

Agenda – Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 3 – Y Senedd Naomi Stocks
Dyddiad: Dydd Iau, 5 Gorffennaf 2018 Clerc y Pwyllgor
Amser: 09.00 0300 200 6565
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Rhag-gyfarfod (9.00 – 9.10)

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**

- 2 Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru) – sesiwn dystiolaeth 2**
(9.10 – 10.10) (Tudalennau 1 – 37)
David Cox, Prif Weithredwr Propertymark, aelod o'r Gymdeithas Asiantaethau Gosod Preswyl
Isobel Thomson, Prif Weithredwr y Cynllun Gosod Eiddo Cenedlaethol Cymeradwy
Charlotte Burles Corbett, Rheolwr Gyfarwyddwr Parkmans, cwmni a reoleiddir gan Sefydliad Brenhinol y Syrfeywyr Siartredig

- 3 Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru) – sesiwn dystiolaeth 3**
(10.10 – 11.10) (Tudalennau 38 – 41)
Douglas Haig, Is-gadeirydd a Chyfarwyddwr Cymru y Gymdeithas Landlordiaid Preswyl
Chris Norris, Cyfarwyddwr Polisi ac Arfer y Gymdeithas Genedlaethol Landlordiaid
Egwyl (11.10 – 11.20)

- 4 Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru) – sesiwn dystiolaeth 4**
(11.20 – 12.20) (Tudalennau 42 – 52)
Liz Silversmith, Cyfarwyddwr yr Ymgyrch, Let Down in Wales



Cerith D. Rhys Jones, Rheolwr Materion Allanol, Undeb Cenedlaethol y Myfyrwyr

Hannah Slater, Rheolwr Polisi a Materion Cyhoeddus, Generation Rent

5 Papurau i'w nodi

(Tudalennau 53 – 54)

5.1 Llythyr gan Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth mewn perthynas â gwneud i'r economi weithio i'r rheini sydd ag incwm isel

(Tudalennau 55 – 56)

5.2 Llythyr gan Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus mewn perthynas â Chymunedau yn Gyntaf

(Tudalennau 57 – 64)

5.3 Llythyr gan Gymdeithas Llywodraeth Leol Cymru (CLILC) mewn perthynas â Chymunedau yn Gyntaf

(Tudalennau 65 – 68)

5.4 Llythyr gan Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg mewn perthynas â'r flaenraglen waith

(Tudalen 69)

5.5 Llythyr gan y Gweinidog Plant, Pobl Hŷn a Gofal Cymdeithasol mewn perthynas â Grant Byw'n Annibynnol Cymru

(Tudalennau 70 – 72)

5.6 Llythyr at y Gweinidog Tai ac Adfywio mewn perthynas â'r Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru)

(Tudalennau 73 – 74)

5.7 Llythyr gan Gadeirydd y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol at y Prif Weinidog ynghylch hawliau dynol yng Nghymru

(Tudalennau 75 – 76)

5.8 Llythyr at y Gweinidog Tai ac Adfywio mewn perthynas â diogelwch tân mewn tyrau o fflatiau yng Nghymru

(Tudalennau 77 – 79)

- 6 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o weddill y cyfarfod

- 7 Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru) – trafod y dystiolaeth a ddaeth i law o dan eitemau 2, 3 a 4
(12.20 – 12.35)

- 8 Ymchwiliad i feichiogrwydd, mamolaeth a gwaith yng Nghymru – trafod yr adroddiad drafft
(12.35 – 14.00) (Tudalennau 80 – 127)

Mae cyfyngiadau ar y ddogfen hon

Background

1. ARLA Propertymark is the UK's foremost professional and regulatory body for letting agents; representing over 9,000 members. ARLA Propertymark agents are professionals working at all levels of letting agency, from business owners to office employees.
2. Our members operate to professional standards far higher than the law demands, hold Client Money Protection and we campaign for greater regulation in this growing and increasingly important sector of the property market. By using an ARLA Propertymark agent, consumers have the peace of mind that they are protected, and their money is safe.

Executive Summary

3. A ban will make buy-to-let investment even less attractive and result in the extra costs borne by landlords being passed on to tenants through rent rises.
4. Banning fees will reduce competition in the market and agents will become more selective about the tenants they choose.
5. Clarification in the Bill is needed on the role of portals in displaying information, payments for utilities (contract for services), and the Green Deal requirements.
6. The Welsh Government need to specify whether Change of Sharer and Surrender of Tenancy will be classed as payments in default and if the premium associated with Deposit Replacement Insurance Schemes will be acceptable.
7. The Welsh Government should exempt reference checks from the legislation to ensure that tenants are not overstressing themselves in terms of what they can afford.

General comments

8. ARLA Propertymark does not support the banning of letting agents charging fees to tenants. We believe fees should be open, transparent and reasonable. They represent legitimate costs to business that need to be covered.

9. When renting a property, a tenant is taking a legal interest in land for the duration of their tenancy and the fees charged to tenants are broadly like those charged when purchasing a property (referencing checks equate to mortgage application fees, contract negotiation charges are akin to conveyancing, and inventory costs are like a survey).
10. In terms of fees, the only difference between renting a home and buying a property is that when purchasing a property, the fees are paid to three different parties and generally cost the purchaser much more, whereas when renting a property, the letting agent acts in a quasi-legal capacity, undertaking these tasks on behalf of the tenant.

Response to the Renting Homes (Fees etc.) (Wales) Bill

Intended effect

11. ARLA Propertymark does not believe that banning fees to tenants will ensure that the private rented sector remains functional and affordable for those who wish to access it. The Renting Homes (Fees etc.) (Wales) Bill will not increase accessibility and transparency for tenants and prospective tenants. Furthermore, we do not believe that the Bill will help tenants find homes within the private rented sector and move more easily. A ban on letting agent fees will have a profoundly negative impact on the rental market in Wales and not increase accessibility and transparency for tenants and prospective tenants. Currently, tenants know and understand what they are committing to at the start of the tenancy. A ban will reduce the services that letting agents provide and cost the sector jobs. It will make buy-to-let investment even less attractive and ultimately, as the Impact Assessment notes on page 20¹, result in the extra costs borne by landlords being passed on to tenants.
12. The Bill will not ensure that the private rented sector remains functional for those who wish to access it. If less professional and part-time landlords turn away from agents due to increasing costs, they will likely be unaware of new (and existing) legal requirements, causing widespread non-compliance and putting tenants in danger. This could result in more tenants having to seek assistance from their local authority. In the current fiscal climate, many local authorities are dispensing with their Tenancy Relations Officers and their Housing, Environmental Health and Trading Standards teams. These teams are already over-stretched and under resourced. They will struggle to enforce the laws. This will leave tenants, particularly vulnerable tenants, living in substandard conditions with nowhere to turn.

¹ <http://www.assembly.wales/laid%20documents/pri-ld11586-em/pri-ld11586-em-e.pdf>

13. The Welsh Government outline in the Explanatory Memorandum on page 10² that the Bill has been developed in the context of helping tenants find homes within the PRS. However, we fundamentally believe that the Welsh Government is misguided in its approach for two reasons. Firstly, banning fees will reduce competition in the market by driving some agents out of business. Smaller agents will struggle, their turnover will become smaller, with some driven out of business altogether or taken over by larger agencies creating corporate monopolies rather than increasing competition in the sector. Secondly, those agents that remain in the sector will become more selective about the tenants they choose. Furthermore, the private rented sector in Wales is regulated through Rent Smart Wales with both landlords and agents complying with the additional burdens that the new legislation has imposed. However, with the proposal of this ban the mainstream providers of rental accommodation are faced with further financial pressure which, in many cases, will lead to fewer agents and landlords operating in the market giving tenants far fewer opportunities to get into good quality, affordable rented housing. The average fee charged by ARLA Propertymark agents is £202 per tenant, which we think is fair, reasonable and far from exploitative for the service tenants receive. As the ban shifts the focus of the agent from the tenant to the landlord this will lead to agents selecting the best tenant for the landlord; ultimately leading to some tenants finding it almost impossible to find property to rent.
14. The ban will not make the sector more affordable to tenants. Fees charged by letting agents represent legitimate business costs that need to be covered as outlined on pages 19 and 20 in the Impact Assessment³. As a consequence of a ban, these costs will be passed on to landlords, who will need to recoup the costs elsewhere; inevitably through higher rents. Independent research commissioned by ARLA Propertymark and carried out by Capital Economics, predicts that because of a full ban on fees tenants will pay an increased rent of £103 per year.⁴ Their analysis shows that as rents will increase by less than the average tenant fees, those tenants who move more frequently will enjoy savings on overall costs. However, those that move property less often will not reap the same benefits in savings. Typically, these are likely to be lower income families who will probably move less often than younger, wealthier millennials. For savings to accrue to tenants from the change in policy they would need to move as often as every two-and-a-half to three years. Consequently, those tenants

² <http://www.assembly.wales/laid%20documents/pri-ld11586-em/pri-ld11586-em-e.pdf>

³ <http://www.assembly.wales/laid%20documents/pri-ld11586-em/pri-ld11586-em-e.pdf>

⁴ <http://www.arla.co.uk/media/1045728/letting-the-market-down-assessing-the-economic-impacts-of-the-proposed-ban-on-letting-agents-fees.pdf>

in long term tenancies will end up worse off. Rather than creating a system which is more affordable and encourages long-term tenancies, the proposed ban will financially disadvantage tenants unless they move on a regular basis.

15. The Welsh Government's approach will not increase accessibility and transparency for tenants and prospective tenants. Letting agent fees should be open, transparent and reasonable. Under the Consumer Rights Act all letting agents in Wales must openly display a list of all fees, charges or penalties which may be incurred by a landlord or tenant.⁵ However, there has been very little enforcement of these rules meaning that tenants and landlords are not getting the control and clarity they need to make informed decisions. Rather than pressing ahead with plans for more legislation in the sector to ban letting agent fees, the Welsh Government could provide greater control and clarity by using the powers they already have to improve transparency and introduce tougher penalties for agents found to be breaching the law.

Provisions in the Bill

16. Clarification in the Bill is needed on the role of portals in displaying information, payments for utilities (contract for services), and the Green Deal requirements. The Welsh Government also need to specify whether Change of Sharer and Surrender of Tenancy will be classed as payments in default and if the premium associated with Deposit Replacement Insurance Schemes will be acceptable. We also strongly believe that the Welsh Government must exempt reference checks from the legislation to ensure that tenants are not overstressing themselves in terms of what they can afford.
17. It is sensible that the Renting Homes (Fees etc.) (Wales) Bill extends the requirement for agents to display all fees, charges and penalties under the Consumer Rights Act to any online advertiser such as property portals and third-party websites. Most tenants now search for rental accommodation by using the portals and will not visit the letting agent's own website or go into a branch until later in their property search. However, the Welsh Government need to clarify that once agents have provided the relevant information to the portals, it will be the legal responsibility of the portals to ensure that the fees are showing correctly. Agents pay to advertise on portals and by ensuring that liability is with them, it will guarantee that every agent provides this information in a unified way; reducing the risk of agents opting out from using some portals and not others. It is also very difficult to display fees if properties are being advertised on

⁵ <http://www.legislation.gov.uk/wsi/2015/1904/made>

third party websites like Twitter that require users to provide information in 280 characters or less.

18. Despite the Renting Homes (Fees etc.) (Wales) Bill banning landlords and agents from requiring tenants to secure and pay for services from any third party, the Welsh Government must be clear that loans under the Green Deal (or any subsequent energy efficiency scheme) which are payable by the tenant must be excluded from the ban. The Energy Act 2011 introduced a series of energy efficiency targets for residential properties.⁶ The Green Deal helps tenants and landlords make energy-saving improvements to the property. Tenants pay for the agreed proportion of the improvements through their energy bill during their tenancy. Therefore, tenants must agree to the non-optional Green Deal Charge as a condition of granting, renewing or continuing a tenancy. In its present form, this would fall foul of Clause 3 (2) of the Renting Homes (Fees etc.) (Wales) Bill. If the Welsh Government wants the sector to use the Green Deal, then the loans which are payable by the tenant must be exempt from the ban.
19. The Bill should be amended to clarify that landlords and their agents can require tenants to secure and pay for utilities (electricity, gas or other fuel, water or sewerage), communication services (such as telephone, internet, cable/satellite television), Council Tax and payments for a television licence where they are required by the tenancy agreement to make the payment. In its current form it is unclear from Clause 2 (2) and (3) in the Bill whether these payments are permitted. The Welsh Government should re-word this part of the Bill and confirm that these are “Permitted Payments” where they are in the tenancy agreement.
20. We believe letting agents should be able to charge tenants for dealing with Change of Sharer / Tenant or where a tenant wants to leave their tenancy early (Surrender of Tenancy). This is a breach of their tenancy agreement and almost every service provider (e.g. mobile phone contracts) comes with a default payment for early termination. By enshrining this into law it will give agents ultimate certainty and not create a “PPI moment” for the industry. Furthermore, a significant amount of time and resources are involved by agents in either a Surrender of Tenancy or Change of Tenant / Sharer as effectively an entire new agreement, referencing and Right to Rent checks (when introduced in Wales) need to be undertaken. Such a situation will only ever occur at the request of the tenant or due to the tenant’s actions. It will never be instigated by either a landlord or letting agent and therefore, we would argue that

⁶ <http://www.legislation.gov.uk/ukxi/2015/962/contents/made>

these should be exempt from the ban. Additionally, if they are not classed as a default payment by the tenant we are concerned that this service may not be provided at all, restricting tenant's ability to move and reducing choice.

21. Recently, we have seen the emergence of Deposit Replacement Insurance Schemes whereby the tenant pays a non-refundable insurance premium (usually around one week's rent) before they sign the tenancy agreement. This insurance product then acts in place of a deposit and should the tenant go into rent arrears or damage the property, the landlord will be able to claim on the insurance policy. These schemes are not mentioned in the Renting Homes (Fees etc.) (Wales) Bill. Clarification is needed as to whether it will be acceptable to pay the premium rather than a tenancy deposit under the legislation. If they are permitted, will the annual insurance premium payment become a Prohibited Payment to a third party under Clause 3 (2) of the Renting Homes (Fees etc.) (Wales) Bill or will these schemes be deemed acceptable. The issue arises because essentially the option is only available at the beginning of the tenancy and not at renewal. Therefore, if the option is chosen it will become a premium for continuing the tenancy and breach Clause 3 (3) of the Bill.

22. We believe that there should be an exemption for checks involved in referencing tenants. Reference checks are an essential part of the letting process, ensuring that tenants are who they say they are, work where they say they work and can make rental payments. If a tenant falls into rent arrears this could result in County-Court Judgments made against them, which could have a significant impact on their credit rating and their subsequent ability to obtain credit. In addition, tenant referencing is time consuming for letting agents and often involves significant time spent chasing all parties to complete the referencing process. Checks are frequently complex procedures and under the Phase Three roll out of the Immigration Act 2014, Right to Rent checks will soon be required by law in Wales.⁷ With such a chronic shortage of rental housing, a ban on fees for tenant referencing may make securing a rental home very difficult for those on low incomes or those who have a poor credit rating. To ensure that a tenant takes on manageable levels of financial commitment and help to ensure that they are not subsequently made homeless, reference checks should be exempt from legislation banning letting agent fees to tenants.

Corrections

⁷ <http://www.arla.co.uk/media/1045722/immigration-act-2016-phase-3-response.pdf>

23. A correction to Schedule 2, 7 (b) of the Bill should be made so that it says, “the landlord did not know, and could not reasonably have been expected to know, that was the case before the landlord accepted the holding deposit.” In the Bill’s current form “holding” is not included and must be added to make it clear which deposit the legislation is referring to.
24. In Schedule 1, 2 (1) (4) Security deposit, the “prescribed limit” should be set out in the Act and if not, subject to Affirmative Resolution rather than “a limit specified by, or determined in accordance with, regulations”. This will ensure that the prescribed limited is outlined clearly in the Act and approved by the Welsh Assembly.

