Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

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

Dydd Iau, 9 Chwefror 2012
Thursday, 9 February 2012

Cynnwys
Contents

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Elin Jones	Plaid Cymru (yn dirprwyo ar ran Rhodri Glyn Thomas) The Party of Wales (substitute for Rhodri Glyn Thomas)
Gwyn R. Price	Llafur Labour
Kenneth Skates	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Alan Guinn	Llywydd, Cymdeithas Cynghorau Trefi a Chymdeithasau Mwyaf Gogledd Cymru President, North Wales Association of Town and Larger Community Councils
Iwan Jones	Cyfarwyddwr Gwasanaethau Corfforaethol, Awdurdod Parc Cenedlaethol Eryri Director of Corporate Services, Snowdonia National Park Authority
Robert Robinson	Ysgrifennydd, Cymdeithas Cynghorau Trefi a Chymdeithasau Mwyaf Gogledd Cymru Secretary, North Wales Association of Town and Larger Community Councils
Rhodri Glyn Thomas	Aelod Cynulliad, Plaid Cymru (Comisiynydd y Cynulliad) Assembly Member, The Party of Wales (Assembly Commissioner)

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

Bethan Davies	Clerc Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser

Dr Non Gwilym	Pennaeth Cyfathrebu Head of Communications
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Rhys Iorwerth	Y Gwasanaeth Ymchwil The Research Service
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Bethan Roberts	Cynghorydd Cyfreithiol Legal Adviser
Owain Roberts	Y Gwasanaeth Ymchwil The Research Service
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 9.15 a.m.
The meeting began at 9.15 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Ann Jones:** Welcome to the Communities, Equality and Local Government Committee. I remind Members to switch off their mobile phones and pagers, as they affect the translation and broadcasting. There are no apologies for the first half of the meeting. I remind you that we are not expecting the fire alarm to go off, so if it sounds we will take our instructions from the ushers, and we will see where we go from there. We operate bilingually, and we have headsets; amplification of the floor language is on channel 0, and channel 1 is the translation from Welsh to English. Do Members wish to declare any interests that they have not already declared in the Members' interests register? I see that you do not.

9.16 a.m.

Bil Is-ddeddfau Llywodraeth Leol (Cymru): Sesiwn Dystiolaeth Cyfnod 1—Cymdeithas Cynghorau Trefi a Chymdeithasau Mwyaf Gogledd Cymru
Local Government Byelaws (Wales) Bill: Stage 1 Evidence Session—North Wales Association of Town and Larger Community Councils

[2] **Ann Jones:** Our witnesses are both very welcome, and thank you for coming to speak to us. Please introduce yourselves and your titles for the record. You are welcome to make brief opening statements. I should have said that the microphones will come on by themselves, because we are now in public session.

[3] **Mr Guinn:** Good morning. First, it is a pleasure for the North Wales Association of Town and Larger Community Councils to be invited. My name is Alan Guinn and I am the president of the association, and have been for the past four or five years. I am just sitting here, our secretary has done all of the work, so without further ado I will hand over to him to present our report.

[4] **Mr Robinson:** I am Robert Robinson, the secretary to the North Wales Association of Town and Larger Community Councils, and I am also town clerk of Welshpool Town Council, at the same time, for my sins.

[5] **Ann Jones:** Do you have a brief opening statement, or can we go straight to questions?

[6] **Mr Robinson:** I will make a brief opening statement. We might be able to help you a little, because I noticed that in the responses to the consultation—I read them quite thoroughly to see what others have said—there was not a response from a town or a community council that had redone its bye-laws in recent times. We actually did ours last year, so we have been recently involved in them and the path that you go through to get them there. It raised a whole load of issues that are relevant to today's discussion.

[7] The main point about bye-laws is that there are a lot of town and community councils that probably do not need bye-laws because they do not manage things that require them. Also, there is the other issue, which has been picked up a lot, about resources. At Welshpool we are lucky in a way, we have 25 staff: we have the staff to be able to do it. Most community councils—and this is not a criticism—consist of a clerk, who might not even be full time, and perhaps a secretary. It would be more difficult for them to carry out some of the objectives. However, I am sure that the rest of the issues will arise in further questions.

[8] **Ann Jones:** I will start with the questions. You mentioned that some of your affiliates will not get involved with the bye-laws, but, for those that will, to what extent have those councils been involved in the process of making and enforcing bye-laws in Wales?

[9] **Mr Robinson:** Our association has 30 members, which are the larger councils in mid and north Wales. To give you a rough idea of size, Welshpool is one of the baby ones, and Bangor is at the larger end. I spoke to the members at the last quarterly meeting that we had, and there was not one, bar Welshpool, that had redone its bye-laws in living memory, even. When Welshpool looked at its bye-laws, they had been revised previously in 1951. So, it had been 60 years since we revised them. So, as far as I am aware, Welshpool is the only one of our members that has been involved in recently putting bye-laws together.

[10] **Mike Hedges:** You welcome the Government's objective of making it easier, and I tend to agree with that. Do you see any risks involved in making it easier?

[11] **Mr Robinson:** There are risks in the sense that the guidance needs to be right because I am aware that the wordings need to be standard wherever you go. As I refer to later in our submission, if you have guidelines that show you model bye-laws for each section—I am aware that there are model bye-laws there, which we will perhaps come on to later—and local councils can use those ones unaltered, and they fit what they are doing, then I do not see a risk involved. The risk comes when it is out of the ordinary and something has to be worded differently from the standard form of wording, which is what we found when we put our bye-laws together. That is what caused the problem—the standard clauses were very narrow in the way in which they were written, and when we came to put them together for the recreation grounds, we found that we had to add bits and subtract bits and that was where the toing and froing came in.

[12] **Ann Jones:** Bethan has a supplementary question on that point.

[13] **Bethan Jenkins:** Since I have been on this committee, I have canvassed some councillors about their knowledge of bye-laws. I acknowledge that guidance would be able to change in this regard, but many councils are not aware of the guidance at the moment. How would you try to raise awareness of this option—

[14] **Mr Robinson:** Are you talking globally or with a single council?

[15] **Bethan Jenkins:** Just talk from your experience.

[16] **Mr Robinson:** I think that it is fair to say that Welshpool is not a normal town

council. I was accused the other month of running it like a business, and I am sorry, but that is what it is; we are providing a service business, and that is why we are in the position we are, where we do not have any financial problems and we are building all sorts of new stuff when everybody else is on restraint. So, taking it that we are 'not normal', all our bye-laws are published on our website—if you want to see them, you can go into our website and pull them off; all our councillors have a copy of them at the induction that I present. For instance, there is an election on 3 May—the following Wednesday there will be a meeting of all the councillors, which will be purely to go through how the council works, and bye-laws will be part of that, so that they understand at the beginning of their term of office what bye-laws mean; what we can do and what we cannot do.

[17] **Mike Hedges:** You say that there is a greater likelihood of bye-laws being updated; you have outlined your own case and there are lots of other areas that probably last updated their bye-laws pre-1961. How do you think that this Bill will facilitate people making sure that their bye-laws are updated?

[18] **Mr Robinson:** That is a very difficult one: how you police making sure that somebody updates their bye-laws is very difficult. If they are not going to do it, then they just do not do it. If it is simple to alter, people will do something. It is a bit like the old in-tray—if it is difficult, it always stays at the bottom of the in-tray, and, if it is easy, it comes to the top. So, the easier the process is for people to understand, the easier it will be. We took two years to do our last set of bye-laws. I have to say that the lady here at the Welsh Assembly Government was absolutely brilliant; she was ever so patient with me because I got quite annoyed on occasion with the wordings, which were very difficult. She was absolutely marvellous and took us through it. Why did it take two years? It was mainly because of me; because they were difficult, it stayed at the bottom of the pile until I had time. So, the simpler that you make it, the more chance you have of people revising them.

[19] **Mike Hedges:** Section 2 only applies to county councils. Do you have any views on that?

[20] **Mr Robinson:** Not particularly. I thought that it was a fairly well written piece of legislation.

[21] **Mike Hedges:** I tend to agree with you.

[22] **Mark Isherwood:** How appropriate do you consider it for Ministers to have powers under section 5 to revoke certain bye-laws when those have become obsolete?

[23] **Mr Robinson:** If you are going to have a situation where bye-laws apply in different councils over a large area like Wales, unless you have a central point that can oversee what is right and wrong, it is going to be disjointed. So, if it was dealt with by the unitary authorities only, you would probably find that Powys is different from Cardigan, which is different from Flint. By having the ministerial bit at the top of the pile, shall we say, you will at least end up with some sort of uniformity across the top. So, we would support that staying in place.

[24] **Mark Isherwood:** Do you think that the term 'obsolete' in this context is clear enough?

[25] **Mr Robinson:** You can never foresee what is likely to come around the corner. However, as it is written at the moment, I would say that it is adequate.

[26] **Ann Jones:** We have touched on question 6, Mark, about the involvement of Welsh Government staff, so perhaps you would move on to ask the other questions.

[27] **Mark Isherwood:** Are town and community councils currently discouraged from making bye-laws due to the need for ministerial confirmation?

[28] **Mr Robinson:** I do not think that it is the ministerial bit that puts people off, it is the complicated nature of them. I mentioned in my document that it would be useful to have some sort of guidance booklet that people could use as a guide for putting bye-laws together. Having said that, the Welsh Government has a format for bye-laws, which can be pulled off from the website. It is difficult to find, but it is there and you can pull it off. However, it is so varied that you cannot take any individual clauses. If one had a guidance booklet that said that, for example, 'If you have a recreation ground with a playground, use clause 1, but if you have a recreation ground without a playground, use clause 2', and people could cut and paste the relevant clauses, you would then have something pretty close to where the bye-law ought to be, even if it has to go somewhere else for approval, which I think it ought to—whether it be a unitary authority or the Minister—and you would be much closer to having the completed thing than we were going through the old system. So, from that point of view, it discourages people if it is complicated.

[29] **Bethan Jenkins:** A oes gennych farn o gwbl am sylw Un Llais Cymru y gallai dileu'r angen am gadarnhad gan Weinidog olygu y byddai llai o hygrededd yn perthyn i unrhyw is-ddeddfau a gyflwynid ar lefel leol?

Bethan Jenkins: Do you have any views on One Voice Wales's comment that the removal of the need for ministerial confirmation might reduce the credibility of any bye-laws introduced at the local level?

[30] **Mr Robinson:** If I were to be facetious, I would say that I think that it is very unlikely that a member of the public understands who wrote the bye-laws let alone who has approved them. I do not think that it does anything for the credibility of a bye-law, except perhaps in the authority's eyes. It is important that either the unitary authority or the Minister approves the bye-laws in the end. You may ask why I say that. In Welshpool, we are lucky; I am a chartered surveyor, so I have some knowledge of how these things are put together. I doubt that there is another chartered surveyor involved at town clerk level in a community council. So, you have a training issue. Once again, I am not being critical, because town clerks' duties are very wide ranging, involving everything from accounts to recreation grounds, and so on. Having that final stamp of approval to make sure that we have got them right and that they are within the law is a good thing. We will no doubt discuss enforcement in due course, but, with an enforcement situation, the chances are that the person who is going against the bye-laws is the sort of person that is going to go against them whatever you do with them. If you take someone to court and he or she has a solicitor, and your bye-laws are not absolutely spot on, all you will do is waste a lot of time taking them to court. So, that is where I stand on that.

[31] **Bethan Jenkins:** Diolch am hynny. Symudaf ymlaen i drafod ymgynghori. A yw'r gweithdrefnau o dan adrannau 6 a 7 yn ddigonol o ran ymgynghori gyda mwyafrif y boblogaeth?

Bethan Jenkins: Thank you for that. I will move on to discuss consultation. Are the procedures in sections 6 and 7 sufficient with regard to consulting the majority of the population?

[32] **Mr Robinson:** Times are changing. The advertisement in the local newspaper is probably now the least effective method because we are now moving into a world of the internet. Anyone under 40 years of age probably looks at the internet rather than buying a newspaper. They pick up the phone, and they can access the news on it. When we did ours, we did the statutory newspaper advertisement that we were asked to put in. We also sent out press releases so that there was a discussion going on inside the newspaper. It was also on our website. We are very lucky locally that we have a website called 'My Welshpool', which is a commercial website. It is extremely good. It is watched by an awful lot of people; we are very close to them and the advertisement appeared there as well.

[33] **Bethan Jenkins:** Sorry to interject, but have you undertaken any analysis about whether people would potentially use the website more? We had young people in yesterday for a panel discussion and most of them bought newspapers. It would be useful to understand how you have come to the decision that more people would access the information via the internet than newspapers now.

9.30 a.m.

[34] **Mr Robinson:** We are a small town. We have a population of just over 7,000, so we are very close to our community. We hold a lot of public meetings, we do a lot of consultation on a regular basis, and the feedback that we get tends to indicate to us where people have read things. A statutory advertisement is like reading nothing; I do not suppose that many people even go to that section. If it is in the main part of the editorial, where a discussion is taking place, people will pick it up. I am not sure that they would pick up statutory notices.

[35] **Mike Hedges:** You are absolutely right. People do not read statutory notices, but they tend to read news items. It is important that all decisions on implementing changes to bye-laws and bringing in new bye-laws are done by the full council so that it goes out as news as well. The statutory notices fill pages and pages at the back of the newspaper that people flick through, between buying cars and getting to the sports pages.

[36] **Mr Robinson:** You are absolutely right. The way that we take all things through at our council—but this is not necessarily the norm—is that we run a full committee system. The councillors meet every Wednesday. This went through a recreation committee, and when that committee was happy with it, it was presented as a recommendation to the full council. It was done in public in the full council, and that is where it all came out from. You are absolutely right; that is the place to do it.

[37] **Bethan Jenkins:** Mae gennyf un cwestiwn arall. A oes digon o gamau diogelu i atal cyngor cymuned rhag gwneud is-ddeddfau a allai fod yn ddadleuol gan nad yw'r Gweinidog bellach yn gorfod bod yn rhan o'r broses?

Bethan Jenkins: I have one other question. Are there sufficient safeguards to prevent a community council from making bye-laws that could be controversial, now that ministerial confirmation is not required?

[38] **Mr Robinson:** This is where the approval of the bye-laws, if not at ministerial level, then at unitary council level, is important. Otherwise, you leave yourself open to that happening. There still needs to be a level of some sort above the town or community council to sign off bye-laws so that you avoid that situation.

[39] **Bethan Jenkins:** Can you give an example of a tricky situation where you would need intervention?

[40] **Mr Robinson:** When we did our bye-laws, there were three things that we would have liked to have in but we were not allowed to: one was dog fouling, but you have to go for a dog fouling order; the second was alcohol, but you have to go for a designated public place order; and the third was littering. Those three may have been controversial, but we would have liked them in because, otherwise, the documents are spread through a number of documents, which I will come on to in a while. We would like to see them back in bye-laws in the case of recreation grounds, to which bye-laws really apply. Otherwise, controversial bye-laws could include things such as cycling, which has become quite a big issue in our area. If people are not allowed to cycle through the recreation grounds, all hell is let loose, but that has settled down again now. It depends upon your local circumstances. The real problem arises when people have been doing something for years and you are now going to stop it;

that is where the issue lies.

[41] **Mike Hedges:** I have another one of my standard questions. I do not agree that someone needs to check every single bye-law, going back to the old process. What would your view be on the Minister having the right to call in something controversial that is causing a lot of local concerns, as would happen with a planning application?

[42] **Mr Robinson:** It seems a logical thing to do.

[43] **Ann Jones:** Gwyn, would you like to take the next set of questions? We started to stray into the area of your last question, so you could do it that way round.

[44] **Mr Robinson:** Sorry.

[45] **Gwyn R. Price:** No problem; it saves me from asking the question. [*Laughter*.]

[46] Under section 6, what are your views on the fact that authorities are only required to consult on the issues described in the initial written statement and not after the bye-law itself has been drafted? Is it sufficient that authorities must only consult with persons likely to be interested in, or affected by, the issue?

[47] **Mr Robinson:** Again, going to back to when we did our bye-laws, although we had the general advertisements, which went out, as I described, through the internet, newspapers and so on, we also contacted the various organisations involved on the site. So, for instance, with one set of recreation grounds that we manage, we consulted with the football and rugby clubs on the land, along with the footpaths officer, the cyclist groups and the Countryside Alliance for Wales. We went directly to all the groups that might have an interest, so that they were asked for their comments on the bye-laws, as well as issuing a general advertisement, to try to cover everyone all the way round.

[48] **Ann Jones:** On that, if the bye-law Bill goes through, local authorities will not have to consult as widely as you have consulted. Therefore, do you see any of your affiliate organisations taking advantage of that to the detriment of the general public?

[49] **Mr Robinson:** It leaves it open for them to do that, yes. Even if the Bill said that we did not have to consult, as an authority, Welshpool would. In any event, we would do that as a matter of course—

[50] **Ann Jones:** Yes, but you are one of how many in Wales?

[51] **Mr Robinson:** Exactly. There is certainly a danger of that, yes.

[52] **Kenneth Skates:** Do you agree that ministerial confirmation should still be necessary for certain bye-laws? What are your views on the types of bye-laws to which this procedure should still apply?

[53] **Mr Robinson:** As far as bye-laws are concerned, clarity is the important part of all of this. Otherwise, you end up with the difficulties of people doing things that they should not. If you are talking about bye-laws with regard to, say, cycleways and footpaths and it is defined that community councils can deal with those without ministerial approval, it makes it very simple. If it is decided—to take it out of context—that bye-laws on dog fouling must be dealt with by ministerial approval and that is made clear from the very beginning, I do not see an issue with it. I think it is the clarity between the two that is important.

[54] **Kenneth Skates:** Moving on to the issue of the fixed-penalty regime, what impact do

you envisage it having on the way in which bye-laws are made and enforced?

[55] **Mr Robinson:** Making them is the easy bit. Writing something down in an Act of Parliament is not too difficult. Enforcing it is a different animal altogether. For example, if someone comes into the junior playground, aged 50, and sits there and smokes, flicking litter everywhere, the chances are that he is the same sort of person who, when you approach him to ask him to stop, will give you a mushful of abuse and probably a punch in the face. Therefore, how you implement that is quite difficult. There is also the fact that every officer in a council has a CBE—cannot be everywhere—so it is very difficult to know whether you will catch the people in the act in any event. In the case of the principal authorities, when I have seen them doing enforcement, they go in pairs. I cannot see that a community council would be in a position to do that.

[56] So, there is a big issue surrounding enforcement. Even if you have fixed-penalty notices, which is the easy bit, how do you administer them? From Welshpool's point of view, although we have the staff to administer it in the office environment—that is not difficult; it is straightforward—enforcement on the ground is far more difficult. Why do I say that? It is not only because of the sort of characters who you are dealing with, but the police community support officers have no powers in Powys to do anything. We will touch on this issue later no doubt. People know that if they drop litter in front of PCSOs, they can say, 'Ha, ha' and walk off and there is absolutely nothing that the PCSOs can do about it. Yet, in north Wales, the PCSOs can fine people for littering, dog fouling and cycling offences. There is a difference between the authorities, and I would see that as one of the avenues that would help community councils. Having those people who are wandering around the town able to administer that sort of thing would help because they would have far more authority than we would. So, I see there being a great difficulty with enforcement.

[57] **Kenneth Skates:** So, there is a risk that the fixed-penalty scheme could be pretty impotent unless it can be properly enforced.

[58] **Mr Robinson:** At town and community council level, that could be right.

[59] **Ann Jones:** Joyce, we have touched on your question, so do you want to expand on that, and then I will bring Bethan in because I think that she has a supplementary question on the PCSO issue?

[60] **Joyce Watson:** You have already referred to the powers of the police community support officers and the fact that they do not have powers in all areas. Leading on from that, should the Bill be amended in any way to reflect that?

