



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

The Constitutional and Legislative Affairs Committee

14/11/2016

Agenda'r Cyfarfod

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

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. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Yr Arglwydd / Lord Dafydd Elis-Thomas Bywgraffiad Biography	Annibynnol Independent
Nathan Gill Bywgraffiad Biography	Annibynnol Independent
Huw Irranca-Davies Bywgraffiad Biography	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Dai Lloyd Bywgraffiad Biography	Plaid Cymru The Party of Wales
David Melding Bywgraffiad Biography	Ceidwadwyr Cymreig Welsh Conservatives

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

Gareth Williams	Clerc Clerk
Sian Giddins	Dirprwy Glerc Deputy Clerk
Alys Thomas	Y Gwasanaeth Ymchwil Research Service
Gareth Howells	Cynghorydd Cyfreithiol Legal Adviser
Joanest Varney-Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Katie Wyatt	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 14:33.

The meeting began at 14:33.

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

[1] **Huw Irranca-Davies:** Good afternoon and welcome to this session of the Constitutional and Legislative Affairs Committee, on Monday 14 November. We are now in public session, and we will move straight to the first item of business, which are any apologies. We have a full slate here today of committee members—all very, very welcome indeed—so, no apologies. As per normal, translation is available, and you know all the instructions on the fire exits and the fire alarms, so I won't go through all of that. If you're happy, we will go straight to item number 2.

14:34

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

[2] **Huw Irranca-Davies:** Item 2: instruments that raise no reporting issues under Standing Order 21.2 or 21.3. And we have under paper 1 a statutory instrument with a clear report. It's a negative resolution instrument, SL(5)024, the Local Government (Performance Indicators) (Wales) (Revocation) Order 2016. It came out in our papers. Do we have any comments from committee members? None. We're happy to note that. Thank you.

14:35

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

[3] **Huw Irranca-Davies:** And then we move to item 3: an instrument that does raise an issue to be reported to the Assembly under the Standing Orders, and it's an affirmative resolution instrument, with quite some copious papers that were circulated beforehand. It's SL(5)020, the Environmental Permitting (England and Wales) Regulations 2016. We have in

the papers our report. We have the regulations themselves, quite long and detailed, and also an explanatory memorandum. Gareth, did you want to comment on this SI?

[4] **Mr Williams:** Just to tell the committee that we have had the Government's response, and that's available to Members in hard copy.

[5] **Huw Irranca-Davies:** There we are. And are there any particular comments on this? We've read through the papers. Katie.

[6] **Ms Wyatt:** The reason for the commentary is, first, because it's made on an England-and-Wales basis, so it hasn't been made bilingually, and the Government has given their response as to why that's happened. The other main point that I flagged up is the fact that this set of regulations has made some amendments to some Wales-only legislation, which has previously had further amendments made to previous iterations of the similar legislation that hasn't—. The Welsh and English hasn't been identical, and some amendments have been missed somewhere along the line. So, this piece of legislation has worked to iron out those inaccuracies and make sure that the English and the Welsh say the same thing going forward. So, it's not an issue in itself, but just to raise it.

[7] **Lord Elis-Thomas:** I'm not going to let that pass without comment.

[8] Mae'n rhaid imi ddweud ei bod hi'n gwbl annerbyniol, oherwydd bod materion yn cael eu gwneud ar lefel Cymru a Lloegr, neu beth bynnag arall ydy'r esgus, nad ydym ni'n gallu cadw safonau uchel ein deddfu dwyieithog ni ein hunain. Rwy'n meddwl ei bod yn bwysig iawn i ni ddweud hyn ar bob achlysur yn glir fel pwyllgor, os cawn ni, Gadeirydd. I have to say that it's entirely unacceptable, because matters are made on an England and Wales level, or whatever else the excuse is, that we can't maintain our own high standards in terms of bilingual legislation. I think it's very important that we put that on the record at all times and say it clearly as a committee, if we may, Chair.

[9] **Huw Irranca-Davies:** Absolutely. I think members of the committee would be content with that—that we do make those observations in our reporting back on this. So, thank you. Katie, thank you very much. But, others, on the merits and the technical issues, no comments on this?

[10] **David Melding:** Content.

[11] **Huw Irranca-Davies:** Content. Thank you. So, we'll report to the Assembly in line with paper 2 and the comments just made by Dafydd Elis-Thomas as well. Thank you.

14:37

Papurau i'w Nodi Papers to Note

[12] **Huw Irranca-Davies:** And we move now on to item 4: papers to note. We have in papers 5, 6 and 7 correspondence between the Cabinet Secretary for Finance and Local Government and the Presiding Officer on the appointment of the chair of the Welsh Revenue Authority, which, of course, falls very much in line with the discussions that we've been having on the whole structure and framework of not simply ombudsmen, but also those who might be described as 'commissioners'. So, it's simply correspondence to note at this moment, although it may become relevant to those discussions as well. One thing to raise with the committee members is that the reason also that this is relevant is because of the legacy report of the predecessor committee, which looked at these issues surrounding the appointment and accountability of commissioners. Curiously, it's that legacy report that has driven this. Yes, indeed, David.

[13] **David Melding:** I think the process is a robust one. Presumably, that's the point, really—the constitutional propriety. We're not likely to be the committee that will do the pre-appointment hearings. That would be the Finance Committee, presumably.

[14] **Huw Irranca-Davies:** Yes.

[15] **David Melding:** Yes. That's fine.

14:39

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

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in accordance with Standing Order 17.42(vi).

*Cynigiwyd y cynnig.
Motion moved.*

[16] **Huw Irranca-Davies:** Okay. So, if we're content to note that, we can now move to private session, if the committee is content. Content. Thank you.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:39.
The public part of the meeting ended at 14:39.*