Enforcement

25. The Renting Homes (Fees etc.) (Wales) Bill outlines that local authorities will enforce any ban. We are concerned about the low level of fines currently prescribed in the Bill and the resources available to local authorities. It is imperative that the fines for breaching the ban are reflective of the amount of money involved in a tenancy and act as an effective deterrent to rogue operators. It is vital that local authorities are adequately resourced and funded.
26. The fines set out in the Bill for a breach of the ban are too low. As outlined in Clause 11 (3) a fine not exceeding level four on the standard scale is not a deterrent to those looking to flout the rules. Furthermore, a fine of £500 for a Fixed Penalty Notice is much too low. For instance, if a letting agent has 200 tenancies and charges £202 in fees per tenant this amounts to £80,800 if there is an average of two tenants per tenancy. Therefore, over the length of time the agent manages these properties the local authorities would need to issue 162 Fixed Term Penalty notices at £500 each for the agent to be out of pocket. A breach of the fees ban must result in a significantly larger fine to deter rogue operators. Fines should amount to a financial penalty of up to £5,000. Successive breaches of the ban within five years (where a financial penalty has been issued or conviction secured in respect of the earlier breach) should be a criminal offence with an unlimited fine. The local authority should be able to impose a financial penalty of up to £30,000 as an alternative to criminal prosecution. Local authorities should also be notifying Rent Smart Wales to prevent the worst offenders from operating.
27. Local authorities need extra support to enforce any ban on fees. Unless specific funding is set aside for the sole purpose of enforcing these new laws, then we expect the same lack of effective enforcement on the ban on lettings fees as has been

demonstrated on the transparency rules under the Consumer Rights Act 2015. This will result in professional agencies complying with the ban and rogue operators continuing to charge fees with impunity; thus creating a two-tier market. Furthermore, the level of enforcement across all aspects of landlord and tenant law is woefully inadequate. Until this issue is addressed and existing laws are properly enforced, we do not believe that new laws should be introduced as the result will be history repeating itself over again – professional landlords and agents will comply, and the criminal element will continue operating under the radar.

Impact of the legislation on key stakeholders including tenants, letting agents and landlords

28. In response to the UK Government’s announcement in November 2016 that they will ban letting agent fees to tenants, ARLA Propertymark surveyed 1,008 letting agents across England and Wales to ask what the impact of a ban on fees would be. The majority of agents (90%) responded saying that rent prices will increase as a result of banning fees. 60% said the quality of properties will decline and 40% think the ban will result in a fall in employment in the medium to long term.⁸
29. Letting agents deliver a hugely valuable service in ensuring that properties are safe, compliant and professionally managed. Up to June 2015, there were 145 laws with over 400 regulations that landlords need to abide by to legally let a property in England and Wales.⁹ Legislation on residential lettings is amended regularly with new laws introduced frequently. If less professional and part-time landlords turn away from agents due to increasing costs, they will likely be unaware of new (and existing) legal requirements, causing widespread non-compliance and putting tenants in danger.
30. An outright ban on letting fees will likely mean that agents become unable to continue offering a full service to tenants; particularly Local Housing Allowance tenants who often require the assistance of their agent to fill in increasingly complex benefit applications. If agents withdraw the services they currently provide, the Department for Work and Pensions will likely see an increase in the number of failed Housing Benefit and Universal Credit applications because tenants have been unable to complete the forms on their own.¹⁰ Exempting referencing, as we suggest above, should effectively mitigate against this eventuality as letting agents will be able to retain current service levels to tenants.

⁸ <http://www.arla.co.uk/media/1045477/tenant-fees-research-report.pdf>

⁹ http://www.propertychecklists.co.uk/downloads/20170508_1

¹⁰ <http://www.arla.co.uk/news/january-2018/arla-propertymark-provide-evidence-for-universal-credit-debate-in-parliament/>

31. The private rented sector is now the largest housing tenure outside of owner-occupation, set to grow and with an increasing number of families and longer-term tenants. The professional services that letting agents provide will become even more important as a growing percentage of the population, from increasingly diverse demographics, rent their homes within an ever more complex legislative framework. However, after successive governments have effectively focused on increasing property standards for those living in the private rented sector, policies such as this ban could well see the good work of the last two decades undermined as landlords struggle, with some failing, to make ends meet. The result will be a reduction in property conditions and an increase in poor management practices with the use of the professional services provided by letting agents reserved for only those who can afford it; leaving the most vulnerable tenants in the hands of inexperienced and/or unscrupulous landlords and agents.
32. The cost of running a letting agency – an office, staff, travel expenses, advertising properties and administration costs all mount up. Official statistics show that real estate activities (both sales and lettings) in England and Wales provided employment for 241,000 people in 2015 (6,500 in Wales, 19,000 in the South West and 19,000 in the North West).¹¹ Some letting agents may not be able to absorb the loss of income created by the ban and will close. Others may have to cut staff and costs. Capital Economics’ analysis suggests that in the worst-case scenario (where agents do not pass on any additional costs to landlords), 16,000 jobs will be lost in the sector and a further 8,000 in the supply chain and even in the most plausible scenario, whereby letting agents pass on 75% of the loss from the fees ban to landlords, this will result in 4,000 jobs in the sector being lost.¹² In either situation, unemployment will increase as a direct result of the ban on letting fees; adding additional costs to the public purse in terms of direct unemployment benefits from those losing their jobs. It will also result in the reduction of new roles being created in the industry as it will reduce the ability for small businesses to grow, train their existing staff and take on properly-trained apprentices who will become the next generation of professional, qualified letting agents. Therefore, this policy again runs contrary to the Welsh Government’s efforts to support small businesses; which represent the majority (60%) of the industry.

¹¹ <http://www.arla.co.uk/media/1045728/letting-the-market-down-assessing-the-economic-impacts-of-the-proposed-ban-on-letting-agents-fees.pdf>

¹² <http://www.arla.co.uk/media/1045728/letting-the-market-down-assessing-the-economic-impacts-of-the-proposed-ban-on-letting-agents-fees.pdf>

33. Private landlords are an important source of investment in housing stock and a worsening of their financial position will likely result in less investment. Some would-be landlords are likely to be put off by the increased costs that may be demanded by letting agents, and together with the withdrawal of Mortgage Interest Rate Relief¹³ and additional stamp duty¹⁴, this will likely reduce the number of new entrants. This will put upward pressure on rents and stifle the market.
34. Finally, it is also important to note that residential lettings activity provides 58,000 jobs across England and Wales, which generate employee taxes in the order of £400 million for the Exchequer each year. Furthermore, Value Added Tax (VAT) is currently charged on letting fees. Capital Economics estimate that the sector provides the Exchequer with annual tax revenues of around £1 billion, from VAT, business rates and employee taxes. Therefore, banning letting fees outright will result in a significant loss of income to the Exchequer.

¹³ <https://www.gov.uk/government/publications/restricting-finance-cost-relief-for-individual-landlords/restricting-finance-cost-relief-for-individual-landlords>

¹⁴ <https://gov.wales/newsroom/finance1/2017/171003-progressive-tax-plans-for-wales-published/?lang=en>

The National Approved Letting Scheme (NALS) www.nalscheme.co.uk is an independent not for profit licensing scheme for lettings and management agents operating in the Private Rented Sector.

NALS agents are required to:

- Deliver defined standards of customer service
- Operate within strict client accounting standards
- Maintain a separate client bank account
- Be included under a Client Money Protection Scheme

Agents must provide evidence that they continue to meet NALS criteria on an annual basis, in order to retain their licence. The scheme operates UK wide and includes 1550 firms with over 2,500 offices. . NALS is an authorised provider of approved training for Rent Smart Wales and a member of its stakeholder group. NALS also administers the SAFEagent campaign www.safeagents.co.uk the purpose of which is to raise consumer awareness nationally of the need to ensure that landlords and tenants should only use agents who are part of a Client Money Protection Scheme offering reimbursement in the event that an agent misappropriates their money. The campaign is recognised by the UK Government.

Summary

NALS welcomes the Welsh Government's commitment to a better Private Rented Sector (PRS) offering safety and security for tenants.

NALS believes the majority of agents charge tenants fair and reasonable fees* for the services that they provide. The small minority who overcharge are held up as the norm – this is erroneous. NALS does not support the overcharging of tenants.

NALS does not support a ban on all upfront letting agent fees because it believes that this will not deliver the outcome to which the Welsh Government aspires.

NALS believes it will reduce the range of services on offer to tenants and make it more difficult for tenants to access the PRS. Of particular concern is the constraints on accessibility the fee ban may place on vulnerable tenants who will no longer get the level of service they have enjoyed previously from agents and they may be less likely to obtain tenancies.

Understanding the service agents provide to tenants

NALS understands that agency fees can be perceived as unaffordable when viewed alongside deposits and the other costs which tenants' incur when moving. We know that many tenants have little information about why fees are charged, or what for. However, we believe that banning of upfront fees would limit the services that can be offered to tenants by agents. Furthermore, a ban on legitimate fees may lead to tenants paying more over the longer term.

Agents provide services to both landlords and tenants. For example, they typically offer tenants a choice of properties, with viewings arranged at mutual convenience for existing and incoming tenants. They carry out referencing checks on both the tenants and any guarantors. They also help to negotiate the Tenancy Agreement, explaining to both parties what the agreement covers and the obligations that come with it. They take deposits if required and provide protection of the deposits through the relevant protection schemes.

NALS believes that in order to ensure a stable sector and fairness for all - tenants, landlords and agents – the implementation of a fee ban should be considered within the regulatory regime which already exists in Wales. Where Rent Smart Wales already has strict oversight of agents and landlords, we believe that agent fees could be capped rather than banned completely.

Implications of the ban

For Tenants

Rents may need to rise, if the fees for essential services provided to tenants – for example, referencing, deposit administration and the tenant's share of inventory costs - are passed on to the landlord. If rents rise, this could result in tenants paying more over the life of a tenancy than if fair and reasonable charges were levied in advance.

Certain types of tenant will be particularly disadvantaged. These include benefits claimants (who are more likely to be vulnerable), and those that need guarantors. Agents provide an important service to these groups, but will be unable to resource this if fees are banned.

Agency staff are trained and possess the right level of knowledge, to ensure that neither their landlord clients nor their tenant customers are unfairly disadvantaged. However, with the abolition of fees, it is highly likely that letting agencies will have to reduce staff and training budgets. They will have to refer tenants to solicitors or legal specialists on tenancy agreement queries. This will result in higher costs and possible delays.

For Landlords

Any increase in fees to landlords is likely to increase any reluctance they may have to engage a reputable agent. Service and property standards are then likely to fall AND there will be increased financial pressure on landlords to self-manage.

Some small landlords may simply quit the market when faced with the burden of absorbing costs previously met by tenants, coupled with changes in Stamp Duty Land Tax and Mortgage Interest Relief.

For Agents

With reduced income, agents will be unable to maintain investment in training and development of staff. Many agents have staff capable of preparing legal documentation with support from a landlord and tenant specialist solicitor. If agents are no longer able to provide this service, this will definitely disadvantage tenants. NALS does not believe that a fee ban will make the market more competitive. The resulting cost pressures may well lead to job losses and closure of branches resulting in small local agents leaving the market.

General points in relation to the Bill

Security deposits

NALS is concerned that the Bill refers to “prescribed limits” for security deposits but there is no indication as to what the “prescribed” limit would be. We would ask the Welsh Government to provide clarification on this before the enactment of the Bill.

Enforcement

We would ask the Welsh Government to ensure that resources are available for enforcement of any fee ban to ensure that appropriate action is taken against those agents who may flout the law.

Conclusion

NALS urges the Government to consider the wider implications of the proposed fee ban. In order to ensure a stable sector, a level playing field and fairness for all, NALS believes that the proposed fee ban legislation should be re-examined, within the wider context of the already regulated lettings and management agent market where fees could successfully be capped rather than banned.

June 2018

[*NALS fees survey October 2016](#)

1. RICS in Wales is the principal body representing professionals employed in the land, property and construction sector and represents some 4000 members divided into 17 professional groups.
2. As part of our Royal Charter we have a commitment to provide advice to the Government of the day and in doing so we have an obligation to bear in mind the public interest as well as the interest of our members
3. We welcome the opportunity to respond to the Bill, and look forward to providing further views and comments at the forthcoming oral evidence session.
4. However, given the compacted timescale between the tabling of this Bill, and the request for written evidence to support the oral evidence, this submission focusses on the general principles, potential impact and unintended consequences of the Bill.
5. RICS will be providing a supplementary submission, prior to the 7 September 2018, which will consider all provisions in more detail. If the Committee has any concerns with the Bill, RICS can explore these in our second submission.
6. It is important to note that the PRS is a fast-growing sector in Wales (as it is across the UK) with more and more people and families, across the demographics, choosing to stay in rented accommodation, or are dependent on it due to a combination of high (and increasing) house prices, coupled with high rents inhibiting potential to save for a deposit. In these latter cases, it is very much the case that the PRS is not regarded as the stop-gap on the housing ladder that it once was.
7. Considering our public interest remit, reducing costs for tenants should allow them access PRS more easily, and this should be welcomed.
8. However, the Committee needs to ensure that the right balance is struck as to what is fair for tenants, but what won't deter existing letting agents and landlords from investing in, or entering, the sector.

General Remarks

9. The Bill marks another step change in residential legislation in Wales. The Bill's provisions do not impose an outright ban on fees; they shift the responsibility of payment for services away from the tenant.
10. This monetary responsibility may culminate in additional costs to the landlord – either directly or via a letting agent; to the letting agent – through absorption of costs; or to the tenant - through increased rent.
11. Research undertaken prior to the Bill's drafting – as highlighted in the Explanatory Note – indicated that most, if not all, letting agents view the landlord as their client, and hold a duty of care to the tenant.

12. It also highlighted that as tenants cannot choose a landlord or letting agent, and thus have no option but to pay fees – of which there are great differences for the same levels of service.
13. This Bill, essentially, defines the landlord as the client of a letting agent, and therefore shifts the onus of payment responsibility onto the party which has a choice.
14. A key outcome from this Bill is that it reduces the financial burden at the start of a tenant's letting journey – thus increasing access affordability and transparency.
15. It is important to note, however, that letting agents do provide a professional service to tenants. The drafting of legal contracts or preparing a property for let are two such examples of professional services that letting agents provide, and request payment from the tenant.

Overview

16. RICS has welcomed many Welsh Government policies and legislatures that have had an impact on the residential sector over a number of years; most notably the Rent Smart Wales (RSW) scheme which should improve professional standards and, thus, the landlord and tenant experience of the Private Rented Sector (PRS).
17. Indeed, due to regularly changing rights and responsibilities through legislative and policy changes, the PRS in Wales – which has a noted ever-growing importance to the Welsh residential sector as a whole – is becoming increasingly complex to navigate.
18. The use, therefore, of a professional letting agent has become more a necessity than a luxury.
19. Indeed, we would urge the Welsh Government to highlight the benefits of a more professionalised PRS and the benefits of using a Rent Smart Wales compliant agent.
20. The professionalisation of the sector, however, has come at an additional financial burden for those who operate it; the stand out example being the registration costs for RSW. In addition to the initial registration fee, compliance with the scheme includes costs for the training of staff and obligation to meet the CPD requirement.
21. In wake of these additional costs, to maintain a professional level of service to clients, letting agents have had to re-examine how their business models and practices are delivered within the boundaries of the revenue generated through reasonable costs to landlords and tenants for their services.
22. At present, letting agencies charge varying levels of administration fees to landlords and tenants to cover the time and cost implications that arise from the varying phases of the letting process, including: credit, reference and immigration checks, for an accompanied viewing, or the drafting of legal contracts.

23. The draft Bill, however, is not entirely clear on what payment for services will be seen as prohibited payment.
24. One of the key drivers behind this Bill, however, was the variation of charges applied to tenants by letting agents - this Bill removes the option to charge tenants for these services.
25. Whilst this removal will reduce upfront costs for tenants, there are a number of unintended consequences that this Committee will need to consider.

Costs and Impact

26. The key issue of this Bill that the Committee needs to consider what impact the transferal of costs to the landlord and, potentially, the letting agent could have on the service provision within sector
27. There are two fundamental consequences that that have similar outcomes:

Increase charges to the landlord

28. If letting agents cannot charge tenants for services, one change in approach would be to impose further charges on the landlord for their services instead.
29. This could impact on existing landlord-letting agent relationships, potentially leading to landlords moving their portfolios to maintain [what they deem as] adequate levels of income from their properties to let. As such, letting agents will need to balance charging landlords for services they provide to remain financially competitive. This could increase market competition and, with that, service delivery.
30. Whilst this outcome will be welcome in some sector participants, there will be some letting agents, or agencies, that will have to adapt their working practices and efficiency, or risk reductions in landlord's properties they manage, reduce staff, or cease to operate.
31. This market competition may improve service delivery through more efficient delivery of letting agency; but conversely it could also reduce the number of letting agents operating in the sector – reducing choice for landlords and letting agency services across Wales.
32. Additionally, any increase in landlord fees could also increase rents and, of course, the holding deposit which this Bill legislates to be one week's worth of rent. However, the one week rent deposit – as provisioned for in this Bill – is more affordable than existing fee structures; and a welcome provision for improving access affordability.
33. Both the above outcomes could mean that whilst tenants may be able to afford to apply and gain entry to a PRS property, they may be liable to higher rents over the longer term.

