



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

**Y Pwyllgor Deisebau  
The Petitions Committee**

**Dydd Mawrth, 15 Mawrth 2011  
Tuesday, 15 March 2011**

**Cynnwys**  
**Contents**

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introduction, Apologies and Substitutions
- 3 Deisebau Newydd  
New Petitions
- 5 Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol  
Updates to Previous Petitions
- 12 Cynnig Trefniadol  
Procedural Motion

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

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

Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Veronica German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Bethan Jenkins	Plaid Cymru The Party of Wales

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

Dan Collier	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Naomi Stocks	Clerc Clerk

*Dechreuodd y cyfarfod am 9.30 a.m.*  
*The meeting began at 9.30 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Christine Chapman:** Bore da. I welcome you all to the penultimate meeting of the Petitions Committee in this Assembly term. We have no apologies for absence today.

9.30 a.m.

**Deisebau Newydd**  
**New Petitions**

[2] **Christine Chapman:** The first new petition, P-03-317, is from Hijinx and relates to funding for the arts. The petition was submitted by Mike Clark, and it collected 1,819 signatures. It calls for sufficient funding to be made available to Hijinx to enable it to carry out its work with people with learning disabilities. I have written to the Minister for Heritage seeking his views on the petition. As you know, the petitioners presented the petition to us last Tuesday. I think that it would be useful to await the response from the Minister for Heritage. It might also be useful to write to the Arts Council of Wales to ask how the decision about the level of funding was arrived at and whether there are any plans to increase funding in future years. Would Members be happy with that? I see that you are. Are there any further comments?

[3] **Bethan Jenkins:** When we met, Hijinx raised the fact that it had received extra money to run the Unity Festival. Perhaps we could ask how the arts council came to a decision to take money away but then give the organisation money for a specific cause. Staff are being lost, and I think that the difficulty is how it will administer that festival effectively with a diminished staff. I would just like to have some ideas from the arts council on that.

[4] **Christine Chapman:** We could do that.

[5] **Andrew R.T. Davies:** I appreciate that we have another new petition, but how will these new petitions be progressed during dissolution? This is a relatively new petition; it was presented last week. I am sure that the petitioners are very anxious to try to get answers. As the answers come in, will the answers still feed their way through to the petitioners; or will they have to wait until the new Assembly convenes, which will be in quite some time?

[6] **Christine Chapman:** Would you like to remind us of the system, Naomi?

[7] **Ms Stocks:** They will wait, but we have been advising petitioners—and I had a conversation with the petitioners from Hijinx when they presented the petition—that there will be a hiatus in terms of committee activity in relation to petitions being considered by a committee. However, I am sure that we come to some sort of agreement in terms of sharing information with petitioners during that period.

[8] **Andrew R.T. Davies:** Do we need to give you that permission to do that, as a committee, or can the clerking team just take that initiative itself?

[9] **Ms Stocks:** It would be useful to come to sort of agreement with the committee.

[10] **Christine Chapman:** I think that we should do that.

[11] **Andrew R.T. Davies:** Could we discuss that at some point? Otherwise, people who have recently submitted petitions will be left in this no man's land.

[12] **Christine Chapman:** As Naomi said, all of those who have submitted new petitions have been advised of this. For some, it is not a problem to wait until the next Assembly, but in some circumstances it could be more important that they have that ongoing liaison with us.

[13] **Andrew R.T. Davies:** That is particularly the case with the arts petitions that we are dealing with, because jobs and future planning are dependent on that.

[14] **Christine Chapman:** We will make sure that everyone is clear about that.

[15] The next new petition, P-03-318, is on cross-border maternity services. It was raised by Helen Jervis, and it has collected 164 signatures. Related petitions collected approximately 30,000 signatures. The petition calls on the Welsh Government to engage fully with the consultation process about the proposed changes to maternity services in Shropshire. I have written to the Minister for Health and Social Services seeking her views on the petition. As you know, Bethan and I were available to receive the petition last week. Again, we need to await a response from the Minister. Are there any other thoughts on whether we should write to the Shrewsbury and Telford Hospital NHS Trust?

