

BUSINESS PAPERS

PART 2 – SECTION H

VOTES & PROCEEDINGS FOR WEDNESDAY, 19TH JANUARY 2000

The session commenced at 2pm

Questions to Rhodri Morgan, Secretary for Economic Development

The first 3 questions were reached.

2.21pm

Questions to Edwina Hart, Finance Secretary

The first 3 questions were reached.

2.33pm

Point or Order: Alison Halford raised a point of order for the equity of the record that she is the elected member for Delyn and Peter Rogers is a List Member for North Wales in relation to a previous comment by the Presiding Officer.

2.38pm

Statement: The First Secretary made a statement on the British-Irish Council

2.53pm

Revision to Standing Orders - Planning Panels

That the Assembly, acting under section 46(6) of the Government of Wales Act 1998 and Standing Order 26 approves the following revision to Standing Orders with effect from 1 February 2000.

The following amendment was tabled by the Business Secretary:

STANDING ORDER 27 – Planning Decision Committees

Application

27.1 This Standing Order governs the method by which the Assembly decides how to act in respect of:

- (i) Appeals under Section 78 of the Town and Country Planning Act 1990 (in those cases where the Assembly has recovered jurisdiction to determine the appeal from the appointed Inspector);
- (ii) Applications for planning permission which have been called in by the Assembly for decision under Section 77 of the Town and Country Planning Act 1990;
- (iii) Applications to confirm an Order made under the Transport and Works Act 1992.

27.2 An appeal or application which falls within paragraph 27.1 shall be decided by a Committee ('a Planning Decision Committee') elected for the purpose under this Standing Order unless paragraph 27.8 applies in which case the Assembly may by motion delegate the function to do so in a different manner in relation to that particular appeal or application. Where a number of appeals or applications are the subject of a single Inspector's report, the motion electing the Planning Decision Committee shall authorise that Committee to decide all those appeals or applications. Where it is expedient to do so, a motion may authorise a Planning Decision Committee to decide more than one appeal or application which are not the subject of a single Inspector's report. In such a case the reference in paragraph 27.16 to signing a decision letter means the signing of decision letters in all appeals or applications which it is authorised to decide.

Initiation of Procedure

27.3 When the Assembly Secretary having responsibility for planning matters ("the Assembly Secretary") receives the report of the Inspector appointed to investigate and report on an appeal or application which falls within 27.1 the Assembly Secretary shall prepare a brief written statement identifying the location and nature of the development to which it relates and make it available to all members of the Planning Decision Panel ("the Panel") (as defined in Annex A to this Standing Order) and to the Clerk to the Assembly committee having responsibility for planning matters ("the Committee Clerk").

Election of Committee

27.4 Within 10 working days of receipt by the Committee Clerk of the statement prepared under paragraph 27.3 the Committee Clerk shall provide the Assembly Business Secretary with the names of the four members of the Panel who appear to the Committee Clerk to be qualified to serve on the Planning Decision Committee in accordance with the Annex A to this Standing Order

27.5 The provisions contained in Annex A to this Standing Order shall only continue in force (unless previously revoked) until the next ordinary election for Assembly members is held. As soon as may be after the holding of such election the Assembly Business Secretary shall submit to the Business Committee a proposal for a form of Annex A intended to remain in force until the next ordinary election and the procedure for revising Standing Orders under Standing Order 26 shall apply to the proposal.

27.6 When the Assembly Business Secretary receives the names of the four Members of the Panel notified by the Committee Clerk under paragraph 27.4, the Assembly Business Secretary shall

i) table a motion in accordance with the model motion set out in Annex B to this Standing Order inviting the Assembly to establish a Planning Decision Committee and to elect those four Members to it.

ii) immediately communicate a copy of the motion to the Deputy Presiding Officer and the members of the Business Committee.

27.7 Any motion tabled under paragraph 27.6 shall be considered by the Assembly in plenary session as soon as possible, subject to the requirements of standing Order 6.12. No amendment may be proposed to such a motion. The motion shall be proposed and once proposed, it shall not be the subject of debate but shall be voted on immediately.

27.8 If for any reason the Committee Clerk is unable to compile a list of four Members or if a motion tabled under 27.6 (i) is defeated, the Business Secretary shall as soon as possible table a motion proposing that the function of making the decision on the appeal or application be delegated by the Assembly in some other manner and the provisions of paragraph 27.6 (ii) and 27.7 shall apply to such a motion except that amendments to it shall be permitted. The motion and any amendments shall be proposed and neither the motion nor any amendments shall be debated. The Presiding Officer shall determine the order in which any amendments are voted on. If such a motion, whether amended or not, is defeated, then in that event the function specified in the motion shall be delegated to the First Secretary.