34. Whilst a short-term saving, could become a long-term financial burden – research suggests that it is preferable for tenants to reduce upfront costs.

Absorbing the costs:

35. In order to remain competitive in attracting landlords, some letting agents or agencies may choose to resist the transferal of costs from the tenant to the landlord, and absorb any loss of revenue of charging fees to tenants by operating through a slightly amended business model or practice.
36. However, it is likely that only larger firms, or those operating at the higher end of the rental market, can manage this approach.
37. This outcome could increase market competition within the letting sector – which could lead to more effective and efficient working practices.
38. However, this could have negative consequences as smaller firms, or individual practitioners, will not be able to compete with the fee structure of larger firms; leading them to reduce operational costs e.g. staff, or cease trading altogether.
39. Similarly, landlords may absorb the costs, which would lead to minimal change in the sector. However, we assume this approach by the landlords would be unlikely.
40. These two outcomes illustrate the concerns raised by RICS professionals who operate in the lettings market in Wales; concerns that the Committee should examine in closer detail.

Additional Landlord Costs

41. We also have to consider the additional financial burden for landlords.
42. As mentioned previously, the Bill's provisions could shift letting agent fees to landlords – which could increase costs and reduce income for the landlords.
43. Whilst the overall aim of this Bill is fairer to the tenant, these additional costs have to be considered in conjunction with other, pre-existing, costs for landlords, such as landlord registration fee, the additional 3% LTT for second properties, and step-reduction in buy-to-let mortgage relief.
44. RICS research in 2017 indicated since the introduction of the Stamp Duty Land Tax (SDLT) surcharge, small-scale landlords have either reduced, or sold, their portfolios. As a result of the mortgage rate relief cut, those that have remained in the sector had also seen their margins cut.
45. This has to be considered in conjunction with RICS' monthly Residential Market Surveys which regularly point to a lack of supply pushing up house prices and rents across the UK.
46. Further reductions in rental supply will only serve to increase rents.

Recommendations

Capped Fees

47. It is important that this Committee recognises that tenants receive professional services from letting agents (examples outlined in paragraphs in 15 and 22). As such, in the interests of fairness and balance, tenants should pay for these services – a practice that emulates commercial property leases, whereby the tenant and landlord share the legal fees.
48. With this in mind, we would recommend that this committee recommend a cap on fees for professional services provided to a tenant. The capped fees should cover prescribed professional services only.
49. A prescribed list of what “professional services” would encompass would strengthen this Bill, and we would urge the Committee to take forward this view.
50. These recommendations would ensure that any fees for professional services are not excessive, and paid for by those who acquire them.

Tenant Passports

51. RICS has previously explored the notion of “tenant passports”, which would negate the need for administrative checks being undertaken by a letting agent.
52. In short, tenants would provide a registration body with all the information sought by letting agents, receive a “passport”, and simply pass this information to letting agents or landlords for a property they wish to rent.
53. This could feasibly reduce, or bypass, tenant fees; however, it raises many issues around costs, cost effectiveness and registration body. RICS can explore this notion further with at the request of this Committee parliamentarians.

Concluding remarks

54. Ultimately, reducing costs for tenants will increase access affordability, but this bill needs to strike the right balance between access affordability, with any potential impact on market rent, and supply of PRS properties.
55. RICS in Wales will continue to monitor the impact of legislative and policy changes via our monthly Residential Market Surveys.

Eitem 3



We would like to thank The Equality, Local Government and Communities Committee for the opportunity to be able to grant evidence for the scrutiny of the general principles of the *Renting Homes (Fees etc.) (Wales) Bill*.

Fundamentally the Residential Landlords Association (RLA) is opposed to this measure of statutory penalisation of agency fees in the sector. We believe that the current Bill as proposed will not meet the Welsh Government's aims and objectives. That the transparency of the cost of the agency fees will not be clear for those who will still be paying for the service, essentially through increased rents.

Instead we propose to use current powers conferred in the *'The Consumer Rights Act 2015'* and introduce a capped agency fee scheme throughout Wales. This would serve to grant transparency in the sector as the amount and terms of fees charged will be clear to the prospective tenant (Contract Holder) and there is fair remuneration for work completed for the agency. This is reflected as Option 3 in the consultation contained in memorandum accompanying the Bill.

With the Welsh Government's aim being to 'reduce the barriers to enter the Private Rented Sector' we believe that they have not taken the lead by taking a proactive approach of allowing transferrable insured deposits within this Bill.

We have further concerns to the sections relating to fixed penalty notices and the lack of consultation with the sector for determining the 'prescribed limit' for security deposits.

We detail below our concerns and proposed amendments.

About the Residential Landlords Association

The Residential Landlords Association (RLA) represents the interests of landlords in the private rented sector (PRS) across England and Wales. With over 30,000 subscribing members and an additional 20,000 registered guests who engage regularly with the Association, the RLA is the leading voice of private landlords. Combined, they manage over a quarter of a million properties.

The RLA provides support and advice to members and seeks to raise standards in the PRS through its code of conduct, training and accreditation, and the provision of guidance and updates on legislation affecting the sector. Many of the RLA's resources are available free to non-member landlords and tenants. The Association campaigns to improve the PRS for both landlords and tenants, engaging with policymakers at all levels of Government to support its mission of making renting better.

1.1 Transferable Deposits

The RLA recognises that one of the biggest upfront costs tenants face is the deposit. This is exacerbated by a system that means that when a tenant moves to a new rental property they need to raise funds for a new deposit before being repaid the deposit for their last property.

To remove this barrier, the RLA is calling specifically for the development of a new insurance-based scheme that would enable a tenant to transfer a deposit from one rental property to another while protecting the new landlord from a reduced deposit caused by deductions for the previous tenancy.

This would include provisions for a tenant to be able to top up a deposit being transferred where the new one is higher, or claim some of the deposit back where it is lower than for the previous property. This will allow tenants to save a larger deposit as they move and reduce financial barriers when moving in the private rented sector. Further landlords will have the assurance that under such a scheme that a deposit would be available in full if the tenant could not top it up between tenancies.

1.2 Deposit ‘Prescribed Limit’ Amount

The RLA welcomes the Welsh Government’s comments in the memorandum that maintaining the option of charging higher security deposits will provide flexibility for landlords to adapt to the conditions of the property and to cover possible higher cleaning costs, for example, such as tenants with pets. We further welcome the fact that the Bill doesn’t place an immediate cap on security deposits. However, with severe penalties in place for those charging prohibited payments the RLA is concerned that there is insufficient clarity within this *Bill* for consultation when seeking to set, increase or decrease the ‘prohibited amount’ for security deposits.

The RLA believes that any future cap should not simply be determined by further regulations by the Minister without further consultation. With the memorandum mentioning a possibility of a similar 6-week cap being introduced in later regulations, the RLA is concerned that for those tenants whom are deemed to be of ‘higher risk’ they will be less likely to obtain a tenancy.

To address this concern the RLA proposes that there is an amendment to the Bill, that where security deposits are set to a ‘prescribed limit’ that the landlord can request for a higher deposit in justified situations of specific extenuating circumstances. Such examples could be listed, such as tenants with pets, tenants with uncertain or unprovable income or properties with unique masonry. This would allow landlords to balance the risk posed by tenants whilst retaining the core objectives of the limitation.

1.3 Fixed Penalty Notices

We have further concerns with regards to the lack of transparency for fixed penalty notices (FPN) under s13 of the Bill. The officer may grant a FPN in lieu of proceedings being taken against a person for an alleged breach of ss 2 or 3 of the Bill. S13(4) of the Bill states that a FPN will be served as if it was given under s29 of the *Housing (Wales) Act 2014*.

The RLA is concerned that there is a lack of provision to grant the person being offered the FPN of any or at least a summary of the evidence of the alleged breach. With the authorised officer granted this authority under s13(1), for transparency and accountability, the RLA believe that it is only fair that there is a provision for the person offered the penalty is granted sufficient details of the breach to decide as to whether to accept the FPN or to challenge the alleged offence in court.

Conclusion

We will seek to grant a more detailed written evidence as invited in the Consultation by the 7th of September 2018. We look forward to granting our further oral evidence on the Bill on the 5th of July and we thank you again for the opportunity to contribute.

Renting Homes (Fees etc.) (Wales) Bill

Written evidence from the National Landlords Association

26 June 2018

About the NLA

1. The National Landlords Association (NLA) is the UK's leading organisation for private residential landlords, with 40,000 landlord members – ranging from full time landlords with large property portfolios to those with just a single letting.
2. NLA membership helps landlords make a success of their lettings business by providing a wide range of information, advice and services.
3. We campaign for the legitimate interests of landlords by seeking to influence decision-makers at all levels of government and by making landlords' collective voice heard in the media. We seek to raise standards in the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

Summary

4. We welcome the opportunity to comment on the draft Renting Homes (Fees etc.) Wales Bill and look forward to providing further oral evidence to the Committee on 5 July 2018.
5. We recognise the impact of additional fees on both landlords and tenants, however we note that the Welsh Government's analysis shows that the majority of landlords do not overcharge their tenants on deposits or on payments in default (*Explanatory Memorandum*, paragraphs 3.27-3.28).
6. It remains our position that it is reasonable for tenants to be asked to contribute to the cost of limited services of which they are beneficiaries. We believe this should include relevant referencing checks and the cost of providing a professional inventory.
7. We are concerned that increasing the non-recoverable cost of such services to landlords and letting agents may result in a deterioration of quality – affecting outcomes for both landlords and tenants.
8. However, we welcome the flexibility embedded in the draft Bill around security deposits and payments in default, and the recognition in the explanatory memorandum that the majority of landlords are not currently charging excessive deposits or default payments.

The relationship between agents and landlords, and agents and tenants

9. Traditionally, property agents treat landlords as 'clients' and as such the law of agency applies. Increasingly, applicants and tenants take on status as secondary clients, as chargeable services are provided to them. We have been concerned for some time that this represents a potential conflict of interest should the agent need to negotiate on the behalf of the tenant.
10. Removing the agent's ability to charge tenants may provide greater clarity for landlords in this respect, albeit at the expense of increasing costs. However, it may leave applicants and tenants with few avenues for support, short of instructing solicitors or contracting advisers to work on their sole behalf. This would potentially add to the process of accessing rented housing.

Managing risks

11. For some tenants, perceived as higher risk by landlords, reducing the ability to make specific payments may decrease the likelihood of landlords being willing to consider renting to them. Such payments are occasionally used as a means of mitigating the risk presented by an applicant with an unusual background or enhanced needs.
12. For example, an individual with an atypical renting or employment history may appear too high-risk for a landlord or agent to reference if they expect to bear all of the costs. However, were such an applicant able to split the referencing cost with the landlord, they may be perceived more positively and subsequently be more likely to be offered a tenancy.

Holding and security deposits

13. We welcome the flexibility which the draft Bill provides with regard to security deposits. A cap on security deposits would present challenges for prospective tenants who are seen as more risky, for example those with pets. Landlords would reasonably seek to increase the security deposit to mitigate the increased risk of damage to the property by pets. With a cap on security deposits, landlords may be discouraged from renting to tenants with pets at all, reducing accessibility of the market.
14. The Welsh Government's explanatory memorandum outlines that there is little evidence to suggest that landlords or agents are overcharging tenants for security deposits, with the majority of landlords charging one month's rent, and agents one month plus one or two weeks (*Explanatory Memorandum*, paragraphs 3.22-3.24). We would agree with this analysis and urge the Committee to maintain the flexibility in the Bill as drafted.

Enforcement

15. We would also impress on the Committee the importance of enforcement in order to ensure that the regulations are complied with across the sector. The vast majority of landlords will no doubt ensure they are operating within the law. However, it is the minority of rogue landlords and agents who may feel the risk is worth taking, if the deterrent is not sufficient or if they do not believe they are likely to be caught. Those who contravene the law will often be renting to the most vulnerable of tenants, who will be less able to challenge illegal practice.
16. Therefore, robust enforcement is vital to protect tenants as well as all landlords and agents who follow the regulations.

Default payments

17. The draft Bill allows for payments in default, in respect of the standard occupation contract. We welcome this inclusion but would caution that any supporting guidance around default payments be considered carefully, given the risk that explanatory guidance is interpreted as de facto regulatory standards.
18. The Bill as drafted remains open to default payments being specified in the tenancy contract. This is proportionate and reasonable, and ensures that tenants are clear about their responsibilities.

Impact on the agency market

19. Letting agents estimate that as much as 20 per cent of their income currently comes from fees paid by tenants, equivalent to approximately £0.7 billion annually.¹ With almost two-thirds of letting agencies categorised as 'small' with one to three offices, fee limits will be challenging for agents to absorb. Where costs cannot be passed on and margins recovered elsewhere, we anticipate a contraction in the letting agent market.
20. It is also possible that reduced budgets could decrease service standards, leading to poor customer experience and deteriorating professional standards.

¹ J Chaloner et al, *Letting the Market Down*, Capital Economics, 2017, p36 (<http://www.arla.co.uk/media/1045728/letting-the-market-down-assessing-the-economic-impacts-of-the-proposed-ban-on-letting-agents-fees.pdf>). Last accessed 26 June 2018.

Let Down in Wales

Campaigning for renters

Response: ELGC Committee inquiry into General Principles of the Renting Homes (Fees etc.) (Wales) Bill

Summary

Let Down has been campaigning since 2013 for Wales to take a lead on reforming the private rented sector. The licensing of landlords under the Housing Act made a positive first step, but the Renting Homes Act did little to improve renters' rights overall.

So we're delighted that Welsh renters will finally see a letting fees ban brought in, which will substantially change people's day to day experiences. During the Welsh Government consultation on banning letting fees, we compiled a survey of renters' experiences to inform it, available online here: <http://bit.ly/lettingfeesresponse>

For more information on our campaign, see:

- Website: <https://letdown.wales/>
- Twitter: <https://twitter.com/letdownwales>

General Principles of the Renting Homes (Fees etc.) Bill

1. Let Down very much welcomes the legislation and absolutely thinks it is necessary in order to reduce the costs faced by renters. The market is not taking any action by itself; the charging of high fees takes advantage of a shortage of supply and heightened demand. In no other business are costs added on like this at the point of purchase, or even six months after your purchase. Landlords and letting agents, in particular, are running a business and therefore the costs of the business should be borne by the one who owns it and is profiting from it. Let Down has been calling for a letting agent fee ban since 2013 and included it in our 2016 Assembly manifesto¹.

Fees

2. The costs of reference checks, inventory fees or renewal fees are not appropriate; they take advantage of renters' lack of choice and the lack of available housing in the market. Letting agents charge fees because they can and renters pay them because they have no other choice.

¹ Let Down Manifesto, 2015. 'A 2016 Manifesto for the Let Down renters of Wales'. <https://letdownincardiff.files.wordpress.com/2015/08/let-down-manifesto-2016.pdf>

3. It's **particularly important fees are banned due to the potential vulnerability of those being made to pay them**. Renting is increasingly the only option for families and the age demographic is rising. Shelter Cymru's survey² of private renters found that *"the figures shatter the stereotype of private tenants as being primarily young and child-free"*. Half of renters are over 35 and 29% are over 45. 15% are over 55, which shows that more vulnerable older people need to be taken care of in this sector. Due to the Housing (Wales) Act 2014, new homelessness duties mean that more vulnerable people are being referred by local authorities to the private sector, making this particularly pertinent.
4. Particularly considering the poverty often suffered by people who have to rent, it is important for their burden to be lessened and their existing debt and low income not exacerbated by renting costs. The Joseph Rowntree Foundation found in their evidence review³ of housing and poverty that: *"Low rents are important in reducing poverty. The private rented sector is paying an increasingly important role with 18% of private tenants in poverty before housing costs are taken into account and 38% in poverty after housing costs are paid."*
5. The description of **prohibited payments** in the Explanatory Memorandum – *"any payment, as part of the granting, renewing or continuing of standard occupation contracts (other than for rent, security deposits, holding deposits and payments in default)"* – seems appropriate. Renters tend to find the upfront fees for signing up to a tenancy as the most prohibitive and frustrating. Moving house is already costly; it doesn't need to be exacerbated with extra fees that don't seem to pay for any kind of service. Renewal fees or 'adding a tenant' fees were cited numerous times in our survey of renters, with some agents using them as a mechanism to generate more money every 6 months, by not letting renters sign up for longer contracts (therefore, paying a £50-£100 renewal fee every 6 months for no reason at all).
6. However, the lack of action on 'charging payments in default' is worrying, and we'd recommend that the Bill define default fees and put limits on these. **This could become a loophole through which agents charge default fees instead**, looking for ways in which a renter could have breached their contract or writing in new clauses to contracts and reframing them as a breach.

