matter.

[43] **Mike Hedges:** Yes.

[44] **William Powell:** Did you want to comment, Russell George?

[45] **Russell George:** Chair, there is the consultation going on in England, which is not relevant to Wales, but we would like to know what the Minister here's views are on that, as that progresses. So, I think that we should, as an action for this committee, write to the Minister, asking him to keep us updated on his views, as that consultation progresses.

[46] **William Powell:** Yes. I mean, the Minister appears at this time to have set his face against commissioning a study. However, I think that it is regrettable if there is a lesser body

of information about the situation in Wales, in comparison with England—it is as if we are lagging behind in that regard.

[47] **Russell George:** I would agree with that, and, if the committee is willing, I would be happy for that to be stated in the letter—if the committee is willing.

[48] **William Powell:** Did you want to comment, Bethan?

[49] **Bethan Jenkins:** Yes. I am happy with that. I appreciate what Governors Wales have said, but, in one of their bullet points, they say:

[50] ‘We feel that schools should, therefore, respond openly to enquiries from parents etc., about the presence of asbestos’.

[51] However, what is clear from the letter that we have had back from the petitioner is that the regulations do not include a requirement to provide information to parents, or to provide access to such information online. So, what the petitioner is calling for is that proactive approach, as opposed to the reactive approach, which is, ‘Well, parents should come to us’. You cannot expect parents to always be able to know that, and I think that, through progress, which the petitioner is pushing for, we need to have that proactive approach. So, I would like to outline that again to the Minister, because he says,

[52] ‘I do not intend for my officials to carry out...consultation at present.’

[53] However, we do not get an explanation as to why that is the case.

09:45

[54] **William Powell:** I think that we need to unpick that and understand, and maybe challenge, that view as well.

[55] **Bethan Jenkins:** We have been going back and forth quite a lot about the responsibility for this and I think that the Minister needs to understand what he can be doing while the progress in England takes place.

[56] **William Powell:** I think that that is right because, otherwise, we will definitely be left in a different place in Wales in that regard and people will find that difficult to understand.

[57] **Bethan Jenkins:** I am not a specialist, but I do think that it is not just people who work with asbestos directly who are affected. I know anecdotally of people who have worked in catering services in schools who have been affected by asbestos immediately after they have retired. So, it is not something that just affects those who work directly in the sector. So, we need to make that clear as well.

[58] **William Powell:** Some of the consequences are yet to be known, possibly.

[59] **Russell George:** I think that you have got a steer on the letter, Chair.

[60] **William Powell:** That is useful. Thank you, Mike, for your contribution too.

[61] Sticking with the theme of education, we move on to P-04-576—Allow Children in Wales to Have a Family Holiday During Term Time. This petition was submitted by Bethany Walpole and was first considered on 15 July, just before the summer recess; it has the support of 1,008 signatures. Also, at this stage, I should flag up that Members may wish to be aware that a related petition has also been submitted, which is related in that it emphasises the role

of school banding and inspection and that regime in decisions around consent or otherwise for absence for family holidays in school time. That petition has collected over 800 signatures in a matter of just a couple of days. It may be that we would wish, by our next meeting, to group this petition with the other, given that there is a core of shared concern within those two petitions. When we considered this back in July, we agreed to write to the Minister for Education and Skills, to the Children's Commissioner for Wales and to the Welsh Local Government Association. I am grateful to Steve Thomas for a very full response on that particular issue. Russell, you have indicated.

[62] **Russell George:** Yes, thank you, Chair. Looking at all of the correspondence, the Minister is effectively saying that he believes that there should be discretion and that children should be able to come out of school during term time and that there should be that flexibility allowed in schools. He seems to be saying what the petitioner would want to see. The WLGA, representing councils, has given us a very full reply. As you said, it seems to be balanced, but then the bottom line is that children should be in school. So, there does seem to be a difference of view and of opinion. Potentially, as I read through the correspondence, there is a difference of interpretation of that guidance. Then, I came to read the children's commissioner's letter, who suggested that, and said that that may be a role for our committee in that local authorities are interpreting guidance in different ways. I suggest that we take up the children's commissioner's suggestion and write to each local authority, asking what their interpretation of the guidance is and, basically, what they propose to do.

[63] **William Powell:** Yes, we could write to each local authority or we could write to each of the education consortia—whichever colleagues think is the most appropriate.

[64] **Russell George:** Whatever we think about it, it might be quite a bit of work. However, I think that this is a significant petition that people will be interested in following. I think that we have a role to play in this committee in bringing some clarification to this.

