

## Agenda – Petitions Committee

---

Meeting Venue:

Video conference via Zoom

Meeting date: 7 July 2020

Meeting time: 09.00

For further information contact:

Graeme Francis – Committee Clerk

Ross Davies – Deputy Clerk

0300 200 6565

[Petitions@senedd.wales](mailto:Petitions@senedd.wales)

---

In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv)

- 1 Introduction, apologies, substitutions and declarations of interest  
(Pages 1 – 39)
- 2 COVID-19 petitions
  - 2.1 P-05-968 Pay Coronavirus grants to all businesses eligible for Small Business Rate Relief same as rest of UK  
(Pages 40 – 49)
  - 2.2 P-05-970 Ask the Senedd to reconsider their decision not to support Zoos & Aquariums with emergency funding  
(Pages 50 – 59)

**The following two items will be considered together (2.3 and 2.4)**

- 2.3 P-05-971 Relax travel restrictions imposed by Covid 19 legislation to allow travel within Wales  
(Pages 60 – 66)
- 2.4 P-05-989 Keep restrictions imposed by Covid 19 legislation, allow only a 5mile radius travel within Wales

(Page 67)

- 2.5 P-05-972 To provide a minimum of 4 hours a day of live teaching during COVID closures for all school children  
(Pages 68 – 76)
- 2.6 P-05-973 Reopen barbers and hairdressers as long as they have strict social distancing measures in place  
(Pages 77 – 84)

### **3 New petitions**

- 3.1 P-05-965 Push the government into introducing a separate ward other than maternity ward, for families going through a miscarriage  
(Pages 85 – 93)
- 3.2 P-05-966 REVERSE Minimum price Alcohol  
(Pages 94 – 102)
- 3.3 P-05-969 Investigate the Draft Education Database Regulations 2020 – unnecessary and a breach of human rights  
(Pages 103 – 117)

### **4 Updates to previous petitions**

#### **Education**

**The following two items will be considered together (4.1 and 4.2)**

- 4.1 P-05-922 Withdraw the proposed home education guidance  
(Pages 118 – 133)
- 4.2 P-05-923 Are you listening to us? Home Education Rights and Respect!  
(Pages 134 – 137)

#### **Health and Social Services**

- 4.3 P-05-751 Recognition of Parental Alienation  
(Pages 138 – 144)

4.4 P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently

(Pages 145 – 149)

4.5 P-05-946 Save Royal Glamorgan A&E

(Pages 150 – 151)

## **Housing and Local Government**

4.6 P-05-864 Ban the use of 'Hostile Architecture

(Pages 152 – 153)

## **Economy and Transport**

4.7 P-05-886 Stop the Red Route (A55/A494 corridor)

(Pages 154 – 159)

4.8 P-05-935 Ban Pavement Parking – Pavement Promise

(Pages 160 – 191)

## **Environment, Energy and Rural Affairs**

4.9 P-05-908 CF3 against the Incinerator

(Pages 192 – 212)

## **Culture, Sport and Tourism**

4.10 P-05-949 SAVE COWBRIDGE OLD GIRLS' SCHOOL FROM DEMOLITION

(Pages 213 – 220)

Document is Restricted

# Agenda Item 2.1

## **P-05-968 Pay Coronavirus grants to all businesses eligible for Small Business Rate Relief same as rest of UK**

This petition was submitted by Simon Hill having collected a total of 360 signatures.

### **Text of Petition**

On 17th March 2020 the Chancellor announced that all small businesses with fewer than 9 employees and eligible for small business rate relief would receive a grant of £10,000 (the Small Business Grants Fund).

On 8th April, the Welsh Government published revised guidance in relation to self-catering accommodation. This change of policy has excluded thousands of genuine businesses from receiving grant funding that they desperately need as they have no income during the Coronavirus crisis.

### **Additional Information**

The Welsh Government have forced all holiday accommodation businesses to close due to the Coronavirus outbreak and all bookings have been cancelled. These businesses now have no income but still have the outgoings of financing and maintaining the property, which could cause great financial hardship.

In the rest of the UK, all local authorities have paid the grant funding to self-catering holiday lets. It's very unfair that these centrally funded grants are not being applied equally across the country and contrary to the Chancellor's promise.

This change in policy is already causing issues in the area as can be seen in this local press article: <https://www.dailypost.co.uk/news/north-wales-news/second-home-crackdown-hitting-genuine-18139173>

Please sign to request that the Welsh Government rescind this change of policy and distribute the Small Business Grant Fund fairly as has been done in the rest of the UK.

## **Senedd Constituency and Region**

- Dwyfor Meirionnydd
- Mid and West Wales

# Pay Coronavirus grants to all businesses eligible for Small Business Rate Relief same as rest of UK

Y Pwyllgor Deisebau | 23 Mehefin 2020  
Petitions Committee | 23 June 2020

Reference: RS20/12927/2

**Petition Number:** P-05-968

**Petition title:** Pay Coronavirus grants to all businesses eligible for Small Business Rate Relief same as rest of UK

**Text of petition:** On 17th March 2020 the Chancellor announced that all small businesses with fewer than 9 employees and eligible for small business rate relief would receive a grant of £10,000 (the Small Business Grants Fund).

On 8th April, the Welsh Government published revised guidance in relation to self-catering accommodation. This change of policy has excluded thousands of genuine businesses from receiving grant funding that they desperately need as they have no income during the Coronavirus crisis.

The Welsh Government have forced all holiday accommodation businesses to close due to the Coronavirus outbreak and all bookings have been cancelled. These businesses now have no income but still have the outgoings of financing and maintaining the property, which could cause great financial hardship.

In the rest of the UK, all local authorities have paid the grant funding to self-catering holiday lets. It's very unfair that these centrally funded grants are not being applied equally across the country and contrary to the Chancellor's promise.



This change in policy is already causing issues in the area as can be seen in this local press article: <https://www.dailypost.co.uk/news/north-wales-news/second-home-crackdown-hitting-genuine-18139173>

Please sign to request that the Welsh Government rescind this change of policy and distribute the Small Business Grant Fund fairly as has been done in the rest of the UK.

## 1. Background

As part of its response to the coronavirus pandemic, the Welsh Government has implemented a number of [schemes to support businesses](#), including through grants linked to the rateable value of a property.

The rateable value of a property is an estimate of how much it could rent for per year on the open market at a given point in time. The Valuation Office Agency (VOA) assesses the rateable value of all non-domestic properties in Wales and England.

For most properties, the VOA collects details of rental evidence. It sets common basic values per square metre for similar properties within an area, and then adjusts these to take into account the individual features of a property and then applies this to the floor area of the property.

Properties such as pubs and large hotels where the rental value is linked to turnover are valued using the receipts and expenditure approach. This uses their trading potential, and profitability, as an indicator of value. The VOA has agreed a code of practice for valuing pubs with trade representative bodies that sets out how this approach works in practice. Certain properties such as a hospital or a steelworks are not usually rented. For properties such as this, a method known as the contractor's basis is used to assign a rateable value to a property. This looks at the cost of replacing the building and, after adjustment, takes a prescribed percentage of that cost as the rateable value.

A property is domestic and therefore subject to council tax if it is used wholly for the purpose of living accommodation. In terms of assessing a self-catering property or holiday home for business rates, [from 1 April 2010 in Wales](#), a property

is non-domestic, and therefore liable for non-domestic rates, if the VOA is satisfied that:

- it will be available for letting commercially as self-catering accommodation for short periods totalling 140 days or more in the following 12 month period;
- the ratepayer's interest in the property enables them to let it for such periods;
- in the 12 months prior to assessment it has been available for letting commercially as self-catering accommodation for short periods totalling 140 days or more; and
- the short periods it has actually been commercially let total at least 70 days during that period.

The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 came into force on 26 March and remain in force until further notice. These regulations place an obligation on the owners of such businesses covered by those regulations (which includes self-catering properties) to use their best endeavours to vacate from the premises (bar those covered in certain exceptions) and to take steps to close for commercial use.

## 2. Welsh Government action

On 19 March, the Minister for Finance and Trefnydd announced a package of support for businesses in dealing with COVID-19. This scheme followed an announcement on 17 March regarding businesses support.

This support includes 100% business rates relief for all properties used for retail, leisure and hospitality. This was subsequently amended on 24 March to exclude properties with a rateable value of £500,000 and over.

The support package also introduced two grants for businesses fulfilling certain criteria, which are being delivered through local authorities. These are:

- **Grant 1:** A grant of £25,000 is being made available for retail, leisure and hospitality businesses occupying properties with a rateable value of between £12,001 and £51,000. This includes businesses that occupy properties such as shops, restaurants, cafes, drinking establishments,

---

cinemas, live music venues, hotels, guest and boarding premises and self-catering accommodation.

- **Grant 2:** A £10,000 grant to all businesses eligible for Small Business Rates Relief (SBRR) in Wales with a rateable value of £12,000 or less.

The grant scheme was extended on 6 May to all ratepayers eligible for charitable relief and Community Amateur Sports Clubs (CASC) relief, operating in the retail, leisure and hospitality sectors and occupying properties with a rateable value of £12,000 or below, could access a grant of £10,000.

The Welsh Government has published guidance for the COVID-19 grants to businesses linked to business rates. This initially did not contain specific criteria relating to self-catering properties. However, such criteria has subsequently been included in the guidance. As of 20 April 2020, in relation to self-catering accommodation, properties will not be eligible for the grants unless the following criteria are met:

- The self-catering accommodation can produce two years of trading accounts directly preceding the current financial year of the business
- The self-catering accommodation must actually have been let for a period of 140 days or more in the financial year 2019-20
- The self-catering accommodation business must be the primary source of income for the owner (minimum threshold is 50%).

The UK Government is also offering similar grants to businesses in England:

- A £10,000 grant to small businesses that are eligible for Small Business Rate Relief or Rural Rate Relief (the small business threshold in England is properties with a rateable value under £15,000).
- A £25,000 grant for retail, hospitality and leisure businesses with a rateable value of over £15,000 and under £51,000.

**Additional eligibility criteria specifically relating to self-catering properties is not included in the UK Government guidance for England.**

### 3. Welsh Parliament action

The coronavirus pandemic, including support for businesses, has been a focus of the Welsh Parliament's activity during the pandemic.

The First Minister was asked about the change to the guidance regarding self-catering properties in Plenary on 29 April, he noted:

We have changed the advice to local government about self-catering accommodation because of the representations we received from local authorities in Wales... that the system was not operating in the way that made sure that help went to the right people.

The First Minister went on to say:

We've responded to those representations. We have a set of rules in place that I think allow us to distinguish between people who were relying on this as their main income and their main business, and people for whom it was not that central to their incomes, and will allow us to use that money that otherwise would be going to people of marginal advantage for others who need it much more seriously. Local authorities have discretion, so if local authorities come across cases... and if they think it is right to exercise that discretion, they are able to do it under the rules we have devised with them.

During a session of the Economy, Skills and Transport Committee (30 April), while discussing the additional eligibility criteria a policy advocate of the Wales Tourism Alliance said:

As an industry, and particularly with regard to the self-catering sector, we are quite upset, really, about the fact that this secondary level of eligibility was brought in. It was as a result of—. I believe Julie James sent out a letter to the local authorities amending, in effect, what the Valuation Office Agency criteria are for evaluating a self-catering or a furnished holiday letting business. In effect, if you're a furnished holiday letting business, under that criteria, to be able to be eligible for the non-domestic business rates, you have to be open for—open that is—for 140 days, and you have to let for a minimum of 70 days. That threshold was raised. We don't know for what reason at all. But what it's meant is there's been some confusion, I think, and it's also allowed—or some local authorities, maybe not because they particularly wanted to, but, because

of that criteria, they're now having to do greater analysis of self-catering units to establish whether they are actually businesses or not. We believe that that's wrong, because this is money that has come from central Government at a time of greatest need, and a lot of these businesses are actually suffering hardship at the moment, and, six weeks in, they still haven't had that cash.

The First Minister has also said 22 April:

I'm very happy to say that we will keep the evidence under review. And if fine-tuning is required, then we will return to that:

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Eich cyf/Your ref P-05-968  
Ein cyf/Our ref RE/00339/20

Janet Finch-Saunders MS  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

23 June 2020

Dear Janet,

Thank you for your letter, in your position as Chair of the Petitions Committee, about non-domestic rates and the Welsh Government's support for self-catering businesses.

The Welsh Government is providing £1.7 billion of support to help businesses in Wales during the Coronavirus outbreak. The package includes more than £350m to help businesses with their non-domestic rates bills during this financial year.

All retail, leisure and hospitality businesses with a rateable value of £500,000 or below will receive 100% non-domestic rates relief in 2020-21. This means that, in total, over 70,000 Welsh businesses will pay no rates at all for the year.

Alongside the extra rates relief, £876m is available for a new grant scheme for businesses. Businesses previously eligible for our Small Business Rates Relief – those with a rateable value up to £12,000 – will receive a grant of £10,000. There are no conditions on the number of staff employed by the business. Also, retail, leisure and hospitality businesses with a rateable value between £12,001 and £51,000 will receive a grant of £25,000.

Grants are available to self-catering businesses on the grounds that they fall within one of the sectors most immediately affected by the Covid-19 outbreak and make an important contribution to the tourism economy in Wales.

The grant guidance was amended following discussion with local authorities. Certain rural authorities expressed concerns about the possibility that grants might be paid to second home owners who only occasionally let out their property. As of 20 April 2020, in relation to self-catering accommodation, properties will not be eligible for grant unless the following criteria are met:

- The self-catering accommodation can produce two years of trading accounts directly preceding the current financial year of the business

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)  
[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

- The self-catering accommodation must actually have been let for a period of 140 days or more in the financial year 2019-20
- The self-catering accommodation business must be the primary source of income for the owner (minimum threshold is 50%).

However, the guidance accompanying the grant scheme provides local authorities with discretion as to the decision to award the grant to a particular business and any additional evidence they require from business owners before making a grant award. These discretions extend to local authorities' decisions about awarding grants to all businesses in the eligible categories, including self-catering accommodation. The guidance has been drawn up in consultation with a working group of local authority representatives and the Welsh Local Government Association.

The decision whether to award grant support remains at the discretion of the individual local authority. The current guidance is available at:

<https://businesswales.gov.wales/coronavirus-advice/covid-19-grants-businesses-wales-linked-non-domestic-rates>

The Welsh Government is also providing support to businesses through its £500m Economic Resilience Fund, to which businesses not eligible for rates relief and grant support may apply. We are also calling on the UK Government to go further with its support to Welsh businesses.

In addition, our Business Wales service and the Development Bank of Wales can advise you on the range of support options available, from financial and supply chain planning to advice on staffing issues. You can contact the Business Wales helpline on 03000 603000 for practical information and advice or signposting to relevant agencies and organisations.

Yours sincerely,



**Rebecca Evans AS/MS**  
Y Gweinidog Cyllid a'r Trefnydd  
Minister for Finance and Trefnydd

# Agenda Item 2.2

## **P-05-970 Ask the Senedd to reconsider their decision not to support Zoos & Aquariums with emergency funding**

This petition was submitted by David Wilkins having collected a total of 6,299 signatures.

### **Text of Petition**

As a result of lost income due to emergency closures due to Covid-19 zoos and aquariums including the Welsh Mountain Zoo in Colwyn Bay are facing a funding crisis. The Senedd has decided not to provide emergency funding to support them. This threatens the conservation work, educational opportunities and tourism income into the area. We ask the Senedd to reconsider their decision and provide this vital support.

### **Senedd Constituency and Region**

- Clwyd South
- North Wales

# P-05-969 Emergency funding for zoos and aquariums

Y Pwyllgor Deisebau | 07 July 2020  
Petitions Committee | 07 Gorffennaf 2020

Reference: RS20/12937-1

**Petition Number:** P-05-969

**Petition title:** Ask the Senedd to reconsider their decision not to support Zoos & Aquariums with emergency funding.

**Text of petition:** As a result of lost income due to emergency closures due to Covid-19 zoos and aquariums including the Welsh Mountain Zoo in Colwyn Bay are facing a funding crisis. The Senedd has decided not to provide emergency funding to support them. This threatens the conservation work, educational opportunities and tourism income into the area. We ask the Senedd to reconsider their decision and provide this vital support.

## 1. Background

There are 30 registered and licensed zoos in Wales.

Zoos have not been required to close in Wales under the *Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020*, as amended. However they have closed because, as the Minister for Economy, Transport and North Wales, Ken Skates, explained 'they would simply not be able to generate the footfall, and



therefore be able to generate the income, to make it financially viable to open right now’.

There is **not** a dedicated Welsh Government fund to support zoos and aquariums during the coronavirus pandemic. However, the Welsh Government has said that zoos and aquariums are eligible for other schemes such as the Economic Resilience Fund (detailed in ‘Welsh Government action below’).

The petitioner uses the Welsh Mountain Zoo in Colwyn Bay as an example of a zoo which is in financial difficulty following lockdown as its income is reliant on visitors. The zoo closed to visitors on 22 March, though zoo staff are continuing to care for the animals.

The Welsh Mountain Zoo has set up a donations page. At the time of writing it has raised £233,921. The page states:

...with 140 species to care for and reduced running costs still in excess of £118,000 per month, the National Zoological Society of Wales (our Charity), really does need your support.

The BBC reported that Borth zoo has warned that as a result of closure, it may be required to rehome or euthanise its animals. The article states that ‘many staff have been furloughed and, while the zoo did receive a business relief grant of £25,000, that money has now nearly run out.’ It goes on to say ‘it costs £3,000 a week to run the zoo and she [the zoo owner] is disappointed that while the Westminster government has announced a fund to help zoos in England, there is no similar support in Wales.’

On 4 May, the UK Government launched a £14 million financial support fund for zoos and aquariums in England. This funding aims to help zoos cover costs relating to animal keeping such as feed, heating and security. Establishments covered by the Zoo Licensing Act 1981 are able to bid for a portion of the funding. Individual grant awards are capped at £100,000. The press release also stated:

There are a number of support schemes already available to zoos, including business rates relief, the business interruption loan scheme and the job retention scheme. This is additional to other available relief such as VAT deferral.

The Welsh Government did not receive any Barnett consequential from this announcement.

The Scottish Government **announced** support for zoos on 16 June:

This reopening date [29 June] has been announced alongside an emergency funding support package worth £2.6 million. The funding will be split into £1.6 million for grants and £1 million for loans and will be made available to zoos and aquariums across the country for preserving animal welfare.

## 2. Welsh Government action

The issue of funding for Welsh zoos during the pandemic was **raised in Plenary by Darren Millar MS, on 13 May**. The Minister for Environment, Energy and Rural Affairs, Lesley Griffiths, said:

At the current time, we haven't committed to a zoo scheme because zoos were able to apply for funding from the economic resilience scheme, which, as you appreciate, is unique to Wales. So, that funding was there right from the beginning, really, for zoos. But what we did do back probably about three or four weeks ago now—I think it was around 24 April—officials wrote to all the zoos in Wales with details of the existing schemes from which they would be eligible for funding. But we also issued a questionnaire alongside that correspondence so that we could identify what key animal welfare concerns were out there with the zoos. As you say, there are some very large zoos; I'm very well aware of the Welsh Mountain Zoo in your constituency, and some are very small, so I think it was really important to get a feeling from all of them about what the issues were.

I also wanted to see if there were any funding gaps that were out there that we needed to look at. At the current time, about 17 [...] responses had been received. That included from two animal exhibits, so they're not licensed zoos, so it was about 15. Most have indicated that they've been able to access the funding that was already available, and either they've received or they've applied for the funding from various Government schemes. We then wrote again to them all giving them a further update, I think probably at the beginning of this week. So, we will obviously keep a close eye on it but, at the moment, I'm not bringing forward a specific scheme because I don't think there is the need for that at the moment. But obviously, animal health and welfare are very important, so we'll keep it under review.

The Welsh Government's £500 million Economic Resilience Fund, which is now in its second phase, [is re-opening for applications at the end of June](#). The Welsh Government states:

The fund offers further financial support in dealing with coronavirus crisis and will be vital in helping organisations manage cash flow pressures. It has been designed to address gaps not currently met by schemes already announced by the UK government, Welsh Government and Development Bank of Wales. This is a unique additional funding stream for Wales.

[On 10 June](#) in response to a question from Janet Finch-Saunders MS, [Ken Skates told Plenary](#) that the Welsh Government has made eight offers of support to zoos in Wales via the Economic Resilience Fund.

Other economic support schemes which zoos and aquariums may be eligible for, such as business rate relief, are detailed in a [Senedd Research blog post](#).

On 10 June Ken Skates detailed the support provided to the Welsh Mountain Zoo:

Now the Welsh Mountain Zoo is one of those to have benefited from the economic resilience fund. It's also benefited from the Development Bank of Wales's COVID-related loan scheme—two schemes that are exclusive to Wales, and that support amounts to £335,000.

He went on to say:

Contrast that—had we got a Barnettised consequential of the UK Government's zoos fund, it would have amounted to just £700,000, which would have been nearly double what has been spent on just one single zoo in Wales. That demonstrates why we can say confidently that zoos in Wales have been better protected through this pandemic than elsewhere.

### 3. Welsh Parliament action

Other Senedd Committees have not addressed this issue. The questions raised in Plenary by Members are detailed above.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Lesley Griffiths AS/MS  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-970  
Ein cyf/Our ref LG/01400/20

Janet Finch-Saunders MS  
Chair of the Petitions Committee

Government.Committee.Business@gov.wales

29 June 2020

Dear Janet

Thank you for your letter of 1 June regarding Petition P-05-970 requesting the Welsh Government reconsider its decision not to support Zoos & Aquariums with emergency funding.

The petition is misleading in stating Welsh Government has decided not to provide emergency funding to support Zoos and Aquariums in light of Covid-19. This is not the case.

I am unable to share details of individual cases, however, a large number of our zoos and aquarium have received funding from the Welsh Government's £500 million Economic Resilience Fund (ERF), which is unique to Wales.

From the outset, we have provided all licenced zoos in Wales with details of the existing schemes from which they would be eligible for funding. We are in regular contact with the zoos and most of those that have liaised with us have indicated they have been able to access the funding avenues available to them and have either received or applied for the funding various schemes.

The ERF fund aims to support the Welsh economy, businesses and charities experiencing a sharp drop in trading as a result of the Coronavirus and through this scheme, many zoos have been able to access a generous package of support to help them with animal welfare issues and their economic viability.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Due to the existence of the ERF in Wales, we were able to provide emergency funding to Zoos and Aquariums without the need to set up a zoo sector specific scheme. This ensured greater expediency of funding and allowed higher amounts of funding to be provided than would otherwise be the case under a sector specific scheme which only focused on animal welfare needs and did not take account of the overheads and additional costs we are aware zoos and aquarium need to continue to fund to ensure the economic viability of the business.

It is worth clarifying the £14 million Zoo Fund in England does include Barnett formula allocations to the Devolved Administrations, with the Welsh allocation being managed centrally. Based on the amount of funding the Welsh Government received, and assuming all 30 licensed zoos in Wales applied for support, the funding already awarded via the ERF to the zoos which applied is significantly higher than what could have been expected under a Welsh sector-specific scheme.

We are, however, continuously reviewing the support on offer to respond to the needs of Welsh zoos and aquaria.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

**Lesley Griffiths AS/MS**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

**P-05-970 Ask the Senedd to reconsider their decision not to support Zoos & Aquariums with emergency funding, Correspondence – Petitioner to Committee, 01.07.20**

Good afternoon,

Thank you for the update, I look forward to watching the debate.

I would like to submit the following comments. We set up the petition there was still no idea on how long the lockdown would last nor the mechanism for relaxing the lockdown regulations and as such additional information has come to light. I am using the Welsh Mountain Zoo in Colwyn Bay as a case study as they are my geographical closest Zoo or Aquarium affected.

The lockdown struck at exactly the wrong time for the Welsh Mountain Zoo, they estimate a loss in revenue of £712,000 between the beginning of lockdown and the middle of July. This is not factoring in the good weather during this period that would likely have seen a higher number of visitors and therefore income. Whilst the Zoo is open all year round, the business is definitely seasonal and the income during the summer months covers the leaner winter months.

The Zoo have furloughed staff, but it is impossible to provide safe care for animals, some of which are dangerous, without maintaining a skeleton workforce of keepers. Heating and lighting has still been required. Fences, buildings and exhibits have required maintenance and of course animals have needed to be fed. This has left the Zoo with running costs of £120,000 per month. The huge loss of earnings, as well as the remaining high running costs show why the zoo is in such dire financial straights.

The Zoo has received £85,000 from the Economic Resilience Fund which is clearly dwarfed in scale by a single months running costs. A loan of £250,000 has been secured from the Development Bank of Wales; which is simply moving the problem down the road as loans need repaying. Of course the Zoos is grateful for this support however it doesn't solve their problem.

We know that zoos are scheduled for limited reopening. It is reasonable to expect there will need to be safe visitor management that allows for social distancing in the Zoo and this will limit the number of visitors the Zoo can admit and the money they can raise through admissions. The fiscal hardship will continue long after the Zoo can re-open.

Whilst this focusses on the plight of just one zoo the conclusion is stark. Without support this vital part of the tourist industry, a local employer, contributor to education, and conservation body faces the realistic prospect of closure. This would rip the heart out of the community in Colwyn Bay and effect businesses all along the North Wales coast. If you were to contact other zoos, wildlife collections and aquaria you would hear the same sad story. You cannot furlough fish and you cannot work from home as a keeper.

The Westminster government has recognised the importance of zoos, launching a £14 million Zoo Support Fund. I urge the Senedd to find the resources to cushion the impact of Covid-19 for Zoos and Aquaria with a similar support fund. Otherwise the damage done will hinder the recovery for so many sectors in Wales and mean hardship for many for years to come.

Diolch  
David Wilkins

# Agenda Item 2.3

## **P-05-971 Relax travel restrictions imposed by Covid 19 legislation to allow travel within Wales**

This petition was submitted by Sean Murphy having collected a total of 15,192 signatures.

### **Text of Petition**

On 29th May the Welsh Government announced changes to the restrictions imposed by the Covid 19 regulations. Rules were relaxed but there is still a requirement for people to remain local. These rules prevent families who may live much further apart from meeting and prevent most residents enjoying exercise in the coast and countryside. There is no reason why social distancing cannot be more easily managed in the great outdoors. Restrictions have already been relaxed in England and N.Ireland.

### **Additional Information**

<https://gov.wales/guidance-changes-coronavirus-regulations-1-june#section-43071>

<https://gov.wales/health-protection-coronavirus-restrictions-wales-regulations-2020-amended>

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-overview-and-advice>

<https://www.gov.uk/coronavirus>

### **Senedd Constituency and Region**

- Cardiff South and Penarth
- South Wales Central

# P-05-971 - Relax travel restrictions imposed by Covid-19 legislation to allow travel within Wales

Y Pwyllgor Deisebau | 7 Gorffennaf 2020  
Petitions Committee | 7 July 2020

Reference: RS20/12937-3

## Introduction

Petition Number: P-05-971

**Petition title:** Relax travel restrictions imposed by Covid 19 legislation to allow travel within Wales

**Text of petition:** On 29th May the Welsh Government announced changes to the restrictions imposed by the Covid 19 regulations. Rules were relaxed but there is still a requirement for people to remain local. These rules prevent families who may live much further apart from meeting and prevent most residents enjoying exercise in the coast and countryside. There is no reason why social distancing cannot be more easily managed in the great outdoors. Restrictions have already been relaxed in England and N.Ireland.

Note – This briefing has been prepared prior to 6 July. The First Minister has indicated that the restrictions may be lifted on this date as outlined in the



following briefing. As such the restrictions may no longer be in force at the time of the Committee meeting.

## 1. Background

In light of the coronavirus pandemic, using its powers under the Public Health (Control of Disease) Act 1984, the Welsh Government made the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, (the 2020 regulations), which came into force on 26 March 2020.

The 2020 regulations have been amended several times since, and place a requirement on the Welsh Government to review the regulations every 21 days.

The latest amendments to the 2020 regulations came into force on 22 June 2020.

