

## Agenda – Y Pwyllgor Llywodraeth Leol a Thai

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Lleoliad: I gael rhagor o wybodaeth cysylltwch a:  
Ystafell Bwyllgora 5 Catherine Hunt  
Dyddiad: Dydd Iau, 29 Chwefror 2024 Clerc y Pwyllgor  
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(Rhag-gyfarfod 09:00 – 09:15)

### 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

### 2 Y sector rhentu preifat – Sesiwn dystiolaeth 1

(09.15 – 10.15)

(Tudalennau 1 – 40)

Dr Tom Simcock, Prifysgol Huddersfield

Dr Bob Smith, Prifysgol Caerdydd

Dr Edith England, Prifysgol Metropolitan Caerdydd

Dr Josie Henley, Prifysgol Caerdydd

(Egwyl 10:15 – 10:25)

### 3 Y sector rhentu preifat – Sesiwn dystiolaeth 2

(10.25 – 11.25)

(Tudalennau 41 – 51)

Jim McKirdle, Swyddog Polisi Tai, Cymdeithas Llywodraeth Leol Cymru

Bethan Jones, Rheolwr Gweithredol, Rhentu Doeth Cymru

Gareth Williams, Panel Arbenigwyr Tai, Cyngor Sir Gâr

Henry Dawson, Darlithydd ym maes Tai ac Iechyd, Prifysgol Metropolitan  
Caerdydd, Panel Arbenigwyr Tai

### 4 Papurau i'w nodi

(Tudalennau 52 – 53)



- 4.1 Llythyr gan y Gweinidog Newid Hinsawdd – Digartrefedd  
(Tudalen 54)
- 4.2 Llythyr gan y Prif Weinidog at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad – Y Bil Diogelu Data a Gwybodaeth Ddigidol  
(Tudalennau 55 – 56)
- 4.3 Llythyr gan y Gweinidog Cyllid a Llywodraeth Leol – Bil Cyllid Llywodraeth Leol (Cymru)  
(Tudalennau 57 – 65)
- 4.4 Llythyr gan y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad – Bil Etholiadau a Chyrff Etholedig (Cymru).  
(Tudalennau 66 – 73)
- 4.5 Llythyr gan y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad i'r Pwyllgor Cyllid – Bil Etholiadau a Chyrff Etholedig (Cymru)  
(Tudalennau 74 – 75)
- 4.6 Llythyr gan y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad – Bil Etholiadau a Chyrff Etholedig (Cymru)  
(Tudalennau 76 – 79)
- 4.7 Llythyr gan y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad at y Gweinidog Newid Hinsawdd – y Memorandwm Cydsyniad Deddfwriaethol ar y Bil Rhentwyr (Diwygio)  
(Tudalennau 80 – 81)
- 4.8 Llythyr gan y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad at y Llywydd – y Memorandwm Cydsyniad Deddfwriaethol ar y Bil Rhentwyr (Diwygio)  
(Tudalen 82)
- 5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o weddill y cyfarfod
- 6 Y sector rhentu preifat – trafod y dystiolaeth  
(11.25 – 11.40)

- 7 Cydsyniad Deddfwriaethol: Y Bil Diwygio Cyfraith Lesddaliad a Rhydd-daliad**  
(11.40 – 11.50) (Tudalennau 83 – 102)
- 8 Cydsyniad Deddfwriaethol: Bil Rhentwyr (Diwygio)**  
(11.50 – 12.00) (Tudalennau 103 – 115)  
**(Egwyl 11:45 – 12:45)**
- 9 Y Bil Cyllid Llywodraeth Leol (Cymru) – trafod yr adroddiad drafft**  
(12.45 – 15.00)

Mae cyfyngiadau ar y ddogfen hon

## **Evidence submitted to the Local Government and Housing Committee for the consultation on the Private Rented Sector**

I welcome this opportunity to submit written evidence to the Senedd's Local Government and Housing Committee consultation on the Private Rented Sector. My response addresses parts of the terms of reference set out in the consultation document in turn and is based on my past research and my expertise in the private rented sector.

### **The supply, quality, and affordability of accommodation in the private rented sector**

1. There are challenges in the supply, quality and affordability of accommodation in the private rented sector (PRS). Unfortunately, there is limited robust evidence on the quality of privately rented housing in Wales which needs to be urgently addressed. A route to improve this would be to introduce a Wales Housing Survey. However, there is evidence from across the UK that demonstrates that the private rented sector has lower-quality properties than other sector, for example nearly 1 million households in England live in properties that do not meet the decent home standard<sup>1</sup>. In recent research for the Joseph Rowntree Foundation and the Scottish Government, we found that 4-in-10 renters had some form of dispute with their landlord, just over one-in-four renters (26%) had an issue with damp or mould in their property, and just under half of renters (44%) surveyed reported that they had problems with keeping the property warm in winter<sup>2</sup>. While these are experiences from across the UK, and not directly in Wales, it is anticipated that there will be similar experiences given the comparable socio-economic and housing circumstances.
2. A core challenge in the supply of accommodation in the private rented sector is the switch to short-term holiday lets and Airbnb's. For landlords, this is a much more unregulated market, with potential tax advantages and higher returns. The UK Government have phased in tax changes to private landlords' ability to claim finance interest relief on mortgage costs, which would reduce the profitability of private landlords. By switching to fully furnished short-term holiday lets and Airbnb's, landlords are able to claim these tax deductions and improves their financial bottom-line<sup>3</sup>. This has substantial repercussions for neighbourhoods across Wales, where there is competition between renters and tourists for accommodation and this results in a loss of housing for renters. There is a need to find a way to bring these properties back into the private rented sector and discourage the switch to long-term short-term lets, while also not hampering the tourist sector and the economic advantages this brings to local communities.

### **Barriers to accessing the private rented sector**

3. The private rented sector has grown considerably over the last twenty years and provides housing to a diverse population, especially with the high-waiting lists for

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<sup>1</sup> Department for Levelling Up, Housing and Communities (DLUHC). (2022). English Housing Survey. Retrieved from <https://www.gov.uk/government/statistics/english-housing-survey-2021-to-2022-headline-report>

<sup>2</sup> Simcock, T. (2022). Living in Scotland's private rented sector: A bespoke survey of renters' experiences. UK Collaborative Centre for Housing Evidence. <https://housingevidence.ac.uk/publications/living-in-scotlands-private-rented-sector-a-bespoke-survey-of-renters-experiences/>

<sup>3</sup> Simcock, T. (2021). Home or hotel? A contemporary challenge in the use of housing stock. Housing Studies. <https://doi.org/10.1080/02673037.2021.1988063>

social housing and home-ownership becoming out-of-reach for many. This means that for many households, the sector is a necessity rather than a choice. Our recent research in Scotland, identified that 44% of renters were renting because it was their only option<sup>4</sup>.

4. The current welfare system is a major barrier to accessing the private rented sector for low-income renters. There have been changes to housing benefit, including the introduction of Universal Credit, the Shared Accommodation Rate (SAR), and the freeze to Local Housing Allowance (LHA). The freeze to LHA rates has meant that housing benefit has not kept up with rent increases, placing families into hardship and difficult choices on whether to pay the rent, bills, or food. In my previous research, we identified that the impact of the introduction of the Shared Accommodation rate was found to be landlords reducing or stopping letting to under-35's who claim benefits (54% of landlords)<sup>5</sup>. In our recent research in Scotland, we found that 41% of low-income renters found it difficult to afford their current rent, in comparison to 26% of middle-income and 15% high-income renters. Furthermore, we found that 44% of renters whose rent is covered in full or in part by Universal Credit or Housing Benefit found it difficult to afford their rent. This places a substantial challenge in being able to access and move within the sector. There is an urgent need to bring the LHA rates back to the 50<sup>th</sup> percentile of market rents and remove the SAR to ensure renters can afford to live in the sector.
5. Access to the private rented sector has been a barrier for many pet-owners. I am currently leading a project exploring the financial impact of pet ownership in rental properties commissioned by Battersea Dogs and Cats Home. We are currently in the early stages of the project and expect to publish in Autumn 2023. However, we have undertaken an international evidence review of experiences of renters with pets. Our review has examined 51 sources of research and evidence from the UK and comparable rental markets. Our review identified that pet owners face difficulties and obstacles when trying to find suitable, pet-friendly accommodation in the private rented sector. These obstacles include restrictions on pets imposed by landlords, a lack of available options, prejudice against tenants with pets, and the comparatively greater expense of pet-friendly rentals (both the upfront costs and higher rent levels)<sup>6</sup>. The evidence shows that certain groups are more susceptible to these barriers compared to others. These include lower-income groups<sup>7</sup>, African-American pet owners<sup>8</sup>, and individuals trying to escape domestic violence and homelessness<sup>9</sup>. As a result of these obstacles and barriers, pet owners may be forced to accept

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<sup>4</sup> Simcock, T. (2022). *Living in Scotland's private rented sector: A bespoke survey of renters' experiences*. UK Collaborative Centre for Housing Evidence. <https://housingevidence.ac.uk/publications/living-in-scotlands-private-rented-sector-a-bespoke-survey-of-renters-experiences/>

<sup>5</sup> Simcock, T., & Kaehne, A. (2019). *State of the PRS (Q1 2019): A survey of private landlords and the impact of welfare reforms*. Edge Hill University.

<sup>6</sup> Applebaum, J.W., Horecka, K., Loney, L. & Graham, T.M. (2021) Pet-Friendly for Whom? An Analysis of Pet Fees in Texas Rental Housing, *Frontiers in Veterinary Science*, 8:767149. doi: 10.3389/fvets.2021.767149.

<sup>7</sup> Toohey, A.M. & Krahn, T.M. (2017) 'Simply to be let in': Opening the doors to lower-income older adults and their companion animals, *Journal of Public Health*, 40(3), pp. 661-665.

<sup>8</sup> Rose, D., McMillian, C. & Carter, O. (2020) Pet-Friendly Rental Housing: Racial and Spatial Inequalities, *Space and Culture*, 26(1), pp. 116-129.

<sup>9</sup> Giesbrecht, C.J. (2022) Intimate Partner Violence, Animal Maltreatment, and Concern for Animal Safekeeping: A Survey of Survivors Who Owned Pets and Livestock, *Violence Against Women*, 28(1), pp. 2334-2358; Slatter, J., Lloyd, C. & King, R. (2012) Homelessness and companion animals: more than just a pet? *British Journal of Occupational Therapy*, 75(8), pp. 377-383.

substandard accommodation<sup>10</sup>, keep their pets a secret from their landlord<sup>11</sup>, or in some cases, relinquish their pets<sup>12</sup>. Based on our analysis, we have found that allowing pets in rental properties can also have advantages for landlords, such as promoting longer tenancies at higher rents<sup>13</sup>, improving communication and strengthening the landlord-tenant relationship<sup>14</sup>. Although some studies do report a small number of incidents of pet-related damage, the majority of the evidence suggests that pets do not cause significant costs to landlords or rental properties. The Renting Homes (Wales) Act 2016 does not impose a limit on the deposit, which is limited in England to 6 weeks. This should provide landlords with the necessary security, if they require an additional pet deposit, to cover any potential damages or repairs. There is a need for the Welsh Government and stakeholders to communicate the benefits of renting to pet-owners to landlords and letting agents to remove any barriers. Our research can play a key part in this and ensure that the messaging is evidence-informed, and we hope to meet with the Welsh Government once our project is in a later-stage to share findings and key learning to support efforts to enable pet-owners to access the PRS easily.

## Effectiveness of regulating the private rented sector

6. The recent enactment of the Rent Homes (Wales) Act 2016 and the subsequent amendment will take time to embed into the day-to-day experiences of renters across Wales. Despite these welcome changes to the underlying framework of private renting, a core challenge has been the enforcement of regulation.
7. My past research identified a post-code lottery of enforcement in the private rented sector by local authorities across England and Wales<sup>15</sup>. The research identified that HHSRS inspections of properties in Wales had decreased by 22% in 2017/18 compared to 2012/13. While I have not yet had the opportunity to undertake further research to explore the latest trends, it is not likely that there will have been a substantial increase in enforcement activity. There is a substantial need to ensure that funding is available for local authorities to recruit enforcement and environmental health officers, but also funding for education and professional training programmes to ensure there is a pipeline of potential recruits into these roles.
8. A further challenge in the regulation of the sector is the onus placed on renters to challenge and enforce against poor practice by landlords and agents. In my recent research for the Joseph Rowntree Foundation and Scottish Government, we identified that renters were overall not fully aware of their rights nor had the capacity

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10 Power, E. (2017) Renting with pets: a pathway to housing insecurity? *Housing Studies*, 32(3), pp. 336-360.

11 Soaita, A.M., & McKee, K. (2019) Assembling a 'kind of' home in the UK private renting sector, *Geoforum*, 103, pp. 148-157.

12 Shore, E., Peterson, C. & Douglas, D. (2003) Moving as a Reason for Pet Relinquishment: A Closer Look, *Journal of Applied Animal Welfare Science*, 6(1), pp. 39-52.

13 Carlisle-Frank, P., Frank, J.M. & Nielsen, L. (2005) Companion animal renters and pet-friendly housing in the US, *Anthrozoös*, 18(1), pp. 59-77.

14 Graham, T.M., Milaney, K.J. Adams, C.L. & Rock, M.J. (2018) "Pets negotiable": How do the perspectives of landlords and property managers compare with those of younger tenants with dogs? *Animals*, 8(3), <https://doi.org/10.3390/ani8030032>.

<sup>15</sup> Simcock, T., & Mykkanen, N. (2018). The Postcode Lottery of Local Authority Enforcement in the PRS. Residential Landlords Association: Manchester, UK. DOI: [10.13140/RG.2.2.15441.58729](https://doi.org/10.13140/RG.2.2.15441.58729)

to challenge poor practice due to market conditions<sup>16</sup>. In our research, we recommended that there was a need to explore how to shift the onus from renters having to complain about an issue, to landlords needing to demonstrate compliance, for example, with standards and repairs<sup>17</sup>. While there might not be concrete policy solutions to develop this in the short term, this should be a medium-term funding priority for further research on the private rented sector.

## Availability of data on the private rented sector and possible improvements

9. There is a need for significant data and research on the private rented sector in Wales. There are several challenges and potential solutions. These challenges are as follows:
  - a. Limited administrative data on the sector, including regular data on housing conditions and experiences of households
  - b. Limited regular data on the experiences of private landlords
  - c. How evidence and research on the private rented sector is undertaken, published and collated
  - d. The loss of formal housing education provision across the UK and limited funding opportunities
10. One of the key challenges is the lack of administrative data and a regular survey on the housing conditions and experiences of households. In England, there is the regular English Housing Survey, which provides important and useful data on changes in the housing system. Currently, in Wales there is no such system. There is data available from the most recent Census, but, as this is undertaken once per decade, this does not provide the regular data and insight that is needed. This further hampers the scrutiny of the efforts of the Welsh Government in improving standards and security in the private rented sector. The Welsh Government should seek to commission a regular Wales Housing Survey, whether this is directly commissioned or if a joint-commission with the UK Government to expand the English Housing Survey may be more appropriate. Furthermore, efforts should be taken to ensure administrative data on the private rented sector held by local authorities and the Welsh Government is made available, through secure routes, such as the Administrative Data Research UK (ADR UK) programme. Housing and communities is a core priority of the ADR UK, and the Welsh Government should commit to ensure all data on the PRS is available through this programme to academic researchers to develop a better understanding of the private rented sector.
11. The experience of and challenges faced by private landlords is an area across the whole of the UK where there is limited robust data. The UK Government have introduced a Private Landlord Survey, which is a welcome addition to the research landscape on the PRS. However, more data and insight are required over a broader topic base. This should be seen as a priority for development. To address this, there needs to be increased funding to undertake this work, either through direct

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<sup>16</sup> Simcock, T., McKee, K., Marsh, A., Harris, J., Moore, T., Soaita, A., & James, G. (2022). *What do lower income tenants in Scotland's private rented sector want to see from a new Rented Sector? Summary Report*. UK Collaborative Centre for Housing Evidence. <https://housingevidence.ac.uk/publications/what-do-lower-income-tenants-in-scotlands-private-rented-sector-want-to-see-from-a-new-rented-sector/>

<sup>17</sup> Simcock, T., Marsh, A., & Moore, T. (2022). *Co-producing solutions to the challenges faced by low-income renters in Scotland*. UK Collaborative Centre for Housing Evidence. <https://housingevidence.ac.uk/publications/co-producing-solutions-to-the-challenges-faced-by-low-income-renters-in-scotland/>



commissions from governments or increased funding from UK Research and Innovation (UKRI). However, a challenge is the engagement of private landlords in any research project, with access being a key barrier. Enabling academic researchers and Rent Smart Wales to work together, such as Rent Smart Wales distributing academic surveys to landlords and agents, would provide a further opportunity to reach a greater number of landlords and enable a more robust understanding of the issues faced by private landlords.

