



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

Y Pwyllgor Menter a Busnes The Enterprise and Business Committee

**Dydd Iau, 4 Gorffennaf 2013
Thursday, 4 July 2013**

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

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

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

Byron Davies	Ceidwadwyr Cymreig Welsh Conservatives
Keith Davies	Llafur Labour
Julie James	Llafur Labour
Alun Ffred Jones	Plaid Cymru The Party of Wales
Mike Hedges	Llafur (yn dirprwyo ar ran David Rees) Labour (substitute for David Rees)
Julie Morgan	Llafur (yn dirprwyo ar ran Mick Antoniw) Labour (substitute for Mick Antoniw)
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Nick Ramsay	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)
Joyce Watson	Llafur Labour

Eraill yn bresennol **Others in attendance**

John Davies	Llywodraeth Cymru Welsh Government
John Griffiths	Aelod Cynulliad, Llafur (Y Gweinidog Diwylliant a Chwaraeon) Assembly Member, Labour (The Minister for Culture and Sport)
Victoria Minshall-Jones	Llywodraeth Cymru Bill Team Manager, Welsh Government

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

Sarah Beasley	Clerc
	Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol
	Senior Legal Adviser
Gareth Pembridge	Cynghorydd Cyfreithiol
	Legal Adviser
Kath Thomas	Dirprwy Glerc
	Deputy Clerk

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

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Nick Ramsay:** I welcome Members, the Minister and his advisers, and members of the public to this meeting of the Enterprise and Business Committee. The meeting is bilingual; headphones can be used for simultaneous translation—Welsh to English is on channel 1, and amplification on channel 0. The meeting is being broadcast, and a transcript will be provided. Can Members please turn off their mobile phones? The microphones will operate automatically. In the event of a fire alarm, please follow directions from the ushers. We have three apologies today, from Mick Antoniw, David Rees and Dafydd Elis-Thomas. There are two substitutions. I welcome Julie Morgan and Mike Hedges to the committee. Thank you for agreeing to be here today to help us with our proceedings.

9.31 a.m.

Bil Teithio Llesol (Cymru): Cyfnod 2—Trafod y Gwelliannau
Active Travel (Wales) Bill: Stage 2—Consideration of Amendments

[2] **Nick Ramsay:** The purpose of this morning's meeting is to undertake Stage 2 proceedings on the Active Travel (Wales) Bill. Members will have before them—we hope—the marshalled list of amendments and the grouping of the amendments for debate. The marshalled list of amendments is the list of all the amendments tabled, marshalled into the order in which the sections appear in the Bill. So, for our meeting, the order in which we shall consider amendments will be sections 1 to 13 and the long title. You will see from the groupings list that amendments have been grouped to facilitate debate, but the order in which they are called and moved for a decision is dictated by the marshalled list. Members will need to follow the two papers, although I will advise you, when I call you, of whether you are being called to speak in the debate or to move your amendments for a decision. There will be one debate on each grouping of amendments. Members who wish to speak in any particular group should indicate in the usual committee way. I will also call the Minister to speak on each group.

[3] For the record, in accordance with the convention agreed by the Business Committee, as Chair, I will move the amendments in the name of the Minister. For expediency, I will assume that the Minister wishes me to move all his amendments.

[4] **The Minister for Culture and Sport (John Griffiths):** Yes, please, Chair.

[5] **Nick Ramsay:** I will do so at the appropriate place in the marshalled list. Minister, if for any reason you do not want an amendment to be moved, please indicate it at the relevant point in the proceedings.

[6] In line with our usual practice, legal advisers to the committee and the Minister are not expected to provide advice on the record. If Members wish to seek legal advice during the proceedings, then please do so by passing a note to a legal adviser or by indicating to me that you wish to suspend proceedings.

Grŵp 1: Hybu Teithio Llesol (Gwelliannau 33, 38, 39 a 46)
Group 1: Promotion of Active Travel (Amendments 33, 38, 39 and 46)

[7] **Nick Ramsay:** Group 1 concerns the promotion of active travel and contains amendments 33, 38, 39 and 46. The lead amendment in this group is amendment 33 in the name of Eluned Parrott. I call Eluned to move and speak to her amendment and the other amendments in this group.

[8] **Eluned Parrott:** I move amendment 33 in my name.

[9] For the record, I would like to say that my group very much welcomes the intention of the active travel Bill, Minister, as I think you know, and we would be very supportive of the aim to create a healthy and more environmentally friendly Wales, to encourage people to get out of their cars and to travel in more sustainable ways. That was brought home to me especially in recent weeks after an accident on the school run in my village that had very serious consequences. It is something that we really need to bear in mind, in that it is not just about providing people with an opportunity to walk and cycle safely, but also about helping and encouraging them to learn about walking and cycling safely.

[10] Of the amendments in this group, amendment 39 is essentially the substantive amendment in this group, and the others are consequential to it. I think that we do need to achieve a cultural shift, and not just an infrastructure shift, if we are going to see Wales change in the way that I think that we all want it to. The Bill makes reference to enabling more people to walk and cycle through identifying and mapping routes, but I do not believe that it goes far enough in terms of measures that enable and encourage behaviour change beyond that. So, amendment 39 would insert a new section into the Bill that would help to address this area without being too prescriptive in its nature, given the Minister's reluctance to impose any obligations on local authorities without having the funding to go alongside them.

[11] We have deliberately included the point that local authorities would take the steps that they consider to be appropriate to promote active travel and the safe use of active travel routes, and that these may include actions such as the provision of training or services and facilities that promote active travel, such as safe cycle storage. We hope that, in allowing this discretion to local authorities over what they consider to be appropriate steps, we will achieve a balance that can be supported by all parties. I really do believe that this is an important part of the Bill not only to make sure that the routes are provided, but to make sure that people understand how to use them, that people are able to do so safely and that people are then encouraged to do so in a more proactive way. So, amendment 39 introduces this section and this concept to the Bill. Amendments 33 and 46 amend the overview and the long title to reflect the new provision. Amendment 38 seeks to focus local authorities' attention on the desirability of promoting active travel within their area.

[12] **Nick Ramsay:** Do any other Members wish to contribute to the debate on these amendments?

[13] **Alun Ffred Jones:** Hoffwn siarad i gefnogi gwelliant Eluned Parrott, achos fy agwedd i tuag at y Bil hwn yw ein bod yn ei gefnogi. Mae ganddo ystod gweddol gyfyng o amcanion fel y mae wedi ei osod allan, er bod y Gweinidog wedi sôn ei fod yn bwysig iawn ein bod yn newid agweddau ac arferion pobl—dyna yw pwrpas y Bil hwn—ac rwy'n credu bod gwelliant Eluned Parrott yn gwneud hyn yn amlwg iawn ac yn gosod y dyletswyddau hynny ar lywodraeth leol i gyflawni hynny, yn hytrach na chanolbwyntio dim ond ar y gwaith ffisegol.

Alun Ffred Jones: I would like to speak in support of Eluned Parrott's amendment, because my attitude towards the Bill is that we are supportive of it. It has a fairly restricted range of objectives as it is set out, although the Minister has mentioned that it is very important that we change people's attitudes and habits—that is the purpose of this Bill—and I think that Eluned Parrott's amendment makes that very clear and sets out a duty for local government to achieve that, rather than just focusing on the physical work.

[14] **Joyce Watson:** Again, in principle, I would support what Eluned is attempting to do, however, in practice, I am not convinced that the drafting of it might actually make that happen. I am afraid that it is in that vein that I am going to resist it. If we look at it once again, and look at it further along, with a bit of redrafting, perhaps I could perhaps support it, but I am afraid that the way that it is termed here does not add anything to it with the clarity that we might expect; I am sorry.

[15] **Nick Ramsay:** It was remiss of me not to welcome the Minister to the committee at the start. Minister, thank you for being here; it makes it a lot easier. Also, thank you to your advisers. Minister, would you like to respond to this first debate?

[16] **John Griffiths:** Thank you very much for the welcome. I would like to say at the outset that I know very well that all Members are very supportive of this legislation and very much see the need for it and the value of it. Obviously, that places us in a good position in taking it forward. I very much accept the principle that promotion is very important if we are to get active travel going forward in Wales in the way that we would all want it to. Local authorities should take appropriate steps to promote active travel when exercising their functions under this Bill. It may be appropriate to have a requirement on the face of the Bill that local authorities take the steps that they consider to be appropriate for active travel, but I have particular concerns about subsection (2) of the proposed new section.

[17] Before I go on, I would like to say that the Welsh Government is very committed to promotion. To give one example of that, I am planning to hold a conference later this year that will bring together recognised experts to develop a toolkit for promoting active travel, because I am concerned that we focus clearly and strongly on the promotion of active travel. I would expect the First Minister to be the keynote speaker at that conference, and that it would become an annual event. That will send a strong signal, in terms of the Welsh Government's commitment to promotion.

[18] However, I am concerned that an explicit list of actions such as that in subsection (2) is unnecessarily limiting on local authorities, and sets expectations that might not be practical. I am also concerned about the financial implications, notwithstanding what Eluned Parrott said, of placing an additional duty on local authorities, because of the longstanding commitment that any additional duties will come with funding to meet them. We are in a time of increasingly constrained revenue budgets.

[19] I also have concerns about the wording of amendment 38. The desirability of the promotion of active travel is a policy position, not a fact, and we should not be referring to it as a fact within law. So, there is a drafting issue there for us as well.

[20] In conclusion, although I cannot support these amendments at this stage, I think that the principle is sound. We will look very carefully at these matters when considering how we approach Stage 3.

[21] **Eluned Parrott:** I was concerned, Minister, that you had not brought forward your own amendment in this area, because I think that it was clear from the committee report and from discussions that this was an area that was believed to be important.

[22] With regards to the drafting of subsection (2) in amendment 39, you describe it as an 'explicit and unnecessarily limiting list'. However, I note that, in the drafting, it says that steps that 'may' be taken, not the steps that 'should' or 'will be' taken. It also says 'include', but not 'limited to'. So, the intention in terms of the drafting is to make it as flexible as possible for local authorities, but to give them some guidance on the face of the Bill, as you have in other places in exactly the same way. For example, in the section where you describe what 'related facilities' look like, you have given a list in the same kind of form.

[23] If you had introduced an amendment of your own in this area, it would not have been necessary for us to try to suggest amendments here and now. I would ask you to reconsider your support for this amendment as a committee. It is absolutely central to achieving the policy aims that you, Minister, state are important to the Welsh Government.

[24] It is absolutely essential that children learn in school how to safely use active travel as a means of transport. It is central to delivering this that we are able to encourage the promotion of active travel, and it is central to this that the availability of information is improved. If no-one knows that a cycle path exists or if no-one knows how to use it safely, they will not change their behaviour. If you want to achieve culture change, you have to legislate for that. If you can legislate for the infrastructure, you must legislate for the other things that will enable this policy to work.

[25] I am disappointed that you are not able to support it at this stage. However, I hope that we will be able to come to an amendment that will be acceptable and will achieve something, because I think that it is a major omission in the Bill as drafted.

[26] **Nick Ramsay:** Eluned, do you wish to proceed to a vote on amendment 33?

[27] **Eluned Parrott:** Yes, please.

[28] **Nick Ramsay:** The question is that amendment 33 be agreed to. Does any Member object? I see that there is objection. I will therefore take a vote by a show of hands.

*Gwelliant 33: O blaid 4, Ymatal 0, Yn erbyn 5.
Amendment 33: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 33.
Amendment 33 not agreed.*

9.45 a.m.

Grŵp 2: Gwelliant Parhaus i Lwybrau Teithio Llesol (Gwelliannau 1, 22A, 22B, 22C, 22 a 29)

Group 2: Continuous Improvement in Active Travel Routes (Amendments 1, 22A, 22B, 22C, 22 and 29)

[29] **Nick Ramsay:** The lead amendment in this group is amendment 1 in the name of the Minister. I move amendment 1, and invite the Minister to speak to the amendment and the other amendments in the group.

[30] **John Griffiths:** Diolch yn fawr, Gadeirydd. We discussed, at earlier stages, continuous improvement, which is a well-known and understood term. However, there was a view, which came across strongly from the committee reports, that there was a need for greater clarity in terms of what we wished to see happen and what we wanted to achieve. Delivery partners were not entirely clear on those matters. So, to remedy this, I have brought forward amendment 22 to remove the reference to continuous improvement and substitute a revised definition. This in no way changes the policy intentions or the outcomes for the Bill; it is simply a different way of expressing the same thing, which hopefully, will make it clearer to those who will be required to meet the duty.

[31] While I support the intentions of Alun Ffred Jones's amendment 22A, I question how reasonable it is for local authorities to deliver this modal shift by law, given that many of the factors that will have a significant impact on travel behaviour, such as weather conditions, petrol prices and much else, are not within the direct control of local authorities. We will, of course, be monitoring the rates of active travel through surveys such as the national survey and, indeed, through sampling. The monitoring of the use of individual pieces of infrastructure delivered as a consequence of the Bill will be considered on a project by project basis, and we believe that this will provide a good indication of the overall success of the Bill.