[65] **William Powell:** I agree. Also, I think that the recently received petition on that related point also drills down to some other relevant matters there in terms of whether or not the inspection framework and banding are acting as a driver here, which is maybe being interpreted differently in different places. So, I am happy to do that. Potentially, we could also write to the Chair of the Children, Young People and Education Committee to flag up the petition and the new one that has just been received, possibly asking the committee to consider this within its forward work programme.

[66] **Russell George:** I am happy with that.

[67] **Mike Hedges:** I do not disagree with any of that, but in terms of the way that Estyn is inspecting schools at the moment—as somebody who went through one last term—it is very keen on attendance. If you do not beat the national average on attendance, you will never get anything better than a 'good', no matter what else you do. Whatever consortia do, whatever the Welsh Government does, as long as Estyn is going to be holding schools to account, saying 'Your attendance is below the national average', the pressure will be on schools to stop it anyway.

[68] **Bethan Jenkins:** Estyn is directed from the Welsh Government, so it is not as if Estyn is working in a silo of pushing attendance. It is because of the directive from the Welsh Government, in terms of the focus on pupils being in full attendance. I am not saying that I disagree. I am just clarifying that that is why that emphasis is there.

[69] **William Powell:** It is in the remit letter, I suppose.

[70] **Russell George:** That is part of the issue, is it not? The Welsh Government is

effectively giving guidance saying one thing, and Estyn is potentially marking the school down when the school is following the Welsh Government's guidance.

[71] **Bethan Jenkins:** Yes, if that is the case, then that is wrong, is it not? I do not have evidence of that.

[72] **William Powell:** We have not as yet involved—. We have not written to Ann Keane and Estyn on this one, have we?

[73] **Mike Hedges:** May I suggest that we do?

[74] **William Powell:** I think that that would have some merit, actually, and may well be at least as relevant to the other petition coming up the track. It would, I think, be useful to get a sense from Estyn as to how the whole issue of attendance is featured. Anecdotally, as Mike says, attendance is one of the key drivers to—

[75] **Mike Hedges:** It is not anecdotal; it is a matter of fact. It is one of those things. If you look at any report, it is in the criteria and in the report, and schools are being held to account for it. I chair the governors of two schools that have a lot of parents who take their children out during school time, on the grounds that the prices are substantially lower.

[76] **William Powell:** Absolutely, and that is in some of the supporting documents that we have seen.

[77] **Bethan Jenkins:** May I just ask if we can go back to the children's commissioner, who says that his investigation

[78] 'has received calls from parents concerned at correspondence about school absences that they have received'.

[79] I would like to understand what those concerns are before we look to explore the implementation of the guidance on a national basis. It is in the last paragraph of the letter from the children's commissioner.

[80] **William Powell:** On page 22 of my papers.

[81] **Bethan Jenkins:** If we could ask him for some evidence on that, that would be useful.

[82] **William Powell:** Yes, perhaps we can get a little more information as to the background of that; I am happy to write to Keith Towler in that connection.

[83] **Mr George:** You want to write to the children's commissioner, and then consider his response before writing to local authorities; is that correct?

[84] **Bethan Jenkins:** Personally, I do, because I am not clear whether it is to do with the issue of being absent or the issue of the fines or penalties.

[85] **William Powell:** That has become a very emotive issue in itself.

[86] **Russell George:** I do not know if we need—. We are writing to local authorities to get their understanding of the guidance, and how they are interpreting it, so—

[87] **William Powell:** I do not see that there is a conflict.

[88] **Russell George:** There should not be a conflict; they should go in tangent.

[89] **William Powell:** I think that that will progress it a little bit more quickly, as well. Okay, good; we have agreed to pursue some actions there.

[90] Moving now to agenda item 2.6, P-04-492—Diagnosis of autism in children. This petition was submitted by the National Autistic Society Pembrokeshire branch. It was first considered by this committee on 18 June 2013, and has the support of 902 signatures. This petition was last considered by us on 23 September, and we agreed to chase up the lead petitioner for some additional comments. These have now been received, and we have a letter from Lisa Phillips of NAS Pembrokeshire branch in our papers. I think that the branch of NAS in Pembrokeshire has been particularly pleased with the proactive approach of the former Deputy Minister for Social Services, Gwenda Thomas, in taking forward a series of actions here, and taking things very seriously. One of the things emphasised in the letter is the wish to draw the new Minister's attention to the existence of the petition, the background, the action plan and so on. I would be happy—if colleagues are happy—to write in that regard, emphasising that and questioning them as to how they will deliver on this area of policy beyond the life of this particular action plan. Are there any other issues?

