

## Agenda – Petitions Committee

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Meeting Venue: Hybrid

For further information contact:

Committee Room 3 – Senedd

Gareth Price – Committee Clerk

Meeting date: 5 December 2022

0300 200 6565

Meeting time: 14.00

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

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### 1 Introductions, apologies, substitutions and declarations of interest

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### 2 New Petitions

2.1 P-06-1305 Reject proposed 36 extra Members of the Senedd by 2026

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2.3 P-06-1308 Take immediate action to end sexual harassment in ALL Welsh schools, not just secondary schools

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### 3 Updates to previous petitions

3.1 P-06-1232 Stop the proliferation of intensive poultry units (IPUs) by legislating and introduce a moratorium until this can be achieved

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3.2 P-06-1269 Don't let the plan run out for dying people in Wales

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3.3 P-06-1270 Make October 21st an official Memorial Day for those killed and affected by the Aberfan Disaster

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- 3.4 P-06-1272 Ban the use of 'no pet clauses' in tenancy agreements in Wales  
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- 3.5 P-06-1289 Agree 105 day occupancy, not 182 days, to distinguish holiday let businesses from second homes  
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- 3.6 P-06-1292 Make Welsh public sector organisations report scope 3 emissions and include them in net zero targets  
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- 3.7 P-06-1293 Provide funding for universal access to Fracture Liaison Services (FLS)  
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- 4 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting**
- 5 Draft report – P-06-1253 Ban greyhound racing in Wales**  
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## Reject proposed 36 extra Members of the Senedd by 2026

Y Pwyllgor Deisebau | 05 Rhagfyr 2022  
Petitions Committee | 05 December 2022

Reference: SR22/4474/1

**Petition Number:** P-06-1305

**Petition title:** Reject proposed 36 extra Members of the Senedd by 2026

**Text of petition:** Labour and Plaid Cymru propose to extend the present 60 MS to 96 members by 2026. This is a waste of more public money where it can be better used on public services, such as better funding for local councils. With the ongoing cost of living crisis this will result in more waste of public money with the cost of employing 36 members and support staff. I think a vote on this by the Welsh people would be a better idea of democracy at work.

With cost of living affecting people across society I find the proposal of the extra 36 abhorrent. Public money should be spent on care, councils, supporting local economies and helping people across the whole of Wales.

The people deserve a voice on this issue, and I can only hope enough sign to bring enough pressure to reconsider their plans and think of the people of Wales.



# 1. Background

Since 2004, a series of reports have recommended that the size of the Senedd should increase from its current size of 60 Members. The [Wales Act 2017](#) gave the Senedd powers over its size and electoral arrangements. Any Bill introduced on Senedd Reform requires a supermajority (40 of the Senedd's 60 Members) to pass. [Section 64 of the Government of Wales Act 2006](#) gives the Welsh Government the power to hold a poll to ascertain the views of the people of Wales relating to functions of the Welsh Ministers. This is not a mechanism for a direct vote or direct referendum on a particular proposal.

## 1.1. Expert Panel on Electoral Reform

In February 2017, the Llywydd and Assembly Commission appointed an [Expert Panel on Assembly Electoral Reform](#) to examine whether the Assembly needed more members to fulfil its scrutiny and legislative functions.

The Expert Panel recommended that the Assembly increase in size to at “least 80, and preferably closer to 90, Members”. It found that a 60 Member legislature was small compared to most similar legislatures, and that Members’ time was severely limited due to a lack of capacity.

## 1.2. Committee on Senedd Electoral Reform

Following the findings of the Expert Panel, the [Committee on Senedd Electoral Reform](#) (CSER) was established to examine options for Senedd reform. The CSER published its findings in September 2020. It recommended that the Senedd should increase in size to between 80 and 90 Members with effect from the 2026 election. It also recommended that [the Single-transferable vote \(STV\)](#) electoral system be used. The Conservative Party did not put forward a Member for the Committee. The Committee was also disrupted by Brexit Party Member, David Rowlands, [resigning](#) before it had concluded its work, as well as by the Covid-19 pandemic.

## 1.3. The Special Purpose Committee on Senedd Reform

The [Special Purpose Committee on Senedd Reform](#) was established in October 2021, tasked with making recommendations for policy instructions for a Welsh Government Bill on Senedd reform.

The Special Purpose Committee recommended that the Senedd increase in size to 96 Members. It recommended that a closed list proportional representation system be introduced, and 16 new constituencies be created by pairing together existing UK Parliamentary constituencies. The Committee also said the new Senedd should include gender quotas, improved measures around collecting candidate diversity data and procedures for job sharing.

The Conservative representative on the Committee resigned before the Committee's report was agreed. Some of the key recommendations were agreed by a majority on the Committee but not by all Members.

## 2. Welsh Government action

The First Minister, Mark Drakeford, and the leader of Plaid Cymru, Adam Price, issued a joint statement on 10 May 2022, arguing that the Senedd should have 96 Members and should be elected using a closed list proportional system.

In the Welsh Government's response to this petition, the First Minister said:

“the Senedd is currently the smallest of all the devolved legislatures in the UK and has remained the same size since the establishment of the National Assembly in 1999, despite assuming extra law-making and tax-raising powers. In addition, when the UK left the EU, Wales lost its MEPs, and there are proposals for Wales to see a cut in the number of MPs from 40 to 32 under current boundary review plans.

It is essential that the Senedd has appropriate capacity to carry out its role in holding the government to account.”

The Welsh Government will bring forward a Senedd Reform Bill in due course, which will then be debated and scrutinised in the Senedd.

## 3. Welsh Parliament action

The Senedd debated the Special Purpose Committee's report on 8 June 2022. The Chair of the Committee, Huw Irranca-Davies, said:

“there is no one single unadulterated perfect package of electoral reform that will satisfy everyone. [...] Our committee set out [...] to find proposals that must win support across the whole Senedd, not to seek some vision of perfection, and thereby sacrifice practicality and delivery by 2026.”

Mr Irranca-Davies said that the Senedd needed more capacity to meet additional responsibilities taken on since the Assembly was first established in 1999. These include primary law-making powers, tax-varying and borrowing powers, additional work created as powers return from the EU post-Brexit, heightened public awareness of the Senedd's responsibilities caused by the Covid-19 pandemic, and the "not-unrealistic potential of additional future responsibilities".

Shadow Minister for Constitution, Darren Millar, criticised the proposals, arguing that it was not the right time for an increase in the size of the Senedd. Plaid Cymru's spokesperson for the constitution, Rhys ab Owen, argued that a larger Senedd was necessary to "scrutinise the Welsh Government more effectively and more efficiently".

The Senedd **voted in favour** of the motion to accept the recommendations of the Special Purpose Committee's report, with 40 Members voting for the proposals and 14 voting against. This met the requirements for a 'supermajority' of two thirds of the Senedd to allow a Bill on Senedd reform to be introduced.

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



Eich cyf/Your ref P-06-1305  
Ein cyf/Our ref FM -/00586/22

Jack Sargeant MS  
Chair  
Petitions Committee  
Senedd Cymru  
Cardiff Bay  
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17<sup>th</sup> November 2022

Dear Jack,

I am writing in response to your letter of 12 October about a petition from Gareth John Phillips opposed to increasing the number of Senedd Members.

As you are aware, the Senedd voted in favour of taking forward the recommendations of the Special Purpose Committee on Senedd Reform report [Reforming our Senedd: A stronger voice for the people of Wales](#) in June, by the necessary two-thirds majority.

This report includes a recommendation that the Senedd should have 96 Members to reflect the way the role and responsibilities of the Senedd has grown since it was first established in 1999.

The Richard Commission (2004); the McAllister report (2017) and subsequently the Committee on Senedd Electoral Reform (2020), have all concluded that there is clear and compelling evidence that the Senedd must increase in size to fulfil its responsibilities effectively and in the best interests of the people of Wales.

The Senedd is currently the smallest of all the devolved legislatures in the UK and has remained the same size since the establishment of the National Assembly in 1999, despite assuming extra law-making and tax-raising powers. In addition, when the UK left the EU, Wales lost its MEPs and there are proposals for Wales to see a cut in the number of MPs from 40 to 32 under current boundary review plans.

The scrutiny role of the legislature is vital for a healthy democracy. It is essential that the Senedd has appropriate capacity to carry out its role in holding the government to account.

