

Agenda – Y Pwyllgor Llywodraeth Leol a Thai

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 5 Catherine Hunt
Dyddiad: Dydd Iau, 30 Tachwedd 2023 Clerc y Pwyllgor
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(08:45 – 09:00) Rhag-gyfarfod

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**
- 2 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Sesiwn Dystiolaeth 6**
(09.00 – 10.00) (Tudalennau 1 – 47)
Shereen Williams, Prif Weithredwr Comisiwn Ffiniau a Democratiaeth Leol Cymru
Tom Jenkins, Pennaeth Polisi a Rhaglenni, Comisiwn Ffiniau a Democratiaeth Leol Cymru
Egwyl (10.00 – 10.10)
- 3 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Sesiwn Dystiolaeth 7**
(10.10 – 10.40) (Tudalennau 48 – 55)
Malcolm Burr, Cynullydd, Bwrdd Rheoli Etholiadol yr Alban
Egwyl (10.40 – 10.50)
- 4 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Sesiwn Dystiolaeth 8**
(10.50 – 11.20) (Tudalennau 56 – 59)
Yr Athro Alistair Clark, Athro Gwyddor Gwleidyddiaeth, Prifysgol Newcastle
Egwyl (11.20 – 11.25)



- 5 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Sesiwn Dystiolaeth 9**
(11.25 – 11.55) (Tudalennau 60 – 66)
Dr Jessica Laimann, Rheolwr Polisi a Materion Cyhoeddus, Rhwydwaith
Cydraddoldeb Menywod Cymru
- 6 Papurau i'w nodi** (Tudalen 67)
- 6.1 Cytundeb Cysylltiadau Rhyngsefydliadol – Llythyr gan y Gweinidog Cyllid a Llywodraeth Leol** (Tudalen 68)
- 6.2 P-06-1358 Adolygu'r cyllid annigonol ar gyfer ysgolion yng Nghymru – Llythyr gan Gadeirydd Y Pwyllgor Deisebau** (Tudalennau 69 – 70)
- 6.3 Digartrefedd – Llythyr gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru** (Tudalennau 71 – 72)
- 6.4 Diogelwch adeiladau – Llythyr gan Y Gweinidog Newid Hinsawdd** (Tudalennau 73 – 74)
- 6.5 Cytundeb Cysylltiadau Rhyngsefydliadol – Llythyr gan y Prif Weinidog at y Pwyllgor Deddfwriaeth, Cyfiawnder a Chyfansoddiad** (Tudalen 75)
- 7 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod hwn ac eitem 1 ar 7 Rhagfyr**
- 8 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Trafod y dystiolaeth**
(11.55 – 12.15)
Egwyl (12.15 – 13.15)

9 Bil Cyllid Llywodraeth Leol (Cymru) – briff technegol gan swyddogion Llywodraeth Cymru

(13.15– 14.15)

(Tudalennau 76 – 100)

Debra Carter, Dirprwy Gyfarwyddwr, yr Is-adran Cyllid Llywodraeth Leol, Llywodraeth Cymru

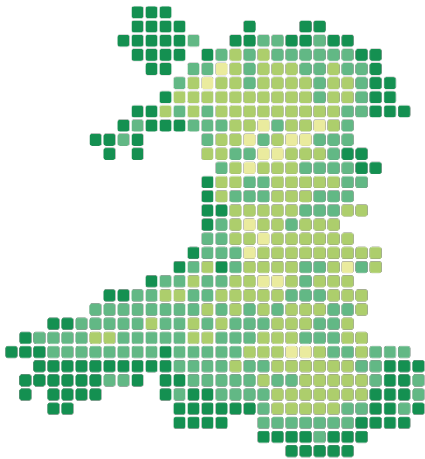
Simon Tew, Rheolwr y Bil, Bil Cyllid Llywodraeth Leol, Llywodraeth Cymru

Ruth Cornick, Cyfreithiwr, Llywodraeth Cymru

Chris Humphreys, Cyfreithiwr, Llywodraeth Cymru

Mae cyfyngiadau ar y ddogfen hon

COMISIWN FFINIAU A DEMOCRATIAETH LEOL CYMRU



Comisiwn Ffiniau a
Democratiaeth Leol
Cymru

Local Democracy and
Boundary Commission
For Wales

BIL ETHOLIADAU A CHYRFF ETHOLEDIG (CYMRU)

**PWYLLGOR LLYWODRAETH LEOL A THAI – CRAFFU
CYFNOD 1**

YMATEB I'R YMGYNGHORIAD

TACHWEDD 2023

RHAGAIR

Mae'r ddogfen hon yn nodi ymateb Comisiwn Ffiniau a Democratiaeth Leol Cymru ("y **Comisiwn**") i ymgynghoriad y Pwyllgor Llywodraeth Leol a Thai mewn perthynas â Bil Etholiadau a Chyrff Etholedig (Cymru) a gyflwynwyd i Senedd Cymru ar 2 Hydref 2023 ("y **Bil Etholiadau**").

Yn y ddogfen hon, mae'r Comisiwn yn darparu arsylwadau manwl mewn perthynas â'r Bil, gan gynnwys deuddeg o argymhellion i'w wella.

Mae'r Comisiwn yn croesawu'r cyfle i gymryd rhan yn y broses o ddatblygu'r Bil.

Beverley Smith

Cadeirydd

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Mae'r Comisiwn yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg neu Saesneg.
Mae'r ddogfen hon ar gael yn Saesneg.

COMISIWN FFINIAU A DEMOCRATIAETH LEOL CYMRU

BIL ETHOLIADAU A CHYRFF ETHOLEDIG (CYMRU) – YMATEB I'R YMGYNGHORIAD

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1. YNGLŶN Â'R COMISIWN

- 1.1 Mae'r Comisiwn yn gorff annibynnol a noddir gan Lywodraeth Cymru. Cafodd y Comisiwn ei sefydlu yn 1974 o dan delerau Deddf Llywodraeth Leol 1972, a'r enw a roddwyd arno ar y pryd oedd Comisiwn Ffiniau Llywodraeth Leol Cymru. Cafodd y Comisiwn ei ailenwi gan adran 2 o Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 ("**Deddf 2013**").
- 1.2 Ar hyn o bryd, prif swyddogaethau'r Comisiwn yw monitro ac adolygu'r ardaloedd a'r trefniadau etholiadol sy'n berthnasol i lywodraeth leol yng Nghymru.
- 1.3 At y diben hwn, mae pwerau'r Comisiwn yn cynnwys adolygu ffiniau prif ardaloedd cynghorau yng Nghymru a threfniadau etholiadol ar gyfer prif gynghorau. Mae gan y Comisiwn bwerau penodol hefyd mewn perthynas ag adolygu ffiniau cymunedau a threfniadau etholiadol cymunedau, er mai'r prif gynghorau sy'n bennaf cyfrifol am yr adolygiadau hyn yn eu priod ardaloedd. Nodir prif bwerau a dyletswyddau'r Comisiwn yn Neddf 2013.
- 1.4 Ar adeg paratoi'r ymateb hwn, mae Bil ar wahân a adweinir fel Bil Senedd Cymru (Aelodau ac Etholiadau) ("**Bil y Senedd**") wedi cael ei gyflwyno i Senedd Cymru. Mae Bil y Senedd yn cynnwys darpariaethau i ailenwi'r Comisiwn yn Gomisiwn Democratiaeth a Ffiniau Cymru, ac i roi i'r Comisiwn y swyddogaeth ychwanegol o adolygu ffiniau etholaethau'r Senedd a phenderfynu arnynt. Bydd Bil y Senedd hefyd yn ailenwi Deddf 2013 yn Ddeddf Comisiwn Ffiniau a Democratiaeth Cymru etc. 2013.

2. ARSYLWADAU MANWL AR Y BIL

2.1 Mae Rhan 1 o'r Bil Etholiadau yn cynnwys darpariaeth i'r Comisiwn sefydlu Bwrdd Rheoli Etholiadau ("**y Bwrdd**"), ac i swyddogaethau a gyflawnir gan y Bwrdd gael eu rhoi i'r Comisiwn. Mae Pennod 1 o Ran 2 o'r Bil yn diwygio darpariaethau presennol Deddf 2013 sy'n llywodraethu (ymhlith pethau eraill) adolygiadau o ffiniau cymunedau, trefniadau etholiadol cymunedau a threfniadau etholiadol prif ardal o dan y Ddeddf honno. Mae'r adrannau canlynol o'r ddogfen hon yn nodi arsylwadau manwl y Comisiwn sy'n ymwneud yn bennaf â'r agweddau hyn ar y Bil Etholiadau.

Cymal 16(3) – Fforymau peilotau etholiadau Cymreig – aelodaeth

2.2 Mae Pennod 3 o Ran 1 o'r Bil Etholiadau yn darparu i Weinidogion Cymru wneud rheoliadau ar gyfer "peilota" trefniadau gweinyddu etholiadol newydd ar gyfer cyfnodau cyfyngedig mewn ardaloedd diffiniedig ("**Rheoliadau Peilot**").

2.3 Cyn y gellir gwneud Rheoliadau Peilot, rhaid i'r Comisiwn baratoi adroddiad yn asesu cynnig ar gyfer y rheoliadau, yn unol â chymal 15 o'r Bil. At hynny, os bydd y Rheoliadau Peilot yn effeithio ar ardal mwy nag un prif gyngor (ar eu pen eu hunain neu gyda pheilotau eraill sy'n cael eu cynnal ar yr un pryd), rhaid i'r

Comisiwn sefydlu “fforwm peilotau etholiadau Cymreig” yn unol â chymal 16 o’r Bil – sef “*fforwm ar gyfer trafod materion sy’n ymwneud â’r peilot neu’r peilotau, gyda golwg ar ddarparu gwybodaeth a chyngor i bersonau sy’n rhoi’r peilot neu’r peilotau ar waith*”.

2.4 Er bod y swyddogaethau o dan gymalau 15 ac 16 yn cael eu mynegi fel swyddogaethau’r Comisiwn, mae’r Bil Etholiadau yn darparu bod yn rhaid iddynt gael eu harfer gan y Bwrdd: gweler adran arfaethedig newydd 20E(2) a (3)(b) o Ddeddf 2013, a fyddai’n cael ei mewnosod gan gymal 1(2) o’r Bil Etholiadau. Yn unol â hynny, y Bwrdd fydd yn gyfrifol mewn gwirionedd am adrodd ar gynigion ar gyfer Rheoliadau Peilot, ac am sefydlu fforwm peilot etholiad Cymreig yn y sefyllfaoedd perthnasol.

2.5 Mae cymal 16(3) o’r Bil Etholiadau yn nodi rhestr orfodol o gyfranogwyr mewn fforwm peilot etholiad Cymreig. Mae’r rhestr honno yn cynnwys, yn is-baragraff (c), “*un neu ragor o aelodau’r [Comisiwn] a chanddynt brofiad perthnasol*”.

2.6 Ym marn y Comisiwn, dylai’r geiriad hwn yng nghymal 16(3)(c) gyfeirio yn lle hynny at “*un neu ragor o aelodau’r Bwrdd Rheoli Etholiadol a chanddynt brofiad perthnasol*”. Y rheswm am hyn yw y bydd aelodaeth y Bwrdd yn wahanol i aelodaeth y Comisiwn, ac aelodau’r Bwrdd yn hytrach nag aelodau’r Comisiwn fydd â’r arbenigedd a’r profiad perthnasol at ddibenion fforwm peilot etholiad Cymreig.

2.7 Mae hyn yn dilyn o adran arfaethedig newydd 20F o Ddeddf 2013 (a fyddai’n cael ei mewnosod gan gymal 1(2) o’r Bil Etholiadau), sy’n darparu y bydd aelodau’r Bwrdd yn cynnwys dau aelod o’r Comisiwn ac o leiaf bedwar aelod sydd naill ai’n swyddogion etholiadau (h.y. swyddogion canlyniadau neu swyddogion cofrestru etholiadol) neu’n gyn-swyddogion etholiadau. Yr aelodau hynny sy’n swyddogion etholiadau sy’n debygol o fod â’r arbenigedd a’r profiad sy’n arbennig o berthnasol at ddibenion fforwm peilot etholiad Cymreig.

2.8 Mae’r Comisiwn hefyd o’r farn, yn seiliedig ar y geiriad presennol, na fyddai’r mecanwaith yn adran arfaethedig newydd 20E(2) a (3) o Ddeddf 2013 sy’n rhoi swyddogaethau i’r Bwrdd (y cyfeirir ato ym mharagraff 2.4 uchod), yn cael yr effaith o dybio bod “*aelodau o’r [Comisiwn]*” y cyfeiriwyd atynt yng nghymal 16(3)(c) yn cyfeirio at “*aelodau o’r Bwrdd*”, sy’n grŵp ar wahân.

2.9 Felly, mae’r Comisiwn yn **awgrymu y dylai cymal 16(3)(c) o’r Bil Etholiadau ddarllen fel a ganlyn** (gyda’r testun newydd arfaethedig wedi’i danlinellu):

“un neu ragor o aelodau’r Bwrdd Rheoli Etholiadol a chanddynt brofiad perthnasol”.

Cymal 45(3) – dyletswydd i roi sylw i sylwadau a gyflwynir

2.10 Mae cymal 45 o’r Bil Etholiadau yn diwygio adrannau 34 a 35 o Ddeddf 2013, sy’n rheoleiddio’r weithdrefn ar gyfer cynnal adolygiad o dan Ran 3 o Ddeddf 2013

(megis adolygiad o drefniadau etholiadol prif ardal neu adolygiad o ffiniau cymuned).

