

# **Cynulliad Cenedlaethol Cymru**

## **Pwyllgor Archwilio**

# **The National Assembly for Wales**

## **Audit Committee**

### **Sicrhau Dyfodol Bae Caerdydd Securing the Future of Cardiff Bay**

**Cwestiynau 1-157**

**Questions 1-157**

**Dydd Iau 5 Gorffennaf 2001**

**Thursday 5 July 2001**

*Aelodau o'r Cynulliad yn bresennol: Janet Davies (Cadeirydd), Alun Cairns, Jocelyn Davies, Ann Jones, Helen Mary Jones.*

*Swyddogion yn bresennol: Syr John Bourn, Archwilydd Cyffredinol Cymru; Frank Grogan, Swyddfa Archwilio Genedlaethol Cymru; Dave Powell, Swyddog Cydymffurfio Cynulliad Cenedlaethol Cymru; Ceri Thomas, Swyddog Cydymffurfio Cynulliad Cenedlaethol Cymru.*

*Tystion: Jon Shortridge, Ysgrifennydd Parhaol, Cynulliad Cenedlaethol Cymru; Steve Phillips, Is-adran Cynllunio Ariannol, Cynulliad Cenedlaethol Cymru; David Richards, Prif Swyddog Cyllid Cynulliad Cenedlaethol Cymru; Emyr Roberts, Is-adran Polisi Economaidd, Cynulliad Cenedlaethol Cymru.*

*Assembly Members present: Janet Davies (Chair), Alun Cairns, Jocelyn Davies, Ann Jones, Helen Mary Jones.*

*Officials present: Sir John Bourn, Auditor General for Wales; Frank Grogan, National Audit Office Wales; Dave Powell, Compliance Officer of the National Assembly for Wales; Ceri Thomas, Compliance Officer of the National Assembly for Wales.*

*Witnesses: Jon Shortridge, Permanent Secretary, National Assembly for Wales; Steve Phillips, Financial Planning Division, National Assembly for Wales; David Richards, Principal Finance Officer, National Assembly for Wales; Emyr Roberts, Economic Policy Division, National Assembly for Wales.*

*Dechreuodd y cyfarfod am 2.01 p.m.  
The meeting began at 2.01 p.m.*

[1] **Janet Davies:** Good afternoon. I welcome you to this session on ‘Securing the Future of Cardiff Bay’. I will go through the apologies and substitutions first. Peter Law is excluded from the meeting due to his former membership of the Assembly Cabinet, as usual. Helen Mary Jones is substituting for Dafydd Wigley. I have received apologies from Alison Halford, but she does not have a substitute.

As I have said, we will take evidence today on ‘Securing the Future of Cardiff Bay’. I invite the witnesses to introduce themselves.

**Mr Shortridge:** I am Jon Shortridge, the Permanent Secretary.

**Mr Richards:** I am David Richards, the Principal Finance Officer.

**Mr Phillips:** I am Steven Phillips, from the Financial Planning Division.

**Mr Roberts:** I am Emyr Roberts, from the Economic Policy Division.

[1] **Janet Davies:** Prynhawn da. Croeso ichi i'r sesiwn hon ar ‘Sicrhau Dyfodol Bae Caerdydd’. Af drwy'r ymddiheuriadau a'r dirprwyon yn gyntaf. Mae Peter Law wedi'i gau allan o'r cyfarfod am ei fod yn gyn-aelod o Gabinet y Cynulliad, fel arfer. Mae Helen Mary Jones yn dirprwyo ar ran Dafydd Wigley. Daeth ymddiheuriad i law oddi wrth Alison Halford, ond nid oes ganddi ddirprwy.

Fel y dywedais, byddwn yn derbyn tystiolaeth heddiw ar ‘Sicrhau Dyfodol Bae Caerdydd’. Gwahoddaf y tystion i gyflwyno'u hunain.

**Mr Shortridge:** Jon Shortridge, yr Ysgrifennydd Parhaol, wyf fi.

**Mr Richards:** David Richards, y Prif Swyddog Cyllid, wyf fi.

**Mr Phillips:** Steven Phillips wyf fi, o'r Is-adran Cynllunio Ariannol.

**Mr Roberts:** Emyr Roberts wyf fi, o'r Is-adran Polisi Economaidd.

[2] **Janet Davies:** Witnesses may speak in either Welsh or English and translation equipment is available. We will have a short break around 3.15 p.m. or 3.30 p.m., depending on where we are with questions at that point. We will start now, as the sooner we start, the more time we will have for questions.

I address this question to Mr Shortridge. Looking at the arrangements for winding up the Cardiff Bay Development Corporation, before we consider in detail the Auditor General's report on the wind-up, I would like to consider the work completed by the corporation during its 13-year operational lifetime. During that period, the corporation was paid in excess of £500 million by the Welsh Office and, subsequently, by the Assembly. We can all see the development that has taken place outside. In your view, has the Welsh public received value for money from the £500 million invested?

**Mr Shortridge:** I think that it is still too early for anyone to give a fully concluded view on that matter but it is certainly my impression that the development is currently well on the way to being successful and being able to show positive value for money. I take quite a lot of assurance from what the Auditor General has said in the report, particularly in paragraph 12. Against the targets that it was set, the corporation did a very good job in its lifetime, in that it was well on the way to meeting most of them. I think that it is important, when everyone is considering an evaluation of the achievements of the development corporation, just to remember what south Cardiff was like when it inherited it. There has been an enormous transformation of a seriously contaminated and derelict part of the capital city.

[2] **Janet Davies:** Caiff tystion siarad yn Gymraeg neu yn Saesneg ac mae offer cyfieithu ar gael. Byddwn yn cymryd egwyl fer oddeutu 3.15 p.m. neu 3.30 p.m., yn dibynnu ym mhle y byddwn gyda'r cwestiynau bryd hynny. Fe ddechreuwn yn awr, gan mai po gynharaf y dechreuwn ni, mwyaf o amser fydd gennym ar gyfer cwestiynau.

Cwestiwn i Mr Shortridge yw hwn. O edrych ar y trefniadau ar gyfer dirwyn Corfforaeth Datblygu Bae Caerdydd i ben, cyn inni ystyried yn fanwl adroddiad yr Archwilydd Cyffredinol ar y dirwyn i ben, hoffwn ystyried y gwaith a gyflawnwyd gan y gorfforaeth yn ystod ei hoes weithredol o 13 blynedd. Yn ystod y cyfnod hwnnw, talwyd dros £500 miliwn i'r gorfforaeth gan y Swyddfa Gymreig ac wedyn gan y Cynulliad. Gallwn i gyd weld y datblygiad sydd wedi digwydd y tu allan. Yn eich barn chi, a yw'r cyhoedd yng Nghymru wedi cael gwerth eu harian am y £500 miliwn a fuddsoddwyd?

**Mr Shortridge:** Credaf ei bod yn dal i fod yn rhy gynnar i neb roi barn gwbl derfynol ar y mater hwnnw ond yn sicr, yr argraff a gaf fi yw bod y datblygiad yn argoeli'n llwyddiant ar hyn o bryd ac y bydd yn gallu dangos gwerth positif am arian. Cymeraf gryn dipyn o sicrwydd o'r hyn y mae'r Archwilydd Cyffredinol wedi'i ddweud yn yr adroddiad, yn enwedig ym mharagraff 12. Yn erbyn y targedau a osodwyd iddi, gwnaeth y gorfforaeth waith da iawn yn ystod ei hoes, a mynd gryn ffordd tuag at gwrdd â'r rhan fwyaf ohonynt. Credaf ei bod yn bwysig, tra bo pawb yn ystyried gwerthuso'r hyn a gyflawnwyd gan y gorfforaeth ddatblygu, cofio'n union sut le oedd de Caerdydd pan y'i hetifeddwyd. Cafwyd trawsffurfiad anferth ar ran o'r brifddinas a oedd yn wirioneddol halogedig ac yn dadfeilio.

[3] **Janet Davies:** You have mentioned how derelict and contaminated south Cardiff was. Do you believe that it was necessary to set up a development corporation to achieve regeneration? Was it always the intention that the powers and responsibilities would return to local democratic control eventually?

**Mr Shortridge:** The decision to establish the development corporation was a political decision taken in 1986-87. It was a decision which, at the time, was well in accordance with government policy. It was a very understandable and logical thing to have done for south Cardiff. In terms of what the ultimate intentions were, I cannot absolutely recall what might have been on the record at the time, but it was certainly our expectation as officials that once the basic transformation had been wrought, the land would largely, if not wholly, revert back to the local authority.

[4] **Janet Davies:** Individual regeneration targets were set: you can see them, and the progress made against them, in paragraph 10 and figure 3. Do you believe that the targets are still fully achievable now that the corporation and its special funding are no longer in place? If so, when do you think they are likely to be met?

**Mr Shortridge:** I certainly think that they are largely achievable. I do not think that I would want to commit myself to saying that they will all definitely be achieved, but I think that they should all largely be achieved. In terms of timescale, we are still talking of five to 10 years before one can make a fair assessment of the actual achievement. It is certainly my hope and expectation as Accounting Officer that we will be undertaking a full and proper study in due course of the value for money of the redevelopment of Cardiff Bay, so that the Welsh public can be assured that this money has been

[3] **Janet Davies:** Yr ydych wedi crybwyll mor ddiffaith a halogedig yr oedd de Caerdydd. A ydych yn credu bod angen bryd hynny sefydlu corfforaeth ddatblygu i sicrhau adfywiad? Ai'r bwriad drwy'r amser oedd y byddai'r pwerau a'r cyfrifoldebau'n dychwelyd i reolaeth ddemocrataidd leol ar ddiwedd y dydd?

**Mr Shortridge:** Penderfyniad gwleidyddol a wnaethpwyd yn 1986-87 oedd y penderfyniad i sefydlu'r gorfforaeth ddatblygu. Yr oedd yn benderfyniad a oedd, ar y pryd, yn gwbl gydnaws â pholisi'r llywodraeth. Yr oedd yn beth dealladwy a rhesymegol iawn i'w wneud i dde Caerdydd. O ran beth oedd y bwriadau terfynol, ni allaf gofio'n union beth allai fod wedi'i gofnodi ar y pryd, ond yn sicr ein disgwyliad ni fel swyddogion oedd y byddai'r tir, ar ôl cyflawni'r trawsffurfiad sylfaenol, i raddau helaeth os nad yn gyfangwbl yn dychwelyd i'r awdurdod lleol.

[4] **Janet Davies:** Gosodwyd targedau adfywio unigol: gallwch eu gweld, a gweld pa mor bell y llwyddwyd i'w cyflawni, ym mharagraff 10 a ffigur 3. A gredwch fod modd cyflawni'r targedau'n llawn, a'r gorfforaeth a'i chyllid arbennig bellach wedi mynd? Os felly, pa bryd y tybiwch y mae'n debygol y'u cyflawnir?

**Mr Shortridge:** Yn sicr yr wyf yn credu bod modd eu cyflawni i raddau helaeth. Ni chredaf yr hoffwn ymrwymo i ddweud y caiff pob targed ei gyflawni'n bendant, ond yr wyf yn meddwl y dylid cyflawni pob un i raddau helaeth. O ran amser, yr ydym yn sôn am bump i 10 mlynedd eto cyn y gellir gwneud asesiad teg o'r hyn a gyflawnwyd mewn gwirionedd. Yn sicr, fy ngobaith a'm disgwyliad i fel Swyddog Cyfrifo yw y byddwn yn gwneud astudiaeth lawn a chywir maes o law o werth-am-arian ailddatblygiad Bae Caerdydd, er mwyn gallu sicrhau'r cyhoedd yng Nghymru fod yr arian

well spent.

[5] **Alun Cairns:** Mr Shortridge, I refer you to paragraph 13, which shows that, before it was wound up, the corporation calculated that £170 million a year was being returned to the public purse from investments made in the Cardiff Bay area. Are you content with the basis of that calculation, and do you believe that the annual figure has increased or decreased since the succession arrangements took effect?

**Mr Shortridge:** I have no reason to doubt the basis of the calculation. I think it is a calculation, or a figure, that one has to use with care. It was the National Audit Office that chose to put this into its report. It is not a figure that I would use as a primary source for considering the overall value for money of the development.

[6] **Alun Cairns:** What figure would you use?

**Mr Shortridge:** I would wait until I had had my comprehensive study undertaken of the wider costs and benefits of the redevelopment.

[7] **Alun Cairns:** Figure 4 in the report shows an overview of the activities, projects, and so on, that would need to be taken on by a successor body. There are several unfinished projects on the list. Should any of these have been completed during the corporation's lifetime, and if so, why were they not finished?

hwn wedi'i wario'n ddoeth.

[5] **Alun Cairns:** Mr Shortridge, cyfeiriau chi at baragraff 13, sydd yn dangos fod y gorfforaeth, cyn iddi gael ei dirwyn i ben, wedi cyfrifo fod £170 miliwn y flwyddyn yn cael ei ddychwelyd i'r pwrs cyhoeddus o fuddsoddiadau a wnaethpwyd yn ardal Bae Caerdydd. A ydych yn fodlon â sail y cyfrifiad hwnnw, ac a ydych yn credu fod y ffigur blynyddol wedi cynyddu neu wedi gostwng ers i'r trefniadau olynu ddod i rym?

**Mr Shortridge:** Nid oes gennyf unrhyw reswm dros amau sail y cyfrifiad. Yr wyf yn meddwl ei fod yn gyfrifiad neu ffigur y mae'n rhaid ei ddefnyddio'n ofalus. Y Swyddfa Archwilio Genedlaethol a ddewisodd gynnwys hyn yn ei hadroddiad. Nid yw'n ffigur y byddwn i'n ei ddefnyddio fel prif ffynhonnell ar gyfer ystyried gwerth cyffredinol am arian y datblygiad.

[6] **Alun Cairns:** Pa ffigur fydddech chi'n ei ddefnyddio?

**Mr Shortridge:** Byddwn i'n aros hyd nes y byddwn wedi cael cwblhau fy astudiaeth gynhwysfawr o gostau a manteision ehangach yr ailddatblygu.

[7] **Alun Cairns:** Mae ffigur 4 yn yr adroddiad yn amlinellu'r gweithgareddau, y prosiectau, ac ati, y byddai angen i gorff olynol ymgymryd â hwy. Mae nifer o brosiectau anorffenedig ar y rhestr. A ddylid bod wedi cwblhau unrhyw rai o'r rhain yn ystod oes y gorfforaeth, ac os dylid, pam na orffennwyd hwy?

**Mr Shortridge:** I am sure that we would have preferred it if more had been completed during the corporation's lifetime. However, I think that one has to recognise the sheer complexity of the task that the development corporation had before it. The sort of issues that it had to deal with and manage were such that I think it would be unreasonable to expect everything to be completed to time. Taken as a whole, I think that this list indicates that most of the key developments were either complete or well on the way to completion at the time that the development corporation was closed down.

[8] **Ann Jones:** First, I apologise for being late, Chair. My clock on the third floor obviously does not run on the same time as yours. I thought that I would be on time.

Were you satisfied with the way that the wind-up process progressed? Will you give us a flavour of the problems encountered during the process?

**Mr Shortridge:** I think that I can say that all of us as officials found the wind-up process a very difficult process. It caused us a lot of concern. It certainly did not progress as smoothly or as easily as we would have wished. I make that as a factual observation. To balance it, I have to say that it was an incredibly complex and difficult process to organise; one for which the Welsh Office and then the Assembly were not actually primarily responsible. It was a very difficult exercise to manage and one which, from our perspective, did not go as smoothly as we would have wished.

[9] **Ann Jones:** Given the benefit of hindsight, which is something we all use, what would you, given your chance again, have done differently to facilitate the wind-up of the corporation?

**Mr Shortridge:** Yr wyf yn siwr y buasai'n well gennym pe buasai mwy wedi'i gwblhau yn ystod oes y gorfforaeth. Fodd bynnag, yr wyf yn meddwl fod yn rhaid cydnabod holl gymhlethdod y dasg a wynebai'r gorfforaeth ddatblygu. Yr oedd y math o faterion y bu'n rhaid iddi ddelio â hwy a'u rheoli yn gyfryw fel y byddai yn fy nhyb i yn afresymol disgwyl i bopeth gael ei gwblhau yn brydlon. Ar y cyfan, credaf fod y rhestr hon yn dangos fod y rhan fwyaf o'r datblygiadau allweddol naill ai wedi'u cwblhau neu'n agos at gael eu cwblhau ar yr adeg y cafodd y gorfforaeth ddatblygu ei dirwyn i ben.

[8] **Ann Jones:** Yn gyntaf, ymddiheuraf am fod yn hwyr, Gadeirydd. Yn amlwg nid yw fy nghloc i ar y trydydd llawr yn rhedeg ar yr un amser â'ch un chi. Yr oeddwn yn meddwl y byddwn yma mewn pryd.

A oeddech yn fodlon gyda'r modd yr aeth y broses ddirwyn i ben yn ei blaen? A roddwch chi flas inni o'r problemau a wynebwyd yn ystod y broses?

**Mr Shortridge:** Credaf y gallaf ddweud inni i gyd fel swyddogion gael cryn anhawster gyda'r broses ddirwyn i ben. Achosodd gryn bryder inni. Yn sicr, nid aeth yn ei blaen mor esmwyth nac mor hawdd ag y buasem wedi'i ddymuno. Sylw ffeithiol yw hynny. Er mwyn cydbwysedd, rhaid imi ddweud ei bod yn broses anhygoel o gymhleth ac anodd i'w threfnu; ac yn un nad oedd y Swyddfa Gymreig ac wedyn y Cynulliad yn bennaf gyfrifol amdani mewn gwirionedd. Yr oedd yn ymarfer anodd iawn i'w reoli ac yn un, o'n safbwynt ni, na ddigwyddodd mor ddiraffferth ag y buasem wedi ei ddymuno.

[9] **Ann Jones:** Gyda'r gallu i edrych yn ôl, rhywbeth a wnawn ni i gyd, beth fydddech chi, o gael eich cyfle eto, wedi ei wneud yn wahanol er mwyn hwyluso dirwyn y gorfforaeth i ben?

**Mr Shortridge:** The basic model that one had was that the development corporation would be told when it was going to have to wind itself up and then be given responsibility for ensuring that the wind-up proceeded in an orderly way. The way to achieve that was, first, that it should produce a complete and detailed audit of all the assets and liabilities that it would have to transfer at the time of its demise. Secondly, it would need to know which bodies the successor bodies were going to be and which assets and liabilities should be transferred to those successor bodies. Thirdly, with those two elements, it would need to produce the section 165 agreements—the legal agreements effecting the transfer.

The lesson that we learned—and I have learned from this process—is that while that is fine in theory and a very sensible way of proceeding, in practice, given the scale of the issues involved and therefore the importance that the successor bodies attached to the transfer arrangements being satisfactory to them, there is a case for the Assembly itself—in this case Assembly officials—being much more closely and directly involved in managing the wind-up process. What this report records is that what happened in practice was that we as Assembly officials—and not just us as Assembly officials, but Assembly Ministers and Welsh Office Ministers before them—found that we were having to get much more closely involved in the process than had originally been envisaged, in order to facilitate outcomes in what were often very difficult and complex negotiations. Therefore, in answer to your question, the one lesson that I have learned is that, if such things are to be done in future, the governing administration, which has the primary responsibility for ensuring a successful outcome, should have a fuller role in the process from the outset.

**Mr Shortridge:** Y model sylfaenol ger ein bron oedd y byddai'r gorfforaeth ddatblygu'n cael gwybod pa bryd y byddai'n rhaid iddi ddirwyn ei hun i ben ac wedyn y rhoddid cyfrifoldeb iddi am sicrhau fod y dirwyn i ben yn digwydd mewn ffordd drefnus. I gyflawni hynny, byddai'n rhaid iddi, yn gyntaf, gynhyrchu rhestr gyflawn a manwl o'r holl asedau a rhwymedigaethau y byddai'n rhaid iddi eu trosglwyddo ar adeg ei dirwyn i ben. Yn ail, byddai angen iddi wybod pa gyrff fyddai'r cyrff olynol a pha asedau a rhwymedigaethau y dylid eu trosglwyddo i'r cyrff olynol hynny. Yn drydydd, gyda'r ddwy elfen hynny, byddai angen iddi lunio cytundebau adran 165—y cytundebau cyfreithiol sy'n gwireddu'r trosglwyddiad.

Y wers a ddysgwyd—ac yr wyf i wedi dysgu oddi wrth y broses hon—yw tra bod hynny'n iawn mewn egwyddor ac yn ffordd gall iawn o fynd ati, yn ymarferol, o gofio maint y materion dan sylw ac felly mor bwysig ydoedd i'r cyrff olynol fod y trefniadau trosglwyddo'n foddhaol iddynt hwy, mae achos dros sicrhau fod y Cynulliad ei hun—sef swyddogion y Cynulliad yn yr achos hwn—yn ymwneud yn llawer agosach a mwy uniongyrchol â rheoli'r broses ddirwyn i ben. Yr hyn a gofnodir yn yr adroddiad hwn yw mai beth ddigwyddodd yn ymarferol oedd ein bod ni swyddogion y Cynulliad—ac nid ni swyddogion yn unig, ond Gweinidogion y Cynulliad a Gweinidogion y Swyddfa Gymreig o'u blaen—yn canfod ein bod yn gorfod ymwneud yn llawer agosach â'r broses nag a ragwelwyd yn wreiddiol, er mwyn hwyluso canlyniadau mewn trafodaethau a oedd yn aml yn rhai anodd a chymhleth dros ben. Felly, i ateb eich cwestiwn, yr un wers a ddysgais yw, os bydd raid gwneud pethau o'r fath yn y dyfodol, y dylai'r corff llywodraethol, sydd â'r prif gyfrifoldeb dros sicrhau canlyniad llwyddiannus, gael rhan lawnach yn y broses o'r cychwyn cyntaf.

[10] **Ann Jones:** I turn to figure 7 on page 14 of the report, which shows the key dates in the wind up process. It is clear that much work had been carried out by the corporation in preparing for its wind-up. Even if the corporation had finished all of its capital projects during its lifetime, there was always going to be that requirement for ongoing revenue funding of certain items. Was the corporation ever in a position to negotiate effectively with the potential successor body, without the ability to commit the Assembly to the ongoing revenue commitments?

**Mr Shortridge:** I do not think that that was a particular difficulty in the negotiations. I think that there was always the recognition that, when assets and liabilities transferred, the necessary funding arrangements would go with them. Obviously, we, as Assembly officials—or Welsh Office officials—had to be involved in those discussions in order to provide assurance to each side in terms of the detail. However, the principle was always clear. You cannot have an orderly wind-up if the successor bodies do not have a reasonable expectation of having the necessary resources to go with the liabilities.

[11] **Ann Jones:** Do you think then that Welsh Office officials and, subsequently, Assembly officials, should have been more closely involved in the process from the time that a firm date for the wind-up had been announced in 1997?

[10] **Ann Jones:** Trof at ffigur 7 ar dudalen 14 yn yr adroddiad, sy'n dangos y dyddiadau allweddol yn y broses ddirwyn i ben. Mae'n eglur fod llawer o waith wedi'i wneud gan y gorfforaeth i baratoi ar gyfer y dirwyn i ben. Hyd yn oed pe bai'r gorfforaeth wedi gorffen ei holl brosiectau cyfalaf yn ystod ei hoes, byddai'r gofyniad hwnnw am gyllid refeniw parhaus ar gyfer eitemau penodol yno o hyd. A fu'r gorfforaeth erioed mewn sefyllfa i negodi'n effeithiol gyda'r darpar gorff olynol, heb y gallu i ymrwymo'r Cynulliad i'r ymrwymadau refeniw parhaus?

**Mr Shortridge:** Nid wyf yn meddwl y bu hynny'n anhawster arbennig yn y trafodaethau. Yr wyf yn meddwl y cydnabuwyd erioed y byddai'r asedau a'r rhwymedigaethau a drosglwyddid yn cario'r trefniadau cyllid angenrheidiol gyda hwy. Wrth reswm, yr oedd yn rhaid i ni, fel swyddogion y Cynulliad—neu swyddogion y Swyddfa Gymreig—gymryd rhan yn y trafodaethau hynny er mwyn darparu sicrwydd i'r naill ochr a'r llall yn nhermau'r manylion. Fodd bynnag, yr oedd yr egwyddor bob amser yn glir. Ni allwch gael trefn wrth ddirwyn i ben os nad oes gan y cyrff olynol ddisgwyliad rhesymol o gael yr adnoddau angenrheidiol i fynd gyda'r rhwymedigaethau.

[11] **Ann Jones:** A ydych o'r farn felly y dylai swyddogion y Swyddfa Gymreig, a swyddogion y Cynulliad wedi hynny, fod wedi ymwneud yn agosach â'r broses o'r adeg pryd y cyhoeddwyd dyddiad pendant ar gyfer y dirwyn i ben yn 1997?



**Mr Shortridge:** I think that that is the lesson that I described when I answered your earlier question. I think that what we have learned from this process is that while, theoretically, this is something that can largely be done bilaterally, in practice, there should be a greater recognition that Assembly officials, in our case, should be much more closely involved in the process from the outset.

[12] **Ann Jones:** Thank you. I will press on with a few more questions. Paragraphs 20 to 22 in the report state that the final decisions regarding succession arrangements were made in March 1999 for the ongoing regeneration activity, and in October 1999 for the arrangements for the Harbour Authority. That was only 12 and six months respectively before the corporation was due to wind-up. Why were those key decisions not taken until late in the process?

**Mr Shortridge:** Essentially what we had was a very high level and major, complex negotiation, which was taking place between the development corporation on the one hand, and Cardiff City and County Council and the Welsh Development Agency on the other—there were certain other successor bodies but it was primarily those two. It was a negotiation that was facilitated by the National Assembly and the Welsh Office at both political and official level. The nature of negotiations is such that they have a natural tendency to go to the wire. Best practice from the earlier National Audit Office reports indicated that you needed two years to get these basic agreements in place, in order to secure an orderly transfer. However, the nature of the circumstances in which we found ourselves during this period, and the nature of the negotiations that were going on, meant that there was not agreement, until the dates that you

**Mr Shortridge:** Mae'n debyg gen i mai dyna'r wers a ddisgrifiais pan atebais eich cwestiwn cynharach. Yr wyf yn meddwl mai'r hyn yr ydym wedi'i ddysgu oddi wrth y broses hon yw tra bod hyn, mewn egwyddor, yn rhywbeth y gellir ei wneud i raddau helaeth rhwng y ddwy ochr, y dylid yn ymarferol roi mwy o gydnabyddiaeth i'r angen i swyddogion y Cynulliad, yn ein hachos ni, gael rhan lawer agosach yn y broses o'r dechrau.

[12] **Ann Jones:** Diolch. Af ymlaen gydag ychydig o gwestiynau eto. Noda paragraffau 20 i 22 yn yr adroddiad y gwnaethpwyd y penderfyniadau terfynol parthed trefniadau olynau ym mis Mawrth 1999 ar gyfer y gweithgarwch adfywio parhaus, ac yn Hydref 1999 ar gyfer y trefniadau ar gyfer Awdurdod yr Harbwr. Dim ond 12 a chwe mis oedd hynny cyn i'r gorfforaeth gael ei dirwyn i ben. Pam na wnaethpwyd y penderfyniadau allweddol hynny tan yn hwyr yn y broses?

**Mr Shortridge:** Yn y bôn yr hyn oedd gennym oedd negodi mawr, cymhleth ar lefel uchel iawn, a oedd yn digwydd rhwng y gorfforaeth ddatblygu ar y naill law, a Chyngor Sir a Dinas Caerdydd ac Awdurdod Datblygu Cymru ar y llall—yr oedd ambell gorff olynau arall, ond y ddau hynny oedd y prif negodwyr. Hwyluswyd y broses negodi gan y Cynulliad Cenedlaethol a'r Swyddfa Gymreig ar lefel wleidyddol ac ar lefel swyddogol. Rhan o natur trafodaethau negodi yw tuedd naturiol i fynd at ymyl y dibyn. Dan yr ymarfer gorau yn ôl adroddiadau cynharach y Swyddfa Archwilio Genedlaethol, byddai angen dwy flynedd i roi'r cytundebau sylfaenol hyn yn eu lle, er mwyn sicrhau trosglwyddiad trefnus. Fodd bynnag, oherwydd natur yr amgylchiadau y cawsom ein hunain ynddynt yn ystod y cyfnod hwn, a natur y trafodaethau a oedd ar droed, ni chafwyd cytundeb, tan y dyddiadau a grybwyllwyd gennych chi, ar ba gyrff fyddai'r

indicated, on which bodies those key successor bodies would be. I think that there is a limit, and I think that you will understand that there is a limit, as to what, in these circumstances, officials can do to secure fundamental agreements of this nature.

[13] **Ann Jones:** I come to my last question. These key decisions had to be taken by the Welsh Office and then the Assembly because of the need to fund arrangements after the corporation had been wound up. So was the eventual timetable consistent with the successor arrangements being negotiated to provide long-term value for money for our Welsh taxpayers?

**Mr Shortridge:** Well, I think that this is the point at which I have to say that, despite the problems that we have discussed and will probably come back to, I think that the wind-up process was completed successfully. One of the conclusions of this report is that it was completed successfully. I think that, had there been more detailed comparisons with other urban development corporation wind-ups, you would have discovered that in other places there were very significant loose ends at the point of transfer. In the case of the Cardiff Bay Development Corporation, the National Audit Office has not found any significant loose ends. So I think that, despite all the problems that there have been, we managed to secure a successful outcome from this wind-up process and I pay credit to all those concerned, particularly in the Cardiff Bay Development Corporation. The staff in the development corporation had a particularly difficult time during that period.

cyrff olynol allweddol hynny. Yr wyf yn meddwl fod pen draw, ac yr wyf yn meddwl y byddwch chi'n deall fod pen draw, ar yr hyn y gall swyddogion ei wneud yn yr amgylchiadau hyn i sicrhau cytundebau sylfaenol o'r math yma.

