



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

# Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Cyllid](#)

[The Finance Committee](#)

11/05/2017

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi 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**

Mike Hedges <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur Labour
Steffan Lewis <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Plaid Cymru The Party of Wales
Eluned Morgan <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur Labour
Nick Ramsay <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Ceidwadwyr Cymreig Welsh Conservatives
David Rees <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur Labour
Simon Thomas <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)

**Eraill yn bresennol**  
**Others in attendance**

Emma Cordingley	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government
Mark Drakeford <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Aelod Cynulliad, Llafur (Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol) Assembly Member, Labour (The Cabinet Secretary for Finance and Local Government)
Sarah Tully	Rheolwr Prosiect Polisi Trethi Datganoledig, Llywodraeth Cymru Devolved Tax Policy Project Manager, Welsh Government

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

Bethan Davies	Clerc Clerk
Georgina Owen	Dirprwy Glerc Deputy Clerk
Katie Wyatt	Cynghorydd Cyfreithiol Legal Adviser

*Dechreuodd y cyfarfod am 09:31.*

*The meeting began at 09:31.*

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

[1] **Simon Thomas:** Galwaf y Pwyllgor Cyllid i drefn a chroesawu pawb yma. Rydym yma i drafod y Bil Treth Gwarediadau Tirlenwi (Cymru), Cyfnod 2. Mae'r cyfarfod yn ddwyieithog. Mae'r cyfieithiad i'w gael ar sianel 1 ar y clustffonau, a'r iaith wreiddiol ar sianel 2. Os oes modd i chi dewi unrhyw ddyfeisiadau electronig a gwneud yn sicr bod y sain wedi diffodd arnyn nhw, byddai hynny o gymorth mawr i'r darlledwyr ac i'r cyfieithwyr. Nid oes ymddiheuriadau a dim dirprwyon, felly os ydy pawb yn hapus, fe wnawn ni ddechrau ar y cyfarfod.

**Simon Thomas:** I call the Finance Committee to order and I welcome you all here. We are here to discuss the Landfill Disposals Tax (Wales) Bill, Stage 2 consideration. It's a bilingual meeting. Interpretation is available on channel 1 on your headsets, and you can amplify proceedings on channel 2. If you could put any electronic devices on silent, then we would be most grateful, because that will help the broadcasters and the interpreters. We've received no apologies and there are no substitutions, therefore if everyone is content, we will make a start.

09:32

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

[2] **Simon Thomas:** Yn gyntaf oll i aelodau'r pwyllgor, mae gennym bapur i'w nodi, sef llythyr oddi wrth Gomisiwn y Cynulliad i'r Cadeirydd, i

**Simon Thomas:** First of all to committee members, we do have a paper to note, which is a letter from the Assembly Commission to the

minnau, ynglŷn â thanwariant a Chair on the remuneration board phenderfyniad y bwrdd taliadau, determination underspend, dated 28 dyddiedig 28 Mawrth. A ydych chi'n March. Are you happy to note that hapus i nodi'r llythyr am y tro, ac fe letter for the time being, and we will ddown yn ôl i drafod beth sydd gan y return to the issues raised and how it llythyr i'w ddweud a'r ffordd mae'n impacts the way we look at the effeithio ar y ffordd rydym yn edrych Commission budget in due time? Are ar gyllideb y Comisiwn maes o law, you happy to note? Thank you very mae'n siŵr? A ydych chi'n hapus i'w much. nodi? Diolch yn fawr iawn.

**Y Bil Treth Gwarediadau Tirlenwi (Cymru): Cyfnod 2—Trafod y  
Gwelliannau  
Landfill Disposals Tax (Wales) Bill: Stage 2—Consideration of  
Amendments**

[3] **Simon Thomas:** A gawn ni **Simon Thomas:** We'll turn, therefore, droi, felly, at Gyfnod 2 o'r Bil? to our Stage 2 consideration of the Bill.

**Grŵp 1: Gwaredu Deunydd fel Gwastraff (Gwelliannau 28, 29, 42, 43)  
Group 1: Disposal of Material as Waste (Amendments 28, 29, 42, 43)**

[4] **Simon Thomas:** A gaf i ofyn yn **Simon Thomas:** May I first of all ask gyntaf i ni drafod y grŵp cyntaf, sy'n that we look at the first group on the ymwneud â gwaredu deunydd fel disposal of materials as waste? The gwastraff? Y prif welliant yn y grŵp lead amendment in this group is yma yw gwelliant 28 yn enw Nick amendment 28 in the name of Nick Ramsay. Ac felly rwy'n galw ar Nick Ramsay. And therefore I call on Nick Ramsay i gynnig gwelliant 28 a siarad Ramsay to move amendment 28 and am ei welliant ac unrhyw welliannau to speak to his amendment and any eraill yn y grŵp. Nick Ramsay. other amendments in the group. Nick Ramsay.

*Cynigiwyd gwelliant 28 yn enw Nick Ramsay.  
Amendment 28 moved in the name of Nick Ramsay.*

[5] **Nick Ramsay:** Diolch. Good morning, Cabinet Secretary. Amendments 28 and 29—amendment 28 being, I believe, the lead amendment in this group—are pretty straightforward, and they seek to simplify the meaning of

intention on disposals in this Bill. The Welsh Government's initial section does not, I feel, address the concerns raised by the committee during our evidence sessions, and I feel the definitions are too circular. You didn't make any amendments stating that you would demonstrate the range of considerations that need to be balanced, and the thorough and considered approach that has been taken has satisfied you.

[6] The purpose of amendment 29, subsequent to 28, is to remove the requirement of intention and inferred intention to make sure it's easier to prove when the material has been disposed of. As I say, it's pretty straightforward. I think it will simplify the way that the Bill is perceived, and I think that would clear up some confusion in the current drafting.

[7] **Simon Thomas:** A oes yna Aelodau eraill eisiau siarad yn y grŵp yma? Os nad oes, fe wnaaf wahodd yr Ysgrifennydd Cabinet.

**Simon Thomas:** Do any other Members wish to speak to this group? If not, I will call the Cabinet Secretary.

[8] **Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol (Mark Drakeford):** Diolch yn fawr, Gadeirydd. Fel y dywedais, gan mai dyma'r tro cyntaf i mi siarad heddiw, hoffwn wneud ambell sylw cyffredinol i ddechrau. Hoffwn ddiolch yn swyddogol i holl Aelodau'r Cynulliad, yn arbennig aelodau'r Pwyllgor Cyllid, am eu gwaith craffu ar y Bil hyd yn hyn. Mae wedi bod yn werthfawr iawn wrth inni lunio'r ddeddfwriaeth dreth hon. Hoffwn hefyd ddiolch i staff y Comisiwn am sicrhau bod pethau'n llifo'n rhwydd, fel arfer.

**The Cabinet Secretary for Finance and Local Government (Mark Drakeford):** Thank you, Chair. As I said, as this is my first contribution today, I'd like to make a few general remarks to start. I would like to place on record my thanks to all Members of the Assembly, particularly those of the Finance Committee, for their scrutiny of the Bill to date. It has been very valuable in helping to shape this tax legislation. I would also like to thank the committee staff for ensuring that, as ever, things run smoothly.

[9] Bydd yr Aelodau'n ymwybodol fy mod i wedi cyflwyno ymateb manwl i argymhellion Cyfnod 1 y pwyllgor ym mis Mawrth, a byddaf yn cyflwyno gwelliannau mewn ymateb i'r argymhellion hynny. Hoffwn hefyd ddiolch i'r Aelodau sydd wedi

Members will be aware that I provided a detailed response to the committee's Stage 1 recommendations in March, and I am bringing forward amendments in response to those recommendations. I would also like to thank Members

cyflwyno'r gwelliannau y byddwn ni'n eu trafod heddiw. Rydw i'n dweud eto fy mod yn croesawu'r gwaith craffu fel cyfle i wella deddfwriaeth y Cynulliad hwn. Rwy'n croesawu'r cyfle hwn i ystyried gwelliannau i'r Bil heddiw. Mae'n gam pwysig arall tuag at gael trethi datganoledig yma yng Nghymru. Diolch yn fawr, Gadeirydd, am y cyfle i ddweud pethau cyffredinol fel yna. Rwy'n troi at grŵp 1.

who have tabled the amendments that we will be debating today. I reiterate my view that I welcome scrutiny as an opportunity to improve the legislation of this Assembly. I welcome the opportunity to consider amendments to the Bill today as it is another important step towards having devolved taxes here in Wales. Thank you, Chair, for the opportunity to make a few opening general remarks. I'm turning to group 1.

[10] I've got to thank Nick Ramsay, of course, for bringing forward the amendments in this group. I think I've acknowledged throughout the Bill process that the issue of defining a taxable disposal for LDT purposes is complex and one to which the Government has given very careful consideration, and that has included looking at existing legislation, relevant case law and potential alternative approaches.

[11] I responded to the committee's recommendation 5 with a detailed technical note setting out the rationale underlying each component of section 6 and the process that went into arriving at that draft, alongside a summary of relevant UK landfill litigation. I think it's very important for me to stress, in this group, that we are dealing with a litigious area where these definitions have been a matter of concern in front of courts, and continue to be in a number of important cases. I set out that material in that detail because I wanted to try and demonstrate to the committee that the provisions in the Bill and the way that defining a taxable disposal has been approached in the Bill has been very carefully crafted and considered.

[12] Nick Ramsay said in introducing his amendments that they would simplify matters and make things easier and clear up confusion. My concern is that by amending definitions, which have been very carefully put together in this Bill and have been designed to make sure that we have a system that is proofed against litigation, by taking into account the product of recent case law and concluded cases—cases, by the way, where for the most part they've been resolved in favour of the tax authority—that if we were to adopt a different definitional approach in our Bill, we would simply open up the law in Wales to a whole new series of legal challenges.



[13] Now, I am not claiming that the way the Bill is constructed is straightforward, because this is an inherently complex area, but I do want to say to committee members that it's been very carefully put together to make sure that the definitions we use are the ones that have been most recently tested, most recently resolved and, therefore, offer us the best opportunity of making sure that we are not drawn into a new round of litigious arguments about what these basic definitions might mean.

[14] Amendment 29, as you've heard, also seeks to expand the regulation-making powers to allow materials to be listed as within or without the definition of a disposal, whether or not the test of it having been discarded is met. I'm concerned that this adds a further layer of unnecessary complication to the legislation. There are significant technical and drafting issues with this group of amendments that are also of concern to me.

[15] Chair, I will ask Members to resist the amendments this morning, because while I'm sure they were absolutely genuinely brought forward with the purpose of simplification, I think by departing from the very careful way in which definitions are constructed in the Bill, what they will do, instead of simplifying things, is they will open up a series of new vulnerabilities to litigious action, against which, at the moment, the Bill is very carefully defended.

[16] **Simon Thomas:** Nick Ramsay, i **Simon Thomas:** Nick Ramsay, to reply  
ymateb i'r ddal. to the debate.

[17] **Nick Ramsay:** Thanks, Chair. Thank you, Cabinet Secretary, and I fully understand the reasons why you've made the comments you have with regard to these amendments. I do think that, in formulating new legislation in Wales, there has been a tendency to overly rely on existing UK legislation, which, in some cases, is perfectly understandable and fine, but I think that we are a little bit risk-averse in this place. You have, in your comments—. Okay, you've not—I won't say 'admitted', but you've given an indication that you can understand why I have tabled this amendment because it does involve simplification of the language within the Bill. I think to simply try and steer away from any litigation at this point in time is an error. I don't think that law should be drafted in the initial stages to avoid litigation. I think it should be done for clarification, for clarity, and to get the best legislation we possibly can. I think, in this case, this amendment—well, the lead amendment 28 and the subsequent amendment 29—would actually provide a better drafting of the law. That's the reason why I brought this amendment

forward and that's why I will be moving this now.

[18] **Simon Thomas:** Diolch. Felly, rydych chi am symud i bleidlais ar y gwelliant, rwy'n cymryd felly. Felly, y cwestiwn yw: a ddylid derbyn gwelliant 28? A oes gwrthwynebiad? [Gwrthwynebiad.] Mae gwrthwynebiad. Felly, cawn ni bleidlais drwy ddangos dwylo. Os caf ofyn ichi, y rhai o blaid y gwelliant i ddangos eu dwylo, os gwelwch yn dda.

**Simon Thomas:** Thank you. So, you do wish to proceed to a vote on this amendment, I assume. So, the question is that amendment 28 be agreed. Does any Member object? [Objection.] There is objection. Therefore, we will move to a vote by a show of hands. If I could ask those in favour of the amendment to indicate, please.

[19] Those in favour of the amendment, please show their hands.

[20] A'r rhai sydd yn erbyn y gwelliant i godi eu dwylo. Roedd un bleidlais o blaid y gwelliant a phump yn erbyn y gwelliant. Felly, nid yw'r gwelliant wedi'i dderbyn.

And those against the amendment, please raise your hands. There was one vote in favour and five against. Therefore, the amendment is not agreed.

*Gwelliant 28: O blaid 1, Yn erbyn 5, Ymatal 0.  
Amendment 28: For 1, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Ramsay, Nick	Hedges, Mike Lewis, Steffan Morgan, Eluned Rees, David Thomas, Simon	

*Gwrthodwyd gwelliant 28.  
Amendment 28 not agreed.*

[21] **Simon Thomas:** Nick, a ydych chi'n dymuno cynnig gwelliant 29?

**Simon Thomas:** Nick, do you wish to move to a vote on amendment 29?

[22] Amendment 29—do you wish to move?

*Cynigiwyd gwelliant 29 (Nick Ramsay).  
Amendment 29 (Nick Ramsay) moved.*

[23] **Nick Ramsay:** I move.

[24] **Simon Thomas:** Mae gwelliant 29 wedi'i gynnig. A oes gwrthwynebiad i welliant 29? [Gwrthwynebiad.] Mae yna wrthwynebiad. Felly, symud i bleidlais ar welliant 29. Os caf i'r rheini ohonoch chi sydd o blaid gwelliant 29 i ddangos eu dwylo. O blaid y gwelliant. Diolch yn fawr. A'r rhai sydd yn erbyn y gwelliant i ddangos eu dwylo. Roedd un bleidlais o blaid y gwelliant a phump yn erbyn y gwelliant. Felly, nid yw'r gwelliant wedi'i dderbyn.

**Simon Thomas:** Amendment 29 has been formally moved. Is there any objection to amendment 29? [Objection.] There is objection. We will move to a vote on amendment 29. If those of you in favour of amendment 29 can indicate. Those in favour. Thank you. And those against the amendment, please indicate. There was one vote in favour of the amendment and five against. Therefore, the amendment is not agreed.

*Gwelliant 29: O blaid 1, Yn erbyn 5, Ymatal 0.  
Amendment 29: For 1, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Ramsay, Nick	Hedges, Mike Lewis, Steffan Morgan, Eluned Rees, David Thomas, Simon	

*Gwrthodwyd gwelliant 29.  
Amendment 29 not agreed.*

09:42

**Grŵp 2: Deunydd Cymwys (Gwelliannau 21, 22, 23, 24, 25)  
Group 2: Qualifying Material (Amendments 21, 22, 23, 24, 25)**

[25] **Simon Thomas:** Rydym yn symud ymlaen nawr at grŵp 2. Mae

**Simon Thomas:** We move on to our second group of amendments,

grŵp 2 yn ymwneud â deunydd relating to qualifying material. The  
 cymwys. Y prif welliant yn y grŵp lead amendment in this group is  
 yma yw gwelliant 21 yn enw'r amendment 21 in the name of the  
 Ysgrifennydd Cabinet. Cabinet Secretary.

*Cynigiwyd gwelliant 21 (Mark Drakeford).*

*Amendment 21 (Mark Drakeford) moved.*

[26] **Simon Thomas:** Felly, byddaf **Simon Thomas:** Unless the Cabinet  
 i'n cynnig—oni bai fod yr Secretary indicates otherwise, I will  
 Ysgrifennydd Cabinet yn move the amendment on behalf of  
 gwrthwynebu—y gwelliant ar ran yr the Cabinet Secretary, and I call on  
 Ysgrifennydd Cabinet, ac rwy'n galw the Cabinet Secretary to speak to his  
 ar yr Ysgrifennydd Cabinet i siarad amendment and the other  
 am y gwelliant a'r gwelliannau eraill amendments in this group.  
 yn y grŵp hwn.

[27] **Mark Drakeford:** Diolch yn **Mark Drakeford:** Thank you, Chair.  
 fawr, Gadeirydd.

[28] This is the first of a number of groups in front of the committee today  
 where Government amendments are being brought forward in order to  
 respond to recommendations made by this committee, and sometimes by the  
 Constitutional and Legislative Affairs Committee. Chair, because all members  
 of this committee here today have been part of the consideration of this Bill  
 throughout its process, my plan is to try to introduce the amendments  
 relatively briefly because the background will be well-known to Members  
 here. Obviously, behind the headlines lies a great deal, sometimes, of  
 technical detail. I'm very happy to try to respond to any questions or matters  
 that Members wish to raise in replying to the debate, and I'll try and be  
 relatively brief in introducing them. This first group of amendments arise  
 from recommendations—recommendation 11 from this committee, and  
 recommendations 6 and 7 from the Constitutional and Legislative Affairs  
 Committee, which ask for the qualifying materials to be listed on the face of  
 the Bill. That is exactly what this amendment seeks to do. The committee  
 argued that that would assist landfill site operators by allowing them to be  
 clear about the types of material that qualify for the lower rate of the tax. As  
 promised in my letter to the committee on 20 March, the list of qualifying  
 materials that are proposed to be on the face of the Bill draws on advice from  
 stakeholders on technical matters—discussions that my officials held with  
 stakeholders following the committee's report.

09:45

[29] Again, following the advice of committees, there is an amendment proposed that would allow Welsh Ministers to have a power to amend the Schedule, and that is in front of this committee this morning. That would allow the system in Wales to adapt quickly to technological changes and changes made elsewhere, as well as providing the certainty that I mentioned. In placing the list of qualifying materials on the face of the Bill, we have also amended the definition in section 8 of the Bill in relation to the storage of ashes at a landfill site, to make that definition consistent with the list of qualifying materials as it now appears on the face of the Bill. That change is set out in amendment 21, which ensures consistency in terms used across the Bill and its Schedules. Given that these are amendments designed to respond to the committee's advice, I hope Members will be prepared to support them this morning.