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

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



Investing in our democracy has a cost attached to it. The Welsh Government will develop and publish detailed cost estimates to accompany Senedd Reform legislation. Elected Members and the public will have an opportunity to consider these costs when they are published as part of the Bill's scrutiny process.

The Wales Act 2017 provided power to the Senedd to change its size, without being subject to a referendum. There are many precedents for changes to the number of elected members being made without referendums, including the boundary review changes for the UK Parliament which will see a reduction in the number of MPs that Wales returns to Westminster from 40 to 32.

Following the vote in the Senedd in June, the Welsh Government has begun work on a Senedd Reform Bill, which will be introduced to the Senedd in due course. This will be subject to rigorous debate and scrutiny in the Senedd.

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

**MARK DRAKEFORD**

**P-06-1305 Reject proposed 36 extra Members of the Senedd by 2026,  
Correspondence – Petitioner to Committee, 30.11.22**

Dear Petitions Committee,

The Senedd presently may be the smallest devolved legislature in the UK but it has the smallest population and the birth rate is falling. Immigration within Wales has given people from other countries the opportunity to live in safety and provide social, economic opportunities. This comes at a cost to the local councils in health, education, housing etc. The money should be spent on these issues not expanding the Senedd.

The Welsh people need to be consulted on the issue of expanding the number of AMs within the Assembly. The present cost of living crisis will continue within the foreseeable future. The people of Wales deserve a voice on this subject not the Senedd members.

In reference to the letter from Mark Drakeford I disagree with his wording, democracy comes at a cost. The overall process needs to be looked into in more detail and people consulted across Wales.

Yours faithfully,

# Commit to the adoption of the maintenance of new housing estates by local authorities.

Y Pwyllgor Deisebau | 5 Rhagfyr 2020  
Petitions Committee | 5 December 2020

Reference: SR22/4474-1

Petition Number: P-06-1307

Petition title: Commit to the adoption of the maintenance of new housing estates by local authorities.

Text of petition: The residents of the Mill, a new estate in Canton, Cardiff are having to pay an annual fee of £102 for the maintenance of a park bordering the estate. This payment must be made alongside other maintenance payments covering the unadopted highways, green spaces etc. Residents also must pay the full council tax required. Residents are not provided with a detailed breakdown of the costs of the park, just a notice to say they must pay the fee.

The Mill was regarded as a good example of Welsh Government policy due to its status as a mixed tenure estate including affordable housing alongside freehold purchasing - therefore with the current cost of living crisis we believe that the Welsh Government should support residents on estates like The Mill by encouraging and facilitating the adoption of maintenance by local authorities and to remove these punitive charges.



# 1. Background

Where the local authority has not adopted common areas like roads, open spaces and play facilities on housing estates, private arrangements can be put in place to ensure they are maintained. This will generally result in a charge being levied on residents by a management company, or their agent, to pay for maintenance costs.

According to a [2020 Welsh Government consultation](#), these spaces and facilities may include:

- *open areas,*
- *play parks,*
- *roads and paving,*
- *car parking areas,*
- *street lighting,*
- *landscaping,*
- *environmental initiatives such as wild flower verges, and*
- *provision of private shared sprinkler systems.*

These charges are often referred to as estate charges. Freeholders are likely to be charged directly, while leaseholders and tenants may have to pay through their service charges and rent. This briefing uses the term “residents” to cover all groups who may be liable for estate charges.

According to the [responses to the 2020 consultation](#), estate charges can range anywhere between £50 and £500 per year, with most amounting to £100-£150. Residents are still liable for council tax in addition to any estate charges.

A number of concerns have been raised about estate charges by Members of the Senedd and through the consultation referred to above. A key issue is transparency, with residents complaining that estate managers are able to [set charges without consultation](#). Residents have also commented that [developers often don't provide information on estate charges](#) during the sale of a property.

Respondents to the 2020 consultation questioned why they are being charged for the maintenance of what are largely public facilities when they already pay council tax. The 2020 consultation noted a ‘strong preference’ among respondents for ending estate charges and bringing the management of community infrastructure into the hands of local authorities.

At present, freeholders have only limited powers to challenge estate charges. This differs from leaseholders, who can apply to a Leasehold Valuation Tribunal to challenge service charges.

The use of estate charges in Wales appears to have increased over the last decade, with the 2020 consultation reporting that 72% of respondents lived on estates built after 2010. There has been a corresponding rise in media coverage of estate charges and their impact on freeholders in particular, resulting in the popularisation of the term 'fleecehold' across the UK housing sector.

## 2. Welsh Government action

The Welsh Government consultation on estate charges ran between February and April 2020 and received over 600 responses. On 30 November 2020, the then Minister for Housing and Local Government, Julie James MS, released a written statement responding to its findings.

The Minister announce changes to the Help to Buy-Wales scheme to address some of the concerns raised in the consultation responses and committed to exploring different methods of estate management, but ruled out handing duties entirely over to councils.

The Welsh Government included estate charge reform in their June 2021 Programme for Government, stating that they would:

*Ensure that estate charges for public open spaces and facilities are paid for in a way that is fair.*

Following a question in plenary on 24 May 2022, the First Minister reaffirmed that the Welsh Government would not give a guarantee that local authorities would pick up maintenance costs of new housing estates. The First Minister noted:

If a developer believed that no matter how shoddy the work they carried out, no matter how poor the standard of communal facilities it provided, there was a guarantee that the public purse would pick that up and put it right, there's no incentive at all for them to do the job in the way that we want it to be done.

The First Minister also confirmed that the Welsh Government would introduce new building safety legislation during this Senedd term, including a new registration and licensing scheme. This scheme will cover residential property

management companies. The First Minister said that it would “help to eliminate some of the abuses” relating to estate charges.

In addition, the First Minister commented that the Welsh Government was waiting for the UK Government to introduce leasehold reform (based on the [recommendations of the Law Commission](#)) that would give freeholders greater power to challenge estate charges and management. At the time of writing, these reforms have [not yet taken place](#).

The Minister for Climate Change, Julie James MS, replied to the petition on 15 November 2022. In her letter, the Minister reiterated the Welsh Government’s expectation that the UK Government will introduce legislation to improve freeholders’ rights. She also noted that the Welsh Government is now exploring the creation of a new approach to community infrastructure maintenance that could include placing a duty on local authorities to adopt the maintenance role in return for a payment from the developer. However, the Minister maintained that retrospective adoption of community infrastructure would remain a choice for councils.

### 3. Welsh Parliament action

On 14 March 2018, the Senedd debated a [Member’s Legislative Proposal](#) submitted by Hefin David MS, who proposed a Bill aimed at regulating estate management companies. The proposed Bill would also strengthen the ability of freeholders to challenge estate managers.

In response, the then Minister for Housing and Regeneration, Rebecca Evans MS, committed to establishing a task and finish group to examine the issue. The group’s findings were published in a [report](#) on 17 July 2019.

On 1 November 2020, a [petition](#) was submitted calling for freeholders in Wales to have greater powers to challenge estate management companies. The Minister for Climate Change [responded to this petition](#) on 5 October 2021, and the petition was closed by the Committee as the petitioner was satisfied with the Minister’s response. The research briefing prepared for this petition can be found [here](#).

Estate charges have also been raised several times in plenary. Hefin David MS [raised the issue on 15 June 2021](#), receiving a response that the Welsh Government was considering ‘all options’ in addressing the matter. On 24 May 2022, Rhys ab Owen MS [raised the question of estate management](#) following complaints from the [Mill estate in Canton](#), Cardiff (as referenced in this petition).

Title:

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Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-06-1307  
Ein cyf/Our ref JJ/02294/22

Jack Sargeant MS  
Chair - Petitions committee  
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01 November 2022

Dear Jack,

Thank you for your letter of 12 October to the Minister for Finance and Local Government regarding "P-06-1307 - Commit to the adoption of the maintenance of new housing estates by local authorities." I am responding as the query relates to a housing matter.

The maintenance of new housing estates is the responsibility of the local authority where communal infrastructure has been adopted. Where communal infrastructure is not adopted, the organisation responsible for maintenance generally levies an estate charge on occupiers of the homes. There are varying arrangements for the maintenance of communal infrastructure. Local authorities have a duty to adopt sustainable urban drainage systems and often adopt estate roads where the developer has reached an agreement with them. There is no duty in law to adopt public open space, although local authorities may choose to do so.