[16] **Bethan Jenkins:** I know that it is aware of it because ITV last night showed how the petitioners took a vintage bus to the trust to present the petition. However, it would be worth asking it formally about its views. I thought that a committee had done some work on maternity services.

[17] **Andrew R.T. Davies:** It was on cross-border services.

[18] **Bethan Jenkins:** Was it just cross-border services in general?

[19] **Andrew R.T. Davies:** I think that it looked at cross-border healthcare.

[20] **Bethan Jenkins:** It did not look at maternity services.

[21] **Andrew R.T. Davies:** No; I think that it just looked at the general cross-border provision.

[22] **Bethan Jenkins:** Okay. I was about to suggest that we should look at that committee report, but if it does not—

[23] **Andrew R.T. Davies:** I think that there is a committee report about cross-border healthcare, which covers all aspects of healthcare. It might be worth trying to look at that in the round.

[24] **Christine Chapman:** We could look at that.

[25] **Andrew R.T. Davies:** It might be beneficial to write to the Department of Health in Whitehall because it obviously has a role, to try to see the sort of discussions that it has with the Welsh Assembly Government to see exactly how these decisions are informed. It is entirely up to the areas to decide how they implement the services, but it would be good to see how that communication is undertaken, if at all.

[26] **Christine Chapman:** I think that would be very sensible, so we will do that as well. Okay; thank you.

9.35 a.m.

### **Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions**

[27] **Christine Chapman:** We have a number of updates to consider today. The first update is on P-03-150, which calls for an investigation into whether local health boards will have the tools in place to meet the national cancer standards. We have received correspondence from the Minister for Health and Social Services and all local health boards. I will just summarise as we have received quite a lot of correspondence on this. Macmillan Cancer Support will be sending a copy of its report into cancer services in Wales once the report is published on 17 March. Obviously, we will look at that next time. Each local health board was asked about whether it had encountered problems recruiting cancer nurse specialists and, if so, how that was affecting its ability to meet the cancer standards. They were also asked whether they have trained staff who can provide benefits advice for palliative care patients, and, thirdly, they were asked whether they will be able to meet the national standard for the rehabilitation of adult care patients.

[28] You will have read the responses, but I will just summarise for the record. We received a varied response. Some local health boards reported no recruitment problems, but others indicated problems with certain key areas, such as gynaecology. Two local health boards highlighted that there can be risks in ensuring that services are delivered and cancer standards met when you are heavily reliant on a single post. Cwm Taf highlighted that for some specialities the standards state that a nurse specialist should be present when a patient is informed of the diagnosis. Often, however, more than one patient is informed at the same time, but there is only one nurse specialist per specialism. Other responses stated that, in most local health boards, advice is available from trained staff, although they may be social services or voluntary sector staff. A number of local health boards highlighted that Tenovus has funded six benefit officers across Wales to help to provide guidance and advice, and the local health boards in south-east Wales are working together to produce a joint action plan to ensure compliance and consistency across the region.

[29] Many local health boards indicated that a key milestone in compliance was the roll-out of key workers, which are already in place in some services, and that systems need to be finalised. It seems that, in many local health boards, the intention is that the cancer nurse specialist will act as the key worker, so meeting the standard will be more difficult in places where there have been difficulties in recruiting. However, in these circumstances, local health boards have indicated that they will identify alternative staff for this role. Most local health boards seem confident that they will meet this first part of the standard. Again, we received very comprehensive responses from the local health boards. Are there any thoughts on how we should pursue this?