[32] There are also difficulties in terms of having robust systems for the measurement of the numbers of journeys made by walking and cycling, which need to be considered. One of the reasons for bringing forward a Bill, rather than a new strategy or a grant scheme, is the longevity of the legislation. As currently drafted, I am concerned that this requirement is not sustainable in the longer term. There will always be a limit to how many journeys can realistically be made by active travel, and I feel that it would not be fair to penalise a local authority for not achieving what might be virtually impossible to achieve.

[33] Another key purpose of the Bill, particularly the integrated network maps, is to get a more strategic and targeted approach to funding active travel infrastructure. I want local authorities to target their spending on either new infrastructure or improvements to existing infrastructure, based upon where that spending will make the most difference to the rates of active travel in their area. That is crucial to whether this Bill succeeds or not. However, I believe that local authorities should be making improvements to existing infrastructure and creating new infrastructure. Requiring them to do them both should not have a negative impact upon ensuring that spending is taking place where it will have a considerable impact, provided that it is driven by the integrated network maps. So, I believe that those considerations best guide us in terms of these matters, Cadeirydd.

[34] **Nick Ramsay:** Alun Ffred Jones, do you wish to speak to your amendment?

[35] **Alun Ffred Jones:** Y prif welliant yw 22A; mae 22B a 22C yn ddibynnol ar hwnnw. Yr hyn rwy'n ceisio'i wneud yw cynnig gwelliant i welliant y Gweinidog. Rwy'n croesawu'r hyn mae'r Gweinidog yn

Alun Ffred Jones: The main amendment is 22A; amendments 22B and 22C depend on that. What I am trying to do is propose an amendment to the Minister's amendment. I welcome what the Minister is doing in his

ei wneud yn ei welliant, o ran diffinio beth yw gwelliant parhaus. Mae gwelliant parhaus yn dibynnu'n llwyr ar gyd-destun y maes rydych yn ei drafod, felly mae'r Gweinidog wedi gwneud peth doeth iawn yn ceisio diffinio hynny fel gwella'r llwybrau presennol neu roi rhai newydd i mewn—er, mae'n rhaid imi ddweud nad wyf yn siŵr pam fyddai angen Bil arnoch i sicrhau bod awdurdodau lleol yn tarmacio'r llwybrau sydd ganddynt yn barod. Bid a fo am hynny, mae'r diffiniad yn helpu bwriad y Bil. Yr hyn rwy'n ceisio ei wneud yw'r hyn mae'r Gweinidog ei hun wedi dweud yw pwrpas y Bil: cynyddu nifer y bobl sy'n cerdded ac yn beicio. Dyna bwrpas y Bil. Nid oes pwynt rhoi tarmac i lawr os nad oes mwy o bobl yn cerdded a seiclo. Mae'r Gweinidog wedi siarad am hynny'n gyson yn ystod ei drafodaethau gyda ni—wrth greu llwybrau newydd, neu wella ansawdd y rhai presennol, rydych am gael mwy o bobl yn cerdded neu seiclo, yn rhannol er eu lles eu hunain, ond hefyd er lles yr amgylchedd. Yr hyn rwy'n ei ddweud yw hyn: os ewch i'r drafferth o greu Bil gyda'r bwriad hwnnw, yn sicr, dylech geisio mesur y cynnydd sy'n digwydd o ganlyniad. Dyna bwrpas fy ngwelliant i: rhoi dyletswydd ar lywodraeth leol i fesur hynny.

amendment, in terms of trying to define continuous improvement. Continuous improvement depends entirely on the context of the area that you are discussing, so the Minister has done a very wise thing in trying to define that as improving existing routes or putting new ones in—although, I have to say that I am not sure why you would want a Bill to ensure that a local authority tarmacs the routes that it already has. However, the definition helps the intent of the Bill. What I am trying to do is what the Minister himself has said is the purpose of the Bill: to increase the number of people who walk and cycle. That is the purpose of the Bill. There is no point in laying tarmac if more people do not walk and cycle. The Minister has spoken to that consistently during his discussions with us—in creating new routes, or improving the quality of existing ones, you want more people to walk or cycle, partly for their own wellbeing, but also for the betterment of the environment. What I am saying is this: if you go to the trouble of creating a Bill with that intention, then you should definitely try to measure the progress that is made as a result. That is the purpose of my amendment: to impose a duty on local government to monitor that.

[36] Mae'r Gweinidog newydd ddweud nad yw'n hawdd gwneud hynny, ond dywedodd Sustrans yn ei dystiolaeth ei fod yn gwneud hynny ar bob un llwybr mae'n ei adeiladu. Mae'n rhoi mesuryddion ar waith i sicrhau ei fod yn gallu mesur a oes mwy o bobl yn defnyddio'r llwybrau hynny a faint sy'n gwneud hynny. Felly, mae'n amlwg ei fod yn bosibl. Os nad ydych yn mesur eich llwyddiant eich hun, mae'n rhaid imi ofyn beth yw pwrpas dod â Bil gerbron?

The Minister has just said that it is not easy to do that, but Sustrans told us in its evidence that it does that on every route that it builds. It puts measuring systems in to ensure that it can monitor whether more people are using those routes and how many of them are doing so. So, it is evident that it is possible. If you do not measure your own success, I have to ask, what is the point of bringing a Bill before us?

[37] Mae'r diffiniad o welliant parhaus i'w groesawu a'r hyn rwy'n ceisio ei wneud yw cryfhau hynny trwy fy ngwelliant.

The definition of continuous improvement is to be welcomed and what I am trying to do is strengthen that through my amendment.

[38] Dywedodd y Gweinidog nad ei fwriad oedd cosbi awdurdod lleol pe bai yn sylweddoli nad oedd mwy o bobl yn cerdded a beicio. Nid oes unrhyw beth yn y Bil hwn sy'n dweud y byddai cosb o unrhyw fath, beth bynnag. Yr hyn mae fy ngwelliant i'n ei wneud yw sicrhau eich bod yn gallu mesur y rhai sy'n llwyddo ac yna, gobeithio, bydd y Gweinidog yn gallu helpu'r rhai nad ydynt yn

The Minister said that it was not his intention to penalise a local authority if it realised that no more people were walking or cycling. There is nothing in this Bill that says that there will be a penalty of any kind, anyway. What my amendment does is ensure that you can measure those that succeed and then, hopefully, the Minister will be able to help those that do not succeed, if at all. So, I do

llwyddo, os bydd rhai. Felly, nid wyf yn credu bod hynny'n ystyriaeth o gwbl. Mae'n ddrwg iawn gennyf, ond wrth gyfeirio at y tywydd a phethau felly—os bu dadl wael a gwan erioed, honno oedd hi. Mae'r Bil hwn wedi ei greu er mwyn cael mwy o bobl i gerdded a seiclo i'r gwaith, felly dylai gynnwys rhyw fodd o fesur llwyddiant yr hyn sy'n cael ei gyflawni.

[39] Mae gwelliannau 22B a 22C yn ceisio gwneud yn siŵr bod awdurdodau lleol yn gwneud rhywbeth yn ogystal â gwella. Rydych chi'n sôn am wella ansawdd llwybrau neu greu rhai newydd, neu'r ddau. Rwy'n dweud y dylent wella ansawdd llwybrau a chreu rhai newydd, ynghyd â mesur llwyddiant.

[40] Nid yw gwelliannau 22B a 22C yn gwbl angenrheidiol—gallech beidio â phleidleisio o blaid y rheini. Ond, rwy'n annog y pwyllgor: os ydym o ddifrif eisiau gweld newid yn agweddau ac arferion poblogaeth Cymru, beth am roi rhywbeth yn y Bil sy'n dangos ein bod yn llwyddo? Mae'r adroddiad y bore yma ynglŷn â gordewdra ymysg plant yng Nghymru yn tanlinellu'r angen am y newid hwnnw. Beth am wneud rhywbeth go iawn yn y Bil i'n galluogi i weld a ydym yn cyflawni rhywbeth?

[41] **Keith Davies:** Mewn ffordd, felly, yr hyn rwyt ti eisiau yw cynnwys ffigurau. Os oes llwybrau newydd yn cael eu creu gan awdurdodau, onid yw'n amlwg bod mwy o bobl yn mynd i'w defnyddio?

[42] **Alun Ffred Jones:** A gaf roi enghraifft i chi? Mae llwybr newydd ym Mangor—palmant ydyw, ond bydd yn llwybr beicio hefyd—rhwng dau o safleoedd y brifysgol. Bydd hefyd yn gwasanaethu pobl sy'n seiclo i mewn o sir Fôn. Mae defnydd helaeth o'r llwybr yn barod. Os ydych yn mynd i'r drafferth o wario £200,000, fel mae'r cyngor sir wedi ei wneud, dylech fod yn trio mesur a oes mwy o bobl yn ei ddefnyddio ai peidio. Felly, yr unig beth rydych yn ei wneud yw mesur faint o bobl sy'n ei ddefnyddio drwy gerdded neu feicio ar hyn o bryd ac, ar ôl y gwelliannau, rydych yn ei fesur eto. Dylai'r ffigurau hynny fod ar gael yn gyson.

not think that that is a consideration at all. I am sorry, but referring to the weather and so on—if I ever heard a poor and weak argument, that is it. This Bill has been created to get more people walking and cycling to work, so, it should include some way of measuring the success of what is achieved through the Bill.

Amendments 22B and 22C aim to ensure that local authorities do something other than just improve. You talk about improving the quality of routes or creating new ones, or both. I say that they should improve the quality of routes and create new ones, as well as measure the success.

Amendments 22B and 22C are not completely necessary—you do not have to vote for those. However, I encourage the committee: if we are serious about wanting to see a change in the attitude and practices of the Welsh population, let us put something in this Bill to see whether we succeed. The report this morning on obesity among children in Wales highlights the need for that change. Why not do something real in this Bill that will enable us to see whether we achieve anything?

Keith Davies: In a way, what you want is to include figures. If new routes are created by authorities, is it not obvious that more people will use them?

Alun Ffred Jones: May I give you an example? There is a new route in Bangor—it is a pavement, but it will also be a cycle path—which runs between two of the university's sites. It will also serve people who cycle in from Anglesey. There is extensive use of that route already. If you go to the bother of spending £200,000, as the county council has done, you should be trying to measure whether more people are using it or not. Therefore, the only thing that you do is to measure how many people are using it by cycling or walking at present, and, after the improvements, you measure it again. Those figures should be available consistently.

[43] **Keith Davies:** Ond—

[44] **Keith Davies:** But—

[45] **Nick Ramsay:** Hang on, your point has been made. A number of people want to speak on this. I want to bring Eluned Parrott in first.

[46] **Eluned Parrott:** I want to speak in favour of amendment 22A. I think that it seeks to make sure that continuous improvement is measured in terms of what we are trying to achieve with this Bill. This is a question, fundamentally, of outputs versus outcomes, and the drift of the Bill at the moment is very firmly towards outputs.

[47] We welcome your attempt, Minister, to define continuous improvement under amendment 22. However, I am concerned that it really does not go far enough in defining the level of activity required by local authorities to comply with this duty. Securing that there are new and improved routes could mean extending a route by just a metre or simply painting a few lines on an existing route. You have said that that is not what you are trying to achieve. You have said that you want to achieve modal shift, but to return to a point that you have just made to the committee, you said:

[48] ‘I question how reasonable it is for local authorities to deliver this modal shift by law’.

[49] If that is the case, Minister, and if it is unreasonable, what is the purpose of this Bill? That is exactly what you have told us the policy objective of this Bill is, namely to seek a modal shift by law. If it is not reasonable to try to do that, why have you introduced a Bill before this Assembly?

[50] You also said that there will always be a limit to the number of journeys made by active travel routes. I would say to you that there is also a limit to the number of paths that can be built for active travel routes, and yet, this Bill introduces that and asks us to support it.

[51] You also said, in terms of planning to improve the infrastructure, that you would expect a local authority to take account of where it makes a difference to rates of active travel. The policy aim is to increase the rates of walking and cycling. You have just told us that you want people to plan for increasing the rate of active travel. My question to you is: why has that not translated into the Bill? If you want to increase the rates of active travel, why on earth would you not seek to measure it? Why on earth would you not seek to legislate for it? If road usage can be measured effectively and if passenger numbers on public transport can be measured effectively, why on earth can active travel not be measured effectively? If you want active travel to be seen to be equal to other modes of transport in Wales, you have to treat it equally; you have to be as robust in your measurement and in your policy objectives as you are in other areas of transport. I do not accept that, on the one hand, you say that you can achieve modal shift with this Bill by providing infrastructure, but you cannot achieve modal shift by a provision that says that the purpose of this Bill is to increase the proportion of journeys made by walking and cycling. I am sorry, but I think that it is very contradictory and I ask you to reconsider, because this, again, is something that is central to delivery of the policy objective as you have described it to us, namely to increase rates of walking and cycling. Why would you not legislate to do so?

[52] **Nick Ramsay:** I think that the point is made.

[53] **Julie James:** Eluned Parrott has just explained, without intending to, what the problem with amendment 22A is. I entirely agree that we ought to be measuring a baseline and measuring to see whether it is increasing, but what the amendment actually does is to put a duty on local authorities to secure an increase, which is slightly different. So, I think that we would agree with the measuring point, but this would put an active duty on them to increase

the numbers. There is quite a difference between being put under a duty to increase the numbers and being put under a duty to measure to see whether what you are doing is increasing the numbers. It sounds pedantic—

[54] **Alun Ffred Jones:** However, that is the point of the Bill.