[13] **Ann Jones:** Dyma fy nghwestiwn olaf. Yr oedd yn rhaid i'r penderfyniadau allweddol hyn gael eu gwneud gan y Swyddfa Gymreig ac wedyn y Cynulliad oherwydd yr angen i ariannu'r trefniadau ar ôl dirwyn y gorfforaeth i ben. Felly a oedd yr amserlen yn y diwedd yn gyson â'r trefniadau olynol a oedd yn cael eu negodi i ddarparu gwerth am arian i'n trethdalwyr yng Nghymru dros y tymor hir?

**Mr Shortridge:** Wel, yr wyf yn meddwl mai dyma'r pwynt lle mae'n rhaid imi ddweud, er gwaethaf y problemau a drafodwyd gennym ac y deawn yn ôl atynt yn ôl pob tebyg, fy mod yn credu i'r broses ddirwyn i ben gael ei chwblhau'n llwyddiannus. Un o gasgliadau'r adroddiad hwn yw i'r broses gael ei chwblhau'n llwyddiannus. Yr wyf o'r farn, pe cawsid cymariaethau manylach â phrosesau dirwyn i ben corfforaethau datblygu trefol eraill, y buasech wedi darganfod mewn manau eraill bod pethau arwyddocaol iawn heb eu datrys ar y pwynt trosglwyddo. Yn achos Corfforaeth Datblygu Bae Caerdydd, ni chanfu'r Swyddfa Archwilio Genedlaethol ddim byd arwyddocaol a oedd heb ei ddatrys. Felly yr wyf yn meddwl, er gwaethaf yr holl broblemau a gafwyd, inni lwyddo i sicrhau canlyniad llwyddiannus i'r broses ddirwyn i ben, a thalaf deyrnged i bawb a fu'n ymhél â'r peth, yn enwedig yng Nghorfforaeth Datblygu Bae Caerdydd. Cafodd y staff yn y gorfforaeth ddatblygu amser arbennig o anodd yn ystod y cyfnod hwnnw.

[14] **Janet Davies:** Mr Shortridge, you referred briefly to the outcome, but we need to look a bit more closely at the outcome of the wind-up process. Alun would like to ask a few questions on that.

[15] **Alun Cairns:** Before I look at the outcome of the wind-up process, Janet, I have a few supplementaries to some of the questions that have been asked, if that is okay.

[16] **Janet Davies:** That is fine.

[17] **Alun Cairns:** In general terms, Mr Shortridge, will you tell us what safeguards or actions are in place to prevent any potential conflict of interest in relation to Ministers and the arrangements of the successor bodies, should the arrangements affect their constituencies?

**Mr Shortridge:** The basic arrangements on ministerial interests are set out in the Assembly's equivalent of the ministerial code. These are matters for Ministers themselves.

[18] **Alun Cairns:** In your advice to Ministers, though, does that code ever play a part, should those Ministers ever become responsible for taking decisions in relation to the wind-up of organisations such as CBDC, particularly in relation to the transfer of assets?

**Mr Shortridge:** As officials, we always try to ensure that if there is any potential for a conflict of interest, other Ministers are involved in the process.

[14] **Janet Davies:** Mr Shortridge, cyfeiriasoch yn fyr at y canlyniad, ond mae angen inni edrych ychydig yn fanylach ar ganlyniad y broses ddirwyn i ben hon. Hoffai Alun ofyn ychydig o gwestiynau ar hynny.

[15] **Alun Cairns:** Cyn imi edrych ar ganlyniad y broses ddirwyn i ben, Janet, mae gennyf ambell gwestiwn atodol i rai o'r cwestiynau a ofynnwyd eisoes, os yw hynny'n dderbyniol.

[16] **Janet Davies:** Popeth yn iawn.

[17] **Alun Cairns:** Mewn termau cyffredinol, Mr Shortridge, a wnewch chi ddweud wrthym pa fesurau neu gamau diogelwch a sefydlwyd i atal unrhyw wrthdaro buddiannau posibl rhwng Gweinidogion a threfniadau'r cyrff olynol, pe byddai'r trefniadau'n amharu ar eu hetholaethau?

**Mr Shortridge:** Amlinellir y trefniadau sylfaenol parthed buddiannau Gweinidogion yng nghôd gweinidogion y Cynulliad. Materion i'r Gweinidogion eu hunain yw'r rhain.

[18] **Alun Cairns:** Ond yn eich cyngor chi i Weinidogion, a fydd y côd hwnnw'n chwarae rhan fyth, pe bai'r Gweinidogion hynny'n cael cyfrifoldeb dros wneud penderfyniadau ynghylch dirwyn i ben sefydliadau megis Corfforaeth Datblygu Bae Caerdydd, yn enwedig o ran trosglwyddo asedau?

**Mr Shortridge:** Fel swyddogion, byddwn bob amser yn ceisio sicrhau, os oes unrhyw botensial ar gyfer gwrthdaro buddiannau, bod Gweinidogion eraill yn cael rhan yn y broses.

[19] **Alun Cairns:** Thank you very much. I draw your attention to figure 7, and to what happened on 20 October 1999, when the then First Secretary announced that Cardiff City and County Council would assume responsibility for the Harbour Authority. Why is it that the section 165 agreements relating to such matters were not signed until 27 and 28 March of the following year?

**Mr Shortridge:** It was because these were very detailed, complex agreements. The statement in October 1999 set out the heads of terms, essentially, of the transfer of those responsibilities. Giving effect to those heads of terms in a way that was both comprehensive and satisfactory to all the parties concerned was a very long, detailed and complex task.

[20] **Alun Cairns:** I appreciate that it was a very detailed task, but having announced the decision that the Harbour Authority and the maintenance contract would be followed through by Cardiff council, was the Assembly under pressure or in difficulty, and its negotiating hand weakened somewhat, when it came to agreeing the transfer of assets and liabilities from CBDC to Cardiff council?

**Mr Shortridge:** I will ask Steve Phillips to comment on that question as well, because, from my perception, I was not aware of any difficulties where we were being disadvantaged because of the time pressure that we were all under to get the section 165 agreements signed off in March. Before I invite Steve to come in, I will make the other point that none of the section 165 agreements were signed until March, even though the memoranda of understanding to which they related were signed off in the previous March.

[19] **Alun Cairns:** Diolch yn fawr. Hoffwn dynnu'ch sylw at ffigur 7, ac at yr hyn a ddigwyddodd ar 20 Hydref 1999, pan gyhoeddodd y Prif Ysgrifennydd ar y pryd y byddai Cyngor Sir a Dinas Caerdydd yn cymryd cyfrifoldeb dros Awdurdod yr Harbwr. Pam na lofnodwyd y cytundebau adran 165 parthed y materion hyn tan 27 a 28 Mawrth y flwyddyn ganlynol?

**Mr Shortridge:** Yr oedd oherwydd bod y rhain yn gytundebau manwl a chymhleth dros ben. Amlinellodd y datganiad yn Hydref 1999, yn y bôn, benawdau telerau trosglwyddo'r cyfrifoldebau hynny. Yr oedd dod â'r penawdau telerau hynny i rym mewn modd a oedd yn gynhwysfawr ac yn foddhaol i bob parti dan sylw yn dasg faith, manwl a chymhleth iawn.

[20] **Alun Cairns:** Sylweddolaf ei bod yn dasg fanwl iawn, ond wedi cyhoeddi'r penderfyniad y byddai Awdurdod yr Harbwr a'r contract cynnal yn cael eu dilyn drwodd gan gyngor Caerdydd, a oedd y Cynulliad dan bwysau neu mewn cyfyngder, a'i law negodi wedi'i gwanhau rywfaint, pan ddaeth yn fater o gytuno ar drosglwyddiad asedau a rhwymedigaethau oddi wrth y gorfforaeth ddatblygu i gyngor Caerdydd?

**Mr Shortridge:** Gofynnaf i Steve Phillips roi sylw ar y cwestiwn hwn hefyd oherwydd, o'r hyn a welwn i, nid oeddwn yn ymwybodol o unrhyw anawsterau lle'r oeddem yn dioddef cam oherwydd y pwysau amser a oedd arnom i gyd i gael llofnodi'r cytundebau adran 165 ym mis Mawrth. Cyn imi wahodd Steve i siarad, hoffwn wneud y pwynt arall na lofnodwyd dim un o'r cytundebau adran 165 tan fis Mawrth, er bod y memoranda dealltwriaeth perthnasol wedi'u llofnodi yn y mis Mawrth blaenorol.

**Mr Phillips:** Just to add to that, as the Permanent Secretary said, the document signed on 20 October effectively set out the principles that would be built on and would manifest themselves in a more detailed agreement, which was the section 165 agreement. The important thing to remember is that there was a detailed negotiation in the run-up to signing the memorandum of understanding. From our point of view, it contains some very important basic principles on the Assembly's future funding requirements for the Harbour Authority and the barrage. Those were subsequently translated into the section 165 agreement. To answer your question, I did not feel that we were particularly disadvantaged, but we were under huge time pressure because we had the very real deadline of 31 March to meet. However, we did not really feel disadvantaged in the negotiations because we had those basic principles set out in the terms of the memorandum of understanding, to which Cardiff City and County Council and the First Minister were prepared to sign up.

[21] **Alun Cairns:** We will come to discuss the financial arrangements later on. However, I am getting at the fact that, if the decision had been taken that Cardiff council should take responsibility for the Harbour Authority and the maintenance contract, then the Assembly had, in effect, ruled out any other option. That may well have been the preferred bidder or the recommendation from Cardiff Bay Development Corporation. You will remember, Mr Phillips, from the Economic Development Committee, that politicians held the view at the time—albeit that that was a political Committee in many ways—that Cardiff council held the Assembly over a barrel, because the commitment had already been made that the Harbour Authority and the maintenance contract should go to it. That had then weakened the Assembly's

**Mr Phillips:** Os caf ychwanegu at hynny: fel y dywedodd yr Ysgrifennydd Parhaol, yr oedd y ddogfen a lofnodwyd ar 20 Hydref i bob pwrpas yn amlinellu'r egwyddorion y bwriedid adeiladu arnynt ac a fyddai'n amlygu'u hunain mewn cytundeb manylach, sef y cytundeb adran 165. Y peth pwysig i'w gofio yw y bu negodi manwl yn y cyfnod cyn lofnodi'r memorandwm dealltwriaeth. O'n safbwynt ni, mae'n cynnwys rhai egwyddorion sylfaenol pwysig iawn ynghylch gofynion cyllid y Cynulliad yn y dyfodol ar gyfer Awdurdod yr Harbwr a'r morglawdd. Trosglwyddwyd y rhain wedyn i'r cytundeb adran 165. I ateb eich cwestiwn, ni theimlais ein bod yn dioddef cam yn arbennig, ond yr oeddem dan bwysau amser anferthol oherwydd yr oedd yn rhaid inni gwblhau'r broses erbyn 31 Mawrth yn bendant. Fodd bynnag, nid oeddem yn teimlo dan anfantais mewn gwirionedd yn y negodi gan fod gennym yr egwyddorion sylfaenol hynny wedi'u hamlinellu yn nhelerau'r memorandwm dealltwriaeth, yr oedd Cyngor Sir a Dinas Caerdydd a'r Prif Weinidog yn fodlon ei lofnodi.

[21] **Alun Cairns:** Cawn drafod y trefniadau cyllidol yn nes ymlaen. Fodd bynnag, cyfeirio yr wyf at y ffaith, os oedd y penderfyniad wedi'i wneud mai cyngor Caerdydd ddylai gymryd cyfrifoldeb am Awdurdod yr Harbwr a'r contract cynnal, yna yr oedd y Cynulliad, mewn effaith, wedi gwadu unrhyw opsiwn arall. Efallai'n wir mai dyna oedd y cynigydd a hoffid orau neu'r argymhelliad gan Gorfforaeth Datblygu Bae Caerdydd. Fe gofiwch, Mr Phillips, o'r Pwyllgor Datblygu Economaidd, fod gwleidyddion o'r farn ar y pryd—er mai Pwyllgor gwleidyddol oedd hwnnw mewn sawl ffordd—fod y Cynulliad ar drugaredd cyngor Caerdydd, gan fod yr ymrwymiad eisoes wedi'i wneud y dylai Awdurdod yr Harbwr a'r contract cynnal fynd iddo. Yr oedd hynny wedyn wedi gwanhau llaw negodi'r Cynulliad yn nhermau trosglwyddo

negotiating hand in terms of the transfer of assets. asedau.

**Mr Phillips:** Let me say two things in response to that. Had we left the signing of the memorandum of understanding for very much longer, we would have been in serious trouble in terms of time, because we had only some six months left, and that was that. Yes, you have a point. Our negotiating position, in certain respects, may arguably have been weakened by the fact that it was publicly announced that Cardiff council would become the Harbour Authority. However, it is important to remember that we, as an Assembly, were not in a position to impose solutions on local authorities. Therefore, it was a negotiation. In a negotiation with Assembly sponsored public bodies, they are ultimately responsible to the Assembly. The position is not precisely the same in relation to local authorities, so that was a different sort of negotiation. Against that background, we had alternative options available. We could have created, for example, another Assembly sponsored public body to become the Harbour Authority had Cardiff council walked away from the negotiations at any point. Similarly, we could have—

[22] **Alun Cairns:** Excuse me, Chair, for cutting across, but I am saying that the principle is that, having made that announcement on 20 October 1999, those options were not available any longer.

**Mr Phillips:** No, I would not necessarily agree with that because those options were available. Had Cardiff council decided to walk away from negotiations, there were other options available. We looked at those options, but the problem was time.

**Mr Phillips:** Gadewch imi ddweud dau beth mewn ymateb i hynny. Pe baem wedi gadael i lawer mwy o amser fynd heibio cyn llofnodi'r memorandwm dealltwriaeth, buasem mewn trafferthion difrifol yn nhermau amser, gan mai dim ond rhyw chwe mis oedd gennym ar ôl, a dyna ni. Oes, mae gennyhych bwynt. Gellir dadlau fod ein safle negodi, i ryw raddau, wedi'i wanhau gan y ffaith fod cyhoeddiad wedi'i wneud yn gyhoeddus mai cyngor Caerdydd fyddai Awdurdod yr Harbwr. Fodd bynnag, mae'n bwysig cofio nad oeddem ni, fel Cynulliad, mewn sefyllfa i orfodi atebion ar awdurdodau lleol. Felly, negodi a gafwyd. Wrth negodi â chyrff cyhoeddus a noddur gan y Cynulliad, maent yn y pen draw yn atebol i'r Cynulliad. Nid yw'r sefyllfa yn union yr un peth mewn perthynas ag awdurdodau lleol, felly math gwahanol o negodi oedd hynny. Yn erbyn y cefndir hwnnw, yr oedd gwahanol opsiynau ar gael inni. Buasem wedi gallu creu, er enghraifft, gorff cyhoeddus arall a noddur gan y Cynulliad i fod yn Awdurdod Harbwr pe bai cyngor Caerdydd wedi cerdded allan o'r negodi ar unrhyw bwynt. Yn yr un modd, buasem wedi gallu—

[22] **Alun Cairns:** Esgusodwch fi, Gadeirydd, am dorri ar draws, ond yr wyf fi'n dweud mai'r egwyddor yw, gan fod y cyhoeddiad hwnnw wedi'i wneud ar 20 Hydref 1999, nad oedd yr opsiynau hynny ar gael mwyach.

**Mr Phillips:** Na, ni fyddwn o reidrwydd yn cytuno â hynny oherwydd yr oedd yr opsiynau hynny ar gael. Petasai cyngor Caerdydd wedi penderfynu cerdded i ffwrdd o'r negodi, yr oedd opsiynau eraill ar gael. Edrychwyd ar yr opsiynau hynny, ond amser oedd y broblem.

[23] **Janet Davies:** Do you wish to come back on that, Mr Shortridge?

**Mr Shortridge:** I have two points. I think that, from my perspective as Accounting Officer, there was great value in having the basic parameters of this agreement set out in the memorandum of understanding in October, otherwise we would have had no basis to move from there to providing a section 165 agreement. So I do not think that there was an alternative to that. The other factor that weighed with me was that it was a policy of the Assembly Cabinet, and indeed pretty much the whole Assembly, that there should be fewer and fewer Assembly sponsored public bodies. So the fact that there was an outcome being negotiated that handed over the Harbour Authority and the barrage, among other things, to the local authority was entirely consistent with the Assembly's policies. In a sense, what we are talking about now is a consequence of that reasonable position.

[24] **Alun Cairns:** Mr Shortridge, I would like to press you somewhat on what Mr Phillips said. He said that a statement was made on 20 October 1999, and that the section 165 arrangements were completed on 27 and 28 March. Mr Phillips has just said that if Cardiff council had walked away, we could have looked at other options, albeit that that might not have been in line with the Assembly's thinking or policy at that time. However, within such a tight timescale, was it ever realistic that the Assembly could have looked at any other option?

[23] **Janet Davies:** A oes arnoch chi eisiau dod yn ôl ar hynny, Mr Shortridge?

**Mr Shortridge:** Mae gennyf ddau bwynt. Credaf, o'm safbwynt i fel Swyddog Cyfrifon, fod cryn werth mewn cael terfynau sylfaenol y cytundeb hwn wedi'u hamlinellu yn y memorandwm dealltwriaeth ym mis Hydref, neu fel arall ni fuasai gennym unrhyw sail i symud oddi yno at ddarparu cytundeb adran 165. Felly nid wyf yn meddwl fod dewis arall ar gael i hynny. Y ffactor arall a bwysodd arnaf fi oedd ei bod yn bolisi gan Gabinet y Cynulliad, ac yn wir gan y Cynulliad cyfan fwy neu lai, y dylai fod llai a llai o gyrff cyhoeddus a noddir gan y Cynulliad. Felly yr oedd y ffaith fod canlyniad yn cael ei negodi a fyddai'n trosglwyddo Awdurdod yr Harbwr a'r morglawdd, ymhlith pethau eraill, i'r awdurdod lleol yn gwbl gyson â pholisiau'r Cynulliad. Mewn un ystyr, mae'r hyn yr ydym yn ei drafod yn awr yn ganlyniad i'r safle rhesymol hwnnw.

[24] **Alun Cairns:** Mr Shortridge, mi hoffwn bwyso rhywfaint arnoch ar yr hyn a ddywedodd Mr Phillips. Dywedodd y gwnaethpwyd datganiad ar 20 Hydref 1999, ac y cwblhawyd y cytundebau adran 165 ar 27 a 28 Mawrth. Mae Mr Phillips newydd ddweud petasai cyngor Caerdydd wedi cerdded i ffwrdd, y gallasem edrych ar opsiynau eraill, er na fuasai hynny efallai yn unol â meddylfryd na pholisi'r Cynulliad ar y pryd. Fodd bynnag, o fewn amserlen mor dynn, a fu erioed yn realistig y gallasai'r Cynulliad edrych ar unrhyw opsiwn arall?

**Mr Shortridge:** I would have to check the files to give a definitive view. However, in principle I am sure that it was because, at an earlier stage, we were looking at the possibility of, in effect, slimming down the Cardiff Bay Development Corporation and creating a harbour authority as a company limited by guarantee. So I think that these sorts of things can be done at short notice if both the political will and the need is there.

[25] **Alun Cairns:** If, in the weeks leading up to 27 and 28 March, Cardiff council had said ‘Well, sorry, we’re walking away from this’, was there a viable option available to the Assembly?

**Mr Shortridge:** I think that we are getting into hypothetical situations here. That was not a situation that actually happened in practice. I cannot tell you this afternoon what our cut-off point would have been for the use of an alternative option.

[26] **Alun Cairns:** The principle that I am trying to underline, Chair, is that making the decision closed off, or potentially closed off, many options for the Assembly and possibly weakened our negotiating hand in transferring the assets and liabilities to other bodies.

**Mr Shortridge:** To respond to that, if you do not close off options you do not have a wind-up. One of the implied criticisms in this report is that we had not closed off the options early enough and really, there comes a point when you have to have sufficient certainty to enable the orderly wind-up of a development corporation to go forward. What we negotiated, through the memoranda of understanding—which I think was novel to our approach—was that six months before the wind-up, the basic building blocks for the transfer were in place.

**Mr Shortridge:** Byddai’n rhaid imi edrych ar y ffeiliau i roi barn bendant. Fodd bynnag, mewn egwyddor yr wyf yn siwr ei bod, oherwydd, ar gyfnod cynharach, yr oeddem yn edrych ar bosibilrwydd teneuo Corfforaeth Datblygu Bae Caerdydd a chreu awdurdod harbwr fel cwmni cyfyngedig trwy warrant. Felly yr wyf yn meddwl y gellir gwneud y pethau hyn ar fyr rybudd os yw’r ewylllys wleidyddol a’r angen yn bodoli.

[25] **Alun Cairns:** Petasai cyngor Caerdydd, yn yr wythnosau’n arwain at 27 a 28 Mawrth, wedi dweud ‘Wel, mae’n ddrwg gennym, yr ydym yn cerdded i ffwrdd oddi wrth hyn’, a oedd opsiwn ymarferol ar gael i’r Cynulliad?

**Mr Shortridge:** Yr wyf yn meddwl ein bod yn mynd i sefyllfaoedd damcaniaethol yma. Nid oedd hynny’n sefyllfa a ddigwyddodd mewn gwirionedd. Ni allaf ddweud wrthy ch y prynhawn yma beth fuasai’n pwynt torri-i-ffwrdd ar gyfer defnyddio opsiwn arall.

[26] **Alun Cairns:** Yr egwyddor yr wyf fi’n ceisio ei thanlinellu, Gadeirydd, yw bod gwneud y penderfyniad wedi cau, neu wedi creu’r potensial i gau, llawer o opsiynau i’r Cynulliad ac o bosibl wedi gwanhau’n llaw negodi wrth drosglwyddo’r asedau a’r rhwymedigaethau i gyrff eraill.

**Mr Shortridge:** I ymateb i hynny, os na chaewch opsiynau ni fyddwch yn dirwyn i ben. Un o’r beirniadaethau sydd ymhlyg yn yr adroddiad yw nad oeddem wedi cau’r opsiynau’n ddigon cynnar ac yn wir, fe ddaw pwynt pryd y mae’n rhaid ichi gael digon o sicrwydd i alluogi proses ddirwyn i ben corfforaeth ddatblygu i fynd rhagddi mewn modd trefnus. Yr hyn a negodwyd gennym, drwy’r memoranda dealltwriaeth—peth newydd yn ein dull o fynd ati, mi gredaf—oedd bod y blociau adeiladu sylfaenol ar gyfer y trosglwyddiad yn eu lle chwe



mis cyn y dirwyn i ben.

[27] **Alun Cairns:** Thank you. I move on to the outcome of the wind-up. The report makes reference to the fact that the negotiations around the wind-up process were both complex and difficult, as we have just discovered. Are you fully satisfied that, in terms of operational arrangements for continuing and protecting the corporation's legacy, the successor arrangements put in place are fully satisfactory?

**Mr Shortridge:** Yes, in the sense that we have detailed monitoring arrangements in place with all the successor bodies to ensure that the money that those successor bodies are being given is used for the purposes set out in the section 165 agreements. We have very regular monitoring arrangements—monthly meetings—to check on progress.

[28] **Alun Cairns:** In your opinion, do you feel that the successor bodies are generally content with the final arrangements put in place?

**Mr Shortridge:** Yes. I think that that is one of the things that the Auditor General will have an opportunity to comment on in his next report. However, from my perspective, I am not aware of any problems. I do not have successor bodies making representations to me saying that they are concerned about the way in which these arrangements are working out. Indeed, it is quite the reverse. My impression from the discussions that I have with officials at Cardiff council and the WDA is that the new arrangements are being managed effectively and in a professional way.

[27] **Alun Cairns:** Diolch. Symudaf ymlaen at ganlyniad y dirwyn i ben. Mae'r adroddiad yn cyfeirio at y ffaith fod y negodi o gwmpas y broses ddirwyn i ben yn gymhleth ac yn anodd, fel yr ydym newydd ddarganfod. A ydych yn gwbl fodlon, yn nhermau trefniadau gweithredol ar gyfer parhau a gwarchod etifeddiaeth y gorfforaeth, fod y trefniadau olynu sydd wedi'u sefydlu yn gwbl foddhaol?

**Mr Shortridge:** Ydwyf, yn yr ystyr fod gennym drefniadau monitro manwl wedi'u sefydlu gyda phob corff olynol i sicrhau y caiff yr holl arian a roddir i'r cyrff olynol hynny ei ddefnyddio i'r pwrpasau a amlinellir yn y cytundebau adran 165. Mae gennym drefniadau monitro rheolaidd iawn—cyfarfodydd misol—i fwrw golwg ar y gwaith sydd yn digwydd.

[28] **Alun Cairns:** Yn eich barn chi, a ydych yn teimlo fod y cyrff olynol yn gyffredinol yn fodlon ar y trefniadau terfynol a sefydlwyd?

**Mr Shortridge:** Ydwyf. Yr wyf yn meddwl fod hynny'n un o'r pethau y caiff yr Ymchwilydd Cyffredinol gyfle i roi sylw arno yn ei adroddiad nesaf. Fodd bynnag, o'm safbwynt i, nid wyf yn ymwybodol o unrhyw broblemau. Nid welaf gyrff olynol yn dod ataf i ddweud eu bod yn bryderus ynghylch y ffordd y mae'r trefniadau hyn yn gweithio. Yn wir, y gwrthwyneb sydd yn wir. Fy argraff i o'r trafodaethau a gaf gyda swyddogion yng nghyngor Caerdydd a'r WDA yw fod y trefniadau newydd yn cael eu rheoli'n effeithiol ac mewn modd proffesiynol.

[29] **Alun Cairns:** I draw your attention to figure 8 of the report, which provides information on the successor arrangements that were put in place. I would like to pick up on one small point in this figure, which concerns the WDA and its new responsibility for the environmental management of Plymouth Park. Figure 4 in the report shows that this was a former landfill site that was presumably created by the local authority prior to the corporation taking responsibility for the area. Can you tell us why this responsibility did not revert to the appropriate local authority, rather than being transferred to the agency?

**Mr Shortridge:** I think that for the detail I will have to hand you over to Steve Phillips, but my understanding is that, as part of the negotiation, the local authority was not particularly keen to have this site back.

[30] **Janet Davies:** I bet.

**Mr Phillips:** Yes, that is all there is to it; it refused to take it.

[31] **Alun Cairns:** Why might that be?

**Mr Phillips:** The Vale of Glamorgan County Borough Council can, I suppose, answer that best itself. I suspect that it has something to do with the fact that there are, clearly, liabilities in relation to the site, not all of which can be quantified precisely. I know that the WDA is in an ongoing dialogue with the Vale of Glamorgan County Borough Council about the future of that site, so I think that it is being managed as best it can be. However, without wishing to speak for it, I think that the Vale of Glamorgan council concluded that it simply was not prepared to accept the liability at the time.

[29] **Alun Cairns:** Tynnaf eich sylw at ffigur 8 yn yr adroddiad, sy'n darparu gwybodaeth ar y trefniadau olynu a sefydlwyd. Hoffwn edrych ar un pwynt yn y ffigur hwn, sy'n ymwneud â'r WDA a'i gyfrifoldeb newydd dros reolaeth amgylcheddol Parc Plymouth. Dengys ffigur 4 yn yr adroddiad mai hen safle tirlenwi oedd hwn a grëwyd, mae'n debyg, gan yr awdurdod lleol cyn i'r gorfforaeth gymryd cyfrifoldeb am yr ardal. A allwch ddweud wrthym pam nad aeth y cyfrifoldeb hwn yn ôl i'r awdurdod lleol priodol, yn hytrach na chael ei drosglwyddo i'r awdurdod datblygu?

**Mr Shortridge:** Ar gyfer y manylion bydd yn rhaid imi'ch trosglwyddo i Steve Phillips, ond fy nealltwriaeth i yw nad oedd yr awdurdod lleol, yn ystod y negodi, yn arbennig o awyddus i gael y safle hwn yn ôl.

[30] **Janet Davies:** Mae'n siwr.

**Mr Phillips:** Ie, dyna'r cwbl sydd i'w ddweud; gwrthododd y cyngor ei gymryd.

[31] **Alun Cairns:** Pam hynny, tybed?

**Mr Phillips:** Mae'n debyg y gall Cyngor Bwrdeistref Sirol Bro Morgannwg ateb hynny orau ei hun. Yr wyf yn amau fod a wnelo'r peth rywbeth â'r ffaith fod yna, yn amlwg, rwymedigaethau yn gysylltiedig â'r safle, ac na ellir eu mesur i gyd yn fanwl gywir. Gwn fod y WDA mewn deialog barhaus â Chyngor Bwrdeistref Sirol Bro Morgannwg ynghylch dyfodol y safle hwnnw, felly yr wyf yn meddwl ei fod yn cael ei reoli gystal ag y gellir. Fodd bynnag, heb ddymuno siarad drosto, yr wyf yn meddwl i gyngor Bro Morgannwg ddod i'r casgliad, yn syml, nad oedd yn barod i dderbyn y rhwymedigaeth ar y pryd.

[32] **Alun Cairns:** What sort of liabilities can we expect in relation to that plot?

**Mr Phillips:** I cannot be precise about the liabilities that may arise, because I think that many of them are potentially unforeseeable, or certainly difficult to quantify at this stage, which is partly why the council concerned did not wish to take the site at the time.

[33] **Alun Cairns:** Are you aware whether the agency was happy with having this responsibility, which is outside its core activity, transferred to it?

**Mr Phillips:** I would agree that it is outside its core activity. I would imagine that it was not particularly delighted to receive the responsibility but, as the Permanent Secretary said earlier, this is not a process that allows for loose ends. Effectively, it had to go somewhere. The nature of the section 165 arrangements were that the WDA inherited those loose ends, basically. That is the purpose of the section 165 (b) Transfer of Property, Rights and Liabilities Order.

