



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 5
Legislation Committee No. 5**

**Dydd Iau, 3 Rhagfyr 2009
Thursday, 3 December 2009**

**Cynnwys
Contents**

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 6 Mesur Arfaethedig ynghylch Codi Ffioedd am Wasanaethau Gofal Cymdeithasol
(Cymru)—Cyfnod 2: Ystyried Gwelliannau
Proposed Social Care Charges (Wales) Measure—Stage 2: Consideration of
Amendments
- 6 Gwasanaethau y Codir Ffi Amdanynt (Gwelliannau 1, 5, 7, 8, 9, 10, 14, 15, 28, 43,
44, 45, 46, 47, 48, 49, 50, 51, 52, 53 a 54)
Chargeable Services (Amendments 1, 5, 7, 8, 9, 10, 14, 15, 28, 43, 44, 45, 46, 47, 48,
49, 50, 51, 52, 53 and 54)
- 9 Gwelliannau Technegol a Gwelliannau Drafftio (Gwelliannau 2, 3, 6, 11, 12, 13, 16,
17, 18, 19, 31, 32, 33, 34, 38, 58, 59 a 60)
Technical and Drafting Amendments (Amendments 2, 3, 6, 11, 12, 13, 16, 17, 18, 19,
31, 32, 33, 34, 38, 58, 59 and 60)
- 11 Asesiad Modd (Gwelliannau 4, 20, 21, 29, 30, 35, 36, 37, 55, 22, 23, 24, 25, 26 a 27)
Means Assessment (Amendments 4, 20, 21, 29, 30, 35, 36, 37, 55, 22, 23, 24, 25, 26
and 27)
- 16 Dyletswyddau Gweinidogion Cymru mewn Perthynas â Rheoliadau (Gwelliannau 62
a 67)
Welsh Ministers' Duties in Relation to Regulations (Amendments 62 and 67)
- 24 Y Weithdrefn ar gyfer Gwneud Is-ddeddfwriaeth (Gwelliannau 69, 70, 71, 61 a 57)
Procedure for Making Subordinate Legislation (Amendments 69, 70, 71, 61 and 57)
- 34 Gwybodaeth am Ffioedd (Gwelliannau 74, 72, 73, 64, 75 a 63)
Information about Charges (Amendments 74, 72, 73, 64, 75 and 63)
- 46 Adolygu Penderfyniadau ar Godi Ffioedd (Gwelliannau 39, 65, 40, 66, 41, 68 a 76)
Review of Charging Decisions (Amendments 39, 65, 40, 66, 41, 68 and 76)
- 64 Taliadau Uniongyrchol (Gwelliannau 42 a 56)
Direct Payments (Amendments 42 and 56)

Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynddi yn y cyfarfod.
Yn y golofn dde, cynhwyswyd cyfieithiad o'r areithiau hynny.

In the left-hand column, the proceedings are recorded in the language in which they were
spoken in the meeting. In the right-hand column, a translation of those speeches has been
included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Bates	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Alun Davies	Llafur Labour
Lesley Griffiths	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)
Darren Millar	Ceidwadwyr Cymreig Welsh Conservatives
Leanne Wood	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Gareth Griffiths	Y Gyfarwyddiaeth Polisi Pobl Hŷn a Gofal Hirdymor, Cyfarwyddiaeth Gyffredinol Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cynulliad Cymru Older People and Long Term Care Policy Directorate, Health and Social Services Directorate General, Welsh Assembly Government
Amanda Jones	Cyfreithiwr, y Gyfarwyddiaeth Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Lawyer, Directorate of Legal Services, Welsh Assembly Government
Gwenda Thomas	Aelod Cynulliad, Llafur (y Dirprwy Weinidog dros Wasanaethau Cymdeithasol) Assembly Member, Labour (the Deputy Minister for Social Services)

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

Bethan Davies	Clerc Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Sarah Sargent	Deputy Clerc Dirprwy Glerc
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 12.16 p.m.
The meeting began at 12.16 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Mark Isherwood:** Prynawn da, **Mark Isherwood:** Good afternoon,

good afternoon, and welcome to Members and guests. We have not received any apologies and there are no substitutions. I welcome the Deputy Minister for Social Services, Gwenda Thomas, and Gareth Griffiths and Amanda Jones, officials from the Welsh Assembly Government.

[2] I will briefly cover the housekeeping matters. In the event of a fire alarm, Members should leave by the marked fire exit and follow instructions from the ushers and staff. No test is forecast for today. All mobile phones, pagers and BlackBerrys should be switched off as they interfere with broadcasting equipment. The National Assembly for Wales operates through the media of Welsh and English, and headphones are provided through which instantaneous translation may be received. For any who are hard of hearing, these may also be used to amplify sound. Interpretation is available on channel 1, and amplification on channel 0. Please do not touch the buttons on the microphones, as this can disable the system; you should ensure that the red light is showing before speaking.

[3] Members should have before them a copy of the proposed Measure, the marshalled list of amendments and the groupings of amendments for debate. Do you all have those papers available? I see that you do.

[4] The marshalled list of amendments is the list of all amendments that were tabled, placed in the order in which the related sections fall in the proposed Measure. For the purpose of this meeting, we will consider amendments in order from section 1 to section 12, and then new sections. You will see from the groupings list that amendments have been grouped to facilitate debate, but the order in which they are called and moved to a decision is dictated by the marshalled list. Members will need to follow both papers, but I will advise Members, when I call them to speak, whether they are to speak in the debate or to move an amendment for decision. There will be one debate on each group of amendments. I will call the proposer of the first amendment in the group to speak to and move the first amendment and to speak to the others in the group. I will then

prynhawn da, a chroeso i Aelodau a gwesteion. Nid oes ymddiheuriadau wedi dod i law ac nid oes dirprwyon. Croesawaf y Dirprwy Weinidog dros Wasanaethau Cymdeithasol, Gwenda Thomas, a Gareth Griffiths ac Amanda Jones, swyddogion o Lywodraeth Cynulliad Cymru.

Ymdriniaf yn fyr â'r materion cadw tŷ. Os clywir larwm tân, dylai'r Aelodau adael drwy'r allanfa dân sydd wedi'i nodi a dilyn cyfarwyddiadau'r tywyswyr a'r staff. Nid oes prawf i fod i gael ei gynnal heddiw. Dylid diffodd pob ffôn symudol, galwr a BlackBerry gan eu bod yn tarfu ar y cyfarpar darlledu. Mae Cynulliad Cenedlaethol Cymru yn gweithredu drwy gyfrwng y Gymraeg a'r Saesneg, a darperir clustffonau y mae modd derbyn cyfieithiad ar y pryd drwyddynt. I'r sawl sy'n drwm ei glyw, gellid defnyddio'r rhain hefyd i chwyddo'r sain. Mae'r cyfieithu ar gael ar sianel 1, a'r chwyddo sain ar sianel 0. Peidiwch â chyffwrdd â'r botymau ar y microffonau, gan fod hynny'n gallu analluogi'r system; dylech wneud yn siŵr fod y golau coch ymlaen cyn siarad.

O'u blaenau dylai fod gan yr Aelodau gopi o'r Mesur arfaethedig, y rhestr o welliannau wedi'u didoli a'r grwpiau o welliannau i'w trafod. A yw'r holl bapurau hynny ar gael ichi? Gwelaf eu bod.

Y rhestr o welliannau wedi'u didoli yw'r rhestr o'r holl welliannau a gyflwynwyd, wedi'u gosod yn y drefn y mae'r adrannau perthnasol yn dod ynddi yn y Mesur arfaethedig. At bwrrpas y cyfarfod hwn, byddwn yn ystyried y gwelliannau yn eu trefn o adran 1 i adran 12, ac yna adrannau newydd. Fe welwch o'r rhestr grwpiau fod y gwelliannau wedi cael eu grwpio i hwyluso trafodaeth, ond y rhestr o welliannau wedi'u didoli sy'n pennu ym mha drefn y cânt eu galw ac y symudir i benderfyniad. Bydd angen i'r Aelodau ddilyn y naill bapur a'r llall, ond byddaf yn dweud wrth yr Aelodau, wrth eu galw i siarad, a ydynt i siarad yn y ddadl ynteu i gynnig gwelliant er mwyn penderfynu. Ceir un ddadl ar bob grŵp o welliannau. Byddaf yn galw cynigydd y gwelliant cyntaf yn y grŵp i siarad am y gwelliant cyntaf a'i gynnig, ac i siarad am y

call other speakers, including any other proposers of amendments in that group, but they should not move their amendments at that stage. Members who do not have an amendment in the group, but who wish to speak, should indicate their wish to speak at that point in the usual way. I will call the Minister to speak on each group and, to conclude each debate, I will call the proposer of the first amendment in the group to wind up.

[5] Following the debate on a group, I will clarify whether the Member who moved the first amendment still wishes to press it to a decision. If not, he or she may seek the agreement of the committee to withdraw it. If it is not withdrawn, I will put the question on the first amendment in the group. It is my intention that all votes are recorded so that the names of those voting for, against or abstaining will be recorded in the minutes. I will call the proposers of other amendments in the group to move their amendments at the appropriate time in accordance with the marshalled list. If you do not wish to move the amendment, you should say so clearly when the amendment is called. For the record, only committee members can move amendments. Members will wish to be aware that, in line with the convention for the operation of legislation committees, I, as Chair, will move the amendments in the name of the Deputy Minister. Members will be aware that the only way to debate a section of the proposed Measure is to have tabled an amendment to it.

[6] Any sections that do not have amendments tabled to them will be deemed agreed, as will any sections where tabled amendments are not agreed to. I will announce which sections have been agreed at the end of the day's meeting. For any sections that are not disposed of today, there will be a further opportunity to table amendments to those sections. In order to be considered at next week's meeting, should it be necessary, amendments would need to be tabled by 5 p.m. today. Do you have any questions? I see that no-one does.

gwelliannau eraill yn y grŵp. Wedyn byddaf yn galw siaradwyr eraill, yn cynnwys unrhyw gynigwyr gwelliannau eraill yn y grŵp hwnnw, ond ni ddylent hwy gynnig eu gwelliannau bryd hynny. Dylai Aelodau nad oes ganddynt welliant yn y grŵp, ond sy'n dymuno siarad, ddangos bryd hynny yn y ffordd arferol eu bod yn dymuno siarad. Byddaf yn galw'r Gweinidog i siarad am bob grŵp ac, i ddod â phob dadl i ben, byddaf yn galw cynigydd y gwelliant cyntaf yn y grŵp i ddirwyn y dadl i ben.

Yn dilyn y ddadl ar grŵp, byddaf yn canfod yn glir a yw'r Aelod a gynigiodd y gwelliant cyntaf yn dal i ddymuno symud ymlaen i benderfyniad. Os nad yw, gall ef neu hi geisio cytundeb y pwyllgor i'w dynnu'n ôl. Os na chaiff ei dynnu'n ôl, byddaf yn gofyn y cwestiwn ar y gwelliant cyntaf yn y grŵp. Fy mwriad yw y bydd pob pleidlais yn cael ei chofnodi fel y bydd enwau'r rhai sy'n pleidleisio o blaid, yn erbyn neu'n ymatal yn cael eu cofnodi yn y cofnodion. Byddaf yn galw cynigwyr y gwelliannau eraill yn y grŵp i gynnig eu gwelliannau hwythau ar yr adeg briodol yn unol â'r rhestr o welliannau wedi'u didoli. Os nad ydych yn dymuno cynnig y gwelliant, dylech ddweud hynny'n glir pan gaiff y gwelliant ei alw. I'ch atgoffa, dim ond aelodau o'r pwyllgor a gaiff gynnig gwelliannau. Dylai'r Aelodau fod yn ymwybodol y byddaf fi, fel y Cadeirydd, yn unol â chonfensiwn gweithredu'r pwyllgorau deddfwriaeth, yn cynnig y gwelliannau yn enw'r Dirprwy Weinidog. Bydd yr Aelodau'n gwybod mai'r unig ffordd o drafod adran o'r Mesur arfaethedig yw drwy fod wedi cyflwyno gwelliant iddi.

Byddir yn cymryd ein bod yn cytuno ag unrhyw adrannau nad oes gwelliannau wedi cael eu cyflwyno iddynt, ac felly hefyd unrhyw adrannau lle na chytunir â'r gwelliannau a gyflwynwyd. Byddaf yn cyhoeddi ar ddiwedd y cyfarfod heddiw pa adrannau y cytunwyd arnynt. O ran unrhyw adrannau na chânt eu gwaredu heddiw, bydd cyfle pellach i gyflwyno gwelliannau i'r adrannau hynny. Er mwyn iddynt gael eu hystyried yng nghyfarfod yr wythnos nesaf, pe bai rhaid wrth hwnnw, byddai angen i welliannau gael eu cyflwyno erbyn 5 p.m. heddiw. A oes gennych unrhyw gwestiynau? Gwelaf nad oes.

12.20 p.m.

**Mesur Arfaethedig ynghylch Codi Ffioedd am Wasanaethau Gofal Cymdeithasol (Cymru)—Cyfnod 2: Ystyried Gwelliannau
Proposed Social Care Charges (Wales) Measure—Stage 2: Consideration of Amendments**

Gwasanaethau y Codir Ffi Amdanynt (Gwelliannau 1, 5, 7, 8, 9, 10, 14, 15, 28, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 a 54)

Chargeable Services (Amendments 1, 5, 7, 8, 9, 10, 14, 15, 28, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54)

[7] **Mark Isherwood:** The lead amendment in this group is amendment 1. Deputy Minister, would you like amendment 1 in your name to be moved?

Mark Isherwood: Y prif welliant yn y grŵp hwn yw gwelliant 1. Ddirprwy Weinidog, a ydych am i welliant 1 yn eich enw chi gael ei gynnig?

[8] **The Deputy Minister for Social Services (Gwenda Thomas):** Yes, please.

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol (Gwenda Thomas): Ydwyf, os gwelwch yn dda.

[9] **Mark Isherwood:** I move amendment 1 in the name of Gwenda Thomas, and call on the Deputy Minister to speak to the amendment and others in the group.

Mark Isherwood: Cynigiau welliant 1 yn enw Gwenda Thomas, a galwaf ar y Dirprwy Weinidog i siarad ar y gwelliant ac eraill yn y grŵp.

[10] **Gwenda Thomas:** This group of amendments contains a range of drafting improvements to better define the service to which this proposed Measure relates, to make consequential changes to the proposed Measure arising from those drafting improvements, and to make consequential changes to other legislation arising from the amended provision of the proposed Measure. Amendment 1 is merely a drafting improvement that removes the reference to the general rule as set out in section 1 of the proposed Measure, and makes use of the term 'chargeable service' as introduced by amendment 43. Amendments 5, 7, 8, 9, 10, 14, 15 and 28 are consequential amendments, which also utilise the term 'chargeable service' in section 2(1), 2(3)(a), 2(3)(b), 2(3)(c), 3(1) and 5(1)(a) of the proposed Measure. As such, these amendments do not alter the legal effect of the existing provision in those sections.

Gwenda Thomas: Mae'r grŵp hwn o welliannau'n cynnwys amryw o welliannau drafftio er mwyn diffinio'n well y gwasanaeth y mae a wnelo'r Mesur arfaethedig hwn ag ef, gwneud newidiadau canlyniadol i'r Mesur arfaethedig yn deillio o'r gwelliannau drafftio hynny, a gwneud newidiadau canlyniadol i ddeddfwriaeth arall sy'n deillio o'r ddarpariaeth ddiwygiedig yn y Mesur arfaethedig. Nid yw gwelliant 1 ond gwelliant drafftio sy'n dileu'r cyfeiriad at y rheol gyffredinol fel y'i nodwyd yn adran 1 o'r Mesur arfaethedig, ac mae'n defnyddio'r term 'gwasanaethau y codir ffi amdanynt' fel y'i cyflwynwyd gan welliant 43. Mae gwelliannau 5, 7, 8, 9, 10, 14, 15 a 28 yn welliannau canlyniadol, sydd hefyd yn defnyddio'r term 'y codir ffi amdanynt' yn adran 2(1), 2(3)(a), 2(3)(b), 2(3)(c), 3(1) a 5(1)(a) o'r Mesur arfaethedig. Fel y cyfryw, nid yw'r gwelliannau hyn yn newid effaith gyfreithiol y ddarpariaeth bresennol yn yr adrannau hynny.

[11] Do you want me to go through the whole list, or shall I stop?

A ydych am i mi fynd drwy'r rhestr gyfan, neu ymhle y dylwn i stopio?

[12] **Mark Isherwood:** You are speaking to everything in the group.

Mark Isherwood: Yr ydych yn siarad am bopeth yn y grŵp

[13] **Gwenda Thomas:** All of the amendments in the group?

Gwenda Thomas: Yr holl welliannau yn y grŵp?

[14] **Mark Isherwood:** In group 1, yes.

Mark Isherwood: Yng ngrŵp 1, ie.

[15] **Gwenda Thomas:** Amendment 43 defines a 'chargeable service' as one falling within subsection (2) of section 7. Section 7(2) then lists the chargeable services by reference to the enactments under which they are provided. Amendment 44 is consequential upon amendment 43, and replaces the word 'enactments' with 'services'. Amendments 45, 47, 48, 49 and 51 are further consequential amendments that insert the words 'a service provided under' in front of each of the enactments currently listed in section 7(2). Amendment 50 is simply a drafting improvement in section 7(2)(d). None of these amendments alter the legal effect of the provisions of those sections.

Gwenda Thomas: Mae gwelliant 43 yn diffinio 'gwasanaeth y codir ffi amdano' fel un sy'n dod o fewn is-adran (2) o adran 7. Mae adran 7(2) wedyn yn rhestru'r gwasanaethau y codir ffi amdanynt drwy gyfeirio at y deddfiadau y darperir hwy oddi tanynt. Mae gwelliant 44 yn deillio o welliant 43, ac yn disodli'r gair 'deddfiadau' gyda 'gwasanaethau'. Mae gwelliannau 45, 47, 48, 49 a 51 yn welliannau canlyniadol pellach sy'n ychwanegu'r geiriau 'gwasanaeth a ddarperir o dan' o flaen pob un o'r deddfiadau sydd wedi'u rhestru ar hyn o bryd yn adran 7(2). Nid yw gwelliant 50 yn ddim ond gwelliant drafftio yn adran 7(2)(d). Nid oes yr un o'r gwelliannau hyn yn newid effaith gyfreithiol darpariaethau'r adrannau hynny.

[16] I now turn to amendments 46 and 52. As the proposed Measure is intended to cover only non-residential services, residential services are excluded from its scope. This is currently provided for by section 7(1), which states that the proposed Measure applies to a service provided under the enactments listed in subsection (2), unless the service is provided in the form of residential care. However, not all of the enactments listed in subsection (2) enable the provision of residential care services. In order to clarify the position, amendment 43 removes this general proviso in subsection 1, and applies the exclusion to the specific enactments where relevant.

Trof yn awr at welliannau 46 a 52. Gan fod y Mesur arfaethedig wedi'i fwriadu i ymdrin â gwasanaethau dibreswyl yn unig, caiff gwasanaethau preswyl eu heithrio o'i gwmpas. Darperir ar gyfer hyn ar hyn o bryd yn adran 7(1), sy'n datgan bod a wnelo'r Mesur arfaethedig â gwasanaeth sy'n cael ei ddarparu o dan y deddfiadau a restrir yn is-adran (2), oni bai fod y gwasanaeth yn cael ei ddarparu ar ffurf gofal preswyl. Fodd bynnag, nid yw'r holl ddeddfiadau a restrir yn is-adran (2) yn galluogi darparu gwasanaethau gofal preswyl. Er mwyn egluro'r sefyllfa, mae gwelliant 43 yn dileu'r amod cyffredinol hwn yn isadran 1, ac yn cymhwyso'r eithriad i'r deddfiadau penodol lle mae'n berthnasol.

