

Motions and Amendments for Debate on 27 June 2006

Motions tabled on 20 June 2006

NDM3108 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales, acting under Standing Order 24.25:

1.

a) Considers the report of the Legislation Committee laid in the Table Office and e-mailed to Assembly Members on 20 June 2006 on the draft Ceramic Articles in Contact with Food (Wales) Regulations 2006; and

b) Approves that Ceramic Articles in Contact with Food (Wales) Regulations 2006 are made in accordance with:

(i) the draft Order laid in the Table Office on 6 June 2006;

(ii) the Regulatory Appraisal laid in the Table Office on 6 June 2006; and

(iii) the Memorandum of Corrections laid in the Table Office and e-mailed to Assembly Members on 20 June 2006.

2.

a) Considers the report of the Legislation Committee laid in the Table Office and e-mailed to Assembly Members on 20 June 2006 on the draft Private and Voluntary Health Care and Miscellaneous (Wales) (Amendment) Regulations 2006; and

b) Approves that Private and Voluntary Health Care and Miscellaneous (Wales) (Amendment) Regulations 2006 are made in accordance with:

(i) the draft Order laid in the Table Office on 6 June 2006;

(ii) the Regulatory Appraisal laid in the Table Office on 6 June 2006; and

(iii) the Memorandum of Corrections laid in the Table Office and e-mailed to Assembly Members on 20 June 2006.

NDM3109 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales, acting under Standing Order 24.25:

1. Considers the report of the Legislation Committee laid in the Table Office and e-mailed to Assembly Members on 20 June 2006 on the draft The Plant Health (Export Certification) (Wales) Order 2006; and

2. Approves that The Plant Health (Export Certification) (Wales) Order 2006 are made in accordance with:

- a) the draft Order laid in the Table Office on 6 June 2006;
- b) the Regulatory Appraisal laid in the Table Office on 6 June 2006;and
- c) the Memorandum of Corrections laid in the Table Office and e-mailed to Assembly Members on 20 June 2006.

NDM3110 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Local Safeguarding Children Boards (Wales) Regulations 2006 a copy of which was laid in Table Office on 6 June 2006.

NDM3111 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and e-mailed to Assembly Members on 20 June 2006 in relation to the draft The Local Safeguarding Children Boards (Wales) Regulations 2006; and

2. Approves that the draft The Local Safeguarding Children Boards (Wales) Regulations 2006 is made in accordance with:

- a) the draft laid in the Table Office on 6 June 2006;
- b) the Memorandum of Corrections laid in the Table Office and e-mailed to Assembly Members on 20 June 2006; and
- c) the Regulatory Appraisal laid in the Table Office on 6 June 2006.

NDM3112 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales, acting under Standing Order 25.13 :

Approves the draft The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) (Amendment) (No. 2) Regulations 2006 a copy of which was laid in Table Office and e-mailed to Assembly Members on 20 June 2006, and notes the Explanatory Memorandum for this Order laid in Table Office and e-mailed to Assembly Members on 20 June 2006.

NDM3113 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Housing Health and Safety Rating System (Wales) Regulations 2006 a copy of which was laid in Table Office on 23 May 2006.

NDM3114 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 13 June 2006 in relation to the draft The Housing Health and Safety Rating System (Wales) Regulations 2006; and
2. Approves that the draft The Housing Health and Safety Rating System (Wales) Regulations 2006 is made in accordance with:
 - a) the draft laid in the Table Office on 23 May 2006;
 - b) the Memorandum of Corrections laid in the Table Office on 13 June 2006; and
 - c) the Regulatory Appraisal laid in the Table Office on 31 May 2006.

NDM3115 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Housing (Interim Management Orders) (Prescribed Circumstances) (Wales) Order 2006 a copy of which was laid in Table Office on 23 May 2006.

NDM3116 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 13 June 2006 in relation to the draft The Housing (Interim Management Orders) (Prescribed Circumstances) (Wales) Order 2006; and
2. Approves that the draft The Housing (Interim Management Orders) (Prescribed Circumstances) (Wales) Order 2006 is made in accordance with:
 - a) the draft laid in the Table Office on 23 May 2006; and
 - b) the Regulatory Appraisal laid in the Table Office on 31 May 2006.

NDM3117 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 a copy of which was laid in Table Office on 22 May 2006.