[30] **Andrew R.T. Davies:** You have a weight of information there, Chair, on what the health boards have done. The disappointing thing about this is that the cancer standards were meant to have been met some 18 months ago. The guidance was rewritten, and the standards were then meant to be met by September 2010. That came and went and there is no backstop now as to exactly when these standards are going to be met. In fact, I am quite convinced that I have heard the Minister dilute that commitment to meeting the standards as time has progressed. Therefore, we need to pull this information together and send it to the Minister to ask her to respond to it. The Macmillan report will also greatly enhance our understanding. You touched on at least two or three voluntary organisations that are working across Wales, so hopefully this report will give us an insight into the overall picture of what is going on. I would be grateful to hear what the petitioners have to say with regard to all of these responses. It might be the first time that they have had opportunity to hear exactly what the local health boards are saying is going on in their area. Once our successors have that information, hopefully, they can decide which way to go.

[31] **Christine Chapman:** Okay. Are you happy with that? I see that you are.

[32] The next update is on petition P-03-156 on sleep apnoea. It calls for an effective policy for all patients who have sleep disorders, including the provision of constant positive airway pressure machines for diagnosed sufferers of obstructive sleep apnoea. We have received correspondence from the Minister for Health and Social Services and the petitioners. Presumably, you would like to write to the Minister on this issue.

[33] **Veronica German:** Yes, in order to raise the petitioners' concerns. The letter from the petitioner is about the Gwent area in particular. The Minister refers to the National Leadership and Innovation Agency for Healthcare, but we need a little more information about what is being done with regard to compliance on this issue. The petitioner seems to be saying that things have gone quiet. So, as you say, we need to write to the Minister to highlight the petitioners' concerns.

[34] **Christine Chapman:** The next update is on petition P-03-197, which calls for the Vulcan pub to be protected. We have received correspondence from the Minister for Heritage. We know that the petition has been formally closed, but we wanted to seek an update on the progress in implementing our recommendations. Are there any responses to the letter?

[35] **Andrew R.T. Davies:** This is a petition in relation to which a rolling brief needs to be kept open. When we were considering the petition, various reviews were going on and it was hoped that recommendations would come into the public domain on the listing of local buildings—in fact, we opened Pandora's box in relation to some things. It would, I hope, be desirable for a future Petitions Committee to keep an eye on this matter and make sure that the recommendations are met and the promises kept by the successor Minister, when he or she comes in.

[36] **Bethan Jenkins:** The only important thing is that the consultation on new listing criteria will not happen until the new Assembly. I think that it was supposed to happen at the

end of last year. So, that is the only disappointing thing. Given that that is the reality now, we have to keep it on the books for the new committee after May. I do not see what else we can do.

[37] **Christine Chapman:** The next petition is P-03-205, Keep Abergavenny Livestock Market. We have received correspondence from the Minister for Social Justice and Local Government, which you will have read. Are there any thoughts on this one?

[38] **Andrew R.T. Davies:** We should ensure that full consideration is given to the petitioners' views as part of the consultation by Monmouthshire County Council when it takes the planning exercise forward. It will be for Monmouthshire County Council, as the planning authority, and, ultimately, the market licensors, to determine the process.

[39] **Bethan Jenkins:** Do we know whether Monmouthshire County Council is going to carry out the consultation?

[40] **Christine Chapman:** We do not know.

[41] **Bethan Jenkins:** Could we write to it to see whether it will do that?

[42] **Christine Chapman:** I think that we could.

[43] **Bethan Jenkins:** It does not read to me as though it will happen; it says that a consultation is yet to take place.

[44] **Christine Chapman:** We could write to the council.

[45] **Veronica German:** The Minister says that, although there is not a formal process for repealing Acts of Parliament, he would consider doing that only following a consultation with key stakeholders. The Minister will not repeal the Act unless the council has undertaken that consultation. So, it is worth while getting in touch with the council and asking when it intends to do that, and indeed whether it still intends to do it, as the Minister has stated that he will not repeal the Act unless it does so.

[46] **Bethan Jenkins:** The petitioners could then go to the council and continue their campaign on that side.