I conducted a call for evidence on the subject of estate charges in 2020 which helped to expose some of the poor practice that is currently associated with the levying of such charges. This led to the inclusion of a commitment in our Programme for Government to "Ensure that estate charges for public open spaces and facilities are paid for in a way that is fair." I am pursuing a number of actions in relation to this commitment, which I will outline below.

Regarding existing estates subject to charges, the UK Government has committed to introducing legislation that will give freeholders equivalent rights to leaseholders in relation to such matters as the right to apply to a tribunal to challenge the fairness of estate charges, and to appoint a new manager to manage the provision of services covered by estate charges. The extension of such rights to freeholders could help to reduce the size of estate charges, where there is currently doubt over their reasonableness, and could allow residents to remove management functions from a company where they believe that charges are not being administered appropriately. It is my intention that when such legislation is brought forward it should be done so on an England and Wales basis.

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

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



For new estates, we will explore the practicality of using legislation to bring together the various regimes to pay for the maintenance of communal infrastructure into a single approach. This will include consideration of placing a duty on local authorities to adopt communal infrastructure in return for an appropriate payment from the developer.

I understand that my officials have recently discussed the £102 service charge at the Mill with Tirion Homes. Officials understand that the service charge is an annual estimate and consists of maintenance costs for general amenities including, the play areas, grass, landscaping, benches, and bins (including regular emptying). It also provides for the upkeep of retaining structures, paths, steps, and railings plus annual safety checks. Finally, the charge includes funding for the upkeep, including annual inspections, of the site's flood defence systems, of which the riverside park forms an integral part. The maintenance regime is designed to keep the park and flood defences in good condition for the enjoyment and benefit of both residents and the wider community.

Tirion has stated that, as a not-for-profit Community Benefit Society it cannot absorb all the maintenance costs associated with the Riverside Park and flood defences and so must pass these on to the residents in line with obligations that should have been made clear to prospective purchasers during the sale process. Tirion has also stated it recognises that this charge comes at a time of other cost pressures and has undertaken to evaluate the works and corresponding charges. I understand that this evaluation will be made available to the residents to review and comment upon.

Decisions to adopt retrospectively are matters for individual authorities to decide alongside their other priorities. It would therefore be inappropriate for me to comment on those decisions. The Welsh Government has provided local authorities with as generous financial settlements as our budgets have allowed, which could be used to support adoption. However, I recognise that significant budget constraints will still inevitably impact on local authority decisions in these matters.

Yours sincerely,



**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

## **P-06-1308 Take immediate action to end sexual harassment in ALL Welsh schools, not just secondary schools**

Y Pwyllgor Deisebau | 5 Rhagfyr 2022  
Petitions Committee | 5 December 2022

Reference: SR22/4474-1

Petition Number: [P-06-1308](#)

**Petition title:** Take immediate action to end sexual harassment in ALL Welsh schools, not just secondary schools.

The recent Senedd inquiry into sexual harassment in secondary schools has shown the scale of the problem, particularly for girls. The evidence shows that harassment is also rife in primary schools and colleges, and the report recommends further reviews. We can't wait for yet more inquiries before taking action. The Welsh Government must ensure that the actions taken from the report are immediately extended to cover all settings, keeping learners safe from sexual harassment throughout education.

More details

The July 2022 report 'Everybody's affected: Peer on peer sexual harassment among learners' from the Children, Young People and Education Committee and the Estyn report 'We don't tell our teachers' from December 2021 have both shown the size and scale of the problem of sexual harassment in schools, particularly facing girls.

The evidence showed that this doesn't only happen in secondary schools, it begins in primary, and follows young women and girls into further education and beyond. The committee recommended that the Welsh Government commission further reviews into these settings.



Children and young people in Wales have been waiting long enough for action to be taken on this issue that is affecting their daily lives and learning experiences. Another inquiry will only delay the important work of changing a culture that regards commonplace sexualised bullying as a normal part of society and schooling, action must be taken now across all schools and colleges.

[www.estyn.gov.wales/thematic-report/we-dont-tell-our-teachers-experiences-peer-peer-sexual-harassment-among-secondary](http://www.estyn.gov.wales/thematic-report/we-dont-tell-our-teachers-experiences-peer-peer-sexual-harassment-among-secondary)

Peer on peer sexual harassment among learners  
<https://business.senedd.wales/mgIssueHistoryHome.aspx?>

## 1. Summary

- [Estyn's report](#) and the [Children, Young People and Education \(CYPE\) Committee inquiry](#) focused on secondary school aged pupils and found that sexual harassment is a big problem and has become “normalised”. It predominantly affects girls and LGBTQ+ young people.
- Little research has been carried out into the position in primary schools, partly because of the sensitivities of discussing such subject matter with children of this age.
- The Welsh Government accepted the CYPE Committee's recommendation that it commission a review in primary schools and is now considering the scope and approach of such a review.

## 2. Background

Sexual harassment between young people has received more coverage in the past eighteen months, with the [Everyone's Invited website](#) providing a platform for victims to record their testimony and experiences anonymously. Victims can name the school, college or university where the harassment or abuse happened or originated.

The [BBC reported in June 2021](#) that over 90 schools in Wales were listed on the website. It also [reported in November 2021](#) that children as young as 11 are learning about sex from pornography. There are therefore concerns about the exposure of children and young people to sexualised content, including online, and whether this is a cause or at least an exacerbating factor in peer-on-peer sexual harassment.

In June 2021, the Minister for Education and Welsh Language asked the education inspectorate, Estyn, to investigate sexual harassment in and around **secondary schools**. Estyn published its report in December 2021. The Senedd's Children, Young People and Education (CYPE) Committee subsequently undertook an inquiry into the issue, reporting in July 2022.

A joint statement from the Minister for Education and Welsh Language, and the Minister for Social Justice in December 2021, said Estyn's report "makes difficult reading" and "highlights the uncomfortable truth about the prevalence of peer-on-peer sexual harassment in our schools". The Ministers responded to the CYPE Committee's report in October 2022, ahead of a Plenary debate on 26 October 2022.

### 3. What Estyn's report and the CYPE Committee inquiry say about the current problem in secondary schools

#### 3.1. Estyn's report

Estyn reported that, in secondary schools, **pupils generally do not tell their teachers** when they experience sexual harassment. This is mainly because it happens so regularly it has become "normalised" and because:

- pupils do not feel confident enough;
- the school has not created a culture and environment for them to do so; and
- pupils do not see it as something they should share with their teachers.

Estyn visited 35 secondary schools in autumn 2021 and heard from 1,300 pupils. The inspectorate found that, where school leaders are aware of incidents of sexual harassment, they generally respond suitably to formal complaints and make appropriate referrals, for example to social services and the police. However, it also found inconsistency in school staff's understanding of what sexual harassment is, meaning there are discrepancies in how they respond. Estyn's main findings were that:

- **half of all secondary school pupils** say they have personal experience of peer-on-peer sexual harassment and three quarters of all pupils report seeing other pupils experiencing this;

- a **majority of female pupils (61%)** report having personal experience of peer-on-peer harassment and many (82%) report seeing others experience it. This compares with a lower proportion of male pupils (29% and 71% respectively);
- **LGBTQ+ pupils** have substantial personal experiences of verbal homophobic harassment, with many saying homophobic bullying is happening all the time;
- some sexual harassment takes place face-to-face during the school day, although occurs more so **online and outside school hours**; and
- there are **weaknesses in the collection and use of data** on incidents of sexual harassment in and around secondary schools.

A review by Ofsted found a similar picture in England. Like Estyn's report, it did not look at primary schools.

### 3.2. The CYPE Committee's report

The CYPE Committee's report echoed Estyn's findings and concluded that "sexual harassment among learners is shockingly commonplace". The Committee made 24 recommendations, including that **the Welsh Government commission a similar review in primary schools**, given that sexual harassment is likely to sometimes be a problem at younger ages as well. The Welsh Government has agreed to do this and has also commissioned Estyn to carry out a review in colleges.