[34] **Alun Cairns:** Thank you.

[35] **Janet Davies:** Thank you, Alun. Helen Mary will now ask some questions on the funding of the successor arrangements.

[36] **Helen Mary Jones:** May I ask one brief supplementary to an earlier question, before we move on to that?

[37] **Janet Davies:** Yes, of course.

[32] **Alun Cairns:** Pa fath o rwymedigaethau y gallwn ni eu disgwyl mewn perthynas â'r plot hwnnw?

**Mr Phillips:** Ni allaf fod yn fanwl ynghylch y rhwymedigaethau a all godi, oherwydd yr wyf yn meddwl y gallai llawer ohonynt fod yn amhosibl eu rhagweld, neu'n sicr yn anodd eu mesur ar hyn o bryd, a dyna'n rhannol pam nad oedd y cyngor dan sylw yn awyddus i gymryd y safle ar y pryd.

[33] **Alun Cairns:** A ydych yn ymwybodol a oedd yr awdurdod datblygu'n hapus o gael y cyfrifoldeb hwn, sydd y tu allan i'w weithgaredd craidd, wedi'i drosglwyddo iddo?

**Mr Phillips:** Cytunaf ei fod y tu allan i'w weithgaredd craidd. Byddwn yn dychmygu nad oedd wrth ei fodd o gael y cyfrifoldeb ond, fel y dywedodd yr Ysgrifennydd Parhaol yn gynharach, nid yw hon yn broses sydd yn caniatáu gadael materion heb eu datrys. Yn y bôn, yr oedd yn rhaid iddo fynd i rywle. Natur y trefniadau adran 165 oedd mai'r WDA a etifeddai'r materion hynny oedd heb eu datrys, yn y bôn. Dyna bwrpas Gorchymyn Trosglwyddo Eiddo, Hawliau a Rhwymedigaethau adran 165(b).

[34] **Alun Cairns:** Diolch.

[35] **Janet Davies:** Diolch, Alun. Mae Helen Mary yn mynd i ofyn cwestiynau yn awr ynghylch ariannu'r trefniadau olyn.

[36] **Helen Mary Jones:** A gaf fi ofyn un cwestiwn byr yn atodiad i gwestiwn cynharach, cyn symud ymlaen at hynny?

[37] **Janet Davies:** Cewch, siwr iawn.

[38] **Helen Mary Jones:** Mr Shortridge has put forward a very persuasive case about why the establishment of a new Assembly sponsored public body was probably something that would not have been acceptable. Given that this was all coming at a very difficult time, when the Assembly was just establishing itself—in fairness to everybody who was having to deal with this, it was difficult for you to do long-term planning because you did not know what the Assembly was going to come up with—what consideration was given to simply extending the life of the development corporation, perhaps by 12 months, once the Assembly itself was established? That would have given you a little bit more time to do some of these more detailed negotiations.

**Mr Shortridge:** The life of the development corporation was extended by about three months, I think, by the then Secretary of State for Wales following the 1997 election. That announcement, as I recall, was in the White Paper announcing the policy on establishing the Assembly. Having set that deadline, there was no appetite to change it, I have to say, and, as officials, we did not—I certainly did not see the need, as Accounting Officer, to advise that that was an unreasonable deadline for Cabinet members to be working to.

[38] **Helen Mary Jones:** Mae Mr Shortridge wedi cyflwyno achos cryf iawn i'n darbwyllo pam yr oedd sefydlu corff cyhoeddus newydd a noddir gan y Cynulliad, mae'n debyg, yn rhywbeth a fuasai'n annerbyniol. O gofio i hyn i gyd ddod ar adeg anodd iawn, pan oedd y Cynulliad yn y broses o sefydlu'i hun—o ran tegwch i bawb a oedd yn gorfod delio â hyn, yr oedd yn anodd i chi gynllunio ar gyfer yr hirdymor oherwydd nid oeddech yn gwybod beth y byddai'r Cynulliad yn esgor arno—pa ystyriaeth a roddwyd i ymestyn oes y gorfforaeth ddatblygu, 12 mis efallai, unwaith yr oedd y Cynulliad ei hun wedi'i sefydlu? Buasai hynny wedi rhoi ychydig mwy o amser ichi wneud rhywfaint o'r negodi mwy manwl yma.

**Mr Shortridge:** Fe ychwanegwyd rhyw dri mis, yr wyf yn meddwl, at oes y gorfforaeth ddatblygu gan Ysgrifennydd Gwladol Cymru ar y pryd ar ôl etholiad 1997. Gwnaethpwyd y cyhoeddiad hwnnw, yn ôl a gofiau i, yn y Papur Gwyn yn cyhoeddi'r polisi ar sefydlu'r Cynulliad. Wedi gosod y dyddiad hwnnw, nid oedd unrhyw awydd i'w newid, mae'n rhaid imi ddweud, ac, fel swyddogion, nid oeddem—yn sicr, nid oeddwn i yn gweld yr angen, fel Swyddog Cyfrifon, i gynghori fod hwnnw'n ddyddiad afresymol i aelodau'r Cabinet fod yn gweithio tuag ato.

[39] **Helen Mary Jones:** Thank you. To move on to the specific funding issues, my question relates first of all to figure 9 of the report, which is on page 16. That shows that the Assembly is committed to funding the successor arrangements for five financial years, 2000-01 to 2004-05 inclusively, to a net total of just under £108 million. In addition, in 1999-2000, just under £7 million was paid to successor bodies, bringing the net estimated commitment to £115 million. As regards those liabilities that were foreseen and quantified at the time of the wind-up, is that a maximum commitment or could the cost of those elements increase over the time span that we still have to run?

**Mr Shortridge:** Well, just to be clear, this is just taking a five-year snapshot. Most of these expenditure figures run on as well, lest there be any misunderstanding. Those figures remain just about our best estimates, but I would expect there to be some changes over time. However, I am not aware of anything at the moment that would lead to substantial differences to the pattern of expenditure indicated by this table.

[40] **Helen Mary Jones:** Figure 10 on the same page deals with the amounts payable to Cardiff City and County Council over five years. That amounts to around £73 million in net funding over the period. I would like to look a little more closely at two specific aspects of this funding. First, what exactly is included within the Harbour Authority running costs of £51 million? Given what you have said to us already about how closely you are monitoring the spend, can you tell us what you are doing about monitoring the incurred costs against those individual elements of what the Harbour Authority is supposed to be doing?

[39] **Helen Mary Jones:** Diolch. I symud ymlaen at y materion cyllidol penodol, mae fy nghwestiwn yn cyfeirio yn gyntaf oll at ffigur 9 yn yr adroddiad, sydd ar dudalen 16. Mae hwnnw'n dangos fod y Cynulliad wedi ymrwymo i ariannu'r trefniadau olynu am bum mlynedd ariannol, sef 2000-01 i 2004-05, hyd at gyfanswm net o ychydig dan £108 miliwn. Ar ben hynny, yn 1999-2000, talwyd ychydig dan £7 miliwn i gyrff olynol, sy'n dod â'r ymrwymiad amcangyfrifedig net i £115 miliwn. O ran y rhwymedigaethau hynny a ragwelwyd ac a fesurwyd ar adeg y dirwyn i ben, ai dyna ben draw'r ymrwymiad neu a allai cost yr elfennau hynny gynyddu dros y cyfnod amser sydd o'n blaenau o hyd?

**Mr Shortridge:** Wel, er mwyn bod yn glir, cipolwg yn unig dros bum mlynedd yw hyn. Mae'r rhan fwyaf o'r ffigurau gwariant hyn yn rhedeg ymlaen hefyd, rhag ofn bod unrhyw gamdealltwriaeth. Y ffigurau hynny yw'n hamcangyfrifon gorau ni o hyd, ond byddwn yn disgwyl gweld rhai newidiadau dros amser. Fodd bynnag, nid wyf yn ymwybodol o unrhyw beth ar y funud a fyddai'n arwain at wahaniaethau sylweddol i'r patrwm gwariant a ddangosir yn y tabl hwn.

[40] **Helen Mary Jones:** Mae ffigur 10 ar yr un dudalen yn delio â'r symiau taladwy i Gyngor Sir a Dinas Caerdydd dros bum mlynedd. Mae hynny'n gyfanswm o ryw £73 miliwn mewn cyllid net dros y cyfnod. Hoffwn edrych ychydig yn fanylach ar ddwy agwedd benodol i'r cyllid hwn. Yn gyntaf, beth yn union sydd wedi'i gynnwys o fewn costau rhedeg Awdurdod yr Harbwr sef £51 miliwn? Yng ngoleuni'r hyn a ddywedasoeh wrthym eisoes ynghylch mor fanwl yr ydych yn monitro'r gwario, a allwch ddweud wrthym beth yr ydych yn ei wneud ynghylch monitro'r costau a ddaw i'n rhan yn erbyn yr elfennau unigol hynny o'r hyn y mae Awdurdod

yr Harbwr i fod yn ei wneud?

**Mr Shortridge:** Perhaps I should bring in Emyr Roberts on the detail of that question but, basically, we have a spending profile on the costs of managing, operating and maintaining the barrage and the bay. We have monthly discussions with officials in Cardiff City and County Council on all of that, so that we can satisfy ourselves that it is operating within budget.

**Mr Roberts:** We have a detailed budget profile, both for the Harbour Authority and for the other bodies. The Harbour Authority and the other bodies claim, usually on a monthly basis, for their expenditure against that profile. When those claims come in, we examine them very carefully and discuss any issues with the Harbour Authority. We are engaged in a process of reviewing the outturn position for the last financial year. That work is ongoing. When the Harbour Authority submits claims to us for increased expenditure, either out of liabilities or unforeseen events, obviously we consider those very carefully and we will meet the Harbour Authority if necessary. We normally meet the Harbour Authority on a monthly basis, usually after the board meeting, to update ourselves on recent developments. Obviously, we also will discuss any specific cases or specific issues that come up at the time. Similar monitoring arrangements are in place for the Vale of Glamorgan County Borough Council, although it has a quarterly draw down rather than a monthly one. Similar arrangements are in place for the monitoring of the WDA.

**Mr Shortridge:** Efallai y dylwn ddod ag Emyr Roberts i mewn ar fanylion y cwestiwn hwnnw ond, yn y bôn, mae gennym broffil gwario ar gostau rheoli, gweithredu a chynnal y morglawdd a'r bae. Cawn drafodaethau misol gyda swyddogion yng Nghyngor Sir a Dinas Caerdydd ar hynny i gyd, er mwyn gallu bodloni'n hunain ei fod yn gweithredu o fewn ei gyllideb.

**Mr Roberts:** Mae gennym broffil cyllideb manwl, ar gyfer Awdurdod yr Harbwr ac ar gyfer y cyrff eraill. Bydd Awdurdod yr Harbwr a'r cyrff eraill yn hawlio, bob mis fel arfer, am eu gwariant yn erbyn y proffil hwnnw. Pan ddaw'r hawliadau hynny i mewn, byddwn yn eu harchwilio'n ofalus iawn ac yn trafod unrhyw gwestiynau gydag Awdurdod yr Harbwr. Yr ydym wrthi mewn proses o adolygu sefyllfa derfynol y flwyddyn ariannol ddiwethaf. Mae'r gwaith hwnnw'n mynd yn ei flaen. Pan fydd Awdurdod yr Harbwr yn cyflwyno hawliadau i ni am wariant ychwanegol, un ai allan o rwymedigaethau neu ddiwyddiadau nas rhagwelwyd, yn amlwg byddwn yn ystyried y rheini yn ofalus iawn a byddwn yn cyfarfod ag Awdurdod yr Harbwr os oes angen. Fel rheol byddwn yn cyfarfod ag Awdurdod yr Harbwr bob mis, fel arfer ar ôl cyfarfod y bwrdd, i gael yr wybodaeth ddiweddaraf am ddatblygiadau diweddar. Yn amlwg, byddwn hefyd yn trafod unrhyw achosion penodol neu faterion penodol a fydd yn codi ar y pryd. Mae trefniadau monitro tebyg yn eu lle ar gyfer Cyngor Bwrdeistref Sirol Bro Morgannwg, er mai bob chwarter yn hytrach na bob mis y cyfarfyddir â hwy. Mae trefniadau tebyg yn eu lle ar gyfer monitro y WDA.

[41] **Helen Mary Jones:** May I just ask a supplementary to that, Chair? Perhaps again Mr Roberts would want to respond to this. You mentioned a request for unforeseen amounts of money. I appreciate that you are working on the figures for the last financial year, so I would not expect you to give me a detailed answer to this. However, has it been asking for a lot of unforeseen amounts of money? Is it likely to come roughly within budget, or are we talking about needing to spend more money on it?

**Mr Roberts:** It has generally been fairly minor amendments, due to genuinely unforeseen events happening. I do not think that there is any significant variation yet that we have come across to the budget that we have actually set.

[42] **Helen Mary Jones:** Thank you. I will move on to my second specific question about the money that Cardiff council is spending. This relates to particular concerns from some of the community groups which felt that they were getting quite a lot of support from the former Cardiff Bay Development Corporation and had some concerns about whether that will run on. I would like to know if you have had firm plans from Cardiff council—and I imagine, from what Mr Shortridge has already said, that you should have had—on how it intends to spend the £6.1 million regeneration fund? What are the other projects that are included within the £11.74 million, of which the £6.1 million forms a part? What are they spending it on?

[41] **Helen Mary Jones:** A gaf fi ofyn cwestiwn atodol i hynny, Gadeirydd? Efallai eto y byddai Mr Roberts am ymateb i hwn. Soniasoch am gais am symiau o arian nas rhagwelwyd. Deallaf eich bod yn gweithio ar y ffigurau am y flwyddyn ariannol ddiwethaf, felly ni fyddwn yn disgwyl ichi roi ateb manwl imi ar hyn. Fodd bynnag, a yw wedi bod yn gofyn am lawer o symiau o arian nas rhagwelwyd? A ydyw'n debygol o ddod yn fras o fewn y gyllideb, ynteu a ydym yn sôn am angen i wario mwy o arian arno?

**Mr Roberts:** Diwygiadau cymharol fân a gafwyd ar y cyfan, oherwydd digwyddiadau gwirioneddol heb eu rhagweld. Nid wyf yn meddwl ein bod wedi dod ar draws unrhyw amrywiad arwyddocaol eto i'r gyllideb a osodwyd gennym.

[42] **Helen Mary Jones:** Diolch. Symudaf ymlaen at fy ail gwestiwn penodol am yr arian y mae cyngor Caerdydd yn ei wario. Mae a wnelo hyn â phryderon penodol gan rai o'r grwpiau cymunedol a deimlai eu bod yn cael cryn dipyn o gefnogaeth gan hen Gorfforaeth Datblygu Bae Caerdydd a bod ganddynt bryderon ynghylch a fyddai hynny'n parhau. Hoffwn wybod a ydych wedi cael cynlluniau pendant gan gyngor Caerdydd—ac yr wyf yn dychmygu, yn ôl yr hyn a ddywedodd Mr Shortridge yn barod, y dylech fod wedi cael—ynghylch sut y mae'n bwriadu gwario'r gronfa adnewyddu o £6.1 miliwn? Beth yw'r prosiectau eraill sydd wedi'u cynnwys o fewn yr £11.74 miliwn, y mae'r £6.1 miliwn yn rhan ohono? Ar beth y maent yn ei wario?

**Mr Phillips:** Shall I take that one? There is not actually £6.1 million there in reality because, as I am sure we will come on to later, the regeneration fund was reduced by £5.95 million in the cashless transaction that is described in the main body of this report for the Ferry Road site. So, we are actually talking about a residual balance of £150,000.

[43] **Helen Mary Jones:** So what are they doing with the £150,000, then? In terms of the sums of money that we are talking about today, I appreciate that that does not seem like an awful lot of money, but if you are a community group in Butetown, there is an awful lot that you could do with a fairly small amount of that money.

**Mr Phillips:** I am sure that that is the case. I have to say that I am not aware that Cardiff City and County Council has actually submitted definitive proposals for the use of the £150,000.

**Mr Roberts:** I am not aware of it either. Perhaps we could check and come back to you on that.

[44] **Helen Mary Jones:** Well, if I can press on this, Chair, I think that that is significant. As I say, it is not a very big sum of money but, in terms of what it was intended for and in terms of what became of the rest of the £6.1 million of the regeneration fund, I think that there are a lot of members of the Welsh public, particularly the ones who live very near here, who would like to know the answer to that. Given what Mr Shortridge has already told us about monitoring closely what this money is being spent on, that is one sum of money that I think we would appreciate you probing on a bit.

**Mr Phillips:** Beth am i mi ateb hynny? Nid oes £6.1 miliwn yno mewn gwirionedd, oherwydd, fel yr wyf yn siwr y trafodwn yn ddiweddarach, cwtogwyd £5.95 miliwn o'r gronfa adfywio yn y trafodiad di-arian a ddisgrifir ym mhrif gorff yr adroddiad hwn ar gyfer safle Ferry Road. Felly, yr ydym mewn gwirionedd yn sôn am weddill o £150,000.

[43] **Helen Mary Jones:** Felly beth maent yn ei wneud gyda'r £500,000? Yn nhermau'r symiau o arian yr ydym yn siarad amdanynt heddiw, yr wyf yn sylweddoli nad yw hynny'n ymddangos yn llawer iawn o arian, ond os ydych yn grwp cymunedol yn Butetown, gallech wneud llawer iawn gyda swm cymharol fach o'r arian hynny.

**Mr Phillips:** Mae'n siwr fod hynny'n wir. Rhaid imi ddweud nad wyf yn ymwybodol fod Cyngor Sir a Dinas Caerdydd mewn gwirionedd wedi cyflwyno cynigion pendant ar gyfer defnyddio'r £150,000.

**Mr Roberts:** Nid wyf innau'n ymwybodol o hynny ychwaith. Efallai y gallem gael golwg a dod yn ôl atoch chi ar hynny.

[44] **Helen Mary Jones:** Wel, os caf fi bwyso ar hyn, Gadeirydd, yr wyf yn meddwl fod hynny'n arwyddocaol. Fel y dywedais, nid yw'n swm enfawr o arian ond, yn nhermau'r hyn y'i bwriadwyd ar ei gyfer ac yn nhermau'r hyn a ddigwyddodd i weddill y gronfa adfywio o £6.1 miliwn, yr wyf yn meddwl y byddai llawer o aelodau'r cyhoedd yng Nghymru, yn enwedig y rhai sydd yn byw'n agos iawn at y fan hon, yn hoffi gwybod yr ateb i hynny. Gan fod Mr Shortridge wedi sôn yn barod am fonitro gwariant yr arian hwn yn fanwl, dyma un swm o arian y byddem, dybiwn i, yn gwerthfawrogi pe baech yn edrych i mewn iddo.



[45] **Janet Davies:** I do not know if Mr Shortridge wants to come in on this.

**Mr Shortridge:** May I just say, Chair, that I very much agree with that point by Helen Mary, and I will make sure that you have a note on the position.

[46] **Helen Mary Jones:** Alun may want to ask a supplementary on this.

[47] **Janet Davies:** Right. Alun?

[48] **Alun Cairns:** How did you arrive at the figure of £6.1 million?

**Mr Phillips:** I think that we looked at a number of ongoing commitments and activities in which the corporation was engaged. We looked in parallel at the ability and capacity of the relevant successor body—in this case, the county council—to take on those activities and we negotiated what we thought was an appropriate figure and that was the one.

[49] **Alun Cairns:** To come up with the figure of £6.1 million, which is a large sum of money, I would imagine that there would need to be some projects contained in the building up of it rather than one party asking for £10 million, the other offering £5 million and you negotiating and arriving at £6.1 million in the middle. There must be more detail behind that figure than what you have given us.

[45] **Janet Davies:** Ni wn a oes ar Mr Shortridge eisiau dod i mewn ar hyn.

**Mr Shortridge:** A gaf fi ddweud, Gadeirydd, fy mod yn cytuno'n fawr iawn â'r pwynt yna gan Helen Mary, a gwnaf yn siwr y cewch nodyn ar y sefyllfa.

[46] **Helen Mary Jones:** Efallai fod ar Alun eisiau gofyn cwestiwn atodol ar hyn.

[47] **Janet Davies:** Iawn. Alun?

[48] **Alun Cairns:** Sut y daethoch at y ffigur o £6.1 miliwn?

**Mr Phillips:** Credaf inni edrych ar nifer o ymrwymadau a gweithgareddau yr oedd y gorfforaeth yn ymwneud â hwy ar y pryd. Ochr yn ochr â hyn edrychwyd ar allu'r corff olynol perthnasol—sef y cyngor sir yn yr achos yma—i ymgymryd â'r gweithgareddau hynny, a negodwyd yr hyn yr oeddem yn credu ei fod yn ffigur priodol, a dyna'r ffigur.

[49] **Alun Cairns:** Er mwyn cael y ffigur £6.1 miliwn, sydd yn swm mawr o arian, fe dybiwn i y byddai angen bod rhai prosiectau wedi'u cynnwys yn y gwaith o'i adeiladu yn hytrach na bod y naill ochr yn gofyn am £10 miliwn, y llall yn cynnig £5 miliwn a'ch bod yn negodi ac yn cyrraedd £6.1 miliwn yn y canol. Rhaid bod mwy o fanylion y tu cefn i'r ffigur hwnnw na'r hyn a roesochni.

**Mr Phillips:** There is, but I do not have all of the detail to hand or in my head. Again, we could provide a note on that, if that would help. There was a list of projects that the county council was looking at. There was another list of projects and activities, certainly in terms of community groups, in which the development corporation was engaged. We tried to balance the two and come up with what we thought was a reasonable sum.

[50] **Alun Cairns:** So what sort of projects were they looking at?

**Mr Phillips:** Regeneration projects and community activities.

[51] **Alun Cairns:** Would not that sort of responsibility fall to Cardiff council anyway?

**Mr Phillips:** The development assets and liabilities were transferring to the WDA as a consequence of these succession agreements and arrangements. However, there was a number of non-development assets, liabilities and related programmes and activities that reverted to both local authorities and would, if you like, be the normal course of business for the local authority in the absence of a development corporation.

[52] **Janet Davies:** Mr Shortridge, would you like to come in on this?

**Mr Phillips:** Oes, y mae, ond nid oes gennyf yr holl fanylion wrth law nac yn fy mhen. Eto, gallem ddarparu nodyn ar hynny, os byddai hynny o gymorth. Yr oedd rhestr o brosiectau yr oedd y cyngor sir yn edrych arnynt. Yr oedd rhestr arall o brosiectau a gweithgareddau, yn sicr yn nhermau grwpiau cymunedol, yr oedd y gorfforaeth ddatblygu'n ymwneud â hwy. Ceisiasom ni gydbwyso'r ddau a chael yr hyn a dybiem oedd yn swm rhesymol.

[50] **Alun Cairns:** Pa fath o brosiectau yr oeddent yn edrych arnynt, felly?

**Mr Phillips:** Prosiectau adfywio a gweithgareddau cymunedol.

[51] **Alun Cairns:** Oni fyddai'r math hwnnw o gyfrifoldeb yn disgyn ar gyngor Caerdydd beth bynnag?

**Mr Phillips:** Yr oedd yr asedau a rhwymedigaethau datblygu'n trosglwyddo i'r WDA o ganlyniad i'r cytundebau a threfniadau olynu hyn. Fodd bynnag, yr oedd nifer o asedau, rhwymedigaethau a rhaglenni a gweithgareddau cysylltiedig nad oedd a wnelont â datblygiad, a âi yn ôl i'r ddau awdurdod lleol ac a fyddai, os mynnwch, yn rhan o fusnes arferol yr awdurdod lleol yn absenoldeb corfforaeth ddatblygu.

[52] **Janet Davies:** Mr Shortridge, hoffech chi ddod i mewn ar hyn?

**Mr Shortridge:** The basic issue was that the Cardiff Bay Development Corporation was quite properly investing substantial amounts of money into community development as part of the redevelopment of Cardiff Bay. What we did not want, and what no-one wanted, was for that investment suddenly to be stopped. What we were negotiating through this process was a transitional series of payments to the county council so that local communities would not be adversely affected by the wind-up of the corporation.

[53] **Alun Cairns:** So, Mr Shortridge, what you are really saying is that Cardiff City and County Council was given the equivalent of an additional £6.1 million for community regeneration in Cardiff over and above the normal spending assessments that would go to other local authorities?

**Mr Shortridge:** That was part of the process of ensuring an orderly transition from the development corporation back to the local authority.

[54] **Alun Cairns:** So, that £6.1 million, or its equivalent, would have been spent on matters that for other local authorities, for example Swansea, would come under their normal spending patterns.

**Mr Shortridge:** I think that what everyone recognises is that this is a very special area. That is why we had an urban development corporation running it, rather than a local authority.

**Mr Shortridge:** Y pwynt yn y bôn oedd bod Corfforaeth Datblygu Bae Caerdydd yn gwbl briodol yn buddsoddi symiau sylweddol o arian mewn datblygiad cymunedol fel rhan o ailddatblygiad Bae Caerdydd. Yr hyn nad oedd arnom ei eisiau, ac nad oedd ar neb ei eisiau, oedd i'r buddsoddiad hwnnw ddod i ben yn sydyn. Yr hyn yr oeddem yn ei negodi drwy'r broses hon oedd cyfres drosiannol o daliadau i'r cyngor sir fel na fyddai cymunedau lleol yn dioddef yn sgîl dirwyn y gorfforaeth i ben.

[53] **Alun Cairns:** Felly, Mr Shortridge, beth yr ydych yn ei ddweud mewn gwirionedd yw y rhoddwyd i Gyngor Sir a Dinas Caerdydd yr hyn sydd yn cyfateb i £6.1 miliwn yn ychwanegol ar gyfer adfywiad cymunedol yng Nghaerdydd uwch ben a thu hwnt i'r asesiadau gwariant arferol a âi i awdurdodau lleol eraill?

**Mr Shortridge:** Yr oedd hynny'n rhan o'r broses o sicrhau trawsnewid trefnus o'r gorfforaeth ddatblygu yn ôl i'r awdurdod lleol.

[54] **Alun Cairns:** Felly, buasai'r £6.1 miliwn hynny, neu'r hyn a fuasai'n gyfwerth, wedi'i wario ar faterion a fyddai, i awdurdodau lleol eraill, fel Abertawe, er enghraifft, yn dod o dan eu patrymau gwario arferol.

**Mr Shortridge:** Yr wyf yn credu fod pawb yn cydnabod fod hwn yn faes arbennig iawn. Dyna pam y cawsom gorfforaeth ddatblygu trefol i'w redeg, yn hytrach nag awdurdod lleol.

[55] **Alun Cairns:** So having received millions of pounds of public money in this part of Cardiff during the wind-up arrangements, an additional £6.1 million was transferred to Cardiff City and County Council for community regeneration when other councils would have to fund such regeneration themselves, not having had the benefit of large-scale inward investment to one pocket of their counties?

**Mr Shortridge:** The alternative would have been to turn the tap off, as I think that Helen Mary was implying. That did not seem to be part of an orderly wind-up of the redevelopment arrangements in Cardiff Bay.

[56] **Alun Cairns:** Should not the continuation of those community projects have been subject to negotiation within the transfer of assets and liabilities to Cardiff City and County Council?

**Mr Shortridge:** No.

[57] **Alun Cairns:** The point that I am getting at is that Cardiff City and County Council should naturally inherit those rather than turning the tap off and saying that they have finished. Surely the council would want to see those worthwhile community projects continued?

**Mr Shortridge:** I think that Cardiff City and County Council would find it very difficult to continue them without a budget to go with them.

[58] **Alun Cairns:** Similar to other counties around Wales?

**Mr Shortridge:** I think that the point I am making is that you are not comparing like with like.

[55] **Alun Cairns:** Felly wedi derbyn miliynau o bunnoedd o arian cyhoeddus yn y rhan hon o Gaerdydd yn ystod y trefniadau dirwyn i ben, trosglwyddwyd swm ychwanegol o £6.1 miliwn i Gyngor Sir a Dinas Caerdydd ar gyfer adfywio cymunedol tra byddai'n rhaid i gynghorau eraill ariannu'r fath adfywiad eu hunain, heb gael mantais buddsoddiad oddi allan ar raddfa fawr i'r un boced yn eu siroedd hwy?

**Mr Shortridge:** Y dewis arall fyddai troi'r tap i ffwrdd, fel yr oedd Helen Mary yn awgrymu, mae'n debyg. Nid oedd hynny'n ymddangos yn rhan o broses drefnus o ddirwyn y trefniadau ailddatblygu i ben ym Mae Caerdydd.

[56] **Alun Cairns:** Oni ddylasai parhad y prosiectau cymunedol hynny fod yn amodol ar negodi o fewn y trosglwyddiad asedau a rhwymedigaethau i Gyngor Sir a Dinas Caerdydd?

**Mr Shortridge:** Na.

[57] **Alun Cairns:** Y pwynt sydd gennyf fi mewn golwg yw y dylai Cyngor Sir a Dinas Caerdydd etifeddu'r rheini yn naturiol yn hytrach na throi'r tap i ffwrdd a dweud eu bod wedi gorffen. Siawns na fyddai'r cyngor eisiau gweld parhau'r prosiectau cymunedol gwerth chweil hynny?

**Mr Shortridge:** Yr wyf yn meddwl y byddai Cyngor Sir a Dinas Caerdydd yn ei chael hi'n anodd iawn eu parhau heb gyllideb i gyd-fynd â hwy.

[58] **Alun Cairns:** Fel siroedd eraill o gwmpas Cymru?

**Mr Shortridge:** Yr wyf yn meddwl mai'r pwynt yr wyf yn ei wneud yw nad ydych yn cymharu tebyg wrth ei debyg.

[59] **Helen Mary Jones:** I would like to ask a further supplementary question, Chair, then I have a further two questions.