[30] **Simon Thomas:** Diolch. A oes Aelod arall yn dymuno siarad yn y grŵp yma? Nid oes neb, nid wyf yn meddwl. Nid wyf yn credu eich bod chi am ateb i ddadl eich hun, ac mae'n siŵr eich bod chi'n hapus gyda hynny. Felly y cwestiwn yw: a ddylid derbyn gwelliant 21? A oes gwrthwynebiad? Dim gwrthwynebiad. Felly, derbyniwyd gwelliant 21.

**Simon Thomas:** Thank you. Does any other Member wish to speak to this group? I don't think anyone wishes to speak. I don't think you'll want to reply to your own debate, and I'm sure you'd be content to move ahead. So, the question is that amendment 21 be agreed. Does any Member object? There are no objections and therefore amendment 21 is agreed.

*Derbyniwyd gwelliant 21 yn unol â Rheol Sefydlog 17.34.*

*Amendment 21 agreed in accordance with Standing Order 17.34.*

### **Grŵp 3: Mynwentydd Anifeiliaid Anwes (Gwelliannau 1, 2)**

#### **Group 3: Pet Cemeteries (Amendments 1, 2)**

[31] **Simon Thomas:** Rydym yn symud nawr i drafod grŵp 3. Mae grŵp 3 yn ymwneud â mynwentydd anifeiliaid anwes. Y prif welliant yn y grŵp yma yw gwelliant 1 yn enw Ysgrifennydd y Cabinet.

**Simon Thomas:** We now move to group 3, which relates to pet cemeteries. The lead amendment in the group is amendment 1 in the name of the Cabinet Secretary.

*Cynigiwyd gwelliant 1 (Mark Drakeford).*  
*Amendment 1 (Mark Drakeford) moved.*

[32] **Simon Thomas:** Eto, fel **Simon Thomas:** Again, as committee  
 Cadeirydd y pwyllgor, rwy'n cynnig ar Chair, I move on behalf of the  
 ran Ysgrifennydd y Cabinet gwelliant Cabinet Secretary amendment 1, and  
 1, ac yn galw ar Ysgrifennydd y call on the Cabinet Secretary to speak  
 Cabinet i siarad am y gwelliant a'r to his amendment and the other  
 gwelliant arall yn y grŵp. amendment in the group.

[33] **Mark Drakeford:** Diolch yn **Mark Drakeford:** Thank you very  
 fawr, Gadeirydd. much, Chair.

[34] So, this is a further group that responds to a recommendation of this committee—recommendation 7 of the committee asked that we ensure consistency in relation to the bilingual nature of legislation here in Wales. We've gone slightly beyond the committee's recommendation in trying to make sure that this part of the Bill recognises what happens in practice at pet cemeteries. So, the amendments now insert a reference to any container or material in which the remains are contained. As far as the Welsh language is concerned, the amendments insert '*gweddillion anifeiliaid anwes meirw*' in the Welsh script, and these terms are now consistent between both languages. I hope Members will support both amendments in this group.

[35] **Simon Thomas:** A oes Aelod **Simon Thomas:** Does any other  
 arall yn dymuno siarad ar y grŵp Member wish to speak to this group?  
 yma? Neb, nid wyf yn meddwl. Felly, No. Therefore, I assume the Cabinet  
 rwyf yn cymryd bod Ysgrifennydd y Secretary is content that we have  
 Cabinet hefyd yn hapus bod y grŵp dealt with the group. The question is  
 wedi'i drafod. Y cwestiwn yw: a that amendment 1 be agreed. Does  
 ddylid derbyn gwelliant 1? A oes any Member object? No objections.  
 gwrthwynebiad? Neb yn Therefore, amendment 1 is agreed.  
 gwrthwynebu. Felly, derbyniwyd  
 gwelliant 1.

*Derbyniwyd gwelliant 1 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 1 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 2 (Mark Drakeford).*  
*Amendment 2 (Mark Drakeford) moved.*

[36] **Simon Thomas:** Cynigaf hefyd ar ran Ysgrifennydd y Cabinet welliant 2. Y cwestiwn yw: a ddylid derbyn gwelliant 2? A oes gwrthwynebiad? Pawb yn hapus, felly derbyniwyd gwelliant 2 yn ogystal. Diolch yn fawr.

**Simon Thomas:** I also move on behalf of the Cabinet Secretary amendment 2. The question is that amendment 2 be agreed. Does any Member object? Everyone is content. Therefore, amendment 2 is also agreed.

*Derbyniwyd gwelliant 2 yn unol â Rheol Sefydlog 17.34.  
Amendment 2 agreed in accordance with Standing Order 17.34.*

**Grŵp 4: Y Dreth sydd i'w Chodi (Gwelliannau 30, 31, 32, 33, 34, 37, 41)  
Group 4: Tax Chargeable (Amendments 30, 31, 32, 33, 34, 37, 41)**

[37] **Simon Thomas:** Rydym yn troi nawr at grŵp 4. Mae grŵp 4 yn ymwneud â'r dreth sydd i'w chodi, a'r prif welliant yn y grŵp hwn yw gwelliant 30 yn enw Nick Ramsay, ac felly rwy'n galw ar Nick Ramsay i gynnis gwelliant 30 a siarad am ei welliant a'r gwelliannau eraill yn y grŵp hwn. Nick Ramsay.

**Simon Thomas:** We turn now to group 4, which relates to tax chargeable, and the lead amendment in this group is amendment 30 in the name of Nick Ramsay. Therefore, I call on Nick Ramsay to move amendment 30 and to speak to his amendment and the other amendments in this group. Nick Ramsay.

*Cynigiwyd gwelliant 30 (Nick Ramsay).  
Amendment 30 (Nick Ramsay) moved.*

[38] **Nick Ramsay:** Diolch. Amendment 30, the lead amendment of group 4—tax chargeable—proposes to leave out the rate per ton prescribed for the purposes of subsection 2 in regulations and insert '£88.95'. I'll be frank: this is a probing amendment, which provides for transitional landfill tax rates until after 2018. With regard to the landfill disposal tax rates themselves, it was outlined to the committee by the WLGAs that there was the necessity to keep the rates the same, or a desire to keep the rates the same as those in England in order to prevent the waste tourism that we heard much about—I can see the officer laughing—during the evidence session. This amendment seeks to address those concerns raised by providing the same rates as England for at least the first year of operation. I believe that the Cabinet Secretary is probably likeminded about the reasons for this amendment, but I

think that this provides clarification, and as I say, it is a probing amendment and I look forward to your response in terms of why you will either accept it or reject it.

[39] **Mike Hedges:** I always look back and ask, 'What would've happened if we'd done this 50 years ago and we'd set how much it was going to be?' And, £8.95 might've been a much more suitable figure than £88.95. I think the danger of putting figures on the Bill is that they become overtaken with time. There will be people who will go and look at the Bill and say, 'They said £88.95 on this Bill, why are they now charging me—' whatever they'll charge in 30 years' time, which may be £150, '—when the Bill says this amount?' I think there's a serious danger with putting numbers like that on a Bill, because people will take it that that's what it is and then, 'I am being overcharged.' It can only lead to confusion and upset.

[40] **Simon Thomas:** Aelod arall? **Simon Thomas:** Any other Members who wish to speak?

[41] Anyone else?

[42] Na. Felly, Ysgrifennydd No. Therefore, Cabinet Secretary. Cabinet.

[43] **Mark Drakeford:** Diolch yn fawr, Cadeirydd. Well, as Members will know, I've consistently argued in the tax Bills that have come in front of this committee that the proposing of rates and bands should be the responsibility of Welsh Ministers, exercised within the economic conditions prevailing at the time and subject to the oversight of the National Assembly for Wales. In the end, the National Assembly agreed, in the case of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Bill, that placing taxation rates on the face of that Bill was not the best course of action, and I hope that Members will understand the case for consistency between the tax Bills that this committee has considered.

[44] To be clear in relation to Nick Ramsay's first point, the rates this year are the identical rates to those across our border, because it remains an England and Wales tax. And I have said before, Chair, as Nick said, and I'm happy to repeat it again, that I understand the arguments that have been made by landfill site operators about consistency across the border and the sensitivity of this industry to relatively small differences in tax rates, and I will certainly be taking those arguments into account when I come to making



proposals to the National Assembly about rates for next year. But what I don't think we ought to do is tie our hands at this point, nearly 12 months ahead of when those tax rates will come into force, by putting such a figure on the face of the Bill. What I'm willing to do, as Members know I was persuaded by arguments that were made here in relation to LTTA, is to say—and I'll say it again this morning—that I will make an announcement on what I intend the rates to be by 1 October 2017. I think that provides a sufficient period of certainty for the industry to be able to accommodate itself to whatever decisions are proposed and to give the National Assembly an opportunity to exercise proper oversight of that, but not to have committed ourselves, in the way that Mike Hedges has set out, to a figure on the face of the Bill itself. Many things may change between now and then. We will have an autumn budget as well, and we need to be able to provide certainty without a certainty that is not a reliable certainty, which is what I think this amendment would provide.

[45] There are further amendments in this group, Chair—amendments 33 and 34—that propose a specific new unauthorised disposals rate, again on the face of the Bill. I've said previously here that I do believe that the unauthorised disposals rate is likely to be higher than the standard rate, because it needs to reflect the additional costs that local authorities will incur in pursuing tax on unauthorised disposals. But I think setting the rate on the face of the Bill now is both premature, for the arguments that I've just outlined, but I also think it might have an unintended consequence of encouraging unauthorised disposals in this financial year, because that new tax will only affect unauthorised deposits made after 1 April next year. So, if the word goes out that there will be a tax rate that you will have to pay and that that tax rate is set above the standard rate as well, then it's a perverse incentive for people to bring forward any plans for unauthorised disposals before the Ramsay premium comes into play.

[46] **Nick Ramsay:** The Ramsay premium. [*Laughter.*]

[47] **Mark Drakeford:** So, for that additional reason, over and above the others I've outlined, I hope Members will not want to support amendments 33 and 34 this morning.

[48] Amendment 37 will make it obligatory that the rates are set out on the Welsh Government website, and while, again, I'll ask Members not to support that amendment, I am very happy to provide an assurance on the record today to Nick Ramsay that that is exactly what the Government will intend to

do. The amendment, I think, reflects current practice and is sensible in itself. It doesn't need an amendment, but the Government will be doing what amendment 37 requires.

[49] **Simon Thomas:** Nick Ramsay to respond.

[50] **Nick Ramsay:** Thank you, Chair. Well, whatever I intended to happen to my life, I didn't think I would become the name for a premium—'the Ramsay premium'. I sound like a premium bond.

[51] I hear what the Cabinet Secretary says. As I say, this was a probing amendment. Going back to Mike Hedges's comments, I don't think that, if you were to look back to the 1950s, or whatever decade you looked at, Mike, that you would say that, because there was a sum specified in a Bill at that point, we would then question that. We would see that in the historical context. Do you want to respond on that?

[52] **Mike Hedges:** Can I make an intervention on that? I think the point I was trying to make is that people will look at a Bill and they will see a number there—be it £88, £50 or whatever—they will see that number there and then, when they get a bill that is higher than that, they will say, 'I've seen the original Bill, and the original Bill had this amount of money in it'. That's the point I was trying to make. Because—I'm going to guess here—it will go up in the next 50 years. That's just a guess on my part, but I'm probably going to be right, and people will find out—'Why am I being charged more than the Bill says?'

[53] **Nick Ramsay:** I don't think anyone would look back to the 1950s and say, because there was a sum specified in shillings or pounds and pence at that point in time, that they would expect that to be the same now, because of inflation and other pressures. I think that the reason for tabling this amendment is that there's a wider issue here, Cabinet Secretary, and we've discussed this in this committee: that there is consistently in these finance Bills a distinct lack of figures, and we are constantly assured that the regulations, or whatever means are used afterwards, will then clarify things. I think, in some way, we need to resolve this.

[54] Now, we have spoken on this committee about the need for a finance Bill, and I think that that is basically what this amendment is getting at. At some point, you need to have that assuredness that there are going to be figures provided. I personally think that, at the setting stage, you can put

figures in there, and it will not suddenly shatter the heavens. There will be an understanding out there that, in years to come, yes, those figures might change, but we need to go on to a point in the future, and we need to start from a start point. I am concerned that, in all of this finance Bill deliberation, and that includes stamp duty and land transaction tax as well, it's all very vague, and I think that, somehow, we need to pin all this down. I fully respect the Cabinet Secretary's reason for not wanting to include figures, and that is a way to proceed, but, beyond these Bills, there needs to be a far more rigorous way of dealing with this legislation, and dealing with finance changes in the future. If that is a finance Bill, then so be it. This is my solution at this point in time, but I've heard what the Cabinet Secretary has said. We differ on this, but there we are.

[55] **Simon Thomas:** Diolch, Nick. Do you wish to move to a vote on amendment 30, then?

[56] **Nick Ramsay:** I will, yes.

[57] **Simon Thomas:** You are moving. Okay.

[58] Y cwestiwn yw, felly: a ddylid derbyn gwelliant 30? A oes gwrthwynebiad? [Gwrthwynebiad.] Mae gwrthwynebiad, felly fe wnawn ni bleidleisio ar y gwelliant. A wnaiff y rhai sydd o blaid y gwelliant godi eu dwylo, os gwelwch yn dda? The question therefore is that amendment 30 be agreed. Does any Member object? [Objection.] There is objection, therefore we'll take a vote by show of hands. Will those in favour indicate with a show of hands, please?

10:00

[59] A'r rhai yn erbyn y gwelliant i godi eu dwylo. Diolch yn fawr iawn. Roedd un bleidlais o blaid y gwelliant a phump yn erbyn, felly nid yw'r gwelliant wedi ei gytuno. And those against, please raise your hands. Thank you very much. There was one in favour and five against, therefore the amendment is not agreed.

*Gwelliant 30: O blaid 1, Yn erbyn 5, Ymatal 0.  
Amendment 30: For 1, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Ramsay, Nick

Hedges, Mike  
Lewis, Steffan  
Morgan, Eluned  
Rees, David  
Thomas, Simon*Gwrthodwyd gwelliant 30.**Amendment 30 not agreed.*

[60] **Simon Thomas:** Nick, a ydych chi'n dymuno cynnig gwelliant 31? **Simon Thomas:** Nick, do you wish to move amendment 31?

[61] Amendment 31, Nick—do you want to move that?

*Cynigiwyd gwelliant 31 (Nick Ramsay).**Amendment 31 (Nick Ramsay) moved.*

[62] **Nick Ramsay:** I'm sure I do.

[63] **Simon Thomas:** I'm sure it's related to amendment 30.

[64] **Nick Ramsay:** Yes, it links into it.

[65] **Simon Thomas:** Ocê. Mae gwelliant 31 wedi ei gynnig. Y cwestiwn yw: a ddylid derbyn gwelliant 31? A oes gwrthwynebiad? [Gwrthwynebiad.] Gwrthwynebiad. Felly, fe gawn ni gynnal pleidlais ar welliant 31. Y rhai sydd o blaid gwelliant 31 i godi eu dwylo, plîs. Y rhai sy'n erbyn gwelliant 31. Diolch yn fawr. Roedd un bleidlais o blaid gwelliant 31, pump yn erbyn, felly nid yw gwelliant 31 wedi ei dderbyn.

**Simon Thomas:** Okay. Amendment 31 is moved. The question therefore is that amendment 31 be agreed. Does any Member object? [Objection.] There is objection. Therefore, we will take a vote on amendment 31. Those in favour, please raise your hands. And those against amendment 31. Thank you very much. There was one vote in favour, five against, therefore amendment 31 is not agreed.

*Gwelliant 31: O blaid 1, Yn erbyn 5, Ymatal 0.**Amendment 31: For 1, Against 5, Abstain 0.*O blaid:  
For:Yn erbyn:  
Against:Ymatal:  
Abstain:

Ramsay, Nick

Hedges, Mike

Lewis, Steffan  
Morgan, Eluned  
Rees, David  
Thomas, Simon

*Gwrthodwyd gwelliant 31.*  
*Amendment 31 not agreed.*

[66] **Simon Thomas:** Nick, a ydych chi yn dymuno cynnig gwelliant 32? **Simon Thomas:** Nick, do you wish to move amendment 32?

[67] Amendment 32, Nick?

*Cynigiwyd gwelliant 32 (Nick Ramsay).*  
*Amendment 32 (Nick Ramsay) moved.*

[68] **Nick Ramsay:** Yes.

[69] **Simon Thomas:** Moved.

[70] Ocê, diolch yn fawr. Y cwestiwn yw: a ddylid derbyn gwelliant 32? A oes gwrthwynebiad? Gwrthwynebiad. Fe wnawn ni bleidleisio ar gwelliant 32. Y cwestiwn yw felly: y rhai sydd o blaid gwelliant 32 i godi eu dwylo. Y rhai sydd yn erbyn gwelliant 32 i godi eu dwylo. Diolch yn fawr. A oes rai yn ymatal? Na. Thank you very much. The question is that amendment 32 be agreed to. Does any Member object? There is objection. Therefore, we will vote on amendment 32. The question is: those in favour of 32, please raise your hands. Those against, please raise your hands. Thank you very much. Anybody abstaining? No.

[71] **Mike Hedges:** Sorry, I'm learning Welsh and I'm getting a bad translation. Can you—?

[72] **Simon Thomas:** There was some confusion there, I think, so let's be clear: this is amendment 32.

[73] **Mike Hedges:** In the name of Nick Ramsay.

[74] **Simon Thomas:** I think it was clear who voted for it. Those against—.

[75] **Nick Ramsay:** For me and Steffan. Oh, bad translation.

[76] **Simon Thomas:** For clarity's sake, we'll do it all again. We'll start again.

[77] *Y rhai sydd o blaid*—those in favour of amendment 32. That's clear. *Y rhai sydd yn erbyn*—those against. That is now clear.

[78] Pawb yn hapus. Ni Everyone content. So, amendment 32 dderbyniwyd gwelliant 32, ac felly is not agreed, so that's finished. mae hwnnw wedi bennu.

*Gwelliant 32: O blaid 1, Yn erbyn 5, Ymatal 0.  
Amendment 32: For 1, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Ramsay, Nick	Hedges, Mike Lewis, Steffan Morgan, Eluned Rees, David Thomas, Simon	

*Gwrthodwyd gwelliant 32.  
Amendment 32 not agreed.*

[79] **Simon Thomas:** Mae yna **Simon Thomas:** There are welliannau i'w gwaredu nawr o grŵp amendments to be disposed of from arall—grŵp 2, rwy'n meddwl—a group 2, starting with amendment 22 hwnnw yw gwelliant 22 yn enw in the name of the Cabinet Secretary. Ysgrifennydd y Cabinet.

