

# **Cynulliad Cenedlaethol Cymru The National Assembly for Wales**

Y Pwyllgor Cyfle Cyfartal The Committee on Equality of Opportunity

Dydd Iau, 22 Tachwedd 2007

Thursday, 22 November 2007

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These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

#### Aelodau'r pwyllgor yn bresennol Committee members in attendance

Angela Burns	Ceidwadwyr Cymreig
	Welsh Conservatives
Christine Chapman	Llafur
Michael German	Labour Democratiaid Rhyddfrydol Cymru (yn dirprwyo ar ran Mick
Michael German	Bates)
	Welsh Liberal Democrats (substitute for Mick Bates)
Bethan Jenkins	Plaid Cymru
	The Party of Wales
Ann Jones	Llafur (Cadeirydd y Pwyllgor)
	Labour (Committee Chair)
Helen Mary Jones	Plaid Cymru
	The Party of Wales
Joyce Watson	Llafur
	Labour
Eraill yn bresennol Others in attendance	
Frank Cuthbert	Is-adran Polisi Llywodraeth Leol, Llywodraeth Cynulliad
	Cymru Local Government Policy Division, Welsh Assembly
Dr Brian Gibbons	Government Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol
Di Brian Gibbons	Minister for Social Justice and Local Government
Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol	
Assembly Parliamentary Service officials in attendance	
Claire Griffiths	Dirprwy Glerc
	Deputy Clerk
Claire Morris	Clerc
	Clerk
Denise Rogers	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

Dechreuodd y cyfarfod am 9.31 a.m. The meeting began at 9.31 a.m.

#### Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Ann Jones:** Welcome, everyone, to the Committee on Equality of Opportunity. I remind Members that they should switch off pagers, mobile phones, BlackBerrys, and anything else that might interfere with the translation and broadcasting equipment. Using the headsets, translation is available for those who want it on channel 1; amplification is available on channel 0. We are not expecting a fire alarm test today, so if there is an alarm, we will be directed to leave by the ushers.

[2] Does any Member have an interest to declare? I see that there are none. Mike, you

have almost become a member of this committee, but in fact you are a substitute. We have had apologies from Mick Bates and Mark Isherwood, and Mike is substituting for Mick. Welcome back, Mike.

#### 9.32 a.m.

## Ymchwiliad i Hygyrchedd Gorsafoedd Pleidleisio yng Nghymru—Craffu ar Waith y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol Inquiry into the Accessibility of Polling Stations in Wales—Scrutiny of the Minister for Social Justice and Local Government

[3] **Ann Jones:** We are grateful that the Minister for Social Justice and Local Government, Brian Gibbons, has joined us for this scrutiny session. Frank Cuthbert is with him—it is nice to see you again, Frank.

[4] We have held two evidence sessions, on 11 October and 25 October, and we have heard from Scope Cymru, the Electoral Commission, the Association of Electoral Administrators, the Welsh Local Government Association and Disability Wales. We have now received a paper from the Minister setting out some ways in which we might look at the question of whether polling stations are accessible. We now have some questions that we would like to ask you, Minister, as well as hearing your comments. Would you like to introduce your paper to the committee before we go into questions?

The Minister for Social Justice and Local Government (Brian Gibbons): Overall, [5] looking at the work of Scope Cymru and the other information that we have had, the general feeling is that progress is slowly but surely being made in this area, though the gap between what is possible and what is being delivered is still significant. Even though there is a fairly well-established trend towards improvement, I do not think that we have quite reached where we want to be. Contributions from organisations such as Scope Cymru, plus the scrutiny that the Local Government and Public Services Committee brought to bear on this particular issue, have been an important catalyst for change. In the past, it was not recognised how important it was to ensure that all citizens were able to exercise their democratic rights, but, as I say, the work of the previous committee, plus organisations like Scope, has highlighted this. I think that our own electoral planning group would not have come into being were it not for the efforts of the preceding committees as well as the third sector organisations. The Electoral Commission recognises the importance of this and the fact that it is engaging on performance indicators that will cover some of this area, again, shows that everyone is signed up to this as an important issue. Hopefully, the report that comes from this committee and our response from that will be a further catalyst for improvement.