- 2.11 Ar hyn o bryd, mae adran 35 o Ddeddf 2013 yn darparu (mewn crynodeb eang), pan fo corff adolygu (h.y. y Comisiwn neu brif gyngor) yn cynnal adolygiad o dan Ran 3 o Ddeddf 2013, fod yn rhaid i'r corff adolygu gynnal ymchwiliad a phroses ymgynghori gychwynnol, ac yna gyhoeddi adroddiad cychwynnol sy'n cynnwys unrhyw gynigion ar gyfer newidiadau perthnasol (y mae'r Comisiwn yn cyfeirio ato fel "Adroddiad Cynigion Drafft") ac ymgynghori ar y cynigion yn yr adroddiad. Wedyn, mae adran 36 o Ddeddf 2013 yn darparu bod yn rhaid i'r corff adolygu "*ystyried ei gynigion i newid gan roi sylw i unrhyw sylwadau a gafwyd ganddo*" mewn ymateb i'w Adroddiad Cynigion Drafft, ac yna rhaid iddo lunio adroddiad sy'n cynnwys unrhyw argymhellion i newid (y mae'r Comisiwn yn cyfeirio ato fel Adroddiad Argymhellion Terfynol").
- 2.12 Mae adran 35(3) o Ddeddf 2013 yn rheoleiddio'r camau ymarferol penodol y mae'n rhaid i gorff adolygu eu cymryd ar ôl iddo gyhoeddi ei Adroddiad Cynigion Drafft. Fel y mae wedi'i eirio ar hyn o bryd, byddai cymal 45(3)(b) o'r Bil Etholiadau yn diwygio adran 35(3) drwy egluro'r gofynion ar gyfer ymgynghori ar Adroddiad ar Gynigion Drafft (gweler is-baragraff (i) o gymal 45(3)(b), drwy ailenwi'r "cyfnod ar gyfer sylwadau" yn "gyfnod ymgynghori cyhoeddus" (gweler is-baragraff (ii)), a thrwy nodi bod yn rhaid i'r corff adolygu "*ystyried unrhyw sylwadau a gyflwynir iddo yn ystod y cyfnod ymgynghori cyhoeddus*" (gweler is-baragraff (iii)).
- 2.13 Mae'r Comisiwn yn nodi nad yw'r diwygiad a wnaed i adran 35(3)(e) gan gymal 45(3)(b)(iii) (sy'n nodi bod yn rhaid i'r corff adolygu ystyried y sylwadau a gyflwynir iddo) yn ychwanegu unrhyw beth newydd at Ddeddf 2013, ond yn hytrach ei fod yn dyblygu'r gofyniad sydd wedi'i gynnwys eisoes yn adran 36(1) o Ddeddf 2013 sef bod yn rhaid i'r corff adolygu "*ystyried ei gynigion i newid gan roi sylw i unrhyw sylwadau a gafwyd ganddo.*" Byddai modd osgoi'r dyblygu hyn, a byddai'r Bil Etholiadau yn fwy taclus o ganlyniad i hynny, pe bai cymal 45(3)(b)(iii) yn cael ei ddileu.
- 2.14 Gellir dadlau hefyd fod y gwelliant a nodir yng nghymal 45(3)(b)(iii) yn ddiangen, gan fod adran 35(3) o Ddeddf 2013 yn rheoleiddio *camau ymarferol* y mae'n rhaid i'r corff adolygu eu cymryd ar ôl cyhoeddi ei Adroddiad Cynigion Drafft, yn hytrach na rheoleiddio ystyriaeth sylweddol y corff adolygu o faterion yn yr adolygiad.
- 2.15 Felly, mae'r Comisiwn yn **awgrymu y dylai cymal 45(3)(b)(iii) gael ei ddileu o'r Bil Etholiadau**, yn bennaf am ei fod yn dyblygu darpariaeth a wnaed eisoes gan adran 36(1) o Ddeddf 2013.

Cymal 45(4) – gwall teipio

- 2.16 Mae cymal 45(4) o'r Bil Etholiadau wedi'i gynllunio i ailenwi'r "cyfnod ar gyfer sylwadau" y cyfeirir ato yn adran 36(1) o Ddeddf 2013 yn "gyfnod ymgynghori cyhoeddus" (gan adlewyrchu'r newid a wnaed i adran 35(3) o Ddeddf 2013 gan gymal 45(3)(b)(ii) o'r Bil, y cyfeirir ato ym mharagraff 2.12 uchod).

2.17 Fodd bynnag, ar hyn o bryd, mae cymal 45(4) o'r Bil Etholiadau (y fersiwn Saesneg) yn cyfeirio at "period of representations". Ymddengys fod hyn yn wall teipio. Mae'r Comisiwn yn **awgrymu y dylai cymal 45(4) ddarllen fel a ganlyn** (gyda'r cywiriad wedi'i danlinellu):

"In section 36 (reporting on review), in subsection (1), for "period for representations" substitute "public consultation period"."

Cymal 46(2) – cyfathrebu ag ymgynghoreion gorfodol

2.18 Mae cymal 46(2) yn ychwanegu cyrff ychwanegol at y rhestr o ymgynghoreion gorfodol at ddibenion adolygiadau o dan Ran 3 o Ddeddf 2013.

2.19 Mae'r Comisiwn yn cefnogi'r newid hwn. Fodd bynnag, yn ymarferol, mae'r Comisiwn wedi ei chael hi'n anodd cysylltu â rhai ymgynghoreion gorfodol, yn enwedig mewn achosion lle nad yw negeseuon e-bost y Comisiwn wedi cael eu cydnabod.

2.20 Byddai'n helpu'r Comisiwn i gyflawni ei swyddogaethau pe bai'n ofynnol i ymgynghoreion gorfodol enwebu, a darparu manylion cyswllt ar gyfer un pwynt cyswllt at ddibenion adolygiadau o dan Ran 3 o Ddeddf 2013.

2.21 Felly, mae'r Comisiwn yn **awgrymu y dylid mewnosod darpariaeth ychwanegol yng nghymal 46 o'r Bil Etholiadau, a fyddai'n diwygio adran 34(3) o Ddeddf 2013 fel bod ei destun agoriadol yn darllen fel a ganlyn** (gyda'r geiriad diwygiedig wedi'i danlinellu):

"At ddibenion adolygiad o dan y Rhan hon, yr "ymgynghoreion gorfodol" yw'r cyrff canlynol, y bydd unrhyw un ohonynt fodd bynnag yn peidio â bod yn ymgynghorai gorfodol at ddibenion yr adolygiad os na fydd yn enwebu i'r corff adolygu ar gais, ac yn darparu manylion cyswllt ar gyfer unigolyn i weithredu fel pwynt cyswllt unigol at ddibenion yr adolygiad –"

Cymal 48(2) – dyddiadau cau ar gyfer cwblhau adolygiadau

2.22 Byddai cymal 48(2) yn mewnosod adran 36B newydd yn Neddf 2013. Mae adran 36B yn nodi system newydd o ddyddiadau cau ar gyfer adolygiadau a gynhelir o dan Ran 3 o Ddeddf 2013, ac yn unol â hynny (ymhlith pethau eraill):

2.22.1 mae'n rhaid i'r Comisiwn "*wneud pob ymdrech*" i gwblhau adolygiad o drefniadau etholiadol prif ardal o dan adran 29 o fewn 12 mis;

2.22.2 mae'n rhaid i'r Comisiwn "*wneud pob ymdrech*" i gwblhau adolygiad o ffiniau tua'r môr o dan adran 28 o fewn 18 mis;

- 2.22.3 mae'n rhaid i'r Comisiwn "*wneud pob ymdrech*" i gwblhau adolygiad o ffiniau cymuned o dan adran 26 neu adolygiad o drefniadau etholiadol cymuned o dan adran 32 o fewn 24 mis;
- 2.22.4 mae'n rhaid i brif gyngor "*wneud pob ymdrech*" i gwblhau adolygiad o ffiniau cymuned o dan adran 25 neu adolygiad o drefniadau etholiadol cymuned o dan adran 31 o fewn 24 mis.
- 2.23 Er hynny, byddai adran arfaethedig newydd 36B(6) yn darparu na fyddai methiant i fodloni'r dyddiadau cau hyn yn effeithio ar ddilysrwydd yr adolygiad.
- 2.24 Mae'r Comisiwn yn awgrymu y gallai rhwymedigaeth i "*wneud pob ymdrech*" i fodloni'r dyddiad cau perthnasol wrth gynnal adolygiad o dan Ran 3 o Ddeddf 2013 fod yn drafferthus ac y gallai gael canlyniadau anfwriadol. Y rheswm am hyn yw efallai y bydd rhwymedigaeth i "*wneud pob ymdrech*" yn ei gwneud yn ofynnol i'r corff adolygu ddefnyddio'r holl fesurau rhesymol sydd ar gael iddo i fodloni'r dyddiad cau, ac (os caiff ei herio) i gyfiawnhau pam nad yw wedi cymryd camau penodol a all fod wedi cael eu hawgrymu gan eraill.¹ Gallai hyn gael effaith sylweddol ar waith y Comisiwn a chyrrff adolygu eraill.
- 2.25 Er enghraifft, mae adran 35(4) o Ddeddf 2013 (ar ei ffurf bresennol, yn ogystal ag ar y ffurf ddiwygiedig a fyddai'n cael ei disodli gan gymal 45(3)(b)(iv) o'r Bil Etholiadau) yn caniatáu i'r corff adolygu benderfynu ar hyd yr ymgynghoriad ar ei Adroddiad Cynigion Drafft, ar yr amod nad yw'r cyfnod ymgynghori yn llai na 6 wythnos nad yn hwy na 12 wythnos. Pe bai'r corff adolygu yn caniatáu cyfnod ymgynghori sy'n *fwy na'r isafswm* (h.y. mwy na 6 wythnos), gellid ei farnu am beidio â defnyddio *pob mesur rhesymol* i fodloni'r dyddiad cau ar gyfer yr adolygiad hwnnw. Yn y ffordd hon, efallai na fyddai'r ddarpariaeth yn adran 35(4) o Ddeddf 2013 sy'n caniatáu i'r corff adolygu benderfynu ar hyd yr ymgynghoriad (gan ystyried, er enghraifft, ehangder a chymhlethdod y cynigion ar gyfer newid yn ei Adroddiad Cynigion Drafft) yn cael unrhyw effaith.²
- 2.26 At hynny, oherwydd y swyddogaethau ychwanegol a gyflwynir gan y Bil Etholiadau a Bil y Senedd, bydd y Comisiwn yn ddarostyngedig i lwyth gwaith ychwanegol sylweddol yn y dyfodol. Gellid dadlau bod y rhwymedigaeth i "*wneud pob ymdrech*" i gwblhau adolygiad o dan Ran 3 o Ddeddf 2013 erbyn y dyddiad cau yn ei gwneud yn ofynnol i'r Comisiwn gymryd adnoddau i ffwrdd oddi wrth adolygiad o ffiniau etholiadol y Senedd, gan amddifadu'r Comisiwn o'r gallu i benderfynu ar ei flaenoriaethau ei hun a'r ffordd briodol o reoli ei lwyth gwaith newydd.
- 2.27 Mae gan y Comisiwn hefyd y pŵer i gynnal adolygiadau o ffiniau cymunedau ac adolygiadau o drefniadau etholiadol cymunedau drwy gytundeb â'r prif gyngor perthnasol, yn unol ag adrannau 26 a 32 o Ddeddf 2013. Gellid dadlau yn y dyfodol bod penderfyniad gan y Comisiwn i gynnal adolygiad cymuned o'r fath wedi peryglu

¹ Gweler er enghraifft ddyfarniad yr Uchel Lys yn *Brooke Homes v Portfolio Property Partners* [2021] EWHC 3015 (Ch) (Hugh Sims CF) ym mharagraffau 97 i 98 (ar gael yn <https://www.bailii.org/ew/cases/EWHC/Ch/2021/3015.html>)

² Ceir esboniad o'r term "Adroddiad Cynigion Drafft" yn y cyd-destun hwn ym mharagraff 2.11 uchod

ei allu i gwblhau adolygiad o drefniadau etholiadol prif ardal o fewn y dyddiad cau, a'i fod yn gyfystyr â methiant i "wneud pob ymdrech" i fodloni'r dyddiad cau hwnnw. Gallai hyn gael effaith iasol ar y ffordd y mae'r Comisiwn yn cynnal adolygiadau cymuned, a allai yn ei dro gael nifer o effeithiau andwyol.

2.28 Felly, mae'r Comisiwn yn **awgrymu y dylai'r rhwymedigaeth ar y corff adolygu i "wneud pob ymdrech" i fodloni'r dyddiadau cau yn adran arfaethedig newydd 36B o Ddeddf 2013** (a gaiff ei mewnosod gan gymal 48(2) o'r Bil Etholiadau) **gael ei disodli ym mhob achos gan rwymedigaeth i "geisio" bodloni'r dyddiadau cau hynny**. Mae'n debygol y bydd y rhwymedigaeth honno yn dal i ddylanwadu ar y ffordd y bydd y corff adolygu yn cynnal yr adolygiad, ond mewn ffordd sy'n osgoi aflonyddu ar weithrediadau'r corff adolygu a'r ffordd mae'n rheoli ei lwyth gwaith.

Cymal 48(2) – croesgyfeirio gwallus

2.29 Fel yr amlinellwyd uchod, byddai cymal 48(2) yn mewnosod (ymhlith pethau eraill) adran 36B(4) newydd yn Neddf 2013, gan nodi terfyn amser ar gyfer yr adolygiadau cymuned a gynhelir gan y Comisiwn.

2.30 Ar hyn o bryd, mae adran arfaethedig newydd 36B(4) yn cyfeirio at adolygiadau cymuned a gynhelir gan y Comisiwn "*o dan adran 26, 31 neu 32*" o Ddeddf 2013. Mae'r Comisiwn yn awgrymu, yn y cyd-destun hwn, mai gwall yw'r croesgyfeiriad at adran 31; dim ond o dan adrannau 26 a 32 y mae pwerau'r Comisiwn i gynnal adolygiadau cymuned yn cael eu rhoi. Mae adran 31(5) o Ddeddf 2013 yn cyfeirio at allu'r Comisiwn i gynnal adolygiad o drefniadau etholiadol cymuned drwy gytundeb â'r prif gyngor; fodd bynnag, mae'r ddarpariaeth honno'n nodi'n glir y byddai unrhyw adolygiad o'r fath gan y Comisiwn yn cael ei gynnal "*o dan adran 32*".

2.31 Felly, mae'r Comisiwn yn **awgrymu bod y croesgyfeiriad at adran 31 yn adran arfaethedig newydd 36B(4) o Ddeddf 2013** (a fyddai'n cael ei mewnosod gan gymal 48(2) o'r Bil Etholiadau) yn cael ei ddileu.

Cymal 51(3) – rhwymedigaeth i gwblhau adolygiadau cymuned

2.32 Byddai cymal 51(3)(a) o'r Bil Etholiadau yn mewnosod isadran (A1) newydd yn adran 31 o Ddeddf 2013, a fyddai'n ei gwneud yn ofynnol i bobl prif gyngor "*gynnal adolygiad o'r trefniadau etholiadol ar gyfer pob cymuned yn ei ardal o leiaf unwaith ym mhob cyfnod adolygu [o 12 mlynedd]*".

