



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

## **Y Pwyllgor Cymunedau, Cydraddoldeb a** **Llywodraeth Leol** **The Communities, Equality and Local Government** **Committee**

**Dydd Iau, 2 Gorffennaf 2015**  
**Thursday, 2 July 2015**

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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.

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

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

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Alun Davies	Llafur Labour
Jocelyn Davies	Plaid Cymru The Party of Wales
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
John Griffiths	Llafur (yn dirprwyo ar ran Gwenda Thomas) Labour (substitute for Gwenda Thomas)
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru (yn dirprwyo ar ran Jocelyn Davies) The Party of Wales (substitute for Jocelyn Davies)
Sandy Mewies	Llafur (yn dirprwyo ar ran Mike Hedges) Labour (substitute for Mike Hedges)
Gwyn R. Price	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

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

Leighton Andrews	Aelod Cynulliad, Llafur (y Gweinidog Gwasanaethau Cyhoeddus Assembly Member, Labour (Minister for Public Services)
Lisa James	Dirprwy Gyfarwyddwr, Yr Is-adran Democratiaeth Llywodraeth Leol, Llywodraeth Cymru Deputy Director, Local Government Democracy Division, Welsh Government
Owain Lloyd	Dirprwy Gyfarwyddwr, Rhaglen Diwygio Llywodraeth Leol, Llywodraeth Cymru Deputy Director, Reforming Local Government Programme, Welsh Government
Dr Charles Mynors	Bargyfreithiwr Barrister
Dr Rhian Parry	Aelod o Bwyllgor y Cymdeithas Enwau Lleoedd Cymru Member of the Welsh Place-Name Society Committee

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

Sarah Beasley	Clerc Clerc
Chloë Davies	Dirprwy Glerc Deputy Clerk
Rhys Iorwerth	Y Gwasanaeth Ymchwil Research Service
Matthew Richards	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser

*Dechreuodd y cyfarfod am 09:15.  
The meeting began at 09:15.*

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

[1] **Christine Chapman:** Good morning, everyone, and welcome to the National Assembly for Wales's Communities, Equality and Local Government Committee. Can I just remind Members that, if they have any mobile phones on, they are switched to silent? We've had apologies this morning from Gwenda Thomas, and John Griffiths again is substituting. We've also had apologies from Mike Hedges. Also, Bethan Jenkins is substituting for Jocelyn Davies for items 3 and 4, but Jocelyn's here for this first item. Can I ask are there any declarations of— Oh, sorry. Sandy Mewies is here instead of Mike, so welcome Sandy. Sorry. Any declarations of interest?

[2] **Peter Black:** I'd just declare that I'm a member of the City and County of Swansea.

[3] **Christine Chapman:** Okay, thank you.

09:16

### **Craffu Cyffredinol: Y Gweinidog Gwasanaethau Cyhoeddus General Scrutiny: Minister for Public Services**

[4] **Christine Chapman:** The first item today is the general scrutiny session with the Minister for Public Services. Now, the session with the Minister today provides the committee with the opportunity to discuss, amongst other things, the recent developments with the Welsh Government's reform programme for local government in Wales. So, can I give a warm welcome to the Minister, Leighton Andrews, Minister for Public Services, and also your officials, Lisa James, deputy director for the local government democracy division, Welsh Government, and Owain Lloyd, deputy director of the reforming local government programme, Welsh Government? So, welcome to you all.

[5] Minister, I know that Members are keen to put some questions to you, and I just want to start off, really. Given that the Welsh Local Government Association's recent claims that there is 'an ever-increasing urgency'—and I quote there from them—to question what we want local government to do in Wales, I just wonder the extent to which the local government reform programme actually addresses this issue.

[6] **The Minister for Public Services (Leighton Andrews):** Well, we published a White Paper in February, 'Power to Local People', which sets out in considerable detail our view of the future role of local government, based on activist councils working to deliver high-quality services with their local communities. That White Paper sets out, I think, for the first time what we see as the proper relationship between Welsh Government and local government. It identifies the potential for future local government functions in a number of areas, granting

the power of general competence to local government. It hints at the possibility of further powers that could be devolved to local government, and it looks also at the relationship between principal local authorities and town and community councils. So, to the extent that there was a gap, if you like, in the vision for local government, I think that has been filled by that White Paper and it's, of course, been one of the most successful consultation exercises the Welsh Government's ever had on a White Paper.

[7] **Christine Chapman:** Are you clear that the steps are clearly outlined as to how we will get this relationship you talk about between central and local government in Wales? Obviously, there are big changes here. Are you clear that the steps are fairly evident for people?

[8] **Leighton Andrews:** I think so, Chair. In the White Paper, we talk about how we can reduce some of the onerous burden of performance management. We look at the right role for inspection and audit within the procedures for local government. We focus the attention of central Government on large strategic areas, such as education, social services, economic development, environmental management and so on, and suggest that, in all other areas, local government should be free to set their own priorities. So, I think that what we're doing there is giving a very clear indication that we want strong, strategic authorities, and that there are only a limited number of areas where central Government would have naturally a desire to see particular outcomes in specific services, but in the bulk of areas we would expect local government to determine their priorities.

[9] **Christine Chapman:** Okay, thank you. Now, I've got a couple of supplementaries here, first of all from John and then Alun.

[10] **John Griffiths:** I think the relationship between ensuring necessary capacity and resource to deliver on areas such as education and social services is one key aspect of getting it right, in terms of the relationship between necessary centralism, in a way, and what is best delivered locally, because there will be, obviously, other services outside education and social services that perhaps do not require that concentration of capacity and resource. Of course, under the old system, before the one that we have now, that was dealt with by the two-tier system, but now we're going to have eight or nine single-tier authorities. I know you've spoken, Minister, about the possibility of area committees and town and community councils perhaps operating in a more systematic way, but I wonder if you could say a little bit more about that key balance to be struck between ensuring resource and capacity for delivery on key services but making sure that we don't lose that really important connection between local communities and their representatives.

[11] **Leighton Andrews:** Yes. I think you're absolutely right to say, of course, that we have inherited a structure that pre-dates devolution. Twenty-two local authorities, I think, is not what most people in Wales would prefer to see going forward. I don't think the relationship between Welsh Government and local government has really been fleshed out over the period of devolution. So, we've got a structure at the moment that's not fit for purpose. I am not clear myself why a Minister in the Welsh Government should determine what is appropriate at the level below the principal local authorities. It seems to me that that is for those local authorities themselves to determine, which is why we're suggesting, for example, that the principal local authorities have responsibility for carrying out a review of town and community councils. Now, it may be that the town and community council structure isn't the most appropriate thing for every authority. It may be less relevant, say, in an urban environment, in which case there may be alternative structures, which could be area management structures, for example, as we've suggested. I think that we're quite open to a debate around those issues. Others have made the case for, for example—let me take the case of Ynys Môn—some kind of island structure within an overall county. There are many ways, it seems to me, of reflecting the process of local scrutiny within decision making, and that's

something that we would be open to discussing further.

[12] **John Griffiths:** Could I just ask something, to follow up on that, Chair? In terms of local government's own autonomy within the principal authorities, Minister, and Welsh Government's need to ensure that there are some consistent principles applied in terms of what's structured more locally than the principal authorities, would you use guidance from Welsh Government to set out some parameters for taking forward that approach?

[13] **Leighton Andrews:** Well, I would expect that we would use guidance. I think that that's indicated in the White Paper, to a degree. I think, sometimes, it's not clear to me that local government, some parts of local government, are entirely aware of all the powers that they have currently. Many local authorities don't always make use of the powers that they have at the present time. Now, I don't think we can legislate for that from here, particularly. I think we can encourage people to be clear about the powers that they have and to exercise them, but, at the end of the day, it is down to local leadership to do that.

[14] **Christine Chapman:** Okay. Right, I've got Alun and then Peter and then Jocelyn. Alun.

[15] **Alun Davies:** Thank you. I read the White Paper and I enjoyed reading it. I thought it was a good document. It was refreshingly different to many Government documents that we've read over the years, but we don't seem to have had a debate on that, do we? We've had a debate on other things. We seem to have not been able to generate a real debate on some of the issues that John has just raised with you, but also on issues like general powers of competence, on the functions that local government can carry out. We seem to have been lost in a fog of other issues, and we seem to have had a debate that's been hard in tone rather than hard in analysis. I presume that you regret that. What do you believe the Government can do now to actually enrich the debate on the future of local government?

[16] **Leighton Andrews:** Well, I'm not sure that I agree with you. You know, as I said, we've had probably more responses and more engagement with this White Paper than with most Government documents. I think there were over 700 responses, and something like 3,000 responses to the questionnaire. We ran an advertising campaign around the same time, saying that councils are going to change. We had engagement events around Wales. We had a lot of feedback. Now, you might say that some of that feedback has focused on a limited number of issues. For example, the issue of term limits for councillors was one of those, which excited a lot of opinion. The issue of whether we should move to a rolling programme of elections elicited quite a lot of response, as well. I think, inevitably, people are going to focus on some of the proposals that they think are more controversial. If you look at the overall responses—and we will publish, obviously, all of the consultation responses in our summary of them in due course—there was considerable support for many of the propositions within the White Paper, including the general power of competence, for example.

[17] **Alun Davies:** I absolutely agree with you. I think we'd all be mistaken if we simply focused on the quantity rather than the quality, and on the nature of the debate that we're having, and I don't think you do that, but we haven't had that debate on the general power of competence, really, have we? We haven't had that rich debate, I think, about the exciting opportunities that local government has. If we create much stronger units of local government, then we could be entering into a real golden age for local government in Wales, but it doesn't feel like that at the moment, does it? It feels like there's a fight taking place between Welsh Government and local government. If that's the case, then we're all losers, surely.

[18] **Leighton Andrews:** Well, I think you're right to say that the response on things like the general power of competence has been less imaginative than I would have hoped. I think

there are huge opportunities here for local government. I think we talked about, when we released the White Paper, the opportunity for a new deal for local government. I tried, in my recent speech to the Welsh Local Government Association conference, to outline some of the ways in which councils in England, for example, despite having suffered very serious cutbacks to their resources from the UK Government, much worse than in England, have nevertheless still been able to promote their place-shaping role. They've been able to develop new and interesting initiatives. I think that local government itself—and I have said this to local government leaders—has actually been poor at talking about good practice in Wales. I think we do have examples of good practice, and I think one of the disappointments for me of the Welsh Local Government Association conference recently was that it didn't seem to be a platform for promoting good practice in Welsh local government, which I think it should be.

[19] **Alun Davies:** Certainly: good practice today; potential for tomorrow. Why do you think we haven't—? You talk about the numbers of responses to the consultation, and I agree it's very impressive in terms of the numbers, but in terms of the absolute debate we're having, the public debate taking place today in Wales on local government, it seemed to be between yourself as a protagonist against local government, and it's not seen to be that very positive debate that we should be having on the future of local government. I'm interested to know why you think we've failed to have that debate so far.

[20] **Leighton Andrews:** Well, I think you've got to look back to what has been the context for the programme of local government reform. The context, I guess, has been a context in which we have seen a number of major failures in service delivery in strategic areas such as education and social services, which were highlighted within the Williams commission report. Now, it may be that that's provoked a defensive response from certain parts of local government rather than an engaged response, which has looked at the opportunities for the future.

[21] **Christine Chapman:** Okay? Thanks. Now, on this broader point, I've got a number of people who want to come in and, obviously, Jocelyn wants to come onto her main question. So, if you're happy, Jocelyn, I'll take this—

[22] **Jocelyn Davies:** Of course.

[23] **Christine Chapman:** Yes? That's fine. Okay. Peter first, then Sandy, then Rhodri Glyn. So, Peter?

09:30

[24] **Peter Black:** I just want to touch on coterminosity. You've published your map of local government, and everyone can see that up there, but we're still waiting to see how that is going to relate to health boards. Also, I'm interested in what you think should happen to the fire authorities. Clearly, there are currently three of those superimposed on the local government map. They are, effectively, made up of local councillors. Would it not be the time, for example, to say we will now give the fire function back to those eight new authorities and let them run that as part of their day-to-day, or are you still considering just amending the boundaries of that to fit in with the map, and ditto in terms of the health boards?

[25] **Leighton Andrews:** I think this issue was raised by my colleague Mike Hedges recently and I said then that I wasn't in favour of moving from three fire and rescue authorities to eight or nine fire and rescue authorities. I have no plans to review fire and rescue authority boundaries. In respect of health, I think people are clear what the health boundaries are and they can see where the coterminosity between my proposals and the current health boundaries exists.

[26] **Peter Black:** But they're not coterminous, are they? If you look at Abertawe Bro Morgannwg University Local Health Board and the new mid Glamorgan, clearly that new mid Glamorgan effectively straddles two health boards.

[27] **Leighton Andrews:** As I said, I think people can look at the map that I've published and the boundaries of the health service and see where the coterminosity exists. In some places, it doesn't.

[28] **Peter Black:** Yes, but are you looking at adjusting the boundaries of the health boards to make it coterminous?

[29] **Leighton Andrews:** Well, that would be a question you'd have to ask the health Minister. I have no plans to do so, obviously.

[30] **Peter Black:** Okay. In terms of the fire authorities, then, you're saying you want to retain the present arrangement. To what extent are we looking at regional working with these new authorities? Obviously, you'll still want local authorities to collaborate and work together on a number of issues. Are the fire authorities just an example of where you might want to take that further in terms of other functions, as well, and maybe have larger responsibilities? What's going to happen, for example, to the education regions?

[31] **Leighton Andrews:** It's a matter for the education Minister to consider the future of the education consortia. I think it's important to bear in mind, of course, that our proposed map would not, in fact, come into effect before 2020. We are still, effectively, five years away from implementation. So, I think that gives us plenty of time in the next Assembly to consider the relationship between the new strategic local authorities and other structures that have been established to support the development of better-quality public services.

[32] **Peter Black:** Thank you.

[33] **Christine Chapman:** Okay. Sandy.

[34] **Sandy Mewies:** Chair, John raised the question of area committees and I was following on from that, but I think that a lot of what I want to know will be teased out by the questions that other people will be asking, so I'm quite happy to wait until they've asked their questions.

[35] **Christine Chapman:** Right, okay. Thanks. Rhodri Glyn.

[36] **Rhodri Glyn Thomas:** Weinidog, a gaf i ategu'r hyn a ddywedodd Alun Davies? Rwyf yn credu ei bod hi, bellach, yn gyfle i ni gael trafodaeth synhwyrol, aeddfed a chynhwysfawr ar sut y gallwn ni ddarparu a chyflwyno gwasanaethau'n effeithiol ac effeithlon yng Nghymru, yn hytrach na'n bod yn sôn yn unig am rifau. Rwy'n gobeithio y cawn ni'r drafodaeth honno.

**Rhodri Glyn Thomas:** Minister, may I endorse what Alun Davies said? I do think that it's now an opportunity for us to have a sensible, mature and comprehensive discussion about how we can provide and introduce services in an effective and efficient manner in Wales, rather than us talking about numbers alone. I hope that we will have that kind of discussion.

[37] Roeddwn i'n synnu, braidd, ar eich ymateb chi i Peter Black pan ddywedoch chi mai mater i'r Gweinidog iechyd oedd y byrddau iechyd a mater i'r Gweinidog addysg oedd y consortia addysg. Byddwn i'n tybio ei fod yn fater i Lywodraeth Cymru, ac, os nad

I was a little surprised at your response to Peter Black when you said that health boards were a matter for the health Minister and education consortia a matter for the education Minister. I would think that it would be a matter for the Welsh Government as a whole,

ydy Llywodraeth Cymru'n gallu cydlynu trafodaeth ar y lefel honno, mae'n mynd i fod yn anodd iawn i bawb arall. Ond y cwestiwn rwyf am fynd ar ei ôl oedd ar y pwynt a godoch chi ynglŷn ag arfer dda a'r ffaith nad ydy arfer dda yn teithio'n dda iawn yng Nghymru am ryw reswm. Fe fyddech chi'n meddwl, mewn gwlad gymharol fach, â 22 o awdurdodau, y bydd arfer dda'n cael ei rhannu'n weddol rwydd. A ydych chi'n gallu esbonio pam nad yw hyn wedi digwydd yn y gorffennol? Os nad yw wedi digwydd yn y gorffennol, a ydych chi'n meddwl y gall ddigwydd yn y dyfodol heb fod yna ymyrraeth, yn ganolog, gan y Llywodraeth i sicrhau bod arfer dda'n cael ei rhannu?

and, if the Welsh Government can't coordinate discussion on that level, it's going to be very difficult for everyone else. But the question I wanted to ask was on the point that you raised about good practice and the fact that good practice doesn't travel very well in Wales for some reason. You'd think that, in a relatively small country, with 22 authorities, good practice would be shared fairly easily. Could you explain why this hasn't happened in the past? If it hasn't happened in the past, do you think that it can happen in the future without there being intervention from the centre by the Government to ensure that good practice is shared?

[38] **Leighton Andrews:** Can I just respond to what Rhodri Glyn said initially, first, and say that, clearly, the map that I've brought forward is a map that's been approved by the Cabinet? And, therefore, there has been input from all Ministers, including the education and health Ministers. But, as he would understand, any specific proposals that would be brought forward in either the field of education, or the field of health, would be brought forward by those specific Ministers.

[39] In respect of the issue of good practice, I suspect we could have an entire session in this committee on that issue and why it hasn't travelled. I have been a member of this committee when we have discussed at length the issue of collaboration in local government and some of the challenges around that. You'll be aware that I published the KPMG report recently, and that illustrates the opportunities for good practice in a number of fields. It illustrates the opportunity to move resources to the front line if best practice were to be fully exploited and supported across Wales. Now, you asked me the reasons why it doesn't happen. Well, I think there are a variety of reasons. I think ultimately it's down to leadership. I think the feeling of 'not invented here' often weighs in very heavily. I think there has, to a degree, in certain areas, been a desire to protect empires. I could go into a whole series of reasons. I'm more interested in saying, 'Right, we've now got some evidence: here's what KPMG is saying in a number of specific fields, and they're giving very practical examples of things that could be done to move forward'. I think that the electorate in Wales will be impatient with local authorities who fail to respond to that challenge.

[40] **Rhodri Glyn Thomas:** Ond ai cyhoeddi adroddiad KPMG yn unig rydych chi'n bwriadu ei wneud, neu a ydych chi'n mynd i gynnal trafodaeth gyda llywodraeth leol? A ydych chi'n mynd i'w cyfeirio nhw tuag at yr argymhellion yma? Oherwydd y perig yw, o ystyried y gorffennol, hyd yn oed gyda'r dystiolaeth sydd yn yr adroddiad, na welwn ni ryw lawer o weithredu.

**Rhodri Glyn Thomas:** But is publishing the KPMG report the only thing that you intend to do, or do you intend to have a discussion with local government? Are you going to refer them to the recommendations in this report? Because the danger is, considering what's happened in the past, even with the evidence in the report, we still won't see much action.

