

Cwestiynau Ysgrifenedig a Atebwyd o 8 i 15 Mehefin 1999

Answers to Written Questions from 8 to 15 June 1999

[R] yn dynodi bod yr Aelod wedi datgan buddiant

[R] signifies the Member has declared an interest

Cynnwys

Contents

- 1 Cwestiynau i'r Prif Ysgrifennydd
Questions to the First Secretary
- 2 Cwestiynau i'r Ysgrifennydd Amaethyddiaeth a Datblygu Gwledig
Questions to the Secretary for Agriculture and Rural Development
- 3 Cwestiynau i Ysgrifennydd yr Amgylchedd a Llywodraeth Leol
Questions to the Secretary for the Environment and Local Government
- 10 Cwestiynau i'r Ysgrifennydd Iechyd a Gwasanaethau Cymdeithasol
Questions to the Secretary for Health and Social Services

Cwestiynau i'r Prif Ysgrifennydd Questions to the First Secretary

Pharmaceutical Services (Brecon)

Nick Bourne: What representations has the First Secretary received regarding pharmaceutical services in Brecon, and what action does he propose to take in consequence? (WAQ145AG)

The First Secretary: As Secretary of State for Wales I have received representations from members of the public, the Brecon Community Health Council, the constituency Member of Parliament, and the Assembly Member himself. The representations were in respect of a decision taken by my predecessor as Secretary of State, following an appeal by the Brecon medical practice against a decision by the Dyfed Powys Health Authority in respect of the practice's application to dispense to certain of their patients. Once a decision has been issued in these cases neither the Secretary of State, nor in future the National Assembly, can take further action. The decision cannot be reviewed except by the courts following a successful application for judicial review. No application was made in this case, and the time limit for such application has now passed.

Gwasanaethau Fferyllol (Aberhonddu)

Nick Bourne: Pa sylwadau y mae'r Prif Ysgrifennydd wedi eu derbyn ar y gwasanaethau fferyllol yn Aberhonddu a pha gamau y mae'n bwriadu eu cymryd o ganlyniad iddynt? (WAQ145AG)

Y Prif Ysgrifennydd: Yn rhinwedd fy swydd fel Ysgrifennydd Gwladol Cymru, yr wyf wedi derbyn sylwadau gan y cyhoedd, Cyngor Iechyd Cymuned Aberhonddu, Aelod Seneddol yr Etholaeth, ac Aelod y Cynulliad ei hun. Yr oedd y sylwadau yn ymwneud â phenderfyniad fy rhagflaenydd yn y swydd, yn sgîl apêl gan bractis meddygol Aberhonddu yn erbyn penderfyniad Awdurdod Iechyd Dyfed Powys ynghylch cais y practis i ddarparu gwasanaeth fferyllol i rai cleifion penodol. Unwaith y daethpwyd i benderfyniad ynghylch yr achosion hyn, ni all yr Ysgrifennydd Gwladol, na'r Cynulliad Cenedlaethol o hyn ymlaen, gymryd camau pellach. Ni ellir diwygio'r penderfyniad oni wneir hynny drwy'r llysoedd yn dilyn cais llwyddiannus am adolygiad barnwrol. Ni wnaed cais yn yr achos hwn ac mae'r cyfnod a ganiateir ar gyfer gwneud cais o'r fath wedi dod i ben.

Furniture (New Assembly Building)

Nick Bourne: What arrangements does the First Secretary propose to make for tendering for the installation of furniture in the new Assembly Building, to ensure benefit to the Welsh taxpayer from competitive tendering? (WAQ166JS)

The First Secretary: The Welsh Office/National Assembly for Wales appointed its furniture supplier after a competitive tender which was advertised in the Official Journal of the European Community. The contract was for a period of three years from 4 September 1997 with an option for a two year extension. Any new contract will be competitively tendered through the OJEC procedures.

Celfi (Adeilad Newydd y Cynulliad)

Nick Bourne: Sut mae'r Prif Ysgrifennydd yn bwriadu tendro ar gyfer gosod celfi yn adeilad newydd y Cynulliad er mwyn sicrhau bod trethdalwyr Cymru yn elwa ar dendro cystadleuol? (WAQ166JS)

Y Prif Ysgrifennydd: Penododd y Swyddfa Gymreig/Cynulliad Cenedlaethol Cymru ei gwmi cyflenwi celfi yn dilyn tendr cystadleuol a hysbysebwyd yn yr *Official Journal of the European Communities (OJEC)*. Yr oedd y contract am gyfnod o dair blynedd o 4 Medi 1997 ymlaen gydag opsiwn i'w ymestyn am ddwy flynedd arall. Bydd unrhyw contract newydd yn cael ei ddyfarnu trwy contract cystadleuol yn unol â gweithdrefnau'r OJEC.