You have undertaken to report on what is happening to the remaining £100,000 or whatever it is that is left. In doing so, I would appreciate if you were to ask about what has happened to the community groups that were being funded, because, of course, Alun is right. People on the ground tell me that not all of the £6.1 million has been transferred in the way that we had hoped. I would be quite surprised if we find that even £100,000 has been transferred. It would be useful, while you are looking at what happened to that £100,000, to also compare that to the kind of money that Cardiff Bay Development Corporation spent on those kind of initiatives and to see what has become of them since the handover.

**Mr Phillips:** May I say one thing in response to that? Clearly we will do that. I have given a commitment to do it. However, it is important to recognise the central principle here, which is that the whole rationale for this part of the wind-up process was to return these activities to democratic, local control. Therefore, how the residual £150,000—or £6.1 million, were it that amount—is spent is ultimately a matter for Cardiff City and County Council.

[59] **Helen Mary Jones:** Hoffwn ofyn cwestiwn atodol arall, Gadeirydd, wedyn mae gennyf ddau gwestiwn arall.

Yr ydych wedi addo rhoi adroddiad ar yr hyn sydd yn digwydd i'r £100,000 neu beth bynnag sydd yn weddill. Pan wnewch hynny, byddwn yn ddiolchgar pe baech yn holi ynghylch beth sydd wedi digwydd i'r grwpiau cymunedol a oedd yn cael eu hariannu, oherwydd, wrth gwrs, mae Alun yn iawn. Dywed pobl ar lawr gwlad wrthyf nad yw'r cyfan o'r £6.1 miliwn wedi'i drosglwyddo yn y ffordd yr oeddem wedi gobeithio. Byddai'n gryn syndod imi pe canfyddem fod hyd yn oed £100,000 wedi'i drosglwyddo. Byddai'n fuddiol, tra byddwch yn edrych ar yr hyn a ddigwyddodd i'r £100,000 yna, mynd ati hefyd i gymharu hynny â'r math o arian a wariodd Corfforaeth Datblygu Bae Caerdydd ar y mathau hynny o gynlluniau a gweld beth a ddaeth ohonynt ers y trosglwyddo.

**Mr Phillips:** A gaf i ddweud un peth mewn ymateb i hynny? Bid siwr fe wnawn ni hynny. Yr wyf wedi addo ei wneud. Fodd bynnag, mae'n bwysig sylweddoli'r egwyddor ganolog yma, sef mai'r holl resymeg y tu ôl i'r rhan hon o'r broses ddirwyn i ben oedd dychwelyd y gweithgareddau hyn i reolaeth ddemocrataidd leol. Felly, ar ddiwedd y dydd mater i Gyngor Sir a Dinas Caerdydd yw sut y caiff y £150,000 sydd yn weddill—neu'r £6.1 miliwn, pe bai'n gymaint â hynny—ei wario.

[60] **Helen Mary Jones:** It clearly is a matter for the council. However, in the process of this handover, and given that, as Alun Cairns has pointed out, this is a substantial amount of central government money being invested in meeting what I acknowledge to be a real need, I would not be happy to discover that that money is not being spent in Butetown, but is being used to collect litter in Llysfaen or in Canton where I live. I know that you cannot have control over that. However, there may be lessons to be learned for the future about how similar transfers could be carried out and how, from my perspective, we can protect the most vulnerable people involved in those transfers, who are least able to speak for themselves. There may be lessons to be learned about what happened to the community projects, if we ever find ourselves in a similar position again.

**Mr Phillips:** I think that is entirely correct.

[61] **Helen Mary Jones:** I am not saying that you can turn the clock back and prevent Cardiff council from withdrawing funding, as we know it has. However, we may be in a position to ensure that were we ever handing over something to a local authority or anybody else again, they would not be allowed to get away with doing that.

[60] **Helen Mary Jones:** Yn amlwg mae'n fater i'r cyngor. Fodd bynnag, ym mhroses y trosglwyddiad hwn, ac yn wyneb y ffaith fod hyn, fel y nododd Alun Cairns, yn swm sylweddol o arian y llywodraeth ganolog yn cael ei fuddsoddi i gwrdd ag angen sydd, yr wyf yn cydnabod, yn un gwirioneddol, ni fyddwn yn hapus o ddarganfod nad yw'r arian hwnnw'n cael ei wario yn Butetown, ond ei fod yn cael ei ddefnyddio i hel sbwriel yn Llys-faen neu yn Nhreganna lle'r wyf fi'n byw. Gwn na allwch gael rheolaeth dros hynny. Fodd bynnag, efallai fod gwersi i'w dysgu ar gyfer y dyfodol ynghylch sut y gellid gwneud trosglwyddiadau tebyg a sut, o'm safbwynt i, y gallwn warchod y bobl fwyaf bregus sydd ynghlwm wrth y trosglwyddiadau hynny, ac sydd yn lleiaf abl i siarad drostynt eu hunain. Gall fod gwersi i'w dysgu ynghylch beth ddigwyddodd i'r prosiectau cymunedol, os cawn ein hunain mewn sefyllfa debyg fyth eto.

**Mr Phillips:** Yr wyf yn meddwl bod hynny yn llygad ei le.

[61] **Helen Mary Jones:** Nid wyf yn dweud y gallwch droi'r cloc yn ôl a rhwystro cyngor Caerdydd rhag tynnu cyllid yn ôl, rhywbeth y gwyddom y mae wedi'i wneud. Fodd bynnag, gallwn fod mewn sefyllfa i sicrhau pe baem ni yn trosglwyddo rhywbeth i awdurdod lleol neu i unrhyw un arall byth eto, na fyddent yn cael gwneud hynny yn ddi-gosb.

**Mr Phillips:** That is entirely accepted and I think that that is right. However, to return to Mr Cairns's original question, what we were trying to do with this £6.1 million was to strike a balance between not turning the tap off—to borrow the Permanent Secretary's phrase—and finding an orderly and degressive process for managing the transition. I am quite certain that we did not get it right in all respects, because I am aware of community groups in Butetown and elsewhere that have had problems. However, these arrangements were based on our analysis at the time.

[62] **Alun Cairns:** I want to ask a brief supplementary question, if I may. I want to underline the difference between the £6.1 million and the £150,000. Regarding the £5.95 million, that was used purely to abate the £6.1 million. I do not want anyone to go away with the impression that it is only £150,000: £6.1 million of benefit, of resources, was given to Cardiff City and County Council. The financial arrangement might well have meant that it was only £150,000 in practical terms, but the council received a benefit. If it wanted to release the land, which was worth £5.95 million, then it would have received that equity. We need to be clear that it is £6.1 million. Was the sum of £6.1 million and that of £5.95 million, which abated the £6.1 million, arrived at wholly independently?

**Mr Phillips:** Yes. It was done at around about the same time, but the analysis of the composition of the £6.1 million and the analysis of the £5.95 million—which we will doubtless come to later—were two separate processes.

[63] **Janet Davies:** We will probably return to that later. Helen Mary, you have a few more questions on the successor funding arrangements?

**Mr Phillips:** Derbynnir hynny'n llwyr a chredaf fod hynny'n iawn. Fodd bynnag, i ddychwelyd at gwestiwn gwreiddiol Mr Cairns, beth yr oeddem yn ceisio'i wneud gyda'r £6.1 miliwn yma oedd taro cydbwysedd rhwng peidio â throï'r tap i ffwrdd—os caf fenthyg ymadrodd yr Ysgrifennydd Parhaol—a dod o hyd i broses drefnus a gostyngol ar gyfer rheoli'r trawsnewid. Yr wyf yn eithaf sicr na wnaethom daro deuddeg ym mhob achos, oherwydd yr wyf yn ymwybodol o grwpiau cymunedol yn Butetown ac mewn mannau eraill sydd wedi cael problemau. Fodd bynnag, yr oedd y trefniadau hyn yn seiliedig ar ein dadansoddiad ar y pryd.

[62] **Alun Cairns:** Hoffwn ofyn cwestiwn atodol byr, os caf. Hoffwn danlinellu'r gwahaniaeth rhwng y £6.1 miliwn a'r £150,000. Parthed y £5.95 miliwn, unig ddiben hwnnw oedd gostwng y £6.1 miliwn. Nid oes arnaf eisiau i neb fynd oddi yma dan yr argraff mai dim ond £150,000 ydoedd: rhoddwyd £6.1 miliwn o fudd, o adnoddau, i Gyngor Sir a Dinas Caerdydd. Efallai'n wir fod y trefniant ariannol wedi golygu mai dim ond £150,000 ydoedd mewn termau ymarferol, ond fe dderbyniodd y cyngor fudd. Pe bai wedi dymuno rhyddhau'r tir, a oedd yn werth £5.95 miliwn, yna buasai wedi cael yr ecwiti hwnnw. Mae angen inni fod yn glir mai £6.1 miliwn yw'r swm. Ai yn hollol annibynnol y daethpwyd at y swm o £6.1 miliwn, a'r swm o £5.95 miliwn, a ostyngodd y £6.1 miliwn?

**Mr Phillips:** Ie. Fe'i gwnaethpwyd oddeutu'r un amser, ond dwy broses wahanol oedd y dadansoddiad o gyfansoddiad y £6.1 miliwn a dadansoddiad y £5.95 miliwn—y deugn ato yn ddiweddarach, mae'n siwr.

[63] **Janet Davies:** Mae'n debyg y deugn yn ôl at hynny yn ddiweddarach. Helen Mary, mae gennyh chi ambell gwestiwn eto ar drefniadau ariannu'r olynwyr?

[64] **Helen Mary Jones:** Yes. In paragraph 26 of the report, reference is made to the fact that in addition to the £73 million—which is clearly earmarked for Cardiff City and County Council over the five years—the Assembly may have to fund other liabilities that were either unforeseen or unquantifiable at the time of the wind-up. That develops on my earlier question about community resources. Given that we are now past the first year of the operation of the successor arrangements, could you tell us how much additional funding has so far been given to the council to cover these unforeseen or unquantifiable liabilities, whether in relation to the Harbour Authority or to any other of its roles as a successor body?

**Mr Shortridge:** I cannot give a precise figure. As Emyr indicated earlier, a few issues have arisen, but, overall, the sums involved have been really quite small. I am sure that we can quantify those for you and let you have a note.

[65] **Helen Mary Jones:** Thank you. This is my final main question, Chair. The nature of the functions transferred to the remaining successor bodies other than Cardiff City and County Council is such that the funding looks more straightforward. Paragraph 31 shows that £6 million of the £7.9 million other funding is the running costs of Techniquest, which is very straightforward, and the capital costs for the replacement of the Welsh Industrial and Maritime Museum. So to what does the other £1.9 million relate? What is that about?

[64] **Helen Mary Jones:** Oes. Ym mharagraff 26 yn yr adroddiad, cyfeirir at y ffaith y gallai'r Cynulliad orfod talu am rwymedigaethau eraill a oedd naill ai heb eu rhagweld neu'n amhosibl eu mesur ar adeg y dirwyn i ben, a hynny ar ben y £73 miliwn sydd wedi'i glustnodi'n glir i Gyngor Sir a Dinas Caerdydd dros y pum mlynedd. Mae hynny'n ddatblygiad ar fy nghwestiwn blaenorol ynghylch adnoddau cymunedol. A ninnau bellach wedi mynd heibio blwyddyn gyntaf gweithredu'r trefniadau olynu, a allwch ddweud wrthym faint o gyllid ychwanegol a roddwyd hyd yma i'r cyngor i dalu am y rhwymedigaethau annisgwyl neu anfesuradwy hyn, boed mewn perthynas ag Awdurdod yr Harbwr neu ag unrhyw rôl arall o'i eiddo fel corff olynol?

**Mr Shortridge:** Ni allaf roi ffigur manwl. Fel y dywedodd Emyr yn gynharach, mae ambell fater wedi codi, ond ar y cyfan, symiau reit fach oedd dan sylw mewn gwirionedd. Yr wyf yn siwr y gallwn fesur y rheini ichi a gadael ichi gael nodyn.

[65] **Helen Mary Jones:** Diolch. Dyma fy mhrif gwestiwn olaf, Gadeirydd. Mae natur y swyddogaethau a drosglwyddwyd i'r cyrff olynol eraill ar wahân i Gyngor Sir a Dinas Caerdydd yn gyfryw fel bod y drefn ariannu i'w gweld yn symlach. Dengys paragraff 31 mai costau rhedeg Techniquest, sydd yn syml iawn, a chostau cyfalaf sefydlu Amgueddfa Ddiwydiant a Môr Gymreig newydd yw £6 miliwn o'r £7.9 miliwn o gyllid arall. Beth felly sydd i gyfrif am yr £1.9 miliwn arall? Beth sydd y tu ôl i hynny?



**Mr Roberts:** I can take that. There was some expenditure that was incurred during the non-operational period of CBDC. That is to what the £1.9 million actually refers. It was mainly superannuation payments and other payments needed to settle final accounts.

[66] **Helen Mary Jones:** Thank you. That is helpful. Just as a quick supplementary to that, the funding is in there for the replacement museum. When are we anticipating that that money will be spent? I think that we know where; we would like to know when.

**Mr Shortridge:** I am not aware of any final decisions on that. Again, I will have to let you have a note on it, but my guess is that there is not anything definitive to tell you.

[67] **Helen Mary Jones:** I thought so. Thank you.

[68] **Janet Davies:** I think that we just want to look very briefly at the cost of the actual process of winding up. Jocelyn has some questions on this.

[69] **Jocelyn Davies:** The report states that the wind-up process was difficult and complex. What we have heard today certainly supports that. Therefore, the cost of the wind-up must have been very difficult and complex to estimate as well. So how accurate is your estimate of £3.6 million for the cost of the wind-up? What did that include? Is not that figure the lowest possible estimate of the wind-up process?

**Mr Roberts:** Gallaf fi ateb hynny. Cafwyd rhywfaint o wariant yn ystod cyfnod anweithredol Corfforaeth Datblygu Bae Caerdydd. Dyna sydd wrth wraidd yr £1.9 miliwn. Taliadau blwydd-dal a thaliadau eraill angenrheidiol i setlo cyfrifon terfynol oeddent yn bennaf.

[66] **Helen Mary Jones:** Diolch. Mae hynny o gymorth. Dyma gwestiwn atodol i hynny, yn sydyn: mae'r cyllid yno ar gyfer yr amgueddfa newydd. Pa bryd yr ydym yn rhagweld y caiff yr arian hwnnw ei wario? Credaf ein bod yn gwybod ym mhle; fe hoffem gael gwybod pa bryd.

**Mr Shortridge:** Nid wyf yn ymwybodol o unrhyw benderfyniadau terfynol ar hynny. Eto, bydd raid imi adael ichi gael nodyn am hynny, ond y syniad sydd gennyf fi yw nad oes dim byd pendant i'w ddweud wrthyich.

[67] **Helen Mary Jones:** Dyna yr oeddwn yn ei amau. Diolch.

[68] **Janet Davies:** Yr wyf yn meddwl fod arnom eisiau edrych yn frysio g iawn ar gost y broses ddirwyn i ben ei hun. Mae gan Jocelyn gwestiynau ar hyn.

[69] **Jocelyn Davies:** Noda'r adroddiad fod y broses ddirwyn i ben yn anodd a chymhleth. Mae'r hyn yr ydym wedi'i glywed heddiw yn sicr yn ategu hynny. Mae'n rhaid fod cost y dirwyn i ben yn anodd a chymhleth iawn ei hamcangyfrif hefyd felly. Felly pa mor gywir yw'ch amcangyfrif o £3.6 miliwn ar gyfer cost y dirwyn i ben? Beth oedd hynny'n ei gynnwys? Onid yr amcangyfrif isaf posibl o'r broses ddirwyn i ben yw'r ffigur hwnnw?

**Mr Shortridge:** I would not want to try to attach more credibility to that figure than necessary. I think that, as officials, we gave it as our best indicative estimate. I can tell you how it was built up and you can judge for yourself. It was based on 20 per cent of £15 million of Cardiff Bay Development Corporation's staff costs—and those costs include consultancies—10 per cent to 15 per cent of our division's staff costs, and the £540,000 in payments to the county councils, which are referred to in this report. That was the basis of this figure of £3.6 million.

[70] **Jocelyn Davies:** Anything else?

**Mr Shortridge:** No. That is how the figure was calculated. However, we do not all log our own time and so on, so this was just simply officials giving the National Audit Office their best estimate of what it might have cost.

[71] **Jocelyn Davies:** Okay. Thank you. That is all, Janet.

[72] **Janet Davies:** We will now go on to the evaluation of the wind-up process. I would like to kick off the questions and then Jocelyn will ask some more questions afterwards. The summary of findings on page 25 of the report does not include any instances of 'red lights', which shows that the Auditor General did not identify any significant issues that undermined the wind-up process. I think that we are very pleased to see that. However, he did identify some minor weaknesses. What are the wider lessons, Mr Shortridge, that you think the Assembly can draw from this exercise?

**Mr Shortridge:** Ni fyddwn eisiau ceisio rhoi mwy o hygredded i'r ffigur hwnnw nag sydd yn angenrheidiol. Yr wyf yn meddwl ein bod, fel swyddogion, wedi ei gynnig fel ein hamcangyfrif dangosol gorau. Gallaf ddweud wrthy ch sut y'i lluniwyd a chewch chi farnu drosoch eich hunain. Fe'i seiliwyd ar 20 y cant o £15 miliwn o gostau staff Corfforaeth Datblygu Bae Caerdydd—ac mae'r costau hynny'n cynnwys costau ymgynghorwyr—10 y cant i 15 y cant o gostau staff ein his-adran ni, a'r £540,000 o daliadau i'r cynghorau sir, y cyfeirir atynt yn yr adroddiad hwn. Dyna oedd sail y ffigur hwn o £3.6 miliwn.

[70] **Jocelyn Davies:** Unrhyw beth arall?

**Mr Shortridge:** Na. Dyna sut y cyfrifwyd y ffigur. Fodd bynnag, ni fyddwn i gyd yn logio'n hamser ein hunain ac ati, felly mater syml oedd hyn o swyddogion yn rhoi i'r Swyddfa Archwilio Genedlaethol eu hamcangyfrif gorau o'r hyn y gallasai fod wedi'i gostio.

[71] **Jocelyn Davies:** Iawn. Diolch. Dyna'r cyfan, Janet.

[72] **Janet Davies:** Awn ymlaen yn awr at werthusiad y broses ddirwyn i ben. Hoffwn i gychwyn yr holi ac wedyn bydd gan Jocelyn ragor o gwestiynau. Nid yw crynodeb y canfyddiadau ar dudalen 25 yr adroddiad yn cynnwys unrhyw enghreifftiau o 'oleuadau coch', sydd yn dangos na nododd yr Archwilydd Cyffredinol unrhyw faterion arwyddocaol a danseiliodd y broses ddirwyn i ben. Mae'n debyg ein bod yn falch iawn o weld hynny. Fodd bynnag, fe nododd ambell fân wendid. Beth yw'r gwersi mwy cyffredinol, Mr Shortridge, y gall y Cynulliad eu dysgu o'r ymarferiad hwn yn eich tyb chi?

**Mr Shortridge:** Well, as I said at the outset, and I do not want to appear complacent, but I think that, overall, everyone concerned did reasonably well under the circumstances. I pick my words carefully; I do not want to overstate it. I think that, in terms of the National Audit Office's own evaluation, the particular lessons are really on matters of detail. I was, personally, very concerned about how long it took—it was understandable but, nonetheless, it took a long time—to resolve the staffing issues, and the effect that that must have had on individual members of staff in Cardiff Bay Development Corporation. I think that there is an issue there as to how that can be better anticipated and dealt with in the future. There were also, as the report indicates, detailed financial matters that, I think, had not been fully anticipated or expected—those relating to repayments to Her Majesty's Customs and Excise, to stamp duty and so on. So I think that we got a better understanding of some of the less obvious, but nonetheless important, financial matters which were associated with transfers of assets. However, subject to that, without going over the old ground—if I can put it that way—about how we can try to ensure a better orchestration of the negotiations, I would not want to draw your attention to any other particular lessons this afternoon.

**Mr Shortridge:** Wel, fel y dywedais ar y dechrau, nid oes arnaf eisiau ymddangos yn hunan-fodlon, ond yr wyf yn meddwl, ar y cyfan, y gwnaeth pawb dan sylw yn weddol o dda dan yr amgylchiadau. Yr wyf yn dewis fy ngeiriau'n ofalus; nid oes arnaf eisiau gor-ddweud. Yr wyf yn meddwl, yn nhermau gwerthusiad y Swyddfa Archwilio Genedlaethol ei hun, mai gwersi ar faterion o fanylder a geir mewn gwirionedd. Yr oeddwn i, yn bersonol, yn bryderus iawn ynghylch yr amser a gymerwyd—yr oedd yn ddealladwy ond, serch hynny, fe gymerodd amser maith—i ddatrys y materion staffio, a'r effaith a gafodd hynny, mae'n siwr, ar aelodau staff unigol yng Nghorfforaeth Ddatblygu Bae Caerdydd. Credaf fod hynny'n codi'r cwestiwn sut y gellir rhagweld a delio â hynny'n well yn y dyfodol. Yr oedd hefyd, fel y sonia'r adroddiad, faterion ariannol manwl nad oedd, yn fy marn i, wedi'u rhagweld na'u disgwyl yn llawn—yn ymwneud ag ad-daliadau i Swyddfa Dollau Tramor a Chartref Ei Mawrhydi, â'r doll stampiau ac yn y blaen. Felly yr wyf yn meddwl inni gael gwell dealltwriaeth o rai o'r materion ariannol llai amlwg, ond pwysig serch hynny, a oedd yn gysylltiedig â throsglwyddo asedau. Fodd bynnag, yn amodol ar hynny, heb fynd dros yr hen dir—os caf ei roi felly—ynghylch sut y gallwn geisio sicrhau gwell trefn i'r negodi, ni fyddwn yn dymuno tynnu'ch sylw at unrhyw wersi arbennig eraill y prynhawn yma.

[73] **Janet Davies:** You referred to the issue of the staff, which was probably one of the most difficult issues involved. I was involved on one side in local government reorganisation, when there were a lot of problems about to where staff were transferring and whether they could transfer. Bearing in mind that we are probably looking at the health authorities going in the next few years, do you feel that, taking the local government re-organisation—it was not ours, but it was in the public arena in Wales—and this particular one into account, there are any lessons to be learned for the wind-up of the health authorities?

**Mr Shortridge:** All I can say about that is that, particularly as Permanent Secretary, I take staffing issues very seriously indeed. I will want to look very carefully at the arrangements that will be made for the wind-up of the health authorities. I think that, as a result of the Transfer of Undertakings (Protection of Employment) regulations, staff have, potentially, much greater assurance about their future than they might have had 20 years ago. Nonetheless, the closure of organisations is a very stressful time for staff, which means that it has to be very sensitively managed, and sensitive management means open management, giving people as much information as you can at any one time. The particular problem here, as I understand it, was associated with the fact that the section 165 agreements were not signed off until late in the day and, until the section 165 agreements were signed, some staff could not have an absolute assurance as to where their jobs were going. That was a particular concern of mine at the time.

[74] **Janet Davies:** Thank you very much.

[73] **Janet Davies:** Cyfeiriasoch at fater y staff, sef, mae'n debyg, un o'r materion anoddaf a wynebwyd. Yr oeddwn i ar un ochr i'r bwrdd yn ystod ad-drefnu llywodraeth leol, pryd y cafwyd llawer o broblemau ynghylch i ble'r oedd staff yn trosglwyddo a ph'run ai y gallent drosglwyddo. O gofio y byddwn, mae'n debyg, yn gweld yr awdurdodau ieched yn diflannu yn yr ychydig flynyddoedd nesaf, a ydych yn teimlo, o ystyried ad-drefnu llywodraeth leol—nid ni oedd yn gyfrifol, ond fe ddigwyddodd yn yr arena gyhoeddus yng Nghymru—a'r achos hwn yn arbennig, fod unrhyw wersi i'w dysgu ar gyfer dirwyn yr awdurdodau ieched i ben?

**Mr Shortridge:** Y cyfan y gallaf ei ddweud am hynny, yn enwedig fel Ysgrifennydd Parhaol, yw fy mod yn cymryd materion staffio yn wirioneddol o ddifrif. Bydd arnaf eisiau edrych yn ofalus iawn ar y trefniadau a wneir ar gyfer dirwyn yr awdurdodau ieched i ben. Mae'n debyg, o ganlyniad i'r rheoliadau Trosglwyddo Ymgymeriadau (Gwarchod Cyflogaeth), fod gan staff, o bosibl, lawer mwy o sicrwydd am eu dyfodol nag a fyddai ganddynt efallai 20 mlynedd yn ôl. Serch hynny, mae cau sefydliadau yn gyfnod o gryn straen i staff, felly rhaid wrth reolaeth sensitif, a golyga rheolaeth sensitif reolaeth agored, gan roi cymaint o wybodaeth i bobl ag y gallwch ar unrhyw un tro. Y broblem arbennig yn y fan hon, yn ôl a ddeallaf fi, oedd na chafodd y cytundebau adran 165 eu llofnodi tan yn hwyr yn y dydd a, hyd nes byddai'r cytundebau adran 165 wedi'u llofnodi, ni allai rhai staff gael sicrwydd pendant parthed i ble'r oedd eu swyddi'n mynd. Yr oedd hynny'n destun pryder arbennig imi ar y pryd.

[74] **Janet Davies:** Diolch yn fawr.

[75] **Jocelyn Davies:** You mentioned stamp duty a moment ago. Looking at the transfer of assets and the issue of stamp duty in paragraph 47 on page 22 of the report, why was this not progressed and resolved much earlier on in the process?

**Mr Shortridge:** I think that the answer to that again is that, until you have certainty as to precisely what transfer is going to take place, you cannot quantify and determine the stamp duty. In practice, the actual amount of stamp duty associated with these transfers seems to me to be at a reasonable level and not one therefore, that, in the event, caused any of us particular problems.

[76] **Jocelyn Davies:** The report does say that it is a relatively small amount, but that was not the issue. The issue was whether it was payable or not. It states here in the report that counsel's advice had to be sought as to whether it was payable, not just on the amount. It could have ended up being a large amount.

**Mr Shortridge:** Yes, indeed, it could. All I can say to that is that there was genuine uncertainty at the time as to on what parts of this transfer stamp duty would be payable. Therefore, to ensure that the matter was dealt with properly, counsel's opinion was sought.

[77] **Jocelyn Davies:** Turning to the current assets that were transferred from the corporation to the Welsh Development Agency upon the wind-up, mentioned in paragraphs 50 to 52, why were debts totalling £33,000, which had been deemed doubtful by the corporation, transferred to the agency for collection? What does 'doubtful' mean: doubtful debts, or doubtful that they would ever be collected?

[75] **Jocelyn Davies:** Soniasoch am doll stampiau funud yn ôl. O edrych ar y trosglwyddiad asedau a mater y doll stampiau ym mharagraff 47 ar dudalen 22 yr adroddiad, pam na chafodd hyn ei ddatblygu a'i ddatrys yn llawer cynt yn y broses?

**Mr Shortridge:** Yr wyf yn meddwl mai'r ateb i hynny, eto, yw na ellir mesur a phennu'r doll stampiau nes y bydd sicrwydd ynghylch pa drosglwyddiad yn union sydd yn mynd i ddigwydd. Yn ymarferol, mae swm gwirioneddol y doll stampiau sydd yn gysylltiedig â'r trosglwyddiadau hyn yn ymddangos yn rhesymol i mi ac nid yn un, felly, a achosodd broblemau arbennig i neb ohonom, fel y digwyddodd pethau.

[76] **Jocelyn Davies:** Y mae'r adroddiad yn dweud mai swm cymharol fach ydyw, ond nid dyna'r pwynt. Y cwestiwn yw a ydoedd yn daladwy ai peidio. Nodir yma yn yr adroddiad y bu'n rhaid ceisio barn cwnsler ynghylch a ydoedd yn daladwy, nid ar y swm yn unig. Fe allasai fod wedi tyfu'n swm mawr erbyn y diwedd.

**Mr Shortridge:** Gallasai yn wir. Y cwbl y gallaf fi ei ddweud am hynny yw bod gwir ansicrwydd ar y pryd ynghylch pa rannau o'r doll stampiau hon ar y trosglwyddiad a fyddai'n daladwy. Felly, er mwyn sicrhau ein bod yn delio â'r mater yn briodol, ceisiwyd barn cwnsler.

[77] **Jocelyn Davies:** I droi at yr asedau cyfredol a drosglwyddwyd oddi wrth y gorfforaeth i Awdurdod Datblygu Cymru adeg y dirwyn i ben, a grybwyllir ym mharagraffau 50 i 52, pam y trosglwyddwyd dyledion o gyfanswm o £33,000, y dyfarnwyd eu bod yn amheus gan y gorfforaeth, i'r awdurdod datblygu i'w casglu? Beth yw ystyr 'amheus': dyledion amheus, ynteu ei bod yn amheus a gaent eu casglu fyth?

**Mr Shortridge:** Well, I think that all organisations find themselves in a situation where they have to write off debt. This £33,000 was debt that, at the time, people thought might well not be recoverable. However, as Accounting Officer, I am actually probably quite pleased that it was transferred, because I am not keen on debts to public bodies being written off prematurely. So I think that, under the circumstances, the safe course was taken in transferring this £33,000, even if, in the end, it was not recovered.

[78] **Jocelyn Davies:** I do not think that I would consider debt that you do not think that you can recover as an asset to be transferred. Should not the debts have been written off first by the corporation? Is it an asset if you do not think that you can recover it?

**Mr Shortridge:** Well, it is a liability. However, the point is—and it is a judgment that, as officials, we have to make all the time—whether you are going to pursue a particular debt or whether you are satisfied that it is irrecoverable. As Accounting Officer, I take some assurance from people going the extra mile and not writing it off because of the convenience of a wind-up of a development corporation.

[79] **Jocelyn Davies:** I am glad that you are concerned about money owed to the public purse. Paragraph 51 states that value added tax was recoverable to a tune of something like £302,000, and that was not transferred to the agency for collection at the time of the wind-up, but was left until the end of the non-operational period in June 2000. Why was that? After all, these doubtful debts were transferred as assets. Should not the money due from value added tax have been transferred as an asset as well?

