Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
The Constitutional and Legislative Affairs Committee

Dydd Llun, 13 Ionawr 2014
Monday, 13 January 2014

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoniw	Llafur (yn dirprwyo ar ran Julie James) Labour (substitute for Julie James)
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 14:30.
The meeting began at 14:30.

Ethol Cadeirydd Dros Dro
Election of a Temporary Chair

[1] **Mr Williams:** Good afternoon, and welcome to this meeting of the Constitutional and Legislative Affairs Committee. The committee Chair, David Melding, has submitted his apologies for today's meeting. The first item of business, therefore, is the election of a temporary Chair. I invite nominations from committee members for a temporary Chair to be elected under Standing Order 17.22

[2] **Eluned Parrott:** I nominate Simon Thomas.

[3] **Mick Antoniw:** I second that.

[4] **Mr Williams:** I see that there are no other nominations, therefore I declare Simon Thomas elected and invite him to take the chair.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant
Introduction, Apologies, Substitutions and Declarations of Interest

[5] **Simon Thomas:** Diolch yn fawr. Croeso i gyfarfod cyntaf y pwyllgor eleni. Rydym wedi derbyn ymddiheuriadau gan David Melding, a chroesawn Mick Antoniw

Simon Thomas: Thank you. Welcome to the first meeting of the committee this year. We have received apologies from David Melding, and we welcome Mick Antoniw here who is

yma yn lle Julie James. Nid ydym yn disgwyl larwm tân, felly, os ydyw'n canu, dilynwch y tywyswyr a'r staff. Gofynnaf i chi ddiffodd eich ffonau symudol fel nad ydynt yn amharu ar yr offer darlledu. Mae clustffonau ar gael i glywed y cyfieithiad o'r Gymraeg ar sianel 1, ac mae'r iaith sy'n cael ei siarad i'w chlywed ar sianel 0.

substituting for Julie James. We are not expecting a fire alarm, so, if it does sound, please follow the instructions of the ushers and staff. I ask you to switch off mobile phones so that they do not interfere with the broadcasting equipment. Headsets are available for the translation into English on channel 1, and for the verbatim feed on channel 0.

14:31

Offerynnau nad ydynt yn Cynnwys Materion i Gyflwyno Adroddiad Arnynt o dan Reolau Sefydlog 21.2 neu 21.3
Instruments that Raise No Reporting Issues under Standing Orders 21.2 or 21.3

[6] **Simon Thomas:** I ddechrau, mae gennym offerynnau'r weithdrefn penderfyniad negyddol. Mae rhestr ohonynt yma: Gorchymyn Corfforaeth Addysg Bellach Coleg Ceredigion (Diddymu) a Choleg Ceredigion (Sefydliad Dynodedig mewn Addysg Bellach) 2013; a Rheoliadau Cyfraniadau Ardrethu Annomestig (Cymru) (Diwygio) 2013. A oes unrhyw sylwadau gan Aelodau? Gwelaf nad oes; rydych yn hapus. Diolch yn fawr.

Simon Thomas: To begin, we have the negative resolution instruments, which are listed: the Coleg Ceredigion Further Education Corporation (Dissolution) and Coleg Ceredigion (Designated Institution in Further Education) Order 2013; and the Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2013. Are there any comments from Members? I see that there are none; you are content. Thank you.

[7] Trown yn awr at offerynnau'r weithdrefn penderfyniad cadarnhaol. Mae un penodol, sef Gorchymyn Ardrethu Annomestig (Lluosydd) (Cymru) 2014. Mae sawl papur gyda hwn hefyd—memorandwm esboniadol, adroddiad a llythyr gan y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth—sy'n gosod allan pam rydym yn cymryd hwn mas o drefn, fel petai. Rwy'n meddwl y bydd gofyn i'r Cynulliad atal Rheolau Sefydlog dros dro er mwyn i ni drafod hyn, os cofiaf yn iawn. Mae hyn yn pennu'r lluosydd ar gyfer trethi annomestig i Gymru. A oes gan unrhyw un sylwadau i wneud ar y mater hwn?

We now turn to the affirmative resolution instruments, of which we have one, namely the Non-Domestic Rating (Multiplier) (Wales) Order 2014. There are several papers in relation to this—an explanatory memorandum, a report and a letter from the Minister for Local Government and Government Business—which set out why we are taking this out of order, as it were. I think that the Assembly will be asked to suspend Standing Orders temporarily so that we can discuss this, if I remember correctly. This determines the multiplier for non-domestic rates for Wales. Does anyone have any comments to make on this matter?

[8] **Mick Antoniw:** I have one comment regarding clarification of the timescale. In the briefing, we are told that the multiplier, which is set below the level, must be agreed by Assembly Members as part of the affirmative procedure and has to be done within a particular timescale. Are we satisfied that suspending Standing Orders can overturn that, so there is no legislative complication in that regard? I see that we are. That is fine.