Crickhowell House (Acquisition Costs)

Nick Bourne: What costs were incurred in the acquisition of Crickhowell House for the National Assembly? (WAQ228VB)

The First Secretary: The building was already held by the Secretary of State for Wales on a 25 year lease, the balance of which will transfer to the National Assembly on 1 July 1999.

Tŷ Crucywel (Cost Caffael)

Nick Bourne: Faint oedd cost caffael Tŷ Crucywel ar gyfer y Cynulliad Cenedlaethol? (WAQ228VB)

Y Prif Ysgrifennydd: Ysgrifennydd Gwladol Cymru oedd â meddiant yr adeilad eisoes dan brydles 25 mlynedd, a chaiff gweddill y brydles ei throsglwyddo i'r Cynulliad Cenedlaethol ar 1 Gorffennaf 1999.

Crickhowell House (Modification Costs)

Nick Bourne: What costs were incurred in the modification of Crickhowell House for the National Assembly? (WAQ229VB)

The First Secretary: The capital costs of the building adaptation works to modify Crickhowell House was £5.2 million.

Tŷ Crucywel (Cost Addasu)

Nick Bourne: Faint oedd cost addasu Tŷ Crucywel ar gyfer y Cynulliad Cenedlaethol? (WAQ229VB)

Y Prif Ysgrifennydd: Cost gyfalaf y gwaith addasu er mwyn ailwampio Tŷ Crucywel oedd £5.2 miliwn.

Cwestiynau i'r Ysgrifennydd Amaethyddiaeth a Datblygu Gwledig Questions to the Secretary for Agriculture and Rural Development

Attracting Young Entrants into Farming

Nick Bourne: What measures is Christine Gwyther pursuing to attract young entrants into farming? (WAQ 144VB)

The Secretary for Agriculture and Rural Development (Christine Gwyther): The Rural Development Regulation allows 'setting up' aid to be paid to young farmers to help them enter the industry. I am keen to help and later in the summer I shall be consulting on proposals to develop a scheme.

Denu Pobl Ifanc i Ffermio

Nick Bourne : Pa fesurau sydd gan Christine Gwyther mewn golwg ar gyfer denu pobl ifanc i ffermio? (WAQ144VB)

Yr Ysgrifennydd Amaethyddiaeth a Datblygu Gwledig (Christine Gwyther): Mae'r Rheoliad Datblygu Gwledig yn darparu ar gyfer rhoi cymorthdal 'sefydlu' i ffermwyr ifanc i'w helpu i ddechrau ar yrfa yn y diwydiant. Yr wyf yn awyddus i gynorthwyo yn hyn o beth ac yn nes ymlaen yn yr haf, byddaf yn ymgynghori ynglŷn â'r cynigion i ddatblygu cynllun.

Cwestiynau i Ysgrifennydd yr Amgylchedd a Llywodraeth Leol Questions to the Secretary for the Environment and Local Government

Home Energy Conservation

John Griffiths: Is there a strategy to develop a comprehensive programme of home energy conservation in low income areas of Wales? (WAQ137JG)

Peter Law: Under the Home Energy Efficiency Scheme, which has been the Government's main weapon for attacking fuel poverty amongst low income groups, spending in Wales over the last three years has exceeded £10 million.

The comprehensive spending review resulted in a further £150 million being allocated for the next two years across England, Wales and Scotland, and discussions are currently taking place over the proportion to be allocated to the three countries.

In 1998 an inter-departmental group of officials was tasked with considering existing fuel poverty policies including the role and operation of HEES, and identifying the way ahead. The work was led by the DETR with the other members of the group drawn from Government departments including the Welsh Office. The conclusions of that group and the structured discussions with interested parties that followed resulted in the development of proposals to amend HEES which are currently the subject of consultation in England.

It is intended that the current HEES is replaced by a specific scheme for Wales, to be introduced in April 2000. A corresponding consultation exercise will be undertaken. The consultation responses will assist in the development of the new scheme in a way that reflects the concerns and priorities in Wales.

It is intended to publish the consultation paper at the end of June, supported by two seminars organised by the national fuel poverty charity Nation Energy Action for the first week of July.

The powers of the Assembly will provide major opportunities to impact on both the issue of fuel poverty to which you refer and energy conservation generally in Wales. Through a combination of direct action and working with external organisations involved in these areas we wish to develop a strategic response to the issues based on partnership.

The valuable contributions being made through the work of charitable organisations such as the Energy Saving Trust and National Energy Action, and the efforts of both Swalec and Manweb under the Standards of Performance scheme, are good examples of such opportunities for partnerships. Discussions are taking place with these organisations with a view to bringing a Welsh focus to their activities.

The second main vehicle which provides for action by the Assembly itself is the Home Energy Conservation Act 1995, which places obligations on local authorities to take a strategic view on reducing energy consumption. This will have benefits for low income groups in addition to contributing towards UK emission reduction targets. We will be considering how the efforts of local authorities are best directed and supported here.