**Mr Shortridge:** Wel, mae'n debyg fod pob sefydliad yn ei gael ei hun mewn sefyllfa lle mae'n rhaid dileu dyled. Yr oedd y £33,000 yma yn ddyled yr oedd pobl, ar y pryd, yn meddwl efallai'n wir na fyddai modd sicrhau y câi ei hadalu. Fodd bynnag, fel Swyddog Cyfrifon, mae'n debyg fy mod i mewn gwirionedd yn eithaf balch iddi gael ei throsglwyddo, oherwydd nid wyf yn hoff o weld dyledion i gyrff cyhoeddus yn cael eu dileu'n gynamserol. Felly yr wyf yn meddwl, dan yr amgylchiadau, y gwnaethpwyd y peth diogel wrth drosglwyddo'r £33,000 hyn, hyd yn oed os na chafwyd yr arian yn ôl yn y diwedd.

[78] **Jocelyn Davies:** Nid wyf yn meddwl y byddwn i'n ystyried dyled yr ydych chi'n amau y gallwch ei hadennill yn ased i'w drosglwyddo. Oni ddylai'r dyledion fod wedi'u dileu yn gyntaf gan y gorfforaeth? Ai ased ydyw os nad ydych yn meddwl y gallwch ei hadennill?

**Mr Shortridge:** Wel, mae'n rhwymedigaeth. Fodd bynnag, y pwynt yw—ac mae hyn yn ddyfarniad y mae'n rhaid i ni, fel swyddogion, ei wneud drwy'r amser—a ydych am fynd ar ôl dyled ynteu a ydych yn fodlon nad oes modd ei hadennill. Fel Swyddog Cyfrifon, cymeraf rywffaint o gysur o'r ffaith fod rhywrai'n mynd yr ail filltir yn hytrach na dileu'r ddyled oherwydd hwylustod dirwyn corfforaeth ddatblygu i ben.

[79] **Jocelyn Davies:** Yr wyf yn falch eich bod yn pryderu am arian sydd yn ddyledus i'r pwrs cyhoeddus. Noda paragraff 51 fod rhywbeth tebyg i £302,000 o dreth ar werth i'w adennill, ac na chafodd ei drosglwyddo i'r awdurdod i'w gasglu ar adeg y dirwyn i ben, ond ei adael tan ddiwedd y cyfnod anweithredol ym mis Mehefin 2000. Pam y gwnaed hynny? Wedi'r cyfan, cafodd y dyledion amheus hyn eu trosglwyddo fel asedau. Oni ddylai'r arian a oedd yn dyledus oddi wrth dreth ar werth fod wedi'i drosglwyddo fel ased hefyd?

**Mr Shortridge:** I do not know why it was not transferred in March, but I guess that, even if it had been transferred in March, some or all of that £40,000 would have been lost.

[80] **Jocelyn Davies:** I had not mentioned the £40,000 yet. I was coming on to that.

**Mr Shortridge:** I do not know whether Steve can help on why we did not transfer it until July.

**Mr Phillips:** I suspect that it was an oversight, to be frank. However, I think that what you said earlier, Permanent Secretary, is right, in the sense that it would not probably have made a material difference to the amount that was ultimately recovered.

[81] **Jocelyn Davies:** I see. Therefore, in your monitoring of the corporation's activities, you did allow an amount of £40,000 to be lost, because, of course, by the time that that was brought to anybody's attention, it was too late to claim the £40,000 back from Her Majesty's Customs and Excise. That £40,000 is more than £33,000 that we of course had to guard against being lost to the public purse. However, this money was lost. I feel that money was possibly wasted trying to collect debts that were doubtful, but that this £40,000 was just allowed to be lost because of an oversight.

**Mr Shortridge:** Ni wn pam na throsglwyddwyd ef ym mis Mawrth, ond yr wyf yn tybio, hyd yn oed pe bai wedi'i drosglwyddo ym Mawrth, y buasai rhywfaint neu'r cwbl o'r £40,000 hynny wedi'i golli.

[80] **Jocelyn Davies:** Nid oeddwn wedi sôn am y £40,000 eto. Yr oeddwn yn dod at hynny.

**Mr Shortridge:** Tybed a all Steve helpu ynghylch pam na wnaethom ei drosglwyddo tan fis Gorffennaf.

**Mr Phillips:** Yr wyf yn amau mai diofalwch oedd hynny, â bod yn onest. Fodd bynnag, yr wyf yn meddwl bod yr hyn a ddywedasoich yn gynharach, Ysgrifennydd Parhaol, yn gywir, sef na fyddai, yn ôl pob tebyg, wedi gwneud gwahaniaeth sylweddol i'r swm a gafwyd yn ôl yn y diwedd.

[81] **Jocelyn Davies:** Fe welaf fi. Felly, wrth ichi fonitro gweithgareddau'r gorfforaeth, fe wnaethoch ganiatáu colli swm o £40,000, oherwydd, wrth gwrs, erbyn i hynny gael ei ddwyn i sylw unrhyw un, yr oedd yn rhy hwyr i hawlio'r £40,000 yn ôl oddi wrth Swyddfa Dollau Tramor a Chartref Ei Mawrhydi. Mae'r £40,000 hynny yn fwy na'r £33,000 yr oedd yn rhaid i ni, wrth gwrs, ochel rhag ei golli i'r pwrs cyhoeddus. Fodd bynnag, fe gollwyd yr arian hwn. Yr wyf yn teimlo i arian gael ei wastraffu o bosibl yn ceisio casglu dyledion a oedd yn amheus, ond y caniatawyd colli'r £40,000 hyn oherwydd diofalwch.

**Mr Phillips:** May I say that I think that both of these sums of money were, essentially, operational matters for the development corporation during its lifetime. That is not say that we should have, perhaps, paid them more attention than we did. However, ultimately, as the report records, the WDA has been able to recover all that was due from Customs and Excise, with the exception of this £40,000. I am not aware of the specific debts that were deemed doubtful within the £33,000. However, I think that, in the circumstances—at the very death in terms of the wind-up—it was the prudent course to transfer the debts rather than write them off. I dare say that the WDA would have made a value judgment as to whether or not to pursue them. Had it believed, as you just pointed out, that the debts would have potentially cost more to recover than they were worth, I dare say that it would have made a decision not to pursue them.

[82] **Janet Davies:** Do you want to come in on this, Mr Shortridge?

**Mr Shortridge:** May I just say that I agree with you? When I was answering the Chair's question about lessons earlier, I think that one of the lessons to which I referred was the fact that there were some detailed financial matters around taxation and so on, which for whatever reason, those concerned had not sufficiently understood at the time. The consequence is what we see in paragraph 51. I agree with what you are saying.

[83] **Jocelyn Davies:** Turning to the continuation of regeneration in the bay area, can you explain the arrangements that you have in place to monitor this activity objectively? Is there monitoring of the regeneration?

**Mr Phillips:** A gaf fi ddweud fy mod yn meddwl mai materion gweithredol, yn eu hanfod, i'r gorfforaeth ddatblygu yn ystod ei hoes oedd y ddau swm hyn o arian. Nid wyf yn dweud, serch hynny, na ddylem, efallai, fod wedi talu mwy o sylw iddynt nag a wnaethom. Fodd bynnag, ar ddiwedd y dydd, fel y cofnoda'r adroddiad, mae'r WDA wedi gallu adennill popeth a oedd yn ddyledus gan y Tollau Tramor a Chartref, ac eithrio'r £40,000 hyn. Nid wyf yn ymwybodol o'r dyledion penodol y dyfarnwyd eu bod yn amheus o fewn y £33,000. Fodd bynnag, yr wyf yn meddwl, dan yr amgylchiadau—yr unfed awr ar ddeg yn nhermau'r dirwyn i ben—mai'r peth doeth i'w wneud oedd trosglwyddo'r dyledion yn hytrach na'u dileu. Mae'n debyg gennyf fi y buasai'r WDA wedi gwneud penderfyniad ar sail y gwerth o fynd ar eu hôl neu beidio. Pe bai wedi credu, fel y dywedasoeh chi yn awr, y byddai wedi costio mwy, o bosibl, na gwerth y dyledion i fynd ar eu hôl, mae'n debyg gennyf fi y byddai wedi gwneud penderfyniad i beidio â mynd ar eu hôl.

[82] **Janet Davies:** A hoffech chi wneud sylw ar hyn, Mr Shortridge?

**Mr Shortridge:** A gaf fi ddweud fy mod yn cytuno â chi? Pan oeddwn yn ateb cwestiwn y Cadeirydd am wersi yn gynharach, yr wyf yn meddwl mai un o'r gwersi y cyfeiriais atynt oedd y ffaith fod yna rai materion ariannol manwl ynghylch treth ac ati, nad oedd y bobl dan sylw, am ba reswm bynnag, wedi'u deall yn ddigonol ar y pryd. Y canlyniad yw'r hyn a welwn ym mharagraff 51. Cytunaf gyda'r hyn yr ydych yn ei ddweud.

[83] **Jocelyn Davies:** Â throi at barhad yr adfywiad yn ardal y bae, a allwch chi egluro'r trefniadau sydd gennych ar gyfer monitro'r gweithgaredd hwn yn wrthrychol? A gedwir llygad ar y gwaith adfywio?



**Mr Shortridge:** Is this separate and different from the financial monitoring?

[84] **Jocelyn Davies:** If you look at figure 3 in the report, which I believe is on page 9—

**Mr Shortridge:** The short answer to that is that as part of our regular financial monitoring, we are obviously obtaining intelligence on what is happening against the various regeneration targets. However, I think that the way to assess these matters is not primarily through incremental monitoring. However, you do need to have a snapshot evaluation of a particular point in time so that you can see in the round how the successor bodies are doing, in terms of achieving the objectives and targets that they inherited from the development corporation.

[85] **Jocelyn Davies:** So you are using the targets of the development corporation?

**Mr Shortridge:** What I envisage in three to five years' time, say—if I get the necessary approval—is that we will conduct a thorough evaluation of how the regeneration of Cardiff Bay has gone, both overall but, more particularly, in terms of what has been achieved since the development corporation was wound up. I think that, given the scale of investment that has gone into it, the Assembly has a responsibility to satisfy itself that adequate and appropriate value for money is being secured. To the extent that it feels it is not, the Assembly has a responsibility to have learned that at a sufficiently early stage for it to be able to do something about it.

**Mr Shortridge:** A yw hyn yn wahanol ac ar wahân i'r monitro ariannol?

[84] **Jocelyn Davies:** Os edrychwch ar ffigur 3 yn yr adroddiad, sydd mi gredaf ar dudalen 9—

**Mr Shortridge:** Yr ateb byr i hynny yw ein bod, fel rhan o'n monitro ariannol rheolaidd, yn amlwg yn cael gwybodaeth am yr hyn sydd yn digwydd yn erbyn y gwahanol dargedau adfywio. Fodd bynnag, credaf nad drwy fonitro incrementaidd yn bennaf y mae asesu'r materion hyn. Fodd bynnag, y mae angen cael gwerthusiad sydyn o bwynt arbennig mewn amser fel y gallwch weld ym mhob agwedd sut y mae'r cyrff olynol yn ymdopi, yn nhermau cyflawni'r amcanion a'r targedau a etifeddasant oddi wrth y gorfforaeth ddatblygu.

[85] **Jocelyn Davies:** Felly yr ydych yn defnyddio targedau'r gorfforaeth ddatblygu?

**Mr Shortridge:** Yr hyn a ragwelaf fi ymhen tair i bum mlynedd, dyweder—os caf y gymeradwyaeth angenrheidiol—yw y byddwn yn gwneud gwerthusiad trwyadl o lwyddiant adfywhad Bae Caerdydd, yn gyffredinol ond hefyd, yn fwy penodol, yn nhermau'r hyn a gyflawnwyd ers dirwyn y gorfforaeth ddatblygu i ben. Oherwydd maint y buddsoddiad a aeth i mewn iddi, credaf fod gan y Cynulliad gyfrifoldeb i'w fodloni'i hun fod gwerth am arian digonol a phriodol yn cael ei sicrhau. I'r graddau ei fod yn teimlo nad yw hynny'n digwydd, mae gan y Cynulliad gyfrifoldeb i fod wedi canfod hynny yn ddigon cynnar iddo allu gwneud rhywbeth amdano.

**Mr Phillips:** May I add one point to that? One of the advantages of transferring all of the development assets in a block to the WDA is that, through the WDA Land Division, we are able to evaluate the ongoing regeneration activity in the Cardiff Bay area. We have a dialogue with the agency and we are able to produce figures, which the Auditor General will doubtless want to come back to in the context of his next report. However, the succession arrangements allow for that ongoing monitoring and evaluation.

[86] **Jocelyn Davies:** Thank you for that information, but I will repeat my question. The corporation had targets, and you mentioned those targets, Mr Shortridge. Will you be using those targets when you evaluate the regeneration? Those targets were considered to be meaningful. Will you therefore be using them?

**Mr Shortridge:** Yes. Sorry, I should have made myself clearer. I would see a primary task for any holistic evaluation to be assessing the extent to which the targets set for and by the development corporation have been achieved.

[87] **Jocelyn Davies:** Thank you.

[88] **Janet Davies:** Thank you, Jocelyn. We have had a look at the more general issues in this report. I would like to spend the rest of the time looking at the specific issues that were examined by the National Audit Office. We will take a break fairly soon, but before we do so, perhaps we could consider the corporation's working relationship with Cardiff City and County Council. The report refers to some tensions. Mr Shortridge, looking at the issues of breakdown in the working relationships between Cardiff Bay Development Corporation and Cardiff council,

**Mr Phillips:** A gaf fi ychwanegu un pwynt at hynny? Un o fanteision trosglwyddo holl asedau'r datblygiad mewn bloc i'r WDA yw y gallwn, drwy Is-adran Tir y WDA, werthuso'r gweithgaredd adfywio sydd yn mynd rhagddo yn ardal Bae Caerdydd. Mae gennym ddeialog gyda'r awdurdod datblygu ac yr ydym yn gallu darparu ffigurau, y bydd yr Archwilydd Cyffredinol yn ddiau eisiau dod yn ôl atynt yng nghyd-destun ei adroddiad nesaf. Fodd bynnag, mae'r trefniadau olynu yn caniatáu'r monitro a'r gwerthuso parhaus hwnnw.

[86] **Jocelyn Davies:** Diolch am yr wybodaeth honno, ond ailadroddaf fy nghwestiwn. Yr oedd gan y gorfforaeth dargedau, a chrybwyllwyd y targedau hynny gennych chi, Mr Shortridge. A fyddwch yn defnyddio'r targedau hynny wrth werthuso'r gwaith adfywio? Ystyriwyd bod y targedau hynny'n rhai ystyrllon. A fyddwch yn eu defnyddio felly?

**Mr Shortridge:** Byddwn. Mae'n ddrwg gennyf, dylaswn fod wedi egluro'n fwy clir. Tasg gyntaf i unrhyw werthuso holistaidd, yn ôl a welaf fi, fyddai asesu i ba raddau y cyflawnwyd y targedau a bennwyd gan ac ar ran y gorfforaeth ddatblygu.

[87] **Jocelyn Davies:** Diolch.

[88] **Janet Davies:** Diolch, Jocelyn. Yr ydym wedi bwrw golwg ar y materion mwy cyffredinol yn yr adroddiad hwn. Hoffwn dreulio gweddill yr amser yn edrych ar y materion penodol a archwiliwyd gan y Swyddfa Archwilio Genedlaethol. Fe gymerwn egwyl cyn bo hir, ond cyn gwneud hynny, efallai y gallem ystyried perthynas waith y gorfforaeth gyda Chyngor Dinas a Sir Caerdydd. Cyfeiria'r adroddiad at rai tensiynau. Mr Shortridge, o edrych ar faterion yn ymwneud â methiant yn y berthynas waith rhwng Corfforaeth Datblygu Bae Caerdydd a chyngor

what is your understanding as to why the breakdown occurred, and when did it come to your attention?

**Mr Shortridge:** Let me take the latter part of the question first. I became aware of it personally in 1997, when I became Director of Economic Affairs. However, I think—Steve can correct me if I am wrong—that coincidentally, it was at about that time that the wind-up issues began to come to a head, and so certain conflicts emerged. I do not think that it is for me as an official to make my own analysis of why these relationships became strained and broke down. The report states, as a matter of fact, that they did. I think that, in my experience, when there is a breakdown in the relationship it is always due to a conflict of objectives or of personality or both. However, I do not think that it is part of my role to analyse why these things happen. As officials we just have to manage within them.

[89] **Janet Davies:** The question is really concerned with whether there were conflicting objectives that would never be resolved between the two bodies. What did this breakdown mean for officials in Cathays Park? Did it affect their involvement in the wind-up process, particularly if there were conflicting objectives?

Caerdydd, beth yw eich dealltwriaeth chi o'r rheswm pam y digwyddodd y methiant, a pha bryd y daeth i'ch sylw chi?

**Mr Shortridge:** Gadewch imi gymryd rhan olaf y cwestiwn yn gyntaf. Deuthum i wybod amdano'n bersonol yn 1997, pan ddeuthum yn Gyfarwyddwr Materion Economaidd. Fodd bynnag, yr wyf yn meddwl—gall Steve fy nghywiro os wyf yn anghywir—mai oddeutu'r adeg honno, drwy gyd-ddigwyddiad, y dechreuodd y materion dirwyn i ben ddod i derfyn, ac felly daeth ambell wrthdrawiad i'r wyneb. Nid wyf yn meddwl mai mater i mi fel swyddog yw gwneud fy nadansoddiad fy hun o pam y datblygodd straen yn y perthynasau hyn ac y bu iddynt fethu. Noda'r adroddiad, fel mater o ffaith, fod hynny wedi digwydd. Credaf, yn fy mhrofiad i, pan fo perthynas yn methu fod hynny bob amser o ganlyniad i wrthdaro amcanion neu bersonoliaethau, neu'r ddau. Fodd bynnag, nid wyf yn meddwl ei bod yn rhan o'm rôl i i ddadansoddi pam y mae'r pethau hyn yn digwydd. Fel swyddogion, mae'n rhaid inni ddygnu ymlaen o fewn iddynt.

[89] **Janet Davies:** Gwir ddiben y cwestiwn yw canfod a oedd gwrthdaro amcanion rhwng y ddau gorff na ellid byth mo'i ddatrys. Beth oedd y methiant hwn yn ei olygu i swyddogion ym Mharc Cathays? A effeithiodd ar eu cyfraniad at y broses ddirwyn i ben, yn enwedig os oedd gwrthdrawiad amcanion?

**Mr Shortridge:** What it meant for us was that we increasingly became aware that, if matters were left to run on the basis of the theoretical approach that I referred to earlier in my evidence, and if we just allowed things to continue, then there would be deadlock and the objective of securing an orderly and timely wind-up of the development corporation would be at serious risk. So, in those circumstances, we—not only officials but Ministers as well—sought increasingly to involve ourselves in the process in order to do all that we could to facilitate this orderly wind-up. That meant that, increasingly, we were acting as intermediaries between certain organisations. As a reflection of that, we decided to adopt the approach of having memoranda of understanding, which we, as Assembly officials, essentially, brokered between the relevant parties.

[90] **Janet Davies:** We will now break for coffee.

*[Cynhaliwyd egwyl goffi rhwng 3.20 p.m. a 3.30 p.m.]*

*[A coffee break was held between 3.20 p.m. and 3.30 p.m.]*

[91] **Janet Davies:** We will continue with the specific issues and move to the sale of the corporation's land at the Ferry Road peninsula. Mr Shortridge, why did your officials facilitate the sale of this land, given that the Assembly's sponsored body, the corporation, did not support the council's sports village proposals because it had reservations about the scheme's financial viability?

**Mr Shortridge:** Yr hyn a olygodd i ni oedd inni ddod yn fwyfwy ymwybodol, pe gadewid pethau i redeg ar sail y dull damcaniaethol y cyfeiriaais ato yn gynharach yn fy nhystiolaeth, a phe baem yn gadael pethau fel yr oeddent, yna y byddai popeth yn pallu a byddai perygl difrifol i'r nod o sicrhau dirwyn y gorfforaeth ddatblygu i ben yn drefnus ac amserol. Felly, yn yr amgylchiadau hynny, ceisiasom ni—nid swyddogion yn unig ond Gweinidogion hefyd—ymwneud mwyfwy â'r broses er mwyn gwneud y cyfan a allem i hwyluso'r dirwyn i ben trefnus hwn. Golygai hynny ein bod, fwyfwy, yn gweithredu fel canolwyr rhwng cyrff arbennig. I adlewyrchu hynny, penderfynasom ddefnyddio dull fyddai'n cynnwys memoranda dealltwriaeth, y gwnaethom ni, fel swyddogion y Cynulliad, eu trefnu drwy weithredu fel cyfryngwyr, i bob pwrpas, rhwng y partïon perthnasol.

[90] **Janet Davies:** Cymerwn egwyl yn awr am goffi.

[91] **Janet Davies:** Awn ymlaen gyda'r materion penodol a symud at werthiant tir y gorfforaeth ym mhenrhyn Ferry Road. Mr Shortridge, pam y gwnaeth eich swyddogion hwyluso gwerthiant y tir hwn, o gofio nad oedd y corff a noddid gan y Cynulliad, sef y gorfforaeth, yn cefnogi cynigion y cyngor ar gyfer pentref chwaraeon am fod ganddi amheuan ynghylch ymarferoldeb ariannol y cynllun?

**Mr Shortridge:** The view that we took was that there needed to be, if at all possible, an agreed solution to the development of the Ferry Road site. The important thing to remember about the Ferry Road site is that its location is such as to make it a very prime site. However, its contaminated condition meant that it was always going to be a very difficult site to develop. The corporation, while it was not attracted to the idea of having a sports village there, did not, within its expected life cycle, have an alternative viable proposition to develop it. So I suppose that the alternatives that we faced were its being transferred to the WDA as a site that would require extensive reclamation and then marketing on the one hand, or its being transferred to the local authority. The local authority did have a proposed use for the site, and with the demise of the development corporation, the local authority would be the local planning authority for this site. So if that was the use to which the local democratic body wanted to put this site, that was a very persuasive argument for seeking to find a solution that was acceptable to it.

[92] **Helen Mary Jones:** To pursue the Ferry Road issue, paragraph 64 of the report refers to the fact that the corporation was initially an unwilling vendor but that its board approved the sale subject to receiving assurances from the Assembly on its regularity, propriety and value for money. How did you satisfy yourself on these issues and what assurances were given to the corporation in this regard?

**Mr Shortridge:** Ein golwg ni ar bethau oedd bod angen sicrhau, os oedd modd o gwbl, ateb y cytunid arno ar gyfer datblygu safle Ferry Road. Y peth pwysig i'w gofio am safle Ferry Road yw bod ei leoliad yn ei wneud yn safle deniadol iawn. Fodd bynnag, oherwydd ei gyflwr halogedig yr oedd bob amser yn mynd i fod yn safle anodd iawn i'w ddatblygu. Er nad oedd y gorfforaeth yn hoffi'r syniad o gael pentref chwaraeon yno, nid oedd ganddi, o fewn ei hoes ddisgwyledig, gynnig ymarferol arall ar gyfer ei ddatblygu. Felly mae'n debyg mai'r dewisiadau a wynebem oedd ei drosglwyddo i'r WDA fel safle a fyddai'n galw am waith adennill helaeth ac wedyn ei farchnata ar y naill law, neu ei drosglwyddo i'r awdurdod lleol. Yr oedd gan yr awdurdod lleol ddefnydd arfaethedig i'r safle, a chyda diflaniad y gorfforaeth ddatblygu, yr awdurdod lleol fyddai'r awdurdod cynllunio lleol y safle hwn. Felly os mai dyna'r defnydd yr oedd y corff democrataidd lleol yn ei ddeisyfu ar gyfer y safle hwn, yr oedd hynny'n ddadl gref iawn dros geisio cael ateb a fyddai'n dderbyniol ganddo.

[92] **Helen Mary Jones:** I fynd ymhellach ar fater Ferry Road, cyfeiria paragraff 64 yr adroddiad at y ffaith fod y gorfforaeth ar y dechrau yn werthwr anfodlon ond bod ei bwrdd wedi cymeradwyo'r gwerthiant ar yr amod y ceid sicrwydd gan y Cynulliad fod y gwerthiant yn rheolaidd, yn briodol ac yn rhoi gwerth am arian. Sut y gwnaethoch fodloni eich hun ar y materion hyn a pha sicrwydd a roddwyd i'r gorfforaeth yn hyn o beth?

**Mr Shortridge:** The basic way in which I satisfied myself was through the integrity of the process that we went through in order to secure a negotiated outcome that was satisfactory not only to the council, but also to the other major landowner, Grosvenor Waterside. The process that we used was in accordance with the guidebook on wind-up matters, and we ensured that, at all stages, we had independent valuations to back up the various figures that were involved in the deal, which are set out in the report.

[93] **Helen Mary Jones:** Turning to the valuation of Ferry Road, you said that this is a prime site despite its complex, contaminated condition. Can you therefore please explain how the amount of £7.95 million, as reported in figure 13 in the report, was arrived at? How did you, or rather they, arrive at that figure?

**Mr Shortridge:** Well it was—I get my dates muddled up—the Welsh Office/Assembly at the time was the prime mover in determining the valuation. We instructed Gooch Webster to produce a value for the site that took account of the extant optimum use in the local plan for the site, but also the contaminated condition of the land and the associated liabilities. It came up with a figure, based on vacant possession, of £16.5 million. All the parties to the agreement were prepared to agree to that as a reasonable valuation, albeit in pretty uncertain circumstances.

[94] **Helen Mary Jones:** May I pursue that a little further, because it is correct, is it not, that the valuation arrived at was not the highest valuation that was obtained? Were you satisfied, as Accounting Officer, that it was appropriate for this land to be sold for an amount that was lower than that which might have been achieved on the open market?

**Mr Shortridge:** Y ffordd sylfaenol y bodlonais fy hun oedd drwy gywirdeb y broses yr aethom drwyddi er mwyn sicrhau canlyniad wedi'i negodi, a oedd yn dderbyniol nid yn unig gan y cyngor, ond hefyd gan y prif berchennog tir arall, sef Grosvenor Waterside. Yr oedd y broses a ddefnyddiasom yn unol â'r llawlyfr ar faterion dirwyn i ben, ac fe sicrhawyd, bob cam o'r ffordd, fod gennym brisiadau annibynnol i ategu'r amryfal ffigurau a oedd yn rhan o'r busnes, a amlinellir yn yr adroddiad.

[93] **Helen Mary Jones:** Gan droi at brisiad safle Ferry Road, dywedasoch fod hwn yn safle deniadol er gwaethaf ei gyflwr cymhleth, halogedig. A allwch esbonio felly sut y daethpwyd at y swm o £7.95 miliwn, fel a gofnodir yn ffigur 13 yn yr adroddiad? Sut y daethoch chi, neu y daethant hwy yn hytrach, at y ffigur hwnnw?

**Mr Shortridge:** Wel, y Swyddfa Gymreig neu'r Cynulliad ar y pryd—yr wyf yn drysu fy nyddiadau—oedd y prif gorff a fynnodd y prisiad. Rhoesom gyfarwyddiadau i Gooch Webster roi pris ar y safle a fyddai'n ystyried y defnydd gorau a ragwelid yn y cynllun lleol ar gyfer y safle, ond hefyd gyflwr halogedig y tir a'r rhwymedigaethau cysylltiedig. Darparwyd ffigur, yn seiliedig ar feddiant gwag, o £16.5 miliwn. Yr oedd yr holl bartïon a oedd yn rhan o'r cytundeb yn barod i gytuno ar hynny fel prisiad rhesymol, er iddo gael ei wneud mewn amgylchiadau go ansicr.

[94] **Helen Mary Jones:** A gaf fi fynd ychydig ymhellach ar ôl hynny, oherwydd y mae'n gywir, onid yw, nad y prisiad hwn oedd y prisiad uchaf a gafwyd? A oeddech yn fodlon, fel Swyddog Cyfrifon, ei bod yn briodol gwerthu'r tir hwn am swm a oedd yn is na'r hyn y gallesid ei gael ar y farchnad agored?

**Mr Shortridge:** I do not think that there is any evidence to suggest that if this site had been put up for sale on the open market, you would have received anything like £16.5 million for it. I think that the range of valuations that were in the consultant's report, from plus £35 million to minus £2.5 million, indicated how much uncertainty there was around this site and also around the potential uses for the site. I took my assurance from the fact that we had employed independent consultants to produce a valuation, which was then tested, not only by ourselves as officials, but by other interested people in this negotiation.

[95] **Alun Cairns:** I will go back to an earlier question and draw your attention to paragraph 65. In relation to the corporation's view, its internal auditors stated:

'the procedures adopted in respect of Ferry Road... were not in accordance with the Corporation's standard procedures for land disposals or the requirements of the Financial Memorandum. We understand that this matter was raised with the National Assembly, who advised that this was a wind-up and succession issue rather than a commercial sale.'

How did you reach that conclusion?

**Mr Shortridge:** I think that at the time, as a matter of fact, Ferry Road had been put into the memoranda of understanding, which were setting out the heads of terms for the transfer arrangements. Therefore, by definition, at that time, the Ferry Road site was being dealt with in accordance with the wind-up and succession arrangements.

**Mr Shortridge:** Nid wyf yn meddwl fod yna unrhyw dystiolaeth i awgrymu y cawsid unrhyw beth tebyg i £16.5 miliwn am y safle hwn pe bai wedi'i roi ar werth ar y farchnad agored. Yr wyf yn meddwl fod yr amrediad o brisiau a gafwyd yn adroddiad yr ymgynghorydd, o plws £35 miliwn i minws £2.5 miliwn, yn arwydd o'r ansicrwydd a fodolai ynghylch y safle hwn a hefyd ynghylch y defnyddiau posibl i'r safle. Cymerais fy sicrwydd o'r ffaith ein bod wedi cyflogi ymgynghorwyr annibynnol i wneud prisiad, a gafodd ei roi ar brawf wedyn, nid yn unig gennym ni fel swyddogion, ond gan bobl eraill oedd â diddordeb yn y negodi hwn.