2.33 Ar hyn o bryd, mae Deddf 2013 yn gosod cyfres o rwymedigaethau ar brif gynghorau at ddiben sicrhau bod ardaloedd a threfniadau etholiadol cymunedau yn cael eu cadw'n gyfredol. Mae'n ofynnol i brif gynghorau:

2.33.1 fonitro'r cymunedau yn eu hardal a threfniadau etholiadol y cymunedau hynny;

- 2.33.2 ystyried a ddylid newid y cymunedau neu'r trefniadau etholiadol hynny;
- 2.33.3 cynnal adolygiadau o dan rai amgylchiadau;
- 2.33.4 cyflawni'r dyletswyddau hyn, i "*geisio sicrhau llywodraeth leol effeithiol a chyfleus*".³
- 2.34 Yn y cyd-destun hwn, mae dau fath o adolygiad y gall prif gynghorau eu cynnal: adolygiadau o ffiniau cymunedau o dan adran 25 o Ddeddf 2013 ac adolygiadau o drefniadau etholiadol cymunedau o dan adran 31 o Ddeddf 2013. Gelwir y ddau fath hyn o adolygiad, gyda'i gilydd, yn "adolygiadau cymuned".
- 2.35 Mae adolygiad o ffiniau cymuned yn adolygiad o ffiniau un neu ragor o gymunedau o fewn ardal y prif gyngor. Gall hyn fod yn briodol, er enghraifft, os yw datblygiadau tai newydd wedi gwneud gwahaniaethau sylweddol i'r map neu i batrymau anheddu mewn ardal, os oes anomaleddau nad ydynt wedi'u nodi mewn adolygiadau blaenorol (megis cyrsiau golff wedi'u rhannu ar draws dwy gymuned, neu ardaloedd lle mae ffordd fach neu ffordd bengaead wedi'i rhannu oddi wrth weddill cymuned), neu os oes newidiadau i gyrsiau dŵr neu dirddaliadaethau mawr megis ffermydd.
- 2.36 Ar ddiwedd adolygiad o ffiniau cymuned, gall y prif gyngor argymhell "*unrhyw newidiadau i ffin cymuned y mae o'r farn eu bod yn briodol*".⁴ Yn y cyd-destun hwn, gall "newid i ffin cymuned" olygu newid i ffin cymuned sy'n bodoli eisoes, neu ddiddymu cymuned sy'n bodoli eisoes a/neu greu cymuned newydd.⁵
- 2.37 Pan fydd prif gyngor yn argymhell y dylid newid ffin cymuned ar ddiwedd adolygiad o ffiniau cymuned, mae ganddo'r pŵer hefyd i argymhell mathau penodol o newidiadau pellach lle mae'r newidiadau pellach yn *ganlyniad i* newidiadau i ffiniau. Y newidiadau pellach a ganiateir yw:
- 2.37.1 "*newidiadau i gyngor cymuned*", sy'n golygu diddymu cyngor cymuned sy'n bodoli eisoes, sefydlu cyngor cymuned newydd, neu ychwanegu cymunedau i gyngor cymuned cyffredin (neu dynnu cymunedau i ffwrdd oddi wrtho);⁶
- 2.37.2 "*newidiadau cysylltiedig i drefniadau etholiadol*" un neu ragor o'r cymunedau sydd o dan adolygiad neu'r brif ardal.⁷ Yn y cyd-destun hwn, mae "trefniadau etholiadol cymuned" yn cyfeirio at nifer aelodau'r cyngor cymuned ac unrhyw drefniadau ar gyfer rhannu'r gymuned yn wardiau at ddibenion etholiadau i'r cyngor cymuned, tra bod "trefniadau etholiadol y brif ardal" yn cyfeirio at nifer aelodau etholedig y prif gyngor a'r trefniadau ar gyfer wardiau etholiadol.⁸
- 2.38 I'r gwrthwyneb, mae *adolygiad o drefniadau etholiadol cymuned* yn mynd i'r afael â'r trefniadau ar gyfer cynrychiolaeth ar gyngor cymuned mewn cymuned

³ Deddf 2013, adran 22(1) i (3)

⁴ Deddf 2013, adran 25(3)(a)

⁵ Deddf 2013, adran 23(4)(a)

⁶ Deddf 2013, adran 23(4)(b)

⁷ Deddf 2013, adran 25(3)(b)

⁸ Deddf 2013, adrannau 29(9) a 31(7)

benodol. Nid oes gan y prif gyngor y pŵer mewn adolygiad o drefniadau etholiadol cymuned i gynnig newidiadau i *ffiniau* cymunedau sydd o dan adolygiad, ac felly mae adolygiad o'r math hwn yn mynd rhagddo ar y sail bod y ffiniau hynny yn rhai sefydlog. Gall adolygiad o'r math hwn fod yn briodol yn enwedig lle mae poblogaethau cymunedau wedi newid, ond nid yw'r newidiadau yn golygu ei bod yn briodol newid ffiniau'r cymunedau hynny.

2.39 Ar ddiwedd adolygiad o drefniadau etholiadol cymuned, gall prif gyngor "gynnig a gwneud" newidiadau i'r trefniadau etholiadol ar gyfer cymuned o dan adolygiad, yn ogystal â newidiadau canlyniadol i drefniadau etholiadol y brif ardal.

2.40 Felly, i grynhoi, wrth gynnal adolygiad o *ffiniau* cymuned, gall prif gyngor archwilio ac argymhell newidiadau i drefniadau etholiadol cymuned os yw *ffiniau'r* gymuned honno wedi newid. Ond nid oes gan y prif gyngor y pŵer mewn adolygiad o ffiniau cymuned i newid trefniadau etholiadol cymuned os nad yw ffiniau'r gymuned honno wedi newid – at y diben hwn, rhaid iddo gynnal adolygiad ar wahân o drefniadau etholiadol cymuned.

2.41 I'r gwrthwyneb, pan fydd yn cynnal adolygiad o *drefniadau etholiadol* cymuned, ni all y prif gyngor newid ffiniau'r gymuned (neu'r cymunedau) sydd o dan adolygiad. Mae'r math hwn o adolygiad yn tybio bod y ffiniau yn rhai sefydlog. Am y rheswm hwn, dim ond os yw'r prif gyngor yn ystyried bod ffiniau'r cymunedau a gaiff eu hadolygu yn briodol, fel na fydd angen i'r ffiniau hynny eu hunain gael eu hadolygu yn y dyfodol agos, y mae'n debygol o fod yn briodol i'r prif gyngor neilltuo adnoddau ar gyfer adolygiad o *drefniadau etholiadol* cymuned.

2.42 O ganlyniad, os yw prif gyngor yn mynd i gynnal adolygiad llawn o'r cymunedau yn ei ardal, rhaid iddo gynnal adolygiad o ffiniau cymuned yn gyntaf, ac *yna* adolygiad o drefniadau etholiadol cymuned ar gyfer unrhyw gymunedau yn ei ardal *na* chafodd eu ffiniau eu newid o ganlyniad i'r adolygiad o ffiniau. Yr unig eithriad i'r angen i gynnal dau adolygiad fyddai pe bai ffiniau'r *holl* gymunedau yn ardal y prif gyngor wedi cael eu newid wrth gynnal adolygiad o ffiniau. Mae'r Comisiwn yn rhagweld y byddai hyn yn sefyllfa eithriadol iawn.

2.43 Polisi cyffredinol y Comisiwn yw bod buddiannau llywodraeth leol effeithiol a chyfleus yn cael eu gwasanaethu orau pan fo ffiniau etholiadau llywodraeth leol yn gydlynol, yn yr ystyr bod ffiniau wardiau etholiadol prif gyngor yn cyfateb i ffiniau cymunedau a wardiau cymuned. Felly, polisi cyffredinol y Comisiwn yw bod cymunedau yn ffurfio "blociau adeiladu" wardiau etholiadol prif gynghorau.

2.44 Yn unol â hynny, mae'n ddefnyddiol os yw'r prif gyngor wedi cwblhau adolygiad llawn o'r cymunedau yn ei ardal yn ddiweddar cyn i'r Comisiwn ddechrau adolygiad o drefniadau etholiadol prif ardal yn yr un ardal – fel bod y ffiniau cymuned (a hefyd drefniadau etholiadol cymuned) a fydd yn ffurfio "blociau adeiladu'r" Comisiwn at ddibenion yr adolygiad o drefniadau etholiadol prif ardal yn briodol ac yn gyfredol.

2.45 **O ystyried y cefndir hwn, mae'r Comisiwn yn awgrymu y dylai'r Bil Etholiadau gael ei addasu mewn tair ffordd.**

2.46 **Yn gyntaf, dylai pob prif gyngor orfod cynnal adolygiad o ffiniau pob cymuned yn ei ardal o dan adran 25 o Ddeddf 2013 o leiaf unwaith ym mhob cyfnod adolygu.** Dylai cymal 51 gael ei ategu er mwyn cyflwyno diwygiad i adran 25 o Ddeddf 2013 i'r perwyl hwn. Y rheswm am hyn yw mai cymunedau yw'r "blociau adeiladu" ar gyfer adolygiadau'r Comisiwn o drefniadau etholiadol prif ardaloedd o dan adran 29 o Ddeddf 2013, ac mae o fudd i'r cyhoedd bod ffiniau cymuned yn cael eu hadolygu a'u diweddarau.

2.47 **Yn ail, dylai'r rhwymedigaeth ar brif gyngor i adolygu'r trefniadau etholiadol ar gyfer pob cymuned yn ei ardal o leiaf unwaith ym mhob cyfnod adolygu** (a fyddai'n cael ei chreu gan adran arfaethedig newydd 31(A1) o Ddeddf 2013, i'w mewnosod gan Gymal 51(3) (a) o'r Bil Etholiadau) **fod yn destun eithriad ar gyfer cymunedau:**

2.47.1 **Ile mae'r prif gyngor wedi argymhell newidiadau i ffiniau'r gymuned honno mewn adolygiad o dan adran 25 a gwblhawyd yn ystod yr un cyfnod adolygu;**

2.47.2 wrth gynnal yr adolygiad hwnnw o dan adran 25, **mae'r prif gyngor naill ai:**

2.47.2.1 **wedi argymhell y dylid gwneud newidiadau canlyniadol i drefniadau etholiadol y gymuned honno; neu**

2.47.2.2 **wedi cofnodi ei gasgliad yn ei adroddiad terfynol nad oes angen newid trefniadau etholiadol y gymuned.**

2.48 Nod yr eithriad hwn yw osgoi sefyllfaoedd lle mae'r prif gyngor wedi adolygu trefniadau etholiadol cymuned yn barod wrth gynnal adolygiad o ffiniau o dan adran 25, ond ei fod yn gorfod ailystyried yr un materion mewn adolygiad o dan adran 31 yn ystod yr un cyfnod adolygu. Mae'r Comisiwn o'r farn y bydd llawer iawn o adnoddau yn debygol o gael eu gwastraffu.

2.49 **Yn drydydd, dylai'r rhwymedigaethau ar brif gynghorau i gwblhau adolygiadau o dan adran 25 ac adran 31 fod yn ddarostyngedig i amodau penodol sy'n nodi y gallant fod yn fodlon os yw'r adolygiad yn cael ei gwblhau gan y Comisiwn yn lle hynny drwy gytundeb â'r prif gyngor,** yn unol ag adran 26 neu adran 32 o Ddeddf 2013. Heb yr amodau hynny, ymddengys na fyddai'n debygol y byddai'r mecanweithiau yn adran 26 ac adran 32 sy'n galluogi'r Comisiwn i gwblhau adolygiad yn lle'r prif gyngor yn cael llawer o effaith yn ymarferol.

Cymal 51(3) – cylch adolygu newydd o 12 mlynedd ar gyfer adolygiadau cymuned

2.50 Byddai cymal 51(3)(a) o'r Bil Etholiadau hefyd yn mewnosod is-adran (A2) newydd yn adran 31 o Ddeddf 2013, a fyddai'n darparu bod y cyfnod adolygu pan fydd yn rhaid i brif gyngor gynnal adolygiad o drefniadau etholiadol ar gyfer pob cymuned yn ei ardal yn 12 mlynedd *yn dechrau gyda'r diwrnod y daw adran o'r Ddeddf i rym*, a pob cyfnod dilynol o 12 mlynedd.

2.51 Mae *hyd* y cyfnod adolygu hwn yr un fath â hyd y cyfnod adolygu estynedig newydd pan fydd yn ofynnol i'r Comisiwn gynnal adolygiad o'r trefniadau etholiadol ar gyfer pob prif ardal yng Nghymru – gweler cymal 41(2)(a) o'r Bil Etholiadau (a fyddai'n diwygio adran 29(3) o Ddeddf 2013) ynghyd ag adran 29(1) o Ddeddf 2013. Fodd bynnag, ni fydd y *dyddiad dechrau* ar gyfer y cyfnod adolygu o 12 mlynedd sy'n berthnasol i brif gynghorau yr un fath â'r dyddiad dechrau ar gyfer y cyfnod adolygu o 12 mlynedd sy'n berthnasol i'r Comisiwn – gan y bydd cyfnod adolygu 12 mlynedd y Comisiwn yn dechrau yn gynharach ar 30 Medi 2023 (a phob cyfnod o 12 mlynedd wedi hynny).⁹

2.52 Yn ei ymateb i'r *Papur Gwyn ar Weinyddu a Diwygio Etholiadol* a ddaeth cyn y Bil Etholiadau, gwnaeth y Comisiwn yr awgrymiadau canlynol:

2.52.1 os bydd yn ofynnol i brif gyngor gynnal adolygiad o ffiniau cymuned ac adolygiad o drefniadau etholiadol cymuned o fewn cyfnod penodol, yna dylai'r cyfnod hwnnw fod yr *un* cyfnod ag y mae'n ofynnol i'r Comisiwn gynnal ei adolygiad o drefniadau etholiadol prif ardal yn yr un ardal;

2.52.2 dylai hyd y cyfnod adolygu gael ei ymestyn i 12 mlynedd yn hytrach na'r 10 presennol, er mwyn sicrhau bod digon o amser;

2.52.3 dylai'r cyfnodau adolygu gael eu trefnu mewn ffordd sy'n cydnabod ac yn ymateb i heriau o ran llwyth gwaith. Os yw *pob* prif gyngor yn ddarostyngedig i'r un cyfnod adolygu, yna nid yw'n debygol y bydd y Comisiwn yn gallu cynnal *unrhyw* adolygiadau o drefniadau etholiadol prif ardaloedd yn ystod hanner cyntaf y cyfnod adolygu, ac mae'n debygol y bydd yn rhaid iddo gynnal yr *holl* adolygiadau o drefniadau etholiadol prif ardaloedd yn ystod ail hanner y cyfnod – gyda chanlyniadau amlwg o ran y ffordd y mae'r Comisiwn yn rheoli ei bersonél, ei arbenigedd a'i llwyth gwaith. Gallai'r broblem hon gael ei lliniaru drwy bennu cyfnodau adolygu gwahanol ar gyfer grwpiau gwahanol o brif ardaloedd, er y byddai hyn yn gwneud y ddeddfwriaeth yn fwy cymhleth.

2.53 Mae'r Comisiwn yn croesawu'r darpariaethau yn y Bil Etholiadau a fyddai'n ymestyn y cyfnodau adolygu ar gyfer y Comisiwn a'r prif gynghorau i 12 mlynedd. Hefyd, mae'r Comisiwn yn cydnabod eto y gallai'r system o gyfnodau adolygu gwahanol a gynigiwyd ganddo yn flaenorol wneud Deddf 2013 yn llawer mwy cymhleth.

2.54 Fodd bynnag, mae'r Comisiwn yn awgrymu, os yw pob prif gyngor yn mynd i fod yn ddarostyngedig i'r un cyfnod adolygu o 12 mlynedd, yna dylai'r cyfnodau adolygu o 12 mlynedd sy'n berthnasol i brif gynghorau ac i'r Comisiwn fod yr *un* *peth* , ac felly *dylent ddechrau ar yr un dyddiad* . Yn fyr, y rheswm am hyn yw ei bod yn debygol y bydd cyfnodau adolygu sy'n dechrau ar ddyddiadau gwahanol yn golygu y bydd cyfnodau "segur" ar ddechrau a/neu ddiwedd pob cyfnod adolygu pan na fydd modd cymryd unrhyw gamau gweithredu. Mae hyn, yn ei dro, yn debygol o olygu y bydd yr amser sydd ar gael yn ystod y cyfnod adolygu i gydymffurfio â rhwymedigaeth pob corff adolygu i gynnal adolygiadau yn llai na 12

⁹ Gweler cymal 41(2)(a) o'r Bil Etholiadau

mlynedd, gyda sgil-effeithiau ar gyfer llwythi gwaith cyrff adolygu a'u gallu i reoli eu hadnoddau. Caiff hyn ei egluro yn y paragraffau canlynol.

