



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

**Cofnod y Trafodion
The Record of Proceedings**

**Dydd Mawrth, 28 Ebrill 2009
Tuesday, 28 April 2009**

Cynnwys
Contents

- 3 Cwestiynau i'r Prif Weinidog
Questions to the First Minister
- 38 Datganiad a Chyhoeddiad Busnes
Business Statement and Announcement
- 51 Datganiad am Gyllideb Llywodraeth y DU
Statement on the UK Government's Budget
- 75 Datganiad Deddfwriaethol am y Mesur Arfaethedig ynghylch Addysg (Cymru)
Legislative Statement on the Proposed Education (Wales) Measure
- 92 Dadl Cyfnod 3 Rheol Sefydlog Rhif 23.57 ar y Mesur Arfaethedig ynghylch
Llywodraeth Leol (Cymru)
Stage 3 Standing Order No. 23.57 Debate on the Proposed Local Government (Wales)
Measure
- 92 Pwerau Gweinidogion Cymru i Gynorthwyo Awdurdodau Gwella (Gwelliannau 1, 10,
2, 3, 17, 18 a 4)
Powers of Welsh Ministers to Support Improvement Authorities (Amendments 1, 10, 2,
3, 17, 18 and 4)
- 111 Pwerau Cyfarwyddo mewn Perthynas â Methiant neu Fethiant Tebygol Awdurdodau
Gwella (Gwelliannau 19, 20, 21, 22, 23 a 5)
Powers of Direction in Respect of Failure or Likely Failure by Improvement
Authorities (Amendments 19, 20, 21, 22, 23 and 5)
- 128 Pwerau Cyfarwyddo mewn Perthynas â Threfniadau Cydlafurio (Gwelliannau 24 a 16)
Powers of Direction in Respect of Collaboration Arrangements (Amendments 24 and
16)
- 143 Pwerau Cyfarwyddo mewn Perthynas ag arfer Swyddogaethau Awdurdod Gwella
(Gwelliannau 9, 6, 7 ac 8)
Powers of Direction in Respect of the Exercise of Improvement Authority Functions
(Amendments 9, 6, 7 and 8)
- 154 Diwygiadau Amrywiol a Chanlyniadol (Gwelliannau 11, 12, 13, 14, 15)
Miscellaneous and Consequential Amendments (Amendments 11, 12, 13, 14, 15)
- 158 Cynnig Cyfnod 4 Rheol Sefydlog Rhif 23.58 i Gymeradwyo'r Mesur Arfaethedig
ynghylch Llywodraeth Leol (Cymru)
Stage 4 Standing Order No. 23.58 Motion to Approve the Proposed Local Government
(Wales) Measure

Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y Siambr.
Yn y golofn dde, cynhwyswyd cyfieithiad o'r areithiau hynny.

In the left-hand column, the proceedings are recorded in the language in which they were
spoken in the Chamber. In the right-hand column, a translation of those speeches has been
included.

*Cyfarfu'r Cynulliad am 1.30 p.m. gyda'r Llywydd (Dafydd Elis-Thomas) yn y Gadair.
The Assembly met at 1.30 p.m. with the Presiding Officer (Dafydd Elis-Thomas) in the Chair.*

Y Llywydd: Galwaf y Cynulliad i drefn.

The Presiding Officer: I call the Assembly to order.

Cwestiynau i'r Prif Weinidog Questions to the First Minister

Public Spending

Q1 Darren Millar: Will the First Minister make a statement on the impact that the recent budget statement will have on public services in Wales? OAQ(3)1890(FM)

Q10 Nick Ramsay: Will the First Minister make a statement on the implications for public spending in Wales that follow the budget delivered by the Chancellor of the Exchequer on 22 April? OAQ(3)1910(FM)

The First Minister (Rhodri Morgan): The overall cut in the resources that are available to us is about £150 million, which is just under 1 per cent of our budget. Therefore we have to achieve efficiency savings of around that figure in order to avoid any impact on front-line services. It is a big ask but that is what we will be aiming to do. Perhaps you have some information that we do not have about the impact of the budget on our front-line services if there were alternative political arrangements after the next general election, and whether the efficiency savings would be more than 1 per cent or less than 1 per cent.

Darren Millar: Unfortunately for the people of Wales, First Minister, your Government is still here and will be here in the short term. I will be delighted to welcome a UK Conservative Government as and when that comes. We know that the actual figure is not £150 million, but £416 million, as a result of the desperate budget presented by Alistair Darling and your other colleagues in the Labour Party in Westminster last week. You have already indicated that this is going to be a challenge, so do you accept that there is now an urgent need to reconsider the spending priorities of the Assembly Government to ensure that gimmicks such as free school breakfasts are scrapped, and that

Gwariant Cyhoeddus

C1 Darren Millar: A wnaiff y Prif Weinidog ddatganiad am yr effaith a gaiff y datganiad cyllideb diweddar ar wasanaethau cyhoeddus yng Nghymru? OAQ(3)1890(FM)

C10 Nick Ramsay: A wnaiff y Prif Weinidog ddatganiad am y goblygiadau i wariant cyhoeddus yng Nghymru ar ôl y gyllideb a gyflwynwyd gan Ganghellor y Trysorlys ar 22 Ebrill? OAQ(3)1910(FM)

Y Prif Weinidog (Rhodri Morgan): Mae'r toriad cyffredinol yn yr adnoddau sydd ar gael inni tua £150 miliwn, sydd ychydig yn is nag 1 y cant o'n cyllideb. Felly, rhaid inni gyflawni arbedion effeithlonrwydd sy'n werth y ffigur hwnnw'n fras er mwyn osgoi unrhyw effaith ar wasanaethau rheng flaen. Mae'n her fawr ond dyna fydd ein nod. Efallai fod gennych wybodaeth nad yw gennym ni ynghylch effaith y gyllideb ar ein gwasanaethau rheng flaen petai trefniadau gwleidyddol gwahanol ar ôl yr etholiad cyffredinol nesaf, ac a fyddai'r arbedion effeithlonrwydd yn fwy nag 1 y cant neu'n llai nag 1 y cant.

Darren Millar: Yn anffodus i bobl Cymru, Brif Weinidog, mae eich Llywodraeth yn dal wrth y llyw a bydd yn dal wrth y llyw yn y tymor byr. Byddaf wrth fy modd o groesawu Llywodraeth Geidwadol yn y DU pan ddaw hynny. Gwyddom nad £150 miliwn yw'r ffigur gwirioneddol, ond £416 miliwn, o ganlyniad i'r gyllideb anobeithiol a gyflwynwyd gan Alistair Darling a'ch cyd-aelodau eraill yn y Blaid Lafur yn San Steffan yr wythnos diwethaf. Yr ydych eisoes wedi dweud y bydd hyn yn her, felly a ydych yn derbyn bod taer angen ailystyried blaenoriaethau gwario Llywodraeth y Cynulliad i sicrhau ei bod yn rhoi'r gorau i gimigau megis brechwast am ddim mewn

front-line public services in Wales are protected against cuts at all costs?

The First Minister: The closer we get to a general election the more you will be expected to ask your colleagues, David Cameron and George Osborne, what arrangements they are proposing and what kind of budget cuts there would be in Wales were they elected. Those are the fundamentals of democratic choice that will face the public in Wales. As regards our budget for next year, following last week's Labour budget, there will be a reduction in revenue funding of £216 million, but that is minus the £60 million additional funding, which is mainly capital—£46 million this year and £14 million next year.

On top of that, the problem that arises was seen in the pre-budget report. By bringing forward £150 million or so of expenditure into this financial year to assist the construction industry, we have lost that sum from next year's baseline. Furthermore, there are cuts that may be worth around £75 million arising from underspend in the Department of Health. Therefore, there will be an additional capital sum, as you say, but I do not think that it will be anything like the amount that you referred to.

Nick Ramsay: The tenth birthday of the Assembly in May will take place against the backdrop of the worst economic conditions and the poorest state of public finances since the advent of devolution and, indeed, for a generation. At this time, one would hope that the Welsh Assembly Government and the UK Government were united in their aims to deal with these problems but there seems to be a discrepancy between your Government here and the Secretary of State for Wales on the implications of the budget. The Secretary of State for Wales has said that the budget puts Wales in the best possible position to prepare for economic recovery, while your Deputy First Minister has pointed out the formidable challenge that Wales faces and has said that the Chancellor should have done more to recognise the need to support businesses and training for companies as we come out of the recession. Which of these

ysgolion, a bod gwasanaethau cyhoeddus rheng flaen yng Nghymru yn cael eu hamddiffyn rhag pob toriad?

Y Prif Weinidog: Po agosaf yr awn at etholiad cyffredinol, po fwyaf y disgwylir ichi holi eich cyd-Aelodau, David Cameron a George Osborne, pa drefniadau y maent yn eu cynnig a pha fath o doriadau yn y gyllideb a fyddai yng Nghymru petaent yn cael eu hethol. Dyna hanfodion y dewis democrataidd a fydd yn wynebu'r cyhoedd yng Nghymru. Ac ystyried ein cyllideb ar gyfer y flwyddyn nesaf, yn dilyn cyllideb Llafur yr wythnos diwethaf, bydd gostyngiad gwerth £216 miliwn mewn cyllid refeniw, ond nid yw hynny'n cynnwys y £60 miliwn o gyllid ychwanegol, sef cyfalaf gan mwyaf—£46 miliwn eleni a £14 miliwn y flwyddyn nesaf.

Ar ben hynny, gwelwyd y broblem sy'n codi yn yr adroddiad rhag-gyllidebol. Drwy ddod â tha £150 miliwn o wariant ymlaen i'r flwyddyn ariannol hon er mwyn helpu'r diwydiant adeiladu, yr ydym wedi colli'r swm hwnnw o linell sylfaen y flwyddyn nesaf. Ar ben hynny, ceir toriadau a all fod yn werth tua £75 miliwn yn deillio o'r tanwariant yn yr Adran Iechyd. Felly, bydd swm cyfalaf ychwanegol, fel y dywedwch, ond nid wyf yn meddwl y bydd hynny'n ddim byd tebyg i'r swm y cyfeiriasoch ato.

Nick Ramsay: Cynhelir pen-blwydd y Cynulliad yn ddeg oed ym mis Mai yng nghanol yr amodau economaidd gwaethaf a'r sefyllfa waelaf o ran arian cyhoeddus ers datganoli ac, yn wir, ers cenhedlaeth. Ar adeg o'r fath, byddid yn gobeithio bod Llywodraeth Cynulliad Cymru a Llywodraeth y DU yn unedig yn eu nod i ddelio â'r problemau hyn, ond ymddengys fod anghysondeb rhwng eich Llywodraeth yma ac Ysgrifennydd Gwladol Cymru ynghylch goblygiadau'r gyllideb. Mae Ysgrifennydd Gwladol Cymru wedi dweud bod y gyllideb yn rhoi Cymru yn y sefyllfa orau posibl i baratoi ar gyfer adferiad economaidd, ond mae eich Dirprwy Brif Weinidog wedi tynnu sylw at yr her enfawr sy'n wynebu Cymru ac wedi dweud y dylai'r Canghellor fod wedi gwneud mwy i gydnabod yr angen i gefnogi busnesau a hyfforddiant ar gyfer cwmnïau wrth inni ddod allan o'r dirwasgiad. Pa un o'r

views do you share?

The First Minister: In my reply to Darren Millar I used a similar expression to ‘formidable challenge’. In the budget round that we are commencing now for 2010-11, which will start in 11 months’ time, we have to find efficiency savings of about 1 per cent of our budget in order to ensure that the growth of front-line service provision can continue. That is a formidable challenge—there is no two ways about it. I do not think that the Secretary of State for Wales would depart from that view, as he knows that it is a challenge, because similar efficiency savings are being demanded from Whitehall departments that are doing the same job for England as we do in Wales.

The budget was not only about the departmental expenditure limit of the Assembly Government; there were two other areas of significance to us. The first was new funding through the strategic investment fund of £750 million—we have to ensure that Wales gets its fair share of that. The second was the additional money given to the Department for Work and Pensions for the community taskforce and the new jobs fund. We have to ensure that we do at least as well—if not better—than our Barnett share had that money been fed through the Assembly Government budget. Meetings will be held next week with Jane Hutt’s department—the Department for Children, Education, Lifelong Learning and Skills—the DWP in Wales, Jobcentre Plus, the Welsh Local Government Association and the Welsh Council for Voluntary Action, to ensure that we maximise the Welsh share of those two new big funds, which amount to around £2 million.

Alun Davies: First Minister, I am sure that you will agree that the Conservatives have never been the friends of public services, and that all of us who use public services throughout Wales recognise the damage that will be done by the £5 billion in cuts that the Tories are currently proposing. Do you agree that the way to battle our way out of this recession is to invest, not to cut?

safbwyntiau hynny yr ydych yn cyd-fynd ag ef?

Y Prif Weinidog: Yn fy ateb i Darren Millar defnyddiais ymadrodd tebyg i ‘her enfawr’. Yng nghylch y gyllideb yr ydym yn dechrau arno yn awr ar gyfer 2010-11, a fydd yn dechrau ymhen 11 mis, rhaid inni ddod o hyd i arbedion effeithlonrwydd gwerth tua 1 y cant o’n cyllideb er mwyn sicrhau bod y twf mewn darparu gwasanaethau rheng flaen yn gallu parhau. Mae hynny’n her enfawr—nid oes gwadu hynny. Nid wyf yn meddwl y byddai Ysgrifennydd Gwladol Cymru yn anghytuno â’r safbwynt hwnnw, gan ei fod yn gwybod ei bod yn her, oherwydd bod gofyn i adrannau Whitehall sy’n gwneud yr un gwaith yn Lloegr ag yr ydym ni yn ei wneud yng Nghymru gyflawni arbedion effeithlonrwydd tebyg.

Yr oedd y gyllideb yn ymwneud â mwy na therfyn gwariant adrannol Llywodraeth y Cynulliad; yr oedd dau faes arall sy’n arwyddocaol inni. Y cyntaf oedd y cyllid newydd drwy’r gronfa buddsoddi strategol gwerth £750 miliwn—rhaid inni sicrhau bod Cymru yn cael ei chyfran deg o hynny. Yr ail oedd yr arian ychwanegol a roddir i’r Adran Gwaith a Phensiynau ar gyfer y tasglu cymunedol a’r gronfa swyddi newydd. Rhaid inni sicrhau ein bod yn gwneud o leiaf cystal—os nad yn well—na’n cyfran yn sgîl Barnett petai’r arian wedi dod drwy gyllideb Llywodraeth y Cynulliad. Cynhelir cyfarfodydd yr wythnos nesaf gydag adran Jane Hutt—yr Adran Plant, Addysg, Dysgu Gydol Oes a Sgiliau—yr Adran Gwaith a Phensiynau yng Nghymru, Canolfan Byd Gwaith, Cymdeithas Llywodraeth Leol Cymru a Chyngor Gweithredu Gwirfoddol Cymru, i sicrhau ein bod yn cynyddu cyfran Cymru o’r ddwy gronfa fawr newydd hynny, sy’n werth tua £2 filiwn.

Alun Davies: Brif Weinidog, yr wyf yn siŵr y byddwch yn cytuno na fu’r Ceidwadwyr erioed yn gyfeillion i wasanaethau cyhoeddus, a bod pob un ohonom sy’n defnyddio gwasanaethau cyhoeddus ledled Cymru yn cydnabod y difrod a wneir drwy’r £5 biliwn o doriadau y mae’r Torïaid yn eu cynnig ar hyn o bryd. A ydych yn cytuno mai’r ffordd orau o frwydro nes dod allan o’r dirwasgiad hwn yw buddsoddi, nid torri?

The First Minister: Yes. I would go beyond that. It is not just that from all past records, and from the rhetoric that we are hearing now, the Conservatives are not going to be increasing public service expenditure but probably cutting it, although we have to face that, but, more importantly, everyone now accepts that we are in an age of strategic industrial activism by the state. The free market ideology of the Margaret Thatcher/Ronald Reagan era of 20 years ago is now dead and buried. Therefore, it would be odd for a party to be thinking about coming into power when the ideology upon which it is based has been universally accepted to be over. We are entering into the new age of industrial activism. That was signalled by the White Paper just before the budget, and also by the JEREMIE fund, which we announced last week, of £150 million, and by the £750 million additional sum announced in the budget for what used to be the Department of Trade and Industry—now the Department for Business, Enterprise and Regulatory Reform—of which we have to ensure Wales gets a very big share.

The Leader of the Opposition (Nick Bourne): Good afternoon, First Minister. You were honest enough to admit—as you have done previously—that you cannot guarantee that there will not be cuts to services and job losses in the public sector. A degree of honesty is also called for in your responses today. You referred to a new age of industrial activism and to capitalism being buried. Let us look at the truth of where we are with Labour. We have just seen unemployment in Wales go up above what it was when you came into power. We have seen the fastest recorded rise in unemployment in Britain in its history. We have seen a record number of people not in education, employment or training. Is it not the truth therefore that it is not the end of capitalism, but of Labour? It is high time that that day came. It is certainly the end of Labour in Government.

I wish to press you on the £416 million in cuts. According to your figures, cuts of £216 million in revenue, and £200 million in capital, have to be accommodated out of the Assembly budget. You talked about

Y Prif Weinidog: Ydwyf. Byddwn yn mynd gam ymhellach. Nid dim ond oherwydd popeth a welwyd yn y gorffennol a'r rhetreg yr ydym yn ei chlywed yn awr y gwyddom na fydd y Ceidwadwyr yn cynyddu'r gwariant ar wasanaethau cyhoeddus ond yn ei dorri mae'n debyg, er bod yn rhaid inni wynebu hynny, ond, yn anad dim, mae pawb bellach yn derbyn ein bod mewn oes o weithredaeth ddiwydiannol strategol gan y wladwriaeth. Mae ideoleg marchnad rydd cyfnod Margaret Thatcher a Ronald Reagan 20 mlynedd yn ôl yn gelain. Felly, byddai'n od i blaid ystyried dod i rym a'r ideoleg y mae'r blaid honno'n seiliedig arni wedi dod i ben fel y cydnabyddir yn gyffredinol. Yr ydym ar drothwy oes newydd o weithredaeth ddiwydiannol. Cafodd hynny ei ddangos gan y Papur Gwyn cyn y gyllideb, a hefyd gan y gronfa JEREMIE, a gyhoeddwyd yr wythnos diwethaf, gwerth £150 miliwn, a chan y £750 miliwn ychwanegol a gyhoeddwyd yn y gyllideb ar gyfer yr hyn a arferai fod yn Adran Masnach a Diwydiant—yr Adran Busnes, Menter a Diwygio Rheoleiddio bellach—y mae'n rhaid inni sicrhau bod Cymru yn cael cyfran fawr ohono.

Arweinydd yr Wrthblaid (Nick Bourne): Prynawn da, Brif Weinidog. Yr oeddech yn ddigon gonest i gyfaddef—fel yr ydych wedi gwneud o'r blaen—na allwch warantu na fydd toriadau mewn gwasanaethau a cholli swyddi yn y sector cyhoeddus. Gofynnir am onestrwydd yn eich atebion heddiw hefyd. Cyfeiriasoch at oes newydd o weithredaeth ddiwydiannol a bod cyfalafiaeth yn farw gelain. Gadewch inni edrych ar ein sefyllfa o ran Llafur. Yr ydym newydd weld diweithdra yng Nghymru yn codi'n uwch na'r lefel pan ddaethoch i rym. Yr ydym wedi gweld y cynnydd cyflymaf erioed ar gofnod mewn diweithdra ym Mhrydain. Yr ydym wedi gweld mwy o bobl nag erioed o'r blaen heb fod mewn addysg, cyflogaeth na hyfforddiant. Onid yw'n wir felly nad diwedd cyfalafiaeth yw hyn, ond diwedd Llafur? Mae'n hen bryd i'r diwrnod hwnnw wawrio. Mae ar ben ar Lafur mewn Llywodraeth yn ddiâu.

Mae arnaf eisiau pwyso arnoch ynghylch y £416 miliwn o doriadau. Yn ôl eich ffigurau, rhaid cyflawni gwerth £216 o doriadau mewn refeniw a gwerth £200 miliwn mewn cyfalaf o gyllideb y Cynulliad. Siaradasoch am

efficiency savings, but you have also said that you cannot guarantee that there will not be cuts in services. How will you ensure that those figures are met? The revenue cuts alone equate to 9,000 nurses or 11,000 new teachers—we are not just talking about a little money here, but a lot. How will you meet those challenges?

The First Minister: On the general point about the free market ideology of Margaret Thatcher and Ronald Reagan being dead, you tried to rearrange that into me saying that capitalism is dead, which I did not say. That is not what I said, and you know it. What I said was that the age of the free market ideology of Margaret Thatcher and Ronald Reagan is dead. It is over. It is buried. It is only David Cameron and George Osborne who somehow think that it can be revived. It is now an age of state industrial activism working with the private sector. It is the free market ideology that is dead.

It was very interesting to listen to what you said about unemployment, as though Tories had some sort of good record on unemployment. I have to remind you that today's level of unemployment in Wales was exceeded in 17 out of the 18 years that the Tories were in power—that is not just on average, but in every one of the 12 months of 17 years out of the 18 that the Tories were in power. The only 10 months during those 18 years in which unemployment in Wales was lower than it is today were the first 10 months, the late months of 1979 and the early months of 1980, when Tory economic policies had not yet had a chance to take effect. I will not take any lectures from you about today's level of unemployment.

1.40 p.m.

As regards public service provision in Wales, our challenge is to ask to what extent we can find efficiency savings that will protect the growth of public services in Wales, following the cut of about 1 per cent in our revenue budget next year. On top of that, there will be difficulties maintaining the development of our capital budget, following the changes that were announced in the pre-budget report. It is

arbedion effeithlonrwydd, ond yr ydych hefyd wedi dweud na allwch warantu na fydd toriadau mewn gwasanaethau. Sut y sicrhewch y cyflawnir y ffigurau hynny? Mae'r toriadau refeniw yn unig yn gyfystyr â 9,000 o nyrsys neu 11,000 o athrawon newydd—nid sôn yr ydym am arian mân yn hyn o beth, ond llawer iawn o arian. Sut y cyflawnwch yr heriau hynny?

Y Prif Weinidog: Ynghylch y pwynt cyffredinol bod ideoleg marchnad rydd Margaret Thatcher a Ronald Reagan yn gelain, ceisiasoch droi hynny gan awgrymu imi ddweud bod cyfalafiaeth yn gelain. Ni ddywedais hynny, ac yr ydych yn gwybod hynny. Yr hyn a ddywedais oedd bod oes ideoleg marchnad rydd Margaret Thatcher a Ronald Reagan yn gelain. Mae ar ben. Mae wedi'i hen gladdu. Dim ond David Cameron a George Osborne sydd rywsut yn meddwl bod modd ei hadfer. Yr ydym yn awr mewn oes o weithredaeth ddiwydiannol yn gweithio gyda'r sector preifat. Ideoleg y farchnad rydd sy'n gelain.

Yr oedd yn ddiddorol iawn gwranddo ar yr hyn a ddywedasoch am ddiweithdra, fel petai gan y Torïaid ryw fath o record dda o ran diweithdra. Rhaid imi eich atgoffa bod lefel diweithdra'n uwch mewn 17 o'r 18 mlynedd yr oedd y Torïaid mewn grym na'r lefel yng Nghymru heddiw—nid ar gyfartaledd yn unig y mae hynny, ond ym mhob un o'r 12 mis mewn 17 flynedd o'r 18 mlynedd yr oedd y Torïaid mewn grym. Yr unig 10 mis o'r 18 mlynedd hynny pan oedd diweithdra yng Nghymru yn is nag ydyw heddiw oedd y 10 mis cyntaf, misoedd olaf 1979 a misoedd cyntaf 1980, pan nad oedd polisïau economaidd y Torïaid wedi cael cyfle i gael effaith. Ni chymeraf ddim darlithoedd gennyh ynghylch lefel diweithdra heddiw.

O ran darparu gwasanaethau cyhoeddus yng Nghymru, yr her inni yw gofyn i ba raddau y gallwn ddod o hyd i arbedion effeithlonrwydd a fydd yn amddiffyn twf gwasanaethau cyhoeddus yng Nghymru, ar ôl torri tua 1 y cant yn ein cyllideb refeniw y flwyddyn nesaf. Ar ben hynny, bydd anawsterau o ran cynnal datblygiad ein cyllideb cyfalaf, yn dilyn y newidiadau a

also necessary to find a home for the additional £46 million that we have to spend this year, and we will be giving urgent consideration to how we can get that money out of the door as quickly as possible, helping to stimulate the economy and develop good services for the environment and the economy.

Nick Bourne: The First Minister talks as though he or Labour had just come into power. Labour has been in power at Westminster for 12 years and here for 10. If things were so serious with the previous economic policy, why was it not changed earlier?

Allow me to return to the issue of the £416 million, because, as you have admitted, £416 million of cuts have to be made. You have previously said that you cannot guarantee that there will not be cuts to services. In addition, the former Secretary of State for Wales, Peter Hain, has said that, in his view, efficiency savings have not gone far enough. What discussions did you have with him when he was Secretary of State about these efficiency savings, which he thought could be made in the budget? Why have they not been made so far? What cuts are you looking to bring forward, given this hole in the budget that you have acknowledged?

The First Minister: You ask why we have not yet made these cuts, but we are right at the beginning of the budget round, not right at the end of it. We will be seeking efficiency savings during this budget round, to enable us to protect the growth of front-line service provision. At the beginning of a budget round, of course I cannot give a guarantee that there will be no impact on front-line services, because the clear implication of what I have just said is that, if we cannot find the efficiency savings, the money will, in part, come from front-line services. That is the whole purpose of this budget round.

On the comment made by the former Secretary of State for Wales—and I have said it myself in recent speeches—we have to re-engineer the way in which we deliver public

gyhoeddwyd yn yr adroddiad rhaggyllidebol. Yn ogystal mae angen dod o hyd i le i roi'r £46 miliwn ychwanegol y bydd yn rhaid inni ei wario eleni, a byddwn yn ystyried ar frys sut y gallwn ryddhau'r arian hwnnw cyn gynted ag sy'n bosibl, gan helpu i ysgogi'r economi a datblygu gwasanaethau da ar gyfer yr amgylchedd a'r economi.

Nick Bourne: Mae'r Prif Weinidog yn siarad fel petai ef neu Lafur newydd ddod i rym. Mae Llafur wedi bod mewn grym yn San Steffan ers 12 mlynedd ac yma ers 10. Petai pethau mor ddifrifol gyda'r polisi economaidd blaenorol, pam na chafodd hwnnw ei newid yn gynharach?

Gadewch imi ddychwelyd at y £416 miliwn, oherwydd, fel yr ydych wedi cyfaddef, rhaid torri £416 miliwn. Yr ydych wedi dweud o'r blaen na allwch warantu na fydd gwasanaethau'n cael eu torri. Ar ben hynny, mae cyn Ysgrifennydd Gwladol Cymru, Peter Hain, wedi dweud, yn ei farn ef, nad yw'r arbedion effeithlonrwydd wedi mynd yn ddigon pell. Pa drafodaethau a gawsoch ag ef pan oedd ef yn Ysgrifennydd Gwladol ynghylch yr arbedion effeithlonrwydd hyn, yr oedd yn meddwl y gellid eu gwneud yn y gyllideb? Pam nad ydynt wedi cael eu gwneud hyd yn hyn? Pa doriadau yr ydych yn bwriadu eu cyflwyno, o ystyried y twll hwn yn y gyllideb yr ydych wedi'i gydnabod?

Y Prif Weinidog: Yr ydych yn gofyn pam nad ydym wedi gwneud y toriadau hyn eto, ond yr ydym ar ddechrau cylch y gyllideb, nid ar ei ddiwedd. Byddwn yn chwilio am arbedion effeithlonrwydd yn ystod y cylch cyllidebol hwn, er mwyn ein galluogi i amddiffyn twf darpariaeth gwasanaethau rheng flaen. Ar ddechrau cylch y gyllideb, wrth gwrs ni allaf warantu na fydd dim effaith ar wasanaethau rheng flaen, oherwydd yr hyn sydd ymhlyg yn yr hyn yr wyf newydd ei ddweud yw os na allwn ddod o hyd i'r arbedion effeithlonrwydd, y bydd yr arian hwnnw'n dod yn rhannol o wasanaethau rheng flaen. Dyna holl ddiben y cylch cyllidebol hwn.

O ran y sylw a wnaethpwyd gan gyn Ysgrifennydd Gwladol Cymru—ac yr wyf wedi dweud hynny fy hun mewn areithiau'n ddiweddar—mae'n rhaid inni ail-lunio'r

services. That applies to the health service, to local government, and to all that we do as Assembly Government departments. We have to find those efficiency savings. Right now, we are at the beginning of the budget process, so we have roughly six months in which to do it. Although we hope that we can do it, it is a huge challenge. I cannot guarantee that we can do it, but it will be the main priority during this budget round.

Nick Bourne: I find it extraordinary that the First Minister seems to have no idea from where this money can be saved. However, perhaps I should not be surprised, because every Labour Government in history has left office with unemployment figures higher than when it came to office and this one will be no exception. From Ramsay MacDonald to Rhodri Morgan, it is always the same story: unemployment is higher when Labour leaves office than when it comes to office. We have just seen a doubling of the national debt, with Government borrowing at record levels. We know that there will have to be cuts in the Assembly budget. Either the First Minister is keeping it quiet and does not want to tell us, or he has no idea from where this money can be saved. Would he be honest with us and tell us from where the £416 million of cuts will be financed?

The First Minister: It was the Tory Government that left office with unemployment higher than when it came to office in 1979. I am terribly sorry to have to correct you on that, Nick, but if you look at the Record, you will see what I said. For 17 of the 18 Tory years, unemployment was higher in every single month: for 17 times 12 months in a row, from April 1980 to May 1997, when you left office. It was higher then than it is today, so do not weep crocodile tears to the people of Wales over the level of unemployment. Your record, when in office, for 17 out of 18 years, was absolutely appalling. That was in every single month bar the first 10.

ffordd yr ydym yn darparu gwasanaethau cyhoeddus. Mae hynny'n berthnasol i'r gwasanaeth iechyd, i lywodraeth leol, ac i bopeth yr ydym yn ei wneud fel adrannau Llywodraeth y Cynulliad. Rhaid inni ddod o hyd i'r arbedion effeithlonrwydd hynny. Ar hyn o bryd, yr ydym ar ddechrau proses y gyllideb, felly mae gennym tua chwe mis i wneud hynny. Er fy mod yn gobeithio y gallwn gyflawni hyn, mae'n her enfawr. Ni allaf warantu y gallwn wneud hynny, ond dyna fydd y brif flaenoriaeth yn ystod y cylch cyllidebol hwn.

Nick Bourne: Mae'n rhyfeddol nad oes gan y Prif Weinidog i bob golwg ddim syniad lle y gellir arbed yr arian hwn. Fodd bynnag, efallai na ddylai hyn fy synnu, oherwydd y mae pob Llywodraeth Lafur mewn hanes wedi dod i ben gyda ffigurau diweithdra sy'n uwch na phan ddaeth i rym, ac ni fydd hon yn eithriad. O Ramsay MacDonald hyd at Rhodri Morgan, yr un hen stori a welwn: mae diweithdra'n uwch pan fydd llywodraethau Llafur yn dod i ben yn na phan fyddant yn dod i rym. Yr ydym newydd weld y ddyled genedlaethol yn cael ei dyblu, a bentyca gan y Llywodraeth wedi cyrraedd lefelau nas gwelwyd erioed o'r blaen. Gwyddom y bydd yn rhaid gwneud toriadau yng nghyllideb y Cynulliad. Naill ai mae'r Prif Weinidog yn cadw hynny'n dawel ac nid oes arno eisiau dweud wrthym, neu nid oes ganddo syniad lle y gellir arbed yr arian hwn. A fyddai'n onest â ni ac yn dweud wrthym o ble y cyllidir y £416 o doriadau?

Y Prif Weinidog: Y Llywodraeth Doriaidd a ddaeth i ben gyda diweithdra'n uwch nag a oedd pan ddaeth i rym yn 1979. Mae'n wir ddrwg gennyf fod yn rhaid imi eich cywiro ynghylch hynny, Nick, ond os edrychwch ar y Cofnod, cewch weld yr hyn a ddywedais. Am 17 o'r 18 blwyddyn o dan y Toriaid, yr oedd diweithdra'n uwch ym mhob un mis: 12 mis am 17 flynedd yn olynol, rhwng mis Ebrill 1980 a mis Mai 1997, pan ddaeth eich tymor i ben. Yr oedd yn uwch bryd hynny nag ydyw heddiw, felly peidiwch ag esgus crio o flaen pobl Cymru ynghylch lefel diweithdra. Yr oedd eich record, pan oeddech mewn grym, am 17 o'r 18 flynedd, yn gwbl warthus. Yr oedd hynny ar gyfer pob un mis ac eithrio'r 10 cyntaf.

On the efficiency savings, you expect me to give you at the beginning of the budget process the details that would normally be given at the end of the process. That is an absurdity. We have a first priority now, namely deciding how to spend the additional £46 million that we have to spend this year. That is not a budget cut; that is an extra sum of money. At the same time, we have already started the budget round for 2010-11. It is a big ask. You cannot say that, because the budget round ends in December 2009, I should be able to give you the details in April, when the budget round starts. That is a complete absurdity, and you know it.

Nick Bourne: Never mind the detail; give us the outline. What are you looking at scrapping? You have not told us anything. All that you have done is confirm the figure. Give us an outline if you cannot give us the detail.

The First Minister: What I have said is that efficiencies will be sought, because it is through the greater efficiencies of Whitehall departments that the consequentials, through Barnett, flow to us. We will be seeking to at least match Whitehall departments in more efficient ways of delivering services. We are all in the same boat—the NHS, local government and the Assembly Government are all in the same boat of having to find efficiency savings. That will not be done by working harder, but by working smarter, and re-engineering the way in which we deliver services, through more collaborative working, better procurement, better information and communications technology and so on. It is a challenge, as everyone must realise. If we do not meet that challenge, there will then be an impact on front-line services.

Chris Franks: First Minister, the dreadful economic circumstances that we face will have a huge impact on education, health and investment in Wales for years to come. We will go through a funding squeeze that will result in huge job losses. Apart from the pressure on the Welsh budget, a number of

O ran yr arbedion effeithlonrwydd, yr ydych yn disgwyl imi roi i chi ar ddechrau proses y gyllideb y manylion a fyddai fel rheol yn cael eu rhyddhau ar ddiwedd y broses. Mae hynny'n hurt. Mae gennym flaenoriaeth gyntaf yn awr, sef penderfynu sut y mae gwario'r £46 miliwn ychwanegol y mae'n rhaid inni ei wario eleni. Nid yw hynny'n doriad yn y gyllideb; mae hwnnw'n swm ychwanegol o arian. Ar yr un pryd, yr ydym eisoes wedi dechrau cylch y gyllideb ar gyfer 2010-11. Mae'n her fawr. Ni allwch ddweud, oherwydd y daw cylch y gyllideb i ben ym mis Rhagfyr 2009, y dylwn allu rhoi'r manylion ichi ym mis Ebrill, pan fydd cylch y gyllideb yn dechrau. Mae hynny'n gwbl hurt, ac yr ydych yn gwybod hynny.

Nick Bourne: Anghofiwch y manylion; rhowch yr amlinelliad inni. Beth yr ydych yn ystyried cael gwared arno? Nid ydych wedi dweud dim wrthym. Y cyfan yr ydych wedi'i wneud yw cadarnhau'r ffigur. Rhowch amlinelliad inni os na allwch roi'r manylion inni.

Y Prif Weinidog: Yr hyn yr wyf wedi'i ddweud yw y bydd chwilio am arbedion effeithlonrwydd, oherwydd yn sgîl yr arbedion effeithlonrwydd mwy yn adrannau Whitehall y bydd yr arian canlyniadol, drwy Barnett, yn ein cyrraedd ni. Byddwn yn ceisio gwneud cystal ag adrannau Whitehall, o leiaf, o ran sicrhau ffyrdd mwy effeithlon o ddarparu gwasanaethau. Yr ydym i gyd yn yr un cwch—mae'r GIG, llywodraeth leol a Llywodraeth y Cynulliad i gyd yn yr un cwch, sef bod yn rhaid iddynt ddod o hyd i arbedion effeithlonrwydd. Ni wneir hynny drwy weithio'n galetach, ond drwy weithio'n gallach, a thrwy ail-lunio'r ffordd y byddwn yn darparu gwasanaethau, drwy ragor o weithio ar y cyd, caffael yn well, gwell technoleg gwybodaeth a chyfathrebu ac yn y blaen. Mae'n her, a rhaid i bawb sylweddoli hynny. Os na wynebwn yr her honno, bydd hynny'n effeithio ar wasanaethau rheng flaen.

Chris Franks: Brif Weinidog, bydd yr amgylchiadau economaidd ofnadwy a wynebwn yn cael effaith enfawr ar addysg, ar iechyd ac ar fuddsoddi yng Nghymru am flynyddoedd i ddod. Byddwn yn mynd drwy wasgfa gyllido a fydd yn arwain at golli nifer enfawr o swyddi. Ar wahân i'r pwysau ar

other questionable decisions taken by the UK Government will put quality of life in Wales at risk. The Royal Mint employs over 700 people at Llantrisant, and it is now to be privatised by the UK Government. Given that a private company can move its business to any country of its choice, do you share my concern at the privatisation plans for a profit-making and financially stable public service? Do you agree that that is fundamentally wrong, and will be a blow to the Llantrisant area?

The First Minister: You may have written your question before the budget announcement was made. Although the budget referred to the Royal Mint, it was not in the terms that you describe. The budget said that, in order to assist in funding the expansion of jobs at the Royal Mint from 900—not 700—to 1,000, the Government wanted to bring in private capital. We do not know the details, but I understand the feelings of the trade unions about changes in status. If you cease to be a civil servant—as in one of the proposals—you lose your civil service pension entitlement; I entirely understand the strong feelings expressed on that issue. However, the Royal Mint is growing, and we want to see those additional jobs come to Llantrisant with minimum disturbance to the excellent working conditions enjoyed there now and the good relationship between the chief executive, Andrew Stafford, and the trade unions.

The Leader of the Welsh Liberal Democrats (Kirsty Williams): We all know that, in the coming years, the Welsh public sector faces huge cuts. Last week's budget gave us a rose-tinted insight into how deep and long-lasting those cuts will be. How do you plan to minimise the long-term devastating impact of those cuts?

The First Minister: I did not see much that was rose-tinted in last week's budget. I thought that the budget was brutally frank about the size of the public sector deficit following the huge expenditure that had to be

gyllideb Cymru, bydd nifer o benderfyniadau amheus eraill a wnaethpwyd gan Lywodraeth y DU yn peryglu ansawdd bywyd yng Nghymru. Mae'r Bathdy Brenhinol yn cyflogi mwy na 700 o bobl yn Llantrisant, ac yn awr caiff ei breifateiddio gan Lywodraeth y DU. O ystyried y gall cwmni preifat symud ei fusnes i unrhyw wlad fel y myn, a ydych yn pryderu fel yr wyf fi ynghylch y cynlluniau i breifateiddio gwasanaeth cyhoeddus sy'n sefydlog yn ariannol ac yn gwneud elw? A gytunwch fod hynny'n sylfaenol anghywir, ac y bydd yn ergyd i ardal Llantrisant?

Y Prif Weinidog: Efallai eich bod wedi ysgrifennu eich cwestiwn cyn i'r gyllideb gael ei chyhoeddi. Er bod y gyllideb wedi cyfeirio at y Bathdy Brenhinol, ni chyfeiriwyd ato yn y ffordd a ddisgrifiwyd. Yn ôl y gyllideb, er mwyn cynorthwyo'r gwaith o gyllido cynyddu nifer y swyddi yn y Bathdy Brenhinol o 900—nid 700—i 1,000, yr oedd ar y Llywodraeth eisiau cyflwyno cyfalaf preifat. Ni wyddom y manylion, ond yr wyf yn deall teimladau'r undebau llafur ynghylch newidiadau o ran statws. Os byddwch yn peidio â bod yn was sifil—fel y gwelwyd yn un o'r cynigion—byddwch yn colli eich hawl i bensiwn y gwasanaeth sifil; yr wyf yn deall yn gyfan gwbl y teimladau cryf a fynegwyd ynghylch y mater hwnnw. Fodd bynnag, mae'r Bathdy Brenhinol yn tyfu, ac mae arnom eisiau gweld y swyddi ychwanegol hynny'n dod i Lantrisant gan darfu cyn lleied ag sy'n bosibl ar yr amodau gwaith gwych a geir yno ar hyn o bryd ac ar y berthynas dda rhwng y prif weithredwr, Andrew Stafford, a'r undebau llafur.

Arweinydd Democratiaid Rhyddfrydol Cymru (Kirsty Williams): Gwyddom i gyd y bydd sector cyhoeddus Cymru'n wynebu toriadau anferth yn ystod y blynyddoedd nesaf. Rhoddodd y gyllideb yr wythnos diwethaf ddarlun rhy obeithiol inni ynghylch pa mor ddwfn a hirdymor y bydd y toriadau hynny. Sut yr ydych yn bwriadu lleihau effaith ddifrodus hirdymor y toriadau hynny?

Y Prif Weinidog: Ni welais fawr ddim y gellid ei alw'n rhy obeithiol yn y gyllideb yr wythnos diwethaf. Yn fy marn i yr oedd y gyllideb yn boenus o onest ynglŷn â maint y diffyg ariannol yn y sector cyhoeddus yn sgîl

undertaken to save the banking system from collapse. That was not done because people wanted to save the banks, as such, but because they wanted to prevent the impact of bank collapse on the real economy. That has been done, but it was a very expensive operation, and, as a result, public sector debt has ballooned to almost war-time levels. That is the problem. The question then is: at what stage do you start the pay-down of the national debt to sustainable levels, and over what period can that be done? If you start too early, you will choke the recovery before the private sector is up and running again. What we have been saying to the Government is, 'Let us be sure that the private sector is up and running again before you start to reduce public sector expenditure'. Without that there would be a danger of a double whammy—a fall in private and public sector expenditure. The pay-down of the national debt should only start when the private sector is up and running again.

Kirsty Williams: It was rose-tinted; you must be the only person, apart from Alistair Darling, who believes that the figures announced last week were robust and bear any relevance to the real situation that we face. In your conference speech on Saturday in Swansea you said that the Tories were unable to give a straight answer to the simple question of what they would cut. It is clear that cuts will have to be made for years to come, across all Assembly portfolios. Given the projections on spending, what will you cut?

1.50 p.m.

The First Minister: The point that I made on Saturday morning was that Conservative spokesmen have been very critical of the high level of national debt as it is today and as it is projected for next year. They say that the Government's projections underplay the amount of public sector debt that the Conservatives believe exists. They also say that the projections underplay low tax receipt because they do not think that the economy will recover that quickly, in which case there is an even greater obligation on the

y gwariant anferth y bu'n rhaid ymgymryd ag ef i achub y system fancio rhag chwalu. Ni wnaethpwyd hynny am fod pobl yn awyddus i achub y banciau, fel y cyfryw, ond am eu bod yn awyddus i atal effaith cwmp y banciau ar yr economi go iawn. Mae hynny wedi'i wneud, ond yr oedd yn broses ddrud iawn, ac, o ganlyniad, mae dyled y sector cyhoeddus wedi chwyddo i lefelau amser rhyfel bron. Dyna'r broblem. Y cwestiwn wedyn yw: pa bryd yr ydych yn dechrau ad-dalu'r ddyled genedlaethol hyd at lefelau cynaliadwy, a thros ba gyfnod y gellir gwneud hynny? Os dechreuwch yn rhy gynnar, byddwch yn tagu'r adferiad cyn i'r sector preifat godi'n ôl ar ei draed. Yr hyn yr ydym wedi bod yn ei ddweud wrth y Llywodraeth yw, 'Gadewch inni fod yn siŵr bod y sector preifat yn ôl ar ei draed eto cyn ichi ddechrau lleihau gwariant y sector cyhoeddus'. Heb hynny, byddai perygl y ceid ergyd ddwbl—cwmp yng ngwariant y sector preifat a'r sector cyhoeddus. Dim ond pan fydd y sector preifat yn ôl ar ei draed y dylid dechrau ad-dalu'r ddyled genedlaethol.

Kirsty Williams: Yr oedd yn rhy obeithiol; mae'n rhaid mai chi yw'r unig un, ar wahân i Alistair Darling, sy'n credu bod y ffigurau a gyhoeddwyd yr wythnos diwethaf yn gadarn ac yn berthnasol o gwbl i'r sefyllfa yr ydym yn ei hwynebu mewn gwirionedd. Yn eich araith yn y gynhadledd ddydd Sadwrn yn Abertawe, dywedasoch na allai'r Torïaid roi ateb pendant i'r cwestiwn syml ynghylch yr hyn y byddent yn ei dorri. Mae'n amlwg y bydd yn rhaid gwneud toriadau am flynyddoedd i ddod, ar draws holl bortffolios y Cynulliad. O ystyried y rhagamcanion ar wariant, beth y byddwch yn ei dorri?

Y Prif Weinidog: Y pwynt a wneuthum fore Sadwrn oedd bod llefarwyr y Ceidwadwyr wedi bod yn feiriadol iawn o lefel uchel y ddyled genedlaethol, fel y mae heddiw ac yn ôl y rhagamcan ar gyfer y flwyddyn nesaf. Dywedant nad yw rhagamcanion y Llywodraeth yn rhoi digon o bwyslais ar faint o ddyled sydd gan y sector cyhoeddus ym marn y Ceidwadwyr. Dywedant hefyd nad yw'r rhagamcanion yn rhoi digon o bwyslais ar gael ychydig o drethi am nad ydynt yn credu y bydd yr adferiad yn yr economi'n

Conservatives to say what they would cut if they think it is that bad. The more they think that the Government's figures are not robust, the greater the obligation on the Conservatives to come clean about their public spending cuts. As far as we are concerned, the Government makes its projections based on best knowledge, therefore there is nothing over and above that unless the Government's figures are proved wrong. You are saying that they are wrong, and that is a matter for you and not for me, unless you think that I should accept your view that the Government's figures are wrong, but I do not.

Kirsty Williams: It is not so easy to give an answer to the question that you posed to others, is it, First Minister? There is less money in the Welsh Assembly Government's pot. The 'efficiencies' that you keep talking about mean 'cuts' in anyone else's language; tough choices. So, what are we talking about? Are we going to have fewer teachers and more nurses, more support for business and less support for the arts? It is a simple question, First Minister: what stays and what goes?

The First Minister: Nothing of that kind is being contemplated at the moment, but I cannot rule it out. At the beginning of a budget process, we have a mountain to climb which is efficiency savings of roughly £216 million, which flow through to us through the Barnett formula because of efficiency savings being demanded from comparable departments. So, we are either not as good at finding efficiency savings as Whitehall departments doing the same job, in which case there will be front-line service cuts, or we are as good as or better than they are at finding efficiency savings in delivering services, in which case we can protect front-line service delivery in Wales better than they can in Whitehall. At the beginning of a budget process, I am determined that it will be the second of those two options, and not the first.

Kirsty Williams: First Minister, your Government was born before the boom

digwydd mor gyflym â hynny, ac os yw hynny'n wir mae mwy fyth o ddyletswydd ar y Ceidwadwyr i ddweud beth y byddent yn ei dorri os ydynt yn credu bod y sefyllfa cynddrwg â hynny. Po fwyaf y credant nad yw ffigurau'r Llywodraeth yn gadarn, po fwyaf yw'r ddyletswydd i'r Ceidwadwyr ddweud y gwir am eu toriadau ar wariant cyhoeddus. Cyn belled ag yr ydym ni'n bod, mae'r Llywodraeth yn llunio'i rhagamcanion ar sail y wybodaeth orau, felly nid oes dim ar ben hynny oni chaiff ffigurau'r Llywodraeth eu profi'n anghywir. Yr ydych yn dweud eu bod yn anghywir, a mater i chi ac nid i mi yw hynny, oni chredwch y dylwn dderbyn eich barn bod ffigurau'r Llywodraeth yn anghywir, ond nid wyf yn ei derbyn.

Kirsty Williams: Nid yw mor hawdd rhoi ateb i'r cwestiwn a ofynasoch i bobl eraill, nac ydyw, Brif Weinidog? Mae llai o arian ar gael ym mhws Llywodraeth Cynulliad Cymru. Mae'r 'arbedion effeithlonrwydd' y soniwch amdanynt yn gyson yn golygu 'toriadau' yn iaith unrhyw un arall; dewisiadau anodd. Felly, am beth yr ydym yn sôn? A fydd gennym lai o athrawon a mwy o nyrsys, mwy o gymorth i fusnesau a llai o gymorth i'r celfyddydau? Mae'n gwestiwn syml, Brif Weinidog: beth fydd yn aros a beth fydd yn mynd?

Y Prif Weinidog: Nid oes dim o'r fath yn cael ei ystyried ar hyn o bryd, ond ni allaf ei ddiystyru. A ninnau ar ddechrau proses cyllideb, mae gennym fynydd i'w ddringo, sef arbedion effeithlonrwydd gwerth tua £216 miliwn, sy'n dod inni drwy fformiwla Barnett oherwydd arbedion effeithlonrwydd y gelwir amdanynt gan adrannau cyffelyb. Felly, naill ai nid ydym cystal am ddod o hyd i arbedion effeithlonrwydd ag adrannau Whitehall sy'n gwneud yr un gwaith, a bydd toriadau mewn gwasanaethau rheng flaen, neu yr ydym llawn cystal neu'n well na hwy am ddod o hyd i arbedion effeithlonrwydd wrth ddarparu gwasanaethau, ac yn gallu diogelu darpariaeth gwasanaethau rheng flaen yng Nghymru yn well nag y gallant yn Whitehall. A ninnau ar ddechrau proses cyllideb, yr wyf yn benderfynol mai'r ail o'r ddau ddewis hynny a fydd yn wir, ac nid y cyntaf.

Kirsty Williams: Brif Weinidog, sefydlwyd eich Llywodraeth cyn i'r llewyrch droi'n

turned to bust and it is not unreasonable for the Welsh public to have an understanding of how you will set your priorities in this very difficult time. You have failed to answer repeated simple questions of what you will cut, what are your Government's priorities and how you will amend your spending plans to protect front-line services. You have no answers, First Minister.

The First Minister: I am sorry, but you are confusing not having an answer with not giving you the answer that you want. What I have said is exactly the answer to your question, namely that our priority is to find even quicker and better efficiency savings than comparable departments in Whitehall. It is only if we fail to do that that there will be an impact on front-line services. The same applies to Whitehall departments—if the efficiency savings demanded from them are not made there will be front-line service cuts in the same services in England. Who do we think is better at finding efficiency savings—Whitehall departments or the Assembly Government? I reckon it is the Assembly Government. The proof of the pudding will come at the end of the budget process in six months time.

Employment

Q2 Trish Law: Has the Welsh Assembly Government had any discussions with the UK Government's Department for Innovation, Universities and Skills with a view to safeguarding jobs at the Intellectual Property Office, Newport? OAQ(3)1908(FM)

The First Minister: Our understanding of the position at the Intellectual Property Office is that it is a trading fund; it does not get money from Parliament—it derives all its money from sale of services. Due to the recession and other changes, it is roughly 7 per cent down and it is proposing to make 7 per cent reductions in headcount, which is roughly 70 jobs out of the 1,000 staff that it currently has.

Trish Law: Of course, the IPO is not in my constituency, but I have received

ddistryw ac nid yw'n afresymol i bobl Cymru ddeall sut y byddwch yn pennu eich blaenoriaethau yn ystod y cyfnod anodd hwn. Yr ydych wedi methu ateb cwestiynau syml droeon ynghylch yr hyn y byddwch yn ei dorri, beth yw blaenoriaethau eich Llywodraeth a sut y byddwch yn diwygio eich cynlluniau gwario i ddiogelu gwasanaethau rheng flaen. Nid oes gennych ddim atebion, Brif Weinidog.

Y Prif Weinidog: Mae'n ddrwg gennyf, ond yr ydych yn drysu rhwng bod heb ateb a pheidio â rhoi'r ateb y mae arnoch ei eisiau. Mae'r hyn yr wyf wedi'i ddweud yn ateb eich cwestiwn i'r dim, sef mai ein blaenoriaeth yw dod o hyd i arbedion effeithlonrwydd sy'n gyflymach byth ac yn well byth nag arbedion adrannau cyffelyb yn Whitehall. Dim ond os na lwyddwn i wneud hynny y ceir effaith ar wasanaethau rheng flaen. Mae'r un peth yn berthnasol i adrannau Whitehall—os na sicrhair yr arbedion effeithlonrwydd a fyynnir ganddynt, ceir toriadau mewn gwasanaethau rheng flaen yn yr un gwasanaethau yn Lloegr. Pwy sydd orau am ddod o hyd i arbedion effeithlonrwydd yn ein tyb ni—adrannau Whitehall ynteu Llywodraeth y Cynulliad? Credaf mai Llywodraeth y Cynulliad yw'r ateb. Gwelwn y canlyniad ar ddiwedd proses y gyllideb ymhen chwe mis.

Cyflogaeth

C2 Trish Law: A yw Llywodraeth Cynulliad Cymru wedi cael unrhyw drafodaethau gydag Adran Arloesedd, Prifysgolion a Sgiliau Llywodraeth y DU o ran diogelu swyddi yn y Swyddfa Eiddo Deallusol, Casnewydd? OAQ(3)1908(FM)

Y Prif Weinidog: Yn ôl a ddeallwn, y sefyllfa yn y Swyddfa Eiddo Deallusol yw mai cronfa fasnachu ydyw; nid yw'n cael arian gan y Senedd—mae ei holl arian yn deillio o werthu gwasanaethau. Yn sgîl y dirwasgiad a newidiadau eraill, mae ar ei cholled o tua 7 y cant ac mae'n cynnig lleihau nifer ei swyddi 7 y cant, sef tua 70 o swyddi o blith y 1,000 sydd ganddi ar hyn o bryd.

Trish Law: Wrth gwrs, nid yw'r Swyddfa Eiddo Deallusol yn fy etholaeth, ond yr wyf

representations from constituents who work in this office at Newport. It was 18 years ago in April 1991 when what was then known as the Patent Office brought 1,000 jobs to Newport and the surrounding areas, and which currently has an annual turnover of around £60 million. A hundred of the 1,000 well-paid quality jobs have to be shed because of the recession, despite assurances from the Prime Minister, the Chancellor of the Exchequer and the First Minister that we will not cut our way out of the recession. We are fortunate in Wales to have such a strong public sector workforce, and we should be looking to build on it rather than dismantle it. In talks with the Secretary of State for Wales and other UK Government Ministers, will you attempt to dissuade central Government from axing high-earning, high-calibre jobs, the likes of which we need more of in Wales?

The First Minister: I am glad that you referred to the fact that this was an initiative—a very good initiative—by the last Conservative Government, namely Ken Clarke when he was Chancellor of the Exchequer, to bring 1,000 jobs by the transfer of the Patent Office, as it was then called, from London to Newport. It has been a huge success. Sadly, it gets no money from Parliament; as I said, it derives all its money from the sale of services. There is no parliamentary supply route to the Intellectual Property Office; it must earn all of its money. During a period of recession, unfortunately, there is an impact on the number of companies that want to register patents or trademarks and that is the reason why the amount of money that it is getting has decreased and why it is proposing a 7 per cent reduction in head count. When the economy recovers from the recession, it will presumably go back up again. The only way out of this is to bridge over good years and bad years to take out some of the problems that occur, and we will seek to propose this to the IPO. As income goes down during a recession and goes up during an upturn, paying into the pot during good years and

wedi cael sylwadau gan etholwyr sy'n gweithio yn y swyddfa hon yng Nghasnewydd. Mae 18 mlynedd wedi mynd heibio bellach ers mis Ebrill 1991, pan ddaeth y Swyddfa Batentau, fel y'i gelwid bryd hynny, â 1,000 o swyddi i Gasnewydd a'r ardaloedd cyfagos, ac ar hyn o bryd mae ganddi drosiant blynyddol o tua £60 miliwn. Oherwydd y dirwasgiad, mae'n rhaid dileu cant o'r 1,000 o swyddi hynny, sy'n swyddi o ansawdd ac yn talu'n dda, er gwaethaf sicrwydd gan Brif Weinidog y DU, gan Ganghellor y Trysorlys a chan Brif Weinidog Cymru na fyddwn yn codi allan o'r dirwasgiad drwy wneud toriadau. Yr ydym yn ffodus yng Nghymru fod gennym weithlu mor gryf yn y sector cyhoeddus, a dylem geisio adeiladu arno yn hytrach na'i ddatgymalu. Yn eich trafodaethau gydag Ysgrifennydd Gwladol Cymru a chyda Gweinidogion eraill Llywodraeth y DU, a wnewch geisio cymell y Llywodraeth ganolog i beidio â thorri swyddi o safon uchel, sydd â chyflogau uchel, y mae angen rhagor o swyddi o'u math arnom yng Nghymru?

Y Prif Weinidog: Yr wyf yn falch eich bod wedi cyfeirio at y ffaith mai menter—menter dda iawn—oedd hon gan y Llywodraeth Geidwadol ddiwethaf, yn benodol Ken Clarke pan oedd yn Ganghellor y Trysorlys, i sicrhau 1,000 o swyddi drwy drosglwyddo'r Swyddfa Batentau, fel y'i gelwid ar y pryd, o Lundain i Gasnewydd. Bu hynny'n llwyddiant ysgubol. Yn anffodus, nid yw'n cael dim arian gan y Senedd; fel y dywedais, mae ei holl arian yn deillio o werthu gwasanaethau. Nid oes llwybr cyflenwi seneddol i'r Swyddfa Eiddo Deallusol; rhaid iddi ennill ei holl arian. Yn ystod dirwasgiad, yn anffodus, ceir effaith ar nifer y cwmnïau sydd am gofrestru patentau neu nodau masnach a dyna pam mae swm yr arian a gaiff y swyddfa wedi lleihau a pham y mae'n cynnig gostyngiad o 7 y cant yn nifer ei swyddi. Pan fydd adferiad yn yr economi ar ôl y dirwasgiad, bydd nifer y swyddi, yn ôl pob tebyg, yn codi drachefn. Yr unig ffordd o oresgyn hyn yw pontio'r blynyddoedd da a'r blynyddoedd gwael er mwyn datrys rhai o'r problemau sy'n codi, a byddwn yn ceisio cynnig hyn i'r Swyddfa Eiddo Deallusol. Wrth i incwm leihau yn ystod dirwasgiad a chodi yn ystod cynnydd economaidd, byddai

taking money out during the bad years would make a lot of sense.

Rosemary Butler: As Trish Law has said, these are high-quality jobs that Wales can ill-afford to lose. I am pleased that my colleague, Paul Flynn, has today received assurances from the Minister in London that it is proposed to transfer 45 of the IPO staff to other public service jobs in Wales and to offer voluntary redundancy to 20 others. While that is not a perfect answer, it is a better option than losing 100 jobs; however, it means that we are losing future job opportunities, and workers who have been there for a number of years are facing disruption to their working lives by having to travel further and possibly being slotted into a job that they do not wish to do. A number of my constituents have been in contact with me. As you said, First Minister, the IPO is governed by tight financial controls and is not allowed to draw on its reserves. The suggestion of bridging over one year to allow for deficits or loss of income in one year would be helpful, but can you make representations to colleagues in the Treasury about a relaxation of the trading rules in order to safeguard these valuable jobs in my constituency?

The First Minister: I entirely agree that it would make a great deal of sense, because it runs balances. However, those balances are down because of lower interest rates, which is another reason why its budget is under strain. It is difficult for most of us to understand how a trading fund, such as the Intellectual Property Office, works, and that it receives no money from Parliament or Government and is outside the Government supply system, therefore, it must earn every penny and pay it into a holding balance. However, the interest on that holding balance has dropped by several millions of pounds this year, because of low interest rates. It must wait for the upturn, when the number of trademarks and patents registered will go back up. It needs those examiners. It is doing

rhoi arian yn y gronfa yn ystod y blynyddoedd da a thynnu arian allan yn ystod y blynyddoedd gwael yn gwneud llawer o synnwyr.

Rosemary Butler: Fel y dywedodd Trish Law, mae'r rhain yn swyddi o safon uchel na all Cymru fforddio'u colli. Yr wyf yn falch bod fy nghyd-Aelod, Paul Flynn, wedi cael sicrwydd heddiw gan y Gweinidog yn Llundain fod cynnig ar waith i drosglwyddo 45 o staff y Swyddfa Eiddo Deallusol i swyddi eraill ym maes gwasanaethau cyhoeddus yng Nghymru ac i gynnig dileu'n wirfoddol swyddi 20 aelod arall o'r staff. Er nad hynny yw'r ateb perffaith, mae'n ddewis gwell na cholli 100 o swyddi; fodd bynnag, mae'n golygu ein bod yn colli cyfleoedd ar gyfer swyddi yn y dyfodol, a bydd hyn yn tarfu ar fywydau gwaith gweithwyr sydd wedi bod yno ers nifer o flynyddoedd oherwydd y bydd yn rhaid iddynt deithio'n bellach ac efallai addasu i swydd nad ydynt yn dymuno'i gwneud. Mae nifer o'm hetholwyr wedi cysylltu â mi. Fel y dywedasoch, Brif Weinidog, caiff y Swyddfa Eiddo Deallusol ei llywodraethu gan reoliadau ariannol llym ac ni chaiff ddefnyddio'r arian sydd ganddi wrth gefn. Byddai'r awgrym i bontio dros un flwyddyn ar gyfer diffygion neu golli incwm yn ystod un flwyddyn yn fuddiol, ond a allwch gyflwyno sylwadau i'ch cyd-Weinidogion yn y Trysorlys ynghylch llacio'r rheolau masnachu er mwyn diogelu'r swyddi gwerthfawr hyn yn fy etholaeth?

Y Prif Weinidog: Cytunaf yn llwyr y byddai'n gwneud llawer o synnwyr, oherwydd y mae'n cynnal y cyfrifon. Fodd bynnag, mae'r cyfrifon hynny'n isel oherwydd cyfraddau llog isel, sy'n rheswm arall pam mae ei chyllideb dan straen. Mae'n anodd i'r rhan fwyaf ohonom ddeall sut y mae cronfa fasnachu, megis y Swyddfa Eiddo Deallusol, yn gweithio, a'r ffaith nad yw'n cael arian gan y Senedd na chan y Llywodraeth, a'i bod y tu allan i system gyflenwi'r Llywodraeth, felly, rhaid iddi ennill pob ceiniog a thalu'r arian i gyfrif lle y mae'n cael ei gadw. Fodd bynnag, bu gostyngiad o filiynau o bunnoedd yn y llog ar y cyfrif hwnnw eleni, oherwydd cyfraddau llog isel. Rhaid iddi aros am y cynnydd economaidd, pan fydd nifer y nodau masnach

what many private sector employers do, namely asking whether anyone would like to volunteer for retirement. It currently offers 20 early retirements, with some top-up to pension entitlements, but it will be looking to transfer at least 45 people out of the organisation. Perhaps we can persuade the Treasury and the sponsor department, DIUS, which is John Denham's department, to change or relax the rules, so that good and bad years can be taken together. That might save some of those 45 jobs, because it would not be looking to recruit people in an upturn having got rid of them in a downturn. That would make a lot of sense.

William Graham: As you said, First Minister, 20 patents examiners' jobs are to be lost and potentially 80 staff at BCS grade. The suggestion is that they will be redeployed in the civil service, but you will know that civil service departments are potential targets for further cuts, so that may be a completely unrealistic idea. Will you redouble your efforts, particularly as you pointed out that the Intellectual Property Office has made substantial profits over the years and those reserves have been retained? It is not a question of whether the money is there—it is there. Will you redouble your efforts to ensure that the rules can be changed to secure these jobs, which are vitally important to the Welsh economy, particularly in Newport?

The First Minister: I can sense total unity across the whole Assembly that maximum flexibility needs to be sought. I am happy to make that point clearly, based on the cross-party unity that has been expressed in the Assembly today and to say that if it could take good years jointly with bad years, that would make a great deal more sense than getting rid of staff during the recession, whom they will need again during an upturn as the number of trademarks and patents being sought returns to a normal level. I would not like to give a definitive answer to

a phatentau a gofrestrir yn cynyddu unwaith eto. Mae angen yr archwilwyr hynny arni. Mae'n gwneud yr hyn y bydd llawer o gyflogwyr y sector preifat yn ei wneud, sef gofyn a hoffai unrhyw un wirfoddoli i ymddeol. Ar hyn o bryd, mae'n cynnig 20 o ymddeoliadau cynnar, gyda rhywfaint o ychwanegiadau at hawliadau pensiwn, ond bydd yn ceisio trosglwyddo o leiaf 45 o bobl allan o'r sefydliad. Efallai y gallwn berswadio'r Trysorlys a'r adran noddi, yr Adran Arloesedd, Prifysgolion a Sgiliau, sef adran John Denham, i newid neu lacio'r rheolau, er mwyn gallu ymdrin â'r blynyddoedd da a'r blynyddoedd gwael gyda'i gilydd. Gallai hynny arbed rhai o'r 45 o swyddi hynny, oherwydd ni fyddai'n ceisio recriwtio pobl yn ystod cynnydd economaidd ar ôl cael gwared arnynt yn ystod dirywiad economaidd. Byddai hynny'n gwneud llawer o synnwyr.

William Graham: Fel y dywedasoeh, Brif Weinidog, bydd swyddi 20 o archwilwyr patentau, ac efallai 80 o staff ar raddfa BCS, yn cael eu colli. Yr awgrym yw y cânt eu hadleoli yn y gwasanaeth sifil, ond gwyddoch fod adrannau'r gwasanaeth sifil yn dargedau posibl ar gyfer toriadau pellach, felly efallai fod hwnnw'n syniad cwbl afrealistig. A wnewch ddyblu eich ymdrechion, yn enwedig am ichi dynnu sylw at y ffaith bod y Swyddfa Eiddo Deallusol wedi gwneud elw sylweddol dros y blynyddoedd ac mae'r cronfeydd wrth gefn hynny wedi'u cadw? Nid oes dim cwestiwn a yw'r arian yno—mae'r arian yno. A wnewch ddyblu eich ymdrechion i sicrhau y gellir newid y rheolau i ddiogelu'r swyddi hyn, sy'n hollbwysig i economi Cymru, yn enwedig yng Nghasnewydd?

Y Prif Weinidog: Gallaf synhwyro undod llwyr ar draws y Cynulliad fod angen ceisio cymaint o hyblygrwydd ag sy'n bosibl. Yr wyf yn fodlon gwneud y pwynt hwnnw'n glir, ar sail yr undod trawsbleidiol a fynegwyd yn y Cynulliad heddiw, a dweud, pe gallai ymdrin â'r blynyddoedd da ar y cyd â'r blynyddoedd gwael, y byddai hynny'n gwneud mwy o synnwyr o lawer na chael gwared ar staff yn ystod y dirwasgiad, sef y staff hynny y bydd arni eu hangen unwaith eto yn ystod cynnydd economaidd wrth i nifer y nodau masnach a phatentau a geisir

your point about the availability of other civil service jobs, because I am not sure what the turnover levels are.

2.00 p.m.

It is true that head counts in the civil service are being looked at very closely everywhere, which means that huge numbers are not being recruited anywhere. However, we must test that, and I will ask our human resources group—which chairs a group of representatives of all the civil service employers in Wales, devolved and non-devolved—to check whether turnover rates mean that there are still some opportunities for people, with suitable retraining, from the IPO, from just over the bridge in Bristol as well as in Wales. I will then write to you and copy the letter to everyone via the Library to ensure that we have the most up-to-date picture on civil service recruitment.

Mohammad Asghar: First Minister, this week, I was contacted by a constituent who is employed at the Intellectual Property Office in Newport and who is concerned about the planned job cuts, like everybody else here. I understand that the office is facing a large deficit but that it is not allowed to use past profit and draw on its reserves. My constituent said that the situation is more difficult as the office has been made to increase its policy-making capabilities, which do not generate income, and therefore, although important, this has created an added burden. Will you make representations to Alistair Darling on the relaxation of trading fund rules so that the jobs of my constituents and others at the IPO can be safeguarded?

The First Minister: I think that you have just half-written a further paragraph in the letter that I will write. The point about having to do more non-revenue-earning activity, such as work on policy implications, is an important one. Whether you are right about being unable to draw on reserves I am not absolutely certain; I will get back to you on

godi'n ôl i lefel arferol. Ni hoffwn roi ateb pendant i'ch pwynt ynghylch swyddi eraill sydd ar gael yn y gwasanaeth sifil, oherwydd nid wyf yn siŵr beth yw'r lefelau trosiant.

Mae'n wir bod nifer y gweithwyr yn y gwasanaeth sifil yn cael ei ystyried yn ofalus ym mhob man, sy'n golygu nad oes nifer helaeth yn cael eu recriwtio yn unman. Fodd bynnag, rhaid inni brofi hynny, a gofynnaf i'n grŵp adnoddau dynol—sy'n cadeirio grŵp o gynrychiolwyr sy'n cynnwys holl gyflogwyr y gwasanaeth sifil yng Nghymru, pa un ai a ydynt wedi'u datganoli ai peidio—edrych a yw'r cyfraddau trosiant yn golygu bod rhai cyfleoedd ar gael i bobl o hyd, os cânt eu hailhyfforddi'n briodol, gan y Swyddfa Eiddo Deallusol, o'r ochr draw i'r bont ym Mryste yn ogystal ag yng Nghymru. Ysgrifennaf atoch wedyn a sicrhau bod copi o'r llythyr ar gael i bawb drwy gyfrwng y Llyfrgell, er mwyn gwneud yn siŵr ein bod yn gwybod beth yw'r sefyllfa ddiweddaraf yng nghyswllt recriwtio ar gyfer y gwasanaeth sifil.

Mohammad Asghar: Cysylltodd etholwr â mi yr wythnos hon, Brif Weinidog. Mae'n cael ei gyflogi gan y Swyddfa Eiddo Deallusol yng Nghasnewydd ac mae'n pryderu am y diswyddo sydd yn yr arfaeth, fel pawb arall yma. Deallaf fod y swyddfa'n wynebu diffyg mawr ond nad yw'n cael defnyddio elw a wnaethpwyd yn y gorffennol nac yn cael defnyddio'i harian wrth gefn. Yn ôl fy etholwr, mae'r sefyllfa'n anos gan fod y swyddfa wedi gorfod cynyddu ei gallu o ran llunio polisiau. Nid yw hynny'n creu incwm, ac felly, er ei fod yn bwysig, mae hyn wedi arwain at faich ychwanegol. A gyflwynwch sylwadau i Alistair Darling ynghylch llacio rheolau'r gronfa fasnachu er mwyn diogelu swyddi fy etholwyr a phobl eraill yn y Swyddfa Eiddo Deallusol?

Y Prif Weinidog: Yr wyf yn meddwl eich bod newydd hanner ysgrifennu paragraff arall yn y llythyr a ysgrifennaf. Mae gorfod gwneud gweithgarwch nad yw'n arwain at refeniw, megis gwaith ar oblygiadau polisi, yn bwynt pwysig. Nid wyf yn gwbl sicr a ydych yn gywir ynghylch methu defnyddio arian wrth gefn; cysylltaf â chi ynghylch

that. It is our understanding that it is the drop in interest on the reserves that causes further difficulty, because if there are low interest rates, the interest paid on money that the trading fund holds as a cash balance is well down.

Michael German: I am pleased to add to the consensus that you are getting this afternoon. The interesting thing about the services provided by the IPO in Newport is that, obviously, this is skilled work. You cannot look at a patent or trademark without having some skill and knowledge of the relevant industry. It would be sad to lose that talent, even if people are retrained and re-skilled and moved on elsewhere. We need these skills for the future, and I think that everyone is agreed that this is about investment in the future. Have you already had discussions with John Denham and his department on the issues that you quite rightly raised about a bridging mechanism, ensuring that surplus is generated and dealing with lost interest so that we can ensure that this high-calibre service, quite appropriately located in Wales, is retained at its current strength in order to be able to cope with future demand?

The First Minister: No, not yet. It is something that I will be doing based on this discussion that we are having in all four corners of the Assembly this afternoon. I am sure that it will help to strengthen the case for getting a bridging mechanism, taking the good years and the not-so-good years in combination, to avoid the necessity of laying off skilled people during a period when there are lower numbers of patent applications, trademark renewals and so on and then having to find them again when the economy picking up leads to an increase.

Smithsonian Folklife Festival 2009

Q3 Rosemary Butler: How is the Welsh Assembly Government promoting the 2009 Smithsonian Folklife Festival?
OAQ(3)1906(FM)

hynny. Cawn ar ddeall mai'r gostyngiad yn y llog ar yr arian wrth gefn sy'n peri'r anhawster pellach, oherwydd os yw'r cyfraddau llog yn isel, bydd y llog a delir ar arian y gronfa fasnachu sy'n weddill gryn dipyn yn is.

Michael German: Mae'n bleser gennyf ychwanegu at y consensws yr ydych yn ei gael y prynhawn yma. Yr hyn sy'n ddiddorol am y gwasanaethau a ddarperir gan y Swyddfa Eiddo Deallusol yng Nghasnewydd yw bod y gwaith, yn amlwg, yn waith sydd â sgiliau'n perthyn iddo. Ni allwch edrych ar batent neu nod masnach heb rywfaent o sgiliau a gwybodaeth ynghylch y diwydiant perthnasol. Byddai'n drist colli'r dalent honno, hyd yn oed os caiff pobl eu hailhyfforddi neu os byddant yn meithrin sgiliau newydd ac yn cael eu symud i rywle arall. Mae arnom angen y sgiliau hyn ar gyfer y dyfodol, ac yr wyf yn meddwl bod pawb yn gytûn bod a wnelo hyn â buddsoddi yn y dyfodol. A ydych eisoes wedi trafod â John Denham a'i adran ynghylch y materion a godasoch, yn briodol iawn, am fecanwaith pontio, sicrhau bod arian dros ben yn cael ei greu a delio â llog a gollwyd er mwyn inni allu sicrhau bod y gwasanaeth safonol hwn, sydd wedi'i leoli'n briodol iawn yng Nghymru, yn cael ei gadw yr un mor gryf ag y mae ar hyn o bryd er mwyn gallu ymdopi â galw yn y dyfodol?

Y Prif Weinidog: Nac ydwyf, ddim eto. Mae'n rhywbeth a wnaaf ar sail y drafodaeth hon yr ydym yn ei chael ym mhedair cornel y Cynulliad y prynhawn yma. Yr wyf yn siŵr y bydd yn ddefnyddiol i gyfnerthu'r ddadl dros gael mecanwaith pontio, gan gyfuno'r blynyddoedd da â'r blynyddoedd nad ydynt cystal, i osgoi'r angen i ddiswyddo pobl sgilgar yn ystod cyfnod pan fydd nifer y ceisiadau am batentau, y ceisiadau i adnewyddu nodau masnach ac yn y blaen, yn is, ac yna gorfod dod o hyd iddynt eto pan fydd yr economi'n gwella ac yn arwain at gynnydd.

Gŵyl Werin Smithsonian 2009

C3 Rosemary Butler: Sut mae Llywodraeth Cynulliad Cymru yn hyrwyddo Gŵyl Werin Smithsonian 2009? OAQ(3)1906(FM)

The First Minister: We launched it in Washington recently. It is a huge opportunity for Wales as there is an almost captive audience of nearly 1 million people on the mall over the 10 or 11 days of the Smithsonian Folklife Festival, and Wales is the single featured nation this year. Sometimes there are two or three, but, luckily, we have the field to ourselves in 2009. It is a unique opportunity to present a picture to Americans of Wales's past, present and future. It will be combined with the largest ever Welsh trade mission to leave these shores.

Rosemary Butler: Thank you, First Minister. Your officials should be congratulated on this fantastic coup. The event sounds quite spectacular. The information that I have states that we will be demonstrating our cutting-edge practices in alternative technology, that we will have stands for language and literature, industry, heritage, innovation, and that there will be a narrative stage as well as music and dance. With thousands of rural and urban jobs dependent on tourism, can you assure us that there will be a professional tourism presence to promote Wales as a holiday destination?