[41] **Leighton Andrews:** Well, it's a very fair question. I have obviously only published the report a couple of weeks ago, and I brought it to the attention of Welsh local government leaders at the WLGA conference. I've had discussions within my department now about how we take that report forward and what we do to drive change in the direction that's been identified there. But it's also worth stating, of course, that, in preparing that report, KPMG themselves had a wide range of meetings with local government representatives, chief



executives and others at a series of regional events. There was some challenge back from different parts of local government on some of the things they said at the time. They went back and they confronted those challenges and they've, I think, produced a piece of work that is unarguable, really, now. But there has been engagement with local government throughout that process. Now, taking it forward, I will have more to say about that in the near future, but, essentially, what I'm looking to do is to take forward a programme that will be—that we will lead, but in which we will engage with local government in terms of the implementation. I was trying to avoid using the word 'partnership'.

[42] **Christine Chapman:** Okay, thank you. Now, before I move on to Jocelyn, I know Janet had a very small supplementary, and then we'll move on to the main question.

[43] **Janet Finch-Saunders:** Thank you. Good morning, Minister. The KPMG report is actually a very good read. A lot of the information has obviously come from local authorities themselves, but I was particularly interested in the £151 million savings in administrative costs, and the difference in consistency across local authorities as to what part of their budget they actually spend on administration. The KPMG report makes it quite clear that these savings can be achieved pre any merger process. I understand you've also written to council leaders as well, identifying some of those savings and what's in there. Very much on the point that Rhodri's made, collaboration, and the guidance and everything that was put out there, some authorities took it on board and some didn't. How are you going to— That £151 million of savings needs to be better utilised within local government, and, if anything, because that figure, and the evidence for it, has come from local authorities themselves, who is to say there are not even more savings to be had? How are you going to drive that forward? In what way? Do you think local authorities will listen and act upon it?

[44] **Leighton Andrews:** Well, I think I've explained in my response to Rhodri Glyn that we are going to take this forward and I will be saying more about that in the near future. At the end of the day, this is a challenge for local government leadership. We've pointed the way forward, but it's local government leadership that needs to respond to the evidence that's been brought forward. It's for local electorates then to hold leaders accountable where they don't do that.

[45] **Christine Chapman:** Okay, thank you. Jocelyn.

[46] **Jocelyn Davies:** Before I come on to the question, sorry to take you back to numbers and things, but you mentioned earlier that there are powers and competences that local authorities already hold but don't use. Can you give us a couple of examples perhaps to give us a flavour of the sorts of things that you've come across that allow you to say that?

[47] **Leighton Andrews:** Well, I think I gave examples during the passage of the School Standards and Organisation (Wales) Act 2013, when I was the education Minister, in respect of the failure of local government to take action at an early enough stage to drive improvements in school performance. I gave fairly extensive examples of that at the time. Local authorities had real powers of intervention that they could have been using. They could have been using powers to federate schools, they could have been using powers to issue more warning notices earlier—all of those kinds of powers were there, but they were not being used. That resulted, in some local authorities, as I've said, in ultimately the development of adverse Estyn inspection reports.

[48] **Jocelyn Davies:** Have you got a feel for why these things never become issues at election times, at local government level?

[49] **Leighton Andrews:** That's a good question.

[50] **Jocelyn Davies:** Because it doesn't seem—. In all the election literature I've ever seen, improving standards in schools is something I don't think I've ever seen on an election leaflet for local elections. But that would be possible, and maybe the engagement is lacking at that level.

[51] **Leighton Andrews:** Well, it may be that we have made raising standards in schools more of an issue over the last five years.

[52] **Jocelyn Davies:** Yes, it could be. Taking you back to the numbers, can you give us an explanation of the range of issues that you used when you were going from the 12-model proposal to eight or nine? You said there was a range of issues, and I wondered what they were.

[53] **Leighton Andrews:** Well, there were a number of models, weren't there, under Williams? Williams option 1, if I remember rightly, had 10 in it, and then there were models with 12. When I came into post last September, obviously I'd been engaged with the debate—as a member of this committee, indeed—and I was careful, I think, to reflect on what I'd heard, what responses I'd seen. I had some questions in my own mind about the sustainability of some of the structures that were proposed. I thought there were some inconsistencies within what was proposed. I'll give you a very specific example in respect of inconsistencies: it seemed strange to me that the capital city of Wales was to be merged with an adjoining authority, but the second city of Wales was to stand alone. It didn't seem to me that that, in itself, made a lot of sense, and seemed to me to be inconsistent. So, I looked at this very carefully; I listened to what people had been saying. I didn't find a huge amount of consistency in what people were saying to me either or, indeed, what had been said on the proposals.

[54] Clearly, the Government had tried to establish a consensus around Williams option 1, and we had published our own White Paper in July 2014. Only half of local authorities in Wales responded to that White Paper. So, very rapidly after coming into post, I spoke to the Welsh Local Government Association leaders—I think it was in their council meeting in Cardiff—and said that I thought we needed, probably, now to move beyond Williams. I said that very openly. I also said at the time that there were people in my own party, senior people, who believed that there should only be six or seven local authorities. I'd certainly seen that proposition, and, of course, that would have been far closer to the exact health service boundaries. So, my objective in coming in was to start something of a debate around that, alongside the debate on the wider issue of the powers of local government and functions of local government, and the relationship between local government and Welsh Government. I discussed the map, and we had the evidence that came into us from the different voluntary merger proposals, which, of course, required us to consider in detail the relationship between what was being proposed in respect of specific voluntary mergers, and the surrounding authorities around them, because, clearly, any decision we might have taken on some of those voluntary merger proposals could have influenced the overall shape of the map and could have been subsequently difficult to manage. So, we went through our own process internally of thinking and reflecting on this.

09:45

[55] The reality is that no map, I suspect, is perfect. I think what we've come out with is a reasonable stab for discussion now. We've left open a choice in north Wales because from all the conversations I had—and I think I've met all of the leaders in Wales, but I've certainly met all of the leaders in north Wales—there was a strong divergence of view in north Wales, let me say, between, you know—. The starting point in most cases is that it's rare to find a local authority leader who doesn't believe that their authority should stand alone, but once you move beyond that, let me say that, in north Wales, there is a strong divergence of view

between whether there should be a structure of three or a structure of two.

[56] **Jocelyn Davies:** So, I can take from that then that you weren't wedded to the Williams proposals and that you've considered, since you've taken office, a number of other proposals—a wide range—and that, generally, the No. 1 preferred option of local authority leaders would be for everything to remain, and then there's no consensus emerging about any other model, so you've gone for the one that you think is the best.

[57] **Leighton Andrews:** I think there's some consensus in some areas. I think there is probably more consensus around the Swansea and Neath Port Talbot merger on the whole than others. I'm not saying it's universally felt, but I think there's quite a lot of support for that one. I suspect that in what I have proposed as a newly defined Gwent, there may be more divergence than in other areas. There is clearly divergence around the issue of Dyfed in all parties. There are going to be debates. At the end of the day, I have to make a judgment and I've made my judgment for now.

[58] **Jocelyn Davies:** And you can't please anybody.

[59] **Leighton Andrews:** I was very clear about that when I was asked to take on this portfolio. [*Laughter.*]

[60] **Jocelyn Davies:** Okay, thank you.

[61] **Christine Chapman:** Alun.

[62] **Alun Davies:** There is great unanimity of views in the south-east across all parties—I've rarely seen such unity, in fact. It would be interesting to know the process you went through as a Minister—who you actually spoke to—because this map was drawn up in the last few months, essentially. It is different to Williams and it is different to what's been published before by the Welsh Government. It would be useful, I think, if the committee were to understand the process that you went through in the department and with others: the engagement you took part in and how you came to those conclusions. Because I think it's very easy to say, 'Everybody disagrees, therefore, I'll do my own thing'. That's fine and you can do that, but that is not the same as structured decision taking. So, it would be useful for us, as a committee, to understand the process you went through, who you spoke to, who you discussed these matters with and on what basis you came to these conclusions.

[63] **Leighton Andrews:** I'm not sure there are many people who I haven't spoken to, let me say, in this respect. But, let me just remind you that Williams option 1 was our preferred option, and actually the maps we've published don't differ significantly from Williams option 1. For example, Cardiff and the Vale of Glamorgan is in line with Williams option 1. The configuration of Carmarthenshire, Ceredigion and Pembrokeshire is actually compliant with Williams options 2b and 3, and a merger between Swansea and Neath Port Talbot would be quite close to Williams options 2a and 3. The Gwent area configuration in south-east Wales would be compliant with Williams option 1, albeit as part of a larger unit. So, my starting point was to look at Williams and to give consideration around the maps that they had developed. Clearly, there's been discussion with a wide range of people. I've obviously had discussions with Cabinet colleagues and I had discussions at different stages with a variety of different council leaders. In your first private meeting with council leaders, a number of them make it very clear that their submissions to the July 2014 White Paper stand, and they believe they should stand alone. Well, you rapidly conclude that there is probably not going to be much space for dialogue there.

[64] **Alun Davies:** But, wouldn't it be a stronger process—. It goes back to earlier questions about the fog that we're in at the moment. If people feel bruised and hurt, and that

is certainly how I detect a lot of people in south-east Wales feel at the moment, then you're not going to get the best out of them, are you? You've published this map now which has created unity out of diverse views. Wouldn't it now be a good idea to have to proactively seek that debate with people and to set out the process that we vote for? You've said on a number of occasions—you've said it this morning, and you've said it in the Chamber—that we're now going to have a process of debate and discussion on this map that you've published. It would be useful for us to understand what that process is, how long it's going to last, how the structure of that process will work, and where and how people feed into this, because it is causing significant disruption at the moment. I'm talking about south-east Wales, and we need to understand the way forward in order to get through that and beyond that.

[65] **Leighton Andrews:** Well, I'm not sure it's causing significant disruption, actually. I think people are very clear about the timescale and, as I've said, this is unlikely to take effect before 2020 in practice. I think if you went back and looked at the process of local government reorganisation in the 1990s or in the 1970s, I'm sure people felt bruised and concerned in those times. We probably have, on balance, different people around now—

[66] **Jocelyn Davies:** I bet we haven't. [*Laughter.*]

[67] **Leighton Andrews:** There's a clear fear over there that we haven't. [*Laughter.*] I have one civil servant who remembers the history of that 1990—

[68] **Alun Davies:** You introduced him the last time you were before committee and we were pleased to meet him.

[69] **Leighton Andrews:** He has got acres of memory on this subject, if not necessarily acres of files, and remembers some of the very bruising discussions that took place at that time. Now, I'm aware that there has been criticism from certain quarters; I'm not going to take very seriously the criticism of the occasional local government leader who was against devolution in the first place and is proud to boast about that. But, in practice, we're open to a very serious debate on this map and we will, as you're aware, be publishing the consultation on the draft mergers and reform Bill in the autumn and there will be an opportunity for people to comment on the map alongside that. We're already receiving, of course, responses from people from different parts of Wales, who are e-mailing myself, the First Minister and—

[70] **Alun Davies:** They're e-mailing me as well.

[71] **Leighton Andrews:** Well, I'm very familiar with your own views on this, and I've said before that you produced an interesting proposal for north Gwent, but there were a number of difficulties, I felt, at the end of the day, as I've said to you, with your proposal. One was that it united three local authorities that had been failing in education, and the second was that it left a difficult position, I think, in respect of the rest of Gwent, in terms of Newport and Caerphilly. One of the things I actually looked at—and it probably won't surprise you—was the question of whether we should split authorities, which we'd ruled out during the Williams Commission. A number of people, subsequent to my publishing the map, have commented on the fact that, for example, if you took the current borough of Caerphilly—the Caerphilly part of Caerphilly, as it were, used to be in Glamorgan and the Islwyn part was in Gwent. I seriously considered whether it was worth reopening that debate, but it seemed to me that if you reopened that debate for one part of Wales, you would reopen it for every part of Wales.

[72] **Alun Davies:** Okay. So, just for clarity, the process that you've discussed on the map is the same process as you will follow in terms of the draft legislation—there's not going to be a map process and a legislation process.

[73] **Leighton Andrews:** I don't think there can be in practice. I think, apart from the paving Bill, which we've been through in committee—and people understand why we need certain parts of the paving Bill—there will be no substantive legislation in respect of creating the map until after the next Assembly elections. So, it seems to me sensible that that debate rolls forward to those elections, and then, we make decisions after May 2016. I would anticipate that those decisions, ultimately, will require the support of more than one party in this Assembly.

[74] **Christine Chapman:** Okay. Janet.

[75] **Janet Finch-Saunders:** Just before I ask my question, one question on the White Paper that Alun mentioned was refreshing. I know it's certainly energised some members within our community—largely community councils. When will you be publishing the responses? You've mentioned that you've had 700 and 3,000, but when will you be publishing those so that we can see how you're moving forward on those?

[76] **Leighton Andrews:** It'll be quite soon; some time over the summer.

[77] **Janet Finch-Saunders:** Thank you. Going back to numbers, Minister, apart from the KPMG report, do you have any substantial evidence base to show that the eight or nine-authority model would be robust enough to avoid the need for another restructuring in 10, 20 or even 30 years?

[78] **Leighton Andrews:** Well, I can't tell you what the complexion of politics will be in 10, 20 or 30 years, so I don't think there's any way I can answer that question.

[79] **Janet Finch-Saunders:** Right. Has the Minister considered the committee's recommendations that restructuring local government more fundamentally could be more sustainable than simply merging along the current boundaries? If so, can you give an explanation of why this approach was rejected?

[80] **Leighton Andrews:** Well, of course it would be possible to go back to the drawing board. Nobody would say it wouldn't be. I think the level of uncertainty that that would add to the current situation would be enormous. I think people would rightly question at that point whether there was ever going to be a resolution of this, and I think it would be a major distraction from the task ahead of local government.

[81] **Christine Chapman:** Okay, Janet?

[82] **Janet Finch-Saunders:** Okay.

[83] **Christine Chapman:** Right, okay. Gwyn.

[84] **Gwyn R. Price:** Thanks, Chair. Good morning. Given the Minister's comments on 17 June about allowing councils to develop local structures themselves, could you give clarification as to whether the Welsh Government still intends to legislate for area boards, as proposed in the White Paper, and if not, why not?

[85] **Leighton Andrews:** Well, we've set out in the White Paper levels of local organisation, as I said in answer to an earlier question. I think that, in practice, these should be matters for principal local authorities to determine, because some structures may not work in some settings—town and community council structures may be more appropriate in rural and Valleys settings than they are in urban centres, for example. I think that's a legitimate discussion. While I think we may put down in guidance the way in which these things may be developed—and we will obviously legislate permissively for local government to develop

structures below the level of the principal authority—I don't think it would be right for us to impose.

[86] **Gwyn R. Price:** Thank you.

[87] **Christine Chapman:** Sandy, did you want to come in?

[88] **Sandy Mewies:** Yes, I did, actually. Leading on, it's from the very start of this, when John Griffiths raised some issues, and I do apologise to both the committee and the Minister if you've been through all this before and I missed it, because I'm not on this committee. But, I'm quite interested, Minister, in your view on what happens about the other organisations, like area boards or area committees, or town and community councils, that the future should be left to the new authorities. I can see the sense in this, but my questions are: given that part of this process is to make politics more economical for Wales, would you expect those structures to be elected to or to be appointed to? And in the case specifically of town and community councils, we live in an age now when people don't want to volunteer, and that is a fact—lots of people still do, but some people don't, and they do it for various reasons: because they don't have the time, the opportunity or, indeed, the money to be able to set aside voluntary time. So, would you have any view at all on whether people participating in these new structures would be paid, or would you expect them to be voluntary jobs, or would you be leaving that entirely to the local authorities concerned?

[89] **Leighton Andrews:** I think, certainly, I would expect town and community councils to be elected. In respect of area boards, if they are area boards of a principal authority, then I would expect them to have elected leadership, but probably from those who have already been elected, as it were. I'm not sure I accept your point about volunteering. The reality is, from sports clubs to parents associations to a whole variety of community organisations, in my own constituency, I see a vast variety of volunteers out there. I think part of the challenge for us in politics is that, because of the denigration of politics over the last decade, a lot of people who see themselves as wanting to do things for their community do not necessarily see a political route as a natural route to do that. I think that's a challenge for all of us in all political parties, I would say.

10:00

[90] **Sandy Mewies:** If you'll allow me, I agree with your last point. I did say there were a number of reasons why people won't do it. For example, governors of schools—I know there had been a drop, significantly, in the number of people who wanted to be school governors when the responsibilities increased. Because of all that, are you still convinced—I suppose it's a cost question, really—that at the end of this process there will be the savings? Given that there will be other structures set up, are you still convinced that there will be cost savings overall, which will be significant enough to justify the upheaval?

[91] **Leighton Andrews:** Yes. I mean, on the point about governors of schools, I accept your point there. I think that it is right that governors have real responsibilities. For some people that may prove to be too burdensome. I can see that, but we want governors. You know, school governing bodies need to be more than parent-teacher associations.

[92] **Sandy Mewies:** I agree.

[93] **Leighton Andrews:** I'm sure you'd agree with that. In respect of savings, yes, I am confident of that. As we move through this debate I'm sure that there will be further conversations to be had about the alignment of other areas of public service, but that is probably a debate for the next Assembly. My proposals do not entail the creation of new paid posts within local government and for elected councillors. If anything, they should lead to a

diminution of the number of paid posts of elected councillors.

[94] **Sandy Mewies:** Thank you. Thank you, Chair.

[95] **Christine Chapman:** Okay. Minister, while we're on this subject—it's sort of related a little—I've been contacted by people from the town-twinning organisations. They are sort of sharing some concerns around bigger authorities and whether we would lose the benefits of the town-twinning programme that's been ongoing. Are there any thoughts on that?

[96] **Leighton Andrews:** Well, I don't believe that, you see. You know, there are plenty of towns that exist currently within larger authorities that are twinned with neighbourhoods or councils in other countries. I don't think that the local government map has an impact on the town-twinning process.

[97] **Christine Chapman:** Okay. Thank you. Right, I'll move on now then to Peter.

[98] **Peter Black:** Thank you, Chair. Minister, are you still intending to direct a boundary commission to start reviews of the new local authority areas as soon as possible after the Local Government (Wales) Bill receives Royal Assent?

[99] **Leighton Andrews:** Yes.

[100] **Peter Black:** How does that then fit in with your comments that the map is not a final decision?

[101] **Leighton Andrews:** Well, because at the end of the day the legislation in respect of the map will be in the merger and reform Bill. So, it will be possible for the next Assembly to make any changes that it would wish to do. The point of enabling the Local Democracy and Boundary Commission to start work is so that we can meet a timescale of elections to the new authorities in 2019, and having them fully vested from 1 April 2020. If they can't start work until, say, Royal Assent on the second Bill, which might be the autumn of 2017, the timetable will be put back by two years. That's why we're doing that.

[102] **Peter Black:** But if that second Bill saw a substantial change in the map, all that work would be wasted.

[103] **Leighton Andrews:** Well, I don't think it would be wasted because, clearly, in the process of looking at boundaries they will be considering a whole series of issues in respect of the relationship between electors and elected councillors and particular areas. So, I don't accept that it's wasted.

[104] **Peter Black:** And on what basis is the review taking place in terms of the number of electors to councillors?

[105] **Leighton Andrews:** Sorry, I couldn't—

[106] **Peter Black:** On what basis is the review taking place in terms of the ratio of electors to councillors?

[107] **Leighton Andrews:** Well, we're giving some thought to that ourselves, and we will have that conversation with the commission.