[61] **Mr Robinson:** Yes. Interestingly, we had this conversation with the chief constable for the Powys area. He brought a presentation listing all the powers that PCSOs could have. They are extensive; the scope is massive. The powers are there. The trouble is that the chief constable decides which powers he will give the PCSOs in his area and which ones he will not. If we are going to have something like this, we are going to need the backing of PCSOs. Therefore, to back up these bye-laws up, they should all have certain powers rather than every area being different. When North Wales Police came to see us at one of our association meetings, its PCSOs were on a different planet to those in Powys. They were able to fine for littering, which they were doing. They were working in plain clothes to catch people whose dogs were fouling. In Powys, we have nothing like that.

[62] **Bethan Jenkins:** That is what I wanted to ask in terms of consultation with PCSOs. I have done research recently on dog fouling and enforcement, which is within the powers of PCSOs. How difficult is it to enact those bye-laws if, for example, different areas have different jurisdictions?

[63] **Mr Robinson:** That is the difficulty. If we are to have this sort of situation in Powys, we would need the backing of the PCSOs to make it reasonably effective, because then we would have a couple of them in the town all the time who could pick up on these things.

[64] **Bethan Jenkins:** So, should it be streamlined? Should there be a broader approach that says, 'You shouldn't have these options locally; they should all be enacted' as opposed to a chief constable being able to decide which powers he or she would like the PCSOs to have.

[65] **Mr Robinson:** You are absolutely right. We would like to see common ground, so that wherever you went, you would know what your PCSOs were able to do.

[66] **Ann Jones:** Rhodri Glyn, do you want to take the next set of questions? I will come back to Joyce after that.

[67] **Rhodri Glyn Thomas:** Yn eich tystiolaeth, rydych yn dweud nad ydych yn credu bod gan lawer o gynghorau tref a chymuned adnoddau i roi'r drefn o gosbau penodedig ar waith ac i hyfforddi staff. A allwch chi esbonio beth yn union yw eich pryderon?

Rhodri Glyn Thomas: In your evidence, you state that you do not believe that many town and community councils have the resources to implement a fixed-penalty system and to train staff. Can you explain exactly what your concerns are?

[68] **Mr Robinson:** I will give you two examples: let us take Welshpool as one and Llanfair Caereinion, which is about 8 miles up the road, as another. In Welshpool, we have 70 acres of recreation grounds and two groundsmen, with all the tractors and facilities, who are at the recreation grounds all the time. The chances are that if someone is doing something that is substantially wrong, I have someone there who will see it. Llanfair Caereinion has a part-time clerk, and all the town's maintenance work is contracted out to another, to mow the grass and so on. So, there is no-one in the woods or on the fields to monitor what is going on there. Bringing in a member of staff to do that would triple the precept. Those are examples from a larger council and a smaller council, where it is the smaller councils that have the biggest problem with this. In rural parts of mid Wales, particularly in the southern parts of north Wales, a lot of the councils manage small areas of land as part of their remit, but the staffing levels are very low.

[69] **Rhodri Glyn Thomas:** Os felly, a oes unrhyw beth y gellid ei wneud i ddiwygio'r Bil hwn a fyddai'n mynd i'r afael â'r problemau hynny o safbwynt cynghorau bach?

Rhodri Glyn Thomas: If so, is there anything that could be done to amend this Bill in order to tackle the problems that smaller councils face?

[70] **Mr Robinson:** Short of giving more funding to provide another member of staff, I do not know what could be done. The difficulty with that is that you would not want to pay a member of staff for something that is so small. You could move towards volunteers being involved in looking at it, but then you have the difficulty of how a volunteer fits into the system. The unitary authority has enough to do on its side. You just have to accept that this will work in some areas and probably will not work in others, but because the Bill does not work in every eventuality does not mean that it is wrong. It is probably not going to work in some of the small community councils, simply because the resources are not there, and providing the resources would be a disproportionate cost for the benefits that you would get back. I am sorry if that sounds terribly negative, but I do not know of a way around that one.

9.45 a.m.

[71] **Joyce Watson:** I know the areas of Welshpool and Llanfair Caereinion well because I had family living in Llanfair. Moving on from not having extra staff and how you cope with it in an area that is so small, with public areas that are so visible, could you not expect the public to approach their local councillor—I am sure that they do—to say what is happening, so that it would be addressed at the next council meeting? It would be good for your colleague to give us an opinion on that.

[72] **Mr Guinn:** One of the biggest problems, as Robert has said, is finances. The biggest problem in putting bye-laws into being is for small authorities. One thing that I would like to see, if possible, is Welshpool, for instance, which only has 7,000 properties, adopting small community councils within a distance of say five or six miles and controlling the bye-laws there, with the small authorities paying a small amount of money towards the upkeep of it. That is one of the only ways of doing it. The small authorities or the community councils in the association shudder when you start talking about bye-laws and more stuff for the town clerks to do and so on. As Robert said, in the majority of small authorities, the town clerks only work part time. Some of them work from their own home, so they do not even have office space. An area such as mine, where you have Llandudno, Colwyn Bay, Rhyl and quite a few big authorities, could cope with it, but when you start going into mid Wales, I do not think that they could cope with it. That is one of the reasons around it.

[73] **Mr Robinson:** Following up on the point about the public reporting to councillors, and taking issues to a full council meeting, if I were to look around Powys, for instance, I could count on one hand the town and community councils where it would be easy to find your town and community councillor or, indeed, find where they meet. So, improving the profile and making sure that town and community councils make it easier for people to get to their councillor would not be a bad thing.

[74] **Ann Jones:** We are going to have to make some progress, because we are fast running out of time.

[75] **Rhodri Glyn Thomas:** Mae gennyf gwestiwn ynglŷn ag adran 12. Beth yw'ch barn chi am y sefyllfa sy'n codi yn adran 12, lle mae person awdurdodedig o gyngor cymuned neu dref yn gallu rhoi hysbysiad cosb benodedig am dramgwydd yn erbyn is-ddeddf a grëwyd gan awdurdod deddfu arall?

Rhodri Glyn Thomas: I have a question on section 12. What are your views on the situation that arises in section 12, which allows an authorised officer of a community or town council to issue a fixed-penalty notice for breaching a bye-law made by another legislative authority?

[76] **Mr Robinson:** Who makes the bye-law that affects a particular piece of land is not particularly relevant from the point of view of enforcement. If the town and community council knows that there is a bye-law in place, whether it is written by the Welsh Government, the unitary authority or its own council, is not important. It comes back to the enforcement details of how you achieve it rather than where it was made. Presumably, if the bye-law is made for a piece of land that the community council owns, it would know about it in any event.

[77] **Joyce Watson:** Staying with enforcement, you talk about the difficulties involved in gaining convictions for breaching bye-laws, and we have discussed them. Does the Bill do anything to address those difficulties?

[78] **Mr Robinson:** I do not think that it does, and I do not know how it can. I do not want to be critical of the Bill, because I am not, but it is about how you physically manage to do these things on the ground; that is where the difficulty lies. It is no different to speeding in a car: unless a policeman happens to be around at that moment in time, how do you enforce it? I think that you will find it very patchy as to which areas work and which do not. That is why

we come back to PCSOs, as we mentioned earlier. We see PCSOs as the more likely method of enforcement for the smaller councils.

[79] **Bethan Jenkins:** Do you think that citizens could play an enforcement role, by making citizen's arrests, for example? Unless you see things happening, you cannot enforce the legislation, especially with dog fouling. Is there a creative way of expanding the number of people able to enforce bye-laws? Not that I want to see a Big Brother state. [*Laughter.*]

[80] **Mr Robinson:** On a number of occasions, when we have seen a person who is fairly well-known locally—in a small community, you tend to know who everyone is—doing something, we have taken a photograph, trotted along to the police and said that we are prepared to go to court on the issue, but they have said, 'We are sorry, but we were not there, so we cannot take that any further'. So, the difficulty is that town councils feel that they are not being backed up when they try to do something.

[81] We had an instance recently where a youngster quickly set fire to a hedge. The police just cautioned him. It was obvious from our closed-circuit television system that it was deliberate and that it was not an accident. So, we took him through the courts. That is quite an expensive exercise, but we decided that we would do it anyway. That sort of thing puts community councils off going through with enforcement.

[82] **Joyce Watson:** We have touched on this, but for the record what is your view on section 18, which allows Ministers to issue guidance to authorities on various issues related to bye-laws? Do you think that it is right that the guidance will be limited to the matters that are listed in section 18?

[83] **Mr Robinson:** Yes, it has been well thought out. I read that several times, trying to think why you were asking this question and wondering whether there was something in there that I should be looking at. I feel that it covers it very well.

[84] **Mr Guinn:** I am not trying to teach you how to do your job, but as far as information from the Assembly goes, you have to remember the seaside resorts, where bye-laws will be totally different. For example, in Llandudno there is dog fouling, litter and goodness knows what on the beach, as opposed to the situation in Welshpool, where there is no beach. You have to understand that there are different functions in different areas.

[85] **Peter Black:** You say in your paper that a simple guidance booklet with sample provisions should be available for town and community councils, and you have already expanded on that. Do you believe that we should make that provision on the face of the Bill?

[86] **Mr Robinson:** That would be a good thing to do. Again, it is about simplicity: if it is simple people will pick it up and use it. A cut-and-paste situation would probably cover 90% of cases. The difficulty with the current pro-forma is that it lists all bye-laws with all of the numbers in sequence. For instance, there might be one in the middle about model aircraft, which is not relevant in your case, so you take it out, but then you have to re-number the whole list. If you have these chunks it will be much easier to put it together.

[87] **Peter Black:** You have dealt with some of my other questions already, but on town and community councils working with principal authorities to make and enforce bye-laws, should the Bill be making any further provisions?

[88] **Mr Robinson:** The relationship between town and community councils and county councils, as is the case in Wales, is different from authority to authority, and it is about mutual respect and understanding what each authority does, rather than treading on each other's toes.

[89] **Janet Finch-Saunders:** According to the Welsh Government, the number of bye-laws introduced each year is not expected to change, despite the fact that the new system for introducing bye-laws will be less onerous. Do you envisage this being the case for town and community councils?

[90] **Mr Robinson:** The number will not change. If you take our membership of 30 councils in north Wales, we calculated, just before we came in, that only four or five would need bye-laws. So, out of 9,000 or 9,500 town and community councils in Wales, only 1,000 or 2,000 will need bye-laws, in any event, given their functions. So, there will not be a massive change, but it might—touching on the revision point—just mean that they are more up to date, because it will be easier for them to update them.

[91] **Janet Finch-Saunders:** This has been touched on before, but One Voice Wales has raised concerns about the costs associated with the consultation, and the fact that it may act as a deterrent to the community councils wishing to introduce them. Do you feel that?

[92] **Mr Robinson:** I think that it cost us about £300. It is not a lot of money. It depends how you do it, but the internet costs nothing, and the advertisment in the newspaper was, I think, £120; so you are then down to some time in the office with the staff who are there anyway. I do not think that cost should be a big issue.

[93] **Ann Jones:** Could you expand on your comment that there is a need to recognise training for clerks of town and community councils on making bye-laws? Should we be amending the Bill for that to happen? Should the Bill specify a recognised form of training before you start looking at bye-laws?

[94] **Mr Robinson:** I suppose that this comes back to the part of the Local Government (Wales) Measure 2011 that deals with the quality status of councils. Certainly, in Powys, that is the benchmark that they have used. They took the English version of the level that councils have to meet, and said, 'Right, Welshpool, if you can meet that level, then we are happy to start transferring services to you, because you will have demonstrated your level of expertise'. Perhaps that method is one way of dealing with that, but the clerk would have to be qualified. Equally, from the other point of view, if there are training courses available, those who want to do bye-laws could go on those, and if they were workshop-based, they would be very useful to clerks.

[95] **Ann Jones:** That concludes questions, unless Members have any other questions that they want to ask. Do you have any comments to add, Mr Robinson, about anything that you think that we should have asked you—anything that you were expecting to answer on?

[96] **Mr Robinson:** Going back to the three things that I mentioned earlier—littering, dog fouling, and alcohol-related problems—certainly, we would see it as a great benefit to have those within the bye-law system for recreation grounds, so that they are in one spot. There are difficulties with the alcohol-related ones, in particular—going through the process of getting an alcohol ban gets quite laborious. You are supposed to be able to prove your case—that is where it gets laborious—yet it is the local council on the ground that knows what the problems are, and it is not unreasonable to say that, on recreation grounds, there ought to be some sort of control of alcohol. When I look at our own playgrounds in the town, I see that the litter that we have there is 99% alcohol-related—beer bottles, cans and so on. It is the same with the other two issues—rather than have them go through a separate process, I believe that they should come within this process here.

[97] **Ann Jones:** Do you think that this Bill should be amended to take your well-made points into consideration? How should we amend the Bill to put those in, given that they are

already a statutory legal requirement?

[98] **Mr Robinson:** They are, but on my fourth page I list the bye-laws that a town and community council can make, such as bye-laws for open spaces, public conveniences and so on. All one needs to do, I would have thought, is add them to that list, and let it go through that process in that form. Again, I am sure that there are all sorts of rules that say that we have to do other things, but it is back to simplicity.

[99] **Mike Hedges:** Would you not add foreshores or beaches to that?

[100] **Mr Robinson:** I would, yes.

[101] **Peter Black:** What about promenades?

[102] **Mr Robinson:** Yes.

[103] **Peter Black:** What about highways?

[104] **Mr Robinson:** You are now touching on a difficult subject. There are issues like caravanettes parking on promenades outside hotels, which caused problems. Whether that comes within the bye-law legislation or is a highways matter, I do not know.

[105] **Ann Jones:** I think that Peter has made his point. I see the cheeky smile on his face—there is always something behind it. Mark, you have a question.

[106] **Mark Isherwood:** I want to briefly go back to your comments about consultation. You mentioned an age cut-off of 40, and below that, people are more likely to have access to IT.

[107] **Mr Robinson:** Very generally, yes.

[108] **Mark Isherwood:** Do you agree that older people, who are often the first to complain if they feel that they have not known about something, need appropriate consultation via media that they access?

10.00 a.m.

[109] **Mr Robinson:** Yes. I do not think that it is either/or. It is both. It is a case of putting things in the newspaper so that the older generation, who read the local newspaper, will see them. You will always have those who say, 'I do not read newspapers, I do not look at posters, and I do not go on the internet', and my answer to them has always been, 'There is an obligation on me to put the information out, and there is an obligation on the public to look out for it'. It is both that you would be looking at, not just one.

[110] **Ann Jones:** Thank you for coming in and giving evidence, as well as providing written evidence. You will get a copy of the transcript to check for accuracy, but obviously not to amend what you have said. I have no doubt that you will get a copy of our report when we take it to legislation. Thank you both for coming down and giving us that evidence.

10.01 a.m.

Bil Is-ddeddfau Llywodraeth Leol (Cymru)—Sesiwn Dystiolaeth Cyfnod 1—Parciau Cenedlaethol
Local Government Byelaws Bill (Wales)—Stage 1 Evidence Session—National Parks

[111] **Ann Jones:** We will move straight into item 3 on the agenda, continuing our evidence session on the Local Government Byelaws (Wales) Bill. We are joined by a representative from the national parks. We are delighted that Mr Iwan Jones, who is the director of corporate services at the Snowdonia National Park Authority, is with us to answer our questions and help us with the scrutiny of the Bill. Mr Jones, I have introduced you for the record, so we do not need to go through that again. Do you have a brief opening statement that you wish to make, or can we go straight into questions?

[112] **Mr Jones:** I have just a few brief words to confirm that, in the papers that you have with you today, the response that I prepared was on behalf of the Snowdonia National Park Authority as opposed to the national parks of Wales. I confirm that I have consulted with the other two national parks, and they are broadly in agreement with the points that I raise.

[113] **Ann Jones:** Thank you. The previous session of evidence was largely based on the experience of the people giving evidence, and you do tend to draw on that, but we are grateful that you have consulted with the other national park authorities.

[114] I will start by asking to what extent the national park authorities in Wales are currently involved in the process for making and enforcing bye-laws. Do you have any powers in that respect?

[115] **Mr Jones:** Regarding what we are currently involved in, it is clear from the response from all three national parks—there is a Welsh Association of National Park Authorities response on this—that no national park has prepared a bye-law in the past five years. As far as the statutory basis for making bye-laws is concerned, there are a number of Acts that provide that power, starting with section 90 of the National Parks and Access to the Countryside Act 1949. Then there are sections 12, 13 and 41 of the Countryside Act 1968, and section 17 of the Countryside and Rights of Way Act 2000. Those are the primary bye-law-making powers that the national parks enjoy.

[116] **Mike Hedges:** You say that the process for making bye-laws is unwieldy and disproportionately time-consuming. Can you expand on that?

[117] **Mr Jones:** If you look at the process involved—it is from section 236 of the Local Government Act 1972—you will see that it takes about a year, on average, from the start of the process to the bye-law being published. To all intents and purposes, that sort of timescale is unwieldy, and people tend to look at how to resolve issues locally rather than proceeding to a bye-law at that stage.

[118] **Mike Hedges:** Can you say more about your concern that the Bill does not confer the full subject matter of the reforms to the national park authorities? How would you amend it to ensure that it did?

[119] **Mr Jones:** If you look at the Bill as it currently stands, you will see that there is very little in the way of change as far as the national park authorities are concerned. If you look at Schedule 1, both parts 1 and 2, you will see that the national park authorities are not included, so, for all intents and purposes, it is businesses as usual as far as the parks are concerned. Ultimately, it is a matter for the National Assembly if it wishes to include the national parks in parts 1 and 2 of Schedule 1, and I ask that you do so.

[120] **Peter Black:** Do you think that the fact that the national park authorities are not directly elected has a bearing on the reason why they are treated differently?

[121] **Mr Jones:** No. It emanates from the answer given to question 5 on the initial consultation paper, which asked,

[122] 'Are there any byelaws that you can identify where the Welsh Assembly Government's role should be retained? If so, why?'

[123] The response given there by the unitary authorities was,

[124] 'The exceptions were byelaws which protected Sites of Special Scientific Interest (SSSIs) and involved other environmental considerations which frequently had a wider implication or effect other than at the local level; complex byelaws; or where there was a need for consistency as in employment of children byelaws.'

[125] Those were categories that should be excluded. As part of that process, all the bye-law making powers that national parks enjoy have been excluded.

[126] **Peter Black:** If you make bye-laws that do not require confirmation by Ministers, how are you accountable for those?

[127] **Mr Jones:** We are accountable.

[128] **Peter Black:** You do not face elections; you are appointed, are you not?

[129] **Mr Jones:** A proportion of our members are appointed by the National Assembly, or Welsh Government, and another proportion are representatives appointed by the unitary authorities. So, of our 18 members, we have nine members who are elected members of Gwynedd Council, who are appointed to represent the council on our national park authority, and three representatives from Conwy County Borough Council. So, while we are not directly elected, I reject the idea that we have carte blanche to do what we want because we have been appointed; we very much have the interests of the public in mind in any decision that we make.

[130] **Mark Isherwood:** There is a statement in the Bill that the national parks should only be able to revoke, rather than create, bye-laws without ministerial confirmation. How do you respond to that?

[131] **Mr Jones:** I disagree with that. We should have the ability to proceed with bye-laws without having ministerial consent. I dealt with it broadly in answer to the previous question, but I think that it can only be a good thing for the national park authorities and for the public as a whole.

[132] **Mark Isherwood:** Similarly, is it fair, in your opinion, that only county councils should have powers under section 2 of the Bill to make bye-laws for good rule in government and the prevention of nuisances?

[133] **Mr Jones:** On section 2, I agree with that because that is a power that arises from section 235 of the Local Government Act 1972, and national park authorities are not included in that power. So, I can see the logic as to why we are not included in section 2, but I cannot see the logic as to why we are further excluded in parts 1 and 2 of Schedule 1, that is, section 6.

[134] **Bethan Jenkins:** O edrych ar adrannau 4 a 5, pa mor briodol yw hi fod gan Weinidogion bwerau i ddirymu is-ddeddfau penodol pan mae'r is-ddeddfau hynny'n anarferedig neu wedi dod i ben neu'n *obsolete*?

Bethan Jenkins: Looking at sections 4 and 5, how appropriate is it that Ministers have powers to revoke certain bye-laws when those bye-laws are obsolete?