[6] **Ann Jones:** Thank you. We will now take questions from Members.

[7] **Helen Mary Jones:** I will start by asking you what guidance, advice and support that you and your predecessor Ministers have provided to local authorities on equality training and awareness for staff. The context of the question is the fact that many people who work in polling stations and so on on the day of the election are local authority staff, and we thought that you could promote an understanding in the electoral process of the importance of disability access if staff across the board had a better level of awareness.

[8] **Brian Gibbons:** As I say, we give money to returning officers to help them to cover the costs of any training that they undertake. On the basis of the returns that we get, it is clear that returning officers are engaged in the training of their staff before elections. The amount of money that has been spent on it is not vast in the overall context of things, but the money is being drawn down by returning officers to enable it to take place. If we are looking at an

outcomes-based approach, then we could look at the report from, for example, Scope. Even though the report provides a flat-line score for accessibility, if you look below that flat-line score, you will see that in a number of areas, access is improved, and in those areas where there is failure, in many instances, it is a question of sharpening up the training. A significant amount of progress could be made if people implemented relatively small changes and possibly changes that would not be expensive.

[9] **Helen Mary Jones:** On the take-up of resources that you have made available, is there a pattern of some authorities being better than others and being prepared to take it up on a repeated basis because, obviously, staff change—they are not the same people every time—and this needs to be a rolling programme. However, are there any areas of concern? Are some authorities better than others or are there some that just do not respond as you would like them to?

[10] **Brian Gibbons:** That is the limitation of the Scope survey—the most recent one on the Assembly elections involved fewer than 150 people and only covered 22 or 23 constituencies, so clearly, in methodological terms, that is limited. However, the Electoral Commission, through performance indicators, will be expecting electoral returning officers to make more information available on this issue. Electoral returning officers often prepared reports, but that was not done consistently. As I understand it from officials, local authorities are still in the process of submitting their claims for reimbursement, and because the sums may be small, in many instances, the view may be taken that it is not worth the paperwork, so we may not get every return on this and some of it may just be assimilated into everyday practice or training. In Wales, there is an election virtually every year, so there is a rolling programme in many of these areas. Perhaps Frank would like to say something on the returns just to give you some indication as to whether or not we can get a more precise figure.

9.40 a.m.

[11] **Mr Cuthbert:** Within a couple of months, we should be able to give fairly accurate data on how much was spent in each of the 22 local authority areas in Wales. The accounts tend to roll in about six months after the election. So, in the main, they have arrived with us in the last few weeks and are in the process of being analysed by our staff. The way that the finance is designed tends towards a fairly even use of the funding to provide training. That does not tell us anything about the quality of training. However, the Electoral Commission carries out training sessions for the returning officers and then the returning officers—and this is where our funding comes in, at least for the Assembly elections—train their presiding officers and poll clerks. The payment regime is that the more of their poll clerks that attend the training, the more funding they receive. So, it is therefore in their interest to get all of their poll clerks in on the training sessions.

[12] **Michael German:** I would like to turn to paragraph 5 of your report, Brian, to understand a bit more about the money. As you know, money often drives change. These regulations obviously apply only to the National Assembly for Wales. Next year, the local government elections will take place, and European and parliamentary elections will follow those. Is there a similar regime for those elections funded from the UK Government? If there is not, do you think that there should be, or do you think that we should have the responsibility here to do all of these things ourselves? Further to that, I note that one of these, for some reason, gets 50 per cent of the funding from the Ministry of Justice, while the others receive 100 per cent funding. It is a rather strange anomaly when they are all to do with disability.

[13] **Brian Gibbons:** Frank will be able to give you a bit more detail, but my understanding is that we have primary responsibility for Assembly elections. Local government has a much greater responsibility when it is running its own elections, and the

Electoral Commission is more responsible for UK elections. Having said that, if you have bought a ramp that you can install or remove for Assembly elections, there is nothing to stop you from using that in the subsequent election, or if there are certain pieces of furniture that you use our money to provide for an election, there is no prohibition on your using that again. So, there is a little bit of cross-subsidy taking place.