Deposits

7. **Holding deposits** are to be capped at a week's rent, which again, seems reasonable. Holding deposits shouldn't really be necessary, but if it helps landlords and letting agents to be assured that tenants are 'serious' about the property, then it's an adequate mechanism. It still requires renters to have funds upfront, but it at least has a clearer purpose.
8. It's very welcome that Welsh Ministers are introducing **powers to cap deposits**. Holding deposits are usually at 4-6 weeks' rent and Let Down doesn't think there's any need for them to be above 4 weeks' rent.

² Shelter Cymru, 2015. 'Fit to Rent: Today's Private Rented Sector in Wales'. <https://sheltercymru.org.uk/wp-content/uploads/2015/02/Fit-to-rent-Todays-Private-Rented-Sector-in-Wales.pdf>

³ The Joseph Rowntree Foundation, 2013. 'The Links between Housing & Poverty: An Evidence Review'. <https://www.jrf.org.uk/report/links-between-housing-and-poverty>

9. The real issue with deposits, which is possibly outside of the Welsh Government's devolved powers, is the **delay in returning them to renters after leaving a property**. Even though they're usually held in a deposit holding scheme (although renters do often have trouble in finding a record of them in one of the three schemes), there is a reluctance to return them quickly.
10. This means that **renters actually need twice the amount of holding deposit available** whilst moving house. One to pay upfront for their new property, and one to sit in the deposit scheme whilst they wait for their former landlord / agent to transfer it. Any gap to wait for its return would render renters' homeless. We would very much welcome a way of tenants' deposits being checked up on and simply transferred in name from one property to another. To allow for deductions from any potential damage, perhaps a 20% deposit could be required instead. We'd urge the Welsh Government to explore this in future.
11. Even when renters do dispute deposit deductions, they often won't because they need access to the money quickly. It also requires confidence to challenge your landlord / agent on the deduction, which many do not feel able to do.

Enforcement

12. It's good to see local housing authorities being given the enforcement powers, although we would have expected them to go to Rent Smart Wales. But it's welcome that they can fine a fixed penalty notice of £500 and that they notify Rent Smart Wales. We would urge for the withdrawal of licences to be a first rather than last resort to ensure that landlords and agents comply.

Unintended consequences

13. As repeatedly threatened by landlords and agents, rents could rise as a consequence of fees being banned. Despite no evidence showing this in Scotland when they reiterated their ban on fees, and the fact that rents are set by supply and demand, not the whim of an agent, this would still be preferable to high upfront costs through fees.
14. It is unlikely to result in the scenario of having two identical 2-bed flats at £600 a month and £700 a month, with the latter having put up the rent as an agent that used to charge upfront fees. The cheaper flat will be rented quickly and the other will have to lower the rent to what the market is willing to pay.
15. But again, if £5-£10 a month is put on the average rent, this is clearly far more manageable to renters than a lump sum and our survey reflected renters' preference for this. It also makes a lot more sense in business terms. If agents and landlords maintain the property as the contract states – i.e. making repairs, answering renters' queries, conducting safety checks – then this is an on-going cost that should be reflected in their ongoing income.

ELGC(5)-21-18 Papur 7/ Paper 7

18 Mehefin 2018

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Annwyl Mr Griffiths,

Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru)

Mae'n dda gen i dderbyn eich gwahoddiad caredig i roi tystiolaeth gerbron eich pwyllgor ar 5 Gorffennaf 2018 ar y Bil a nodwyd uchod.

Rwy'n falch iawn o weld fod y Bil hwn wedi'i gyflwyno rai dyddiau yn ôl. Mae ffioedd gosod eiddo wedi bod yn destun pryder i UCM Cymru a'n haelodau ar draws Cymru ers blynnyddoedd.

Rydym felly'n croesawu'r cynnig hwn gan Lywodraeth Cymru i roi terfyn ar ffioedd gosod eiddo afresymol sydd yn annheg ac yn peri niwed ariannol ac emosiynol i les myfyrwyr.

Gwahardd ffioedd ychwanegol

Costau byw yw'r rhwystr fwyaf i fyfyrwyr rhag cael mynediad i addysg. Wrth gwrs, talu am lety yw un o'r costau mwyaf bydd myfyrwyr yn ei wynebu.

Yn ein hymateb i ymgynghoriad Llywodraeth Cymru ar ffioedd, galwom ar y Llywodraeth i ddeddfu i atal landlordiaid ac/neu eu hasiantiaid rhag codi ffioedd ychwanegol ar denantiaid. Ein barn gref ni yw fod unrhyw ffioedd ac eithrio mis o rent ymlaen llaw a blaendal diogelwch y gellir ei ad-dalu yn annheg.

Fel y gwyddoch efallai, mae ein hymchwil ni'n dangos fod cost llety yn rhwystr fawr i fyfyrwyr. Yn wir, yn ein adroddiad *Punt yn eich poced*, bu i 62% o fyfyrwyr a oedd yn talu £300-399 yn fisol nodi eu bod yn poeni'n aml am beidio bod â digon o arian i dalu costau syml megis rhent a biliau'r tŷ.

Yn ogystal, mewn ymchwil gan ein cydweithwyr yn UCM y DU, *Homes fit for study*, nododd 37% eu bod wedi mynd i ryw fath o ddyled er mwyn talu costau cychwynnol y denantiaethⁱⁱ.

Yn hynny o beth, bydd darpariaethau'r Bil dan sylw o fudd enfawr i fyfyrwyr sydd wedi wynebu costau aruthrol ynghlwm â'u llety ers llawer gormod o amser.

Effaith ar rent

Yn eu hymatebion i ymgynghoriad y Llywodraeth, nododd landlordiaid ac asiantiaid y posibilrwydd o gynyddu rhent er mwyn digolledu yn sgil y Bil hwn os daw i rym.

I ryw raddau, gallwn dderbyn cynnydd bach, gan fod hynny'n llawer gwell na chostau afresymol cychwynnol.

Fodd bynnag, rydym yn pryderu rywfaint y bydd landlordiaid ac asiantiaid'n defnyddio hwn fel esgus i gynyddu rhent yn afresymol.

Perygl arall yw y bydd landlordiaid neu asiantiaid'n dewis peidio buddsoddi cymaint yn eu tai a hynny er mwyn lleihau eu costau eu hunain. Fodd bynnag, rydym yn gryf o'r farn fod arnynt gyfrifoldeb i sicrhau fod eu tai o safon uchel.

Ni ddylai gwahardd ffioedd gosod arwain at leihad mewn safonnau tai.

Daeth ymchwil UCM y DU, *Homes fit for study*, i'r casgliad fod 76% o fyfyrwyr wedi profi o leiaf un problem gyda'u cartref e.e. llwydni, lleithder, plâu, a bod hynny wedi effeithio'n negyddol ar eu gallu i barhau, ac i ffynnu, mewn addysgⁱⁱⁱ.

Mae'n hanfodol, felly, bod landlordiaid yn buddsoddi yn eu tai er mwyn sicrhau eu bod o ansawdd digonol.

Yn dilyn gwahardd ffioedd gosod yn yr Alban, adroddodd 59% o asiantiaid nad oedd y gwaharddiad wedi effeithio ar eu busnes^{iv}. Yn wir, nid oedd unrhyw gynydd mewn rhent yn yr Alban o ganlyniad i'r gwaharddiad; dim ond o ganlyniad i'r hinsawdd economaidd ehangach.

Os bydd rhent yn cynyddu yma yng Nghymru yn sgil y gwaharddiad arfaethedig hwn felly, rydym o'r farn mai canlyniad i farusrwydd landlordiaid ac/neu asiantiaid fydd hynny, ac nid canlyniad uniongyrchol i'r gwaharddiad.

Blaendal cadw y gellir ei ad-dalu

Rydym yn croesawu'r cynigion a fydd yn sicrhau nad yw tenantiaid yn cael eu trin yn annheg o ran blaendaliadau cadw. Ein barn gyffredinol yw y bydd y darpariaethau hyn yn deg ar denantiaid, ar asiantiaid, ac ar landlordiaid.

Bydd myfyrwyr yn aml iawn yn trefnu'u llety yn ystod hanner gyntaf y flwyddyn galendr yn barod i symud i mewn ym mis Medi. Efallai y gwyddoch bod yna arfer o godi hanner rhent neu hyd yn oed rhent llawn ar fyfyrwyr yn ystod gwyliau'r haf, ond peidio rhoi mynediad iddynt i'r tŷ.

Hyd y gwelwn, nid yw'r math yma o daliad yn un a ganiateir. Os yw'r ddealltwriaeth hon yn gywir, yna mae croeso cynnes iawn i hynny.

Hyrwyddo ac hysbysebu

Mae Rhan 6 (18)(1)(a) yn caniatáu i reoleiddiadau newid y Ddeddf Hawliau Defnyddwyr i ofyn bod asiantiaid yn sicrhau yr hysbysebwr eu ffioedd penodol ar-lein.

Mae hynny'n ddechrau da, ond mae angen sicrhau nid yn unig fod unrhyw ffioedd yn cael eu hysbysebu ar-lein, ond fod gofyniad ar landlordiaid ac asiantiaid i sicrhau yn rhagweithiol fod tenantiaid yn ymwybodol o'r holl ffioedd perthnasol cyn i'r tenant ymweld â thŷ, a bendant cyn arwyddo cytundeb.

Yn ein barn ni, mae'n ddyletswydd foesol ar landlordiaid ac asiantiaid i sicrhau fod yr holl ffioedd a godir yn glir o'r cychwyn. Dim ond fel hynny bydd tenantiaid yn gallu asesu a fydd y cartref dan sylw yn fforddiadwy gydol y dentantiaeth.

Yn ogystal â hynny, byddem yn disgwyl i Lywodraeth Cymru weithredu a monitro darpariaethau Deddf Rhentu Cartrefi (Cymru) 2016 yn llawn. Mae gwaith i'w wneud eto o ran sicrhau fod tenantiaid yn deall eu hawliau a'u rhwymedigaethau, a byddem yn gofyn bod y newidiadau cadarnhaol dan sylw yma yn digwydd law yn llaw â gweithredu Ddeddf Rhentu Cartrefi (Cymru) 2016 yn llawn.

Sylwadau arall

Yn ein hymateb i'r ymgynghoriad, galwom ar Lywodraeth Cymru i ystyried rhoi terfyn ar yr angen am warantwr sy'n byw yn y DU. Nid yw'n ymddangos bod darpariaeth wedi'i gwneud yn y Bil hwn yn hynny o beth.

Mae ystod o resymau pam na all rhai tenantiaid ddarparu gwarantwr sy'n byw yn y DU. Un o'r rhesymau amlwg yw bod y myfyriwr yn dod o dramor. Yn aml iawn, bydd y myfyrwyr hyn yn dibynnu ar gynilion personol (ac nid, fel y tybir yn aml, ar rieni) i dalu costau ychwanegol sydd ynghlwm wrth beidio gallu darparu gwarantwr.

Dylid cofio yn ogystal y bydd rhai myfyrwyr yn methu darparu gwarantwr am eu bod wedi colli cysylltiadau teuluol, neu am eu bod yn dod o gefndiroedd ariannol di-freintiedig. Yn ein barn ni, mae codi costau ychwanegol ar y myfyrwyr hyn yn hollol annheg. Byddai wedi bod yn dda gennym gweld darpariaeth yn hynny o beth.

Sylwadau cyffredinol

Ein barn ni yw y bydd gwahardd ffioedd gosod eiddo yn newid am y gorau ar ran tenantiaid ar draws Cymru, ac yn enwedig ar ran myfyrwyr.

Bydd y newidiadau dan sylw yn gwneud llawer i sicrhau fod myfyrwyr yn gallu cael mynediad i gartrefi fforddiadwy heb orfod wynebu costau ychwanegol afresymol. Rydym yn hyderus y ceir effaith gadarnhaol ar lesiant ac ar sefyllfa ariannol myfyrwyr yn sgil y newidiadau hyn.

Fel y byddwch yn tybio, nid peth bach yw ymgymryd â chwrs addysg, yn aml iawn i ffwrdd o adref am y tro cyntaf. Mae myfyrwyr yn wynebu heriau a straen aruthrol, ac mae'r gallu i fforddio costau byw yn un ohonynt.

Mae'n ddyletswydd arnom fel cymdeithas i sicrhau fod pawb yn gallu cael mynediad i, ac i ffynnu mewn, addysg, waeth beth eu cefndir cymdeithasol neu ariannol. Rwyf innau o'r farn fod y newidiadau hyn yn gam yn y cyfeiriad hynny.

Hoffwn nodi fy niolchgarwch i'r Llywodraeth am ei pharodrwydd i ddeddfu yn y maes hwn, i gydweithio â ni a'n cynnwys ni yn eu trafodaethau, ac i wrando ar ein barn a'n pryderon.

Rwy'n edrych ymlaen at drafod â chi a'r pwyllgor ymhellach ymhen rhai wythnosau. Rwy'n gobeithio y bydd y llythyr hwn o ddefnydd ichi wrth grynhoi ein barn, ond os byddwch eisiau gwybodaeth bellach yn y cyfamser, cysylltwch ar bob cyfrif.

Yn gywir iawn,



Gwyneth Sweatman

Llywydd UCM Cymru (o 1 Gorffennaf ymlaen)

d/o Cerith Rhys Jones, Rheolwr Materion Allanol (cerith.rhys-jones@nus-wales.org.uk)

ⁱ https://www.nus.org.uk/PageFiles/12238/NUS_poundinyourpocketWales_report-English.pdf

ⁱⁱ https://www.nus.org.uk/Global/Homes%20Fit%20For%20Study/Housing%20research%20report_web.pdf

ⁱⁱⁱ Ibid

^{iv} https://england.shelter.org.uk/_data/assets/pdf_file/0010/834832/6636_Scottish_letting_fees_report_v9.pdf

Renting Homes (Fees etc.) (Wales) Bill

Written evidence to the Equality, Local Government and Communities Committee, submitted by Generation Rent

Generation Rent represents the UK's private renters and campaigns for secure, safe and fair private rented homes. We have campaigned for a ban on letting fees since we were established in 2014.

Summary

Generation Rent supports the purpose of the Renting Homes (Fees etc.) (Wales) Bill, which it believes will cut costs for tenants, give them greater bargaining power, and create a more efficient market. It will also bring Wales in line with other parts of the UK, as Scotland banned letting agent fees in 2012 and the Tenant Fees Bill, which will ban letting agent fees in England, is currently proceeding through Parliament.

- We are concerned that default fees open a loophole which some landlords and letting agents may exploit to continue to charge unfair fees to tenants. We recommend that default payments are defined in regulations to reduce this risk.
- We are concerned that a security deposit cap of six weeks risks deposits rising to the cap level and reducing affordability. We believe that the wider system of deposits needs review.
- It is welcome that holding deposits are covered by the Bill, and tenants would benefit from the process being more formalised. We recommend amendments to prevent agents from wasting tenants' time by taking more than one holding deposit for a property at a time, to require the landlord or letting agent to provide the proposed tenancy agreement as soon as they take the holding deposit, and to ensure that tenants who fail a right to rent check as a result of a Home Office error are entitled to the return of their holding deposit.
- We welcome the provision of a route for tenants to claim back prohibited payments directly through the courts, as we are concerned that local authorities may lack the resources to enforce the legislation. However we believe that tenants should be entitled to an element of compensation on top of getting a prohibited payment repaid, and there should be a mechanism for reporting breaches to the licensing authority. In addition, we believe that a £500 fine for operators charging a prohibited payment is low and will not be sufficient deterrent in some cases.
- We are concerned that the Bill does not prevent the serving of a Section 21 eviction notice on the tenant if action is taken by either the local authority of the tenant directly regarding the prohibited fee, and recommend that a clause is inserted to prevent retaliatory evictions.