12. The subsequent challenge is how evidence and research on the private rented sector is undertaken, published and collated. Much of the research on the private rented sector undertaken in Wales is conducted or commissioned by stakeholder organisations, which usually results in a briefing and/or report being published on the findings. Very rarely does this research get published in a scientific peer-reviewed journal. These reports and briefings may end up on a website for a certain period of time, but over time these documents can be lost from public access (if made public at all). Alongside turnover within these organisations, insights can be lost, leading to the re-commissioning of research that, rather than advancing our understanding of issues, could be argued to re-invent the wheel. There is a need for a strategic approach to research on the private rented sector, in both the commissioning, but also the publication and long-term storage of insights. Community repositories of research and networks (such as ThinkHouse and Renting Evidence) have developed out of this need, but these rely on individuals to maintain. Finally, there is a greater need for stakeholders to publish their research in peer-reviewed journals, such as Housing Studies or People, Place and Policy. Not only would this enable longer-term preservation of research findings but enable researchers to build upon existing research and demonstrate the quality of their research by engaging with the peer-review process.
13. The final core challenge has been the loss of professional housing courses at Universities across Wales and the broader UK over the last decade. There are now only four providers registered with the Chartered Institute of Housing to provide degree-level and above education – and with only one provider in Wales. This loss of housing education and research hampers the development of a critical understanding of housing issues in Wales. Furthermore, the loss of housing education at universities reduces the ability to train new professionals and upskill existing staff. The Welsh Government, and more broadly the UK Government and Scottish Government, should seek to encourage Universities to develop new housing education and research provision. Everyone deserves a decent, safe and secure home, and without critical insight and professional education, issues are likely to remain.

## **Final comments**

14. I would like to thank the Committee for this opportunity to provide evidence and input into the consultation on the Private Rented Sector (PRS). The PRS provides housing to a fifth of renters across Wales, at all stages of life and from different socio-economic backgrounds. Renters face many challenges, including financial insecurity and challenges in accessing the sector if they own a pet. There is a growing body of research highlighting the negative impact of the insecure nature of private renting on

health and wellbeing<sup>18</sup>, being able to feel at home in their rented property and being able to put down roots in their communities<sup>19</sup>. Recent research identified an association between private renting and higher levels of biomarker C-reactive protein (CRP), which is indicative of chronic stress/infection<sup>20</sup>. Further research has found that insecure housing and in particular private renting can have a negative effect on psychological well-being, with private renters experiencing anxiety and finding it difficult to 'settle down'<sup>21</sup>. While the Renting Homes (Wales) Act 2016 does now provide enhanced security from eviction, there is a need for continued research and evaluation to understand how the Act is affecting both landlords and tenants. Furthermore, there is a need to ensure that the private rented sector continues to be a focus of research and critical oversight to ensure issues are discovered and solutions and innovations identified, to safeguard that the PRS is home to good quality housing that contributes to, rather than detracts against, the health of people living in the sector.

Dr Tom Simcock

Research Fellow & Research Manager, Healthy Housing Initiative, University of Huddersfield  
May 2023

## About Dr Tom Simcock

Dr Tom Simcock is a Research Fellow and Research Manager of the Healthy Housing Initiative at the University of Huddersfield. Tom has extensive experience of leading and managing multi-disciplinary research and evaluation projects. Tom's research interests include health and housing, the private rented sector, and housing inequalities. Tom's most recent research has focussed on housing policy and the private rented sector, including research on the experiences of low-income renters in Scotland, and the financial costs of renting to pet-owners. Tom is a Chartered Psychologist of the British Psychological Society (CPsychol), a certified member of the Market Research Society (CMRS), and a member of the Housing Studies Association. Tom is an elected member of the board of the Housing Studies Association and holds the officer role of Secretary. Tom is also the Chair of Renting Evidence, a knowledge-exchange initiative which brings together academics, stakeholders and policymakers to share research on renting to support evidence-informed policymaking and practice. Tom is regularly called upon by policymakers for his expertise, and previously gave evidence to the Welsh Parliament. His research has influenced Government policy-making, including being cited in government consultations on the private rented sector, and has been widely cited in debates in the House of Commons, House of Lords, and by the London Mayor. Tom's research has received national and international media coverage, including in the New York Times and on the front page of The Times.

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<sup>18</sup> McKee K, Soaita A & Hoolachan J (2019) 'Generation Rent' and the Emotions of Private Renting: self-worth, status and insecurity amongst low-income renters. *Housing Studies*. <https://doi.org/10.1080/02673037.2019.1676400>

<sup>19</sup> Soaita AM & McKee K (2019) Assembling a 'kind of' home in the UK private renting sector. *Geoforum*, 103, pp. 148-157. <https://doi.org/10.1016/j.geoforum.2019.04.018>; Hoolachan, J. et al. 2016. '[Generation rent' and the ability to 'settle down': economic and geographical variation in young people's housing transitions](https://doi.org/10.1080/13676261.2016.1184241)'. *Journal of Youth Studies* ([10.1080/13676261.2016.1184241](https://doi.org/10.1080/13676261.2016.1184241))

<sup>20</sup> Clair A, Hughes A. Housing and health: new evidence using biomarker data. *J Epidemiol Community Health* 2019; **73**:256-262.

<sup>21</sup> McKee, M., Reeves, A., Clair, A. et al. Living on the edge: precariousness and why it matters for health. *Arch Public Health* **75**, 13 (2017) doi:10.1186/s13690-017-0183-y

## **Senedd Cymru**

### **Local Government and Housing Committee**

#### **Consultation: The Private Rented Sector**

##### **Submission of Written Evidence**

**Dr Bob Smith**

**Honorary Senior Research Fellow, Cardiff University and**

**Knowledge Exchange Broker (Wales), UK Collaborative Centre for Housing Evidence (CaCHE)**

**Email: [smithr2@cardiff.ac.uk](mailto:smithr2@cardiff.ac.uk)**

### **Introduction**

Thank you for the opportunity to submit evidence to the Committee's Inquiry into the Private Rented Sector. Please note that I am writing in a personal capacity and that my views do not necessarily reflect those of Cardiff University or the UK collaborative Centre for Housing Evidence (CaCHE).

My focus in this written evidence is to address the issues raised by the Committee in their consultation, but it is also important to consider the PRS as part of a wider housing system, in which there are interactions between the different tenures (owner occupation, social housing etc.) and between changes in the wider economy. The topic of inquiry is also a very broad one and whilst seeking to cover many of the issues raised by the Committee I have inevitably (given the word constraints) elected to emphasise some issues at the expense of others and a couple of issuers (collaborative/ partnership working and barriers to access) where, due to word constraints, I have not offered comments.

### **Setting the Context**

The private rented sector (PRS) is a complex part of the UK housing market, with a number of different submarkets, different demand pressures and a wide range of suppliers, from small landlords to larger investors with multiple properties. It's a diverse tenure with significant differences in scale and make-up at a local level.

CaCHE published an overview of the PRS in the UK in July 2019, highlighting how it has grown and evolved over the last 20 years or so (Marsh and Gibb, 2019). The sector is now playing a more central role in housing policy across each of the UK nations, and issues of standards, regulation and rents have become more important concerns for policy makers. Many of the broad arguments made in this report are applicable in a Welsh context. In addition, Gibb (2023) has recently published a paper on the continued evolution of the PRS across the UK and differences and innovations across the devolved administrations in terms of policy frameworks, developments, and regulation, from which the different jurisdictions may learn.

As in other parts of the UK the scale of the private renting in Wales has grown considerably over the last two decades. In March 2001 there were an estimated 90,445 dwellings in this sector (7.1% of the dwelling stock) By March 2020 the estimated number of dwellings in the private rented sector in Wales stood at almost 205,000 (14.3% of the stock, Stats Wales). Of course, the number and proportion of dwellings in the private rented sector varies across Wales, by local authority and below local authority level. Early published data from the 2021 reports 17% of Welsh households were resident in the PRS at the time of the census (a slightly higher proportion of households than those living in the social rented sector), with above average proportions of households living in the PRS in local authorities such as Cardiff, Ceredigion, and Denbighshire.

### **Supply, Quality and Affordability**

In 2015 the then Welsh Minister for Communities and Tackling Poverty asked the Public Policy Institute for Wales (now the Wales Centre for Public Policy) to analyse the growth of the private rented sector in Wales. Their report (Whitehead and Scanlon, 2015) concluded that the growth of the private rented sector was the most significant structural change in the Welsh housing market for at least two generations. The authors argued that this had considerable significance for government policies in terms of new housing provision, the allocation of subsidies, the role of social and intermediate housing (the other part of the rental market) and rent determination. The report also noted that, although diverse in terms of its profile of both tenants and landlords, initial analysis of those living in the sector suggested areas where there were concentrations of unemployment, low incomes, and poor-quality housing. It argued further data collection and analysis was required. This is an issue I will return to throughout this paper.

The growth of the private rented sector reverses a long-term decline of the tenure dating back to before the First World War and can be explained by several factors. Many households over the last two decades and more have experienced problems in accessing both the owner-occupied and social rented sectors. Over this period there has also been a significant growth in housing requirements in Wales, fuelled by increasing population, falling average household size and net in-migration. On the supply side, the growth of the sector has been prompted by a number of factors encouraging new investment in the sector, including the growth of buy-to-let mortgages. However, there have also been recent changes in legislation, regulation, taxation and wider economic forces (including increasing interest rates) which may be having negative effects on landlord investment. I would also reiterate the point I made at the outset. What happens in the PRS will not only be affected by policy developments specific to the sector but also by policies in relation to the other main housing tenures and wider economic, fiscal, and social policies.

### **Supply (and demand)**

In the context section of this evidence, I provided the data on the number of dwellings and proportion of households living in the PRS in Wales. In the later section on regulation, I outline the latest cross-sectional evidence on the numbers of landlords and agents operating in the sector in Wales, as well as suggesting that the Rent Smart Wales (RSW) database might offer the potential for more detailed analysis of the changing supply of accommodation in the sector in Wales.

It's perhaps worth highlighting that (using data from England) there have been attempts to develop a typology of smaller landlords supplying private rented accommodation. Rugg and Wallace (2021) have suggested four categories of smaller landlords:

- Accidental or incidental landlords
- Investment landlords (rental income augments income)
- Portfolio landlords (sole income from letting property)
- Business landlords (where letting property is one of a number of business interests)

Whilst this is a useful classification, there is little information available about the nature of the supply by landlords in Wales, or what shapes the behaviour

of different landlords and the models which may explain the investment decisions of different landlords .

Our knowledge of who lives in the PRS (and why they do so) is also very limited. The English Housing Survey (no equivalent for Wales) segments private renters into six broad groups.

- Comfortable renters (44%)
- Older renters (3%)
- Families getting by (17%)
- Struggling families (11%)
- Low-income savers (16%)
- Vulnerable singles (10%)

In some instances, the demand for private renting is a positive choice at a particular time in life (although such households may have longer-term aspirations for other housing options – e.g., home ownership). For some households' accommodation demand is linked to their current work or studies. However, in other cases the demand for private renting reflects the lack of supply (and choice) of social rented housing or an inability to access owner-occupation.

It is unclear to me that in Wales that we have either the quantitative or qualitative evidence in relation to supply (and the factors shaping it) or the demand for accommodation in the PRS.

### **The Quality of the Private Rented Sector**

Our knowledge of the quality of the PRS in Wales (at least at a national level) is a little better.

Wales has the oldest housing stock in the UK, and evidence from the 2017/18 Welsh Housing Conditions Survey indicates that the PRS has the oldest housing stock (over 40% built pre-1919). The lowest average SAP (Standard Assessment Procedures) ratings are also in the PRS, although there have been significant improvements over time. The available evidence also suggests that under the Housing Health and Safety Rating System (HHSRS) that the PRS in Wales has a significant proportion of homes with identifiable category 1 hazards and (in 2017-18) the highest proportion of homes with problems of damp, mould, and condensation. Changes introduced through the Renting Homes (Wales) Act 2016 do offer the prospect of further improvements of standards in the sector.

There is not the space in this submission to explore the issues of quality in the PRS in more detail. However, I would wish to make the point that there remain particular problems in certain parts of the sector (e.g., Houses in Multiple Occupation – HMOs). It is also worth highlighting, given some of the problems of poor-quality housing in the PRS and the fact that it performs relatively poorly in terms of energy efficiency (compared with other tenures), there are major challenges in tackling the retrofitting of many homes in the sector to meet climate change targets. Much of the PRS stock will require considerable investment to improve the quality of homes, although it is unclear to me what strategies Welsh government may have to address these issues or to provide support and incentives to private landlords to encourage this investment.

### **Affordability in the Private Rented Sector**

It is generally recognised that private sector rents have increased significantly over the last couple of years, and this has occurred alongside significant general cost of living inflation. The ONS private rent index (which includes the non-traded stock of private tenancies) indicates rents in the sector have been more stable than is suggested from other evidence (e.g., data based on advertisements, which focus on flows of new lettings in the sector). This strongly suggests that it is rents on new dwellings in the PRS which have been rising at a faster rate than rents for existing private tenancies. It appears that the most significant rent increases may be in relation to those local markets where there is a scarcity of new letting opportunities (and rising demand and/or landlords withdrawing from the sector).

In terms of rent data, Welsh Government published an analysis of private sector rents for 2019 in May 2020 (Welsh Government, 2020) This paper provides an analysis of average private sector rents across Wales (for each local authority), by property type (number of bedrooms). It also provides information on the spread of rents within individual authorities (including upper and lower quartile averages). However, the paper makes clear that private rented properties in Wales are by no means evenly spread, being concentrated in the more urban areas and scattered unevenly in more rural localities. Whilst I understand the data on actual private sector rents is still being collected, I am not aware of any intention to continue the publication of this information.

The Office of National Statistics (ONS) publishes an index of private housing rental prices. Earlier this year it reported that private rents paid by tenants had

increased on average by 4.4% in the 12 months up to March 2023 (4.9% across the UK). This is the highest annual percentage change in Wales since ONS commenced this data exercise in 2010 (ONS, 2023). Savills research has forecast an annual rental growth in Wales for 2023 of 5.5%, although it projects lower annual growth rates for the subsequent 4 years (Savills, 2023). Savills also report rental growth in Wales in the year to February 2023 of 10.2% (using Zoopla data), although this is based entirely on newly agreed rents, unlike the ONS data.

### **Current Challenges and Issues**

In the sections above I have already highlighted some of the pressing challenges facing the PRS in Wales. However, below I have detailed some of the other current issues which the Committee may wish to consider.

### **Implementing The Renting Homes (Wales) Act, 2016**

The implementation of many of the provisions of this legislation represent the most significant changes to housing law in Wales for decades. This affects all social and private landlords and tenants in Wales, in terms of contracts, maintenance requirements and the ways in which landlords communicate with tenants. It provides greater protection for tenants (e.g., increasing the no fault eviction period from 2 to 6 months) and places additional responsibilities on all landlords in terms of issuing occupation contracts, undertaking training and carrying out work to ensure properties have hard-wired smoke alarms. The intention underpinning the legislation is to provide greater security of tenure and protection for tenants.

Although it is little more than six months since much of the legislation was implemented it will be critical to ensure there are appropriate mechanisms in place to monitor the impacts of these changes over the longer-term, not least in terms of the impacts which the legislative changes may have on the supply of privately rented accommodation.

### **Short-term and Holiday Lets**

In recent years there has been a growing recognition of the interrelationships between the PRS and the issues of second homes and holiday and short-term lets (particularly, although not exclusively in coastal communities and parts of rural Wales). I am aware that this is an issue which the Senedd Housing and



Local Government has already investigated and where Welsh Government have published research and introduced policy changes.

Recent research from the Bevan Foundation has revealed that, in parts of Wales, the number of properties used for holiday lets is having a detrimental effect on the availability of property for rent in the private sector in Wales (Bevan Foundation, 2022a). Welsh Government have also been taking action to tackle the problems of “second homes” which are significant in some parts of Wales.

### **Subsidising Rental costs and the Local Housing Allowance**

A further issue relates to the assistance available to support low-income households to meet their rent payments. This is not a devolved issue. Payments are made through the Department of Work and Pensions (DWP) through the local housing allowance (LHA). LHA rates are set within the boundaries of broad Rental Market Areas (RMAs) and in theory should reflect the thirtieth percentile rent. However, LHA rates have been subject to various caps and freezes, irrespective of what has happening to rent levels locally. This has created a serious dislocation between local market rents and LHA rates.

In Wales the Bevan Foundation have done excellent work highlighting this issue and the challenges posed. In a report published last year (Bevan Foundation, 2022b) they reported that between May and December 2021 the LHA rate only covered 3.8% of available properties across 10 Welsh local authorities, pushing low-income renters into poor quality accommodation and financial hardship.

### **Rent Control**

Given concerns around affordability in parts of the PRS it is not surprising that there has been a renewed interest in the potential for introducing rent restrictions. In Wales Labour and Plaid Cymru, in their Co-operation Agreement, have indicated a commitment to consider what they have termed “fair rents”, which might lead to legislative proposals for rent controls in some form or other. I understand that Welsh Government may consult on this (and other housing issues) in the Spring/early Summer of this year.

CaCHE has published widely on rent control over the last two years (Gibb and marsh, 2022; Gibb et al, 2022a; Gibb et al, 2022b, Marsh et al, 2022). Drawing on this research, CaCHE has also provided a confidential briefing paper for

Welsh Government on this issue, which we understand will be published later this year (Gibb and Smith, forthcoming). The question of rent control is a controversial one, and generally very unpopular with landlords and their representatives. Nevertheless, it remains an issue where the evidence and options need to be given proper consideration by policy makers.