How do you propose to monitor the benefits that, I am sure, will result from this world showcase? As it is such a fantastic event, is there any chance of replicating it here in Wales?

The First Minister: You are right; it is an enormous opportunity to develop an interest in Wales among Americans, given that you will have 1 million people on the mall, who we hope will see an active exhibition, with real people doing the cutting-edge technological activities as well as the more folklife activities inherent in the title of the festival. Our exhibit is the size of four football pitches, so it is pretty big stuff.

In terms of making an impact, and the follow-on from that being tourism into Wales, students wanting to study in our universities, film-makers wanting to set films

Y Prif Weinidog: Lanswyd yr ŵyl gennym yn Washington yn ddiweddar. Mae'n gyfle gwych i Gymru oherwydd ceir cynulleidfa o bron 1 miliwn o bobl ar y *mall* yn ystod 10 neu 11 diwrnod Gŵyl Werin Smithsonian, a Chymru yw'r unig wlad sydd dan sylw eleni. Ceir dwy neu dair gwlad weithiau, ond, wrth lwc, yr ydym yn cael hawlio'r llwyfan i ni ein hunain yn 2009. Mae'n gyfle unigryw i gyflwyno darlun o orffennol, presennol a dyfodol Cymru i Americanwyr. Gyda hynny, bydd y daith fasnach fwyaf erioed o Gymru i fynd oddi yma.

Rosemary Butler: Diolch ichi, Brif Weinidog. Dylid llongyfarch eich swyddogion am eu camp ragorol. Mae'r digwyddiad yn swnio'n bur anhygoel. Yn ôl y wybodaeth sydd gennyf, byddwn yn dangos ein harferion blaengar ym maes technoleg amgen, bydd gennym stondinau ar gyfer iaith a llenyddiaeth, diwydiant, treftadaeth a datblygiadau newydd, a bydd llwyfan storïau yn ogystal â cherddoriaeth a dawn. A miloedd o swyddi yn y dref ac yn y wlad yn dibynnu ar dwristiaeth, a allwch ein sicrhau y bydd presenoldeb proffesiynol o safbwynt twristiaeth er mwyn hyrwyddo Cymru fel cychfan gwyliau?

Sut y bwriadwch fonitro'r buddion a ddaw, bid siŵr, yn sgîl yr arddangosfa hon ar lwyfan byd-eang? Gan ei fod yn ddigwyddiad mor wych, a oes unrhyw siawns o'i ail-greu yma yng Nghymru?

Y Prif Weinidog: Yr ydych yn llygad eich lle; mae'n gyfle anferthol i annog Americanwyr i ddangos diddordeb yng Nghymru, gan gofio y bydd miliwn o bobl ar y *mall*. Byddant, gobeithio, yn gweld arddangosfa fywiog, gyda phobl go iawn yn gwneud y gweithgareddau technolegol sydd ar flaen y gad yn ogystal â'r gweithgareddau mwy gwerinol sydd ynghlwm â theitl yr ŵyl. Mae ein harddangosfa yr un maint â phedwar cae pêl-droed, felly yr ydym yn sôn am ryw beth pur fawr.

O ran yr effaith a'r hyn a all ddigwydd yn sgîl hyn, sef denu twristiaeth i Gymru, myfyrwyr yn dymuno astudio yn ein prifysgolion, gwneuthurwyr ffilmiau'n

or television series against a Welsh backdrop, we hope that all of those consequences will follow, and there will be rigorous evaluation afterwards to see whether we exploited every single opportunity that the festival provided. It is a once-in-a-generation opportunity to raise Wales's profile in the world's most competitive market.

Mark Isherwood: As you know, First Minister, working with Elements Europe, Coed Cymru has developed an affordable housing modular construction method using indigenous Welsh timber. It is so good that your office has invited Coed Cymru to participate in the Smithsonian Folklife Festival as one of the Welsh exhibitors showcased there. It is so good that it won the first prize for best off-site construction at the Interbuild exhibition last year, and it has now won another major award from the Chartered Institute of Building. I am in the process of arranging meetings with north Wales councils on its behalf. However, despite support from you, Ministers, senior civil servants, and Assembly Members of all parties, Coed Cymru still faces obstructions to taking forward the development and testing required from within your Government. Will you please take all the actions required to unblock that obstruction, wherever it is happening and whoever is causing it, so that this acknowledged success story for Wales can, at last, move forward to development?

The First Minister: I have been an admirer of Coed Cymru and the brilliant way in which it seeks to exploit the indigenous species of Wales and to get farmers who are not specialised foresters to be able to use quite low or medium technology methods to be able to produce the timber necessary for making furniture, such as tables and so forth, including the one that it loaned to me, which I still have in my office. Again, in terms of housebuilding, Coed Cymru's exhibit at the National Eisteddfod in Cardiff last year was the most stunning exhibit and the best thing in the National Eisteddfod. I hope that I am not causing problems for other exhibits at the National Eisteddfod in saying that, but I think that that was universally held to be the case. It will certainly be one of the star attractions. The collaboration with the Welsh School of

dymuno defnyddio Cymru ar gyfer ffilmiau a chyfresi teledu, gobeithiwn y bydd pob un o'r canlyniadau hynny'n dilyn, a bydd gwerthuso trwyadl wedyn i weld a wnaethom fanteisio ar bob un cyfle a roes yr ŵyl. Mae'n gyfle unwaith mewn cenhedlaeth i godi proffil Cymru ym marchnad fwyaf cystadleuol y byd.

Mark Isherwood: Fel y gwyddoch, Brif Weinidog, gan weithio gydag Elements Europe, mae Coed Cymru wedi datblygu dull modiwlaid fforddiadwy o adeiladu tai drwy ddefnyddio pren o Gymru. Mae ei safon mor uchel nes bod eich swyddfa wedi gwahodd Coed Cymru i gymryd rhan yng Ngŵyl Werin Smithsonian fel un o'r arddangoswyr. Mae ei safon mor uchel, enillodd y wobr gyntaf ar gyfer yr adeilad gorau nad yw ar y safle yn arddangosfa Interbuild y llynedd, ac mae'n awr wedi ennill gwobr fawr arall gan y Sefydliad Siartredig Adeiladu. Yr wyf wrthi'n trefnu cyfarfodydd gyda chynghorau gogledd Cymru ar ei ran. Fodd bynnag, er gwaethaf cefnogaeth gennyh chi, Gweinidogion, uwch weision sifil, ac Aelodau'r Cynulliad o bob plaid, mae Coed Cymru yn dal i wynebu rhwystrau wrth fynd rhagddo â'r gwaith datblygu a phrofi, fel sy'n ofynnol gan ein Llywodraeth. A gymerwch bob cam sy'n ofynnol i chwalu'r rhwystr hwnnw, lle bynnag y mae'n digwydd a phwy bynnag sy'n ei achosi, er mwyn i'r stori lwyddiannus gydnabyddedig hon allu symud ymlaen i'r cam datblygu o'r diwedd?

Y Prif Weinidog: Yr wyf wedi edmygu Coed Cymru a'r ffordd wych y mae'n mynd ati i fanteisio ar rywogaethau cynhenid Cymru a chael gan ffermwyr nad ydynt yn goedwigwyr arbenigol allu defnyddio dulliau technoleg eithaf hawdd neu ganolig i allu cynhyrchu'r pren angenrheidiol i wneud dodrefn, megis byrddau ac yn y blaen, gan gynnwys yr un y mae wedi rhoi ei fenthyg i mi, sydd yn fy swyddfa o hyd. Eto, o ran adeiladu tai, arddangosfa Coed Cymru yn yr Eisteddfod Genedlaethol yng Nghaerdydd y llynedd oedd yr arddangosfa fwyaf syfrdanol a'r peth gorau yn yr Eisteddfod Genedlaethol. Gobeithio nad wyf yn achosi problemau i arddangosfeydd eraill yn yr Eisteddfod Genedlaethol drwy ddweud hynny, ond yr wyf yn meddwl bod honno'n farn gyffredinol. Yn bendant, bydd yn un o'r prif

Architecture in Cardiff, under Professor Phil Jones, on the Tŷ Unnos project, which I think is what you are referring to, is absolutely outstanding. I hope that it will really knock the Americans for six when they see it and that they will be excited about trying to apply that technology.

In terms of your point about bureaucratic difficulties, if you could supply me with the details, I would be happy to take that up.

Bethan Jenkins: I congratulate the Smithsonian Folklife festival on providing help for poets from Wales, but I would also like to touch upon the new Homecoming Scotland festivities that are also taking place this year. In questions last month, I asked the Minister for Heritage about the possibility of establishing a Heads of the Valleys homecoming festival. Can you expand on what, in particular, valleys in Wales will benefit from this scheme, because this could attract widespread economic benefits to south Wales?

The First Minister: Yes, indeed. The Scottish homecoming festival is based on the two-hundred and fiftieth anniversary of the birth of the most famous modern poet in Rab Burns. In the case of Wales, we are doing it on the basis of the combined effect of the Ryder Cup tournament coming to Newport in 2010 and the National Eisteddfod being held a few months prior to that in the Heads of the Valleys, in Blaenau Gwent. I think that Leighton Andrews announced on 8 October 2008 that this homecoming festival, to persuade people to return to the Valleys and the Heads of the Valleys, would be one of the centre pieces of the Valleys regeneration initiatives in 2010. We expect that to have some of the impact that Homecoming Scotland will have this year. We hope to be able to ride, to some extent, on the coat-tails of that as well as on those of the National Eisteddfod and the Ryder Cup.

2.10 p.m.

**Higher and Further Education Institutions
in Wales and India**

atyniadau. Mae'r cydweithio ag Ysgol Bensaernïaeth Cymru yng Nghaerdydd, dan yr Athro Phil Jones, ar brosiect y Tŷ Unnos, sef yr hyn yr oeddech yn cyfeirio ato yr wyf yn meddwl, yn wirioneddol eithriadol. Gobeithio y bydd yn syfrdanu'r Americanwyr pan fyddant yn ei weld, ac y byddant yn edrych ymlaen at roi cynnig ar ddefnyddio'r dechnoleg honno.

O ran eich sylw am anawsterau biwrocraidd, os rhowch y manylion imi, byddwn yn fodlon edrych ar hynny.

Bethan Jenkins: Yr wyf yn llongyfarch Gŵyl Werin Smithsonian am roi cymorth i feirdd o Gymru, ond hoffwn hefyd grybwyll dathliadau newydd Homecoming Scotland sydd hefyd yn cael eu cynnal eleni. Yn ystod y cwestiynau y mis diwethaf, holais y Gweinidog dros Dreftadaeth ynghylch y posibilrwydd y gellir sefydlu gŵyl croeso'n ôl ym Mlaenau'r Cymoedd. A allwch ymhelaethu ar sut, yn benodol, y bydd y Cymoedd yn elwa o'r cynllun hwn, oherwydd gallai hyn ddenu manteision economaidd helaeth i'r de?

Y Prif Weinidog: Gallaf, yn wir. Mae'r wyl croeso'n ôl yn yr Alban yn seiliedig ar ddatlu dau gant a hanner o flynyddoedd ers geni'r bardd modern enwocaf, Rab Burns. Yng nghyd-destun Cymru, mae'n seiliedig ar yr effaith gyfunol a gaiff twrnaint Cwpan Ryder sy'n dod i Gasnewydd yn 2010 a'r Eisteddfod Genedlaethol a gynhelir ychydig fisoedd cyn hynny ym Mlaenau'r Cymoedd, ym Mlaenau Gwent. Yr wyf yn meddwl i Leighton Andrews gyhoeddi ar 8 Hydref 2008 y byddai'r wyl hon, i ddwyn perswâd ar bobl i ddychwelyd i'r Cymoedd ac i Flaenau'r Cymoedd, yn ganolbwynt i gynlluniau adfywio'r Cymoedd ar gyfer 2010. Disgwylwn y caiff hynny rywffaint o'r effaith a gaiff Homecoming Scotland eleni. Gobeithiwn elwa o hynny, i ryw raddau, yn ogystal â'r Eisteddfod Genedlaethol a Chwpan Ryder.

**Sefydliadau Addysg Uwch ac Addysg
Bellach yng Nghymru ac India**

Q4 Mohammad Asghar: Will the First Minister make a statement on links between HE and FE institutions in Wales and India? OAQ(3)1897(FM)

The First Minister: Indeed. This issue was raised with me when the High Commissioner for India, Shiv Shankar Mukherjee, visited Cardiff on 24 November last year. I met him and he visited Cardiff University, which has links with the Indian Institute of Technology, and where there are around 500 students from India. I do not have figures for the other institutions in Wales. Clearly, Cardiff University is the biggest institution in Wales, by a short head over the University of Glamorgan. However, I do not have the figures for Indian students who are already here as postgraduates and undergraduates. I will seek to obtain those figures from the Wales International Centre and I will ensure that there is a copy in the Library so that everyone can see the figures. Those are the figures at present, but we want to know what the potential is for doubling them over the next few years.

Mohammad Asghar: Thank you for the reply, First Minister. I have just returned from India on a private visit where I met a variety of leading academics and others who play a major role in further and higher education in India. I have been trying to sell Wales and to emphasise the opportunities for foreign students to study in our colleges and universities. At the same time, they bring in much needed revenue, often paying fees of over £15,000 a year.

However, I was surprised at how little knowledge many people have of Wales in India. Will the First Minister do what he can to raise the profile of Wales and Welsh further and higher education institutions overseas, so that we can welcome more students from abroad, especially from India, to our country?

The First Minister: I think that Indian students would not think of Wales so much as individual places, because you are quite right that Wales does not have a high profile in India. It is probably an even bigger problem for us to raise the profile of Wales in

C4 Mohammad Asghar: A wnaiff y Prif Weinidog ddatganiad am gysylltiadau rhwng sefydliadau addysg uwch ac addysg bellach yng Nghymru ac India? OAQ(3)1897(FM)

Y Prif Weinidog: Gwnaf yn wir. Codwyd y mater hwn â mi pan ymwelodd Uwch Gomisiynydd India, Shiv Shankar Mukherjee, â Chaerdydd ar 24 Tachwedd y llynedd. Cyfarfûm ag ef ac ymwelodd â Phrifysgol Caerdydd, sydd â chysylltiadau â Sefydliad Technoleg India, a lle y mae tua 500 o fyfyrwyr o India. Nid oes gennyf ffigurau ar gyfer y sefydliadau eraill yng Nghymru. Yn amlwg, Prifysgol Caerdydd yw'r sefydliad mwyaf yng Nghymru, drwch blewyn yn fwy na Phrifysgol Morgannwg. Fodd bynnag, nid oes gennyf ffigurau ar gyfer myfyrwyr o India sydd eisoes yma fel graddedigion ac israddedigion. Ceisiaf gael y ffigurau hynny gan Ganolfan Ryngwladol Cymru a sicrhaf fod copi yn y Llyfrgell er mwyn i bawb allu gweld y ffigurau. Dyna'r ffigurau ar hyn o bryd, ond mae arnom eisiau gwybod beth yw'r posibiladau ar gyfer eu dyblu yn ystod y blynyddoedd nesaf.

Mohammad Asghar: Diolch ichi am yr ateb, Brif Weinidog. Yr wyf newydd ddechwyd o India, ar ymweliad preifat, lle y cyfarfûm ag amrywiaeth o academyddion blaengar a phobl eraill sy'n chwarae rhan bwysig mewn addysg bellach ac addysg uwch yn India. Yr wyf wedi bod yn ceisio gwerthu Cymru a phwysleisio'r cyfleoedd i fyfyrwyr tramor astudio yn ein colegau a'n prifysgolion. Yr un pryd, maent yn dod â refeniw y mae dirfawr angen amdano i'r wlad, yn aml yn talu dros £15,000 o ffioedd y flwyddyn.

Fodd bynnag, yr oeddwn yn synnu cyn lleied o wybodaeth sydd gan lawer o bobl India am Gymru. A wnaiff y Prif Weinidog hynny a all i godi proffil Cymru a sefydliadau addysg bellach ac addysg uwch Cymru dramor, er mwyn inni allu croesawu mwy o fyfyrwyr o dramor, yn enwedig o India, i'n gwlad?

Y Prif Weinidog: Credaf na fyddai myfyrwyr o India yn meddwl am Gymru fel lleoedd unigol fel petai, oherwydd yr ydych yn llygad eich lle nad yw Cymru'n uchel ei phroffil yn India. Mae'n siŵr ei bod yn broblem fwy byth inni godi proffil Cymru yn

India than in the USA. I am not sure whether we could take the Smithsonian Folklife Festival from the USA to India in another year, although obviously it would not be the Smithsonian that would be involved. It would take something like that to penetrate this massive market where people know about Great Britain, but probably think that it is called England. They would probably perceive Cardiff and Aberystwyth as places with universities, but they would not necessarily associate them with Wales as a country, so that is a very big job for the future.

Alun Cairns: First Minister, this raises two issues. One is the marketing of Wales in India, in particular. Perhaps the Ashes coming to Sophia Gardens later in the year will offer an opportunity to market Wales and Cardiff in that respect. However, at the core of this question is the quality of higher education in Wales. Whereas many Indian students would automatically have thought of the United Kingdom and Wales in the past when seeking to further their studies, today they look to Australia and the United States. Is not the best way to compete, in addition to marketing Wales, by offering the highest standards of higher education? Given the widening gap between the funding made available to higher education in Wales and to higher education in England, is there not a danger that we may be seen by some as a second-rate university nation?

The First Minister: The terms in which you posed that question did not provide the best marketing assistance that the Welsh higher education sector has ever had. I am not sure that it will be offering to employ you as a PR consultant.

You are right in the sense that the English-speaking world is seen by Indians as extending over the former dominions such as Canada, Australia and New Zealand, as well as the United Kingdom. Of course, in addition there is also the USA, which has not been a dominion for a very long time indeed. That is the market in which we are seeking to grow. As I said, we have 500 students in Cardiff University. I will get the figures for the other universities. I will also ask the

India nag yn UDA. Nid wyf yn siŵr a allem fynd â Gŵyl Werin Smithsonian o UDA i India mewn blwyddyn arall, er na fyddai cysylltiad â Smithsonian, yn amlwg. Byddai'n rhaid cael rhywbeth felly i dreiddio i'r farchnad anferth hon lle y mae pobl yn gwybod am Brydain Fawr, ond yn meddwl mai Lloegr ydyw yn ôl pob tebyg. Mae'n debyg y byddent yn deall bod prifysgolion yng Nghaerdydd ac yn Aberystwyth, ond na fyddent o reidrwydd yn eu cysylltu â Chymru fel gwlad, felly mae hynny'n orchwyl a hanner ar gyfer y dyfodol.

Alun Cairns: Brif Weinidog, mae hyn yn codi dau fater. Mae a wnelo'r mater cyntaf yn benodol â marchnata Cymru yn India. Efallai y bydd y ffaith bod Cyfres y Llundw yn dod i Erddi Sophia yn ddiweddarach yn y flwyddyn yn rhoi cyfle i farchnata Cymru a Chaerdydd yn y cyswllt hwnnw. Fodd bynnag, safon addysg uwch yng Nghymru sydd wrth wraidd y cwestiwn hwn. Er y byddai llawer o fyfyrwyr o India wedi meddwl am y Deyrnas Unedig a Chymru yn y gorffennol wrth ystyried bwrw ymlaen â'u hastudiaethau, heddiw maent yn ystyried Awstralia a'r Unol Daleithiau. Onid cynnig addysg uwch o'r radd flaenaf yw'r ffordd orau o gystadlu, yn ogystal â marchnata Cymru? O gofio'r bwlch sy'n lledu rhwng y cyllid ar gyfer addysg uwch yng Nghymru ac ar gyfer addysg uwch yn Lloegr, onid oes perygl inni gael ein gweld gan rai fel cenedl eilradd o ran prifysgolion?

Y Prif Weinidog: Ni roddodd y ffordd y gofynasoch y cwestiwn hwnnw y cymorth marchnata gorau erioed i sector addysg uwch Cymru. Nid wyf yn siŵr a fydd yn cynnig eich cyflogi fel ymgynghorydd cysylltiadau cyhoeddus.

Yr ydych yn llygad eich lle bod y byd Saesneg ei iaith, yng ngolwg yr Indiaid, yn cynnwys y dominiynau blaenorol megis Canada, Awstralia a Seland Newydd, yn ogystal â'r Deyrnas Unedig. Wrth gwrs, ceir UDA hefyd, nad yw wedi bod yn ddominiwn ers tro byd. Yn y farchnad honno yr ydym yn gobeithio tyfu. Fel y dywedais, mae gennym 500 o fyfyrwyr ym Mhrifysgol Caerdydd. Caf y ffigurau ar gyfer y prifysgolion eraill. Gofynnaf i Gonsortiw Rhwyngwladol Cymru

Wales International Consortium for an estimate of the potential.

I am glad that you mentioned the Ashes test match, which involves a sport that Indians obsess about in a way that they do not about football or rugby. I understand that we missed out on having an England versus India test match at Sophia Gardens. We may be getting a one day test match. If we do, although it is England playing India, the fact that it is a home match that is not being played in England gives us an opportunity to get people in India talking about Wales. That will be very helpful. It is only via things such as cricket that you can penetrate a market in which football, rugby and the National Eisteddfod do not mean very much.

Businesses in North Wales

Q5 Brynle Williams: Will the First Minister make a statement on the Welsh Assembly Government's plans to help businesses in north Wales? OAQ(3)1907(FM)

The First Minister: Last week, I co-launched the new £150 million-worth JEREMIE Wales fund to invest in the expansion of an estimated 800 businesses across Wales and create up to 15,000 jobs. I co-launched that fund with Finance Wales and the vice-president of the European Investment Bank. The Flexible Support for Business fund provides a range of services for businesses, and approximately 500 business representatives also attended our recent Weathering the Storm events across Wales.

Brynle Williams: Thank you very much for that answer, First Minister. Like me, you will know that north Wales is suffering serious job losses: 45 people have been laid off in Denbigh, many jobs have been lost in Hotpoint, and we are faced with the possible closure of Air Products in Acrefair with the potential loss of 200 jobs. It is not only these losses; many small companies of four, five or six people are laying off staff and, regrettably, they too are being hammered. It is a double whammy, First Minister. I know that a concession has been made with business rates on buildings, but small

am amcangyfrif o'r potensial hefyd.

Yr wyf yn falch ichi grybwyll gêm brawf Cyfres y Llundw, sy'n ymwneud â math o chwaraeon y mae gan yr Indiaid obsesiwn yn ei gylch, yn wahanol i bêl-droed neu rygbi. Caf ar ddeall na cheir gêm brawf rhwng Lloegr ac India yng Ngerddi Soffia. Efallai y cawn gêm brawf a fydd yn para diwrnod. Os cawn, er mai Lloegr sy'n chwarae yn erbyn India, mae'r ffaith ei bod yn gêm gartref nad yw'n cael ei chwarae yn Lloegr yn rhoi cyfle inni gael pobl India i siarad am Gymru. Bydd hynny'n ddefnyddiol iawn. Dim ond drwy ddefnyddio pethau megis criced y gallwch dreiddio i farchnad lle nad yw pêl-droed, rygbi na'r Eisteddfod Genedlaethol yn golygu llawer.

Busnesau yn y Gogledd

C5 Brynle Williams: A wnaiff y Prif Weinidog ddatganiad am gynlluniau Llywodraeth Cynulliad Cymru i helpu busnesau yn y gogledd? OAQ(3)1907(FM)

Y Prif Weinidog: Cyd-lansiais gronfa newydd JEREMIE, gwerth £150 miliwn, yr wythnos diwethaf i helpu tua 800 o fusnesau ledled Cymru i ehangu a chreu hyd at 15,000 o swyddi. Bu imi lansio'r gronfa honno ar y cyd â Chyllid Cymru ac is-lywydd Banc Buddsoddi Ewrop. Mae'r gronfa Cymorth Hyblyg i Fusnes yn darparu ystod o wasanaethau i fusnesau, a daeth mwy na 500 o gynrychiolwyr busnesau i'n digwyddiadau Dod Drwyddi yn ddiweddar, a gynhaliwyd ledled Cymru.

Brynle Williams: Diolch yn fawr am yr ateb hwnnw, Brif Weinidog. Fel fi, byddwch yn gwybod bod y gogledd yn colli swyddi'n ddifrifol: diswyddwyd 45 o bobl yn Ninbych, collwyd llawer o swyddi yn Hotpoint, ac yr ydym yn wynebu'r posibilrwydd y bydd Air Products yn Acrefair yn cau, a gallai hynny olygu colli 200 o swyddi. Yn ogystal â hyn, mae llawer o gwmnïau bach o bedwar, pump neu chwech o bobl yn diswyddo staff ac, yn anffodus, maent hwythau'n dioddef. Mae'n ergyd ddwbl, Brif Weinidog. Gwn fod consesiwn wedi'i gynnig gydag ardrethi busnes ar adeiladau, ond mae busnesau bach

businesses are still being hammered. What assurances can you give these small businesses and their workers that they will be offered the opportunity to retrain, help to establish premises to work from, as well as rate relief for the smaller ones to get these people back to work? You do not need to be told how serious a matter this is, First Minister. We have to do something about it. North Wales is suffering, and I am sorry that I have spoken only about north Wales, but what I have said is also true of the country as a whole.

The First Minister: I am very willing to listen to your pleas on behalf of the area that you represent. In the middle of a recession, tax revenues are down, as are orders. Therefore, we seek to support businesses by trying to get them to use the ProAct scheme. If they expect orders to return, we can assist them with a wage subsidy and a training subsidy of roughly £4,000 per person. If they have been made redundant and it is too late for that, we have the ReAct scheme, which, again, provides a £4,000 per head training subsidy to the individual and then a wage subsidy to the employer who takes them on. We clearly still have problems, as has been noted with regard to Indesit, which is in the middle of its rundown and closure following the 90 day consultation period. A similar 90 day consultation has just started with Air Products in Acrefair, although it sounds as though there is slightly more hope that that may be a reversible decision. We really do not know. That is not the only company. We are seeking to interest companies in making full use of the assistance that we have available. There is also assistance for individuals via ReAct where it is too late and they have already been made redundant.

Lesley Griffiths: In recent weeks, the European Commission has announced that it is to boost growth and create new jobs by investing a massive €105 billion in green projects, using such mechanisms as the European regional development fund and the European social fund. That is money that could eventually end up in parts of north Wales. It will be used to help countries to comply with EU environmental legislation,

yn dal i ddiodeff. Pa sicrwydd y gallwch ei roi i'r busnesau bach hyn a'u gweithwyr y byddant yn cael cynnig y cyfle i ailhyfforddi, cymorth i ganfod adeiladau i weithio ynddynt, yn ogystal â rhyddhad ardrethi ar gyfer y rhai lleiaf er mwyn cael y bobl hyn yn ôl i'r gwaith? Nid oes angen dweud wrthyhych pa mor ddifrifol yw'r mater hwn, Brif Weinidog. Rhaid inni wneud rhywbeth ynghylch y peth. Mae'r gogledd yn diodeff, ac mae'n ddrwg gennyf mai dim ond am y gogledd yr wyf wedi sôn, ond mae'r hyn a ddywedais hefyd yn wir am y wlad i gyd.

Y Prif Weinidog: Yr wyf yn ddigon bodlon gwranddo ar eich ple ar ran yr ardal yr ydych yn ei chynrychioli. Yng nghanol dirwasgiad, mae refeniw treth i lawr, yn ogystal ag archebion. Felly, byddwn yn ceisio cefnogi busnesau drwy geisio eu perswadio i ddefnyddio'r cynllun ProAct. Os ydynt yn disgwyl i archebion ddychwelyd, gallwn eu cynorthwyo gyda chymhorthdal cyflog a chymhorthdal hyfforddiant o tua £4,000 y pen. Os ydynt wedi'u diswyddo a hithau'n rhy hwyr i hynny, mae'r cynllun ReAct gennym, sydd, eto, yn darparu cymhorthdal hyfforddi o £4,000 y pen i'r unigolyn, ac yna cymhorthdal cyflog i gyflogwr sy'n rhoi gwaith iddo. Yn amlwg, mae problemau'n dal i fodoli gennym, fel sydd wedi'i nodi yng nghyswllt Indesit, sydd wrthi'n dod i ben ac yn cau ar ôl y cyfnod ymgynghori 90 diwrnod. Mae ymgynghoriad 90 diwrnod tebyg newydd ddechrau gydag Air Products yn Acrefair, er ei bod yn ymddangos bod tipyn mwy o obaith y gellir gwrthdroi'r penderfyniad hwnnw. Nid ydym yn gwybod. Nid hwnnw yw'r unig gwmni. Yr ydym yn ceisio ennyn diddordeb cwmnïau mewn defnyddio'r holl gymorth sydd ar gael gennym ar eu cyfer. Ceir cymorth i unigolion hefyd drwy'r cynllun ReAct pan fydd yn rhy hwyr a hwythau wedi'u diswyddo eisoes.

Lesley Griffiths: Yn yr wythnosau diwethaf, mae'r Comisiwn Ewropeaidd wedi cyhoeddi y bydd yn hybu twf ac yn creu swyddi newydd drwy fuddsoddi €105 biliwn, sy'n swm enfawr, mewn prosiectau gwyrdd, gan ddefnyddio mecanweithiau megis cronfa datblygu rhanbarthol Ewrop a chronfa gymdeithasol Ewrop. Gallai'r arian hwnnw gyrraedd rhannau o'r gogledd. Caiff ei ddefnyddio i helpu gwledydd i gydymffurfio

achieving climate objectives in relation to transport, renewable energies and energy efficiency. With the Welsh Assembly Government's pioneering green jobs strategy consultation just completed, will you do all that you can to ensure that Wales gets its fair share of this new EU money to bring as many green jobs to north Wales as possible?

The First Minister: Yes. I am grateful for that question, as it is relevant to the strategic investment fund that was in the budget. The budget for that fund will be held by Lord Mandelson, the Secretary of State for Business, Enterprise and Regulatory Reform. As it is a United Kingdom budget, we have to ensure that Wales gets a big share of it. The key industries are the green industries, life sciences industries and the creative and digital industries, which fit in strongly with our strategy. In addition, the European Investment Bank said to me last Friday, when we co-launched the JEREMIE Wales fund, that, on top of that £150 million fund, it would be happy to get involved in some of the green job projects in Wales. If we could help to package them up, it would be happy to lend to them as well. It cannot deal with dozens of small applications, and would be looking for assistance from us in packaging them together to a point at which the European Investment Bank could get involved, exactly as we have done with JEREMIE Wales.

2.20 p.m.

Eleanor Burnham: The key to running these businesses in my region, which you obviously support, is the primary arterial routes, and particularly the A55 and the A483 in this instance. I am concerned, as are many of my constituents, some of whose businesses are in the tourism industry, by the huge number of road blockages pictured in the 31 March edition of the *Daily Post* alone, which carried a long list of the junctions to be closed. You have no idea of the misery caused to drivers by this wretched messing around with the A55. I ask you what I have

â deddfwriaeth amgylcheddol yr UE, gan gyflawni amcanion o ran yr hinsawdd yng nghyswllt trafndiaeth, ynni adnewyddadwy a defnyddio ynni'n effeithlon. Ac ystyried bod ymgynghoriad strategaeth swyddi gwyrdd blaengar Llywodraeth Cynulliad Cymru newydd gael ei gwblhau, a wnewch bopeth a allwch i sicrhau bod Cymru'n cael ei siâr o'r arian newydd hwn gan yr UE i ddod â chynifer ag sy'n bosibl o swyddi gwyrdd i'r gogledd?

Y Prif Weinidog: Gwnaf. Yr wyf yn ddiolchgar am y cwestiwn hwnnw, gan ei fod yn berthnasol i'r gronfa buddsoddi strategol a oedd yn y gyllideb. Cedwir cyllideb y gronfa honno gan yr Arglwydd Mandelson, yr Ysgrifennydd Gwladol dros Fusnes, Menter a Diwygio Rheoleiddio. Gan mai cyllideb y Deyrnas Unedig ydyw, rhaid inni sicrhau bod Cymru'n cael cyfran fawr ohoni. Y diwydiannau allweddol yw'r diwydiannau gwyrdd, y diwydiannau gwyddorau bywyd a'r diwydiannau creadigol a digidol, sy'n cyd-fynd yn gryf â'n strategaeth. Hefyd, dywedodd Banc Buddsoddi Ewrop wrthyf ddydd Gwener diwethaf wrth inni gyd-lansio cronfa JEREMIE Cymru, y byddai, yn ogystal â'r gronfa honno sy'n werth £150 miliwn, yn fodlon cymryd rhan yn rhai o'r prosiectau swyddi gwyrdd yng Nghymru. Pe gallem helpu i'w rhoi mewn pecyn, byddai'n fodlon rhoi benthyg iddynt hwythau hefyd. Ni all ddelio â dwsinau o geisiadau bach, a byddai'n edrych am gymorth gennym i'w rhoi mewn pecyn gyda'i gilydd fel y gallai Banc Buddsoddi Ewrop eu cynorthwyo, yn union fel yr ydym wedi gwneud gyda JEREMIE Cymru.

Eleanor Burnham: Yr hyn sy'n allweddol i redeg y busnesau hyn yn fy rhanbarth, sy'n amlwg yn rhywbeth a gefnogir gennych, yw'r ffyrdd sy'n perthyn i'r prif rwydwaith, ac yn enwedig yr A55 a'r A483 yn yr achos hwn. Yr wyf yn pryderu, fel y mae llawer o'm hetholwyr, ac mae gan rai ohonynt fusnesau yn y diwydiant twristiaeth, am y nifer enfawr o rwystrau ar ffyrdd a ymddangosodd yn rhifyn 31 Mawrth y *Daily Post* yn unig, a oedd yn cynnwys rhestr hir o'r cyffyrdd a fyddai ar gau. Nid oes gennych ddim syniad faint o drallod a achosir i yrwyr gan y ffdlan

asked the Deputy First Minister and Minister for the Economy and Transport: if there is to be any cutting of grass, can it not be done at night? Could the grass not be concreted over, so that there is no need for grass-cutting? Can we deal with this creatively, because people are wretched. They want to know why businesses, including tourism businesses, should be devastated by all these road closures. It is not just the A55. The other arterial route is the A483, and there are huge closures planned over the next 12 months. If you want to help businesses of any sort, First Minister, please sort out all this misery.

The First Minister: I am always trying to sort out misery, wherever I find it in Wales, but I cannot always achieve that overnight, by waving a magic wand. [*Laughter.*] I will draw the attention of the Deputy First Minister, who is Minister for transport, to the press article that you refer to, if he has not seen it already.

Janet Ryder: As you said, First Minister, there is sometimes a slim hope that decisions to close down plants can be reversed. There are sometimes opportunities to invite other businesses into a plant to take it over. Sometimes, there are opportunities for the workforce itself to create a new kind of industry on a site. Unfortunately, sometimes, the decision is taken to close the plant, and then the workforce must get the support that it needs in creating CVs and accessing training. All that must be in place to help workers to move on as swiftly as possible into new employment. I know that your department and that of the Deputy First Minister organise that, but are you satisfied that, in every case, employers are welcoming careers advisers into the plant in plenty of time to prepare the workforce? Is the workforce getting the support that it should get from employers in these circumstances?

The First Minister: I am not aware of any example of an employer proposing a big rundown, or even outright closure, as in the case of Indesit, refusing to have Careers Wales mentors or advisers on site as part of

gresynus hwn â'r A55. Yr wyf yn gofyn ichi yr hyn yr wyf wedi'i ofyn i'r Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth: os oes angen torri gwair, oni fyddai modd gwneud hynny yn y nos? Oni fyddai modd rhoi concret drosto, fel nad oes angen torri gwair? A allwn ddelio â hyn mewn modd creadigol, oherwydd y mae pobl mewn trallod. Hoffent wybod pam y dylai busnesau, gan gynnwys busnesau twristiaeth, gael eu difrodi am fod yr holl ffyrdd hyn yn cael eu cau. Nid yr A55 yn unig sydd dan sylw. Y brif ffordd arall yw'r A483, ac mae llawer o gau ffyrdd yn yr arfaeth ar gyfer y 12 mis nesaf. Os ydych yn dymuno helpu unrhyw fath o fusnesau, Brif Weinidog, rhowch drefn ar yr holl drallod hwn da chi.

Y Prif Weinidog: Yr wyf wastad yn ceisio rhoi trefn ar drallod, ble bynnag y byddaf yn ei ganfod yng Nghymru, ond ni allaf gyflawni hynny dros nos bob tro, drwy chwifio ffon hud. [*Chwerthin.*] Tynnaf sylw'r Dirprwy Brif Weinidog, sy'n Weinidog dros drafnidiaeth, at yr erthygl yn y wasg y cyfeiriwch ati, os nad yw wedi'i gweld eisoes.

Janet Ryder: Fel y dywedasoch, Brif Weinidog, weithiau ceir llygedyn o obaith y gellir gwrthdroi penderfyniadau i gau ffatrioedd. Weithiau, ceir cyfleoedd i wahodd busnesau eraill i ffatri i'w rhedeg. Weithiau, ceir cyfleoedd i'r gweithlu ei hun greu math newydd o ddiwydiant ar safle. Yn anffodus, weithiau, penderfynir cau'r ffatri, ac yna rhaid i'r gweithlu gael y cymorth y mae ei angen arno i greu CV a chael hyfforddiant. Rhaid i hynny i gyd fod ar gael i gynorthwyo gweithwyr i symud ymlaen cyn gynted ag sy'n bosibl i swydd newydd. Gwn fod eich adran ac adran y Dirprwy Brif Weinidog yn trefnu hynny, ond a ydych yn sicr, ym mhob achos, fod cyflogwyr yn croesawu cynghorwyr gyrfaoedd i'r ffatri'n ddigon buan i baratoi'r gweithlu? A yw'r gweithlu'n cael y cymorth y dylai ei gael gan gyflogwyr dan yr amgylchiadau hyn?

Y Prif Weinidog: Nid wyf yn ymwybodol o ddim un enghraifft o gyflogwr sy'n bwriadu lleihau ei fusnes yn sylweddol, neu ei gau'n gyfan gwbl, fel yn achos Indesit, ac yn gwrthod cael mentoriaid neu gynghorwyr

the exit strategy. There have been some pretty brutal Victorian-style employers in Wales in the past, but, these days, I do not think that there are any that would fit into that category of shutting plants down knowing that workers will all be at the end of the road, and not caring what happens to them. These days, if a plant has to shut, employers co-operate with Careers Wales and make use of training advisers, careers advisers, and alternative careers advisers. They want to make the path as smooth as possible.

I went through this exercise with Irene James at Rogerstone, where we are facing the biggest of Wales's current redundancy programmes, with 460 or so jobs going. We tried to ensure, with the full co-operation of management and the trade unions, that everyone being made redundant could see a jobs adviser from Careers Wales promptly, before dispersing to the four winds. I imagine that every other socially responsible employer would want to do something similar.

Ann Jones: Notwithstanding all that colleagues have said about job losses in north Wales, I think that everyone appreciates what your officials, and those in the Deputy First Minister's office, are attempting to do. I am slightly bemused by the fact that I read in *The Times* this week—not that I read *The Times* often—that the Tories are looking to cut investment in the A400 M Airbus wings and air tanker projects. Would this not come at a massive cost to jobs and the local economy? Is it not strange that the Tories feign such concern about job losses when, behind the scenes, they are looking to make these massive cuts?

The First Minister: I could not have put it better myself. We are making full creative use of our budget and of our ability to borrow from the European Investment Bank. We have the JEREMIE Wales fund, for which we are the trailblazer for the rest of Europe, given that we are piloting it for the European Investment Bank. There is ProAct for pre-redundancy and for the avoidance of

Gyrfa Cymru ar y safle fel rhan o'r strategaeth ymadael. Bu rhai cyflogwyr digon creulon, Fictoraidd eu dull, yng Nghymru yn y gorffennol, ond heddiw, nid wyf yn credu bod dim un a fyddai yn y categori hwnnw a fyddai'n cau ffatrioedd gan wybod y bydd eu gweithwyr i gyd ar ben y ffordd, heb boeni beth fydd yn digwydd iddynt. Heddiw, os yw'n rhaid i ffatri gau, bydd cyflogwyr yn cydweithio â Gyrfa Cymru ac yn defnyddio cynghorwyr hyfforddi, cynghorwyr gyrfaoedd a chynghorwyr gyrfaoedd amgen. Maent yn dymuno sicrhau bod y llwybr mor esmwyth ag sy'n bosibl.

Euthum drwy'r camau hyn gydag Irene James yn Nhŷ-du, lle'r ydym yn wynebu'r broblem fwyaf o blith rhaglenni diswyddo presennol Cymru, gyda thua 460 o swyddi'n mynd. Ceisiasom sicrhau, gyda chydweithrediad llawn y rheolwyr a'r undebau llafur, y byddai pawb sy'n cael ei ddiswyddo'n cael gweld un o gynghorwyr swyddi Gyrfa Cymru ar unwaith, cyn diflannu i'r pedwar gwynt. Yr wyf yn tybio y byddai pob cyflogwr arall sy'n gyfrifol yn gymdeithasol yn dymuno gwneud rhywbeth tebyg.

Ann Jones: Er gwaethaf popeth y mae fy nghyd-Aelodau wedi'i ddweud am golli swyddi yn y gogledd, credaf fod pawb yn gwerthfawrogi'r hyn y mae eich swyddogion, a'r rhai yn swyddfa'r Dirprwy Brif Weinidog, yn ceisio'i wneud. Cefais fy synnu rywfaint wrth ddarllen yn y *Times* yr wythnos hon—nid fy mod yn darllen y *Times* yn aml—fod y Toriaid yn bwriadu lleihau buddsoddiad yn y prosiectau adenydd Airbus A400 M a thanceri awywr. Oni fyddai hyn yn golygu cost enfawr i swyddi a'r economi leol? Onid yw'n rhyfedd bod y Toriaid yn esgus pryderu cymaint am golli swyddi a hwythau, y tu ôl i'r llenni, yn bwriadu gwneud y toriadau enfawr hyn?

Y Prif Weinidog: Ni allwn fod wedi dweud hynny'n well fy hun. Yr ydym yn defnyddio ein cyllideb yn llawn mewn modd creadigol, ynghyd â'n gallu i fenthyca gan Fanc Buddsoddi Ewrop. Mae cronfa JEREMIE Cymru gennym, lle'r ydym yn arwain y ffordd i weddill Ewrop, gan mai ni sy'n cynnal y cynllun peilot ar gyfer Banc Buddsoddi Ewrop. Ceir ProAct i'w

redundancy situations, and there is also ReAct. Those three schemes are unique to Wales. When it comes to job destruction, we have some past masters in the British political scene. They are not in power now, but let everyone be warned about the consequences if the democratic choice were to go the wrong way.

Y Llywydd: Tynnwyd cwestiwn 6, OAQ(3)1904(FM), yn ôl.

Specialist Neuromuscular Services

Q7 Val Lloyd: Will the First Minister outline how the Welsh Assembly Government plans to improve the provision of specialist neuromuscular services in Wales? OAQ(3)1900(FM)

The First Minister: The establishment over the next few months of seven local health boards across Wales provides a new opportunity for the collective planning, funding and securing of specialist neuromuscular services. With chairs and chief executives now appointed to the new organisations, the improved co-ordination of care for people with neuromuscular conditions can take place.

Val Lloyd: I will turn to a particular condition that not only affects the individual but has implications for family members: muscular dystrophy. In the rest of the UK, I understand that patients have access to family care advisers, who provide assistance in accessing both medical and social services. These advisers provide support and advice at difficult times for patients and families. Could you tell us, First Minister, what steps you think are necessary to ensure that vulnerable families in Wales are able to access muscular dystrophy care advisers, thus ensuring that the disparity between Wales and the rest of the UK is removed?

The First Minister: If there is such a disparity, I hope that it will be removed by the implementation—over time, of course—of the independent review of adult neurosciences, together with the specialised neurosciences standards for children and

ddefnyddio cyn diswyddo ac i osgoi sefyllfaoedd diswyddo, a cheir ReAct hefyd. Mae'r tri chynllun hynny'n unigryw i Gymru. O ran dinistrio swyddi, mae gennym rai o feistri'r gorffennol yng ngwleidyddiaeth Prydain. Nid ydynt mewn grym ar hyn o bryd, ond dylid rhybuddio pawb am y canlyniadau petai'r dewis democrataidd yn mynd y ffordd anghywir.

The Presiding Officer: Question 6, OAQ(3)1904(FM), has been withdrawn.

Gwasanaethau Niwrogyhyrol Arbenigol

C7 Val Lloyd: A wnaiff y Prif Weinidog amlinellu sut mae Llywodraeth Cynulliad Cymru yn bwriadu gwella darpariaeth gwasanaethau niwrogyhyrol arbenigol yng Nghymru? OAQ(3)1900(FM)

Y Prif Weinidog: Yn ystod y misoedd nesaf, sefydlir saith bwrdd iechyd lleol newydd ledled Cymru a fydd yn rhoi cyfle newydd i gynllunio, i ariannu ac i sicrhau gwasanaethau niwrogyhyrol arbenigol, gan wneud hynny ar y cyd. Mae cadeiryddion a phrif weithredwyr bellach wedi'u penodi i'r sefydliadau newydd, a gall y gofal i bobl â chyflyrau niwrogyhyrol gael ei gydlynyn well.

Val Lloyd: Trof at un cyflwr penodol sydd nid yn unig yn effeithio ar yr unigolyn ond sydd â goblygiadau i aelodau o'r teulu: nychdod cyhyrol. Yng ngweddill y DU, caf ar ddeall fod cynghorwyr gofal teulu ar gael i gleifion, sy'n eu cynorthwyo i gael gwasanaethau meddygol a chymdeithasol. Mae'r cynghorwyr hyn yn rhoi cymorth a chyngor ar adegau anodd i gleifion a theuluoedd. A allech ddweud wrthym, Brif Weinidog, pa gamau y mae eu hangen yn eich barn chi i sicrhau bod cynghorwyr gofal nychdod cyhyrol ar gael i deuluoedd agored i niwed yng Nghymru, gan sicrhau drwy hynny na fydd gwahaniaeth rhwng Cymru a gweddill y DU?

Y Prif Weinidog: Os oes gwahaniaeth o'r fath, gobeithio y caiff ei ddileu drwy roi ar waith—o dipyn i beth, wrth gwrs—yr adolygiad annibynnol o niwrowyddorau i oedolion, ynghyd â'r safonau ym maes niwrowyddorau arbenigol ar gyfer plant a

young people, and the care pathways that are being developed for long-term neurological conditions, such as muscular dystrophy, which will mean better planning and better provision.

Andrew R.T. Davies: I take up the point that Val stressed about muscular dystrophy, and commend the ongoing campaign of the Muscular Dystrophy Campaign. An event was hosted by Dai Lloyd here at the Assembly during the spring term. First Minister, I hear what you say about the measures that the Welsh Assembly Government is undertaking, or is seeking to undertake but, at the presentation, there was great uncertainty as to whether the recommendations in the review would be implemented by the Welsh Assembly Government. Could you give a categorical assurance that those recommendations will be implemented, so that people who suffer from muscular dystrophy can benefit from them? One thing that was crystal clear in the briefing that we received was that there is no cohesive co-ordination, no central planning, no overall responsibility, and no specific service funding as things stand.

The First Minister: We all accept that there is no cure for muscular dystrophy, although we know that there are ways of treating the symptoms. Somewhere between 1,500 and 2,000 adults and children in Wales have muscular dystrophy, and they all have different needs. Family care services are one way of ameliorating that condition, given the absence of a cure. However, two studies are on the point of reporting, and I have not seen their recommendations. I do not know whether I can speak for Edwina Hart, and so I will ask her to look at the Record and to reply to you in detail as regards the recommendations. I am not clear whether you are talking about recommendations from the Muscular Dystrophy Campaign or from the neurological review and the setting up of new standards for children's neurological services.

Helen Mary Jones: First Minister, would you agree that specialist nurses have an important role to play in improving the quality of life and mobility of people with neuromuscular conditions? Can you assure us

phobl ifanc, a'r llwybrau gofal sy'n cael eu datblygu ar gyfer cyflyrau niwrolegol hirdymor, megis nychdod cyhyrol, a fydd yn golygu gwell cynllunio a gwell darpariaeth.

Andrew R.T. Davies: Yr wyf yn ategu'r pwynt a bwysleisiwyd gan Val am nychdod cyhyrol, ac yn cymeradwyo ymgyrch barhaus yr Ymgyrch Nychdod Cyhyrol. Cynhaliwyd digwyddiad gan Dai Lloyd yma yn y Cynulliad yn ystod tymor y gwanwyn. Brif Weinidog, yr wyf yn clywed yr hyn a ddywedwch am y mesurau y mae Llywodraeth Cynulliad Cymru'n ymgymryd â hwy, neu'n bwriadu ymgymryd â hwy, ond, yn y cyflwyniad, yr oedd llawer o ansicrwydd ynghylch a fyddai Llywodraeth Cynulliad Cymru'n gweithredu argymhellion yr adolygiad. A allech roi sicrwydd pendant y caiff yr argymhellion hynny eu gweithredu, fel y gall pobl sydd â nychdod cyhyrol elwa ohonynt? Un peth a oedd yn gwbl glir yn y briffio a gawsom oedd nad oes dim cyd-drefnu cydlynol, dim cynllunio canolog, dim cyfrifoldeb cyffredinol, a dim arian penodol i'r gwasanaeth ar hyn o bryd.

Y Prif Weinidog: Yr ydym oll yn derbyn nad oes modd gwella nychdod cyhyrol, er ein bod yn gwybod bod ffyrdd o drin y symptomau. Mae nychdod cyhyrol ar rhwng 1,500 a 2,000 o oedolion a phlant yng Nghymru, ac mae gan bob un ohonynt anghenion gwahanol. Mae gwasanaethau gofal teulu'n un ffordd o leddfu'r cyflwr hwnnw, o ystyried nad oes modd ei wella. Fodd bynnag, mae dwy astudiaeth ar fin cyflwyno adroddiadau, ac nid wyf wedi gweld eu hargymhellion. Nid wyf yn gwybod a allaf siarad ar ran Edwina Hart, felly gofynnaf iddi edrych ar y Cofnod a'ch ateb yn fanwl ynglŷn â'r argymhellion. Nid wyf yn siŵr a ydych yn sôn am argymhellion gan yr Ymgyrch Nychdod Cyhyrol ynteu gan yr adolygiad niwrolegol a sefydlu safonau newydd ar gyfer gwasanaethau niwrolegol i blant.

Helen Mary Jones: Brif Weinidog, a fydddech yn cytuno bod gan nyrsys arbenigol rôl bwysig i'w chwarae o ran gwella ansawdd bywyd a symudedd pobl â chyflyrau niwrogryhyrol? A allwch roi sicrwydd inni,

that, as the Assembly Government is preparing guidance on these conditions for the seven new local health boards, it will ensure that there is much better provision of specialist nursing across Wales, which, as we know, can alleviate people's conditions and stop them from getting worse and needing, at times, to be taken into hospital?

The First Minister: It is my understanding that the standards for children and young people who have muscular dystrophy and allied conditions were published for consultation last year and that they are now being finalised for publication as a final version this summer. We expect services then to be developed to meet those standards.

As regards adults, the independent review of adult neurosciences will inform the development of those services, including care pathways, which would include specialised nursing provision as well as family care workers.

2.30 p.m.

The Budget

Q8 William Graham: Will the First Minister outline the discussions he has held with the UK Government concerning the impact of the UK budget upon Wales? OAQ(3)1895(FM)

The First Minister: Yes. We discussed the broader issues of the budget half an hour ago. I wish to mention the strategic investment fund that has been established, which does not flow through our budget, as is the case with the Department for Work and Pensions' jobs fund and community taskforce. We are seeking to ensure that we in Wales get more than our Barnett formula share of the £1 billion, I think, for the DWP initiative and the £750 million for the strategic investment fund, which are two new big initiatives.

William Graham: Your Government has been quite candid in spelling out the potentially devastating consequences of the cut of £216 million in revenue spending. Will

wrth i Lywodraeth y Cynulliad baratoi canllawiau ar gyfer y cyflyrau hyn i'r saith bwrdd iechyd lleol, y bydd yn sicrhau bod llawer gwell darpariaeth o ran nyrsio arbenigol ledled Cymru, a all, fel y gwyddom, liniaru cyflyrau pobl a'u hatal rhag gwaethgu a gorfod mynd i'r ysbyty ar brydiau?

Y Prif Weinidog: Yr wyf yn cael ar ddeall bod y safonau ar gyfer plant a phobl ifanc â nychdod cyhyrol a chyflyrau cysylltiedig wedi'u cyhoeddi y llynedd ar gyfer ymgynghoriad, a'u bod bellach yn cael eu cwblhau i'w cyhoeddi fel fersiwn derfynol yn ystod yr haf eleni. Yna, byddwn yn disgwyl i wasanaethau gael eu datblygu i fodloni'r safonau hynny.

O ran oedolion, bydd yr adolygiad annibynnol o niwrowyddorau'n rhoi sail i ddatblygu'r gwasanaethau hynny, gan gynnwys llwybrau gofal, a fyddai'n cynnwys darpariaeth nyrsio arbenigol yn ogystal â gweithwyr gofal teulu.

Y Gyllideb

C8 William Graham: A wnaiff y Prif Weinidog amlinellu'r trafodaethau y mae wedi'u cynnal gyda Llywodraeth y DU ynghylch effaith cyllideb y DU ar Gymru? OAQ(3)1895(FM)

Y Prif Weinidog: Gwnaf. Trafodasom y materion ehangach yn ymwneud â'r gyllideb hanner awr yn ôl. Hoffwn sôn am y gronfa buddsoddi strategol sydd wedi cael ei sefydlu, nad yw'n llifo drwy ein cyllideb, yn yr un modd â chronfa swyddi a thasglu cymunedol yr Adran Gwaith a Phensiynau. Yr ydym yn ceisio sicrhau ein bod ni yng Nghymru'n cael mwy na'n cyfran yn ôl fformiwla Barnett o'r £1 biliwn, yr wyf yn credu, ar gyfer menter yr Adran Gwaith a Phensiynau a'r £750 miliwn ar gyfer y gronfa buddsoddi strategol, sy'n ddau gynllun mawr newydd.

William Graham: Mae eich Llywodraeth wedi siarad yn eithaf di-flewyn-ar-dafod am ganlyniadau echrydus posibl y toriad o £216 miliwn mewn gwariant refeniw. A wnewch

you provide further information as to whether and how Wales will receive its share of the £750 million investment fund for emerging technologies and the £450 million for low-carbon manufacturing, which were announced in the Chancellor's budget?

The First Minister: As I said, the strategic investment fund has followed the lines that we suggested in our pre-budget submission, in that it concentrates on green jobs, jobs in the digital and creative industries and life science and technology jobs, so we are happy about that. We would have much preferred it if it had been included in our budget for Wales. Although it is not in our budget, we can try to get more than our Barnett share, which is what we would have received had it been included in our budget. In order to do so, we must be very agile and ensure that we make really good bids at an early stage. Exactly the same principle applies to the community taskforce and the other funds given to the Department for Work and Pensions. We will convene a summit meeting on that issue with the Welsh Local Government Association, the Wales Council for Voluntary Action and Jobcentre Plus very shortly.

Gareth Jones: Yn hytrach na chynnig ysgogiad ariannol, mae'r Blaid Lafur yn Llundain yn bwriadu gwneud toriadau niweidiol o £1 biliwn i wariant cyhoeddus yng Nghymru yn ystod y pedair blynedd nesaf, a hynny yn ystod y dirwasgiad gwaethaf a gofiat fi. A ydych wedi dadlau ein hachos gyda Llywodraeth Lafur Llundain a'i rhybuddio y bydd y toriadau hyn mewn gwariant cyhoeddus yn ystod y dirwasgiad hwn yn cael effaith andwyol a llawer gwaeth ar genedl fach fel Cymru oherwydd ein bod wedi dibynnu'n ormodol yn y gorffennol ar wasanaethau cyhoeddus am gyflogaeth, ac oherwydd bod llywodraethau yn Llundain wedi methu â buddsoddi'n ddigonol yn y sector preifat a'i gefnogi fel y dylent? Pa wersi y gellir eu dysgu i'r dyfodol gan lywodraethau cenedloedd bach fel Cymru?

Y Prif Weinidog: Y mater allweddol yw'r amseru. Credaf fod pawb, oni bai am y Toriaid efallai, yn cytuno na ddylech dorri

roi rhagor o wybodaeth ynghylch a fydd Cymru yn cael ei chyfran o'r gronfa buddsoddi £750 miliwn ar gyfer technolegau sy'n datblygu a'r £450 miliwn ar gyfer gweithgynhyrchu carbon isel, a gyhoeddwyd yng nghyllideb y Canghellor, a sut y bydd yn gwneud hynny?

Y Prif Weinidog: Fel y dywedais, mae'r gronfa buddsoddi strategol wedi dilyn y patrwm a awgrymasom yn ein cyflwyniad rhag-gyllidebol, sef ei bod yn canolbwyntio ar swyddi gwyrdd, swyddi yn y diwydiannau digidol a chreadigol a swyddi technoleg a gwyddor bywyd, felly yr ydym yn hapus am hynny. Byddai'n llawer gwell gennym petai hynny wedi cael ei gynnwys yn ein cyllideb ar gyfer Cymru. Er nad yw yn ein cyllideb, gallwn geisio cael mwy na'n cyfran yn ôl Barnett, sef yr hyn y byddem wedi'i gael petai wedi'i gynnwys yn ein cyllideb. Er mwyn gwneud hynny, rhaid inni fod yn hyblyg iawn a sicrhau ein bod yn cyflwyno ceisiadau da yn gynnar iawn. Mae'r un egwyddor yn union yn berthnasol i'r tasglu cymunedol a'r cronfeydd eraill a roir i'r Adran Gwaith a Phensiynau. Byddwn yn cynnull uwchgynhadledd ar y mater hwnnw gyda Chymdeithas Llywodraeth Leol Cymru, Cyngor Gweithredu Gwirfoddol Cymru a'r Ganolfan Byd Gwaith yn fuan.

Gareth Jones: Rather than offer a financial stimulus, the Labour Party in London intends to make damaging cuts of £1 billion to public spending in Wales over the next four years, during the worst recession that I can remember. Have you argued our case with the Labour Government in London, warning it that these cuts in public spending during this recession will have a detrimental effect, which will be much worse for a small nation like Wales because we have been overly dependent in the past on public services for employment, and because governments in London have failed to adequately support and invest in the private sector? What lessons can be learned for the future by the governments of small nations like Wales?

The First Minister: The crucial issue is timing. I believe that everyone, apart from the Tories, perhaps, agree that you should not

gwariant cyhoeddus yn ystod dirwasgiad. Yr ydym i gyd, ar wahân i David Cameron a George Osborne, yn dilyn athroniaeth John Maynard Keynes. Yr ail fater yw lleihau'r ddyled gyhoeddus i lefel sy'n gynaliadwy a phryd y dylid dechrau gwneud hynny. Yn sicr, ni ddylid gwneud hynny cyn i'r dirwasgiad ddod i ben a chyn i'r sector preifat ddechrau atgyfodi a phweru twf yn yr economi. Felly, mae'r £1 biliwn y cyfeiriwch ato ar gyfer y cyfnod wedi i'r dirwasgiad ddod i ben er mwyn lleihau cyfanswm y ddyled genedlaethol i lefel gynaliadwy.

Peter Black: In responding to the challenges set by the budget and the recession, do you not think that the Government would be working better on the jobs that you are hoping to create in Wales if it was united? In particular, do you agree with your colleagues who are writing on the official Labour weblog, Aneurin Glyndŵr, that Plaid Cymru's policy is in chaos and that it is time that the Deputy First Minister and the Minister for Economy and Transport stood up for Wales?

The First Minister: You are referring to my favourite source of bed-time reading, are you not, and my well-known obsession with blogs and my well-known ability to Twitter? I have never seen that website, let alone any particular Twitter or blog message, or whatever you call these things. I am totally blog and Twitter free, I am afraid, Peter.

The real question is about how we can get the recession to end as quickly as possible, and that is what we spend every waking hour trying to do. Once the recession is over and the private sector is up and running again, the question is how to get the national debt back down to a sustainable level.

Alun Davies: First Minister, I am sure that you will join me in welcoming the work that the Minister for Finance and Public Service Delivery has done in the discussions that he has had with the Treasury about the budget and the settlement for Wales. As you continue your discussions with the Treasury and other UK Government departments, I

cut public spending during a recession. With the exception of David Cameron and George Osborne, we all adhere to the philosophy of John Maynard Keynes. The second issue is to reduce public debt to a sustainable level and to start doing so at the right time. That should certainly not be done before the end of the recession and before the private sector resurrects itself to drive economic growth. Therefore, the £1 billion that you refer to is for when the recession is over, in order to bring the national debt down to sustainable levels.

Peter Black: Wrth ymateb i'r heriau a osodir gan y gyllideb a'r dirwasgiad, onid ydych yn credu y byddai'r Llywodraeth yn gweithio'n well o ran y swyddi yr ydych yn gobeithio eu creu yng Nghymru petai'n gweithio fel un? Yn benodol, a ydych yn cytuno â'ch cyd-Aelodau sy'n ysgrifennu ar weflog swyddogol y Blaid Lafur, Aneurin Glyndŵr, fod polisi Plaid Cymru ar chwâl a'i bod yn bryd i'r Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth godi llais dros Gymru?

Y Prif Weinidog: Yr ydych yn sôn, onid ydych, am fy hoff ffynhonnell o straeon cyn mynd i'r gwely a'm hobsesiwn sy'n hysbys i bawb ynglŷn a blogiau a'm gallu amlwg ar wefan Twitter? Nid wyf erioed wedi gweld y wefan honno, heb sôn am unrhyw neges benodol ar Twitter neu ar flog, neu beth bynnag yw'r enw ar y pethau hyn. Yn anffodus, Peter, nid wyf yn ymhél dim oll â blog na Twitter.

Y gwir gwestiwn yw sut y gallwn ddod â'r dirwasgiad hwn i ben cyn gynted ag sy'n bosibl, a dyna yr ydym yn treulio pob eiliad bosibl yn ceisio'i wneud. Pan fydd y dirwasgiad hwn wedi dod i ben a'r sector preifat yn ôl ar ei draed unwaith eto, y cwestiwn fydd sut i gael y ddyled genedlaethol yn ôl i lawr i lefel gynaliadwy.

Alun Davies: Brif Weinidog, yr wyf yn siŵr yr ymunwch â mi i groesawu'r gwaith y mae'r Gweinidog dros Gyllid a Chyflenwi Gwasanaethau Cyhoeddus wedi'i wneud yn ei drafodaethau â'r Trysorlys am y gyllideb a'r setliad i Gymru. Wrth ichi barhau i drafod â'r Trysorlys ac adrannau eraill Llywodraeth y DU, gobeithio y byddwch yn parhau i

hope that you will continue to emphasise that we are ahead of the game in Wales in terms of efficiency savings and that the improvements in the performance of public services that the Welsh Assembly Government is driving forward are already benefiting people across the country. Over the next few years, we will continue to strive for further efficiency savings and improve the performance and delivery of public services.

The First Minister: While the cuts of £216 million present a massive challenge, they are not as bad as we had first feared, so there was a degree of relief as a result of the way in which we had approached this and what we had said to the Prime Minister, the Chancellor of the Exchequer and the Chief Secretary to the Treasury. However, at the same time, we are facing additional expenditure because we are spending £48 million on ProAct to avoid redundancies and £32 million on ReAct for those who have been made redundant, there is £20 million of new money to save the apprenticeships that the private sector cannot sustain at the moment, and there is also the £150 million JEREMIE fund as well. You have to be able to do those counter-cyclical things at the same time as finding the efficiency savings, as well as protecting the growth of the provision of money for front-line services.

Organ Donations

C9 Dai Lloyd: A wnaiff y Prif Weinidog ddatganiad am roi organau? OAQ(3)1883(FM)

Y Prif Weinidog: Yn dilyn trafodaeth gyhoeddus ddiweddar ar draws Cymru ynghylch system i ddewis peidio â rhoi organau, mae Edwina Hart, y Gweinidog perthnasol, yn ystyried ystod o newidiadau a awgrymwyd i'r system rhoi organau, gan gynnwys a ddylai Llywodraeth y Cynulliad gynnig newid deddfwriaethol. Bydd angen trafod hyn ymhellach gyda'r cyhoedd.

David Lloyd: Yn y cyfamser, tra ydym yn aros am ddiwygiadau cyfreithiol, a wnewch groesawu llwyddiannau'r ymgyrchoedd diweddar yng Nghymru i hybu'r niferoedd sy'n rhoi organau ac sydd wedi cofrestru eu

bwysleisio ein bod ar flaen y gad yng Nghymru o ran arbedion effeithlonrwydd a bod y gwelliannau ym mherfformiad gwasanaethau cyhoeddus y mae Llywodraeth Cynulliad Cymru yn eu rhoi ar waith eisoes yn helpu pobl ledled y wlad. Yn ystod y blynyddoedd nesaf, byddwn yn parhau i ymgyrraedd at arbedion effeithlonrwydd pellach ac yn gwella perfformiad a chyflawniad gwasanaethau cyhoeddus.

Y Prif Weinidog: Er bod her anferth yn sgîl y £216 miliwn o doriadau, nid ydynt mor wael ag yr oeddem wedi gofidio yn wreiddiol, felly yr oedd yn rhywfaint o ryddhad o ganlyniad i sut yr oeddem wedi mynd ati a'r hyn yr oeddem wedi'i ddweud wrth y Prif Weinidog, Canghellor y Trysorlys a Phrif Ysgrifennydd y Trysorlys. Fodd bynnag, ar yr un pryd, yr ydym yn wynebu gwariant ychwanegol oherwydd ein bod yn gwario £48 miliwn ar ProAct i osgoi diswyddiadau a £32 miliwn ar ReAct ar gyfer y rhai sydd wedi cael eu diswyddo, ceir £20 miliwn o arian newydd i achub y prentisiaethau na all y sector preifat eu cynnal ar hyn o bryd, a hefyd £150 miliwn y gronfa JEREMIE. Rhaid ichi allu gwneud y pethau gwrth-gylchol hynny ar yr un pryd â chanfod yr arbedion effeithlonrwydd, yn ogystal â gwarchod y twf yn narpariaeth yr arian ar gyfer gwasanaethau rheng flaen.

Rhoi Organau

Q9 Dai Lloyd: Will the First Minister make a statement on organ donations? OAQ(3)1883(FM)

The First Minister: Following the recent public debate across Wales on an opt-out system for organ donation, Edwina Hart, the relevant Minister, is currently considering a range of suggested changes to the organ donation system, including whether the Assembly Government should propose a legislative change. This will require further discussion with the public.

David Lloyd: In the meantime, as we wait for changes in legislation, will you welcome the recent campaigns to increase donor levels and the numbers who register their interest in organ donation? I wish to press you to try to

diddordeb mewn rhoi organau? Yr wyf am bwysu arnoch i ddwyn perswâd ar eraill i sicrhau bod unrhyw waith ar newid y system o gofrestru eich parodrwydd i roi organau i system o ganiatâd tybiedig yn carlamu ymlaen. Yr ydym wedi aros amser maith am unrhyw newidiadau hyd yn hyn.

Y Prif Weinidog: Os oes gan unrhyw un yma ffrind sy'n aros am aren er mwyn cael trawsblaniad, fel sydd gennyf fi, byddwch yn ymwybodol iawn o'r cwestiwn hwn ynglŷn â faint o aros y gall rhywun ei wrthsefyll wrth aros am aren, afu neu galon addas. Wrth gwrs, yr oeddwn yn falch o glywed bod cynnydd o 62 y cant yn nifer yr enwau ar y gofrestr rhoi organau ar ôl lansiad ymgyrch Sefydliad Aren Cymru i 'Achub Siân'. Yr ydym wedi rhoi arian grant o £70,000 er mwyn egluro i bobl faint o broblem yw cael dialysis dair gwaith bob wythnos o'i gymharu â chael trawsblaniad a bod yn rhydd i barhau i weithio bob diwrnod o'r wythnos. Yr ydym wedi gweld cynnydd, wrth gwrs, ond mae angen cynnal y cynnydd hwnnw a'i ehangu hyd yn oed yn bellach.

Jonathan Morgan: There is clearly a belief, which you also hold, First Minister, that presumed consent is the magic solution to increase the number of organ donors. What analysis has the Government done of the experience in Spain, where the law was changed in 1979? There was no improvement in the number of organ donors until the National Transplant Organization was set up in 1990. Is it not true that we need to invest in infrastructure now to effect the big change that we need?

2.40 p.m.

The First Minister: I think that you think that you are disagreeing with us, but you are actually agreeing with the view that Edwina and I take, namely that you need a change of culture as well as a change of law. A change of law is only a part of it; you have to change the culture to make it part of the expectation. I do not think that a brutal withdrawal of the right not to donate would work at all. You have to try to take public opinion with you, and that is why we have concentrated, so far, on grant money for television advertising.

persuade others to ensure that any work on changing the system of registering a willingness to donate organs to a system of presumed consent moves forward apace. We have waited a long time for these changes.

The First Minister: Anyone who has a friend waiting for a kidney transplant, as I do, will be very aware of the question of how much someone can withstand while waiting for a suitable kidney, liver or heart. I was, of course, pleased to hear of the 62 per cent increase in those on the organ donation register following the launch of the Kidney Wales Foundation 'Save Siân' campaign. We have provided grant funding of £70,000 in order to explain the problems associated with receiving dialysis three times a week compared with having a transplant and being free to work all week. We have seen an increase, of course, but that needs to be maintained and expanded even further.

Jonathan Morgan: Mae'n amlwg bod pobl yn credu, fel chithau, Brif Weinidog, mai caniatâd tybiedig yw'r ateb hud i gynyddu nifer y bobl sy'n rhoi organau. Pa ddadansoddiad y mae'r Llywodraeth wedi'i wneud o'r profiad yn Sbaen, lle y newidiwyd y gyfraith yn 1979? Ni fu cynnydd yn nifer y bobl a oedd yn rhoi organau nes sefydlwyd y Sefydliad Trawsblaniadau Cenedlaethol yn 1990. Onid yw'n wir bod angen inni fuddsoddi mewn seilwaith yn awr er mwyn cyflwyno'r newid mawr y mae ei angen arnom?

Y Prif Weinidog: Credaf eich bod yn credu eich bod yn anghytuno â ni, ond yr ydych mewn gwirionedd yn cytuno â barn Edwina Hart a fi, sef bod angen newid diwylliant yn ogystal â newid y gyfraith. Dim ond un cam yw newid y gyfraith; rhaid ichi newid y diwylliant er mwyn ei wneud yn rhan o'r disgwyliad. Nid wyf yn credu y byddai dileu'n llwyr yr hawl i beidio â rhoi yn gweithio o gwbl. Rhaid ichi geisio darbwyllo'r cyhoedd, a dyna pam yr ydym wedi canolbwyntio, hyd yn hyn, ar arian

That has been successful. I do not know whether you were excluding a change in the law or whether you also accept that a change in the law is part of that culture change that is going to give us the benefits of what you could call the Spanish system.

Jenny Randerson: I would urge you to improve the infrastructure immediately and get on with changing the law as soon as possible. I understand the importance of taking the public with us. It is essential that we do that. The overall feedback is so tremendously positive, we should develop the momentum and get on with this as quickly as possible.

You said that the Minister for Health and Social Services would deal with this in the coming months. Can you give us a more precise timescale, so that those hundreds of people on the waiting list who are desperately waiting for new organs can have some kind of timescale for when things might improve?

The First Minister: We would certainly expect there to be further improvements over and above the 62 per cent improvement that we had following the television advertising campaign, which the Kidney Wales Foundation launched with a grant from us. As Edwina has described it to me, there are several legislative options, including soft opting-out, whereby relatives can change the decision and so forth.

The other problem is that finding a match for a kidney, liver, heart or whatever organ it might be, may not be achievable within a relatively small country like Wales. Sometimes, matching is done internationally, sometimes it is done across the United Kingdom, and sometimes it is available from within the family or from within Wales. The smaller the country that has the system change, the less likelihood there is of getting the match. Even after you have found the organ, it still has to match. The bigger the population, the bigger the change. The ideal would be a change whereby Wales, Scotland, England and Northern Ireland approach this together, because, otherwise, we could

grant ar gyfer hysbysebion ar y teledu. Mae hynny wedi bod yn llwyddiannus. Nid wyf yn gwybod a oeddech yn gwrthod newid yn y gyfraith, ynteu a ydych chithau hefyd yn derbyn bod newid yn y gyfraith yn rhan o'r newid diwylliant hwnnw sy'n mynd i esgor ar fanteision yr hyn y gallech ei alw'n system Sbaen.

Jenny Randerson: Byddwn yn eich annog i wella'r seilwaith yn syth a bwrw ymlaen i newid y gyfraith cyn gynted ag sy'n bosibl. Yr wyf yn deall mor bwysig yw sicrhau cefnogaeth y cyhoedd. Mae'n hanfodol inni wneud hynny. Mae'r adborth ar y cyfan mor hynod o gadarnhaol, felly dylem feithrin y momentwm a symud ymlaen gyda hyn cyn gynted ag sy'n bosibl.

Dywedasoch y byddai'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn delio â hyn yn y misoedd i ddod. A allwch roi amserlen fwy manwl, fel bod y cannoedd o bobl sydd ar y rhestr aros ac sy'n disgwyl yn eiddgar am organau newydd yn gallu cael rhyw fath o amserlen ar gyfer gwella'r sefyllfa o bosibl?

Y Prif Weinidog: Byddem yn sicr yn disgwyl gweld gwelliannau pellach, yn rhagori ar y 62 y cant o gynnydd a gafwyd ar ôl yr ymgyrch hysbysebu ar y teledu, a lansiwyd gan Sefydliad Aren Cymru drwy gyfrwng grant gennym ni. Fel y mae Edwina wedi disgrifio wrthyf, ceir llawer o ddewisiadau deddfwriaethol, gan gynnwys eithrio meddal, lle y gall perthnasau newid y penderfyniad ac yn y blaen.

Y broblem arall yw efallai na fydd dod o hyd i aren, iau, calon neu ba organ bynnag y bo, yn bosibl mewn gwlad gymharol fach fel Cymru. Weithiau, maent yn chwilio am gyfatebiaeth yn rhyngwladol, weithiau gwneir hynny ledled y Deyrnas Unedig, ac weithiau mae organ ar gael o fewn y teulu neu yng Nghymru. Po leiaf yw maint y wlad sy'n newid y system, lleiaf tebyg yw y caiff organ sy'n cyfateb ei chanfod. Hyd yn oed ar ôl ichi ddod o hyd i organ, mae'n rhaid iddi gyfateb. Po fwyaf yw'r boblogaeth, po fwyaf yw'r newid. Yn ddelfrydol, byddai Cymru, yr Alban, Lloegr a Gogledd Iwerddon yn mynd i'r afael â hyn gyda'i gilydd, oherwydd, fel arall, gallem ni newid ond yn Lloegr y

change but the major beneficiaries would be in England, where there would be the match for the Welsh kidneys and so on that have been donated. What we want is a big pool so that there is more likelihood of the 496 people on the Welsh waiting list being able to access the kidneys or hearts that they need.

Y Llywydd: Diolch, Brif Weinidog.

byddai'r budd mwyaf, lle y byddent yn dod o hyd i gyfatebiaeth ar gyfer arennau ac yn y blaen a roddwyd gan bobl o Gymru. Yr hyn y mae ei angen arnom yw cronfa fawr, fel bod mwy o debygolrwydd bod y 496 o bobl ar y rhestr aros yng Nghymru yn gallu cael gafael ar yr arennau neu'r calonnau y mae eu hangen arnynt.

The Presiding Officer: Thank you, First Minister.

Datganiad a Chyhoeddiad Busnes Business Statement and Announcement

The Counsel General and Leader of the House (Carwyn Jones): I have a few changes to report to planned Government business for this week. In addition to the business for this afternoon, there will be two oral statements. The first will be by the Minister for Finance and Public Service Delivery on the UK Government's budget, and the second will be a legislative statement by Jane Hutt, the Minister for Children, Education, Lifelong Learning and Skills, on the Proposed Education (Wales) Measure.