[135] **Mr Jones:** Edrychais ar ddiffiniad y gair '*obsolete'*, ac mae'n eithaf clir beth ydyw, sef rhywbeth nad yw'n cael ei ddefnyddio'n gyffredinol bellach. Felly, rwy'n berffaith hapus gyda'r defnydd o'r gair.

Mr Jones: I looked up the word 'obsolete', and it is clear what it means, namely something that is no longer in general use. So, I am perfectly happy with the use of the word.

[136] Yr unig bwynt yr oeddwn am ei wneud ymhellach i hyn yw bod tudalen 42 o'r copi Saesneg o'r memorandwm esboniadol yn dweud:

The only point I wanted to make in addition to this is that, in the English version, page 42 of the explanatory memorandum states:

[137] 'The intention behind this provision is that the power of the Welsh Ministers will only be used where the power to revoke the byelaw, or the identity of the authority which should otherwise revoke the byelaw, is unclear.'

[138] Wrth edrych ar y Bil ei hun, nid yw'n amlwg i mi mai dyna yw'r pwrpas y tu ôl i gynnwys y pwerau hyn i'r Gweinidogion.

Looking at the Bill itself, it is not clear to me that that is the purpose behind including these powers for the Ministers.

[139] **Bethan Jenkins:** Felly, byddai angen esboniad cliriach yn y memorandwm i geisio pwyso a mesur y ddau beth gyda'i gilydd. Ai dyna rydych yn ei gynnig?

Bethan Jenkins: So, a clearer explanation would be needed in the memorandum to evaluate both things together. Is that what you are suggesting?

[140] **Mr Jones:** Ar hyn o bryd, mae'n ymddangos i mi fod pwerau gan Weinidogion Cymru i gael gwared arnynt, cyhyd â'u bod yn meddwl eu bod yn *obsolete*. Pe bai rhywun yn edrych ar y bwriad y tu ôl iddo, gallai weld nad dyna'r bwriad. Y bwriad y tu ôl iddo yw defnyddio'r pwerau hynny yn unig os daw'n amlwg nad yw'n saff iawn pwy sydd i fod i gael gwared arnynt, neu pe na bai'r corff yn bodoli mwyach. Nid yw hynny i'w weld yn Bil i mi.

Mr Jones: Currently, it seems to me that the powers are for Welsh Ministers to revoke them, provided they deem them to be obsolete. If one were to look at the intention behind that, one would see that that was not the intention. The underlying intention is for these powers to be used only if it becomes apparent that there is uncertainty about who should revoke them, or if the body were no longer in existence. I cannot see that in the Bill.

[141] **Bethan Jenkins:** Felly, mae angen dweud hynny yn y memorandwm. Ai dyna'r mater i chi?

Bethan Jenkins: So, that needs to be stated in the memorandum. Is that the issue for you?

[142] **Mr Jones:** Mae hynny'n opsiwn o bosibl; yr opsiwn arall yw aralleirio'r Bil.

Mr Jones: That may be an option; the other option is to change the wording of the Bill.

[143] **Bethan Jenkins:** Beth fyddai orau gennych, ei roi yn y memorandwm esboniadol neu newid y Bil?

Bethan Jenkins: What would you prefer, putting it in the explanatory memorandum or changing the Bill?

[144] **Mr Jones:** Os ydych am fod yn hollol sicr, byddwn yn awgrymu newid y Bil.

Mr Jones: If you want to be absolutely certain, I would suggest changing the Bill.

[145] **Gwyn R. Price:** To what extent are national park authorities currently discouraged from making bye-laws because of the need for ministerial confirmation?

[146] Snowdonia National Park says in its paper that the process for making bye-laws will remain a fairly complicated procedure. Why does it say this? Also, could the Bill be amended and made simpler?

[147] **Mr Jones:** I think that it could be amended and made simpler, simply by incorporating the national park authorities where they have powers to make bye-laws into parts 1 and 2 of Schedule 1. The Acts that I have referred to, namely the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000, should be incorporated into parts 1 and 2 of Schedule 1. That would give us the option not to seek ministerial consent on those issues, and it would also enable us to issue fixed-penalty notices in relation to any bye-laws that we wish to impose.

[148] **Kenneth Skates:** With regard to sections 6 and 7, in the introduction of a bye-law by a local authority, are the procedures for consulting and notifying others sufficient?

[149] **Mr Jones:** I think that they are. There is sufficient time there. I know that a month does not sound like an awfully long time, but you have to remember that it can be more than a month if the local authority thinks that it is a particularly complicated matter. I read it as being anything up to six months—so, from the date of publication, you have a period of up to six months before you have to confirm the bye-law. You could have a three-month consultation period, if the authority thought that it was a particularly contentious issue.

[150] **Kenneth Skates:** Staying with section 6, are there sufficient safeguards to prevent an authority from making bye-laws that could be controversial within the area of a national park, now that ministerial confirmation is not required?

10.15 a.m.

[151] **Mr Jones:** Ministerial confirmation will be required, as far as national park authorities are concerned, for any bye-laws within the national park authority land, as the Bill currently stands. If you agree to my request today, and agree that ministerial consent should not be required, then, yes, I think that there are sufficient safeguards because, ultimately, it can be a matter for the courts to decide whether we have digressed and overstepped the mark.

[152] One option that you may wish to consider is that it might be possible to have something similar to the planning system. So, you could include a provision where the Welsh Ministers could decide to call in a particularly contentious issue. It is exercised fairly rarely in the planning remit, but, bearing in mind that at the moment you have, on average, four or five bye-laws in Wales every year, it would not be particularly onerous to have a call-in provision for a particularly contentious issue.

[153] **Rhodri Glyn Thomas:** I fynd yn ôl at y broses ymgynghori o dan adran 6, rydych wedi dweud eisoes eich bod yn credu ei bod yn ddigonol. Fodd bynnag, o dan adran 6, dim ond ymgynghori ar y datganiad gwreiddiol sy'n angenrheidiol. Nid oes angen ymgynghori ar ôl drafftio'r is-ddeddfau. A yw hynny'n ddigonol?

Rhodri Glyn Thomas: To go back to the consultation process under section 6, you have already said that you think that it is adequate. However, under section 6, consultation is required only on the initial written statement. Consultation is not required after the bye-laws have been drafted. Is that sufficient?

[154] **Mr Jones:** Gallai gael ei ymestyn i ail lefel o ymgynghori, ond mae'n dibynnu i ryw raddau oherwydd bydd rhai is-ddeddfau yn berffaith hawdd i ddelio â hwy ac ni fyddant yn creu llawer o drafferth, ond bydd teimladau cryfach am rai eraill. Mae'n opsiwn.

Mr Jones: It could be extended to a second level of consultation, but it depends to some extent because some bye-laws will be perfectly easy to deal with and will not create much difficulty, but there will be stronger feelings about others. It is an option.

[155] **Rhodri Glyn Thomas:** Hefyd o dan y broses ymgynghori yn adran 6, mae'n ofynnol ar awdurdodau i ymgynghori â phersonau sy'n debygol o fod â diddordeb mewn neu sy'n debygol o gael eu heffeithio gan y mater. Sut y mae rhywun yn diffinio hynny o ran yr ymgynghoriad ac a yw hynny'n ddigonol?

Rhodri Glyn Thomas: Also under that consultation process in section 6, authorities are required to consult with persons likely to be interested in or affected by the issue. How does one define that in terms of the consultation and is that sufficient?

[156] **Mr Jones:** Mae'n rhaid i chi gael rhyw fath o ddiffiniad o bwy y dylid ymgynghori â hwy. Mae gofyn i chi ymgynghori â'r rhai sy'n debygol o gael eu heffeithio yn eithaf rhesymol. Mae'n bosibl i chi golli ambell grŵp, ond mae'n rhaid i chi wneud asesiad. Os yw'n ddyletswydd arnoch i ymgynghori â phawb, y perygl yw na fyddwch yn cael yr ymateb oherwydd bydd yr ymgynghoriad mor eang, ni fydd y rhai sydd angen ymateb wedi derbyn rhybudd digonol o'r materion yr ydych yn eu codi.

Mr Jones: You have to have some kind of definition of who the consultees should be. The requirement to consult with those who are likely to be affected is quite reasonable. It is possible for you to miss out some groups, but you have to do an assessment. If you are duty-bound to consult with everyone, the risk is that you will not get the response because the consultation will be so broad, those who need to respond will not have received sufficient notice of the matters that you are raising.

[157] **Rhodri Glyn Thomas:** O ran yr amserlen, mae sôn, eto yn adran 6, bod rhaid cyhoeddi hysbysiad mewn papur newydd lleol mis cyn gwneud yr is-ddeddf a bod wedyn rhaid darparu drafft o'r is-ddeddf ar wefan ac yn y brif swyddfa. Unwaith eto, a yw'r amserlenni a darpariaethau hynny'n ddigonol yn eich barn chi?

Rhodri Glyn Thomas: On the timescale, it is mentioned, again in section 6, that a notice must be published in a local newspaper a month before the bye-law is made and then that a draft of the bye-law should be provided on a website and in the main office. Again, are those timescales and provisions sufficient in your opinion?

[158] **Mr Jones:** Fel y dywedais yn gynharach, lleiafswm o fis ydyw. Gallai fod yn gyfnod hirach, ar yr amod nad yw'n fwy na chwe mis. Felly, y ffordd yr wyf yn darllen hynny yw bod cyfnod hirach yn ddilys os yw'r awdurdod o'r farn mai dyna'r ffordd iawn a chywir o fynd o'i gwmpas. Felly, yn fy marn i, os yw'n fater syml, bydd mis yn iawn, ond os yw'n llawer mwy cymhleth, gallech ymestyn y cyfnod i fwy na mis, cyn belled nad ydych yn mynd dros drothwy'r amserlen o chwe mis.

Mr Jones: As I said earlier, it is a minimum of a month. It could be a longer period of time, as long as it does not exceed six months. So, the way that I read that is that a longer period is valid if the authority thinks that that is the right and proper way of going about it. So, in my view, if it is a simple matter, a month is fine, but if it is much more complex, then you could extend the period to longer than a month, as long as you do not exceed the six-month threshold.

[159] **Rhodri Glyn Thomas:** A allwch roi enghraifft i ni o'r math o is-ddeddf a fyddai

Rhodri Glyn Thomas: Could you give us an example of the type of bye-law that would

angen mwy na fis?

require more than a month?

[160] **Mr Jones:** Ni allaf feddwl am un, ond pe baem am wneud is-ddeddf a fyddai'n effeithio ar gerddwyr yn Eryri, er enghraifft, a'n bod am wneud hynny yn ystod y gaeaf, neu fod y broses yn dechrau dros gyfnod y gaeaf, byddwn am ymestyn y broses ymgynghori i sicrhau bod mwy o ymwelwyr â'r parc yn medru cael cyfle i ymateb i unrhyw is-ddeddf rydym am ei chreu.

Mr Jones: I cannot think of one, but if we wanted to draw up a bye-law that affected walkers in Snowdonia, for example, and we wanted to do that during the winter, or if the process was to take place during the winter, then I would want to extend the consultation process to ensure that more visitors to the park would have the opportunity to respond to any bye-law that we wanted to create.

[161] **Rhodri Glyn Thomas:** A fyddai pobl sy'n dod i'r ardal i gerdded yn debygol o weld rhywbeth mewn papur lleol neu ar wefan y parc?

Rhodri Glyn Thomas: Would people who came into the area to walk be likely to see something in a local paper or on the park's website?

[162] **Mr Jones:** Byddwn hefyd yn gallu rhoi hysbysiad yn y meysydd parcio.

Mr Jones: We could also put a notice in the car parks.

[163] **Rhodri Glyn Thomas:** Felly, nid ydych yn rhagweld y byddai cyrff yn cadw yn haearnaidd at y canllawiau hyn. Hynny yw, mae hyblygrwydd.

Rhodri Glyn Thomas: Therefore, you do not envisage organisations sticking rigidly to these guidelines. That is, there is flexibility.

[164] **Mr Jones:** Dyna fy nealltwriaeth o'r Bil: bod lleiafswm o fis ond bod hyd at chwe mis.

Mr Jones: That is my understanding of the Bill: that there is a minimum of a month but up to six months.

[165] **Joyce Watson:** Do you agree that ministerial confirmation should still be necessary for certain bye-laws, and what are your views on the types of bye-laws to which this procedure will still apply?

[166] **Mr Jones:** From reading the papers that accompanied the Bill, it appears to me that two concerns were raised: environmental concerns and matters relating to children. That is, bye-laws that might affect children and social services and so on. Looking at the explanatory memorandum, it appears that the intention was to exclude those two issues, or other relevant issues that may arise. However, looking at the Bill, a different approach has been taken, in that it seeks to include everything that the Government wants to incorporate as not requiring ministerial consent. That has its dangers, in that something could be missed that should be incorporated. There may be a very good reason for that; I do not know. However, it is something that you ought to consider. The explanatory memorandum differs from what is in the Bill. I agree with you that there are some issues that perhaps have a national context even though you are looking at a bye-law that should have ministerial consent.

[167] **Joyce Watson:** Under section 7, how appropriate is it that there is not a duty on legislating authorities to consult locally on bye-laws that do require ministerial confirmation? That is, if the Minister is confirming it, there is no duty on the legislating authority to consult locally.

[168] **Mr Jones:** I think that you should still consult locally, even if it is a section 7 bye-law.

[169] **Peter Black:** Can you expand on your comment that the power to impose fixed-penalty notices should be extended to national park authorities? How would you amend the

Bill in that respect?

[170] **Mr Jones:** Fairly simply, I would include in part 2 of Schedule 1 the relevant provisions where the national park authorities have the power to make bye-laws and incorporate them into Schedule 1. My reasons for why it should be incorporated are fairly straightforward. There are two things that predominantly dissuade people from creating bye-laws in the first place. The first is the rather complicated procedures or hoops that we have to jump through to get a bye-law in the first place, and the second is the enforcement issue. Having to enforce through the magistrates' court each and every breach of a bye-law is a drain on resources. In most cases, a fixed-penalty notice would simplify the process. It gives people 14 days to pay, and only if there is failure to pay after 14 days does the magistrates' court process kick in. It simplifies it, makes it easier and brings in some revenue to offset the costs of enforcement.

[171] **Peter Black:** Do national park authorities have the resources to implement a fixed-penalty notice regime? Do you have people on the ground who can issue the notices?

[172] **Mr Jones:** We have staff on the ground. We have wardens and car park attendants, so yes.

[173] **Peter Black:** What is your view on section 18, which allows Ministers to issue guidance to authorities on various issues relating to bye-laws? Is it right that this guidance will be limited to the matters listed in section 18?

[174] **Mr Jones:** I welcome the fact that the Welsh Ministers will provide guidance, because one of the concerns raised by the national park authorities is that, if you remove the requirement for ministerial consent, you could have a fracturing of the quality in the bye-law making process. Hopefully, by having the guidance and a set of model bye-laws, the whole process will work seamlessly.

[175] **Janet Finch-Saunders:** To what extent are national park authorities currently able to work with local authorities to make and enforce bye-laws? Are they totally separate or do you work with, say, Conwy or Gwynedd councils? I know that you have not done one for five years, but would you work with the local authority?

[176] **Mr Jones:** It depends on the issues involved. If the issues involved a unitary authority such as Gwynedd or Conwy councils, I imagine that we would consult them. I cannot see us doing anything other than that.

[177] **Janet Finch-Saunders:** Should the Bill make any further provisions in this regard?

[178] **Mr Jones:** As a national park authority, we are used to working with all of our key partners, so I do not think that there is a need for specific provision for that. I think that it should be taken as a given. If it had an impact on Gwynedd or Conwy councils, we would, of course, consult them.

[179] **Janet Finch-Saunders:** According to the Welsh Government, the number of bye-laws introduced each year is not expected to change, despite the fact that the new system for introducing bye-laws will be less onerous. Do you envisage this being the case for national park authorities?

[180] **Mr Jones:** I can see it giving us the opportunity to look at them and decide. I know that Pembrokeshire Coast National Park Authority has some existing bye-laws. By its own admission, those are perhaps a little bit dated. So, this might give it an opportunity to revisit those and to modernise them. Similarly, it would give us an opportunity to look at past

projects that never materialised to decide whether a bye-law would now be the appropriate way forward.

[181] **Ann Jones:** Do you envisage the Bill having any financial implications for national park authorities?

[182] **Mr Jones:** Looking at the explanatory notes and the fact that the total cost per bye-law is between £7,000 and £9,000, if we decided to proceed to issue a bye-law, there would be a financial implication. However, that would be very small. The costs would be marginal.

[183] **Ann Jones:** That concludes our questions. Thank you very much for coming to give us your evidence, Mr Jones. You will get a copy of the transcript to check for accuracy and you will probably get a copy of our report as well. Thank you very much for your time today. We appreciate your help with our scrutiny.

[184] I propose to have a break now. With the committee's consent, we will resume at 10.45 a.m. rather than 11 a.m. Is that agreed? I see that it is. Thanks very much.

Gohiriwyd y cyfarfod rhwng 10.30 a.m. a 10.44 a.m.
The meeting adjourned between 10.30 a.m. and 10.44 a.m.

Bil Cynulliad Cenedlaethol Cymru (Ieithoedd Swyddogol): Sesiwn Dystiolaeth Cyfnod 1—y Comisiynydd sydd â Chyfrifoldeb dros y Gymraeg
National Assembly for Wales (Official Languages) Bill: Stage 1 Evidence Session—the Commissioner with Responsibility for the Welsh Language

[185] **Ann Jones:** I reconvene the Communities, Local Government and Equalities Committee. I remind you, if you have switched your mobile phones on during the break, to please switch them off again. We have received apologies from Rhodri Glyn Thomas, who will not be sitting on the committee because he is taking the Bill through. He is being replaced by Elin Jones today; you are more than welcome, Elin. We have also received apologies from Peter Black, who is also a commissioner and will not be taking part in the proceedings; at the moment, we do not have a substitute for him.

[186] I welcome Rhodri Glyn Thomas, Gwyn Griffiths and Non Gwilym to the committee to introduce the National Assembly for Wales's official languages Bill. I also thank Rhodri Glyn, who is here to give evidence in his capacity as the commissioner with responsibility for the Welsh language and the Member in charge of the Bill. I thank him for the advanced notice of the timetable, which has been very helpful. We have a lot of questions to get through in this session, so I will stop rattling on and move on to the questions. What we want to try to do is look at the Bill first, so the first set of questions will be around the Bill, and the second set of questions will be around the scheme, so that we try to scrutinise both the Bill and scheme. We will try it that way. So, the first questions will deal with the Bill itself, before we move on to the draft official language scheme. I will ask Bethan to start with the first question.

[187] **Bethan Jenkins:** Diolch. Yn gyntaf, pam ydych chi wedi penderfynu dilyn y trywydd o edrych ar Ddeddf yr Iaith Gymraeg 1993 o ran y cynllun iaith, yn hytrach nag edrych ar ddatblygu safonau iaith statudol, yn enwedig o ystyried y consyrn sy'n bodoli ynghylch y diffiniad o'r term 'y cyhoedd'? Mae Cymdeithas yr Iaith Gymraeg, er enghraifft, yn dadlau bod angen

Bethan Jenkins: Thank you. First, can you explain why you have gone down the route of looking at the Welsh Language Act 1993 in terms of the language scheme, rather than looking at developing statutory language standards, especially regarding the concern that exists about the definition of 'the public'? For example, the Welsh Language Society has argued that we need a broader

diffiniad ehangach o beth yw ystyr ‘cyhoedd’ yn y Bil.

definition of what ‘public’ means in the Bill.

[188] **Comisynydd y Cynulliad (Rhodri Glyn Thomas):** Hwyrach y gallaf ddweud ar y dechrau y byddai’n fuddiol i bobl gadw’u clustffonau ymlaen gan fy mod yn bwriadu ateb bob cwestiwn yn y Gymraeg. Bydd hynny’n hwyluso’r broses gan fod gennych gynifer o gwestiynau.

