

Constitutional Affairs Committee

Report: CA(3)-15-10 : 27 May 2010

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Time: 1.30 pm

Venue: 27 May 2010

Assembly Members in attendance

Dr Dai Lloyd, South Wales West (Temporary Chair)

Alun Davies, Mid and West Wales

Mike German, South Wales East

William Graham, South Wales East

Rhodri Morgan, Cardiff West

Apologies were received from the Committee Chair, Janet Ryder AM. Dr Dai Lloyd substituted and was elected as temporary chair under SO 10.19 for the meeting.

The Committee reports to the Assembly as follows:

Instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2 or 15.3

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

- **CA446** - The Education (Amendments Relating to the Intervals for the Inspection of Education and Training) (Wales) Regulations 2010.
Procedure: Negative
Date made: 17 May 2010
Date laid: 19 May 2010
Coming into force date: 1 September 2010
- **CA447** - The Air Quality Standards (Wales) Regulations 2010.
Procedure: Negative
Date made: 16 May 2010
Date laid: 19 May 2010
Coming into force date: 11 June 2010

Instruments in respect of which the Assembly is invited to pay special attention under Standing Order 15.2 or 15.3

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

- **CA448** - The Civil Enforcement of Parking Contraventions (City and County of Cardiff) Designation Order 2010.
Procedure: Negative
Date made: 19 May 2010
Date laid: 21 May 2010
Coming into force date: 5 July 2010

The Committee agreed that, although there were no technical reporting points, a report on the 'merits' of the Order should be made as giving rise to issues of public policy likely to be of interest to the Assembly (S.O. 15.3). The report is attached as Annex 1.

Other Business

Consideration of the Proposed Welsh Language (Wales) Measure

Under Standing Order 15.6(ii), the Committee considered the appropriateness of the provisions in the Proposed Welsh Language (Wales) Measure that granted powers to make subordinate legislation to the Welsh Ministers.

The Committee took evidence from the Minister for Heritage, Alun Ffred Jones AM and his officials. The accompanying officials were Mr Huw Onllwyn Jones and Ms Nerys Arch.

In accordance with Standing Order 10.37(vi) the Committee resolved to exclude the public from the remainder of the meeting to discuss the evidence on the Proposed Welsh Language (Wales) Measure.

Dr Dai Lloyd AM

Temporary Chair, Constitutional Affairs Committee

27 May 2010

Annex 1

Constitutional Affairs Committee

(CA(3)-15-10)

CA448 - The Civil Enforcement of Parking Contraventions (City and County of Cardiff) Designation Order 2010

Constitutional Affairs Committee Report

Title: The Civil Enforcement of Parking Contraventions (City and County of Cardiff) Designation Order 2010

Procedure: Negative

This Order designates the area described in the Schedule as a civil enforcement area and a special enforcement area for the purposes of Part 6 of the Traffic Management Act 2004. The practical effect of the Order is to enable the County Council of the City and County of Cardiff to enforce parking contraventions within the area described in the Schedule to the Order through a civil law regime, as opposed to enforcement by police or traffic wardens in a criminal law context.

Technical Scrutiny

No points are identified for reporting under Standing Order 15.2 in respect of this instrument

Merits Scrutiny

The following issues have been identified for reporting under Standing Order 15.3 (ii) as giving rise to issues of public policy likely to be of interest to the Assembly:

The Order removes enforcement of parking restrictions in Cardiff from the police and transfers responsibility to the County Council of the City and County of Cardiff. Although the Order relates only to the Cardiff Council area, it is not a bye-law but a direct transfer of function from one public body to another.

Despite the fact that civil parking enforcement will remain the responsibility of the Council, it is not clear from the Explanatory Memorandum how they will carry out their new responsibilities. Specifically, it is unclear whether the Council will carry out the function directly or whether it will contract with private agents to act on its behalf.

The Explanatory Memorandum explains that the Order will allow the Council to immobilise (clamp) vehicles. It also makes it clear that the Council has no plans to use these powers at first. However, there is no reason why the Council could not contract vehicle clamping to a private company in due course should they decide to do so.

In the light of the above, particularly concerns about the potential for “privatisation” of vehicle clamping, the Committee agreed that this Order raised issues that should be drawn to the attention of Assembly Members for their information.

Dr Dai Lloyd AM
Temporary Chair, Constitutional Affairs Committee

27 May 2010