Little research has been carried out into peer on peer sexual harassment in primary schools, so the extent of the problem is unclear. Professor EJ Renold, Professor of Childhood Studies at Cardiff University, told the CYPE Committee:

"There is less research in this area, mainly because of the difficulty in designing affirmative methods that allow children to talk about some of the most sensitive experiences at that age. A lot of ethnographic research often captures this; this isn't survey data, it's being with children over a period of time allows you to see what's happening in those classrooms and in playgrounds and so on, and building that trust that they can talk to you about maybe what's happening."

However, the CYPE Committee heard some **indications**, including from teaching unions and Barnado's, that sexual harassment is **likely to be a problem also amongst primary school aged children**, particularly at years 4, 5 and 6. This is documented at paragraphs 54-57 of the Committee's report.

The CYPE Committee therefore recommended:

The Welsh Government must commission a review into peer on peer sexual harassment among primary school-aged children, drawing on the expertise and guidance of children’s charities, academics and the Children’s Commissioner for Wales as appropriate.

## 4. What the Welsh Government is doing to tackle the problem

The Welsh Government **accepted the recommendation that it commission a review in primary schools, responding:**

It would be beneficial to have a greater understanding about children's experiences of gender based bullying or sexual harassment in primary settings and listening to children would be an essential part of any review into this area. However, the participation of children in any learning or discussion on themes of this nature must be developmentally appropriate and topics of discussion should be relatable to children's own experiences and understanding (experience-near). We will therefore take forward discussions with key stakeholders to determine the scope of the review and provide further details to the committee in due course.

The Minister’s letter to this Committee **recognises that peer on peer sexual harassment is not limited to secondary schools** and that action is needed in all settings and across society. However it says it is **important to respond with “appropriate and tailored” interventions** at different ages.

In terms of the problem more generally and its response to the Estyn’s review and the CYPE Committee’s inquiry, which both focused on secondary school aged learners, the Welsh Government is **developing an action plan**. This action plan will involve various relevant agencies and government departments and will set out what the Welsh Government and partners will do to tackle the problem. The Minister’s letter says the Welsh Government aims to publish the action plan before Christmas.

As the Minister’s letter outlines and as he set out to the CYPE Committee, the Welsh Government has a range of guidance in place to safeguard learners. The Welsh Government intends that the teaching of “developmentally appropriate” Relationships and Sexuality Education (RSE) within the new Curriculum for Wales

will better protect young people and promote better attitudes and understanding.

The new curriculum is now being taught in primary schools and will be statutory in secondary schools for Year 7 and Year 8 from September 2023, before being rolled out to additional year groups annually until it reaches Year 11 in September 2026. Unlike the current sex education it replaces, **RSE will be mandatory in primary schools as well as secondary schools**, with parents having no right to withdraw their children from its study.

The principle of teaching RSE in a “**developmentally appropriate**” way is in an important one and is stipulated in the [legislation](#) establishing the Curriculum for Wales. It has also been reiterated in [correspondence from the Welsh Government to all head teachers](#).

## 5. Further information

Senedd Research has previously published two articles regarding sexual harassment among young people, in [February](#) and [October](#) 2022.

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

**Jeremy Miles AS/MS**  
**Gweinidog y Gymraeg ac Addysg**  
**Minister for Education and Welsh Language**



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-06-1308  
Ein cyf/Our ref JMEWL/02145/22

Jack Sargeant MS  
Chair - Petitions committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN  
[petitions@senedd.wales](mailto:petitions@senedd.wales)

7 November 2022

Dear Jack,

Thank you for your letter of 17 October.

The Estyn report and the Children, Young People and Education Committee Inquiry have undoubtedly underlined the importance of acting now to do all we can to prevent and respond to peer-on-peer sexual harassment in education settings, to educate children and young people about the importance of safe, equal and healthy relationships and to empower them to call out unwanted and harmful behaviours.

We recognise that peer on peer sexual harassment is not limited to secondary schools and we are clear that action is needed across all settings, and indeed across society. But understanding how this is experienced at different ages is important to ensure we respond with appropriate and tailored interventions.

That is why we have commissioned a thematic review by Estyn into peer-on-peer sexual harassment in the further education sector. That review is currently underway and is due to report in spring 2023. We are committed to using Estyn's recommendations to underpin a specific programme of work to tackle sexual harassment in further education and have allocated funding for a collaborative college-led project to develop shared resources, research and professional learning.

We also believe it would be beneficial to have a greater understanding about children's experiences of gender based bullying or sexual harassment in primary settings. We are currently considering the scope of this review.

Whilst further reviews will help to ensure we have evidence-based policy and interventions, this does not preclude us from acting now.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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[Correspondence.Jeremy.Miles@gov.wales](mailto:Correspondence.Jeremy.Miles@gov.wales)

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

**Back Page 42**  
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Relationships and Sexuality Education (RSE) is a statutory requirement in the Curriculum for Wales framework and has a positive and protective role in learners' education.

RSE is intended to help children to develop healthy relationships and behaviours with their friends and families, based on kindness, empathy and respect. This is important for them to develop as 'healthy, confident individuals' with positive social, emotional and mental well-being.

RSE is also intended to keep children safe and to protect their well-being. This is critical as technology and society continue to change rapidly. RSE helps children recognise relationships and situations that might put them at risk of harm. It can support all children with what they need to know and what to do to keep safe and how to seek help.

Through the [Keeping safe online](#) area of Hwb, we have developed resources to equip practitioners to educate and support learners with this issue. Following the publication of guidance for education settings in responding to incidents of sharing nude and semi-nude images a short [training module](#) to support schools to embed this guidance was published we encourage senior leaders in all schools to undertake this training.

We are also establishing a children and young people's advisory panel for digital resilience. Panel members will be invited to share their online experiences and provide opinions and insight that will shape and inform the direction of our work and all messaging/visual content will be tested with children and young people.

Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) can have a huge impact on children and young people. It can affect their wellbeing, their educational attainment, family and peer relationships, and their ability to enjoy healthy, happy, respectful relationships now and in the future. Raising children and young people's awareness of equality, respect and consent is crucial if we are to stop VAWDASV. We want to ensure all children and young people have access to developmentally appropriate, high-quality learning that responds to their needs and experiences.

You may be aware that the Welsh Government published its five-year [VAWDASV National Strategy](#) on 24th May which was developed alongside a group of key partner organisations including the police, specialist sector and survivors. The Strategy sets out the overarching objectives that the Welsh Government will deliver in partnership with stakeholders to progress the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. One of the objectives set out in the VAWDASV National Strategy is to increase awareness in children, young people and adults of the importance of safe, equal and healthy relationships and empowering them to positive personal choices. We will be adopting a cross-Government approach to ensuring its success.

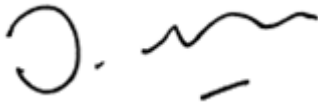
The strategy will be delivered through a Blueprint approach, which brings together devolved and non-devolved organisations, as well as strengthening the partnership between public private and specialist sectors. A number of consultation responses called for developing a specific workstream for Children and Young People. This was considered and agreed as part of the analysis of responses and a workstream focusing on children and young people will be developed. This working group will be able to consider our understanding of the needs of children and young people who are victims of VAWDASV in order to ensure service responses are appropriate and that harms are prevented and addressed for these groups. This working group will take forward the governance of the Welsh Government peer on peer sexual harassment action plan.

Working alongside Safeguarding and Education policy development, the group will ensure that there is clarity and cohesion in parallel approaches to Safeguarding and VAWDASV.

The group will also be able to support the implementation of the RSE curriculum's promotion of healthy relationships, as well as work to address peer on peer abuse.

We are also working with a range of stakeholders, including the Police to develop a multi-agency peer on peer sexual harassment action plan. The action plan will outline the actions that will be taken by the Welsh Government and partners to tackle peer on peer sexual harassment in education settings. We aim to publish the action plan during the autumn term.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

**Jeremy Miles AS/MS**

Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language

**P-06-1308 Take immediate action to end sexual harassment in ALL Welsh schools, not just secondary schools, Correspondence – Petitioner to Committee, 28.11.22**

Many thanks for sharing the Welsh Government response with me.

Whilst I do appreciate that further inquiries will give more age-specific data, and that the new RSE curriculum has a huge part to play, I do think that there is still an opportunity to implement some of the [commitments from the CYPE Committee report](#) across all educational establishments now. I believe that a reasonable solution would be for each of the commitments in the report to be reviewed and, wherever possible, implemented for primary schools and colleges too (e.g. standardised reporting, teacher training). This is particularly important considering that for years 5 and 6, the RSE curriculum is in a phase with early secondary school - an acknowledgement of this key developmental age.