[91] **Russell George:** The petitioner has also requested a report from Hywel Dda Local Health Board. We could agree to do that as well—ask for a progress report from the health board.

[92] **William Powell:** Absolutely; on the issues of the task and finish group and when it is expected to undertake its work. Gwenda Thomas also undertook a round of correspondence with all the health boards because she wanted to emphasise the importance, across Wales, of timely diagnosis and so on. That is something that I will try to build into the letter to the new Minister as well. On the whole, I think that the society is well pleased with the response it has had. It just wants to make sure that this is safeguarded in the work of the new Minister and his team. Are colleagues happy with that?

[93] We now move to P-04-494—Robotic assisted laparoscopic prostatectomy must be made available to men in Wales now. This petition was submitted by Professor Kevin Davies MBE and was first considered by us back on 16 June 2013. It had the support of 2,090 signatures. When we last considered this, back in May of this year, we agreed to write again to Abertawe Bro Morgannwg University Local Health Board asking for a response to earlier correspondence, which it had failed to produce, and also to write to the Minister asking for his comments on what Professor Davies had to say and also, in fairness, drawing to his attention the failure of ABMU to respond to our committee letter. We have now received responses from both and they are in the public papers. We sought views from Professor Davies; we have not had them, as yet.

[94] **Russell George:** I was just going to say, if we are still waiting for the petitioner to response, I think that we should hold fire on doing any more work on this. Let us just wait until we have had his response, for the time being.

[95] **William Powell:** Absolutely, we can engage back with him and chase up for a response, and then we can hopefully move it to the next stage. I am sure that he and his supporters are still very committed to this. We had a really useful letter from Mark Drakeford, explaining that there would be access to this particular facility from across Wales, but clearly the resource is scarce. I am happy to chase up a response from Professor Davies, as lead petitioner.

[96] We move to P-04-527—Campaign for a Special Cancer Drug Fund in Wales. This petition was submitted by councillor Sean Aspey and was first considered by us as a

committee on 21 January 2014. We have the detailed wording of the petition in front of us. We last considered the petition on 13 May 2014 and agreed a number of actions: to write to the All Wales Medicines Strategy Group, under the acronym AWMSG, to find out more about its processes for evaluating and assessing cancer drugs of the sort that the petitioner is concerned with; seeking further comments also from the petitioner, to ask whether the Minister's previously issued written statement met any of the concerns; also, again seeking the outstanding response from ABMU health board, which had not written. Again, we did see a pattern there from ABMU. We got a fairly full response from the medicines strategy group, which is in our public papers. We have also been in touch with the lead petitioner but at this time—. Have we had a late response on that? We are still owed a response from Councillor Aspey. We have also still not received a response from ABMU, so I think we need to chase that and, in fairly clear terms, express our concern about its general lack of responsiveness to correspondence. A committee of this Assembly should be accorded a little more courtesy than that. If colleagues are happy for me to do that, to write to the chief executive and also to Professor Andrew Davies, who is the chair of the—

[97] **Bethan Jenkins:** AMBU is ready enough to go to the press if people attack it for various things. So, it has staff there who are able to respond. It should be able to—

10:00

[98] **William Powell:** It does seem to have an à la carte approach to answering correspondence.

[99] **Bethan Jenkins:** It should be able to do that, because it did not even apologise in the previous petition.

[100] **William Powell:** No, I did note that. I was minded to mention that.

[101] **Bethan Jenkins:** So, a bit of recognition of the fact that it is not responding, from them, would be nice as well. They love me there, so—. [*Laughter.*]

[102] **William Powell:** I will do that and I will also contact Councillor Aspey for an update from him. I am sure that he would share that concern over the lack of a timely response.

[103] We move on to petition P-04-553, A full and independent investigation in to the health risks of wireless and mobile phone technologies in Wales including all schools. This petition was submitted by Cymru Sofren/Sovereign Wales and was first considered by this committee on 13 May 2014 and had the support of 11 signatures. We considered the petition for the first time, as I said, back in May and we agreed to write to Mark Drakeford, the Minister for Health and Social Services and to Ofcom Cymru seeking its views on the petition. In the case of Ofcom, we wrote to see if it knew of any recent research undertaken into this area of policy.

[104] We have a full response from the Minister for Health and Social Services and from Rhodri Williams of Ofcom. As you can see, the petitioner has also commented extensively on both letters. Colleagues, what is the best way to take this forward?