Arbed Ynni ar Aelwydydd

John Griffiths: A oes strategaeth i ddatblygu rhaglen gynhwysfawr i arbed ynni ar aelwydydd mewn ardaloedd incwm isel yng Nghymru? (WAQ137JG)

Peter Law: Dan y Cynllun Effeithlonrwydd Ynni ar Aelwydydd, sef prif arf y Llywodraeth ar gyfer mynd i'r afael â thlodi tanwydd ymhlith grwpiau incwm isel, gwariwyd dros £10 miliwn yng Nghymru dros y tair blynedd ddiwethaf.

Yn sgîl yr adolygiad cynhwysfawr o wariant, neilltuwyd £150 miliwn ychwanegol ar gyfer y ddwy flynedd nesaf drwy Gymru, Lloegr a'r Alban, ac mae trafodaethau wrthi'n cael eu cynnal yn awr ynglŷn a pha gyfran a ddyrennir i'r tair gwlad.

Yn 1998, cafodd grŵp o swyddogion rhyng-adrannol y dasg o ystyried y polisiau cyfredol ynghylch tlodi tanwydd, gan gynnwys swyddogaeth a gweithrediad y Cynllun Effeithlonrwydd HEES a nodi'r ffordd ymlaen. Deuai'r gwaith dan arweiniad Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau gydag aelodau eraill y grŵp wedi eu tynnu o blith adrannau'r Llywodraeth, gan gynnwys y Swyddfa Gymreig. O ganlyniad i gasgliadau'r grŵp hwnnw a'r trafodaethau strwythuredig gyda charfanau perthnasol yn sgîl hynny, datblygwyd cynigion i gyflwyno gwelliannau i'r Cynllun Effeithlonrwydd HEES sydd dan ystyriaeth yn Lloegr ar hyn o bryd.

Bwriedir i'r Cynllun Effeithlonrwydd HEES presennol gael ei ddisodli gan gynllun penodol ar gyfer Cymru, sydd i'w gyflwyno ym mis Ebrill 2000. Bydd ymarfer ymgynghori cyfatebol hefyd yn cael ei gynnal. Bydd yr ymatebion a gawn yn sgîl yr ymgynghori yn gymorth i ddatblygu'r cynllun newydd mewn modd sy'n adlewyrchu pryderon a blaenoriaethau yng Nghymru.

Bwriedir cyhoeddi'r papur ymgynghori ddiwedd mis Mehefin, a chynnal dwy seminar i'w gefnogi wedi eu trefnu gan yr elusen tlodi tanwydd cenedlaethol, National Energy Action, ar gyfer wythnos gyntaf mis Gorffennaf.

Bydd pwerau'r Cynulliad yn gyfle pwysig i ddylanwadu ar y pwnc tlodi tanwydd y cyfeiriwch chi ato a chadwraeth ynni yn gyffredinol yng Nghymru. Drwy gyfuniad o weithredu uniongyrchol a gweithio gyda mudiadau allanol sy'n gysylltiedig â'r meysydd hyn, yr ydym yn awyddus i ddatblygu ymateb strategol i'r mater, yn seiliedig ar bartneriaeth.

Mae'r cyfraniadau gwerthfawr sy'n cael eu gwneud drwy waith mudiadau elusennol megis yr Ymddiriedolaeth Arbed Ynni a National Energy Action, ac ymdrechion Swalec a Manweb dan y cynllun Safonau Perfformiad, yn enghreifftiau da o'r cyfle i greu partneriaethau. Mae trafodaethau wrthi'n cael eu cynnal gyda'r mudiadau hyn gyda golwg ar roi canolbwynt Cymreig i'w gweithgareddau.

Yr ail brif ddull sy'n gyfrwng gweithredu i'r Cynulliad ei hun yw drwy Ddeddf Cadwraeth Ynni yn y Cartref 1995, sy'n rhwymo awdurdodau lleol i ystyried sut i leihau'r defnydd o ynni mewn modd strategol. Bydd hyn yn dod â budd i grwpiau incwm isel yn ogystal â chyfrannu at dargedau gostwng allyriannau y DU. Byddwn yn ystyried y ffordd orau o arwain a chefnogi ymdrechion awdurdodau lleol yn hyn o beth.

Bryntirion Tenants and Residents Association

Peter Black: Why have Bridgend County Borough Council and the Welsh Office not dealt with the application by the Bryntirion Tenants and Residents Association to manage their own homes within the timescale set down in the Housing (Right to Manage) Regulations 1994? (WAQ 169VB)

Peter Law: Extensions to timescales were mutually agreed between the Tenants and Residents Association and the local authority, as allowed for in the Housing (Right to Manage) Regulations 1994.