*Cynigiwyd gwelliant 22 (Mark Drakeford).  
Amendment 22 (Mark Drakeford) moved.*

[80] **Simon Thomas:** Rwy'n cynnig **Simon Thomas:** I move that in the hwnnw, felly, yn enw Ysgrifennydd y name of the Cabinet Secretary. The Cabinet. Y cwestiwn yw: a ddylid question therefore is that derbyn gwelliant 22? A oes amendment 22 be agreed. Does any gwrthwynebiad? Neb yn Member object? No objection. gwrthwynebu. Derbyniwyd gwelliant Therefore, amendment 22 is agreed. 22.

*Derbyniwyd gwelliant 22 yn unol â Rheol Sefydlog 17.34.  
Amendment 22 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 23 (Mark Drakeford).  
Amendment 23 (Mark Drakeford) moved.*

[81] **Simon Thomas:** Cynigiaf hefyd welliant 23 yn enw Ysgrifennydd y Cabinet. Y cwestiwn yw: a ddylid derbyn gwelliant 23? A oes gwrthwynebiad? Nac oes. Felly, derbyniwyd gwelliant 23.

**Simon Thomas:** I also move amendment 23 in the name of the Cabinet Secretary. The question is that amendment 23 be agreed. Does any Member object? No. Amendment 23 is therefore agreed.

*Derbyniwyd gwelliant 23 yn unol â Rheol Sefydlog 17.34.  
Amendment 23 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 24 (Mark Drakeford).  
Amendment 24 (Mark Drakeford) moved.*

[82] **Simon Thomas:** Fel Cadeirydd, rwyf hefyd yn cynnig gwelliant 24 yn enw Ysgrifennydd y Cabinet. Y cwestiwn yw: a ddylid derbyn gwelliant 24? A oes gwrthwynebiad? Derbyniwyd gwelliant 24.

**Simon Thomas:** As Chair, I also move amendment 24 in the name of the Cabinet Secretary. The question is that amendment 24 be agreed. Does any Member object? Amendment 24 is agreed.

*Derbyniwyd gwelliant 24 yn unol â Rheol Sefydlog 17.34.  
Amendment 24 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 25 (Mark Drakeford).  
Amendment 25 (Mark Drakeford) moved.*

[83] **Simon Thomas:** Ac yn olaf, cynigiaf welliant 25 yn enw Ysgrifennydd y Cabinet. Y cwestiwn yw: a ddylid derbyn gwelliant 25? A oes gwrthwynebiad? Nag oes. Derbyniwyd gwelliant 25, felly. Diolch yn fawr.

**Simon Thomas:** And finally, I move amendment 25 in the name of the Cabinet Secretary. The question is that amendment 25 be agreed. Does any Member object? No objection. Therefore, amendment 25 is agreed. Thank you very much.

*Derbyniwyd gwelliant 25 yn unol â Rheol Sefydlog 17.34.*

*Amendment 25 agreed in accordance with Standing Order 17.34.*

**Grŵp 5: Pwysau Trethadwy Deunydd (Gwelliannau 14, 3, 4, 15, 16, 17, 18, 6, 20)**

**Group 5: Taxable Weight of Material (Amendments 14, 3, 4, 15, 16, 17, 18, 6, 20)**

[84] **Simon Thomas:** Rydym yn **Simon Thomas:** We'll move on now to symud nawr at grŵp 5. Mae grŵp 5 group 5, which relates to the taxable yn ymwneud â phwysau trethadwy weight of material, and the lead deunydd, a'r prif welliant yn y grŵp amendment in the group is hwn yw gwelliant 14 yn enw amendment 14 in the name of Ysgrifennydd y Cabinet. Cabinet Secretary.

*Cynigiwyd gwelliant 14 (Mark Drakeford).*

*Amendment 14 (Mark Drakeford) moved.*

[85] **Simon Thomas:** Rwyf felly yn **Simon Thomas:** I therefore move cynnig y gwelliant yn enw amendment 14 in the name of the Ysgrifennydd y Cabinet, ac yn galw Cabinet Secretary and call on the Ysgrifennydd y Cabinet i siarad am y Cabinet Secretary to speak to his gwelliant ac am y gwelliannau eraill amendment and the other yn y grŵp. Diolch yn fawr. amendments in the group. Thank you very much.

[86] **Mark Drakeford:** Diolch yn **Mark Drakeford:** Thank you very fawr, Cadeirydd. much, Chair.

[87] So, in this group of amendments there are responses to two substantive recommendations made by this committee in its Stage 1 report: amendments that deal with the issue of weighing of material and the issue of a water discount. So, in response to recommendation 13 of the committee Stage 1 report, amendment 3 in this group seeks to amend section 20 of the Bill, which dealt with determination of weight of material by a landfill site operator. As a result of this amendment, section 20 will make it clear that an operator of an authorised landfill site must determine the weight of the material in a taxable disposal by using a weighbridge.

[88] The amended provision, however, will be silent as to the time at which the weight of the material in a taxable disposal must be determined, leaving



that matter to the landfill site operator themselves, and the amended provision will therefore accommodate the net weight method—the practice observed by this committee during its visit to the Lamby Way site. And, so, the amendment aims to address the committee’s recommendation, and the concerns raised regarding the practicalities of determining the weight of the material in a taxable disposal before the disposal is made, making reference to the practice of weighing on and off a weighbridge. Amendments 3, 4 and 6 in this group make necessary consequential amendments to that new way of dealing with determining the weight of taxable material.

[89] In this group as well, Chair, there are amendments 14 to 18, and 20, and these amendments seek to clarify the scope of the water discount penalty, and further seek to ensure that an operator has the discretion to apply a water discount where they have been given approval by the Welsh Revenue Authority. Section 61 of the Bill, as introduced, makes provision for a penalty where a water discount is applied otherwise than in accordance with an approval given by the WRA, and the committee’s recommendation 16 in the Stage 1 report asked the Welsh Government to review the provisions in section 61 to ensure that operators are not penalised should they not apply the full discount available to them. So, the Government has indeed reviewed the water discount penalty and brought forward amendment 20 as a result. Amendment 20 will remove and replace the current water discount penalty at section 61 in order to clarify its scope. The amendment will ensure that operators are not penalised should they decide not to apply the full water discount available to them, because, in that case, there will be no loss of tax, and, in fact, more tax will be being paid by the operator, and it was never the Government’s intention for people to be penalised in that set of circumstances.

[90] As is the case with the amendments dealing with the weighing of material, there are consequential amendments at 15 to 18, which give effect to the primary purposes of these amendments, as I have just outlined, and I hope that Members will feel able to support the amendments set out in this group.

[91] **Simon Thomas:** Diolch i’r **Simon Thomas:** I thank the Cabinet Ysgrifennydd Cabinet. A oes Aelod Secretary. Are there any other arall yn dymuno siarad ar y grŵp Members who wish to speak on this yma? group?

[92] The Member who was particularly exercised by the water discount is

no longer a member of this committee, so we're grateful that you responded to the committee's recommendations, I'm sure.

[93] Nid ydych yn dymuno ymateb As you don't want to respond any  
ymhellach, ac felly y cwestiwn yw: a further, the question is that  
ddyliid derbyn gwelliant 14? A oes amendment 14 be agreed. Does any  
gwrthwynebiad? Dim gwrthwynebiad. Member object? No objection.  
Derbyniwyd gwelliant 14. Therefore, amendment 14 is agreed.

*Derbyniwyd gwelliant 14 yn unol â Rheol Sefydlog 17.34.*

*Amendment 14 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 3 (Mark Drakeford).*

*Amendment 3 (Mark Drakeford) moved.*

[94] **Simon Thomas:** Rwy'n cynnig, **Simon Thomas:** I therefore move  
felly, welliant 3 yn enw Ysgrifennydd amendment 3 in the name of the  
y Cabinet. Y cwestiwn yw: a ddyliid Cabinet Secretary. And the question  
derbyn gwelliant 3? A oes is that amendment 3 be agreed. Does  
gwrthwynebiad? Neb yn any Member object? No. Amendment  
gwrthwynebu. Derbyniwyd gwelliant 3 is agreed.  
3.

*Derbyniwyd gwelliant 3 yn unol â Rheol Sefydlog 17.34.*

*Amendment 3 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 4 (Mark Drakeford).*

*Amendment 4 (Mark Drakeford) moved.*

[95] **Simon Thomas:** Cynigiaf **Simon Thomas:** I move amendment 4  
welliant 4 yn enw Ysgrifennydd y in the name of the Cabinet Secretary.  
Cabinet. Y cwestiwn yw: a ddyliid The question is that amendment 4 be  
derbyn gwelliant 4? A oes agreed. Does any Member object?  
gwrthwynebiad? Nac oes. Derbyniwyd No. Amendment 4 is agreed.  
gwelliant 4.

*Derbyniwyd gwelliant 4 yn unol â Rheol Sefydlog 17.34.*

*Amendment 4 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 15 (Mark Drakeford).*

*Amendment 15 (Mark Drakeford) moved.*

[96] **Simon Thomas:** Cynigiaf **Simon Thomas:** I move amendment welliant 15 yn enw Ysgrifennydd y 15 in the name of the Cabinet Cabinet. Y cwestiwn yw: a ddylid Secretary. The question is that derbyn gwelliant 15? A oes amendment 15 be agreed. Does any gwrthwynebiad? Neb. Derbyniwyd Member object? No-one. Therefore, gwelliant 15. amendment 15 is agreed.

*Derbyniwyd gwelliant 15 yn unol â Rheol Sefydlog 17.34.*

*Amendment 15 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 16 (Mark Drakeford).*

*Amendment 16 (Mark Drakeford) moved.*

[97] **Simon Thomas:** Cynigiaf **Simon Thomas:** I move amendment welliant 16 yn enw Ysgrifennydd y 16 in the name of the Cabinet Cabinet. Y cwestiwn yw: a ddylid Secretary. The question is that derbyn gwelliant 16? A oes amendment 16 be agreed. Does any gwrthwynebiad? Neb yn Member object? No objection. gwrthwynebu. Derbyniwyd gwelliant Therefore, amendment 16 is agreed. 16.

*Derbyniwyd gwelliant 16 yn unol â Rheol Sefydlog 17.34.*

*Amendment 16 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 17 (Mark Drakeford).*

*Amendment 17 (Mark Drakeford) moved.*

[98] **Simon Thomas:** Cynigiaf **Simon Thomas:** I move amendment welliant 17 yn enw Ysgrifennydd y 17 in the name of the Cabinet Cabinet. Y cwestiwn yw: a ddylid Secretary. The question is that derbyn gwelliant 17? A oes amendment 17 be agreed. Does any gwrthwynebiad? Derbyniwyd Member object? Amendment 17 is gwelliant 17. agreed.

*Derbyniwyd gwelliant 17 yn unol â Rheol Sefydlog 17.34.*

*Amendment 17 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 18 (Mark Drakeford).*

*Amendment 18 (Mark Drakeford) moved.*

[99] **Simon Thomas:** Ac yn olaf yn y **Simon Thomas:** I move amendment grŵp yma, cynigïaf welliant 18 yn 18 in the name of the Cabinet enw Ysgrifennydd y Cabinet. Y Secretary. The question is that cwestiwn yw: a ddylid derbyn amendment 18 be agreed. Does any gwelliant 18? A oes gwrthwynebiad? Member object? No objections. Neb yn gwrthwynebu. Derbyniwyd Amendment 18 is agreed. gwelliant 18.

*Derbyniwyd gwelliant 18 yn unol â Rheol Sefydlog 17.34.*

*Amendment 18 agreed in accordance with Standing Order 17.34.*

### **Grŵp 6: Rhyddhad rhag Treth (Gwelliannau 11, 9, 10, 19)**

#### **Group 6: Relief from Tax (Amendments 11, 9, 10, 19)**

[100] **Simon Thomas:** Rydym yn **Simon Thomas:** We'll move on now to symud nawr at grŵp 6. Mae grŵp 6 group 6. Group 6 relates to relief yn ymwneud â rhyddhad rhag treth. Y from tax. The lead amendment in the prif welliant yn y grŵp yma yw group is amendment 11 in the name gwelliant 11 yn enw Ysgrifennydd y of the Cabinet Secretary. Cabinet.

*Cynigiwyd gwelliant 11 (Mark Drakeford).*

*Amendment 11 (Mark Drakeford) moved.*

[101] Felly, fel Cadeirydd, cynigïaf Therefore, as Chair, I move welliant 11 ar ran Ysgrifennydd y amendment 11 in the name of the Cabinet a galwaf ar yr Ysgrifennydd y Cabinet Secretary, and I call on the Cabinet i siarad am ei welliant a'r rhai Cabinet Secretary to speak to his eraill yn y grŵp. amendment and the others in the group.

[102] **Mark Drakeford:** Diolch yn fawr, Cadeirydd. There are two Government amendments in this group that respond separately to two recommendations of this committee in its Stage 1 report. There are two amendments tabled by Mike Hedges that I will address briefly in my opening remarks, but I look forward to hearing Mike's contribution and then to replying to points raised at the end of the debate on this group.

[103] Amendment 11—the Government amendment—responds to recommendation 9 of this committee's Stage 1 report, which asks the Government to review section 26 of the Bill as originally presented to ensure

that material removed in the course of flood prevention is subject to the same relief as materials removed in the interest of navigation. Section 26(2) of the Bill as introduced provides relief from tax for disposals of material removed from the bed of certain waterways, provided that the material was removed in the interest of navigation. In reviewing the section, the decision I've come to is that the best way to respond to the committee's recommendation is to remove the 'in the interest of navigation' test altogether. That means that the relief has been broadened to include any dredged material. As a result, the dredging relief available under section 26(2)—if this amendment is agreed by the committee—that relief would now apply to material removed for the purposes of flood prevention as well as in the interests of navigation. Flood prevention is a very important issue in many parts of Wales and I thought that the points made by Mike Hedges and others were persuasive in making sure that this part of the Bill is fully aligned with that purpose.

[104] The second Government amendment in the group is amendment 19 and it seeks to ensure that the relief from tax at section 31 of the Bill applies where qualifying material is used for the refilling of opencast mines as well as quarries, and I'd like to thank David Rees for raising this issue from the very start of the Bill's consideration.

[105] Amendment 19 aims to define tightly the circumstances in which the relief can be applied, because while it is right and proper that there should be a relief from that purpose, we are keen to ensure that we do not inadvertently provide the relief to commercial landfill sites that operate in former opencast mines. So, there are two defences against that in the amendment as drafted. Firstly, the relief will only be available in circumstances where no other taxable disposals have been previously made at the authorised site, or any relevant part of that site, other than disposals eligible for the refilling relief or the mining and quarrying relief at section 27 of the Bill. This will ensure that commercial landfill sites operating in former quarries or opencast mines are not able to claim this relief, but instead are directed to the more regulated site restoration relief, as originally intended.

[106] Secondly, the amendment makes it an express condition of claiming the relief that the disposal is made in accordance with a planning condition to refill a quarry or opencast mine. So, I hope that the committee will feel able to support amendments 11 and 19 and are satisfied that they do respond to the concerns that the committee raised.

[107] I look forward to hearing what Mike Hedges has to say in relation to amendments 9 and 10. At this point, Chair, I would simply say that I fully agree with the sentiment expressed in the amendment that once a landfill site is no longer in use, it should be restored to a near-natural state and a state that can benefit local communities and the local environment. The Government believes that site restoration is an important part of the life cycle of a landfill site, and that's why we were keen to preserve tax relief for purposes that contribute to that end.

10:15

[108] I also agree with what I believe to be the thrust of Mike's amendments: that any tax relief provided for those purposes has to be carefully constructed to make sure that it is genuinely claimed for those purposes and cannot be abused. There are a series of protections built into the relief in the Bill that I believe are sufficient to make sure that the tax relief is used and claimed only for the purpose for which it was intended. I look forward to hearing what Mike has to say and to replying to any points as best I'm able in any closing remarks.

[109] **Simon Thomas:** Mike Hedges.

[110] **Mike Hedges:** If I can turn to amendment 11 first, I think that's incredibly important, certainly for the River Tawe, where you are only properly able to move boats up as far as the Liberty Stadium. You've got out of the situation where people will be arguing that the fact that you can use a canoe on it makes it navigable and therefore we can claim the relief, because what I don't want to see happening is landowners being penalised for dredging just off their own land to stop flooding and them actually having to pay a premium for it. I think it's incredibly important. We had flooding in Clydach and in Morrision; there's been an awful lot of good work done by the Welsh Government and Natural Resources Wales in recent times to try and alleviate that flooding, but still we get coming down from—dare I say—Powys the storms et cetera, which do end up clogging the river. In some respects, not being navigable is a bigger problem, because people don't see—. Until it starts having a flooding effect, people don't actually see what's happening. If it was navigable, people would find that they couldn't navigate it, and then things would happen. So, really, to not penalise farmers and other landowners for doing that is incredibly important, and I very much welcome it. I don't know which other rivers are affected by it, but the River Tawe is massively affected by it.

[111] Turning to my two amendments, can I just take us back to the trip we all went on to Lamby Way? There were roads in Lamby Way that we went along in a Land Rover. They were not roads that would meet the definition of a road to most of us, but they were actually roads in existence. What I'm trying to stop is that people claim relief for bringing material in, which they put down in order to make it able to be driven over, but it would not be a road in the normal sense of a road; it wouldn't have a substructure, and it wouldn't be concrete or tarmac on the top, which tends to be the definition of a road. And it wouldn't have drainage in, which is another important part of roads. But they would claim relief because they were putting, effectively, hardcore waste down in order to make it able to be driven over, and as such, they could quite easily claim those were roads. I mean, we were told we were going on roads in Lamby Way; they didn't appear to be roads as we would perhaps want to take our car over them, and we were only able to be driven along by vehicles such as Land Rovers. So, the intention is to try and stop people claiming relief for hardcore, et cetera, being brought in and just tipped and rolled down, which makes something that looks as if it can be described as a road, but isn't a road, because, actually, what they do is they put tip material, which is being tipped down, and they're claiming reliefs on tipped material. That's the intention of this, and I will look to see what the Minister will say in response to that.