### **Regulating the Private Rented Sector**

The PRS is subject to a range of regulatory interventions: by Welsh Government, by UK government departments (e.g., Department of Work and Pensions, the Exchequer, HM Revenue and Customs etc.) and by local authorities. Sometimes, different interventions are piecemeal, seeking to address particular problems, and not necessarily part of an overarching coherent strategy towards the PRS.

The Housing (Wales) Act 2014 introduced specific measures for the regulation of private rented housing in Wales and in November 2015 Rent Smart Wales (RSW) was established, with a responsibility for registering private landlords and licensing managing agents across Wales (there was already a voluntary landlord accreditation scheme in place in Wales; the 2014 legislation provided for mandatory registration and accreditation). Wales has also legislated, under the Renting Homes (Fees etc.) (Wales) Act 2019 to limit the fees which can be charged to tenants.

RSW publishes a monthly statistical dashboard of private renting registrations/licenses in Wales (at a national level). According to the January 2023 data, 209,109 properties are registered with RSW. The January report indicates 100,750 landlords registered, 45,892 landlords licensed, and 4,545 agents licensed (with others being assessed). Whilst these figures appear to be fairly consistent with official Welsh Government statistics in terms of number of properties (referred to above), it is not clear how comprehensive a picture of landlords/agents this represents (although there are mandatory requirements). However, whilst the monthly dashboard is useful as a snapshot of registrations/licenses, there is no publicly available time series analysis, which might indicate how the number and profile of private landlords/agents is changing (is the sector now shrinking?) and no analysis of the data below an all-Wales level.

The PRS is covered by a wide range of laws and regulations relating to property condition and management as well as around landlord-tenant relationships. The introduction of the RSW scheme has been broadly welcomed and helps to identify non-compliant landlords/agents and helps to improve the levels of

compliance and performance across the sector. RSW has recently published a dashboard of enforcement action (up to 1<sup>st</sup> March 2023). This is a useful addition to the evidence of actions being taken against landlords/agents failing to register or to be licensed (e.g., fixed penalty notices, convictions), with this being analysed by landlord location. It is to be hoped this will be developed and updated in the future.

However, in the light of reductions in local authority funding there may be questions over the resources and capacity at a local level necessary to enforce compliance. Once again, I would highlight recent research undertaken by colleagues in CaCHE which has shown significant differences in local philosophies, policies, and operational practices in relation to compliance, as well as the ways in which different local authorities work collaboratively with private landlords and their agents (Harris et al, 2020).

Finally, in this section I would wish to highlight the potential offered by RSW in terms of data analysis in relation to the PRS in Wales (notwithstanding questions over resources). I note that earlier this week, in response to an FOI request (17500) for the number of landlord registrations and deregistrations over the last five years, the Welsh Government indicated such data is held by RSW. The final paragraph of the initial independent evaluation of RSW (Welsh Government, 2018), argued that Welsh Government and RSW should consider how the data collected by RSW could be maximised to provide an accessible source of information on the PRS in Wales. The availability of data in Wales is an issue considered further below.

### **The availability of data on the PRS**

In 2020 CaCHE identified and commented on the main data sources available across the UK (and for the individual nations) in relation to the private rented sector (Orford and Harris, 2020). In recognising the heterogeneity of the sector (and the different experiences of those living in private rented accommodation) it noted that gaps in the evidence base, an absence of information on landlord behaviour and the lack or poor quality of low-level geographic data made regulating the sector very difficult. Such weaknesses also undermine the development and implementation of policies, particularly at the local level, often leading to unintended consequences or outcomes. Throughout this submission I have highlighted some of the significant gaps in the evidence base in relation to the PRS and would hope to see moves to address some of the more serious data gaps in Wales.

## **Concluding Comment**

The PRS in Wales is a diverse one, which has grown and evolved in significant ways over the last 25 years. There are ongoing and often controversial debates as to whether there is an optimum size for the sector and what roles it should play in meeting housing needs and demand. I have attempted to highlight a number of issues which face the sector (and policy makers and practitioners) and to indicate some of the tensions which exist between the PRS and the wider housing system in Wales. It will be a difficult balance to strike in developing policies for the PRS in the context of a continuing significant shortfall in overall housing supply and ongoing problems of housing affordability (as well the wider cost of living crisis) faced by many households in Wales.

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NB: All CaCHE publications are freely available to download from their website.

<https://housingevidence.ac.uk/publications/>

### **Welsh Parliament Consultation: Private rented sector.**

#### **Recommendation 1: End 'no fault eviction' in order to address long term trauma/ adverse childhood experiences exacerbated by housing insecurity.**

1. Homelessness, especially where complicated by domestic abuse, is highly traumatic.
2. Secure, stable housing is crucial to rebuilding wellbeing. Local community links, educational stability and stable access to healthcare are enabled by long term tenure stability.
3. The current six month notice period for tenants is an improvement on the previous two months, but still does not offer the level of security needed to provide security to families.

#### **Recommendation 2: Explore options for increasing affordable housing stock suitable for families (i.e. 3+ bedrooms), including raising the Local Housing Allowance.**

1. At present, in many areas across Wales, accommodation suitable for families is scarce and expensive.
2. The Local Housing Allowance is inadequate to cover private sector rents in most parts of Wales.
3. One targeted option to increase affordability would be to offer an enhanced LHA in cases of domestic abuse, to enable access to the private rented sector.

#### **Recommendation 3: Provide targeted financial support to facilitate access to the private rented sector for those who have experienced domestic abuse.**

1. Financial checks are part of the process of securing a private rented tenancy.
2. Domestic abuse frequently includes financial control. Individuals may be at elevated risk of rent and mortgage arrears and other debts. They may also not have their own bank accounts or have built up a credit history.
3. While some financial support may be available under homelessness legislation (Housing (Wales) Act 2014) our research indicates that this needs clearer targeting to those experiencing domestic abuse.

#### **About the contributors**

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#### **About the evidence**

This response draws upon a number of studies conducted by the contributors, jointly and individually, over the past five years. These include:

1. *Workforce survey of domestic abuse workers (2021-2023, Dr Edith England and Dr Josie Henley. Funders: Cardiff Metropolitan University Global Academies)*

Detailed survey of 110 frontline workers in the domestic abuse sector, including psychometric tests of burnout, empowerment and autonomy; interviews with a further 56 workers.

2. *Implementation of the Housing (Wales) Act 2014 (2017-2020, Dr Edith England. Funders: UK Centre for Collaborative Housing Evidence)*

Interviews with 52 frontline workers and 44 applicants in the Welsh homelessness system.

3. *Homelessness among trans people in Wales (2017-2019, Dr Edith England. Shelter Cymru/ End Youth Homelessness Wales. Funders: LGBTQ+ Aware)*

Interviews with 28 trans people with experience of homelessness, and 12 frontline workers

## **WLGA evidence to Local Government and Housing Committee – Private Rented Sector**

### **Welsh Local Government Association - The Voice of Welsh Councils**

The Welsh Local Government Association (WLGA) is a politically led cross party organisation that seeks to give local government a strong voice at a national level. The Association represents the interests of local government and promotes local democracy in Wales. The 22 councils in Wales are all members of the WLGA and the 3 fire and rescue authorities and 3 national park authorities are associate members.

### **We believe that the ideas that change people's lives, happen locally**

Communities are at their best when they feel connected to their councils through local democracy. By championing, facilitating, and achieving these connections, we can build a vibrant local democracy that allows sustainable communities to thrive.

**The main aim of the Association** is to promote, protect, support and develop democratic local government and the interests of councils in Wales.

### **This means:**

- Promoting the role and prominence of councillors and council leaders
- Ensuring maximum local discretion in legislation or statutory guidance
- Championing and securing long-term and sustainable funding for councils
- Promoting sector-led improvement
- Encouraging a vibrant local democracy, promoting greater diversity
- Supporting councils to effectively manage their workforce.

**Senedd Cymru's Local Government and Housing Committee** is undertaking an inquiry into the **private rented sector**. This is the WLGA's submission to that inquiry.

The terms of reference for the inquiry, which the Committee has invited contributors to share views on, are to:

#### **1. The supply, quality and affordability of accommodation in the private rented sector;**

The private rented sector is an important option for those seeking help from Councils across Wales in meeting their housing needs. This includes households threatened with homelessness and those who become homeless.



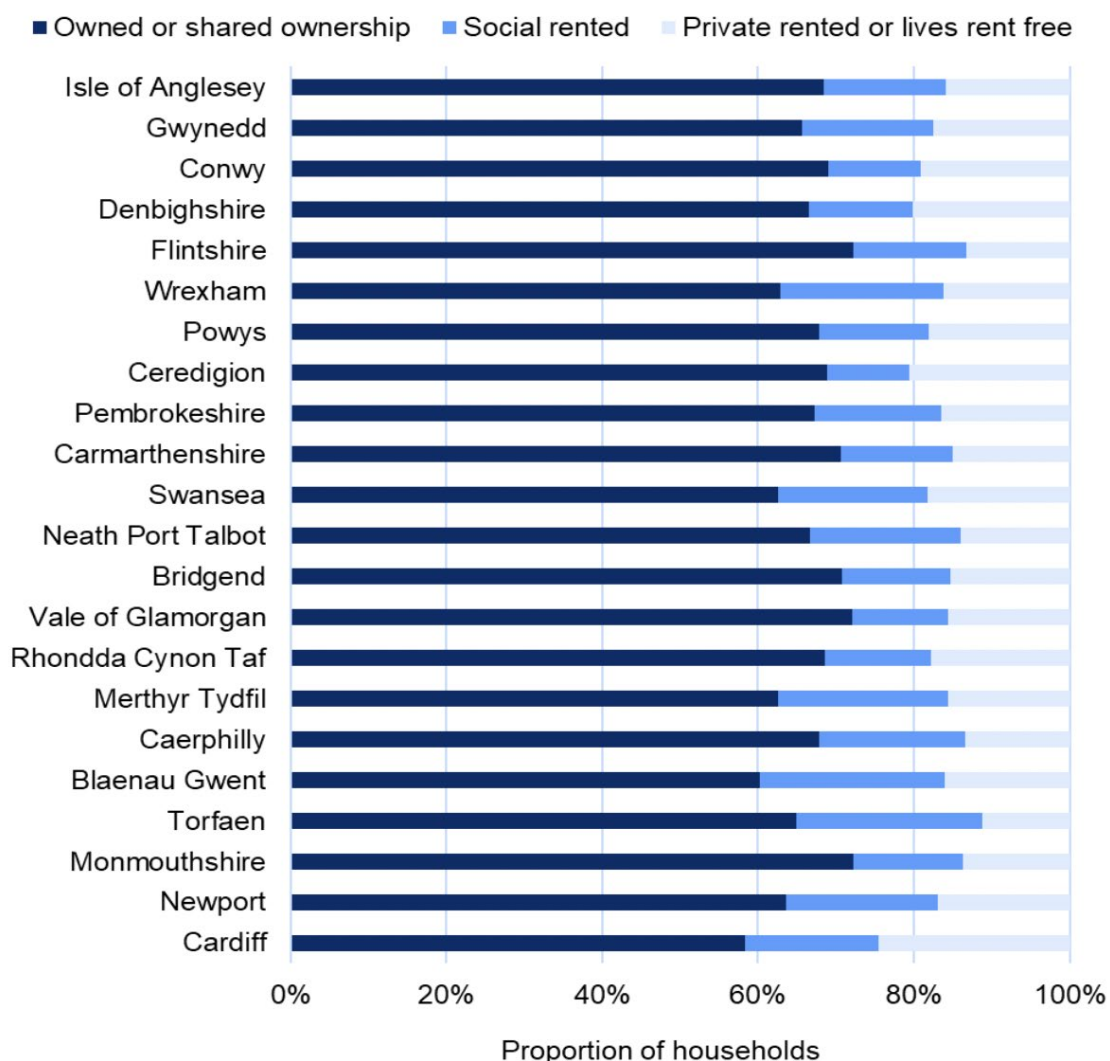
A healthy and adequate supply of homes in the private rented sector allows Councils to more readily discharge homelessness duties, provides housing options, and offers flexibility and choice of property types, location, quality and costs for prospective tenants.

Supply

Overall, the private rented sector in Wales has grown over recent years, encouraged by variety of factors including the ready availability of Buy-to-Let mortgages, etc. Census 2021 data shows that 17.0% (229,000) of households in Wales rented their accommodation privately, up from 14.2% (184,000) in 2011

However, the proportion of homes in each tenure varies across Wales, as illustrated by this graph based on Census 2021 data: -

Tenure variation across Wales



Cardiff had the highest percentage of households that rented their accommodation privately including rent free accommodation (24.3%), with

significantly lower proportion of homes in the private rented sector in areas such as Torfaen and Caerphilly.

However, despite the long-term growth of the private rented sector overall, many Councils are reporting that there has recently been a marked reduction in the numbers of homes in the sector being available to those in housing need.

While we do not have a definitive picture of the “all Wales” position, a significant number of authorities have reported substantial increases in the numbers of S.21 notices being given to existing tenants in the private rented sector. For example, Cardiff Council has reported that between 2021 and 2022 the overall number of cases where a homelessness duty was accepted, and involved a S.21 notice being served, rose almost three-fold from 231 to 609. Similarly, Cardiff Council report that the number of notices directly attributed to landlord’s leaving the market due to a property sale has increased significantly from 102 in 2021 to 302 in 2022.

Ynys Mon Council have also reported an overall increase in the numbers of households seeking assistance following the servicing of a S.21 notice, with those identifying the landlords wish to sell the property being the most common reason overall, and more than doubling from 18 cases in 21/22 to 37 in 22/23.

Other Councils report similar trends, with other changes affecting supply including landlords withdrawing from leasing schemes with Councils due to the increasing gap between Local Housing Allowance and market rents in some areas. Authorities also report market-shift by some landlords in popular tourist areas to using their properties for short-term lets and holiday accommodation, reducing the availability of accommodation for those seeking longer-term homes in the private rented sector.

Although the decisions of individual landlords are likely to be driven by numerous and varied factors, Councils report that the implementation of the Renting Homes Act, particularly the associated increased notice periods, is regularly cited as one of the reasons for landlords deciding to sell properties. Other common reasons given include mortgage cost increases, tax changes, perceived over-regulation, uncertainty over future energy efficiency requirements, retirement prompting realisation of capital assets.

Councils also report that the supply of homes being made available for those approaching them for assistance is also being impacted upon by the changes to the accommodation model being utilised by the Home Office’s accommodation contractor which is seeking accommodation for asylum seekers – moving away from mainly hotel-based contingency accommodation

to utilising dispersed self-contained accommodation, often in the private rented sector.

While the private rented sector is not the only option for households in housing need, the imbalance between supply and demand for homes across all sectors is illustrated by the fact that Councils are supporting increasing numbers of households in emergency temporary accommodation - currently more than 9,600 people. For many households, in most areas, the private rented sector still provides the most likely route to a settled home.

### Quality

The most recent Welsh Housing Conditions Survey was carried out in 2017-18. Among the main points identified by the survey were that: -

- Since the last survey in 2008 housing conditions across all tenures in Wales have improved.
- Wales has the oldest housing stock in the UK, with a similar spread of housing types.
- The proportion of dwellings in the private rented sector has increased considerably since 1986. The private rented sector generally has the oldest housing stock and a higher proportion of poor quality housing (e.g. containing damp or other hazards).
- Social housing is generally of better quality than private housing (both owner occupied and private rented); as are newer houses.
- The average energy efficiency band has improved from Band E in 2008 to Band D in 2017-18.

### Affordability

As well as increased household costs for everyone, including rising energy costs, there have been significant increases in rents in most areas, with an increasing gap over Local Housing Allowance support means that the private rented sector is increasingly difficult for many households to access and afford.

In their report "Wales' Housing Crisis: Local Housing Allowance and the private rental market in Wales" [Wales-Housing-Crisis-Winter-2023.pdf \(bevanfoundation.org\)](https://www.bevanfoundation.org/publications/wales-housing-crisis-winter-2023) published in March 2023, the Bevan Foundation concluded the "There is an acute shortage of properties available for rent for low-income households in the private rental sector in Wales. Across Wales, as of February 2023, just over 1 in 100 properties were advertised for rents that were at or below Local Housing Allowance. Nearly 75 per cent of Welsh local authorities did not have a single property available at Local Housing Allowance rates."

The WLGA have previously written to UK Government seeking reform of the Local Housing Allowance rates, and asking that they be realigned to the 50<sup>th</sup> percentile of local market rents, as was previously the case.

## **2. The challenges currently facing private sector landlords;**

As noted above, many Councils are reporting reduced numbers of homes in the private rented sector being available to those in housing need. While individual landlords may have many different factors which drive their decision-making, common reasons given for those deciding to sell properties include:-

- The recent implementation of the Renting Homes Act
- Perceived over-regulation
- Financial cost and tax changes
- Financial pressure and affordability (mortgage rate rises)
- Uncertainty over future energy efficiency requirement
- Retirement

## **3. The opportunities for greater partnerships between social and private landlords;**

There is an opportunity for greater partnership working between social and private landlords through participating in the Welsh Government's Leasing Scheme Wales, or any of the other local leasing schemes operated by local authorities or social landlords.

Social landlords, and those Councils without their own housing stock are also able to acquire stock from private rented sector landlords wishing to leave the sector. There are numerous examples of this happening in Wales currently, Sometimes with individual properties, but also with larger property portfolios. Acquisition of existing stock can be more cost effective than the development of new homes.