[47] **Andrew R.T. Davies:** The third paragraph is quite clear, in that the Minister is saying that there is no way that he will consider it until there is a consultation. So, it is incumbent on the authority, if it is to make the application for the repeal, to undertake the consultation.

[48] **Christine Chapman:** The next petition, P-03-211, calls for sufficient and appropriate provision of specialist care homes and centres for people with dementia. Again, we have received correspondence from the Minister for Health and Social Services. Are there any thoughts on this one?

[49] **Bethan Jenkins:** I think that, because of the money that has been put into the service, we can close the petition. There seems to be quite a lot happening now and if it stalls in the future, I am sure that we will get a new petition to tell us.

[50] **Christine Chapman:** So, you are content to close the petition, and we will have a summary closure report as well.

9.45 a.m.

[51] The next petition, P-03-219, is on pharmacies in Barry. It calls for the protection of high street pharmacies in relation to the restrictions on relocation of pharmacies. We have had correspondence from the Minister for Health and Social Services. We also know that a task and finish group has been established.

[52] **Andrew R.T. Davies:** The task and finish group on this seems to have been going on for forever and a day, or is it just other task and finish groups? I can recall this petition coming in and it seems as though we have been waiting and waiting for this task and finish group to do a scoping exercise and then to do its work. So, we need to try to pin the Minister down on exactly when this group will bring forward its recommendations.

[53] **Christine Chapman:** It is due to do so at the end of March, so in the next couple of weeks.

[54] **Veronica German:** However, that could be on the last day of term, could it not?

[55] **Andrew R.T. Davies:** If the Minister has said that it will be at the end of March, we will have to take her at her word. However, the disappointing thing is that—because in a democracy, we have a vote—there will be no consideration of those findings until well into the summer. This may be another matter that we need to delegate to the clerking team; if the end of March comes and goes and no report is presented—

[56] **Christine Chapman:** I am sure that there will be a list of things that the petitions committee that will exist after the elections will have to—

[57] **Andrew R.T. Davies:** We need to ensure that they do not slip any further.

[58] **Christine Chapman:** Okay. We will keep an eye on that.

[59] The next petition is P-03-239, which calls for a requirement to be placed on Welsh universities to provide a lifelong learning programme. We have had correspondence from the Minister for Children, Education and Lifelong Learning. Do you have any thoughts on this one?

[60] **Bethan Jenkins:** I do not see where else we can go on this. The Minister has said that he has strategies in place to deliver on lifelong learning and it is a key part of Government policy. I move that we close the petition.

[61] **Christine Chapman:** Okay.

[62] The next petition is P-03-254, which calls for third parties to be given rights to speak at planning meetings. Again, we have had correspondence from the Minister for Environment, Sustainability and Housing. Much of this is still with local authorities.

[63] **Andrew R.T. Davies:** The Minister has indicated clearly that she will not take it up and we have done what we can with this.

[64] **Veronica German:** There is guidance, is there not?

[65] **Christine Chapman:** Yes.

[66] **Veronica German:** They are not going to change anything.

[67] **Bethan Jenkins:** We had a lot of evidence from local authorities. It is more about ensuring that people know which councils are more progressive.

[68] **Christine Chapman:** That is right; we can do that.

[69] The next petition, P-03-263, calls for Stradey park to be protected. You will see that we have had correspondence from the Minister for Environment, Sustainability and Housing and the Llanelli Former Players Association. You will know that the Minister for Heritage previously stated that work was under way to devise discrete criteria to help identify sites of sporting heritage for inclusion on the register of parks and gardens of special historic interest.

[70] **Bethan Jenkins:** Do we know whether that is ongoing?

[71] **Ms Stocks:** We have not had anything from the Minister saying that it has been completed. The last correspondence said that that work of looking at the criteria was under way.

[72] **Bethan Jenkins:** Is there any way that we could probe them further about that?