[105] **Russell George:** As to the wording of the petition, the petitioner has said that there is an enormous body of evidence demonstrating that bombardment of modern traffic. He talks about there being a lot of evidence of this, but the Minister has replied to us saying that he does not believe that that is the case. I think that Ofcom is probably of the same view as the Minister. Could I ask whether we have had, further back—? The petitioner talks about there being evidence. Did he provide that evidence in detail initially?

[106] **Mr George:** I cannot recall—

[107] **William Powell:** I think the initial petition came with quite a body of—

[108] **Mr George:** Yes. There are, of course, links, which we did not link to, in his—

[109] **William Powell:** No. We need to be proportionate.

[110] **Mr George:** Yes. So, there may be further evidence in there.

[111] **Russell George:** I am wondering whether we could write back to the petitioner and ask him, perhaps to succinctly, in no more than two pages, provide us with the evidence that is behind his petition. He might have done that, so if he has done that and we look back and can see that he has done that, that is fine. He is saying that and the Minister and Ofcom are saying something different. I have had a constituent contact me on this issue recently and I am not aware that there is any evidence and I would agree with the Minister, but it is worth bottoming this out, because I am sure that all of us as Members have constituents who may have raised this issue with us at some point. So, I would like to have a definitive answer, albeit that, in fairness, the Minister has given a definitive answer, but I think we could have one last stab at this.

[112] **William Powell:** Yes. It is fairly clear, from what the Minister has said, that he is not minded to change policy at this stage, but I think it would be useful if we were to engage with the lead petitioner again and ask for him, maybe, to put in a more condensed form, some of the key issues that are of concern to him. We have loads of useful web links and a link to recent media coverage of these issues that also emphasises the importance, in his view, of the precautionary principle being adopted.

[113] **Russell George:** Yes. It is difficult with web links for us to pinpoint something and for the Minister to actually respond to something. So, if we can resolve to do that and then, if the petitioner does write back, as we have asked, with specific points other than links, and if we can agree now to write to the Minister with those points when he comes back to us—

[114] **William Powell:** Yes, and share the views of Rhodri Williams of Ofcom.

[115] **Russell George:** Yes and share those views with the Minister as well, and ask the Minister for his comments on that information.

[116] **William Powell:** I think that is right.

[117] **Mike Hedges:** I just want to say, if you are going to ask him for any evidence, could you ask him to send us things that have been peer reviewed? I could take you now on to the internet and take you to places that will tell you that the earth is flat and I could give you links to things that will tell you that fairies exist and a whole range of other things. I can do that by just going to internet links. I think that, if he has produced the evidence, it has to be peer-reviewed evidence.

[118] **William Powell:** I think that the point is well made. That does need to be robust and peer-reviewed, as you say, Mike. That is a useful contribution.

[119] **Russell George:** I agree with Mike's views on that.

[120] **William Powell:** Certainly, Sovereign Wales, in other petition activities has shown us a thorough, well-researched approach, but I think that the point nevertheless stands. Absolutely.

[121] **Bethan Jenkins:** Why is it that Public Health England is doing this work? Why is it not Public Health Wales? I am just confused about that. Is it because it is generic—

[122] **Mr George:** That will be a simple question.

[123] **Bethan Jenkins:** I just do not know. Is it because it is a generic issue and not a boundary issue that it is Public Health England, or because it has changed the name?

[124] **Mr George:** There are very often arrangements between the Welsh Government and England-and-Wales-wide bodies whereby the Welsh Government pays a fee to be able to access information.

[125] **William Powell:** To contribute towards a piece of work.

[126] **Mr George:** Generally speaking, however, those bodies cover England and Wales. So, it is a bit out of the ordinary. Perhaps we can ask the Minister for—

[127] **Bethan Jenkins:** All that I am concerned about is that we know that that body is taking research from Wales in terms of where masts are located and how it affects people. If I am satisfied with that, it is fine, but you do not want to have an all-England picture that may not reflect the situation in Wales.

[128] **William Powell:** There are some echoes there of the issue regarding the asbestos question, is there not?

[129] **Bethan Jenkins:** Well, yes. That is all that I want to clarify, really.

