



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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[The Petitions Committee](#)

02/02/2016

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Motion under Standing Order 17.42 to Resolve to Exclude the Public
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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn
ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

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

Gill Eveleigh	Dirprwy Glerc Deputy Clerk
Steve George	Clerc Clerk
Kath Thomas	Dirprwy Glerc Deputy Clerk
Katie Wyatt	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 09:02.

The meeting began at 09:02.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **William Powell:** Bore da, bawb—good morning, all. Welcome to this meeting of the Petitions Committee. We have apologies this morning from Bethan Jenkins. I'm very pleased to welcome Lindsay Whittle once again as her substitute.

[2] **Lindsay Whittle:** Thank you, Chair.

[3] **William Powell:** Hopefully, we will be joined shortly by our colleague Russell George. Normal housekeeping arrangements apply.

Deisebau Newydd New Petitions

[4] **William Powell:** So, I suggest that we move straight to agenda item 2—new petitions. We start at 2.1, P-04-668, ‘Support Yearly Screening for Ovarian Cancer (CA125 Blood Test)’. This petition was submitted by Margaret Hutcherson and collected 104 signatures. We are joined in the public gallery by Ms Hutcherson this morning—she’s most welcome. The text reads as follows:

[5] ‘We, the undersigned, call upon the Welsh Government to support yearly screening for ovarian cancer (CA125 Blood Test)’.

[6] A first-consideration letter was sent to the Minister for Health and Social Services back on 8 December 2015. We’ve got a response from the Minister and his response is available in the public papers together with a very full response from the petitioner, Ms Hutcherson. I think it’s obvious in this case that we’ve got quite a substantial response from the petitioner to share back with the Minister, addressing some of his points. I think that would be my proposed initial action. Colleagues, any thoughts on what else it would be useful to do at this stage? Joyce, you’ve indicated.

[7] **Joyce Watson:** Yes. First of all, I actually welcome this petition because it is a silent killer and people are dying simply because it’s not picked up. Anything that aids and facilitates or prevents that has to be a good thing. It was really pleasing to me to get a handwritten letter—and a very well written letter—and I congratulate the petitioner on that. In terms of moving forward, I think that we need to see how these trials go forward. Personally I would like—but we can’t do it because of the end of this term—but I’d like to recommend to the next committee that a dedicated piece of work might be done on this, where more evidence could come forward, and perhaps move this up the agenda politically, and in terms of health organisations looking at it and perhaps coming out with a wider evidence base, because it really is a very, very serious issue, and it is devastating for those concerned. That’s what I would like; I don’t know if we’re placed to suggest that.

[8] **William Powell:** I think that’s certainly within our remit to suggest that

that is undertaken by any successor committee. Lindsay.

[9] **Lindsay Whittle:** Thank you, Chair. I certainly support Joyce Watson. This petition is a very good petition. I think that an annual check for women in this circumstance is an excellent idea. We give our cars an annual MOT; we look after our cars far more than we sometimes look after people. I think Joyce Watson's idea is admirable, possibly going to the Health and Social Care Committee next year for the new Assembly to look at it, is excellent. I fully support it and thank the petitioner for giving us what is an important petition.

[10] **Joyce Watson:** Absolutely.

[11] **William Powell:** Absolutely. I, too, empathise with the petitioner's surprise that there seems to be a lack of urgency about this matter and it does seem to be caught up within various bureaucratic processes, and I would very much like to see it being given more timely attention because the rewards in terms of the deaths that could be averted are really considerable. So, I think we've got a set of actions there to take forward. I'm most grateful to Mrs Hutcherson for bringing this petition forward, which has certainly got some scope to run as yet. Good. Thank you very much, colleagues.

[12] Agenda item 2.2 is P-04-669, 'Repeal the Rent Smart Wales Legislation'. This petition was submitted by Parry Lowarch Estate Agents, and has the support of 29 signatures. The text reads as follows:

[13] 'The legislation proposes all landlords and letting agents are licensed to be able to let a property in Wales. This in principle does have merit. However the scheme put forward is over complicated and extremely costly. Making it illegal for individuals or agencies to let properties who are not members of a recognised organisation ie ARLA NAEA RICS or private landlords affiliations, would ensure the tenant is protected as all the above have standards and criteria members have to adhere to. This is also backed up by the need to have clients money protection insurance and to be a member of an independent redress scheme like say The Property Ombudsman. Then there would be no need for any further costly Welsh Government involvement.'

