

Votes and Proceedings for Tuesday, 21st September 2004

The meeting commenced at 2.00pm

**Motion to elect local authority members to the Local Government Partnership Council -
WITHDRAWN**

NDM2084 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales, in accordance with paragraphs 1(1) and 3 of Schedule 11 to the Government of Wales Act 1998 appoints the following local authority members to the Local Government Partnership Council for Wales.

County and County Borough Councils (10 representatives)

Cllr A. Aldridge
Cllr J. Hopkins
Cllr M. Gravell
Cllr M. Jones
Cllr R. Berman
Cllr R. Bright
Cllr B. Wellington
Cllr D. Lloyd Evans
Cllr J. James
Cllr D. Bowen

Community Councils (2 representatives)

Cllr M Stephens
Cllr A Guinn

Fire Authorities (1 representative)

Cllr D Rees

National Park Authorities (1 representative)

Cllr S. Watkins

Police Authorities (1 representative)

Mr J. Antoniazzi.

2.00pm

The Presiding Officer welcomed Ray Hollis, Speaker of the Queensland Parliament of Australia

2.01pm

First Minister's Question Time

The first 11 questions were asked.

2.51pm

Urgent Question

Dai Lloyd (South Wales West); Will the Minister for Health and Social Services make a statement on the future provision of paediatric neurosurgical services in Wales.

3.03pm

Business Statement

More than 10 Members objected to the business statement.

A vote was taken on the business statement:

For 30; Abstain 10; Against 17; Total 57

The business statement was agreed

3.13pm

Statement by the Minister for Economic Development and Transport: Defence Aviation Repair Agency (DARA), St Athan

Point of Order

William Graham on answers to written questions

Motion to Suspend Standing Orders

NNDM2090 Karen Sinclair (Clwyd South)

That the National Assembly for Wales, acting under Standing Order 37.5, agrees to suspend that part of Standing Order 6.3 (iv) requiring Ministers to answer oral questions at least once in every four weeks that the Assembly meets in plenary to allow the Minister for Health and Social Services to answer oral questions on 6 October 2004 and the Minister for Finance, Local Government and Public Services to answer Local Government and Public Services questions on 13 October 2004 and the timing of their questions to be revised thereafter.

A vote was taken:

For 48; Abstain 0; Against 0; Total 48

The motion was carried by the required 2/3rds majority

Motion to approve under Standing Order 24.25 - No motion tabled
The Water Act 2003 (Commencement No2)(Wales) Order 2004

3:53pm Statement on amendments to Orders

3:59pm

Proposal to debate the following two items together but with separate votes

The School Budget Shares (Wales) Regulations 2004

NDM2085 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Schools Budget Shares (Wales) Regulations 2004, a copy of which was laid in Table Office on 29 June 2004.

The following amendment was tabled:

1. Jocelyn Davies (South Wales East)

Add new point at the end of the motion:

Calls on the Minister to establish an All Party Group to examine the disparity of funding per pupil that exists between local authorities and explore the development of a common base-level funding.

A vote was taken on the amendment to the principle of the motion:

For 27; Abstain 0; Against 29; Total 56

The amendment to the principle of the motion was defeated

A vote was taken on the principle of the Regulations

For 45; Abstain 10; Against 0; Total 55

The principle of the regulations was approved

NDM2086 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 13 July 2004 in relation to the draft regulations The Schools Budget Shares (Wales) Regulations 2004; and

2. Approves that The Schools Budget Shares (Wales) Regulations 2004 is made in accordance with:

a) the draft Regulations laid in the Table Office on 29 June 2004; and

b) the Regulatory Appraisal laid in the Table Office on 22 July 2004.

The following amendment was tabled:

1. Mike German (South Wales East); Peter Black (South Wales West); Kirsty Williams (Brecon and Radnorshire)

To propose that the Assembly resolve to adopt the following amendment to the draft 'The Schools Budget Shares (Wales) Regulations 2004', a copy of which was laid in the Table Office on 29 June 2004:

Regulation 5 (2) delete the words from "redeterminations" onwards and replace with:

- i) redeterminations,
- ii) the correction of errors, or
- iii) an additional payment to schools whose number of registered pupils has risen in the year in which shares are allocated for by more than a percentage or number designated by the local education authority but such amount must be used for that purpose or distributed to schools before the end of that financial year

Regulation 8 (1) Delete all the words and replace with

In determining budget shares for primary and secondary schools and nursery schools, a local education authority must base their formula on either

- i) the mean number of registered pupils at or projected to be at those schools over the three year period of the year for which the budget shares are being calculated, the preceding and succeeding years; or
- ii) the mean number of registered pupils at or projected to be those schools for the year for which the budget shares are being allocated, weighted if the authority consider it appropriate in accordance with paragraph (8).

Regulation 8 (3) Delete.