I will also acknowledge my thanks to the Welsh Government as I have been invited to input to the multi agency action plan.

Many thanks to the Petitions Committee for all your support,  
Hanna Andersen

# Agenda Item 3.1

## **P-06-1232 Stop the proliferation of intensive poultry units (IPUs) by legislating and introduce a moratorium until this can be achieved**

This petition was submitted by Eleri Lewis, having collected a total of 267 signatures.

### **Text of Petition:**

There are many intensive poultry units in Wales. Powys has the unfortunate reputation of being one of the IPU hot spots. There have been 147 IPU applications granted by PCC. IPUs bring with them many issues including pollution of rivers and land, smell, ammonia, traffic, 24x7 noise and light. To many, the practice of intensive poultry production is cruel and unnecessary. Despite many villages being blighted by these units there is still nothing being done to stop them. We need our politicians to act.

### **Additional Information:**

Another small village in Powys is the latest in a long line to be threatened by the building of an intensive poultry unit. This is a rural area, the roads are walked regularly by the people of the village and visitors. The landscape is stunning, there is no light pollution and the silence is, wonderfully, deafening. The River Cain runs through the Village and close to the site feeds into the River Severn.

Despite many villages being blighted by these units there is still nothing being done to stop them. We need our politicians to act. So, this petition is about getting the politicians to legislate; they have promised this for years; they accept this is a serious issue but still the legislation is missing.

A TAN (Technical Advice Note) regarding IPUs was promised in 2019. Lesley Griffiths, the Agriculture Minister has stated that something must be done, particularly with regard to the smaller units. But still nothing.

### **Senedd Constituency and Region**

- Montgomeryshire
- Mid and West Wales

**P-06-1232 Stop the proliferation of intensive poultry units (IPUs) by legislating and introduce a moratorium until this can be achieved, Correspondence – Powys County Council to Committee, 16.11.22**

Dear Sir

**Petition P-06-1232 Stop the proliferation of intensive poultry units (IPUs) by legislating and introduce a moratorium until this can be achieved**

Thank you for your correspondence of the 25<sup>th</sup> October 2022 regarding the above matter.

I do hope that the answers provided below, in blue, meet the committee's concerns:

- how you consider the cumulative impact of Intensive Poultry Units in the planning process

**Planning applications are determined in line with prevailing legislation, regulations, policy, guidance and other material considerations. On the 12<sup>th</sup> June 2018, Welsh Government's Chief Planner wrote to all Local Planning Authorities in relation to intensive agricultural development including cumulative impacts:**

[Intensive poultry units: guidance for local planning authorities | GOV.WALES](#)

**Since its publication, the Authority has followed the advice provided when determining planning applications for intensive livestock units and statutory consultees such as Natural Resources Wales also take cumulative impact into account when responding to being consulted on planning applications.**

- for a response to the concern raised by the petitioner about lack of transparency when all information relating to application are not published; and,

**The Council's planning portal website is used to publish planning application documents and the consultation responses received from statutory consultees and is therefore considered transparent. Comments published by members of the public are no longer published on the planning portal for resource and data protection reasons, although redacted copies can be provided on request. This approach is similar to that taken by other Authorities across Wales.**

- whether an environmental survey has been undertaken to understand the impacts of the concentration of IPU's in Powys.

**The Authority has collected data on planning permissions since the adoption of its Local Development Plan (LDP) in April 2018 and this will be used to inform the development of future planning policy as part of the Powys replacement LDP process which commenced in July. Earlier planning permission data is also available and can be retrieved as necessary. However, the Authority has not specifically commissioned or undertaken an environmental survey or research into such impacts. The Authority is aware of some research in relation to phosphates / phosphorous undertaken by the University of Lancaster for the river Wye: [Resilience Phosphorus UK – Re-focusing phosphorus use in the UK food system \(lancs.ac.uk\)](#)**

If I can be of any further assistance, please do let me know.

Yours faithfully



**Cynghorydd Sir James Gibson-Watt**  
**Arweinydd Gweithredol, Cyngor Sir Powys**  
**County Councillor James Gibson-Watt**  
**Executive Leader, Powys County Council**

Croeso i chi gysylltu â ni yn Gymraeg. Byddwn yn ymateb yn Gymraeg, heb oedi.  
You are welcome to contact us in Welsh. We will respond in Welsh, without delay



**P-06-1232 Stop the proliferation of intensive poultry units (IPUs) by legislating and introduce a moratorium until this can be achieved, Correspondence – Petitioner to Committee, 29.11.22**

Thank you for this information.

Responses embedded in the attached document.

Also:

- What are your thoughts on the attached document? *It does not answer the questions fully; the PCC use of GDPR to deny the public access to information is at best questionable. Why do other CCs publish information but not Powys? GDPR applies to all.*
- Does it adequately address the issues that you raised? *I'm afraid not; PCC Planning do not seem to be accountable. They do not enforce planning conditions, they do not share information and they do not fully reply to planning challenges, and when they do respond they are not complete and refer you to their appeals process. The record of appeals is heavily weighted to PCC, not the public. Where is the voice of the public in PCC planning?*
- Do you have further questions in response? *See below*
- Is there anything additional that you would like the Committee to know at this stage, either in response to this document or as an update to the Committee? *PCC continue to ignore public responses to planning applications. A recent case had 22 objections, none of which were published and planning was granted. Where is accountability? What is the status of the promised TAN?*

**Petitioner comments** on the responses provided by [Powys County Council](#)

Petitions Committee question: how you consider the cumulative impact of Intensive Poultry Units in the planning process Planning applications are determined in line with prevailing legislation, regulations, policy, guidance and other material considerations.

**Powys response:** [Powys County Council Planning applications are determined in line with prevailing legislation, regulations, policy, guidance and other material considerations. On the 12th June 2018, Welsh Government's Chief Planner wrote to all Local Planning Authorities in relation to intensive agricultural development including cumulative impacts: Intensive poultry units: guidance for local planning authorities | GOV.WALES](#)

Since its publication, the Authority has followed the advice provided when determining planning applications for intensive livestock units and statutory consultees such as [Natural Resources Wales](#) also take cumulative impact into account when responding to being consulted on planning applications.

**Petitioner response :** [Where are the 'material considerations' defined and published. A search on the PCC website does not produce any information.](#)

This response does not provide evidence of how they consider the cumulative impact. What evidence is there available to the public? What form does it take? Evidence of processes followed (not simply the guidance but how they implement), reports/information included in responses by Planning available? IPU applications in Powys can be considered, and have been, through delegated powers which simply state permission granted. The advice referenced applies to units of 40,000 birds and above; not to units below this number. Do PCC have a published process chart for these activities, available to the public and interested parties

**Petitions Committee question:** a response to the concern raised by the petitioner about lack of transparency when all information relating to application are not published

**Powys response:** The Council's planning portal website is used to publish planning application documents and the consultation responses received from statutory consultees and is therefore considered transparent. Comments published by members of the public are no longer published on the planning portal for resource and data protection reasons, although redacted copies can be provided on request. This approach is similar to that taken by other Authorities across Wales.

**Petitioner response:** Considering something transparent does not make it so. The fact that PCC state comments from the public are no long published (a practice not followed by the majority of CCs) means there is a lack of information. Other Welsh CCs state 'We are legally obliged to ensure that all responses to planning applications are made public' How can Powys have different laws? This practice means that representations from expert organisations and the public are not visible. This denies the public their voice. How are redacted copies requested? There is no link or information on the PCC site.

**Petitions Committee question:** · has an environmental survey has been undertaken to understand the impacts of the concentration of IPU's in Powys.

