

Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 1

Meeting date: Thursday, 25 May 2017

Meeting time: 09.00

For further information contact:

Naomi Stocks

Committee Clerk

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SeneddCommunities@assembly.wales

Pre-meeting (09.00 – 09.15)

1 Introductions, apologies, substitutions and declarations of interest

2 Abolition of the Right to Buy and Associated Rights (Wales) Bill: evidence session 7 – Cabinet Secretary for Communities and Children

(09.15 – 10.45)

(Pages 1 – 26)

Carl Sargeant AM, Cabinet Secretary for Communities and Children

John G Rees, Bill Manager, Welsh Government

Katie Wilson, Lawyer, Welsh Government

[Abolition of the Right to Buy and Associated Rights \(Wales\) Bill
Explanatory Memorandum](#)

3 Paper(s) to note

Correspondence from the First Minister to the Chair of the Committee for the Scrutiny of the First Minister in relation to poverty

(Pages 27 – 34)



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Letter from Wrexham County Borough Council in relation to the Abolition of the Right to Buy and Associated Rights (Wales) Bill

(Page 35)

Letter to the Cabinet Secretary for Communities and Children in relation to the Abolition of the Right to Buy and Associated Rights (Wales) Bill

(Pages 36 – 38)

- 4 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from the remainder of the meeting**

Break (10.45 – 11.00)

- 5 Abolition of the Right to Buy and Associated Rights (Wales) Bill:
consideration of key issues**

(11.00 – 12.00)

Document is Restricted



Ein cyf/Our ref: MA-P/FM-/1460/17

Ann Jones AM
Deputy Presiding Officer
Chair
Committee for the Scrutiny of the First Minister

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-15-17 Papur 1 / Paper 1

4 May 2017

Dear Ann

Thank you for your letter dated 6 April requesting further information following my attendance at Scrutiny Committee on 17 February.

I welcome members' continued interest in our approach and would like to reiterate that, during this critical period, we must do all we can to ensure the delivery of prosperity for all. We know prosperity brings security to all individuals, all families and all communities in Wales.

I enclose a written response which addresses the questions highlighted in your letter.

Yours sincerely

CARWYN JONES

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

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

Response to the Committee for the Scrutiny of the First Minister - Additional Information

Question 1: *How you intend to monitor and evaluate the outcomes of the new approach and the interventions developed and delivered by the Welsh Government, and whether it is your intention to establish new targets or indicators in relation to reducing poverty or mitigating its effects.*

Response:

Increasing prosperity and supporting a strong economy that generates sustainable employment opportunities that are accessible to all is a fundamental part of our approach to tackling poverty. Prosperity brings security to individuals, families and communities and the evidence is clear that well-paid work is the best route out of poverty, and the greatest protection against poverty for those at risk. Monitoring and reporting on progress in these areas will be an integral part of how we monitor Wales' progress, as well as the contribution Welsh Government makes.

The 46 statutory National Indicators for Wales laid before the National Assembly in 2016 provide a national framework to understand Wales' progress in becoming a prosperous, resilient, healthier, more equal and globally responsible country, with vibrant culture, a thriving Welsh language and cohesive communities. The National Indicators for Wales will enable the Government, Assembly Members and any citizen in Wales to find out what progress in being made at a Wales level in achieving the seven well-being goals. These include indicators related to poverty such as those on material deprivation (#19), NEETs (#22), development of young children (#6), and children with healthy lifestyle behaviours (#5). The first statutory annual report on progress towards the seven well-being goals, by reference to the national indicators will be published in July 2017. We will be looking at the role that national milestones can make in measuring progress against the well-being goals in due course. There is a lot changing around us and I want to ensure the approach we take to setting milestones will be effective.

Taking Wales Forward 2016-2021 sets out the four areas where we can have the biggest impact and the headline actions we will take – Prosperous and Secure, Healthy and Active, Ambitious and Learning, and United and Connected. We are committed to providing evidence of the impact that we have made and will report on progress on an annual basis. We continue to use evaluation as a means to check whether our policies and programmes are effective and provide good value for money, the five high level principles for research established in 2014 underpin our commitment to the effective evaluation of what we do. We will ensure that our evaluation activity is geared towards supporting decision making.

Links

Taking Wales Forward 2016-2021:
<http://gov.wales/about/programme-for-government>

National Indicators for Wales:
<http://gov.wales/topics/people-and-communities/people/future-generations-act/national-indicators>

Question 2: *How each of your Cabinet Secretaries and Ministers is seeking to increase prosperity within their portfolios, in line with your intention for tackling poverty to be a shared responsibility for all government departments and Cabinet Members.*

Response:

Our approach to prosperity for all is multi-dimensional. Every Cabinet Secretary and Minister has been tasked with identifying opportunities to work together to create the conditions for Wales to be a successful, flourishing and thriving nation both in terms of financial prosperity and also in terms of the health and well-being of individuals.

This work will include a focus on giving every child the best start in life. A person's achievements as an adult should not be determined by their family circumstances as a child. Investing in early years services – health, education and parenting support - can have dramatic effects on children's life chances and are vital levers in breaking the cycle of poverty.

Our focus on prosperity for all recognises the critical role that a strong economy and access to employment opportunities and employability skills play in tackling the root causes of poverty and reducing inequalities in Wales. Well-paid work is the best route out of poverty and the greatest protection against poverty for those at risk. This aspect of increasing prosperity for all will include a focus on delivering better jobs closer to home; reducing the barriers people face to entering, remaining and progressing in employment; and doing what we can to maximise people's incomes. Enabling people to get work, stay in work and progress in work is key to supporting all individuals to do well. Our approach will include action to equip people with the skills they need to secure employment and build a strong economy.

We also recognise that good health is crucial to allowing people to prosper. We will support the health and well-being of the nation through investment in efficient, sustainable health provision.

To support this approach, we are developing four cross-cutting strategies to build on how we will deliver our priorities set out in Taking Wales Forward. Taking Wales Forward sets out our key priorities for delivering improvements in our economy and public services. They are ambitious measures, aimed at making a difference for everyone, at every stage in their lives.

We have been clear that the issues we face can only be tackled through new ways of working, to take the whole country forward and contribute to delivering the goals we share. Taking Wales Forward sets out how we will work differently across traditional boundaries to deliver our priorities and the strategies will provide the framework for how we will work across Government. The strategies will be published before summer recess, and will signal a change in how we approach our decision making and working to deliver our priorities. Our approach to prosperity for all will be further embedded within portfolios as the four underpinning strategies move towards delivery.

Question 3: *The precise definition of 'prosperity' that the Welsh Government will be using and how you intend to establish what success would look like.*

Response:

Our aim for prosperity for all in Wales is to create the conditions and opportunities for people and communities to succeed, flourish and thrive, especially in financial terms. For those in work, this means having a decent standard of living with secure employment prospects that enable them to fulfil their potential. For those not working, it means being engaged in activities that offer the opportunity to succeed and flourish, and for communities it means creating the environment in which they thrive and are vibrant. All the while we must be laying the foundations for greater equality of opportunity and fairer distribution of income for future generations.

Question 4: *How support for people for whom employment is not a realistic option, such as some people with chronic illnesses or disabilities, children and older people, will be maintained and developed within the overall focus on economic prosperity.*

Response:

Our new approach to supporting people into employment and training means that a number of people for whom employment has not been a realistic option, are now able to access the support they need to help them into work.

Through the development of an employability plan for Wales and an all-age employability programme, we will work with those who are economically inactive who say they would like to work and provide additional support to help them overcome complex barriers. These barriers include support with addressing health conditions (particularly mental health), as well as the need for other support e.g. childcare and help with transport.

We will streamline our current offer into a single, all-age employability programme that will be more responsive and flexible to better meet the needs of unemployed people, under-employed people and employers.

Furthermore, our Framework for Action on Independent living sets out how we are addressing social barriers to equality and inclusion so that disabled people have access to the same opportunities as everyone else. It identifies key priorities for action which were identified by disabled people themselves, including transport, housing and access to buildings and places, as well as employment. These areas are inter-connected: each is part of a jigsaw that needs to be complete if we are to create a truly enabling society.

We are currently engaging with disabled people and their representative organisations with the aim of developing a refreshed Framework for Action later this year. This will build on the work we have undertaken across Government since 2013 and will help us to continue to tackle the areas of inequality which matter most to disabled people of all ages in Wales.

For individuals who have health conditions and disabilities which prevent them from being able to enter employment, the UK Government provide a range of welfare benefits such as Employment and Support Allowance (ESA) and Personal Independence Payment (PIP).

The UK Government has recently consulted on their 'Improving Lives: Work, Health and Disability Green Paper' and in our response the Welsh Government welcomed their intended review of the current assessment process for individuals accessing these benefits. There needs to be an understanding that, for those with conditions so severe as to make paid employment impossible, repeated assessments can have very negative consequences for their mental health.

Similarly the Welsh Government welcomed a review of Personal Independence Payment (PIP) assessment processes which can again cause significant distress for individuals with mental health problems. Providing evidence needs to be simplified significantly and subject to individuals consenting to their relevant health information being shared. Officials work closely with the DWP on an ongoing basis in respect of developments around ESA and PIP and other Welfare Benefit reforms.

Question 5: How the Welsh Government's new approach will work with groups and communities that are far removed from mainstream programmes that seek to improve economic prosperity, such as Gypsy and Traveller communities.

Response:

Through our Community Cohesion National Delivery Plan we are working to break down barriers to inclusion across socially marginalised groups, and to reduce discrimination and victimisation

Alongside the Community Cohesion Plan, our Equality and Inclusion Funding Programme for 2017-2020 will provide strategic support and advice for individuals, groups and communities at particular risk of marginalisation. This programme covers disability; gender; sexuality; hate crime; refugees and asylum seekers; gypsies and travellers; and race.

We are doing more to support all households to increase their employability and tackle those inequalities which currently exist in the health, education and economic outcomes. Specifically in relation to Gypsies and Travellers, through our Framework for Action and Delivery Plan 'Travelling to a Better Future' which was published in 2011, Welsh Government is supporting groups and communities to access mainstream programmes and services with a view to ultimately improving economic prosperity. We will also be consulting with Gypsy and Traveller communities and other key stakeholders on a new 'Travelling to a Better Future' Delivery Plan later this year. The Plan will seek to ensure these communities are able to access services and encompass actions required to support them in areas such as education, accommodation, health and employment.

Reducing inequality and tackling poverty is not just about income. It is also about supporting households to achieve better outcomes. From 1 April, Welsh Government commissioned the 'Travelling Ahead' project at Tros Gynnal Plant to deliver a new pan Wales Advice and Advocacy Service. This service will support the Gypsy, Roma and Traveller Community to better understand their rights, get good quality advice and advocacy support, address inequalities and tackle discrimination. In addition, Welsh Government has invested £14m which has been allocated on projects between 2011-17 resulting in 53 new pitches being created as well as improving many existing pitches on Gypsy and Traveller sites across Wales.

The new Housing (Wales) Act 2014 will also ensure local authorities take responsibility for providing any outstanding residential pitches required in their respective areas across Wales as identified in their Gypsy and Traveller Accommodation Assessments. A Further £26.4m funding has been made available by Welsh Government for this purpose between 2017-2020 and progress towards achieving this objective will be closely monitored.

Communities First

- *We welcome your acknowledgement of the need to continue to invest in programmes aimed at tackling health inequalities and supporting people to live healthier lives, such as smoking cessation and prevention of Type 2 Diabetes. However, given that many of these projects have been delivered through Communities First, we would appreciate additional information about how the funding for these health improvement projects and programmes will be provided in the future.*

Response:

To mitigate the impact of phasing out the Communities First programme, Lead Delivery Bodies (LDBs) will have a year-long transition period to March 2018. This will provide budgets at 70% of the current year's allocations, a £6m Legacy fund to preserve the best, most effective Communities First projects, and a further £4m of capital funding to help protect valuable community assets.

LDBs are currently developing their detailed transition plans for the 2017-18 financial year, based on outline plans that were submitted at the end of March. It is for the LDB, with involvement from their community, to determine the local priorities and needs in their area. Part of this planning will include LDBs exploring the alternative ways that current Communities First projects can be supported should they decide they are no longer funded through the Legacy programme.

LDBs will be working closely with Public Service Boards and taking account of both the five ways of working in the 2015 Well-being of Future Generations (Wales) Act and the relevant assessment of local well-being. Naturally officials are providing full support to LDBs during this process and final plans will be submitted at end of May 2017.

- *We would also like to know how the end of Communities First will affect the geographical footprint of other programmes such as Lift, Flying Start and Communities for Work.*

Response:

The Communities for Work programme is currently approved until 2020, with support from the European Social Fund, and will continue to operate within the current geographic boundaries of the existing Communities First Clusters. From April 2018 the Cabinet Secretary for Communities and Children has announced the introduction of the new Employability Grant of £12 million per annum which will provide the infrastructure to support the ongoing delivery of Communities for Work and take forward the learning from the Lift Programme. The Employability Grant will have the flexibility to work beyond Communities First Cluster boundaries and also in the three local authorities not benefitting from Communities First, namely Ceredigion, Powys and Monmouthshire.

Flying Start will continue to be delivered as it has been; areas are targeted using data gathered from DWP and HM Revenue and Customs. The data identifies those Lower Super Output Areas (LSOAs) with the highest proportion of families on income benefit with children under the age of 4 years; those LSOAs with the highest number of income benefit families in each local authority area are then targeted by the programme. So whilst Communities First areas were often Flying Start areas as well, the designation of the latter was based on data analysis and not the existence of a Communities First area.

Because it is a geographically targeted programme the Flying Start boundary does have to fall somewhere and this can be the cause of some concern, particularly when families in one street are benefiting from the programme and families in the next are not. However there is an outreach element to the programme which enables local authorities to target high need families living outside of the Flying Start area, which would benefit from the programme. The criteria set by the local authorities for access to the outreach element ensures that the programme is able to help those families in greatest need.

Play facilities for children with disabilities

- *During the Committee's engagement with local stakeholders in advance of the meeting, the issue of a lack of suitable integrated play and recreation facilities for children with disabilities was raised with us. We would be grateful if you could provide information about whether and how the Welsh Government is taking steps to help increase the number of integrated public play facilities for children with disabilities across Wales.*

Response:

Local authorities are under a duty to assess and, where practicable, secure sufficient play opportunities for children and young people their areas.

The assessment must include whether play opportunities are accessible to, and inclusive of disabled children and may include support to access play opportunities. It should also consider whether specialised provision is available for disabled children if there is a clearly identified need for this.

The duty also requires local authorities to draft Play Action Plans and we are working with them to implement these plans. During the 2016–17 financial year we have made £1.5m available to local authorities through the All Wales Play Opportunities Grant. This has been used to secure opportunities for children to play, with special consideration being given to children living in low income families, disabled children, and children living in rural areas or with difficulties in accessing provision. Funding has also been provided to Groundworks Wales and Snap Cymru to provide play activities for children and training for playworkers in inclusive play and support for disabled children.

Pennaeth Tai a'r Economi/Head of Housing and Economy
Stephen Bayley

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Mrs Michelle Berry
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Dear Sir

Scrutiny of the Abolition of the Right to Buy and Associated Rights (Wales) Bill

Further to your e-mail dated the 3 May 2017, which asked for any comments or suggested changes to the draft information document which is intended to be sent to relevant landlords and tenants, if the Bill is passed by the National Assembly.

I would like to make the following comments:

- Will the information be provided to social landlords in a bilingual format (English & Welsh) and will it be available in any other languages
- Draft flowchart – within the box which refers to let as social housing between DATE and DATE. Which dates will this refer to?

I trust this information is of assistance.

Yours faithfully

M Berry

Michelle Berry
Project Officer

Agenda Item 3.3

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-15-17 Papur 3/ Paper 3

Carl Sargeant AM
Cabinet Secretary for Communities and Children

12 May 2017

Dear Carl,

Abolition of the Right to Buy and Associated Rights (Wales) Bill

Thank you for your recent letters providing additional information in relation to the Abolition of the Right to Buy and Associated Rights (Wales) Bill ('the Bill').

At yesterday's meeting, the Committee agreed that I should write to you seeking clarification on a number of issues ahead of your evidence session on 25 May.

- In developing the Bill's proposals:
 - what work did the Welsh Government undertake to consult with tenants and how did you ensure that a broad spectrum of views were captured;
 - whether you sought views of tenants in areas where the right to buy and the right to acquire has already been suspended, and whether their views were sought on lifting the suspension to enable them a final opportunity to purchase their homes ahead of the proposed abolition;



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- We have received evidence from stakeholders noting that tenants residing in local authority areas, where the right to buy (and associated rights) have already been suspended under the Housing Measure 2011, will not be given a further opportunity to exercise those rights. (Under the Bill, other tenants will be given a period of at least one year to exercise their rights.) Could you provide details of what legal consideration has been given by you in terms of:
 - the legitimate expectations of the affected tenants in the suspended areas, if they were only consulted in terms of suspending their rights and not abolishing them ;
 - the tenant’s human rights in terms of Article 1 Protocol 1 of the European Convention on Human Rights. Paragraph 3.33 of the Explanatory Memorandum entitled Human Rights states that the Welsh Government considers twelve months for tenants to exercise their rights as being a period that “strikes the necessary fair balance between the rights of the tenant and the wider public interest in safeguarding the stock of social housing.” How do you justify tenants in those suspended areas having no time to exercise their rights;
 - the tenant’s human rights in terms of discrimination under Article 14 of the European Convention of Human Rights where tenants living in different local authority areas will be treated differently; and
 - the risk of possible Judicial Review litigation being initiated by affected tenants in those areas currently suspended, as highlighted in evidence we have received.
- In your letter dated 30 April, you helpfully clarified the purpose and intended effect of sections 2 and 4 of the Bill. Following on from this, we would like you to outline why these sections have been drafted to refer to restricting the Right to Buy and associated rights unless it’s a dwelling house from ‘previously-let stock’. For clarity could these sections instead



refer to the Right to Buy and associated rights in respect of “dwelling houses that are new to the social housing stock”?

It would be helpful if you could respond ahead of the 25 May meeting and preferably by Thursday 18 May.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John', with a stylized flourish above the 'h'.

John Griffiths AM
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