NDM3118 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 13 June 2006 in relation to the draft The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006; and
2. Approves that the draft The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 is made in accordance with:
 - a) the draft laid in the Table Office on 22 May 2006;
 - b) the Memorandum of Corrections laid in the Table Office on 13 June 2006; and
 - c) the Regulatory Appraisal laid in the Table Office on 23 May 2006.

NDM3119 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006 a copy of which was laid in Table Office on 23 May 2006.

NDM3120 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 13 June 2006 in relation to the draft The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006; and
2. Approves that the draft The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006 is made in accordance with:
 - a) the draft laid in the Table Office on 23 May 2006; and
 - b) the Regulatory Appraisal laid in the Table Office on 23 May 2006.

NDM3121 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Management of Houses in Multiple Occupation (Wales) Regulations 2006 a copy of which was laid in Table Office on 22 May 2006.

NDM3122 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 13 June 2006 in relation to the draft The Management of Houses in Multiple Occupation (Wales) Regulations 2006; and
2. Approves that the draft The Management of Houses in Multiple Occupation (Wales) Regulations 2006 is made in accordance with:
 - a) the draft laid in the Table Office on 22 May 2006; and
 - b) the Regulatory Appraisal laid in the Table Office on 23 May 2006.

NDM3123 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Houses in Multiple Occupation (Specified Educational Establishments) (Wales) Regulations 2006 a copy of which was laid in Table Office on 6 June 2006.

NDM3124 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and e-mailed to Assembly Members on 20 June 2006 in relation to the draft The Houses in Multiple Occupation (Specified Educational Establishments) (Wales) Regulations 2006; and
2. Approves that the draft The Houses in Multiple Occupation (Specified Educational Establishments) (Wales) Regulations 2006 is made in accordance with:
 - a) the draft laid in the Table Office on 6 June 2006; and
 - b) the Regulatory Appraisal laid in the Table Office on 6 June 2006.

NDM3125 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Housing (Approval of Codes of Management Practice) (Student Accommodation) (Wales) Order 2006 a copy of which was laid in Table Office on 6 June 2006.

NDM3126 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and e-mailed to Assembly Members on 20 June 2006 in relation to the draft The Housing (Approval of Codes of Management Practice) (Student Accommodation) (Wales) Order 2006; and
2. Approves that the draft The Housing (Approval of Codes of Management Practice) (Student Accommodation) (Wales) Order 2006 is made in accordance with:
 - a) the draft laid in the Table Office on 6 June 2006; and
 - b) the Regulatory Appraisal laid in the Table Office on 6 June 2006.

NDM3127 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales acting under Standing Order 29.3 (iii):

Considers the principle of Housing Conditions: Enforcement Guidance (Housing Act 2004: Part 1 – Housing Health and Safety Rating System) a draft of which was laid in Table Office on 23 May 2006.

NDM3128 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly

Acting under Standing Order 29.3 (iii) approves the Housing Conditions: Enforcement Guidance (Housing Act 2004: Part 1 – Housing Health and Safety Rating System) which was laid in the Table Office on 23 May 2006.

NDM3129 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales acting under Standing Order 29.3 (iii):

Considers the principle of the Housing Health and Safety Rating System: Operating Guidance (Housing Act 2004: Part 1) a draft of which was laid in Table Office on 23 May 2006.

NDM3130 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly

Acting under Standing Order 29.3 (iii) approves the Housing Health and Safety Rating

System: Operating Guidance (Housing Act 2004: Part 1) which was laid in the Table Office on 23 May 2006.

NDM3131 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Bee Diseases and Pests Control (Wales) Order 2006 a copy of which was laid in Table Office on 6 June 2006.

NDM3132 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and e-mailed to Assembly Members on 20 June 2006 in relation to the draft The Bee Diseases and Pests Control (Wales) Order 2006; and

2. Approves that the draft The Bee Diseases and Pests Control (Wales) Order 2006 is made in accordance with:

- a) the draft laid in the Table Office on 6 June 2006;
- b) the Memorandum of Corrections laid in the Table Office and e-mailed to Assembly Members on 20 June 2006; and
- c) the Regulatory Appraisal laid in the Table Office on 13 June 2006.

NDM3133 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Education (School Inspection) (Wales) Regulations 2006 a copy of which was laid in Table Office on 13 June 2006.