[17] Amendment 46 provides that a chargeable service shall not include services provided under section 29 of the National Assistance Act 1948, for which payment may be required under section 22 or 26. This does not alter the legal effect of the existing provision. Amendment 52 provides that a chargeable service shall not include service provided under section 2 of the Carers and Disabled Children Act 2000 that are provided

Yn ôl gwelliant 46, ni fydd gwasanaeth y codi ffi amdano yn cynnwys gwasanaethau sy'n cael eu darparu o dan adran 29 o Ddeddf Cymorth Gwladol 1948, y gall taliad fod yn ofynnol amdanynt o dan adran 22 neu 26. Nid yw hyn yn newid effaith gyfreithiol y ddarpariaeth bresennol. Yn ôl gwelliant 52, ni fydd gwasanaeth y codi ffi amdano yn cynnwys gwasanaeth a ddarperir o dan adran 2 o Ddeddf Gofalwyr a Phlant Anabl 2000

in the form of residential care. Once again, this does not alter the legal effect of the existing provision. Amendment 53 takes on board the committee's concerns on the need for future flexibility in defining the list of services to which the proposed Measure applies, as set out in section 7(2). It enables Welsh Ministers by Order to add to, amend or remove services from this list in order to reflect future changes to the statutory framework for social services.

sy'n cael eu darparu ar ffurf gofal preswyl. Eto, nid yw hyn yn newid effaith gyfreithiol y ddarpariaeth bresennol. Mae gwelliant 53 yn adlewyrchu pryderon y pwyllgor ynglŷn â'r angen am hyblygrwydd yn y dyfodol wrth ddiffinio'r rhestr o wasanaethau y mae'r Mesur arfaethedig yn gymwys iddynt, fel y nodir yn adran 7(2). Mae'n galluogi Gweinidogion Cymru drwy Orchymyn i ychwanegu at, diwygio neu ddileu gwasanaethau oddi ar y rhestr hon er mwyn adlewyrchu newidiadau i'r fframwaith gwasanaethau cymdeithasol statudol yn y dyfodol.

[18] Lastly, amendment 54 is a drafting improvement linked to amendment 43, 46 and 52. It makes it clear that, in relation to Wales, section 17 of the Health and Social Services and Social Security Adjudications Act 1983 will continue to apply only to services provided under section 2 of the Carers and Disabled Children Act 2000 in the form of residential care.

Yn olaf, gwelliant drafftio i welliannau 43, 46 a 52 yw gwelliant 54. Mae'n ei gwneud yn glir, yng nghyswllt Cymru, na fydd adran 17 o Ddeddf Iechyd a Gwasanaethau Cymdeithasol a Dyfarniadau Nawdd Cymdeithasol 1983 ond yn parhau i fod yn gymwys i wasanaethau sy'n cael eu darparu o dan adran 2 o Ddeddf Gofalwyr a Phlant Anabl 2000 ar ffurf gofal preswyl.

[19] **Mark Isherwood:** Could Members indicate whether any of you wish to speak to the first group of amendments? I see that no-one does. I would call on the Deputy Minister to reply to the debate, but, as there has been no debate, I will ask whether you wish to add any further comments.

Mark Isherwood: A wnaiff yr Aelodau ddangos a oes unrhyw rai ohonoch yn dymuno siarad am y grŵp cyntaf o welliannau? Gwelaf nad oes neb. Byddwn yn galw ar y Dirprwy Weinidog i ymateb i'r ddadl, ond, gan na fu dadl, gofynnaf a ydych am ychwanegu unrhyw sylwadau pellach.

[20] **Gwenda Thomas:** No.

Gwenda Thomas: Nac ydwyf.

[21] **Mark Isherwood:** Deputy Minister, do you wish to proceed to a vote on amendment 1 in your name?

Mark Isherwood: Ddirprwy Weinidog, a ydych yn dymuno symud i bleidlais ar welliant 1 yn eich enw chi?

[22] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[23] **Mark Isherwood:** The question is that amendment 1 be agreed to. I remind Members to keep their hands raised to allow the clerks to record the vote. Clerks will record the vote on a voting record sheet and hand it to me to announce the result. I therefore call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 1. Atgoffaf yr Aelodau i gadw eu dwylo i fyny er mwyn i'r clercod allu cofnodi'r bleidlais. Bydd y clercod yn cofnodi'r bleidlais ar ddalen cofnodi pleidlais ac yn ei rhoi i mi er mwyn imi gyhoeddi'r canlyniad. Galwaf felly am bleidlais.

Gwelliant 1: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 1: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun

Griffiths, Lesley
Millar, Darren
Wood, Leanne

Derbyniwyd gwelliant 1.
Amendment 1 agreed.

[24] **Mark Isherwood:** There will not be a vote on the other amendments in the group at this point—we will return to those later in the proceedings in accordance with the marshalled list.

Mark Isherwood: Ni fydd pleidlais ar y gwelliannau eraill yn y grŵp ar hyn o bryd—byddwn yn dychwelyd at y rheini'n ddiweddarach yn unol â'r rhestr wedi'i didoli.

12.27 p.m.

Gwelliannau Technegol a Gwelliannau Drafftio (Gwelliannau 2, 3, 6, 11, 12, 13, 16, 17, 18, 19, 31, 32, 33, 34, 38, 58, 59 a 60
Technical and Drafting Amendments (Amendments 2, 3, 6, 11, 12, 13, 16, 17, 18, 19, 31, 32, 33, 34, 38, 58, 59 and 60)

[25] **Mark Isherwood:** The lead amendment in this group is amendment 2. Deputy Minister, would you like amendment 2 in your name to be moved?

Mark Isherwood: Y prif welliant yn y grŵp hwn yw gwelliant 2. Ddirprwy Weinidog, a ydych am i welliant 2 yn eich enw chi gael ei gynnig?

[26] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[27] **Mark Isherwood:** I move amendment 2 in the name of Gwenda Thomas, and call on the Deputy Minister to speak to the amendment and others in the group.

Mark Isherwood: Cynigiau welliant 2 yn enw Gwenda Thomas, a galwaf ar y Dirprwy Weinidog i siarad am y gwelliant hwn ac eraill yn y grŵp.

[28] **Gwenda Thomas:** This group of amendments relates purely to technical and drafting matters, many of which are consequential upon each other, or upon the amendments to the proposed Measure. Amendments 2, 3, 6, 11 and 12 make drafting improvements to sections 1 and 2 of the proposed Measure. Amendments 13, 16, 17, 18 and 19 relate to section 3, which deals with persons and services in respect of which charges must not be imposed. Amendment 13 is a drafting improvement that replaces the reference to regulations specifying the categories of persons and services, or combination of services, in respect of which a charge must not be imposed, with a reference to regulations that make provision specifying those categories. Amendments 16 to 19 are consequential upon amendment 13. Amendments 31, 32, 33, 34 and 38 relate to section 5, which requires local authorities to provide information to those who receive, or

Gwenda Thomas: Mae a wnelo'r grŵp hwn o welliannau yn llwyr â materion technegol a drafftio, ac mae llawer ohonynt yn effeithio ar ei gilydd, neu ar y gwelliannau i'r Mesur arfaethedig. Mae gwelliannau 2, 3, 6, 11 a 12 yn gwneud gwelliannau drafftio i adrannau 1 a 2 o'r Mesur arfaethedig. Mae a wnelo adrannau 13, 16, 17, 18 a 19 ag adran 3, sy'n delio â phobl a gwasanaethau na chaniateir codi ffioedd mewn perthynas â nhw. Gwelliant drafftio yw gwelliant 13 sy'n disodli'r cyfeiriad at reoliadau sy'n pennu'r categorïau o bobl a gwasanaethau, neu gyfuniad o wasanaethau, na chaniateir codi ffi mewn perthynas â nhw, gyda chyfeiriad at reoliadau sy'n gwneud darpariaeth yn pennu'r categorïau hynny. Mae gwelliannau 16 i 19 yn effeithio ar welliant 13. Mae a wnelo gwelliannau 31, 32, 33, 34 a 38 ag adran 5, sy'n ei gwneud yn ofynnol i awdurdodau lleol ddarparu gwybodaeth i'r rhai sy'n derbyn, neu a allai dderbyn

may receive a service, and to those whom they decide to charge.

[29] Amendment 31 merely corrects a drafting error, while amendments 32 and 38 are drafting improvements linked to amendment 27, which enables a local authority to replace a determination of ability to pay with a new determination where certain conditions are met. Amendments 33 and 34 are also drafting improvements; and amendments 58, 59 and 60 are drafting improvements relating to section 11.

12.30 p.m.

[30] **Mark Isherwood:** Thank you. Could Members indicate whether they wish to speak on this group of amendments? I see that no-one does. Therefore, Deputy Minister, do you wish to proceed to a vote on amendment 2?

[31] **Gwenda Thomas:** Yes.

[32] **Mark Isherwood:** The question is that amendment 2 be agreed to. I call for a vote.

*Gwelliant 2: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 2: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 2.
Amendment 2 agreed.*

[33] **Mark Isherwood:** In accordance with the marshalled list, we now come to dispose of amendment 3 in the name of Gwenda Thomas, which was debated in group 2. Deputy Minister, would you like amendment 3 in your name to be moved?

[34] **Gwenda Thomas:** Yes, please.

[35] **Mark Isherwood:** I move amendment 3 in the name of Gwenda Thomas.

gwasanaeth, ac i'r rhai y byddant yn penderfynu codi ffi arnynt.

Nid yw gwelliant 31 ond yn cywiro camgymeriad drafftio, tra mae gwelliannau 32 a 38 yn welliannau drafftio yn gysylltiedig â gwelliant 27, sy'n galluogi awdurdod lleol i ddisodli penderfyniad am y gallu i dalu gyda phenderfyniad newydd lle caiff amodau penodol eu bodloni. Gwelliannau drafftio yw gwelliannau 33 a 34 hefyd, a gwelliannau drafftio mewn perthynas ag adran 11 yw gwelliannau 58, 59 a 60.

Mark Isherwood: Diolch. A wnaiff yr Aelodau ddangos a ydynt am siarad am y grŵp hwn o welliannau? Gwelaf nad oes neb am siarad. Felly, Ddirprwy Weinidog, a ydych am symud i bleidlais ar welliant 2?

Gwenda Thomas: Ydwyf.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 2. Galwaf am bleidlais.

Mark Isherwood: Yn unol â'r rhestr wedi'i didoli, down yn awr i waredu gwelliant 3 yn enw Gwenda Thomas, a drafodwyd yng ngrŵp 2. Ddirprwy Weinidog, a ydych am i welliant 3 yn eich enw chi gael ei gynnig?

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

Mark Isherwood: Cynigiau welliant 3 yn enw Gwenda Thomas.

[36] The question is that amendment 3 be agreed to. I call for a vote. Y cwestiwn yw a ydym yn derbyn gwelliant 3. Galwaf am bleidlais.

*Gwelliant 3: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 3: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

[37] **Mark Isherwood:** There will not be a vote on the other amendments in group 2 at this point. We will return to vote on these later in the proceedings, in accordance with the marshalled list. **Mark Isherwood:** Ni fydd pleidlais ar y gwelliannau eraill yng ngrŵp 2 ar hyn o bryd—byddwn yn dychwelyd at y rheini'n ddiweddarach yn unol â'r rhestr wedi'i didoli.

12.31 p.m.

**Asesiad Modd (Gwelliannau 4, 20, 21, 29, 30, 35, 36, 37, 55, 22, 23, 24, 25, 26 a 27)
Means Assessment (Amendments 4, 20, 21, 29, 30, 35, 36, 37, 55, 22, 23, 24, 25, 26 and 27)**

[38] **Mark Isherwood:** The next grouping of amendments to consider is in relation to means assessment. The lead amendment is amendment 4 in the name of Gwenda Thomas. Deputy Minister, would you like amendment 4 in your name to be moved? **Mark Isherwood:** Mae a wnelo'r grŵp nesaf o welliannau i'w hystyried ag asesiad modd. Y prif welliant yw gwelliant 4 yn enw Gwenda Thomas. Ddirprwy Weinidog, a ydych am i welliant 4 yn eich enw chi gael ei gynnig?

[39] **Gwenda Thomas:** Yes, Chair. **Gwenda Thomas:** Ydwyf, Gadeirydd.

[40] **Mark Isherwood:** I move amendment 4 in the name of Gwenda Thomas. I call on the Deputy Minister to speak to amendment 4 and the other amendments in the group. **Mark Isherwood:** Cynigiau welliant 4 yn enw Gwenda Thomas. Galwaf ar y Dirprwy Weinidog i siarad am welliant 4 a'r gwelliannau eraill yn y grŵp.

[41] **Gwenda Thomas:** I will deal first with amendments 21 to 27 as I consider them to be the most significant amendments in this group. As you may be aware, under the current charging regime set out in the Health and Social Services and Social Security Adjudications Act 1983, a local authority must not require a service user to pay more than it is reasonably practicable for them to **Gwenda Thomas:** Deliaf yn gyntaf â gwelliannau 21 i 27 gan fy mod o'r farn mai nhw yw'r gwelliannau mwyaf arwyddocaol yn y grŵp hwn. Fel y gwyddoch efallai, o dan y gyfundrefn codi ffioedd bresennol a nodwyd yn Neddf Iechyd a Gwasanaethau Cymdeithasol a Dyfarniadau Nawdd Cymdeithasol 1983, ni chaiff awdurdod lleol fynnu bod defnyddiwr gwasanaethau'n talu

pay. Consequently, while there is no express duty to carry out a means assessment, as part of its assessment process, a local authority will usually consider the person's financial situation and his or her ability, or otherwise, to contribute to the cost of the care services provided. However, there is no express right for a service user to request a means test, nor an express obligation on local authorities to undertake one. The arrangements for means testing for non-residential social care are currently set out in guidance issued under section 7 of the Local Authority Social Services Act 1970.

[42] The means testing provisions in section 4, which existed upon introduction, changed this by giving service users an express right to request a means test and by placing an obligation on local authorities to undertake one. The intention is that we should move from a position in which a local authority is enabled to carry out a means test when assessing the ability of an individual or a couple to pay to one where people will have a right to request a means test.

[43] Since introduction, we have given further consideration to means testing. This, and issues raised during scrutiny, have resulted in a number of new sections, which replace entirely the existing section 4. The existing section 4 is removed by amendment 21 and the new sections, provided for by amendments 22 to 27, include detailed provisions as to how the new means assessment process will work. Amendment 22 inserts a new section into the proposed Measure; it deals with invitations to request a means assessment. Its purpose is to give service users a clear right to opt in or out of means testing and to create an express right to request a means test. It places a duty on local authorities to invite a prospective service user to request a means assessment when it offers a service or, if this is not possible, to issue an invitation as soon as reasonably practicable thereafter.

[44] Amendment 22 also places an obligation on a local authority to issue an

mwy nag sy'n rhesymol iddo ei dalu. O ganlyniad, er nad oes dyletswydd benodol i gynnal asesiad modd, fel rhan o'i broses asesu, bydd awdurdod lleol fel arfer yn ystyried sefyllfa ariannol y person a'i allu ef neu ei gallu hi, neu fel arall, i gyfrannu at gost y gwasanaethau gofal a ddarperir. Fodd bynnag, nid oes hawl benodol gan ddefnyddwyr gwasanaethau i ofyn am brawf modd, na dyletswydd benodol ar awdurdodau lleol i gynnal un. Mae'r trefniadau o ran profion modd am ofal cymdeithasol dibreswyl wedi'u nodi ar hyn o bryd mewn canllawiau a roddwyd o dan adran 7 o Ddeddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970.

Roedd y darpariaethau profi modd yn adran 4, a oedd yn bodoli pan gyflwynwyd hyn, yn newid hyn drwy roi hawl benodol i ddefnyddwyr gwasanaethau i ofyn am brawf modd a thrwy roi dyletswydd ar awdurdodau lleol i ymgymryd â phrawf. Y bwriad yw y dylem symud o sefyllfa lle mae gan awdurdod lleol hawl i gynnal prawf modd wrth asesu gallu unigolyn neu gwpl i dalu i un lle bydd gan bobl hawl i ofyn am brawf modd.

Ers cyflwyno hyn, rydym wedi rhoi ystyriaeth bellach i brofi modd. Mae hyn, a materion a godwyd yn ystod y craffu, wedi arwain at nifer o adrannau newydd, sy'n llwyr ddisodli'r adran 4 bresennol. Caiff yr adran 4 bresennol ei dileu gan welliant 21 ac mae'r adrannau newydd, y darperir ar eu cyfer gan welliannau 22 i 27, yn cynnwys darpariaethau manwl ynglŷn â sut y bydd y broses asesu modd newydd yn gweithio. Mae gwelliant 22 yn ychwanegu adran newydd i'r Mesur arfaethedig; mae'n delio â gwahoddiadau i ofyn am asesiad modd. Ei ddiben yw rhoi hawl glir i ddefnyddwyr gwasanaethau i ddewis cael neu beidio â chael prawf modd a chreu hawl benodol i ofyn am brawf modd. Mae'n rhoi dyletswydd ar awdurdodau lleol i wahodd darpar ddefnyddiwr gwasanaethau i ofyn am asesiad modd pan fydd yn cynnig gwasanaeth neu, os nad yw hyn yn bosibl, i roi gwahoddiad cyn gynted ag sy'n ymarferol yn rhesymol wedi hynny.

Mae gwelliant 22 hefyd yn rhoi dyletswydd ar awdurdod lleol i roi gwahoddiad i

invitation to existing service users in such cases as may be specified in regulations.

[45] While it would not be appropriate as a result of the proposed Measure to require an invite to be given to all existing service users, there may be certain situations where, for example, there might have been a change in the service user's circumstances. The amendment also gives the Welsh Ministers the power to set out in regulations the form and content of invitations and the manner in which they are to be made.

[46] The purpose of amendment 23 is to place an express obligation on local authorities, where certain conditions are met, to undertake an assessment of a person's financial means. It also enables Welsh Ministers to make regulations as to how means assessment must be carried out.

[47] Amendment 24 inserts a new section into the proposed Measure that sets out the conditions referred to in amendment 23, which give rise to the duty to carry out a means assessment. It also gives the Welsh Ministers the power to make provision in regulations as to who may make the request for a means assessment or provide any necessary financial information on behalf of the service user. That could be a carer or an independent advocate, for example.

[48] Amendment 25 inserts a new section into the proposed Measure, and makes provision as to how determinations as to a person's ability to pay should be made. It requires a local authority to determine, in light of the means assessment, where one is carried out, whether it is reasonably practicable for the service user to pay the standard charge, and, if not, what, if anything, it would be reasonably practicable for the service user to pay. In determining what would be reasonably practicable for a service user to pay, the local authority must act in accordance with provision in regulations made by Welsh Ministers. Such regulations may include provisions specifying amounts that the local authority must disregard when assessing a person's means, and amounts below which a person's

ddefnyddwyr gwasanaethau presennol yn yr achosion y caniateir eu pennu mewn rheoliadau.

Er na fyddai'n briodol o ganlyniad i'r Mesur arfaethedig mynnu bod gwahoddiad yn cael ei roi i bob defnyddiwr gwasanaethau presennol, gallai fod sefyllfaoedd lle, er enghraifft, y bu newid yn amgylchiadau'r defnyddiwr gwasanaethau. Mae'r gwelliant hefyd yn rhoi'r pŵer i Weinidogion Cymru i nodi mewn rheoliadau ffurf a chynnwys gwahoddiadau a thrwy ba ddull y mae'r gwahoddiadau hynny i gael eu rhoi.

Pwrpas gwelliant 23 yw rhoi dyletswydd benodol ar awdurdodau lleol, lle caiff amodau penodol eu bodloni, i gynnal asesiad o fodd ariannol person. Mae hefyd yn galluogi Gweinidogion Cymru i wneud rheoliadau ynglŷn â sut mae rhaid ymgymryd ag asesiad modd.

Mae gwelliant 24 yn ychwanegu adran newydd i'r Mesur arfaethedig sy'n nodi'r amodau y cyfeirir atynt yng ngwelliant 23, sy'n arwain at y ddyletswydd i gynnal asesiad modd. Mae hefyd yn rhoi'r pŵer i Weinidogion Cymru i ddarparu drwy reoliadau pwy a gaiff wneud y cais am asesiad modd neu ddarparu unrhyw wybodaeth ariannol angenrheidiol ar ran y defnyddiwr gwasanaethau. Gallai hwnnw fod yn ofalwr neu'n eiriolwr annibynnol, er enghraifft.

Mae gwelliant 25 yn ychwanegu adran newydd i'r Mesur arfaethedig, ac yn darparu ar gyfer sut y dylai penderfyniadau ynglŷn â gallu person i dalu gael eu gwneud. Mae'n ei gwneud yn ofynnol i awdurdod lleol benderfynu, yng ngoleuni'r asesiad modd, lle caiff un ei gynnal, a yw'n rhesymol ymarferol i'r defnyddiwr gwasanaethau dalu'r ffi safonol, ac, os nad yw, beth y byddai'n rhesymol ymarferol (os oes rhywbeth) i'r defnyddiwr gwasanaethau ei dalu. Wrth benderfynu beth fyddai'n rhesymol ymarferol i ddefnyddiwr gwasanaethau ei dalu, rhaid i'r awdurdod lleol weithredu yn unol â darpariaeth mewn rheoliadau a wneir gan Weinidogion Cymru. Gall rheoliadau o'r fath gynnwys darpariaethau sy'n pennu symiau y mae rhaid i'r awdurdod lleol eu diystyru wrth asesu

income cannot be reduced after charging, referred to before as an 'income buffer'.

modd person, a symiau na chaniateir gostwng incwm person islaw iddynt ar ôl codi ffi, rhywbeth y cyfeiriwyd ato cyn hyn fel 'clustog incwm'.

