



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

**Pwyllgor Deddfwriaeth Rhif 3
Legislation Committee No. 3**

**Dydd Mercher, 2 February 2011
Wednesday, 2 Chwefror 2011**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

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

Christine Chapman	Llafur Labour
Veronica German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Helen Mary Jones	Plaid Cymru The Party of Wales
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Frank Cuthbert	Pennaeth Democratiaeth Llywodraeth Leol, Llywodraeth Cynulliad Cymru Head of Local Government Democracy, Welsh Assembly Government
Anne Koppel	Is-adran Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services Division, Welsh Assembly Government
Emma Locke	Is-adran Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services Division, Welsh Assembly Government
Deborah Richards	Is-adran Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services Division, Welsh Assembly Government
Carl Sargeant	Aelod Cynulliad, Llafur (y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (the Minister for Social Justice and Local Government)

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

Claire Griffiths	Dirprwy Glerc Deputy Clerk
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Carys Jones	Clerc Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 9.33 a.m.
The meeting began at 9.33 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **David Lloyd:** Croeso ichi gyd i gyfarfod diweddaraf Pwyllgor Deddfwriaeth Rhif 3 a thrafodaeth ynglŷn â'r Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru). Yr wyf yn croesawu fy nghyd-Aelodau a'r sawl sydd yn cyrraedd yr oriel gyhoeddus. Fel sylwadau agoriadol, os bydd larwm tân, dylai Aelodau a swyddogion adael yr ystafell drwy'r allanfeydd tân penodol a dilyn cyfarwyddiadau'r twysywyr a'r staff. Nid ydym yn disgwyl prawf y bore yma. Dylai pawb ddiffodd eu ffonau symudol, eu galwyr a'u 'mwyar duon' gan eu bod yn amharu ar yr offer darlledu. Bydd pawb yn ymwybodol bellach bod Cynulliad Cenedlaethol Cymru yn gweithredu'n ddwyieithog. Mae clustffonau ar gael ar gyfer clywed cyfieithiad ar y pryd, a gellid hefyd addasu'r sain arnynt ar gyfer pobl sy'n drwm eu clyw. Mae cyfieithiad ar y pryd ar gael ar sianel 1 a darllediad gair am air i glywed y sain yn well ar sianel 0. Peidiwch â chyffwrdd y botymau ar y meicroffonau oherwydd gall amharu ar y system, a sicrhewch fod golau coch ymlaen cyn cychwyn siarad.

9.34 a.m.

Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru)—Cyfnod 2: Ystyried Gwelliannau Proposed Local Government (Wales) Measure—Stage 2: Consideration of Amendments

[2] **David Lloyd:** Bwriad y cyfarfod hwn yw ystyried y gwelliannau a gyflwynwyd mewn perthynas â'r Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru). Cwblhawyd ystyriaeth Cyfnod 1 o egwyddorion cyffredinol y Mesur arfaethedig y tymor diwethaf, a symudwn yn awr i Gyfnod 2, sef ystyriaeth o'r gwelliannau sydd wedi eu cyflwyno. Er mwyn cymryd rhan yn y cyfarfod, dylai Aelodau fod â'r dogfennau a ganlyn o'u blaenau: copi o'r Mesur arfaethedig, rhestr o'r gwelliannau wedi'u didoli a'r ddogfen sy'n grwpio'r gwelliannau a drafodir heddiw. Y rhestr o welliannau wedi'u didoli yw'r rhestr o'r holl welliannau a gyflwynwyd sydd wedi'u didoli yn ôl trefn yr adrannau yn y Mesur arfaethedig. Ystyrir

David Lloyd: I welcome you all to the latest meeting of Legislation Committee No. 3 and our discussion regarding the Proposed Local Government (Wales) Measure. I welcome Members and those arriving in the public gallery. By way of opening remarks, if the fire alarm sounds, Members and officials should leave the room through the marked fire exits and follow instructions from the ushers and staff. We are not expecting a drill this morning. Everyone should switch off their mobile phones, pagers and BlackBerrys as they interfere with the broadcasting equipment. Everyone will be aware that the National Assembly for Wales operates bilingually. Headsets are available to receive simultaneous interpretation, and sound can also be amplified for those who are hard of hearing. Simultaneous interpretation is available on channel 1 and the verbatim feed and sound amplification is on channel 0. Do not touch the buttons on the microphones as this can interfere with the system, and you should ensure that the red light is on before you begin to speak.

Atodlenni gyda'r adrannau perthnasol sy'n eu cyflwyno. Gwelwch o'r rhestr grwpio fod y gwelliannau wedi'u grwpio er mwyn hwyluso'r drafodaeth, ond dilynir trefn y rhestr o'r gwelliannau wedi'u didoli wrth eu galw a'u cynnig ar gyfer cael penderfyniad.

[3] Bydd un drafodaeth ar gyfer pob grŵp o welliannau. Byddaf yn galw ar gynigydd y gwelliant cyntaf yn y grŵp, a dylai hwnnw neu honno siarad am y gwelliant cyntaf a'i gynnig, a siarad am y gwelliannau eraill sydd yn y grŵp hwnnw. Yna, galwaf ar siaradwyr eraill, gan gynnwys cynigwyr unrhyw welliannau eraill yn y grŵp hwnnw, ond ni ddylent gynnig eu gwelliannau bryd hynny. Dylai'r Aelodau nad oes ganddynt welliant yn y grŵp ond sy'n dymuno siarad ddangos hynny yn y ffordd arferol. Byddaf yn galw ar y Gweinidog i siarad am bob grŵp. I gloi pob trafodaeth, byddaf yn galw ar gynigydd gwelliant cyntaf y grŵp i ddirwyn pethau i ben. Nid wyf yn bwriadu caniatáu ymyriadau heblaw mewn amgylchiadau eithriadol—rhai eithriadol tu hwnt—er mwyn sicrhau bod y ddadl yn canolbwyntio ar y materion penodol, ond bydd cyfle i bob Aelod siarad yn y dadleuon ar bob grŵp.

[4] Ar ôl trafodaeth ar grŵp o welliannau, byddaf yn gofyn a yw'r Aelod a gynigiodd y gwelliant cyntaf yn dal i ddymuno pwyso am benderfyniad. Os nad yw, caiff ef neu hi geisio cytundeb y pwyllgor i'w dynnu yn ôl. Oni chaiff ei dynnu yn ôl, byddaf yn gofyn, gan gyfeirio at y gwelliant cyntaf yn y grŵp, a dderbynnir y gwelliant. Fy mwriad yw cofnodi pob pleidlais er mwyn i enwau'r rheini sy'n pleidleisio o blaid, yn erbyn neu'n ymatal gael eu cofnodi yn y cofnodion. Byddaf yn galw ar gynigwyr gwelliannau eraill ym mhob grŵp i gynnig eu gwelliannau ar yr adeg briodol, ac yn unol â'r rhestr o welliannau wedi'u didoli. Os nad ydych am gynnig eich gwelliant, dylech ddweud hynny'n glir pan elwir y gwelliant. Er gwybodaeth, dim ond aelodau'r pwyllgor a gaiff gynnig gwelliannau. Byddaf i'n cynnig y gwelliannau sydd yn enw'r Gweinidog.

[5] Bydd Aelodau'n ymwybodol hefyd mai'r unig ffordd o drafod adran o'r Mesur arfaethedig yw drwy gynnig gwelliant iddi.

relevant sections that introduce them. You will see from the groupings list that amendments have been grouped to facilitate debate but the order in which they are called and moved for a decision is dictated by the marshalled list.

There will be one debate on each group of amendments. I will call the proposer of the first amendment in the group, who should speak to and move their first amendment and speak to the other amendments in that group. I will then call other speakers including any other proposers of amendments in that group but they should not move their amendments at that stage. Members who do not have an amendment in the group but who wish to speak should indicate their wish to speak in the usual way. I will call the Minister to speak on each group. To conclude each debate, I will call the proposer of the first amendment in the group to wind up. I do not intend to allow interventions other than in exceptional circumstances—in very exceptional circumstances—to ensure that the debate is properly focused but all Members will have an opportunity to speak in the debates on each group.

Following the debate on a group, I will clarify whether the Member who moved the first amendment still wishes to press it to a decision. If not, he or she may seek the agreement of the committee to withdraw it. If it is not withdrawn, I will put the question on the first amendment in the group that the amendment be agreed to. It is my intention that all votes should be recorded so that the names of those voting for, against or abstaining will be recorded in the minutes. I will call the proposers of other amendments in each group to move their amendments at the appropriate time and in accordance with the marshalled list. If you do not wish to move your amendment, you should say so clearly when the amendment is called. For the record, only committee members can move amendments. I will move amendments for the Minister.

Members will be aware that the only way to debate a section of the proposed Measure is to have tabled an amendment to it. Any

Bernir bod unrhyw adrannau nad oes gwelliannau wedi'u cynnig iddynt wedi'u derbyn, a bydd hynny'n wir hefyd am unrhyw adrannau y gwrthodir y gwelliannau a gyflwynwyd iddynt. Byddaf yn cyhoeddi ar ddiwedd y cyfarfod pa adrannau sydd wedi'u derbyn. Bydd cyfle arall i gyflwyno gwelliannau i'r adrannau hynny nas gwaredir heddiw. Er mwyn eu hystyried yng nghyfarfod yr wythnos nesaf, bydd angen cyflwyno gwelliannau erbyn 6 p.m. heno. Yr ydym wedi cytuno i gynnal ein hystyriaethau Cyfnod 2 o'r Mesur arfaethedig dros ddau gyfarfod. Bydd yr Aelodau'n ymwybodol o hynny eisoes. Bydd y cyfarfod heddiw yn ystyried gwelliannau i adrannau 1 i 163 o'r Mesur arfaethedig, gyda gwelliannau i'r adrannau dilynol ac unrhyw adrannau newydd i gael eu hystyried yng nghyfarfod yr wythnos nesaf.

sections which do not have amendments tabled to them will be deemed agreed, as will any sections where tabled amendments are not agreed to. I will announce which sections have been agreed at the end of the meeting. There will be a further opportunity to table amendments to those sections not disposed of today. In order to be considered during next week's meeting, amendments would need to be tabled by 6 p.m. today. We have agreed to take our Stage 2 consideration of the proposed Measure over two meetings. Members will already be aware of this. Today's meeting will consider amendments to sections 1 to 163 of the proposed Measure, with amendments to subsequent sections and any new sections to be considered at next week's meeting.

[6] Dyna ddiwedd ar fy sylwadau agoriadol. A oes unrhyw gwestiynau gan Aelodau? Gwelaf nad oes. Os ydych yn hapus ac yn gyfûn, symudwn ymlaen i ymdrin â'r gwelliannau. Mae'r dogfennau ger eich bron.

That brings me to the end of my opening remarks. Do Members have any questions? I see that there are none. If you are content and in agreement, we will proceed to consider the amendments. You have the documents before you.

9.39 a.m.

Grŵp 1: Adroddiadau Blynyddol (Gwelliant 57) **Group 1: Annual Reports (Amendment 57)**

David Lloyd: Mae'r grŵp cyntaf o welliannau'n ymwneud ag aelodau awdurdodau lleol yn cynhyrchu adroddiadau blynyddol. Yr unig welliant yn y grŵp hwn yw gwelliant 57 ar dudalen 1 o'r rhestr o welliannau wedi'u didoli. Galwaf ar Veronica German i gynnig gwelliant 57 ac i siarad amdano.

David Lloyd: The first group of amendments relates to the production of annual reports by members of local authorities. The only amendment in this group is amendment 57, which is on page 1 of the marshalled list. I invite Veronica German to move and speak to amendment 57.

9.40 a.m.

[7] **Veronica German:** I move amendment 57 in my name.

[8] The reason for this amendment is our belief that any good councillor will inform their constituents about what they are doing on their behalf, and therefore there is no need to legislate on this matter. If councillors do not inform their constituents about what they are doing, then it is up to those constituents to decide whether their representatives have done a good job or not when they return, at the end of the term, to the ballot box. There is a danger that these reports could simply be a tally of the number of meetings attended, rather than an outline of the work that a councillor has done in their area, given that no political content is to be allowed. Therefore, that could give a skewed vision of who is a good councillor and who is not a good councillor.