Llywydd, you have agreed to allow Edwina Hart, the Minister for Health and Social Services, to make a statement tomorrow on the outbreak of swine flu.

Business for the next three weeks is as set out in the business statement and announcement, which can be found in the agenda papers that are available to Members electronically.

Nick Bourne: I have three issues to raise with the Counsel General and Leader of the House. First, we have not had an opportunity to discuss the budget in any detail. In the small print, there is an alarming proposal for tax treatment change in relation to self-catering accommodation, which has reared its head before. It would essentially treat self-catering accommodation as if it were a long let by private landlords. It would disallow capital allowances, adversely alter the tax treatment for those businesses up and down Wales, and have a devastating effect. Could you arrange for either the Minister for Heritage or the Deputy First Minister and

Y Cwnsler Cyffredinol ac Arweinydd y Tŷ (Carwyn Jones): Mae gennyf ychydig o newidiadau i'w cyhoeddi ym musnes arfaethedig y Llywodraeth yr wythnos hon. Yn ogystal â'r busnes ar gyfer y prynhawn yma, bydd dau ddatganiad llafar. Y Gweinidog dros Gyllid a Chyflenwi Gwasanaethau Cyhoeddus fydd yn gwneud y datganiad cyntaf ar gyllideb Llywodraeth y DU, a datganiad deddfwriaethol fydd yr ail gan Jane Hutt, y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau ar y Mesur Addysg Arfaethedig (Cymru).

Lywydd, yr ydych wedi cytuno i ganiatáu i Edwina Hart, y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, wneud datganiad yfory ar achosion o'r fflw moch.

Mae'r busnes ar gyfer y tair wythnos nesaf fel y mae wedi'i nodi yn y datganiad a chyhoeddiad busnes, y gellir ei weld ym mhapurau'r agenda sydd ar gael i'r Aelodau'n electronig.

Nick Bourne: Mae gennyf dri mater i'w godi gyda'r Cwnsler Cyffredinol ac Arweinydd y Tŷ. Yn gyntaf, nid ydym wedi cael cyfle i drafod y gyllideb yn fanwl. Yn y print mân, ceir cynnig brawychus ar gyfer newid y system dreth ar gyfer llety hunanddarpar, sydd wedi codi'i ben o'r blaen. Yn ei hanfod, byddai'n trin llety hunanddarpar fel llety ar osod am gyfnod hir gan landlordiaid preifat. Ni fyddai'n caniatáu lwfansau cyfalaf, gan newid er gwaeth y ffordd y caiff y busnesau hynny ledled Cymru eu trin o ran treth, a chael effaith drychinebus arnynt. A allwch drefnu bod naill ai'r Gweinidog dros Dreftadaeth neu'r Dirprwy Weinidog a'r

Minister for Economy and Transport to come forward with a statement on that so that we can know where we are, whether we have objected to that and whether we can get it changed, because, as I say, it will be devastating if we do not get it changed.

The second point is a matter that I have brought up before, and it relates to Robbie Powell, who died some 19 years ago. I know that the Leader of the House will be familiar with the campaign, run with incredible energy and determination over the past 19 years by Will and Diane, his parents. Can he give us an update on where the First Minister is in relation to asking for an inquiry, which I think the First Minister favours, as the matter has now reached the point where memories are beginning to fade? He is probably also aware that Will and Diane Powell are arguing for a change in the law to place a legal duty of candour on healthcare workers to be honest with parents and to create a legal duty—one that currently does not exist—not to alter medical records. The Leader of the House will know that that is at the centre of the proposed inquiry.

The third matter relates to Aberystwyth town centre. I ask that the Deputy Minister, Leighton Andrews, make a statement on this issue, which is causing massive concern locally in Aberystwyth. The issue is not contained within the town plan, and everybody who I have met in Aberystwyth objects to it, as do the traders. The proposal is sponsored by Ceredigion County Council, which has now put the matter out for consultation again via the private developer. I seek assurance that the private developer will have to follow strict guidelines in relation to the inquiry, as set down by the Assembly Government. I also seek assurance that the Assembly Government will not come forward with any of the funds that it proposes to allocate in this regard until the matter has been the subject of full and proper scrutiny and consultation locally.

Carwyn Jones: With relation to the first issue, the budget is the next item on the agenda. Andrew Davies will make a statement, and Members will have an

Gweinidog dros yr Economi a Thrafnidiaeth yn cyflwyno datganiad am hynny fel y gallwn wybod beth yw'r sefyllfa, a ydym wedi gwrthwynebu hynny ac a allwn ei newid, oherwydd, fel y dywedais, bydd yn drychinebus os nad ydym yn ei newid.

Mae'r ail bwynt yn fater yr wyf wedi'i godi o'r blaen, ac mae'n ymwneud â Robbie Powell, a fu farw ryw 19 mlynedd yn ôl. Gwn fod Arweinydd y Tŷ'n gyfarwydd â'r ymgyrch, a gafodd ei rhedeg yn hynod o egniol a phenderfynol yn ystod y 19 blynedd diwethaf gan Will a Diane, ei rieni. A all roi'r wybodaeth ddiweddaraf i ni ynghylch lle y mae'r Prif Weinidog arni o ran gofyn am ymchwiliad, y credaf fod y Prif Weinidog o'i blaid, gan fod atgofion pobl yn dechrau pylu erbyn hyn? Mae'n debyg ei fod hefyd yn ymwybodol bod Will a Diane Powell yn dadlau o blaid cael newid yn y gyfraith i beri ei bod yn ddyletswydd gyfreithiol ar weithwyr gofal iechyd fod yn onest â rhieni ac i beri ei bod yn ddyletswydd gyfreithiol—nad yw'n bod ar hyn o bryd—peidio â newid cofnodion meddygol. Bydd Arweinydd y Tŷ yn gwybod bod hynny wrth graidd yr ymchwiliad arfaethedig.

Mae'r trydydd mater yn ymwneud â chanol tref Aberystwyth. Yr wyf yn gofyn am ddatganiad gan y Dirprwy Weinidog, Leighton Andrews, am y mater hwn, sy'n achosi pryder aruthrol yn lleol yn Aberystwyth. Nid yw'r mater yng nghynllun y dref, ac mae pawb yr wyf wedi cwrdd â hwy yn Aberystwyth yn ei wrthwynebu, fel y mae'r masnachwyr. Mae'r cynnig wedi'i noddi gan Gyngor Sir Ceredigion, sydd bellach yn cynnal ymgyngoriad ar y mater eto drwy'r datblygwr preifat. Yr wyf yn gofyn am sicrwydd y bydd y datblygwr preifat yn gorfod dilyn canllawiau caeth mewn cysylltiad â'r ymchwiliad, fel sydd wedi'i bennu gan Lywodraeth y Cynulliad. Yr wyf yn gofyn am sicrwydd hefyd na wnaiff Llywodraeth y Cynulliad roi dim o'r arian y mae'n bwriadu ei ddyrannu yn hyn o beth nes bydd craffu ac ymgyngori llawn a phriodol wedi bod ar y mater yn lleol.

Carwyn Jones: Mewn cysylltiad â'r mater cyntaf, y gyllideb yw'r eitem nesaf ar yr agenda. Bydd Andrew Davies yn gwneud datganiad, a chaiff Aelodau gyfle i ofyn

opportunity to ask questions of him. You raised a specific issue, and I will ask the appropriate Minister to write to you on the tax issue that you raised.

With regard to the situation with Robbie Powell, I will ask the First Minister to provide an update on his consideration of these issues. You will understand that several issues need to be dealt with before a final position can be taken.

Aberystwyth town centre is ultimately a matter for Ceredigion County Council. It is that council's responsibility to develop the town centre and it, too, has the responsibility to deal with any planning issues that might arise as a result. I therefore suggest that you take the issue up with Ceredigion council in the first instance, as it is a matter for the council as to how it wishes to develop Aberystwyth town centre and in ensuring that it feels that it has sufficient public support for its proposals.

Chris Franks: The future of high speed transport links is crucial to the Welsh economy. Historically, transport links were designed to take resources out of Wales, as we were a major wealth-producing area. The Beeching cuts devastated our internal rail networks.

David Melding: This is a history lesson.

The Presiding Officer: Order. I regard it as being a preamble.

Chris Franks: I know the Conservatives do not like to be reminded of the past, Presiding Officer.

The scenario that I described has left us without the kind of electrified and high-speed rail transport links that our economy needs in the twenty-first century. As part of the tidal energy developments in the Severn estuary, several energy projects have been considered that could also accommodate rail links. The possibility of a Severn barrage carrying such a link has been ruled out. However, my understanding is that the similar, but smaller

cwestiynau iddo. Codosoch fater penodol, a gofynnaf i'r Gweinidog priodol ysgrifennu atoch ar y mater a godasoch ynghylch treth.

Gyda golwg ar y sefyllfa mewn cysylltiad â Robbie Powell, gofynnaf i'r Prif Weinidog roi'r wybodaeth ddiweddaraf ynghylch yr hyn y mae wedi'i ystyried am y materion hyn. Byddwch yn deall bod angen delio â nifer o faterion cyn y gellir cymryd safbwynt terfynol.

Mater i Gyngor Sir Ceredigion yn y pen draw yw canol tref Aberystwyth. Cyfrifoldeb y cyngor hwnnw yw datblygu canol y dref a chanddo ef y mae'r cyfrifoldeb hefyd am ddelio ag unrhyw faterion cynllunio a allai godi o ganlyniad. Yr wyf yn awgrymu, felly, eich bod yn codi'r mater gyda chynghor Ceredigion yn y lle cyntaf, gan mai mater i'r cyngor yw sut y mae'n dymuno datblygu canol tref Aberystwyth a sicrhau ei fod yn teimlo bod ganddo ddigon o gefnogaeth gan y cyhoedd i'w gynigion.

Chris Franks: Mae dyfodol cysylltiadau trafniadaeth cyflym yn hollbwysig i economi Cymru. Yn hanesyddol, yr oedd cysylltiadau trafniadaeth wedi'u bwriadu i fynd ag adnoddau allan o Gymru, gan ein bod yn ardal bwysig o ran creu cyfoeth. Distrywiodd toriadau Beeching ein rhwydweithiau rheilffyrdd mewnol.

David Melding: Gwers hanes yw hyn.

Y Llywydd: Trefn. Rhagymadrodd ydyw yn fy marn i.

Chris Franks: Gwn nad yw'r Ceidwadwyr yn hoffi cael eu hatgoffa am y gorffennol, Lywydd.

Mae'r senario a ddisgrifiais wedi ein gadael heb y math o gysylltiadau trafniadaeth rheilffyrdd cyflym a thrydanol y mae ar ein heconomi eu hangen yn yr unfed ganrif ar hugain. Fel rhan o ddatblygiadau ynni'r llanw yn aber Hafren, mae nifer o brosiectau ynni wedi'u hystyried a allai hefyd gynnwys cysylltiadau rheilffyrdd. Mae'r posibilrwydd o gael morglawdd Hafren ac arno gysyllt o'r fath wedi'i ddiystyru. Fodd bynnag, yr wyf

Shoots barrage, which would be much more acceptable to environmental groups, could accommodate a rail link between Wales and England. Can we find time to debate these developments, which might have a significant impact on Welsh transport links?

Carwyn Jones: The issues that you raise are primarily ones to be dealt with by the Deputy First Minister. In looking at the Severn barrage proposal, it seems to me that if a high-speed railway link were developed, taking the existing main line around the barrage and over to the English side of the Severn, it would miss out Newport, which would no longer have access to a high-speed link. There are issues to do with which communities would lose the link.

On your point on the Beeching cuts, last year, while canvassing in the council elections, a gentleman told me that he would not vote for me because I had not done enough to oppose the Beeching cuts. The fact that I was born three years before they happened apparently cut no ice with him. [*Laughter.*]

2.50 p.m.

Kirsty Williams: You have failed, Leader of the House, to extract the local transport services grant from your colleague, Ieuan Wyn Jones, the Deputy First Minister. Councils are now technically running services that are funded by that grant without any knowledge of whether the money will come to them. You said in the three business statements prior to the Easter recess that that statement would be published soon. Are you any clearer as to why Ieuan Wyn Jones is unable to do that? I am given to understand that one of the reasons for the delay is that the Deputy First Minister is changing the grant allocation that his officials have advised him to make to each individual local authority, and that he is making changes to that personally. Will you ensure that when that grant is finally published, both sets of figures will be made available to Plenary and to members of the public so that we can see

yn deall y byddai morglawdd Shoots, a fyddai'n debyg ond yn llai, ac a fyddai'n llawer mwy derbyniol gan grwpiau amgylcheddol, yn gallu cynnwys cyswllt rheilffordd rhwng Cymru a Lloegr. A allwn gael amser i gael dadl ar y datblygiadau hyn, a allai gael effaith sylweddol ar gysylltiadau trafndiaeth Cymru?

Carwyn Jones: Mae'r materion a godwch yn rhai i'w trafod gan y Dirprwy Brif Weinidog yn bennaf. Ac edrych ar y cynnig ar gyfer morglawdd Hafren, mae'n ymddangos i mi, pe câi cyswllt rheilffordd cyflym ei ddatblygu, gan fynd â'r brif reilffordd bresennol o gwmpas y morglawdd a throsodd i ochr Lloegr i afon Hafren, y byddai'n hepgor Casnewydd, a fyddai wedyn heb fynediad at gyswllt cyflym. Mae materion sy'n ymwneud â pha gymunedau a gollai'r cyswllt.

Ynghylch y pwynt a wnaethoch am doriadau Beeching, y llynedd, wrth ganfasio yn etholiadau'r cyngor, dywedodd gŵr bonheddig wrthyf na roddai bleidlais i mi gan nad oeddwn wedi gwneud digon i wrthwynebu toriadau Beeching. Nid oedd y ffaith fy mod wedi cael fy ngeni dair blynedd cyn iddynt ddigwydd yn mennu dim arno, i bob golwg. [*Chwerthin.*]

Kirsty Williams: Arweinydd y Tŷ, yr ydych wedi methu â chael gan eich cyd-Weinidog Ieuan Wyn Jones, y Dirprwy Brif Weinidog, roi'r grant gwasanaethau trafndiaeth lleol. Mae cynghorau'n awr yn rhedeg gwasanaethau'n dechnegol sydd wedi'u hariannu gan y grant hwnnw heb wybod a fyddant yn cael yr arian. Dywedasoeh yn y tri datganiad busnes cyn toriad y Pasg y câi'r datganiad hwnnw ei gyhoeddi cyn hir. A ydych yn gliriach o gwbl ynghylch pam nad yw Ieuan Wyn Jones yn gallu gwneud hynny? Yr wyf wedi cael ar ddeall mai un o'r rhesymau dros yr oedi yw bod y Dirprwy Brif Weinidog yn newid y dyraniad grant y mae ei swyddogion wedi'i gynghori i'w roi i bob awdurdod lleol unigol, a'i fod yn gwneud newidiadau yn hwnnw'n bersonol. A wnewch sicrhau, pan gyhoeddir y grant hwnnw o'r diwedd, y bydd y ddwy set o ffigurau ar gael i'r Cyfarfod Llawn ac i'r cyhoedd fel y

from which local authorities Ieuan Wyn Jones has taken resources and to whom he has given them?

Carwyn Jones: Again, these are matters that can be raised directly with the Deputy First Minister in questions or in correspondence.

Andrew R.T. Davies: I have several points to raise with the Leader of the House. First, on ambulance response times, we have just come out of a winter of miserable target adherence by the ambulance service; it is lamentable compared with other sectors of the United Kingdom. The Auditor General for Wales also came out with a report on ambulance transfer times in hospitals. There is a need for an overview of this, and the best way for that to happen would be for the Minister to make a statement, because I am sure that all Members have been informed of issues by constituents that have suffered from the lamentable times that they have had to wait, and there have been some very tragic stories arising from waiting for ambulances. Therefore, I would be grateful if the Minister for Health and Social Services could give consideration to making a statement to Plenary so that Members can question her on the ambulance response times.

Secondly, I was very pleased to hear last week that the Minister made a statement via a press release on measures being taken to address NHS staff abuse, which is something that I have championed long and hard. Sadly, the press release raised more questions than it answered, as it only talked of possibilities for measures for community health workers, for example—it did not address the issue of auditing attacks and getting a handle on how many attacks were perpetrated against community health workers. While we understand that there will be a pilot of CCTV cameras in four hospitals across Wales, the press release created more questions than it answered. I would be grateful if the Minister for Health and Social Services would consider making a statement to Plenary so that Members can question her on these other aspects, because we need a whole approach to staff safety in the NHS, and not a

gallwn weld pa awdurdodau lleol y mae Ieuan Wyn Jones wedi mynd ag adnoddau oddi arnynt ac i bwy y mae wedi'u rhoi?

Carwyn Jones: Unwaith eto, mae'r rhain yn faterion y gellir eu codi'n uniongyrchol gyda'r Dirprwy Brif Weinidog mewn cwestiynau neu drwy ohebu.

Andrew R.T. Davies: Mae gennyf amryw o bwyntiau i'w codi gydag Arweinydd y Tŷ. Yn gyntaf, ynghylch amseroedd ymateb ambiwlansys, yr ydym newydd gefnu ar aeaf pan gafwyd ymlynu gresynus wrth dargedau gan y gwasanaeth ambiwlans; mae'n druenus o'i gymharu â sectorau eraill o'r Deyrnas Unedig. Cyhoeddodd Archwilydd Cyffredinol Cymru adroddiad ar amseroedd trosglwyddo ambiwlansys mewn ysbytai hefyd. Mae angen cael trosolwg ar hyn, a'r ffordd orau i hynny ddigwydd fyddai i'r Gweinidog wneud datganiad, gan fy mod yn sicr bod yr holl Aelodau wedi'u hysbysu am faterion gan etholwyr sydd wedi dioddef am eu bod wedi gorfod aros am gyfnodau hir ofnadwy, ac mae rhai hanesion trist iawn oherwydd y disgwyl am ambiwlansys wedi dod i'r golwg. Felly, byddwn yn ddiolchgar pe gallai'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ystyried rhoi datganiad i'r Cyfarfod Llawn fel y gall Aelodau ei holi ynghylch amseroedd ymateb ambiwlansys.

Yn ail, yr oeddwn yn falch iawn o glywed yr wythnos diwethaf i'r Gweinidog wneud datganiad drwy gyhoeddiad i'r wasg am fesurau a gymerir i ddelio â cham-drin staff y GIG, sy'n rhywbeth yr wyf wedi dadlau o'i blaid yn ddygn ers tro. Gwaetha'r modd, cododd y datganiad i'r wasg fwy o gwestiynau nag a atebwyd ganddo, gan nad oedd ond yn sôn am bosibiliadau o fesurau ar gyfer gweithwyr iechyd cymunedol, er enghraifft—ni roddodd sylw i archwilio ymosodiadau a chael gwybod am nifer yr ymosodiadau yn erbyn gweithwyr iechyd cymunedol. Er ein bod yn deall y bydd cynllun peilot ar gyfer camerâu teledu cylch cyfyng mewn pedwar ysbyty ledled Cymru, cododd y datganiad i'r wasg fwy o gwestiynau nag a atebwyd ganddo. Byddwn yn ddiolchgar petai'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn ystyried rhoi datganiad i'r Cyfarfod Llawn fel y gall

piecemeal approach that was delivered in last week's press release on the eve of the Labour Party conference in Swansea.

Thirdly, I notice in the three week forward look that there is no slot for the Deputy First Minister to bring forward an announcement on his preferred option for the airport relief road in the Vale of Glamorgan. Given that he has given previous assurances to Plenary that that statement would be made before the end of spring, sadly, spring in my mind will end at the end of May. If you take the half-term recess into account, it leaves very little opportunity for the Minister to make the statement in Plenary. Will the Leader of the House give an assurance that such a statement is forthcoming and that time will be made available for it? There was a protest this afternoon on the steps of the Senedd by residents of Wenvoe, Pendoylan and St Nicholas on whose lives the road could have an enormous impact, and they are eagerly awaiting such a response from the Government.

Carwyn Jones: A response will be made when full consideration has been given to all the options. People would expect that to happen in any event. To my mind, spring ends on 20 June, and that is the timescale within which we operate. [*Interruption.*] The end of spring is 20 June—that is a geographical fact. Without being facetious, the point is that the announcement will be made before the end of spring—that has been said by the Deputy First Minister. In order to give an assurance to all those who are concerned—you mentioned people who were outside the Senedd today—it is important that a full and objective consideration is given to all the options, and that is what the Government will do.

On ambulance response times, I will take up the issue with the Minister for Health and Social Services regarding whether or not she wishes to issue a statement.

On NHS staff abuse, it is worth mentioning that a number of laws are already in place to protect not just NHS staff, but all members of

Aelodau ei holi am yr agweddau eraill hyn, gan fod arnom angen dull trylwyr o drafod diogelwch staff yn y GIG, ac nid y dull tameidiog a gyflwynwyd yn y datganiad i'r wasg yr wythnos diwethaf ar drothwy cynhadledd y Blaid Lafur yn Abertawe.

Yn drydydd, sylwaf yn y rhagolwg tair wythnos nad oes lle i'r Dirprwy Brif Weinidog wneud cyhoeddiad am y dewis y mae'n ei ffafrio ar gyfer ffordd liniaru'r maes awyr ym Mro Morgannwg. Gan ei fod wedi sicrhau'r Cyfarfod Llawn nifer o weithiau o'r blaen y byddai'r datganiad hwnnw'n cael ei roi cyn diwedd y gwanwyn, gwaetha'r modd, bydd y gwanwyn yn fy ngolwg i'n gorffen ddiwedd mis Mai. Os ystyriwch y toriad hanner tymor, nid yw'n rhoi fawr o gyfle i'r Gweinidog wneud y datganiad yn y Cyfarfod Llawn. A wnaiff Arweinydd y Tŷ roi sicrwydd y rhoddir datganiad o'r fath ac y bydd amser ar gael ar ei gyfer? Yr oedd protest y prynhawn yma ar risiau'r Senedd gan breswylwyr Gwenfô, Pendeulwyn a Sain Nicolas y gallai'r ffordd effeithio'n ddirfawr ar eu bywydau, ac maent yn aros yn eiddgar am ymateb o'r fath gan y Llywodraeth.

Carwyn Jones: Rhoddir ymateb pan fydd pob dewis wedi'i ystyried yn llawn. Byddai pobl yn disgwyl i hynny ddigwydd beth bynnag. Yn fy marn i, mae'r gwanwyn yn gorffen ar 20 Mehefin, a honno yw'r amserlen yr ydym yn ei dilyn. [*Torri ar draws.*] Diwedd y gwanwyn yw 20 Mehefin—mae honno'n ffaith ddaearyddol. Heb wamalu, y pwynt yw y gwneir y cyhoeddiad cyn diwedd y gwanwyn—mae'r Dirprwy Brif Weinidog wedi dweud hynny. Er mwyn rhoi sicrwydd i bawb sy'n pryderu—soniasoch am bobl a oedd y tu allan i'r Senedd heddiw—mae'n bwysig i ystyriaeth lawn a gwrthrychol gael ei rhoi i bob dewis, a hynny a wnaiff y Llywodraeth.

O ran amseroedd ymateb ambiwlansys, codaf y mater gyda'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ynghylch a yw'n dymuno rhoi datganiad ai peidio.

O ran cam-drin staff y GIG, mae'n werth sôn bod nifer o ddeddfau mewn grym eisoes i amddiffyn nid yn unig staff y GIG, ond holl

the public. It is a question of ensuring that those laws are enforced. That is why closed-circuit television is so important, because speaking from experience, in the early 1990s the Kingsway in Swansea was, for me, as a criminal barrister, a fruitful source of work, because there would often be trouble there over the weekend and trials would occur as a result, and it would be one person's word against another and so forth. When CCTV was installed, there was no scope for examining evidence by the prosecution or defence, because the cameras showed what had happened and contributed greatly to the reduction of violence on the Kingsway in Swansea. There was no need for new laws, only the CCTV cameras. Therefore, it is important that the pilot project is given an opportunity to work, because experience shows that enforcement and deterrence are more effective than simply bringing in more legislation.

Leanne Wood: You will be aware of the widespread concern about the actions and tactics of the police during recent demonstrations in London around the G20 summit. There remain many unanswered questions about the death of Ian Tomlinson and other aspects of the policing operation, which are being looked at by the Independent Police Complaints Commission. However, I am sure that you will agree that we would all want to ensure that a similar situation does not arise in Wales, and although I accept that policing is not a devolved matter, peaceful protests and demonstrations are, thankfully, common in Wales. Since the Assembly has been created, thousands of people have taken part in political demonstrations outside this very building. By pursuing tactics such as kettling, there is a risk that the police will lose the trust of a significant number of our population. Do you share my concerns about the heavy-handed police action at the recent protests in London and will you make time available in the Assembly so that Members can have the opportunity to express our support for the right to protest peacefully? Will you ask the Minister for Social Justice and Local Government to provide a statement to the Assembly, so that Members can be updated on the latest situation with regard to the 'One Wales' commitment to the devolution of the police in particular and also

aelodau'r cyhoedd. Mae'n fater o sicrhau bod y deddfau hynny'n cael eu gorfodi. Dyna pam y mae teledu cylch cyfyng mor bwysig oherwydd, a siarad o brofiad, ar ddechrau'r 1990au yr oedd Ffordd y Brenin yn Abertawe yn ffynhonnell ffrwythlon i mi o ran gwaith, fel bargyfreithiwr troseddol, gan y byddai helynt yn aml yn y fan honno dros y penwythnos a byddai treialon o ganlyniad, a byddai'n troi ar air un person yn erbyn y llall ac yn y blaen. Pan osodwyd teledu cylch cyfyng, nid oedd cyfle i'r erlyniad na'r amddiffyniad graffu ar dystiolaeth, oherwydd dangosai'r camerâu beth oedd wedi digwydd a chyfrasant yn fawr at leihau trais ar Ffordd y Brenin yn Abertawe. Nid oedd angen deddfau newydd, dim ond y camerâu teledu cylch cyfyng. Felly, mae'n bwysig rhoi cyfle i'r prosiect peilot weithio, gan fod profiad yn dangos bod gorfodi ac atal yn fwy effeithiol na chyflwyno rhagor o ddeddfwriaeth yn unig.

Leanne Wood: Byddwch yn ymwybodol o'r pryder cyffredinol ynghylch gweithredoedd a thactegau'r heddlu yn ystod gwrthdystiadau'n ddiweddar yn Llundain o gwmpas uwchgynhadledd yr G20. Mae llawer o gwestiynau sydd heb eu hateb o hyd ynghylch marwolaeth Ian Tomlinson ac agweddau eraill ar weithgarwch yr heddlu, sy'n cael eu hystyried gan Gomisiwn Cwynion Annibynnol yr Heddlu. Fodd bynnag, yr wyf yn siŵr y cytunwch y byddem oll am sicrhau na fydd sefyllfa debyg yn codi yng Nghymru, ac er fy mod yn derbyn nad yw plismona'n fater sydd wedi'i ddatganoli, mae protestiadau a gwrthdystiadau heddychlon yn gyffredin yng Nghymru, diolch byth. Ers creu'r Cynulliad, mae miloedd o bobl wedi cymryd rhan mewn gwrthdystiadau gwleidyddol y tu allan i'r adeilad hwn. Drwy ddefnyddio tactegau fel cronni, mae perygl y bydd yr heddlu'n colli ymddiriedaeth nifer sylweddol o'n pobl. A ydych yn pryderu fel yr wyf fi ynghylch gweithredu llawdrwm gan yr heddlu yn y protestiadau'n ddiweddar yn Llundain ac a wnewch neilltuo amser yn y Cynulliad fel y caiff yr Aelodau gyfle i ddatgan ein cefnogaeth i'r hawl i brotestio'n heddychlon? A wnewch ofyn i'r Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol roi datganiad i'r Cynulliad, fel y gellir rhoi'r wybodaeth ddiweddaraf i'r Aelodau

the wider criminal justice services? If policing matters were devolved to the Assembly, as Members, we would be able to have an input and a say as to how demonstrations in Wales in the future were policed.

Carwyn Jones: I will ask the Minister to update Members on the latest situation regarding the commitment, but we must understand that that is an event that occurred in London, and, even if policing was devolved in Wales, that would not affect what happened in London. I do not think that I can comment on the situation that happened during the protest, nor do I think that it would be wise for anyone in Government to do so, because an investigation is taking place at the moment, which must be allowed to run its course.

Jenny Randerson: During recess, there were two significant announcements—although, in the case of one, the withdrawal of funding for the Wales Rally GB, it was more of a lack of an announcement rather than anything else; it taking some three or four hours for the Welsh Assembly Government to respond to a press release from the rally organisers. There has been a belated written statement in relation to that, but that statement provokes a lot more questions than it answers. It is a matter of significant concern in the Chamber, not just for those of us representing the Cardiff area, but right across many rural parts of Wales, that this money is being withdrawn by the Welsh Assembly Government. Will you to organise an oral statement by the Deputy First Minister, so that we have the opportunity to probe behind the written statement and find out the details of the decision to withdraw that important money? The concern is the impact that that will have on jobs and the economies of the areas where the rally takes place.

3.00 p.m.

The second announcement related to further education funding—additional funding. Of course, anything extra for further education is

am y sefyllfa ddiweddaraf ynghylch yr ymrwymiad yn ‘Cymru’n Un’ i ddatganoli’r heddlu yn benodol a hefyd y gwasanaethau cyfiawnder troseddol ehangach? Pe câi materion yr heddlu eu datganoli i’r Cynulliad, fel Aelodau, byddem yn gallu cyfrannu a datgan ein barn ynghylch sut y câi gwrthdystiadau eu plismona yng Nghymru yn y dyfodol.

Carwyn Jones: Gofynnaf i’r Gweinidog roi’r wybodaeth ddiweddaraf i’r Aelodau am y sefyllfa ddiweddaraf ynghylch yr ymrwymiad, ond rhaid inni ddeall mai digwyddiad yn Llundain oedd hynny, a hyd yn oed pe câi plismona ei ddatganoli yng Nghymru, ni fyddai hynny’n effeithio ar yr hyn a ddigwyddodd yn Llundain. Nid wyf yn credu y gallaf wneud sylw am y sefyllfa a gododd yn ystod y brotest, ac nid wyf yn credu y byddai’n ddoeth i neb yn y Llywodraeth wneud hynny ychwaith, gan fod ymchwiliad yn digwydd ar hyn o bryd, y mae’n rhaid gadael iddo ddilyn ei gwrs.

Jenny Randerson: Yn ystod y toriad, cafwyd dau gyhoeddiad pwysig—er bod un ohonynt, am dynnu’n ôl arian ar gyfer Rali Cymru GB, yn fwy o ddiffyg cyhoeddiad na dim byd arall; gan iddi gymryd tua thair neu bedair awr i Lywodraeth Cynulliad Cymru ymateb i ddatganiad i’r wasg gan drefnwyr y rali. Mae datganiad ysgrifenedig hwyr wedi bod am hynny, ond mae’r datganiad hwnnw’n codi llawer mwy o gwestiynau nag a atebir ganddo. Mae’n fater sy’n peri cryn bryder yn y Siambr, nid yn unig i’r rhai ohonom sy’n cynrychioli ardal Caerdydd, ond ar draws llawer o rannau gwledig o Gymru, fod Llywodraeth Cynulliad Cymru yn tynnu’r arian hwn yn ôl. A wnewch drefnu datganiad llafar gan y Dirprwy Brif Weinidog, fel y cawn gyfle i holi am y datganiad ysgrifenedig a darganfod manylion y penderfyniad i dynnu’n ôl yr arian pwysig hwnnw? Achos y pryder yw’r effaith a gaiff hynny ar swyddi ac ar economïau’r ardaloedd lle y mae’r rali’n cael ei chynnal.

Yr oedd yr ail gyhoeddiad yn ymwneud â chyllid addysg bellach—cyllid ychwanegol. Wrth gwrs, mae unrhyw beth ychwanegol i

welcome in view of the very bad news earlier this year. However, unfortunately, the announcement gave very few details of the rationale behind the distribution of the money. It is becoming evident, as further education colleges report on the impact on them, that there are some big discrepancies. Swansea reports that it is still £750,000 down, Bridgend that it is more than £1 million down, and Coleg Gwent is also heavily down on last year's income. Therefore, the gap between the statement that the Minister made, which claimed that there was no longer any need for any redundancies, and the reality on the ground is considerable. I believe that it is important that we have an oral statement from the Minister so that we can look in some detail at the exact implications of this further FE funding announcement. I would be grateful if you could ask the Minister whether he would be prepared to do that.

Carwyn Jones: Written statements have been issued and there will be an opportunity to question the Deputy First Minister more fully during questions to him tomorrow and next Wednesday, when there will be ample opportunity to explore matters further as Members see fit.

Bethan Jenkins: Last week's Westminster budget was a blow to anti-poverty campaigners, given its implications for child poverty and the agenda that the Welsh Assembly Government is trying to promote in reaching the targets. Therefore, in light of last week's budget, I ask for a debate on child poverty. The child poverty action group said that the budget is a disgraceful pittance and that the rise of £20 a year in family tax credits, which amounts to less than the cost of a pint of milk a day, is an insult to those struggling in poverty at this time. There is a duty upon us now to look again at our targets and at how we can meet them if the Westminster Government is intent on not making the necessary investment in this most important agenda.

Carwyn Jones: There will be an opportunity

addysg bellach i'w groesawu o ystyried y newyddion hynod o ddrwg yn gynharach eleni. Fodd bynnag, yn anffodus, ychydig iawn o fanylion a gafwyd yn y cyhoeddiad ynghylch y rhesymeg wrth wraidd y modd y cafodd yr arian ei ddsbarthu. Mae'n dod yn amlwg, wrth i golegau addysg bellach roi gwybod am yr effaith arnynt, fod rhai anghysondebau mawr i'w cael. Dywed Abertawe ei fod ar ei golled o £750,000 o hyd, dywed Pen-y-bont ar Ogwr ei fod ar ei golled o fwy nag £1 filiwn, ac mae Coleg Gwent hefyd yn cael llai o lawer o'i gymharu ag incwm y llynedd. Felly, ceir bwch sylweddol rhwng y datganiad a wnaeth y Gweinidog, a oedd yn honni nad oedd dim angen dileu swyddi mwyach, a'r realiti ar lawr gwlad. Credaf ei bod yn bwysig inni gael datganiad llafar gan y Gweinidog fel y gallwn edrych yn fanwl ar union oblygiadau'r cyhoeddiad hwn ynghylch rhagor o gyllid i addysg bellach. Byddwn yn ddiolchgar pe gallech ofyn i'r Gweinidog a fyddai'n fodlon gwneud hynny.

Carwyn Jones: Mae datganiadau ysgrifenedig wedi'u cyhoeddi a bydd cyfle i holi'r Dirprwy Brif Weinidog yn fwy manwl yn ystod cwestiynau iddo yfory a dydd Mercher nesaf, pan geir digon o gyfle i archwilio materion ymhellach fel y gwêl yr Aelodau orau.

Bethan Jenkins: Yr oedd cyllideb San Steffan yr wythnos diwethaf yn ergyd i ymgyrchwyr yn erbyn tlodi, o ystyried ei goblygiadau i dlodi plant a'r agenda y mae Llywodraeth Cynulliad Cymru yn ceisio'i hyrwyddo er mwyn cyrraedd y targedau. Felly, yn sgîl y gyllideb yr wythnos diwethaf, gofynnaf am ddadl ar dlodi plant. Dywedodd y grŵp gweithredu ar dlodi plant fod y gyllideb yn warthus o isel a bod y cynnydd o £20 y flwyddyn mewn credydau treth i deuluoedd, sy'n cyfateb i lai na chost peint o laeth y dydd, yn sarhad i'r rhai sydd mewn tlodi ac yn cael trafferth ymdopi ar hyn o bryd. Mae'n ddyletswydd arnom yn awr edrych eto ar ein targedau a sut y gallwn eu cyrraedd os yw Llywodraeth San Steffan yn benderfynol o beidio â gwneud y buddsoddiad angenrheidiol yn yr agenda hollbwysig hon.

Carwyn Jones: Bydd cyfle i ymdrin ag

to deal with any budgetary issues arising from the UK budget with the Minister when he delivers his next statement. Child poverty is an important issue—we know that—but what is most important in alleviating child poverty is ensuring that there are jobs available for the parents or carers, ensuring access to training to increase or upgrade people's skills so that they can look for better-paid jobs, and ensuring that the economy looks forward to a situation where, in future, it can grow again. The actions of the UK Government are such that, unlike the Conservative Party opposite, we have put in place the foundations to ensure that the economy grows in future and that we do not continue bumping along at the bottom, which is precisely what the policies of the Conservative Party would mean.

Darren Millar: Will you allow time for an oral statement in Government time on the protocol on response times to correspondence between Members and Ministers? Some four weeks ago, I wrote an urgent letter to the Deputy First Minister about a company based in my constituency that is facing serious financial difficulties as a result of a main contractor in the FibreSpeed project in north Wales going bust. This subcontractor is owed a significant amount of money and now faces the prospect of having to lay off up to 20 members of his staff because of £50,000-worth of outstanding invoices. Despite this situation, I am still awaiting a response from the Deputy First Minister. Clearly, this is unacceptable, and there needs to be a strengthening of this protocol.

Carwyn Jones: Again, it is a matter to be raised with the Deputy First Minister during questions to him.

Peter Black: Leader of the House, I wish to reinforce the request of my colleague Jenny Randerson in relation to the Wales Rally GB. Although a written statement has been issued, there are several issues around that that need greater probing by Members in the Chamber. Only through an oral statement can we look into this. In particular, the loss of the staging post to Swansea is significant, and the loss of the rally will have an impact on Swansea itself. The Deputy First Minister clearly

unrhyw faterion cyllidebol sy'n codi yn sgîl cyllideb y DU gyda'r Gweinidog pan fydd yn traddodi ei ddatganiad nesaf. Mae tlodi plant yn fater pwysig—yr ydym oll yn gwybod hynny—ond yr hyn sydd bwysicaf er mwyn lleddfu tlodi plant yw sicrhau bod swyddi ar gael i'r rhieni neu'r gofalwyr, sicrhau mynediad at hyfforddiant er mwyn cynyddu neu uwchraddio sgiliau pobl fel y gallant chwilio am swyddi â thâl gwell, a sicrhau bod yr economi'n edrych ymlaen at sefyllfa lle y gall dyfu eto yn y dyfodol. Mae'r camau y mae Llywodraeth y DU wedi'u cymryd yn golygu, yn wahanol i'r Blaid Geidwadol gyferbyn, ein bod wedi cyflwyno'r sylfeini i sicrhau bod yr economi'n tyfu yn y dyfodol ac nad ydym yn parhau i lusgo ar hyd y gwaelod, sef yr union beth y byddai polisïau'r Blaid Geidwadol yn ei olygu.

Darren Millar: A wnewch ganiatáu amser ar gyfer datganiad llafar yn amser y Llywodraeth ar y protocol ar amseroedd ymateb i ohebiaeth rhwng Aelodau a Gweinidogion? Tua phedair wythnos yn ôl, ysgrifennais lythyr brys at y Dirprwy Brif Weinidog ynghylch cwmni yn fy etholaeth sy'n wynebu anawsterau ariannol difrifol o ganlyniad i'r ffaith bod prif gontractwr ym mhrosiect FibreSpeed yn y gogledd wedi mynd i'r wal. Mae swm sylweddol o arian yn ddyledus i'r is-gontractwr hwn ac yn awr mae'n wynebu'r sefyllfa lle y bydd yn gorfod atal hyd at 20 aelod o'i staff oherwydd gwerth £50,000 o anfonebau heb eu talu. Er gwaethaf y sefyllfa hon, yr wyf yn dal i aros am ateb gan y Dirprwy Brif Weinidog. Yn amlwg, mae hyn yn annerbyniol, ac mae angen cryfhau'r protocol hwn.

Carwyn Jones: Unwaith eto, mae hwn yn fater i'w godi gyda'r Dirprwy Brif Weinidog yn ystod cwestiynau iddo.

Peter Black: Arweinydd y Tŷ, hoffwn ategu cais fy nghyd-Aelod Jenny Randerson ynghylch Rali Cymru Prydain Fawr. Er bod datganiad ysgrifenedig wedi'i gyhoeddi, ceir nifer o faterion yn gysylltiedig â hynny y mae angen i Aelodau yn y Siambr ymchwilio ymhellach iddynt. Dim ond drwy gyfrwng datganiad llafar y gallwn archwilio hyn. Mae colli'r man aros, yn enwedig, yn gollod sylweddol i Abertawe, a bydd colli'r rali yn cael effaith ar Abertawe ei hun. Yn amlwg,

needs to come to the Chamber to answer questions on the issue in some depth. Therefore, I ask you to reconsider a request to the Deputy First Minister to make an oral statement on that particular issue.

I also support my colleague in relation to further education. My colleague has referred to the fact that Swansea College still has a £750,000 shortfall, and that Bridgend college still has to find £1 million of savings from its services. She did not refer to Gorseinon College, which has not had any extra money and now has to make redundancies and will be closing an important centre in Pontarddulais. It is important that if we are to have cuts and redundancies on this scale the Deputy Minister should come to the Chamber and answer questions directly on an oral statement instead of hiding behind a written statement.

Carwyn Jones: He is not hiding at all. Neither Minister is hiding, because, as I have said to Members, there is an opportunity to ask questions tomorrow and next week. It is a matter for Members to ensure that they table the questions that they want answered, and to look to see whether they can come in on any questions that have been tabled by other Members. That is the point of Ministers coming here to answer questions.

Rhodri Glyn Thomas: Yn ôl y wasg dros y penwythnos, yr oeddech yn awyddus iawn i hysbysu Aelodau Seneddol o ystyr a goblygiadau datganoli. A ydyw'n fwriad gennych bellach felly i siarad â Gweinidog yn Swyddfa Cymru ynglŷn â'r Gorchymyn cymhwysedd deddfwriaethol ar yr iaith Gymraeg, a'i berswadio mai barn pobl Cymru yw mai'r Cynulliad hwn yw'r lle priodol i drafod hyd a lled y Gorchymyn hwnnw, ac na ddylai Aelodau Seneddol na Gweinidogion yn San Steffan geisio cyfyngu ar y Gorchymyn hwnnw mewn unrhyw ffordd?

Carwyn Jones: Mae'n bwysig i bawb ddeall bod rôl sylweddol i Aelodau Seneddol o dan Ddeddf Llywodraeth Cymru 2006, sydd yn iawn. Mae'n bwysig sicrhau, gydag unrhyw Orchymyn, bod pawb yn ymwybodol o hyd a

mae angen i'r Dirprwy Brif Weinidog ddod i'r Siambr i roi atebion manwl i gwestiynau ar y mater. Felly, gofynnaf ichi ailystyried cais i'r Dirprwy Brif Weinidog wneud datganiad llafar ar y mater penodol hwnnw.

Yr wyf hefyd yn cefnogi fy nghyd-Aelod yng nghyswllt addysg bellach. Mae fy nghyd-Aelod wedi cyfeirio at y ffaith bod gan Goleg Abertawe ddiffyg o £750,000 o hyd, a bod coleg Pen-y-bont ar Ogwr yn dal i orfod canfod gwerth £1 miliwn o arbedion o'i wasanaethau. Ni chyfeiriodd at Goleg Gorseinon, nad yw wedi cael dim arian ychwanegol ac sy'n gorfod dileu swyddi'n awr ac a fydd yn cau canolfan bwysig ym Mhontarddulais. Mae'n bwysig, os ydym am weld toriadau a dileu swyddi ar y raddfa hon, i'r Dirprwy Weinidog ddod i'r Siambr ac ateb cwestiynau'n uniongyrchol ar ddatganiad llafar yn hytrach na chuddio y tu ôl i ddatganiad ysgrifenedig.

Carwyn Jones: Nid yw'n cuddio o gwbl. Nid yw'r naill Weinidog na'r llall yn cuddio, oherwydd, fel yr wyf wedi dweud wrth yr Aelodau, ceir cyfle i ofyn cwestiynau yfory a'r wythnos nesaf. Mater i Aelodau yw sicrhau eu bod yn cyflwyno'r cwestiynau y mae arnynt eisiau atebion iddynt, ac edrych i weld a allant ddod i mewn ar unrhyw gwestiynau sydd wedi'u cyflwyno gan Aelodau eraill. Hynny yw diben bod Gweinidogion yn dod yma i ateb cwestiynau.

Rhodri Glyn Thomas: According to the press over the weekend, you were very keen to inform Members of Parliament about the meaning and implications of devolution. Do you, therefore, still intend to speak to a Minister at the Wales Office regarding the legislative competence Order on the Welsh language, and convince him that the people of Wales believe that this Assembly is the appropriate place to discuss the scope of that Order, and that neither Members of Parliament nor Westminster Ministers should try to restrict that Order in any way?

Carwyn Jones: It is important for everyone to understand that Members of Parliament, have an extensive role under the Government of Wales Act 2006, and rightly so. It is important to ensure, with any Order, that

lled y Gorchymyn hwnnw. Felly, mae'n rhaid ystyried y Gorchymyn hwn yn fanwl yng Nghaerdydd ac yn San Steffan er mwyn i bawb wybod yn union pa fath o bwerau sy'n cael eu datganoli. Mae'n broses eithaf call, sydd o gymorth i'r Cynulliad ac i San Steffan.

Mark Isherwood: Will you provide time in this Chamber to allow Assembly Members to ask questions in detail on a statement by the Deputy First Minister following amendments announced on the community transport concessionary fares initiative? In a response to a written Assembly question at the end of March, I was told that payments would be made quarterly in advance following the receipt of properly completed claims. However, in a meeting with community transport groups in north Wales last Thursday, I was told that they still have not received any forms to complete or any details of how to do so. The groups have expressed concern that the 25 per cent cut in funding will cause them to reduce or even cease their services to elderly and vulnerable people. New criteria would also restrict concessionary fares to people on disability allowance alone. The new criteria should not be a blunt instrument and the assessment of need and eligibility must involve the experience and discretion of the service provider when the emphasis must be on lifting out those in need who would otherwise be stranded and, when having withdrawn redundancy notices, they will now have to issue them again.

Carwyn Jones: Again, these are suggestions that have been made to you. I suggest that you put those suggestions to the Deputy First Minister in correspondence or orally and then he can deal with the issues in due course.

Eleanor Burnham: In view of the devastating job losses in north Wales that have been previously mentioned, could we prevail upon your good grace to have at least a statement, or, far better, a proper debate in Government time on the full implications of

everyone is aware of its scope. Therefore, that Order must be considered in detail in Cardiff and Westminster so that everyone knows exactly what type of powers are being devolved. It is quite a sensible process, which is helpful to both the Assembly and Westminster.

Mark Isherwood: A wnewch ddarparu amser yn y Siambr hon i ganiatáu i Aelodau'r Cynulliad ofyn cwestiynau manwl ar ddatganiad gan y Dirprwy Brif Weinidog yn sgîl newidiadau a gyhoeddwyd yn y fenter tocynnau teithio rhatach ar drafnidiaeth gymunedol? Mewn ymateb i gwestiwn ysgrifenedig y Cynulliad ddiwedd mis Mawrth, dywedwyd wrthyf y byddai taliadau'n cael eu gwneud bob chwarter ymlaen llaw wedi i geisiadau a oedd wedi'u cwblhau'n gywir gael eu derbyn. Fodd bynnag, mewn cyfarfod gyda grwpiau trafnidiaeth gymunedol yn y gogledd ddydd Iau diwethaf, dywedwyd wrthyf nad ydynt wedi cael dim ffurflenni i'w llenwi byth, na dim manylion ynghylch sut i wneud hynny. Mae'r grwpiau wedi mynegi pryder y bydd y toriad o 25 y cant yn y cyllid yn peri iddynt leihau neu hyd yn oed roi'r gorau i'w gwasanaethau i bobl oedranus ac agored i niwed. Byddai meini prawf newydd hefyd yn cyfyngu tocynnau teithio rhatach i bobl sy'n cael lwfans anabl yn unig. Ni ddylai'r meini prawf newydd fod yn erfyn di-awch a rhaid i'r asesiad o angen a phwy sy'n gymwys ddefnyddio profiad a disgresiwn y darparwr gwasanaeth, ac mae'n rhaid i'r pwyslais fod ar gynorthwyo'r rhai sydd mewn angen a fyddai, fel arall, yn methu â mynd i unman. Hefyd, a hwythau wedi tynnu'r rhybuddion o ddileu swyddi yn ôl, bydd yn rhaid iddynt eu cyflwyno eto'n awr.

Carwyn Jones: Unwaith eto, awgrymiadau yw'r rhain sydd wedi'u crybwyll wrthyf. Yr wyf yn awgrymu eich bod yn cyflwyno'r awgrymiadau hynny i'r Dirprwy Brif Weinidog mewn gohebiaeth neu'n llafar ac yna gall ef ymdrin â'r materion yn eu tro.

Eleanor Burnham: Ac ystyried y colli swyddi difrifol yn y gogledd sydd wedi'i grybwyll o'r blaen, a allem bwysu arnoch am gael datganiad o leiaf os gwelwch yn dda, neu, yn well o lawer, dadl iawn yn amser y Llywodraeth ar oblygiadau llawn yr hyn sy'n

what is happening and on the way in which the Government is helping and will continue to be able to support those who are experiencing the most devastating blow to their lives?

Carwyn Jones: It has been the Government's practice to bring to the Chamber a statement following each economic summit so that Members can express their concerns. That is an indication of the Government's openness and its intention to engage with Members and keep Members aware of what the Government is doing to deal with the current economic situation.

Jonathan Morgan: Will the Leader of the House ask the Minister for Health and Social Services to bring forward an oral statement and to consider publishing a strategy on what the Government is doing to combat liver disease among young people?

3.10 p.m.

According to the Office for National Statistics report of November last year, there has been a 40 per cent increase in the number of those aged 25 to 29 dying of liver disease. Hepatologists are increasingly reporting that there are a number of young people in their clinics, particularly in their twenties and thirties, who are presenting with liver cirrhosis caused by an increase in alcohol use. This is becoming a major public health problem. Unless the Welsh Assembly Government does something now, in 20 or 30 years' time the NHS simply will not cope with the epidemic with which it will be faced. I know that you will tell me that I can raise these questions with the Minister for health next week, or at some point in the future, but I think that this matter warrants serious consideration by you, your colleagues and the Minister for health in particular.

Carwyn Jones: I will ensure that the Minister for health is aware of your concerns and I will ask her to respond as she feels is appropriate.

digwydd a'r modd y mae'r Llywodraeth yn helpu ac y bydd yn parhau i allu cefnogi'r rhai sy'n profi'r ergyd fwyaf dinistriol i'w bywydau?

Carwyn Jones: Yr hyn y mae'r Llywodraeth wedi bod yn ei wneud yw cyflwyno datganiad i'r Siambr wedi pob uwchgynhadledd economaidd fel y gall Aelodau fynegi eu pryderon. Mae hynny'n dangos pa mor agored yw'r Llywodraeth a'i bwriad i siarad ag Aelodau a sicrhau bod Aelodau'n ymwybodol o'r hyn y mae'r Llywodraeth yn ei wneud i ymdrin â'r sefyllfa economaidd bresennol.

Jonathan Morgan: A wnaiff Arweinydd y Tŷ ofyn i'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol gyflwyno datganiad llafar ac ystyried cyhoeddi strategaeth ar yr hyn y mae'r Llywodraeth yn ei wneud i frwydro'n erbyn clefyd yr afu ymhlith pobl ifanc?

Yn ôl adroddiad y Swyddfa Ystadegau Gwladol fis Tachwedd y llynedd, bu cynnydd o 40 y cant yn nifer y bobl rhwng 25 a 29 oed sy'n marw o glefyd yr afu. Mae hepatolegwyr yn adrodd yn gynyddol fod nifer o bobl ifanc yn eu clinigau, yn enwedig yn eu dau ddegau a'u tri degau, y mae sirosis yr afu arnynt sydd wedi'i achosi gan gynydd mewn defnyddio alcohol. Mae hyn yn datblygu'n broblem fawr o ran iechyd y cyhoedd. Oni bai fod Llywodraeth Cynulliad Cymru yn gwneud rhywbeth yn awr, ymhen 20 neu 30 mlynedd ni fydd y GIG, yn syml iawn, yn gallu ymdopi â'r epidemig a fydd yn ei hwynebu. Gwn y byddwch yn dweud wrthyf y gallaf godi'r cwestiynau hyn gyda'r Gweinidog iechyd yr wythnos nesaf, neu ar ryw adeg yn y dyfodol, ond credaf fod hwn yn fater sy'n cyfiawnhau ystyriaeth o ddifrif gennyh chi, eich cyd-Aelodau a'r Gweinidog iechyd yn benodol.

Carwyn Jones: Sicrhaf fod y Gweinidog iechyd yn ymwybodol o'ch pryderon a gofynnaf iddi ymateb yn y modd sy'n addas yn ei barn hi.

Datganiad am Gyllideb Llywodraeth y DU Statement on the UK Government's Budget

The Minister for Finance and Public Services (Andrew Davies): I would like to make a short statement to brief Assembly Members on the implications of the UK budget last Wednesday.

The Chancellor's budget has been framed as a response to the huge shockwaves caused by the global economic downturn and the difficulties that are apparent right across the world. A number of the announcements match our approach: ensuring fairness for people in these difficult times, helping to prepare the economy for recovery, and setting the foundations for a stable and sustainable future. We must and will target policies at dealing with unemployment, particularly among the young. As David Blanchflower, former member of the Monetary Policy Committee, said recently:

'long spells of unemployment while young cause permanent scars, rather than the temporary blemishes that occur for older workers who already have a foothold in the labour market'.

We believe that it is right to use our budget to provide a counter-cyclical economic stimulus. We have been using our budget to maximum effect to support people, communities and business in Wales through the global downturn. For example, we are recognised throughout the UK as being at the forefront of developing innovative new approaches such as the ProAct scheme. However, as well as benefiting from UK-wide measures Wales will need to play its part in helping to balance the books in years to come. We cannot be immune from the UK spending squeeze to get the national debt back to sustainable levels. The efficiencies that we face making in Wales—of around £216 million revenue in 2010-11—will pose a significant challenge for us and our stakeholder partners, as we look to make services as efficient as possible. We take a small degree of comfort that, following representations that we have made to the UK Government, we have avoided having to make larger and potentially unfair and

Y Gweinidog dros Gyllid a Gwasanaethau Cyhoeddus (Andrew Davies): Hoffwn wneud datganiad byr i friffio Aelodau'r Cynulliad ynghylch goblygiadau cyllideb y DU ddydd Mercher diwethaf.

Mae cyllideb y Canghellor wedi'i llunio i ymateb i'r sgîl-ffeithiau aruthrol a achoswyd gan y cwmp economaidd byd-eang a'r anawsterau sy'n amlwg ledled y byd. Mae nifer o'r cyhoeddiadau'n cyd-fynd â'n dull ni o weithredu: sicrhau tegwch i bobl yn y cyfnod anodd hwn, helpu i baratoi'r economi ar gyfer adferiad, a gosod y sylfeini ar gyfer dyfodol sefydlog a chynaliadwy. Rhaid inni dargedu polisïau ar ymdrin â diweithdra, yn enwedig ymhlith yr ifanc, a byddwn yn gwneud hynny. Fel y dywedodd David Blanchflower, cyn-aelod o'r Pwyllgor Polisi Ariannol, yn ddiweddar:

mae cyfnodau hir o ddiweithdra pan fydd pobl yn ifanc yn achosi creithiau parhaol, yn hytrach na'r brychau dros dro sy'n dod i ran gweithwyr hŷn y mae ganddynt eisoes droedle yn y farchnad lafur.

Credwn ei bod yn iawn defnyddio ein cyllideb i ddarparu ysgogiad economaidd gwrth-gylchol. Yr ydym wedi bod yn defnyddio ein cyllideb i'r eithaf i gefnogi pobl, cymunedau a busnesau yng Nghymru yn ystod y cwmp byd-eang. Er enghraifft, yr ydym yn cael ein cydnabod ledled y DU oherwydd ein bod ar flaen y gad o ran datblygu dulliau newydd arloesol o weithredu megis y cynllun ProAct. Fodd bynnag, yn ogystal ag elwa yn sgîl mesurau i'r DU gyfan, bydd angen i Gymru chwarae ei rhan i helpu i fantoli'r cyfrifon yn y blynyddoedd sydd i ddod. Ni allwn gael ein heithrio rhag y wasgfa yn y DU ar wario er mwyn cael y ddyled genedlaethol yn ôl i lefelau cynaliadwy. Bydd yr arbedion yr ydym yn wynebu gorfod eu gwneud yng Nghymru—o tua £216 miliwn o refeniw yn 2010-11—yn her sylweddol inni ac i'n partneriaid sy'n rhanddeiliaid, wrth inni geisio sicrhau bod gwasanaethau mor effeithlon ag sy'n bosibl. Mae'n rhywfaint o gysur inni ein bod, yn sgîl sylwadau yr ydym wedi'u gwneud i

disproportionate revenue efficiency savings of almost £300 million for 2010-11. This is what the First Minister and I had sought and what we achieved in discussions with UK Government Ministers.

On capital, stemming from November's pre-budget report, and as we have indicated previously, our annual block capital budget in 2010-11 will reduce by around £200 million. This is partly as a result of bringing forward capital budgets of up to £140 million from 2010-11 to this financial year and the last to provide an economic stimulus. It is also partly due to a £75 million reduction in our budget arising as a Barnett consequential from a reduction in the UK Department of Health capital budget, although we intend to draw on end-year flexibility resources accrued in earlier years to mitigate the impact of the UK health budget cut.

More positively, through Barnett consequentials from other announcements in the UK Government's budget, we also stand to receive an additional £46 million in 2009-10—this financial year, in other words—and £14 million in 2010-11. Announcements as to exactly how we will use this additional resource to continue our work to help people, communities and businesses in these challenging times will be made in the coming weeks, following Assembly Government Cabinet discussions.

Looking beyond 2010-11, the UK Government is seeking to find an additional £9 billion of efficiency savings over the period 2011-12 to 2013-14. Although overall current spending is still anticipated to grow at the UK level by around 0.7 per cent per year in real terms over this period, that is lower than the projections in the pre-budget report back in November and we cannot be guaranteed any cash increases to our future budgets. In addition, gross capital investment at the UK level is forecast to fall significantly over the period 2010-11 to 2013-14, which is

Lywodraeth y DU, wedi osgoi gorfod gwneud arbedion effeithlonrwydd mwy mewn refeniw o bron £300 miliwn ar gyfer 2010-11, a allai fod wedi bod yn annheg ac anghymesur. Dyma yr oedd Prif Weinidog Cymru a minnau wedi ceisio'i sicrhau a'r hyn y bu inni lwyddo i'w wneud mewn trafodaethau gyda Gweinidogion Llywodraeth y DU.

O ran cyfalaf, yn deillio o'r adroddiad rhag-gyllidebol ym mis Tachwedd, ac fel yr ydym wedi dweud yn flaenorol, bydd ein cyllideb cyfalaf bloc flynyddol yn 2010-11 yn gostwng tua £200 miliwn. Mae hyn yn rhannol o ganlyniad i ddwyn cyllidebau cyfalaf o hyd at £140 miliwn ymlaen o 2010-11 i'r flwyddyn ariannol hon a'r un ddiwethaf er mwyn ysgogi'r economi. Mae hefyd yn rhannol yn sgîl gostyngiad o £75 miliwn yn ein cyllideb sy'n codi o ganlyniad i Barnett yn sgîl gostyngiad yng nghyllideb gyfalaf Adran Iechyd y DU, er ein bod yn bwriadu defnyddio adnoddau hyblygrwydd diwedd blwyddyn a gasglwyd mewn blynyddoedd blaenorol i leddfau effaith y toriad yng nghyllideb iechyd y DU.

Yn fwy cadarnhaol, drwy gyfrwng symiau canlyniadol Barnett o gyhoeddiadau eraill yng nghyllideb Llywodraeth y DU, byddwn hefyd yn cael £46 miliwn yn ychwanegol yn 2009-10—yn y flwyddyn ariannol hon, hynny yw—a £14 miliwn yn 2010-11. Gwneir cyhoeddiadau ynghylch sut yn union y byddwn yn defnyddio'r adnodd ychwanegol hwn i barhau â'n gwaith i helpu pobl, cymunedau a busnesau yn y cyfnod dyrus hwn yn ystod yr wythnosau sydd i ddod, wedi trafodaethau yng Nghabinet Llywodraeth y Cynulliad.

Gan edrych y tu hwnt i 2010-11, mae Llywodraeth y DU yn ceisio canfod £9 biliwn yn ychwanegol o arbedion effeithlonrwydd yn ystod y cyfnod 2011-12 i 2013-14. Er y rhagwelir y bydd y gwariant cyfredol yn dal i dyfu tua 0.7 y cant yn gyffredinol ar lefel y DU mewn termau real yn ystod y cyfnod hwn, mae hynny'n is na'r rhagamcanion yn yr adroddiad rhag-gyllidebol ym mis Tachwedd ac ni allwn fod yn sicr y cawn gynnydd ariannol o gwbl yn ein cyllidebau yn y dyfodol. Yn ogystal â hynny, disgwylir i'r buddsoddi cyfalaf

likely to feed through into reduced capital budgets for the Assembly Government.

Although the exact impact of the further efficiency savings and wider public spending squeeze on the Assembly Government's budget is not yet known, the tighter budgets that we face, which I have been warning about for 18 months, emphasise the importance of using our resources effectively and efficiently. In the discussions that the First Minister and I have had since the pre-budget report with UK Government Ministers, we have consistently advocated measures that will help the Welsh economy as well as minimise the impact of UK fiscal decisions on the Assembly Government's budget.

There is a range of announcements in the budget regarding initiatives that will be taken forward at a UK level. We welcome those measures, which will benefit individuals, businesses and communities in Wales, for example, support for young people unemployed for more than a year, and support for low-carbon industries. As the First Minister indicated earlier, these are measures that we have been advocating to the UK Government. In particular, we welcome the new UK-wide strategic investment fund, which the UK Government has indicated will support key new technology sectors that we have already identified in Wales, such as advanced manufacturing, digital and biotechnologies. We will be engaging with the UK Government to seek to maximise the benefits for Wales from these UK-wide measures.

In summary, the UK budget presents opportunities that we intend to make the most of, as well as dealing with the growing financial challenges in future years. As we have consistently outlined, the tightening budgets that we face emphasise the importance of using our resources effectively and efficiently. We will therefore continue to develop better and more efficient public

cryswth ar lefel y DU ostwng yn sylweddol yn ystod y cyfnod 2010-11 i 2013-14, ac mae hynny'n debygol o arwain at gyllidebau cyfalaf is ar gyfer Llywodraeth y Cynulliad.

Er nad yw union effaith yr arbedion effeithlonrwydd ychwanegol a'r wasgfa ehangach ar wario cyhoeddus ar gyllideb Llywodraeth y Cynulliad yn hysbys eto, mae'r cyllidebau tynnach yr ydym yn eu hwynebu, ac yr wyf wedi bod yn rhybuddio am hyn ers 18 mis, yn pwysleisio mor bwysig yw defnyddio'n hadnoddau'n effeithiol ac yn effeithlon. Yn y trafodaethau y mae'r Prif Weinidog a minnau wedi'u cael ers yr adroddiad rhag-gyllidebol gyda Gweinidogion Llywodraeth y DU, yr ydym wedi bod yn argymhell yn gyson fesurau a fydd o gymorth i economi Cymru yn ogystal â rhai a fydd yn lliniaru effaith penderfyniadau ariannol y DU ar gyllideb Llywodraeth y Cynulliad.

Ceir ystod o gyhoeddiadau yn y gyllideb ynglŷn â mentrau a fydd yn cael eu rhoi ar waith ar lefel y DU. Yr ydym yn croesawu'r mesurau hynny, a fydd o fudd i unigolion, i fusnesau ac i gymunedau yng Nghymru, er enghraifft, cymorth i bobl ifanc sy'n ddi-waith ers mwy na blwyddyn, a chymorth i ddiwydiannau rhad-ar-garbon. Fel yr awgrymodd y Prif Weinidog yn gynharach, mesurau yw'r rhain yr ydym wedi bod yn eu hargymhell i Lywodraeth y DU. Yn benodol, yr ydym yn croesawu'r gronfa buddsoddi strategol newydd ar gyfer y DU gyfan. Mae Llywodraeth y DU wedi dweud y bydd hon yn gymorth i'r sectorau technoleg newydd allweddol sydd eisoes dan sylw gennym yng Nghymru, megis technolegau gweithgynhyrchu uwch, technolegau digidol a biodechnolegau. Byddwn yn trafod â Llywodraeth y DU i geisio sicrhau'r budd mwyaf posibl i Gymru yn sgîl y mesurau hyn ar gyfer y DU gyfan.

I grynhoi, mae cyllideb y DU yn cynnig cyfleoedd y bwriadwn fanteisio i'r eithaf arnynt, yn ogystal â mynd i'r afael â'r anawsterau ariannol cynyddol a ddaw yn y blynyddoedd sydd o'n blaen. Fel yr ydym wedi dweud droeon, mae'r tynhau ar gyllidebau yr ydym yn ei wynebu'n pwysleisio mor bwysig yw defnyddio'n hadnoddau'n effeithiol ac yn effeithlon.

services, focus increasingly on outcomes and ensure that we stretch the Welsh pound to deliver the maximum benefits for people across Wales.

Nick Ramsay: I thank you, Minister, for your statement. It is an important statement at an important and challenging time. I have a number of questions for you, as Minister for Finance and Public Service Delivery, on the back of that statement. First, can we be clear that we are dealing with a cut of £416 million? In his answers to questions earlier, the First Minister seemed to be eager to focus on the £216 million revenue rather than the cut to capital expenditure. I notice that you have performed a similar balancing act in your statement. I appreciate that, overall, the figure is the same, but it seems that you do not want to face up to that figure, which presents us with enormous challenges.

Secondly, you have claimed credit for having avoided revenue efficiency savings of £300 million for 2010-11. Thank goodness for that. I get the feeling that small crumbs of comfort are being derived from a budget that has clearly not delivered the type of support that the Assembly Government was hoping for. I would appreciate some honesty from you, Minister, and your Government on this matter, and I think that the people of Wales deserve some honesty. Let us not beat about the bush. You have said that your Government is heading for a brick wall in a couple of years' time, and this budget seems to have done very little to dismantle that wall.

Thirdly, I ask you, Minister, about the general issue of the efficiency savings, and specifically the £9 billion-worth of savings that you mentioned for the UK in 2011-12 up to 2013-14. You said that we cannot be guaranteed any cash increases to our budget. Given the way in which you said that and the fact that you have turned it around, do you not agree that we are extremely unlikely to receive such cash increases when we need them? Therefore, the medium-term economic

Felly, byddwn yn parhau i ddatblygu gwasanaethau cyhoeddus gwell a mwy effeithlon, yn canolbwyntio fwyfwy ar ganlyniadau ac yn sicrhau ein bod yn ymestyn punt Cymru er mwyn cael y budd mwyaf posibl i bobl ledled Cymru.

Nick Ramsay: Diolch ichi, Weinidog, am eich datganiad. Mae'n ddatganiad pwysig ar adeg bwysig ac anodd. Mae gennyf nifer o gwestiynau yn sgîl y datganiad hwnnw ichi, fel Gweinidog dros Gyllid a Chyflenwi Gwasanaethau Cyhoeddus. Yn gyntaf, a allwn fod yn glir mai sôn am dorri £416 miliwn yr ydym? Yn ei atebion i gwestiynau yn gynharach, yr oedd y Prif Weinidog i bob golwg yn awyddus i ganolbwyntio ar y £216 miliwn o refeniw yn hytrach nag ar dorri'r gwariant cyfalaf. Sylwaf i chithau yn yr un modd geisio cadw'r ddysgl yn wastad yn eich datganiad. Yr wyf yn sylweddoli bod y ffigur, drwyddo draw, yr un fath, ond mae'n ymddangos nad ydych am wynebu'r ffigur hwnnw, sy'n gosod her enfawr inni.

Yn ail, yr ydych wedi hawlio'r clod am osgoi arbedion effeithlonrwydd refeniw gwerth £300 miliwn ar gyfer 2010-11. Diolch byth am hynny. Yr wyf yn rhyw deimlo bod rhywun yn cael briwsion bach o gysur o gyllideb sy'n amlwg heb ddarparu'r math o gymorth yr oedd Llywodraeth y Cynulliad yn gobeithio amdano. Byddwn yn gwerthfawrogi mymryn o onestrwydd gennych, Weinidog, a chan eich Llywodraeth yn y cyswllt hwn, a chredaf fod pobl Cymru'n haeddu mymryn o onestrwydd. Gadewch inni beidio â hel dail. Yr ydych wedi dweud y bydd eich Llywodraeth yn mynd ar ei phen i wal frics ymhen blwyddyn neu ddwy, ac nid yw'r gyllideb hon i bob golwg wedi gwneud fawr o ddim i ddimchwel y wal honno.

Yn drydydd, yr wyf yn eich holi, Weinidog, ynghylch mater cyffredinol yr arbedion effeithlonrwydd, ac yn benodol yr arbedion gwerth £9 biliwn a grybwyllwyd gennych ar gyfer y DU yn 2011-12 hyd at 2013-14. Dywedasoeh na allwn fod yn sicr y cawn unrhyw gynnydd ariannol yn ein cyllideb. O gofio'r ffordd y dywedasoeh hynny a'r ffaith eich bod wedi'i droi ar ei ben, oni chytunwch ein bod yn annhebygol iawn o gael cynnydd ariannol o'r fath pan fydd ei angen arnom?

outlook for the Assembly Government's finances is bleak indeed.

You said that it is important that resources be used efficiently and effectively, and we would all agree with that. We welcome moves such as establishing the new strategic investment fund, as any additional funding to support the manufacturing base is to be welcomed. However, for many people, it is too little, too late. There are businesses out there going bust at the moment, and we have seen the manufacturing base dwindle over the past 10 years, but your statement does nothing to address that.

3.20 p.m.

Finally, Minister, I would be grateful if you would comment on the overall projection of a 3 per cent growth rate as we come out of recession, down the line. That seems to me, and to independent commentators, to be wholly unrealistic, and while there has been growth at that rate on a few occasions in the past, you have to agree—and you have said this yourself in the past—that the recession that we face at the moment is quite different from previous recessions, particularly that seen in the 1990s. Indeed, it is totally different from any recession faced since the war. I feel that that 3 per cent is wholly unrealistic. Taking that unrealistic growth rate together with the significant amount of funding that the Assembly Government has, thankfully, been allowed to bring forward into this financial year, do you agree that we could be looking at public finances hitting the brick wall that you have spoken about earlier than your Government would like, and certainly earlier than any Assembly Members would like?

Andrew Davies: Some things do not change, and those were the usual platitudes from the Conservatives. Yes, we have been open about the reduction in revenue, but, to put it in perspective, when the National Assembly was first set up, its budget was £7 billion; next financial year, the Welsh Assembly

Felly, mae'r rhagolygon economaidd yn y tymor canol yn llwm iawn o ran sefyllfa ariannol Llywodraeth y Cynulliad.

Dywedasoeh ei bod yn bwysig defnyddio adnoddau'n effeithlon ac yn effeithiol, a byddem i gyd yn cytuno â hynny. Yr ydym yn croesawu camau megis sefydlu'r gronfa buddsoddi strategol newydd, gan fod unrhyw arian ychwanegol i gefnogi'r sylfaen gweithgynhyrchu i'w groesawu. Serch hynny, i lawer o bobl, rhy ychydig yn rhy hwyr yw hi. Mae'r hwch wrthi'n mynd drwy'r siop i rai busnesau eisoes, ac yr ydym wedi gweld y sylfaen gweithgynhyrchu'n edwino yn ystod y 10 mlynedd diwethaf, ond nid yw eich datganiad yn gwneud dim i fynd i'r afael â hynny.

Yn olaf, Weinidog, byddwn yn ddiolchgar petaech yn sôn am y rhagamcan cyffredinol ar gyfer cyfradd twf o 3 y cant wrth inni gamu o'r dirwasgiad, maes o law. Mae hynny'n ymddangos i mi, ac i sylwebyddion annibynnol, yn gwbl afrealistig, ac er bod twf wedi digwydd ar y gyfradd honno ychydig o weithiau yn y gorffennol, rhaid ichi gytuno—ac yr ydych wedi dweud hyn eich hun yn y gorffennol—fod y dirwasgiad yr ydym yn ei wynebu ar hyn o bryd yn eithaf gwahanol i ddirwasgiadau o'r blaen, yn enwedig i hwnnw a welwyd yn yr 1990au. Yn wir, mae'n gwbl wahanol i unrhyw ddirwasgiad a wynebwyd ers y rhyfel. Yr wyf yn teimlo bod 3 y cant yn gwbl afrealistig. A chymryd y gyfradd twf afrealistig honno ynghyd â'r swm sylweddol o arian y mae Llywodraeth y Cynulliad, diolch byth, wedi cael ei ddwyn ymlaen i'r flwyddyn ariannol hon, a gytunwch y gallem fod yn gweld ein cyllid cyhoeddus yn taro'r wal fries yr ydych wedi sôn amdani'n gynharach nag y byddai'ch Llywodraeth yn dymuno'i tharo, ac yn sicr, yn gynharach nag y byddai unrhyw un o Aelodau'r Cynulliad yn dymuno'i weld?

Andrew Davies: Nid yw rhai pethau byth yn newid, a dyna'r un hen dôn gron gan y Ceidwadwyr. Ydym, yr ydym wedi bod yn agored ynglŷn â'r gostyngiad mewn refeniw, ond, a gweld hynny yn ei gyd-destun, pan sefydlwyd y Cynulliad Cenedlaethol i ddechrau, £7 biliwn oedd ei gyllideb; y

Government's budget is over £16 billion, so it has more than doubled in 10 years, which is a significant growth in public expenditure. However, that is not to say that the reductions in the revenue account are not significant. I am on record as saying consistently that the days of considerable growth in public expenditure are over. That is in marked contrast to the time when your party was governing Wales, when the level of growth in public expenditure was considerably lower.

On capital, you cannot spend the same money twice. The UK Government has allowed us, as it has across the UK, to bring forward capital expenditure of around £140 million, and therefore there will be a readjustment in future. That is why there will be a reduced baseline of capital in 2010-11. We do not know what that will mean for the future until the next comprehensive spending review. Yes, we lobbied vigorously on behalf of Wales and the Assembly Government to Treasury; I had several meetings and conversations with the Chief Secretary to the Treasury, Yvette Cooper, and the First Minister had similar conversations with the Prime Minister and other UK Government Ministers. The worst-case scenario was to have to make £300 million of revenue savings, and we have achieved an £80 million reduction on that, so to say that that amounts to crumbs on the table is rather overstating the case. In fact, £80 million is significant, and if we were to have to find an additional £80 million of efficiency savings, that would be another challenge.

I am on record as saying that we have to focus on what we get for our investment, not on how much we spend. The public sector does that, which will mean increased scrutiny of effectiveness and value-for-money considerations. To encourage and incentivise efficiency, I am establishing an invest-to-save fund, which will be open to bodies funded by the Assembly Government. That will encourage the more efficient delivery of services, as well as greater collaboration between local authorities, the health service and other public bodies.

flwyddyn ariannol nesaf, bydd cyllideb Llywodraeth y Cynulliad dros £16 biliwn, felly mae wedi dyblu a mwy mewn 10 mlynedd, sy'n dwf sylweddol mewn gwariant cyhoeddus. Fodd bynnag, nid yw hynny'n golygu nad yw'r gostyngiadau yn y cyfrif refeniw'n sylweddol. Yr wyf wedi dweud yn gyson, ac mae hynny ar glawr, fod dyddiau'r twf sylweddol mewn gwariant cyhoeddus ar ben. Mae hynny'n gwbl groes i'r adeg pan oedd eich plaid chi'n llywodraethu Cymru, pan oedd lefel y twf mewn gwariant cyhoeddus yn is o lawer.