[14] **Michael German:** Just to get this absolutely clear, for next year's local government elections, all the DDA compliance responsibilities lie solely with each individual local authority. When it comes to the parliamentary elections or European elections, the Electoral Commission will be responsible for ensuring that there is DDA compliance throughout. It presumably provides some funding for that as well. Is this a sensible system? Should the funding source depend on what election is coming up and should there be a different regime for each election?

[15] **Brian Gibbons:** It had occurred to me that there are different regimes in place. Having said that, do not forget that electoral returning officers are still primarily responsible for what goes on in their areas. So, the final link in the electoral process is still essentially the same person. So, the line management above that may vary according to elections, but the final implementation rests with the electoral returning officers.

[16] **Michael German:** However, if there is cash available, and there will be different cash regimes for each of the three sorts of elections, when the returning officer goes to his or her own local authority for cash, he or she is likely to receive a wonderful reception—just as if he or she had gone to Frank Cuthbert or his cash box—because it is not coming out of its pot. The same thing applies at the UK elections. So, even though you may get agreement about policy, the implementation of it can be patchy and will continue to be patchy, presumably, as long as we have different funding regimes from different sources.

[17] **Brian Gibbons:** I will ask Frank to say a few words in response, but do not forget that even in terms of the Assembly elections, we are not in the lead position in some dimensions. The Electoral Commission is monitoring what is going on across all elections as well. So, there is probably more consistency in what is going on than might seem to be the case, although there is a slightly confused picture in the sense that the commission is involved in all the elections even though it is not in the driving seat, say, in terms of the Assembly elections. What you are saying is not untrue, but the main players are substantially involved in all of the elections. As I said, there is no reason why some of the stuff that could be bought under one hat cannot be used in subsequent elections. I do not know whether Frank has anything further to add.

[18] **Mr Cuthbert:** What I can say is that the UK Government, a couple of years ago, rejected the suggestion that all elections should be funded through the Electoral Commission, which would have meant some clawing back of local authority money for local authority elections, us not funding our Assembly elections and the Ministry of Justice not funding the general and European elections. That proposal was put forward but it was rejected. It is still something that is raised from time to time as an idea that is quite supportable in many ways, but that is not the area that we are in at the moment.

[19] The 50 per cent stands out because several years ago—again, I am not exactly sure when—the Home Office made a decision, responsibility for which would now have transferred to the Ministry of Justice, that it would meet 50 per cent of the costs of the installation of temporary ramps at polling stations for any elections. So, that 50 per cent is also available for our own elections, but the previous Assembly Government decided that it would top that up by providing the other 50 per cent. Of course, the need for temporary ramps lessens with each election because they have a reasonably long shelf-life. I think that it is a reasonable point to make that the fact that local authorities have to fund their own elections

means that some of these items that are funded at a 100 per cent level might be of a lower standard or rather patchy. Certainly, in Wales, the Electoral Commission has now agreed for the second time that it will produce a report on the local authority elections, even though it does not have a statutory responsibility to do so—not yet, anyway. There are now the duties in the Electoral Administration Act 2006, which are placed on returning officers, which tighten things up in terms of making polling stations accessible. Hopefully, there will be less patchiness in 2008.

[20] **Christine Chapman:** When we have taken evidence, the impression that I am getting—and I know that people are looking at this much more closely—is that any action taken seems to be more reactive than proactive. Have you had any discussions regarding campaigns through the elections planning group? I know that it is difficult, because everyone is keen to get everyone to vote, but is there any need for much more high-profile campaigns? Something like that would concentrate the mind much more. My impression is that people are reacting as opposed to encouraging best practice. Has this been discussed by the elections planning group?

[21] **Brian Gibbons:** What will make a difference is the Electoral Administration Act 2006, because that would require local authorities, as election agencies, to review electoral arrangements proactively.

9.50 a.m.

