



Llywodraeth Cymru
Welsh Government

CYHOEDDIAD, DOGFENNU

Cyfarfod y Panel Cyngori ar Amaethyddiaeth: 23 Ionawr 2024

Cofnodion o'r cyfarfod a gynhaliwyd dros Microsoft Teams.

Cyhoeddwyd gyntaf: 23 Ionawr 2024

Diweddarwyd ddiwethaf: 23 Ionawr 2024

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Cynnwys

Present

Item 1 – housekeeping/apologies/conflict of interest

Item 2 – chair’s update

Item 3 – outstanding actions/approval of minutes from AAP 44

Item 4 – Real Living Wage Feasibility Study

Item 5 – Welsh Government update

Item 6 – Sustainable Farming Scheme consultation

Item 7 – Agricultural Wages Order 2025

Item 8 – Flexible working/jobshare within the agricultural sector

Item 9 – AAP pages of the Welsh Government Website

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Present

Chair – Dr Nerys Llewelyn Jones

Independents – Steve Hughson, Janatha Stout

NFU Cymru – Simon Davies

FUW – Darren Williams

Unite – Ivan Monckton, Jo Galazka

Legal Adviser – Helen Snow (Geldards)

Welsh Government – Ryan Davies, Dave Thomas, Sian Hughes, Dan Ricketts (Secretariat)

Guest: Neil Paull – Economist, Welsh Government

Item 1 – housekeeping/apologies/conflict of interest

The chair welcomed everyone to the meeting. There were no apologies or new conflicts of interest.

Item 2 – chair's update

Hopefully all Panel members had received correspondence from the Public Bodies Unit about training which was available to members of Panels and Boards. There are courses available on Diversity & Inclusion and an Introduction to Public Boards. The introduction course was currently for new Panel members only, but it was hoped it would be expanded to a refresher course for all.

Nerys Llewelyn Jones has also attended a quarterly meeting for Chairs of Panel

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and Boards. Things that need to be highlighted:

- Governance – updating Conflicts of interest, reviewing practices etc

She will go into more detail and draft a plan of action to be discussed at the next Panel meeting.

ACTION POINT 1 – Nerys Llewelyn Jones to draft a plan of action regarding Panel Governance following the meeting of Chairs of Public Bodies panels / Boards.

Item 3 – outstanding actions/approval of minutes from AAP 44

The Panel approved the minutes without amendment.

AP 4 – FUW, NFU Cymru and Unite the Union to draft a paper outlining the case for an amendment to the Establishment Order 2016 regarding the tenures of union representatives on the Panel.

Jo Galazka stated Unite had made formal representations to the Minister on this subject and are working on changes they feel are needed to the legislation and how this could be progressed. It is very important the representative organisations have the autonomy to choose who they feel is best placed to represent their members.

Ivan Monckton said the leadership of Unite were aware of this issue. It would have to be accepted that replacements would be required from April 2024 but it is an unsatisfactory situation.

Dave Thomas stated meetings had taken place between the Counsel General

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and the Minister on this. They are due to communicate with both Unite and FUW imminently. The Code of Governance on Public Bodies states there should be a maximum term and this is not unique to this Panel but covers all boards in England and Wales. However, this is an independent Panel and are free to make any representations to the Minister they wish to.

Nerys Llewelyn Jones said it would be a massive undertaking to amend the Establishment Order.

AP 5 – Secretariat to send a letter to the Panel members approaching the 8 year deadline informing them of the situation and asking for information regarding successors.

This has not yet been completed as Welsh Government officials were waiting for clarification from Ministers.

Nerys Llewelyn Jones asked for these to be sent as soon as possible so everyone understands the position.

ACTION POINT 2 – Secretariat to send a letter to the Panel members approaching the 8 year deadline informing them of the situation and asking for information regarding successors.

There is currently a public appointment procedure being undertaken at present in relation to the independent member – there had been 8 applications received so far with a deadline of 26 January.

The Chair asked Unite and FUW if they had a succession plan in place from April 2024.

Unite have identified somebody who will become the new representative – on the basis that the leaving representatives could attend meetings as observers only to help the new people in the role. Ivan Monckton stated it would also be a great help if the first meetings after April were held in person. This Panel was

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different to any other Panels / Boards in Wales. Wages are negotiated and set by this Panel. Strong representations would need to be made by Unite and FUW/NFU.

It was confirmed the first three meetings scheduled after April were all face-to-face. It was also confirmed that travel expenses and daily fees can only be awarded to the Panel members and not to observers.

Darren Williams stated the FUW did not currently have the resources within the policy department to put forward a new representative at present. He also stated he could not afford to attend as an observer and not be paid.

Steve Hughson asked how Welsh Government could dictate to representative organisations who their best qualified person is with regard to the issues the Panel deal with. He agreed the 8 year rule should apply to independent members but not to union representatives.

Helen Snow asked whether special dispensation could be made to extend as is possible for independent members?

Dave Thomas stated representative organisations are free to choose who they wish – but there is an 8 year limit as outlined in the Code of Governance and within the Establishment Order 2016. It is not just the Panel this limit applies to.

Unite would work with the FUW and NFU on this matter which was welcomed by Darren Williams and supported by Simon Davies.

Item 4 – Real Living Wage Feasibility Study

Dave Thomas gave an update on the current situation. Welsh Government officials have received a response from the Minister regarding the advice sent to her as discussed in Meeting 44 (November 2023). She has agreed that, due to

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the current financial constraints, the data issues are not going to be overcome in the near future and Welsh Government do not have the resources to include the additional modelling to the Regulatory Impact Assessment regarding the Real Living Wage. A qualitative approach could be undertaken to get a view from the Panel on what the main impacts, risks and opportunities could be. The underpinning data is not as crucial in order to get a holistic view.