[49] Amendment 25 also defines 'standard charge' as the amount that a person would be required to pay for a service if no determination under the proposed Measure as to the person's ability to pay had effect.

Mae gwelliant 25 hefyd yn diffinio 'ffi safonol' fel y swm y byddai gofyn i berson ei dalu am wasanaeth pe na bai effaith i benderfyniad o dan y Mesur arfaethedig yn ymwneud â gallu'r person i dalu.

[50] Amendment 26 inserts a new section into the proposed Measure, which makes provision as to the effect of determinations of the ability to pay. It requires local authorities to give effect to any determination made as to a service user's ability to pay, and makes provision as to the date from which any determination shall have effect. The current position, whereby local authorities are able to decide the date from which determination shall have effect, which may be a date before that on which the determination was made and the service user informed of the charge, will continue. However, Welsh Ministers will be able to make regulations under this section that remove that discretion and specify the date from which a determination is to have effect. I know that concerns were raised during Stage 1 scrutiny of the proposed Measure about instances of service users being charged for services that they had received before they are informed of the outcomes of their means assessment. Amendment 26 will give us the power to address that issue as necessary.

Mae gwelliant 26 yn ychwanegu adran newydd yn y Mesur arfaethedig, sy'n darparu ynglŷn ag effaith penderfyniadau yn ymwneud â'r gallu i dalu. Mae'n ei gwneud yn ofynnol i awdurdodau lleol roi effaith i unrhyw benderfyniad a wneir ynglŷn â gallu defnyddwyr gwasanaethau i dalu, ac yn darparu drwy reoliadau o ba ddyddiad y mae penderfyniad i gael effaith. Bydd y sefyllfa bresennol, lle gall awdurdodau lleol benderfynu o ba ddyddiad y caiff penderfyniad effaith, a allai fod yn ddyddiad cyn y dyddiad y gwnaethpwyd y penderfyniad arno ac yr hysbyswyd y defnyddiwr gwasanaethau o'r ffi, yn parhau. Fodd bynnag, bydd Gweinidogion Cymru'n gallu gwneud rheoliadau o dan yr adran hon i ddileu'r disgresiwn hwnnw ac i bennu o ba ddyddiad y daw penderfyniad i rym. Gwn i bryderon gael eu codi yn ystod y craffu Cyfnod 1 ar y Mesur arfaethedig ynglŷn ag achosion lle codwyd ffi ar ddefnyddwyr gwasanaethau am wasanaethau yr oeddent wedi'u derbyn cyn iddynt gael eu hysbysu am ganlyniadau eu hasesiad modd. Bydd gwelliant 26 yn rhoi'r pŵer inni i fynd i'r afael â'r mater hwnnw fel sy'n ofynnol.

[51] Amendment 27 inserts a new section into the proposed Measure that enables a local authority to replace an existing determination as to the ability to pay with a new determination. This new provision is required to ensure that, where, for example, there is a change in circumstances, a local authority is able to undertake a further determination as to a service user's ability to pay and to impose a new charge. Without that provision, a local authority would not be able to alter its charge where, for example, the service user's finances changed, or there was a change in the cost of the service provision.

Mae gwelliant 27 yn ychwanegu adran newydd at y Mesur arfaethedig sy'n galluogi awdurdod lleol i ddisodli penderfyniad presennol ynglŷn â'r gallu i dalu gyda phenderfyniad newydd. Mae'r ddarpariaeth newydd hon yn ofynnol i sicrhau, lle bu newid mewn amgylchiadau, er enghraifft, fod awdurdod lleol yn gallu gwneud penderfyniad pellach ynglŷn â gallu defnyddiwr gwasanaethau i dalu a phennu ffi newydd. Heb y ddarpariaeth honno, ni allai awdurdod lleol newid ei ffi, er enghraifft, lle mae sefyllfa ariannol y defnyddiwr gwasanaethau wedi newid, neu lle bu newid yng nghost y ddarpariaeth gwasanaethau.

12.40 p.m.

[52] The remaining amendments in this group are consequential and largely technical in nature. Amendment 20 provides that certain sections of the proposed Measure will not apply to services or persons that are excluded from charging under section 3. These sections deal with means assessment, as introduced by amendments 22 to 27; the provision of information, section 5; reviews of charging decisions, section 6; and direct payments as introduced by amendment 42. Where a person or a service is excluded from charging under section 3, the sections will not be relevant, as no charge will be imposed. It is appropriate, therefore, that these sections should be disappled.

[53] Amendments 4, 30 and 37 are consequential upon amendments 21 to 27. Amendments 29, 35, and 36 are drafting improvements, utilising the new definition of 'standard charge' found in subsection 4 of amendment 25. A standard charge is the amount that a person would be required to pay for a service if no determination under the proposed Measure as to the person's ability to pay had effect. Amendment 55 is consequential upon amendments 21 to 27 and amendment 42. The proposed amendment will ensure that the references to specific sections of the proposed Measure that are inserted into Schedule 1 to the Local Authority Social Services Act 1970 by virtue of section 9 are to correct provisions of the amended proposed Measure.

[54] **Mark Isherwood:** Do any Members wish to speak to group 3? I see that no-one does. Deputy Minister, do you wish to proceed to a vote on amendment 4?

[55] **Gwenda Thomas:** Yes, please.

[56] **Mark Isherwood:** The question is that amendment 4 be agreed to. I call for a vote.

Canlyniadol yw gweddill y gwelliannau yn y grŵp hwn ac maent yn dechnegol eu natur gan mwyaf. Yn ôl gwelliant 20 ni fydd rhai adrannau o'r Mesur arfaethedig yn gymwys i wasanaethau neu bersonau sy'n cael eu heithrio rhag ffioedd o dan adran 3. Mae'r adrannau hyn yn delio ag asesiad modd, fel y'i cyflwynir gan welliannau 22 i 27; darparu gwybodaeth, adran 5; adolygiadau o benderfyniadau codi ffioedd, adran 6; a thaliadau uniongyrchol fel y'u cyflwynir gan welliant 42. Lle mae person neu wasanaeth yn cael ei eithrio rhag ffioedd o dan adran 3, ni fydd yr adrannau hyn yn berthnasol, gan na fydd ffi yn cael ei chodi. Mae'n briodol, felly, i'r adrannau hyn gael eu datgymhwyso.

Mae gwelliannau 4, 30 a 37 yn dilyn o welliannau 21 i 27. Gwelliannau drafftio yw gwelliannau 29, 35, a 36, yn defnyddio'r diffiniad newydd o 'ffi safonol' a geir yn is-adran 4 o welliant 25. Ffi safonol yw'r swm y byddai gofyn i berson ei dalu am wasanaeth os nad oedd effaith i benderfyniad o dan y Mesur arfaethedig ynglŷn â gallu'r person i dalu. Mae gwelliant 55 yn dilyn o welliannau 21 i 27 a gwelliant 42. Bydd y gwelliant arfaethedig yn sicrhau mai cywiro darpariaethau'r Mesur arfaethedig diwygiedig y bydd y cyfeiriadau at adrannau penodol o'r Mesur arfaethedig a ychwanegir at Atodlen 1 o Ddeddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970 yn rhinwedd adran 9.

Mark Isherwood: A oes unrhyw Aelodau am siarad am grŵp 3? Gwelaf nad oes. Ddirprwy Weinidog, a ydych am symud i bleidlais ar welliant 4?

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 4. Galwaf am bleidlais.

*Gwelliant 4: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 4: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
 Davies, Alun
 Griffiths, Lesley
 Millar, Darren
 Wood, Leanne

*Derbyniwyd gwelliant 4.
 Amendment 4 agreed.*

[57] **Mark Isherwood:** There will be no vote on the other amendments in this group at this point. We will return to vote on these later in proceedings in accordance with the marshalled list.

Mark Isherwood: Ni fydd pleidlais ar y gwelliannau eraill yn y grŵp hwn ar hyn o bryd. Down yn ôl i bleidleisio ar y rhain yn ddiweddarach yn y trafodion yn unol â'r rhestr wedi'i didoli.

12.42 p.m.

Dyletswyddau Gweinidogion Cymru mewn Perthynas â Rheoliadau (Gwelliannau 62 a 67)

Welsh Ministers' Duties in Relation to Regulations (Amendments 62 and 67)

[58] **Mark Isherwood:** The next group of amendments is in relation to Welsh Ministers' duties in relation to regulations. The lead amendment in this group is amendment 62. I call on Darren Millar to move the lead amendment, amendment 62, and speak to the other amendment in the group.

Mark Isherwood: Mae a wnelo'r grŵp nesaf o welliannau a dyletswyddau Gweinidogion Cymru mewn perthynas â rheoliadau. Y prif welliant yn y grŵp hwn yw gwelliant 62. Galwaf ar Darren Millar y gynnig y prif welliant, gwelliant 62, ac i siarad am y gwelliant arall yn y grŵp

[59] **Darren Millar:** I move amendment 62 in my name.

Darren Millar: Cynigïaf welliant 62 yn f'enw i.

[60] Amendments 62 and 67 were designed to deal with a number of concerns expressed during Stage 1 proceedings and to ensure that the recommendations made by the committee at Stage 1 are carried forward.

Bwriadwyd gwelliannau 62 a 67 i ddelio â nifer o bryderon a fynegwyd yn ystod trafodion Cyfnod 1 ac i sicrhau bod yr argymhellion a wnaethpwyd gan y pwyllgor yng Nghyfnod 1 yn cael eu cario ymlaen..

[61] The Welsh Local Government Association, the Association of Directors of Social Services Cymru and a number of other organisations expressed concern about the knock-on effect that the proposed Measure could have on services if local authorities are not adequately reimbursed for the loss of income potentially arising from the limit on the charges that they can levy. Some stakeholders, such as the Coalition on Charging Cymru and the Wales Neurological Alliance, felt that a maximum charge could be seen as a target level for charges or a standard charge regardless of the number of hours of care being provided or the income of the service user. They felt that this, in theory,

Mynegodd Cymdeithas Llywodraeth Leol Cymru, Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru a nifer o gyrrff eraill bryder ynglŷn â'r effaith ganlyniadol y gallai'r Mesur arfaethedig ei chael ar wasanaethau os nad yw awdurdodau lleol yn cael eu had-dalu'n ddigonol am y colledion incwm a allai ddeillio o'r cyfyngiad ar y ffioedd y cânt eu codi. Teimlai rhai rhanddeiliaid, megis Coalition on Charging Cymru a Chynghair Niwrolegol Cymru, y gallai'r uchafswm ffi gael ei gweld fel lefel darged i ffioedd neu fel ffi safonol heb ystyried y nifer o oriau o ofal a oedd yn cael eu darparu nac incwm y defnyddiwr gwasanaethau. Teimlent y gallai hyn, yn

could result in some service users being made worse off financially as a result of the proposed Measure, particularly given that there is dispute between the Deputy Minister and the WLGA on the potential overall cost of this proposed Measure in the future. There was some disagreement on that. The Deputy Minister told the committee that the estimated cost of the implementation of this proposed Measure was £11 million, whereas the WLGA believes that it would cost £13 million.

[62] There was also concern that the eligibility criteria across Wales were inconsistent and that, as a result of these costs, some local authorities could be tempted to raise their eligibility criteria for social care in order to manage the demand for their services, resulting in some service users being denied access to services that they were previously entitled to. Amendment 62 would take away some of the discretion of local authorities to determine their eligibility criteria and take away some of those inconsistencies in the provision of social care across local authorities. I understand that the Assembly does not have legislative competence in this area at present because the scope of the original LCO was not wide enough. The principle that Welsh Ministers should aim to ensure that no person is made worse off as a result of the proposed Measure is therefore what has been proposed in the amendment that I have tabled.

[63] Amendment 67 is an attempt to deal with some of the other concerns raised during Stage 1 proceedings by Members and witnesses about the executive powers of Welsh Ministers. It simply seeks to ensure that reports are laid before the National Assembly and that the affirmative procedure is used in order to ensure that regulations are supported by the National Assembly as a whole, rather than being imposed by Ministers unchecked. I therefore commend the amendments to Members and trust that Members who supported the recommendations at Stage 1 will give them their support.

ddamcaniaethol, olygu y byddai rhai defnyddwyr gwasanaethau ar eu colled yn ariannol o ganlyniad i'r Mesur arfaethedig, yn enwedig o gofio bod anghydweld rhwng y Dirprwy Weinidog a CLILC ynglŷn â chost bosibl y Mesur arfaethedig drwyddi draw yn y dyfodol. Yr oedd rhywfaint o anghytuno ynglŷn â hynny. Dywedodd y Dirprwy Weinidog wrth y pwyllgor mai'r amcangyfrif o gost gweithredu'r Mesur arfaethedig hwn oedd £11 miliwn, tra mae CLILC yn credu y byddai'n costio £13 miliwn.

Yr oedd pryder hefyd fod y meini prawf cymhwysio yn anghyson ar draws Cymru ac y gallai rhai awdurdodau lleol, o ganlyniad i'r costau hyn, gael eu temptio i gynyddu eu meini prawf cymhwysio yng nghyswllt gofal cymdeithasol er mwyn rheoli'r galw am eu gwasanaethau, gyda'r canlyniad y byddai mynediad at wasanaethau yr oedd ganddynt hawl iddynt cynt yn cael ei wadu i rai defnyddwyr gwasanaethau. Byddai gwelliant 62 yn cael gwared â pheth o ddisgresiwn awdurdodau lleol i bennu eu meini prawf cymhwysio ac yn cael gwared â rhai o'r anghysondebau hynny yn y ddarpariaeth gofal cymdeithasol ar draws awdurdodau lleol. Yr wyf yn deall nad oes gan y Cynulliad gymhwysedd deddfwriaethol yn y maes hwn ar hyn o bryd gan nad oedd cwmpas y Gorchymyn Deddfwriaethol gwreiddiol yn ddigon eang. Yr hyn sy'n cael ei gynnig felly yn y gwelliant yr wyf wedi'i gyflwyno yw'r egwyddor y dylai Gweinidogion Cymru geisio sicrhau na fydd unrhyw un ar ei golled o ganlyniad i'r Mesur arfaethedig.

Ymgais yw gwelliant 67 i ddelio â rhai o'r pryderon eraill a godwyd yn ystod trafodion Cyfnod 1 gan Aelodau a thystion ynglŷn â phwerau gweithredol Gweinidogion Cymru. Nid yw ond yn ceisio sicrhau bod adroddiadau'n cael eu gosod gerbron y Cynulliad Cenedlaethol a bod y weithdrefn gadarnhaol yn cael ei defnyddio i sicrhau bod rheoliadau'n cael eu cefnogi gan y Cynulliad Cenedlaethol yn ei gyfanrwydd, yn hytrach na'u bod yn cael eu gorfodi gan Weinidogion yn ddirwystr. Cymeradwyaf y gwelliannau i'r Aelodau felly a hyderaf y bydd yr Aelodau a gefnogodd yr argymhellion yng Nghyfnod 1 yn rhoi eu cefnogaeth iddynt.

[64] **Mark Isherwood:** Do any other Members wish to speak to this group of amendments? I see that no-one does. Deputy Minister, do you wish to speak to this group of amendments?

[65] **Gwenda Thomas:** Yes. Thank you, Mark. I will speak first to amendment 62. While I understand the sentiment behind the amendment, I do not believe that it is appropriate. The objective of the proposed Measure is to improve the position of all service users across Wales, in particular to ensure greater consistency and fairness. However, how much particular individuals will be charged will be for local authorities to decide, having regard to a variety of factors, including the proposed Measure, regulations made under the proposed Measure, their own charging policies and the particular financial position of the individual concerned. Consequently, it is not feasible or appropriate to include in the way proposed a specific requirement concerning possible changes in the financial position of each and every service user in Wales. Furthermore, we must not forget that local authorities will retain the discretion to charge less than they may otherwise charge, if their proposed change to a person's charges would cause particular problems for that individual. I have already spoken of my plans to introduce a first steps improvement package, should the proposed Measure be made, and my intention to introduce a maximum charge of £50 per week. I believe that these are very positive steps that will considerably improve the position of service users across Wales.

[66] In relation to amendment 67, while I would accept that, as a matter of good governance, legislation needs to be kept under review, I do not believe that such a rigid and automatic system of review is helpful or necessary. I fully intend that the operation and effect of any regulations made under the proposed Measure will be kept under review and amended as and when appropriate. However, I do not believe that an obligation such as this, to review and report on an annual basis, is necessarily the most effective way of keeping the legislation under review and ensuring a timely response to emerging issues. I refer to your point on eligibility criteria and remind the

Mark Isherwood: A oes unrhyw Aelodau arall am siarad am y grŵp hwn o welliannau? Gwelaf nad oes. Ddirprwy Weinidog, a ydych am siarad am y grŵp hwn o welliannau?

Gwenda Thomas: Ydwyf. Diolch, Mark. Siaradaf yn gyntaf am welliant 62. Er fy mod yn deall y teimlad wrth wraidd y gwelliant, ni chredaf ei fod yn briodol. Amcan y Mesur arfaethedig yw gwella sefyllfa pob defnyddiwr gwasanaethau ar draws Cymru, yn arbennig i sicrhau mwy o gysondeb a thegwch. Fodd bynnag, mater i'r awdurdodau lleol benderfynu arno fydd faint a godir ar unigolion neilltuol, ar ôl ystyried amryw o ffactorau, yn cynnwys y Mesur arfaethedig, rheoliadau a wnaethpwyd o dan y Mesur arfaethedig, eu polisiau codi ffioedd eu hunain a sefyllfa ariannol benodol yr unigolyn dan sylw. O ganlyniad, nid yw'n ymarferol nac yn briodol cynnwys yn y ffordd a awgrymir ofyniad penodol ynglŷn â newidiadau posibl yn sefyllfa ariannol pob defnyddiwr gwasanaethau yng Nghymru. Ar ben hynny, rhaid inni beidio ag anghofio y bydd yr awdurdodau lleol yn cadw'r disgrisiwn i godi llai nag y byddent yn ei godi fel arall efallai, pe bai eu newid arfaethedig i ffioedd person yn achosi problemau neilltuol i'r unigolyn hwnnw. Yr wyf wedi sôn eisoes am fy nghynlluniau i gyflwyno pecyn gwella camau cyntaf, os caiff y Mesur arfaethedig ei wneud, a'm bwriad i gyflwyno uchafswm ffi o £50 yr wythnos. Credaf fod y rhain yn gamau positif iawn a fydd yn gwella sefyllfa defnyddwyr gwasanaethau ar draws Cymru yn sylweddol.

Yng nghyswllt gwelliant 67, er y byddwn yn derbyn, fel mater o lywodraethu da, fod angen dal ati i adolygu deddfwriaeth, ni chredaf fod system adolygu mor haearnaidd ac awtomatig yn fuddiol nac angenrheidiol. Yr wyf yn llwyr fwriadu i weithrediad ac effaith unrhyw reoliadau a wneir o dan y Mesur arfaethedig gael eu hadolygu a'u diwygio fel a phan y bydd hynny'n briodol. Fodd bynnag, ni chredaf mai rhwymedigaeth fel hon, i adolygu ac adrodd yn flynyddol, yw'r ffordd fwyaf effeithiol o reidrwydd o ddal ati i adolygu'r ddeddfwriaeth a sicrhau ymateb prydlon i faterion sy'n codi. Fe'ch cyfeiraf at eich pwynt ynglŷn â meini prawf cymhwyso ac atgoffaf y pwyllgor—credaf

committee—I believe that I shared this point with you during the previous Stage—that the Care and Social Services Inspectorate Wales is currently reviewing eligibility criteria right across Wales. That has to be looked at and connected to this proposed Measure because I believe that to ensure complete consistency we need not only this fairer charging regime, but fairness and consistency in assessing eligibility criteria. That work has not yet been completed, but I look forward to seeing that report and to moving towards a situation of more consistency in Wales following that assessment process.