[108] **Peter Black:** So, will you be making a statement on that before the Bill becomes law, or just after the Bill becomes law?

[109] **Leighton Andrews:** Well, I would expect to say something in public, yes. I mean, I haven't thought about timescale on that, but I'm perfectly happy to have that dialogue in public.

[110] **Peter Black:** Have you given any thought to the maximum number of councillors in each local council?

[111] **Leighton Andrews:** Well, what I've said, of course, is that the cap of 75 that was in place would be lifted. I mean, I think it's important that we have a relationship between the number of electors and councillors that is reasonable and proportionate. I think at the moment we're slightly out of kilter with other parts of the UK.

[112] **Peter Black:** Some of these councillors have over half a million electors. Have you got any cap in mind?

[113] **Leighton Andrews:** Well, I think we need to establish a relationship, which we've not yet done, between the number of electors to a councillor.

[114] **Peter Black:** Which comes first?

[115] **Leighton Andrews:** Sorry, what do you mean by that?

[116] **Peter Black:** Which comes first, the relationship or the cap?

[117] **Leighton Andrews:** I didn't say there would be a cap.

[118] **Peter Black:** So you may not have a cap at all.

[119] **Leighton Andrews:** Yes, it's possible. That's part of the discussion, but I'm perfectly happy to have that discussion in public as we do our work on this.

[120] **Peter Black:** Okay. In terms of the Bill going through at the moment, the Constitutional and Legislative Affairs Committee has said they have serious doubts and are uncomfortable—I think that was the word—with the approach taken by the Welsh Government of being able to define proposed areas in non-legislative documents. How would you respond to that?

[121] **Leighton Andrews:** Well, I don't agree with them.

[122] **Peter Black:** Can you give reasons why you don't agree with them? Don't you think it's right that, when you have such controversial restructuring, which is going to have a huge impact on the way that services are delivered across Wales, we should have the widest possible involvement of the Welsh Assembly?

[123] **Leighton Andrews:** Well, I think we've started having the widest possible involvement of the National Assembly in these discussions. We've published the map. We had an oral statement on the map. We've discussed the map in this committee today. We've discussed it in the context of the paving Bill last week. It feels to me like barely a week goes by where we aren't discussing the map. We will be publishing the map alongside, as I said, the draft merger and reform Bill. There will be ample opportunity there for proper consultation. I'm sure that Assembly Members and committees will come forward with their views on that. The ultimate legislation will be informed by the final map.

[124] **Peter Black:** But the map is one aspect of this. The Bill contains a number of various guidance and legislative documents that you have to put this into effect, and yet you're not



allowing the Assembly to have a final say on some of those things.

[125] **Leighton Andrews:** Give me an example of where you feel you're not having a final say.

[126] **Peter Black:** I think we went through those in the amendments at Stage 2. We moved amendments on this. I just don't understand why you feel the Assembly should not—

[127] **Leighton Andrews:** I think I answered all of those questions last week in this committee, Chair.

[128] **Christine Chapman:** Peter, before you move on, I have a very quick supplementary on this point from Alun, and then I'm going to Peter and Janet.

[129] **Alun Davies:** You said that the map will be published alongside the Bill. Do you mean the map will be published as a document alongside the Bill to inform the Bill, or will the map be published as part of the Bill?

[130] **Leighton Andrews:** Well, it's a draft Bill. Let's be clear about that. We've already published the map. What I would expect to do when we publish the draft Bill is to provide more commentary around the map, which might answer some of the questions that Peter rightly raised a moment or two ago about the number of councillors per elector and so on.

[131] **Alun Davies:** Sure, but will the map form a part of the proposed legislation? Will we be asked to vote on it?

[132] **Leighton Andrews:** It's possible that that might be the way that we would do it in the final Bill. We're still working through the draft Bill. You could have a Schedule with a map in it that then introduced—. Personally, I'm completely relaxed about that, actually. What we're going to do is publish a draft Bill. We will publish the map alongside it. We will not publish the map as part of the draft Bill, but ultimately that's a matter for the National Assembly.

[133] **Alun Davies:** But it's a fundamental question as to whether we're talking about a non-legislative document that is published for debate and information—and there's no issue with that—or whether you are going to publish a legislative document that will form part of the law of this country.

[134] **Leighton Andrews:** I'm happy to return to that when we publish the draft Bill, and I'm sure the committee will want to discuss the draft Bill with me in due course.

[135] **Christine Chapman:** Okay, I think we're clear about it. We'll return to that. Right, Peter.

[136] **Peter Black:** If it's not included in the Bill and you do it via secondary legislation, you could have future reorganisations on the basis of secondary legislation.

[137] **Leighton Andrews:** I understand what you're saying. It just seems to me that, at the moment, we are putting in place a paving Bill, which we've discussed. We've published a map. We will publish a draft Bill. I think we're being fairly inclusive with the National Assembly in the way we're taking this process forward. I'm perfectly happy to return to those subjects at the point at which we publish the draft Bill.

[138] **Peter Black:** Okay. So, just returning to the reasons why I think I share the Constitutional and Legislative Affairs Committee's concerns, this current Bill allows

voluntary mergers. Will you be encouraging voluntary mergers based on the published map? In respect of this Bill, do you have the time to do that?

[139] **Leighton Andrews:** I think we have the time, but I think people will need to be swift in bringing forward proposals. I think there are maybe one or two places in Wales where it's possible that we might still get voluntary merger proposals. Clearly, it would be difficult for us now to accede to voluntary mergers, say, in north Wales, where we've indicated the choice of options, prior to the final Bill. It may be that there are proposals from other parts of Wales that come forward on an agreed basis, and we would want to look at those. But, you know, what we're doing is enabling. We are putting in place legislation that enables those proposals to be brought forward.

[140] **Peter Black:** Yes, but if a voluntary—. I mean, I accept that any full restructuring will require a second Bill, which will require a debate and discussions around that Bill. If a voluntary merger now comes forward on the basis of the current Bill, given the time available to you, much of the guidance and the secondary legislation around that will effectively be made by you without a positive involvement of the Assembly—. That's my concern, you see, that, by not giving us a final vote on that, we're going to have voluntary mergers on this thing, which may be different to the final map or may not—

[141] **Leighton Andrews:** Well, I am not likely to want to approve any voluntary mergers that are not in line with the draft map that I've published.

[142] **Peter Black:** No. But shouldn't the Assembly itself have a view on a voluntary merger prior to the final map being published in a new Bill, which could be different?

[143] **Leighton Andrews:** Well, perhaps I should just give you an assurance I will not bring forward any voluntary mergers that are not in line with my proposed map.

[144] **Peter Black:** Okay.

[145] **Christine Chapman:** Okay. Thank you. Janet.

[146] **Janet Finch-Saunders:** According to the current time frame, local authorities wishing to submit proposals for voluntary mergers—. They were due to submit fully developed cases by 30 June. It's now 2 July. Have you received any?

[147] **Leighton Andrews:** Any voluntary merger bids?

[148] **Janet Finch-Saunders:** Yes.

[149] **Leighton Andrews:** No.

[150] **Janet Finch-Saunders:** Okay.

[151] **Leighton Andrews:** On the basis of the paving Bill? No. I mean, obviously, you're well aware of the three that we decided not to proceed with?

[152] **Janet Finch-Saunders:** Yes. But working to your current timescales, there was a deadline mentioned of 30 June.

[153] **Leighton Andrews:** The 30 June related to, as I recall, the voluntary merger prospectus that we published last year. It was only a meaningful date in respect of the voluntary mergers that came forward with an expression of interest before the end of November last year.

[154] **Janet Finch-Saunders:** All right. Well, the Bill sets out 30 November as the deadline for formal applications—

[155] **Leighton Andrews:** Well, this is the—. What the Bill—. I mean, we're not discussing the Bill today, Chair. We discussed it last week in detail, but let's just explain: what the Bill did, and we explained this in detail at Stage 1 of the Bill and at Stage 2 of the Bill, was put in place retrospective legislation for the voluntary merger proposals that we had put forward. Those were the dates, of course, of 30 November and 30 June.

[156] **Christine Chapman:** Okay?

[157] **Jocelyn Davies:** But Minister, you're not expecting anything in the post?

[158] **Janet Finch-Saunders:** That's what I'm trying to—. Yes.

[159] **Leighton Andrews:** Well, it's 2 July, so no. [*Laughter.*]

[160] **Jocelyn Davies:** Not today, but I think you'd be aware if any local authorities were likely to move in that direction.

[161] **Leighton Andrews:** There is a deadline in the Bill for future voluntary mergers of 30 November, going forward. It is still open to local authorities to bring forward voluntary mergers on that basis.

[162] **Janet Finch-Saunders:** And then my final point on that is—

[163] **Rhodri Glyn Thomas:** [*Inaudible.*]

[164] **Janet Finch-Saunders:** —there any scope for those dates to be changed?

[165] **Leighton Andrews:** Yes, because the legislation allows us to vary that date through secondary legislation.

[166] **Christine Chapman:** Okay. Right. We've got about a quarter of an hour left. Mark, did you have a question?

[167] **Mark Isherwood:** Yes. Thank you very much indeed. You've identified failures in education and social services as a reason—not the only reason but a reason—for the map and the proposed merger agenda. You've identified leadership as being key to that. Of course, in 1996, cultures, in many cases, migrated from the former authorities to current authorities, sometimes generating problems accordingly. What consideration have you given to the risk that making something larger could lead to larger failure if the cultures, the leadership cultures, the collaboration and co-operation and vested interests remain in place?

10:15

[168] **Leighton Andrews:** Well, I'm very interested, let me say, in your observations about the cultures that were transmitted from pre-1996 to post-1996, because that certainly accords with my own reading of some of the operating practices, shall we say, of some local authorities. I think that's reflected in the lack of strategic behaviour in some of the authorities that we currently have. I think that this is one of the more interesting questions, but also one of the more difficult questions to resolve, as anyone who's been involved in culture change in any organisation will understand. Again, I think what we have got to do is to reach some agreement within this place about the functions and structure of local government going

forward, and then we have to develop a new way of thinking about local government, both within local government itself and also, let me say, within this National Assembly and within Welsh Government. My officials have been doing quite a lot of work on this at the moment.

[169] Let me give you an example. I do this not in order to blame anybody but just to illustrate some of the challenges. When a Bill goes through this National Assembly it is very often the case that, although we are the legislative forum for that Bill, the actual implementation falls to local authorities to deliver. So, it's very often the case that clauses are added during the passage of this Bill, and sometimes accepted by Ministers, let me say, including myself in the past, probably, which put new duties on local government. Now, I think, as we go forward and we try to build a new relationship and a new culture around the balance of responsibilities between Welsh Government and local government, we, all of us—and that includes us as Ministers, and us as Members of the National Assembly—have to think about the duties that we're imposing on local government, whether every duty we're imposing is right for us to determine, whether everything we're specifying in secondary legislation needs to be specified, or whether we have to give some freedom to local government to determine its own priorities. That is about a real culture change, and I think it's one that—. What I'm saying here is really a reflection on 16 years of devolution inasmuch as it's a reflection on the culture of local government.

[170] **Mark Isherwood:** I concur that management, leadership and culture are key to effectiveness and efficiency, perhaps more than size, as copious evidence shows in other sectors. Therefore, to what extent was cost-benefit analysis undertaken by the Welsh Government to inform the development of your current proposals for the map of eight or nine authorities?

[171] **Leighton Andrews:** Well, we've taken into account a number of elements in coming to views on the map, but let me comment on what you said about size and efficiency. I think the reality is that there is no perfect structure for local government in relation to the delivery of certain services. If Mike Hedges were here I'm sure he would argue that the Victorians developed a structure of local government that lasted for nigh on a century with little need for amendment, and I think he might have a point. I was still in school at the time of the 1970s reorganisation. I'd only just moved back to Wales at the time of the 1990s reorganisation. In an ideal world, I probably wouldn't be starting from a system of unitary authorities, but that is where we are, and it's in that context we are having to move forward.

[172] **Mark Isherwood:** I'll take it therefore that there was no cost-benefit analysis; it's more of an act of faith.

[173] **Leighton Andrews:** Well, no. It depends on what you mean by cost-benefit analysis. I mean, there are—. I've not sat down and done a cost-benefit analysis on the eight or nine-authority model, no. However, have I had access to a variety of costings, analyses, assessments of efficiency, audit reports and, indeed, the KPMG report and the Chartered Institute of Public Finance and Accountancy report for the WLGA? Yes, I've had all of those things and been able to consider all of those things in the context of thinking about the map.

[174] **Mark Isherwood:** Most of which I think—

[175] **Leighton Andrews:** Sorry, I can't hear you, Mark.

[176] **Mark Isherwood:** Most of which, I think, were more related to internal leadership, culture and efficiency than, necessarily, size. I think we're conflating perhaps two separate issues. But, okay, if we haven't done a cost-benefit analysis in order to design the map, will the regulatory impact assessment accompanying the draft Bill in the autumn contain a full cost-benefit analysis of mergers under the current map?

[177] **Leighton Andrews:** No. It will certainly not include a full cost-benefit analysis of mergers, but what it will do is give our best assessment of likely costs resulting from the map that we're putting forward.

[178] **Mark Isherwood:** So, you go ahead on the basis that no merger would go ahead in the other sectors, or even voluntarily between local authorities—

[179] **Leighton Andrews:** Well, what I suggest is that you test the regulatory impact assessment when we publish it.

[180] **Mark Isherwood:** Well, you just told us it won't be, unless you change your mind. Can you clarify how—

[181] **Christine Chapman:** Minister, did you want to come back on that?

[182] **Leighton Andrews:** Well, I mean—. I'm perfectly happy to be scrutinised on these matters, however, it seems to me to be sensible to be scrutinised on a regulatory impact assessment, and what process we've gone through to construct that, at the point at which it is public.

[183] **Christine Chapman:** Right, okay. Mark.

[184] **Mark Isherwood:** Can you clarify how conclusions of any such analysis—maybe not a full cost-benefit analysis, but any cost considerations—will inform your future decisions around reform? In other words, could the merger proposals change, depending on the conclusions awaiting costs in the impact assessment?

[185] **Leighton Andrews:** I think it's unlikely that—. The problem with your question is that it assumes there is a nil-cost, nil-benefit approach to keeping the current system, and that, of course, is not the case. There are costs and benefits to keeping the current system and there are costs and benefits to moving away from the current system. So, it is not a zero-sum option, I'm afraid.

[186] **Mark Isherwood:** I suggest rather than the problem with the question, that's the merit in the question, because the rest of your answer was absolutely correct.

[187] **Leighton Andrews:** That's kind of you. [*Laughter.*]

[188] **Mark Isherwood:** Have you had any—. What information have you had on how the costs of the merger programme—. Do you have any further information on how the costs of the merger programme will be met? You previously told the committee that you would anticipate this being met through the revenue support grant.

[189] **Leighton Andrews:** I have nothing to add to what I've already said before, Chair.

[190] **Christine Chapman:** Okay.

[191] **Mark Isherwood:** So, can I just clarify—you can give me a 'yes' or 'no' answer—will there be any central funds for the costs of the merger?

[192] **Leighton Andrews:** I have nothing to add to what I've already said before to this committee on the record, Chair.

[193] **Mark Isherwood:** Which is clear, thank you. And will the second Bill include

powers enabling local authorities to themselves vary council tax in their own areas?

[194] **Leighton Andrews:** Well, I'm not sure that we need to do that. I think existing legislation allows that to happen.

[195] **Mark Isherwood:** Of course, you said that, previously, Ministers had the power to reduce council tax levels in one part of a local authority area after the local authority has prescribed council tax, but local authorities can't act in advance and nor can they do so, on their own discretion, to set different council tax in different parts of their county or area. So, how will you address the issue of council tax harmonisation?

[196] **Leighton Andrews:** Well, I think I've answered this extensively and at length in front of this committee, including in discussions on the paving Bill. I have nothing to add to what I've already said on this subject.

[197] **Mark Isherwood:** Why do you believe councils should not be given a power, given the implications of the merger, to address this themselves?

[198] **Leighton Andrews:** Chair, I will be publishing the merger and reform Bill in draft form in the autumn.

[199] **Mark Isherwood:** Well, thank you for your forthcoming answers.

[200] **Christine Chapman:** Okay. Thank you, Mark. We've got just over five minutes left and we do need to finish on time, because we've got quite a busy schedule for the rest of the meeting. I've got Alun and Rhodri Glyn. I don't know whether you wanted to come in, Alun? Did you have a question?

[201] **Leighton Andrews:** Chair, can I just make one point? I will have to leave at 10.30 a.m.

[202] **Christine Chapman:** Yes, we're going to finish at that point.

[203] **Alun Davies:** After that exchange, I hesitate to ask a question, but I remember you discussing the issue of reserves in local authorities at a previous session, and I think you said, at that time, that you were looking at the situation and you would be taking an overall view of reserves that were free reserves, if you like, or reserves that were for particular reasons. I was wondering if you'd had an opportunity to reach any conclusions yet.

[204] **Leighton Andrews:** Well, I published information on the level of reserves that each authority has and there are well developed accounting and audit frameworks in place to support decision taking within authorities. There's a comprehensive body of professional guidance and training. We will be encouraging authorities to develop protocols for establishing, reviewing and discharging reserves held and we've looked at the Wales Audit Office to support them in that. There are already significant safeguards in place, for example, to help ensure that local authorities do not over-commit themselves financially. But I do think ultimately this is a question of local leadership. I think it is important that local cabinets and local council leaders scrutinise very carefully the reserves that their officers recommend. I think they need to be clear that all the reserves that are being held are there for necessary purposes. I know that what my intervention has done has triggered, in some local authorities, deeper scrutiny by local authority leaders of their own reserves, and I welcome that.

[205] **Alun Davies:** Do you think there are examples of local authorities where reserves are being kept at too high a level?

[206] **Leighton Andrews:** Yes, I'm sure there are.

[207] **Alun Davies:** And you've instigated work, you've started work—

[208] **Leighton Andrews:** That's a matter—. Sorry. I've put the material in the public domain, and it seems to me, again, that this is a matter for local leadership. And, again, I would encourage local authorities to look very carefully at their level of reserves. Clearly, if you are reserving money for the twenty-first century schools programme, that's identifiable and people can understand that. But I would remain to be persuaded that every £1 of reserve held by every local authority was necessary.

[209] **Alun Davies:** Okay. I'll leave it at that.

[210] **Christine Chapman:** Thanks. Rhodri.