[9] We also believe that we should legislate only when legislation is necessary. We believe that this is an unnecessary piece of legislation and will do nothing to inform constituents of the good and bad councillors who may represent them.

[10] **David Lloyd:** A oes unrhyw Aelod arall eisiau siarad ar y gwelliant hwn? Gwelaf nad oes. Galwaf ar y Gweinidog i siarad am y gwelliant hwn. **David Lloyd:** Does any other Member wish to say something on this amendment? I see that no-one does. I call the Minister to speak to this amendment.

[11] **Carl Sargeant:** I thank the committee for the opportunity to discuss these amendments. Our proposal is to introduce annual reports to help local people to understand the duties that councillors perform locally; they are not to be political or any form of party propaganda. They would purely be based on fact and activity within councils, and they would be for all councillors.

[12] The annual reports will be subject to the guidance of the Assembly Government, which we will be providing, and to the code of practice of the local authority. As Veronica said, some good councillors already produce summary reports, but we are trying to create a level playing field for the public at large to understand what councils and councillors do. On that point, Chair, I ask the committee to reject the amendment.

[13] **David Lloyd:** Galwaf ar Veronica German i ymateb i'r ddadl. Gwelaf nad oes gennych sylwadau pellach. A hoffech symud i bleidlais ar welliant 57? **David Lloyd:** I call on Veronica German to reply to the debate. I see that you do not have any further comments. Do you wish to proceed to a vote on amendment 57?

[14] **Veronica German:** Yes, please.

[15] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 57. Galwaf am bleidlais. **David Lloyd:** The question is that amendment 57 be agreed to. I call for a vote.

*Gwelliant 57: O blaid 1, Ymatal 0, Yn erbyn 4.
Amendment 57: For 1, Abstain 0, Against 4.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Graham, William
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 57.
Amendment 57 not agreed.*

Grŵp 2: Cyfarfodydd Cyngor (Gwelliannau 60 a 59) Group 2: Council Meetings (Amendments 60 and 59)

[16] **David Lloyd:** Galwaf ar Veronica German i gynnis gwelliant 60 ac i siarad amdano. **David Lloyd:** I invite Veronica German to move and speak to amendment 60.

[17] **Veronica German:** I move amendment 60 in my name.

[18] We believe that for a Minister to give guidance about the times at which meetings of a local authority are held is far too prescriptive. We understand the sentiment behind it, and we agree that the time of meetings can sometimes put people off from wanting to be councillors in the first place, and even when they are on the council, it can prevent them from being able to carry out their duties. However, we believe that the consideration of the best time to hold meetings should be done by those attending council meetings. It is important that a local authority ensures that the times of meetings are accessible to its members, but that should be done in its own way. It just seems a bit like taking a sledgehammer to crack a nut to allow the Minister to tell local authorities at what time they should hold their meetings. I know that the Minister has said in the past that he does not intend to say that there will be a meeting at 9 a.m. every Tuesday, for example. As it is now, you might not take it upon yourself to do that as Minister. However, where it is written in legislation, it may be that a Minister at a later time might do that. Therefore, we believe that it could be over-prescriptive. We understand the sentiment behind it and there is definitely a need for all local authorities to consider the issue of meeting times, but we do not think that it is necessary for the Minister to have this amount of involvement. It should just be on the face of the proposed Measure.

[19] **David Lloyd:** A oes Aelod arall **David Lloyd:** Does any other Member wish eisiau siarad? Mae distawrwydd llethol. to speak? There is complete silence. I call on Galwaf ar y Gweinidog i siarad am y the Minister to speak to this amendment. gwelliant hwn.

[20] **Carl Sargeant:** I will speak to amendments 60 and 59 together. We have had a long discussion about the profile of councillors in local authorities, and I think that it is well-recognised that the overwhelming profile is white, male, elderly and retired. There was an agreement around how we create an environment to be able to engage people in the work of councils. It is useful to give reassurance to you, Veronica, but also to correct some of the points that you made. We will not be setting times for council meetings and saying that they should start at 9 a.m.. The guidance in the proposed Measure is for local authorities to consult with interested parties on how they can encourage a better environment and on what times are best for them. I will not, as Minister, be stipulating what times they should be, and neither will a future Minister. This is about a process to engage people better, to understand what is preventing people from becoming members of the council. Broadly, what we are trying to do, through surveys and so on, is to encourage more of a broad-brush approach to how people can engage. That is the process that we are taking. I urge the committee to resist these amendments.

[21] **David Lloyd:** Diolch i'r Gweinidog. **David Lloyd:** Thank you, Minister. I call on Galwaf ar Veronica German i ymateb i'r Veronica German to reply to the debate. ddadl.

[22] **Veronica German:** In the way that it is written in the proposed Measure, I feel that it does not give us that reassurance. The way that it is written here implies that you will give guidance about the times at which meetings of local authorities are held. It does not seem to be the same as the information that you have just given us. However, I can see that I am not persuading you of that. I stand by my amendment.

[23] **David Lloyd:** Yr ydych wedi nodi yr **David Lloyd:** You have indicated that you hoffech symud i bleidlais. Y cwestiwn yw a wish to proceed to a vote. The question is that ddylid derbyn gwelliant 60. Galwaf am amendment 60 be agreed to. I call for a vote. bleidlais.

*Gwelliant 60: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 60: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Graham, William
German, Veronica

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 60.
Amendment 60 not agreed.*

[24] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i welliant 59. Veronica, a hoffech gynnig gwelliant 59?

David Lloyd: In accordance with the marshalled list, we move to amendment 59. Veronica, would you like to move amendment 59?

[25] **Veronica German:** I do not wish to move that amendment now, as it is consequential to amendment 60.

[26] **David Lloyd:** Nid yw'r Aelod am gynnig y gwelliant. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, ni symudir y gwelliant.

David Lloyd: The Member does not wish to move the amendment. Does any Member object? I see that they do not. Therefore, the amendment will not be moved.

*Ni symudwyd gwelliant 59.
Amendment 59 not moved.*

Grŵp 3: Gwasanaethau Democraidd (Gwelliannau 48, 52, 49, 50, 51, 55, 1, 2, 3, 4, 5, 53 a 54)

Group 3: Democratic Services (Amendments 48, 52, 49, 50, 51, 55, 1, 2, 3, 4, 5, 53 and 54)

[27] **David Lloyd:** Galwaf ar William Graham i gynnig gwelliant 48 ac i siarad am y gwelliant hwnnw a'r gwelliannau eraill yn y grŵp.

David Lloyd: I call on William Graham to move amendment 48 and to speak to that amendment and the other amendments in the group.

9.50 a.m.

[28] **William Graham:** I move amendment 48 in my name.

[29] While we agree that the functions assigned to the head of the democratic service, as currently drafted, should be provided for by local authorities, we do not believe that local authorities should be obliged to create a new position to do this, particularly at chief officer level. It should be left to individual councils to decide.

[30] **David Lloyd:** A oes ar unrhyw Aelod arall eisiau siarad am y gwelliannau hyn? Gwelaf nad oes. Felly, galwaf ar y Gweinidog i siarad am y grŵp hwn o welliannau.

David Lloyd: Does any other Member wish to speak to these amendments? I see that no-one wishes to speak. Therefore, I call on the Minister to speak to this group of amendments.

[31] **Carl Sargeant:** I will speak to opposition amendments 48, 52, 49, 50, 53 and 54 initially. To clarify one of William's points, this is not proposed to be at chief officer level. I believe that the amendments will make it very unclear about the responsibility for the democratic services in a local authority. We are trying to encourage or create a very clear and intended way to ensuring that the function of the democratic services officer will provide

services as independently as possible from the executive, which is currently avoided in some councils. Giving good advice for scrutiny and support for backbenchers or opposition members is a fundamental point in good scrutiny and public services. That is the position in terms of that. I would certainly urge the committee to resist those opposition amendments.

[32] If I may, Chair, I will move on to amendments 51 and 55 specifically. The amendments have the effect of making small changes to the list of functions in the democratic services committee set out in section 9. I believe that they are unnecessary and prove unhelpful in terms of the actual specifics, in terms of what we are tasking the officer of democratic services with doing. The understanding and purpose of scrutiny is a function for all of council, the purpose being that the initial support for scrutiny from democratic services should be independent of the executive. However, the general principle of scrutiny in education should be available to all councils, which is why we are trying to make it very clear within the sections of the proposals. Again, I urge Members to resist the amendments.

[33] I now turn to amendment 2, as it deals with the post of head of democratic service, which I have discussed.

[34] I must check that I am in the right place. I am sorry. There are just so many amendments in this, Chair. I am trying to keep up. *[Laughter.]*

[35] Government amendment 2 is intended to reinforce the independence of the head of democratic services, as I have just alluded to. I ask the committee to support amendment 2.

[36] The purpose of amendment 1 is to clarify the provision of section 10 and to address the recommendations made in the committee reports at Stage 1. The amendment would allow the Welsh Ministers to make regulation under the authority's standing orders. It was perceived as a broad regulation, but we were actually specific about democratic services in the standing orders. We have just narrowed that to tidy it up. I hope that Members will be able to support that amendment.

[37] Turning to amendments 3, 4 and 5, they amend section 14 to strengthen the independence of the chair of the democratic services. Again, the effect of amendment 3 would be to introduce a requirement that, normally, the chair must not be a member of the executive. Again, we are trying to make a clear definition between the executive, backbenchers and support for the democratic service process. That is to say, in the case of a political group that has members in the authority's executive, we are making provisions. Where there are cases like Wrexham, which is cross-party, the member in charge of the committee should not be a member of the executive. We are just trying to tidy that up in terms of that process.

[38] Amendment 4 introduces one permitted exception, which is, as I have just mentioned, that the chair of democratic services may be a member of the executive group, but not a member of the executive itself. That is for the sake of clarity.

[39] There are still many more amendments in this group, Chair. Amendment 5 provides the necessary link for the definition of the executive group, which is quite a technical element of this part of the proposed Measure. The purpose of the amendment is to safeguard the independence of the democratic services, and, as I said, to make that separation.

[40] In conclusion, I ask committee members to resist amendments 51 and 55, along with amendments 48, 52, 49, 50, 53 and 54. I ask the committee to support amendments 1, 2, 3, 4 and 5.

[41] **David Lloyd:** Galwaf ar William **David Lloyd:** I call on William Graham to
Graham i ymateb i'r drafodaeth. reply to the discussion.

[42] **William Graham:** I support amendments 1 to 5. With regard to amendments 51, 55, 53 and 54, I would like to remark that section 9, as drafted, outlines the functions of the head of democratic services, and they include a responsibility to provide support and advice to members of the executive of the authority. I do not feel that the head of democratic services should have a responsibility to do this, as local authority executives should already have a support team in place. I realise that the head of democratic services would only have to provide information to the executive in relation to the overview of scrutiny committee functions, but I feel that this is an unnecessary function and responsibility to be placed upon that person.

[43] **David Lloyd:** William, a hoffech **David Lloyd:** William, do you wish to proceed to a vote on amendment 48 or to symud i bleidlais ar welliant 48 neu ei dynnu yn ôl? withdraw it?

[44] **William Graham:** I wish to proceed to a vote, Chair.

[45] **David Lloyd:** Y cwestiwn yw a **David Lloyd:** The question is that ddylid derbyn gwelliant 48. Galwaf am amendment 48 be agreed to. I call for a vote. bleidlais.

*Gwelliant 48: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 48: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 48.
Amendment 48 not agreed.*

[46] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 52. Galwaf ar **David Lloyd:** We now move to dispose of amendment 52. I invite William to move William i gynnig gwelliant 52. amendment 52.

[47] **William Graham:** I move amendment 52 in my name.

[48] **David Lloyd:** Y cwestiwn yw a **David Lloyd:** The question is that ddylid derbyn gwelliant 52. Galwaf am amendment 52 be agreed to. I call for a vote. bleidlais.