## **4. Barriers to accessing the private rented sector including challenges faced by young people and people with pets;**

The most significant barrier to accessing the private rented sector currently is affordability, with the rising rent levels described above continually increasing the amount of money households need to find to add to LHA allowances. In addition, single people under 35 continue to be eligible only for the reduced single room rate applicable to shared accommodation.

However, the Bevan Foundation report "Wales' Housing Crisis: Making the LHA work for Wales", published in 2022, also highlighted a number of additional barriers low-income tenants may face when looking for properties in the private rental sector, beyond the barriers presented by the gap between Local Housing Allowance and current market rents. The report found that many properties advertised on the private rental market required tenants to

satisfy certain criteria before they would be permitted to lease a property. Many of these additional requirements can prove difficult for low-income tenants to satisfy, such as:

- Deposits equivalent to more than one month's rent
- Guarantors
- Credit checks
- Minimum income checks
- 'Professional only' requirements

In addition, Councils report that, given the overall mis-match between housing supply and the numbers of people in housing need, landlords simply have more choice in deciding who they will contract with.

As noted above, The WLGA have previously written to UK Government seeking reform of the Local Housing Allowance rates, and asking that they be realigned to the 50<sup>th</sup> percentile of local market rents, as was previously the case.

## **5. How effectively the private rented sector is regulated; and**

Recent examples of improvements to regulation of the private rented sector in Wales include the introduction of registration and licensing in the shape of Rent Smart Wales, following the implementation of the Housing (Wales) Act 2014, and the more recent implementation of the Renting Homes (Wales) Act 2016.

Local authorities, and Rent Smart Wales on their behalf, are the enforcing bodies for private sector landlords in Wales. However, as a result of reduced resources over recent years, capacity is severely limited and local authorities will almost always seek to bring about change and improve housing conditions by providing advice and assistance wherever possible. Where landlords refuse, or are unable, to follow advice and assistance formal enforcement action and prosecution remain as options to secure improvements, etc.

## **6. The availability of data on the private rented sector and how it can be improved.**

The establishment Rent Smart Wales, following the Housing (Wales) Act 2014 has provided for a significant improvement in the data available on the private rented sector, including a register of landlords and agents, rental property addresses and some key features related to those properties.

Areas for improvement include more detailed house condition data, and the identification of retrofit measures to individual properties to bring about

improvements to energy efficiency in support of the decarbonisation of existing homes in Wales.

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**Consultation response to Senedd Cymru's Local Government and Housing Committee's inquiry into the [private rented sector](#)**

Thank you for the opportunity to contribute to the debate about whether the private rented sector is fit for purpose given the housing challenges faced in Wales at the current time. Our response is structured around the questions you have raised but please contact us if further information or clarification is required.

**1. The supply, quality and affordability of accommodation in the private rented sector**

- Insufficient supply across all tenures – pressures regularly highlighted by key stakeholders and directly impacts the market e.g. increased rents and less time to undertake comprehensive repairs leading to decline in standards.
- Quality is mixed - a higher proportion of the PRS is older stock. This presents an additional challenge in funding and securing improvements. However, much of the sector is of good quality and managed well. Latest HCS does not identify significant difference in standards between owner occupied and PRS properties. However, damp and condensation are a significant issue- 13% of all PRS dwelling have damp/condensation in 1 or more rooms. (HCS 2017-18).
- There is a growing divide between social and private rented properties from an energy efficiency point of view (WHQS 2 v MEES requirements etc). This is compounded by the many retrofit challenges i.e. finding appropriate build solutions at an appropriate cost, funding/grant aid for remedial works, supply of builders and materials.
- There is a small core of landlords/agents who do the minimum they can get away with to maximise their return. These tend to have a significant portfolio.
- Some landlords have tenants who are tricky to deal with – may have dependency issues and be the cause of antisocial activity. It is often difficult to find appropriate solutions as responsibilities for damage and repairs become confused.
- Management of the tenancies i.e. Antisocial activity is a significant complaint type from neighbours of PRS properties. There is no legal obligation placed on the landlord to effectively manage/report anti-social behaviour in property. Also limited support for landlords/agents to assist them to manage the situation.
- Long term contribution of the PRS to meeting housing need, needs to be agreed with strategy to support the position i.e. is the policy to improve it or reduce reliance on it?

**2. The challenges currently facing private sector landlords.**

- Affordability of the PRS is a significant barrier. Local Housing allowance is well below average rents. For example, recent research by the Bevan Foundation identified that there is a severe shortage of properties on the private rental market available at LHA rates. Their research found that of properties advertised in the private rental sector in Wales in February 2023, only 32 (1.2%) were available at LHA rates, and in Swansea, of 556 properties surveyed none were fully covered by LHA. <https://www.bevanfoundation.org/resources/housing-winter-2023/>
- Most landlords have one property, and the average age of a landlord is over 55 years. (Rent Smart Wales (RSW) data 2023). A possible conclusion from this is that landlords

with only 1-2 properties are not heavily invested in the sector. As such, if it becomes too difficult or the risk is too high, their decision to leave the sector can be quick and relatively easy.

- Changes in the responsibilities and obligations on landlords have an impact on their decisions to stay in the market. As a result, they may sell - sometimes to the owner-occupied sector or to another landlord. RSW data indicates that the average portfolio size is increasing indicating that some landlords are selling to other portfolio landlords.
- Feedback from landlords indicate that a combination of factors impacts their decision to leave the sector:
  - Mortgage increases
  - Tenants not being able to afford the rent
  - Tax changes
  - Implementation of Renting Homes legislation
  - The prospect of higher EPC requirements being imminent
  - A concern about the inability to gain possession
  - A feeling that policy makers at WG and LA are against landlords
  - LAs advising tenants to stay put after the landlord has issued a re-possession notice.
  - More profitable /less regulation in the holiday market.
  - Own personal circumstances and/or ability to deal with changes.
  - Feel exhausted by new laws/ changes putting business/livelihood at risk

### **3. The opportunities for greater partnership working between social and private landlords.**

Since 2020, the dialogue between the PRS and its representative bodies with Welsh Government policy officials, Rent Smart Wales and local authorities is much improved, facilitated by the need to work collaboratively to manage the COVID crisis. The challenge now is to harness the gains already made and ensure that the approaches are consistent across Wales. Some suggestions for best practice have been captured in the list below. This list has been developed using landlord/agent feedback.....

- Need to recognise and promote the value of the PRS and the positive stories about private landlords providing good homes for many; work towards correcting the balance to avoid landlord being portrayed negatively
- Build positive relationships with landlords possibly through landlord forum meetings, engagement sessions, and provide help when issues arise with tenants.
- Extend the support services which are available to social landlords to the PRS – landlords and tenants.
- Increase the Local Housing Allowance
- Move away from advising tenants to ‘stay put’ until a bailiff arrives.
- Extend the leasing scheme projects – make available to landlords across Wales and all local authority areas with a view to facilitating increased numbers.
- Deliver landlord forum meetings across all LA areas if possible, in partnership with landlord representative bodies.

### **4. Barriers to accessing the private rented sector including challenges facing young people and people with pets.**



- The PRS needs to be the tenure of choice for the individual/family concerned. So, the more appropriate question may be what are the barriers to accessing alternative sectors? The size of a deposit needed for a mortgage? Accessing a mortgage. Lack of social housing supply in the right areas etc.
- Tenant Fee and Renting Homes legislation has removed many of the barriers which previously made accessing the PRS difficult. However, the following matters remain problematic:
  - Not being able to transfer the security deposit from one PRS property to another whilst disputes are ongoing
  - Credit checks, proof of income and job security
  - References from previous landlords and/or availability of guarantors
  - The speed of turnover of available property/competing demand for the same property
  - Lack of support or failure to recognise tenant support requirements / additional needs
  - Holding deposit and/or security deposit and/or rent level
  - Available accommodation not meeting the individual's needs

#### **5. How effectively the private rented sector is regulated.**

- Local authority resources are limited, and enforcement action is resource intensive and time consuming. Welsh local authorities and RSW have adopted enforcement policies which are based on good enforcement principles promoted in the Regulators Code. This generally relies on provision of advice and assistance in the early stages of dealing with a complaint or project implementation. Evidence has shown that this approach can be extremely effective with most landlords/agents wanting to do the right thing.
- Where hard enforcement is needed there are opportunities for improvement in the tools available e.g. more use of civil sanctions, allowing tenants to take action for Rent stopping or repayment orders without a conviction (where offence is provable), reviewing the illegal eviction and harassment legislation, introducing Agent Audits onto the statute book (akin to Food Hygiene Rating Scheme) etc
- Some local authorities are concerned about the impact of their enforcement activity on the loss of accommodation for housing homeless people. Often staff have to balance maintaining tenancies with the standards at a property. The Housing Act 2004 make provision to take over management of Houses in Multiple Occupation on an interim or longer-term basis (as well as empty properties) but there are no similar provisions available for singly occupied dwellings. Introducing this additional power will provide another route to protect tenants in situ and to retain a property, in a better condition for the longer term.
- Any opportunity for improving the enforcement tools available should seek to address the challenge of dealing with rogue landlords who deliberately flout the law on a number of fronts. As an example, a case study shared for this response describes a landlord who
  - Completed a flat conversion described by Building Control as a death trap.
  - No planning permission.
  - Prosecuted by Fire Service - serious fine.
  - Many Prohibition Orders served which is a big drain on local authority Rehousing Service.
  - Requested work was not completed - Orders ignored.
  - Landlord continued to place tenants in flats even though he has received notification of prosecution.

None of the measures currently on the statute books are sufficient to drive a rogue landlord from the market. Withdrawal of a HMO or RSW licence will only be a temporary solution while convictions are unspent, and in the meantime that landlord may continue to influence the ongoing poor management of that property. Any agent appointed to act in place of the landlord could be acting at the behest of the owner and will be reliant on the supply of funding from that landlord. There is no incentive for a reputable agent to act on behalf of a bad landlord.

England has introduced a series of Civil Penalties for rogue landlords that can be levied by Councils according to a charging policy, in lieu of prosecution. Courts in Wales often do not treat these cases with the gravity it deserves, and fines are often derisory; they can be treated as an occupational hazard by the landlord. Introducing a series of Civil Penalties could enable local authorities to better target financial penalties, which may act as a more effective deterrent. It would likely receive support from compliant landlords who wish to see a level playing field with rogue landlords punished and driven out of the market. Appeals against the Civil Penalty would be to Residential Property Tribunal.

Along side, civil penalties an effective solution could be a Banning Order which permanently removes that rogue landlord from involvement in the market and winds up their property portfolio. Without such a measure, there is no doubt that the problems associated with rogue landlords will persist.

#### **6. The availability of data on the private rented sector and how it can be improved.**

- More data is now available than has ever previously been the case (RSW registration data). This includes a database of landlord and agent contact details including email addresses, rental property addresses and features of the rental properties e.g. no. of storeys, CO and fire alarms, water supply etc. This data is being cross matched with other data sources e.g. EPC data to inform trading standards enforcement programmes.
- However, much more could be available to provide confidence in the sector e.g.
  - gas, electrical fire alarm, property condition certification and
  - More detailed house condition survey information

**To conclude**, whilst there are issues that need to be addressed in the PRS, it provides a tenure of choice for many and the only option for a home for others, at the current time. The PRS offers a wide range of options in type of accommodation, size, price, location, and facilities and is an essential component of meeting housing need in Wales particularly as it can offer the flexibility that home ownership cannot, allowing people to move easily as their personal circumstances change. It is also worth noting that most landlord/properties are not the subject of complaint/dispute or if they are, can be encouraged to comply. The emphasis therefore needs to be on measures that will continue to influence compliance through provision of information, landlord training and behaviour change strategies and more draconian powers targeted to deal with those who will only comply if forced to do so.

**Bethan Jones on behalf of**

**Housing Expert Panel**

**25.05.23**

# Eitem 4

Y Pwyllgor Llywodraeth Leol a Thai

29 Chwefror 2024 – clawr y papurau i'w nodi

Rhif y papur	Mater	Oddi wrth	Gweithredu
Papur 6	Digartrefedd	Y Gweinidog Newid Hinsawdd	I'w nodi
Papur 7	Y Bil Diogelu Data a Gwybodaeth Ddigidol	Prif Weinidog i;r Pwyllgor Deddfwriaeth, Cyfiawnder a Chyfansoddiad	I'w nodi
Papur 8	Bil Cyllid Llywodraeth Leol (Cymru)	Y Gweinidog Cyllid a Llywodraeth Leol	I'w nodi
Papur 9	Bil Etholiadau a Chyrff Etholedig (Cymru)	Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad	I'w nodi
Papur 10	Bil Etholiadau a Chyrff Etholedig (Cymru)	Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad i'r Pwyllgor Cyllid	I'w nodi
Papur 11	Bil Etholiadau a Chyrff Etholedig (Cymru)	Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad	I'w nodi
Papur 12	Bil Rhentwyr (Diwygio)	Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad i'r Gweinidog Newid Hinsawdd	I'w nodi

Papur 13	Bil Rhentwyr (Diwygio)	Pwyllgor Deddfwriaeth, Cyfiawnder a Chyfansoddiad i'r Llywydd	I'w nodi
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Llywodraeth Cymru  
Welsh Government

Ein Cyf: JJ/PO/0039/2024

Jayne Bryant MS  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg  
Senedd Cymru  
Caerdydd  
CF99 1SN

6 Chwefror 2024

Annwyl Jayne,

Rwy'n ysgrifennu atoch i ddiolch i chi a'ch Pwyllgor am yr ymateb ffurfiol i'r Papur Gwyn ar roi diwedd ar ddigartrefedd yng Nghymru. Rwy'n ddiolchgar am eich ymateb manwl a chynhwysfawr i'n cynigion.

Rwy'n croesawu'r naw argymhelliad a wnaed gan y Pwyllgor a bydd fy swyddogion yn eu hystyried yn ofalus fel rhan o'r dadansoddiad ehangach o'r ymatebion i'r ymgynghoriad, a ddaeth i ben ar 16 Ionawr.

Nodaf yr adborth cyffredinol gan y Pwyllgor i sicrhau amddiffyniadau cryfach i'r rhai sy'n gadael gofal yng Nghymru. Rwy'n eich sicrhau fy mod yn rhannu eich pryderon ynghylch profiad digartrefedd ymhlith pobl ifanc sy'n gadael gofal a chredaf fod y Papur Gwyn a'r ddeddfwriaeth ddilynol yn gyfle pwysig i fynd i'r afael â'r pryderon hyn a thrawsnewid profiad y bobl ifanc hyn wrth iddynt drosglwyddo o ofal tuag at fyw'n annibynnol. Bydd hyn yn cynnwys sut rydym yn gwella ein gwaith o ran rhianta corfforaethol a sut rydym yn sicrhau mynediad i lety diogel, addas i'n helpu i ddod ag unrhyw ganfyddiad neu brofiad bod gofal yn cyfateb â "llwybr rhagweladwy" tuag at ddigartrefedd ac yn dod â chylchoedd digartrefedd mynych i ben.

Edrychaf ymlaen at weithio'n agos gyda'r Pwyllgor Plant, Pobl Ifanc ac Addysg wrth i ni ddatblygu cynigion y Papur Gwyn a chyflwyno deddfwriaeth.

Yn gywir

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

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[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**Y Gwir Anrh/Rt Hon Mark Drakeford AS/MS**  
**Prif Weinidog Cymru/First Minister of Wales**



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies AS  
Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad  
[huw.Irranca-Davies@senedd.wales](mailto:huw.Irranca-Davies@senedd.wales)

12 Chwefror 2024

Annwyl Huw,

Rwy'n ysgrifennu mewn ymateb i'ch llythyr ynglŷn â'r Bil Diogelu Data a Gwybodaeth Ddigidol (y Bil) dyddiedig 31 Ionawr.

Mae eich llythyr yn cyfeirio at drafodaethau a gynhaliwyd gan y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad ynghylch cymal 114 y Bil (marchnata uniongyrchol at ddibenion ymgysylltu democrataidd) ac yn gofyn fy marn a manylion pellach ar nifer o faterion.

Mewn perthynas â'ch cwestiwn ynghylch asesiad Llywodraeth Cymru o gysylltiad cymal 114 â Rheol Sefydlog 29. Mae cymalau 108 i 119 o'r Bil yn gwneud diwygiadau i Reoliadau Preifatrwydd a Chyfathrebu Electronig (Cyfarwyddeb y CE) 2003 (Rheoliadau PEC) ac mewn perthynas â hwy. Mae'r Rheoliadau PEC hyn yn ymwneud â diogelu preifatrwydd gwrthrych y data mewn perthynas â chyfathrebu electronig. Felly, i'r graddau y mae Rheoliadau PEC yn gymwys i brosesu data personol, mae cymal 114 yn ymwneud â mater a gadwyd yn ôl o ddiogelu data personol (paragraff 170 o Atodlen 7A i Ddeddf Llywodraeth Cymru 2006). Felly, nid yw Rheol Sefydlog 29 yn gysylltiedig.

Ni ymgynghorwyd â Llywodraeth Cymru gan Weinidogion Llywodraeth y DU wrth baratoi'r cymal hwn, ac nid yw ei sylwedd na'i fwriad polisi wedi'i godi gyda ni. Rydym yn nodi'r sylwadau a wnaethpwyd yn nhrefnadaeth Senedd y DU ar y ddarpariaeth hon.