[130] **William Powell:** Okay. Good. I am happy to write in that vein. We now move to agenda item 2.10 to look at petition P-04-539, Save Cardiff Coal Exchange. This petition was submitted by Jon Avent, and was first considered by us on 11 March 2014. You have the full text of the petition and the nub of the concerns held by Mr Avent and his supporters. We last considered this petition on 23 September, and we agreed to seek official confirmation of the ownership status of the building, because we know that that has been quite a dynamic situation as well, following the financial difficulties of the holding company; to await further comments from the lead petitioner; and to pursue a site visit, which has eluded us up to this point.

[131] As you will have seen in the public papers, we now have correspondence from the Treasury Solicitor's Department confirming that the company that owns the building is currently in liquidation. As the Treasury Solicitor's Department deals only with the assets of dissolved companies, the department is not in a position to deal with the Cardiff Coal Exchange at this time.

[132] I do not know whether colleagues have had the opportunity to familiarise themselves with the very recent update that we received—I think that it came in after the close of play yesterday—from Mr Jon Avent, with some additional points. It is now questionable, I suppose, as to whether or not there is any merit in pursuing this site visit because it has been very difficult indeed to secure a satisfactory approach on that. Also, I have become aware of activities that have been around this issue, particularly a campaign that has involved the local Member of Parliament, Stephen Doughty. So, potentially, it would be useful for us to flag up to him the existence of the petitioner and the work that we have been doing, and possibly to ask whether he has anything that he would like to contribute, possibly also copying in our Assembly colleague, and his colleague, for Cardiff South and Penarth, Vaughan Gething, as a courtesy. However, I know that Mr Doughty has had some involvement in this. Colleagues,

what would you like to see us doing in connection with this?

[133] **Bethan Jenkins:** We could ask Cardiff council for an update because, obviously, there has been a change of council leadership.

[134] **William Powell:** Yes, I suppose that, since the very beginning, that is right. Also, there has been a change in this building in terms of the ministerial lead on the issue.

[135] **Bethan Jenkins:** Yes. We can also write to Ken Skates on the issue. Obviously, my issue, in terms of the petitioner, is that it seems to suggest that we have not been trying to get a meeting or a site visit. He states that there have now been around five months since Cardiff council offered to facilitate access. We have been ready to go on a site visit, but dates have been changed or it has come back to us that it is not possible for Cardiff council to facilitate it. So, it is not for want of trying from us—

[136] **William Powell:** No, Cardiff council is the gatekeeper for that.

[137] **Bethan Jenkins:** They gave us one date when we had First Minister's questions in the afternoon. We cannot possibly all go on a site visit during times when we have to be in the Chamber. So, we do really want to go there because we really want to see this. Going on different site visits across Wales is how we get a picture of what the place looks like.

[138] **William Powell:** Yes. I recall a similar site visits to the former Denbigh asylum and the Mid Wales Hospital and other places, where we have really confronted the issues straight up, and it does inform our consideration.

[139] **Mr George:** Whatever the problems in the past on this one, the difficulty at the moment is that we are not actually aware who the liquidators are. Of course, they actually own the building. The council is simply the planning authority. It does have a statutory role in this, but—

[140] **William Powell:** Could we seek that information from our contact in the council?

[141] **Mr George:** Yes, we can certainly try to find that out.

[142] **William Powell:** It is not something that Mr Avent has flagged up in his correspondence.

[143] **Mr George:** As you will see from the letter from the Treasury Solicitor's Department, it was not offering anybody as a liquidator. I suspect that the liquidator has other fish to fry in terms of this particular project. So, whether it will be happy to facilitate a visit I really do not know. We can pursue that but it is not straightforward.

[144] **William Powell:** However, the existence of a petition and the level of public concern is probably a matter that it would be useful to bring to the attention of the liquidator, I suppose, in terms of the way it approaches trying to realise the value of this asset/liability. Mike, you are indicating you want to speak.

[145] **Mike Hedges:** I was going to say that if my constituents knew that you were prepared to go and visit any derelict building that is causing problems, I could keep you busy in Swansea East, never mind anywhere else. [*Laughter.*]

[146] **William Powell:** Thanks for the offer, Mike. You know where we are.

[147] **Mike Hedges:** Yes. I will get you some petitions. [*Laughter.*]

[148] **William Powell:** Thank you. Right, I think that we have a series of actions there that have emerged from our discussion. Also, if colleagues are happy for me to write to Stephen Doughty to engage him in this matter, I would be more than happy to do so.