[211] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. A gaf i, gan fod amser yn pwyso, un sylw a chwestiwn? Y sylw yw: rydym wedi bod yn trafod diwylliant o fewn llywodraeth leol. A gaf i eich cyfeirio chi—. Rwy'n siŵr eich bod yn ymwybodol o'r adroddiad a gomisiynwyd ar Gyngor Sir Caerfyrddin gan Gymdeithas Llywodraeth Leol Cymru, y tîm dan arweiniad Byron Davies, cyn brif weithredwr cyngor sir a dinas Caerdydd, sy'n sôn yn helaeth am ddiwylliant a'r angen i newid diwylliant a chreu system dryloyw. A gaf i awgrymu bod hwnnw hwyrach yn batrwm ar gyfer Cymru gyfan, nid yn unig ar gyfer sir Gaerfyrddin? Mae'r cwestiwn yn ymwneud â'r iaith Gymraeg. Fe gyflwynom ni nifer o welliannau y tro diwethaf; fe wrthodoch chi y gwelliannau am amryw o resymau, ond rwy'n gwybod eich bod yn rhannu fy mrwdfrydedd i weld y Gymraeg yn cael ei hyrwyddo o fewn y system newydd, yn enwedig ar hyd arfordir gorllewin Cymru. Beth yw eich bwriadau chi o ran hyrwyddo hynny, oherwydd mae'r patrwm yn golygu bod yna siroedd yn dod at ei gilydd, Caerfyrddin a Cheredigion, er enghraifft, lle mae yna ddefnydd—nid digon o ddefnydd, ond defnydd—o'r Gymraeg fel iaith weinyddol a iaith fewnol, a sir Benfro, lle nad oes yna'r patrwm hynny. Gwynedd—mae'n cael ei defnyddio'n helaeth ac mae'n sir gwbl ddwyieithog o ran gweinyddiaeth; Môn, ychydig yn llai, a Chonwy, os yw'n rhan o'r cyfuniad hwnnw, lle mae'n llai. Sut ydych chi am fynd i'r afael â'r angen i hyrwyddo'r Gymraeg fel iaith naturiol sy'n cael ei defnyddio mewn llywodraeth leol yng Nghymru?

**Rhodri Glyn Thomas:** Thank you very much, Chair. Can I, as we're under a bit of time pressure, just have one comment and a question? My comment is that we have been discussing culture within local government. Can I refer you—. I'm sure you're aware of the report commissioned on Carmarthenshire County Council by the Welsh Local Government Association, the team led by Byron Davies, the former chief executive of Cardiff county and city council, which refers quite extensively to culture and the need to change culture and create a transparent system. Can I suggest that that should perhaps be a pattern for the whole of Wales, and not just for Carmarthenshire? The question is regarding the Welsh language. We proposed a number of amendments last time; you rejected those amendments for a number of reasons, but I know that you share my enthusiasm to see the Welsh language being promoted within the new system, especially along the west coast of Wales. What are your intentions in terms of promoting that, because the pattern means that counties will come together, Carmarthen and Ceredigion, for example, where there is use—not enough use, but use—of the Welsh language as an administrative and an internal language, and Pembrokeshire, where that is not the case. Gwynedd—the Welsh language is used extensively and it's a completely bilingual county in terms of its administration; Anglesey, a little less, and Conwy, if it's part of that merger, to a lesser extent. How are you going to get to grips with the need to promote the Welsh language as a natural language that is used in local government in Wales?

[212] **Leighton Andrews:** That's a good question. I think there are two issues I want to reflect on. One is that the Welsh Language Commissioner obviously has published the standards that will fall on local authorities, and it's important that anything that we do does not cut across those standards. And I think that's a genuine concern, because at a time when local authorities are actually seeking to implement those standards, there's a danger of confusion. Set against that, of course, is actual custom and practice in terms of best practice, as you've illustrated. I'm open to suggestions about how we take that discussion forward, and how we widen the scope for consideration of that in advance of council mergers. So, I'd be open to a dialogue with you and others on that.

[213] **Rhodri Glyn Thomas:** Diolch yn fawr.

[214] **Christine Chapman:** Thank you. I think that would be a good point on which to finish the meeting. So, can I thank the Minister and his officials for attending today? As usual, we'll send you a transcript of the meeting so you can check if there are any inaccuracies there. But thank you for attending; it's been a very good session. The committee will now break until just before 10.45 a.m. for our next session.

*Gohiriwyd y cyfarfod rhwng 10:29 a 10:45.  
The meeting adjourned between 10:29 and 10:45.*

**Bil yr Amgylchedd Hanesyddol (Cymru): Sesiwn Dystiolaeth 6—Dr Charles Mynors**  
**Historic Environment (Wales) Bill: Evidence Session 6—Dr Charles Mynors**

[215] **Christine Chapman:** The next item continues our evidence gathering on the Historic Environment (Wales) Bill. Can I give a very warm welcome to our witness, Dr Charles Mynors? Dr Mynors is a practising barrister specialising in the law as it relates to the historic environment. Can I thank you, Dr Mynors, for attending this morning? You've sent a paper. The Members will have read it, so if you're happy we'll go straight into questions. Again, we appreciate your contributions this morning.

[216] I just want to start off. I know you've been very supportive of the Bill, but to what extent do you believe that the Bill is needed, given the protection already afforded to the historic environment by existing legislation and through the planning regime?

[217] **Dr Mynors:** First of all, good morning, and thank you for inviting me. Bore da. I think the Bill contains a number of sensible technical amendments, but fundamentally I'm not sure that there is any particular need for a radical rethink of historic buildings law in principle. It's largely technical detail, which is all perfectly sensible—good housekeeping, and sorting out technical problems and procedural problems. Some people will obviously say that particular problems haven't been dealt with that should have been, and others will say that you could amend it in this, that or the other way. But I think what is proposed in the Bill as drafted is perfectly sensible, and perfectly reasonable. I'm not sure it's particularly radical, but then a lot of legislative amendment frequently isn't particularly radical.

[218] **Christine Chapman:** Thank you. Gwyn.

[219] **Bethan Jenkins:** Sorry, could I just come in on that?

[220] **Christine Chapman:** Sorry, Bethan.

[221] **Bethan Jenkins:** I hear what you say, but in paragraph 23 you say that this would have been a unique opportunity to go further and have a system—



[222] **Dr Mynors:** Absolutely, yes. It's what isn't in the Bill that concerns me more than what is. So, the Bill as drafted I think is perfectly sensible. As far as it goes, I wouldn't essentially object— It's good housekeeping, but the pity is that, in a way, it could have gone further and actually given a better system and a more unified system to integrate the protection of the historic environment into the general planning system, which I think would have been helpful. But I accept that, obviously, I have to start with where the Bill is rather than where the Bill might be, or could be or should be.

[223] **Bethan Jenkins:** But this is the opportunity, just to be devil's advocate, to say, 'Actually, by doing x, y and z, this could improve the situation'.

[224] **Dr Mynors:** Absolutely so. That's right. And I think the biggest problem, it seems to me, is that the existing protection regime is very clunky and inefficient in that you have the planning permission regime, which is very well developed and has been developing over many years in England and Wales, and then alongside it you have the younger brother, the listed building consent regime, which has sort of developed more or less in line with planning, but only more or less, to the point where it's now almost the same. You've got these two regimes side by side and the time, I would have thought, has come to unify them into one regime so that the historic environment is totally taken on board in the mainstream planning regime. And it would be nice to feel that Wales could actually steal a march on England and do it better than England, because England, I know, always says everything is terribly complicated and difficult, but it would be good to see if Wales could actually give a good example to England for a change.

[225] **Bethan Jenkins:** Can I just clarify for the record, then: do you believe that that could be done or should be done? Because the planning Bill has gone through, is that a missed opportunity, or is this something that should be added now?

[226] **Dr Mynors:** I think this would be a perfectly good opportunity, yes.

[227] **Christine Chapman:** Okay, thank you. Gwyn.

[228] **Gwyn R. Price:** Good morning. Following on from that, how do you respond to the Deputy Minister's assertion that constraints on time and resources meant that a consolidation Bill was not practicable, and that amending the existing Acts would mean stakeholders and the general public would be able to adapt to the changes more easily?

[229] **Dr Mynors:** I think that the consolidation of planning and listed buildings, or, indeed, consolidation of planning legislation more generally, is something that obviously would take up a lot of time—officers' time and administrative time—of course it would, both for those who draft the Bill and for those who administer it in the planning authorities around Wales. Indeed, I am talking this afternoon to the Welsh Government on the whole question of consolidation of planning legislation generally. But I think, in the long run, it would be very worth while and, in a sense, it's like tidying up one's house: it's tedious, it's time-consuming, it doesn't seem to get anywhere, and yet, if you don't do it, it's not going to get any better, and the attic gets fuller and fuller of all the rubbish that's been up there for a long time. And it seems to me that the time is coming; it's been 25 years since planning legislation was last consolidated, and, really, it is time to consolidate planning and historic buildings legislation, and in particular now that Wales has got a new planning (Wales) Act or Bill, whatever it is at the moment, and it will shortly have a historic environment Bill/Act—that would be a very good opportunity to start putting in place one consolidated Welsh set of legislation. One would like to hope that there would indeed, of course, be a consolidated English set as well, alongside it, but that's for others. But I think, if Wales could set the example, it would be perfectly possible and not particularly difficult—obviously, it would be time-consuming and

detailed, of course it would—but I think this is a golden opportunity, following the passing of the planning (Wales) Act and the historic buildings (Wales) Act, to then consolidate.

[230] Yes, I suppose an amending Act of the kind that is now proposed as the historic buildings (Wales) Act could, itself, be a consolidation, but I suspect it's probably better to keep it as it is at the moment, with a lot of amendments, and then we consolidate shortly afterwards. By then, of course, the law will be in a complete mess. As you can see from the Keeling schedules to the Bill, one can see that the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979 are beginning to look a bit threadbare—

*Gohiriwyd y cyfarfod rhwng 10:52 a 11:04.  
The meeting adjourned between 10:52 and 11:04.*

[231] **Christine Chapman:** Okay. So, we'll reconvene now then. John Griffiths, you had some questions, I think.

[232] **John Griffiths:** I was just going to ask about the comments you made earlier, Charles, about the fact that consolidation obviously is one issue, and we heard from the Deputy Minister that that would be very intensive in terms of time and resource, and maybe that's something for the future, but perhaps the short-term future. But, in terms of what you've said about this particular piece of legislation perhaps not being as radical as it might have been, could you expand on the gaps that then exist and what might be put into this Bill that would be radical and would be very important and meaningful?

[233] **Dr Mynors:** I think one thing, clearly, I'm saying is: consolidation is merely tidying up. One could do a little bit more than that, which is, in particular, to do away with listed building consent as a particular type of consent, because, actually, planning permission covers more or less the same thing. If there was only a very small amendment to the definition of 'development' requiring planning permission—so as to include, basically, works to the interior of listed buildings—you would then only need one form of permission, one form of application, one appeal, one enforcement notice, and one everything. That would be administratively hugely simpler. I appreciate that doing that, in the eyes of the heritage lobby, would be perceived as downgrading the specialness of the heritage. I realise that, but I think that the administrative saving would be quite substantial—to simply have planning permission and that's it. So, that would be one change.

[234] Secondly, the general duties in relation to listed buildings and monuments and so on are curiously patchy at the moment. There's quite a general duty about conservation areas; a relatively limited duty about looking at being nice to listed buildings, virtually no duty in any other legislation to have regard to scheduled monuments, and, indeed, no duty at all to have regard to world heritage sites, which is slightly strange. So, I think those statutory duties would be helpful. But, above all, I think it's the control of works to listed buildings and monuments that really matters—much more than the scheduling or listing process itself. Because, for some reason, most legislation tends to focus on the listing or the selection process, which actually doesn't really greatly matter, unless you happen to be the Secretary of State or the Welsh Ministers. The selection process worked, more or less, okay, and from the point of view of the public and property owners, once your house is listed, it's listed. How it was listed, when it was listed, and what the process was, probably doesn't greatly matter. What really matters to property owners, is how you do works to your listed building or your monument. So, the real focus needs to be on the listed building consent—or planning permission, if that's the way one goes—and on making that process as efficient and effective as possible, rather than focusing on the selection process. Clearly, one does have to look at the selections process, but I don't think that's as important as the control of works to listed buildings and so on.

[235] I also think that this Bill, as drafted, unusually focuses quite a lot on scheduled monuments and ancient monuments generally, which is okay in the sense that the existing scheduled monument legislation is not particularly cleverly drafted. But in practice, scheduled monuments cause very few problems. There aren't very many of them, they are very special, and, on the whole, developers leave them well alone. They're not occupied, so they don't have people living in them. So, they don't actually cause very many problems. It is on listed buildings—there are far, far more of them, and they get in the way of other things and life generally—therefore, and the control of works to listed buildings, where the focus needs to be.

[236] **John Griffiths:** Just a quick follow-up, if I could, Chair: one thing that you mentioned earlier as well was that it might have been possible to have had one Bill covering planning and these heritage matters. Obviously, that's not what's happened and there might be, as you say, opportunities for future consolidation. The challenge for Welsh Government, of course, is to make sure that separate pieces of legislation are complementary and that there is read across. Do you have a view on whether this proposed legislation and the planning Bill have the necessary read-across and connection?

[237] **Dr Mynors:** I think they are both—the Planning (Wales) Bill and this Bill—freestanding pieces of legislation. They've been drafted as two separate ones; they could have been drafted as one, but I don't think that particularly matters one way or the other. The more one has legislation amending existing legislation, the more of a mess the whole system becomes, but that's just an inevitable hazard of life. I don't think there's anything you can do about that. I don't see any particular reason why there's any problem with the approach that's been adopted.

[238] **Christine Chapman:** Okay?

[239] **John Griffiths:** Okay, Chair.

[240] **Christine Chapman:** Mark, have you got any questions?

[241] **Mark Isherwood:** Thank you, Chair. What are your views on the proposed extension of the scheduled monument definition?

[242] **Dr Mynors:** Well, the scheduled monument extension, in terms of adding in any site comprising remains of previous work—. Is that the amendment you're referring to?

[243] **Mark Isherwood:** Essentially, yes.

[244] **Dr Mynors:** Yes. That, as far as it goes, seems perfectly sensible. Clearly, what that does is amend the definition of 'monument' and therefore the definition of things that can be scheduled. Whether a particular item in that category would actually be scheduled—clearly, that is a matter of professional judgment for the heritage experts, as to which, as a boring lawyer, I have no comment. But I think, in terms of the category of things that can be listed, that makes sense. One of the problems with the definition of scheduled monuments, unlike listed buildings, is that listed buildings don't include the ground that they stand on. So, it includes the building and any other buildings and structures, but it doesn't include the ground on which they stand. For fairly obvious reasons, monuments, and therefore scheduled monuments, are defined to include the site—which means the actual earth, the ground, for obvious reasons, because, often, a lot of archaeological items are below ground—but it also includes any land that is necessary for the preservation of the monument, which is very vague and a slightly curious term. But, again, it doesn't actually seem to cause any problems in practice. I'm not quite sure why not, but it doesn't seem to, so I'm happy to let that one go.

[245] **Mark Isherwood:** Could there, in your view, be any unintended consequences of the new definition?

[246] **Dr Mynors:** I don't see why there should be because, in principle, the only problem with the extension to any site in Wales comprising

[247] 'any thing, or group of things, that evidences previous human activity'

[248] is that that would include every single site in Wales. I mean, here we are sitting in a room in a modern building. There is evidence of previous human activity here; there must be. Therefore, this would be capable of being scheduled as a monument, which I suspect was not in the mind of the legislators. It seems to me that it opens the way to scheduling, in principle, basically anything. One hopes it doesn't open the way to scheduling everything. And, of course, there is always the resource implication that, in practice, scheduled monuments are quite rare and they are by no means as commonly scheduled as buildings are listed. It is to be hoped, I think, that that remains the case, because if scheduling becomes too commonplace, it will become quite a nuisance. But, at the moment, it seems to work fine.

[249] **Mark Isherwood:** Okay. Why do you believe that the Bill's provisions for consultation on designation decisions would lead to 'a number of unmeritorious claims'?

[250] **Dr Mynors:** Because particularly with listed buildings, scheduled monuments are less important because, as I say, you can't schedule an object that is occupied, but most listed buildings are occupied by somebody for something: houses, offices, churches, whatever. A lot of people in practice say, 'My building should not be listed because, basically, it's going to be a nuisance'. I fairly regularly get instructed, as a barrister sitting in London, by somebody who says, 'I have been told that my house either has just been listed or is about to be listed. Is there anything I can do about it?' And I think, 'Well, not really, because if the Secretary of State or the Welsh Ministers think it's of interest, then it is. Get over it'—[*Laughter.*] Yes, you can apply for consent to alter it, to demolish it, to do whatever you like with it later on, but it doesn't seem to me that it's going to cause any harm to list it. But a lot of owners think it does, and, clearly, those in the development business, in particular, will be concerned that it may muck up plans they may have had for doing work to their property.

[251] Preston bus station in Lancashire was about to be listed, and they came rushing to me and said, 'Can we do anything about it?', and I said, 'Well, it's a modern concrete structure. I can quite see why you think it probably is a bit of an odd choice to list, but on the other hand, it's an iconic work of modern architecture, and if you think it's going to cost you too much to keep going, and you want to redevelop it, apply for listed building consent to demolish it and good luck to you.' I don't think you can stop it being listed, but there will be, inevitably, claims by owners that, 'My building is not listed'.

11:15

[252] Actually, one of the other notable examples is the reservoir just north of Cardiff here, where there was a big fuss about listing the retaining wall of that. I was asked to advise on whether that was a sensible thing to list, and it was very difficult to prove that it was of no interest. I happened to be retained by the owners, so, obviously, they were fussed about it. But that sort of thing happens all the time. You have owners who think, 'My building is of no interest', and heritage experts who say, 'Yes, it is.' The more you talk about it, the more you argue about it, and the more it sounds terribly interesting.

[253] **Mark Isherwood:** What safeguards could be put in place to minimise unmeritorious claims?

[254] **Dr Mynors:** Well, to minimise, you'd have said that there was no right of appeal. That would be easy, but I don't think it would be politically very sensible. It is sensible to have, I suppose, a right of review, but all that one can say is, I suspect—. There has, for many years, been a non-statutory right—well, a non-statutory procedure—whereby anybody whose building has been listed can write to the Secretary of State or the Ministers or Cadw or English Heritage or whatever, and ask to have it reviewed. And the answer is, invariably: 'We've reviewed it. We've looked at it. We thought it was special. We still think it's special. Get over it.' That isn't terribly satisfactory from the point of view of the owner.

[255] There have been about five to six court cases now on looking at conservation area designations that have succeeded. There has yet, as far as I know, to be any case in the courts since 1940, where somebody has managed to overturn a listing decision. That's because the courts say, 'Well, the Secretary of State or the Welsh Ministers think it's worthy of listing. We're just judges. We have no comment.' You can't legally overturn it. As for whether it gets overturned on merit, it's very difficult to see a procedure of appeal that wouldn't be to the people who have just listed it. Therefore, not surprisingly, they would come up with the same decision again.

[256] **Mark Isherwood:** Okay, thank you. What, if any, views do you have on the suggestion by the UK Environmental Law Association that this Bill should be amended to give opportunities for public participation in the processes for designating scheduled monuments and listed buildings?

[257] **Dr Mynors:** Public participation is clearly, in the abstract, a desirable thing. The question is, with something like the selection of objects for listing, you do need some degree of expertise rather than simply saying that a building should be protected or selected or scheduled because it is popular or because it looks nice. It's interesting to know what the public think, and that's obviously sensible. But I think, if the heritage selection is to be objective rather than merely populist, then there will be a problem. But, there's no reason why that shouldn't be taken into account. If everybody thinks a particular building should be listed, fine. It's perfectly open to Cadw to say, 'Well, if it's that popular, let's list it.' But it does slightly leave open the way to buildings being put forward for listing for all sorts of political reasons.

