

Thursday, 4th July 2002

## VOTES AND PROCEEDINGS

**The Session commenced at 9.05am**

**Questions to Andrew Davies, the Minister for Economic Development**

The first 6 questions were answered.

**9.33am**

**Finance Questions to Edwina Hart, the Minister for Finance, Local Government and Communities**

The first 8 questions were answered. Question 5 was not asked.

**9.51am**

**Point of Order**

The Presiding Officer made a statement in response to a point of order raised by David Melding on 14th March on the publication of Ministerial replies to Assembly Questions.

**9.54am**

**Approval of the Non-Domestic Rating (Alteration of Lists Appeals) (Amendment) (Wales) Regulations 2002**

*NDM1102 - To propose that the National Assembly:*

Considers the principle of the Non-domestic Rating (Alteration of Lists & Appeals) (Amendment) (Wales) Regulations 2002, laid in the Table Office on 11 June 2002.

**A vote was taken on the principle of the Order**

For 40; Abstain 0; Against 0; Total 40

**The principle of the Order was approved.**

*NDM1103 - To propose that the National Assembly:*

1. Considers the report of the Legislation Committee, which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, the Non-domestic Rating (Alteration of Lists & Appeals) (Amendment) (Wales) Regulations 2002,

laid in the Table Office on 25 June 2002; and

2. Approves that the Order is made in accordance with the draft laid in the Table Office on 11 June 2002.

**A vote was taken on the Order**

For 39; Abstain 0; Against 0; Total 39

**The Order was approved.**

**9.56am**

**Approval of the Homelessness (Commencement) (Wales) Order 2002**

*NDM1104 - To propose that the National Assembly:*

Considers the principle of the Homelessness Act 2002 (Commencement) (Wales) Order 2002, laid in the Table Office on 18 June 2002.

**A vote was taken on the principle of the Order**

For 42; Abstain 0; Against 0; Total 42

**The principle of the Order was approved.**

*NDM1105 - To propose that the National Assembly:*

1. Considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Homelessness Act 2002 (Commencement) (Wales) Order 2002, laid in the Table Office on 25 June 2002; and

2. Approves that the Order is made in accordance with the draft laid in the Table Office on 18 June 2002.

**A vote was taken on the Order**

For 41; Abstain 0; Against 0; Total 41

**The Order was approved.**

**10.11am**

**Approval, under Standing Orders 23 & 22.25, of the NICE (Establishment & Constitution) Order 2002 and the NICE Regulations 1999 (Amendment) (England & Wales) Regulations 2002**

**NDM1106** - *To propose that the National Assembly:*

Acting under Standing Order 22.25, 23.10 & 23.11:

1. Approves:

- a) **The draft National Institute for Clinical Excellence (Establishment & Constitution) (Amendment) Order 2002**, a copy of which was laid in the Table Office on 25 June 2002; and
- b) the explanatory Memorandum laid in Table Office on 25 June 2002.

2. Approves:

- a) **The draft National Institute for Clinical Excellence (Amendment) Regulations 2002**, a copy of which was laid in the Table Office on 25 June 2002; and
- b) the explanatory Memorandum laid in Table Office on 25 June 2002.

**A vote was taken on the composite motion**

For 43; Abstain 0; Against 0; Total 43

**The composite motion was carried.**

**10.12am**

**Motion to Delegate Functions of the National Assembly to the First Minister under Section 2 (2) of the European Communities Act 1972**

**NDM1107** - *To propose that the National Assembly, acting under section 62(1)(b) of the Government of Wales Act 1998, resolves to delegate to the First Minister all the functions of the National Assembly (save those which by law cannot be so delegated) contained in or under regulations made by:*

- (a) the National Assembly (whether made by the National Assembly alone or together with a UK Minister, UK Government Department or the Scottish or Northern Ireland Executives) under section 2(2) of the European Communities Act 1972 pursuant to the functions conferred on the Assembly by;

The European Communities (Designation) Order 2002 (SI 2002/248) (available on the HMSO website at: <http://www.hmso.gov.uk/si/si2002/20020248.htm>; or

- (b) a UK Minister under his or her concurrent powers, under the said section 2(2) in relation to any of the measures in respect of which functions were conferred on the National Assembly in the Designation Order.

*[Nothing in this motion will have the effect of reducing the pre-eminence of the authority of the full Assembly or reducing the role of Assembly Committees in the exercise of the above functions.]*

## **A vote was taken**

For 42; Abstain 0; Against 0; Total 42

## **The motion was carried.**

**10.19am**

### **Debate on the Annual Report of the Local Government Partnership Scheme**

**NDM1108** - *To propose that the National Assembly:*

1. Considers the Annual Reports on the Local Government Partnership Scheme (in accordance with section 7.1 of the Scheme) for the periods August 2000 to March 2001 and April 2001 to March 2002.
2. Welcomes the evidence of productive partnership working which has grown over these periods.

The Annual Reports on the Local Government Partnership Scheme for the periods August 2000 to March 2001 and April 2001 to March 2002 were laid in the Table Office on 26 June 2002.

For information a copy of the Local Government Partnership Scheme is on both the Intranet and Internet site. The Intranet link is: <http://assembly/localgovernmen/Partnership%20Council/Remit.html>

### ***The following amendments were tabled:***

#### **Amendment 1 - Jonathan Morgan (South Wales Central)**

In point 1. Delete 'the periods August 2000 to March 2001 and'

#### **Amendment 2 - Jonathan Morgan (South Wales Central)**

After point 1. Insert new point and renumber subsequent points accordingly:  
Rejects the Annual Report on the Local Government Partnership Scheme (in accordance with section 7.1 of the scheme) for August 2000 to March 2001, as it has been superseded by the report for April 2001 to March 2002.

#### **Amendment 3 - Jonathan Morgan (South Wales Central)**

Delete original point 2. And replace with:

Notes the developments arising from the Local Government Partnership Scheme notably the Wales Programme for Improvement and Investment through Partnership Wales.

**A vote was taken:**

**Amendment 1**

For 9; Abstain 0; Against 35; Total 44

**Amendment 1 was defeated.**

**Amendment 2**

For 8; Abstain 0; Against 35; Total 43

**Amendment 2 was defeated.**

**Amendment 3**

For 8; Abstain 0; Against 36; Total 44

**Amendment 3 was defeated.**

**The motion**

For 44; Abstain 0; Against 0; Total 44

**The motion was carried.**

**10.47am**

**Debate on the Welsh Assembly Government's Response to Fulfilling the Promises report**

***NDM1109 - To propose that the National Assembly:***

1. Welcomes the contribution made by the Learning Disability Advisory Group's Report, "Fulfilling the Promises".
2. Takes note of the consultation responses to this Report.
3. Supports the proposals of the Welsh Assembly Government to continue the implementation of this Strategy for people with learning disabilities.

The Learning Disability Advisory Group's Report, "Fulfilling The Promises" was laid in the Table Office on 17 October 2001.

A summary of the consultation responses is available on the Internet and can be located using the attached hyperlink: <http://www.wales.gov.uk/subisocialpolicy/content/learning/ldagreport/>

Paper copies of the consultation responses are available in the Assembly Library.

***The following amendments were tabled:***

**Amendment 1 - Jocelyn Davies (South Wales East)**

In point 3, insert after 'Strategy':

‘, acknowledging the severe challenges in terms of funding and service provision’

**Amendment 2 - Jonathan Morgan (South Wales Central)**

At end of motion add new point:

'Recognises that choice must be a central principle of the strategy and this can be secured in part by promoting advocacy services and the availability of direct payments.'

**Amendment 3 - Jonathan Morgan (South Wales Central)**

At end of motion add new point:

5. Believes that people with learning disabilities should receive an annual health check and that health staff should be trained to identify the health needs of people with learning disabilities.

**Amendment 4 - Jonathan Morgan (South Wales Central)**

At end of motion add new point:

6. Calls on the Welsh Assembly Government to close all long stay learning disability hospitals by 2006 and provide suitable alternative accommodation in the community.

**A vote was taken:**

**Amendment 1**

For 20; Abstain 0; Against 27; Total 47

**Amendment 1 was defeated.**

**Amendment 2**

For 20; Abstain 0; Against 27; Total 47

**Amendment 2 was defeated.**

**Amendment 3**

For 8; Abstain 12; Against 27; Total 47

**Amendment 3 was defeated.**

**Amendment 4 was not moved**

**The motion**

For 47; Abstain 0; Against 0; Total 47

**The motion was carried.**

**11.44am**

**Short Debate: *NDM1101* Gwenda Thomas: Alzheimer's**

**The session concluded at 12.05pm**

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**The Assembly will sit again in Plenary at**

**2.00pm on Tuesday, 9th July 2002**

**E P Silk**

**Clerk to the Assembly**

## **DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET**

### **Documents laid on 4 July 2002**

The Social Work Education and Training (Diploma in Social Work) Rules 1990 (Amendment) (Wales) Rules 2002 - LD1542

### **Documents laid on 3 July 2002**

Voluntary Sector Scheme Second Annual Report - LD1541

The Local Government and Housing Committee Review Of Community Regeneration - LD1540

The Transport and Works (Applications and Objections Procedure) (England and Wales) (Amendment) Rules 2002 - LD1536

The Transport and Works (Applications and Objections Procedure) (England and Wales) (Amendment) Rules 2002 - Explanatory Memorandum - LD1537

Draft Publication Scheme for the National Assembly for Wales - LD1538

Explanatory Note for the Draft Publication Scheme for the National Assembly for Wales - LD1539

The Countryside Access (Appeals Procedures) (Wales) Regulations 2002 - Regulatory Appraisal - LD1535

## **LEGISLATION COMMITTEE REPORTS**

### **Documents laid on 4 July 2002**

LC505 - The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002 - LD1543

### **Documents laid on 2 July 2002**

LC511 - The Control of Noise (Codes of Practice for Construction and Open Sites) (Wales) Order 2002 - LD1516

LC502 - The Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002 - LD1517

LC503 - The Countryside Access (Appeals Procedures) (Wales) Regulations 2002 - LD1518

LC504 - The National Health Service (General Medical Services) (Amendment) (No.3) (Wales) Regulations 2002 - LD1519

LC506 - The Local Education Authority (Post-Compulsory Education Awards) (Wales) Regulations 2002 - LD1520

LC507 - The Education (Assembly Learning Grant Scheme)(Wales) Regulations 2002 - LD1521

LC508 - The Local Authorities (Capital Finance) (Approved Investments) (Amendment) (No. 2) (Wales) Regulations 2002 - LD1522

LC509 - The Local Authorities (Companies) (Amendment) (Wales) Order 2002 - LD1523

LC510 - The Contaminants in Food (Wales) Regulations 2002 - LD1524

LC512 - The Children (Leaving Care) (Amendment) (Wales) Regulations 2002 - LD1525

LC513 - The Undersized Spider Crabs (Wales) Order 2002 - LD1526

LC514 - The Shellfish (Specification of Crustaceans) (Wales) Regulations 2002 - LD1527