The following notes detail the circumstances of these extensions:

- A Right to Manage (RTM) Notice was presented to Bridgend County Borough Council (CBC) by Bryntirion Tenants and Residents Association (TRA) on 24 July 1998. This was the first RTM Notice to be served on a local authority in Wales. The Right to Manage is part of the Citizens Charter which came into effect on 1 April 1994, and enables local authority tenants in a defined area to form a Tenant Management Organisation and assume responsibility for delivering certain services within it. This may include, for example, property repairs, cleaning public areas, gardening, rent collection, and tenancy management.
- Under the Housing (Right to Manage) Regulations 1994, the RTM Notice is the first expression of interest in pursuing the self-management route, and, upon receipt, a local authority has 4 weeks in which to raise points of clarification, and a further 4 weeks in which to formally accept or decline the Notice. Although Bridgend County Borough Council identified several discrepancies in the Bryntirion Notice, satisfactory responses were subsequently received, and the Notice was formally accepted on 18 September 1998.
- The next stage in the RTM process is the appointment of an ‘approved agent’ to work with the tenants on an initial feasibility study and assist in the training and development of a TMO. RTM Regulations set a deadline of three months from the serving of a notice for the appointment of such an agent, but allows this timescale to be renegotiated by the local authority and tenant organisation. The three-month deadline in this case would have expired on 24 October 1998, but the Bridgend CBC and Bryntirion TRA agreed to a revised deadline of 11 December 1998.
- The Welsh Office makes available financial assistance for the funding of approved agents to carry out initial feasibility studies. The Welsh Office Guidance Note ‘Right to Manage—Selection Funding and Functions of Training Agents’ (published 19 June 1995) states:

In accordance with its normal practices and procedures and as a condition of its assistance under Section 16 of the Housing and Planning Act 1986 the approved agency will be selected by a process of competitive tender. A selection panel will be set up to consider the tenders and to interview potential agents.

The panel will normally comprise at least one representative from the tenant organisation, one from the authority and one from the Welsh Office. The panel should not normally comprise more than 6 members with equal representation from the tenant organisation, the local authority and the Welsh Office. A Welsh Office representative will assume chairmanship of the panel.

- The first meeting of the Bryntirion panel took place in October 1998, where it was agreed to invite five organisations to tender.
- On 1 December 1998 the panel heard presentations from three organisations, the remaining two having decided not to tender. Because of the volume of information which required consideration, a decision was deferred, and the panel agreed, by mutual consent, to reconvene on 12 January 1999. Although this took matters beyond the 11 December deadline, Bridgend CBC agreed to continue to recognise the RTM Notice as valid, to allow the selection process to be completed.
- Because one of the panel (Councillor Margie Ing, Chair of Housing at Bridgend) was ill, the meeting of 12 January had to be postponed, but was rearranged for 9 February 1999. Recognition of the RTM Notice was again extended until that meeting.
- On 20 November 1998 Ms Denise Washington, Secretary of Bryntirion TRA, wrote to Bridgend CBC challenging the selection process, arguing that the TRA alone should be responsible for selecting the approved agent. Correspondence was exchanged, and the Welsh Office confirmed that the tripartite selection process was a condition of Section 16 grant. On 18 January 1999 Ms Washington wrote again, this time having engaged a firm of solicitors to contest the legal position previously outlined. Both Welsh Office and Bridgend CBC lawyers confirmed that, where funding is being sought for an approved agent, the tripartite selection process applies, and Ms Washington was advised of this in writing.
- Because of the ongoing disagreement, the Welsh Office wrote to Bryntirion TRA requesting that they confirm their acceptance of the legal position by 5 February 1999, because it would be inappropriate for the panel to meet again on 9 February if the terms of reference were the subject of a dispute. No confirmation was received by this date, but Ms Washington contacted the Welsh Office on 8 February to advise that Bryntirion TRA were still not happy and intended to pursue the matter through their solicitors. On this basis the panel meeting scheduled for the following day was cancelled.
- The Welsh Office then wrote to Ms Washington as Secretary of Bryntirion TRA and asked that, by 5 March 1999, the TRA either:
 - confirm acceptance of the Welsh Office interpretation, or
 - commence a legal challenge to this interpretation.
- The TRA was informed that failure to confirm either of these courses of action would mean that the RTM Notice would be deemed to have been withdrawn.
- On 4 March 1999, confirmation was provided by Bryntirion TRA that they had accepted the Welsh Office interpretation, and a further meeting of the panel was arranged.
- On 27 April 1999 panel members (two each from the TRA, the local authority and the Welsh Office) voted by five votes to one to appoint TPAS (Wales) as approved agent for the initial feasibility study.

Cymdeithas Tenantiaid a Phreswylwyr Bryntirion

Peter Black: Pam nad yw Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr a'r Swyddfa Gymreig wedi delio â chais Cymdeithas Tenantiaid a Phreswylwyr Bryntirion i brynu eu tai eu hunain o fewn yr amserlen a nodwyd yn Rheoliadau Tai (Yr Hawl i Reoli) 1994? (WAQ169VB)

Peter Law: Cytunodd y Gymdeithas Tenantiaid a Phreswylwyr a'r awdurdod lleol fel ei gilydd i ymestyn yr amserlen, fel y caniateir yn Rheoliadau Tai (Yr Hawl i Reoli) 1994.