*Gwelliant 52: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 52: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 52.
Amendment 52 not agreed.*

[49] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 49. Galwaf ar William i gynnig gwelliant 49. **David Lloyd:** We now move to dispose of amendment 49. I invite William to move amendment 49.

[50] **William Graham:** I move amendment 49 in my name.

[51] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 49. Galwaf am bleidlais. **David Lloyd:** The question is that amendment 49 be agreed to. I call for a vote.

*Gwelliant 49: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 49: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 49.
Amendment 49 not agreed.*

[52] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 50. Galwaf ar William i gynnig gwelliant 50. **David Lloyd:** We now move to dispose of amendment 50. I invite William to move amendment 50.

[53] **William Graham:** I move amendment 50 in my name.

[54] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 50. Galwaf am bleidlais. **David Lloyd:** The question is that amendment 50 be agreed to. I call for a vote.

*Gwelliant 50: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 50: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 50.
Amendment 50 not agreed.*

[55] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 51. Galwaf ar William i gynnig gwelliant 51. **David Lloyd:** We now move to dispose of amendment 51. I invite William to move amendment 51.

[56] **William Graham:** I move amendment 51 in my name.

[57] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 51. Galwaf am bleidlais. **David Lloyd:** The question is that amendment 51 be agreed to. I call for a vote.

Gwelliant 51: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 51: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 51.
Amendment 51 not agreed.*

[58] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 55. Galwaf ar William i gynnig gwelliant 55.

David Lloyd: We now move to dispose of amendment 55. I invite William to move amendment 55.

[59] **William Graham:** I move amendment 55 in my name.

[60] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 55. Galwaf am bleidlais.

David Lloyd: The question is that amendment 55 be agreed to. I call for a vote.

*Gwelliant 55: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 55: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 55.
Amendment 55 not agreed.*

[61] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 1 yn enw'r Gweinidog. Weinidog, a hoffech i welliant 1 gael ei gynnig?

David Lloyd: We now move to dispose of amendment 1 in the name of the Minister. Minister, would you like amendment 1 to be moved?

[62] **Carl Sargeant:** Yes, Chair.

[63] **David Lloyd:** Cynigaf welliant 1 yn enw'r Gweinidog. Y cwestiwn yw a ddylid derbyn gwelliant 1. Galwaf am bleidlais.

David Lloyd: I move amendment 1 in the name of the Minister. The question is that amendment 1 be agreed to. I call for a vote.

*Gwelliant 1: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 1: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliant 1.

Amendment 1 agreed.

[64] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 2 yn enw'r Gweinidog. Weinidog, a hoffech i welliant 2 gael ei gynnig?

David Lloyd: We now move to dispose of amendment 2 in the name of the Minister. Minister, would you like amendment 2 to be moved?

[65] **Carl Sargeant:** Yes, Chair.

[66] **David Lloyd:** Cynigiau welliant 1 yn enw'r Gweinidog. Y cwestiwn yw a ddylid derbyn gwelliant 2. Galwaf am bleidlais.

David Lloyd: I move amendment 2 in the name of the Minister. The question is that amendment 2 be agreed to. I call for a vote.

10.00 a.m.

*Gwelliant 2: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 2: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 2
Amendment 2 agreed.*

[67] **David Lloyd:** Weinidog, a hoffech i welliant 3 yn eich enw gael ei gynnig?

David Lloyd: Minister, would you like amendment 3 in your name to be moved?

[68] **Carl Sargeant:** Yes.

[69] **David Lloyd:** Cynigiau welliant 3 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 3. Galwaf am bleidlais.

David Lloyd: I move amendment 3 in the name of Carl Sargeant. The question is that amendment 3 be agreed to. I call for a vote.

*Gwelliant 3: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 3: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

[70] **David Lloyd:** Weinidog, a hoffech i welliant 4 yn eich enw gael ei gynnig?

David Lloyd: Minister, would you like amendment 4 in your name to be moved?

[71] **Carl Sargeant:** Yes.

[72] **David Lloyd:** Cynigiau welliant 4 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 4. Galwaf am bleidlais. **David Lloyd:** I move amendment 4 in the name of Carl Sargeant. The question is that amendment 4 be agreed to. I call for a vote.

*Gwelliant 4: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 4: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 4.
Amendment 4 agreed.*

[73] **David Lloyd:** Weinidog, a hoffech i welliant 5 yn eich enw gael ei gynnig? **David Lloyd:** Minister, would you like amendment 5 in your name to be moved?

[74] **Carl Sargeant:** Yes.

[75] **David Lloyd:** Cynigiau welliant 5 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 5. Galwaf am bleidlais. **David Lloyd:** I move amendment 5 in the name of Carl Sargeant. The question is that amendment 5 be agreed to. I call for a vote.

*Gwelliant 5: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 5: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

[76] **David Lloyd:** Symudwn yn awr i waredu gwelliant 53 yn enw William Graham. Galwaf ar William Graham i gynnig gwelliant 53. **David Lloyd:** We now move to dispose of amendment 53 in the name of William Graham. I invite William Graham to move amendment 53.

[77] **William Graham:** I move amendment 53 in my name.

[78] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 53. Galwaf am bleidlais. **David Lloyd:** The question is that amendment 53 be agreed to. I call for a vote.

*Gwelliant 53: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 53: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 53.
Amendment 53 not agreed.*

[79] **David Lloyd:** Symudwn yn awr i waredu gwelliant 54 yn enw William Graham. William, a hoffech gynnig gwelliant 54?

David Lloyd: We now move to dispose of amendment 54 in the name of William Graham. William, would you like to move amendment 54?

[80] **William Graham:** I move amendment 54 in my name.

[81] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 54. Galwaf am bleidlais.

David Lloyd: The question is that amendment 54 be agreed to. I call for a vote.

*Gwelliant 54: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 54: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 54.
Amendment 54 not agreed.*

Grŵp 4: Absenoldeb Teuluol (Gwelliannau 6 ac 8) Group 4: Family Absence (Amendments 6 and 8)

[82] **David Lloyd:** Mae'r grŵp hwn yn ymwneud â hawl aelodau awdurdod lleol i gael absenoldeb teuluol. Y prif welliant yn y grŵp hwn yw gwelliant 6 yn enw'r Gweinidog. Weinidog, a hoffech i welliant 6 gael ei gynnig?

David Lloyd: This group relates to the entitlement of local authority members to family absence. The lead amendment in the group is amendment 6 in the name of the Minister. Minister, would you like amendment 6 to be moved?

[83] **Carl Sargeant:** Yes.

[84] **David Lloyd:** Cynigïaf welliant 6 yn enw Carl Sargeant. Galwaf ar y Gweinidog i siarad am welliant 6 a'r gwelliant arall yn y grŵp.

David Lloyd: I move amendment 6 in the name of Carl Sargeant. I call on the Minister to speak to amendment 6 and the other amendment in the group.

[85] **Carl Sargeant:** Amendments 6 and 8 are largely technical amendments to Part 2 of the proposed Measure. I will speak to them in turn, if I may. Amendment 6 alters the order of the sections to place section 23 in a more logical position in the sequence of the sections in Part 2. Section 23 makes amendments to the Local Government Act 1972, which are necessary as a consequence of the provisions in relation to family absence that we are introducing in Part 2 of the proposed Measure. As things stand, section 23 precedes the

provision that introduces family absence. It would therefore be more logical for that provision to be at a later stage in the proposed Measure, hence the amendment.

[86] Amendment 8 removes the third of the three definitions of 'executive' that are given in section 32 of the proposed Measure. As you will be aware, Chair, section 32 provides a definition of certain terms that are used in Part 2. The third definition of 'executive', in subsection (c), refers to an executive that is prescribed in regulations made by Welsh Ministers under section 11 of the Local Government Act 2000. We believe that it is confusing and unnecessary, in applying the provision in Part 2, to include that in the interpretation section, as the reference is purely hypothetical. It refers to an executive that does not exist at present in Wales, and never has existed. Should regulations ever be made under section 11 of the Act, it will be possible to introduce those regulations when necessary, to ensure that provision relating to family absences is extended to the new form of executive arrangements. Therefore, I ask the committee to support the amendments.

[87] **David Lloyd:** A hoffai unrhyw Aelod siarad ar y gwelliannau hyn? Gwelaf fod pawb yn hapus. Weinidog, a hoffech symud i bleidlais ar welliant 6? **David Lloyd:** Does any Member wish to speak to the amendments? I see that everyone is content. Minister, would you like to move to a vote on amendment 6?

[88] **Carl Sargeant:** Yes.

[89] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 6. Galwaf am bleidlais. **David Lloyd:** The question is that amendment 6 be agreed to. I call for a vote.

*Gwelliant 6: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 6: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

**Grŵp 5: Trefniadau Llywodraethu a Newidiadau mewn Trefniadau Gweithrediaeth
(Gwelliannau 68, 64, 75, 73, 76, 74, 78, 79, 80, 81, 65, 70, 71, 77, 72, 87, 85, 82, 86, 84, 88,
83 ac 89)**

**Group 5: Governance Arrangements and Changes to Executive Arrangements
(Amendments 68, 64, 75, 73, 76, 74, 78, 79, 80, 81, 65, 70, 71, 77, 72, 87, 85, 82, 86, 84, 88,
83 and 89)**

[90] **David Lloyd:** Mae grŵp 5 yn cynnwys gwelliannau 68, 64, 75, 73, 76, 74, 78, 79, 80, 81, 65, 70, 71, 77, 72, 87, 85, 82, 86, 84, 88, 83 ac 89. Prawf i'r sawl sy'n cyfieithu oedd y rhestr honno. **David Lloyd:** Group 5 includes amendments 68, 64, 75, 73, 76, 74, 78, 79, 80, 81, 65, 70, 71, 77, 72, 87, 85, 82, 86, 84, 88, 83 and 89. That list of amendments was a test for the interpreters.

[91] Mae'r pumed grŵp o welliannau'n ymwneud â threfniadau llywodraethu a The fifth group of amendments concerns the governance arrangements of local authorities

newidiadau mewn trefniadau gweithrediaeth. Y prif welliant yn y grŵp hwn yw gwelliant 68 yn enw William Graham. Galwaf ar William Graham i gynnig gwelliant 68 ac i siarad am y gwelliannau eraill yn y grŵp.

and changes to executive arrangements. The lead amendment in this group is amendment 68 in the name of William Graham. I call on William Graham to move amendment 68 and to speak to the other amendments in the group.

[92] **William Graham:** I move amendment 68 in my name.

[93] **David Lloyd:** A oes gan unrhyw Aelod sylwadau ar y gwelliant hwn? Gwelaf nad oes, ac nid yw William Graham am siarad amdano, sy'n gwneud pethau'n haws. Galwaf ar y Gweinidog i siarad am grŵp 5.

David Lloyd: Do Members have any comments on this amendment? I see that you do not, and that William Graham does not wish to speak to it, which makes things easier. I call on the Minister to speak to group 5.

[94] **Carl Sargeant:** I will speak to amendment 64, which is the key amendment in the group; I believe that all of the other amendments in the long list that you provided earlier, Chair, are effectively consequential to this amendment. I am slightly surprised by this debate as the elected-mayor and council-merger option was one of the executive arrangement models that were introduced in the Local Government Act 2000. In all the years since it has been in operation, no interest in this proposed model has been expressed in Wales. The only case of this ever having been an option in England arose in Stoke-on-Trent and that experiment was ended soon afterwards with the abolition of the elected-mayor and council-merger option for England by the Local Government and Public Involvement in Health Act 2007. There were certainly no squeals of protest from Stoke to say that abolishing the option was a problem. I am surprised by the sudden emergence of interest in it.