Initially, in March 2020, people in Wales were required to stay home, with the regulations only allowing people to leave home for a limited number of reasons.

These restrictions have been slightly eased since. On 29 May, at a review point for the regulations, the Welsh Government announced that the requirement to 'stay home' would be amended to 'stay local'.

At the time of preparing this brief, this requirement is still in place.

The Welsh Government has issued guidance on the requirement to stay local, which states:

...the law deliberately does not define "local" as it can mean different things in different circumstances. However, as a general rule, we consider anything within about five miles of your home to be local.

...there are certain activities, which are considered to be important enough to be exceptions to the requirement to stay local. In the regulations these are referred to as "reasonable excuses" to leave the local area.

The regulations say that these reasonable excuses are only available to you where it is "not reasonably practicable" to carry out the activity in your local area.

For example, those in rural areas would be permitted to travel slightly further to obtain supplies such as food and medicine if the nearest shops are slightly further away.

On 19 June 2020, the First Minister issued a statement setting out the changes made in the latest review of the 2020 regulations. In this statement, the First Minister announced that the Welsh Government [emphasis added]:

**...will review the requirement to stay local, with a view to lifting it in two weeks' time on 6 July**, if the conditions allow...A final decision will be based on the latest scientific and medical evidence and advice and how the virus is behaving in Wales.

## Restrictions in other parts of the UK

Whilst in March 2020, when restrictions were initially put in place, there were very similar approaches taken across each part of the UK, over time differences have emerged. At the time of preparing this brief, the following restrictions are in place:

- In England and in Northern Ireland there are no limits on how far people are able to travel; and
- In Scotland, people should not travel more than around five miles for leisure or recreation. It is acceptable to travel outside the local area to meet members of another household in an outdoor space but people are asked to use their judgement about how far to travel. The Scottish Government has announced that the five mile rule will be removed on 3 July 2020.

## 2. Welsh Government and Welsh Parliament action

In his letter to the Chair, dated 16 June 2020, the First Minister sets out that the Welsh Government's reviews of the regulations:

...take account of a wide range of the evidence about the specific circumstances [in Wales]. A key purpose of the requirement to stay local is to prevent the spread of the virus between communities.

In the Senedd, the interpretation of the five mile limit has been discussed in Plenary. A written question has also been tabled asking for the Welsh Government to publish the scientific evidence that has been used to inform the rule. At the time of preparing this briefing as response has not been published.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Janet Finch-Saunders MS  
Chair  
Petitions Committee

[petitions@senedd.wales](mailto:petitions@senedd.wales)

16 June 2020

Dear Janet

**Petition P-05-971 Relax travel restrictions imposed by Covid 19 legislation to allow travel within Wales**

Thank you for your letter of 2 June.

The regular reviews of the lockdown measures in Wales take account of a wide range of the evidence about the specific circumstances here. A key purpose of the requirement to stay local is to prevent the spread of the virus between communities. The outcome of the next review will be announced on 19 June.

Yours sincerely

**MARK DRAKEFORD**

**P-05-971 Relax travel restrictions imposed by Covid 19 legislation to allow travel within Wales, Correspondence – Petitioner to Committee, 28.06.20**

The First Minister states in his response of the 16th June 2020 that the periodic reviews take into account however he not published the evidence that he is relying on.

He states that "A key purpose of the requirement to stay local is to prevent the spread of the virus between communities." However, the virus was already widely distributed across Wales at the early stages of the pandemic.

Furthermore, there was always the ongoing potential for geographic viral spread through the food and goods distribution networks, with the potential for contamination in all retail premises. These inherent risks are potentially far higher than a person walking in the countryside although many footpaths, national parks and other spaces were closed down.

The risks in retail establishments of cross contamination between strangers is again far higher than that of family members meeting where most people would even in normal circumstances be mixing with small groups of people.

The outcome of the review on the 19th June provisionally allows travel outside local areas from the 6th July this is much later than the governments of Northern Ireland and England have permitted.

A more recent anomaly is that UK citizens including those resident in Wales can holiday in a number of European destinations from 6th July but cannot book holidays in Wales until at least a week later.

The pandemic now appears to be receding and regulations are being relaxed, in the event of a second wave or similar event occurring, the Welsh Government should give consideration to a more balanced and evidence based approach to restricting peoples movements

Sean Murphy

# Agenda Item 2.4

## **P-05-989 Keep restrictions imposed by Covid 19 legislation, allow only a 5mile radius travel within Wales**

This petition was submitted by an anonymous petitioner having collected a total of 114 signatures.

### **Text of Petition:**

On 29th May the Welsh Government announced changes to the restrictions imposed by the Covid 19 regulations. Rules were relaxed but there is still a requirement for people to remain local and within a 5mile radius. These rules are to keep communities and families safe. The reason why social distancing rules are here to stay, is we all have one job. Stop the spread. Restrictions have already been relaxed in England and N.Ireland but I believe they will be the start of a second and third spike.

### **Additional Information:**

Some people are calling for complete freedom of travel within Wales. I feel their pain and know at times isolation can be difficult, but it has been the same for millions around the world. We have one job everyone, we need to keep the figures down and stop the spread. Do not relax local travel only in Wales.

Keep the people of Wales, our families and our communities safe.

Thank you

### **Senedd Constituency and Region**

- Merthyr Tydfil and Rhymney
- South Wales East

# Agenda Item 2.5

**P-05-972 To provide a minimum of 4 hours a day of live teaching during COVID closures for all school children**

This petition was submitted by Siobhan King having collected a total of 100 signatures.

## **Text of Petition**

Welsh children have not been in school since March 20th and very few in the state education sector have received any face to face teaching. We the undersigned want a minimum of 4 hours a day face to face live teaching on line

## **Senedd Constituency and Region**

- Cardiff West
- South Wales Central

# P-05-972 Minimum amount of live teaching

Y Pwyllgor Deisebau | 07 July 2020  
Petitions Committee | 07 Gorffennaf 2020

Reference: RS20/12937-4

Petition Number: P-05-972

Petition title: To provide a minimum of 4 hours a day of live teaching during COVID closures for all school children

Text of petition: Welsh children have not been in school since March 20th and very few in the state education sector have received any face to face teaching. We the undersigned want a minimum of 4 hours a day face to face live teaching on line.

## 1. Background

### 1.1. Current on-site provision in schools

Schools closed for the provision of statutory education on Friday 20 March on public health grounds due to COVID-19. They have since remained open for vulnerable children and children of key workers with no safe alternative childcare, as part of a 'new purpose' enabling the response to COVID-19. Following their



closure to the vast majority of pupils, schools have been expected to support pupils' learning from home, through the use of online resources such as **Hwb**.

A gradual, staggered return to school began on Monday 29 June. The purpose is for pupils to '**Check in, Catch up and Prepare**' for what the **Minister for Education, Kirsty Williams MS, has warned** is 'likely to be a very long and challenging autumn term'.

Other than pupils who are **shielding or showing coronavirus symptoms**, all pupils should be getting the opportunity to attend their school for educational purposes on several occasions from 29 June until the end of the summer term. However, social distancing requirements mean that not all pupils can attend at the same time.

Welsh Government **operational guidance** envisages that schools will vary in how many pupils they can safely accommodate but overall **no more than a third of pupils will be present at any one time**. The Welsh Government expects that in most schools, learners would have the opportunity to **attend on three occasions before the summer holidays**. However this may be more often in some cases.

The Welsh Government intends that this will break up a long period away from school and help teachers and pupils get ready for a 'new normal'. It is not known what school provision will look like from September; whether pupils will be able to attend full-time or whether social distancing measures will continue to limit capacity and therefore how much time each pupil can spend in school.

## 1.2. 'Blended learning'

The Welsh Government has used powers under the **Coronavirus Act 2020** to **disapply requirements on schools to deliver the curriculum**. It says this is necessary to ensure schools have the flexibility to focus on the health and well-being of learners, supporting them to re-integrate back into a school environment.

Although pupils currently have the opportunity to attend their school, this only amounts to a few days during the remainder of the summer term. Children and young people therefore continue to learn at home, in addition to attending school. This is described as a '**blended learning approach**' as it **combines face to face learning in school with remote learning at home**. It is likely that blended learning will continue in September when schools and pupils begin the new

academic year and potentially for a significant period beyond that ([Ministerial statement of 3 June](#), para 263).

The Welsh Government has published [guidance on learning over the summer term](#), following the [Stay Safe. Stay Learning guidance](#) it issued in April. Teachers and pupils are advised not to attempt to 'cover' or 'catch up' in the summer term on all of the activity they have missed. The Welsh Government wants them to focus on developing 'learning fitness' and readiness for the next steps rather than focusing on attainment levels and learning loss.

Two Senedd Research blog articles, in [April](#) and [June](#), provide further information on decisions over the closure and reopening of schools, and continuity of learning whilst schools are not operating as normal.

## 2. The Welsh Government's policy on distance learning and 'live lessons'

The [Stay Home. Stay Learning suite of guidance](#) the Welsh Government published at the end of April (to coincide with the start of the summer term following Easter) included guidance for schools on [Developing approaches to support distance learning](#). This states:

Schools should **closely adhere to their safeguarding policies when determining whether live streaming is appropriate** to host lessons. Should a decision be made to use live streaming then schools should refer to the 'Stay Safe. Stay Learning'. Safeguarding principles and practices of live streaming guidance document and any relevant local authority guidance. [my emphasis]

The [Safeguarding principles and practices of live streaming guidance](#) describes two types of remote learning, which:

- take place more independently at different points in time, based on the learner's wishes or home circumstances (asynchronous)
- take place with multiple learners and teachers at the same time, usually online (synchronous).

It also states (page 2):

g. Decision-making at a school level may determine whether live streaming is appropriate for you to host lessons with your learners. As in

any school setting, **all accountability is owned by the headteacher and governing body of the school**. Therefore this guidance must be observed alongside local authority guidance. [my emphasis]

h. The Welsh Government recommends that:

- all live-streamed lessons should be carried out using Microsoft Teams via Hwb, rather than an external provider;
- the teacher utilises a school issued device;
- due regard should be given to the considerations outlined in this guidance to ensure you and your learners are appropriately protected and safeguarded.

As the Minister for Education's letter to the Committee regarding this petition states, the **Welsh Government does not prescribe the amount of live streaming of lessons** that will be delivered as individual schools have the responsibility for the use of live streaming of lessons according to their capability to do so and local arrangements for interaction with their learners. The Minister adds that **any arrangements for the use of live streaming of lessons will remain the responsibility of individual schools in conjunction with their local authorities** and as such they will need to confirm the agreed position with their local authority.

It is therefore likely that the provision of live lessons varies across Wales between different schools, different local authorities and different consortia regions.

### 3. Senedd Cymru action

The Senedd's Children, Young People and Education (CYPE) Committee is scrutinising the impact of COVID-19 on children and young people. It has held evidence sessions with the Minister for Education on 19 March and 28 April, with a further session scheduled on 7 July (the same day as this Committee's meeting).

The CYPE Committee has also issued an open call for evidence and is publishing submissions on a weekly basis.

## 4. Potential for remote teaching and learning to widen inequality in educational experiences and outcomes

One of the issues emerging from the CYPE Committee's scrutiny is the **potential inequality arising from differing home learning experiences** of children and young people.

Factors contributing to this include access to technology and other digital learning aids (although the Welsh Government has **allocated £3 million** to address this), housing and living conditions, and parental capacity to support home learning. In addition, there could be implications for pupils with less capability and propensity to learn relatively unguided and unsupervised, for example learners with Additional Learning Needs (ALN) and others more reliant on one-to-one and/or face-to-face teaching.

In April, the Sutton Trust published a report on the **impact of school shutdown on social mobility**, which indicated a **correlation between families' socio-economic circumstances and the amount of home learning undertaken** by children. The report is based on research on England, although its findings are likely to also be applicable in Wales.

A further **report in May from the Institute for Fiscal Studies**, based on research in England, found that:

Children from better-off families are spending 30% more time on home learning than are those from poorer families. Children in the highest-income fifth of families spend 5.8 hours a day on educational activities, over 75 minutes more than their peers in the poorest fifth of households (4.5 hours).

The IFS also reported that **school closures are 'almost certain to increase educational inequalities'**:

Pupils from better-off families are spending longer on home learning; they have access to more individualised resources such as private tutoring or chats with teachers; they have a better home set-up for distance learning; and their parents report feeling more able to support

them. Policymakers should already be thinking about how to address the gaps in education that the crisis is widening.

Subsequent research from UCL Institute of Education ([LLAKES Research Paper 67](#)) suggested that the IFS finding that pupils were doing an average of approximately five hours home learning per day was an overstatement as it measured time in whole hour units even where the time undertaken was less than an hour. UCL concluded:

The closure of schools, and their only-partial re-opening, constitute a potential threat to the educational development of a generation of children. (...)

The inequality between regions and social groups [is] substantial.

UCL found, based on surveys in all parts of the UK, that pupils are doing an average of 2.5 hours schoolwork per day, ranging as follows:

- 19.6% are doing none or less than one hour schoolwork per day (21.6% in Wales);
- 62.9% are doing between one and four hours (63.4% in Wales);
- 17.5% are doing four or more hours (15.0% in Wales).

[See Table 3 of the LLAKES report]

The figures for Wales were relatively similar to the Northern and Midlands regions, but lower than the South East and South West, regions of England. They also suggest pupils in Wales are doing slightly more work than those in Scotland but less than in Northern Ireland.

The UK Government has announced a [£1 billion fund to tackle the impact of lost teaching time in England](#). It is not yet known what the size of any Barnett consequential funding for Wales from this will be.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Kirsty Williams AS/MS  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref KW/01862/20

Janet Finch-Saunders AM  
Chair, Petitions Committee  
Welsh Parliament  
Tŷ Hywel  
Cardiff Bay  
Cardiff  
CF99 1SN

09 June 2020

Dear Janet Finch-Saunders MS,

Thank you for your letter dated 2 June regarding Petition P-05-972 To provide a minimum of 4 hours a day of live teaching during COVID closures for all school children.

We are aware that some schools have the capability to deliver live streamed lessons safely to their learners and as such we have worked with stakeholders across the Education sector to agree guidance to reflect this, subject to certain conditions. This is available at <https://hwb.gov.wales/distance-learning/developing-approaches-to-support-distance-learning/>

The safeguarding of children remains our priority but schools have the option to use live streaming of lessons if it is considered appropriate. In doing so schools should closely adhere to their safeguarding policies and refer to the Welsh Government's 'Live-streaming safeguarding principles and practice for education practitioners' guidance document' at <https://hwb.gov.wales/zones/online-safety/live-streaming-safeguarding-principles-and-practice-for-education-practitioners/> and any relevant local authority guidance.

Welsh Government do not prescribe the amount of live streaming of lessons that will be delivered as individual schools have the responsibility for the use of live streaming of lessons according to their capability to do so and local arrangements for interaction with their learners.

Any arrangements for the use of live streaming of lessons will remain the responsibility of individual schools in conjunction with their Local Authorities and as such they will need to confirm the agreed position with their Local Authority.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Kirsty.Williams@llyw.cymru](mailto:Gohebiaeth.Kirsty.Williams@llyw.cymru)  
[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written in a cursive style.

**Kirsty Williams AS/MS**  
Y Gweinidog Addysg  
Minister for Education

## **P-05-972 To provide a minimum of 4 hours a day of live teaching during COVID closures for all school children – Petitioner to Committee, 23.06.20**

Please see my responses in red with regards to the letter from the Minister of Education -

We are aware that some schools have the capability to deliver live streamed lessons safely to their learners and as such we have worked with stakeholders across the Education sector to agree guidance to reflect this, subject to certain conditions. This is available at

<https://hwb.gov.wales/distance-learning/developing-approaches-to-support-distancelearning/> -

The lack of consistency across all schools in Wales to provide an equal delivery of continued lessons is against equality policy . "some schools " is not all schools and creates a picture of a post code lottery of educational provision both in terms of equality and the right to education as outlined in the human rights act .

The safeguarding of children remains our priority but schools have the option to use live streaming of lessons if it is considered appropriate. In doing so schools should closely adhere to their safeguarding policies and refer to the Welsh Government's 'Live-streaming safeguarding principles and practice for education practitioners' guidance document' at

<https://hwb.gov.wales/zones/online-safety/live-streaming-safeguarding-principles-andpractice-for-education-practitioners/> and any relevant local authority guidance. There is inconsistent messaging

and adoption of this guidance from LA's . Private schools are harnessing and have harnessed live lessons since the early pandemic and will do so should the need for "blended learning " continue into the new academic year . We see the lack of this decree being centrally agreed a matter for equality ( please send the Welsh government report into equality in education for my information , again creating a "post code " lottery for those unable to access private schooling and is also a contravention of human rights for the children of Wales . WG simply cannot "pass the buck " to the LA's in a matter of such great importance especially when most LA@s are struggling financially with budget deficits .

Welsh Government do not prescribe the amount of live streaming of lessons that will be delivered as individual schools have the responsibility for the use of live streaming of lessons according to their capability to do so and local arrangements for interaction with their learners. Any arrangements for the use of live streaming of lessons will remain the responsibility of individual schools in conjunction with their Local Authorities and as such they will need to confirm the agreed position with their Local Authority. This answer from the minister is wholly unacceptable and to push the provision of live lessons out to the LA is a case for lack of equality of education provision for Welsh school children . Welsh government need to decide policy which ensures an equal provision of standard of education for children who are in state provision in line with private . To not do so is both a human rights issue and abuse of equal rights for children .

It is unacceptable for WG to push this matter onto the already struggling LA's to create a post code lottery of pot luck of what our childrens education looks like as we move through 2020 .

I await your response

# Agenda Item 2.6

## **P-05-973 Reopen barbers and hairdressers as long as they have strict social distancing measures in place**

This petition was submitted by Luke Fussell having collected a total of 118 signatures.

### **Text of Petition**

We have been in lockdown for over 2 months now. Some of us even longer if they chose to self-isolate early. With the recent opening of garden centres we should now be discussing the reopening of barber shops and hairdressers providing social distancing measures are taken seriously.

### **Additional Information**

Appearance has always been very important but in this day and age it is even more so. When people don't look good they don't feel good and with us all being locked indoors we could all do with at least feeling good about ourselves. Mental health issues have grown dramatically over the last few years and one reason why is because of the growing need to look good in order to feel good and with the current lockdown mental health issues are bound to be becoming more common.

Social distancing measures in these establishments should include shops being appointment only, and only allowing limited amount of staff in per day, there should be a limited number of people in at any one time, no gathering or queueing outside, all tools utensils and chairs should be thoroughly cleaned between each customer, gloves and masks should be worn and chairs should be 2 metres away. Any other measures can be put in place to ensure safety also but these scruffy heads must be no more.

### **Senedd Constituency and Region**

- Newport West
- South Wales East

# P-05-973 Reopen barbers and hairdressers as long as they have strict social distancing measures in place.

Y Pwyllgor Deisebau | 7 Gorffennaf 2020  
Petitions Committee | 7 July 2020

Reference: RS20/12937-5

**Petition Number:** P-05-973

**Petition title:** Reopen barbers and hairdressers as long as they have strict social distancing measures in place.

**Text of petition:** We have been in lockdown for over 2 months now. Some of us even longer if they chose to self-isolate early. With the recent opening of garden centres we should now be discussing the reopening of barber shops and hairdressers providing social distancing measures are taken seriously.

Appearance has always been very important but in this day and age it is even more so. When people don't look good they don't feel good and with us all being locked indoors we could all do with at least feeling good about ourselves. Mental health issues have grown dramatically over the last few years and one reason why is because of the growing need to look good in order to feel good and with the current lockdown mental health issues are bound to be becoming more common.

Social distancing measures in these establishments should include shops being appointment only, and only allowing limited amount of staff in per day, there should be a limited number of people in at any one time, no gathering or queueing outside, all tools utensils and chairs should be thoroughly cleaned between each customer, gloves and masks should be worn and chairs should be 2 metres away. Any other measures can be put in place to ensure safety also but these scruffy heads must be no more.



---

## 1. Background

Barbers and hairdressers in Wales have been required to close since 23 March 2020, under *The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020*, as amended (the regulations). The **only purpose** for which they are allowed to reopen is if the Welsh Ministers or a local authority request them to do so for a social purpose. This does not mean that individual businesses can reopen for trading.

At the start of the lockdown, the National Hair and Beauty Federation **contacted officials across the governments of the UK** to “ask for all salons and barbershops to be immediately added to the list of businesses that must close”.

The Welsh Government has set out the steps it will take to lead Wales out of the coronavirus pandemic in **Unlocking our society and economy: continuing the conversation**. In relation to personal care services such as barbers and hairdressers, this states that **when Wales is at the Amber stage of lifting lockdown measures, the Welsh Government will “Trial some personal services under appointment (e.g. hairdressers).”**

## 2. The latest position in Wales

At its next review on 9 July, the Welsh Government will consider whether a number of types of business, including barbers and hairdressers, will be able to reopen.

In his **advice to the Welsh Government** ahead of the review of the regulations on 19 June, the Deputy Chief Medical Officer stated that:

While ensuring continuing measures to avoid direct harm from COVID-19 infection, a cautious and step-wise approach to easement should be taken to minimise long-term socio-economic effects of the pandemic.

[The Welsh Government press release](#) from 19 June announcing the changes following the most recent review stated that:

At the next review on 9 July, the Welsh Government will consider a range of specific options for opening:

- Self-contained holiday accommodation

Title:

---

- Personal care services, such as hairdressing and beauty, by appointment.

The First Minister's [written statement](#) of the same date states that:

I am asking some businesses to begin to take steps to prepare now, in the event the conditions will be right to make further changes to the regulations.

The specific areas are:

- Preparations for reopening the visitor economy, including accommodation without shared facilities where social distancing is possible.
- Preparations for restarting personal care services by appointment, including hairdressing.

The Welsh Government's [Frequently Asked Questions document on the coronavirus regulations](#) also highlights that it is considering whether mobile hairdressers will be able to reopen at the same time as other hairdressers. It states that:

This is something we are still considering. We're currently working on how hairdressers can safely begin to resume services over the next three weeks for the next review of the regulations on 9 July - we need to look carefully at mobile hairdressing as part of this.

Following this announcement, the National Hair and Beauty Federation [wrote to](#) the Minister for Economy, Transport and North Wales to ask that the Welsh Government publish guidance for the hair and beauty sector to assist its members in preparing for reopening.

The Minister for Economy, Transport and North Wales' letter to the Committee regarding the petition states that:

The Welsh Government recognises the incredibly difficult and uncertain circumstances currently being experienced by businesses and individuals. We are absolutely committed to providing the support and assurance the business community needs...

---

We want to restart activity as soon as possible if the conditions allow. We will continue to work closely with the public sector, trade unions, businesses, the third sector and others to achieve this.

### 3. The situation across the UK

On 18 June, the Northern Irish Executive **announced that barbers and hairdressers may reopen provisionally in Northern Ireland from 6 July**. The Minister for the Economy **stated that** the reopening will be conditional on coronavirus being contained.

The UK Government **announced on 23 June that barbers and hairdressers in England will be able to open from 4 July**. It has published **guidance for working safely in providing close contact services** including barbers and hairdressers. These highlight that close-contact workers should take extra precautions such as wearing a visor that covers the face, as well as maintaining social distancing where possible and regular handwashing.

On 24 June, the Scottish Government **stated that barbers and hairdressers could provisionally reopen in Scotland on 15 July, with enhanced hygiene measures**.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Eich cyf/Your ref P-05-973  
Ein cyf/Our ref KS/02969/20

Janet Finch-Saunders MS  
Chair  
Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA  
Government.Committee.Business@gov.wales

17 June 2020

Dear Janet,

Thank you for your correspondence dated 3 June on behalf of the Petitions Committee, regarding the impact of the Coronavirus outbreak on barbers and hairdressers.

The Welsh Government recognises the incredibly difficult and uncertain circumstances currently being experienced by businesses and individuals. We are absolutely committed to providing the support and assurance the business community needs.

In Wales we have put in place the most generous package of help for businesses in the UK – a total of £1.7 billion of support – and we have now launched the new eligibility checker for the next phase of Economic Resilience Fund support.

<https://businesswales.gov.wales/coronavirus-advice/>

A decision about further changes to the lockdown will be taken at the next review on 18 June and will depend on the scientific and medical evidence and about what the R rate is in Wales.

We want to restart activity as soon as possible if the conditions allow. We will continue to work closely with the public sector, trade unions, businesses, the third sector and others to achieve this.

In the meantime, we have published [guidance and other resources for businesses and employers](#).

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Ken.Skates@llyw.cymru](mailto:Gohebiaeth.Ken.Skates@llyw.cymru)  
[Correspondence.Ken.Skates@gov.wales](mailto:Correspondence.Ken.Skates@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

You will note we have also published in-depth guidance to support a safe return of the manufacturing sector and further key sector guidance will be published over coming weeks.

The restrictions are essential to slow the spread of coronavirus, protect the NHS and save lives.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken', with a long, sweeping horizontal stroke above the letters.

**Ken Skates AS/MS**

Gweinidog yr Economi, Trafnidiaeth a Gogledd Cymru  
Minister for Economy, Transport and North Wales



# Agenda Item 3.1

## **P-05-965 Push the government into introducing a separate ward other than maternity ward, for families going through a miscarriage**

This petition was submitted by Peter Leigh-Robinson having collected a total of 52 signatures.

### **Text of Petition**

After seeing what the NHS put me and my wife through when she was having her miscarriage: being sent to have a scan with mums to be and just telling us 'You're having a miscarriage, go home', that was it. Then told to come back a few days later to be made to sit in a room with people coming out with their scan pictures, is not fair. There needs to be a separate ward.

### **Additional Information**

When we asked if there was somewhere else we could wait they said it was there or nowhere. This had a massive detrimental effect on our mental health. How did they know we were strong enough to leave the hospital? They didn't, this needs to change.

### **Senedd Constituency and Region**

- Cardiff South and Penarth
- South Wales Central

# P-05-965 Hospital ward provision for families going through a miscarriage

Y Pwyllgor Deisebau | 7 Gorffennaf 2020  
Petitions Committee | 7 July 2020

Reference: RS20/12961

## Introduction

**Petition number:** [P-05-965](#)

**Petition title:** Push the government into introducing a separate ward other than maternity ward, for families going through a miscarriage

**Text of petition:** After seeing what the NHS put me and my wife through when she was having her miscarriage: being sent to have a scan with mums to be and just telling us 'You're having a miscarriage, go home', that was it. Then told to come back a few days later to be made to sit in a room with people coming out with their scan pictures, is not fair. There needs to be a separate ward.



---

## Background

A [miscarriage](#) is defined as the loss of a pregnancy during the first 23 weeks. The main sign of a miscarriage is vaginal bleeding, which may be followed by cramping and pain in the lower abdomen. The majority of miscarriages happen in the first 12 weeks, known as early pregnancy.

There are no routinely published statistics for miscarriages in Wales or the UK as a whole. The Royal College of Obstetricians and Gynaecologists (RCOG) [estimate that early pregnancy loss](#) accounts for over 50,000 admissions in the UK annually. [Figures](#) published by [Tommys](#), a charity funding research into the causes of miscarriage, stillbirth and premature birth, indicate that:

- An estimated 1 in 4 pregnancies ends in miscarriage;
- Around 11 in 1,000 pregnancies are [ectopic](#);
- About 1 in 100 women in the UK experience [recurrent miscarriages](#) (3 or more in a row);
- The risk of miscarriage greatly reduces in the second trimester. Around 1-2 in 100 women have a [late miscarriage](#) in the second trimester.

## Diagnosis, testing and care

As the [Miscarriage Association](#) state, 'We know that for many women and their partners, it can be a very difficult and distressing experience and often quite a lonely one too'.