Mae'r nodiadau canlynol yn manylu ar amgylchiadau'r trefniadau ymestyn hyn:

- Cyflwynwyd Rhybudd Hawl i Reoli i Gyngor Bwrdeistref Sirol (CBS) Pen-y-bont ar Ogwr gan Gymdeithas Tenantiaid a Phreswylwyr (CTP) Bryntirion ar 24 Gorffennaf 1998. Hwn oedd y Rhybudd Hawl i Reoli cyntaf i'w gyflwyno i awdurdod lleol yng Nghymru. Mae'r Hawl i Reoli yn rhan o Siarter y Dinesydd a ddaeth i rym ar 1 Ebrill 1994, ac mae'n galluogi tenantiaid awdurdodau lleol o fewn ardal benodedig i ffurfio Corff Rheolaeth Tenantiaid ac ysgwyddo'r cyfrifoldeb dros gyflwyno rhai gwasanaethau penodol o'i fewn. Gall gynnwys, er enghraifft, trwsio eiddo, glanhau ardaloedd cyhoeddus, garddio, casglu rhent a rheoli tenantiaethau.
- Dan Rheoliadau Tai (Yr Hawl i Reoli) 1994, Rhybudd Hawl i Reoli yw'r cam cyntaf wrth fynegi diddordeb mewn dilyn llwybr hunan-reoli ac, ar ôl ei dderbyn, mae gan awdurdod lleol 4 wythnos i godi pwyntiau i'w hegluro, a 4 wythnos arall i dderbyn neu wrthod y Rhybudd yn ffurfiol. Er i CBS Pen-y-Bont ar Ogwr nodi sawl anghysonder yn Rhybudd Bryntirion, cafwyd ymatebion boddhaol wedyn, a derbyniwyd y Rhybudd yn ffurfiol ar 18 Medi 1998.
- Y cam nesaf yn y broses Hawl i Reoli yw penodi 'asiant cymeradwy' i weithio gyda'r tenantiaid i lunio astudiaeth dichonoldeb gychwynnol a chynorthwyo i hyfforddi a datblygu Corff Rheolaeth Tenantiaid. Mae Rheoliadau Hawl i Reoli yn gosod terfyn amser o dri mis o ddyddiad cyflwyno Rhybudd ar gyfer penodi asiant o'r fath, ond yn caniatáu i'r awdurdod lleol a chyrrff tenantiaid ailtrafod yr amserlen hon. Byddai'r amserlen dri mis wedi dod i ben yn yr achos hwn ar 24 Hydref 1998, ond cytunodd CBS Pen-y-bont ar Ogwr a CTP Bryntirion i amserlen ddiwygiedig, sef hyd at 11 Rhagfyr 1998.
- Mae'r Swyddfa Gymreig yn rhyddhau cymorth ariannol i gyllido asiantau cymeradwy i gynnal astudiaethau dichonoldeb cychwynnol. Mae Nodyn Canllaw y Swyddfa Gymreig 'Yr Hawl i Reoli—Cyllid Dethol a Swyddogaethau Asiantau Hyfforddi' (cyhoeddwyd 19 Mehefin 1995) yn datgan:
- Yn unol â'i arferion a'i drefniadau arferol ac fel un o amodau ei gymhorthdal dan Adran 16 Deddf Tai a Chynllunio 1986, bydd yr asiantaeth gymeradwy yn cael ei dewis drwy broses tendro cystadleuol. Bydd panel dethol yn cael ei sefydlu i ystyried y tendrau ac i gyfweld asiantau posibl.
- Fel arfer, bydd y panel yn cynnwys o leiaf un cynrychiolydd o'r corff tenantiaid, un o'r awdurdod ac un o'r Swyddfa Gymreig. Fel arfer, ni ddylai'r panel gynnwys mwy na chwe aelod gyda'r gynrychiolaeth wedi ei rhannu'n gyfartal rhwng y corff tenantiaid, yr awdurdod lleol a'r Swyddfa Gymreig. Bydd un o gynrychiolwyr y Swyddfa Gymreig yn cael ei benodi'n gadeirydd y panel.
- Cynhaliwyd cyfarfod cyntaf panel Bryntirion ym mis Hydref 1998, lle cytunwyd y byddid yn gwahodd tendr gan bump o gyrff.
- Ar 1 Rhagfyr 1998, gwrandawodd y panel ar gyflwyniadau gan dri chorff; yr oedd y ddau arall wedi penderfynu peidio â thendro. Oherwydd maint y wybodaeth yr oedd gofyn ei hystyried, gohiriwyd unrhyw benderfyniad a chytunodd y panel, gyda chaniatâd pawb, y byddai'n ailymgynnull ar 12 Ionawr 1999. Er bod hyn yn golygu ymestyn y mater y tu hwnt i derfyn amser 11 Rhagfyr, cytunodd CBS Pen-y-bont ar Ogwr y byddai'n parhau i gydnabod bod y Rhybudd HIR yn ddilys er mwyn rhoi cyfle i gwblhau'r broses ddethol.