[95] We consulted on the proposals for this part of the proposed Measure between December 2009 and March 2010 and there was hardly any disagreement on the proposal to abolish the option. If local authorities or residents want an elected mayor—I know that that is something that William and his party have often debated—there is still an option for the elected-mayor model and a cabinet executive to be adopted. This seems to be a much more open and democratic arrangement in terms of accountability than the option of a mayor coupled with a council manager that is put forward in this proposal. I see no need to keep the option in legislation when it is unused, and when there appears to be no interest in its use; it is, therefore, effectively redundant, and that is why I urge the committee to resist all of the amendments.

[96] **David Lloyd:** Galwaf ar William Graham i ymateb i'r ddadl.

David Lloyd: I call on William Graham to reply to the debate.

[97] **William Graham:** We continue to believe that directly elected mayors could be transformational for major towns and cities in Wales; for example, the Mayor of London was a great help in attracting the Olympic Games. Accountable to the public, elected mayors are proven to provide greater leadership and direction in local authority areas, and improved performance and delivery of local public services. The London borough of Hackney, for example, moved from being a one-star authority in 2005 to a three-star authority within three years of electing a mayor. If Mansfield, Bedford and Torbay can have directly elected mayors, so could Cardiff, Swansea and Newport. We note that a directly elected mayor and cabinet will remain an option in the proposed Measure, but we believe that flexibility is required in the system for local authorities to decide what model is best for them, should they choose to have a directly elected mayor.

[98] **David Lloyd:** William, a hoffech **David Lloyd:** William, would you like to

symud i bleidlais ar welliant 68?

move to a vote on amendment 68?

[99] **William Graham:** I wish to move to a vote.

[100] **David Lloyd:** Y cwestiwn yw a **David Lloyd:** The question is that ddyliid derbyn gwelliant 68. Galwaf am amendment 68 be agreed to. I call for a vote. bleidlais.

*Gwelliant 68: O blaid 1, Ymatal 0, Yn erbyn 4.
Amendment 68: For 1, Abstain 0, Against 4.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
German, Veronica
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 68.
Amendment 68 not agreed.*

[101] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 8, a drafodwyd gyda grŵp 4, ac sy'n ymddangos ar dudalen 5 o'r rhestr o welliannau wedi'u didoli.

David Lloyd: In accordance with the marshalled list, we move to dispose of amendment 8, which was debated with group 4, and appears on page 5 of the marshalled list.

[102] Weinidog, a hoffech i welliant 8 yn eich enw gael ei gynnig?

Minister, would you like amendment 8 in your name to be moved?

[103] **Carl Sargeant:** Yes.

[104] **David Lloyd:** Cynigiaf welliant 8 yn enw Carl Sargeant. Y cwestiwn yw a ddyliid derbyn gwelliant 8. Galwaf am bleidlais.

David Lloyd: I move amendment 8 in the name of Carl Sargeant. The question is that amendment 8 be agreed to. I call for a vote.

10.10 a.m.

*Gwelliant 8: O blaid 4, Ymatal 0, Yn erbyn 1.
Amendment 8: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Jones, Helen Mary
Watson, Joyce

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Graham, William

*Derbyniwyd gwelliant 8.
Amendment 8 agreed.*

[105] **David Lloyd:** Symudwn yn awr i waredu gwelliant 64 yn enw William Graham a drafodwyd gyda grŵp 5. William, a hoffech gynnig gwelliant 64?

David Lloyd: We now move to dispose of amendment 64 in the name of William Graham, which was discussed with group 5. William, would you like to move amendment 64?

[106] **William Graham:** I move amendment 64 in my name.

[107] **David Lloyd:** Y cwestiwn yw a **David Lloyd:** The question is that ddyliid derbyn gwelliant 64. Galwaf bleidlais. amendment 64 be agreed to. I call for a vote.

Gwelliant 64: O blaid 1, Ymatal 0, Yn erbyn 4.

Amendment 64: For 1, Abstain 0, Against 4.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
German, Veronica
Jones, Helen Mary
Watson, Joyce

Gwrthodwyd gwelliant 64.

Amendment 64 not agreed.

[108] **David Lloyd:** Gan y gwrthodwyd gwelliant 64, fel mae'r Gweinidog eisoes wedi cyfeirio ato, mae gwelliannau 75, 73, 76, 74, 78, 79, 80, 81, 65, 70, 71, 77, 72, 87, 85, 82, 86, 84, 88, 83 ac 89 yn methu. Felly, er mawr ryddhad, ni fydd angen i ni bleidleisio ar y gwelliannau hynny.

David Lloyd: As amendment 64 has not been agreed to, as the Minister has already alluded to, amendments 75, 73, 76, 74, 78, 79, 80, 81, 65, 70, 71, 77, 72, 87, 85, 82, 86, 84, 88, 83 and 89 fall. Therefore, to great relief, we do not need to vote on those amendments.

Methodd gwelliannau 75, 73, 76, 74, 78, 79, 80 ac 81.
Amendments 75, 73, 76, 74, 78, 79, 80 and 81 fell.

Grŵp 6: Technegol a Chanlyniadol (Gwelliannau 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 26 a 29)

Group 6: Technical and Consequential (Amendments 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 26 and 29)

[109] **David Lloyd:** Y prif welliant yn y grŵp hwn yw gwelliant 9 yn enw'r Gweinidog. Weinidog, a hoffech i welliant 9 gael ei gynnig?

David Lloyd: The lead amendment in this group is amendment 9 in the name of the Minister. Minister, would you like amendment 9 to be moved?

[110] **Carl Sargeant:** Yes.

[111] **David Lloyd:** Cynigïaf gwelliant 9 yn enw Carl Sargeant. Galwaf ar y Gweinidog i siarad am welliant 9 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I propose amendment 9 in the name of Carl Sargeant. I call on the Minister to speak to amendment 9 and the other amendments in the group.

[112] **Carl Sargeant:** I will speak to amendments 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 26 and 29, and I will try to brief as possible as they are mainly technical amendments.

[113] Amendment 9 removes duplication from the proposed Measure. Section 35 of the proposed Measure repeals section 30 of the Local Government Act 2000. The same section 30 is repealed elsewhere in the proposed Measure in section 53.

[114] Amendment 10 will make it clear on the face of the proposed Measure that Local

Authorities Changing the Executive Arrangements and Alternative Arrangements (Wales) Regulations 2004 are revoked and that provisions in Part 3 and Part 4 of the proposed Measure will render those regulations obsolete. Those sections are repealed in their entirety in the proposed Measure. Technically, the regulations made under those sections would fall at the same time.

[115] Amendment 11 corrects an error in section 56 of the proposed Measure, and inserts the correct title of the National Assembly for Wales.

[116] Amendment 12 will allow Welsh Ministers, when making regulation in relation to joint overview and scrutiny committees, to include provision on the treatment of confidential and exempt information in the publication of reports of joint overview and scrutiny committees.

[117] Amendment 13 corrects an oversight in section 62 of the proposed Measure. Section 55 allows local authorities and the executive of the local authority to make arrangements for the function of an authority or executive to be discharged by a backbench councillor. I would consider it appropriate that if backbench councillors are able to exercise their responsibilities formally on behalf of an authority, they should be accountable to the authority's scrutiny process.

[118] Amendments 14, 15 and 16 need to be taken together. They recast section 64 of the proposed Measure to read in a more logical manner so that the section is divided into subsections and adds provisions that were unintentionally omitted. The third of these amendments will insert provision into section 64 so that section 22 of the Local Government Act 2000 is applicable in Wales and will extend the power to Welsh Ministers to make regulations about the publication of local authority executive responses to reports and recommendations of the scrutiny committee.

[119] Amendments 17, 18 and 19 must be taken together. The effect of these amendments is to clarify the terminology in section 76 of the proposed Measure, which deals with sub-committees and the overview of scrutiny committees.

[120] Amendment 26 inserts the word 'order', which was accidentally omitted from the last line in section 10. The sentence does not make sense currently.

[121] Finally, in this group, amendment 29 corrects a drafting error in section 145 and clarifies that the independent remuneration panel will be able to make decisions about the payment of allowances in circumstances where a councillor has taken family absence under the provision in Part 2 of the proposed Measure. As I said, Chair, these are primarily technical amendments, and I ask the committee to support all of these amendments.

[122] **David Lloyd:** A oes unrhyw Aelod yn dymuno siarad ar y gwelliannau hyn? Mae pawb yn dawel. A yw'r Gweinidog yn dymuno ymateb i'r ddadl nas cafwyd, ynteu a yw'n dymuno symud yn syth i bleidlais? **David Lloyd:** Do any Members wish to speak to these amendments? Everyone is silent. Does the Minister wish to respond to the debate that we did not have, or does he wish to proceed immediately to a vote?

[123] **Carl Sargeant:** I wish to proceed to a vote.

[124] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 9. Galwaf am amendment 9 be agreed to. I call for a vote. **David Lloyd:** The question is that amendment 9 be agreed to. I call for a vote. bleidlais.

*Gwelliant 9: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 9: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 9.
Amendment 9 agreed.*

[125] **David Lloyd:** Symudwn yn awr i waredu gwelliant 10 yn enw'r Gweinidog. Weinidog, a ydych yn dymuno i welliant 10 yn eich enw gael ei gynnig?

David Lloyd: We now move to dispose of amendment 10 in the name of the Minister. Minister, would you like amendment 10 in your name to be moved?

[126] **Carl Sargeant:** Yes.

[127] **David Lloyd:** Cynigiaf welliant 10 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 10. Galwaf am bleidlais.

David Lloyd: I move amendment 10 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 10 be agreed to. I call for a vote.

*Gwelliant 10: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 10: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 10.
Amendment 10 agreed.*

*Methodd gwelliannau 65, 70, 71 a 77.
Amendments 65, 70, 71 a 77 fell.*

[128] **David Lloyd:** Symudwn yn awr i waredu gwelliant 11 yn enw'r Gweinidog. Weinidog, a ydych yn dymuno i welliant 11 yn eich enw chi gael ei gynnig?

David Lloyd: We now move to dispose of amendment 11 in the name of the Minister. Minister, would you like amendment 11 in your name to be moved?

[129] **Carl Sargeant:** Yes.

[130] **David Lloyd:** Cynigiaf welliant 11 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 11. Galwaf am bleidlais.

David Lloyd: I move amendment 11 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 11 be agreed to. I call for a vote.

*Gwelliant 11: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 11: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 11.
Amendment 11 agreed.*

[131] **David Lloyd:** Symudwn yn awr i waredu gwelliant 12 yn enw'r Gweinidog. Weinidog, a ydych yn dymuno i welliant 12 yn eich enw chi gael ei gynnig? **David Lloyd:** We now move to dispose of amendment 12 in the name of the Minister. Minister, would you like amendment 12 in your name to be moved?

[132] **Carl Sargeant:** Yes.

[133] **David Lloyd:** Cynigiau welliant 12 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 12. Galwaf am bleidlais. **David Lloyd:** I move amendment 12 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 12 be agreed to. I call for a vote.

*Gwelliant 12: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 12: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 12.
Amendment 12 agreed.*

Grŵp 7: Pwyllgorau Trosolwg a Chraffu: Craffu ar Bersonau Dynodedig (Gwelliannau 56, 61, 69 a 62)

Group 7: Overview and Scrutiny Committees: Scrutiny of Designated Persons (Amendments 56, 61, 69 and 62)

[134] **David Lloyd:** Y prif welliant yn y grŵp hwn yw gwelliant 56, a galwaf ar William Graham i gynnig ac i siarad am y prif welliant ac am y gwelliannau eraill yn y grŵp. **David Lloyd:** The lead amendment in this group is amendment 56, and I call on William Graham to move and speak to the lead amendment and the other amendments in the group.

[135] **William Graham:** I move amendment 56 in my name.

[136] Section 58, as drafted, requires persons to provide scrutiny committees with information in writing, or in person, to assist their work. Stage 1 concerns were raised as the

proposed Measure places a requirement on overview and scrutiny committees to scrutinise and report on matters relating to designated persons.

[137] **David Lloyd:** A oes unrhyw Aelod yn dymuno datgan sylwadau? Gwelaf nad oes. Galwaf ar y Gweinidog i siarad ar y gwelliannau hyn. **David Lloyd:** Does any Member wish to make any comments? I see that no-one wishes to comment. I call on the Minister to speak to these amendments.