O ran cyfalaf, ni allwch wario'r un arian ddwywaith. Mae Llywodraeth y DU wedi caniatáu inni, fel y mae wedi caniatáu hynny ar draws y DU, ddwyn ymlaen wariant cyfalaf o tua £140 ac felly, bydd angen ailaddasu yn y dyfodol. Dyna pam y bydd sylfaen y cyfalaf yn llai yn 2010-11. Ni wyddom beth fydd ystyr hynny ar gyfer y dyfodol tan yr adolygiad cynhwysfawr nesaf o wariant. Do, buom yn lobbio'r Trysorlys yn ddygn ar ran Cymru a Llywodraeth y Cynulliad. Cefais sawl cyfarfod a sgwrs gyda Phrif Ysgrifennydd y Trysorlys, Yvette Cooper, a chafodd y Prif Weinidog sgysiau tebyg gyda Phrif Weinidog a Gweinidogion eraill Llywodraeth y DU. Y sefyllfa waethaf fyddai petaem wedi gorfod arbed refeniw gwerth £300 miliwn, ac yr ydym wedi llwyddo i ostwng hynny £80 miliwn, felly gor-ddweud braidd yw sôn am friwsion ar y bwrdd. A dweud y gwir, mae £80 miliwn yn sylweddol, a phetaem yn gorfod dod o hyd i arbedion effeithlonrwydd gwerth £80 miliwn yn ychwanegol, byddai hynny'n her arall.

Yr wyf wedi dweud, ac mae hynny ar glawr, fod yn rhaid inni ganolbwyntio ar yr hyn a gawn am ein buddsoddiad, nid ar faint y byddwn yn ei wario. Mae'r sector cyhoeddus yn gwneud hynny, a fydd yn golygu mwy o graffu ar effeithiolrwydd ac ystyriaethau gwerth am arian. Er mwyn annog a chymell effeithlonrwydd, yr wyf yn sefydlu cronfa buddsoddi i arbed. Bydd honno ar agor i gyrff a noddir gan Lywodraeth y Cynulliad. Bydd hynny'n annog darparu gwasanaethau'n fwy effeithlon, a hefyd yn annog mwy o gydweithredu rhwng awdurdodau lleol, y gwasanaeth iechyd a chyrrff cyhoeddus eraill.

Your points about the economies of Wales and the UK are made out of context. I was in Barcelona recently on business, and Catalonia has an unemployment level of 12 per cent; ours is between 7.5 and 8 per cent. When I told my colleague, the finance Minister of Catalonia, he was impressed that, like them, we were dealing with the economic downturn and the movement offshore and loss of manufacturing jobs to eastern and central Europe and, increasingly, to China. The Catalans felt that we were weathering the storm better than they were. From the statistics, we know that the UK is doing better than other parts of the European Union, in many cases. The Catalan Government was also very impressed with what we are doing on public procurement: using the £5 billion of expenditure that the public sector spends every year on goods and services in Wales to help to grow the Welsh economy. I am confident that the latest figures will show that more than 50 per cent of that expenditure is now won by Welsh-based companies. Through a range of measures, from the ProAct scheme to all the other work that we are doing to increase demand in the Welsh economy and to prevent people from becoming unemployed, we are doing everything that we can in conjunction with the UK Government to deal with the worst impacts of the economic recession.

On the Chancellor's growth forecast, back in the summer, he said and forecast that the—at that time—coming recession was likely to be the worst economic downturn for 60 years. He was openly ridiculed at the time, but he has been proved right. His and the Treasury's growth forecasts have as good a record as any. Therefore, I put more faith in the Chancellor's forecast on this than I do in that of the International Monetary Fund, for example, which has consistently got the growth forecast for the British economy wrong.

Chris Franks: It would be interesting to learn the full details of the discussions that you have had with your counterparts in London regarding the cuts of £416 million to

Mae eich pwyntiau am economïau Cymru a'r DU yn cael eu gwneud y tu allan i'w cyd-destun. Yr oeddwn ym Marcelona'n ddiweddar ar fusnes, ac mae diweithdra yng Nghatalonia'n 12 y cant; rhwng 7.5 ac 8 y cant yw diweithdra yma. Pan ddywedais wrth fy nghyfaill, Gweinidog cyllid Catalonia, yr oedd yn dda ganddo weld ein bod ni, fel hwythau, yn mynd i'r afael â'r dirywiad economaidd a swyddi'n symud dros y môr a cholli swyddi gweithgynhyrchu i ddwyrain a chanol Ewrop ac yn gynyddol i Tsieina. Teimlai'r Catalaniaid ein bod yn gwrthsefyll y storm yn well nag yr oeddent hwy. Ar sail yr ystadegau, gwyddom fod y DU yn gwneud yn well na rhannau eraill o'r Undeb Ewropeaidd, mewn sawl achos. Yr oedd yr hyn yr ydym yn ei wneud ym maes caffael cyhoeddus yn creu argraff ar Lywodraeth Catalonia hefyd: defnyddio'r £5 biliwn o wariant y mae'r sector cyhoeddus yn ei wario ar nwyddau a gwasanaethau bob blwyddyn yng Nghymru i gynorthwyo economi Cymru i dyfu. Yr wyf yn ffyddiog y bydd y ffigurau diweddaraf yn dangos bod mwy na 50 y cant o'r gwariant hwnnw bellach yn cael ei ennill gan gwmnïau yng Nghymru. Drwy gyfrwng ystod o fesurau, o'r cynllun ProAct i'r holl waith arall yr ydym yn ei wneud i gynyddu'r galw yn economi Cymru ac i atal pobl rhag colli eu gwaith, yr ydym yn gwneud popeth a allwn ar y cyd â Llywodraeth y DU i fynd i'r afael ag effeithiau gwaethaf y dirwasgiad economaidd.

O ran rhagolygon y Canghellor ar gyfer twf, yn yr haf dywedodd a rhagwelodd y mai'r dirwasgiad hwn—dirwasgiad a oedd ar y ffordd bryd hynny—fyddai'r dirywiad economaidd gwaethaf ers 60 mlynedd mae'n debyg. Yr oedd yn destun sbort mawr ar y pryd, ond erbyn gweld yr oedd yn iawn. Mae ei ragolygon ef a'r Trysorlys ar gyfer twf cystal â'r un. Felly, yr wyf yn fwy parod i goelio rhagolygon y Canghellor yn y cyswllt hwn na rhagolygon y Gronfa Ariannol Ryngwladol, er enghraifft, sydd wedi bod yn gyson anghywir wrth ragweld twf economi Prydain.

Chris Franks: Byddai'n ddiddorol cael gwybod manylion llawn y trafodaethau yr ydych wedi'u cael gyda'ch cymheiriaid yn Llundain ynglŷn â thorri £416 miliwn oddi ar

the Welsh budget. I am sure that you explained the impact that this blow would have on the lives of ordinary people, and it would be interesting to hear the UK Ministers' replies to your warnings of the effect that such a huge sum would have on the economy of Wales.

Plaid Cymru called for a real Welsh fiscal stimulus in the budget last week, and certainly not the setback that Alistair Darling mentioned. This budget has not provided the necessary finance to protect Wales from the impact of recession. With the economy facing an extremely difficult period, it will be a formidable challenge to manage the level of cuts being proposed. Do you agree that the UK Government should scrap expensive projects such as the discredited identity card scheme, Trident, and the two aircraft carriers, all of which will cost huge amounts of money? Issuing ID cards will cost more than £5 billion over the next decade, but scrapping the scheme would leave the taxpayer with a relatively small compensation bill to pay. Perhaps you would agree with Stephen Byers, a former Cabinet Minister, who said that ID cards should be shelved. He also suggested that the expensive replacement for Trident be abandoned. I wonder whether you would agree with your Labour colleague, Minister. Would that not be a better way forward than cutting from the Welsh budget, from Welsh schools, and from health and the environment?

I fear that we in Wales face a double whammy because of the Barnett formula. We have already made savings, as you have mentioned today and in the past. We will have to make further savings, potentially cutting to the bone, if England follows our lead. You cannot make the same efficiency savings twice.

I am also deeply concerned about the plans to turn the Royal Mint at Llantrisant into a company; that is clearly the first step towards privatisation. Can you advise us as to what discussions you have had with Ministers in London regarding that decision? We need assurances that workers' pay, pensions, and conditions are maintained. I know from

gyllideb Cymru. Yr wyf yn siŵr ichi esbonio'r effaith a gâi'r ergyd hon ar fywydau pobl gyffredin, a byddai'n ddiddorol clywed atebion Gweinidogion y DU i'ch rhybuddion ynglŷn â'r effaith a gâi swm mor fawr ar economi Cymru.

Galwodd Plaid Cymru am ysgogiad ariannol go iawn i Gymru yn y gyllideb yr wythnos diwethaf, ac yn sicr nid am y cam yn ôl a grybwyllwyd gan Alistair Darling. Nid yw'r gyllideb hon wedi rhoi'r arian angenrheidiol i warchod Cymru rhag effaith dirwasgiad. Mae'r economi'n wynebu cyfnod eithafol o anodd, a bydd rheoli lefel y toriadau a gynigir yn her aruthrol. A gytunwch y dylai Llywodraeth y DU roi'r gorau i brosiectau drud megis y cynllun cardiau adnabod cywilyddus, Trident, a'r ddau gludwr awyrennau, cynlluniau a fydd i gyd yn costio symiau enfawr? Bydd cyhoeddi cardiau ID yn costio mwy na £5 biliwn yn ystod y degawd nesaf, ond pe rhoddid y gorau i'r cynllun, dim ond iawndal bach y byddai'n rhaid i'r trethdalwr ei dalu. Efallai y byddech yn cytuno â Stephen Byers, un o gyn Weinidogion y Cabinet a ddywedodd y dylid anghofio am gardiau ID. Awgrymodd hefyd y dylid rhoi'r gorau i'r taflegryn drud a fydd yn disodli Trident. Tybed a fyddech yn cytuno â'ch cyd-aelod yn y blaid Lafur, Weinidog? Oni fyddai hynny'n ffordd well o fwrw ymlaen na thorri cyllideb Cymru, a chwto'i'r arian a gaiff ysgolion Cymru, ac iechyd a'r amgylchedd?

Mae arnaf ofn ein bod ni yng Nghymru'n wynebu ergyd deuddwrn oherwydd fformiwla Barnett. Yr ydym eisoes wedi arbed arian, fel yr ydych wedi crybwyll heddiw ac yn y gorffennol. Bydd yn rhaid inni arbed rhagor, o bosibl drwy dorri hyd at yr asgwrn, os bydd Lloegr yn dilyn ein harweiniad. Ni allwch arbed yr un arian ddwywaith drwy fod yn effeithlon.

Yr wyf hefyd yn poeni'n fawr am y cynlluniau i droi'r Bathdy Brenhinol yn Llantrisant yn gwmni; mae'n amlwg mai dyna'r cam cyntaf tuag at breifateiddio. A allwch ddweud wrthym pa drafodaethau yr ydych wedi'u cael gyda Gweinidogion yn Llundain ynglŷn â'r penderfyniad hwnnw. Mae angen sicrwydd arnom fod cyflogau'r

speaking to constituents that many are rightly concerned about the pensions issue, and many want assurances on that.

gweithwyr, eu pensiynau a'u hamodau gwaith yn cael eu cynnal. Gwn o siarad ag etholwyr fod llawer yn poeni, a hynny'n ddigon teg, am fater pensiynau, ac mae llawer am gael sicrwydd ynglŷn â hynny.

3.30 p.m.

We all know that the Llantrisant/Pontypridd area has suffered very badly as a result of job losses. To undermine an organisation of such quality as the Royal Mint in these very difficult circumstances is quite shameful.

Gŵyr pawb ohonom fod ardal Llantrisant/Pontypridd wedi dioddef yn fawr iawn oherwydd colli swyddi. Mae tanseilio sefydliad mor safonol â'r Bathdy Brenhinol o dan yr amgylchiadau hynod anodd hyn yn gwbl warthus.

The UK Government cuts will cost Welsh public services around £1 billion in the 2013-14 budget. What talks have taken place on the likely impact on our public services? I welcome the £30 million investment for the Cardiff Royal Infirmary, and the investment in mental health assessment units at Llandough and Whitchurch hospitals. Can you assure me that this type of investment will not be under threat in the future as a result of these cuts?

Bydd toriadau Llywodraeth y DU yn costio tua £1 biliwn i wasanaethau cyhoeddus Cymru yng nghyllideb 2013-14. Pa drafodaethau sydd wedi cael eu cynnal ynglŷn â'r effaith debygol ar ein gwasanaethau cyhoeddus? Yr wyf yn croesawu'r buddsoddiad o £30 miliwn yn Ysbyty Brenhinol Caerdydd, a'r buddsoddiad mewn unedau asesu iechyd meddwl yn ysbytai Llandochoau a'r Eglwys Newydd. A allwch fy sicrhau na fydd y math hwn o fuddsoddiad o dan fygythiad yn y dyfodol yn sgîl y toriadau hyn?

Finally, do you agree that it is us in Wales who will have to pay for the hugely reckless behaviour of the speculators in the City of London and on Wall Street? Is it not about time that we put people before profits?

Yn olaf, a ydych yn cytuno mai ni yng Nghymru a fydd yn gorfod talu am ymddygiad cwbl ryfygus hapfasnachwyr yn Ninas Llundain ac ar Wall Street? Onid yw'n bryd inni roi pobl o flaen elw?

Andrew Davies: Wales benefits overwhelmingly from being part of the United Kingdom. In my response to Nick Ramsay earlier, I made the point that the Assembly Government's budget has more than doubled since 1999. However, we are not exempt from the global recession. I pointed out that Barcelona, which is the third most prosperous regional province of Spain, is suffering very severely from unemployment. It had an unemployment rate of 12 per cent when I was there a few weeks ago. I was told then, sadly with confidence, that it was expected to reach 15 per cent within a very short space of time. Ireland, which Chris and others have often held up as a model that we should follow, has had its second budget this year and has seen savage reductions in public expenditure. I would reject the notion that Wales has or deserves

Andrew Davies: Mae Cymru'n elwa'n enfawr o fod yn rhan o'r Deyrnas Unedig. Yn fy ymateb i Nick Ramsay yn gynharach, gwneuthum y pwynt bod cyllideb Llywodraeth y Cynulliad wedi mwy na dyblu ers 1999. Fodd bynnag, nid ydym wedi ein heithrio rhag y dirwasgiad byd-eang. Dywedais yn gynharach fod Barcelona, y dalaith ranbarthol fwyaf llewyrchus ond dwy yn Sbaen, yn dioddef yn ddifrifol oherwydd diweithdra. Yr oedd ganddi gyfradd diweithdra o 12 y cant pan oeddwn yno ychydig wythnosau'n ôl. Dywedwyd wrthyf bryd hynny, gyda hyder yn anffodus, fod disgwyl iddi gyrraedd 15 y cant o fewn cyfnod byr iawn o amser. Mae Iwerddon, y mae Chris ac eraill wedi tynnu sylw ati'n aml fel model y dylem ei ddilyn, wedi cael ei hailgyllideb eleni ac wedi gweld gostyngiadau llym mewn gwariant cyhoeddus. Byddwn yn

special treatment and is somehow exempt from normal economic and fiscal laws. We benefit overwhelmingly from the increase in public expenditure, as well as from being part of a wider market and all the benefits that we derive from being part of a bigger body—such as the defence technical academy just down the road in St Athan. We are part of the United Kingdom and benefit from the investments that the UK Government makes. We also benefit from public expenditure and employment provided by UK Government departments in Wales, which provide considerable employment as well as services for the people of Wales. We need to put on record that it is not the case that, if we had different constitutional arrangements, Wales would somehow be miraculously better off.

I also reject the notion that Wales does badly from the Barnett formula. I have not seen any objective evidence that shows that Wales has consistently suffered as a result of that formula. Of course, we await the outcome of the commission chaired by Gerry Holtham, and his considerations and conclusions on the formula. That is not to say that the Barnett squeeze may not have an impact on our budget in future years, but I have not seen any evidence that we are disadvantaged.

We were obviously concerned about the Chancellor's reference to the Royal Mint. We as a Government have already made it clear that we view the Royal Mint as a hugely important and successful public sector manufacturer in Wales, and we have already been in discussion with the management and, in particular, the trade unions to get their views. We will also be seeking assurances from the UK Government—I know that the First Minister has already taken this up with UK Government Ministers—that any change in the future status of the Royal Mint will not affect its continued presence or its growth in Llantrisant.

Kirsty Williams: I thank the Minister for his

gwrthod y syniad bod Cymru'n cael triniaeth arbennig neu ei bod yn haeddu hynny a'i bod rywsut yn cael ei heithrio rhag deddfau economaidd a chyllidol arferol. Yr ydym yn elwa'n aruthrol o'r cynnydd mewn gwariant cyhoeddus, yn ogystal ag o fod yn rhan o farchnad ehangach a'r holl fanteision a gawn o fod yn rhan o gorff mwy—megis yr academi dechnegol ym maes amddiffyn nid nepell o'r fan hon, yn Sain Tathan. Yr ydym yn rhan o'r Deyrnas Unedig ac yn elwa o fuddsoddiadau Llywodraeth y DU. Yr ydym hefyd yn elwa o'r gwariant cyhoeddus a'r gyflogaeth a ddarperir gan adrannau Llywodraeth y DU yng Nghymru, sy'n darparu cyflogaeth sylweddol yn ogystal â gwasanaethau i bobl Cymru. Mae angen inni ddweud ar goedd nad yw'n wir, petai gennym drefniadau cyfansoddiadol gwahanol, y byddai Cymru rywsut, yn wyrthiol, ar ei hennill.

Yr wyf hefyd yn gwrthod y syniad bod Cymru'n gwneud yn wael yn sgîl fformiwla Barnett. Nid wyf wedi gweld dim tystiolaeth wrthrychol sy'n dangos bod Cymru wedi dioddef yn gyson o ganlyniad i'r fformiwla honno. Wrth gwrs, yr ydym yn disgwyl canlyniad y comisiwn o dan gadeiryddiaeth Gerry Holtham, a'i ystyriaethau ef a'i gasgliadau am y fformiwla. Nid yw hynny'n golygu na chaiff y wasgfa ar Barnett effaith ar ein cyllideb ni efallai yn y blynyddoedd i ddod, ond nid wyf wedi gweld dim tystiolaeth ein bod o dan anfantais.

Yr oeddem yn amlwg yn bryderus ynglŷn â chyfeiriad y Canghellor at y Bathdy Brenhinol. Yr ydym ni, fel Llywodraeth, eisoes wedi ei gwneud yn glir ein bod yn gweld y Bathdy Brenhinol fel gweithgynhyrhydd sector cyhoeddus eithriadol o bwysig a llwyddiannus yng Nghymru, ac yr ydym eisoes wedi cynnal trafodaethau â'r rheolwyr ac, yn arbennig, yr undebau llafur i gael eu barn nhw. Byddwn yn ceisio cael sicrwydd hefyd gan Lywodraeth y DU—gwn fod y Prif Weinidog eisoes wedi codi hyn gyda Gweinidogion Llywodraeth y DU—na fydd unrhyw newid yn statws y Bathdy Brenhinol yn y dyfodol yn effeithio ar ei bresenoldeb yn Llantrisant na'i dwf.

Kirsty Williams: Diolch i'r Gweinidog am

statement today. I welcome his acknowledgment of the difficulties that this budget and the current economic climate, and their effects on public expenditure, will place upon the Assembly, which your colleague, the First Minister, sought to play down earlier this afternoon in answers to questions. I also recognise that, for a number of months, you have been warning that this situation would arise. However, as a Minister, you have somewhat of a reputation as a practitioner of the black art of spin and one cannot help but wonder whether those warnings were made to allow you to get up today to say, 'Well, it wasn't as bad as it could have been; the Prime Minister has listened to my pleas and representations'.

I fear that this budget may turn out to be the least painful in a long series of painful budgets that the National Assembly has to endure, especially if Alistair Darling's figures prove to be as hopefully optimistic as everyone else believes that they are—that is, everyone excluding those on the Government payroll who have to say that they trust his figures. Indeed, if the Government fails to persuade the bond markets to buy staggering amounts of gilts, we could face a much worse situation than that which we are facing today. I notice, Minister, that you were quick to dismiss the predictions of the International Monetary Fund, but the reality of Alistair Darling's figures is that they suggest that we will grow at a faster rate out of this recession than we grew out of the last recession under the Conservatives, even though this recession is widely acknowledged to be much worse than anything that we have faced in modern times. Your Chancellor is expecting us to grow quickly out of this situation even though it is worse than anything experienced previously by the British economy.

I believe that this budget is a missed opportunity to help those in Welsh society who are facing the brunt of this economic downturn—those communities that have had very little out of the so-called 'boom' years. This budget could have seen the Labour Party in London seeking to readjust the taxation system to make it fairer. Instead, we have

ei ddatganiad heddiw. Yr wyf yn croesawu ei fod yn cydnabod yr anawsterau y bydd y gyllideb hon a'r hinsawdd economaidd ar hyn o bryd, a'u heffeithiau ar wariant cyhoeddus, yn eu hachosi i'r Cynulliad. Ceisiodd eich cyd-Aelod, y Prif Weinidog, fychanu hynny y prynhawn yma wrth ateb cwestiynau. Yr wyf yn cydnabod hefyd eich bod, ers misoedd lawer, wedi bod yn rhybuddio y byddai'r sefyllfa hon yn codi. Fodd bynnag, fel Gweinidog, mae gennych gryn enw fel un sy'n ymarfer celfyddyd ddu'r dewin delwedd ac ni allwn lai na dyfalu tybed a roddwyd y rhybuddion hynny er mwyn caniatáu ichi sefyll ar eich traed heddiw a dweud, 'Wel, nid oedd cynddrwg ag y gallasai fod; mae Prif Weinidog y DU wedi gwrandao ar fy mhle a'm sylwadau'.

Mae arnaf ofn mai'r gyllideb hon, efallai, fydd yr un leiaf poenus mewn cyfres hir o gyllidebau poenus y bydd yn rhaid i'r Cynulliad Cenedlaethol eu goddef, yn enwedig os bydd ffigurau Alistair Darling, erbyn gweld, mor optimistaidd o obeithiol ag y cred pawb arall eu bod—hynny yw, pawb ar wahân i'r rhai sy'n cael eu cyflogi gan y Llywodraeth sy'n gorfod dweud bod ganddynt ffydd yn ei ffigurau. Yn wir, os metha'r Llywodraeth â pherswadio'r marchnadoedd bondiau i brynu niferoedd syfrdanol o'i stociau, gallem wynebu sefyllfa lawer gwaeth na'r un yr ydym yn ei hwynebu heddiw. Sylwaf, Weinidog, ichi ymwrthod yn gyflym â rhagfynegiadau'r Gronfa Ariannol Ryngwladol, ond realiti ffigurau Alistair Darling yw eu bod yn awgrymu y byddwn yn tyfu'n gyflymach o'r dirwasgiad hwn nag y tyfasom o'r dirwasgiad diwethaf o dan y Ceidwadwyr, er y cydnabyddir yn gyffredinol fod y dirwasgiad hwn yn llawer gwaeth na dim byd yr ydym wedi'i wynebu yn y cyfnod modern. Mae eich Canghellor yn disgwyl inni dyfu'n gyflym o'r sefyllfa hon er ei bod yn waeth na dim byd a brofwyd gan economi Prydain cyn hyn.

Credaf fod y gyllideb hon yn gyfle sydd wedi'i gollu i helpu'r rhai yng nghymdeithas Cymru sy'n wynebu'r ergyd waethaf yn sgîl y dirywiad economaidd hwn—y cymunedau hynny nad ydynt wedi cael fawr ddim mantais o'r blynyddoedd a elwir yn rhai o 'ffyniant'. Gallai'r gyllideb hon fod wedi gweld y Blaid Lafur yn Llundain yn ceisio

seen the introduction of a top rate of tax on the highest earners without any tightening up of the loopholes, which will inevitably lead to those higher earners dodging that new tax burden. The Chancellor could have looked at moving families on low incomes out of taxation altogether and he could have relieved the burden on middle-income families. Do you regret, Minister, that your colleague in London has failed to stop pouring good money after bad by not ending the cut in value added tax? Each minute, £22,000 is spent on that VAT cut. It is providing £5 off a £220 television and 50p off a £25 restaurant bill, but that money could have made a huge difference to the efficiency savings that your Government will now be required to make in Wales because of the hole in public expenditure. I acknowledge the welcome that you have given to the new strategic investment fund on a UK basis. In the past, Wales has not always had its fair share of UK-run schemes of that kind, so could you outline what steps you are taking to ensure that Wales will enjoy investment from this fund?

I will now turn to the efficiency savings. I suppose that, if you are a Minister, you call them 'efficiency savings', but if you are a manager of an NHS trust or a chief executive of a local authority, they are effectively cuts to your budget—cuts that you will have to implement. When I asked the First Minister this afternoon whether he could give us some indication as to how he expects to manage his so-called efficiency savings, he was unable to do so. Minister, perhaps you are in a better position to give us details on how your Government will approach the implementation of these efficiency savings. Indeed, you may find yourself having to do so in the position of First Minister before too long. What will your strategic approach be to managing efficiency savings? Will we see them across the board in every department, as a flat rate, or will you look to prioritise certain budget lines? Will those efficiency savings be applied to central Welsh Assembly Government expenditure or will

addasu'r gyfundrefn drethu i'w gwneud yn decach. Yn lle hynny, gwelsom gyflwyno cyfradd dreth uchaf i'r rhai sy'n ennill mwyaf heb dynhau unrhyw fylchau, a fydd yn anochel yn golygu bod y rhai sy'n ennill mwyaf yn osgoi'r baich treth newydd. Gallai'r Canghellor fod wedi ystyried tynnu teuluoedd ar incwm isel allan o'r gyfundrefn drethu yn gyfan gwbl a gallai fod wedi lliniaru'r baich ar deuluoedd incwm canol. A yw'n flin gennyh, Weinidog, nad yw eich cyd-Weinidog yn Llundain wedi rhoi'r gorau i wario arian ar rywbeth sy'n sicr o fethu drwy beidio â dod â'r gostyngiad mewn treth ar werth i ben? Bob munud, caiff £22,000 ei wario ar y gostyngiad hwnnw mewn TAW. Mae'n tynnu £5 oddi ar deledu £220 a 50c oddi ar fil £25 mewn tŷ bwyta, ond gallai'r arian hwnnw fod wedi gwneud gwahaniaeth enfawr i'r arbedion effeithlonrwydd y bydd gofyn i'ch Llywodraeth eu gwneud yng Nghymru yn awr oherwydd y twll mewn gwariant cyhoeddus. Yr wyf yn cydnabod y croeso yr ydych wedi'i roi i'r gronfa buddsoddi strategol newydd ar sail y DU. Yn y gorffennol, nid yw Cymru bob amser wedi cael ei chyfran deg o gynlluniau o'r math hwnnw sy'n cael eu rhedeg gan y DU, felly a allwch amlinellu pa gamau yr ydych yn eu cymryd i sicrhau y bydd Cymru'n cael buddsoddiad o'r gronfa hon?

Trof yn awr at yr arbedion effeithlonrwydd. Tybiaf, os ydych yn Weinidog, eich bod yn eu galw'n 'arbedion effeithlonrwydd', ond os ydych yn rheolwr ymddiriedolaeth GIG neu'n brif weithredwr awdurdod lleol, toriadau yn eich cyllideb ydynt i bob diben—toriadau y bydd yn rhaid ichi eu rhoi ar waith. Pan ofynnais i'r Prif Weinidog y prynhawn yma a allai roi rhyw syniad inni sut y mae'n disgwyl rheoli ei arbedion effeithlonrwydd honedig, ni allai wneud hynny. Weinidog, efallai eich bod chi mewn gwell sefyllfa i roi inni'r manylion ynglŷn â sut y bydd eich Llywodraeth yn mynd ati i roi'r arbedion effeithlonrwydd hyn ar waith. Yn wir, efallai y canfyddwch eich bod yn gorfod gwneud hynny yn swydd y Prif Weinidog cyn bo hir iawn. Sut y byddwch yn mynd ati'n strategol i reoli arbedion effeithlonrwydd? A fyddwn yn eu gweld drwyddi draw ym mhob adran, ar yr un gyfradd, ynteu a fyddwch yn blaenoriaethu rhai llinellau yn y gyllideb? A fydd yr arbedion effeithlonrwydd hynny'n

they fall, as I suspect that they might, on local government? Will you be seeking to exclude yourself from efficiencies and expect organisations like county councils to bear the brunt of them?

3.40 p.m.

Could you give us some idea of what your Government's priorities will be and where the funding cuts will fall? Given that the One Wales Government's programme had questionable costings attached to it when the Government was formed in the boom years, where is that programme now that we are in years of bust?

Andrew Davies: Kirsty should not believe all the propaganda that she reads in the organs of the media. At the time of the pre-budget report, we did not have any firm figures, and we said that if the £5 billion of efficiency savings that the Chancellor announced in November were to fall disproportionately on Barnettisable areas, such as health, education, local government and so on, it could amount to nearly £300 million. There was no certainty at the time, and there were no hard figures and, as a result of the discussions that I had with Yvette Cooper and the discussions that the First Minister had with the Prime Minister—we lobbied hard—the Prime Minister gave that assurance that they would not be disproportionate. Had we not had those discussions and lobbied the UK Government hard, I do not believe that we would be in this position today. Having a Labour-led Assembly Government with the First Minister and I being able to make the case for Wales has meant that we have been able to mitigate some of the worst aspects.

You asked other, general questions, and it is difficult to know how to answer in many cases, because many of the issues relate to UK Government proposals. I will confine my comments to those that relate to us as an Assembly Government. As I have said, we lobbied over the budget and we will do the same over the various programmes that the

cynnwys gwariant canolog Llywodraeth Cynulliad Cymru ynteu ai llywodraeth leol, fel yr wyf yn amau, a fydd yn ei chael hi? A fyddwch yn ceisio eithrio eich hun rhag arbedion effeithlonrwydd gan ddisgwyl i gyrff fel y cynghorau sir ysgwyddo'r rhan waethaf?

A allech roi rhyw syniad inni o flaenoriaethau eich Llywodraeth ac ar beth y bydd y toriadau yn y cyllid yn effeithio? O ystyried bod costiau amheus ynghlwm wrth raglen Llywodraeth Cymru'n Un pan gafodd y Llywodraeth ei ffurfio yn y blynyddoedd o ffyniant, ble y mae'r rhaglen honno yn awr a ninnau yn y blynyddoedd o fethiant?

Andrew Davies: Ni ddylai Kirsty gredu'r holl bropaganda y mae'n ei ddarllen yn y cyfryngau. Ar adeg yr adroddiad rhaggyllidebol, nid oedd gennym ffigurau pendant, a dywedasom, petai'r £5 biliwn o arbedion effeithlonrwydd a gyhoeddwyd gan y Canghellor ym mis Tachwedd yn effeithio'n anghymesur ar feysydd sy'n ddarostyngedig i Barnett, megis iechyd, addysg, llywodraeth leol ac yn y blaen, y gallai fod yn £300 miliwn bron. Nid oedd sicrwydd ar y pryd, ac nid oedd ffigurau pendant ac, o ganlyniad i'r trafodaethau a gefais ag Yvette Cooper a'r trafodaethau a gafodd y Prif Weinidog â Phrif Weinidog y DU—buom yn lobio'n ddygn—rhoddodd y Prif Weinidog y sicrwydd hwnnw na fyddent yn anghymesur. Pe na baem wedi cael y trafodaethau hynny ac wedi lobio Llywodraeth y DU yn ddygn, ni chredaf y byddem yn y sefyllfa hon heddiw. Mae bod â Llywodraeth o dan arweiniad Llafur yn y Cynulliad gyda'r Prif Weinidog a minnau'n gallu dadlau'r achos dros Gymru wedi golygu ein bod wedi gallu lliniaru rhai o'r agweddau gwaethaf.

Gofynasoch gwestiynau eraill, cyffredinol, ac mae'n anodd gwybod sut i ateb mewn llawer o achosion, oherwydd y mae a wnelo llawer o'r materion â chynigion Llywodraeth y DU. Cyfyngaf fy sylwadau i'r rhai sy'n berthnasol i ni fel Llywodraeth y Cynulliad. Fel y dywedais, buom yn lobio ynglŷn â'r gyllideb a byddwn yn gwneud hynny eto ynglŷn â'r

Chancellor announced last Wednesday, such as the strategic capital fund and the other schemes that the UK Government will be running. Ministers and senior officials have already been in touch with UK Government equivalents and will be seeking assurance, as soon as we have certainty about the programmes, with regard to how we can ensure that Wales gets a fair share or more of those UK schemes. As I said in my reply to Chris Franks, we have been successful as a Government in maximising the resources available to us in Wales, and I am confident that we will continue to do so with other UK schemes.

I will focus most of my attention on efficiency savings. It is often said that 'efficiency savings' is just a euphemism for 'cuts'; it is not. It is about working smarter. You either use the same quantum of money for getting greater productivity or you deliver better services at reduced expenditure. We have a 'Making the Connections' efficiency savings target of £600 million by 2010. The early reports that we have had from Value Wales indicate that we are well on the way to reaching that target, if not to exceeding it. Those efficiency savings are not through cuts in budgets; they are achieved through smarter ways of working and reducing red tape, waste and unnecessary process. It is also about greater collaboration. It is about working smarter, and I am confident that we will be able to do that with the £216 million reduction in the next financial year. How are we going to do that? It is going to be done in conjunction with other public service delivery bodies, such as local government and the health service. The First Minister will convene a meeting shortly with all the relevant bodies and interests to discuss how we will deal with this.

I have been consistently clear about the future shape of public expenditure, and I have told people that the days of significant increases in public expenditure have gone for the foreseeable future. We are now faced with a much tighter fiscal context and,

rhaglenni amrywiol a gyhoeddodd y Canghellor ddydd Mercher diwethaf, megis y gronfa cyfalaf strategol a'r cynlluniau eraill y bydd Llywodraeth y DU yn eu rhedeg. Mae Gweinidogion ac uwch swyddogion eisoes wedi bod mewn cysylltiad â'u cymheiriaid yn Llywodraeth y DU a, chyn gynted ag y bydd gennym wybodaeth bendant am y rhaglenni, byddant am gael sicrwydd y bydd Cymru'n cael cyfran deg neu fwy o'r cynlluniau hynny i'r DU. Fel y dywedais yn fy ateb i Chris Franks, buom yn llwyddiannus fel Llywodraeth yn sicrhau bod cynifer o adnoddau ag sy'n bosibl ar gael inni yng Nghymru, ac yr wyf yn hyderus y byddwn yn parhau i wneud hynny gyda chynlluniau eraill i'r DU.

Canolbwyntiaf y rhan fwyaf o'm sylw ar arbedion effeithlonrwydd. Dywedir yn aml nad yw 'arbedion effeithlonrwydd' yn ddim ond gair teg am 'doriadau'; nid dyna ydyw. Mae'n golygu gweithio'n gallach. Un ai yr ydych yn defnyddio'r un swm o arian i gael mwy o gynhyrchiant neu yr ydych yn darparu gwell gwasanaethau am lai o wariant. Mae gennym darged arbedion effeithlonrwydd o dan 'Creu'r Cysylltiadau' o £600 miliwn erbyn 2010. Mae'r adroddiadau cynnar yr ydym wedi'u cael gan Gwerth Cymru yn dangos ein bod yn bwrw ymlaen yn dda tuag at gyrraedd y targed hwnnw, neu ragori arno yn wir. Nid drwy doriadau mewn cyllidebau y gwneir yr arbedion effeithlonrwydd hynny; fe'u cyflawnir drwy ffyrdd callach o weithio a llai o fân reolau, gwastraff a phrosesu dianghenraid. Mae hefyd yn golygu mwy o gydweithio. Mae'n golygu gweithio'n gallach, ac yr wyf yn hyderus y gallwn wneud hynny gyda'r gostyngiad o £216 miliwn yn y flwyddyn ariannol nesaf. Sut y gwnawn hynny? Fe'i gwneir ar y cyd â chyrff eraill sy'n cyflenwi gwasanaethau cyhoeddus, megis llywodraeth leol a'r gwasanaeth iechyd. Bydd y Prif Weinidog yn galw cyfarfod o'r holl gyrff a'r buddiannau perthnasol yn fuan i drafod sut y byddwn yn delio â hyn.

Yr wyf wedi bod yn glir yn gyson ynglŷn â ffurf gwariant cyhoeddus i'r dyfodol, ac yr wyf wedi dweud wrth bobl fod oes y codiadau sylweddol mewn gwariant cyhoeddus wedi mynd, hyd y gellir rhagweld. Yr ydym yn awr yn wynebu cyd-destun

therefore, we must cut our cloth according to our means. It is about trying to change culture and raise awareness so that people are aware of the challenges that we are faced with. Therefore, we have to focus on outcomes, and not on expenditure. We have to look at best practice and benchmark that across Wales. I am not aware of any indication of a clear link or correlation between how much is spent on a service and the quality of that service. I have used quotes from a local authority run by your party, Kirsty, in which there is not a correlation in social service terms between what is spent and what is delivered. The same is true for most services that I am aware of. We therefore clearly need to focus on outcomes, and we need to be mindful of what we get for our expenditure. I am confident that, working with local government, the health service, the voluntary/third sector and many other bodies, we can continue to deliver increased or better services at a lower cost.

Lesley Griffiths: We are all now aware of the levels of efficiency savings facing us from 2010 onwards and the choices ahead of us. They will be a huge test for the Assembly.

Back in 2006, the Beecham report provided us with a route map for the future—a future that will require greater emphasis on inter-authority working and a step change in joint delivery. In your answer to the previous question, you referred to the need for smarter working. Do you therefore agree that last week's budget has merely served to speed up the journey that we are already on?

Andrew Davies: Absolutely. There has to be a step change in the way we work collaboratively. We are already funding some collaborative work in local government. There is the shared service project which, potentially, involves the 10 local authorities of south-east Wales sharing services for HR, payroll and training functions. We are funding half of that project through our

cyllidol llawer tynnach ac, felly, rhaid inni dorri'r gôt yn ôl y brethyn. Mae'n golygu ceisio newid meddylfryd a chodi ymwybyddiaeth fel bod pobl yn ymwybodol o'r heriau sy'n ein hwynebu. Felly, rhaid inni ganolbwyntio ar ganlyniadau, ac nid ar wariant. Mae'n rhaid inni edrych ar yr arferion gorau a'u meincnodi ledled Cymru. Ni wn a oes unrhyw awgrym bod cysylltiad clir neu gyfatebiaeth rhwng yr hyn sy'n cael ei wario ar wasanaeth ac ansawdd y gwasanaeth hwnnw. Yr wyf wedi cyfeirio at enghreifftiau o awdurdod lleol sy'n cael ei redeg gan eich plaid chi, Kirsty, ac yno nid oes cydberthynas o ran y gwasanaethau cymdeithasol rhwng yr hyn sy'n cael ei wario a'r hyn sy'n cael ei ddarparu. Felly hefyd y rhan fwyaf o'r gwasanaethau y gwn amdanynt. Felly mae'n amlwg bod angen inni ganolbwyntio ar ganlyniadau, ac mae angen inni ystyried yr hyn a gawn am ein gwariant. Yr wyf yn hyderus, o weithio gyda llywodraeth leol, y gwasanaeth iechyd, y sector gwirfoddol/y trydydd sector a nifer o gyrff eraill, y gallwn barhau i gyflenwi mwy o wasanaethau neu wasanaethau gwell am gost is.

Lesley Griffiths: Mae pawb ohonom bellach yn ymwybodol o lefelau'r arbedion effeithlonrwydd a fydd yn ein hwynebu o 2010 ymlaen a'r dewisiadau sydd o'n blaenau. Bydd hyn yn brawf enfawr ar y Cynulliad.

Yn 2006, rhoes adroddiad Beecham drywydd inni ei ddilyn at y dyfodol—dyfodol lle y bydd angen rhoi mwy o bwyslais ar gydweithio ymhlith awdurdodau a newid sylweddol o ran cyflenwi ar y cyd. Yn yr ateb a roesoch i'r cwestiwn blaenorol, cyfeiriasoch at yr angen i weithio'n gallach. A ydych yn cytuno felly mai'r cwbl a wnaeth y gyllideb yr wythnos diwethaf oedd cyflymu ein taith ar siwrnai yr oeddem arni eisoes?

Andrew Davies: Yn sicr. Rhaid inni drawsnewid y ffordd yr ydym yn mynd ati i gydweithio. Yr ydym eisoes yn ariannu rhywfaint o gydweithio mewn llywodraeth leol. Dyna ichi'r prosiect rhannu gwasanaethau a allai olygu bod 10 awdurdod lleol de-ddwyrain Cymru yn rhannu gwasanaethau adnoddau dynol, cyflogau a hyfforddiant. Yr ydym yn ariannu hanner y

funding schemes. Already, we have identified areas where we can extend that process. Jane Davidson is leading on waste management and she is working with the Welsh Local Government Association and regional consortia in rolling out proposals for regional waste management consortia.

We have a model, and we know that there are other areas where we could work more smartly. Local service boards are an example of that. I commend the work of many LSBs, such as Carmarthenshire's, in which the local authority is working with the local health trust and the LHB in joint planning and commissioning of work in adult services and social care, for example. They are moving towards aligned budgets with the aim that, ultimately, they will be shared or joint budgets, which in turn reduces complexity, red tape and bureaucracy while focusing clearly on outcomes for local citizens.

We have a good, solid record of achievements, but as you indicated, we need to make a step change in delivery.

Nick Bourne: I will start with the part of the Minister's budget statement that I agreed with, which is in relation to the importance of the union. I agree absolutely with him that those in Plaid Cymru have to sort themselves out. Either they want a massive subsidy from Westminster or they want independence. You cannot have the penny and the bun. I know that their approach is to aim for strategic alliances with Iceland and North Korea, but it will not ultimately be—*[Interruption.]* Well, what Iceland had was what the Sage of Llanelli and the Sage of Ammanford both wanted for Wales.

Turning to the bits that I disagreed with the Minister on, according to the Institute for Fiscal Studies, 2032 is when we will be back in balance, and that is based on the Chancellor's figures. Nor can I share the Minister's view of the Chancellor's record on financial forecasting—he has had to return twice to the House of Commons to revise his

prosiect hwnnw drwy ein cynlluniau ariannu. Eisoes, yr ydym wedi nodi meysydd lle y gallwn ymestyn y broses honno. Mae Jane Davidson yn arwain ym maes rheoli gwastraff ac mae'n gweithio gyda Chymdeithas Llywodraeth Leol Cymru a'r consortia rhanbarthol i gyflwyno cynigion ar gyfer consortia rhanbarthol rheoli gwastraff.

Mae gennym fodel, a gwyddom fod meysydd eraill lle y gallwn weithio'n gallach. Mae byrddau gwasanaethau lleol yn enghraifft o hynny. Yr wyf yn cymeradwyo gwaith nifer o fyrddau gwasanaethau lleol, megis yr un yn sir Gaerfyrddin, lle y mae'r awdurdod lleol yn gweithio gyda'r ymddiriedolaeth iechyd leol a'r bwrdd gwasanaethau lleol i gynllunio a chomisiynu gwaith ar y cyd ym maes gwasanaethau oedolion a gofal cymdeithasol, er enghraifft. Maent yn symud tuag at gyllidebau cyfun a'r nod yn y pen draw yw rhannu cyllidebau neu gyllidebau ar y cyd, a fydd yn eu tro'n lleihau cymhlethdod, mân reolau a biwrocratiaeth gan ganolbwyntio ar y canlyniadau ar gyfer dinasyddion lleol.

Mae gennym record dda, safonol o ran cyflawni pethau, ond fel y dywedasoeh, mae angen inni drawsnewid y ffordd yr ydym yn cyflenwi.

Nick Bourne: Yr wyf am ddechrau gyda'r rhan o ddatganiad y Gweinidog ynghylch y gyllideb yr oeddwn yn cytuno â hi, sef pwysigrwydd yr undeb. Yr wyf yn cytuno'n llwyr ag ef fod angen i aelodau Plaid Cymru ddod at eu coed. Naill ai mae arnynt eisiau cymhorthdal enfawr gan San Steffan neu mae arnynt eisiau annibyniaeth. Ni allwch gadw torth a'i bwyta. Gwn mai eu bwriad yw anelu at gynghreiriau strategol gyda Gwlad yr Iâ a Gogledd Corea, ond yn y pen draw ni fydd—*[Torri ar draws.]* Wel, yr hyn a oedd gan Wlad yr Iâ yr oedd Doethwr Llanelli a Doethwr Rhydaman ill dau'n ei ddymuno ar gyfer Cymru.

Gan droi at y darnau yr oeddwn yn anghytuno â'r Gweinidog yn eu cylch, yn ôl y Sefydliad Astudiaethau Cyllid, ni welwn fantoli'r cyfrifon eto tan 2032, ac mae hynny wedi ei seilio ar ffigurau'r Canghellor. Ni chytunaf ychwaith â barn y Gweinidog ynghylch llwyddiannau'r Canghellor o ran darogan ariannol—bu'n rhaid iddo

forecast downwards, and every serious commentator, after his budget speech, and some before he had even sat down, said that he had got his figures wrong. Some of the figures that he gave were historically wrong. Therefore, despite him having lambasted the IMF, I do not think that his views will be borne out in practice. The Chancellor's figures are impossibly unrealistic. That said, they were gloomy enough anyway.

We in Wales are to suffer cuts worth £416 million, and we still have not got to the bottom of how they will be achieved. I carefully noted what the Minister for Finance said. He said that efficiency savings can be achieved without cuts in the budget. I do not know about black arts, but if he can manage that, he deserves honorary membership of the Magic Circle.

3.50 p.m.

You cannot achieve efficiency savings without cutting budgets, so will he indicate where these cuts will come from? They are a sizable chunk of the Welsh budget, and any Government that received £416 million would say 'We can achieve things with that', rather than we could manage without it very easily now that the money is gone, which is what he seemed to be saying.

I have two specific questions. The first question is something that I raised with the Leader of the House earlier, whose role seems to be just some type of pigeonhole system to pass things on to other Ministers—I question why he comes here at all because he does not answer anything himself; he always says 'This can be dealt with by another Minister'. However, you have heard this one coming because I raised it with him. Self-catering property operators will be hit by the change put forward in the small print in the budget, because they will find that they will not be allowed capital allowances and that they will be treated as if they were private landlords on long-term lets, which they are not. In case the answer is 'This is a European Union consequence', it is not—the European Union only says that we have to

ddychwelyd i Dŷ'r Cyffredin ddwywaith i ddiwygio'i ragolygon a hynny ar i lawr, a dywedodd pob sylwebydd difrifol, ar ôl ei araith ar y gyllideb, a rhai cyn iddo eistedd hyd yn oed, fod ei ffigurau'n anghywir. Yr oedd rhai o'r ffigurau a roes yn hanesyddol anghywir. Felly, er iddo ladd ar y Gronfa Ariannol Ryngwladol, ni chredaf y caiff ei farn ei chadarnhau mewn gwirionedd. Mae ffigurau'r Canghellor yn anhygoel o afrealistig. Wedi dweud hynny, yr oeddent yn ddigon digalon, beth bynnag.

Byddwn ninnau yng Nghymru yn gweld toriadau o £416 miliwn, ac nid ydym yn llawn ddeall eto sut y'u cyflawnir. Nodais yr hyn a ddywedodd y Gweinidog Cyllid yn ofalus. Dywedodd fod modd gwneud arbedion effeithlonrwydd heb doriadau yn y gyllideb. Ni wn ddim am ddewiniaeth ddu, ond os llwydda yn hynny, bydd yn haeddu aelodaeth anrhydeddus o'r Cylch Hud.

Ni allwch wneud arbedion effeithlonrwydd heb dorri cyllidebau, felly a yw am ddweud o ble y daw'r toriadau hyn? Maent yn gyfran helaeth o gyllideb Cymru, a byddai unrhyw Lywodraeth a fyddai'n cael £416 miliwn yn dweud 'Gallwn gyflawni pethau gyda hynny', yn hytrach na dweud y gallem wneud hebdo'n ddigon rhwydd gan fod yr arian wedi mynd bellach, sef yr hyn yr oedd yn ei ddweud i bob golwg.

Mae gennyf ddau gwestiwn penodol. Mae'r cwestiwn cyntaf yn ymwneud â rhywbeth a godais yn gynharach gydag Arweinydd y Tŷ, nad yw ei rôl yn ddim mwy na rhyw fath o system lythyru ar gyfer trosglwyddo pethau i Weinidogion eraill—ni wn pam mae'n dod yma o gwbl oherwydd ni fydd yn ateb dim drosto'i hun; mae bob amser yn dweud 'Gall Gweinidog arall ymdrin â hyn'. Fodd bynnag, gwyddoch beth yr wyf am ei ddweud oherwydd imi ei godi gydag ef. Caiff perchenogion lletyau hunanarlwyo eu bwrw gan y newid a gyflwynir ym mhrint mân y gyllideb, oherwydd ni fyddant yn cael lwfansau cyfalaf a chânt eu trin megis landlordiaid preifat ar brydlesi hirdymor, ac nid hynny ydynt. Rhag ofn i chi ateb drwy ddweud mai'r 'Undeb Ewropeaidd sy'n gyfrifol am hynny', nid felly y mae—y cwbl

treat overseas furnished accommodation in the same way as home accommodation. So, the Government has chosen to penalise both, rather than to help both. This will have a devastating effect on the self-catering trade throughout Wales if this change goes through. What is the Government doing to object to that, because it is very serious? To be fair, your predecessor, Sue Essex, saw it off once before, so I hope that you will do the same, Minister.

I agree with Chris Franks on the issue of ID cards. I disagree with ID cards philosophically, but now that we know what they will cost, I hope that the Assembly Government will say 'For goodness sake, drop this' so that we can save that money at least, rather than have the consequence of spending all that extra money with further cuts in our budget, notwithstanding the fact that you seem to be able to make these cuts and say that spending money has no correlation to delivering the service. The logical conclusion to that is that we do not need money at all. There is a reference to spending money in delivering a service; otherwise, why do we have budgets at all?

Andrew Davies: This year is the thirtieth anniversary of the coming to power of the Prime Minister, Mrs Thatcher. A downside of that has been a plethora of programmes which has brought back unhappy memories of that accession to most Members in the Chamber and to most people in Wales. Part of that series of programmes also reminded the people of Wales of the Thatcher record and what we have to deal with as a Government. You talk about Chancellors and forecasts, but the Thatcher record included one lamentable Tory Chancellor of the Exchequer after another; Geoffrey Howe, who introduced deflation in the 1981 budget which decimated manufacturing in Wales, and there was the Lawson boom. So, it is rich of the Tories to attack Labour on their record of managing the economy. We have had an unprecedented period of economic growth and prosperity in the UK, including Wales. However, the Chancellor acknowledged in

y mae'r Undeb Ewropeaidd yn ei ddweud yw bod yn rhaid inni drin llety tramor sydd â dodrefn yn yr un ffordd â llety cartref. Felly, mae'r Llywodraeth wedi dewis cosbi'r ddau, yn hytrach na helpu'r ddau. Bydd effaith ddifrodus ar fusnesau hunanarlwyo ledled Cymru os aiff y newid hwn rhagddo. Beth y mae'r Llywodraeth yn ei wneud i wrthwynebu hynny, oherwydd y mae'n fater difrifol iawn? A bod yn deg, fe'i gwrthodwyd gan eich rhagflaenydd, Sue Essex, unwaith o'r blaen, felly gobeithio y gwnewch chithau'r un peth, Weinidog.

Yr wyf yn cytuno â Chris Franks ynghylch cardiau adnabod. Yr wyf yn anghytuno â chardiau adnabod o safbwynt athronyddol, ond gan ein bod yn gwybod bellach faint y maent yn ei gostio, yr wyf yn gobeithio y bydd Llywodraeth y Cynulliad yn dweud 'Er mwyn dyn, rhowch y gorau iddynt' fel y gallwn arbed yr arian hwnnw o leiaf, yn hytrach na gwario'r holl arian ychwanegol hwnnw a thorri rhagor ar ein cyllideb, er ei bod yn ymddangos eich bod yn gallu gwneud y toriadau hyn gan ddweud nad oes cyfatebiaeth rhwng gwario arian a chyflenwi'r gwasanaeth. Y casgliad rhesymegol yn sgîl hynny yw nad oes angen arian arnom o gwbl. Mae cysylltiad rhwng gwario arian a chyflenwi gwasanaeth; neu fel arall, beth yw diben cyllidebau o gwbl?

Andrew Davies: Eleni mae deng mlynedd ar hugain ers i Mrs Thatcher ddod yn Brif Weinidog. Un o anfanteision hynny yw'r holl raglenni a fu'n dwyn atgofion nad ydynt yn rhai braf o'r cyfnod hwnnw i'r rhan fwyaf o Aelodau'r Siambr hon ac i'r rhan fwyaf o bobl Cymru. Llwyddodd rhan o'r gyfres o raglenni i atgoffa pobl Cymru am yr hyn a wnaeth Thatcher a'r hyn y mae'n rhaid inni fynd i'r afael ag ef fel Llywodraeth. Yr ydych wedi sôn am Gangellorion a rhagolygon, ond mae hanes Thatcher yn cynnwys Cangellorion Ceidwadol truenus, y naill ar ôl y llall; Geoffrey Howe, a gyflwynodd ddatcwyddiant yng nghyllideb 1981 a ddistrywiodd weithgynhyrchu yng Nghymru, a ffyniant Lawson. Felly, mae'n eironig gweld y Ceidwadwyr yn ymosod ar Lafur am eu record o ran rheoli'r economi. Cawsom gyfnod unigryw o dwf economaidd a ffyniant yn y Deyrnas Unedig, gan gynnwys Cymru. Fodd bynnag, cydnabu'r Canghellor yn yr haf

the summer that this downturn would be the worst downturn for 60 years. However, our view is clear, which is what distinguishes us as a Labour Government from your party, Nick, because we have consistently said that you cannot cut your way out of recession—you grow your way out of recession. It is about public services for the many and not tax cuts for the few, because that is what you and your party talk about.

I know that your academic discipline was in law and not economics or manufacturing, Nick, but the way that you measure productivity is that you either do more for the same money or you do the same for less money. That is also true in the public sector. So, you can deliver efficiency savings with the same money, or you can deliver it with reduced money. I will give you an example. Pembrokeshire County Council, which is not a Labour-run council, has a foster care service called Foster Plus, which is a demand-led service. It had something like a £1.6 million overspend and it acknowledged that it was not a particularly good service. It has transformed the foster care service by, effectively, professionalising it and employing salaried foster carers with a high degree of both peer and professional support and supervision, and it has turned it around, because it has fewer young people going into residential care. It has reduced the amount of money it costs; in fact, it now has a £1.3 million underspend and a better service. That is an efficiency saving, but it did not require a cut in the budget; it required that service to be determined an inefficient service. I can give you examples from across Wales, such as Neath Port Talbot County Borough Council, which is going through a systemic service transformation over five years, looking at how it delivers its services and deleting what does not need to be done. Your party was a great one for reducing complexity and red tape, and you keep talking about that, but Neath Port Talbot council is doing precisely that, delivering better services more efficiently. That is an efficiency saving. It does not have to mean cuts in expenditure. The outcome may be that you do not have to spend as much, but that money can then be reinvested or recycled in

mai hwn fyddai'r dirwasgiad gwaethaf ers 60 o flynyddoedd. Fodd bynnag, mae ein safbwynt yn glir, a dyna sy'n ein gwahaniaethu fel Llywodraeth Lafur oddi wrth eich plaid chi, Nick, oherwydd yr ydym wedi dweud yn gyson na allwch ddod allan o ddirwasgiad drwy wneud toriadau—rhaid cael twf er mwyn dod allan o ddirwasgiad. Mae'n ymwneud â gwasanaethau cyhoeddus i'r mwyafrif yn hytrach na thorri trethi i'r lleiafrif, oherwydd dyna yr ydych chi a'ch plaid yn ei ddweud.

Gwn mai'r gyfraith oedd eich maes academiaidd ac nid economeg a gweithgynhyrchu, Nick, ond caiff cynhyrchiant ei fesur naill ai drwy wneud mwy am yr un faint o arian neu drwy wneud yr un faint am lai o arian. Felly y mae pethau yn y sector cyhoeddus hefyd. Felly, gallwch wneud arbedion effeithlonrwydd gyda'r un faint o arian, neu gallwch gyflawni hynny gyda llai o arian. Rhoddaf enghraifft ichi. Mae gan Gyngor Sir Penfro, nad yw'n gyngor Llafur, wasanaeth gofal maeth o'r enw Foster Plus, ac mae hwnnw'n wasanaeth sy'n cael ei arwain gan y galw. Yr oedd ganddo orwariant o ryw £1.6 miliwn a chydabu nad oedd yn wasanaeth arbennig o dda. Mae wedi trawsnewid y gwasanaeth gofal maeth a hynny, mewn gwirionedd, drwy ei broffesiynoli a chyflogi gofawyr maeth ar gyflogau gydag elfen gref o gefnogaeth a goruchwyliaeth gan gymheiriaid a gweithwyr proffesiynol, ac mae wedi llwyddo, oherwydd y mae llai o bobl ifanc yn mynd i ofal preswyl. Mae wedi lleihau'r gost; yn wir, mae'n tanwario £1.3 miliwn bellach ac mae'r gwasanaeth yn well. Arbediad effeithlonrwydd yw hynny, ond ni fu angen torri'r gyllideb; yr hyn oedd ei angen oedd penderfynu bod y gwasanaeth hwnnw'n aneffeithlon. Gallwn roi enghreifftiau ichi o bob cwr o Gymru, megis Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot, sy'n trawsnewid ei wasanaethau'n systemig dros bum mlynedd, gan edrych ar y ffordd y mae'n darparu ei wasanaethau a diddymu'r hyn nad oes angen ei wneud. Yr oedd eich plaid chi'n wych am leihau cymhlethdod a mân reolau, ac yr ydych yn dal i sôn am hynny, ond mae cyngor Castell-nedd Port Talbot yn gwneud yr union beth hwnnw, gan gyflenwi gwasanaethau gwell yn fwy effeithlon. Arbediad effeithlonrwydd yw

other priority areas.

On your point about self-catering, I will discuss that with the Minister for Heritage. As a former Minister for Tourism, I am aware of how important the self-catering industry is to the Welsh economy, particularly this year, when all the indications are that demand for tourist accommodation in Wales has increased in all parts of the market, partly as a result of the exchange rate movements—it is now cheaper to holiday in the UK, particularly in Wales, than to go to other parts of the European Union. However, I will discuss that with the Minister for Heritage and we will make representations once we understand the issue.

On ID cards, as the Labour part of this administration and as the previous administration, we have said that we are agnostic on ID cards. We felt that there were issues of principle that we were uncomfortable with, which is outside the issue of the cost. On taking forward our own policy, we were looking at the whole area of entitlement cards or smart cards, such as Oyster cards, rather than cards that would be used for identification purposes. That remains our policy. The issue of ID cards at a UK level is a matter for the UK Government.

Helen Mary Jones: I begin by associating myself with some of what the Minister has just said about the possible risks of a Conservative Government at Westminster and what that might do to the funding available for us in Wales to provide public services. To avoid any confusion, I am surprised that Nick Bourne thinks that we do not know what we want, because we know exactly what we want on this side of the Chamber, namely a fair deal for Wales from the British Government while we remain in this unequal union. I am bemused that the Minister seems to think that the Barnett formula is that fair deal. I know of colleagues

hynny. Nid oes yn rhaid iddo olygu torri gwariant. Efallai mai'r canlyniad fydd na fydd yn rhaid ichi wario cymaint, ond yna gellir ailfuddsoddi'r arian hwnnw neu ei ailgylchu mewn meysydd eraill sy'n cael blaenoriaeth.

Trafodaf eich pwynt ynghylch hunanarlwyo gyda'r Gweinidog Treftadaeth. Bûm yn Weinidog dros Dwristiaeth ac yr wyf yn ymwybodol mor bwysig yw'r diwydiant hunanarlwyo i economi Cymru, yn enwedig eleni, a'r galw am lety i dwristiaid yng Nghymru, yn ôl pob golwg, wedi cynyddu ar draws y farchnad gyfan, yn rhannol o ganlyniad i symudiadau'r cyfraddau cyfnewid—mae'n rhatach bellach mynd ar wyliau yn y Deyrnas Unedig, yn enwedig yng Nghymru, na mynd i rannau eraill o'r Undeb Ewropeaidd. Fodd bynnag, trafodaf hynny gyda'r Gweinidog Treftadaeth a byddwn yn cyflwyno sylwadau pan fyddwn wedi deall y mater.

Ynghylch cardiau adnabod, fel y rhan Lafur o'r weinyddiaeth hon ac fel y weinyddiaeth flaenorol, yr ydym bob amser wedi dweud ein bod yn agnostig ar fater cardiau adnabod. Teimlem fod materion o egwyddor nad oeddem yn gyffyrddus â hwy, sy'n fater y tu hwnt i'r gost. O ran bwrw ymlaen â'n polisi ein hunain, yr oeddem yn edrych ar fater cardiau hawliau neu gardiau call yn ei gyfanrwydd, megis cardiau Oyster, yn hytrach na chardiau a ddefnyddid at ddibenion adnabod. Dyna yw ein polisi o hyd. Mater i Lywodraeth y Deyrnas Unedig yw cyflwyno cardiau adnabod ar lefel y Deyrnas Unedig.

Helen Mary Jones: Dechreuaf drwy gydfynd ag ychydig o'r hyn a ddywedodd y Gweinidog ynglŷn â pheryglon posibl Llywodraeth Geidwadol yn San Steffan a'r hyn y gallai honno ei wneud i'r cyllid a fyddai gael i ni yng Nghymru i ddarparu gwasanaethau cyhoeddus. Er mwyn osgoi unrhyw ddryswch, yr wyf yn synnu bod Nick Bourne yn credu nad ydym yn gwybod beth y mae arnom ei eisiau, oherwydd gwyddom yn union yr hyn y mae arnom ei eisiau yr ochr hon i'r Siambr, sef bargaen deg i Gymru gan Lywodraeth Prydain tra byddwn yn yr undeb anghyfartal hwn. Synnaf fod y Gweinidog fel petai'n credu bod fformiwla Barnett yn

of his on the Labour benches who would not necessarily concur. Eventually, we want the chance to be an equal partner in the European Union as an independent nation that would be able to afford to make its own way. Do you understand now, Nick Bourne? I hope that you do.

That brings me to a serious question that the Government needs to address, which is the flexibility in future budgets. The recent sequence of events with further education, in which the Government made a decision, looked at it, came to the conclusion that it was not the best one and had some flexibility to change it was very welcome in my constituency, where most of the jobs at Coleg Sir Gâr will now be saved. Is the Minister confident that, under the settlements that the Governments will face in the future, even if they are based on the current Labour predictions—God knows what will happen if we end up with the other side—future Assembly Governments will have that flexibility to respond to changing events? One of the strengths of Assembly Governments has been that they have been able to respond and listen. Like others, I am at a loss to understand how we will be able to take this kind of reduction in funding without front-line cuts, although I accept the Minister's commitment to try to make that happen.

4.00 p.m.

The issue of flexibility and the ability to respond is particularly important given the bad economic situation that we now face and the length of time that it will take to get out of it. Therefore, I would appreciate the Minister's thoughts on that. Are we going to find ourselves in a funding straitjacket whereby you, as Ministers, will be unable to vary decisions through the year? That would be a serious loss to effectiveness and with regard to the points you are making about focusing on outcomes and delivery of service.

Andrew Davies: We have acknowledged that there are legitimate issues and questions about the Barnett formula—with regard to the

fargen deg. Gwn am gyd-Aelodau iddo ar feinciau Llafur na fyddent o reidrwydd yn cytuno. Yn y pen draw, mae arnom eisiau cyfle i fod yn bartner cyfartal yn yr Undeb Ewropeaidd fel cenedl annibynnol a fyddai'n gallu fforddio mynd ei ffordd ei hun. A ydych yn deall bellach, Nick Bourne? Gobeithio eich bod chi.

Mae hynny'n dod â mi at gwestiwn difrifol y mae angen i'r Llywodraeth roi sylw iddo, sef hyblygrwydd cyllidebau'r dyfodol. Bu croeso mawr yn fy etholaeth i'r gyfres o ddigwyddiadau yn ddiweddar a oedd yn ymwneud ag addysg bellach, lle y gwnaeth y Llywodraeth benderfyniad, edrychwyd arno, a daethpwyd i'r casgliad nad hynny oedd y peth gorau ac yr oedd yn ddigon hyblyg i'w newid, a chaiff y rhan fwyaf o'r swyddi yng Ngholeg Sir Gâr eu hachub bellach. A yw'r Gweinidog yn hyderus, dan y setliadau y bydd Llywodraethau yn eu hwynebu yn y dyfodol, hyd yn oed os seilir hwy ar ragolygon cyfredol Llafur—Duw a wŷr beth wnaiff ddigwydd dan yr ochr arall—y bydd gan Lywodraethau'r Cynulliad yn y dyfodol hyblygrwydd i ymateb i ddigwyddiadau sy'n newid? Un o gryfderau Llywodraeth y Cynulliad fu ei gallu i ymateb ac i wrando. Fel eraill, nid wyf yn deall sut y gallwn wynebu gostyngiad o'r fath mewn cyllid heb wneud toriadau yng ngwasanaethau'r rheng flaen, er fy mod yn derbyn ymrwymiad y Gweinidog i geisio peri i hynny ddigwydd.

Mae mater hyblygrwydd a'r gallu i ymateb yn arbennig o bwysig o ystyried y sefyllfa economaidd enbyd sydd bellach yn ein hwynebu a faint o amser y bydd ei angen inni ddianc o'r sefyllfa honno. Felly, byddwn yn gwerthfawrogi clywed barn y Gweinidog am hynny. A yw am fod yn gaeth arnom o ran cyllid, gan olygu na fyddwch chi, Weinidogion, yn gallu amrywio penderfyniadau drwy gydol y flwyddyn? Byddai hynny'n golled ddifrifol i effeithiolrwydd ac o ran y pwyntiau yr ydych yn eu gwneud ynglŷn â chanolbwyntio ar ganlyniadau a darparu gwasanaethau.

Andrew Davies: Yr ydym wedi cydnabod bod problemau a chwestiynau dilys ynglŷn â fformiwla Barnett—o ran y fformiwla ei hun,

formula itself, by which funding is allocated, as well as with regard to what we might call process issues, such as transparency. I am on record as expressing concerns about some aspects of that. That is why we have set up the commission under Gerry Holtham. I must make mention of the quality of the people on that commission. One member, David Miles, from Swansea, has recently been appointed to the Bank of England's monetary policy committee, which reflects the intellectual calibre of the three-man commission—it turned out to be three men. The commission will make an interim report in July, which will give us an evidence base on which to judge whether the Barnett formula disadvantages us or is an advantage to us. We will then have a clear basis upon which to make those technical or political judgments.

On the flexibility of budgets, as the First Minister has said on several occasions, we need an agile Government for fragile times. I think that we are fragile—[*Laughter.*] Sorry, we are fragile economically, but we have been able to respond, for example, with the ProAct scheme, which has gone from being proposed at the first economic summit last autumn to being delivered just after Christmas. That is a tribute to my colleagues and the Minister for education, in particular, who has taken it forward with the Deputy First Minister, the First Minister and me. That shows an agile Government responding to need, but it demonstrates why we need greater efficiency in the way that we do business. That will mean greater flexibility. One long-standing complaint of local government, which, to some extent, is justified, is the complexity of our grant regime. Local government employs an army of people to deal with grants, and we employ an army of people in the Assembly Government and civil service to deal with the same. I think that it is generally agreed that there is a need for streamlining and flexibility, and by having flexible funding we can respond to the needs of citizens or service providers. That is why, when I was the Minister responsible for economic development, I started to create the single investment fund, which the Deputy First Minister launched last year. Therefore, it is about flexibility. That is why, to use another

a ddefnyddir i ddyrannu cyllid, a hefyd o ran yr hyn y byddem efallai'n eu galw'n faterion sy'n ymwneud â'r broses, megis tryloywder. Yr wyf wedi mynegi pryder ynglŷn ag agweddau ar hynny. Dyna pam yr ydym wedi sefydlu'r comisiwn dan Gerry Holtham. Rhaid imi sôn am ansawdd y bobl ar y comisiwn hwnnw. Mae un aelod, David Miles, o Abertawe, wedi'i benodi ar bwyllgor polisi ariannol Banc Lloegr yn ddiweddar, sy'n adlewyrchu safon ddeallusol y comisiwn tri dyn—tri dyn yw'r aelodau fel y digwyddodd pethau. Bydd y comisiwn yn cyflwyno adroddiad interim ym mis Gorffennaf. Bydd hwnnw'n rhoi sylfaen dystiolaeth inni er mwyn inni farnu ai anfantais ynteu mantais inni yw fformiwla Barnett. Wedyn, bydd gennym sylfaen gadarn er mwyn llunio'r farn dechnegol neu wleidyddol honno.

O ran hyblygrwydd cyllidebau, fel y mae'r Prif Weinidog wedi dweud droeon, mae angen Llywodraeth hyblyg arnom ar gyfer oes fregus. Credaf ein bod yn fregus—[*Chwerthin.*] Mae'n ddrwg gennyf, yr ydym yn fregus yn economaidd, ond yr ydym wedi llwyddo i ymateb, er enghraifft, drwy'r cynllun ProAct, a roddwyd ar waith, ar ôl ei gynnig yn yr uwchgynhadledd economaidd gyntaf yr hydref diwethaf, ychydig ar ôl y Nadolig. Mae hynny'n deyrnged i'm cyd-Aelodau ac i'r Gweinidog dros Addysg, yn benodol, sydd wedi'i roi ar waith gyda'r Dirprwy Brif Weinidog, y Prif Weinidog a minnau. Mae hynny'n dangos Llywodraeth hyblyg yn ymateb i angen, ond mae'n dangos pam mae angen inni weithredu mewn ffordd fwy effeithlon. Bydd hynny'n golygu mwy o hyblygrwydd. Un gŵyn sydd gan lywodraeth leol ers tro, a honno'n un y gellir ei chyfiawnhau i ryw raddau, yw honno ynglŷn â chymhlethdod ein trefn grantiau. Mae llywodraeth leol yn cyflogi byddin o bobl i ymdrin â grantiau, ac yr ydym ninnau'n cyflogi byddin o bobl yn Llywodraeth y Cynulliad ac yn y gwasanaeth sifil i ymdrin â'r un peth. Credaf fod cytundeb cyffredinol bod angen symleiddio a chreu hyblygrwydd, a thrwy gael trefn gyllido hyblyg, gallwn ymateb i anghenion dinasyddion neu ddarparwyr gwasanaethau. Dyna pam, pan oeddwn yn Weinidog a oedd yn gyfrifol am ddatblygu economaidd, y dechreuais greu'r gronfa fuddsoddi sengl, a lanswyd gan y

of the First Minister's phrases, we need to re-engineer the state, which includes that nitty-gritty work that is disparaged by Nick Bourne. However, it is that detailed work of getting rid of red tape and unnecessary processes that will provide flexibility and allow us to respond to crises and other events that we face as a Government.

Andrew R.T. Davies: I am grateful for your indulgence, Llywydd, given the time. Minister, I heard your statement, and I find it amazing that a Government that has prided itself on how much money it has spent, can now talk about being able to deliver the same services for far less money. Surely, it is incumbent upon any Government to measure outcomes rather than judging services on the amount of money spent. In fact, that approach is something that the Government that you have been part of since devolution has been highly critical of.

I wish to raise with you the issue of the figures relating to Alistair Darling's predictions, so to speak. Given that, in the pre-budget statement, he referred to a borrowing requirement of £70 billion, which increased by £12 billion by the end of the financial year, and that, going forward into this financial year, we are predicted to be borrowing £175 billion, up from a predicted figure of £118 billion in November, are you confident in the figures that the Chancellor has used as the basis of his spending assessments, which you will have to use for your spending assessments in Wales? Do you accept the robustness of those figures, which the Chancellor clearly stands by? Those are the figures that you will base your assumptions on in devising your budget for the Assembly for this and future years. It is critical that we understand how much confidence you and your colleagues in the Welsh Assembly Government have in the competence of Alistair Darling and his officials to predict the amount of money that will be arriving here in Cardiff.

Dirprwy Brif Weinidog y llynedd. Felly, mae a wnelo hyn â hyblygrwydd. Dyna pam, a defnyddio un arall o ymadroddion y Prif Weinidog, y mae angen inni ail-lunio'r wladwriaeth, sy'n cynnwys y gwaith manwl hwnnw y mae Nick Bourne mor ddirmygus ohono. Serch hynny, y gwaith manwl hwnnw, sef cael gwared ar fân reolau a phrosesau diangen a fydd yn creu'r hyblygrwydd ac yn caniatáu inni ymateb i argyfyngau a digwyddiadau eraill y byddwn ni'r Llywodraeth yn eu hwynebu.

Andrew R.T. Davies: Yr wyf yn ddiolchgar ichi am fod mor oddefgar, Lywydd, o ystyried faint o'r gloch yw hi. Weinidog, clywais eich datganiad, ac yr wyf yn rhyfeddu bod Llywodraeth sydd wedi ymfalchïo cymaint yn yr arian y mae wedi'i wario, yn gallu sôn yn awr am allu darparu'r un gwasanaethau am lai o arian o lawer. Onid dyletswydd unrhyw Lywodraeth yw mesur canlyniadau yn hytrach na barnu gwasanaethau ar sail faint o arian a wariwyd. A dweud y gwir, mae'r ymagwedd honno'n rhywbeth y mae'r Llywodraeth yr ydych wedi bod yn rhan ohoni ers datganoli wedi'i beirniadu'n chwyrn.

Dymunaf godi mater y ffigurau sy'n ymwneud â rhagamcanion Alistair Darling, os caf gyfeirio atynt felly. Gan iddo gyfeirio yn y datganiad rhag-gyllidebol at ofyniad benthyca o £70 biliwn, a gynyddodd £12 biliwn erbyn diwedd y flwyddyn ariannol, ac y byddwn, yn ôl yr hyn a ragfynegir, wrth inni fynd ymlaen i'r flwyddyn ariannol hon, yn benthyca £175 biliwn, cynnydd o'r £118 biliwn a ragfynegwyd ym mis Tachwedd, a oes gennych hyder yn y ffigurau y mae'r Canghellor wedi'u defnyddio'n sail i'w asesiadau gwario, ffigurau y bydd yn rhaid i chi eu defnyddio ar gyfer eich asesiadau gwario chithau yng Nghymru? A ydych yn derbyn bod y ffigurau hynny y mae'r Canghellor yn amlwg yn glynu wrthynt yn gadarn? Dyna'r ffigurau y byddwch yn seilio'ch tybiaethau arnynt wrth ddyfeisio'ch cyllideb i'r Cynulliad ar gyfer eleni a'r blynyddoedd wedyn. Mae'n hollbwysig inni ddeall faint o hyder sydd gennych chi a'ch cyd-Weinidogion yn Llywodraeth y Cynulliad yng ngallu Alistair Darling a'i swyddogion i ragfyneigi faint o arian a fydd yn cyrraedd yma i Gaerdydd.

Andrew Davies: Thank you, Andrew. Your first question was about outcomes. As a Government, we deliver relatively few services, unlike the UK Government. Most of our services are delivered by other parties, such as local government or the health service. That is why, when I responded to earlier questions about how we will deal with the future fiscal context, I said clearly that we needed to do it collaboratively. I coined the phrase 'Team Wales' in my previous job and I think that it is a powerful concept, but it means having everyone around the table agreeing what the important priorities are, and how we measure our effectiveness in delivering them. As the First Minister indicated, he is convening an early meeting, a summit, with local government, the voluntary or third sector, and others to look at what we need to focus on. There is also a realisation in local government that the considerable growth in public expenditure that we have had in previous years is coming to an end, and that we need to work collectively to really focus on priorities to eliminate inefficiencies and unnecessary procedures, and to focus on what is really important, which is services for our people.