- 2.55 Fel y nodwyd uchod, mae'r Comisiwn o'r farn ei bod er budd llywodraeth leol effeithiol a chyfleus bod ffiniau etholiadol yn gydlynol, yn yr ystyr bod ffiniau wardiau etholiadol prif gynghorau yn cyfateb i ffiniau cymunedau a wardiau cymuned. Felly, polisi cyffredinol y Comisiwn yw bod cymunedau yn ffurfio "blociau adeiladu" wardiau etholiadol prif gynghorau.¹⁰
- 2.56 O ganlyniad, mae'n ddefnyddiol os yw'r prif gyngor wedi cwblhau adolygiadau cymuned yn ei ardal yn ddiweddar cyn i'r Comisiwn ddechrau adolygiad o drefniadau etholiadol prif ardal yn yr un ardal – fel bod y ffiniau cymuned (a hefyd drefniadau etholiadol cymuned) a fydd yn ffurfio "blociau adeiladu'r" Comisiwn at ddibenion yr adolygiad o drefniadau etholiadol prif ardal yn briodol ac yn gyfredol.
- 2.57 At hynny, os yw'r Comisiwn yn canfod, yn ystod adolygiad o drefniadau etholiadol prif ardal, y gallai fod yn briodol pennu ffiniau newydd ar gyfer ward etholiadol, bydd y Comisiwn hefyd yn ystyried arfer y pŵer sydd ganddo i argymhell newidiadau i ffiniau cymuned, cynghorau cymuned a threfniadau etholiadol cymuned sy'n *ganlyniad* i newidiadau i drefniadau etholiadol y brif ardal.¹¹ Yn y ffordd hon, gall adolygiadau etholiadol prif ardaloedd arwain at newidiadau i drefniadau cymunedau yn yr un ardal.
- 2.58 Yn unol â hynny, polisi cyffredinol y Comisiwn yw aros nes bod prif gyngor wedi cwblhau ei adolygiadau cymuned cyn i'r Comisiwn ddechrau ei adolygiad o drefniadau etholiadol prif ardal yn ardal y cyngor hwnnw, er mwyn sicrhau bod trefniadau cymunedau sy'n llywio adolygiad y Comisiwn yn gyfredol ac nad ydynt yn cael eu newid oherwydd gweithredoedd y prif gyngor yn ystod adolygiad y Comisiwn.
- 2.59 Yn yr un modd, mae'n debygol o fod yn fwyaf effeithlon os na fydd prif gyngor yn dechrau ei adolygiadau cymuned tan ar ôl i'r Comisiwn gwblhau adolygiad o drefniadau etholiadol prif ardal yn ardal y cyngor. Fel arall, bydd risg y gallai gwaith y prif gyngor fynd yn ofer, os bydd y prif gyngor yn cynnal adolygiad cymuned ar sail trefniadau sy'n cael eu newid yn ddiweddarach o ganlyniad i adolygiad a gynhelir gan y Comisiwn.
- 2.60 At hynny, ar ddiwedd unrhyw adolygiad a gynhelir o dan Ddeddf 2013, bydd yr awdurdod gweithredu (sy'n derbyn yr adroddiad terfynol yn yr adolygiad) yn cael dewis, yn gyffredinol, a ddylid gwneud Gorchymyn sy'n gweithredu canlyniad yr adolygiad. Felly, ym marn y Comisiwn:
- 2.60.1 os yw prif gyngor yn cynnal adolygiad cymuned yn ei ardal (neu wedi cwblhau adolygiad o'r fath yn ddiweddar), yn ddelfrydol ni fydd y Comisiwn yn dechrau adolygiad o drefniadau etholiadol prif ardal yn yr un ardal nes bod yr awdurdod gweithredu (y Comisiwn ei hun mewn rhai achosion) wedi cymryd ei benderfyniad gweithredu mewn perthynas ag adolygiad cymuned y prif gyngor.

¹⁰ Uchod, paragraff 2.43

¹¹ Gweler adran 29(7)(b) o Ddeddf 2013

Fel arall, bydd y Comisiwn yn dechrau ei adolygiad o drefniadau etholiadol prif ardal mewn amgylchiadau lle y gallai trefniadau cymunedau, sy'n ffurfio "blociau adeiladu" adolygiadau etholiadol, fod yn ansicr;

2.60.2 os yw'r Comisiwn yn cynnal adolygiad cymuned yn ei ardal (neu wedi cwblhau adolygiad o'r fath yn ddiweddar), yn ddelfrydol ni fydd y prif gyngor yn dechrau adolygiad cymuned yn yr un ardal nes bod yr awdurdod gweithredu wedi penderfynu a ddylid rhoi'r argymhellion a wnaed yn adroddiad argymhellion terfynol y Comisiwn ar waith. Mae hyn am resymau tebyg, o ystyried bod gan y Comisiwn y pŵer mewn adolygiad o drefniadau etholiadol prif ardal i argymhell newidiadau canlyniadol i drefniadau cymuned.¹²

2.61 Felly, i grynhoi, mae'r Comisiwn o'r farn na ddylai ddechrau adolygiad o drefniadau etholiadol prif ardal oni bai bod unrhyw adolygiadau cymuned yn yr un ardal wedi cael eu cwblhau a'u rhoi ar waith. Yn yr un modd, ni ddylai'r prif gyngor ddechrau adolygiad cymuned yn ei ardal oni bai bod unrhyw adolygiad o drefniadau etholiadol prif ardal y mae'r Comisiwn yn ei gynnal (neu y bydd yn ei gynnal yn fuan) wedi cael ei gwblhau a'i roi ar waith.

2.62 Fel y nodwyd yn ymateb y Comisiwn i'r *Papur Gwyn ar Weinyddu a Diwygio Etholiadol*, os yw'r un cyfnod adolygu o 12 mlynedd yn berthnasol i bob prif gyngor ac i'r Comisiwn, mae'n debygol y bydd y prif gynghorau yn cynnal eu hadolygiadau cymuned yn ystod tua hanner cyntaf y cyfnod hwnnw o 12 mlynedd, ac y bydd y Comisiwn yn cynnal ei adolygiadau o drefniadau etholiadol prif ardaloedd yn ystod tua ail hanner y cyfnod.¹³ Mae hyn yn debygol o gyflwyno heriau amlwg i'r ffordd y mae'r Comisiwn yn rheoli ei bersonél, ei arbenigedd a'i lwyth gwaith.

2.63 Fodd bynnag, fel y nodir uchod, mae geiriau cyfredol y Bil Etholiadau yn debygol o olygu y bydd cyfnod adolygu 12 mlynedd y Comisiwn yn dechrau tua 6 i 12 mis *cyn* dechrau'r cyfnod adolygu o 12 mis ar gyfer prif gynghorau. Ar y sail hon, nid yw'r Comisiwn yn debygol o ddechrau ei adolygiadau o drefniadau etholiadol prif ardaloedd yn y cyfnod cyn bod y cyfnod adolygu o 12 mlynedd ar gyfer prif gynghorau yn *dechrau*, nac yn oddeutu hanner cyntaf y cyfnod adolygu o 12 mlynedd ar gyfer prif gynghorau, gan na fydd trefniadau cymunedau wedi cael eu diweddarau yn ystod yr amser hwnnw. Felly, mae'r Comisiwn yn debygol o ddechrau ei adolygiadau o drefniadau etholiadol prif ardaloedd yn *hwyrach na* hanner ffordd drwy ei gyfnod adolygu ei hun o 12 mis, gan adael *llai o amser* i'r Comisiwn gwblhau'r adolygiadau hynny. At hynny, unwaith y bydd adolygiadau'r Comisiwn wedi'u cwblhau a'u rhoi ar waith, efallai y bydd prif gynghorau yn cael eu gorfodi i aros cyn dechrau cylch newydd o adolygiadau cymuned, gan na fydd eu cyfnod adolygu newydd eu hunain wedi dechrau eto o bosibl.

2.64 Yn y ffordd hon, efallai y bydd "cyfnodau segur" ar ddechrau a diwedd pob cylch adolygu lle na fydd modd gweithredu. Byddai hyn yn aneffeithiol ac yn golygu bod amser yn cael ei golli.

¹² Gweler uchod, paragraff 2.57

¹³ Mae'r Comisiwn yn nodi yn hyn o beth y dyddiad cau o 24 mis ar gyfer pob adolygiad cymuned, fel y darperir ar ei gyfer yn adran arfaethedig newydd 36B(5) o Ddeddf 2013, i'w mewnosod gan gymal 48(2) o'r Bil Etholiadau

2.65 Mae'r Comisiwn yn **awgrymu y dylai'r cyfnodau adolygu o 12 mlynedd ar gyfer prif gynghorau ac ar gyfer y Comisiwn ddechrau ar yr un dyddiad**, er mwyn osgoi'r cyfnodau hyn o "segurdod". Gallai'r newid hwn gael ei gyflawni drwy ddiwygio cymal 51(3)(a) i ddarparu bod y cyfnod adolygu cyntaf o 12 mlynedd ar gyfer prif gynghorau yn dechrau ar 30 Medi 2023, gan adlewyrchu'r ddarpariaeth yng nghymal 41(2)(a)(i) ar gyfer cyfnod adolygu'r Comisiwn. Fel arall (gan y byddai'r newid hwn yn cyfyngu ar yr amser sydd ar gael yn y cyfryw gyfnod adolygu cyntaf i brif gynghorau), gallai cymal 41(2)(a)(i) gael ei ddiwygio yn lle hynny fel bod y cyfnod adolygu o 12 mlynedd ar gyfer y Comisiwn yn dechrau ar y diwrnod y daw cymal 51 o'r Bil i rym, gan adlewyrchu'r ddarpariaeth bresennol yng nghymal 51(3)(a) ar gyfer prif gynghorau.

Cymal 55 – darpariaeth drosiannol

2.66 Mae Pennod 1 o Ran 2 o'r Bil Etholiadau yn cynnwys cymalau 40 i 55, sy'n bennaf yn diwygio Rhan 3 o Ddeddf 2013. Bydd Pennod 1 o Ran 2 yn dod i rym 2 fis ar ôl i'r Bil Etholiadau gael Cydsyniad Brenhinol – gweler cymal 70(2)(a).

2.67 Mae cymal 55(1) o'r Bil yn darparu y dylai adolygiadau o dan Ran 3 o Ddeddf 2013 sy'n mynd rhagddynt pan fydd Pennod 1 o Ran 2 o'r Bil yn dod i rym gael eu cwblhau fel pe na bai'r newidiadau i'r Bil Etholiadau wedi cael eu gwneud. Mae cymal 55(2) yn darparu, at ddibenion yr adolygiadau hynny sy'n mynd rhagddynt, fod Rhan 3 o Ddeddf 2013 ac unrhyw is-ddeddfwriaeth gysylltiedig yn parhau mewn grym fel y maent ar hyn o bryd.

2.68 Mae'r Comisiwn yn cadarnhau ei fod wrthi'n cynnal nifer o adolygiadau o ffiniau cymunedau drwy gytundeb â'r prif gyngor perthnasol o dan adran 26. Mae'r Comisiwn hefyd yn ymwybodol bod adolygiadau cymuned eraill yn cael eu cynnal gan brif gynghorau ar hyn o bryd.

2.69 Ar hyn o bryd, mae'n ymddangos y bydd y rhan fwyaf o'r adolygiadau hyn sy'n mynd rhagddynt yn cael eu cwblhau *ar ôl* i Bennod 1 o Ran 2 o'r Bil ddod i rym. Felly, bydd yr adolygiadau hyn yn cael eu cwblhau unwaith y bydd y cyfnod adolygu cyntaf o 12 mis ar gyfer prif gynghorau wedi dechrau (gweler uchod, paragraff 2.50). Fodd bynnag, o achos cymal 55(1) a (2), ni fyddant yn cyfrif tuag at gyflawni'r rhwymedigaeth sydd ar brif gynghorau i gynnal adolygiadau yn ystod y cyfnod adolygu o 12 mis (y mae'r Comisiwn yn awgrymu y dylai gynnwys rhwymedigaeth i gynnal adolygiadau o *ffiniau* cymunedau o dan adran 25 o Ddeddf 2013, fel y nodir ym mharagraff 2.46 uchod).

2.70 Mae'r Comisiwn yn awgrymu y **dylai cymal 55(1) a (2) o'r Bil Etholiadau gael ei addasu fel bod unrhyw adolygiadau cymuned sy'n mynd rhagddynt pan fydd Pennod 1 o Ran 2 yn dod i rym yn cael eu cynnal o dan y fersiwn anniwygiedig o Ddeddf 2013, ond y byddant yn cyfrif tuag at gyflawni unrhyw rwymedigaeth sydd ar brif gyngor i gwblhau adolygiad cymuned yn ystod y cyfnod adolygu cyntaf o 12 mlynedd**. Mae hyn er mwyn osgoi sefyllfaoedd posibl lle mae prif gyngor yn cwblhau adolygiad yn ystod y cyfnod adolygu cyntaf ond wedyn mae angen iddo ailadrodd yr adolygiad yn ystod yr un cyfnod am fod yr adolygiad wedi dechrau cyn i Bennod 1 o Ran 2 ddod i rym, ac am y rheswm

hwnnw'n unig. Mae'r Comisiwn yn awgrymu y byddai sefyllfaoedd o'r fath yn wastraff adnoddau.

Cymal 70 – Rhan 1 o'r Bil yn dod i rym

- 2.71 Mae cymal 70(1)(a) o'r Bil Etholiadau yn darparu y bydd Pennod 3 o Ran 1 yn dod i rym ar y diwrnod ar ôl i'r Bil gael Cydsyniad Brenhinol.
- 2.72 Mae Pennod 3 o Ran 1 yn nodi darpariaethau ar gyfer Rheoliadau Peilot, ac yn cynnwys swyddogaethau newydd ar gyfer y Comisiwn – yn bwysicaf oll i adolygu cynigion ar gyfer Rheoliadau Peilot o dan gymal 15, ac i sefydlu fforymau peilotau etholiadau Cymreig mewn rhai amgylchiadau o dan gymal 16.¹⁴
- 2.73 Fel y nodir uchod, er mai swyddogaethau'r Comisiwn yw'r rhain, mae'r Bil Etholiadau yn darparu bod yn rhaid iddynt gael eu harfer gan y Bwrdd: gweler adran arfaethedig newydd 20E(2) a (3)(b) o Ddeddf 2013, a fyddai'n cael ei mewnosod gan gymal 1(2) o'r Bil Etholiadau. Yn unol â hynny, y Bwrdd fydd yn gyfrifol mewn gwirionedd am adrodd ar gynigion ar gyfer Rheoliadau Peilot, ac am sefydlu fforwm peilot etholiad Cymreig yn y sefyllfaoedd perthnasol. Mae hyn, yn ei dro, oherwydd mai aelodau'r Bwrdd yn hytrach nag aelodau'r Comisiwn fydd â'r arbenigedd a'r profiad perthnasol at y dibenion hyn.¹⁵
- 2.74 Mae darpariaethau'r Bil Etholiadau a fyddai'n creu'r Bwrdd (adran 20E(1) newydd o Ddeddf 2013) ac yn rhoi swyddogaethau iddo (adran 20E(2) a (3)) newydd yn cael eu mewnosod gan gymal 1(2) o'r Bil, sydd wedi'i gynnwys ym Mhennod 1 o Ran 1. O dan gymal 70(3) o'r Bil, *ni* fydd y darpariaethau hynny yn dod i rym yn awtomatig ar ôl i Gydsyniad Brenhinol gael ei roi, ond yn hytrach gan Orchymyn a wneir gan Weinidogion Cymru.
- 2.75 Mae'n dilyn o hynny, oherwydd geiriad cyfredol cymal 70, y bydd swyddogaethau yn cael eu rhoi i'r Comisiwn o dan Bennod 3 o Ran 1 drannoeth y diwrnod y ceir Cydsyniad Brenhinol, y bwriedir iddynt fod yn swyddogaethau'r Bwrdd (ac y mae angen arbenigedd a phrofiad aelodau'r Bwrdd i'w cyflawni), ond y byddant yn cael eu rhoi i'r Comisiwn cyn i'r Bwrdd gael ei sefydlu. Oni fydd Gweinidogion Cymru yn gwneud Gorchymyn yn gyflym i ddod â chymal 1(2) y Bil i rym, efallai y bydd y Comisiwn yn cael ei alw i adolygu cynigion ar gyfer Rheoliadau Peilot a/neu sefydlu fforymau peilotau etholiadau Cymreig cyn i'r Bwrdd gael ei greu, neu o leiaf cyn i aelodau'r Bwrdd gael eu penodi a chyn i'r Bwrdd ddod yn weithredol.
- 2.76 Felly, mae'r Comisiwn yn **awgrymu bod cymal 70 yn cael ei ddiwygio er mwyn i gymal 1(2) y Bil ddod i rym heb fod yn hwyrach na Phennod 3 o Ran 1 o'r Bil.**

3. CRYNODEB – GWELLIANNAU A AWGRYMR I'R BIL

¹⁴ Gweler uchod, paragraff 2.3

¹⁵ Gweler uchod, paragraffau 2.4 i 2.7

3.1 Yn gyntaf, mae'r Comisiwn yn awgrymu y **dylai cymal 16(3)(c) o'r Bil Etholiadau ddarllen fel a ganlyn** (gyda'r testun newydd arfaethedig wedi'i danlinellu):

“un neu ragor o aelodau'r Bwrdd Rheoli Etholiadol a chanddynt brofiad perthnasol”.