[95] **Alun Cairns:** Af yn ôl at gwestiwn cynharach a thynnu'ch sylw at baragraff 65. Mewn perthynas â barn y gorfforaeth, nododd ei harchwilwyr mewnol:

'nid oedd y gweithdrefnau a fabwysiadwyd parthed Ferry Road... yn unol â gweithdrefnau safonol y Gorfforaeth ar gyfer gwerthu tir na gofynion y Memorandwm Ariannol. Deallwn i'r mater hwn gael ei godi gyda'r Cynulliad Cenedlaethol, a nododd ei fod yn fater yn ymwneud â dirwyn y Gorfforaeth i ben a'r olyniant yn hytrach na gwerthiant masnachol.'

Sut y daethoch i'r casgliad hwnnw?

**Mr Shortridge:** Yr wyf yn meddwl fod Ferry Road ar y pryd, mewn gwirionedd, wedi'i roi yn y memoranda dealltwriaeth, a oedd yn amlinellu penawdau'r telerau ar gyfer y trefniadau trosglwyddo. Felly, drwy ddiffiniad, ar y pryd hwnnw yr oeddid yn delio â safle Ferry Road yn unol â'r trefniadau dirwyn i ben ac olynu.

[96] **Alun Cairns:** Continuing with the Ferry Road issue, paragraph 64 of the report makes reference to the fact that the corporation was, initially, an unwilling vendor. However, its board approved the sale subject—

We have covered that question. I am sorry. Looking at paragraphs 68 to 70, and the additional £2 million discount given on top of the reduced valuation, it is clear, in paragraph 69, how £1.1 million of that £2 million—in lieu of land previously offered for the replacement of the Empire Pool—was arrived at. The further £900,000 discount was given in relation to wider economic benefits. How was that amount arrived at?

**Mr Shortridge:** The valuation that we had was based upon what I have described as a sort of optimum use within the local plan. The proposed use, the building of the sports village, would have actually reduced the commercial value of the site. The advice that we had from our consultants was that the wider economic benefits that would accrue from building a sports village on the site, could be valued at at least £2 million. As it happened, you could balance out £1.1 million of that against the commitment to make a site available for a swimming pool.

[97] **Alun Cairns:** On the matter of the site of the swimming pool in particular, is it not the case that a national swimming pool for Wales is being built in Swansea?

**Mr Shortridge:** Yes.

[98] **Alun Cairns:** How can we reconcile a swimming pool being built in Swansea in place of the Empire Pool with the additional funds and discounts being given to Cardiff council to replace the very same pool?

[96] **Alun Cairns:** Ar fater Ferry Road o hyd, cyfeiria paragraff 64 yn yr adroddiad at y ffaith fod y gorfforaeth, ar y cychwyn, yn werthwr anfodlon. Fodd bynnag, cymeradwyodd ei bwrdd y gwerthiant yn amodol—

Yr ydym wedi ymdrin â'r cwestiwn hwnnw. Mae'n ddrwg gennyf. O edrych ar baragraffau 68 i 70, a'r disgownt ychwanegol o £2 filiwn a roddwyd ar ben y prisiad is, mae'n glir, ym mharagraff 69, sut y daethpwyd at £1.1 miliwn o'r £2 filiwn hynny—sef yn lle tir a gynigiwyd yn flaenorol ar gyfer yr Empire Pool newydd. Rhoddwyd y £900,000 o ddisgownt pellach mewn perthynas â buddiannau economaidd ehangach. Sut y cyrhaeddwyd y swm hwnnw?

**Mr Shortridge:** Yr oedd y prisiad a gawsom yn seiliedig ar yr hyn a ddisgrifiais fel math o ddefnydd gorau posibl o fewn y cynllun lleol. Byddai'r defnydd arfaethedig, sef adeiladu'r pentref chwaraeon, mewn gwirionedd wedi lleihau gwerth masnachol y safle. Y cyngor a gawsom gan ein hymgynghorwyr oedd y gellid rhoi gwerth o £2 filiwn o leiaf ar y manteision economaidd ehangach a ddeilliai o adeiladu pentref chwaraeon ar y safle. Fel y digwyddai, gallech gydbwyso £1.1 miliwn o hynny yn erbyn yr ymrwymiad i ddarparu safle ar gyfer pwll nofio.

[97] **Alun Cairns:** Ar fater safle'r pwll nofio yn benodol, onid yw'n wir fod pwll nofio cenedlaethol i Gymru'n cael ei adeiladu yn Abertawe?

**Mr Shortridge:** Ydyw.

[98] **Alun Cairns:** Sut y gallwn ni gysoni adeiladu pwll nofio yn Abertawe i gymryd lle'r Empire Pool â'r cyllid a'r disgowntiau ychwanegol a roddir i gyngor Caerdydd i gymryd lle'r union bwll hwnnw?



**Mr Shortridge:** My understanding is that, because the Empire Pool was to be replaced, the development corporation had offered a site to the council for that replacement facility, so there was a commitment to do that.

[99] **Alun Cairns:** The establishment of a national swimming pool for Wales in Swansea did not affect that arrangement in any way?

**Mr Phillips:** The basic answer to the question is 'no'. However, around about the same time that this proposal was being put together—I am talking here of early 1999—Cardiff, Swansea and Newport, as I recall, were bidding for a Sportlot grant. The successful bidder was, in fact, Swansea—if you are referring to the facility at Sketty Lane, near the university. The facility in Swansea is not identical in concept to the proposed sports village. As I understand it, the facility in Swansea is effectively a training facility, whereas this is more of a training and leisure facility, with diving facilities and so on. Cardiff council, as I said, was unsuccessful in its bid for Sportlot funding, but decided to pursue the project and the acquisition of the Ferry Road site separately.

[100] **Alun Cairns:** So, what we are saying then is that, although Cardiff was unsuccessful in its Sportlot application, it received in place of that a discount of £2 million on the land at Ferry Road?

**Mr Phillips:** Not in place of it; it received the £2 million discount for the reasons explained by the Permanent Secretary in relation to the wider economic and social benefits that the sports village would have brought, in our estimation. We identified a number of criteria against which we would judge that: specifically, the creation of jobs, the level of expenditure that would be generated, and the number of visitors to the bay.

**Mr Shortridge:** Yn ôl a ddeallaf fi, oherwydd bod pwll nofio newydd i gymryd lle'r Empire Pool, yr oedd y gorfforaeth ddatblygu wedi cynnig safle i'r cyngor ar gyfer y pwll hwnnw, felly yr oedd ymrwymiad i wneud hynny.

[99] **Alun Cairns:** Nid effeithiwyd ar y trefniant hwnnw mewn unrhyw fodd wrth sefydlu pwll nofio cenedlaethol i Gymru yn Abertawe?

**Mr Phillips:** 'Na' yw'r ateb sylfaenol i'r cwestiwn. Fodd bynnag, oddeutu'r un pryd ag yr oedd y cynnig hwn yn cael ei lunio—yr wyf yn sôn yma am ddechrau 1999—yr oedd Caerdydd, Abertawe a Chasnewydd, yn ôl a gofiau, yn ymgeisio am grant Sportlot. Abertawe, mewn gwirionedd, oedd yr ymgeisydd llwyddiannus—os ydych chi'n cyfeirio at y cyfleuster yn Lôn Sgeti, ger y brifysgol. Nid yw'r cyfleuster yn Abertawe yr un peth o ran cysyniad â'r pentref chwaraeon arfaethedig. Yn ôl a ddeallaf fi, cyfleuster hyfforddi i bob pwrpas yw'r cyfleuster yn Abertawe, tra bod hwn yn fwy o gyfleuster hyfforddi a hamdden, gyda chyfleusterau deifio ac ati. Fel y dywedais, methodd cyngor Caerdydd, â'i gais am arian Sportlot, ond penderfynodd fwrw ymlaen â'r prosiect a phrynu safle Ferry Road ar wahân.

[100] **Alun Cairns:** Felly, yr hyn yr ydym yn ei ddweud yw, er bod cais Sportlot Caerdydd yn aflwyddiannus, y derbyniodd yn lle hynny ddisgownt o £2 filiwn ar y tir yn Ferry Road?

**Mr Phillips:** Nid yn lle hynny; derbyniodd y disgownt o £2 filiwn am y rhesymau a esboniwyd gan yr Ysgrifennydd Parhaol parthed y manteision economaidd a chymdeithasol ehangach y buasai'r pentref gwylliau wedi'u cyflwyno, yn ein tyb ni. Nodwyd nifer o feini prawf y byddem yn barnu hynny yn eu herbyn: yn benodol, creu swyddi, y lefel gwariant a gynhyrchid, a'r nifer o ymwelwyr i'r bae.

[101] **Alun Cairns:** To return to the £6.1 million for other regeneration that we discussed earlier, if you add that to the discount of £2 million—although the sum was reduced from the maximum amount that could potentially have been available through auctioning the land—Cardiff received a benefit of £8.1 million in the successor arrangements, just in those two schemes. Is that the case?

**Mr Phillips:** Yes, you could look at it in those terms.

[102] **Alun Cairns:** So Cardiff received the benefit of £8 million over and above what other local authorities around Wales would have received during that year of financial allocation, during the standard spending assessment and so on.

**Mr Shortridge:** I think that the point to emphasise is that the objective here was, and continued to be, one of urban regeneration and not one of maximising income or revenue. It was the regeneration objective that we had very much in mind when putting together the arrangements at Ferry Road.

[103] **Alun Cairns:** Who took the final decision to give this discount of £2 million?

**Mr Shortridge:** That would have been a ministerial decision.

[104] **Alun Cairns:** Right. So that was a ministerial decision. Which constituency does the land of Ferry Road fall into?

**Mr Shortridge:** I would think that it is Lorraine Barrett's constituency.

**Mr Phillips:** Cardiff South and Penarth, I think, yes.

[101] **Alun Cairns:** I ddod yn ôl at y £6.1 miliwn ar gyfer gwaith adfywio arall a drafodwyd gennym yn gynharach, os ychwanegwch hynny at y disgownt o £2 filiwn—er y gostyngwyd y swm o'r swm mwyaf a allasai fod ar gael drwy werthu'r tir mewn ocsiwn—derbyniodd Caerdydd fudd o £8.1 miliwn yn y trefniadau olynu, yn y ddau gynllun hynny'n unig. A yw hynny'n wir?

**Mr Phillips:** Ydyw, fe allech edrych arni yn y termau hynny.

[102] **Alun Cairns:** Felly derbyniodd Caerdydd £8 miliwn uwchlaw a thros ben y dyraniad ariannol y byddai awdurdodau lleol eraill o gwmpas Cymru wedi'i dderbyn yn ystod y flwyddyn honno, yn ystod yr asesiad gwariant safonol ac ati.

**Mr Shortridge:** Credaf mai'r pwynt i'w bwysleisio yw mai'r amcan yn y fan hon oedd, ac yw o hyd, adfywio trefol ac nid mwyhau incwm neu refeniw. Yr amcan adfywio oedd yn flaenllaw yn ein meddyliau wrth inni lunio'r trefniadau ar gyfer Ferry Road.

[103] **Alun Cairns:** Pwy wnaeth y penderfyniad terfynol i roi'r disgownt £2 filiwn hwn?

**Mr Shortridge:** Penderfyniad gweinidog fyddai hynny.

[104] **Alun Cairns:** Iawn. Penderfyniad gweinidog oedd hwnnw felly. Ym mha etholaeth y mae'r tir yn Ferry Road?

**Mr Shortridge:** Etholaeth Lorraine Barrett, fe dybiwn i.

**Mr Phillips:** De Caerdydd a Phenarth, yr wyf yn meddwl, ie.

[105] **Alun Cairns:** I asked you earlier how we manage conflicts of interest if there may be a ministerial interest in the negotiation and transfer of assets. Was there any form of conflict of interest, or the potential for a perception of a conflict of interest, if a Minister at the time happened to be the Member of Parliament for that constituency?

**Mr Shortridge:** As I said in answer to your earlier questions, these are ultimately judgments for the Ministers concerned. However, throughout this process, as officials, we sought to ensure that more than one Minister was involved in the process.

[106] **Alun Cairns:** May I clarify that the Member of Parliament at the time, who was also the Secretary of State for Wales or the First Minister of the Assembly during that time, played a leading role in the sanctioning of a £2 million discount for a parcel of land that happened to fall into Cardiff South and Penarth?

**Mr Shortridge:** He had an important role to play, yes.

[107] **Helen Mary Jones:** I have a brief supplementary on this matter. May I refer you back to your earlier comments about the kind of advice that you, as officials, would give to Ministers? Clearly, the Minister in question was not the Assembly Member for Cardiff South and Penarth at that time. However, he was the Member of Parliament for Cardiff South and Penarth and, for a variety of reasons, very strongly identified with that area. The kind of advice that you might give to a Minister in those circumstances would obviously relate primarily to her or his position within the Assembly, potential constituency interests and those sorts of

[105] **Alun Cairns:** Gofynnais ichi yn gynharach sut y byddwn ni'n ymdrin â gwrthdaro buddiannau os gall fod budd gweinidogol ynghlwm wrth broses negodi a throsglwyddo asedau. A oedd yna unrhyw ffurf ar wrthdrawiad buddiannau, neu botensial ar gyfer credu bod gwrthdrawiad buddiannau, os oedd Gweinidog ar y pryd yn digwydd bod yn Aelod Seneddol dros yr etholaeth honno?

**Mr Shortridge:** Fel y dywedais wrth ateb eich cwestiynau cynharach, materion ar gyfer doethineb y Gweinidogion dan sylw yw'r rhain yn y pen draw. Fodd bynnag, drwy gydol y broses hon, fel swyddogion, ceisiasom sicrhau fod mwy nag un Gweinidog yn ymwneud â'r broses.

[106] **Alun Cairns:** A gaf i eglurhad fod yr Aelod Seneddol ar y pryd, a oedd hefyd yn Ysgrifennydd Gwladol Cymru neu'n Brif Weinidog y Cynulliad yn ystod y cyfnod hwnnw, wedi chwarae rhan flaenllaw yn awdurdodi disgownt o £2 filiwn am barsel o dir a ddigwyddai fod o fewn De Caerdydd a Phenarth?

**Mr Shortridge:** Yr oedd ganddo ran bwysig i'w chwarae, oedd.

[107] **Helen Mary Jones:** Mae gennyf gwestiwn atodol byr ar y mater hwn. A gaf eich cyfeirio'n ôl at eich sylwadau blaenorol ynghylch y math o gyngor y byddech chi, fel swyddogion, yn ei roi i Weinidogion? Yn amlwg, nid oedd y Gweinidog dan sylw yn Aelod Cynulliad dros Dde Caerdydd a Phenarth ar y pryd. Fodd bynnag, yr oedd yn Aelod Seneddol dros Dde Caerdydd a Phenarth ac, am amryfal resymau, yr oedd wedi'i uniaethu'n gryf iawn â'r ardal honno. Byddai'r math o gyngor y byddech chi efallai'n ei roi i Weinidog yn yr amgylchiadau hynny yn amlwg yn ymwneud yn bennaf â'i safle ef neu hi yn y Cynulliad, buddiannau etholaethol posibl a'r

things. However, would you also take into account what could almost be considered an outside interest for somebody who happens to represent one constituency here but a different constituency at Westminster, or has another strong interest, whatever that might be? Would it be an appropriate step for you, as officials, to draw that potential conflict of interest to the Minister's attention, even though it did not directly relate to the Assembly?

**Mr Shortridge:** We try, as officials, to draw Ministers' attention to matters such as this. It is not our ultimate responsibility to do so, and it would be difficult for us to do so at times, because we are far less aware of a Member's constituency than the Member is. In particular, for those Members who represent regions as opposed to constituencies, it is a tricky issue. So I try to be very careful. We do our best to draw such things to Ministers' attention, but ultimately, it must be a matter for them.

[108] **Helen Mary Jones:** May I ask directly whether the interest in question was drawn to the attention of the Minister responsible?

**Mr Shortridge:** Throughout the process, the Minister concerned was well aware of the duality of his interests. I use the word 'duality' because I do not want to prejudge it by saying that it was a conflict. It was for that reason that, to the best of my recollection, no key decision was taken by him alone. Papers were going to other Ministers at the same time, so there was more of a collective Cabinet decision-making process. I think that, as a matter of practice, at all key points, the Assembly was told what was happening.

math yna o beth. Fodd bynnag, a fyddech chi hefyd yn cymryd i ystyriaeth yr hyn y gellid bron ei ystyried yn fudd allanol i rywun sydd yn digwydd cynrychioli un etholaeth yma ond etholaeth wahanol yn San Steffan, neu sydd â buddiant cryf arall, beth bynnag y gallai hynny fod? A fyddai'n gam priodol i chi, fel swyddogion, ddwyn sylw'r Gweinidog at y darpar wrthdaro buddiannau hwnnw, er nad oedd a wnelo'r peth yn uniongyrchol â'r Cynulliad?

**Mr Shortridge:** Byddwn yn ceisio, fel swyddogion, dynnu sylw Gweinidogion at faterion fel hyn. Nid ein cyfrifoldeb ni yn y pen draw yw gwneud hynny, a byddai'n anodd inni wneud ar adegau, oherwydd yr ydym yn llawer llai ymwybodol o etholaeth Aelod nag ydyw'r Aelod ei hun. Yn arbennig, gyda'r Aelodau hynny sydd yn cynrychioli rhanbarthau yn hytrach nag etholaethau, mae'n gwestiwn dyrys. Felly ceisiaf fod yn ofalus iawn. Gwnawn ein gorau i dynnu'r pethau hyn i sylw Gweinidogion, ond ar ddiwedd y dydd, mater iddynt hwy ydyw, o reidrwydd.

[108] **Helen Mary Jones:** A gaf i ofyn yn uniongyrchol a dynnwyd sylw'r Gweinidog cyfrifol at y buddiant dan sylw?

**Mr Shortridge:** Drwy gydol y broses, yr oedd y Gweinidog dan sylw'n ymwybodol iawn o ddeuolrwydd ei fuddiannau. Defnyddiaf y gair 'deuolrwydd' oherwydd nid oes arnaf eisiau ei ragfarnu drwy ddweud mai gwrthdaro ydoedd. Dyna oedd y rheswm, yn ôl a gofiaf fi, na chymerwyd unrhyw benderfyniad allweddol ganddo ef yn unig. Yr oedd papurau'n mynd at Weinidogion eraill ar yr un pryd, felly yr oedd proses fwy torfol ar waith ym mhenderfyniadau'r Cabinet. Yr wyf yn credu, fel mater o ymarfer, y dywedwyd wrth y Cynulliad ar bob cam allweddol beth oedd yn digwydd.

[109] **Alun Cairns:** In my general question on the potential for conflict of interest, you said that it is usual that other Ministers take responsibility. Why did that not happen in this instance?

**Mr Shortridge:** I do not think that I said that they take responsibility. I think that what I said was that other Ministers would have been involved in the decision-making process.

[110] **Alun Cairns:** Please accept my apologies.

**Mr Shortridge:** The record will show which one of us is right.

[111] **Alun Cairns:** Of course it will. Is it not usual that, in difficult circumstances, Ministers would not play any role?

**Mr Shortridge:** These are judgments for them and although in some circumstances I can be asked for my advice, and will give it to them privately, whatever advice I give, these are judgments for Ministers.

[112] **Alun Cairns:** Were you asked for advice at the time? It is a 'yes' or 'no' answer, I would have thought.

**Mr Shortridge:** We offered some advice, but I do not think that we were asked for it. So it is not quite a 'yes' or 'no' answer. It is also the case that the Minister concerned came and made statements to the Assembly, so he was in a position to answer directly to the Assembly for the decisions that he was involved in taking.

[113] **Alun Cairns:** You offered advice. Was it fully accepted and acted upon?

[109] **Alun Cairns:** Yn fy nghwestiwn cyffredinol ar y potensial ar gyfer gwrthdaro buddiannau, dywedasoch ei bod yn arferol i Weinidogion eraill gymryd cyfrifoldeb. Pam na ddigwyddodd hynny yn yr achos hwn?

**Mr Shortridge:** Nid wyf yn meddwl imi ddweud eu bod yn cymryd cyfrifoldeb. Yr wyf yn meddwl mai'r hyn a ddywedais oedd y byddai Gweinidogion eraill wedi bod â rhan yn y broses benderfynu.

[110] **Alun Cairns:** Derbyniwch fy ymddiheuriadau, os gwelwch yn dda.

**Mr Shortridge:** Bydd y cofnod yn dangos pa un ohonom sydd yn iawn.

[111] **Alun Cairns:** Wrth gwrs y bydd. Onid yw'n arferol, mewn amgylchiadau anodd, na fyddai Gweinidogion yn chwarae rhan o gwbl?

**Mr Shortridge:** Materion iddynt hwy farnu arnynt yw'r rhain ac er y gellir gofyn am fy nghyngor i mewn rhai amgylchiadau, a'i gael yn breifat, pa gyngor bynnag a roddaf fi, mater i'r Gweinidogion eu barnu yw'r rhain.

[112] **Alun Cairns:** A ofynnwyd ichi am gyngor ar y pryd? 'Do' neu 'naddo' yw'r ateb, dybiwn i.

**Mr Shortridge:** Fe gynigiasom gyngor, ond nid wyf yn meddwl y gofynnwyd inni amdano. Felly nid 'do' na 'naddo' yn hollol yw'r ateb. Mae'n wir hefyd y daeth y Gweinidog dan sylw a gwneud datganiadau i'r Cynulliad, felly yr oedd ef mewn sefyllfa i ateb yn uniongyrchol i'r Cynulliad am y penderfyniadau yr oedd ganddo ran yn eu gwneud.

[113] **Alun Cairns:** Cynigiasoch gyngor. A dderbyniwyd ef yn llawn a gweithredu arno?

**Mr Shortridge:** Chair, I really do not want to pursue this.

[114] **Janet Davies:** We have pursued this line far enough.

**Mr Shortridge:** May I just say, because I do not want people to draw one conclusion rather than another from this exchange, that, as officials, we sought to ensure that this process was undertaken in a thoroughly professional way.

[115] **Helen Mary Jones:** Whether it was or not, was a matter for the Members.

[116] **Alun Cairns:** Before I ask my final two questions, and with the permission of the Chair, of course, may I ask whether you think that public perception of such issues is of critical importance?

**Mr Shortridge:** I do not think that I want to be drawn on that. These are matters for Ministers and politicians. As Accounting Officer, I have to satisfy myself that decisions are taken properly, particularly where those decisions involve large sums of money, and that is what I have sought to do throughout this process.

[117] **Alun Cairns:** Why was the sale of the land, in effect, a cashless transaction, which resulted in up to £850,000 of lost interest to the Assembly? How can this be justified on value for money grounds?

**Mr Shortridge:** Gadeirydd, yn wir nid oes arnaf awydd mynd ar ôl y mater hwn.

[114] **Janet Davies:** Yr ydym wedi dilyn y trywydd hwn yn ddigon pell.

**Mr Shortridge:** A gaf fi ddweud, gan nad oes arnaf eisiau i bobl dynnu un casgliad rhagor nag un arall o'r sgwrs hon, y bu i ni fel swyddogion geisio sicrhau yr ymgwymerwyd â'r broses hon mewn ffordd gwbl broffesiynol.

[115] **Helen Mary Jones:** Pa un ai a wnaed hynny ai peidio, yr oedd yn fater i'r Aelodau.

[116] **Alun Cairns:** Cyn imi ofyn fy nau gwestiwn olaf, a chyda chaniatâd y Cadeirydd, wrth gwrs, a gaf fi ofyn a ydych yn meddwl fod y ffordd y mae'r cyhoedd yn amgyffred y materion hyn o bwys critigol?

**Mr Shortridge:** Nid wyf yn meddwl yr hoffwn ddweud dim ar hynny. Materion i Weinidogion a gwleidyddion yw'r rhain. Fel Swyddog Cyfrifon, mae'n rhaid imi fodloni fy hun fod penderfyniadau'n cael eu gwneud mewn modd priodol, yn enwedig lle bo'r penderfyniadau hynny'n ymwneud â symiau mawr o arian, a dyna yr wyf wedi ceisio'i wneud drwy gydol y broses hon.

[117] **Alun Cairns:** Pam yr oedd gwerthiant y tir, mewn effaith, yn drafodiad di-arian, a olygodd bod y Cynulliad yn colli hyd at £850,000 mewn llog? Sut y gellir cyfiawnhau hyn ar sail gwerth am arian?

**Mr Shortridge:** I think that it was a cashless transaction largely for reasons of convenience, although Steve Phillips may want to elaborate on that. While I think that, in theory, it may have resulted in a loss of interest, in practice, when all the audited accounts are looked at, I think that it is unlikely that it will have.

**Mr Phillips:** I can only add that, effectively, the position that we were in was that, on 31 March 2000, the £6.1 million—or at least the first tranche of it—was payable to Cardiff City and County Council under the wind-up arrangements. On the same day, the transaction, or the disposal, of the Ferry Road site was completed, with the effect that Cardiff council was due to pay £5.95 million. So, as the Permanent Secretary said, for simple administrative reasons, it made sense to net one figure off against the other.

[118] **Alun Cairns:** May I underline what my reading of the situation is, which is that, having received £6.1 million for other regeneration, which we have already explored, and a £2 million discount for the transfer of the land at Ferry Road, Cardiff had an £8.1 million benefit? However, it also potentially cost—I add the word ‘potentially’—the sum of £850,000 in interest to the Assembly. Is that a fair summary?

**Mr Shortridge:** I think that the Auditor General’s next report will reveal the extent to which there has been a loss, or an implied loss, of £850,000. I will not go further this afternoon than to say that I think that it is possible that it will be less than that.

**Mr Shortridge:** Yr wyf yn meddwl ei fod yn drafodiad di-arian yn bennaf am resymau cyfleustra, er efallai y dymuna Steve Phillips ymhelaethu ar hynny. Er fy mod yn meddwl, mewn theori, ei fod efallai wedi arwain at gollu llog, mewn ymarfer, pan edrychir ar yr holl gyfrifon archwiliedig, credaf ei bod yn annhebygol y bydd hynny wedi digwydd.

**Mr Phillips:** Ni allaf ond ychwanegu mai’r sefyllfa yr oeddem ynnddi, mewn gwirionedd, oedd bod y £6.1 miliwn—neu o leiaf y rhandal cyntaf ohono—yn daladwy i Gyngor Sir a Dinas Caerdydd ar 31 Mawrth dan y trefniadau dirwyn i ben. Ar yr un diwrnod, cwblhawyd trafodiad, neu werthiant, safle Ferry Road, a olygai fod cyngor Caerdydd i fod i dalu £5.95 miliwn. Felly, fel y dywedodd yr Ysgrifennydd Parhaol, am resymau gweinyddol syml, yr oedd yn gwneud synnwyr gosod un ffigur yn erbyn y llall.

[118] **Alun Cairns:** A gaf fi danlinellu fy nealltwriaeth i o’r sefyllfa, sef, ar ôl derbyn £6.1 miliwn ar gyfer gwaith adfywio arall, yr ydym eisoes wedi ymchwilio iddo, a disgownt o £2 filiwn ar drosglwyddiad y tir yn Ferry Road, bod Caerdydd ar ei hennill o £8.1 miliwn? Fodd bynnag, yr oedd cost botensial hefyd—ychwanegaf y gair ‘potensial’—o swm o £850,000 mewn llog i’r Cynulliad. A ydyw hynny’n grynodedb deg?

**Mr Shortridge:** Yr wyf yn meddwl y bydd adroddiad nesaf yr Archwilydd Cyffredinol yn datgelu i ba raddau y bu colled, neu golled ymhlyg, o £850,000. Nid af ymhellach y prynhawn yma na dweud fy mod yn meddwl ei bod yn bosibl y bydd yn llai na hynny.

[119] **Alun Cairns:** I draw your attention to paragraphs 73 to 74. Are you satisfied that the assurances built into the contract covering the sale of the Ferry Road site, adequately protect the Assembly's interests?

**Mr Shortridge:** Yes, in the sense that, as paragraph 74 indicates, the £2 million discount is repayable if the sports village does not go ahead. We have a 10-year overage clause, which ensures that there will be a clawback of 30 per cent of any profit from the sale of the land if it takes place within 10 years. Conventionally, overage clauses only run for five years; in this case it runs for 10 years. So I think that, in the circumstances, we did as much as we could have done, in a complex negotiation, to protect the Assembly's interests.

[120] **Alun Cairns:** To clarify the situation, if the land is sold on for development to a private developer within a 10-year period, 40 per cent of the profit goes to Cardiff council?

**Mr Shortridge:** Yes. That is right.

[121] **Alun Cairns:** So having acquired a parcel of land at a £2 million discount, if it chose the following day to sell that land on, Cardiff council could well receive 40 per cent of whatever sum is gained at the time, particularly given the way that development property has increased in value?

[119] **Alun Cairns:** Tynnaf eich sylw at baragraffau 73 i 74. A ydych yn fodlon fod y sicrwydd sydd wedi'i gynnwys yn y contract parthed gwerthiant safle Ferry Road yn gwarchod buddiannau'r Cynulliad yn ddigonol?

**Mr Shortridge:** Ydwyf, yn yr ystyr fod, fel y noda paragraff 74, y disgownt £2 filiwn i'w addalu os nad aiff y pentref chwaraeon yn ei flaen. Mae gennym gymal gwarged 10 mlynedd, sydd yn sicrhau y gellir adfachu 30 y cant o unrhyw elw o werthu'r tir os gwneir hynny o fewn 10 mlynedd. Yn gonfensiynol, dim ond am bum mlynedd y bydd cymalau gwarged yn rhedeg; yn yr achos hwn mae'n rhedeg am 10 mlynedd. Felly yr wyf o'r farn, dan yr amgylchiadau, ein bod wedi gwneud yr hyn a allem, mewn proses negodi gymhleth, i warchod buddiannau'r Cynulliad.