On your second point about the Chancellor, we work closely with the UK Government—as I have pointed out—in how we are dealing with the recession, and the response of the Prime Minister in convening the G20 in London. What the Welsh Assembly Government and the UK Government are doing is seen, globally, as being ahead of any other part.

In terms of responding, Ernst and Young only last weekend said that it forecast that the UK would be the first of the major countries to come out of the recession. It is your party that seems to be alone in the world in arguing for cuts in public expenditure and for not borrowing to deal with the recession. As the Prime Minister has said, you invest for the future or you have no future. As he has also said, you cannot cut your way out of a

Andrew Davies: Diolch ichi, Andrew. Yr oedd a wnelo'ch cwestiwn cyntaf â chanlyniadau. Cymharol ychydig o wasanaethau yr ydym ni'r Llywodraeth yn eu darparu, yn wahanol i Lywodraeth y DU. Cyrff eraill sy'n darparu'r rhan fwyaf o'n gwasanaethau, cyrff megis llywodraeth leol neu'r gwasanaeth iechyd. Dyna pam, pan atebais gwestiynau'n gynharach ynghylch sut y byddwn yn ymdrin â'r cyd-destun ariannol yn y dyfodol, y dywedais yn glir fod angen inni wneud hynny drwy gydweithredu. Bathais yr ymadrodd 'Tim Cymru' yn fy swydd flaenorol a chredaf ei fod yn gysyniad grymus, ond mae'n golygu cael pawb o gwmpas y bwrdd, yn cytuno ar y blaenoriaethau pwysig, a sut yr ydym yn mesur ein heffeithiolrwydd wrth eu gwireddu. Fel yr awgrymodd y Prif Weinidog, bydd yn cynnull cyfarfod yn fuan, uwchgynhadledd, gyda llywodraeth leol, y sector gwirfoddol neu'r trydydd sector, ac eraill i edrych ar yr hyn y mae angen inni ganolbwyntio arno. Mae llywodraeth leol yn sylweddoli hefyd fod y twf sylweddol mewn gwariant cyhoeddus yr ydym wedi'i gael mewn blynyddoedd blaenorol yn dod i ben, a bod angen inni gydweithio i ganolbwyntio o ddifrif ar flaenoriaethau er mwyn dileu aneffeithlonrwydd a gweithdrefnau diangen, ac er mwyn canolbwyntio ar yr hyn sy'n wirioneddol bwysig, sef gwasanaethau i'n pobl.

O ran eich ail bwynt am y Canghellor, yr ydym yn gweithio'n glòs gyda Llywodraeth y DU—fel yr wyf wedi dweud—o ran sut yr ydym yn mynd i'r afael â'r dirwasgiad, ac ymateb y Prif Weinidog wrth gynnull yr G20 yn Llundain. Yn fyd-eang, ystyrir bod Llywodraeth y Cynulliad a Llywodraeth y DU ar y blaen i bobman arall o ran yr hyn y maent yn ei wneud.

O ran ymateb, mae Ernst ac Young newydd ddweud y penwythnos diwethaf ei fod yn rhagweld mai'r DU fyddai un o'r prif wledydd cyntaf i gamu o'r dirwasgiad. I bob golwg, mae eich plaid chi ar ei phen ei hun yn y byd yn dadlau o blaid toriadau mewn gwariant cyhoeddus ac o blaid peidio â benthyca i ddelio â'r dirwasgiad. Fel y mae Prif Weinidog Prydain wedi dweud, oni fuddsoddwch ar gyfer y dyfodol, ni fydd

recession; you grow your way out of a recession. If it was for the Tories to decide—God forbid that they should ever be back in government at a UK level—there would be massive cuts in public expenditure. It is incumbent on your party to say exactly which front-line services you would cut as you slashed public expenditure at a UK level.

gennyhch ddyfodol. Fel y mae wedi dweud hefyd, ni allwch ddod allan o ddirwasgiad drwy wneud toriadau; rhaid wrth dwf i ddod allan o ddirwasgiad. Petai'r Toriaid yn gorfod penderfynu—a Duw a'n gwaredo petaent yn dychwelyd i lywodraethu ar lefel y DU—byddai toriadau enfawr mewn gwariant cyhoeddus. Cyfrifoldeb eich plaid chi yw dweud pa wasanaethau rheng flaen yn union y byddech yn eu torri wrth ichi dorri gwariant cyhoeddus i'r bôn ar lefel y DU.

*Daeth y Dirprwy Lywydd (Rosemary Butler) i'r Gadair am 4.07 p.m.
The Deputy Presiding Officer (Rosemary Butler) took the Chair at 4.07 p.m.*

Datganiad Deddfwriaethol am y Mesur Arfaethedig ynghylch Addysg (Cymru) Legislative Statement on the Proposed Education (Wales) Measure

The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt):

Listening and responding to children and young people, so that they can have a say in the decisions that affect their own lives, is at the heart of this Government's policies and programmes for children and young people. We have made great progress in improving the lives of children and young people in Wales and we will continue to do so. Developing the rights of children and young people responds positively to the UN Convention on the Rights of the Child, on which our seven core aims are based.

Yesterday, I laid the Proposed Education (Wales) Measure, together with an explanatory memorandum, and issued a written statement on this matter. I am pleased to introduce the proposed Measure for Assembly consideration today.

It was the late Peter Clarke, the first Children's Commissioner for Wales, who first proposed a right for children to appeal to the Special Educational Needs Tribunal for Wales. His recommendation was that children with special educational needs should have appeal rights in circumstances where their parents, for whatever reason, did not exercise their own rights. This pioneering proposed Measure builds on Peter's proposal; it extends to children and young people universal rights to make tribunal appeals on SEN grounds and to make claims of

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau (Jane Hutt):

Mae gwranddo ar blant a phobl ifanc ac ymateb iddynt, er mwyn iddynt gael llais yn y penderfyniadau sy'n effeithio ar eu bywydau hwy eu hunain, wrth wraidd polisiau'r Llywodraeth hon a rhaglenni i blant a phobl ifanc. Yr ydym wedi gwneud camau breision i wella bywydau plant a phobl ifanc yng Nghymru a byddwn yn parhau i wneud hynny. Wrth ddatblygu hawliau plant a phobl ifanc yr ydym yn ymateb yn gadarnhaol i Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn, hawliau y seilir ein saith nod craidd arnynt.

Ddoe, gosodais y Mesur Addysg Arfaethedig (Cymru), ynghyd â memorandwm esboniadol, a chyhoeddais ddatganiad ysgrifenedig ynglŷn â hyn. Yr wyf yn falch o gyflwyno'r Mesur arfaethedig i'r Cynulliad ei ystyried heddiw.

Y diweddar Peter Clarke, Comisiynydd Plant cyntaf Cymru, oedd y cyntaf i gynnig y dylai plant gael yr hawl i apelio i Dribiwnlys Anghenion Addysgol Arbennig Cymru. Ei argymhelliad oedd y dylai plant a chanddynt anghenion addysgol arbennig gael hawl i apelio dan amgylchiadau lle nad oedd eu rhieni, am ba reswm bynnag, wedi arfer eu hawliau hwy eu hunain. Mae'r Mesur arfaethedig arloesol hwn yn adeiladu ar sail cynnig Peter; mae'n rhoi hawliau cyflawn i blant a phobl ifanc apelio i dribiwnlys ar sail AAA a hawlio gwahaniaethu ar sail

disability discrimination. Currently, these rights are only enjoyed by parents or those acting as parents.

Last year, we consulted on our proposals. The consultation package comprised written consultation papers in versions for children and young people and for adults, facilitated workshop sessions with school councils in special and mainstream schools, and workshops across Wales for the public. We have reacted positively to the varied consultation responses and continued to develop the proposals, culminating in the proposed Measure before you today.

The proposed Measure will break new ground. It will be implemented in two parts, first of which will provide for a pilot and evaluation phase during which children in specified areas will be able to make appeals and claims to the tribunal. The pilot phase will provide an important opportunity for careful monitoring and evaluation of the practical application of the rights, and the configuration and resourcing of the necessary support services.

4.10 p.m.

We will use this phase to extrapolate potential appeal numbers and to build an accurate and appropriate financial model for full roll-out in phase 2. The full roll-out will be informed by the results and recommendations arising from the report on the outcomes of the pilot scheme. The report will also help towards the identification and development of best practice for local authorities and service providers. In making any subsequent changes to the Measure, Welsh Ministers will have to have regard to the report.

As regards support for children and young people to access their new rights, the Measure also places duties on local authorities. They will be required to inform children of their appeal rights and they will extend their current arrangements so that children have access to partnership and disagreement resolution services. Authorities will also have a new duty to make

anabledd. Ar hyn o bryd, dim ond gan rieni neu'r rhai sy'n gweithredu fel rhieni y mae'r hawliau hyn.

Y llynedd, ymgynghorwyd ynglŷn â'n cynigion. Yr oedd y pecyn ymgynghori'n cynnwys papurau ymgynghori ysgrifenedig mewn fersiynau i blant a phobl ifanc ac ar gyfer oedolion, gan hwyluso sesiynau gweithdai gyda chynghorau ysgolion mewn ysgolion arbennig ac ysgolion prif ffrwd, a gweithdai ledled Cymru i'r cyhoedd. Yr ydym wedi ymateb yn gadarnhaol i'r ymatebion amrywiol i'r ymgynghori ac wedi parhau i ddatblygu'r cynigion, a phen draw hynny yw'r Mesur arfaethedig sydd ger eich bron heddiw.

Bydd y Mesur arfaethedig yn torri tir newydd. Fe'i rhoddir ar waith mewn dwy ran. Bydd y rhan gyntaf yn darparu ar gyfer cyfnod peilot a cham gwerthuso pan fydd modd i blant mewn ardaloedd penodol gyflwyno apelïadau a hawliadau i'r tribiwnlys. Bydd y cyfnod peilot yn cynnig cyfle pwysig i fonitro a gwerthuso'r ffordd y rhoddir yr hawliau ar waith yn ymarferol, a chyfluniad y gwasanaethau cymorth angenrheidiol a'r adnoddau ar eu cyfer.

Byddwn yn defnyddio'r cyfnod hwn i gyfrifo faint a allai apelio ac i lunio model ariannol cywir a phriodol ar gyfer lledaenu'r drefn yn llawn yn ystod yr ail gam. Bydd y lledaenu llawn yn cael ei seilio ar ganlyniadau ac argymhellion yr adroddiad ynglŷn â chanlyniadau'r cynllun peilot. Bydd yr adroddiad yn gymorth hefyd i ganfod a datblygu'r arferion gorau ar gyfer awdurdodau lleol a darparwyr gwasanaethau. Wrth newid y Mesur wedyn, bydd yn rhaid i Weinidogion Cymru roi sylw i'r adroddiad.

O ran rhoi cymorth i blant a phobl ifanc fanteisio ar eu hawliau newydd, mae'r Mesur hefyd yn gosod dyletswyddau ar awdurdodau lleol. Bydd gofyn iddynt roi gwybod i blant am eu hawl i apelio a byddant yn ymestyn y trefniadau sydd ganddynt eisoes er mwyn i blant allu manteisio ar wasanaethau partneriaeth a gwasanaethau datrys anghytundeb. Bydd yn ddyletswydd newydd

arrangements so that children can access independent specialist advocacy services. The aim of these services will be to listen to and give voice to children's views and concerns. The advocates will be expected to assist children in disagreement resolution processes, appeal or claim case preparation, and to support them, or more likely represent them, at hearings. Children may also be represented by, or have an appeal or claim made on their behalf by, a 'case friend'. We have brought about this change so that children's needs can still be met in circumstances where children are too young or unable to bring appeals or claims and where their parents are unable to, or decide not to, engage in the process. This may be of particular importance to looked-after children in short-term placements. Short-term foster carers, for example, are currently unable to bring appeals on behalf of children.

The proposed Measure will also give Welsh Ministers the power that currently rests with Ministers of the Crown to regulate the tribunal's disability discrimination jurisdiction. We feel that this is appropriate in view of the tribunal's status, since 2003, as a devolved jurisdiction. Similarly, the responsibility for considering complaints about non-implementation of disability discrimination orders will now fall to Welsh Ministers. The proposed Measure is also used as a vehicle to amend current legislation to match the implementation of the foundation phase by removing all references to 'first key stage' in Welsh legislation and changing all references of 'foundation stage' to 'foundation phase' to match the terminology used by practitioners and in publications.

Ultimately, this proposed Measure will give children and young people in Wales rights that are unparalleled in the UK and beyond, demonstrating once again that the Welsh Assembly Government is in the vanguard in the children and young people's rights agenda. The proposed Measure will help to integrate the concept of children participating in the important tribunal decisions that affect them and lays down a marker for their greater involvement throughout the statutory

ar awdurdodau hefyd i wneud trefniadau er mwyn i blant allu manteisio ar wasanaethau eiriolaeth arbenigol annibynnol. Nod y gwasanaethau hyn fydd gwrando ar farn a phryderon plant a rhoi llais iddynt. Bydd disgwyl i'r eiriolwyr gynorthwyo plant mewn prosesau datrys anghytundeb, ac wrth baratoi achos apêl neu hawliad, a'u cefnogi, neu'n fwy tebygol, eu cynrychioli, mewn gwrandawiaadau. Caiff 'cyfaill achos' hefyd gynrychioli plant, neu apelio neu hawlio ar eu rhan. Yr ydym wedi newid hyn er mwyn sicrhau bod modd diwallu anghenion plant hyd yn oed dan amgylchiadau lle y maent yn rhy ifanc neu lle na allant apelio neu hawlio a lle na all eu rhieni ymwneud â'r broses, neu lle y bydd eu rhieni'n penderfynu peidio â gwneud hynny. Gall hyn fod yn arbennig o bwysig i blant sy'n derbyn gofal mewn lleoliadau tymor byr. Ar hyn o bryd, er enghraifft, ni all gofalwyr maeth tymor byr gyflwyno apêl ar ran plant.

Bydd y Mesur arfaethedig hefyd yn rhoi'r pŵer i Weinidogion Cymru sydd ar hyn o bryd yn nwylo Gweinidogion y Goron i reoleiddio awdurdodaeth gwahaniaethu ar sail anabledd y tribiwnlys. Teimlwn fod hyn yn briodol o gofio bod gan y tribiwnlys, ers 2003, statws awdurdodaeth ddatganoledig. Yn yr un modd, Gweinidogion Cymru yn awr a fydd yn gyfrifol am ystyried cwynion ynglŷn â pheidio â rhoi gorchmynion gwahaniaethu ar sail anabledd ar waith. Defnyddir y Mesur arfaethedig hefyd yn gyfrwng i ddiwygio deddfwriaeth gyfredol er mwyn iddi gydweddu â'r cyfnod sylfaen drwy ddileu pob cyfeiriad at 'y cyfnod allweddol cyntaf' yn neddfwriaeth Cymru a newid pob cyfeiriad at 'gam sylfaen' i 'gyfnod sylfaen' er mwyn cydweddu â'r derminoleg a ddefnyddir gan ymarferwyr ac mewn cyhoeddiadau.

Yn y pen draw, bydd y Mesur arfaethedig hwn yn rhoi'r hawliau i blant a phobl ifanc yng Nghymru nad oes eu tebyg yn y DU na'r tu hwnt, gan ddangos unwaith eto fod Llywodraeth y Cynulliad ar flaen y gad o ran agenda hawliau plant a phobl ifanc. Bydd y Mesur arfaethedig yn gymorth i integreiddio'r cysyniad bod plant yn cymryd rhan yn y penderfyniadau pwysig gan dribiwnlysoedd sy'n effeithio arnynt ac mae'n gosod y nod ar gyfer cynnwys mwy

assessment processes that are currently under review. In the vast majority of cases parents do not appeal local authority decisions about their children's special educational needs. Of course, we believe that in the overwhelming majority of instances, parents will act in the best interests of their children. However, what we must protect against are those—hopefully few—circumstances where parents do not, or are unable to, act in their children's best interests.

The proposed Measure, along with new regulations, aims to ensure that the needs of the most vulnerable of our children can still be met, allowing them every opportunity to be who they want to be, for their voices and choices to be heard and appreciated, and for them to be involved in tribunal decisions which can have life-changing consequences. I commend it to you and look forward to the positive, constructive contribution that the Assembly's scrutiny process will make as we explore these key issues.

Paul Davies: Diolchaf i'r Gweinidog am y datganiad y prynhawn yma. Yr wyf yn croesawu'n fawr iawn y cyhoeddiad heddiw, gan ei bod yn hollbwysig ein bod yn gweithio tuag at gynyddu, lle bynnag y bo'n bosibl, hawliau plant a'u cyfraniad at y prosesau a'r penderfyniadau sy'n effeithio ar eu haddysg er mwyn sicrhau bod eu safbwyntiau yn cael eu clywed. Bydd y Mesur hwn yn sicrhau bod plant yn cael gwrandawriad ac yn cael eu trin â pharch. Mae'n hanfodol ein bod ni, fel cymdeithas, yn ymestyn hawliau plant a phobl ifanc i wneud apêl i dribiwnlys anghenion addysgol arbennig Cymru.

Fel y dywedodd y Gweinidog, cafodd y Mesur hwn ei gyflwyno o ganlyniad i ymgynghoriad eang a chynnig gwreiddiol gan gomisiynydd plant cyntaf Cymru, y diweddar Peter Clarke. Mae'n hollbwysig ein bod yn rhoi'r hawl i apelio i blant a phobl ifanc gan fod amgylchiadau'n codi lle nad yw rhieni neu warcheidwaid yn defnyddio'r hawl honno ar eu rhan.

Croesawaf yn fawr iawn y ffaith y bydd y Gweinidog yn cyflwyno cynllun peilot er mwyn asesu effaith y cynigion hyn. Mae

arnynt ym mhob rhan o'r prosesau asesu statudol sy'n cael eu hadolygu ar hyn o bryd. Gan amlaf o ddigon, ni fydd rhieni'n apelio yn erbyn penderfyniadau awdurdodau lleol ynglŷn ag anghenion addysg arbennig eu plant. Wrth gwrs, credwn y bydd rhieni, yn y rhan fwyaf o ddigon o'r achosion hynny, yn gweithredu er budd eu plant. Serch hynny, yr hyn y mae'n rhaid inni ochel rhagddo yw'r amgylchiadau hynny—a'r rheini'n rhai prin gobeithio—lle na fydd rhieni, neu lle na all rhieni, weithredu er budd eu plant.

Nod y Mesur arfaethedig, ynghyd â'r rheoliadau newydd, yw sicrhau bod modd o hyd inni ddiwallu anghenion ein plant mwyaf agored i niwed, gan roi pob cyfle iddynt fod yr hyn y maent yn dymuno bod, i'w lleisiau a'u dewisiadau gael eu clywed a'u gwerthfawrogi ac iddynt gael eu cynnwys ym mhenderfyniadau'r tribiwnlys a all arwain at ganlyniadau a fydd yn newid eu bywyd. Yr wyf yn ei argymhell ichi ac yn edrych ymlaen at gyfraniad cadarnhaol, adeiladol proses graffu'r Cynulliad wrth inni archwilio'r materion allweddol hyn.

Paul Davies: I thank the Minister for her statement this afternoon. I very much welcome this announcement today, as it is vitally important that we work to increase children's rights, wherever possible, and their contribution to the processes and decisions that affect their education in order to ensure that their views are heard. This Measure will ensure that children will be heard and treated with respect. It is essential that we, as a society, extend children and young people's rights to appeal to the special educational needs tribunal for Wales.

As the Minister said, this Measure was introduced as a result of an extensive consultation and the original proposal by the first Children's Commissioner for Wales, the late Peter Clarke. It is vitally important that we give children and young people the right to appeal as circumstances arise where their parents or guardians do not use that right on their behalf.

I very much welcome the fact that the Minister will introduce a pilot scheme to assess the impact of these proposals. That is a

hwnnw'n beth synhwyrol i'w wneud cyn penderfynu cyflwyno'r cynigion drwy gydol Cymru. Os bydd newidiadau yn sgîl y cynllun peilot a'r asesiad a fydd yn ei ddilyn, nodaf y bydd y Gweinidog yn sicrhau bod y Cynulliad yn cael craffu ar a thrafod y mater yn llawn, ac yn cael pleidleisio ar y newidiadau. Mae honno'n egwyddor bwysig iawn.

Gwelaf eich bod yn hyderus bod y pwerau gennyh yn barod i gyflwyno'r Mesur arfaethedig hwn, Weinidog. Yr ydych yn nodi bod Rhan 3 o Atodlen 5 i Ddeddf Llywodraeth Cymru 2006 yn eich galluogi i gael gwared ar bwerau'r Ysgrifennydd Gwladol drwy gyflwyno Mesur arfaethedig yn y Cynulliad. Fodd bynnag, ni welaf unrhyw gyfeiriad at dribiwnlys a phrosesau apêl. O dan yr amgylchiadau, pa gyngor cyfreithiol yr ydych wedi'i dderbyn am hynny? A fedrwch ein calonogi eich bod yn hyderus bod y pwerau hyn gennyh yn barod?

Gwelaf o'r cyhoeddiad ddoe y bydd y cynllun peilot yn costio rhyw £130,000. A allwch gadarnhau eich bod yn hyderus y bydd yr adnoddau hynny'n ddigonol? Os nad ydynt, a fydd unrhyw adnoddau ychwanegol yn dod o gyllidebau anghenion dysgu ychwanegol? Dywedwyd yn y nodiadau a gyhoeddwyd ddoe eich bod yn credu y bydd y cynllun peilot yn para am ryw ddwy flynedd ac, yn dilyn hynny, bydd cyfnod o asesu. Yn eich tyb chi, pa mor hir fydd y cyfnod asesu, a phryd felly y caiff y Mesur arfaethedig hwn ei weithredu? A oes gennyh amserlen benodol mewn golwg?

Cymeraf yn ganiataol na wnaed penderfyniad eto o ran ble y caiff y cynllun peilot ei gynnal. Pwy fydd yn gwneud y penderfyniad hwn? A ydych yn credu y bydd y cynllun peilot yn cael ei weithredu mewn ardal lle gwelwyd nifer o apeliadau yn y gorffennol? Os na, bydd yn anodd asesu ei effaith os caiff ei sefydlu mewn ardal lle gwelwyd nifer fach o apeliadau.

Yn y Mesur arfaethedig, ceir oblygiadau newydd ar awdurdodau addysg lleol i roi mynediad i wasanaethau eiriolaeth annibynnol i blant a all wrando arnynt a rhoi llais i'w safbwyntiau a'u pryderon. Mae

sensible move before deciding to go ahead and implement the proposals throughout Wales. Should there be any changes to make as a result of the pilot scheme and the assessment that will follow, I note that the Minister will ensure that the Assembly gets to scrutinise and discuss the issue fully, and will get to vote on the changes. That is an important principle.

I see that you are confident that you already have the powers to introduce this proposed Measure, Minister. You state that Part 3 of Schedule 5 to the Government of Wales Act 2006 enables you to do away with the powers of the Secretary of State for Wales by introducing a proposed Measure into the Assembly. However, I can see no reference to a tribunal and appeals processes. Under the circumstances, what legal advice have you received on that matter? Can you give us some encouragement that you are confident that you already have these powers in place?

I see from the announcement made yesterday that the pilot scheme is to cost some £130,000. Can you confirm that you are certain that those resources will be adequate? If they are not, will any additional resources come from the additional learning needs budgets? The notes that were published yesterday showed that you believe that the pilot scheme will continue for some two years, and, following that, there will be an assessment period. In your opinion, how long will the assessment period last, and when will the proposed Measure be implemented? Do you have a specific timetable in mind?

I take it for granted that no decision has yet been taken as to where the pilot scheme will be held. Who will take that decision? Do you envisage the pilot scheme being implemented in an area that has seen several appeals in the past? If not, it will be difficult to assess its impact if it is based in an area where there have been very few appeals in the past.

The proposed Measure contains new requirements on local education authorities to give children access to independent advocacy services that can listen to them and voice their concerns and opinions. Advocacy

gwasanaethau eiriolaeth yn bodoli eisoes, er eu bod yn anghyson ar draws Cymru. Yn yr ardaloedd lle mae'r gwasanaethau hyn yn bodoli, a all y Gweinidog esbonio sut bydd y cynigion newydd yn gweithio gyda'r gwasanaethau presennol?

services are already in place, although they are inconsistent throughout Wales. In those areas where these services are already on offer, could the Minister explain how these new proposals will work alongside the existing provision?

Croesawaf y ffaith y bydd y Mesur arfaethedig yn rhoi dyletswydd ar awdurdodau addysg lleol i wneud trefniadau ar gyfer gwasanaethau partneriaeth a datrys anghydfod, ac yn rhoi gwybod i blant am eu hawliau mynediad i'r gwasanaethau hynny. A fedrwch ddweud wrthym sut y gall awdurdodau addysg lleol wneud hyn a sicrhau bod yr wybodaeth honno ar gael yn haws i blant a phobl ifanc?

I welcome the fact that the proposed Measure will place a duty on local education authorities to make arrangements for partnership and dispute resolution services, and will inform children of their rights to access those services. Can you tell us how local education authorities can do that and ensure that that information is available more easily to children and young people?

Derbyniaf eich pwynt am y gwelliannau technegol i'r Mesur arfaethedig hwn, sef newid yn y cwricwlwm oherwydd cyflwyno'r cyfnod sylfaen.

I accept your point about the technical amendments to this proposed Measure, namely changes to the curriculum because of the introduction of the foundation phase.

Yn olaf, felly, diolchaf i'r Gweinidog am y datganiad hwn yr wyf yn ei groesawu'n fawr iawn. Diolch yn fawr.

Finally, therefore, I thank the Minister for this statement, which I warmly welcome. Thank you.

Jane Hutt: Diolch yn fawr, Paul. I thank you very much for your positive response to this opportunity to ensure that our children have all their rights available to them. The special educational needs tribunal often results in life-changing circumstances, and we are breaking new ground in the opportunities that we are offering children, particularly the most vulnerable who do not have parental engagement and support. This will also substantially extend the rights of looked-after children, enhance the support given to them, and ensure backing so that the best decisions for them are forthcoming.

Jane Hutt: Diolch yn fawr, Paul. Yr wyf yn ddiolchgar iawn ichi am eich ymateb cadarnhaol i'r cyfle hwn i sicrhau bod pob un o'u hawliau ar gael i'n plant. Mae'r tribiwnlys anghenion addysgol arbennig yn aml yn arwain at amgylchiadau sy'n newid bywydau, ac yr ydym yn torri tir newydd gyda'r cyfleoedd yr ydym yn eu cynnig i blant, yn enwedig y rhai mwyaf agored i niwed nad yw eu rhieni'n ymwneud â hwy ac yn eu cefnogi. Bydd hyn yn rhoi llawer mwy o hawliau i blant sy'n derbyn gofal. Bydd yn gwella'r gefnogaeth a roddir iddynt ac yn cynnig cymorth er mwyn sicrhau bod y penderfyniadau gorau ar eu cyfer hwy'n cael eu gwneud.

4.20 p.m.

Your questions about the pilot scheme are very important. I have said that this is a two-stage roll-out, and it will enable us to ensure that we get the arrangements properly piloted. We listened hard to the comments made in the consultation before bringing this before the Assembly. We can now ensure that all those engaged in the process have the opportunity to gain from the experience

Mae eich cwestiynau ynglŷn â'r cynllun peilot yn bwysig iawn. Yr wyf wedi dweud y bydd y cynllun hwn yn cael ei gyflwyno mewn dau gam, a bydd yn ein galluogi i sicrhau bod y trefniadau'n cael eu treialu'n briodol. Gwrandawsom yn astud ar y sylwadau a wnaethpwyd yn yr ymgynghoriad cyn dod â hyn gerbron y Cynulliad. Gallwn sicrhau yn awr fod pob un sy'n ymwneud â'r

afforded by a pilot scheme and an evaluation stage. You made a point about the impact of the pilot scheme and evaluation stage. As a result of the pilot scheme, we will have key information about how rights are communicated, supported and resourced, which will enable us to develop guidance and best practice. I made the point that the pilot schemes are there to inform us as we extend the rights and opportunities for our children and young people.

On the design and timeline of the pilot schemes, we will have a representative working group to help with that, and we anticipate that the schemes will be live from September 2010 for two years.

Working with those who are already engaged in this area of work, it is important that we look at the opportunities in light of costings. We have included the appointment of a manager to work with the piloting authorities on the practical development of appeal and claim rights, and relationships with service providers and tribunals. We will be working with authorities in due course and discussing the kinds of authorities that should take part. You made the point that we want to ensure that there is a balance in the pilot areas, and we are looking to work with authorities that have previously generated greater appeal numbers, as well as possibly those where there have been fewer appeals, to get a clearer picture of the resource and service implications for all authorities across Wales. As for evaluating best practice for advocacy and other partners, we will be monitoring the cost with authorities, but we have already, as has been identified, costed the pilot schemes.

You made important points about advocacy, and this is a chance to update you on the new model for delivering advocacy services, which was recently scrutinised by the Children and Young People Committee. We now have an advocacy development and performance unit in my department, and we are establishing a national independent advocacy board. The entitlement to advocacy

broses yn cael cyfle i elwa o ganlyniad i brofiad y cynllun peilot a'r cyfnod gwerthuso. Gwnaethoch bwynt ynglŷn ag effaith y cynllun peilot a'r cyfnod gwerthuso. O ganlyniad i'r cynllun peilot, bydd gennym wybodaeth bwysig ynglŷn â sut y mae hawliau'n cael eu cyfathrebu, eu cefnogi a'u cyllido, a bydd hynny'n ein galluogi i ddatblygu canllawiau a gwybodaeth ynglŷn â'r arferion gorau. Dywedais mai pwrpas y cynlluniau peilot yw darparu gwybodaeth inni wrth inni ymestyn yr hawliau a'r cyfleoedd ar gyfer ein plant a'n pobl ifanc.

O ran dyluniad ac amserlen y cynlluniau peilot, bydd gennym weithgor cynrychiadol i helpu gyda hynny, a disgwylwch y bydd y cynlluniau'n cael eu gweithredu am gyfnod o ddwy flynedd o fis Medi 2010 ymlaen.

Gan weithio gyda'r rhai sydd eisoes yn ymwneud â'r maes hwn, mae'n bwysig inni edrych ar y cyfleoedd yng nghyd-destun y costau. Yr ydym wedi cynnwys penodi rheolwr i weithio gyda'r awdurdodau treialu ar ddatblygiad ymarferol hawliau sy'n ymwneud ag apeliadau a hawliadau, a'r berthynas gyda darparwyr gwasanaethau a thribiwnlysoedd. Byddwn yn gweithio gydag awdurdodau maes o law ac yn trafod pa fath o awdurdodau a ddylai gymryd rhan. Gwnaethoch y pwynt bod arnom eisiau sicrhau bod cydbwysedd yn yr ardaloedd peilot, ac yr ydym yn awyddus i weithio gydag awdurdodau lle y gwelwyd mwy o apeliadau yn y gorffennol, yn ogystal â'r rhai lle y bu llai o apeliadau o bosibl, er mwyn cael darlun cliriach o'r goblygiadau o ran adnoddau a gwasanaethau i bob awdurdod ledled Cymru. O ran gwerthuso'r arferion gorau ar gyfer eiriolaeth a phartneriaid eraill, byddwn yn monitro'r gost gydag awdurdodau, ond fel y nodwyd, yr ydym wedi amcangyfrif cost y cynlluniau peilot yn barod.

Gwnaethoch bwyntiau pwysig ynglŷn ag eiriolaeth, ac mae hyn yn gyfle i gyflwyno'r wybodaeth ddiweddaraf i chi ynglŷn â'r model newydd ar gyfer cyflenwi gwasanaethau eiriolaeth, y craffwyd arno yn ddiweddar gan y Pwyllgor Plant a Phobl Ifanc. Mae gennym bellach uned datblygu eiriolaeth a pherfformiad yn fy adran, ac yr ydym yn sefydlu bwrdd eiriolaeth annibynnol

in support of special educational needs appeals and disability discrimination claims brought by children will be imposed through the proposed Measure, and the development of our advocacy delivery model includes the all-important children and young people's information service, and the way in which we can deliver that.

Your point about partnership access and resolution disagreement processes is important. You know that local education authorities must make arrangements for parents to provide advice and information about the support and services available in the area. The majority are delivered in collaboration, for example, with SNAP Cymru, a specialist organisation supporting children with special needs and their parents. The proposed Measure will extend that duty to encompass children and young people's access to partnership services. Local authorities must make arrangements regarding independent persons, for example, with a view to avoiding disagreements with authorities and parents about special educational needs provision. We want to ensure that we can use the proposed Measure to extend the opportunities available, and to remove those disagreements, which can make it so difficult to meet the needs of young people.

I fully support the informal resolution of disagreements, and, as I said, the proposed Measure extends the duty on local education authorities to make disagreement resolution services available to children and young people who are considering making appeals and claims to the tribunal. We are confident that we have the powers necessary to take this proposed Measure forward, and you may be aware that, this week, the Department for Children, Schools and Families will also initiate a consultation in respect of many of these issues.

I believe that we are ahead of the game in responding not only to the recommendations of the current Children's Commissioner for Wales, but also the former, Peter Clark, backed by the Assembly's former Education

enedlaethol. Bydd yr hawl i eiriolaeth i gefnogi apeliadau anghenion addysgol arbennig a hawliadau'n ymwneud â gwahaniaethu ar sail anabled a wneir gan blant yn cael ei sefydlu drwy'r Mesur arfaethedig, ac mae datblygiad ein model darparu eiriolaeth yn cynnwys y gwasanaeth gwybodaeth hollbwysig i blant a phobl ifanc, a sut y gallwn ddarparu hynny.

Mae eich pwynt ynglŷn â gwasanaethau partneriaeth a phrosesau datrys anghytundebau'n bwysig. Gwyddoch fod yn rhaid i awdurdodau addysg lleol wneud trefniadau ar gyfer rhieni er mwyn darparu cyngor a gwybodaeth am y cymorth a'r gwasanaethau sydd ar gael yn yr ardal. Darperir y rhan fwyaf mewn cydweithrediad, er enghraifft, â SNAP Cymru, sefydliad arbenigol sy'n cefnogi plant ag anghenion arbennig a'u rhieni. Bydd y Mesur arfaethedig yn ymestyn y ddyletswydd honno i gynnwys gwasanaethau partneriaeth ar gyfer plant a phobl ifanc. Rhaid i awdurdodau lleol wneud trefniadau yn ymwneud â phobl annibynnol, er enghraifft, gyda'r bwriad o osgoi anghytundeb ag awdurdodau a rhieni ynglŷn â darpariaeth anghenion addysgol arbennig. Mae arnom eisiau sicrhau y gallwn ddefnyddio'r Mesur arfaethedig i ymestyn y cyfleoedd sydd ar gael, a chael gwared ar yr anghytundebau hynny, a all wneud y gwaith o ddiwallu anghenion pobl ifanc mor anodd.

Yr wyf yn gwbl gefnogol i ddatrys anghytundebau'n anffurfiol, ac, fel y dywedais, mae'r Mesur arfaethedig yn ymestyn y ddyletswydd ar awdurdodau addysg lleol i sicrhau bod gwasanaethau datrys anghytundebau ar gael i blant a phobl ifanc sy'n ystyried cyflwyno apêl neu hawliad i'r tribiwnlys. Yr ydym yn hyderus bod gennym y pwerau angenrheidiol i frwr ymlaen â'r Mesur arfaethedig hwn, ac efallai eich bod yn ymwybodol y bydd yr Adran Plant, Ysgolion a Theuluoedd hefyd, yr wythnos hon, yn cychwyn ymgynghoriad yn ymwneud â nifer o'r materion hyn.

Credaf ein bod ar y blaen wrth ymateb nid yn unig i argymhellion Comisiynydd Plant Cymru ar hyn o bryd, ond hefyd y comisiynydd blaenorol, Peter Clark, a gefnogwyd gan Bwyllgor Addysg a Dysgu

and Lifelong Learning Committee. We must also recognise that the Equality and Human Rights Commission recommended last July that the UK Government act promptly to ensure that looked-after children with special educational needs have an independent right to appeal decisions made about their support needs. We are taking that forward now through this proposed Measure.

Nerys Evans: Diolch am y cyfle i gyfrannu y prynhawn yma. Yr wyf yn falch bod Llywodraeth Cymru eisiau cyflwyno'r Mesur arfaethedig hwn, sy'n ymestyn hawliau i blant a phobl ifanc wneud apeliadau o ran eu hanghenion addysgol arbennig, ac yn rhoi hawliau i dribiwnlys Cymru ystyried achosion o wahaniaethu ar sail anabledd. Mae angen llongyfarch y Gweinidog a Llywodraeth Cymru yn fawr am y camau blaengar y maent yn eu cymryd heddiw ac am roi llais i'r bobl ifanc hynny. Mewn llawer gormod o achosion, mae rhwystredigaethau mawr gan bobl ifanc am nad yw eu llais yn cael ei glywed. Credaf fod llawer o elfennau nawddoglyd ymysg pobl hŷn sy'n siarad ar ran pobl ifanc heb ystyried yn llawn eu gwir farn na'u dyheadau. Fel y soniwyd gennych yn eich datganiad, mae record dda gan Lywodraeth Cymru yn y maes hwn, er enghraifft drwy greu rôl y comisiynydd plant. Felly, yr wyf yn hynod falch bod Llywodraeth Cymru yn parhau â'r egwyddor honno heddiw.

Hoffwn ofyn rhai cwestiynau pellach am fanylder y Mesur arfaethedig, sy'n darparu ar gyfer cynlluniau peilot deddfwriaethol cychwynnol ac ar gyfer cyfnod gwerthuso. A allwch, Weinidog, roi mwy o fanylion inni am y cynllun peilot yn dilyn cwestiynau Paul Davies? Wrth ateb Paul, soniasoch am yr awdurdodau a fyddai'n cymryd rhan yn y cynllun peilot, sy'n awgrymu felly eich bod yn sôn am fwy nag un. A allwch ymhelaethu ar sawl awdurdod lleol yn union yr ydych yn rhagweld fydd yn cymryd rhan yn y cynllun?

O ran asesu ymarfer da yn y cynlluniau peilot, yn eich amcangyfrif o gost, a oes cyllid digonol wedi'i ddynodi ar gyfer

Gydol Oes blaenorol y Cynulliad. Rhaid inni gydnabod hefyd fod y Comisiwn Cydraddoldeb a Hawliau Dynol wedi argymhell fis Gorffennaf diwethaf y dylai Llywodraeth y DU weithredu'n ddiymdroi er mwyn sicrhau bod plant sy'n derbyn gofal, ac sydd ag anghenion addysgol arbennig, yn cael hawl annibynnol i apelio yn erbyn penderfyniadau sy'n cael eu gwneud ynglŷn â'r cymorth y mae arnynt ei angen. Yr ydym yn symud ymlaen gyda hynny yn awr drwy'r Mesur arfaethedig hwn.

Nerys Evans: Thank you for the opportunity to contribute this afternoon. I am pleased that the Government of Wales wishes to introduce this proposed Measure, which extends the rights of children and young people to make an appeal in relation to their special educational needs, and gives the Welsh tribunal the right to consider disability discrimination cases. The Minister and the Government of Wales should be congratulated on the innovative steps that they are taking today, and on giving those young people a voice. In far too many cases, young people are severely frustrated that their voice is not heard. I think that there are some patronising elements among older people who speak on behalf of young people without fully considering their true opinion or aspirations. As you mentioned in your statement, the Government of Wales has a good record in this area, for instance by creating the role of children's commissioner. Therefore, I am extremely pleased that the Government of Wales is continuing with that principle today.

I wish to ask some further questions about the detail of the proposed Measure, which makes provision for initial legislative pilot schemes and for an assessment stage. Minister, could you give us more details on the pilot scheme following Paul Davies's questions? In response to Paul, you mentioned the authorities that would participate in the pilot scheme, which suggests that you have more than one in mind. Could you elaborate on the exact number of local authorities you foresee taking part in it?

On assessing good practice in the pilot schemes, in your cost estimate, has sufficient funding been allocated to provide more

darparu mwy o eiriolwyr? Yn amlwg, bydd angen y rheiny ar yr ardaloedd peilot. Yn fwy pwysig efallai, a yw'r Mesur arfaethedig cyfan yn ddibynnol ar y cynllun peilot? A yw ymestyn hawliau plant a phobl ifanc yn ddibynnol ar ddatblygiad y cynllun peilot, neu ai ymarfer yn unig ydyw i weld realiti gweithredu'r hawl newydd hon, a hynny er mwyn gwella'r Mesur arfaethedig?

Mae sicrhau bod gan bobl ifanc yr wybodaeth am eu hawliau newydd hefyd yn bwysig. Yr wyf yn falch o glywed am y mesurau i sicrhau hynny, ond a fydd rôl gan Lywodraeth Cymru i fonitro hynny pan fydd y Mesur wedi'i gymeradwyo? Sut y byddwch yn sicrhau bod plant Cymru yn cael gwybod am eu hawliau newydd, a bod awdurdodau perthnasol yn ymgymryd â'u cyfrifoldebau i hysbysu pobl amdanynt? Beth yn union fydd rôl Llywodraeth Cymru? Fel yr wyf wedi dweud, yr wyf yn hapus i gefnogi'r Mesur arfaethedig, ond a ydych yn hyderus bod y capasiti o fewn y system ar hyn o bryd a bod amser ar gael y tymor hwn i gymeradwyo'r Mesur arfaethedig teilwng hwn?

Jane Hutt: Thank you for your support for this important proposed Measure that I bring before the Assembly today. It is an important Measure for our children and young people, given the opportunities that it provides to take forward our ambitions for them. It is very much underpinned by our commitment to the UN Convention on the Rights of the Child, as underlined by our seven core aims. It takes us forward, providing a marker for the further development of children's entitlement and their involvement in the decisions that affect them. It seeks to ensure that children's views can be heard and their needs met, even in those circumstances where their parents do not or cannot make appeals or claims themselves. Therefore, it will raise the level of awareness and understanding of the fact that we are empowering our children and young people, recognising that they have rights that we need to deliver.

Building on my response to Paul Davies, the issues around the pilot schemes and evaluation stage are important, because this is a radical extension of rights. We want to

advocates? Clearly, they will be needed in the pilot areas. Perhaps more importantly, is the proposed Measure as a whole dependent on the pilot scheme? Is the extension of the rights of children and young people dependent on the development of the pilot scheme, or is it merely an exercise to see the reality of implementing this new right with a view to improving the proposed Measure?

It is also important that young people have information about their new rights. I am pleased to hear about the steps taken to ensure that, but will the Government of Wales have a role to play in monitoring that once the Measure is approved? How will you ensure that the children of Wales are informed of their new rights, and that the relevant authorities undertake their responsibilities to inform people about them? What exactly will be the role of the Government of Wales? As I have said, I am happy to support the proposed Measure, but are you confident that there is capacity within the system at present and time this term to approve this deserving proposed Measure?

Jane Hutt: Diolch ichi am eich cefnogaeth i'r Mesur arfaethedig pwysig hwn yr wyf yn ei roi gerbron y Cynulliad heddiw. Mae'n Fesur pwysig i'n plant a'n pobl ifanc, oherwydd y cyfleodd y mae'n eu cynnig i fwrw ymlaen â'n huchelgais ar eu cyfer. Mae'n seiliedig, i raddau helaeth iawn, ar ein hymrwymiad i Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn, fel sy'n cael ei bwysleisio gan ein saith nod craidd. Mae'n mynd â ni yn ein blaenau, gan ddarparu man cychwyn er mwyn datblygu rhagor ar hawliau plant a chynnwys plant yn y penderfyniadau sy'n effeithio arnynt. Mae'n ceisio sicrhau bod modd clywed barn plant a diwallu eu hanghenion, hyd yn oed yn yr amgylchiadau hynny lle nad yw eu rhieni'n gwneud apêl neu hawliad eu hunain, neu lle y maent yn methu gwneud hynny. Felly, bydd yn cynyddu ymwybyddiaeth a dealltwriaeth o'r ffaith ein bod yn rhoi grym i'n plant a'n pobl ifanc, gan gydnabod bod ganddynt hawliau y mae angen inni eu gweithredu.

Gan adeiladu ar fy ymateb i Paul Davies, mae'r materion sy'n ymwneud â'r cynlluniau peilot a'r cyfnod gwerthuso'n bwysig, oherwydd y mae hyn yn ymestyniad radical o

ensure that we learn from the pilot schemes and that the process provides us with an opportunity to gain from the experience provided by the pilot and the evaluation stage. The pilot scheme will provide key information about how those rights can be communicated, supported and resourced. This is about delivery and implementation beyond the pilot scheme. As a result of the pilot scheme, we can develop guidance and best practice.

4.30 p.m.

On the timetable, I have suggested that the appointments that are made leading up to the pilot schemes going live from September 2010 will move forward when we have established a pilot design group. The reporting period will be September to December 2012, and the report will be laid and published in January 2013. Roll-out across Wales will take place from September 2013, subject to the evaluation report, so we are giving ourselves time in terms of the action and delivery of those pilot schemes as we take forward the opportunities for children in those pilot scheme areas to exercise their rights. I have already commented on the opportunity to consider an authority area in which there has been quite a high level of cases going before the tribunal and comparing it with an area with a low level in that regard. Members will know that the number of appeals is currently falling. I think that the highest recorded number of registered appeals at tribunal was 150 in 2005-06, falling to 94 in 2007-08; there were nine claims of disability discrimination in 2007-08, and there were 45 registered appeals and no claims from September 2008. We are talking about 1 per cent of all children and young people with SEN and/or disabilities in Wales, but we need to ensure that we learn across the board about the tribunal process from the pilot scheme.

In terms of assessing the results of the pilot schemes, we need to analyse the data around the uptake of services, their effectiveness and their scope, and we need to consider the strength and weaknesses of support services from the perspective of the experiences of children, parents, local education authorities

hawliau. Mae arnom eisiau sicrhau ein bod yn dysgu o'r cynlluniau peilot a bod y broses yn rhoi cyfle inni elwa o ganlyniad i brofiad y cynllun peilot a'r cyfnod gwerthuso. Bydd y cynllun peilot yn darparu gwybodaeth bwysig ynglŷn â sut y gellir cyfathrebu, cefnogi a darparu adnoddau ar gyfer yr hawliau hynny. Mae hyn yn ymwneud â chyflenwi a gweithredu ar ôl y cynllun peilot. O ganlyniad i'r cynllun peilot, gallwn ddatblygu canllawiau ac arferion gorau.

O ran yr amserlen, yr wyf wedi awgrymu y bydd yr apwyntiadau a wneir cyn rhoi'r cynlluniau peilot ar waith ar ôl mis Medi 2010 yn cael eu gwneud pan fyddwn wedi sefydlu grŵp i ddylunio'r peilot. Bydd y cyfnod adrodd yn ymestyn o fis Medi i fis Rhagfyr 2012, a bydd yr adroddiad yn cael ei osod a'i gyhoeddi ym mis Ionawr 2013. Bydd yn cael ei gyflwyno yng Nghymru gyfan o fis Medi 2013, yn amodol ar yr adroddiad gwerthuso, felly yr ydym yn rhoi digon o amser i ni ein hunain o ran rhoi'r cynlluniau peilot hyn ar waith a'u cyflwyno wrth inni fwrw ymlaen â'r cyfleoedd i blant yn ardaloedd y cynllun peilot i arfer eu hawliau. Yr wyf eisoes wedi gwneud sylw ar y cyfle i ystyried ardal awdurdod lle y bu lefel weddol uchel o achosion a aeth gerbron y tribiwnlys a'i chymharu ag ardal gyda lefel isel yn hynny o beth. Bydd yr Aelodau'n gwybod bod nifer yr apeliadau'n gostwng ar hyn o bryd. Credaf mai'r nifer uchaf o apeliadau cofrestredig a gofnodwyd mewn tribiwnlys oedd 150 yn 2005-06, gan ostwng i 94 yn 2007-08; yr oedd naw hawliad o wahaniaethu ar sail anabledd yn 2007-08, ac yr oedd 45 o apeliadau cofrestredig a dim un hawliad o Fedi 2008. Yr ydym yn sôn am 1 y cant o'r holl blant ag anghenion addysgol arbennig a/neu anableddau yng Nghymru, ond mae angen inni sicrhau ein bod yn dysgu am bob agwedd ar broses y tribiwnlys yn sgîl y cynllun peilot.

O ran asesu canlyniadau'r cynlluniau peilot, mae angen inni ddadansoddi'r data ar y nifer sy'n defnyddio gwasanaethau, eu heffeithiolrwydd a'u cwmpas, ac mae angen inni ystyried cryfderau a gwendidau gwasanaethau cymorth o safbwynt profiadau plant, rhieni, awdurdodau addysg lleol a'r

and the tribunals. The proposed Measure will be rolled out across Wales, but the pilot scheme will inform how this is implemented. We will need a greater number of advocates, and that is why we are working through the pilot scheme to ensure that we have an evidence base for the take-up of these new rights and the capacity to support them. You already know about the many organisations that have been fully engaged in the consultation.

Jenny Randerson: I welcome the publication of this proposed legislation and the additional rights that it gives to young people, and to our most vulnerable young people in particular. My colleagues have already asked many of the clear questions that arise from your statement. However, I wish to emphasise a new point. Although the new rights are very welcome, we must recognise the responsibility that comes on the other side of this. The statement refers to the duties to be placed on local authorities and the issue of funding those additional duties. What analysis will you be undertaking of the needs of local authorities in improving special educational needs provision overall? Most of these young people go to a tribunal because the basic provision is not good enough. You have just said that there will be a pilot project and that there has been consultation, so you will have done your own sums on the cost of the actual tribunals, but I am talking about the system that you are putting in place vis-à-vis the reason why they are going to the tribunals, namely the inadequacies of special educational needs provision across Wales.

When you consider this legislation, you have to consider that the very first priority is to make it unnecessary to use it, once it is introduced. You can make it unnecessary to use it by improving the SEN provision. The new legislation will also deal with disability discrimination. In my experience, as a school governor and Assembly Member, it is very much the case that most schools are only too keen to provide the very best facilities for disabled children, but the discrimination comes in because of limitations on their resources and it becomes, once again, a financial issue. Everyone has good intentions,

tribiwnlysoedd. Bydd y Mesur arfaethedig yn cael ei gyflwyno ledled Cymru, ond bydd y cynllun peilot yn sail i sut y bydd hyn yn cael ei weithredu. Mae angen mwy o bwyslais ar eiriolwyr, a dyna pam yr ydym yn cyflwyno'r cynllun peilot er mwyn sicrhau bod gennym sylfaen dystiolaeth o'r niferoedd sy'n manteisio ar yr hawliau newydd hyn a'r gallu i'w cefnogi. Gwyddoch eisoes am y sefydliadau niferus sydd wedi chwarae rhan lawn yn yr ymgynghoriad.

Jenny Randerson: Yr wyf yn croesawu cyhoeddi'r ddeddfwriaeth arfaethedig hon a'r hawliau ychwanegol y bydd yn eu rhoi i bobl ifanc, ac i'n pobl ifanc fwyaf agored i niwed yn arbennig. Mae fy nghyd-Aelodau eisoes wedi gofyn nifer o gwestiynau clir sy'n deillio o'ch datganiad. Fodd bynnag, hoffwn dynnu sylw at bwynt newydd. Er bod yr hawliau newydd yn rhywbeth i'w groesawu, rhaid inni gydnabod y cyfrifoldeb sy'n dod yn sgîl hyn. Cyfeiria'r datganiad at y dyletswyddau a osodir ar awdurdodau lleol a mater ariannu'r dyletswyddau ychwanegol hynny. Pa ddadansoddiad y byddwch yn ei wneud o anghenion awdurdodau lleol i wella'r ddarpariaeth anghenion addysgol arbennig yn gyffredinol? Bydd y rhan fwyaf o'r bobl ifanc hyn yn mynd i dribiwnlys am nad yw'r ddarpariaeth sylfaenol yn ddigon da. Yr ydych newydd ddweud y cyflwynir prosiect peilot a bod ymgynghori wedi bod ar y mater, felly byddwch wedi gwneud eich cyfrifon eich hun ar gost y tribiwnlysoedd eu hunain, ond yr wyf yn sôn am y system yr ydych yn ei chyflwyno ynglŷn â'r rheswm pam y maent yn mynd i'r tribiwnlysoedd yn y lle cyntaf, sef annigonolrwydd y ddarpariaeth anghenion addysgol arbennig yng Nghymru.

Wrth ystyried y ddeddfwriaeth hon, rhaid ichi gredu mai'r flaenoriaeth bennaf oll yw sicrhau nad oes angen ei defnyddio, cyn gynted ag y bydd wedi'i chyflwyno. Gallwch ei gwneud yn ddianghenraid drwy wella'r ddarpariaeth anghenion addysgol arbennig. Bydd y ddeddfwriaeth newydd yn delio hefyd â gwahaniaethu ar sail anabledd. Yn fy mhrofiad fel llywodraethwr ysgol ac fel Aelod Cynulliad, mae'n wir dweud bod y rhan fwyaf o ysgolion yn awyddus iawn i ddarparu'r cyfleusterau gorau posibl ar gyfer plant anabl, ond daw'r gwahaniaethu i'r amlwg o ganlyniad i'r cyfyngiadau ar eu

but they just do not have the money to implement them. I would press you, Minister, to ensure that any analysis that you do will look at the basic system as well as at how well the tribunals are working.

I note that you also include a totally separate issue in this legislation, relating to the tidying up of provisions on the foundation phase, which is obviously a very sensible move. Did you consider any other aspects of education legislation that could have come under the umbrella of this proposed Measure? I am a member of the committee and, from time to time, it is suggested to us that this or that needs additional new legislation. I am sure that proposals will have been put to you and I would be interested to know whether you actively considered any other issues for inclusion in this proposed Measure.

Jane Hutt: Thank you, Jenny, for your remarks welcoming this proposed Measure. I think that the proposed Measure puts down a marker for the further development of children's entitlement and their involvement in the decisions that affect them. In fact, it is actually a precursor to the review of the statutory assessment of SEN and I think that that enables us to look forward to how we can recognise the vital role that local education authorities play in the system. The point that you make about the role of LEAs is valid, Jenny, in terms of how we can fit in this proposed Measure with the review of the statutory assessment and statementing framework. The decision to pilot this proposed Measure—in part, to enable the development of best practice, training and guidance—will allow for the outcomes of the pilot schemes to be applied in a broader context, in terms of broader additional learning needs. I think that there will be an element of overlap between the appeal and claim pilots and those that we are undertaking to consider the statutory assessment and statementing framework.

Much of this goes back to Peter Black—

hadnoddau a daw, unwaith eto, yn fater o arian. Mae pawb yn llawn bwriadau da, ond nid yw'r arian ganddynt i'w gweithredu. Yr wyf yn pwysu arnoch, Weinidog, i sicrhau bod unrhyw ddadansoddiad a wneir gennych yn edrych ar y system sylfaenol yn ogystal â pha mor dda y mae'r tribiwnlysoedd yn gweithio.

Yr wyf yn sylwi eich bod hefyd yn cynnwys mater cwbl ar wahân yn y ddeddfwriaeth hon, sy'n ymwneud â thacluso darpariaethau ar y cyfnod sylfaen, sy'n amlwg yn gam synhwyrol iawn. A wnaethoch ystyried unrhyw agweddau eraill ar ddeddfwriaeth addysg a allai fod wedi dod o dan gochl y Mesur arfaethedig hwn? Yr wyf yn aelod o'r pwyllgor ac, o bryd i'w gilydd, awgrymir wrthym fod angen deddfwriaeth newydd ychwanegol ar hyn a'r llall. Yr wyf yn siŵr y bydd cynigion wedi eu cyflwyno ichi a hoffwn wybod a fu ichi ystyried o ddifrif cynnwys unrhyw faterion eraill yn y Mesur arfaethedig hwn.

Jane Hutt: Diolch, Jenny, am eich sylwadau'n croesawu'r Mesur arfaethedig hwn. Credaf fod y Mesur arfaethedig yn fan cychwyn ar gyfer datblygu ymhellach hawliau plant a'u hawl i gael eu cynnwys yn y penderfyniadau sy'n effeithio arnynt. Yn wir, mae mewn gwirionedd yn rhagflaenydd i'r adolygiad o'r asesiad statudol o anghenion addysgol arbennig a chredaf fod hynny'n ein galluogi i edrych ymlaen i weld sut y gallwn gydnabod y rôl hollbwysig y mae awdurdodau addysg lleol yn ei chwarae yn y system. Mae'r pwynt a wnaethoch ynghylch rôl yr AALLau yn un dilys, Jenny, o ran sut y gallwn ymgorffori'r Mesur arfaethedig hwn yn yr adolygiad o'r asesiad statudol a'r fframwaith datganiadau. Bydd y penderfyniad i gyflwyno cynllun peilot ar gyfer y Mesur arfaethedig hwn—yn rhannol i alluogi datblygu arferion gorau, hyfforddiant a chanllawiau—yn caniatáu i ganlyniadau'r cynlluniau peilot gael eu rhoi ar waith mewn cyd-destun ehangach, o ran anghenion dysgu ychwanegol ehangach. Credaf y bydd elfen o orgyffwrdd rhwng y cynlluniau peilot apelio a hawlio a'r rhai yr ydym yn eu cyflwyno i ystyried yr asesiad statudol a'r fframwaith datganiadau.

Gellir olrhain llawer o hyn yn ôl i Peter

another Peter—and the pioneering work undertaken by the former Education, Lifelong Learning and Skills Committee. You will recognise that we are working on this in terms of the recommendations that came from that committee, which had cross-party support and were backed by the Welsh Assembly Government and Jane Davidson who was the Minister at that time. We are implementing those recommendations and this is part of it.

Of course, in addition to the appeal pilot schemes, we have other pilot schemes that are looking at quality assurance in terms of additional learning needs provision. We are looking at the role of the additional learning needs co-ordinator and the interdisciplinary model, for example, for children and young people with severe and complex needs. It is important that we look at the funding issues and the costs, and the bearing that they have on local education authorities. We have talked about the advocacy costs, for example. One reason for conducting a pilot scheme is to establish the likely uptake and the associated costs that may emerge, and we will be developing a robust funding model. Having considered the contractual arrangements into which local education authorities can enter and the fact that we are, again, talking about minimal numbers, the pilot schemes suggest that call-off arrangements are the most logical and cost-effective option. We will continue to assess the materiality of any cost to local education authorities and also look at this in terms of costs to the tribunals.

4.40 p.m.

The proposed Measure—and we are finding this across the board with our new legislative powers—is an important vehicle for tidying up foundation phase issues, but we felt that we needed to ensure that, through this proposed Measure, we had clearly demonstrated our response to the recommendations of the former Children's Commissioner for Wales, Peter Clarke, and those of the former Education, Lifelong Learning and Skills Committee, and this Government's support for giving children with special educational needs those independent rights of appeal. We are taking

Black—Peter arall—a'r gwaith arloesol a wnaethpwyd gan y cyn Bwyllgor Addysg, Dysgu Gydol Oes a Sgiliau. Byddwch yn derbyn ein bod yn gweithio ar hyn ar sail yr argymhellion a wnaethpwyd gan y pwyllgor hwnnw, yr oedd cefnogaeth drawsbleidiol iddynt ac a oedd yn cael eu cefnogi gan Lywodraeth Cynulliad Cymru a Jane Davidson, y Gweinidog ar y pryd. Yr ydym yn gweithredu'r argymhellion hynny ac mae hyn yn rhan ohono.

Wrth gwrs, yn ychwanegol at y cynlluniau peilot apelio, mae gennym gynlluniau peilot eraill sy'n edrych ar sicrwydd ansawdd o safbwynt darpariaeth anghenion dysgu ychwanegol. Yr ydym yn edrych ar rôl cydlynedd anghenion dysgu ychwanegol a'r model rhyngddisgyblaethol, er enghraifft, ar gyfer plant a phobl ifanc ag anghenion difrifol a chymhleth. Mae'n bwysig inni edrych ar yr ystyriaethau ariannol a'r costau, a'u goblygiadau i awdurdodau addysg lleol. Yr ydym wedi sôn am gostau eiriolaeth, er enghraifft. Un rheswm dros gynnal cynllun peilot yw er mwyn canfod y niferoedd sy'n debygol o fanteisio a'r costau cysylltiedig a all ddod i'r amlwg, a byddwn yn datblygu model cyllido cadarn. Ar ôl ystyried y trefniadau contractiol y gall awdurdodau addysg lleol eu llunio a'r ffaith ein bod, unwaith eto, yn sôn am niferoedd isel, mae'r cynlluniau peilot yn awgrymu mai trefniadau yn ôl y gofyn yw'r dewis mwyaf rhesymegol a chosteffeithiol. Byddwn yn parhau i asesu perthnasedd unrhyw gost i awdurdodau addysg lleol yn ogystal ag edrych ar hyn o safbwynt costau i'r tribiwnlysoedd.

Mae'r Mesur arfaethedig—ac yr ydym yn sylwi ar hyn yn gyffredinol gyda'n pwerau deddfu newydd—yn ffordd bwysig inni dacluso materion yn ymwneud â'r cyfnod sylfaen, ond yr oeddem yn teimlo bod angen inni sicrhau ein bod, drwy'r Mesur arfaethedig, wedi dangos ein hymateb yn eglur i argymhellion cyn Gomisiynydd Plant Cymru, Peter Clarke, a rhai'r cyn Bwyllgor Addysg, Dysgu Gydol Oes a Sgiliau, a chefnogaeth y Llywodraeth hon i sicrhau'r hawliau apelio annibynnol i blant ag anghenion addysgol arbennig. Yr ydym yn bwrw ymlaen â hyn gyda'n pwerau newydd

this forward with our new powers and these new opportunities.

Alun Cairns: I declare an interest in that my wife is an advocate and a lawyer who attends special educational needs tribunals on behalf of pupils.

I welcome this proposed Measure in principle, but it raises several questions. As Jenny Randerson highlighted, preventing the need to go to tribunal should be the focus, but differences occur between local authorities that will require a tribunal to become part of the process.

On page 4 of your statement, Minister, you state clearly that, in the vast majority of cases, parents do not appeal against local authority decisions about their children's special educational needs. Is it not the case that, often, they do not know how to go about appealing against a local authority's decision? They do not have the expertise to challenge the local authority or the financial capacity to do so. It is often middle class, pushy parents—and I include myself as one of those—who take cases to tribunal, and it is parents who are not middle class and pushy who do not do it, and it is they who need support. Therefore, I hope that this legislation provides for pupils in that category, and I would welcome its doing so.

Your statement says that the local authority will have to appoint an independent advocate. Is there not the potential for a conflict of interest here, in that the local authority will not only be responsible for the advocate defending the case but it will also be responsible for appointing the advocate arguing in opposition to it at the tribunal?

Will sufficient funds be available for occupational therapists or speech and language therapists, for example, to attend tribunal? If you are going to beat the local authority, which will be familiar with presenting such cases, you need those independent reports, and you cannot merely rely on the report that the local education

a'r cyfleoedd newydd hyn.

Alun Cairns: Yr wyf yn datgan buddiant gan fod fy ngwraig yn eiriolwr ac yn gyfreithiwr sy'n mynychu tribiwnlysoedd anghenion addysgol arbennig ar ran disgyblion.

Yr wyf yn croesawu'r Mesur arfaethedig hwn mewn egwyddor, ond mae'n codi sawl cwestiwn. Fel y dywedodd Jenny Randerson, dylai'r pwyslais fod ar atal yr angen i fynd i dribiwnlys, ond gall gwahaniaethau godi rhwng awdurdodau lleol a fydd yn golygu bod yn rhaid i dribiwnlys fod yn rhan o'r broses.

Ar dudalen 4 eich datganiad, Weinidog, yr ydych yn datgan yn glir nad yw rhieni, yn y mwyafrif llethol o achosion, yn apelio yn erbyn penderfyniadau awdurdodau lleol ynghylch anghenion addysgol arbennig eu plant. Onid yw'n wir nad ydynt, yn aml, yn gwybod sut y mae mynd ati i apelio yn erbyn penderfyniad awdurdod lleol? Nid oes ganddynt yr arbenigedd i herio'r awdurdod lleol na'r modd ariannol i wneud hynny. Rhieni dosbarth canol, ac ymwithgar yn aml—ac yr wyf yn cynnwys fy hun yn eu plith—sy'n mynd ag achosion i dribiwnlys, a'r rhieni nad ydynt yn ddosbarth canol nac yn ymwithgar yw'r rhai nad ydynt yn gwneud hynny, a dyma'r rhai y mae angen cymorth arnynt. Felly, gobeithio bod y ddeddfwriaeth hon yn cynorthwyo disgyblion yn y categori hwnnw, a byddwn yn ei chrosawu os yw'n gwneud hynny.

Dywed eich datganiad y bydd yn rhaid i'r awdurdod lleol benodi eiriolwr annibynnol. Onid oes perygl o wrthdaro buddiannau yma, gan y bydd yr awdurdod lleol yn gyfrifol nid yn unig am yr eiriolwr a fydd yn amddiffyn yr achos ond y bydd hefyd yn gyfrifol am benodi'r eiriolwr a fydd yn dadlau yn ei erbyn yn y tribiwnlys?

A fydd digon o arian ar gael ar gyfer therapyddion galwedigaethol neu therapyddion iaith a lleferydd, er enghraifft, i fynychu tribiwnlysoedd? Os ydych am drechu'r awdurdod lleol, a fydd yn gyfarwydd â chyflwyno achosion o'r fath, bydd angen yr adroddiadau annibynnol hynny arnoch, ac ni allwch ddibynnu ar yr

authority has made available. It often comes down to cost. Many local authorities—such as those in Bridgend, Pembrokeshire and Carmarthenshire—have a policy not to statement at any cost. They will do almost anything not to have a statement for a child. To win a case against those local authorities that resist statementing because of a lack of financial capacity, you need that independent evidence.

Highlighting deficiencies in other areas, if independent advocacy is to be provided and financed by the Welsh Assembly Government, is there not a risk that, because legal aid is not available for tribunals, cases that would normally be pursued by parents on behalf of their child will now be made in the name of the child so that that advocacy support that you are now prepared to make available is received?

You talked about the pilot period and the roll-out of phase 2. How long do you expect the pilot period to last before the potential introduction of phase 2?

Given the economic climate, local authorities are strapped for cash, and the indication is that local authorities' resistance to statementing is becoming stronger and stronger among local authorities. Are we not therefore addressing the wrong end of the equation, and should we be focusing on local authorities' financial capacity to meet individual children's needs rather than resisting on purely financial grounds?

Jane Hutt: Thank you for your welcome and well-informed questions and contribution. We have framed the proposed Measure in such a way that children's needs can be met even in circumstances where their parents either do not or cannot appeal or make claims. This is an important extension of rights and opportunities for children and young people. I have mentioned looked-after children, and this proposal is a crucial development in terms of their needs and rights.

With regard to parental responsibility, I take

adroddiad y mae'r awdurdod addysg lleol wedi ei roi i chi'n unig. Mae'n aml yn fater o gost yn y diwedd. Mae gan lawer o awdurdodau lleol—megis y rhai ym Mhen-y-bont ar Ogwr, sir Benfro a sir Gaerfyrddin—bolisi o beidio â chyflwyno datganiad ar unrhyw gyfrif. Maent yn barod i wneud unrhyw beth bron i beidio â chael datganiad ar gyfer plentyn. Os am ennill achos yn erbyn yr awdurdodau lleol hynny, sy'n gwrthod cyflwyno datganiad am resymau ariannol, bydd angen cael tystiolaeth annibynnol.

Wrth dynnu sylw at ddiffygion mewn ardaloedd eraill, os bydd eiriolaeth annibynnol yn cael ei darparu a'i hariannu gan Lywodraeth Cynulliad Cymru, onid oes perygl, oherwydd nad oes cymorth cyfreithiol ar gael ar gyfer tribiwnlysoedd, y bydd achosion sy'n cael eu dwyn gan rieni ar ran eu plentyn fel arfer yn awr yn cael eu dwyn yn enw'r plentyn er mwyn eu galluogi i dderbyn y cymorth eirioli yr ydych yn barod i'w roi yn awr?

Yr ydych wedi sôn am gyfnod y cynllun peilot a chyflwyno'r ail gam. Am ba hyd yr ydych yn disgwyl i'r cynllun peilot bara cyn y posibilrwydd o gyflwyno'r ail gam?

O gofio'r hinsawdd economaidd, mae awdurdodau lleol yn brin o arian, ac mae'n ymddangos bod amharodrwydd awdurdodau i gyflwyno datganiadau'n cryfhau fwyfwy ymysg awdurdodau lleol. Felly onid ydym yn rhoi sylw i hyn o chwith, ac a ddylem ganolbwyntio ar allu ariannol awdurdodau lleol i ddiwallu anghenion plant unigol yn hytrach na gwrthwynebu ar sail ariannol yn unig?

Jane Hutt: Diolch i chi am eich cwestiynau a'ch cyfraniad derbyniol a gwybodus. Yr ydym wedi llunio'r Mesur arfaethedig yn y fath fodd fel y gellir diwallu anghenion plant hyd yn oed mewn amgylchiadau lle nad yw eu rhieni'n apelio neu'n gwneud hawliad neu lle na allant wneud hynny. Mae hyn yn estyniad pwysig i hawliau a chyfleoedd plant a phobl ifanc. Yr wyf wedi sôn am blant sy'n derbyn gofal, ac mae'r cynnig hwn yn ddatblygiad hollbwysig yng nghyd-destun eu hanghenion a'u hawliau.

Gyda golwg ar gyfrifoldeb rhieni, yr wyf yn

your point that this will raise the recognition of the role of the tribunal if necessary. We also accept that, in the majority of cases, parents will wish to take action of their own volition and, in any case, they will often be the best advocates for their children. If they do not appeal, for whatever reason, there may be a degree of risk that the child's needs will not be met. However, the legislative underpinning of this right demonstrates the Government's commitment to ensuring that appeals, when they are appropriate, can be taken forward and backed.

This also touches on the importance of how we ensure adequate funding for the advocacy schemes through the piloting—I will not repeat my responses to previous questions, but it is clear that we are committed to the advocacy schemes, and we can assess them through the piloting arrangements.

We will also look at arrangements to support parents. You referred to the multiplicity of evidence, which can come from other professionals. Parts of the evidence are important to a tribunal's considerations. We see that this proposed Measure will place a duty on local education authorities to provide access to independent advocacy support, including representation, and children can also have appeals or claims brought in their names by a case friend. This is a whole new development that I am sure you will be interested in. It is that duty on local education authorities to provide access to independent advocacy support, including representation, that is so important.

We recognise the fact that the special educational needs tribunal for Wales is committed to informality. We need to monitor, throughout and after the pilots and their evaluation, any escalation that may occur in the legal nature of the process and its impact, along with associated costs. At present most parties, be they parents or LEAs, do not have legal representation. In fact, over the last six years, just under 13 per cent of parents had legal representation at hearings, whereas the reported rate of success for appeals at hearings over the same period

derbyn y pwynt a wnaethoch i'r perwyl y bydd hyn yn hybu'r gydnabyddiaeth i rôl y tribiwnlys os bydd angen. Yr ydym hefyd yn derbyn, yn y rhan fwyaf o achosion, y bydd rhieni'n dymuno cymryd camau o'u dewis eu hunain, a pha un bynnag, hwy fydd yr eiriolwyr gorau dros eu plant yn aml. Os na fyddant yn apelio, am ba reswm bynnag, efallai y bydd rhywfaint o berygl na ddiwellir anghenion y plentyn. Serch hynny, mae'r sail ddeddfwriaethol i'r hawl hon yn dangos ymrwymiad y Llywodraeth i sicrhau bod modd bwrw ymlaen ag apeliadau a'u cefnogi, pan fyddant yn briodol.

Mae hyn yn ymwneud hefyd â phwysigrwydd sut yr ydym yn sicrhau cyllid digonol i'r cynlluniau eiriolaeth drwy'r treialu—nid ailadroddaf fy ymatebion i gwestiynau blaenorol, ond mae'n amlwg ein bod wedi ymrwymo i'r cynlluniau eiriolaeth, a gallwn eu hasesu drwy'r trefniadau treialu.

Edrychwn hefyd ar drefniadau i gynorthwyo rhieni. Cyfeiriasoch at luosogrwydd y dystiolaeth, y gellir ei chael gan weithwyr proffesiynol eraill. Mae rhannau o'r dystiolaeth yn bwysig i'r ystyriaethau gan dribiwnlys. Barnwn y bydd y Mesur arfaethedig hwn yn rhoi dyletswydd ar awdurdodau addysg lleol i ddarparu mynediad at gymorth eirioli annibynnol, gan gynnwys cynrychioli, a gall plant hefyd beri i apeliadau neu hawliadau gael eu dwyn yn eu henw gan gyfaill achos. Mae hyn yn ddatblygiad cwbl newydd y byddwch yn ymddiddori ynddo, yr wyf yn siŵr. Y ddyletswydd honno ar awdurdodau addysg lleol i ddarparu mynediad at gymorth eirioli annibynnol, gan gynnwys cynrychioli, yw'r peth pwysig.

Yr ydym yn derbyn y ffaith bod y tribiwnlys anghenion addysgol arbennig i Gymru wedi ymrwymo i anffurfioldeb. Yn ystod y cynlluniau peilot ac ar ôl iddynt fod ac wrth eu gwerthuso, mae angen inni fonitro unrhyw gynnydd a all ddigwydd yn natur gyfreithiol y broses a'i heffaith, ynghyd â'r costau cysylltiedig. Ar hyn o bryd, nid oes cynrychiolaeth gyfreithiol gan y rhan fwyaf o bartïon, boed hwy'n rhieni neu'n awdurdodau addysg lleol. Mewn gwirionedd, yn ystod y chwe blynedd diwethaf, ychydig llai na 13 y cant o'r rhieni a oedd â chynrychiolaeth

is 79.4 per cent. Funding for general legal advice, which is falling short of representations at hearings, is available to those who qualify financially under the legal help scheme. It is therefore important that we use this opportunity—and I am glad that you and others welcome it, Alun. We have to evaluate the costings and the impact through the pilots, but it is about raising the opportunities to deliver, principally, this new, independent right of appeal, which demonstrates our commitment. It is a precursor to the wider review of statutory assessment of SEN. It is important that we address the additional learning needs of our children and young people, and I am proud to say that that was the first transfer of power from Westminster, which I was pleased to take forward as Minister.

gyfreithiol mewn gwrandawiadau, tra oedd cyfradd y llwyddo a gofnodwyd ar gyfer apelïadau mewn gwrandawiadau yn ystod yr un cyfnod yn 79.4 y cant. Mae cyllid ar gael ar gyfer cyngor cyfreithiol cyffredinol, nad yw'n cynnwys cynrychiolaeth mewn gwrandawiadau, i'r rhai sy'n gymwys yn ariannol o dan y cynllun cymorth cyfreithiol. Mae'n bwysig, felly, inni achub y cyfle hwn—ac yr wyf yn falch eich bod chi ac eraill yn ei groesawu, Alun. Rhaid inni werthuso'r costau a'r effaith drwy'r cynlluniau peilot, ond mae'n ymwneud â chreu'r cyfleoedd i gynnig, yn bennaf, yr hawl apelio annibynnol, newydd hon, sy'n dangos ein hymrwymiad. Mae'n rhagflaenu'r adolygiad ehangach o asesu statudol ar anghenion addysgol arbennig. Mae'n bwysig inni roi sylw i anghenion dysgu ychwanegol ein plant a'n pobl ifanc, ac yr wyf yn falch o ddweud mai hwnnw oedd y trosglwyddiad cyntaf ar bŵer o San Steffan, yr oeddwn yn falch o'i hyrwyddo fel Gweinidog.

4.50 p.m.

**Dadl Cyfnod 3 Rheol Sefydlog Rhif 23.57 ar y Mesur Arfaethedig ynghylch
Llywodraeth Leol (Cymru)
Stage 3 Standing Order No. 23.57 Debate on the Proposed Local Government
(Wales) Measure**

Y Llywydd: Cyn inni ddechrau, hoffwn atgoffa'r Aelodau y byddwn yn trafod y gwelliannau yn unol â'r drefn yn y rhestr o welliannau sydd wedi eu grwpio, ac y byddwn yn pleidleisio ar y gwelliannau yn unol â'r drefn yn y rhestr o welliannau wedi eu gosod mewn trefn.