[112] **Simon Thomas:** David Rees.

[113] **David Rees:** Can I just express thanks to the Cabinet Secretary for the issue of opencast? Because I think it's not just to clarify his position there in relation to planning applications, but I think also it stops an operator from having an excuse to say, 'Well, I can't refill it because it's going to cost too much money, because I've got to pay this tax on it as well'. So, it's a way of making sure that they can't get out of their obligations.

[114] And for Mike Hedges, just to let you know there are many rivers—Afan is one—but it's important. Waterways that are fast flowing tend to have boulders that can cause problems, and slow-flowing ones can have silt, which causes problems. Therefore, any opportunity to dredge and clear those waterways to avoid flooding down the line is important. This exemption, and the removal of that aspect, now makes that clear.

[115] **Simon Thomas:** A oes unrhyw **Simon Thomas:** Do any other un arall sydd am siarad ar y grŵp Members wish to speak on this

yma? Os felly, galwaf ar Ysgrifennydd group? Therefore, I call on the  
y Cabinet i ymateb. Cabinet Secretary to reply.

[116] **Mark Drakeford:** Thank you, Chair. As far as the Government amendments in this group are concerned, I hope that Members will recognise—it certainly seems this way to me—that these are two amendments where the views of the committee have had a genuine impact on the Bill and, as is often the case, where local knowledge of particular issues has allowed my officials to look at the general issue that lies behind those specifics and has allowed us to improve the Bill, both in relation to the flood prevention matter and in relation to opencast. I am grateful for the support of both Members in that regard.

[117] The point that Mike Hedges raises is an important one. To be clear, Chair, the Bill is explicit at section 8 that temporary roads are taxable. They are not exempt where a road is designed to be temporary. But Mike's concern is, I believe, when a landfill operator could claim a tax relief for what is, in fact, a temporary improvement on the grounds that this is part of a permanent restoration effort at the site. While I've said that I think it is very important that there is a restoration relief so that landfill site operators have an incentive to return landfill sites to the condition that they were in before they were used for landfill, the Bill does carefully caveat that relief to try and make sure that it can only be successfully applied for when conditions are met that would meet the circumstances that Mike has outlined. So, these restrictions are set out at section 28 of the Bill, and they make it clear that you can only claim a relief for permanent site restoration where—. First of all, the material used for site restoration must be qualifying material. So, you want to be able to demonstrate that it is genuinely material that is being used for that purpose. The site restoration must be required by planning permission or environmental permit, and the disposals must be made in accordance with the requirement of that permission or permit. Thirdly, an application must be made to the WRA for the site restoration work to be approved before it begins.

[118] There will be a very important role here for the WRA, working through NRW as its sort of troops on the ground, to make sure that the instances of the sort that Mike has outlined are identified and addressed. That's why permission at the beginning is important, because it allows the people who go out to inspect to be able to look at what is happening and compare it against what permissions have been granted, and to take action where people are falsely claiming that the actions that they are taking are part of a



permanent site restoration and therefore eligible for relief.

[119] Chair, I finally just wanted to remind the committee that there is a regulation-making power contained in the Bill, which would allow Welsh Ministers to bring forward changes to the site restoration provisions in the future if circumstances were to change or if the safeguards that I have just set out turned out to need to be strengthened in the future. That regulation-making power could be used to revisit some of the points that are made in Mike Hedges's amendments this morning, should that turn out to be necessary in the future. So, the Bill, I think, provides adequate safeguards for the here and now. It has a safeguarding mechanism should circumstances change and further action is needed. I am grateful to Mike for having allowed me to put those things on the record. I hope that, maybe, having heard those things, he will conclude that he may not wish to put these matters to the vote this morning.

[120] **Simon Thomas:** Diolch, **Simon Thomas:** Thank you, Cabinet Ysgrifennydd Cabinet. Y cwestiwn Secretary. The question therefore is felly yw: a ddylid derbyn gwelliant that amendment 11 be agreed. Does 11? A oes gwrthwynebiad? Nid oes, any Member object? No objection, felly derbyniwyd gwelliant 11. therefore amendment 11 is agreed.

*Derbyniwyd gwelliant 11 yn unol â Rheol Sefydlog 17.34.*

*Amendment 11 agreed in accordance with Standing Order 17.34.*

[121] **Simon Thomas:** Mike, a ydych **Simon Thomas:** Mike, do you wish to chi'n dymuno cynnig gwelliant 9? move amendment 9?

[122] **Mike Hedges:** Not moved.

[123] **Simon Thomas:** Not moved.

*Ni chynigiwyd gwelliant 9 (Mike Hedges).*

*Amendment 9 (Mike Hedges) not moved.*

[124] **Simon Thomas:** Mike, a ydych **Simon Thomas:** Mike, do you wish to chi'n dymuno cynnig gwelliant 10? move amendment 10?

[125] **Mike Hedges:** Not moved.

[126] **Simon Thomas:** Not moved.

*Ni chynigiwyd gwelliant 10 (Mike Hedges).  
Amendment 10 (Mike Hedges) not moved.*

*Cynigiwyd gwelliant 19 (Mark Drakeford).  
Amendment 19 (Mark Drakeford) moved.*

[127] **Simon Thomas:** Diolch yn fawr iawn. Rwyf innau yn cynnig gwelliant 19 nawr yn enw Ysgrifennydd y Cabinet Y cwestiwn yw: a ddylid gwelliant 19? A oes gwrthwynebiad? Derbyniwyd gwelliant 19.

**Simon Thomas:** Thank you very much. I move amendment 19 in the name of the Cabinet Secretary. The question is that amendment 19 be agreed. Does any Member object? Amendment 19 is agreed.

*Derbyniwyd gwelliant 19 yn unol â Rheol Sefydlog 17.34.  
Amendment 19 agreed in accordance with Standing Order 17.34.*

[128] **Simon Thomas:** Nick Ramsay, we return to a couple of your earlier amendments. Amendment 33, do you wish to move it?

[129] **Nick Ramsay:** That was group 4.

[130] **Simon Thomas:** Group 4, I think.

*Cynigiwyd gwelliant 33 (Nick Ramsay).  
Amendment 33 (Nick Ramsay) moved.*

[131] **Nick Ramsay:** Yes. Yes, please.

[132] **Simon Thomas:** Amendment 33 has been moved.

[133] Felly, cwestiwn felly yw: a ddylid gwelliant 33? A oes gwrthwynebiad? [Gwrthwynebiad.] Cawn ni bleidlais felly ar welliant 33. Pawb o blaid gwelliant 33 i godi dwylo, os gwelwch yn dda. Pawb yn erbyn gwelliant 33 i godi dwylo. Roedd un bleidlais o blaid 33, pump yn erbyn. Felly, ni dderbyniwyd gwelliant 33.

**Simon Thomas:** Therefore, the question is that amendment 33 be agreed to. [Objection.] We will have a vote therefore on amendment 33. Everyone in favour of amendment 33 to raise their hands, please. Everyone against, please raise your hands. There was one vote in favour of amendment 33 and five against. Therefore amendment 33 is not

agreed.

*Gwelliant 33: O blaid 1, Yn erbyn 5, Ymatal 0.*

*Amendment 33: For 1, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Ramsay, Nick	Hedges, Mike
	Lewis, Steffan
	Morgan, Eluned
	Rees, David
	Thomas, Simon

*Gwrthodwyd gwelliant 33.*

*Amendment 33 not agreed.*

[134] **Simon Thomas:** Nick. A ydych chi'n dymuno cynnig gwelliant 34? **Simon Thomas:** Nick, do you wish to move amendment 34?

*Cynigiwyd gwelliant 34 (Nick Ramsay).*

*Amendment 34 (Nick Ramsay) moved.*

[135] **Nick Ramsay:** Yes.

[136] **Simon Thomas:** Moved?

[137] **Nick Ramsay:** Moved.

[138] **Simon Thomas:** lawn. Y cwestiwn yw: a ddylid derbyn gwelliant 34? A oes gwrthwynebiad? **Simon Thomas:** Fine. The question is that amendment 34 be agreed to. Is there any objection? [*Objection.*] We will hold a vote therefore on amendment 34. Those in favour of amendment 34, please raise your hands. Those against amendment 34, please raise your hands. There was one vote in favour of amendment 34, five against, and therefore amendment is not agreed.

*Gwelliant 34: O blaid 1, Yn erbyn 5, Ymatal 0.*

*Amendment 34: For 1, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Ramsay, Nick	Hedges, Mike Lewis, Steffan Morgan, Eluned Rees, David Thomas, Simon	

*Gwrthodwyd gwelliant 34.**Amendment 34 not agreed.*

**Grŵp 7: Ymchilio (Gwelliannau 26, 27, 38, 39)**  
**Group 7: Investigation (Amendments 26, 27, 38, 39)**

[139] **Simon Thomas:** Symud at grŵp 7 yn awr. Mae grŵp 7 yn ymwneud ag ymchwilio i warediadau trethadwy a wneir mewn llefydd heblaw safleoedd tirlenwi awdurdodedig—*fly-tipping*, rwy'n credu. Ac felly y prif welliant yn y grŵp yma yw gwelliant 26. Mae gwelliant 26 yn enw Eluned Morgan, ac felly rwy'n galw ar Eluned Morgan i gynnis gwelliant 26 ac i siarad am ei gwelliant hi a gwelliannau eraill yn y grŵp. Eluned Morgan.

**Simon Thomas:** We move on now to group 7, which relates to the investigation of taxable disposables made at places other than authorised landfill sites—fly-tipping, I think. The lead amendment in this group is amendment 26, which is in the name of Eluned Morgan, and I therefore call on Eluned Morgan to move amendment 26 and to speak to her amendment and other amendments in the group. Eluned Morgan.

*Cynigiwyd gwelliant 26 (Eluned Morgan).**Amendment 26 (Eluned Morgan) moved.*

[140] **Eluned Morgan:** Diolch yn fawr. Liciwn i symud dau welliant yn y grŵp yma, gwelliant 26 a 27 yn y grŵp 7.

**Eluned Morgan:** Thank you very much. I would like to move two amendments in this group, 26 and 27 in group 7.

[141] Can I make it clear that these are probing amendments seeking some clarity from the Minister on the particular aspect of how we tackle dumping in this Bill, and how we can ensure that people are paying the taxes owed?

What I'm proposing is a requirement to be put on the face of the Bill for the county council, or the county borough council, that they should be required to investigate any unauthorised disposal of waste in their area. And what we know is that illegal dumping is a blight on our towns and rural areas. That, of course, is a method through which people avoid paying the tax that should be coming to the Welsh Treasury in future. Now my understanding—and the Minister can correct me if I'm wrong on this—is that the current law requires that local authorities do have responsibility to clear up small-scale fly-tipping on publicly-owned land, and that Natural Resources Wales has the responsibility of tackling large-scale fly-tipping in relation to non-hazardous waste.

[142] So why am I proposing this amendment? Well, first of all, I think, once waste is illegally dumped, unless it's quickly traced, the chances of catching those people who've been doing the dumping, and therefore catching those people who should be paying taxes, may be lost. And the problem is that there are countless examples of the public calling councils time and time again, informing them of illegally dumped waste on their land, and requesting removal of that, particularly not just on public land—but what I'd like to request is that, actually, it should be extended to private land as well, that that responsibility should be extended there. And I think putting this on the face of the Bill would strengthen the Welsh Government's arm in terms of forcing the council to act when they're informed of illegal dumping in their areas.

10:30

[143] Of course, I've tried to make it clear that if the councils don't know about illegal dumping then, of course, they can't be held to account. But, if they are informed, then there should be responsibility on them to chase up. I think waste management is a fundamental part of the responsibility of local government, and it's crucial that illegal dumping should be chased up. And then there's the possibility, and it's up to the councils then, of course, to inform the police and the Welsh Revenue Authority if they find the transgressors. So, that would be the first amendment.

[144] The second amendment in this group directly follows from that first one, because the real issue is that we all know that austerity is really biting local authorities, and also has led to cuts in places like Natural Resources Wales. So, the problem is they're already cut to the core there, and the tremendous pressures. So, the question for me is: how do we incentivise

them to chase up those instances of illegal dumping? The purpose of this amendment would be to ensure that they are in no way out of pocket for investigating unauthorised dumping and disposal.

[145] What I want to suggest, and I thought maybe you could give me some response on this, is that a proportion of the tax raised from these unauthorised disposals could then be funnelled back to those investigating authorities. And I just wonder if the Cabinet Secretary could respond to some of those suggestions. I move.

[146] **Simon Thomas:** Diolch, Eluned Thank you, Eluned Morgan. Morgan.

[147] Nick Ramsay. Are you speaking in this group, Nick?

[148] **Nick Ramsay:** Am I?

[149] **Simon Thomas:** You have an amendment in the group, so might want to speak. While Nick is considering it, are there any other Members who wish to speak on this group?

[150] **Nick Ramsay:** Is this amendment 38?

[151] **Simon Thomas:** Mike will speak briefly.

[152] **Nick Ramsay:** Thank you, Mike. Saved my bacon.

[153] **Mike Hedges:** I think Eluned Morgan raised a very important point of fly-tipping—I think that the bigger problem from my experience is not on council-owned land, it's on privately-owned land or, often, on land of unknown or unclaimed ownership where the council hasn't got the power to remove it and no-one claims ownership of it. It's unregistered land and it becomes a site where people tip and throw things, and it just builds up. Is there anything in the Bill that will actually deal with that of unknown or unclaimed ownership, so that action can be taken? Because, I think, quite often, in estates, for example, there's bits of land that are sort of left over at the end of it. Councils are much better, because on council estates the land is by the council, but, with private developers, there's unclaimed ownership—whether it rests with the developer or whether it rests with the previous owner, or whether it rests with nobody at all. So, is there anything in the Bill to actually start addressing what is a fairly serious problem, I know, in

Swansea and, I would guess, the rest of Wales?

[154] **Simon Thomas:** Nick, apologies. Yours is the lead amendment in the next group. But, if you wish to speak on this group—

[155] **Nick Ramsay:** Yes, you were kind of wrong but right at the same time. Yes, I would like to. It's more a clarification of the lead—. I understand exactly the point you're making, Eluned, on this amendment; it's well-intentioned. What would be—I think you said that, if a council is aware of the fly-tipping going on, they have a duty then to investigate, inform the police, whatever. What would be the consequence for the council if they didn't do that, if they didn't follow through with it? Or is that not contained within this line of thinking?

[156] **Eluned Morgan:** This is why it's a probing amendment, because what we need to do is to incentivise, and, at the moment, the problem is that, with the pressures that they're under, even when they're called, even when they're informed of where that waste is happening, there are instances where actually there is very little follow up. So, I do think that that's—. Of course, what's important is that that—. I'd always rather incentivise people rather than castigate, if possible.

[157] **Nick Ramsay:** That's why we get on.

[158] **Simon Thomas:** I'm taking that as an intervention on Nick Ramsay's speech, just to keep a bit of order here.

[159] **Nick Ramsay:** I'll just conclude my speech and thank Eluned for intervening at that point.

[160] **Simon Thomas:** Just to be absolutely clear: amendments in this group, you do have amendments 38 and 39, but those are amendments relating to inquiries, but you have already spoken, and I assume that you don't have anything else to add at this stage.

[161] **Nick Ramsay:** No, I'm happy with that.

[162] **Simon Thomas:** Okay. Any other Members wish to speak?

[163] Aelod arall? Os felly, Any other Members? If so, Cabinet Ysgrifennydd y Cabinet. Secretary.

[164] **Mark Drakeford:** Diolch yn fawr, Cadeirydd. Chair, I think it's important for me to just say to Members that this is a tax Bill, and while lots of interesting points have been raised—for which I've got a great deal of sympathy and will say something in a moment—some of those matters, I think, are matters of policy and for the policy Minister here in the environment field, rather than matters that can be resolved in a Bill that is, essentially, to do with fiscal responsibilities and the way that we discharge them.

[165] Now, I'll start with amendment 27 from Eluned Morgan, because that is an amendment that is about the way in which taxation arrangements are going to be delineated around unauthorised disposals, and I want to give her an assurance that the point she makes about how any additional tax that is recouped from those who have illegally dumped waste—I am, as I've tried to say a number of times during the passage of this Bill, intending to be supportive of a regime in which public authorities that have taken action that results in additional tax being raised, that they should have a share of that additional revenue, and I do that for exactly the reasons that Eluned set out, that we need to provide an incentive to those organisations to carry out these additional responsibilities, and, in cash-strapped times, we need them to be able to retain a proportion of that additional tax raised in order that they can go on investing in further action in this field. I don't think that the way the amendment is constructed, which would place a duty on the Welsh Ministers to consider in every case—whether that is the right answer, whether that is a proportionate way of doing it, but Eluned's objective, I believe, hearing her in the amendment, is to make sure that Welsh Ministers put on the record our support for the principle of revenue sharing when these new powers come into being, and I'm very happy to restate that this morning.

[166] As far as amendment 26 is concerned, there are two parts to it, Chair, as you've heard. The second part of it provides a power for information gathered by local authorities when pursuing unauthorised disposals to be shared with the WRA, and I believe that the Bill already provides for that. Section 59 of the Bill provides for an information-sharing gateway in which both local authorities and the NRW are able to share information on unauthorised disposals with the WRA, so, even if this amendment does not get passed today, that aspect of it I think is already provided for in the Bill.

[167] As to whether or not we should move, today, to place a statutory duty on local authorities to investigate in the circumstances that Eluned set out,



I'm not able to support that today, but I am very supportive of the objectives that Eluned set out. I think she made an important point in saying that this is a shared responsibility between local authorities and the NRW. And the boundary is slightly more blurred than it appears on paper, because, actually, on the ground, how a local authority might respond to one form of illegal deposit and NRW might respond to another is often negotiated between the two organisations in the particular circumstances that they face. To place a statutory duty on one partner without something on the other, I think, may not make that day in, day out way of operating on the ground—it might frustrate it rather than help it to be carried out more effectively in the way that I know the amendment is intended to provide.

