

Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 2 – Senedd

Meeting date:

20 October 2014

Meeting time:

14.30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Gareth Williams

Committee Clerk

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Agenda

1 Introduction, apologies, substitutions and declarations of interest

2 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3 (Page 1)

CLA(4)-25-14 – Paper 1 – Statutory instruments with clear reports

Negative Resolution Instruments

CLA449 – The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

Negative procedure: Date made: 24 September 2014; Date laid: 1 October 2014;

Coming into force date: 31 October 2014.

CLA450 – The Council Tax (Chargeable Dwellings) (Amendment) (Wales) Order 2014

Negative procedure; Date made: 24 September 2014; 1 October 2014; Coming into

force date: 22 October 2014

CLA451 – The Education (School Development Plans) (Wales) Regulations 2014

Negative procedure; Date made: 1 October 2014; Date laid: 6 October 2014; Coming into force date: 27 October 2014

3 Papers to Note

Written Statement Social Services and Well-being (Wales) Act 2014: Approach to implementing the subordinate legislation to made under the Act (Pages 2 – 5)

CLA(4)–25–14 – Paper 2 – Letter from the Minister for Health and Social Services

Letter from the Chair of the Environment and Sustainability Committee: European Commission reasoned opinion on metallic mercury waste (Pages 6 – 7)

CLA(4)–25–14 – Paper 3 – Letter from the Chair of the Environment and Sustainability Committee

4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

(vi) the committee is deliberating on the content, conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;

Final Report Holiday Caravan Sites (Wales) Bill (Pages 8 – 29)

CLA(4)–25–14 – Paper 4– Final Report

Agenda Item 2

**Constitutional and Legislative Affairs Committee
Statutory Instruments with Clear Reports
20 October 2014**

CLA449 – The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

Procedure: Negative

These Regulations make provision for which persons from abroad will be eligible or ineligible for housing accommodation and housing assistance, under the Housing Act 1996.

CLA450 – Council Tax (Chargeable Dwellings) (Amendment) (Wales) Order 2014

Procedure: Negative

For council tax purposes, single properties containing more than one self-contained unit are generally treated as comprising the same number of dwellings as there are self-contained units.

This Order provides that a property used as a refuge is treated as one dwelling for council tax purposes, even if the property comprises more than one self-contained unit.

CLA451 – The Education (School Development Plans) (Wales) Regulations 2014

Procedure: Negative

The Education (School Development Plans) (Wales) Regulations 2014 (“the Regulations”) require governing bodies of maintained schools to prepare a

school development plan (“SDP”) containing specified information. The purpose of the SDP is to promote within maintained schools high standards of educational achievement and is the school’s strategic plan for improvement.

Agenda Item 3.1

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MD/05115/14

David Melding AM
Chair
Constitutional & Legislative Affairs Committee
Ty Hywel
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LegislativeProgramme.TeamMailbox@wales.gsi.gov.uk

4 October 2014

Dear David,

Thank you for your letter of 17 September regarding the Welsh Government approach to implementing the subordinate legislation made under the Social Services and Well-being (Wales) Act 2014.

The consultation on and laying of the regulations to be made under the Act will be conducted principally in two tranches.

I intend that the first tranche will be made available for a 12-week public consultation in November 2014. I then anticipate undertaking a consultation exercise on the second tranche between May and July 2015.

The first of the tranches deals with core provisions around eligibility, assessment, care and support planning and direct payments in parts 2 to 4 of the Act, together with provisions in part 7, around safeguarding. I intend to lay these regulations before the Assembly in May 2015, with a view to giving the sector the maximum amount of time to adjust to the new requirements ahead of implementation in 6 April 2016. I attach, at annex A, additional information on the regulations to be made in this tranche.

The second tranche will focus on part 6 of the Act, dealing with looked-after and accommodated children, and part 5 dealing with paying for care, together with part 9 on collaboration and partnership. Following consultation, my current intention is to lay the regulations in relation to this tranche in November 2015.

I hope this helps to clarify the current position.

Best wishes,
Mark

Mark Drakeford AC / AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Annex A

Regulations to be made under the Social Services and Well-being (Wales) Act 2014 – Tranche 1

Tranche 1 Key Timings (all regulations)

Consultation (*November 2014 – January 2014*)

Regulations Laid before the NAFW (*May 2014*)

CIF (*6 April 2016*)

Regulations

Part	Section	Subject	Title (proposed)	Procedure
2 <i>(General Functions)</i>	14	Assessment of needs for care, and support for carers and preventative services	The Care and Support (population assessment) (Wales) Regulations 201...	Negative
2	16	Promoting social enterprises	The Social Services and Well-being (Wales) Act 2014 (Social Enterprise, Co-operative and Third Sector) (Wales) Regulations 201...	Affirmative
3 <i>(Assessing the needs of individuals)</i>	30	Regulations about assessment	The Care and Support (Assessment) (Wales) Regulations 201...	Negative
4 <i>(Meeting needs)</i>	32	Determination of eligibility and consideration of what to do to meet needs	The Care and Support (Eligibility) (Wales) Regulations 201...	Super Affirmative
4	50,51,52,53	Direct Payments	The Care and Support (Direct Payments) (Wales) Regulations 201...	Negative
5 <i>(Charging and Financial assessment)</i>	64(4) and 55	Care and support plans and support plans	The Care and Support (Care Planning) (Wales) Regulations 201...	Negative
7 <i>(Safeguarding)</i>	127(9)	Officers authorised to apply for Adult Protection and Support Orders	The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 201...	Affirmative

7	133	Regulations about the National Board	National Independent Safeguarding Board Regulations 201...	Negative
7	134(1), (3) and (6) 135(4), 136(3), 138 and 139	Prescribing areas for new Safeguarding Boards and related matters concerning Board operations	The Safeguarding Boards (Functions and Procedures) (Wales) Regulations 201... The Safeguarding Boards (General) (Wales) Regulations 201...	Negative 135(4) - Affirmative
9 <i>(Co-operation and partnership)</i>	166	Partnership arrangements	<u>The Care and Support (Partnership arrangement for population assessments (Wales) Regulations 201...</u>	Affirmative
11 <i>(Miscellaneous and General)</i>	194 and 195	Ordinary residence and disputes about ordinary residence	The Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 201... The Care and Support (Disputes about Ordinary Residence, etc.) (Wales) Regulations 201...	Negative

Agenda Item 3.2

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Environment and Sustainability Committee

Cynulliad
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Carl Sargeant AM
Minister for Natural Resources
Welsh Government

CC: David Melding AM, Chair of the
Constitutional and Legislative Affairs
Committee

13 October 2014

Annwyl Carl

European Commission reasoned opinion on metallic mercury waste

The Assembly's officials have drawn to my attention the recent decision by the European Commission to send a reasoned opinion to the UK Government over failure to fully transpose and comply with Directive 2011/97/EU with regard to the storage of metallic mercury waste.

This was announced as part of the infringement package published by the European Commission at the end of September, where the following information was made with regard to the UK:

Environment: Commission asks United Kingdom to update mercury legislation

The European Commission is urging **the United Kingdom** to complete the enactment of an amendment to EU legislation on the storage of metallic mercury considered as waste in its domestic law ([Directive 2011/97/EU](#)). After examining amendments to the UK's Environmental Permitting regulations, and to Scotland's Landfill Regulations, the Commission is not convinced that this amendment to mercury storage legislation has been clearly and sufficiently enacted. The amendment concerns technical requirements for the temporary storage of metallic mercury, an element that is highly toxic to humans, ecosystems and wildlife element. A reasoned opinion is therefore being sent, and if the UK fails to act within two months, the case may be referred to the EU Court of Justice [http://europa.eu/rapid/press-release_MEMO-14-537_en.htm?locale=en]

Assembly officials subsequently followed up with the European Commission to clarify if the failure applied exclusively to Scotland or whether it extended to England and Wales. It was confirmed by EU Environment Commissioner Janez

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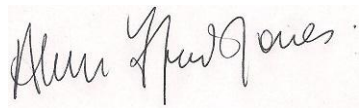
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Potočnik's cabinet that their concerns over failure to fully transpose the Directive do apply to England and Wales.

Failure to comply with EU legislation is clearly a serious matter. Therefore, the Committee requests a full update on how the Welsh Government is involved in responding to the Reasoned Opinion, and whether or not you are satisfied that Directive 2011/97/EU has been fully transposed in Wales, and whether any further actions are proposed in response to the concerns that have been raised.

I am copying David Melding AM, Chair of the Constitutional and Legislative Affairs Committee, as this issue is of interest to both our Committees.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alun Ffred Jones', written on a light-colored rectangular background.

Alun Ffred Jones AM
Chair of the Environment and Sustainability Committee

Agenda Item 4.1

By virtue of paragraph(s) vi of Standing Order 17.42

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