



# **Cynulliad Cenedlaethol Cymru**

## **The National Assembly for Wales**

### **Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol**

#### **The Constitutional and Legislative Affairs Committee**

**Dydd Llun, 9 Rhagfyr 2013**  
**Monday, 9 December 2013**

#### **Cynnwys**

#### **Contents**

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

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

Deddfwriaeth Arall  
Other Legislation

Papur i'w Nodi  
Paper to Note

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

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

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

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

Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
David Melding	Y Dirprwy Lywydd a Chadeirydd y Pwyllgor The Deputy Presiding Officer and Committee Chair
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

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

Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Ruth Hatton	Dirprwy Clerc Deputy Clerk
Alys Thomas	Y Gwasanaeth Ymchwil Research Service
Gareth Williams	Clerc Clerk

*Dechreuodd y cyfarfod am 13:31.*  
*The meeting began at 13:31.*

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

[1] **David Melding:** Good afternoon, and welcome to this meeting of the Constitutional and Legislative Affairs Committee. I will start with the usual housekeeping announcements. We do not expect a routine fire drill, so if we hear the fire alarm, please follow the instructions of the ushers, who will help us leave the building safely. Please switch off all electronic equipment, as, even if it is switched to passive mode, it will interfere with our broadcasting equipment. These proceedings will be conducted in Welsh and English. When Welsh is spoken, there is a translation on channel 1 and channel 0 will amplify our proceedings.

**Offerynnau nad ydynt yn Cynnwys Materion i Gyflwyno Adroddiad arnynt o**  
**dan Reolau Sefydlog 21.2 na 21.3**  
**Instruments that Raise no Reporting Issues under Standing Orders 21.2 or 21.3**

[2] **David Melding:** The instruments that raise no reporting issues under the relevant Standing Order are listed here, if Members have any queries. Are we content? I see that we are; thank you.

**Deddfwriaeth Arall**  
**Other Legislation**

[3] **David Melding:** We have a little excitement with this item, because it is a new procedure—a statutory instrument consent memorandum—that arises out of the reformed Standing Orders, particularly Standing Order 30A. That was as a result of an earlier committee report on the way that we deal with scrutinising some of these issues. I will ask Gwyn to take us through this particular one, which relates to payments by parish councils and, in Wales, community councils.

[4] **Mr Griffiths:** Fel y clywsoch chi, mae'r offeryn hwn yn dod gerbron y Cynulliad o dan Reol Sefydlog 30A.2. Darparwyd y broses honno oherwydd y Gorchymynion a oedd yn deillio o'r Ddeddf Cyrff Cyhoeddus 2012 a bod angen proses ar gyfer ystyried deddfwriaeth o'r fath gan y Cynulliad. Cyn hynny, dim ond darpariaethau mewn Biliau yr oedd gennym broses ffurfiol ar eu cyfer am gysyniad deddfwriaethol.

**Mr Griffiths:** As you heard, this instrument is brought before the Assembly under Standing Order 30A.2. The process is provided because of the Orders that stemmed from the Public Bodies Act 2012 and that there needed to be a process for consideration of legislation of that kind by the Assembly. Before that, we only had a formal process for provisions within Bills for legislative consent.

[5] Fodd bynnag, mae'r Gorchymyn hwn yn deillio o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006, ac mae'n Orchymyn sy'n ymwneud â chynghorau cymuned yng Nghymru, a dim ond cynghorau cymuned, oherwydd nid oes gennym gynghorau plwyf nac ymddiriedolwyr siarter yng Nghymru. Felly, dim ond i gynghorau cymuned mae hwn yn berthnasol. Os caf ddweud, mae'r memorandwm yn gliriach na llawer o femoranda rwyf wedi eu gweld dros y blynyddoedd diwethaf. Wedi ei ddarllen, nid oeddwn yn teimlo bod unrhyw beth yr oeddwn yn gallu ei ychwanegu mewn papur i'r pwyllgor hwn, heblaw esbonio nad oes ymddiriedolwyr siarter yng Nghymru. Felly, nid oes pwyntiau ychwanegol yn codi, oni bai fod gan y pwyllgor unrhyw gwestiynau mewn perthynas â'r Gorchymyn hwn.

However, this Order stems from the Legislative and Regulatory Reform Act 2006, and it is an Order in relation to community councils in Wales, and community councils alone, because we do not have parish councils or chartered trustees in Wales. So, this is applicable only to community councils. If I may say, the memorandum is clearer than many memoranda that I have seen over recent years. Having read it, I did not feel that there was anything that I could add in a paper to this committee, other than to explain that there were no chartered trustees in Wales. So, there are no further points arising, unless the committee has any further questions in relation to this Order.

[6] **David Melding:** Do Members have any issues? We need to report on this, but the report can just state that we are happy with the explanatory memorandum and that we have not identified any other issues to which we need to draw the Assembly's attention.

[7] **Eluned Parrott:** There was one thing that I noticed in the engagement exercise that took place. Community councils in Wales were fairly evenly split between whether they wanted this change or not, whereas parish councils and other bodies in England were far more in favour of it. I am wondering whether there is a difference between the level of engagement that community councils in Wales have had, as opposed to other bodies in England.

[8] **Mr Griffiths:** I do not have that information. It may be a reflection of the age of community councillors and their clerks in Wales, rather than in England, but I do not know. That is purely guesswork.

[9] **Suzy Davies:** I have nothing to add apart from, perhaps, a policy point. I had better not.

[10] **David Melding:** I know that it is tempting to make policy points. Shall we note that? We will just say that the explanatory memorandum is clear, and then, if there are any loose ends to follow up, there are ways for party groups to do that within the Assembly. We do not have any issues of major concern from constitutional or legislative propriety.

13:35

**Papur i'w Nodi**  
**Paper to Note**

[11] **David Melding:** We have a paper to note, which is the Welsh delegation's paper on the future of the Committee of the Regions. It has been sent to us by Mick Antoniw and Rhodri Glyn Thomas. May I just say how appropriate it is that we are noting this? We do have an official delegation visiting today from the Committee of the Regions. I think that they have just arrived in the public gallery, so it with great pleasure that I welcome them to the National Assembly for Wales. I know that some of us will have a further opportunity to meet them later this afternoon.

[12] The paper is very interesting. It obviously relates to our report. Members may have views that they wish to discuss briefly now in terms of the issues that the paper raises and whether, to date, we have captured enough in our own evidence gathering in terms of the report on Wales's voice in Europe.

[13] **Eluned Parrott:** As you say, it is very pertinent to the report that we are doing at the moment. It is interesting that the committee itself is keen to see reform to make its influence more strongly felt. Obviously, that will be very complementary to some of the other evidence that we have taken.

[14] **Suzy Davies:** I was just wondering whether the visitors are aware of the evidence that we have received already, and whether they have been involved in the compilation of this report at all.

[15] **David Melding:** We do have a scheduled meeting at 4 p.m., so I shall be outlining some of the issues further then. If they want any of the evidence that we have heard so far, but particularly when we have discussed the Committee of the Regions, we will arrange to have that sent to them. Obviously, Rhodri Glyn and Mick Antoniw are able to brief them as well, in terms of some of the issues. I see that we are content to note that.

[16] We have galloped through our agenda to be held in public. I should tell our visitors that not all of our meetings are this short.

13:37

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r  
Cyfarfod**

**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the  
Meeting**

[17] **David Melding:** I move that

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

[18] I see that no Member objects. Please switch off the broadcasting equipment and clear the public gallery.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 13:37.*

*The public part of the meeting ended at 13:37.*