[258] Then, of course, public participation is notoriously fickle and may go the other way and be against a building being protected, because you have a building that the experts think is worth listing—the brutalist concrete structure of the 1960s, because it's jolly interesting, as an example of a particular type—and the public say, 'That's ridiculous. It shouldn't be.' I don't know how you balance public views on the one hand against the specialist expert on the other. It causes problems, because you either say, 'Well, I am the expert; I am the professor in fine art and art history and I think it's interesting. So, bad luck, Mrs Miggins, I don't care about you because you're just an illiterate member of the public', or, conversely, of course, you can play that the other way around, obviously, because experts often are, perfectly properly, pilloried for being stuck in their ivory towers and, actually, they don't understand what real people want. So, you can run that one either way, and I think it is very difficult. But, politically, of course one can understand why the public want a view, and it certainly won't do any harm, provided that you always have some kind of mechanism to ensure that buildings are not lost by mistake while the process is carrying on.

[259] **Christine Chapman:** Okay. Thank you. Janet.

[260] **Janet Finch-Saunders:** Thank you. Good morning. What is your view on the introduction of a statutory right for owners and occupiers to request a review of the designation decision?

[261] **Dr Mynors:** I think very much the same as what I've just been saying. I think it's totally understandable that owners want a review, but, in the end, whether it's statutory or whether it's advisory— There has, as I say, in England, at least, and I think in Wales, for many years been a non-statutory procedure. I don't think making it a statutory right is going to actually avoid any of the problems I've been outlining. It is a perennial one that does crop up from time to time. I think it's perfectly okay to have a statutory right. I don't think it will cause any problems, save that the building must be protected while the statutory right is going through, obviously, because what you don't want is, while I'm exercising my statutory right, I will then, by the way, just demolish it and then the problem goes away. That would obviously be an abuse, which this Bill deals with.

[262] **Janet Finch-Saunders:** Okay. Do you believe it is reasonable and appropriate that much of the detail, including the grounds on which a review application can be made, will be left to future regulations?

[263] **Dr Mynors:** I think that's okay, provided that the criterion on which a building either is or is not eventually listed is kept to the statutory criterion, which is: is it or is it not of special architectural or historic interest? Owners often say, 'It's extremely inconvenient or expensive for me for a building to be listed'. I don't think that should be a criterion. The right criterion should be what the Act talks about, which is a listed building being a building of special architectural or historic interest. That should remain the criterion. In some cases, listing a building doubles its value, for example in certain parts of posh suburbs. In other cases, it may halve its value because it's inconvenient for a developer. I don't think that should be a material consideration. I think the criterion should simply be: is this building of special interest? That should remain the only criterion. The fact that it is inconvenient is unfortunate, obviously, but the way you deal with that is that, if an owner finds his building or her building is listed, then you apply for consent to demolish it, or alter it, or whatever you want to do, and then you can bring in criteria such as the means of the owner, the inconvenience, the possible alternative uses for the site, and all those other factors. That's the time to do that, but at the selection point it should simply be: is this building of interest or is it not? So, I would hope that the criteria for review would be exactly the same as the criteria for the initial selection.

[264] **Janet Finch-Saunders:** Okay. Thank you.

[265] **Christine Chapman:** Okay? Thank you. Alun, do you have some questions?

[266] **Alun Davies:** Yes. That's quite interesting, because what I'd like to see is a mechanism by which the protection and enhancement of a scheduled monument or listed building actually enhances something for the owner of it. All too often, it's seen as a piece of bad news for owners—landowners who find they have a scheduled monument on their land or an owner of a property in the inner city. If you have any suggestions as to how the legislation could be amended to create that additional value, I think the committee would be quite interested in that.

[267] **Dr Mynors:** I think it would be very difficult to. I mean, the property value arises from all sorts of factors, and it may suit an owner or it may not. I don't think legislation can arbitrarily say, 'If your house is listed, it will go up in value'. It may do, and it may not do. It may go up; it may go down, depending on the circumstances. As I say, in prosperous suburbs, listing probably tends to make it go up slightly. That would be my guess. In certain less prosperous areas, where there's more development activity and perhaps more regeneration, it may go down. I'm aware that the regeneration and heritage lobby, perfectly properly, point to the benefits of regeneration and, in some cases, they are very genuine and very real, but, in other cases, they're not. Actually, in many cases, regeneration is very expensive, and actually,

it probably would be a lot better, purely economically, to flatten the site and start again. That's obviously unfortunate if you want to keep the building, but those are the economic facts of life, and I don't think legislation can alter the economic facts of life.

[268] **Alun Davies:** No. I was thinking in a wider sense than just the value, the monetary value.

[269] **Dr Mynors:** Yes, obviously.

[270] **Alun Davies:** Moving on, there seems to be a disagreement, if you like, between your view and that of the Minister in terms of preventing damage to scheduled monuments and listed buildings. He believes that the stop notices that he's introducing are—I think I'm quoting him directly—'a much-needed emergency response', while you seem to be saying that there's little point in such notices.

[271] **Dr Mynors:** Yes. I don't think they're going to do any harm; it just seems to me that the power already exists to serve an injunction. Because doing damage to or demolishing a listed building is a criminal offence, and has always been, you can go to the magistrates' court or to the relevant court and get an injunction with immediate effect. You can say, 'Someone is about to do something that's a criminal offence; stop it'. It provides an alternative procedural route to achieve the same result. I know, in Scotland, it's more difficult because, in order for a local authority to actually do anything, they have to get the consent of the Procurator Fiscal who apparently, I'm told, never gives his consent to anything, or at least that is how it's perceived—

[272] **Alun Davies:** It sounds like a perfect system. [*Laughter.*]

[273] **Dr Mynors:** That is perceived to be the position. Therefore, funnily enough, in Scotland, I can see, given that background—or anyway that perceived background—it might be sensible to have a temporary stop notice power. If the same is true of Welsh magistrates, then so be it. I don't think it would do any harm. All I'm saying is I'm not sure it's strictly necessary. If I'm right and it isn't necessary, then it just won't be used, but it won't do any harm to have the power on the statute book.

[274] **Christine Chapman:** Alun, before you move on, Peter has a supplementary on this one. I'll bring you back then.

[275] **Peter Black:** If I'm correct, there are already stop notices in planning legislation. Isn't this an equivalent in this, or are stop notices in planning legislation equally as superfluous?

[276] **Dr Mynors:** No, the difference is, with planning legislation, if I'm about to do something—I'm about to start waste-tipping, for example, without planning permission—then that's not a criminal offence; whereas if I'm about to demolish a listed building or cut down a tree, that is a criminal offence. So, that's the crucial difference. That's why you have the whole business of stop notices and temporary stop notices in planning, because you can't invoke the criminal jurisdiction.

[277] **Peter Black:** Could these stop notices be used pre-emptively? You know, if you suspect someone's going to do something.

[278] **Dr Mynors:** Very much so. Yes. Very much so.

[279] **Peter Black:** And that might be more effective, then, if you couldn't go to—

[280] **Dr Mynors:** I think the problem is, with an injunction, you've got to show that somebody is threatening to do something. Usually, that means you've got to find a document, a reference, a press release or something that says the developer is saying, 'I'm going to knock it down. I don't care what the tedious local authority does', in which case, you can then rush in and get your injunction because you can say to the court, 'Here is the press release. He is about to do this or that'. With a stop notice, you have to have something to stop. Obviously, if it hasn't started, you can't stop it, and the owner will say, 'But I'm not going to go waste-tipping. Of course I'm not. I'm a nice owner. Why would I do that?' As soon as he starts, you can then say, 'stop', but, until he has, you're in difficulties.

[281] **Peter Black:** But in terms of the monuments, could you use a stop notice preemptively there, or would you again have to—

[282] **Dr Mynors:** You could use either. You would use a temporary stop notice or an injunction—whichever. You could use either.

[283] **Peter Black:** Right. Okay, thanks.

[284] **Christine Chapman:** Alun, do you want to come back?

[285] **Alun Davies:** Thank you for that. That was quite useful. In terms of the proposal to limit the defence of ignorance for offences relating to scheduled monuments, do you believe what is proposed by the Government at the moment is proportionate and useful?

11:30

[286] **Dr Mynors:** I think it's quite a sensible provision in that, clearly, works carried out to a scheduled monument—and the same might apply and actually could usefully be extended to listed buildings; logically, the same approach would apply—at the moment, the law is that, if I carry out works to a listed building or protected tree or scheduled monument without consent, I get in front of the magistrates, and the fact that I didn't know it was listed or scheduled is irrelevant. It may, of course, be highly relevant to sentencing, but not to actual liability. So, what this is doing is saying, 'Look, if you can show that you took all reasonable care to find out that it was scheduled, then that is a defence'. It's clearly open to abuse, obviously, but it is quite carefully drafted and does require you to show that you have taken all reasonable steps.

[287] Arguably, it would be sensible—. Well, you could either extend the power to listed buildings as well, because exactly the same logic would apply, or you could say that you shouldn't have the power because whether you knew it or not shouldn't affect whether you're guilty and should merely affect sentence. Of course, in practice, if I'm prosecuted for interfering with a listed building or a scheduled monument and I can show to the satisfaction of the magistrates that I frankly hadn't a clue it was listed or scheduled, for whatever reason—because I'm a little old lady and I didn't ask, and it was all terribly difficult, and the local authority didn't know, and so on and so forth—then, in theory, I would be guilty but I could then get away with a very small sentence or none. In reality, magistrates seem to be very unwilling to give you a nil sentence, and in particular to let you off. By having this statutory defence, at least it means you won't get a criminal record; you will actually not have committed an offence at all. So, there is the distinction between being convicted but having an absolute discharge or a trivial fine on the one hand, which is the current position, and actually not being convicted at all, which would be probably better.

[288] There is the additional provision, which I notice is included in the Bill in relation to enforcement for scheduled monuments but not included in the defence to a prosecution, whereby you can argue that the works were necessary for the health or safety or the protection



of the building. That will get you off the hook, as drafted, in an enforcement argument, but it won't get you off the hook in terms of prosecution for unauthorised works, which is perhaps slightly unfortunate. I think that is one actual lacuna that probably ought to be sorted out, because, at the moment, with listed buildings, you can argue if you're prosecuted, 'I have the defence that the works I carried out were urgently necessary for health or safety or the protection of the building', and that gets you off the hook entirely. That defence doesn't apply to scheduled monuments. I'm sure it should. I notice it is to be introduced in relation to enforcement notices for scheduled monuments, which is good, but it should go one step further and that should also apply to the prosecution. That would be a useful improvement, and would be better than England. The problem with the scheduled monuments legislation is that it was the last Act of Parliament before the 1979 general election, and it is appallingly badly drafted. It happens.

[289] **Alun Davies:** Yes. I think the Minister uses the example of the Offa's Dyke works, of course, to support and to sustain his argument here. You've talked about the enforcement provisions. Do you think that the Bill provides the appropriate balance between the rights of owners and occupiers, and the imperative to protect the historic environment? There are some issues here with some of the human rights legislation, which the Minister believes is covered. Do you accept his point of view?

[290] **Dr Mynors:** I think the human rights legislation appears—. Every time it's invoked, it's always a disaster, in the sense that the answer to these things is always that a reasonable balance has to be struck between the public interest in protection of the heritage and the private interest of the owner, and that is a well-worn path that is trotted out every time you have this kind of argument. So, I'm not too fussed about the human rights issue, because I think the courts invariably say, 'Clever argument. Well done. What's your next point?' Only travellers have human rights in planning law. More generally, though, I think you do need some form of enforcement system, clearly, because, if you have an elaborate planning system and people, in the end, just drive a coach and horses through it, you've got to have some form of enforcement mechanism, but, whereas with general planning legislation, if you put up a building you shouldn't have done, you can always take it down again, but if you knock down a listed building or scheduled monument that you shouldn't have, you can't put it back, because it doesn't work like that. Therefore, I think there is a logic to having a criminal enforcement system for listed buildings and scheduled monuments but not for planning generally, because I think people do, in fact, breach planning regulations all the time, either out of ignorance or because it's a borderline case and it, frankly, doesn't matter and it would be absurd to sort of have criminal liability in every borderline trivial case.

[291] But, with listed buildings and scheduled monuments, you do have the additional factor that, once the building or the monument is gone, it's gone, and therefore, if you don't make it criminal, you've got no way of prosecuting anybody or of having any sanction, and particularly, of course, with the introduction of the Proceeds of Crime Act 2002, that means that you can now get some rather more serious and sensible businesslike penalties, because there are penalties now of over £1 million being imposed under the Proceeds of Crime Act, which are parasitic on having criminal prosecution. Therefore, if somebody has a scheduled monument or a listed building and they demolish it, when they shouldn't, in order to have a cleared site to put up a new superstore or whatever it may be, then the increase in the land value can be recovered from the wrongdoer under the Proceeds of Crime Act and, therefore, to do that you need a criminal offence. So, I think that is sensible.

[292] **Christine Chapman:** Okay.

[293] **Alun Davies:** Thank you.

[294] **Christine Chapman:** John, did you have some questions?

[295] **John Griffiths:** Yes. Moving on, Chair, to this proposed statutory register for parks and gardens, I think, in your evidence, you believe that the current non-statutory register is functioning well. I just wonder whether you see any advantages in moving to a statutory system in terms of the management of those assets or whether you believe it wouldn't make any difference.

[296] **Dr Mynors:** I think it's a curious confidence trick at the moment, the way the system works. It's statutory in England; it's non-statutory in Wales. All the guidance is effectively more or less the same on both sides of the border, and I suspect what happens is everybody tends to assume—certainly landowners and developers and everybody assume—that it's statutory in Wales, and it's a bluff. So, therefore, it makes sense that it should be statutory. I don't honestly think it would make much difference, but it's good that it should be sorted out. I'm not quite sure why it was ever—. The only reason it was ever statutory in England is that, when English Heritage was first invented and there was the abolition of the Greater London Council and all sorts of other rather English considerations, they introduced the register as a sort of side wind. That's fine. All it does in the English law is say, 'There shall be a register produced by English Heritage'. Now, this Bill, is saying 'And in Wales too', which is fair enough.

[297] It would be good to extend it. Why not extend the power so you can have a register of anything that seems to Cadw to be of historic interest? Fashions change. At the moment, its parks and gardens—or was. Then we moved to battlefields, conflict sites. In London, there is a series of plaques on buildings associated with leading comic actors put up by the British Comedy Society. Well, fine. Why not have registers of whatever you want? By making it a statutory power for Cadw to have a register of assets of any particular specified category, then, obviously, they can exercise some measure of discipline about which categories. So, if, in due course, there's some other category of land that one hasn't thought of, you don't need to change the law again, so they can introduce a new register of—whatever. That would seem to me to be a nice easy win. Thus, you could have a register of people associated with the Welsh language. Why not? But you don't want to have to sort of argue for each different register to be statutory, but if there is a general power then that would give them that provision.

[298] **Christine Chapman:** Okay. Bethan.

[299] **Bethan Jenkins:** Would that be where we could potentially put an amendment in terms of place names or markers of mountains, or important—. You know, we'll be taking evidence from somebody later on on this particular—. Would that be something that could accommodate that particular element or—?

[300] **Dr Mynors:** Well, at the moment the historic environment records refer to details of every monument, all grounds in the historic parks and gardens, every conflict site, and it's interesting that the historic parks and gardens are a semi-statutory register. The conflict site is not a statutory register. Then it goes on to talk about a public authority that maintains a list of historic landscape maintained by the local authority, which is not statutory, and then a world heritage site, which is not statutory; and then every other area, site or other place that the authority considers to be of historic interest, which is very definitely non-statutory and is a bit vague. So, you've got there quite a range of different categories of objects, ranging from the very definitely statutory to the very definitely vague and not statutory. It would be quite helpful to have the registers maintained on a national basis by Cadw, which can actually sort of exercise an element of discipline as to what should be registered and what should be included. Obviously, in practice, it may well be the local authority that does the legwork and actually goes out and maintains and produces a register for its area, but I think, at the moment, it's very sort of diffuse as to what is recorded and what isn't. You could make it that

one area or authority specifies virtually every house as being frightfully interesting, because arguably every house is of interest to somebody, whereas in another area—because they’ve got public expenditure cutbacks or whatever for some other reason, or ideologically they don’t like it—they may have no register at all, and that would be a bit odd. So, if the register’s duty was slightly more tightly controlled so that there was a national policy—‘We will maintain a register of conflict sites; we will not maintain a register of comic actors or whatever it may be’—then at least you would have a sort of degree of consistency and rational standards, which I think would be desirable.

[301] **Christine Chapman:** Okay. Obviously, we were disrupted earlier on. So, if you are happy we could extend for about 10 minutes, if you’re okay with that, and if the other Members are content. We want to cover some other areas as well. Rhodri, did you want to come in?

[302] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Beth yw eich barn chi am y partneriaethau treftadaeth yn Lloegr? Yr ydym wedi derbyn tystiolaeth sy’n awgrymu eu bod yn aneffeithiol a phrin yn cael eu defnyddio, ond rydych yn awgrymu yn eich papur chi y byddai wedi bod yn fuddiol i’w cynnwys fel ag y maent yn Lloegr yn y ddeddfwriaeth yng Nghymru.

**Rhodri Glyn Thomas:** Thank you very much, Chair. What is your opinion of the heritage partnerships in England? We’ve heard evidence that suggests that they are ineffective and are rarely used, but you suggest in your paper that it would have been beneficial to have included them as they are in England in the legislation in Wales.

[303] **Dr Mynors:** I think I would say that they don’t appear to be used very much in England, and there’s no reason why they shouldn’t be extended to Wales, for better or worse. I suspect they won’t be used in Wales any more than they are in England. My comment on including them in the English provision was just purely a drafting point, really. There doesn’t seem to be any particular reason to have two different sets of provisions. They might as well follow exactly the same wording. I don’t see any harm caused by having the heritage partnership agreements. In principle, they are a sensible idea and I think they can be used, for example where you have a complex of buildings at a college or some form of institution where there are a number of buildings, some of which are listed, some of which are not, some of which are in the curtilage of listed buildings or associated with listed buildings. Then it makes sense to have a thought-out agreement as to which alterations need consent and which ones don’t. I’ve certainly been involved with universities, which have a lot of listed buildings on their campus, and it’s very helpful to the university authorities to know what needs consent and what doesn’t. And that’s sensible as a piece of good housekeeping. Also, the heritage partnership agreement can itself grant listed building consent for minor works, which makes a lot of sense so that, if you have certain categories of works that are constantly being carried out that, in theory, perhaps might just need listed building consent—maybe they do, maybe they don’t—the heritage partnership agreement can say that, provided you carry out those works in that category in that way, then no consent is required.

11:45

[304] That seems perfectly sensible, but my hunch is that, as with a number of provisions of planning legislation that provide for greater freedom and flexibility for owners to do certain things—one’s seen it with simplified planning zones, with enterprise zones, with local development Orders and various other types of liberalising measures—what invariably happens is that they are so hedged about with caveats and with restrictions that, in practice, they get hardly ever used. So, it’s a nice idea that, in practice, doesn’t work. That doesn’t in any way go against the principle, but it does mean that it turned out to be a damp squib. It’s done no harm but no good either—just because the central Government, when it introduces legislation to give greater freedom to local people, local authorities, local landowners,

invariably says, ‘You can have the greater freedom, provided, of course, that you comply with all the rules, the regulations, the development plan, the this, that and the other’ and, actually, those restrictions are often so great that nobody ever bothers to use the freedom, which is sad.