Assembly Commissioner (Rhodri Glyn Thomas): Perhaps I should say at the outset that it would be beneficial for people to keep their headsets on as I intend to reply to every question in Welsh. That will facilitate the process as you have so many questions to ask.

[189] O ran cwestiwn Bethan, yn y lle cyntaf, mae cyfundrefn o safonau yn golygu bod yn rhaid bod yn atebol i awdurdod arall; hynny yw, bydd y cyrff sy’n ymateb i’r safonau yn atebol i Lywodraeth Cymru. Fel mae’n digwydd, mae Llywodraeth Cymru yn atebol i Gynulliad Cenedlaethol Cymru, felly ni fyddai safonau’n briodol. Dyna pam yr ydym yn gweithredu ar sail cynllun iaith.

As regards Bethan’s question, in the first place, a system of standards means that they have to be accountable to another authority; that is, the bodies responding to the standards will be accountable to the Welsh Government. As it happens, the Welsh Government is accountable to the National Assembly for Wales, so standards would not be appropriate. That is why we are working on the basis of a language scheme.

[190] O ran ail ran y cwestiwn, mae’r ‘cyhoedd’ yn golygu pawb—unigolion, mudiadau a chyrff ledled Cymru.

On the second part of the question, ‘the public’ means everybody—individuals, organisations and bodies throughout Wales.

[191] **Bethan Jenkins:** Rydych yn dweud nad yw’n briodol oherwydd y system, ond y ddadl yn erbyn hynny gan bobl sydd wedi rhoi tystiolaeth gerbron ar y cynllun drafft yw bod angen sefydliad neu banel allanol i asesu neu fonitro’r hyn sy’n digwydd, fel bod craffu ar yr hyn sy’n digwydd o fewn y Cynulliad. Beth yw eich barn chi am hynny?

Bethan Jenkins: You say that it would not be appropriate because of the system, but the counter argument to that by people who have given evidence regarding the draft scheme is that we need an external body or panel to assess or monitor what is happening, so that there is scrutiny of what is happening within the Assembly. What is your opinion on that?

[192] **Rhodri Glyn Thomas:** Cawsom broses ymgynghori helaeth. Rwy’n gwybod bod y farn honno wedi cael ei mynegi gan rai unigolion, ac un corff penodol, ond nid oedd yn bwnc a oedd yn codi’n gyson yn yr ymgynghoriad. Mae hyn wedi cael ystyriaeth, a phenderfyniad y Comisiwn oedd gweithredu yn y ffordd hon achos mai dyma’r ffordd fwyaf priodol o weithredu.

Rhodri Glyn Thomas: We had an extensive consultation process. I know that that view was expressed by some individuals, and one specific organisation, but it was not an issue that was raised consistently in the consultation. It has been considered, and the Commission’s decision was to act in this manner because it was of the view that this was the most appropriate manner.

[193] **Bethan Jenkins:** Os yw hi’n briodol i gyrff allanol fod yn atebol i safonau, pam nad yw’n briodol i’r Cynulliad? Pam na ddylid cael yr un math o graffu â phob corff arall yng Nghymru?

Bethan Jenkins: If it is appropriate for external organisations to be accountable to standards, why it is not appropriate for the Assembly? Why should you not be scrutinised like every other organisation in Wales?

[194] **Rhodri Glyn Thomas:** Yn y pen draw, mae’r cynllun hwn yn atebol i holl Aelodau’r Cynulliad, sydd wedi cael eu

Rhodri Glyn Thomas: Ultimately, this scheme is accountable to all Assembly Members, who have been elected by the

hethol gan bobl Cymru. Nid oes modd cael atebolrwydd ehangach na hynny. Nid wyf yn siŵr pa fath o gorff allanol y gellid ei greu i greu system o atebolrwydd o ran y safonau, ond mae'r Cynulliad yn gyfundrefn naturiol ddwyieithog. Dyna pam mae gennym ni gynllun iaith.

people of Wales. You cannot have broader accountability than that. I do not know what kind of external organisation could be created in order to establish a system of accountability regarding the standards, but the Assembly is a naturally bilingual organisation. That is why we have a Welsh language scheme.

[195] **Ann Jones:** Do you think that the right balance has been struck between what is on the face of the Bill and what has been left for the official languages scheme?

[196] **Rhodri Glyn Thomas:** Ydw, oherwydd mae'r Bil yn ymwneud â'r egwyddorion cyffredinol, ac mae'r manylion ymarferol yn y cynllun.

Rhodri Glyn Thomas: Yes, because the Bill relates to the general principles, and the practical details are contained within the scheme.

[197] **Janet Finch-Saunders:** Can you explain why the current duties relating to the use of the English and Welsh languages in the Assembly as outlined in the Government of Wales Act 2006 require updating?

[198] **Rhodri Glyn Thomas:** Nid yw'r broses honno wedi cael ei diweddaru ac ni chafodd ei diweddaru yn Neddf 2006. Felly, rydym yn cyflawni'r broses honno drwy'r Bil. Wrth gwrs, mae'r Mesur iaith wedi newid y sefyllfa yn sylweddol.

Rhodri Glyn Thomas: That process has not been updated and it was not updated in the 2006 Act. So, we are initiating that process through the Bill. Of course, the Welsh language Measure has substantially changed the situation.

[199] **Janet Finch-Saunders:** What practical effect will stating that the English and Welsh languages are the official languages of the Assembly have?

[200] **Rhodri Glyn Thomas:** Bydd yn nodi ffaith gydnabyddedig, sef mai dyma ieithoedd swyddogol Cynulliad Cenedlaethol Cymru.

Rhodri Glyn Thomas: It will note an acknowledged fact, namely that these are the official languages of the National Assembly for Wales.

[201] **Janet Finch-Saunders:** What effect have similar provisions in the New Brunswick Official Languages Act 2002 had on the provision of bilingual services in the Legislative Assembly of New Brunswick?

[202] **Rhodri Glyn Thomas:** Y rheswm mae New Brunswick yno fel esiampl yw bod cyfatebiaeth o ran cyfartaledd ieithyddol â'r sefyllfa yng Nghymru. Dyna'r gyfatebiaeth fwyaf o ran tebygrwydd a dyna pam mae yno, ond enghraifft yw yn unig.

Rhodri Glyn Thomas: The reason why New Brunswick is cited as an example is that it matches the situation in Wales as regards the linguistic balance. That is the greatest match in terms of similarity and that is why it is there, but it is only an example.

[203] **Ann Jones:** Did the Assembly Commission consider including British Sign Language as an official language in the Bill?

[204] **Rhodri Glyn Thomas:** Byddai angen inni gael Bil arall i wneud hynny. Nid yw'n dod o fewn sgôp y Bil hwn.

Rhodri Glyn Thomas: We would need to have another Bill to do that. It does not come within the scope of this Bill.

[205] **Ann Jones:** Even though we have recognised it as an official language for Assembly

workings.

[206] **Rhodri Glyn Thomas:** Nid yw yn dod o fewn sgôp ieithoedd swyddogol y Cynulliad na sgôp y Bil hwn.

Rhodri Glyn Thomas: It does not come within the scope of the official languages of the Assembly or the scope of this Bill.

[207] **Kenneth Skates:** How will the provisions included in subsection (1B), which states that:

[208] 'All persons have the right to use either official language when participating in Assembly proceedings.'

[209] impact on the bilingual services currently provided by the Assembly? Will there be any noticeable changes?

[210] **Rhodri Glyn Thomas:** Ni ddylai fod unrhyw wahaniaeth.

Rhodri Glyn Thomas: There should be no difference.

[211] **Kenneth Skates:** Why did the Commission decide to revise the wording of new subsection (1B) from what was originally included in the draft Bill?

[212] **Rhodri Glyn Thomas:** Cododd hynny yn y broses ymgynghori. Roedd rhai o'r tystion y gwnaethom drafod â hwy yn teimlo bod hyn yn fwy eglur. Nid yw'n newid y nod o gwbl, ond roedd teimlad bod y geiriad newydd yn rhoi eglurder.

Rhodri Glyn Thomas: That arose during the consultation process. Some of the witnesses that we had discussions with felt that this was clearer. It does not change the aim at all, but there was a feeling that the new wording provided clarity.

[213] **Elin Jones:** Mae is-baragraff (6) y cyfeirir ato yn adran 2 y Bil yn nodi nad oes raid i'r cynllun gynnwys darpariaeth ar gyfer cyfieithu ar y pryd neu gyfieithu ysgrifenedig o'r Gymraeg i'r Saesneg ac o'r Saesneg i'r Gymraeg ym mhob sefyllfa. Sut y bydd Comisiwn y Cynulliad yn penderfynu pa sefyllfaoedd a dogfennau i'w blaenoriaethu?

Elin Jones: Sub-paragraph (6) referred to in section 2 of the Bill states that there is no requirement for the scheme to provide for interpretation or translation both from Welsh into English and from English into Welsh in all situations. How will the Assembly Commission decide which situations and documents will be prioritised?

[214] **Rhodri Glyn Thomas:** Dyna mae'r is-baragraff (6) newydd yn ei wneud, sef cyfeirio at y broses honno.

Rhodri Glyn Thomas: That is what the new sub-paragraph (6), namely it refers to that process.

[215] **Elin Jones:** A ydych yn credu bod yr is-baragraff hwnnw felly yn galluogi Comisiwn yn y dyfodol i leihau faint o wasanaethau cyfieithu a fyddai ar gael?

Elin Jones: Do you think that that sub-paragraph therefore enables a future Commission to reduce the amount of translation services that would be available?

[216] **Rhodri Glyn Thomas:** Nac ydw. Bydd y broses yn parhau fel ag y mae.

Rhodri Glyn Thomas: No. The process will continue as it is.

[217] **Elin Jones:** Ond nid yw hynny o reidrwydd yn dilyn, oherwydd yr hyn sydd yn y Bil.

Elin Jones: But that does not necessarily follow, because of what is in the Bill.

[218] **Rhodri Glyn Thomas:** Gallai'r Comisiwn ddod i unrhyw benderfyniad

Rhodri Glyn Thomas: The Commission could come to any decision regarding

ynglŷn â chyfieithu. Yn y pen draw, byddai'n rhaid i unrhyw newidiadau fynd gerbron y Cynulliad, a bydd yn rhaid i bob Aelod Cynulliad benderfynu. Felly, ni fyddai'r Comisiwn yn gallu gwneud penderfyniad mewnol. Na fyddai'r hyn a ddigwyddodd yn y Cynulliad diwethaf, pan ddaethpwyd i ben â chyfieithu'r Cofnod, yn bosibl o dan y Bil hwn.

translation. Ultimately, any changes would have to go before the Assembly, and every Assembly Member will have to decide. Therefore, the Commission would not be able to make an internal decision. What happened in the last Assembly, when the translation of the Record was ceased, would not be possible under this Bill.

[219] **Bethan Jenkins:** Rydych yn dweud nad yw'n bosibl, ond yn ôl ymateb Bwrdd yr Iaith Gymraeg i'r ymgynghoriad:

Bethan Jenkins: You say that it is not possible, but according to the Welsh Language Board's response to the consultation:

[220] 'Adran 2 (6) y Bil—deallwn mai diben y cymal hwn yw rhoi hyblygrwydd i'r Cynllun Gwasanaeth Dwyieithog ddiffinio'r union wasanaeth a gaiff ei ddarparu. Er bod yr egwyddor yn rhesymol, mae risg y gellid ei ddehongli fel cymal sy'n golygu na fydd yn rhaid i'r Comisiwn ddarparu Cofnod y Trafodion yn gwbl ddwyieithog'.

'In respect of Section 2(6) of the Bill, we understand that the intention of this clause is to give the Bilingual Services Scheme the flexibility to define the exact service that will be provided. In principle, this is reasonable, yet there is a risk that it could be interpreted as entailing that the Commission does not have to provide a fully bilingual Record of Proceedings'.

[221] A ydych yn cytuno â'r datganiad hwn neu a ydych yn anghytuno â'r hyn y mae Bwrdd yr Iaith Gymraeg yn ei honni?

Do you agree with this statement or do you disagree with what the Welsh Language Board is claiming?

[222] **Rhodri Glyn Thomas:** Nid wyf yn gymaint yn anghytuno ond, wrth reswm, mae'r Comisiwn wedi ystyried tystiolaeth bwrdd yr iaith. Mae'n deg dweud bod bwrdd yr iaith, er nad yw'n cytuno â phopeth y mae'r Comisiwn wedi penderfynu arno, yn hapus gyda'r Bil a'r cynllun yn eu cyfanrwydd. Nid ydym wedi derbyn popeth y mae wedi'i ddweud. Rydym yn teimlo bod y adran hwnnw'n ddigonol. Gwyn, a wyt ti am sôn am yr elfen o resymolrwydd yng nghyd-destun gofynion cyfreithiol?

Rhodri Glyn Thomas: I do not as much disagree but, naturally, the Commission has considered the language board's evidence. It is fair to say that the language board, although it does not agree with everything the Commission has decided, is happy with the Bill and the scheme in their entirety. We have not accepted everything that it has said. We feel that the section is sufficient. Gwyn, do you want to talk about the element of reasonableness in the context of the legal requirements?

[223] **Mr Griffiths:** Hoffwn gyfeirio'n benodol at adran 6; mae'n rhoi pwyslais ar yr hyn sydd yn y cynllun. Felly, bydd unrhyw newid yn y gwasanaeth yn ddibynnol ar y Cynulliad llawn yn cymeradwyo newidiadau yn y cynllun, fel yr eglurodd Rhodri. Dadl arall yn erbyn rhoi rhywbeth penodol yn y Bil yw bod hynny'n codi un agwedd ar wasanaeth dwyieithog i lefel wahanol i'r elfennau eraill. Er enghraifft, a yw Cofnod dwyieithog yn bwysicach na chyfieithu ar y pryd mewn cyfarfodydd neu ddarparu gohebiaeth ddwyieithog? Dyna pam yr

Mr Griffiths: I would like to refer in particular to section 6; it places an emphasis on what is in the scheme. Therefore, any change in services will mean that the full Assembly would have to approve changes to the scheme, as Rhodri explained. Another argument against putting anything specific in the Bill is that it raises one aspect of the bilingual service to a level that is different to the level set out for other elements. For example, is a bilingual Record of Proceedings more important than interpretation at meetings or providing

ymdrinnir â'r gwasanaeth yn ei gyfanrwydd yn y cynllun, fel nad ydym yn tynnu un agwedd allan a'i rhoi yn y Bil, gan adael agweddau eraill sydd efallai'r un mor bwysig yn y cynllun yn unig.

bilingual correspondence? That is why we have sought to deal with the service as a whole in the scheme, so that we do not extract one aspect and including it on the face of the Bill, with other aspects that are of equal importance left solely in the scheme.

[224] **Bethan Jenkins:** Y ddadl gan rai yw, oherwydd bod is-baragraff (6) wedi'i ychwanegu, bod hynny'n tanseilio'r hygrededd o safbwynt trin y Gymraeg a'r Saesneg yn gyfartal. Ni fyddech yn cytuno â hynny, felly.

Bethan Jenkins: The argument by some is that, because sub-paragraph (6) has been added, it undermines the integrity of treating the Welsh and English languages equally. You would not agree with that, then.

[225] **Rhodri Glyn Thomas:** Na, credaf fod yr egwyddor sylfaenol honno wedi'i diogelu'n ddigonol yn y Bil a'r cynllun. Mae'r cynllun iaith yn atebol, yn y pen draw, i'r Cynulliad cyfan ac Aelodau'r Cynulliad.

Rhodri Glyn Thomas: No, I believe that the fundamental principle has been adequately safeguarded within the Bill and the scheme. The language scheme will be accountable, ultimately, to the whole Assembly and the Assembly Members.

[226] **Kenneth Skates:** With regard to cost, I notice that it is a bit like playing hokey cokey with the fully bilingual Record of Proceedings. In July 2009 it went out, it was brought back in in September 2009, back out in July 2010, and back in in November 2011. Why has it been kicked out and brought back in? What was the reason for it being removed? If it was cost, what happens if the cost of providing it this time exceeds £95,000? When will the cost be reviewed?

[227] **Rhodri Glyn Thomas:** O ran yr hyn ddigwyddodd, penderfyniad y Comisiwn blaenorol oedd hynny, ac nid oeddwn yn aelod o'r Comisiwn hwnnw. Penderfynodd y Comisiwn newydd, a benodwyd ar ôl etholiadau Mai y llynedd, ei fod am ailgyflwyno Cofnod dwyieithog. Gwnaethom waith ymchwil manwl ynglŷn â'r ffordd fwyaf effeithiol a chost-effeithiol o wneud hynny. Mae'r gost o £95,000 yn seiliedig ar y gost o gyflogi dau uwch-gyfieithydd i olygu'r gwaith. Ar hyn o bryd, mae'r gwaith o gyfieithu'r Cofnod yn cael ei wneud yn fewnol, oherwydd roeddem am sicrhau bod y gwaith yn cael ei wneud yn y ffordd gywir ar y dechrau. Gallai hynny newid yn y dyfodol.

Rhodri Glyn Thomas: With regard to what occurred, that was the decision of the previous Commission, of which I was not a member. The new Commission, which was appointed following the elections in May of last year, decided that it wanted to reintroduce the bilingual Record of Proceedings. We conducted detailed research into the most effective and cost-effective way of doing that. The cost of £95,000 is based on the cost of employing two senior translators to edit the work. The work of translating the Record is being undertaken in-house currently, as we wanted to ensure that the work would be done in exactly the way that we wanted at the outset. That could change in the future.

11.00 a.m.

[228] Gallech seilio'r ffigur ar gost dau uwch-gyfieithydd neu nifer y geiriau sydd angen eu cyfieithu a'r gost o olygu hynny ar ôl i'r cyfan gael ei fwydo i mewn i'r system electronig. Fodd bynnag, £95,000 yw'r gost, ac nid ydym yn rhagweld y bydd yn mynd dros hynny.

You can base the cost on that of two senior translators or the number of words that need to be translated and the cost of editing that after everything has been fed into the electronic system. However, the cost is £95,000, and we do not anticipate that it will exceed that.

[229] **Elin Jones:** I fynd yn ôl at is-baragraff (6), yn y nodiadau esboniadol, rydych yn cyfiawnhau'r math hwnnw o gymal ar sail y ffaith bod yr un math o ddarpariaeth yn Neddf Ieithoedd Swyddogol 2003 ar gyfer Iwerddon. Pam y credwch fod y gymhariaeth ag Iwerddon, a gwneud rhywbeth tebyg i'r hyn sy'n digwydd yn Iwerddon, yn berthnasol i ni yn y Cynulliad? Nid wyf yn gwybod faint o ddefnydd sydd o'r iaith Wyddeleg yn Senedd Iwerddon, felly nid wyf yn gwybod a ydyw'n cymharu â faint o Gymraeg sy'n cael ei defnyddio yma, er enghraifft. Ai achos eich bod wedi edrych ar yr ymarfer gwaith yn Senedd yr Iwerddon y gwnaethoch benderfynu ei seilio ar hynny, neu oherwydd ei fod yn rhywbeth deddfwriaethol tebyg iawn, yn hytrach nag edrych ar yr arfer a'r defnydd o'r ddwy iaith?

Elin Jones: To go back to sub-paragraph (6), in the explanatory notes, you justify such a clause on the basis that the same type of provision exists in the Irish Official Languages Act 2003. Why do you think that the comparison with Ireland, and doing something similar to what happens in Ireland, is relevant to us in the Assembly? I do not know how much use is made of the Irish language in the Irish Parliament, so I do not know if it compares with the amount of Welsh that is used here, for example. Is it because you have looked at the working practices of the Irish Parliament that you chose to base it on that, or because it is something that is legislatively very similar, instead of looking at the practice and the use made of both languages?

