



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Cyllid](#)

[The Finance Committee](#)

14/07/2016

[Agenda'r Cyfarfod](#)
[Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor](#)
[Committee Transcripts](#)

Cynnwys Contents

- 4 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest
- 4 Papurau i'w Nodi
Papers to Note
- 5 Ystyried Adran 7, Deddf Archwilio Cyhoeddus (Cymru) 2013
Consideration of Section 7, Public Audit (Wales) Act 2013
- 8 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. 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 Bywgraffiad Biography	Llafur Labour
Steffan Lewis Bywgraffiad Biography	Plaid Cymru The Party of Wales
Eluned Morgan Bywgraffiad Biography	Llafur Labour
Nick Ramsay Bywgraffiad Biography	Ceidwadwyr Cymreig Welsh Conservatives
Mark Reckless Bywgraffiad Biography	UKIP Cymru UKIP Wales
Simon Thomas Bywgraffiad Biography	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)

Eraill yn bresennol
Others in attendance

Claire Clancy	Prif Weithredwr a Chlerc Cynulliad Cenedlaethol Cymru Chief Executive and Clerk to the National Assembly for Wales
Matthew Richards	Uwch Gyngorydd Cyfreithiol, Cynulliad Cenedlaethol Cymru Senior Legal Adviser, National Assembly for Wales

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

Bethan Davies	Clerc Clerk
Martin Jennings	Y Gwasanaeth Ymchwil The Research Service

Gerallt Roberts	Dirprwy Glerc Deputy Clerk
Joanest Varney- Jackson	Legal Services Gwasanaethau Cyfreithiol

*Dechreuodd rhan gyhoeddus y cyfarfod am 09:54.
The public part of the meeting began at 09:54.*

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

[1] **Simon Thomas:** Diolch yn fawr, **Simon Thomas:** Thank you, and felly, a chroeso, yn ffurfiol, i'r welcome, formally, to the public cyfarfod cyhoeddus o'r Pwyllgor meeting of the Finance Committee. I Cyllid. Rwy'n croesawu Prif welcome the Chief Executive of the Weithredwraig Comisiwn Cynulliad National Assembly for Wales Cenedlaethol Cymru, Claire Clancy, Commission, Claire Clancy. atom ni.

Papurau i'w Nodi Papers to Note

[2] **Simon Thomas:** Cyn i ni droi at **Simon Thomas:** Before we turn to the y mater dan sylw, rwyf i jest yn gofyn issue at hand, I just ask Members to i Aelodau nodi'r papurau sydd note the papers before us—minutes gennym ni gerbron—cofnodion y of the previous meeting. Everyone cyfarfod blaenorol. Nodi; pawb yn happy with that? Also, a letter from hapus? Hefyd, llythyr oddi wrth yr the Cabinet Secretary for Finance and Ysgrifennydd Cabinet dros Gyllid a Local Government to me as Chair, Llywodraeth Leol ataf i, dyddiedig 8 dated 8 July, which gave a bit more of Gorffennaf, a oedd yn rhoi bach mwy the information that we asked for o'r wybodaeth a ofynnwyd amdani regarding enterprise zones. Just to parthed parthau menter. Jest i draw your attention, as a result of dynnu'ch sylw chi, yn sgil beth yr what the committee asked the oedd y pwyllgor yn gofyn i'r Cabinet Secretary to give, which was Ysgrifennydd Cabinet, sef am ychydig a little bit more information about mwy o wybodaeth ynglŷn â nifer y the number of businesses that will be busnesau a fydd yn cael eu cefnogi supported by this policy, the gan y polisi yma, nid yw'n arfer gan y Government doesn't usually gather

Llywodraeth, mae'n debyg, i gasglu gwybodaeth am y swyddi sy'n cael eu cynnal gan y polisi. Mae'n siŵr y byddech chi, fel aelodau'r pwyllgor, am ddychwelyd at hynny pan fyddwn ni'n craffu ar y gyllideb ac ar wariant y Llywodraeth. Ond, am y tro, rydym yn ei nodi yng nghyd-destun y gyllideb atodol. Pawb yn hapus, felly?

information, it seems, about the jobs that are supported by this policy. I'm sure that you, as members of the committee, would like to return to this when we scrutinise the budget and Government expenditure. But, for now, we note it in the context of the supplementary budget. Is everyone happy with that?