Benefits of the Bill

More than one in three renters in Wales have been charged over £200 in admin fees at the start of their tenancy and some have been charged admin fees as high as one month's rent plus VAT, on top of paying a security deposit and a month's rent in advance.¹ This represents a huge cost at the beginning of a new tenancy and is a barrier to moving home for many renters, two thirds of whom have no savings.²

By banning the routine charging of fees to tenants, the Bill will reduce the upfront cost of moving home and put tenants in a stronger negotiating position with their landlord or letting agent as the threat to moving out is more credible. A landlord is more likely to fix disrepair and less likely to raise the rent stronger if there is a higher risk of a void period.

The market will work more efficiently because landlords will bear the full cost of the agent, who they appoint and who works on their behalf. Renters will benefit from transparent pricing in the rental market, which will allow them to better manage the cost of moving home.

Because landlords will have more incentive to shop around to get the best value for money from their letting agent, we do not expect fees to rise significantly for landlords. Because the market sets the rent that the tenant pays, rather than the costs of the landlord, we do not expect rent levels to rise considerably.

Default fees

We are concerned that permitting charges for defaults will be abused by some agents and landlords. If the circumstances under which default fees can be charged is not clear, then some landlords and agents may write unfair clauses in tenancy agreements which are difficult for the tenant to comply with and result in default fees being charged to the tenant. They may also make claims that exaggerate the amount of time spent dealing with a default, or the value of their time. Letting agents in England have explicitly said that they would increase the use and cost of fees for any breach of the tenancy agreement to recoup the loss of admin fees resulting from the Tenant Fees Bill.³

This lack of clarity around what constitutes a default will mean tenants won't have confidence to challenge fees they believe are prohibited. We believe that guidance will not have the weight needed to ensure that disputes are handled consistently by authorities and courts.

We asked our supporters for their experiences of disputes with landlords and agents and attempts to claim deductions on spurious grounds are common, such as excessively prescriptive cleaning requirements and for damage that has been caused by the landlord's neglect.

Many respondents had succeeded in having fees and deductions waived but felt that less confident tenants would not be as tenacious in challenging them. Others had relented in their deposit disputes because they needed the reduced sum of money as soon as possible rather than wait longer for the

¹ <https://sheltercymru.org.uk/lettingfees/>

² Mintel, 2014, [Two thirds of UK renters have no savings or investments](#)

³ Commons Housing Committee, March 2018, [Pre-Legislative scrutiny of the draft Tenant Fees Bill](#), para 62

full amount. This behaviour, from a minority of landlords and agents, suggests that there will be attempts to exploit loopholes in the Bill.

We question whether there is a need for default fees to be included within the Bill at all. If default fees are to remain a permitted payment, we recommend that the Committee amend the Bill to require subordinate legislation to define default fees and limits on these. This would provide a clearer, legal definition of default fees, which would prevent abuse and protect tenants against continuing to be charged unfair fees.

Holding Deposits

Holding deposits serve a purpose but would ideally not exist if the referencing process was more efficient and decisions could be made immediately. However, assuming that there will be always be some cases where a landlord will need to take a refundable holding deposit, we welcome the Bill's aims to formalise the process and prevent abuse.

We recommend that the Committee amends the Bill to provide clarity on what the tenant should expect when they hand over their deposit. Problems we have heard from supporters are:

- Only getting the tenancy agreement the day before or the day of moving in, at which point it is very difficult to object to unfair terms. The tenancy agreement should therefore be provided upon payment of the holding deposit.
- Being declined for a tenancy because the agent took holding deposits from several prospective tenants then selecting one. Doing this means that the prospective tenants must put their househunting on hold because they cannot afford to put any more holding deposits down. Even though the Bill would entitle them to a refund, they will have wasted up to 15 days when they could have been finding a new place to live. The Bill should prohibit landlords and agents from taking a holding deposit when they already hold one for the same property.

We are also concerned that a potential tenant who fails a right to rent check as a result of a Home Office error will not be entitled to the return of their holding deposit, despite failing the check through no fault of their own. We recommend that the Committee amends the Bill to ensure that the tenant is entitled to their holding deposit back in this situation.

Security Deposits

Most security deposits are four weeks rent although there may occasionally be valid reasons for a higher security deposit, for example letting to tenants with pets. We are concerned that capping security deposits at six weeks risks deposits rising to the cap level and increasing upfront costs for tenants when moving home. It is welcome that the Bill gives Welsh Ministers the power to lower the cap if security deposits do rise as an unintended consequence of the legislation.

Given the need to find a new deposit well before the current tenancy ends and the existing deposit is refunded, we support calls to develop a system of passporting deposits between tenancies, and a

wider review of the deposit protection system. We have made proposals on this subject in a report of March 2018.⁴

Enforcement

We are concerned that local authorities may not have enough resources to fully enforce the ban, and that a fine of £500 for a breach will not be sufficient deterrent. The Tenant Fees Bill in England makes prohibited payments an offence for which the local authority may issue a fine up to £5000, and we would like to see the fine increased to a similar level in Wales.

It is welcome that, if a landlord or letting agent is convicted of a breach, local housing authorities will be required to notify the licensing authority. However the licensing authority will not hear of cases where landlords and letting agents have breached the ban if the local authority lacks the capacity to enforce the legislation.

We welcome the creation of a right for tenants to apply directly to the court to recover prohibited payments. To strengthen this channel as a deterrent and to motivate tenants to apply to county court if their local authority is unwilling or unable to enforce the legislation, we recommend that tenants should be able to receive compensation at up to three times the amount of the prohibited payment, and inform the licensing authority directly of the breach. Compensation at this level is in line with tenancy deposit protection legislation, and would give tenants more of a reason to enforce their rights as well as something in return for the inconvenience of applying to the tribunal.

Protection from retaliatory evictions

We note that the Bill does not prevent the serving of a Section 21 eviction notice on the tenant if action is taken by either the local authority of the tenant directly regarding the prohibited fee. We strongly recommend that the Bill is amended to protect tenants from retaliatory evictions in this scenario.

⁴ Generation Rent, 2018, [Rethinking Tenancy Deposits](#)

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

5 Gorffennaf 2018 – clawr y papurau i'w nodi

Rhif y papur	Mater	Oddi wrth	Gweithredu
ELGC(5)-21-18 Papur 9	Ymchwiliad i feichiogrwydd, mamolaeth a gwaith yng Nghymru	Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth	Ymateb i lythyr y Cadeirydd o 21 Mai 2018
ELGC(5)-21-18 Papur 10	Cymunedau yn Gyntaf	Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus	Ymateb i lythyr y Cadeirydd o 15 Mai 2018
ELGC(5)-21-18 Papur 11	Cymunedau yn Gyntaf	Cymdeithas Llywodraeth Leol Cymru	Ymateb i lythyr y Cadeirydd o 15 Mai 2018
ELGC(5)-21-18 Papur 12	Blaenraglen waith	Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg	Blaenraglen waith: meysydd o ddiddordeb a rennir
ELGC(5)-21-18 Papur 13	Cau y Grant Byw'n Annibynnol Cymru (WILG).	Y Gweinidog Plant, Pobl Hŷn a Gofal Cymdeithasol	Ymateb i lythyr y Cadeirydd o 30 Mai 2018
ELGC(5)-21-18 Papur 14	Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru)	Y Gweinidog Tai ac Adfywio	Materion yn dilyn y sesiwn dystiolaeth ar 21 Mehefin 2018
ELGC(5)-21-18 Papur 15	Ymchwiliad i hawliau dynol yng Nghymru	Cadeirydd y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol	Gofyn am eglurhad pellach ar: <ul style="list-style-type: none"> - Siarter Hawliau Sylfaenol yr UE; - Di-

			atchweliad.
ELGC(5)-21-18 Papur 16	Diogelwch tân mewn tyrau o fflatiau yng Nghymru	Y Cadeirydd at Weinidog Tai ac Adfywio	Ymateb i lythyr y Gweinidog o 12 Mehefin 2018

Ken Skates AC/AM

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport



Llywodraeth Cymru
Welsh Government

John Griffiths

Cadeirydd

y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Cynulliad Cenedlaethol Cymru

15 Mehefin 2018

Annwyl John

Diolch am eich llythyr dyddiedig 21 Mai 2018 yn gofyn imi egluro'r swyddogaethau a'r cylch gorchwyl ar gyfer y Bwrdd Gwaith Teg a'r Comisiwn Gwaith Teg i lywio eich ymchwiliad i dlodi yng Nghymru.

Pan amlinellodd Llywodraeth Cymru ei huchelgais i Gymru ddod yn genedl Gwaith Teg, penderfynwyd mynd â'r gwaith ymlaen mewn dau gam. Bwriad cam un oedd cynnal gwaith cwmpasu cychwynnol a nodi y prif arferion sy'n cael effaith ar Waith Teg. Gan gynnwys:

- adolygiad o'r dystiolaeth sydd ar gael;
- nodi'r bylchau yn y sylfaen dystiolaeth;
- nodi'r dulliau sydd ar gael i Lywodraeth Cymru i'w galluogi i hyrwyddo a gyrru yr agenda Gwaith Teg ledled Cymru;
- a diffiniad o Waith Teg.

Cafodd y Bwrdd Gwaith Teg ei sefydlu ym mis Mai 2017, i gynnal gwaith cwmpasu cychwynnol. Bu'r Bwrdd yn ffynhonnell cyngor da, creadigol a beirniadol i helpu i brofi ein syniadau. Rwy'n credu ei fod wedi gwneud cynnydd da ar y cychwyn i nodi'r bylchau yn y dystiolaeth a'r dulliau sydd ar gael i Lywodraeth Cymru yrru'r agenda Gwaith Teg. Wedi edrych ar y dystiolaeth roedd yn ystyried y byddai nodweddion Gwaith Teg Sefydliad yr Ewro yn gyfres o benawdau da i sefydlu fframwaith Gwaith Teg yng Nghymru, a fyddai'n cynnwys:

- Cymeryd rhan yn y broses o wneud penderfyniadau (Hawl i gael eich clywed)
- Enillion (Enillion teg fesul awr wedi'u gwarantu)
- Rhagolygon (Sicrwydd swydd, datblygu o fewn swydd a safon y contract)
- Ansawdd y Swydd ei Hun (sgiliau ac ymreolaeth, dim camdriniaeth, amgylchedd weithio dda, lefel gwaith cytbwys a theg)
- Ansawdd yr Amser Gweithio (Dewis o ran hyd, amserlen a hyblygrwydd amser gweithio.)

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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.

Er y bu'n bosibl i'r Bwrdd gytuno ar yr hyn sy'n cael ei gyfrif fel Gwaith Teg (ar lefel uchel iawn) a'r dulliau sydd ar gael i ddatblygu gwaith teg, ni allai benderfynu ar ddiffiniad o Waith Teg a chyrraedd consensws ar y dulliau a'r prosesau o ddarparu canlyniadau gwaith teg yn ystod y cam cwmpasu. Daethom felly i'r casgliad ei fod yn amser i symud y gwaith i'r cam nesaf i ddatblygu gwaith cwmpasu cychwynnol y Bwrdd ac i gynnal mwy o waith dadansoddi arbenigol manwl.

Fis diwethaf, cyhoeddodd y Prif Weinidog ei fwriad i sefydlu Comisiwn Gwaith Teg i ddatblygu ail gam y gwaith ac i brofi'r dystiolaeth a gwneud argymhellion ar y newidiadau sydd eu hangen i gefnogi gwaith teg yng Nghymru. Bydd yn gorff o fewn Llywodraeth Cymru gyda chadeirydd annibynnol ac awdurdodol sy'n cael ei benodi gan y Prif Weinidog ac sy'n cynnwys nifer fechan o arbenigwyr ym maes cyfraith cyflogaeth a chymrodeddu ac undebwr llafur gweithredol neu gyn undebwr llafur uwch. Mae'r Prif Weinidog yn gobeithio bod mewn sefyllfa i gyhoeddi Cadeirydd y Comisiwn a'i Gylch Gorchwyl o fewn yr wythnosau nesaf.

Yn gywir



Ken Skates AC/AM

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport

Alun Davies AC/AM
Ysgrifennydd y Cabinet dros Lywodraeth Leol a
Gwasanaethau Cyhoeddus
Cabinet Secretary for Local Government and Public
Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ARD/001864/18

John Griffiths AC
Cadeirydd y Pwyllgor Cydraddoldeb a Llywodraeth Leol
Cynulliad Cenedlaethol Cymru

18 Mehefin 2018

Annwyl John

Diolch i chi am eich llythyr dyddiedig 15 Mai lle rydych yn gofyn am y wybodaeth ddiweddaraf ynglŷn â nifer o argymhellion yn dilyn ymchwiliad y Pwyllgor i gau Cymunedau yn Gyntaf.

Gweler isod yr ymatebion i'r cwestiynau a'r diweddariadau y gofynnwyd amdanynt.

- **Nifer y prosiectau nad ydynt bellach yn parhau o ganlyniad i gau Cymunedau yn Gyntaf. Dylai hyn gynnwys manylion y dosbarthiad daearyddol a'r mathau o raglenni sydd wedi dod i ben.**
- **Pa brosiectau sydd wedi'u cynnal gan gefnogaeth y Gronfa Waddol, ac asesiad o gynaliadwyedd hir dymor y prosiectau hyn unwaith y daw'r Cyllid Gwaddol i ben.**
- **Pa brosiectau sy'n parhau mewn ryw ffurf gan sefydliadau eraill.**

Sefydlwyd Cymunedau yn Gyntaf yn 2001. Ym mis Ebrill 2012, cafodd ei adnewyddu fel rhaglen i fynd i'r afael â thlodi mewn cymunedau, gan adeiladu ar lwyddiannau'r rhaglen wreiddiol a gweithio mewn 52 o ardaloedd clwstwr ledled Cymru.

Ar ôl ystyried yn ofalus yn ystod 2016-17, gwelwyd, er bod y rhaglen wedi gwneud llawer ar gyfer unigolion, roedd lefelau tlodi cyffredinol yn parhau'n ystyfnig o uchel, ac ni ellid disgwyl i unrhyw raglen unigol wella hyn.

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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.

Mae dod â'r rhaglen i ben dros gyfnod o ddeuddeg mis yn hytrach na dewis ei chau'n sydyn, yn ogystal â'r mesurau lliniaru a roddwyd ar waith, fel y gronfa waddol a'r cyllid ar gyfer Cymunedau am Waith a Mwy, wedi rhoi cyfleoedd i adleoli staff a pharhau â rhai o elfennau mwyaf effeithiol Cymunedau yn Gyntaf.

Fel llywodraeth, rydym wedi pwysleisio'r angen i sicrhau ein bod yn darparu ar gyfer y rheini sydd â'r anghenion mwyaf ac yn gweithredu i fynd i'r afael ag achosion sylfaenol tloidi. Yn ychwanegol at y mesurau lliniaru a sefydlwyd, anogwyd sefydliadau i gydweithio â'u sefydliadau partner i ymateb i anghenion lleol.

Cyflwynwyd prosiectau Cymunedau yn Gyntaf ar draws 52 o ardaloedd Cymunedau yn Gyntaf mewn 19 awdurdod lleol. Yn ystod y flwyddyn bontio hyd at 31ain Mawrth 2018, roedd cyfanswm o 323 o brosiectau yn gweithredu mewn ardaloedd Cymunedau yn Gyntaf ledled Cymru. Mae dadansoddiad daearyddol o'r rhain fesul awdurdod lleol i'w weld yn Atodiad 1. Yn ystod y flwyddyn bontio, roedd mwyafrif y prosiectau yn canolbwyntio ar helpu pobl tuag at waith fel clybiau swyddi, gwella sgiliau, mynd i'r afael â materion iechyd meddwl lefel isel a gwella hyder pobl. Roedd prosiectau eraill yn cynnwys gwella sgiliau TG a chynhwysiant digidol, cynhwysiant ariannol a gwella iechyd a lles corfforol.

Mae prosiectau o dan y thema cyflogaeth a chyflogadwyedd, sydd wedi'u cynnwys uchod, yn parhau i ddod o dan gronfa waddol Llywodraeth Cymru. Ers hynny, mae'r 19 awdurdod lleol sy'n rhan o Gymunedau yn Gyntaf wedi cyflwyno cynlluniau Cronfa Waddol sy'n amlinellu 87 o brosiectau gwahanol gan ganolbwyntio'n barhaus ar ymgysylltu â'r gymuned a gweithio mewn partneriaeth. Mae 64 o'r 87 prosiect, bron i dri chwarter, yn barhad o waith blaenorol Cymunedau yn Gyntaf. Mae cynlluniau'r Gronfa Waddol yn adlewyrchu blaenoriaethau lleol, asesiadau lles a rôl y Byrddau Gwasanaethau Cyhoeddus, y gymuned leol a phartneriaid a rhanddeiliaid allweddol eraill.