**Powys response:** The Authority has collected data on planning permissions since the adoption of its Local Development Plan (LDP) in April 2018 and this will be used to inform the development of future planning policy as part of the Powys replacement LDP process which commenced in July. Earlier planning permission data is also available and can be retrieved as necessary. However, the Authority has not specifically commissioned or undertaken an environmental survey or research into such impacts. The Authority is aware of some research in relation to phosphates / phosphorous undertaken by the University of Lancaster for the river Wye: Resilience Phosphorus UK – Re-focusing phosphorus use in the UK food system (lancs.ac.uk)

**Petitioner response:** Why have they not undertaken environmental surveys? How do PCC take into account the Well-being of Future Generations (Wales) Act 2015 in relation to IPU's? The guidance reference above also states "Intensive agricultural units particularly pig and poultry farms, can affect both sensitive habitats and the local population. This is largely through the release of pollutants, including: ammonia; nutrients from manure, litter and slurry; effluent discharges; dust; odour; and noise. There is the need to exercise particular care when considering developments which would bring livestock units within close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. Importantly, while an individual intensive livestock



development may be acceptable, the cumulative impacts resulting from similar developments nearby should also be taken into account. “ The Environment Impact Assessment (Agriculture) (Wales) Regulations 2017 require farmers to produce an Environmental Statement in those cases where certain farming operations on semi-natural areas and/or large scale restructuring projects on rural land holdings are likely to have significant environmental effects. If each IPU has undertaken this assessment then the data is available. Do PCC enforce this requirement to produce EIA?

# Agenda Item 3.2

## **P-06-1269 Don't let the plan run out for dying people in Wales**

This petition was submitted by Marie Curie & MNDA, having collected a total of 2,195 signatures.

### **Text of Petition:**

Every year, thousands of people die in Wales having missed out on palliative and end of life care.

The end of life care plan for Wales was working towards fixing this, but in March it'll come to an end. Right now, there's no new plan ready to take its place.

We urgently need a timeline, funding and staff to deliver a new plan.

Don't let the plan run out with no replacement. Please sign today and help us make sure families in Wales aren't left in the lurch.

### **Additional Information:**

We are grateful for Welsh Government's prioritisation of palliative and end of life care (EOLC) in the Programme for Government 2021-2026, but more must be done to ensure we see appropriate action.

The clinical governance structures of health and social care systems in Wales will soon be undergoing reorganisation. In March 2021, Welsh Government launched proposals for a new clinical framework and a new NHS Wales Executive; the clinical framework includes plans to develop a dedicated EOLC Programme and an EOLC Quality Statement. These new arrangements are set to replace the current End of Life Care Delivery Plan, which comes to an end 31 March 2022.

An EOLC Programme is welcome news, but poorly resourced infrastructure and limited programme personnel, combined with the pandemic, has impacted the ability to deliver the new programme at pace. With the end of March fast approaching and no EOLC Programme in sight, Wales looks to be without an EOLC plan for the first time in a decade.

## **Senedd Constituency and Region**

- Cardiff Central
- South Wales Central



Eich cyf/Your ref P-06-1269  
Ein cyf/Our ref EM/03812/22

Jack Sargeant MS  
Chair - Petitions Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

18 November 2022

Dear Jack,

Thank you for your letter dated 27 October 2022 enclosing follow up questions by the petitioner to the petitions committee on Petition P-06-1269 Don't let the plan run out for dying people in Wales.

I have responded to the follow up questions raised by the Petitioner below.

**Given the commitment in the Programme for Government 2021-2026 to prioritise end of life care, we would like to understand how much time each Welsh Government staff member gives to the end of life care agenda.**

It is difficult to attribute exact percentages to staff working on the end of life care agenda as the three staff in question also support a number of the other major health conditions and their resources are deployed as needed. However, it should be noted that in addition to these three staff, the end of life care agenda will also receive support from a range of other Welsh Government sources including nursing advisors, primary care advisors, the Chief Allied Health Professional, social care staff, workforce staff and other clinical leads.

**In addition, considering the recent increased capacity for end of life care in the NHS Collaborative, are we likely to see a corresponding increase in capacity within Welsh Government to allow for quicker implementation of the End of Life Care Programme?**

The new national programme board for end of life care has responsibility for driving forward end of life care policy in Wales, including implementation of the recently published quality statement for palliative and end of life care. This is where the additional resource is needed and is why we have made the additional appointments within the NHS Collaborative referred to in my previous response to the Committee.

Bae Caerdydd • Cardiff Bay  
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[Correspondence.Eluned.Morgan@gov.wales](mailto:Correspondence.Eluned.Morgan@gov.wales)

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

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

The end of life care agenda sits within the Quality and Nursing Directorate which is headed up by the Deputy Chief Medical Officer (DCMO) and the Chief Nursing Officer (CNO). Both the DCMO and CNO monitor the resources needed across all of their policy areas and move these resources to priority areas and those in need of additional support as and when required.

I hope this information is helpful to the Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

**Eluned Morgan AS/MS**

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

## Don't let the plan run out for dying people in Wales

Marie Curie & Motor Neurone Disease Association: Briefing for Petitions Committee, November 2022

**RE: Marie Curie Cymru and MND Association have decided to request that the Petitions Committee defer discussion on this petition until later in the term.**

We are grateful to the Petitions Committee for their ongoing support of Marie Curie Cymru and MND Association's petition on End of Life Care. This has opened a direct communication channel with the Minister for Health and Social Services, and positive steps forward have been made since the launch of the petition in March 2022. We also thank the Committee for getting in touch with the Minister to clarify the current arrangements for civil servants working on end of life care.

In light of ongoing developments over the next couple of weeks to establish the End of Life Care National Programme Board, we would like to request that the Petitions Committee defer discussion on this matter until their next Committee session. At this point, we hope that we will have more understanding of what progress has been made and how the third sector is being included in the End of Life Care Programme going forward.

In the meantime, if any additional information would be of value to the Petitions Committee, we would be happy to provide this.

Kind regards,

Marie Curie Cymru  
Motor Neurone Disease Association

# Agenda Item 3.3

## **P-06-1270 Make October 21st an official Memorial Day for those killed and affected by the Aberfan Disaster**

This petition was submitted by Claire Davies, having collected a total of 53 signatures.

### **Text of Petition:**

At 9.15 am on Friday, October 21, 1966, a waste tip above the mining village of Aberfan began to slide down the mountainside, firstly destroying a farm cottage and killing all its occupants. It then approached Pantglas Junior School, where the children had only just returned to their classes after singing All Things Bright and Beautiful at their morning assembly. The slide then engulfed the school and about 20 houses in the village, killing 144 people, including 116 school children.

### **Additional Information:**

On 26th October 1966, a tribunal was appointed to inquire into the causes of and circumstances relating to the Aberfan disaster, which was chaired by Welsh barrister and Privy Councillor Lord Justice Edmund Davies.

The Tribunal's report found that

\* The blame for the disaster rested entirely with the National Coal Board, and their "total absence of a tipping policy"

\* Repeated warnings about the dangerous condition of the tip had been ignored.

\* The tips had never been surveyed and were continuously being added to in a chaotic and unplanned manner. The disregard for the unstable geological conditions and the NCB's failure to act after previous smaller slides were found to have been major factors that contributed to the catastrophe.

This innocent people should never be forgotten and should always be remembered. The 21st October should be made a national Memorial Day to remember and never forget.

## **Senedd Constituency and Region**

- Montgomeryshire
- Mid and West Wales





Eich cyf/Your ref P-06-1270  
Ein cyf/Our ref FM -/00598/22

Jack Sargeant MS  
Chair  
Petitions committee  
Senedd Cymru  
[Petitions@senedd.wales](mailto:Petitions@senedd.wales)

18<sup>th</sup> November 2022

Dear Jack,

Thank you for your letter about Petition P-06-1270 *Make October 21st an official Memorial Day for those killed and affected by the Aberfan Disaster*, which was dated June but which my office received on 26 October. Your further letter asks about a national memorial day for all those who have been killed in mining disasters.

As I set out in my previous letter to you on 29 April, the power to designate national days rests with the UK Government. There is a current debate about whether St David's Day should be a national holiday, so there may be an opportunity to add the idea of a national Memorial Day to that discussion. In the meantime, every year we recognise and remember the anniversary of the Aberfan disaster and all those who died on that terrible day.

I explained the Welsh Government has provided financial support to the Aberfan Memorial Charity to help with the maintenance of the memorial gardens and the Aberfan Education Charity for school projects in Aberfan and Merthyr Vale.

We also have a Welsh National and Universal Mining Memorial Garden, in Senghenydd. The ceramic pavers in the garden document each national colliery disaster in Wales.

**MARK DRAKEFORD**

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

# Agenda Item 3.4

## **P-06-1272 Ban the use of 'no pet clauses' in tenancy agreements in Wales**

This petition was submitted by Sam Swash, having collected a total of 857 signatures.