[55] **Julie James:** It is not the point of the Bill. The point of the Bill is not to force people to undertake active travel if they do not want to; it is to encourage them to do so and to point out the benefits of it. There is quite a big difference in law between saying you have to do something and saying that you should encourage somebody to do something.

[56] Having said that, we support amendments 22B and 22C, because we think that the insertion of the word ‘and’ instead of ‘or’ is a good addition to the Bill. We discussed it at great length in the committee, and we all agree with that, I think. However, on the duty point, you have to be careful not to have unintended consequences. If you put a duty on local authorities that they have to do something, which is to increase the number of people travelling in an active way every year, you also have to have some way of doing something to them if they do not achieve that, because if you have regulations that say that say you have to do something, but there is absolutely no consequence for you if you do not do it, then what is the point of the regulations? I would have supported an amendment that said that we should measure it, but not one that says that we should put a duty on them to increase it, because, for all the reasons that the Minister outlined, you must have the levers in your power to be able to put a duty on somebody.

10.00 a.m.

[57] **Nick Ramsay:** I will go to Joyce Watson next.

[58] **Joyce Watson:** In a similar vein—and also taking it in a different direction—I think that the Minister is absolutely right in looking at the infrastructure, because the infrastructure very often is the problem. So, if you do not look at that, I do not really see how you are going to look at anything else.

[59] I absolutely agree with Julie Morgan—Julie James; I got the wrong Julie, sorry. [*Laughter.*] I just wonder what sort of punishment you think might result for local authorities, or people, for that matter, if they do not walk or cycle to work. That, to me, is the problem. I am quite happy to support 22B and 22C, but I do have a problem with the wording here, because, ultimately, you are talking about ensuring that local authorities make people change their minds, rather than persuade them. To me, that is the problem with that.

[60] **Nick Ramsay:** Alun Ffred Jones, did you want to come back?

[61] **Alun Ffred Jones:** Mae’n ddrwg gennyf, ond nid wyf yn credu eich bod yn trin y gwelliant hwn yn deg—rydych yn amddiffyn y Gweinidog. Beth yw pwrpas creu Bil os nad oes canlyniadau iddo? Mae gennyf ddau bwynt. Mae Joyce wedi gwneud y pwynt mai pwrpas y Bil yw cynyddu nifer y llwybrau a gwella ansawdd llwybrau. Rwy’n cytuno â hynny, ac rwy’n gefnogol iddo; dyna pam yr wyf yn gefnogol i ysbryd gwelliant y Gweinidog, sy’n diffinio hynny fel pwrpas y Bil—ardderchog. Y pwynt rydych yn ei wneud wedyn yw ei bod yn

Alun Ffred Jones: I am sorry, but I do not believe that you are dealing fairly with this amendment—you are defending the Minister. What is the purpose of creating a Bill if there are no outcomes to it? I have two points. Joyce has made the point that the purpose of this Bill is to increase the number of routes and to improve the quality of routes. I agree with that, and I am supportive of it; that is why I am supportive of the spirit of the Minister's amendment, which defines that as the purpose of the Bill—excellent. The point that you make after that is that it is unfair to

annheg rhoi dyletswydd ar lywodraeth leol i gynyddu nifer y bobl sy'n cerdded ac yn seiclo achos, pe na bai'n gwneud hynny, ni fydddech yn gallu ei chosbi o gwbl. Beth fyddai'n digwydd pe na bai llywodraeth leol yn cynyddu nifer y llwybrau nac yn gwella ansawdd llwybrau—sef pwrpas y Bil hwn? Beth fyddai'n digwydd iddi? Beth yw'r gosb ar ei chyfer? Rydych wedi rhoi dyletswydd arni i wneud hynny, ond nid oes cosb iddo. Felly, yn ôl eich rhesymeg chi, dylech chi wrthod y Bil hwn gan ei fod yn rhoi dyletswydd ar lywodraeth leol i wneud rhywbeth heb ffordd o'i chosbi am beidio â'i wneud. Rwy'n credu bod y ddadl honno'n un gwbl ffuantus a chwbl ffug.

place a duty on local government to increase the number of people who walk and cycle because, if it did not, you would not be able to penalise it in any way. What would happen if local government did not increase the number of routes and did not improve the quality of routes—which is the purpose of this Bill? What would happen to it? What is the penalty for it? You have placed a duty on it to do this, but there is no penalty behind it. So, according to your logic, you should reject this Bill, because it places a duty on local government to do something with no way of penalising it for not doing it. I think that that argument is completely disingenuous and false.

[62] Unig bwrpas fy ngwelliant i yw cyflawni rhywbeth y mae'r Gweinidog ei hun yn dweud yw pwrpas y Bil, sef newid ffordd pobl o fynd a dod o'u gwaith. Rwy'n meddwl bod peidio â rhoi hynny i mewn yn gwneud y Bil yn un llawer gwannach nag y dylai fod.

The sole purpose of my amendment is to achieve something that the Minister himself says is the purpose of the Bill, which is to create a modal shift in the way people travel to and from work. I think that not including that just makes the Bill much weaker than it should be.

[63] **Nick Ramsay:** I call on the Minister to reply to the debate.

[64] **John Griffiths:** I again thank Alun Ffred Jones for bringing forward these amendments, because we, as a Government, are sympathetic to their intention. Obviously, we want to see more people making that modal shift, but we do have these issues about what is within the control of local authorities with regard to the factors that will determine whether people are travelling more actively or not. I think that that is quite a fundamental issue with regard to amendment 22A.

[65] When I referred to what can be achieved in terms of modal shift by law, I was, of course, referring to amendment 22A specifically, Chair, and I think that that was quite clear. I also mentioned that, in terms of monitoring, we will be monitoring active travel rates in Wales through national surveys and through sampling, and, of course, it is very important that, with any individual piece of infrastructure that is delivered through this Bill, monitoring takes place on a project-by-project basis. We accept that that is very important. The purpose of the Bill, I think, is very strong, but there are limits to what can be achieved by law. We have to recognise that. I agree very much that local authorities should be making improvements to existing infrastructure and creating new infrastructure each year. I am happy to support amendments 22B and 22C.

[66] **Nick Ramsay:** We had very long-ranging discussions about the concept of continuous improvement, and we raised it with officials. It is interesting that this amendment has been brought forward.

[67] Do you wish to proceed to a vote, Minister?

[68] **John Griffiths:** Yes, please.

[69] **Nick Ramsay:** The question is that amendment 1 in the name of the Minister be agreed to. Does any Member object? There is no objection, so, in accordance with Standing

Order No. 17.34, amendment 1 is agreed.

*Derbyniwyd gwelliant 1.
Amendment 1 agreed.*

[70] **Nick Ramsay:** We will now move to the next group of amendments.

[71] **Alun Ffred Jones:** What is happening to the individual amendments?

[72] **Nick Ramsay:** They are marshalled. Although these are discussed debate-wise in the groupings, we will return to the marshalled list for the voting order. I am getting there; it will become clear.

**Grŵp 3: Darparu ar gyfer Cerddwyr a Beicwyr wrth Adeiladu a Gwella Priffyrdd
(Gwelliannau 2, 23, 41, 42, 43, 44 a 30)
Group 3: Provision for Walkers and Cyclists in Highway Construction and
Improvement (Amendments 2, 23, 41, 42, 43, 44 and 30)**

[73] **Nick Ramsay:** The lead amendment in this group is amendment 2. I move amendment 2 in the name of the Minister and call on the Minister to speak to the amendment and the other amendments in the group.

[74] **John Griffiths:** The policy intention of section 8 has always been that, when a highway authority is building a new road or improving a road, the starting point should be that enhanced provision for walkers and cyclists will be made. The Government amendments are in response to the committee's recommendation that there should be a presumption that there would be enhanced provision for walkers and cyclists in new road schemes. This has always been the policy intention, but I take the point that this was perhaps not conveyed as clearly as was necessary to achieve the aims of the Bill. So, the Government amendments will rectify this and, through different phrasing, achieve the same result as amendments 41 and 42.

[75] I appreciate what Eluned Parrott wants to achieve with amendment 43, which is to make local authorities' approach to meeting this duty more transparent. However, again, as I mentioned earlier, at a time of scarce financial resource, I question whether the level of bureaucracy involved in this would add enough value to the process. As currently drafted, any local authority would have to provide convincing reasons for not enhancing provision if its decision was challenged. This, I think, is far more efficient.

[76] I recognise the principle of Eluned Parrott's amendment 44. There is a real problem in some areas, in that highway authorities disadvantage active travellers during roadworks, or fail properly to consider the needs of all users when planning network management. It is comparatively easy to enhance infrastructure for active travel when you are building a new road, or, indeed, making enhancements to an existing one, but I think that it is much harder when you are perhaps filling potholes, re-laying sewerage pipes or employing traffic wardens, or, indeed, under many of the functions of the Acts in question.

[77] My concern is that amendment 44 will not have the desired effect. It could have a significant and costly impact on highway authorities. It could delay or halt maintenance schemes in some cases, and I am not convinced that it would put an end to situations where pedestrians and cyclists are not given adequate provision when roadworks take place. Therefore, I am minded to consider how best to reflect this principle at Stage 3 rather than to support that approach at this stage.

[78] **Nick Ramsay:** Thank you, Minister. I now call on Eluned Parrott.

[79] **Eluned Parrott:** I wish to speak to amendments 41, 42 and 43 initially. The purpose of these amendments, as the Minister has said, is to make it clearer that Welsh Ministers and local authorities must enhance provision for walkers and cyclists on new roads, unless it is unreasonable to do so. It makes the duty imposed much clearer, I believe, than the get-out-of-jail card, which is, 'Oh, we had regard to it. We looked at the reasonableness of it and just decided not to'. The purpose is to strengthen the Bill and strengthen your hand, Minister, in delivering the policy outcomes that you say that you want to achieve.

[80] With regard to amendment 44, on reading the Active Travel (Wales) Bill and looking at the provisions in the Highways Act 1980, it became clear that there were other road Acts that would have a significant impact on whether this Bill could be delivered. What we seek to do is simply add in the provisions that are missing from the Bill as it stands. We need to recognise that, in section 8, we should also include some of the other parts of the Highways Act, including things like the ability to reference. Provision needs to be made, for example, when roads are being dug up by utilities companies. This is important because, if roads are being dug up and there is significant disruption, public footpaths and cycle paths are often significantly disrupted, and there are serious health and safety issues around that. An example currently in Cardiff is the major changes being made on North Road, south of the Gabalfa interchange, where pedestrians are being asked to cross four lanes of traffic sometimes because of the disruption to the cycle path. We must make sure that safe provision is made for walkers and cyclists when these situations take place.

[81] I ask you to consider whether the Bill as originally drafted actually gives walkers and cyclists the protection that they need when road changes are being made.

[82] **Julie James:** I very much support the principle of the amendment. We discussed this at great length in committee and I was one of those who most often brought it up, so I entirely take the principle; it is well-intentioned. I welcome the Minister's commitment to look at a more broadly drafted provision at Stage 3, and while I entirely appreciate the intention behind the amendment, there are still some issues with the drafting. However, I will very much support this once we have the drafting sorted out. There are issues with the guidance and so on that we discussed at great length in committee, and which I will not go into now. I welcome the Minister's commitment to have a look at this and bring forward appropriate amendments at Stage 3. In principle, I wholeheartedly agree with it.

[83] **Nick Ramsay:** I call on the Minister to reply to the debate.

[84] **John Griffiths:** I am pleased that, through the Government amendments, we have been able to take account of what this committee felt needed to change with regard to this legislation, although obviously we did not think it was possible to make a reference to a presumption under law. However, I hope that you would agree that the amendments that we have tabled reflect the policy position that I think we are agreed on, at least to some extent. I thank Eluned Parrott for her amendments. I recognise the intention to strengthen this section of the Bill, but for the reasons I have covered, we feel there are issues with the wording. However, we are very much committed to looking at how we address these matters when we get to Stage 3.

[85] **Nick Ramsay:** The question is that amendment 2—the lead amendment in group 3—be agreed to. Does any Member object? There is no objection, and so amendment 2 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 2.
Amendment 2 agreed.*

[86] **Nick Ramsay:** We will return to the other amendments in that grouping for voting

later.

Grŵp 4: Ystyr ‘Llwybr Teithio Llesol’ a ‘Cyfleusterau Cysylltiedig’ (Gwelliannau 3, 9, 34, 11, 35, 12, 14 a 27)

Group 4: Meaning of ‘Active Travel Routes’ and ‘Related Facilities’ (Amendments 3, 9, 34, 11, 35, 12, 14 and 27)

[87] **Nick Ramsay:** The lead amendment in this group is amendment 3, again in the name of the Minister. I move amendment 3 in the name of the Minister and call on the Minister to speak to the amendment and to other amendments in the group.

[88] **John Griffiths:** The committee recommended that a crossing should be considered as an intrinsic part of an active travel route rather than a related facility. I am happy to accept that recommendation and have brought forward Government amendments to make this the case.

10.15 a.m.