[149] We will move on now to agenda item 2.11, which is petition P-04-422 on fracking. This petition was submitted by Gareth Clubb and was first considered on 2 October 2012. At that stage, it had the support of 914 signatures. The text is there for us to remind ourselves of the petition. Before going on, I should declare an interest and involvement in this in that I spoke to a gathering of Frack-Free Wales and other bodies—a coalition involving Friends of the Earth and other groups from across Wales—just a couple of weeks ago on the steps of the Senedd on a Saturday. I was joined by other colleagues, one of whom is present.

[150] **Bethan Jenkins:** Yes, that was me. I should declare that interest.

[151] **William Powell:** Okay. Good. Having got that out there, I will revert to reminding us of where we are with this. As a committee, we last considered the petition on 17 June 2014. Included in that discussion was correspondence from the petitioner, Gareth Clubb, and a letter to him from the First Minister. At that time, we agreed to write to the Minister for Natural Resources and Food asking for his views on the petitioner's comments and in particular the request from stakeholders for additional guidance, and that guidance call included, if you remember, a call from the Welsh Local Government Association that it would favour Welsh-specific guidance on fracking to aid local authorities. We also agreed to write to the First Minister to ask him for the details of the apparent view that he held, from the correspondence forwarded by Mr Clubb, that the current regulatory structures are appropriate, given the views of stakeholders that seem to be pointing in the other direction, and also to the petitioner seeking additional information on the industry spokesperson mentioned in his correspondence, and, of course, to Natural Resources Wales itself.

[152] As you will see from your public papers, we wrote to the Minister for Natural Resources and Food of the time back in April, and we now have a response from the former Minister that appears not to have reached us when it was intended. We now have it and it is there for the record. We also have a letter that has been received from the chief executive of NRW dealing specifically with some of the issues flagged up by Gareth Clubb in his original letter.

10:15

[153] We also have a substantial piece of research from Gareth Clubb, which has been produced by Friends of the Earth Cymru. It is a document entitled 'All that glitters...', and it is to do with the regulatory framework for unconventional gas. Finally, I referred earlier to the event that happened just a couple of weeks ago on the steps of the Senedd, and, in the context of that, there was a petition, totalling 90,000 signatures, that was directed to the First Minister. So, it is associated in terms of the topic of fracking, but it is not a petition to our committee. Nevertheless, colleagues should be aware of the strength of feeling that was evident on that occasion. Maybe it would be fair to ask Russell George or Mike to comment first, given that you were not involved in that particular event and will, perhaps, have a slightly less well-defined view on the issue, or at least a view that is not as much in the public domain.

[154] **Russell George:** I think what we should be doing with this petition is—. We now have a change in Minister, so I think what we should do initially is raise the petition with the new Minister, ask for his response on this and also his response to the correspondence and petition to the First Minister. I would have thought that that would be our action as a committee at this point.

[155] **William Powell:** I think that would be useful.

[156] **Mike Hedges:** I agree with that.

[157] **William Powell:** Excellent. Okay.

[158] **Bethan Jenkins:** Can we just give this information to Natural Resources Wales as well because, in the first part of the document from Friends of the Earth, it mentions the light-touch approach and that there is a lack of guidance from Natural Resources Wales on this particular matter. So, I think it should be aware—

[159] **William Powell:** Since it has been mentioned, out of courtesy to NRW, and for its information, it should have access to that. I would be very happy to forward that to the chief executive of NRW. I think that would be useful, particularly given that, in certain areas of policy, we may see differences of emphasis between former Ministers, as they now speak, and their successors, so I think it might be quite an instructive thing for us to do to write to Carl Sargeant to see where he sits on the fracking fence.

[160] Moving now to P-04-524, Planning Control and the Welsh Language, this petition was submitted by Owain Arfon Jones and was first considered by us on 21 January this year. It has the support of 123 signatures. When we considered this for the first time we agreed to write to a number of parties: first, the Minister for Housing and Regeneration, secondly, the Welsh Language Commissioner, to seek her views on the petition, and also to our colleague Alun Ffred Jones, Chair of the Environment and Sustainability Committee, to highlight the petition in advance of the Planning (Wales) Bill, which, of course, has now been introduced. We have got a response from the Minister in our public papers today. It is disappointing that we have not as yet heard from the Welsh Language Commissioner, despite chasing. I would like to pursue that matter, if colleagues are agreeable, because her input is important.

[161] **Russell George:** We have not had any comments back from the petitioner yet either—

[162] **William Powell:** No, to be fair, that is true.

[163] **Russell George:** So, we should take no action at the moment.

[164] **William Powell:** So, I think we need to chase the commissioner and, at the same time, get back to Owain Arfon Jones to see what his comments are on what we have heard from Carl Sargeant. Are colleagues happy with that approach?

