



Llywodraeth Cymru
Welsh Government

PUBLICATION

Agricultural Advisory Panel meeting: 25 October 2022

Minutes of the meeting held online.

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Present

Chair – Dr Nerys Llewelyn Jones
Independents – Steve Hughson, Janatha Stout
NFU Cymru – Simon Davies
FUW – Darren Williams
Unite – Ivan Monckton
Legal Adviser – Helen Snow (Geldards)
Welsh Government - Sian Hughes

Apologies

Jo Galazka (Unite), Ryan Davies (Welsh Government), Dan Ricketts (Welsh Government)

Guest Speakers

James Owen (Welsh Government) – Deputy Director, Land Management Reform and Emma Davies (Welsh Government) – Agriculture Bill Manager
Anthony Cody (Welsh Government) - Legislation Manager (Rent

Item 1 - Housekeeping/apologies/conflict of Interest

The Chair welcomed everyone to the meeting. Simon Davies is the new representative for NFU replacing Will Prichard.

The guest speakers were also welcomed.

Item 2 - AWO 2023 Consultation - responses

There has been one response to the consultation. The Panel were in agreement that no amendments were required to the Order especially from such little response.

The Panel again showed their disappointment at the response rate. The Chair suggested this was the third consultation in 12 months so may be a factor.

Steve Hughson stated it does cause concern regarding the relevance of the Order.

Proposal – are the Panel content to reaffirm the proposals consulted upon and to submit the draft Agricultural Wages Order 2023 to the Minister?

YES – 3 (NFU/FUW plus Independents)

NO – 1 (Unite)

(The NFU/FUW and Unite were restricted to one vote each).

Helen Snow stated the Order is ready to be submitted bar the rates for the National Minimum Wage / National Living Wage for 2023/2024 which have not yet been announced. However, the Panel fully supported the idea of submitting the Order without these rates so the scrutiny can begin – the figures can then be added once they are known

ACTION POINT 1 – Nerys Llewelyn Jones to submit the draft Agricultural Wages Order 2023 formally to the Minister.

Item 3 - Update on Agriculture Bill

James Owen gave the Panel a presentation on the Agriculture Bill which is currently undergoing scrutiny from the Senedd after being introduced by the Minister on 26 September 2022.

The Bill sets out four objectives regarding:

- The production of sustainable food;
- The action to tackle the climate emergency;
- The action to tackle a nature emergency; and
- Ensuring the social and cultural fabric of our rural communities are protected

The Chair stated that, as a Panel, these objectives are important and relevant and should be taken into account when considering future Agricultural Wages Orders.

After James had left the meeting the definition of agriculture was discussed. The definition in the Agriculture Bill is different to one used in the Agricultural Wages Order so a note would have to be included in guidance that it is different.

Item 4 - Changes to Assured Agricultural Occupancies

Anthony Cody gave a presentation on the changes to Assured Agricultural Occupancies – from 1 December 2022 any current tenancies that have AAO status will convert to an Assured Tenancy. This was followed by a question and answer session.

The panel agreed this area of law is very complicated and more clarification is

needed for the agricultural sector.

ACTION POINT 2 – Sian Hughes to meet with Housing Policy officials with a view to developing guidance over the next 12 months with regards to the different types of housing and how the different legislation affects both employers and workers.

Item 5 – Chair’s update

Skills development and training event – 11 October 2022

The event was held at the Royal Welsh Showground on 11 October and was very well attended with around 60-70 people. A summary of the discussions has been circulated to Panel members.

The event highlighted some of the issues – work will need to be undertaken on identifying any gaps and how to fill them. Ivan Monckton stressed the subcommittee also needs to look at what can be done for employees, not just businesses, to develop workers skills and set a career map for those joining the industry.

The Chair stated the subcommittee is tasked with putting together a strategy to address all the terms of reference as advice to the Minister as to how this should be done. This includes a targeted approach towards those coming into the industry as well as managers and leaders.

Steve Hughson said a very clear view is needed about what the Panel want to deliver and how it will be delivered – setting key goals and timescales.

The Chair would also like to invite a couple of those who spoke at the event to join the sub-committee as they would greatly help in the work of the sub-

committee. It was also suggested that a Welsh Government person from Skills & Further Education should be approached as the work is wider than just agricultural policy.

The Panel agreed with these proposals.

ACTION POINT 3 – Nerys Llewelyn Jones to invite new members on to the sub-committee for Skill, Development and Training.

The next meeting of the sub-committee will also be a face-to-face meeting to establish what the plan will be for the upcoming months.

Fair Work/Real Living Wage Report

This has not yet been finalised – the Chair will complete the draft and distribute to Panel members by the end of the day for comment. If possible, Panel members to return any comments by the end of the week so the report can be sent to the Minister by the end of the month.

ACTION POINT 4 – Nerys Llewelyn Jones to circulate draft Fair Work to Panel members for comments

Item 6 - Outstanding actions/Approval of Minutes from AAP 37

AP1 - Sian Hughes to provide a further update regarding options on data collection

Welsh Government are looking to obtain the services of a PhD student on placement to have a look at this issue as a self-contained project. It may also

deliver better results if the work is not limited to design and deliver a survey but to explain the problem and ask them to look at other ways this could be addressed, either with existing data - what it tells us, what it doesn't tell us, whether we can use that in a different way that we haven't thought of – and how the gaps can be filled. That may be through a survey which is not the ideal route but may be the only option. It has been raised that results are wanted by August 2023.

Meetings will also be held with WG Economists to establish what will satisfy them in terms of data.

The Panel were in support of this approach.

ACTION POINT 5 – Sian Hughes to draft a project specification in terms of data collection and submit to Panel members for review.

ACTION POINT 6 - Sian Hughes to provide a further update regarding options on data collection at the next AAP Meeting.

AP from Meeting 35 – Nerys Llewelyn-Jones to contact consultancy companies in Wales to seek assistance on data collection for employment statistics.

The Chair had approached the 8 consultancy firms on the Farming Connect list for Wales. Four have responded with two stating they could potentially help but were unable to at present. Discussions are ongoing and the Chair will update the Panel if there are further developments.

The minutes were approved by the panel.

Item 7 - Enquiries received and responses provided

Helen Snow gave an overview of the enquiries received. One was in relation to the scope and definition of agriculture which is something the Panel has previously considered and concluded it would be very difficult to revise the definition for the order on a standalone basis.

There may be an opportunity for some clarification in the guidance regarding jobs which are covered by the Order and those that are not (it could not be an exhaustive list).

The Chair suggested to look at some of the trickier roles and have a discussion within the Panel as to where they fit. This would be an agenda item for a meeting in early 2023.

The second enquiry was with regards to the calculation of holiday entitlement. It is not possible to detail every possible scenario in the guidance so there will always be ones that are not covered.

There is a holiday entitlement calculator on GOV.UK which may be beneficial. This will be tested for accuracy and then sent out to the Panel.

ACTION POINT 7 – Dan Ricketts to test the online holiday calculator for accuracy and then distribute to the Panel.

Item 8 – Any other business

An updated privacy notice has been sent to all Panel members to include details when meetings are recorded.

The Chair and Helen Snow are running a Farming Connect webinar on the latest Agricultural Wages Order this evening (25 October).

The next meeting is scheduled for 29 November – however this may need to be re-arranged as some members stated they would be able to attend.

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