Detailed guidance for the diagnosis and initial management of miscarriage and ectopic pregnancy is provided by the National Institute for Health and Care Excellence (NICE) in [NICE guideline NG126](#) (2019), and is [supported by the RCOG](#). NG126 sets out a number of recommendations, including:

Healthcare professionals providing care for women with early pregnancy complications in any setting should be aware that early pregnancy complications can cause significant distress for some women and their partners. Healthcare professionals providing care for these women should be given training in how to communicate sensitively and breaking bad news. (para.1.1.2)

Regional services should be organised so that an early pregnancy assessment service (EPAS) is available 7 days a week for women with early pregnancy

complications, where scanning can be carried out and decisions about management made. (para.1.2.1)

Ensure that a system is in place to enable women referred to their local EPAS to attend within 24 hours if the clinical situation warrants this. If the service is not available, and the clinical symptoms warrant further assessment, refer women to the nearest accessible facility that offers specialist clinical assessment and ultrasound scanning (such as a gynaecology ward or A&E service with access to specialist gynaecology support). (para.1.2.4)

NICE has published a [Scenario for Managing suspected first trimester miscarriage](#), which sets out the clinical indications for referral onwards to an EPAS, out of hours gynaecology service or immediate admission to hospital.

The RCOG has also published [Providing quality care for women: A framework for maternity service standards](#) (November 2016), which recommends that:

There should be at least **one dedicated bereavement room or suite**, away from celebrating families and the sounds of live babies, where a woman whose baby has died can labour and/ or be cared for afterwards.(p.65)

According to [NHS 111 Wales](#), If someone sees their GP or midwife because of vaginal bleeding or other symptoms of miscarriage, they may be referred to an EPAS at a hospital for tests. If they are more than 18 weeks pregnant, they will usually be referred to a hospital maternity unit. If they are less than 6 weeks pregnant, they may not be referred for tests straight away, as it is very hard to confirm a miscarriage this early on.

The hospital can carry out tests to confirm whether they are having a miscarriage. The first test used is usually an ultrasound scan to check the development of their baby and look for a heartbeat. Blood tests may also be offered to measure hormones associated with pregnancy' usually 2 blood tests are needed, 48 hours apart to see if their hormone levels go up or down. Sometimes a miscarriage cannot be confirmed immediately using ultrasound or blood testing. If this is the case, they may be advised to have the tests again in 1 or 2 weeks.

## Reports on miscarriage services in Wales

In September 2018 Fair Treatment for the Women of Wales published [Making the case for better miscarriage care in Wales](#). This report set out that the most common complaints from many of the women who experience a miscarriage centred on the fact that they had received their scan or treatment alongside

pregnant women who are attending their 12 and 20 week scans. There was concern also about how the news of their miscarriage had been communicated to them, and the lack of privacy that they experienced during their consultations.

The report set out a number of recommendations, including that:

- Immediate steps are taken to make EPAS available 7 days a week;
- Early Pregnancy Assessment Services should be reviewed to ensure that women who attend these units are being cared for in a way consistent with NICE guidelines and which is appropriate for the distressing life event that they are experiencing;
- A system should be put in place to ensure that women are receiving a greater level of psychological and emotional support during and after a miscarriage.

There was a subsequent debate in the Senedd in October 2018, putting forward a motion calling for better bereavement care for women who experience pregnancy and baby loss.

On 24 May 2019 the Minister for Health and Social Services issued a written statement indicating that officials were considering the report's recommendations, and were in discussions with stakeholder groups about how to improve the way in which women who suffer miscarriage are cared for and supported by local health boards (LHBs) in Wales. However, there were concerns reported in October 2019 that "very little action" had been taken on the report, including on privacy, support and the provision of EPAS.

As described in a written statement on 22 July 2019, the Welsh Government had set up a Bereavement Support Working Group, involving charities including 2 Wish Upon A Star, Sands and Bliss. The group was designed to 'work with Welsh Government to develop and help deliver improved bereavement arrangements and ensure health boards have suitable arrangements in place to help and support families who suffer the loss of a baby, child or young person'.

The statement also reported that Welsh Government had commissioned - through the End of Life Care Board - Cardiff University to undertake a study to identify and gather information on structured bereavement services in Wales, including for children and young people. An interim report published in May 2019 was followed by the final report in December 2019. The study mapped existing support, ranging from signposting through to specialist counselling, and identified areas where further resourcing and service development is needed. These are

centred on the need to develop a national framework for bereavement care in Wales. However, the report considers the broad extent of bereavement services, and does not set out any specific proposals for the delivery of miscarriage support.

## Welsh Government response to the petition

The response from the Minister for Health and Social Services recognizes the significant impact of miscarriage at any stage of pregnancy. It also highlights that miscarriage can occur in a number of different ways and settings:

- **Early miscarriage** often occurs either at home or within gynaecology services. Support would be provided by primary care and signposting may be provided to relevant support organisations such as the [Miscarriage Association](#). There would also be outreach from community midwifery services if the woman is already under their care;
- In the event of **late miscarriage**, care would be provided by local maternity services which ‘is an appropriate setting in later pregnancy’. LHBs in Wales have been working to ‘ensure bereavement rooms are in place to provide privacy and follow up bereavement support is in place which supports not only the parents but wider family members’.

However, the response also notes that:

[...] often the loss of a baby especially in early pregnancy cannot be presumed and is only identified during routine early scanning procedures. Health boards and staff strive to disclose this information to women and partners in appropriate settings but often the infrastructure of hospital premises would mean taking them through clinical settings to an appropriate private area.

The Minister states that his officials wrote in late 2019 seeking assurances from LHBs that their miscarriage services work in accordance with NICE guidelines and guidance from the Royal College of Obstetricians and Gynaecologists (RCOG), and the LHB responses indicated that services were being offered in an appropriate manner. The response acknowledges nonetheless that:

[...] there is always room for improvement and my officials will continue to work with health boards to ensure best practice in service provision.

The Minister’s correspondence notes additionally that:

- The national clinical lead for end of life care has been asked to establish a National Bereavement Steering Group **to take forward work** based on the final report of the Scoping Survey of Bereavement Services in Wales;
- The existing Bereavement Support Working Group will be **merged into this Group** , thereby ensuring that organisations supporting children, young people and those affected by baby loss and sudden death are all represented;
- The Welsh Government will make **an additional £1m available** for bereavement support from 2021-22, designed to address gaps in bereavement service provision. This will be followed by the development of a national bereavement framework, supported by pathways, training and standards.



Ein cyf/Our ref VG/03296/20

Janet Finch-Saunders MS  
Chair  
Petitions Committee  
Government.Committee.Business@gov.wales

24 June 2020

Dear Janet,

Thank you for your letter of 19 May on behalf of the Petition Committee regarding introducing a separate ward other than maternity ward for families going through a Miscarriage.

Miscarriage at any stage of pregnancy represents the loss of a baby and the hopes and dreams held. Early miscarriage often occurs either at home or within gynaecology services. Support would be provided by primary care and signposting to relevant support organisations such as the Miscarriage Association <https://www.miscarriageassociation.org.uk/> would be provided at this time. There would also be outreach from community midwifery services if the woman is already under their care.

In the event of late miscarriage, care would be provided by local maternity services which is an appropriate setting in later pregnancy. Health boards in Wales have been working proactively to ensure bereavement rooms are in place to provide privacy and follow up bereavement support is in place which supports not only the parents but wider family members. It is a time of bereavement that affects the whole family and in respect of this we are committed to ensuring the best services for women and families

Often the loss of a baby especially in early pregnancy cannot be presumed and is only identified during routine early scanning procedures. Health boards and staff strive to disclose this information to women and partners in appropriate settings but often the infrastructure of hospital premises would mean taking them through clinical settings to an appropriate private area.

At the end of last year, my officials wrote to health boards seeking assurances that they are operating their miscarriage services in accordance with guidelines set out by the National Institute for Health and Care Excellence (NICE) and guidance from the Royal College of Obstetricians and Gynaecologists (RCOG). The responses indicated that services were being offered in an appropriate manner.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

However, there is always room for improvement and my officials will continue to work with health boards to ensure best practice in service provision.

My officials established a Bereavement Support Working Group in 2019 in order to ensure that there was adequate support for families who experience the loss of a baby or child. The membership consisted of charities, support organisations and officials. In December 2018, a bereavement services scoping study was published by Cardiff University in conjunction with Marie Curie and the Wales Cancer Research centre on behalf of the End of Life Care Board. The study mapped existing support, ranging from signposting through to specialist counselling, and identified areas where further resourcing is needed. The study can be accessed at:

<https://gov.wales/sites/default/files/publications/2019-12/scoping-survey-of-bereavement-services-in-wales-report.pdf>

The scope of the study covered the broad range of bereavement support, including that for children and young people. It highlighted the gaps and challenges in bereavement support, and raises a number of considerations for service development. These are centred on the need to develop a national framework for bereavement care in Wales. This would then facilitate investment in bereavement support at organisational and regional levels and provide equity and access to appropriate levels of support responsive to local need.

The national clinical lead for end of life care, Dr Idris Baker, has been asked to establish a National Bereavement Steering Group to take this work forward. The existing Bereavement Support Working Group will be merged into the National Bereavement Steering Group, thereby ensuring that organisations supporting children, young people and those affected by baby loss and sudden death are all represented. To address the gaps in bereavement service provision, the Welsh Government will make an additional £1m available for bereavement support from 2021-22. This will provide time to enable the national bereavement framework and the pathways, training and standards that will follow to be developed.

Thank you again for writing to me on this matter. I hope you have found my reply helpful.

Yours sincerely,



**Vaughan Gething AS/MS**

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

# Agenda Item 3.2

## **P-05-966 REVERSE Minimum price Alcohol**

This petition was submitted by Raymond Mainwaring having collected a total of 64 signatures.

### **Text of Petition**

Stop Minimum price for alcohol. The people of Wales have NOT voted for this STUPID Law. There is NO evidence anywhere in world that this works. All it will do is penalise the less well off and pensioners, people on good money like Government members won't feel the effect of a law imposed on us. The trial in Scotland has hardly been a success with drink consumption if anything rising and more people turning to drugs and a big increase in shoplifting. Do we want this for Wales? When are people in Government going to learn, no form of prohibition works. Check history.

### **Senedd Constituency and Region**

- Ogmore
- South Wales West

# Reverse minimum price alcohol

Y Pwyllgor Deisebau | 7 Gorffennaf 2020  
Petitions Committee | 7 July 2020

Reference: RS20/12961-2

Petition Number: [P-05-966](#)

Petition title: Reverse minimum price alcohol

Text of petition:

Stop Minimum price for alcohol. The people of Wales have NOT voted for this STUPID Law. There is NO evidence anywhere in world that this works. All it will do is penalise the less well off and pensioners, people on good money like Government members won't feel the effect of a law imposed on us. The trial in Scotland has hardly been a success with drink consumption if anything rising and more people turning to drugs and a big increase in shoplifting. Do we want this for Wales? When are people in Government going to learn, no form of prohibition works. Check history.



# 1. Background

The Welsh Government's [Public Health \(Minimum Price for Alcohol\) \(Wales\) Act](#) was passed by the Assembly in June 2018.

The legislation provides for a minimum price for the sale/supply of alcohol in Wales, and makes it an offence for alcohol to be sold below that price.

Section 1 of the Act sets out the formula to calculate the minimum selling price for alcohol. This is based on a minimum price per unit of alcohol. The minimum unit price (MUP) was not set in the Act. The Welsh Government [consulted](#) on a proposed minimum unit price of 50p between September and December 2018. Draft regulations setting the MUP at 50p were approved in Plenary on 12 November 2019. The [Public Health \(Minimum Price for Alcohol\) \(Minimum Unit Price\) \(Wales\) Regulations 2019](#) were subsequently made on 20 November 2019, and came into force on 2 March 2020.

The legislation has not increased the price of every alcoholic drink, only those that were being sold below the minimum price. The main impact is likely to be on alcohol sold in supermarkets and off-licenses, particularly the relatively low cost but high strength products, and where it is sold in multipacks or as part of a sales promotion. Prices in the on-trade (e.g. pubs and clubs) will be largely unaffected as they typically sell at well above the MUP.

## Aims of the legislation

Minimum pricing is a targeted measure, which aims to reduce hazardous and harmful levels of drinking. As described in the [Explanatory Memorandum \(EM\)](#) which accompanied the Bill, the legislation will form part of the Welsh Government's wider strategic approach to tackling alcohol-related harm. The EM states:

The ultimate objective of the Bill is to tackle alcohol-related harm, including alcohol-attributable hospital admissions and alcohol-related deaths in Wales, by reducing alcohol consumption in harmful and hazardous drinkers. In particular, the Bill is targeted at protecting the health of harmful and hazardous drinkers (including young people) who tend to consume greater quantities of low-cost and high-alcohol content products.

## Sheffield Alcohol Policy Model

Alcohol policy development in the UK has been informed by modelling work carried out by Sheffield University. In 2009, the Sheffield Alcohol Research Group (SARG) at Sheffield University developed the Sheffield Alcohol Policy Model to assess the potential impact of alcohol policies, including different levels of minimum unit pricing, for the population of England. The model has subsequently been adapted for other areas, including Scotland and Canada.

In 2014 the Welsh Government commissioned SARG to adapt the model for Wales. **Updated modelling** was published in February 2018. This found that:

- A minimum unit price set at between 35 and 70p would be effective in reducing alcohol consumption among hazardous and, particularly, harmful drinkers. These consumption reductions would lead to reductions in alcohol-related mortality and hospitalisations. Higher levels of MUP lead to greater reductions in consumption and harm.
- Moderate drinkers would experience only small impacts on their alcohol consumption and spending following the introduction of a minimum unit price. This is because they tend to buy alcohol which would be subject to little or no increase in price under the policy. Higher levels of MUP have larger impacts on the consumption of moderate drinkers.
- The greatest impact of a minimum unit price would be on the most deprived harmful drinkers. Deprived drinkers consuming at moderate levels would be more affected than other moderate drinkers, but the overall impact on their alcohol consumption and spending remains small.

## Scrutiny of the legislation

The majority of stakeholders were supportive of the legislation as a public health measure. Most opposition to minimum pricing came from within the alcohol industry (although this isn't the case across the board - major supermarkets for example have differed in their views).

Although the policy was widely supported, a number of concerns were raised during scrutiny of the Bill. These include:

- The lack of real-world experience of minimum pricing, and the extent to which a mathematical model can predict the impact of the policy on alcohol consumption and harm.
- Whether minimum pricing will unfairly penalise moderate drinkers.
- Whether there will be a disproportionate impact on low income groups.
- How the policy will affect vulnerable, dependent drinkers, including whether there's a risk of substituting non-beverage forms of alcohol or illegal drugs if the price of alcohol increases.
- The potential for an increase in cross-border trade, to the detriment of Welsh businesses.
- How the alcohol industry might respond to a potential windfall in profits as a result of minimum pricing.

These issues are discussed in some detail in the Health, Social Care and Sport Committee's [stage 1 report](#). The Committee supported the general principles of the legislation, but cautioned that the Bill itself and wider policy require further consideration. The Committee made a number of recommendations aimed at strengthening the legislation and its implementation, and avoiding potential unintended consequences, particularly with regards to dependent drinkers. It also noted that further action is needed 'to ensure the impacts of minimum unit pricing, including any unintended consequences, are monitored and understood'.

The Committee's report emphasised that minimum pricing won't be effective in isolation, and that a range of measures are needed to tackle alcohol misuse.

## Evaluation and sunset provision

The Act places a duty on the Welsh Ministers to report on the operation and effectiveness of the Act the end of a five year period.

The Act also includes a sunset clause. The minimum pricing regime established by the legislation will cease to have effect after six years, unless the Welsh Ministers make regulations providing otherwise.

## Scotland

A 50p minimum unit price for alcohol was implemented in Scotland in May 2018. Public Health Scotland is leading the evaluation of MUP in Scotland through its

Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS) work programme. Some early findings have been published – an analysis of off-trade alcohol sales over the full year following the introduction of MUP (published in [January 2020](#)) shows the volume of pure alcohol sold per adult in Scotland fell by 3.6%.

Further results, published in [June 2020](#), also suggest that the introduction of MUP in Scotland was associated with a reduction in the total volume of pure alcohol sold off-trade per adult, highlighting that in England and Wales (where the legislation did not apply), per-adult alcohol sales increased over the same time period.

Based on the controlled interrupted time series results presented in this report, the best estimate of the net reduction in per-adult off-trade sales in Scotland as a result of MUP is between 4 and 5%.

A final report is to be published in late 2023.

## 2. Welsh Government response

In his response to the Petitions Committee, the Minister for Health and Social Services says that the legislation is a 'crucial part of our work in tackling substance misuse across Wales'. His letter describes 'strong national and international evidence' that the introduction of a minimum unit price will reduce levels of alcohol consumption and have a positive impact on public health.

The Minister highlights that the minimum pricing arrangements are subject to a programme of evaluation. He also states that the Welsh Government is monitoring the impact of Scotland's minimum pricing policy. He notes that it is 'too early to draw any conclusions at this point'.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Ein cyf/Our ref VG/03298/20

Janet Finch-Saunders MS  
Chair, Welsh Parliament Petitions Committee  
[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

11 June 2020

Dear Janet,

Thank you for your letter of 19 May regarding the petition you have received from Mr Raymond Mainwaring in relation to the Public Health (Minimum Price for Alcohol) (Wales) Act 2018 ('the Act').

This legislation is a crucial part of our work in tackling substance misuse across Wales. There are a number of actions within the Welsh Government's Substance Misuse Delivery Plan 2019-22, that take forward work to tackle alcohol related harm in Wales. We are investing almost £53m a year to support our substance misuse agenda. Minimum pricing for alcohol forms part of this wider and continuing programme of work.

The intended effect of this legislation is to tackle alcohol-related harm, including alcohol-attributable hospital admissions and alcohol-related deaths, by reducing alcohol consumption in hazardous and harmful drinkers. The impact of alcohol-related harm in Wales is significant. In 2018-19, there were nearly 60,000 hospital admissions attributable to alcohol and in 2018 alone, 535 alcohol-related deaths in Wales. Every one of these deaths is preventable. Alcohol-related issues also cost the NHS approx. £159m each year.

The Act made provision for Welsh Ministers to specify a minimum unit price (MUP) for which alcohol must be sold in Wales. The Welsh Government consulted on its preferred level of a 50p MUP in September 2018, which ran for 12 weeks. The MUP of 50p was subsequently agreed by the then National Assembly for Wales on 12 November 2019 and introduced on 2 March 2020. All of the main parties in the National Assembly of Wales were supportive of the legislation being introduced.

As detailed in the Act's Explanatory Memorandum, evidence from around the world shows the price of alcohol matters - as the price of alcohol increases, consumption falls, which in turn has a positive impact on health outcomes. There is strong national and international evidence from countries that have already increased the selling price of alcohol to suggest that the introduction of an MUP will reduce levels of consumption and save lives.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

**Back Page 100**  
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

In addition, research commissioned by the Welsh Government and carried out by the University of Sheffield in 2018, estimated there would be 66 fewer alcohol-attributable deaths per year and 1,281 fewer alcohol-attributable hospital admissions per year, based on a 50p MUP.

The aim of the legislation is to combat those high-strength drinks, which are sold at rock-bottom prices and are drunk in large volumes, putting people at long-term risk of cancer, stroke, heart disease, liver disease and brain damage. Hazardous and harmful drinkers across all income groups consume some low-cost, high alcohol content products. However, people in the lowest socioeconomic groups who are harmful drinkers have the highest risk of alcohol-related harm. The MUP can potentially reduce levels of hazardous and harmful drinking in these groups, meaning the risk of alcohol-related harm would be reduced. They will therefore accrue the greatest health benefits from the policy.

I note that Mr Mainwaring refers to the implementation of MUP in Scotland. Scotland brought in MUP almost two years ago and early indicators have shown a reduction in the volume of pure alcohol in drinks sold, as well as a reduction in the number of alcoholic drinks sold at unacceptably low prices.

The final reports from the evaluation of the implementation of MUP in Scotland have not yet been published. Interim reports however, show that some progress is being made. For example, a report published in January this year which covered the first analysis of off-trade alcohol sales over the full year following the introduction of MUP showed the volume of pure alcohol sold per adult in Scotland fell by 3.6%.

Compared to the twelve months which preceded implementation of MUP in May 2018, the volume of pure alcohol sold per adult in the off-trade in Scotland decreased from 7.4 to 7.1 litres. In England and Wales – where MUP had not been implemented – the volume of pure alcohol sold in the off-trade during the same year increased from 6.3 to 6.5 litres.

A report on research with small retailers in Scotland was published in late May 2020. The authors at the Institute for Social Marketing at the University of Stirling reported that in the retailer audit interviews carried out for this study, few negative potential consequences of MUP implementation, such as increased confectionery thefts or an increase in the local illicit trade, were reported. In addition, this study included an analysis of retail trade press, the authors reported that following implementation, several articles reported a positive impact of MUP on the ability of small retailers to compete with supermarkets, profit margins, and the value of overall alcohol sales. There were very few reports of hostile customer reactions, and some indication that antisocial behaviour around premises may have been reduced when low price high strength alcohol products were no longer sold. A predicted shift in customer purchasing towards online, cross-border, or illicit sales was not reflected in retail trade press articles after MUP implementation. There were no reports of consumption switching to non-beverage alcohol or to drugs.

Further reports on various aspects of the Scottish evaluation are being published over the course of the next few years, with the final report for Scotland being published late 2023.

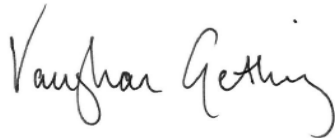
Here in Wales, prior to implementation, officials commissioned a research study to explore the potential for substance switching following the introduction of minimum pricing for alcohol in Wales. The research gathered the views and opinions of both service providers and drinkers using a combination of qualitative interviews and online survey questionnaires. The final report from this work was published in October 2019. The first key message was that for the majority of drinkers, the only switching or change in use is likely to be alcohol related and largely an adaptation of existing behaviour within the new pricing framework (e.g. a switch in type of alcohol or a change in purchasing behaviour).

This was suggested because it was felt that for many drinkers, alcohol is a clear drug of choice and crossing over to drugs, and especially towards the margins of legal/illegal activity, was just not an option.

We have also commissioned our own evaluation, including further work building on the above study. Interim reports from those studies will be available around two years after implementation and the final reports will be available to inform the report on the operation and effect of the Act to be laid before the Senedd as soon as practicable after the end of the five year period. Officials are also carefully monitoring the findings coming from Scotland. It is therefore too early to draw any conclusions at this point.

I hope you find this response helpful.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

**Vaughan Gething AS/MS**

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

# Agenda Item 3.3

## **P-05-969 Investigate the Draft Education Database Regulations 2020 – unnecessary and a breach of human rights**

This petition was submitted by Mountain Movers Registered Charity having collected a total of 236 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to investigate:

1) What evidence the Welsh Government has used in the creation of the Integrated Impact Assessment for the Draft Regulations Consultation (WG 39220) that:

- a) suggest the current Child Missing Education Regulation is failing to identify significant numbers of children
- b) How a database & the previous draft guidance (2019) will meet the targets of the Integrated Impact Assessment?

2) What evidence indicates that EHE children are at increased risk of being NEET or not reaching their full potential?

3) Clarification. Is there a longer-term goal to bring about monitoring/regulation of educational content/curriculum with regular testing for EHE in order to meet the aims stated in the guidance & Integrated Impact Assessment.

4) Investigate the lack of safeguards proposed in the Draft Regulations to prevent them from being used as a tracking tool of families?

5) Investigate the level of consultation with Health Boards on the impact these Draft Regulations will have on them & why there is no costing or impact assessment for the Health Service provided with this consultation?

- a) How would any cost & burden on the NHS be justified?

6) Investigate the level of consultation with other minority groups (GRT Communities, Refugee & Asylum seeker & families of children attending Independent Schools) to ensure their views have also been ascertained?

7) Investigate are costs suggested in the Draft realistic & do they constitute an effective & efficient use of taxpayers monies in light that there are already sufficient regulations in place to enable LAs to identify children who are missing education with mechanisms to enable LAs to seek Education Supervision or School Attendance Orders where a child is identified as missing education?

Would it be more effective & efficient to instead increase funding & support for social services?

### **Additional Information**

EHE = elective home educating NEET = Not in Education or Training Specific Impact Assessment Targets: “help to ensure children develop and reach their full potential, and reduce the chances of becoming NEET”

“support the goal of a more equal Wales, a society that enables children and young people to realise their rights and to fulfil their potential no matter what their background and circumstances”

“These proposals are driven by the need to support a child’s right to education and to ensure that they, and their parents, are empowered and comfortable in accessing universal and targeted services that are aimed at supporting their well-being”

“ensure all children receive their entitlement to education as per Section 7 of the Education ACT 1996 and are allowed to develop and fulfill their ambitions.

### **Senedd Constituency and Region**

- Neath
- South Wales West

# Elective Home Education

Y Pwyllgor Deisebau | 7 Gorffenhaf 2020  
Petitions Committee | 7 July 2020

**Reference:** RS20/12937-2

**Petition Number:** P-05-969

**Petition Title:** Investigate the Draft Education Database Regulations 2020 - unnecessary and a breach of human rights

**Petition Text:** We call on the National Assembly for Wales to investigate:

- 1) What evidence the Welsh Government has used in the creation of the Integrated Impact Assessment for the Draft Regulations Consultation (WG 39220) that:
  - a) suggest the current Child Missing Education Regulation is failing to identify significant numbers of children
  - b) How a database & the previous draft guidance (2019) will meet the targets of the Integrated Impact Assessment?
- 2) What evidence indicates that EHE [elective home education] children are at increased risk of being NEET or not reaching their full potential?
- 3) Clarification. Is there a longer-term goal to bring about monitoring/regulation of educational content/curriculum with regular testing for EHE in order to meet the aims stated in the guidance & Integrated Impact Assessment.
- 4) Investigate the lack of safeguards proposed in the Draft Regulations to prevent them from being used as a tracking tool of families?



5) Investigate the level of consultation with Health Boards on the impact these Draft Regulations will have on them & why there is no costing or impact assessment for the Health Service provided with this consultation?

a) How would any cost & burden on the NHS be justified?

6) Investigate the level of consultation with other minority groups (GRT Communities, Refugee & Asylum seeker & families of children attending Independent Schools) to ensure their views have also been ascertained?

7) Investigate are costs suggested in the Draft realistic & do they constitute an effective & efficient use of taxpayers monies in light that there are already sufficient regulations in place to enable LAs to identify children who are missing education with mechanisms to enable LAs to seek Education Supervision or School Attendance Orders where a child is identified as missing education?

Would it be more effective & efficient to instead increase funding & support for social services?

## 1. Background

Parents may elect to educate their children at home for many reasons. These may be ideological or philosophical views which favour home education, or wishing to provide education which has a different basis to that normally found in schools. Parents may also be dissatisfied with the school system, or the school at which a place is available. Other reasons may include bullying of the child at school, health reasons, particularly mental health of the child, a child's unwillingness or inability to go to school, including school phobia or special educational needs, or a perceived lack of suitable provision in the school system for those needs.

The [Welsh Government publishes data](#) on the number of children who are known to be electively educated at home. In the 2018/19 academic year **2,517 children were known to be electively home educated in Wales**. The rate of elective home educated pupils increased in 2018/19 **to 6.6 out of 1,000**, from 5.5 out of 1,000 in 2017/18. As parents notify their local authority that they are home educating their children on a voluntary basis (unless they have withdrawn their child from school), these data may not include all electively home educated children.

## 1.1. Legal background

Parents may educate their children at home providing they fulfil the requirements of section 7 of the Education Act 1996:

7. Duty of parents to secure education of children of compulsory school age.

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable –

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have,

either by regular attendance at school or otherwise.

There is no current duty for local authorities to monitor the progress of home-educated children. However, under section 436A of the Education Act 1996, local authorities have a duty to make arrangements to identify children not receiving a suitable education:

**436A Duty to make arrangements to identify children not receiving education**

(1) A local authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but

(a) are not registered pupils at a school, and

(b) are not receiving suitable education otherwise than at a school.

## 2. Welsh Government action

Between September and November 2012, the Welsh Government consulted on proposals to legislate to introduce a compulsory registration and monitoring scheme for elective home educated children. Huw Lewis, then Cabinet Secretary for Education and Skills, explained in a [statement on 6 May 2014](#) that he had decided not to introduce legislation, but the Welsh Government would issue non-statutory guidance.