3.2 Yn ail, mae'r Comisiwn yn awgrymu y **dylai cymal 45(3)(b)(iii) gael ei ddileu o'r Bil Etholiadau**, yn bennaf am ei fod yn dyblygu darpariaeth a wnaed eisoes gan adran 36(1) o Ddeddf 2013.

3.3 Yn drydydd, mae'r Comisiwn yn awgrymu y **dylai cymal 45(4) ddarllen fel a ganlyn** (gyda'r cywiriad teipio wedi'i danlinellu):

“In section 36 (reporting on review), in subsection (1), for “period for representations” substitute “public consultation period”.”

3.4 Yn bedwerydd, mae'r Comisiwn yn awgrymu y **dylid mewnosod darpariaeth ychwanegol yng nghymal 46 o'r Bil Etholiadau, a fyddai'n diwygio adran 34(3) o Ddeddf 2013 fel bod ei destun agoriadau yn darllen fel a ganlyn** (gyda'r geiriad diwygiedig wedi'i danlinellu):

“At ddibenion adolygiad o dan y Rhan hon, yr “ymgyngoreion gorfodol” yw'r cyrff canlynol, y bydd unrhyw un ohonynt fodd bynnag yn peidio â bod yn ymgynghorai gorfodol at ddibenion yr adolygiad os na fydd yn enwebu i'r corff adolygu ar gais, ac yn darparu manylion cyswllt ar gyfer unigolyn i weithredu fel pwynt cyswllt unigol at ddibenion yr adolygiad –”.

3.5 Yn bumed, mae'r Comisiwn yn awgrymu y **dylai'r rhwymedigaeth ar y corff adolygu i “wneud pob ymdrech” i fodloni'r dyddiadau cau yn adran arfaethedig newydd 36B o Ddeddf 2013** (a gaiff ei mewnosod gan gymal 48(2) o'r Bil Etholiadau) **gael ei disodli ym mhob achos gan rwymedigaeth i “geisio” bodloni'r dyddiadau cau hynny.**

3.6 Yn chweched, mae'r Comisiwn yn awgrymu **bod y croesgyfeiriad at adran 31 yn adran arfaethedig newydd 36B(4) o Ddeddf 2013** (a fyddai'n cael ei mewnosod gan gymal 48(2) o'r Bil Etholiadau) **yn cael ei ddileu**, ar y sail ei fod yn ymddangos ei fod wedi cael ei gynnwys mewn camgymeriad.

3.7 Yn seithfed, mae'r Comisiwn yn awgrymu y **dylai pob prif gyngor orfod cynnal adolygiad o ffiniau pob cymuned yn ei ardal o dan adran 25 o Ddeddf 2013 o leiaf unwaith ym mhob cyfnod adolygu**. Dylai cymal 51 gael ei ategu er mwyn cyflwyno diwygiad i adran 25 o Ddeddf 2013 i'r perwyl hwn.

3.8 Yn wythfed, mae'r Comisiwn yn awgrymu y **dylai'r rhwymedigaeth ar brif gyngor i adolygu'r trefniadau etholiadol ar gyfer pob cymuned yn ei ardal o leiaf unwaith ym mhob cyfnod adolygu** (a fyddai'n cael ei chreu gan adran arfaethedig newydd 31(A1) o Ddeddf 2013, i'w mewnosod gan Gymal 51(3)(a) o'r Bil Etholiadau) **fod yn destun eithriad ar gyfer cymunedau:**

- 3.8.1 **Ile mae'r prif gyngor wedi argymhell newidiadau i ffiniau'r gymuned honno mewn adolygiad o dan adran 25 a gwblhawyd yn ystod yr un cyfnod adolygu;**
- 3.8.2 wrth gynnal yr adolygiad hwnnw o dan adran 25, **mae'r prif gyngor naill ai:**
- 3.8.2.1 **wedi argymhell y dylid gwneud newidiadau canlyniadol i drefniadau etholiadol y gymuned honno; neu**
- 3.8.2.2 **wedi cofnodi ei gasgliad yn ei adroddiad terfynol nad oes angen newid trefniadau etholiadol y gymuned.**
- 3.9 Yn nawfed, mae'r Comisiwn yn awgrymu y **dylai unrhyw rwymedigaethau ar brif gynghorau i gwblhau adolygiadau o dan adran 25 ac adran 31 o Ddeddf 2013 fod yn ddarostyngedig i amodau penodol sy'n nodi y gallant fod yn fodlon os yw'r adolygiad yn cael ei gwblhau gan y Comisiwn yn lle hynny drwy gytundeb â'r prif gyngor, yn unol ag adran 26 neu adran 32 o Ddeddf 2013.**
- 3.10 Yn ddegfed, mae'r Comisiwn yn awgrymu y **dylai'r cyfnodau adolygu o 12 mlynedd ar gyfer prif gynghorau ac ar gyfer y Comisiwn ddechrau ar yr un dyddiad, ac i'r perwyl hwn:**
- 3.10.1 dylai cymal 51(3)(a) gael ei ddiwygio i ddarparu bod y cyfnod adolygu cyntaf o 12 mlynedd ar gyfer prif gynghorau yn dechrau ar 30 Medi 2023, gan adlewyrchu'r ddarpariaeth yng nghymal 41(2)(a)(i) ar gyfer cyfnod adolygu'r Comisiwn; neu
- 3.10.2 fel arall, dylai cymal 41(2)(a)(i) gael ei ddiwygio fel bod y cyfnod adolygu o 12 mlynedd ar gyfer y Comisiwn yn dechrau ar y diwrnod y daw cymal 51 o'r Bil i rym, gan adlewyrchu'r ddarpariaeth bresennol yng nghymal 51(3)(a) ar gyfer prif gynghorau.
- 3.11 Yn unfed ar ddeg, mae'r Comisiwn yn awgrymu y **dylai cymal 55(1) a (2) gael ei addasu fel bod unrhyw adolygiadau cymuned sy'n mynd rhagddynt pan fydd Pennod 1 o Ran 2 yn dod i rym yn cael eu cynnal o dan y fersiwn anniwygiedig o Ddeddf 2013, ond y byddant yn cyfrif tuag at gyflawni unrhyw rwymedigaeth sydd ar brif gyngor i gwblhau adolygiad cymuned yn ystod y cyfnod adolygu cyntaf o 12 mlynedd.**
- 3.12 Yn ddeuddegfed, mae'r Comisiwn yn awgrymu bod **cymal 70 yn cael ei ddiwygio fel bod cymal 1(2) y Bil yn dod i rym heb fod yn hwyrach na Phennod 3 o Ran 1 o'r Bil.** Fel arall, bydd y Bil yn creu swyddogaethau i'r Bwrdd Rheoli Etholiadol cyn i'r Bwrdd ddod i fodolaeth.

1.1.1

THE ELECTORAL MANAGEMENT BOARD FOR SCOTLAND (EMB)

Written evidence presented to

**The Local Government and Housing Committee of Senedd Cymru
in their consideration of the**

Elections and Elected Bodies (Wales) Bill

**EMB | Electoral Management
Board for Scotland**

10 November 2023

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Background - The Reform Bill Committee of Senedd Cymru

1. The [Elections and Elected Bodies \(Wales\) Bill](#) has been referred to the Local Government and Housing Committee for Stage 1 scrutiny of the general principles of the Bill.
2. Terms of reference for the committee's consideration of the Bill have been set and these include:
 - The general principles of the Elections and Elected Bodies (Wales) Bill and whether there is a need for legislation to deliver the Bill's stated policy objectives (see below for further information about the Bill).
 - Any potential barriers to the implementation of the Bill's provisions, and whether the Bill and accompanying Explanatory Memorandum and Regulatory Impact Assessment take adequate account of them.
 - Whether there are any unintended consequences arising from the Bill.
 - The Welsh Government's assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum.
 - The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Part 1: Chapter 5 of the Explanatory Memorandum).
 - Matters relating to the competence of the Senedd including compatibility with the European Convention on Human Rights.
 - The balance between the information contained on the face of the Bill and what is left to subordinate legislation.
 - Any matter related to the quality of the legislation.
 - Any other matter related to the constitutional or other implications of the Bill.

Evidence from the Electoral Management Board for Scotland

3. As the Bill contains the provisions to establish an Electoral Management Board for Wales, the Electoral Management Board for Scotland (EMB) has been asked to contribute to the Committee's work by taking part in an oral evidence session on Thursday 30 November 2023.
4. The Committee has asked the EMB to provide comment on several subject areas relevant to the Bill. Comments from the EMB are presented below. The EMB is happy to provide this written evidence for consideration by the Committee and will be pleased to expand on any element of it each in discussion with the Committee or subsequently in writing.
5. The EMB for Scotland has been requested specifically to address:
 - The accountability of the EMB, including how it is accountable to the Scottish Parliament (whether there are any specific processes etc);
 - What was the set-up in Scotland before the creation of the EMB, and how did that merge into the current arrangements;
 - Have there been any issues with the EMB and the independence of Returning Officers managing elections in line with local need; and
 - The annual report says that the EMB has assisted in the coordination of the UK elections as well, so it would be useful to know to what extent that happens and how that works/how it developed.

6. The EMB is an independent body which supports Returning Officers (ROs) and Electoral Registration Officers (EROs) in Scotland. It is independent of both the UK and Scottish Governments and accountable to the Scottish Parliament. As such it is generally inappropriate for the Board to comment on matters of policy with respect to electoral administration, these being the remit of elected governments.
7. However the EMB will offer comments on the practical implications of policies that are being considered or are being implemented. Such comments will include consideration of the impact on the delivery of elections by ROs and EROs. The EMB is always particularly concerned with ensuring that the interests of the voter are kept at the centre of all election planning and delivery; comments may particularly reflect that concern.

The accountability of the EMB, including how it is accountable to the Scottish Parliament (whether there are any specific processes etc)

8. While the EMB was created by statute in 2011 it had existed in the form of an interim board since 2008, a voluntary group of ROs and EROs and their advisers with input from the Electoral Commission and Governments who were working to support electoral administration following problems with the delivery of the combined Scottish Parliament and Scottish Local Government Elections in 2007.
9. An [independent review](#) of the Scottish Parliamentary and local government elections on 3 May 2007 was undertaken by the Canadian election expert Ron Gould which made a number of recommendations including the decoupling of elections to ensure that each received a parity of esteem and publicity, and the need to ensure that legal changes governing elections were in place at least 6 months ahead of any poll to allow adequate time for planning and implementation. These recommendations were implemented.
10. The Gould Report also proposed the creation of a Chief Returning Officer for Scotland. While this recommendation was not implemented, the creation of the EMB in many ways responded to the problems that he identified which prompted that recommendation in that he saw a need for a single point of contact for the oversight of elections and for a vehicle for the promotion and development of best practice. The 2007 Gould report is important background to understand the formal establishment of the EMB.
11. The EMB was formally created by the [Local Electoral Administration \(Scotland\) Act 2011](#). The Act defines the general function of the Board which is to provide a forum for co-ordinating the administration of local government elections in Scotland. This was amended by the Scottish Elections (Reform) Act 2020 which expanded the remit of the Board to cover Scottish Parliamentary elections.
12. The 2011 Act also defines the membership of the Board and provides for the Convener of the Board to be appointed by Scottish Ministers. Members of the Board are Returning Officers, Depute Returning Officers and Electoral Registration Officers, appointed by the Convener.
13. In terms of its accountability, Section 8 of the 2011 Act sets out the reporting requirements of the Board. The Board provides an Annual Report on the performance of its functions to the Scottish Parliament as soon as practicable after the end of the financial year. The Scottish Parliament also exercises oversight of the EMB in that it will routinely request that the Board provides evidence to its

Committees following elections allowing them to scrutinise the delivery of elections and the work of the Board.

14. The independence of the Board is a fundamental principle reflecting the independence of ROs and EROs who are accountable only to the courts for the delivery of elections and not to any political oversight or input. ROs and EROs must necessarily be independent of political control in order to preserve the integrity of elections ensuring that it is the interests of the voter that are paramount and not the interests of any candidate, party or elected politician. The EMB as a body made up of and supporting ROs and EROs maintains and preserves that same independence. Its accountability to Parliament is to report on its work and to justify how its funds have been spent to the pursuit of its aims.

What was the set-up in Scotland before the creation of the EMB, and how did that merge into the current arrangements

15. Before the establishment of the EMB there was generally no formal coordination of electoral activity in Scotland. ROs and Regional ROs developed their own approaches that could differ from each other in multiple ways. There was no coordinated approach to voter-facing elements of the election and no consistency of approach in areas where there was liberty as to how elements of the election should be delivered. There was no clear point of contact for suppliers or Governments in terms of the delivery of elections.
16. As noted above the EMB was established in Scotland by the [Local Electoral Administration \(Scotland\) Act 2011](#), an Act which formalised a Board that had been operating informally as an interim Board since 2008. This interim Board was brought together by the Returning Officer for the City of Edinburgh in reaction to the issues identified by the Gould Report into the 2007 combined elections in Scotland. The purpose of the interim Board, which flowed into the formal remit of the EMB itself, was to support ROs and EROs, to promote best practice among them and to be a single point of contact for key suppliers such as printers. These purposes very much addressed issues identified by Gould and the problems experienced in the 2007 elections.
17. The Interim EMB included representatives from the key professional bodies working on the delivery of elections: SOLACE (the Society of Local Authority Chief Executives) Scotland, the Association of Electoral Administrators (AEA), the Electoral Registration Committee of the Scottish Assessors Association (SAA) and the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR). Advice was provided by the Electoral Commission and Governments were invited to attend Board meetings. Previously these bodies had all engaged with Governments and suppliers over years to promote the interests of their members and of the voter, but the Interim EMB was designed to coordinate that work, to strengthen their voice and to promote consistency. It was also intended to bring a stronger focus onto the interests of the voter.

Have there been any issues with the EMB and the independence of Returning Officers managing elections in line with local need?