[168] Now, as I said, a number of the points that Eluned raised, I think, fall to policy consideration rather than to taxation considerations, and there are a whole series of actions that Lesley Griffiths, as the responsible Minister, is taking to try to make the actions of local authorities and NRW more effective in this area. I pointed out, I think, at an earlier hearing of the committee that Lesley has recently consulted on the introduction of fixed-penalty notices, for example, for fly-tipping incidents. My understanding of the response to consultation is that consultees have been very supportive of the introduction of fines between £150 and £400, which can be issued to offenders identified as committing offences on the spot, and I know that Lesley intends to bring forward regulations soon to respond to that consultation. That way of doing things puts an emphasis on multidisciplinary working and partnership working rather than allocating a statutory responsibility to one particular partner in the web of actions that are necessary to address unauthorised disposals. I hope that Eluned will accept that beyond what can be done in a taxation Bill, the Government has a series of further actions in the pipeline to help to address the issues that she has, very properly, raised this morning. And on the taxation issue in amendment 27 specifically, that I've put on record a commitment to act in the way that the amendment proposes.

[169] Actually, I think I ought to deal briefly with amendments 38 and 39 in the group. Nick has made the arguments previously that the Welsh Government ought to be able to issue guidance to the WRA so that it provides important guidance in these matters. I've resisted previously having this on the face of the Bill because I think it does risk blurring the responsibilities between the Welsh Government, which is to provide strategic direction to the WRA, and the responsibilities of the WRA itself. It is very important—and I know Nick himself has made this point in other contexts—that the operational independence of the WRA is very clearly visible to the

citizen, and that there is no suggestion that Ministers are somehow trying to influence the operational side of the WRA. What I said when I was in front of the committee in relation to LTTA, Chair, was that I would write to the chair designate of the WRA in a semi-remit-letter style, saying that I would expect that the WRA would make the provision of this guidance a very clear and early priority. Since I was in front of the committee in relation to LTTA, we have a new chair designate in Kathryn Bishop. I have met her; I've relayed the committee's concerns to her; and she's very aware of them. She gave me an assurance that the provision of guidance of the sort that Nick's amendments in this group seek to achieve would be an early priority for the WRA. I have now written the letter that I said that I would provide. I've provided a copy to the Chair of the committee earlier this week, and that letter does indeed—

[170] **Nick Ramsay:** Can I make an intervention at this point? Because Eluned, I think, is responding, but on the basis of what the Cabinet Secretary said I'm happy not to move or to withdraw—whatever the protocol is—those amendments.

[171] **Simon Thomas:** Not to move when we get to them, yes.

[172] **Nick Ramsay:** When we get to them.

[173] **Mark Drakeford:** Well, grateful for that assurance, of course. Thank you.

[174] **Nick Ramsay:** Because you have made those comments before, Cabinet Secretary, and I understand your arm's-length intentions. Sorry.

[175] **Mark Drakeford:** Thank you, Chair, that was my final point.

[176] **Simon Thomas:** Lovely.

[177] Ocê, diolch yn fawr iawn. Okay, thank you very much. Eluned Eluned Morgan i ymateb i'r ddadl. Morgan to reply to the debate.

[178] **Eluned Morgan:** Can I thank the Cabinet Secretary for those clarifications? I'm very aware that there is a line here between tax and policy, but I think in terms of policy, what is clear is that illegal dumping means that there is an impact on the Welsh Treasury, so there is a connection. I wonder whether there may be a possibility to amend relevant bits of policy through this Bill.

10:45

[179] I don't know quite—. I'm sorry; I'm still learning the ropes here, but certainly, in other parliaments, that would be an acceptable method of doing things. So, maybe that's something that we could think about, just to use a different policy aspect to make sure that there's not a negative aspect on this Bill, or tightening it up, at least. But I'm very grateful to the Cabinet Secretary for understanding that, actually, there is that relationship.

[180] On the tax supporting a regime that would incentivise, I'm very grateful to the Cabinet Secretary for explaining that that is indeed his intention, and on that basis I would like to withdraw my amendment.

[181] **Simon Thomas:** Diolch, Eluned. Mae Eluned wedi nodi y byddai hi'n dymuno tynnu gwelliant 26 yn ôl. A oes gwrthwynebiad i dynnu'r gwelliant yn ôl? 'Nag oes' yw'r ateb i'r cwestiwn yna. **Simon Thomas:** Thank you, Eluned. Eluned has indicated that she wishes to withdraw amendment 26. Is there any objection to that withdrawal? 'No' is the answer to that question.

*Tynnwyd gwelliant 26 yn ôl gyda chaniatâd y pwyllgor.  
Amendment 26 withdrawn by leave of the committee.*

[182] **Simon Thomas:** Eluned, roeddech chi hefyd wedi cynnig gwelliant 27. Felly, yn ffurfiol, mae eisiau gofyn i'r pwyllgor hefyd a oes gwrthwynebiad i dynnu—. Yn gyntaf oll, rwy'n cymryd eich bod chi am dynnu'r gwelliant hwnnw yn ôl hefyd. **Simon Thomas:** Eluned, you also moved amendment 27. So, formally, I need to ask the committee whether there's any objection to—. First of all, I assume you want to withdraw that amendment.

[183] **Eluned Morgan:** Not moved.

[184] **Simon Thomas:** Ie. Felly, yn ffurfiol, i ofyn i'r pwyllgor a oes gwrthwynebiad i dynnu gwelliant 27 yn ôl. A oes gwrthwynebiad? Neb yn gwrthwynebu. Felly, mae'r gwelliant hwnnw hefyd wedi'i dynnu ôl. **Simon Thomas:** I formally ask the committee whether there is any objection to the withdrawal of amendment 27. Any objection to that withdrawal? No objections. Therefore, that amendment is withdrawn.

*Ni chynigiwyd gwelliant 27 (Eluned Morgan).  
Amendment 27 (Eluned Morgan) not moved.*

[185] **Simon Thomas:** I do propose that we have our own short tax relief now. [*Laughter.*] Can we return at 10:55? Okay? Diolch yn fawr iawn.

*Gohiriwyd y cyfarfod rhwng 10:46 a 10:55.  
The meeting adjourned between 10:46 and 10:55.*

**Grŵp 8: Adolygiad Annibynnol (Gwelliant 35)  
Group 8: Independent Review (Amendment 35)**

[186] **Simon Thomas:** Galwaf y Pwyllgor Cyllid yn ôl i drefn, felly, ac rŷm ni'n parhau ein trafodaethau Cyfnod 2 o'r Bill treth tirlenwi. Rydym wedi cyrraedd grŵp 8. Mae grŵp 8 yn ymwneud ag adolygiad annibynnol o Ran 4 o'r Bil. Yr unig welliant yn y grŵp yma yw gwelliant 35 yn enw Nick Ramsay. Galwaf ar Nick Ramsay i gynnig y gwelliant ac i siarad.

**Simon Thomas:** I call the Finance Committee to order, and we continue with our Stage 2 deliberations on the Landfill Bill. We've reached group 8, which relates to independent review of Part 4 of the Bill. The only amendment in the group is amendment 35. I call on Nick Ramsay to move the amendment and speak to it.

*Cynigiwyd gwelliant 35 (Nick Ramsay).  
Amendment 35 (Nick Ramsay) moved.*

[187] **Nick Ramsay:** Lead amendment 35 in group 8 asks for the insertion of a new section, Cabinet Secretary, after line 29, calling for an independent review of this Part.

[188] 'The Welsh Ministers must make arrangements for an independent review of the effectiveness of this Part to be completed before the expiry of the period of 3 years beginning with the day on which this subsection comes into force.'

[189] The rationale behind this is that my party feels it's necessary for an independent review of the tax for unauthorised disposals to occur, to assess the effectiveness of the tax against the costs of implementing it. The National Assembly for Wales should be able to have access to all the relevant information, which will be available through an independent review.

[190] This amendment enables Welsh Ministers to carry out a review on the progress of the tax, especially in light of the concerns raised by the Welsh Local Government Association about enforcement and the cost of implementing it. Furthermore, there is little information from Scotland about the success of its own unauthorised disposals tax, so this is a chance for Wales to go further. This amendment is more than a probing amendment. It is well intentioned, but I do look to the Cabinet Secretary for some guidance on how he feels that this is the correct way to proceed, or whether you feel there's a more effective way of doing it. But I do think that there is a means for some mechanism or other.

[191] **Simon Thomas:** A oes unrhyw **Simon Thomas:** Does any other Aelod arall yn dymuno siarad? Os Member wish to speak? If not, felly, Ysgrifennydd y Cabinet. Cabinet Secretary.

[192] **Mark Drakeford:** Well, Chair, can I thank Nick Ramsay for this amendment? And I'm very happy to support the principle behind what this amendment is trying to achieve. We agreed during the passage of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Bill that we should have an independent review of that piece of tax legislation, and I'm happy to say today that I'm willing to accept the principle of an independent review of landfill disposal tax, as well.

[193] I have a small number of concerns about the amendment as currently drafted. As I read it, it will enable Welsh Ministers to make arrangements for an independent review of Part 4 of the Bill, while I think there is a case for allowing an independent review of the provisions of the Bill more widely than Part 4. I'd like to be able to talk with Nick Ramsay, if he was open to doing that, about the timing issue—the period of time that would need to elapse in order to have a meaningful independent review of the tax. I've said a couple of times this morning already, Chair, that I think it's important that, where we can, we try and make the arrangements that we have agreed for one piece of devolved taxation to be mirrored in this second tax, and if he were willing to do it, then I'd also like to make sure that any discussions we had between Stage 2 and Stage 3 involved Steffan Lewis as well, given that the arrangements for an independent review of LTTA were the result of amendments that he made in front of this committee at Stage 2 there. So, to get consistency, if Members were agreeable, what I would like to do is to have those further discussions with the view to bringing forward a Stage 3 amendment to do what Nick Ramsay is seeking to do in this amendment, but maybe to have recalibrated it to take account of those considerations.

[194] **Simon Thomas:** Nick Ramsay i **Simon Thomas:** Nick Ramsay to reply. ymateb.

[195] **Nick Ramsay:** I'm pleased that the Cabinet Secretary has taken on board the intention and the principle behind this amendment. There have been issues with the other taxes, but the LTT tax as well. There is certainly, I believe, a requirement for some form of independent review to look at this, but I'm grateful to the Cabinet Secretary for saying he intends to, or would like to broaden this out. And I think if there is the possibility for a Stage 3 amendment, a cross-party amendment, that would involve Steffan Lewis and other Members as well if they so wished to do so, then I'm happy to play a part in that. So, I will certainly not move or withdraw—. I'm not quite sure whether I'm withdrawing or not moving.

11:00

[196] **Simon Thomas:** You've moved it.

[197] **Nick Ramsay:** I've moved it, so I'm withdrawing—okay, not voting—this amendment to facilitate discussions with the Cabinet Secretary and other parties.

[198] **Simon Thomas:** Diolch, Nick **Simon Thomas:** Thank you, Nick Ramsay. Felly, mae Nick Ramsay yn Ramsay. Nick Ramsay wishes to dymuno tynnu gwelliant 35 yn ôl. A withdraw amendment 35. Is there any oes gwrthwynebiad i hynny? Nid oes objection to that withdrawal? There is gwrthwynebiad, felly mae gwelliant not, therefore, amendment 35, for 35, am y tro, wedi'i dynnu'n ôl gan y the time being, is withdrawn. pwyllgor yma.

*Tynnwyd gwelliant 35 yn ôl gyda chaniatâd y pwyllgor.  
Amendment 35 withdrawn by leave of the committee.*

[199] **Simon Thomas:** Diolch am **Simon Thomas:** Thank you for that. hynny.

**Grŵp 9: Datgelu Gwybodaeth (Gwelliannau 36, 5, 13)**  
**Group 9: Disclosure of Information (Amendments 36, 5, 13)**

[200] **Simon Thomas:** Dyma symud **Simon Thomas:** That brings us to

nawr at grŵp 9. Mae grŵp 9 yn group 9, which relates to the ymwneud â datgelu gwybodaeth. Y disclosure of information. The lead prif welliant yn y grŵp yma yw amendment in the group is gwelliant 36, sydd hefyd yn enw Nick amendment 36, also in the name of Ramsay. Felly, rwy'n gofyn i Nick Nick Ramsay. I call on Nick Ramsay to Ramsay i gynnig gwelliant 36 a siarad move amendment 36 and to speak to am y gwelliannau yn y grŵp. the other amendments in the group.

*Cynigiwyd gwelliant 36 (Nick Ramsay).  
Amendment 36 (Nick Ramsay) moved.*

[201] **Nick Ramsay:** Diolch. Yes, lead amendment 36 in this group proposes that, on

[202] 'Section 59, page 32, line 33, after "WRA", insert ", and the WRA may disclose information to a person listed in subsection (2),".'

[203] This amendment clarifies information-sharing powers, especially with regard to local authorities—at least that's the intention. Now, the Cabinet Secretary, in his evidence to the Finance Committee in December, stated that there would be information sharing between the WRA and Natural Resources Wales. Furthermore, local authorities are able to share information with the WRA, but there is little clarity as to whether local authorities are able to receive information from the Welsh Revenue Authority. So, this amendment clarifies the position, or seeks to clarify the position, as to those who are able to access information. In part, this also assists with the concerns raised by the WLGA about the costs of enforcement by having the ability to access and share information with the WRA and NRW. I feel that this, inevitably, will reduce investigative costs for councils. That's the purpose behind this amendment.

[204] **Simon Thomas:** Diolch yn fawr. **Simon Thomas:** Thank you. Does any A oes Aelod arall yn dymuno siarad? other Member wish to speak? Cabinet Ysgrifennydd y Cabinet. Secretary.

[205] **Mark Drakeford:** Diolch yn fawr, Cadeirydd. I'll return, if I can, to Nick Ramsay's amendment in a moment, Chair, but begin by speaking to the two Government amendments in this group of amendments, 5 and 13, because they also relate to the disclosure of information.

[206] Section 59 of the Bill allows NRW and local authorities in Wales to

disclose information to the WRA to assist the WRA in the collection and management of landfill disposals tax. Subsection 59(3), as in the original Bill, provides that information may be disclosed, and I'm quoting now from that subsection,

[207] 'notwithstanding any statutory or other obligation not to disclose information that would otherwise apply'.

[208] Now, amendment 5 is a response to a recent Supreme Court ruling in relation to the drafting of information-sharing provisions and the application of the Data Protection Act 1998. Now, my advice is that the Bill, as originally presented, was compliant with the law, but amendment 5 would make the Bill more explicit in stating that the information-sharing power at section 59 does not override any relevant restriction in the Data Protection Act 1998 or the Investigatory Powers Act 2016. It was never the intention that the Bill should override those safeguards. We don't think that it does, but, in the light of a Supreme Court ruling, I thought it was important to put that beyond any doubt and amendment 5 does that.

[209] Government amendment 13 ensures that any regulations amending the list of persons who can share information with the WRA would need to be made subject to the affirmative procedure. This was a recommendation—recommendation 9—of the Constitutional and Legislative Affairs Committee. I've given careful thought to that recommendation, and, on balance, I have concluded that the purpose of section 59 of the Bill could be regarded as being more than administrative in nature, and given that that was the conclusion of the Constitutional and Legislative Affairs Committee, I'm happy to take their advice and to make this subject to the affirmative rather than the negative procedure. That's what amendment 13 does.

[210] Turning to Nick's amendment, he said that he felt that the information-sharing arrangements in the Bill weren't clear enough and needed to be strengthened, particularly in relation to the flow of information from the WRA to local authorities or NRW. Now, I believe that those powers are clear. They're not in this Bill, because they are already set out and resolved in the Tax Collection and Management (Wales) Act 2016. That Act sets out the circumstances. It provides a power to the WRA to share information about taxpayers with other authorities.

[211] What that Act does, however, in a way that I don't believe the amendment in front of this committee would do, is to set out proper



safeguards for the taxpayer. This is very important, Chair, I think. When information is being passed to the WRA, I think it's possible to take a slightly more liberal view of the powers that authorities should have to share information. But the WRA will be collecting sensitive personal information on individual citizens here in Wales, and I think it is very important that we begin the process with a high hurdle for the WRA in sharing any of that information with other organisations. I think it's very important to give citizens in Wales confidence that when the WRA is collecting information about their personal circumstances, its ability to share that information with others is very carefully circumscribed. Now, the TCMA Act sets out the limited circumstances in which the WRA is able to share that information and makes it clear that it has to be for important public purposes, such as the prevention or detection of crime, or for the purposes of civil proceedings.

[212] So, I am seeking to persuade the committee that Nick's question is answered. It's answered elsewhere, and I think it is answered in a way that provides greater defence to the citizen that their personal information can only be shared by the WRA when there is an important public purpose at stake.

[213] **Simon Thomas:** Diolch am **Simon Thomas:** Thank you for that. hynny. Nick Ramsay i ymateb. Nick Ramsay to reply.

[214] **Nick Ramsay:** Diolch. I've listened carefully to the Cabinet Secretary's very expansive response there. I think I've explained already the rationale behind this amendment to start with. There are certainly cost issues that the WLGA have raised in terms of enforcement, but I think those are, kind of, secondary, in a way, to the data-sharing issue.

[215] I think this is an area that I would like to investigate further with the Cabinet Secretary, if that's possible. So, I'm happy not to move the amendment at this stage, but to withhold the right to move it later on. I think it's an area that does need to be addressed, so I'm not happy to let it go, but, at this point in time, I think it would be good to have further discussions with the Cabinet Secretary and his officials to see if we can find a way forward that does safeguard data-protection issues, whilst also ensuring the financial integrity of the Bill.

[216] **Simon Thomas:** Diolch. Mae **Simon Thomas:** Thank you. Nick Nick Ramsay yn dymuno tynnu ei Ramsay wishes to withdraw welliant 36 yn ôl, felly. A oes amendment 36. Is there any

gwrthwynebiad? Neb yn objection to that withdrawal? No  
gwrthwynebu. Mae'r gwelliant wedi ei objection. The amendment is  
dynnu nôl. withdrawn.

*Tynnwyd gwelliant 36 yn ôl gyda chaniatâd y pwyllgor.*  
*Amendment 36 withdrawn by leave of the committee.*

*Cynigiwyd gwelliant 5 (Mark Drakeford).*  
*Amendment 5 (Mark Drakeford) moved.*

[217] **Simon Thomas:** Rydw i nawr yn **Simon Thomas:** I now move  
cynnig gwelliant 5 yn enw amendment 5 in the name of the  
Ysgrifennydd y Cabinet. Y cwestiwn Cabinet Secretary. The question is  
yw: a ddylid derbyn gwelliant 5? A that amendment 5 be agreed. Does  
oes gwrthwynebiad? Derbyniwyd any Member object? Amendment 5 is  
gwelliant 5. agreed.