[22] I think that they have to do a comprehensive review on the back of the Act, and then do that regularly every four years. That is going on in my constituency, and all AMs have probably had correspondence on the back of that. So, the requirements in the Electoral Administration Act 2006 will deliver an element of proactivity to this. The Electoral Commission will also bring in its performance indicators, and I understand, from speaking to Frank, that that will be largely a narrative account of how the election went. However, that will happen consistently, which was not done in the past.

[23] So, some things are coming on-stream that will have an element of proactivity, as compared with the past, but the situation that you describe is an accurate description of the past. However, because of reports such as that from the previous committee and the voluntary sector groups, that is changing, and the four-yearly reviews of electoral arrangements should bring some proactivity into it.

[24] **Ann Jones:** On funding, Minister, there is obviously a commitment to mainstreaming equality throughout the whole budget process, and we have heard from electoral administration officers that they often feel as though they are the cinderella service of local government—mind you, quite a few people will tell you that when they are looking for funding. However, they say that there is a problem with the fact that they are perceived to be working only at election times, and so that is often the first to be sacrificed if there are cuts to be made. Do you have any views as to how the equality stream of the budget will have an impact on the accessibility of polling stations, or the right of everyone to have an equal opportunity to register and vote at elections, however they want to? Will funding be put aside to ensure that electoral administration offices and those departments can run effectively and efficiently?

[25] **Brian Gibbons:** Several people have already referred to paragraph 5 in the paper. From our point of view, there is support for training and the reimbursement of infrastructure costs, and that is an uncapped budget. So, I do not think that there is a strong case for saying that we cannot put the infrastructure in place; the levels of reimbursement are available. Mike made a fair point in the sense that, from the Assembly Government's point of view, this just refers to our elections; the situation for local government and other elections may not be as healthy. However, as there are elections every year or couple of years, some of this, as Frank indicated, is an accumulating investment, delivering an accumulated dividend.

[26] The Electoral Commission has a fairly extensive amount of literature and information. So, I do not think that the substantive barrier at this stage could be a lack of money; it is just about providing the political profile and focus for doing this. In the Polls Apart survey, the one factor that made the overall statistics look worse was the absence of the large-print electoral list on display. However, in several instances, when the reporting agents asked polling clerks whether they had the list, they found that they did have it, but they had just not got around to sticking it up. So, that is the main problem: it is a matter of increasing awareness and the consistency of implementation, and possibly of making people aware of what assistance is available.

[27] **Helen Mary Jones:** To pick up on your point about awareness, which is very important, your paper refers to the fact that the election planning group will be the forum for moving this work forward and that, through that partnership approach, it is possible to have an influence over even those elections over which you do not have control. How will the elections planning group work, and how has it worked, with disabled people—whether individual disabled people or groups representing disabled people—to identify and promote best practice?

[28] **Brian Gibbons:** I do not think that there is direct representation from people with disabilities on the group, although, once the Equality and Human Rights Commission becomes established, we will invite someone from there to be part of the group. So, there will be a strong champion on the group.

[29] **Mr Cuthbert:** It has already nominated a member.

[30] **Brian Gibbons:** In that case, I hope that that will greatly strengthen the work from the equalities point of view. Equally, and I think that I mentioned this in the paper, the group will appoint a consultant to look specifically at the recommendations of the various relevant reports. One would expect that consultant to deal with the disability organisations to see what more can be done to implement the recommendations. The consultant will be at the executive end of a lot of the work that the elections planning groups will be doing.

[31] **Helen Mary Jones:** That is really encouraging, and I am very pleased to hear that. It is a good step. One thing that I have picked up from evidence—and I do not know whether others agree with me—is that we are getting to the point where there is quite a lot of good policy at a national level, but it is not always so easy to deliver that locally. You gave the example of large-print ballot papers being provided but not always put up on the wall. A great deal of that sort of thing comes down to awareness and training. Is there any capacity for the Government, perhaps through the elections planning group, to encourage local authorities to engage with local disabled access groups on these issues? We have discussed in committee before the fact that, often, one part of a local authority will be in touch with the local disabled access group in planning such things, but may not transfer that expertise across to the electoral process. We all know how big local government is, and bits of it do not always talk to each other.