[165] Moving now to P-04-536, Stop Factory Dairy Farming in Wales, this is a topic very close to the heart of our absent colleague Joyce Watson, who has taken a keen interest in these matters in Montgomeryshire and across Wales. This petition was submitted by the World Society for the Protection of Animals and was first considered on 18 February 2014. We most recently considered this back in July of this year and agreed to write to the Environment and Sustainability and Committee to ask whether there was any space in the forward work programme. I think, as two of us are members of that committee, we are aware of the very full programme of legislative scrutiny that we are currently engaged in, so I am not clear that we have heard back from the committee on that one, have we? I do not think so, so it would be useful to check with our Chair, Alun Ffred Jones, about that matter. I am not that sanguine that there will be a lot of space for it to take up this piece of work, but I cannot prejudge it.

[166] **Russell George:** I would agree, Chair. I dare not do too much on this without Joyce

being here, Chair, because she is so involved in this, but I think what we could do, at least, is seek the Minister's views on the petitioner's further comments, and we agreed to do that.

[167] **William Powell:** Yes, absolutely, and I think then we would be better placed to return to this when it comes back on our agenda—hopefully, this side of Christmas.

[168] **Bethan Jenkins:** I would just like to know why, exactly, disregarding what is happening in the US is pertinent, because, of course, we do not work in a silo; we look at other, international best practice. Despite our having different regulations here, I want to understand from the Minister why that would not be comparable in any way, shape or form, just to satisfy me that he knows why he said that. Also, with regard to the economic situation, what the petitioners asked about in their letter back to us is on what evidence he said that there is nothing to say that bigger farms will affect the economic viability of smaller farms, because that is not clear from the Minister's letter.

[169] **William Powell:** No. It would be useful to unpack those comments, and get at a little bit more of the detail that is behind them, and, of course, the other issue is that it is interesting, because this matter is very much a crossover between planning, on the one hand, and food and farming on the other, which, obviously, is the preserve of the Deputy Minister, so there are other dimensions to this petition that go beyond the narrow world of planning, really, as well. However, that is a good point. I am happy to seek the Minister's views on those particular matters, particularly emphasising what Bethan has just suggested.

[170] Next, we move to P-04-519, Abolition of Park Homes Sales Commission. This petition was submitted by Caerwnon Park Residents Association, and was first considered by us on 10 December 2013. When we considered it on 1 July of this year, we agreed to write to the Minister asking whether the Minister would agree to meeting the lead petitioners. We have a response now from Lesley Griffiths, and, clearly, she states in that, that, due to diary pressure, she does not anticipate being in a position to meet them. I wonder whether a compromise on this occasion in order to move this forward would be, certainly as an interim measure, to see whether the Minister would be prepared to commit an official or two to meeting these concerned residents. That is an approach that I think the new Deputy Minister for Food and Farming has taken with regard to the pet fence issue, if you recall—she has offered such a meeting—so I would be very happy to write to Lesley Griffiths to see whether she would be prepared to move in that direction, if colleagues are agreeable. You are. Thank you very much.

[171] Finally for today, we have an update on P-04-597, Protect the future of Funky Dragon, the Children and Young People's Assembly for Wales. This petition, as we will recall, was submitted by Catherine Patricia Jones and was first considered by us on 23 September, and it had collected 1,641 signatures. As colleagues will recall, we adopted a fairly-fast track approach to this, given the imminent demise of Funky Dragon, given that the funding is coming to an end. We first considered it on 7 October, and we agreed in principle to arrange an oral evidence session. At that time, I think the view emerged that we felt that it would be most beneficial to have that in an informal setting, but, as colleagues will have seen from the last piece of information, on page 111, in today's public reports pack, we have an e-mail from a Melvyn Williams MA, the communications and corporate services manager for Funky Dragon, in which he makes the point that the council of Funky Dragon was actually keen to have the opportunity to contribute in a more formal setting. In that context—obviously, he makes the point that it has the skillset to deal with that—I would be very happy to go to meet it in that regard, if colleagues feel that that is appropriate.

[172] **Russell George:** Chair, in a way, we have been put firmly in our place, I think, in that e-mail, which is fine and is right.

[173] **William Powell:** Yes, our approach could have been seen as perhaps a little condescending, on reflection. I do not know.

[174] **Bethan Jenkins:** May I just say that I do take issue with it, in a way? All I said was that I felt intimidated when I came to give evidence.