18. The Board's objective, principles and approach are discussed in the background paragraphs below. With respect to the overall approach there is an effort to operate through a progression of consensus where possible, guidance where helpful and direction if necessary. The Board has the privilege of supporting a close and

mutually supportive community of electoral professionals in Scotland which makes consensus a valid and practical approach. The concern to protect the independence of the RO also means that the Convener will only intervene where necessary in promotion of best practice and to support the RO and ERO and will avoid interference to take away the local autonomy and role of the RO.

19. There have therefore been no issues where EMB Directions have been at odds with the approach of a local RO. EMB Directions are only made following consultation and generally are a result of consensus so have been well received and often are a defence that an RO can use if challenged locally on their decisions, with the RO able to reference an EMB Direction.
20. Most of the Directions cover voter-facing elements of the election where consistency of approach offers benefits to the voter and to candidates and campaigners. For example, a consistent date of dispatch for postal votes allows a coordinated public awareness campaign to support the election with which campaigners and candidates can also align their efforts. On occasion where there was a risk of overcrowded polling places, for example during the 'COVID elections' of 2021 and 2022, the EMB fixed proposed limits on the numbers of voters to be allocated to each station. This was to prevent queues and to protect the capacity of buildings. These limits were generally accepted by ROs and where an RO thought it inappropriate for a building they could apply for an exemption, providing evidence, that was always granted.

The annual report says that the EMB has assisted in the coordination of the UK elections as well, so it would be useful to know to what extent that happens and how that works/how it developed.

21. The Convener of the EMB has a power of direction over ROs and EROs with respect to Scottish Parliament and Local Government Elections. Directions are filed on the EMB website, including those covering the [Scottish Local Government Elections in May 2022](#) and those covering the [Scottish Parliament Elections in 2021](#) (with a [further set](#) issued later). Directions are generally issued at least 6 months ahead of the poll to allow sufficient time for ROs and EROs to plan around them and implement whatever changes may be needed in process.
22. The Interim Board that preceded the EMB had no formal powers to instruct ROs or EROs to take particular actions. However in 2009 the interim EMB did support the Regional Returning Officer (RRO) for the European Parliament elections in Scotland. The RRO used his power of direction to make a number of directions for ROs and EROs to promote consistency and support contingency. These included for example a consistent date for the dispatch of poll cards and postal votes and a consistent approach to ballot paper design and numbering.
23. This approach was well received by ROs and EROs and the Convener of the Interim Board similarly made a series of recommendations to ROs and EROs for the following year's 2010 UK Parliamentary General Election, again to promote consistency and support a degree of contingency planning.
24. The Convener of the EMB was appointed as Chief Counting Officer for the 2014 Scottish Independence Referendum and in that role also had power to direct Counting Officers and EROs. Again in 2014 and 2019 the Convener had the role of Regional Returning Officer for the European Parliament election for the Electoral Region of Scotland again having a power of direction. Across all of these electoral events the template of there being directions or recommendations issued to ensure a

national consistency of approach became an accepted and expected feature of the delivery of elections.

25. The Convener has therefore issued recommendations to ROs and EROs regarding the delivery of UK Parliamentary Elections in 2015, 2017 and 2019. These address the same issues as the Directions that are routinely issued for the elections for which the Convener does have a power of direction. Recommendations are posted on the EMB website including for example the [2015 recommendations](#).
26. As noted, these are expected, appreciated and accepted with ROs and EROs happy to work to a national standard and structure which gives them comfort and clarity around their role.

Background – The Electoral Management Board for Scotland

27. The Electoral Management Board for Scotland (EMB) was established by the Local Electoral Administration (Scotland) Act 2011. This Act gave the Board “the general function of co-ordinating the administration of local government elections in Scotland.” The Scottish Elections (Reform) Act 2020 extended the remit of the Board to cover elections to the Scottish Parliament.
28. The EMB is independent of both Scottish and UK Governments and political parties and is accountable to the Scottish Parliament. The Convener is appointed by Ministers and leads a Board consisting of Returning Officers, their Deputies and Electoral Registration Officers.
29. Advisors include the professional associations: the Association of Electoral Administrators (AEA), the Electoral Registration Committee of the Scottish Assessors Association (SAA), the Elections Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR), and Scottish and UK Governments, and the Electoral Commission.
30. The EMB’s prime focus is ensuring that the interests of the voter are kept at the centre of all election planning and administration. The work of the EMB assumes the close community of electoral professionals in Scotland and accordingly the Board seeks to operate by consensus rather than formal direction, wherever possible. However, the Convener does have a power to issue directions to Returning Officers and Electoral Registration Officers in relation to their duties around Scottish Parliament and Local Government elections as required, and this power has been exercised in recent elections with the consent and wish of the electoral community.
31. The EMB has assisted in the coordination of the work of ROs and EROs in the delivery of European Parliamentary Elections, UK Parliamentary General Elections, Scottish Parliament Elections, Scottish Local Government Elections and UK and Scottish Referendums. Where the Convener does not have a legal power of direction the Board has made recommendations to achieve consistency and support adequate contingency planning across the country. Since its creation, the EMB has had an increasingly important role in promoting a consistent delivery approach, acting as a single point of contact for stakeholders and providing a source of professional expertise and support to the electoral community.

The EMB’s Role

32. The EMB’s “general function of co-ordinating the administration of local government and Scottish Parliament elections” involves two specific roles:
 - (a) assisting local authorities and other persons in carrying out their functions in relation to local government elections; and
 - (b) promoting best practice in local government elections by providing information, advice or training (or otherwise).
33. The over-riding goal is to ensure that the interests of the voter are kept at the centre of all election planning, delivery and administration.

Our Objective

34. With respect to specific electoral events this function translates into a single clear objective: "...to deliver a result that will be trusted as accurate." The currency of elections is trust. Confidence in the result is fundamental to the democratic process and is predicated on confidence in all stages of the process of planning and delivering an electoral event.

Our Principles

35. The EMB shapes its work around four key principles:

- Accessibility - there should be no barriers to any voter taking part;
- Consistency - voters should have the same experience wherever they are in Scotland;
- Efficiency - electoral events will be administered efficiently; and
- Integrity - electoral events will produce results that are accepted as accurate.

Our Approach

36. The Board has the privilege of supporting a close and mutually supportive community of electoral professionals in Scotland. The preferred approach is always to operate through a progression of consensus where possible, guidance where helpful and direction if necessary.

Prof. Alistair Clark,
Professor of Political Science,
Newcastle University, UK.

7th November 2023

Written Evidence to the Senedd Local Government and Housing Committee Stage 1 Scrutiny of the Elections and Elected Bodies (Wales) Bill 2023.

Introduction

1. My expertise is in electoral systems, integrity and administration, with numerous published research articles and reports on these themes. I write in a personal capacity (<http://www.ncl.ac.uk/gps/staff/profile/alistairclark.html#background>).

Summary

2. The Bill represents an important set of proposals to reform electoral administration and aspects of the electoral process in Wales. These seek to modernise existing processes while introducing new responsibilities and structures. Wales has been at the forefront of such reforms in GB and, implemented effectively, this could provide an example for the rest of GB about how such reforms might work.

3. The Bill's main principles, aims and measures are welcome and to be supported. In this written evidence, I outline some issues which the Committee may wish to consider about the overall quality of the legislation and issues which arise from this so that they might be explored with the Welsh government during Stage 1 scrutiny of the Bill.

Electoral Management Board

4. The Bill provides legislation to establish a Welsh Electoral Management Board. This is a welcome move. Scotland has had such a body, in both non-statutory and now statutory form, for its local and now parliamentary elections for well over a decade. Research has shown that Scottish election administration has performed at a higher level than its equivalents across the rest of Great Britain since the EMB's establishment, even from its earliest non-statutory form.¹ It has provided a focus, advice, leadership and direction to electoral administrators. A similar body in Wales should provide similar leadership. A Welsh EMB should benefit positively the conduct of elections in Wales.

5. There are three main issues to raise with regard to establishing a Welsh EMB. Firstly, the Scottish EMB benefits from being independent of other actors – government, Electoral Commission, Boundary Commission etc. This is not the case with the proposed Welsh EMB. Its powers are to be delegated from the Democracy and Boundary Commission Cymru. Even if the EMB is intended to be a Statutory Committee of that Democracy and Boundary Commission Cymru, this is not the same as being independent. If a conflict of interest develops between the two bodies, it is unclear how that may be resolved and which would have precedence under the current Bill. I already have some reservations about the potential for confusion between the Electoral Commission and the Democracy and

¹ Clark, A. (2015) 'Public Administration and the Integrity of the Electoral Process in British Elections', *Public Administration*, 93, (1), pp86-102; Justin Fisher, Yohanna Sällberg (2020) Electoral integrity—The winner takes it all? Evidence from three British general elections', *British Journal of Politics & International Relations*, 22(3), pp404-420.

Boundary Commission Cymru (see my written evidence and recommendation on this to the current Reform Bill Committee on the Senedd Cymru (Members and Elections) Bill).²

6. Independence of electoral management boards is generally seen as international best practice in this field to deliver impartial, free and fair elections. I would therefore recommend strongly that the Welsh EMB's functions are clearly set out in legislation, and that it be an entirely independent body with statutory functional and operational independence from any other body in the electoral sphere including the new Democracy and Boundary Commission Cymru. This would avoid any conflict, ambiguity or conflict about purpose. It is notable and regrettable that EMB independence has not been considered (Explanatory Notes, pp.81-82). While there should certainly be oversight and accountability to the Senedd, independence would lead to a clearer delineation of responsibilities and ability to understand performance of the new EMB separate from that of the Democracy and Boundary Commission Cymru.

7. Secondly, the power of direction from the Chair of the EMB in Scotland developed gradually. Even in its advisory form, their recommendations proved helpful in providing consistency and focus where necessary to electoral administrators and registration officers. The power of direction has undoubtedly helped further improve consistency and clarify the Chair's decisions since. It is therefore welcome to see that the power of direction has been incorporated into this Welsh Bill. Having power of direction from the Welsh EMB's establishment will avoid any ambiguity as to decisions and responsibilities.

8. Thirdly, sufficient resources have been a key issue throughout the history of the Scottish EMB, with several councils, particularly Edinburgh, providing support and secondment. It is therefore necessary to ensure that its Welsh equivalent will be adequately resourced, in terms of finance, equipment and personnel. On this point, the Bill's Explanatory Notes (pp.83-86) are frustratingly opaque. I would therefore suggest that the Committee explore with the Welsh government the actual running costs and resourcing for the EMB, including under the circumstance where this was independent of any Democracy and Boundary Commission.

Electoral Registration

9. I have argued elsewhere, along with my colleague Prof. Toby James (UEA), for the introduction of automatic electoral registration.³ This would remove one barrier to participation, and help with the completeness of electoral registers. It is therefore welcome to see the Bill contain measures around the automatic registration of electors. This will be innovative in Britain, and provide an important example for the other constituent parts of the UK.

10. There will be a couple of challenges in implementing automatic registration. Firstly, while this will help with completeness of registers, maintaining their accuracy will remain a challenge as people move address, or pass away for instance. This will presumably need revision of practices around maintaining the register. There would seem to be some potential for duplication given different electoral law around registration for UK parliamentary elections.⁴ For example, would canvasses need to be conducted more regularly, or some alternate procedure introduced? Additional data mining would seem necessary in this regard, and it seems the idea is to run this alongside an Annual Canvass. I would suggest that the Committee explore the practicalities of these issues with the Welsh government.

² See my paragraph 30 in that evidence.

³ Toby S. James, Bite the Ballot and Alistair Clark (2019) *Missing Millions Still Missing: A Vision for Electoral Modernisation in the UK*. London: All Party Parliamentary Group on Democratic Participation.

⁴ i.e. the Electoral Registration and Administration Act 2013.

11. Secondly, it is unclear how an ERO will satisfy themselves that a person is entitled to be registered in the electoral register (Chapter 3, (2)). Presumably this would be through a combination of age and residency from various sources, as per the recent changes in Wales to the franchise around age and resident voting. This might be clearer in the legislation however, although this presumably will be established in guidance.

12. The intention to remove the open register by regulations is a welcome move, both for privacy and data protection reasons as set out in the Bill's explanatory notes, and also for the purposes of protecting potentially vulnerable electors. Such a reform could helpfully provide a model for the implementation of this necessary reform elsewhere in GB. It seems strange to delay implementation of this objective given the current legislation before the Senedd. I would suggest that these regulations be implemented at the earliest opportunity. The Committee may wish to explore why such a power has not been written into the current bill.

Voter Information and Accessibility

13. As with automatic registration, I have argued elsewhere with colleagues for the necessity of developing and implementing voter information services.⁵ It is therefore pleasing to see such a measure contained in Section 27 of the Bill.

14. Three points should be borne in mind as this develops. Firstly, there is a clear need to ensure that the material posted to this website or resource is seen as independent. It is not evident from the legislation or explanatory notes which organisation would be tasked with managing this platform. This is crucial. Ownership of the resource should be clear, both in the legislation, and on any resource developed. I would strongly recommend that this is run by a body independent of the Welsh government, to avoid any potential inference of electoral bias.

15. Secondly, and relatedly, the material posted to this website should be sufficiently different from that which is posted to other bodies' websites or might be found elsewhere (i.e. Electoral Commission, Senedd etc), even if it might draw upon some of that material. It ought to be focused very clearly on what voters need to know to be able to cast their vote. In addition to information about candidates and constituencies, for example, it might usefully also include information on polling stations, and other practical aspects. It ought to highlight prominently any applicable deadlines, such as for postal or proxy votes.

16. Thirdly, as this develops, it will need rigorous testing to ensure it becomes a trustworthy 'go to' resource for electors. While political parties and candidates are obviously stakeholders, it must be the needs and interests of voters which are paramount in the information published and tested. Voters' groups, including those for traditionally excluded or from low participation groups, should be involved in testing any new resource, as should academics and other experts.

17. With regard to the candidate survey, the overall aims of this survey are welcome and important. The Bill's explanatory notes highlight the low response rate for the survey, while also noting that the form and questions for the survey are set out in regulations by ministers. Survey implementation and design is a complex task. This is not best practice in survey implementation. It is therefore welcome to see this power weakened in the Bill to 'may give a direction'.

18. While survey fatigue is a real issue, there is likely to be scope for this survey to be designed and implemented by an external contractor, if it is not already (e.g. University research unit, consultancy

⁵ Toby S. James, Bite the Ballot and Alistair Clark (2019) *Missing Millions Still Missing: A Vision for Electoral Modernisation in the UK*. London: All Party Parliamentary Group on Democratic Participation.

etc). While this would have a cost attached, it may also mean that any contractor has incentives to maximise response rates.

Electoral Pilots

19. Wales has been at the forefront, with Scotland, of pioneering reforms in electoral policy and administration. Increased powers to conduct electoral pilots are therefore welcome. This will enable potential innovations to be tested. A non-exclusive list of potential issues where pilots may be conducted is included in the explanatory notes, (para 3.46).

20. I note the power for Welsh ministers to compel pilots. Compulsion should be used sparingly and as a last resort, however. The Committee should reassure itself on the circumstances under which such compulsion would be used. As I have mentioned above, there is a constant need for the introduction of potential electoral reforms and pilots to be seen as free from potential bias. Compulsion by government risks complaints and perceptions of such bias. Electoral reforms and their pilots which proceed through institutional consensus and cross-party agreement tend to be more effective and lasting.