The Presiding Officer: Before we start, I remind Members that we will be discussing amendments in accordance with the marshalled list of grouped amendments, and that we will be voting on the amendments in accordance with the order in the marshalled list.

**Pwerau Gweinidogion Cymru i Gynorthwyo Awdurdodau Gwella (Gwelliannau 1, 10, 2,
3, 17, 18 a 4
Powers of Welsh Ministers to Support Improvement Authorities (Amendments 1, 10, 2,
3, 17, 18 and 4)**

Y Llywydd: Mae'r grŵp cyntaf o welliannau yn ymwneud â phwerau Gweinidogion Cymru i gynorthwyo awdurdodau gwella. Gwelliant 1 yw'r prif welliant yn y grŵp, sydd i'w weld ar dudalen 1 o'r rhestr gwelliannau sydd wedi eu gosod mewn trefn. Felly, yr wyf yn galw ar Peter Black i gynnig y prif welliant ac i siarad am unrhyw welliannau eraill yn y grŵp.

The Presiding Officer: The first group of amendments relates to the powers of Welsh Ministers to support improvement authorities. The lead amendment in the group is amendment 1, which is on page 1 of the marshalled list of amendments. I therefore call on Peter Black to move the lead amendment and to speak to the other amendments in the group.

Peter Black: I move amendment 1 in my name and with the name of Darren Millar in support.

In moving the amendment, I want to give some context to the approach that we are taking towards the proposed Measure. We welcome the general thrust of the proposed Measure in terms of putting the Welsh improvement programme on a statutory basis. We think that it is only right that local authorities continue to improve, and that they have the assurance of a legal Measure to do that and that they are able to rely on it as part of their improvement process.

The problems that we have with the proposed Measure are specifically in sections 29 and 30, where those sections refer to the rights of the Minister to intervene in the improvement process which local authorities have embarked upon. We feel very strongly that although there is a role for Ministers to intervene where there are statutory issues around education and social services which have been highlighted by independent inspectorates, there is already provision in the law for Ministers to do that. To extend those powers of intervention to the whole range of local authority services to allow Ministers not only to make judgements on the way that local authorities are improving their services, but also to give them the opportunity, power and the ability to walk into a local authority and take over an aspect of that local authority's general service provision, or all of it, because they are not satisfied that a local authority is improving fast enough, is in our view contrary to the whole principles of local democracy. In such a democracy councillors are accountable to the local electorate who elected them on the basis of the services which they provide, and electors vote for them on that basis every four years. It seems that this is an extension too far in terms of ministerial power. Although we do not dispute the fact that Ministers are able to intervene, as they have done with social services in Swansea and with education in Denbighshire, when you talk about Ministers intervening in the bin collection service, the road sweeping services or libraries, you begin to wonder whether the Ministers have enough to do in the Assembly.

Peter Black: Cynigïaf welliant 1 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

Wrth gynnig y gwelliant, yr wyf am egluro rhywfaint o'r cyd-destun i'n dull o drafod y Mesur arfaethedig. Yr ydym yn croesawu pwyslais cyffredinol y Mesur arfaethedig o ran rhoi rhaglen Cymru ar gyfer gwella ar sail statudol. Credwn ei bod yn hollol iawn i awdurdodau lleol ddal i wella, ac iddynt gael y sicrwydd sydd mewn Mesur cyfreithiol i wneud hynny ac iddynt allu dibynnu arno fel rhan o'u proses wella.

Mae'r problemau penodol a welwn yn y Mesur arfaethedig yn adrannau 29 a 30, lle y mae'r adrannau hynny'n cyfeirio at hawl y Gweinidog i ymyrryd yn y broses wella y mae awdurdodau lleol wedi dechrau arni. Teimlwn yn gryf iawn, er bod lle i Weinidogion ymyrryd lle y mae materion statudol ynghylch addysg a gwasanaethau cymdeithasol y mae arolygiaethau annibynnol wedi tynnu sylw atynt, fod darpariaeth eisoes yn y gyfraith i Weinidogion wneud hynny. Mae ymestyn y pwerau ymyrryd hynny i gynnwys holl wasanaethau awdurdodau lleol er mwyn caniatáu i Weinidogion nid yn unig farnu ynghylch y modd y mae awdurdodau lleol yn gwella eu gwasanaethau, ond hefyd rhoi iddynt y cyfle, y pŵer a'r gallu i gerdded i mewn i awdurdod lleol a chymryd drosodd agwedd ar y gwasanaethau cyffredinol y mae'r awdurdod lleol hwnnw'n eu darparu, neu'r cwbl o hynny, am nad ydynt wedi'u hargyhoeddi bod awdurdod lleol yn gwella'n ddigon cyflym, yn groes yn ein barn ni i holl egwyddorion democratiaeth leol. Mewn democratiaeth o'r fath, mae cynghorwyr yn atebol i'r etholwyr lleol a'u hetholodd ar sail y gwasanaethau a ddarparant, ac mae etholwyr yn pleidleisio drostynt ar y sail honno bob pedair blynedd. Mae'n ymddangos bod hyn yn ymestyn gormod ar bŵer Gweinidogion. Er nad ydym yn gwadu'r ffaith bod Gweinidogion yn gallu ymyrryd, fel y maent wedi gwneud mewn gwasanaethau cymdeithasol yn Abertawe ac mewn addysg yn sir Ddinbych, pan sonnir am Weinidogion yn ymyrryd yn y gwasanaeth casglu biniau, y gwasanaethau ysgubo ffyrdd neu lyfrgelloedd, mae rhywun yn dechrau

meddwl tybed a oes gan y Gweinidogion ddigon i'w wneud yn y Cynulliad.

The four amendments in this group are intended to be taken as a whole. The overall purpose of them is to put a limit on Ministers' powers 'to do anything', as it is phrased in the proposed Measure, and to introduce a partnership agreement which outlines when Ministers can use this power. The Ministers' powers in sections 29 and 30 have caused some controversy since the proposed Measure was introduced. At the committee stage, it was recommended that a concordat be introduced to identify the circumstances in which these powers could be used. The Government has so far failed to take notice of the committee's concerns, or its recommendations. In our view, this is just one example of a committee recommendation that the Government has failed to acknowledge. The Minister will no doubt tell us that this section is intended to allow Ministers to assist authorities, because there is a clear link between sections 29 and 30 which shows that the power to assist in section 29 is closely allied to the power to intervene in section 30. Taken as a whole, the two sections represent a worrying centralising trend that this Government has been pursuing. It allows far too much freedom for the Minister to step in and effectively take over the running of certain parts of an improvement authority with very little justification.

The use of the phrase 'likely to fail' is an example of how the Government is trying to give itself unlimited opportunities to get involved in the day-to-day running of improvement authorities. I would contend that that phrase is vague and subjective, and Ministers would be able to interpret it as they wish. All that our amendments do is tighten up that power and clearly define when it can and when it cannot be used. We accept that improvement authorities may need assistance, and that, from time to time, intervention may also be necessary, but that must be under a tight control and as part of a pre-arranged, pre-agreed process to which the authority is signed up.

Mae'r pedwar gwelliant yn y grŵp hwn wedi'u bwriadu i'w cymryd gyda'i gilydd. Eu pwrpas cyffredinol yw cyfyngu pwerau Gweinidogion 'i wneud unrhyw beth', fel y mae wedi'i eirio yn y Mesur arfaethedig, a chyflwyno cytundeb partneriaeth sy'n disgrifio pryd y gall Gweinidogion ddefnyddio'r pŵer hwn. Mae pwerau'r Gweinidogion yn adrannau 29 a 30 wedi achosi rhywfaint o ddadlau ers cyflwyno'r Mesur arfaethedig. Pan oedd y Mesur gerbron y pwyllgor, argymhellwyd cyflwyno concordat i enwi'r amgylchiadau lle y gellid defnyddio'r pwerau hyn. Mae'r Llywodraeth hyd yma wedi methu â chymryd sylw o bryderon y pwyllgor, neu ei argymhellion. Yn ein barn ni, dim ond un enghraifft yw hyn o argymhelliad gan y pwyllgor nad yw'r Llywodraeth wedi ei gydnabod. Mae'n sicr y dywed y Gweinidog wrthym mai'r bwriad yn yr adran hon yw caniatáu i Weinidogion helpu awdurdodau, gan fod cysylltiad amlwg rhwng adrannau 29 a 30 sy'n dangos bod perthynas agos rhwng y pŵer i gynorthwyo yn adran 29 a'r pŵer i ymyrryd yn adran 30. A'u hystyried gyda'i gilydd, mae'r ddwy adran yn dangos tuedd i ganoli sydd wedi'i dilyn gan y Llywodraeth hon, tuedd sy'n peri pryder. Mae'n rhoi gormod o lawer o ryddid i'r Gweinidog ymyrryd a chymryd drosodd, i bob pwrpas, y gwaith o redeg rhannau penodol o awdurdod gwella heb fawr o gyfiawnhad.

Mae defnyddio'r ymadrodd 'yn debygol o fethu' yn enghraifft o sut y mae'r Llywodraeth yn ceisio rhoi cyfleoedd diderfyn iddi ei hun i gymryd rhan yn y gwaith o redeg awdurdodau gwella o ddydd i ddydd. Byddwn yn dadlau bod yr ymadrodd yn amwys ac yn oddrychol, a gallai Gweinidogion ei ddehongli fel y mynnont. Y cwbl y mae ein gwelliannau yn ei wneud yw tynhau'r pŵer hwnnw a diffinio'n glir pryd y gellir a phryd na ellir ei ddefnyddio. Yr ydym yn derbyn y gall fod angen cymorth ar awdurdodau gwella, ac y gall fod angen ymyrryd hefyd o bryd i'w gilydd, ond rhaid i hynny ddigwydd dan reolaeth gaeth ac fel rhan o broses sydd wedi'i threfnu ymlaen llaw ac y mae cytuno wedi bod arni ymlaen llaw, y mae'r awdurdod wedi'i derbyn.

Amendments 1 and 3 are designed to reverse the Government's amendments from Stage 2. The Government amendment introduced a consultation period so that the Ministers' powers could not be used unless a consultation has taken place. That is not the right approach for two reasons. First, consultations can be ignored, as we have so often seen with this Government, and, to be fair, also with local government. It is essential that agreement is reached between the Government and the authority in question, and we do not feel that a consultation will secure that. Secondly, on a practical level, if an authority is in need of assistance, a consultation period will cause a delay to that assistance being given. We think that it is far more sensible for all this to be agreed in advance, so that when assistance is required, it can be given.

Amendment 4 is our substantial amendment, which introduces a partnership agreement of the kind that was recommended by the committee. The amendment identifies the form that the agreement should take, which authorities or groups of authorities should be included, and allows for it to be revised over time. At Stage 2, the Minister said that an agreement of this sort was not necessary for the power to assist, but the agreement in this amendment will also cover the power to intervene, which will also be discussed in a later grouping.

Darren Millar: I am grateful for the opportunity to contribute to today's debate on this important piece of legislation. As you will already be aware, the Welsh Conservatives welcome many of the provisions in the proposed Measure and agree generally that the main aims and objectives of the proposed Measure are worthy. Our views are in line with the majority of the organisations that have passed their views upon the proposals during Stages 1 and 2 of the legislative process. Everyone is keen to see the Welsh Assembly Government addressing the need to deliver local service improvements, but that does not mean that the proposed Measure cannot be improved or that we have no concerns over some of the provisions, particularly those that confer additional powers of direction over local

Amcan gwelliannau 1 a 3 yw gwrthdroi gwelliannau'r Llywodraeth o Gyfnod 2. Cyflwynodd gwelliant y Llywodraeth gyfnod ymgynghori fel na ellid defnyddio pwerau Gweinidogion oni bai fod ymgynghoriad wedi digwydd. Mae'r dull hwnnw'n anghywir am ddau reswm. Yn gyntaf, gellir anwybyddu ymgynghoriadau, fel yr ydym wedi gweld mor aml yn achos y Llywodraeth hon, a hefyd, a bod yn deg, yn achos llywodraeth leol. Mae'n hollbwysig dod i gytundeb rhwng y Llywodraeth a'r awdurdod dan sylw, ac ni theimlwn y bydd ymgynghoriad yn sicrhau hynny. Yn ail, ar lefel ymarferol, os oes ar awdurdod angen cymorth, bydd ymgynghoriad yn achosi oedi wrth roi'r cymorth hwnnw. Credwn ei bod yn llawer mwy synhwyrol cytuno ar hyn oll ymlaen llaw, fel y gellir rhoi cymorth pan fo angen hynny.

Gwelliant 4 yw ein gwelliant sylweddol, sy'n cyflwyno cytundeb partneriaeth o'r math a argymhellwyd gan y pwyllgor. Mae'r gwelliant yn nodi ar ba ffurf y dylai'r cytundeb fod, pa awdurdodau neu grwpiau o awdurdodau y dylid eu cynnwys, ac yn caniatáu ei ddiwygio dros amser. Yng Nghyfnod 2, dywedodd y Gweinidog nad oedd angen cytundeb o'r math hwn ar gyfer y pŵer i gynorthwyo, ond bydd y cytundeb yn y gwelliant hwn hefyd yn cynnwys y pŵer i ymyrryd, a drafodir hefyd mewn grŵp diweddarach.

Darren Millar: Yr wyf yn ddiolchgar am y cyfle i gyfrannu i'r ddatl heddiw ar y ddeddfwriaeth bwysig hon. Fel y byddwch yn gwybod eisoes, mae'r Ceidwadwyr Cymreig yn croesawu llawer o'r darpariaethau sydd yn y Mesur arfaethedig ac yn derbyn yn gyffredinol fod prif nodau ac amcanion y Mesur arfaethedig yn glodwiw. Mae ein barn yn gyson â barn y rhan fwyaf o'r cyrff sydd wedi rhoi eu barn am y cynigion yn ystod Cyfnodau 1 a 2 y broses ddeddfu. Mae pawb yn awyddus i weld Llywodraeth Cynulliad Cymru yn rhoi sylw i'r angen i wella gwasanaethau lleol, ond nid yw hynny'n golygu na ellir gwella'r Mesur arfaethedig nac yn golygu nad oes gennym bryderon ynghylch rhai o'r darpariaethau, yn enwedig y rhai sy'n rhoi pwerau cyfarwyddo ychwanegol dros awdurdodau lleol ac

authorities and other Welsh improvement authorities on Welsh Ministers. We accept that there are circumstances, usually exceptional circumstances, that warrant the need for powers to intervene in the running of local authorities, but the proposed Measure goes beyond what most would consider reasonable. The proposed Measure is designed to improve the co-ordination of Welsh improvement authorities and the Welsh Assembly Government must not place itself above that process. That is why we have tabled our amendments and why we will be supporting the amendments tabled by the Liberal Democrats.

As we have already heard from Peter Black, these amendments seek to deal in particular with section 29 of the proposed Measure, which audaciously states that:

‘Welsh Ministers may do anything which they consider is likely to assist a Welsh improvement authority’.

As far as we are concerned, that flies in the face of local democracy and poses a serious threat to the autonomy of local councils. At a time when many democratically elected bodies are already feeling shackled by an increasingly centralised Government in Wales, to bolster further the powers of Welsh Ministers to allow them to ‘do anything’ is totally unacceptable. Given the line that Ministers have taken with local authorities in the past, and considering their enthusiasm to criticise local authority performance, the temptation to interfere at the smallest possible whim may be too hard for Ministers to resist. Therefore, although we acknowledge that, in the case of serious failings, there may be a need for ministerial intervention, the circumstances and the arrangements for such interventions need to be very clear. At the moment, there are no provisions in the proposed Measure for that to be the case.

Section 29, as it stands, has been a cause for concern from the start of this legislative process. At Stage 1, the WLGA stated:

‘We would however question the breadth of the scope for Ministers to ‘do anything’ to

awdurdodau gwella eraill yng Nghymru i Weinidogion Cymru. Yr ydym yn derbyn bod amgylchiadau, amgylchiadau eithriadol fel arfer, sy’n cyfiawnhau’r angen am bwerau i ymyrryd yn y gwaith o redeg awdurdodau lleol, ond mae’r Mesur arfaethedig yn mynd y tu hwnt i’r hyn y byddai’r rhan fwyaf yn ei ystyried yn rhesymol. Bwriad y Mesur arfaethedig yw gwella’r cydgysylltu ar awdurdodau gwella yng Nghymru a rhaid i Lywodraeth Cynulliad Cymru beidio â’i gosod ei hun uwchlaw’r broses honno. Dyna pam yr ydym wedi cyflwyno ein gwelliannau a dyna pam y byddwn yn cefnogi’r gwelliannau sydd wedi’u cyflwyno gan y Democratiaid Rhyddfrydol.

Fel yr ydym eisoes wedi clywed gan Peter Black, mae’r gwelliannau hyn yn ceisio delio’n benodol ag adran 29 o’r Mesur arfaethedig, sy’n datgan yn haerllug y:

‘caiff Gweinidogion Cymru wneud unrhyw y maent o’r farn ei fod yn debyg o gynorthwyo awdurdod gwella Cymreig’.

Yn ein barn ni, mae hynny’n mynd yn groes i ddemocratiaeth leol ac mae’n fgythyad difrifol i ymreolaeth cynghorau lleol. Ar adeg pan yw llawer o gyrff a etholwyd yn ddemocrataidd eisoes yn teimlo eu bod wedi’u llyffetheirio gan Lywodraeth fwyfwy canoledig yng Nghymru, mae cryfhau pwerau Gweinidogion Cymru ymhellach i ganiatáu iddynt ‘wneud unrhyw beth’ yn gwbl annerbyniol. O gofio ymagwedd Gweinidogion at awdurdodau lleol yn y gorffennol, ac o ystyried mor frwdfrydig ydynt i feirniadu perfformiad awdurdodau lleol, gallai’r temtasiwn i ymyrryd ar sail y mympwy lleiaf fod yn ormod i’w wrthsefyll gan Weinidogion. Felly, er ein bod yn cydnabod, os ceir diffygion difrifol, y gall fod angen am ymyrraeth gan Weinidog, mae angen i’r amgylchiadau a’r trefniadau ar gyfer ymyriadau o’r fath fod yn glir iawn. Ar hyn o bryd, nid oes darpariaethau ar gyfer hynny yn y Mesur arfaethedig.

Mae adran 29, fel y mae, wedi bod yn achos pryder ers dechrau’r broses ddeddfu hon. Yng Nghyfnod 1, dywedodd CLIC:

Fodd bynnag, byddem yn cwestiynu ehangder y cyfle i Weinidogion ‘wneud

assist an authority to improve’.

The framework within which an intervention would take place must be clear, which is why I urge Members to consider and support this particular group of amendments.

5.00 p.m.

The Liberal Democrat amendment to insert a new sub-section into the Measure is eminently sensible and, along with our amendments, offers a safeguard to local authorities that Ministers will not intervene in their affairs inappropriately. It is important that Ministers are not able to simply step in when they get nervous, which is why a well-defined process of consultation with local stakeholders and partnership agreements between Welsh improvement authorities, which predefine the circumstances under which a Minister can intervene, are so important.

Given the far-reaching consequences of ministerial intervention, it makes sense to ensure that all the i’s are dotted and that all the t’s are crossed before any powers of direction are used. All stakeholders should have the opportunity to contribute towards informing the terms of partnership agreements and there also needs to be a commitment to listen and act upon the views expressed in any consultation. Many people are increasingly suspicious of consultations where, very often, the outcome appears to be prejudged. Our amendments make provision to address these concerns. They work both ways; they give the local authority a degree of protection and offer the Minister a degree of protection by offering a transparent and more democratic approach to interventions when they are required. Again, as the Welsh Local Government Association put it, consultation would allow a Welsh Minister to make an informed decision regarding the use of such powers.

The fact, Minister, that you have had to clarify the meaning of the phrase ‘do anything’ on several occasions during the first two stages of this legislative process adds weight to the amendments in this group. I therefore urge Members to support this

unrhyw beth’ i helpu awdurdod i wella.

Rhaid i’r fframwaith y byddai ymyriad yn digwydd oddi mewn iddo fod yn glir, a dyna pam yr wyf yn annog yr Aelodau i ystyried a chefnogi’r grŵp hwn o welliannau.

Mae gwelliant y Democratiaid Rhyddfrydol i ychwanegu is-adran newydd at y Mesur yn hollol synhwyrol ac yn cynnig lefel o warchodaeth, law yn llaw â’n gwelliannau, i awdurdodau lleol fel na fydd Gweinidogion yn ymyrryd yn amhriodol yn eu materion. Mae’n bwysig nad yw Gweinidogion yn syml yn gallu camu i mewn pan fyddant yn mynd yn nerfus, a dyna pam mae proses ymgynghori a ddiffiniwyd yn glir gyda rhanddeiliaid lleol a chytundebau partneriaeth rhwng awdurdodau gwella Cymreig, sy’n diffinio ymlaen llaw o dan ba amgylchiadau y gall Gweinidog ymyrryd, mor bwysig.

O gofio canlyniadau pellgyrhaeddol ymyrraeth gan Weinidogion, mae’n gwneud synnwyr i sicrhau bod pob manylyn yn gywir cyn y defnyddir unrhyw bwerau cyfarwyddo. Dylai’r holl randdeiliaid gael y cyfle i gyfrannu at delerau’r cytundebau partneriaeth ac mae hefyd angen ymrwymiad i wrando a gweithredu ar y sylwadau a fynegir mewn unrhyw ymgynghoriad. Mae llawer o bobl yn mynd yn fwy drwgdybus o ymgynghoriadau, lle mae’n ymddangos, yn aml iawn, bod y penderfyniad wedi cael ei wneud ymlaen llaw. Mae ein gwelliannau’n darparu ar gyfer rhoi sylw i’r pryderon hyn. Maent yn gweithio ddwy ffordd; maent yn rhoi lefel o warchodaeth i’r awdurdod lleol ac yn cynnig lefel o warchodaeth i’r Gweinidog drwy gynnig agwedd dryloyw a mwy democrataidd at ymyriadau pan fydd gofyn amdanynt. Unwaith eto, fel y nododd Cymdeithas Llywodraeth Leol Cymru, byddai ymgynghoriad yn rhoi cyfle i Weinidog Cymru wneud penderfyniad gwybodus ynghylch defnyddio pwerau o’r fath.

Mae’r ffaith, Weinidog, eich bod wedi gorfod egluro ystyr yr ymadrodd ‘gwneud unrhyw beth’ droeon yn ystod dau gyfnod cyntaf y broses ddeddfwriaethol hon yn rhoi mwy o bwys i’r gwelliannau yn y grŵp hwn. Felly, anogaf yr Aelodau i gefnogi’r grŵp hwn o

group of amendments.

David Lloyd: Mae'n bleser cael cyfrannu at y ddadl hon ar y Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru). Hoffwn ddechrau gyda rhai sylwadau cyffredinol sy'n aildroedio tir sydd eisoes wedi'i droedio gan y ddau siaradwr blaenorol. Yna, hoffwn droi fy sylw at y gwelliannau yn y grŵp.

Yr ydym oll yn ymwybodol, ac mae'n bwysig sôn, bod y dystiolaeth a ddaeth gerbron y pwyllgor Cyfnod 1 wedi nodi bod consensws amlwg a chyffredinol bod angen y Mesur arfaethedig hwn ynghylch llywodraeth leol. Nodwyd gan y pwyllgor Cyfnod 1 fod y Mesur arfaethedig yn ceisio gosod elfennau sydd eisoes yn bodoli yn y cyfundrefnau presennol ar gyfer gwella a chynlluniau cymunedol mewn un darn o ddeddfwriaeth, a bod hyn, mewn perthynas â Rhan 1, yn ffurfioli'r cynnydd sydd wedi digwydd yn awdurdodau gwella Cymru ers cyflwyno Deddfau Llywodraeth Leol 1999 a 2000. Oherwydd cryfder y dystiolaeth, y farn oedd bod angen y ddeddfwriaeth arfaethedig hon sydd gerbron. Dangosodd dystiolaeth y rhanddeiliaid y daw canlyniadau cadarnhaol o'r Mesur arfaethedig hwn ynghylch llywodraeth leol gan roi pŵer i awdurdodau gwella Cymru i ehangu eu cwrpas i arloesi wrth geisio gwella, i ehangu'r hyn y maent yn ei wneud eisoes, a rhoi sylfaen statudol i'r hyn sy'n digwydd eisoes yn wirfoddol yn y gwahanol bartneriaethau.

Trof yn awr at y gwelliannau yn y grŵp hwn. Fel y dywedodd Peter a Darren, mae'r grŵp yn benodol am adran 29 a 30 o'r Mesur arfaethedig. Clywsom y geiriad yn adran 29 ynglŷn â phŵer y Gweinidog i wneud 'unrhyw beth'—unrhyw beth synhwyrol, y byddwn yn ei obeithio. Dyna'r dystiolaeth a gawsom eto gan y pwyllgor Cyfnod 1. Cafodd y pwyllgor hwnnw drafodaeth hir ar hyn ac y mae'r trafodaethau, yn amlwg, wedi parhau ers hynny. Mae modd goresgyn y pryderon ynglŷn â rhoi'r pŵer hwn i Dr Gibbons wneud unrhyw beth ar wyneb y ddaear, a hynny drwy roi iddo ddyletswydd i ymgynghori gyda'r awdurdodau gwella cyn arfer y pŵer hwnnw yn adran 29. Dyna'r dystiolaeth a gawsom ar y pryd, ac ymddengys yn awr, o'r cyfnodau eraill, bod y Gweinidog wedi ymateb yn gadarnhaol i'r

welliannau.

David Lloyd: It is a pleasure to contribute to this debate on the proposed Local Government (Wales) Measure. I would like to start with some general comments repeating what the two previous speakers have said, before turning my attention to the amendments in this group.

We are all aware, and it is important to mention, that the evidence put before the Stage 1 committee noted a clear and general consensus on the need for this proposed local government Measure. The Stage 1 committee noted that the proposed Measure tries to bring some elements of the current improvement systems and community schemes into one piece of legislation, and that this, in relation to Part 1, formalises the progress made by Wales's improvement authorities since the introduction of the 1999 and 2000 Local Government Acts. Given the strength of the evidence, the view was that this proposed legislation was required. Stakeholder evidence demonstrated that positive results will flow from this proposed local government Measure, giving Welsh improvement authorities the power to extend their ability to innovate in trying to secure improvements, to expand what they are already doing and to provide a statutory footing for what already happens on a voluntary basis in the various partnerships.

I now turn to the amendments in this group. As Peter and Darren have said, the group deals specifically with sections 29 and 30 of the proposed Measure. We heard the wording in section 29 with regard to the Minister's power to do 'anything'—anything that is sensible, one would hope. That, again, was heard in evidence to the Stage 1 committee. That committee had a long discussion on this point and it is clear that those discussions have continued since. There is a way of allaying the concerns about giving Dr Gibbons this power to do anything that he wishes, and that is by way of giving him a duty to consult with the improvement authority before using this power under section 29. That came through in the evidence that we received, and it now appears, from the further stages, that the

angen hwnnw i ymgynghori cyn gweithredu yn y sefyllfaoedd eithafol prin yma lle bydd angen gweithredu, ac ymateb yn gadarnhaol i'r alwad i ymgynghori ag awdurdodau gwella cyn gweithredu.

Mae gwelliant 17, yn enw Darren Millar, yn nodi y dylid ymgynghori hefyd gyda rhanddeiliad allweddol cyn gweithredu. Fel yr wyf wedi'i nodi, mae cytundeb cyffredinol â phrif egwyddorion y Mesur arfaethedig, felly credaf ei fod, wedi'i ddiwygio â'r gwelliannau sydd gerbron, yn deilwng o'n cefnogaeth fel Aelodau Cynulliad.

Paul Davies: I am pleased to be able to take part in this debate. Speaking as someone who was briefly a member of the Stage 2 committee, I speak in support of amendments 17 and 18, which relate to consultation processes. Amendment 17 makes provision for

'persons who appear to the Welsh Ministers to be key stakeholders'

to be consulted in addition to the Welsh improvement authority or authorities to which the proposed Measure currently makes reference. It is vital that key stakeholders are consulted prior to Ministers exercising power over the Welsh improvement authority that they are proposing to assist. In its current guise, the legislation does not make provision for the views of those who are not part of a Welsh improvement authority to be sought and acknowledged. This narrows the range of opinions that the consultation covers. Surely, it is fundamental that a wide field of key voices is recognised to ensure that these processes are fully democratic. We should be looking to consult as widely as possible, so that all stakeholders' views are taken into consideration.

Amendment 18 makes provision for Welsh Ministers to have regard to such views as are expressed by those who have formed part of the above-mentioned consultation.

Minister has responded positively to that need to consult before taking action in the small number of extreme circumstances where action will need to be taken, and respond positively to the call for consultation with improvement authorities before taking action.

Amendment 17, in the name of Darren Millar, notes that there should also be consultation with key stakeholders before action is taken. As I have already noted, there is general agreement with the proposed Measure's main principles, and I therefore think that, with the amendments before us, it is worthy of our support as Assembly Members.

Paul Davies: Yr wyf yn falch o'r cyfle i gymryd rhan yn y ddadl hon. A siarad fel rhywun a oedd yn aelod am gyfnod byr o'r pwyllgor Cyfnod 2, cefnogaf welliannau 17 a 18, sy'n ymwneud â'r broses ymgynghori. Mae gwelliant 17 yn darparu ar gyfer ymgynghori â'r

'personau hynny y mae'n ymddangos i Weinidogion Cymru mai hwy yw'r prif randdeiliaid'

yn ogystal â'r awdurdod neu'r awdurdodau gwella Cymreig y mae'r Mesur arfaethedig ar hyn o bryd yn cyfeirio atynt. Mae'n hanfodol ymgynghori â rhanddeiliaid allweddol cyn bod Gweinidogion yn arfer y pŵer dros yr awdurdod gwella Cymreig y maent yn cynnig ei helpu. Yn ei wedd bresennol, nid yw'r ddeddfwriaeth yn darparu ar gyfer ceisio na chydabod sylwadau'r rheini nad ydynt yn rhan o awdurdod gwella Cymreig. Mae hyn yn culhau ystod y sylwadau y mae'r ymgynghoriad yn delio â nhw. Yn ddiaw, mae'n hanfodol bod amrediad eang o leisiau allweddol yn cael eu cydnabod i sicrhau bod y prosesau hyn yn hollol ddemocratig. Dylem geisio ymgynghori mor eang ag sy'n bosibl, fel bo safbwyntiau'r holl randdeiliaid yn cael eu hystyried.

Mae gwelliant 18 yn sicrhau bod Gweinidogion Cymru yn ystyried y safbwyntiau hynny a fynegwyd gan y rheini a oedd yn rhan o'r ymgynghoriad y soniwyd amdano uchod.

This is a crucial point as it would ensure that Welsh Ministers would take into account the opinions expressed in the consultation. It is all well and good to expand the consultation process to include key stakeholders, but if the Ministers and the Government do not take into account their opinions when forming a decision and exercising power, the consultation process is effectively irrelevant. This amendment would serve to ensure that the process of exercising power over Welsh improvement is a strong, democratic one that most effectively serves and benefits the body concerned. In that context, I urge Members to support these amendments.

Ann Jones: I welcome the proposed Measure. I thank the Minister for the way in which he has looked at the recommendations—he has suggested some amendments himself. I hope that the proposed Measure is passed today, and I hope that it is passed without the amendment that Peter Black has suggested. I do not think that it would be the case, as Peter glibly said, that it would be for Welsh Ministers to just walk in. I do not think that Welsh Ministers would just walk in, but I do not want to see any watering down of the powers of intervention of Welsh Ministers to go into local authorities that have failed. Take it from me, I know what a failing authority is; I have lived in a failing authority, and I have watched children suffer in a failing authority without any powers to do anything about it. Therefore, I want to see the proposed Measure passed, and I want to see Ministers have those powers of intervention, without them being watered down. If authorities are doing things properly, there will be no need for those powers of intervention to be used, and there will be no need to water things down. If they are doing things properly, they have nothing to fear.

I welcome the Minister's commitment to sorting out local government once and for all with this proposed Measure, and I want to speak further on other amendments in later groups. I cannot support most of the amendments in this group and I will therefore

Mae hwn yn bwynt hanfodol oherwydd byddai'n sicrhau bod Gweinidogion Cymru'n ystyried y safbwyntiau a fynegwyd yn yr ymgynghoriad. Mae'n ddigon hawdd ymestyn y broses ymgynghori i gynnwys rhanddeiliaid allweddol, ond os nad yw'r Gweinidogion na'r Llywodraeth yn ystyried eu safbwyntiau wrth wneud penderfyniad ac wrth arfer eu pŵer, yna mae'r broses ymgynghori, i bob pwrpas, yn amherthnasol. Byddai'r gwelliant hwn yn sicrhau bod y broses o arfer y pŵer dros wella yng Nghymru yn un gref a democrataidd sy'n gwasanaethu orau ac sydd o fudd mwyaf i'r corff dan sylw. Yn y cyd-destun hwnnw, anogaf yr Aelodau i gefnogi'r gwelliannau hyn.

Ann Jones: Croesawaf y Mesur arfaethedig. Diolchaf i'r Gweinidog am y ffordd y mae wedi edrych ar yr argymhellion—mae wedi awgrymu rhai gwelliannau ei hun. Gobeithiaf y bydd y Mesur arfaethedig yn cael ei basio heddiw, a gobeithiaf y caiff ei basio heb y gwelliant y mae Peter Black wedi'i awgrymu. Nid wyf yn credu y byddai'n fater, fel y dywedodd Peter yn ffraeth, lle byddai Gweinidogion Cymru yn cerdded i mewn ar eu hunion. Nid wyf yn credu y byddai Gweinidogion Cymru yn cerdded i mewn ar eu hunion, ond nid wyf am weld pwerau Gweinidogion Cymru i ymyrryd, a mynd i mewn i awdurdodau lleol sydd wedi methu, yn cael eu gwanhau. Credwch chi fi, gwn beth yw awdurdod sy'n methu; yr wyf wedi byw mewn awdurdod sy'n methu, ac yr wyf wedi gwyllo plant yn dioddef mewn awdurdod sy'n methu heb bŵer i wneud dim amdano. Felly, yr wyf am weld y Mesur arfaethedig hwn yn cael ei basio, ac yr wyf am weld Gweinidogion yn cael y pwerau hynny i ymyrryd, heb iddynt gael eu gwanhau. Os yw awdurdodau yn gwneud pethau'n iawn, ni fydd angen defnyddio'r pwerau hynny i ymyrryd, ac ni fydd angen gwanhau pethau. Os ydynt yn gwneud pethau'n iawn, nid oes ganddynt ddim byd i'w ofni.

Croesawaf ymrwymiad y Gweinidog i ddatrys llywodraeth leol unwaith ac am byth gyda'r Mesur arfaethedig hwn, a hoffwn siarad ymhellach ar welliannau eraill mewn grwpiau'n nes ymlaen. Ni allaf gefnogi'r rhan fwyaf o'r gwelliannau yn y grŵp hwn,

be voting against them.

The Presiding Officer: I call on the Minister to speak to amendment 10 and the other amendments in the group.

The Minister for Social Justice and Local Government (Brian Gibbons): The provision in section 29 of the proposed Measure, which would allow Welsh Ministers to ‘do anything’ to support improvement, has attracted a great deal of comment during this debate and at earlier stages of the legislative process. I would like to take this opportunity to reiterate what I said at the end of Stage 1 and during the Stage 2 committee proceedings in relation to the words ‘do anything’. That emphatically does not mean acting as we please—however dictatorially or unreasonably; the legislation states that Welsh Ministers may

‘do anything which they consider is likely to assist’.

5.10 p.m.

The words ‘do anything’ are not used within this legislation except in relation to the capacity to demonstrate that it is going to assist. If, as Ann and Dai said in their contributions, the purpose of this exercise is to help local authorities, then it is appropriate that the Minister should have sufficient flexibility to do anything to assist local authorities. The sentence must be read in full for it to make sense. Unless you do so, misunderstandings will occur.

It is crucial to maintain a shared national and local approach to better services and to ensure that the formal powers of intervention in section 30 are only used as a last resort. In this context, section 29, with which we are now dealing, is about providing assistance to local authorities. There will be an expectation that assistance would be offered to local authorities under section 29 before section 30 was used, unless there was an emergency. Indeed, the inclusion of section 29 could, in some respects, be argued to be a step back from the powers that exist in the current 1999

felly byddaf yn pleidleisio yn eu herbyn.

Y Llywydd: Galwaf ar y Gweinidog i siarad ar welliant 10 a'r gwelliannau eraill yn y grŵp.

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol (Brian Gibbons): Mae'r ddarpariaeth yn adran 29 y Mesur arfaethedig, a fyddai'n caniatáu Gweinidogion Cymru i 'wneud unrhyw beth' i gefnogi gwelliant, wedi denu llawer o sylwadau yn ystod y ddadl hon ac yng nghyfnodau cynharach y broses ddeddfwriaethol. Hoffwn fanteisio ar y cyfle hwn i ategu'r hyn a ddywedais ar ddiwedd Cyfnod 1 ac yn ystod trafodion pwyllgor Cyfnod 2 o ran y geiriau 'gwneud unrhyw beth'. Yn sicr, nid yw hynny'n golygu gweithredu fel a fynnwn—waeth pa mor unbenaethol neu afresymol; mae'r ddeddfwriaeth yn nodi y gall Gweinidogion Cymru

'wneud unrhyw beth y maent o'r farn ei fod yn debyg o gynorthwyo'.

Ni chaiff y geiriau 'gwneud unrhyw beth' eu defnyddio yn y ddeddfwriaeth ac eithrio os gellir dangos bod hynny'n mynd i gynorthwyo. Fel y dywedodd Ann a Dai yn eu cyfraniadau, os pwrpas yr ymarfer hwn yw helpu awdurdodau lleol, yna mae'n briodol y dylai'r Gweinidog gael hyblygrwydd digonol i wneud unrhyw beth i gynorthwyo awdurdodau lleol. Rhaid darllen y frawddeg hon yn ei chyfanrwydd fel ei bod yn gwneud synnwyr. Oni wnewch hynny, byddwch yn ei chamddeall.

Mae'n hanfodol cynnal a chadw dull cenedlaethol a lleol ar y cyd i gael gwell gwasanaethau ac i sicrhau bod y pwerau ymyrryd ffurfiol yn adran 30 yn cael eu defnyddio fel dewis olaf yn unig. Yn y cyddestun hwn, mae adran 29, yr ydym yn delio â hi ar hyn o bryd, yn ymwneud â chynorthwyo awdurdodau lleol. Bydd disgwyliad y bydd awdurdodau lleol yn cael cynnig cymorth dan adran 29 cyn y defnyddir adran 30, oni bai bod argyfwng. Yn wir, gellid dadlau bod cynnwys adran 29, i ryw raddau, yn gam yn ôl o'r pwerau sy'n bodoli

legislation, because the expectation that there will be an offer of assistance before intervention does not exist in that legislation.

The powers in section 29 do not grant us the power to compel people to do anything or to receive support that they have not asked for or do not want. If you read section 29, it is clear that there are no powers of direction within it. Peter's opening remarks confused the situation in many respects. If there are no powers of direction or compulsion in this particular section then, by default, these are entirely voluntary arrangements. Any offer of support, under section 29, would have to be accepted by the authority concerned if the assistance offered were to proceed. If an authority did not want the support that was offered, all that it would need to do is to say 'no'. Indeed, if local authorities did not want the assistance, they could say nothing at all, because they would have to positively agree to it.

To further clarify the voluntary nature of the intervention under section 29, in Stage 2 I tabled two Government amendments to make it clear that the powers in this section may only be used to assist a Welsh improvement authority and not to direct it in any way. Therefore, Darren's claim that the purpose of section 29 is to shackle local authorities shows a total misunderstanding of the contents of this section.

As you said, Presiding Officer, I also wish to speak to amendment 10. I would urge support for that amendment as it has been drafted to further clarify the meaning of the Stage 2 amendments, which require Welsh Ministers to consult an authority before offering support.

In responding to amendments 1 to 4, I can only reiterate that section 29 is entirely voluntary and supportive. Furthermore, in response to consultation, we have inserted a duty to consult in order to emphasise that point. The amendments that have been suggested would remove the duty to consult, and replace it with a requirement to have prior agreement on what is already a

yn y ddeddfwriaeth 1999 bresennol, oherwydd nid yw'r disgwyliad y bydd cymorth yn cael ei gynnig cyn ymyrryd yn bodoli yn y ddeddfwriaeth honno.

Nid yw'r pwerau yn adran 29 yn rhoi'r pŵer inni orfodi pobl i wneud unrhyw beth nac i dderbyn cymorth nad ydynt wedi gofyn amdano neu nad ydynt ei eisiau. Os ydych yn darllen adran 29, mae'n glir nad oes pwerau cyfarwyddo ynddi. Gwnaeth sylwadau agoriadol Peter gymhlethu'r sefyllfa i raddau helaeth. Os nad oes pwerau cyfarwyddo na gorfodi yn yr adran benodol hon, yna, yn ddiodyfyn, trefniadau hollol wirfoddol ydynt. Byddai'n rhaid i unrhyw gynnig o gymorth, dan adran 29, gael ei dderbyn gan yr awdurdod dan sylw er mwyn symud ymlaen i gynorthwyo. Pe bai awdurdod lleol yn penderfynu nad ydynt eisiau'r cymorth a gafodd ei gynnig, yr oll byddai'n rhaid iddynt wneud yw dweud 'na'. Yn wir, os nad yw'r awdurdod lleol am gael cymorth, gallent ddweud dim byd, oherwydd byddai'n rhaid iddynt gytuno'n gadarnhaol i'w gael.

I egluro'r sefyllfa ymhellach ynghylch natur wirfoddol yr ymyrraeth dan adran 29, cyflwynais ddau welliant gan y Llywodraeth yng Nghyfnod 2 i egluro mai er mwyn cynorthwyo awdurdod gwella Cymreig yn unig y gellir defnyddio'r pwerau yn yr adran hon ac nid i'w gyfarwyddo mewn unrhyw ffordd. Felly, mae honiad Darren mai pwrpas adran 29 yw rhoi awdurdodau lleol mewn cyffion yn dangos ei fod wedi camddeall cynnwys yr adran hon yn llwyr.

Fel y dywedaso, Lywydd, hoffwn siarad ar welliant 10. Hoffwn annog cefnogaeth i'r gwelliant hwnnw fel y mae wedi cael ei ddrafftio i egluro ymhellach ystyr gwelliannau Cyfnod 2, sy'n gofyn bod Gweinidogion Cymru'n ymgynghori ag awdurdod cyn cynnig cymorth.

Wrth ymateb i welliannau 1 i 4, yr unig beth y gallaf ei wneud yw ategu bod adran 29 yn hollol wirfoddol ac yn gefnogol. At hynny, mewn ymateb i ymgynghoriad, yr ydym wedi gosod dyletswydd i ymgynghori er mwyn pwysleisio'r pwynt hwnnw. Mae'r gwelliannau sydd wedi cael eu hawgrymu yn dileu'r ddyletswydd i ymgynghori, ac yn ei disodli â gofyniad i gael cytundeb ymlaen

voluntary, non-mandatory set of arrangements. Surely, this is pointlessly bureaucratic, when only one or two words are really needed to address this issue: 'yes' or 'no'. Adding a bureaucratic agreement, as is proposed in these amendments, does not provide any additional safeguards. It does not go any further than what was included in my own Stage 2 amendments in engaging local authorities in a discussion about possible support.

What these amendments do is to impose needless limits on what should be a flexible and purpose-made process. It would require us to set out in advance the circumstances in which support could be offered. Even if it were possible to anticipate all these possible circumstances, it is clearly not desirable to have such a bureaucratic process.

Needs may arise that were not envisaged when this legislation was put in place. We need that flexibility to be able to respond appropriately. Therefore, on the principle that organisations under this proposed Measure can say 'yes' or 'no', and because of the unnecessary restrictiveness of the agreement, I urge the rejection of all these amendments.

I now turn to amendment 17, which I think Paul spoke to, which would require us to consult key stakeholders alongside any authority that we propose to support under section 29. I agree with that in principle. In particular, we may ask third parties such as professional associations or networks and other public bodies to provide direct support to an authority. In formulating an offer of support, we need to take their views into account. However, as I said at Stage 2, any offer of support needs to be handled carefully and sympathetically, because it could undermine staff morale within an organisation.

Many of these interventions may relate to particular or individual shortcomings within an authority, and it would not be appropriate or necessary to engage in a much wider open debate. However, as Paul said, if organisations are to be involved in the

llaw ar gyfres o drefniadau sydd eisoes yn wirfoddol ac nad ydynt yn orfodol. Onid yw hynny'n gam biwrocraataidd ofer, pan fo dau air yn ddigonol yn y mater hwn: 'ie' neu 'na'. Ni fyddai ychwanegu cytundeb biwrocraataidd, fel yr awgrymir yn y gwelliannau hyn, yn darparu unrhyw warchodaeth ychwanegol. Nid yw'n mynd ymhellach na'r hyn a oedd yn fy ngwelliannau Cyfnod 2 o ran ymgysylltu ag awdurdodau lleol mewn trafodaeth ynghylch cymorth posibl.

Yr hyn y mae'r gwelliannau hyn yn ei wneud yw gosod terfynau diangen ar broses a ddylai fod yn hyblyg ac yn addas at ei phwrpas. Byddent yn mynnu ein bod yn nodi ymlaen llaw yr amgylchiadau lle gellid cynnig cymorth. Hyd yn oed pe bai'n bosibl rhagweld yr holl amgylchiadau posibl hyn, yn sicr ni fyddai'n ddymunol cael proses mor fiwrocraataidd.

Gallai anghenion godi nad oeddent wedi'u rhagweld pan sefydlwyd y ddeddfwriaeth hon. Mae angen yr hyblygrwydd hwnnw arnom i allu ymateb yn briodol. Felly, ar yr egwyddor y gall sefydliadau o dan y Mesur arfaethedig hwn ddweud 'ie' neu 'na', ac oherwydd fod y cytundeb yn rhy gaeth, fe'ch anogaf i wrthod yr holl welliannau hyn.

Trof yn awr at welliant 17, y credaf i Paul siarad arno, a fyddai'n ei gwneud yn ofynnol inni ymgynghori â rhanddeiliaid allweddol ochr yn ochr ag unrhyw awdurdod y bwriadwn ei gynorthwyo o dan adran 29. Cytunaf â hynny mewn egwyddor. Yn arbennig, gallwn ofyn i bartïon eraill megis cymdeithasau neu rwydweithiau proffesiynol a chyrrff cyhoeddus eraill i ddarparu cymorth uniongyrchol i awdurdod. Wrth lunio cynnig o gymorth, mae angen inni ystyried eu barn hwy. Fodd bynnag, fel y dywedais yng Nghyfnod 2, mae angen delio'n ofalus a sensitif ag unrhyw gynnig o gymorth, oherwydd gallai danseilio morâl y staff o fewn sefydliad.

Gallai fod a wnelo llawer o'r ymyriadau hyn â diffygion neilltuol neu unigol o fewn awdurdod, ac ni fyddai'n briodol nac angenrheidiol cynnal trafodaeth agored lawer ehangach. Fodd bynnag, fel y dywedodd Paul, os yw sefydliadau i fod â rhan yn yr

improvement agenda, as would be the effect of amendment 19, it is not unreasonable that we discuss it with them.

I note also that amendment 17 would insert a new sub-section (b) into section 29(2A). That is obviously a typographical error as that section has no sub-section (a). However, I understand that that will be addressed as a printing correction once the proposed Measure is processed, if the Assembly supports the amendment. In the light of that, I am happy to support the amendment that Paul has proposed, and I thank the Conservative Party for its constructive input on this.

Amendment 18 is entirely superfluous. In law, any duty to consult someone carries with it a duty to take the responses into account when deciding on any future action. That hardly needs to be specified, and it is difficult to understand why it has been specified in this instance when there is no mention of a similar specification in sections 5, 8, 32 or 38 of this proposed Measure, or in any other circumstances in law in which consultation is required. If we were to ignore a consultation response, we would be seen to be acting unreasonably and could leave ourselves open to judicial review. As I have said, section 29 is purely supportive and is non-directive. We cannot force an authority to accept support against its will. If it indicated that it did not want support or failed to respond to an offer of support, that would be the end of the matter. Having given those assurances, I ask the Conservatives once again to consider withdrawing amendment 18; otherwise, I urge Members to reject it as well.

The Presiding Officer: I call on Peter Black to reply to the debate.

Peter Black: I want to clarify one issue raised by Ann Jones, who talked about our watering down the powers of intervention that Ministers have. Neither this proposed Measure nor the amendments affect the existing powers that Ministers have to intervene. Ann will be aware that Ministers already have powers to intervene following an independent inspection, as has been done in relation to social services and education in

agenda gwella, a dyna fyddai effaith gwelliant 19, ni fyddai'n afresymol inni ei thrafod â hwy.

Nodaf hefyd y byddai gwelliant 17 yn ychwanegu is-adran (b) newydd at adran 29(2A). Yn amlwg, gwall argraffu yw hynny gan nad oes is-adran (a) i'r adran honno. Fodd bynnag, deallaf yr ymdrinnir â hynny fel cywiriad argraffu ar ôl i'r Mesur arfaethedig gael ei brosesu, os gwnaiff y Cynulliad gefnogi'r gwelliant. Yn wyneb hynny, yr wyf yn hapus i gefnogi'r gwelliant a gynigiodd Paul, a diolchaf i'r Blaidd Geidwadol am ei chyfraniad adeiladol ar hyn.

Mae gwelliant 18 yn gwbl ddiangen. Yn y gyfraith, mae unrhyw ddyletswydd i ymgynghori â rhywun yn cynnwys dyletswydd i ystyried yr ymatebion wrth benderfynu ar unrhyw weithredu i'r dyfodol. Prin fod angen nodi hynny, ac mae'n anodd deall pam mae wedi cael ei nodi yn yr achos hwn gan na chrybwyllir gofyniad tebyg yn adrannau 5, 8, 32 na 38 o'r Mesur arfaethedig hwn, nac o dan unrhyw amgylchiadau eraill yn y gyfraith lle mae gofyn ymgynghori. Pe baem yn anwybyddu'r ymateb i'r ymgynghoriad, byddid yn barnu ein bod yn ymddwyn yn afresymol a byddem yn gadael ein hunain yn agored i adolygiad barnwrol. Fel y dywedais, mae adran 29 yn llwyr gefnogol ac mae'n anghyfarwyddol. Ni allwn orfodi awdurdod i dderbyn cymorth yn groes i'w ewyllys. Pe bai'n dweud nad yw am gael cymorth neu pe na bai'n ymateb i gynnig o gymorth, dyna fyddai diwedd y mater. Ar ôl rhoi'r sicrwydd hwnnw, gofynnaf eto i'r Ceidwadwyr ystyried tynnu gwelliant 18 yn ôl; fel arall, anogaf yr Aelodau i'w wrthod yntau hefyd.

Y Llywydd: Galwaf ar Peter Black i ymateb i'r ddadl.

Peter Black: Yr wyf am egluro un mater a godwyd gan Ann Jones, a ddywedodd ein bod yn gwanhau'r pwerau sydd gan Weinidogion i ymyrryd. Nid yw'r Mesur arfaethedig hwn na'r gwelliannau yn effeithio ar y pwerau sydd gan Weinidogion ar hyn o bryd i ymyrryd. Bydd Ann yn gwybod bod gan Weinidogion eisoes bwerau i ymyrryd ar ôl arolygiad annibynnol, fel y gwnaethpwyd o ran y gwasanaethau cymdeithasol ac

a number of authorities. What we have in front of us is a whole new set of proposals from the Minister that give him additional powers to intervene in relation to the Wales programme for improvement as adopted by local authorities. It is important that we understand that we are trying to clearly define the way in which the Minister can exercise those powers without affecting Ministers' existing powers.

There is also a reference to a 'failing' authority. Ann said that she has lived under a failing authority. There are differences of opinion as to what constitutes a 'failing' authority. An authority can fail following an inspection by an independent body with regard to particular functions such as social services and education, which is clearly understood. However, in the context of this proposed Measure, a 'failing' authority seems to be defined as one that fails to improve fast enough, or certainly fast enough for the Minister's own satisfaction.

Ann Jones *rose*—

5.20 p.m.

Peter Black: Allow me just to finish this point. In that particular instance, there is a clear difference between what we would normally understand to be a failing authority and the sort of failure referred to in the proposed Measure. That is why we want these amendments to be agreed to: we do not believe that that is the sort of failure that Ministers should concern themselves with, but rather a matter for local electors. These are not the statutory services, such as education and social services, which can drastically impact on people's lives or on the safety of children or vulnerable people.

Ann Jones: I know what you are trying to do: you are trying to say that powers of intervention should relate to statutory services, and these are not statutory services. However, this is about local government. Knowing some local authorities as I do, I am concerned that, if we were to accept your amendment, thereby watering down the intervention process, they would tell the

addysg mewn nifer o awdurdodau. Yr hyn sydd gennym o'n blaenau yw cyfres newydd o gynigion gan y Gweinidog sy'n rhoi pwerau ychwanegol iddo i ymyrryd yng nghyswllt rhaglen Cymru ar gyfer gwella fel y'i mabwysiadwyd gan yr awdurdodau lleol. Mae'n bwysig ein bod yn deall ein bod yn ceisio diffinio'n glir sut y gall y Gweinidog arfer y pwerau hynny heb effeithio ar y pwerau sydd gan Weinidogion eisoes.

Cyfeirir hefyd at awdurdod sy'n 'methu'. Dywed Ann ei bod wedi byw o dan awdurdod sy'n methu. Mae gwahaniaeth barn ynglŷn â'r hyn yw awdurdod sy'n 'methu'. Gall awdurdod fethu ar ôl arolygiad gan gorff annibynnol yn edrych ar swyddogaethau penodol megis gwasanaethau cymdeithasol ac addysg, ac mae hynny'n glir. Fodd bynnag, yng nghyd-destun y Mesur arfaethedig hwn, mae'n ymddangos bod awdurdod sy'n 'methu' yn cael ei ddiffinio fel un sy'n methu gwella'n ddigon cyflym, neu'n sicr yn ddigon cyflym i fodloni'r Gweinidog ei hun.

Ann Jones *a gododd*—

Peter Black: Gadewch imi orffen y pwynt hwn. Yn yr achos neilltuol hwn, mae gwahaniaeth clir rhwng yr hyn y byddem yn ei ddeall fel arfer fel awdurdod sy'n methu a'r math o fethiant y cyfeirir ato yn y Mesur arfaethedig. Dyna pam yr ydym am gael cytundeb ar y gwelliannau hyn: ni chredwn fod hwn y math o fethiant y dylai Gweinidogion ymboeni yn ei gylch; yn hytrach, mater i etholwyr lleol ydyw. Nid y gwasanaethau statudol mo'r rhain, fel addysg a gwasanaethau cymdeithasol, sy'n gallu cael effaith ddirfawr ar fywydau pobl neu ar ddiogelwch plant neu bobl sy'n agored i niwed.

Ann Jones: Gwn beth ydych yn ceisio'i wneud: yr ydych yn ceisio dweud mai â gwasanaethau statudol y dylai fod a wnelo pwerau ymyrryd, ac nid yw'r rhain yn wasanaethau statudol. Fodd bynnag, am lywodraeth leol yr ydym yn sôn. O adnabod rhai awdurdodau lleol fel a wna, yr wyf yn pryderu, pe baem yn derbyn eich gwelliant chi, ac yn gwanhau'r broses ymyrryd, y

Welsh Assembly Government to go away because the Measure does not give powers of intervention in such areas.

I am concerned about that, and I am concerned about improvements. We have to find out about improvement plans, and there have to be targets. You cannot have a local authority bumbling along, saying that it is improving. Denbighshire County Borough Council has been trying to improve its education provision for 10 years. Every time it is reviewed, it says that it is improving because one more person has got a GCSE. That authority's education department has failed a generation of children. Therefore, the powers of intervention have to be robust, and I do not see that your amendments will help with that.

Peter Black: You are confusing two things. Denbighshire's education service is subject to an independent inspectorate, and if that reports that it is not performing, the Minister has the power to intervene, irrespective of the proposed Measure. We will never agree on this, but the difference between us is that I believe in local democracy and you do not appear to. That seems to be the problem that we have before us.

Ann Jones: Hang on a minute. I ask you to withdraw that remark. I was a local councillor before I came to the Assembly, and I am very involved in local democracy. I do not think that voting against your amendment qualifies for that remark.

Peter Black: I will amend that remark, Ann, to make it clear that what I meant was that I believe in local electors holding councils to account, but you seem to believe that the Government has a role in that as well—holding councils to account for the day-to-day services that they provide. That is the difference between us, and I think that that is a reasonable interpretation of our remarks on this subject.

I want to conclude on the Minister's comments about these amendments. When you have an improvement programme that

byddent yn dweud wrth Lywodraeth Cynulliad Cymru am fynd ymaith gan nad yw'r Mesur yn rhoi pwerau ymyrryd mewn meysydd o'r fath.

Yr wyf yn pryderu am hynny, ac yr wyf yn pryderu am wella pethau. Rhaid inni gael gwybod am gynlluniau gwella, a rhaid cael targedau. Ni allwch adael i awdurdod lleol fustachu yn ei flaen, gan ddweud ei fod yn gwella. Mae Cyngor Sir Ddinbych wedi bod yn ceisio gwella ei ddarpariaeth addysg ers 10 mlynedd. Bob tro y caiff ei hadolygu, dywed ei bod yn gwella gan fod un person yn rhagor wedi cael TGAU. Mae adran addysg yr awdurdod hwnnw wedi methu cenhedlaeth o blant. Felly, rhaid i'r pwerau ymyrryd fod yn gadarn, ac ni welaf fod eich gwelliannau chi yn helpu gyda hynny.

Peter Black: Yr ydych yn cymysgu dau beth. Mae gwasanaeth addysg Sir Ddinbych yn ddarostyngedig i arolygiaeth annibynnol, ac os dywed honno nad yw'n cyflawni, mae gan y Gweinidog y pŵer i ymyrryd, waeth beth sydd yn y Mesur arfaethedig. Ni chytunwn fyth ar hyn, ond y gwahaniaeth rhyngom yw fy mod i'n credu mewn democratiaeth leol ac nad yw'n ymddangos eich bod chi. Mae'n ymddangos mai dyna'r broblem sydd gennym o'n blaenau.

Ann Jones: Un funud. Gofynnaf ichi dynnu'r sylw hwnnw yn ôl. Yr oeddwn yn gynghorydd lleol cyn dod i'r Cynulliad, ac yr wyf yn ymwneud llawer â democratiaeth leol. Ni chredaf fod pleidleisio yn erbyn eich gwelliant yn cyfiawnhau'r sylw hwnnw.

Peter Black: Newidiaf y sylw hwnnw, Ann, i'w gwneud yn glir mai'r hyn a olygwn oedd fy mod i'n credu y dylai etholwyr lleol ddal cynghorau i gyfrif, ond mae'n ymddangos eich bod chi'n credu bod gan y Llywodraeth rôl yn hynny hefyd—yn dal cynghorau i gyfrif am y gwasanaethau beunyddiol y maent yn eu darparu. Dyna'r gwahaniaeth rhyngom, a chredaf fod hwnnw'n ddehongliad rhesymol o'n sylwadau ar y mater hwn.

Yr wyf am ddarfod gyda sylwadau'r Gweinidog ar y gwelliannau hyn. Os oes gennych raglen wella y mae'r Llywodraeth

the Government takes an interest in, I think that it is perfectly reasonable for the Minister to enter into a partnership with each local authority explaining what he expects of local government. That sort of partnership is far better than the powers found in sections 29 and 30, where the Minister seems to be able to step in and take action as he requires and desires. It seems to me that our amendments make provision for that, while the proposed Measure as it stands does not. If you abandon that partnership principle, as seems to have been the pattern over the past few years, with this and the previous Government, you will be devaluing local democracy and the accountability of local councillors and councils to their electorate.

The Presiding Officer: Would I be right in detecting that you wish to move to a vote on amendment 1?

Peter Black: That would be a fair interpretation, Presiding Officer. [*Laughter.*]

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 1. A oes unrhyw wrthwynebiad? Gwela fod. Felly, symudwn i bleidlais.

yn cymryd diddordeb ynddi, credaf ei bod yn hollol resymol i'r Gweinidog ymuno mewnartneriaeth â phob awdurdod lleol i egluro'r hyn y mae'n ei ddisgwyl gan lywodraeth leol. Mae'r math hwnnw o bartneriaeth yn llawer gwell na'r pwerau a geir yn adrannau 29 a 30, lle mae'r Gweinidog yn ôl pob golwg yn gallu camu i mewn a gweithredu fel y mynna ac y dymuna. Mae'n ymddangos i mi fod ein gwelliannau'n darparu ar gyfer hynny, tra nad yw'r Mesur arfaethedig fel y saif yn gwneud hynny. Os rhowch chi'r gorau i'r egwyddor honno o bartneriaeth, fel y bu'r patrwm yn ôl pob golwg dros y blynyddoedd diwethaf, gyda'r Llywodraeth hon a'r un flaenorol, byddwch yn dibrisio democratiaeth leol ac atebolrwydd cynghorwyr a chynghorau lleol i'w hetholwyr.

Y Llywydd: A fyddwn yn iawn yn credu eich bod am symud i bleidlais ar welliant 1?

Peter Black: Byddai hwnnw'n ddehongliad teg, Lywydd. [*Chwerthin.*]

The Presiding Officer: The question is that amendment 1 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 1: O blaid 14, Ymatal 0, Yn erbyn 33.
Amendment 1: For 14, Abstain 0, Against 33.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn

Law, Trish
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd gwelliant 1.
 Amendment 1 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 1, yn dilyn y rhestr o welliannau mewn trefn, symudwn yn awr i waredu gwelliant 10, a drafodwyd gyda gwelliant 1. Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 10 yn ffurfiol.

Brian Gibbons: I move amendment 10 in my name.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 10. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 10 ei dderbyn.

*Derbyniwyd gwelliant 10.
 Amendment 10 agreed.*

Y Llywydd: Symudwn yn awr i waredu gwelliant 2. Galwaf ar Peter Black i gynnig y gwelliant yn ffurfiol.

Peter Black: I move amendment 2 in my name and with the name of Darren Millar in support.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 2. A oes gwrthwynebiad? Gwelaf fod, felly galwaf am bleidlais ar welliant 2.

The Presiding Officer: Given that we have disposed of amendment 1, in accordance with the marshalled list, we come to dispose of amendment 10, which has been discussed with amendment 1. I invite the Minister formally to move amendment 10.

Brian Gibbons: Cynigiaf welliant 10 yn fy enw i.

The Presiding Officer: The question is that amendment 10 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 10 is therefore agreed.

The Presiding Officer: We now come to dispose of amendment 2. I call on Peter Black formally to move the amendment.

Peter Black: Cynigiaf welliant 2 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

The Presiding Officer: The question is that amendment 2 be agreed to. Are there any objections? I see that there are, so I call for a vote on amendment 2.

*Gwelliant 2: O blaid 14, Ymatal 0, Yn erbyn 33.
 Amendment 2: For 14, Abstain 0, Against 33.*

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

Black, Peter
 Burnham, Eleanor
 Cairns, Alun
 Davies, Andrew R.T.
 Davies, Paul
 German, Michael

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

Andrews, Leighton
 Asghar, Mohammad
 Cuthbert, Jeff
 Davidson, Jane
 Davies, Alun
 Davies, Andrew

Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 2.
Amendment 2 not agreed.*

Y Llywydd: Symudwn yn awr i waredu gwelliant 3. Galwaf ar Peter Black i gynnig y gwelliant yn ffurfiol.

Peter Black: I move amendment 3 in my name and with the name of Darren Millar in support.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 3. A oes gwrthwynebiad? Gwelaf fod, felly symudwn i bleidlais ar welliant 3.

The Presiding Officer: We now move to dispose of amendment 3. I call on Peter Black formally to move the amendment.

Peter Black: Cynigiaf welliant 3 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

The Presiding Officer: The question is that amendment 3 be agreed to. Are there any objections? I see that there are, so I call for a vote on amendment 3.

*Gwelliant 3: O blaid 14, Ymatal 0, Yn erbyn 33.
Amendment 3: For 14, Abstain 0, Against 33.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane

Williams, Kirsty

James, Irene
 Jenkins, Bethan
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Law, Trish
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd gwelliant 3.
 Amendment 3 not agreed.*

Y Llywydd: Symudwn yn awr i waredu gwelliant 17. Galwaf ar Darren Millar i gynnig y gwelliant yn ffurfiol.

The Presiding Officer: We now move to dispose of amendment 17. I call on Darren Millar formally to move the amendment.

Darren Millar: I move amendment 17 in my name and with the name of Peter Black in support.

Darren Millar: Cynigiaf welliant 17 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 17. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 17 ei dderbyn.

The Presiding Officer: The question is that amendment 17 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 17 is therefore agreed.

*Derbyniwyd gwelliant 17.
 Amendment 17 agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 17, symudwn yn awr at welliant 18. Galwaf ar Darren Millar i gynnig y gwelliant yn ffurfiol.

The Presiding Officer: Given that we have disposed of amendment 17, we now move to amendment 18. I call on Darren Millar formally to move the amendment.

Darren Millar: I move amendment 18 in my name and with the name of Peter Black in support.

Darren Millar: Cynigiaf welliant 18 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 18. A oes unrhyw wrthwynebiad? Gwelaf fod, felly symudwn i bleidlais ar welliant 18.

The Presiding Officer: The question is that amendment 18 be agreed to. Are there any objections? I see that there are, and so I call for a vote on amendment 18.

*Gwelliant 18: O blaid 13, Ymatal 0, Yn erbyn 33.
 Amendment 18: For 13, Abstain 0, Against 33.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 18.
Amendment 18 not agreed.*

Y Llywydd: Ni fydd pleidlais ar welliant 4 ar hyn o bryd. Byddwn yn pleidleisio ar y gwelliant hwnnw ar yr adeg briodol yn y trafodion.

The Presiding Officer: There will be no vote on amendment 4 at this point. We will vote on that amendment at the appropriate point in proceedings.

**Pwerau Cyfarwyddo mewn Perthynas â Methiant neu Fethiant Tebygol Awdurdodau
Gwella (Gwelliannau 19, 20, 21, 22, 23 a 5)
Powers of Direction in Respect of Failure or Likely Failure by Improvement Authorities
(Amendments 19, 20, 21, 22, 23 and 5)**

Y Llywydd: Symudwn ymlaen at grŵp 2, sef pwerau cyfarwyddo mewn perthynas â methiant neu fethiant tebygol awdurdodau gwella. Gwelliant 19 yw'r prif welliant yn y grŵp hwn. Galwaf ar Darren Millar.

The Presiding Officer: We come to the second group of amendments, relating to the powers of direction in respect of failure or likely failure by improvement authorities. The lead amendment in this group is amendment 19. I call on Darren Millar.

Darren Millar: I move amendment 19 in my name and with the name of Peter Black in support.

Darren Millar: Cynigïaf welliant 19 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

I move the amendment on behalf of the

Cynigïaf y gwelliant ar ran y Ceidwadwyr

Welsh Conservatives. I also note the support of the Welsh Conservatives for amendment 5 in this group, tabled in the name of Peter Black on behalf of the Welsh Liberal Democrats. In common with the first group of amendments, our concern here is over the extent of power being afforded to the Minister, and the degree of ambiguity relating to the circumstances under which a Welsh Minister can intervene on a Welsh improvement authority, in the proposed Measure as it stands. Section 30, to which these five amendments relate, currently indicates that a Minister will be able to use powers of direction where an improvement authority is likely to fail. However, it then fails to define which circumstances could be interpreted as likely failure. In our opinion, that allows far too much ministerial discretion over the circumstances that could trigger the use of the powers of direction.

Decisions to intervene in the dealings of a local authority are far too important to be left to a Minister's discretion over whether an authority is likely to fail. That is the glaring problem here, too. Who is to say that an authority is likely to fail? How do we interpret 'likely failure'? Is it a blip in a graph that shows a progression of improvement? Is it a single month, or is it over a sustained period of six months? What does it mean? Surely, intervention should be only at the point at which there is strong evidence that a local authority is failing.

5.30 p.m.

I take on board the comments made earlier by the Member for the Vale of Clwyd. I am sure that we can all come up with examples of local authorities having failed in certain respects, and it is entirely appropriate that Ministers intervene in those situations, but it cannot be left simply to an individual's interpretation of whether an authority is likely to fail. There has to be clear failure before these powers should be used. We believe that Ministers should only be able to intervene in the running of Welsh improvement authorities when the authorities in question do not measure up to previously agreed partnership definitions of failure.

Cymreig. Nodaf hefyd gefnogaeth y Ceidwadwyr Cymreig i welliant 5 yn y grŵp hwn, a gyflwynwyd yn enw Peter Black ar ran Democratiaid Rhyddfrydol Cymru. Yn yr un modd â'r grŵp cyntaf o welliannau, mae a wnelo ein pryder yma â chwmpas y pŵer sy'n cael ei roi i'r Gweinidog, a maint yr amwysedd ynglŷn â'r amgylchiadau pryd y gall Gweinidog o Gymru ymyrryd ag awdurdod gwella yng Nghymru, yn y Mesur arfaethedig fel y saif. Ar hyn o bryd, mae adran 30, y mae'r pum gwelliant hyn yn cyfeirio ati, yn dweud y gall Gweinidog ddefnyddio pwerau cyfarwyddo lle mae awdurdod gwella yn debygol o fethu. Fodd bynnag, nid yw wedyn yn diffinio pa amgylchiadau y gellid eu diffinio fel methiant tebygol. Yn ein barn ni, mae hynny'n caniatáu llawer gormod o ddisgresiwn i Weinidogion ynglŷn â'r amgylchiadau a allai sbarduno defnyddio'r pwerau cyfarwyddo.

Mae penderfyniadau i ymyrryd yng ngweithrediadau awdurdod lleol yn llawer rhy bwysig i gael eu gadael i ddisgresiwn Gweinidog ynglŷn â'r tebygolrwydd y gwnaiff awdurdod fethu. Dyna'r broblem amlwg yma, eto. Pwy sydd i ddweud bod awdurdod yn debygol o fethu? Sut mae dehongli 'methiant tebygol'? Ai sbonc ar graff ydyw sy'n dangos dilyniant o welliant? Ai un mis ydyw, ynteu a yw dros gyfnod cyson o chwe mis? Beth mae'n ei olygu? Dim ond ar y pwynt lle mae tystiolaeth gref fod awdurdod lleol yn methu y dylid ymyrryd, nid oes bosibl.

Nodaf y sylwadau a wnaethpwyd yn gynharach gan yr Aelod dros Ddyffryn Clwyd. Yr wyf yn siŵr y gallwn i gyd gynnig esiamplau o awdurdodau lleol sydd wedi methu mewn rhai ffyrdd, ac mae'n gwbl briodol i Weinidogion ymyrryd yn y sefyllfaoedd hynny, ond ni ellir gadael hynny i ddehongliad unigolyn pa un a yw awdurdod yn debygol o fethu. Ni ddylid defnyddio'r pwerau hyn oni fydd awdurdod yn amlwg wedi methu. Credwn mai'r unig adeg y dylai Gweinidogion allu ymyrryd â rhedeg awdurdodau gwella yng Nghymru yw pan na fydd yr awdurdodau dan sylw'n cydymffurfio â'r diffiniadau o fethiant y mae'r bartneriaeth eisoes wedi cytuno arnynt.

At Stage 2, Minister, your argument for not dealing with this issue was that, in your experience, getting authorities to accept that they have a serious failure can take months or, in some instances, well over a year and that there would be differences in the interpretations of those people who were outside the authority as to whether there had been a failure, a likely failure or not. That is the point. Acceptance of failure would be much easier if the framework was clearer and much better defined. Rather than leaving such appraisals to your ministerial discretion, surely the way forward would be to determine a definite concrete understanding as to at which point an authority is deemed as failing; up until that point, it should be strictly hands off as far as your powers of direction are concerned. That is why we are supporting amendment 5 and why we tabled amendments 19, 20, 21 22 and 23.

We are seeking a solution to this very grey area. It is clear that it is ambiguous in terms of how it can be interpreted. While the current Minister gives the appearance of being a pretty stable sort of guy, I would hate the assessment of whether an authority is likely to fail to be made on one of his off days—we all have off days, do we not? His opinion may change from one day to the other in terms of whether an authority is failing or is likely to fail. In its current form, without the amendments that we have put forward, section 30 poses a real threat to local democracy, by granting unreasonable powers to the Minister. That is why our amendments seek to remove the phrases 'likely to fail' and 'likely failure' from section 30. There is already a degree of suspicion at local government level with regard to the role of the Welsh Assembly Government and such phrases will just add unnecessary fuel to the fire. It is vital that the framework for intervention is made absolutely clear. I do not know whether you have been taking any lessons from George W. Bush, but a policy based on a pre-emptive strike as to whether an authority is likely to fail or not is asking for trouble, Minister. I therefore urge Members to support our amendments.

Peter Black: I am happy to support

Yn ystod Cyfnod 2, Weinidog, eich dadl dros beidio ag ymdrin â'r mater hwn oedd, yn eich profiad chi, y gall fod angen misoedd neu ymhell dros flwyddyn dan rai amgylchiadau i argyhoeddi awdurdodau eu bod yn methu'n ddifrifol ac y byddai'r bobl hynny a oedd y tu allan i'r awdurdod yn defnyddio dehongliadau gwahanol i benderfynu a yw wedi methu neu'n debygol o fethu ai peidio. Dyna'r pwynt. Byddai'n haws o lawer derbyn methiant pe bai'r fframwaith yn gliriach ac wedi'i ddiffinio'n well o lawer. Yn hytrach na gadael gwerthusiadau o'r fath i chi benderfynu yn eu cylch fel Gweinidog, onid y ffordd ymlaen fyddai pennu dealltwriaeth gadarn bendant ynglŷn ag ar ba bwynt y tybir bod awdurdod yn methu; hyd at y pwynt hwnnw, dylech gadw hyd braich o ran eich pwerau cyfarwyddo. Dyna pam yr ydym yn cefnogi gwelliant 5 a pham y cyflwynwyd gwelliant 19, 20, 21, 22 a 23 gennym.

Yr ydym yn ceisio ateb i'r maes amwys iawn hwn. Mae'n amlwg ei fod yn niwlog o ran sut y gellir ei ddehongli. Er bod y Gweinidog presennol yn rhoi'r argraff ei fod yn ddyn eithaf call, byddai'n gas gennyf pe bai'n asesu a yw awdurdod yn debygol o fethu ar un o'i ddiwrnodau gwael—byddwn i gyd yn cael diwrnodau gwael, oni fyddwn? Efallai y bydd yn newid ei farn o'r naill ddiwrnod i'r llall ynglŷn ag a yw awdurdod yn methu neu'n debygol o fethu. Ar ei ffurf bresennol, heb y gwelliannau yr ydym wedi'u cynnig, mae adran 30 yn fygythiad go iawn i ddemocratiaeth leol, drwy roi pwerau afresymol i'r Gweinidog. Dyna pam mae ein gwelliannau'n ceisio dileu'r ymadroddion 'tebygol o fethu' a 'methiant tebygol' o adran 30. Mae rhywfaint o amheuaeth eisoes ar lefel llywodraeth leol ynglŷn â rôl Llywodraeth y Cynulliad ac ni fydd ymadroddion fel hyn ond yn taflu glo diangen ar y tân. Mae'n hollbwysig gwneud y fframwaith ar gyfer ymyrryd yn gwbl glir. Ni wn a ydych wedi bod yn cael gwersi gan George W. Bush, ond mae polisi sy'n seiliedig ar ymosodiad rhag-blaen rhag ofn bod awdurdod yn debygol o fethu ai peidio'n gofyn am drwbl. Weinidog, anogaf yr Aelodau felly i gefnogi'n gwelliannau.