Application of Standing Order 8

27.9 Only the following provisions of Standing Order 8 shall apply to a Planning Decision

Committee:

- i) paragraphs 8.7 to 8.13
- ii) paragraphs 8.18 and 8.19
- iii) paragraphs 8.23 and 8.24

27.10 Notwithstanding paragraph 27.9, the requirement of Section 54 of the Act that the balance of the parties in the Assembly shall, as far as is practicable, be reflected in the membership of a committee shall be secured by the manner of selection of members of a proposed Planning Decision Committee set out in Annex A to this Standing Order.

Consideration by a Planning Decision Committee

27.11 Each Planning Appeal Committee shall be identified by a reference comprising the year in which it was elected and a serial number.

27.12 The Assembly Secretary, if a member of a Planning Decision Committee, shall be the Chair of the Committee. If the Assembly Secretary is not a member of the Committee the Chair shall be elected by the members of the Committee or, if the members of the committee are unable to agree nominated to act by the Chair of the Committee having responsibility for planning matters.

27.13 The Chair may vote and if there is an equality of votes may in addition exercise a casting vote at his or her discretion.

27.14 A Planning Decision Committee shall meet in private and its members shall be under an obligation to observe the confidentiality of any discussion by the Committee and of any documents considered by the Committee with the exception of the Committee's decision letter when adopted together with any documents to which it refers.

27.15 The Committee may request the attendance at its meetings of members of the staff of the Assembly for the purpose of:

- i) obtaining their advice;
- ii) preparing a draft decision letter giving reasons for their decision;
- iii) minuting the Committee's decisions.

27.16 The Committee's functions shall cease when the Chair signs a decision letter which the Committee has resolved to adopt. Where no decision letter has been signed on or before the date specified in the motion establishing the Committee, the Committee shall cease to exist. The Committee shall otherwise cease to exist when the Chair signs the decision letter.

Standing Order 27

Annex A

Qualification for Membership of the Planning Decision Panel

1. The Assembly Members who are Members of the Planning Decision Panel are those:

- a) who are members of the Assembly committee having responsibility for planning matters;
- b) who have completed a course of relevant training approved by the Chair of the Assembly committee having responsibility for planning matters and;
- c) who have agreed to be bound by the current Code of Conduct for members of Planning Decision Committees issued by the Presiding Officer.

2. A Member of the Panel is disqualified from being a member of a particular Planning Decision Committee if:

- a) the site of the development to which the appeal or application relates falls in whole or in part within the constituency or electoral region of that member, or;
- b) the Member has an interest in the subject matter of the appeal or application which, if he or she were to take part in the proceedings of the Committee the Member would be obliged to declare under Standing Order 4.5 or which would prohibit the Member from voting on that subject matter under Standing Order 4.7 or;
- c) there are other circumstances (as set out in the Code of Conduct referred to in paragraph 1 (c) above) which could be seen to call into question the ability of the Member to consider the appeal or application objectively and impartially.

Party Balance

3. For the purpose of ensuring compliance with Standing Order 27.10, the Committee Clerk shall maintain separate lists (in alphabetical order where a list includes more than one person) of members of the Panel in accordance with the political groups to which they belong, as

follows:

List A The Labour Party

List B Plaid Cymru

List C The Conservative Party

List D The Liberal Democrat Party

4. When the Committee Clerk receives a notification under Standing Order 27.3 the Committee Clerk will prepare a provisional list of members of the Planning Decision Committee of which one will be the Assembly Secretary comprising two members of List A, , one member of List B and a member of either List C or List D.

5. In selecting the member (other than the Assembly Secretary) from List A or from List B the Committee Clerk will select names in rotation except that where a member would have served on a Planning Decision Committee but was disqualified from doing so, or was otherwise unable to serve, that member will be treated as the member on that list next due for selection.

6. In selecting the member from either List C or D the Committee Clerk will select members from each list alternately, beginning with List C.

7. The Committee Clerk will notify each member whose name appears on a provisional list of members of a Planning Decision Committee, identifying the relevant appeal or application.

8. Each of the members notified will, having consulted the statement provided under paragraph 27.3, then notify the Committee Clerk within two working days if that member is disqualified under paragraph 2 above from serving on the Committee, or is otherwise unable to serve, in which case the Committee Clerk will (subject to paragraph 10 below) select the name of the next member from the same list (or in the case of Lists C and D the name of the member from the alternate list) and notify that member in accordance with paragraph 7 above.

9. If both members from List C and D are disqualified or otherwise unable to serve, the Committee Clerk will select an additional member from List B

10. If the Assembly Secretary is disqualified or otherwise unable to serve the Committee Clerk will select the Chair of the Assembly committee having responsibility for planning matters in preference to any other member appearing on the same List.

11. When the Committee Clerk has compiled a list of 4 Members who are not disqualified or otherwise unable to serve, the Committee Clerk will notify the Assembly Business Secretary

under paragraph 27.4.

12. If for any reason the Committee Clerk is unable to compile such a list of 4 Members the Committee Clerk shall notify the Assembly Business Secretary of that fact and of the reasons.