[120] **Alun Cairns:** I egluro'r sefyllfa, os gwerthir y tir ymlaen i'w ddatblygu i ddatblygwr preifat o fewn cyfnod 10 mlynedd, bydd 40 y cant o'r elw'n mynd i gyngor Caerdydd?

**Mr Shortridge:** Ie. Dyna ni.

[121] **Alun Cairns:** Felly wedi sicrhau parcel o dir ar ddisgownt o £2 filiwn, pe bai'n penderfynu gwerthu'r tir yfory, gallai cyngor Caerdydd yn hawdd dderbyn 40 y cant o ba swm bynnag a enillir ar y pryd, yn enwedig o gofio'r modd y mae eiddo datblygu wedi cynyddu o ran gwerth?



**Mr Shortridge:** Well, the first thing that would happen is that it would lose its £2 million discount. Secondly, this is a site that a development corporation had not been able to market successfully and sell. This is a very contaminated site, which does not obviously have a very substantial market value in the short term, although I acknowledge that special circumstances might arise where what you have indicated could happen.

[122] **Alun Cairns:** So Cardiff council could be in a very fortunate position should it decide to sell the land on. My final question is: who retains any profit from any subsequent sale of the land by Cardiff council if this sale takes place after 10 years has elapsed from the time when the council first acquired the land from the corporation? What is the position if the council elects to use the land for a purpose other than a sports complex, but retains ownership of it for at least 10 years?

**Mr Shortridge:** Under the overage clause, after 10 years, it will have the full rights.

[123] **Alun Cairns:** So there is potential for not only a 40 per cent profit, if they sell within 10 years, but the council could sit on the plot of land—its maintenance costs are probably negligible—and then receive 100 per cent of the profit after 10 years?

**Mr Shortridge:** If indeed there were profits after 10 years, yes.

**Mr Shortridge:** Wel, y peth cyntaf fyddai'n digwydd yw y byddai'n colli ei ddisgownt o £2 filiwn. Yn ail, safle yw hwn nad oedd corfforaeth ddatblygu wedi gallu ei farchnata'n llwyddiannus a'i werthu. Mae hwn yn safle halogedig iawn, nad oes gwerth sylweddol iawn yn amlwg iddo ar y farchnad yn y tymor byr, er y cydnabyddaf y gallai amgylchiadau arbennig godi lle gallai'r hyn a amlinellwyd gennych chi ddigwydd.

[122] **Alun Cairns:** Felly gallai cyngor Caerdydd fod mewn sefyllfa ffodus iawn pe bai'n penderfynu gwerthu'r tir ymlaen. Dyma fy nghwestiwn olaf: pwy sydd yn cadw unrhyw elw os gwerthir y tir gan gyngor Caerdydd os digwydd y gwerthiant hwn wedi i 10 mlynedd fynd heibio o'r adeg pan brynodd y cyngor y tir yn y lle cyntaf oddi wrth y gorfforaeth? Beth yw'r sefyllfa os penderfyna'r cyngor ddefnyddio'r tir i bwrpas ar wahân i bentref chwaraeon, ond ei fod yn cadw meddiant arno am o leiaf 10 mlynedd?

**Mr Shortridge:** Dan y cymal gwarged, caiff yr hawliau llawn wedi 10 mlynedd.

[123] **Alun Cairns:** Felly y mae potensial nid yn unig ar gyfer elw o 40 y cant, os gwerthant o fewn 10 mlynedd, ond gallai'r cyngor eistedd ar y llain o dir—mae'r costau cynnal yn nesaf peth i ddim, mae'n debyg—ac wedyn gael 100 y cant o'r elw ar ôl 10 mlynedd?

**Mr Shortridge:** Os yn wir y bydd elw wedi 10 mlynedd, oes.

[124] **Janet Davies:** We turn now to the decision that was reached to give the county council responsibility for the day-to-day management of the barrage and the bay. On the management of the barrage and the bay, can you summarise the process undertaken to reach this decision and the key factors that eventually determined it?

**Mr Shortridge:** The original position at March 1999 was that there would be a harbour authority that would manage the barrage and the bay. It was not absolutely clear at that time what form that harbour authority would take. It was also expected that there would be a facilities management contract in place to manage the barrage and the bay and that whatever organisation became the Harbour Authority would inherit that contract. In about August 1999, it became apparent that Cardiff council was beginning to change its position on the management of the bay. Up until that point, it had not wanted to take on the responsibilities for the barrage and the bay. I think that it just thought that it was too big a risk, too complicated and not something in which it would want to involve itself. Its position changed during the summer of 1999 and so negotiations took place with it on the possibility of it becoming the successor body. Latterly, in parallel with those negotiations, we, as Assembly officials, and also Assembly Ministers, were becoming concerned that the arrangements that were being put in place by the development corporation for the management of the barrage and the bay were not going to be completed satisfactorily by the wind-up date. So we then had two interlocking sets of concerns and negotiations. First, who would be the successor harbour authority and secondly, how were the barrage and the bay going to be properly prepared for fresh water impoundment and who was going to have responsibility for that. I will pause there and you can come back to that on supplementaries, Chair.

[124] **Janet Davies:** Trown yn awr at y penderfyniad a wnaethpwyd i roi cyfrifoldeb i'r cyngor sir am reoli'r morglawdd a'r bae o ddydd i ddydd. Ar bwnc rheolaeth y morglawdd a'r bae, a allwch chi grynhoi'r broses a ddilynwyd i gyrraedd y penderfyniad hwn a'r ffactorau allweddol y tu ôl iddo yn y pen draw?

**Mr Shortridge:** Y sefyllfa wreiddiol ym Mawrth 1999 oedd y ceid awdurdod harbwr a fyddai'n rheoli'r morglawdd a'r bae. Nid oedd yn hollol glir ar y pryd pa ffurf fyddai i'r awdurdod harbwr hwnnw. Disgwylid hefyd y byddai contract rheoli cyfleusterau yn ei le ar gyfer rheoli'r morglawdd a'r bae ac y byddai pa gorff bynnag a ddeuai'n Awdurdod Harbwr yn etifeddu'r contract hwnnw. Oddeutu mis Awst 1999, daeth yn amlwg fod cyngor Caerdydd yn dechrau newid ei safbwynt ar reolaeth y bae. Hyd y pwynt hwnnw, nid oedd wedi dymuno ymgymryd â'r cyfrifoldebau am y morglawdd a'r bae. Mae'n debyg ei fod yn meddwl ei fod yn risg rhy fawr, yn rhy gymhleth ac nid yn rhywbeth y byddai'n dymuno ymhél ag ef. Newidiodd ei safbwynt yn ystod haf 1999 ac felly dechreuwyd negodi gydag ef ar y posibilrwydd mai'r cyngor fyddai'r corff olynol. Wedyn, ochr yn ochr â'r negodi hwnnw, yr oeddem ni, swyddogion y Cynulliad, a Gweinidogion y Cynulliad hefyd, yn dechrau pryderu na fyddai'r trefniadau yr oedd y gorfforaeth ddatblygu yn eu sefydlu ar gyfer rheoli'r morglawdd a'r bae wedi'u cwblhau'n foddhaol erbyn y dyddiad dirwyn i ben. Felly wedyn yr oedd gennym ddwy set gysylltiedig o bryderon a thrafodaethau. Yn gyntaf, pwy fyddai'r awdurdod harbwr olynol ac yn ail, sut yr oedd y morglawdd a'r bae'n mynd i gael eu paratoi'n iawn ar gyfer cronni dwr croyw a phwy oedd yn mynd i fod yn gyfrifol am hynny. Oedaf yn y fan hon a chewch ddod yn ôl at hynny drwy gwestiynau atodol, Gadeirydd.

[125] **Janet Davies:** Are you satisfied that the successor arrangements will produce efficient management and represent good value for money?

**Mr Shortridge:** Sorry?

[126] **Janet Davies:** Having talked about the successor arrangements, do you think that what was eventually produced, that is, the council taking over as the Harbour Authority, will produce efficient management of the barrage and the bay and represent good value for money?

**Mr Shortridge:** Viewed from my perspective at the moment, I am generally satisfied about that. It will be a matter for the Auditor General's next report, so I will be interested to see what his conclusions will be. However, in terms of where we were in November 1999, when we had a whole series of really fundamentally important decisions to take, I am just very pleased and relieved that we took the decisions that we did. I think that if we had continued to go with the Thames Water contract and sought to have the dredging completed by March or April 2000, with a view to fresh water impoundment in March/April 2000, everything that we have seen since then indicates to me that that would not have happened satisfactorily and, quite possibly, significant sums of money would have been lost. That would have been partly because there would have been a facilities management contract with Thames Water, with no fresh water facilities to manage, and partly because substantial sums of money would have been paid out on dredging, of which some or all would have been nugatory because, given the continual flushing that had to take place over the subsequent year, the material dredged out of the bay would have been flowing back in again. When I say substantial sums of money, I think that the dredging contract at the time was estimated to be about £5 million.

[125] **Janet Davies:** A ydych yn fodlon y bydd y trefniadau olynu'n sicrhau rheolaeth effeithlon ac yn cynrychioli gwerth da am arian?

**Mr Shortridge:** Mae'n ddrwg gennyf?

[126] **Janet Davies:** Wedi sôn am y trefniadau olynu, a ydych yn meddwl y bydd yr hyn a drefnwyd yn y diwedd, hynny yw, bod y cyngor yn cymryd yr awenau fel Awdurdod yr Harbwr, yn sicrhau rheolaeth effeithlon dros y morglawdd a'r bae ac yn cynrychioli gwerth da am arian?

**Mr Shortridge:** O edrych o'm safbwynt i ar y funud, yr wyf ar y cyfan yn fodlon am hynny. Bydd yn fater i adroddiad nesaf yr Archwilydd Cyffredinol, felly bydd gennyf ddiddordeb mewn gweld beth fydd ei gasgliadau. Fodd bynnag, yn nhermau lle yr oeddem ym mis Tachwedd 1999, pan oedd gennym gyfres gyfan o benderfyniadau hollol sylfaenol bwysig i'w gwneud, yr wyf yn falch iawn inni wneud y penderfyniadau a wnaethom. Yr wyf yn meddwl pe baem wedi parhau â contract Thames Water a cheisio cael cwblhau'r carthu erbyn Mawrth neu Ebrill 2000, gyda golwg ar gronni dwr croyw ym Mawrth/Ebrill 2000, mae popeth yr ydym wedi'i weld ers hynny'n dweud wrthyf fi na fyddai hynny wedi digwydd yn foddhaol ac, o bosibl, y byddai symiau arwyddocaol o arian wedi'u colli. Byddai hynny wedi bod yn rhannol oherwydd y byddai contract rheoli cyfleusterau wedi bod gyda Thames Water, heb ddim cyfleusterau dwr croyw i'w rheoli, ac yn rhannol oherwydd y byddid wedi talu symiau sylweddol o arian am waith carthu, a rhywfaint neu'r cyfan o'r gwaith hwnnw'n ddiwerth oherwydd, o ystyried y llifolchi parhaus y bu raid ei wneud dros y flwyddyn ganlynol, byddai'r deunydd a gâi ei garthu allan o'r bae yn llifo'n ôl i mewn eto. Pan ddywedaf symiau sylweddol o arian, yr wyf yn meddwl y cafwyd amcangyfrif o ryw £5 miliwn

am y contract carthu ar y pryd.

[127] **Janet Davies:** Thank you. There is one small issue that I do not understand fully; I may have missed the nuances on it. In relation to the Thames Water contract, would it not have been possible to renegotiate it so that the dredging and the fresh water impoundment could have taken place later, as it did in the end? Why did the contract demand this by the end of March 2000?

**Mr Shortridge:** It was the intention of the development corporation at the time, and I quite understand it. Its big investment was to establish the barrage and the bay, and if it was going to be wound-up at the end of March 2000, it really wanted that flagship development to be fully operational. Therefore, it was very keen that it should happen. In order to ensure that it happened, it had gone through a tendering procedure that resulted in Thames Water being its preferred bidder for the facilities management and operation of the barrage and it was in the process of putting a dredging contract in place. All that was in November 1999 and we only had three to four months to ensure that the dredging would be completed satisfactorily. In parallel with that, as I think that Members will remember, it became apparent that when they started to test the computer-operated sluice gates on the barrage, they had all sorts of problems. I think that we, as officials, and Ministers also, were not persuaded at the time that the barrage would be fit to operate in a freshwater environment by April 2000. So there were very serious operational considerations upon which judgments had to be made. Those judgments had a knock-on effect in terms of what should happen, if anything, on dredging and what should happen in terms of who should have responsibility for the management of the bay.

[127] **Janet Davies:** Diolch. Y mae un mater bach nad wyf yn ei ddeall yn llawn; efallai fy mod wedi colli'r hyn sydd yn cael ei awgrymu. Yng nghyswllt contract Thames Water, oni fuasai'n bosibl ei ailnegodi fel y gallasai'r carthu a'r cronni dwr croyw ddigwydd yn ddiweddarach, fel y gwnaeth yn y diwedd? Pam yr oedd y contract yn mynnu hyn erbyn diwedd Mawrth 2000?

**Mr Shortridge:** Dyna fwriad y gorfforaeth ddatblygu ar y pryd, ac yr wyf yn deall hynny'n iawn. Sefydlu'r morglawdd a'r bae oedd ei buddsoddiad mawr, ac os oedd i gael ei dirwyn i ben ar ddiwedd Mawrth 2000, yr oedd yn awyddus iawn i'r datblygiad arloesol hwnnw fod yn gwbl weithredol. Felly, yr oedd yn frwd iawn iddo ddigwydd. Er mwyn sicrhau y byddai'n digwydd, yr oedd wedi mynd drwy drefn dendro a sefydlodd Thames Water fel ei ddewis gynigiwr ar gyfer rheoli'r cyfleusterau a gweithredu'r morglawdd ac yr oedd yn y broses o sefydlu contract carthu. Yr oedd hynny i gyd ym mis Tachwedd 1999, a dim ond tri i bedwar mis oedd gennym i sicrhau y câi'r carthu ei gwblhau'n foddhaol. Ochr yn ochr â hynny, fel y cofia Aelodau mae'n debyg, daeth yn amlwg pan ddechreusant brofi'r llifddorau cyfrifiadurol ar y morglawdd, bod ganddynt bob math o broblemau. Yr wyf yn meddwl nad oeddem ni, fel swyddogion, a Gweinidogion hefyd, wedi'n darbwylllo ar y pryd y byddai'r morglawdd yn iawn i weithredu mewn amgylchedd dwr croyw erbyn Ebrill 2000. Felly yr oedd ystyriaethau gweithredol difrifol iawn yr oedd yn rhaid gwneud dyfarniadau ar eu sail. Câi'r dyfarniadau hynny effaith wedyn yn nhermau beth ddylai ddigwydd, os unrhyw beth, ynghylch carthu a beth ddylai ddigwydd yn nhermau pwy ddylai fod â chyfrifoldeb am reoli'r bae.

[128] **Janet Davies:** Yes, but why was it acceptable for Cardiff council to take over under these circumstances and not Thames Water?

**Mr Shortridge:** Thames Water was never going to be a successor body, it was going to be providing a contract service to whatever organisation became the successor body. We, as officials, were concerned at the prospective costs of the Thames Water contract. Those costs were much higher than we had expected. In parallel, Cardiff council was saying that if it was going to be the successor body having to manage this contract, it was not persuaded that the basic arrangements built into it were ones with which it was comfortable. The council thought that it could do it much more cheaply itself. As I think that the Committee knows, it has undertaken—and this is written into the section 165 agreements—to do it for £1 million per year less than the Thames Water contract proposed. Those were significant savings, which, in the end, I, as Accounting Officer, was persuaded would be achievable.

[129] **Alun Cairns:** Thames Water had gone through an 18-month, I think, European procurement procedure to become the preferred bidder. How could you satisfy yourself that within the relatively short period of time in which Cardiff City and County Council put together its bid, that that was competitive and that it could achieve what it set out to do?

[128] **Janet Davies:** Ie, ond pam yr oedd hi'n dderbyniol i gyngor Caerdydd gymryd yr awenau dan yr amgylchiadau hyn ac nid Thames Water?

**Mr Shortridge:** Ni fwriadwyd erioed i Thames Water fod yn gorff olynol, yr oedd yn mynd i fod yn darparu gwasanaeth contract i ba gorff bynnag a ddeuai'n gorff olynol. Yr oeddem ni, fel swyddogion, yn bryderus ynghylch darpar gostau contract Thames Water. Yr oedd y costau hyn yn llawer uwch nag a ddisgwyliwyd. Ar yr un pryd, yr oedd cyngor Caerdydd yn dweud os mai ef fyddai'r corff olynol fyddai'n gorfod rheoli'r contract hwn, nid oedd wedi'i ddarbwylllo fod y trefniadau sylfaenol a oedd wedi'u hadeiladu i mewn iddo yn rhai yr oedd yn gyfforddus â hwy. Yr oedd y cyngor yn meddwl y gallai wneud y gwaith yn llawer rhatach ei hun. Fel y gwyr y Pwyllgor, mae'n debyg, y mae wedi addo—ac mae hyn wedi'i ysgrifennu yn y cytundebau adran 165—ei wneud am £1 filiwn y flwyddyn yn llai nag a gynigid yng nghontract Thames Water. Yr oedd y rheini'n arbedion arwyddocaol, ac yn rhai, yn y diwedd, y'm perswadiwyd i, fel Swyddog Cyfrifon, y gellid eu cyflawni.

[129] **Alun Cairns:** Yr oedd Thames Water wedi mynd drwy weithdrefn caffael Ewropeaidd yn para, yr wyf yn meddwl, 18 mis er mwyn bod yn ddewis gynigydd. Sut allech chi fodloni'ch hun o fewn y cyfnod amser cymharol fyr pryd y lluniodd Cyngor Sir a Dinas Caerdydd ei gynnig yntau, fod hwnnw'n gystadleuol ac y gallai gyflawni'r hyn yr oedd yn bwriadu ei wneud?

**Mr Shortridge:** We had very detailed and intensive discussions with Cardiff during this period. As a result of those discussions and the challenge that we made to its figures, it did change them quite substantially. I think that, in the end, taking into account the wider considerations, which, among other things, included the fact that there was not going to be a freshwater lake to manage in the short term anyway, and also given that Cardiff council was sufficiently confident in terms of its figures to have them underwritten in the agreements, so that it would be delivering these savings for the Assembly, was all very persuasive.

[130] **Alun Cairns:** In the first part of your answer you said that the council changed its figures because you challenged them, and in the second part of your answer, you said that those figures were sufficiently robust that Cardiff council was happy to use them in the contract. Is that not a dichotomy?

**Mr Shortridge:** No, because what I was explaining was a process that went on over a period of time. The outcome of that process was that its figures resulted in a £1 million per year saving compared with the cost of using Thames Water. Given that we had been through that process with the council, we were sufficiently satisfied that those figures were deliverable and, in any case, they became actually deliverable, because we wrote them into the agreement with Cardiff.

[131] **Alun Cairns:** What about Cardiff council inheriting the responsibility on the day that CBDC was wound-up? It was forced to use the existing managers of the barrage for a considerable period. Did that cost the Assembly any additional money or was that borne by Cardiff council?

**Mr Shortridge:** Cawsom drafodaethau dwys a manwl iawn gyda Chaerdydd yn ystod y cyfnod hwn. O ganlyniad i'r trafodaethau hynny a'r her a wnaethom i'w ffigurau, fe wnaeth eu newid yn eithaf sylweddol. Yr wyf yn meddwl, yn y diwedd, yn wyneb yr ystyriaethau ehangach, a oedd yn cynnwys, ymhlith pethau eraill, y ffaith na fyddai yno lyn dwr croyw i'w reoli yn y tymor byr beth bynnag, a hefyd gan fod cyngor Caerdydd yn ddigon hyderus o'i ffigurau i sicrhau eu bod wedi'u gwarantu yn y cytundebau, fel y byddai'n sicrhau'r arbedion hyn i'r Cynulliad, fod hyn i gyd wedi dwyn cryn berswâd.

[130] **Alun Cairns:** Yn rhan gyntaf eich ateb dywedasoch fod y cyngor wedi newid ei ffigurau oherwydd i chi eu herio, ac yn ail ran eich ateb, dywedasoch fod y ffigurau hyn yn ddigon cadarn fel bod cyngor Caerdydd yn hapus i'w defnyddio yn y contract. Onid yw hynny'n ddeuoiliaeth?

**Mr Shortridge:** Na, oherwydd yr hyn yr oeddwn yn ei egluro oedd proses a aeth yn ei blaen dros gyfnod o amser. Canlyniad y broses honno oedd i'w ffigurau roi arbediad o £1 filiwn y flwyddyn o gymharu â chost defnyddio Thames Water. Gan ein bod wedi bod drwy'r broses honno gyda'r cyngor, yr oeddem yn ddigon bodlon y gellid cael y ffigurau hynny a, beth bynnag, fe warantwyd y gellid eu cyflawni, oherwydd inni eu hysgrifennu i mewn i'r cytundeb gyda Chaerdydd.

[131] **Alun Cairns:** Beth am gyngor Caerdydd yn etifeddu'r cyfrifoldeb ar y dydd y cafodd y gorfforaeth ddatblygu ei dirwyn i ben? Fe'i gorfodwyd i ddefnyddio rheolwyr y morglawdd ar y pryd am gyfnod sylweddol. A gostiodd hynny unrhyw arian ychwanegol i'r Cynulliad ynteu ai cyngor Caerdydd a dalodd y gost honno?

**Mr Shortridge:** Sorry, I missed the point. What additional money?

[132] **Alun Cairns:** As Cardiff council was not completely ready to inherit the management of the barrage on the date the CBDC was wound-up, the name of the contractors which ran it for CBDC, which has slipped my mind at the moment—

**Mr Shortridge:** Crest Nicholson Marinas Limited.

[133] **Alun Cairns:** Crest Nicholson was requested to continue to manage the barrage for an additional six months. Clearly, it would have been in an extremely strong negotiating position, because neither the Assembly nor Cardiff council had anywhere else to go. It was the only one who knew how to run the barrage. Who bore the cost of that additional six months' work?

**Mr Shortridge:** I will ask Steve to give the detail, but it is not unusual for contracts to be rolled on in this way, and I am not aware that there was any significant problem associated with the Crest Nicholson contract.

[134] **Alun Cairns:** I am focusing on the cost.

**Mr Shortridge:** I understand.

**Mr Shortridge:** Mae'n ddrwg gennyf, collais y pwynt. Pa arian ychwanegol?

[132] **Alun Cairns:** Am nad oedd cyngor Caerdydd yn gwbl barod i etifeddu rheolaeth y morglawdd ar ddyddiad dirwyn y gorfforaeth i ben, mae enw'r contractwyr a'i rheolai ar ran y gorfforaeth, sydd wedi mynd yn angof gennyf am funud—

**Mr Shortridge:** Crest Nicholson Marinas Limited.

[133] **Alun Cairns:** Gofynnwyd i Crest Nicholson barhau i reoli'r morglawdd am chwe mis ychwanegol. Yn amlwg, buasai mewn safle negodi eithriadol o gryf, gan nad oedd gan y Cynulliad na chyngor Caerdydd unman arall i fynd. Dyma'r unig un a wyddai sut i redeg y morglawdd. Pwy a dalodd gost y chwe mis ychwanegol hynny o waith?

**Mr Shortridge:** Gofynnaf i Steve roi'r manylion, ond nid yw'n anarferol i gontractau gael eu treiglo ymlaen fel hyn, ac nid wyf yn ymwybodol o unrhyw broblem arwyddocaol yn gysylltiedig â chontract Crest Nicholson.

[134] **Alun Cairns:** Yr wyf yn canolbwyntio ar y gost.

**Mr Shortridge:** Yr wyf yn deall.

**Mr Phillips:** I am not entirely clear, and I will need to check, but I think that there was an additional cost flowing from the reappointment of Crest Nicholson. However, that cost would have needed to have been factored into the succession arrangements, regardless of the identity of the successor body. It was not an issue that was unique to Cardiff council taking over as the Harbour Authority, because the key consideration at the time was the safe operation of the barrage. Following the problems to which the Permanent Secretary alluded in terms of the barrage's operations before Christmas 1999, we were very concerned to ensure, and erring on the side of caution in ensuring, that we were absolutely clear that experienced operators had to remain in charge of the barrage operations to ensure that safety was not compromised in any way. The Cardiff Harbour Authority basically came to the same conclusion.

[135] **Alun Cairns:** But what I am getting at—and this is the crux of it—is that if the Thames Water bid had gone forward, and because it had more time to plan and prepare, as it had become the preferred bidder over the 18-month period, it would have been in a stronger position to inherit the responsibility for the running of the barrage. However, on 1 April, when CBDC was wound up, who covered the cost? It was costed originally, but who paid for the additional six months contract that was given to Crest Nicholson?

**Mr Phillips:** I cannot recall the precise scope of the proposed Thames Water contract, but my recollection is that this cost is not unique. The additional cost was not unique to the arrangements that were put in place with Cardiff Harbour Authority. However, I will have to check that. I cannot remember.

**Mr Phillips:** Nid wyf yn gwbl glir, a bydd angen imi wirio hyn, ond yr wyf yn meddwl fod cost ychwanegol yn llifo o ailbenodiad Crest Nicholson. Fodd bynnag, buasai angen ffactora'r gost honno i mewn i'r trefniadau olynu, pwy bynnag fyddai'r corff olynol. Nid oedd yn fater a oedd yn unigryw i gyngor Caerdydd yn cymryd yr awenau fel Awdurdod Harbwr, oherwydd yr ystyriaeth allweddol ar y pryd oedd gweithrediad diogel y morglawdd. Yn dilyn y problemau y cyfeiriodd yr Ysgrifennydd Parhaol atynt yn nhermau gweithredu'r morglawdd cyn Nadolig 1999, yr oeddem yn awyddus iawn i sicrhau, a hynny'n rhy ochelgar pe bai raid, ein bod yn gwbl glir fod yn rhaid i weithredwyr profiadol ddal i fod yn gyfrifol am weithredu'r morglawdd er mwyn sicrhau na fyddai unrhyw fath o gyfaddawd ar ddiogelwch. Yn y bôn daeth Awdurdod Harbwr Caerdydd i'r un casgliad.

[135] **Alun Cairns:** Ond yr hyn yr wyf yn anelu ato—a dyma graidd y mater—yw pe bai cynnig Thames Water wedi mynd ymlaen, ac am iddo gael mwy o amser i gynllunio a pharatoi, gan mai ef oedd y dewis gynigydd dros y cyfnod 18 mis, y buasai mewn sefyllfa gryfach i etifeddu'r cyfrifoldeb dros redeg y morglawdd. Fodd bynnag, ar 1 Ebrill, pan gafodd Corfforaeth Datblygu Bae Caerdydd ei dirwyn i ben, pwy a dalodd y gost? Costiwyd y broses yn wreiddiol, ond pwy dalodd am y contract chwe mis ychwanegol a roddwyd i Crest Nicholson?

**Mr Phillips:** Ni allaf gofio union rychwant contract arfaethedig Thames Water, ond o'r hyn a gofias nid yw'r gost yma'n unigryw. Nid oedd y gost ychwanegol yn unigryw i'r trefniadau a sefydlwyd gydag Awdurdod Harbwr Caerdydd. Fodd bynnag, bydd yn rhaid imi gadarnhau hynny. Ni allaf gofio.



[136] **Janet Davies:** Mr Shortridge, did you want to add something?

**Mr Shortridge:** I was just going to say that we will submit a note on that matter. However, I think that, bearing in mind the savings that accrued from the approach that was adopted, coupled with the fact that there was no longer any need to manage the barrage and the bay as a freshwater lake, arguably there was no other place to go. However, we will put it in a note for you.

[137] **Janet Davies:** I would like to check up on a couple of things regarding the present situation. What is the current position on completing the construction of the barrage? We all know that it is mainly completed, but are there any minor works left? Also, what is the position on securing fresh water impoundment?

**Mr Shortridge:** My understanding is—and I must emphasise that it is my understanding—that there is effective fresh water impoundment now. Certainly the oxygenation is working satisfactorily, so whereas this time last year during hot weather the bay had to be flushed to ensure that there were no biological problems with the water, that is no longer the case. I think that the barrage itself is operating substantially effectively, certainly to the satisfaction of all the regulatory bodies, although I think that there is probably still some work that needs to be done to fine tune the sluicing arrangements.

[138] **Janet Davies:** It certainly seems to be operating more satisfactorily than the ventilation in this room. We were told last year when we looked at the construction cost that the final estimated cost and the associated work was likely to be £220 million. What is the latest estimate, and is it within that ceiling?

[136] **Janet Davies:** Mr Shortridge, a oedd arnoch chi eisiau ychwanegu rhywbeth?

**Mr Shortridge:** Dim ond i ddweud y byddwn yn cyflwyno nodyn ar y mater hwnnw. Fodd bynnag, yr wyf yn meddwl, o gofio'r arbedion a wnaed yn sgîl y dull a ddefnyddiwyd, ynghyd â'r ffaith nad oedd unrhyw angen mwyach i reoli'r morglawdd a'r bae fel llyn dwr croyw, y gellid dadlau nad oedd unman arall i fynd. Fodd bynnag, fe'i rhoddwn mewn nodyn ichi.

[137] **Janet Davies:** Hoffwn gael goleuni ar un neu ddau o bethau ynghylch y sefyllfa bresennol. Beth yw'r sefyllfa gyfredol parthed cwblhau adeiladu'r morglawdd? Gwyddom i gyd fod y prif waith wedi'i gwblhau, ond a oes unrhyw fân weithiau ar ôl? Hefyd, beth yw'r sefyllfa ynghylch sicrhau cronfa ddwr croyw?