*Derbyniwyd gwelliant 5 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 5 agreed in accordance with Standing Order 17.34.*

[218] **Simon Thomas:** Rydym ni'n **Simon Thomas:** We now turn to two  
troi nawr at ddau welliant o'r grŵp amendments from the previous  
blaenorol—grŵp 5. group—group 5.

*Cynigiwyd gwelliant 6 (Mark Drakeford).*  
*Amendment 6 (Mark Drakeford) moved.*

[219] **Simon Thomas:** Rwy'n cynnig **Simon Thomas:** I move amendment 6  
gwelliant 6 yn enw Ysgrifennydd y in the name of the Cabinet Secretary.  
Cabinet. Y cwestiwn yw: a ddylid The question is that amendment 6 be  
derbyn gwelliant 6? A oes agreed. Does any Member object? No  
gwrthwynebiad? Neb yn objections. Amendment 6 is agreed.  
gwrthwynebu. Derbyniwyd gwelliant  
6.

*Derbyniwyd gwelliant 6 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 6 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 20 (Mark Drakeford).*  
*Amendment 20 (Mark Drakeford) moved.*

[220] **Simon Thomas:** Rwyf i nawr yn cynnig gwelliant 20 yn enw Ysgrifennydd y Cabinet. Y cwestiwn yw: a ddylid derbyn gwelliant 20? A oes gwrthwynebiad? Derbyniwyd gwelliant 20.

**Simon Thomas:** I now move amendment 20 in the name of the Cabinet Secretary. The question is that amendment 20 be agreed. Does any Member object? Amendment 20 is agreed.

*Derbyniwyd gwelliant 20 yn unol â Rheol Sefydlog 17.34.*

*Amendment 20 agreed in accordance with Standing Order 17.34.*

### **Grŵp 10: Cosbau (Gwelliannau 7, 8)** **Group 10: Penalties (Amendments 7, 8)**

[221] **Simon Thomas:** Rydym ni'n troi nawr at grŵp 10 o welliannau. Mae grŵp 10 o welliannau yn ymwneud â chosbau. Y prif welliant yn y grŵp hwn yw gwelliant 7 yn enw Ysgrifennydd y Cabinet.

**Simon Thomas:** We turn now to group 10, which relates to penalties. The lead amendment in this group is amendment 7 in the name of the Cabinet Secretary.

*Cynigiwyd gwelliant 7 (Mark Drakeford).*

*Amendment 7 (Mark Drakeford) moved.*

[222] **Simon Thomas:** Cynigiau, felly, welliant 7 ar ran Ysgrifennydd y Cabinet, a galwaf ar Ysgrifennydd y Cabinet i siarad am ei welliant a'r gwelliant arall yn y grŵp hwn.

**Simon Thomas:** I therefore move amendment 7 in the name of the Cabinet Secretary, and I call on the Cabinet Secretary to speak to his amendment and the other amendment in this group.

[223] **Mark Drakeford:** Diolch yn fawr, Gadeirydd.

**Mark Drakeford:** Thank you very much, Chair.

[224] So, there are two Government amendments in this group and they both address concerns raised by the Constitutional and Legislative Affairs Committee, who asked the Government to look again at the penalty arrangements under section 67(1) of the Bill, and asked us to consider how a penalty under that section would arise, how it would be applied, and the maximum penalty amount to be payable. These penalties under section 67(1) are penalties that apply when a person fails to comply with the terms of a non-disposal area designation. I gave a commitment when I appeared in

front of the Constitutional and Legislative Affairs Committee to remove section 67(2) and section 67(4) from the Bill and to bring forward an amendment to replace them at Stage 2. This group fulfils that commitment.

[225] Amendment 8 will allow the WRA to apply a penalty for each separate breach of a non-disposal area requirement. It will allow the authority, I hope, to act fairly and proportionately when applying a penalty. The WRA will be able to take account of all the relevant circumstances and that could include, for example, previous penalties in relation to non-disposal areas on that landfill site, and then to produce a result commensurate to the failures when determining the penalty.

[226] Because there can now be separate penalties for each individual failure to comply with a non-disposal area requirement, amendment 7 proposes to reduce the maximum penalty from £5,000 to £3,000. Members will recall that the original penalty regime would have taken all breaches in a single offence with a maximum penalty of £5,000. Now that each offence can be individually prosecuted [correction: penalised], I think it is right to reduce the maximum penalty to bring it in line with penalty figures set out in other LDT and TCMA penalty regimes. These proposed amendments have been discussed with landfill site operators at a recent meeting between my officials and them. I think they are understood and are broadly supported by those operators, and I ask Members to support the Government amendments in this group this morning.

[227] **Simon Thomas:** Diolch yn fawr. A oes Aelod arall yn dymuno siarad? Neb. Ysgrifennydd y Cabinet, a ydych yn hapus eich bod chi wedi dweud y cyfan sydd gennych i'w ddweud? Felly, y cwestiwn yw: a ddylid derbyn gwelliant 7? A oes gwrthwynebiad? Derbyniwyd gwelliant 7.

**Simon Thomas:** Thank you very much. Are there any other Members who wish to speak? No-one. Cabinet Secretary, are you content that you've said what you want to say on this? So, the question is that amendment 7 be agreed. Does any Member object? Amendment 7 is agreed.

*Derbyniwyd gwelliant 7 yn unol â Rheol Sefydlog 17.34.*

*Amendment 7 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 8 (Mark Drakeford).*

*Amendment 8 (Mark Drakeford) moved.*

[228] **Simon Thomas:** Cynigiaf **Simon Thomas:** I move amendment 8

welliant 8 yn enw Ysgrifennydd y Cabinet. Y cwestiwn yw: a ddylid derbyn gwelliant 8? A oes gwrthwynebiad? Nac oes. Felly, derbyniwyd gwelliant 8.

*Derbyniwyd gwelliant 8 yn unol â Rheol Sefydlog 17.34.  
Amendment 8 agreed in accordance with Standing Order 17.34.*

**Grŵp 11: Cynllun Cymunedau y Dreth Gwarediadau Tirlenwi (Gwelliannau 12, 12A)**

**Group 11: Landfill Disposals Tax Communities Scheme (Amendments 12, 12A)**

[229] **Simon Thomas:** Rydym ni'n troi nawr at grŵp 11. Mae grŵp 11 yn ymwneud â chynllun cymunedau y dreth gwarediadau tirlenwi. Mae yna ddau welliant yn y grŵp yma: gwelliant 12 a gwelliant i welliant, sef gwelliant 12A. Ond y prif welliant yn y grŵp yw gwelliant 12 yn enw Ysgrifennydd y Cabinet.

**Simon Thomas:** We turn now to group 11, which relates to the landfill disposals tax communities scheme. There are two amendments in this group: amendment 12 and the amendment to the amendment, namely 12A. The lead amendment in the group is amendment 12 in the name of the Cabinet Secretary.

*Cynigiwyd gwelliant 12 (Mark Drakeford).  
Amendment 12 (Mark Drakeford) moved.*

[230] **Simon Thomas:** Felly, rwy'n cynnig gwelliant 20 ar ei ran, a galw ar Ysgrifennydd y Cabinet i siarad am y gwelliant, ac am y gwelliant i'r gwelliant.

**Simon Thomas:** Therefore, I move amendment 12 in the name of the Cabinet Secretary and call on him to speak to his amendment and the other amendment in the group.

[231] **Mark Drakeford:** Diolch yn fawr, Cadeirydd.

**Mark Drakeford:** Thank you very much, Chair.

[232] Well, as I said, throughout the progress of the Bill, it has always been the Government's intention to create an LDT communities scheme here in Wales, in recognition of the clear benefits that such a scheme has provided in the past, and we wanted to see it go on providing in the future, for communities located around landfill sites and now, in our intentions, waste

transfer stations as well. I've tried at various points to take some practical actions to demonstrate that commitment. In December 2016, a paper was issued outlining a number of proposals for the scheme. I wrote earlier this year to you, Chair, summarising the responses to that paper and I've made a public commitment to launch a procurement exercise to appoint the distributive body later this year. However, I've read carefully what the committee had to say in its Stage 1 report about the case for making a direct reference to the scheme on the face of the Bill in order to give the policy commitment a legislative form.

11:15

[233] So, as a result, amendment 12 places a duty on the Welsh Ministers to establish a grant scheme to be known as the 'landfill disposals tax communities scheme'. The proposed amendment sets out that the published scheme must provide for the making of grants to persons engaged in activities that will promote or improve the social or environmental well-being of areas in Wales affected by disposals to landfill, or by activities in preparation for such disposals, for example at waste transfer stations.

[234] The proposed amendment would require Welsh Ministers to publish the scheme at or before the time the LDT becomes operational in April 2018. The amendment also requires Welsh Ministers to review the scheme at least once in the period of four years after it is first published, and for there to be further reviews at intervals of no more than four years after the first review. The amendment ensures that necessary consultation should be carried out by the Welsh Ministers when reviewing the scheme, and if Ministers were to decide, following a review, to revise the scheme, then the amendment provides that the revised scheme must be published by Welsh Ministers and laid before the National Assembly for Wales.

[235] Now, Chair, given that this is an intentionally diminishing tax, amendment 12 also expressly recognises the possibilities that Welsh Ministers could revoke the scheme sometime in the future, but makes it clear that that can only happen following a review with consultation, and that it cannot happen within the first four years after the scheme is published. I was keen to make that explicit in the amendment to give certainty to the sector. So, the amendment recognises that there's a balance to be struck between providing the committee and stakeholders with assurance that the scheme will be established, but it allows sufficient flexibility to adapt to changes in circumstances.

[236] **Nick Ramsay:** Can I intervene?

[237] **Mark Drakeford:** Yes, of course.

[238] **Nick Ramsay:** I don't object to this amendment in principle. I'm just wondering what the intention is. You mentioned stakeholders in terms of—. What is the intention in terms of the National Assembly's involvement in determining the eligibility criteria? I note that you say that the scheme will be laid before the Assembly, but would the Assembly have any greater role?

[239] **Mark Drakeford:** Well, Chair, I am very keen to make sure, as we develop the detail of the scheme, that we are able to share that scheme with this committee. I've already made some commitments to take into account some comments that were made in the Stage 1 report about the way that the scheme should be organised. So, my intention would definitely be that Members here who've taken an interest in the scheme would have a chance to see it during its development and to be able to help us to shape it to make it as good as it can be.

[240] Can I turn to the amendment [correction: amendment to my amendment] next, Chair, and I look forward to hearing what Eluned Morgan has to say about it? I want to provide her with a series of assurances on the record about the way in which we intend the detail of the scheme to be developed. So, the first assurance I'm keen to make this morning is that the scheme will refer directly to the three key purposes—biodiversity, waste minimisation and environmental enhancements—which Eluned's amendment identifies. The scheme will definitely and explicitly refer to those three key purposes.

[241] Secondly, the scheme will set out the rules for distribution of money that will be available for disbursement within the scheme. It will be a rule-based scheme, and the scheme will set out those rules explicitly. Thirdly, and just to confirm what Nick Ramsay said, the scheme will be published, and it will be laid before the National Assembly. Fourthly, the scheme will include a commitment to monitor the pattern of expenditure within the scheme, and, fifthly, I'm happy to provide a commitment that that monitoring data will also be published so that it is clear to anybody how patterns of expenditure are being determined and where the money is being spent.

[242] I am probably anxious, Chair, to avoid a rigid mathematical formula of

the sort that the amendment proposes. While I completely understand what Eluned— Well, I'll hear what Eluned says, but I'm surmising that what she wants to be sure of is that there is a fair distribution between the three key purposes. I think if we were to have an arithmetical requirement that there is an equal distribution, that will inevitably mean that, in some years, fewer good schemes under one heading will have to be funded, and better schemes under another heading will not be funded, simply to make sure that we comply with a legal requirement for arithmetical exactitude.

[243] I am keen that there is a fair distribution, and that's why I've said today, on the record, that, for that distribution, the rules will be set out, the monitoring of decision making will be undertaken, and that we'll publish the results of that monitoring, so that if there is concern that one particular strand is being preferred over others, then the information will be there for people to be able to draw that to people's attention and take action to correct it.

[244] **David Rees:** When you say monitoring of the rules and criteria, will you also be monitoring the outcomes of any schemes to ensure that, actually, they are productive as well? It's not just about where they go, but the outcomes of the schemes.

[245] **Mark Drakeford:** Absolutely. I didn't say that in my remarks, Chair, because that's not quite covered in the amendment, but it's a very important point. That's why, as part of the procurement exercise, we will be looking to the distributive body that we appoint to have a capacity to be able to monitor the way that they discharge the obligations, but also are able to provide assurance to the National Assembly that the money we are now agreeing is going to be set aside for these purposes is being spent to best effect.

[246] **Simon Thomas:** Eluned Morgan.

[247] **Eluned Morgan:** Diolch yn fawr. Thank you. Chair, my amendment 12A seeks to amend the amendment of the Welsh Government, and I'm really pleased to see that the Welsh Government has responded to the recommendations of this committee, not just on this one, but I'm not sure if it's been put on record the fact that, actually, the Welsh Government has accepted 23 out of our 24 recommendations. I've got to tell you, as a new Member to this place—

[248] **Nick Ramsay:** What was wrong with the twenty-fourth? [*Laughter.*]



[249] **Mike Hedges:** It was yours. [*Laughter.*]

[250] **Nick Ramsay:** I asked for that, didn't I? [*Laughter.*]

[251] **Simon Thomas:** All the committee recommendations on the record were committee recommendations, just to be clear.

[252] **Eluned Morgan:** But I think it's worth putting on record the fact that that's been done, but, also, it's given me great comfort that, actually, we're not wasting our time on this committee—that the Welsh Government is listening to what we've got to say. That's quite comforting as a committee member, I must say. And this is one of those that the Welsh Government has accepted. Now, of course, already, lots of these communities benefit from these community schemes, and I'm very pleased to see now that that's been put on the face of the Bill. The Cabinet Secretary is absolutely right—what I'm interested in is a fair distribution. And I'm not interested in rigidity either, and if you're going to be very rigid, then you'd be down to pennies and it would be a nonsense. I don't think anybody's suggesting that.

[253] I'm glad to hear that all three of the areas that I've noted in my amendment will be considered in the scheme that will be proposed. I'll tell you where my real concern comes. There is a real danger, I think, that well-resourced, for example, environmental organisations, national organisations, could kind of fly into an area and they're very good at writing grants—they know how to do it—and my concern is that it may squeeze out the local projects that don't have the resources to put into writing a good grants application. That's my real concern, so it's very good to hear that there'll be monitoring. But, of course, once we've passed this out from here, we've lost any control of what may happen in future, and so it's good to hear those assurances that the Cabinet Secretary has given, but we will be handing over our faith, really, to make sure that you police that properly. That's my real concern, and I wonder if the Cabinet Secretary could respond to that particular concern: how do we make sure that the local communities and their voices are heard and you don't get these big environmental organisations that are massively well resourced coming in and writing really good applications.

[254] **Simon Thomas:** A oes Aelod **Simon Thomas:** Does any other  
arall yn dymuno siarad ar y grŵp Member wish to speak on this group?  
yma? Mike Hedges. Mike Hedges.

[255] **Mike Hedges:** Can I just say that, historically, lots of very small organisations have got relatively small sums that have done a huge amount of good for their areas? To save time, I agree with everything that Eluned Morgan has just said. The question I've got is: will the Government produce an annual list of organisations and how much they've had each year in order that we can see if the concerns that Eluned Morgan has raised are genuine ones, when we get to see what happens there and if the smaller organisations are being squeezed out, and the Minister and others then may well wish to reconsider the method by which they are given?

[256] **Simon Thomas:** Aelod arall?      **Simon Thomas:** Another Member?

[257] Anyone else?

[258] Yr Ysgrifennydd i ateb.      The Secretary to respond.

[259] **Mark Drakeford:** Diolch yn fawr. Thanks to Eluned Morgan. These are very important points and I'm very glad I've had a chance to hear them because it will help us, when we come to devising the scheme, to make sure that we build in some safeguards to it to make sure that, in the way that Mike properly pointed to—the record of the current scheme is pretty good in making small amounts of money available to very local projects, and I would be very keen that the scheme we devise does not—

[260] **Nick Ramsay:** Can I intervene?

[261] **Mark Drakeford:** Of course.

[262] **Nick Ramsay:** I should really have responded earlier after Eluned, but I didn't take the opportunity. I'm happy to support Eluned on this. I think she made a very good point about the need for local operations not to be squeezed out by a national one. In a way, it ties in with my earlier point—I think that this committee could have a real role to play in helping the Welsh Government to develop this scheme and in the monitoring as well.

[263] **Mark Drakeford:** Thank you, Chair. As I said, I would find it very helpful if the committee were willing to take an interest in the development of the scheme to make sure that we can build in the safeguards that we want to build into it and particularly to address the point that Eluned has raised.

[264] I believe that the current practice is that there is an annual account of money that is disbursed through the scheme, and I would certainly expect, through the monitoring exercise that I've referred to, that we would be able to publish the number of applications that have been received, the purpose that those applications come in under, whichever headings they come in under, which have succeeded and how much they've been awarded, and expect that to be available in the way that Mike suggested.

[265] **Mike Hedges:** Will you take an intervention? It's my understanding, and correct me if I'm wrong, that you can find out how much each one gave out, but I don't know if you can find currently a national list of how much has been given out across each one of the organisations giving it out. If that is available, perhaps someone here or someone else can tell me how I can get the cumulative total, because I've been able to get the local totals quite easily, but the cumulative totals, I haven't. But I think it is important that we do get the cumulative total because what might well happen is that the same organisation may well be bidding in mid and west Wales, and may well be bidding in north Wales, and may actually be dominating the expenditure, even though they've got four or five different projects.

[266] **Mark Drakeford:** My understanding is that a consolidated list is published and is available, but we'll check that and, if it is, we can make sure that we share that information with the committee.

[267] We have already had some thoughts as to how we can safeguard applications from small groups, making sure that there is specific guidance available for them and that we are able to provide some assistance to them to make sure that they are able to make applications, provide that information that is necessary, and that it's a fair competition and it's not dominated by people who are already well resourced and things. But we'll certainly make sure that the views that the committee has expressed this morning are built into the way in which we are developing our thinking on this scheme over the coming weeks.