[305] **Rhodri Glyn Thomas:** So, in that sense, probably, another model wouldn’t be of any greater use.

[306] **Dr Mynors:** Not really, no.

[307] **Rhodri Glyn Thomas:** Okay. Thanks.

[308] **Christine Chapman:** Bethan, did you have a question?

[309] **Bethan Jenkins:** Yes. It was just whether you could enhance upon your reasons for supporting putting the historic environment records on a statutory footing and whether you think that will make a practical difference to the situation now. You mentioned earlier the different ways that different—

[310] **Dr Mynors:** I think it’s very helpful to have a historic environment record so that there is one place that an owner can go to to say, ‘I want to put a patio on the back of my house’ or ‘I want to do whatever I want to do’ or ‘I just want to buy a building; I’m a prospective purchaser. Is it in any way affected by anything?’ It’s helpful to have one place to go to. Or, indeed, where somebody does apply for planning permission, then the applicant can go to the record—the local amenity society, the objectors, the neighbours, anybody else or, indeed, the local authority itself can say, ‘What is the status of this particular piece of land?’: ‘It’s got a building on it. It’s got a monument in the garden. It’s got whatever.’ It’s helpful to have a single record. I think that’s actually a good thing.

[311] **Bethan Jenkins:** We’ve had evidence from trusts, however, who say that the different trusts record in different ways, and sometimes there are gaps and sometimes it’s not accurate. So, will making it statutory make that difference to the situation now or will it just give it that title of being statutory above what it is now? Because it seems to me that they intend to run it in the same way, albeit the option is there for the local authorities to take over.

[312] **Dr Mynors:** Yes, because, in Wales, unlike in England, you have the archaeological trusts that actually maintain these records and because there are relatively few of them they ought to be grown-up enough to actually co-ordinate their standards and have some kind of co-ordinated approach to record keeping and so on. The key factor is that there has to be some element of coherence because I think property owners want to know, ‘Is my property actually affected by some form of designation or not?’ Obviously, the property owner hopes it won’t be because that gives you more freedom. Those who are trying to preserve and protect the heritage want everything to be protected, just in case. Battle lines have to be drawn somewhere, and either you are recorded or you’re not. So, everybody needs to know ‘Am I recorded or am I not?’ The difficulty becomes, whereas a listed building and a scheduled monument are definitely statutory, what is going to happen with the details of every other area or site or other place in the authority’s area that the authority considers to be of historic, archaeological or architectural historic interest? That’s incredibly vague. If an authority were so minded, they could say, ‘Every square inch of our area is of historic interest’. Well, it’s not completely unreasonable, because every square inch must be of some historic interest. It must’ve got a history.

[313] **Bethan Jenkins.** So, that potentially could be tightened up into—

[314] **Dr Mynors:** Well, that’s right. That’s why I’m a little bit worried. If you had a mischievous authority and they just included huge swathes of land, that would clearly

completely defeat the point of the exercise. There has to be—and everybody hates it—some element of selection. Selection means that you include some, but as soon as you include some, you exclude others. Everybody always sort of wants to fight over the borderline, and that's just the way life is, I think. But a register at least means you know where the borderline is.

[315] **Bethan Jenkins:** My other question was on the advisory panel and your views on that. We've had some evidence whereby people have welcomed the advisory panel, but have said that they wouldn't want it to conflict or there to be any duplication with the historical environment group currently in operation, advising the Government. There seems to be potential for crossover. I wonder what your opinion is.

[316] **Dr Mynors:** I think that you do have these panels. There's a panel of the great and good. That's usually the way it works out. Whether they actually do very much good, I'm a little bit sceptical. Over the years, there have been various historic environment whatever-they're-called—the historic buildings panel of England, historic architectural panels and so on—in England, Wales and Scotland. They meet and they produce glossy reports saying how wonderful the historic environment is. I'm not actually sure, in fact, if truth be known, they achieve a great deal, but it looks good. Sorry, that's a rather cynical answer.

[317] **Bethan Jenkins:** Yes. I tend to be on your side on that, but there we are.

[318] **Christine Chapman:** Okay, thanks. We've got just a couple more minutes left, because our next witness will be coming in shortly. Peter, did you have any questions?

[319] **Peter Black:** Yes, sure. Could you expand on your suggestion to include in the Bill general duties to ensure that attention is paid to the desirability of preserving and enhancing a heritage asset in its setting? How do they work, in practice, and what benefits would they provide?

[320] **Dr Mynors:** There are various duties to have regard to the desirability of doing this, that or the other—looking after the countryside, the historic environment and so on—in various bits of legislation scattered around. The courts have said what this seems to mean is you have to have regard to whether it is desirable, how it is desirable, and in what way it's desirable. Everybody assumed they were completely powerless until about the 1980s when there was a whole series of court cases about conservation areas, and the courts suddenly woke up to the fact that these duties do actually mean something. The key factor is in the context of planning applications and planning battles. Planning inspectors are paranoid now about making sure that they have had regard to their various duties to have regard to this, that and the other.

[321] So, there is a duty to have regard, or pay special attention, to the desirability of preserving conservation areas. There is a limited duty in respect of listed buildings that only applies when you're dealing with planning applications, but not, for example, when you're dealing with road proposals. There is no duty at all for either scheduled monuments or world heritage sites, which seems a bit odd, because world heritage sites are objects of such importance that their preservation is of concern to humankind as a whole, which is quite high, but it isn't anywhere reflected in British legislation at all. So that seems a bit odd. So, if one's going to have these duties, let's at least have a consistent set of them, because at the moment it appears that you have a greater statutory duty to be nice to conservation areas than you do to world heritage sites, which is very odd because conservation areas must be less important than world heritage sites. So, it's largely a matter of tidy-mindedness, but, on the other hand, I'm not so sure. I think some of the Welsh sites— Big Pit, just up the road here, is a world heritage site but it's not actually protected under any other formal legislation. So, that would be an example of one that ought to have the benefit of some kind of general duty but doesn't.

And the Cornish mining villages, and so on. So, there are various areas that I think ought to have that sort of duty, and it just makes sense to have similar duties for all the various categories.

[322] **Peter Black:** Okay, thanks. You suggest that the general duty in exercising statutory functions in conservation areas be extended to all enactments. Which enactments do you believe should be captured?

[323] **Dr Mynors:** At the moment, the conservation area duty—and the same would apply equally if you were to extend it to listed buildings and scheduled monuments—applies to any powers and duties under the Planning Acts. There was, by pure chance, about three months ago, a court case that said, ‘Oh, and that also means, in fact, you ought to really have regard to it under highways legislation as well’. The local authority was doing something to one of its highways and they ignored the fact that it was in a conservation area. There’s all sorts of legislation that has implications for physical things on the ground, and it would be much better if these duties related to all legislation. The duty, for example, under the Countryside Act 1968 talks about, in carrying out any of their functions under any legislation in relation to land in the countryside, a local authority shall have regard to the desirability of preserving and enhancing the countryside, for example. Now, that is a pretty wide-ranging duty, talking about any function under any legislation—including ones I haven’t actually remembered or thought about—and a similar kind of formulation could be adopted in relation to heritage duties, so that it’s not just restricted to planning. Particularly for highways, new roads legislation, rubbish collection, and all sorts of random and miscellaneous bits of local government legislation that are floating round, they all ought to be—. I mean, when considering whether to give housing grants, that may have implications for conservation areas, for example, but is not really covered under the conservation area duty. So, if it was a very general one, and then, over the coming decades—and we probably are looking at decades—you would then leave it to the courts to try to work out what that means in practice.

[324] **Christine Chapman:** Okay, thank you. That brings this session to a close, so can I thank Dr Mynors for attending? Apologies for the disruption. We will send you a transcript of the meeting so that you can check whether there are any inaccuracies. Thank you for making a contribution to the committee’s scrutiny of this Bill. Thank you very much.

[325] **Dr Mynors:** Thank you very much indeed. Diolch.

11:57

**Bil yr Amgylchedd Hanesyddol (Cymru): Sesiwn Dystiolaeth 7—y Gymdeithas  
Enwau Lleoedd Cymraeg  
Historic Environment (Wales) Bill: Evidence Session 7—the Welsh Place-Name  
Society**

[326] **Christine Chapman:** I’d now like to invite our next witness.

[327] Okay. If we can make a start, then. This is our seventh evidence session on the Bill, and I would like to give a very warm welcome to Dr Rhian Parry, member of the Welsh Place-Name Society. I know you’re a committee member, Dr Parry. There are a number of questions that Members have, so, if you’re happy, we’ll go straight into questions. Could you perhaps outline what evidence the society has that place names in Wales need further protection?

[328] **Dr Parry:** Diolch yn fawr i chi am y **Dr Parry:** Thank you very much for the croeso. Rwyf yma ar ran yr Athro David welcome. I’m here on behalf of Professor

Thorne, ein cadeirydd, nad yw'n gallu bod yma heddiw. Diolch i chi am y cyfle. A gaf i eich caniatâd chi i jest egluro bod enwau lleoedd, yn ein termau ni, yn cynnwys enwau cestyll, adeiladau hynafol, henebion, tirweddau hanesyddol, caeau, tafarndai hynafol, afonydd, traethau, ogofâu, a nodweddion eraill ar hyd llwybr yr arfordir? Er bod y corff rwy'n ei gynrychioli yn gymdeithas, rydym ni'n gweld ein hunain fel corff cenedlaethol annibynnol ei farn. Diolch.

David Thorne, our chair, who is unable to be here today. Thank you for the opportunity. May I have your permission just to explain that place names, in our terms, include the names of castles, ancient buildings, monuments, historic landscapes, fields, old public houses, beaches, caves, and other features along the coastal path? Although it is a society, the body that I represent sees itself as a national body with an independent voice. Thank you.

[329] **Christine Chapman:** So, moving on now, then, to Mark, did you have a question?

12:00

[330] **Mark Isherwood:** Given the Deputy Minister's statement that the Bill reflects the need to maintain and protect physical traces of our past rather than intangible cultural traces, such, for example, as place names, why do you believe the Bill is an appropriate vehicle for protecting place names in Wales?

[331] **Dr Parry:** Basically, because we don't see place names, in these terms, as peripheral at all. We see them as part of the interpretation of the landscape.

[332] Mae hynny'n greiddiol i'r hyn rydym ni'n ei credu. Os caf roi un enghraifft i chi, nid oes dim byd i rwystro unigolyn na datblygwr ystâd o dai rhag newid enw tir hynafol fel 'Acrau Magdalen' ger Harlech yn 'Castle Close'—dim byd o gwbl. O wneud hynny, rydym ni'n colli'r ddolen sy'n cysylltu'r enw yma efo'r tiroedd hanesyddol a roddwyd gan y Goron i fwrdeiswyr Harlech i gynnal y castell a'r fwrdeistref. Nid oes yna ddim byd arall, fel archaeoleg, y gallem ni ei ddefnyddio i wneud y cysylltiad hwnnw, a chysylltu'r enw efo'r hanes o'r bedwaredd ganrif ar ddeg. Dim ond deddf, fel y gwelwn ni, all wneud hyn—os ydym ni'n rhan o'r ddeddf.

That is core to what we believe. If I can give you one example, there is nothing to stop an individual or a housing developer from changing the name of an ancient piece of land, such as 'Acrau Magdalen' in Harlech to 'Castle Close'—nothing at all. In doing that, we lose the link that connects that name with these historical lands bestowed by the Crown on the burghers of Harlech to maintain the castle and the borough. There is nothing else, such as archaeology that we could use to make that connection, and to link the name with that history dating back to the fourteenth century. Only a law would be able to do that in our opinion—if we are a part of that law.

[333] **Christine Chapman:** Alun.

[334] **Alun Davies:** A allaf i ddweud yn gyntaf, rwy'n cytuno ac yn derbyn y dadansoddiad bod enwau lleoedd yn bwysig ac yn rhan o'n diwylliant a'n hanes ni? Rwy'n derbyn hynny'n llwyr, ac rwy'n clywed yr enghraifft digon diflas rydych chi wedi'i gynnig i ni y bore yma. Ond a oes tystiolaeth gyda chi bod yna fygythiad i enwau—ac rŷm ni'n sôn am enwau Cymraeg yn fwy nag enwau Saesneg, rwy'n cymryd—ar draws y wlad? A ydy hyn yn broblem yn rhannau o Gymru, a yw'n broblem o gwbl,

**Alun Davies:** May I say first of all that I agree and accept your analysis that place names are important and are a part of our history and culture? I accept that entirely, and I hear the pretty dismal example that you've given us this morning. But do you have any evidence that place names are under threat—and we are talking about Welsh language place names here rather than English language ones, I take it—throughout the country? Is this a problem in parts of Wales, is it a problem at all, or is something that

neu a yw'n rhywbeth y mae rhai yn beco amdano ond nid yw'n rhywbeth y mae angen deddfwriaeth i ddelio ag e?

some people are concerned about but without requiring legislation to deal with it?

[335] **Dr Parry:** Ein barn ni ydy bod angen deddfwriaeth, achos nid oes yna ddim byd arall yn mynd i wneud y tro. Ar hyn o bryd, nid oes yna ddim byd sy'n eu hamddiffyn. Rydych chi'n gofyn, rwy'n meddwl, yn eich cwestiwn am amddiffyniad pellach. Wel, nid oes yna amddiffyniad o fath yn y byd. Os ydym ni'n mynd i gyfaddef bod enwau o bwys, mae'n rhaid i ni eu diogelu nhw. Nid oes yna ddim byd ar hyn o bryd, ond y perygl ydy, pe collem ni'r enwau yma, nid ydym ni'n gwybod lle rydym ni'n mynd: i ble rydym ni'n mynd i ymweld yng Nghymru os nad oes yna enwau i'n harwain ni?

**Dr Parry:** Our view is that legislation is required, because nothing else is going to do. There is nothing, at the moment, that protects these place names. I think you're asking in your question about further protection. Well, there is no such protection of any kind to be had. If we are going to acknowledge that place names are important, then they must be protected. There is nothing at the moment that does that, but the danger is if we were to lose these place names, then we don't know where we're going: where are we visiting in Wales, if we don't have any place names to guide us?

[336] Mae gennym ni enghreifftiau, fel rydych chi'n gofyn: 'Y Faerdre' yn nyffryn Teifi, er enghraifft, ar gyrion Llandysul. Mae'r enw'n cadw ar gof y drefn weinyddol Gymraeg yn yr oesoedd canol. Bu'r enw yma'n rhan o dreftadaeth hanesyddol y rhan honno o'r wlad ers y bedwaredd ganrif ar ddeg. Bellach, mae'n cael ei bygwth gan yr enw gwamal, 'Happy Donkey Hill'. Mae yna ymgais gennym ni ac rydym wedi bod yn trafod efo'r perchnogion, achos dyna'r ffordd i fynd, a chyfieithwyd yr enw ar yr arwydd, i dawelu ein gofidiau, i 'Bryn yr Asyn Hapus'. Disodlwyd y Faerdre a'r hanes.

We do have examples, as you've requested: 'Y Faerdre', for example, in the Teifi valley on the outskirts of Llandysul. That name bears testament to the Welsh regime of administration in the middle ages. This name has been part of the historical heritage of that part of the country since the fourteenth century. Now, it is under threat with the rather facetious name 'Happy Donkey Hill'. We have attempted, and we've been in discussion with the owners, because that's the way to go, and the name on the sign was translated, to allay our fears, to 'Bryn yr Asyn Hapus'—a literal translation. So, y Faerdre, along with its history, has been lost.

[337] Mae 'Cwm March' ym Mhrengwyn, Llandysul hefyd, eisoes wedi mynd yn 'Stallion Valley'. Roedd yr enw 'march' yn un hanesyddol ac yn eiconig yng Nghymru, ac mae wedi'i ddiddymu ar fympwy. Mae gennym ni gannoedd o enghreifftiau, ond i fod yn fyr, mae gennym ni ffarm 'Cefn Bryn Sarth', un a gofnodwyd ym 1184, tir a fu'n rhan o waddol yr Arglwydd Rhys a fu'n rhan o Abaty Talylychau, sydd heddiw, dan ofal Cadw. Bellach, mae'n 'Emerald Valley'. Dyma golli enw sy'n rhan o'r dreftadaeth.

'Cwm March' in Prengwyn also in Llandysul, has turned into 'Stallion Valley'. The 'march' name was a historical and iconic name in Welsh, and it's just been erased on a whim. We have hundreds of examples, but to be brief, we have 'Cefn Bryn Sarth' farm, which was recorded in 1184, on land that was part of the legacy of Lord Rhys and was part of Talley Abbey, which is today under the auspices of Cadw. It's now called 'Emerald Valley'. That name, which was part of our heritage, has been lost.

[338] Yn y gogledd, aeth yr enw tlws a disgrifiadol, 'Llwybr Gwregys', *belt*, am Dryfan yn 'Heather Terrace'. Pan werthir eglwysi gan yr Eglwys yng Nghymru, yr arfer yw gosod cymal cyfreithiol fel na ellir defnyddio enw'r cysegriad. Weler achos Y Batel yn sir Frycheiniog ag Eglwys Cynog

In the north, the pretty and descriptive name, 'Llwybr Gwregys', belt, for Tryfan is now 'Heather Terrace'. When churches are sold by the Church in Wales, the practice is to impose a clause so that the name given on consecration cannot be used. See, for example, St Cynog's Church in Battle, in



Sant. Mae colli eglwys yn fater o dristwch mawr. Mae ewyllysio colli enw sydd gymaint yn rhan o'r dreftadaeth hanesyddol yn amod gwerthu yn ergyd bellach. Mae gennym ni ffeiliau trymion o'r math yma, ond nid oes dim byd i arbed yr enwau yma, oni bai ein bod ni'n rhan o'r Ddeddf. Os caf i ddyfynnu R.S. Thomas:

Breconshire. Losing a church is a very sad matter. Allowing the loss of the name that is such a part of our historical heritage as a condition of sale is a further blow. We have heavy files of such examples, but there is nothing to protect these names, unless this is incorporated in the Act. If I may quote R.S. Thomas:

[339] 'I inhabit a house whose stone is the language of its builders'

[340] Mae enwau yn ein cysylltu ni â'n gorffennol yn union yr un modd.

Names connect us with our past in exactly the same way.

[341] **Christine Chapman:** Thank you. Rhodri.

[342] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Rwy'n meddwl ei bod yn briodol, yn dilyn cwestiwn Alun a'ch ateb chi, i godi tystiolaeth Comisiynydd y Gymraeg yn hyn o beth. Mae hi wedi cyflwyno awgrymiadau ynglŷn â sut y dylid diogelu enwau a chofnodion hanesyddol. O'ch tystiolaeth chi, nid yw'r ffaith eu bod nhw'n ymddangos yn y Gymraeg yn eu gwneud nhw o unrhyw werth ychwanegol i'r Saesneg, os ydyn nhw wedi colli eu hystyr a'u harwyddocâd hanesyddol yn y broses. A ydych chi'n hapus gyda'r hyn y mae'r comisiynydd wedi ei awgrymu ynglŷn â'r Bil a'r canllawiau i gyd-fynd ag e?