Following a [consultation](#) in May 2015, [Elective home education, Non-statutory guidance for local authorities](#) was published in January 2017. The guidance seeks to clarify the rights of home-educating parents/carers and the responsibilities of local authorities and provide guidance to local authorities on developing and maintaining relationships with families who home-educate their children. In a [statement on 9 January 2017](#) accompanying the publication of the guidance, Kirsty Williams, the Cabinet Secretary for Education said , , that whilst the guidance sought to strike an appropriate balance:

I believe we need to adopt a more robust approach to education provision for all children, regardless of where that education is provided. This guidance will form part of a package of measures I'm considering to support local authorities, the home educating community and alternative providers, including the potential for introducing legislation.

On 29 July 2019, the Welsh Government published a consultation on [draft statutory guidance for local authorities on home education along with a handbook for home educators](#). The consultation states local authorities have called for 'more robust guidance' than the 2017 non-statutory guidance in terms of identifying children and young people not receiving a suitable education, and on assessing the suitability of home education. Between 30 January 2020 to 13 May 2020, the [Welsh Government consulted](#) on the Draft Children Act 2004 Database (Wales) Regulations 2020 and the Education (Information about Children in Independent Schools) (Wales) Regulations 2020. The regulations would require:

- each local authority to establish and maintain a database to assist them in identifying children not on any maintained school's roll, education other than at school (EOTAS) roll, or independent school roll, and not receiving a suitable education
- local health boards to disclose to local authorities non-clinical information about a child who is ordinarily a resident in that local authority's area
- independent schools to disclose information regarding learners registered at their establishment to a local authority.

In a [Written Cabinet Statement on 22 June 2020](#), the Minister for Education announced that, due to the significant impact of Covid 19 on Welsh Government resources, it will not now be possible to complete the planned work on the home education statutory guidance and database regulations within this Government term (up to May 2021). The Minister said that she hoped that the planned reforms would be taken forward by the next Government.

## 2.1. Children's Commissioner for Wales

In her previous three annual reports, the Children's Commissioner for Wales has called on the Welsh Government to make significant policy changes to ensure that children educated at home are not invisible and that they receive all of their human rights. This includes their right to education, their right to participate in decisions about their lives and their right to be safe.

At the time of the Children's Commissioner's [2018-19 annual report](#) (published in October 2019), she recommended that the Welsh Government publish their updated policy with the aims of meeting the following three tests in full:

- That all children in Wales can be accounted for and that none slip under the radar of universal services and society in general;

- That every child receives a suitable education and their other human rights including health, care and safety;
- That this cannot be achieved without enabling every child the opportunity to be seen and their views, including their views about their education, and experiences listened to.

In response to the Minister's announcement that the regulations and guidance would not proceed this Senedd term, [the Children's Commissioner for Wales](#) said that she has written to the Minister to express her 'enormous disappointment' at this decision; setting out her concerns and a number of questions that she believes need to be answered about how the decisions were reached. She said:

I have previously indicated that I would use my statutory powers to review the Welsh Government's exercise of their functions if little progress had been made to better protect the rights of home educated children. I have reiterated this to Government in my letter and await their response to the several questions I have raised about the decision-making that has recently been undertaken and how children's rights have been considered and upheld as part of this.

## 3. Welsh Parliament action

### 3.1. Petitions Committee

There have been five previous petitions on the subject of home education. Two relating to the draft statutory guidance are currently being considered by the Committee. :

- [P-05-922 Withdraw the proposed home education guidance](#). This was submitted by Wendy Charles-Warner having collected 5,447 signatures.
- [P-05-923 Are you listening to us? Home Education Rights and Respect!](#) submitted by Mountain Movers Education Charity having collected a total of 512 signatures.

The Committee last considered both petitions on 4 February 2020 and agreed to:

- write to the Children's Commissioner for Wales to seek her view on the issues raised and how, in her view, the appropriate balance can be struck between the competing interests on this matter;

- seek further written evidence from bodies which represent home schooling in Wales; and
- invite the Minister for Education to provide evidence to a future committee meeting.

The three previous petitions which were closed were:

- **P-04-646: Petition against Welsh Draft Non-statutory Guidance for Local Authorities on Elective Home Education** was considered by the Petitions Committee in 2015. The then Minister for Education and Skills addressed the petitioner's concerns and agreed to ensure that their views would be taken into account in developing the new guidance. The petition was therefore closed.
- **P-04-517: Stop the Welsh Assembly Government from bringing in the monitoring of electively home educated children under the guise of safeguarding** was considered between November 2013 and June 2014; and
- **P-04-437: Opposing compulsory registration for home educating children** was considered by the Petitions Committee between November 2012 and June 2014. The petition's originator has submitted one of the petitions currently under consideration by the Committee (P-05-922, Withdraw the proposed home education guidance).

Huw Lewis, Minister for Education at the time announced in May 2014 that, following consultation, he had decided not to legislate for a compulsory registration and monitoring scheme during the current Assembly term. Both petitions (P-04-517 and P04-437) were therefore closed.

### 3.2. Children, Young People and Education Committee

The Children, Young People and Education Committee has maintained an interest in elective home education and has corresponded with the Minister for Education and the Children's Commissioner for Wales and others:

- 28 February 2018: **Letters between the Minister for Education and the Children's Commissioner for Wales about planned statutory guidance and database**
- 22 November 2018: **Letter from the Children's Commissioner for Wales to the First Minister**

- 28 November 2018: **Letter from the Cabinet Secretary for Education to the Children's Commissioner for Wales**
- 10 January 2019: **Letter from the Children's Commissioner for Wales**
- 30 January 2019: **Letter from the Children's Commissioner for Wales**
- 18 July 2019: **Letter from the Children Commissioner for Wales** and **Letter from the Minister for Education**
- 14 November 2019: **Letter from Protecting Home Education Wales regarding the draft statutory guidance for local authorities on home education** and **Email the Trustee and Welsh Liaison for Education Otherwise regarding the draft statutory guidance for local authorities from on home education**
- 19 November 2019: The **Committee has written to the Minister for Education (19 November 2019)** seeking clarification on the legal issues with regard to the guidance.

## 4. Position in England

Following an earlier call for evidence, on 2 April 2019 the UK Government's Department for Education published a **consultation on proposed legislation concerning children not in school**. The consultation closed on 24 June 2019.

The consultation sought views on proposals to create four new duties:

- A duty on local authorities to maintain a register of children of compulsory school age who are not registered at a state-funded or registered independent school.
- A duty on parents to provide information to their local authority if their child is within scope of the register.
- A duty on education settings attended by children on the register to respond to enquiries from local authorities about the education provided to individual children.
- A duty on local authorities to provide support to home educated families if requested by such families.

The UK Government has not yet published its response to the consultation.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Kirsty Williams AS/MS  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref KW/01859/20  
Janet Finch-Saunders MS  
Chair, Petitions Committee  
Welsh Parliament  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1SN

09 June 2020

Dear Janet Finch-Saunders MS,

Thank you for your letter of 1 June regarding Petition P-05-969 Investigate the Draft Education Database Regulations 2020 - unnecessary and a breach of human rights.

The evolving national response to Covid 19 has had significant implications on resources within Welsh Government - this includes policy, financial and of course legislative capacity. The new pressures on the day to day work within the Government and the significant impact of Covid 19 on our resources has meant some difficult decisions have had to be made.

I can therefore inform you that the Cabinet recently undertook a prioritisation exercise to evaluate what was and was not deliverable in these uncertain times. As a result of the exercise, the planned work on home education, and in this case the Draft Education Database Regulations 2020 is not going to be taken forward in this Assembly term.

This does not mean that I agree that the draft regulations were unnecessary or would have been a breach of Human rights. It is disappointing that we will be unable to take forward reforms to home education in this term, but these are unprecedented times and, as I am sure you will agree, resources have to be prioritised to the management of the impact of Covid 19 in Wales.

However, the reforms remain a priority and I intend keeping this position under review, and should circumstances significantly change I will reconsider our decision to take forward the

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Kirsty.Williams@llyw.cymru](mailto:Gohebiaeth.Kirsty.Williams@llyw.cymru)  
[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

**Back Page 114**  
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

regulations. If this happens I will inform you and I will to respond to the specific points that were raised in the petition.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written in a cursive style.

**Kirsty Williams AS/MS**  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

---

## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

---

**TITLE** Home Education Statutory Guidance and Draft Database Regulations

**DATE** 22 June 2020

**BY** Kirsty Williams MS, Minister for Education

This statement is to update Members on the proposals for home education statutory guidance and the draft database regulations.

The evolving national response to Covid 19 has had significant implications on resources within Welsh Government – this includes, financial, policy and of course on the legislative plans for this Government term.

Developing the proposals for home education statutory guidance and the draft database regulations has been a priority for me; however, these proposals require a significant amount of resource to drive them forward.

The new pressures on the day to day work within the Government and the significant impact of Covid 19 on our resources has meant some difficult decisions have had to be made. It will not now be possible to complete the planned work on the home education statutory guidance and database regulations within this Government term.

I want to take this opportunity to thank those stakeholders who have been involved in the development of the proposals and particularly those who took the time to respond to the consultations.

While I am disappointed we cannot continue the development of these proposals I hope that the planned reforms can be taken forward by the next Government at the earliest opportunity. In the meantime, Government officials will explore possible policy options for meeting the needs of home educated children.

These are unprecedented times and, as I am sure you will agree, resources have to be prioritised to the management of the impact of Covid 19 in Wales.

# Agenda Item 4.1

## **P-05-922 Withdraw the proposed home education guidance**

This petition was submitted by Wendy Charles-Warner having collected a total of 5,447 signatures.

### **Text of Petition**

We call upon the National Assembly for Wales to urge the Welsh Government to withdraw the proposed guidance for home education.

### **Additional Information**

The Welsh Assembly Government has issued prospective guidance for home education. This mandates that home educating parents must meet with their local authority and allow their children to be interviewed by the local authority. We have received specialist legal advice which claims that the guidance is unlawful and petitioners ask that the guidance be withdrawn to be reconsidered in light of that advice.

### **Senedd Constituency and Region**

- Vale of Clwyd
- North Wales

**P-05-922 Withdraw the proposed home education guidance & P-05-923 Are you listening to us? Home Education Rights and Respect!, Correspondence – Home Education Flintshire to Committee, 28.02.20**

Home Education Flintshire

Dear Committee Members,

Thank you for the invitation extended to home educators to provide their views in relation to the petitions P-05-923 '*Are you listening to us? Home Education Rights and Respect!*' and P-05-922 '*Withdraw the proposed home education guidance*'. We are responding on behalf of Home Education Flintshire, a home education community group which currently has 181 members.

The petition asking for the withdrawal of the proposed guidance gained substantial support in Flintshire (and across North Wales) as the home educating community supports the issues raised by the petition that the proposed guidance is unlawful in respect of home educator's rights. The decision to home educate is not one that is made lightly and parents/ guardians take their responsibilities seriously, do so with integrity and are acting within the law. There has been an overwhelming response from home educators that the proposed guidance for local authorities is not based on an understanding and appreciation of the integrity and rights of the parents and families but insinuates that the parents are not to be trusted to make decisions in the child's best interests or to provide them with an education. There are several key areas of concern for home educators regarding the proposed guidance.

Firstly that parental authority is recognised in the guidance as a protected right, as stated in European Convention for the Protection of Human Rights and that the local authority has no right to interfere in how parents raise and educate their children, provided that that education is full time and suitable to the needs and abilities of the child.

Secondly that the current legal stance on home education is upheld, the law requires that local authorities act on the presumption that a full and suitable education is being provided. Unless there is positive evidence that the education is not suitable then the LA cannot lawfully reach a conclusion to the contrary. There is also no remit for the LA to seek out such evidence. Should such concern and evidence arise the LA already has sufficient powers and the measures already exist for the concerns to be followed up, via social services and potentially a School Attendance Order.

There is real concern regarding the suggested role and powers of the LA in the guidance. For instance language in the guidance implies that a parent has an obligation to give a reason for deregistering their child from school when they do not. The LA can request evidence and explanations but they cannot lawfully demand them.

Many parents are particularly concerned about the emphasis in the guidance on meeting with the child. The LA has the right to request a meeting with the child but there is no legal requirement for a family to agree to a meeting. In paragraph 4.21 the guidance sets out that the LA **should** see and speak with the home educated child. This emphasis and the note that a family's refusal is not a good enough reason for the LA not to meet with the child is very concerning. It suggests that families are obliged to meet with the LA when they are not. There is also the suggestion that the LA can see a child without the parents, there is no lawful basis for an LA to do so just because a child is home educated.

School education and home education are equal in the eyes of the law. Paragraph 4.24 says that *'if it is clear that a child does not wish to be educated at home although the education provision is satisfactory, the local authority should discuss the reasons for this with the parents and encourage them to consider whether home education is in the best interests of the child when clearly it is not what the child wants.'* This suggestion is unlawful not only in its presumption that school education is somehow a better option but in the implication that the LA have the right to insist on discussions with the child/ parents and that they have any role in questioning the parental choice. As far as we are aware there is no instance in which a school educated child would be questioned regarding their desire to be school educated and certainly no interference from the LA regarding the parental choice to do so. In this way the guidance makes recommendations that are a clear interference in a family's Human rights (Article 8, right to respect for private and family life) and discriminates against home educated families as the same would not be asked of other families.

It is also important to home educators that the guidance is clear on the fact that home education cannot be considered a cause for concern and is, in and of itself, not a safeguarding issue.

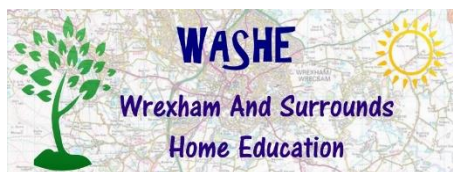
All families have a protected right to raise their children free from unwarranted state interference. The proposed guidance appears to diminish the right of home educating parents/families and presents itself as being based on a belief that the state knows what is best for a child above and beyond its parents. Through the language used and the duties and objectives it sets out for local authorities the guidance reinforces set prejudices and biased practices against home educators in a way that is not only unreasonable but also unlawful. It is of the utmost concern to us that rights of home educating families are upheld in any guidance provided to the local authority by the Welsh Government.

Yours Faithfully,

Leaf Pettit

Home Education Flintshire Administrator

On behalf of Home Education Flintshire



## Wrexham And Surrounds Home Education

c/o 49 Princess Street, Wrexham, Wrecsam LL13 7US  
01978 350822  
cthomp1508@googlemail.com

Dear Committee Members,

Thank you for the opportunity for Wrexham And Surrounds Home Education group to submit views in reference to petitions **P-05-922 Withdraw the proposed home education guidance** and **P-05-923 Are you listening to us? Home Education Rights and Respect!** Our group has 349 members.

We agree wholeheartedly with the text of both petitions, and the subsequent correspondence to the committee by the petitioners. This submission aims to highlight a few points within the terms of the invitation.

**Parents are the true primary stakeholders in this matter.** Despite that in the “Table Talk Discussions” that were part of the consultation, participants were referred to as stakeholders *and* parents. This appears to reveal WG bias. The discussions were structured in a manner that failed to ask the pertinent questions, or give time for meaningful discussion, before hurried written responses were made. As primary stakeholders, parents were not consulted on the guidance at the formative stage. This appears to be in breach of Welsh Government’s Consultation Principles 2018 <sup>1</sup>.

The specialist advice from David Wolfe QC , submitted to the consultation by Protecting Home Education Wales <sup>2</sup> , states **“that final guidance will mis-state or misunderstand the law and so be unlawful (and/or leads to illegality by local authorities acting in the light of it)”**. This advice should be thoroughly examined and not allowed to be disregarded.

The Children’s Commissioner has stated her three-test demand to the Education Minister:

“all children in Wales can be accounted for and that none are invisible. Second that every child receives a suitable education and that their other human rights, including health, care and safety. And crucially that every child is seen, and their views and experiences are listened to.”

Is the three tests demand, the reason the Education Minister does not appear to be listening to the primary stakeholders (parents), and the QC’s legal advice? This needs to be investigated. Has there been unfair pressure? Is unfair weight being given to the opinions of some stakeholders over others?

The three tests themselves presume that the state can know, and can routinely decide, what is best for children above their parents. This state overreach is against the protected right of parental authority in the UK.

The tests are also based on a fallacy that home educated children are invisible. Our children are in fact uniquely visible in our communities, because they are out in them, when most children are in school. Home Education is not confined to the actual home.

**Research shows that electively home educated children are statistically at less risk of abuse than their schooled peers**, despite there being proportionally more referrals <sup>3</sup>. The

**Submission to WG Petitions Committee with respect to P-05-922 and P-05-923  
from Wrexham And Surrounds Home Education group on 01/03/2020**

increased rate of referrals in itself exposes the fallacy of invisibility. In every serious case review that involved a home educated child, the child was already known to social services. These children were failed because existing social service powers were not used, and in some cases, medical management was questionable. Yet those cases keep being brought up with respect to home education and the law.

Where are the safeguards to hold the conduct of LA officers to account, in their dealings with home educated children and their parents? There is no duty in law to monitor home education, so the guidance to the law should not presume that duty.

LA home education officers are not subject to a standardised job requirement of qualification and experience level in home education practise or normal child development (in a nurturing non-institutional environment). Yet, the guidance seeks for those officers to interview each home educated child. Even if this were not discriminatory in comparison with schooled children, and even if an expectation of interviews would not misstate the law, there is no protection in this guidance for children and their parents, against the subjective opinion of a potentially ill qualified officer.

We ask the Petitions Committee to investigate if the consultation, and the prospective new guidance were produced in a legally fair manner, that did not already have a predetermined outcome. We ask that if you find that the guidance was not produced in a legally fair manner, it be withdrawn, and the recent, previous, non-statutory guidance be utilised.

Yours faithfully

Christine Thompson

On behalf of Wrexham And Surrounds Home Education group

<sup>1</sup>-[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691383/Consultation\\_Principles\\_\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf)

<sup>2</sup> <https://drive.google.com/file/d/1IAyXNE44VZOoSqx04wEVK7Z7XBbN9hKU/view>  
This is publicly available via this link:  
<https://protectinghomeeducationwales.wordpress.com/updates/>

<sup>3</sup> <https://www.personalisededucationnow.org.uk/2019/04/01/2019-research-home-education-and-child-abuse-how-media-rhetoric-drives-the-myth/>

Comisiynydd  
Plant Cymru

Children's  
Commissioner  
for Wales

To: Janet Finch  
Saunders, AM

Chair of the Petitions  
Committee

Via email only

04 March 2020

Dear Chair,

**P-05-922 Withdraw the proposed home education guidance & P-05-923 Are you listening to us? Home Education Rights and Respect!**

Thank you for your letter dated 25<sup>th</sup> February 2020, regarding the above named petitions. I was aware of both petitions being submitted and have been following their progress with interest.

As regards P-05-922 and the concerns about legality of the proposed guidance, this is something that I discussed in my scrutiny session with the Children, Young People and Education Committee on 6<sup>th</sup> November 2019. I noted that I would expect the Welsh Government to have had their own legal advice before issuing draft guidance, and that I would expect them to be responding to the concerns raised by these petitioners and others regarding that guidance. Full details can be found in the transcript at paragraphs 208-209<sup>1</sup>. I am unable to give legal advice as part of my role, and would not be party to any advice that the Government has received, so I am unable to develop that point further.

I did however submit a full response to the consultation on that draft guidance, and I will be responding to the current consultation on the database regulations that accompany that guidance in due course. There are consultation events running over the next month which I would encourage anyone with concerns or views to attend in order to express those views. There are also sessions for children aged 11+ to attend to share their views. More information can be found on the Welsh Government website<sup>2</sup>.

Leading on from this, P-05-923 raises a number of issues regarding the draft guidance, notably that it is hostile to home educators, that there is a failure to support and protect home educators, and that undue pressure may have been exerted by my office in relation to this guidance.

To respond to the last of those points, I would refute any suggestion that I have coerced the Government into actions on this or any other policy area. However, in line with the legislative expectations of the Children's

<sup>1</sup> <https://record.assembly.wales/Committee/5694>

<sup>2</sup> <https://gov.wales/sites/default/files/consultations/2020-02/invitation-to-the%20-table-talk-regional-workshops.pdf>



Tŷ Ystumllwynarth/Oystermouth House  
Llys Siarter/Charter Court, Phoenix Way  
Abertawe/Swansea SA7 9FS  
01792 765600

**comisiynyddplant.cymru**  
**childrenscommissioner.wales**

post@comisiynyddplant.cymru  
post@childrenscommissioner.wales

Commissioner, I have certainly exerted pressure on Government in order to bring about changes to the statutory framework around home education. The principal aim of my role as Children's Commissioner for Wales is to safeguard and promote the rights and welfare of children in Wales<sup>3</sup> and in exercising my functions I must have regard to the United Nations Convention on the Rights of the Child<sup>4</sup>. My remit covers all areas of the devolved powers of the National Assembly for Wales that affect children's rights and welfare and I must have regard to the basic human rights that children everywhere have:

- The right to survival;
- To develop to the fullest;
- To protection from harmful influences, abuse and exploitation; and
- To participate fully in family, cultural and social life.

I fulfil this role in a number of ways including publishing reports and position papers, meeting with officials and Ministers, and speaking out at public events or in the media. I am also required to submit an annual report to the First Minister each year, setting out a review of issues relevant to children's rights and welfare, and the First Minister is required to respond in writing noting the Government's plans or actions in relation to those areas. The First Minister is however entitled to reject any recommendation that I make; I am unable to compel the Government to take any particular actions.

Since my 2016/17 annual report I have made policy recommendations every year in relation to home education. In essence however, I have been making the same recommendation throughout, and have simply been following this through using the Report as an accountability mechanism, as I was concerned that the Welsh Government was not acting on the concerns that they themselves had recognised and accepted.

I am not against home education in itself and I know that many children thrive through their home education. I want to make sure that this is the experience for all children, wherever they are educated. My concerns were raised following a Child Practice Review relating to the tragic death of a home-educated child who was subsequently found to have been largely invisible to universal and statutory services. A report published by CASCADE on behalf of the National Independent Safeguarding Board also brought this topic firmly into focus<sup>5</sup>.

I had heard from a variety of professionals from different sectors, expressing their safeguarding concerns for children who are educated at home and who are not known to any statutory services.

---

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2000/14/section/72A>

<sup>4</sup> <http://www.legislation.gov.uk/wsi/2001/2787/made>

<sup>5</sup> <http://safeguardingboard.wales/2017/11/16/home-education-children-report/>

Cases coming through to my Investigation and Advice Team also highlighted the fact that many children and their families who are home educating are doing so because of their children's additional learning needs which they feel have not been accommodated by the school system, and in some cases they have been encouraged to deregister from a setting by the school or local authority, so called "off-rolling" practices.

In Wales, the United Nations Convention on the Rights of the Child (UNCRC) is incorporated into Welsh law. In accordance with those rights, it is important that children are consulted on their views of their own education regularly and that these views are listened to and taken into account.

In 2017 the Welsh Government response accepted my recommendation in principle and noted that they were reviewing the potential to introduce legislation to strengthen safeguarding in all services and agencies, not just education. As stated in my scrutiny session before the Children, Young People and Education Committee on 18th October 2017, my review of this policy area was ongoing over these years in order to ensure that actions were taken by Government to ensure that children's rights are being upheld. In July of 2018 I wrote to the Cabinet Secretary for Education to reiterate that this was an area in which I was considering exercising my statutory powers to review the exercise of functions of the Welsh Ministers in response to the death of Dylan Seabridge in 2011. I set out that I would conduct this review unless sufficient progress was made, with firm assurances on the Welsh Government's policy intent.

In 2018, I recommended that the Government should bring their policy proposals forward to consultation that year, with the aim of meeting the following three tests in full:

- Firstly, that all children in Wales can be accounted for and that none slip under the radar of universal services, and society in general;
- Secondly, that every child receives a suitable education and their other human rights including health, care and safety; and
- This cannot be achieved without the third aim, that every child should have the opportunity to be seen and their views, including their views about their education, and experiences listened to.

This was accepted by Government and I was given assurance by the then First Minister that the policy intent was to fulfil the three tests as set out in my recommendations. Government's response also noted an intention to strengthen the support to the home education community across Wales as part of their proposals.

In 2019, having been frustrated at a lack of progress from the Government on this issue, I recommended that the Government must implement statutory guidance giving effect to my three tests in full in 2020, to ensure children's rights are being respected wherever they are educated, as they had

committed to do the previous year. This recommendation was also accepted and the consultation on the draft guidance was launched around the same time.

In bringing forward any draft guidance, the Government is required to undertake public consultation, which they have now done and a summary report has been published.

In order to prepare my own response to that consultation and to inform my work in this area generally, I have met home educated children in a home-education group, and also in wider community events and meetings such as at an art event, at a national meeting for cub scouts, in a local authority youth forum, through Young Wales and at a national gypsy and traveller young people's event. I've heard lots of different views and experiences in those meetings, including those who welcome the proposals and those who are strongly opposed.

Below are two paragraphs of the introduction to my consultation response, which raise points that were raised to my office by home educating families and young people:

*"I am also disappointed by the lack of a wider support offer for home educating families provided by the guidance. The home educators' handbook draws together already existent services to which children and young people are entitled, and whilst it is helpful to signpost these, there is a lack of specific and bespoke offers of support for home educated children. Access is not being provided to log in to Hwb, therefore meaning access to Hwb is limited to publicly available resource and not the software tools and packages that login offers. The home educators' handbook makes it clear that families will still need to meet the costs of exams themselves and will still need to themselves contact examination centres to make a request to enter a private candidate. This is despite families explaining that difficulties around this process can create barriers for home educated young people to gain qualifications and their specific requests for help with this at events to inform the development of this handbook. There could be more practical information included in the guidance, such as how families can overcome some of these barriers and adding a link to a list of approved examination centres that could be accessed.*

*I would also like to see more support provided to home educated children and young people to access Relationships and Sexuality Education, and to access support for mental health and wellbeing, not just through therapeutic services but also through accessing services that will support positive mental health and wellbeing. These are elements that can be greatly enhanced in the home educators' handbook but should also appear in the guidance so that local authorities have clear instruction to signpost and support home*

*educated children and young people to have access to local support around these areas."*

I recognise that there is more that could be done to make it easier for young people to sit exams to get other resources and assistance they need. That's something I've consistently raised with Welsh Government and I understand that this is something they continue to work on.

I've also recognised that there can be tension between local authorities and families, as local authorities continue to have a duty to improve the well-being and provide support to all children living in their area. Throughout my engagement and written contributions, I have emphasised the need for local authorities to work with families and build up working relationships; this enables them to provide support to children and their families in a timely manner. I have also stated the importance of including the experiences and views of home educated young people in order to evaluate the guidance as it is implemented. Specifically I have requested that Government conduct a qualitative evaluation of introduced guidance that should include research about how children and young people experience visits, and how the experience of visits can be improved for children and young people.

It is fair to say that there remain areas of the guidance that I would like to see changed or strengthened in the guidance. I have discussed these in meetings with Welsh Government officials as well as in my written response, but this does not guarantee that these changes will be made. Whatever the final outcome, I think that clarity is important. In my view the Government needs to bring this work to a swift conclusion following the conclusion of the current consultation period, so that families and professionals are given clear information on the next steps.

It will be up to the Committee to decide how best to reconcile the issues raised in the two petitions, but I am unable to answer on behalf of the Government in relation to what has/has not been taken into account as they progress this work. As my published quarterly updates on the progress of recommendations will show, there are some areas that the Government does not accept and therefore these have not progressed at all<sup>6</sup>. I do expect the Government to listen to my views, as an independent children's champion, but I will always say that this is no substitute for directly engaging with children, young people and their families to hear their views also. My view is therefore one of many that should be taken into account as part of any children's policy development in Wales.

I recognise that there are strongly held views on all sides of this matter but it is my duty to speak out in relation to children's rights and welfare, wherever they

---

<sup>6</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2020/02/Quarterly-Updates-January-2020.pdf>

receive their education. I would be happy to give further evidence to the Committee on this matter should this be requested.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sally Holland'.