[89] The other amendments in this group also clarify definitions of ‘active travel routes’ and ‘related facilities’, again in line with recommendations from the committee. One of the main reasons for bringing forward the Bill in the first place was to make it safer and easier for people to walk and cycle. There was not a direct reference to safety in the Bill, as the location, nature and condition of the route covers the factors that make a route safe to use or not. We went over these matters in committee. However, I also recognise that the location, nature and condition of the route are to be set out in guidance, and it is not automatically clear that safety is a consideration without the guidance alongside.

[90] Amendment 9 therefore makes it clear that the safe use of a route is one of the factors for local authorities to consider in determining what constitutes an active travel route. It is not appropriate to include reference to ‘continuous’, ‘direct’ and ‘comfortable’ on the face of the Bill, as this may limit the provision available. Given the need to work around existing infrastructure, in some cases, it may be that a more circuitous route would be safer than the most direct route. A direct and level route might be more comfortable than a less direct one, but could be more dangerous. Whether a route is safe, continuous, direct and comfortable very much depends, of course, upon the individual user, and where they are travelling from and to. It would therefore be very difficult for local authorities to reasonably decide whether a route meets these criteria for users generally.

[91] The point of the Bill is to focus on purposeful journeys—journeys made to access services and facilities. I recognise that excluding ‘wholly recreational’ journeys did not convey the nature of the routes that were to be included as clearly as we wished. I also recognise the committee’s point that we should be focusing on the journeys rather than the routes. So, to address these issues, Cadeirydd, amendments 8 and 11 remove the reference to ‘wholly recreational’ routes and replace it with a reference to ‘active travel journeys’.

[92] Amendment 11 makes it clear on the face of the Bill what an active travel journey encompasses. It is about access to services and facilities, including places of work, schools, colleges, the gym, the dentist, the town, the community centre, the shops, the beach and so much more. The committee recommended that Welsh Ministers should have the powers to issue guidance on related facilities. I am happy to accept this recommendation and have brought forward amendment 14 to this effect. I hope, Cadeirydd, that the committee will be pleased that, through the deliberations and discussions that we have had, we have been able to make considerable progress on these matters.

[93] **Nick Ramsay:** I thank the Minister for those comments. I am pleased that you have

taken on some of the concerns of the committee in terms of the ‘wholly recreational’ routes, and also that move on crossings not just purely being related facilities but intrinsic in their nature; those were big concerns for the committee. Eluned Parrott, would you like to speak to your amendment in this grouping?

[94] **Eluned Parrott:** Thank you. I thank the Minister for taking on board some of the points that were raised in the committee reports regarding the use of crossings, for example, which was particularly important. With regard to amendment 34, this amendment seeks to widen the criteria for active travel routes to ensure that they more closely reflect the needs of those travellers. You say that you want the focus to be on the journeys, not the routes. It is surprising, therefore, that you feel that this is not essentially journey-focused. We are talking about the experience of the user, rather than the nature of the route in terms of its physical infrastructure, by the wording that we have chosen. This particular amendment comes directly from the committee’s recommendations, which, as you know, the whole committee signed up to, namely that we recommend that further consideration be given to the wording of section 2(4)(a) to identify criteria that more closely and explicitly reflect the actual needs of active travellers. The committee stated:

[95] ‘Specifically, consideration should be given to the use of the words—continuous, direct, safe and comfortable for walking and cycling. We believe that these words more closely reflect the needs of walkers and cyclists and that they should be explicitly reinforced at least in guidance given under section 4.’

[96] Given that the committee as a whole signed up to that particular report, I am hopeful that they will be supportive of the intention behind the tabling of this particular amendment.

[97] With regard to amendment 35, the purpose of this particular amendment is simply to make sure that the list of related facilities is not confined to those included within the section, but it changes it to ‘include, but are not limited to’, to mean that there are opportunities, then, to be more flexible and expansive with the kind of facilities that can be provided.

[98] **Joyce Watson:** Minister, I am glad that you have taken on board various things, particularly in relation to crossings, because the issue of crossings was significantly important. It was important that people did not end up on a route with five lanes of traffic to cross with no provision for them to do so. So, I am really glad that you certainly have taken that on board, and I am glad to see the amendment that you have laid as a consequence of that. In particular, you have taken note of our report, which is reassuring in this case.

[99] However, I will not go along with recommendation 34. I will give you an example to explain the reason why not. We agree, and amendment 9 agrees, that all routes have to be safe and that they have to be reasonably comfortable. I live in Haverfordwest and, I can assure you that we should not put in the word ‘direct’ and state that these should be the safest and perhaps most comfortable routes—bearing in mind that we are trying to encourage people who do not currently cycle to cycle or walk—because it might be that people want to go around the hills in the area, because it has a castle, and every castle is at the top of a very steep hill. Therefore, more people might be able to cycle around Haverfordwest rather than taking the most direct route, which would take you—and you have to be pretty good to take this route—straight up the high street on your bike. I would challenge those sitting around this table to have a go at that, because it would test them to their absolute limit, and beyond. So, that is my reason for not thinking that the most direct route is necessarily the best. I know that, immediately, it would disenfranchise a lot of people and remove the opportunity to have a safe route that was rerouted around that area. The majority of residents in that particular town would agree with that. So, I will not be supporting amendment 34 on that particular basis, but I also recognise that it has been done under amendment 9.

[100] Moving on to amendment 35, I will not be supporting that either, simply because I do not see that it adds anything and I do not see the point of putting an amendment forward that does not mean anything, other than what is already written.

[101] **Nick Ramsay:** Minister, every castle is at the top of a steep hill. [*Laughter.*] Would you like to respond?

[102] **John Griffiths:** I immediately thought of the castle in Newport in Gwent, which is not at the top of a steep hill, but, there you are; it is the exception that proves the rule.

[103] As I said, the amendments that I have brought forward in this group do respond to the committee's recommendations with regard to clarifying definitions of 'active travel routes' and 'related facilities' as you also recognised, Cadeirydd. Once again, I thank Eluned Parrott for her contributions and I understand the desire, once again, for the reference to 'continuous, direct, safe and comfortable' to be on the face of the Bill, but we do not think that these are terms that are appropriate to be included in the legislation. They could limit the provision available, and are very much subjective in terms of user experience in many ways.

[104] I am happy, though, to include terms in guidance in this context. I think that these factors would be useful for local authorities to consider when identifying active travel routes. So, again, I think that it is a question of balance and where we most profitably and productively approach these matters.

[105] **Nick Ramsay:** Thank you, Minister. You clearly wish to move to a vote. The question is that amendment 3, the lead amendment of this group, be agreed to. Does any Member object? There are no objections, so amendment 3 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

Grŵp 5: Ystyr 'Cerddwyr a Beicwyr' (Gwelliannau 4, 5, 8, 10, 13, 25, 26 a 28)
Group 5: Meaning of 'Walkers and Cyclists' (Amendments 4, 5, 8, 10, 13, 25, 26 and 28)

[106] **Nick Ramsay:** The lead amendment in group 5 is amendment 4 in the name of the Minister. I therefore move amendment 4 in the name of the Minister and call on the Minister to speak to the amendment and any of the other amendments in this group.

[107] **John Griffiths:** I fully accept the principle behind the recommendation that the Bill should make provision for disabled people to undertake active travel, and that active travel routes should be accessible. It has always been our policy intention that those who could not physically walk and needed mobility aids to get about should be considered as walkers and cyclists, and should be able to benefit fully from the provisions of the Bill.

[108] At introduction, we were concerned that a definition of walkers and cyclists that explicitly included people who use wheelchairs and other mobility aids in the Bill would mean that all parts of the routes to be shown on the existing route-maps, or the integrated network maps, must be fully accessible to those who use wheelchairs or other mobility aids. While such provision would be desirable, the reality is that many routes are not of that standard, and this would pose problems for the Bill in fulfilling its purpose to get many more people travelling actively, cycling and walking.

[109] We want to improve the quality and accessibility of existing routes, and new routes should be designed to be accessible for all active travellers. However, we do not wish to prevent the identification of current routes, which are suitable for some active travellers, even

if they are not currently suitable for all active travellers. Section 9 was intended to make the Bill inclusive to all by making it clear how we expect local authorities to balance these varying needs, and providing infrastructure that will benefit as many people as possible.

[110] I recognise that we have not communicated this intention perhaps as clearly as might have been the case, and this has caused some confusion and, indeed, tension, about why we did not reference other types of disability. The answer was that we did not need to refer to other types of disability to include them in guidance to the Bill, as they were already included in a standard definition of ‘walkers and cyclists’, in a way that those that cannot physically walk are not.

[111] I have considered the views of the Constitutional and Legislative Affairs Committee that guidance under section 9 is not an appropriate vehicle to achieve this, and I have looked for an alternative. I have brought forward amendment 5 that will clearly recognise that those who use mobility aids are to be considered walkers and cyclists, and that this will not be to the detriment of other groups who have different needs for active travel provision. I recognise that these are difficult balances to strike, and I know that local authorities will be mindful of these issues in taking this legislation forward. However, I think that what I have set out is the most appropriate balance in terms of the legislation.

[112] **Nick Ramsay:** Do any Members wish to speak to this group of amendments?

[113] **Eluned Parrott:** Could the Minister reflect on amendment 5? I imagine that the intention is to mop-up the definitions of who might be classed as walkers and cyclists, but I note that subsection (c) says,

[114] ‘disabled people not within paragraph (a)’,

[115] which is ‘people who walk’. However, this particular set of definitions only deals with people who specifically have a mobility issue in terms of their disability.

10.30 a.m.

[116] I do not believe that it deals with those who may, for example, have a sensory impairment that makes walking on a busy footpath or shared space very difficult. I do not believe that it deals with people who may have a learning disability, who may also find those kinds of spaces very difficult to deal with. I wonder if you can perhaps explain to us whether you believe that these individuals have been adequately covered elsewhere by your amendments. I am concerned that they are not at present.

[117] **Joyce Watson:** I have the same point, actually. I support absolutely what you are doing, Minister, and what you have done, but we heard an awful lot about shared spaces and we have to be assured that we have considered people who have sensory impairments as described—people who are blind and partially sighted, and people who are hard of hearing. I will support this, because it is a move in the right direction, but I will ask you in your answer to demonstrate that the other categories are not left behind. I know that it is difficult, and I am supporting this so that we can move forward, because that is the aim of this Bill: to move forward for as many people as possible as quickly as possible. However, what I do not want—and I am sure it is not your intention either, Minister—is to leave a whole group of people vulnerable or left behind. I would like some assurances, but I will be supporting this.

[118] **Alun Ffred Jones:** Mae fy Alun Ffred Jones: My amendment—
ngwelliant i—gwelliant 32 i adran 9—yn amendment 32 to section 9—tries to expand
ceisio ehangu’r diffiniad o unigolion sy’n the definition of individuals who suffer from
dioddef o anabledd i gynnwys y rhai sydd ag disability to include those who suffer from

anableddau synhwyrol—nid ‘synhwyrol’ sensory impairment, if that is the right word yw’r gair, ond ‘synhwyrus’, neu ‘*sensory impairment*’. Felly, rwy’n gobeithio y bydd yw’r gair, ond ‘synhwyrus’, neu ‘*sensory impairment*’. Felly, rwy’n gobeithio y bydd cefnogaeth i’r gwelliant hwnnw, ac efallai y support for that amendment, and perhaps you byddech yn pleidleisio yn erbyn gwelliant 25, would vote against amendment 25 then. felly.

[119] **Nick Ramsay:** Are Members happy? I call on the Minister to reply to the debate.

[120] **John Griffiths:** I have brought forward amendment 25 to remove section 9 from the Bill altogether, as it is not necessary with the amended definition of ‘walkers and cyclists’. Welsh Ministers do not need to seek additional powers to issue guidance covering those groups. I want to ensure that the diversity of requirements to meet these different needs can be appropriately considered. For example, a level shared surface might not be suitable for someone who uses a mobility scooter, but a segregated surface with a raised kerb might be the most suitable type of infrastructure for someone who uses a long cane or a guide dog. I accept that there are a range of issues that need to be addressed around these matters and, as I say, I know that local authorities will be mindful of these issues as well.

[121] The alternative is to specify that all infrastructure provided as a consequence of the Bill must be suitable for those with a particular type of need. We were concerned that this could lead to infrastructure that was unsuitable for those with different needs, and could potentially place disabled and other vulnerable active travellers at greater risk. Including different groups of walkers and cyclists means that we could mitigate this risk, including different groups as we propose. Of course, we have worked closely with groups that represent people with disabilities, such as Guide Dogs for the Blind and Disability Wales, to better understand these issues and impacts. The delivery guidance and design guidance will be very important with regard to these matters, obviously, and will reflect the needs of people with a range of disabilities—all the matters that Members have mentioned here. I am grateful to Disability Wales, Guide Dogs for the Blind and Diverse Cymru for their great help and the tireless support given to my officials in developing this guidance and taking it forward.

[122] We also know that the Equalities Act 2010 places duties on all public bodies across a range of disabilities, and these deal with many of the issues that Members are concerned with. We did reference the legislation at previous stages. People with sensory and learning disabilities would not be prevented from being characterised as walkers, as there is no legal difficulty in including them under this definition. Again, I think that those are matters that we have covered previously, and that is quite clearly the case. So, we do feel that this legislation is sufficiently comprehensive in dealing with these matters.