[230] **Rhodri Glyn Thomas:** Nid yw'r gymhariaeth yn bwysig; mae'n debyg iawn i'r gymhariaeth â New Brunswick. Mae'r gymhariaeth yna oherwydd ein bod yn teimlo bod yr esboniad yn y ddeddfwriaeth yn Iwerddon yn esboniad clir o'r sefyllfa. Felly, nid cymhariaeth rhwng y defnydd a wneir o'r iaith yn Iwerddon â'r defnydd a wneir o'r iaith yma ydyw; mae wedi'i gynnwys oherwydd bod y geiriad, yn ein barn ni, yn dangos cymhariaeth â'r modd y mae wedi'i esbonio'n glir mewn deddfwrfa arall.

Rhodri Glyn Thomas: The comparison is not important; it is very similar to the comparison with New Brunswick. The comparison is drawn because we feel that the explanation in the legislation in Ireland is a clear explanation of the situation. Therefore, the comparison is not one between the use made of the language in Ireland and the use made of the language here; it has been included because the wording, in our opinion, demonstrates a comparison with the way in which it has been clearly explained in another legislature.

[231] **Bethan Jenkins:** Rydym wedi trafod y Cofnod yn fras yn barod, ond a allwch egluro pam y penderfynodd y Comisiwn beidio â rhoi dyletswydd ar wyneb y Bil i ddarparu Cofnod y Trafodion cwbl ddwyieithog yn ei gyfarfod ym mis Tachwedd 2011? Beth oedd y rheswm dros wneud y penderfyniad hwnnw?

Bethan Jenkins: We have spoken briefly about the Record already, but can you explain why the Commission decided not to provide a duty on the face of the Bill to provide a fully bilingual Record of Proceedings at its meeting in November 2011? What was the rationale behind that decision?

[232] **Rhodri Glyn Thomas:** Rhoddwyd ystyriaeth i'w osod ar wyneb y Bil oherwydd bod hwn wedi codi yn ystod y broses ymgynghorol. Mae'n deg dweud bod nifer o bobl a oedd wedi bod yn rhan o'r broses honno wedi codi'r mater hwn gyda ni. Fel y bu imi ddweud ar ddechrau'r sesiwn dystiolaeth hon, y teimlad oedd bod y Bil yn trafod yr egwyddorion a bod y manylion ymarferol yn y cynllun. Roedd y rhai a oedd yn pwyso am hyn yn teimlo ei fod yn agor y drws i benderfyniad yn y dyfodol, o bosibl, i

Rhodri Glyn Thomas: Consideration was given to placing it on the face of the Bill because this was raised during the consultation process. It is fair to say that many people who had been part of that process had raised this issue with us. As I said at the beginning of this evidence session, the feeling was that the Bill discusses the principles and that the practical details are contained in the scheme. Those who were pushing for this felt that it may be opening the door for a decision to be made in the

beidio â chyfieithu'r Cofnod, ond mewn gwirionedd byddai'n bosibl diwygio'r Ddeddf pe bai Comisiwn neu Gynulliad yn penderfynu nad oedd angen cyfieithu'r Cofnod. Yn y pen draw, lle bynnag y gwneir y datganiad hwnnw, mae'r penderfyniad yn nwylo'r Cynulliad cyfan ac Aelodau'r Cynulliad. Ni fyddai modd newid y drefn heb i'r Cynulliad yn ei gyfanrwydd gadarnhau hynny.

future not to translate the Record, but in all honesty it would be possible to amend the Act if a Commission or an Assembly resolved that there was no need to translate the Record. In the end, wherever that statement is made, the decision is in the hands of the Assembly as a whole and Assembly Members. It would not be possible to change the procedure without the decision being confirmed by the Assembly as a whole.

[233] **Bethan Jenkins:** Oni fyddai ei roi ar wyneb y Bil yn gosod yr egwyddor? Hynny yw, byddai'n ei wneud yn amlwg i unrhyw un oedd yn edrych ar y Bil bod gorfodaeth ar y Cynulliad i ddarparu Cofnod dwyieithog yn hytrach na'u bod yn gorfod darllen drwy'r manylion yn y memorandwm esboniadol. Clywais yn gynharach nad oedd ar wyneb y Bil oherwydd bod pethau eraill yr un mor bwysig â'r Cofnod. A allwch esbonio sut y daethoch chi i'r penderfyniad hwnnw hefyd?

Bethan Jenkins: Would it not set out the principle if it were put on the face of the Bill? That is, it would be obvious to anyone looking at the Bill that the Assembly was required to provide a bilingual Record rather than their having to read through the detail of the explanatory memorandum. I heard earlier that it was not included on the face of the Bill because other things are as important as the Record. Can you also explain how you came to that decision?

[234] **Rhodri Glyn Thomas:** Fel y bu i Gwyn ddweud yn gynharach yn y dystiolaeth hon, mae'r ddarpariaeth o ran cyfieithu yn ddarpariaeth eang iawn. Er enghraifft, mae darpariaeth cyfieithu ar y pryd mewn pwyllgorau ac yn y Siambr; a oes angen rhoi hynny ar wyneb y Bil? Gellir pwyso a mesur y pethau hyn. Derbyniaf y ddadl; mae'n ddadl sydd wedi ei chyflwyno. Ystyriodd y Comisiwn y materion hyn i gyd a phenderfynwyd mai'r cynllun oedd y lle priodol i sefydlu'r egwyddor o gyfieithu'r Cofnod a sicrhau Cofnod cwbl ddwyieithog.

Rhodri Glyn Thomas: As Gwyn said earlier in this evidence session, the provision regarding translation is very wide-ranging. For example, interpretation is provided in committees and in the Chamber; does that need to be included on the face of the Bill? It is possible to weigh up these things. I accept the argument; it is an argument that has been put forward. The Commission considered all these matters and decided that the scheme was the appropriate place to establish the principle of translating the Record and ensuring a fully bilingual Record.

[235] Fel y dywedais yn gynharach, nid oes modd ail-wneud yr hyn ddigwyddodd bron ddwy flynedd yn ôl ym mis Gorffennaf 2010, pan benderfynwyd dod â Chofnod dwyieithog i ben. Nid oes modd gwneud hynny; unwaith y bydd y Bil hwn a'r cynllun hwn yn cael eu derbyn gan y Cynulliad, ni fydd modd gwneud hynny. Bydd yn rhaid iddo fod yn benderfyniad y Cynulliad yn llawn.

As I said earlier, what happened nearly two years ago in July 2010, when it was decided to dispense with the bilingual Record, cannot be repeated. There is no way of doing that; once this Bill and this scheme have been accepted by the Assembly, it will not be possible to do that. It will have to be a decision of the full Assembly.

[236] **Bethan Jenkins:** I gadarnhau, felly, yn gyfreithiol, os penderfynwch gynnwys Cofnod y Trafodion yn y Bil yn glir, byddai angen cynnwys y pethau eraill sy'n cael eu cyfieithu hefyd, ynteu fater o bolisi ydyw yn fwy nag anghenraid cyfreithiol?

Bethan Jenkins: To confirm, then, legally, if you decide to include a clear reference to the Record of Proceedings in the Bill, the other things that are translated would also need to be included, or is it more a matter of policy than legal necessity?

[237] **Rhodri Glyn Thomas:** Nid oes rheidrwydd yn gyfreithiol; yr hyn y mae Gwyn a minnau'n ei ddweud yw mai mater o beth yn union rydych yn ei gynnwys ar wyneb y Bil ydyw. Penderfyniad y Comisiwn oedd cadw'r Bil mor syml â phosibl. Gellid rhoi pob math o bethau ar wyneb y Bil, ond nid oes rhaid i unrhyw beth fod arno, gan gynnwys gofyniad i gyfieithu'r Cofnod, oni bai bod y Cynulliad yn dymuno hynny.

Rhodri Glyn Thomas: There is no legal requirement; what Gwyn and I have been saying is that it is a matter of what exactly you include on the face of the Bill. It was the Commission's decision to keep the Bill as simple as possible. You could put all sorts of things on the face of the Bill, but you do not have to include anything on it, including a requirement to translate the Record, unless the Assembly wishes to do that.

[238] **Gwyn R. Price:** Could you explain how the process for adopting a scheme, as set out in sub-paragraph (10), would work in practice?

[239] **Rhodri Glyn Thomas:** Mae'n ddarostyngedig i'r gofynion sy'n cael eu nodi yn y Bil, ac mae'n ddibynnol hefyd ar y Cynulliad ar y pryd. Gellid penderfynu cynnal ymgynghoriad trwyadl, a hwyrach byddai llai o graffu gan y pwyllgorau. Ar y llaw arall, gellid penderfynu na fyddai angen ymgynghoriad llawn a byddai mwy o graffu yn y pwyllgorau. Yn y pen draw, mater i'r pwyllgorau yw penderfynu ar eu rhaglen.

Rhodri Glyn Thomas: It is subject to the requirements stated in the Bill, and it is also dependent on the Assembly at that time. It may be decided to conduct a thorough consultation, with perhaps less scrutiny by the committees. Alternatively, it could be decided that a full consultation was not necessary and that the committees would undertake more scrutiny. Ultimately, it is for the committees to decide on their programme.

[240] **Mike Hedges:** When does the Assembly Commission intend to provide information about the financial costs of each draft scheme, and where will I find it in the Commission's budget?

[241] **Rhodri Glyn Thomas:** Mae i'w gael. O ran y costau, mae'r swm yn y contractau allanol.

Rhodri Glyn Thomas: It is available. As for the costs, the amount is in the external contracts.

[242] **Dr Gwilym:** Mae tabl manwl yn y memorandwm esboniadol sy'n amlinellu'r costau sydd ynghlwm wrth y gwasanaethau dwyieithog. Mae'r tabl yn cynnwys costau ar gyfer gwasanaethau sydd wedi bodoli yma er 1999, a hefyd un gwasanaeth penodol newydd y cyfeirir ato yn y cynllun, sef cyfieithiad cyflawn o Gofnod Trafodion y Cyfarfod Llawn.

Dr Gwilym: There is a detailed table in the explanatory memorandum that outlines the costs associated with the bilingual services. The table includes costs for services that have been in existence here since 1999, as well as for one new specific service referred to in the scheme, namely the full translation of the Record of Plenary Proceedings.

[243] Y bwriad yw cynnwys costau ymhob cynllun o hyn allan. Fel y cyfeiriodd y Comisiynydd, mater i'r pwyllgorau fyddai penderfynu sut i archwilio'r costau hynny. Y bwriad yw cynnwys y costau bob tro.

The intention is to include costs in each scheme from now on. As the Commissioner noted, it would be for the committees to decide how to scrutinise those costs. The intention is to include the costs every time.

[244] **Mike Hedges:** I was not asking about how you would scrutinise them; I just asked how you would find them.

[245] **Dr Gwilym:** Mae'r tabl yn y memorandwm esboniadol yn esbonio hynny.

Dr Gwilym: The table in the explanatory memorandum sets that out. It includes the

Mae'n cynnwys costau am y gwasanaeth cyfieithu yn ei gyfanrwydd, megis costau staff. Mae hefyd yn cyfeirio at gostau contractwyr allanol sy'n helpu gyda'r gwasanaethau cyfieithu. Mae'n cyfeirio at wasanaethau tiwtora a dysgu'r Gymraeg i staff ac Aelodau, ac mae'n cyfeirio at y lwfans penodol sydd gan Aelodau ar gyfer gwasanaethau cyfieithu unigol iddynt hwy.

costs for the entire translation service, such as staffing costs. It also refers to the costs of external contractors that help with translation services. It refers to tutoring services and Welsh lessons for staff and Members, and it refers to the specific allowance allocated to Members for individual translation services.

[246] Fel y soniais, yn y tabl costau y tro hwn, mae £100,000 ychwanegol yng nghostau contractwyr allanol—cost cyfieithu Cofnod cwbl ddwyieithog yw hynny. 'Oddeutu £95,000' yw'r geiriad yn nogfennaeth y Comisiwn. Dyna lle mae'r £100,000 hynny ar hyn o bryd. O ran yr arian hwnnw, o'r hyn rwy'n deall, mater i bennaeth y gwasanaeth cyfieithu yw penderfynu sut i weithio gyda'r gyllideb. Ar hyn o bryd, mae aelodau staff, fel y soniodd y Comisiynydd, yn gwneud y gwaith cyfieithu ar y Cofnod. Mae gwaith cyfieithu arall yn cael ei gyfeirio at gontractwyr allanol, ond mae'r trefniant hwnnw yn cael ei adolygu yn gyson ar hyn o bryd, a bydd darn cynhwysfawr o waith yn cael ei baratoi a fydd yn rhoi eglurder pellach ar gostau yn ystod tymor yr haf ar ôl chwe mis o ddarparu Cofnod cwbl ddwyieithog.

As I mentioned, on this occasion, the table of costs includes an additional £100,000 in external contractor costs—that is the cost of translating a fully bilingual Record. The wording in the commission's documentation is 'approximately £95,000'. That is where that £100,000 is at the moment. In terms of that money, from what I understand, it is for the head of the translation service to decide how to administer the budget. Currently, staff members, as the Commissioner mentioned, are working on the translation of the Record. Other translation work is being diverted to external contractors, but that arrangement is reviewed regularly at the moment, and a comprehensive piece of work will be prepared that will provide further clarity on costs during the summer term, following a six month period of providing a fully bilingual Record.

[247] **Kenneth Skates:** To clarify, the minutes of the Commission meeting in November state, explicitly, that translation costs would not exceed £95,000. You are now saying that you are building in £100,000 into the budget. When were these tests carried out to assert that it would not cost more than £95,000, because it says in the January 2012 explanatory memorandum that the cost is approximately £95,000? Is the cost approximately £95,000, £100,000, or will the cost not exceed £95,000? Are there any assurances of a cap on the cost?

[248] **Rhodri Glyn Thomas:** Mae swm o £95,000 wedi ei osod, ond mae £100,000 wedi ei osod yn y gyllideb. Fel y bu i mi sôn yn gynharach, gellid amcangyfrif y gost naill ai drwy edrych ar gyflogi dau uwch-gyfieithydd i olygu neu drwy weithio allan cost cyfieithu a golygu 1,000 o eiriau. Dyna'r rheswm, yn rhannol, y bu amser rhwng y penderfyniad gwreiddiol ym mis Gorffennaf 2011 a gweithredu ar y mater ym mis Ionawr 2012. Roeddwn yn awyddus i sicrhau bod y broses yn un gynaliadwy a bod sicrwydd o ran y ffigurau. Y gost ar hyn o bryd yw £95,000, ac nid ydym yn rhagweld y swm hwnnw yn newid, ond bydd y cyfan yn cael ei adolygu yn yr haf.

Rhodri Glyn Thomas: A sum of £95,000 has been set, but £100,000 has been allocated in the budget. As I mentioned earlier, the cost can be estimated by looking at employing two senior translators to do the editing work or by working out the cost of translating and proofreading 1,000 words. That is partly the reason why it took time between the original decision in July 2011 and the time when we acted on the matter in January 2012. I was eager to ensure that the process was sustainable and that there was certainty about the figures. The cost at present is £95,000, and we do not anticipate that that amount will change, but the whole issue will be reviewed in the summer.

[249] **Mike Hedges:** The Bill's explanatory notes indicate that new sub-paragraph (10) allows the official languages scheme to be adopted before the Bill comes into force. Does this not pre-judge the outcome of the Assembly's consideration of the Bill? It may not be a problem with a non-controversial Bill such as this one, but would it not set a precedent for future Bills?

[250] **Rhodri Glyn Thomas:** Na, nodi ffaith yn unig y mae. Mater i'r Cynulliad yn ei gyfanrwydd yn y pen draw yw penderfynu ar y math faterion.

Rhodri Glyn Thomas: No, it just notes a fact. It is ultimately for the Assembly as a whole to decide on such matters.

[251] **Mr Griffiths:** Efallai y bydd o ddefnydd i'r pwyllgor i mi esbonio diben y ddarpariaeth yn is-baragraff (10). Diben yr is-baragraff yw sicrhau bod yr ymgynghoriad ar y cynllun sydd wedi digwydd, ac sy'n digwydd ar hyn o bryd, yn gymwys ar gyfer mabwysiadu cynllun gan y Cynulliad, yn hytrach nag aros nes bod y Bil wedi mynd drwodd ac yna ailgychwyn proses ymgynghori ar y cynllun. Felly, mae'r broses bresennol yn cyfrif ar gyfer yr ymgynghoriad o ran is-baragraff (10). Fodd bynnag, ni fydd yn caniatáu i'r Cynulliad fabwysiadu'r cynllun cyn i'r Bil fynd drwy'r Cynulliad.

Mr Griffiths: It may be useful for me to explain the purpose of the provision in sub-paragraph (10) to the committee. The purpose of the paragraph is to ensure that the consultation on the scheme that has taken place, and which is ongoing, is eligible for the scheme to be adopted by the Assembly, instead of having to wait until the Bill has gone through and then restart the consultation process. Therefore, the current process counts towards the consultation with regard to sub-paragraph (10). However, it will not allow the Assembly to adopt the scheme before the Bill goes through the Assembly.

[252] **Bethan Jenkins:** Rwy'n deall yr hyn rydych yn ei ddweud, ond mae rhai'n credu nad yw'r cynllun, fel y mae, yn ddigon cynhwysfawr a bod angen ei addasu, a dyna pam na ddylid pasio'r cynllun ar hyn o bryd. Beth yw eich ymateb i hynny?

Bethan Jenkins: I understand what you are saying, but some believe that the scheme, in its present form, is not comprehensive enough and that it needs to be amended, and that is why the scheme should not be passed at the moment. What is your response to that?

[253] **Rhodri Glyn Thomas:** Mae'r Comisiwn yn atebol i'r Cynulliad yn y pen draw. Os oes consensws ar hynny, bydd modd cyflwyno gwelliannau, naill ai yn y pwyllgor hwn neu pan fydd y Bil ar lawr y Cynulliad.

Rhodri Glyn Thomas: The Commission is accountable to the Assembly at the end of the day. If there is consensus on that, amendments can be introduced, either in this committee or when the Bill is before the Assembly.

[254] **Mr Griffiths:** Pe bai'r cynllun yn mynd yn ei flaen, ar hyn o bryd ni fyddai statws ganddo. Nes bod y Bil wedi mynd drwodd, ni fydd sail gyfreithiol i gael cynllun a dyna pam mae sicrwydd pendant na fydd cynllun nes bod y Bil wedi mynd drwy'r Cynulliad.

Mr Griffiths: If the scheme goes ahead, at the moment it would not have status. Until the Bill has gone through, there will be no legal basis to a scheme and that is why there is certainty that there will not be a scheme until the Bill has been passed by the Assembly.

[255] **Mark Isherwood:** Back to costs, of the 59 submissions to the consultation, 40 of which were on the same template, only six opposed the proposals for the scheme, and all of them highlighted objections on the grounds of cost. Can you therefore provide an explanation of how the costs in the explanatory memorandum were arrived at?

11.15 a.m.

[256] **Rhodri Glyn Thomas:** Mae'r costau yn seiliedig ar brofiad y gorffennol. Mae cyfeiriad yno at y gost ar ei huchaf o £290,000. Roedd hynny ar gyfnod pan oedd Cyfarfodydd Llawn y Cynulliad yn hirach nag y maent ar hyn o bryd. Y gost ddiweddaraf i gyfieithu o fewn 24 awr oedd £250,000. Mae'r gost yr ydym wedi'i chyflwyno o £95,000 yn seiliedig ar ein gwaith dros y chwe mis diwethaf ers y penderfyniad ym mis Gorffennaf i adfer Cofnod dwyieithog.

Rhodri Glyn Thomas: The costs are based on past experience. There is reference there to the cost at its highest of £290,000. That was at a time when Assembly Plenary sessions were longer than they are at the moment. The most recent cost of translation within 24 hours was £250,000. The cost that we have submitted of £95,000 is based on our work over the last six months since the decision in July to reinstate the bilingual Record.

[257] **Mark Isherwood:** Have you factored in possible changes in the Assembly's business arrangements in the future, such as if there were to be additional committees or Plenary meetings requiring translation services?