[138] **Carl Sargeant:** I will speak to all four amendments together. The provision in section 58 reflects the development of local authorities and gives them an important tool to help them exercise their responsibility effectively. There is much more joint working between local authorities and other public sector bodies that we see, and it makes sense for local authorities, as the democratically accountable representatives of local people, to be able to scrutinise bodies involved in the delivery of public services, which are all important to local people. People see local authorities as public service providers. They play an important part in terms of the scrutiny. An enabling power would, in reality, mean little practical change. Local authorities are already able to make reports or recommendations to local authorities or the executive on the matters that affect the authority's area in this principle. We want scrutiny to have teeth. Making it a duty will give committees the teeth that I believe that they need. It will fulfil the Beecham proposals to make local authorities' scrutiny play a key role in public accountability of the broader public sector, which is what we believe that this provision relates to.

10.20 a.m.

[139] I have noted the concerns that this will place unfair burdens and responsibilities, and we expect scrutiny committees to be sensible and proportionate in the way that they use this provision and that view will be reflected in the guidance provided. The requirement in section 80 that scrutiny committees must prepare and publish forward plans should act as a corrective if committees are scrutinising an organisation too often or not often enough. So, I urge the committee to resist these amendments.

[140] **David Lloyd:** Galwaf ar William Graham i ymateb i'r drafodaeth. **David Lloyd:** I call on William Graham to reply to the discussion.

[141] **William Graham:** The Welsh Conservatives believe that this requirement places an unnecessary burden on overview and scrutiny committees. We agree with the Welsh Local Government Association's concerns that there will be an expectation that local authorities will be under some kind of obligation to scrutinise every public service delivered in their area. While scrutiny committees should have the power to make reports and recommendations on matters that relate to designated persons, they should not be forced. We have tabled these amendments accordingly.

[142] **David Lloyd:** William, a hoffech symud i bleidlais ar welliant 56? **David Lloyd:** William, do you wish to proceed to a vote on amendment 56?

[143] **William Graham:** Yes, Chair.

[144] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 56. Galwaf am amendment 56 be agreed to. I call for a vote. **David Lloyd:** The question is that amendment 56 be agreed to. I call for a vote. bleidlais.

*Gwelliant 56: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 56: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 56.
Amendment 56 not agreed.*

[145] **David Lloyd:** Symudwn yn awr i waredu gwelliant 61. Galwaf ar William i gynnig gwelliant 61.

David Lloyd: We now move to dispose of amendment 61. I invite William to move amendment 61.

[146] **William Graham:** I move amendment 61 in my name.

[147] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 61. Galwaf am bleidlais.

David Lloyd: The question is that amendment 61 be agreed to. I call for a vote.

*Gwelliant 61: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 61: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 61.
Amendment 61 not agreed.*

[148] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 69. Galwaf ar William i gynnig gwelliant 69.

David Lloyd: We now move to dispose of amendment 69. I invite William to move amendment 69.

[149] **William Graham:** I move amendment 69 in my name.

[150] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 69. Galwaf am bleidlais.

David Lloyd: The question is that amendment 69 be agreed to. I call for a vote.

*Gwelliant 69: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 69: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 69.
Amendment 69 not agreed.*

[151] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 62. Galwaf ar

David Lloyd: We now move to dispose of amendment 62. I invite William to move

William i gynnig gwelliant 62.

amendment 62.

[152] **William Graham:** I move amendment 62 in my name.

[153] **David Lloyd:** Y cwestiwn yw a **David Lloyd:** The question is that ddyldid derbyn gwelliant 62. Galwaf am amendment 62 be agreed to. I call for a vote. bleidlais.

*Gwelliant 62: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 62: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 62.
Amendment 62 not agreed.*

[154] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 13 yn enw'r Gweinidog a drafodwyd gyda grŵp 6. Weinidog, a hoffech i welliant 13 gael ei gynnig ar eich rhan?

David Lloyd: In accordance with the marshalled list, we now move to dispose of amendment 13 in the name of the Minister, which was debated with group 6. Minister, would you like amendment 13 in your name to be moved?

[155] **Carl Sargeant:** Yes, Chair.

[156] **David Lloyd:** Cynigiaf welliant 13 yn enw'r Gweinidog. Y cwestiwn yw a ddyldid derbyn gwelliant 13. Galwaf am bleidlais.

David Lloyd: I move amendment 13 in the name of the Minister. The question is that amendment 13 be agreed to. I call for a vote.

*Gwelliant 13: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 13: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 13.
Amendment 13 agreed.*

[157] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 14. Weinidog, a hoffech i welliant 14 gael ei gynnig ar eich rhan?

David Lloyd: We now move to dispose of amendment 14. Minister, would you like amendment 14 in your name to be moved?

[158] **Carl Sargeant:** Yes, Chair.

[159] **David Lloyd:** Cynigiaf welliant 14 **David Lloyd:** I move amendment 14 in the

yn enw'r Gweinidog. Y cwestiwn yw a name of the Minister. The question is that
ddyliid derbyn gwelliant 14. Galwaf am amendment 14 be agreed to. I call for a vote.
bleidlais.

Gwelliant 14: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 14: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliant 14.
Amendment 14 agreed.

[160] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 15. Weinidog, a hoffech i welliant 15 gael ei gynnig ar eich rhan? **David Lloyd:** We now move to dispose of amendment 15. Minister, would you like amendment 15 in your name to be moved?

[161] **Carl Sargeant:** Yes, Chair.

[162] **David Lloyd:** Cynigiau welliant 15 yn enw'r Gweinidog. Y cwestiwn yw a ddyliid derbyn gwelliant 15. Galwaf am amendment 15 be agreed to. I call for a vote. **David Lloyd:** I move amendment 15 in the name of the Minister. The question is that amendment 15 be agreed to. I call for a vote. bleidlais.

Gwelliant 15: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 15: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliant 15.
Amendment 15 agreed.

[163] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 16. Weinidog, a hoffech i welliant 16 gael ei gynnig ar eich rhan? **David Lloyd:** We now move to dispose of amendment 16. Minister, would you like amendment 16 in your name to be moved?

[164] **Carl Sargeant:** Yes, Chair.

[165] **David Lloyd:** Cynigiau welliant 16 yn enw'r Gweinidog. Y cwestiwn yw a ddyliid derbyn gwelliant 16. Galwaf am amendment 16 be agreed to. I call for a vote. **David Lloyd:** I move amendment 16 in the name of the Minister. The question is that amendment 16 be agreed to. I call for a vote. bleidlais.

*Gwelliant 16: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 16: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 16.
Amendment 16 agreed.*

[166] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 17. Weinidog, a hoffech i welliant 17 yn eich enw gael ei gynnig? **David Lloyd:** We now move to dispose of amendment 17. Minister, would you like amendment 17 in your name to be moved?

[167] **Carl Sargeant:** Yes.

[168] **David Lloyd:** Cynigiau welliant 17 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 17. Galwaf am bleidlais. **David Lloyd:** I move amendment 17 in the name of Carl Sargeant. The question is that amendment 17 be agreed to. I call for a vote.

*Gwelliant 17: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 17: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 17.
Amendment 17 agreed.*

[169] **David Lloyd:** Symudwn i waredu gwelliant 18. Weinidog, a hoffech i welliant 18 yn eich enw gael ei gynnig? **David Lloyd:** We now move to dispose of amendment 18. Minister, would you like amendment 18 in your name to be moved?

[170] **Carl Sargeant:** Yes.

[171] **David Lloyd:** Cynigiau welliant 18 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 18. Galwaf am bleidlais. **David Lloyd:** I move amendment 18 in the name of Carl Sargeant. The question is that amendment 18 be agreed to. I call for a vote.

*Gwelliant 18: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 18: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
 German, Veronica
 Graham, William
 Jones, Helen Mary
 Watson, Joyce

*Derbyniwyd gwelliant 18.
 Amendment 18 agreed.*

[172] **David Lloyd:** Symudwn i waredu gwelliant 19. Weinidog, a hoffech i welliant 19 yn eich enw gael ei gynnig? **David Lloyd:** We now move to dispose of amendment 19. Minister, would you like amendment 19 in your name to be moved?

[173] **Carl Sargeant:** Yes.

[174] **David Lloyd:** Cynigiad welliant 19 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 19. Galwaf am bleidlais. **David Lloyd:** I move amendment 19 in the name of Carl Sargeant. The question is that amendment 19 be agreed to. I call for a vote.

*Gwelliant 19: O blaid 5, Ymatal 0, Yn erbyn 0.
 Amendment 19: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Chapman, Christine
 German, Veronica
 Graham, William
 Jones, Helen Mary
 Watson, Joyce

*Derbyniwyd gwelliant 19.
 Amendment 19 agreed.*

**Grŵp 8: Pleidleisio gan Aelodau Cyfetholedig Pwyllgorau Trosolwg a Chraffu
 (Gwelliannau 66 a 67)
 Group 8: Voting by Co-opted Members of Overview and Scrutiny Committees
 (Amendments 66 and 67)**

[175] **David Lloyd:** Mae'r grŵp hwn o welliannau yn ymwneud â hawliau pleidleisio aelodau cyfetholedig pwyllgorau trosolwg a chraffu awdurdodau lleol. Y prif welliant yn y grŵp yw gwelliant 66. Galwaf ar William Graham i gynnig gwelliant 66 ac i siarad am y gwelliant hwnnw a gwelliant 67. **David Lloyd:** This group of amendments relates to the voting rights of co-opted members of overview and scrutiny committees. The lead amendment in the group is amendment 66. I call on William Graham to move amendment 66 and to speak to that amendment and amendment 67.

[176] **William Graham:** I move amendment 66 in my name.

[177] Sections 75 to 79 of the proposed Measure confer voting rights on co-opted members of scrutiny committees. The majority of local authorities in Wales, in evidence submitted at Stage 1, recognised the role that co-opted members on scrutiny committees can play, but were strongly against allowing them to vote.

[178] **David Lloyd:** Helen Mary, a **David Lloyd:** Helen Mary, did you want to oeddech eisiau siarad? speak?

[179] **Helen Mary Jones:** We all recognised, when we took evidence, that there was a place for co-opted members where it was a question of gaining expertise and bringing information into the scrutiny process that committee members might not have themselves. I will be interested to hear what the Minister says in response to the amendment, because I have grave concerns about allowing co-opted members to vote. I think that it is fundamentally anti-democratic. I fully support the principle of the amendment, and I will be interested to see what the Minister has to say in response to the points made by William Graham.

[180] **David Lloyd:** Joyce, a oeddech chi **David Lloyd:** Joyce, did you want to say eisiau dweud rhywbeth? something?

[181] **Joyce Watson:** I, too, have reservations about allowing co-opted members voting rights. I would like to hear what the Minister has to say about any reconsideration in light of all the strong evidence that we have received, none of which has supported this part of the legislation. I will wait to see what the Minister has to say, but I, too, share reservations about giving co-opted members voting rights.

[182] **David Lloyd:** A hoffai unrhyw un **David Lloyd:** Does anyone else wish to arall siarad? speak?

[183] **Carl Sargeant:** I will speak to amendments 66 and 67, if I may. We brought forward proposals to allow co-opted members to vote in scrutiny committees because we believe that that should help to attract experienced co-optees who have expertise in specialist areas. However, I have listened closely to the points that have been made in committee and that Members have made this morning, and I am happy to accept that the principle of giving voting rights to non-elected members of local authorities' scrutiny committees may not rest easy with some. Accordingly, I acknowledge the principle of amendments 66 and 67, tabled by William Graham, and I would be happy to take this matter away and table Government amendments at Stage 3 that achieve the purpose set out by William, having had the opportunity to check the drafting implications. In light of that, I would ask William, with the permission of the committee, to withdraw the amendments, and we will then work towards tabling amendments at Stage 3.

[184] **David Lloyd:** Galwaf ar William **David Lloyd:** I call on William Graham to Graham i ymateb i'r ddadl. reply to the debate.