[14] A first-consideration letter was sent to the Minister for Communities and Tackling Poverty back on 15 December 2015. We've got a response from the Minister, and, clearly, we can see that one of the key points the Minister

is making is the fact that this is a very recent piece of legislation passed within the Assembly yet to come into full force. So, clearly, there is an issue there. I must say for the record that I have been approached by a couple of individuals and agencies within Wales retrospectively expressing concern about some of the burdens that will be placed on small and medium-sized concerns. That's a separate issue, but I think it is clear that there would have been, and was, an opportunity to engage in the process of consultation, and perhaps I regret not being more active at that phase, but that's something I can't address now. But I would welcome colleagues' thoughts on this matter. Joyce.

[15] **Joyce Watson:** Like you just said, all these individual organisations had their opportunity at that point to make any representations. We've only just passed this Act, and we have, therefore, no intention of repealing it at this stage. So, with that in mind, I would like to move to close the petition. It is almost a nonsense to make legislation one minute and then repeal it the next. So, that is my view on it.

[16] **Lindsay Whittle:** I second that, Chair.

[17] **William Powell:** Okay. I think, in those circumstances, and given the timescale of this coming in, in relation to the Act coming into force, I think that's the only course open to us. So, I think we've got unanimity on that. Good.

[18] Agenda item 2.3 is petition P-04-670, 'Owain Glyndwr Motion Picture'. This petition was submitted by John Lewis and collected 94 signatures. The text reads as follows:

[19] 'I would like to petition the Welsh Assembly Government to finance a film about the life of Owain Glyndwr. It is my opinion it is in the public interest as such a film would raise the profile of Wales on a global scale such as Braveheart did for Scotland.'

[20] Our first-consideration letter was sent to Mrs Edwina Hart, Minister for Economy, Science and Transport, on 4 January. We've got a response—and quite a positive response—from the Minister, clearly giving a fair wind to this proposal. We've not, however, had any response from the petitioner just yet. So, I suppose, for consistency, we should seek that response. Colleagues, any thoughts or observations on the suggestion that's come from our petitioner?

[21] **Joyce Watson:** No. I mean, yes, I've got thoughts on the suggestion. I think the suggestion's good, and I think that the Minister has responded very positively.

[22] **William Powell:** Absolutely. It's a question now of getting the creative industries to buy into it and getting some venture capital to make it happen, isn't it, really? But, yes, I look forward to the response that we receive to Mrs Hart's letter on that matter.

[23] Agenda item 2.4 is petition P-04-671, 'Legalisation of Assisted Dying'. This petition was submitted by Joshua Smith and has the support of 154 signatures:

[24] 'As of the recent vote of no in the UK Parliament I did some research into the topic. I discovered that 82% of the general public believe that a doctor should probably or definitely be allowed to end the life of a patient with a painful incurable disease at the patient's request. People with a terminal illness are unable to end their life with dignity in the UK, currently having to go to Dignitas in Switzerland or living out their days in pain, which to me is not just. I call for the legalisation of assisted dying for those that are terminally ill. Even if a person has 3 months left to live, that's three months less pain and suffering. I would like to end with a quote by Brittany Lauren Maynard whom discovered she had an inoperable brain tumour and chose to end her life with dignity at the Dignitas clinic in Switzerland. Please, help Brittany's dream come true, so others won't have to endure such painful suffering.'

[25] The quote reads as follows:

[26] 'I want to see a world where everyone has access to death with dignity'.

[27] Our first-consideration letter on this petition was sent to the Minister for Health and Social Services back on 6 January. We've got a response from the Minister, which is available in the public papers, together with further comments from the petitioner. Colleagues have, maybe, had the same thoughts that I had as to whether or not this petition did fall within competence. I think there were some doubts on that matter at the stage when it was considered, but the legal advice did say that it doesn't explicitly fall without competence, hence it being before us today. However, the Minister has addressed that same issue, and we have access to the legal

advice that I referred to earlier as a private paper. The Minister is clear that it doesn't currently sit within Assembly competence and that, clearly, has had a significant influence over the response that we've received from him. I would very much value colleagues' thoughts on this petition. Joyce, you've indicated.

[28] **Joyce Watson:** The biggest issue for me isn't the petition, it's the issue about competence and whether we have any competence. If we don't have competence over an area, our Standing Order—I think it's 23—states that it's inadmissible and that we therefore can't take it forward. It seems clear, both by the petitioner, the Minister, and it's in considerable doubt by the legal papers that we've had, that we have any competence over this area. It is in that light, and that light only, that I propose that we should actually close the petition.

09:15

[29] **William Powell:** Yes, and that is also my thought on this. Russell George.