Peter Black: Yr wyf yn falch o gefnogi

amendments 19, 20, 21, 22 and 23 and to commend amendment 5, which has been tabled in my name. We support the five amendments that have been tabled in the name of Darren Millar and the Welsh Conservatives because we believe that the current wording of section 30 of the proposed Measure gives the Government far too much power—very much as Darren has outlined. As it stands, the wording authorises intervention if Ministers are satisfied that an authority is failing or is likely to fail. There are two problems with that. First, we feel that when an authority is failing could be more clearly defined. Amendment 5, tabled in my name, requires failure to be defined in the partnership agreement, which we had previously hoped to introduce. I mentioned earlier that the partnership agreement covers both the power to assist and the power to intervene and this part refers to the power to intervene.

The second problem is the idea of ‘likely failure’. This term is far too open to interpretation in our view and the issue is that the people doing the interpreting are the same people who may wish to exercise the power—that is, Welsh Ministers. As currently drafted, section 30 allows Ministers to decide that an authority is likely to fail at some indeterminate point in the future and they can take action to step in. This could mean that a Minister could declare that an authority of a particular political colour was likely to fail with very little justification and then send his or her own team in to fix whatever problem may or may not have existed. Whether or not current Ministers have any such intention is irrelevant—if we are drafting legislation, it needs to be watertight and, as it stands, this section is not. For those reasons, we are happy to support those five amendments and to propose amendment 5.

Ann Jones: Do Nothing Millar; I have seen a Do Nothing Miller before at Denbighshire County Council. [*Interruption.*]

gwelliannau 19, 20, 21, 22 a 23 ac i gymeradwyo gwelliant 5, sydd wedi'i gyflwyno yn fy enw. Yr ydym yn cefnogi'r pum gwelliant sydd wedi'u cyflwyno yn enw Darren Millar a'r Ceidwadwyr Cymreig oherwydd ein bod yn credu bod geiriad adran 30 y Mesur arfaethedig fel y mae ar hyn o bryd yn rhoi gormod o bŵer o lawer i'r Llywodraeth—fel y mae Darren wedi'i ddweud i raddau helaeth. Fel y mae, mae'r geiriad yn awdurdodi ymyrryd os yw Gweinidogion yn fodlon bod awdurdod yn methu neu'n debygol o fethu. Mae dwy broblem ynghlwm wrth hynny. Yn gyntaf, yr ydym yn teimlo y gellid diffinio'n eglurach yr hyn a olygir wrth awdurdod sy'n methu. Mae gwelliant 5, a gyflwynwyd yn fy enw, yn gofyn am ddiffinio methiant yn y cytundeb partneriaeth yr oeddem wedi gobeithio'i gyflwyno o'r blaen. Crybwyllais gynnu fod y cytundeb partneriaeth yn cynnwys y pŵer i gynorthwyo a'r pŵer i ymyrryd ac mae'r rhan hon yn cyfeirio at y pŵer i ymyrryd.

Yr ail broblem yw'r syniad o 'fethiant tebygol'. Mae'r term hwn yn rhy agored o lawer i'w ddehongli yn ein barn ni a'r broblem yw mai'r bobl sy'n gwneud y dehongli yw'r un bobl a allai ddymuno rhoi'r pŵer hwnnw ar waith—hynny yw, Gweinidogion Cymru. Fel y mae wedi'i drafftio ar hyn o bryd, mae adran 30 yn caniatáu i Weiniidogion benderfynu bod awdurdod yn debygol o fethu ar ryw bwynt amhenodol yn y dyfodol a gallant gymryd camau i gamu i mewn. Gallai hyn olygu y gallai Gweinidog ddatgan bod awdurdod o liw gwleidyddol penodol yn debygol o fethu heb fawr o gyfiawnhad ac wedyn anfon ei dîm neu ei thîm ei hun i mewn i ddatrys pa broblem bynnag sydd wedi bodoli ai peidio. Nid yw'n berthnasol a oes gan y Gweinidogion presennol fwriad o'r fath ai peidio—os ydym yn drafftio deddfwriaeth, mae angen iddi fod yn gwbl ddi-amwys, ac fel y mae ar hyn o bryd, nid yw'r adran honno'n ddi-amwys. Dyna pam yr ydym yn falch o gefnogi'r pum gwelliant hynny ac i gynnig gwelliant 5.

Ann Jones: Millar Gwneud Dim; yr wyf wedi gweld Miller Gwneud Dim o'r blaen yng Nghyngor Sir Ddinbych. [*Torri ar draws.*]

Darren Millar: Will you take an intervention?

Ann Jones: You might have let me carry on, because you do not know what I am going to say, but go on.

Darren Millar: You say ‘Do Nothing Millar’, but what we are trying to do is to establish clear parameters for the intervention of Ministers in local authorities. The question here, Ann, is: do you respect local democracy or not? It seems to me that you do not.

Ann Jones: I will start again because—

Darren Millar: Please do.

The Presiding Officer: Order.

Ann Jones: As I was going to say, what I just heard Darren explain is that if a local authority is in trouble and is failing, what they want to do is to push it over the edge of the cliff without a parachute. You do not want there to be any intervention with a local authority before it gets to the point where it has failed. That is crazy and creates situations whereby authorities cannot get themselves out of trouble. Who is hurt most by that? The residents whom the service has failed.

Peter Black: You seem to be confused about this issue of failure. ‘Failure’ in this context is the failure to improve, not the failure to provide services. It is important to make that distinction.

Ann Jones: I am quite aware of the fact that you want to make this about improvement plans and the improvement of local authorities. This is a proposed local government Measure that talks about all the services of local authorities. To say that you are not going to allow intervention or that you do not want anyone to come in until the authority decides that all the shutters are down and that the whole of the authority is almost at collapse stage is like throwing it off a cliff and waiting for it to hit the bottom. Would you put in some intervention to catch

Darren Millar: A ganiatewch imi ymyrryd?

Ann Jones: Gallech fod wedi gadael imi fwrw ymlaen, oherwydd ni wyddoch yr hyn yr wyf am ei ddweud, ond ewch yn eich blaen.

Darren Millar: ‘Millar Gwneud Dim’ meddech chi, ond yr hyn yr ydym yn ceisio’i wneud yw pennu ffiniau clir ar gyfer ymyrryd gan Weinidogion mewn awdurdodau lleol. Y cwestiwn yma, Ann, yw: a ydych yn parchu democratiaeth leol ai peidio? Ymddengys i mi nad ydych.

Ann Jones: Dechreuaf eto oherwydd—

Darren Millar: Gwnewch ar bob cyfrif.

Y Llywydd: Trefn.

Ann Jones: Fel yr oeddwn yn bwriadu’i ddweud, yr hyn yr wyf newydd glywed Darren yn ei esbonio yw, os yw awdurdod lleol mewn trafferthion ac yn methu, mai eu bwriad hwy yw ei wthio dros ymyl y diben heb barasiwt. Nid ydych am i neb ymyrryd ag awdurdod lleol cyn iddo gyrraedd y pwynt lle mae wedi methu. Mae hynny’n hurt ac mae’n creu sefyllfaoedd lle na all awdurdodau ddianc o drwbl. Pwy mae hynny’n ei frifo fwyaf? Y trigolion y mae’r gwasanaeth wedi gwneud cam â hwy.

Peter Black: Yr ydych yn ddryslyd i bob golwg ynglŷn â’r busnes methu hwn. Ystyr ‘methu’ yn y cyd-destun hwn yw methu gwella, nid methu darparu gwasanaethau. Mae’n bwysig gwahaniaethu rhwng y ddau.

Ann Jones: Yr wyf yn gwbl ymwybodol o’r ffaith eich bod am i hyn ymwneud â chynlluniau gwella a gwella awdurdodau lleol. Mesur llywodraeth leol arfaethedig yw hwn sy’n sôn am holl wasanaethau awdurdodau lleol. Mae dweud nad ydych yn mynd i ganiatáu ymyrryd neu nad ydych am i neb gamu i mewn nes bod yr awdurdod yn penderfynu bod pob drws ar gau a’r awdurdod cyfan ar fin dadfeilio yr un fath â’i daflu dros ddibyn ac aros iddo gyrraedd y gwaelod. A fydddech yn ymyrryd rhywfodd i’w ddal hanner ffordd i lawr?

it halfway down?

This proposed Measure is about intervening if there is the likelihood of there being a failure with an improvement plan or with a service, and that has to be good for the residents who feel that local democracy is letting them down. It is about local democracy, but it is also about parents and individuals who want to take their authority on but do not know how to do that.

I have stood in the Chamber many times and asked Ministers to intervene with my local authority. I have asked for that time and again. Had we these powers previously, a generation of children would not have been failed in Denbighshire—and I know that this is to do with education, and that we can go in, but we could not and did not at the time and, hopefully, under this proposed Measure, we will in future.

I cannot support these amendments. It has to be about authorities that are likely to fail as well as authorities that have failed. You are not doing democracy any good with these amendments.

Jonathan Morgan: I am delighted to support the five amendments that have been tabled by Darren Millar and amendment 5 tabled by Peter Black.

Section 30 is poorly constructed. I can see what the Government's intention is: it wants an open-door policy and the power to intervene wherever necessary, but I am afraid that there are not enough checks and balances in the way in which this section of the proposed Measure has been constructed. This is about ensuring that local authorities have a sense of ownership over the way in which they improve and about doing whatever you can to support the improvement of those authorities, but the wording 'likely to fail' is clumsy. Who will judge whether a local authority is at risk of failing or is likely to fail? Who will judge the criteria against which that decision could be taken? If there is a dispute between the authority that is considered to be at risk of failing and the Minister who wishes to use the power of intervention, who will take a decision on the

Mae a wnelo'r Mesur hwn ag ymyrryd os yw awdurdod yn debygol o fethu o ran ei gynllun gwella neu o ran gwasanaeth, a rhaid bod hynny er lles y trigolion sy'n teimlo bod democratiaeth leol yn gwneud cam â hwy. Mae a wnelo â democratiaeth leol, ond mae a wnelo hefyd â rhieni ac ag unigolion sy'n dymuno herio'u hawdurdod ond nad ydynt yn gwybod sut mae gwneud hynny.

Yr wyf wedi sefyll yn y Siambr droeon ac wedi gofyn i Weinidogion ymyrryd â'm hawdurdod lleol. Yr wyf wedi gofyn am hynny dro ar ôl tro. Pe bai'r pwerau hyn wedi bod gennym o'r blaen, ni fyddai cenhedlaeth o blant wedi cael cam yn Nimbych—a gwn fod a wnelo hyn ag addysg, ac y gallwn gamu i mewn, ond ni allem ac ni wnaethom ar y pryd a, gobeithio, dan y Mesur arfaethedig hwn, y byddwn yn gwneud hynny yn y dyfodol.

Ni allaf gefnogi'r gwelliannau hyn. Rhaid iddo ymwneud ag awdurdodau sy'n debygol o fethu yn ogystal ag awdurdodau sydd wedi methu. Nid ydych yn gwneud lles o gwbl i ddemocratiaeth gyda'r gwelliannau hyn.

Jonathan Morgan: Yr wyf yn falch iawn o gefnogi'r pum gwelliant sydd wedi'u cyflwyno gan Darren Millar a gwelliant 5 a gyflwynwyd gan Peter Black.

Mae adran 30 wedi'i llunio'n wael. Gallaf weld beth yw bwriad y Llywodraeth; mae am gael polisi drws-agored a'r pŵer i ymyrryd lle bynnag y bo angen, ond mae arnaf ofn nad oes digon o wahanu pwerau yn y ffordd y mae'r Mesur arfaethedig hwn wedi'i lunio. Mae a wnelo hyn â sicrhau bod awdurdodau lleol yn teimlo'u bod yn berchen ar y ffordd y maent yn gwella ac â gwneud beth bynnag y gallwch ei wneud i gynorthwyo'r awdurdodau hynny i wella, ond mae'r geiriad 'tebygol o fethu' yn drwsogl. Pwy sydd i farnu a oes risg i awdurdod lleol fethu neu a yw'n debygol o fethu? Pwy sydd i farnu'r meini prawf ar gyfer gwneud y penderfyniad hwnnw? Os oes anghydfod rhwng yr awdurdod yr ystyrir bod perygl iddo fethu a'r Gweinidog sy'n dymuno defnyddio pŵer i ymyrryd, pwy sydd i benderfynu pa lwybr yw'r un iawn i'w ddilyn? Yr wyf yn deall yn

right course of action? I fully understand the Government's wish to support a local authority to improve—that is what we all wish to achieve through this proposed Measure—but the way in which the powers are constructed in section 30 means that there are not any checks or balances. That is why Darren Millar is right to say that we should take out the words 'likely to fail' and remove that aspect through the amendments that have been tabled, and it is also why amendment 5 is so needed. We need to know what the circumstances are against which we can judge whether or not a local authority is continuing to fail. Unless these amendments are agreed by the Assembly, the proposed Measure will be considerably weaker.

I ask the Minister to explain why he feels that the way in which section 30 is structured is so necessary. I fail to understand how 'likely to fail' can be justified without there being proper safeguards to consider the variety of circumstances within which a local authority might be deemed either to have failed or to be likely to fail.

As exceptionally fond as I am of my colleague Ann Jones, who is Chair of the Committee on Equality of Opportunity, on which I sit—I am looking at colleagues on the Labour frontbenches and one or two others too—whichever of you becomes First Minister at the end of this year, please, please, please do not make her the Minister for local government. [*Laughter.*]

5.40 p.m.

Joyce Watson: Having served on the legislation committee that dealt with Stage 1 and Stage 2 of the proposed Measure, I am pleased to have the opportunity to contribute to today's debate.

At the heart of the proposed Measure is Labour's commitment to improve collaboration and co-operation between local service partners to help to deliver improved, citizen-focused public services—we would do well to remember that this afternoon. The aim is to drive forward improvement and to help local authorities to achieve that.

iawn bod y Llywodraeth yn dymuno cynorthwyo awdurdod lleol i wella—dyna'r hyn yr ydym i gyd yn dymuno'i gyflawni drwy gyfrwng y Mesur arfaethedig hwn—ond mae'r ffordd y mae'r pwerau wedi'u llunio yn adran 30 yn golygu nad oes unrhyw wahanu pwerau. Dyna pam mae Darren Millar yn iawn yn dweud y dylem ddileu'r geiriau 'tebygol o fethu' a dileu'r agwedd honno drwy'r gwelliannau sydd wedi'u cyflwyno, a dyma pam hefyd y mae cymaint o angen gwelliant 5. Mae angen inni wybod dan ba amgylchiadau y gallwn farnu a yw awdurdod lleol yn dal i fethu ai peidio. Oni fydd y Cynulliad yn cytuno i'r gwelliannau hyn, bydd y Mesur arfaethedig yn sylweddol wannach.

Gofynnaf i'r Gweinidog esbonio pam mae'n teimlo'i bod mor angenrheidiol llunio adran 30 fel hyn. Ni allaf ddeall sut y gellir cyfiawnhau'r 'tebygol o fethu' heb gael camau diogelu priodol sy'n rhoi sylw i amrywiaeth yr amgylchiadau a allai arwain rhywun i dybio bod awdurdod lleol wedi methu neu ei fod yn debygol o fethu.

Er fy mod yn arbennig o hoff o'm cyd-Aelod Ann Jones, sy'n Gadeirydd y Pwyllgor Cyfle Cyfartal, pwyllgor yr wyf yn aelod ohono—yr wyf yn edrych ar gyd-Aelodau ar feinciau blaen Llafur ac un neu ddau arall hefyd—pa un bynnag ohonoch a ddaw'n Brif Weinidog ddiwedd eleni, da chi, peidiwch â'i gwneud yn Weinidog dros lywodraeth leol. [*Chwerthin.*]

Joyce Watson: A minnau wedi gwasanaethu ar y pwyllgor deddfwriaeth a fu'n ymdrin â Chyfnod 1 a Chyfnod 2 y Mesur arfaethedig, yr wyf yn falch o gael y cyfle i gyfrannu at y ddadl heddiw.

Wrth wraidd y Mesur arfaethedig mae ymrwymiad Llafur i wella'r cydlafrurio a'r cydweithredu rhwng partneriaid gwasanaethau lleol er mwyn cynorthwyo i ddarparu gwell gwasanaethau cyhoeddus sy'n canolbwyntio ar y dinesydd—byddai'n dda inni gofio hynny y prynhawn yma. Y nod yw gyrru ymlaen i wella pethau a chynorthwyo awdurdodau lleol i gyflawni hynny.

It bodes well for the proposed Measure that it has drawn widespread support from all sides of the Chamber and from local service providers themselves. The proposed Measure will empower local authorities to deliver improved services, which is what everyone wants.

There have been some sticking points, of course, and in that regard I have a question about the second group of amendments, on the power of direction, and section 30(6) of the proposed Measure in particular. It seems obvious that the main dividing line is on what role the Assembly Government should take when a local authority is failing in its delivery of a statutory service. I have argued, in opposition to Tory and Liberal Democrat Members, that in circumstances where it is appropriate and proper for the Minister to intervene, it is vital for democratic accountability that the responsibility rests with the Minister and with the Welsh Assembly Government rather than with any appointed official or body. I believe that it is vital that the buck stops with the Minister, and not only so that the public can have confidence, but because the Minister, who is duty bound to know what is happening in local government, is in the best position to act in such a case.

Peter Black: I have made the point several times already that it is important that this proposed Measure is not about the failure to deliver a statutory service. Ministers already have powers in that regard. The proposed Measure is about improving local authorities and what happens if the improvement does not succeed—that is, if the Minister considers that a local authority has failed to improve. There is a big difference between the two.

Joyce Watson: I understand that fully. If a Minister realises that an authority is unlikely to improve, it is the Minister who will have to take the rap if he or she does not intervene at that stage, before we end up with all those things that have been aired today.

Mae'n argoeli'n dda i'r Mesur arfaethedig ei fod wedi denu cefnogaeth eang o bob ochr i'r Siambr a chan ddarparwyr gwasanaethau lleol eu hunain. Bydd y Mesur arfaethedig yn grymuso awdurdodau lleol i ddarparu gwell gwasanaethau, sef yr hyn y mae pawb yn dymuno'i weld.

Mae ambell bwynt dyrys wedi codi, wrth gwrs, ac yn y cyswllt hwnnw, mae gennyf gwestiwn am yr ail grŵp o welliannau, ynglŷn â'r pŵer i gyfarwyddo, ac adran 30(6) y Mesur arfaethedig yn benodol. Mae'n amlwg, i bob golwg, mai'r brif rwystr sy'n ein gwahanu yw hwnnw sy'n penderfynu pa rôl y dylai Llywodraeth y Cynulliad ei chyflawni pan fydd awdurdod lleol yn methu a darparu gwasanaeth statudol. Yr wyf wedi dadlau, yn groes i Aelodau'r Torïaid a'r Democratiaid Rhyddfrydol, dan amgylchiadau lle mae'n briodol ac yn iawn i'r Gweinidog ymyrryd, ei bod yn hanfodol er mwyn sicrhau atebolrwydd democrataidd bod y cyfrifoldeb yn gorwedd gyda'r Gweinidog a chyda Llywodraeth y Cynulliad yn hytrach na chydag unrhyw swyddog neu gorff a benodir. Credaf ei bod yn hollbwysig mai'r Gweinidog sy'n ysgwyddo'r cyfrifoldeb yn y pen draw ac nid dim ond er mwyn i'r cyhoedd allu teimlo'n hyderus, ond oherwydd mai'r Gweinidog, y mae ganddo ddyletswydd i wybod beth sy'n digwydd mewn llywodraeth leol, sydd yn y lle gorau i weithredu mewn achos o'r fath.

Peter Black: Yr wyf wedi gwneud y pwynt droeon eisoes ei bod yn bwysig nad ymwneud â methu darparu gwasanaeth statudol y mae'r Mesur arfaethedig hwn. Mae gan Weinidogion bwerau yn y cyswllt hwnnw eisoes. Mae a wnelo'r Mesur arfaethedig â gwella awdurdodau lleol a'r hyn sy'n digwydd os nad ydynt yn llwyddo i wella—hynny yw, os yw'r Gweinidog o'r farn bod awdurdod lleol wedi methu gwella. Mae gwahaniaeth mawr rhwng y ddau.

Joyce Watson: Yr wyf yn deall hynny'n iawn. Os yw Gweinidog yn deall bod awdurdod yn annhebygol o wella, y Gweinidog fydd yn gorfod ysgwyddo'r bai oni fydd yn ymyrryd bryd hynny, cyn inni ddiweddu gyda'r holl bethau hynny sydd wedi'u gwyntyllu heddiw.

You have said previously, Minister, that, if there are particular circumstances in which an independent body could do the job, that option or contingency should be available. Can you outline the position and give a scenario in which it might happen? Can you clarify whether the Assembly Government would still take overall responsibility for stepping in such a case?

Brian Gibbons: In relation to Joyce's question, we can come back to that, if that is okay, at a later stage, because the point will probably be raised again with regard to other amendments. It might be more helpful to deal with that at that stage. I would be happy to deal with that point.

Darren and Jonathan made a fair point in their questions. If we were to consider these amendments and the sections of this proposed Measure in isolation, they would be particularly relevant questions. However, this particular section is part of a wider set of legislative proposals, which outline the wider improvement process that local authorities will be expected to have in place and, equally, the new, independent regulatory process that would be in place.

Any decisions taken in relation to sections 29 and 30 would happen in the context of what the various, previous stages brought forward—both the local authority's own assessment of its performance and the assessment of its performance put forward by the independent regulators. Therefore, as a fairly stable guy, the Minister would not come in on a Monday morning and decide to intervene with a particular local authority just because he had had a bad weekend. One could only intervene in the context of what was happening in the performance framework of that organisation, as outlined in the proposed Measure. There would be plenty of evidence or otherwise to justify that decision. Emergencies might occur that would not be covered as part of the wider improvement process, but in the main, the context and the criteria by which any decision would be made would be a consequence of the fundamental improvement agenda laid out elsewhere in the proposed Measure.

Yr ydych wedi dweud eisoes, Weinidog, os oes amgylchiadau penodol lle gallai corff annibynnol wneud y gwaith, y dylai'r dewis neu'r cam wrth gefn hwnnw fod ar gael. A allwch egluro'r safbwynt ac awgrymu sefyllfa lle y gallai hynny ddigwydd? A allwch egluro a fyddai Llywodraeth y Cynulliad yn dal i ysgwyddo'r cyfrifoldeb cyffredinol dros gamu i mewn, mewn achos o'r fath?

Brian Gibbons: O ran cwestiwn Joyce, gallwn ddychwelyd at hynny, os yw hynny'n iawn, rywbryd eto, oherwydd bydd y pwynt yn cael ei godi eto, mae'n debyg, gyda golwg ar welliannau eraill. Efallai y byddai'n fwy o gymorth ymdrin â hynny bryd hynny. Byddwn yn falch o ymdrin â'r pwynt hwnnw.

Gwnaeth Darren a Jonathan bwynt teg yn eu cwestiynau. Pe baem yn ystyried y gwelliannau hyn ac adrannau'r Mesur arfaethedig hwn ar eu pen eu hunain, byddent yn gwestiynau arbennig o berthnasol. Fodd bynnag, mae'r adran arbennig hon yn rhan o set ehangach o gynigion deddfwriaethol, sy'n amlinellu'r broses wella ehangach y disgwylir i awdurdodau lleol ei darparu ac, yn yr un modd, y broses reoleiddio annibynnol newydd a sefydlid.

Bydd unrhyw benderfyniadau a wneir yng nghyswllt adran 29 ac adran 30 yn digwydd yng nghyd-destun yr hyn a gyflwynwyd gan yr amrywiol gyfnodau blaenorol—asesiad yr awdurdod lleol o'i berfformiad ei hun a'r asesiad o'i berfformiad a gyflwynwyd gan y rheoleiddwyr annibynnol. Felly, fel unigolyn eithaf call, ni fyddai'r Gweinidog yn dod i mewn ar fore Llun ac yn penderfynu ymyrryd ag awdurdod lleol penodol ar sail y ffaith ei fod wedi cael penwythnos gwael. Dim ond yng nghyd-destun yr hyn a oedd yn digwydd yn fframwaith perfformiad y sefydliad hwnnw y gellid ymyrryd, fel yr amlinellir yn y Mesur arfaethedig. Byddai digonedd o dystiolaeth neu resymau eraill i gyfiawnhau'r penderfyniad hwnnw. Gallai argyfyngau ddigwydd na fyddai'r broses wella ehangach yn ymdrin â hwy, ond gan fwyaf, byddai'r cyd-destun a'r meini prawf ar gyfer gwneud unrhyw benderfyniad yn seiliedig ar yr agenda gwella sylfaenol a amlinellir yn rhywle arall yn y Mesur arfaethedig.

The proposals, particularly in relation to intervention, are substantially based on existing powers in section 15 of the Local Government Act 1999. As I said in the previous grouping, if anything, they are a slight step back from those powers, because we have section 29 preceding section 30, but these are most definitely powers of last resort and can only be implemented—except in an emergency—where support and other assistance have been offered prior to that.

In particular, the effect of including the words ‘likely to fail’ is very important, because it will enable Welsh Ministers to take preventative or proactive action in order to safeguard public services that are being delivered to citizens. In other words, I do not think that it is defensible that we could find ourselves in a situation in which we were waiting for the Titanic to hit the iceberg and to start sinking before we could start to take any action. However, amendments 19 to 23, if agreed, would remove the Ministers’ ability to take that preventative action and would not allow Ministers to use their powers to intervene until a Welsh improvement authority had failed to comply with Part 1 of the proposed Measure. It is true that we would need compelling evidence for such a failure, and as I said, the context would be set by the other stages of the proposed Measure, but it cannot be right that we would have to wait for a systemic failure to occur in a local authority, for services to be put widely at risk, for vulnerable people to be placed at risk and we would just sit there and twiddle our thumbs, waiting until actual damage occurred.

Peter Black: You have referred to vulnerable people being put at risk. To which particular service are you referring, because if you are talking about the education or social services departments, Ministers already have powers of intervention to deal with issues there? How does the proposed Measure add to those powers?

Brian Gibbons: In a number of instances, organisational failure is due to systemic

Mae’r cynigion, yn enwedig fel y maent yn ymwneud ag ymyrryd, wedi’u seilio’n sylweddol ar bwerau sy’n bodoli eisoes yn adran 15 Deddf Llywodraeth Leol 1999. Fel y dywedais yn y grŵp blaenorol, os oes gwahaniaeth rhyngddynt â’r pwerau hynny o gwbl, maent yn gam bach yn ôl, gan fod gennym adran 29 cyn adran 30, ond yn sicr y dewis olaf fydd defnyddio’r pwerau hyn, a hynny—heblaw mewn argyfwng—pan fydd cefnogaeth a chymorth arall wedi’u cynnig cyn hynny.

Yn benodol, mae effaith cynnwys y geiriau ‘tebygol o fethu’ yn bwysig iawn, gan y bydd yn galluogi Gweinidogion Cymru i weithredu’n ataliol neu’n rhagweithiol er mwyn diogelu gwasanaethau cyhoeddus sy’n cael eu darparu i ddinasyddion. Mewn geiriau eraill, nid wyf yn credu bod modd amddiffyn y ffaith y gallem fod mewn sefyllfa lle’r ydym yn aros i’r Titanic daro’r mynydd iâ a dechrau suddo cyn inni allu dechrau gweithredu. Fodd bynnag, byddai gwelliannau 19 i 23, pe cytunid arnynt, yn dileu gallu’r Gweinidogion i weithredu’n ataliol yn y modd hwnnw ac ni fyddent yn caniatáu i Weinidogion ddefnyddio eu pwerau i ymyrryd nes bod awdurdod gwella yng Nghymru wedi methu â chydymffurfio â Rhan 1 y Mesur arfaethedig. Mae’n wir y byddai arnom angen tystiolaeth gref o fethiant o’r fath, ac fel y dywedais, byddai cyfnodau eraill y Mesur arfaethedig yn gosod y cyd-destun, ond nid oes modd cyfiawnhau’r ffaith y byddai’n rhaid inni aros i fethiant systematig ddigwydd mewn awdurdod lleol, i wasanaethau gael eu peryglu’n gyffredinol, i bobl agored i niwed gael eu peryglu a ninnau’n eistedd yno’n gwneud dim, yn aros i niwed gwirioneddol ddigwydd.

Peter Black: Yr ydych wedi cyfeirio at beryglu pobl agored i niwed. At ba wasanaeth penodol yr ydych yn cyfeirio? Os ydych yn siarad am yr adrannau addysg neu wasanaethau cymdeithasol, mae gan Weinidogion eisoes bwerau ymyrryd i ymdrin â materion yn yr adrannau hyn. Sut y mae’r Mesur a gynigir yn ychwanegu at y pwerau hynny?

Brian Gibbons: Mewn nifer o achosion, bydd methiant trefniadol yn digwydd o

governance failure. In practice, if you look at many of the authorities that have failed, you will see that one of the problems has been that, while they have had an individual service failure, that service failure occurred in the context of a much deeper-seated, systemic and corporate failure in that organisation.

Ann Jones *rose*—

Brian Gibbons: If our powers are purely restricted to a narrow service area, that wider systemic failure in that organisation cannot be addressed. That is not a tolerable situation, and I do not think that any responsible Government could operate on that basis, and the public would not understand it if you tried to do so.

Ann Jones: You have answered my point.

Brian Gibbons: In relation to amendment 5, I fully acknowledge that removing authorities' discretion to take decisions is a very grave step. Neither I nor any of my predecessors have exercised section 15 powers, and it is my hope that no-one would ever have to exercise those particular powers. We should remember that intervention powers only exist to correct the situation in which an authority is demonstrably unable or unwilling to address its problems. That would clearly be a grave and unsatisfactory situation. In virtually all cases in which major service failure has occurred, denial and unwillingness to accept the seriousness of the situation has been a typical reaction, even in the face of fairly glaring evidence to the contrary.

5.50 p.m.

As I think Darren mentioned, addressing it can take months—indeed, years can go by—and we cannot allow that to happen. The Assembly Government needs to have powers, as a last resort, to execute the necessary action. Therefore, I cannot support amendment 5; it would effectively limit intervention to circumstances in which the authority itself would dictate the circumstances of the intervention, even if it were possible in advance to anticipate the

ganlyniad i fethiant llywodraethu systemig. Yn ymarferol, os edrychwch ar nifer o'r awdurdodau sydd wedi methu, gwelwch mai un o'r problemau oedd, er bod gwasanaeth unigol wedi methu, bod y gwasanaeth wedi methu yng nghyd-destun methiant llawer dyfnach, systemig a chorfforaethol yn y sefydliad hwnnw.

Ann Jones *a gododd*—

Brian Gibbons: Os caiff ein pwerau eu cyfyngu'n bur i faes gwasanaeth cul, ni fydd modd mynd i'r afael â'r methiant systemig ehangach yn y sefydliad hwnnw. Mae'r sefyllfa honno'n annerbyniol, ac ni chredaf y gallai unrhyw Lywodraeth gyfrifol weithredu ar y sail honno, ac ni fyddai'r cyhoedd yn deall pe baech yn ceisio gwneud hynny.

Ann Jones: Yr ydych wedi ateb fy mhwynt.

Brian Gibbons: Yng nghyswllt gwelliant 5, yr wyf yn cydnabod yn llwyr bod diddymu disgresiwn awdurdodau i wneud penderfyniadau'n gam difrifol iawn. Nid wyf fi na neb a ddaeth o'm blaen wedi defnyddio pwerau adran 15, a gobeithiaf na fyddai'n rhaid i neb byth ddefnyddio'r pwerau penodol hynny. Dylem gofio mai'r unig reswm pam mae pwerau ymyrryd yn bodoli yw i gywiro sefyllfa lle mae'n amlwg na all awdurdod fynd i'r afael â'i broblemau, neu lle nad yw'n fodlon gwneud hynny. Yn amlwg, byddai hynny'n sefyllfa ddifrifol ac anfoddfaol. Yn bron bob achos lle mae methiant difrifol wedi digwydd mewn gwasanaeth, yr ymateb nodweddiadol fu gwadu'r sefyllfa a gwrthod derbyn pa mor ddifrifol ydyw, hyd yn oed wrth wynebu tystiolaeth eithaf amlwg i'r gwrthwyneb.

Fel y dywedodd Darren, credaf, gall gymryd misoedd i fynd i'r afael â hyn—yn wir, gall blynyddoedd fynd heibio—ac ni allwn adael i hynny ddigwydd. Mae angen i Lywodraeth y Cynulliad gael pwerau, fel dewis olaf, i gymryd y camau angenrheidiol. Felly, ni allaf gefnogi gwelliant 5; byddai i bob diben yn cyfyngu ymyrryd i amgylchiadau lle'r awdurdod ei hun fyddai'n penderfynu ar amgylchiadau'r ymyriad, hyd yn oed pe bai'n bosibl inni ragweld ymlaen llaw yr

circumstances in which that service or improvement failure would occur. Intervention would happen only in cases where authorities had irredeemably been unable to manage their own affairs even with external support. One cannot meaningfully opt in or out of a regime that deals with what would be dire circumstances. Although no one would want us to contemplate the circumstances, there is no point in our pretending that they could not ever exist or that we should have a situation in which authorities, in the face of incontrovertible evidence of failure, were not willing to accept that they had a problem while Ministers were obliged, because of a lack of powers as a consequence of these amendments, to stand idly by. I therefore urge Members to reject these amendments.

Darren Millar: It has been good to hear the different contributions. I am particularly pleased to have the support of the Liberal Democrats for our amendments. At least they are enlightened about the existing powers, unlike the Minister and some of his own backbenchers. I think that he made an incredibly important point about the risk of allowing party politics to interfere with the process of intervention and to cloud the judgement of a Minister, whether it is this Minister or a Minister from any other party in the future. That is what we are seeking to take out of this—the ambiguity. That is what our amendments seek to address.

Ann Jones mentioned the fact that assistance could still be offered on the basis of other parts of the proposed Measure as it stands. There is no stopping a Minister's offering to intervene where it looks as though there will be a problem in future. I am sure that no right-minded authority would refuse that support. I could not agree more with Jonathan Morgan about not making Ann Jones any future Minister for local government, because it is clear that she does not believe in local government. Joyce Watson also failed to understand that there are existing powers to intervene. I am disappointed with the Minister's response. You recognise our concerns about the ambiguity, Minister—you acknowledged it in your opening remarks in response to these amendments. However, you

amgylchiadau a fyddai'n achosi i'r gwasanaeth neu'r gwelliant hwnnw fethu. Ni fyddai ymyrryd ond yn digwydd mewn achosion lle'r oedd awdurdodau wedi methu â rheoli eu materion eu hunain i raddau anadferadwy, hyd yn oed gyda chymorth allanol. Nid oes modd gwneud penderfyniad ystyrion i fod yn rhan, neu beidio â bod yn rhan, o system sy'n ymdrin ag amgylchiadau enbyd. Er na fyddai ar neb eisiau inni ystyried yr amgylchiadau, nid oes pwynt inni esgus na fyddent byth yn gallu digwydd neu y dylem gael sefyllfa lle nad oedd awdurdodau, yn wynebu tystiolaeth ddiymwad o fethiant, yn fodlon derbyn bod ganddynt broblem, tra bo Gweinidogion, oherwydd diffyg pwerau o ganlyniad i'r gwelliannau hyn, yn gorfod sefyll yno'n gwneud dim. Felly, yr wyf yn annog yr Aelodau i wrthod y gwelliannau hyn.

Darren Millar: Bu'n braf clywed y gwahanol gyfraniadau. Yr wyf yn arbennig o falch bod y Democratiaid Rhyddfrydol yn cefnogi ein gwelliannau. O leiaf maent hwy'n oleuedig o ran y pwerau presennol, yn wahanol i'r Gweinidog a rhai o'i feincwyr cefn. Credaf ei fod wedi gwneud pwynt pwysig dros ben am berygl gadael i wleidyddiaeth plaid darfu ar broses ymyrryd a chymylu barn Gweinidog, boed ef y Gweinidog hwn ynteu Weinidog o unrhyw blaid arall yn y dyfodol. Dyna'r hyn yr ydym yn ceisio'i dynnu allan o'r broses—yr amwyster. Dyna'r hyn y mae ein gwelliannau'n ceisio ei gyflawni.

Soniodd Ann Jones am y ffaith y gellid parhau i gynnig cymorth ar sail rhannau eraill o'r Mesur arfaethedig fel y mae ar hyn o bryd. Nid oes dim yn atal Gweinidog rhag cynnig ymyrryd os yw'n ymddangos y bydd problem yn y dyfodol. Yr wyf yn siŵr na fyddai dim awdurdod yn ei iawn bwyll yn gwrthod y gefnogaeth honno. Ni allwn gytuno'n gryfach â Jonathan Morgan am beidio â gwneud Ann Jones yn Weinidog dros lywodraeth leol yn y dyfodol, gan ei bod yn amlwg nad yw hi'n credu mewn llywodraeth leol. Mae Joyce Watson hefyd wedi methu deall y ceir pwerau i ymyrryd eisoes. Yr wyf wedi fy siomi yn ymateb y Gweinidog. Yr ydych yn cydnabod ein pryderon am amwyster, Weinidog—cydnabuoch hyn yn eich sylwadau agoriadol

then go on to do absolutely nothing to address the issue. I know that you have that sinking feeling—that is why you referred to the Titanic—and there is no party that knows as well as yours what it is like to be on a course to doomsday, but I must say that I am disappointed that you are not accepting our amendments.

I wish to reiterate a few points. We are very concerned about the ambiguity in section 30. I know that you have sought to clarify your position, Minister, but I believe that you are going to have to go on trying to clarify your position in future, because, as it stands, the proposed Measure does not deliver a clear definition of failure and too much is left to the discretion of you and your colleagues. You cannot choose to intervene in the running of a Welsh improvement authority when the authority itself is not actually failing. It is a fundamental flaw in the proposed Measure, which our amendments seek to address. As it stands, section 30 still poses a risk to local democracy and increases your powers beyond what we consider reasonable. I will say it again: a policy based on pre-emptive discretion over possible future failure is not good at all. I therefore urge Members to support our amendments.

The Presiding Officer: I understand that you wish to move to a vote on amendment 19.

Y cwestiwn yw y dylid cytuno ar welliant 19. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

wrth ymateb i'r gwelliannau hyn. Fodd bynnag, nid ydych yna'n gwneud dim i fynd i'r afael â'r mater. Gwn eich bod yn teimlo eich bod yn suddo—dyna pam y cyfeiriasoch at y Titanic—ac nid oes dim plaid yn gwybod cystal â'ch un chi sut beth yw bod ar daith at ddydd y farn, ond rhaid imi ddweud fy mod wedi fy siomi nad ydych yn derbyn ein gwelliannau.

Hoffwn ailadrodd rhai pwyntiau. Yr ydym yn pryderu'n fawr am yr amwyster yn adran 30. Gwn eich bod wedi ceisio egluro eich safbwynt, Weinidog, ond credaf y bydd rhaid ichi barhau i geisio egluro eich safbwynt yn y dyfodol, oherwydd, ar hyn o bryd, nid yw'r Mesur arfaethedig yn rhoi diffiniad clir o fethiant ac mae gormod yn dibynnu ar eich penderfyniadau chi a'ch cyd-Weinidogion. Ni allwch ddewis ymyrryd â rhedeg awdurdod gwella yng Nghymru pan nad yw'r awdurdod ei hun yn methu. Mae'n un o ddiffygion sylfaenol y Mesur arfaethedig, a nod ein gwelliannau yw mynd i'r afael â hynny. Ar hyn o bryd, mae adran 30 yn dal i beri risg i ddemocratiaeth leol ac yn cynyddu eich pwerau y tu hwnt i'r hyn yr ydym yn ystyried sy'n rhesymol. Dywedaf eto: nid yw polisi sy'n seiliedig ar ddisgresiwn rhagblaen dros fethiant posibl yn y dyfodol yn beth da o gwbl. Felly, yr wyf yn annog yr Aelodau i gefnogi ein gwelliannau.

Y Llywydd: Yr wyf yn deall eich bod am symud i bleidlais ar welliant 19.

The question is that amendment 19 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 19: O blaid 14, Ymatal 0, Yn erbyn 33.
Amendment 19: For 14, Abstain 0, Against 33.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John

Randerson, Jenny
Williams, Brynle
Williams, Kirsty

Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 19.
Amendment 19 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 19, yn dilyn y rhestr o welliannau mewn trefn symudwn i waredu gwelliant 20. Yr wyf yn gwahodd Darren Millar i gynnig gwelliant 20 yn ffurfiol.

Darren Millar: I move amendment 20 in my name and with the name of Peter Black in support.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 20. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: Given that we have disposed of amendment 19, in accordance with the marshalled list we come to dispose of amendment 20. I invite Darren Millar to formally move amendment 20.

Darren Millar: Cynigiau welliant 20 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

The Presiding Officer: The question is that amendment 20 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 20: O blaid 14, Ymatal 0, Yn erbyn 33.
Amendment 20: For 14, Abstain 0, Against 33.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred

Jones, Ann
 Jones, Carwyn
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Law, Trish
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd gwelliant 20.
 Amendment 20 not agreed.*

Y Llywydd: Symudwn at waredu gwelliant 21 ar dudalen 3. Yr wyf yn gwahodd Darren Millar i gynnig gwelliant 21 yn ffurfiol.

Darren Millar: I move amendment 21 in my name and with the name of Peter Black in support.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 21. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: We come to dispose of amendment 21 on page 3. I invite Darren Millar to formally move amendment 21.

Darren Millar: Cynigiau welliant 21 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

The Presiding Officer: The question is that amendment 21 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 21: O blaid 12, Ymatal 0, Yn erbyn 33.
 Amendment 21: For 12, Abstain 0, Against 33.*

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

Black, Peter
 Burnham, Eleanor
 Cairns, Alun
 Davies, Andrew R.T.
 Davies, Paul
 German, Michael
 Graham, William
 Millar, Darren
 Morgan, Jonathan
 Ramsay, Nick
 Randerson, Jenny
 Williams, Kirsty

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

Andrews, Leighton
 Asghar, Mohammad
 Cuthbert, Jeff
 Davidson, Jane
 Davies, Alun
 Davies, Andrew
 Davies, Jocelyn
 Evans, Nerys
 Franks, Chris
 Gibbons, Brian
 Griffiths, John
 Griffiths, Lesley
 Hutt, Jane
 James, Irene
 Jenkins, Bethan
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Law, Trish

Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd gwelliant 21.
 Amendment 21 not agreed.*

Y Llywydd: Symudwn at waredu gwelliant 22. Yr wyf yn gwahodd Darren Millar i gynnig gwelliant 22 yn ffurfiol.

The Presiding Officer: We come to dispose of amendment 22. I invite Darren Millar to formally move amendment 22.

Darren Millar: I move amendment 22 in my name and with the name of Peter Black in support.

Darren Millar: Cynigiaf welliant 22 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 22. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 22 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 22: O blaid 13, Ymatal 0, Yn erbyn 33.
 Amendment 22: For 13, Abstain 0, Against 33.*

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

Black, Peter
 Burnham, Eleanor
 Cairns, Alun
 Davies, Andrew R.T.
 Davies, Paul
 German, Michael
 Graham, William
 Millar, Darren
 Morgan, Jonathan
 Ramsay, Nick
 Randerson, Jenny
 Williams, Brynle
 Williams, Kirsty

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

Andrews, Leighton
 Asghar, Mohammad
 Cuthbert, Jeff
 Davidson, Jane
 Davies, Alun
 Davies, Andrew
 Davies, Jocelyn
 Evans, Nerys
 Franks, Chris
 Gibbons, Brian
 Griffiths, John
 Griffiths, Lesley
 Hutt, Jane
 James, Irene
 Jenkins, Bethan
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Law, Trish
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl

Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 22.
Amendment 22 not agreed.*

Y Llywydd: Symudwn at waredu gwelliant 23. Yr wyf yn gwahodd Darren Millar i gynnig gwelliant 23 yn ffurfiol.

Darren Millar: I move amendment 23 in my name and with the name of Peter Black in support.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 23. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: We come to dispose of amendment 23. I invite Darren Millar to formally move amendment 23.

Darren Millar: Cynigiaf welliant 23 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

The Presiding Officer: The question is that amendment 23 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 23: O blaid 14, Ymatal 0, Yn erbyn 32.
Amendment 23: For 14, Abstain 0, Against 32.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 23.
Amendment 23 not agreed.*

Y Llywydd: Symudwn at waredu gwelliant 5. Yr wyf yn gwahodd Peter Black i gynnig gwelliant 5 yn ffurfiol.

Peter Black: I move amendment 5 in my name and with the name of Darren Millar in support.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 5. A oes unrhyw wrthwynebiad? Gwelfaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: We come to dispose of amendment 5. I invite Peter Black to formally move amendment 5.

Peter Black: Cynigiau welliant 5 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

The Presiding Officer: The question is that amendment 5 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 5: O blaid 14, Ymatal 0, Yn erbyn 33.
Amendment 5: For 14, Abstain 0, Against 33.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 5.
Amendment 5 not agreed.*

**Pwerau Cyfarwyddo mewn Perthynas â Threfniadau Cydlafurio (Gwelliannau 24 a 16)
Powers of Direction in Respect of Collaboration Arrangements (Amendments 24 and 16)**

Y Llywydd: Mae'r trydydd grŵp yn ymdrin â phwerau cyfarwyddo mewn perthynas â threfniadau cydlafurio. Gwelliant 24 yw'r

The Presiding Officer: The first group of amendments relates to powers of direction in respect of collaboration arrangements.

prif welliant, sydd ar dudalen 4 o restr y gwelliannau wedi'u gosod mewn trefn. Galwaf ar Darren Millar i gynnig gwelliant 24 a siarad am y gwelliant arall yn y grŵp.

Darren Millar: I move amendment 24 in my name and with the name of Peter Black in support.

Amendment 24 seeks to deal with collaboration. The current proposal is somewhat akin to an arranged marriage where you have the power to direct Welsh improvement authorities into collaboration arrangements as you see fit. At Stage 1, the majority of evidence provided by organisations to the committee expressed a great deal of concern over this particular provision. One council, namely Carmarthenshire, said that powers to direct collaboration were inappropriate at this stage, while another local authority said that councils should be fully consulted before any form of direction and intervention is implemented—an argument with which we, the Welsh Conservatives, wholeheartedly agree.

At Stage 2, the committee heard strong opposition to the powers to direct collaboration. While we accept that, in some circumstances, it would be beneficial to encourage local authorities to collaborate, it is important that safeguards are in place to prevent such arrangements being forced through by you, as Minister. In its present form, there are simply not enough requirements for Ministers to consult with Welsh improvement authorities and key stakeholders. That is why our amendment makes full use of the consultation process as the best way forward in seeking collaboration between authorities.

6.00 p.m.

Amendment 16 is also related to the powers that the Measure seeks to bestow upon the Minister. Frankly, we feel that the whole of section 31 goes a step too far. It needs to be clear that we do not believe that it is right that the Minister should have the powers to force a successful local authority or Welsh improvement authority to collaborate with another authority. So far, we have discussed

Amendment 24 is the lead amendment, which is on page 4 of the marshalled list. I call on Darren Millar to move amendment 24 and to speak to the other amendment in the group.

Darren Millar: Cynigiaf welliant 24 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

Nod gwelliant 24 yw ymdrin â chydlafurio. Mae'r cynnig presennol ychydig yn debyg i briodas drwy drefniant lle mae gennych y pŵer i gyfeirio awdurdodau gwella Cymru i drefniadau cydlafurio fel y mynnwch. Yng Nghyfnod 1, yr oedd y rhan fwyaf o'r dystiolaeth a ddarparwyd gan sefydliadau i'r pwyllgor yn mynegi llawer o bryder am y ddarpariaeth hon. Dywedodd un cyngor, sef Sir Gaerfyrddin, fod y pwerau i gyfeirio cydlafurio'n amhriodol ar hyn o bryd, a dywedodd awdurdod lleol arall y dylid ymgynghori'n llawn â chynghorau cyn y gweithredir unrhyw ffurf o gyfeirio ac ymyrryd—ac yr ydym ni, y Ceidwadwyr Cymreig, yn cytuno i'r carn â'r ddadl hon.

Yng Nghyfnod 2, clywodd y pwyllgor wrthwynebiad cryf i'r pwerau i gydlafurio uniongyrchol. Er ein bod yn derbyn, dan rai amgylchiadau, y byddai annog awdurdodau lleol i gydlafurio'n beth buddiol, mae'n bwysig bod dulliau diogelu ar waith i atal trefniadau o'r fath rhag cael eu gorfodi gennych chi, y Gweinidog. Yn y ffurf bresennol, nid oes digon o ofynion i Weinidogion ymgynghori ag awdurdodau gwella Cymru a rhanddeiliaid allweddol. Dyna pam mae ein gwelliant yn defnyddio'r broses ymgynghori'n llawn fel y ffordd orau ymlaen wrth geisio cydlafurio rhwng awdurdodau.

Mae gwelliant 16 hefyd yn gysylltiedig â'r pwerau y byddai'r Mesur yn eu rhoi i'r Gweinidog. A bod yn blwmp ac yn blaen, yr ydym yn teimlo bod adran 31 i gyd yn mynd gam yn rhy bell. Mae angen bod yn glir nad ydym yn teimlo ei bod yn iawn y dylai fod gan Weinidog y pwerau i orfodi awdurdod lleol neu awdurdod gwella Cymru llwyddiannus i gydweithio ag awdurdod arall.

failing authorities. It is one thing to intervene in a failing authority, Minister, it is quite another to give you powers, as the proposed Measure does as it is currently written, to intervene in successful local authorities that are doing a decent job. Successful local authorities should also not be forced to take on the responsibility of a failing authority. That threatens the whole democratic process, and is entirely inappropriate. Ministers should not be able to ride roughshod over local democracy and over the autonomy of local councils. We have some excellent local authorities in Wales, such as Monmouthshire, and it would be completely unfair to force them into collaborative arrangements with other Welsh local authorities against their wishes. Local democracy must have a say in this process. Collaboration should be encouraged where it would be beneficial, but it should not be imposed at the expense of local decision making.

The Welsh Conservatives are great supporters of localism, as the Minister will know; we believe in real devolution, and section 31 of the proposed Measure flies in the face of those principles. That is why we want to see it removed. We will soon celebrate the tenth anniversary of the National Assembly for Wales—10 years of devolution in which, in theory, power and decision making have been brought closer to the people of Wales. It would be a tragedy if the Labour-Plaid Government were to mark this occasion by sucking more power away from local people and communities, which is exactly what section 31 of the proposed Measure does. Such decisions need to remain firmly in the hands of locally elected representatives, who understand the needs of their local towns, villages and communities. Any collaboration must be as a result of extensive consultation, and not the result of one person's decision. A local authority may already be in successful collaborative arrangements with another local authority on a voluntary basis. Would you intervene in those arrangements, Minister, and force that authority to collaborate with another against its choice and tear up its collaborative agreement with the other authority? It could even be that a local authority is providing highly successful and quality services in

Hyd yma, yr ydym wedi trafod awdurdodau sy'n methu. Un peth yw ymyrryd mewn awdurdod sy'n methu, Weinidog, ond peth arall yn llwyr yw rhoi pwerau i chi, fel y gwna'r Mesur arfaethedig fel y'i hysgrifennwyd ar hyn o bryd, i ymyrryd mewn awdurdodau lleol llwyddiannus sy'n gwneud gwaith go dda. Ni ddylid gorfodi awdurdodau lleol llwyddiannus ychwaith i ysgwyddo cyfrifoldeb awdurdod sy'n methu. Mae hynny'n bygwth y broses ddemocrataidd gyfan, ac mae'n gwbl amhriodol. Ni ddylai Gweinidogion allu sathru ar ddemocratiaeth leol ac ar ymreolaeth cynghorau lleol. Mae gennym rai awdurdodau lleol ardderchog yng Nghymru, fel Sir Fynwy, a byddai'n gwbl annheg eu gorfodi i gael trefniadau cydweithio ag awdurdodau lleol eraill yng Nghymru yn groes i'w dymuniadau. Rhaid i ddemocratiaeth leol gael dweud ei dweud yn y broses hon. Dylid annog cydweithio lle byddai o fudd, ond ni ddylid ei orfodi ar draul gwneud penderfyniadau yn lleol.

Mae'r Ceidwadwyr Cymreig yn cefnogi brogarwch yn frwd, fel y gwyr y Gweinidog; credwn mewn datganoli go iawn, ac mae adran 31 o'r Mesur arfaethedig yn mynd yn groes i'r egwyddorion hynny. Dyna pam mae arnom eisiau gweld ei dileu. Cyn hir, byddwn yn dathlu degfed pen-blwydd Cynulliad Cenedlaethol Cymru—10 mlynedd o ddatganoli ac ynddynt, mewn egwyddor, daethpwyd â phŵer a phrosesau gwneud penderfyniadau'n agosach at bobl Cymru. Byddai'n drychinebus pe bai'r Llywodraeth Lafur-Plaid yn dathlu'r achlysur hwn drwy sugno mwy o bŵer oddi wrth bobl a chymunedau lleol—dyma'n union a wna adran 31 o'r Mesur arfaethedig. Mae angen gadael y fath benderfyniadau'n ddiogel yn nwylo cynrychiolwyr a etholir yn lleol, sy'n deall anghenion eu trefi, eu pentrefi a'u cymunedau lleol. Rhaid i unrhyw gydweithio fod o ganlyniad i ymgynghori helaeth, ac nid penderfyniad unigolyn. Gallai awdurdod lleol fod yn cydweithio'n llwyddiannus eisoes ag awdurdod lleol arall yn wirfoddol. A fydddech chi'n ymyrryd yn y trefniadau hynny, Weinidog, ac yn gorfodi'r awdurdod hwnnw i gydweithio ag un arall yn groes i'w ewyllys a thorri ei gytundeb cydweithio â'r awdurdod arall yn ddarnau? Efallai hyd yn oed bod awdurdod lleol yn darparu gwasanaethau graenus a llwyddiannus iawn mewn

conjunction with an English local authority, something which I do not think that there should be a barrier against, unlike some of your Plaid colleagues, I am sure. It would be entirely inappropriate to use these powers of direction to force authorities in such a position to collaborate with a failing improvement authority elsewhere. We should not forget that section 31 would allow a Minister to use powers of direction to intervene in not failing, but successful, local authorities against their wishes. That can never be appropriate, and I therefore urge Members to support our amendments.

Peter Black: I am happy to support Darren and the Welsh Conservatives in relation to these amendments. I want to refer briefly to what the Minister said in summing up on the last group of amendments, because I think that it also applies to the question of collaboration. The Minister talked earlier about the systemic failure of a local authority and how we would need to intervene. Presumably, he could use that intervention to force collaboration to try to deal with that issue. He talked about it as if the proposed Measure exists to deal with those particular circumstances, when the Minister already has powers to deal with systemic failures of the sort that he outlined under separate legislation. This proposed Measure is about the Wales improvement programme and how local authorities improve—it is not about failure. That is important in how we discuss this issue.

With regard to collaboration between local authorities, there is a real danger that if you begin to force local authorities to collaborate when they do not wish to do so, that will lead to a situation where an authority that is doing particularly well in terms of improvement is held back from improving further. We would expect this sort of collaboration to take place if an authority had already failed, but when an authority is doing particularly well we feel that that authority should be allowed to continue to improve without being dragged into an arrangement with another authority that the Minister believes is not doing as

cydweithrediad ag awdurdod lleol yn Lloegr, rhywbeth na chredaf y dylid ei rwystro, yn wahanol i rai o'ch cyd-Aelodau ym Mhlaid Cymru, yr wyf yn siŵr. Byddai'n gwbl amhriodol defnyddio'r pwerau cyfarwyddo hyn i orfodi awdurdodau mewn sefyllfa o'r fath i gydweithio ag awdurdod gwella sy'n methu yn rhywle arall. Ni ddylem anghofio y byddai adran 31 yn caniatáu Gweinidog i ddefnyddio pwerau cyfarwyddo i ymyrryd mewn awdurdodau lleol llwyddiannus, nid rhai sy'n methu, yn groes i'w dymuniadau. Ni fydd hynny byth yn briodol, ac yr wyf felly'n erfyn ar Aelodau i gefnogi ein gwelliannau.

Peter Black: Yr wyf yn falch o gefnogi Darren a'r Ceidwadwyr Cymreig yng nghyswllt y gwelliannau hyn. Mae arnaf eisiau cyfeirio'n gyflym at yr hyn a ddywedodd y Gweinidog wrth grynhoi'r grŵp diwethaf o welliannau, oherwydd credaf ei fod hefyd yn berthnasol i'r pwynt ynghylch cydweithio. Siaradodd y Gweinidog yn gynharach am fethiant systemig awdurdod lleol a sut y byddai angen inni ymyrryd. Gellid tybio y gallai ddefnyddio'r ymyriad hwnnw i orfodi cydweithio i geisio ymdrin â'r mater hwnnw. Siaradodd amdano fel pe bai'r Mesur arfaethedig yn bodoli i ymdrin â'r amgylchiadau arbennig hynny, pan fo pwerau gan y Gweinidog eisoes i ymdrin â methiannau systemig o'r math a amlinellodd o dan ddeddfwriaeth wahanol. Mae'r Mesur arfaethedig hwn yn ymwneud â rhaglen Cymru ar gyfer gwella a sut mae awdurdodau lleol yn gwella—nid yw'n ymwneud â methu. Mae hynny'n bwysig yn y modd y trafodwn y mater hwn.

O ran cydweithio rhwng awdurdodau lleol, ceir perygl gwirioneddol, os byddwch yn dechrau gorfodi awdurdodau lleol i gydweithio pan nad ydynt yn dymuno gwneud hynny, y bydd hynny'n arwain at atal awdurdod sy'n gwneud yn arbennig o dda o ran gweliant rhag gwella ymhellach. Byddem yn disgwyl i'r math hwn o gydweithio ddigwydd pe bai awdurdod wedi methu eisoes, ond pan fo awdurdod yn gwneud yn arbennig o dda teimlwn y dylid caniatáu i'r awdurdod hwnnw barhau i wella heb gael ei dynnu i drefniant ag awdurdod arall nad yw'n gwneud cystal ym marn y

well. In saying that, I am not opposing collaboration, because, in a number of instances, the type of collaboration that is available at the moment to local authorities on a voluntary basis can be valuable, and I will refer to what is happening in Swansea with social services in this regard. The new cabinet member for social services in Swansea is benefiting quite a lot from talking to the cabinet member for social services in Cardiff, who has already gone through such an issue and has turned that authority around as a result. Such collaboration is valuable. However, if the cabinet member was reluctant to collaborate in that way, it would not work as well.

Amendment 16 would remove section 31 entirely, but allows for collaboration when authorities are failing and, as a result, does not damage the original intention of the proposed Measure. Amendment 24 would introduce consultation so that, if the Ministers decide that they want a failing authority to collaborate, then a consultation should be conducted first. We believe that this is the right way forward and that for collaboration to be on a voluntary basis is the only way to ensure that it is successful. That is why I am happy to support these amendments.

Ann Jones: Once again, I cannot see what you think that you are going to do. All you are doing is taking away the power to collaborate. You say that it is about local democracy, but Peter mentioned how successfully Cardiff is helping Swansea—

Peter Black: It has the power to do so.

Ann Jones: That is right. I would like to think that local government is a family. Part of being a member of the Labour Party and part of being a socialist is that we help everyone. All that I have heard from the opposition is: 'I'm all right, Jack; if my authority is okay, we do not want to talk to any others that are failing. We do not want Ministers telling us to go and help others.' That is not how I see local government working. That is not why I came into politics:

Gweinidog. O ddweud hynny, nid wyf yn gwrthwynebu cydweithio, oherwydd, yn aml, gall y math o gydweithio sydd ar gael ar hyn o bryd i awdurdodau lleol yn wirfoddol fod yn werthfawr, a chyfeiriaf at yr hyn sy'n digwydd yn Abertawe gyda gwasanaethau cymdeithasol yn hyn o beth. Mae'r aelod cabinet newydd ar gyfer gwasanaethau cymdeithasol yn Abertawe yn elwa cryn dipyn o siarad â'r aelod cabinet ar gyfer gwasanaethau cymdeithasol yng Nghaerdydd, sydd eisoes wedi cael profiad o'r fath ac wedi trawsnewid yr awdurdod hwnnw o ganlyniad. Mae'r math hwn o gydweithio'n werthfawr. Fodd bynnag, pe bai'r aelod cabinet yn anfodlon cydweithio yn y modd hwnnw, ni fyddai'n gweithio cystal.

Byddai gwelliant 16 yn dileu adran 31 yn llwyr, ond mae'n caniatáu ar gyfer cydweithio pan fo awdurdodau'n methu ac, o ganlyniad, nid yw'n niweidio bwriad gwreiddiol y Mesur arfaethedig. Byddai gwelliant 24 yn cyflwyno ymgynghoriad ac felly, pe bai'r Gweinidogion yn penderfynu bod arnynt eisiau i awdurdod sy'n methu gydweithio, dylid cynnal ymgynghoriad yn gyntaf. Credwn mai dyma'r ffordd gywir ymlaen ac mai cydweithio'n wirfoddol yw'r unig ffordd i sicrhau ei fod yn llwyddiannus. Dyna pam yr wyf yn hapus i gefnogi'r gwelliannau hyn.

Ann Jones: Unwaith eto, ni allaf weld yr hyn y credwch eich bod am ei wneud. Y cyfan yr ydych yn ei wneud yw dileu'r pŵer i gydweithio. Dywedwch ei fod yn ymwneud â democratiaeth leol, ond soniodd Peter mor llwyddiannus y mae Caerdydd yn helpu Abertawe—

Peter Black: Mae ganddo'r pŵer i wneud hynny.

Ann Jones: Dyna ni. Hoffwn feddwl mai teulu yw llywodraeth leol. Un elfen o fod yn aelod o'r Blaid Lafur ac o fod yn sosialydd yw ein bod yn helpu pawb. Y cyfan yr wyf wedi'i glywed gan yr wrthblaid yw: 'Yr wyf fi'n iawn; os yw fy awdurdod i'n iawn, nid ydym eisiau siarad ag unrhyw rai eraill sy'n methu. Nid oes arnom eisiau Gweinidogion yn dweud wrthym am fynd i helpu eraill.' Nid dyna sut y gwelaf lywodraeth leol yn gweithio. Nid dyna pam y deuthum i fyd

I came into politics to see local government thrive and authorities help one another. That is probably the difference between you and me.

Ministers have to have the right to say that someone will work alongside authorities. I know that Peter will tell me that this is only about improvement journeys, but even improvement journeys are difficult in certain authorities, because they will not accept that they need that improvement journey to start with. Once they accept that they need an improvement journey, if they do not want to collaborate, where are we? We will go to consultation. How long will that take? At the bottom of all of this is a set of residents that have been failed or are being failed. Whatever we say, whichever service you want to look at—transport, education, social services, parks, gardens, allotments, you name it—they are being failed because that authority is failing. If the Minister does not have that power of direction, then we are letting local government down. One of the first comments that I made in this debate was that if local authorities are doing everything right, they have nothing to fear from this proposed Measure.

Jonathan Morgan: I speak in support of amendments 24 and 16. I would first like to say that I agree with Darren Millar that section 31, as drafted, will allow direct intervention by Ministers in successful local authorities. Even if that is not the intention of what is written, it is certainly a potential consequence of what has been drafted in section 31. For a section that is relatively short on text, it has quite a significant meaning in its application. It is quite a clumsy part of the Measure. The power of direction is very severe. It is stated that:

‘A direction given under this section shall be enforceable by mandatory order on the application of the Welsh Ministers.’

It is pretty clear that the Assembly

gwleidyddiaeth: deuthum i fyd gwleidyddiaeth i weld llywodraeth leol yn ffynnu ac awdurdodau'n helpu ei gilydd. Mae'n siŵr mai dyna'r gwahaniaeth rhyngoch chi a mi.

Rhaid i Weinidogion gael yr hawl i ddweud y bydd rhywun yn gweithio ochr yn ochr ag awdurdodau. Gwn y bydd Peter yn dweud wrthyf mai dim ond ymwneud â siwrneiau gwella mae hyn, ond mae hyd yn oed siwrneiau gwella yn anodd mewn rhai awdurdodau, gan na fyddant yn derbyn bod angen y siwrnai wella honno arnynt i ddechrau. Pan fyddant yn derbyn bod angen siwrnai wella arnynt, os nad oes arnynt eisiau cydweithio, ble yr ydym ni? Awn at ymgynghoriad. Faint o amser y bydd hynny'n ei gymryd? Ar waelod hyn i gyd mae set o breswylwyr sydd wedi'u methu neu sy'n cael eu methu. Beth bynnag a ddywedwn, pa wasanaeth bynnag yr hoffech edrych arno—trafnidiaeth, addysg, gwasanaethau cymdeithasol, parciau, gerddi, rhandiroedd, dywedwch chi—maent yn cael eu methu gan fod yr awdurdod hwnnw'n methu. Os nad oes gan y Gweinidog y pŵer cyfarwyddo hwnnw, yr ydym yn siomi llywodraeth leol. Un o'r sylwadau cyntaf a wneuthum yn y ddadl hon oedd nad oes gan awdurdodau lleol ddim i'w ofni o'r Mesur arfaethedig hwn os ydynt yn gwneud popeth yn iawn.

Jonathan Morgan: Siaradaf o blaid gwelliannau 24 ac 16. Hoffwn ddweud yn gyntaf fy mod yn cytuno â Darren Millar y bydd adran 31, fel y'i drafftiiwyd, yn caniatáu Aelodau i ymyrryd yn uniongyrchol mewn awdurdodau lleol llwyddiannus. Hyd yn oed os nad hynny yw bwriad yr hyn a ysgrifennwyd, mae'n bendant yn un o ganlyniadau posibl yr hyn a ddrafftiiwyd yn adran 31. Ac ystyried ei bod yn adran gymharol fer o ran testun, mae iddi ystyr eithaf arwyddocaol o'i chymhwyso. Mae'n rhan eithaf lletchwith o'r Mesur. Mae pŵer cyfarwyddo'n ddifrifol iawn. Dywedir y bydd:

‘cyfarwyddyd a roddir o dan yr adran hon yn gyfarwyddyd y gellir ei orfodi drwy orchymyn mandadol ar gais Gweinidogion Cymru.’

Mae'n eithaf clir fod ar Lywodraeth y

Government wants to be able to tell an authority that is not failing, or is not at risk of failing, that it shall enter into a collaboration arrangement with an authority that is failing. That is a clear intention of the Assembly Government. However, what the Minister said to the committee at Stage 1 was very different. When he was being questioned about the powers of direction to collaborate, he said,

‘However, there might be circumstances in which the better local authority would not want to help the failing authority, for reasons that could be quite substantial, and it is in no-one’s interest for a good authority to be dragged down by a failing one.’

He went on to say,

‘I agree that if an organisation absolutely, categorically, 110 per cent refused to engage, it would probably be counterproductive to use the powers of direction to enforce collaboration.’

Which is it? Either the Assembly Government will use the big hand and enforce this power of direction and ensure that a successful local authority collaborates with a failing local authority, or it takes the rather more relaxed attitude of saying that if a successful local authority does not want to collaborate, then there is not a great deal that we can do to enforce that. What the Minister told the committee is fundamentally different to what is written in the legislation. The Minister’s decision stands. In the legislation the Minister, having first consulted the authority and having considered what the authority has said about the requirement to collaborate with the failing authority, could still go ahead to issue the power of direction anyway.

6.10 p.m.

As we discussed in relation to a previous group of amendments, where there is a duty to consult, as the Government said, there is a duty on the part of Government to consider what is said in the consultation. However, there is no duty on the Government to do exactly as that authority says. Therefore, if a

Cynulliad eisiau gallu dweud wrth awdurdod nad yw’n methu, neu nad yw mewn perygl o fethu, y bydd yn mynd i gytundeb cydweithio ag awdurdod sy’n methu. Dyna un o fwriadau clir Llywodraeth y Cynulliad. Fodd bynnag, yr oedd yr hyn a ddywedodd y Gweinidog wrth y pwyllgor yng Nghyfnod 1 yn wahanol iawn. Wrth gael ei holi am y pwerau cyfarwyddo i gydweithio, dywedodd,

Fodd bynnag, efallai bydd amgylchiadau lle na fyddai’r awdurdod lleol gwell eisiau helpu’r awdurdod sy’n methu, am resymau a allai fod yn eithaf sylweddol, ac nid yw’n llesol i neb os bydd awdurdod sy’n methu’n tynnu awdurdod da yn ôl.

Aeth ymlaen i ddweud,

Pe bai sefydliad yn gwrthod cymryd rhan yn llwyr, yn bendant, 110 y cant, cytunaf y byddai’n fwy na thebyg yn wrthgynhyrchiol defnyddio’r pwerau cyfarwyddo i orfodi cydweithio.

P’un ydw? Naill ai bydd Llywodraeth y Cynulliad yn defnyddio’i phŵer ac yn gorfodi’r pŵer cyfarwyddo hwn ac yn sicrhau bod awdurdod lleol llwyddiannus yn cydweithio ag awdurdod lleol sy’n methu, neu bydd ganddi agwedd ychydig yn fwy hamddenol o ddweud os nad yw awdurdod lleol llwyddiannus yn dymuno cydweithio, nad oes llawer iawn y gallwn ei wneud i orfodi hynny. Mae’r hyn a ddywedodd y Gweinidog wrth y pwyllgor yn gwbl wahanol i’r hyn a ysgrifennwyd yn y ddeddfwriaeth. Mae penderfyniad y Gweinidog yn sefyll. Yn y ddeddfwriaeth gallai’r Gweinidog, wedi ymgynghori’n gyntaf â’r awdurdod ac wedi ystyried yr hyn mae’r awdurdod wedi’i ddweud am y gofyniad i gydweithio â’r awdurdod sy’n methu, fynd yn ei flaen o hyd i gyhoeddi’r pŵer cyfarwyddo beth bynnag.

Fel y trafodasom yng nghyswllt y grŵp blaenorol o welliannau, os oes dyletswydd i ymgynghori, fel y dywedodd y Llywodraeth, mae dyletswydd ar ran y Llywodraeth i ystyried yr hyn a ddywedir yn yr ymgynghoriad. Fodd bynnag, nid oes dyletswydd ar y Llywodraeth i wneud yn

successful authority says to the Government, 'We have listened to what you want us to do and, quite frankly, we are not interested', the Government Minister could still enforce that obligation to collaborate between the successful authority and the failing authority. Quite frankly, what the Minister said in committee during Stage 1 is not borne out in what is written into the Measure.

What is written in section 31 is counterproductive. I do not think that the heavy hand of Government directing successful authorities to collaborate with failing authorities will be a productive way of proceeding. We have seen this problem elsewhere. We all remember the UK Labour Government's attitude towards failing schools in England. Headteachers of successful schools in England were given the job of sorting out the failing schools. What we have here is a direction to a successful authority to collaborate. I am mystified as to why the Welsh Assembly Government has not considered any other mechanism or way of supporting a local authority other than directing successful authorities to collaborate against their will. No matter what the Minister said in committee, it simply is not borne out by the powers that the Minister and future Ministers will have under section 31 of this Measure.

Alun Cairns: I rise in support of amendments 24 and 16, tabled in the name of Darren Millar. This focuses on the will of the Minister to intervene in local authorities. A case can no doubt be made that the Minister should have the right to intervene in a failing local authority. There is an argument—and we have had a debate on this—that the Minister should have the right to intervene in a local authority that is likely to fail. We had a debate around the definition of such an authority. I disagreed with the Minister as he made his case, and, no doubt, we will continue to disagree.

This section of the proposed Measure, which

union fel y dywed yr awdurdod hwnnw. Felly, os bydd awdurdod llwyddiannus yn dweud wrth y Llywodraeth, 'Yr ydym wedi gwrandao ar yr hyn mae arnoch eisiau inni ei wneud ac, a dweud y gwir, nid oes diddordeb gennym', gallai'r Gweinidog Llywodraeth dal orfodi'r rhwymedigaeth honno i'r awdurdod llwyddiannus gydweithio â'r awdurdod sy'n methu. A dweud y gwir, nid yw'r hyn a ddywedodd y Gweinidog mewn cyfarfod pwyllgor yn ystod Cyfnod 1 yn cael ei ategu yn yr hyn a ysgrifennwyd yn y Mesur.

Mae'r hyn a ysgrifennwyd yn adran 31 yn wrthgynhyrchiol. Nid wyf yn credu y bydd llaw drom y Llywodraeth yn cyfarwyddo awdurdodau llwyddiannus i gydweithio ag awdurdodau sy'n methu yn ffordd gynhyrchiol o symud ymlaen. Yr ydym wedi gweld y broblem hon yn rhywle arall. Yr ydym oll yn cofio agwedd Llywodraeth Lafur y DU at ysgolion yn methu yn Lloegr. Rhoddwyd y gwaith i benaethiaid ysgolion llwyddiannus yn Lloegr o gael trefn ar yr ysgolion a oedd yn methu. Yr hyn sydd gennym yma yw cyfarwyddyd i awdurdod llwyddiannus gydweithio. Mae'n ddirgelwch imi pam nad yw Llywodraeth Cynulliad Cymru wedi ystyried unrhyw ddull neu ffordd arall o gefnogi awdurdod lleol heblaw cyfarwyddo awdurdodau llwyddiannus i gydweithio yn erbyn eu hewyllys. Ni waeth beth a ddywedodd y Gweinidog yn y pwyllgor, nid yw'n cael ei ategu gan y pwerau y bydd y Gweinidog a Gweinidogion y dyfodol yn eu cael o dan adran 31 o'r Mesur hwn.

Alun Cairns: Codaf o blaid gwelliannau 24 ac 16, a gyflwynwyd yn enw Darren Millar. Mae hyn yn canolbwyntio ar ewyllys y Gweinidog i ymyrryd mewn awdurdodau lleol. Yn ddiau, gellir cyflwyno achos y dylai'r Gweinidog gael yr hawl i ymyrryd mewn awdurdod lleol sy'n methu. Gellid dadlau—ac yr ydym wedi cael dadl am hyn—y dylai'r Gweinidog gael yr hawl i ymyrryd mewn awdurdod lleol sy'n debygol o fethu. Cawsom ddadl ynghylch diffinio awdurdod o'r fath. Anghytunais â'r Gweinidog wrth iddo gyflwyno ei achos, a heb os byddwn yn parhau i anghytuno.

Mae'r adran hon o'r Mesur arfaethedig, a

will give the Minister the right to intervene in a successful local authority, undermines the principle according to which local government operates. To have the Minister, at will, intervening in local authorities and forcing collaboration when there may be good reasons against it, does not favour democracy and will not encourage people to participate in local government elections or encourage strong candidates to stand in local elections in order to improve services that are often provided on behalf of the Welsh Assembly Government.

In the private sector, where there are large numbers of subsidiaries, the phrase ‘the price of independence is performance’ is often used. In that environment, providing that those subsidiary organisations are operating effectively and are achieving their goals and targets and going about their business efficiently, then the people who are running those organisations are given the right of independence.

Having the right to intervene in successful organisations does not inspire confidence in the running of local authorities. It seems to me that the Welsh Assembly Government has framed the proposed Measure on the basis that it will be in power forever. It may well be that there will be different parties or Ministers in three, five, or 10 years’ time, who will inherit the power to intervene in local authorities. When we pass Measures here, they need to be for the longer term and not just for the individual circumstances in which the Minister finds himself.

To the credit of the Deputy Minister for Social Services—and reference has been made to children’s services in Swansea—she waited a long time before intervening in the running of the local authority in Swansea. Who is to say? There could be a different party running the Assembly, or a different Minister with that portfolio who takes a far more aggressive approach to interventions with local authorities. That clearly allows that Minister the power to intervene in a successful local authority, and even in cases where there may be ideological differences between two local authorities, perhaps run by different parties, and with completely

fydd yn rhoi’r hawl i’r Gweinidog ymyrryd mewn awdurdod lleol llwyddiannus, yn tanseilio’r egwyddor y mae’r llywodraeth leol yn gweithredu yn unol â hi. Nid yw’n cefnogi democratiaeth cael y Gweinidog, wrth ewyllys, yn ymyrryd mewn awdurdodau lleol ac yn gorfodi cydweithio lle gallai fod rhesymau da yn ei erbyn, ac ni fydd yn annog pobl i gymryd rhan mewn etholiadau llywodraeth leol nac yn annog ymgeiswyr cryf i sefyll mewn etholiadau lleol er mwyn gwella gwasanaethau a ddarperir yn aml ar ran Llywodraeth Cynulliad Cymru.