Mae fy swyddogion wedi siarad â'u cymheiriaid yn Llywodraeth y DU sydd wedi cynghori nad oes cynlluniau ar hyn o bryd i baratoi rheoliadau gan ddefnyddio'r pŵer newydd hwn ar gyfer etholiadau datganoledig. Pe bai'r sefyllfa hon yn newid, byddaf yn hysbysu'r Pwyllgor.

Hyderaf fod y llythyr hwn yn rhoi'r wybodaeth sydd ei hangen ar y Pwyllgor.

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[Correspondence.Mark.Drakeford@gov.wales](mailto:Correspondence.Mark.Drakeford@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn y Gymraeg. Bydd gohebiaeth sy'n dod i law yn Gymraeg yn cael ei hateb yn Gymraeg, ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Rwy'n copïo'r llythyr hwn at y Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon a Chysylltiadau Rhyngwladol, ac at y Pwyllgor Llywodraeth Leol a Thai.

Yn gywir,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

**MARK DRAKEFORD**



Llywodraeth Cymru  
Welsh Government

John Griffiths AS  
Cadeirydd y Pwyllgor Llywodraeth Leol a Thai  
Senedd Cymru  
Bae Caerdydd  
Caerdydd  
CF99 1SN

13 Chwefror 2024

Annwyl John

### **Bil Cyllid Llywodraeth Leol (Cymru)**

Pan oeddwn yn bresennol yng nghyfarfod y pwyllgor a gynhaliwyd ar 7 Chwefror 2024, cyfeiriais at ddadansoddiad a roddwyd gennyf i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad yn ddiweddar sy'n dangos sut y mae pwerau gwneud is-ddeddfwriaeth a gynigir ym Mil Cyllid Llywodraeth Leol (Cymru) yn cymharu â'r pwerau sydd ar gael i Weinidogion yn Lloegr a'r Alban ar hyn o bryd. Caiff hyn ei ailadrodd yn **Atodiad A**. Nododd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad fy llythyr sy'n darparu'r dadansoddiad hwn o dan eitem 11 yr agenda yn ei gyfarfod a gynhaliwyd ar 5 Chwefror 2024.

Fel yr eglurwyd wrth y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad, mae elfennau sylweddol o'r systemau ardrethi annomestig a'r dreth gyngor yng Nghymru, Lloegr a'r Alban wedi'u cynnal gan ddefnyddio is-ddeddfwriaeth ers blynyddoedd lawer. Mae'r Bil yn cynnig cynnal rhai elfennau ychwanegol gan ddefnyddio is-ddeddfwriaeth, y bydd y rhan fwyaf ohonynt yn ddarostyngedig i'r weithdrefn gadarnhaol. Bydd hyn yn sicrhau y gallwn gynllunio'r systemau trethi lleol mewn modd hyblyg a chyson er mwyn diwallu anghenion Cymru.

O ran ardrethi annomestig, mae'r mwyafrif helaeth o bwerau i wneud is-ddeddfwriaeth a ddarperir gan y Bil yr un fath â phwerau cyfatebol sydd eisoes ar waith yn Lloegr a/neu'r Alban, neu yn debyg o ran eu heffaith. Mewn achosion pan fo'r pwerau a ddarperir yn y Bil i Weinidogion Cymru yn mynd ymhellach na'r rhai sydd ar waith yn Lloegr, mae pwerau sydd ag effaith debyg ar gael yn gyffredinol i Weinidogion yr Alban. Er bod rhai gwahaniaethau gweinyddol rhwng y system ardrethi annomestig yng Nghymru a'r Alban, yn y bôn, yr un dreth ydyw sy'n cael ei gweithredu mewn cyd-destun datganoledig tebyg.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



O ran y dreth gyngor, bydd y pwerau yn galluogi Gweinidogion Cymru i fod yn fwy adweithiol a hyblyg wrth ymateb i newidiadau economaidd-gymdeithasol. Bydd yn cyd-fynd â'r system ardrethi annomestig, i'r fath raddau fel y bydd ailbrisiadau rheolaidd yn cael eu gosod ar sail statudol, gan amlygu pwysigrwydd system drethi sy'n adlewyrchu amgylchiadau economaidd presennol. Mae rhai pwerau a roddir yn rhai technegol ar y cyfan, ac unwaith eto, byddant yn caniatáu i strwythur sylfaenol cadarn y dreth gyngor gael ei ddiogelu at y dyfodol a bod yn fwy ymatebol.

Mae'r gwahaniaeth yn y cyfuniad o bwerau o gymharu â Lloegr a'r Alban yn fach iawn, gan roi'r pŵer yn ogystal i Weinidogion Cymru ddiwygio blwyddyn ailbrisió'r dreth gyngor a bennir mewn deddfwriaeth sylfaenol. Mae hyn yn un o nodau polisi allweddol Llywodraeth Cymru i sicrhau system decach. Yn gymharol, caiff Gweinidogion yn Lloegr a'r Alban ddiwygio mewn gorchymyn pan fydd ailbrisió yn digwydd.

Yn gywir



**Rebecca Evans AS/MS**

Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government

Atodiad A

Adran o Fil Cyllid Llywodraeth Leol (Cymru)	Effaith	Pŵer cyfatebol yn Lloegr	Pŵer cyfatebol yn yr Alban	Crynodeb
4	Yn rhoi pŵer i Weinidogion Cymru newid blwyddyn ailbriso ardrethi annomestig neu'r cyfnod rhwng ailbriso blynyddoedd drwy reoliadau.	Ddim pŵer cyfatebol.	Pŵer i Weinidogion Cymru ddiwygio'r diffiniad o "year of revaluation" yn adran 37(3) o Ddeddf Llywodraeth Leol (yr Alban) 1975.	Mae pŵer gyda'r un effaith yn bodoli yn yr Alban.
5	Mae'n rhoi pwerau i Weinidogion Cymru roi, amrywio neu dynnu rhyddhad yn ôl drwy reoliadau.	Pwerau mewn perthynas â rhai rhyddhadau yn Atodlenni 4ZA, 4ZB a 5A i Ddeddf Cyllid Llywodraeth Leol 1988.	Pwerau eang i Weinidogion Cymru ragnodi rheolau i bennu'r swm sy'n daladwy yn adran 153 o Ddeddf Llywodraeth Leol etc (yr Alban) 1994 ac i wneud darpariaeth ynghylch rhyddhadau ar gyfer eiddo newydd a gwell yn adran 14 o Ddeddf Ardrethi Annomestig (yr Alban) 2020.	Mae pwerau sydd ag effaith gyffredinol debyg yn bodoli yn yr Alban. Mae ystod eang o bwerau mwy penodol yn bodoli yn Lloegr (ac yng Nghymru ar hyn o bryd) nad ydynt yn gyson ar draws y dirwedd ryddhadau.
9	Yn disodli'r pŵer cyfyngedig presennol â phŵer newydd i Weinidogion Cymru roi, amrywio neu dynnu esemptiadau'n ôl, drwy reoliadau.	Pŵer cyfyngedig i'r Ysgrifennydd Gwladol ddarparu eithriadau yn Atodlen 5 i Ddeddf Cyllid Llywodraeth Leol 1988.	Pŵer i Weinidogion yr Alban ddileu eithriadau yn adran 8D o Ddeddf Prisio ac Ardrethu (yr Alban) 1956.	Mae pwerau tebyg yn galluogi esemptiadau i gael eu darparu yn Lloegr a'u dileu yn yr Alban. Bydd y pŵer yn y Bil yn galluogi Gweinidogion Cymru i wneud y ddau.
10	Yn ailddatgan pwerau presennol Gweinidogion Cymru mewn	Pwerau i'r Ysgrifennydd	Pwerau i Weinidogion Cymru bennu'r lluosydd blynyddol yn	Tebygrwydd ag effaith pwerau yn Lloegr a'r Alban.

Adran o Fil Cyllid Llywodraeth Leol (Cymru)	Effaith	Pŵer cyfatebol yn Lloegr	Pŵer cyfatebol yn yr Alban	Crynodeb
	perthynas â lluosyddion ac yn mewnosod pŵer newydd i bennu lluosyddion gwahaniaethol ar sail gwerth ardrethol hereditament, ei leoliad neu'r disgrifiad ohono ar restr ardrethi leol, neu ar sail gwerth ardrethol hereditament ar y rhestr ardrethu ganolog.	Gwladol ragnodi pa luosydd (busnes safonol neu fach) sy'n gymwys i wahanol hereditamentau ac i bennu'r lluosyddion hynny yn Atodlenni 4ZA a 7 i Ddeddf Cyllid Llywodraeth Leol 1988.	adran 7B o Ddeddf Llywodraeth Leol (yr Alban) 1975 a rhagnodi rheolau pellach i bennu'r swm sy'n daladwy yn adran 153 o Ddeddf Llywodraeth Leol etc. (yr Alban) 1994.	
13	Yn darparu pŵer i Weinidogion Cymru wneud rheoliadau sy'n pennu'r math o drefniant sydd i'w drin fel un artiffisial ac a fydd trefniadau penodol yn peidio â chael eu trin fel rhai artiffisial os gwneir penderfyniad i'r perwyl hwnnw.	Ddim pŵer cyfatebol.	Pŵer i Weinidogion Cymru wneud rheoliadau atal osgoi yn adran 37(1) o Ddeddf Ardrethi Annomestig (yr Alban) 2020.	Mae pŵer tebyg yn bodoli yn yr Alban. Yn wahanol i Weinidogion yr Alban, gall Gweinidogion Cymru wneud rheoliadau sy'n galluogi cosb i gael ei gorfodi. Er hynny, mewn ffyrdd eraill, mae'r drefn atal osgoi yn yr Alban yn ehangach na'r dull arfaethedig yng Nghymru gan fod y Bil yn nodi dull penodol o fynd i'r afael ag ymddygiad osgoi.
17	Yn ailddatgan y pwerau i Weinidogion Cymru ddisodli cyfrannau a bandiau prisio.	Pwerau yn adran 5(4) o Ddeddf Llywodraeth Leol 1992.	Pwerau yn adran 74 o Ddeddf Llywodraeth Leol 1992.	Yn unol â Lloegr a'r Alban.

Adran o Fil Cyllid Llywodraeth Leol (Cymru)	Effaith	Pŵer cyfatebol yn Lloegr	Pŵer cyfatebol yn yr Alban	Crynodeb
17	Yn darparu pwerau newydd i Weinidogion Cymru ddisodli'r band prisio a ddefnyddir yng nghyfrifiadau'r dreth gyngor.	Ddim pŵer cyfatebol.	Nid oes pŵer cyfatebol wedi'i nodi er nad oes unrhyw ddarpariaethau cyfrifo cyfatebol ar gyfer y dreth gyngor wedi'u nodi ychwaith.	Pŵer unigryw i Weinidogion Cymru.
18	<p>Mae'r adran hon yn datgan darpariaethau sy'n ymwneud â'r disgownt person sengl a'r disgownt lle mae holl drigolion annedd yn cael eu diystyru.</p> <p>Mae gweddill y darpariaethau'n rhoi pwerau i Weinidogion Cymru wneud rheoliadau i bennu'r lefelau a rhagnodi amodau neu feini prawf sy'n gorfod bodoli i'r disgownt person sengl neu ddisgowntiau eraill fod yn gymwys a rhagnodi categorïau o breswlydd sy'n cael eu diystyru at ddibenion disgownt. Effaith hyn fydd gosod yr holl fanylion sy'n ymwneud â disgowntiau eraill ac amodau a disgrifiadau person sy'n cael ei ddiystyru at ddibenion disgownt i gyd mewn un lle o fewn rheoliadau.</p> <p>Yn cadw effaith adran 12 (1) o Ddeddf 1992 i Weinidogion Cymru</p>	Pwerau cyfyngedig yn adrannau 11 ac 11A o Ddeddf Cyllid Llywodraeth Leol 1992.	Pwerau cyfyngedig yn adran 79 o Ddeddf Cyllid Llywodraeth Leol 1992.	<p>Mae bodolaeth y disgownt a'r disgownt person sengl lle mae holl drigolion annedd yn cael eu diystyru yn cael eu cynnal fel y maent yn Lloegr a'r Alban.</p> <p>O ran y diwygiadau eraill, nid yw'r Alban na Lloegr yn bwriadu mabwysiadu'r un polisi ar hyn o bryd.</p>

Adran o Fil Cyllid Llywodraeth Leol (Cymru)	Effaith	Pŵer cyfatebol yn Lloegr	Pŵer cyfatebol yn yr Alban	Crynodeb
	ragnodi drwy reoliadau ddosbarthiadau o anheddau y caiff awdurdod bilio drwy ddyfarniad naill ai ddatgymhwysio neu leihau disgownt mewn perthynas â hwy.			
19	Dyletswydd ar Weinidogion Cymru i bennu cynllun cenedlaethol ar gyfer gostyngiadau'r dreth gyngor sy'n caniatáu i Weinidogion Cymru wneud newidiadau yn ystod y flwyddyn os oes angen. Caiff y ddyletswydd ei harfer gan Weinidogion Cymru i nodi cynllun gostyngiadau cenedlaethol gyda dyletswydd ar yr awdurdodau lleol i weinyddu'r cynllun ar lefel leol. Bydd Gweinidogion Cymru yn gallu cyflwyno newidiadau yn ystod y flwyddyn i'r cynllun i ymateb i sefyllfaoedd sy'n dod i'r amlwg.	Pwerau yn adran 13 o Ddeddf Cyllid Llywodraeth Leol 1992.	Pwerau yn adran 80 o Ddeddf Cyllid Llywodraeth Leol 1992.	Yn unol â'r Alban yn fras lle mae cynllun gostyngiadau'r dreth gyngor cenedlaethol. Yn Lloegr mae pŵer o hyd i wneud rheoliadau ynghylch symiau wedi'u gostwng.
21	Mae'r Bil yn darparu ar gyfer cylch ailbriso rheolaidd i'r dreth gyngor yng Nghymru, gydag ailbrisiadau wedi'u trefnu yn cael eu cynnal bob pum mlynedd. Fodd bynnag, gallai fod amgylchiadau lle y byddai'n fuddiol i ddyddiad ailbrisiad wedi'i drefnu gael ei newid – er enghraifft,	Pwerau yn adran 22B o Ddeddf Cyllid Llywodraeth Leol 1992 i bennu'r dyddiad ailbriso. Gellid defnyddio'r pŵer hwn hefyd i	Pŵer i bennu dyddiad ailbriso drwy'r addasiadau sy'n cael effaith drwy adran 88(3)(a) o Ddeddf Cyllid Llywodraeth Leol 1992.	Yn Lloegr a'r Alban yn y drefn honno, gall Gweinidogion y DU a Gweinidogion yr Alban ddefnyddio gorchmynion i amserlennu ailbrisiadau.

Adran o Fil Cyllid Llywodraeth Leol (Cymru)	Effaith	Pŵer cyfatebol yn Lloegr	Pŵer cyfatebol yn yr Alban	Crynodeb
	os bydd pandemig arall neu anwadalrwydd economaidd. Felly, mae'r Bil yn caniatáu i'r flwyddyn ailbriso gael ei symud.	ddiwygio ailbriso a oedd wedi'i amserlennu.		
21	Ar hyn o bryd, mae deddfwriaeth yn nodi bod yn rhaid i gopi o'r rhestr brisio newydd ddrafft gael ei anfon i awdurdodau bilio o fewn saith mis i'r dyddiad y mae'r rhestr newydd yn cael ei chwblhau ac y daw i rym. Gydag ailbrisiadau amlach, gallai'r dyddiad cau hwn ddod yn anymarferol. Byddai'r pŵer hwn yn galluogi Gweinidogion Cymru i wneud y newid technegol hwn i derfyn amser y rhestr ddrafft os bydd angen.	Ddim pŵer cyfatebol.	Pŵer i bennu dyddiad ailbriso drwy'r addasiadau sy'n cael effaith drwy adran 88(3)(b) o Ddeddf Cyllid Llywodraeth Leol 1992.	Yn unol â'r Alban.
23	Yn galluogi darpariaeth ganlyniadol a throsiannol i gael ei gwneud.	O ran ardrethi annomestig - pwerau yn adran 17 o Ddeddf Ardrethu Annomestig 2023.  O ran y dreth gyngor - pwerau yn adran 114 o Ddeddf Cyllid	O ran ardrethi annomestig – pwerau yn adran 43 o Ddeddf Ardrethi Annomestig (yr Alban) 2020.  O ran y dreth gyngor - pwerau yn adran 114 o Ddeddf Cyllid Llywodraeth Leol 1992.	Yn unol â Lloegr a'r Alban.

Adran o Fil Cyllid Llywodraeth Leol (Cymru)	Effaith	Pŵer cyfatebol yn Lloegr	Pŵer cyfatebol yn yr Alban	Crynodeb
		Llywodraeth Leol 1992.		
24	Yn galluogi darpariaethau yn y Bil i gael eu cychwyn.	O ran ardrethi annomestig – pwerau yn adran 19 o Ddeddf Ardreth Annomestig 2023.  O ran y dreth gyngor – pwerau yn adran 119 o Ddeddf Cyllid Llywodraeth Leol 1992.	O ran ardrethi annomestig a'r dreth gyngor – adran 62 o Ddeddf Llywodraeth Leol yn yr Alban 2003.	Yn unol â Lloegr a'r Alban.
Paragraff 12(2)(m) o'r Atodlen	Yn caniatáu i Weinidogion Cymru wneud rheoliadau ynghylch yr hysbysiadau y gellir eu cyhoeddi o dan baragraffau 4M a 5ZC o Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988.	Rhoddir yr un pŵer is- ddeddfwriaeth i'r Ysgrifennydd Gwladol, mewn perthynas â Lloegr, ym mharagraff 5F(A1) o Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988.	Mae pwerau is-ddeddfwriaeth tebyg yn bodoli i Weinidogion yr Alban yn adran 30(12) o Ddeddf Ardrethi Annomestig (yr Alban) 2020.	Yn unol â Lloegr a'r Alban yn fras.