[67] On the maximum charge, Darren, in my view, no service user should lose out directly as a result of this proposed Measure. I support that. However, if we were to take your amendment verbatim, it would mean, to my mind—I know that the lawyers cannot speak—that we would be saying that no person should be 1p, £1, £100 or £200 worse off—that would be too specific. We have to rely on the spirit of the proposed Measure. Although the proposed Measure will allow the Welsh Assembly Government to set maximums, it will not remove the ability of councils to charge less or to charge nothing at all, which they currently have, if they so wish, especially if that is their current practice.

12.50 p.m.

[68] A maximum charge is a maximum charge. Local authorities will not be able to suddenly start charging everyone the maximum figure. What a local authority may reasonably charge an individual will depend on the nature and level of services provided. For example, they will not be able to charge more than the service costs to provide. The individual's means and other safeguards, as I have already mentioned, will exist to protect those on lower incomes. These will include the disregard of certain forms of income from charge assessments, and a statutory buffer—that has been included in guidance for quite a few years—below which incomes may not be reduced.

[69] **Mark Isherwood:** Darren, do you

imi rannu'r pwynt hwn gyda chi yn ystod y Cyfnod blaenorol—fod Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru wrthi ar hyn o bryd yn adolygu'r meini prawf cymhwyso ar draws Cymru. Rhaid edrych ar hyn a'i gysylltu â'r Mesur arfaethedig hwn oherwydd, er mwyn sicrhau cysondeb llwyr, credaf fod angen nid dim ond y gyfundrefn codi ffioedd decach hon, ond tegwch a chysondeb wrth asesu meini prawf cymhwyso. Nid yw'r gwaith hwnnw wedi cael ei gwblhau eto, ond edrychaf ymlaen at weld yr adroddiad hwnnw ac at symud tuag at sefyllfa o fwy o gysondeb yng Nghymru yn dilyn y broses asesu honno.

O ran yr uchafswm ffi, Darren, yn fy marn i, ni ddylai unrhyw ddefnyddiwr gwasanaethau fod ar ei golled yn uniongyrchol oherwydd y Mesur arfaethedig hwn. Yr wyf yn cefnogi hynny. Fodd bynnag, pe baem yn cymryd eich gwelliant chi air am air, byddai'n golygu, yn fy marn i—gwn na chaiff y cyfreithwyr siarad—y byddem yn dweud na ddylai unrhyw berson fod ar ei golled o 1c, £1, £100 neu £200—fyddai hynny'n rhy penodol. Rhaid inni ddibynnu ar ysbryd y Mesur arfaethedig. Er y bydd y Mesur arfaethedig yn caniatáu i Lywodraeth Cynulliad Cymru bennu uchafsymiau, ni fydd yn dileu gallu'r cynghorau i godi llai neu i godi dim o gwbl, gallu sydd ganddynt ar hyn o bryd, os ydynt yn dymuno hynny, yn enwedig os mai dyna a wnânt ar hyn o bryd.

Uchafswm ffi yw uchafswm ffi. Ni fydd yr awdurdodau lleol yn gallu dechrau codi'r uchafswm ar bawb yn sydyn. Bydd yr hyn y gall awdurdod lleol ei godi'n rhesymol ar unigolyn yn dibynnu ar natur a lefel y gwasanaethau a ddarperir. Er enghraifft, ni fyddant yn gallu codi mwy nag y mae'r gwasanaeth yn ei gostio i'w ddarparu. Bydd modd yr unigolyn a mesurau diogelu eraill, fel yr wyf wedi'i grybwyll eisoes, yn bodoli i amddiffyn y rhai sydd ar incwm is. Bydd y rhain yn cynnwys diystyru rhai mathau o incwm o'r asesiadau ffioedd, a chlustogfa statudol—mae hynny wedi'i gynnwys mewn canllawiau ers nifer o flynyddoedd—na ellir gostwng incwm islaw iddi.

Mark Isherwood: Darren, a ydych am

wish to reply?

ymateb?

[70] **Darren Millar:** Yes. I am disappointed that the Government is rejecting these amendments. They are designed to support the Government in its intention to ensure that no service users are in a worse position, financially or in terms of the services that they can access. That is particularly true of amendment 62. Although I take on board the work that has been done by CSSIW in attempting to secure a level playing field for eligibility criteria, the acceptance of amendment 62 at this Stage would give more strength to its elbow in delivering that level playing field across Wales.

Darren Millar: Ydwyf. Yr wyf yn siomedig fod y Llywodraeth yn gwrthod y gwelliannau hyn. Maent wedi'u bwriadu i gefnogi'r Llywodraeth yn ei bwriad i sicrhau na fydd unrhyw ddefnyddwyr gwasanaethau mewn gwaeth sefyllfa, yn ariannol nac o ran y gwasanaethau y gallant fanteisio arnynt. Mae hynny'n neilltuol o wir am welliant 62. Er fy mod yn derbyn y gwaith sydd wedi cael ei wneud gan AGGCC i geisio sicrhau cae chwarae gwastad o ran meini prawf cymhwys, byddai derbyn gwelliant 62 yn y Cyfnod hwn yn rhoi mwy o rym i AGGCC o ran sicrhau'r cae chwarae gwastad hwnnw ar draws Cymru.

[71] Although I accept that the Deputy Minister will want to inform the Assembly on a regular basis about any changes that she might wish to make to regulations made under the proposed Measure, I am concerned that a future Deputy Minister may not be as amenable or want to report as regularly as this Deputy Minister may wish to do so. Therefore, I stand by amendment 67 as well.

Er fy mod yn derbyn y bydd y Dirprwy Weinidog am hysbysu'r Cynulliad yn rheolaidd ynglŷn ag unrhyw newidiadau y byddai am eu gwneud i reoliadau a wnaethpwyd o dan y Mesur arfaethedig, yr wyf yn pryderu na fydd Dirprwy Weinidog yn y dyfodol mor gyfrifol efallai neu na fydd am adrodd mor rheolaidd ag y bydd y Dirprwy Weinidog hwn am ei wneud efallai. Felly, yr wyf yn glynu wrth welliant 67 hefyd.

[72] These issues were raised at Stage 1 by a number of witnesses, and were included as recommendations in the committee's report. I remind Members of this and urge them to support the amendments.

Cafodd y materion hyn eu codi yng Nghyfnod 1 gan nifer o dystion, ac fe'u cynhwyswyd fel argymhellion yn adroddiad y pwyllgor. Atgoffaf yr Aelodau o hyn ac anogaf hwy i gefnogi'r gwelliannau hyn.

[73] **Mark Isherwood:** Do you wish to proceed to a vote on amendment 62?

Mark Isherwood: A ydych am symud i bleidlais ar welliant 62?

[74] **Darren Millar:** Yes, Chair.

Darren Millar: Ydwyf, Gadeirydd.

[75] **Mark Isherwood:** The question is that amendment 62 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 62. Galwaf am bleidlais.

Gwelliant 62: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 62: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

Gwrthodwyd gwelliant 62.

Amendment 62 not agreed.

[76] **Mark Isherwood:** There will be no vote on amendment 67 at this point; we will return to vote on this amendment later in the proceedings.

Mark Isherwood: Ni fydd pleidlais ar welliant 67 ar hyn o bryd; byddwn yn dychwelyd i bleidleisio ar y gwelliant hwn yn ddiweddarach yn y trafodion.

[77] In accordance with the marshalled list, we now move to dispose of amendments 5 to 12. Deputy Minister, would you like amendment 5 in your name to be moved?

Yn unol â'r rhestr sydd wedi'i didoli, symudwn yn awr i waredu gwelliannau 5 i 12. Ddirprwy Weinidog, a ydych am i welliant 5 yn eich enw chi gael ei gynnig?

[78] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[79] **Mark Isherwood:** I move amendment 5 in the name of Gwenda Thomas. The question is that amendment 5 be agreed to. I call for a vote.

Mark Isherwood: Cynigaf welliant 5 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 5. Galwaf am bleidlais.

Gwelliant 5: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 5: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

[80] **Mark Isherwood:** Deputy Minister, would you like amendment 6 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 6 yn eich enw gael ei gynnig?

[81] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[82] **Mark Isherwood:** I move amendment 6 in the name of Gwenda Thomas. The question is that amendment 6 be agreed to. I call for a vote.

Mark Isherwood: Cynigaf welliant 6 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 6. Galwaf am bleidlais.

Gwelliant 6: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 6: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

Derbyniwyd gwelliant 6.

Amendment 6 agreed.

[83] **Mark Isherwood:** Deputy Minister, would you like amendment 7 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 7 yn eich enw gael ei gynnig?

[84] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[85] **Mark Isherwood:** I move amendment 7 in the name of Gwenda Thomas. The question is that amendment 7 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 7 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 7. Galwaf am bleidlais.

Gwelliant 7: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 7: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 7.
Amendment 7 agreed.*

[86] **Mark Isherwood:** Deputy Minister, would you like amendment 8 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 8 yn eich enw gael ei gynnig?

[87] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[88] **Mark Isherwood:** I move amendment 8 in the name of Gwenda Thomas. The question is that amendment 8 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 8 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 8. Galwaf am bleidlais.

Gwelliant 8: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 8: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 8.
Amendment 8 agreed.*

[89] **Mark Isherwood:** Deputy Minister, would you like amendment 9 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 9 yn eich enw gael ei gynnig?

[90] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[91] **Mark Isherwood:** I move amendment 9 in the name of Gwenda Thomas. The question is that amendment 9 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 9 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 9. Galwaf am bleidlais.

*Gwelliant 9: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 9: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 9.
Amendment 9 agreed.*

[92] **Mark Isherwood:** Deputy Minister, would you like amendment 10 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 10 yn eich enw gael ei gynnig?

[93] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[94] **Mark Isherwood:** I move amendment 10 in the name of Gwenda Thomas. The question is that amendment 10 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 10 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 10. Galwaf am bleidlais.

*Gwelliant 10: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 10: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 10.
Amendment 10 agreed.*

[95] **Mark Isherwood:** Deputy Minister, would you like amendment 11 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 11 yn eich enw gael ei gynnig?

[96] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[97] **Mark Isherwood:** I move amendment 11 in the name of Gwenda Thomas. The question is that amendment 11 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 11 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 11. Galwaf am bleidlais.

*Gwelliant 11: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 11: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 11.
Amendment 11 agreed.*

[98] **Mark Isherwood:** Deputy Minister, would you like amendment 12 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 12 yn eich enw gael ei gynnig?

[99] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[100] **Mark Isherwood:** I move amendment 12 in the name of Gwenda Thomas. The question is that amendment 12 be agreed to. I call for a vote.

Mark Isherwood: Cynigaf welliant 12 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 12. Galwaf am bleidlais.

*Gwelliant 12: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 12: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 12.
Amendment 12 agreed.*

12.56 p.m.

**Y Weithdrefn ar gyfer Gwneud Is-ddeddfwriaeth (Gwelliannau 69, 70, 71, 61 a 57)
Procedure for Making Subordinate Legislation (Amendments 69, 70, 71, 61 and 57)**

[101] **Mark Isherwood:** The lead amendment is amendment 69 in the name of Mick Bates, which is grouped with amendments 70, 71, 61 and 57. I invite Mick Bates to move amendment 69 and to speak to the other amendments in the group.

Mark Isherwood: Y prif welliant yw gwelliant 69 yn enw Mick Bates, sydd wedi'i grwpio gyda gwelliannau 70, 71, 61 a 57. Gwahoddaf Mick Bates i gynnig gwelliant 69 ac i siarad am y gwelliannau eraill yn y grŵp.

[102] **Mick Bates:** I move amendment 69 in my name.

Mick Bates: Cynigaf welliant 69 yn f'enw i.

[103] Although these amendments are

Er bod y gwelliannau hyn yn cael eu disgrifio

described rather dryly as 'procedure for making subordinate legislation', this group addresses the ability of the National Assembly to scrutinise the regulations that are made as a result of the proposed Measure. The first three amendments, which are all in my name, would ensure that regulations were made under the affirmative procedure, with the National Assembly being given the opportunity to approve the regulations being made. This is crucial to ensuring that the legislation remains democratic. The proposed Measure affords a huge range of policy instruments to Welsh Ministers over what the maximum charge should be, who should be eligible and means testing. Many of these will have an impact on the population of Wales as well as on the finances and policies of the National Assembly. The impact of these regulations would certainly be greater than the passing of the proposed Measure, which only provides the framework for such decisions to be taken, rather than making the decisions directly. That is why these decisions need to be approved by the Assembly and why they are of sufficient status to require the use of the affirmative procedure.

[104] **Mark Isherwood:** Do any other Members wish to speak to this group of amendments? I see that you do not. I therefore invite the Deputy Ministers to speak.

[105] **Gwenda Thomas:** Read together, as Mick has already said, amendments 69, 70 and 71 would provide that regulations providing for maximum charges in section 2, the exclusion of persons or services in section 3 or means tests in section 4 would be subject to the affirmative procedure. Regulations made under the remaining sections of the proposed Measure, namely regulations concerning the provision of information and the review of charging decisions would remain subject to the negative procedure. Amendment 61 in itself has no legal effect on the provisions of section 10(6) of the proposed Measure and it is intended to be read together with amendments 69, 70 and 71.

[106] I appreciate that some Members take the view that the regulations should be

braidd yn sychlyd fel 'gweithdrefn ar gyfer gwneud is-ddeddfwriaeth', mae'r grŵp hwn yn ymdrin â gallu'r Cynulliad Cenedlaethol i graffu ar y rheoliadau a wneir o ganlyniad i'r Mesur arfaethedig. Byddai'r tri gwelliant cyntaf, sydd i gyd yn f'enw i, yn sicrhau bod rheoliadau'n cael eu gwneud o dan y weithdrefn gadarnhaol, gyda'r cyfle'n cael ei roi i'r Cynulliad Cenedlaethol i gymeradwyo'r rheoliadau sy'n cael eu gwneud. Mae hyn yn dyngedfennol i sicrhau bod y ddeddfwriaeth yn parhau'n ddemocrataidd. Mae'r Mesur arfaethedig yn rhoi ystod enfawr o offerynnau polisi i Weinidogion Cymru dros yr uchafswm ffi a fyddai'n briodol, pwy fyddai'n gymwys a phrofi modd. Bydd llawer o'r rhain yn cael effaith ar boblogaeth Cymru yn ogystal ag ar gyllid a pholisïau'r Cynulliad Cenedlaethol. Byddai effaith y rheoliadau hyn yn sicr yn fwy na phasio'r Mesur arfaethedig, nad yw ond yn darparu'r fframwaith ar gyfer cymryd penderfyniadau o'r fath, yn hytrach na gwneud y penderfyniadau'n uniongyrchol. Dyna pam mae angen i'r penderfyniadau hyn gael eu cymeradwyo gan y Cynulliad a pham mae iddynt statws digonol i olygu bod angen defnyddio'r weithdrefn gadarnhaol.

Mark Isherwood: A oes unrhyw Aelodau eraill am siarad am y grŵp hwn o welliannau? Gwelaf nad oes. Felly, gwahoddaf y Dirprwy Weinidog i siarad.

Gwenda Thomas: O'u darllen gyda'i gilydd, fel y dywedodd Mick eisoes, byddai gwelliannau 69, 70 a 71 yn darparu y byddai rheoliadau i ddarparu ar gyfer uchafswm ffioedd yn adran 2, eithrio personau neu wasanaethau yn adran 3 neu brofion modd yn adran 4 yn ddarostyngedig i'r weithdrefn gadarnhaol. Bydd rheoliadau a gâi eu gwneud o dan y gweddill o adrannau'r Mesur arfaethedig, sef rheoliadau ynglŷn â darparu gwybodaeth ac adolygu penderfyniadau codi ffioedd, yn dal i fod yn ddarostyngedig i'r weithdrefn negyddol. Nid oes i welliant 61 ynddo'i hun unrhyw effaith gyfreithiol ar ddarpariaethau adran 10(6) o'r Mesur arfaethedig ac mae wedi'i fwriadu i gael ei ddarllen ynghyd â gwelliannau 69, 70 a 71.

Sylweddolaf fod rhai Aelodau o'r farn y dylai'r rheoliadau fod yn ddarostyngedig i'r

subject to the affirmative procedure. However, I do not agree with that, and I believe that the use of the negative procedure is the right approach. As I have explained previously, the proposed regulations will primarily be concerned with the detailed financial and administrative arrangements governing the operation of a revised charging regime and will need to be updated on a regular basis. With regard to regulations under section 2, we will need the flexibility to review and revise any maximum charge. Such changes will need to be made on a regular basis, having regard to financial matters such as changes in the relevant financial indices. Such provision is best dealt with in regulations and the negative procedure is the usual and most appropriate procedure for such regulations. I firmly believe that we have seen that, and that it has been tested, with regard to residential services.

1.00 p.m.

[107] With regard to regulations under section 3, I appreciate that some Members were concerned that the proposal to exclude certain categories of users or services could breach equality laws. However, I have made it clear that we intend to carry out a full equality and human rights assessment, as part of the regulation-making process. I believe that this is the most appropriate way of ensuring that the detailed provisions of the charging regime take into account any equality issues.

[108] With regard to regulations under section 4, we will need the flexibility to review and revise the means assessment provision regularly. This may include revisions as to the types of income that are to be excluded from the assessment of a person's means. In future years, for example, it may be considered necessary or more appropriate to exclude a different range of allowances or benefits. I explained that the severe disablement allowance is being phased out and that we could have changes to the constant attendance allowance, and that different benefits may be used than those that we are initially proposing to exclude. The types of allowances or benefits to be excluded from the assessment of means may

weithdrefn gadarnhaol. Fodd bynnag, nid wyf fi'n cytuno â hynny, a chredaf mai defnyddio'r weithdrefn negyddol yw'r drefn gywir. Fel yr wyf wedi egluro o'r blaen, bydd a wnelo'r rheoliadau arfaethedig yn bennaf â'r trefniadau ariannol a gweinyddol manwl a fydd yn rheoli gweithrediad cyfundrefn codi ffioedd ddiwygiedig a bydd angen iddynt gael eu diweddarau'n rheolaidd. O ran y rheoliadau o dan adran 2, bydd angen yr hyblygrwydd arnom i adolygu a diwygio unrhyw uchafswm ffi. Bydd angen gwneud newidiadau o'r fath yn rheolaidd, gan roi sylw i faterion ariannol megis newidiadau yn y mynegeion ariannol perthnasol. Y ffordd orau o ymdrin â deddfwriaeth o'r fath yw drwy reoliadau a'r weithdrefn negyddol yw'r weithdrefn arferol a mwyaf priodol ar gyfer rheoliadau o'r fath. Yr wyf yn credu'n gryf ein bod wedi gweld hynny, a'i fod wedi cael ei brofi, yng nghyswllt gwasanaethau preswyl.

O ran rheoliadau o dan adran 3, sylweddolaf fod rhai Aelodau'n bryderus y gallai'r cynnig i eithrio rhai categorïau o ddefnyddwyr neu wasanaethau dorri deddfau cydraddoldeb. Fodd bynnag, yr wyf wedi'i gwneud yn glir ein bod yn bwriadu cynnal asesiad cydraddoldeb a hawliau dynol llawn, fel rhan o'r broses o wneud rheoliadau. Credaf mai dyma'r ffordd fwyaf priodol o sicrhau bod darpariaethau manwl y gyfundrefn codi ffioedd yn rhoi sylw i faterion cydraddoldeb.

O ran rheoliadau o dan adran 4, bydd angen yr hyblygrwydd arnom i adolygu a diwygio'r ddarpariaeth asesiad modd yn rheolaidd. Gallai hyn gynnwys diwygiadau o ran y mathau o incwm sydd i cael eu heithrio o'r asesiad o fodd person. Yn y blynyddoedd i ddod, er enghraifft, efallai yr ystyrir bod rhaid neu y byddai'n fwy priodol eithrio ystod wahanol o lwfansau neu fudd-daliadau. Eglurais fod y lwfans anabledd difrifol yn cael eu ddileu'n raddol ac y gallai fod newidiadau i'r lwfans gweini cyson, ac y gallai budd-daliadau gwahanol i'r rhai yr ydym yn bwriadu eu heithrio ar y cychwyn gael eu defnyddio. Efallai hefyd y bydd angen newid y mathau o lwfansau neu fudd-daliadau sydd i gael eu heithrio o'r asesiad

also need to be amended as a consequence of changes to the UK benefit system, which, of course, is not within our remit. We know that benefits are upgraded annually, and that is an issue that we will need to bear in mind. I believe that such changes are best dealt with in regulations, and that the negative procedure is the usual and most appropriate procedure for such regulations. It is also important to remember that any regulations that we make under this proposed Measure will be subject to public consultation, in accordance with the Assembly Government's usual consultation process, and will be informed by further discussions with relevant stakeholders. There is no question of regulations being made without proper engagement with stakeholders or with appropriate consultees.