11:30

[268] **Simon Thomas:** Diolch yn fawr **Simon Thomas:** Thank you very iawn. Er mai gwelliant 12 yw'r prif much. Although amendment 12 is welliant yn y grŵp yma, y drefn, gan the lead amendment in this group, bod gwelliant i'r gwelliant, yw ein the order is that we will dispose of bod ni'n delio â gwelliant 12A cyn amendment 12A before disposing of

delio â gwelliant 12. Felly, y cwestiwn amendment 12. So, the first question  
cyntaf yw: Eluned, a ydych chi'n is: Eluned, do you wish to move  
dymuno cynnig gwelliant 12A o gwbl? amendment 12A?

[269] **Eluned Morgan:** Nac ydw, nid **Eluned Morgan:** No, I don't wish to  
wyf i eisiau ei gynnig e. Rwy'n move it. I think that the Cabinet  
meddwl bod y *Cabinet Secretary* wedi Secretary has given the assurances  
rhoi'r *assurances* yr wyf i eisiau eu that I wanted to hear this morning,  
gweld y bore yma, ac rwy'n falch o and I'm pleased to hear them. And  
glywed y rheini. A byddwn ni'n cadw we will be keeping a close eye on  
golwg—rwy'n meddwl ei bod hi'n this, and I think it's important that  
bwysig ein bod ni yn cadw golwg ar we do that. Thank you.  
hyn. Diolch.

[270] **Simon Thomas:** Ocê. Os felly, **Simon Thomas:** Okay. In that case,  
nid yw gwelliant 12A ddim wedi cael amendment 12A is not moved.  
ei gynnig.

*Ni chynigiwyd gwelliant 12A (Eluned Morgan).*  
*Amendment 12A (Eluned Morgan) not moved.*

[271] **Simon Thomas:** Felly, rŷm ni'n **Simon Thomas:** Therefore, we move  
troi at welliant 12 ei hun. to amendment 12 itself.

[272] **Simon Thomas:** Rwyf i'n **Simon Thomas:** I move amendment  
cynnig gwelliant 12 yn enw 12 in the name of the Cabinet  
Ysgrifennydd y Cabinet. Y cwestiwn Secretary. The question is that  
yw: a ddylid derbyn gwelliant 12? A amendment 12 be agreed. Does  
oes gwrthwynebiad? Neb yn— anyone Member object? Nobody—

[273] **Nick Ramsay:** Can I object to it?

[274] **Simon Thomas:** You can object, yes.

[275] **Nick Ramsay:** Yes, I would like to object.

[276] **Simon Thomas:** By all means.

[277] Mae yna wrthwynebiad; felly There is an objection; therefore we  
byddwn ni'n cynnal pleidlais. Ac os will hold a vote. Those in favour of  
felly, a gaf i weld pawb o blaid amendment 12, please raise your

gwelliant 12 yn codi eu dwylo, os hands. Thank you very much. Those gwelwch yn dda? lawn, diolch yn against. Those abstaining. Therefore, fawr. A phawb yn erbyn. Ac yn in terms of amendment 12, there ymatal. Ac felly, yn nhermau were five in favour, one abstention, gwelliant 12, mae pump o blaid, un and therefore amendment 12 is yn ymatal, ac felly derbyniwyd agreed. Thank you very much. gwelliant 12. Diolch yn fawr iawn.

*Gwelliant 12: O blaid 5, Yn erbyn 0, Ymatal 1.  
Amendment 12: For 5, Against 0, Abstain 1.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Hedges, Mike  
Lewis, Steffan  
Morgan, Eluned  
Rees, David  
Thomas, Simon

Ramsay, Nick

*Derbyniwyd gwelliant 12.  
Amendment 12 agreed.*

[278] **Simon Thomas:** Nick.

[279] **Nick Ramsay:** I've been distracted, sorry.

[280] **Simon Thomas:** Rydym yn awr **Simon Thomas:** We now turn to yn troi at welliant 37. amendment 37.

[281] We're on your amendment 37.

[282] **Nick Ramsay:** Yes, this is a technical—I sound like a Minister, don't I? It's a technical amendment. Well, not an official technical amendment, but it's a—

[283] **Simon Thomas:** You can't speak on it, unfortunately, you just have to—. We dealt with it under group 4.

[284] **Nick Ramsay:** Oh, sorry; I'm on the wrong—. Which number are you talking about?

[285] **Simon Thomas:** Thirty-seven. It comes under group 4.

[286] **Nick Ramsay:** Oh, I'm sorry; I've gone ahead of myself. I got all distracted.

[287] **Simon Thomas:** So, if you want to move it at this stage.

*Cynigiwyd gwelliant 37 (Nick Ramsay).*

*Amendment 37 (Nick Ramsay) moved.*

[288] **Nick Ramsay:** Yes, I'll move that, please.

[289] **Simon Thomas:** You do move it. Okay.

[290] So, mae gwelliant 37 wedi cael ei gynnig, a'r cwestiwn yw: a ydym yn derbyn gwelliant 37? [Gwrthwynebiad.] Felly, fe wnawn ni symud i bleidlais ar welliant 37. Pawb o blaid gwelliant 37 i godi eu dwylo. Therefore, amendment 37 is moved, and the question is that amendment 37 be agreed to. Does any Member object? [Objection.] Yes, there's an objection, therefore we move to a vote on amendment 37. Those in favour of amendment 37, please raise your hands.

[291] Everyone in favour of amendment 37 to vote in favour now.

[292] Diolch yn fawr. Pawb yn erbyn gwelliant 37. Felly, gyda gwelliant 37, roedd un o blaid, pump yn erbyn, ac felly ni dderbyniwyd gwelliant 37. Thank you very much. Those against. Therefore, with amendment 37, there was one in favour, five against, and therefore amendment 37 is not agreed.

*Gwelliant 37: O blaid 1, Yn erbyn 5, Ymatal 0.*

*Amendment 37: For 1, Against 5, Abstain 0.*

O blaid:

For:

Ramsay, Nick

Yn erbyn:

Against:

Hedges, Mike  
Lewis, Steffan  
Morgan, Eluned  
Rees, David  
Thomas, Simon

Ymatal:

Abstain:

*Gwrthodwyd gwelliant 37.*  
*Amendment 37 not agreed.*

[293] **Simon Thomas:** Nick, we turn to your amendment 38, which you earlier indicated you were not seeking to move.

[294] **Nick Ramsay:** Yes, that's fine.

[295] **Simon Thomas:** You are not moving 38. Okay. Diolch yn fawr.

*Ni chynigiwyd gwelliant 38 (Nick Ramsay).*  
*Amendment 38 (Nick Ramsay) not moved.*

[296] **Simon Thomas:** And you also indicated earlier you didn't want to move 39. Is that still the case, or do you want to move 39?

[297] **Nick Ramsay:** That's still the case. I was about to make the point.

*Ni chynigiwyd gwelliant 39 (Nick Ramsay).*  
*Amendment 39 (Nick Ramsay) not moved.*

[298] **Simon Thomas:** So, we don't move amendment 39. Thank you very much.

[299] **Nick Ramsay:** All right, we are there now.

**Grŵp 12: Rheoliadau—Cyffredinol (Gwelliannau 40, 44, 45)**  
**Group 12: Regulations—General (Amendments 40, 44, 45)**

[300] **Simon Thomas:** Rydym nawr yn troi at grŵp 12, yn ymwneud â rheoliadau. Y prif welliant yn y grŵp yma yw gwelliant 40 yn enw Nick Ramsay, ac felly rwy'n galw ar Nick Ramsay i siarad am y gwelliant a'r gwelliannau eraill yn y grŵp.

**Simon Thomas:** We now turn to group 12, which relates to regulations. The lead amendment in the group is amendment 40 in the name of Nick Ramsay. I therefore call on Nick Ramsay to speak to amendment 40 and the other amendments in the group.

*Cynigiwyd gwelliant 40 (Nick Ramsay).*  
*Amendment 40 (Nick Ramsay) moved.*

[301] **Nick Ramsay:** Diolch. Lead amendment 40 in group 12, as I indicated earlier, is largely technical in nature and says that in section 91, page 46, line 10, we should leave out 'is exercisable' and insert 'must be exercised'. This brings the wording into line with regulation-making powers under the land transactions tax (Wales) Bill. In order to ensure that Welsh taxation regulations are made and affirmed by the National Assembly for Wales equally, I feel the wording should be the same.

[302] **Simon Thomas:** Diolch, Nick **Simon Thomas:** Thank you, Nick Ramsay. Steffan Lewis, a ydych chi Ramsay. Steffan Lewis, do you want am siarad am y grŵp yma? to speak on this group?

[303] **Steffan Lewis:** Thank you, Chair. Amendments 44 and 45 in this group are amendments based on recommendation 8 and recommendation 12 of the Constitutional and Legislative Affairs Committee report on this Bill. The purpose of amendment 44 is to amend the Bill to apply the affirmative procedure to the making of regulations under section 40(9). The purpose of amendment 45 is to amend the Bill to apply the affirmative procedure to the making of regulations under section 90(1) in accordance with section 90.

[304] The issue, of course, is the so-called Henry VIII powers. Section 40 of the Bill gives Welsh Ministers the power to make regulations to amend Schedule 2, and I understand that these powers are intended to be used to accommodate future changes in operational practice and policy changes, which are difficult to predict. There is disagreement, I think it is fair to say, between the view taken by the Cabinet Secretary, which is that these powers are necessary and relate only to matters of basic administrative nature, and that of the Constitutional and Legislative Affairs Committee, which concluded that if the Bill is to include some of these basic administrative matters on its face, then the affirmative procedure should be necessary to amend it. Similarly, section 90(1) of the Bill gives Ministers the power to make regulations to amend, revoke or repeal any enactment in the Bill, subject to the negative procedure. So, the purpose of amendment 45 is to ensure that these regulations will also be subject to the affirmative procedure, giving Assembly Members a better opportunity to scrutinise any changes.

[305] I think it is a matter of principle that regulations that amend primary legislation should always be subject to the affirmative procedure, even though there might be a discussion about how trivial such powers are. Assembly Members should be able to amend regulations if necessary, and



not just have the limited opportunity to either accept or reject regulations. I think it's particularly relevant in terms of our fiscal process here in Wales. As Nick Ramsay addressed in an earlier contribution, the fact that we are not at the point yet of having a more well-established fiscal process through our legislature in the form of a finance Bill means that I believe every opportunity needs to be taken to ensure that the legislature has as full a role as possible to play in the albeit very limited fiscal process that we have already.

[306] **Simon Thomas:** Diolch, Steffan Lewis. A oes unrhyw Aelod arall sydd yn dymuno siarad? Mike Hedges. **Simon Thomas:** Thank you, Steffan Lewis. Are there any other Members who wish to speak? Mike Hedges.

[307] **Mike Hedges:** I think that one thing that probably everybody in this room would agree with is that, once we get income tax powers, we are going to have to have a finance Bill. A lot of this will be dealt with in the future through a finance Bill. So, I am relaxed to carry on, allowing the Minister to make decisions in the way that he wishes to in that period of time, which may well be less than two years from the start, until we eventually get a finance Bill setting income tax rates and other rates.

[308] **Simon Thomas:** Diolch yn fawr. Neb arall ar hyn o bryd, felly, Ysgrifennydd y Cabinet. **Simon Thomas:** Thank you very much. No one else at present, so, the Cabinet Secretary.

[309] **Mark Drakeford:** Chair, first of all, let me begin by agreeing with what Mike Hedges has just said and recognising that this is an evolving process. As I have said previously, I am very grateful to the committee for the work that I know you intend to carry out in looking at how our processes can be accommodated to take account of the growing nature of our fiscal responsibilities. So, it may well be that these things will resolve themselves in a different way over time, as Steffan also said. However, this Bill has to be framed in the here and now, in the circumstances we currently face, and Steffan was absolutely right to say that there is a difference of view between the Constitutional and Legislative Affairs Committee and the Government's position on this matter.

[310] I said in front of that committee that, personally, I share concerns about the use of Henry VIII powers. I think that any Government that uses them needs to have a strong argument for why powers of that sort are being used. I hope that this Bill has been carefully constructed to make sure that when we take such powers, we are always taking them because there is a

proper purpose for doing so. The vast majority of Henry VIII powers are subject to the affirmative procedure, and that is absolutely right. The question is whether every single use of a Henry VIII power has to be automatically, and inevitably, treated in that way. The Government's view is that there will be a small number of occasions where that really isn't a proportionate response. That's why there are these two examples, from the recommendations of the Constitutional and Legislative Affairs Committee, that the Government has not accepted.

[311] Steffan's amendment 44 would mean that any change to the contents of a landfill invoice would have to come in front of the National Assembly on an affirmative basis. I have taken a precaution of bringing the Schedule that sets out the content of the invoice here this morning. It requires, for example, that the invoice must have on it the date on which it is issued. It must have the name and address of the person issuing the invoice. It must have the name and address of the person to whom the invoice is issued. It is a matter of the most basic bureaucratic detail. The power in the Bill cannot be used to remove Schedule 2, nor can any changes to Schedule 2 be made that would have any impact on a person's tax liability. I do think it is possible to distinguish the sort of basic administrative detail that the Schedule contains, and to say that a negative procedure—which is still a procedure and still allows any Assembly Member to take an interest in something, if they choose to do so—that that is sufficient to take an oversight of the sorts of changes that are allowed by that particular power.

[312] As to Steffan's other amendment, amendment 45, he has already said to the committee that Section 90 of the Bill allows for consequential transitional provisions, and so on, to be enacted. Where they only allow for the scope of the Bill as it will have been approved by the Assembly to be put into effect, the Government's view is that that the Assembly does not need an affirmative procedure to see that the decisions that it has already taken are simply being put into practice. We have constructed this Bill so that if there are any of those provisions that would have the effect of changing a person's tax liability, then those provisions will be subject to the affirmative procedure. So, anything under section 90 that has a substantive impact will be subject to the affirmative procedure. Where all those transitional provisions do is to give effect to the decisions the Assembly has already made, and cannot change them in any way, simply give effect to them, we don't think the Assembly needs to have to take a further affirmative decision in relation to them.

[313] Chair, I committed during the scrutiny of the LTTA Bill to explain how Ministers will distinguish between the affirmative and negative procedure under that Bill, and I'm happy to give a further commitment that I would do so in relation to section 90 of the LDT legislation as well, providing that in the revised explanatory memorandum that we will produce. I think the powers are proportionate—

[314] **Simon Thomas:** Before stage 3, just to—.

[315] **Mark Drakeford:** Before stage 3—I apologise. I think the way the Bill is constructed is proportionate to the purpose. I ask Members not to support the amendments.

[316] As for Nick Ramsay's amendments, the wording in our Bill is consistent. It's identical to the wording used in the tax collection and management Act. I don't believe there is any substantive difference—at least, I've not been able to discover one so far—between the term 'is exercisable' and the term 'must be exercised'. As far as I can tell, it is a distinction without a difference, in terms of the impact. I'll ask Members not to support that amendment today. I will go away and look at the points that Nick made in introducing his amendment, and if there is a substantive point at play here, if it does make a real difference, then I'm very happy to think about that further. But on the advice I've had so far, our wording and Nick's wording come to exactly the same thing.

[317] **Nick Ramsay:** No, I will continue with the amendment, because it is the lead amendment.

[318] **Simon Thomas:** You'll be able to close the debate in a second, Nick.

11:45

[319] **Nick Ramsay:** Oh, yes, of course I am. Sorry, I've confused things unnecessarily, as usual.

[320] **Simon Thomas:** You've concluded.

[321] **Mark Drakeford:** Concluded.

[322] **Simon Thomas:** Diolch yn fawr. **Simon Thomas:** Thank you. Well, Wel, os felly, therefore,

[323] Nick Ramsay, you can now respond to the debate.

[324] **Nick Ramsay:** I'm grateful to the Cabinet Secretary. I will certainly engage in those discussions. If there is no substantive difference then I would say that there's no problem with actually having exactly the same wording as in the Bill, so this is a—. I'll continue to move the amendment; it's for Members to decide whether they support or not, but, beyond that, if we can then discuss that, and with the officials as well, to see whether there is any real problem posed by that, and I'm happy to drop it at Stage 3, if I'm convinced.

<p>[325] <b>Simon Thomas:</b> Océ. Diolch yn fawr. Os felly, mae gwelliant 40 wedi cael ei gynnig. Y cwestiwn yw: a ddylid derbyn gwelliant 40? A oes gwrthwynebiad? [<i>Gwrthwynebiad.</i>] Os felly, fe wnawn ni symud at bleidlais ar welliant 40. Pawb o blaid y gwelliant i godi dwylo. Diolch yn fawr. Pawb yn erbyn y gwelliant i godi dwylo. Diolch yn fawr. Roedd un bleidlais o blaid y gwelliant, pump yn erbyn y gwelliant, ac felly ni dderbyniwyd gwelliant 40.</p>	<p><b>Simon Thomas:</b> Okay. Thank you very much. Therefore, amendment 40 has been moved. The question is that amendment 40 be agreed. Does any Member object? [<i>Objection.</i>] Therefore, we will move to a vote on amendment 40. Those in favour of the amendment, please raise your hands. Thank you very much. Those against, please raise your hands. Thank you very much. There was one vote in favour of the amendment, five against, and therefore the amendment is not agreed.</p>
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*Gwelliant 40: O blaid 1, Yn erbyn 5, Ymatal 0.*

*Amendment 40: For 1, Against 5, Abstain 0.*

O blaid:

For:

Ramsay, Nick

Yn erbyn:

Against:

Hedges, Mike  
Lewis, Steffan  
Morgan, Eluned  
Rees, David  
Thomas, Simon

Ymatal:

Abstain:

*Gwrthodwyd gwelliant 40.*

*Amendment 40 not agreed.*

[326] **Simon Thomas:** Steffan, a **Simon Thomas:** Steffan, do you wish ydych yn dymuno cynnig gwelliant to move amendment 44?  
44?

[327] **Steffan Lewis:** Nac ydwyf. **Steffan Lewis:** No.

[328] **Simon Thomas:** Heb ei gynnig. **Simon Thomas:** Amendment 44 is not moved.