- Ar 20 Tachwedd 1998, ysgrifennodd Ms Denise Washington, Ysgrifennydd CTP Bryntirion, at CBS Pen-y-bont ar Ogwr i herio'r broses ddethol, gan ddadlau mai'r CTP yn unig ddylai fod yn gyfrifol am ddethol yr asiant cymeradwy. Anfonwyd llythyr yn ôl, a chadarnhaodd y Swyddfa Gymreig fod y broses ddethol deiran yn un o amodau grant Adran 16. Ar 18 Ionawr 1999, ysgrifennodd Ms Washington eto, y tro hwn ar ôl trefnu i gwmni o gyfreithwyr ddadlau'r sefyllfa gyfreithiol a amlinellwyd ynghynt. Cadarnhaodd cyfreithwyr y Swyddfa Gymreig a CBS Pen-y-bont ar Ogwr fod y broses ddethol deiran yn berthnasol lle ceisir cyllid ar gyfer trefnu asiant cymeradwy, a dywedwyd hyn wrth Ms Washington ar ffurf llythyr.
- Yn sgîl y ddadl barhaus hon, ysgrifennodd y Swyddfa Gymreig at CTP Bryntirion yn gofyn iddynt gadarnhau eu bod yn derbyn y sefyllfa gyfreithiol erbyn 5 Chwefror 1999, gan y byddai'n amhriodol i'r panel gyfarfod eto ar 9 Chwefror os oedd y cylch gorchwyl yn destun cynnen. Ni chafwyd cadarnhad erbyn y dyddiad hwn, ond cysylltodd Ms Washington â'r Swyddfa Gymreig ar 8 Chwefror i'w hysbysu fod CTP Bryntirion yn parhau i fod yn anhapus ac yn bwriadu mynd ar drywydd y mater drwy eu cyfreithwyr. Ar sail y wybodaeth hon, canslwyd cyfarfod y panel a oedd wedi ei drefnu ar gyfer y diwrnod canlynol.
- Yn dilyn hyn, ysgrifennodd y Swyddfa Gymreig at Ms Washington fel ysgrifennydd CTP Bryntirion i ofyn iddynt, erbyn 5 Mawrth 1999, naill ai:- gadarnhau eu bod yn derbyn dehongliad y Swyddfa Gymreig, neu - herio'r dehongliad hwn yn gyfreithiol.
- Dywedwyd wrth y CTP y byddai methu â chadarnhau y naill na'r llall o'r camau hyn yn golygu y byddid yn ystyried fod y Rhybudd Hawl i Reoli wedi cael ei dynnu yn ôl.
- Ar 4 Mawrth 1999, cafwyd cadarnhad gan CTP Bryntirion yn dweud eu bod yn derbyn dehongliad y Swyddfa Gymreig, a threfnwyd cyfarfod panel arall.
- Ar 27 Ebrill 1999 pleidleisiodd aelodau'r panel (dau yr un o'r CTP, yr awdurdod lleol a'r Swyddfa Gymreig) o bum pleidlais i un i benodi TPAS (Cymru) yn asiant cymeradwy ar gyfer yr astudiaeth dichonolrwydd gychwynnol.

Private Funding Initiative Credits

Jocelyn Davies: Will the Assembly be involved in the decision making process on PFI credits for the delivery of fully serviced schools, and if so how? (WAQ196JS)

Peter Law: Responsibility for deciding which projects are to be supported with PFI credits transfers to the Assembly from 1 July. Some 22 bids are currently at a stage of assessment. The outcome will be reported to the Assembly as soon as the process has been completed.

Credydau Menter Cyllid Preifat

Jocelyn Davies: A fydd y Cynulliad yn rhan o'r broses o wneud penderfyniadau ar gredydau menter cyllid preifat ar gyfer darparu ysgolion sydd wedi eu gwasanaethu'n llawn ac, os felly, pa ran a fydd ganddo? (WAQ196JS)

Peter Law: Mae'r cyfrifoldeb am benderfynu pa brosiectau sydd i'w cefnogi gyda chredydau menter cyllid preifat yn trosglwyddo i'r Cynulliad o 1 Gorffennaf. Mae dau gais ar hugain yn cael eu hasesu ar hyn o bryd. Rhoddir adroddiad ar y canlyniad i'r Cynulliad cyn gynted ag y mae'r broses wedi ei chwblhau.