[185] **William Graham:** In view of the Minister's assurances to table an amendment at Stage 3, I seek the committee's approval to withdraw amendments 66 and 67.

[186] **David Lloyd:** A oes unrhyw Aelod **David Lloyd:** Does any Member object to yn gwrthwynebu tynnu gwelliant 66 yn ôl? amendment 66 being withdrawn? I see that Gwelaf nad oes neb yn gwrthwynebu. there are no objections.

*Tynnwyd gwelliant 66 yn ôl drwy ganiatâd y pwyllgor.
Amendment 66 withdrawn by leave of the committee.*

10.30 a.m.

**Grŵp 9: Cydbwysedd Gwleidyddol Is-bwyllgorau i Bwyllgorau Trosolwg a Chraffu
(Gwelliant 63)**

**Group 9: Political Balance of Sub-committees of Overview and Scrutiny Committees
(Amendment 63)**

[187] **David Lloyd:** Galwaf ar William **David Lloyd:** I call on William Graham to

Graham i gynnig gwelliant 63 a siarad move amendment 63 and speak to it.
amdano.

[188] **William Graham:** I move amendment 63 in my name and with the name of Veronica German in support.

[189] This section applies to sub-committees of overview and scrutiny committees, where there are one or more co-opted members who are permitted to vote. The Welsh Conservatives do not believe that co-opted members on scrutiny committees should be allowed to vote, as this could undermine democratic accountability. If co-opted voting on scrutiny committees is not permitted, this section is no longer necessary.

[190] **David Lloyd:** A oes unrhyw Aelod **David Lloyd:** Do any Members wish to eisiau siarad am hwn? Gwelaf nad oes. speak on this? I see that you do not. Galwaf, felly, ar y Gweinidog. Therefore, I call on the Minister.

[191] **Carl Sargeant:** I refer you to the decision regarding the previous amendment and I give you the same assurances. If William was to withdraw this in principle, we could work up some agreement on how we take this forward at Stage 3 in a Government amendment.

[192] **David Lloyd:** Galwaf ar William **David Lloyd:** I call on William Graham to Graham i ymateb. reply.

[193] **William Graham:** In view of the Minister's assurances that he will consider the matter at Stage 3, I seek the committee's leave to withdraw amendment 63.

[194] **David Lloyd:** Mae William am **David Lloyd:** William wishes to withdraw dynnu'r gwelliant hwn yn ôl. A oes unrhyw the amendment. Does any Member object? I wrthwynebiad? Gwelaf nad oes. Felly, tynnir see that you do not. Therefore, the y gwelliant yn ôl. amendment is withdrawn.

*Tynnwyd gwelliant 63 yn ôl drwy ganiatâd y pwyllgor.
Amendment 63 withdrawn by leave of the committee.*

[195] **David Lloyd:** Symudwn yn awr i **David Lloyd:** We now move to dispose of waredu gwelliant 67 a drafodwyd gyda amendment 67, which has already been gwelliant 66 fel rhan o grŵp 8. William, a debated with amendment 66 as part of group hoffech gynnig gwelliant 67? 8. William, would you like to move amendment 67?

[196] **William Graham:** No, thank you.

[197] **David Lloyd:** Nid yw William am **David Lloyd:** William does not wish to gynnig y gwelliant. A oes gwrthwynebiad? move the amendment. Does any Member Gwelaf nad oes. Felly, ni symudir y object? I see that no-one does. Therefore, the gwelliant. amendment is not moved.

*Ni symudwyd gwelliant 67.
Amendment 67 not moved.*

Grŵp 10: Gwahardd Cyfarwyddyd Chwip Plaid Mewn Pwyllgorau Trosolwg a Chraffu (Gwelliant 58)

Group 10: Prohibiting Use of the Party Whip in Overview and Scrutiny Committees (Amendment 58)

[198] **David Lloyd:** Galwaf ar Veronica **David Lloyd:** I call on Veronica German to German i gynnig gwelliant 58 a siarad move amendment 58 and speak to it. amdano.

[199] **Veronica German:** I move amendment 58 in my name.

[200] We had a lot of discussion about this in committee. Many of us were concerned about the practicalities of prohibiting the use of the party whip. In an ideal world, we think that this would be good and sensible. However, we think that legislating on this, by placing the role of ruling on whipping on the chair, is also impractical. You could have a situation with lots of vexatious complaints coming forward and disrupting the processes that were going on, and people might use it for reasons that perhaps were not intended in your legislation as you brought it forward. So, we believe that if you are going to legislate for something, it has to be something that you can enforce. We do not believe that you can enforce this legislation and that it puts far too much of a burden on the chairs. So, with those reasons, we think that this whole section should be left out.

[201] **David Lloyd:** A oes unrhyw Aelod **David Lloyd:** Does any other Member wish arall yn dymuno siarad? to speak?

[202] **Helen Mary Jones:** I find myself slightly conflicted about this amendment, Chair. I do not think that anyone on the committee would want to be sending the message that we approved of whipping in scrutiny committees. However, on the other hand I share some of the concerns that have been raised by Veronica German with regard to the practicality of this. So, in this context, I would ask the Minister to give some further consideration to this; perhaps he could provide us with some reassurance as to how he proposes to put this into practice. If I support the amendment today, my concern would be that we could be tacitly seen to be condoning a practice of which we all disapprove. However, I share Veronica's concerns about the possibility of vexatious complaints and the possibility that this clause will drive whipping underground, making it more difficult for the public to see where that is occurring. So, in the context of the debate today, I would be interested to see what the Minister has to say. However, as we move towards Part 3, I would ask the Government to give further consideration to the implementation and the exact nature—whether this section is the right way to achieve what we all seek to achieve.

[203] **William Graham:** We appreciate the Minister's intention to discourage hidden whipping and agree that good governance is enhanced by good scrutiny. However, we believe that the policy will be almost impossible to enforce. I strongly agree with the Welsh Local Government Association that

[204] 'it is unlikely that robust evidence to support any allegations or suspicions of whipping would ever be available.'

[205] I also agree with a remark made by Caerphilly County Borough Council that it is not a practical solution. While we appreciate the sentiments behind this section of the proposed Measure, we do not believe that abolition of the party whip could be enforced practically.

[206] **Joyce Watson:** This gives some power to backbenchers, because there will be cases in which members feel strongly about something and they will not have to, or be seen to, follow a party line, but they will represent the people by expressing their individual thoughts on whatever they are discussing. The prohibition of whipped votes, in other words, banning them, strengthens the backbenchers in local government and gives them a real opportunity to speak up for their people whenever and wherever they are discussing issues that are or seem to be critical to the people whom they are representing. It will serve to reinforce the idea that individual members are individuals when they are undertaking scrutiny; they are not just party

members who are putting up their hands at the same time for the same cause on every single occasion. It is that that brings me to support it. We can always say ‘Do we know or don’t we?’. However, do we know now, or not? What is the difference? This is a get-out clause for the people who truly want to think for themselves and do the job that they have been elected to do, namely to serve the people.

[207] **Christine Chapman:** To add to what Joyce has said, the proposed Measure is about giving diversity to local government. This is an area that encourages people to come into local government, because it is about independent thinking and doing an effective job. This is part of what the proposed Measure is about.

[208] **Carl Sargeant:** I welcome Members’ comments about their concerns and I would be happy to have further discussions with any Member regarding how, at Stage 3, we can strengthen this through guidance or through the proposed Measure. I say that also with an air of surprise at some of the comments that have been made on this. As Joyce said—probably better than I could—this is about strengthening the position of members serving on scrutiny committees so that they are not tied to any particular whipping system. The role of scrutiny committee is to hold decision-makers to account and we believe that the role of a whip is fundamentally contrary to that.

[209] I will say, once again, that I am surprised. The Health, Wellbeing and Local Government Committee raised concerns about whipping in 2009 when it examined the scrutiny of local government. Peter Black sat on that committee and was part of that formal discussion. The Assembly committee recommended that, once we had legislative competence, the Assembly Government should bring forward proposals to strengthen the current injunction against whipping in scrutiny committees. That is what we have tried to do. It was said that scrutiny members must be given the necessary support and training to help them to understand that the role means that they are freeing themselves in some way from the party bans of the old committee structure. That means that there must be freedom from the whip, as highlighted in the recommendations, and that was mentioned by Lord German in 2004, in the new political management structures. So, I am somewhat surprised by some of the comments today, as they seem to be politically out-of-kilter. I urge Members to resist this amendment.

10.40 a.m.

[210] **David Lloyd:** Galwaf ar Veronica German i ymateb i’r ddadl. **David Lloyd:** I call on Veronica German to respond to the debate.

[211] **Veronica German:** There is no doubt that we all agree with the sentiment, but we do not think that it is practical—that is the problem. Does it mean that Members of the Assembly, where there is no prohibition of the party whip, cannot sit on a scrutiny committee and give their individual opinions on things? I do not think that that is the case—I have sat on many committees where many individual opinions have been expressed, and it does not seem to have stopped people from expressing them.

[212] If there is no formal whip, there will be an informal whip in certain authorities, so what is worse? I do not see that formal whipping goes on at the moment. You can see that people may vote the same way, but not all the time. The whole point of the chair having that responsibility and the way in which this has been put forward is completely unworkable. I do not disagree with Joyce when she says that she wants to strengthen the role of backbenchers, but I am not convinced that this is the way to do it. Therefore, I stand by the amendment.

[213] **David Lloyd:** A ydych yn dymuno symud i bleidlais ar welliant 58 neu a ydych yn dymuno ei dynnu’n ôl? **David Lloyd:** Do you wish to proceed to a vote on amendment 58 or do you wish to withdraw it?

[214] **Veronica German:** I wish to move to a vote.

[215] **David Lloyd:** Y cwestiwn a ddylid **David Lloyd:** The question is that derbyn gwelliant 58. Galwaf am bleidlais. amendment 58 be agreed to. I call for a vote.

Gwelliant 58: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 58: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

German, Veronica
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 58.
Amendment 58 not agreed.*

Grŵp 11: Pwyllgorau Archwilio a'u Swyddogaethau (Gwelliannau 20, 21, 22, 23, 24, 25)
Group 11: Audit Committees and their Functions (Amendments 20, 21, 22, 23, 24, 25)

[216] **David Lloyd:** Y prif welliant yn y **David Lloyd:** The lead amendment is grŵp hwn yw gwelliant 20 yn enw'r amendment 20 in the name of the Minister. Gweinidog. Weinidog, a hoffech i welliant 20 Minister, would you like amendment 20 in yn eich enw chi gael ei gynnig? your name to be moved?

[217] **Carl Sargeant:** Yes, please.

[218] **David Lloyd:** Cynigiau welliant 20 **David Lloyd:** I move amendment 20 in the yn enw'r Gweinidog. Galwaf ar y Gweinidog name of the Minister. I call on the Minister to i siarad am welliant 20 a'r gwelliannau eraill speak to amendment 20 and the other yn y grŵp. amendments in the group.

[219] **Carl Sargeant:** I will speak to amendments 20, 21, 22, 23, 24 and 25, starting with amendments 20 and 21 which make changes to the remit given to audit committees by section 84 of the proposed Measure.

[220] These two amendments address the concerns expressed during scrutiny stages by the Chartered Institute of Public Finance and Accountancy and the Wales Audit Office. We have had dialogue with both organisations, which believed that the provisions of the proposed Measure were drawn too narrowly. In particular, they did not capture enough of CIPFA's existing guidance on audit committees, which Welsh Ministers have long endorsed.

[221] Amendment 20 redraws the range of functions that could be the responsibility of the audit function to include the monitoring and reporting of the risk management framework, internal control and corporate governance arrangements.

[222] Amendment 21 removes the requirement for an audit committee to consider the financial integrity of members and officers of the authority, which was also deemed to be inappropriate and impractical for audit committees. The new sub-sections that allow flexibility for local authorities to confer the other functions of the audit committee are considered suitable. CIPFA and the Wales Audit Office were closely consulted about these amendments and what we are trying to do by way of change. It was never our intention to move away from that principle—a drafting error caused that miscommunication. We have hopefully allayed those fears.