[32] Would there be a capacity, through the electoral planning group, to encourage local authorities to do that so that they can get local advice on how accessible buildings are and possibly use some local disabled people as a training resource? Joyce and Angela mentioned the fact that meeting someone in that situation and perhaps being walked through a polling station by someone with a visual impairment or someone in a wheelchair is likely to make the learning much more real. People would then be able to see that although a step might not look like much of a barrier it causes a problem. They can see that there is a ramp, but cannot judge

whether it is too steep—that becomes clearer if you see someone trying to use that ramp, for example. You could consider encouraging local authorities to do that, because it is about making people understand what the guidance on paper really means.

[33] **Brian Gibbons:** Perhaps Frank would like to say more on this, but we do not know what the performance indicators from the Electoral Commission will tell us, or whether they will be a sufficiently strong instrument to deliver this. Again, to return to the scoping exercise, the initial report was a key factor in our deciding to start this exercise. It surprised me slightly to learn that the number of its reporters had reduced by more than 50 per cent. Whether that reflects a difficulty in recruiting people to report, or whether those reporters fill in the forms only if they are dissatisfied and so the reduced number reflects an increasing satisfaction with electoral arrangements, I do not know. I am not really sure of the answer to that.

10.00 a.m.

[34] **Helen Mary Jones:** I think that it was a question of resources, Minister, because the reporters are paid, so it is a piece of research. They told us that they did not have—

[35] **Brian Gibbons:** I will speak to officials about this, to find out the reason for that. While we supported the first survey in 2003, we did not get approached this time, as far as I know. I am not pretending that there is a big unsigned cheque back there to support this, and I do not think that it would necessarily be a good use of money if we were just going to duplicate what somebody else is doing, maybe the Electoral Commission. However, I think that, in principle, what you are saying is a good idea.

[36] **Bethan Jenkins:** In previous research that has been undertaken, e-voting was seen as progressive for people with disabilities. Would the Government be willing to consider that further or to make representations to the new equal opportunities body about it? I know that it has to go through the Ministry of Justice, but I wonder whether that should be considered.

[37] **Brian Gibbons:** In the Polls Apart report, I think that about 16 per cent, or one sixth, of people with a disability expressed a preference for electronic voting; that is roughly the same as the level of preference for postal voting. I certainly think that it has been looked at. The Ministry of Justice is intent on running pilot schemes on this. It has not given any commitment to that. I think that its representatives turned up at the last elections planning group, and so it did physically attend. In making representations, I would be interested in hearing what the committee's view is on holding an experiment in electronic voting. Is there a particularly Welsh dimension to this? Is the fact that we have bilingual ballot sheets a significantly unique characteristic of elections in Wales that would require us to have a Wales-specific voting system? If there is not a particular characteristic in Wales that requires us to be one of the pilot schemes, the Ministry of Justice can run them anywhere, and we would all benefit from that. I am not sure whether bilingual ballot forms constitute something sufficiently different, but I have an open mind on that.

[38] I was in Ireland last week, and I know that mega millions was spent on the electronic voting system there but, at the end of the day, it was not used. Ireland spent many millions on trying to get it up and running and ran some pilot schemes, but, when push came to shove, despite having spent all those millions on it, did not actually use it. So, clearly, there must be some issues there. I think that the big issue, from its point of view, was the lack of an effective audit trail. In other words, if there was a flash of lightning and the electronic data were lost, with no paper or other record of the votes, or if there needed to be a recount, there would be no hard copy of people's voting intent. There was also some concern that it would be possible for hackers to interfere with the electronic system. So, Ireland had some concerns about it, which I understand was why it did not proceed. However, I would be interested in

the committee's view on this. If you feel that there is a specific Welsh dimension that would justify a specific Wales-based pilot scheme, we would certainly be happy enough to make representations on that. However, I am not totally convinced, at this stage, that there is a distinctive reason as to why we need to do one in Wales, as opposed to running them across the United Kingdom.