Sally

Sally Holland  
Comisiynydd Plant Cymru  
Children's Commissioner for Wales

**P-05-922 Withdraw the proposed home education guidance, Correspondence –  
Petitioner to Committee, 29.02.20**

I believe that the evidence already submitted covers what I need to say, but to reiterate:

The Minister has made very clear that she has every intention of introducing mandatory meetings between parents of home educating children and LAs. She has made even clearer that she has every intention of mandating interviews with children, by LAs. This notwithstanding the clear advice from David Wolfe QC that such a mandate would be unlawful.

The consultation appears to me to be little more than lip service, as the Minister has remained firm in her resolve in respect of mandatory meetings, notwithstanding the significant majority of consultation submissions not supporting that decision.

It is particularly important to home educating families that they are not treated as if they are abusive families. The mandate of interviews with children and meetings with families without the ability to choose whether to take part, or not to take part, is greater intrusion than a family would suffer if being assessed by social services as a result of concerns over significant harm, or risk of significant harm to their children (Children Act 1989 s47). Mandatory assessment under the Children Act 1989 s47 requires a Court order. Assessment under the Social Services and Well-Being (Wales) Act 2014, without parental consent, also requires a Court order.

These proposals and the Minister's clear intent to introduce them, would single out home educating families disproportionately, by treating them as abusive families and be certain to destroy respectful relationships built up between good quality education staff and home educating families.

There is no coherent rationale, nor evidence base, for introducing mandatory meetings with home educating parents, or their children.

It is my view and that of the signatories to the petition, that the guidance should be withdrawn and redrafted to reflect the sound legal advice obtained.

Whilst we are dealing with the current crisis, we obviously cannot meet, but can I remind you that I would welcome the opportunity to give face to face evidence to the committee, alongside PHEW, as soon as such a meeting is safe to proceed with. .

Yours

Wendy Charles-Warner



Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

27 March 2020

**Petition P-05-922: Withdraw the proposed home education guidance**

Dear Sirs

We refer to your letter dated 27 February 2020 regarding the above.

It is clear from the legal opinion from David Wolfe QC that we provided to you previously that if the draft guidance was issued in its current form it would be unlawful or would lead local authorities to act unlawfully.

One of the main points of the legal opinion is that the draft guidance suggests that local authorities have more powers than they actually do (such as requesting mandatory meetings) and that parents of home educating children have more obligations than they actually have (eg an obligation to meet with local authorities).

The draft guidance is misleading and unlawful.

Unfortunately, we are aware of local authorities who are already applying the draft guidance as if it had been put into place (which in itself is unlawful) and purporting to have powers or rights over home educating families and children which do not exist. This must be stopped.

The Minister for Education [said](#) that she was going to ensure that the final guidance fully took the complex legal issues into account. However, that is at odds with the comments in her letter to you of [28 October 2019](#) which suggests that she has no intention whatsoever in amending the draft guidance in respect of mandatory meetings. In that regard we refer to the petitioner's letter of [26 November 2019](#). The legal opinion states that local authorities cannot legally demand mandatory meetings which means that the minister's proposal is unlawful.

The arguments against the draft guidance are overwhelming, the same cannot be saved and should be withdrawn altogether.

Yours sincerely

Protecting Home Education Wales

[protectinghewales@gmail.com](mailto:protectinghewales@gmail.com)



Llywodraeth Cymru  
Welsh Government

---

## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

---

**TITLE** Home Education Statutory Guidance and Draft Database Regulations

**DATE** 22 June 2020

**BY** Kirsty Williams MS, Minister for Education

This statement is to update Members on the proposals for home education statutory guidance and the draft database regulations.

The evolving national response to Covid 19 has had significant implications on resources within Welsh Government – this includes, financial, policy and of course on the legislative plans for this Government term.

Developing the proposals for home education statutory guidance and the draft database regulations has been a priority for me; however, these proposals require a significant amount of resource to drive them forward.

The new pressures on the day to day work within the Government and the significant impact of Covid 19 on our resources has meant some difficult decisions have had to be made. It will not now be possible to complete the planned work on the home education statutory guidance and database regulations within this Government term.

I want to take this opportunity to thank those stakeholders who have been involved in the development of the proposals and particularly those who took the time to respond to the consultations.

While I am disappointed we cannot continue the development of these proposals I hope that the planned reforms can be taken forward by the next Government at the earliest opportunity. In the meantime, Government officials will explore possible policy options for meeting the needs of home educated children.

These are unprecedented times and, as I am sure you will agree, resources have to be prioritised to the management of the impact of Covid 19 in Wales.

**P-05-922 Withdraw the proposed home education guidance & P-05-923 Are you listening to us? Home Education Rights and Respect!, Correspondence – Home Education Barry to Committee, 24.06.20**

I'm very sorry this is such a late response. With covid and myself being stuck abroad things have been a little slow on the charity side of things.

I thought it would be best to respond later rather than never.

I'm in agreement with the petition and feel that the new guidelines are not acceptable as they stand. I feel that they don't take into account the rights of a child.

I strongly believe the school system needs to be looked at in more depth and we need to be asking why so many children are being pulled out of school to home educate. Money, time and investment needs to be ploughed into improving the environment, exam pressures and subjects that are on offer. We need to stop trying to fit our children into the same box, they're all different, they're all natural learners and we need to end the exam culture that is causing so many anxieties in today's teenagers!

As a home educator I would like the privacy of our home respected and our human right to home educate to not be questioned but instead respected and supported in far more positive way than the guidelines that have been proposed.

I'd like to see more opportunities created for home educated children so that they don't have to be accused of being hidden let's open more doors. For example I am currently in talks with a local college about GCSE opportunities for external candidates. This isn't straight forward and it will cost us money, money we will likely have to be raised through the charity. This shouldn't be the case, there should be access to these qualifications for all children no matter where or how you study for them! The funding is there for every child and the access should be open without all the red tape, tick boxing and control mechanisms.

Charities such as HEB have been created by home educators to help and support families new and looking to home ed. They are safe places that work hard to put on as many experiences and opportunities to try as many new things as possible. These places need to be supported and respected. There is a reason they exist and that is because families do not feel pressured to send their child back to school. LA's frequently cannot help families and instead find ways of sending children back to school. We need to celebrate this diversity and stop thinking that every parent is guilty before proven innocent, just because they home educate. Most importantly I'd really like to see LA's educated on the different philosophies of education, as I said one size doesn't fit all and we can all learn in so many different ways and not just in the methods that are offered in schools today. With better understanding of home education will come respect and when there is faith and respect you may find families will be more open and not so protective.

Make schools better and people will start to have more faith in the system.

Many Thanks  
Donna Rapley

## Agenda Item 4.2

### **P-05-923 Are you listening to us? Home Education Rights and Respect!**

This petition was submitted by Mountain Movers Education Charity having collected a total of 512 signatures.

#### **Text of Petition**

The draft statutory guidance on home education is not fit for purpose. It sets to continue the hostilities between local authorities & home educators both through the language used in the document & the aims it sets to empower LAs to achieve.

There is a failure to provide any credible support to home educators. There is a failure to protect, respect & value home educators. This document does not recognise or support them in any credible or effective means.

We ask the National Assembly to investigate the role and pressure the Welsh Government have been put under from the children's commissioner's office with regards to home education & the extent this has shaped this guidance against the input from stakeholders in the home education community.

We ask the assembly to investigate the level of engagement the children's commissioner has with home educated children & why from what engagement she has had, she has failed to listen to their views about home education & is still continuing her campaign against home educators.

We ask the assembly to investigate why there are no safeguards throughout this guidance to protect home educators & hold LAs to account in their conduct with home educators?

We ask the assembly to investigate why there is no mention or recommending of signposting to the Welsh home education charities in the guidance despite these being best placed for support & advocacy for Welsh home educators.

We ask the assembly to investigate the feedback Welsh Government has received from primary stakeholders & if Welsh Government has fairly represented their views & needs to the same extent as the Children's Commissioner and LAs objectives.

## **Senedd Constituency and Region**

- Neath
- South Wales West



## **Mountain Movers Education**

C/O, 31 Gough Road, Ystalyfera, Neath Port Talbot, SA9 2NB

☎ 01639 413274

✉ [contact@mountainmoverseducation.uk](mailto:contact@mountainmoverseducation.uk)

Registered Charity Number: 1176708

25th June 2020

Dear Committee Members,

Thank you for your email giving Mountain Movers the opportunity to respond to the Minister's recent update on the draft statutory guidance for elective home education in relation to our petition and the evidence from the Children's Commissioner's Office alongside other home education organisations.

Whilst we welcome the news that this draft guidance and the accompanying draft database regulations have been withdrawn by the education minister (which is understandable given the new pressures being faced during this pandemic), we are frustrated that this cycle of investigation and consultations looks set to continue into a new term in 2 years time.

We would refer back to the point raised in our response in January 2020:

*“As a whole, the community of home educators, are exhausted by the constant cycle of consultations into home education regulations by the Welsh Assembly. It appears that LEAS and the Children's Commissioner for Wales are continuing to push policy agendas based on their own bias and prejudices (in their misguided conviction that home education is a safeguarding risk, despite every report to the contrary) against home educators and forcing this cycle until they achieve the goal, that the state decides what constitutes an education for all children and erodes this next piece of parental authority. This is unfair and morally wrong to keep this sustained amount of pressure, investigation and discrimination upon a minority group who are simply exercising their right to educate their children in an individualized manner, in order to reach their children's full potential according to their own philosophical beliefs.”*

As echoed in the views from the other evidence submitted, the continued bias and prejudice against home educators from the view of a presumed “safeguarding” myth is set to continue. Resulting in the continuing dysfunctional relationship between local authorities and home educating families. Each time there is another consultation/review into home education regulations, relationships between local authorities and home educating families become damaged, with families increasingly opting to disengage due to the hostilities they face.

With regards to the Children's Commissioner's Office, we again ask that despite the withdrawal of the guidance, there needs to be scrutiny into the development of this draft guidance, as there is no faith or confidence within the home education community that it was developed fairly. The Commissioner's own evidence as supplied, highlights the substantial pressure she placed on the minister to meet her goals for home education which by her evidence she had been assured in 2018, they would be met in advance of the guidance. This reinforces the belief that the guidance was developed without the same weight of

consideration to the primary stakeholders views and needs as to meeting those of the Children's Commissioner.

We, along with the home education community are frustrated by the continued use of the Seabridge case as a means to view home education as a safeguarding risk to all children. As outlined in the review, the family were known to statutory services and there were **multiple** occasions for intervention that might have saved the poor boy's life. Home Education was the final destination in a long road for the Seabridge family but **not** the cause of Dylan's death.

It has been repeatedly shown in studies that home educated children are at less risk of harm but yet there is a continued and highly damaged view that parents cannot be trusted with their own children and the state knows best. This demonising and disabling of parents causes substantial damage to family and stretches into the majority of engagement between parents and professionals. This needs to be addressed and a functional relationship developed between all parties based on facts and respect. In order to safeguard the welfare of all children the funds spent appropriately on supporting social services execute their existing duties and powers.

We would urge the petitions committee to investigate the substantial costs that have been incurred by Welsh Government since the Badman Review in this continued cycle, which would rise even higher if another cycle of consultation into home education guidance and duties is set to continue. We would urge the committee to consider if this a valid and reasonable use of taxpayers funds? Mountain Movers would argue that the previous non-statutory guidance should be utilised with compliance by local authorities to this document and evidence sought, to see how they are effectively and realistically supporting and engaging with home educators to build positive and effective relationships with this community thus ending this dysfunctional and damaging cycle. Funds would then be far more effectively spent on ensuring social services are fully equipped, staffed and resourced to enable them to act in all areas of child protection rather than the current situation of prioritising limited resources to those deemed at substantial risk. This would go a long way to ensuring all children are protected from harm.

We'd like to offer our thanks to the members of the committee for all your hard work during these difficult times. If we can be of any further assistance to the committee, please feel free to contact us.

With appreciation,

Mrs Erika Lye  
Chairperson and Trustee  
On Behalf of Mountain Movers Education  
Registered Charity 1176708

# Agenda Item 4.3

## **P-05-751 Recognition of Parental Alienation**

This petition was submitted by Families Need Fathers Both Parents Matter Cymru and was first considered by the Committee in May 2017, having collected 2,058 signatures – 752 on paper and 1,306 online.

### **Text of the Petition**

We call upon the Welsh Assembly to persuade the Welsh Government to protect children and young people in Wales by formally recognising 'Parental Alienation' as a form of emotional abuse of children. We further call upon the Welsh Government to take specific actions to reduce the impact of Parental Alienation on children and their families.

### **Additional Information**

We propose the following action by Welsh Government

- Recognise 'Parental Alienation' as emotional abuse of children with a definition incorporating the one given by the Ministry of Justice (paragraph 1) here <https://petition.parliament.uk/petitions/164983> )
- Commission and fund mandatory training for professionals including but not Social Work and Cafcass Cymru staff, in recognising Parental Alienation including pathways to protect children from harm.
- Establish and fund a national campaign to inform children and families about Parental Alienation and the harm that it causes.
- Place a duty on Welsh Ministers to act to protect children from abuse and harm where Parental Alienation has been identified.

Parental Alienation has been defined by the Ministry of Justice as:

‘In cases where parents are separated, parental alienation refers to a situation in which one parent (usually the parent with whom the child lives) behaves in a way which creates anxiety in the child, so that it appears the child is opposed to living or spending time with the other parent.’

This definition is taken from the first paragraph of the Government’s response to Mr. Darren Towill’s petition. <https://petition.parliament.uk/petitions/164983>

CAFCASS in England have already recognised Parental Alienation as an abuse of children. CAFCASS CEO Anthony Douglas stated in an article in the Telegraph online

dated 12th Feb 2017 about Parental Alienation that "It's undoubtedly a form of neglect or child abuse in terms of the impact it can have".

<http://www.telegraph.co.uk/news/2017/02/12/divorced-parents-pit-children-against-former-partners-guilty/>

### **Senedd Constituency and Region.**

- West Cardiff
- South Wales Central



Janet Finch-Saunders AM  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

5 May 2020

Dear Janet Finch-Saunders AM

### **Petition P-05-751 Recognition of Parental Alienation**

Thank you for your letter dated 17 February 2020. I apologise for the delay in responding.

We have read the proposals made by the petitioner for monitoring the implementation of the Cafcass Cymru *Children's Resistance or Refusal to Spend Time with A Parent* guidance and should like to thank them for their suggestions.

However, we wish to reassure the Committee that Cafcass Cymru, as a Directorate of the Welsh Government and accountable to both the Minister and the Director General for Health and Social Services, has the necessary arrangements in place to ensure the accountability of the measures we have put in place for this and all other areas of our work.

The series of practice guidance documents we recently published, of which this guidance document is one, were developed in collaboration with and input from key stakeholders both internal and external to Welsh Government, including the Cafcass Cymru Advisory Committee. The petitioner is a member of that Advisory Committee and has been involved in and consulted on this work. As a member of the Advisory Committee he will continue to be involved in developments around our work.

Cafcass Cymru recognises the importance of the continued professional learning and development of all its staff and has implemented a comprehensive Quality Assurance, Learning and Improvement (QALI) Framework that underpins the ongoing professional development and practice of staff. The Advisory Committee has endorsed the Framework.

We are therefore confident the necessary training and quality assurance arrangements are in place to support and monitor the professional development of our practitioners. All our practitioners have been trained in this area of work and have the opportunity to provide feedback on the application of all our practice guidance so we are able to continue to monitor and review its implementation and effectiveness.



We warmly welcome feedback from service users on all aspects of our service and they can feed back to us at any point in their case – there are details on our website on how they can do this.

I trust the above information addresses the points the Committee raises.

Yours sincerely

**Nigel Brown**  
Chief Executive, Cafcass Cymru

**P-05-751 Recognition of Parental Alienation, Correspondence – Petitioner to Chair, 30.06.20**



**61 Cowbridge Rd East  
CARDIFF  
CF11 9AE  
paul@fnf-bpm.org.uk**

29<sup>th</sup> June 2020

Janet Finch-Saunders AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Janet

**Petition P-05-751 Recognition of Parental Alienation**

Thank you for the opportunity of responding to the letter from Nigel Brown dated 5th May regarding our petition.

I would like once more to thank the Committee for their efforts in regard to this petition. We have previously stated that we believe that Cafcass Cymru would not have made any effort to understand Parental Alienation without the work of the Committee.

Cafcass Cymru do not measure the outcomes of what they do. An outcome measure would provide information on what difference the service / action / guidance etc had to the users as well as to the staff. Without outcome measurement it is hard to assess whether the service provided by Welsh Government at an annual cost in excess of £12 million provides value for money.

The reluctance by Cafcass Cymru to acknowledge Parental Alienation and the harm this form of child abuse inflicts on children and young people has been evident in all of their actions in response to the petition and in their evidence to the Committee.

Nigel Brown is suggesting to the members of the Committee that without any form of output or outcome measures you should be reassured because Cafcass Cymru is **'...a Directorate of the Welsh Government and accountable to both the Minister and the Director General for Health and Social Services.'** They also assert that Cafcass Cymru **'has the necessary arrangements in place to ensure accountability of the**



**measures ....**'. These assertions are somewhat undermined by the fact that they won't provide the Committee with any data, nor any indication of what those measures are. This is tantamount to Cafcass Cymru saying **'trust me I'm a doctor'**, and is exactly why we suggested that output and outcome measures need to be in place for this and other aspects of their work.

I have received today (Monday 29th June) communication from Cafcass Cymru that states that the guidance on 'Children's Resistance Or Refusal To Spend Time with a Parent' was launched at a training event requiring the attendance of all Cafcass Cymru practitioner staff in June 2019. What they haven't stated is whether all staff did attend or include any monitoring of the use of the guidance. In terms of the impact of the guidance- which itself is deeply flawed - we see almost no practical recognition of the issues by frontline staff. We would also draw the Committee's attention to the FOI response published by Welsh Government in 2017 regarding attendance at Cafcass Cymru training which suggests that even attending these events appears to be optional. <sup>i</sup>

We are not reassured to learn that Cafcass Cymru has implemented a Quality Assurance, Learning and Improvement (QALI) framework because once again there is no information on the extent to which this framework is monitored in relation to outputs or outcomes. The Key Performance Indicators for the service simply monitor whether cases have been allocated to a member of staff, and whether they have met the filing date for a report to the Family Court in individual cases. This is the equivalent of suggesting that you've passed the exam by turning up and writing your name at the top of the paper.

There have never been any measurements of the quality of the service, despite many attempts that we have made directly with Cafcass Cymru and through the Advisory Committee to suggest that such measures are required.

**We strongly urge the Committee to reject entirely the letter from Nigel Brown dated 5th May 2020 and to ask why they are incapable of implementing outcome measures for their service.**

Your sincerely

NATIONAL MANAGER, BOTH PARENTS MATTER / IDVA, AEGIS DV

**P-05-751 Recognition of Parental Alienation, Correspondence – Petitioner to Chair, 30.06.20**



---

<sup>i</sup> <https://gov.wales/sites/default/files/publications/2019-01/171103atish11616doc1.pdf>

# Agenda Item 4.4

## **P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently**

This petition was submitted by Nathan Lee Davies and was first considered by the Committee in October 2017, having collected 631 signatures.

### **Text of Petition**

I am a recipient of the Welsh Independent Living Grant (WILG) and a disability activist who intends on asking Welsh Government to reconsider their decision to close WILG as of April 2019.

The WILG was introduced to help people who previously claimed from the UK government's Independent Living Fund (ILF), which closed in 2015. More than 1,500 people are helped by the scheme across Wales. Recipients all have high degree of care and support needs.

It was due to run until the end of March 2017, but Social Services Minister Rebecca Evans said in November that funding would continue for another year.

The annual £27m fund will then transfer directly to local authorities during 2018-19 so they can meet the support needs of all former ILF recipients by 31 March 2019.

### **Additional information**

Why we oppose this decision:

The Welsh Government said the decision was taken on stakeholder advice. The majority of representatives on the stakeholder group were third sector or citizens. But they didn't want WILG scrapped and the key point is that our advice was not accepted.

It should also be remembered that closure of WILG is not inevitable as is proved through the formation and success of the Scottish Independent Living Fund; which also works to support the Northern Ireland ILF.

Furthermore, the hugely popular Labour Party Manifesto outlined plans to set up a national care system to exist independently of local authorities.

This is exactly the time that the Labour Party should be united on such issues against the Tories. We must question why Welsh Labour are not playing their part in the changing political landscape?

Indeed, eventually it should be our aim to set up an Independent Living Fund for Wales so that no disabled person should have to suffer the same uncertainty and isolation as WILG recipients are now experiencing. We can only begin to believe that true social justice and equality for all is possible if Welsh Labour revisit their WILG decision.

Welsh Labour will no doubt argue that we should give the Social Services and Well-being (Wales) Act a chance to succeed. However, this idealistic act needs hefty investment and resources to ensure it is a success – with no sign of any of the necessary improvements to our infrastructure that the success of the Act depends on. This may indeed be the time for a revolutionary change in the way social care is delivered, but such a transformation could take a decade or more and WILG recipients do not deserve to be treated like guinea pigs when their high care and support needs require long-term stability and structure.

#### **Senedd Constituency and Region**

- Wrexham
- North Wales

**Julie Morgan AC/AM**  
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol  
Deputy Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-771  
Ein cyf/Our ref JM/00278/20

Janet Finch-Saunders AM  
Chair  
Petitions Committee  
National Assembly for Wales  
[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

17 April 2020

Dear Janet

Thank you for your letter of 30 March, in response to mine of 4 March, in connection with the independent care assessments introduced for recipients of payments from the former Welsh Independent Living Grant (WILG). This was in connection with Petition P-05-771 from Nathan Davies, which I understand the Committee is still considering.

As you know good progress had been made at that time by ICS Assessment Services, who was appointed to undertake the independent care assessments for those who requested these. ICS had undertaken all of the 46 assessments requested by former recipients. However, as I am sure you will appreciate the current Covid-19 situation has caused a delay in undertaking the follow up meetings with both recipients, and in some cases joint meetings with recipients and local authority social workers, necessary to complete this exercise in each case. Consequently, with the health and safety in mind of both the recipients and ICS'/ local authority social workers, in around 14 cases completion of this process has been paused until the situation regarding Covid-19 abates.

This does not mean that those recipients affected will not be supported to live independently during this period. Local authorities will continue to provide the care and support these recipients were receiving prior to their request for an independent care assessment was made and will continue to do this until the process in their case is completed in the future. While this is disappointing and not a situation which any of us would have wished, I am sure you will agree that in these difficult times the well-being of individuals is paramount.

I will of course continue to update the Committee on events.

Yours sincerely

**Julie Morgan AC/AM**  
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol  
Deputy Minister for Health and Social Services

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Julie.Morgan@llyw.cymru](mailto:Gohebiaeth.Julie.Morgan@llyw.cymru)  
[Correspondence.Julie.Morgan@gov.wales](mailto:Correspondence.Julie.Morgan@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently, Correspondence – Petitioner to Chair, 25.06.20**

Dear Ms Finch-Saunders

Many thanks for giving me the right to reply to the Deputy Minister for Health and Social Services latest statement regarding an update on independent care assessments for former recipients of the Welsh Independent Living Grant (WILG). This was published on 13/02/2020. I have also read the Deputy Minister's letter dated 17/04/2020.

I wholeheartedly support the contents of the original statement and believe the Welsh Government are doing all they can to safeguard independent living for disabled people. I particularly applaud the Deputy Minister for her review of the Direct Payments and CHC interface. I feel that this is an important development as it is key that private individuals are able to continue to employ the staff that they depend on, even if they are funded by a public body. I recognise that it will take time to review the interface, but it is vital that this issue is being addressed to help future generations.

At the moment, I am more concerned about the 'independent' assessment that ICS has supposedly written in relation to my future care and support plan. Despite the assessment going well, it has been recommended that I only receive 44.5 hours of support per week and be forced to wear incontinence pads throughout the night, even though I am not incontinent. This is a huge insult to me after spending so long campaigning for independent living and the rights of disabled people, especially since I have been receiving council approved 24/7 support since October 2019.

Worryingly, there appears to be a determined approach by the local council to thwart what was intended by the Welsh Government, for WILG recipients like myself, to receive the full support package they need. It seems that I am being punished for having the audacity to appeal against the local authority. The fact that I am still suffering from a lack of adequate support is extremely frustrating as I do not feel that my physical and mental wellbeing needs are being met. The Covid-19 crisis has not helped the situation.

The Welsh Government is providing me with the support I need at this worrying time. I feel that it would be counter-productive to go into too much detail about my specific case at this moment in time. I am confident that this will be resolved, but I just felt that I should highlight the failings of local authorities. I would like to

request that the Committee keep their investigations open until this matter finally reaches a conclusion.

We would like to thank the Petitions Committee for their help and assistance throughout the #SaveWILG campaign. Our fight to maintain independent living for disabled people with high care and support needs continues with the stubbornness of certain local authorities now standing in the way of achieving a level playing field.

Yours sincerely,

Nathan Lee Davies

#SaveWILG Campaign

# Agenda Item 4.5

## **P-05-946 Save Royal Glamorgan A&E**

This petition was submitted by Geraint Williams having collected 13,342 signatures online and 1,222 on paper, a total of 14,564 signatures.

### **Text of Petition**

There are serious concerns that a closure or partial closure of A&E services at Royal Glamorgan Hospital could be taking place very soon. This will have a significant impact on access to A&E for patients in Rhondda Cynon Taff and will also put additional pressures on A&E departments in Merthyr Tydfil, Cardiff and Bridgend. The Welsh Government should intervene and do all it can to prevent any reduction of service in the provision of A&E Services at Royal Glamorgan Hospital and do all it can to facilitate the recruitment and appointment of badly needed A&E Consultants to the health board.

### **Senedd Constituency and Region**

- Merthyr Tydfil and Rhymney
- South Wales East

Vaughan Gething AS/MS  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref VG/03439/20

Janet Finch-Saunders MS  
Chair  
Petitions Committee

Government.Committee.Business@gov.wales

16 June 2020

Dear Janet,

Thank you for your letter of 27 May regarding Petition P-05-946 Save Royal Glamorgan A&E.

As you will appreciate, the response to the coronavirus pandemic is a fast-moving and evolving situation and all possible resources across the NHS in Wales and Welsh Government have been directed to tackling Covid-19. In the circumstances, Cwm Taf University Health Board has paused the process around their proposals on the future of A&E services at Royal Glamorgan Hospital. These proposals will be revisited when it is possible to do so. In the meantime, the health board will continue to put in place measures to address the Covid-19 challenges utilising all its available sites and resources.

Yours sincerely,

**Vaughan Gething AS/MS**  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

# Agenda Item 4.6

## **P-05-864 Ban the use of 'Hostile Architecture'**

This petition was submitted by People Over Profit having collected 120 signatures

### **Text of Petition**

We call on the Welsh Government to ban the use of "Hostile Architecture" by organisations to deter homeless people from seeking shelter and any other street structures designed to impede or hide the homeless.

### **Senedd Constituency and Region**

- Neath
- South Wales West

**Julie James AC/AM**  
**Y Gweinidog Tai a Llywodraeth Leol**  
**Minister for Housing and Local Government**



**Llywodraeth Cymru**  
**Welsh Government**

Eich cyf/Your ref: P-05-864  
Ein cyf/Our ref: JJ/00516/20

Janet Finch-Saunders AM  
Chair, Petitions Committee

Dear Janet,

16 April 2020

Thank you for your letter of 31 March, regarding the Petitions Committee's consideration of a petition calling for the ban on the use of hostile architecture in Wales, including the additional evidence you have received from charities working in the sector.

As I stated in my letter of 27 March 2019, I absolutely agree that the issues homeless people have to face should not be compounded by the design of new development and that those involved in designing public spaces should not actively seek to prevent homeless people finding rest or a place of safety. I would, however, repeat my opinion that it is difficult to regulate for a ban on the use of hostile architecture, as these considerations are best considered on a case by case basis by local planning authorities.

Since I last wrote to you on this matter, we have established a Placemaking Wales Partnership and are developing a Placemaking Wales Charter. This is a new collaborative initiative of organisations involved in shaping our built environment coming together to promote better places in Wales. The Placemaking Wales Charter consists of several principles, which the organisations involved will strive to adhere to in the implementation of placemaking. As the initiative develops, we hope it will grow and evolve to address more specific issues, such as hostile architecture, through the provision of training, guidance and the sharing of good practice. Placemaking Wales was due to be officially launched in March, but had to be postponed as a result of the Coronavirus. I hope to progress this work later in the year.

Yours sincerely,

**Julie James AC/AM**  
**Y Gweinidog Tai a Llywodraeth Leol**  
**Minister for Housing and Local Government**

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

# Agenda Item 4.7

## P-05-886 Stop the Red Route (A55/A494 corridor)

This petition was submitted by Linda Scott having collected a total of 1,275 signatures online and 134 on paper, a total of 1,409 signatures.

### Text of Petition

We call on the National Assembly of Wales to urge the Welsh Government to withdraw its support for the "Red Route" (A55/A494/A548 Deeside Corridor Improvement) on the grounds that:

- 1) The construction of the new road through ancient woodland, and across agricultural land, contradicts Planning Policy Wales and the Well-being of Future Generations Act.
- 2) The recently published plans for a new A494 Dee Bridge, widening of the A494 and other improvements will deliver the Deeside traffic improvements without the need for the 'Red Route'.
- 3) The costs used to justify the choice of the "Red Route" failed to account for necessary upgrade of the Flintshire Bridge. It also does not include the addition of crawler lane at a major congestion point on the A55, the hill out of Northop towards Holywell. Congestion at these points will be made worse by the construction of the Red Route. The underestimate of the costs used imply that the proposed road cannot be considered value for money. Furthermore, the costs do not include the proposed A494 improvements (outlined in 2).
- 4) The choice of the Red Route was based on unrepresentative traffic surveys.
- 5) In considering the Red Route the Welsh Government failed to adequately consult residents of the Flint and Northop areas despite the major potential impact on their communities. Despite costing over a quarter of a billion pounds, the new road would be likely to lead to more traffic congestion in these communities.

6) The International Panel on Climate Change has called for urgent action to reduce CO2 emissions, saying we have only 12 years left to save the world's climate. We need to be investing our limited resources in sustainable transport like rail.

#### **Senedd Constituency and Region**

- Delyn
- North Wales



Ein cyf/Our ref KS/00792/20

Janet Finch-Saunders AM  
Chair of the Petitions Committee  
National Assembly for Wales

Government.Committee.Business@gov.wales

14 April 2020

Dear Janet,

Thank you for your letter of 6 March regarding Petition P-05-886 Stop the Red Route (A55/A494 corridor).

The A55/A494/A548 Flintshire Corridor improvement scheme is not a standalone scheme. It forms part of the North Wales Metro and will include a wider package of measures which will be consistent with my vision for an integrated transport strategy for the area I set out in March 2017.

In my October 2019 statement I also confirmed that a successful Metro will require a full integration of transport modes and highways will need to play an important part of the mix providing access to Deeside Park for freight, buses and for trips that are not possible by alternative modes. The scheme is a key element of the Metro multi-modal integrated transport system. As well as improving connectivity between the economies of North West Wales and North West England, the scheme will improve active travel and bus connectivity to Deeside from communities to the south and west. Improving traffic flows and capacity on the trunk road network will alleviate the existing rat-running and congestion on local roads. This will not only improve safety, especially in urban areas, but also free up capacity that will be key in generating greater opportunities for walking, cycling and bus travel on local roads within Flintshire. The scheme will also provide access to the rail network via the proposed Deeside Parkway station.

The next stage involves further design development of the preferred route which includes undertaking a detailed environmental impact assessment. The project team will consult with stakeholders such as Natural Resources Wales and Woodland Trust on measures to mitigate and minimise impacts on the environment including areas of ancient woodland. They'll also actively investigate areas where environmental enhancements could be delivered as part of the scheme.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Ken.Skates@llyw.cymru](mailto:Gohebiaeth.Ken.Skates@llyw.cymru)  
[Correspondence.Ken.Skates@gov.wales](mailto:Correspondence.Ken.Skates@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Provision for smart technology to inform road users of traffic conditions and public information as well as an appraisal for the provision of a crawler lane from Northop to the A55 services, considering the impacts, benefits and additional costs will also be undertaken as part of the next stage of scheme development.

Public exhibitions will be held once draft Orders are published. Those that respond directly to the draft Orders will receive written notification and it will also be advertised via press releases and local radio stations. The exhibitions will be held at venues accessible to all residents.

Yours Ever,

A handwritten signature in grey ink, appearing to read 'Ken Skates', written in a cursive style.

**Ken Skates AC/AM**

Gweinidog yr Economi, Trafnidiaeth a Gogledd Cymru  
Minister for Economy, Transport and North Wales

29<sup>TH</sup> June 2020

Dear Committee members,

**Re: P-05-886 Pwyllgor Deisebau 07.07.20 / Petitions Committee 07.07.20**

Many thanks for providing us with this opportunity to respond.

**PLEASE NOTE THAT THIS SUBMISSION HAS BEEN PREPARED IN THE LIGHT OF LEGAL ADVICE**

The Minister in his letter fails to address the serious issues raised in our previous correspondence to the petitions committee.

In his letter to Janet Finch-Saunders AM of 14 April 2020, regarding the Petition P-05-886 Stop the Red Route (A55/A494 corridor), the Minister indicated that the Red Route was not a “standalone scheme” but rather was part of the North Wales Metro. The Minister then went on to highlight that the integrated transport strategy for the area was set out in March 2017. The basis upon which this has been strategically assessed for environmental impacts (SEA and HRA) is very unclear, as the North Wales Metro has not been the subject of SEA nor HRA.

Contrary to the Minister’s suggestion that this was part of the North Wales Metro, [REDACTED] T [REDACTED] one of the Minister’s Officials stated that instead, the scheme would be part of the National Transport Delivery Plan (NTDP). In her email, it was stated that “Schemes such as the Deeside Corridor scheme would not be included in the Wales Transport Strategy. **Schemes will be set out the Delivery Plan**” (emphasis added)

In terms of the timetable for the NTDP, Ms Thomas states that “[t]he National Transport Delivery Plan will be prepared during the 21/22 financial year and is planned to be adopted by 22/23”. The correct approach would therefore be to halt the planning of the Red Route until the scheme is assessed as part of the broader transport strategy for Wales and is subject to Strategic Environmental Assessment and plan stage Habitats Regulations Assessment of transport options.

Accordingly, we insist that the Red Route along with less damaging alternative routes and solutions are assessed as part of the statutory Wales Transport Strategy (WTS) and the NTDP. Failure to do so risks prejudicing the findings of the WTS and the NTDP and their respective SEAs and HRAs and means that those schemes are not properly considered as part of the broader transport mix in North Wales. The Wales Transport Strategy is required by statute under section 2 of the Transport (Wales) Act 2006, which places a duty on the National Assembly for Wales to prepare and keep under review the WTS.

Secondly, the Minister’s decision to prefer the Red Route was based on a very old Welsh Transport Appraisal Guidance from 2008. This obviously pre-dates key legal developments (including the Wellbeing of Future Generations (Wales) Act 2015, the Planning (Wales) Act 2015 and the Environment (Wales) Act 2016). The updated WelTAG 2017 was announced a month prior to the Minister taking his decision that the red route was to be preferred. The decision to prefer the Red Route was taken in apparent ignorance of these developments.

We further note that the Future Generations Commissioner Sophie Howe has raised concerns that the provisions of the Well-being of Future Generation Act, in terms of “ways of working” for example, have not been adhered to in generating highway-only options such as this one. We are disappointed that the Minister continues to fail to answer this criticism. We also note that Sophie Howe recommends that no proposed transport schemes should be funded unless they have gone through a fit for purpose WelTAG.

Any decision to grant consent for the Red Route must now be considered in light of those crucial instruments. Failure to take these into account in the future stages of the decision making will be a failure to take into account very relevant and important material considerations.

Thirdly, we have pointed out since the outset of the committee's consideration of the petition that this scheme fails to fulfil key objectives, as outlined in the stage 2 consultation documentation (WG33176 para 2.2) relating to improving junction safety on the A494 and A55/ A494. Furthermore, key stakeholder Flintshire County Council has made its support for the Red Route conditional on these additional works ("Red Route Plus") being carried, with FCC Deputy Leader Carolyn Thomas demanding a written guarantee from the Minister, to this effect at the Petitions Committee evidence session on 1<sup>st</sup> October 2019. The Minister has failed to supply this guarantee.

With Best Wishes,

Tom Rippeth (on behalf of the petitioners).

# Agenda Item 4.8

## **P-05-935 Ban Pavement Parking – Pavement Promise**

This petition was submitted by Rhian Morris having collected a total of 801 signatures.

### **Text of Petition**

I call for the National Assembly of Wales to urge the Welsh Government to impose a ban on pavement parking.

I am campaigning to end pavement parking. It is an increasing issue that impacts on myself and so many others in Wales daily risking their safety. It is a massive issue for those with a disability and those with pushchairs. This is especially difficult when vehicles park on the drop kerbs or tactile paving.

On many occasions the vehicle that is parked on the pavement causes the view of the road to become restricted. This causes the situation to become dangerous for anyone who has to enter the road to pass the vehicle. There is a much higher risk for those who have a visual impairment or wheelchair users to move into the unknown dangers.

Everyone should have the right to independence. However when vehicles park on the pavement this restricts those that are unable to drive and rely on the pavement to travel around their community. This can also lead to isolation and anxiety.

This should be dealt with now so that future generations have the equal chance of independence and safety for all in our communities.

### **Additional Information**

Myself and my son are visually impaired. This issue makes it very difficult for us to access our community safely. I have spoken to many people who also struggle.

Myself and my son created a campaign called Pavement Promise. We want everyone to promise not to park on the pavement.

I feel there should be a specific team to work on this issue. Maybe an online / interactive way for people to pass on information.

I want my son to have as much independence as he can in his future safely.  
Please help me to keep our communities safe.

**Senedd Constituency and Region**

- Bridgend
- South Wales West

**R N I B**

Cymru

**Golwg gwahanol**

**See differently**

National Assembly for Wales  
Petitions Committee,  
Cardiff Bay,  
Cardiff,  
CF99 1NA

Date: 12 March 2020

Dear Janet,

Many thanks for the opportunity to contribute to the Petitions Committee's discussion on Petition P-05-935 Ban Pavement Parking – Pavement Promise.

## **1. About RNIB Cymru**

1.1 RNIB Cymru is Wales' largest sight loss charity. We provide support, advice and information to people living with sight loss across Wales. We also campaign for improvements to services and raise awareness of the issues facing blind and partially sighted people. We support, empower and involve thousands of people affected by sight loss to improve lives and challenge inequalities.

We want to lead the creation of a **Wales where there are no barriers for people with sight loss.**

1.2 We welcome the opportunity to provide evidence to the Committee's consideration of this petition. There are currently 111,000 people in Wales living with sight loss.

From difficulty accessing treatment and services, to a lack of emotional and practical support, blind and partially sighted people each face their own set of challenges every day. Feelings of isolation are unacceptably

high, and only one in four blind or partially sighted people of working age has a job.

We know the numbers will increase dramatically. By 2050, the number of people with sight loss is expected to double. 13 people a day are losing their sight in Wales.<sup>1</sup>

1.3 This submission emphasises the experiences of blind and partially sighted people and the impact of navigating walkways obstructed by parked vehicles. It also draws attention to developments in Scotland and England which will be of relevance to this committee's discussions.

## **2. About pavement parking**

2.1 Vehicles parked partly or fully on pavements obstruct clear passage on walkways and effective use of mobility aids, and often can't be detected by people with sight loss until it's too late. This causes blind and partially sighted people to collide with parked vehicles, at best losing confidence of independence and at worst resulting in injury.

2.2 Pavement parking can also mean pedestrians are forced to venture into the road to bypass the parked vehicles, placing them in danger of moving vehicles in the road, especially on roads with higher traffic volumes. This is particularly problematic for people with a visual impairment, wheelchair and mobility scooter users, and parents with buggies or prams.

2.3 All pavement obstructions have adverse effects on blind and partially sighted people because they make getting around harder. The more difficult it is to get around, the less freedom and opportunity people have to participate in their local community and contribute to society.

2.4 Blind and partially sighted people rely on clear and accessible pavements and often face totally unacceptable risks to personal safety when attempting to pick their way around cars parked on pavements.

2.5 RNIB's 2015 report "Who put that there!" found that 95 per cent of blind and partially sighted people had collided with an obstacle in their

---

<sup>1</sup> \*Every day 250 people in the UK start to lose their sight [Reference: Deloitte Access Economics (2018), Incidence and risk of sight loss and blindness in the UK. RNIB]

local neighbourhood over a three month period. The most common obstacles collided with were cars parked on pavements (70 per cent).<sup>2</sup>

### **3. Lived experiences in Wales**

3.1 A more recent survey conducted by RNIB Cymru specifically on the issue of pavement parking in Wales found that 95 per cent of respondents supported a nationwide ban, with 77 per cent claiming that they encountered vehicle-obstructed pavements daily.

Respondents to this survey were asked to describe the impact on their daily routine and independence. Sophie, a 26 year old Swansea resident stated, 'pavement parking increases my anxiety when visiting particular areas and results in me having to risk my and my guide dogs safety to get to where I want to.'

Another respondent, 53 year old Susan from Ystrad Mynach stated, 'I have been forced to walk in the road with my Guide Dog on numerous occasions, at times when I am without my dog I have collided with the vehicle parked on the pavement.'

3.2 In a recent interview with RNIB Cymru, Steve Lawrence, 62, from Talbot Green described an incident which took place whilst out shopping near his home in December 2019. He was walking past cars parked on the pavement, using his cane to follow the curb, when one of the parked cars started and hit Mr Lawrence whilst still on the pavement. The driver then swore at him before driving away. The collision left him needing physiotherapy for his shoulder and in need of a new cane, which was damaged beyond repair. He was unable to report the incident, as he could not see the driver or the number plate.

Mr Lawrence described himself as very independent and confident walking alone, but says the incident has made him more nervous to walk in that area. 'I worry other blind and partially sighted people in similar situations would have their confidence knocked and be less likely to leave the house as a result.'

---

<sup>2</sup> "Who put that there!" – The barriers to blind and partially sighted people getting out and about [February 2015 report]

<https://www.rnib.org.uk/sites/default/files/Who%20put%20that%20there%21%20Report%20February%202015.pdf>

## **4. Pavement parking ban in Scotland**

4.1 The introduction of the Transport (Scotland) Bill led to a new law to ban pavement parking in Scotland which was approved in October 2019. This followed a Scottish Government survey on improving parking in Scotland in which 85% of respondents believed that parking enforcement should be applied consistently across the country.<sup>3</sup>

## **5. Pavement parking ban in London**

5.1 Pavement parking has been banned in London since 1974, but this does not currently apply to the rest of England, with the exception of heavy goods vehicles. However, there is currently no ban across the rest of England.

## **6. House of Commons Transport Committee Recommendations**

6.1 The Transport Committee published a report on 9 September 2019 following its inquiry into problems with pavement parking in England and possible solutions.

6.2 The inquiry recommended that the government legislate for a country-wide ban on pavement parking. The report noted that, whilst such a ban could impact negatively on some, such as those who live on narrow streets with limited parking provision, it sees a ban is justified given the serious harm caused by pavement parking, and provided that the legislation also allows for local authorities to make exemptions to the ban where necessary.<sup>4</sup>

## **7. RNIB Recommendations**

7.1 RNIB fully supports the call for a ban as we think this is the simplest way to resolve the issue of pavement parking.

7.2 People with sight loss, and organisations such as RNIB which represent them, must be fully consulted about the nature of the ban and

---

<sup>3</sup> <https://www.transport.gov.scot/media/42239/improving-parking-in-scotland-may-2018.pdf>

<sup>4</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmtrans/1982/1982.pdf>

the nature of any exemptions to ensure that the legislation meets their needs.

7.2 Pavement parking is an equalities issue, and the government must enforce a nation-wide ban as part of its Equality Action Plan and in line with the Equalities Act 2010.

7.3 The Active Travel (Wales) Act 2013 requires Welsh Ministers and local authorities, in the performance of functions under the Highways Act 1980, to take reasonable steps to enhance the provision made for, and to have regard to the needs of, walkers and cyclists. The Act explicitly includes disabled people who use aids to mobility (such as guide dogs and canes) under the definition of 'walkers and cyclists'. The Welsh government should take steps to remove barriers to active travel faced by blind and partially sighted people, such as pavement parked cars.

In summary, RNIB Cymru is fully supportive of the aims of this Ban and of the Petition's submitter Rhian Morris.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED],

[REDACTED], [REDACTED]

12th March 2020

Dear Janet Finch-Saunders,

### **Petition P-05-935 Ban Pavement Parking – Pavement Promise**

Thank you for your letter seeking our views on the above petition.

Sustrans policy position on pavement parking was reviewed in October last year.

- We believe pavement parking should be made illegal across the UK, unless it is permitted by exception.
- Parking a vehicle partially or wholly on the pavement however, is only illegal by default in London. Scotland has recently passed a bill that will make pavement parking illegal which should come into force in early 2021. Pavement parking is inconsiderate to all pedestrians and is particularly hazardous to children, disabled people and older people.
- The main objection raised to a pavement parking ban is that there are narrow streets where there is no off-street parking nearby. Sustrans believes that in each street where there is conflict, space should first be assigned for safe pedestrian and emergency vehicle access, and that any remaining space can then be allocated for parking.

Vehicles parked on pavements are a common source of inconvenience and are a hazard to pedestrians. Often they force a wide range of vulnerable people into the road by taking up space on the footway. This includes people with visual impairments; with people with sight loss at risk of colliding with cars parked on pavements more than any other pavement obstruction. Older people, children, and people with reduced mobility, prams or pushchairs, can also be forced into the road and put at greater risk of collision and injury.

Pavement parking has emerged as one of the most common complaints made by people walking. Pavements are not generally engineered to be driven on and repairs to damaged pavements are expensive, particularly at a time when councils' resources are under huge pressure. This creates further hazards to people walking.

In London all vehicles are banned from parking on pavements, and the maximum fine is £100. London boroughs can designate areas that are exempt from this. This is the opposite to local authorities in Wales, which can designate areas of no pavement parking but this is time-consuming, expensive and bureaucratic, with areas needing to be signposted.

Sustrans believes that action is now required to ban pavement parking across the UK. London has shown that this is a practicable option, and now that the Transport Bill in Scotland has passed, Scotland will follow suit. In London where space is constrained, management of the space has been improved by markings to indicate precisely where car parking is acceptable.

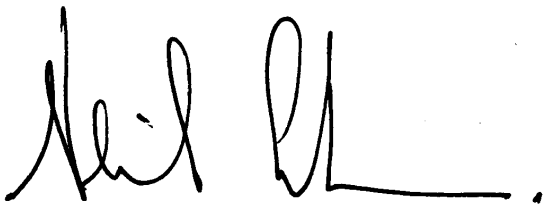
The main objections raised to a ban across the UK are that there are narrow streets where there is no off-street parking nearby, and that access must be maintained for emergency vehicles.

We believe that in each street where this conflict occurs and an exception is considered necessary, a clear and effective 2m width should first be assigned for safe pedestrian access on each side of the road or just one side if pavement access is not required on both, then adequate width must be preserved for emergency vehicles and that finally any remaining space can be allocated for parking. Local authorities should be given a timescale by which to introduce exceptions, and resourced properly to do so.

Police forces have other priorities and enforcement should be done most cost-effectively by local authorities. They will also need resourcing to identify problem streets and to take appropriate measures, but resources will be freed up by no longer having to introduce complicated Traffic Regulation Orders to control parking where it has been a problem.

I hope this clarifies our position on pavement parking, but should you have further queries please don't hesitate to get in contact.

Yours sincerely



**Neil Canham**  
Dirprwy Gyfarwyddwr Dros Dro  
Interim Deputy Director  
Sustrans Cymru

## **P-05-935 Ban Pavement Parking - Pavement Promise, Correspondence – Living Streets Cymru to Chair, 17.03.19**

Dear Chair of the Petitions Committee

Thank you for your email of 24<sup>th</sup> February, I am pleased to provide a response as requested. Please find attached a report published by Living Streets Cymru in autumn 2019 [A Step Towards a Pavement Parking Ban in Wales](#). Since the Welsh Government is currently awaiting the report of the Taskforce Group on Pavement Parking, of which Living Streets Cymru is a member, it is not possible to comment on any further progress with regard to addressing pavement parking in Wales at this time.

However, the UK Government recently announced (12 March) that it will consult on proposals to tackle pavement parking in September 2020. The consultation will test public support for a nationwide ban, alongside a new civil offence of obstructive parking which would give local authorities greater powers to clamp down on pavement parking.

The Government announcement followed its response to the House of Commons Transport Select Committee Inquiry report on pavement parking – published last year – which called on the Government to introduce a ban. The TSC findings were based on thorough investigation, including input from over 4,000 Living Streets supporters. The Committee's report drew specific attention to the impact of pavement parking on loneliness.

Here is Living Streets' summary of the UK Government's response to each of the Transport Select Committee's recommendations:

**Recommendation 1** suggested that the Government address the isolating effect of pavement parking as part of its Loneliness Strategy. This has been accepted by the Government in full; it's significant because it means that the Government acknowledges how harmful pavement parking can be.

**Recommendation 2** called for a national awareness raising campaign; the Government has said it will raise the profile of the issue through consultation first and consider the need for a campaign as part of its next steps.

**Recommendations 3 and 4** were about the use of Traffic Regulation Orders – the process used by local authorities to ban pavement parking on selected streets or a wider area. There is a need to make TROs simpler and cheaper by removing the need to advertise in local newspapers. A separate review of TROs has already been initiated through the TRO Discovery Project, any necessary change in legislation will not be achieved by spring 2020.

**Recommendation 5** asked the Government to speed up the transfer of parking powers from the police to local authorities for those areas that have yet to 'decriminalise' parking. They are going to move forward with as much haste as possible.

**Recommendation 6** followed on naturally, it required the Government to take action to ensure local authorities, police forces, as well as the public, have access to the right information about who enforces what. The Government accepts this recommendation.

**Recommendation 7** asked the Government to consult on a new civil offence of 'obstructive pavement parking'. The advantage with this approach is that civil enforcement officers could issue a fine without needing a TRO in place.

The Government has partially accepted this recommendation, stating that clarity is needed on defining 'unnecessary obstruction' - to avoid differences in enforcement across the country. It also wants to consult on dual enforcement, so that the police can intervene in extreme cases.

Finally, in **Recommendation 8** the TSC agreed with Living Streets and supporting organisations and called on the Government to legislate for a nationwide ban on pavement parking. It viewed this as the long-term solution – which would need to be accompanied by an awareness raising campaign. The Government has also partially accepted this recommendation and will consult on a national ban (and obstructive pavement parking) in the summer.

Yours

Rhiannon Hardiman

**A STEP TOWARDS A**

**PAVEMENT PARKING**

**BAN IN**

**WALES**

## FOREWORD BY DEPUTY MINISTER FOR THE ECONOMY AND TRANSPORT, LEE WATERS AM



Parking on pavements has become commonplace, but it's a fairly recent phenomenon. Within just a few generations, residential streets have been transformed from places where children played freely, to places where cars dominate.

Whilst it's true to say that car dependency has multiple causes, it is clear that it has many consequences too.

The rising emissions which have contributed to our recently declared Climate Emergency have been

accelerated by the growth in car use. So too has our air quality crisis. The multiple harmful chemicals pumped into our atmosphere by car exhausts have seen safety regulations repeatedly breached and the Welsh Government subject to court action.

Car-dominated streets contribute to our obesity crisis. Heavily trafficked streets create what's become known as obesogenic environments – places that discourage physical activity and contribute to the problem of sedentary lifestyles. One in four Welsh adults are now classed as obese, but that number drops significantly amongst those who are physically active. Getting people out of their cars for short journeys produces multiple benefits, from cleaner air and less congested roads to improved mental health and busier local shops.

Cars that block pavements stop many people from leaving the house because they feel it can be too dangerous to navigate the streets. We know that this especially affects those with mobility and sight impairments, as well as families with young children.

This Living Streets Cymru report highlights the blight on communities caused by pavement parking. Survey



respondents say that it's a real issue for them and their families, especially around schools in Wales.

This is a familiar story across the UK. But the Welsh Government is taking a battery of actions to make our streets people friendly places again.

Ambitious climate change targets, and a hundred public commitments to make changes, form the heart of our low carbon plan. Our Well-Being of Future Generations (Wales) Act, and the Active Travel (Wales) Act, are both world-leading pieces of legislation aimed at changing the way we make decisions for the long-term, with the latter specifically focused on increasing the number of people walking and cycling in Wales.

I have established two taskforce groups. One to look at how we can best implement a default 20mph speed limit in residential areas, the other to consider how we tackle pavement parking. The Welsh Government must lead on this if we are serious about making walking safe and accessible for everyone.

The taskforce group and I will be looking very closely at what the respondents to the Living Streets survey have said, and we will use it as part of our evidence as we move closer towards tackling the problems caused by pavement parking. We will continue to work closely with Living Streets Cymru to make sure that together we create a better walking environment for everyone in Wales.



# EXECUTIVE SUMMARY

Vehicles that park on the pavement and cause an obstruction and damage footway surfaces are a longstanding problem for pedestrians. In Wales, 83% of people say that pavement parking is a common, large, or very large problem. In addition to this, 80% of people express little or no confidence in their local authority's ability to deal with the problem and 83% support a ban on pavement parking in Wales.

Currently local authorities in Wales and England can use Traffic Regulation Orders to create street-by-street or area wide bans. This can be a time-consuming and costly exercise. The police can also prosecute drivers for causing an obstruction, but this is rarely enforced. Living Streets believes that making parking on pavements illegal – unless it is specifically exempted where it is safe and necessary to do so – is the only sensible solution.

The introduction of the Transport (Scotland) Bill led to a new law to ban pavement parking in Scotland which was approved in October 2019. This followed a Scottish Government survey on improving parking in Scotland in which 85% of respondents believed that parking enforcement should be applied consistently across the country. Similarly, a survey by Living Streets Cymru found that 83% of respondents were in favour of a nationwide ban. The Welsh Government has made a welcome commitment to introduce such a ban and has established a taskforce to investigate how it might be applied.



## 1. Introduction

Vehicles parked on pavements (footways) are as much of a problem in cities as they are in towns and rural villages because they take space away from pedestrians. This can cause an obstruction and restrict the independence of many vulnerable people, especially older and disabled people with visual or mobility impairments.

Pavement parking puts people in danger when, for example, families with pushchairs or people with guide dogs are forced to walk in the road and into the path of oncoming traffic. For a person in a wheelchair, an obstructed pavement can prevent them continuing their journey as there may not be a dropped kerb to allow them to cross the road. Pavement parking is a major concern for Living Streets supporters in Wales.

### We asked people in Wales: How big a problem is pavement parking?

More than 1,000 people took part in our survey: 83% said that pavement parking is a common, large or very large problem (see table below). Some respondents suggested that it would take a death to result in any action.

Two respondents linked the death of toddler Esme Weir in Neston in the Wirral when a van mounted the pavement to make a delivery<sup>1</sup> to continued inaction on pavement parking. The latter demonstrates the complete lack of confidence in councils' (and the police's) ability or willingness to address the problem of pavement parking.

Pavement parking is a problem for the general public too. In 2018, a freedom of information request by Living Streets to local authorities in Wales revealed that 88% had received letters from members of the public complaining about pavement parking.<sup>2</sup>

---

<sup>1</sup> <https://www.liverpoolecho.co.uk/news/liverpool-news/delivery-driver-who-mounted-pavement-12782437>

<sup>2</sup> 88% of local authorities who responded to the survey, based on a 64% response rate (16 out of 22 local authorities).