[73] **Christine Chapman:** I think that we need to write again to find out.

[74] **Andrew R.T. Davies:** Did you say, 'probe them further'? [*Laughter.*]

[75] **Bethan Jenkins:** It is just a manner of speaking, is it not? I did not mean it literally. [*Laughter.*]

[76] **Christine Chapman:** The next petition, P-03-275, on whether Wales should partner Uganda, calls for the human rights records of countries to be considered when aid is awarded. You will remember that, last time, we had a response from the First Minister on this. We have also had correspondence from the petitioner. I do not think that he is entirely happy with the response, but, under the circumstances, I wonder whether we need to close this, because we have done what we can.

[77] **Veronica German:** He has had his response and is not happy. As we know, we cannot please everyone all the time.

[78] **Christine Chapman:** The next petition, P-03-279, calls for university funding in Wales to be brought in line with university funding in England, Europe and the US. We have received correspondence from the petitioners.

[79] **Bethan Jenkins:** The response from the petitioners does not indicate that they want to take the petition any further at this stage, so it is not for us to do without their say so. There are staffing issues with regards to taking the petition forward, so I suggest that we should close it.

[80] **Christine Chapman:** Okay, thank you.

[81] The next petition, P-03-283, calls for charging to be introduced for NHS treatment of incidents that are alcohol related. We have had correspondence from the Royal College of Nursing, British Medical Association Cymru, the Association of Chief Police Officers, the Welsh NHS Confederation and the Board of Community Health Councils in Wales. In the main, for the record, although people sympathise with the sentiments expressed in this petition, there was no indication that they would like to go down this road.

[82] **Andrew R.T. Davies:** Where do we stand on that? Is it within our powers in Wales to introduce a charge for people if the incident is alcohol related? The petition talks about transport, because you would need to be transported to the hospital, and then the hospital

where you could cause damage if you were to kick off. Questions were also asked about this in the Chamber. Is it a charge that Wales could levy under our own powers, or would it be classed as a taxation or fine?

[83] **Ms Jackson:** The Minister has indicated that charging and licensing for alcohol are outside the scope of the Assembly's powers, even when Part 4 of the Government of Wales Act 2006 and Schedule 7 are commenced. The underlying tenet of the NHS is that it is free at the point of delivery. As an aside, as far as I am aware, provisions contained in one of the NHS Acts passed five or six years ago relating to the recovery of charges by the NHS from persons who were deemed to have caused injury to someone through negligence have not yet been commenced. So, you can see what the direction of travel seems to be, although there were thoughts about some sort of charging at one time, there does not seem to be—

[84] **Veronica German:** I had it in the back of my mind that there was thought of charging for ambulance calls, or charging someone if they called an ambulance for spurious reasons.

[85] **Christine Chapman:** Perhaps we could we have a note on that to clarify the position. The organisations that I mentioned are very sympathetic to the petition, but there are practical issues surrounding it.

[86] **Andrew R.T. Davies:** I suppose that it is about how you determine it. Who would be the arbitrator?

[87] **Christine Chapman:** Are there any further thoughts on this one? Should we write to the Minister again on the general issue?

[88] **Bethan Jenkins:** There are issues for the UK Government that are non-devolved about alcohol pricing and supply, so that would help us.

[89] **Christine Chapman:** It is a huge issue, obviously.

[90] **Veronica German:** It has been highlighted today.

[91] **Christine Chapman:** Yes. The next petition, P-03-288, calls for a national strategy on independent living to be introduced. We have had correspondence from the Deputy Minister for Social Services, the petitioners and the British Association of Social Workers. Are there any responses to this?