Regulation 8 (4) Delete.

Regulation 8 (5) Delete.

Regulation 8 (7) Delete all the words and replace with:

An authority shall consult with the headteachers of schools prior to, for the purposes of paragraph (8)(1), estimating the number of registered pupils at a school over the year for which the budget shares are made and the succeeding years.

Regulation 16 (1) Delete

Regulation 16 (2) Delete

Regulation 16 (3) Delete all the words after 'partly' and insert:

any reduction or increase in the school's budget share for the preceding financial year arising from the permanent exclusion of a pupil from the school or the admission to the school of a pupil permanently excluded from another maintained school

Regulation 16 (4) Delete

Regulation 18 (1) Delete

Regulation 18 (2) Delete

Statement made in accordance with Standing Order 24.16 (ii)

Purpose

The amendment moves the basis for the pupil element of school funding from a one year basis to a rolling average of 3 years. This will still involve the same sum of money funding the same number of schools, but will provide greater consistency of funding for all schools in Wales, though particularly the smaller schools which can be hard hit by relatively small numbers of pupils departing having a proportionately big impact on that schools funding.

Cost

There is no additional cost, though the greater security and consistency of funding may lead to fewer staff being made redundant or being employed on short term contracts and thus save money for schools and LEAs from redundancy pay and/or re-appointment costs.

A vote was taken on the amendment to the Regulations:

For 17; Abstain 10; Against 29; Total 6

The amendment to the regulations was defeated

A vote was taken on the Regulations

For 44; Abstain 0; Against 10; Total 54

The regulations were approved

The Education (LEA Financial Schemes) (Wales) Regulations 2004

NDM2087 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Education (LEA Financial Schemes) (Wales) Regulations 2004 a copy of which was laid in Table Office on 7 July 2004.

A vote was taken on the principle of the Order

For 45; Abstain 0; Against 10; Total 55

The principle of the order was approved

NDM2088 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 13 July 2004 in relation to the draft regulations The Education (LEA Financial Schemes) (Wales) Regulations 2004; and

2. Approves that The Education (LEA Financial Schemes) (Wales) Regulations 2004 is made in accordance with:

- a) the draft Regulations laid in the Table Office on 7 July 2004; and
- b) the Regulatory Appraisal laid in the Table Office on 7 July 2004.

A vote was taken on the Order

For 45; Abstain 0; Against 9; Total 54

The Order was approved

4:31pm

Debate on CLYWCH Inquiry

NDM2089 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Welcomes the Clywch Inquiry Report;
2. Recognises the effort devoted by Peter Clarke and his team in conducting the Clywch Inquiry; and
3. Endorses the Welsh Assembly Government's response to the Clywch recommendations to ensure that lessons are learned in safeguarding and promoting the welfare of children and young people.

The following amendments were tabled:

1. Jonathan Morgan (South Wales Central)

Add at the end of point 1:

'and calls for a full investigation into anyone implicated of negligence in their duties who is still working in the education sector'.

2. Kirsty Williams (Brecon and Radnorshire)

In point 2 delete 'Recognises' and replace with 'Applauds'

3. Kirsty Williams (Brecon and Radnorshire)

In point 2 after 'Inquiry;' insert 'but regrets that the Children Bill, by not reflecting the wishes of all parties in this Assembly for the commissioner's remit to be extended to cover non-devolved services, will limit his flexibility in future inquiries'

4. Kirsty Williams (Brecon and Radnorshire)

In point 3 delete 'Endorses' and replace with 'Notes'.

5. Kirsty Williams (Brecon and Radnorshire)

Add new point at the end of the motion

'Believes that the Assembly Government should carry out and publish an annual audit of the implementation of the recommendations from child protection reports issued in Wales in recent years.'

6. Jocelyn Davies (South Wales East)

Add new point at the end of the motion:

Calls on the Government to report back to Plenary at six monthly intervals on all the recommendations in the report.

7. Jocelyn Davies (South Wales East)

Add new point at the end of the motion:

Consider a speedy and independent investigating regime in the cases of allegations of child abuse against teaching and non-teaching staff.

8. Jocelyn Davies (South Wales East)

Add new point at the end of the motion:

Calls on the Government to ensure that counselling services are available to all victims of sexual abuse.

9. Jocelyn Davies (South Wales East)

Add new point at the end of the motion:

Calls on the Government to explore with the General Teaching Council (GTC) the possibility of extending the powers of the GTC to include child protection issues in relation to the Register of Qualified Teachers.

10. Jocelyn Davies (South Wales East)

Add new point at the end of the motion:

Notes that as a private company the WJEC is unaccountable to the people of Wales.