[109] Amendment 57 is linked to amendment 53. It includes in the statutory instruments that will be subject to the affirmative procedure, any Order amending the list of services in section 7(2). The affirmative procedure is appropriate in this case, as the Order will involve amending the proposed Measure.

[110] **Mark Isherwood:** Mick, do you wish to reply?

[111] **Mick Bates:** Yes. I clearly hear what the Deputy Minister says, and one would anticipate that a Minister would accrue the powers and take on board her rationale behind the negative procedure. However, this amendment was written in response to what I believe was unanimous feeling at Stage 1 that, in view of the importance of these decisions, they should be available for the whole Assembly to debate under the affirmative procedure. You referred in your contribution, Deputy Minister, to equality issues and your concerns in that respect; therefore, I believe that they should be debated by the whole Assembly. Given the importance of the democratic process, and particularly the three parts to which you referred, and to which I also referred in my opening remarks, this should really be done by the affirmative procedure.

[112] I understand that the negative procedure has been used in the past, and that

modd yn sgil newidiadau i system fudd-daliadau'r DU, nad yw, wrth gwrs, o fewn ein cylch gwaith ni. Gwyddom fod budd-daliadau'n cael eu huwchraddio'n flynyddol, ac mae hwnnw'n fater y bydd angen inni ei gadw mewn cof. Credaf mai'r ffordd orau o ddelio â newidiadau o'r fath yw drwy reoliadau, ac mai'r weithdrefn negyddol yw drefn arferol a mwyaf priodol i reoliadau o'r fath. Mae'n bwysig cofio hefyd y bydd unrhyw reoliadau a wnawn o dan y Mesur arfaethedig hwn yn destun ymgynghori cyhoeddus, yn unol â phroses ymgynghori arferol Llywodraeth y Cynulliad, ac y dylanwadir arnynt gan drafodaethau pellach gyda rhanddeiliaid perthnasol. Nid oes unrhyw gwestiwn y caiff rheoliadau eu gwneud heb gysylltu'n briodol â rhanddeiliaid neu ag ymgynghoreion priodol.

Mae gwelliant 57 yn gysylltiedig â gwelliant 53. Mae'n cynnwys yn yr offerynnau statudol a fydd yn ddarostyngedig i'r weithdrefn gadarnhaol unrhyw Orchymyn yn diwygio'r rhestr o wasanaethau yn adran 7(2). Mae'r weithdrefn gadarnhaol yn briodol yn yr achos hwn, gan y bydd y Gorchymyn yn golygu diwygio'r Mesur arfaethedig.

Mark Isherwood: Mick, a ydych am ymateb?

Mick Bates: Ydwyf. Clywaf yr hyn y mae'r Dirprwy Weinidog yn ei ddweud yn glir, a byddech yn disgwyl i Weinidog Gronni pwerau a mynegi'i sail resymegol o blaid y weithdrefn negyddol. Fodd bynnag, ysgrifennwyd y gwelliant hwn mewn ymateb i'r hyn a oedd fe gredaf yn deimlad unfrydol yng Nghyfnod 1 y dylai'r penderfyniadau hyn, oherwydd eu pwysigrwydd, fod ar gael i'r Cynulliad cyfan eu trafod o dan y weithdrefn gadarnhaol. Cyfeiriasoch yn eich cyfraniad, Ddirprwy Weinidog, at faterion cydraddoldeb a'ch pryderon yn y cyswllt hwnnw, felly, credaf y dylent gael eu trafod gan y Cynulliad cyfan. O ystyried pwysigrwydd y broses ddemocrataidd, ac yn enwedig y tair rhan y cyfeiriasoch atynt, ac y cyfeiriais innau hefyd atynt yn fy sylwadau agoriadol, dylai hyn yn sicr gael ei wneud drwy'r weithdrefn gadarnhaol.

Yr wyf yn deall bod y weithdrefn negyddol wedi cael ei defnyddio yn y gorffennol, ac

it is the agreed way that Ministers go about their business, but that is not, in my opinion, a good enough reason to reject what is the unanimous decision of all members of this committee. They feel that particular parts of the proposed Measure merit being debated via the affirmative procedure. I am certain that all Members are on the record, if you examine Stage 1 proceedings, clearly supporting this amendment, so I want to move to a vote.

mai dyma'r ffordd y cytunwyd arni i Weinidogion fynd o amgylch eu gwaith, ond nid yw hynny, yn fy marn i, yn rheswm digon da i wrthod yr hyn sy'n benderfyniad unfrydol gan holl aelodau'r pwyllgor hwn. Maent yn teimlo bod rhannau neilltuol o'r Mesur arfaethedig yn haeddu cael eu trafod drwy'r weithdrefn gadarnhaol. Yr wyf yn sicr y cofnodwyd, os archwiliwch chi drafodion Cyfnod 1, fod yr Aelodau i gyd yn cefnogi'r gwelliant hwn yn glir, felly yr wyf am symud i bleidlais.

Mark Isherwood: The question is that amendment 69 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 69. Galwaf am bleidlais.

*Gwelliant 69: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 69: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 69.
Amendment 69 not agreed.*

[113] **Mark Isherwood:** There will be no vote on amendments 70, 71, 61 or 57 at this point. We will return to vote on these later in the proceedings, in accordance with the marshalled list.

Mark Isherwood: Ni fydd pleidlais ar welliannau 70, 71, 61 na 57 ar hyn o bryd. Dychwelwn i bleidleisio ar y rhain yn ddiweddarach yn y trafodion, yn unol â'r rhestr sydd wedi'i didoli.

[114] In accordance with the marshalled list, we now move to dispose of amendments 13, 14, 15, 16, 17, 18, 19, 20, 70, 21, 71, 28, 29 and 30. Deputy Minister, would you like amendment 13 in your name to be moved?

Yn unol â'r rhestr sydd wedi'i didoli, symudwn yn awr i waredu gwelliannau 13, 14, 15, 16, 17, 18, 19, 20, 70, 21, 71, 28, 29 a 30. Ddirprwy Weinidog, a ydych am i welliant 13 yn eich enw gael ei gynnig?

[115] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydyf.

[116] **Mark Isherwood:** I move amendment 13 in the name of Gwenda Thomas. The question is that amendment 13 be agreed to. I call for a vote.

Mark Isherwood: Cynigïaf welliant 13 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 13. Galwaf am bleidlais.

*Gwelliant 13: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 13: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley

Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 13.
Amendment 13 agreed.*

[117] **Mark Isherwood:** Deputy Minister, would you like amendment 14 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 14 yn eich enw gael ei gynnig?

[118] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[119] **Mark Isherwood:** I move amendment 14 in the name of Gwenda Thomas. The question is that amendment 14 be agreed to. I call for a vote.

Mark Isherwood: Cynigïaf welliant 14 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 14. Galwaf am bleidlais.

*Gwelliant 14: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 14: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 14.
Amendment 14 agreed.*

[120] **Mark Isherwood:** Deputy Minister, would you like amendment 15 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 15 yn eich enw gael ei gynnig?

[121] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[122] **Mark Isherwood:** I move amendment 15 in the name of Gwenda Thomas. The question is that amendment 15 be agreed to. I call for a vote.

Mark Isherwood: Cynigïaf welliant 15 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 15. Galwaf am bleidlais.

*Gwelliant 15: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 15: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 15.
Amendment 15 agreed.*

[123] **Mark Isherwood:** Deputy Minister, would you like amendment 16 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 16 yn eich enw gael ei gynnig?

[124] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[125] **Mark Isherwood:** I move amendment 16 in the name of Gwenda Thomas. The question is that amendment 16 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 16 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 16. Galwaf am bleidlais.

*Gwelliant 16: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 16: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 16.
Amendment 16 agreed.*

[126] **Mark Isherwood:** Deputy Minister, would you like amendment 17 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 17 yn eich enw gael ei gynnig?

[127] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[128] **Mark Isherwood:** I move amendment 17 in the name of Gwenda Thomas. The question is that amendment 17 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 17 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 17. Galwaf am bleidlais.

*Gwelliant 17: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 17: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 17.
Amendment 17 agreed.*

[129] **Mark Isherwood:** Deputy Minister, would you like amendment 18 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 18 yn eich enw gael ei gynnig?

[130] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[131] **Mark Isherwood:** I move amendment 18 in the name of Gwenda Thomas. The question is that amendment 18 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 18 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 18. Galwaf am bleidlais.

*Gwelliant 18: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 18: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 18.
Amendment 18 agreed.*

[132] **Mark Isherwood:** Deputy Minister, would you like amendment 19 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 19 yn eich enw gael ei gynnig?

[133] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[134] **Mark Isherwood:** I move amendment 19 in the name of Gwenda Thomas. The question is that amendment 19 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 19 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 19. Galwaf am bleidlais.

*Gwelliant 19: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 19: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 19.
Amendment 19 agreed.*

[135] **Mark Isherwood:** Deputy Minister, would you like amendment 20 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 20 yn eich enw gael ei gynnig?

[136] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[137] **Mark Isherwood:** I move amendment 20 in the name of Gwenda Thomas. The question is that amendment 20 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 20 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 20. Galwaf am bleidlais.

Gwelliant 20: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 20: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 20.
Amendment 20 agreed.*

[138] **Mark Isherwood:** Mick, would you like to move amendment 70? **Mark Isherwood:** Mick, a ydych am gynnig gwelliant 70?

[139] **Mick Bates:** I move amendment 70 in my name. **Mick Bates:** Cynigiau welliant 70 yn f'enw i.

[140] **Mark Isherwood:** The question is that amendment 70 be agreed to. I call for a vote. **Mark Isherwood:** Y cwestiwn yw a ydym yn derbyn gwelliant 70. Galwaf am bleidlais.

*Gwelliant 70: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 70: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 70.
Amendment 70 agreed.*

[141] **Mark Isherwood:** Deputy Minister, would you like amendment 21 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 21 yn eich enw gael ei gynnig?

[142] **Gwenda Thomas:** Yes. **Gwenda Thomas:** Ydyf.

[143] **Mark Isherwood:** I move amendment 21 in the name of Gwenda Thomas. I advise Members that if amendment 21 is agreed to, amendment 71 will fall. The question is that amendment 21 be agreed to. I call for a vote. **Mark Isherwood:** Cynigiau welliant 21 yn enw Gwenda Thomas. Cynghoraf yr Aelodau, os derbynnir gwelliant 21, y bydd gwelliant 71 yn methu. Y cwestiwn yw a ydym yn derbyn gwelliant 21. Galwaf am bleidlais.

*Gwelliant 21: O blaid 3, Ymatal 0, Yn erbyn 2.
Amendment 21: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick

Griffiths, Lesley
Wood, Leanne

Millar, Darren

*Derbyniwyd gwelliant 21.
Amendment 21 agreed.*

[144] **Mark Isherwood:** Amendment 71 therefore falls.

Mark Isherwood: Mae gwelliant 71 yn methu felly.

*Methodd gwelliant 71.
Amendment 71 fell.*

[145] **Mark Isherwood:** Deputy Minister, would you like amendment 28 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 28 yn eich enw gael ei gynnig?

[146] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[147] **Mark Isherwood:** I move amendment 28 in the name of Gwenda Thomas. The question is that amendment 28 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 28 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 28. Galwaf am bleidlais.

*Gwelliant 28: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 28: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 28.
Amendment 28 agreed.*

[148] **Mark Isherwood:** Deputy Minister, would you like amendment 29 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 29 yn eich enw gael ei gynnig?

[149] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[150] **Mark Isherwood:** I move amendment 29 in the name of Gwenda Thomas. The question is that amendment 29 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 29 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 29. Galwaf am bleidlais.

*Gwelliant 29: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 29: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Bates, Mick
Griffiths, Lesley

Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 29.
Amendment 29 agreed.*

[151] **Mark Isherwood:** Deputy Minister, would you like amendment 30 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 30 yn eich enw gael ei gynnig?

[152] **Gwenda Thomas:** Yes.

Gwenda Thomas: Ydwyf.

[153] **Mark Isherwood:** I move amendment 30 in the name of Gwenda Thomas. The question is that amendment 30 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 30 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 30. Galwaf am bleidlais.

*Gwelliant 30: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 30: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 30.
Amendment 30 agreed.*

1.10 p.m.

**Gwybodaeth am Ffioedd (Gwelliannau 74, 72, 73, 64, 75 a 63)
Information about Charges (Amendments 74, 72, 73, 64, 75 and 63)**

[154] **Mark Isherwood:** The lead amendment in this group is amendment 74. I call on Mick Bates to move amendment 74 and to speak to the other amendments in the group.

Mark Isherwood: Y prif welliant yn y grŵp hwn yw gwelliant 74. Galwaf ar Mick Bates i gynnig gwelliant 74 ac i siarad am y gwelliannau eraill yn y grŵp.

[155] **Mick Bates:** I move amendment 74 in my name.

Mick Bates: Cynigiau welliant 74 yn f'enw i.

[156] These amendments relate to the way in which service users receive information about the cost to them of the services that they receive. It is absolutely essential that people in receipt of the services that would be affected by this proposed Measure and, indeed, services more generally, should be entitled to have that information in formats that are accessible and easily available.

Mae a wnelo'r gwelliannau hyn â'r ffordd y mae defnyddwyr gwasanaethau yn cael gwybodaeth am gost y gwasanaethau a gânt iddynt hwy. Mae'n gwbl hanfodol fod gan y bobl sy'n derbyn y gwasanaethau y byddai'r Mesur arfaethedig hwn yn effeithio arnynt ac, yn wir, wasanaethau yn fwy cyffredinol, hawl i gael y wybodaeth honno mewn fformatau hygyrch, sydd ar gael yn hawdd.

[157] My amendments and amendment 64

Mae fy ngwelliannau i a gwelliant 64 gan

from Darren Millar place the requirement to have the information in an accessible format on the face of the proposed Measure. This reflects the recommendation of the Stage 1 committee report and will ensure that people receiving care who have a higher rate of disability than the population at large understand exactly what they are entitled to, which is vital in order to ensure that the system is fair.

[158] These need to be embedded on the face of the proposed Measure to ensure that this information is available from day one of the proposed Measure being enacted. However, it is not intended to limit how the information should be presented, but to provide a basis for social care providers to ensure that this information is accessible to all.

[159] I support Darren Millar's amendment, amendment 64, which will ensure that this information is made available to service users in advance of the charges being made and reflecting the concerns raised by some bodies in the evidence gathering at Stage 1.

[160] **Mark Isherwood:** Thank you. Do any other Members wish to speak?

[161] **Darren Millar:** Amendment 64, in a similar fashion to the amendments in this group tabled by Mick Bates, deals with the clarity of the information provided to service users. Amendment 63, in contrast, seeks to ensure that service users are not levied with charges that are backdated as a result of a late financial assessment. A number of stakeholders, such as the National Autistic Society Cymru and the Domiciliary Care Association Wales have expressed concern about the retrospective levying of charges where service users very often have to wait for a number of weeks and are in receipt of what can be comprehensive service packages at significant cost to them. They can suddenly find themselves faced with a large bill following financial assessment. Amendment 63 is an attempt to deal with that, so that no charges can be backdated unreasonably, with service users having to face large bills. It was an issue on which there was consensus and unanimous support at Stage 1. I trust,

Darren Millar yn rhoi'r gofyniad i gael y wybodaeth mewn ffurf hygyrch ar wyneb y Mesur arfaethedig. Mae hyn yn adlewyrchu argymhelliaid yr adroddiad pwyllgor Cyfnod 1 a bydd yn sicrhau bod pobl sy'n cael gofal, sydd â chyfran uwch o anabledd na'r boblogaeth yn gyffredinol, yn deall beth yn union y mae ganddynt hawl iddo, sy'n hanfodol i sicrhau bod y system yn deg.

Mae angen sefydlu'r rhain ar wyneb y Mesur arfaethedig i sicrhau bod y wybodaeth hon ar gael o'r diwrnod cyntaf ar ôl i'r Mesur arfaethedig ddod yn ddeddf. Fodd bynnag, nid yw wedi'i fwriadu i gyfyngu ar faint o wybodaeth y dylid ei chyflwyno, ond i ddarparu sylfaen i ddarparwyr gofal cymdeithasol i sicrhau bod y wybodaeth hon yn hygyrch i bawb.

Cefnogaf welliant Darren Millar, gwelliant 64, a fydd yn sicrhau bod y wybodaeth hon yn cael ei darparu i ddefnyddwyr gwasanaethau cyn i'r ffioedd gael eu codi. Mae'n adlewyrchu'r pryderon a godwyd gan rai cyrff tra oedd tystiolaeth yn cael ei chasglu yng Nghyfnod 1.

Mark Isherwood: Diolch. A oes Aelodau eraill am siarad?

Darren Millar: Mae gwelliant 64, yn debyg i'r gwelliannau yn y grŵp hwn a gyflwynwyd gan Mick Bates, yn delio ag eglurder y wybodaeth sy'n cael ei darparu i ddefnyddwyr gwasanaethau. Mae gwelliant 63, mewn cyferbyniad, yn ceisio sicrhau nad oes ffioedd wedi'u hôl-ddyddio yn cael eu codi ar ddefnyddwyr gwasanaethau o ganlyniad i asesiad ariannol hwyr. Mae nifer o randdeiliaid, fel Cymdeithas Genedlaethol Awtistiaeth Cymru a Chymdeithas Sefydliadau Gofal Cartref Cymru, wedi mynegi pryder ynglŷn â chodi taliadau yn ôl-weithredol lle mae defnyddwyr gwasanaethau yn aml iawn yn gorfod disgwyl nifer o wythnosau ac yn cael yr hyn sy'n gallu bod yn becynnau gwasanaeth cynhwysfawr am gost sylweddol iddynt. Gallant ganfod eu hunain yn sydyn yn wynebu bil mawr yn dilyn asesiad ariannol. Ymgais yw gwelliant 63 i ddelio â hynny, fel na cheir ôl-ddyddio unrhyw ffioedd yn afresymol, gyda defnyddwyr gwasanaethau'n gorfod wynebu

therefore, that all Members of the committee will support it.

[162] **Mark Isherwood:** Thank you. I call on the Deputy Minister.

[163] **Gwenda Thomas:** While I appreciate the need to ensure that arrangements for the provision of information in relation to charging are adequate, I do not believe that these amendments are appropriate or necessary. Sections 5(1) to 5(3) place a clear duty on local authorities to provide service users and prospective service users with general information about the authority's charging policy. The provisions require local authorities to provide this information in a range of accessible formats, including in writing.

[164] Amendment 74 requires the information to be provided in plain language. Amendments 72 and 73 require the information to be provided in person and in easy to read formats. I am sure that all public bodies appreciate the importance of providing clear and accurate information, but I do not think that this amendment is the best way of addressing this. In this context, I do not believe that the additional words clarify or strengthen the nature of the duty to provide accessible information. The existing provision already provides that information must be provided in writing and in a range of accessible formats.

[165] Likewise, with regard to amendments 64 and 75, I do not believe that these add to or strengthen the existing provision, and I believe, therefore, that they are unnecessary. Section 5(4) places a clear duty on local authorities to provide service users with specific information in writing, and in any other accessible format that that person may reasonably request. Thus where a service user reasonably requests information to be provided in a specific format, local authorities will be under an obligation to provide the information in that format. In other words, local authorities will need to look at the requirements of each individual

biliau mawr. Roedd yn fater yr oedd consensws arno a chefnogaeth unfrydol yng Nghyfnod 1. Hyderaf, felly, y gwnaiff holl Aelodau'r pwyllgor yn ei gefnogi.

Mark Isherwood: Diolch. Galwaf ar y Dirprwy Weinidog.

Gwenda Thomas: Er fy mod yn gwerthfawrogi'r angen i sicrhau bod y trefniadau i ddarparu gwybodaeth mewn perthynas â chodi ffioedd yn ddigonol, ni chredaf fod y gwelliannau hyn yn briodol nac yn angenrheidiol. Mae adrannau 5(1) i 5(3) yn rhoi dyletswydd glir ar awdurdodau lleol i ddarparu gwybodaeth gyffredinol i ddefnyddwyr gwasanaethau a darpar ddefnyddwyr gwasanaethau ynglŷn â pholisi codi ffioedd yr awdurdod. Mae'r darpariaethau'n ei gwneud yn ofynnol i'r awdurdodau lleol ddarparu'r wybodaeth hon mewn amryw o fformatau hygyrch, yn cynnwys yn ysgrifenedig.