[223] The combined effect of amendments 22, 23 and 24 is to amend the requirements in section 86 of the proposed Measure about the chair of the audit committee, so that they recognise the circumstances where a local authority's executive contains representatives from all the political groups. Section 86 of the proposed Measure provides that the chair of the audit committee must not be a member of a political group that is represented by the authority's executive. The Assembly shares a similar principle.

[224] Finally, in this group, I will speak to amendment 25, which relates to section 88 and widening the scope of the guidance that the Welsh Ministers could issue on audit committees. It would be able to cover the functions and membership of the audit committee and not just the exercise functions, as currently provided. Again, this is in line with advice from CIPFA and the Wales Audit Office that guidance on these additional issues could be useful to audit committees. I ask the committee to support the six amendments.

[225] **David Lloyd:** A oes ar unrhyw Aelod eisiau siarad ar y gwelliannau hyn? Gwelaf nad oes. A ydyw'r Gweinidog am ymateb i'r ddadl nas cafwyd?

David Lloyd: Do any Members wish to speak to these amendments? I see that no-one wishes to comment. Does the Minister wish to respond to the debate that was not had?

[226] **Carl Sargeant:** I wish to proceed to a vote.

[227] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 20. Galwaf am bleidlais.

David Lloyd: The question is that amendment 20 be agreed to. I call for a vote.

*Gwelliant 20: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 20: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 20.
Amendment 20 agreed.*

[228] **David Lloyd:** Symudwn yn awr i waredu gwelliant 21 yn enw'r Gweinidog.

David Lloyd: We now move to dispose of amendment 21 in the name of the Minister.

[229] Weinidog, a hoffech i welliant 21 yn eich enw chi gael ei gynnig?

Minister, would you like amendment 21 in your name to be moved?

[230] **Carl Sargeant:** Please.

[231] **David Lloyd:** Cynigiau welliant 21 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 21. Galwaf am bleidlais.

David Lloyd: I move amendment 21 in the name of Carl Sargeant. The question is that amendment 21 be agreed to. I call for a vote.

*Gwelliant 21: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 21: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 21.
Amendment 21 agreed.*

[232] **David Lloyd:** Symudwn yn awr i waredu gwelliant 22 yn enw'r Gweinidog. Weinidog, a hoffech i welliant 22 yn eich enw chi gael ei gynnig? **David Lloyd:** We now move to dispose of amendment 22 in the name of the Minister. Minister, would you like amendment 22 in your name to be moved?

[233] **Carl Sargeant:** Please.

[234] **David Lloyd:** Cynigiau welliant 22 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 22. Galwaf am bleidlais. **David Lloyd:** I move amendment 22 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 22 be agreed to. I call for a vote.

*Gwelliant 22: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 22: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 22.
Amendment 22 agreed.*

[235] **David Lloyd:** Symudwn yn awr i waredu gwelliant 23 yn enw'r Gweinidog. Weinidog, a hoffech i welliant 23 yn eich enw chi gael ei gynnig? **David Lloyd:** We now move to dispose of amendment 23 in the name of the Minister. Minister, would you like amendment 23 in your name to be moved?

[236] **Carl Sargeant:** Please.

[237] **David Lloyd:** Cynigiau welliant 23 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 23. Galwaf am bleidlais. **David Lloyd:** I move amendment 23 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 23 be agreed to. I call for a vote.

*Gwelliant 23: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 23: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine

German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 23.
Amendment 23 agreed.*

[238] **David Lloyd:** Symudwn yn awr i waredu gwelliant 24 yn enw'r Gweinidog. Weinidog, a hoffech i welliant 24 yn eich enw chi gael ei gynnig?

David Lloyd: We now move to dispose of amendment 24 in the name of the Minister. Minister, would you like amendment 24 in your name to be moved?

[239] **Carl Sargeant:** Yes.

[240] **David Lloyd:** Cynigiau welliant 24 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 24. Galwaf am bleidlais.

David Lloyd: I move amendment 24 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 24 be agreed to. I call for a vote.

*Gwelliant 24: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 24: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 24.
Amendment 24 agreed.*

[241] **David Lloyd:** Symudwn yn awr i waredu gwelliant 25 yn enw'r Gweinidog. Weinidog, a hoffech i welliant 25 yn eich enw chi gael ei gynnig?

David Lloyd: We now move to dispose of amendment 25 in the name of the Minister. Minister, would you like amendment 25 in your name to be moved?

[242] **Carl Sargeant:** Please.

[243] **David Lloyd:** Cynigiau welliant 25 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 25. Galwaf am bleidlais.

David Lloyd: I move amendment 25 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 25 be agreed to. I call for a vote.

*Gwelliant 25: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 25: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 25.
Amendment 25 agreed.*

*Methodd gwelliant 72.
Amendment 72 fell.*

[244] **David Lloyd:** Yn unol â rhestr y gwelliannau a ddidolwyd, symudwn yn awr i waredu gwelliant 26 yn enw'r Gweindiog, a drafodwyd gyda grŵp 6. Bydd pawb yn cofio'r drafodaeth yn dda. Weinidog, a hoffech i welliant 26 yn eich enw chi gael ei gynnig?

David Lloyd: According to the marshalled list, the next amendment to be considered is amendment 26 in the name of the Minister, which was discussed with group 6. Members will recall the debate. Minister, would you like amendment 26 in your name to be moved?

[245] **Carl Sargeant:** Yes.

[246] **David Lloyd:** Cynigiaf welliant 26 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 26. Galwaf am bleidlais.

David Lloyd: I move amendment 26 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 26 be agreed to. I call for a vote.

*Gwelliant 26: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 26: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 26.
Amendment 26 agreed.*

Grŵp 12: Trefniadaeth Cymunedau a'u Cynghorau (Gwelliant 27) Group 12: Organisation of Communities and their Councils (Amendment 27)

[247] **David Lloyd:** Yr unig welliant yn y grŵp hwn yw gwelliant 27. Weinidog, a hoffech i welliant 27 yn eich enw chi gael ei gynnig?

David Lloyd: The only amendment in this group is amendment 27. Minister, would you like amendment 27 in your name to be moved?

[248] **Carl Sargeant:** Yes.

[249] **David Lloyd:** Cynigiaf welliant 27 yn enw Carl Sargeant. Galwaf ar y Gweinidog i siarad am welliant 27 ac unrhyw welliannau eraill nad ydynt yn y grŵp hwn.

David Lloyd: I move amendment 27 in the name of Carl Sargeant. I call on the Minister to speak to amendment 27 and any other amendments that do not appear in this group.

[250] **Carl Sargeant:** Government amendment 27 is something of a technical amendment. It deletes subsections (2) to (5) of section 117 on the grounds of clarity and consistency. Subsections (3) to (5) amend existing subordinate legislation. It is not normal practice to amend regulation by primary legislation. We will make any changes needed by subordinate legislation by laying them before the Assembly in due course according to normal practice. I

ask the committee to support this amendment.

[251] **David Lloyd:** A oes unrhyw Aelod am ddweud rhywbeth? Gwelaf nad oes. A ydych am symud i bleidlais, Weinidog? **David Lloyd:** Do any Members wish to comment? I see that no-one does. Do you wish to proceed to a vote, Minister?

[252] **Carl Sargeant:** Yes.

[253] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 27. Galwaf am bleidlais. **David Lloyd:** The question is that amendment 27 be agreed to. I call for a vote.

*Gwelliant 27: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 27: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 27.
Amendment 27 agreed.*

10.50 a.m.

Grŵp 13: Cynrychiolwyr Ieuenctid Cymunedol ar Gyngorau Cymuned (Gwelliant 28) **Group 13: Community Youth Representatives on Community Councils (Amendment 28)**

[254] **David Lloyd:** Y prif welliant, yn wir yr unig welliant, yn y grŵp hwn yw gwelliant 28. Weinidog, a hoffech i welliant 28 yn eich enw chi gael ei gynnig? **David Lloyd:** The lead amendment, indeed the only amendment, in this group is amendment 28. Minister, would you like amendment 28 in your name to be moved?

[255] **Carl Sargeant:** Please.

[256] **David Lloyd:** Cynigaf welliant 28 yn enw Carl Sargeant. Galwaf ar y Gweinidog i siarad am welliant 28. **David Lloyd:** I move amendment 28 in the name of Carl Sargeant. I call on the Minister to speak to amendment 28.

[257] **Carl Sargeant:** This amendment responds to the committee's concerns regarding clarity in relation to youth membership. The amendment inserts wording into section 124 that makes our policy intention clear, namely that community youth representatives are not regarded as formal members of a community council to which they are appointed, and so they do not have voting rights. This is just a matter of clarification, and I ask the committee to support this amendment.

[258] **David Lloyd:** A oes unrhyw Aelod eisiau gwneud sylwadau? Gwelaf fod William am siarad. **David Lloyd:** Does any Member wish to comment? I see that William wishes to speak.

[259] **William Graham:** I would like to welcome the Minister's clarification. This was a little confusing at Stage 1, and this amendment removes any obfuscation.

[260] **David Lloyd:** Diolch yn fawr, William. A oes unrhyw Aelod arall am wneud sylwadau? Gwelaf nad oes. A hoffech symud i bleidlais, Weinidog?

David Lloyd: Thank you, William. Do any other Members wish to comment? I see that no-one does. Do you wish to proceed to a vote, Minister?

[261] **Carl Sargeant:** Please.

[262] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 28. Galwaf am bleidlais.

David Lloyd: The question is that amendment 28 be agreed to. I call for a vote.

*Gwelliant 28: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 28: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 28.
Amendment 28 agreed.*

[263] **David Lloyd:** Yn unol â rhestr y gwelliannau a ddidolwyd, symudwn yn awr i waredu gwelliant 29, a drafodwyd gyda grŵp 6. Weinidog, a hoffech i welliant 29 yn eich enw chi gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we move now to dispose of amendment 29, which was discussed with group 6. Minister, would you like amendment 29 in your name to be moved?

[264] **Carl Sargeant:** Yes.

[265] **David Lloyd:** Cynigaf welliant 29 yn enw Carl Sargeant. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 29. Galwaf am bleidlais.

David Lloyd: I move amendment 29 in the name of Carl Sargeant. We will proceed immediately to a vote. The question is that amendment 29 be agreed to. I call for a vote.

*Gwelliant 29: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 29: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 29.
Amendment 29 agreed.*

**Grŵp 14: Penderfyniadau gan y Panel Annibynnol ar Gydabyddiaeth Ariannol
(Gwelliannau 30, 31, 32, 33, 34, 36 a 37)**

Group 14: Determinations by the Independent Remuneration Panel (Amendments 30, 31, 32, 33, 34, 36 and 37)

David Lloyd: Y prif welliant yn y grŵp hwn yw gwelliant 30. Weinidog, a hoffech i welliant 30 yn eich enw chi gael ei gynnig?

David Lloyd: The lead amendment in this group is amendment 30. Minister, would you like amendment 30 in your name to be moved?

[266] **Carl Sargeant:** Yes.

[267] **David Lloyd:** Cynigaf welliant 30 yn enw Carl Sargeant. Galwaf ar y Gweinidog i siarad am welliant 30 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 30 in the name of Carl Sargeant. I call on the Minister to speak to amendment 30 and the other amendments in the group.

[268] **Carl Sargeant:** I will speak to all six amendments in the group, Chair. The key amendment in the group is amendment 30, and all the others are consequential amendments. Amendment 30 amends section 145 of the proposed Measure. It will allow the independent remuneration panel to set a limit on the proportion of authority members who can receive a particular payment in situ. The current regulations allow for only 50 per cent of members to receive a special responsibility allowance. The relevant regulation will be revoked by the proposed Measure, and this amendment will mean that the panel will still be able to apply a limit to the proportion of council members who may receive a particular payment. The panel itself identified the omission and requested that the facility to make payments on this basis be restored to the panel. I believe that this makes sense, as it gives the panel an effective tool that will help to limit the scope for executive leaders to use the remuneration system for the potential distribution of patronage.