21. In practical terms, and however a pilot is arrived at, it is necessary that evaluation of any pilots be seen as independent to avoid any such accusations of electoral bias. With this in mind, the Committee might therefore wish to explore with the Welsh government the desirability of including the facility of tendering for independent academic evaluations, alongside those conducted by the Electoral Commission or other contractors, of any pilots that are conducted under this legislation.

Legislative Process

22. The Bill leaves quite a lot to the discretion of Welsh ministers via secondary legislation. It is important that the Senedd retains oversight however. The Explanatory Notes (Table 5.1) summarise the procedures to be used in these cases. While I have no specific points to raise here, the Committee might wish to satisfy itself that the procedures indicated are appropriate. The affirmative procedure for instance would seem to confer more of a role for the Senedd, and would seem to be preferable as the default option given the importance of electoral law, particularly where primary legislation is to be amended.

23. Innovation in electoral policy in Wales has led to a proliferation of Acts in this area. To only mention three current Bills, these include the current Bill before the Committee, the Senedd Cymru (Members and Elections) Bill before the Reform Bill Committee, and the forthcoming electoral quotas Bill. Electoral law was already notoriously complex and difficult to understand quickly and easily. For the sake of clarity, it might be worth the Committee exploring whether a Consolidation Act would be beneficial for Welsh electoral law once passage of these current bills is complete. The Law Commission has recommended just such a consolidation at UK level, although this has not yet been acted upon.⁶

⁶ <https://lawcom.gov.uk/project/electoral-law/> [7/11/2023].

Consultation on the Elections and Elected Bodies (Wales) Bill by the Local Government and Housing Committee

November 2023

About the Women's Equality Network (WEN) Wales: Our vision is of a Wales free from gender discrimination where all women and men have equal authority and opportunity to shape society and their own lives. We work with our vibrant coalition of organisational and individual members to transform society. Our work sits under three pillars. We will Connect, Campaign and Champion women so our vision is realised.

Introduction

We are pleased to provide evidence to support the scrutiny of the Elections and Elected Bodies (Wales) Bill. We have responded to multiple Senedd and Welsh Government consultations over the past five years relating to the matters of equal and diverse representation in the context of Senedd and electoral reform.

The Elections and Elected Bodies (Wales) Bill is a comprehensive piece of legislation and some of the areas that it covers fall outside our remit. In our response below, we therefore focus specifically on matters relating to Section 26 (Survey of councillors and unsuccessful candidates in local elections), Sections 28 (Services to promote diversity in persons seeking elected office) and Section 29 (Financial assistance schemes to promote diversity in persons seeking elected office).

Key messages

- 1. Provisions to provide for increased flexibility of the candidate survey to reflect evolving language and information needs are welcome but need to be balanced against the need for robust data. The survey should include questions around candidates' experience of harassment and abuse to provide sorely needed evidence on one of the major barriers to elected office. We are concerned that the Bill does not include any provisions relating to addressing harassment and abuse.**
- 2. We welcome the overarching duty to put in place services to promote diversity, but the list should include services relating to caring responsibilities and to dealing with harassment and abuse. The overarching duty needs to be accompanied with clear commitments, timelines and monitoring arrangements.**
- 3. Provisions that put financial assistance for disabled people on a statutory footing are laudable, but the lack of provisions on financial assistance for care-related expenses present a major omission of this Bill.**

Detailed response

1. Candidates' survey

Section 26 removes the requirement to set out the wording and format of the Local Government Candidates' Survey questions in regulations. This is intended to provide flexibility for the survey to reflect evolving language and changing information requirements around

equality and diversity policies. Section 26 also provides flexibility for Local Authorities to include additional questions relating to local initiatives, without altering the core set of questions directed by Welsh Ministers.

The Explanatory Memorandum states that future changes to the wording will be informed by a stakeholder group including local government, representatives of equality groups and other interested parties. We welcome the commitment to involve representatives of equality groups in this process to help ensure the survey reflects evolving language and information needs.

To facilitate effective monitoring of candidate diversity across different local authorities and over time, care must be taken to balance the need for flexibility with the need for robust data. We expect that future reviews of the survey questions and format will also be informed by relevant research and data expertise.

Women and people from other underrepresented groups frequently report that harassment and abuse present a major barrier to elected office. The consultation on the [Electoral Administration and Reform White Paper](#) asked whether questions should be included in the survey about candidates' experiences of abuse and harassment. The [Summary of Responses](#) to the White Paper consultation noted strong support for the proposal, with nearly 70% agreeing that such data should be collected as part of the survey.

Our [response](#) highlighted the importance of robust evidence to understand the magnitude, form, severity and impact of abuse and the need to collect this alongside diversity data to better understand the experience of candidates with different and intersecting characteristics. We therefore supported the proposal to integrate questions on harassment and abuse in the candidate survey, as long as all due precautions were being taken to safeguard this sensitive information and ensure full anonymity.

Despite wide support for the proposal, the subject of candidates' experiences of abuse and harassment does not feature in Section 26 or the Explanatory Memorandum. We are concerned that this presents a missed opportunity to establish a sorely needed evidence base on candidates experience of harassment and abuse, which is a major barrier to elected office. It is also a missed opportunity to signal the importance and seriousness with which harassment and abuse of candidates are considered.

More broadly, we are concerned that the Bill does not include any provisions relating to addressing candidate harassment and abuse. While the [Electoral Administration and Reform White Paper](#) explored a range of measures to mitigate harassment and abuse, the subject is entirely absent from the Bill and Explanatory Memorandum.

2. Services to promote diversity in persons seeking elected office

Section 28 of the Bill creates an overarching statutory duty for Welsh Ministers to put in place services to promote diversity within the Senedd and local government by providing target support or services to people from underrepresented groups. It sets out a list of services that may be provided, which consists of:

- Information
- Advice
- Training
- Coaching and mentoring
- Work experience

- Equipment
- Assistance with tasks

We welcome the establishment of an overarching duty to promote diversity and agree that the services listed in Section 28 will be helpful in removing barriers to elected office. However, the list above does not present an exhaustive package of the services that the Welsh Government should be providing to address barriers to elected office. Services to address some of the biggest barriers to elected office are missing from the list, most notably support for dealing with harassment and abuse and support with for candidates with caring responsibilities. While Section s28(8)(a) allows for further services to be added to the list by regulations, there is no guarantee that any specific services will be added.

In addition, the provisions under Section 28 do not prescribe which of the listed services have to be provided, when they must be provided or how the effectiveness of the delivered services will be monitored. Given the upcoming expansion of the Senedd, and the historically slow progress on diverse representation at all levels of government, timely and effective implementation of a wide range of measures before the next elections is critical.

3. Financial assistance schemes to promote diversity in persons seeking elected office

Financial assistance to support disabled candidates

Section 29 of the Bill requires Welsh Ministers to provide for a scheme of financial assistance to support disabled candidates with impairment related costs that are a barrier to their participation in politics. A pilot Access to Elected Office Fund has been successfully delivered for the 2021 Senedd elections and the 2022 Local Government elections under the coordination of Disability Wales. Having responded to previous Senedd consultations around this, we greatly welcome the fact that the Bill puts financial assistance schemes for disabled people on a statutory footing and thereby provides certainty to disabled candidates. We also welcome that the Bill's provision intends to take account of the experience from the pilot fund. We recommend that the details of any future schemes should be developed in close consultation and co-production with disabled people's organisations and that the scheme should seek to be accessible to candidates with a wide range of support needs, including candidates who experience additional barriers associated with other protected characteristics.

Financial assistance to support candidates with other protected characteristics

The Welsh Government's Programme for Government includes a commitment to expand the Access to Office Fund to candidates with other protected characteristics. We were delighted to see this commitment, which is something WEN, with the support of seventeen other organisations and academics, has called for in our [Manifesto for Closing the Gap on Gender Inequality in Wales](#). The Welsh Government has further explored this subject in commissioned research and as part of the Electoral Administration and Reform White Paper, however the Bill contains no provisions that would give effect to this commitment.

The Explanatory Memorandum provides further context around the decision to not expand the Access to Elected Office fund in the Bill. It states that "the response to the White Paper consultation and research commissioned by the Welsh Ministers raised concerns about how criteria could be framed to expand the existing fund to other groups." The Explanatory Memorandum suggests that these concerns have to do with the fact that candidates with other

protected characteristics experience a range of different barriers and needs, and not all of these are mostly appropriately targeted by providing financial assistance. The document concludes that the broader policy objective behind the commitment to expand the Access to Elected Office Fund requires a different approach, namely the overarching duty to provide services to promote candidate diversity in Section 28.

We agree that the barriers and needs of underrepresented groups are complex, and that some can potentially be better addressed with non-financial means such as mentoring and support. However, there are certain barriers – most notably those relating to a candidates' caring responsibilities – which are in relevant respects similar to impairment-related barriers and therefore constitute an obvious target for a financial assistance scheme.

Caring responsibilities role as a major barrier to equal representation

Research clearly shows that women in Wales continue to carry the brunt of caring responsibilities. Our [Feminist Scorecard 2022](#) found that 86% of single parents in Wales are mothers and 63% of mothers in two parent households say they are solely or mainly responsible for childcare (compared with just 17% of fathers). Lack of childcare is one of the most frequently cited barriers to women's employment, resulting in lower economic participation and curtailing women's career options. Women also make up approximately 60% of unpaid carers in Wales, who increasingly have to step in to fill gaps in social care provisions.

Research shows that the unequal share of caring responsibilities, combined with a lack of support and sometimes outright discrimination, constitutes a major barrier to women accessing elected office, which is reflected in the fact that significantly fewer female than male MPs have dependent children.¹ Recognition of this fact has led some parties to instigate support schemes for candidates with care-related expenses [in the UK](#) and [internationally](#). While initiatives at the individual party level are to be welcomed, they are only available to a very limited number of candidates and not best placed to address an issue of such scope. Support schemes at the level of individual parties also risk discouraging parties from selecting candidates with caring responsibilities due to the additional costs involved.²

The fact that caring responsibilities constitute a major barrier to women's equal representation in elected office, especially for single mothers and women who are socio-economically disadvantaged, means efforts to support candidates with care-related expenses need to be at the forefront of any initiative to improve diversity within the Senedd and local government. At Senedd level, this is all the more pressing given the forthcoming legislation to introduce gender quotas for the 2026 elections.

Parallels between impairment-related expense and care-related expenses

The Explanatory Memorandum states that the reason to focus the existing financial assistance provisions on disabled people is that "there are identifiable and practical ways in which financial assistance can support individuals in a tangible way to put them on a level playing field with non-disabled candidates." We agree that the existing scheme has the benefit of operating with costs that are comparatively easily identified and linked in a direct and tangible way to the purpose of levelling the playing field between disabled and non-disabled

¹ Murray R. 2023. It's a rich man's world: how class and glass ceilings intersect for UK parliamentary candidates. *Int. Political Sci. Rev.* 44(1):13–26.

<https://journals.sagepub.com/doi/pdf/10.1177/01925121211040025>

² Ibid.

candidates. This would potentially be more difficult to achieve, for instance, with a financial assistance scheme that seeks to target wider socio-economic disadvantage. However, the document fails to recognise that a financial assistance scheme to support candidates with care-related expenses would operate within very similar parameters. Care-related expenses, such as the costs of paying for a childminder or a personal assistant, are clearly identifiable costs that can be linked in a direct and tangible way to the purpose of levelling the playing field between candidates who have caring responsibilities and candidates who do not have caring responsibilities.

The parallels between impairment-related costs and care-related costs are affirmed by the fact that the [Independent Remuneration Board of the Senedd](#) as well as the [Independent Remuneration Panel for Wales](#) (IRPW) already provide support in both circumstances. Elected members of the Senedd and Local Government may claim for expenses that arise as a result of health conditions or impairments in order to enable them to perform their duties as elected members. They may also claim the reimbursement of costs for the care of their children or adult dependants, where such care is required to enable them to perform their duties as elected members.

Given that the determinations of both remuneration bodies have deemed it appropriate to facilitate support for elected members for impairment-related expenses *and* care-related expenses, it is surprising that the Welsh Government's research and consultation has not arrived at the same conclusion in terms of the support that is deemed appropriate for those seeking elected office.

Evidence in the Welsh Government's White Paper and commissioned research

As mentioned above, the Bill's Explanatory Memorandum states that concerns were raised in the White Paper consultation and commissioned research about "how criteria could be framed to expand the existing fund to other groups". While the commissioned research notes some general concerns about a wider expansion to other protected characteristics, neither document sets out any clear concerns or objections to expanding financial assistance to care-related expenses.

The Welsh Government's [consultation](#) on the Electoral Administration and Reform White Paper asked several questions around the Access to Elected Office Fund. In our [response](#), WEN Wales specifically called for the Fund to be expanded to cover the costs associated with a candidate's caring responsibilities for children and adults. The [Summary of Responses](#) to the White Paper consultation provides little detail of respondent's views of expanding the Access to Elected Office Fund beyond noting that there were a variety of views and that some respondents agreed that Fund should be expanded to support other underrepresented groups.

Research commissioned by the Welsh Government explores the potential expansion of the Fund further, as part of wider research project that develops a theory of change on [removing barriers to elected office for people with protected characteristics](#). The research acknowledges caring responsibilities as a frequently cited barrier to elected office and finds that:

"Provision to cover caring costs and other support for carers would assist elected members with caring responsibilities in carrying out their role. Noted to disproportionately affect female and elderly candidates, participants suggested a caring allowance be made available for candidates with dependents. This, it was proposed, would be provided to candidates

irrespective of PCs, to ensure that all individuals with dependents were able to participate equally.”

Notably, the research does not identify any concerns that specifically pertain to extending the Fund to care-related expenses other than a reference that “councillors are reportedly discouraged to claim on expenses such as care allowance.” It is evident that the most effective way to deal with such reports is to clearly communicate the rationale behind the allowance and work with local government to build a culture where members are encouraged to claim the expenses that they are rightly entitled to. In no way do these reports cast doubt on the principle of providing elected members with assistance for care-related expenses, or indeed on the proposal to extent such provisions to candidates with caring responsibilities.

The same is evident in the Welsh Government’s [Review of the Access to Elected Office Fund pilot](#). The review found that “stakeholders felt that more consideration could be given to candidate’s financial circumstances, pregnancy, and caring responsibilities,” with one panel member noting that expanding the fund to include caring responsibilities would be a “natural and straightforward next step.”

In other words, while the White Paper consultation, the commissioned research and the review of the pilot Fund each received evidence *in favour* of expanding financial assistance schemes to cover care-related expenses, none of these documents contain any substantial concerns or objections against doing so.

The potential to support candidates with care-related expenses through provisions under Section 28

In view of such overwhelming evidence in favour of providing financial assistance for candidates with caring responsibilities, and the lack of specific provisions around this in the Bill, we have considered the possibility of providing such assistance under the provisions relating to an overarching duty to promote candidate diversity within Section 28.

While s28(7)(a)-(b) provide some scope to broaden out financial assistance beyond disabled candidates, the Bill provides no clear legislative pathway towards introducing financial assistance schemes for care-related expenses. In the current form of the Bill, the financial assistance under s28(7)(a)-(b) can only be provided in relation to the services listed under s28(5), namely information, advice, training, coaching and mentoring, work experience, equipment, and assistance with tasks. While it may be possible to interpret “assistance with task” to cover care-related services like childcare, this could be considered a stretch. This option therefore carries a significant amount of uncertainty and risk.