### **Text of Petition:**

The number of people privately renting is increasing year-on-year – currently many are prohibited from keeping pets because of clauses in their tenancy agreements.

The benefits of pet ownership should not be exclusive to homeowners. Those who rent should be equally as entitled to keep a pet as those who own.

### **Additional Information:**

According to the Dog's Trust, the single biggest reason for dogs being handed in to rehoming centres is because of a change of circumstances, such as being unable to live in a rented property with a pet. These clauses also stop large numbers of people coming forward to rehome pets; effectively prohibited from doing so by being a tenant. This means both tenants and pets suffer.

In January 2021, the UK Government introduced a new Model Tenancy Agreement which prohibited landlords from issuing blanket 'no pet' bans. Consent for pets is now the default position. In Wales, there is no such reference and therefore Welsh tenants are less likely to be able to keep a pet than their UK counterparts.

### **Senedd Constituency and Region**

- Alyn and Deeside
- North Wales

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref JJ/02439/22

Jack Sargeant MS  
Chair - Petitions committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

18 November 2022

Dear Jack,

Thank you for your further letter of 27 October in respect of Petition P-06-1272 - Ban the use of 'no pet clauses' in tenancy agreements in Wales.

I note your concerns around those tenants who do not currently have a tenancy agreement. If a tenant does not have a physical tenancy agreement, but the tenancy satisfies the criteria to be an Assured Shorthold Tenancy (AST), then they have an AST, although implied. In terms of pets, this does mean that these tenants will have no clause which specifically prevents them from keeping pets.

From 1 December, the Renting Homes (Wales) Act 2016 will require landlords to issue existing tenants with a written Occupation Contract. This will apply regardless of whether or not they currently have a written tenancy agreement. Therefore, Landlords would need to explicitly seek to include a clause that would ban pets in the contract, which under the Consumer Rights Act 2015, could be challenged if it was unreasonable to have done so.

I note your petitioner's response about finding it challenging to even get an opportunity to secure a property in the first place due to disclosing that they have a pet. RSPCA Cymru have highlighted that in such circumstances prospective tenants may benefit from providing references from previous landlords to help demonstrate that there have been no issues, as this may help to appease concerns regarding perceived risk of damage or negative behaviour.

I have read your petitioner's response to my suggestion of centralising guidance, which was specifically in response to their comment that tenants find it hard to access information which better explains their rights. Therefore, I think their commentary around my suggestion that we would make guidance clearer has been taken out of context. I was simply addressing that point by providing a centralised source of information, as it should help tenants.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

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

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

I cannot support a blanket ban on landlords preventing pets in private rental properties. Some properties are often not suitable for larger pets, such as houses in multiple occupation, supported accommodation or purpose-built student accommodation. Even if a property may seem suitable for pets, there may be very good reason why a tenant cannot keep a pet; for example, a restrictive covenant, or the welfare and safety of other tenants/neighbours.

It is not quite the case that homeowners have carte blanche in whether they can own a pet. Many people who own and live in leasehold properties may find restrictions on pet ownership. People who live on regulated mobile home sites often have contract clauses which restrict pet ownership. In some cases, people who own the freehold of their property may also be restricted by covenants on the use of their building or land, which could preclude the keeping of certain pets.

The restrictions above would also apply to landlords who let property affected by these rules. If we had a blanket ban on “No Pet” clauses, then they may be in breach of their lease or covenant, putting them in a precarious legal position and perversely, potentially putting the tenancy at risk.

We are keen to continue working with the sector to influence behaviour change around pets being accepted in private rental property where it is appropriate.

Yours sincerely,



**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

# Agenda Item 3.5

**P-06-1289 Agree 105 day occupancy, not 182 days, to distinguish holiday let businesses from second homes**

This petition was submitted by Linda Davies, having collected a total of 3,332 signatures.

## **Text of Petition:**

As part of its tax policy to limit the number of second homes, Welsh Government wishes to better distinguish between legitimate furnished holiday lets and second homes. The draft Order, despite contrary advice from its own consultation, raises the level of occupancy required for business status from 70 to 182. This is unachievable for most FHLs, which will either close or be reclassified as second homes as a result. We propose a threshold of 105 days, a 50% rise, in line with HMRC definitions.

## **Additional Information:**

Wales Tourism Alliance, UK Hospitality Cymru and the Professional Association of Self Caterers have gathered evidence from c.1500 small Welsh businesses to show the damaging unintended consequences to Welsh livelihoods and communities of a 182 day threshold. It indicates that it will not achieve its policy intention of limiting second homes, but that it will reduce the number of local Welsh businesses. The report and supporting body of evidence supporting this petition can be found at [https://www.pascuk.co.uk/wp-content/uploads/2022/04/UKH.WTA\\_.PASC-BoE-1500-080422.docx](https://www.pascuk.co.uk/wp-content/uploads/2022/04/UKH.WTA_.PASC-BoE-1500-080422.docx)

The draft Order is the Non-Domestic Rating (Definition of Domestic Property) (Wales) Order 2022.

## **Senedd Constituency and Region**

- Montgomeryshire
- Mid and West Wales



Eich cyf/Your ref: P-06-1289  
Ein cyf/Our ref: RE-00931-22

Jack Sargeant MS  
Chair - Petitions Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

23 November 2022

Dear Jack,

Thank you for your further letter regarding a petition to change the letting criteria used to classify self-catering properties for local tax purposes. I appreciate your update on the consideration of this petition by the Committee and welcome the opportunity to respond to the specific questions you have raised.

Firstly, you asked what arrangements are in place to support self-catering businesses who might be unable to meet the occupancy level due to lack of demand, in particular during the next year or two.

I would like to reiterate that the policy position of the Welsh Government is that properties providing self-catering accommodation should be classed as non-domestic only if they are being let on a commercial basis for the majority of the year and that properties let out on an infrequent basis should be liable for council tax. As well as ensuring that such properties make a fair contribution to their communities and local economies, the increased letting criteria are intended to help ensure that the properties concerned are being let regularly. This is to help address the impact of large numbers of second homes and holiday lets, including the impact of underused properties, on the availability of local housing.

Owners of second homes and self-catering accommodation might adopt a number of possible behavioural changes in response to the increased letting criteria. These could include property owners adapting their operating models to make greater use of their properties to meet the increased criteria. Where this is not desirable or achievable, owners may choose to adapt their operating models to account for council tax liability.

Some owners may choose to sell their properties, or to let them out as permanent domestic accommodation for the local community. Others may choose to occupy the property as their primary home or to adopt another option. It will be for individual property owners to consider the approach to take.

The Welsh Government recognises that some self-catering properties are restricted by planning conditions preventing permanent occupation as someone's main residence. The Council Tax (Exceptions to Higher Amounts) (Wales) Regulations 2015 provide for an exception from a council tax premium for properties restricted by a planning condition preventing occupation for a continuous period of at least 28 days in any one-year period. In light of the changes to the letting criteria, I committed to exploring whether further amendments to these regulations were necessary in advance of the changes taking practical effect.

As a consequence of this commitment, I am currently seeking views through a [technical consultation on the draft Council Tax \(Exceptions to Higher Amounts\) \(Wales\) Regulations 2023](#). The draft Regulations extend the existing exception from a council tax premium to apply to properties with a planning condition which specifies that the property may only be used for short term holiday lets or which prevents permanent occupation as a person's sole or main residence. Such properties would become liable for council tax at the standard rate if they do not meet the letting criteria for classification as non-domestic property but they could not be charged a premium. This is consistent with our policy view that property owners should make a fair contribution to local communities either through local taxation or through the economic benefit they bring to an area.

It is intended that the extended exceptions will take effect from 1 April 2023, in conjunction with the changes to the letting criteria and the increase in the maximum level at which local authorities may set a council tax premium. The new exceptions will, therefore, apply to properties that become liable for council tax after 1 April 2023.

I have also published a [consultation](#) seeking views on the revised guidance on council tax premiums for long-term empty dwellings and second homes. This includes additional options that are available to local authorities in the event that self-catering properties restricted by planning conditions do not meet the letting criteria. The guidance includes reference to the discretionary powers of local authorities to reduce council tax bills for dwellings or classes of dwellings in their areas. These powers enable local authorities to reduce a council tax bill by any amount, as it sees fit.