[123] I fully agree with Alun Ffred Jones that the needs of vulnerable travellers should be included in the guidance, but the Equality Act means that we do not need to reflect this separately. I very much recognise that all Members would feel strongly about these issues, and rightly so, and there is a big responsibility on us to make sure that we get it right and that no group is excluded from the benefits of this active travel legislation. However, for the reasons that I mentioned, I believe that we are covering all bases, as it were.

[124] **Nick Ramsay:** Great; thank you, Minister.

[125] The question is that lead amendment 4 in this group be agreed to. Does any Member object? There are no objections. So, amendment 4 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 4.
Amendment 4 agreed.*

[126] **Nick Ramsay:** In line with the marshalled list, we will now dispose of amendment 5. I move amendment 5 in the name of the Minister. If amendment 5 is not agreed, amendments 8, 10, 13, 25, 26 and 28 will fall. The question is that amendment 5 be agreed to. Does any Member object? There are no objections. So, amendment 5 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

[127] **Nick Ramsay:** I am mindful that we are now halfway through the groups of amendments. I am wondering whether Members would like to break for a short time. I see that the Minister is happy to do so. I therefore propose that we break for 10 minutes.

*Gohiriwyd y cyfarfod rhwng 10.37 a.m. a 10.47 a.m.
The meeting adjourned between 10.37 a.m. and 10.47 a.m.*

**Grŵp 6: Dynodi manau (Gwelliannau 47, 6, 7B, 7A a 7)
Group 6: Designating Localities (Amendments 47, 6, 7B, 7A and 7)**

[128] **Nick Ramsay:** Welcome back, Members and Minister. Group 6 relates to designating localities and includes lead amendment 47, amendments 6, 7B, 7A and 7. Amendment 47 is in the name of Byron Davies. I therefore call on Byron Davies to move and speak to that amendment and any other amendments in the group.

[129] **Byron Davies:** I move amendment 47 in my name.

[130] This group is about designating localities and we have concerns about Welsh Ministers specifying the locality. The Bill currently states that a route in a local authority's area is an active travel route if it is situated in a designated locality. We believe that local authorities are best placed to make this designation to specify a locality.

[131] The amendment aims to ensure that local authorities, and not Welsh Ministers, specify the locality. We believe that local authorities know their areas best and should decide on areas most appropriate for active travel routes. We also have concerns, which were raised by the Country Land and Business Association during the consultation process, that Welsh Ministers may have the power to extend the application of the Bill to rural areas without having assessed its potential impact on those areas. So, this highlights the point that local authorities will know which areas are most appropriate for the implementation of the Bill. The committee report stated that we believe that locality should primarily be designated based on whether there is the potential to encourage a modal shift to active travel for shorter journeys. So, surely, this is something that local authorities are best placed to decide, as they know their areas best.

[132] Amendment 7B is an amendment to amendment 7, in which we are looking to leave out 'Welsh Ministers' and insert 'local authority', for the reasons that I have already outlined.

[133] **Eluned Parrott:** I am supportive of all the amendments in this group, which recognise that the designation of localities within which active travel routes can be identified must go beyond references to population size and density and include the potential for modal shift, in terms of the distance to local community services and facilities. That is the purpose of my amendment, namely to emphasise that point. The important thing is that it does not just focus on numbers of people, but on journey potential and purposefulness. So, it will be the distance from services such as shops, areas of employment, hospitals, schools and post offices. There are many cases in rural areas of two or three villages clustered together, which

may only be a couple of miles apart, but where one has, essentially, all of the services and the only link between them is an A road with a high speed limit. If there was some form of off-highway link, walking or cycling could really be a viable option. It is about the potential to encourage people, as opposed to the density of the population and whether or not that will be effective.

[134] As I say, I am supportive of the other amendments in this group and I recognise that it is local authorities that are best placed to be able to judge whether or not community facilities, in and of themselves, are likely to be well-linked in this kind of way. It is something that, at that very local level, may not be best judged by the Welsh Ministers, who have to take a higher-level strategic view.

[135] **Alun Ffred Jones:** Rwy'n gwrthwynebu gwelliant 47, er fy mod yn cefnogi gwelliant pellach gan Byron Davies yn nes ymlaen, sy'n sicrhau gwell monitro ar effaith y Bil hwn ar y rhwydwaith. Byddaf yn cefnogi gwelliant y Gweinidog. Y rheswm am hynny yw ei bod yn bwysig iawn bod y Gweinidog yn cymryd cyfrifoldeb am y rhwydwaith hwn, er y byddai llawer o'r penderfyniadau yn cael eu gwneud ar lefel leol, oherwydd gwybodaeth leol. Fodd bynnag, y Gweinidog, neu'r Gweinidogion, sy'n gorfod sicrhau eu bod yn ariannu'r gwelliannau hynny. Felly, er mwyn cynnal y cyswllt hwnnw, nid wyf yn credu ei bod yn ddoeth symud y cyfrifoldeb i gyd i lywodraeth leol. Dyna pam y byddaf yn cefnogi'r Gweinidog, a hefyd welliant Eluned Parrott, ond yn gwrthwynebu gwelliant 47.

Alun Ffred Jones: I oppose amendment 47, although I support a further amendment by Byron Davies later on, which ensures better monitoring of the impact of this Bill on the network. I will be supporting the Minister's amendment. The reason for that is that it is very important that the Minister takes responsibility for this network, although many decisions would happen at a local level, because of local knowledge. However, it is the Minister, or Ministers, who must ensure that they fund those improvements. Therefore, to maintain that link, I do not think it wise to move all of the responsibility to local government. That is why I will be supporting the Minister, and also Eluned Parrott's amendment, but opposing amendment 47.

[136] **Nick Ramsay:** I call Julie James.

[137] **Julie James:** Alun Ffred has more or less stated my exact views, so I will just attach my comments to his.

[138] **John Griffiths:** Alun Ffred Jones makes some strong points. Obviously, we have to balance the need to enable local authorities to act on their own local knowledge of circumstances within their areas with making sure that there is a strong Welsh Government drive around this legislation to make sure that it succeeds. We know that there is a great deal of unevenness and patchiness from one local authority to another at the current time, so we do not feel that it would be right to delegate down responsibility to local authorities to the extent that Byron suggests. The designation of localities was of interest to all stakeholders, and I very much thank the committee for its recommendation in this regard. We want the Bill to apply to as many communities as possible, and that is why we need to address the unevenness from one local authority to another, making sure that we have much greater consistency of provision, and quality provision, through this legislation in the future. We do not believe that leaving the designation of localities to which the Bill applies to local authorities would address those issues. As I said, that is why I am not able to support Byron Davies's amendments.

[139] I fully agree with the position that the potential for active travel is key regarding which settlement should be designated but, on its own, it is difficult to use as a single measure. That is why I have brought forward amendment 7, to include it on the face of the

Bill as an additional criterion. I believe that that is the best approach. Including a further criterion of proximity to community services and facilities will also help to ensure that the Bill applies to as many communities as could possibly benefit from this legislation. I think that we have achieved some important strengthening of the Bill in this regard.

[140] **Nick Ramsay:** Thank you, Minister. I call on Byron Davies to respond to the debate.

[141] **Byron Davies:** I have heard what has been said and I hear what you say, Minister. I am certainly not persuaded. I am still of the opinion that local authorities are best placed. For that reason, I support this amendment.

[142] **Nick Ramsay:** The question is that amendment 47 in the name of Byron Davies be agreed to. Does any Member object? I see that there is objection. Therefore, I call for a vote.

*Gwelliant 47: O blaid 3, Ymatal 0, Yn erbyn 6.
Amendment 47: For 3, Abstain 0, Against 6.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Jones, Alun Ffred
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 47.
Amendment 47 not agreed.*

[143] **Nick Ramsay:** We will now dispose of amendments 6, 7B, 7A and 7. I move amendment 6 in the name of the Minister. If amendment 6 is not agreed, amendments 7A, 7B and 7 will fall. The question is that amendment 6 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34, therefore, amendment 6 is agreed.

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

[144] **Nick Ramsay:** As there are amendments to amendment 7 we will dispose of those first. I invite Byron Davies to move amendment 7B.

[145] **Byron Davies:** I move amendment 7B tabled in my name.

[146] **Nick Ramsay:** The question is that amendment 7B be agreed to. Does any Member object? I see that there is objection. Therefore, I call for a vote.

*Gwelliant 7B: O blaid 3, Ymatal 0, Yn erbyn 6.
Amendment 7B: For 3, Abstain 0, Against 6.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Jones, Alun Ffred
Morgan, Julie

Watson, Joyce

Gwrthodwyd gwelliant 7B.
Amendment 7B not agreed.

[147] **Nick Ramsay:** I now invite Eluned Parrott to move amendment 7A.

[148] **Eluned Parrott:** I move amendment 7A tabled in my name.

[149] **Nick Ramsay:** The question is that amendment 7A be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34, therefore, amendment 7A is agreed.

Derbyniwyd gwelliant 7A.
Amendment 7A agreed.

[150] **Nick Ramsay:** I move amendment 7 in the name of the Minister. The question is that amendment 7 as amended be agreed to. Does any Member object? I see that there is objection. Therefore, I call for a vote.

Gwelliant 7: O blaid 7, Ymatal 0, Yn erbyn 2.
Amendment 7: For 7, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Keith
Hedges, Mike
James, Julie
Jones, Alun Ffred
Morgan, Julie
Parrott, Eluned
Watson, Joyce

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Byron
Ramsay, Nick

Derbyniwyd gwelliant 7.
Amendment 7 agreed.

[151] **Nick Ramsay:** In line with the marshalled list, we will now dispose of amendments 8, 9, 10, 34, 11, 35, 12, 13 and 14. I move amendment 8 in the name of the Minister. The question is that amendment 8 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34, therefore, amendment 8 is agreed.

Derbyniwyd gwelliant 8.
Amendment 8 agreed.

[152] **Nick Ramsay:** I move amendment 9 in the name of the Minister. The question is that amendment 9 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34, therefore, amendment 9 is agreed.

Derbyniwyd gwelliant 9.
Amendment 9 agreed.

[153] **Nick Ramsay:** I move amendment 10 in the name of the Minister. The question is that amendment 10 be agreed to. Does any Member object? There is no objection. In accordance with Standing Order No. 17.34, therefore, amendment 10 is agreed.

Derbyniwyd gwelliant 10.

Amendment 10 agreed.

[154] **Nick Ramsay:** Eluned Parrott, would you like to move amendment 34?

[155] **Eluned Parrott:** I move amendment 34 tabled in my name.

11.00 a.m.

[156] **Nick Ramsay:** The question is that amendment 34 be agreed to. Does any Member object? I see that there is objection. Therefore, I call for a vote.

Gwelliant 34: O blaid 3, Ymatal 0, Yn erbyn 6.

Amendment 34: For 3, Abstain 0, Against 6.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Ramsay, Nick
Watson, Joyce

Gwrthodwyd gwelliant 34.

Amendment 34 not agreed.

[157] **Nick Ramsay:** I move amendment 11 in the name of the Minister. The question is that amendment 11 be agreed to. Does any Member object? I see that there is no objection. In accordance with Standing Order No. 17.34, I therefore declare amendment 11 agreed.

Derbyniwyd gwelliant 11.

Amendment 11 agreed.

[158] **Nick Ramsay:** I invite Eluned Parrott to move amendment 35.

[159] **Eluned Parrott:** I move amendment 35 in my name.

[160] **Nick Ramsay:** The question is that amendment 35 be agreed to. Does any Member object? I see that there is objection. Therefore, I call for a vote.

Gwelliant 35: O blaid 4, Ymatal 0, Yn erbyn 5.

Amendment 35: For 4, Abstain 0, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

Gwrthodwyd gwelliant 35.

Amendment 35 not agreed.

[161] **Nick Ramsay:** I move amendment 12 in the name of the Minister. The question is that amendment 12 be agreed to. Does any Member object? I see that there are no objections.

In accordance with Standing Order No. 17.34, I therefore declare amendment 12 agreed.

*Derbyniwyd gwelliant 12.
Amendment 12 agreed.*

[162] **Nick Ramsay:** I move amendment 13 in the name of the Minister. The question is that amendment 13 be agreed to. Does any Member object? I see that there are no objections. In accordance with Standing Order No. 17.34, I therefore declare amendment 13 agreed.

*Derbyniwyd gwelliant 13.
Amendment 13 agreed.*

[163] **Nick Ramsay:** I move amendment 14 in the name of the Minister. The question is that amendment 14 be agreed to. Does any Member object? I see that there are no objections. In accordance with Standing Order No. 17.34, I therefore declare amendment 14 agreed.

*Derbyniwyd gwelliant 14.
Amendment 14 agreed.*

**Grŵp 7: Mapiau Llwybrau Presennol (Gwelliannau 36, 15, 16, 17, 18, 37 a 21)
Group 7: Existing Routes Maps (Amendments 36, 15, 16, 17, 18, 37 and 21)**

[164] **Nick Ramsay:** The lead amendment in this group is amendment 36 in the name of Eluned Parrott. I invite Eluned Parrott to move the amendment and speak to it and other amendments in the group.