Mae gwelliant 74 yn ei gwneud yn ofynnol darparu'r wybodaeth mewn iaith glir. Mae gwelliannau 72 a 73 yn ei gwneud yn ofynnol darparu'r wybodaeth yn bersonol ac mewn fformatau hawdd eu darllen. Yr wyf yn siŵr fod pob corff cyhoeddus yn gwerthfawrogi pwysigrwydd darparu gwybodaeth glir a chywir, ond ni chredaf mai'r gwelliant hwn yw'r ffordd orau o fynd i'r afael â hyn. Yn y cyd-destun hwn, ni chredaf fod y geiriau ychwanegol yn egluro nac yn cryfhau natur y ddyletswydd i ddarparu gwybodaeth hygyrch. Yn ôl y ddarpariaeth bresennol mae eisoes yn ofynnol darparu gwybodaeth yn ysgrifenedig ac mewn amryw o fformatau hygyrch.

Yn yr un modd, o ran gwelliannau 64 a 75, ni chredaf fod y rhain yn ychwanegu at y ddarpariaeth bresennol nac yn ei chryfhau, a chredaf, felly, eu bod yn ddianghenraid. Mae adran 5(4) yn rhoi dyletswydd glir ar awdurdodau lleol i ddarparu gwybodaeth benodol i ddefnyddwyr gwasanaethau yn ysgrifenedig, ac mewn unrhyw fformat hygyrch arall y gallai'r person hwnnw ofyn amdano'n rhesymol. Felly, lle mae'r defnyddiwr gwasanaethau yn rhesymol yn gofyn am i wybodaeth gael ei darparu mewn fformat penodol, bydd awdurdodau lleol o dan ddyletswydd i ddarparu'r wybodaeth yn y fformat hwnnw. Mewn geiriau eraill, bydd

person and the needs of that person in the way that the information would best be relayed to them. I accept the need to ensure that service users are provided with information about their charges in a format that is accessible to them, but I believe that the existing provision ensures that and that the proposed amendment is not necessary.

[166] In relation to amendment 63, in certain cases it will be necessary for a local authority to start to provide services before the charge for these has been calculated, particularly where services are required urgently before a means assessment can be carried out. I am sure that, like me, Members have seen such situations arise in their roles as AMs. One such situation was where a person with profound disabilities was cared for at home, without the use of non-residential services. The incident sticks in my mind because the carer concerned was taken out of that situation following a heart attack. I do believe that that would be an example of an urgent situation and that services would need to be put in place on that day. That is an example of what I mean by 'urgent situations arising'. In such cases and where, following a means assessment, it is decided that a person should pay towards their care, I do not agree that this payment should be limited to future services. I believe that I am dealing with two issues there: the urgency with which services are made available, and linking that to the needs for a means test and to provide information.

[167] We must remember that in order to undertake a means assessment, full financial information must be obtained and assessed, and the speed of the assessment process will depend on both the local authority and the service user acting in a timely manner. I accept that this is important and that it is important to avoid undue delay between service delivery and the notification of a proposed charge. I agree that the means test should be undertaken as quickly as possible. That is why I have brought forward Government amendments to section 4, to include in the proposed Measure more detailed provisions about the means assessment process. These provisions include

angen i awdurdodau lleol edrych ar ofynion pob person unigol ac anghenion y person hwnnw o ran y ffordd orau o gyfleu'r wybodaeth iddynt. Yr wyf yn derbyn yr angen i sicrhau bod gwybodaeth am eu ffioedd yn cael ei rhoi i ddefnyddwyr gwasanaethau mewn fformat sy'n hygyrch iddynt hwy, ond credaf fod y ddarpariaeth bresennol yn sicrhau hynny ac nad yw'r gwelliant arfaethedig yn angenrheidiol.

O ran gwelliant 63, mewn rhai achosion bydd rhaid i awdurdod lleol ddechrau darparu gwasanaethau cyn i'r ffi am y rhain gael ei chyfrifo, yn enwedig lle mae angen gwasanaethau ar frys cyn y bydd modd cynnal asesiad modd. Yr wyf yn siŵr y bydd yr Aelodau, fel minnau, wedi gweld sefyllfaoedd o'r fath yn codi yn eu rôl fel AC. Un sefyllfa o'r fath oedd lle'r oedd person ag anableddau dwys yn cael gofal gartref, heb ddefnyddio gwasanaethau dibreswyl. Mae'r digwyddiad yn aros yn fy nghof oherwydd i'r gofalwr gael ei dynnu o'r sefyllfa honno yn dilyn trawiad ar y galon. Credaf fod hynny'n esiampl o sefyllfa frys ac y byddai angen sefydlu gwasanaethau y diwrnod hwnnw. Mae hyn yn enghraifft o'r hyn a olygaf gan 'sefyllfaoedd brys yn codi'. Mewn achosion felly a lle penderfynir, yn dilyn asesiad modd, y dylai person dalu tuag at ei ofal, nid wyf yn cytuno y dylai'r taliad hwn gael ei gyfyngu i wasanaethau yn y dyfodol. Credaf fy mod yn delio â dau fater yma: ar faint o frys y darperir gwasanaethau, a chysylltu hynny â'r angen am brawf modd ac â darparu gwybodaeth.

Er mwyn cynnal asesiad modd, rhaid inni gofio bod rhaid cael gafael ar wybodaeth ariannol lawn a'i hasesu, a bydd cyflymder y broses asesu yn ddibynnol ar i'r awdurdod lleol a'r defnyddiwr gwasanaethau weithredu'n brydlon. Yr wyf yn derbyn bod hyn yn bwysig a'i bod yn bwysig osgoi oedi gormodol rhwng cyflenwi gwasanaethau a rhoi gwybod am ffi arfaethedig. Cytunaf y dylid ymgymryd â'r prawf modd cyn gyflymed â phosibl. Dyna pam yr wyf wedi cyflwyno gwelliannau Llywodraeth i adran 4, i gynnwys yn y Mesur arfaethedig ddarpariaethau mwy manwl ynglŷn â'r broses asesu modd. Mae'r darpariaethau hyn yn cynnwys dyletswydd ar awdurdodau lleol i

an obligation on local authorities to issue an invite to request a means assessment in a timely manner and to undertake a means assessment in accordance with such regulations as may be made under the proposed Measure.

[168] In answer to your question, Darren, about the rights of the service user to know what the charges will be before the service is put in place, the proposed new sections—these are new to section 4, and I think that, because of committee scrutiny, they are an improvement—also make provision concerning the date from which a determination of a charge shall have effect. The current position, whereby local authorities are able to decide the date from which determination shall have effect, will continue. However, Welsh Ministers will be able to make regulations under the proposed Measure to remove this discretion and specify the date from which a determination shall have effect. This is so as to address the concerns that have been raised about instances of service users being charged for services before they have been informed of the outcome of their means assessment. This amendment will give us the power to address that issue as necessary.

1.20 p.m.

[169] **Mick Bates:** I welcome the Deputy Minister's knowledge of the subject and the need for extra information to be provided. The critical point from the evidence that we received at Stage 1 was that the vulnerability of most people means that there needs to be a recognition that the best way for information to be imparted is in person. There were deep concerns in Stage 1 about the whole process and the receipt of information in respect of charging. We feel that these amendments on the face of the proposed Measure would address that. I hear what the Deputy Minister is saying about some aspects of this, but these amendments have the power to give confidence to people that their rights are on the face of the proposed Measure, so that they will always be able to have that information from a person. The circumstances that we heard about mean that it is often not sufficient to send the

roi gwahoddiad i ofyn am asesiad modd yn brydlon ac i ymgymryd ag asesiad modd yn unol â'r cyfryw reoliadau ag a wneir o dan y Mesur arfaethedig.

Mewn ateb i'ch cwestiwn, Darren, ynglŷn â hawliau'r defnyddiwr gwasanaethau i wybod beth fydd y ffioedd cyn i'r gwasanaeth gael ei roi ar waith, mae'r adrannau newydd arfaethedig—mae'r rhain yn newydd i adran 4, a chredaf, oherwydd y craffu gan y pwyllgor, eu bod yn welliant—hefyd yn gwneud darpariaeth ynglŷn ag o ba ddyddiad y bydd penderfyniad ynglŷn â ffioedd yn dod i rym. Bydd y sefyllfa sy'n bodoli ar hyn o bryd, lle gall awdurdodau lleol benderfynu o ba ddyddiad y daw penderfyniad i rym, yn parhau. Fodd bynnag, gall Gweinidogion Cymru wneud rheoliadau o dan y Mesur arfaethedig i gael gwared â'r disgresiwn hwn ac i bennu ar ba ddyddiad y bydd penderfyniad yn dod i rym. Mae hyn er mwyn rhoi sylw i'r pryderon a godwyd ynglŷn ag achosion lle mae ffioedd wedi cael eu codi ar ddefnyddwyr gwasanaethau cyn iddynt gael eu hysbysu o ganlyniad eu hasesiad modd. Bydd y gwelliant hwn yn rhoi'r pŵer inni i roi sylw i'r mater hwnnw fel sy'n angenrheidiol.

Mick Bates: Croesawaf wybodaeth y Dirprwy Weinidog o'r pwnc a'r angen am i wybodaeth ychwanegol gael ei darparu. Y pwynt tyngedfennol o'r dystiolaeth a gawsom yng Nghyfnod 1 oedd fod breguster y rhan fwyaf o bobl yn golygu bod angen cydnabod mai'r ffordd orau o ddarparu gwybodaeth yw yn bersonol. Yr oedd pryderon dwfn iawn yng Nghyfnod 1 ynglŷn â'r holl broses ac am gael gwybodaeth ynglŷn â chodi ffioedd. Teimlwn y byddai'r gwelliannau hyn ar wyneb y Mesur arfaethedig yn ymdrin â hynny. Clywaf yr hyn y mae'r Dirprwy Weinidog yn ei ddweud am rai agweddau o hyn, ond mae gan y gwelliannau hyn y grym i roi ffydd i bobl fod eu hawliau ar wyneb y Mesur arfaethedig, fel y byddant bob amser yn gallu cael y wybodaeth honno gan berson. Mae'r amgylchiadau y clywsom amdanynt yn golygu nad yw yn aml yn ddigon anfon y wybodaeth. Yr wyf yn deall yr hyn a

information. I understand what you said about an urgent case, Deputy Minister—you gave an example from your experience about a carer having a heart attack—but, as far as we can see, these particular amendments would not delay any necessary re-provision of services to the individual concerned. We feel that the evidence gathered and Members' support for this concept at Stage 1 makes these amendments essential to cover the rights of service users. You previously made reference, Deputy Minister, to the rights of service users, particularly under equality laws. We feel that those rights would be enhanced by these particular amendments.

[170] Therefore, I wish to proceed to a vote on amendment 74.

[171] **Mark Isherwood:** The question is that amendment 74 be agreed to. I call for a vote.

ddywedasocho am achos brys, Ddirprwy Weinidog—rhoddasocho enghraifft o'ch profiad chi am ofalwr yn cael trawiad ar y galon—ond, cyn belled ag y gallwn weld, ni fyddai'r gwelliannau neilltuol hyn yn achosi oedi o ran aildrefnu angenrheidiol ar wasanaethau ar gyfer yr unigolyn dan sylw. Teimlwn fod y dystiolaeth a gasglwyd a chefnogaeth yr Aelodau i'r cysyniad hwn yng Nghyfnod 1 yn gwneud y gwelliannau hyn yn hanfodol i gwmpasu hawliau defnyddwyr gwasanaethau. Cyfeiriasoch cyn hyn, Ddirprwy Weinidog, at hawliau defnyddwyr gwasanaethau, yn enwedig o dan ddeddfau cydraddoldeb. Teimlwn y câi'r hawliau hynny eu gwella gan y gwelliannau neilltuol hyn.

Felly, hoffwn symud i bleidlais ar welliant 74.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 74. Galwaf am bleidlais.

*Gwelliant 74: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 74: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 74.
Amendment 74 not agreed.*

[172] **Mark Isherwood:** At this point, I call a five minute break for Members before we move to the final session. We have two remaining groups of amendments to debate, and we then have to vote on all remaining amendments. Could we please be back in our seats by 1.30 p.m.? Thank you.

Mark Isherwood: Yn y fan hon, galwaf am egwyl o bum munud i'r Aelodau cyn inni symud i'r sesiwn terfynol. Mae gennym ddau grŵp o welliannau ar ôl i'w trafod, yna rhaid inni bleidleisio ar yr holl welliannau sy'n weddill. A wnewch chi'n siŵr ein bod yn ôl yn ein seddau erbyn 1.30 p.m.? Diolch.

*Gohiriwyd y cyfarfod rhwng 1.23 p.m. ac 1.30 p.m.
The meeting adjourned between 1.23 p.m. and 1.30 p.m.*

[173] **Mark Isherwood:** We return into formal session for the second and final part of today's committee proceedings. In accordance with the marshalled list, we now proceed to dispose of amendments 72, 73, 31, 32, 33, 64, 75, 34, 35, 36, 37, 63 and 38. I invite Mick to move amendment 72.

Mark Isherwood: Dychwelwn i sesiwn ffurfiol ar gyfer ail ran a rhan derfynol trafodion y pwyllgor heddiw. Yn unol â'r rhestr wedi'i didoli, awn ati yn awr i waredu gwelliannau 72, 73, 31, 32, 33, 64, 75, 34, 35, 36, 37, 63 a 38. Gwahoddaf Mick i gynnig gwelliant 72.

- [174] **Mick Bates:** I move amendment 72 in my name. **Mick Bates:** Cynigiaf welliant 72 yn f'enw i.
- [175] **Mark Isherwood:** The question is that amendment 72 be agreed to. I call for a vote and ask you to raise your hands if you support amendment 72— **Mark Isherwood:** Y cwestiwn yw a ydym yn derbyn gwelliant 72. Galwaf am bleidlais a gofynnaf ichi godi'ch dwylo os ydych yn cefnogi gwelliant 72—
- [176] **Alun Davies:** On a point of order, Chair, before you call this vote, should we not wait until all the committee members have returned? You asked for a break, and not all the committee members have returned. **Alun Davies:** Ar bwynt o drefn, Gadeirydd, cyn ichi alw'r bleidlais hon, oni ddylem ddisgwyl nes bydd aelodau'r pwyllgor i gyd wedi dychwelyd? Gofynasoch am egwyl, ac nid yw holl aelodau'r pwyllgor wedi dychwelyd.
- [177] **Mick Bates:** I understand what my colleague is saying, Chair, but you said that the committee meeting would resume at 1.30 p.m. I watched the clock, and you resumed the committee meeting at 1.30 p.m. **Mick Bates:** Yr wyf yn deall yr hyn y mae fy nghyd-Aelod yn ei ddweud, Gadeirydd, ond dywedasoch y byddai cyfarfod y pwyllgor yn ailgychwyn am 1.30 p.m. Gwyliais y cloc, ac ailddechreusoch gyfarfod y pwyllgor am 1.30 p.m.
- [178] **Mark Isherwood:** That is my understanding; we are quorate. Had Members asked me to send out a call for Members prior to that, we could have done so. I am in accordance with the rules. We move to vote on amendment 72. **Mark Isherwood:** Dyna fy nealltwriaeth i; mae gennym gworwm. Pe bai'r Aelodau wedi gofyn imi anfon galwad allan am Aelodau cyn hynny, gallasem fod wedi gwneud hynny. Yr wyf yn unol â'r rheolau. Symudwn i bleidlais ar welliant 72.
- [179] **Alun Davies:** Before we do that, Chair, may I ask a question? I understand that it is up to you as Chair to ensure that Standing Orders are abided by, but I must say that it is difficult for us as members of the committee if we are forced to take a vote when some of the committee members are not in a position to register their vote here. **Alun Davies:** Cyn inni wneud hynny, Gadeirydd, a gaf fi ofyn cwestiwn? Yr wyf yn deall mai'ch cyfrifoldeb chi fel Cadeirydd yw sicrhau ein bod yn cadw at y Rheolau Sefydlog, ond rhaid imi ddweud ei bod yn anodd i ni fel aelodau o'r pwyllgor os cawn ein gorfodi i bleidleisio tra nad yw rhai o aelodau'r pwyllgor mewn sefyllfa i gofrestru eu pleidlais yma.
- [180] **Mick Bates:** Is this filibustering? **Mick Bates:** Ai ffilibystro yw hyn?
- [181] **Darren Millar:** I congratulate Alun Davies on his noble efforts, Chair. **Darren Millar:** Llongyfarchaf Alun Davies ar ei ymdrechion glew, Gadeirydd.
- [182] **Mark Isherwood:** Never have I seen the words 'filly' and 'buster' linked together so well. [*Laughter.*] **Mark Isherwood:** Nid wyf erioed wedi gweld y geiriau 'ffili' a 'bystro' yn cael eu cydgysylltu cystal. [*Chwerthin.*]
- [183] The question is that amendment 72 be agreed to. I call for a vote. Y cwestiwn yw a ydym yn derbyn gwelliant 72. Galwaf am bleidlais.

*Gwelliant 72: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 72: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

Gwrthodwyd gwelliant 72.
Amendment 72 not agreed.

[184] **Mark Isherwood:** Mick, do you wish to move amendment 73?

Mark Isherwood: Mick, a ydych am gynnig gwelliant 73?

[185] **Mick Bates:** I move amendment 73 in my name.

Mick Bates: Cynigiau welliant 73 yn f'enw i.

[186] **Mark Isherwood:** The question is that amendment 73 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 73. Galwaf am bleidlais.

Gwelliant 73: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 73: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

Gwrthodwyd gwelliant 73.
Amendment 73 not agreed.

[187] **Mark Isherwood:** Deputy Minister, would you like amendment 31 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 31 yn eich enw gael ei gynnig?

[188] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[189] **Mark Isherwood:** I therefore move amendment 31 in the name of Gwenda Thomas. The question is that amendment 31 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 31 yn enw Gwenda Thomas felly. Y cwestiwn yw a ydym yn derbyn gwelliant 31 yn enw Gwenda Thomas. Galwaf am bleidlais.

Gwelliant 31: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 31: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

Derbyniwyd gwelliant 31.
Amendment 31 agreed.

[190] **Mark Isherwood:** Deputy Minister, would you like amendment 32 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 32 yn eich enw gael ei gynnig?

[191] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[192] **Mark Isherwood:** I therefore move amendment 32 in the name of Gwenda Thomas. The question is that amendment 32 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 32 yn enw Gwenda Thomas felly. Y cwestiwn yw a ydym yn derbyn gwelliant 32 yn enw Gwenda Thomas. Galwaf am bleidlais.

*Gwelliant 32: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 32: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 32.
Amendment 32 agreed.*

[193] **Mark Isherwood:** Deputy Minister, would you like amendment 33 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 33 yn eich enw gael ei gynnig?

[194] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[195] **Mark Isherwood:** I therefore move amendment 33 in the name of Gwenda Thomas. The question is that amendment 33 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 33 yn enw Gwenda Thomas felly. Y cwestiwn yw a ydym yn derbyn gwelliant 33 yn enw Gwenda Thomas. Galwaf am bleidlais.

*Gwelliant 33: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 33: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 33.
Amendment 33 agreed.*

[196] **Mark Isherwood:** Darren, would you like to move amendment 64?

Mark Isherwood: Darren, a ydych am gynnig gwelliant 64?

[197] **Darren Millar:** I move amendment 64 in my name. **Darren Millar:** Cynigiau welliant 64 yn f'enyw i.

[198] **Mark Isherwood:** The question is that amendment 64 be agreed to. I call for a vote. **Mark Isherwood:** Y cwestiwn yw a ydym yn derbyn gwelliant 64. Galwaf am bleidlais.

*Gwelliant 64: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 64: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 64.
Amendment 64 not agreed.*

[199] **Mark Isherwood:** Mick, would you like to move amendment 75? **Mark Isherwood:** Mick, a ydych am gynnig gwelliant 75?

[200] **Mick Bates:** I move amendment 75 in my name. **Mick Bates:** Cynigiau welliant 75 yn f'enyw i.

[201] **Mark Isherwood:** The question is that amendment 75 be agreed to. I call for a vote. **Mark Isherwood:** Y cwestiwn yw a ydym yn derbyn gwelliant 75. Galwaf am bleidlais.

*Gwelliant 75: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 75: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 75.
Amendment 75 not agreed.*

[202] **Mark Isherwood:** Deputy Minister, would you like amendment 34 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 34 yn eich enw gael ei gynnig?