[9] **Simon Thomas:** A yw hynny wedi ateb eich cwestiynau?

Simon Thomas: Has that answered your questions?

[10] Yes. Okay.

[11] Rwy'n credu ei fod yn dod i'r Cynulliad fory; a ydyw?

I think that it comes before the Assembly tomorrow; does it?

[12] **Mr Griffiths:** Ydyw.

Mr Griffiths: Yes.

[13] **Simon Thomas:** Felly, cewch chi gyfle i drafod y polisi fel y cyfryw yn y *Plenary* yfory. Diolch am hynny. Dyna un set o offerynnau.

Simon Thomas: So, you will have an opportunity to discuss the policy, as it were, in Plenary tomorrow. Thank you for that. That is one set of instruments.

14:33

Offerynnau sy'n Cynnwys Materion i Gyflwyno Adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3
Instruments that Raise Issues to be Reported to the Assembly under Standing Order 21.2 or 21.3

[14] **Simon Thomas:** Symudwn ymlaen i'r eitem nesaf. Mae gennym reoliadau ar ostyngiadau'r dreth gyngor yn benodol o dan weithdrefn y penderfyniad cadarnhaol. Unwaith eto, mae adroddiad i'r pwyllgor a memorandwm esboniadol gyda'r rheoliadau. A oes unrhyw gwestiynau am hyn? A yw pawb yn hapus? Gwelaf eich bod. Mae hyn yn cau pen y mwdwl arbennig hwn, wrth gwrs, ar gyfer eleni.

Simon Thomas: We will move on to the next item. We have the council tax reduction schemes regulations in relation to the affirmative procedure. Again, there is a report for the committee as well as an explanatory memorandum along with the regulations. Do you have any questions on this? Everyone is content. That concludes this particular issue, of course, for this year.

Papurau i'w Nodi
Papers to Note

[15] **Simon Thomas:** Symudwn ni, felly, at yr eitem nesaf. Mae dau fater yn y fan hon. Yn gyntaf oll, mae gohebiaeth mewn cysylltiad â Bil Addysg (Cymru), sef llythyr at y Cadeirydd gan y Gweinidog a chopi o lythyr at Gadeirydd y Pwyllgor Plant a Phobl Ifanc gan y Gweinidog, sy'n gosod allan y gwelliannau sylweddol y mae'r Llywodraeth yn cynnig eu gwneud i'r Bil arbennig hwn. Mae'r rhain yn bapurau i'w nodi, ond a oes gan Aelodau unrhyw gwestiynau neu sylwadau y maent yn dymuno eu gwneud?

Simon Thomas: We will move now to the next item. There are two matters here. First of all, there is correspondence in relation to the Education (Wales) Bill, namely a letter to the Chair from the Minister and a copy of a letter to the Chair of the Children and Young People Committee from the Minister, setting out the significant amendments that the Government is proposing to make to this particular Bill. These are papers to note, but if Members have any questions or comments to make, please do so

[16] **Suzy Davies:** Na, fe wnaf i adael hynny am y tro.

Suzy Davies: No, not at the moment.

[17] **Simon Thomas:** Tan inni gael cyfle ar Bwyllgor arall, efallai. Diolch yn fawr. Fodd bynnag, mae'n deg nodi bod y Llywodraeth wedi ymateb rhywfaint i gasgliadau'r pwyllgor hwn yn y gorffennol, rwy'n meddwl.

Simon Thomas: Until we have an opportunity in another Committee, perhaps. Thank you very much. However, it is fair to note that the Government has responded to a degree to the findings of this committee in the past, I think.

[18] Yr ail bapur yw memorandwm gan Lywodraeth Cymru ar y broses cydsyniad deddfwriaethol. Rwy'n meddwl inni drafod hyn mewn cyfarfod arall, ac yn awr mae copi llawn gerbron. Y tro diwethaf, roedd y pwyllgor yn hapus gyda'r cynnwys. Rwy'n cymryd felly eich bod yn hapus i nodi hwn yn ffurfiol. Diolch yn fawr; mae pawb yn hapus.

The second paper is the Welsh Government memorandum on the legislative consent process. I think that we have discussed this in a previous meeting, but we now have a full copy. Previously, the committee was content with the content, so I take it that you are content to note this formally. Thank you very much; everyone is content.

14:35

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting

[19] **Simon Thomas:** Hoffwn gynnig ein bod yn mynd i sesiwn breifat yn awr. Cynigiaf fod

Simon Thomas: I would like to propose that we move into private session. I move that

y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(ix).

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(ix).

[20] A yw pawb yn gytûn? Gwelaf eich bod. Diolch yn fawr.

Does everyone agree? I see that you do. Thank you very much.

Derbyniwyd y cynnig.
Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 14:35.
The public part of the meeting ended at 14:35.