[175] **William Powell:** Oh, I see. I was not attributing it to you, particularly.

[176] **Russell George:** No, no.

[177] **Bethan Jenkins:** I defy anybody not to—. You have to be a bit of a perfect person if you do not get vaguely nervous in terms of what we do. So, it is not to say that young people could not do it.

[178] **William Powell:** No, you were empathising.

[179] **Bethan Jenkins:** I am an Assembly Member, and I get nervous. I do not care—I hold my hands up and say that. So, I just think that, if that is what the young people want, that is fine; we were not saying for a minute that they could not do it. We were asking whether we might get more out of doing it in a different way.

[180] **William Powell:** Yes, that was our motivation, definitely.

[181] **Bethan Jenkins:** Sometimes, people come and they do not speak as openly in a place such as this. I prefer, sometimes, myself to go and sit in a group and talk in a more social way. However, if they want to do that, then I am not going to stop them from doing it.

[182] **William Powell:** No, absolutely not.

[183] **Bethan Jenkins:** I just wanted to clarify that.

[184] **William Powell:** That is fine.

[185] **Russell George:** I agree with what Bethan said. That was not the spirit in which we were putting that across. In fairness to the respondent, he was just pointing out that the young people would prefer to come to this committee and give evidence formally on the record. So, I think we should do that, because that is what they want.

[186] **Bethan Jenkins:** We will grill them now. [*Laughter.*]

[187] **Russell George:** Yes, we will give them a hard time. [*Laughter.*]

[188] He does say in his e-mail as well that he would like other experts to come to give evidence. Well, I do want to hear more from the young people, not the experts—the so-called experts. I want to hear from the young people themselves.

[189] **William Powell:** I think that is a good emphasis, and I agree.

[190] **Russell George:** We only have limited ability to take evidence from people; let that evidence come from the young people, predominantly.

[191] **William Powell:** I think, again, given the time pressures—not on the committee, but on this particular issue, it would be useful if we could make this happen in the next meeting, or the one after that, ideally, the meeting in two weeks' time, if diaries allow that from the point of view of the young people who wish to speak. Then, I think that, in light of what they

have to say, we can consider whether there are other fora that we want—

[192] **Bethan Jenkins:** Maybe we would have something back from the Commission and other bodies by then.

[193] **Mr George:** We have had all of that, if you recall. At the last meeting, we had responses from the children's commissioner—

[194] **William Powell:** Yes, there was a full response from Keith Towler, was there not?

[195] **Bethan Jenkins:** What about the Assembly Commission?

[196] **Mr George:** Oh, sorry, from the Assembly Commission. I am not sure that we—. We had a response from the Presiding Officer at the last meeting, which explained the role of Commission, as she saw it.

[197] **William Powell:** The chronology of the whole thing, and the role of Children in Wales.

[198] **Bethan Jenkins:** What the children's commissioner said, though, was that we should look at the idea of having something that would be the Welsh Government and the National Assembly working together. I thought that that would be something on which we could go back to the Assembly Commission.

[199] **Mr George:** I do not know whether I am speaking out of turn here, but I will do it anyway. I have had conversations with the office of the children's commissioner, and I think that it is quite keen itself to facilitate a sort of round table-type discussion.

[200] **William Powell:** In association with us, or something on its own?

[201] **Mr George:** I am not absolutely sure. It is exploring various options, I think. So, that is going on in the background, but it is sort of in parallel to this.

[202] **Bethan Jenkins:** Now that you have said that, could it just clarify what it is doing, then, if that is possible?

[203] **William Powell:** That would be helpful.

[204] **Bethan Jenkins:** If that is not out of turn.

[205] **William Powell:** I wonder whether the Presiding Officer would have anything to share with us in terms of international best practice. I know that there have been a couple of fact-finding visits recently on this matter.

[206] **Mr George:** I cannot speak for the Presiding Officer.

[207] **William Powell:** That is maybe something that we can return to in the light of what the young people have to say. Hopefully, we will have that meeting in a fortnight's time on 11 November. Excellent.

[208] I think that concludes today's agenda—in fact, it does. I would like to thank you all for your attendance and contributions. I am very pleased indeed to have had such a lively public gallery today as well, with folk engaging with our issues. So, thank you very much for your attendance. Mike, thank you very much for substituting today. There are no petition presentations this week that we have been advised of, so thank you very much indeed and

enjoy, at the end of this week, a restful recess as well. Thank you very much.

Daeth y cyfarfod i ben am 10:30.
The meeting ended at 10:30.