[92] **Veronica German:** The Government has responded by saying that it is all part of the work of implementing the Equality Act 2010, whereas it seems that the petitioners are saying that there is a strategy for independent living in England and Scotland. They refer in particular to the new social services framework that talks about children and other people, but which does not talk specifically about disabled people. So, there are still some gaps there and it would be good for the petitioners to read what the Deputy Minister said. We could also ask why the Government does not think that it is necessary to have this strategy in place. I know that it has said that it would be implemented through the Equality Act 2010, and although we do not have to do everything that England and Scotland do, people in the disability lobby obviously think that this issue is very important. I would like to hear some specific reasons why we are not taking this matter forward.

[93] **Andrew R.T. Davies:** As ever, there are some very well argued points about independent living. Last week's debate and the event with the Multiple Sclerosis Society also raised the important issue of direct payments and the way in which they enhance independent living. When you think about social care and health being separate entities, it seems odd that

there is no unifying strategy in Wales that can be used to link them; there is no overarching strategy. I support what Veronica said about the need to find answers as to why the Welsh Assembly Government has not considered taking such a strategy forward rather than leaving the matter to legislation via the Equality Act 2010.

[94] **Christine Chapman:** We will seek those answers.

[95] The next petition is P-03-293, which calls for a review of the schools admissions code. Correspondence has been received from the Minister for Children, Education and Lifelong Learning and the Welsh Local Government Association.

[96] **Bethan Jenkins:** Before closing the petition, I would like to request that the petitioners see these letters and are able to respond to them, because I think that there is a difference of opinion regarding oversubscription criteria. The Minister does not agree with the petitioner that these criteria discriminate against people seeking to access Welsh-medium education. Perhaps the petitioner would wish to reply to that point to see whether further action is needed; they may not, but we should have the decency to give them that opportunity.

[97] **Christine Chapman:** I expect that we would receive that response after the new Assembly is formed.

[98] The next petition is P-03-295, which calls for paediatric neuro-rehabilitation services to be available in Wales. Correspondence has been received from the petitioner and the Welsh Health Specialised Services Committee. The latter has agreed to keep us updated once the annual plan has been agreed. Do you have any thoughts on this petition?

[99] **Andrew R.T. Davies:** It would be good to try to find out from the Minister for Health and Social Services whether she is looking to pilot health-related direct payments. We must wait for the annual plan from WHSSC—which is a wonderful acronym—before we make any further comments.

[100] **Christine Chapman:** We will do that.

[101] The next petition is P-03-296, which calls for unfair proposals for student loans to be resisted. We have received correspondence from the Welsh Government on this issue.

[102] **Bethan Jenkins:** Shall we seek the petitioner's view of the new student finance proposals that the Minister has come up with, to see whether they answer their concerns?

[103] **Christine Chapman:** Yes; we will do that.

[104] The next petition is P-03-298, which calls for funding to be made available to develop Welsh-language resources for people with dyslexia. We have received correspondence from the petitioners and Estyn. Do you have any thoughts on this petition?

[105] **Bethan Jenkins:** Perhaps we could write to the Minister for Children, Education and Lifelong Learning to ask why proposals by Estyn to undertake work on Welsh-medium support for pupils with additional learning needs were not supported and to highlight Estyn's conclusion that there may be a requirement for additional investment to broaden the range of resources available. We could also ask how the Government plans to address this issue and request an update on progress in meeting an earlier commitment to provide a Welsh-language screening tool.

[106] **Christine Chapman:** Are Members content with that course of action? I see that you are.

[107] The final update is on petition P-03-305, which calls for school libraries to be made statutory. Correspondence has been received from the Minister for Heritage, the Minister for Children, Education and Lifelong Learning, the Welsh Local Government Association and the School Library Association. Shall we seek the petitioner's views on that wealth of correspondence? I see that you are content to do so.

10.00 a.m.

**Cynnig Trefniadol**  
**Procedural Motion**

[108] **Christine Chapman:** I move that

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).*

[109] I see that the committee is in agreement.

*Derbyniwyd y cynnig.*  
*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10 a.m.*  
*The public part of the meeting ended at 10 a.m.*