[269] As an additional constraint on potential abuse or extravagance, the amendment also introduces a requirement that the panel will have to seek consent from Welsh Ministers if it wishes to exceed the 50 per cent limit with regard to a particular payment. I ask the committee to support this amendment.

[270] All of the other amendments in this group are consequential to amendment 30. Amendment 31 allows the panel to take follow-up administrative action in the wake of making a determination based on the percentage of members who receive a certain type of payment. Amendment 32 will enable the panel to specify different amounts for different authorities. It is consistent with the panel's flexibility to make other determinations. Amendment 33 requires the panel to publish any determination that it makes in relation to elected members who receive an allowance in its first annual report. It must take this action for all such determinations. Amendment 34 enables the panel to vary any determination that it makes regarding the proportion of members who receive a particular payment in the supplementary report to the first annual report—action that it may take for other determinations that it makes through that process.

[271] Amendment 36 will allow the panel to vary any determination it makes regarding the proportion of elected members who receive payments subsequent to the annual report. Amendment 37—the final amendment in this group—will enable the panel to vary any determination that it makes regarding the proportion of elected members who may receive a payment in any subsequent supplementary report. Again, this is an action that it may take for any other determinations it makes. They are very similar, yet very different to each other. I ask the committee to support amendment 30 and supporting amendments 31, 32, 33, 34, 36 and 37.

[272] **David Lloyd:** Diolch, Weinidog. A **David Lloyd:** Thank you, Minister. Does any

oes unrhyw Aelodau eisiau siarad am y gwelliannau hyn? Gwelaf nad oes. Felly, nid oes dadl i chi ymateb iddi, Weinidog. Yr wyf yn cymryd eich bod am symud i bleidlais.

Member wish to speak to the amendments? I see no-one does. Therefore, there is no debate for you to reply to, Minister. I take it that you wish to move to a vote.

[273] **Carl Sargeant:** Please.

[274] **David Lloyd:** Symudwn felly i bleidlais ar welliant 30. Y cwestiwn yw a ddylid derbyn gwelliant 30. Galwaf am bleidlais.

David Lloyd: We will therefore move to a vote on amendment 30. The question is that amendment 30 be agreed to. I call for a vote.

*Gwelliant 30: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 30: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 30.
Amendment 30 agreed.*

[275] **David Lloyd:** Symudwn i waredu gwelliant 31. Weinidog, a hoffech i welliant 31 yn eich enw gael ei gynnig?

David Lloyd: We move to dispose of amendment 31. Minister, would you like amendment 31 in your name to be moved?

[276] **Carl Sargeant:** Yes.

[277] **David Lloyd:** Cynigaf welliant 31 yn enw'r Gweinidog. Y cwestiwn yw a ddylid derbyn gwelliant 31. Galwaf am bleidlais.

David Lloyd: I move amendment 31 in the name of the Minister. The question is that amendment 31 be agreed to. I call for a vote.

[278]

*Gwelliant 31: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 31: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 31.
Amendment 31 agreed.*

[279] **David Lloyd:** Symudwn i waredu gwelliant 32. Weinidog, a hoffech i welliant 32 yn eich enw gael ei gynnig?

David Lloyd: We shall move to dispose of amendment 32. Minister, would you like amendment 32 in your name to be moved?

[280] **Carl Sargeant:** Please.

[281] **David Lloyd:** Cynigiau welliant 32 yn enw'r Gweinidog. Y cwestiwn yw a ddylid derbyn gwelliant 32. Galwaf am bleidlais.

[282]

*Gwelliant 32: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 32: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 32.
Amendment 32 agreed.*

[283] **David Lloyd:** Symudwn i waredu gwelliant 33. Weinidog, a hoffech i welliant 33 yn eich enw gael ei gynnig?

David Lloyd: We shall move to dispose of amendment 33. Minister, would you like amendment 33 in your name to be moved?

[284] **Carl Sargeant:** Yes.

[285] **David Lloyd:** Cynigiau welliant 33 yn enw'r Gweinidog. Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 33. Galwaf am bleidlais.

David Lloyd: I move amendment 33 in the name of the Minister. Let us move directly to the vote. The question is that amendment 33 be agreed to. I call for a vote.

[286]

*Gwelliant 33: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 33: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 33.
Amendment 33 agreed.*

[287] **David Lloyd:** Symudwn i waredu gwelliant 34. Weinidog, a hoffech i welliant 34 yn eich enw gael ei gynnig?

David Lloyd: We shall move to dispose of amendment 34. Minister, would you like amendment 34 in your name to be moved?

[288] **Carl Sargeant:** Please.

[289] **David Lloyd:** Cynigiau welliant 34 yn enw'r Gweinidog. Y cwestiwn yw a ddylid derbyn gwelliant 34. Galwaf am bleidlais.

David Lloyd: I move amendment 34 in the name of the Minister. The question is that amendment 34 be agreed to. I call for a vote.

*Gwelliant 34: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 34: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 34.
Amendment 34 agreed.*

**Grŵp 15: Adroddiadau Blynyddol a Chanllawiau'r Panel Annibynnol ar
Gydnabyddiaeth Ariannol (Gwelliannau 35, 38 a 39)
Group 15: Annual Reports and Guidance by the Independent Remuneration Panel
(Amendments 35, 38 and 39)**

[290] **David Lloyd:** Mae'r grŵp hwn yn ymwneud ag adroddiadau blynyddol a chanllawiau a gyhoeddir gan y panel annibynnol ar gydnabyddiaeth ariannol. Y prif welliant yn y grŵp hwn yw gwelliant 35. Weinidog, a hoffech i welliant 35 yn eich enw gael ei gynnig?

David Lloyd: This group relates to annual reports and guidance by the independent remuneration panel. The lead amendment is amendment 35. Minister, would you like amendment 35 in your name to be moved?

[291] **Carl Sargeant:** Please.

[292] **David Lloyd:** Cynigiau welliant 35 yn enw'r Gweinidog. Galwaf ar y Gweinidog i siarad am welliant 35 ac am y gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 35 in the name of the Minister. I call on the Minister to speak to amendment 35 and to the other amendments in the group.

[293] **Carl Sargeant:** These amendments to sections 149 and 150 clarify that the panel will be required to send copies of its draft reports only to the relevant authority affected by its report. They correct an oversight in the original version. The current provisions unintentionally place an obligation on the panel to send such reports to every relevant authority, irrespective of whether or not the authority is affected by the report. This is both wasteful and unnecessary and we seek to amend this. I urge the committee to support that amendment. As regards amendment 39, it is rather technical, in that it clarifies that, once the panel has issued guidance on compliance with its determinations, it may vary or revoke that guidance. The existing provision enables the panel to issue guidance, but is silent on the varying or revoking of the guidance. Again, I urge the committee to support that amendment.

[294] **David Lloyd:** Diolch, Weinidog. A oes gan unrhyw Aelodau sylwadau i'w gwneud am y gwelliannau hyn? Distawrwydd llethol. Felly, nid oes dadl i chi ymateb iddi, Weinidog. Yr wyf yn cymryd eich bod am symud i bleidlais.

David Lloyd: Thank you, Minister. Would any Members like to speak to the amendments? Complete silence. Therefore, there is no debate for you to reply to, Minister. I take it that you wish to move to a vote.

[295] **Carl Sargeant:** Yes.

11.00 a.m.

David Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 35. Galwaf am bleidlais.

David Lloyd: The question is that amendment 35 be agreed to. I call for a vote.

*Gwelliant 35: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 35: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 35.
Amendment 35 agreed.*

[296] **David Lloyd:** Yn unol â'r rhestr o welliannau sydd wedi'u didoli, yr ydym yn symud i waredu gwelliant 36 a oedd yn grŵp 14, fel y cofiwch. Weinidog, a hoffech i welliant 36 yn eich enw chi gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now move to dispose of amendment 36, which was part of group 14, as you may remember. Minister, would you like amendment 36 in your name to be moved?

[297] **Carl Sargeant:** Yes, please.

[298] **David Lloyd:** Cynigïaf welliant 36 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 36. Galwaf am bleidlais.

David Lloyd: I move amendment 36 in the name of Carl Sargeant. The question is that amendment 36 be agreed to. I call for a vote.

*Gwelliant 36: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 36: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 36.
Amendment 36 agreed.*

[299] **David Lloyd:** Symudwn i waredu gwelliant 37, a oedd hefyd yn grŵp 14. Weinidog, a hoffech i welliant 37 yn eich enw chi gael ei gynnig?

David Lloyd: We now move to dispose of amendment 37, which was also part of group 14. Minister, would you like amendment 37 in your name to be moved?

[300] **Carl Sargeant:** Yes, please.

[301] **David Lloyd:** Cynigïaf welliant 37 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 37. Galwaf am

David Lloyd: I move amendment 37 in the name of Carl Sargeant. The question is that amendment 37 be agreed to. I call for a vote.

bleidlais.

*Gwelliant 37: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 37: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 37.
Amendment 37 agreed.*

[302] **David Lloyd:** Symudwn i waredu gwelliant 38. Weinidog, a hoffech i welliant 38 yn eich enw chi gael ei gynnig? **David Lloyd:** We now move to dispose of amendment 38. Minister, would you like amendment 38 in your name to be moved?

[303] **Carl Sargeant:** Yes, please.

[304] **David Lloyd:** Cynigiau welliant 38 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 38. Galwaf am bleidlais. **David Lloyd:** I move amendment 38 in the name of Carl Sargeant. The question is that amendment 38 be agreed to. I call for a vote.

*Gwelliant 38: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 38: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 38.
Amendment 38 agreed.*

[305] **David Lloyd:** Symudwn i waredu gwelliant 39. Weinidog, a hoffech i welliant 39 yn eich enw chi gael ei gynnig? **David Lloyd:** We now move to dispose of amendment 39. Minister, would you like amendment 39 in your name to be moved?

[306] **Carl Sargeant:** Yes, please.

[307] **David Lloyd:** Cynigiau welliant 39 yn enw Carl Sargeant. Y cwestiwn yw a ddylid derbyn gwelliant 39. Galwaf am bleidlais olaf y bore. **David Lloyd:** I move amendment 39 in the name of Carl Sargeant. The question is that amendment 39 be agreed to. I call for the final vote this morning.

*Gwelliant 39: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 39: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:

The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 39.
Amendment 39 agreed.*

[308] **David Lloyd:** Felly, fel y cyhoeddwyd, bydd y trafodaethau yn parhau dros ddau gyfarfod. Dyna ddiwedd y gwelliannau i'w hystyried am heddiw. Er gwybodaeth, bernir bod adrannau 1-163 o'r Mesur arfaethedig wedi eu derbyn gan y pwyllgor.

David Lloyd: Therefore, as was announced, the discussions will continue over two meetings. That brings us to the end of the amendments to be considered today. For the record, sections 1-163 of the proposed Measure are deemed to have been agreed by the committee.

[309] Diolchaf i'r Gweinidog a'i swyddogion am eu presenoldeb a'u cyfraniad y bore yma. Cynhelir y cyfarfod nesaf i ystyried gwelliannau ddydd Mercher, 9 Chwefror 2011. Fel y soniais ar ddechrau'r cyfarfod, gellir cyflwyno rhagor o welliannau i weddill adrannau'r Mesur arfaethedig, ond rhaid eu cyflwyno erbyn 6 p.m. heno.

I thank the Minister and his officials for their attendance and contributions this morning. The next meeting to discuss amendments will be held on Wednesday, 9 February 2011. As I mentioned at the beginning of the meeting, further amendments may be tabled to the remaining sections of the proposed Measure, but they must be tabled by 6 p.m. this evening.

[310] Gyda hynny o sylwadau, diolchaf i chi i gyd am eich presenoldeb a diolch am y cyfieithu.

With those comments, I thank you all for your attendance and thanks to the interpreters.

*Daeth y cyfarfod i ben am 11.03 a.m.
The meeting ended at 11.03 a.m.*