**Rhodri Glyn Thomas:** Thank you very much, Chair. I think it's appropriate, following on from Alun's question and your response, to mention the evidence of the Welsh Language Commissioner in this regard. She has put forward suggestions in relation to how we should safeguard names and historical records. From your evidence, the fact that they appear in the Welsh language doesn't make them of any additional value to the English language name, if they've lost their meaning and their significance in terms of history. Are you content with what the commissioner has suggested in relation to the Bill and the guidance to correspond with it?

[343] **Dr Parry:** Wel, rydym ni'n gweld ein maes ni, mewn ffordd, ar wahân. Rydym yn cydnabod bod enwau lleoedd, pentrefi a threfi, yn faes sy'n gallu bod yn ddyrys, a dweud y lleiaf, a maes y comisiynydd ydy'r rheini. Mae ein consŷrn ni yn fan hyn yn ymwneud ag enwau hanesyddol, sydd yn gallu datgloi hanes. Mi wnes i fy ymchwil ar hen gwmwd Ardudwy ac ar ddefnyddio enwau lleoedd a thiroedd i ddatgloi hanes ac i fynd yn ôl i'r oesoedd canol ac i ddarganfod lle oedd y cymunedau hanesyddol. Dyna'r gwahaniaeth, rwy'n meddwl, yn ein gwaith ni. Rydym yn gweld ein hunain, drwy'r Bil yma, yn medru cyfrannu at ddehongli'r dirwedd hanesyddol. Ni allwch ddiystyru'r busnes yma; mae o'n greiddiol wir i'r hyn rydym yn ei wneud.

**Dr Parry:** Well, we see our field, in a way, as being different. We acknowledge that place names, for villages and towns, are a matter that can be very complex, to say the least, and that's something for the commissioner to discuss. Our concern here relates to historic names, which can unlock the history of an area. I did my research on the Ardudwy commot and on the use of local names and the names for land to unlock history and to take us back to the middle ages and to find out where those historical communities were. That's the difference, I think, in our work. We see ourselves, through this Bill, as being able to contribute to the interpretation of the historical landscape. You can't disregard this matter; it's of core importance to what we do.

[344] Rydym yn gweithio trwy sefydliadau. Nid ydym yn gweithio ar ein pen ein hunain; nid rhyw gymdeithas fechan ydy

We work through institutions. We don't work independently; we're not just some small society. We work through bodies such as

hon. Rydym yn gweithio drwy gyrff fel Cyfoeth Naturiol Cymru, Comisiwn Brenhinol Henebion Cymru, Llyfrgell Genedlaethol Cymru ac eraill, ond mae yna llawer iawn o sefydliadau nad ydynt yn ymwneud â ni; nid ydynt yn gweld nac yn deall, ac mae hynny'n anodd. Ond, yr hyn yr ydym yn trio ei wneud ydy gweithio ar brosiectau penodol, fel ein map digidol. Mae gennym fap, trwy ganiatâd Cyfoeth Naturiol Cymru, ac yn gweithio efo'r Arolwg Ordians, lle rydym yn cofnodi enwau: enwau'r arfordir, fel ogofâu ac ati, ac enwau pyllau afonydd.

[345] Rydym yn mynd allan i'r cymunedau ac mae pobl yn dangos i ni lle mae'r llefydd, a lle mae'r enw ac ystyron yr enw. Mae pob un enw ac eglurhad yn mynd o'r map i gronfa genedlaethol, rhyngom ni, y llyfrgell genedlaethol, yr uned yn y brifysgol yn Aberystwyth sy'n ymwneud ag enwau lleoedd, ac mae'r Arolwg Ordians hefyd yn cael gafael ar y rhain. Felly rydym yn gweithio. Nid ydym yn gwneud stŵr mawr yn y wasg; rydym yn credu mewn gweithio efo sefydliadau i'w helpu nhw i roi gwerth am arian, achos nid ydym yn codi arian. Mae gennym ddoniau, gwybodaeth a phrofiad enfawr—mae ysgolheigion a chyn-weithwyr dur yn ein helpu ni hefyd, ac mae gennym ni ffermwyr. Nid ydym yn rhywbeth academiaidd, ar wahân; rydym wedi gwreiddio'n hunain.

[346] Rydym yn gweithio yng Nglynebwy, er enghraifft, efo grŵp. Rydym yn gweithio efo'r cyn-weithwyr dur a'r coleg ac Archifau Gwent. Mae gennym ni gynllun ardderchog yn y fan yna sydd yn creu diddordeb i bobl ifanc a'r gymuned i ymhyfrydu yn eu cymunedau. Mae o'n rhan o'r adfywiad yma rydym i gyd yn teimlo sydd mor bwysig. Dyna pam rydym yn angerddol dros yr enwau yma, achos mae o'n gyfrwng hefyd i wneud y pethau pwysig yma—i helpu pobl sydd eisiau mynd allan a mwynhau ein gweithgareddau ni yn yr awyr agored, ac mae o'n cyfrannu at iechyd meddwl a chorfforol pobl yn ogystal. Os ydych yn meddwl bod enwau yn ddibwys, rwy'n siŵr na fydddech chi'n meddwl bod y rheini yn elfennau dibwys chwaith.

[347] **Rhodri Glyn Thomas:** Rwy'n

Natural Resources Wales, the Royal Commission on the Ancient and Historical Monuments of Wales, the National Library of Wales and others, but there are many institutions that are not involved with what we do; they don't see our work or understand it, and that's difficult. But, what we do try to do is to work on specific projects, such as our digital map. We have a map, through the permission of Natural Resources Wales, and we work with the Ordnance Survey, where we note names: the names on the coast, such as caves and so on, and rivers, and so on.

We go out to communities, and people show us where these places are, where the name is and what the name means. Every name and explanation is transferred from that map to a national database, between us, the national library, the unit at the university in Aberystwyth that deals with place names, and the Ordnance Survey, which also has a part in this. So, we do work. We don't make a big fuss in the press; we do believe in working with institutions to help them to give value for money, because we don't charge. We have huge talents, information and experience—we have scholars and former steel industry workers helping us too, and we have farmers. We are not something that's academic and isolated; we are firmly rooted in these areas.

We're working in Ebbw Vale, for example, with a group. We are working with the former steel workers and the college and Gwent Archives. We have an excellent scheme in that place that is creating interest for young people and the community to take pride in their communities. It's part of this regeneration that we do feel that's so important. That's why we are so passionate about these names, because it is a medium also for us to do these important things—to help people who want to go out to enjoy our activities in the open air, and it contributes to mental health and physical health of people also. If you think that names are unimportant, I'm sure you wouldn't think that those other things are unimportant either.

**Rhodri Glyn Thomas:** I appreciate the area

gwerthfawrogi'r maes rydych yn ymwneud ag ef. Fel mae'n digwydd bod, rwy'n rhannu'r angerdd ynglŷn â diogelu enwau sydd yn gofnod hanesyddol ac yn ymwneud â'n gorffennol ni. Rwy'n ymwybodol y byddai'n golled enfawr pe bai'r dirywiad presennol yn parhau. Ond, yng nghyd-destun ein gwaith ni fel pwyllgor, rydym yn gorfod edrych ar y Bil arbennig yma, a gofyn y cwestiwn: beth ellid ei wneud? Mae'r comisiynydd yn awgrymu nifer o bethau y gellid eu gwneud o ran cofnodi enwau, ac o ran rôl y Gweinidog a'r math o gyfeiriadaeth y gall y Gweinidog ei gyflwyno. Mae hefyd yn sôn am ehangu sgôp y Bil a chyflwyno rhai elfennau deddfwriaethol eraill. A ydych yn credu bod y math yna o weithgaredd—y math yna o welliannau i'r Bil yma—yn mynd i wneud gwahaniaeth sylfaenol i'r hyn sy'n digwydd ar hyn o bryd?

[348] **Dr Parry:** Mae unrhyw beth sydd yn mynd i roi enwau lleoedd hanesyddol i mewn yn y Bil yn mynd i helpu. Fedr hi ddim bod dim gwaeth, achos nid oes yna ddim byd. Rydym yn ddiymadferth ar hyn o bryd; ni allwn wneud dim. Mae gennym ewyllys da a chyfoeth gwybodaeth a phrofiad y gallwn ei fewnynnu i unrhyw beth. Nid wyf yn feistr ar Ddeddfau na dim felly; chi sydd yn gwybod hynny. Beth rydym ni yn drio ei wneud ydy dangos bod gennym gyfraniad i'w wneud ac mae o'n gyfraniad hanfodol ym maes treftadaeth. Rydym yn gweld hynny yn faes lle fedrwn ni ddim deall sut fedr sefydliad yn ymwneud â'r maes hanesyddol yma ddiystyru enwau o gwbl, achos mae'n greiddiol yn hynny o beth.

[349] **Christine Chapman:** Thank you. I've got a supplementary from Peter first, and then Bethan.

[350] **Peter Black:** I'm very sympathetic to this point of view, and I think it's important that we do preserve place names as a means of recording and valuing our heritage. Is there not a difference, though, between record and archive, and what happens within the living language and living society of people? Because people do tend to change and name things for their convenience. Language is a living, dynamic thing that changes through time, less so since the invention of the printing press, it has to be said, but language is dynamic and does change. So, is it not important that we preserve this in archive and record as part of historical records, if you like? It becomes much more difficult when you try to preserve it in day-to-day usage.

[351] **Dr Parry:** Names are dynamic; nobody knows more than I about that, but it's a gradual change and it's a natural thing—a natural development. It's very different from somebody changing a name to Happy Donkey Hill, isn't it? Although, what we're saying is

that you work in. As it happens, I share your passion regarding protecting place names that are a historical record and reflect our history. I'm aware that it would be a huge loss if that current decline continued. But, in terms of our work as a committee, we need to look at this particular Bill and ask the question: what can we do? The commissioner suggests a number of measures that can be taken with regard to recording names, in terms of the role of the Minister and the type of direction that the Minister could introduce. There is also mention of extending the scope of the Bill and introducing some other legislative elements. Do you think this type of activity—those type of amendments to this Bill—are going to make a fundamental difference to what is happening at the moment?

**Dr Parry:** Anything that is going to place historical names within the Bill is going to help. The situation can't get any worse, because there is nothing as it stands. We are slightly impotent on this at the moment; we can't do anything. We have goodwill and a wealth of knowledge and experience that we can input into anything. I'm not an expert on legislation or anything like that; you know how to do that. What we're trying to do is to show that we do have a contribution to make, and it's a crucial contribution in the area of heritage. We see that as an area where we can't understand how an institution that deals with this historical issue can disregard names in any way, because they are of crucial importance to this.

that there's nothing to stop them from doing that. We don't see it as part of a historic thing to be put in an archive, though, although it's important to archive the names, which is what we're doing digitally at the moment, but it involves people in that process as well. But, they're important because they actually unlock the history and we really feel that that is essential in this process. So, we're not talking about Welsh names alone. We have Scandinavian-origin names, Irish names, and there are English names. For instance, in Aberaeron, we have many English names there that are part of the maritime history—names of ships, and so on. So, we wouldn't want to change those either.

12:15

[352] **Peter Black:** As we do in Swansea, of course: we have a whole area called Little Crimea.

[353] **Dr Parry:** Yes, exactly, so these are important because they're stepping stones to our past, and it's not just an academic thing; it's a very important part of heritage.

[354] **Peter Black:** So, given that people are very wilful in terms of how they refer to things, and how they allude to place names, what mechanism is available to us to try to achieve your objective?

[355] **Dr Parry:** Well, I think the database will help—the national database—because it's going to be shared, especially with Ordnance Survey. So, it's linked to Ordnance Survey and postal services. That is absolutely crucial. Our next step is to develop our work with Ordnance Survey, because they are essential in this.

[356] **Peter Black:** But how should we legislate to do this?

[357] **Dr Parry:** Well, if you put place names in the Bill—. We see place names as being as important as the actual physical castle or the standing stone. Each has a name, and the name should be recorded.

[358] **Peter Black:** So it becomes an offence, then, not to refer to it by its proper name. Is that what you're suggesting?

[359] **Dr Parry:** Sorry?

[360] **Peter Black:** So it becomes an offence not to refer to a place by its proper name, or an offence not to use the proper name in a sign.

[361] **Dr Parry:** It's not an offence, is it, in a way? Well, it is—

[362] **Peter Black:** I mean a legal offence.

[363] **Dr Parry:** Yes. And we wouldn't whitewash a wonderful patinated *cwpwrdd deuddarn*, would we—a dresser? The society is absolutely confident that this should be legally supported and protected.

[364] **Peter Black:** I understand that, and I'm sympathetic. I'm just trying to think of what mechanism would actually work in terms of making sure these place names are preserved, and stopping people from changing them. If you say, 'Okay, it's now illegal to change the name of a place to Happy Donkey Hill', or whatever you referred to, do you then prosecute the local authority for doing that, or do you prosecute people for referring to it that way? How does it work?

[365] **Dr Parry:** Wel, os ydy o yn y Bil, mae'n mynd i weithio yn yr un modd yn union, onid ydy, â phetasech chi yn rhoi calch ar gromlech? Rwy'n meddwl y byddai'n rhaid cosbi, ond nid wyf yn meddwl y bydd achos i'w wneud, oherwydd os ydy rhywbeth mewn Deddf, mae hynny ynddo ei hun yn mynd i helpu, onid ydy? Nid wyf yn gweld bod yna lawer o achosion, achos mae pobl yn mynd i ddeall, os ydych chi'n dangos bod hynny'n anghyfreithlon, fod yna ddewis wedyn iddyn nhw newid, onid oes, ac addasu?

[366] **Christine Chapman:** I've got Bethan and then John.

[367] **Bethan Jenkins:** Rwyf jest eisiau deall beth ydych chi'n ei wneud ar hyn o bryd. Yn amlwg, rydym ni wedi clywed yr enghreifftiau, ond a ydych chi'n gweithredu yn *proactive* er mwyn stopio hyn rhag digwydd, er mwyn i ni ddeall beth rydych chi'n ei wneud ar hyn o bryd? Achos mae rhai yn honni nad oes angen i hyn fod yn y Bil oherwydd mae yna ddigon o bethau yn eu lle i amddiffyn enwau. Rwy'n gwybod bod Cyngor Sir Ceredigion, er enghraifft, wedi rhoi rhywbeth *voluntary* yn ei le er mwyn i bobl allu cysylltu gyda'r cyngor i gofnodi enwau dros gyfnod o amser. Mae hyn jest er mwyn i ni, efallai, edrych ar sut y gallem ni ei wneud e o fewn y ddeddfwriaeth yma yn benodol.

[368] **Dr Parry:** Wel, mae cyngor Ceredigion wedi cymryd camau ac mae'n brawf, rwy'n meddwl, o'r pryder sydd allan yna am newid enwau. Nid oes gennym ddim pŵer o gwbl, wrth gwrs. Y cwbl y medrwn ni ei wneud ydy perswadio. Ond hefyd, dau beth: mae gennym ni wasanaeth ymateb—mae pobl yn medru ffonio i mewn i ofyn. Rydym ni hefyd yn cynghori busnesau bychain. Mae *history points*—mae yna un ar y Pierhead yma, onid oes? Rydych chi'n gwybod am *history points*, lle mae'r ffôn clyfar yn gallu cael gwybodaeth am enw. Drwy bethau felly yr ydym ni'n helpu busnesau bychain; nid ydy'n costio iddyn nhw, ac mae'n araf—mae'n broses araf iawn.

[369] Mae gennym hefyd weithgareddau ychwanegol. Er enghraifft, mae gennym ni wasanaeth sy'n cynnig sgysrsiau efo lluniau, ac rydym ni wedi gwneud, rwy'n meddwl,

**Dr Parry:** Well, if it's in the Bill, it's going to work in exactly the same way as if you were to put lime wash on a standing stone, isn't it? So, I think it should be punishable. I think if something is in an Act, then that in itself is going to help, isn't it? I don't see that there are many cases, because people are going to understand that, if you show them that this is illegal, they have an option to change and adapt.

**Bethan Jenkins:** I just want to understand what you're doing at present. We've heard the examples that you've given, but do you take action proactively to prevent any of this from happening so that we can understand what you're doing at present in this regard? Because some are alleging that this doesn't need to be included in the Bill because there are sufficient levers in place already to safeguard names. I know that Ceredigion County Council, for example, has a voluntary thing in place so that people can contact the council to register names over a period of time. This is just so that we can look at how we can do things within this legislation in particular.

**Dr Parry:** Well, Ceredigion council has taken steps, and I think it's proof of the concern out there about name changes. We have no power at all, of course. All we can do is persuade people. But also, two things: we have a response service—people can ring and ask for help. We also advise small businesses. We have history points—there is one on the Pierhead here, isn't there? You know about history points, where smartphones can get information about a name. We help small businesses in that way; it doesn't cost them anything, and it's a slow process—it's a very slow process.

We also have additional activities. For example, we have a service that offers illustrated talks, and I think that we've done about 60 to 70 of those in two years for small

rhyw 60 i 70 o'r rheini mewn dwy flynedd i gymunedau bychain, ond rydym ni hefyd yn gweithio—. Er enghraifft, roedd Cyfoeth Naturiol Cymru wedi gofyn inni eu helpu nhw efo gwella eu cronfa ddata o enwau lleoedd, a dyna pam y mae gennym y map digidol. Mae hynny'n rhan o'u gwaith nhw, ac rydym ni'n teimlo medrwn ni wneud llawer iawn mwy i fudiad fel Cadw a'r comisiwn i gyfoethogi eu gwaith nhw, a dyna sut yr ydym ni'n gobeithio—

[370] **Bethan Jenkins:** Ond fyddai hi ddim yn ddigon effeithiol i barhau fel ag y mae, oherwydd y bydd pobl yn dal yn newid yr enwau. Byddai angen rhywbeth mewn cyfraith er mwyn sicrhau bod y gwaith yma'n gwneud gwahaniaeth hirdymor.

[371] **Dr Parry:** Wel, fel yr wyf i wedi ei ddweud, rwyf i'n cytuno yn llwyr mai dyna'r unig beth, a dyna pam yr ydym ni'n gweld bod rhaid inni gael y Ddeddf a chael enwau lleoedd yn rhan o'r Ddeddf.

[372] **Bethan Jenkins:** Océ, diolch.

[373] **Christine Chapman:** Now, I've got a number of Members who want to speak, and I am conscious we are coming up to the end of the session, but, obviously, I don't want to limit anybody. So, John first.

[374] **John Griffiths:** Rhian, we heard earlier, in previous evidence today, that there is a possibility of extending the register of parks and gardens. It's currently not on a statutory footing in Wales, but it's proposed to put it on a statutory footing, but there would also be the possibility of extending the assets that were registered and managed through that process. Would you see that as perhaps one avenue for dealing with these issues around place names?

[375] **Dr Parry:** Wel, ie, mi fyddem ni, ac, yn bendant, gorau po fwyaf o lefydd yn y Bil—lle mae o yn gorffwys, byddai hynny'n syniad da iawn, ac rwy'n meddwl bod yr HER yn lle bendigedig i gyfrannu, ond nid ydy o'n ddigon heb fod enwau lleoedd yn cael eu nodi yn y Bil, achos nid ydy pobl yn sylweddoli.

[376] They don't get it.