Secondly, you asked whether the Welsh Government will revisit the occupancy rates and consider reviewing them if the statistics show a sharp decline in self-catering properties.

When I [confirmed](#) that the legislation in question has been made, I also clarified that the Welsh Government will keep under constant review the range of levers available to use as we continue to develop our multifaceted and integrated approach to addressing the impact of that large numbers of second homes and holiday lets can have on communities across Wales. We are preparing to monitor the impact of the changes to the local taxes following their implementation on 1 April 2023.

Our Service Level Agreement with the Valuation Office Agency includes a requirement to monitor and report to the Welsh Government on movements between the non-domestic rating and council tax lists.

I trust this information is of assistance to the Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive style with a period at the end.

**Rebecca Evans AS/MS**

Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government



# Agenda Item 3.6

## **P-06-1292 Make Welsh public sector organisations report scope 3 emissions and include them in net zero targets**

This petition was submitted by Dylan Clarke, having collected a total of 339 signatures.

### **Text of Petition:**

Include all emissions associated with public sector investments in Welsh government decarbonisation targets and make reporting investment emissions (scope 3) mandatory for all Welsh public sector organisations.

Local authorities are aiming for net zero by 2030 while investing in companies that plan to extract fossil fuels for decades.

Welsh public sector organisations are not currently required to report on emissions associated with investments! This is a loophole that needs closing.

### **Additional Information:**

A brief explanation of scope 3.

Scope 1 – direct emissions from sources owned or controlled by a public sector organisation.

Scope 2 – indirect emissions from purchased electricity, steam, heat, and cooling.

Scope 3 – all other emissions associated with an organisation's activities. Including investments in fossil fuel companies.

Including some scope 3 emissions within the operational boundary but excluding investments is inconsistent with achieving true net zero by 2030 and undermines the Government's decarbonisation efforts. See page 14, table 3 here.

[https://gov.wales/sites/default/files/publications/2021-05/welsh-public-sector-net-zero-reporting-guide\\_1.pdf](https://gov.wales/sites/default/files/publications/2021-05/welsh-public-sector-net-zero-reporting-guide_1.pdf)

By including pensions and investments in government targets the public sector will have the flexibility to decide for themselves what to do about these indirect scope 3 emissions without simply ignoring them.

### **Senedd Constituency and Region**

- Dwyfor Meirionnydd
- Mid and West Wales

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref JJ/02438/22

Jack Sargeant MS  
Chair - Petitions committee

18 November 2022

Dear Jack Sargeant MS,

Thank you for your letter of 27 October 2022, in response to my correspondence of 18 August 2022.

The Welsh Government is working collaboratively with public sector organisations to submit emission data for all aspects of operations including buildings, mobility and transport, land use and supply chain through the annual Net Zero Emissions Reporting process. This creates a comprehensive report of operational emissions for each organisation and for the collective Welsh public sector. The data from the public sector bodies is analysed and reported annually by Welsh Government through an All-Wales approach showing progress toward the collective net zero Wales 2030 ambition.

The [Welsh Public Sector Net Zero Reporting Guide](#) provides a common and consistent template for all public sector bodies to report emissions to the Welsh Government. In the first year this was a new process and a learning exercise for most public sector bodies. The second year of reporting has shown a greater understanding of the process with 97% of organisations reporting on time and with greater accuracy and consistency. The analysis of this year's data will be published early in the new year. Last year's report can be found at [Public Sector Net Zero data and recommendations | GOV.WALES](#).

The process works well but will evolve as our knowledge improves. The Welsh Government and public bodies are committed to maintaining the guide as an up to date, consistent and acceptable format for voluntary reporting of emissions by public bodies in Wales.

Yours sincerely,

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

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

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

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

**P-06-1292 Make Welsh public sector organisations report scope 3 emissions and include them in net zero targets, Correspondence – Petitioner to Committee, 03.04.22**

There are just a couple of other questions I have and a couple of comments...

Thank you for taking the time to reply.

It is encouraging to see more reporting of scope 3 emissions from local authorities. I look forward to reading the analyses in the new year.

However it still appears inconsistent to encourage reporting of some scope 3 emissions but not others.

Given the increasing trend of better data due to the Task Force on Climate Related Financial Disclosure would it not now make sense as the process evolves to include investment emissions within the Net Zero Reporting Guide?

What were the reasons for not including it originally, and do those reasons still apply now?

Over the years the journey towards net zero has been full of omissions. Ignoring the emissions we have offshored by buying goods from abroad, international shipping, aviation etc.

How can the Welsh Government claim an All Wales approach to net zero while allowing local authorities to omit a whole type of emissions?

Please do reconsider where those operational boundaries should be.

Regards Dylan Clarke

# Agenda Item 3.7

## **P-06-1293 Provide funding for universal access to Fracture Liaison Services (FLS)**

This petition was submitted by Delyth Evans MBE, having collected 401 signatures on-line and 30 signatures on paper, making for a total of 431 signatures.

### **Text of Petition:**

The Welsh Government should commit to 100% coverage of quality-assured Fracture Liaison Services (FLS). FLS is the world-standard for treating osteoporosis and preventing fractures, yet access is a postcode lottery. This means thousands of people living on the wrong side of a catchment line will suffer life-changing spinal and hip fractures. The Welsh Government can transform the picture through a clear strategic direction from the top, backed with modest funding for FLS and sensible incentives.

### **Additional Information:**

Fractures (broken bones) caused by osteoporosis are one of the most serious threats to living well in later life. Left untreated, osteoporosis threatens our freedom, dignity, quality of life and independence. With an early diagnosis and the right treatment, people with osteoporosis can live well, thanks to safe, effective, medication that is highly affordable for the NHS. But missed opportunities for diagnosis and early intervention mean that thousands of people across Wales are missing out on the bone-strengthening medication they need. In a recent FOI request, the Royal Osteoporosis Society (ROS) found that only 4 out of 7 Health Boards could confirm they had a FLS (and not all of these cover the whole population). The ROS estimates that scaling up FLS provision for the whole of Wales would cost around £2 million per year. Over the next five years, this would save the NHS and social care around £25 million, prevent over 1,200 hip fractures, and release over 34,000 acute bed days.

### **Senedd Constituency and Region**

- Carmarthen East and Dinefwr
- Mid and West Wales



Eich cyf/Your ref P-06-1293  
Ein cyf/Our ref EM/03792/22

Jack Sargeant MS  
Chair - Petitions Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

21 November 2022

Dear Jack,

Thank you for your further letter of 25 October on behalf of the Petitions Committee regarding Petition no. P-06-1293 about providing funding for universal access to fracture liaison services (FLS).

The Welsh Government continues to fund the national clinical audit programme which includes the FLS Database. The database provides us with a range of statistics and narrative regarding FLS and is pivotal in helping us determine our national approach to ensuring FLS are being developed across Wales.

In early 2022, officials canvassed each health board to provide an overview of the fracture liaison services they provide within their areas. This data showed significant variation and highlighted the need for development in a number of areas. This data together with strong campaigns from the third sector and patients led to the inaugural Wales Fracture Liaison Service Conference being held on 20 October 2022. The conference brought together over 150 clinicians from across Wales and beyond to promote bone health and to raise awareness of secondary fragility fracture management. The conference also formally launched the All-Wales FLS Assurance and Development Group.

The All-Wales FLS Assurance and Development group has been set up to provide advice and support to health boards on how they can develop services to realise benefits both financially and from a value-based healthcare lens. The group chaired by Dr Inder Singh, the National Clinical Lead for Falls and Frailty will work with clinicians to form business cases to present to health boards, offering support with costed modelling as required.

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

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

The group held its first meeting in late October and is working initially to promote and encourage health boards to participate in the FLS database audit in order to provide an accurate baseline for the assurance group and audit providers to work with.

Welsh Government is not proposing to provide additional funding as we expect health boards to take ownership of these services and to utilise the funding already available to them. This will ensure sustainability of services and projections from the Royal Osteoporosis Society demonstrate they would save money by doing so.

Finally, I remain committed to developing FLS services for the whole of Wales and will of course be challenging health boards to reflect on their secondary care prevention services within their future plans.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

**Eluned Morgan AS/MS**

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

# Agenda Item 5

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

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# Agenda Item 6

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

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