[258] **Rhodri Glyn Thomas:** Na; pe bai penderfyniad yn cael ei wneud i ehangu'r cyfieithu, byddai'n fater i'r Comisiwn benderfynu arno. Mae hyn yn seiliedig ar y sefyllfa bresennol. Y gwir amdani, o ran y cyfieithu ysgrifenedig, gan ein bod bellach yn defnyddio proses electronig, yw ei bod yn ddibynnol ar fwydo gwybodaeth i'r feddalwedd cof cyfieithu. Wrth i'r cof ddatblygu, bydd y broses yn mynd yn fwy effeithiol ac yn gyflymach, a gellid gweld arbedion, ond bydd yn rhaid inni adolygu hynny wrth i'r broses fynd rhagddi. Felly, pe bai penderfyniad yn cael ei wneud i ehangu'r cyfieithu ysgrifenedig, mae'n bosibl y gellid ymgorffori hynny o fewn y gost. Bydd hynny'n rhywbeth a adolygir yn gyson. Rydym yn dilyn y broses o ran y Cofnod ar hyn o bryd ac, yn yr haf, byddwn yn edrych eto ar y sefyllfa o ran yr agweddau eraill. Nid oes bwriad ar hyn o bryd i gynyddu'r gost a nodwyd gennym.

Rhodri Glyn Thomas: No; if a decision were made to extend the translation, it would be a matter for determination by the Commission. This is based on the current situation. The truth of the matter, in terms of the written translation, as we are now using an electronic process, is that it is dependent on feeding information into the translation memory software. As the memory develops, the process will become more effective and quicker, and we could see savings, but we will have to review that as the process progresses. So, if a decision was made to extend the written translation, it is possible that it could be incorporated within the cost. That is something that will be reviewed regularly. We are following the process with regard to the Record at the moment and, over the summer, we will revisit the situation with regard to the other aspects. There is no intention at present to increase the cost that we have already identified.

[259] **Mark Isherwood:** Section 1 says that the official languages of the Assembly are English and Welsh and that they must be treated on a basis of equality. What do you consider to be the financial implications of that duty? Do you feel that you have covered all of those in your responses so far, or could there be further financial implications?

[260] **Rhodri Glyn Thomas:** Na, ni fydd mwy o oblygiadau ariannol.

Rhodri Glyn Thomas: No, there will be no further financial implications.

[261] **Mark Isherwood:** The memorandum provides actual translation and Welsh-language tuition costs for 2009-10 and 2010-11. I note that projected costs for translation services are around £800,000 per annum. How were these figures for future years estimated?

[262] **Dr Gwilym:** Mae'r costau i gyd yn seiliedig ar ein hymwybyddiaeth o natur y gwasanaethau fel ag y maent. Mae'r

Dr Gwilym: All the costs are based on our awareness of the nature of the services as they stand. The specific new provision within

ddarpariaeth benodol newydd o fewn y cynllun wedi cael ei bwydo i mewn hefyd. Rhoddwyd ystyriaeth hefyd i unrhyw newidiadau yr ydym yn ymwybodol ohonynt yn y ddarpariaeth honno. Nid ydym yn ymwybodol o unrhyw newid sylweddol ar hyn o bryd yn y ddarpariaeth, felly'r cysylltiad â'r cynllun yw'r peth allweddol. Fel y gwelwch o'r memorandwm esboniadol, bydd nifer o gontractau yn cael eu tendro unwaith eto, a rhoddwyd ystyriaeth bellach i natur a strwythur y gwasanaethau hynny hefyd.

the scheme has also been fed in. Consideration is also given to any changes of which we are aware in that provision. We are not aware of any significant change in the provision at present, so the key issue is the linking with the scheme. As you will see in the explanatory memorandum, a number of contracts will go out again to tender, and further consideration has also been given to the nature and structure of those services.

[263] **Bethan Jenkins:** Hoffwn fynd yn ôl at y pwynt bod yn rhaid trin y Gymraeg a'r Saesneg yn gyfartal. Rydych yn dweud na fydd costau ychwanegol. Ai'r rheswm am hynny yw bod brawddegau yn y cynllun drafft sy'n caniatáu i'r Gymraeg beidio â bod yn orfodol bob amser—er enghraifft, gyda thrafodaethau ar-lein a thystiolaeth nad yw'n cael ei chyflwyno drwy gyfrwng y Gymraeg yn wreiddiol gan dystion? Ai dyna pam na fydd costau ychwanegol?

Bethan Jenkins: I want to return to the point about the Welsh and English languages being given equal status. You say that there will be no additional costs. Is that because of the sentences in the draft scheme that mean that Welsh is not always mandatory—for example, with online discussions and evidence not submitted originally through the medium of Welsh by witnesses? Is that why there will not be any additional costs?

[264] **Rhodri Glyn Thomas:** Nid ydym yn rhagweld costau ychwanegol. O ran y pwynt a godaist ynglŷn â phobl yn cyflwyno tystiolaeth, byddwn yn ei gwneud yn glir i gyrff allanol fod disgwyl iddynt gyflwyno eu tystiolaeth yn ddwyieithog. Nid ydym yn y busnes o gyfieithu ar ran cyrff allanol—nid dyna'n cyfrifoldeb ni—ond byddwn yn sicrhau bod y dystiolaeth ar gael i ganiatáu i Aelodau gyflawni eu gwaith yn y naill iaith neu'r llall. Y pwynt sylfaenol yw nad yw'r egwyddor o drin y naill iaith a'r llall yn gyfartal yn golygu bod rhaid i bopeth gael ei gyfieithu. Mae Non eisiau ychwanegu pwynt am wasanaethau ar-lein.

Rhodri Glyn Thomas: We do not anticipate additional costs. With regard to the point that you raised about people providing evidence, we will make it clear to external bodies that they are expected to provide their evidence bilingually. We are not in the business of doing translation work for external organisations—that is not our responsibility—but we will ensure that the evidence is available to enable Members to undertake their work in either language. The fundamental point is that the principle of treating both languages equally does not mean that everything has to be translated. Non wants to add a point on online services.

[265] **Dr Gwilym:** Mae maes gwasanaethau ar-lein yn datblygu ac yn esblygu o hyd. Rydym yn gweithio'n agos â Bwrdd yr Iaith Gymraeg ac yn edrych yn gyson ar ei ganllawiau. Rydym wedi ystyried y maes hwn. Os ydych am ymateb yn ddwyieithog i unrhyw fath o ymholiad neu sylw mewn iaith benodol, un o'r gofidiau yw y byddai'n rhaid cyfieithu popeth er mwyn gwneud synnwyr ohono, ond nid oes gennym reolaeth dros gyfieithu popeth. Er enghraifft, pe bai rhywun yn rhoi sylw yn Gymraeg ar ein tudalen Facebook, byddai'n rhaid inni

Dr Gwilym: Online services are continuously developing and evolving. We work closely with the Welsh Language Board and refer to its guidelines regularly. We have considered this field. If you want to respond bilingually to any kind of enquiry or comment in a specific language, one of the concerns is that everything would have to be translated in order to make sense of it, but we do not have control over translating everything. For example, if someone made a comment in Welsh on our Facebook page, we would have to translate that comment to

gyfieithu'r sylw hwnnw er mwyn ei wneud yn gwbl ddwyieithog i bawb, ac yn y blaen. Dyna lle'r ydym ar hyn o bryd; mae'n faes sy'n datblygu ac yn faes rydym yn ei ystyried.

make it fully bilingual for everyone and so on. That is where we are at the moment; it is a field that is developing and one that we are considering.

[266] **Rhodri Glyn Thomas:** Egwyddor y Comisiwn yw mai ein cyfrifoldeb ni yw caniatáu i Aelodau'r Cynulliad hwn wneud eu gwaith drwy'r naill neu'r llall o'r ieithoedd swyddogol—yn Gymraeg neu'n Saesneg—a byddwn yn darparu'n ddigonol fel y gallant wneud hynny.

Rhodri Glyn Thomas: The Commission operates to the principle that it is our responsibility to allow Members of this Assembly to work through either of the two official languages—Welsh or English—and we will make adequate provision so that they can do that.

[267] **Joyce Watson:** The costs included in the explanatory memorandum only provide for 2011-12, 2012-13 and 2013-14, and not subsequent financial years. Yet, we know that the official language scheme could last as long as five years. Why is that the case?

[268] **Rhodri Glyn Thomas:** Credaf fod Non eisoes wedi esbonio hyn. Mae cyfres o gytundebau y mae'n rhaid eu hadnewyddu, ac nid ydym yn gallu mynd y tu hwnt i'r cytundebau hynny. Fodd bynnag, mae gwybodaeth yno ynghylch y blynyddoedd sy'n ymwneud â'r cytundebau presennol. Fel yr adnewyddir y cytundebau hynny, bydd y wybodaeth ychwanegol yn cael ei chyflwyno.

Rhodri Glyn Thomas: I believe that Non has already explained this. There is a whole series of contracts that have to be renewed, and we cannot go beyond those contracts. However, there is information regarding the years appertaining to the current contracts. As those contracts are renewed, the additional information will be presented.

[269] **Joyce Watson:** The memorandum contains details of the cost of some services outlined in the 2007 Welsh language scheme and the costs of any additional services included in the draft official languages scheme. What will these additional services be, and how much will they cost per annum? Why was that information not included in the memorandum?

[270] **Dr Gwilym:** Y gost ychwanegol yw cost Cofnod cwbl ddwyieithog, ac mae hynny wedi'i gynnwys yn y tabl. Nid yw, efallai, mor eglur ac y gallai fod, ond mae'r gost honno wedi'i chynnwys yng nghostau contractwyr allanol. Gofynnodd Ken Skates ynghylch y £100,000 a'r £95,000, a dyna yw'r gost ychwanegol.

Dr Gwilym: The additional cost is the cost of a fully bilingual Record, and that has been included in the table. It is not, perhaps, as clear as it could be, but that cost has been included in the costs of external contractors. Ken Skates asked about the £100,000 and the £95,000, and that is the additional cost.

[271] **Ann Jones:** I think that we have covered that issue, so unless there is anything that you want to add, we will move on to the official languages scheme. Janet has the first questions on the official languages scheme.

[272] **Janet Finch-Saunders:** Can you outline the changes that have been made to the draft official language scheme in light of the consultation held between August and October last year?

[273] **Rhodri Glyn Thomas:** Mae nifer o newidiadau. Newidiwyd yr enw o 'gynllun gwasanaethau dwyieithog' i 'gynllun ieithoedd swyddogol'. Ailddrafftiwyd y paragraffau a oedd yn cyfeirio at y Cofnod i

Rhodri Glyn Thomas: There are a number of changes. The name was changed from 'bilingual services scheme' to 'official languages scheme'. The paragraphs that referred to the Record were re-drafted to

adlewyrchu penderfyniad y Comisiwn ar 24 Tachwedd. Ehangwyd yr adran yn ymwneud â thechnoleg gwybodaeth. Addaswyd yr uchelgais, gan hepgor yr elfen orfodol i'r holl staff gael rhai sgiliau yn y ddwy iaith. Ychwanegwyd paragraff i esbonio pam nad yw Aelodau yn atebol i ofynion y Cynulliad, ac ychwanegwyd paragraff arall i esbonio pam nad yw cynllun y Comisiwn yn atebol i gomisiynydd y Gymraeg.

reflect the Commission's decision of 24 November. The section relating to information technology was expanded. The ambition was adapted, omitting the mandatory element for all staff to have some skills in both languages. A paragraph was added to explain why Members are not accountable under Assembly requirements, and another paragraph was added to explain why the Commission is not accountable for its scheme to the Welsh language commissioner.

[274] **Janet Finch-Saunders:** Does the current draft official language scheme differ from the bilingual services provision outlined in the current Welsh language scheme?

[275] **Rhodri Glyn Thomas:** Mae'n datblygu ar y ddarpariaeth a amlinellwyd yng nghynllun 2007.

Rhodri Glyn Thomas: It builds on the provision outlined in the 2007 scheme.

[276] **Janet Finch-Saunders:** Why have you decided not to include any specific targets or goals or an implementation timetable in the draft scheme, as was the case with the 2007 Welsh language scheme?

[277] **Rhodri Glyn Thomas:** Oherwydd ein bod yn parhau i ddatblygu'r ddarpariaeth. Yr egwyddor sylfaenol yw ein bod yn gwneud popeth o fewn ein gallu i sicrhau y gall unrhyw Aelod wneud ei waith drwy gyfrwng y naill iaith neu'r llall.

Rhodri Glyn Thomas: It is because we are continuing to develop the provision. The fundamental principle is that we do everything that we can to ensure that Members can do their work through the medium of either language.

[278] **Bethan Jenkins:** Y broblem gyda'r agwedd honno yw ei bod yn anodd i'r cyhoedd fonitro'r hyn sy'n digwydd os nad oes amcanion neu os nad oes modd iddynt fesur yr hyn sydd yn digwydd o ran gwaith y Comisiwn. Oni fyddai'n help i'r cyhoedd gael rhyw fath o system sy'n cynnwys amcanion er mwyn iddynt allu bod yn rhan o'r broses?

Bethan Jenkins: The problem with that approach is that it is difficult for the public to monitor what is happening if there are no objectives or if they cannot measure what is happening with regard to the Commission's work. Would it not help the public to have some kind of system containing objectives so that they can be part of the process?

[279] **Rhodri Glyn Thomas:** Bydd targedau yn y strategaeth.

Rhodri Glyn Thomas: There will be targets in the strategy.

[280] **Bethan Jenkins:** Felly, ni fyddant yn rhan o'r cynllun ond byddant yn y strategaeth.

Bethan Jenkins: So, they will not be part of the scheme, but they will be in the strategy.

[281] **Rhodri Glyn Thomas:** Byddant.

Rhodri Glyn Thomas: Yes.

[282] **Bethan Jenkins:** Sut y bydd pobl yn gallu cymeradwyo'r cynllun heb wybod beth yw'r amcanion?

Bethan Jenkins: How will people be able to approve the scheme without knowing what the objectives are?

[283] **Dr Gwilym:** Mae'r amcanion yn y

Dr Gwilym: The objectives are in the

cynllun. O dan hynny, bydd gan bob gwasanaeth gynllun ieithoedd swyddogol penodol a fydd yn ystyried y ddarpariaeth sydd ei hangen i wireddu'r egwyddorion o fewn y Bil ac yna'r cynllun. Bydd adroddiadau cydymffurfio blynyddol yn cael eu darparu i fwydo'r adroddiad blynyddol ar gyfer y corff cyfan, a fydd yn cael ei gyflwyno nid yn unig i'r Comisiwn ond i'r Cynulliad hefyd. Mae'r ddarpariaeth honno, rwy'n meddwl fy mod yn iawn yn dweud, Gwyn, yn y Bil.

scheme. Below that, every service will have a specific official languages scheme that will consider the provision needed to realise the principles of the Bill and then the scheme. Annual compliance reports will be prepared to feed into the annual report for the whole body, which will be presented not only to the Commission but to the Assembly as well. That provision, I believe I am right to say, Gwyn, is in the Bill.

[284] **Mr Griffiths:** Ydyw.

Mr Griffiths: It is.

[285] **Dr Gwilym:** Mae'n ofynnol bod yr adroddiad blynyddol hwnnw yn cael ei baratoi. Mae hynny ar wyneb y Bil. Felly, mae gorfodaeth arnom i fonitro ac adolygu.

Dr Gwilym: The preparation of that annual report is mandatory. That is on the face of the Bill. Therefore, we are compelled to monitor and review.

[286] **Bethan Jenkins:** Y cwestiwn sy'n dilyn hynny yw pam nad ydych yn rhoi'r targedau a'r strategaeth o fewn y cynllun. Pam nad ydynt yn gallu bod yn rhan o'r cynllun?

Bethan Jenkins: The question arising from that is why do you not include the targets and the strategy within the scheme. Why can they not be part of the scheme?

[287] **Rhodri Glyn Thomas:** Oherwydd y bydd yn rhaid i bob gwasanaeth baratoi ei strategaeth mewn ymateb i'r cynllun ieithoedd swyddogol. Mae'r cynllun yn ei gyfanrwydd yn atebol i holl Aelodau'r Cynulliad drwy'r adroddiad blynyddol. Dyna'r cyfle i graffu ar yr hyn sydd wedi bod yn digwydd yn ystod y flwyddyn ac i weld a ydym wedi cyrraedd y nod o ran yr egwyddor o ganiatáu i Aelodau weithio drwy gyfrwng y Gymraeg neu'r Saesneg.

Rhodri Glyn Thomas: It is because every service will have to prepare its strategy in response to the official languages scheme. The scheme in its entirety is accountable to all Assembly Members through the annual report. That will be the opportunity to scrutinise what has been happening during the year and to see whether we have achieved our aims on the principle of enabling Members to work through the medium of either Welsh or English.

[288] **Dr Gwilym:** Bydd adroddiadau blynyddol, ond mae oes y cynllun yn hwy na hynny. Bydd yr argymhellion ar gyfer newidiadau yn yr adroddiadau blynyddol yn gallu cael eu cynnwys o fewn y strategaeth. Byddai hynny'n anodd iawn o fewn y cynllun, oherwydd, fel y dywedodd Gwyn a Rhodri, byddai'n rhaid i'r Cynulliad cyfan gymeradwyo unrhyw newid i'r cynllun.

Dr Gwilym: There will be annual reports, but the lifetime of the scheme is longer than that. The changes recommended in the annual reports can be included within the strategy. That would be very difficult within the scheme, because, as Gwyn and Rhodri have said, any changes to the scheme would have to be approved by the whole Assembly.

[289] **Mike Hedges:** Paragraph 19 of the draft scheme states that

[290] 'individual correspondence between Assembly Members and their constituents is not covered by this Scheme'.

[291] Why is this? Is it not just good manners to reply in the language in which your constituents wrote to you?

[292] **Rhodri Glyn Thomas:** Byddwn yn gobeithio y byddai pob Aelod yn parchu hynny, Mike. Ein gwaith ni yw sefydlu'r egwyddor, a dyna fyddai'n ddisgwyliedig. Ond ni allwn orfodi unrhyw Aelod etholedig i weithredu mewn ffordd benodol. Byddwn yn gobeithio y byddent yn parchu'r Bil a'r cynllun ac y byddent, o ran cwrteisi, yn ymateb i unrhyw ohebiaeth yn iaith yr ohebiaeth wreiddiol.

Rhodri Glyn Thomas: I would hope that all Members would respect that, Mike. Our work is to establish the principle, and that is what would be expected. However, we cannot force any elected Member to work in a particular way. I would hope that they would respect the Bill and the scheme and that they would, as a matter of courtesy, respond to any correspondence in the original language.

[293] **Mike Hedges:** The independent review panel on bilingual services in the National Assembly recommended in May 2010 that

[294] 'consideration be given to creating a high level over-arching post to coordinate this important work better from a Welsh language and bilingual perspective, both in terms of staff skills and multi-tasking and resource allocation'.

[295] Are you going to do that?

[296] **Rhodri Glyn Thomas:** Nac ydym. Nid ydym yn credu ei fod yn angenrheidiol, a bydd yr holl waith yn cael ei arolygu gan Non, fel y cydlynydd.

Rhodri Glyn Thomas: No. We do not believe that that is necessary, and all the work will be overseen by Non, as the co-ordinator.

[297] **Gwyn R. Price:** Paragraph 38 of the memorandum refers to an official languages scheme manager as a point of contact for anyone requiring

[298] 'clarification from the Assembly Commission on any aspect of the Official Languages Scheme'.

[299] Why have no additional details about this post been included in the draft scheme or in the memorandum?

11.30 a.m.

[300] **Rhodri Glyn Thomas:** Mae oherwydd y gall y person sy'n gyfrifol newid, ond bydd y swyddogaeth honno'n parhau tra bo'r cynllun yn parhau.

Rhodri Glyn Thomas: It is because the person who is responsible may change, but the function will continue for as long as the scheme continues.

[301] **Gwyn R. Price:** Thank you, Chair; my next question has been covered.

[302] **Ann Jones:** It has, indeed.

[303] **Kenneth Skates:** How much will the complaints process outlined in the Bill cost to administer, and why have these costs not been included in the memorandum?

[304] **Rhodri Glyn Thomas:** Nid oes costau, oherwydd mae'r broses yn fewnol.