[377] Nid ydyn nhw'n sylweddoli sut mae enwau yn gallu bod o gymorth yn eu gwaith nhw eu hunain. Wyddoch chi, un peth ydy edrych ar gastell, ond mae Acre Magdalen yn dangos yn glir i ni fod hanes y tiroedd sydd yn ymwneud â chastell Harlech yr un mor bwysig. Fyddai yna ddim castell wedi dal ati

communities, but we are also working—. For example, Natural Resources Wales asked us to help them to improve their database of place names, and that is why we have the digital map. That is part of their work, and we feel that we could be doing much more for organisations such as Cadw and the commission to enrich their work, and that is the way in which we hope—

**Bethan Jenkins:** But it wouldn't be sufficient to continue as we are, because people will continue to change the names. There would need to be something in law to ensure that this work does make a long-term difference.

**Dr Parry:** Well, as I have said, I agree entirely that that is the only course of action, and that's why we see that we need to have an Act and to have place names included in that Act.

**Bethan Jenkins:** Okay, thank you.

**Dr Parry:** Well, yes, we would, and, certainly, the more places in the Bill the better—where it lies, that would be a very good idea, and I think that the HER is an excellent place to make the contribution, but it's not sufficient unless place names are noted in the Bill, because people don't realise.

They don't realise how place names can assist them in their work. You know, it's one thing to look at a castle, but Acre Magdalen clearly shows that the history of the lands relating to Harlech castle are just as important. There wouldn't have been a castle in that place were it not for those lands that

oni bai am y tiroedd yma a oedd yn eu cynnal nhw. Nid oes yna ddim math o dystiolaeth archeolegol yn sôn am Acre Magdalen. Mae yna heddiw, a'r enw ydy'r unig beth sy'n ei gadw fo, ac mae'r HER yn gyfoethog. Rwyf wedi gweithio efo'r ymddiriedolaethau ar yr HER ers blynyddoedd lawer, ond mae yna fwy o le i fynd. Mae yna un ymddiriedolaeth sydd wedi gweld, rwy'n meddwl, bwysigrwydd enwau, ac mae'u HER nhw yn llawer iawn mwy cyfoethog o'r herwydd.

[378] **Christine Chapman:** Thank you. Rhodri.

[379] **Rhodri Glyn Thomas:** Awgrym sydd gen i yn fwy na dim, Gadeirydd. Mae'n ymddangos i mi fod yna ryw fath o gonsensws ynglŷn â'r angen i ddiogelu enwau ar restr genedlaethol—nid wyf yn credu bod yna broblem yn hynny o beth, ac rwy'n meddwl y byddai modd cynnwys hynny yn y Bil yma. Ond rwy'n meddwl bod awgrym bod angen mynd ymhellach na hynny, a byddwn i yn bersonol am fynd ymhellach na hynny, ac edrych ar y posibiladau o gyflwyno trefn cydsynio ar gyfer newid enwau. Yr hyn sydd yn fy mhoeni—a beth wyf ei eisiau ydy nodyn cyfreithiol ar hyn—ydy a oes modd inni gyflwyno gwelliant fyddai'n cynnwys y rheidrwydd o drefn cydsynio cyn newid enwau yn y Bil yma heb fod hynny hefyd yn y ddeddfwriaeth cynllunio? Nid ydyw ar hyn o bryd, ac nid wyf yn credu bod bwriad gan y Gweinidog sy'n gyfrifol am gynllunio i'w gyflwyno mewn Bil. Felly, a oes modd i ni ei wneud yn y Bil hwn heb fod yna gymal cyfatebol mewn deddfwriaeth cynllunio?

supported them. There is no kind of archaeological evidence that mentions Acre Magdalen. It is there today, and the name is the only thing that keeps that history alive, and the HER is rich in that regard. I've worked with the trusts on the HER for many years, but there is more to do. There is one trust that has, I think, seen the importance of place names, and their HER is much richer because of that.

**Rhodri Glyn Thomas:** I have a suggestion more than anything else, Chair. It appears to me that there is some kind of consensus regarding the need to protect place names on a national list—I don't think that there is an issue in that respect, and I think it would be possible to include that in this Bill. But I think that there is a suggestion that there is a need to go further than that, and I would personally want to go further than that, and look at the possibilities of introducing a consent regime for name changes. What concerns me—and I would like legal guidance on this—is whether it would be possible for us to propose an amendment that would include a consent regime for name changes in this Bill without that being included in the planning legislation as well? It's not included at the moment, and I don't think the Minister responsible for planning has any intention of including that in a Bill. So, could we do it in this Bill without there being a corresponding clause in planning legislation?

[380] **Christine Chapman:** We'll come back to you on that. We'll investigate that. Thank you. Mark.

[381] **Mark Isherwood:** Mark Is-y-coed ydw i, ac rwy'n byw ym Mhontybodkin ger yr Wyddgrug.

**Mark Isherwood:** My name is Mark *Is-y-coed* and I live in Pontbodkin just outside Mold.

[382] I'm just wondering how far we go back in drawing the historic line. Are we talking about Romano-Celtic place names—what we now know as Welsh—or are we talking about Brythonic Iron Age place names that preceded the arrival of Roman culture on these islands? Where do we draw the line?

[383] **Dr Parry:** Nid ydym yn tynnu llinellau. Peth perig ydy tynnu llinell, rwy'n meddwl. Fel yr oeddwn yn ei ddweud, rydym yn cynnwys hen enwau o bob math—unrhyw

**Dr Parry:** We don't draw lines. It's very dangerous to draw a line, I think. As I say, we do include historical names of all kinds—any name. There are names in old

enw. Mae yna enwau mewn hen lawysgrifau, onid oes, mewn cerddi a llenyddiaeth, a mewn cofnodion hynafol. Nid oes yr un enw ddim o dan ein sylw. Mae yna enwau o dras Saesneg a Rhufeinig; mae yna rhestri ohonyn nhw. Maen nhw i gyd wedi cael eu trafod gennym mewn erthyglau. Felly, nid ydym yn gul ein gweledigaeth. Nid wyf yn gweld neb—wel, efallai y bydden nhw yn newid y rheini, ond mae yna ddigon o enghreifftiau o enwau Lladin. Nid wyf wedi cael gymaint o amser i fynd drwyddyn nhw. Mae Powys a Radyr yn enwau Lladin; Llŷn ac Amlwch yn Wyddelig; Sgandinafaidd yw Skomer a Caldey a'r Great Orme; mae'r Eingl-Normanaidd ddi-ddorol Montgomery a Beaumaris a Mold; ac wedyn rhai o gefndir Saesneg cyfnod arbennig, Sealand, Port Talbot, Swansea; ac wedyn mae yna rai deuol fel Swansea/Abertawe, Tenby/Dinbych-y-pysgod. Mae pob enw yn dod i mewn i'n maes llafur ni.

manuscripts, aren't there, in literature and poetry, and in ancient records. There isn't a name that we wouldn't consider. There are names that are of English origin and Roman origin; there are lists of them. They have all been discussed by us in articles. So, we are not narrow minded on this. I do not see anyone—well, perhaps they would change those, but there are plenty of examples of Latin names. I haven't had as much time to go through them. Powys and Radyr are Latin names; Llŷn and Amlwch are Irish; Skomer and Caldey and Great Orme are Scandinavian; there's the interesting Anglo-Norman of Montgomery and Beaumaris and Mold; and then there are those of an English background of a specific period, Sealand, Port Talbot, Swansea; and there are those of dual heritage, such as Swansea/Abertawe, Tenby/Dinbych-y-pysgod. All names come under our purview.

[384] **Mark Isherwood:** Multiple place names for the same place, recorded for posterity.

[385] **Dr Parry:** Yes.

[386] **Christine Chapman:** Right, okay. Thank you. Alun.

[387] **Alun Davies:** Diolch. Rwy'n falch o glywed am y gwaith yr ydych wedi bod yn ei wneud yng Nglyn Ebwy. Rwy'n credu bod hynny'n hynod o bwysig, oherwydd rydym wedi gweld, ym Mhennau'r Cymoedd, rwyf yn ei gynrychioli, enwau'n datblygu. Er enghraifft, nid oes gen i syniad beth yw'r enw gwreiddiol am 'Chartist Cave'. Ond mae 'Chartist Cave' yn dweud wrthyf aboutu hanes y siartwyr a hanes y bobl sydd wedi byw yn Nhredegar ac yn Nhrefil ac ati. Rwy'n credu ei bod yn bwysig ein bod yn diogelu'r hanes hwnnw.

**Alun Davies:** Thank you. I'm pleased to hear about the work that you've been doing in Ebbw Vale. I think that's very important, because we have seen, in the Heads of the Valleys, which I represent, names developing. For example, I don't know what the original name is for 'Chartist Cave'. But, 'Chartist Cave' tells you about the history of the chartists and the people who have lived in Tredegar and Trefil. I think it's important that we protect that history.

[388] Ond y cwestiwn a oedd gen i oedd: a ydych yn gwahaniaethu rhwng tir preifat a'r maes cyhoeddus? Petai rywun yn prynu tŷ neu brynu ffarm, er enghraifft, ac yn dweud, am ba bynnag reswm, 'Nid wy'n eisiau'r hen enw, rwyf eisiau'r enw *Bluebell Wood*', neu beth bynnag, mae hynny'n cael gwared ar hanes y tir yn gyfan gwbl. Ond eu tir nhw ydy fe. Pa hawl sydd gennym ni i ddweud wrth rywun beth fydd enw eu tŷ? Mae'n wahanol i'ch enghraifft yn Harlech—pam y mae Cyngor Gwynedd wedi derbyn cais i

But the question that I had was: do you differentiate between private land and public land? If someone bought a house or a farm, for example, and said, for whatever reason, 'I don't want the old name, I want to call it Bluebell Wood', or whatever, that deletes the history of the land entirely. But it is their land. What right do we have to say what the name of their house should be? It's different to your example in Harlech—why Gwynedd Council accepted a request for 'castle close', I don't understand, but, in the public sector,



gael ‘castle close’ nid wy’n ei ddeall, ond, yn y maes cyhoeddus, mae gennym gyfle i newid pethau drwy’r broses gynllunio, yn arbennig pan ydym ni’n sôn am ddatblygiadau newydd. So, a ydych chi’n sôn amboutu tir preifat neu’r maes cyhoeddus?

we do have an opportunity to change things through the planning process, especially when we are talking about new developments. So, are you talking about private land or public land?

[389] **Dr Parry:** Wel, mae rhywun yn berchen ar bob tamaid o dir yn y wlad onid ydynt, y Goron neu’r bobl. Felly, mae’n faes dyrys. Ond, efo enwau tai, mae’n fwy anodd, onid yw? Rwy’n meddwl mai’n hagwedd ni yw dysgu a thrio dadlau’n hachos a dweud, ‘Cymaint o *antique* sydd gyda chi—onid ydych chi’n lwcus?’ Mae pethau felly y medrwn eu gwneud. Cyn belled ag y mae’r Ddeddf yn y cwestiwn, mae’n llawer mwy anodd efo enw tŷ.

**Dr Parry:** Well, someone owns every part of land in the country, don’t they, the Crown or the people. So, it is a very complex area. But, with the names of houses, it is more difficult, isn’t it? Our attitude, I think, is to educate and try to make our case and say, ‘What an antique you have—aren’t you lucky?’ We can do that sort of thing. In terms of legislation, it’s much more difficult with the name of a house.

12:30

[390] Ond pan fo gennych dir, buaswn i’n dadlau bod yna wahaniaeth achos mi allwch chi newid unrhyw beth, oni allwch? Beth am newid enw Cymru? Mi fedrwn ni rhoi ‘*West of England*’ arno fo, oni fedrwn? Byddai rhai pobl yn dymuno hynny. Rwyf yn gwamalu, ond—

But when you have land, I would argue that there is a difference, because you could change anything, couldn’t you? You could change the name of Wales. We could call it ‘West of England’, couldn’t we? Some people might want that. I’m joking here, but—

[391] **Rhodri Glyn Thomas:** Nid oes eisiau rhoi syniadau felly iddyn nhw. [*Chwerthin.*]

**Rhodri Glyn Thomas:** You don’t need to give them ideas. [*Laughter.*]

[392] **Dr Parry:** Mae’n anodd, ond yr un peth ydy o. Beth y byddwn ni’n ceisio ei wneud yw cadw’r enw. Nid oes gennym hawl ar y tir, ond mae’n siŵr gen i fod gennym ni hawl ar yr enwau yma, sydd yn gymaint yn rhan o’n diwylliant a’n hanes ni. Yng Nglyn Ebwy, er enghraifft, beth gododd fy nghalon i yn fwy na dim oedd dod o hyd i gae â’r enw ‘Cae Saffrwn’ arno; Cae Saffrwn—*crocus*. Wel, dyna chi enw sydd wedi bodoli ers pan oedd yna 29 o ffermydd yng Nglyn Ebwy. Mae hynny’n rhan o’n hanes ni, a dyna mae’r bobl ifanc yn ei ddysgu rŵan a, gobeithio, meithrin y math yma o deimlad—nid oes eisiau sgubo popeth i ffwrdd. Ydyn, mae enwau’n newid; maen nhw’n newid yn raddol ac yn naturiol. Ond, yn y bôn, maen nhw’n cael eu hynganu’n debyg iawn i beth rydym yn ei glywed o’r newydd.

**Dr Parry:** It is difficult, but it is the same thing. What would try to do is keep the name. We don’t have a right to the land, but I’m sure we have a right to these names, which are such a part of our culture and history. In Ebbw Vale, for example, what encouraged me more than anything was finding a field called ‘Cae Saffrwn’, that is, ‘crocus field’. That’s a name that has existed since there were 29 farms in Ebbw Vale, and that’s part of our history, and that’s what young people are learning now, and, I hope, nurturing that kind of feeling—we shouldn’t sweep all of this away. Yes, names do change; they change naturally and gradually. But, at heart, they are pronounced in a similar way to what we hear now.

[393] **Christine Chapman:** Okay, can I thank—. Oh, sorry; yes, go on.

[394] **Dr Parry:** A gaf i gyfle, os gwelwch yn dda? Mae gennym ni—. Beth y buaswn i'n hoffi ei ddweud, ac mae'n ddatganiad ar ran y gymdeithas yma, sef ein corff ni: mae ein sefyllfa yn wahanol iawn i sefyllfa sefydliadau eraill y clywsoch ganddynt yn y gorffennol. Mae ein sylwadau ni yn annibynnol, ac yn llais y bobl gyffredin hefyd. Mynegwn ein siom eich bod wedi mynd cyn belled â'r Bil heb ymgynghori â ni. Fe wyddoch fod ein bodolaeth yn troi o gwmpas diddordeb creiddiol mewn enwau lleol hanesyddol. Gwnaethom gyflwyniadau i chi yn ystod datblygiad y Bil, ac eto rydych wedi mynd ymlaen heb dalu unrhyw sylw i'n barn. Ni wyddom bwy a gynghorodd y Cynulliad i'n cau allan ac i ddiystyru ein cais i drafod hyn hyd at y funud olaf—ond rydym yn ddiolchgar am heddiw. Nid yw'n syndod nad oes unrhyw gyfeiriad at enwau hanesyddol yn y Bil. Nid ydych wedi rhoi ystyriaeth iddynt, a phetasech, diau y byddech wedi trafod hwy gyda ni ac wedi gwneud darpariaeth yn y Bil i gynnwys enwau hanesyddol. Ni fedrwch ddiystyru enwau hanesyddol. Mae'r enwau hynafol hyn wrth wraidd ein cymunedau. Dyma gerrig camu bob un ohonom, at ein treftadaeth, yn hen ac ifanc. Barn y gymdeithas yw y dylid cynnwys enwau hanesyddol yn y Bil yn benodol. Mae David Thorne, yn ei lythyr, wedi nodi tri man lle y gallwch chi eu cynnwys. Rydym yn gofyn hefyd am fod yn aelod ar y panel ymgynghori annibynnol, achos rydym y teimlo y gallwn ni wneud cyfraniad. Rhaid gofyn hefyd faint o newid a fu yng nghrombil y corff sy'n gyfrifol i'n trethdalwyr am ein treftadaeth ddiwylliannol a hanesyddol, ers iddyn nhw gynnwys y cofnod hwn yn eu data. Mae'n cyfeirio at dŷ hanesyddol yng Nghwm Cynfal, cwm y Mabinogi. Rhestrwyd yn 1951. Yr ail ymweliad oedd yn 1966, a'r enw yw Hafod Ysbyty. Mae'r enw wedi'i gofnodi yn yr ail ymweliad fel Hafod Ysbyty, a, mewn cromfachau, '*also known as* "Caewch y Lliidiart".' Mi fedrwch chi newid y sefyllfa hon.

**Dr Parry:** May I have an opportunity before we conclude? We do have—. What I would like to say, and it is a statement on behalf of this society, which I represent: our situation is very different to the situation of other institutions and organisations that you have heard from in the past. Our comments are independent and the voice of ordinary people also. We express our disappointment that you have gone so far with the Bill without consulting us. You know that our existence revolves around an interest in local name places that are of a historical nature. We made submissions to you during the development of the Bill, and yet you've gone forward without paying any attention to our opinion. We don't know who advised the Assembly to shut us out and to disregard our bid to discuss this up until the very last minute—but we are grateful for this opportunity today. It's no surprise that there is no reference to historical place names in the Bill. You haven't considered them, and if you had, no doubt you would have discussed those with us and would have made provision in the Bill to include historical names. You can't disregard historical place names. These ancient names are at the root of our communities. These are the stepping stones for all of us to our heritage, old and young. The society's opinion is that historical place names should be included in the Bill specifically. David Thorne, in his letter, has noted three places where you could include them. We also ask to be a member of the independent advisory panel, because we do feel that we can make a contribution. We must also ask how much change there has been at the heart of the body that is responsible to our taxpayers for our historical heritage since they included this record in their data. It refers to a historical house in the Mabinogi valley, Cwm Cynfal. It was listed in 1951. The second visit was in 1996, and the name is Hafod Ysbyty. The name has been recorded in this second visit as Hafod Ysbyty, and in brackets '*also known as* "Caewch y Lliidiart" '—that is, 'shut the gate'. You can change this situation.

[395] **Christine Chapman:** Thank you Dr Parry. I didn't want to stop you there because, obviously, this is on the record. Obviously, what you were saying there is addressed not to the committee but to the Welsh Government, who are putting the Bill together. I take on board what you say, but, obviously, that is something for the Welsh Government. We are here to scrutinise the Bill, so, as a committee we are very grateful for your views anyway. So, thank

you for attending. It's been a very interesting session. We will send you a transcript of the meeting so you can check it for factual accuracy, so thank you very much anyway.

[396] **Dr Parry:** Diolch yn fawr.

12:35

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

[397] **Christine Chapman:** Before we close the committee, there is a paper to note.

**Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y Cyhoedd o  
Weddill y Cyfarfod**  
**Motion under Standing Order 17.42(vi) to Resolve to Exclude the Public from  
the Remainder of the Meeting**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).*

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

*Cynigiwyd y cynnig.*

*Motion moved.*

[398] **Christine Chapman:** Could I invite the committee to move into private session for the remainder of the meeting? Yes? Okay. Thank you.

*Derbyniwyd y cynnig.*

*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12:35.*

*The public part of the meeting ended at 12:35.*