Mewn rhai awdurdodau lleol, mae llawer o'r gefnogaeth a ddarparwyd gan Gymunedau yn Gyntaf yn y gorffennol wedi'i adolygu ac adlewyrchwyd ar hynny drwy wahanol ffyrdd o weithio. Mewn un awdurdod lleol – Casnewydd - daethpwyd â phrosiectau Cymunedau yn Gyntaf i ben yn raddol tra datblygwyd model newydd 'Prif Ganolfan a Lloerennau'r Gymdogaeth'. Bydd hyn yn golygu cydleoli gwasanaethau a thimau o staff yn cydweithio gan alluogi aliniad cryf â rhaglenni eraill Llywodraeth Cymru. Bydd y model symlach hwn sy'n canolbwyntio ar gwsmeriaid yn nodi'r ffordd fwyaf effeithiol o helpu unigolion i gael gwaith.

Mae Cyngor Dinas Casnewydd hefyd yn datblygu'r dull hwn, sy'n seiliedig ar le, ochr yn ochr â rhaglenni ymyrraeth gynnar ac atal Llywodraeth Cymru, gan gynnwys Teuluoedd yn Gyntaf, Dechrau'n Deg, Cefnogi Pobl a Chymunedau am Waith. Bydd prosiectau'r Gronfa Waddol yn gweithio mewn partneriaeth â darpariaethau eraill a ariennir gan Gronfa Gymdeithasol Ewrop, Gyrfa Cymru a'r Ganolfan Byd Gwaith, i ddarparu pecyn cymorth wedi'i deilwra i'r unigolion hynny sy'n wynebu nifer o rwystrau i gyflogaeth fel tai, arian, tloidi bwyd, mynediad i TG ac ati.

Ymhlith y prosiectau Cymunedau yn Gyntaf eraill fydd yn parhau i gael eu rhedeg yn uniongyrchol gan awdurdodau lleol fydd y prosiect Ymgysylltu Creadigol yn Abertawe, fydd yn derbyn cefnogaeth gan dîm Dysgu Oedolion y Cyngor. Yn Nhorfaen, bydd y Cyngor Bwrdeistref Sirol yn ariannu'r prosiect cynhwysiant ariannol. Hefyd yn Nhorfaen, bydd Bwrdd Iechyd Prifysgol Aneurin Bevan yn defnyddio cyllid Rhwydwaith Gofal y Gymdogaeth i sicrhau bod y prosiect presgripsiynau cymdeithasol yn parhau.

O ran y prosiectau sy'n parhau drwy sefydliadau eraill, cyfarfu swyddogion â byrddau iechyd a chonsortia addysg er mwyn sicrhau eu bod yn ymwybodol o'r newidiadau sy'n digwydd i Gymunedau yn Gyntaf. Yn Sir Benfro, er enghraifft, mae'r Corff Cyflawni Arweiniol yn ymgysylltu'n agos â'r Bwrdd Iechyd Lleol i ymgorffori dull Cymunedau yn Gyntaf o ran bwyta'n iach i fewn i ddull y Bwrdd Iechyd Lleol o ddarparu gwasanaethau cyffredinol. Yn ogystal, roedd meddygfa leol yn hwyluso gwaith grŵp gweithredu sy'n cefnogi pobl ag anghenion ychwanegol i fyw yn y gymuned. Mae'r enghreifftiau hyn yn dangos sut mae prosiectau a ddarparwyd gan Gymunedau yn Gyntaf yn y gorffennol yn parhau i ddatblygu drwy weithio mewn partneriaeth.

Mae prosiect canlyniadau ar y cyd Cyngor Ar Bopeth, a oedd yn gweithredu mewn 42 o glystyrau Cymunedau yn Gyntaf, hefyd yn parhau ochr yn ochr â'r prosiect 'Cyngor Da Byw'n Well' a Grant Gwasanaethau Cyngor Rheng Flaen, sy'n cael eu goruchwylio gan y Tîm Cynhwysiant Ariannol o fewn is-adran Gymunedau Llywodraeth Cymru. Er mwyn sicrhau bod yr holl wasanaethau cynghori a gyllidir yn y dyfodol o fewn ardal leol yn cael eu hintegreiddio'n well, mae gwaith yn mynd rhagddo i uno'r dair ffrwd bresennol o ariannu gwasanaethau cynghori i un gronfa.

Mae GemauStryd, un arall o'r prosiectau canlyniadau ar y cyd hefyd wedi parhau i gael ei ariannu fel rhan o drefniadau gwaddol ehangach yn dilyn cau Cymunedau yn Gyntaf. Maent yn parhau i weithio gydag ardaloedd clwstwr Cymunedau yn Gyntaf ac maent wedi meithrin perthynas â nifer o awdurdodau lleol i barhau â'r gwaith yn y maes hwn.

Mae gweithredu argymhelliad 7, a pha brosiectau sy'n parhau wedi cael eu hasesu fel ffordd o gefnogi 'grymuso'

Drwy gyhoeddi *Ffyniant i bawb - y strategaeth genedlaethol (2017)* darparwyd eglurhad pellach o bwysigrwydd grymuso pobl a chymunedau, a rôl y Llywodraeth wrth gefnogi a grymuso'r rheini sydd am wneud gwahaniaeth yn eu cymunedau. Mae ein hymrwymyiadau o dan y strategaeth, ac yn arbennig y thema *Unedig a Chysylltiedig*, yn nodi nifer o'r camau y bydd y Llywodraeth yn eu cymryd i gyflawni ein nod o adeiladu cenedl lle mae pobl yn ymfalchïo yn eu cymunedau. Mae ein strategaeth genedlaethol yn ffordd newydd o weithio, gan gydnabod bod "sut" rydym yn ei ddarparu yr un mor bwysig â "beth" rydym yn ei ddarparu, ac yn cydnabod yr angen i wneud pethau'n wahanol ac i gynnwys pobl wrth lunio'r gwasanaethau maent yn eu defnyddio bob dydd. Mae'r strategaeth yn egluro sut bydd angen i'r broses o rymuso cymunedau fod yn ymdrech ar draws y llywodraeth ac ar draws sectorau, gyda nifer o gamau allweddol i'w cymryd ar draws portffolios. Gyda'i gilydd, bydd y camau hyn yn meithrin amgylchedd ar gyfer cysylltiadau dyfnach rhwng pobl, o fewn teuluoedd, cymdogaethau, gweithleoedd a chymunedau ehangach, sy'n rhoi ymdeimlad o berthyn ac o les i ni.

O safbwynt awdurdodau lleol, fe wnes i fy ymrwymiad i'n glir i drafod a dadlau ynglŷn â sut rydym yn cryfhau a grymuso cymunedau a chynghorau ledled Cymru yn y papur Gwyrdd *Cryfhau Llywodraeth Leol: Cyflawni dros Ein Pobl* (Mawrth 2018). Rhan allweddol o'r dull hwn yw darparu Awdurdodau Lleol cryfach, mwy pwerus gyda'r uchelgais, y sgiliau a'r hyblygrwydd i gefnogi cymunedau i gael eu grymuso a'u cynnwys; yn ffyniannus a llwyddiannus; ac, yn gynrychioliadol ac yn ddylanwadol.

O ran parhau â'r prosiectau sy'n cefnogi grymuso, roedd y gronfa waddol ar gael i barhau ag agweddau gorau'r rhaglen Cymunedau yn Gyntaf. Mae awdurdodau lleol wedi defnyddio'r gronfa waddol i ddatblygu a chyflwyno amrywiaeth o fathau o gymorth i gymunedau, ac nid o reidrwydd i ddarparu prosiectau unigol yn unig. O fewn ceisiadau'r gronfa waddol, gofynnwyd i awdurdodau lleol ddangos sut mae'r agweddau mwyaf llwyddiannus wrth symud ymlaen yn cefnogi'r agenda o rymuso o fewn eu ceisiadau. Er enghraifft, roedd nifer o geisiadau yn cynnwys grymuso pobl ifanc. Mae un awdurdod lleol yn gweithio gyda phobl ifanc i ddatblygu ac adeiladu gwytnwch, gan ganolbwyntio ar sgiliau sy'n hyrwyddo lles positif ac yn datblygu hyder a hunan-barch. Fel rhan o'r prosiect, bydd cyfle i blant a phobl ifanc gymryd rhan mewn Fforymau Ieuencid neu Fforymau Iau, lle gallant gymryd rhan yn y broses o wneud penderfyniadau ar lefel leol a chenedlaethol a chael mynediad at addysg sy'n gysylltiedig â Dinasyddiaeth Weithgar a Hawliau Plant.

Diweddariad ar y gwaith ymchwil y mae Llywodraeth Cymru yn ei wneud ar ddichonoldeb astudiaeth hydredol (argymhelliad 10)

Byddai datblygu arolwg newydd neu roi 'hwb' (ariannu cyfweiliadau ychwanegol) i arolwg presennol, y mae'r ddau opsiwn wedi'u hystyried gan Lywodraeth Cymru yn y gorffennol, yn afresymol o ran cost, ond yn fwy perthnasol, ni fyddai'n rhoi gwybodaeth ddigon manwl ar gyfer dadansoddi'r mathau o lefelau daearyddol bach sy'n ofynnol neu ar gyfer grwpiau poblogaeth cymharol brin fel y rheini â nodweddion gwarchoddedig o dan Ddeddf Cydraddoldeb 2010.

Yr argymhelliad sydd o flaenoriaeth fwyaf i'r Ganolfan Ymchwil Economaidd a Chymdeithasol o'r Adolygiad Strategol Astudiaethau Hydredol 2017 oedd bod angen i astudiaethau hydredol, er mwyn delio â phoblogaethau amrywiol a newidiol, "ddatblygu a chynnal asgwrn cefn ar gyfer data gweinyddol gyda'r uchafswm o ran y boblogaeth y gellir ei ddefnyddio fel sail ar gyfer cyswllt data". Wrth ymateb, dywedodd y Ganolfan Ymchwil Economaidd a Chymdeithasol eu bod yn datblygu strategaeth i adeiladu "Labordy Poblogaeth y DU" i sicrhau bod cryfderau data arolwg hydredol, data gweinyddol, data mawr a mathau newydd o ddata yn cael eu cydnabod a'u cefnogi mewn ffordd sy'n hwyluso'r cyfuniad o wahanol fathau o ddata at ddibenion ymchwil gwahanol.

Mae astudiaeth ddichonoldeb eisoes wedi ei gymeradwyo i ganolbwyntio ar ddatblygu ein dealltwriaeth o amddifadedd ar lefel unigolion neu gartrefi, gan ddefnyddio data arolygu a data gweinyddol cysylltiedig. Bydd hyn yn ychwanegu at ein dealltwriaeth o ardaloedd gwahanol - a ddarperir gan Fynegai Amddifadedd Lluosog Cymru (WIMD) - gyda dealltwriaeth o amddifadedd unigolion a chartrefi. Mae hefyd yn ceisio dod â data o nifer o ffynonellau allweddol at ei gilydd, gan gynnwys yr Adran Gwaith a Phensiynau, DVLA, Asiantaeth y Swyddfa Brisio, SAIL.

Bydd yr astudiaeth ddichonoldeb yn archwilio materion ac ystyriaethau sy'n hanfodol i ddatblygu astudiaeth hydredol o amddifadedd unigol a byddai'n fan cychwyn ar gyfer astudiaeth hydredol bosibl ar dlodi yng Nghymru. Mae'n ceisio dod â'r ffynonellau data gweinyddol perthnasol yn ogystal ag Arolwg Cenedlaethol Cymru at ei gilydd a gellid ychwanegu data rhaglen benodol ato (Dechrau'n Deg, Cefnogi Pobl, cynlluniau tlodi tanwydd etc) fel y gallai pobl gael eu 'nodi' pan fyddant yn defnyddio rhaglen Llywodraeth Cymru. O'r 'asgwrn cefn' hwn, gallem adeiladu dealltwriaeth o dlodi dros oes gyfan ac edrych yn benodol a oes tystiolaeth bod ymyrraeth Llywodraeth Cymru yn cael effaith. Bydd angen ystyried canfyddiadau'r astudiaeth ddichonoldeb yn llawn cyn y gellir ymrwymo i astudiaeth lawnach.

Ar hyn o bryd, mae'r astudiaeth wedi sicrhau mynediad at ddata Cyfrifiad 2011 ac mae'n aros am ddata o'r Adran Gwaith a Phensiynau. Bydd yr astudiaeth yn dechrau ar ôl i'r data ar gyfer y Banc Data SAIL gyrraedd.

Pa addasiadau sydd wedi'u gwneud i raglenni perthnasol eraill Llywodraeth Cymru, fel Cymunedau am Waith, Esgyn, Dechrau'n Deg a Theuluoedd yn Gyntaf (argymhelliad 11)

Wrth i Gymunedau yn Gyntaf ddod i ben ac ar ôl cwblhau'r rhaglen Esgyn yn llwyddiannus, lanswyd Cymunedau am Waith a Mwy fel rhaglen £12 miliwn y flwyddyn a gyflwynwyd o 1 Ebrill 2018. Mae hyn yn cefnogi'r broses barhaus o ddarparu Cymunedau am Waith a bydd yn ymgorffori'r hyn a ddysgwyd o'r rhaglen Esgyn. Bu'n bosib trosglwyddo arbenigedd staff Cymunedau yn Gyntaf mewn nifer o'r awdurdodau lleol sydd bellach yn darparu Cymunedau Am Waith a Mwy. Mae hyn wedi galluogi perthnasoedd ac arbenigedd i aros o fewn cymunedau.

Mae Cymunedau am Waith a Mwy yn galluogi cymorth cyflogadwyedd i gael ei ddarparu i bobl nad ydynt yn gymwys ar gyfer Cymunedau am Waith, Rhieni, Gofal Plant a Chyflogaeth (PaCE) neu Raglenni rhanbarthol eraill Cronfa Gymdeithasol Ewrop, gan gynnwys y rheini sy'n byw y tu allan i godau post hen ardaloedd Cymunedau yn Gyntaf. Yn ogystal, mae cyllid Cymunedau Am Waith a Mwy bellach wedi'i glustnodi i Gynghorau Sir Powys, Ceredigion a Sir Fynwy sydd bellach yn golygu bod cefnogaeth ar gael i bob ardal awdurdod lleol. Fel y nodir uchod, mae nifer o brosiectau sy'n gysylltiedig â chyflogaeth wedi parhau fel rhan o'r cynigion gwaddol i ategu'r gwaith o gyflwyno Cymunedau am Waith a Chymunedau am Waith a Mwy.

Cynhaliwyd y broses o roi ffocws newydd i Deuluoedd yn Gyntaf, y manylwyd arno yn yr ymateb gwreiddiol i'r Pwyllgor, ar ôl adolygiad fu'n ystyried tystiolaeth a gasglwyd yn ystod y gwerthusiad annibynnol tair blynedd o'r cynllun Teuluoedd yn Gyntaf, yn ogystal â thystiolaeth a gasglwyd gan y Cydlynwyr Teuluoedd yn Gyntaf sy'n gyfrifol am gomisiynu a darparu gwasanaethau. Yn ystod y broses hon, daeth yn amlwg bod y rhaglen yn cael ei gwerthfawrogi'n fawr ac yn perfformio'n dda mewn nifer o feysydd allweddol, yn bennaf drwy'r Tîm o Amgylch y Teulu. Serch hynny, lleisiwyd pryderon ynglŷn â'r ystod eang o wasanaethau a gomisiynwyd a oedd wedi dod yn fwyfwy eang, gan arwain at bryderon ynghylch cynaliadwyedd, pe bai'n parhau. O ganlyniad, mae'r rhaglen yn parhau i ganolbwyntio ar ddarparu cymorth pwrpasol, aml-asiantaeth i deuluoedd cyfan, gan chwarae rôl allweddol wrth helpu rhieni i greu amgylchedd sefydlog lle gall plant a phobl ifanc ffynnu. Mae'n bwysig ei bod yn cadw elfennau allweddol y Fframwaith Asesu'r Teulu ar y Cyd (JAFF) llwyddiannus, Tîm o Amgylch y Teulu (TAF) a ffocws anabledd.