*Ni chynigiwyd gwelliant 44 (Steffan Lewis)*  
*Amendment 44 (Steffan Lewis) not moved.*

*Cynigiwyd gwelliant 13 (Mark Drakeford).*  
*Amendment 13 (Mark Drakeford) moved.*

[329] **Simon Thomas:** Rwy'n cynnig **Simon Thomas:** I move amendment gwelliant 13 yn enw Ysgrifennydd y 13 in the name of the Cabinet Cabinet. Y cwestiwn yw: a ddylid Secretary. The question is that derbyn gwelliant 13? A oes amendment 13 be agreed. Does any gwrthwynebiad? Derbyniwyd Member object? Amendment 13 is gwelliant 13. agreed.

*Derbyniwyd gwelliant 13 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 13 agreed in accordance with Standing Order 17.34.*

[330] **Simon Thomas:** Steffan Lewis, **Simon Thomas:** Steffan, do you wish a ydych yn dymuno cynnig gwelliant to move amendment 45?  
45?

[331] **Steffan Lewis:** Nac ydwyf. **Steffan Lewis:** No.

[332] **Simon Thomas:** Heb ei gynnig. **Simon Thomas:** Not moved. Thank Diolch yn fawr. you very much.

*Ni chynigiwyd gwelliant 45 (Steffan Lewis)*  
*Amendment 45 (Steffan Lewis) not moved.*

[333] **Simon Thomas:** Nick, erbyn **Simon Thomas:** Nick, by now, do you hyn, a ydych yn dymuno cynnig wish to move amendment 41?  
gwelliant 41?

[334] **Nick Ramsay:** That's in this group, is it?

[335] **Simon Thomas:** Group 4—it's your tax chargeable group.

[336] **Nick Ramsay:** Yes. Yes, I'll move that.

*Cynigiwyd gwelliant 41 (Nick Ramsay)*

*Amendment 41 (Nick Ramsay) moved.*

[337] **Simon Thomas:** Ocê. Diolch yn fawr. Mae gwelliant 41 wedi'i gynnig. Y cwestiwn yw felly: a ddylid derbyn gwelliant 41? A oes gwrthwynebiad? [*Gwrthwynebiad.*] Gwrthwynebiad, felly awn at bleidlais ar welliant 41. Pawb o blaid y gwelliant i ddangos. Diolch yn fawr. Pawb yn erbyn y gwelliant i ddangos. Roedd un bleidlais o blaid y gwelliant, pump yn erbyn y gwelliant, felly ni dderbyniwyd gwelliant 41.

**Simon Thomas:** Okay. Thank you very much. Amendment 41 is moved. The question is therefore that amendment 41 be agreed to. Does any Member object? [*Objection.*] Objection, therefore we'll have a vote on amendment 41. Those in favour of the amendment, please raise your hands. Thank you very much. Those against, please raise your hands. There was one vote in favour of the amendment and five against and therefore amendment 41 is not agreed.

*Gwelliant 41: O blaid 1, Yn erbyn 5, Ymatal 0.*

*Amendment 41: For 1, Against 5, Abstain 0.*

O blaid:

For:

Ramsay, Nick

Yn erbyn:

Against:

Hedges, Mike  
Lewis, Steffan  
Morgan, Eluned  
Rees, David  
Thomas, Simon

Ymatal:

Abstain:

*Gwrthodwyd gwelliant 41.*

*Amendment 41 not agreed.*

**Grŵp 13: Cyfyngu ar Warediadau drwy Dirlenwi (Gwelliant 46)**  
**Group 13: Reducing Disposals to Landfill (Amendment 46)**

[338] **Simon Thomas:** Rydym yn troi nawr at grŵp 13 a'r grŵp olaf o welliannau ar gyfer y Bil heddiw. Mae grŵp 13 yn ymwneud â chyfyngu ar warediadau drwy dirlenwi. Y prif welliant, a'r unig welliant yn y grŵp yma, yw gwelliant 46 yn enw Steffan Lewis. Felly, rwy'n galw ar Steffan Lewis i gynnig gwelliant 46 ac i siarad am y gwelliant.

**Simon Thomas:** We turn now to group 13, the final group of amendments for this Bill today. Group 13 relates to reducing disposals to landfill. The lead and only amendment in this group is amendment 46 in the name of Steffan Lewis. I therefore call on Steffan Lewis to move and speak to amendment 46.

*Cynigiwyd gwelliant 46 (Steffan Lewis).*  
*Amendment 46 (Steffan Lewis) moved.*

[339] **Steffan Lewis:** Diolch, Cadeirydd. Amendment 46 puts the stated objective of the Bill, which is to reduce disposals to landfill in Wales, on its face. The purpose of the landfill tax, we've been told, of course, is to reduce waste. It has an environmental purpose as a tax, not a revenue-raising one. Ideally, it is a tax that should contain the seeds of its own obsolescence. Having heard what the Cabinet Secretary has had to say about this in previous discussions, I know he understands my concerns in this field. I think it's necessary for us to find the most appropriate way to ensure that the environmental purpose of this tax is enshrined.

[340] I think Eluned Morgan highlighted earlier on that the difficulty with this particular tax is that the fiscal and policy are already intertwined because there is not a financial purpose, from a Government perspective, in introducing this tax, there's a policy purpose, a policy objective. So, when the policy purpose is successful and becomes ever more successful, the fiscal benefits diminish, but then there will be a need to evaluate and re-evaluate how the policy objective of the tax can be applied in the future.

[341] So, it is with that in mind, to distinguish this tax from others—that it seeks to impact on people's behaviour and policy rather than to focus on revenues—that I felt it appropriate to take an opportunity to put the purpose and the policy objective of the tax on the face of the Bill. It's not done in other places, of course, but, as we've mentioned before, this place doesn't have the same fiscal processes as other places, but this tax, in particular,

doesn't have the purpose that many other taxes have.

[342] **Simon Thomas:** Diolch, Steffan Lewis. Mike Hedges. **Simon Thomas:** Thank you, Steffan Lewis. Mike Hedges.

[343] **Mike Hedges:** Two quick points, I think. This is the only tax I've ever known where the intention is for it to lose money in the long term. And I think that is its intention. I think that, if this amendment is not successful, something needs to be either said by the Minister today on the record, or be put somewhere regarding the intention of this tax and that, if it loses money, it is not a reason for doing away with it, because, if you did away with it, then landfill would rocket up because that would become the cheapest form of disposal. So, I think that we need some assurance that, when it starts losing money, which it inevitably will, because that's what we want it to do, there will be some protection for the tax continuation.

[344] **Simon Thomas:** Aelod arall ar y grŵp yma? Os felly, Ysgrifennydd y Cabinet. **Simon Thomas:** Any other Member wish to speak on this group? Therefore, Cabinet Secretary.

[345] **Mark Drakeford:** Diolch, Cadeirydd. **Mark Drakeford:** Thank you, Chair.

[346] This has been a very useful discussion, I think, and it picked up points that were made earlier by Eluned in her amendments about the interplay, the intertwining, of fiscal purposes and policy purposes in this tax. I hear very clearly the points that Steffan Lewis made about making the environmental purpose explicit, given the nature of this tax, and Mike Hedges is absolutely right to point to the dilemma that we will come to a point where this tax may be costing us more to raise than it is raising itself. But its environmental purpose will not have gone away, and, if you decided at that point, as Mike said, just to abolish the tax, that would make landfill the cheapest form of disposal all over again, and you'd have the perverse outcome of encouraging its use in a way that is clearly opposed to the policy purpose here.

[347] I think there are some complexities that would need to be thought through, Chair, because there are other considerations at play in relation to landfill. There are commercial considerations, obviously, for companies themselves, but there are public health issues also that have to be thought through in relation to the purpose of landfill provision, which also play into the Bill to an extent. If Steffan Lewis was willing to do it, what I'd like to do



would be to have maybe a slightly longer opportunity to discuss with him how the case he's made today could be taken forward, possibly through an amendment in the Bill. But there may be other ways in which we could make sure we articulated the points that he has raised, and, if he was happy to do that, I'd be very keen to be able to meet with him and officials to explore a way of achieving the objectives he set out earlier could be agreed.

[348] **Mike Hedges:** Will you take an intervention? You talked there—I didn't want to intervene earlier, because you were well in flow, but we have seen this happening in the past. You had dog licences, for example, which had an environmental benefit to the community of knowing who owned dogs. And because, all of a sudden, it was found that it was making a substantial loss, dog licences were abolished. I, for one, and probably other people here, think that's been seriously disadvantageous to the community that such a thing has happened. I think that is the key—we need to find a methodology by which we can ensure that someone in a period of time in the future doesn't come along and say, 'Ah, well, as it now costs us £2 million a year, let's do away with it.'

[349] **Mark Drakeford:** Well, Chair, the due-regard principle that the amendment proposes is, I'm sure, designed to make sure that those considerations could not be overlooked in making decisions on a narrow fiscal basis in the future.

[350] **Nick Ramsay:** Can I make an intervention? There's a conflict here, isn't there, between what is being passed here as a taxation Bill, and then the environment consideration, which I'm sure you've had to deal with. So, I can see Steffan's point, but I can see Mike's as well. I think this is something that, over the course of taxation being devolved to the Assembly, is going to become an increasing issue, and something that perhaps the Finance Committee can look at.

[351] **Mark Drakeford:** Well, Chair, I've said a couple of times today that this is primarily a tax Bill, and I've got to be very careful that I don't trespass into responsibilities that belong to others. But it is a unique tax in the way that Mike described earlier, in that its genesis is a particular environmental purpose, and therefore it's not possible to completely distinguish the two streams that come together in it. Steffan's amendment seeks to resolve that by putting the environmental purpose on the face of the Bill, for the reason that he outlined. As I've said, I'm sympathetic to the case that he has made this morning, I just would be keen to have a chance to think through it,

certainly at greater length, to make sure that we give effect to those arguments in the most effective way.

[352] **Simon Thomas:** Steffan Lewis i ymateb. **Simon Thomas:** Steffan Lewis to reply.

[353] **Steffan Lewis:** I'm thankful to Members for their contributions today, and thankful to the Cabinet Secretary for indicating his preparedness to work closely on finding the best way to achieve the sentiments behind the amendment I've put down. I'm glad that he was able to recognise the sentiments behind it, so I'm happy to not move to a vote on the amendment today with the aspiration of working with others to get the best possible amendment we can at the next stage.

[354] **Simon Thomas:** Diolch yn fawr. Mae'r gwelliant wedi'i gynnig, ac felly mae'n rhaid cael cydsyniad y pwyllgor i dynnu'r gwelliant yn ôl. A oes gwrthwynebiad i dynnu gwelliant 46 yn ôl? Nid oes yna ddim gwrthwynebiad, felly mae'r gwelliant wedi'i dynnu yn ôl. **Simon Thomas:** Thank you very much. The amendment has been moved, so you need the agreement of the committee to withdraw the amendment. Is there any objection to the withdrawal of amendment 46? There are no objections, and therefore the amendment is withdrawn.

*Tynnwyd gwelliant 46 yn ôl gyda chaniatâd y pwyllgor.  
Amendment 46 withdrawn by leave of the committee.*

[355] **Simon Thomas:** Rydym yn troi nawr i waredu dau welliant sydd yn weddill o gymal 2 o'r Bil. Nick Ramsay, gwelliant 42: a ydych chi'n dymuno cynnig gwelliant 42? **Simon Thomas:** We now turn to dispose of two remaining amendments from group 2. Nick Ramsay, amendment 42: do you wish to move amendment 42?

*Cynigiwyd gwelliant 42 (Nick Ramsay).  
Amendment 42 (Nick Ramsay) moved.*

[356] **Nick Ramsay:** Move.

[357] **Simon Thomas:** Moved.

[358] Y cwestiwn yw: a ddylid That's moved. The question is that

derbyn gwelliant 42? A oes amendment 42 be agreed. Does any  
 gwrthwynebiad? [Gwrthwynebiad.] Member object? [Objection.] There is  
 Gwrthwynebiad, felly awn at bleidlais objection. We'll move to a vote on  
 ar welliant 42. Pawb o blaid gwelliant amendment 42. All those in favour of  
 42. Pawb yn erbyn. Roedd un the amendment. All those against.  
 bleidlais o blaid gwelliant 42, pump There was one vote in favour of  
 yn erbyn, felly ni dderbyniwyd amendment 42 and five against, and  
 gwelliant 42. therefore amendment 42 is not  
 agreed.

*Gwelliant 42: O blaid 1, Yn erbyn 5, Ymatal 0.  
 Amendment 42: For 1, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Ramsay, Nick	Hedges, Mike Lewis, Steffan Morgan, Eluned Rees, David Thomas, Simon	

*Gwrthodwyd gwelliant 42.  
 Amendment 42 not agreed.*

[359] **Simon Thomas:** Nick Ramsay, **Simon Thomas:** Nick Ramsay, do you  
 a ydych chi'n dymuno cynnig wish to move amendment 43?  
 gwelliant 43?

[360] **Nick Ramsay:** This is still from group 1, isn't it, way back at the start?

[361] **Simon Thomas:** It is, yes.

*Cynigiwyd gwelliant 43 (Nick Ramsay).  
 Amendment 43 (Nick Ramsay) moved.*

[362] **Nick Ramsay:** I move.

[363] **Simon Thomas:** Moved.

[364] Mae gwelliant 43 wedi'i That's amendment 43 moved. The

gynnig. Y cwestiwn yw: a ddylid derbyn gwelliant 43? A oes gwrthwynebiad? [Gwrthwynebiad.] Awn at bleidlais, felly, ar welliant 43. Pawb o blaid gwelliant 43. Pawb yn erbyn. Roedd un bleidlais o blaid gwelliant 43, pump yn erbyn, ac felly ni dderbyniwyd gwelliant 43.

question is that amendment 43 be agreed. Does any Member object? [Objection.] We'll move to a vote, therefore, on amendment 43. All those in favour of the amendment. All those against. There was one vote in favour of amendment 43 and five against, and therefore amendment 43 is not agreed.

*Gwelliant 43: O blaid 1, Yn erbyn 5, Ymatal 0.  
Amendment 43: For 1, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Ramsay, Nick

Hedges, Mike  
Lewis, Steffan  
Morgan, Eluned  
Rees, David  
Thomas, Simon

*Gwrthodwyd gwelliant 43.  
Amendment 43 not agreed.*

[365] **Simon Thomas:** Mae hynny yn dod â thrafodion Cyfnod 2 i ben. Bydd Cyfnod 3 yn dechrau yn ffurfiol yfory, ond bydd pawb yn gwybod maes o law ar gyfer y dyddiad perthnasol ar gyfer trafodion Cyfnod 3.

**Simon Thomas:** That brings Stage 2 proceedings to a conclusion. Stage 3 begins formally tomorrow; the relevant dates for Stage 3 proceedings will be published in due course.

[366] Hoffwn i ddiolch i'r Ysgrifennydd Cabinet a'i swyddogion am fod yma ar gyfer ein trafodion ni heddiw. Mae'r Rheolau Sefydlog yn gwneud darpariaeth i Ysgrifennydd y Cabinet baratoi memorandwm esboniadol diwygiedig sydd ystyried y gwelliannau, ac wrth fynd drwy'r

I'd like to thank the Cabinet Secretary and his officials for being here for our Stage 2 proceedings. Standing Orders make provision for the Cabinet Secretary to prepare a revised explanatory memorandum taking account of the amendments agreed, and the Cabinet Secretary

gwelliannau mae'r Ysgrifennydd has already stated that that will be  
Cabinet wedi nodi y bydd hynny yn done, so as a committee we look  
cael ei wneud. Felly, rydym ni'n forward to seeing that.  
edrych ymlaen fel pwyllgor at hynny.

[367] Roeddwn i'n mynd, hefyd, ar I was at the end of this stage going  
ddiwedd y cyfnod yma, i ddiolch—ac to thank—and Eluned Morgan has  
mae Eluned Morgan eisoes wedi nodi already put this on the record, but I  
hwn, ond byddwn innau fel as committee Chair would also like to  
Cadeirydd y pwyllgor am ddiolch i'r thank the Cabinet Secretary for  
Ysgrifennydd Cabinet am ymateb responding so positively to many of  
mor gadarnhaol i nifer fawr o the amendments and suggestions  
welliannau ac awgrymiadau gan y made by the committee. I think I do  
pwyllgor. Rwy'n credu fy mod i'n speak on behalf of the committee in  
siarad ar ran y pwyllgor wrth ddweud saying that we are grateful to you for  
ein bod ni'n ddiolchgar eich bod chi taking such a positive approach to  
wedi cymryd agwedd mor bositif tuag the committee's views on the Bill,  
at y ffordd yr oedd y pwyllgor eisiau and that has been reflected in the  
gwella'r Bil, a bod y Bil yn cael ei amendments at committee today. It  
wella yn y pwyllgor heddiw, ac fe will now go to Plenary for discussion.  
fydd e'n mynd nawr, wrth gwrs, i'r  
Cynulliad cyfan i gael ei drafod.

*Barnwyd y cytunwyd ar bob adran o'r Bil.  
All sections of the Bill deemed agreed.*

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd  
o'r Cyfarfod ar 17 Mai 2017  
Motion under Standing Order 17.42 to Resolve to Exclude the Public  
from the Meeting on 17 May 2017**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu that the committee resolves to  
gwahardd y cyhoedd o'r cyfarfod ar exclude the public from the meeting  
17 Mai 2017 yn unol â Rheol on 17 May 2017 in accordance with  
Sefydlog 17.42(vi). Standing Order 17.42(vi).*

*Cynigiwyd y cynnig.  
Motion moved.*

[368] **Simon Thomas:** Mae cyfarfod nesaf y pwyllgor ar 17 Mai. Mae'r cyfarfod hwnnw yn breifat, os ydych chi'n derbyn y cynnig o dan Rheol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod hwnnw. A ydych chi'n derbyn y cynnig hwnnw? Neb yn gwrthwynebu, felly bydd y cyfarfod nesaf yn breifat.

**Simon Thomas:** The next meeting of this committee will be on 17 May. That meeting will be held in private if you agree to a motion under Standing Order 17.42 to resolve to exclude the public from the meeting on 17 May. Is that agreeable? There are no objections, and therefore our next meeting will be held in private.

*Derbyniwyd y cynnig.*

*Motion agreed.*

[369] **Simon Thomas:** Gyda hynny, rwy'n dod â'r cyfarfod yma i ben yn ffurfiol gan ddiolch i bawb am eu cyfraniadau y bore yma. Diolch yn fawr iawn.

**Simon Thomas:** I therefore bring this meeting to a close formally, thanking everyone for their contributions this morning. Thank you very much.

*Daeth y cyfarfod i ben am 11:59.*

*The meeting ended at 11:59.*