Bryntirion Tenants and Residents Association

Peter Black: Why has the Welsh Office interpreted section 16 of the Housing and Planning Act 1986 in such a way as to prevent Bryntirion Tenants and Residents Association from appointing an approved agency of their choice to carry out the initial feasibility study into their application to manage their own homes, in contrast to procedures applied to applications in England? (WAQ194JG)

Peter Law: On 19 June 1995, the Welsh Office published a guidance note entitled 'The Right to Manage—Selection, Funding and Functions of Training Agents'. Publication followed a consultation exercise undertaken earlier in 1995. The Council of Welsh Districts, Welsh Tenants' Federation, Tenant Participation Advisory Service in Wales and the Chartered Institute of Housing (Wales) were among those organisations consulted.

The guidance note followed standard Welsh Office procurement procedures in aiming to ensure value for money in the funding of approved agents. It states:

'In accordance with its normal practices and procedures and as a condition of its assistance under Section 16 of the Housing and Planning Act 1986, the approved agency will be selected by a process of competitive tender. A selection panel will be set up to consider the tenders and to interview potential agents. The panel will normally comprise of at least one representative from the tenant organisation, one from the authority and one from the Welsh Office. The panel should not normally comprise more than six members with equal representation from the tenant organisation, the local authority and the Welsh Office. A Welsh Office representative will assume chairmanship of the panel.'

In England, the DETR does not require tendering as a precondition for Section 16 grant. However, the DETR's 'Guide to the Right to Manage' advises tenant organisations as follows:

'You may feel you already know which agency you want to work with. You may be already working with an agency, or the council may have recommended a particular agency. But how will you know whether this agency can provide the support best suited to your needs if you don't "shop around"? Many tenants' organisations choose to put the job of providing support and training "out to tender". This involves asking a number of agencies to tell you what they can provide and how much it will cost.'

Details of the circumstances in which an approved agent was chosen in the case of Bryntirion Tenants and Residents Association are given in the reply to previous written Assembly question WAQ169VB.

Cymdeithas Tenantiaid a Thrigolion Bryntirion

Peter Black: Pam fod y Swyddfa Gymreig wedi dehongli adran 16 Deddf Tai a Chynllunio 1986 mewn modd sy'n atal Cymdeithas Tenantiaid a Thrigolion Bryntirion rhag penodi asiantaeth gymeradwy o'u dewis hwy i gynnal astudiaeth bosibiliadau gychwynnol i'w cais i reoli eu cartrefi eu hunain, yn groes i'r gweithdrefnau a ddefnyddiwyd gyda cheisiadau yn Lloegr? (WAQ194JG)

Peter Law: Ar 19 Mehefin 1995, cyhoeddodd y Swyddfa Gymreig nodyn canllaw dan y teitl 'Yr Hawl i Reoli—Dethol, Cyllido a Swyddogaethau Asiantau Hyfforddi'. Fe'i cyhoeddwyd yn dilyn ymarferiad ymgynghori a gynhaliwyd yn gynharach ym 1995. Ymysg y cyrff yr ymgynghorwyd â hwy yr oedd Cyngor Dosbarthau Cymru, Ffederasiwn Tenantiaid Cymru, y Gwasanaeth Ymgynghorol Cyfranogiad Tenantiaid yng Nghymru a'r Sefydliad Tai Siartredig (Cymru).

Dilynai'r nodyn canllaw weithdrefnau caffael safonol y Swyddfa Gymreig o ran ceisio sicrhau gwerth am arian wrth gyllido asiantau a gymeradwyir. Mae'n datgan:

'Yn unol â'i harferion a'i gweithdrefnau arferol ac fel amod o'i chymorth dan Adran 16 Deddf Tai a Chynllunio 1986, caiff yr asiantaeth a gymeradwyir ei dethol trwy broses tendro cystadleuol. Sefydlir panel dethol i ystyried y tendrau a chyfweld darpar asiantau. Fel arfer bydd y panel yn cynnwys o leiaf un cynrychiolydd o'r mudiad tenantiaid, un o'r awdurdod ac un o'r Swyddfa Gymreig. Ni ddylai'r panel fel arfer gynnwys mwy na chwe aelod gyda chynrychiolaeth gydradd o'r mudiad tenantiaid, yr awdurdod lleol a'r Swyddfa Gymreig. Un o gynrychiolwyr y Swyddfa Gymreig sydd yn cadeirio'r panel.'

Yn Lloegr, nid yw Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau yn mynnu bod yn rhaid mynd i dendr fel rhagamod i grant Adran 16. Fodd bynnag, yn 'Guide to the Right to Manage' a gyhoeddwyd gan Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau, cynghorir mudiadau tenantiaid fel a ganlyn:

'Hwyrach eich bod yn tybio eich bod eisoes yn gwybod gyda pha asiantaeth yr ydych am weithio. Efallai eich bod yn gweithio gydag asiantaeth yn barod, neu efallai bod y cyngor wedi argymhell asiantaeth arbennig. Ond sut gwyddoch chi ai'r asiantaeth hon all gynnig y gefnogaeth orau ar gyfer eich anghenion chi oni wnewch chi "chwilio am y fargen orau"? Mae llawer o fudiadau tenantiaid yn dewis rhoi'r dasg o ddarparu cefnogaeth a hyfforddiant "allan i dendr". Mae hyn yn golygu gofyn i nifer o asiantaethau ddweud wrthyh chi beth y gallant hwy ei ddarparu a faint y bydd yn ei gostio.'