Cymerwyd y penderfyniad i ail-ganolbwyntio'r prosiectau strategol i sicrhau y gall y rhaglen ddatblygu gwasanaethau sy'n diwallu anghenion rhieni, plant a phobl ifanc yn well a chysylltu gwaith y rhaglen yn glir gydag atal Profiadau Niweidiol yn ystod Plentynod.

Mae awdurdodau lleol yn dal i allu comisiynu ystod o wasanaethau a chadw'r hyblygrwydd i gynllunio modelau comisiynu sy'n addas ar gyfer trefniadau lleol. Dylai'r prosiectau a gomisiynir ganolbwyntio bellach ar roi amrywiaeth o sgiliau i deuluoedd i feithrin eu hyder a'u gwytnwch a'u cefnogi i gyflawni canlyniadau positif hir dymor. Mae hefyd yn bwysig nad yw gwasanaethau i rieni a phobl ifanc yn cael eu darparu mewn ffordd ynysig, gan roi mwy o bwyslais ar awdurdodau lleol drwy sicrhau bod gwasanaethau'n cael eu cysylltu â'i gilydd ac yn gydlynol er mwyn galluogi teuluoedd i dderbyn ehangder y gefnogaeth sydd ei hangen arnynt.

Adolygwyd canllawiau rhaglen Teuluoedd yn Gyntaf mewn cydweithrediad â phartneriaid darparu allweddol ac fe'i cyhoeddwyd ym mis Ebrill 2017. Dechreuodd pob awdurdod lleol weithredu o dan y trefniadau newydd o 1 Ebrill 2018.

Cofion gorau

A handwritten signature in black ink, consisting of a large initial 'A' followed by several loops and a long horizontal stroke at the bottom.

Alun Davies AC

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus

CYMUNEDAU YN GYNTAF BLWYDDYN PONTIO 2017-18

NIFER O BROSIECTAU YN ÔL ARDAL AWDURDOD LLEOL

Ynys Mon	5
Blaenau Gwent	28
Pen-y-bont ar Ogwr	17
Caerffili	17
Caerdydd	47
Gar	9
Conwy	7
Ddinbych	6
Fflint	6
Gwynedd	10
Merthyr Tudful	72
Castell - nedd Port Talbot	9
Casnewydd	14
Penfro	11
Rhondda Cynon Taf	24
Abertawe	9
Bro Morgannwg	14
Torfaen	5
Wrecsam	13
	323

Roedd y prosiectau uchod yn derbyn arian yn ystod y flwyddyn ariannol 2017-18 am Gymunedau yn Gyntaf. Daeth arian Cymunedau yn Gyntaf ar gyfer y prosiectau 323 i ben 30 Mawrth 2018 fodd bynnag nid pob prosiect wedi dod i ben.

COMMUNITIES FIRST TRANSITION YEAR 2017-18

NUMBER OF PROJECTS BY LOCAL AUTHORITY AREA

Anglesey	5
Blaenau Gwent	28
Bridgend	17
Caerphilly	17
Cardiff	47
Carmarthenshire	9
Conwy	7
Denbighshire	6
Flintshire	6
Gwynedd	10
Merthyr Tydfil	72
Neath Port Talbot	9
Newport	14
Pembrokeshire	11
Rhondda Cynon Taf	24
Swansea	9
Vale of Glamorgan	14
Torfaen	5
Wrexham	13
	323

The above projects were in receipt of Communities First funding during the 2017-18 financial year. Communities First funding for the 323 projects ended 30 March 2018 however not all projects ended.



CLILC • WLGA

Drwy e-bostSeneddCommunities@assembly.wales

Annwyl John,

Ymateb: Cau'r Rhaglen Cymunedau'n Gyntaf

Diolch i chi am eich llythyr dyddiedig 15 Mai 2018 yn gofyn am ragor o wybodaeth am yr effaith o gau rhaglen Cymunedau yn Gyntaf. Mae'r ymateb hwn yn ychwanegol at y dystiolaeth a gyflwynwyd gennym o'r blaen i'r ymchwiliad a gynhaliwyd gan y Pwyllgor.

Rydym wedi ymgysylltu ymhellach â'r holl Awdurdodau sy'n aelodau i ni wrth baratoi ymateb Cymdeithas Llywodraeth Leol Cymru i'r ymholiadau pellach sydd wedi'u hamlinellu yn eich llythyr:

Pa mor effeithiol y mae'r rhaglen gau wedi bod, ac a yw Llywodraeth leol wedi cael cymorth digonol gan Lywodraeth Cymru yn y cyfnod pontio

Cafwyd y penderfyniad ffurfiol i gau rhaglen Cymunedau yn Gyntaf ar 14 Chwefror 2017. Cynigiwyd cyfnod pontio gan Lywodraeth Cymru i bara drwy gydol 2017-18 er mwyn rhoi cyfle i ddod â'r rhaglen i ben yn raddol erbyn Mawrth 2018 gyda'r bwriad o sicrhau ei gwaddol drwy raglenni ariannu olynol/eraill.

Roedd disgwyl i Gyrrff Cyflawni Arweiniol gyflwyno cynlluniau pontio amlinellol erbyn 31 Mawrth 2017, a chynlluniau mwy manwl wedyn erbyn 31 Mai 2017 – yn amlinellu'r dull o bontio, amserlenni arfaethedig, trefniadau cynnwys ac ymgysylltu a'r math o brosiectau a fyddai'n parhau yn ystod y flwyddyn. Er mwyn darparu cymorth ar gyfer y pontio, sefydlodd Llywodraeth Cymru Dîm Pontio, a lluniodd ganllawiau a dogfennau atodol.

Mae cau rhaglen yn her bob amser, heb sôn am gau rhaglen sydd o faint mor sylweddol ac un a fyddai erbyn hynny wedi bod ar waith mewn rhai ardaloedd am ymhell dros 10 mlynedd. Mewn nifer o ardaloedd, roedd y rhaglen wedi dod yn seilwaith mewn cymunedau a oedd yn sicrhau bod nifer o wasanaethau eraill yn cyrraedd y dinasyddion hynny sydd ag angen cymorth.

Steve Thomas CBE
Prif Weithredwr
Chief Executive

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Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.

Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.

Tudalen y pecyn 65
We welcome correspondence in Welsh and English and will respond in the same language.

Use of either language will not lead to a delay.

Er na ellir byth gael amser “da” i gau rhaglen, y teimlad cyffredinol ymysg Awdurdodau Lleol oedd y byddai wedi bod yn bosibl rheoli’r broses o gau rhaglen Cymunedau yn Gyntaf yn well a hynny am nifer o resymau:

- Yn gyntaf, roedd yr amserlenni byr yn her i’r gallu i gynllunio ac ymateb yn effeithiol ar gyfer pontio. Mae teimlad cyffredinol yn yr ymatebion nad oedd y cyfnod rhwng y cyhoeddiad ffurfiol bod y rhaglen i gau a’r cynlluniau pontio disgwylidig yn ddigonol.
- Yn ail, roedd y cyhoeddiad wedi’i wneud ychydig cyn yr Etholiadau Llywodraeth Leol yn 2017. Roedd hyn yn ychwanegu at y cymhlethdod i swyddogion a oedd yn rheoli’r newid ar lefel leol.
- Yn drydydd, ar adeg y cyhoeddiad am gau’r rhaglen nid oedd eglurhad na chyfarwyddyd ar gael ar y pryd am fodolau ariannu gwahanol/newydd. Roedd y cyd-destun polisi yn datblygu hefyd mewn perthynas â Cymru’n Gweithio a’r cynllun cyflogadwyedd newydd nad oedd y manylion ar eu cyfer wedi’u cadarnhau eto, fel ei bod yn anodd blaengynllunio ar gyfer trefniadau pontio.

Un pwynt y dylem ei wneud mewn perthynas â’r broses o gyhoeddi bod y rhaglen i’w chau yw’r effaith ar forâl staff. Mae’r rhan fwyaf o Awdurdodau wedi nodi bod eu staff wedi cael gwybod gyntaf am gau’r rhaglen drwy’r cyfryngau – a bod hynny wedi rhoi Awdurdodau Lleol fel cyflogwyr mewn sefyllfa anodd iawn. Roedd hyn wedi arwain at flwyddyn anodd o bontio wrth i Awdurdodau Lleol gymryd camau i geisio cadw staff a chynnal eu morâl wrth bontio i fodel ar gyfer y dyfodol a oedd yn amodol ar gymeradwyo pellach ac yn agored i ansicrwydd. Roedd Awdurdodau Lleol yn wynebu penderfyniadau anodd wrth ymwneud â cheisio cadw staff o ran cydbwysu risg ariannol, risg i’w henw da a’u rhwymedigaethau fel cyflogwyr tuag at eu cyflogeion (gan fod rhai aelodau staff wedi gwasanaethu am flynyddoedd lawer yn yr Awdurdodau).

Mae Awdurdodau Lleol yn cyfeirio at brofiadau gwrthgyferbyniol o ran y cymorth a’r cyfathrebu a gafwyd gan Lywodraeth Cymru drwy gydol y cyfnod pontio. Fodd bynnag, roedd yr holl ymatebion yn croesawu’r ffordd roedd Llywodraeth Cymru wedi sicrhau cyfarfodydd rheolaidd â Swyddogion Arweiniol perthnasol ledled Cymru – er hynny, roedd nifer yn teimlo y byddai wedi bod yn bosibl cyrfhau hyn drwy sicrhau bod canllawiau ysgrifenedig ar gael yn amserol i sicrhau bod negeseuon allweddol yn cael eu lledaenu’n glir.

Er gwaethaf yr elfennau o ansicrwydd, mae’r rhan fwyaf o Awdurdodau Lleol wedi dweud mai peth da oedd gallu penderfynu’n lleol ar oblygiadau’r cyfnod pontio o ran adnoddau, gan fod hyn wedi caniatáu i Awdurdodau Lleol benderfynu ar ddulliau a oedd yn briodol i amgylchiadau ac anghenion lleol.

I gloi, mae’r holl Awdurdodau Lleol wedi nodi eu bod, er gwaethaf yr ansicrwydd a’r risgiau ar ddechrau’r cyfnod pontio, wedi rheoli’r broses o gau rhaglen Cymunedau yn Gyntaf yn llwyddiannus – a’u bod bellach wedi mabwysiadu dulliau hollol newydd sy’n canolbwyntio ar gyflogadwyedd yn eu hardaloedd lleol. Roedd Awdurdodau Lleol yn gallu ymgysylltu â’u cymunedau a rhanddeiliaid ehangach i ddatblygu ffordd newydd o weithio a oedd yn addas i’w diben ar gyfer eu hardal leol; un a oedd yn canolbwyntio ar anghenion yr unigolyn drwy ddull unigol cydgysylltiedig a oedd yn amlasiantaethol ac yn draws-sectoraidd, gan symleiddio a chyfuno ffrydiau cyllido.

Croesawn ohebiaeth yn y Gymraeg a’r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.

Ni fydd defnyddio’r naill iaith na’r llall yn arwain at oedi.

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.

Use of either language will not lead to a delay.

Data am nifer y prosiectau sydd wedi gallu parhau ar ryw ffurf a'r nifer sydd wedi cau'n llwyr

Rydym wedi edrych ar ein hymateb i'r cwestiwn hwn gyda'r Awdurdodau Lleol sy'n Aelodau i ni, gan fod angen cael data a mewnbwn technegol er mwyn rhoi ymateb cynhwysfawr. Fodd bynnag, mae amgylchiadau lleol yn amrywio'n fawr, ac nid yw darparu data ar eu pen eu hunain am nifer y prosiectau sydd wedi parhau neu ddod i ben yn cyfleu darlun cywir o gyd-destun y cau ym mhob cymuned leol. Nid yw Cymdeithas Llywodraeth Leol Cymru yn cadw data mor fanwl â hyn am brosiectau unigol mewn Awdurdodau Lleol penodol. Felly, oherwydd yr amserlen a graddau'r cymhlethdod sydd ynglŷn â llunio ymateb cynhwysfawr, nid ydym yn gallu ymateb yn llawn i'r cwestiwn hwn. Er hynny, rydym wedi amlinellu rhai pwyntiau allweddol isod a all fod o gymorth i chi.

I gyd-fynd â diwedd proses cau'r rhaglen, roedd yn ofynnol i bob Corff Cyflawni Arweiniol gyflwyno Adroddiad Terfynol Ffurfiol i Lywodraeth Cymru am y flwyddyn a ddaeth i ben ar 31 Mawrth 2018. Mae'r adroddiad terfynol hwn yn cynnwys gwybodaeth gynhwysfawr am fanylion y broses o gau'r rhaglen ym mhob ardal glwstwr, manylion y gweithgareddau prosiect sy'n parhau/dod i ben a manylion y goblygiadau lleol i gymunedau lleol.

Defnyddiwyd dulliau gwahanol ar draws Awdurdodau Lleol, ac roedd rhai ohonynt heb allu lliniaru'r risgiau ariannol/staffio ac wedi cau nifer o brosiectau yn ystod y flwyddyn bontio. Yn achos rhai Awdurdodau Lleol, roedd y rhan a gymerwyd gan sefydliadau trydydd parti yn y model cyflawni wedi ychwanegu at y cymhlethdodau a'r risgiau yn eu rôl fel Cyrrff Cyflawni Arweiniol. Fodd bynnag, roedd rhai Awdurdodau Lleol yn gallu ysgwyddo'r risgiau ac yn gallu parhau â'r rhan fwyaf o'u gweithgarwch a chadw rhai staff – er bod nifer o newidiadau yn y modelau ariannu a chyflawni.

Sylw cyffredinol ar sail yr ymatebion a gafwyd yw bod Awdurdodau Lleol a oedd eisoes wedi dechrau pontio at fodel mwy integredig drwy weithgareddau treialu/braenaru wedi ymateb yn fwy cadarnhaol at ei gilydd mewn perthynas â'r broses pontio, a'r gallu i barhau â lefel uwch o weithgarwch prosiectau.

I gloi, er bod profiad Awdurdodau Lleol wrth ddelio â'r cyfnod pontio wedi bod yn gymysg, maent i gyd yn croesawu'r dull y maent wedi pontio ato. Mae cydnabyddiaeth a chefnogaeth i'r dull "un tîm", i integreiddio ac alinio gwasanaethau cymorth ar sail amgylchiadau lleol. Mae Awdurdodau Lleol wedi bod yn werthfawrogol iawn o'r gallu i ddefnyddio dulliau a ffrydiau cyllido lluosog – wedi'u teilwra yn ôl anghenion eu cymunedau lleol. Mae'r dull hwn o integreiddio a symleiddio darpariaeth yn cael ei hyrwyddo ymhellach drwy'r rhaglen Cyllido Hyblyg beilot, y ceir cefnogaeth gryf iddi – i sicrhau bod y bobl yn ein cymunedau yn cael y cymorth sydd ei angen arnynt, beth bynnag yw'r ffynhonnell ariannu neu'r corff darparu. Mae Cymdeithas Llywodraeth Leol Cymru yn edrych ymlaen at gydweithio ymhellach â Llywodraeth Cymru a'i phartneriaid i ddatblygu'r agenda ar Gyllido Hyblyg ymhellach – a sicrhau bod egwyddorion integreiddio a symleiddio yn cael eu derbyn yn llwyr yng nghyd-destun cyflawni a llywodraethu.

Rwyf yn gobeithio y bydd yr ymateb hwn o rywfaint o gymorth i ateb eich ymholiadau.

Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.

Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.

We welcome correspondence in Welsh and English and we respond to correspondence in the same language.

Use of either language will not lead to a delay.

Yn gywir,



Y Cyng Rob Stewart
Llefarydd CLILC ar Ddatblygu Economaidd, Ewrop ac Ynni

Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.

Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.

Use of either language will not lead to a delay.

John Griffiths AC

Cadeirydd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

Drwy e-bost

ELGC(5)-21-18 Papur 12/ Paper 12

26 Mehefin 2018

Annwyl John,

Blaenraglen waith: meysydd o ddiddordeb a rennir

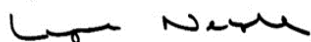
Trafododd y Pwyllgor Plant, Pobl Ifanc ac Addysg ei flaenraglen waith yn ddiweddar. Cytunodd yr Aelodau ar nifer o flaenoriaethau, y mae dwy ohonynt yn gorgyffwrdd â phortffolio'r Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau:

- Cyllido ysgolion
- Craffu ar ôl deddfu ar Fesur Hawliau Plant a Phobl Ifanc (Cymru)

Mae'r Pwyllgor yn bwriadu ymgynghori ar ei ymchwiliad cyllido ysgolion yn nhymor yr hydref. O ystyried ei berthnasedd i gyllido llywodraeth leol, byddaf yn sicrhau bod Clerc y Pwyllgor yn rhoi'r wybodaeth ddiweddaraf i Glerc y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau'n rheolaidd ac yn trafod cyfleoedd ymarferol i gydweithio, os yw'n briodol.