There has also been a further letter from the Minister saying she would like a response from the Panel within three weeks.

Welsh Government officials have been in discussions with Neill Paull and others on this matter and a draft paper – bringing together all the Panel previous discussions – had been distributed to all Panel members before the meeting for their consideration.

The Panel held a discussion. The main points raised were:

- Ivan Monckton could not accept the paper as they had been calling for the Real Living Wage for a number of years. The Panel would also never agree on the feasibility of paying the Real Living Wage without the data.
- Darren Williams agreed – the Minister had asked the Panel to consider the feasibility of paying the Real Living Wage. The Panel requested a feasibility study was undertaken – the Minister then rejected this and was telling the Panel how they must consider it without talking to the Panel about it. The draft document covered some of the points but there was a lot of work required for a qualitative assessment to be undertaken. That could not be done in three weeks. Every year during the negotiations the Panel look at the affordability to the sector of paying the Real Living Wage. If this was adopted it is “handing over” the minimum wage rate to a body that does not consider the affordability to agriculture at all.
- Ivan Monckton countered that this was what happened with the National Minimum Wage / National Living Wage now which has been used as a baseline figure by the Panel for several years.

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- Nerys Llewelyn Jones said she was appreciative of the work that has gone into the paper however the Panel had been corresponding with the Minister on this topic and the Panel had put forward three options to the Minister in September 2023. The Minister had rejected those options. The response did not say a qualitative review was required. Any review that was undertaken needed to be robust and would need to be more comprehensive than the drafted paper.
- The Panel had been highlighting the data issues for a long time, but this is no further forward. A response could be sent to the Minister but the Panel would still be in the same position.
- Neil Paull agreed the data issue was very difficult to resolve. A practical first step would be to identify the potential benefits, costs, trade-offs and risks of implementing the Real Living Wage and exploring in a qualitative and robust way. This could start internally with the Panel but there would probably be a need for some external advice at a later time.
- The Minister should be invited to a future meeting to engage with the Panel. She could as a result discuss the issues with the experts from Unite and the farming unions who lead on the negotiations and draw up the positional papers.
- Steve Hughson stated this was a complicated matter that would not be resolved quickly but he suggested sending a response to the Minister that does not answer the question regarding feasibility but demonstrates the Panel are looking at the issues and all the challenges that would need to be overcome in order for the Panel to give an answer.
- Sian Hughes said the Minister had accepted it was a very complicated area and, even if a lot of money was spent on trying to obtain data it still may not be useful.

The Chair stated a further meeting would need to take place within the next three weeks on this specific subject.

ACTION POINT 3 – Dan Ricketts to send out a doodle poll asking for availability of Panel members for an additional meeting within the next three weeks.

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Steve Hughson stated that at the additional meeting there would need to be something definitive to discuss. It would help him if Welsh Government officials could produce 5 or 6 key bullet points that may deal with the ongoing issues. Dave Thomas said that this was the paper that had already been drafted – however the Panel were free to add / amend / delete as appropriate.

ACTION POINT 4 – All Panel members to submit comments / suggestions on the draft paper to be included in the response to the Minister by 26 January.

Item 5 – Welsh Government update

Update on Agricultural Wages Order 2024

Dan Ricketts gave a progress report on the 2024 Order. Welsh Government Legal Services are currently scrutinising the draft Order and the proposals. No formal feedback has been received yet but it is understood there are no major issues.

Different types of agricultural lettings

Due to time constraints this will be pushed on to the next meeting.

Item 6 – Sustainable Farming Scheme consultation

A paper had been distributed to Panel members before the meeting providing a link to the consultation and all the engagement events that were taking place over the next month. The consultation closes on 7 March. A member of the SFS

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Team will be asked to come to the next meeting as it will be something the panel has to be mindful of whilst negotiating the 2025 Order.

ACTION POINT 5 – Dan Ricketts to invite a member of the SFS Team to attend the next Panel meeting.

Item 7 – Agricultural Wages Order 2025

A paper had been distributed to Panel members prior to the meeting regarding Overtime within the Agricultural Wages Order. This followed on for the discussion in the last meeting and the suggestion that the Panel review the overtime provisions due to the perceived complexity of when overtime is payable and the different definitions of overtime dependant on the start date of employment.

This will be discussed further at the next meeting.

Item 8 – Flexible working/jobshare within the agricultural sector

A paper had been distributed to Panel members prior to the meeting.

Due to time constraints this will be pushed on to the next meeting, however the Panel were asked to study the paper and if it can be approved before the next meeting on 5 March it can be incorporated into the guidance for the 2024 Order.

ACTION POINT 6 – All Panel members to look at the amended paper on flexible working / jobshare within the agricultural sector and, if approval can be given, send to secretariat by 16 February.

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Item 9 – AAP pages of the Welsh Government Website

No responses had been received from the request at the last meeting. The Chair stated that this action had to be done before the next meeting. The list can then be discussed at the next meeting.

ACTION POINT 7 - All Panel members to consider what they would like to see on the AAP Pages of the Welsh Government website to be discussed at the next meeting – all responses by 16 February.

The Chair thanked everyone for attending and their contributions and closed the meeting.

Efallai na fydd y ddogfen hon yn hollol hygyrch.

Drllnwch ein [datganiad hygyrchedd](#) i gael rhagor o wybodaeth.

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