Yn y sector preifat, lle bo niferoedd mawr o is-gwmnïau, defnyddir yr ymadrodd ‘pris annibyniaeth yw perfformiad’ yn aml. Yn yr amgylchedd hwnnw, a chymryd bod yr is-gwmnïau hynny’n gweithredu’n effeithiol ac yn cyrraedd eu nodau a’u targedau ac yn ymdrin â’u busnes yn effeithlon, mae’r bobl sy’n rhedeg y sefydliadau hynny’n cael hawl annibyniaeth.

Nid yw cael yr hawl i ymyrryd mewn sefydliadau llwyddiannus yn ennyn ffydd yn y modd y gweithredir awdurdodau lleol. Mae’n ymddangos imi fod Llywodraeth Cynulliad Cymru wedi fframio’r Mesur arfaethedig ar y sail y bydd mewn grym am byth. Efallai’n wir y bydd gwahanol bleidiau neu Weinidogion ymhen tair, pump neu 10 mlynedd, a fydd yn etifeddu’r pŵer i ymyrryd mewn awdurdodau lleol. Pan fyddwn yn cymeradwyo Mesurau yma, mae angen iddynt fod ar gyfer y tymor hwy ac nid dim ond ar gyfer amgylchiadau arbennig y Gweinidog.

Er clod i’r Dirprwy Weinidog dros Wasanaethau Cymdeithasol—a chyfeiriwyd at wasanaethau plant yn Abertawe—mae wedi aros cryn dipyn cyn ymyrryd yn y modd y gweithredir yr awdurdod lleol yn Abertawe. Pwy sydd i ddweud? Gallai plaid wahanol fod yn rhedeg y Cynulliad, neu Weinidog arall yn dal y portffolio sy’n fwy ymosodol o lawer yng nghyswllt ymyriadau gydag awdurdodau lleol. Mae hynny’n amlwg yn rhoi’r pŵer i’r Gweinidog hwnnw ymyrryd mewn awdurdod lleol llwyddiannus, a hyd yn oed mewn achosion lle efallai bydd gwahaniaethau ideolegol rhwng dau awdurdod lleol, sydd efallai’n cael eu rheoli

different approaches to delivering their statutory obligations. We are giving the Minister the power to intervene absolutely, enforcing ideologies. Regardless of whether it is about efficiency, it is simply wrong. We need to be passing legislation for the longer term, not simply because it is convenient that there are not currently many Labour local authorities throughout Wales. We need to be acting properly to build up the relationship between local authorities and the Welsh Assembly Government so that there is complete co-operation on a voluntary basis, and so that people want to share their best practice rather than being told by the Minister wielding a big stick, 'You must do something, because I am the boss and you are not'.

Brian Gibbons: I will just deal with the point that Alun and Jonathan raised. Jonathan asked why we could not come up with more imaginative and less draconian proposals. That is precisely what section 29 is all about, and particularly that part of it that gave Ministers the powers to do anything to assist. It is not consistent to call for us to be more innovative at this juncture, when the very basis of being able to be innovative rests with section 29, and that was also subject to criticism. There needs to be some consistency, although I agree with the substantive point that Jonathan made, namely that this is very much an end-of-the-road type of situation.

Sections 30 and 31 do not refer to the sorts of actions that will be taken by a Minister, except where a local authority has demonstrably failed or is likely to fail, as part of the overall service improvement process. These are not powers that could be defensible in court, if Ministers could come in and arbitrarily wield the big stick, as Alun Cairns suggested in his contribution.

Alun Cairns: Does the Minister not accept that the approach of different Ministers differs? It may well be that this Minister is reasonable and follows a very long road before using that power of intervention. However, who is to say that the next Minister

gan bleidiau gwahanol, ac sy'n arddel dulliau cwbl wahanol o ran cyflawni eu rhwymedigaethau statudol. Yr ydym yn rhoi'r pŵer i'r Gweinidog ymyrryd yn llwyr, gan orfodi ideolegau. Ni waeth a yw'n ymwneud ag effeithlonrwydd ai peidio, mae'n anghywir. Mae arnom angen pasio deddfwriaeth ar gyfer y tymor hwy, nid dim ond oherwydd ei fod yn hwylus nad oes llawer o awdurdodau lleol Llafur ledled Cymru ar hyn o bryd. Mae arnom angen gweithredu yn briodol i feithrin y berthynas rhwng awdurdodau lleol a Llywodraeth Cynulliad Cymru er mwyn cael cydlafurio llwyr ar sail wirfoddol, ac er mwyn bod ar bobl eisiau rhannu eu harferion gorau yn hytrach na chael eu cyfarwyddo gan y Gweinidog yn chwifio ffon fawr ac yn dweud, 'Rhaid ichi wneud rhywbeth oherwydd mai fi yw'r pennaeth ac nid chi'.

Brian Gibbons: Yr wyf am ddelio â'r pwynt a godwyd gan Alun a Jonathan. Holodd Jonathan pam nad oedd modd inni lunio cynigion mwy dychmygol a llai didostur. Dyna'n union a geir yn adran 29, ac yn enwedig y rhan a roddodd bwerau i Weinidogion wneud unrhyw beth i helpu. Nid yw'n gyson galw arnom i fod yn fwy arloesol ar hyn o bryd, pan fo'r union sail ynghylch gallu bod yn arloesol yn dibynnu ar adran 29, ac yr oedd hynny hefyd yn destun beirniadaeth. Mae angen cysondeb, er fy mod yn cytuno â'r prif bwynt a wnaethpwyd gan Jonathan, sef bod hon yn sefyllfa pen y ffordd.

Nid yw adrannau 30 a 31 yn cyfeirio at y mathau o gamau a gymerir gan Weinidog, ac eithrio pan fydd awdurdod lleol yn amlwg wedi methu neu'n debygol o fethu, fel rhan o'r broses gyffredinol i wella gwasanaethau. Nid yw'r rhain yn bwerau y gellid eu hamddiffyn mewn llys, pe bai modd i Weinidogion ddod i mewn yn ôl eu mympwy a chwifio'r ffon fawr, fel yr awgrymodd Alun Cairns yn ei gyfraniad.

Alun Cairns: Onid yw'r Gweinidog yn derbyn bod agweddau gwahanol Weinidogion yn amrywio? Efallai fod y Gweinidog hwn yn rhesymol ac yn dilyn ffordd hirfaith iawn cyn defnyddio'r pŵer ymyrryd hwnnw. Fodd bynnag, pwy sydd i

sitting in that seat is not far more aggressive? Does he not think that the legislation needs to be framed in such a way as to account for the approaches of all Ministers to give security to local authorities, rather than not doing so because he is more reasonable than others might be?

Brian Gibbons: The context for this legislation, and so these powers, is those situations in which there is a serious failure. Ultimately, if a local authority felt that it was being subjected to arbitrary intervention, it would have the option of seeking a judicial review. These powers are not operating in a vacuum, and there are checks and balances in the system. Anyone who has read the entire legislation will understand that these particular proposals constitute a debate about improvement, essentially. I cannot remember who said that, but of course that is the case. However, there is another side of the improvement coin, namely the ability to intervene where failure is occurring, or where a local authority is likely to fail. This is essentially an improvement process.

Amendment 16, tabled by the Conservatives, would have the effect of removing section 31, which allows Ministers to direct an improvement authority that is not itself failing to collaborate with one that is. As part of the criticism of that section, Darren Millar spoke of it as an arbitrary diktat. The effect of the Conservative amendment would be to remove the powers or the requirement for Ministers to consult before implementing this power. Section 31(2) states that Ministers have to consult. If we agreed to this amendment 16 from the Conservatives, it would remove the requirement to consult. Indeed, it would arbitrarily increase the very thing that they are arguing against. Section 31 is a key safeguard: consultation must take place.

6.20 p.m.

I understand that there is a certain logic to the point that Jonathan Morgan made. If a local authority that was not failing was mandated or directed under this section, it could have adverse consequences for it. However, this

ddweud na fydd y Gweinidog nesaf i eistedd yn y sedd honno yn fwy ymosodol o lawer? Onid yw'n meddwl bod angen fframio deddfwriaeth mewn ffordd sy'n rhoi cyfrif am agweddau pob Gweinidog er mwyn diogelu awdurdodau lleol, yn hytrach na gwneud hynny oherwydd ei fod ef yn fwy rhesymol na allai rhai eraill fod?

Brian Gibbons: Y cyd-destun ar gyfer y ddeddfwriaeth hon, ac felly'r pwerau hyn, yw'r sefyllfaoedd hynny lle ceir methiant difrifol. Yn y pen draw, os oedd awdurdod lleol yn teimlo ei fod yn destun ymyriadau mympwyol, byddai'n bosibl iddo geisio adolygiad barnwrol. Nid yw'r pwerau hyn yn gweithredu mewn gwagle, a cheir archwiliadau a chydbwysedd yn y system. Bydd unrhyw un sydd wedi darllen y ddeddfwriaeth yn ei chyfanrwydd yn deall bod y cynigion penodol hyn yn ddadl am wella, yn ei hanfod. Ni allaf gofio pwy ddywedodd hynny, ond wrth gwrs dyna'r achos. Fodd bynnag, ceir ochr arall i'r geiniog gwella, sef y gallu i ymyrryd pan fydd methiant, neu pan fydd awdurdod lleol yn debygol o fethu. Proses o wella yw hon yn ei hanfod.

Byddai gwelliant 16 a gyflwynwyd gan y Ceidwadwyr yn dileu adran 31, sy'n caniatáu i Weinidogion gyfarwyddo awdurdod gwella nad yw ei hun yn methu i gydlafurio ag un sydd yn methu. Fel rhan o'r feirniadaeth o'r adran honno, siaradodd Darren Millar amdani fel dictad mympwyol. Byddai gwelliant y Ceidwadwyr yn dileu'r pwerau neu'r gofyniad i Weinidogion ymgynghori cyn gweithredu'r pŵer hwn. Dywed adran 31(2) ei bod yn rhaid i Weinidogion ymgynghori. Pe baem yn cytuno i welliant 16 gan y Ceidwadwyr, byddai'n dileu'r gofyniad i ymgynghori. A dweud y gwir, byddai'n fympwyol yn cynyddu'r union beth maent yn dadlau yn ei erbyn. Mae adran 31 yn ddiogelwch allweddol: rhaid ymgynghori.

Yr wyf yn deall bod rhesymeg o fath yn perthyn i'r pwynt a wnaethpwyd gan Jonathan Morgan. Pe bai awdurdod lleol nad oedd yn methu yn cael mandad neu gyfarwyddyd dan yr adran hon, gallai arwain

section operates in the context of a wider improvement agenda, and it simply would not make any sense, and would not be consistent with the whole purpose of the proposed Measure, to enforce collaboration from a local authority. As I said at Stage 1, I am absolutely, 100 per cent—or even 110 per cent—opposed to enforcing collaboration from a local authority that is not failing as part of an improvement process, if its performance would deteriorate. It defies logic that people can read this section in that way.

Jonathan Morgan: I am reading the section as it is written, and it does not bear out what you said in committee. I accept that, as Minister, if a successful local authority said that it did not want to collaborate to help an authority that was failing, you would not want to force it into it. However, a future Minister may take a different view. The fact is that there are no safeguards built into section 31, and so, regardless of what a local authority says, you can do as you please.

Brian Gibbons: The very title given to Part 1 of the proposed Measure is 'Local Government Improvement'. You are saying that this section is a mandate to go against improvement. It is just not logical, and flies in the face of any reasonable and commonsense approach. Section 31 means that there must be consultation. Therefore, if a local authority that was performing well was directed to collaborate, and its judgment was that it did not want to collaborate because that would undermine its capacity to deliver, or if it objected for any other legitimate reason, that would be elicited by the consultation process: that is the whole point. Your amendment would remove that duty to consult and that cannot be defended.

The question can be asked, why do we need a power to direct? One reason is that it is important that the Welsh Assembly Government itself take responsibility for this situation, rather than leaving the onus on the collaborating authority. In other words, there must be clarity as to where the buck stops. By

at ganlyniadau niweidiol iddo. Fodd bynnag, mae'r adran hon yn gweithredu yng nghydestun agenda gwella eangach, ac yn syml ni fyddai'n gwneud dim synnwyr, ac ni fyddai'n cyd-fynd â holl ddiben y Mesur arfaethedig, gorfodi cydlafurio gan awdurdod lleol. Fel y dywedais yng Nghyfnod 1, yr wyf yn gyfan gwbl, 100 y cant—neu hyd yn oed 110 y cant—yn erbyn gorfodi cydlafurio gan awdurdod lleol nad yw'n methu, fel rhan o broses gwella, pe bai ei berfformiad yn gwaethygu. Nid yw'n gwneud dim synnwyr bod pobl yn gallu darllen yr adran hon yn y ffordd honno.

Jonathan Morgan: Yr wyf yn darllen yr adran fel y'i hysgrifennwyd, ac nid yw'n cyfleu'r hyn a ddywedasocho mewn cyfarfod pwyllgor. Yr wyf yn derbyn, fel Gweinidog, pe bai awdurdod lleol yn dweud nad oedd arno eisiau cydlafurio i helpu awdurdod a oedd yn methu, na fyddai arnoch eisiau ei orfodi i wneud hynny. Fodd bynnag, efallai bydd Gweinidog yn y dyfodol yn gweld hynny'n wahanol. Y ffaith yw nad oes dim diogelwch yn adran 31, ac felly, ni waeth beth ddywed awdurdod lleol, cewch wneud fel y mynnwch.

Brian Gibbons: Yr union deitl a roddwyd i Ran 1 y Mesur arfaethedig yw 'Gwella Llywodraeth Leol'. Yr ydych yn dweud bod yr adran hon yn fandad i fynd yn erbyn gwelliant. Nid yw'n rhesymegol, ac mae'n gwbl groes i unrhyw ddull rhesymol a synnwyr cyffredin. Mae adran 31 yn golygu ei bod yn rhaid cael ymgynghori. Felly, os cyfarwyddwyd awdurdod lleol a oedd yn perfformio'n dda i gydlafurio, a'i fod o'r farn nad oedd arno eisiau cydlafurio oherwydd y byddai'n tanseilio ei allu i ddarparu, neu pe bai'n gwrthwynebu am unrhyw reswm cyfreithiol arall, byddai hynny'n dod i'r golwg drwy'r broses ymgynghori; dyna'r holl bwynt. Byddai eich gwelliant yn dileu'r ddyletswydd honno i ymgynghori ac nid oes modd amddiffyn hynny.

Mae modd gofyn, pam mae angen pŵer i gyfarwyddo arnom? Un rheswm yw ei bod yn bwysig bod Llywodraeth Cynulliad Cymru ei hun yn ysgwyddo'r cyfrifoldeb dros y sefyllfa hon, yn hytrach na gadael y baich ar yr awdurdod sy'n cydlafurio. Mewn geiriau eraill, rhaid cael eglurder ynghylch

having the power vested in the Minister, there is clear accountability at the top.

Turning briefly to amendment 24, if agreed to, it would require a failing authority merely to consult with one or more Welsh improvement authorities, with a view to entering into collaborative arrangements. It would remove the Minister's power to direct the failing authority to enter into specified collaboration arrangements with the other improvement authority. This amendment is entirely undesirable, because all that it is asking is for the failing authority to consult. It does not place any requirement on the local authority to undertake the collaborative arrangements that would be necessary to drive improvement. In other words, the failing authority could merely talk with another authority and make no commitment to collaborate for improvement. On that basis, the amendment is self-defeating and I urge its rejection.

Y Llywydd: Galwaf ar Darren Millar i ateb y ddadl ar y grŵp hwn.

Darren Millar: I am astonished by the Minister's response. This is not about our requesting the removal of the need to consult with local authorities that are successful. He knows that that is not the case, and it is disingenuous of him to suggest that that is the point that we are trying to make. This is about removing a Minister's powers to interfere in a successful local authority. As Alun Cairns rightly said, there comes a point at which there needs to be an opportunity for a Minister to intervene in a failing authority. There can even be an argument, weak though it may be, to allow a Minister to intervene in an authority that is likely to fail. However, it can never be right for a Minister to have the opportunity to intervene in a local authority that is delivering its services successfully and is making improvements on a continuous basis. That can never be right, and that is why we have tabled these amendments.

You mentioned earlier, Minister, that the buck stops with you and that section 31 seeks to demonstrate that. You will have to remember that if you ever interfere in a

ble mae'r baich yn gorwedd. Drwy roi'r pŵer i'r Gweinidog, ceir atebolrwydd clir ar y brig.

A throi yn sydyn at welliant 24, pe gytunid ar hwn, byddai'n golygu mai'r cyfan y byddai angen i awdurdod a fyddai'n methu ei wneud fyddai ymgynghori ag un neu fwy o awdurdodau gwella yng Nghymru, gyda golwg ar gytuno ar drefniadau cydlafurio. Byddai'n dileu pŵer y Gweinidog i gyfarwyddo'r awdurdod sy'n methu i gytuno ar drefniadau cydlafurio penodol gyda'r awdurdod gwella arall. Mae'r gwelliant hwn yn gwbl annymunol, oherwydd y cyfan a wna yw gofyn i'r awdurdod sy'n methu ymgynghori. Nid yw'n rhoi dim gofynion ar yr awdurdod lleol i ymgymryd â'r trefniadau cydlafurio y byddai eu hangen i sicrhau gwelliant. Mewn geiriau eraill, y cyfan y byddai'n rhaid i'r awdurdod sy'n methu ei wneud fyddai siarad ag awdurdod arall a gwneud dim ymrwymiad i gydlafurio er mwyn gwella. Ar y sail hwnnw, mae'r gwelliant yn trechu ei hun ac yr wyf yn eich annog i'w wrthod.

The Presiding Officer: I call on Darren Millar to respond to the debate on this group.

Darren Millar: Caf fy synnu'n llwyr gan ymateb y Gweinidog. Nid oes a wnelo hyn â gofyn am ddileu'r angen i ymgynghori ag awdurdodau lleol sy'n llwyddo. Mae'n gwybod nad yw hynny'n wir, ac mae'n ffuantus iddo awgrymu mai dyna'r pwynt yr ydym yn ceisio ei wneud. Mae hyn yn ymwneud â thynnu pwerau Gweinidog i ymyrryd mewn awdurdod lleol llwyddiannus. Fel y dywedodd Alun Cairns yn gywir, daw pwynt pan fydd angen cyfle i Weinidog ymyrryd mewn awdurdod sy'n methu. Gellir hyd yn oed cael dadl, er cyn waned y gallai fod, dros ganiatáu i Weinidog ymyrryd mewn awdurdod sy'n debygol o fethu. Fodd bynnag, ni all byth fod yn iawn i Weinidog gael y cyfle i ymyrryd mewn awdurdod lleol sy'n darparu ei wasanaethau'n llwyddiannus ac sy'n gwella'n gyson. Ni all hynny fyth fod yn iawn a dyna'r rheswm y bu inni gyflwyno'r gwelliannau hyn.

Soniasoch yn gynharach, Weinidog, fod y baich yn disgyn ar eich ysgwyddau chi a bod adran 31 yn ceisio dangos hynny. Rhaid ichi gofio hynny os byddwch byth yn ymyrryd

successful local authority and its improvement, as a consequence of your interference, slips away and its performance gets much worse.

I do not believe that these amendments are counterproductive; we are making genuine points and I am disappointed that you are not taking them on board, Minister. Ann Jones made the point that if local authorities are doing everything right, they have nothing to fear from this proposed Measure, but of course they do: they fear the Minister knocking on the door and forcing them to work with the local authority next door that they may not want to work with and have no interest in working with. It is far better to give the responsibility to the local authority to find a partner that it feels is best suited to deliver services with it. As I said earlier, that local authority may be within or without Wales, and the Minister needs to recognise that sometimes arrangements are better served by working with local authorities across the border.

In its present form, the proposed Measure does not contain suitable requirements for Ministers to consult, and limits need to be placed on the Minister's ability to direct collaboration. Our amendment 16 may seem drastic, but I can assure people that, on closer inspection, it is not and that it makes perfect sense. Successful local authorities must not be directed to take on the failures of other local authorities. They can certainly consult and advise, and I am confident that the vast majority of local authorities, if asked, would not reject any request for support. However, we must not find ourselves in a situation that would jeopardise the performance of successful local authorities or undermine local democracy.

Collaboration is good and we see the benefits of it. Peter Black made reference to the success that he has seen following collaboration efforts in Swansea. I have seen the success of the collaboration arrangements between Conwy and Denbighshire on highways provision. We see the benefits in

mewn awdurdod lleol llwyddiannus a bod ei welliant, o ganlyniad i'ch ymyriad, yn llithro a bod ei berfformiad yn gwaethygu.

Nid wyf yn credu bod y gwelliannau hyn yn wrthgynhyrchiol; yr ydym yn gwneud pwyntiau go iawn ac yr wyf yn siomedig nad ydych yn eu derbyn Weinidog. Gwnaeth Ann Jones y pwynt os yw awdurdodau lleol yn gwneud popeth yn iawn, nid oes angen iddynt ofni dim yn y Mesur arfaethedig hwn, ond wrth gwrs bod; maent yn ofni'r Gweinidog yn curo'r drws ac yn eu gorfodi i weithio gyda'r awdurdod lleol drws nesaf efallai nad oes arnynt eisiau gweithio gyda hwy ac nad oes ganddynt ddim diddordeb mewn gweithio gyda hwy. Mae'n well o lawer rhoi'r cyfrifoldeb i'r awdurdod lleol i ddod o hyd i bartner mae'n teimlo sydd fwyaf addas iddo er mwyn darparu gwasanaethau gydag ef. Fel y dywedais yn gynharach, efallai fod yr awdurdod lleol hwnnw yng Nghymru neu tu hwnt, ac mae angen i'r Gweinidog gydnabod bod trefniadau'n cael eu gwasanaethu orau ambell waith drwy weithio gydag awdurdodau lleol dros y ffin.

Ar ei ffurf bresennol, nid yw'r Mesur arfaethedig yn cynnwys gofynion addas i Weinidogion ymgynghori, ac mae angen gosod terfynau ar allu'r Gweinidog i gyfarwyddo cydlafurio. Efallai fod ein gwelliant 16 yn ymddangos yn eithafol, ond gallaf sicrhau pobl, wedi'i archwilio'n fanylach, nad yw a'i fod yn gwneud synnwyr perffaith. Rhaid peidio â chyfarwyddo awdurdodau lleol llwyddiannus i ysgwyddo methiannau awdurdodau lleol eraill. Gallant yn sicr ymgynghori a chynghori, ac yr wyf yn ffyddiog na fyddai'r rhan fwyaf o awdurdodau lleol, pe gofynnid iddynt, yn gwrthod cais am gefnogaeth. Fodd bynnag, rhaid inni beidio â disgyn i sefyllfa a fyddai'n rhoi perfformiad awdurdodau lleol llwyddiannus yn y fantol na thanseilio democratiaeth leol.

Mae cydlafurio yn dda a gwelwn ei fanteision. Cyfeiriodd Peter Black at y llwyddiant a welodd yn dilyn ymdrechion cydlafurio yn Abertawe. Yr wyf wedi gweld llwyddiant y trefniadau cydlafurio rhwng Conwy a Sir Ddinbych yng nghyswllt darpariaeth priffyrdd. Yr ydym eisoes yn

certain parts of Wales already, but it works best when there is mutual agreement and when people are pulling in the same direction. It will not work where a Minister has forced an arranged marriage. This goes back to our main concern, centred on these extra powers being granted to Welsh Ministers, and the potential to interfere at the expense of local democracy. It is our responsibility, Minister, to make devolution work for the people of Wales, and to ensure that localised decisions are made by people who live in the local area. I therefore urge Members to support our amendments 24 and 16.

The Presiding Officer: I have detected that you wish to move to a vote on amendment 24.

Y cwestiwn yw y dylid cytuno ar welliant 24. A oes gwrthwynebiad? Gwelaf fod, felly symudwn at bleidlais.

gweld y manteision mewn rhai rhannau o Gymru, ond mae'n gweithio orau pan mae'r naill ochr a'r llall yn cytuno a phan fydd pobl yn tynnu yn yr un cyfeiriad. Ni fydd yn gweithio pan fydd Gweinidog wedi gorfodi'r briodas. Mae hyn yn mynd yn ôl i'n prif bryder, sy'n canolbwyntio ar roi'r pwerau ychwanegol hyn i Weinidogion Cymru, a'r potensial i ymyrryd ar draul democratiaeth leol. Ein cyfrifoldeb ni, Weinidog, yw sicrhau bod datganoli yn gweithio i bobl Cymru, a sicrhau bod penderfyniadau lleol yn cael eu gwneud gan y bobl sy'n byw yn yr ardal leol. Yr wyf felly yn annog Aelodau i gefnogi ein gwelliannau 24 ac 16.

Y Llywydd: Yr wyf yn teimlo eich bod yn dymuno symud i bleidlais ar welliant 24.

The question is that amendment 24 be agreed to. Is there any objection? I see that there is, and so we will move to a vote.

*Gwelliant 24: O blaid 13, Ymatal 0, Yn erbyn 30.
Amendment 24: For 13, Abstain 0, Against 30.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Ann
Jones, Carwyn
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 24.
Amendment 24 not agreed.*

Y Llywydd: Ni fydd pleidlais ar welliant 16 ar hyn o bryd. Byddwn yn pleidleisio ar welliant 16 maes o law, yn ôl ei le yn y rhestr o welliannau wedi'u gosod mewn trefn, yn nes ymlaen yn y trafodion.

The Presiding Officer: There will be no vote on amendment 16 at this point. We will vote on amendment 16 in a moment, according to its place in the marshalled list, later in the proceedings.

**Pwerau Cyfarwyddo mewn Perthynas ag arfer Swyddogaethau Awdurdod Gwella
(Gwelliannau 9, 6, 7 ac 8)
Powers of Direction in Respect of the Exercise of Improvement Authority Functions
(Amendments 9, 6, 7 and 8)**

Y Llywydd: Deuwn yn awr at grŵp 4 sy'n ymwneud â phwerau cyfarwyddo. Gwelliant 9 yw'r prif welliant yn y grŵp hwn ac y mae ar dudalen 4 o'r rhestr o welliannau wedi'u gosod mewn trefn. Galwaf ar Peter Black i gynnig y prif welliant ac i siarad am yr holl welliannau eraill yn y grŵp.

The Presiding Officer: We now come to group 4, which relates to powers of direction. The lead amendment in this group is amendment 9, which appears on page 4 of the marshalled list. I call on Peter Black to move the lead amendment and to speak to all the other amendments in the group.

Peter Black: I move amendment 9 in my name and with the name of Darren Millar in support.

Peter Black: Cynigiaf welliant 9 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

As we have said on a number of occasions in this debate, the whole purpose of this proposed Measure is to secure improvements in various public authorities. For the most part, we do not have a problem with that intention, but we do disagree with the Government quite substantially on what to do when that improvement is not achieved.

Fel yr ydym wedi'i ddweud droeon yn y ddadl hon, holl ddiben y Mesur arfaethedig hwn yw sicrhau gwelliannau mewn amrywiol awdurdodau cyhoeddus. At ei gilydd, nid oes gennym broblem gyda'r bwriad hwnnw, ond yr ydym yn anghytuno i raddau helaeth â'r Llywodraeth ynghylch beth i'w wneud pan na gyflawnir gwelliant.

6.30 p.m.

Section 30 gives the Minister powers to intervene in any aspect of an improvement authority's work. We do not think that that should be the case. Other pieces of legislation already exist giving Welsh Ministers powers of intervention, and they are used from time to time. As things stand, Ministers have an adequate mechanism for intervening if that is really necessary. However, the power to intervene in all functions is not necessary. As drafted, section 30 would allow a Minister to intervene in all areas, from libraries and museums to waste collection and road maintenance. Amendment 9 seeks to limit that power of intervention to the regulated services, namely those that are already monitored by a statutory regulatory body, such as education, social services and fire and

Mae adran 30 yn rhoi pwerau i'r Gweinidog ymyrryd mewn unrhyw agwedd ar waith awdurdod gwella. Ni chredwn y dylai fod felly. Mae darnau eraill o ddeddfwriaeth yn bodoli eisoes sy'n rhoi pwerau ymyrryd i Weinidogion Cymru, ac fe'u defnyddir o bryd i'w gilydd. Fel y saif pethau, mae gan Weinidogion fecanwaith digonol i ymyrryd os yw hynny'n wirioneddol angenrheidiol. Fodd bynnag, nid yw'r pŵer i ymyrryd ym mhob swyddogaeth yn angenrheidiol. Fel y'i drafftiiwyd, byddai adran 30 yn caniatáu i Weinidog ymyrryd ym mhob maes, o lyfrgelloedd ac amgueddfeydd hyd at gasglu gwastraff a chynnal a chadw ffyrdd. Mae gwelliant 9 yn ceisio cyfyngu'r pŵer hwnnw i ymyrryd i'r gwasanaethau rheoledig, sef y rhai sydd eisoes yn cael eu monitro gan gorff

rescue services. Those services are defined in section 16 of the proposed Measure and are referred to as ‘the regulator’s “relevant functions”’. Amendment 9 refers back to that definition and limits the power of intervention to just those services that are already regulated in that way.

At Stage 2 of this proposed Measure, the Welsh Liberal Democrats introduced a probing amendment to try to do something similar. It was not fully worked out, as we had not yet found an appropriate legal phrase, so we withdrew the amendment. At that stage, the Minister said that he appreciated fully the spirit in which the amendment was proposed and that he would seek to address the issues of principle involved. However, the Government does not seem to have made any attempt to address our concerns despite the Minister’s having given that undertaking to the committee.

The other three amendments in this group, amendments 6, 7 and 8, relate to who undertakes the work of the authority once the intervention has been deemed necessary. As drafted, the proposed Measure allows for Ministers or their nominees to carry out that work. The three amendments remove reference to the Ministers so that the work must be undertaken by an appropriate nominee of the said Ministers. The Welsh Assembly Government is not in a position to deliver front-line services; in fact, the Assembly Government does not deliver front-line services—it funds other people to do that job. It is a facilitator, a funder and commissioner of those services. A nominated agency with the relevant experience and skills is much better placed to do this job, and having an agency to do that would limit the possibility of political meddling. For that reason, I commend amendments 9, 6, 7 and 8 in my name.

Darren Millar: I am grateful to be able to contribute briefly in support of the Liberal

rheoleiddio statudol, megis addysg, gwasanaethau cymdeithasol a’r gwasanaethau tân ac achub. Diffinnir y gwasanaethau hynny yn adran 16 o’r Mesur arfaethedig a chyfeirir atynt fel “swyddogaethau perthnasol” y rheoleiddiwr’. Mae gwelliant 9 yn cyfeirio’n ôl at y diffiniad hwnnw ac yn cyfyngu’r pŵer ymyrryd i ddim ond y gwasanaethau hynny sydd eisoes yn cael eu rheoleiddio yn y ffordd honno.

Yng Nghyfnod 2 o’r Mesur arfaethedig hwn, cyflwynodd Democratiaid Rhyddfrydol Cymru welliant ymchwilgar i geisio gwneud rhywbeth tebyg. Nid oedd wedi cael ei ddatblygu’n llwyr, gan nad oeddem wedi canfod ymadrodd cyfreithiol priodol, felly tynasom y gwelliant yn ôl. Bryd hynny, dywedodd y Gweinidog ei fod yn llwyr werthfawrogi’r ysbryd y gwnaethpwyd y gwelliant ynddo ac y byddai’n ceisio ymdrin â’r materion o egwyddor dan sylw. Fodd bynnag, nid yw’n ymddangos bod y Llywodraeth wedi gwneud unrhyw ymgais i ymdrin â’n pryderon er gwaethaf yr addewid a roddodd y Gweinidog i’r pwyllgor.

Mae a wnelo’r tri gwelliant arall yn y grŵp hwn, gwelliannau 6, 7 ac 8, â phwy sy’n ymgymryd â gwaith yr awdurdod unwaith y bernir ei bod yn rhaid ymyrryd. Fel y’i drafftwyd, mae’r Mesur arfaethedig yn caniatáu i Weinidogion neu eu henwebeion wneud y gwaith. Mae’r tri gwelliant yn dileu’r cyfeiriad at y Gweinidogion fel ei bod yn rhaid i’r gwaith gael ei wneud gan gorff priodol a enwebir gan y cyfryw Weinidogion. Nid yw Llywodraeth Cynulliad Cymru mewn sefyllfa i ddarparu gwasanaethau rheng flaen; yn wir, nid yw Llywodraeth y Cynulliad yn darparu gwasanaethau rheng flaen—mae’n cyllido pobl eraill i wneud y gwaith hwnnw. Hwylusydd, cyllidwr a chomisiynydd y gwasanaethau hynny ydyw. Mae asiantaeth enwebedig sydd â’r profiad a’r sgiliau perthnasol mewn llawer gwell sefyllfa i wneud y gwaith hwn, a byddai cael asiantaeth i wneud hynny yn cyfyngu ar y posibilrwydd o ymyrryd gwleidyddol. Am y rheswm hwnnw, argymhellaf welliannau 9, 6, 7 ac 8 yn fy enw i.

Darren Millar: Yr wyf yn ddiolchgar am gael cyfrannu’n fyr i gefnogi gwelliannau’r

Democrat amendments. I have alluded to this elsewhere during the debate this afternoon, but I re-emphasise the point that we believe that there needs to be a limitation on the powers that the Minister has to intervene in the running of Welsh improvement authorities. I support the move to limit Ministers' authority so that it can only be exercised in the relevant departments that are failing. Ideally, Ministers should nominate someone else to direct the authority's affairs rather than taking a hands-on approach themselves. As Peter Black said, the Welsh Assembly Government does not deliver front-line services; it places a responsibility on local authorities, NHS bodies and others to deliver services on its behalf. It is merely a commissioner.

We believe that if these amendments are agreed, they will further safeguard local democracy and ensure that, for a limited period, only the area of failing would be dealt with, allowing the good departments of the local authority to continue operating without interference. I would go a step further and suggest that the Minister should only be granted intervention powers within statutory services, but, of course, he already has those powers. At Stage 2, the Minister gave an undertaking to address this issue through Government amendments. He accepted that Ministers should only intervene in statutory functions. In his response to these amendments, perhaps the Minister could explain why he or the Government took no action to limit the powers of intervention in this respect.

I urge Members to support these amendments as a further safeguard for local democracy and as a better way of applying ministerial intervention.

Alun Cairns: I will raise the point of the financing of the proposed Measure. The financial information that has been made available lacks detail, or at least it does not give sufficient information for us to scrutinise robustly whether or not the provisions are sufficient. It follows the habit of the 'One Wales' agreement of placing more responsibilities on local authorities without providing the necessary additional resources.

Democratiaid Rhyddfrydol. Yr wyf wedi cyfeirio at hyn eisoes yn ystod y ddadl y prynhawn yma, ond ailbwysleisaf y pwynt ein bod yn credu bod angen cyfyngu ar y pwerau sydd gan y Gweinidog i ymyrryd yn y ffordd y caiff awdurdodau gwella Cymru eu rhedeg. Cefnogaf y symudiad i gyfyngu ar awdurdod Gweinidogion fel na ellir ei arfer ond yn yr adrannau perthnasol sy'n methu. Yn ddelfrydol, dylai Gweinidogion enwebu rhywun arall i gyfeirio gwaith yr awdurdod yn hytrach na gweithredu'n ymarferol eu hunain. Fel y dywedodd Peter Black, nid yw Llywodraeth Cynulliad Cymru yn darparu gwasanaethau rheng flaen; mae'n rhoi cyfrifoldeb ar awdurdodau lleol, cyrff GIG ac eraill i ddarparu gwasanaethau ar ei rhan. Nid yw ond comisiynydd.

Credwn y bydd y gwelliannau hyn, os cytunir arnynt, yn diogelu democratiaeth leol ymhellach ac yn sicrhau mai dim ond y maes lle mae'r awdurdod yn methu, am gyfnod cyfyngedig, y byddid yn delio ag ef, gan ganiatáu i adrannau da'r awdurdod lleol barhau i weithredu heb ymyrraeth. Byddwn yn mynd gam ymhellach ac yn awgrymu mai dim ond o fewn gwasanaethau statudol y dylid rhoi pwerau ymyrryd i'r Gweinidog, ond, wrth gwrs, mae'r pwerau hynny ganddo eisoes. Yng Nghyfnod 2, addawodd y Gweinidog y byddai'n rhoi sylw i'r mater hwn drwy welliannau Llywodraeth. Derbyniodd mai mewn swyddogaethau statudol yn unig y dylai Gweinidogion ymyrryd. Yn ei ymateb i'r gwelliannau hyn, efallai y gallai'r Gweinidog egluro pam na weithredodd ef na'r Llywodraeth i gyfyngu ar y pwerau ymyrryd yn y cyswllt hwn.

Anogaf yr Aelodau i gefnogi'r gwelliannau hyn fel cyfrwng pellach i ddiogelu democratiaeth leol ac fel gwell ffordd o roi ymyrraeth gan Weinidogion ar waith.

Alun Cairns: Codaf y pwynt ynglŷn â chyllido'r Mesur arfaethedig. Nid yw'r wybodaeth ariannol a ddarparwyd yn rhoi digon o fanylion, neu o leiaf nid yw'n rhoi digon o wybodaeth er mwyn inni graffu'n drylwyr ar ba un a yw'r darpariaethau'n ddigonol ai peidio. Mae'n dilyn arfer cytundeb 'Cymru'n Un' o roi rhagor o gyfrifoldebau ar awdurdodau lleol heb o reidrwydd ddarparu'r adnoddau ychwanegol

I want to underline this point, because it is obvious that the proposed Measure has not been thought through with regard to its financial capacity, in the same way as other Measures and other actions taken by the Welsh Assembly Government, such as the foundation phase and further education funding, where the financial robustness—if I am permitted to use such a phrase—is not sufficient or strong. It is yet another flaw in this proposed Measure.

Nick Ramsay: Many of the points that I was going to make have been covered. I support the amendments tabled by Peter Black.

What we have in this debate is general consensus that there is a role for this proposed local government Measure—that it can, if properly implemented, and with the appropriate amendments, do what we want it to do and that it can give Ministers the necessary authority to deal with authorities that are failing. However, there is a clear difference of opinion between us as to where that line should be drawn. At what point does the necessary power—which we think the Assembly should have—cross the line and become an overbearing intervention? Let us remember that, ultimately, this proposed Measure will affect local authorities. Given that we are talking about collaboration and partnership, it is important that local authorities respect this proposed Measure so that, when a Minister wants to intervene at some point in future, they will regard the power to do so as appropriate.

Yes, there is good in this proposed Measure, but I want these amendments to be taken on board, as I think that they immeasurably improve this legislation, particularly the amendments regarding nominees. It is important that Ministers are not too involved in the running of front-line services, so the addition of a nominee rather than have personal intervention by the Minister is a good thing and I support it.

Brian Gibbons: I think that we all recognise that the powers under section 30 are severe powers to deal with serious service failures.

angenrheidiol. Yr wyf am danlinellu'r pwynt hwn, oherwydd mae'n amlwg nad yw'r Mesur arfaethedig wedi cael ei ystyried yn fanwl o ran ei gapasiti ariannol, yn yr un ffordd â Mesurau a champau gweithredu eraill a gymerwyd gan Lywodraeth Cynulliad Cymru, megis y cyllid ar gyfer y cyfnod sylfaen ac addysg bellach, lle nad yw'r trylwyredd ariannol—os caniateir imi ddefnyddio ymadrodd o'r fath—yn ddigonol nac yn gryf. Mae'n ddiffyg arall eto yn y Mesur arfaethedig.

Nick Ramsay: Mae llawer o'r pwyntiau yr oeddwn i'n mynd i'w gwneud wedi cael eu codi. Cefnogaf y gwelliannau a gyflwynwyd gan Peter Black.

Yr hyn sydd gennym yn y ddadl hon yw consensws cyffredinol fod rôl i'r Mesur llywodraeth leol arfaethedig hwn—y gall, os gweithredir ef yn iawn, a chyda'r gwelliannau priodol, wneud yr hyn yr ydym am iddo ei wneud ac y gall roi i Weinidogion yr awdurdod angenrheidiol i ddelio ag awdurdodau sy'n methu. Fodd bynnag, mae gwahaniaeth barn clir rhyngom o ran ble y dylid tynnu'r llinell. Ar ba bwynt y mae'r pŵer angenrheidiol—y credwn ni a ddylai fod gan y Cynulliad—yn croesi'r llinell ac yn mynd yn ymyrraeth ormesol? Gadewch inni gofio y bydd y Mesur arfaethedig hwn, yn y pen draw, yn effeithio ar awdurdodau lleol. O gofio ein bod yn siarad am gydweithio a phartneriaeth, mae'n bwysig fod awdurdodau lleol yn parchu'r Mesur arfaethedig hwn fel y byddant, pan fydd Gweinidog am ymyrryd ryw dro yn y dyfodol, yn ystyried y pŵer i wneud hynny yn un priodol.

Oes, mae da yn y Mesur arfaethedig hwn, ond yr wyf am i'r gwelliannau hyn gael eu cynnwys, oherwydd credaf eu bod yn gwella'r ddeddfwriaeth hon yn anfesuradwy, yn enwedig y gwelliannau ynglŷn ag enwebeion. Mae'n bwysig nad yw Gweinidog yn ymwneud gormod â rhedeg gwasanaethau rheng flaen, felly mae ychwanegu enwebai yn hytrach nag ymyrraeth bersonol gan y Gweinidog yn beth da ac yr wyf yn ei gefnogi.

Brian Gibbons: Credaf ein bod i gyd yn cydnabod bod y pwerau o dan adran 30 yn bwerau llym i ddelio â methiannau difrifol

Consequently, the proposals for ministerial involvement by taking the powers from a local authority and either vesting them in the Minister or another party is probably the most draconian type of intervention that an improvement authority is likely to experience.

There are two choices open to the Minister: he or she can take control, or nominate other people or another organisation to do that. In response to the point that Joyce Watson made earlier, the other organisations that could be involved would be other Welsh local authorities. Obviously, if assistance is available from other organisations from outside Wales, that would have to be looked at. There is, therefore, no prescription as to who would be in a position to offer support if the Minister was not to undertake that role.

However, the gravity of these powers is such that, should Ministers decide to embark on this activity to deprive improvement authorities of their own functions, there should be a real expectation to see democratic accountability for that decision on a daily basis. Were we to suggest that the Minister be removed from the exercise of these powers, so that the only people able to exercise them would be organisations that have not been democratically elected, there would not be any democratic accountability at all for what would happen. To propose such a course would be a delusion of democratic accountability for serious powers of intervention being exercised by Ministers.

6.40 p.m.

Removing Ministers' ability to intervene, as suggested here, would take away a type of intervention power that has been demonstrated to work in other local authorities. It was ministerial leadership that led to intervention in Cardiff, as Peter Black made reference to, not third-party leadership. This amendment would take tools away from Ministers that have been demonstrated to work in a number of local authorities across Wales.

mewn gwasanaethau. O ganlyniad, mae'n debyg mai'r cynigion i Weinidogion gamu i mewn drwy gymryd y pwerau oddi ar awdurdod lleol a'u breinio naill ai yn y Gweinidog neu mewn parti arall yw'r math mwyaf draconaidd o ymyrraeth y byddai awdurdod gwella yn ei wynebu.

Mae dau ddewis yn agored i'r Gweinidog: gall ef neu hi gymryd rheolaeth, neu gall enwebu pobl eraill neu sefydliad arall i wneud hynny. Mewn ymateb i'r pwynt a wnaeth Joyce Watson yn gynharach, y sefydliadau arall a allai fod â rhan yn hyn fyddai awdurdodau lleol eraill o Gymru. Yn amlwg, os oes cymorth ar gael oddi wrth sefydliadau o'r tu allan i Gymru, byddai'n rhaid edrych ar hynny. Felly, nid oes unrhyw gyfarwyddo o ran pwy fyddai mewn sefyllfa i gynnig cymorth pe na bai'r Gweinidog yn ymgymryd â'r rôl honno.

Fodd bynnag, pe bai Gweinidogion yn penderfynu cymryd y camau hyn i dynnu eu swyddogaethau eu hunain oddi ar awdurdodau gwella, mae'r pwerau hyn mor ddifrifol fel y byddai disgwyliadau gwirioneddol y gwelid atebolrwydd democrataidd am y penderfyniad hwnnw ar sail ddyddiol. Pe baem yn awgrymu bod y Gweinidog i gael ei symud gam oddi wrth y drefn i roi'r pwerau hyn ar waith, fel mai'r unig bobl a allai eu gweithredu fyddai sefydliadau nad ydynt wedi cael eu hethol yn ddemocrataidd, ni fyddai unrhyw atebolrwydd democrataidd o gwbl am yr hyn a fyddai'n ddigwydd. Twyllo'n hunain ynglŷn ag atebolrwydd democrataidd am bwerau ymyrryd difrifol a gâi eu gweithredu gan Weinidogion fyddai cynnig cwrs o'r fath.

Byddai dileu gallu Gweinidogion i ymyrryd, fel yr awgrymir yma, yn cael gwared â math o bŵer ymyrryd y dangoswyd ei fod yn gweithio mewn awdurdodau lleol eraill. Arweinyddiaeth y Gweinidog a arweiniodd at ymyrryd yng Nghaerdydd, rhywbeth y cyfeiriodd Peter Black ato, nid arweinyddiaeth trydydd parti. Byddai'r gwelliant hwn yn cael gwared â dulliau gweithredu i Weinidogion y dangoswyd eu bod yn gweithio mewn nifer o awdurdodau lleol ledled Cymru.

Amendment 9 would limit Welsh Ministers' power of direction to specified relevant functions. Peter Black went on to explain the context, but my understanding is that the reference in section 16 is to the powers of the regulator, rather than to the powers of the local authority; consequently, that amendment is defective as drafted and in the way that Peter Black has enunciated it. In the Stage 2 committee, the Liberal Democrats raised what I said at the time was a perfectly reasonable question as to whether or not section 30 powers would apply to non-statutory as well as statutory services. If this amendment was an attempt to address that, I am happy to provide some reassurance that underperformance in a non-statutory service would not, in any realistic circumstances, engage section 30 powers. These powers are necessarily concentrated on the wider corporate failings of an authority, for instance, the demonstrable ability to establish priorities, secure improvement and manage and account for performance in general.

As a number of colleagues have mentioned in this debate, my ministerial colleagues have separate powers to intervene in areas such as social services and education. Therefore, section 30 is not a catch-all way of extending those powers to every single activity in which a local authority chooses to get involved. It is an option of absolute last resort, where an authority proves to be fundamentally unable or unwilling to manage its affairs. I hope that those assurances will assuage the concerns of the Liberal Democrats in this regard, and that they feel able to withdraw their amendment.

Peter Black: To address the Minister's last point, he says that this is not a catch-all power, yet when this was raised in the Stage 2 committee, he acknowledged the spirit in which it was proposed and said that he would address the issues of principle involved. He has not done so by way of an amendment; he has now given an assurance that does not tie in with the text of the proposed Measure. The Minister may be able to give an assurance on his own behalf and on behalf of the existing

Byddai gwelliant 9 yn cyfyngu pŵer cyfarwyddo Gweinidogion Cymru i swyddogaethau perthnasol penodedig. Aeth Peter Black ymlaen i egluro'r cyd-destun, ond fy nealltwriaeth i yw bod y cyfeiriad yn adran 16 at bwerau'r rheoleiddiwr, yn hytrach nag at bwerau'r awdurdod lleol; o ganlyniad, mae'r gwelliant hwnnw'n ddiffygiol fel y mae wedi cael ei ddrafftio ac yn y ffordd y datganwyd ef gan Peter Black. Yn y pwyllgor Cyfnod 2, cododd y Democratiaid Rhyddfrydol yr hyn a ddywedais ar y pryd oedd yn gwestiwn cwbl resymol pa un a fyddai pwerau adran 30 yn berthnasol i wasanaethau anstatudol yn ogystal â gwasanaethau statudol. Os ymgais i ymdrin â hynny oedd y gwelliant hwn, yr wyf yn hapus i roi rhyw sicrwydd na fyddai tanberfformio mewn gwasanaeth anstatudol, o dan unrhyw amgylchiadau realistig, yn sbarduno pwerau adran 30. Mae'r pwerau hyn o reidrwydd yn canolbwyntio ar fethiannau corfforaethol ehangach awdurdod, er enghraifft, gallu clir i sefydlu blaenoriaethau, i sicrhau gwelliant ac i reoli a rhoi cyfrif am berfformiad yn gyffredinol.

Fel a grybwyllwyd gan nifer o'm cyd-Aelodau yn y ddadl hon, mae gan fy nghyd-Weinidogion bwerau ar wahân i ymyrryd mewn meysydd megis gwasanaethau cymdeithasol ac addysg. Felly, nid yw adran 30 yn ffordd dal popeth o ymestyn y pwerau hynny i bob gweithgaredd unigol y mae awdurdod lleol yn dewis ymwneud ag ef. Mae'n opsiwn yn niffyg popeth arall, lle mae awdurdod yn profi ei fod yn sylfaenol anabl neu amharod i reoli ei faterion. Gobeithiaf y bydd y sicrwydd hwnnw'n tawelu pryderon y Democratiaid Rhyddfrydol yn y cyswllt hwn, ac y teimlant y gallant dynnu eu gwelliant yn ôl.

Peter Black: I ymdrin â phwynt olaf y Gweinidog, dywed nad yw hwn yn bŵer dal popeth, ond pan godwyd hyn yn y pwyllgor Cyfnod 2, cydnabu'r ysbryd y cafodd ei gynnig ynddo a dywedodd y byddai'n ymdrin â'r materion o egwyddor dan sylw. Nid yw wedi gwneud hynny ar ffurf gwelliant; mae wedi rhoi sicrwydd yn awr nad yw'n cydfynd â thestun y Mesur arfaethedig. Efallai fod y Gweinidog yn gallu rhoi sicrwydd ar ei ran ef ei hun ac ar ran y Llywodraeth

Government, but I do not believe that he can give an assurance on the part of a future Government that would take the text of the Measure that was in front of it and deal with the issue in that context. That is one reason why we wanted to take this amendment forward in this way. As the Minister has said, this section grants Ministers fairly draconian powers and it seems important to us that those draconian powers are exercised only in relation to statutory functions.

The Minister has also said that this amendment is defective in the way that it has been drafted, yet section 16 clearly defines the specified relevant functions. Our amendment specifically ties the section to that relevant function. The legal advice that we have received is that that is, therefore, a valid amendment that does what it says on the tin. What I have been proposing is to limit those draconian powers to those particular functions.

The Minister talked about democratic accountability. Amendment 6 does not take away the Minister's right to nominate a body to go in; it only says that the Minister cannot go in and exercise that function or send a civil servant in to do that. Ministers can nominate people to do that and to intervene. If the Minister is saying that that is democratically unaccountable, is he not also saying that the intervention board that the Minister for Health and Social Services sent into Swansea was democratically unaccountable? It is the same mechanism. It is the Minister's nominee, and the Minister is responsible for the action taken and he or she can be questioned and scrutinised on that particular issue. That is what we have been trying to tie down as part of this amendment.

The Minister says that we are seeking to take away the power of intervention, but that is not true—the existing powers of intervention will remain. What we are talking about here are future powers of intervention tied into the improvement process in the proposed Measure. So, if the amendments are agreed, Ministers will still have the power to

bresennol, ond ni chredaf y gall roi sicrwydd ar ran Llywodraeth yn y dyfodol a fyddai'n cymryd testun y Mesur sydd o'i blaen ac yn delio â'r mater yn y cyd-destun hwnnw. Dyna un rheswm pam yr oeddem am ddod â'r gwelliant hwn ymlaen yn y ffordd hon. Fel y dywedodd y Gweinidog, mae'r adran hon yn rhoi pwerau pur ddraconaidd i Weinidogion ac mae'n ymddangos yn bwysig i ni nad yw'r pwerau draconaidd hynny ond yn cael eu harfer yng nghyswllt swyddogaethau statudol.

Dywedodd y Gweinidog hefyd fod y gwelliant hwn yn ddiffygiol yn y ffordd y cafodd ei ddrafftio, ond mae adran 16 yn diffinio'r swyddogaethau perthnasol penodedig yn glir. Mae ein gwelliant ni'n clymu'r adran yn benodol wrth y swyddogaeth berthnasol honno. Y cyngor cyfreithiol a gawsom yw bod hwn, felly, yn welliant dilys sy'n dweud yr hyn a ddywed ar y tun. Yr hyn yr wyf wedi bod yn ei gynnig yw cyfyngu'r pwerau draconaidd hynny i'r swyddogaethau penodol hynny.

Siaradodd y Gweinidog am atebolrwydd democrataidd. Nid yw gwelliant 6 yn dileu hawl y Gweinidog i enwebu corff i fynd i mewn; nid yw ond yn dweud na all y Gweinidog fynd i mewn ac arfer y swyddogaeth honno nac anfon gwas sifil i wneud hynny. Gall Gweinidogion enwebu pobl i wneud hynny ac i ymyrryd. Os yw'r Gweinidog yn dweud nad yw hynny'n atebol yn ddemocrataidd, onid yw hefyd yn dweud bod y bwrdd ymyrraeth a anfonodd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol i Abertawe yn anatebol yn ddemocrataidd? Yr un mecanwaith ydyw. Enwebai'r Gweinidog ydyw, ac mae'r Gweinidog yn gyfrifol am y camau a gymerir a gellir ei holi a chraffu arno am y mater arbennig hwnnw. Dyna'r hyn y buom yn ceisio ei gadarnhau fel rhan o'r gwelliant hwn.

Dywed y Gweinidog ein bod yn ceisio dileu pŵer ymyrryd, ond nid yw hynny'n wir—bydd y pwerau ymyrryd presennol yn parhau. Yr hyn yr ydym yn sôn amdano yma yw pwerau ymyrryd yn y dyfodol ynghlwm wrth y broses wella yn y Mesur arfaethedig. Felly, os cytunir ar y gwelliannau, bydd gan Weinidogion y pŵer o hyd i ymyrryd mewn

intervene in social services and in education, as they have done previously. We are not diminishing those powers in any way; we are saying that the additional powers given to Ministers in the proposed Measure should be exercised in a particular way and only with regard to regulated functions, given that they are so draconian, as the Minister has described them. That is the important principle behind these amendments. I urge the Assembly to support these amendments.

Y Llywydd: Yr wyf yn deall eich bod am symud i bleidlais ar welliant 9. Y cwestiwn yw y dylid cytuno ar welliant 9. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

gwasanaethau cymdeithasol ac mewn addysg, fel y maent wedi'i wneud yn flaenorol. Nid ydym yn lleihau'r pwerau hynny mewn unrhyw ffordd; yr ydym yn dweud y dylai'r pwerau ychwanegol a roddir i Weinidogion yn y Mesur arfaethedig gael eu harfer mewn modd arbennig a dim ond o ran swyddogaethau a reoleiddir, ac ystyried eu bod mor llym, fel y mae'r Gweinidog wedi'u disgrifio. Dyna'r egwyddor bwysig sy'n sail i'r gwelliannau hyn. Yr wyf yn erfyn ar y Cynulliad i gefnogi'r gwelliannau hyn.

The Presiding Officer: I understand that you wish to move to a vote on amendment 9. The question is that amendment 9 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 9: O blaid 12, Ymatal 0, Yn erbyn 28.
Amendment 9: For 12, Abstain 0, Against 28.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Ann
Jones, Carwyn
Jones, Gareth
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 9.
Amendment 9 not agreed.*

Y Llywydd: Yr ydym yn symud yn awr i waredu gwelliant 6 ar dudalen 5 ar y rhestr o welliannau wedi eu gosod mewn trefn. Yr wyf yn gwahodd Peter Black i gynnig

The Presiding Officer: We now come to dispose of amendment 6 on page 5 of the marshalled list. I invite Peter Black to formally move amendment 6.

gwelliant 6 yn ffurfiol.

Peter Black: I move amendment 6 in my name and with the name of Darren Millar in support.

Peter Black: Cynigiaf welliant 6 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 6. A oes gwrthwynebiad? Gwelaif fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 6 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

Gwelliant 6: O blaid 12, Ymatal 0, Yn erbyn 29.

Amendment 6: For 12, Abstain 0, Against 29.

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 6.
Amendment 6 not agreed.*

Y Llywydd: Yr ydym yn symud yn awr i waredu gwelliant 7 ar dudalen 5 ar y rhestr o welliannau wedi eu gosod mewn trefn. Yr wyf yn gwahodd Peter Black i gynnig gwelliant 7 yn ffurfiol.

The Presiding Officer: We now come to dispose of amendment 7 on page 5 of the marshalled list. I invite Peter Black to formally move amendment 7.

Peter Black: I move amendment 7 in my name and with the name of Darren Millar in support.

Peter Black: Cynigiaf welliant 7 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

Y Llywydd: Y cwestiwn yw y dylid cytuno

The Presiding Officer: The question is that

ar welliant 7. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

amendment 7 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 7: O blaid 12, Ymatal 0, Yn erbyn 29.
Amendment 7: For 12, Abstain 0, Against 29.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 7.
Amendment 7 not agreed.*

Y Llywydd: Yr ydym yn symud yn awr i waredu gwelliant 8 ar dudalen 5 ar y rhestr o welliannau wedi eu gosod mewn trefn. Yr wyf yn gwahodd Peter Black i gynnig gwelliant 8 yn ffurfiol.

The Presiding Officer: We now come to dispose of amendment 8 on page 5 of the marshalled list. I invite Peter Black to formally move amendment 8.

Peter Black: I move amendment 8 in my name and with the name of Darren Millar in support.

Peter Black: Cynigiau welliant 8 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 8. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 8 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 8: O blaid 12, Ymatal 0, Yn erbyn 29.
Amendment 8: For 12, Abstain 0, Against 29.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 8.
Amendment 8 not agreed.*

Y Llywydd: Yr ydym yn symud yn awr i waredu gwelliant 16 a drafodwyd fel rhan o grŵp 3. Yr wyf yn gwahodd Darren Millar i gynniig gwelliant 16 yn ffurfiol.

Darren Millar: I move amendment 16 in my name and with the name of Peter Black in support.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 16. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: We now come to dispose of amendment 16, which was debated as part of group 3. I invite Darren Millar to formally move amendment 16.

Darren Millar: Cynigiau welliant 16 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

The Presiding Officer: The question is that amendment 16 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 16: O blaid 12, Ymatal 0, Yn erbyn 29.
Amendment 16: For 12, Abstain 0, Against 29.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Evans, Nerys

Isherwood, Mark
 Millar, Darren
 Morgan, Jonathan
 Ramsay, Nick
 Randerson, Jenny

Franks, Chris
 Gibbons, Brian
 Griffiths, John
 Griffiths, Lesley
 Hutt, Jane
 James, Irene
 Jenkins, Bethan
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Gareth
 Jones, Ieuan Wyn
 Law, Trish
 Lewis, Huw
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd gwelliant 16.
 Amendment 16 not agreed.*

**Diwygiadau Amrywiol a Chanlyniadol (Gwelliannau 11, 12, 13, 14, 15)
 Miscellaneous and Consequential Amendments (Amendments 11, 12, 13, 14, 15)**

Y Llywydd: Gwelliant 11 yw'r prif welliant. Galwaf ar y Gweinidog i gynnig gwelliant 11 a siarad am y gwelliannau eraill yn y grŵp.

The Presiding Officer: The lead amendment is amendment 11. I call on the Minister to move amendment 11 and to speak to the other amendments in the group.

Brian Gibbons: I move amendment 11 in my name.

Brian Gibbons: Cynigaf welliant 11 yn fy enw i.

This group of amendments is not controversial, and will hopefully be seen to be relatively minor and consequential. Amendments 11 and 15 are consequential to the proposed Measure's repeal of the Local Government Act 1999. The proposed amendments would repeal most of the functions transferred to Welsh Ministers by section 29 of the Local Government Act 1999. Consequently, they would repeal the Secretary of State's function contained in section 15(7) of the Local Government Act 1999 as applied by section 29(4) of that Act.

Nid yw'r grŵp hwn o welliannau'n ddadleuol, a gobeithio yr ystyrir eu bod yn gymharol ddibwys ac yn ganlyniadol. Mae gwelliannau 11 a 15 yn ganlyniad i gynnig y Mesur arfaethedig i ddiddymu Deddf Llywodraeth Leol 1999. Byddai'r gwelliannau arfaethedig yn diddymu rhan fwyaf o'r swyddogaethau a drosglwyddwyd i Weinidogion Cymru gan adran 29 o Ddeddf Llywodraeth Leol 1999. O ganlyniad, byddent yn diddymu swyddogaeth yr Ysgrifennydd Gwladol a nodir yn adran 15(7) o Ddeddf Llywodraeth Leol 1999 fel y'i cymhwysir gan adran 29(4) o'r Ddeddf honno.

6.50 p.m.

Under the Government of Wales Act 2006, a Measure can repeal functions of the Secretary of State only with his or her consent. I sought and received such consent in writing before

O dan Ddeddf Llywodraeth Cymru 2006, ni all Mesur ddiddymu swyddogaethau'r Ysgrifennydd Gwladol heb ei ganiatâd. Ceisiais a chefais y fath ganiatâd ysgrifenedig

tabling this amendment. The Department of Communities and Local Government is fully content with what we have proposed.

Amendments 12 and 13 would amend section 36(b) of the Local Government Act 2003. This would allow us to provide financial assistance to anyone, apart from the authority itself, to support an authority's compliance with its best value duties as regards economy, efficiency and effectiveness. The proposed Measure replaces best value with a broader definition of improvement. These amendments would amend section 36(b) so that it no longer relates to the best value duties under the Local Government Act 1999, but instead relates to compliance with the requirements of this particular proposed Measure. As a result, the proposed amendments would allow Welsh Ministers to provide financial assistance to any organisation, apart from the Welsh improvement authority, for the purposes of facilitating compliance with Part 1 of the proposed Measure, rather than with Part 1 of the Local Government Act 1999.

Amendment 14 is minor and is required for the Welsh version of the proposed Measure only. The proposed amendment would correct an inadvertent inclusion of the English word 'and' in Schedule 3 to the Welsh version of the proposed Measure. I urge Members to support this group of amendments.

Y Llywydd: Yr wyf yn deall eich bod am symud i bleidlais ar welliant 11. Y cwestiwn yw y dylid cytuno ar welliant 11. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 11 ei dderbyn.

*Derbyniwyd gwelliant 11.
Amendment 11 agreed.*

Symudwn i waredu gwelliant 12. Yr wyf yn gwahodd Brian Gibbons i gynnig gwelliant 12 yn ffurfiol.

Brian Gibbons: I move amendment 12 in my name.

Y Llywydd: Y cwestiwn yw y dylid cytuno

cyn cyflwyno'r gwelliant hwn. Mae'r Adran Cymunedau a Llywodraeth Leol yn gwbl fodlon â'r hyn yr ydym wedi'i gynnig.

Byddai gwelliannau 12 a 13 yn diwygio adran 36(b) o Ddeddf Llywodraeth Leol 2003. Byddai hyn yn caniatáu inni roi cymorth ariannol i unrhyw un, ar wahân i'r awdurdod ei hun, gynorthwyo awdurdod i gydymffurfio â'i ddyletswyddau gwerth gorau o ran economi, effeithlonrwydd ac effeithiolrwydd. Mae'r Mesur arfaethedig yn disodli gwerth gorau â diffiniad ehangach o welliant. Byddai'r gwelliannau hyn yn diwygio adran 36(b) fel nad yw'n gysylltiedig mwyach â'r dyletswyddau gwerth gorau o dan Ddeddf Llywodraeth Leol 1999, ond yn gysylltiedig yn hytrach â chydymffurfio â gofynion y Mesur arfaethedig arbennig hwn. O ganlyniad, byddai'r gwelliannau arfaethedig yn caniatáu Gweinidogion Cymru i roi cymorth ariannol i unrhyw sefydliad, ar wahân i awdurdod gwella Cymru, at ddibenion hwyluso cydymffurfio â Rhan 1 y Mesur arfaethedig, yn hytrach na chydymffurfio â Rhan 1 Deddf Llywodraeth Leol 1999.

Mân welliant yw gwelliant 14 a dim ond ar gyfer y fersiwn Gymraeg o'r Mesur arfaethedig y mae ei angen. Byddai'r gwelliant arfaethedig yn cywiro cynnwys y gair Saesneg 'and' yn anfwriadol yn Atodlen 3 i fersiwn Gymraeg y Mesur arfaethedig. Yr wyf yn erfyn ar Aelodau i gefnogi'r grŵp hwn o welliannau.

The Presiding Officer: I understand that you wish to move to a vote on amendment 11. The question is that amendment 11 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 11 is therefore agreed.

We come to dispose of amendment 12. I invite Brian Gibbons to formally move amendment 12.

Brian Gibbons: Cynigiau welliant 12 yn fy enw i.

The Presiding Officer: The question is that

ar welliant 12. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 12 ei dderbyn.

amendment 12 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 12 is therefore agreed.

*Derbyniwyd gwelliant 12.
Amendment 12 agreed.*

Symudwn i waredu gwelliant 13. Yr wyf yn gwahodd Brian Gibbons i gynnig gwelliant 13 yn ffurfiol.

We come to dispose of amendment 13. I invite Brian Gibbons to formally move amendment 13.

Brian Gibbons: I move amendment 13 in my name.

Brian Gibbons: Cynigiaf welliant 13 yn fy enw i.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 13. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 13 ei dderbyn.

The Presiding Officer: The question is that amendment 13 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 13 is therefore agreed.

*Derbyniwyd gwelliant 13.
Amendment 13 agreed.*

Symudwn i waredu gwelliant 14. Yr wyf yn gwahodd Brian Gibbons i gynnig gwelliant 14 yn ffurfiol.

We come to dispose of amendment 14. I invite Brian Gibbons to formally move amendment 14.

Brian Gibbons: I move amendment 14 in my name.

Brian Gibbons: Cynigiaf welliant 14 yn fy enw i.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 14. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 14 ei dderbyn.

The Presiding Officer: The question is that amendment 14 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 14 is therefore agreed.

*Derbyniwyd gwelliant 14.
Amendment 14 agreed.*

Symudwn i waredu gwelliant 15. Yr wyf yn gwahodd Brian Gibbons i gynnig gwelliant 15 yn ffurfiol.

We come to dispose of amendment 15. I invite Brian Gibbons to formally move amendment 15.

Brian Gibbons: I move amendment 15 in my name.

Brian Gibbons: Cynigiaf welliant 15 yn fy enw i.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 15. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 15 ei dderbyn.

The Presiding Officer: The question is that amendment 15 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 15 is therefore agreed.

*Derbyniwyd gwelliant 15.
Amendment 15 agreed.*

Symudwn i waredu gwelliant 4, a drafodwyd fel rhan o grŵp 1. Yr wyf yn gwahodd Peter Black i gynnig gwelliant 4 yn ffurfiol.

Peter Black: I move amendment 4 in my name and with the name of Darren Millar in support.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 4. A oes unrhyw wrthwynebiad? Gwelfaf fod. Felly, symudwn i bleidlais.

We come to dispose of amendment 4, which was discussed as part of group 1. I invite Peter Black to formally move amendment 4.

Peter Black: Cynigiau welliant 4 yn fy enw i a chydag enw Darren Millar yn ei gefnogi.

The Presiding Officer: The question is that amendment 4 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 4: O blaid 12, Ymatal 0, Yn erbyn 29.
Amendment 4: For 12, Abstain 0, Against 29.*

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

Black, Peter
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Millar, Darren
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny

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

Andrews, Leighton
Asghar, Mohammad
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Evans, Nerys
Franks, Chris
Gibbons, Brian
Griffiths, John
Griffiths, Lesley
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 4.
Amendment 4 not agreed.*

Y Llywydd: Daw hyn â ni at ddiwedd ein hystyriaeth o'r gwelliannau yng Nghyfnod 3 y Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru).

Derbyniwyd yr holl adrannau.

The Presiding Officer: That brings us to the end of our consideration of the amendments at Stage 3 of the Proposed Local Government (Wales) Measure.

All sections are deemed agreed.

Cynnig Cyfnod 4 Rheol Sefydlog Rhif 23.58 i Gymeradwyo'r Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru)
Stage 4 Standing Order No. 23.58 Motion to Approve the Proposed Local Government (Wales) Measure

The Minister for Social Justice and Local Government (Brian Gibbons): I move that

the National Assembly for Wales approves the Proposed Local Government (Wales) Measure.

I thank everyone who has contributed to the development of this proposed Measure at all stages. Throughout its passage, the proposed Measure has been subject to fairly robust and professional scrutiny, including here in the Chamber today, as well as at Stage 1, Stage 2 and in the finance and subordinate legislation committees. The level of scrutiny and commitment has resulted in a much improved and strengthened proposed Measure. At each Stage, we, as a Government, have tried to listen and give full consideration to the recommendations, and, indeed, we have brought forward a large number of amendments to improve the proposed Measure in response to representations.

It has been a great privilege for me to steer this proposed Measure in the Assembly. I look forward to the next stages, particularly bringing forward the relevant commencement Orders and the necessary statutory guidance. In the end, it is hoped that the good work that all colleagues have contributed to the proposed Measure will make a real difference to public services here in Wales. I thank you for your support and ask that you vote for the proposed Measure to pass Stage 4.

Y Llywydd: Y cynnig yw y dylid derbyn y Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru). A oes gwrthwynebiad? Gwelaif fod. Felly, symudwn i bleidlais.

Y Gweinidog dros Gyfiawnder Cymdeithasol (Brian Gibbons): Cynigiaf fod

Cynulliad Cenedlaethol Cymru yn cymeradwyo'r Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru).

Diolchaf i bawb sydd wedi cyfrannu at ddatblygu'r Mesur arfaethedig hwn ym mhob cyfnod. Drwy gydol y broses, bu'r Mesur arfaethedig yn destun craffu eithaf trylwyr a phroffesiynol, gan gynnwys yma yn y Siambr heddiw, yn ogystal ag yng Nghyfnod 1, Cyfnod 2 ac yn y pwyllgorau cyllid ac is-ddeddfwriaeth. Mae lefel y craffu a'r ymrwymiad wedi arwain at Fesur arfaethedig llawer gwell a llawer cryfach. Ym mhob Cyfnod, yr ydym ni, fel Llywodraeth, wedi ceisio gwrando ac ystyried yr argymhellion yn llawn, ac, yn wir, yr ydym wedi cyflwyno nifer fawr o welliannau i wella'r Mesur arfaethedig mewn ymateb i sylwadau.

Bu'n ffraind fawr imi lywio'r Mesur arfaethedig hwn yn y Cynulliad. Edrychaf ymlaen at y cyfnodau nesaf, yn arbennig cyflwyno'r Gorchmynion dechrau perthnasol a'r cyfarwyddyd statudol angenrheidiol. Yn y pen draw, gobeithir y bydd y gwaith caled y mae pob cyd-Aelod wedi'i gyfrannu at y Mesur arfaethedig yn gwneud gwahaniaeth gwirioneddol i wasanaethau cyhoeddus yma yng Nghymru. Yr wyf yn diolch i chi am eich cefnogaeth ac yn gofyn ichi bleidleisio o blaid derbyn y Mesur arfaethedig yng Nghyfnod 4.

The Presiding Officer: The proposal is that the Proposed Local Government (Wales) Measure be passed. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Cynnig: O blaid 30, Ymatal 0, Yn erbyn 11.
 Motion: For 30, Abstain 0, Against 11.*

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

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

Andrews, Leighton
 Asghar, Mohammad
 Cuthbert, Jeff
 Davidson, Jane
 Davies, Alun
 Davies, Andrew
 Evans, Nerys
 Franks, Chris
 Gibbons, Brian
 Griffiths, John
 Griffiths, Lesley
 Hutt, Jane
 Isherwood, Mark
 James, Irene
 Jenkins, Bethan
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Gareth
 Jones, Ieuan Wyn
 Law, Trish
 Lewis, Huw
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

Black, Peter
 Burnham, Eleanor
 Cairns, Alun
 Davies, Andrew R.T.
 Davies, Paul
 German, Michael
 Graham, William
 Millar, Darren
 Morgan, Jonathan
 Ramsay, Nick
 Randerson, Jenny

*Derbyniwyd y cynnig.
 Motion agreed.*

Y Llywydd: Gyda'r goleuni yn llewyrchu arnom o hyd o'r to, dyna ddiwedd ein trafodion am heddiw.

The Presiding Officer: With the light shining upon us still from the roof above, I bring today's proceedings to a close.

*Daeth y cyfarfod i ben am 6.55 p.m.
 The meeting ended at 6.55 p.m.*

**Aelodau a'u Pleidiau
 Members and their Parties**

Andrews, Leighton (Llafur – Labour)
 Asghar, Mohammad (Plaid Cymru – The Party of Wales)
 Barrett, Lorraine (Llafur – Labour)
 Bates, Mick (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Black, Peter (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Bourne, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)
 Burnham, Eleanor (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Burns, Angela (Ceidwadwyr Cymreig – Welsh Conservatives)
 Butler, Rosemary (Llafur – Labour)
 Cairns, Alun (Ceidwadwyr Cymreig – Welsh Conservatives)
 Chapman, Christine (Llafur – Labour)
 Cuthbert, Jeff (Llafur – Labour)
 Davidson, Jane (Llafur – Labour)
 Davies, Alun (Llafur – Labour)
 Davies, Andrew (Llafur – Labour)
 Davies, Andrew R.T. (Ceidwadwyr Cymreig – Welsh Conservatives)
 Davies, Jocelyn (Plaid Cymru – The Party of Wales)
 Davies, Paul (Ceidwadwyr Cymreig – Welsh Conservatives)
 Elis-Thomas, Dafydd (Plaid Cymru – The Party of Wales)
 Evans, Nerys (Plaid Cymru – The Party of Wales)

Franks, Chris (Plaid Cymru – The Party of Wales)
German, Michael (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Graham, William (Ceidwadwyr Cymreig – Welsh Conservatives)
Gregory, Janice (Llafur – Labour)
Griffiths, John (Llafur – Labour)
Griffiths, Lesley (Llafur – Labour)
Gibbons, Brian (Llafur – Labour)
Hart, Edwina (Llafur – Labour)
Hutt, Jane (Llafur – Labour)
Isherwood, Mark (Ceidwadwyr Cymreig – Welsh Conservatives)
James, Irene (Llafur – Labour)
Jenkins, Bethan (Plaid Cymru – The Party of Wales)
Jones, Alun Ffred (Plaid Cymru – The Party of Wales)
Jones, Ann (Llafur – Labour)
Jones, Carwyn (Llafur – Labour)
Jones, Elin (Plaid Cymru – The Party of Wales)
Jones, Gareth (Plaid Cymru – The Party of Wales)
Jones, Helen Mary (Plaid Cymru – The Party of Wales)
Jones, Ieuan Wyn (Plaid Cymru – The Party of Wales)
Law, Trish (Annibynnol – Independent)
Lewis, Huw (Llafur – Labour)
Lloyd, David (Plaid Cymru – The Party of Wales)
Lloyd, Val (Llafur – Labour)
Melding, David (Ceidwadwyr Cymreig – Welsh Conservatives)
Mewies, Sandy (Llafur – Labour)
Millar, Darren (Ceidwadwyr Cymreig – Welsh Conservatives)
Morgan, Jonathan (Ceidwadwyr Cymreig – Welsh Conservatives)
Morgan, Rhodri (Llafur – Labour)
Neagle, Lynne (Llafur – Labour)
Ramsay, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)
Randerson, Jenny (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Ryder, Janet (Plaid Cymru – The Party of Wales)
Sargeant, Carl (Llafur – Labour)
Sinclair, Karen (Llafur – Labour)
Thomas, Gwenda (Llafur – Labour)
Thomas, Rhodri Glyn (Plaid Cymru – The Party of Wales)
Watson, Joyce (Llafur – Labour)
Williams, Brynle (Ceidwadwyr Cymreig – Welsh Conservatives)
Williams, Kirsty (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Wood, Leanne (Plaid Cymru – The Party of Wales)