Rhodri Glyn Thomas: There are no costs, because the process is an internal one.

[305] **Bethan Jenkins:** A dod yn ôl i'r pwynt y gofynais amdano ar y dechrau, os byddech yn gweithredu'r Bil ac yn derbyn

Bethan Jenkins: Coming back to the point that I asked about at the outset, if you implement the Bill and receive complaints

cwynion am yr hyn nad yw'n digwydd neu am broblem gyda'r system, oni fydd angen craffu allanol i sicrhau na fydd problem yn codi lle byddech yn penderfynu nad oes rhesymeg dros gŵyn lle byddai ymdrin â hi efallai yn broblem?

about what is not happening or about a problem with the system, will there not be a need for external scrutiny to ensure that a problem will not arise whereby you decide that there is no rationale for a complaint where there might be a problem dealing with it?

[306] **Rhodri Glyn Thomas:** Rydym wedi penderfynu ar broses fewnol. Bydd trefn gwynion fewnol, fel sy'n digwydd mewn nifer o gyrff ac awdurdodau lleol, er enghraifft. Yn y pen draw, os bydd unigolyn neu gorff yn anhapus â'r hyn sy'n digwydd, bydd ganddynt y cyfle i fynd at yr ombwdsmon â'u cwyn.

Rhodri Glyn Thomas: We have decided upon an internal process. There will be an internal complaints procedure, as happens in several organisations and local authorities, for example. Ultimately, if an individual or an organisation is not content with what is happening, they will have an opportunity to take their complaint to the ombudsman.

[307] **Bethan Jenkins:** Felly, am nad yw'n rhan o Fesur y Gymraeg (Cymru) 2011, ni allant fynd at y comisiynydd iaith.

Bethan Jenkins: So, because it is not covered under the Welsh Language (Wales) Measure 2011, they cannot go to the language commissioner.

[308] **Rhodri Glyn Thomas:** Na allant. Mae'r comisiynydd yn atebol i Lywodraeth Cymru, ac mae Llywodraeth Cymru yn atebol i Gynulliad Cenedlaethol Cymru. Nid oes modd mynd â chŵyn am Gynulliad Cenedlaethol Cymru at y comisiynydd iaith, oherwydd y mae'r comisiynydd yn atebol i Gynulliad Cenedlaethol Cymru.

Rhodri Glyn Thomas: That is correct. The commissioner is accountable to the Welsh Government, and the Welsh Government is accountable to the National Assembly for Wales. It is not possible to take a complaint about the National Assembly for Wales to the language commissioner, because the commissioner is accountable to the National Assembly for Wales.

[309] **Bethan Jenkins:** Pe baem yn trafod yr adroddiad blynyddol yn y Cynulliad, a chwynion yn dod gerbron a bod gan Aelodau broblemau yn eu cylch, a fyddai modd mynd â hwy at y comisiynydd am iddynt ddod yn ôl i'r Cynulliad?

Bethan Jenkins: If we were discussing the annual report in the Assembly, and complaints were made that Members had problems with, would it be possible to take them to the commissioner because they had come back to the Assembly?

[310] **Rhodri Glyn Thomas:** Na fyddai. Byddent yn cael eu gwyntyllu ar lawr y Cynulliad, a mater i Aelodau'r Cynulliad fyddai penderfynu.

Rhodri Glyn Thomas: No. They would be aired on the floor of the Assembly, and it would be for Assembly Members to decide.

[311] **Bethan Jenkins:** Felly, ni fyddai modd o gwbl i hynny fynd at y comisiynydd.

Bethan Jenkins: So, there would be no way at all that it could go to the commissioner.

[312] **Rhodri Glyn Thomas:** Na fyddai. Nid yw Cynulliad Cenedlaethol Cymru yn atebol i'r comisiynydd. I'r gwrthwyneb, mae'r comisiynydd yn anuniongyrchol yn atebol i Gynulliad Cenedlaethol Cymru, oherwydd bod y comisiynydd yn atebol i Lywodraeth Cymru.

Rhodri Glyn Thomas: No. The National Assembly for Wales is not accountable to the commissioner. To the contrary, the commissioner is indirectly accountable to the National Assembly for Wales, because the commissioner is accountable to the Welsh Government.

[313] **Elin Jones:** Gwnaethoch gyfeirio at yr hyn sydd ym mharagraff 51 yn eich ymateb yn gynharach. Mae paragraff 51 yn gosod disgwyliad ar bob sefydliad sydd â chynllun iaith, safonau neu bolisïau i gyflwyno ymatebion yn y ddwy iaith i'r Cynulliad Cenedlaethol. A wnaethoch ymgynghori â'r sefydliadau hyn cyn gosod hyn yn y cynllun? Os ydych wedi ymgynghori neu beidio, pa mor wahanol yw'r disgwyliad hwnnw i'r hyn sy'n weithredol ar hyn o bryd?

Elin Jones: You referred to the content of paragraph 51 in an earlier response. Paragraph 51 places an expectation on every organisation that has a language scheme, standards or policies to submit responses in both languages to the National Assembly. Did you consult these organisations before including this in the scheme? Whether you have consulted or not, how different is that expectation from what is already in operation?

[314] Nid oes dim yn y cynllun am ofyniad neu ddisgwyliad i'r cyrff a'r unigolion nad oes ganddynt gynllun iaith, safonau neu bolisïau. Pam nad oes dim yn y cynllun sydd yn gosod disgwyliad arnynt?

There is nothing in the scheme about a requirement or expectation of organisations and individuals that do not have a language scheme, standards or policies. Why is there nothing in the scheme that places an expectation upon them?

[315] Rydych hefyd yn dweud am y rhai sy'n darparu tystiolaeth mewn un iaith yn unig y byddwch yn ei chyhoeddi yn yr iaith honno, gan ddweud mai yn yr iaith honno yn unig y'i derbyniwyd. Beth os yw tystiolaeth yn cael ei chyflwyno yn Gymraeg yn unig? Dim ond y rhai sy'n deall Cymraeg a fydd yn gallu deall y dystiolaeth honno.

With regard to those who provide evidence in one language only, you say that you will publish it in that language, stating that it was received in that language only. What if evidence is provided in Welsh only? Only those who understand Welsh will be able to understand that evidence.

[316] **Rhodri Glyn Thomas:** Fel y dywedais yn gynharach, nid ydym ni yn y Comisiwn yn y busnes o gyfieithu ar ran mudiadau eraill. Pe bai hynny'n wir a dod yn wybyddus, byddai llawer o fudiadau, siŵr o fod, yn manteisio ar ein gwasanaeth, a fyddai'n golygu gorfod torri yn ôl mewn mannau eraill gan na fyddai digon o adnoddau gennym i ddelio â'r cyfan. Byddwn yn ei gwneud yn glir iawn i gyrff a mudiadau sy'n cyflwyno tystiolaeth i Gynulliad Cenedlaethol Cymru fod disgwyliad i'r dystiolaeth fod ar gael yn y naill iaith a'r llall. Gall Non esbonio'r broses o gysylltu gyda'r mudiadau a chyrff hynny. Nid wyf yn gwybod os oes gennym dystiolaeth ar sut y mae hynny wedi gweithredu yn y gorffennol.

Rhodri Glyn Thomas: As I said earlier, we in the Commission are not in the business of translating on behalf of other organisations. If that were true and were to become known, many organisations would, no doubt, take advantage of our services, which would mean our having to cut back in other areas as we would not have sufficient resources to deal with it all. We will make it clear to the bodies and organisations that submit evidence to the National Assembly for Wales that there is an expectation that the evidence will be available in both languages. Non can explain the process of contacting those organisations and bodies. I do not know whether we have evidence on how that has worked in the past.

[317] Ar y pwynt ynghylch rhywun yn cyflwyno tystiolaeth yn y Gymraeg yn unig, os bydd y dystiolaeth yn cael ei chyflwyno yn y Gymraeg yn unig—er y byddwn wedi esbonio bod disgwyl iddo fod ar gael yn Saesneg hefyd—byddwn yn sicrhau bod y wybodaeth a gynhwysir yn y dystiolaeth honno yn cael ei chyflwyno i Aelodau fel eu

On the point about someone submitting evidence in Welsh only, if the evidence is submitted in Welsh only—although we will have explained that there is an expectation for it to also be available in English—we will ensure that the information included in that evidence is presented to Members so that they are aware of the content. That is not a

bod yn ymwybodol o'r cynnwys. Nid yw hwnnw'n ymrwymiad i gyfieithu'r ddogfen yn ei gyfanrwydd. Fodd bynnag, byddai'n galluogi rhywun nad yw'n deall y Gymraeg i fod yn ymwybodol o gynnwys y dystiolaeth. Non, a wyt ti eisiau esbonio'r broses ymgynghori?

commitment to translate the whole document. However, it would enable someone who does not understand Welsh to be aware of the content of that evidence. Non, do you want to explain the consultation process?

[318] **Elin Jones:** Yr ymgynghori gyda chyrff sy'n cael eu cynnwys yn y disgrifiad hwn.

Elin Jones: The consultation with the bodies that are included in this description.

[319] **Dr Gwilym:** Rydym wedi bod yn trafod y cysyniad hwn gyda Bwrdd yr Iaith Gymraeg. Mae'n newydd. Nid yw'r disgwyliad o ran dogfennau dwyieithog a gynhyrchir gan gyrff cyhoeddus wedi bod yn glir bob amser am nad ydynt wedi cyfeirio'n uniongyrchol at y ddarpariaeth o dystiolaeth i'r Cynulliad yn eu dogfennau. Felly, y bwriad yw ei gwneud yn gliriach ac annog y sefydliadau hynny sy'n dod o dan Fesur y Gymraeg (Cymru) 2011 i ystyried cynnwys hynny o fewn eu safonau newydd. Felly, rydym wrthi'n trafod gyda Bwrdd yr Iaith Gymraeg sut y gallwn wneud hynny yn ymarferol. Mae'n rhywbeth newydd ac uchelgeisiol.

Dr Gwilym: We have been discussing this concept with the Welsh Language Board. It is new. The expectation with regard to bilingual documents produced by public bodies has not always been clear, because they have not always referred directly to the provision of evidence to the Assembly in their documentation. So, the aim is to make it clearer and encourage those organisations that come under the Welsh Language (Wales) Measure 2011 to consider including that within their new standards. So, we are in discussions with the Welsh Language Board on how we can do that from a practical point of view. It is something new and ambitious.

[320] **Rhodri Glyn Thomas:** Wrth gwrs, os oes gan y cyrff hynny safonau o ran y Gymraeg ac nid ydynt yn darparu yn ôl y safonau hynny, gallech fynd, yn y cyd-destun hwnnw, at y comisiynydd a chwyno.

Rhodri Glyn Thomas: Of course, if those bodies have standards as regards the Welsh language and do not provide according to those standards, in that context, you could go to the commissioner and complain.

[321] **Bethan Jenkins:** Mae'r cynllun drafft yn nodi mai'r arfer safonol fydd cyhoeddi ar y wefan fersiynau dwyieithog, neu fersiynau Cymraeg a Saesneg ar wahân, o ddogfennau a gynhyrchir gan Gynulliad Cenedlaethol Cymru. Fodd bynnag, mae hefyd yn nodi efallai na fydd hynny'n bosibl bob tro os nad oes gan y dogfennau hyn hyd oes hir neu os oes angen eu cyhoeddi fel mater o frys. A allech rhoi enghraifft o bryd y bydd hyn yn digwydd, neu a yw hynny wedi digwydd yn y gorffennol?

Bethan Jenkins: The draft scheme states that the standard practice will be to publish on the website bilingual or separate Welsh and English versions of documents produced by the National Assembly for Wales. However, it also notes that that may not always be possible if these documents have a particularly short lifespan or need to be published as a matter of urgency. Could you provide some examples of when this will happen, or has this happened in the past?

[322] **Rhodri Glyn Thomas:** Ni allaf feddwl am enghraifft, ond rwy'n siŵr fod gan Non enghreifftiau wrth law. Yn amlwg, os oes dogfen hir sydd ag oes gymharol fer, yna ni fyddai cyfieithu'r ddogfen yn flaenoriaeth gan na fyddai'r gwerth yno, ond byddem yn ceisio cyfieithu popeth. Fodd bynnag, yn

Rhodri Glyn Thomas: I cannot think of an example, but I am sure that Non will have examples to hand. Clearly, if there is a lengthy document that has a relatively short lifespan, then translating that document would not be a priority, because the value would not be there, but we would attempt to

ymarferol, weithiau, ni fydd hynny'n bosibl. Wyt ti'n gallu meddwl am enghreifftiau, Non?

translate everything. However, in practice, sometimes that will not be possible. Can you think of any examples, Non?

[323] **Dr Gwilym:** Nac ydw, ond mae'n debyg bod Gwyn yn gallu.

Dr Gwilym: No, but it seems that Gwyn can.

[324] **Mr Griffiths:** Enghraifft syml yw pe bai tân, neu ddŵr yn dod i mewn drwy'r to, fel y cawsom mewn ystafell bwyllgor, efallai byddai nodyn yn mynd ar wefan y Cynulliad yn Saesneg gyntaf ac ar yr ochr Gymraeg yn hwyrach. Dyna'r math o beth rydym yn meddwl amdano.

Mr Griffiths: A simple example would be if there were a fire, or water coming in through the roof, as we had in a committee room, then a note might go on the Assembly website in English first and on the Welsh side a little later. That is the kind of thing that we are thinking about.

[325] **Bethan Jenkins:** Os oes adnoddau, fel y gwelsom yn y memorandwm, o ran arian wedi'i glustnodi ar gyfer dwyieithrwydd, pam na ellid ei ddefnyddio mewn achosion o argyfwng, er enghraifft?

Bethan Jenkins: If there are resources, as we have seen in the memorandum, in terms of funds earmarked for bilingualism, why could they not be used in cases of emergency, for example?

[326] **Mr Griffiths:** Byddai hynny'n digwydd, ond, wrth gwrs, mae rhywun yn drafftio mewn un iaith ac yna fel arfer yn ei anfon i'r gwasanaeth cyfieithu i gael ei gyfieithu i'r iaith arall. Yn y cyfamser, byddem eisiau rhoi'r wybodaeth i'r bobl sydd am ei ddarllen yn yr iaith wreiddiol yn hytrach na dal gwybodaeth yn ôl mewn argyfwng i aros am gyfieithiad, hyd yn oed os yw ond yn fater o funudau.

Mr Griffiths: That would happen, but, of course, one drafts in one language and then usually sends that to the translation service to be translated into the other language. In the interim, we would want to give the information to those who want to read it in the original language rather than holding information back in an emergency in order to wait for a translation, even if it is only a matter of minutes.

[327] **Rhodri Glyn Thomas:** Mae dau bwynt yn codi o hynny: a ydych am aros 10 munud yn hirach i gael y wybodaeth yn ddwyieithog? Pe bai tân, ni fyddwn am aros y 10 munud ychwanegol hynny.

Rhodri Glyn Thomas: Two points arise from that: do you want to wait 10 minutes longer to get the information bilingually? If there were to be a fire, I would not want to wait for that extra 10 minutes.

[328] **Bethan Jenkins:** Nid wyf yn derbyn hynny, sori. Mae pobl o fewn y tîm sy'n siarad Cymraeg, felly, pe bai argyfwng, pam na allech ddarparu un frawddeg yn ddwyieithog?

Bethan Jenkins: I do not accept that, sorry. There are people within the team who speak Welsh, so if there were an emergency, why could you not provide one sentence bilingually?

[329] **Rhodri Glyn Thomas:** Pe bai yn un frawddeg, byddai modd gwneud hynny. Fodd bynnag, oherwydd y gwaith rydym wedi ei wneud dros y misoedd diwethaf ac oherwydd ein bod wedi buddsoddi gymaint o amser mewn datblygu'r system electronig hon, y gobaith yw na fydd sefyllfaoedd o'r fath yn codi oherwydd bydd modd bwydo'r drafft i mewn i'r system a bydd y cyfieithiad yn ymddangos yn syth. Felly, rydym yn gobeithio y gellir goresgyn hynny. O fewn

Rhodri Glyn Thomas: If it were one sentence, it would be possible to do that. However, because of the work that we have done over the past few months and because we have invested so much time developing this electronic system, the hope is that such situations will not arise because the draft can be fed into the system and the translation will appear instantly. Therefore, we hope that that can be overcome. Within the requirements of the Bill and the scheme, we must provide for

gofynion y Bil a'r cynllun, mae'n rhaid inni ddarparu ar gyfer yr annisgwyl, ond yr ydym yn mawr obeithio na fydd hynny'n digwydd.

the unexpected, but we sincerely hope that it will not happen.

[330] **Dr Gwilym:** Credaf ei fod yn beth cadarnhaol na allwn feddwl am enghraifft lle mae hynny wedi digwydd. Pe bai hynny'n digwydd, mae disgwyliad y byddai pob gwasanaeth yn nodi hynny yn eu hadroddiadau cydymffurfio, fel y gallem ystyried yr amgylchiadau ar gyfer hynny. Nid wyf wedi gweld hynny eto.

Dr Gwilym: I think that it is positive that we cannot think of an example where that has happened. If it did happen, there is an expectation that every service would note it in their compliance reports, so that we could consider the circumstances for that. I have not seen that yet.

[331] **Bethan Jenkins:** Gobeithio na chawn argyfwng, felly. Yn gynharach, gwnaethom drafod cyfathrebu ar wefannau megis Facebook, Twitter ac ati. Gan gofio mai dulliau cyfathrebu cyhoeddus ydynt, a ydych yn meddwl y dylai popeth fod yn ddwyieithog neu os ydych yn cael sylw yn Saesneg, a ydych yn ymateb i'r sylw yn Saesneg?

Bethan Jenkins: Let us hope that we do not have an emergency, then. Earlier, we discussed communication on websites such as Facebook, Twitter and so on. Given that these are public communications, do you agree that everything should be bilingual, or if you have a comment in English, do you respond to the comment in English?

[332] **Rhodri Glyn Thomas:** Dyna fyddai'r nod. Rydym yn gobeithio y bydd y dechnoleg yn ein galluogi i wneud hynny. Fel y dywedodd Non yn gynharach, mae'n ddull cyfathrebu cymharol newydd ac mae'n datblygu drwy'r amser, ond byddwn yn ceisio, hyd y gallwn, ymateb i'r her honno. Gyda'r datblygiadau mewn cyfieithu electronig, dylai hynny fod cymaint yn haws.

Rhodri Glyn Thomas: That would be the aim. We hope that the technology will enable us to do that. As Non said earlier, it is a relatively new method of communication and it is evolving constantly, but we will try, as best as we can, to respond to that challenge. With the developments in electronic translation, that should be so much easier.

[333] **Dr Gwilym:** Rydym wedi datblygu ein proffiliau ar Twitter a Facebook er mwyn galluogi pobl i ddewis ym mha iaith yr hoffent gyfathrebu â ni. Yr egwyddor sy'n sail i bopeth yw rhoi'r dewis, yn hytrach na chael un sianel â phopeth yno yn cael ei gyfieithu. Dewis unigolion sydd am gyfathrebu â ni yw'r sail yr ydym wedi'i gosod.

Dr Gwilym: We have developed our profiles on Twitter and Facebook to enable people to choose in which language they would like to communicate with us. The principle that underlies everything is the provision of choice, rather than our having one channel with everything on it translated. The choice of individuals who want to communicate with us is the basis that we have established.

[334] **Kenneth Skates:** With regard to that, the explanatory memorandum states that:

[335] 'We will respond to queries on all our social media profiles in the language in which they are posted'.

[336] We are all interested in ensuring that we promote Wales to the world. I am Facebook friends with French and Swedish socialists and the Nguni tribe in Swaziland. If I post something on their Facebook pages, I would post it in English, but if they post something on one of our pages in their native tongue, do you then have to respond to it in Swedish or French? Would you get a translator in to respond in the language of the Nguni tribe in Swaziland?