[30] **Russell George:** Thank you, Chair. I agree entirely with Joyce. I don't think it's about us, as committee members, talking about the rights and wrongs of this petition because the most important element is: can we take it forward? To me, it's not even so much about closing it, but I think perhaps there's a case where it shouldn't have been accepted and it's sad that perhaps we've built up an expectation for somebody inadvertently. But we are where we are and I don't think we can take it forward unfortunately.

[31] **William Powell:** I think there may be points to reflect on about the process of its admission, but we are where we are now and so I think it would make good sense to close—

[32] **Lindsay Whittle:** Just for the record, I fully agree with the petition, but we are where we are, as you say, and regrettably, we can't take it forward.

[33] **William Powell:** I think, given Mr Smith's reference to the UK Parliament debate, which has obviously been influential for him, it might be of interest if we could look up the individual Member's debate transcript that took place here either in late 2014 or early 2015, if memory serves, just to bring that to his attention as a point of reference, because that was a very thoughtful and poignant debate, as I recall, and maybe some colleagues may

have participated in it. So, in inviting too Mr Smith to thank him for bringing it forward, I propose that we include a transcript of that or a link to it at the very least. Russell George.

[34] **Russell George:** What was useful about the petition coming forward is that it informed us, as committee members as well—this legal advice—because I found that interesting. It did trigger a purpose, which was helpful.

[35] **William Powell:** Absolutely. Excellent. Okay. Thank you very much. That concludes the consideration of new petitions this morning.

09:16

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions

[36] **William Powell:** Moving now to agenda item 3—updates to previous petitions. The first is agenda item 3.1, P-04-655, ‘Demanding our Rights for the Welsh Language in the Private Sector’. This petition was submitted by Cymdeithas yr Iaith Gymraeg and was first considered on 25 November 2015 and it has got 442 signatures in support.

[37] Colleagues will recall the main emphasis underlying this petition. It was considered for the first time on 25 November and we agreed, as a committee, a series of actions: to write to the Welsh Language Commissioner to ask for the timetable for reviewing standards for the private and voluntary sector, which were not included in the first tranche for the roll-out; also to write to the First Minister to question whether he could confirm that it is the Government’s intention to act on that timetable and also to seek further information on the Government’s intentions in respect of amending the Welsh Language (Wales) Measure 2011 to seek further information as to why the Welsh Government has asked for certain businesses to be withdrawn as part of the third tranche of standards, and, finally, to seek clarification on the role of the Welsh Language Commissioner in deciding which businesses should be exempt in that way.

[38] Responses have been received both from the Welsh Language Commissioner and from Carwyn Jones, the First Minister. Both are available in the public papers. The petitioner wrote to me back on 17 December and has also responded to the letters from the First Minister and the Welsh Language Commissioner. Clearly, the petitioners have got ambitions for this

petition going forward. I think that, clearly, there are some actions that we need to undertake. I would be very keen to hear colleagues' views, particularly in relation to the activity under way already by the Communities, Equality and Local Government Committee relating to this area. Joyce, you indicated first.

[39] **Joyce Watson:** I think that we can write to the Welsh Language Commissioner and the First Minister for their views on the petitioner's comments. I think we need to do that. I also think that there is little to be gained from asking the Welsh Language Commissioner to come before us, when they've already given that evidence or evidence of that type to the Communities, Equality and Local Government Committee. So, I think that we also need to send this latest round of communication to them for their consideration and then await those replies.

[40] **William Powell:** Yes, and in doing so, I think it would be useful if I could try to gain an understanding as to the timescale of their work, as well, given the importance of the issues raised. Are there any other comments on this at this stage, colleagues? No. Certainly, I think we need to share the quite substantive response we've had from Cymdeithas on this issue and let's see what flows from that. Good.

[41] Agenda item 3.2, P-04-648, 'Unconventional Oil and Gas Planning Applications': this petition was submitted by Councillor Arfon Jones and was first considered on 22 September 2015. It has the support of 1,254 online signatures and a further 293 on paper. Colleagues will recall the particular issues that were raised here with regard to exploratory drilling for shale gas, coal-bed methane and underground coal gasification. We last considered the petition on 10 November and it was agreed that we should write to Carl Sargeant, Minister for Natural Resources, asking him to note our interest in the matter, also to provide further details of the expected timeline for reporting on these matters to the Assembly and, finally, to write to the committee again with further information at the time that he reports to the Assembly.