<b>Adran o Fil Cyllid Llywodraeth Leol (Cymru)</b>	<b>Effaith</b>	<b>Pŵer cyfatebol yn Lloegr</b>	<b>Pŵer cyfatebol yn yr Alban</b>	<b>Crynodeb</b>
Paragraff 12(2)(n) o'r Atodlen	Yn caniatáu i Weinidogion Cymru wneud rheoliadau i gynyddu neu leihau swm unrhyw gosb a roddir o dan baragraffau 5ZC neu 5ZD o Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988.	Rhoddir yr un pwerau is-ddeddfwriaeth i'r Ysgrifennydd Gwladol, mewn perthynas â Lloegr, ym mharagraff 5FB o Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988.	Mae pwerau deddfwriaethol eilaidd tebyg yn bodoli i Weinidogion yr Alban yn adran 30(8) o Ddeddf Ardrethi Annomestig (yr Alban) 2020.	Yn unol â Lloegr a'r Alban yn fras.





Llywodraeth Cymru  
Welsh Government

John Griffiths  
Cadeirydd  
Pwyllgor Llywodraeth Leol a Thai  
Senedd Cymru  
Caerdydd  
CF99 1SN

CC: Peredur Owen Griffiths, Cadeirydd, Pwyllgor Cyllid  
Huw Irranca Davies, Cadeirydd, Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

12 fed Chwefror 2024

Annwyl John,

Hoffwn ddiolch i'r Pwyllgor Llywodraeth Leol a Thai am eu gwaith craffu ar y Bil Etholiadau a Chyrff Etholedig (Cymru) yn ystod Cyfnod 1 ac am yr adroddiad a gyhoeddwyd ar 26 Ionawr 2024.

Rwyf wedi nodi ymatebion i argymhellion y Pwyllgor yn Atodiad. Ni fu'n bosibl i mi dderbyn holl argymhellion y Pwyllgor yn llawn. Fodd bynnag, rwyf wedi cynnal yr egwyddorion a'r rhesymu sylfaenol ar gyfer fy mhenderfyniad hyd y bo modd.

Gobeithiaf y bydd y llythyr hwn yn ddefnyddiol wrth nodi ymatebion i Adroddiad y Pwyllgor. Rwyf hefyd wedi ysgrifennu at Gadeiryddion y Pwyllgor Cyllid a'r Pwyllgor Ddeddfwriaeth, Cyfiawnder a'r Cyfansoddiad mewn perthynas â'u Adroddiadau Cyfnod 1 ac mae'r llythyrau wedi'i gopïo at bob un o'r tri Chadeirydd Pwyllgor.

Edrychaf ymlaen at barhau i weithio gyda'r Aelodau wrth i'r Bil fynd rhagddo drwy Broses y Senedd.

Yn gywir,

**Mick Antoniw AS/MS**

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**Atodiad 1: Ymateb i adroddiad y Pwyllgor Llywodraeth Leol a Thai ar y Bil Etholiadau a Chyrff Etholedig (Cymru)**

<b>Argymhelliad y Pwyllgor</b>	<b>Ymateb Llywodraeth Cymru</b>
Argymhelliad 1. Rydym yn argymhell y dylai'r Senedd gytuno i egwyddorion cyffredinol y Bil Etholiadau a Chyrff Etholedig (Cymru).	Nodwyd.
Argymhelliad 2. Rydym yn argymhell y dylai Llywodraeth Cymru nodi ar wyneb y Bil hwn y bydd swyddogion canlyniadau yn ddarostyngedig i Safonau'r Gymraeg	Gwrthod. Yn y cyd-destun etholiadol, mae Gweinidogion Cymru wedi ymrwmo i sicrhau fod pawb yn gallu cymryd rhan yn llawn yn naill iaith swyddogol ein gwlad. Gan ystyried bod y rheolau manwl ynghylch gweithredu etholiadau Cymreig wedi'u nodi mewn is-ddeddfwriaeth, mae Llywodraeth Cymru yn bwriadu cyflawni'r amcan hwn drwy wneud newidiadau i'r rheolau manwl hynny. Byddwn yn parhau i weithio gyda rhanddeiliaid a'r Bwrdd Rheoli Etholiadol i benderfynu ar y ffordd orau o wella darpariaeth ddwyieithog etholiadau.
Argymhelliad 3. Rydym yn argymhell y dylai Llywodraeth Cymru gyhoeddi'r asesiad o'r effaith ar gydraddoldeb a gynhaliwyd ganddo ar y Bil ac y dylai fersiynau wedi'u diweddarau gael eu cyhoeddi i ystyried newidiadau a wneir i'r Bil yn ystod y cyfnodau gwella.	Derbyn. Rydym bellach wedi cyhoeddi'r Asesiad o'r Effaith ar Gydraddoldeb. <a href="https://www.llyw.cymru/bil-etholiadau-chyrff-etholedig-cymru-asesiad-or-effaith-ar-gydraddoldeb">https://www.llyw.cymru/bil-etholiadau-chyrff-etholedig-cymru-asesiad-or-effaith-ar-gydraddoldeb</a>
Argymhelliad 4. Rydym yn argymhell y dylai Llywodraeth Cymru ddiwygio Bil Senedd Cymru (Aelodau ac Etholiadau) i gryfhau atebolrwydd Comisiwn Democratiaeth a Ffiniau Cymru i'r Senedd. Hoffem weld y Bil hwnnw'n cael ei ddiwygio i gynnwys gofyniad am i adroddiadau blynyddol y Comisiwn fod yn destun dadl yn y Senedd.	Derbyn mewn egwyddor.  Rydym yn ymwybodol o ddadleuon a gyflwynwyd gan y Pwyllgor Biliau Diwygio a'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad mewn perthynas ag adrannau 7 a 19 o Fil Senedd Cymru (Aelodau ac Etholiadau) sy'n gosod dyletswyddau ar y Llywydd. Er nad ydym yn cytuno bod y dull hwn yn arwain at broblemau cyfansoddiadol, wrth ystyried enghreifftiau eraill o ddyletswyddau statudol a osodir ar y Llywydd ac na fydd y dyletswyddau hynny'n cyfyngu ar Senedd yn y dyfodol i gamau gweithredu penodol, rydym yn gyndyn o gyflwyno gwelliannau a fyddai'n gosod dyletswyddau ffurfiol ar y Senedd fel yr argymhellir.
Argymhelliad 5. Rydym yn argymhell y dylai Llywodraeth Cymru ddiwygio Bil Senedd Cymru (Aelodau ac Etholiadau) i gynnwys darpariaeth i'w gwneud yn ofynnol i wrandawiadau cyn penodi gan y Senedd i gael eu cynnwys yn y broses benodi ar gyfer swydd Cadeirydd Comisiwn Democratiaeth a Ffiniau Cymru	Ni fyddai angen gofyniad deddfwriaethol ar y Senedd i graffu ar adroddiad blynyddol Comisiwn Democratiaeth a Ffiniau Cymru ond byddem yn croesawu'r sylw ychwanegol ar gylch gwaith ehangach y Comisiwn. Byddem hefyd yn fodlon rhoi gwybod i'r Senedd am yr ymgeisydd a ffeifrir ar gyfer Cadeirydd y Comisiwn a fyddai'n dod i'r

	<p>amlwg o'r broses penodiadau cyhoeddus er mwyn hwyluso gwrandawriad cyn penodi.</p> <p>Wrth graffu ar Fil Senedd Cymru (Aelodau ac Etholiadau), argymhellodd Pwyllgor y Biliau Diwygio y dylai'r Pwyllgor Busnes ystyried atebolrwydd y Comisiwn yn rhan o'i adolygiad gweithdrefnol cyn etholiad 2026 (argymhelliad 25). Ni fyddem yn dymuno rhag-weld yr adolygiad hwnnw ac felly nid yw'n fwriad gennym ddiwygio Bil Senedd Cymru (Aelodau ac Etholiadau) ar hyn o bryd. Byddem wrth gwrs yn rhoi sylw gofalus i argymhellion y Pwyllgor gan ystyried rhoi argymhellion perthnasol ar waith.</p>
<p>Argymhelliad 6. Rydym yn argymhell, yn ogystal â nodi y dylai Cadeirydd y Bwrdd Rheoli Etholiadol fod yn gynswyddog etholiadau, y dylai'r Bil nodi hefyd fod rhaid i'r cadeirydd fod â phrofiad perthnasol a diweddar, megis fel swyddog etholiadau o fewn cyfnod penodol cyn cael ei benodi.</p>	<p>Gwrthod. Mae'r Bil eisoes yn sicrhau bod gan aelodau o'r Bwrdd Rheoli Etholiadol brofiad etholiadol. Ein dull a ffefrir, sy'n cael ei gefnogi gan randdeiliaid, yw peidio â bod yn rhy ragnodol mewn deddfwriaeth. Bydd y broses penodiadau cyhoeddus yn sicrhau digon o brofiad perthnasol.</p>
<p>Argymhelliad 7. Rydym yn argymhell y dylai Llywodraeth Cymru ymgynghori â phartion perthnasol, gan gynnwys y Comisiwn Etholiadol, ac ystyried eu barn wrth benderfynu pryd y dylai'r darpariaethau mewn perthynas â'r Bwrdd Rheoli Etholiadol gychwyn</p>	<p>Derbyn. Nid yw amseriad y pŵer cychwyn ar gyfer y Bwrdd Rheoli Etholiadol wedi'i bennu yn adran 70 fel bod modd inni ddod ag ef i rym drwy Orchymyn ar yr adeg briodol. Byddwn yn parhau i weithio gyda'n rhanddeiliaid er mwyn rhoi sylw i hyn.</p>
<p>Argymhelliad 8. Rydym yn argymhell y dylai Llywodraeth Cymru, wrth ystyried ble yng Nghymru i gynnal cynlluniau peilot yn ymwneud â chofrestru etholiadol heb gais, sicrhau bod amrywiaeth o ardaloedd yn cael eu cynnwys. Credwn y dylai'r ardaloedd a ddewisir gynnwys, ond heb fod yn gyfyngedig i, gymysgedd o ardaloedd trefol a gwledig, ardaloedd cefnog a llai cefnog ac ardaloedd lle mae cyfrannau uchel o siaradwyr Cymraeg neu siaradwyr Saesneg nad Saesneg yw eu hiaith gyntaf</p>	<p>Derbyn. Bydd y dull hwn yn cael ei ystyried wrth asesu datganiadau o ddiddordeb yn ystod y gwaith ar beilotau. Pan fo bylchau amlwg, byddwn yn gweithio gydag awdurdodau lleol i recriwtio awdurdodau ychwanegol er mwyn sicrhau bod y peilotau yn cael eu cynnal ar draws ystod o feysydd demograffig.</p>

<p>Argymhelliad 9. Rydym yn argymell y dylai'r broses o wneud cais i gofrestru'n ddiennw fod mor syml a hyblyg â phosibl. Credwn y dylai Llywodraeth Cymru ystyried peidio â gosod gofyniad i ddarparu tystiolaeth i gefnogi cais</p>	<p>Gwrthod. Ar hyn o bryd, mae'r broses o wneud cais i gofrestru'n ddiennw yn caniatáu i etholwyr fod ar y gofrestr Seneddol a'r gofrestr llywodraeth leol yn ddiennw drwy wneud un cais. Pe bai newidiadau yn cael eu gwneud o ran y gofrestr llywodraeth leol yn unig, byddai hyn yn golygu y byddai'n rhaid i rywun sy'n dymuno aros yn ddiennw ar y gofrestr Seneddol wneud cais arall, gydag amodau gwahanol. Rydym o'r farn nad yw'r lefel hon o gymhlethdod yn briodol i etholwyr a gallai arwain at unigolion yn ymddangos ar gofrestr etholiadol heb yn wybod iddynt.</p>
<p>Argymhelliad 10. Rydym yn argymell, unwaith y bydd person wedi'i gofrestru'n ddiennw, na ddylai fod yn ofynnol iddo adnewyddu ei gofrestriad dienw bob blwyddyn. Yn hytrach, dylai'r cofrestriad dienw aros ar waith nes bod person yn mynd ati i ddewis newid y trefniant hwnnw</p>	<p>Gwrthod. Ar hyn o bryd, mae'r broses o wneud cais i gofrestru'n ddiennw yn caniatáu i etholwyr fod ar y gofrestr Seneddol a'r gofrestr llywodraeth leol yn ddiennw drwy wneud un cais. Pe byddem yn gwneud newidiadau o ran y gofrestr llywodraeth leol yn unig, byddai hyn yn golygu y byddai'n rhaid i rywun sy'n dymuno aros yn ddiennw ar y gofrestr Seneddol wneud cais arall, gydag amodau gwahanol. Yn yr achos hwn, byddai angen i berson sy'n gwneud cais amhenodol i gofrestru'n ddiennw barhau i wneud cais bob blwyddyn i fod ar y gofrestr Seneddol yn ddiennw. Rydym o'r farn nad yw'r cymhlethdod hwn yn dderbyniol i etholwyr. Yn yr un modd, gall bod ar gofrestr etholiadol yn ddiennw achosi sgil-ffeithiau i etholwr. Er enghraifft, ni fyddai'r etholwr yn ymddangos ar unrhyw wiriadau gwasanaethau ariannol ac felly ni fyddai'n elwa ar fod yn etholwr cofrestredig.</p>
<p>Argymhelliad 11. Rydym yn argymell bod Llywodraeth Cymru yn gwella'r Bil i gynnwys dyletswydd i dynnu'r gofrestr agored ar gyfer etholiadau Cymreig cyn cynnal peilotau'n ymwneud â chofrestru etholiadol heb gais.</p>	<p>Derbyn. Byddwn yn cyflwyno gwelliant i fewnosod gwaharddiad ar gychwyn y darpariaethau ym Mhennod 2 y Bil nes bod Gweinidogion Cymru wedi gwneud rheoliadau i ddileu'r darpariaethau sy'n ymwneud â'r gofrestr agored a nodir ar hyn o bryd mewn rheoliadau. Er mwyn atal Gweinidogion Cymru rhag adfywio'r gofrestr agored wedi hynny, byddwn hefyd yn diwygio adran 53 o Ddeddf Cynrychiolaeth y Bobl 1983.</p>
<p>Argymhelliad 12. Rydym yn argymell bod Llywodraeth Cymru yn ymrwymo i sicrhau bod sefydliadau rhanddeiliaid sy'n cynrychioli grwpiau agored i niwed yn rhan o'r gwaith o gynllunio peilotau'n ymwneud â chofrestru etholiadol heb gais.</p>	<p>Derbyn. Rydym wrthi'n ceisio datganiadau o ddiddordeb gan awdurdodau lleol ynghylch peilotau cofrestru awtomatig. Unwaith y bydd y broses hon wedi'i chwblhau, byddwn yn sefydlu gweithgor i ddatblygu peilotau unigol. Bydd rhan o'r gwaith hwn yn cynnwys gwaith deall ymddygiadau i hwyluso cyfathrebu effeithiol ag etholwyr. Byddwn yn manteisio ar gynrychiolwyr o'n rhwydwaith eang o sefydliadau sy'n gweithio gydag etholwyr, gan ganolbwyntio'n benodol ar y rhai sy'n cynrychioli etholwyr sy'n agored i niwed, er mwyn cyfrannu at gynlluniau cyfathrebu.</p>
<p>Argymhelliad 13. Rydym yn argymell y dylai Llywodraeth Cymru, cyn cynnal peilotau'n</p>	<p>Derbyn. Rydym wrthi'n ceisio datganiadau o ddiddordeb gan awdurdodau lleol ynghylch peilotau cofrestru awtomatig. Unwaith y bydd y</p>