[337] **Dr Gwilym:** Mae hwnnw'n gwestiwn diddorol. Mae gennym ddarpariaeth ar gyfer delio ag ieithoedd eraill. Rydym yn ymwybodol o bobl o fewn y sefydliad sydd â sgiliau ieithoedd tramor. Er enghraifft, mae'n bosibl cael teithiau mewn Eidaleg neu Ffrangeg yn y Senedd, gan fod y sgiliau hynny gan y staff. Nid wyf wedi ystyried hynny'n gyflawn, ond gwnawn hynny.

Dr Gwilym: That is an interesting question. We have provision for dealing with other languages. We are aware of people within the institution who have foreign language skills. For example, it is possible to have tours in Italian or French in the Senedd, as the staff have those skills. I have not considered that fully, but we will do so.

[338] **Rhodri Glyn Thomas:** Mae gennym gyfrifoldeb i barchu ieithoedd eraill, ond mae'r Bil hwn yn ymwneud â'r ieithoedd swyddogol. Hyd y gallwn, o ran parch i'r bobl sy'n cysylltu â ni, ceisiwn ymateb iddynt yn yr iaith y maent wedi cysylltu â ni ynddi.

Rhodri Glyn Thomas: We have a responsibility to respect other languages, but this Bill is to do with the official languages. As far as we can, out of respect for the people who contact us, we will try to respond to them in the language in which they have contacted us.

[339] **Kenneth Skates:** Therefore, there are cost implications there that are worth bearing in mind. It is open-ended as far as languages are concerned.

[340] **Rhodri Glyn Thomas:** Credaf fod y gyllideb yn cynnwys cronfa sy'n galluogi ymateb mewn ieithoedd gwahanol. Neu a yw hynny'n gyfyngedig i Aelodau yn unig?

Rhodri Glyn Thomas: I believe that the budget includes a fund that enables responses in different languages. Or is that restricted to Members only?

[341] **Dr Gwilym:** Nid wyf yn gwybod y manylion, ond gallaf ganfod y wybodaeth.

Dr Gwilym: I do not know the details, but we will find out.

[342] **Rhodri Glyn Thomas:** Ni fyddai'r costau hynny'n sylweddol iawn gan y byddant yn enghreifftiau prin. Rwy'n siŵr y gallem ddygymod â hynny o fewn y gyllideb.

Rhodri Glyn Thomas: The costs would not be very significant as they would be very rare examples. I am sure that we could cope with it within the budget.

[343] **Ann Jones:** [*Inaudible*.]

[344] **Joyce Watson:** Coming closer to home, the explanatory memorandum states:

[345] 'It is proposed that by July 2012, all members of staff will be encouraged to speak some level of Welsh in keeping with our bilingual ethos'.

[346] First, can you explain what you mean by that? What outcome do you expect? How are you going to monitor it?

[347] **Rhodri Glyn Thomas:** Rydym yn ceisio cynorthwyo a hwyluso staff i feistroli rhyw gymaint o Gymraeg, i gyfarch pobl yn y Gymraeg, er enghraifft, a chyflwyno rhai cyfarwyddiadau. Rydym yn cynnig cymorth i wneud hynny. Mae darpariaeth eang o ran cynorthwyo Aelodau a staff i ddysgu'r Gymraeg. Yn y pen draw, y cyfan y gallwn ei wneud yw hybu a chaniatáu hynny. Non, a hoffet amlinellu'r math o wasanaeth rydym

Rhodri Glyn Thomas: We endeavour to support and facilitate staff to master some Welsh, in order to greet people in Welsh, for example, and to give some instructions. We offer support to do that. There is broad provision with regard to supporting Members and staff to learn Welsh. Ultimately, all that we can do is to promote and enable that. Non, would you like to outline the kind of service that we offer?

yn ei gynnig?

11.45 a.m.

[348] **Dr Gwilym:** O ran trefnu ac ystyried pa sgiliau sydd eu hangen, mae ffyrdd i fonitro perfformiad a datblygiad pob aelod o staff. Mae hynny'n cynnwys ystyriaeth o ba lefel o sgiliau yn y ddwy iaith sydd eu hangen arnynt i wneud eu swydd yn y ffordd orau posibl. Felly, rydym yn dechrau o'r man hwnnw. O ran y ddarpariaeth sydd ar gael i bobl i ddysgu ac i ennill y sgiliau hynny, mae gennym ar hyn o bryd gontract gyda darparwyr penodol i ddysgu a thiwtora yn y Gymraeg. Yn sicr, un o'r amcanion yn y strategaeth fydd ystyried ffyrdd amgen, mwy effeithiol o safbwynt yr angen i ennill y sgiliau hynny. Bydd y rheini'n cynnwys, er enghraifft, datblygu system fentora, ystyried sut all technoleg ein helpu ac ystyried yr adnoddau penodol y byddai eu hangen ar unigolion. Y peth allweddol yw bod yn rhaid i'r pethau hyn i gyd fod yn berthnasol i'r swyddi y mae pobl yn eu dal yma.

Dr Gwilym: As regards organising and considering which skills are required, there are methods of monitoring the performance and development of each member of staff. That includes consideration of what level of skills in both languages they require in order to fulfil their roles in the best possible way. So, we start from there. As regards the provision available for people to learn and gain those skills, we currently have a contract with specific providers to teach and tutor in Welsh. Certainly, one of the objectives in the strategy will be to consider alternative and more effective means as regards the need to gain those skills. These will include, for example, the development of a mentoring scheme, the consideration of how technology can help us and the consideration of the specific resources individuals will require. The key is that all of those things must be relevant to the jobs that people do here.

[349] **Rhodri Glyn Thomas:** Adlewyrchir yr ethos, Joyce, yn y ffaith mai sefydliad cwbl naturiol ddwyieithog yw Cynulliad Cenedlaethol Cymru.

Rhodri Glyn Thomas: The ethos is reflected, Joyce, by the fact that the National Assembly for Wales is a completely natural bilingual institution.

[350] **Joyce Watson:** Absolutely. May I move on, Chair, because I have a pertinent question to ask?

[351] **Ann Jones:** Is it on this issue, because Mike wants to come in on this point?

[352] **Joyce Watson:** Yes, it is.

[353] **Ann Jones:** Go on then.

[354] **Joyce Watson:** I heard what you said that there are facilities so that people can learn—and I have taken advantage of them myself—but the budget does not reflect that, given the fall in projected expenditure from £18,688 to £16,500. Can you explain that?

[355] **Dr Gwilym:** Gwasanaeth yn ôl y galw ydyw, felly rydym yn ddibynnol iawn ar y galw. Yn ychwanegol at hynny, fel y dywedais, mae ystyriaeth o'r modd rydym yn gadael i bobl ennill eu sgiliau, gan wneud y mwyaf o'r adnodd mewnol sydd gennym o ran ein staff. Felly, nid yw cael mwy o arian—a gobeithiaf fod Rhodri'n cytuno—o reidrwydd yn golygu canlyniad gwell.

Dr Gwilym: It is a demand-led service, so we are very dependent on what that demand is. In addition to that, as I said, there is further consideration of the way in which we enable people to gain those skills, making optimum use of the internal resource that we have in our staff. So, having more money—and I hope that Rhodri agrees—does not necessarily mean a better result.

[356] **Mike Hedges:** This statement is for Welsh as a second language, but surely you

should have two statements in there. One statement should be that all members of staff are encouraged to speak some level of Welsh where English is their first language, and the second statement should be exactly the opposite—that all staff are encouraged to speak some level of English where Welsh is their first language. If this insitution is to be bilingual, should both languages not be treated equally? You are assuming that everyone can speak English to a high level, and that some of them cannot speak Welsh. There are people whose English is substantially poorer than their Welsh.

[357] **Rhodri Glyn Thomas:** Yr hyn rydym yn ceisio'i wneud yw creu'r ethos hwn o sefydliad sy'n naturiol ddwyieithog, lle caiff y ddwy iaith eu clywed. Derbyniaf y pwynt ynghylch gallu ieithyddol pobl, ond nid wyf yn ymwybodol o bobl yn y Cynulliad nad ydynt yn gallu cyfathrebu'n naturiol yn Saesneg. Mater arall yw lefel eu gallu yn Saesneg. Fodd bynnag, mae yma bobl nad ydynt yn gallu cyfathrebu'n naturiol trwy gyfrwng y Gymraeg, ac os gallwn eu cynorthwyo i gyrraedd rhyw lefel o allu i gyfathrebu—er enghraifft i gyfarch pobl yn Gymraeg—byddai hynny'n cryfhau'r ethos dwyieithog. Yn y pen draw, mae'r Cynulliad yn adlewyrchu sefyllfa ieithyddol Cymru. Mae 100% o boblogaeth Cymru â rhyw lefel o fedrusrwydd yn y Saesneg, ond 22% yn unig o boblogaeth Cymru sy'n dweud bod ganddynt y gallu i ddefnyddio'r Gymraeg. Dyna'r ymateb yn y cyfrifiad diwethaf, a dyna yw'r sefyllfa a adlewyrchir yma.

Rhodri Glyn Thomas: What we are trying to do is to create this ethos of an institution that is naturally bilingual, where both languages are heard. I accept the point regarding people's linguistic ability, but I am not aware of people within the Assembly who are unable to communicate naturally in English. Their level of ability in English is another matter. However, there are people here who cannot communicate naturally through the medium of Welsh, and if we can assist them to attain some level of communication—for example to greet people in Welsh—then that would strengthen the bilingual ethos. Ultimately, the Assembly reflects the linguistic position of Wales. Of the population of Wales, 100% has some level of expertise in English, while only 22% of the population of Wales say that they are able to use the Welsh language. That was the response in the last census, and that is the situation reflected here.

[358] Derbyniaf y pwynt fod yn rhaid inni fod yn ofalus â'r geiriad, ac nad ydym yn israddio'r Gymraeg. Nid dyna'r bwriad. Fe edrychwn eto ar y geiriad hwnnw i weld a allwn ei eirio mewn ffordd nad yw'n awgrymu bod y Gymraeg yn israddol. Diolch am y sylw hwnnw.

I accept the point that we have to be careful with the wording and that we do not downgrade the Welsh language. That is not the intention. We will revisit the wording to see whether it could be put in a way that does not imply that the Welsh language is inferior. Thank you for that comment.

[359] **Bethan Jenkins:** Un peth roeddwn yn ofnus yn ei gylch yn y cynllun oedd paragraff 103, sydd yn dweud pe bai ymgeisydd ar gyfer swydd lle'r oedd y gallu i ddefnyddio'r iaith Gymraeg yn angenrheidiol yn methu siarad Cymraeg, y byddech yn gallu apwyntio'r person hwnnw a rhoi amser iddynt ddysgu'r iaith. A fydd yr hyn fydd yn digwydd yn hynny o beth yn cael ei ehangu yn y strategaeth? A fyddwch yn gwneud yr angen i ddysgu'r iaith yn rhan o amodau a thelerau'r swydd? Gwyddom am sefydliadau eraill lle mae pobl wedi cael eu penodi ond heb fanteisio ar y cyfle i ddysgu'r iaith. Pa strategaethau a fyddwch yn eu rhoi ar waith i sicrhau na fydd hynny'n digwydd?

Bethan Jenkins: One thing that I was nervous about regarding the scheme was paragraph 103, which states that if a candidate for a post where the Welsh language was essential could not speak Welsh, you could appoint that person and give them time to learn the language. Will there be further details on what will happen in that regard in the strategy? Will you make it part of their terms and conditions to learn Welsh? We know of other organisations where people have been appointed but have not taken the opportunity to become proficient in Welsh. What strategies will you put in place to ensure that that does not happen?

[360] **Rhodri Glyn Thomas:** Mae'r geiriad wedi ei gyflwyno yn y ffordd honno oherwydd os oes cyfle i apwyntio rhywun sydd â chymwysterau arbennig ar gyfer swydd ond nad ydynt yn digwydd bod yn rhugl yn y Gymraeg neu nad ydynt yn gallu siarad yr iaith o gwbl, ond sy'n barod i'w dysgu, bod modd gwneud hynny. Fodd bynnag, rwy'n rhannu'r pryder hwnnw. Mae enghreifftiau wedi bod yn y gorffennol o bobl sydd heb gyflawni'r addewid hwnnw. Ni allaf feddwl am bobl yn y sefydliad hwn, ond gallaf feddwl am sefydliadau eraill lle mae hynny wedi digwydd. Wedi dweud hynny, mae enghreifftiau o bobl sydd wedi cyflawni hynny a mynd ymlaen i gyflawni eu gwaith drwy gyfrwng y Gymraeg a dysgu'r iaith i lefel uchel iawn. Dyna pam mae wedi ei eirio felly. Byddai amodau i'r swydd y gellid edrych arnynt, a byddwn yn gobeithio taw mater o adolygu'r penodiad fyddai hi pe na bai'r person a apwyntiwyd yn cadw at ei addewid.

Rhodri Glyn Thomas: The wording was put in that way because if there is an opportunity to appoint someone who has particular qualifications for a post, but does not happen to be fluent in Welsh or is unable to speak Welsh at all, but is willing to learn, it is possible to do that. However, I share those concerns. There have been examples in the past of people who have not made good on their promises in that regard. I cannot think of anyone in this organisation, but I can think of other organisations where that has occurred. Having said that, there are examples of people who have managed to do that and proceeded to carry out their work through the medium of Welsh and have learned Welsh to an exceptionally high level. That is why it has been worded in that way. Conditions could be looked at for the post, and I would hope that if the appointee did not make good on the promise, it would be a matter of reviewing that appointment.

[361] **Dr Gwilym:** Mae hwn yn faes y mae'r gwasanaeth adnoddau dynol yn edrych arno. Bydd eglurder pellach wrth inni lansio'r cynllun.

Dr Gwilym: This is an area that the human resources service is looking at. There will be further clarity as we launch the scheme.

[362] **Bethan Jenkins:** Felly, bydd hynny'n rhan o'r strategaethau a fydd yn dod yn rhan o'r adroddiad blynyddol?

Bethan Jenkins: So, that will be part of the strategies that will become part of the annual report?

[363] **Dr Gwilym:** Bydd, a bydd pob gwasanaeth yn ystyried yr adnodd o safbwynt sgiliau Cymraeg sydd ei angen arno, a bydd y wybodaeth honno'n bwydo i mewn i'r strategaeth ac yn cael ei chynnwys yn yr adroddiad blynyddol.

Dr Gwilym: Yes, and each department will consider the Welsh-language skills resource that it needs, and that information will feed into the strategy and will be reported upon as part of the annual report.

[364] **Ann Jones:** The last couple of questions are from Gwyn.

[365] **Gwyn R. Price:** The draft scheme states that the Assembly Commission will prepare a bilingual skills strategy by March 2012 to facilitate growth in the use of the Commission's bilingual skills. Is this introduction date correct?

[366] **Rhodri Glyn Thomas:** Ydy, mae'r strategaeth yn bodoli, a hynny er mwyn galluogi gweithredu'r cynllun. Yn amlwg, bydd yn rhaid darparu hynny o fewn y cynllun a'r Bil.

Rhodri Glyn Thomas: Yes, the strategy exists, and that is in order to enable the implementation of the scheme. Obviously, that will have to be provided within the scheme and the Bill.

[367] **Gwyn R. Price:** Is the date correct?

[368] **Dr Gwilym:** Mae cynlluniau unigol gan y gwasanaethau ar hyn o bryd. Mae'n rhaid inni yn awr eu hadolygu i gyd er mwyn sicrhau eu bod yn gydnaws â'r ddarpariaeth sydd yn cael ei gosod yn y cynllun newydd. Mae gennym sgerbwd drafft ar sail y cynlluniau hynny, ond mae gwaith pellach i'w wneud i sicrhau ein bod yn gweithredu yn unol â'r cynllun erbyn ei lansio yn nhymor yr hydref.

Dr Gwilym: The services have individual schemes at present. We must now review all of them in order to ensure that they are consistent with the provision imposed by the new scheme. A draft framework based on those schemes has been put in place, but there is further work to be done to ensure that we are operating in accordance with the scheme by the time it is launched in the autumn term.

[369] **Ann Jones:** Does anyone else have any further questions? We have gone over time, but that was almost inevitable. Thank you all for your evidence today—

[370] **Rhodri Glyn Thomas:** A gaf ychwanegu un pwynt? Diolch yn fawr am y cyfle i ddod yma a thrafod hyn, ac am graffu ar y Bil a'r cynllun. Mae'r gwaith rydym wedi ei wneud o ran datblygu'r broses electronig o gyfieithu yn gyffrous iawn. Ein bwriad a'n gobaith fel Comisiwn yw gallu rhannu hynny gyda chyrff a mudiadau ledled Cymru. Rwy'n mawr obeithio y bydd hynny'n galluogi'r cyrff hynny i ddatblygu eu darpariaeth gyfieithu. Er enghraifft, rwy'n ymwybodol bod elusennau a chyrff fel cynghorau cymuned yn aml yn ei chael yn anodd yn ariannol i ddarparu cyfieithu cyson a chyflawn. Felly, rydym yn gobeithio—mae'n siŵr bod problemau ymarferol y bydd yn rhaid inni eu hwynebu er mwyn rhannu'r hyn sydd gennym—bod modd inni gynorthwyo cyrff a mudiadau ledled Cymru i ehangu eu darpariaeth cyfieithu ac, unwaith eto, o alluogi pobl i ddefnyddio'r naill iaith neu'r llall yn naturiol.

Rhodri Glyn Thomas: May I add one point? Thank you for the opportunity to come here and discuss this, and for your scrutiny of the Bill and the scheme. The work that we have done on developing the electronic process of translation is very exciting. Our intention and our hope as a Commission is to be able to share that with bodies and organisations throughout Wales. I very much hope that that will enable those bodies to develop their translation provision. For example, I am aware that charities and bodies such as community councils often find it difficult financially to provide constant and full translation. So, we hope—I am sure that there are practical problems that we will have to resolve in order to share what we have—to assist organisations and bodies throughout Wales to expand their translation provision and, once again, to enable people to use one or other of the languages naturally.

[371] **Ann Jones:** Okay. I knew that you would not get away without someone wanting to comment. Ken?

[372] **Kenneth Skates:** I just hope that this exciting new technology does not mean that the good people behind the screen doing the interpretation will be made redundant.

[373] **Rhodri Glyn Thomas:** Na, yn sicr. Rydym yn dibynnu'n helaeth arnynt. Hoffwn fanteisio ar y cyfle i ddiolch yn fawr iawn i'r uned gyfieithu a chofnodi am y gwaith y mae wedi ei wneud. Mae'r gwaith o ailsefydlu'r Cofnod dwyieithog wedi golygu baich gwaith trwm ac mae staff sydd wedi mynd yn bell iawn dros ofynion eu cytundebau er mwyn sicrhau bod hynny wedi digwydd, a'i bod wedi digwydd yn ddidramgwydd—os nad oes rhywun yn gwybod nad wyf i'n ei wybod; cyflwywyd y peth yn gwbl esmwyth

Rhodri Glyn Thomas: No, certainly. We rely heavily on them. I would like to take this opportunity to thank the translation and reporting unit for the work that it has done. The work to reinstate a bilingual Record has meant a heavy workload and there are staff who have gone far beyond the requirements of their contracts to ensure that that happened and that it happened with ease—unless anyone knows something that I do not; it had a smooth inception at the beginning of this year.

ar ddechrau'r flwyddyn hon.

[374] **Ann Jones:** Please be brief, Joyce, because we are out of time.

[375] **Joyce Watson:** I am very pleased to hear what you said about sharing what you have done online. I cover a massive area and some people do not have the facilities to meet the obligations that they would like to meet in terms of equalising the use of the languages. I am sure that this will really assist them.

[376] **Ann Jones:** I thank the three of you for coming to give evidence. We will ask you to come back to us at the end of our evidence gathering so that you can discuss with us what we have heard. You know that you will get a copy of the transcript, so I will just thank you all very much.

11.56 a.m.

Cynnig Gweithdrefnol
Procedural Motion

[377] **Ann Jones:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi).

[378] I see that the committee is in agreement.

Derbyniwyd y cynnig.
Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 11.56 a.m.
The public part of the meeting ended at 11.56 a.m.