[203] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[204] **Mark Isherwood:** I therefore move amendment 34 in the name of Gwenda Thomas. The question is that amendment 34 be agreed to. I call for a vote. **Mark Isherwood:** Cynigiau welliant 34 yn enw Gwenda Thomas felly. Y cwestiwn yw a ydym yn derbyn gwelliant 34. Galwaf am bleidlais.

*Gwelliant 34: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 34: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 34.
Amendment 34 agreed.*

[205] **Mark Isherwood:** Deputy Minister, would you like amendment 35 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 35 yn eich enw gael ei gynnig?

[206] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[207] **Mark Isherwood:** I therefore move amendment 35 in the name of Gwenda Thomas. The question is that amendment 35 be agreed to. I call for a vote.

Mark Isherwood: Cynigïaf welliant 35 yn enw Gwenda Thomas felly. Y cwestiwn yw a ydym yn derbyn gwelliant 35. Galwaf am bleidlais.

*Gwelliant 35: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 35: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 35.
Amendment 35 agreed.*

[208] **Mark Isherwood:** Deputy Minister, would you like amendment 36 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 36 yn eich enw gael ei gynnig?

[209] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[210] **Mark Isherwood:** I therefore move amendment 36 in the name of Gwenda Thomas. The question is that amendment 36 be agreed to. I call for a vote.

Mark Isherwood: Cynigïaf welliant 36 yn enw Gwenda Thomas felly. Y cwestiwn yw a ydym yn derbyn gwelliant 36. Galwaf am bleidlais.

*Gwelliant 36: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 36: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick

Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 36.
Amendment 36 agreed.*

[211] **Mark Isherwood:** Deputy Minister, would you like amendment 37 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 37 yn eich enw gael ei gynnig?

[212] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[213] **Mark Isherwood:** I therefore move amendment 37 in the name of Gwenda Thomas. The question is that amendment 37 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 37 yn enw Gwenda Thomas felly. Y cwestiwn yw a ydym yn derbyn gwelliant 37. Galwaf am bleidlais.

*Gwelliant 37: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 37: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 37.
Amendment 37 agreed.*

[214] **Mark Isherwood:** Darren, would you like to move amendment 63?

Mark Isherwood: Darren, a ydych am gynnig gwelliant 63?

[215] **Darren Millar:** I move amendment 63 in my name.

Darren Millar: Cynigiaf welliant 63 yn f'enw i.

[216] **Mark Isherwood:** The question is that amendment 63 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 63. Galwaf am bleidlais.

*Gwelliant 63: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 63: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 63.
Amendment 63 not agreed.*

[217] **Mark Isherwood:** Deputy Minister, would you like amendment 38 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 38 yn eich enw gael ei gynnig?

[218] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[219] **Mark Isherwood:** I move amendment 38 in the name of Gwenda Thomas. The question is that amendment 38 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 38 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 38. Galwaf am bleidlais.

*Gwelliant 38: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 38: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 38.
Amendment 38 agreed.*

1.35 p.m.

**Adolygu Penderfyniadau ar Godi Ffioedd (Gwelliannau 39, 65, 40, 66, 41, 68 a 76)
Review of Charging Decisions (Amendments 39, 65, 40, 66, 41, 68 and 76)**

[220] **Mark Isherwood:** The lead amendment in this group is amendment 39. Deputy Minister, would you like amendment 39 in your name to be moved?

Mark Isherwood: Y prif welliant yn y grŵp hwn yw gwelliant 39. Ddirprwy Weinidog, a ydych am i welliant 39 yn eich enw gael ei gynnig?

[221] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[222] **Mark Isherwood:** I move amendment 39 in the name of Gwenda Thomas. I call on the Deputy Minister to speak to amendment 39 and the other amendments in the group.

Mark Isherwood: Cynigiaf welliant 39 yn enw Gwenda Thomas. Galwaf ar y Dirprwy Weinidog i siarad am welliant 39 a'r gwelliannau eraill yn y grŵp.

[223] **Gwenda Thomas:** The proposed amendment 39 is primarily a drafting improvement. It makes it clear that section 6 regulations concerning reviews may include provisions conferring a right on an individual to request a review where that individual should have been provided with a section 5(4) statement, whether or not such a statement was in fact provided. It also corrects the reference to the section under

Gwenda Thomas: Gwelliant drafftio yw gwelliant 39 yn bennaf. Mae'n ei gwneud yn glir y gall rheoliadau adran 6 ynglŷn ag adolygiadau gynnwys darpariaethau sy'n rhoi hawl i unigolyn i ofyn am adolygiad lle dylai'r unigolyn hwnnw fod wedi cael datganiad adran 5(4), pa un a ddarparwyd datganiad o'r fath ai peidio mewn gwirionedd. Mae hefyd yn cywiro'r cyfeiriad at yr adran y deillia'r ddyletswydd i ddarparu

which the duty to provide a statement arises. datganiad ohoni.

[224] The proposed amendment 40 is a drafting improvement consequential upon amendment 39. Once again, it makes it clear that a right to request a review may be conferred on any individual to whom a statement of information on their charges should have been provided under section 5(4). That ensures that the non receipt of such a statement would not preclude a request for a review of a charging decision or an obligation to undertake a review.

[225] The proposed amendment 41 responds to one of the committee's Stage 1 recommendations by extending the provision that may be made under section 6(1) in relation to a review of charging decisions. It provides that regulations under section 6 may make provision as to who may request a review of a charging decision on behalf of another person.

[226] Turning now to the amendments tabled by Members. I would like to assure you that I support the principle behind amendments 65 and 66. I agree that regulations should allow decisions about charging to be subject to review, whether requests for a review is made by the service user or by another person acting on the service user's behalf. I have, therefore, brought forward Government amendment 41, which, as I have explained, provides that regulations under section 6 may make provision as to who may request a review on behalf of another person. Consequently, I do not believe that amendment 65 and the linked amendments 66 and 68 are necessary.

[227] As regards amendment 76, I do not believe that such an appeal procedure is necessary or advisable given the provision already made in this proposed Measure for the review of decisions and the existence of the local authority statutory complaints procedure. Section 6 of the proposed Measure is intended to allow for the establishment of a review process that would be common to all authorities and would be quick, easy to understand and accessible to all service users. This will allow for queries—for example, on how a charge has

Gwelliant drafftio yn dilyn o welliant 39 yw gwelliant arfaethedig 40. Eto, mae'n ei gwneud yn glir y gellir rhoi hawl i ofyn am adolygiad i unrhyw unigolyn y dylai datganiad gwybodaeth ynglŷn â'i ffioedd fod wedi cael ei ddarparu iddo o dan adran 5(4). Mae hynny'n sicrhau nad yw'r ffaith na dderbyniwyd datganiad o'r fath yn atal cais am adolygu penderfyniad codi ffioedd na dyletswydd i ymgymryd ag adolygiad.

Mae gwelliant arfaethedig 41 yn ymateb i un o argymhellion Cyfnod 1 y pwyllgor drwy ymestyn y ddarpariaeth y gellir ei gwneud o dan adran 6(1) mewn perthynas ag adolygu penderfyniadau codi ffioedd. Mae'n darparu y gall rheoliadau o dan adran 6 ddarparu ynglŷn â phwy a gaiff wneud cais am adolygu penderfyniad codi ffioedd ar ran person arall.

Trof yn awr at y gwelliannau a gyflwynwyd gan Aelodau. Hoffwn eich sicrhau fy mod yn cefnogi'r egwyddor wrth wraidd gwelliannau 65 a 66. Cytunaf y dylai rheoliadau ganiatáu i benderfyniadau codi ffioedd fod yn ddarostyngedig i adolygiad, pa un a wneir cais am adolygiad gan y defnyddiwr gwasanaethau neu gan berson arall sy'n gweithredu ar ran y defnyddiwr gwasanaethau. Yr wyf, felly, wedi dod â gwelliant 41 y Llywodraeth gerbron, sydd, fel yr wyf wedi egluro, yn darparu y caiff rheoliadau a wneir o dan adran 6 ddarparu ynglŷn â phwy a gaiff wneud cais am adolygiad ar ran person arall. O ganlyniad, ni chredaf fod gwelliant 65 a gwelliannau cysylltiedig 66 a 68 yn angenrheidiol.

O ran gwelliant 76, ni chredaf fod trefn apêl o'r fath yn angenrheidiol nac yn fuddiol o ystyried y ddarpariaeth sydd eisoes wedi cael ei gwneud yn y Mesur hwn ynglŷn ag adolygu penderfyniadau a bodolaeth trefn gwyno statudol yr awdurdodau lleol. Bwriedir adran 6 o'r Mesur arfaethedig i ganiatáu sefydlu proses adolygu a fyddai'n gyffredin i'r holl awdurdodau ac a fyddai'n gyflym, yn hawdd ei deall ac yn hygyrch i bob defnyddiwr gwasanaethau. Bydd hyn yn caniatáu ar gyfer delio ag ymholiadau—er enghraifft, ynglŷn â sut y cafodd ffi ei

been calculated or on the matters taken into account as part of the means assessment—to be dealt with in a timely and effective manner.

[228] If, having accessed this review process, a service user remains dissatisfied by their charge, they would still be able to access the authority's social services complaints procedure. This statutory procedure provides for the consideration of complaints about how a local authority discharges its social services function, which will include the discharge of local authority functions under this proposed Measure.

[229] The review mechanism to be introduced under this proposed Measure will exist separately to, and will complement, the existing social services complaints procedure. It will not replace the statutory complaints procedure. I believe that the review provisions of this proposed Measure and the current statutory complaints procedure will provide an effective and comprehensive system for dealing with any concerns that service users may have and, accordingly, I do not believe that amendment 76 is necessary. I am also concerned that such provision could result in a system that contains unnecessary duplication and that creates confusion for service users.

1.40 p.m.

[230] **Mark Isherwood:** Do Members wish to speak to group 7?

[231] **Darren Millar:** I will speak to amendments 65 and 66 in my name and to amendments 68 and 76 in the name of Mick Bates.

[232] I take on board the Deputy Minister's support for the principles behind amendments 65 and 66, and I welcome it. I also welcome the attempt by the Government's amendment 41 to deal specifically with the issue that we have raised in bringing forward these amendments, which simply seek to ensure that individuals are not only in receipt of services, but that their advocate, carer or other representative can also ensure that a review is undertaken should they be

chyfrifo neu ba faterion a gymerwyd i ystyriaeth fel rhan o'r asesiad modd—mewn ffordd amserol ac effeithiol.

Os bydd defnyddiwr gwasanaethau, ar ôl manteisio ar y broses adolygu hon, yn dal yn anfodlon â'i ffi, byddai'n dal i allu manteisio ar drefn gwyno gwasanaethau cymdeithasol yr awdurdod. Mae'r drefn statudol hon yn darparu ar gyfer ystyried cwynion ynglŷn â sut mae awdurdod lleol yn cyflawni'i swyddogaeth gwasanaethau cymdeithasol, a fydd yn cynnwys cyflawni swyddogaethau'r awdurdod lleol o dan y Mesur arfaethedig hwn.

Bydd y mecanwaith adolygu sydd i gael ei gyflwyno o dan y Mesur arfaethedig hwn yn bodoli ar wahân i drefn gwyno bresennol y gwasanaethau cymdeithasol, a bydd yn ei hategu. Ni fydd yn disodli'r drefn gwyno statudol. Credaf y bydd darpariaethau adolygu'r Mesur arfaethedig hwn a'r drefn gwyno statudol gyfredol yn darparu system effeithiol a chynhwysfawr i ddelio ag unrhyw bryderon a allai fod gan ddefnyddwyr gwasanaethau ac, yn unol â hynny, ni chredaf fod gwelliant 76 yn angenrheidiol. Yr wyf yn bryderus hefyd y gallai darpariaeth o'r fath arwain at system sy'n cynnwys dyblygu dianghenraid ac mae hynny'n creu dryswch i ddefnyddwyr gwasanaethau.

Mark Isherwood: A oes Aelodau am siarad am grŵp 7?

Darren Millar: Siaradaf am welliannau 65 a 66 yn f'enw i ac am welliannau 68 a 76 yn enw Mick Bates.

Yr wyf yn derbyn cefnogaeth y Dirprwy Weinidog i'r egwyddorion wrth wraidd gwelliannau 65 a 66, ac fe'u croesawaf. Yr wyf hefyd yn croesawu'r ymgais gan welliant 41 y Llywodraeth i ddelio'n benodol â'r mater yr ydym wedi'i godi wrth ddod â'r gwelliannau hyn gerbron, sydd yn syml yn ceisio sicrhau bod unigolion nid yn unig yn cael gwasanaethau, ond y gall eu heiriolwr, eu gofalwr neu gynrychiolydd arall hefyd sicrhau y cynhelir adolygiad os ydynt yn

dissatisfied with the charging regime or feel it to be inappropriate that a review is undertaken by the local authority.

[233] I do not believe, however, that amendment 41 nullifies the need for amendments 65 and 66. I therefore encourage the Deputy Minister to reconsider her position in rejecting them. I feel that the amendments complement rather than negate amendment 41.

[234] Amendment 68 seeks simply to define the term 'representative', which has been put forward in amendments 65 and 66.

[235] I reject the Deputy Minister's contention that an appeals process along the lines of that proposed in amendment 76 is unnecessary, and I, or my colleague, Mick Bates, will therefore be calling for a vote on that amendment.

[236] **Mark Isherwood:** Do any other Members wish to reply? I see that you do not. Deputy Minister, do you want to reply?

[237] **Gwenda Thomas:** Yes, please. Perhaps I can be a bit more helpful here. I do not know whether all committee members are familiar with the local government social services complaints procedure, but it is in three stages at the moment. I am speaking off the top of my head, so I am prepared to take this matter back, but relying on my experience of local government, I cannot see why the review procedure that we are now introducing by way of this proposed Measure, in circumstances where no resolution has been reached at review stage, cannot become the first stage of the complaints procedure. I will take that back, because I am speaking in a personal capacity, but perhaps that approach would facilitate a speedier process.

[238] I can inform committee that the social services complaints procedure is being reviewed at the moment, in line with the ombudsman's thinking, to see whether there can be more consistency and clarity in that process.

[239] As things stand now, your amendment would introduce another phase,

anfodlon â'r gyfundrefn codi ffioedd neu'n teimlo ei bod yn amhriodol i'r awdurdod lleol gynnal adolygiad.

Ni chredaf, fodd bynnag, fod gwelliant 41 yn diddymu'r angen am welliannau 65 a 66. Anogaf y Dirprwy Weinidog felly i ailystyried ei safbwynt yn eu gwrthod. Teimlaf fod y gwelliannau yn ategu yn hytrach na negyddu gwelliant 41.

Nid yw gwelliant 68 ond yn ceisio diffinio'r term 'cynrychiolydd', sydd wedi cael ei gyflwyno yng ngwelliannau 65 a 66.

Gwrthodaf haerid y Dirprwy Weinidog fod proses apêl ar y llinellau a gynigir yng ngwelliant 76 yn ddianghenraid, a byddaf fi, neu fy nghyd-Aelod, Mick Bates, felly yn galw am bleidlais ar y gwelliant hwnnw.

Mark Isherwood: A oes unrhyw Aelodau eraill am ymateb? Gwelaf nad oes. Ddirprwy Weinidog, a ydych chi am ymateb?

Gwenda Thomas: Ydwyf, os gwelwch yn dda. Efallai y gallwn gynnig mwy o gymorth yma. Ni wn a yw holl aelodau'r pwyllgor yn gyfarwydd â threfn gwyno gwasanaethau cymdeithasol llywodraeth leol, ond mae fesul tri cham ar hyn o bryd. Yr wyf yn siarad ar antur, felly yr wyf yn barod i fynd â'r mater hwn yn ôl, ond, a dibynnu ar fy mhrofiad fy hun o lywodraeth leol, ni allaf weld pam na all y drefn adolygu yr ydym yn ei chyflwyno yn awr drwy gyfrwng y Mesur arfaethedig hwn ddod yn gam cyntaf y broses gwyno, o dan amgylchiadau lle na chyrrhaeddwyd penderfyniad ar y cam adolygu. Af â hynny'n ôl, oherwydd yr wyf yn siarad dros fy hun, ond efallai y byddai gweithredu felly yn hwyluso proses gyflymach

Gallaf ddweud wrth y pwyllgor fod y drefn gwyno i wasanaethau cymdeithasol yn cael ei hadolygu ar hyn o bryd, yn unol â syniadau'r ombwdsmon, i weld a ellir cael mwy o gysondeb ac eglurder yn y broses honno.

Fel y saif pethau ar hyn o bryd, byddai'ch gwelliant yn cyflwyno cam arall, a fyddai'n

which would mean that we would have five phases for complaints: the review phase; the appeal phase that you suggest; and three other stages. I think that there is a better way of doing it, which is why I have to reject the amendment.

golygu y byddai gennym bum cam i gwynion: y cam adolygu; y cam apelio yr ydych chi'n ei awgrymu; a thri cham arall. Credaf fod ffordd well o wneud hyn, a dyna pam mae rhaid imi wrthod y gwelliant.

[240] **Mark Isherwood:** Deputy Minister, do you wish to move to a vote on your amendment 39?

Mark Isherwood: Ddirprwy Weinidog, a ydych am symud i bleidlais ar eich gwelliant rhif 39?

[241] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[242] **Mark Isherwood:** The question is that amendment 39 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 39. Galwaf am bleidlais.

*Gwelliant 39: O blaid 3, Ymatal 0, Yn erbyn 2.
Amendment 39: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Millar, Darren

*Derbyniwyd gwelliant 39.
Amendment 39 agreed.*

[243] **Mark Isherwood:** In accordance with the marshalled list, we now move to dispose of amendments 65, 40, 66, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 61, 57, 67, 68, 58, 59, 60, 22, 23, 24, 25, 26 and 27. Darren, would you like to move amendment 65?

Mark Isherwood: Yn unol â'r rhestr wedi'i didoli, symudwn yn awr i waredu gwelliannau 65, 40, 66, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 61, 57, 67, 68, 58, 59, 60, 22, 23, 24, 25, 26 a 27. Darren, a ydych am gynnig gwelliant 65?

[244] **Darren Millar:** I move amendment 65 in my name.

Darren Millar: Cynigaf welliant 65 yn f'enw i.

[245] **Mark Isherwood:** The question is that amendment 65 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 65. Galwaf am bleidlais.

*Gwelliant 65: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 65: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

Gwrthodwyd gwelliant 65.

Amendment 65 not agreed.

[246] **Mark Isherwood:** Deputy Minister, would you like amendment 40 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 40 yn eich enw gael ei gynnig?

[247] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[248] **Mark Isherwood:** I move amendment 40 in the name of Gwenda Thomas. The question is that amendment 40 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 40 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 40. Galwaf am bleidlais.

*Gwelliant 40: O blaid 3, Ymatal 0, Yn erbyn 2.
Amendment 40: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Millar, Darren

*Derbyniwyd gwelliant 40.
Amendment 40 agreed.*

[249] **Mark Isherwood:** Darren, would you like to move amendment 66?

Mark Isherwood: Darren, a ydych am gynnig gwelliant 66?

[250] **Darren Millar:** I move amendment 66 in my name.

Darren Millar: Cynigiau welliant 66 yn f'enw i.

[251] **Mark Isherwood:** The question is that amendment 66 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 66. Galwaf am bleidlais.

*Gwelliant 66: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 66: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 66.
Amendment 66 not agreed.*

[252] **Mark Isherwood:** Deputy Minister, would you like amendment 41 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 41 yn eich enw gael ei gynnig?

[253] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[254] **Mark Isherwood:** I move amendment 41 in the name of Gwenda Thomas. The question is that amendment 41 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 41 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 41. Galwaf am bleidlais.

*Gwelliant 41: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 41: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 41.
Amendment 41 agreed.*

[255] **Mark Isherwood:** Deputy Minister, would you like amendment 43 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 43 yn eich enw gael ei gynnig?

[256] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[257] **Mark Isherwood:** I move amendment 43 in the name of Gwenda Thomas. The question is that amendment 43 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 43 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 43. Galwaf am bleidlais.

*Gwelliant 43: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 43: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 43.
Amendment 43 agreed.*

[258] **Mark Isherwood:** Deputy Minister, would you like amendment 44 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 44 yn eich enw gael ei gynnig?

[259] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[260] **Mark Isherwood:** I move amendment 44 in the name of Gwenda Thomas. The question is that amendment 44

Mark Isherwood: Cynigiau welliant 44 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 44. Galwaf am

be agreed to. I call for a vote.

bleidlais.