[42] We've got a kind of interim letter from Carl Sargeant and that reply is in the papers, but there is that promise of a further update between now and the end of the Assembly—that was how I read it—but we haven't heard back from Councillor Arfon Jones on the initial response from the Minister. So, I propose that we await those comments and seek that more definitive update from the Minister if colleagues are happy with that approach.

[43] **Joyce Watson:** Agreed.

[44] **William Powell:** Good. Agenda item 3.3—a very timely issue to be considering—P-04-572, ‘Grants for Flood Resilience’: this petition was submitted by Charles Edward Moore and was first considered on 15 July 2014, having collected 88 signatures. We last considered this back on 11 November and agreed to write to Natural Resources Wales to seek their views on the correspondence received so far, and also to the Association of British Insurers, ABI, asking for their views on the insurance premiums charged on houses previously flooded but in low-risk flood areas. We received a response from NRW just last month, but, disappointingly, despite reminders, we’ve not received anything from ABI and that is unfortunate. I think it’s really important that we do hear from them. However, we have now, I think, established contact and we’ve got an undertaking that there will be a response. I think that’s pretty important.

[45] The petitioner has also sent us some comments that were contained in a letter from the Parliamentary Under-Secretary of State for Environment and Rural Affairs to the petitioner’s own Member of Parliament for the Vale of Clwyd, James Davies MP, and that’s there for us for our fuller consideration. So, I propose that we write to both Carl Sargeant and to Emyr Roberts, chief executive of NRW, seeking views on the apparent difference in approach that has been adopted on this matter between England and Wales. It’s not entirely surprising that there is a difference of emphasis and approach, but it would be useful to get their views on it. But, clearly, we need to further chase the promised letter from ABI. Russell George.

[46] **Russell George:** Yes, can we also, when we write back to the petitioner, just inform him of our disappointment that we haven’t had a response from ABI as well, just so he knows why, perhaps, there’s a bit of time taken here? But also it would be useful if we could have a small note from the research team on those differences, because, although we’ve had two different letters, I would like some independent analysis to highlight the issues here.

[47] **William Powell:** I think that would be useful for context, certainly. I’m very disappointed indeed at the tardiness of the ABI response. I think a company, or an association, rather, of that scale has got some sort of corporate responsibility in these matters and it’s disappointing that it’s taken so long, but let’s not write them off, because they have promised to be back in touch with us and I hope that that will be the case in time for

consideration, hopefully, later this month, because time is obviously of the essence. Okay. I think colleagues are agreed on that approach.

[48] Agenda item 3.4, P-04-547, 'Ban Polystyrene (EPS) Fast Food and Drinks Packaging'. This petition was submitted by Friends of Barry Beaches, first considered on 29 April 2014, and had the support of 295 signatures. We also had a very useful and informative evidence session with the lead petitioner, Councillor Rob Curtis, and Jill Bell, of the Marine Conservation Society. We last considered this on 28 April 2015, and we agreed, as a committee, to consider it again, including the possibility of pressing for the Minister to give oral evidence, but we were waiting for a response from Oxford City Council.

[49] We have now got some clarification from Oxford as to the scope of the scheme operating there. And I think perhaps it's somewhat more limited in scope than we'd perhaps been led to believe, or let ourselves believe, when we heard it previously. But it's quite interesting to see that they're revisiting their licences and bringing it in in a sort of phased basis, rather than a big-bang approach. I'd appreciate any comments from colleagues on this one, because I think the theme underlying this petition is of concern to all of us, and we get confronted by that whenever we're at the coast. I think it's evident that we do need to try to bring forward some progress. Joyce, I know that it's a matter of concern to you.

[50] **Joyce Watson:** Well, it is. I mean, it's greater than—because it's polystyrene, it's not simply about the fact that it's litter, and it doesn't look nice, it's about the fact that it actually breaks down and ends up back in the food chain. There has been significant research that demonstrates that fish do end up with it in their systems, and then we end up with it in our systems. So, it's a much bigger issue than the one that is in front of us. But, nonetheless, we've got the information from Oxford University on what they're doing and how they're approaching it. I think we do need to write back to the Minister for Natural Resources asking for an update on the work that he's doing with Keep Wales Tidy on this issue. But, for me, personally—and it is personal, I suppose—there is a much wider issue surrounding this, the use of polystyrene, than that's been asked for, perhaps, in this petition. But that's just a personal interest.

[51] **William Powell:** Absolutely. I'd also advocate that we share the correspondence from Oxford with Councillor Rob Curtis, and copy it also to Jill Bell, who provided such useful evidence, to set the wider marine context

for these concerns. So, I think we've got a series of actions there, and, hopefully, we'll hear back from the petitioners, who've been a little less active just of late.