[165] **Eluned Parrott:** I move amendment 36 in my name.

[166] The purpose of amendment 36 is to require local authorities to conduct an audit of routes prior to preparing an existing route-map. Obviously, it is simply not possible to produce a map if you have not identified what the current provision is. We want to make sure that that identification process is formally conducted. This is particularly necessary as the only measurement within the Bill at the moment in terms of success of outputs is in the range and quality of routes. Therefore, we must have a robust baseline and a consistent baseline across local authorities if we are to be able to judge progress in terms of the delivery of the Active Travel (Wales) Bill.

[167] We support the Government's amendments on the consultation requirements, which reflect recommendations from the Constitutional and Legislative Affairs Committee. We hope that this consultation will ensure cross-departmental working as well as across local authority departments and other bodies such as local education authorities, Public Health Wales and community groups and, of course, with local residents.

[168] We are also pleased that the Government has adopted the Enterprise and Business Committee's recommendation to reduce the time period for preparing existing route-maps from three years to one year. With that in mind, our amendment 37 seeks to ensure that the preparation of route-maps and the submissions processes continue to be coterminous, making sure that we are conducting both things contemporaneously, so that we are minimising the time and cost implications for local authorities with regard to potentially having to do things in different time frames. We are just trying to make it consistent with the changes that have been made by the Government elsewhere.

[169] **Julie James:** We support all of the amendments in this section, except the first one, because I do not think that inserting the word 'audit' adds anything at all to the drafting. Apart from that, we support everything.

[170] **Nick Ramsay:** Apart from amendment 36.

[171] **Julie James:** Yes.

[172] **Keith Davies:** Dyna'r cwestiwn sydd gennyf i: beth fyddai archwiliad yn ei wneud na fydd yn digwydd beth bynnag? **Keith Davies:** That is the question that I have: what would an audit do that will not already happen?

[173] **Byron Davies:** I echo what has been said, because we do not believe that it is a necessary amendment, as local authorities would undertake this exercise regardless. So, we will not be supporting it, but we will be supporting the rest of the amendments in this group.

[174] **Nick Ramsay:** I call on the Minister to speak.

[175] **John Griffiths:** We think that it is obviously a sensible starting point for local authorities to survey what is already there, with regard to amendment 36. There is an issue as well with the drafting, particularly the word 'audit', which is not one that lawyers find acceptable. So, there are issues there.

[176] As far as consulting is concerned, the committee recommended that local authorities should be required to consult on existing route-maps. I have accepted this recommendation and have brought forward an amendment to that effect, namely amendment 15. Local authorities already have approaches to consultation on active travel. Where there are examples of excellence in this area, they will be incorporated into guidance. That is important. We have local authority walking and cycling groups and equality groups advising my officials on the best way to consult with these groups, so that we get it right.

[177] To ensure that this consultation is meaningful and purposeful, I have brought forward amendment 21, which makes consultation one of the factors that Welsh Ministers will consider in deciding whether to approve maps. So, I think that we can have confidence that consultation will have to be of the quality and extent that all those groups and Members here would expect.

[178] In terms of the committee recommendation that three years is too long for preparing existing route-maps and should be reduced to a year, amendment 16 reflects that recommendation. I believe that that timescale is preferable and will enable improvements to be made to infrastructure more quickly.

[179] Many stakeholders also raised concerns that the guidance on standards for routes could be ignored, and that substandard infrastructure could be mapped. The report from the committee recommended that design standards should be mandatory. I do not consider that mandatory standards are appropriate. This could lead to routes being unnecessarily excluded from maps, as well as a range of unwanted financial and legal issues for local authorities. However, I recognise the concern as to how guidance could be applied. So, I propose a similar approach to that used for motorised routes. Where the local authority has departed from the standards, it will have to justify why it is appropriate to do so in the particular circumstance.

[180] The document required by amendment 17 will require local authorities to show how they have applied the guidance on standards, and I think that that will give it much more weight. At the same time, this approach avoids unintended consequences of mandatory standards, such as reduced provision, existing routes being closed, disproportionate or inappropriate provision for the level of use, and increased risk of litigation. However, there is little point in requiring local authorities to create an explanation and statement of the

standards of their routes if those who are using those routes cannot see it. So, amendment 21 extends the publication requirements of the existing route-maps to the explanation and statement, so that they can be widely available.

[181] **Nick Ramsay:** Thank you, Minister. I call on Eluned Parrott to reply to the debate.

[182] **Eluned Parrott:** I am a little disappointed that the need for an audit is not clear from the purpose of the Bill, but perhaps I can explain why I believe it to be such a necessary part of the preparation process. The Active Travel (Wales) Bill will be judged in terms of its success against whether or not there has been progress against a baseline, but you have not given us a baseline. That is the problem. If we are to compare one local authority with another, we need to make sure that the measurements that we have used in the first instance to create that baseline and to measure them against it is consistent across Wales between local authorities. This will ensure that we are comparing like with like.

[183] In future when we are trying to scrutinise this piece of legislation and understand whether it has had an effect and an impact across Wales, if we do not have consistency in the way that these things are measured, we will come to a point where we are not able to scrutinise the success of this, and you, Minister, will not be able to determine whether one authority is more effective in terms of delivering the active travel Bill than another. It is about giving us the tools to make sure that the measurements we set in the future are consistent enough to be useful to us then.

[184] **Nick Ramsay:** The question is that amendment 36 be agreed to. Does any Member object? There is objection, and so we will move to a vote.

*Gwelliant 36: O blaid 2, Ymatal 0, Yn erbyn 7.
Amendment 36: For 2, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Jones, Alun Ffred
Parrott, Eluned

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Byron
Davies, Keith
James, Julie
Hedges, Mike
Morgan, Julie
Ramsay, Nick
Watson, Joyce

*Gwrthodwyd gwelliant 36.
Amendment 36 not agreed.*

[185] **Nick Ramsay:** In line with the marshalled list, we now move to dispose of amendments 15 to 18, and 37. I move amendment 15 in the name of the Minister. If amendment 15 is not agreed, then amendment 18 will fall. The question is that amendment 15 be agreed to. Does any Member object? There is no objection, and so amendment 15 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 15.
Amendment 15 agreed.*

[186] **Nick Ramsay:** I move amendment 16 in the name of the Minister. The question is that amendment 16 be agreed to. Does any Member object? There is no objection, and so amendment 16 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 16.
Amendment 16 agreed.*

[187] **Nick Ramsay:** I move amendment 17 in the name of the Minister. If amendment 17 is not agreed then amendment 21 will fall. The question is that amendment 17 be agreed to. Does any Member object? There is no objection, and so amendment 17 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 17.
Amendment 17 agreed.*

[188] **Nick Ramsay:** I move amendment 18 in the name of the Minister. The question is that amendment 18 be agreed to. Does any Member object? There is no objection, and so amendment 18 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 18.
Amendment 18 agreed.*

[189] **Nick Ramsay:** Eluned Parrot, would you like to move amendment 37?

[190] **Eluned Parrott:** I move amendment 37 in my name.

[191] **Nick Ramsay:** The question is that amendment 37 be agreed to. Does any Member object? There is no objection, and so amendment 37 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 37.
Amendment 37 agreed.*

Grŵp 8: Mapiau Rhwydwaith Integredig (Gwelliannau 19 a 20) Group 8: Integrated Network Maps (Amendments 19 and 20)

[192] **Nick Ramsay:** This group includes amendment 19 as the lead amendment, and amendment 20. I move amendment 19 in the name of the Minister and call on him to speak to the amendment.

[193] **John Griffiths:** The committee recommended that local authorities should be required to consult on their integrated network maps. In light of that, I have brought forward amendment 19 to that effect. That matches the requirement to consult on the existing route-maps, which we discussed in group 7. Local authorities have existing approaches to consultation on active travel, and where there are examples of excellence in this area then we will incorporate those in guidance. As I said earlier, I think that is important. Again, local authorities, walking and cycling bodies and equality groups are advising my officials on the best way to consult these groups, so we can have some confidence that we will get it right. To ensure that this consultation is meaningful and purposeful, amendment 20 makes this consultation one of the factors that Welsh Ministers will consider in deciding whether to approve the maps. The integrated network maps are intended to display the plans for active travel infrastructure over a 15-year period. It will be a useful tool for overcoming silo working and for clear communication of plans.

[194] There is always a danger that there could be a lack of necessary joining up, and silo working is always an issue. So, with clear communication of plans through this useful tool, we will hopefully overcome some of those potential difficulties. A strong consultation will be valuable in achieving necessary clarity.

[195] **Nick Ramsay:** There are no other speakers. The question is that amendment 19 be agreed to. Does any Member object? There is no objection, so amendment 19 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 19.
Amendment 19 agreed.*

[196] **Nick Ramsay:** We will now dispose of amendments 38 and 20. Eluned Parrott, would you like to move amendment 38?

[197] **Eluned Parrott:** I move amendment 38 in my name.

[198] **Nick Ramsay:** The question is that amendment 38 be agreed to. Does any Member object? There is objection, and so we move to a vote.

*Gwelliant 38: O blaid 4, Ymatal 0, Yn erbyn 5.
Amendment 38: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
James, Julie
Hedges, Mike
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 38.
Amendment 38 not agreed.*

11.15 a.m.

[199] **Nick Ramsay:** I move amendment 20 in the name of the Minister. The question is that amendment 20 be agreed to. Does any Member object? There is no objection, therefore in accordance with Standing Order No. 17.34, amendment 20 is agreed.

*Derbyniwyd gwelliant 20.
Amendment 20 agreed.*

Grŵp 9: Canllawiau (Gwelliannau 48, 49, 32, 45 a 50) Group 9: Guidance (Amendments 48, 49, 32, 45 and 50)

[200] **Nick Ramsay:** Byron Davies, I invite you to move and speak to the lead amendment, amendment 48, and to the other amendments in the group.

[201] **Byron Davies:** I move amendment 48 in my name.

[202] The aim of the amendment is to question the idea of mandatory guidance. Without seeing the guidance, we do not feel that we can, at this stage, support any amendments that state that this guidance should be mandatory. That is why we have tabled an amendment that looks to change the wording 'have regard to' to 'consider'. We also believe that Wales has a varied and complex landscape, and mandatory guidance may not be appropriate for implementation across the board. Guidance is important, but each local authority area is different and we feel that it is up to each area to decide what is most appropriate. Guidance should be adaptable and, therefore, we have concerns about the idea of it being mandatory. The guidance should not be imposed, therefore, on local authorities.

[203] Amendment 49 carries the same purpose as amendment 48, and the aim of amendment 50 is to ensure that the nature of the guidance provided by Welsh Ministers is advisory in character and, as I said, not mandatory. As I previously stated, without seeing the guidance, we do not feel, at this stage, that we can support any amendments that state that this guidance should be mandatory. Subsection (a) in the amendment highlights the importance of drawing together best practice from each local authority for the development of the guidance provided by Welsh Ministers, and, while each local authority area is different, it is important that where there are examples of best practice, they are shared through the guidance.

[204] **Alun Ffred Jones:** Os caf siarad am welliant 32, rydym wedi cael trafodaeth ynglŷn â chynnwys grwpiau sydd ag anableddau gwahanol, ac mae'r Gweinidog wedi dweud nad oes angen hynny, oherwydd bod 'cerddwyr' yn cynnwys pawb, boed eu bod yn dioddef anableddau neu beidio. Fodd bynnag, roedd y grwpiau a oedd yma yn rhoi tystiolaeth yn dweud bod angen cynnwys grwpiau fel y rhai sydd â nam ar y synhwyrau a defnyddwyr bregus eraill ar wyneb y Bil er mwyn sicrhau bod ymgynghori llawn gyda nhw pan fo llywodraeth leol yn bwrw ymlaen gyda'i chynlluniau. Roedd Anabledd Cymru yn bendant o'r farn bod angen i ni gynnwys hyn ar wyneb y Bil. Dyna pam rwyf wedi cyflwyno'r gwelliant hwn, ac, wrth gwrs, mae'n gyson ag argymhelliad 16 gan y pwyllgor hwn i'r Gweinidog. Poeni yr ydym os nad ydym yn ei gynnwys y bydd adran 9 yn rhy gyfyng yn ei gyrhaeddiad ac mae'n bwysig iawn ein bod yn sicrhau nad oes neb yn syrthio yn y bylchau rhwng y diffiniadau wrth i ni fwrw ymlaen gyda gwella'r rhwydweithiau.

Alun Ffred Jones: If I may speak to amendment 32, we have had a discussion about including groups who have different disabilities, and the Minister has said that we do not need to do that, because 'walkers' includes everyone, whether they suffer from disabilities or not. However, the groups that were here giving evidence said that we need to include groups such as those with sensory impairments and other vulnerable users on the face of the Bill in order to ensure that there is full consultation with them when local authorities press ahead with their plans. Disability Wales was definitely of the view that we need to include this on the face of the Bill. That is why I have submitted this amendment, and, of course, it is consistent with the recommendation 16 by this committee to the Minister. We are concerned that if we do not include this, section 9 will be too restricted in its reach, and it is very important that we ensure that no-one falls through the gaps between the definitions as we press ahead with improving the networks.

[205] Gyda llaw, rwy'n gwrthwynebu gwelliannau 48, 49 a 50. Beth bynnag yw'r bwriad gyda'r gwelliannau, rwy'n teimlo eu bod yn gwanio'r Bil fel ac y mae.

By the way, I oppose amendments 48, 49 and 50. Whatever the intention behind the amendments, I feel that they weaken the Bill as it stands.

[206] **Eluned Parrott:** I would like to support particularly amendment 32 from Alun Ffred Jones. If we fail to specifically identify individuals who are vulnerable users on the face of the Bill, there is a risk that they will not be adequately considered by local authorities when considering their duties. So, I ask members of the committee if they would consider, when the time comes, voting against amendment 25 from the Minister, which removes section 9 altogether from the Bill, so that we are able to include these individuals, these vulnerable users, who do not specifically have a mobility impairment. We need to be able to include them in the Bill, and this is the only opportunity that we have at present. I would ask you to consider doing that.

[207] On the amendment that I have introduced in this group, amendment 45, I seek to place a duty on Welsh Ministers to consider the desirability of promoting active travel and to encourage cross-portfolio working between the health and environment portfolios and, of course, your own portfolio of transport in having regard to the desirability of promoting active

travel. The concept of the promotion of active travel is, as I say, important to this Bill; it is important to ensure that there is an outcome and not just outputs from this Bill, and I would encourage Members to seriously consider that.

[208] I am not able to support amendment 50, because I do not believe that that strengthens the Bill. I believe that it weakens it. One of the key issues in getting more people cycling is the lack of high-quality infrastructure. Expert guidance already exists, but that does not mean to say that expert guidance is already followed on a routine basis. The committees that I have sat on have sought to strengthen this to 'mandatory'. I note that the Minister does not necessarily wish to be too prescriptive about the design guidance that is produced, but I think that reducing the design guidance to 'advisory' is a retrograde step in what we are trying to achieve.

[209] **Julie James:** I agree with what Eluned Parrott has just said. However, I have to say that I disagree with Byron's understanding of what the Bill says at the moment, because I do not think that there is a 'mandatory' at the moment; it just says 'have regard to', which, when I was at law school, did not mean mandatory. I think that you have weakened it even further. I have to say that the Minister and I have had some spirited discussions about this, but I would like to see it strengthened even more, although I understand the Minister's current reasons for not wanting to do that.

[210] We need to have consistency across Wales, so we do need to have the same guidance in place across Wales. There will be local interpretive issues, as is right and proper, because people have control over their locality, but I do not think that we need to have a postcode lottery for whether the guidance does or does not even 'have regard to'. As I say, I would quite like it to be strengthened from there, although I understand the Ministers reasons for not wanting to do that at this stage.

[211] On the equalities point, I think that the Minister explained that extremely well previously. I agree that what we need to do is to understand that this Bill sits within a suite of other Bills, which includes the equalities Bill. I think that the problem with statutory interpretation is that when you start to put different definitions into another Bill, you actually manage to weaken it and not strengthen it. I think that that is an important thing for us to consider.

[212] **Nick Ramsay:** We took legal advice on this term 'have regard to', and there is a wide range of opinions on what it actually means.

[213] **Julie James:** I do not know how many lawyers there are in the room, but I am sure that there are that many opinions on it.

[214] **Nick Ramsay:** Byron used the word 'mandatory', and even if that is not the right word, it is—

[215] **Julie James:** But I disagree with Byron's amendment anyway, because I think that it weakens the Bill from where we are. I think that we could have a 14-hour discussion among the lawyers about where we are at the moment, but I do not want it weakened. Anyway, I resist that amendment, but I agree with the spirit of Eluned's amendment. However, I think that the actual amendment weakens the Bill from where we are now. So, I resist it on the grounds of drafting, rather than principle.

[216] **John Griffiths:** With regard to concern over the status of the guidance, and whether it is sufficiently robust, as currently drafted, local authorities must have regard to it, as has been mentioned, under sections 5 and 7. I would not like to see any weakening of the requirement on local authorities, as suggested by Byron Davies's amendments, because, if it

was a matter of only considering the guidance, we would see a weakening. Given the unevenness that Members and I previously referred to regarding provision across Wales, we would risk not having the consistent approach and quality of approach that we need to see if we are to get active travel progressing as this legislation aims for. So, I think it is very important that, again, with guidance, we have the examples of best practice across Wales, rather than a piece of best practice from each local authority area, again because of that unevenness and patchiness.

[217] Cadeirydd, I support the principle of what Alun Ffred's amendment 32 seeks to achieve. Obviously, we have discussed it earlier, as Alun Ffred mentioned. I am resisting it because there is already legal provision in place to achieve this. Section 9 was intended to make the Bill inclusive to all by making it clear, through guidance, that walkers and cyclists include people who use mobility aids. There is a specific issue in terms of ensuring that anyone who needed to use a mobility aid is considered a walker, even if they could not physically ambulate, which, again, I think that we have covered.

[218] I considered the advice of the Constitutional and Legislative Affairs Committee that guidance under section 9 is not an appropriate vehicle through which to achieve this. Amendment 5 will recognise clearly that those who use mobility aids are to be considered walkers and cyclists. Again, I am going over ground that perhaps we have already covered, Cadeirydd, but it is relevant here as well. The Bill does not include reference to other vulnerable users, as these users would be considered walkers and cyclists under the definition given. Furthermore, the Equalities Act 2010 and the Rights of Children and Young Persons (Wales) Measure 2011 already require that regard is given to these users. The Welsh Ministers do not need to seek additional powers to issue guidance covering these groups.

[219] In considering Eluned's amendment, I accept that Welsh Ministers should have regard to these factors when giving guidance under this Bill. These factors are the reasons behind why the Bill was brought forward, of course. However, I will not support the amendment, as the drafting is not appropriate. The desirability of promoting active travel is a policy and, I think, a very good one, but it is not a fact. So, we will give further thought to these matters, Cadeirydd, as we approach Stage 3.

[220] **Eluned Parrott:** With regard to the amendments that we have brought forward, as I say, I am mindful of your point about drafting, but I hope that we will be able to come to an agreement on how that is put together. Thank you.

[221] **Byron Davies:** Guidance, of course, is important. I hear what the Minister says, and he is right: each authority is different. However, it is, I believe, up to each area to decide what is most appropriate, and it is important that where there are examples of best practice, these are shared through the guidance.

[222] **Nick Ramsay:** Do you wish to proceed to a vote on amendment 48?

[223] **Byron Davies:** I do.

[224] **Nick Ramsay:** The question is that amendment 48 be agreed to. Does any Member object? I see that there are objections. I therefore call for a moat—I am sorry, I meant a 'vote'; not a 'moat' in Wales. [*Laughter.*]

*Gwelliant 48: O blaid 2, Ymatal 0, Yn Erbyn 7.
Amendment 48: For 2, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Byron
Ramsay, Nick

Davies, Keith
James, Julie
Jones, Alun Ffred
Hedges, Mike
Morgan, Julie
Parrott, Eluned
Watson, Joyce

*Gwrthodwyd gwelliant 48.
Amendment 48 not agreed.*

[225] **Nick Ramsay:** In line with the marshalled list, we will now dispose of amendments 21, 39, 22A, 22B, 22C, 22 and 49.

[226] I move amendment 21 in the name of the Minister. The question is that amendment 21 be agreed to. Does any Member object? There are no objections, therefore amendment 21 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 21.
Amendment 21 agreed.*

[227] **Nick Ramsay:** I invite Eluned Parrott to move amendment 39.

[228] **Eluned Parrott:** I move amendment 39 in my name.

[229] **Nick Ramsay:** If amendment 39 is not agreed, amendment 46 will fall. The question is that amendment 39 be agreed to. Does any Member object? There are objections, therefore I call for a vote.

*Gwelliant 39: O blaid 4, Ymatal 0, Yn Erbyn 5.
Amendment 39: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
James, Julie
Hedges, Mike
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 39.
Amendment 39 not agreed.*

[230] **Nick Ramsay:** As there are amendments to amendment 22, we will dispose of the amendments to the amendment first. I invite Alun Ffred Jones to move amendment 22A.

[231] **Alun Ffred Jones:** Cynigiaf welliant 22A yn fy enw i. **Alun Ffred Jones:** I move amendment 22A in my name.

11.30 a.m.

[232] **Nick Ramsay:** The question is that amendment 22A be agreed to. Does any Member object? There is objection, so I call for a vote.

*Gwelliant 22A: O blaid 4, Ymatal 0, Yn erbyn 5.
Amendment 22A: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Ffred Jones, Alun
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

Gwrthodwyd gwelliant 22A.
Amendment 22A not agreed.

[233] **Nick Ramsay:** I call Alun Ffred Jones to move amendment 22B.

[234] **Alun Ffred Jones:** Cynigiaf welliant 22B yn fy enw i. **Alun Ffred Jones:** I move amendment 22B in my name.

[235] **Nick Ramsay:** The question is that amendment 22B be agreed to. Does any Member object? There are no objections, so amendment 22B is agreed in accordance with Standing Order No. 17.34.

Derbyniwyd gwelliant 22B.
Amendment 22B agreed.

[236] **Nick Ramsay:** I invite Alun Ffred Jones to move amendment 22C.

[237] **Alun Ffred Jones:** Cynigiaf welliant 22C yn fy enw i. **Alun Ffred Jones:** I move amendment 22C in my name.

[238] **Nick Ramsay:** The question is that amendment 22C be agreed to. Does any Member object? There are no objections, so amendment 22C is agreed in accordance with Standing Order No. 17.34.

Derbyniwyd gwelliant 22C.
Amendment 22C agreed.

[239] **Nick Ramsay:** I move amendment 22 in the name of the Minister. If amendment 22 is not agreed, then amendment 29 will fall. The question is that amendment 22, as amended, be agreed to. Are there any objections? There are no objections, so amendment 22, as amended, is agreed in accordance with Standing Order No. 17.34.

Derbyniwyd gwelliant 22 fel y'i diwygiwyd.
Amendment 22, as amended, agreed.

[240] **Nick Ramsay:** Byron Davies, would you like to move amendment 49?

[241] **Byron Davies:** I move amendment 49 in my name.

[242] **Nick Ramsay:** The question is that amendment 49 be agreed to. Does any Member object? I see that there are objections. Therefore, I call for a vote.

Gwelliant 49: O blaid 2, Ymatal 0, Yn erbyn 6.
Amendment 49: For 2, Abstain 0, Against 6.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Byron
Ramsay, Nick

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Parrott, Eluned
Watson, Joyce

Gwrthodwyd gwelliant 49.
Amendment 49 not agreed.

Tynnwyd gwelliant 31 yn ôl.
Amendment 31 withdrawn.

Grŵp 10: Adolygu Gweithrediad y Ddeddf (Gwelliannau 31, 40, 24A, 24B a 24)
Group 10: Review of Operation of the Act (Amendments 31, 40, 24A, 24B and 24)

[243] **Nick Ramsay:** We now move on to group 10, which is the final group of amendments. Amendment 40 is the lead amendment. I invite Eluned Parrott to move her amendment and speak to it and the other amendments in the group.

[244] **Eluned Parrott:** I move amendment 40 in my name.

[245] Thank you, Chair. The purpose of this amendment is to require a local authority to publish an online report of the steps taken to secure improvements in the range and quality of routes, and for Welsh Ministers to report on this annually so that we are able to scrutinise effectively the impact of the Active Travel (Wales) Bill. The amendment is obviously in line with the Conservative and Government amendments in this group in recognising the need for reporting mechanisms to monitor the enactment of the Bill. Our amendment seeks to ensure that, by requiring local authorities to publish reports, local authorities will be encouraged to gather consistent data that can then be compared and contrasted and easily monitored. Again, it is this question of consistency, so that scrutiny is adequate.

[246] I was concerned that the Conservative amendment 24B makes no reference to the type of information gathered by Welsh Ministers in pursuance of their duty to report under subsection 1. This lacks clarity, essentially, and I am concerned that it will prevent consistent data being collected at the point of source, if you see what I mean. Having said that, although this places a duty on a local authority, we do not think it is a burdensome duty, because this data will need to be collected for the Welsh Ministers in any case. However, we welcome the emphasis in the Conservative amendments on the need to recognise that the requirements of the Bill upon local authorities will not come without cost and that Welsh Ministers should monitor and assess the costs implications on an ongoing basis.

[247] I recognise that there is duplication between the amendment that I am putting forward today and the amendment that Byron Davies has tabled. What I would suggest is that I will perhaps seek to withdraw my amendment today on the basis that, at the next stage, we might seek to amend the current Conservative amendment to reflect the need for local authorities to collect data in pursuance of the reporting mechanism that you suggest.

[248] **Byron Davies:** In relation to amendments 24A and 24B, we believe that Welsh Ministers must review the operation of the Act more regularly than the every five years proposed, due to the potential impact of the operations of the Act on local authorities. We believe that Welsh Ministers should review the progress on an annual basis. We also believe that, when reviewing the operation of the Act, Welsh Ministers must take into account the total impact of the Act on local authorities. Consultation on the Bill shows that the majority of respondents felt that limited progress would be made in improving the walking and cycling

network without the necessary resources, and that any progress made would be patchy. Some respondents questioned whether the Bill will encourage additional capital investment in active travel in the current economic climate, and asked how this would be accomplished. A number of respondents emphasised the importance of maintaining existing and new routes, and the financial implications of this for local authorities.

[249] The explanatory memorandum of the Bill states that local authorities will not be required to commit additional funding above what is already spent on active travel as a consequence of this piece of legislation. We feel that, while this might be the case, we also believe that a system of review that takes into account the financial burden of the Act is essential to ensure that local authorities do not have to commit additional funding.

[250] The amendment places this commitment to financial review on the face of the Bill, and this, we believe, is vital to the success and legitimacy of the Bill.

[251] **Alun Ffred Jones:** Rwy'n credu ei bod yn hanfodol, os ydym yn pasio Biliau yma, ein bod yn trio mesur eu heffaith a'u llwyddiant. Mae bob un o'r gwelliannau hyn, mewn rhyw ffordd neu'i gilydd, yn ceisio mynd i'r cyfeiriad hwnnw. Rwy'n gwerthfawrogi awgrym Eluned Parrott y bydd yn tynnu ei gwelliant yn ôl, achos rwy'n credu bod gwelliant 24B yn enw Byron Davies yn cryfhau'r Bil, hyd yn oed os oes manylion ynddo y gellir gwella arnynt. Yn sicr, mae'n gosod y math o wybodaeth a fydd yn angenrheidiol nid yn unig i'r Gweinidog, ond hefyd i Aelodau Cynulliad, weld yr hyn sydd yn digwydd ar lawr gwlad o ran buddsoddiad ac effaith y Ddeddf. Felly, rwy'n cefnogi gwelliant 24B.

Alun Ffred Jones: I think it is essential, if we pass Bills here, that we try to measure their impact and success. All of these amendments, in some way or another, try to go in that direction. I appreciate Eluned Parrott's suggestion that she will withdraw her amendment, because I think that amendment 24B in the name of Byron Davies strengthens the Bill, even if there are details in it that could be improved upon. It certainly sets out the kind of information that will be necessary for not only the Minister, but also Assembly Members, to see what is happening at the grass-roots level in terms of investment and the impact of the Act. I therefore support amendment 24B.

[252] O ran gwelliant 24, y gwelliant yn enw'r Gweinidog, mae pum mlynedd yn amser llawer iawn rhy hir i geisio mesur llwyddiant y Ddeddf hon, ac felly rwy'n gwrthwynebu'r gwelliant hwnnw yn bendant iawn.

In terms of amendment 24, the amendment in the name of the Minister, five years is far too long to try to measure the success of this Bill, and so I oppose that amendment in the strongest terms.

[253] **John Griffiths:** I think that these are matters of balance and proportionality. I know that both committees recommended that there should be provision for measuring and monitoring the duties for improving the network. I accept the principle of those recommendations, and that is why amendment 24 has been brought forward to include provision to review the success of the Bill in its totality. I note from the non-Government amendments that amendment 24 does not fully address the committee's concerns. I hear what Alun Ffred has to say, and I am willing to accept amendment 31 in addition. I know that amendment 40 has been withdrawn, I think.

[254] **Nick Ramsay:** Amendment 31 has been withdrawn. That was originally the lead amendment, but it has been withdrawn.

[255] **John Griffiths:** In that case, perhaps we can reflect on these matters in due course as we move on to Stage 3. With regard to the other amendments in the group, I question the value of requiring a full review of the success of the Bill on an annual basis. In terms of the

proportionality that I mentioned earlier, I believe that that would result in a disproportionate use of resources, and could distract staff and funding from what could otherwise bring about enhanced provision.

[256] I also think that amendment 24B requires an unfeasible level of detail—more than could reasonably be provided. There will be schemes on local authorities' integrated network maps that are for delivery over a decade into the future. The cost could not reasonably be quantified until much more detailed design work had taken place. I think that questions of degree, proportionality and balance are key here, and we must be very mindful of them.

[257] **Nick Ramsay:** Joyce Watson, did you want to add something?

[258] **Joyce Watson:** Not to lengthen the debate, but just to say that we will be supporting amendment 24 put forward by John Griffiths. We will also be supporting amendment 31 put forward by Alun Ffred Jones.

[259] **Keith Davies:** It has been withdrawn now.

[260] **Joyce Watson:** Okay. I will try to keep up.

[261] **Nick Ramsay:** Just to clarify, amendment 31 has been withdrawn.

[262] **Joyce Watson:** However, we cannot support amendment 24A. We cannot support anything that puts an onus on local authorities to report rather than do. We just feel that it is unnecessarily bureaucratic. It will just be using up what are very finite resources. So, I am afraid that we will not be supporting it.

[263] **Nick Ramsay:** Okay. I invite Eluned Parrott to reply.

[264] **Eluned Parrott:** I think that we all recognise the importance of having an appropriate reporting structure and mechanism to allow us to understand whether or not this Bill has achieved the aims that it set out, but perhaps none of the amendments before us actually yet achieve the kind of balance that we would like to strike. Perhaps there is, at the next stage, a compromise position that can be reached, where, for example, there is a full review and reporting mechanism after five years, but interim monitoring on an annual basis, so that we know that the statistics and data going into that larger review are accurate and we can monitor progress, or continuous improvement, if you like, on an annual basis. As I say, I have withdrawn my amendment from this group, because I do not believe—

[265] **Nick Ramsay:** You have not yet withdrawn it.

[266] **Eluned Parrott:** I will be withdrawing my amendment from this group, because I do not believe that we have yet found the appropriate balance. However, I hope that we will be able to come to a compromise that we will all be able to support at the next stage.

[267] **Nick Ramsay:** As I understand it, Eluned Parrott would like to withdraw amendment 40. Does any Member object? I see that there is no objection. Amendment 40 is therefore withdrawn.

*Tynnwyd gwelliant 40 yn ôl drwy ganiatâd y pwyllgor.
Amendment 40 withdrawn by leave of the committee.*

[268] **Nick Ramsay:** We will now dispose of the remaining amendments. The next amendment is amendment 23. If amendment 23 is not agreed, amendment 30 will fall. If amendment 23 is agreed, amendments 41 and 42 will fall. I therefore move amendment 23 in

the name of the Minister. The question is that amendment 23 be agreed to. Does any Member object? There is objection. Therefore, we will move to a vote.

*Gwelliant 23: O blaid 8, Ymatal 0, Yn erbyn 1.
Amendment 23: For 8, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Davies, Keith
Hedges, Mike
James, Julie
Jones, Alun Ffred
Morgan, Julie
Ramsay, Nick
Watson, Joyce

Pleidleisiodd yr Aelod canlynol yn erbyn:
The following Member voted against:

Parrott, Eluned

*Derbyniwyd gwelliant 23.
Amendment 23 agreed.*

*Methodd gwelliannau 41 a 42.
Amendments 41 and 42 fell.*

[269] **Nick Ramsay:** I invite Eluned Parrott to move amendment 43.

[270] **Eluned Parrott:** I move amendment 43 in my name.

[271] **Nick Ramsay:** The question is that amendment 43 be agreed to. Does any Member object? There is objection. Therefore, we move to a vote.

*Gwelliant 43: O blaid 4, Ymatal 0, Yn erbyn 5.
Amendment 43: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 43.
Amendment 43 not agreed.*

[272] **Nick Ramsay:** I invite Eluned Parrott to move amendment 44.

[273] **Eluned Parrott:** I move amendment 44 in my name.

[274] **Nick Ramsay:** The question is that amendment 44 be agreed to. Does any Member object? There is objection. Therefore, we move to a vote.

*Gwelliant 44: O blaid 4, Ymatal 0, Yn erbyn 5.
Amendment 44: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 44.
Amendment 44 not agreed.*

[275] **Nick Ramsay:** As there are amendments to amendment 24 we will dispose of the amendments to the amendment first. I invite Byron Davies to move amendment 24A.

[276] **Byron Davies:** I move amendment 24A in my name.

[277] **Nick Ramsay:** The question is that amendment 24A be agreed to. Does any Member object? There is objection. Therefore, we move to a vote.

*Gwelliant 24A: O blaid 4, Ymatal 0, Yn erbyn 5.
Amendment 24A: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 24A.
Amendment 24A not agreed.*

[278] **Nick Ramsay:** I invite Byron Davies to move amendment 24B.

[279] **Byron Davies:** I move amendment 24B in my name.

[280] **Nick Ramsay:** The question is that amendment 24B be agreed to. Does any Member object? There is objection. Therefore, we move to a vote.

*Gwelliant 24B: O blaid 4, Ymatal 0, Yn erbyn 5.
Amendment 24B: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 24B.
Amendment 24B not agreed.*

11.45 a.m.

[281] **Nick Ramsay:** We now move on to the primary amendment, amendment 24. The question is that amendment 24 be agreed to. Does any Member object? There is objection, therefore, we will move to a vote.

*Gwelliant 24: O blaid 5, Ymatal 0, Yn erbyn 4.
Amendment 24: For 5, Abstain 0, Against 4.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

*Derbyniwyd gwelliant 24.
Amendment 24 agreed.*

[282] **Nick Ramsay:** I move amendment 25 in the name of the Minister. The question is that amendment 25 be agreed to. Does any Member object? There is objection, therefore, we will move to a vote.

*Gwelliant 25: O blaid 7, Ymatal 0, Yn erbyn 2.
Amendment 25: For 7, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Ramsay, Nick
Watson, Joyce

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Alun Ffred
Parrott, Eluned

*Derbyniwyd gwelliant 25.
Amendment 25 agreed.*

[283] **Nick Ramsay:** I invite Alun Ffred Jones to move amendment 32. The question is that—

[284] Sorry; would you like to move the amendment, Alun? I really should not be so presumptive.

[285] **ASSEMBLY MEMBERS:** It has fallen.

[286] **Nick Ramsay:** You are quite right. Well pointed out. As amendment 25 has been agreed to, amendment 32 in the name of Alun Ffred Jones falls.

*Methodd gwelliant 32.
Amendment 32 fell.*

[287] **Nick Ramsay:** I invite Eluned Parrott to move amendment 45.

[288] **Eluned Parrott:** I move amendment 45 in my name.

[289] **Nick Ramsay:** The question is that amendment 45 be agreed to. Does any Member object? There is objection. We therefore move to a vote by show of hands.

*Gwelliant 45: O blaid 4, Ymatal 0, Yn erbyn 5.
Amendment 45: For 4, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Jones, Alun Ffred
Parrott, Eluned
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Morgan, Julie
Watson, Joyce

*Gwrthodwyd gwelliant 45.
Amendment 45 not agreed.*

[290] **Nick Ramsay:** I invite Byron Davies to move amendment 50.

[291] **Byron Davies:** I move amendment 50 in my name.

[292] **Nick Ramsay:** The question is that amendment 50 be agreed to. Does any Member object? There is objection. Therefore, I call for a vote.

*Gwelliant 50: O blaid 2, Ymatal 0, Yn erbyn 7.
Amendment 50: For 2, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Byron
Ramsay, Nick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Keith
Hedges, Mike
James, Julie
Jones, Alun Ffred
Morgan, Julie
Parrott, Eluned
Watson, Joyce

*Gwrthodwyd gwelliant 50.
Amendment 50 not agreed.*

[293] **Nick Ramsay:** I move amendment 26 in the name of the Minister. The question is that amendment 26 be agreed to. Does any Member object? There are no objections, therefore, amendment 26 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 26.
Amendment 26 agreed.*

[294] **Nick Ramsay:** I move amendment 27 in the name of the Minister. The question is that amendment 27 be agreed to. Does any Member object? There are no objections, therefore, amendment 27 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 27.
Amendment 27 agreed.*

[295] **Nick Ramsay:** I move amendment 28 in the name of the Minister. The question is that amendment 28 be agreed to. Does any Member object? There are no objections, therefore, amendment 28 is agreed in accordance with Standing Order No. 17.34.

Derbyniwyd gwelliant 28.

Amendment 28 agreed.

[296] **Nick Ramsay:** I move amendment 29 in the name of the Minister. The question is that amendment 29 be agreed to. Does any Member object? There are no objections, therefore, amendment 29 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 29.
Amendment 29 agreed.*

[297] **Nick Ramsay:** I move amendment 30 in the name of the Minister. The question is that amendment 30 be agreed to. Does any Member object? There are no objections, therefore, amendment 30 is agreed in accordance with Standing Order No. 17.34.

*Derbyniwyd gwelliant 30.
Amendment 30 agreed.*

*Methodd gwelliant 46.
Amendment 46 fell.*

[298] **Nick Ramsay:** All sections of and Schedules to the Bill have been deemed agreed by the committee. Under Standing Order No. 26.27, I propose that the Minister prepares a revised explanatory memorandum, as the Bill has been substantially amended as a result of today's proceedings. Are Members in agreement with that course of action? I see that you are.

[299] As Stage 2 has been completed today, Stage 3 begins tomorrow. Members will be able to table amendments to the Bill with the Legislation Office for consideration at Stage 3, and Members will be informed accordingly of the tabling deadlines.

[300] I close the meeting and remind Members that the committee will reconvene at 1.05 p.m.

*Daeth y cyfarfod i ben am 11.49 a.m.
The meeting ended at 11.49 a.m.*