*Gwelliant 44: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 44: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 44.
Amendment 44 agreed.*

[261] **Mark Isherwood:** Deputy Minister, would you like amendment 45 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 45 yn eich enw gael ei gynnig?

[262] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[263] **Mark Isherwood:** I move amendment 45 in the name of Gwenda Thomas. The question is that amendment 45 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 45 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 45. Galwaf am bleidlais.

*Gwelliant 45: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 45: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 45.
Amendment 45 agreed.*

[264] **Mark Isherwood:** Deputy Minister, would you like amendment 46 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 46 yn eich enw gael ei gynnig?

[265] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[266] **Mark Isherwood:** I move amendment 46 in the name of Gwenda Thomas. The question is that amendment 46 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 46 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 46. Galwaf am bleidlais.

*Gwelliant 46: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 46: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 46.
Amendment 46 agreed.*

[267] **Mark Isherwood:** Deputy Minister, would you like amendment 47 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 47 yn eich enw gael ei gynnig?

[268] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[269] **Mark Isherwood:** I move amendment 47 in the name of Gwenda Thomas. The question is that amendment 47 be agreed to. I call for a vote.

Mark Isherwood: Cynigïaf welliant 47 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 47. Galwaf am bleidlais.

*Gwelliant 47: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 47: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 47.
Amendment 47 agreed.*

[270] **Mark Isherwood:** Deputy Minister, would you like amendment 48 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 48 yn eich enw gael ei gynnig?

[271] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[272] **Mark Isherwood:** I move amendment 48 in the name of Gwenda Thomas. The question is that amendment 48 be agreed to. I call for a vote.

Mark Isherwood: Cynigïaf welliant 48 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 48. Galwaf am bleidlais.

*Gwelliant 48: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 48: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick

Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 48.
Amendment 48 agreed.*

[273] **Mark Isherwood:** Deputy Minister, would you like amendment 49 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 49 yn eich enw gael ei gynnig?

[274] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[275] **Mark Isherwood:** I move amendment 49 in the name of Gwenda Thomas. The question is that amendment 49 be agreed to. I call for a vote.

Mark Isherwood: Cynigaf welliant 49 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 49. Galwaf am bleidlais.

*Gwelliant 49: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 49: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 49.
Amendment 49 agreed.*

[276] **Mark Isherwood:** Deputy Minister, would you like amendment 50 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 50 yn eich enw gael ei gynnig?

[277] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[278] **Mark Isherwood:** I move amendment 50 in the name of Gwenda Thomas. The question is that amendment 50 be agreed to. I call for a vote.

Mark Isherwood: Cynigaf welliant 50 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 50. Galwaf am bleidlais.

*Gwelliant 50: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 50: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 50.
Amendment 50 agreed.*

[279] **Mark Isherwood:** Deputy Minister, would you like amendment 51 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 51 yn eich enw gael ei gynnig?

[280] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[281] **Mark Isherwood:** I move amendment 51 in the name of Gwenda Thomas. The question is that amendment 51 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 51 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 51. Galwaf am bleidlais.

*Gwelliant 51: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 51: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 51.
Amendment 51 agreed.*

[282] **Mark Isherwood:** Deputy Minister, would you like amendment 52 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 52 yn eich enw gael ei gynnig?

[283] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[284] **Mark Isherwood:** I move amendment 52 in the name of Gwenda Thomas. The question is that amendment 52 be agreed to. I call for a vote.

Mark Isherwood: Cynigiaf welliant 52 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 52. Galwaf am bleidlais.

*Gwelliant 52: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 52: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 52.
Amendment 52 agreed.*

[285] **Mark Isherwood:** Deputy Minister, **Mark Isherwood:** Ddirprwy Weinidog, a

would you like amendment 53 in your name to be moved? ydych am i welliant 53 yn eich enw gael ei gynnig?

[286] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[287] **Mark Isherwood:** I move amendment 53 in the name of Gwenda Thomas. The question is that amendment 53 be agreed to. I call for a vote. **Mark Isherwood:** Cynigïaf welliant 53 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 53. Galwaf am bleidlais.

*Gwelliant 53: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 53: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 53.
Amendment 53 agreed.*

[288] **Mark Isherwood:** Deputy Minister, would you like amendment 54 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 54 yn eich enw gael ei gynnig?

[289] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[290] **Mark Isherwood:** I move amendment 54 in the name of Gwenda Thomas. The question is that amendment 54 be agreed to. I call for a vote. **Mark Isherwood:** Cynigïaf welliant 54 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 54. Galwaf am bleidlais.

*Gwelliant 54: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 54: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 54.
Amendment 54 agreed.*

[291] **Mark Isherwood:** Deputy Minister, would you like amendment 55 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 55 yn eich enw gael ei gynnig?

[292] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn

dda.

[293] **Mark Isherwood:** I move amendment 55 in the name of Gwenda Thomas. The question is that amendment 55 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 55 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 55. Galwaf am bleidlais.

*Gwelliant 55: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 55: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 55.
Amendment 55 agreed.*

[294] **Mark Isherwood:** Darren, would you like to move amendment 61?

Mark Isherwood: Darren, a ydych am gynnig gwelliant 61?

[295] **Darren Millar:** I move amendment 61 in my name.

Darren Millar: Cynigiau welliant 61 yn f'enw i.

[296] **Mark Isherwood:** The question is that amendment 61 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 61. Galwaf am bleidlais.

*Gwelliant 61: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 61: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 61.
Amendment 61 not agreed.*

1.50 p.m.

[297] **Mark Isherwood:** Deputy Minister, would you like amendment 57 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 57 yn eich enw gael ei gynnig?

[298] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[299] **Mark Isherwood:** I move amendment 57 in the name of Gwenda Thomas. The question is that amendment 57 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 57 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 57. Galwaf am bleidlais.

*Gwelliant 57: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 57: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 57.
Amendment 57 agreed.*

[300] **Mark Isherwood:** Darren, would you like to move amendment 67? **Mark Isherwood:** Darren, a ydych am gynnig gwelliant 67?

[301] **Darren Millar:** I move amendment 67 in my name. **Darren Millar:** Cynigiau welliant 67 yn f'enw i.

[302] **Mark Isherwood:** The question is that amendment 67 be agreed to. I call for a vote. **Mark Isherwood:** Y cwestiwn yw a ydym yn derbyn gwelliant 67. Galwaf am bleidlais.

*Gwelliant 67: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 67: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 67.
Amendment 67 not agreed.*

[303] **Mark Isherwood:** Mick, would you like to move amendment 68? **Mark Isherwood:** Mick, a ydych am gynnig gwelliant 68?

[304] **Mick Bates:** I move amendment 68 in my name. **Mick Bates:** Cynigiau welliant 68 yn f'enw i.

[305] **Mark Isherwood:** The question is that amendment 68 be agreed to. I call for a vote. **Mark Isherwood:** Y cwestiwn yw a ydym yn derbyn gwelliant 68. Galwaf am bleidlais.

*Gwelliant 68: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 68: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 68.
Amendment 68 not agreed.*

[306] **Mark Isherwood:** Deputy Minister, would you like amendment 58 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 58 yn eich enw gael ei gynnig?

[307] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[308] **Mark Isherwood:** I move amendment 58 in the name of Gwenda Thomas. The question is that amendment 58 be agreed to. I call for a vote. **Mark Isherwood:** Cynigiaf welliant 58 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 58. Galwaf am bleidlais.

*Gwelliant 58: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 58: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 58.
Amendment 58 agreed.*

[309] **Mark Isherwood:** Deputy Minister, would you like amendment 59 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 59 yn eich enw gael ei gynnig?

[310] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[311] **Mark Isherwood:** I move amendment 59 in the name of Gwenda Thomas. The question is that amendment 59 be agreed to. I call for a vote. **Mark Isherwood:** Cynigiaf welliant 59 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 59. Galwaf am bleidlais.

*Gwelliant 59: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 59: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 59.
Amendment 59 agreed.*

[312] **Mark Isherwood:** Deputy Minister, **Mark Isherwood:** Ddirprwy Weinidog, a

would you like amendment 60 in your name to be moved? ydych am i welliant 60 yn eich enw gael ei gynnig?

[313] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[314] **Mark Isherwood:** I move amendment 60 in the name of Gwenda Thomas. The question is that amendment 60 be agreed to. I call for a vote. **Mark Isherwood:** Cynigïaf welliant 60 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 60. Galwaf am bleidlais.

*Gwelliant 60: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 60: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 60.
Amendment 60 agreed.*

[315] **Mark Isherwood:** Deputy Minister, would you like amendment 22 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 22 yn eich enw gael ei gynnig?

[316] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[317] **Mark Isherwood:** I move amendment 22 in the name of Gwenda Thomas. The question is that amendment 22 be agreed to. I call for a vote. **Mark Isherwood:** Cynigïaf welliant 22 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 22. Galwaf am bleidlais.

*Gwelliant 22: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 22: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 22.
Amendment 22 agreed.*

[318] **Mark Isherwood:** Deputy Minister, would you like amendment 23 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 23 yn eich enw gael ei gynnig?

[319] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn

dda.

[320] **Mark Isherwood:** I move amendment 23 in the name of Gwenda Thomas. The question is that amendment 23 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 23 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 23. Galwaf am bleidlais.

*Gwelliant 23: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 23: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 23.
Amendment 23 agreed.*

[321] **Mark Isherwood:** Deputy Minister, would you like amendment 24 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 24 yn eich enw gael ei gynnig?

[322] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[323] **Mark Isherwood:** I move amendment 24 in the name of Gwenda Thomas. The question is that amendment 24 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 24 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 24. Galwaf am bleidlais.

*Gwelliant 24: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 24: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 24.
Amendment 24 agreed.*

[324] **Mark Isherwood:** Deputy Minister, would you like amendment 25 in your name to be moved?

Mark Isherwood: Ddirprwy Weinidog, a ydych am i welliant 25 yn eich enw gael ei gynnig?

[325] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[326] **Mark Isherwood:** I move amendment 25 in the name of Gwenda

Mark Isherwood: Cynigiau welliant 25 yn enw Gwenda Thomas. Y cwestiwn yw a

Thomas. The question is that amendment 25 ydym yn derbyn gwelliant 25. Galwaf am be agreed to. I call for a vote. bleidlais.

*Gwelliant 25: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 25: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 25.
Amendment 25 agreed.*

[327] **Mark Isherwood:** Deputy Minister, would you like amendment 26 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 26 yn eich enw gael ei gynnig?

[328] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[329] **Mark Isherwood:** I move amendment 26 in the name of Gwenda Thomas. The question is that amendment 26 be agreed to. I call for a vote. **Mark Isherwood:** Cynigiau welliant 26 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 26. Galwaf am bleidlais.

*Gwelliant 26: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 26: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 26.
Amendment 26 agreed.*

[330] **Mark Isherwood:** Deputy Minister, would you like amendment 27 in your name to be moved? **Mark Isherwood:** Ddirprwy Weinidog, a ydych am i welliant 27 yn eich enw gael ei gynnig?

[331] **Gwenda Thomas:** Yes, please. **Gwenda Thomas:** Ydwyf, os gwelwch yn dda.

[332] **Mark Isherwood:** I move amendment 27 in the name of Gwenda Thomas. The question is that amendment 27 be agreed to. I call for a vote. **Mark Isherwood:** Cynigiau welliant 27 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 27. Galwaf am bleidlais.

Gwelliant 27: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 27: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

Derbyniwyd gwelliant 27.
Amendment 27 agreed.

1.54 p.m.

Taliadau Uniongyrchol (Gwelliannau 42 a 56)
Direct Payments (Amendments 42 and 56)

[333] **Mark Isherwood:** The lead amendment in this group is amendment 42 in the name of Gwenda Thomas. Deputy Minister, would you like amendment 42 in your name to be moved?

Mark Isherwood: Y prif welliant yn y grŵp hwn yw gwelliant 42 yn enw Gwenda Thomas. Ddirprwy Weinidog, a ydych am i welliant 42 yn eich enw gael ei gynnig?

[334] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[335] **Mark Isherwood:** I move amendment 42 in the name of Gwenda Thomas. I call on the Deputy Minister to speak to amendment 42 and the other amendment in the group.

Mark Isherwood: Cynigiau welliant 42 yn enw Gwenda Thomas. Galwaf ar y Dirprwy Weinidog i siarad am welliant 42 a'r gwelliant arall yn y grŵp.

[336] **Gwenda Thomas:** Amendment 42 is necessary if we are to be certain that provision may be made in relation to direct payments that will ensure parity between those who receive direct payments for social care services under section 57 of the Health and Social Care Act 2008 and those who are charged for services provided by their local authority. Members may recall that I gave a commitment during Stage 1 scrutiny that I would bring forward amendments to the proposed Measure concerning direct payments once the Assembly had acquired full competence in this area. Changes made by the Health and Social Care Act 2008 to section 57 of the Health and Social Care Act 2001 extended the category of persons to whom direct payments could be made under section 57. That meant that our legislative competence needed to be extended so as to capture all direct payments that may now be made under section 57 of the 2001 Act.

Gwenda Thomas: Mae gwelliant 42 yn angenrheidiol os ydym i fod yn sicr y gellir gwneud darpariaeth mewn perthynas â thaliadau uniongyrchol a fydd yn sicrhau cydraddoldeb rhwng y rhai sy'n derbyn taliadau uniongyrchol am wasanaethau gofal iechyd o dan adran 57 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 a'r rhai y codir ffioedd arnynt am wasanaethau sy'n cael eu darparu gan eu hawdurdod lleol. Bydd yr Aelodau'n cofio imi roi addewid yn ystod y craffu Cyfnod 1 y byddwn yn dod â gwelliannau i'r Mesur arfaethedig gerbron yng nghyswllt taliadau uniongyrchol unwaith yr oedd y Cynulliad wedi cael cymhwysedd llawn yn y maes hwn. Ehangodd newidiadau a wnaethpwyd gan Ddeddf Iechyd a Gofal Cymdeithasol 2008 i adran 57 o Ddeddf Iechyd a Gofal Cymdeithasol 2001 y categori o bobl y gellid gwneud taliadau uniongyrchol iddynt o dan adran 57. Golygai hynny fod angen ehangu ein cymhwysedd

deddfwriaethol er mwyn cipio'r holl daliadau uniongyrchol hynny y gellir eu gwneud bellach o dan adran 57 o Ddeddf 2001.

[337] For that reason, the proposed Measure, as introduced, contains no provision concerning direct payments. An amendment to matter 15.1 of the Government of Wales Act 2006, which was included in the National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009, has now been made and I commend the new direct payment provisions contained in amendment 42 to the committee. Amendment 56 inserts a new section, 57(7B) into the Health and Social Care Act 2001, which signposts readers of the 2001 Act to the proposed Measure and the additional provision that is made within it in relation to direct payments.

Am y rheswm hwnnw, nid yw'r Mesur arfaethedig, fel y'i cyflwynwyd, yn cynnwys unrhyw ddarpariaeth ynglŷn â thaliadau uniongyrchol. Erbyn hyn mae diwygiad wedi cael ei wneud i fater 15.1 o Ddeddf Llywodraeth Cymru 2006, a gynhwyswyd yng Ngorchymyn Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Lles Cymdeithasol) 2009, a chymeradwyaf y darpariaethau taliadau uniongyrchol newydd yng ngwelliant 42 i'r pwyllgor. Mae gwelliant 56 yn ychwanegu adran newydd, 57(7B) i Ddeddf Iechyd a Gofal Cymdeithasol 2001, sy'n cyfeirio'r sawl sy'n darllen Deddf 2001 at y Mesur arfaethedig a'r ddarpariaeth ychwanegol a wneir ynddi mewn perthynas â thaliadau uniongyrchol.

[338] **Mark Isherwood:** Thank you. Do any other Members wish to speak? I see not. Deputy Minister, do you wish to proceed to a vote on amendment 42?

Mark Isherwood: Diolch. A oes Aelodau eraill am siarad? Gwelaf nad oes. Ddirprwy Weinidog, a ydych am symud i bleidlais ar welliant t 42?

[339] **Gwenda Thomas:** Yes, Chair.

Gwenda Thomas: Ydwyf, Gadeirydd.

[340] **Mark Isherwood:** The question is that amendment 42 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 42. Galwaf am bleidlais.

*Gwelliant 42: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 42: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 42.
Amendment 42 agreed.*

[341] **Mark Isherwood:** In accordance with the marshalled list, we now move to dispose of amendments 56 and 76. Deputy Minister, would you like amendment 56 in your name to be moved?

Mark Isherwood: Yn unol â'r rhestr wedi'i didoli, symudwn yn awr i waredu gwelliannau 56 a 76. Ddirprwy Weinidog, a ydych am i welliant 56 yn eich enw gael ei gynnig?

[342] **Gwenda Thomas:** Yes, please.

Gwenda Thomas: Ydwyf, os gwelwch yn dda.

[343] **Mark Isherwood:** I move amendment 56 in the name of Gwenda Thomas. The question is that amendment 56 be agreed to. I call for a vote.

Mark Isherwood: Cynigiau welliant 56 yn enw Gwenda Thomas. Y cwestiwn yw a ydym yn derbyn gwelliant 56. Galwaf am bleidlais.

*Gwelliant 56: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 56: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Davies, Alun
Griffiths, Lesley
Millar, Darren
Wood, Leanne

*Derbyniwyd gwelliant 56.
Amendment 56 agreed.*

[344] **Mark Isherwood:** Mick, would you like to move amendment 76?

Mark Isherwood: Mick, a ydych am gynnig gwelliant 76?

[345] **Mick Bates:** I move amendment 76 in my name.

Mick Bates: Cynigiau welliant 76 yn f'enw i.

[346] **Mark Isherwood:** The question is that amendment 76 be agreed to. I call for a vote.

Mark Isherwood: Y cwestiwn yw a ydym yn derbyn gwelliant 76. Galwaf am bleidlais.

*Gwelliant 76: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 76: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Millar, Darren

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Griffiths, Lesley
Wood, Leanne

*Gwrthodwyd gwelliant 76.
Amendment 76 not agreed.*

[347] **Mark Isherwood:** You will be pleased to hear that that brings us to the end of the voting. We have concluded all eight groups under consideration. All sections of the proposed Measure have now been agreed by the committee. As we have disposed of all amendments, Stage 3 begins tomorrow. The deadline for tabling amendments will be notified to Members in due course and will also be published in the business notice.

Mark Isherwood: Byddwch yn falch o glywed bod hynny'n dod â ni i ddiwedd y pleidleisio. Yr ydym wedi cwblhau'r wyth grŵp a oedd dan ystyriaeth. Bellach mae'r pwyllgor wedi derbyn pob adran o'r Mesur arfaethedig. Gan ein bod wedi gwaredu'r gwelliannau i gyd, bydd Cyfnod 3 yn dechrau yfory. Caiff yr Aelodau eu hysbysu maes o law o'r terfyn amser er mwyn cyflwyno gwelliannau a bydd yn cael ei gyhoeddi hefyd yn yr hysbysiad busnes.

[348] Under Standing Order No. 23.40, if a proposed Measure is amended at Stage 2

O dan Reol Sefydlog Rhif 23.40, os caiff Mesur arfaethedig ei ddiwygio yn nhrefodion

proceedings so as to insert a section or Schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Minister in charge prepares a revised explanatory memorandum. Would the committee consider that the amendments agreed today have substantially altered the existing provisions? If so, do Members agree that the Welsh Government should prepare a revised explanatory memorandum? I see that you agree that it should. Thank you. We would be grateful, therefore, if the Deputy Minister could take that forward.

Cyfnod 2 er mwyn ychwanegu adran neu Atodlen, neu os newidir unrhyw ddarpariaeth bresennol yn sylweddol, gall y pwyllgor sy'n ystyried y trafodion Cyfnod 2 ofyn i'r Gweinidog sy'n gyfrifol baratoi memorandwm esboniadol diwygiedig. A yw'r pwyllgor o'r farn fod y gwelliannau a dderbyniwyd heddiw wedi newid y darpariaethau presennol yn sylweddol? Os felly, a yw'r Aelodau'n cytuno y dylai Llywodraeth Cymru baratoi memorandwm esboniadol diwygiedig? Gwelaf eich bod yn cytuno y dylai. Diolch. Byddem yn ddiolchgar, felly, pe gallai'r Dirprwy Weinidog symud hynny ymlaen.

[349] I am pleased to declare the meeting closed.

Yr wyf yn falch o gyhoeddi bod y cyfarfod ar ben.

*Daeth y cyfarfod i ben am 1.58 p.m.
The meeting ended at 1.58 p.m.*