[52] **Joyce Watson:** And, more interestingly, Chair, if I can, there is evidence now about a litter island appearing in England. Those of us who are interested in this know about litter islands elsewhere, but never really acknowledged the fact that it's likely to happen here in the British Isles, but it is.

[53] **William Powell:** Can you elaborate on that a little bit?

[54] **Joyce Watson:** Well, it's really an island of litter. And because we've now had the stormy weather, and it looks like we're going to have much more stormy weather to come, the way that the sea would have behaved before isn't, necessarily, the same as the way it's behaving now. So, therefore, the litter, according to the tide and current movements, is now coming back. And I think the other thing that people don't truly grasp is that the litter that is on the land will actually eventually find itself in the sea. And I think that we need to focus on that more than we already have done.

[55] **William Powell:** I think those are wise words, and, definitely, we need to undertake the actions we've agreed, and, hopefully, we'll hear some feedback from the petitioners between now and the end of this Assembly. Great; happy with that approach.

09:30

[56] Agenda item 3.5, P-04-539, 'Save Cardiff Coal Exchange': this petition was submitted by John Avent and was first considered on 11 March 2014. It has the support of 389 signatures, and also an associated petition hosted on another website had collected 2,680 signatures. It's quite a long-running petition with lots of different layers of involvement, as I think colleagues are aware. The committee last considered the petition on 24 November 2015, and we agreed to write to the Minister for Economy, Science and Transport, enclosing the additional comments that had been received and also to ask her for an update on her current understanding of the position and whether she believes that Cardiff council are using their powers in an appropriate way, and also to write a letter to Ken Skates AM, Deputy Minister for Culture, Sport and Tourism, and to Stephen Doughty, the constituency MP for Cardiff South and Penarth, who'd previously taken an

interest in these matters, with a request that they update the committee on their knowledge of the latest position. The Minister for Economy, Science and Transport has responded, and her letter is here. We've not had a response from Mr Avent as yet, but I think it would be sensible for us to share the Minister's letter with him. Is it correct to say we've not had any update from either Ken Skates AM or Mr Doughty at this stage?

[57] **Mr George:** No.

[58] **William Powell:** Okay.

[59] **Mr George:** It may have been that we only recently copied those letters to them. I'm not sure.

[60] **William Powell:** Okay. Well, it would be useful to have their perspective, certainly, given their keen interest in the matter.

[61] **Mr George:** Having said that, usually, when correspondence is sent to two Ministers, you usually only get a response from one of them.

[62] **William Powell:** Absolutely, and he clearly reports to Mrs Hart, so maybe that is the response from that section. But I'm sure Mr Avent will have some thoughts on the views that we've got from Mrs Hart, who very much defers in these matters to Cardiff council, to whom the main custodianship of this building now falls. Is that a sensible approach, colleagues, to await—?

[63] **Joyce Watson:** Agreed.

[64] **Lindsay Whittle:** It is a sensible approach, but this is an extremely iconic building, not just the facade, but internally as well. Anyone who has visited it inside will appreciate that it's magnificent in every aspect.

[65] **William Powell:** Absolutely. We had a previous opportunity to visit it.

[66] **Lindsay Whittle:** Have you? Well, you're very lucky, because it is excellent. I think it would be a great shame if all we could do in Wales was to save the facade. It's very important to save the facade, but internally it's a magnificent building, and there must be so many opportunities for that building. We've seen classic examples in Cardiff: the Old Library in the centre of the city now has been revitalised and is opening, I think, this week. So, great news, and the same can happen here. So, I do hope this committee

will—. I'm just a substitute here—

[67] **William Powell:** No, you have a full role to play today.

[68] **Lindsay Whittle:** —but I do hope this committee will continue to support this petition. Thank you, Chair.

[69] **William Powell:** Excellent. I think those of us who have had the opportunity to visit the building fairly recently may have concluded that its decay, or the reputation about its decay and decrepitude, has been overegged in many ways. I think it's actually probably in a better state than we'd previously been led to believe. That concludes agenda item 3.

09:33

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Meeting**

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in 17.42(ix).

accordance with Standing Order 17.42(ix).

Cynigiwyd y cynnig.

Motion moved.

[70] **William Powell:** Now I move under Standing Order 17.42 to resolve to exclude the public from the meeting for consideration of item 5. I see no objection. Therefore, we move to private session.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 09:33.

The public part of the meeting ended at 09:33.