**We asked: “How big a problem is pavement parking in Wales?”**

It’s a very large problem	It’s a large problem	It’s a common problem	It’s a small problem	It’s not a problem
29%	25%	29%	10%	7%

**The impact of pavement parking**

“When I’m out walking with a pushchair and a dog, I often encounter real challenges with pavement parking. I have to put myself, my baby and my dog at risk to negotiate the cars that are parked on the pavement by going on the road as there isn’t enough space for me to pass.” - **Sally**

“I work at the Posture and Mobility Centre which hosts a wheelchair service. Our staff and patients have to travel along the road due to commercial vehicles parking on the pavements.” - **Adam**

“My active and mobile 93-year-old mum fell and broke her hip in two places when someone parked their car on the drop kerb at the corner of her road, blocking it from her access with her walker. She was forced to navigate her way uphill around the back of the car in order to cross the road and her walker toppled over the raised kerb section sending her crashing into the street. Emergency surgery, extended hospital stay, one and a half years of rehab and physiotherapy, and totally unnecessary pain, suffering and a lack of confidence that has rendered her virtually housebound ever since. I don’t care how precious drivers think their vehicles are: pavements are for pedestrians.” - **Ruth**

“My husband uses an electric powerchair to locate all areas. He faces many barriers daily with drivers blocking wheelchair/mobility scooters/ pushchair users. Often he has to drive around vehicles onto roads; he gets so frustrated. Drivers and delivery vehicles are so inconsiderate, and when approached are rude. Often dropped kerbs are also blocked so he cannot access a route.” – **Lynne**



Pavement parking is a longstanding problem. A YouGov poll of people aged 65 and over commissioned by Living Streets in 2014 found that pavement parking was a problem for 73% of older people in their local area; 50% of respondents said that they would be more likely to walk outside if the pavements were clear of vehicles parked on them. Similarly, a YouGov survey commissioned for the launch of the Living Streets State of our Streets report in 2012 found that the most commonly reported problems (two thirds of respondents) were litter and dog fouling, closely followed by people parking on the pavement.

Footway surfaces are not designed to carry the weight of vehicles and the damage caused increases the risk of trips and falls. A Transport Research Laboratory report estimated that in 2002 the number of admissions to Accident and Emergency due to ‘falls on public walking surface defects’ ranged anywhere from 20,000 to 190,000 for the whole of the UK. The same report calculated that a fall on the footway cost £5,606 (2005 prices; a UK inflation calculator shows that this is the equivalent of £8,300 in 2019<sup>3</sup>). While the authors recognised that ‘vehicle overrun’ (driving onto a pavement) was one of the causes of damaged pavements, they found no data to say what proportion of the damage was caused by the movement or parking of vehicles on footways.

It is not possible to know exactly how many people trip or fall on footways (or in indeed in the carriageway) because of cars parked on the pavement. Nevertheless, a freedom of information request by the AA in 2018 revealed that over the 12 months ending 31 May, 10,329 injury claims were made by pedestrians to local authorities in the UK<sup>4</sup>. The true number of falls could be much higher. In 2011, it was estimated that every pavement repair cost upwards of £80 (versus £52-£75 cost (2018) for planned/reactive pothole repairs in the carriageway)<sup>5</sup>. The maintenance cost of repairing cracked and damaged paving from pavement parking adds an unnecessary financial burden to already cash-strapped councils.

---

<sup>3</sup> Using <http://www.in2013dollars.com/uk/inflation/2005?amount=5606>

<sup>4</sup> See <https://www.theaa.com/about-us/newsroom/the-shocking-state-of-pavements>

<sup>5</sup> From Age UK (2011) ‘Pride of Place’ <https://www.local.gov.uk/sites/default/files/documents/age-uks-pride-of-place-campa-fe3.pdf>



## 2. How is pavement parking managed?

Welsh local authorities are responsible for parking management. Highways authorities are recommended by the Government to use existing powers under the Road Traffic Regulation Act 1984. The Act enables them to restrict or prohibit pavement parking on individual streets or a defined area by making a Traffic Regulation Order (TRO). Experimental TROs may also be used to test out approaches to removing and/or regulating pavement parking (for example, where the pavement is wide enough, in marked bays). Once a TRO is in place, civil enforcement officers are able to issue a parking control notice – code 62 – and a fine to manage the problem.

Driving on pavements is illegal<sup>6</sup>, but in most places in the UK parking on pavements is considered ‘legal’. This could be challenged by section 137 of the Highways Act 1980, which states that it is an offence to wilfully obstruct the free passage of the highway. However, in practice this is often not enforced by the police.

In London, pavement parking is banned throughout the 32 London boroughs and the City of London under the Greater London (General Purposes) Act 1974. However, a highway authority “may by resolution... authorise” parking on the pavement – avoiding the expense of Traffic Regulation Orders. Exemptions are made on a street-by-street basis.

### We asked: “How confident are you that authorities in your area can deal with pavement parking in your area?”

Very confident	Quite confident	Not sure	Not especially confident	Not at all confident
2%	5%	12%	22%	58%

<sup>6</sup> Rule 145 of the Highway Code states: “You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency”.



Reflecting the observation in section one above, 80% of respondents express little or no confidence in their local authority's ability to deal with the problem.

Implementing TROs is a time-consuming and expensive process. It may take up to two years and requires extensive public consultation. However, at the time of our FOI request in 2018 only one local authority in Wales, Swansea City, said they had used a TRO to control pavement parking in the previous two years (2016-8). The TRO applied to one street and cost £500. Costs reported for England (as part of the same FOI request) varied from an average £250 per sign and post, to over £3,000 per street for putting in the signs and lines, sealing the order, notices published in the local paper and staff costs.

## The situation in Scotland: The Transport (Scotland) Bill

In Scotland, the Responsible Parking Alliance, led by Living Streets Scotland, lobbied for the Responsible Parking Bill. The Member's Bill proposed by Sandra White MSP had cross-party support from 58 MSPs. It was delayed over uncertainty about devolved powers and was re-launched in 2015 by Sandra White as the Footway Parking and Double Parking (Scotland) Bill. Mark Lazarowicz MP's Private Member's Bill – the Responsible Parking (Scotland) Bill 2014-15 – sought to clarify the right of Scotland to legislate on parking matters. The Scotland Bill 2016 was amended to give the Scottish Parliament powers over parking in Part 4 of the Scotland Act 2016.

The introduction of the Transport (Scotland) Bill led to a new law to ban pavement parking in Scotland which was approved in October 2019. This followed a Scottish Government survey on improving parking in Scotland in which 85% of respondents believed that parking enforcement should be applied consistently across the country<sup>7</sup>. Final amendments to the Bill were voted on and a new law to ban pavement parking in Scotland was approved in October 2019.

---

<sup>7</sup> See <https://www.transport.gov.scot/media/42239/improving-parking-in-scotland-may-2018.pdf>



### 3. Support for a national ban in Wales

In Wales, 83% of respondents to our pavement parking survey support a ban on pavement parking. We also asked people to tell us about their experience of pavement parking. Issues that are consistently raised when reporting the impact of pavement parking include:

The fear of walking in the road with young children or being knocked down by people driving onto the pavement (especially outside schools because small children may not see vehicles coming and may not be visible to drivers):

- The vulnerability experienced by the least able pedestrians being forced into the road;
- The aggression from drivers towards pedestrians who ask them not to park on the pavement;
- How it is a problem for all pedestrians, not just the most vulnerable;
- Injuries e.g. from vehicles obstructing the pavement;
- The risk and danger associated with driving on the footway in order to park; wider safety issues particularly around visibility, but also vehicle speeds when forced to walk in the carriageway;
- How it limits people's freedom to go outside;
- Inaction on the issue from relevant authorities.

Emerging from the comments we received was a clear sense of entitlement combined with a lack of understanding or empathy from drivers for the impact caused by pavement parking. Drivers' convenience and unwillingness to walk is causing injuries on the footway and forcing people (who rely on walking for transport) into the road. This is despite the fact that the Highway Code says that drivers 'should not' park on pavements.

A key objective of changing the law so that there is a clear presumption that pavement parking is not allowed (unless otherwise permitted), is to challenge the permissive culture of pavement parking.



## Challenging the culture of pavement parking

“I nearly got run down when a driver pulled onto the pavement I was already walking on and parked in front of me. I had to walk into the road! When I complained to her, she said she was only parking there for 10 minutes; she didn’t have a clue.” - **Carol**

“My daughter has achondroplasia (a form of short-limbed dwarfism); a car driving down the road as fast as they drive wouldn’t see her until the last minute. Everyone parks on the pavements on the close where we live, so we have to walk on the road. They have drives for cars but use pavements. I just don’t get it.” – **Lorraine**

“If I walk along with my guide dog, I either have to stand and wait or go into the road which is dangerous. Often the people who park on pavements say they are doing it because they can’t walk far, but if they have a blue badge, they should realise the implications of what they do.” - **Jane**

“The problem in my area is with parents dropping off and collecting children from school. They seem to think they are entitled to park wherever and however they like because it’s ‘only for five minutes’”. – **Lloyd.**

Just 10% of respondents were against a pavement parking ban and a further 8% were uncertain. Numerous reasons were given, ranging from:

- Emergency and service vehicles need room to pass;
- Roads are too narrow and not designed for current levels of vehicle ownership;
- People need their cars and have nowhere else to park, what’s the alternative?
- If family visitors can’t park, less mobile residents could face social isolation;
- There should be more support for public transport as an alternative to cars;
- It’s not a problem if there is enough room for pedestrians with buggies;
- Irresponsible parking by a minority of drivers is the problem and education is the answer.



## Why pavement parking should be allowed

“I’m a wheelchair user. I’m not against pavement parking if there’s room left to pass and not over dropped kerbs.” - **Elaine**

“If we don’t park on pavements, the emergency services can’t get through. Streets in Wales are old and narrow; people manage to get past parked cars as we only take up half the pavement to park. I know that some people, like the blind, have trouble but I think the emergency services take priority.” - **Susan**

These reasons reveal a common misconception that an outright ban would mean absolutely no parking would be allowed on a pavement, whereas it means turning the current situation on its head. Changing the law would require local authorities to use available powers to enable streets to opt-in for footway parking instead of opting-out. Pavement parking could be allowed on certain streets in marked bays, but it would be regulated and not the current free-for-all.

Similarly, the Transport (Scotland) Bill (as amended at Stage 2<sup>n</sup>) takes a pragmatic approach and states that pavement parking prohibition would be exempted where:

*“no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).” (article 47(2)(c))*

In other words, pavement parking would be allowed where pavements are still wide enough for pedestrians to walk safely and comfortably side by side, with buggies, wheelchairs or mobility scooters.

The other message that comes out of from the results of our survey is that it is essential for a ban on pavement parking to be accompanied by awareness raising and, critically, enforcement.



## Enforcement is essential

“Careless drivers often park their cars diagonally on the pavement on my street and abandon them for several days, sometimes weeks. Something really needs to be done as reporting issues to the council and police is a waste of time and enforcement officers never seem to be around when this is going on.” - **Lesley**

“There seems to be a very loose approach to parking enforcement. No wardens patrol outside of the town centre with the result of dangerous parking all around the area. Parking on pavements and on double yellow lines is rife. Frequently people have to take prams onto busy roads because the pavements are blocked.” - **Roy**

“People are now parking completely on pavements to avoid double yellow lines as they are aware that local authorities cannot take any enforcement action and it is a low priority for the police.” - **Stuart**

“There is little point in putting measures in place unless they are policed. I feel powerless to do anything about people who park on pavements. I’m totally blind and I often collide with vehicles that are parked on pavements, especially large vehicles, as my white cane goes underneath them and the next thing I know my shoulder or face makes contact with painful results. I would be delighted if the law was clarified around pavement parking and a system was put in place to help pedestrians report violations so that you could see that action had been taken. There is nothing worse than reporting something and having no idea that anything happened as a result – why bother?” – **John**

“If legislation is passed, will it make a difference? A lot of pavement parking occurs over double yellow lines with no hope of a warden turning up and dealing with that offence.” – **Jocelyn.**



## Case studies

### Folkert Veenstra from

**Montgomeryshire** says that pavement parking is a big problem in her area. She is a wheelchair user and doesn't feel safe confronting drivers which means that she often has to call the police when a pathway is obstructed by a vehicle.

"People use the pavement as a car park and it's dangerous for everyone. I use a wheelchair and if the pavement isn't wide enough, I can't get past. It's particularly bad for blind people – at least I can see the cars. People just don't think. It shouldn't be like this: pavements should be for people."

Folkert would like to see legislation to ban pavement parking in Wales and thinks that parking wardens and the police should have the same powers to fine people who park illegally. She also thinks that more people should complain so that local authorities take action.

**Rhian Morris lives in Bridgend** with her seven-year-old son, Harley. Both of them are partially sighted so it's even more difficult to get around when vehicles park on pavements. She says that many people in her neighbourhood won't leave the house and don't have the confidence to report pavement parking.

"It's really difficult to navigate around parked cars and I have to plan ahead when I go out. It causes me a lot of anxiety because I don't always know that it's safe to cross the road. I want Harley to be able to get around when he's older, but obviously I struggle."

Cars park on the pavements outside Harley's school, in the street, and in the town centre, and Rhian thinks that local authorities need to provide more designated parking spaces. Rhian would like to see an outright ban and is campaigning in her area to raise awareness of the issue and help others who are affected.

"It impacts so many people whether you have a disability or not. No one should have to walk in the road; it's not fair."



## 4. How a ban could work in Wales

The simplest approach is to use available powers – Traffic Regulation Orders – to allow pavement parking on certain streets ('opting in' instead of banning it) on a street-by-street basis. For the reasons outlined above, this would be a time-consuming and expensive process. Another approach suggested in England is to decriminalise the offence of obstruction. This would allow local authorities to impose fines on vehicles blocking the footway. In our view this could be a useful interim measure while a national ban (which would regulate where pavement parking is allowed) is implemented.

Living Streets believes the law needs to be consistent across Wales. The London approach – which we lobbied for and has been adopted in the Transport (Scotland) Bill – could be rolled out in England (and Wales) too. Instead of requiring a TRO, councils would need to pass a resolution to exempt streets or places in order to allow pavement parking. Passing a resolution is quicker and avoids the need for expensive advertisements and consultations. It is responsive to local need.

It remains to be seen whether the Scottish Government will advise Scottish highways authorities to consult residents and/or businesses on permitting pavement parking. That, together with a national awareness raising campaign and the onus on highways authorities to ensure that pavement parking is only allowed where it is safe to do so, will incur some cost.

This is offset by offering huge financial savings to local councils who are charged with fixing footways damaged by the weight of vehicles, and the new freedom given to people in wheelchairs, parents with pushchairs and older adults.

## 5. Wider issues

Concerns were raised about the design of new housing estates where narrow drives and narrow streets provide insufficient space to park, forcing people to park on the pavement. This problem also emerged in responses to a Living Streets pavement parking survey in England. Restricted parking provision is not a solution without adequate active travel and public transport alternatives.



Respondents to our survey in Wales also raised wider issues around pavement maintenance and obstructions, such as overgrown hedgerows, wheelie bins and street clutter. Together with pavement parking, these were seen as indicative of the low priority given to pedestrians.

## 6. Conclusion

Living Streets fully supports the Welsh Government's intention to ban pavement parking. We have campaigned for safer and more accessible streets throughout our 90-year history. This latest survey of people's experiences of pavement parking in Wales demonstrates what we have learned along the way: we need to ban pavement parking.

Driving vehicles onto the footway is dangerous (and illegal) because pedestrians are not expecting it and young children may not be visible to the driver. Parking vehicles on the footway and causing an obstruction may prevent pedestrians in wheelchairs continuing their journey or force young families with buggies into the path of oncoming traffic. The majority of people who responded to our survey in Wales support changing the law.

Changing the law would still mean that local authorities have the option to allow pavement parking on streets where it is both safe for pedestrians and necessary to do so. The aim of creating a default ban is to turn the current situation on its head, by challenging the culture of permissiveness around pavement parking and regulating it. Existing tools such as Traffic Regulation Orders (TROs) can be used to permit parking on pavements in marked bays. The Welsh Government may also want to consider decriminalising obstruction and the use of council decisions (instead of TROs) to control pavement parking.

However, changing the law by itself is not enough. It is essential that the public is made aware of the changes and why they are happening. It is also necessary for these changes to be enforced. Many people commented on the lack of action and enforcement on pavement parking – but also on wider issues around pavement maintenance. The Welsh Government is in a position to take these issues forward and Living Streets looks forward to supporting its progress towards a positive outcome for everyone.





**We are Living Streets, the UK charity for everyday walking. Our mission is to achieve a better walking environment and inspire people to walk more.**

America House, 2 America Square, London EC3N 2LU

T: 020 7377 4900 [www.livingstreets.org.uk](http://www.livingstreets.org.uk) @livingstreets / @LStreetsCymru

Living Streets (The Pedestrians' Association) is a Registered Charity No. 1108448 (England and Wales) and SC039808 (Scotland). Company Limited by Guarantee (England & Wales), Company Registration No. 5368409. 2 America Square, London EC3N 2LU.

**Lee Waters AS/MS**  
**Dirprwy Weinidog yr Economi a Thrafnidiaeth**  
**Deputy Minister for Economy and Transport**



**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our ref LW/00151/20

Janet Finch-Saunders MS  
Chair of the Petitions Committee

Government.Committee.Business@gov.wales

12 May 2020

Dear Janet,

Thank you for your letter of 24 February regarding Petition P-05-935 Ban Pavement Parking - Pavement Promise.

Parking on footways or pavements is only currently prohibited for large goods vehicles across Wales. It was therefore decided to set up the Taskforce to see what could be done to prohibit all vehicles using the legislation currently available.

The Group has considered two alternative approaches to enabling enforcement to prevent parking on pavements (footways):

- Primary legislation, which creates a new offence of pavement parking, similar to the legislation introduced recently in Scotland and the long-standing ban in London; and
- Secondary Legislation, by using the offence of unnecessary obstruction to the highway to the list of parking contraventions that can be enforced against by local authority Civil Enforcement Officers under the Traffic Management Act 2004.

The Taskforce Group is due to recommend the best approach and report on the rest of its findings this summer. The Group is made up of several stakeholders who all have valuable experience in this area and I have provided a detailed list on the next page.

At the present time only the police have powers to deal with matters such as obstruction and dangerous parking. If your petitioners have any concerns regarding parked vehicles causing an obstruction on a public road they can report it the Police by calling 101, the police non-emergency number.

Yours sincerely

**Lee Waters AS/MS**  
Deputy Minister for Economy and Transport

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Lee.Waters@llyw.cymru](mailto:Gohebiaeth.Lee.Waters@llyw.cymru)  
[Correspondence.Lee.Waters@gov.wales](mailto:Correspondence.Lee.Waters@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Chair - Phil Jones, Phil Jones Associates

Member Organisations:

- Welsh Government
- Welsh Local Government Association
- British Parking Association
- Living Streets
- Police
- Guide Dogs
- Confederation of Passenger Transport UK
- Road Haulage Association
- University of the West of England (Bristol)
- Federation of Small Businesses
- PATROL (Parking and Traffic Regulations outside London) Joint Committee
- Freight Transport Association
- Fire and Rescue Service
- Public Health Wales
- Sustrans
- Disability Wales
- Traffic Penalty Tribunal for England and Wales
- Four Local Authority Regional Representatives

## **P-05-935 Ban Pavement Parking - Pavement Promise, Correspondence – Petitioner to Committee, 29.06.20**

Thank you for your email and the attached documents.

I feel that the attached documents are very informative and highlight views from a number of different backgrounds.

I am pleased that there is a large number of individuals from a variety of organisations on the task force.

I feel it is good to have a variety so that those whom may not feel confident discussing the issues can be heard through others.

I hope that having the task force and allowing the organisations involved to express their views will raise more awareness and understanding.

It is mentioned in one document that an awareness campaign is considered.

We have highlighted during our campaign that more awareness and understanding is needed.

The use of social media has given a lot of good feedback in new understanding of the issue.

I feel that awareness should start from a young age, to then take the knowledge through life.

I am pleased that the documents show that the issue can impact on everyone in different ways.

What we have tried to highlight and feel needs to be a big part in this going forward is that this is to allow people to maintain their independence and also for the future generations to come.

It is important that everyone has equal opportunities.

Those who may not have the luxury of driving or choose to stay healthy on foot should not be put at risk or danger.

It is noted in the results from the living streets survey that there is a lack of trust in the local authorities to enforce this issue.

How will you ensure that enforcement is carried out and how will reporting an issue be carried out?.

I agree that a lack of parking is an issue that needs to be addressed.

This is something I have previously discussed during the campaign.

What is an estimated time frame on the decision of the task force findings to be put in place?.

The next general election for the National Assembly of Wales is approaching next year.

Will this issue stay focused on to help improve our country and to keep everyone safe?.

I am pleased that a serious response to this is happening and heading towards keeping Wales a safer place for everyone.

# Agenda Item 4.9

## **P-05-908 CF3 against the Incinerator**

This petition was submitted by Andrew Evans having collected 2,224 signatures online and TBC number on paper, a total of 2,224 signatures.

### **Text of Petition**

A new incinerator is planned to be built in CF3 on Newlands Road, Wentloog Cardiff. This is in very close proximity to homes & schools. For example it is only 500 meters away from Eastern High School. Many residences and other schools within the CF3 are also well within a 1/2-mile radius of it.

The planned incinerator will burn 200,000 tonnes of industrial waste per year and will operate 24/7. It is planned to be built as early as 2020/21.

The industrial waste to be burned will be transported to the planned site using 80 lorries everyday each carrying 20 tonnes of waste. The toxic ash generated by the incinerator will also need to be transported away.

The size of the planned site is 1.5 rugby pitches in size with the main building being over 40 meters in height and the chimney stack being over 70 meters in height. We believe this incinerator is not what residents of CF3 want in their community.

We believe this will generate noise, air pollution, traffic and will not be good for the health of those living in the CF3 community.

### **Senedd Constituency and Region**

- Cardiff South and Penarth
- South Wales Central



2 June 2020

Jane Finch-Saunders AS/MS  
Cadeirydd/Chair  
Petitions Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff CF99 1SN

Dear Jane

**Petition P-05-908 CF3 against the Incineration**

Many thanks for your letter dated 27 May which was given to me to respond on behalf of our client, Môr Hafren Bio Power, who are proposing to build a new Energy Recovery Facility on a brownfield site, within an industrial park on Newlands Road, Wentloog, Cardiff CF3 2EU.

Petition

The petition states:

“The industrial waste to be burned will be transported to the plant site using 80 lorries everyday each carrying 20 tonnes of waste. The toxic Ash generated by the incinerator will also need to be transported away.”

The proposed development will not have 80 lorries every day and additional lorries to remove the residue. There will be 40 HGV visiting and 40 leaving the site Monday to Saturday. This figure also includes any lorries that will be removing any residue, some of which we hope will be taken away for recycling.

“It is planned to be built as early as 2020/21.”

This has never been the case. Originally, we anticipated the potential start of construction in 2021/22 and, with the 2-year build program, the plant would not be built and operation until 2023/24 at the earliest. However, with some additional support work, and Covid 19, the earliest the plant could be operational would be 2024. We believe that this statement is intended to make potential signatories of the petition believe that, this proposal is being rushed through without due process. This couldn't be further from the truth.

The proposal

We announced the proposed development in August 2019, which attracted significant media coverage, and Môr Hafren Bio Power conducted public consultation from 14 August until 29 November, a total of 107 days. This was the first phase of the consultation programme. Since then the development team has had time to review the feedback received and made a number of changes to the project, including conducting additional studies as part of the Environmental Impact Assessment (EIA) and reviewing some aspects of building design.

Given the current health emergency we have sought guidance from the Planning Inspectorate, before starting Phase 2, the statutory consultation phase. We were advised to wait until appropriate legislation was in place to accommodate DNS projects during these difficult times, this is now the case and so we can proceed to statutory consultation.

Continued/... Page 2

**PROTEUS COMMUNICATIONS GROUP LLP**

The Granary, Home Farm Drive, Upton Estate, Banbury, Oxfordshire, OX15 6HU

Telephone +44 (0) 1295 678391 | Email [info@proteus-cg.com](mailto:info@proteus-cg.com) | [www.proteus-cg.com](http://www.proteus-cg.com)

We anticipate starting the statutory consultation phase (which is not held face to face) later this month.

As the application falls under the Developments of National Significance (“DNS”) process, it is governed by the Planning (Wales) Act 2015, and the Developments of National Significance (Wales) Regulations 2016 (as amended). The DNS Procedural Guidance Version 2.2 (October 2019) states that statutory consultation involves consulting specific organisations and individuals including:

- Specific community consultees such as councillors
- Specialist consultees such as NRW, Highways Authorities, Health and Safety Executive etc
- A full list can be found in the Planning Inspectorate’s Developments’ of National Significance Procedural Guidance document V2.2 October 2019 section 2.10

We will run the statutory consultation for the necessary period and believe that we will not be submitting a potential planning application until August or September 2020.

We hope you have found this letter and the additional information supplied useful. Môr Hafren Bio Power is committed to open consultation with all of its stakeholders and further information can also be found on our website [www.morhafrenbiopower.co.uk](http://www.morhafrenbiopower.co.uk). The website will be fully updated by the start of statutory consultation later this month, this will include copies of the draft planning application, and supporting documents such as the Environmental Impact Assessment.

Yours sincerely



Paul Davison  
CEO

# Môr Hafren Bio Power

Pack Page 195  
Proposals for an Energy Recovery Facility in  
Wentloog, Cardiff



# Summary of proposal

- Wales needs to divert more waste from landfill
- This plant will:
  - Divert up to 200,000 tonnes per annum of residual commercial and industrial waste
  - Generate 15MWe of electricity
  - Create 300 jobs during construction and 40 permanent jobs at the site
  - Operate to the highest environmental standards
- The proposed plant is considered a Development of National Significance with the final planning decision being taken by the Welsh Government
- The facility will also need an Environmental Permit from Natural Resources Wales

# Why is it needed? – Waste in Wales

- The Welsh Government has progressive targets – ultimately making Wales a zero waste nation by 2050
- Currently approximately 1, 600,000 tonnes of waste goes to landfill or treatment elsewhere - including 900,000 tonnes of C&I wastes
- New solutions are required to help divert this waste from landfill, but even with new facilities currently planned there will still be a capacity gap of roughly 700,000 tonnes each year
- The Welsh Government recognises that to achieve their target, efficient EfW will have an important role “For now EfW is our preferred option”
- Môr Hafren Bio Power sees this plant as a transitional technology to divert wastes from landfill and generating useful energy while the Government’s strategy is delivered

# The proposal site



# The proposals

- The proposal site is a brownfield site in the Wentloog industrial area, on Newlands Road, is well connected to the regional road network and in a dedicated development area
- The plant would be built by the German engineering company, Standardkessel Baumgarte, a recognised world leader in this type of technology
- The proposed plant uses robust and flexible technology that can cope with changing composition of residual waste as recycling performance improves
- The main building could be up to 47m high with the stack being approximately 70m high. The nearby wind turbine is 135m high

# How it works

- The plant will use a traditional moving grate that combusts waste in controlled conditions to generate heat to convert steam to electrical energy - enough for approximately 30,000 homes
- This facility will recover energy using feedstock mainly from residual Commercial and Industrial waste
- The wastes will be delivered by road, with any process residue also being taken away by lorry, resulting in a total of 80 lorry movements per day (40 lorries in and 40 lorries out)
- The plant will operate 24 hours a day, but residual waste will only be delivered between 0700 and 1800, six days a week

# Plant performance

- ERF plants, like all energy from waste technologies, are covered by stringent environmental emissions standards and controlled by a permit from Natural Resources Wales (NRW)
- Emissions standards for all ERFs are often lower than traditional power plants and many other industrial processes
- The proposed plant is being designed to meet the latest emission standards currently under development – IED BREFF 2019
- An extensive Environmental Impact Assessment has been completed by independent consultants, the scope of which was agreed with the Planning Inspectorate in consultation with Cardiff Council and NRW
- This plant will not be given an Environmental Permit to operate if the authorities believe there is any risk to either the environment or people

# The planning process

- The plant is considered a Development of National Significance (DNS)
- The final planning decision is being taken by the Welsh Government in consultation with statutory stakeholders, including Cardiff Council and NHS Wales
- Pre application public consultation started in August 2019 and officially ran through to 29 November (107 days), statutory consultation will run for a minimum of 42 days and is likely to start in June 2020
- Detailed public consultation included face-to-face briefings (including meetings with residents and protestor groups), public exhibitions, and on-line information provision ([www.morhafrenbiopower.co.uk](http://www.morhafrenbiopower.co.uk)) with many opportunities for feedback
- A planning application could be submitted at some point in the summer of 2020

# Conclusions

- The plant is seen as a transitional technology that will help the Welsh Government achieve some of its waste management aims by:
  - Diverting up to 200,000 tonnes pa of residual wastes away from landfill
  - Generating 15MWe of electricity, enough for approximately 30,000 homes
- The plant uses proven technology that can cope with changes in waste input without compromising on stringent emissions and energy recovery standards
- NRW will ensure that all emissions are safe through the permitting process
- Môr Hafren Bio Power is a responsible developer and good neighbour and is committed to open consultation during the planning processes

## BRIEFING NOTE FOR PETITIONS COMMITTEE

### BACKGROUND

The Welsh Government has a progressive waste management strategy 'Towards Zero Waste 2010-2050', which demonstrates their desire to make Wales a zero waste nation by 2050. Within the strategy, is a specific commitment to reduce residual waste and phase it out of landfill to high efficiency energy from waste (EfW). Therefore, building an energy efficient EfW plant, like our proposal, will help the Government's aim of phasing out landfilling of residual wastes. We call our EfW plant an Energy Recovery Facility (ERF) because the facility would be a recovery operation under the Waste Framework Directive achieving R1 Recovery status.