Standing Order 27

Annex B

Model Motion Establishing a Planning Decision Committee

It is resolved:

1. That a committee, to be known as Planning Decision Committee 1999/1 be established, in accordance with Standing Order 27 to discharge the functions of the Assembly under (Section 77 of the Town and Country Planning Act 1990 or as the case may be) in respect of the matter (s) identified in the Schedule to this motion and that the Assembly's functions in that respect be delegated to that Committee;

2. That the members of that Committee be:

AB (Chair)

CD

EF

GH

3. That the Committee shall cease to exist when the Chair of the Committee signs the decision letter in accordance with Standing Order 27.16 or on the (date) whichever is the earlier.

4. That if the Committee shall cease to exist without the Chair having signed a decision letter in respect of (all of) the matter(s) identified in the Schedule to this motion then in that event the functions identified in paragraph 1 above are, in relation to such matter(s), delegated to the First Secretary.

Schedule

An application by X for permission to carry out certain development at Y, namely...

A vote was taken:

The Amendment

For 46
Abstain 0
Against 0
Total 46

The amendment was carried

The motion, as amended

For 48
Abstain 0
Against 0
Total 48

The motion, as amended, was carried

3.07pm

Debate on the outcome of the National Curriculum review

To propose that the Assembly:

(a) welcomes the outcome of the first Wales-only review of the National Curriculum

(b) agrees that ACCAC has achieved in full the original aims of the review (laid in the table office on 11 January 2000); that the revised Curriculum (copies of the programmes of study and attainment targets are available on the National Assembly for Wales web site at home page/policy and information/education/national curriculum review) reflects the distinctive needs of Wales and the importance of every child receiving a broad and balanced education; that the new programmes of study and attainment targets will be more manageable for teachers; and that taken with the new frameworks for Personal and Social Education and Work Related Education the new Curriculum will ensure that young people are better prepared for the responsibilities and challenges of adult life.

The following amendment has been tabled:

Amendment 1 - Gareth Jones (Conwy), Jenny Randerson (Cardiff Central)

Add at the end of the motion an additional point:

"Provides sufficient financial support for training to ensure the full implementation of these proposals."

A vote was taken:

The Amendment

For	45
Abstain	0
Against	0
Total	45

The amendment was carried

The motion, as amended

For	45
Abstain	0
Against	0
Total	45

The motion, as amended, was carried

4.23pm

Approval of the 11 National Curriculum Orders

To propose that the Assembly:

(a) having considered the two reports of the Legislation Committee relating to the draft Orders "The Education (National Curriculum)(Attainment Targets and Programmes of Study in (English, Mathematics, Physical Education, Science, Welsh, Modern Foreign Languages, Art, Geography, History, Technology, Music)(Wales) Order 2000" , laid in the Table Office on 15 December 1999; and

(b) having considered the draft Orders and the associated documents - the programmes of study and attainment targets (copies of which are available on the National Assembly for Wales web site at [home page/policy and information/education/national curriculum review](#))

(c) approves the making of the Orders in accordance with the drafts laid in the Table Office on 6 December 1999.

The following amendments have been tabled:

Amendment 1 - Jenny Randerson, (Cardiff Central), Jonathan Morgan, (South Wales

Central), Gareth Jones, (Conwy)

Add at the end of the motion insert additional point after point (C):

"resolves that these proposals should be reconsidered in the future by the National Assembly for Wales in accordance with changing educational needs."

Amendment 2 - Jenny Randerson, (Cardiff Central), Jonathan Morgan, (South Wales Central), Gareth Jones, (Conwy)

Add at the end of the motion insert additional point after point (C):

"believes that it is necessary to provide further written guidance to ensure that food and nutrition play a full part in the curriculum."

Amendment 3 - Jenny Randerson, (Cardiff Central), Jonathan Morgan, (South Wales Central), Gareth Jones, (Conwy)

Add at the end of the motion insert additional point after point (C):

"regrets that under the revised curriculum it will not be compulsory to study a modern foreign language up to the age of 16."

The Presiding Officer informed the Assembly that he had ruled amendments 2 and 3 out of order.

A vote was taken:

Amendment 1

For	43
Abstain	0
Against	0
Total	43

The amendment was carried.

The motion, as amended

For	38
Abstain	6
Against	0

Total 44

The motion, as amended, was carried.

The session concluded at 4.40pm

The Assembly will sit again in Plenary at

2.00 pm on Tuesday, 25th January 2000

J W Lloyd

Clerk to the Assembly

The following petition was received today (19.01.00):

The Welsh Countryside Petition with twenty thousand signatures for the National Assembly for Wales was hand delivered today by members of the Countryside Alliance in Wales.

The wording of the petition is as follows :

We the undersigned, call on the Government to recognise the importance of tolerance in a modern society by rejecting legislation to criminalise hunting or other country activities which would :

- * infringe the liberties of a large minority throughout the United Kingdom
- * destroy rural jobs and reduce people's income

* seriously harm the UK rural landscape

* diminish rural community life

* divert valuable parliamentary time from much needed Government measures to address the pressing problems facing the poor and excluded in rural and urban communities