**Mr Shortridge:** Fy nealltwriaeth i—a rhaid imi bwysleisio mai fy nealltwriaeth i ydyw—yw bod dwr croyw'n cael ei gronni'n effeithiol yn awr. Yn sicr mae'r ocsigeneiddio'n gweithio'n foddhaol, felly lle bu angen llifolchi'r bae yr adeg hon y llynedd yn ystod tywydd poeth er mwyn sicrhau na cheid problemau biolegol gyda'r dwr, nid oes angen gwneud hynny mwyach. Yr wyf yn meddwl fod y morglawdd ei hun yn gweithio i bob pwrpas yn effeithiol, yn sicr er boddhad yr holl gyrff rheoleiddiol, er ei bod yn debyg fod rhywfaint o waith i'w wneud o hyd i fanwl gyweirio'r trefniadau gwagio.

[138] **Janet Davies:** Yn sicr mae i'w weld yn gweithio'n fwy boddhaol na'r system awyru yn yr ystafell hon. Dywedwyd wrthym y llynedd pan edrychasom ar gost y gwaith adeiladu fod yr amcangyfrif terfynol o'r gost a'r gwaith cysylltiedig yn debygol o fod yn £220 miliwn. Beth yw'r amcangyfrif diweddaraf, ac a ydyw o fewn y terfyn hwnnw?

**Mr Shortridge:** My understanding is that the latest estimate is still about £220 million. I will not say that it is absolutely within that cap, but it is certainly very close to, or within, £220 million. Given various claims and associated works, and so on, we will not have a definitive figure for some time yet, but I am not aware of any problems on the horizon that would lead us to seriously question that figure at the moment.

[139] **Ann Jones:** Are you satisfied that the council has delivered, in its role as the Harbour Authority, a good service for the Assembly during its first year of operation, and that its reimbursed costs are in line with its estimates?

**Mr Shortridge:** In terms of the quality of the service, yes, I am. I think that it is managing the harbour and the barrage in a very professional way, and I am not aware of any problems that exist in our relationship with the council. I think that it has responded to the challenge very well indeed. What was the second half of your question?

[140] **Ann Jones:** Are its reimbursed costs in line with its estimates?

**Mr Shortridge:** I cannot give an absolutely definitive answer to that until we have completed our proper audit of costs during the year. I will ask Emyr to comment in a minute, but I think that the overall position is that, although there may have been some swings and roundabouts in terms of the individual profiles, we are pretty much within budget.

**Mr Shortridge:** Fy nealltwriaeth i yw bod, tua £220 miliwn yw'r amcangyfrif diweddaraf o hyd. Ni ddywedaf ei fod yn hollol o fewn y terfyn hwnnw, ond yn sicr mae'n agos iawn at, neu o fewn, £220 miliwn. Oherwydd amryfal hawliadau a gweithiau cysylltiedig, ac ati, ni fydd gennym ffigur pendant am beth amser eto, ond nid wyf yn ymwybodol o unrhyw broblemau ar y gorwel a fyddai'n peri inni amau'r ffigur hwnnw o ddifrif ar hyn o bryd.

[139] **Ann Jones:** A ydych yn fodlon fod y cyngor wedi rhoi gwasanaeth da i'r Cynulliad yn ei rôl fel Awdurdod yr Harbwr yn ystod ei flwyddyn gyntaf wrthi, a bod y costau a ad-delir iddo yn unol â'i amcangyfrifon?

**Mr Shortridge:** Yn nhermau ansawdd y gwasanaeth, ydwyf. Yr wyf yn meddwl ei fod yn rheoli'r harbwr a'r morglawdd mewn ffordd broffesiynol iawn, ac nid wyf yn ymwybodol o unrhyw broblemau yn ein perthynas ni gyda'r cyngor. Yr wyf yn meddwl ei fod wedi ymateb i'r her yn dda iawn. Beth oedd ail ran eich cwestiwn?

[140] **Ann Jones:** A yw'r costau a ad-delir iddo yn unol â'i amcangyfrifon?

**Mr Shortridge:** Ni allaf roi ateb cwbl bendant i hynny hyd nes byddwn wedi cwblhau'n harchwiliad priodol o gostau'r flwyddyn. Gofynnaf i Emyr roi sylw mewn munud, ond yr wyf yn meddwl mai'r sefyllfa gyffredinol yw, er y cafwyd amrywiadau yma ac acw yn nhermau'r proffiliau unigol, ein bod ar y cyfan yn cadw o fewn y gyllideb.

**Mr Roberts:** The overall budget was originally £19 million. We estimate at the moment that the provisional outturn for last year was £18.2 million. Within that there are slight variations for each of the successor bodies, but they are all fairly close to the original budget.

[141] **Ann Jones:** Going on from that, the Harbour Authority is likely to be paid in excess of £33 million for its running costs over the first three years, and we have just learned that they were £18.2 million for the first year. You obviously have some monitoring arrangements in place to ensure that we are getting value for money. What is the full extent of the monitoring arrangements in place to ensure that we actually achieve value for money from this £33 million?

**Mr Shortridge:** I do not think that I can do much more than to reiterate some of the things that were said earlier. I think that the detailed monitoring arrangements that we have in place are largely to ensure that expenditure is being incurred properly in accordance with budgets, and in accordance with the reasons for those budgets. At one level that gives you some value for money assurance. I, personally, will not take full value for money assurance until we have had a thorough and more comprehensive evaluation of the regeneration of the bay generally, as I indicated earlier.

**Mr Roberts:** Yr oedd y gyllideb gyfan yn £19 miliwn yn wreiddiol. Amcangyfrifwn ar hyn o bryd mai £18.2 miliwn oedd y ffigurau terfynol amodol am y llynedd. O fewn hynny ceir mân amrywiadau ar gyfer pob un o'r cyrff olynol, ond maent i gyd yn weddol agos at y gyllideb wreiddiol.

[141] **Ann Jones:** I fynd ymlaen o hynny, mae'n debyg y telir dros £33 miliwn i Awdurdod yr Harbwr am ei gostau rhedeg dros y tair blynedd cyntaf, ac yr ydym newydd ddysgu mai £18.2 miliwn oedd costau'r flwyddyn gyntaf. Yn amlwg mae gennych drefniadau monitro yn eu lle er mwyn sicrhau ein bod yn cael gwerth am arian. Beth yw hyd a lled y trefniadau monitro sydd yn eu lle i sicrhau ein bod mewn gwirionedd yn cael gwerth ein harian am y £33 miliwn hyn?

**Mr Shortridge:** Nid wyf yn meddwl y gallaf wneud llawer mwy nag ailadrodd rhai o'r pethau a ddywedwyd yn gynharach. Credaf fod y trefniadau monitro manwl sydd gennym wedi'u sefydlu'n bennaf i sicrhau fod gwariant yn digwydd yn briodol yn unol â chyllidebau, ac yn unol â'r rhesymau dros y cyllidebau hynny. Ar un lefel mae hynny'n rhoi rhywfaint o sicrwydd ichi ynghylch gwerth am arian. Ni fyddaf, yn bersonol, yn cymryd sicrwydd llawn ynghylch gwerth am arian hyd nes byddwn wedi cael gwerthusiad trwyadl a mwy cynhwysfawr o adfywiad y bae yn ei gyfanrwydd, fel y dywedais yn gynharach.

[142] **Janet Davies:** I think that we are all very pleased that the Auditor General's report has confirmed that the agreement with the council has capped the amount that can be spent on managing the barrage and the bay to just over £19 million over three years, securing the £3 million saving that has already been mentioned. We have had some discussion about what would happen to some of the capital costs, for example, what would happen if the Ferry Road land was sold at a profit. However, what is there to stop the council from cross-subsidising this £19 million with the other £14 million that it is to receive to carry out its role as the Harbour Authority?

**Mr Shortridge:** I will have to refer to Steve, but basically, throughout this process, we sought to ensure that, wherever possible, the money that we were giving to Cardiff was ringfenced for the purposes for which they were getting it.

**Mr Phillips:** Yes, that is basically the case. The terms of the individual section 165 agreements are quite explicit about the purposes to which the funding will be applied. There are a series of annexes and accompanying documents that make that clear.

[143] **Janet Davies:** Right. It is a question of you being able to monitor this though, is it not?

**Mr Phillips:** Yes indeed, and the monitoring arrangements that Emyr described a moment ago are very much based on the contents of the section 165 agreements and the funding agreements that are being drawn up by the council.

[142] **Janet Davies:** Yr wyf yn meddwl ein bod ni i gyd yn falch iawn fod adroddiad yr Archwilydd Cyffredinol wedi cadarnhau fod y cytundeb gyda'r cyngor wedi pennu mai'r swm uchaf y gellir ei wario ar reoli'r morglawdd a'r bae yw ychydig dros £19 miliwn dros dair blynedd, gan sicrhau'r arbediad o £3 miliwn a grybwyllwyd eisoes. Yr ydym wedi cael rhywfaint o drafodaeth ynghylch beth fyddai'n digwydd i rai o'r costau cyfalaf, er enghraifft, beth fyddai'n digwydd pe gwerthid tir Ferry Road am elw. Fodd bynnag, beth sydd i rwystro'r cyngor rhag traws-sybsideiddio'r £19 miliwn yma gyda'r £14 miliwn arall y bydd yn ei gael am gyflawni'i rôl fel Awdurdod yr Harbwr?

**Mr Shortridge:** Bydd yn rhaid imi droi at Steve, ond yn y bôn, drwy gydol y broses hon, yr ydym wedi ceisio sicrhau, lle bynnag y bo modd, fod yr arian a roddem i Gaerdydd wedi'i bridianu ar gyfer y dibenion y'i bwriadwyd ar eu cyfer.

**Mr Phillips:** Ie, dyna sydd yn wir yn y bôn. Mae telerau'r cytundebau adran 165 unigol yn eithaf diamwys ynghylch y dibenion y defnyddir y cyllid ar eu cyfer. Ceir cyfres o atodiadau a dogfennau ategol sydd yn egluro hynny.

[143] **Janet Davies:** Iawn. Ond mae'n dibynnu ar eich gallu chi i fonitro hyn, onid ydyw?

**Mr Phillips:** Ydyw yn wir, ac mae'r trefniadau monitro a ddisgrifiodd Emyr funud yn ôl yn seiliedig i raddau helaeth iawn ar gynnwys y cytundebau adran 165 a'r trefniadau ariannu sydd yn cael eu gwneud gan y cyngor.

[144] **Janet Davies:** It must be a great temptation for any local council, particularly when you think of the amount of money and the problems that councils have funding education or social services, for example. When we met last year to consider the Auditor General's report on the barrage, there was concern about whether the Auditor General and the National Audit Office would have access to the Harbour Authority's papers. How have those rights been secured?

**Mr Shortridge:** I am clear that the NAO does have rights of access to those papers. The circumstances are slightly unusual, in that the NAO does not usually or conventionally audit local authorities' books. So the way in which I expect those rights of access to be secured would be in co-operation with District Audit. However, it is quite clear that the NAO must have what it regards as adequate access to these books.

[145] **Janet Davies:** From the verbs that you use Mr Shortridge, it sounds as though the NAO has not yet had access. How do matters currently stand?

**Mr Shortridge:** My understanding is that the NAO needs to have access very shortly and I will be using my good offices to ensure that it gets it in an appropriate way.

[146] **Janet Davies:** I am sure that you would appreciate that this Committee would not be happy if there were any problems in that regard.

[144] **Janet Davies:** Mae'n rhaid ei bod yn demtasiwn mawr i unrhyw gyngor lleol, yn enwedig pan feddylwch am y swm o arian a'r problemau a gaiff cyngorau wrth geisio ariannu addysg neu wasanaethau cymdeithasol, er enghraifft. Pan gyfarfuom y llynedd i ystyried adroddiad yr Archwilydd Cyffredinol ar y morglawdd, yr oedd pryder a fyddai'r Archwilydd Cyffredinol a'r Swyddfa Archwilio Genedlaethol yn cael mynediad at bapurau Awdurdod yr Harbwr. Sut y sicrhawyd yr hawliau hynny?

**Mr Shortridge:** Yr wyf yn glir fod gan y Swyddfa Archwilio Genedlaethol hawliau mynediad at y papurau hyn. Mae'r amgylchiadau ychydig yn anarferol, gan na fydd y Swyddfa Archwilio Genedlaethol fel arfer nac o ran confensiwn yn archwilio llyfrau awdurdodau lleol. Y ffordd y disgwyliwn i, felly, i'r hawliau mynediad hynny gael eu sicrhau fyddai drwy gydweithrediad â'r Archwiliwr Dosbarth. Fodd bynnag, mae'n gwbl glir fod yn rhaid i'r Swyddfa Archwilio Genedlaethol gael mynediad digonol yn ei golwg hi at y llyfrau hyn.

[145] **Janet Davies:** Yn ôl y berfau a ddefnyddiwch, Mr Shortridge, mae'n swnio fel pe na bai'r Swyddfa Archwilio Genedlaethol wedi cael mynediad eto. Beth yw'r sefyllfa ar hyn o bryd?

**Mr Shortridge:** Fy nealltwriaeth i yw fod angen i'r Swyddfa Archwilio Genedlaethol gael mynediad yn fuan iawn a byddaf yn defnyddio fy nylanwad i sicrhau y digwydd hynny mewn ffordd briodol.

[146] **Janet Davies:** Yr wyf yn siwr y gwerthfawrogwch na fyddai'r Pwyllgor hwn yn hapus pe ceid unrhyw broblemau yn hynny o beth.

**Mr Shortridge:** May I just say that I well understand that, Chair, and I gave a pretty authoritative answer to that question when it came up a year ago in relation to the earlier report. I will be appropriately ensuring that access is granted in a way that is satisfactory to all parties.

[147] **Janet Davies:** I am sure that Cardiff council will recognise that it has duties and responsibilities in that regard. We will turn to the payment of set-up costs to the Harbour Authority for Cardiff Bay and to the Vale of Glamorgan County Borough Council. The final section deals with the issue of the payment of set-up costs to the two local authorities involved. On what basis were the on-account payments of £500,000 and £40,000 paid to Cardiff City and County Council and the Vale of Glamorgan County Borough Council respectively?

**Mr Shortridge:** They were paid in accordance with the agreed understanding that there should be an orderly wind-up of CBDC's affairs. Cardiff council took the view that if it was to participate fully and properly as a successor authority and to fulfil its part in that process, it would incur costs that it felt needed to be met.

[148] **Janet Davies:** Thank you.

[149] **Jocelyn Davies:** I would like to go a bit further with that, Janet. On page 33, paragraph 95 states that Cardiff council is accountable to the Assembly for the expenditure incurred in relation to that money. Have you satisfied yourself that the corresponding expenditure has been properly, reasonably and necessarily incurred by the council in relation to that £500,000, given that the internal auditors' findings were inconclusive, as I think is mentioned in that paragraph?

**Mr Shortridge:** A gaf i ddweud yn syml fy mod yn deall hynny'n iawn, Gadeirydd, a rhoddais ateb eithaf awdurdodol i'r cwestiwn hwnnw pan gododd flwyddyn yn ôl mewn perthynas â'r adroddiad cynharach. Byddaf yn sicrhau'n briodol y caniateir mynediad mewn ffordd sydd yn foddhaol gan bawb.

[147] **Janet Davies:** Yr wyf yn siwr y bydd cyngor Caerdydd yn sylweddoli fod ganddo ddyletswyddau a chyfrifoldebau yn hynny o beth. Trown at fusnes talu costau sefydlu i Awdurdod Harbwr Bae Caerdydd ac i Gyngor Bwrdeistref Sirol Bro Morgannwg. Mae'r adran olaf yn delio â chwestiwn talu costau sefydlu i'r ddau awdurdod lleol dan sylw. Ar ba sail y talwyd y taliadau ar-gyfrif o £500,000 i Gyngor Sir a Dinas Caerdydd a £40,000 i Gyngor Bwrdeistref Sirol Bro Morgannwg?

**Mr Shortridge:** Fe'u talwyd yn unol â'r ddealltwriaeth y cytunwyd arni y dylid dirwyn busnes Corfforaeth Datblygu Bae Caerdydd i ben yn drefnus. Yr oedd cyngor Caerdydd o'r farn os ydoedd am gyfranogi'n llawn ac yn briodol fel awdurdod olynol a chyflawni ei ran yn y broses honno, y byddai'n wynebu costau y teimlai y byddai angen eu talu.

[148] **Janet Davies:** Diolch.

[149] **Jocelyn Davies:** Hoffwn fynd ychydig ymhellach ar hynny, Janet. Ar dudalen 33, noda paragraff 95 fod cyngor Caerdydd yn atebol i'r Cynulliad am y gwariant a wneir mewn perthynas â'r arian hwnnw. A ydych wedi'ch bodloni'ch hun fod y gwariant cyfatebol wedi'i wneud yn briodol, yn rhesymol ac yn angenrheidiol gan y cyngor mewn perthynas â'r £500,000 hynny, o gofio bod canfyddiadau'r archwilwyr mewnol yn amhendant, fel a grybwyllir, yr wyf yn meddwl, yn y paragraff

hwinnw?

**Mr Shortridge:** We have not yet reached a concluded view on that. It is something that will have to be resolved as part of the audit process for last year's accounts for the county council. We will want to satisfy ourselves, in terms of the figures that come out of that audit process, that the £500,000 has all been properly incurred for these purposes. To the extent that it has not, we will be looking for clawback.

[150] **Jocelyn Davies:** What are the arrangements for that audit? Is it an independent audit?

**Mr Shortridge:** The county council's expenditure for the year is audited by District Audit. That is what will produce, as far as I am concerned, the definitive figures. As part of the regular monthly monitoring that we have with Cardiff council's Harbour Authority, we will seek to obtain the definitive audited figures from the council.

[151] **Jocelyn Davies:** Was it the intention for this set-up cost payment to be in addition to the other funding that was agreed for the Harbour Authority, or to form part of it?

**Mr Shortridge:** I think that that was a one-off payment for the financial year—for the period overlapping the financial year. So I think that it was additional.

**Mr Phillips:** Yes.

[152] **Jocelyn Davies:** Thank you for clarifying that. Looking at the £40,000 payment to the Vale of Glamorgan council, how was that amount arrived at?

**Mr Shortridge:** Nid ydym eto wedi dod i farn derfynol ar hynny. Mae'n rhywbeth y bydd yn rhaid ei ateb fel rhan o'r broses archwilio ar gyfer cyfrifon y cyngor sir am y flwyddyn ddiwethaf. Bydd arnom eisiau bodloni'n hunain, yn nhermau'r ffigurau a ddaw allan o'r broses archwilio honno, fod y £500,000 i gyd wedi'i wario'n briodol i'r dibenion hyn. I'r graddau nad ydyw, byddwn yn edrych am adfachu.

[150] **Jocelyn Davies:** Beth yw'r trefniadau ar gyfer yr archwiliad hwinnw? Ai archwiliad annibynnol ydyw?

**Mr Shortridge:** Caiff gwariant y cyngor sir am y flwyddyn ei archwilio gan yr Archwiliwr Dosbarth. Dyna beth fydd yn cynhyrchu'r ffigurau diffiniol, cyn belled ag y gwelaf fi. Fel rhan o'r monitro misol rheolaidd a gawn gydag Awdurdod Harbwr cyngor Caerdydd, byddwn yn ceisio cael y ffigurau archwiliedig diffiniol oddi wrth y cyngor.

[151] **Jocelyn Davies:** Ai'r bwriad oedd i'r taliad cost sefydlu hwn fod yn ychwanegol at y cyllid arall y cytunwyd arno i Awdurdod yr Harbwr, ynteu iddo ffurfio rhan ohono?

**Mr Shortridge:** Yr wyf yn meddwl mai taliad unwaith-ac-am-byth oedd hwinnw am y flwyddyn ariannol—am y cyfnod yn gorgyffwrdd â'r flwyddyn ariannol. Felly yr wyf yn meddwl mai taliad ychwanegol ydoedd.

**Mr Phillips:** Ie.

[152] **Jocelyn Davies:** Diolch am egluro hynny. Wrth edrych ar y taliad o £40,000 i gyngor Bro Morgannwg, sut y penderfynwyd ar y swm hwinnw?

**Mr Shortridge:** I will defer to Steve, but I think that was by agreement with the Vale of Glamorgan council and at its request.

**Mr Phillips:** Yes. Before I go on to that, could I just enter one caveat on the use of the word 'additional' in terms of the Cardiff council money. It was additional in the sense that you described, but it was provided for within CBDC's budget at the time in the sense that the development corporation's corporate plan had, as one of its key objectives, the facilitation of an orderly wind-up and it had the delegated authority from the Welsh Office/Assembly to pay money to facilitate that process. So it was effectively paid out of CBDC's budget, as opposed to being additional money on top of that or on top of the succession package. As far as the Vale of Glamorgan was concerned, although it was a relatively small sum of money, initially we took the view that it was not justified because Cardiff council was engaged in the process of setting up a complex body in the form of the Harbour Authority; it was not seeking funding directly for its other inherited responsibilities from the section 165 succession arrangements. However, following a dialogue with the Vale of Glamorgan council and consultation with Ministers, having initially regarded the payment as potentially novel and contentious, it was paid. Effectively, as the Permanent Secretary said, the Vale of Glamorgan made a case and we accepted it after due analysis and scrutiny.

[153] **Jocelyn Davies:** Would you say then that there has been an independent audit into whether that was properly paid and whether that cost was actually incurred by the Vale of Glamorgan?

**Mr Shortridge:** Steve wyr orau, ond yr wyf yn meddwl y gwnaed hynny trwy gytundeb â chyngor Bro Morgannwg ac ar ei gais.

**Mr Phillips:** Do. Cyn imi fynd ymlaen at hynny, a gaf fi osod un cafeat ar y defnydd o'r gair 'ychwanegol' yn nhermau arian cyngor Caerdydd. Yr oedd yn ychwanegol yn yr ystyr a ddisgrifiwyd gennych chi, ond yr oedd darpariaeth ar ei gyfer o fewn cyllideb Corfforaeth Datblygu Bae Caerdydd ar y pryd, yn yr ystyr fod cynllun corfforaethol y gorfforaeth ddatblygu yn cynnwys, fel un o'i amcanion allweddol, hwyluso dirwyn i ben trefnus ac yr oedd ganddi'r awdurdod dirprwyedig gan y Swyddfa Gymreig/ Cynulliad i dalu arian i hwyluso'r broses honno. Felly yr oedd mewn gwirionedd yn cael ei dalu allan o gyllideb y gorfforaeth ddatblygu, yn hytrach na bod yn arian ychwanegol ar ben hynny neu ar ben y pecyn olynu. Yn achos Bro Morgannwg, er mai swm cymharol fach o arian ydoedd, i ddechrau penderfynasom nad oedd cyfiawnhad drosto gan fod cyngor Caerdydd wrthi gyda'r broses o sefydlu corff cymhleth ar ffurf Awdurdod yr Harbwr; nid oedd yn ceisio cyllid yn uniongyrchol ar gyfer y cyfrifoldebau eraill a etifeddasai o'r trefniadau olynu adran 165. Fodd bynnag, yn dilyn deialog gyda chyngor Bro Morgannwg ac ymgynghori â Gweinidogion, wedi meddwl am y taliad ar y dechrau fel un a allai fod yn newydd a dadleuol, fe'i talwyd. Mewn gwirionedd, fel y dywedodd yr Ysgrifennydd Parhaol, gwnaeth Bro Morgannwg achos ac fe'i derbyniwyd gennym ni ar ôl ei ddadansoddi a'i astudio'n fanwl.

[153] **Jocelyn Davies:** A fydddech chi'n dweud felly y cafwyd archwiliad annibynnol ynghylch a dalwyd y swm hwnnw'n briodol ac a wynebwyd y gost mewn gwirionedd gan Fro Morgannwg?



**Mr Phillips:** We did an analysis at the time as to whether the expenditure was proper, legitimate and so forth, but it will be picked up in much the same way as the Cardiff expenditure will in the process of the district audit's work. That is a review of the Vale of Glamorgan's accounts.

[154] **Jocelyn Davies:** Thank you. I do not have any further questions.

[155] **Alun Cairns:** In the range of discussions that we had on the transfer of payments, assets—and liabilities, in fairness—from CBDC to various successor bodies, it seems to me that out of all of them Cardiff council ended up with a pretty good deal. Do you agree with that?

**Mr Shortridge:** I think that the outcome was a satisfactory outcome for all those concerned. I pick my words carefully, because, at the end of the day, this was a negotiation and it was a pretty hard negotiation. We, as officials—and Ministers, I know—sought to ensure that the Assembly had the best outcome from this process that it could, bearing in mind in particular the point that Mr Phillips made earlier that, in the case of the local authority, we did not have the same leverage as we would have had in the case of the WDA where, in the end, we could just say 'you can take it or leave it'. In the case of the local authority, once the decisions had been made—and for the reasons that we went into, understandably made—to make the local authority the primary successor body, then we had to ensure that there was an outcome that delivered that.

[156] **Janet Davies:** Okay.

**Mr Phillips:** Gwnaethom ddadansoddiad ar y pryd, ynghylch a oedd y gwariant yn briodol, yn gyfreithlon ac ati, ond fe godir y mater yn yr un modd fwy neu lai ag y codir gwariant Caerdydd ym mhroses gwaith yr archwiliad dosbarth. Adolygiad o gyfrifon Bro Morgannwg yw hynny.

[154] **Jocelyn Davies:** Diolch. Nid oes gennyf ragor o gwestiynau.

[155] **Alun Cairns:** Yn ystod y trafodaethau a gawsom ar drosglwyddo taliadau, asedau—a rhwymedigaethau, i fod yn deg—oddi wrth Gorfforaeth Datblygu Bae Caerdydd i amryfal gyrff olynol, mae'n ymddangos i mi, ohonynt i gyd, y cafodd cyngor Caerdydd fargen reit dda ar ddiwedd y dydd. A ydych yn cytuno â hynny?

**Mr Shortridge:** Yr wyf yn meddwl fod y canlyniad yn un boddhaol i bawb. Dewisaf fy ngeiriau'n ofalus, oherwydd, ar ddiwedd y dydd, negodiad oedd hwn a chafwyd negodi eithaf caled. Ein nod ni, fel swyddogion—a Gweinidogion, mi wn—oedd sicrhau y câi'r Cynulliad y canlyniad gorau a allai o'r broses hon, gan gofio'n arbennig y pwynt a wnaeth Mr Phillips yn gynharach sef, yn achos yr awdurdod lleol, nad oedd gennym yr un dylanwad ag a fuasai gennym yn achos y WDA lle y gallem ddweud yn y diwedd 'gallwch ei dderbyn neu beidio'. Yn achos yr awdurdod lleol, unwaith yr oedd y penderfyniadau wedi'u gwneud—a hynny, am y rhesymau a drafodasom, yn ddealladwy—i benodi'r awdurdod lleol yn brif gorff olynol, yna yr oedd yn rhaid inni sicrhau canlyniad a fyddai'n cyflawni hynny.

[156] **Janet Davies:** Iawn.

**Mr Shortridge:** Chair, before you conclude, may I go back to one point that Mr Cairns made, which is nagging away at me? That is this question of conflict of interest, because I would not want there to be any misunderstanding within the Committee. My basic position on matters of conflict of interest is that it is not for me to express a view publicly on whether an elected Member or Minister has acted rightly or wrongly. I would not want this Committee or anyone else to take any particular view from the fact that I have evaded that question. I just wanted to have that underlined and understood.

[157] **Janet Davies:** I am sure that the Committee accepts that, Mr Shortridge. I think that we were perhaps at the very bounds of the Committee's brief at that point, but we certainly accept what you say.

That concludes the evidence-taking session on 'Securing the Future of Cardiff Bay'. As you know, a draft transcript will be sent to you so that you can check for factual accuracy before it is published as part of the minutes. When the Committee publishes its report, it will be included as an annex. I thank you all very much, as it has been a hot afternoon in here.

**Mr Shortridge:** Gadeirydd, cyn ichi gau, a gaf fi fynd yn ôl at un pwynt a wnaeth Mr Cairns, sydd yn fy mhoeni? Hynny yw, y cwestiwn hwn ynghylch gwrthdaro buddiannau, oherwydd ni fyddwn eisiau unrhyw gamddealltwriaeth o fewn y Pwyllgor. Fy safbwynt sylfaenol ar faterion gwrthdaro buddiannau yw nad mater i mi yw mynegi barn yn gyhoeddus ar p'run ai y mae Aelod etholedig neu Weinidog wedi gweithredu'n gyfiawn neu'n anghyfiawn. Ni hoffwn i'r Pwyllgor hwn na neb arall ffurfio unrhyw farn arbennig o'r ffaith fy mod wedi osgoi'r cwestiwn hwnnw. Dim ond eisiau tanlinellu hynny yr oeddwn a sicrhau ei fod yn ddealedig.

[157] **Janet Davies:** Yr wyf yn siwr fod y Pwyllgor yn derbyn hynny, Mr Shortridge. Yr wyf yn meddwl efallai ein bod ar derfyn eithaf brîff y Pwyllgor ar y pwynt hwnnw, ond yn sicr derbyniwn yr hyn a ddywedwch.

Dyna ddiwedd y sesiwn dderbyn tystiolaeth ar 'Sicrhau Dyfodol Bae Caerdydd'. Fel y gwyddoch, anfonir trawsgrïpt drafft atoch fel y gallwch ei wirio am gywirdeb ffeithiol cyn ei gyhoeddi fel rhan o'r cofnodion. Pan gyhoedda'r Pwyllgor ei adroddiad, fe'i cynhwysir fel atodiad. Diolch yn fawr ichi i gyd, gan y bu'n brynhawn poeth yn y fan yma.

*Daeth y sesiwn cymryd tystiolaeth i ben am 4.31 p.m.  
The evidence-taking session ended at 4.31 p.m.*