Further, in a recent post on social media, The Welsh Government said "For now, utilising these high efficiency EfW facilities is our preferred option..."

We have always stated that we see our proposal as a transitional technology to provide an interim solution to divert up to 200,000 tonnes of waste from landfill each year, as the rest of the 'Towards Zero Waste' strategy is delivered.

Within Wales, after all recycling activity there is still 1.6 million tonnes of residual waste (700,000 tonnes of household and 900,000 tonnes of commercial and industrial (C&I)) left each year – this is either treated or landfilled. New solutions are required for this residual material to help increase the recycling rate still further and by providing an outlet for non-recyclable materials - so it is diverted from landfill. However, even with the new facilities currently planned there will still be a significant capacity gap. The proposed Môr Hafren Bio Power facility is intended to help fill part of this gap by diverting up to 200,000 tonnes, of mainly commercial and industrial residual wastes. The proposed development site already had planning permission for a 200,000 tonnes per annum integrated waste management facility and within this permission there is approval for more than double the number of trucks proposed by this project.

### PROJECT DEVELOPMENT

The proposed site lies on brownfield land within an industrial area on Newlands Road, Cardiff, with good links to the regional road network. If approved, the new facility would be built by a specialist German engineering company called Standardkessel Baumgarte, a recognised world-leader in this type of technology.

The proposed facility would generate 15 MWe of electricity and is therefore considered a Development of National Significance. As a result, the final planning decision will be taken by the Welsh Government. As part of this process, a detailed Environmental Impact Assessment has been conducted by independent consultants and will be assessed by an independent planning inspector who will make recommendations taking on board comments for the appropriate authorities, including Cardiff Council and Natural Resources Wales.

The project was publicly announced on 14 August 2019 and secured significant media coverage in the South Wales Echo, Western Mail and Wales On-Line, all included promotion of the project website ([www.morhafrenbiopower.co.uk](http://www.morhafrenbiopower.co.uk)) which went live on 13 August. The website has further information about the project, that included details of the two rounds of public exhibitions (6 and 7 September and 4 and 5 October) and is where we will publish further information about the project as it develops. In addition to media coverage and the website we also publicised the exhibitions through:

- Three newspaper ads in the South Wales Echo
- Distribution of 7,400 leaflets to the nearest houses to the site (this distribution was by a reputable company who has the tracking data to show exactly which properties were visited and

# Môr Hafren Bio Power

the time of each delivery) – we have received feedback forms from residents who learnt about the proposals via these leaflets

- Posters were also given to some local businesses, community centres and copies were also posted on local social media.

As part of the ongoing consultation process we have also had meetings and discussions with:

- Elected representatives who have the proposal site within their constituency
- Local businesses who operate near the site, providing leaflets about the proposals and the exhibitions
- Local Schools and Churches were also contacted to organise a briefing meeting and to send further information as needed
- Residents who live on Newlands Road and the Shirenewton traveller community.

Although we have received thousands of feedback forms, questionnaires, letters and emails etc, we view the consultation as an iterative process and we extended the deadline for feedback as part of the pre-application public consultation on two occasions, to give residents more time to respond. In total there were 107 days of public consultation.

## RESPONSE TO SOME ISSUES RAISED BY RESIDENTS

### Emissions

All Energy from Waste (EfW) facilities in Wales must also obtain an Environmental Permit from Natural Resources Wales (NRW) who will strictly regulate emissions from the plant. A significant proportion of the proposed facility is the Air Pollution Control System (APC) that uses advanced technology to control and monitor emissions, allowing such facilities to meet the stringent emissions quality standards of the Industrial Emissions Directive and as updated by the new guidance called the BREF Notes, agreed in June 2019, more details can be found here:

<https://eippcb.jrc.ec.europa.eu/reference/>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221044/pb13898-epr-guidance-part-a-130222.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221044/pb13898-epr-guidance-part-a-130222.pdf)

The APC system generates a residue (trapped components from the combustion process and lime used as part of the cleaning process) which is classified as hazardous waste and needs careful management. The residue will be removed from site in sealed tankers and taken to a suitably licenced facility for recovery, treatment and disposal.

Modern EfW facilities are designed and operated to have no significant impact on air quality and as part of the application a detailed Air Quality Assessment will evaluate current air quality and any potential impacts from the facility or associated traffic.

Further details on EfW facilities and their control and management can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf)

### Noise

Strict noise limits will be set as part of the permit from NRW, these will be met by ensuring that all operational activity is taking place within a sound-proofed building specifically designed to reduce off-site noise levels. These levels will be assessed by the Regulator to ensure they are satisfactory and then verified during facility commissioning, and commencement of operations, to demonstrate compliance with the Planning and Environmental Permit. In particular, lorries delivering to the site would have a white noise reversing alert rather than electronic beepers (which can be heard at far greater distances) and would undertake their operations inside the building. Deliveries and other lorry movements would follow agreed working hours nominally 07:00 to 18:00.

## **Lorries**

The proposed site already had a planning permission for a 200,000 tonne waste facility. The previous planning permission included approval for up to 272 vehicle movements per day. Our proposal requires 40 lorry (including those removing the residue) and 18 cars resulting in a total of 116 lorry and car movements per day -approximately half the number previously approved. All lorry movements for this project would use the previously approved route to the site on major roads from junction 30 on the M4. The use of the official route would be specified and controlled by having a single contractor for all lorry movements.

## **Planning application**

No planning application has been submitted; we are in the pre-application stage. Residents had the opportunity to give us feedback on our proposals by the extended deadline of 29 November 2019. All feedback, supported with a name and address, will be included in our consultation report submitted with the planning application. Our second round of engagement will be the statutory consultation phase which will last for a minimum of 42 Days. This will mean that this proposal has been supported by almost 150 days of consultation.

As the project is going through the Developments of National Significance process, residents will also get a second opportunity to comment on the proposals during a 5 week period of publicity and consultation run by the planning authorities. Further details of the DNS consultation process can be found at <https://gov.wales/developments-national-significance-dns-engaging-process>

## **Smells and dust**

All tipping operations at the facility would be within an enclosed building that is kept under negative pressure. Negative pressure means fans will suck air into the building from the atmosphere, capturing dust and odour, which is then feed into the combustion process. Each tipping bay will be accessed via a roller shutter door, no material would be stored outside of the main building, and all these issues are specifically controlled through the Environmental Permit.

## **Proximity to houses and schools**

We are mindful of the fact that the nearest school building to the site is just over 650m and our nearest residential property (on Newlands Road) is approximately 150m from the site. The key issue here is that the facility would be entirely safe and does not pose a risk to our neighbours. Well run EfW facilities that meet the latest emissions regulations are often located within residential communities in countries like Denmark, Sweden, and Netherlands. In the UK, there are a number of EfW plants nearer to residential communities than at this site. Emissions and public safety are key regulatory concerns and detailed assessment of the proposals will be undertaken by NRW and the statutory consultees including the local NHS trust – all before a permit to operate is granted.

## **Types of waste**

The facility has been specifically designed to cope with a wide range of materials safely and efficiently, extracting valuable energy. The facility would take residual waste that remains after recycling has taken place and will not take hazardous waste. We are targeting primarily commercial and industrial wastes from businesses, most of which currently goes to landfill or for treatment outside Wales.

Friends of the Earth define C&I wastes as:

Commercial and industrial (C&I) waste is controlled waste arising from the business sector. Industrial waste is waste generated by factories and industrial plants. Commercial waste is waste arising from the activities of wholesalers, catering establishments, shops and offices.

# Môr Hafren Bio Power

Their full report can be found here:

[https://friendsoftheearth.uk/sites/default/files/downloads/commercial\\_and\\_industrial.pdf](https://friendsoftheearth.uk/sites/default/files/downloads/commercial_and_industrial.pdf)

## Finance

This facility would be privately financed with no money or subsidy coming from the public sector.

Further independent (Imperial College London and the University of Leeds) questions and answers on the performance of modern EfW facilities can be found here: <http://wtert.co.uk/faqs>

## KEY POINTS

- The proposed site is on a brownfield land on an industrial park, which already had planning permission for an integrated waste treatment facility
- Diverts up to 200,000 tonnes of residual commercial and industrial waste from landfill
- Helps the Welsh Government achieve its progressive waste strategy
- The facility would be a recovery operation under the Waste Framework Directive achieving R1 Recovery status
- The facility would generate 15MWe of electricity, enough to power approximately 30,000 homes.
- The proposed facility would create 40 permanent jobs and 300 during construction
- Pre-application public consultation: Summer to Autumn 2019
- Pre-application statutory consultation: Summer 2020
- The planning application is likely to be submitted Summer 2020

Hannah Blythyn AS/MS  
Y Dirprwy Weinidog Tai a Llywodraeth Leol  
Deputy Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref HB/00348/20

Janet Finch-Saunders MS  
Chair, Petitions Committee  
Senedd Cymru  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1SN

[Petitions@Senedd.Wales](mailto:Petitions@Senedd.Wales)

16 June 2020

Dear Janet,

Thank you for your letter of 27 May to the Minister for Environment, Energy and Rural Affairs regarding Petition 05-908 and incinerators. I am replying as I have portfolio responsibility for matters relating to waste.

As a responsible nation, it is vital that we take responsibility for the disposal of the waste that we generate that cannot be recycled. For this reason, we have invested in the infrastructure to extract electricity and heat from this material and dispose of it safely to the highest environmental standards and in line with the waste hierarchy. This not only ensures that we can extract the maximum benefit from this waste, but also prevents it from becoming a problem elsewhere.

The incineration of waste for heat and power is, however, a transitional step. The long-term solution is to keep resources in use for longer and reduce all waste. We have recently consulted on our new circular economy strategy, *Beyond Recycling*, which aims to keep resources in use for as long as possible and continue our progress towards zero waste by 2050. This also plays a key role in our efforts to tackle climate change as research from the Ellen MacArthur Foundation identified that 45% of emissions come from the goods and products we use every day.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

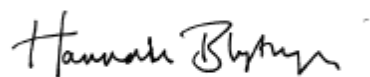
[Gohebiaeth.Hannah.Blythyn@llyw.cymru](mailto:Gohebiaeth.Hannah.Blythyn@llyw.cymru)  
[Correspondence.Hannah.Blythyn@gov.wales](mailto:Correspondence.Hannah.Blythyn@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We will shortly publish a summary of responses to our consultation as we continue the work on our new circular economy strategy that will set the course towards zero waste and a circular, low carbon economy that builds on Wales' considerable success in this area to date.

Yours sincerely,

A handwritten signature in black ink, reading "Hannah Blythyn". The signature is written in a cursive style with a small flourish at the end.

**Hannah Blythyn AS/MS**

Y Dirprwy Weinidog Tai a Llywodraeth Leol  
Deputy Minister for Housing and Local Government

**PETITION 05-908 - CF3 against the Incinerator**  
**UPDATE TO THE PETITIONS COMMITTEE MEETING Tuesday 7<sup>th</sup> July 2020**

**SUMMARY**

Since the launch, in August 2019, of Mor Hafren Bio Power's proposal to build a 200,000 tonnes per annum waste incinerator, we have seen over 3,000 of the community register their interest and strong objections via our social media platform (Facebook – Residents against the CF3 Incinerator).

This petition, signed by 2,224 concerned residents, is a tangible output from our campaign to stop this facility being imposed on our community.

We have strong support to stop this facility being granted planning permission from our ward representatives at the Welsh Assembly, UK Parliament and Cardiff Council.

Mor Hafren Bio Power's proposal is a private business funded project, which exploits and "drives a coach and horses through" current regulatory or policy gaps in the areas of public health, air quality, waste management and energy policies, generating income from available government subsidies, without paying the full costs of the impact of their activities on society.

We understand the Welsh Government's strategic direction towards a zero carbon and zero waste Wales as set out in "Prosperity for All: A Low Carbon Wales" and "Beyond Recycling":

- Cutting emissions and increasing efficiency in a way that maximises wider benefits for Wales, ensuring a fairer and healthier society.
- Introducing a new circular economy strategy to deliver zero waste by 2050.

These two key strategies are interdependent and work "hand in hand" to deliver their goals and ambitions.

Contrary to Welsh Government's chosen strategic direction (zero carbon and zero waste) Mor Hafren continues to promote their waste incineration proposal as supportive of Welsh Government's strategic direction despite the very obvious disconnects and enormous gulf between them.

Incinerators emit large quantities of CO<sub>2</sub>, roughly one tonne of CO<sub>2</sub> for every tonne incinerated.

If this is the case Mor Hafren's waste incinerator will emit approximately 200,000 tonnes of CO<sub>2</sub> per annum.

Their proposal makes no reference to this fact.

We therefore request that this petition be sent to the Senedd asking for action on regulatory or policy changes that will ensure:

1. All waste incineration planning proposals demonstrate compliance with Welsh Government's zero carbon and zero waste ambitions, e.g.
  - a) Employment of Carbon Capture technology, reducing CO<sub>2</sub> emissions, in line with the 2030 Welsh Government's Carbon budget,
  - b) Declare and certify the greenhouse gas emissions emitted by the incinerated fuel stock.
2. Any future investment in waste management infrastructure in Wales is directed towards waste recycling facilities, not waste incineration or energy recovery from residual waste incineration.
3. A moratorium is brought in, whilst the zero carbon and zero waste regulatory and policy changes are made and brought into effect.

**PETITION 05-908 - CF3 against the Incinerator**  
**UPDATE TO THE PETITIONS COMMITTEE MEETING Tuesday 7<sup>th</sup> July 2020**

**THOUGHTS**

These are our thoughts on the additional documents and other supporting evidence we present for the Petition's Committee's consideration.

<sup>1</sup> We fully concur with the response from Welsh Minister, Hannah Blythyn, in particular the following:

*“As a responsible nation, it is vital that we take responsibility for the disposal of the waste that we generate that cannot be recycled. For this reason, we have invested in the infrastructure to extract electricity and heat from this material and dispose of it safely to the highest environmental standards and in line with the waste hierarchy. This not only ensures that we can extract the maximum benefit from this waste, but also prevents it from becoming a problem elsewhere.*

*The incineration of waste for heat and power is, however, a transitional step. The long-term solution is to keep resources in use for longer and reduce all waste. We have recently consulted on our new circular economy strategy, Beyond Recycling, which aims to keep resources in use for as long as possible and continue our progress towards zero waste by 2050. This also plays a key role in our efforts to tackle climate change as research from the Ellen MacArthur Foundation identified that 45% of emissions come from the goods and products, we use every day”.*

This evidence clearly demonstrates the Welsh Government's strategic direction and that they have already invested in the infrastructure to dispose of the waste that is generated and cannot be recycled.

<sup>2</sup> Mor Hafren's response states: *“ Within Wales, after all recycling activity there is still 1.6 million tonnes of residual waste (700,000 tonnes of household and 900,000 tonnes of commercial and industrial (C&I)) left each year – this is either treated or landfilled.”*

They go on to say:

*“The proposed Môr Hafren Bio Power facility is intended to help fill part of this gap by diverting up to 200,000 tonnes, of mainly commercial and industrial residual wastes”.*

We have been unable to validate or confirm with NRW Mor Hafren's residual waste figures. Our landfill figures, due to the high recycling rate in Wales, are significantly lower than claimed by Mor Hafren, who also state elsewhere they will only receive waste collected within a 30-mile radius of the site.

We do not accept Mor Hafren's justification of a need based on national figures and there is no data or evidence of the residual waste arising within a 30-mile radius of the site.

Our research identified **a total of 1.23M tonnes of waste incineration capacity** in the permitted waste incineration infrastructure in Wales.

The breakdown by region is as follows:

South East Wales = **511,400 tonnes per annum**

South West Wales = **520,000 tonnes per annum**

North Wales = **200,000 tonnes per annum**

We would like the Petition's Committee to be aware there is already over capacity of waste incineration infrastructure, of nearly **6M tonnes**, across the UK.

The reported figures for 2019 show an operational capacity of **15.4M tonnes** and a further **3.1M tonnes** capacity in construction, giving a potential total capacity of **18.5M tonnes**. The reported input tonnage to these waste incineration plants in 2019 was **12.6M tonnes**, or only 89% of the available capacity.

**PETITION 05-908 - CF3 against the Incinerator**  
**UPDATE TO THE PETITIONS COMMITTEE MEETING Tuesday 7<sup>th</sup> July 2020**

**ADDRESS THE ISSUES**

- 1 NO.  
Mor Hafren's response to the Petitions Committee document makes no concessions or significant changes to their proposal or design. It has not addressed our issues or significant concerns.
- Their chosen location for their facility remains in very close proximity to several densely populated residential areas and schools. The documents referred to in their Emissions section link to a 2013 document, which makes numerous references to "polluting substances".
  - They continue to reference emission of greenhouse gases from landfill contrary to the Welsh Government's strategic direction, which is to reduce greenhouse waste emissions from landfill.
  - Their chosen waste incineration technology does not employ Carbon Capture technology, which is a significant divergence from the strategic direction towards a zero carbon Wales

Pack Page 212

Mor Hafren as a private company, seeks investment from investment funds many of which seek to invest in ethical or green investments.

They are at pains to highlight their project's "green credentials" and portray them as ethically acceptable.

No mention is ever made of the unpaid cost to society from fossil CO2 released by UK incinerators, which was estimated to be **£453M** in 2019.

Incinerators emit large quantities of CO2, roughly one tonne of CO2 for every tonne incinerated. About half of this CO2 derives from fossil sources such as plastic.

Mor Hafren's plant will emit approximately **200,000 tonnes of CO2 per annum**.

In June 2011 Defra acknowledged (in their Economics of Waste and Waste Policy publication) that incinerators were "creating GHG emissions without paying the relevant price". Unlike power stations, waste incinerators are not part of the Emissions Trading Scheme.

Mor Hafren have undertaken numerous reports (Health Impact, Traffic, Air Quality and Ecological), which repeatedly state "negligible" or insignificant" in their assessments and conclusions. In our opinion it is completely unacceptable to misrepresent the impact this proposed waste incineration facility will have on the community and residents as neither "negligible" nor "insignificant" equate to "none" in our understanding.

These "greenwashing" reports attempt to demonstrate compliance with outdated regulations, struggling to keep pace with the climate change agenda, against the gold rush of private companies, looking to make a profit whilst avoiding having to pay the full costs to society.

For the safety of the communities and residents that the Assembly is responsible for, this proposal should be deferred until the Welsh Assembly has agreed what legislation they need to bring into force to ensure the delivery of their chosen strategic direction towards a zero carbon and zero waste Wales.

**QUESTIONS**

- 1 Is this an ethical proposal that supports the Welsh Government's strategic direction (zero carbon and zero waste)?
- 2 Does the Welsh Government need to mandate Carbon Capture technology for new waste incineration proposals to meet their 2030 Carbon budget?
- 3 Does the Welsh Government need to mandate a declaration and/or certification of the CO2 emissions that new waste incineration proposals will produce in order to ensure they meet their 2030 Carbon budget?
- 4 Does the Welsh Government need to declare a moratorium on applications for waste incineration permits, whilst their work is underway, with NRW, to bring in the necessary regulatory changes, to deliver their chosen strategic directions, zero carbon and zero waste?

# Agenda Item 4.10

## **P-05-949 SAVE COWBRIDGE OLD GIRLS' SCHOOL FROM DEMOLITION**

This petition was submitted by Sara Pedersen having collected 2,080 signatures online and 3,442 on paper (not final), a total of 5,522 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to protect the former Intermediate School for Girls' in Cowbridge, Vale of Glamorgan. This was the first intermediate school to be built specifically for the education of girls in Wales (and England) and is the subject of a planning application for demolition. Failure to protect it will lead to the loss of a nationally important historic asset.

Opened in 1896, Cowbridge was the first girls' intermediate school to be built in Wales (and England) as a result of the Welsh Intermediate Education Act of 1889, a pivotal moment in Welsh History. Amid its contemporaries, Cowbridge was highly unusual in including accommodation for boarders from the outset and largely funded by a local philanthropist.

The original character of the school survives to a very high degree, both internally and externally, including the original hall and staircase. Only 5 comparable (of 95) schools are listed across Wales. A survey of them all confirms that Cowbridge survives to an equivalent degree to some and a better degree than others.

The architect, Robert Williams, was a pioneer of his time and renowned for being a radical, prominent advocate of building conservation, national pioneer of social housing, promoter of the Welsh School of Architecture and proponent for the publication of building literature in the Welsh language. He later went on to work in London and then Egypt for the Davies Bryan family, where many of his buildings still stand and are nationally protected.

In summary, the former Cowbridge Intermediate School for Girls' survives as a prominent and attractive testimony to a pivotal moment in Welsh history and the equal opportunities afforded to underprivileged girls of the time. We urge the Welsh Government, as custodians of our heritage, to protect this building either through listing or the provision of additional social housing funding to allow its conversion.

**Additional Information**

Reference: Scourfield (2019). FORMER COWBRIDGE COMPREHENSIVE SCHOOL, ABERTHIN ROAD, COWBRIDGE – AN HISTORICAL AND ARCHITECTURAL APPRAISAL.

**Senedd Constituency and Region**

- Vale of Glamorgan
- South Wales Central



Eich cyf/Your ref P-05-949  
Ein cyf/Our ref DET/00723/20

Janet Finch-Saunders MS  
Chair, Petitions Committee  
Welsh Parliament  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1SN

09 June 2020

Dear Janet Finch-Saunders MS,

Thank you for your letter of 27 May on behalf of the Petitions Committee asking for my comments on the request for the listing decision on the former Girl's School, Cowbridge to be referred for an independent peer review by Historic England or Historic Environment Scotland.

I am acutely aware of the strength of local feeling regarding Cowbridge School and I have personally given careful consideration to all the requests for the building to be listed. In addition to the assessments carried out by highly experienced officials in Cadw, I obtained independent advice from Richard Hayman, a building historian and archaeologist <https://www.richard-hayman.co.uk/index.html> with particular expertise in historic buildings in Wales and he supports the original decision not to list.

I am satisfied that the assessments that I have received from my officials and Mr Hayman are unbiased and have been carried out to a highly professional standard. To be listed, buildings have to be of national importance on account of their special architectural or historic interest and I do not consider that Cowbridge School has sufficient quality or character to be listed at the national level, nor is it one of the best examples of its type. Neither do I consider there to be a case for requesting further independent advice or peer review by organisations from England or Scotland.

I wrote to campaigners last month explaining the evaluation process that has been taken and why I am rejecting their request for a peer review. I recommended that, if they have not

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Dafydd.Elis-Thomas@llyw.cymru](mailto:Gohebiaeth.Dafydd.Elis-Thomas@llyw.cymru)  
[Correspondence.Dafydd.Elis-Thomas@gov.wales](mailto:Correspondence.Dafydd.Elis-Thomas@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

already done so, they should submit representations to the Vale of Glamorgan Council so that their concerns can be taken into account in the context of local listing, in deciding the planning application and considering options for giving the building a sustainable new purpose by incorporating it in the redevelopment of the site.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Elis-Thomas'.

**Yr Arglwydd Elis-Thomas AS/MS**

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth  
Deputy Minister for Culture, Sport and Tourism

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

Document is Restricted

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

29<sup>th</sup> June 2020

Dear Members of the Petitions Committee,

**RE: Petition P-05-949. Save Cowbridge Old Girls' School from Demolition**

Thank you for your correspondence of the 22<sup>nd</sup> of June regarding the Deputy Minister for Culture, Sport and Tourism's response to the Petition Committee's request for an independent peer review into the decision not to list the Old Girls' School in Cowbridge. The response is similar to those received by Jane Hutt AM and Dr Tudur Davies following similar requests for an independent review.

The Deputy Minister states in his response to the Petitions Committee that he is 'satisfied that the assessments that I have received from my officials and Dr Hayman are unbiased and have been carried out to a highly professional standard'. In correspondence with Dr Tudur Davies he stated specifically that he believes the assessment undertaken by Dr Hayman was undertaken with 'utmost professionalism, having recently been appointed to undertake impartial listing assessments for Cadw'. Whilst we do not contest Dr Hayman's qualifications and capability in assessing the suitability of buildings for listing, we question whether he can indeed be considered objective, free of bias (whether conscious or subconscious) or 'independent' when reviewing decisions made by his own colleagues at Cadw. Dr Hayman's publicly available CV is evidence of a longstanding history of employment by Cadw (since 1996). Given this long standing and close working relationship with Cadw employees [REDACTED]

[REDACTED] we have concerns relating to potential bias within Dr Hayman's assessment. Instead of being a balanced critique of the evidence put forward by Mr Scourfield and Ms Alfrey, as would be the normal format of an independent assessment, Dr Hayman's report instead is put forward in such a way that its presents itself as justification for Ms Alfrey's assessment of the school.

Additionally, with specific relevance to this case, [REDACTED]

[REDACTED] We have sought clarification from the Deputy Minister about the procurement procedure that was undertaken in this case, however, we have yet to receive confirmation of this and whether conflicts were declared by Dr Hayman. Regardless of the procurement route, it is clear in both the Welsh Government conditions for the supply of services and the terms for public appointment that conflicts must be declared.

It is also disappointing that the Deputy Minister has disregarded the views of 20 senior academics and specialists in the fields of history, architecture and buildings archaeology. This group of highly regarded individual had written to the Deputy Minister in support of listing the Old Girls' School in Cowbridge. With every due respect to Ms Alfrey and Dr Hayman, their experience is lacking in

comparison with the aforementioned specialists whom have specific expertise in the history of education and architecture of school buildings in Britain.

Furthermore, the latest correspondence provided by the Deputy Minister pays no regard to the recent report written by Davies and Scourfield (2020), which addressed specific concerns raised by Ms Alfrey and Dr Hayman's more recent assessments of the school. This report provides new research that establishes that the original school buildings survives to a higher degree than previously appreciated and demonstrates that the school meets the criteria for listing based on Cadw's four forms of heritage value outlined in Cadw's Conservation Principals (2011). This research deserves recognition and consideration by a suitable heritage professional to assess its contribution to the case for listing the Old Girls' School in Cowbridge.

Despite the Deputy Minister's response, we maintain that a peer review by either Historic England or Historic Scotland would facilitate transparency and alleviate public concern relating to the independent nature of the listing decision.

Yours sincerely,

A handwritten signature in black ink that reads "Sara Pedersen". The signature is written in a cursive style and is centered within a light gray rectangular box.

Sara Pedersen  
SAVE Cowbridge Girls' School Campaign Group