Section s28(8)(a) states that the Welsh Ministers may add further services to the list in s28(5) by regulations. This means that there is an option to mitigate this risk at a later point by specifically including care-related services within Section 28. In conjunction with s28(7)(a)-(b), this would then provide scope to expand financial assistance to care-related expenses. However, there is no guarantee that care-related services will be added to the list. In addition, while the provisions for disabled candidates in Section 29 contain a *duty* to provide financial assistance, the provisions in Section 28 only contain a *power* to provide financial assistance. Even if list of services was expanded to include care-related services, without an accompanying duty, there is no certainty that financial assistance for care-related expenses will be provided.

Summary

The impact of unequal caring responsibilities, the parallels with impairment-related expenses and the review of the evidence provided by the Welsh Government all suggest that expanding the Access to Elected Office Fund to care-related expenses is an obvious next step in the Welsh Government's commitment to removing barriers to elected office. It is therefore surprising and disappointing that the Elections and Elected Bodies (Wales) Bill contains no provisions to facilitate financial assistance for care-related expenses, and even lacks a clear pathway as to how this can be achieved in the future.

4. Conclusion

We broadly welcome the proposed provisions relating to the candidate survey, the duty to promote diversity and the duty to provide financial assistance for disabled candidates and believe that they have the potential to help remove barriers to elected office. However, we are deeply concerned about the lack of provisions that seek to address what we see as the main barriers to women's fair representation: harassment and abuse and unequal caring responsibilities. We therefore recommend:

- (1) A commitment to include questions on candidates' experience of harassment and abuse in the candidate survey, subject to suitable safeguards;
- (2) The establishment of clear commitments, timelines and monitoring arrangements relating to the duty to promote diversity;
- (3) An amendment to Section 28 that clearly set out a power to provide financial assistance for care-related expenses;
- (4) An amendment to Section 29 that would allow for the duty to provide financial assistance to be expanded to care-related expenses;
- (5) The establishment of a pilot scheme for supporting candidates with care-related expenses, which should be available to candidates standing in the 2026 Senedd elections and the 2027 local government elections;
- (6) The urgent prioritisation of legislative and non-legislative measures to mitigate the harassment and abuse of candidates.

WEN Wales would like to thank the Local Government and Housing Committee for the opportunity to contribute to their inquiry.

If you have any further comments or queries, please get in touch.

Dr Jessica Laimann, Policy & Public Affairs Manager
jessica@wenwales.org.uk

Y Pwyllgor Llywodraeth Leol a Thai

30 Tachwedd 2023 - clawr y papurau i'w nodi

Rhif y papur	Mater	Oddi wrth	Gweithredu
Papur 5	Cytundeb Cysylltiadau Rhyng Sefydliadol	Y Gweinidog Cyllid a Llywodraeth Leol	I'w nodi
Papur 6	Adolygu'r cyllid annigonol ar gyfer ysgolion yng Nghymru	Cadeirydd Y Pwyllgor Deisebau	I'w nodi
Papur 7	Digartrefedd	Ombwdsmon Gwasanaethau Cyhoeddus Cymru	I'w nodi
Papur 8	Diogelwch adeiladau	Y Gweinidog Newid Hinsawdd	I'w nodi
Papur 9	Cytundeb Cysylltiadau Rhyngsefydliadol	Prif Weinidog i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad	I'w nodi



Llywodraeth Cymru
Welsh Government

John Griffiths AS
Cadeirydd
Y Pwyllgor Llywodraeth Leol a Thai
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SeneddTai@senedd.cymru

21 Tachwedd 2023

Annwyl John,

Cytundeb Cysylltiadau RhyngSefydliadol: Y Grŵp Rhyngweinidogol ar gyfer Tai, Llywodraeth Leol a Chymunedau

Rwy'n ysgrifennu yn unol â'r cytundeb cysylltiadau rhyngsefydliadol i'ch hysbysu am gyfarfod o'r Grŵp Rhyngweinidogol ar gyfer Tai, Llywodraeth Leol a Chymunedau, a fydd yn cael ei gynnal ar 13 Rhagfyr 2023.

Llywodraeth yr Alban fydd yn cynnal y cyfarfod rhithwir. Bydd agenda'r cyfarfod yn cynnwys eitemau sylweddol y mae angen gwneud penderfyniad arnynt, ar y cyflenwad o dai fforddiadwy a diogelwch adeiladu. Fel y Gweinidog sy'n arwain y Grŵp Rhyngweinidogol hwn, rwyf wedi gofyn i'r Gweinidog Newid Hinsawdd fynychu'r cyfarfod, gan fod eitemau'r agenda'n dod o dan ei phortffolio.

Darperir diweddariad o'r hyn a drafodwyd ar ôl y cyfarfod.

Yn gywir,

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

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Gohebiaeth.Rebecca.Evans@llyw.cymru

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

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

John Griffiths AS

Cadeirydd

Y Pwyllgor Llywodraeth Leol a Thai

Tŷ Hywel

Bae Caerdydd

CF99 1SN

22 Tachwedd 2023

Annwyl John

Sesiwn dystiolaeth ar gyfer Deiseb P-06-1358 Adolygu'r cyllid annigonol ar gyfer ysgolion yng Nghymru

Cymerodd y Pwyllgor Deisebau dystiolaeth ynghylch y ddeiseb uchod yn ein cyfarfod ar 13 Tachwedd 2023. Roedd hon yn sesiwn addysgiadol a phryderus a oedd yn amlygu'r sefyllfa ariannol gynyddol anodd sy'n wynebu ysgolion ledled Cymru.

Clywsom gan lywodraethwyr a phenaethiaid, a rannodd yr heriau y maent yn eu hwynebu wrth geisio cyflawni eu cyfrifoldebau statudol wrth wynebu toriadau mewn termau real yn y gyllideb, yn ogystal â chynyddu anghenion dysgu ac iechyd ychwanegol ymhlith eu disgyblion.

Gyda phwyllgorau polisi ar fin dechrau'r cylch craffu ar y gyllideb, roeddem o'r farn mai'r peth gorau y gallem ei wneud fel Pwyllgor Deisebau fyddai rhannu'r sesiwn hon gyda'r pwyllgorau hynny sydd ar fin edrych yn agosach ar gyllid addysg. Credwn y byddai'r **dystiolaeth a gawsom** yn amhrisiadwy i'ch pwyllgor.

Roeddem yn gwerthfawrogi'r cyfoeth o wybodaeth ac arbenigedd a rannwyd gan y panel a gododd nifer o faterion pryderus. Roedd y rhain yn cynnwys:

- pryderon am y model cyllido presennol ar gyfer ysgolion ac annhegwch y cyllid rhwng ysgolion;
- y nifer o ysgolion sy'n gosod cyllidebau diffyg gyda disgwyl mwy o wneud hynny y flwyddyn nesaf;
- yr anallu i gynnig contractau parhaol i staff cymorth addysgu;
- lleihau cefnogaeth i blant ag anghenion dysgu ychwanegol;
- yr effaith negyddol ar bynciau a gynigir neu weithgareddau ysgol; a
- effaith sylweddol ar iechyd a lles staff a llywodraethwyr ysgolion.

Mae rhagor o wybodaeth am y ddeiseb, gan gynnwys gohebiaeth gysylltiedig, ar gael ar ein gwefan at: <https://busnes.senedd.cymru/ielssueDetails.aspx?Ild=41888&Opt=3>.

Os oes gennych unrhyw ymholiadau, cysylltwch â thîm clericio'r Pwyllgor drwy'r cyfeiriad e-bost isod, neu drwy ffonio 0300 200 6454. Byddwn yn ddiolchgar pe gallech ymateb drwy e-bostio'r tîm clericio: deisebau@senedd.cymru.

Yn gywir

A handwritten signature in black ink that reads "Jack Sargeant". The signature is written in a cursive style and is underlined with a horizontal line that extends to the right.

Jack Sargeant AS

Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.





Ein cyf: 202101323/SJ/SW

Gofynnwch Sarah Jones
am:



01656 644238

Dyddiad: 13 Tachwedd 2023



Owninitiative
@ombudsman.wales

PERSONOL A CHYFRINACHOL

John Griffith AS
Cadeirydd
Y Pwyllgor Llywodraeth Leol a Thai
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

Trwy e-bost yn unig

John.Griffiths@senedd.wales

Annwyl Mr Griffith

Adolygiad Digartrefedd: Ailymweld

Deallaf fod y Pwyllgor Llywodraeth Leol a Thai wedi ystyried adroddiad ar yr ymchwiliad 'ar ei Liwt ei Hun' cyntaf fy rhagflaenydd, Nick Bennett, [Adolygiad Digartrefedd: drws agored i newid cadarnhaol](#). Deallaf hefyd fod y Pwyllgor wedi cynnal sesiwn dystiolaeth gyda Mr Bennett.

Ers cyhoeddi Adolygiad Digartrefedd: drws agored i newid cadarnhaol, mae fy swyddfa wedi bod yn monitro ei effaith a'r cynnydd a wnaed mewn gwasanaethau digartrefedd ledled Cymru. Fel y cyfryw, hoffwn rannu gyda chi a'r Pwyllgor gopi o'm hadroddiad dilynol, Adolygiad Digartrefedd: Ailymweld, er gwybodaeth.

Roeddwn yn falch o nodi bod yr Awdurdodau yr ymchwiliwyd iddynt wedi cydymffurfio â'r argymhellion a wnaed ac rwyf hefyd yn falch o nodi'r cynnydd sy'n cael ei wneud gan Lywodraeth Cymru o ran gwella'r ddarpariaeth ddigartrefedd.

Tudalen 1 o 2

ombwdsmon.cymru
holwch@ombwdsmon.cymru
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ
Rydym yn hapys i dderbyn ac
ymateb i ohebiaeth yn y Gymraeg.

ombudsman.wales
ask@ombudsman.wales
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ
We are happy to accept and respond
to correspondence in Welsh.

Os hoffech drafod unrhyw agwedd ar y gwaith a wnaed, mae croeso i chi gysylltu â mi.

Yn gywir

MM. Morris.

Michelle Morris

Ombwdsmon Gwasanaethau Cyhoeddus Cymru

Amg: Drafft o'r adroddiad dilynol



Llywodraeth Cymru
Welsh Government

Ein Cyf JJ/PO/396/2023

John Griffiths AS
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23 Tachwedd 2023

Annwyl John,

Diolch am y cyfle i annerch aelodau'r Pwyllgor ar 09 Tachwedd 2023 a rhoi'r wybodaeth ddiweddaraf am gynnydd Rhaglen Diogelwch Adeiladau Cymru.

Yn ystod y sesiwn, rhoddais yr wybodaeth ddiweddaraf i'r aelodau am y newidiadau arfaethedig i'r Cynllun Cefnogi Lesddeiliaid, sy'n cynnwys cynlluniau i ehangu cyfleoedd i ymgeiswyr gael gafael ar gymorth. Gofynnais hefyd am gefnogaeth yr aelodau i roi cyhoeddusrwydd i'r cynllun hwn.

Byddwn yn ddiolchgar iawn pe gallai aelodau ddsbarthu'r daflen atodedig yn eu hetholaethau, gan annog unrhyw lesddeiliaid sydd mewn trafferthion ariannol i gwblhau ein gwiriwr cymhwysedd, i weld a allant gael help drwy'r Cynllun Cymorth i Lesddeiliaid.

Roeddwn hefyd am sicrhau fod pob aelod yn ymwybodol bod diweddariadau rheolaidd ar Raglen Diogelwch Adeiladau Cymru, gan gynnwys unrhyw gyhoeddiadau ffurfiol sydd wedi'u gwneud yn y Senedd, ar gael drwy ein Cylchlythyr.

I dderbyn y cylchlythyr, bydd angen i chi danysgrifio trwy glicio ar y ddolen [yma](#) a chofrestru eich diddordeb.

Os hoffech danysgrifio i'r fersiwn Gymraeg tanysgrifiwch [yma](#).

Ar ôl cofrestru, byddwch yn derbyn diweddariadau rheolaidd gan y Rhaglen Diogelwch Adeiladau.

Yn gywir

Julie James AS/MS
Y Gweinidog Newid Hinsawdd

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Correspondence.Julie.James@gov.Wales

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

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



Llywodraeth Cymru
Welsh Government

Cynllun Cymorth i Lesddeiliaid

Mae'r Cynllun Cymorth i Lesddeiliaid wedi'i gynllunio i helpu pobl sy'n wynebu caledi ariannol sylweddol o ganlyniad uniongyrchol i broblemau diogelwch tân posibl sy'n effeithio ar eu heiddo canolig neu uchel. Dechreuodd dderbyn ceisiadau ym mis Mehefin 2022.

Mae'r cynllun yn rhad ac am ddim ac mae wedi'i gynllunio i gynnig cyngor ac atebion i lesddeiliaid o ran eu pryderon ariannol presennol.

Y cam cyntaf yw cwblhau **gwiriwr cymhwysedd y cynllun** lle gallwch wirio a allech fod yn gymwys ar gyfer y cynllun.

Os ydych yn credu eich bod yn gymwys i wneud cais, yna y cam nesaf yw gwneud cais. Ni fydd cwblhau unrhyw ran o'r broses ymgeisio hon yn effeithio ar eich sgôr credyd mewn unrhyw fordd.

Mae dogfennau papur, hygyrch a Chymraeg ar gael. Gall ein tîm ymroddedig hefyd eich helpu i'w cwblhau.

Os hoffech gael mwy o wybodaeth am y Cynllun Cymorth i Lesddeiliaid, neu os hoffech gael cymorth i wneud cais, cysylltwch â **applications@leaseholdersupportscheme.cymru**.

Ewch i **www.llyw.cymru/cynllun-cymorth-lesddeiliaid** i gael rhagor o wybodaeth.

Tudalen y pecyn 74



Llywodraeth Cymru
Welsh Government

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

SeneddDCC@senedd.cymru

23 Tachwedd 2023

Annwyl Gadeirydd

Y Cytundeb Cysylltiadau Rhyngsefydliadol: 40fed Uwchgynhadledd y Cyngor Prydeinig-Gwyddelig

Rwy'n ysgrifennu yn unol â'r cytundeb cysylltiadau rhyngsefydliadol i roi gwybod ichi am gyfarfod 40fed Uwchgynhadledd y Cyngor Prydeinig-Gwyddelig, a gynhelir yr wythnos hon dan ofal Llywodraeth Iwerddon.

Byddaf yn mynychu'r cyfarfod yn bersonol. Yn ogystal â'r cyfle arferol i gael diweddariad cyffredinol ar wahanol faterion, thema'r Uwchgynhadledd yw 'Trawsnewid Bywydau Plant: Taclo Tlodi Plant a Gwella Lles'

Bydd y Cyngor yn cytuno ar gyd-hysbysiad yn yr Uwchgynhadledd, yn manylu ar y trafodaethau a gafwyd, a byddaf yn anfon hwn atoch. Byddaf hefyd yn rhoi'r wybodaeth ddiweddaraf i'r Senedd drwy ddatganiad ysgrifenedig maes o law.

Rwy'n anfon copi o'r llythyr hwn at y Pwyllgor Newid Hinsawdd, Amgylchedd a Seilwaith, y Pwyllgor Llywodraeth Leol a Thai, y Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon a Chysylltiadau Rhyngwladol, a'r Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol.

Dymuniadau gorau

MARK DRAKEFORD

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

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

Eitem 9

Yn rhinwedd paragraff(au) ix o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon