

**Cofnod y Trafodion
The Record of Proceedings**

[Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol](#)

[The Communities, Equality and Local Government Committee](#)

08/10/2015

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Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn
ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in
the committee. In addition, a transcription of the simultaneous interpretation
is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Alun Davies	Llafur Labour
Jocelyn Davies	Plaid Cymru The Party of Wales
Janet Finch–Saunders	Ceidwadwyr Cymreig Welsh Conservatives
John Griffiths	Llafur (yn dirprwyo ar ran Gwenda Thomas) Labour (substitute for Gwenda Thomas)
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Gwyn R. Price	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Neil Buffin	Uwch Gyfreithiwr, Llywodraeth Cymru Senior Lawyer, Welsh Government
Lesley Griffiths	Aelod Cynulliad, Llafur (y Gweinidog Cymunedau a Threchi Tlodi) Assembly Member, Labour (the Minister for Communities and Tackling Poverty).
Simon White	Rheolwr y Bil, Llywodraeth Cymru Bill Manager, Welsh Government

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

Sarah Beasley	Clerc Clerk
Claire Morris	Ail Glerc Second Clerk
Matthew Richards	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 09:02.

The meeting began at 09:02.

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[1] **Christine Chapman:** Good morning, everyone, and welcome to the Communities, Equality and Local Government Committee. Can I just remind Members that if they have any mobile devices that they are switched to silent? We have received apologies from Gwenda Thomas AM, and John Griffiths AM is attending in her place.

Bil Rhentu Cartrefi (Cymru): Cyfnod 2—Trafod y Gwelliannau Renting Homes (Wales) Bill: Stage 2—Consideration of Amendments

[2] **Christine Chapman:** The purpose of this meeting is to continue our consideration of amendments to the Renting Homes (Wales) Bill. As you know, we did complete some of this last week. I would now like to welcome Lesley Griffiths AM, Minister for Communities and Tackling Poverty; Neil Buffin, senior lawyer, legal services, Welsh Government; and Simon White, Bill manager, Welsh Government. As I said, we debated groups 1 to 15 and disposed of amendments on the marshalled list up to and including amendment 72, so we will resume proceedings today with group 16.

Grŵp 16: Cyd-ddeiliaid Contract: Tynnu'n Ôl (Gwelliannau 136, 137, 138 a 186)

Group 16: Joint Contract Holders: Withdrawal (Amendments 136, 137, 138 and 186)

[3] **Christine Chapman:** Group 16 relates to joint contract holders. The lead amendment in the group is amendment 136 in the name of Peter Black,

so I invite Peter to move amendment 136 and to speak to the amendments in the group.

Cynigiwyd gwelliant 136 (Peter Black [R], gyda chefnogaeth Mark Isherwood). Amendment 136 (Peter Black [R], supported by Mark Isherwood) moved.

[4] **Peter Black:** Thank you, Chair. Can I move amendment 136? I think the evidence that we took, particularly from landlords, was very clear that although this section of the Bill is generally supported, there are a number of problems around it, particularly in terms of the resolution of the deposit and how landlords are able to properly inspect a property when a joint contract holder leaves it or another person comes in as the contract holder. So, amendment 136 is in place because without this amendment individual contract holders may become liable for rent arrears that they, personally, are not responsible for. I believe that that could leave vulnerable contract holders in difficult situations where a joint contract has broken down.

[5] Amendment 137: at present, the Bill is unclear as to the resolution of deposit where one tenant leaves a joint tenancy. The amendment allows for the contract holder to propose a suitable solution; however, that solution should not reduce the deposit below the sum it was prior to the giving of notice. This should be the responsibility of the withdrawing contract holder to inform the other tenants of their decision. Amendment 138, I believe, gives greater security to the remaining contract holders, as a departing contract holder must adhere to some reasonable timescale. I think this is about taking responsibility, that the person leaving the joint contract should take some responsibility, not just for the deposit, but also for the continuing liability of those they entered into a joint contract with, and I'm hoping that these amendments will clarify that and enable the Bill to be far more workable as a result.

[6] **Christine Chapman:** Thank you, Peter. Mark to speak.

[7] **Mark Isherwood:** In supporting Peter's amendments, as just moved, I also move amendment 186, giving greater security to the remaining contract holders as the departing contract holder must adhere to some reasonable timescale. So, it simply states

[8] 'The minimum time period prescribed under subsection (1) may not be less than two months.'

[9] I move accordingly.

[10] **Christine Chapman:** Okay. Thank you, Mark. Any other Members who wish to speak? No. I call on the Minister, then.

[11] **The Minister for Communities and Tackling Poverty (Lesley Griffiths):** Thank you, Chair. Whilst I appreciate the intention of amendment 136, I think it would cause problems. This is because the Bill's provisions mean joint contract holders are jointly and severally liable for the rent. As the liability for rent is not, therefore, apportioned between joint contract holders, it is not possible to say any one of them is in arrears. The amendment risks one contract holder effectively preventing another from leaving the contract, or requiring the contract holder who wishes to leave having to assume responsibility for all potential rent arrears. Therefore, it could have unforeseen consequences and pose unintentional difficulties for contract holders. I think it could also encourage bad practice. Contract holders who were aware that another wished to leave could simply stop paying rent, in order to force the person who wishes to leave to make up the shortfall.

[12] Amendment 137 could also lead to unintended consequences and does not reflect how deposits currently work. It could also frustrate one of the key elements of the Bill, which is to enable people to withdraw from a joint occupation contract. So, I don't believe it is appropriate, or necessary, for how a deposit might be apportioned between contract holders to be set out in the Bill. Such arrangements could, however, be the subject of a separate agreement between joint contract holders. This would allow the particular circumstances and relationship between joint contract holders to be reflected in the agreement. The amendment would make leaving the contract a somewhat bureaucratic process. In the case of domestic violence, for example, it could prevent a victim from being able to leave the contract, if that were the right course of action to protect the individual.

[13] Amendment 138, also from Peter Black, and amendment 186 from Mark Isherwood address the length of notice which a joint contract holder is required to give to leave the contract. I will consider further Peter's amendment, which seeks to place a duty on the Welsh Ministers to prescribe a notice period with a view to potentially bringing back an amendment at Stage 3. Mark Isherwood's amendment would require a notice period of not less than two months, which would more than double the four-week notice period that applies to a contract holder ending a periodic standard contract. I believe it is appropriate for such a timescale to be decided upon following

consultation as part of the making of the regulation.

[14] **Christine Chapman:** Okay. Thank you, Minister. Peter to reply.

[15] **Peter Black:** Thank you, Chair. I hear what the Minister is saying with regard to the proposed solutions that are in front of us, however, I don't think I heard her say that she didn't accept there was an issue in relation to what those solutions are trying to solve. I think, clearly, there is some uncertainty amongst landlords about exactly how they will make this provision work in terms of deposits and in terms of liability for rent. Clearly, rent would, of course, be due jointly and severally, as opposed to individually, but there will be issues, I think, and potential causes for conflict, where a joint contract holder withdraws from a contract and effectively leaves the other tenants in the lurch. I do think that there needs to be some sort of resolution to that.

[16] As the Minister has said in terms of amendment 138 that she will consider it further, I won't move that one, but I will resubmit it at Stage 3 unless she puts a further amendment in on that. But, I do think that we need to have some solution to this, and I would have hoped the Minister, in saying that these solutions are not practical, could have come forward with some alternatives herself, because there is a genuine concern amongst landlords as to how this will work. Landlords are generally supportive of this; they just want the practicalities ironed out. And, I think the committee recognised those practicalities in their report as well, so I really was looking for a bit more from the Minister on that.

[17] **Christine Chapman:** Okay. Thank you, Peter. Before I continue, I think there are some Members who want to make some declarations of interest. This can apply then throughout the meeting, so you only need to mention it once. Alun?

[18] **Alun Davies:** Yes. For the record, I declare an interest as a private landlord.

[19] **Lesley Griffiths:** I declare an interest as a tenant.

[20] **Christine Chapman:** Okay; thank you. Rhodri?

[21] **Rhodri Glyn Thomas:** Rwy'n **Rhodri Glyn Thomas:** I'm a tenant in
denant yng Nghaerdydd. Cardiff.

- [22] **Christine Chapman:** Sorry, Rhodri, can you repeat that?
- [23] **Rhodri Glyn Thomas:** Rwy'n **Rhodri Glyn Thomas:** I'm a tenant in denant yng Nghaerdydd. Cardiff.
- [24] **Christine Chapman:** Right; okay. Can you confirm—
- [25] **Peter Black:** I'm also going to declare an interest as a member of the local council, which may have an impact on this in some places in terms of enforcement.
- [26] **Christine Chapman:** And if they are relevant interests, obviously this would be—
- [27] **Peter Black:** They're relevant interests, yes.
- [28] **Christine Chapman:** Okay. Janet?
- [29] **Janet Finch–Saunders:** As a tenant, as an Assembly Member, and also, as a landlord, directly through family.
- [30] **Christine Chapman:** Okay. Well, I'll leave it at that then for the moment.
- [31] **Mark Isherwood:** Do we have to declare—*[Inaudible.]*
- [32] **Christine Chapman:** Yes.
- [33] **Mark Isherwood:** I declare—*[Inaudible.]*
- [34] **Christine Chapman:** Okay; fine. If we can move on now. Peter, do you wish to proceed to a vote on amendment 136?
- [35] **Peter Black:** I do, yes.
- [36] **Christine Chapman:** Okay. The question is that amendment 136 be agreed. Does any Member object? *[Objection.]* Okay, so we'll take a vote then. So, those in favour. Those against. Any abstentions? No, so five in favour; five against; therefore, I use my casting vote against the amendment. Therefore, 136 is not agreed.

*Gwelliant 136: O blaid 5 Yn erbyn 5, Ymatal 0
Amendment 136: For 5 Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter Davies, Jocelyn Finch-Saunders, Janet Isherwood, Mark Thomas, Rhodri Glyn	Chapman, Christine Davies, Alun Griffiths, John Hedges, Mike Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 136
Amendment 136 not agreed.*

[37] **Christine Chapman:** Peter, amendment 137?

*Cynigiwyd gwelliant 137 (Peter Black [R], gyda chefnogaeth Mark Isherwood).
Amendment 137 (Peter Black [R], supported by Mark Isherwood) moved.*

[38] **Peter Black:** I move.

[39] **Christine Chapman:** Okay. The question is that amendment 137 be agreed. Does any Member object? [*Objection.*] Okay, so we'll take a vote then. Those in favour. Those against. Any abstentions? So, that's five in favour, five against; therefore, I use my casting vote against the amendments. Therefore, amendment 137 is not agreed.

*Gwelliant 137: O blaid 5 Yn erbyn 5, Ymatal 0
Amendment 137: For 5 Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter Davies, Jocelyn Finch-Saunders, Janet Isherwood, Mark	Chapman, Christine Davies, Alun Griffiths, John Hedges, Mike	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 137

Amendment 137 not agreed.

[40] **Christine Chapman:** Peter, are you moving—

[41] **Peter Black:** I'm not moving 138, no.

[42] **Christine Chapman:** You're not moving 138.

Ni chynigiwyd gwelliant 138 (Peter Black [R], gyda chefnogaeth Mark Isherwood).

Amendment 138 (Peter Black [R], supported by Mark Isherwood) not moved.

[43] **Christine Chapman:** Mark, amendment 186.

Cynigiwyd gwelliant 186 (Mark Isherwood).

Amendment 186 (Mark Isherwood) moved.

[1] **Mark Isherwood:** I move.

[2] **Christine Chapman:** Okay. The question is that amendment 186 be agreed. Does any Member object? [*Objection.*] Okay. So, we'll take a vote, then. Those in favour, please show. Those against. Any abstentions? So, that's five in favour, five against; I use my casting vote then against amendment 186. So, 186 is not agreed.

Gwelliant 186: O blaid 5 Yn erbyn 5, Ymatal 0

Amendment 186: For 5 Against 5, Abstain 0.

O blaid:

For:

Black, Peter

Davies, Jocelyn

Finch-Saunders, Janet

Isherwood, Mark

Yn erbyn:

Against:

Chapman, Christine

Davies, Alun

Griffiths, John

Hedges, Mike

Ymatal:

Abstain:

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 186

Amendment 186 not agreed.

[3] **Christine Chapman:** Mark, amendment 187.

Cynigiwyd gwelliant 187 (Mark Isherwood).

Amendment 187 (Mark Isherwood) moved.

[4] **Mark Isherwood:** I move.

[5] **Christine Chapman:** Okay. If amendment 187 is not agreed, amendment 192 will fall. So, the question is that amendment 187 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. So, we've got three in favour, seven against; therefore, 187 is not agreed.

Gwelliant 187: O blaid 3 Yn erbyn 7, Ymatal 0

Amendment 187: For 3 Against 7, Abstain 0.

O blaid:

For:

Black, Peter
Finch-Saunders, Janet
Isherwood, Mark

Yn erbyn:

Against:

Chapman, Christine
Davies, Alun
Davies, Jocelyn
Griffiths, John
Hedges, Mike
Price, Gwyn R.
Thomas, Rhodri Glyn

Ymatal:

Abstain:

Gwrthodwyd gwelliant 187.

Amendment 187 not agreed.

[6] **Christine Chapman:** Amendment 192 falls.

Cynigiwyd gwelliant 28 (Lesley Griffiths)

Amendment 28 (Lesley Griffiths) moved.

[7] **Christine Chapman:** I move amendment 28 in the name of the Minister. The question is that amendment 28 be agreed to. Does any Member object? No. So, amendment 28 is agreed.

Derbyniwyd gwelliant 28 yn unol â Rheol Sefydlog 17.34.

Amendment 28 agreed in accordance with Standing Order 17.34.

Grŵp 17: Contractau Safonol â Chymorth (Gwelliannau 139, 49, 29, 50, 51, 52, 53)

Group 17: Supported Standard Contracts (Amendments 139, 49, 29, 50, 51, 52, 53)

[8] **Christine Chapman:** We now move on to group 17 and this relates to supported standard contracts. The lead amendment in the group is amendment 139. I call on Peter Black to move amendment 139 and to speak to the amendments in the group.

09:15

Cynigiwyd gwelliant 139 (Peter Black [R])

Amendment 139 (Peter Black [R]) moved.

[9] **Peter Black:** Thank you, Chair. This is a section which I have some fundamental differences with, and I think the committee also expressed concern in their report on this Bill. Recommendation 16 of the committee's report suggested that the Minister amends the Bill to remove the temporary exclusion provisions within supported standard contracts. Although some organisations running supported standard contracts think this is a valid amendment, there are a number of issues I have with it. First of all, I think it creates a situation of conflict in terms of removing someone from a property, who may be vulnerable, and putting them into further situations which might increase their vulnerability. I think that is a major concern. I think that there are other ways of managing these processes, and I'm happy to support Jocelyn Davies's amendments here as well, particularly in terms of who makes these decisions and how these decisions should be made. Certainly, it seems to me that if you are going to effectively exclude someone from a supported environment for 48 hours, then the management of that accommodation has, effectively, broken down. I think, clearly, there are other solutions available to them, including emergency—going to the courts

urgently to get an appropriate injunction or exclusion order. But, certainly, it seems to me that the main problem with this thing is the lack of any proper review of this process being built into the Bill, and the advice that we had to the committee suggested that, because that lack of review was there, this may well be a breach of human rights legislation. It does seem to me that that is a problem, and, if this remains as it is, then I will have great difficulty supporting the Bill. But, I certainly think that, if 139 is not passed, the other amendments tabled by Jocelyn Davies, which do, at least, provide some form of structure around it, would improve this provision tremendously.

[10] **Christine Chapman:** Thank you. Jocelyn.

[11] **Jocelyn Davies:** Thank you, Chair. Well, I support Peter Black's attempt to remove the exclusion provisions altogether, but, should that fail, I think that we'd all like to see more safeguards in place, because, during the evidence sessions, the committee heard from many stakeholders that they had serious concerns about the provisions that related to this. I think we have to ensure that the Bill strikes the right balance between protecting those living in supported accommodation, and, of course, we heard about the safety of staff and the other residents—but I'm unconvinced that the Bill currently manages to strike that balance, and the amendments I've tabled in this group attempt to do that.

[12] Amendment 49 is based on our recommendation No. 18, to ensure that any decision to temporarily exclude somebody is taken by a staff member with sufficient seniority, and this amendment will ensure that the decision is taken by somebody with the necessary experience, training and, of course, accountability.

[13] Amendment 50 is based, again, on one of our recommendations, No. 17, and that gives those who've been excluded the opportunity to appeal the decision and the review must be requested within 12 hours of the exclusion and concluded by the landlord within 12 hours of that request. Now, the review must be carried out by a senior employee of the landlord, and this offers those who've been excluded an opportunity to challenge the decision. Now, given the serious consequences of being excluded from supported accommodation, it would be unjust for someone to have absolutely no avenue of appeal, and, as Peter mentioned, it's a human rights issue.

[14] Amendment 51 ensures that a landlord who chooses to temporarily exclude a tenant with a supported contract must notify the local authority, so

that social service departments can support and assist the excluded tenant. Now, the Bill, I think, should have included provisions to prevent tenants becoming street homeless for 48 hours if they are excluded. Facing homelessness would be of no benefit to that vulnerable person or the community that they live in. I just imagine how I'd cope if I was put out of my home tonight with no notice at all: how would I cope, you know, when you have absolutely nowhere to go?

[15] So, I've tabled amendments 52 and 53 to promote transparency around this and the ability to scrutinise exclusion decisions that are made. We did hear from the Minister that this happens at the moment, but it's all under the radar; there are no records kept of this. So, I think, if it was possible to have records of it, we would be able to see patterns, then, perhaps, emerging and we could raise issues about, perhaps, poor decision making. If Assembly Members are to be convinced to grant those running supported accommodation the ability to exclude their tenants in some situations, I think we should know that there's an opportunity to scrutinise that decision. I think these amendments that I've tabled could help to make it fairer and more transparent and to protect the rights of tenants.

[16] I'm finding it a little bit off-putting—I'm sorry, do you know, it's because I'm a terribly nosy person, so even though I'm talking to you over here, I want to know what you're saying.

[17] **Lesley Griffiths:** I'll tell you in a minute.

[18] **Jocelyn Davies:** I'm sorry.

[19] **Christine Chapman:** Thank you, Jocelyn. Other Members who wish to speak—Mike.

[20] **Mike Hedges:** I think it's a difficult balance between those who are likely to be excluded and those who are likely to suffer if they're not excluded, and we've all dealt with cases of people who've had serious problems, leaving aside the type of accommodation, with their neighbours. I think there was a lady who had a burglar housed next door to her who refused to go out unless her daughter came to house-sit for her. There is a balance here. I don't think that we're going to see exclusions being made either regularly or without very good cause. I think that if we start having lots of exclusions, the Minister may well have to look at regulations in order to deal with this.

[21] Can I say that I agree with the principle of Jocelyn's amendment 49 but not the wording? Perhaps the Minister will come and have a look at this. She says 'The senior or second most senior employee'. The difficulty with that is that the senior employee may be on holiday or away; the second most senior may not be contactable. I'd much prefer to see something like a list of named senior staff who could be chosen from. I don't know whether the Minister will, perhaps, give that some thought at Stage 3, so you'd have a list of named people, not, 'It'll be the director or deputy director, or whatever'—it'll be a list of people whose level of seniority would allow them to make that decision. I would hope that, first, Jocelyn would withdraw that and, secondly, the Minister would look at that at Stage 3.

[22] The final point that I'd like to make is that there has to be an appeals mechanism. Everything has to have an appeals mechanism, and the appeals mechanism may well mean going to court, which might be difficult and expensive, so, there has to be some form of appeals mechanism, which I hope the Minister will deal with, perhaps via regulation.

[23] **Christine Chapman:** Okay, thank you. Minister.

[24] **Lesley Griffiths:** Thank you. Yes, I do recognise this is a very sensitive issue, and I have had conversations, I think, with a number of the Members outside of committee. I thought it would be helpful if I briefly reiterate how this set of amendments fits within the wider context of the Bill. At present, housing law simply does not recognise the particular challenges in managing supported housing. It's also possible for individuals to remain on very insecure licence arrangements indefinitely. The Bill addresses this long-term insecurity by limiting the length of time an individual can be accommodated under a licence to six months. However, some people living in supported housing—for example, those recovering from drug or alcohol abuse—may continue to present a significant risk to staff and other residents beyond this six-month period. The temporary exclusion arrangement is necessary to enable supported housing providers to provide accommodation to such individuals.

[25] I do recognise that some Members have suggested that alternative arrangements could apply; for example, seeking an injunction against an individual who's using violence. However, in a situation where residents are living in very close proximity and often sharing facilities, the time taken to secure an injunction might continue to put staff and residents at risk of

further harm. I'm also mindful of evidence given to the committee during Stage 1 that involving the police and the courts could very often be more detrimental to the individual than a temporary exclusion, which might only last several hours. In the majority of cases, a temporary exclusion will act as a cooling-off period, after which the individual can return to the accommodation. In the most serious cases, an injunction might also be sought and possession proceedings commenced. So, consequently, in the interests of ensuring staff and other residents can be protected, I believe the ability to temporarily exclude a person for up to 48 hours for a maximum of three times in any six-month period is required, so I cannot support amendment 139 from Peter.

[26] At the same time, I recognise the Bill should provide for additional controls on the use of the power to ensure it is only being used proportionately. Amendment 29 will enable such controls to be put in place. This amendment gives the Welsh Ministers a broad power to issue statutory guidance, to which landlords must have regard, on the use of the exclusion power. This guidance could, therefore, deal with the points raised by Jocelyn in her amendments 49 to 53, with which I agree in principle. The guidance would address matters such as who should be responsible for taking the decision—Mike Hedges referred to seniority; I think it should be seniority or experience, also—the recording and monitoring of the decision and the involvement of other statutory services.

[27] In relation to the person taking the decision, this would include the seniority of the decision maker, and I would expect the guidance to refer to the need to have someone of sufficient seniority or with sufficient experience to enable an informed decision to be made, which I think is the intention behind Jocelyn's amendment. Similarly, I would expect that the requirement to notify local authority social services and, potentially, other departments would also be set out in the guidance, so I think that addresses the point that Jocelyn made about street homeless.

[28] Indeed, one of the benefits of doing this by guidance is, as organisational structures and functions evolve, the guidance can be updated to ensure that it remains effective. Allowing for a temporary exclusion to be reviewed on the request of the contract holder could also be addressed in guidance, which I think Peter raised concerns about.

[29] Regarding the reporting requirements set out in Jocelyn's amendments 52 and 53, I entirely agree that there is a need to ensure that

proper records are maintained of any temporary exclusions that take place and for this information to be available for reporting on at a national level.

[30] **Alun Davies:** Will you take an intervention?

[31] **Lesley Griffiths:** Yes.

[32] **Alun Davies:** I very much agree with what you're saying. You talked about guidelines and guidance. Does this mean that you will be looking at secondary legislation and secondary law to provide this sort of framework for those guidelines?

[33] **Lesley Griffiths:** Yes, we could do that.

[34] **Christine Chapman:** Minister, are you happy to reply?

[35] **Lesley Griffiths:** Yes. It's not secondary legislation, I'm told, but I could make it a duty to issue guidance rather than a power.

[36] **Alun Davies:** Okay.

[37] **Christine Chapman:** Peter.

[38] **Peter Black:** Can I ask you a question as well? If someone is excluded, will the guidance cover where that person should be placed as part of the exclusion? There is a concern that they'll just end up on the streets.

[39] **Lesley Griffiths:** Yes. That's what I mentioned in my previous comments. We could do that in the—

[40] **Peter Black:** You said that you notify social services, but—

[41] **Lesley Griffiths:** And other departments.

[42] **Peter Black:** Will there be a duty on the provider to ensure that other arrangements are made to accommodate them?

[43] **Lesley Griffiths:** Yes. We could look at it in Stage 3.

[44] **Christine Chapman:** I've also got a question, Minister, from Mark, if you're happy to take it.

[45] **Mark Isherwood:** You said that you can and you said that you could. Will you, or are you minded so to do because 'can' and 'could' can be interpreted in many different ways?

[46] **Lesley Griffiths:** We can issue statutory guidance.

[47] **Mark Isherwood:** Yes. You clarified that you're able to, but that doesn't mean that you are going to respond to the submissions made today, and will be or are minded so to do.

[48] **Lesley Griffiths:** Well, I can look at that at Stage 3.

[49] **Christine Chapman:** Jocelyn.

[50] **Jocelyn Davies:** I would be happy to withdraw my amendments. As the Minister's making it a duty, I assume that that means that it will be a 'must', if it's a duty. I'm assuming that it would. So, I give you notice now that I'm happy not to move my amendments.

[51] **Christine Chapman:** Okay. All right.

[52] **Lesley Griffiths:** All organisations have to follow statutory guidance. They have to follow it.

[53] **Christine Chapman:** Minister, do you want to finish off the point now?

[54] **Lesley Griffiths:** I'm not sure where I am now. It was amendments 52 and 53 that I was speaking to then.

[55] Yes, it's important that the detailed arrangements will be in the guidance.

[56] So, just in summary, I believe that such matters are better addressed through statutory guidance because this can be amended and expanded much more easily in light of experience of operating those provisions.

[57] **Jocelyn Davies:** You've convinced us, Minister.

[58] **Christine Chapman:** Okay. Let's move on. Peter, do you want to reply?

[59] **Peter Black:** Yes, I will reply. I just wanted to comment on some of the comments of Mike Hedges. Mike talks about balance and the question is: has the Bill got the balance right? At the moment it hasn't. I think that, yes, he's right that the exclusion doesn't happen without good cause, but without record or a right of appeal we're not actually sure what the causes are. We need to have that recording of what's going on and understand why that's happening. I think that there has to be an appeals mechanism built in at some stage of this, and I hope that the guidance would do that.

[60] I understand what Lesley Griffiths is saying in terms of risk to staff. I think there's also a danger of risk to other people if they're put out onto the streets, and I think that that needs to be addressed.

[61] I am going to press with my amendment 139 because I have issues with the whole principle of this, but I do hope that—. Well, I have asked the Minister whether it's possible, before Stage 3, to actually have a letter similar to the one we've had in terms of the condition of properties in terms of setting out exactly what the guidance will address so that we can understand what exactly this will involve at Stage 3. Obviously, she may want to consider further amendments at Stage 3 to make sure that this is a duty on the Minister to issue this guidance as opposed to an option for the Minister to do so. But I will press my amendments at this stage.

[62] **Lesley Griffiths:** Okay. I'm happy to do that.

[63] **Christine Chapman:** Right. Okay. Thank you. Peter, you want to proceed to a vote, then.

[64] **Peter Black:** Yes.

09:30

[65] **Christine Chapman continues:** So, if amendment 139 is agreed, amendments 49, 29, 50, 51, 52 and 53 will fall. So, the question is that amendment 139 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote. So, those in favour. Those against. Okay. No abstentions. So, we have three in favour and seven against, therefore 139 is not agreed.

*Gwelliant 139: O blaid 3, Yn erbyn 7, Ymatal 0.
Amendment 139: For 3, Against 7, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Finch-Saunders, Janet
Griffiths, John
Hedges, Mike
Isherwood, Mark
Price, Gwyn R.

*Gwrthodwyd gwelliant 139.
Amendment 139 not agreed.*

[66] **Christine Chapman:** Jocelyn, amendment 49. You're not moving that one. Okay.

*Ni chynigiwyd gwelliant 49 (Jocelyn Davies).
Amendment 49 (Jocelyn Davies) not moved.*

*Cynigiwyd gwelliant 29 (Lesley Griffiths).
Amendment 29 (Lesley Griffiths) moved.*

[67] **Christine Chapman:** I move amendment 29 in the name of the Minister. The question is, then, that amendment 29 be agreed. Does any Member object? No. So, amendment 29 is agreed.

*Derbyniwyd gwelliant 29 yn unol â Rheol Sefydlog 17.34.
Amendment 29 agreed in accordance with Standing Order 17.34.*

[68] **Christine Chapman:** Jocelyn, amendment 50. No. So, that's not being moved.

*Ni chynigiwyd gwelliant 50 (Jocelyn Davies).
Amendment 50 (Jocelyn Davies) not moved.*

[69] **Christine Chapman:** Amendment 51. No. Not moved.

*Ni chynigiwyd gwelliant 51 (Jocelyn Davies).
Amendment 51 (Jocelyn Davies) not moved.*

[70] **Christine Chapman:** Amendment 52. No. You're not moving.

Ni chynigiwyd gwelliant 52 (Jocelyn Davies).
Amendment 52 (Jocelyn Davies) not moved.

[71] **Christine Chapman:** Amendment 53. No.

Ni chynigiwyd gwelliant 53 (Jocelyn Davies).
Amendment 53 (Jocelyn Davies) not moved.

[72] **Christine Chapman:** Peter, amendment 140.

Cynigiwyd gwelliant 140 (Peter Black [R]).
Amendment 140 (Peter Black [R]) moved.

[73] **Peter Black:** I move.

[74] **Christine Chapman:** Okay. The question is that amendment 140 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour, please show. Those against. No abstentions. So, five in favour, five against. As it's a tied vote, I use my casting vote against amendment 140. Therefore, 140 is not agreed.

Gwelliant 140: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 140: For 5, Against 5, Abstain 0.

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 140.
Amendment 140 not agreed.

[75] **Christine Chapman:** Jocelyn, amendment 165.

Cynigiwyd gwelliant 165 (Jocelyn Davies).
Amendment 165 (Jocelyn Davies) moved.

[76] **Jocelyn Davies:** Yes, please.

[77] **Christine Chapman:** Okay. The question is, then, that amendment 165 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote. Those in favour. Those against. Okay. We've got five in favour, five against. Therefore, I use my casting vote against. So, 165 is not agreed.

Gwelliant 165: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 165: For 5, Against 5, Abstain 0.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 165.
Amendment 165 not agreed.

Cynigiwyd gwelliant 30 (Lesley Griffiths).
Amendment 30 (Lesley Griffiths) moved.

[78] **Christine Chapman:** I move amendment 30 in the name of the Minister. So, the question is that amendment 30 be agreed. Does any Member object? No. Amendment 30, then, is agreed.

Derbyniwyd gwelliant 30 yn unol â Rheol Sefydlog 17.34.
Amendment 30 agreed in accordance with Standing Order 17.34.

[79] **Christine Chapman:** Peter are you going to move amendment 141?

[80] **Peter Black:** The Minister gave an assurance that she'd bring her own amendment last time, so I'm not moving this.

[81] **Christine Chapman:** You're not moving it. Right. Okay. Thank you.

*Ni chynigiwyd gwelliant 141 (Peter Black [R]).
Amendment 141 (Peter Black [R]) not moved.*

[82] **Christine Chapman:** Jocelyn, amendment 166.

*Cynigiwyd gwelliant 166 (Jocelyn Davies).
Amendment 166 (Jocelyn Davies) moved.*

[83] **Jocelyn Davies:** Yes, please.

[84] **Christine Chapman:** Okay. The question is that amendment 166 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote. Those in favour. Those against. Okay, we have five in favour, five against. I use my casting vote against, so 166 is not agreed.

*Gwelliant 166: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 166: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 166.
Amendment 166 not agreed.*

[85] **Christine Chapman:** Peter, amendment 142

*Cynigiwyd gwelliant 142 (Peter Black [R]).
Amendment 142 (Peter Black [R]) moved.*

[86] **Peter Black:** Move.

[87] **Christine Chapman:** You move. Okay. So, the question is that amendment 142 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, three in favour, seven against. Therefore, 142 is not agreed.

*Gwelliant 142: O blaid 3, Yn erbyn 7, Ymatal 0.
Amendment 142: For 3, Against 7, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Finch-Saunders, Janet
Griffiths, John
Hedges, Mike
Isherwood, Mark
Price, Gwyn R.

*Gwrthodwyd gwelliant 142.
Amendment 142 not agreed.*

*Cynigiwyd gwelliant 31 (Lesley Griffiths).
Amendment 31 (Lesley Griffiths) moved.*

[88] **Christine Chapman:** I move amendment 31 in the name of the Minister. The question is that amendment 31 be agreed. Does any Member object? No. Amendment 31 is agreed.

*Derbyniwyd gwelliant 31 yn unol â Rheol Sefydlog 17.34.
Amendment 31 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 73 (Lesley Griffiths).
Amendment 73 (Lesley Griffiths) moved.*

[89] **Christine Chapman:** I move amendment 73 in the name of the Minister. The question is that amendment 73 be agreed. Does any Member

object? No. Amendment 73 is agreed.

Derbyniwyd gwelliant 73 yn unol â Rheol Sefydlog 17.34.

Amendment 73 agreed in accordance with Standing Order 17.34.

Grŵp 18: Diwedd Contractau Cyfnod Penodol (Gwelliant 32)

Group 18: End of Fixed Term Contracts (Amendment 32)

[90] **Christine Chapman:** We now move on to group 18 and this relates to the end of fixed-term contracts. The only amendment in the group is amendment 32 in the name of the Minister.

Cynigiwyd gwelliant 32 (Lesley Griffiths).

Amendment 32 (Lesley Griffiths) moved.

[91] So, I move amendment 32 and call on the Minister to speak to her amendment. Minister.

[92] **Lesley Griffiths:** Thank you, Chair. This amendment deals with simplifying the arrangements that apply when a fixed-term standard contract is immediately followed by a periodic standard contract under section 182. This will typically happen when a contract holder continues to occupy the dwelling after an initial fixed-term period has expired, but no new fixed-term contract has been agreed. It is comparable to existing statutory periodic tenancies under Part 1 of the Housing Act 1988.

[93] The amendment also enables the written statement, issued by the landlord in relation to the fixed-term standard contract, to cover the terms of the periodic contract that may follow it. It ensures the written statement will not be incorrect merely if it covers the potential periodic contract. Furthermore, it avoids the need for a landlord to issue a second written statement at the start of the periodic contract, when the parties to the contract and the terms of the contract, save for around its duration, are the same. The model written statements issued under section 29 by the Welsh Government will include a version addressing this situation.

[94] **Christine Chapman:** Thank you, Minister. Are there any other Members who wish to speak? No. Okay. Minister, do you wish to proceed to a vote, then, on amendment 32?

[95] **Lesley Griffiths:** Yes.

[96] **Christine Chapman:** So, the question is that amendment 32 be agreed. Does any Member object? No. So, amendment 32 is agreed.

*Derbyniwyd gwelliant 32 yn unol â Rheol Sefydlog 17.34.
Amendment 32 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 74 (Lesley Griffiths).
Amendment 74 (Lesley Griffiths) moved.*

[97] **Christine Chapman:** I move amendment 74 in the name of the Minister. The question is that amendment 74 be agreed. Does any Member object? No. Amendment 74 is agreed.

*Derbyniwyd gwelliant 74 yn unol â Rheol Sefydlog 17.34.
Amendment 74 agreed in accordance with Standing Order 17.34.*

[98] **Christine Chapman:** Peter, amendment 143.

[99] **Peter Black:** Not moved.

[100] **Christine Chapman:** Not moved. Right.

*Ni chynigiwyd gwelliant 143 (Peter Black [R], gyda chefnogaeth Mark Isherwood).
Amendment 143 (Peter Black [R], supported by Mark Isherwood) not moved.*

[101] **Christine Chapman:** Amendment 144, Peter.

[102] **Peter Black:** Not moved.

[103] **Christine Chapman:** Right.

*Ni chynigiwyd gwelliant 144 (Peter Black [R], gyda chefnogaeth Mark Isherwood).
Amendment 144 (Peter Black [R], supported by Mark Isherwood) not moved.*

[104] **Christine Chapman:** Jocelyn, amendment 167.

*Cynigiwyd gwelliant 167 (Jocelyn Davies).
Amendment 167 (Jocelyn Davies) moved.*

[105] **Christine Chapman:** Okay. The question is that amendment 167 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote then. Those in favour. Those against. No abstentions. So, it's five in favour and five against. I use my casting vote against, therefore amendment 167 is not agreed.

*Gwelliant 167: O blaid 5, Yn erbyn 0, Ymatal 5.
Amendment 167: For 5, Against 0, Abstain 5.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 167.
Amendment 167 not agreed.*

*Cynigiwyd gwelliant 33 (Lesley Griffiths).
Amendment 33 (Lesley Griffiths) moved.*

[106] **Christine Chapman:** I move amendment 33 in the name of the Minister. So, the question is that amendment 33 be agreed. Does any Member object? No. So, amendment 33 is agreed.

*Derbyniwyd gwelliant 33 yn unol â Rheol Sefydlog 17.34.
Amendment 33 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 34 (Lesley Griffiths).
Amendment 34 (Lesley Griffiths) moved.*

[107] **Christine Chapman:** I then move amendment 34 in the name of the Minister. So, the question is that amendment 34 be agreed. Does any

Member object? No. Therefore, amendment 34 is agreed.

Derbyniwyd gwelliant 34 yn unol â Rheol Sefydlog 17.34.

Amendment 34 agreed in accordance with Standing Order 17.34.

Grŵp 19: Troi Allan Dialgar (Gwelliannau 145, 54, 146, 147, 188 a 55)

Group 19: Retaliatory Eviction (Amendments 145, 54, 146, 147, 188 and 55)

[108] **Christine Chapman:** We now move on to group 19, and this relates to retaliatory eviction. The lead amendment in the group is amendment 145, and I call on Peter Black to move amendment 145 and to speak to the amendments in the group. Peter.

Cynigiwyd gwelliant 145 (Peter Black [R]).

Amendment 145 (Peter Black [R]) moved.

[109] **Peter Black:** Thank you, Chair. This is another issue, I think, where we need to get the balance right between the rights of the tenant and those of the landlord to ensure that we don't have retaliatory eviction, but, at the same time, that that provision is not taken advantage of. I think that the approach adopted within the Bill is the right one, in the sense it ensures that only notices to evict in direct response to a complaint will be struck down, and that will protect those landlords who seek to regain possession of a property for legitimate reasons. But the committee also felt, I think, that there should be changes to these clauses. In particular, recommendation 12 recommends

[110] 'that the Minister amends the Bill to widen the definition of retaliatory eviction beyond disrepair and fitness for human habitation.'

[111] And recommendation 13 of the committee was that the Minister should amend

[112] 'the Bill to include a rebuttable presumption that an eviction is retaliatory in cases where it occurs after a contract-holder has registered a complaint with the landlord about the condition of the property.'

[113] So, in terms of my particular amendment, amendment 145 covers any possession claim by a landlord that could be retaliatory. It is not limited to cases about the condition of the property, and I think seeks to clarify the clauses in the Bill. It gives a wider margin of discretion for judges. The court

will not be satisfied the claim is retaliatory if the landlord needs to sell the dwelling or the contract holder is in breach of the contract. Also, the amendment is designed to provide landlords with some protection against those tenants who might routinely file complaints in order to avoid eviction, even though they may be in serious rent arrears. I don't feel this amendment waters down a tenant's protection against retaliatory eviction, as the onus is on the landlord to justify the eviction that they are pursuing.

[114] Amendment 146 I'm not going to move, because I think the last three words need to be rethought. I think that it's important that we do look at the landlord's motivation, but I think 'for any reason' is possibly too wide a provision as part of that.

[115] **Christine Chapman:** Thank you, Peter. Jocelyn.

[116] **Jocelyn Davies:** Thank you. I mean, we know that retaliatory eviction is a practice that's all too common, and I'm sure many Members here, like me, will have had experience of casework in our constituencies on this issue. I'm pleased that the Minister introduced provisions in the renting homes Bill that aim to put a stop to landlords using that threat of eviction to avoid keeping their properties up to a reasonable standard and, otherwise, meeting their obligations. I'm not sure that the current drafting of this section of the Bill is quite clear enough, though, and I am concerned that it could currently give too much power to badly behaved tenants who could use an accusation of retaliatory eviction to skip consequences of their own bad behaviour by falsely claiming that the landlord's failed to meet their obligations. I think that's quite important.

[117] So, I've tabled amendment 54 to ensure that an eviction is only considered retaliatory if there's been a record of the contract holder's complaints, either to the landlord or to the local authority, about the landlord's failure to comply with their obligations. This will ensure there's an evidence record available that the tenant has tried to have an issue resolved and that the landlord has responded to that with the threat of eviction.

[118] Amendment 55 ensures the link between the Housing (Wales) Act 2014 and the renting homes Bill by making it so that landlords have a duty to notify the licensing authority of any court rulings that they have breached an occupation contract, made a retaliatory eviction or had a complaint against them by the contract holder. Those who fail to do so will be liable to a fine under section 23 of the Housing (Wales) Act. So, connecting those two pieces

of legislation, I think, will offer additional protection to tenants.

[119] I'm pleased that Peter said he was not moving some of his other amendments, because I think I would have found it difficult to support them in this group, because we need a fair balance between the landlord and the tenant, and I felt—as Peter, who has obviously thought about this since—that he hadn't quite struck that right balance. I think using the terms 'for any reason' is so broad that it was just going too far for me, so I'm pleased that he's withdrawing those.

[120] **Christine Chapman:** Okay. Thank you, Jocelyn. I've got Mark first.

[121] **Mark Isherwood:** Thank you. Amendment 188 seeks to achieve what Peter Black's amendment 147 did, but actually goes marginally further, again to try and redress a fair balance between the rights of the tenant and those of a proper and effective landlord. So, the amendment is designed to provide landlords with some protection against unscrupulous tenants who may routinely file illegitimate complaints in order to avoid eviction, even though they may be in serious rent arrears. This amendment does not water down the tenant's protection against retaliatory eviction, as the onus would remain on the landlord to justify either that the possession claim is not motivated by a desire to avoid compliance with relevant sections 91 or 92, or the landlord wishes to sell the dwelling, or the contract holder is in breach of the contract. So, again, it's about clarity in the protection of all parties.

[122] **Christine Chapman:** Okay. Thank you, Mark. Mike.

[123] **Mike Hedges:** I know it's a very complicated area, and this is where legislation really does need to get it right. I'll be voting against all the amendments, but I hope the Minister really looks at the whole of this area. There was something—I think it was in this committee; if not, apologies—. One piece of evidence was that there was retaliatory eviction because somebody had given evidence against somebody in a court. That itself is something that does cause me concern—if people see something happening, they cannot give evidence against the perpetrator, as we would all think they ought to do, without the threat of losing their home.

[124] Also, I don't think it was in this committee, but picked up in other places, that the rejection of the landlord's amorous advances can be a cause for eviction. I think that those are things that we wouldn't want to see either.

[125] I'll be voting against all the amendments—I think the amendments are wrong—but I think the Minister needs to look again at this area of the Bill to get the balance between the rights of the landlord and the rights of the tenant. I'm not saying it's easy, but I would hope the Minister would give further thought to this.

[126] **Christine Chapman:** Okay. Thank you. Gwyn.

[127] **Gwyn R. Price:** I just wanted to say that I've had representations from a lot of councils, Minister, and I've got great sympathy with this. I will vote against it this morning, but I would ask the Minister to look seriously at this before the next stage, Stage 3, because there is a lot of concern out there.

[128] **Christine Chapman:** Okay. Thank you, Gwyn. Any other Members? No. Minister.

[129] **Lesley Griffiths:** Thank you. I think Members are absolutely right: it is about getting the balance right, and it is very important that we do that, and I am happy to look at this again as we go through to Stage 3. I think Jocelyn alluded to this: the retaliatory eviction provisions included in the Bill weren't present in the Law Commission's recommendations on which the Bill was based. These have come directly through responses we received during our consultation, which indicated that tenants are sometimes unwilling to seek repairs because they are afraid of being evicted.

[130] If we can look first at Peter Black's amendments, I think these would act in two ways. They would open up the potential for contract holders to cite retaliatory eviction for any reason, and that could potentially create a considerable loophole for contract holders to avoid genuine possession claims and impose a considerable burden on the court in hearing claims where such defences are raised. Conversely, amendment 147 could create a loophole in favour of landlords, allowing a landlord to obtain possession by claiming he or she wished to sell the dwelling. There would need to be some form of evidential test, which is not provided for and in practice could be difficult to apply. So, the amendments have the potential to make no-fault possession proceedings very complex and time-consuming.

09:45

[131] Amendment 54 from Jocelyn provides for the court to determine that an eviction is retaliatory if a contract holder has complained regarding

disrepair to either the landlord or the local authority in the previous six months. The reference to a complaint to the landlord or local authority could be problematic, because there would be circumstances where a landlord seeking possession but is unable to do so because of a complaint of which he or she was unaware. There is no mechanism for the landlord to be made aware of the complaint in order to take steps to remedy it. Additionally, the first new subsection could potentially create a situation where landlords might seek to stall carrying out repairs and leave commencing possession claims until six months after receipt of a repairing request. This would effectively switch off the protection against retaliatory eviction. The current provision in the Bill simply gives the court a wide discretion that is not time-limited. A court might consider an eviction to be retaliatory even if brought some time after any request for repairs by the contract holder. Picking up on Jocelyn's concern, guidance on retaliatory eviction could include advice to the contract holder to report a problem to the local authority as well as the landlord. However, the principle underpinning retaliatory eviction is that the landlord needs to be aware of any problem in order for the eviction to be retaliatory.

[132] I support in principle amendment 55 from Jocelyn, but believe it would be preferable to achieve the objective through the existing regulation-making power in section 23 of the Housing (Wales) Act 2014. This would ensure all such requirements are in one piece of legislation and easily accessible to landlords and contract holders.

[133] Amendment 188 from Mark Isherwood seeks to disapply the retaliatory eviction provisions; for example, where the landlord wishes to sell the property or the contract holder is in breach of the contract in some way. I do not support this amendment as a landlord could claim he or she wished to sell the property but then simply re-let it once they got possession. Furthermore, if the contract holder is in breach of the contract in some other way, then this should be focus of the landlord's possession claim.

[134] Just picking up on Mike Hedges's point, I think it's where you draw the line. There could be a lot of situations, which you referred to, but you're absolutely right that we do need to get it right, so we can continue to look at this.

[135] **Christine Chapman:** Okay. Thank you, Minister. Peter to reply.

[136] **Peter Black:** Thank you, Chair. I think that, as the Minister said, this is

quite a complex area, and I think we do need to get it right. I think the committee felt in its deliberations that we hadn't got it right, and that's why the recommendations were put in place, to try to deal with this particular issue. I listened to what the Minister has said, and I'm perfectly happy to bring 147 back with those evidential tests added to it, or maybe the Minister would like to bring 147 back with an evidential test added to it herself, if she feels that is necessary. But, I do think there are sometimes good reasons why a landlord would seek to evict a tenant, particularly if they are trying to sell the property, and I think we need to ensure that that is not going to be caught up in this particular issue around retaliatory evictions. For that reason, I'm going to press ahead with 147, but, as I said, I won't be moving 146.

[137] **Christine Chapman:** Okay, thank you, Peter. So, Peter, do you wish to proceed to a vote on amendment 145?

[138] **Peter Black:** Yes, please.

[139] **Christine Chapman:** Okay. So, if amendment 145 is agreed, amendment 54 will fall. So, the question is that amendment 145 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, there are three in favour, seven against. Therefore, 145 is not agreed.

*Gwelliant 145: O blaid 3, Yn erbyn 7, Ymatal 0.
Amendment 145: For 3, Against 7, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Finch-Saunders, Janet
Isherwood, Mark

Chapman, Christine
Davies, Alun
Davies, Jocelyn
Griffiths, John
Hedges, Mike
Price, Gwyn R.
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 145.
Amendment 145 not agreed.*

[140] **Christine Chapman:** Jocelyn, amendment 54.

Cynigiwyd gwelliant 54 (Jocelyn Davies).
Amendment 54 (Jocelyn Davies) moved.

[141] **Jocelyn Davies:** Yes, please.

[142] **Christine Chapman:** Okay. If amendment 54 is agreed, amendment 146 will fall. The question is that amendment 54 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Okay. Five in favour, five against. I use my casting vote as it's a tied vote. Therefore, 54 is not agreed.

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

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter Davies, Jocelyn Finch-Saunders, Janet Isherwood, Mark Thomas, Rhodri Glyn	Chapman, Christine Davies, Alun Griffiths, John Hedges, Mike Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 54.
Amendment 54 not agreed.

[143] **Christine Chapman:** Peter, you are not moving 146.

[144] **Peter Black:** No, I'm not.

Ni chynigiwyd gwelliant 146 (Peter Black [R]).
Amendment 146 (Peter Black [R]) not moved.

[145] **Christine Chapman:** Right, okay. Peter, amendment 147.

Cynigiwyd gwelliant 147 (Peter Black [R]).
Amendment 147 (Peter Black [R]) moved.

[146] **Peter Black:** I move that one.

[147] **Christine Chapman:** Okay. If amendment 147 is agreed, amendment 188 will fall. So, the question is that amendment 147 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Are there any abstentions? So, three in favour, five against and two abstentions. Therefore, 147 is not agreed.

*Gwelliant 147: O blaid 3, Yn erbyn 5, Ymatal 2.
Amendment 147: For 3, Against 5, Abstain 2.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Finch-Saunders, Janet
Isherwood, Mark

*Gwrthodwyd gwelliant 147.
Amendment 147 not agreed.*

[148] **Christine Chapman:** Mark, amendment 188.

*Cynigiwyd gwelliant 188 (Mark Isherwood).
Amendment 188 (Mark Isherwood) moved.*

[149] **Mark Isherwood:** I move.

[150] Okay. The question is, then, that amendment 188 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. No abstentions. Therefore, five in favour, five against. I use my casting vote against, therefore 188 is not agreed.

*Gwelliant 188: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendments 188: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter

Chapman, Christine

Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 188.

Amendment 188 is not agreed.

[151] **Christine Chapman:** Jocelyn, amendment 55.

Cynigiwyd gwelliant 55 (Jocelyn Davies).

Amendment 55 (Jocelyn Davies) moved.

[152] **Jocelyn Davies:** Yes, please.

[153] **Christine Chapman:** Okay. The question is that amendment 55 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Therefore, five in favour, five against. I use my casting vote against, therefore 55 is not agreed.

Gwelliant 55: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 55: For 5, Against 5, Abstain 0.

O blaid:

For:

Yn erbyn:

Against:

Ymatal:

Abstain:

Black, Peter
Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Chapman, Christin
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 55.

Amendment 55 is not agreed.

Grŵp 20: Cefnu (Gwelliannau 148, 149, 150 a 151)

Group 20: Abandonment (Amendments 148, 149, 150 and 151)

[154] **Christine Chapman:** We now move to group 20, which relates to abandonment. The lead amendment in the group is amendment 148, in the name of Peter Black. So, Peter, to move amendment 148.

Cynigiwyd gwelliant 148 (Peter Black [R]).

Amendment 148 (Peter Black [R]) moved.

[155] **Peter Black:** Thank you, Chair. Recommendation 35 of the committee's report called on the Minister to amend the Bill so that landlords can only seek possession for abandonment where serious grounds for possession under sections 179(2) and 184(2) have been made out. These amendments are an attempt to put that recommendation into practice. The amendment is slightly tricky because the Minister hasn't made clear her intentions as regards the Protection from Eviction Act 1977. That Act protects tenants from unlawful eviction, but does not generally apply to licensees, such as those who share accommodation with their landlord. Under the Bill, licensees may be given additional protection in some cases, and I think it would be helpful if the Minister actually set out her intentions as regards the 1977 Act, but until she does so, this amendment is one that I'd want to press forward as part of that.

[156] Amendment 150 relates to recommendation 11, which is that the Bill should be amended to prevent a landlord from recovering possession under the no-fault ground during the first six months of a standard contract. Abandonment of a property is one of the most difficult situations for a landlord to find him or herself in, and I think we need comprehensive guidance in order to give the landlord confidence and to help protect the contract holder. I think this is one of the few occasions that an opposition member has actually tabled an amendment calling for more guidance from the Minister, but I do think it's important that that guidance is available so that everyone knows exactly where they stand.

[157] Finally, on amendment 151, a landlord needs to be strongly encouraged to follow the guidance, and doing so ensures good practice and the security of all parties involved. This amendment provides the landlord with reassurance that following the guidance correctly will offer them some protection.

[158] **Christine Chapman:** Okay. Thank you, Minister. Are there any other Members who wish to speak? No. I call on the Minister, then, to speak.

[159] **Lesley Griffiths:** Thanks, Chair. I'll go through all Peter Black's amendments, which seek to modify the provisions in the Bill that deal with a situation where the contract holder has abandoned the property. These provisions, which were included in the Law Commission's recommendations, are based very closely on the abandonment provisions that have been in Scottish law for over a decade. The underpinning purpose of the abandonment provisions, as currently drafted in the Bill, is to enable a landlord to deal with abandonment effectively and, therefore, be able to re-let the property quickly.

[160] Amendment 148 would have the effect of restricting abandonment to situations where there are also serious rent arrears. However, while rent arrears may exist, abandonment is not solely associated with rent arrears. Also, where a contract holder has clearly abandoned the property but the rent is not in arrears, a landlord would typically have to wait two or three months before serving the abandonment notice and then have to wait a further four weeks before ending the contract. That would effectively render the abandonment provisions redundant, as it wouldn't provide for the property to be re-let any faster than would be the case following the court process. So, it wouldn't really achieve the objective of reducing the time abandoned properties are left empty.

[161] Amendment 149 is unnecessary, as the provisions already provide the courts with a very wide discretion to order effective remedies, which could potentially impose significant obligations on landlords who had failed to comply with the procedures for seeking possession of abandoned properties. However, the amendments would be likely to further dissuade landlords from using the abandonment procedure and thus hinder the objective of reducing the time properties stand empty. Furthermore, the Bill does not, in any way, disapply the existing protection afforded to tenants under the Protection from Eviction Act 1977, which Peter referred to.

[162] Amendment 150 sets out a requirement for Welsh Ministers to issue guidance to landlords on dealing with abandonment, but I don't believe statutory guidance is necessary to clarify the requirements set out in section 216. The Bill requires landlords to make such inquiries as are necessary to be satisfied the contract holder has abandoned the dwelling. The precise nature

of these inquiries will vary from case to case and, therefore, are not suited to be set out in statutory guidance.

[163] I don't support amendment 151 for the same reasons. That would effectively let the landlord off the hook if he or she can show the guidance had been followed, but some other obvious inquiry had not been made, which could, in particular circumstances, have shown the property was not abandoned. I think this has the potential for confusion given the Bill already sets out a procedure that must be followed. I am not saying information and advice won't be given, but it won't be in the form of statutory guidance.

[164] **Christine Chapman:** Thank you, Minister. Peter to reply.

[165] **Peter Black:** Thank you, Chair. I'm bemused by the Minister's reliance on Scottish law because when we tried to import Scottish law in terms of the fitness of the dwelling, that was not appropriate, but it clearly is appropriate in this particular case. So, obviously Scotland is a pick-and-mix legal regime.

[166] **Alun Davies:** It always has been, Peter. [*Laughter.*]

[167] **Peter Black:** I do think, actually, it's important that there is some sort of guidance. The Minister says it's not necessary, but, actually, landlords do think it is necessary, because, I think, they're concerned that this provision is going to leave them vulnerable, and I think that they would welcome some form of guidance from the Minister in terms of how these particular provisions would be applied. For that reason, I will certainly be pressing these amendments.

[168] **Christine Chapman:** Okay, thank you, Peter. So, we'll proceed to a vote on amendment 148. So, the question is that amendment 148 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Thank you. So, it's five in favour and five against. Therefore, I'll use my casting vote against. So, therefore, 148 is not agreed.

*Gwelliant 148: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 148: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn

Chapman, Christine
Davies, Alun

Finch–Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 148.
Amendment 148 not agreed.*

[169] **Christine Chapman:** Peter, amendment 149.

*Cynigiwyd gwelliant 149 (Peter Black [R]).
Amendment 149 (Peter Black [R]) moved.*

[170] **Peter Black:** Move.

[171] **Christine Chapman:** Okay. The question is that amendment 149 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. Okay, five in favour, five against. I'll use my casting vote against. Therefore, 149 is not agreed.

*Gwelliant 149: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 149: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn
Finch–Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 149.
Amendment 149 not agreed.*

[172] **Christine Chapman:** Peter, do you want to move amendment 150?

*Cynigiwyd gwelliant 150 (Peter Black [R]).
Amendment 150 (Peter Black [R]) moved.*

[173] **Peter Black:** Yes.

[174] **Christine Chapman:** The question is that amendment 150 be agreed. Does any Member object?

[175] **Mike Hedges:** Object. Sorry, my voice is going. Object.

[176] **Peter Black:** Rest it, Mike; you rest your voice. [*Laughter.*]

[177] **Christine Chapman:** Okay, we'll take a vote, then. Those in favour—this is 150, now. Those in favour. Those against. Okay, so we have five in favour and five against. I'll use my casting vote against. Therefore, amendment 150 is not agreed.

*Gwelliant 150: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 150: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 150.
Amendment 150 not agreed.*

[178] **Christine Chapman:** Peter, amendment 151.

Cynigiwyd gwelliant 151 (Peter Black [R]).
Amendment 151 (Peter Black [R]) moved.

[179] **Peter Black:** Move.

[180] **Christine Chapman:** The question is, then, that amendment 151 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Okay. So, we're five in favour, five against. I'll use my casting vote against, therefore 151 is not agreed.

Gwelliant 151: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 151: For 5, Against 5, Abstain 0.

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 151.
Amendment 151 not agreed.

Grŵp 21: Pobl Ifanc: Effaith Cyrraedd 16 (Gwelliant 35)
Group 21: Young People: Effect of Reaching 16 (Amendment 35)

[181] **Christine Chapman:** Okay, we'll move to group 21. This relates to young people and the effect of reaching 16. The only amendment in the group is amendment 35 in the name of the Minister.

Cynigiwyd gwelliant 35 (Lesley Griffiths).
Amendment 35 (Lesley Griffiths) moved.

[182] **Christine Chapman:** So, I move amendment 35 and call on the Minister to speak to her amendment. Minister.

[183] **Lesley Griffiths:** Thank you, Chair. This is a somewhat technical amendment and I do appreciate there'll be a broader discussion on renting to 16 and 17-year-olds under the next group. Under the Bill as currently drafted, when a tenant or licensee turns 16, and so is able to hold an occupation contract, the landlord will be required to issue a written statement of the contract. This amendment makes the timescales for doing so clear, having effect that the written statement must be issued within 14 days of the individual turning 16.

[184] **Christine Chapman:** Okay. I just want to check if any other Members—. But, as the Minister said, we can have the discussion—I think it would be more appropriate for the next group, if you're okay with that.

[185] **Peter Black:** I've got a question, actually.

[186] **Christine Chapman:** A question—no, that's fine.

[187] **Peter Black:** We're talking about the contract becoming relevant at the time a person reaches the age of 16. Does that mean the Minister is envisaging someone having a tenancy at the age of 15?

[188] **Christine Chapman:** Minister.

[189] **Lesley Griffiths:** No. It was just a technical—. I'll call on my legal—.

[190] **Christine Chapman:** You're going to check for some information.

[191] **Lesley Griffiths:** It's the licence, not the tenancy.

[192] **Peter Black:** It's the licence—.

[193] **Jocelyn Davies:** A licence becomes a tenancy at 16, so a 15-year-old can hold a licence—

[194] **Lesley Griffiths:** But they can't hold a tenancy.

[195] **Jocelyn Davies:** It's the same thing, Peter, as what you thought.

[196] **Peter Black:** Yes, I've got that.

[197] **Christine Chapman:** Okay, is that all right?

[198] **Peter Black:** Yes. They could be in a shared property, couldn't they?

[199] 10:00

[200] **Christine Chapman:** Minister, any other comments?

[201] **Lesley Griffiths:** No.

[202] **Christine Chapman:** No. Okay. Right, so do you wish to proceed to a vote then, Minister, on amendment 35? Minister, do you wish to proceed to the vote? Okay. The question is that amendment 35 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. So, those in favour. Those against. So, five in favour, five against. I use my casting vote against, therefore 35 is not agreed.

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

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Black, Peter
Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 35.

Amendment 35 not agreed.

Grŵp 22: Deiliaid Contract 16 a 17 Oed (Gwelliannau 56 a 57)
Group 22: Contract-holders Aged 16 and 17 (Amendments 56 and 57)

[203] **Christine Chapman:** We move on now to group 22, which relates to contract holders aged 16 and 17. The lead amendment in the group is amendment 56 in the name of Jocelyn Davies, and I call on Jocelyn to move

amendment 56 and to speak to the other amendment in the group.

Cynigiwyd gwelliant 56 (Jocelyn Davies).

Amendment 56 (Jocelyn Davies) moved.

[204] **Jocelyn Davies:** Thank you, Chair. The renting homes Bill is breaking new legal ground by giving 16 and 17-year-olds the opportunity to enter into occupation contracts. The committee heard evidence that suggested that these proposals may be unworkable in practice and have unintended consequences. I believe that we should put the wellbeing of 16 and 17-year-olds at the heart of any provisions to extend new legal rights to those under 18. I understand that there are instances where granting an occupation contract to a young person makes sense, but, without the necessary support, we may be setting young people up to take on responsibilities that they may not really understand, with consequences that they may not be able to properly cope with. There is additional risk in giving a legal contract to someone aged 16 or 17, and I would hate to see someone getting into breach-of-contract territory before they're even 18. I had hoped that the Minister would rethink this one.

[205] The two amendments that I've tabled in this group aim to offer additional protection to those under 18 who are entering into an occupation contract. Amendment 56 restricts 16 and 17-year-olds to holding occupation contracts with community landlords, who have additional resources to support them with their tenancies compared with the private sector landlords who, regardless of the law, will not be rushing to enter into contracts with under-18s; of course, this is in line with the recommendations from this committee.

[206] Amendment 57 ensures that 16 and 17-year-olds must be offered advice and support before becoming an occupation contract holder. This includes the alternative offer of a contract held in trust, which, of course, we heard is how this problem is currently solved at the moment. I feel that the mischief the Minister is trying to prevent doesn't really exist, but this gives community landlords a duty to fully support 16 and 17-year-olds who they offer tenancies to, and a duty to ensure that they understand that there are other options apart from entering into an occupation contract.

[207] This amendment also states that there is nothing in the new legal rights for 16 and 17-year-olds that would modify, amend or repeal any of the functions of any person or body set out in the Children Act 2004, and

this is so that local authorities cannot claim that their duties now are negated due to the ability of 16 and 17-year-olds to hold tenancies in their own right. We do know that this is a proposal that was being proposed and promoted by local authorities themselves. So, those who are under 18 must be given the support that they have a right to, and their ability to enter an occupation contract must not be allowed to undermine those other rights that they have.

[208] **Christine Chapman:** Okay, thank you, Jocelyn. I've got a number of Members who want to speak; Alun first.

[209] **Alun Davies:** Thank you very much. The amendments, as laid by Jocelyn, do reflect the weight of evidence received by this committee at Stage 1. The weight of evidence was clearly that there were some questions over the ability of 16 and 17-year-olds to actually fulfil all the obligations available to them as contract holders. But perhaps the more powerful evidence was that of the vulnerability of many of these people. The point was made very clearly to us that most 16 and 17-year-olds wouldn't seek to hold a contract, wouldn't seek to have a tenancy; however, where they would, it would generally be—or a significant minority would be—because of difficulties at home or for other reasons. They would be compelled, if you like, to be seeking a tenancy and therefore would require a level of support. The point was made by a number of different organisations. I certainly remember the National Union of Students saying that an 18-year-old is very vulnerable. A 17-year-old is more vulnerable than an 18-year-old, and a 16-year-old is potentially more vulnerable still. Therefore, it does appear that the Government, in trying to do the right thing, may be opening some very vulnerable people up to increasing their difficulties, and not managing or decreasing their difficulties. Now I understand that that wouldn't be the intention of the Government, clearly, but it would appear to me that, if we wish to do this, then to do it in a way that minimises the vulnerability, potentially, of these people and provide support—. Most of the organisations that I remember who supported this proposal did so in a qualified and nuanced way. They did so saying that this would be a good thing for a certain cohort or group of people, however, these people require support. It was very, very clear, I think, from a number of different organisations giving evidence to us, that there was a feeling that, unless support structures were in place, and that unless the right, which is contained in this Bill, is qualified, then this might lead to further difficulties. So, I understand where the Government are at the moment with this, and I think that it would be useful were the Government to, perhaps in debating these amendments this

morning, consider its position before moving to Stage 3.

[210] **Christine Chapman:** Okay. Thank you. I've got Mike next, and then Peter and Mark. Mike first.

[211] **Mike Hedges:** I cannot think of a situation where a 16 or 17-year-old moving into new accommodation would not be vulnerable. It's beyond—. There may be the odd one or two, but I just cannot think of an occasion where it wouldn't. One of the things, perhaps, that I would like to say is that we talk about local authorities and the criticism of them being in silos; we are attempting in a housing Bill to deal with a social services problem. They're dealing with 16 and 17-year-olds who are vulnerable. I don't think it matters if they have the contract or not. Currently the contracts are often held by social services, and occasionally held by parents. It's the contract holder is the bit that matters. It's the support that matters. I see what Jocelyn is trying to do. I'm not sure that asking for housing to become a sort of quasi-social services department in terms of dealing with vulnerable young people is necessarily the right action. I just cannot understand why this has not been dealt with within the social services or somewhere in there. Really, the Welsh Government, who are very critical of local authorities being in silos, perhaps need to look at having some of this cross-government working in this area because this is a social services problem, in my opinion, which needs to be dealt with by social services. For these 16 and 17-year-olds, housing will not be a situation where they'll be capable of providing the level of support that 16 and 17-year-olds are going to need. That's where social services comes in. So, I would hope that the Minister will give an undertaking that she will go and talk to the social services Minister so that some cross-government work can be done in this. I'm going to vote against the two amendments, because I just don't think that they will solve the problem, because we are asking housing to sort a social services problem.

[212] **Christine Chapman:** Okay. Thank you, Mike. Peter.

[213] **Peter Black:** Yes, I actually have some sympathy with the objectives that the Minister is trying to achieve in the Bill, but I don't think that the way that the Bill is set out will actually help those 16 and 17-year-olds who will benefit from it. The Minister, in her response to our report, said:

[214] 'The ability for 16 and 17 year olds to rent needs to be extended to the private sector for it to be effective.'

[215] I think that the vast majority of 16 and 17-year-olds who would take advantage of or benefit from this clause would be 16 and 17-year-olds who were vulnerable, who have been in care, who have been homeless, who have sought to be rehoused by a local authority, and I can see, therefore, why the Minister would want to extend it to the private sector, because of the duty in the housing Act that local authorities might want to discharge their duty of homelessness to the private sector. But it does seem to me—. I'd be surprised if many private sector landlords would be willing to take on a 16 and 17-year-old, given the other contract issues that arise around that, particularly in terms of their ability to have contracts in terms of electricity, gas, water, et cetera, which can be enforceable under the law, and which we don't have the power, as I understand it, to change in this Bill nor have sought to do so.

[216] So, it does seem to me that there may well be exceptions where 16 and 17-year-olds are capable individuals who might have a reason to have a tenancy in their own right, maybe someone who is particularly brilliant, who is going to college and ahead of their year, that sort of thing. But the vast majority of 16 and 17-year-olds whom this would apply to would be vulnerable 16 and 17-year-olds who had gone through social services or housing legislation, who had been abused at home, who are homeless, who maybe have substance misuse issues, who had gone to agencies like Barnardo's to be rehoused and they are very vulnerable people. I think it's important, therefore, that any provision that enables them to hold a tenancy contract has to reflect that and that's why I'm happy to support the amendments that Jocelyn Davies has put down. At least, if we are to give those 16 and 17-year-olds a contract, if it is through a community landlord, with appropriate support and advice, we know that that vulnerability is being tackled and they are being protected as part of that. Yes, they can get married, they can pay taxes, they can join the armed forces, but they can't enter into contracts, apart from, under this Bill, a contract for a tenancy. That means there is a huge flaw, a huge hole in this provision, which some people would be happy to drive a bus through, and that's why I think it's absolutely vital that these provisions effectively temper the purpose that the Minister is trying to put forward in this Bill.

[217] **Christine Chapman:** Okay, thank you. Mark.

[218] **Mark Isherwood:** Yes. I fully support what Alun Davies and Peter Black have both said; both made very pertinent points. I think, when we took evidence on this at Stage 1, all committee members fell into one or two

categories: they were either open-minded and wanted to hear the evidence or, actually, they were supportive of the Bill's initial proposals. But, having heard the weight of evidence, the committee concluded and made the recommendation it did. It's regrettable that, thus far, you appear not to have taken on board the reason why the committee reached the conclusions it did, but, because of the way the Bill is currently progressing, I feel it's essential that we support Jocelyn Davies's amendments.

[219] Yes, as Mike says, you can assume—well, he said 'all' 16 and 17-year-olds; certainly, many, many 16 and 17-year-olds could be or will be defined as vulnerable for the reasons that Peter outlined. The fact is that this is housing legislation, and, if this legislation is passed without the safeguards being in place, then vulnerability will be increased and supply will be reduced, because the likelihood of landlords making property available to rent to these vulnerable groups will be significantly reduced, because of the current proposals.

[220] Just to conclude, Peter made reference to marriage at 16, but parental or guardians' consent is required. You can join the armed forces at 16, but people can't fight until they reach legal maturity. So, there are safeguards in place, despite the rights that exist, and I think protection of vulnerable children does necessitate amendments such as those proposed by Jocelyn.

[221] **Christine Chapman:** Thank you, Mark. Minister, do you want to reply?

[222] **Lesley Griffiths:** Yes, thank you. I have given this very careful consideration and I'll say at the outset I will continue to give it careful consideration going into Stage 3. This was meant as an enabling provision to allow 16 and 17-year-olds to be able to access housing. Even yesterday, Peter Black raised with me in oral questions, which Members might have seen in the press, the use of B&Bs for teenagers—so, 16 and 17-year-olds. So, again, I would like very much to speak to the charity that came forward with this—well, it was a network of charities that came forward with this—because, again, this provision would enable local authorities perhaps not to use B&Bs as much, for instance. So, please be assured that I am continuing to give this very careful consideration.

10:15

[223] If I can just look at the amendments first, amendments 56 and 57 would limit the issuing of contracts to 16 and 17-year-olds to community

landlords only, and that would impose an additional statutory function on community landlords, which we haven't costed.

[224] Additionally, the restriction in the current law applying to England and Wales, to some extent, has arisen by accident rather than design, having its origin in the law of property rather than renting. Again, there's no such restriction on renting by this age group in Scotland and Northern Ireland.

[225] There is support for this provision from a number of key stakeholders. I think it was Peter or Mark who said about the weight of evidence, but there is some; certainly, the children's commissioner is very supportive and I've spoken at length—. The NUS were supportive, I mean, again, certainly when they were talking about 16 and 17-year-olds who move away for education purposes, for instance.

[226] Peter referred to the issue around entering contracts for utilities. Sixteen and 17-year-olds can have contracts for utilities. However, enabling occupation contracts to be held directly by this age group will further encourage the practice, I think, but, at the current time, you know, they can hold contracts. This is a case where I believe, if we did make a change in the law, that would help address the committee's concerns regarding accessibility to other services.

[227] Amendment 57 proposes a 16 or 17-year-old is offered the opportunity of the occupation contract being held in trust by the landlord. However, trusts in the sense of occupation arrangements are not generally seen as a practical alternative to tenancies. They are simply a legal expedient to deal with a situation generally arising by error. They are not, therefore, an alternative to occupation contracts, at least as an everyday, practical option. The focus of the Bill is to remove legal uncertainty, but I think this amendment would run counter to this. I think it's also worth clarifying that a trust would not, of itself, offer greater security of tenure. The landlord can simply apply to the court to end the trust.

[228] Regarding social services, this provision doesn't displace any statutory duties of local authorities. We haven't been lobbied by local authorities over it. I think the point that Alun Davies raised about support structures and advice is something that I will look at, going into Stage 3.

[229] **Christine Chapman:** Thank you, Minister. Jocelyn.

[230] **Jocelyn Davies:** Thank you. I thank Alun for his contribution, reminding us of the evidence that we've received and, of course, reminding us all that it is the vulnerable who would likely be subject to this. The committee did feel strongly about this when we put together our report, especially as what it does is to make evictions easier.

[231] On Mike's comments, well, the point about social services, and I do agree with him that—. But my amendment 57 specifically says that anything here does not negate the duties of social services in relation to the Children Act.

[232] I think Peter and Mark's comments, of course, show us that the support for this point is shared by all parties. The whole of the committee and all parties are very concerned about this, and, you know, listening to the evidence that we received here in committee, it was only the local authorities, really, that wanted it. To be honest, I felt during evidence that we saw their petticoat, and that the real reason they wanted it was to make it easier to evict people.

[233] I notice that the Minister is not robustly defending the actual proposal, but she has dug pretty deep into the box of excuses that they've got for rejecting amendments, I think. The NUS were not supportive when they gave their evidence to us here; in fact, they completely changed their mind when they came in. The number of under-18-year-olds who go away for educational purposes is tiny, actually, and I'm sure that universities would want to make special provision for those people. In any case, they are very rare, and I'm sure that, instead of changing the law for everybody, which includes the vulnerable, we could do something for that particular group.

[234] Look, none of us want to treat 16 and 17-year-olds as if they are small children, so this isn't about being condescending and saying that they're not grown up. But, in the main, this is going to be, perhaps, people who've been in care in the past or young adults without families. These are going to be people without a network of support of their own, otherwise they wouldn't be in accommodation needing to be supported. I think that they do need support, so I'm glad that you've said that you'll think about this again, because I don't think that making it easier to evict them, or making young people under the age of 18 have to abide by their part of the contract—and there are good reasons why you can't enter into contracts with a minor; there are good reasons for that, until they are 18—. I think we really need to think about this very, very carefully, and I would prefer to see the legislation

having safeguards in it, ensuring that the support is actually there.

[235] I will move my amendment.

[236] **Christine Chapman:** Okay. So, the question is, then, that amendment 56 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. So, five in favour and five against. I use my casting vote against. Therefore, 56 is not agreed.

*Gwelliant 56: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 56: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 56.
Amendment 56 not agreed.*

[237] **Christine Chapman:** Amendment 57, Jocelyn.

*Cynigiwyd gwelliant 57 (Jocelyn Davies).
Amendment 57 (Jocelyn Davies) moved.*

[238] **Jocelyn Davies:** Yes, please.

[239] **Christine Chapman:** Okay. The question is, then, that amendment 57 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote. Those in favour. Those against. Five in favour and five against. I use my casting vote against. Therefore, 57 is not agreed.

Gwelliant 57: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 57: For 5, Against 5, Abstain 0.

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 57.

Amendment 57 not agreed.

[240] **Christine Chapman:** Peter, amendment 152.

Cynigiwyd gwelliant 152 (Peter Black [R]).

Amendment 152 (Peter Black [R]) moved.

[241] **Peter Black:** I move.

[242] **Christine Chapman:** Okay. The question is that amendment 152 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote. Those in favour. Those against. So, five in favour and five against. I use my casting vote against. Therefore 152 is not agreed.

Gwelliant 152: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 152: For 5, Against 5, Abstain 0.

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais

fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 152.

Amendment 152 not agreed.

[243] **Christine Chapman:** Peter, amendment 153.

Cynigiwyd gwelliant 153 (Peter Black [R]).

Amendment 153 (Peter Black [R]) moved.

[244] **Peter Black:** I move.

[245] **Christine Chapman:** Okay. The question is that amendment 153 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Amendment 153 is agreed—no, sorry. [*Interruption.*] We'll take a vote, then, on 153. Those in favour. Those against. Okay, five in favour and five against. I use my casting vote against. Therefore, 153 is not agreed.

Gwelliant 153: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 153: For 5, Against 5, Abstain 0.

O blaid:

For:

Black, Peter

Davies, Jocelyn

Finch-Saunders, Janet

Isherwood, Mark

Thomas, Rhodri Glyn

Yn erbyn:

Against:

Chapman, Christine

Davies, Alun

Griffiths, John

Hedges, Mike

Price, Gwyn R.

Ymatal:

Abstain:

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 153.

Amendment 153 not agreed.

[246] **Christine Chapman:** Peter, amendment 154.

Cynigiwyd gwelliant 154 (Peter Black [R]).
Amendment 154 (Peter Black [R]) moved.

[247] **Peter Black:** I move.

[248] **Christine Chapman:** Okay. The question is that amendment 154 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. So, we have five in favour and five against. I use my casting vote against. Therefore, 154 is not agreed.

Gwelliant 154: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 154: For 5, Against 5, Abstain 0.

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 154.
Amendment 154 not agreed.

[249] **Christine Chapman:** Jocelyn, amendment 58.

Cynigiwyd gwelliant 58 (Jocelyn Davies).
Amendment 58 (Jocelyn Davies) moved.

[250] **Jocelyn Davies:** Yes.

[251] **Christine Chapman:** Okay. The question is, then, that amendment 58 be agreed. Does any Member object? [*Objection.*] Okay. I'll take a vote, then. Those in favour. This is 58 now. Those in favour. Those against. Any abstentions? Okay. Three in favour, five against and two abstentions. Therefore, 58 is not agreed.

*Gwelliant 58: O blaid 3, Yn erbyn 5, Ymatal 2.
Amendment 58: For 3, Against 5, Abstain 2.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	Finch-Saunders, Janet
Davies, Jocelyn	Davies, Alun	Isherwood, Mark
Thomas, Rhodri Glyn	Griffiths, John	
	Hedges, Mike	
	Price, Gwyn R.	

*Gwrthodwyd gwelliant 58.
Amendment 58 not agreed.*

[252] **Christine Chapman:** Peter, amendment 155.

*Cynigiwyd gwelliant 155 (Peter Black [R]).
Amendment 155 (Peter Black [R]) moved.*

[253] **Peter Black:** I move.

[254] **Christine Chapman:** Okay. The question is, then, that amendment 155 be agreed. Does any Member object? [*Objection.*] Okay. I'll take a vote, then. Those in favour. Those against. Five in favour and five against. I use my casting vote against, therefore 155 is not agreed.

*Gwelliant 155: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 155: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 155.
Amendment 155 not agreed.*

[255] **Christine Chapman:** Mark, amendment 189.

*Cynigiwyd gwelliant 189 (Mark Isherwood).
Amendment 189 (Mark Isherwood) moved.*

[256] **Mark Isherwood:** I move.

[257] **Christine Chapman:** Okay. If amendment 189 is not agreed, amendment 193 will fall. So, the question is that amendment 189 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. So, there are five in favour and five against. I use my casting vote against. Therefore 189 is not agreed.

*Gwelliant 189: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 189: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais
fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in
accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 189.
Amendment 189 not agreed.*

*Cynigiwyd gwelliant 36 (Lesley Griffiths).
Amendment 36 (Lesley Griffiths) moved.*

[258] **Christine Chapman:** So, I move amendment 36 in the name of the Minister. The question is, then, that amendment 36 be agreed. Does any

Member object? Okay. So, amendment 36 is agreed.

Derbyniwyd gwelliant 36 yn unol â Rheol Sefydlog 17.34.

Amendment 36 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 37 (Lesley Griffiths).

Amendment 37 (Lesley Griffiths) moved.

[259] **Christine Chapman:** I move amendment 37 in the name of the Minister. The question is that amendment 37 be agreed. Does any Member object? No. Amendment 37 is agreed.

Derbyniwyd gwelliant 37 yn unol â Rheol Sefydlog 17.34.

Amendment 37 agreed in accordance with Standing Order 17.34.

[260] **Christine Chapman:** Peter, amendment 156.

Cynigiwyd gwelliant 156 (Peter Black [R]).

Amendment 156 (Peter Black [R]) moved.

[261] **Peter Black:** I move.

[262] **Christine Chapman:** Okay. The question is, then, that amendment 156 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. So, five in favour and five against. I use my casting vote against, therefore 156 is not agreed.

Gwelliant 156: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 156: For 5, Against 5, Abstain 0.

O blaid:

For:

Black, Peter

Davies, Jocelyn

Finch-Saunders, Janet

Isherwood, Mark

Thomas, Rhodri Glyn

Yn erbyn:

Against:

Chapman, Christine

Davies, Alun

Griffiths, John

Hedges, Mike

Price, Gwyn R.

Ymatal:

Abstain:

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in

accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 156.
Amendment 156 not agreed.*

[263] **Christine Chapman:** Peter, amendment 157.

*Cynigiwyd gwelliant 157 (Peter Black [R]).
Amendment 157 (Peter Black [R]) moved.*

[264] **Peter Black:** I move.

[265] **Christine Chapman:** Okay. If amendment 157 is not agreed, amendment 158 will fall. The question is that amendment 157 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Five in favour and five against. Therefore, I use my casting vote, so 157 is not agreed.

*Gwelliant 157: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 157: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Black, Peter
Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais
fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used her casting vote in
accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 157.
Amendment 157 not agreed.*

*Methodd gwelliant 158.
Amendment 158 fell.*

[266] **Christine Chapman:** We've got a few groups left, which shouldn't take

too long. Can I suggest a very short break for five minutes?

*Gohiriwyd y cyfarfod rhwng 10:25 a 10:33.
The meeting adjourned between 10:25 and 10:33.*

Grŵp 23: Rheoliadau (Gwelliannau 159, 160, 161 a 162)
Group 23: Regulations (Amendments 159,160, 161 and 162)

[267] **Christine Chapman:** We move on now then to group 23. This relates to regulations. The lead amendment in the group is amendment 159 in the name of Peter Black. So, I call on Peter to move amendment 159 and speak to the amendments in this group. Peter.

*Cynigiwyd gwelliant 159 (Peter Black [R])
Amendment 159 (Peter Black [R]) moved.*

[268] **Peter Black:** Thank you, Chair. This is an age-old argument in committee, where opposition members try to have affirmative measures and the Minister tries to have negative measures, so that she doesn't have to come to the committee or to Plenary to have these things approved. I think, in principle, it's a good thing that as much as possible is done by the affirmative procedure, and I'm not just making this up, because, of course, there are recommendations from the Constitutional and Legislative Affairs Committee. The CLA committee recommends the Minister amend the Bill to provide for regulations relating to fundamental and supplementary terms to be subject to the affirmative procedure in all cases, and also, under recommendation 9, that the Bill should be amended so that regulations made under section 29(1) relating to model witness statements of contract must be subject to the affirmative procedure, and that recommendation 29, again in terms of fitness for human habitation, should be subject to the affirmative procedure.

[269] I think, in particular, given the controversy about what should be fit for human habitation, and the amendments that have been brought forward by opposition Members, and the Minister's subsequent amendments herself, it's absolutely crucial that we do have some oversight of what exactly is involved in that. My view is there should be a proper debate as to how the Minister is going to be enforcing what is fit for human habitation. I thought the letter that was sent round to us, in relation to the regulations, yesterday, was actually quite vague. There was a lot of good intent there, but there wasn't much detail in terms of what exactly is going to be in this regulation. I

understand, of course, the Minister may not yet have got round to formulating those regulations in detail, but I think it's absolutely crucial that we do have some proper oversight, in Plenary, of those regulations and that we have a proper debate on them. I think to do otherwise effectively means that, once this Bill is passed, the Assembly as a whole will no longer have a say in terms of how properties are determined fit for human habitation, or how we improve the quality of properties in the future as a result of this Bill and the previous housing Act, which I think everybody in this committee has said is absolutely crucial if we're to make a difference in terms of the quality of private rented property.

[270] **Christine Chapman:** Okay, thank you, Peter. I've got Mark.

[271] **Mark Isherwood:** I just wish again to speak in support of Peter's amendments. Again, I share Peter's, I'd say, concern about the Minister's 7 October response. She said she'd listened carefully to the concerns expressed by Members regarding fitness for human habitation. My reading of the letter suggests that that might not have been the case. I have a particular concern about the continued reliance on the housing health and safety rating system, when we know—and I've written to every local authority seeking information on enforcement, et cetera—that enforcement—. Long before credit crunch, since the 2004 relevant subordinate legislation came into effect in Wales, there's been very, very little inspection under HHSRS, even less enforcement under HHSRS and other related subordinate legislation consequent upon the 2004 Act. We also know, from evidence provided to us by local authorities during both the Housing (Wales) Bill and this Bill, that there will be no effective inspection of properties unless a tenant raises a material concern with the local authority, where we also know, because of concerns raised by Let Down in Wales and others, that the most vulnerable tenants are the least likely to be able to, or be confident enough to, raise those concerns without the wider support that you've also opposed with other amendments.

[272] This is a critical matter. The industry proposed a resolution in line with Scotland, which is supported now by legal precedent in case work. You chose not to follow that, and, therefore, it is essential that the Assembly has oversight as this goes forward.

[273] **Christine Chapman:** Are there any other Members who wish to speak? No. Minister.

[274] **Lesley Griffiths:** Thank you. I'll just turn to the amendments first, and then I'll address some of the comments made. The amendments, as Peter Black said, would make regulations made under sections 22, 23, 29 and 94 subject to the affirmative procedure. I do accept there is justification for regulations made under section 22, which deal with fundamental provisions, to be subject to the affirmative procedure. Those regulations could necessitate an amendment to the face of the Bill, and, on that basis, I'm willing to support amendment 159.

[275] However, I don't think the same can be said for amendments 160, 161 and 162. These regulations address matters of detail that I consider more appropriate to secondary legislation. They cover more practical matters, as we've heard, in occupation contracts, which also supports being dealt with through the negative procedure. So, I consider them appropriate for the negative procedure and don't support those amendments.

[276] Mark Isherwood, I can assure you, if I say I've considered something carefully, I've considered something carefully and I've listened to Members. I thought the letter dealt with a lot of the concerns that were raised during last week's scrutiny session. If I can also add that model contracts will set out matters set out in the Bill or in regulations, and therefore their contents, Peter, would already be subject to scrutiny or to the negative procedure.

[277] **Christine Chapman:** Okay. Thank you, Minister. Peter to reply.

[278] **Peter Black:** Thank you. I very much welcome the Minister accepting my amendment 159, which I'm very gratified for. I understand what the Minister's saying—that these things are matters of detail and that she needs to get on with it—but I really think, in terms of amendment 162, that the issue about fitness for human habitation is one that has been of huge concern to all committee members during this process. We've taken a lot of evidence on this; we've made recommendations.

[279] The Minister has brought forward a letter that gives a sense of the direction that she's going in, and I think it's appropriate that, if we are to make sure that that future process is robust, to make sure that the Minister understands the mood of the Assembly and those people that we're talking to, there is a proper process of scrutiny applied to how we put into effect the intentions set out in the Minister's letter. That's why I feel very strongly that 162 should be done via the affirmative procedure, because that adds a further scrutiny process to that process, which enables us to raise questions

around any regulations brought forward in terms of improving on the quality of accommodation in the private rented sector—and the public rented sector at that, although, of course, that’s not such an issue because of the Welsh housing quality standard. But, certainly, it enables us to raise questions about the quality of accommodation in the private rented sector, it enables us to put the Minister on the spot, which I think is always a good thing in a democracy, and it enables us to press the Minister to do more. I think the affirmative procedure would then also facilitate a committee being able to pull that in and actually look at it as well. I know that’s not part of the process, but, if there was an affirmative procedure, then we could possibly carry out scrutiny of that, which would, again, add to that process. So, I just feel very strongly that that affirmative procedure would actually help meet the concerns of committee members in terms of improving the quality of private rented sector housing.

[280] **Christine Chapman:** Okay, thank you, Peter. Do you wish to proceed to a vote then on amendment 159?

[281] **Peter Black:** Indeed.

[282] **Christine Chapman:** Okay. So, the question is, then, that amendment 159 be agreed. Does any Member object? Sorry, does any Member object? No. Okay, so, amendment 159 then is agreed.

*Derbyniwyd gwelliant 159 yn unol â Rheol Sefydlog 17.34.
Amendment 159 agreed in accordance with Standing Order 17.34.*

[283] **Peter Black:** Yay. [*Laughter.*]

[284] **Christine Chapman:** Peter, amendment 160.

*Cynigiwyd gwelliant 160 (Peter Black [R]).
Amendment 160 (Peter Black [R]) moved.*

[285] **Peter Black:** I move 160.

[286] **Christine Chapman:** Okay. The question is that amendment 160 be agreed. Does any Member object? [*Objection.*] Okay. We’ll take a vote, then.

[287] **Peter Black:** Normality reasserts itself.

[288] **Christine Chapman:** Those in favour. Those against. Okay. Five in favour, five against. I use my casting vote against. Therefore, 160 is not agreed.

*Gwelliant 160: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 160: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 160.
Amendment 160 not agreed.*

[289] **Christine Chapman:** Amendment 161.

*Cynigiwyd gwelliant 161 (Peter Black [R]).
Amendment 161 (Peter Black [R]) moved.*

[290] **Peter Black:** Move formally.

[291] **Christine Chapman:** Okay. The question is, then, that amendment 161 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, we've five in favour, five against. I use my casting vote against. Therefore, 161 is not agreed.

*Gwelliant 161: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 161: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	

Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 161.

Amendment 161 not agreed.

[292] **Christine Chapman:** Peter, amendment 162.

Cynigiwyd gwelliant 162 (Peter Black [R]).

Amendment 162 (Peter Black [R]) moved.

[293] **Peter Black:** I move—

[294] **Christine Chapman:** The question then is that amendment—

[295] **Peter Black:** —emphatically so.

[296] **Christine Chapman:** Sorry? The question is that amendment 162 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. So, we have five in favour, five against. I use my casting vote. Therefore, amendment 162 is not agreed.

Gwelliant 162: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 162: For 5, Against 5, Abstain 0.

O blaid:

For:

Black, Peter
Davies, Jocelyn
Finch-Saunders, Janet
Isherwood, Mark
Thomas, Rhodri Glyn

Yn erbyn:

Against:

Chapman, Christine
Davies, Alun
Griffiths, John
Hedges, Mike
Price, Gwyn R.

Ymatal:

Abstain:

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 162.
Amendment 162 not agreed.*

*Methodd gwelliant 190.
Amendment 190 fell.*

*Methodd gwelliant 191.
Amendment 191 fell.*

*Methodd gwelliant 192.
Amendment 192 fell.*

*Methodd gwelliant 193.
Amendment 193 fell.*

Grŵp 24: Contractau a Ddarperir Mewn Cysylltiad â Chyflogaeth (Gwelliant 194)

Group 24: Contracts Provided in Relation to Employment (Amendment 194)

[297] **Christine Chapman:** Group 24 relates to contracts provided in relation to employment. The only amendment in this group is amendment 194 in the name of Mark Isherwood, and I call on Mark to move and speak to his amendment. Mark.

*Cynigiwyd gwelliant 194 (Mark Isherwood).
Amendment 194 (Mark Isherwood) moved.*

[298] **Mark Isherwood:** Thank you. This amendment seeks to exclude service occupancies from the Bill. These occupancies are of lesser security but for sound financial reasons for businesses. They will not affect many tenants, but are of great importance to businesses, especially rural businesses. If they're not excluded, rural businesses will face significantly increased employment costs. I'm aware, as I think most, if not all, members of this committee are, that there's been a certain correspondence between the industry and the Minister's office particularly over this matter, culminating in a number of pieces of correspondence over recent days, not only concerned about the impact on the rural economy—gamekeepers, housekeepers, et cetera—but concerned that, if the Bill is passed, it could also have a

detrimental effect on how hoteliers and bed and breakfasts, perhaps, provide accommodation for live-in staff. Concerns have been raised with the Welsh Government about service occupants who don't pay rent, asking whether they would be classed as an occupation contract or not, in terms of this Bill. The Bill states

10:45

[299] 'A tenancy or licence is an occupation contract if...rent or other consideration is payable under it'.

[300] But when industry representatives asked whether this could mean their services as part of their duties, the reply was that you would have to go back to your legal team for advice on this. So, it would be helpful to know whether or not that would include or exclude that group.

[301] Now, I believe there's been discussion regarding the military, regarding members of the armed forces renting off the private sector rather than living in barracks. Again, I understand the Welsh Government responded that discussions are ongoing with the MOD, but, again, this committee, I think, needs clarity on this matter. Although this will not influence whether or not I go through to move this amendment—which I intend to do—there's also clarification required regarding the impact of the six-month moratorium on service occupants, where perhaps some rent was paid. I understand Welsh Government responded that there would be a revision in Stage 3 to ensure that any service occupants—where rent was paid, and was therefore, in effect, an occupation contract—would not apply, and there would only be two months' protection. So, everything, it appears, regarding service occupants, hangs on the definition of 'other consideration'. So, there are two answers: (a) what actually would be included within the net; and (b) those remaining parts falling within the net, which may be everything or maybe just some elements of it—the impact on businesses, local economies that might apply.

[302] However, protection does still apply, and as the law currently stands, provisions under the Protection from Eviction Act 1977 will still apply to someone in tied accommodation. The Minister has indicated in committee that she's not minded to repeal the 1977 Act. This means the landlord or employer would still need a court order to remove the occupier lawfully when employment terminates, unless the occupier agrees to leave voluntarily of their own course. So, in order to meet the legitimate concerns raised by the sector—and most of these, of course, are small businesses; we're not talking

about large organisations, and most of them in rural economies, which are generally more vulnerable economically than urban economies—I would urge the Minister to support.

[303] **Christine Chapman:** Thank you. Peter, first.

[304] **Peter Black:** Thank you, Chair. I'm happy to support this amendment, but I wanted to raise an issue arising from it and also from a previous group where we discussed the Protection from Eviction Act 1977. The Minister has said, as Mark has just repeated, that she's not changing that Act, but has not set out any consequential amendments in the Bill. I know, under section 252 of the Bill, you have the power to make consequential amendments through secondary legislation. It would be useful, I think, if you could actually say what those consequential amendments will be, so that we can understand where we'll be in relation to the 1977 Act. It's very difficult to get a feel for what's needed in terms of this Bill if we are basically operating blind, without understanding what consequential amendments you're seeking to do through secondary legislation in relation to the 1977 Act.

[305] **Christine Chapman:** Okay. Thank you. I don't see any other Members who wish to speak. Minister.

[306] **Lesley Griffiths:** Sorry—. Thank you, Chair. The amendment brought forward by Mark Isherwood—I do have concerns about the inclusion of such an amendment. Firstly, how would it be assessed? The way it's drafted at the moment is very open, and whilst a better performance test does exist under the Housing Act 1985, it relates to occupation of premises in connection to employment with a limited number of named public sector landlords. It's not widely applicable to tenancies and licences in general. Under the 1985 Act, any decision about the status of occupation would be subject to judicial review, and this amendment as drafted would not be limited to certain public sector landlords. Any decision by landlords not in the public sector for such dwellings to be for better performance would not be subject to such challenge. It could therefore create a significant loophole for landlords who wanted to avoid the provisions in the Bill.

[307] Secondly, the objective of this amendment is to remove the requirement for an employer to give a two-month possession notice. Whilst, on occasions, this requirement may cause an issue, it must be balanced with the fact that individuals with service occupancies are occupying those properties as their homes and, therefore, following the change in

employment, I think it's appropriate to allow a reasonable amount of time for a person to find alternative accommodation. Members will be aware that I committed to bringing forward amendments at Stage 3 to reinstate the six-month moratorium, and I recognise that the applicability of the moratorium to service occupancies will need to be addressed as part of this.

[308] In relation to Peter Black's point, I confirm that we'll be maintaining things as they are. So, I ask Members to reject amendment 194.

[309] **Christine Chapman:** Okay. Thank you, Minister. Mark to reply.

[310] **Mark Isherwood:** Yes, indeed. That is regrettable. As I stated, the 1977 Protection from Eviction Act already provides protection, which would give, in almost every circumstance, someone in tied accommodation protection when their employment terminates anyhow. There are some questions that I highlighted, which you were unable to respond to in your response. We still don't know what exactly will fall within the net, but assuming even that it only has a partial impact, the industry—the reputable organisations across the sector—have raised serious and legitimate concerns. Throughout your evidence today and last week, you frequently used terms such as, 'unintended consequences' and 'unforeseen consequences' of amendments moved by the three parties on this side of the table. Well, I say that, in many instances, in terms of the position you've taken, I can see unintended consequences, but I can foresee the consequences, as can the industry, as can the sector, which you say you're listening to, but you have objected to every single amendment moved by all three of the opposition parties that were brought forward in discussion with the sector.

[311] Also, although not directly related to this amendment, you have opposed amendments reflecting concerns by the Let Down in Wales coalition, which are designed to empower renters to have the ability and knowledge to gauge how to challenge a bad tenancy. It is deeply, deeply disappointing. I move.

[312] **Christine Chapman:** Thank you, Mark. So, the question is, then, that amendment 194 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Okay. There are five in favour and five against. I use my casting vote against. So, 194 is not agreed.

Gwelliant 194: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 194: For 5, Against 5, Abstain 0.

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 194.
Amendment 194 not agreed.*

**Grŵp 25: Tenantiaethau a Thrwyddedau y mae Rheolau Arbennig yn Gymwys
iddynt: Digartrefedd (Gwelliant 59)
Group 25: Tenancies and Licences to which Special Rules Apply:
Homelessness (Amendment 59)**

[313] **Christine Chapman:** We move on now to group 25. This is the final group and relates to tenancies and licenses to which special rules apply. The only amendment in this group is amendment 59 in the name of Jocelyn Davies, and I call on Jocelyn to move and speak to her amendment. Jocelyn.

*Cynigiwyd gwelliant 59 (Jocelyn Davies).
Amendment 59 (Jocelyn Davies) moved.*

[314] **Jocelyn Davies:** Thank you, Chair. This is about the Pereira test, as laid out in the last housing Bill. Members will know that I've raised some of the quite famous cases now of the Pereira test's failure, I think, to deliver some sort of justice. I just remind Members about the decision that someone with full-blown AIDS was not found to be vulnerable for the purposes of homelessness under that test. Of course, other injustices have also been found there. It's because the comparator that is used for that vulnerability test—. I know that this committee wanted a comparator, but that was for fairness and clarity's sake and, since then, we've had the Supreme Court ruling that the Pereira test should no longer be used. That was greeted, I

think, with widespread celebration by housing charities and those working within the housing sector in England because that's no longer used there. But, here in Wales, of course, because we've got the test enshrined in legislation, then, I guess, it's still in law here.

[315] I know that the Welsh Government likes to emphasise their compassion, and I shouldn't think that they wanted to use a comparator or a test that didn't have any compassion in it, but we do seem to be stuck with the test now, unless we do something about it. So, I hope that the Minister would revisit the wording of the comparator that we've now enshrined in Welsh legislation, and especially as that Supreme Court judgment, I'm assuming, doesn't apply here because it's enshrined in law rather than just in judicial guidance.

[316] **Christine Chapman:** Okay. Thank you, Jocelyn. Are there any other Members who wish to speak? No. Okay. Minister.

[317] **Lesley Griffiths:** Thank you. Firstly, yes, it is still in law here because, obviously, the Supreme Court affects only the English system, not Welsh legislation. I'm not quite sure of the connection between the amendment and Jocelyn's last remarks. What this amendment would do is considerably reduce a local authority's ability to meet its homelessness obligations. I think it takes away the flexibility that local authorities really need. I think it's right, while an assessment is being undertaken, for accommodation to be provided on a temporary basis, and then, following the assessment process, a local authority is then bound to offer an occupation contract to eligible individuals. I think, as I say, by reducing that flexibility, that really would hinder local authorities' abilities to meet their homelessness duties. So, I'm unable to support it for that reason.

[318] **Christine Chapman:** Okay. Thank you, Minister. Jocelyn.

[319] **Jocelyn Davies:** Well, really, it was an opportunity for me to raise the issue of the Pereira test again, especially since we've had the Supreme Court judgment now, and just to really get on the record whether the Minister intends to reconsider it or not. Obviously, the Minister is content for it to remain on the statute book here. But, you know, I will continue to use every opportunity that I have to raise something that I feel particularly strongly about. I'm disappointed that the opportunity wasn't taken to at least say that there would be a reconsideration of it, but the Minister's obviously wedded to this particular test.

[320] **Christine Chapman:** Thank you, Jocelyn. So, you wish to proceed to a vote on amendment 59.

[321] **Jocelyn Davies:** Yes, I do.

[322] **Christine Chapman:** Okay. The question is that amendment 59 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Five in favour and five against. I use my casting vote against, therefore amendment 59 is not agreed.

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

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 59.
Amendment 59 not agreed.*

*Cynigiwyd gwelliant 78 (Lesley Griffiths).
Amendment 78 (Lesley Griffiths) moved.*

[323] **Christine Chapman:** I move amendment 78 in the name of the Minister. If amendment 78 is not agreed, amendment 79 will fall. So, the question is that amendment 78 be agreed. Does any Member object? No. So, amendment 78 is agreed.

*Derbyniwyd gwelliant 78 yn unol â Rheol Sefydlog 17.34.
Amendment 78 agreed in accordance with Standing Order 17.34.*

Cynigiwyd gwelliant 38 (Lesley Griffiths).
Amendment 38 (Lesley Griffiths) moved.

[324] **Christine Chapman:** I move amendment 38 in the name of the Minister. So, the question is that amendment 38 be agreed. Does any Member object? No. Amendment 38 is agreed.

Derbyniwyd gwelliant 38 yn unol â Rheol Sefydlog 17.34.
Amendment 38 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 79 (Lesley Griffiths).
Amendment 79 (Lesley Griffiths) moved.

[325] **Christine Chapman:** I move amendment 79 in the name of the Minister. The question is that amendment 79 be agreed. Does any Member object? No. So, amendment 79 is agreed.

Derbyniwyd gwelliant 79 yn unol â Rheol Sefydlog 17.34.
Amendment 79 agreed in accordance with Standing Order 17.34.

Tynnwyd gwelliant 39 yn ôl.
Amendment 39 withdrawn.

Cynigiwyd gwelliant 80 (Lesley Griffiths).
Amendment 80 (Lesley Griffiths) moved.

[326] **Christine Chapman:** I move amendment 80 in the name of the Minister. The question is that amendment 80 be agreed. Does any Member object? No. So, amendment 80 is agreed.

Derbyniwyd gwelliant 80 yn unol â Rheol Sefydlog 17.34.
Amendment 80 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 40 (Lesley Griffiths).
Amendment 40 (Lesley Griffiths) moved.

[327] **Christine Chapman:** I move amendment 40 in the name of the Minister. The question is that amendment 40 be agreed. Does any Member object? No. Amendment 40 is agreed.

Derbyniwyd gwelliant 40 yn unol â Rheol Sefydlog 17.34.

Amendment 40 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 41 (Lesley Griffiths).

Amendment 41 (Lesley Griffiths) moved.

[328] **Christine Chapman:** I move amendment 41 in the name of the Minister. The question is that amendment 41 be agreed. Does any Member object? No. So, amendment 41 is agreed.

Derbyniwyd gwelliant 41 yn unol â Rheol Sefydlog 17.34.

Amendment 41 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 81 (Lesley Griffiths).

Amendment 81 (Lesley Griffiths) moved.

[329] **Christine Chapman:** I move amendment 81 in the name of the Minister. The question is that amendment 81 be agreed. Does any Member object? No. So, amendment 81 is agreed.

Derbyniwyd gwelliant 81 yn unol â Rheol Sefydlog 17.34.

Amendment 81 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 42 (Lesley Griffiths).

Amendment 42 (Lesley Griffiths) moved.

[330] **Christine Chapman:** I move amendment 42 in the name of the Minister. The question is that amendment 42 be agreed. Does any Member object? No. Then 42 is agreed.

Derbyniwyd gwelliant 42 yn unol â Rheol Sefydlog 17.34.

Amendment 42 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 43 (Lesley Griffiths).

Amendment 43 (Lesley Griffiths) moved.

[331] **Christine Chapman:** I move amendment 43 in the name of the Minister. The question is that amendment 43 be agreed. Does any Member object? No. So, amendment 43 is agreed.

Derbyniwyd gwelliant 43 yn unol â Rheol Sefydlog 17.34.

Amendment 43 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 75 (Lesley Griffiths).
Amendment 75 (Lesley Griffiths) moved.

[332] **Christine Chapman:** I move amendment 75 in the name of the Minister. If amendment 75 is not agreed, amendments 76 and 77 will fall. So, the question is that amendment 75 be agreed. Does any Member object? No. Amendment 75 is agreed.

Derbyniwyd gwelliant 75 yn unol â Rheol Sefydlog 17.34.
Amendment 75 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 76 (Lesley Griffiths).
Amendment 76 (Lesley Griffiths) moved.

[333] **Christine Chapman:** I move amendment 76 in the name of the Minister. The question is that amendment 76 be agreed. Does any Member object? No. So, amendment 76 is agreed.

Derbyniwyd gwelliant 76 yn unol â Rheol Sefydlog 17.34.
Amendment 76 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 77 (Lesley Griffiths).
Amendment 77 (Lesley Griffiths) moved.

[334] **Christine Chapman:** I move amendment 77 in the name of the Minister. The question is, then, that amendment 77 be agreed. Does any Member object? No. So, amendment 77, then, is agreed.

Derbyniwyd gwelliant 77 yn unol â Rheol Sefydlog 17.34.
Amendment 77 agreed in accordance with Standing Order 17.34.

[335] **Christine Chapman:** This completes Stage 2 proceedings. Stage 3 begins tomorrow. The relevant dates for Stage 3 proceedings will be published in due course.

Barnwyd y cytunwyd ar bob adran o'r Bil.
All sections of the Bill deemed agreed.

[336] Before I close the meeting, can I thank, obviously, Members, the Minister and officials? Could I just ask that Members could just stay behind

for two minutes because there's just something that we need to discuss about a future meeting? Thank you very much. I close the meeting. Thank you.

Daeth y cyfarfod i ben am 11:00.

The meeting ended at 11:00.