[3] Fe wnaif i jest eich atgoffa chi bod offer cyfieithu ar gael, ac nad ydym ni'n disgwyl unrhyw larwm tân. Felly, os clywch chi larwm tân, dilynwch Claire Clancy, a fydd yn ein harwain ni allan o'r sefyllfa.

I would like to remind you that interpretation equipment is available, and we don't expect any fire alarms. So, if you hear a fire alarm, follow Claire Clancy, who will lead us out of the situation.

09:55

Ystyried Adran 7, Deddf Archwilio Cyhoeddus (Cymru) 2013 Consideration of Section 7, Public Audit (Wales) Act 2013

[4] **Simon Thomas:** Mae rheswm dros bresenoldeb Claire Clancy y bore yma, os caf i dynnu sylw'r pwyllgor at y sefyllfa. Mae Deddf Archwilio Cyhoeddus (Cymru) 2013 yn rhoi nifer o bwerau i'r Cynulliad ac, yn 2013, cafodd rhai swyddogaethau eu dirprwyo i'r Pwyllgor Cyllid, y pwyllgor hwn, drwy'r Rheolau Sefydlog. Felly ni, y Pwyllgor Cyllid, yw'r pwyllgor cyfrifol, fel y nodir o dan Reol Sefydlog 18.10. Felly, rwy'n gofyn i Aelodau ystyried adran 7 o Ddeddf Archwilio Cyhoeddus (Cymru), ac yn gofyn ichi'n benodol i ystyried cydnabyddiaeth Archwilydd Cyffredinol Cymru—hynny yw, sut mae'r archwilydd yn cael ei dalu. Mae

Simon Thomas: There is a reason for Claire Clancy's presence this morning, if I can draw the attention of Members to the situation. The Public Audit (Wales) Act 2013 confers a number of powers on the Assembly and, in 2013, some functions were delegated to the Finance Committee, this committee, through Standing Orders. Therefore we, as the Finance Committee, are the responsible committee, as detailed under Standing Order 18.10. So, I ask Members to consider section 7 of the Public Audit (Wales) Act and specifically ask you to consider the issue of the remuneration of the Auditor General for Wales—i.e., how the auditor general is paid. Section 7

adran 7 o'r Ddeddf yn ymwneud â thalu cydnabyddiaeth i'r archwilydd cyffredinol ac yn pennu taw ni, Cynulliad Cenedlaethol Cymru, sydd i wneud y trefniadau ar gyfer talu cydnabyddiaeth, ar ôl ymgynghori â'r Prif Weinidog. Mae Atodlen 3 i'r Ddeddf yn darparu ar gyfer parhau â'r trefniadau trosiannol cyn 2013 mewn perthynas â'r archwilydd cyffredinol, oherwydd taw'r un person, wrth gwrs, rydym yn sôn amdano. Mae Atodlen 3 yn nodi bod yn rhaid i'r Cynulliad Cenedlaethol wneud trefniadau ar gyfer talu cydnabyddiaeth i'r archwilydd cyffredinol cyn i'r darpariaethau ddod i rym. Ni wnaed hynny, ac mae'r archwilydd cyffredinol wedi parhau i gael ei dalu o dan ei amodau a thelerau blaenorol, heb fod y pwyllgor wedi penderfynu felly.

[5] Mae Clerc a Phrif Weithredwr Cynulliad Cenedlaethol Cymru wedi ysgrifennu at y Prif Weinidog i ymgynghori ag ef ynglŷn â'r ffordd ymlaen sy'n cael ei chynnig i'r pwyllgor heddiw. Felly, rwy'n croesawu Claire Clancy eto i ateb unrhyw gwestiynau sydd gan yr Aelodau ar y sefyllfa sydd gerbron y pwyllgor. A oes unrhyw gwestiynau? Os nad oes cwestiynau penodol, a gaf i ofyn i Claire Clancy, os gwnewch chi, i ddweud wrth y pwyllgor pa gamau rydych wedi eu cymryd yn weinyddol i sicrhau na fydd sefyllfa fel hon yn codi eto.

of the Act relates to the remuneration of the auditor general and specifies that we, as the National Assembly for Wales, are to make the arrangement for the remuneration, following consultation with the First Minister. Schedule 3 to the Act provides for transitional arrangements prior to 2013 in relation to the auditor general, because we're talking about the same person, of course. Schedule 3 details that the National Assembly is to make the remuneration arrangements for the auditor general before the provision comes into force. That was not done, and the auditor general has continued to be paid under his previous terms and conditions, without a resolution by the committee.