Manylir ar yr amgylchiadau wrth ddewis asiant wedi ei gymeradwyo yn achos Cymdeithas Tenantiaid a Phreswylwyr Bryntirion yn yr ateb i'r cwestiwn ysgrifenedig blaenorol i'r Cynulliad, WAQ169VB.

Cwestiynau i'r Ysgrifennydd Iechyd a Gwasanaethau Cymdeithasol Questions to the Secretary for Health and Social Services

Educational Attainment (Children in Care)

David Melding: What measures are proposed to improve educational attainment among children in care? (WAQ195VB)

The Secretary for Health and Social Services (Jane Hutt): The Children First programme (Circular 20/99 'The Children First Programme in Wales: Transforming Children's Services') issued in April 1999 includes guidance to local authorities on improving the school attendance and educational attainment of children looked after.

Targets have been set so that by 2001 at least 50 per cent of children leaving care should achieve at least one GCSE or GNVQ and by 2003 at least 75 per cent of children.

All local education authorities have in place behaviour support plans. These include strategies to help keep in school children who are potentially vulnerable to exclusion and disaffection, such as those looked after.

Consultation has just ended on new guidance for schools and LEAs on school attendance, behaviour and discipline which will also help schools to support children who are looked after. The final guidance should be available to LEAs and schools for September.

Cyrhaeddiad Addysgol (Plant Mewn Gofal)

David Melding: Pa fesurau a gynigir i wella cyrhaeddiad addysgol ymysg plant mewn gofal? (WAQ195VB)

Ysgrifennydd Iechyd a Gwasanaethau Cymdeithasol (Jane Hutt): Mae'r rhaglen Plant yn Gyntaf (Cylchlythyr 20/99 'Rhaglen Plant yn Gyntaf yng Nghymru: Trawsnewid Gwasanaethau i Blant') a gyhoeddwyd ym mis Ebrill 1999 yn cynnwys canllawiau i awdurdodau lleol ar wella presenoldeb plant dan ofal yn yr ysgol a'u cyrhaeddiad addysgol.

Gosodwyd targedau fel y dylai o leiaf 50 y cant o blant sy'n gadael gofal ennill o leiaf un TGAU neu GNVQ erbyn 2001 ac o leiaf 75 y cant o'r plant erbyn 2003.

Mae gan bob awdurdod addysg lleol gynlluniau cynnal ymddygiad ar waith. Mae'r rhain yn cynnwys strategaeth i helpu i gadw yn yr ysgol blant y gallent yn hawdd gael eu halltudio'n gymdeithasol neu y byddai'n hawdd iddynt gael eu dadrithio, hynny yw rhai megis plant dan ofal.

Yr ydym newydd orffen ymgynghori ar ganllawiau newydd i ysgolion ac AALI ar bresenoldeb yn yr ysgol, ymddygiad a disgyblaeth. Bydd y canllawiau hyn hefyd yn help i ysgolion gefnogi plant dan ofal. Dylai'r canllawiau terfynol fod ar gael i'r AALI a'r ysgolion erbyn mis Medi.

Cardiology Service

John Griffiths: With regard to the congenital heart disease centre at the University Hospital of Wales, is a locally based cardiology service in Wales to be retained? (WAQ226VB)

Jane Hutt: The Specialised Health Services Commission for Wales is currently putting together a number of options for the future provision of paediatric cardiac surgery and paediatric cardiology in Wales. These options will take account of the importance of maintaining services at the University Hospital of Wales and will be the subject of wide discussion within the NHS and with other parties. The Commission is expected to put advice to the Assembly later this year.

Gwasanaeth Cardioleg

John Griffiths: O ystyried canolfan afiechyd y galon Ysbyty Prifysgol Cymru, a fydd gwasanaeth cardioleg lleol yn cael ei gadw yng Nghymru? (WAQ226VB)

Jane Hutt: Ar hyn o bryd mae'r Comisiwn Gwasanaethau Iechyd Arbenigol i Gymru yn llunio nifer o opsiynau o safbwynt darparu llawfeddygaeth bediatrig ar y galon a chardioleg bediatrig yng Nghymru i'r dyfodol. Bydd yr opsiynau hyn yn rhoi sylw i bwysigrwydd cadw gwasanaethau yn Ysbyty Prifysgol Cymru ac fe'u trafodir yn eang o fewn yr NHS a chyda phartion eraill. Disgwylir i'r Comisiwn roi cyngor i'r Cynulliad yn ddiweddarach eleni.