NDM3134 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and e-mailed to Assembly Members on 20 June 2006 in relation to the draft The Education (School Inspection) (Wales) Regulations 2006; and

2. Approves that the draft The Education (School Inspection) (Wales) Regulations 2006 is made in accordance with:

- a) the draft laid in the Table Office on 13 June 2006; and
- b) the Regulatory Appraisal laid in the Table Office on 13 June 2006.

NDM3135 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales acting under Standing Order 29.3 (iii):

Considers the principle of National Minimum Standards for Private and Voluntary Healthcare Services 2006 a draft of which was laid in Table Office on 13 June 2006.

NDM3136 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly

Acting under Standing Order 29.3 (iii) approves the National Minimum Standards for Private and Voluntary Healthcare Services 2006 which was laid in the Table Office on 13 June 2006.

NDM3137 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales, acting under section 62 (1) (a) of the Government of Wales Act 1998, resolves to delegate all functions of the National Assembly contained in or under section 10 (1) of the Railways Act 2005 to the Enterprise, Innovation and Networks Committee , save those which by law cannot be so delegated:

Nothing in the motion will have the effect of reducing the pre-eminence of the authority of the full Assembly.

A copy of the Railways Act 2005 can be located on the internet using the attached hyperlink: <http://www.opsi.gov.uk/acts/acts2005/20050014.htm#aofs>

NDM3138 John Marek (Wrexham)

To propose that the National Assembly for Wales:

Welcomes and endorses the work carried out by the Committee on Rail Infrastructure and Improved Passenger Services in producing its report, which considers the rail infrastructure and passenger services in Wales and which was laid in the Table Office on 19 June 2006.

Amendments tabled on 22 June 2006

To propose that the Assembly resolves to adopt the following amendments to motions:

NDM3110

1. Lisa Francis (Mid and West Wales)

Add new point at end of motion:

Requires definitive information on the costs associated with the board to ensure that no unfunded burdens are imposed on Local Authorities or an equivalent.'

2. Lisa Francis (Mid and West Wales)

Add new point at end of motion:

Believes that the Chairs of Local Safeguarding Children Boards should be independent of all Board partners.

NDM3117

1. Lisa Francis (Mid and West Wales)

Add new point at end of motion:

Supports greater protection for vulnerable people living in HMOs, but believes that excessively burdensome regulations could restrict the availability of affordable rented accommodation and increase the cost of housing for those on low incomes.

2. Lisa Francis (Mid and West Wales)

Add new point at end of motion:

Believes that there should be a consistent approach to the protection of tenants in HMOs.

3. Janet Ryder (North Wales)

Add new point at end of motion:

Believes that existing HMOs should have a fire sprinkler installed where a risk assessment of a property has shown a risk from fire to life and property.

NDM3121

Elin Jones (Ceredigion)

Add new point at end of motion:

Believes the Manager's name, address and telephone contact number should be clearly displayed in a prominent position in and outside the HMO.

Amendments to Orders tabled on 23 June 2006

NDM3118

To propose that the National Assembly for Wales resolves to make the following amendments to The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulation 2006.

Janet Ryder (North Wales)

Dai Lloyd (South Wales West)

Helen Mary Jones (Mid and West Wales)

In Schedule 3 paragraph 5, add new point at end:

In respect of properties built or converted after 1 January 2007, the fire precaution facilities must include a fire sprinkler system.

The following Statement of Purpose and Costs made in accordance with Standing Order 24.16 (ii) was tabled alongside the above amendment to the Order.

Purpose

To require that new properties classed as houses in multiple occupation (HMOs) install fire sprinklers in order to minimise loss of life, injury and damage to property as a result of fire.

Justification

In the UK each year there are around 45,000 fires in dwellings and while many of these involve damage which is little more than superficial, more than 500 people have died in fires in their home in the UK almost every year since 1945.

The introduction of smoke alarms in the late 1970s has helped to reduce some of this death toll but even the best estimates suggest that only around 30 lives are saved annually by early warning.

On examination of the statistics on fires, it becomes obvious that a disproportionate number of the very young, the very old, the disabled are the people who die as a result of fires.

One other group also features in the list of the most vulnerable and that is those who live in shared accommodation - 'homes in multiple occupation' or HMO's. One calculation suggests that someone living in an HMO is eight times more likely to die in a fire than someone living in a single family dwelling. Some local authorities are now suggesting the landlords who let rooms in HMO's which are three or more storeys in height should fit sprinklers. In Scotland, legislation introduced in 2005 now requires all new care and residential homes to be fitted with sprinkler protection and in some areas, sheltered housing is also being so protected.

Cost Implications

Costs (Including costs falling on other bodies)

Expenditure will be incurred by local housing authorities in implementing the Regulations. These costs will include initial training, running costs of the licensing scheme for HMOs, administration costs and enforcement costs. However, these costs would be incurred regardless of an amendment to include fire sprinklers, which would be likely to result in a minimal increase in cost.

Costs associated with installing a fire sprinkler system would be borne by the developer and would be minimal. These costs would be accounted for within the price of the property.

The potential costs of water damage caused by sprinklers needs to be considered. According to the South Wales Fire Safety Service, Cardiff, fire sprinkler systems are heat activated and would not be triggered by smoke. Sprinkler heads also operate independently so only the sprinkler in the area of a fire would be activated (assuming the fire does not spread). Any water damage caused by the sprinkler that activates as the result of a fire is likely to be less than the damage that would have been caused by the fire itself.

According to a financial memorandum to the *Fire Sprinklers in Residential Premises (Scotland) Bill* *1, the average cost of installing a fire sprinkler system into an HMO would be £1,500 *2, although this is dependent on the size of the property. This is in reasonably close agreement with the average cost stated by Walsall Council *3.

So sprinklers, unlike smoke detectors which can only warn of the need for evacuation, can actually save those who cannot help themselves.

1. <http://www.scottish.parliament.uk/business/bills/13-fireSprinklers/b13s2-introd.pdf> The Bill was introduced on 17 November 2003 and subsequently withdrawn on 29 September 2004

2. <http://www.scottish.parliament.uk/business/bills/13-fireSprinklers/b13s2-introd-en.pdf> 3. http://www.walsall.gov.uk/index/housing/information_for_landlords_and_tenants/

[domestic sprinkler systems for houses in multiple occupation.htm](http://www.walsall.gov.uk/domestic-sprinkler-systems-for-houses-in-multiple-occupation.htm) Walsall Council runs a special scheme in partnership with the West Midlands Fire Service that is designed to help landlords to comply with their legal obligations in relation to fire safety.

NDM3120

To propose that the National Assembly for Wales resolves to make the following amendments to The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) (Order) 2006.

1. Elin Jones (Ceredigion)
Dai Lloyd (South Wales West)
Jocelyn Davies (South Wales East)

In Section 3(2)(a) delete “three” and insert “two”

2. Elin Jones (Ceredigion)
Dai Lloyd (South Wales West)
Jocelyn Davies (South Wales East)

In Section 3(2)(b) delete “five” and insert “four”

The following Statement of Purpose and Costs made in accordance with Standing Order 24.16 (ii) was tabled alongside the two above amendments to the Order.

Purpose

To increase the number and types of properties that are require to conform to Houses of Multiple Occupation licensing Regulations.

Justification

During the consultation for these regulations, Shelter Cymru, suggested that mandatory licensing should apply to all HMOs. However, local authorities will have powers in the Act to licence HMOs over and above the mandatory level of three storeys and five or more occupants. These amendments will enable local authorities to license below that level.

Cost Implications

Costs (Including costs falling on other bodies)

Expenditure will be incurred by local housing authorities in implementing the Regulations. These costs will include initial training, running costs of the licensing scheme for HMOs, administration costs and enforcement costs.

Information on the number of HMOs in Wales is not held centrally. They are collected by individual local authorities. A Welsh Assembly Government Official has provided a rough estimate of 20,000 HMOs in total in Wales.

NDM3122

To propose that the National Assembly for Wales resolves to make the following amendments to The Management of Houses in Multiple Occupation (Wales) Regulations 2006.

Elin Jones (Ceredigion)
Jocelyn Davies (South Wales East)
Dai Lloyd (South Wales West)

In Section 3(b) before “the HMO” insert “and outside”

The following Statement of Purpose and Costs made in accordance with Standing Order 24.16 (ii) was tabled alongside the two above amendment to the Order.

Purpose

To require the display of manager’s details externally of properties to enable members of the public to contact the manager on occasion where attention to the property is required and tenants are unavailable.

Cost Implications

Costs (Including costs falling on other bodies)

Expenditure will be incurred by local housing authorities in implementing the Regulations. These costs will include initial training, running costs of the licensing scheme for HMOs, administration costs and enforcement costs.

Costs associated with displaying a sign externally and would be borne by the developer and would be minimal.