The Clerk and Chief Executive of the National Assembly for Wales has written to the First Minister to consult him on the proposed way forward that is being put to the committee today. So, I welcome Claire Clancy again to answer any questions that Members have on the situation here today before committee. Are there any questions? If there are no specific questions, could I just ask Claire Clancy, if I could, to tell the committee which actions you've taken administratively to ensure that such a situation won't arise again.

[6] **Mrs Clancy:** Diolch yn fawr, Gadeirydd. If I could formally apologise to

the committee that this technical oversight took place. In order to ensure that it can't happen again, for future legislation, we will always have a systematic implementation plan and also clearly defined responsibilities for those individuals who will be held accountable for making sure that any provisions within legislation are implemented effectively.

[7] **Simon Thomas:** Diolch am hynny. Mark Reckless. **Simon Thomas:** Thank you for that. Mark Reckless.

[8] **Mark Reckless:** Could you also confirm that this was a technical mistake within the Assembly and in no way a mistake of the Auditor General for Wales, and that he has also had no involvement in the steps we need to rectify our own technical error?

[9] **Mrs Clancy:** Yes, Chair. I absolutely confirm this was a mistake made within the Assembly Commission. Since the point that I drew it to the attention of the auditor general, he's had no involvement whatsoever. It has had no impact on his terms and conditions or his remuneration, which have continued to be paid under the terms that were agreed in 2010.

[10] **Mark Reckless:** Thank you.

[11] **Simon Thomas:** A oes unrhyw gwestiynau neu sylwadau pellach gan y pwyllgor? Nac oes. Os felly, a gaf i ofyn i'r pwyllgor, yn gyntaf oll, i nodi'r ohebiaeth a fu rhwng y prif weithredwr a'r Prif Weinidog, sy'n unol â gofynion y Ddeddf, a hefyd ystyried sut y mae'r archwilydd cyffredinol yn cael ei dalu a phenderfynu a chymeradwyo a ddylid parhau â'r trefniadau presennol? A yw'r pwyllgor yn gytûn y dylid parhau â'r trefniadau presennol gan unioni'r sefyllfa sydd wedi codi? A oes unrhyw un yn gwrthwynebu? A yw pawb yn hapus? Os felly, a gaf i ddweud bod hynny wedi ei gymeradwyo gan y pwyllgor. Diolch i Claire Clancy a Matthew Richards am ddod i mewn i

Simon Thomas: Are there any further comments or questions from the committee? I see not. If so, could I ask the committee, first of all, to note the correspondence between the chief executive and the First Minister, in accordance with the requirements of the Act, and also to consider the remuneration of the auditor general and to decide whether the current arrangements should remain in place? Does the committee agree that the current arrangements should remain, which would rectify the situation that has arisen? Does anyone oppose that? Is everyone happy? If so, I'll say that that has been approved by the committee. I thank Claire Clancy and Matthew

roi cyngor ac esboniad i'r y pwyllgor. Richards for coming in to provide
Diolch yn fawr iawn. advice and an explanation to the
committee. Thank you very much.

[12] **Mrs Clancy:** Diolch.

[13] **Simon Thomas:** Rydym yn awr **Simon Thomas:** We now move back—
yn symud yn ôl—mae'r goleuni ar y we've had some light on the
sefyllfa wedi codi; diolch yn fawr— situation; thank you very much for
that—

[14] **Nick Ramsay:** Why were we in darkness?

[15] **Simon Thomas:** I had asked why we were in darkness; I asked for some
light on the situation, and it did come.

10:00

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

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

Cynnig:

Motion:

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

*accordance with Standing Order
17.42(vi).*

Cynigiwyd y cynnig.

Motion moved.

[16] **Simon Thomas:** Rwyf nawr yn **Simon Thomas:** I now propose that
cynnig ein bod ni yn mynd yn ôl i we return to a private session under
sesiwn breifat o dan Reol Sefydlog Standing Order 17.42 and resolve to
17.42 ac yn gwahardd y cyhoedd o exclude the public from the
weddill y cyfarfod hwn. A oes remainder of this meeting. Is there
gwrthwynebiad? A yw pawb yn gytûn? an objection? Does everyone agree? If
Os felly, awn ni i mewn i sesiwn so, we will move into private session.

breifat. Diolch yn fawr iawn.

Thank you very much.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10:00.

The public part of the meeting ended at 10:00.