O gofio ymrwymïadau presennol y Pwyllgor, mae'n annhebygol y bydd gwaith ar graffu ar ôl deddfu ar Fesur Hawliau Plant a Phobl Ifanc (Cymru) yn dechrau cyn gwanwyn/haf 2019. Eto, gofynnaf i'r Clerc roi'r wybodaeth ddiweddaraf i chi.

Yn gywir,



Lynne Neagle AC

Cadeirydd





Llywodraeth Cymru
Welsh Government

Ein cyf : MA – P/HID/2091/18

John Griffiths AC
Cadeirydd
Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd
CF99 1NA

26 Mehefin 2018

Annwyl John,

Diolch ichi am eich llythyr 30 Mai ynghylch gohebiaeth sydd wedi dod i law oddi wrth Julie Morgan AC mewn cysylltiad â dod â Grant Byw'n Annibynnol Cymru (WILG) i ben.

Fel y nodais yn fy Natganiad Ysgrifenedig ar 23 Mai, ar ddiwedd mis Mawrth eleni roedd rhyw 75% o'r 1,300 o bobl a oedd wedi bod yn cael taliadau o dan WILG naill ai wedi cwblhau, neu wrthi'n cwblhau'r adolygiad o'u hanghenion cymorth yn y dyfodol gyda'u hawdurdod lleol. O ganlyniad roedd dros un rhan o dair o'r holl bobl a oedd yn cael taliadau - tua 400 o bobl - bellach yn cael eu hanghenion cymorth i fyw'n annibynnol wedi'u talu gan eu hawdurdod lleol, naill ai'n uniongyrchol gan yr awdurdod neu drwy gael taliadau uniongyrchol oddi wrth yr awdurdod i drefnu'r cymorth hwn eu hunain.

Roedd hyn yn gadael cyfanswm o ryw 900 o bobl bryd hynny naill ai i gwblhau eu hadolygiad lle'r oeddent wedi'i ddechrau, neu i ddechrau ar yr adolygiad er mwyn ei gwblhau. Fel y dywedais yn fy Natganiad Ysgrifenedig rhaid i bob adolygiad o anghenion cymorth pobl yn y dyfodol gael eu cwblhau erbyn diwedd Medi eleni. Rydym ar fin gofyn am y data monitro chwarterol yr ydym yn ei gael oddi wrth yr awdurdodau lleol am y broses hon a byddwn yn disgwyl i'r data hwn ddangos, am y cyfnod ers mis Mawrth, fod nifer yr achosion heb eu datrys wedi lleihau ymhellach

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@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.

Tudalen y pecyn 70

Yn achos y bobl hynny sydd bellach yn cael eu cymorth oddi wrth yr awdurdod lleol, mae'r awdurdodau hyn yn dweud bod cynnydd wedi bod yn y cymorth a roddir i rai, ond bod y mwyafrif wedi cael cymorth tebyg i'r lefel yr oeddent yn ei gael trwy eu taliad WILG. Mewn nifer bach o achosion yn unig y mae eu cymorth wedi gostwng, yn enwedig lle Mae awdurdodau wedi nodi nad oedd Gwasanaethau a delir am ddefnyddio taliadau o dan WILG o natur gofal cymdeithasol. Lle mae hyn wedi digwydd, mae'r awdurdodau'n gweithio trwy'r rhain gyda'r bobl yr effeithir arnynt er mwyn dod o hyd i ateb boddhaol. Wedi dweud hynny, nid yw hyn yn ymwneud â'r cwestiwn a yw pobl yn cael llai neu fwy o gymorth o ganlyniad i'r adolygiad o'u hanghenion yn y dyfodol gyda'u hawdurdod lleol. Mae'n ymwneud â sicrhau bod pobl anabl yn cael y cymorth priodol y mae ei angen i gyflawni eu canlyniadau llesiant a'u bod yn gallu byw'n annibynnol gartref.

Yn gywir

A handwritten signature in black ink, appearing to read 'Huw', with a horizontal line underneath it.

Huw Irranca-Davies AC/AM

Y Gweinidog Plant, Pobl Hyn a Gofal Cymdeithasol
Minister for Children, Older People & Social Care

ELGC(5)-21-18 Papur 14/ Paper 14

Rebecca Evans AC

y Gweinidog Tai ac Adfywio
Llywodraeth Cymru

26 Mehefin 2018

Annwyl Rebecca

Bil Rhentu Cartrefi (Ffioedd ac ati) (Cymru)

Diolch ichi am ddod i'n cyfarfod ar 21 Mehefin i roi tystiolaeth mewn cysylltiad â'n gwaith craffu ar y Bil Rhentu Cartrefi (Ffioedd etc) (Cymru).

Yn y cyfarfod fe wnaethoch gytuno i ddarparu rhagor o fanylion am:

- Asesiad o'r dystiolaeth a ystyriwyd yn San Steffan wrth graffu ar y Bil Ffioedd Tenantiaid bod cynnydd o 4.2 y cant mewn rhent yn yr Alban pan basiwyd deddfwriaeth gyfatebol o'i gymharu â gostyngiad o 0.7 y cant yn Lloegr dros yr un cyfnod.
- A yw'r ddarpariaeth yn Atodlen 2, paragraff 3, is-is-baragraff (b), yn ddigonol i ymdrin ag achosion pan fydd landlord / asiantaeth yn torri'r cytundeb hwn, yn arbennig mewn achosion pan fydd myfyrwyr yn diogelu eiddo fisoedd cyn symud i'r eiddo a bod y cytundeb yn ddarostyngedig i waith pellach gan y landlord.
- A ddylai dirwyon a roddwyd gan y Llysoedd i'r rhai sy'n torri'r Bil fynd i awdurdodau lleol, fel gyda hysbysiadau cosb benodedig.


Ar ddiwedd y cyfarfod, dywedais y buaswn hefyd yn ysgrifennu atoch gyda rhai cwestiynau technegol a chwestiynau drafftio na chawsant eu cyrraedd yn ystod y sesiwn dystiolaeth. Byddwn yn ddiolchgar pe gallech roi ymateb i'r canlynol:



- Mae Adran 4 yn cyfeirio at "waith asiantaeth gosod eiddo". Mae Adran 8 yn cyfeirio'n syml at "waith gosod" sef y term a ddefnyddir yn Neddf Tai (Cymru) 2014. Pam hynny?
- O dan Adrannau 2(6), 3(5) ac 17, a ddylai'r Bil ei gwneud yn ofynnol talu llog hefyd neu a fyddai llys yn dyfarnu llog yn awtomatig?
- Mae Adran 2(3) yn caniatáu i landlordiaid ei gwneud yn ofynnol i berson ymrwymo i gontract am wasanaethau fel amod o roi neu o adnewyddu contract meddiannaeth neu barhau â chontract o'r fath lle mae'r contract am wasanaethau yn rhoi'r hawl i feddiannu annedd. A allech chi egluro pwrpas y ddarpariaeth hon a pham nad oes darpariaeth gyfatebol yn Adran 3?
- Mae darparu gwybodaeth anwir neu gamarweiniol mewn perthynas â hysbysiad o dan Adran 10 yn drosedd os yw person yn "ddi-hid ynghylch pa un a yw'n anwir neu'n gamarweiniol". Beth oedd y rhesymeg wrth wraidd pennu "di-hid" fel y trothwy ar gyfer Adran 12(1)(b) a 12(2)(a)? Pam na ddewiswyd trothwy is esgeulustod?

Byddwn yn ddiolchgar pe byddech yn ymateb erbyn **7 Medi** mewn pryd i lywio cam nesaf ein gwaith o graffu ar y Bil.

Yn gywir



John Griffiths AC
Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English.



ELGC(5)-21-18 Papur 15 / Paper 15

Y Gwir Anrhydeddus Carwyn Jones AC
Prif Weinidog Cymru

28 Mehefin 2018

Annwyl Brif Weinidog,

Goblygiadau Brexit o ran cydraddoldeb a hawliau dynol

Yn dilyn fy llythyr ar y cyd â John Griffiths AC, Cadeirydd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau, ysgrifennaf i ofyn am eglurhad pellach ar un neu ddau o'r pwyntiau a godwyd.

Ers yr wythnos ddiwethaf, mae'r Senedd wedi cytuno ar destun terfynol Bil yr Undeb Ewropeaidd (Ymadael). Fe fyddwch yn ymwybodol bod Llywodraeth y DU, yn ystod hynt y Bil, wedi gwrthod gwelliannau Tŷ'r Arglwyddi a oedd yn cynnwys darpariaethau ar gyfer cynnwys Siarter Hawliau Sylfaenol Ewrop yng nghyfraith y DU. Fe fyddwch hefyd yn ymwybodol bod y Bil wedi'i ddiwygio i ddarparu gweithdrefn graffu well ar gyfer offerynnau statudol sy'n diwygio neu'n dirymu is-ddeddfwriaeth a wnaed o dan adran 2 (2) o Ddeddf y Cymunedau Ewropeaidd 1972 i weithredu cyfraith yr UE. Fodd bynnag, nid yw'r weithdrefn well yn gymwys i offerynnau a wneir gan Weinidogion Cymru ac sy'n destun gwaith craffu yn y Cynulliad. At hynny, nodaf fod Llywodraeth Cymru wedi cychwyn yn ffurfiol ar y broses o ddiddymu'r Ddeddf Cyfraith sy'n Deillio o'r Undeb Ewropeaidd (Cymru) ers 8 Mehefin 2018.

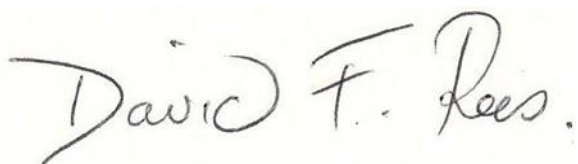


Yn sgil y datblygiadau hyn, byddwn yn croesawu ymateb wedi'i ddiweddarau gennych mewn perthynas â:

- ***Siarter Hawliau Sylfaenol yr UE***: sut y bydd Llywodraeth Cymru yn sicrhau bod Hawliau Siarter yn parhau i fod yn gymwys yng Nghymru; a
- ***Di-atchweliad***: sut y mae Llywodraeth Cymru yn bwriadu sicrhau nad yw hawliau a rhwymedigaethau presennol (yn enwedig safonau cydraddoldeb a hawliau dynol mewn cymhwysedd datganoledig) yn cael eu herydu neu eu dileu o ganlyniad i Brexit.

Rwy'n anfon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Cydraddoldeb, Cymunedau a Llywodraeth Leol a byddwn yn croesawu ymateb gennych chi o fewn yr amserlenni arferol.

Yn gywir,



David Rees AC

Cadeirydd y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English.



ELGC(5)-21-18 Papur 16/ Paper 16

Rebecca Evans AC
Y Gweinidog Tai ac Adfywio
Llywodraeth Cymru

26 Mehefin 2018

Annwyl Rebecca

Yr ymchwiliad sy'n mynd rhagddo i ddiogelwch tân mewn adeiladau uchel iawn

Diolch i chi am eich llythyr dyddiedig 12 Mehefin 2018, a drafodwyd gennym yn ein cyfarfod ar 21 Mehefin. Gwnaethom gytuno i godi nifer o faterion gyda chi.

Y sector preifat – rôl asiantau rheoli blociau

Yn ein llythyr blaenorol dyddiedig 17 Mai, gwnaethom ofyn am sicrwydd y bydd Llywodraeth Cymru yn rhoi cymorth i gwmnïau a sefydlwyd i reoli blociau preswyl sy'n eiddo i berchnogion preifat. Yn y llythyr hwn, nodwyd bod y cyfrifoldeb am reoli mewn nifer o flociau wedi mynd i berchnogion fflatiau, a'u bod bellach yn gorfod delio â materion cymhleth o ran adeiladau, iechyd a diogelwch, cyllid a'r gyfraith. Gofynnwyd i chi nodi'r camau y mae Llywodraeth Cymru yn eu cymryd i sicrhau bod gan y byrddau rheoli'r sgiliau a'r adnoddau i ymdrin â'r materion hyn.

Yn eich ymateb, gwnaethoch nodi'r gwaith y mae Llywodraeth Cymru yn ei wneud o ran rheoli prydles, a nodwyd hefyd y byddech chi'n datblygu a mireinio'r opsiynau priodol yn dilyn yr adroddiad Hackitt, a'r ymateb i'r argymhellion sy'n ymwneud â deiliaid dyletswyddau. Fodd bynnag, ni ddarparwyd gennych ddim manylion ynghylch y camau y mae Llywodraeth Cymru yn eu cymryd yn y cyfamser i helpu cwmnïau a sefydlwyd i reoli blociau preswyl mewn perchnogaeth breifat i ddelio â'r



materion cymhleth hyn, ac yn arbennig y rhai nad ydynt bob amser yn meddu ar y profiad na'r wybodaeth i allu ymdrin yn rhwydd â'r penderfyniadau anodd hyn.

Nodwn fod y prif ffocws wedi bod ar flocliau â chladin ACM, ond cafwyd pryderon o ran diogelwch mewn blociau sydd heb gladin o'r fath. Felly, fel mater o bwys, mae'n rhaid i ymateb Llywodraeth Cymru ystyried yr agwedd hon, a sicrhau bod y trigolion hyn hefyd yn cael cymorth a chyingor ynglŷn â sut i sicrhau bod eu blociau'n ddiogel.

At hynny, mae gennym bryderon sylweddol o hyd ynghylch pwy sy'n atebol am gostau gwaith adfer neu fesurau diogelwch tân interim (fel wardeiniaid tân). Rydym yn ymwybodol y gallai rhywfaint o'r gwaith adfer hwn gostio'n fawr er mwyn sicrhau bod adeiladau yn cyrraedd safon diogelwch sylfaenol, ac ni fydd pob perchennog mewn sefyllfa i sicrhau'r arian i dalu am y gwaith. Gwyddom am adroddiadau sy'n awgrymu bod pobl bellach mewn sefyllfa lle na allant gael morgeisi na gwerthu eiddo o bosibl, a hynny oherwydd yr ansicrwydd parhaus ynghylch diogelwch, maint o waith adfer sydd ei angen, a sut y bydd hyn yn cael ei ariannu.

Rydym yn nodi gyda diddordeb y cynnig gan yr RLA, i Lywodraeth Cymru sefydlu cronfa benthyg llog isel a fyddai'n atal oedi yn y gwaith diogelwch oherwydd anghydfodau ynghylch atebolrwydd neu anawsterau codi arian. Ym mha ffordd y mae Llywodraeth Cymru wedi ystyried y cynnig hwn, neu opsiynau eraill i atal oedi o ran cynnal gwaith adfer?

Grŵp Arbenigol

Rydym yn croesawu sefydlu'r Grŵp Arbenigol i ystyried yr argymhellion a wnaed yn adolygiad Hackitt. Teimlwn ei bod hi'n bwysig inni barhau i fod yn weithredol o ran monitro sut mae'r Gymraeg yn parhau i ymateb i ddatblygiadau, a hoffem gael eich barn am sut orau y gallwn ni gael y wybodaeth ddiweddaraf am waith y Grŵp Arbenigol?



Yn ogystal, yng ngoleuni gwaith y Grŵp Arbenigol, a allwch chi egluro a fydd y Grŵp Cynghori ar Ddiogelwch Tân yn parhau, ac os bydd, ar beth y byddent yn canolbwyntio?

Mae'n ein taro ni fod pobl sy'n byw mewn blociau uchel iawn yn y sector preifat yn wynebu cyfnod o ansicrwydd sylweddol ac nid oes ganddynt yr un sicrwydd ag sydd gan lesddeiliaid a thenantiaid yn y sector cymdeithasol. Felly, mae'r Pwyllgor yn ystyried gwneud gwaith pellach yn ymwneud â diogelwch tân mewn adeiladau uchel iawn yn y sector preifat.

Yng ngoleuni'r ffaith bod toriad yr haf gerllaw, a phwysigwydd y mater hwn, byddem yn croesawu ymateb y gallem ei drafod yn ein cyfarfod ar 11 Gorffennaf, sef cyfarfod ffurfiol diwethaf yn nhymor yr haf.

Yn gywir



John Griffiths AC
Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English.



Eitem 8

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon