

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 4

Meeting date: 16 November 2022

Meeting time: 09.00

For further information contact:

Manon George

Committee Clerk

0300 200 6565

SeneddHousing@senedd.wales

Pre-meeting (09.00 – 09.15)

1 Motion to elect a temporary Chair in accordance with Standing Order 17.22

(09.15)

2 Introductions, apologies, substitutions and declarations of interest

(09.15)

3 Homelessness – evidence session 1

(09.15 – 10.30)

(Pages 1 – 19)

Naomi Alleyne, Director Social Services and Housing, Welsh Local Government Association

Gaynor Toft, Interim Head of Housing and Public Protection Services, Pembrokeshire County Council

Steve Porter, Operations Manager Community Housing, Swansea Council

Tracy Hague, Head of Service Housing, Wrexham County Borough Council

Laura Garvey-Cubbon, Operational Manager, Strategy and Housing Need, Cardiff Council

4 Papers to note

(Pages 20 – 21)

4.1 Letter from the Minister for Finance and Local Government relating to general Ministerial scrutiny

(Pages 22 – 25)



- 4.2 Letter from the Minister for Climate Change in relating to general Ministerial scrutiny**
(Pages 26 – 28)
- 4.3 Letter from the Minister for Climate Change to the Llywydd in relation to the Social Housing (Regulation) Bill LCM**
(Pages 29 – 30)
- 4.4 Letter from the Chair of the Petitions Committee in relation to Petition P-06-1272 Ban the use of 'no pet clauses' in tenancy agreements in Wales**
(Pages 31 – 32)
- 4.5 Letter from the Chair of the Legislation, Justice and Constitution Committee to the Minister for Climate Change in relation to the Levelling-up and Regeneration Bill LCM**
(Pages 33 – 36)
- 4.6 Letter from the Minister for Finance and Local Government to the Chair of the Legislation, Justice and Constitution Committee in relation to the Non-Domestic Rating (Chargeable amounts) Regulations 2022**
(Pages 37 – 38)
- 4.7 Correspondence between the Chair and the Minister for Climate Change in relation to the Levelling-up and Regeneration Bill LCM**
(Pages 39 – 42)
- 4.8 Correspondence between the Chair and the Minister for Climate Change in relation to the Social Housing (Regulation) Bill LCM and SLCM**
(Pages 43 – 45)
- 5 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting**
(10.30)
- Break (10.30 – 10.45)**

6 Homelessness – consideration of the evidence received under item 3

(10.45 – 11.00)

7 Update on the Social Housing (Regulation) Bill Legislative Consent Memorandum (LCM)

(11.00 – 11.15)

8 Update on the Levelling-up and Regeneration Bill Legislative Consent Memorandum (LCM)

(11.15 – 11.30)

(Pages 46 – 48)

Document is Restricted

Submission to the Local Government and Housing Committee at the Senedd in its inquiry into Homelessness

Welsh Local Government Association - The Voice of Welsh Councils

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

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

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

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

This means:

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

This is the WLGA's submission to the Local Government and Housing Committee's inquiry into Homelessness.

As suggested, the submission is framed around the terms of reference for the Committee's inquiry: -



11th November 2022

The Committee has agreed to examine:

- **The supply, suitability and quality of temporary accommodation currently being used to house people experiencing homelessness and the support services made available to them;**

Driven initially by the pandemic and changes to the statutory guidance from Welsh Government, there has been a significant change in approach to the provision and use of emergency temporary accommodation for homeless households. Increasing numbers of people are being accommodated in emergency temporary accommodation provided by Councils (8,454 individuals as at end of August 2022). Since the start of the pandemic over 26,400 people who were previously homeless have been supported through emergency temporary accommodation. There is a consistent upward trend around the numbers of people in emergency temporary accommodation which shows no sign of reducing.

In May 2020, as part of the pandemic response, Welsh Government made additional revenue and capital funding available through “Homelessness: Phase 2” to increase the supply and suitability of temporary accommodation. This funding was accompanied by guidance setting out requirements for increased accommodation and quality.

As well as increased household costs for everyone due to inflation, including rising energy costs, there have been significant increases in rents in most areas, with an increasing gap over Local Housing Allowance support available; this means that the Private Rented Sector is increasingly difficult for many households to access and afford. A sustained period of rising consumer costs and increased interest rates, without any increase in household incomes, is also very likely to impact on owner-occupiers, who will find their mortgage payments more difficult to meet. All leading to increased demand for homelessness services and the use of temporary accommodation.

The Housing Support Grant (HSG) is the Welsh Government’s principal funding stream for preventing homelessness, and is utilised by Councils to commission services which support more than 60,000 people each year to live independently in their communities. Through the provision of refuge, supported accommodation and tenancy support services, the HSG allows people to exit homelessness, leave abusive relationships, maintain their tenancies, overcome mental health and substance abuse issues, build on their strengths and fulfil their aspirations. The current annual HSG funding of £166m is under considerable pressure to meet the increased demand at the standard required related to these homelessness pressures outlined above, and the need to ensure that services commissioned by Councils receive enough funding to pay their staff a fair wage and provide them with the support they need.



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- **The impact living in temporary accommodation has on individuals and families;**

Local authorities are only too well aware of the negative impacts and disruption to lives that living in temporary accommodation can have on individuals and families, particularly children and young people, and seek to secure a move on to suitable, appropriate long-term homes for individuals and families as soon as is practicably possible. However, with increasing numbers of households seeking assistance from Councils, and requiring emergency temporary accommodation, along with the limited supply of appropriate, affordable accommodation in all areas of Wales this means that, unfortunately, currently this is rarely achieved without some kind of delay.

However, access to good quality temporary accommodation can also be beneficial to some people who have, perhaps, been experiencing chaotic lifestyles and may provide welcome stability and positive opportunities to engage with health and other support services.

- **The impact of the ongoing demand for temporary accommodation and support services on local authorities, their partners and communities;**

The recently published CIH Cymru report “Joining the dots 3” [0447-ttc-joining-the-dots-3-eng-v3.pdf \(cih.org\)](https://www.cih.org.uk/wp-content/uploads/2021/04/0447-ttc-joining-the-dots-3-eng-v3.pdf) sets out some of the impacts on local authority staff supporting people experiencing homelessness, including the key finding that “over 75% of responses told us that they felt their mental wellbeing had decreased since January 2020, and that workload pressure was a key factor.”

Other key issues highlighted by the report include :-

- The impact of the cost of living crisis on communities and availability of appropriate services to provide support
- A lack of suitable accommodation to support people to move-on from temporary accommodation
- More broadly a lack of affordable housing options locally and concerns over landlords leaving the private rented sector.

In October 2021, the Housing Support Network published the report “Workload and Wellbeing: an insight into the experience of operational staff during Covid-19” setting out the findings from a survey of operational staff within Welsh Local Authority homelessness services seeking views on their workload and wellbeing. The report describes how many spoke of increased demand and pressure in their work often related to the changes in Welsh Government homelessness policy and Guidance. A high proportion stated that work negatively impacted their wellbeing and over half stated that they had considered leaving the role. The continued and ongoing demands for homelessness services and temporary accommodation in the period



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since the end of the pandemic mean that these pressures on staff continue to be applicable.



Final Report -
Workload and Wellbe

The Cymorth Cymru report “Struggles from the Frontline” [Struggles from the Frontline - Eng.pdf \(cymorthcymru.org.uk\)](#) highlights the impacts on frontline workers delivering homelessness and housing support services in partner organisations commonly commissioned by Councils to provide vital services using Housing Support Grant, in the context of the current cost of living crisis and the high level of demand for services.

Despite the significant and welcome additional funding provided by Welsh Government during the pandemic and in the current financial year, homelessness services are not immune to the wider cost pressures and budget restrictions experienced across Council services. Inflationary pressures in council budgets arise from a number of sources including pay, energy, and transport. These cost pressures are shared by those partner organisations commissioned by Councils to provide essential support services.

- **Options to increase the supply of affordable and appropriate housing in the short to medium term to reduce the use of temporary accommodation;**

Councils and their partners have been keen to use all existing and additional resources to utilise opportunities to increase the supply of affordable and appropriate housing in the short to medium term, wherever possible. In this context, it has been helpful that Welsh Government has explicitly recognised the idea and important role of specific transitional accommodation to bridge the gap between temporary accommodation and permanent housing.

A specific, additional, Transitional Accommodation Capital Programme (TACP) has been established. The work support by TACP includes empty properties works not related to standard re-lets, conversions, remodelling of existing stock, demolition and rebuild, Modern Methods of Constructions (MMC) solutions, etc. This has also included support for the meantime use of sites ahead of more permanent development schemes.

In support of the Programme for Government commitment to deliver 20,000 additional low carbon homes for social rent during the current term of Government, the Social Housing Grant (SHG) budget available to Councils and their RSL partners has been significantly increased over recent historical levels, and currently totals £1bn for the current and next two financial years.



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Welsh Government have been working with increasing numbers of Councils to expand their Leasing Scheme Wales which encourages and supports private sector landlords to make their properties available for a long lease period to provide much-needed additional affordable accommodation to meet local housing needs, including for those moving on from all forms of temporary accommodation. A number of Councils also operate their own similar local private sector schemes.

Welsh Government have also recently developed an acquisition strategy which specifically focusses on bringing existing homes, which may be empty or already tenanted, into to social housing stock of Councils or housing associations.

Wherever possible, the development of new transitional and longer-term housing solutions are focussed on providing further options to meet the housing needs of everyone requiring support including those homeless households in temporary accommodation, households on existing housing registers who are insecurely housed, and those households in Wales as part of wider refugee resettlement schemes supporting Ukrainian, Afghan, Syrian and other households, including those whose asylum claim has been positively decided and wish to settle in Wales.

Even with these record levels of investment support and borrowing by Councils and RSLs, there are many growing challenges to developing enough new homes including the availability of land, phosphate restrictions in many areas, rising costs of materials, constraints on the supply of materials, shortages in necessary key skills, capacity within some Council functions, capacity within utility companies, etc.

- **Progress implementing Ending Homelessness in Wales: A high level action plan 2021-2026, and in particular the move towards a rapid rehousing approach.**

WLGA and local authorities are actively involved in the Ending Homelessness National Advisory Board, and Homelessness Expert Review Panel plus various task & finish groups, working groups, etc., involved in taking forward many of the recommendations from the high-level action plan with the aim of ensuring that homelessness in Wales becomes rare, brief and unrepeatable.

A key element of this progress is the development, by Councils and their partners, of their initial Rapid Rehousing Plans being submitted to Welsh Government, in line with the guidance developed.

The sub groups established to support the work of the Ending Homelessness National Advisory Board include those focussing on :-

- Developing a new Homelessness strategic outcomes framework;
- Workforce; and
- Rapid Rehousing.

The Homelessness Expert Panel has been established to make recommendations around amendments to the legislative framework for homelessness, contributing to the development of a future Welsh Government Green Paper dealing with proposals



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for the fundamental reform of homelessness in Wales, as set out in the Programme for Government. The first meeting of this panel took place in September 2022 with a programme of meetings in place until June 2023.

Jim McKirdle, Policy Officer (Housing)

Agenda Item 4

Local Government and Housing Committee

16 November 2022 – papers to note cover sheet

Paper no.	Issue	From	Action point
Paper 2	Ministerial scrutiny sessions	Minister for Finance and Local Government	To note
Paper 3	Ministerial scrutiny sessions	Minister for Climate Change	To note
Paper 4	Legislative Consent: Social Housing (Regulation) Bill	Minister for Climate Change to the Llywydd	To note
Paper 5	Petition P-06-1272 Ban the use of 'no pet clauses' in tenancy agreements in Wales	Chair of the Petitions Committee	To note
Paper 6	Legislative Consent: Levelling-up and Regeneration Bill	Chair of the Legislation, Justice and Constitution Committee to the Minister for Climate Change	To note
Paper 7	Matters related to legislation – Legislation, Justice and Constitution Committee	Minister for Finance and Local Government to the Chair of the Legislation, Justice and Constitution Committee	To note
Paper 8	Legislative Consent: Levelling-up and Regeneration Bill	Correspondence between the Chair and the Minister for Climate Change	To note

Paper 9	Legislative Consent: Social Housing (Regulation) Bill	Correspondence between the Chair and the Minister for Climate Change	To note
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Agenda Item 4.1

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



Llywodraeth Cymru
Welsh Government

John Griffiths MS
Chair, Local Government and Housing Committee
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25 October 2022

Dear John,

Thank you for your letter requesting further information on some of the issues we discussed during my attendance at the Local Government and Housing Committee on 29 September.

Level of reserves retained to deal with the cost-of-living crisis and other commitments

The first supplementary budget of 2022-23 published on 21st June identifies fiscal resource (i.e. revenue) reserves of £152.3m. This is available to use for emerging in-year pressures and priorities, such as managing the impact on our commitments or the humanitarian response to the war in Ukraine which was not known to impact at the time of setting our budget, for example. Full details of allocations from the reserve will be published as part of the second supplementary budget of 2022-23 later in the year.

Discussions Welsh Ministers have had with trustees of pension funds on ways in which local authority pension funds could be used to best effect within Wales, and in particular in relation to investing in housing and RSLs

On the possibilities for Local Authority pensions investing in other priorities such as housing, the Committee will be aware that Local Authority pensions are not devolved. The locally elected members who sit on local authority pensions committees are responsible, within the framework of legislation provided by the UK Government, for decisions on investments. Pensions Authorities have a fiduciary responsibility to secure the best outcome possible for their investments in order to safeguard the long-term pensions benefits for their members. Welsh Ministers have some years ago suggested to local government pensions authorities that they could consider the wider benefits from investment in local infrastructure or other schemes when considering investment while continuing to deliver against their fiduciary responsibilities. I am aware that some Welsh and English authority funds do undertake local investments of this sort. The development of Local Authority Pensions pools

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

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was partly intended to facilitate greater investment in infrastructure, including specifically in local infrastructure. The UK Government, which is responsible for the legislative framework for the local government pension scheme is seeking to increase pensions investment in local infrastructure and has suggested a target of 5%.

Information on whether any town or community council clerks are politically active within local authorities

The Welsh Government does not hold any information on whether town or community council clerks are politically active within local authorities. We have approached both the Society for Local Council Clerks (SLCC) and One Voice Wales (OVW) who have both confirmed they also do not hold this information.

Further information on the impact of the removal of the Digital Democracy Fund on local government's digital needs

The Digital Democracy Fund (just over £800,000 in the 2020-21 financial year) was a one off, seed-corn fund targeted at enabling principal councils to quickly get up to speed with the requirements of the Local Government and Elections (Wales) Act 2021 in respect of hybrid meetings and broadcasting of full council meetings only. It was not a general purpose fund to support, for example, the digitisation of services.

The Welsh Government is seeking to promote a sector led approach to digital service transformation in local authorities across Wales. We have provided for the Local Government Chief Digital Officer (LGCDO) hosted within the WLGA to provide strategic leadership within local government to drive digital improvement.

The LGCDO manages a 'comparative needs' approach to the administration of the £1m Digital Fund, whereby digital transformation projects which solve shared problems collaboratively are identified by the LGCDO through engagement with the sector.

How many local authorities (including town and community councils where possible) are holding meetings entirely remotely at present, and whether you are satisfied that local government is adhering to legislation and guidance appropriately, particularly with regards to accessibility and public participation

As I stated at Committee, I believe it is entirely possible for hybrid and remote meetings to be as robust as face-to-face ones in providing opportunities for effective scrutiny. I also mentioned that it is still very early days for this way of working and therefore I have not yet undertaken or commissioned any evaluation of the nature, extent or effectiveness of the opportunities provided in the Local Government and Elections (Wales) Act 2021 to work innovatively through the use of hybrid and remote meetings.

It is worth noting the Welsh Government, the WLGA and One Voice Wales do not routinely collate information on the number of principal councils or community and town councils holding meetings entirely remotely, or on their adherence to legislation and guidance on accessibility and public participation. The latter would fall to Audit Wales to consider.

I would, however, like to take this opportunity to restate that I welcome examples from Committee members of particular issues or good examples which I would be very happy to discuss with colleagues in local government. I am able to say I have received positive feedback from principal council Leaders at the Partnership Council on the benefits of this

way of working including supporting diversity, for example by removing the need for travel time, addressing safety concerns and improving the work life balance of members. Also, to help provide a clearer picture of the extent to which community and town councils are able to support remote access to their meetings, I asked the Chief Digital Officer for Local Government to carry out a Digital Discovery Survey. The survey, which closed on 7 October, will provide evidence to inform future action to support town and community councils to meet their responsibilities.

Work currently being done to explore the potential for a future local land value tax in Wales

In February 2021, I published [Summary of Findings](#) from the work the Welsh Government carried out over the fifth Senedd term examining a range of options for reforming the local government finance system in Wales. This included a [technical assessment](#) commissioned from Bangor University which looked at a local land value tax as a potential alternative to the existing local taxes, council tax and non-domestic rates.

Our Programme for Government includes a commitment to seek to reform council tax to ensure a fairer and more progressive system. In December 2021, I made a Statement setting out my plans for delivering reforms to the council tax system during this Senedd term while continuing to explore options for the longer term.

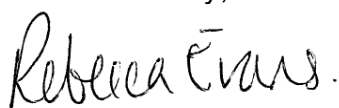
Following this, on 29 March this year, I set out a programme of non-domestic rates reform that will be delivered over the next four years [\[link\]](#). This included a commitment to continue to explore the potential for a local land value tax as a replacement for non-domestic rates, building on Bangor University's detailed technical assessment last term.

Over the next four years, we will move forward with the findings from Bangor University's report, drawing on a wide range of expertise to develop a clear understanding of what such a significant change would look like for Wales and how it could work in practice. This analysis will include a potential roadmap for implementation.

On 21 September, I published a consultation seeking views on reforming non-domestic rates in Wales [\[link\]](#). The consultation builds on the statement of 29 March 2022. The consultation seeks views on the possibility of a local land value tax, responses will be used to inform further work in this area.

Changes to the local government finance system affect household and business finances in a very direct way and the system deliver over £3bn a year towards the funding of vital local services. We must, therefore, be able to assess the full impact of any proposals before making changes. I must emphasise that the exploration of a local land value tax as a potential replacing for one or both of the existing local taxes would be a large and complex exercise which would require substantial investment and detailed planning extending over more than one Senedd term.

Yours sincerely,



Rebecca Evans AS/MS

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

Agenda Item 4.2

Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

John Griffiths MS
Chair
Local Government and Housing Committee

1 November 2022

Dear John,

Thank you for your letter of 7 October seeking further information following the general scrutiny session I attended on 29 September.

As promised, I attach a paper at annex A outlining the formula for how social rent is set in Wales.

In relation to mortgage rescue schemes, we are speaking with delivery partners and looking very carefully at all options to help people to stay in their homes.

With reference to your question about a future Housing Survey, I consider a sound evidence base and a full understanding of the nature of the housing market and households in Wales to be fundamental to our approach to policy development. The last Welsh Housing Conditions Survey undertaken in 2017, for example, has informed the development of proposals for updates to the standard for social homes, the Welsh Housing Quality Standard (WHQS2023), our Optimised Retrofit Programme and provided the basis for work to assess levels of fuel poverty in Wales. Understanding the Welsh housing stock is essential if we are to achieve our ambitions set out in the Net Zero Wales Action Plan and achieve a just transition to lower carbon heating in the coming years.

Given the significant budgetary pressures, I of course need to consider the costs of an annual housing survey which would be very significant. I have asked my officials to provide me with options for potential future Welsh Housing Surveys; as part of this they will provide me with advice on whether improved access to administrative data to build our Housing Stock Analytical Resource and other survey resources could provide some of the data needed, possibly in conjunction with periodic housing surveys.

You have asked about work around pension funds investing in Registered Social Landlords (RSLs) in Wales. In 2013, the Welsh Government in collaboration with RSLs brought a new source of finance to Wales, M&G Investments – a large pension fund provider. The Housing Finance Grant (HFG) scheme achieved its aim to provide an additional 1,000 new homes across Wales as well as attracting new investment, by working together with 17 RSLs on a collective private placement of around £100 million. Along with Welsh Government's Innovative Finance Events, the HFG scheme highlighted the investment potential in Wales

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to the capital markets, including pension funds and since this time, much additional finance has been invested from this source in Wales. Nowadays, financing from the capital markets accounts for more than half of the sector's finance.

Yours sincerely



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

Note on the formula for setting social rents in Wales

Rents for social housing in Wales are set in accordance with the Welsh Government's social housing Rent Standard. This standard was agreed in 2019 following the Independent Affordable Housing Supply Review. To provide rent certainty to landlords and tenants, a 5-year agreement was introduced, with agreements that rents are only increased once annually. The 2022/23 rent year is the 3rd year of this 5-year agreement.

Under the standard, landlords can implement a maximum annual rent increase of CPI+1%, based on the previous September's CPI figure. This is the maximum overall increase any social landlord can set over their whole stock in any one year.

Under this threshold, landlords are responsible for setting their own rents and service charges. They have flexibility within their stock to freeze, reduce or increase individual rents, with the proviso that no single household will experience an individual rent increase of more than CPI+1% plus £2 per week. A landlord's overall rental income from their total housing stock cannot increase beyond CPI+1%. Affordability is at the heart of the 5-year rent standard and the cap of CPI+1% was intended to ensure that rents do not outpace wages or benefits.

The standard includes the provision that should CPI fall outside the range of 0% to 3%, Welsh Ministers can review and determine the maximum rent increase for the following year. For example, the published September 2021 CPI figure, used for the rent standard, was 3.1% so is outside of the permitted range.

The Minister for Climate Change determined the increase for social housing rents in the 2022/23 year should be CPI only. The rent increase notification letter, issued in December 2021 reminded all social landlords they are expected to carefully consider affordability for tenants in setting rents and the rate is a maximum not a requirement or a target.

To support the Minister in taking this decision, officials undertook "open book" financial modelling with a number of individual Local Authorities and Registered Social Landlords to better understand the potential impacts of a range of decisions on their plans. Officials are currently working through a similar process in order to provide advice to the Minister in the coming weeks.

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



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24 October 2022

Dear Elin

As you are aware, I have recently laid a Legislative Consent Memorandum (LCM) and a supplementary LCM in relation to the UK Government's Social Housing (Regulation) Bill (the Bill).

The Bill is continuing its progress through the House of Lords, and on 12 October my officials were notified of the tabling (on 11 October) of further government amendments to the Bill, which were then considered at Report stage on 18 October. All the government amendments and an additional non-governmental amendment were accepted, and my officials have been analysing their effect.

As outlined in the Legislative Consent Memoranda I have so far laid in relation to this Bill, although this Bill proposes changes to the regulation of social housing landlords in England, the majority of the provisions extend and apply to Wales and relate to the devolved matter of Housing. As such, those provisions make relevant provision for the purposes of Standing Order 29 for which Senedd consent is required. Although analysis is not yet complete, I expect some or all of the amendments accepted at Report stage will also require consent, and accordingly a further supplementary LCM will be laid.

Due to the late notification of the amendments being tabled, it will not be possible to lay this within the normal two-week Standing Order 29 deadline, however it will be laid as soon as possible.

I am copying this letter to the Minister for Rural Affairs and North Wales, and Trefnydd, Lesley Griffiths MS, and the Chair of the Legislation, Justice and Constitution Committee, Huw Irranca-Davies MS.

Yours sincerely

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

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John Griffiths MS

Chair

Local Government and Housing Committee

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Petitions@senedd.wales

senedd.wales/SeneddPetitions

0300 200 6565

27 October 2022

Dear John

Petition P-06-1272 Ban the use of 'no pet clauses' in tenancy agreements in Wales

The Petitions Committee considered the above petition at our meeting on 10 October, alongside correspondence from the Minister for Climate Change.

At the meeting members agreed to write back to the Minister for Climate Change in order to highlight the concerns that those without a tenancy agreement are not afforded any protection, and to ask what steps Welsh Government plan to take to address this issue. The Committee also agreed to write to your Committee in order to ask if the concerns raised in the petition can be considered as part of your Committee inquiry into homelessness.

Further information about the petition, including related correspondence, is available on our website at: <https://business.senedd.wales/ielssueDetails.aspx?Ild=39146&Opt=3>.

If you have any queries, please contact the Committee clerking team at the e-mail address below, or on 0300 200 6454. I would be grateful if you could send your response by e-mail to the clerking team at petitions@senedd.wales.

Yours sincerely



Jack Sargeant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Julie James MS
Minister for Climate Change

2 November 2022

Dear Julie

Legislative Consent Memorandum: Levelling Up and Regeneration Bill

I am writing regarding the above Memorandum, which we considered at our meeting on 24 October 2022.

We note the Memorandum refers at paragraph 3 to the letter you wrote to the Llywydd and explains that:

"...due to the very limited engagement by the UK Government prior to the Bills' introduction and the complexity of the Bill, it has taken time to fully consider the devolution consequences of what is being proposed and consequently it has not been possible to lay this LCM within the normal two-week SO29 deadline."

We are disappointed with the lack of engagement by the UK Government to explain its proposals and acknowledge the difficult position for the Welsh Government as a result.

Nevertheless, we are concerned that some four months after the Bill's introduction into the UK Parliament, the content of the Memorandum laid before the Senedd is severely lacking in necessary detail that we do not believe it would enable the Senedd to reach an informed view on the matter of whether or not to give consent.

We highlight 20 questions in the Annex to this letter which seek clarification on a range of matters. In our view, the responses to most of these questions need to be addressed in a revised Memorandum.

I would be grateful to receive a response to this letter as soon as possible, together with confirmation that a revised Memorandum has been laid or will be laid before the Senedd as a matter of urgency.

The current deadline for reporting is 8 December 2022 but our ability to meet that deadline is constrained by the situation we and other Committees are now facing. In laying a revised Memorandum we believe therefore that the deadline should be re-visited. .

I am therefore copying this letter to the Llywydd as Chair of the Business Committee, as well as the Chairs of the Climate Change, Environment and Infrastructure Committee, the Local Government and Housing Committee and the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Huw Irranca-Davies". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Huw Irranca-Davies
Chair



Annex 1 – Questions to the Minister for Climate Change

1. Can the Minister explain fully the divergence of opinion between the Welsh Government and the UK Government as to whether Part 1 of the Bill requires the consent of the Senedd? What discussions has the Minister had with the UK Government in this regard?
2. Is the Minister able to provide more information regarding the Welsh Government's policy regarding the content of clauses 1-6 and the substantive reasons for its recommendation that the Senedd does not consent to these provisions?
3. Can the Minister confirm why the LCM makes reference to clause 96 (street votes) requiring consent in the view of the UK Government, when this view is not reflected in the Explanatory Notes to the Bill?
4. Is the Minister in a position to seek clarity as to why the UK Government included clause 78 as requiring consent in the Explanatory Notes, when clause 78 is entitled "Power to require use of approved planning data software in England". Is clause 78 intended to apply in Wales or has the UK Government erroneously noted that it applies in Wales?
5. Has the Minister raised the inconsistency between the Explanatory Notes, immediately before paragraph 470, and the Bill at clause 77 regarding the title of clause 77, where the Explanatory Notes refers to England but the clause itself does not? Is the Minister confident that this clause applies in Wales?
6. Can the Minister provide further detail as to the new powers that are provided to the Secretary of State by Chapter 1 of Part 3, clause 96 and clause 112 and confirm what effect these powers would have in Wales, including any effect on the legislative competence of the Senedd and the executive competence of the Welsh Ministers?
7. Can the Minister explain the reasoning behind her statement at paragraph 58 of the LCM that "Two areas, on planning data and environmental outcome reports, have potential benefits for Wales, but their current drafting means this benefit cannot be realised." What are the potential benefits that are referred to? Why does their current drafting mean that such benefits cannot be realised?
8. Can the Minister provide further information in relation to the statement at paragraph 59 of the LCM that "the current drafting of powers on digital data does not accord with our desire to legislate for Wales." In what way does the current drafting have this effect? Is the reference to "digital data" a reference to planning data?
9. The LCM does not clearly conclude whether it is appropriate for each of the clauses in Chapter 1 of Part 3, clause 96 or clause 112 to be included in the Bill, nor does it provide a clear recommendation

as to whether or not consent should be given to these provisions. Can the Minister confirm the position in this regard?

10. Can the Minister confirm the specific clauses that are referred to in paragraphs 58 and 59 of the LCM?

11. Can the Minister confirm which clauses are referred to as “the clauses in relation to planning” in paragraph 64 of the LCM? Does this include clause 112?

12. Can the Minister seek confirmation from the UK Government as to how the planning provisions will work in practice, to include providing an analysis of the clauses in relation to planning and explaining how Welsh authorities will be impacted by the provisions of the Bill in real terms? Can the Minister confirm who, in Wales, is considered a ‘relevant planning authority’ for the purposes of this Chapter?

13. Can the Minister confirm which provisions in Part 5 of the Bill relate to reserved matters and which relate to devolved matters, as referred to in paragraph 49 of the LCM?

14. With reference to paragraph 58 of the Bill, can the Minister confirm the detail of the potential benefits that she envisages to an improved system of environmental planning reports and whether discussions have taken place with the UK Government with a view to realising these benefits in the Bill? Can the Minister also confirm what is meant by “planning outcome reports” in paragraph 58?

15. Can the Minister explain how the current provisions mean that the Welsh Ministers have lost their ability to make Welsh regulations in relation to environmental outcome reports?

16. Can the Minister state whether or not support is given to the provisions in Part 5 being included in the Bill, as is required by Standing Order 29.3(iii), and whether or not consent should be given?

17. Can the Minister provide an update as to any discussions that have taken place with the UK Government regarding clauses 96 and 187?

18. Has the Minister discussed clauses 80 and 121 of the Bill with the UK Government and sought to amend the provisions to require that, at the very least, the UK Government has to obtain the consent of the Welsh Ministers before making planning data regulations or environmental outcome report regulations containing provision which is within Welsh devolved competence? What has been the outcome of these discussions?

19. Does the Minister have any views on the inclusion of the Henry VIII powers at clauses 129 and 191 of the Bill? Has the Minister discussed clause 129 and/or clause 191 with the UK Government to seek their amendment or removal? What has been the outcome to date of such discussions?

20. Can the Minister provide any view on the financial implications of this Bill for Wales?



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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: SL-1325

Huw Irranca-Davies MS
Chair – Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
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SeneddLJC@senedd.wales

8 November 2022

Dear Huw,

THE NON-DOMESTIC RATING (CHARGEABLE AMOUNTS) REGULATIONS 2022

I am writing to notify you of the potential need for the above Regulations which it may be necessary to present to the Committee with limited time available for scrutiny.

As part of non-domestic rates revaluations, consideration is given to the impact on ratepayers of changes in their local tax liabilities. The Welsh Ministers have powers to introduce transitional relief, under sections 58, 143(1) and 146(6) of the Local Government Finance Act 1988. Under these powers, any regulations must follow the draft affirmative procedure and must be in force prior to 1 January of the year of a revaluation. The next revaluation is scheduled to take place on 1 April 2023 and, as such, any regulations under these powers must commence by 31 December 2022 at the latest.

Unfortunately, I am not in possession of the relevant details to inform a balanced decision on this matter, due to the timing of the UK Government's Autumn Statement scheduled for 17 November. Following the Autumn Statement, I will make a policy decision as soon as possible, considering the financial position of the Welsh Government. Given the potential costs of any scheme, the pressures on the budgets and the current uncertainty as to the resources available to the Welsh Government for 2023-24, it would be irresponsible for me to do so before all of the relevant information is available.

Should I decide that relief is necessary, draft Regulations will be developed at pace, with the intention of their being debated on 13 December.

The 13 December Plenary slot is necessary to meet the 1 January 2023 deadline. Unfortunately, the draft Regulations may not be available to be laid until 6 December. I acknowledge that this provides a much compressed timetable for the consideration of the draft Regulations and I am therefore giving you as much notice as possible of the potential time-scales and seeking the Committee's assistance in expediting the scrutiny of the draft Regulations, if needed.

Bae Caerdydd • Cardiff Bay
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CF99 1SN

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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.

I trust the Committee will appreciate the circumstances that necessitate this condensed timetable for scrutiny and will be able to provide its views within a shortened timeframe.

I am copying this letter to the Llywydd, Elin Jones MS, and the Chair of the Local Government and Housing Committee, John Griffiths MS, for their information.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive style with a large initial 'R' and a distinct 'E'.

Rebecca Evans AS/MS

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

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

Llywodraeth Cymru
Welsh Government

John Griffiths MS
Chair, Local Government and Housing Committee
Senedd Cymru
SeneddHousing@senedd.wales

10 November 2022

Dear John

Thank you for your letter of 1 November regarding the Legislative Consent Memorandum (LCM) on the Levelling-up and Regeneration Bill (“the Bill”). I have provided a response to your questions below.

Clause 187 (Vagrancy and begging)

My officials have been proactively and regularly liaising with their counterparts in the UK Government to understand the UK Government’s intentions for this clause of the Bill. Unfortunately, a decision has not yet been made and we are therefore unable to provide you with any clarity on the possible changes the UK Government may make at this stage. We will continue to engage with the UK Government on this element of the Bill and update the Committee once we have clarification.

Financial Implications

Clause 1 - 6 (Levelling up missions)

The effect of the provisions is to place a duty on the UK Government to set, and report annually on progress towards achieving, levelling up missions to reduce geographical disparities across the United Kingdom. The requirement to report on the delivery of levelling up missions, and the parliamentary scrutiny of progress against these missions is a cost to the UK Government and will have no effect on Wales. The effect of the levelling up actions undertaken by the UK Government to deliver these missions is outside of the scope of the Bill.

Placeholder clauses: Clause 96 (Street votes) and Clause 187 (Vagrancy and begging)

Where provisions are placeholder provisions the clause does not contain the necessary detail for me to identify whether there will be any financial implications on Wales.

Part 3 (Planning)

The changes to the planning system under part 3 will all have familiarisation costs associated with the change. This one-off cost will be experienced by local authorities, businesses (including small and medium sized enterprises), and third sector where they engage in the system.

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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.

Clause 75,76,77,79,80,81 (Planning data)

The changes to the provision, processing and requirements of planning data will have financial costs for local authorities and those engaged in specific parts of the planning system in Wales. The provision as currently drafted only has effect in Wales on two limited areas. Firstly, in relation to the Secretary of State acting in non-devolved areas, for example for Nationally Significant Infrastructure Projects (NSIP). Secondly, the provisions currently apply in respect of the Secretary of State's functions under Part 5 of the Bill (Environmental Outcome Reports).

Therefore, where a NSIP, or Environmental Outcome Report is triggered they will be subject to the requirements. In other areas the standards do not apply. This will create a potential dual system of planning data in Wales that will create inconsistency, increasing costs for users of the planning system. It would therefore not fully realise the benefits identified in the Bill through a transition to digital planning system as it will not apply to the whole system in Wales.

Clause 112 (Regulations and Orders under the Planning Acts)

This clause concerns technical legal amendments to the general powers to make statutory instruments contained in The Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and The Planning (Hazardous Substances) Act 1990. The amendment is a minor technical legal amendment aimed at making the legal position clear. There are no financial consequences as a result of the change.

Clause 116-130 (Environment outcomes report)

The provisions in the Bill currently provide for one overarching power to make provisions in respect of environmental outcome reports to accompany both strategic plans, and relevant project consents. The new system of environmental outcomes reporting has potential for efficiency savings through the simplification of consenting.

Clause 186 (Review of governance etc of Royal Institution of Chartered Surveyors (RICS))

This clause will enable the Secretary of State to commission periodic reviews of RICS that will give government information about the governance and performance of RICS, in order to satisfy itself that RICS performs in the public interest. There are no costs to Wales.

I intend to lay a revised LCM which includes this additional information about the financial impact, as well as addressing points raised by the Legislation, Justice and Constitution Committee, as soon as possible.

I am copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee, Llyr Gruffydd MS, the Chair of the Economy, Trade and Rural Affairs Committee, Paul Davies MS, and the Chair of the Legislation, Justice and Constitution Committee, Huw Irranca-Davis MS.

Yours sincerely



Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Julie James MS
Minister for Climate Change
Welsh Government

1 November 2022

Dear Julie

Legislative Consent Memorandum (LCM) on the Levelling-up and Regeneration Bill

At our meeting on 27 October we considered the LCM on the Levelling-up and Regeneration Bill. In order to enable us to make an informed decision on whether or not to recommend consent, we would be grateful for more information in two areas in particular.

Firstly, we note that clause 187 (vagrancy and begging) is a placeholder provision therefore it is not yet clear whether or not it is a relevant provision for the purposes of Standing Order 29. The LCM notes that clarity is being sought in relation to clause 187 as the application table in the Annex to the Explanatory Notes states it does not apply to Wales, however, as currently drafted the Secretary of State's powers to make regulations are not limited to England only. As I'm sure you can appreciate, we will not be in a position to make a decision on legislative consent until clause 187 is replaced by a substantive provision and clarity can be given on its application. We would therefore be grateful if you could provide an update as to any discussions that have taken place with the UK Government regarding clause 187.

Secondly, we note that the LCM states:

The UK Government identify the overall Bill will have financial implications for the public sector, including local government, central government and the Planning Inspectorate. The UK Government identifies these costs will all be balanced by efficiency savings.

However the LCM makes no reference to the Welsh Government's views on the financial implications of this Bill. We would therefore be grateful if you could outline your views on the financial implications of the Bill for Wales.

We would be grateful for a response by 10 November so that it can be considered when we next discuss the LCM at our meeting on 16 November.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee; the Chair of the Climate Change, Environment and Infrastructure Committee; and the Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely



John Griffiths MS

Chair, Local Government and Housing Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Julie James MS
Minister for Climate Change
Welsh Government

31 October 2022

Dear Julie

Legislative Consent Memorandum (LCM) and Supplementary LCM on the Social Housing (Regulation) Bill

You will be aware that the LCM and SLCM(2) on the Social Housing (Regulation) Bill have been remitted to our Committee for scrutiny; we considered these at our meeting on 27 October.

We note that the SLCM states:

“there are relatively few properties in Wales which are owned and/or managed by an English RP, who will be subject to the changes in regulatory environment described by the Bill.”

It would assist our consideration of the LCM and SLCM if you could provide further details on the number of properties in Wales which fall into this category and, if possible, their location. We would be grateful for a response by 10 November to enable us to give further consideration to this at our meeting the following week.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely



John Griffiths MS

Chair, Local Government and Housing Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



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



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10 November 2022

Dear John,

Thank you for your letter of 31 October in relation to the Legislative Consent Memorandum (LCM), and supplementary Legislative Consent Memorandum on the UK Social Housing (Regulation) Bill ("the Bill").

The latest data from the Social Housing Regulator in England confirms there are 18 Registered Providers who own and manage approximately 530 homes/units in Wales which will be subject to the changes proposed in the Bill. These are, in the main, special needs provision with some general needs and shared ownership. The Social Housing Regulator advises it does not hold information on the locations of the homes/units.

By way of additional information, which the Committee may find useful, the 2021 Financial Statements of Welsh Housing Associations confirms that Welsh Registered Social Landlords own and manage 169,337 homes in Wales. Additionally, two Welsh RSLs own/manage approximately 116 bedspaces/homes (as at Dec 2021) in England, again these are primarily specialist provision such as supported housing.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee, Huw Irranca-Davies MS.

Yours sincerely

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

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

Agenda Item 8

By virtue of paragraph(s) ix of Standing Order 17.42

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