A vote was taken:

Amendment 1

For 25; Abstain 0; Against 30; Total 55

Amendment 1 was defeated

Amendment 2

For 25; Abstain 0; Against 30; Total 55

Amendment 2 was defeated

Amendment 3

For 26; Abstain 0; Against 29; Total 55

Amendment 3 was defeated

Amendment 4

For 16; Abstain 0; Against 39; Total 55

Amendment 4 was defeated

Amendment 5

For 25; Abstain 0; Against 30; Total 55

Amendment 5 was defeated

Amendment 6

For 25; Abstain 0; Against 30; Total 55
Amendment 6 was defeated

Amendment 7
For 25; Abstain 0; Against 30; Total 55
Amendment 7 was defeated

Amendment 8
For 25; Abstain 0; Against 30; Total 55
Amendment 8 was defeated

Amendment 9
For 25; Abstain 0; Against 30; Total 55
Amendment 9 was defeated

Amendment 10
For 15; Abstain 0; Against 39; Total 54
Amendment 10 was defeated

The motion,
For 55; Abstain 0; Against 0; Total 55
The motion was carried

The meeting concluded at 5.43pm

**The Assembly will sit again in Plenary at
2.00pm on Wednesday, 22nd September 2004**

E P Silk

Clerk to the Assembly

DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET
Documents Laid on 15 September 2004

Home Grown Sugar Beet (Research and Education) Account 2000-2001 - LD3146

- Report by the Environment, Planning and Countryside Committee: Common Agricultural Policy Support Schemes (Modulation) (Wales) (Amendment) Regulations 2004 - LD3147

Documents Laid on 08 September 2004

- Council for Healthcare Regulatory Excellence Annual Report 2003/2004 - LD3142

Documents Laid on 01 September 2004

- Arts Council of Wales Lottery Distribution Account - LD3144
- Arts Council of Wales Report and Financial Statements for year ended 31 March 2004 - LD3145

Documents Laid on 26 August 2004

- Audit Commission for Local Authorities and the National Health Service in England and Wales Accounts - LD3143

Documents Laid on 18 August 2004

- Report by the Economic Development and Transport Committee on the School Transport Bill considered by the Committee on 19 May 2004 - LD3141

Documents Laid on 17 August 2004

- Audit Committee Report: Collections management at the National Museums and Galleries of Wales LD3140

Documents Laid on 10 August 2004

- Sports Council for Wales Lottery Distribution Account - LD3137
- Arts Council of Wales Report and Financial Statements for year ended 31 March 2004 - LD3138
- Arts Council of Wales Lottery Distribution Account - LD3139

Documents Laid on 05 August 2004

- Audit Committee Report: The management of sickness absence by NHS trusts in Wales. - LD3136

Documents Laid on 03 August 2004

- Report of the Social Justice and Regeneration Committee: Secondary Legislation under the Leasehold Reform Act - LD3134

- Report of the Social Justice and Regeneration Committee: Secondary Legislation under the Anti-Social Behaviour Act 2003 (Commencement No.2 and Savings) (Wales) Order 2004 - LD3135

Documents Laid on 30 July 2004

- Annual Accounts of the Council for the Regulation of Healthcare Professionals 2003/04 - LD3130
- Annual Accounts of the Council for the Regulation of Healthcare Professionals 2002/03 - LD3131
- Wales Tourist Board Statements of Accounts for the year to 31 March 2004 - LD3132

Documents Laid on 29 July 2004

- Annual Review of Controls on Imports of Animal Products April 2003 - March 2004 - LD3133

Documents Laid on 26 July 2004

- Welsh Development Agency Financial Report and Accounts 2003/04 - LD3129

Documents Laid on 23 July 2004

- Annual Report and Accounts of the Auditor General for Wales for the period ended 31 March 2004 - LD3128

Documents Laid on 22 July 2004

- The Food Labelling (Amendment) (Wales) Regulations 2004 - LD3121
- The Food Labelling (Amendment) (Wales) Regulations 2004 - Regulatory Appraisal - LD3122
- The Anti-social Behaviour Act 2003 (Commencement No.2 and Savings) (Wales) Order 2004 - LD3123
- The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2004 - LD3124
- The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2004 - Regulatory Appraisal - LD3125
- The Schools Budget Shares (Wales) Regulations 2004-Regulatory Appraisal - LD3126
- The Potatoes Originating in Egypt (Wales) Regulations 2004 -Memorandum of Corrections - LD3127
- Supplementary Statement on a Notifiable Transaction pursuant to Standing Order 21.22 - LD3120

Documents Laid on 21 July 2004

- Meat Hygiene Service Annual Report and Accounts for 2003-2004 - LD3119

Documents Laid on 14 July 2004

- Report on Mainstreaming Equality in the work of the National Assembly - LD3118

Documents Laid on 12 July 2004

- Welsh European Funding Office Annual Accounts 2002-03 - LD3116
- Welsh Language Board Annual Report 2003/04 - LD3117 *No electronic version available*