<p>ymwneud â chofrestru etholiadol heb gais, nodi sut y bydd y peilotau'n asesu a yw'r cyfnod o 45 diwrnod sydd gan unigolyn i ymateb i'r hysbysiad yn ddigonol</p>	<p>broses hon wedi'i chwblhau, byddwn yn sefydlu gweithgor i ddatblygu peilotau unigol. Bydd y Comisiwn Etholiadol yn cael gwahoddiad i fod yn rhan o'r gweithgor a bydd ffrwd waith sylweddol yn llunio'r meini prawf penodol ar gyfer gwerthuso'r peilotau. Bydd hyn yn cynnwys a yw'r amserlen 45 o ddiwrnodau ar gyfer ymateb i hysbysiad cofrestru yn ddigonol neu'n effeithiol ai peidio.</p>
<p>Argymhelliad 14. Rydym yn argymell, pe bai Llywodraeth Cymru yn penderfynu gweithredu'r darpariaethau ar gofrestru etholiadol heb gais, y dylid cyflwyno ymgyrch i godi ymwybyddiaeth y cyhoedd o'r newidiadau. Dylai ymgyrch o'r fath gynnwys, ond heb fod yn gyfyngedig i, sicrhau bod gwybodaeth ar gael mewn fformatau hygyrch, ar-lein ac ar ffurf copi caled ac mewn ystod eang o ieithoedd.</p>	<p>Derbyn. Cytunwyd ar hyn â phartneriaid allanol ac mae'r ymgyrch yn cael ei datblygu gan y gweithgor ar beilotau.</p>
<p>Argymhelliad 15. Rydym yn argymell y dylai peilotau'n ymwneud â chofrestru etholiadol heb gais gynnwys gwerthusiad o gadernid y ffynonellau data a ddefnyddir i adnabod pleidleiswyr cymwys. Os bydd y peilotau'n dangos y byddai ffynonellau data eraill yn fwy effeithiol, dylai Llywodraeth Cymru geisio cytundebau rhannu data gyda Llywodraeth y DU, yn ôl yr angen. .</p>	<p>Derbyn yn rhannol. Cytunwyd ar hyn â phartneriaid allanol ac mae'r gwaith yn cael ei ddatblygu gan y gweithgor ar beilotau. Fodd bynnag, mae'r Bil yn ei gwneud yn glir bod yn rhaid i awdurdodau Cymru (rhai lleol neu genedlaethol) gadw unrhyw ddata a ddefnyddir yn rhan o'r broses gofrestru awtomatig ac na all rheoliadau sy'n ymwneud â chofrestru awtomatig ei gwneud yn ofynnol i adrannau Llywodraeth y DU rannu data.</p>
<p>Argymhelliad 16. Rydym yn argymell y dylai peilotau'r dyfodol gael eu cynnal ar draws ystod o wahanol ardaloedd daearyddol ac ar draws ardaloedd trefol a gwledig. Dylai peilotau ystyried hefyd allu gwahanol grwpiau oedran i gymryd rhan.</p>	<p>Derbyn. Bydd hon yn egwyddor sylfaenol o unrhyw raglenni peilotau yn y dyfodol.</p>
<p>Argymhelliad 17. Rydym yn argymell bod Llywodraeth Cymru yn parhau i weithio gyda llywodraeth leol i roi sicrwydd pellach mai dim ond o dan amgylchiadau eithriadol y byddai'r pŵer i orfodi peilotau etholiadol yn cael ei ddefnyddio ac y byddai</p>	<p>Derbyn. Dim ond mewn amgylchiadau eithriadol y bydd y pwerau hyn yn cael eu defnyddio.</p>

<p>ganddynt adnoddau priodol, yn ariannol ac o ran capasiti saff</p>	
<p>Argymhelliad 18. Rydym yn argymhell y dylai'r Bil gael ei wella i gynnwys gofyniad i'r Comisiwn Etholiadol ddarparu canllawiau yn nodi sut y dylai swyddogion canlyniadau ddarparu offer rhesymol at ddibenion galluogi pobl anabl i bleidleisio'n annibynnol neu ei gwneud yn haws iddynt wneud hynny, ac yn unol ag anghenion pleidleiswyr anabl. Dylai'r Bil nodi hefyd y byddai'n ofynnol i swyddogion canlyniadau roi sylw dyladwy i ganllawiau o'r fath</p>	<p>Gwrthod. Gwnaeth darpariaethau tebyg yn Neddf Etholiadau 2022 ddiwygiadau i ddeddfwriaeth sylfaenol sy'n cynnwys y rheolau ar gyfer etholiadau seneddol.</p> <p>Fodd bynnag, mae'r fframwaith rheolau etholiadol sydd ar waith yng Nghymru yn golygu y gellir diwygio'r darpariaethau mewn perthynas â darparu offer mewn gorsafoedd pleidleisio drwy is-ddeddfwriaeth a hynny drwy newid y rheolau etholiadol priodol a nodir yng Ngorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007 a Rheolau Etholiadau Lleol 2021. Er mwyn sicrhau hygyrchedd y gyfraith, dylai'r gofyniad o ran darparu canllawiau fod yn rhan o'r darpariaethau hyn.</p> <p>Ar gyfer Etholiadau'r Senedd, rydym wedi ymrwymo i gydgrynhoi ac ailddatgan y gyfraith yn rhan o fframwaith hygyrch a dwyieithog. Bydd hyn yn digwydd am y tro cyntaf cyn etholiad 2026. Rydym yn bwriadu ymgynghori ar Orchymyn drafft dwyieithog sydd wedi'i gydgrynhoi felly bydd cyfle i randdeiliaid ystyried newidiadau arfaethedig yn fanwl.</p>
<p>Argymhelliad 19. Rydym yn argymhell y dylai swyddogion canlyniadau a rhanddeiliaid perthnasol fod yn rhan o'r gwaith o baratoi canllawiau yn ymwneud â darparu offer i alluogi pobl anabl i bleidleisio'n annibynnol neu ei gwneud hi'n haws iddynt wneud hynny. Dylai'r canllawiau nodi y dylai swyddogion canlyniadau wneud pob ymdrech i ddeall anghenion pobl anabl ac awgrymiadau ar sut i gyflawni hyn</p>	<p>Nodwyd. Byddai'r argymhelliad hwn yn un i'r Comisiwn Etholiadol ei ystyried ac ymateb iddo.</p>
<p>Argymhelliad 20. Rydym yn argymhell y dylai Llywodraeth Cymru ystyried pwysigrwydd cynnwys y nodweddion gwarchoddedig a nodir yn Neddf Cydraddoldeb 2010 wrth osod ei chwestiynau craidd ar gyfer yr Arolwg Ymgeiswyr Llywodraeth Leol</p>	<p>Derbyn mewn egwyddor. Nid yw cwmpas yr hyn y gellir ei gynnwys yn yr arolwg yn cael ei newid drwy'r Bil. Mae newidiadau i'r arolwg yn canolbwyntio ar weithdrefn ar gyfer cytuno ar y cwestiynau a hwyluso dull dwy ran, sy'n arwain at gyfres o gwestiynau craidd sy'n berthnasol i bob cyngor a chwestiynau sydd wedi'u targedu'n fwy y gellir eu pennu'n lleol, yn dibynnu ar fentrau neu waith sy'n cael ei gynnal yn lleol.</p>
<p>Argymhelliad 21. Rydym yn argymhell y dylai'r Arolwg Ymgeiswyr Llywodraeth Leol</p>	<p>Derbyn. Byddwn yn ystyried sut y gallai'r arolwg ymgeiswyr gynnwys cwestiynau sy'n ymwneud â chyfrifoldebau gofalu ymgeiswyr.</p>

<p>gynnwys cwestiwn yn ymwneud â chyfrifoldebau gofalu ymgeiswyr yn y cwestiynau craidd</p>	
<p>Argymhelliad 22. Rydym yn argymhell y dylai'r Arolwg Ymgeiswyr Llywodraeth Leol gynnwys cwestiynau craidd mewn perthynas â phrofiad ymgeiswyr o gamdriniaeth ac aflonyddu</p>	<p>Derbyn. Byddwn yn ystyried sut y gallai'r arolwg ymgeiswyr gynnwys cwestiynau sy'n ymwneud â phrofiad ymgeiswyr o fwlio ac aflonyddu a sut y gallai dadansoddi data a gesglir lywio dulliau gweithredu yn y dyfodol er mwyn mynd i'r afael â'r ymddygiad annerbyniol hwn.</p>
<p>Argymhelliad 23. Rydym yn argymhell y dylai Llywodraeth Cymru ymrwmo i sicrhau bod dull cydweithredol yn cael ei ddefnyddio i ddylunio'r platfform gwybodaeth i bleidleiswyr. Dylai hyn gynnwys cyfraniad rhanddeiliaid perthnasol i sicrhau bod yr wybodaeth ar gael yn ddwyieithog yn y Gymraeg a'r Saesneg ac mewn fformatau hygyrch</p>	<p>Derbyn. Byddwn yn ymwneud â rhanddeiliaid ac yn cydweithio â nhw drwy gydol y broses ddatblygu er mwyn ystyried gofynion hygyrchedd a sicrhau bod gwybodaeth ar gael i bawb sydd angen cael gafael arni. Byddwn yn nodi'r gofynion o ran hygyrchedd ac iaith yn ogystal ag egwyddorion o ran cynnwys a fydd wedi'u datblygu ar y cyd â rhanddeiliaid yn y rheoliadau a'r llythyr cylch gwaith.</p>
<p>Argymhelliad 24. Rydym yn argymhell y dylai Llywodraeth Cymru fynd ati ar unwaith i gyflawni gwaith pellach i ystyried atebolrwydd cyfreithiol y ddau ymgeisydd a gwesteiwr y platfform mewn perthynas â datganiadau a gyhoeddir ar y platfform gwybodaeth i bleidleiswyr. Rhaid egluro hyn cyn lansiad y platfform</p>	<p>Derbyn mewn egwyddor. Bydd canllawiau a/neu reoliadau yn nodi'n glir pa wybodaeth y gellir ei chynnwys a pha wybodaeth na ellir ei chynnwys mewn datganiadau fel bod ymgeiswyr, a'r rhai sy'n gwirio'r datganiadau, yn ymwybodol o'r fath reolau cyn eu llwytho. Byddant hefyd yn nodi pwy sy'n gyfrifol am y fath wybodaeth a'r canlyniadau tebygol os caiff y fath reolau a chyfreithiau eu torri.</p>
<p>Argymhelliad 25. Rydym yn argymhell y dylid cynnwys hyfforddiant penodol i gynorthwyo grwpiau heb gynrychiolaeth ddigonol i ddelio â chamdriniaeth ac aflonyddu yn y gwasanaethau a restrir yn adran 28(5).</p>	<p>Gwrthod. Mae hyfforddiant eisoes wedi'i gynnwys yn adran 28(5) ac nid oes angen diwygio'r Bil i bennu math penodol o hyfforddiant. Byddem yn fodlon cyfeirio at hyfforddiant ar gamdriniaeth ac aflonyddu fel enghraifft yn y deunydd sy'n cydfynd â'r Bil.</p>
<p>Argymhelliad 26. Dylai Llywodraeth Cymru fwrw ymlaen â gweithredu'r argymhellion yn ein hadroddiad ar Amrywiaeth ym maes llywodraeth leol mewn perthynas â chodi ymwybyddiaeth o gynllun cymorth ariannol i ymgeiswyr anabl a sicrhau bod y cynllun yn dechrau mewn digon o</p>	<p>Derbyn. Byddwn yn parhau i weithio gyda rhanddeiliaid i ddatblygu'r cynllun presennol mewn da bryd er mwyn cynorthwyo ymgeiswyr cyn etholiadau yn y dyfodol.</p>

amser cyn etholiad nesaf y Senedd	
Argymhelliad 27. Dylai Llywodraeth Cymru ymrwymo i ddatblygu a pheilota cronfa cymorth ariannol i gefnogi gofalwyr di-dâl i sefyll mewn etholiad. Rydym yn cydnabod y byddai angen i hyn ystyried sut mae diffinio gofalwyr di-dâl a sut y gallai cynllun dargedu'r rhai sydd angen cymorth ariannol fwyaf.	Derbyn mewn egwyddor. Mae'r Bil yn caniatáu i'r fath ddulliau gael eu rhoi ar waith, ond bydd angen i unrhyw gynlluniau fod yn seiliedig ar dystiolaeth a chael eu targedu'n briodol. Mae angen dull hyblyg i sicrhau bod y rhesymeg dros unrhyw gynllun yn gadarn a bod y mesurau a roddir ar waith yn mynd i'r afael â'r rhwystrau mewn modd nad yw'n creu mantais i unrhyw grŵp penodol o unigolion dros eraill.





Llywodraeth Cymru  
Welsh Government

Peredur Owen Griffiths AS  
Cadeirydd  
Y Pwyllgor Cyllid  
Senedd Cymru  
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1 Chwefror 2024

Annwyl Peredur

Diolch am Adroddiad y Pwyllgor Cyllid a gyhoeddwyd ar 26 Ionawr ynghylch y Bil Etholiadau a Chyrff Etholedig (Cymru) fel rhan o graffu cyfnod 1.

Rwy'n ddiolchgar i'r Pwyllgor am ei waith craffu ystyriol Cam 1. Rwyf wedi ystyried yn ofalus adroddiad y pwyllgor ac rwy'n hapus i dderbyn yr holl argymhellion. Gweler fy ymateb yn Atodiad 1 i'r argymhellion cyn i'r Ddadl Egwyddorion Cyffredinol Cyfnod 1.

Yn gywir

**Mick Antoniw AS/MS**

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## Atodiad 1: Ymateb i adroddiad y Pwyllgor Cyllid ar y Bil Etholiadau a Chyrff Etholedig (Cymru)

<p><b>Argymhelliad 1.</b> Mae'r Pwyllgor yn argymhell bod Llywodraeth Cymru yn ymrwymo i ddarparu Asesiadau o'r Effaith Rheoleiddiol i gyd-fynd ag unrhyw is-ddeddfwriaeth berthnasol a wneir o dan y Bil hwn.</p>
<p><b>Derbyniwyd.</b> Rydym wedi ymrwymo i hyn o fewn yr Asesiad Effaith Rheoleiddiol ar gyfer y Bil.</p>
<p><b>Argymhelliad 2.</b> Mae'r Pwyllgor yn argymhell bod y Gweinidog yn darparu rhagor o wybodaeth am gostau sy'n ymwneud â newidiadau i'r Systemau Rheoli Etholiadol wrth iddynt ddod yn glir; gan gynnwys manylion ar sut yr asesir cost effeithiolrwydd cynlluniau peilot unigol.</p>
<p><b>Derbyniwyd.</b> Byddwn yn darparu rhagor o wybodaeth am gostau wrth iddo ddod yn amlwg. Bydd gwerthusiad llawn a chadarn o'r holl beilotiaid yn digwydd gan gynnwys y goblygiadau ariannol a'r goblygiadau i wasanaethau EMS. Bydd hyn yn ofynnol i unrhyw gynigion peilot a gyflwynir i'r Bwrdd Rheoli Etholiadol a bydd yn ofynnol iddo adrodd ar oblygiadau ariannol cynlluniau peilot arfaethedig wrth ei werthuso.</p>
<p><b>Argymhelliad 3.</b> Mae'r Pwyllgor yn argymhell bod y Gweinidog yn rhoi'r wybodaeth ddiweddaraf i'r Pwyllgor am gostau sy'n gysylltiedig â gwaith sy'n cael ei wneud i gynyddu hygyrchedd etholiadau i bleidleiswyr anabl.</p>
<p><b>Derbyniwyd.</b> Byddwn yn nodi rhagor o wybodaeth yn yr Asesiadau Effaith Rheoleiddiol sy'n cyd-fynd â'r is-ddeddfwriaeth.</p>
<p><b>Argymhelliad 4.</b> Mae'r Pwyllgor yn argymhell bod y Gweinidog yn darparu gwybodaeth am ganlyniadau'r ymchwil y mae'n bwriadu ei gomisiynu i hyrwyddo amrywiaeth mewn personau sy'n ceisio swyddi etholedig. Mae hyn yn cynnwys sut mae'r wybodaeth honno'n cael ei chasglu a'i choladu; a sut mae Llywodraeth Cymru yn bwriadu defnyddio'r wybodaeth honno i wneud ymyriadau wedi'u targedu.</p>
<p><b>Derbyniwyd.</b> Byddwn yn darparu canlyniad yr ymchwil a wnaed pan fydd wedi'i gwblhau. Bydd hyn yn canolbwyntio'n bennaf ar rwystrau i gyfranogiad mewn democratiaeth leol oherwydd amgylchiadau economaidd-gymdeithasol. Yn ehangach byddwn yn parhau i weithio gydag eraill i nodi rhwystrau i gyfranogiad unigolion mewn grwpiau sydd heb gynrychiolaeth ddigonol drwy ymgysylltu, gwersi a ddysgwyl o fentrau presennol ac adborth drwy adroddiadau ac astudiaethau ehangach. Bydd y dull hwn yn llywio ymyriadau a mentrau yn y dyfodol sydd wedi'u targedu at rwystrau a nodwyd drwy'r gwaith hwn.</p>
<p><b>Argymhelliad 5.</b> Mae'r Pwyllgor yn credu bod cyflwyno asesiad fforddiadwyedd, fel yr un a ddarperir yn y Bil hwn, yn fodel arfer da ar gyfer deddfwriaeth yn y dyfodol ac rydym yn argymhell bod Llywodraeth Cymru yn parhau â'r dull newydd hwn.</p>
<p><b>Derbyniwyd.</b> Rydym yn ddiolchgar am sylwadau'r Pwyllgor.</p>



Llywodraeth Cymru  
Welsh Government

Huw Irranca Davies AS  
Cadeirydd  
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad  
Senedd Cymru  
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CF99 1SN

CC: John Griffiths, Cadeirydd, Pwyllgor Llywodraeth Leol a Thai  
Peredur Owen Griffiths, Cadeirydd, Pwyllgor Cyllid

12 fed Chwefror 2024

Annwyl Huw,

Hoffwn ddiolch i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad am eu gwaith craffu ar y Bil Etholiadau a Chyrff Etholedig (Cymru) yn ystod Cyfnod 1 ac am yr adroddiad a gyhoeddwyd ar 26 Ionawr 2024.