[39] **Ann Jones:** Thank you very much. I see that no-one else wishes to comment. Therefore, we thank you for coming, Minister, and for sharing the paper with us. We will be putting our short report together, and we hope to be making some recommendations, which we will ask you to come back to respond to. I believe that you are at our next meeting to discuss other issues, so we look forward to seeing you in a fortnight's time.

[40] **Brian Gibbons:** Is it in a fortnight's time?

[41] **Ann Jones:** Yes, we are civilised in this committee. [*Laughter*.] Thank you, Minister.

10.05 a.m.

### Y Comisiwn Etholiadol—Ymgynghori ynghylch Dangosyddion Perfformiad The Electoral Commission—Consultation on Performance Indicators

[42] **Ann Jones:** The paper was put out for comment. The clerk has not received any comments, but we are open to comments if anybody wants to make any.

[43] **Helen Mary Jones:** There is a specific indicator, I think that it is indicator 7, which talks about accessibility and organisation at the polling stations as something that we ought to welcome—a particular point is made of that. With regard to this argument on specific indicators versus mainstreaming, there are a couple of places in the paper where I thought we might suggest to the Electoral Commission that it specifically refer to disabled people. For example, under indicator 3, table 4 on page 11,

[44] 'whether the ballot pack has received an accessibility review',

[45] does it need to be specific about what is meant by an 'accessibility review'? Is just a disabled access review? That is one of the issues with regard to accessibility, although not the only one, because there are also issues about how easy it is to get to a polling station and how far away it is from people's homes and so on. Should it say something about specifically about disabled access?

[46] There is another one, which is indicator 6 on training. The second bullet point is about what training is carried out, but does this training include specific disability awareness training?

[47] **Ann Jones:** I wonder if, on the training one, we could ask it to look at whether we would recommend that training be carried out by a disability organisation or some one that has—

[48] Helen Mary Jones: That would be good, would it not?

[49] **Ann Jones:** We could ask it to look at whether it could include that and, in that way, it would save us from having someone coming and saying, 'Obviously, somebody in a wheelchair would have to be able to open the door', whereas, if you have somebody who is in a wheelchair, that person will tell you that if the doors are not electronic, it is very difficult to open, other than by having three or four of you actually—. Perhaps we ought to put in there that we would ask it to look at who delivers the training.

[50] **Helen Mary Jones:** On indicator 12, the one about encouraging participation, ought we to encourage it, under the definition, to say something about the returning officer needing to make sure that the information about encouraging participation is available in accessible formats, such as large print and formats that are easy for people with learning disabilities to understand, and those sorts of things?

[51] **Ann Jones:** I would like British Sign Language to be included as well. We recognise BSL here; I feel that we are leading the way on that one.

[52] **Helen Mary Jones:** There might be a few examples. We are talking about disabled access here, but, under the committee's broader remit, we might want to make reference to languages other than English and Welsh. There are some streets in Cardiff where putting a poster up in Somali might do an awful lot more to promote participation than having a poster up in English.

[53] On participation satisfaction, under the definition under the last bullet point about voter satisfaction, ought we to encourage the Electoral Commission to specify that disabled people ought to be asked by the local returning officers about their experience of the election?

[54] As I said earlier, it is really good that it has the specific indicator, but I was just looking at very small ways in which we might encourage it to feed it all through. I do not know that it will take them up, but it is worth making the points, perhaps.

[55] **Ann Jones:** We can make the points quite legitimately, can we not, as it is part of the consultation? Does anybody else have a view to share on this? No? I think that we should try to get it mainstreamed as far as possible. This is the opportunity, if it is looking at how it is done. That is probably the way in which we can be most effective. Does anybody have any other views? Are you happy that the clerk drafts a response, and we send it round? We have a quick turn around on this, do we not?

10.10 a.m.

[56] **Ms Griffiths:** The consultation ends on 21 December.

[57] **Ann Jones:** It could come back to the next committee, perhaps as a paper to note. Are members happy that we circulate it, and then send it on, rather than going through the process? I see that you are, so we will draft a response, send it round, and members can note their comments.

[58] We have no other business, so the meeting is closed.

Daeth y cyfarfod i ben am 10.10 a.m. The meeting ended at 10.10 a.m.