Rwyf wedi nodi ymatebion i argymhellion y Pwyllgor yn Atodiad 1. Ni fu'n bosibl i mi dderbyn holl argymhellion y pwyllgor yn llawn. Fodd bynnag, rwyf wedi cynnal yr egwyddorion a'r rhesymu sylfaenol ar gyfer fy mhenderfyniad hyd y bo modd.

Gobeithiaf y bydd y llythyr hwn yn ddefnyddiol wrth nodi ymatebion i Adroddiad y Pwyllgor. Rwyf hefyd wedi ysgrifennu at Gadeiryddion y Pwyllgor Cyllid a'r Pwyllgor Llywodraeth Leol a Thai mewn perthynas â'u Adroddiadau Cyfnod 1 ac mae'r llythyrau wedi'i gopïo at bob un o'r tri Chadeirydd Pwyllgor.

Edrychaf ymlaen at barhau i weithio gyda'r Aelodau wrth i'r Bil fynd rhagddo drwy Broses y Senedd.

Yn gywir,

**Mick Antoniw AS/MS**

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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## Atodiad 1: Ymateb i adroddiad y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad ar y Bil Etholiadau a Chyrff Etholedig (Cymru)

<p><b>Argymhelliad 1.</b> Dylai'r Cwnsler Cyffredinol nodi a yw rhaglen bresennol Llywodraeth Cymru o ymgysylltu a chydweithio â rhanddeiliaid mewn perthynas â'r Bil yn debygol o arwain at Lywodraeth Cymru yn cyflwyno diwygiadau polisi sylweddol yng nghyfnod 2 a/neu 3</p>
<p><b>Derbyn.</b> Nid ydym yn rhag-weld y byddwn yn cyflwyno diwygiadau polisi sylweddol yng Nghyfnod 2 na 3 yn sgil ein cydweithio parhaus â rhanddeiliaid.</p>
<p><b>Argymhelliad 2.</b> Dylai'r Cwnsler Cyffredinol roi syniad o ba bryd mae Llywodraeth Cymru yn bwriadu cyflwyno Bil cydgrynhoi mewn perthynas â chyfraith etholiadol Cymru.</p>
<p><b>Derbyn.</b> Fel y nodais yn fy nhystiolaeth i'r Pwyllgor, mae'r maes cyfraith hwn yn barod i'w gydgrynhoi. Mae'r Pwyllgor yn ymwybodol fy mod newydd osod rhaglen ddiwygiedig gerbron y Senedd o dan adran 2 o Ddeddf Deddfwriaeth (Cymru) 2019. Mae hyn yn ei gwneud yn glir y byddwn yn parhau i weithio gyda Chomisiwn y Gyfraith ar brosiectau posibl, ac mae trafodaethau anffurfiol â'r Comisiwn eisoes wedi'u cynnal ynglŷn â'r posibilrwydd o gydgrynhoi cyfraith etholiadol. Byddai hwn yn brosiect a fyddai'n gofyn am adnoddau sylweddol, ac felly, byddwn yn datblygu'r gwaith hwn gyda'r bwriad i'r Llywodraeth nesaf wneud penderfyniadau ar flaenoriaethau ei rhaglen i wella hygyrchedd cyfraith Cymru.</p>
<p><b>Argymhelliad 3.</b> Dylid diwygio'r Bil i ddarparu rhagor o fanylion am y mathau o swyddogaethau y gall Gweinidogion Cymru eu rhoi i'r Bwrdd Rheoli Etholiadol gan ddefnyddio'r pŵer o fewn adran 1 o'r Bil.</p>
<p><b>Gwrthod.</b> Mae swyddogaethau arfaethedig y Bwrdd Rheoli Etholiadol a nodir yn y Bil yn gyson â'r dull a roddir ar waith yn yr Alban. Mae'r pŵer yn adran 20E(3)(c) o'r Bil yn angenrheidiol oherwydd efallai, yn y dyfodol, y bydd angen i Weinidogion Cymru roi swyddogaethau pellach sy'n ymwneud â gweinyddu etholiadol i'r Bwrdd Rheoli Etholiadol ac mae'n bwysig cael yr hyblygrwydd hwn. Un enghraifft o pan allai darpariaethau a bennir mewn rheoliadau ychwanegu at swyddogaethau'r Comisiwn yw y rhagwelir y byddai'r Bwrdd Rheoli Etholiadol yn rhoi'r Plattform Gwybodaeth am Etholiadau Cymreig ar waith a gallai rheoliadau roi swyddogaethau i'r Bwrdd Rheoli Etholiadol mewn perthynas â'r plattform hwnnw.</p> <p>Nid yw'r pŵer hwn yn awdurdodi creu swyddogaethau newydd ar gyfer y Comisiwn, ond mae'n caniatáu dirprwyo swyddogaethau'r Comisiwn a grëir drwy ddulliau eraill (p'un ai mewn deddfwriaeth sylfaenol neu is-ddeddfwriaeth) i'r Bwrdd Rheoli Etholiadol.</p>
<p><b>Argymhelliad 4.</b> Dylid diwygio'r Bil i ddarparu mai dim ond ar ôl cwblhau cynllun peilot o dan adran 5(4) o'r Bil y caniateir dod ag adran 3 i rym.</p>
<p><b>Derbyn.</b> Bydd y Llywodraeth yn cyflwyno gwelliant.</p>
<p><b>Argymhelliad 5.</b> Dylid diwygio'r Bil i ddarparu bod yn rhaid i Weinidogion Cymru, ar adeg gosod rheoliadau cynlluniau peilot yn y Senedd sydd i'w gwneud heb gydsyniad prif gyngor, hefyd osod datganiad i esbonio'r penderfyniad i fwrw ymlaen heb gael y caniatâd hwnnw.</p>
<p><b>Derbyn.</b> Bydd y Llywodraeth yn cyflwyno gwelliant.</p>
<p><b>Argymhelliad 6.</b> Dylid diwygio'r Bil fel bod rheoliadau a wneir o dan adran 5 sy'n diwygio deddfwriaeth sylfaenol yn ddarostyngedig i'r weithdrefn gadarnhaol.</p>
<p><b>Gwrthod.</b> Bydd y fframwaith a sefydlir gan y Bil yn ei gwneud yn ofynnol i Weinidogion Cymru gynnwys rhanddeiliaid allanol wrth ddatblygu'r cynlluniau peilot. Mae'r ffactorau hyn, ynghyd â natur gyfyngedig cynlluniau peilot o ran amser a'r amserlen etholiadol ehangach, yn golygu ei bod yn aml yn angenrheidiol deddfu ar gyfer cynlluniau peilot yn gyflym. Bydd unrhyw newidiadau parhaol i ddeddfwriaeth sylfaenol sy'n deillio o gynllun peilot llwyddiannus yn ddarostyngedig i'r weithdrefn gadarnhaol.</p>
<p><b>Argymhelliad 7.</b> Dylid diwygio'r Bil i hepgor adran 8.</p>

<p><b>Derbyn.</b> Bwriad yr adran hon oedd sicrhau bod gweithdrefn cynlluniau peilot yn gallu addasu er mwyn adlewyrchu natur newidiol arferion etholiadol. Ar y sail bod adran 5 yn rhoi disgrifiad cyflawn o feysydd posibl o ran cynlluniau peilot, bydd y Llywodraeth yn cyflwyno gwelliant i ddileu'r adran hon.</p>
<p><b>Argymhelliad 8. Dylid diwygio'r Bil i ddarparu na chaiff rheoliadau diwygio etholiadol a wneir gan ddefnyddio'r pŵer yn adran 19 greu, dileu nac addasu unrhyw drosedd.</b></p>
<p><b>Gwrthod.</b> Mewn rhai amgylchiadau, efallai y bydd angen creu, dileu neu addasu troseddau wrth wneud rheoliadau diwygio etholiadol. Yn yr achosion hyn, byddai'r Rheoliadau yn ddarostyngedig i'r weithdrefn gadarnhaol (gweler adran 20(3) a (4)), ond byddai'r Senedd, yn ogystal, yn gallu ceisio uwchweithdrefnau cadarnhaol o ran y rheoliadau gan sicrhau craffu llym ar unrhyw ddiwygiadau arfaethedig.</p>
<p><b>Argymhelliad 9. Dylid diwygio'r Bil i ddarparu na chaiff rheoliadau diwygio etholiadol roi, dileu nac addasu pŵer i wneud is-ddeddfwriaeth.</b></p>
<p><b>Gwrthod.</b> Mewn rhai amgylchiadau, efallai y bydd angen rhoi, dileu neu addasu pŵer i wneud is-ddeddfwriaeth wrth wneud rheoliadau diwygio etholiadol. Yn yr achosion hyn, byddai'r Rheoliadau yn ddarostyngedig i'r weithdrefn gadarnhaol (gweler adran 20(3) a (4)), ond byddai'r Senedd, yn ogystal, yn gallu ceisio uwchweithdrefnau cadarnhaol o ran y rheoliadau gan sicrhau craffu llym ar unrhyw ddiwygiadau arfaethedig.</p>
<p><b>Argymhelliad 10. Dylid diwygio'r Bil i'w gwneud yn ofynnol i Weinidogion Cymru, pan fyddant yn penderfynu peidio â derbyn yn llawn neu'n rhannol argymhelliad un o bwyllgorau'r Senedd mewn perthynas â rheoliadau diwygio etholiadol drafft, osod datganiad i egluro eu penderfyniad.</b></p>
<p><b>Derbyn.</b> Bydd y Llywodraeth yn cyflwyno gwelliant.</p>
<p><b>Argymhelliad 11. Dylid diwygio'r Bil i bennu pa gorff fydd yn gyfrifol am gynnal plattfform gwybodaeth etholiadau Cymreig.</b></p>
<p><b>Gwrthod.</b> Ni ddylid clymu bodolaeth y Plattfform Gwybodaeth am Etholiadau Cymreig ynghlwm wrth sefydlu y Bwrdd Rheoli Etholiadol a'i fodolaeth barhaus. Byddai clymu'r plattfform ynghlwm wrth y Bwrdd Rheoli Etholiadol yn lleihau'r hyblygrwydd i ymateb i ddatblygiadau parhaus yn y maes hwn.</p>
<p><b>Argymhelliad 12. Dylid diwygio'r Bil i bennu'r swyddogaethau y gellir eu rhoi i bersonau neu gategorïau o bersonau a bennir mewn rheoliadau a wneir o dan adran 27 o'r Bil.</b></p>
<p><b>Gwrthod.</b> Mae cynnwys manylion mewn rheoliadau yn hytrach nag ar wyneb y Bil yn ddull cytbwys i alluogi mwy o hyblygrwydd i sicrhau bod anghenion gweithredol y plattfform, ei ddefnyddwyr a'r gwesteigr yn cael eu diwallu a'u datblygu gydag amser. Mae'n ystyried y cyd-destun cyfreithiol a thechnolegol sy'n symud yn gyflym, gyda'r craffu priodol ar waith.</p>
<p><b>Argymhelliad 13. Os na chaiff argymhelliad 12 ei dderbyn, dylai Llywodraeth Cymru, cyn diwrnod cyntaf Cyfnod 2 o'r Bil, gyhoeddi datganiad o fwriad polisi i amlinellu'r swyddogaethau y gellir eu rhoi i bersonau neu gategorïau o bersonau a bennir mewn rheoliadau a wneir o dan adran 27 o'r Bil.</b></p>
<p><b>Derbyn.</b> Rwyf wedi ysgrifennu at y Pwyllgor yn nodi'r bwriad polisi.</p>
<p><b>Argymhelliad 14. Dylai Llywodraeth Cymru, cyn diwrnod cyntaf Cyfnod 2 o'r Bil, gyhoeddi datganiad o fwriad polisi i amlinellu'r swyddogaethau y gellir eu rhoi i unigolion o fewn rheoliadau a wneir o dan adran 29 o'r Bil.</b></p>
<p><b>Derbyn.</b> Rwyf wedi ysgrifennu at y Pwyllgor yn nodi'r bwriad polisi.</p>
<p><b>Argymhelliad 15. Dylid diwygio'r Bil i ddisodli cyfeiriadau at y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad gyda chyfeiriadau at "bwyllgorau priodol y Senedd", neu eiriad tebyg o'r fath, i roi sicrwydd yn y gyfraith.</b></p>
<p><b>Derbyn.</b> Bydd y Llywodraeth yn cyflwyno gwelliant.</p>
<p><b>Argymhelliad 16. Dylid diwygio'r Bil fel bod y rheoliadau a wneir o dan adrannau 41 a 51 o'r Bil yn ddarostyngedig i'r weithdrefn gadarnhaol.</b></p>
<p><b>Gwrthod.</b> Mae canllawiau Llywodraeth Cymru yn nodi mai un o'r ffactorau sy'n tueddu i awgrymu mai'r weithdrefn gadarnhaol sydd yn ddiwyddio'r pŵer i</p>

effeithio'n sylweddol ar ddarpariaethau deddfwriaeth sylfaenol. Mae'r pwerau cul hyn i ddiwygio deddfwriaeth sylfaenol wedi'u cyfyngu i ddiwygio'r cyfnod adolygu ym mhob achos, sy'n fanylyn cymharol fach yn y cynllun deddfwriaethol cyffredinol. Mae gan Weinidogion Cymru bŵer eisoes i newid y cyfnod adolygu drwy wneud rheoliadau sy'n ddarostyngedig i'r weithdrefn negyddol – gweler adrannau 138(6) a 174(6) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021. Ystyrir bod defnyddio'r weithdrefn negyddol yn briodol, yn gymesur ac yn unol â chanllawiau Llywodraeth Cymru.

Julie James AS

Y Gweinidog Newid Hinsawdd

22 Chwefror 2024

Annwyl Julie,

### Memorandwm Cydsyniad Deddfwriaethol - Bil Rhentwyr (Diwygio)

Ddydd Llun 19 Chwefror 2024, fe wnaethom drafod y Memorandwm Cydsyniad Deddfwriaethol uchod, a osodwyd yn y Senedd ar 30 Ionawr 2024.

Mae nifer o faterion pwysig yn codi o'r Memorandwm hwn yr hoffem eu codi gyda chi'n uniongyrchol mewn sesiwn dystiolaeth.

Gan hynny, hoffem eich gwahodd chi a'ch swyddogion i'n cyfarfod ddydd Llun 11 Mawrth 2024, fel y gallwn fynd i fanylion y Memorandwm a'i oblygiadau. Byddem yn ddiolchgar pe gallai eich swyddogion ymateb i Glerc y Pwyllgor fel y gellir rhoi trefniadau priodol ar waith.

Er mwyn darparu ar gyfer y sesiwn dystiolaeth hon, byddwn yn ysgrifennu at y Pwyllgor Busnes yn gofyn am estyniad i'r dyddiad cau presennol ar gyfer cyflwyno adroddiad, sef 15 Mawrth 2024. Yn ein barn ni, ni ddylai newid yr amserlen greu problemau ar gyfer amseriad unrhyw gynnig cydsyniad deddfwriaethol sydd i ddilyn, gan fod y Bil Rhentwyr (Diwygio) ar hyn o bryd yn y Cyfnod Adrodd yn Nhŷ'r Cyffredin ac nid yw wedi dechrau ei daith drwy Dŷ'r Arglwyddi eto.

Anfonir copi o'r llythyr hwn at Gadeirydd y Pwyllgor Llywodraeth Leol a Thai a Chadeirydd y Pwyllgor Cyllid.



Edrychaf ymlaen at glywed gennych yn fuan.

Yn gywir,

*Huw Irranca-Davies*

Huw Irranca-Davies

Cadeirydd





Y Gwir Anrhydeddus Elin Jones AS  
Y Llywydd  
Cadeirydd y Pwyllgor Busnes

22 Chwefror 2024

Annwyl Lywydd,

**Memorandwm Cydsyniad Deddfwriaethol - Bil Rhentwyr (Diwygio)**

Ddydd Llun 19 Chwefror 2024, fe wnaethom drafod y Memorandwm Cydsyniad Deddfwriaethol uchod, a osodwyd yn y Senedd ar 30 Ionawr 2024.

Rydym o'r farn bod nifer o faterion pwysig yn codi o'r Memorandwm hwn, ac rydym am godi'r rhain yn uniongyrchol gyda Julie James AS, y Gweinidog Newid Hinsawdd.

Er mwyn darparu ar gyfer sesiwn dystiolaeth, rydym yn gofyn am i'r dyddiad cau ar gyfer cyflwyno adroddiad gael ei estyn i 26 Ebrill 2024 i gynnwys tair wythnos ar gyfer toriad y Pasg). Cafodd y dyddiad cau presennol, sef 15 Mawrth 2024, ei bennu gan y Pwyllgor Busnes ar 6 Chwefror 2024.

Yn ein barn ni, ni ddylai newid yr amserlen greu problemau ar gyfer amseriad unrhyw gynnig cydsyniad deddfwriaethol sydd i ddilyn, gan fod y Bil Rhentwyr (Diwygio) ar hyn o bryd yn y Cyfnod Adrodd yn Nhŷ'r Cyffredin ac nid yw wedi dechrau ei daith drwy Dŷ'r Arglwyddi eto.

Anfonir copi o'r llythyr hwn at Gadeirydd y Pwyllgor Llywodraeth Leol a Thai a Chadeirydd y Pwyllgor Cyllid.

Yn gywir,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Cadeirydd



Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon