



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
The Communities, Equality and Local Government
Committee**

**Dydd Iau, 15 Mai 2014
Thursday, 15 May 2014**

**Cynnwys
Contents**

Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod ar gyfer y Canlynol: Eitem 3
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting for the Following Business: Item 3

Bil Tai (Cymru)—Cyfnod 2—Trafod y Gwelliannau
Housing (Wales) Bill—Stage 2—Consideration of Amendments

Grŵp 1: Y Sector Rhentu Preifat: Ystyr y Prif Dermau a Thermau wedi eu Diffinio (Gwelliannau 435, 187, 438, 312 a 313)
Group 1: Private Rented Sector: Meaning of Key Terms and Defined Terms (Amendments 435, 187, 438, 312 and 313)

Grŵp 3: Y Sector Rhentu Preifat: Awdurdod Trwyddedu (Gwelliannau 164, 170, 317, 321, 328, 331, 332, 335, 336, 337, 338, 342, 343, 347, 348, 173, 176, 181, 183, 192, 196, 201, 207, 216, 218, 219, 191, 223, 224, 230, 231, 232, 233, 234, 235, 238, 239, 240, 241, 242, 243, 247, 248, 249, 250, 251, 255, 256, 258, 259, 260, 261, 262, 263, 267, 268, 271, 273, 277, 278, 280, 282, 284, 285, 298, 299, 300, 304, 305, 306, 307 a 309)
Group 3: Private Rented Sector: Licensing Authority (Amendments 164, 170, 317, 321, 328, 331, 332, 335, 336, 337, 338, 342, 343, 347, 348, 173, 176, 181, 183, 192, 196, 201, 207, 216, 218, 219, 191, 223, 224, 230, 231, 232, 233, 234, 235, 238, 239, 240, 241, 242, 243, 247, 248, 249, 250, 251, 255, 256, 258, 259, 260, 261, 262, 263, 267, 268, 271, 273, 277, 278, 280, 282, 284, 285, 298, 299, 300, 304, 305, 306, 307 and 309)

Grŵp 2: Y Sector Rhentu Preifat: Gofyniad i fod yn Gofrestredig (Gwelliannau 368, 165,

369, 166, 370, 371, 372, 374, 373, 375, 376, 377, 378, 379, 380, 381, 382, 172, 174, 175, 177, 178, 179, 180, 182, 184, 185, 384, 385, 193, 194, 195, 197, 198, 199, 200, 202, 203, 208, 209, 210, 212, 214, 217, 222, 397, 406, 407, 417, 419, 363, 364, 365, 366 a 367)

Group 2: Private Rented Sector: Requirement to be Registered (Amendments 368, 165, 369, 166, 370, 371, 372, 374, 373, 375, 376, 377, 378, 379, 380, 381, 382, 172, 174, 175, 177, 178, 179, 180, 182, 184, 185, 384, 385, 193, 194, 195, 197, 198, 199, 200, 202, 203, 208, 209, 210, 212, 214, 217, 222, 397, 406, 407, 417, 419, 363, 364, 365, 366 and 367)

Grŵp 5: Y Sector Rhentu Preifat: Gofyniad i fod yn Drwyddedig (Gwelliannau 167, 436, 169, 171, 437, 319, 322, 323, 324, 325, 326, 327, 329, 333, 334, 339, 340, 341, 344, 345, 346, 349, 350, 351, 352, 220, 387, 388, 389, 390, 225, 226, 391, 227, 392, 236, 237, 270 a 272)

Group 5: Private Rented Sector: Requirement to be Licensed (Amendments 167, 436, 169, 171, 437, 319, 322, 323, 324, 325, 326, 327, 329, 333, 334, 339, 340, 341, 344, 345, 346, 349, 350, 351, 352, 220, 387, 388, 389, 390, 225, 226, 391, 227, 392, 236, 237, 270 and 272)

Grŵp 6: Y Sector Rhentu Preifat: Cofrestr o Dai Rhent Preifat (Gwelliannau 87, 433, 318, 320, 73, 330, 74 a 434)

Group 6: Private Rented Sector: Register of Private Rented Housing (Amendments 87, 433, 318, 320, 73, 330, 74 and 434)

Grŵp 7: Y Sector Rhentu Preifat: Technegol a Drafftio (Gwelliannau 2, 3, 4, 5, 6, 95 a 310)

Group 7: Private Rented Sector: Technical and Drafting (Amendments 2, 3, 4, 5, 6, 95 and 310)

Grŵp 8: Y Sector Rhentu Preifat: Gwybodaeth a Dogfennaeth (Gwelliannau 186, 383, 228, 289, 412, 293, 295, 297, 301 a 311)

Group 8: Private Rented Sector: Information and Documentation (Amendments 186, 383, 228, 289, 412, 293, 295, 297, 301 and 311)

Grŵp 9: Y Sector Rhentu Preifat: Dyletswydd i Ddiweddarau Gwybodaeth (Gwelliannau 188, 189, 439 a 245)

Group 9: Private Rented Sector: Duty to Update Information (Amendments 188, 189, 439 and 245)

Grŵp 10: Y Sector Rhentu Preifat: Dirymu Cofrestrriad neu Drwydded (Gwelliannau 357, 386, 404, 149 a 405)

Group 10: Private Rented Sector: Revocation of Registration or Licence (Amendments 357, 386, 404, 149 and 405)

Grŵp 11: Y Sector Rhentu Preifat: Apelio (Gwelliannau 204, 205, 206, 211, 213, 215, 252, 253, 254, 257, 264, 265, 266, 269, 274, 275, 276, 279, 408, 281, 409, 283, 92, 93, 94 a 410)

Group 11: Private Rented Sector: Appeals (Amendments 204, 205, 206, 211, 213, 215, 252, 253, 254, 257, 264, 265, 266, 269, 274, 275, 276, 279, 408, 281, 409, 283, 92, 93, 94 and 410)

Grŵp 12: Y Sector Rhentu Preifat: Gofyniad Person Addas a Phriodol (Gwelliannau 393, 89, 394, 90, 91 a 395)

Group 12: Private Rented Sector: Fit-and-Proper-Person Requirement (Amendments 393, 89, 394, 90, 91 and 395)

Grŵp 13: Y Sector Rhentu Preifat: Gofyniad hyfforddiant (Gwelliannau 396, 398, 399 ac

121)

Group 13: Private Rented Sector: Training Requirement (Amendments 396, 398, 399 and 121)

Grŵp 14: Sector Rhentu Preifat: Amodau Trwydded (Gwelliannau 400, 122, 123, 401, 402 a 403)

Group 14: Private Rented Sector: Licence Conditions (Amendments 400, 122, 123, 401, 402 and 403)

Grŵp 15: Y Sector Rhentu Preifat: Dileu'r Ddyletswydd i Ddangos Rhif Trwydded (Amendment 246)

Group 15: Private Rented Sector: Removal of Duty to Show a Licence Number (Gwelliant 246)

Grŵp 16: Y Sector Rhentu Preifat: Gorchmynion Atal Rhent a Gorchmynion Ad-Dalu Rhent (Gwelliannau 286, 287, 288, 290, 294, 125, 126, 127, 128, 129, 411, 130 a 308)

Group 16 Private Rented Sector: Rent Stopping Orders and Rent Repayment Orders (Amendments 286, 287, 288, 290, 294, 125, 126, 127, 128, 129, 411, 130 and 308)

Grŵp 17: Y Sector Rhentu Preifat: Erlyniad gan Awdurdod Trwyddedu neu Awdurdod Tai Lleol (Gwelliant 291)

Group 17: Private Rented Sector: Prosecution by a Licensing Authority or a Local Housing Authority (Amendment 291)

Grŵp 18: Y Sector Rhentu Preifat: Hysbysiadau Cosbau Penodedig (Gwelliant 292)

Group 18: Private Rented Sector: Fixed-Penalty Notices (Amendment 292)

Grŵp 19: Y Sector Rhentu Preifat: Cod Ymarfer (Amendments 150, 296, 151, 131, 152, 413, 414 a 133)

Group 19: Private Rented Sector: Code of Practice (Gwelliannau 150, 296, 151, 131, 152, 413, 414 and 133)

Grŵp 20: Y Sector Rhentu Preifat: Achredu Landlordiaid (Gwelliant 415)

Group 20: Private Rented Sector: Landlord Accreditation (Amendment 415)

Grŵp 21: Y Sector Rhentu Preifat: Effeithlonrwydd Ynni Cartref (Gwelliant 416)

Group 21: Private Rented Sector: Home Energy Efficiency (Amendment 416)

Grŵp 4: Y Sector Rhentu Preifat: Effaith ar Gytundebau Tenantiaeth (Gwelliant 302)

Group 4: Private Rented Sector: Effect on Tenancy Agreements (Amendment 302)

Grŵp 22: Y Sector Rhentu Preifat: Cyfyngiad ar Derfynu Tenantiaethau (Gwelliant 303)

Group 22: Private Rented Sector: Restriction on Terminating Tenancies (Amendment 303)

Grŵp 23: Y Sector Rhentu Preifat: Landlordiaid fel Ymddiriedolwyr (Gwelliant 229)

Group 23: Private Rented Sector: Landlords as Trustees (Amendment 229)

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi 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

Leighton Andrews	Llafur Labour
Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Jocelyn Davies	Plaid Cymru The Party of Wales
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Gwyn R. Price	Llafur Labour
Jenny Rathbone	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Ceri Breeze	Dirprwy Gyfarwyddwr, Is-adran Polisi Tai Deputy Director, Housing Policy Division
Neil Buffin	Uwch Gyfreithiwr, Gwasanaethau Cyfreithiol Senior Lawyer, Legal Services
Carl Sargeant	Aelod Cynulliad, Llafur (y Gweinidog Tai ac Adfywio) Assembly Member, Labour (the Minister for Housing and Regeneration)

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

Sarah Beasley	Clerc Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Elizabeth Wilkinson	Ail Glerc Second Clerk

Dechreuodd y cyfarfod am 10:00.
The meeting began at 10:00.

Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

[1] **Christine Chapman:** Good morning and welcome to the National Assembly's Communities, Equality and Local Government Committee. Could I just remind Members that

if they have any mobile phones, they should be switched off as they affect the transmission?
We have not received any apologies this morning.

10:01

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod ar gyfer y Canlynol: Eitem 3**
**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting for the Following Business: Item 3**

[2] **Christine Chapman:** I move that

the committee resolves to exclude the public from the discussion on the first item on the agenda in accordance with Standing Order 17.42(ix).

[3] I see that Members are content.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10:01.
The public part of the meeting ended at 10:01.*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 10:30.
The committee reconvened in public at 10:30.*

Bil Tai (Cymru)—Cyfnod 2—Trafod y Gwelliannau
Housing (Wales) Bill—Stage 2—Consideration of Amendments

[4] **Christine Chapman:** The committee will now consider the Housing (Wales) Bill, Stage 2. The purpose of this meeting is to consider amendments to the Bill. Any amendments that have not been disposed of today will be considered at our meeting next week. First of all, I welcome Carl Sargeant, Minister for Housing and Regeneration, Ceri Breeze, deputy director of Housing Policy division, and Neil Buffin, senior lawyer with Legal Services. I welcome you all.

[5] Members should have before them a copy of the Bill, the marshalled list of amendments and the groupings of amendments for debate. As agreed by committee on 1 May, the order in which we consider amendments will be sections 2 to 6, Schedule 1, sections 7 to 38, sections 40 to 47, Schedule 2, sections 48 to 123, Schedule 3, sections 124 to 128, section 1, section 39 and then the long title.

[6] The amendments have been grouped to facilitate debate. There will be one debate on each group of amendments, but the order in which amendments will be called and moved for a decision will be dictated by the marshalled list. Only committee members are able to move amendments, and, in accordance with the convention agreed by the Business Committee, as Chair, I will move the amendments tabled in the name of the Minister. Unless the Minister indicates otherwise, I will assume that the Minister wishes me to move all his amendments.

[7] **The Minister for Housing and Regeneration (Carl Sargeant):** Thank you.

[8] **Christine Chapman:** The debate on each group will follow the same structure. I will invite the proposer of the lead amendment in the group to move and speak to that amendment and the other amendments in the group. I will then call other Members who wish to speak.

Finally, I will call the Member with the lead amendment to reply to the debate. In those groups where the Minister does not have the lead amendment, I will call him as the penultimate speaker.

[9] Following each debate, I will ask the Member who moved the lead amendment to confirm whether they wish to press the amendment to a decision. If not, the Member may seek the agreement of the committee to withdraw the amendment. If it is not withdrawn, I will put the question on the lead amendment and ask whether any Member objects to the amendment being agreed. If no Member objects, the amendment will be deemed agreed in accordance with Standing Order 17.34. If any Member objects, I will call for a vote by show of hands. The vote will be recorded in the minutes. In accordance with Standing Order 17.37 and 6.20, if there is a tied vote, I will exercise a casting vote against the amendment. I will call on the proposers of the other amendments in each group to move their amendments at the appropriate time in accordance with the marshalled list. If you do not wish to move your amendment, you should say so clearly when your amendment is called.

[10] Due to the number of amendments, I have considered where it may be possible to dispose of amendments en bloc. Where en bloc voting is possible, I will ask Members whether they are content for the specified amendments to be disposed of together. If any Member objects to the disposal of the amendments in this way, we will dispose of the amendments individually.

[11] In line with the practice established in the third Assembly, advisers to the committee or to the Minister are not expected to provide advice on the record. If Members need to seek legal advice during proceedings, could you do so by passing a note to the relevant adviser, or by requesting an adjournment to proceedings? Are there any questions on this? No, okay.

[12] We will now move to the consideration of amendments, under item 4. Obviously, this will be a long session today. I think that, in the beginning, we may find that we need to be quite slow with this, to make sure that we get everything right, but I am sure that we will get used to the procedure as we go along.

10:34

**Grŵp 1: Y Sector Rhentu Preifat: Ystyr y Prif Dermau a Thermau wedi eu Diffinio
(Gwelliannau 435, 187, 438, 312 a 313)
Group 1: Private Rented Sector: Meaning of Key Terms and Defined Terms
(Amendments 435, 187, 438, 312 and 313)**

[13] **Christine Chapman:** Okay, I will start off with group 1, which is on the private rented sector. Group 1 relates to the meaning of key and defined terms in Part 1 of the Bill. The lead amendment in the group is amendment 435 in the name of the Minister. I move amendment 435 in the name of the Minister and call on the Minister to speak to this amendment and the others in the group.

[14] **Carl Sargeant:** Good morning, Chair. Good morning, committee.

[15] I will start by placing on record my thanks to committee members for Stage 2 and the previous stage of committee consideration, which has helped us to frame a new opportunity to make amendments to the Bill. I apologise up front for some of the significant changes, but they are partly because of the information that we received from committee, and the advice that we received on hearing the evidence that was taken.

[16] I will start with the amendments tabled in my name. I have given careful consideration to this process. Amendment 187 is designed to set out the definition of what

constitutes 'lettings work', which is the work undertaken by a person on behalf of the landlord to enable the landlord to let his or her rental property. I was very aware that, during committee, there was some ambiguity around what this meant, and this amendment and the supporting amendments will give more clarity to the principle of what a landlord is.

[17] **Christine Chapman:** Do any other Members wish to speak? No. Obviously, you do not want to reply to that, Minister. Do you wish to proceed to a vote on amendment 435?

[18] **Carl Sargeant:** Yes, please.

[19] **Christine Chapman:** Before we move to the vote on amendment 435, Members will wish to be aware that if amendment 435 is agreed, amendment 368 will fall. The question is that amendment 435 be agreed to. Does any Member object? There is no objection, so amendment 435 is agreed.

*Derbyniwyd gwelliant 435 yn unol â Rheol Sefydlog 17.34.
Amendment 435 agreed in accordance with Standing Order 17.34.*

[20] **Christine Chapman:** As amendment 435 was agreed, amendment 368 falls.

*Methodd gwelliant 368.
Amendment 368 fell.*

[21] **Christine Chapman:** Amendment 368 was the lead amendment in group 2. The new lead amendment in group 2 is amendment 165. In line with the marshalled list, we will now consider group 3, and return to group 2 at a later date.

Grŵp 3: Y Sector Rhentu Preifat: Awdurdod Trwyddedu (Gwelliannau 164, 170, 317, 321, 328, 331, 332, 335, 336, 337, 338, 342, 343, 347, 348, 173, 176, 181, 183, 192, 196, 201, 207, 216, 218, 219, 191, 223, 224, 230, 231, 232, 233, 234, 235, 238, 239, 240, 241, 242, 243, 247, 248, 249, 250, 251, 255, 256, 258, 259, 260, 261, 262, 263, 267, 268, 271, 273, 277, 278, 280, 282, 284, 285, 298, 299, 300, 304, 305, 306, 307 a 309)

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[22] **Christine Chapman:** The lead amendment in the group is amendment 164 in the name of the Minister. I move amendment 164 in the name of the Minister and call on the Minister to speak to this amendment and the other amendments in this group.

[23] **Carl Sargeant:** Thank you, Chair. I am grateful to you for moving this amendment. I call on the committee for support for these amendments. During Stage 1 of scrutiny, questions were raised about the operational effectiveness of a single local housing authority acting on behalf of other licensing authorities under voluntary arrangements. I confirmed that I would consider that further during this stage. Recognising that, in order to safeguard the principles of a single or at least a consistent registration of a housing licensing scheme, I have tabled an amendment to ensure that an authority or public body can be designated to operate on an all-Wales basis, while retaining the option to designate on an area basis, should it be required in the future. I ask you to move these amendments on my behalf.

[24] **Christine Chapman:** Are there any other Members who wish to speak? I call Mark.

[25] **Mark Isherwood:** I seek clarification on one point: whichever model the designated

authority chose to follow, whether regional arrangements or the whole of Wales, what role would individual local authorities have in the process that this would involve, particularly regarding the gathering of information?

[26] **Carl Sargeant:** This is a fallback position. My expectation is still that Cardiff Council will be the host body for the scheme, and the opportunity for an authority to be deemed a registration authority is what gives us the flexibility in these new amendments. The duty placed would be exactly the same for Cardiff to operate on a national basis as it would be to operate on a local basis, such as a defined local authority, and it would have the same disciplines expected of it, and it would have to comply with the legislation as an individual authority or as a region.

[27] **Mark Isherwood:** May I clarify something? Would the process involve simply the applicant and the licensing authority, or would there still be a role for the local authority in which the property was located, or the landlord was based?

[28] **Carl Sargeant:** The principle of the designation of an individual authority outside the scope of the national scheme was purely to protect the issue of where a local authority may not wish to comply with or be part of a national scheme, and giving them the opportunity. If they chose to do so, I would expect the local area that they cover—the local authority area that they would be hosting the licensing for—to cover the landlords of that region or local authority. Does that answer your question?

[29] **Mark Isherwood:** Yes, it does; thank you.

[30] **Peter Black:** I am a bit confused, because my understanding was that the landlord would be registered with Cardiff Council, which was the intention, and that the individual properties would be licensed with the individual local authorities. Has that intention changed, or is that still the intention? Have I misunderstood?

[31] **Carl Sargeant:** No. The database currently will be held at one central point in Cardiff. If that is the case, operationally, a local authority could operate in isolation of the national scheme, if it wished to do so.

[32] **Peter Black:** So, if we have a situation where Cardiff Council, or a central authority, is holding the database, how is the enforcement going to be undertaken by the individual local authorities? Would they have to access that database?

[33] **Carl Sargeant:** Effectively, yes, they would, in their relationship with Cardiff.

[34] **Peter Black:** Right; okay.

[35] **Christine Chapman:** Minister, do you wish to proceed to a vote on amendment 164?

[36] **Carl Sargeant:** Yes, please.

[37] **Christine Chapman:** The question is that amendment 164 be agreed to. Does any Member object? There is no objection, therefore amendment 164 is agreed.

Derbyniwyd gwelliant 164 yn unol â Rheol Sefydlog 17.34.

Amendment 164 agreed in accordance with Standing Order 17.34.

Grŵp 2: Y Sector Rhentu Preifat: Gofyniad i fod yn Gofrestredig (Gwelliannau 368, 165, 369, 166, 370, 371, 372, 374, 373, 375, 376, 377, 378, 379, 380, 381, 382, 172, 174, 175, 177, 178, 179, 180, 182, 184, 185, 384, 385, 193, 194, 195, 197, 198, 199, 200, 202, 203, 208, 209, 210, 212, 214, 217, 222, 397, 406, 407, 417, 419, 363, 364, 365, 366 a 367)

Group 2: Private Rented Sector: Requirement to be Registered (Amendments 368, 165, 369, 166, 370, 371, 372, 374, 373, 375, 376, 377, 378, 379, 380, 381, 382, 172, 174, 175, 177, 178, 179, 180, 182, 184, 185, 384, 385, 193, 194, 195, 197, 198, 199, 200, 202, 203, 208, 209, 210, 212, 214, 217, 222, 397, 406, 407, 417, 419, 363, 364, 365, 366 and 367)

[38] **Christine Chapman:** The lead amendment in the group is amendment 165 in the name of the Minister. I move amendment 165 in the name of the Minister and call on the Minister to speak to this amendment and the other amendments in the group.

[39] **Carl Sargeant:** Thank you, Chair. I will start to articulate the group better by referring to the opposition's amendments—Mark Isherwood's amendments—first, if I may. The committee will be aware of my determination to improve standards in the private rented sector. I am very concerned that the amendments that have been tabled by Mark have greatly lessened the impact of this part of the Bill. Although I am very confident that the vast majority of landlords will become registered with little or no persuasion, it is important that the registration requirement extends to all landlords letting out dwellings in the private rented sector. So, registration of details of properties let, rented or offered for let is a key component in ensuring compliance with registration. For that reason, I ask Members to support me in rejecting Mark Isherwood's amendments at this stage. I know that another committee agreed in principle with the proposal in Stage 1 reporting of the Bill.

[40] Turning briefly to the amendments tabled in my name, Chair, the committee raised concerns regarding how the registration and licensing scheme would work in practice, and raised specific concerns about enforcement. In considering these issues, I have identified that the Bill needs to be clearer in defining when a landlord is required to be registered. Amendment 165 removes the existing section 3 and replaces it with a new section, which makes clear when a landlord is required to register, so it is clear that you are a landlord if you market or offer a dwelling for let. The amendment preserves current provision in section 3 that allows the defence of a reasonable excuse where a landlord fails to be registered. I ask for the committee's support for the amendments tabled in my name.

[41] **Christine Chapman:** I call on Mark Isherwood to speak.

[42] **Mark Isherwood:** Thank you very much indeed. This is my main slot—there will be a lot less later on. First, let me speak collectively, and I am happy to vote as a group on amendments 363, 364, 365, 366, 367, 369, 370, 371, 372, 373, 374, 375, 376 up to 385, then 397, 406, 407, 417 and 419. So, I will speak to all of those collectively, if that is acceptable.

[43] As with the Minister, my determination is to improve standards in the private rented sector. The evidence from the provider side and the funding side—the people who will determine what is actually made available to the marketplace—is overwhelmingly suggesting that this does not have the merit of being able to achieve what it seeks to achieve in this respect.

10:45

[44] We all want to see, as I understand from previous committee inquiries and comments by Members during this inquiry, an improved supply of private rented sector housing, not only to meet general housing need, but, specifically, as we will discuss later on, to discharge public sector homelessness duties. That requires a supply of property of the right size in the right place for the people who need it. That means working with and incentivising compliant

landlords while targeting very heavily non-compliant, bad and even criminal landlords, that is, those who are acting against or in breach of current legislation and regulations. That requires taking compliant landlords out of local authority control in this context—but not out of enforcement standards and not out of the legal protections that exist against harassment and intimidation—to free up enforcement officers to focus on the landlords who bring misery to tenants and who are the least likely to make themselves known under the proposed system. I am advised that if prosecutions are carried forward against unregistered landlords, the local authority could only claim costs for the actual legal process and not the prosecution costs, including the costs of finding landlords who do not want to come forward.

[45] We know that Scotland introduced a repairing standard. We know that the Minister here has said that no such standard exists in Wales, but we have the housing health and safety rating system, enabling local authorities in Wales to target conditions in residential properties that propose a risk to the health and safety of occupants. That includes, for those of you who have looked at it, a suite of enforcement actions available to a local authority, each requiring a certain commitment of resource. The stronger the enforcement, the greater the commitment of resource. All the evidence, certainly from my own casework, and more broadly, suggests that such enforcement powers under the HHSRS have been more the exception than the rule.

[46] In Wrexham, for example, press coverage of a council report in December 2012 estimated that at least 4,381 properties in the private sector, including the private rented sector, posed a serious risk to inhabitants. However, through a freedom of information request, the National Landlords Association had coincidentally just received a response saying that only 10 enforcement actions of any type had been taken in the previous year. I know from correspondence with the Minister that he does not have the figures for the number of enforcement actions against bad landlords, so there is a question over the evidence base there. I wrote to the Welsh Local Government Association after its letter of response to us after a request for information on enforcement failed to include reference to the housing health and safety rating system. It told me that it seeks to achieve improvements to advice, support and encouragement, rather than enforcement, but, during 2012-13, 6,582 dwellings were assessed in Wales in relation to housing fitness, which was a fifth more than was assessed in the previous year. The percentage containing at least one category 1 hazard dropped from 40% to 36%—the lowest annual percentage to date. The percentage of assessed properties where the less-serious category 2 hazards were found remained unchanged compared to the previous year at 71% of assessed properties.

[47] All this indicates, firstly, the lack of an evidence base. We know anecdotally that there is a big problem among the minority of bad landlords out there, but what we do not know is the extent to which the powers that will remain as the enforcement powers are being utilised and the likelihood that this proposed legislation will change the action for unfit property, for harassment and intimidation, rather than simply being action for failing to register. The Michael Ball report stated—yes, it was commissioned by the Residential Landlords Association, but the Welsh Government quite rightly and regularly, in all departments, frequently commissions reports from independent academics and experts and the Assembly generally relies on what they say, and this was an independently commissioned report—that getting operating costs down through the reassessment of the costs and benefits of aspects of the current regulatory regime and its impact on landlords' operating costs would encourage investment and lower rents, but tighter controls would do the opposite by raising costs and stifling investment incentives. It said that landlords were willing to support regulations that could deal with the problem of the reputation of the private rented sector being damaged by a minority of poor or crooked landlords. We know that the last National Landlords Association quarterly panel study of tenants found that 80% of tenants reported living in their current home for more than a year, 40% for more than four, with 12% saying they had rented from someone they considered to be a rogue landlord. This should be where our focus lies: targeting the landlords who fall into that 12% category, using legislation to

strengthen that in any possible way we can. Later amendments will seek to do that. We need to simplify the regulatory framework and hold back on further moves towards more. Rigorous cost-benefit scrutiny should be applied to all policies. Unfortunately, many current rules would fail that test. There is a danger that excessive regulation could shrink the private rented sector. Furthermore, local environmental health departments, like much of local government, are facing budget cutbacks. There are a large number of laws and regulations—hundreds of them—applying to housing standards and enforcement already. The issue is willingness and the financial ability of local authorities to enforce the powers they already have, powers which are not changing in terms of action for poor landlord provision.

[48] The Country Land and Business Association has said that the adoption of landlord registration would serve only as additional red tape and bureaucracy, stifling the Welsh economy and jeopardising the supply of much-needed rented homes. The National Landlords Association has been stating this for several years, beginning with the evidence to this committee in its committee report, which was published in 2011, recognising the need to work with the private rented sector as a sector of choice—not the sector—for meeting homelessness requirements and otherwise. It has been saying that adjusting the supply of properties requires a new way of working and is concerned that the Welsh Government was increasing regulation, rather than building that true partnership. Critically, during evidence to this committee at Stage 1 of this scrutiny process, the Council of Mortgage Lenders raised concerns that the proposed scheme

[49] ‘could suppress lending and discourage landlords, who might come to see the Welsh regime as less favourable to their businesses’,

[50] which could deter investment in the housing market.

[51] **Christine Chapman:** Mark, would you be able to come to a final point shortly?

[52] **Mark Isherwood:** Very much so. There are 15 amendments here, so that is why there is so much.

[53] **Christine Chapman:** If you could just finish in a minute or so, then.

[54] **Mark Isherwood:** I think it is important.

[55] The Council of Mortgage Lenders is not asking; it is telling. That is what will happen, because it is bound by increased statutory requirements under new UK and impending European legislation regarding risk measurement and the capital base they require. So, when it says this, as has happened previously with the UK housing measures announced in the past, it has to be listened to.

[56] In terms of the housing health and safety rating system, the Minister has highlighted differences between the registration and licensing scheme in Scotland and the proposed scheme here, but these are about processes, not outcomes; enforcement against failure to register, rather than enforcement against bad and criminal landlords who, in Scotland, continue to fall through the net, because resource was being used to regulate good landlords. Scotland has therefore reverted to selective licensing powers to control bad landlords, and the UK House of Commons Communities and Local Government Committee has recommended a reformed approach to selective licensing, giving councils greater freedom and flexibility. I believe that is where we should have focused our attention, so that our local authorities could have made better use of selective licensing to address the impact of poor quality private landlords and anti-social tenants, and tackling problems in areas of low housing, and, in addition, targeted at poor landlords not meeting housing standards and otherwise. So, the powers have been there since 2004, developed by the former UK Government, but they need

updating and improving. We need better enforcement, selective licensing and a housing health and safety rating system. Nothing in this Bill addresses that. Instead, lots and lots of resource is to be devoted, at a time of constricting resource in local authorities, to registering landlords, rather than targeting those who should be targeted.

[57] There are a couple of final amendments in this group, which I have not spoken to; I will be a lot more brief. Amendment 371 simply inserts the word ‘formal’ in section 4, page 3, line 33. This relates to exemption from having to register the property for 28 days beginning with the date that the property is transferred to the landlord if the landlord then takes steps within that 28-day period to recover possession. This amendment seeks greater clarity as to what is actually meant by this. For instance, is serving a section 21 notice sufficient? It has been suggested that ‘steps to recover possession’ in section 4(1)(c) is insufficiently precise—

[58] ‘beginning with the date the property was transferred to the landlord’—

[59] and that we therefore perhaps need to tighten the wording and the insertion of the word ‘formal’ would have that effect.

[60] Amendment 372 is to section 4, page 3, after line 36, to insert—

[61] ‘(d) if the property is already licensed under the housing in multiple occupation provisions contained in Part 2 of the Housing Act 2004;

[62] (e) if the property is already licensed under the selective licensing provisions contained in Part 3 of the Housing Act 2004.’

[63] This follows representations that the Bill should be amended to provide that houses in multiple occupation and selective licensing running alongside this would lead to a dual licensing system, which would be bureaucratic and demanding with a potential double requirement to pay fees. So, again, this is just a probing amendment, in effect, to ascertain the Minister’s intentions in relation to properties that might come within the requirements of the 2004 Act in respect of the proposed amendment to simply ensure that that dual licensing is avoided for the same properties.

[64] Amendment 373 is a very long amendment, so I will not read it out. However, as drafted, the Bill provides a licence that expires on death, lack of capacity, insolvency, or dissolution of a corporate body. The effect of this provision is that the property is immediately unlicensed, which is a concern, in particular in cases of death or mental incapacity. After all, close family or friends of those involved have enough to worry about and the last thing that they will think about is an unlicensed rental property.

[65] There is provision in section 4(2) that a licence is not required

[66] ‘for a period of 28 days beginning with the date the property is transferred to the landlord’,

[67] however, this takes no account of the fact that, in the circumstances envisaged in section 19(6), there is not necessarily a transfer of ownership. For instance, in the case of a liquidator or administration, there is no transfer of ownership to the liquidator or administrator; it remains vested in the company. In the case of a person dying intestate, there is a transfer of ownership, but this is to the public guardian. The property can devolve to executors, but, again, they may well not obtain probate for well over 28 days, so, in practice, they will not be in a position to deal with matters anyway. So, this seeks to address the need for protective provisions to be considered to deal with such situations. Twenty-eight days, in

any event, is too short a period and the 2004 Act adopted, therefore, the temporary exemption notice for three months, which is considered more appropriate in the circumstances described.

[68] Amendment 374 seeks the Minister's intentions in relation to properties that might come within requirements of this Act and the 2004 Act if the property is already licensed under HMO or selective licensing provisions.

[69] Amendment 377 is to section 5. As drafted, this section provides that an agent or responsible person may not manage a property unless the agent or responsible person has actually been registered in respect of the property. 'Manage' includes marketing of the property or facilitating the letting of the property—section 2(3). There is no issue, if registration can be effected immediately online and confirmation is given straight away by return. However, any delay in registration will prevent any marketing activity by an agent or responsible person who has received instructions to let until the registration has been effected. Therefore, this amendment seeks to stipulate that, provided an application for registration has been made, the agent or responsible person can manage the property in the period until the registration is determined, in line with the position of the landlord under section 4(1)(a). That concludes about 20 amendments.

[70] **Christine Chapman:** Thank you, Mark. I am now going to open it up to other Members. I know that Mike Hedges wants to come in and then Jenny.

[71] **Mike Hedges:** I have five very brief points. It will probably come as a surprise to no-one when I say that I support the Minister's proposals and oppose those of Mark Isherwood. On selective licensing, I always try to look at how it applies somewhere else. If somebody suggested that you should have selective driving licences only for those who are bad drivers, people would treat it as a rather silly solution and would not go along with it. I find exactly the same thing here. I think that licensing has to cover everyone.

11:00

[72] The other point is that, if there were large-scale private build to rent, some of what Mark Isherwood said would actually make some sense, but most rental property is older property that has been bought, often by large-scale landlords, or has been inherited and then let out by members of the family. Why do people buy to rent? In my constituency, people get a return of between 7% and 10% on capital, plus appreciation on buying houses. That is why they are doing it.

[73] The other thing is about the price of goods. Mark Isherwood goes on about the price of goods. If we look at classic economics, the price is what the market is prepared to pay at any one time, and an awful lot of the price being charged for private rent in my constituency is the maximum that is available to be paid by housing benefit. It could cost more or less. It does not really matter; it is housing benefit that drives the price of most of the privately-rented houses in my constituency. There are some very expensive privately-rented houses, which are entirely different, but for the vast majority it is a matter of saying, 'How much housing benefit will you be paid? That is what we will charge'. If it is £400, £500 or £600 housing benefit that will be paid, that—surprise, surprise—is the amount. So, I am not convinced that any additional cost would not just reduce someone's return on capital from 10% to perhaps 9.8%, which will hardly make a great difference to them doing it.

[74] **Christine Chapman:** Thank you, Mike. Jenny is next.

[75] **Jenny Rathbone:** I just want to challenge some of the points that you made at the very beginning of your lengthy speech, Mark, which were around our having insufficient information about how the current enforcement regime is operating. I think that we have

plenty of information. First, there is a gross shortage of housing across the UK; therefore, renting properties is as much a privilege as it is a right, in the sense that, with this very lucrative business, go responsibilities. The registration system makes it clear that when you are renting you have responsibilities. That is why the registration, and the training that goes with that, make it clear what your responsibilities are. It prevents landlords from saying to us or anyone else, 'I wasn't aware that I needed to do that'. So, in terms of how effectively local authorities are enforcing poor landlords' breaches at the moment, a lot of time is spent trying to find out who actually owns the property, because the tenant may only know the agent and have no idea who the owner is. So, it would make enforcement activity much more cost-effective because they will not have to waste time trying to find out who the owner is. So, I fundamentally disagree with your arguments that we do not need to have a registration system, because I think that we most definitely do.

[76] I think that there are some specific issues around the 28-day period, which we could perhaps tease out with the Minister, particularly around the granting of probate and the ability to act where the landlord dies. At what point do those who succeed to that property get enabled to act and to register? Perhaps we could tease that out. On the fundamentals, however, I think that there is most definitely a need for a registration scheme.

[77] **Christine Chapman:** Peter is next.

[78] **Peter Black:** Thank you, Chair. As the Minister knows, I came into this process being sceptical of a national registration and licensing scheme. I think that whatever we do today there will be properties that will not be caught, and that enforcement will be difficult. I have heard the argument on a number of occasions that we should be focusing on rogue landlords. I think that the problem is how you identify rogue landlords, and how you actually get to those properties. Having listened to the evidence, and having considered the various representations that have been made to me, I have been convinced that a national scheme is the best way forward, and the best way of capturing as many of those rogue landlords as possible, and then giving the appropriate powers to local authorities to pursue those who have been registered or licensed. It does seem to me that, although there will be gaps and issues with this scheme, a voluntary scheme or a selective scheme will have even more gaps and even more issues, which I think would be much more difficult to fill in as a result of that. So, for that reason, I am happy to resist the amendments that Mark Isherwood has put down today. The one exception is amendment 373, which is the one that Jenny Rathbone has just referred to. I do think that Mark has a valid point in that amendment, in terms of what happens where a landlord has died or there is an issue of insolvency. I do accept that there is an issue in terms of the 28-day period, and I am sure that the Minister will respond to that and will, hopefully, make some concessions in that way. However, I will happily, for the moment, support amendment 373, but I will not be able to support the other amendments that Mark Isherwood has tabled.

[79] **Christine Chapman:** Okay, thank you. I call on Rhodri.

[80] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. A gaf i gytuno gyda'r pwynt cyffredinol y mae Mike Hedges a Peter Black wedi ei wneud? Os ydym ni'n mynd i gael system drwyddedu, wrth reswm, mae'n rhaid i'r system honno fod yn system genedlaethol. Nid oes modd ei thargedu hi ar gyfer rhai landlordiaid yn unig. Byddai hynny yn amhosibl i'w weithredu, hyd y gwelaf i. Rwy'n credu bod gan Mark bwynt nid yn unig yng ngwelliant 373 ond hefyd

Rhodri Glyn Thomas: Thank you very much, Chair. May I agree with the general point that Mike Hedges and Peter Black have made? If we are going to have a licensing system, logically, that system has to be a national system. There is no way of targeting it towards only some landlords. That would be impossible to implement, as far as I can see. I think that Mark has a point not only in amendment 373, but in amendment 371.

yng ngwelliant 371.

[81] Mae'n rhaid i mi ddweud, Gadeirydd, fy mod yn gwybod bod y broses o ddelio â'r gwelliannau hyn yn anodd ar y gorau, ond mae ychydig yn anodd pan ydym yn gwranddo ar 15 o welliannau yn cael eu cyflwyno ac wedyn, ar ôl pleidleisio ddwywaith ar welliannau yng ngrŵp 2, byddwn ni'n mynd i bleidleisio ar grŵp arall, sef grŵp 4, ac wedyn dod yn ôl i grŵp 2 eto. Mae'n mynd i fod yn anodd cadw trefn ar beth yw'r dadleuon sy'n ymwneud â'r gwelliannau hynny, ond rwy'n gwybod nad oes ffordd rwydd o wneud hyn. Fodd bynnag, o'm rhan i, byddai'n haws pe bai pobl yn siarad i'r gwelliannau yn y drefn rydym ni'n pleidleisio amyn nhw, felly o leiaf y byddai'r dadleuon yn glir yn ein meddyliau ni. Fodd bynnag, rwy'n hapus i gefnogi gwelliannau 371 a 373, ond heblaw am hynny rwy'n mynd i gefnogi'r Gweinidog a gwrthod y gwelliannau eraill yn enw Mark Isherwood.

I have to say, Chair, that I know that the process of dealing with these amendments is difficult at the best of times, but it is somewhat difficult when we are listening to 15 amendments being spoken to and then, after voting twice on amendments in group 2, we will proceed to vote on another group, namely group 4, and then come back to group 2 again. It is going to be difficult to keep a hold of what the arguments are, in relation to those amendments, but I know that there is no easy way of doing this. However, for my part, it would be easier if people spoke to the amendments in the order that we vote on them, and then, at least the arguments would be clear in our minds. However, I am happy to support amendments 371 and 373, but apart from that, I am going to support the Minister and reject the other amendments in the name of Mark Isherwood.

[82] **Jocelyn Davies:** This is a point that I was going to raise under group 5, when we came to the Minister's amendments in relation to a situation where somebody dies, because it is perfectly possible that you inherit a property and you might not know within 28 days that that has even happened. Certainly, as the executor of a will, you may have plenty of other things to do. I am particularly concerned, because when we come to group 5 and we see the Minister's amendments, they would prevent you from making arrangements with a person to carry out repairs and maintenance, and you could find yourself in a situation where tenants are considerably at a disadvantage, while you are unable—there could be a life-threatening situation there—as the executor of a will, or having suddenly inherited a property, to make arrangements to carry out repairs and maintenance. So, with this issue of inheritance and executors of wills, I wonder whether a 28-day period is appropriate, so I have some sympathy with some of the things that Mark said, although I agree with the Minister that most of those amendments should be resisted.

[83] **Christine Chapman:** Thank you, Jocelyn. I call the Minister now to reply to the debate.

[84] **Carl Sargeant:** Thank you, Chair, and thank you, committee, for your comments. Again, there were positive comments from the majority of Members regarding the registration scheme, and I welcome that. May I say that there is clear, overwhelming evidence in favour of the scheme, and I disagree with Mark on his proposal, that is, that the majority of people are opposed to that? Actually, it is clear, through historic discussions that we have had in this committee and elsewhere, that there is a fundamental policy difference between Mark's proposals and mine.

[85] That aside, I have listened carefully to the comments that Mark has made, and I share the committee's views around amendment 373, which Mark proposes, in terms of the temporary exemption notice around 28 days. With the indulgence of the committee and Mark, if he wishes to not move that amendment, I will come back at the next stage with a proposal and clarity, and I will have further discussions with the parties around that, as we share the same concerns around this whole issue of the 28-day exemption. I have listened carefully to

the arguments, and I agree with Members in terms of that. We would like to ensure that we get that right in terms of the legislation process, so I would ask Mark to not move that amendment. I give the committee an assurance that I can bring something back at the next stage.

[86] As regards amendment 371, which I think that Rhodri brought up in terms of supporting Mark, I have looked at that carefully as well, and I think that that is about the inclusion of the word ‘formal.’ I think that any proposals that we bring forward in legislation will be formal anyway and, therefore, I do not believe that that one is necessary. However, in the consideration of amendment 373, I will consider the right technical terms that we should use in the legal profile in drafting amendments to the Bill at the next stage.

[87] With regard to some of the points that have been well rehearsed—and Mike and other colleagues mentioned this—the scheme that we intend to bring forward is about targeting the rogue landlords. However, unfortunately, we will not know who the rogue landlords are if they are not registered. That has been part of this historic problem and there is evidence in other areas about making sure that everybody is in so that there is some control mechanism, as Jenny rightly said. We believe that we have the enforcement capability around the fixed-penalty notices and the rent stopping orders with our amendments, so that is why I am asking for amendment 373 to be either not moved or resisted. We have drafted the Bill as a whole and, therefore, the amendments we are proposing have an effect throughout the whole Bill. Therefore, accepting one part of this, although I sympathise with you on it, may have an effect on the way the whole Bill is drafted. I propose that it would be much easier to bring something forward drafted by us that fits into the Bill accordingly in the near future.

[88] **Christine Chapman:** Okay, thank you, Minister. Do you wish to proceed to a vote on amendment 165?

[89] **Carl Sargeant:** Yes, please.

[90] **Christine Chapman:** Okay. Before we move to the vote on amendment 165, Members will wish to be aware that, if this amendment is agreed, amendments 369, 120 and 148 will fall. The question is that amendment 165 be agreed to. Does any Member object? I see that there are objections, so I will take a vote by show of hands.

*Gwelliant 165: O blaid 8, Ymatal 2, Yn erbyn 0.
Amendment 165: For 8, Abstain 2, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 165.
Amendment 165 agreed.*

*Methodd gwelliannau 369, 120 ac 148.
Amendments 369, 120 and 148 fell.*

[91] **Christine Chapman:** Amendment 120 was the lead amendment in group 4. The new lead amendment in group 4 is amendment 302. In line with the marshalled list, group 4 will be debated later in proceedings. We will now dispose of amendment 166, which has already been debated as part of this group. I move amendment 166 in the name of the Minister. Before we move to the vote on amendment 166, Members will wish to be aware that, if amendment 166 is agreed, amendments 370, 371, 372, 374 and 373 will fall. The question is that amendment 166 be agreed to. Does any Member object? There is objection. Therefore, I will take a vote by a show of hands.

*Gwelliant 166: O blaid 8, Ymatal 2, Yn erbyn 0.
Amendment 166: For 8, Abstain 2, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 166.
Amendment 166 agreed.*

*Methodd gwelliannau 370, 371, 372, 374 a 373.
Amendments 370, 371, 372, 374 and 373 fell.*

Grŵp 5: Y Sector Rhentu Preifat: Gofyniad i fod yn Drwyddedig (Gwelliannau 167, 436, 169, 171, 437, 319, 322, 323, 324, 325, 326, 327, 329, 333, 334, 339, 340, 341, 344, 345, 346, 349, 350, 351, 352, 220, 387, 388, 389, 390, 225, 226, 391, 227, 392, 236, 237, 270 a 272)
Group 5: Private Rented Sector: Requirement to be Licensed (Amendments 167, 436, 169, 171, 437, 319, 322, 323, 324, 325, 326, 327, 329, 333, 334, 339, 340, 341, 344, 345, 346, 349, 350, 351, 352, 220, 387, 388, 389, 390, 225, 226, 391, 227, 392, 236, 237, 270 and 272)

[92] **Peter Black:** Before we move on, can you just repeat the amendments that fell as a result of the last vote?

[93] **Christine Chapman:** Yes, they were 370, 371, 372, 374 and 373.

[94] The amendments in group 5 relate to the private rented sector and the requirement to be licensed. The lead amendment in the group is amendment 167 in the name of the Minister. I move amendment 167 in the name of the Minister and call on the Minister to speak to the amendments in this group.

11:15

[95] **Carl Sargeant:** Thank you, Chair. Again, I seek support for the amendments tabled in group 5. I hope that you will agree them shortly. As I mentioned earlier, the committee raised concerns regarding how the registration and licensing scheme would work in practice and raised specific concerns about enforcement. Again, we have listened carefully to the evidence presented by Members and to committee evidence, and I have identified that the Bill does need to be clearer in defining the letting and management activities for which a landlord or agent needs to be licensed. As an example, it is now much clearer that a newsagent displaying a card advertising a property does not fall within the licensing regime, and, following the committee's scrutiny, there were excellent examples and opportunities to look at more renting scenarios in that process. It was clear that a new and more clearly defined approach to licensing was needed, and that is why we have made these amendments today.

[96] The previous definition of 'managing' was too wide and did not make the important distinction between those activities carried out on property and those carried out as part of an ongoing management process around that. Therefore, I wish to ask for your support, for committee's support, on this basis today.

[97] **Christine Chapman:** Okay. Thank you, Minister. I call on Mark Isherwood to speak.

[98] **Mark Isherwood:** Thank you very much. I will speak to amendments 387, 388, 389, 390, 391 and 392. Amendments 387, 388, and 389 relate to the arguments that I put in the previous section. I will speak for one minute, if I may, just on those.

[99] The objective, again, is to take action to prevent damage to the supply of quality housing and to target the bad landlords. As things stand under the proposals in the Bill, we understand that if a landlord registers, there will be no requirement for the local authority to inspect the properties. Of course, we also know from evidence in other parts of the UK that the worst landlords tend not to register. We also know from the precedent in mortgage market regulation that the bad mortgage salespersons and advisers who created the credit crunch were heavily registered—they had to pass exams, they had to undertake continuous professional development, and they still created a credit crunch because of a failure of enforcement. Again, it comes back to that key word—enforcement. Therefore, in terms of identifying bad properties and bad landlords, we are reliant, as always, on the tenants telling the local authority and hoping that the local authority will take enforcement. However, evidence strongly suggests that the tenants with the biggest problems are the least likely to come forward, because of fear, whether justified or not—though frequently it is—or because they simply do not know who to go to or how to take matters forward.

[100] The other points are to do with amendment 390. The provisions relating to licence applications state that any person required to be registered under section 7 may apply to be licensed. This applies to agents and landlords and responsible persons. However, they have to apply to be registered first. Bearing in mind there is no provision for an agent to proceed on the basis of a pending application for a licence, unlike a landlord, an agent cannot take a property on their books and then register it but do nothing in practice until the licence is granted, especially as the licensing process would be far from instantaneous. Therefore, this amendment seeks a provision that would avoid giving rise to difficulties and would create parity for landlords and agents during the period that this relates to.

[101] Amendment 391 is on the redress scheme. Welsh Ministers already have the power to introduce such a requirement under the Consumers, Estate Agents and Redress Act 2007. Therefore, I would invite the Minister to explain why that requirement has not been introduced. If he says that it is outside the Assembly's legislative competence, I would of course have to accept that as a matter coming within the UK consumer protection exception. These were concerns raised by the Royal Institute of Chartered Surveyors—that where the

applicant is an agent, the applicant is a member of a consumer redress scheme. This seeks to strengthen it by requiring the agent to be a member of a consumer redress scheme, with the exception being that the current devolution settlement states that this is outside the Assembly's competence. I seek the Minister's guidance on that point.

[102] Amendment 392 inserts the words 'who provides advice to the landlord or tenant or exercises a discretion on behalf of the landlord'. This amendment reflects concern about the wide reference to a member of the body's staff. This extends, potentially, to administrative and secretarial staff's direct involvement in managing a property in the sense in which it is commonly understood. Section 10(4) refers to anyone who is engaged in managing rental properties on behalf of a body corporate. Arguably, this could be someone who answers the telephone. It is a very wide-ranging provision. The amendment simply seeks to ensure that the Bill and the subsequent legislation clarify who it is intended to catch as 'staff' within this proposal.

[103] Finally, amendment 393 seeks to firm up 'relevant' within the fit-and-proper-person requirements. This reflects concern with the reference to 'all matters it considers appropriate' in the context of whether a person is fit and proper. This reflects the view that it should be amended so that it applies to all matters that are relevant in order to avoid a circumstance where a local authority is given wide discretion to interpret it themselves.

[104] **Christine Chapman:** I call on Jocelyn first.

[105] **Jocelyn Davies:** I would like to speak to the Minister's amendments and repeat what I said earlier, if Members do not mind. Amendment 436 says what you cannot do if you are not registered. One of those is

[106] 'making arrangements with a person to carry out repairs or maintenance'.

[107] This concerns me. If there was a tenant at the property and an emergency situation arose or there were repairs that badly needed to be done and you had just inherited a property or had become the executor of a will, those things should not be delayed because of that. So, I am repeating the point that I made earlier. Minister, I will give you the benefit of the doubt. I was going to vote against these amendments on those grounds, but, as you have put on the record that you will look at this again so that those situations can be taken into consideration, I will support you.

[108] **Christine Chapman:** I call on Jenny.

[109] **Jenny Rathbone:** I want to make a plea backing up what Rhodri Glyn Thomas said. Given the complexities of this process, it would be helpful if we were to look at every section of the Bill that we are about to vote on. You have made a lot of points that we may want to pick up on, so we need to deal with the Bill in parts.

[110] **Mark Isherwood:** I defer to the Chair. One has to speak to the group.

[111] **Christine Chapman:** Thank you. Are there any other Members who wish to speak? No. Therefore, I ask the Minister to reply to the debate.

[112] **Carl Sargeant:** I will start with some clarity regarding my comments earlier. I give the committee an assurance that I will consider amendment 373 at the next stage of committee proceedings, when we return for further amendments, should that be the case, to give confidence to Jocelyn Davies regarding her concerns.

[113] I will pick up on some of the issues that Mark Isherwood raised. I will turn to

amendments 387 to 392, brought forward by Mark. These amendments are linked to a number of his other amendments and, again, I recognise Jenny Rathbone's point that cross-referencing between groups is difficult to follow, and I am having the same issue. However, we will have to pursue this process carefully, I think. The amendments seek to remove the requirement for a mandatory registration and licensing scheme for landlords and registration for agents, thus creating a licensing scheme only for agents, and I do not believe that that is appropriate. I have looked at Part 1 of the Bill in the light of this committee's scrutiny and have laid amendments that would remove the requirements for agents, including the requirement for responsible persons to be registered, in order to make the licensing scheme more streamlined and relevant to the people without losing the underlying principles. That came through strongly in committee evidence in terms of making sure that we tackle the right people and do not compromise others in the industry or the sector; that is, those whose work is allied to the private rented sector. We have done that with our amendment process.

[114] Again, we have attempted, with the raft of amendments that we have laid, to pick up on certain points. While we might have a fundamental policy difference in terms of moving forward with Government policy, there are things that Mark has raised in relation to amendment 390 that we have addressed in an amendment that we have tabled—amendment 222. So, Mark may wish to support that a bit later. I ask for continued support from the committee in terms of our amendments in shaping the private rented sector, enforcement, and ensuring that the licensing scheme covers those who need to be licensed. These amendments support that process, and I would ask Members to support that today.

[115] **Christine Chapman:** Thank you. Minister, do you wish to proceed to a vote on amendment 167?

[116] **Carl Sargeant:** Yes, please.

[117] **Christine Chapman:** Before we move to the vote on amendment 167, Members will wish to be aware that if amendment 167 is agreed to, amendments 375, 376, 377, 378, 379 and 380 will fall. The question is that amendment 167 be agreed to. Does any Member object? There is objection. I therefore call for a vote.

*Gwelliant 167: O blaid 8, Ymatal 2, Yn erbyn 0.
Amendment 167: For 8, Abstain 2, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 167.
Amendment 167 agreed.*

Methodd gwelliannau 375, 376, 377, 378, 379 a 380.

Amendments 375, 376, 377, 378, 379 and 380 fell.

[118] **Christine Chapman:** We will now dispose of amendments 436, 169, 171, 187, 437 and 438 in the name of the Minister. These amendments appear consecutively in the marshalled list and I propose that they are disposed of en bloc. Does any Member object to voting en bloc? There are no objections.

*Cynigiwyd gwelliannau 436, 169, 171, 187, 437 a 438.
Amendments 436, 169, 171, 187, 437 and 438 moved.*

[119] **Christine Chapman:** The question is that these amendments be agreed to. Does any Member object? There is no objection, therefore these amendments are agreed.

*Derbyniwyd gwelliannau 436, 169, 171, 187, 437 a 438 yn unol â Rheol Sefydlog 17.34.
Amendments 436, 169, 171, 187, 437 and 438 agreed in accordance with Standing Order 17.34.*

[120] **Christine Chapman:** Mark, do you wish to move amendment 381?

[121] **Mark Isherwood:** I move amendment 381 in my name.

[122] **Christine Chapman:** Before we move to the vote on amendment 381, Members will wish to be aware that if amendment 381 is agreed, amendments 170 and 87 will fall. The question is that amendment 381 be agreed to. Does any Member object? There is objection. I therefore call for a vote.

*Gwelliant 381: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 381: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 381.
Amendment 381 not agreed.*

*Cynigiwyd gwelliant 170.
Amendment 170 moved.*

[123] **Christine Chapman:** The question is that amendment 170 be agreed to. Does any Member object? There is no objection, therefore amendment 170 is agreed.

*Derbyniwyd gwelliant 170 yn unol â Rheol Sefydlog 17.34.
Amendment 170 agreed in accordance with Standing Order 17.34.*

Grŵp 6: Y Sector Rhentu Preifat: Cofrestr o Dai Rhent Preifat (Gwelliannau 87, 433, 318, 320, 73, 330, 74 a 434)
Group 6: Private Rented Sector: Register of Private Rented Housing (Amendments 87, 433, 318, 320, 73, 330, 74 and 434)

[124] **Christine Chapman:** The lead amendment in the group is amendment 87 in the name of the Minister. I move amendment 87 in the name of the Minister and I call on the Minister to speak to the amendments in this group.

[125] **Carl Sargeant:** I seek the committee's support around the amendments grouped in group 6 first of all. One of the objectives of Part 1 of the Bill is to create a central register of information that will primarily contain the details of landlords, their rental properties and who will be managing those properties. Amendments 73 and 74 will add information regarding rent stopping orders to the content of the register of private rented housing. This will ensure that prospective tenants in particular will be able to ascertain whether such an order is in force, and therefore whether the property is being let or managed in accordance with the statutory requirements. We will be considering further rent stopping orders in more detail when we reach group 16 later.

[126] Amendment 87 is made to reflect the purpose of the register, namely to collate information that will be publicly searchable. It is therefore made to ensure that only such information that is captured on the register is appropriate.

[127] We have already discussed the licensing authority in an earlier group, and amendments 320 and 330 remove from the content of the private register operational information that may be captured by the licensing authority under its powers to gather information under section 10 and the powers introduced by my amendment 295.

11:30

[128] Turning to Mark Isherwood's amendments 433 and 434, I can see the intention to ensure that the register held by local authorities includes information on dwellings' energy performance rating. It would be largely for the landlord to ensure that the entry on the register includes such information. Members of the committee will be aware that there are already existing requirements that the majority of properties that are rented must have a current energy rating performance and that that information be available. It is available through a quick and relevant property search on an online register, which is easily accessed through a postcode search. To require landlords to put this information on the entry of the register is duplication and, therefore, I ask Members to resist that process as that is already captured through current legislation.

[129] **Christine Chapman:** I call on Mark Isherwood to speak.

[130] **Mark Isherwood:** Amendment 433 reflects representations made by Fuel Poverty Coalition Cymru. I should declare that I chair the cross-party group on fuel poverty, but that is a matter of public record. The coalition proposes that the register should include information about the energy performance certificate rating of a property, which landlords are required to have, helping prospective tenants to estimate the cost of living in a property. There are exemptions from the requirement to provide an EPC for certain types of building on page 6 of the guidance, but, generally speaking, that relates to self-contained accommodation and the EPC must be provided to prospective tenants for all new lets. That has been the case since the original regulations were commenced. It only excludes prospective tenants where the landlord believes, on reasonable grounds, that they are unlikely to have sufficient means to buy or rent or are not genuinely interested in buying or renting. The landlord must already ensure that a valid energy performance certificate has been given free of charge to the person

who ultimately becomes the tenant, whether or not the property was originally tenanted prior to the 2012 regulations coming into force. So, it is quite clear that when the dwelling is put on the market for rent that the relevant person must ensure that an EPC is commissioned for the building and provided to tenants at the earliest opportunity. So, this is simply trying to make things simpler and provide greater clarity and greater access to information for the prospective tenant than currently applies. That covers both amendments 433 and 434.

[131] **Christine Chapman:** Thank you, Mark. I call on Jocelyn Davies to speak.

[132] **Jocelyn Davies:** I support Mark's proposal in amendment 433. I heard the Minister's argument that it would just be duplication, but we do not mind other things being duplicated. We accept the registration number of the landlord being put on adverts even though tenants could look somewhere else to see whether that person is registered. So, I think that the argument of duplication is a tad weak, but I can see why you would present it. I think that it would be relevant information and that by looking at adverts, if a rating were poor or low, prospective tenants would not even bother to pursue that property. So, that would save a lot of wasted time and would up the game of landlords if they found that their properties were being rejected by people just from looking at the adverts. So, I think that we could support that.

[133] In relation to the Minister's own amendment 73, of course that mentions the rent stopping order that the Minister just mentioned. On the concept of the rent stopping order, I thought that we had received quite strong evidence that that was something that perhaps should not be pursued and that there were better ways of doing this. So, as I do not agree with the concept of the rent stopping order, I will not support that amendment.

[134] **Christine Chapman:** I call on Peter Black to speak.

[135] **Peter Black:** Thank you, Chair. I also tend to support Mark Isherwood's amendments 433 and 434. I think that it is important, if we are to use this registration scheme to drive up the quality of properties, that as much information as possible is available to potential tenants in terms of the property that they may wish to rent. I think that putting that information on the register is one way of doing that. So, I am happy to support that particular amendment.

[136] I share Jocelyn's concerns in relation to amendment 73. We will have this debate under group 16, of course, but the committee was fairly strong on rent stopping orders not being an appropriate method to apply in terms of the enforcement of this scheme. I very much welcome the fact that the Minister has tabled an amendment on rent repayment orders, which I think is a far more appropriate mechanism. What I do not understand is why we need to have both mechanisms in the Bill. I will certainly be seeking to remove the rent stopping orders provision. All the evidence that came to committee made particular reference to that, with people concerned about the impact on tenants of rent stopping orders, about the position that it would put vulnerable tenants in, and about the landlords taking out that particular issue and, effectively, forcing tenants to pay that. That is why I think that a rent repayment order is a far more appropriate mechanism. For that reason, I will be voting against all amendments relating to rent stopping orders from the Minister and will be supporting amendments to remove that from the Bill. So, I will be opposing amendment 73.

[137] **Christine Chapman:** I call on the Minister to reply.

[138] **Carl Sargeant:** Thank you, Chair. I thank colleagues for their comments. Can I start with the issue of Mark Isherwood's amendment, and give more detail around that? I accept and am grateful for Jocelyn Davies's comments in terms of the principle of duplication. I would try to resist duplication wherever we can. I think that it is appropriate to do that. I am not entirely opposed to the principle of what you are seeking to do.

[139] One of the issues that we do face is around the competency of this process in relation to the Bill, and the fact that this is around energy efficiency, which we do not, as an institution, have competency around. Therefore, the workability of this amendment is questionable, and that is why we seek not to support it today. However, I see what you are trying to pursue, and, in general terms, I agree with what you are trying to do in terms of giving the tenant a better option. I will give it further consideration to see whether there is something that we can bring back at the next stage. However, at this point in time, I cannot accept this amendment, due to the fact that there is a question around the competency of the Assembly process.

[140] I also listened carefully to the issue—and, again, group 16 is predominantly around the rent stopping order, but there is an effect in this element because of the consequences of that. Members are well versed in the committee process, and we went through a long process where we actually started with the principle of a rent stopping order. However, I listened carefully to the evidence presented by you and had clarity on your concerns about that. That is why I introduced the rent repayment order in addition to that, so there is an option and a suite of tools for the enforcement of the licensing. That is why we are seeking to promote both the rent repayment order and the rent stopping order in respect of the circumstances that might be applied to enforcement.

[141] Of course, I would expect a rent stopping order to have much more of an effect for a person who is living abroad and is renting a property in the UK. UK laws may not apply to him or her when he or she is living in another country, while a rent stopping order would certainly have an effect, in terms of the bank account that is possibly in another country. That is why we are pursuing this process. I would ask Members to reconsider their approach on the rent stopping order. It is part of a suite of tools that we will be applying to enforcement, giving credibility to the enforcement and private rented sector licensing system. I seek support from the Chair to move my amendments.

[142] **Christine Chapman:** Thank you, Minister. Do you wish to proceed to a vote now on amendment 87?

[143] **Carl Sargeant:** Yes, please.

[144] **Christine Chapman:** The question is that amendment 87 be agreed to. Does any Member object? There is no objection, therefore amendment 87 is agreed.

*Derbyniwyd gwelliant 87 yn unol â Rheol Sefydlog 17.34.
Amendment 87 agreed in accordance with Standing Order 17.34.*

[145] **Christine Chapman:** I now move amendment 317 in the name of the Minister. The question is that amendment 317 be agreed to. Does any Member object? There are no objections, therefore amendment 317 is agreed.

*Derbyniwyd gwelliant 317 yn unol â Rheol Sefydlog 17.34.
Amendment 317 agreed in accordance with Standing Order 17.34.*

[146] **Christine Chapman:** Mark, do you wish to move amendment 433?

[147] **Mark Isherwood:** I move amendment 433 in my name.

[148] **Christine Chapman:** The question is that amendment 433 be agreed to. Does any Member object? There is an objection, therefore we will take a vote.

Gwelliant 433: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 433: For 5, Abstain 0, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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 433.
Amendment 433 not agreed.*

[149] **Christine Chapman:** We are now going to dispose of amendments 318 to 321. I propose that these amendments be disposed of en bloc. Does any Member object? There are no objections.

[150] I move amendments 318 to 321 in the name of the Minister. The question is that amendments 318 to 321 be agreed to. Does any Member object? There are no objections, so those amendments are agreed.

*Derbyniwyd gwelliannau 318, 319, 320 a 321 yn unol â Rheol Sefydlog 17.34.
Amendments 318, 319, 320 and 321 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 73.
Amendment 73 moved.*

[151] **Christine Chapman:** The question is that amendment 73 be agreed to. Does any Member object? We have an objection, so we will take a vote by show of hands.

*Gwelliant 73: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 73: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

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 73.
Amendment 73 not agreed.*

[152] **Christine Chapman:** I propose that amendments 322 to 341 be disposed of en bloc. Does any Member object? There are no objections.

Cynigiwyd gwelliannau 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340 a 341.

Amendments 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340 and 341 moved.

[153] I put the question, then, that amendments 322 to 341 be agreed to. Does any Member object? There are no objections, therefore amendments 322 to 341 are agreed.

Derbyniwyd gwelliannau 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340 a 341 yn unol â Rheol Sefydlog 17.34.

Amendments 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340 and 341 agreed in accordance with Standing Order 17.34

[154] **Christine Chapman:** I now move amendment 74. The question is that amendment 74 be agreed to. Does any Member object? There are no objections, so amendment 74 is agreed.

Derbyniwyd gwelliant 74 yn unol â Rheol Sefydlog 17.34.

Amendment 74 agreed in accordance with Standing Order 17.34.

[155] **Christine Chapman:** Mark, would you like to move amendment 434?

[156] **Mark Isherwood:** I move amendment 434 in my name.

[157] **Christine Chapman:** The question is that amendment 434 be agreed to. Does any Member object? There is an objection, so we will take a vote by show of hands.

Gwelliant 434: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 434: For 5, Abstain 0, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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 434.
Amendment 434 not agreed.

[158] **Christine Chapman:** We will now dispose of amendments 342 to 352 in the name of the Minister. They appear consecutively in the marshalled list and I propose that they be disposed of en bloc. Does any Member object? There is no objection.

[159] I move amendments 342 to 352 in the name of the Minister. The question is that amendments 342 to 352 be agreed to. Does any Member object? There are no objections, therefore amendments 342 to 352 are agreed.

Derbyniwyd gwelliannau 342, 343, 344, 345, 346, 347, 348, 349, 350, 351 a 352 yn unol â Rheol Sefydlog 17.34.

Amendments 342, 343, 344, 345, 346, 347, 348, 349, 350, 351 and 352 agreed in accordance with Standing Order 17.34.

[160] **Christine Chapman:** Mark, do you want to move amendment 382?

[161] **Mark Isherwood:** I move amendment 382 in my name.

[162] **Christine Chapman:** Members will wish to be aware that, if amendment 382 is agreed, amendments 172 to 174, 2, 3, 175 to 186 and 383 will fall. The question is that amendment 382 be agreed to. Does any Member object? There is an objection, so we will take a vote by show of hands.

Gwelliant 382: O blaid 2, Ymatal 0, Yn erbyn 8.

Amendment 382: For 2, Abstain 0, Against 8.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 382.
Amendment 382 not agreed.*

[163] **Christine Chapman:** We will now dispose of amendments 172 to 174 in the name of the Minister. They appear consecutively in the marshalled list. I propose that these amendments be disposed of en bloc. Does any Member object? There is no objection.

[164] I move amendments 172 to 174 in the name of the Minister. The proposal is that amendments 172 to 174 be agreed to. Does any Member object? There is no objection. Amendments 172 to 174 are agreed.

Derbyniwyd gwelliannau 172, 173 a 174 yn unol â Rheol Sefydlog 17.34.

Amendments 172, 173 and 174 agreed in accordance with Standing Order 17.34

Grŵp 7: Y Sector Rhentu Preifat: Technegol a Drafftio (Gwelliannau 2, 3, 4, 5, 6, 95 a 310)

Group 7: Private Rented Sector: Technical and Drafting (Amendments 2, 3, 4, 5, 6, 95 and 310)

[165] **Christine Chapman:** The lead amendment in this group is amendment 2 in the name of the Minister. I move amendment 2 and call on the Minister to speak to the amendments in this group.

[166] **Carl Sargeant:** I am seeking support for the predominantly technical amendments within this group. I will be very brief. These are largely technical amendments consisting of drafting, avoiding duplication and improving some of the wording of the English and Welsh text of the Bill.

[167] **Christine Chapman:** Are there any other Members who wish to speak? There are not. Minister, do you wish to proceed to a vote on amendment 2?

[168] **Carl Sargeant:** Yes, please.

11:45

[169] **Christine Chapman:** Okay, the question is that amendment 2 be agreed to. Does any Member object? There are objections, so we will move to a vote.

*Gwelliant 2: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 2: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 2.
Amendment 2 agreed.*

[170] **Christine Chapman:** I move amendment 3 now in the name of the Minister. The question is that amendment 3 be agreed to. Does any Member object? No, so amendment 3 is agreed. Sorry, there is an objection, so we will take a vote by show of hands.

*Gwelliant 3: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 3: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

[171] **Christine Chapman:** We will now dispose of amendments 175 to 185 in the name of the Minister. These amendments appear consecutively on the marshalled list and I propose that they be disposed of en bloc. Does any Member object? I see that they do not. Okay, I move amendments 175 to 185 in the name of the Minister. The question is that amendments 175 to 185 be agreed to. Does any Member object? There is no objection, so amendments 175 to 185 are agreed in accordance with Standing Order 17.34.

Derbyniwyd gwelliannau 175, 176, 177, 178, 179, 180, 181, 182, 183, 184 ac 185 yn unol â Rheol Sefydlog 17.34.

Amendments 175, 176, 177, 178, 179, 180, 181, 182, 183, 184 and 185 agreed in accordance with Standing Order 17.34.

Grŵp 8: Y Sector Rhentu Preifat: Gwybodaeth a Dogfennaeth (Gwelliannau 186, 383, 228, 289, 412, 293, 295, 297, 301 a 311)

Group 8: Private Rented Sector: Information and Documentation (Amendments 186, 383, 228, 289, 412, 293, 295, 297, 301 and 311)

[172] **Christine Chapman:** The lead amendment in this group is amendment 186 in the name of the Minister. I move amendment 186 and call on the Minister to speak to these amendments.

[173] **Carl Sargeant:** Thank you, Chair. I am seeking support for group 8, the amendments in my name. Amendment 293 inserts powers for licensing authorities to request and use the information from a local housing authority that it has obtained through the administration of council tax and housing benefit. This will assist a licensing authority in ascertaining whether the property is being used within the private rented sector. This reflects the helpful comments made by committee during Stage 1 of the Bill, for which I am grateful.

[174] Amendment 311 is consequential to amendment 293. It is important that licensing authorities have the necessary documentation to enable them to exercise their functions under this part of the legislation.

[175] I turn to amendments 186, 228, 289 and 311, which are consequential amendments to the insertion of the new sections by amendment 301 around false and misleading information to deal with the connected offences relating to the provision of information. We have made those amendments and, therefore, we believe that Mark Isherwood's amendment 383 is now not necessary given my amendment 301. The new offence of providing false or misleading information applies only when a person knowingly or recklessly does so, in which circumstances it will not be appropriate for such an offence to carry a reasonable excuse defence. I cannot, therefore, support Mark's amendment, as we believe that we have addressed this earlier.

[176] **Christine Chapman:** Thank you. I call Mark to speak next.

[177] **Mark Isherwood:** I would still urge Members to support the related amendments that I tabled as I believe that they are more watertight than the Government's proposal, although, they clearly share the same purpose and intention.

[178] **Christine Chapman:** Are there any other Members who wish to speak? No, okay. I call on the Minister to reply.

[179] **Carl Sargeant:** I fail to see the evidence that Mark produces regarding the watertightness of his amendment. The legal advice that we have sought has been clear and it is evident within the legislation and drafting that we have provided for this Bill.

[180] **Christine Chapman:** Okay, thanks. So, do you wish to proceed to a vote on amendment 186?

[181] **Carl Sargeant:** Yes, please.

[182] **Christine Chapman:** The question is that amendment 186 be agreed to. Does any Member object? There are no objections, therefore amendment 186 is agreed.

Derbyniwyd gwelliant 186 yn unol â Rheol Sefydlog 17.34.

Amendment 186 agreed in accordance with Standing Order 17.34.

[183] **Christine Chapman:** Mark, do you wish to move amendment 383?

[184] **Mark Isherwood:** Yes. I move amendment 383 in my name.

[185] **Christine Chapman:** The question is that amendment 383 be agreed to. Does any Member object? There is an objection, so we will move to a vote.

*Gwelliant 383: O blaid 4, Ymatal 1, Yn Erbyn 5.
Amendment 383: For 4, Abstain 1, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Black, Peter

*Gwrthodwyd gwelliant 383.
Amendment 383 not agreed.*

[186] **Christine Chapman:** Mark, do you wish to move amendment 384?

[187] **Mark Isherwood:** I move amendment 384 in my name.

[188] **Christine Chapman:** Members will wish to be aware that if amendment 384 is agreed to, amendments 188 and 189 will fall. The question is that amendment 384 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 384: O blaid 2, Ymatal 0, Yn Erbyn 7.
Amendment 384: For 2, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 384.
Amendment 384 not agreed.*

Grŵp 9: Y Sector Rhentu Preifat: Dyletswydd i Ddiweddaru Gwybodaeth (Gwelliannau 188, 189, 439 a 245)

Group 9: Private Rented Sector: Duty to Update Information (Amendments 188, 189, 439 and 245)

[189] **Christine Chapman:** The lead amendment in this group is amendment 188 in the name of the Minister. I move amendment 188 in the name of the Minister and call on the Minister to speak to the amendments in the group.

[190] **Carl Sargeant:** Thank you, Chair. Again, I am seeking support for the amendments in my name in group 9. As I have set out in earlier groups, a landlord is required to provide certain information to the licensing authority, which is held then by that authority. It is important to ensure that that information is kept up to date and remains accurate. Amendment 188 sets out the circumstances when the landlord will be required to notify the licensing authority of any changes in circumstances of his or her registration, including in relation to the details surrounding who is managing the property within 28 days of that change. Notwithstanding the earlier discussion that we had around the interim tenancy elements around amendment 373—I believe—we believe that this does not have an effect on this, but subject to it having one, we would seek to bring further amendments at a later stage due to that being necessary, if it was.

[191] Amendments 189 and 245 are purely technical amendments to achieve consistency in the drafting of the Bill.

[192] **Christine Chapman:** Thank you. Do any other Members wish to speak? No. Minister, do you wish to proceed to a vote on amendment 188?

[193] **Carl Sargeant:** Yes, please.

[194] **Christine Chapman:** The question is that amendment 188 be agreed to. Does any Member object? There are no objections, therefore amendment 188 is agreed.

*Derbyniwyd gwelliant 188 yn unol â Rheol Sefydlog 17.34.
Amendment 188 agreed in accordance with Standing Order 17.34.*

[195] **Christine Chapman:** I move amendment 189 in the name of the Minister. The question is that amendment 189 be agreed to. Does any Member object? There are no objections, therefore amendment 189 is agreed.

*Derbyniwyd gwelliant 189 yn unol â Rheol Sefydlog 17.34.
Amendment 189 agreed in accordance with Standing Order 17.34.*

[196] **Christine Chapman:** Mark, do you wish to move amendment 385?

[197] **Mark Isherwood:** I move amendment 385 in my name.

[198] **Christine Chapman:** Members will wish to be aware that if amendment 385 is agreed, amendments 192, 193, 194, 357, 386, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219 and 220 will fall. The question is that amendment 385 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 385: O blaid 2, Ymatal 0, Yn Erbyn 8.
Amendment 385: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 385.
Amendment 385 not agreed.*

[199] **Christine Chapman:** We will now dispose of amendments 192, 193 and 194 in the name of the Minister. Are you happy for these amendments to be disposed of en bloc? I see that you are content. Therefore, I move amendments 192, 193 and 194 in the name of the Minister. The question is that amendments 192, 193 and 194 be agreed to. Does any Member object? There are no objections, therefore amendments 192, 193 and 194 are agreed.

*Derbyniwyd gwelliannau 192, 193 a 194 yn unol â Rheol Sefydlog 17.34.
Amendments 192, 193 and 194 agreed in accordance with Standing Order 17.34.*

Grŵp 10: Y Sector Rhentu Preifat: Dirymu Cofrestrriad neu Drwydded (Gwelliannau 357, 386, 404, 149 a 405)
Group 10: Private Rented Sector: Revocation of Registration or Licence (Amendments 357, 386, 404, 149 and 405)

[200] **Christine Chapman:** The lead amendment in this group is amendment 357 in the name of Jocelyn Davies. I therefore call on Jocelyn to move amendment 357 and to speak to the amendments in the group.

[201] **Jocelyn Davies:** I move amendment 357 in my name.

[202] We know that the aim of the Bill is said to be about raising standards within the private rented sector. I think that we have seen plenty of evidence that some of the accommodation there is very poor indeed. Of course, we know that registration is about fit-and-proper persons, and so on. However, I am disappointed, as Members will know, because to set the current bare legal minimum as the standard on the face of the Bill is, I think, a mistake and does nothing to raise standards. So, I would like to develop this idea of a decent standard and allow local authorities to decide what a decent standard is, I suppose in the same way as we ask them to decide what is reasonable and appropriate in all the circumstances and they, of course, are best placed to do that, knowing their local housing stock. Therefore, I seek Members' support that, if a local authority feels that properties are not being maintained to a decent standard, the licence could be lost.

[203] **Christine Chapman:** Mark, do you want to come in?

[204] **Mark Isherwood:** I can understand and I have some sympathy for where you are coming from. I am also conscious that the Minister said that he did not want to go down the road of a Scottish repairing standard. It is a question of what standard you apply. The quality of the house or the home or the flat or the apartment is critical, and it has been the purpose of many of the amendments that I have put forward. The question is whether the local authority would use this rather than the current regime, the HHSRS regime, to intervene, and what impact that might have. I am fully sympathetic to the objective you seek, but without major changes to the rest of the Bill, I struggle to see how it could be implemented.

[205] **Christine Chapman:** I know that Peter wants to come in and then Jenny is next.

[206] **Peter Black:** I am happy to support amendment 357 and I have already added my name to amendment 149. I will also be supporting Mark Isherwood's three amendments in this group. Mark raises the point about whether this will replace the HHSRS. As I understand it, the HHSRS will remain in law as the standards that properties have to meet. I think that what we are doing here—and I think that this is really important and we will be returning to it later on—is picking up on the Minister's own rhetoric about how this registration and licensing scheme will raise the standards of property in the privately rented sector. It seems to me that, if you are going to raise the standards in the privately rented sector, you have to make provision for licensing authorities to have a standard to aim for, which is more than the basic legal minimum, which of course still remains in force. So, it seems to me, that, in this particular case, a decent standard is a first stab at that particular objective. For that reason, I am happy to support those amendments. We will of course return to this when we come to consider section 28 as well.

[207] In relation to Mark's amendments, 386, 404 and 405, I think that it is important that we have that additional offence included in the relevant section in terms of the Protection from Eviction Act 1977. I also think that that is an important housing offence that needs to be taken into account when considering whether someone is a fit-and-proper person to be a landlord, so I will happily support those amendments as well.

[208] **Christine Chapman:** Okay, I am going to bring Mark in very briefly because there was something that he wished to add, and then I will bring Jenny in.

[209] **Mark Isherwood:** I neglected to actually speak to amendments 386 or 404, which I will do very briefly. Amendment 386 seeks to include revocation of registration by a local housing authority of someone convicted of an offence under the Protection from Eviction Act 1977, including an offence under section 1 of the Protection from Eviction Act as a revocation of licence in section 1 of the Act if the landlord or residential occupier or an agent of the landlord acts in specified ways within that legislation. Amendment 404 would insert after 'licence' in section 18, page 10, line 24 the words 'if the breach is of a serious or repeated nature', allowing a licence to be revoked only in the event of a breach of a condition if the breach is of a serious nature or is persistent or repeated. As the provision stands at the moment, there is potential for revocation for something of a trivial or minor nature or remedial nature. This will bring the Bill into line with the related provisions of the Housing Act 2004 in this respect.

[210] **Jenny Rathbone:** I am sympathetic to the aspiration of Jocelyn Davies's amendment, but I think that we have not sufficiently looked at the practicalities of this and what the unintended consequences might be. Let us just think of somebody who has a property that is not in very good order, but which meets the minimum standards in terms of electrical appliances et cetera.

12:00

A roof over your head is better than no roof over your head, and if it is absolutely appalling in terms of heating efficiency standards, it would be possible for the tenant to then get help, with the support of the landlord, to bring that property up to the heating standards, to a better heating standard, which the landlord on their own might not think they were eligible to apply for, if you are talking about a landlord who does not actually have—it may be an unintentional landlord—the capital assets to enhance the property and needs to rent it in order to generate some income, to enhance the property. I am concerned that it could take out some of the housing stock, without the possibility of being able to improve it sufficiently, to get it

up to this decency standard, which, in itself, is open to a huge amount of discussion about what makes it decent. So, I understand what you are trying to do, Jocelyn, but I am not sure that we have properly explored the consequences of that and the ways in which it could lead to a lot of properties that are on the margin simply being allowed to rot.

[211] **Rhodri Glyn Thomas:** Byddwn i'n gobeithio y byddai pawb yn y fan hon am gefnogi datganiad moel sy'n dweud bod safon addas a phriodol ar gyfer tai na ddylid mynd yn is nag ef. Mae hynny'n hawl sylfaenol, y byddwn i'n meddwl, i unrhyw denant ei gael. Nid wyf *quite* yn deall y ddatl am oblygiadau anfwriadol—nid wyf yn gallu gweld ein bod yn mynd i'r cyfeiriad hwnnw. Byddwn yn gobeithio y byddai'r Gweinidog yn gallu derbyn yr egwyddor hefyd ac y byddai'n barod i edrych ar hyn i weld sut y gellid symud tuag at hyn o beth, ond fe fyddwn yn cynnig y gwelliant hwn ac yn gobeithio cael cefnogaeth y pwyllgor amdano. Byddwn hefyd yn cefnogi gwelliant 386 yn enw Mark Isherwood.

Rhodri Glyn Thomas: I would hope that everyone here would want to support a statement that says there should be an appropriate standard for housing and that that standard should be maintained. I think that it would be a basic right for any tenant. Now, I do not quite understand the argument about the unintended consequence—I cannot see that we are actually moving in that direction. I would hope that the Minister could also accept the principle and be willing to look at this to see how we can move towards this position, but we will be moving this amendment and seeking the support of the committee for it. We will also be supporting amendment 386 in the name of Mark Isherwood.

[212] **Mike Hedges:** I have a couple of points, and I agree with Jenny, in that I have great sympathy with what is being moved here. I just look at the practicality of my own constituency. I think that they are going to have an awful lot of work to do making sure that a number of these houses actually make the basic legal minimum. I have a question for the Minister, however. When we get all the houses up to the current basic legal minimum, does the Minister have the power to increase the standard of the current basic minimum? Rather than support the amendment, I would much prefer it for the legal basic minimum to be enforced now and for the Minister to continually increase the legal basic minimum until we get to the standard we all want to get to. I speak as somebody who has lived in privately rented accommodation of a very low standard—I know what it is like.

[213] **Christine Chapman:** I call the Minister to respond.

[214] **Carl Sargeant:** Thank you, Chair, and I start by thanking Jocelyn for her opening comments there. I have great sympathy with the principle behind this. I think that, through committee stages, we did have some discussion around standards, and where Peter alludes to my rhetoric of improving standards, I would give him some assurance that, by the registration scheme as a whole, we will be increasing standards, because the rogue landlords, as many Members referred to them, will be within the scheme and expected to comply, which will in itself raise standards, because, at the moment, many are operating in a way that I believe is unlawful and we have not captured them in any sense up to now.

[215] As I said, Jocelyn's amendments to have a decent standard are something that I would consider looking at further in terms of driving standards up, and, again, I touched on the issue around having the discharge duty of homelessness into the PRS. It is something that I again recognise as something over which we should give authorities clarity as to what we believe would be acceptable, because we would not want people being discharged to a property that is inappropriate for their needs. So, there is something around what a decent standard is, but I do not think that we should be legislating for that in this Bill. Of course, Jenny and many Members are right in terms of the minimum standards around the housing Act and the housing health and safety rating system. The issue of extreme cold would constitute a hazard under that Act, so it already exists in legislation. Therefore, failing to take such action would

constitute a failure to meet housing law, and we believe that it could constitute a breach of licensing conditions and, therefore, amendment 149 is not appropriate in this part of the Bill.

[216] In terms of revocation of registration, with which amendment 357 is concerned, I am not persuaded that this adds anything to the Bill's structure. Immediately revoking the registration of a landlord whose property is not being maintained to a decent standard will mean that the individual, and therefore the property, will no longer be on the register. I know that Members are concerned about the supply of properties, and I believe that this gives an opportunity for persons managing the property and those licensed to ensure that they can bring it up to a standard that is lawful and meets at least the minimum standards that apply currently. So, I do not believe that deregistration would achieve this aim and we would run the serious risk of pushing the properties back off the radar and back into the very place where they are now; that is, that they are not registered and we do not know where they are operating.

[217] I will turn to Mark Isherwood's amendments 386 and 405. The committee has heard that these seek to introduce a requirement that the person's registration or licence be revoked should the person be convicted of an offence under the Protection of Eviction Act 1977. Once again, I do not believe that these amendments are needed for this Bill. It would not be appropriate to revoke a person's registration in this situation for reasons that are similar to those I outlined in relation to other amendments. It is important to know where any such landlords are and, indeed, where the rental properties are, too, so that the measures can be taken to ensure that the tenants—and we have not had much of a focus on tenants; the general debate has been on landlords for most of this session—are not subjected to similar offences and activity. So, a licensed landlord who was convicted of such an offence would, in essence, be likely to fail on the basis of the fit-and-proper-person test, in terms of holding a licence in the first instance. Given that their offence would amount to a failure to comply with housing and tenancy law, they would run the risk of having their licence revoked in any event under the current circumstances.

[218] On the issue of revocation of licences, on which I know Members have raised concerns, this cannot be done by an authority without a suitable case for doing so. The reasons for the revocation must be made to the licensee before the licence is revoked, and representation can be made by that person to the licensing authority. If the licence is then revoked, the licensee has the opportunity to pursue an independent route of appeal through the residential property tribunal, as set out in the amendment. So, I hope that Members can agree with me that the amendments in this group are not required. However, once again, I give support to the principle of Jocelyn Davies's amendments in terms of ensuring a decent standard. As the Minister for housing, I would seek to look at that and consider ways in which we could improve standards across the housing sector, not just in the PRS, but in relation to my duties as the Minister for housing in principle.

[219] **Mike Hedges:** I asked you a question, Minister.

[220] **Carl Sargeant:** I am sorry, Mike; could you just remind me of the question? I do apologise.

[221] **Mike Hedges:** Do you have the powers to increase the basic legal minimum standard?

[222] **Carl Sargeant:** We have powers under the HRAS, but I am not sure entirely of the issues around health and safety law. We do not have competence regarding health and safety, but I have asked my team, based on the Bills that will be presented to the Assembly over the next few months in relation to the renting homes Bill, is to look at the competency levels we have, including the issues with regard to which I know the committee has a keen interest in

relation to carbon monoxide and gas testing, and the safety of other appliances. However, there are competency issues currently with health and safety law, which is not devolved to us, or with consumer protection law, which is also a function of the UK Government.

[223] **Christine Chapman:** Thank you. I call on Jocelyn to reply to the debate.

[224] **Jocelyn Davies:** The bare minimum standard is accommodation that anyone sitting around this table would want to stay in, and certainly would not want to live in. I think that local authorities are well placed to decide what is decent, because, as I say, we give them discretion in many other areas to say that that is perfectly appropriate locally. There is no need to have a tenant in order to access funds to bring empty properties back into use, because there is a considerable amount of support from the Government and others to do that. I do not see why tenants' rents should have to pay for that.

[225] The current standard is about danger to life and limb, and so on. So, it is not a standard that says 'This is pleasant', or 'This is why I want to develop this concept of decent'. Some properties that I have been in that I would describe as 'slums' meet the bare minimum standard. This is at the end where the rogue landlords are. These are the rogue landlords, or at least the bad landlords. I hope that the Minister is sincere in wanting to develop this idea of a decent standard.

[226] Your registration conditions are entirely up to you—you can attach conditions to that even if you do not have competence over health and safety, and so on. If you have a registration scheme, it is up to you what its conditions are. I hope that a decent standard would be part of that. We set a very high standard for the social rented sector, and I know that we will be coming onto that, probably not today, but very soon. I think that just saying to the private rented sector 'You must maintain properties to a decent standard' would be sending a very strong message.

[227] **Christine Chapman:** Thank you, Jocelyn. Do you want to proceed to a vote on amendment 357?

[228] **Jocelyn Davies:** I certainly do.

[229] **Christine Chapman:** The question is that amendment 357 be agreed to. Does any Member object? I see there is objection.

[230] **Jocelyn Davies:** That was a very muted objection. I think that the Record should note that it was very reluctant objection. [*Laughter.*]

[231] **Christine Chapman:** I call for a vote on amendment 357.

*Gwelliant 357: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 357: For 3, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid: Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted for: The following Members voted against:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Andrews, Leighton
Chapman, Christine
Finch-Saunders, Janet
Hedges, Mike
Isherwood, Mark
Price, Gwyn R.
Rathbone, Jenny

*Gwrthodwyd gwelliant 357.
Amendment 357 not agreed.*

[232] **Christine Chapman:** Mark, do you wish to move amendment 386?

[233] **Mark Isherwood:** I do. I move amendment 386 in my name. Do I get to respond?

[234] **Christine Chapman:** No, you have had the opportunity.

[235] The question is that amendment 386 be agreed to. Does any Member object? There is objection, so we will take a vote by show of hands.

*Gwelliant 386: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 386: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid: Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted for: The following Members voted against:

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

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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 386.
Amendment 386 not agreed.*

[236] **Christine Chapman:** We will now dispose of amendments 195 to 203 in the name of the Minister. Are Members happy to vote on these amendments en bloc? I see that you are.

*Cynigiwyd gwelliannau 195, 196, 197, 198, 199, 200, 201, 202 a 203.
Amendments 195, 196, 197, 198, 199, 200, 201, 202 and 203 moved.*

[237] **Christine Chapman:** The question is that amendments 195 to 203 be agreed to. Does any Member object? I see that there is no objection, therefore those amendments are agreed.

Derbyniwyd gwelliannau 195, 196, 197, 198, 199, 200, 201, 202 a 203 yn unol â Rheol Sefydlog 17.34.

Amendments 195, 196, 197, 198, 199, 200, 201, 202 a 203 agreed in accordance with Standing Order 17.34.

Grŵp 11: Y Sector Rhentu Preifat: Apelio (Gwelliannau 204, 205, 206, 211, 213, 215, 252, 253, 254, 257, 264, 265, 266, 269, 274, 275, 276, 279, 408, 281, 409, 283, 92, 93, 94 a 410)

Group 11: Private Rented Sector: Appeals (Amendments 204, 205, 206, 211, 213, 215, 252, 253, 254, 257, 264, 265, 266, 269, 274, 275, 276, 279, 408, 281, 409, 283, 92, 93, 94 and 410)

[238] **Christine Chapman:** The lead amendment in the group is amendment 204 in the name of the Minister. I move amendment 204 and call on the Minister to speak to the amendments in this group.

12:15

[239] **Carl Sargeant:** I would like to speak to my amendments in this group and seek support from the committee and the Chair in this process. I have brought forward these amendments as a result of the committee's considerations during Stage 1. My consideration of this was due to the evidence that you heard. I considered that a fair approach was needed to allow for appeals to be made out of time where there is good reason to do so. This could be a case, for example, where a person is admitted to hospital and is unable to make an appeal within the requisite time. It allows me to seek to ensure consistency of approach with other legislation. I am sure that Members will recognise that this is a fair adjustment to make. I recognise Mark Isherwood's amendments 408 and 409, and 410 and 411, which will be considered later under group 16. That intends to propose a similar provision, but the Government's amendments extend to all the rights of appeal under Part 1 of the Bill and, therefore, make sure that all appeals and tribunals are able to be made out of time, where there is good reason for that. I believe that this ensures a more comprehensive and equitable approach to the provisions made in my amendments and not in Mark Isherwood's.

[240] I turn to amendments 257, 269 and 279, which define what an appeal period is, and amendments 204, 213, 215, 253, 254, 265, 266, 275, 276 and 281 are the necessary consequential amendments to the Bill as a result of the new definition.

[241] **Christine Chapman:** I call on Mark Isherwood to speak to his amendments.

[242] **Mark Isherwood:** I speak to amendments 408, 409, 410 and 411. In line with the equivalent provisions of the Housing Act 2004, these propose that a residential property tribunal be given powers for good reasons to extend a period allowed for lodging an appeal. Other appeals are laid for perfectly good reason and, therefore, it is strongly felt that power to extend time should be given. In terms of amendment 410 specifically, it will give the tribunal power to extend the period for an appeal against a rent stopping order for good reason. Again, it is meeting the intent of the Housing Act 2004 and bringing it in line with that.

[243] **Christine Chapman:** Are there any other Members who wish to speak? I see that there are not. So, I call on the Minister to reply to the debate.

[244] **Carl Sargeant:** I recognise Mark's good intention around this Bill and, in another situation, I would have supported these, however, we believe that our amendments go further than this and are inclusive of Mark Isherwood's amendments. Therefore, we would ask you to resist Mark's and support the Government's amendments for consistency across the whole of the Bill.

[245] **Christine Chapman:** Thank you, Minister. Do you wish to proceed to a vote on amendment 204?

[246] **Carl Sargeant:** Yes.

[247] **Christine Chapman:** The question is that amendment 204 be agreed to. Does any Member object? There are no objections, therefore amendment 204 is agreed.

Derbyniwyd gwelliant 204 yn unol â Rheol Sefydlog 17.34.

Amendment 204 agreed in accordance with Standing Order 17.34.

[248] **Christine Chapman:** I propose that amendments 205 to 220, and amendment 191, which appear consecutively in the marshalled list, be disposed of en bloc. Does any Member object? There are no objections. I move amendments 205 to 220, and amendment 191, in the

name of the Minister.

[249] The question is that amendments 205 to 220 and 191 in the name of the Minister be agreed to. Does any Member object? There are no objections, therefore amendments 205 to 220 and 191 are agreed.

Derbyniwyd gwelliannau 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220 ac 191 yn unol â Rheol Sefydlog 17.34.
Amendments 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220 and 191 agreed in accordance with Standing Order 17.34.

[250] **Christine Chapman:** We now dispose of amendment 222 in the name of the Minister.

Cynigiwyd gwelliant 222.
Amendment 222 moved.

[251] If amendment 222 is agreed, then amendments 387, 388 and 389 will fall. The question is that amendment 222 be agreed to. Does any Member object? There is an objection, therefore we will move to a vote.

Gwelliant 222: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 222: For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Andrews, Leighton
 Black, Peter
 Chapman, Christine
 Davies, Jocelyn
 Hedges, Mike
 Price, Gwyn R.
 Rathbone, Jenny
 Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Finch-Saunders, Janet
 Isherwood, Mark

Derbyniwyd gwelliant 222.
Amendment 222 agreed.

Methodd gwelliannau 387, 388 a 389.
Amendments 387, 388 and 389 fell.

[252] **Christine Chapman:** Mark, would you like to move amendment 390?

[253] **Mark Isherwood:** Yes. I move amendment 390 in my name.

[254] **Christine Chapman:** The question is that amendment 390 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

Gwelliant 390: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 390: For 4, Abstain 0, Against 6.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Davies, Jocelyn
 Finch-Saunders, Janet
 Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Andrews, Leighton
 Black, Peter
 Chapman, Christine

Thomas, Rhodri Glyn

Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

*Gwrthodwyd gwelliant 390.
Amendment 390 not agreed.*

[255] **Christine Chapman:** We will now dispose of amendments 223, 4, 5, 6, 224, 225 and 226 in the name of the Minister. I propose that they be disposed of en bloc. Are you happy with that? You are. I move amendments 223, 4, 5, 6, 224, 225 and 226 in the name of the Minister.

[256] The question is that these amendments be agreed to. Does any Member object? There are no objections, so amendments 223, 4, 5, 6, 224, 225 and 226 are agreed.

*Derbyniwyd gwelliannau 223, 4, 5, 6, 224, 225 a 226 yn unol â Rheol Sefydlog 17.34.
Amendments 223, 4, 5, 6, 224, 225 and 226 agreed in accordance with Standing Order 17.34.*

[257] **Christine Chapman:** Mark, do you wish to move amendment 391?

[258] **Mark Isherwood:** I move amendment 391 in my name.

[259] **Christine Chapman:** The question is that amendment 391 be agreed to. Does any Member object? There is objection, so we will have a vote by show of hands.

*Gwelliant 391: O blaid 3, Ymatal 2, Yn erbyn 5.
Amendment 391: For 3, Abstain 2, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Black, Peter
Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Davies, Jocelyn
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 391.
Amendment 391 not agreed.*

[260] **Christine Chapman:** I move amendment 227 in the name of the Minister. The question is that amendment 227 be agreed to. Does any Member object? There are no objections, so amendment 227 is agreed.

*Derbyniwyd gwelliant 227 yn unol â Rheol Sefydlog 17.34.
Amendment 227 agreed in accordance with Standing Order 17.34.*

[261] **Christine Chapman:** Mark, do you wish to move amendment 392?

[262] **Mark Isherwood:** I move amendment 392 in my name.

[263] **Christine Chapman:** The question is that amendment 392 be agreed to. Does any

Member object? There is objection, so we will have a vote by show of hands.

*Gwelliant 392: O blaid 5, Ymatal 0, Yn Erbyn 5.
Amendment 392: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

*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 392.
Amendment 392 not agreed.*

[264] **Christine Chapman:** I move amendment 228 in the name of the Minister. The question is that amendment 228 be agreed to. Does any Member object? There are no objections, therefore amendment 228 is agreed.

*Derbyniwyd gwelliant 228 yn unol â Rheol Sefydlog 17.34.
Amendment 228 agreed in accordance with Standing Order 17.34.*

[265] **Christine Chapman:** I move amendment 230 in the name of the Minister. The question is that amendment 230 be agreed to. Does any Member object? There are no objections, so amendment 230 is agreed.

*Derbyniwyd gwelliant 230 yn unol â Rheol Sefydlog 17.34.
Amendment 230 agreed in accordance with Standing Order 17.34.*

[266] **Christine Chapman:** We have group 12 next. It is up to you; do you want to do group 12 now, or would you like to take a break? We will do group 12. We will try to finish by 12.30 p.m., if possible.

Grŵp 12: Y Sector Rhentu Preifat: Gofyniad Person Addas a Phriodol (Gwelliannau 393, 89, 394, 90, 91 a 395)

Group 12: Private Rented Sector: Fit-and-Proper-Person Requirement (Amendments 393, 89, 394, 90, 91 and 395)

[267] **Christine Chapman:** The lead amendment in this group is amendment 393. I call on Mark Isherwood to move amendment 393 and to speak to the amendment and the other amendments in the group.

[268] **Mark Isherwood:** I move amendment 393 in my name.

[269] Amendment 394 reflects concern, or raises the concern in the case of the—

[270] **Christine Chapman:** It is amendment 393.

[271] **Ms Beasley:** He is talking to the other amendments in the group.

[272] **Christine Chapman:** Sorry; you are talking to amendment 394. That was my fault.

[273] **Mark Isherwood:** It seeks to insert in section 11, page 8, at the beginning of line 4,

[274] ‘has been found by a court or tribunal to have’.

[275] This raises the concern in the case of the Housing Act 2004 where the then UK Government accepted that what should be looked at was any findings of a court or tribunal that someone had practised unlawful discrimination or harassment, and likewise any findings of a court or tribunal for failure to comply with housing or landlord and tenant law. This is in line with paragraph (a), where there has been a conviction with an offence.

[276] **Jocelyn Davies:** Just to be clear, the lead amendment is amendment 393.

[277] **Christine Chapman:** They are all in the same group, actually. He is speaking to all of them.

[278] **Rhodri Glyn Thomas:** The lead amendment is amendment 393.

[279] **Mark Isherwood:** I am speaking to amendment 394, and to amendment 395, with which I will conclude. In the context of the fit-and-proper person test, the Bill currently requires that a local authority must have regard to any evidence that a person has failed to comply with any provision of the law relating to housing or landlord and tenant. This appears to mostly cover past compliance. Again, Fuel Poverty Coalition Cymru has proposed that provision be included, which this amendment seeks to address, ensuring that licensed landlords’ current properties are compliant with the relevant provision of housing law, further underpinning the regulations around energy efficiency standards and ensuring that properties are also fit and proper.

[280] **Christine Chapman:** Again, you may speak to any of the amendments in this group. Are there any other Members who want to speak? There are not. I will bring you in then, Minister.

[281] **Carl Sargeant:** Thank you, Chair. I seek support from the committee for Government amendments 89, 90 and 91 in my name. Amendment 89 is largely technical to address a drafting error in the Bill. Amendment 90 adds a provision to the fit-and-proper-person test, including victimisation as provided for in the Equality Act 2010. This reflects the victimisation of a person on the grounds of protected characteristics. Amendment 91 is again a technical amendment that reflects an amendment elsewhere in Part 1, which supports amendment 90.

[282] May I pick up on amendments tabled by Mark Isherwood? I listened carefully to Mark’s contribution and what he has put forward, but I am afraid that I cannot support the principle behind amendment 393. In the drafting of this, substituting the word ‘relevant’ for the word ‘appropriate’ does in fact change the meaning of this section. It lessens the discretion of the licensing authority to take into account the matters it considers appropriate in determining whether a person is fit and proper to hold a licence. Moving to amendment 394, which Mark spoke to, as currently drafted, this relates only to section 11(3)(b) in relation to finding that a person has been practising unlawful discrimination or harassment. This could be considered to be inconsistent, giving the licensing authority the ability to take account of a failure to comply with housing law or someone committing an offence without any findings or conviction by a court. Any such differentiation is arbitrary, particularly given the need for licensing authorities to act reasonably in applying the fit-and-proper-person test across this whole process and the possibility of an appeal by a tribunal. Therefore, we will be seeking for

Mark Isherwood's amendments not to be supported today.

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

[284] **Mark Isherwood:** Only to urge support for this for the reasons given. This is to ensure equity, fairness and compliance with the current law for all persons and to address the concerns expressed, as I said, by the Fuel Poverty Coalition around compliance with current provisions in housing law, which would help to underpin regulations around energy efficiency standards. So, I will wish to pursue these amendments.

[285] **Christine Chapman:** Thank you, Mark. Do you want to proceed to a vote on amendment 393?

[286] **Mark Isherwood:** Yes, please.

[287] **Christine Chapman:** Okay. The question is that amendment 393 be agreed to. Does any Member object? There is objection, so we will have a vote by a show of hands.

*Gwelliant 393: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 393: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 393.
Amendment 393 not agreed.*

[288] **Christine Chapman:** I move amendment 231 in the name of the Minister. The question is that amendment 231 be agreed to. Does any Member object? There is no objection, so amendment 231 is agreed.

*Derbyniwyd gwelliant 231 yn unol â Rheol Sefydlog 17.34.
Amendment 231 agreed in accordance with Standing Order 17.34.*

[289] **Christine Chapman:** I move amendment 89 in the name of the Minister. The question is that amendment 89 be agreed to. Does any Member object? There is no objection, therefore amendment 89 is agreed.

*Derbyniwyd gwelliant 89 yn unol â Rheol Sefydlog 17.34.
Amendment 89 agreed in accordance with Standing Order 17.34.*

[290] **Christine Chapman:** Mark, would you like to move amendment 394?

[291] **Mark Isherwood:** I move amendment 394 in my name.

[292] **Christine Chapman:** The question is that amendment 394 be agreed to. Does any Member object? There is objection, therefore will have a vote by a show of hands.

*Gwelliant 394: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 394: For 4, Abstain 0, Against 6.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

*Gwrthodwyd gwelliant 394.
Amendment 394 not agreed.*

[293] **Christine Chapman:** I move amendment 90 in the name of the Minister. The question is that amendment 90 be agreed to. Does any Member object? There are no objections, therefore amendment 90 is agreed.

*Derbyniwyd gwelliant 90 yn unol â Rheol Sefydlog 17.34.
Amendment 90 agreed in accordance with Standing Order 17.34.*

[294] **Christine Chapman:** I move amendment 91 in the name of the Minister. The question is that amendment 91 be agreed to. Does any Member object? There are no objections, therefore amendment 91 is agreed.

*Derbyniwyd gwelliant 91 yn unol â Rheol Sefydlog 17.34.
Amendment 91 agreed in accordance with Standing Order 17.34.*

[295] **Christine Chapman:** Mark, would you like to move amendment 395?

[296] **Mark Isherwood:** I move amendment 395 in my name.

[297] **Christine Chapman:** The question is that amendment 395 be agreed to. Does any Member object? There is objection, so we will have a vote by show of hands.

12:30

*Gwelliant 395: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 395: For 4, Abstain 0, Against 6.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

*Gwrthodwyd gwelliant 395.
Amendment 395 not agreed.*

[298] **Christine Chapman:** I propose that amendments 232, 233, 234 and 235, which appear consecutively in the marshalled list, be disposed of en bloc. Does any Member object? There is no objection, therefore I move amendments 232, 233, 234 and 235 in the name of the

Minister.

[299] The question is that amendments 232, 233, 234 and 235 be agreed to. Does any Member object? There is no objection, therefore amendments 232, 233, 234 and 235 are agreed.

Derbyniwyd gwelliannau 232, 233, 234 a 235 yn unol â Rheol Sefydlog 17.34.

Amendments 232, 233, 234 and 235 agreed in accordance with Standing Order 17.34.

[300] That is wonderful, as we have just come to 12.30 p.m. We will start again at 1.15 p.m., so please come back just before then.

Gohiriwyd y cyfarfod rhwng 12:31 ac 13:17.

The meeting adjourned between 12:31 and 13:17.

Grŵp 13: Y Sector Rhentu Preifat: Gofyniad hyfforddiant (Gwelliannau 396, 398, 399 ac 121)

Group 13: Private Rented Sector: Training Requirement (Amendments 396, 398, 399 and 121)

[301] **Christine Chapman:** The thirteenth group of amendments relates to the private rented sector and training requirements. The lead amendment in the group is amendment 396, and I call on Mark Isherwood to move and speak to amendment 396 and the other amendments in the group.

[302] **Mark Isherwood:** I move amendment 396 in my name.

[303] This reflects proposals by Tai Pawb, supported by Cymorth Cymru, Gofal and Shelter Cymru. At present, the Bill only gives details on what training ‘may’ relate to, but does not give an indication that the areas contained in the Bill will be compulsory. Given the importance of the matters detailed, it is felt that these should all be areas that training for landlords must cover: specifically, the statutory obligations of landlord and tenant; the contractual relationship between landlord and tenant; the role of an agent or responsible person; and best practice in managing a rental property. It is felt that these amendments would ensure that all local authorities provide training for landlords on those areas, and ensure that no landlord is left unaware of their role or responsibility to their tenants.

[304] The Equality Act 2010 details who is protected from discrimination, the protected groups and the different types of discrimination that may occur: direct, indirect, harassment and victimisation. As the Equality Act includes landlords, it is essential that they be made aware of who the protected groups are and of their legal responsibilities not to discriminate, as well as other parts of the Equality Act such as the provision of reasonable adjustments for disabled people. These amendments would complement the Equality Act and add the Equality Act to the list of training matters that a landlord must undertake. The current Bill would enable a housing authority to undertake different training to that detailed within the Bill, and while Tai Pawb and its partners appreciate that there must be flexibility for local authorities to provide training relevant to their local area, they believe that the training listed in section 12(1) should be a minimum for landlords.

[305] Amendment 399 is specific to energy efficiency. Again, there has been a call by the Fuel Poverty Coalition Cymru for the training requirements to include a duty to support tenants in an application for funding. So, that is for the training to include reference to the legislation and guidance applying to provision and entitlement to energy efficiency measures.

[306] **Christine Chapman:** Thank you. I know that some other Members want to speak. I

will start off with Leighton.

[307] **Leighton Andrews:** Briefly, Chair, I have some sympathy with the amendments that Mark has tabled, and I do commend the fact that some of the third sector organisations have come together to co-ordinate a number of amendments, which I think makes it easier for Members. The only thing that I would say, however—and I wonder whether the Minister could comment on this in his response—is whether it might be possible to incorporate the objective of this amendment within guidance or in other ways. It seems to me that you do not necessarily need to specify the absolute detail of the kind of training that you are going to be looking for on the face of the Bill.

[308] **Peter Black:** I speak in support of my amendment 121, which is also in this group. One of the recommendations of the committee report was that, as well as the initial training, there should be a programme of continuous professional development, which I think is good practice in any case. What this amendment seeks to do is put a duty on the Minister to put together that programme and ensure that it goes ahead. I am not trying to say what the programme should consist of, but I think that it is important that we actually have some provision in the Bill so that the licensing authority does not think that, once the initial training is out of the way, that is it, and that there is a clear programme of professional development throughout the process of licensing. That is why I have put this amendment forward.

[309] I understand Leighton's point about the detail on the face of the Bill. Obviously, we will listen to what the Minister has to say. I think that it is important, though, that the sorts of things that Mark has set out here are covered in training, if that is at all possible.

[310] **Rhodri Glyn Thomas:** Byddwn yn cefnogi gwelliant 396 gan Mark Isherwood a byddwn hefyd yn cefnogi gwelliannau 398 a 399. Byddwn yn cefnogi hefyd welliant 121 gan Peter Black. Byddwn yn cefnogi gwelliannau'r Gweinidog i gyd hefyd. Fodd bynnag, byddem yn pwysu ar y Gweinidog i roi ystyriaeth i'r teimlad y tu ôl i'r gwelliannau hyn, hyd yn oed os nad yw'n gallu eu cefnogi heddiw, a'i fod yn edrych ar y posibilrwydd o ddod â rhywbeth gerbron yn hwyrach yn y broses er mwyn ateb y gofynion. Mae'n ymddangos y bydd cefnogaeth, o ran canran o'r pwyllgor o leiaf, i'r gwelliannau hyn.

Rhodri Glyn Thomas: We will be supporting Mark Isherwood's amendment 396 and also amendments 398 and 399. We will also be supporting Peter Black's amendment 121. We will be supporting all the Minister's amendments, too. However, we would urge the Minister to give consideration to the sentiment behind these amendments, even if he is unable to support them today, and to consider the possibility of bringing something before the Assembly at a later stage in the process in order to meet these requirements. It appears that there is support, among a percentage of the committee at least, for these amendments.

[311] **Carl Sargeant:** Thank you, Chair, for the opportunity to speak. First of all, to pick up on the issue that Members raised around training. For the purposes of Leighton Andrews's question, I wholeheartedly agree with the process of training and to further that through CPD. However, I do not think that it would be helpful to have that on the face of the Bill. I will bring forward guidance that will give the licensing bodies the appropriate tools, to ensure that we get that through to the front line, in terms of the licensing. When that is drafted, Chair, I would be happy to share with committee at that appropriate time, moving that forward. Of course, the consultation process around that will be really important as well, so that we encapsulate all the issues that Members have raised today.

[312] That is with a slight caveat on the basis of amendment 399, which again relates to the issue of energy. We believe that Assembly legislative competence is questionable around this. However, there may be something within the guidance process, as we talked about earlier, regarding the decent standard that we would be very keen to enhance through the guidance

procedure, but not to create lists upon the drafting of the Bill. Currently, we believe that the issue around training provision is drafted within the structure of the Bill, but the detail needs to be in the guidance element of that.

[313] **Christine Chapman:** I call on Mark to reply.

[314] **Mark Isherwood:** Thank you, yes. On whether or not it is within the scope, clearly training and education are within the scope of the devolution settlement regarding Welsh Government and Assembly competence. This is not proposing to change, amend or even comment upon England-and-Wales legislation, rather to incorporate this into a training regime. My understanding, according to advice that I have received, is that this would, therefore, fall within scope and could be accommodated. I would still like to move the amendments. I think that issues around particularly the broad scope of equality, of the Equality Act, and around fuel poverty merit inclusion on the face of the Bill.

[315] **Christine Chapman:** Thank you, Mark. Do you wish to proceed to a vote on amendment 396?

[316] **Mark Isherwood:** Yes, I do.

[317] **Christine Chapman:** The question is that amendment 396 be agreed to. Does any Member object? There is an objection, so we will move to a vote by show of hands.

Gwelliant 396: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 396: For 5, Abstain 0, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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 396.

Amendment 396 not agreed.

[318] **Christine Chapman:** I move amendment 236 in the name of the Minister. Members should be aware that, if amendment 236 is agreed, amendment 397 will fall. So, the question is that amendment 236 be agreed to. Does any Member object? There are objections, so we will take a vote.

Gwelliant 236: O blaid 8, Ymatal 0, Yn erbyn 2.

Amendment 236: For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Finch-Saunders, Janet
Isherwood, Mark

Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Derbyniwyd gwelliant 236.
Amendment 236 agreed.*

*Methodd gwelliant 397.
Amendment 397 fell.*

[319] **Christine Chapman:** I now move amendment 237 in the name of the Minister. The question is that amendment 237 be agreed to. Does any Member object? There are no objections; therefore amendment 237 is agreed.

*Derbyniwyd gwelliant 237 yn unol â Rheol Sefydlog 17.34.
Amendment 237 agreed in accordance with Standing Order 17.34.*

[320] **Christine Chapman:** Mark, would you like to move amendment 398?

[321] **Mark Isherwood:** Yes. I move amendment 398 in my name.

[322] **Christine Chapman:** The question is that amendment 398 be agreed to. Does any Member object? There is an objection, so we will take it to a vote.

*Gwelliant 398: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 398: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

*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 398.
Amendment 398 not agreed.*

[323] **Christine Chapman:** Mark, would you like to move amendment 399?

[324] **Mark Isherwood:** Yes. I move amendment 399 in my name.

[325] **Christine Chapman:** The question is that amendment 399 be agreed to. Does any Member object? There is an objection, so we will move to a vote.

*Gwelliant 399: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 399: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

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

Andrews, Leighton
 Chapman, Christine
 Hedges, Mike
 Price, Gwyn R.
 Rathbone, Jenny

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 399.
 Amendment 399 not agreed.*

[326] **Christine Chapman:** I move amendment 238 in the name of the Minister. The question is that amendment 238 be agreed to. Does any Member object? There are no objections, so amendment 238 is agreed.

*Derbyniwyd gwelliant 238 yn unol â Rheol Sefydlog 17.34.
 Amendment 238 agreed in accordance with Standing Order 17.34.*

[327] **Christine Chapman:** Peter, would you like to move amendment 121?

[328] **Peter Black:** I move amendment 121 in my name.

[329] **Christine Chapman:** The question is that amendment 121 be agreed to. Does any Member object? There is an objection. We will take it to a vote, then.

*Gwelliant 121: O blaid 5, Ymatal 0, Yn erbyn 5.
 Amendment 121: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Andrews, Leighton
 Chapman, Christine
 Hedges, Mike
 Price, Gwyn R.
 Rathbone, Jenny

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 121.
 Amendment 121 not agreed.*

[330] **Christine Chapman:** I propose that amendments 239 to 242 be disposed of en bloc. Does any Member object? There are no objections. I therefore move amendments 239 to 242 in the name of the Minister. The question is that these amendments be agreed to. Does any Member object? There are no objections, therefore amendments 239 to 242 are agreed.

*Derbyniwyd gwelliannau 239, 240, 241 a 242 yn unol â Rheol Sefydlog 17.34.
 Amendments 239, 240, 241 and 242 agreed in accordance with Standing Order 17.34.*

Grŵp 14: Sector Rhentu Preifat: Amodau Trwydded (Gwelliannau 400, 122, 123, 401, 402 a 403)
Group 14: Private Rented Sector: Licence Conditions (Amendments 400, 122, 123, 401, 402 and 403)

[331] **Christine Chapman:** The lead amendment in this group is amendment 400. I call on Mark Isherwood to move and to speak to amendment 400 and other amendments in the group.

[332] **Mark Isherwood:** I move amendment 400 in my name. Amendment 400 inserts,

[333] ‘ () A local housing authority may grant a licence subject to such conditions relating to the management of rental properties as it considers appropriate.’

13:30

[334] This was considered by the committee. However, the view of witnesses representing the landlord sector has always been that any code of practice should have a status akin to *The Highway Code*. As currently worded, this subsection (1) has the effect of making every provision of the code a legal requirement, which could lead to a revocation of the licence. Concerns, therefore, were raised during evidence to committee about the extent of the powers for local housing authorities to impose further conditions on a licence-holder over and above the requirement to comply with the code of practice. There is a belief that the powers could enable authorities to introduce requirements through a non-legislative route that could become onerous, costly and difficult to comply with. As such, it is a call for very strict restraints on what could be introduced through licensing beyond what the Bill itself would require.

[335] **Christine Chapman:** Do other Members wish to speak? I know that Peter wants to come in.

[336] **Peter Black:** I am speaking in favour and in support of my amendments 122 and 123 in this group. I have already effectively spoken to amendment 122 as a further amendment in pursuit of my apparently vain hope that continuing professional development will be on the face of the Bill as a key part of the licensing process. Again, there is another opportunity to support that. In terms of amendment 123, recommendation 11 of the committee report made an important proposal that, where you have a housing health and safety rating system inspection, that report should be made available to any new or prospective tenants. It seems to me that this is quite a simple device. It does not require any more inspections or any more duty, but it states that, where inspection has taken place, the device effectively provides for a mechanism, if you like, for tenants to be able to see what the condition of a property is and to make further representations on that. Also, I think that it puts pressure on the landlord, knowing that that condition has been put and that inspection has taken place, and particularly in terms of prospective tenants, to bring that property up to scratch. For that reason, I think that the simple act of providing information to prospective tenants could well provide an additional incentive for a landlord to carry out work on a property that he or she might not otherwise do. For that reason, I think, that is why the committee was keen on this recommendation, and why I have tabled this amendment.

[337] **Christine Chapman:** Thank you. I now call Mike.

[338] **Mike Hedges:** I am just fundamentally opposed to amendment 403. I want to see more rigorous licence conditions being brought in over time. We are where we are now, but I would like to see the rigour increased, as time goes on, to improve the standard of the private rented sector.

[339] **Christine Chapman:** Thank you. I now call Jocelyn.

[340] **Jocelyn Davies:** I speak in favour of Peter's amendment 123. I think that this is important. We all know, from our own casework, that you call in the local authority because a property is poorly maintained and, very soon after, the tenant is given notice to quit. New tenants come in and they are not always aware of problems that exist in that property immediately, and then you have a revolving door of tenants into the same poor property even though there are inspection reports from the local authority that show that things should be carried out there. So, I very much support that it is just making available to prospective or new tenants the reports and inspections that have happened in the past. I think that this would be a real improvement for people within this sector.

[341] **Christine Chapman:** Thank you. I now call Jenny.

[342] **Jenny Rathbone:** I wanted to speak against Mark Isherwood's amendment because I think that to remove the word 'must' and to have just 'may grant a licence' removes the ability of the code of practice to be used to raise the standards in the future, particularly around areas that may not be entirely within the competency of the Assembly to legislate on around health and safety and energy efficiency. However, it would enable us to be continually reviewing how the code of practice is operating to ensure that licence conditions can be upgraded in line with current standards.

[343] **Christine Chapman:** I now call the Minister.

[344] **Carl Sargeant:** Thank you, Chair, for the opportunity to respond to some of the amendments proposed. May I first deal with Peter Black's proposal regarding continuing professional development in amendment 122? Following on from the last discussion we had, I will be looking to incorporate that in the guidance but not on the face of the Bill, and I hope that I can give the Member confidence around the training provision that is required. With regard to amendment 123, I have listened carefully to what has been said on the issue of the housing health and safety rating system. It is a very complex technical document, and I know that Members are aware of that process. I am trying to consider the merit of that, given its technical nature, to the untrained eye, such as my own, in understanding this proposal. I will give that further consideration at the next stage with regard to what benefits that could produce. I listened carefully to the arguments that you made today. However, at today's committee meeting, I will not support that amendment, but I will give a commitment to look at it and to consider bringing it forward at a later stage.

[345] With regard to Mark Isherwood's amendments, they appear to be a proposal for a further step in terms of trying to undermine the code. I remain unclear about the proposed benefits that Mark professes that these amendments would bring about. Even though they would remove the standard mandatory condition of a licence requiring compliance with a code of practice, they would still allow a licensing authority to issue a licence subject to any condition it considers appropriate. So, it does not actually work anyway. The most effective way, I believe, Chair, is through compliance with a code of practice set by Welsh Ministers and subject to the approval of this National Assembly and Members. Therefore, I ask Members to not support those amendments today, but with the caveat that I will give consideration to amendment 123 in the name of Peter Black at a later stage.

[346] **Christine Chapman:** I call Mark to reply.

[347] **Mark Isherwood:** I will support Peter Black's amendments. In terms of Jenny's comments, I acknowledge what she is saying, and that is where I think that we have some reassurance that the code could enable changes in accordance with changes in legislation and guidance but not otherwise, which would enable the protections that you appear to be seeking without a broader, potentially unlimited, remit that this could—although it is unlikely—result

in. Amendments 401 and 402, I should have said, have been withdrawn. Amendment 403 ties in with amendment 400, dealing with the fact that, if landlords, midway through licence conditions, have enhanced standards imposed on their properties when they have already complied with all the standards applying at the time the licence was granted, this could lead to considerable expenditure, which could lead to higher rents or, potentially for smaller landlords, the sale of the property. This goes back to the issue of unintended consequences, and well-intentioned actions could actually deliver the opposite of what we seek, which is an improved supply of decent housing that people can afford, whether they are people in great need or people who are choosing in an open marketplace where they wish to live.

[348] **Christine Chapman:** Okay, thank you, Mark. Do you wish to proceed to a vote on amendment 400?

[349] **Mark Isherwood:** Yes.

[350] **Christine Chapman:** Okay. If amendment 400 is agreed, amendments 122, 123 and 243 will fall. The question is that amendment 400 be agreed to. Does any Member object? There is objection, so we will have a vote by show of hands.

Gwelliant 400: O blaid 2, Ymatal 0, Yn erbyn 7.

Amendment 400: For 2, Abstain 0, Against 7.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 400.
Amendment 400 not agreed.*

[351] **Christine Chapman:** Peter, would you like to move amendment 122?

[352] **Peter Black:** I move amendment 122 in my name.

[353] **Christine Chapman:** The question is that amendment 122 be agreed to. Does any Member object? There is objection, so we will take a vote by show of hands.

Gwelliant 122: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 122: For 5, Abstain 0, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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 122.
Amendment 122 not agreed.*

[354] **Christine Chapman:** Peter, would you like to move amendment 123?

[355] **Peter Black:** I move amendment 123 in my name.

[356] **Christine Chapman:** The question is that amendment 123 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

*Gwelliant 123: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 123: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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 123.
Amendment 123 not agreed.*

[357] **Christine Chapman:** I move amendment 243 in the name of the Minister. The question is that amendment 243 be agreed to. Does any Member object? There is no objection, so amendment 243 is agreed.

*Derbyniwyd gwelliant 243 yn unol â Rheol Sefydlog 17.34.
Amendment 243 agreed in accordance with Standing Order 17.34.*

[358] **Christine Chapman:** I move amendment 439 in the name of the Minister. The question is that amendment 439 be agreed to. Does any Member object? There is no objection, so amendment 439 is agreed.

*Derbyniwyd gwelliant 439 yn unol â Rheol Sefydlog 17.34.
Amendment 439 agreed in accordance with Standing Order 17.34.*

[359] **Christine Chapman:** I move amendment 245 in the name of the Minister. The question is that amendment 245 be agreed to. Does any Member object? There is no objection, so amendment 245 is agreed.

*Derbyniwyd gwelliant 245 yn unol â Rheol Sefydlog 17.34.
Amendment 245 agreed in accordance with Standing Order 17.34.*

**Grŵp 15: Y Sector Rhentu Preifat: Dileu'r Ddyletswydd i Ddangos Rhif Trwydded
(Amendment 246)**
**Group 15: Private Rented Sector: Removal of Duty to Show a Licence Number
(Gwelliant 246)**

[360] **Christine Chapman:** The only amendment in this group is amendment 246. I move amendment 246 in the name of the Minister and I call on the Minister to speak to his amendment.

[361] **Carl Sargeant:** I am seeking support for amendment 246 in group 15. This amendment is consequential to amendment 165, which the committee considered at the beginning of this stage. The purpose of amendment 246, which we are now considering, is to remove section 16 from the current version of the Bill, which imposes a duty to show licence numbers on property advertising.

[362] **Christine Chapman:** Do any other Members wish to speak? I see that no-one does. Minister, do you wish to proceed to a vote on amendment 246?

[363] **Carl Sargeant:** Yes, please.

[364] **Christine Chapman:** The question is that amendment 246 be agreed to. Does any Member object? There is no objection, so amendment 246 is agreed.

*Derbyniwyd gwelliant 246 yn unol â Rheol Sefydlog 17.34.
Amendment 246 agreed in accordance with Standing Order 17.34.*

[365] **Christine Chapman:** In accordance with the marshalled list, we now move to dispose of amendments that were debated in previous groups. I move amendment 247 in the name of the Minister. The question is that amendment 247 be agreed to. Does any Member object? There is no objection, therefore amendment 247 is agreed.

*Derbyniwyd gwelliant 247 yn unol â Rheol Sefydlog 17.34.
Amendment 247 agreed in accordance with Standing Order 17.34.*

[366] **Christine Chapman:** Mark, would you like to move amendment 403?

[367] **Mark Isherwood:** I move amendment 403 in my name.

[368] **Christine Chapman:** The question is that amendment 403 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

*Gwelliant 403: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 403: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Gwrthodwyd gwelliant 403.

Amendment 403 not agreed.

[369] **Christine Chapman:** I propose that amendments 248 to 258 are disposed of en bloc. Does any Member object? There is no objection, so I move amendments 248 to 258 in the name of the Minister. The question is that these amendments be agreed to. Does any Member object? I see that there is no objection, therefore amendments 248 to 258 are agreed.

Derbyniwyd gwelliannau 248, 249, 250, 251, 252, 253, 254, 255, 256, 257 a 258 yn unol â Rheol Sefydlog 17.34.

Amendments 248, 249, 250, 251, 252, 253, 254, 255, 256, 257 and 258 agreed in accordance with Standing Order 17.34.

[370] **Christine Chapman:** Mark, would you like to move amendment 404?

[371] **Mark Isherwood:** I move amendment 404 in my name.

[372] **Christine Chapman:** The question is that amendment 404 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

Gwelliant 404: O blaid 2, Ymatal 0, Yn erbyn 7.

Amendment 404: For 2, Abstain 0, Against 7.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Gwrthodwyd gwelliant 404.

Amendment 404 not agreed.

[373] **Christine Chapman:** I move amendment 259 in the name of the Minister. The question is that amendment 259 be agreed to. Does any Member object? There is no objection, therefore amendment 259 is agreed.

Derbyniwyd gwelliant 259 yn unol â Rheol Sefydlog 17.34.

Amendment 259 agreed in accordance with Standing Order 17.34.

[374] **Christine Chapman:** Jocelyn, would you like to move amendment 149?

[375] **Jocelyn Davies:** Yes, I would. I move amendment 149 in my name supported by Peter Black.

[376] **Christine Chapman:** The question is that amendment 149 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

Gwelliant 149: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 149: For 5, Abstain 0, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

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

Andrews, Leighton
 Chapman, Christine
 Hedges, Mike
 Price, Gwyn R.
 Rathbone, Jenny

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.*

13:45

[377] **Christine Chapman:** Mark, would you like to move amendment 405?

[378] **Mark Isherwood:** I move amendment 405 in my name.

[379] **Christine Chapman:** The question is that amendment 405 be agreed to. Does any Member object? There is objection, therefore we will take a vote.

*Gwelliant 405: O blaid 5, Ymatal 0, Yn erbyn 5.
 Amendment 405: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Andrews, Leighton
 Chapman, Christine
 Hedges, Mike
 Price, Gwyn R.
 Rathbone, Jenny

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 405.
 Amendment 405 not agreed.*

[380] **Christine Chapman:** We will now dispose of amendments 260, 261, 262, 263, 264, 265, 266, 267, 268 and 269. I propose that we take these amendments en bloc. Does any Member object? There is no objection.

*Cynigiwyd gwelliannau 260, 261, 262, 263, 264, 265, 266, 267, 268 a 269.
 Amendments 260, 261, 262, 263, 264, 265, 266, 267, 268 and 269 moved.*

[381] The question is that amendments 260 to 269 be agreed to. Does any Member object? There is no objection, therefore amendments 260, 261, 262, 263, 264, 265, 266, 267, 268 and 269 are agreed.

Derbyniwyd gwelliannau 260, 261, 262, 263, 264, 265, 266, 267, 268 a 269 yn unol â Rheol Sefydlog 17.34.

Amendments 260, 261, 262, 263, 264, 265, 266, 267, 268 and 269 agreed in accordance with

Standing Order 17.34.

[382] **Christine Chapman:** I move amendment 270 in the name of the Minister. Members will wish to be aware that if amendment 270 is agreed to, amendment 406 will fall. The question is that amendment 270 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

Gwelliant 270: O blaid 8, Ymatal 0, Yn erbyn 2.

Amendment 270: For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 270.
Amendment 270 agreed.*

*Methodd gwelliant 406.
Amendment 406 fell.*

[383] **Christine Chapman:** I move amendment 271 in the name of the Minister. The question is that amendment 271 be agreed to. Does any Member object? There is no objection, therefore amendment 271 is agreed.

*Derbyniwyd gwelliant 271 yn unol â Rheol Sefydlog 17.34.
Amendment 271 agreed in accordance with Standing Order 17.34.*

[384] **Christine Chapman:** I move amendment 272 in the name of the Minister. If amendment 272 is agreed, amendment 407 will fall. The question is that amendment 272 be agreed to. Does any Member object? There is objection. Therefore, we will take a vote.

Gwelliant 272: O blaid 8, Ymatal 0, Yn erbyn 2.

Amendment 272: For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 272.
Amendment 272 agreed.*

*Methodd gwelliant 407.
Amendment 407 fell.*

[385] **Christine Chapman:** I propose that amendments 273 to 280 be disposed of en bloc. Does any Member object? There is no objection. I move amendments 273, 274, 275, 276, 277, 278, 279 and 280 in the name of the Minister.

[386] The question is that amendments 273 to 280 be agreed to. Does any Member object? There is no objection, therefore amendments 273, 274, 275, 276, 277, 278, 279 and 280 are agreed.

Derbyniwyd gwelliannau 273, 274, 275, 276, 277, 278, 279 a 280 yn unol â Rheol Sefydlog 17.34.

Amendments 273, 274, 275, 276, 277, 278, 279 and 280 agreed in accordance with Standing Order 17.34.

[387] **Christine Chapman:** Mark, would you like to move amendment 408?

[388] **Mark Isherwood:** I move amendment 408 in my name.

[389] **Christine Chapman:** The question is that amendment 408 be agreed to. Does any Member object? There is objection, therefore we will take a vote.

Gwelliant 408: O blaid 3, Ymatal 0, Yn erbyn 7.

Amendment 408: For 3, Abstain 0, Against 7.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Black, Peter
Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 408.
Amendment 408 not agreed.*

[390] **Christine Chapman:** I move amendment 281 in the name of the Minister. The question is that amendment 281 be agreed to. Does any Member object? There is no objection, therefore amendment 281 is agreed.

Derbyniwyd gwelliant 281 yn unol â Rheol Sefydlog 17.34.

Amendment 281 agreed in accordance with Standing Order 17.34.

[391] **Christine Chapman:** I move amendment 282 in the name of the Minister. The question is that amendment 282 be agreed to. Does any Member object? There is no objection, therefore amendment 282 is agreed.

Derbyniwyd gwelliant 282 yn unol â Rheol Sefydlog 17.34.

Amendment 282 agreed in accordance with Standing Order 17.34.

[392] **Christine Chapman:** Mark, would you like to move amendment 409?

[393] **Mark Isherwood:** I move amendment 409 in my name.

[394] **Christine Chapman:** The question is that amendment 409 be agreed to. Does any Member object? There is objection, therefore we will take a vote.

Gwelliant 409: O blaid 3, Ymatal 0, Yn erbyn 7.

Amendment 409: For 3, Abstain 0, Against 7.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Black, Peter
Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 409.
Amendment 409 not agreed.*

[395] **Christine Chapman:** I propose that amendments 283, 284, 92, 93, 94 and 285 are disposed of en bloc. Are Members content with that? You are. I move these amendments in the name of the Minister.

[396] The question is that amendments 283, 284, 92, 93, 94 and 285 be agreed to. Does any Member object? There is no objection, therefore those amendments are agreed.

*Derbyniwyd gwelliannau 283, 284, 92, 93, 94 a 285 yn unol â Rheol Sefydlog 17.34.
Amendments 283, 284, 92, 93, 94 and 285 agreed in accordance with Standing Order 17.34.*

**Grŵp 16: Y Sector Rhentu Preifat: Gorchmynion Atal Rhent a Gorchmynion Ad-Dalu Rhent (Gwelliannau 286, 287, 288, 290, 294, 125, 126, 127, 128, 129, 411, 130 a 308)
Group 16 Private Rented Sector: Rent Stopping Orders and Rent Repayment Orders (Amendments 286, 287, 288, 290, 294, 125, 126, 127, 128, 129, 411, 130 and 308)**

[397] **Christine Chapman:** The lead amendment in the group is amendment 286. I move amendment 286 in the name of the Minister, and I call on the Minister to speak to the amendments in the group.

[398] **Carl Sargeant:** I seek the committee's approval for the Government's amendments in my name in group 16. As we have discussed throughout, we believe that Part 1 of the Bill must have a robust and varied system of enforcement to ensure the full compliance of the sector. During the committee's consideration of the Bill during Stage 1, there were calls to make sure that landlords could be penalised appropriately should they choose not to comply with the law. I believe that rent stopping orders are an important tool for achieving this. However, I also accept that rent repayment orders, as used in other housing legislation, also have a place in the suite of enforcement tools available to penalise non-compliant landlords.

[399] My amendments in this group will ensure that rent stopping orders and rent repayment orders are available to provide the most appropriate method of penalising landlords, given the specific circumstances involved. This will help ensure that enforcement of the legislation is effective, which is important to us all and which featured prominently in our discussions during Stage 1.

[400] I will speak to amendment 286 first. While there were calls to replace the rent stopping orders with rent repayment orders, I have concluded that stopping orders are a useful

tool for enforcement and should remain in the Bill. They are particularly useful where a landlord is not domiciled in the UK, as they bring a financial impact when it may be more difficult to bring other proceedings such as enforcement of a rent repayment order. Therefore, I believe this is an essential part.

[401] Turning to amendments 288 and 290, these introduce rent repayment orders as an additional enforcement mechanism. It was clear during the scrutiny pathway process that Members felt more comfortable with the approach of rent repayment orders, which are already in housing legislation. That is why we have brought them into being. This is about effective enforcement, which I know is important to the committee. We believe that rent stopping orders will be a backstop for enforcement, given the whole gambit of enforcement tools available to the authorities in that process.

[402] Following successful passage of this, I will issue strict guidance for local licensing authorities to understand very clearly the conditions around how these measures could be implemented, taking full consideration of the impact to any tenant in relation to the property that has enforcement surrounding it. I hope that I can give confidence to Members, as I know that the rent stopping orders are of concern to some Members. However, we believe in completeness for the suite of tools for enforcement; the RROs and RSOs are certainly part of that suite.

[403] **Christine Chapman:** I call Peter Black.

[404] **Peter Black:** Thank you, Chair. We have already referred to the arguments on rent stopping orders. I still have a very serious concern about the impact on tenants of those rent stopping orders being utilised in the way envisaged. The evidence that the committee received from Shelter Cymru and other groups was that that would provide an excuse for bad landlords to intimidate tenants and to put pressure on them to pay rent, irrespective of the order, which could lead to some illegal evictions. I understand the argument that the Minister made previously that rent stopping orders should be in place in terms of a landlord who was living outside of the country, as possibly the only measure that could be used against them. The problem is that, as the Bill is currently drafted, and as the amendments are currently drafted, the rent stopping orders are not targeted only at that particular group; it is a measure that is available in general for enforcement across the board for local authorities and, for that reason, I feel that, as it is currently drafted, I could not possibly support the amendments on rent stopping orders.

[405] In relation to my own amendments in this group, I very much welcome the Minister bringing forward rent repayment orders, which I think was a key recommendation of the committee. Obviously, my amendments will fall as a result of that and I will not move the subsequent amendments associated with that when they come up because I will be happy to accept the Minister's rent repayment order amendment as a very important tool, which I think should be available to local authorities.

[406] **Christine Chapman:** I call on Mark Isherwood.

[407] **Mark Isherwood:** I agree with Peter Black in terms of the Government amendments. We have rehearsed the arguments and I support the points that he has made. We will also be supporting his amendments. My amendments relate to provision to give the tribunal power to extend the period for appeal against a rent stopping order, if the tribunal considers that there is good reason for the failure to appeal before the end of the period and for any delay since then in applying for permission to appeal out of time. Human beings being what they are, lifestyles being what they are and experiences impacting on people's lives for all sorts of different reasons, many of which we have already rehearsed today in other contexts, it is fit and proper that the tribunal should have the power to determine exceptions in such circumstances,

knowing that clearly that would not become the rule, but would be the exception. However, it should be for the tribunal—rather than for politicians on a local or national level—to decide.

[408] **Christine Chapman:** I call on Jocelyn Davies.

[409] **Jocelyn Davies:** Thank you, Chair. My objections to the rent stopping orders are already on the record. I will therefore not be supporting the Minister's amendments here. I thought that the evidence from those in the field was very strong on this and I agree with them. I prefer the rent repayment orders and I very much welcome that as a development. Of course, the Minister has cited an example, and, if he had stipulated the availability of rent stopping orders as a backstop and as a very last resort after other methods had failed, then I think that I would feel more comfortable with it, but the danger is of putting tenants in a difficult position, which is not what we should be seeking to do in this Bill, so I will not be supporting the Minister's amendments.

[410] **Christine Chapman:** I call Jenny Rathbone.

[411] **Jenny Rathbone:** I think that having rent repayment orders is an important way of preventing tenants from being intimidated and feeling threatened as a result of the failures of their landlord. However, unless we also have the possibility of rent stopping orders, we will be introducing inadvertently into the Bill perverse incentives for rogue landlords to be based abroad, where it will be impossible for the Welsh Government to enforce rent repayments. Therefore, for those sorts of people, it is essential that we have, in the suite of enforcements, the possibility of rent stopping orders as an alternative measure because, if the rent gets transferred directly to an account abroad, it is going to be impossible for the Welsh Government to retrieve that money and it would be much better, in those circumstances, to be able to stop the rent leaving the country, where there is a breach of the code of practice, while any appeal might be taking place. Otherwise, you are simply going to have more and more landlords relocating abroad.

[412] **Christine Chapman:** I call Mike Hedges.

[413] **Mike Hedges:** I agree with Jenny. To carry on from what she just said, what we do not want as an unintended consequence is large groups of landlords being in the Cayman Islands, which is one of the dangers that could come out of this. I have dealt with problems relating to landlords and owners abroad. They cause a huge number of problems, and I think that, sometimes, the rent stopping order will be the only way to get people to the table to take action. A question that I have for the Minister is this: will he, in this code of practice, be stipulating that it should be used as a last resort rather than being taken as an easy first option? If he gives that assurance I would be very happy to support the rent stopping order, and I hope that other people will, too.

14:00

[414] **Christine Chapman:** Thank you, Mike. I will now call the Minister. Perhaps you could answer that question.

[415] **Carl Sargeant:** Of course, I will start with that question. I would be very happy to do that. I have listened to colleagues, and I do recognise that there is still concern by Members around this particular element of the drafting. I will give a commitment to ensure that the guidance does stipulate that this would be a method of last resort, but with it already safeguarded in this proposal—and I think that this addresses some of the Mark Isherwood points in his amendment—that this will be undertaken by a decision by the residential property tribunal, and not by the licensing authority. This will have a safeguard in place for an independent body to agree to issue a rent stopping order in the first place. So, there are several

steps so that this would not be the first port of call or the easy option by far. There would be several processes in order to get there in the first place. However, I will give colleagues a commitment to look at this to see whether we can strengthen or give confidence to Members in terms of the issuing of these rent stopping orders.

[416] I would urge Members to support this process on the basis that this is about a suite of tools that will be used to enforce effective enforcement, and it is something that I would hope that Members, given what I have said today in my commitment to looking at this further in terms of giving further guidance to enforcement authorities, will be able to support through these amendments today and reject the amendments in the name of Mark Isherwood.

[417] **Christine Chapman:** Thank you, Minister. Do you wish to proceed now to a vote on amendment 286?

[418] **Carl Sargeant:** I do. Yes, please.

[419] **Christine Chapman:** If amendment 286 is agreed to, amendment 126 will fall. The question is that amendment 286 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 286: O blaid 5, Ymatal 0, Yn Erbyn 5.
Amendment 286: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

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 286.
Amendment 286 not agreed.*

*Cynigiwyd gwelliant 287.
Amendment 287 moved.*

[420] **Christine Chapman:** The question is that amendment 287 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 287: O blaid 5, Ymatal 2, Yn Erbyn 3.
Amendment 287: For 5, Abstain 2, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 287.
Amendment 287 agreed.*

*Cynigiwyd gwelliant 288.
Amendment 288 moved.*

[421] **Christine Chapman:** If amendment 288 is agreed to, amendment 125 will fall. The question is that amendment 288 be agreed to. Does any Member object? There are no objections, therefore amendment 288 is agreed.

*Derbyniwyd gwelliant 288 yn unol â Rheol Sefydlog 17.34.
Amendment 288 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 290.
Amendment 290 moved.*

[422] **Christine Chapman:** The question is that amendment 290 be agreed to. Does any Member object? There are no objections, therefore amendment 290 is agreed.

*Derbyniwyd gwelliant 290 yn unol â Rheol Sefydlog 17.34.
Amendment 290 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 294.
Amendment 294 moved.*

[423] **Christine Chapman:** The question is that amendment 294 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 294: O blaid 5, Ymatal 2, Yn Erbyn 3.
Amendment 294: For 5, Abstain 2, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 294.
Amendment 294 agreed.*

*Methodd gwelliant 125.
Amendment 125 fell.*

[424] **Christine Chapman:** Peter, would you like to move amendment 126?

[425] **Peter Black:** I move amendment 126 in my name.

[426] **Christine Chapman:** The question is that amendment 126 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

Gwelliant 126: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 126: For 5, Abstain 0, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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 126.
Amendment 126 not agreed.*

[427] **Christine Chapman:** Peter, would you like to move amendment 127?

[428] **Peter Black:** I move amendment 127 in my name.

[429] **Christine Chapman:** The question is that amendment 127 be agreed to. Does any Member object? There is no objection, therefore amendment 127 is agreed.

*Derbyniwyd gwelliant 127 yn unol â Rheol Sefydlog 17.34.
Amendment 127 agreed in accordance with Standing Order 17.34.*

[430] **Christine Chapman:** Peter, would you like to move amendment 128?

[431] **Peter Black:** I move amendment 128 in my name.

[432] **Christine Chapman:** The question is that amendment 128 be agreed to. Does any Member object? There is no objection, therefore amendment 128 is agreed.

*Derbyniwyd gwelliant 128 yn unol â Rheol Sefydlog 17.34.
Amendment 128 agreed in accordance with Standing Order 17.34.*

[433] **Christine Chapman:** Peter, would you like to move amendment 129?

[434] **Peter Black:** I move amendment 129 in my name.

[435] **Christine Chapman:** If amendment 129 is agreed to, amendments 410, 411 and 95 will fall. The question is that amendment 129 be agreed to. Does any Member object? There is objection, so we will take a vote by show of hands.

Gwelliant 129: O blaid 8, Ymatal 0, Yn erbyn 2.

Amendment 129: For 8, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 129.
Amendment 129 agreed.*

*Methodd gwelliannau 410, 411 a 95.
Amendments 410, 411 and 95 fell.*

[436] **Christine Chapman:** Peter, would you like to move amendment 130?

[437] **Peter Black:** I move amendment 130 in my name.

[438] **Christine Chapman:** The question is that amendment 130 be agreed to. Does any Member object? There is no objection, therefore amendment 130 is agreed.

*Derbyniwyd gwelliant 130 yn unol â Rheol Sefydlog 17.34.
Amendment 130 agreed in accordance with Standing Order 17.34.*

[439] **Christine Chapman:** I move amendment 289 in the name of the Minister. If amendment 289 is agreed, amendment 412 will fall. The question is that amendment 289 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 289: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 289: For 8, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 289.
Amendment 289 agreed.*

*Methodd gwelliant 412.
Amendment 412 fell.*

Grŵp 17: Y Sector Rhentu Preifat: Erlyniad gan Awdurdod Trwyddedu neu Awdurdod Tai Lleol (Gwelliant 291)
Group 17: Private Rented Sector: Prosecution by a Licensing Authority or a Local Housing Authority (Amendment 291)

[440] **Christine Chapman:** The lead and only amendment in the group is amendment 291 in the name of the Minister. I move amendment 291 in the name of the Minister and call on him to speak to his amendment.

[441] **Carl Sargeant:** Thank you, Chair. This amendment provides licensing or local housing authorities with the power to bring criminal proceedings where an offence has occurred under part of the Bill. It arises from amendment 164, which the committee has agreed. Members will recall that this made provision for the designation of a licensing authority to carry out the registration and licensing functions.

[442] **Christine Chapman:** Do any other Members wish to speak? No. Minister, do you wish to proceed to a vote on amendment 291?

[443] **Carl Sargeant:** Yes, please.

[444] **Christine Chapman:** The question is that amendment 291 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

Gwelliant 291: O blaid 8, Ymatal 2, Yn erbyn 0.
Amendment 291: For 8, Abstain 2, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Andrews, Leighton
 Black, Peter
 Chapman, Christine
 Davies, Jocelyn
 Hedges, Mike
 Price, Gwyn R.
 Rathbone, Jenny
 Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
 The following Members abstained:

Finch-Saunders, Janet
 Isherwood, Mark

Derbyniwyd gwelliant 291.
Amendment 291 agreed.

Grŵp 18: Y Sector Rhentu Preifat: Hysbysiadau Cosbau Penodedig (Gwelliant 292)
Group 18: Private Rented Sector: Fixed-Penalty Notices (Amendment 292)

[445] **Christine Chapman:** The lead and only amendment in the group is amendment 292 in the name of the Minister. I move amendment 292 in the name of the Minister and call on the Minister to speak to his amendment.

[446] **Carl Sargeant:** Thank you, Chair. I seek support from the committee for group 18 and amendment 292, which allows the licensing authority to authorise a person to issue fixed-penalty notices where it is considered that an offence has been committed by a person under this part of the Bill other than the offence of knowingly or recklessly providing false or

misleading information as provided for in amendment 301, which the committee considered as part of group 9. I urge Members to support this amendment.

[447] **Christine Chapman:** Okay. I do not see any Members indicating that they want to speak. Minister, are you happy for me to proceed to a vote on amendment 292?

[448] **Carl Sargeant:** Yes, please.

[449] **Christine Chapman:** The question is that amendment 292 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 292: O blaid 8, Ymatal 2, Yn erbyn 0.
Amendment 292: For 8, Abstain 2, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 292.
Amendment 292 agreed.*

[450] **Christine Chapman:** We will now dispose of amendments 293, 295, 297 and 301 in the name of the Minister. Are Members happy for me to dispose of these amendments en bloc? I see that you are. I move amendments 293, 295, 297 and 301 in the name of the Minister. The question is that amendments 293, 295, 297 and 301 be agreed to. Does any Member object? There is no objection, therefore amendments 293, 295, 297 and 301 are agreed.

*Derbyniwyd gwelliannau 293, 295, 297 a 301 yn unol â Rheol Sefydlog 17.34.
Amendments 293, 295, 297 and 301 agreed in accordance with Standing Order 17.34.*

Grŵp 19: Y Sector Rhentu Preifat: Cod Ymarfer (Amendments 150, 296, 151, 131, 152, 413, 414 a 133)
Group 19: Private Rented Sector: Code of Practice (Gwelliannau 150, 296, 151, 131, 152, 413, 414 and 133)

[451] **Christine Chapman:** The lead amendment in this group is amendment 150 in the name of Jocelyn Davies. I invite Jocelyn to move amendment 150 and speak to that amendment and the others in the group.

[452] **Jocelyn Davies:** I move amendment 150 in my name supported by Peter Black.

[453] Amendment 150 would give the Welsh Ministers a duty to issue a code of practice setting out standards relating to the managing of properties, including the standards for

training. It is very important that a code ‘must’ be produced, rather than ‘may’ be produced, especially as many of the concerns expressed to us during Stage 1 were going to be accommodated, we were told, within the code. We heard earlier on today, in relation to the Equality Act 2010 and continuing professional development, that that will be in this code, so it must be a ‘must’ rather than a ‘may’, because if you are relying on the content of the code to urge Members not to support other people’s amendments, I think that you are required to definitely have that code.

[454] One of my other amendments is about the electric safety checks. I think that we need to bring safety checks in relation to electricians in line with the requirement to have gas appliances checked in the private rented sector. I notice that the Housing (Scotland) Bill, just this week, is undergoing its second stage, so was being reviewed by the Scottish Parliament’s Infrastructure and Capital Investment Committee, and proposed amendments to the Bill were considered, including an amendment requiring mandatory five-yearly electrical checks by a registered electrician in private rented sector dwellings, which was unanimously supported by that committee and accepted by the Government. So, there is certainly going to be Scottish law on this by the end of the year. I think that this is something that we would certainly want to promote here.

[455] I see that there is an amendment down by Peter in relation to the code that talks about standards and having regard to the Welsh housing quality standard. I think that it is a very high standard, and very difficult to achieve within the private rented sector. It is difficult to achieve within the social rented sector, even with very substantial Government investment over the years—I think that it is something like £100 million when you count the stock transfer and the major repairs allowance. That is still not achieved after that sort of money going in for 10 years, and we have a little way to go on that, so to expect that to happen in the private sector without very substantial Government investment would probably be a bit impractical, so even though I appreciate the thrust of what Peter is trying to achieve, I do not think that I would be able to support that amendment, but I hope that Members find that they can support mine.

[456] **Christine Chapman:** Thank you, Jocelyn. I call on Peter now.

[457] **Peter Black:** First of all, I endorse Jocelyn’s amendment. I think that section 28 really goes to the heart of the whole process of licensing and registration, which is to drive up standards. My concern, and I think the concern that was expressed in the committee report, was that the Bill as it currently stands just sets a duty on Welsh Ministers to issue a code of practice setting standards relating to managing rental properties, and training is also referred to in there. However, there is very little evidence or commitment from the Minister in the Bill as to how we will be using this code to drive up standards. The whole point of the amendments that have been tabled in this group is to seek to test what the Minister’s intentions are in relation to this, but also to set out some key standards that I and other Members would like to see in place in terms of the private rented sector.

14:15

[458] In terms of Jocelyn’s amendment 150, ‘must’ as opposed to ‘may’ certainly makes that much stronger, and I am happy to support that. In terms of amendment 152, I very much support that. It has been a theme of the scrutiny of this Bill that many Members feel that electricity safety checks and carbon monoxide detectors should be an important part of this process in the private rented sector. In fact, I would like to see these in public sector rented properties as well, but that is a separate issue. Not all registered social landlords provide carbon monoxide detectors as part of that, but there are approximately 50 accidental deaths from carbon monoxide poisoning in England and Wales each year, and electrical sources account for over half of all accidental domestic fires, resulting in between 40 and 50 deaths

each year. In addition, there around 20 electrocutions at home in Great Britain every year. Having spent my last years as a student living in a rented property where the electricity was not earthed, I certainly understand the problems that this can bring about. So, it is really important that we have those checks as part of that.

[459] In relation to my amendment 131, I understand what Jocelyn is saying in terms of the standard. She is right; the Welsh housing quality standard is a very high standard. I do not think that the amendment requires the Minister to bring them up to the standard; what it says is that he should have regard to the standard. So, he should take account of some of the standards required in the public sector and look to that standard when considering what should be in the guidance. It may well be 20, 50 or 100 hundred years before we can get private sector properties up to that standard. However, looking at the elements of that particular standard is very important in terms of this guidance, and that is what this amendment is saying—having regard to it and taking note of what is in there when setting standards for that particular thing.

[460] Finally, in relation to my amendment 133, it is the case that, when the code is made, it should come to the Assembly to be approved. It follows from that that it should also be down to the Assembly to approve its withdrawal. That is very important as well in terms of reasserting the right of the Assembly over this very important part of the Bill in terms of secondary legislation and guidance.

[461] **Mark Isherwood:** We will also be supporting amendment 152, which reflects recommendation 10 of the Stage 1 report, namely that the code of practice:

[462] ‘places an expectation on landlords to carry out periodic checks on electrical safety, install and maintain carbon monoxide detectors and ensure that correct fire precautions are in place.’

[463] In most respects, this replicates the standards applicable to social landlords and social lettings, but carbon monoxide detectors running alongside fire alarms in every home should be the expected standard.

[464] In terms of our amendments, I have withdrawn amendment 413. Amendment 414, which was originally proposed by Shelter Cymru, involves tenant involvement in developing the code of practice. Section 28(4) requires that, prior to issuing or amending the code of practice, Welsh Ministers should take reasonable steps to consult landlords, agents and renters or persons whom Ministers consider to represent their interests. Shelter considers that it would be essential to consult directly with tenants, not just representatives, because it feels that private rented sector tenants have had little input into the development of the Bill’s proposals so far. This will ensure direct consultation with tenants over the code.

[465] **Christine Chapman:** I will open this up to other Members. Mike wants to come in first.

[466] **Mike Hedges:** First of all, I am very much in favour of amendment 150. I spent a lot of time formally with the committee and formally with the Minister asking for things to be in the code of practice. It is important that we have a code of practice, or I have wasted a lot of time asking for things to be in it. So, I am very pleased with that. I believe that Peter Black is absolutely right to say that, if the Assembly has to approve it, it also has to take it out, so that the power is in exactly the same place.

[467] I would like to raise two other points. First, with regard to a Welsh housing quality standard for the private rented sector, there are huge problems with that. For example, the private rented sector in Swansea has two parts. One is low-quality, low-rent properties that

are mainly an alternative to social housing. Most of this is very much below the Welsh housing quality standard and mainly inhabited by people who would like to get into council or housing association housing if there was enough available. The other part is made up of very expensive, very good, high-quality housing, which more than meets the Welsh housing quality standard. So, for one part, putting in such a provision is not a problem, because it is more than met. However, for the other, something needs to be done. Getting it up just to the minimum legal standard would be huge progress for a huge number of people.

[468] I have a lot of sympathy with the view that there should be carbon monoxide, carbon dioxide and electrical testing. I am aware that councils such as Swansea undertake that before they let any houses. That does slow down the letting rate, but it is important. If it cannot go into the code itself because of any legal reasons, could it not be included in an advisory note that would advise that it is good practice? So, it might not be in the code of practice, but could it be in a good-practice leaflet that could be sent out? If you cannot make people do it, at least you can make it appear that that is what constitutes good practice. People are dying because of bad electrics quite regularly, as well as because of carbon monoxide. These are avoidable deaths. If it cannot legally be put into the code, could there be an advisory note that this is good practice? That would be of benefit.

[469] **Christine Chapman:** I call on Rhodri.

[470] **Rhodri Glyn Thomas:** Yn dilyn esboniad Peter Black o welliant 131, credaf y gallwn ei gefnogi—o leiaf gallwn gefnogi ysbryd yr hyn y mae'n ei ddweud. Hwyrach fod eisiau edrych ar yr union eiriad am fod rhywfaint o amwysedd ynglŷn â beth yn union sy'n cael ei awgrymu. Byddwn hefyd yn cefnogi gwelliant 133 yn enw Peter Black a gwelliant 414 yn enw Mark Isherwood.

Rhodri Glyn Thomas: Following Peter Black's explanation regarding amendment 131, I believe that I can support it—or, at least, we can support the spirit of what it says, although there may be a need to look at the exact wording because there is a certain ambiguity as to what exactly is being suggested. We will also support amendment 133 in the name of Peter Black and amendment 414 in the name of Mark Isherwood.

[471] **Christine Chapman:** I call on the Minister.

[472] **Carl Sargeant:** Thank you, Chair. I ask Members to support the Government's amendment 296 and, in the spirit of working together, I will be asking colleagues to support amendment 133 in the name of Peter Black and amendment 150 in the name of Jocelyn Davies. I ask Members to reject the other amendments in this group.

[473] I would like to touch on the issue of the WHQS and the narrative within the amendments. Peter has suggested that we 'have regard' to the WHQS, but I do not think that that is the appropriate drafting term that we should be using. However, I am sympathetic to the principle of improving standards. I do not think that the WHQS is the standard that we should be chasing in the private sector for the very reasons that Jocelyn Davies alluded to in terms of the financial restrictions regarding that, which would put an immense burden on the sector. However, I share the ambition of the Member in terms of moving forward on standards, and that is something that we will be looking to do through guidance and through other opportunities that we have within my portfolio.

[474] As I said, with regard to amendment 150 in the name of Jocelyn Davies, we will be supporting the inclusion of the term 'must' rather than 'may', and we recognise the point that the Member raises.

[475] With regard to amendment 152, which requires standards relating to electrical safety

checks and carbon monoxide detectors, I am very sympathetic to this principle, and I know that all Members share that concern. However, we do not believe that this is the appropriate vehicle to take this forward in terms of legislation, and certainly not on the face of the Bill. However, it is something that I will give consideration to, among the complexity of the law that is already in place regarding how we can give advice or guidance in future. I have tasked my team outside of the Bill to look at the scope of works where we can set standards that are not currently available to us in legislative terms, to see if there is a pathway that we could use for future legislation and, potentially, following the Silk commission's recommendations, we may have the opportunity to make significant amendments to the safety of accommodation. So, I warmly support the principle of what the Members are seeking to do here, but we do not believe that we can support the amendments at this time during the passage of this Bill.

[476] **Christine Chapman:** I call on Jocelyn Davies to reply.

[477] **Jocelyn Davies:** I am obviously very pleased that Peter is supporting the electrical safety checks, and the carbon monoxide detectors will certainly save lives. It sounds, Peter, as though you are extremely lucky to be alive today following your student days. I am also happy that Mark supports this. I am a bit disappointed that the Government Members do not support it, but I am pleased that we may find a way forward and another route in order to do this because it does seem that, in this day and age, these things should be just standard really.

[478] I thank you for the explanation in relation to the WHQS and 'having regard' to that. So, obviously, we will support that now. For the Government Members, if you cannot support the concept of decent standards, then you are hardly going to be rushing to have regard for the WHQS. The most important thing, I suppose, is that it is good that the Minister must now produce a code, because there have been a lot of promises about what will be in that code and it will be good that we get a chance to look at that and that it will stay in existence for as long as the Assembly as a whole wishes it to be in existence.

[479] **Christine Chapman:** Thank you, Jocelyn. Do you wish to proceed to a vote on amendment 150?

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

[481] **Christine Chapman:** The question is that amendment 150 be agreed to. Does any Member object? As there is an objection, we will take a vote.

Gwelliant 150: O blaid 8, Ymatal 2, Yn erbyn 0.

Amendment 150: For 8, Abstain 2, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Rathbone, Jenny
Price, Gwyn R.
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 150.
Amendment 150 agreed.*

[482] **Christine Chapman:** I move amendment 296 in the name of the Minister. The question is that amendment 296 be agreed to. Does any Member object? There is no objection, therefore amendment 296 is agreed.

*Derbyniwyd gwelliant 296 yn unol â Rheol Sefydlog 17.34.
Amendment 296 agreed in accordance with Standing Order 17.34.*

[483] **Christine Chapman:** Jocelyn, do you wish to move amendment 151.

[484] **Jocelyn Davies:** Yes. I move amendment 151 in my name supported by Peter Black.

[485] **Christine Chapman:** The question is that amendment 151 be agreed to. Does any Member object? As there is an objection, we will take a vote.

*Gwelliant 151: O blaid 3, Ymatal 2, Yn erbyn 5.
Amendment 151: For 3, Abstain 2, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid: Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted for: The following Members voted against:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Gwrthodwyd gwelliant 151.
Amendment 151 not agreed.*

[486] **Christine Chapman:** Peter, would you like to move amendment 131?

[487] **Peter Black:** Yes. I move amendment 131 in my name.

[488] **Christine Chapman:** The question is that amendment 131 be agreed to. Does any Member object? As there is an objection, we will take a vote.

*Gwelliant 131: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 131: For 3, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Finch-Saunders, Janet
Hedges, Mike
Isherwood, Mark
Price, Gwyn R.
Rathbone, Jenny

Gwrthodwyd gwelliant 131.

Amendment 131 not agreed.

[489] **Christine Chapman:** Jocelyn, do you wish to move amendment 152?

[490] **Jocelyn Davies:** Yes. I move amendment 152 in my name supported by Peter Black and Mark Isherwood.

[491] **Christine Chapman:** The question is that amendment 152 be agreed to. Does any Member object? As there is an objection, we will take a vote.

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

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

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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.

[492] **Christine Chapman:** Mark, do you wish to move amendment 414?

[493] **Mark Isherwood:** Yes. I move amendment 414 in my name.

[494] **Christine Chapman:** The question is that amendment 414 be agreed to. Does any Member object? As there is an objection, we will take a vote.

Gwelliant 414: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 414: For 5, Abstain 0, Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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).

14:30

[495] **Christine Chapman:** Peter, would you like to move amendment 133?

[496] **Peter Black:** I move amendment 133 in my name.

[497] **Christine Chapman:** The question is that amendment 133 be agreed to. Does any Member object? There are no objections, therefore amendment 133 is agreed.

*Derbyniwyd gwelliant 133 yn unol â Rheol Sefydlog 17.34.
Amendment 133 agreed in accordance with Standing Order 17.34.*

[498] We will now dispose of amendments 298 to 300, 304 and 305 in the name of the Minister. Are you happy to dispose of them en bloc? You are. I move amendments 298, 299, 300, 304 and 305 in the name of the Minister.

[499] The question is that these amendments be agreed to. Does any Member object? There is no objection, therefore amendments 298, 299, 300, 304 and 305 are agreed.

*Derbyniwyd gwelliannau 298, 299, 300, 304 a 305 yn unol â Rheol Sefydlog 17.34.
Amendments 298, 299, 300, 304 and 305 agreed in accordance with Standing Order 17.34.*

**Grŵp 20: Y Sector Rhentu Preifat: Achredu Landlordiaid (Gwelliant 415)
Group 20: Private Rented Sector: Landlord Accreditation (Amendment 415)**

[500] **Christine Chapman:** The only amendment in this group is amendment 415 in the name of Mark Isherwood, so I invite Mark to move and speak to his amendment.

[501] **Mark Isherwood:** I move amendment 415 in my name.

[502] This is linked to amendment 422, to enable the Bill to provide for the approval of voluntary accreditation schemes for landlords. As such, the local housing authority must have regard to whether or not the landlord has been accredited under a scheme approved under the section. This Bill, thus far, appears to ignore the findings of the 2011 Communities and Culture Committee report on the private rented sector in respect of social letting agencies linked to mandatory landlord accreditation, providing accommodation for vulnerable people as a partnership of trust between local authorities, the third sector and landlords.

[503] We received, at the time, compelling evidence of which all Members were supportive and which went into the body of the report around schemes, such as Cefni Lettings, which was established as a social enterprise from an idea that came from the National Landlords Association, which had huge success in delivering and sustaining private rented sector tenancies for ‘the most vulnerable tenants’, particularly those with substance misuse issues and ex-offenders. Since then, we have seen spasmodic appearances of private rental sector access agencies and social letting agencies. In some areas, we have seen effective competition or duplication between social landlords, the private sector and local authorities in other areas, gaps in provision and discharge of homelessness duty apparently going to landlords who have not been accredited as well as those who have.

[504] We therefore seek to bring forward the intent of the 2011 committee report, which was to enable the discharge of homelessness duty to be targeted at delivery through social letting agencies working in direct partnership with social landlords and private landlords, but where the private landlords themselves would have to meet the accreditation standards.

[505] **Christine Chapman:** Thank you. There are no other Members who wish to speak, so I call on the Minister.

[506] **Carl Sargeant:** I thank the Chair for the opportunity to respond. I would urge Members not to support the amendment in the name of Mark Isherwood.

[507] The purpose of this amendment is to insert a new section on landlord accreditation, replacing the mandatory requirements. The Member quotes the 2011 committee report, but seems to have forgotten about the evidence that he took in this committee about the need for registration and for its being mandatory. I ask Members to reject his amendment.

[508] **Christine Chapman:** Do you want to reply, Mark?

[509] **Mark Isherwood:** Yes. The evidence that we have heard in this committee from the provider side has been pretty much unanimous, as it has been from the funder side. They do not have to provide a single unit to any tenant and we have to work with them and incentivise them and drive up standards by adopting the good practice that does exist, rather than simply saying, 'If you don't do as you are told, we will penalise you for not registering, but, if your standards are not very good in terms of housing or management, it is unlikely that we are going to enforce, because we are carrying on with the current regime'. This sets a standard with which landlords, whether they are registered or not, must comply if they are going to be providing housing for vulnerable or homeless tenants, but it is being delivered with the sectors, rather than despite them.

[510] **Christine Chapman:** Thank you. Mark, do you wish to proceed to a vote on amendment 415?

[511] **Mark Isherwood:** Yes.

[512] **Christine Chapman:** The question is that amendment 415 be agreed to. Does any Member object? There is objection, therefore we will take a vote.

Gwelliant 415: O blaid 2, Ymatal 0, Yn erbyn 8.

Amendment 415: For 2, Abstain 0, Against 8.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 415.
Amendment 415 not agreed.*

Grŵp 21: Y Sector Rhentu Preifat: Effeithlonrwydd Ynni Cartref (Gwelliant 416)
Group 21: Private Rented Sector: Home Energy Efficiency (Amendment 416)

[513] **Christine Chapman:** The only amendment in the group is amendment 416 in the name of Mark Isherwood. I invite Mark to move and speak to his amendment.

[514] **Mark Isherwood:** I move amendment 416 in my name.

[515] It is quite a long amendment, so I will not attempt to read it out. It is before you. It requires and supports tenants' applications for home energy efficiency improvements. As Members will be aware, there are three major sources of funding for tenants in Wales to improve home energy efficiency at no cost to them or their landlord, namely the Welsh

Government's Nest and Arbed schemes, and the supplier-led UK Government energy company obligation funded through customers' bills. From 2018, private rented properties will have to meet a minimum EPC rating under the Energy Act 2011. The Act states that required energy efficiency improvements will include those that can be financed by the Green Deal and ECO. However, the Act also gives the Government powers to specify further financing mechanisms in the forthcoming domestic energy efficiency regulations. It is therefore important that landlords are aware of energy efficiency schemes that are available and are encouraged to support tenants in accessing funding from these schemes if the tenant wishes to do so. At the same time, landlords must meet their existing responsibilities to fund any works required to rectify hazards relating to extreme cold under the housing health and safety rating system. As I recall, when we were debating this during the second Assembly to implement it under subordinate legislation under the Housing Act 2004, when I asked the then Minister for housing whether the HHSRS met the Welsh housing quality standard, she actually told me that it exceeded it. The problem has been in the enforcement of implementation. However, this is simply to support tenants in delivering mechanisms to tackle fuel poverty that might apply, and to support landlords in accessing the support that is available to them.

[516] **Christine Chapman:** I think that Jenny wants to come in now.

[517] **Jenny Rathbone:** Any of us who are concerned about climate change would love it if all landlords were obliged to implement home energy schemes, but it is a bit similar to new bathrooms and kitchens in council tenancies. We offer that to them, but, if they do not wish to accept them, they are entitled to refuse. I just think that we do not have the competency to insist that people implement the home energy schemes. Perhaps if the world gets even more seriously affected by climate change, we may do. However, we do not currently have those competencies.

[518] **Christine Chapman:** Thank you. I call Peter.

[519] **Peter Black:** I just wanted to respond to that, because this is not actually saying that landlords have to carry out the improvements. What it says is that they should consider any information, support or assistance available to them. What it is saying to landlords is, 'You should be, as a matter of course, looking to find opportunities to improve the standards of energy efficiency in your property from firms that are available through various grant schemes'. I think that that is perfectly reasonable. I do not see why you do not have the competence to put this as a condition of the licence, and I am happy to support it.

[520] **Christine Chapman:** Thank you. I call the Minister.

[521] **Carl Sargeant:** I have listened carefully to the arguments presented. The fact is that any appropriate references to compliance with home energy efficiency improvements will be covered in the code of practice, which will include best practice on property management standards, et cetera, which Members allude to. Therefore, we do not believe that we need to legislate for that on the face of the Bill. Jenny does have a point in terms of the competency around energy conservation. However, the scope of the amendment, as drafted, would not probably compromise that process.

[522] **Peter Black:** May I ask the Minister a question? How do you have the competence to put it in the code of practice, but not in the Bill?

[523] **Carl Sargeant:** We are not legislating in terms of the drafting of the Bill.

[524] **Jocelyn Davies:** Obviously, the amendment is in order, otherwise it would not be in front of us.

[525] **Carl Sargeant:** I did not say that the amendment was out of order, Chair.

[526] **Christine Chapman:** Okay. Mark, do you wish to reply?

[527] **Mark Isherwood:** Absolutely. As Peter indicates, landlords must consider from the information readily available any support or assistance available from any schemes, grants or otherwise and inform their tenants accordingly. The Minister is providing guidance on the implementation of this section. There is no compulsion whatsoever. I do not know about you, but I hold Nest surgeries with Nest, which is a Welsh Government scheme, but other energy efficiency charities are also present and there have been a number of occasions when private rented sector tenants have come in to ask about the scheme and had the pleasant response that their landlord would be eligible and that they need to notify their landlord accordingly. However, would it not have been nice if those tenants had already known that and their landlord would have already shown them that they were eligible for their home to meet these standards? That is all this does; it gives tenants the information and therefore the option to ask their landlords to take this forward. I regard that as a positive in tackling fuel poverty. It is not about climate change, although clearly it has the beneficial side effect of helping to meet that agenda as well.

[528] **Christine Chapman:** Okay. Mark, do you wish to proceed to a vote on an amendment 416?

[529] **Mark Isherwood:** I do.

[530] **Christine Chapman:** The question is that amendment 416 be agreed to. Does any Member object? There is objection, so we will take a vote.

*Gwelliant 416: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 416: For 5, Abstain 0, Against 5.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

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

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

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 416.
Amendment 416 not agreed.*

Grŵp 4: Y Sector Rhentu Preifat: Effaith ar Gytundebau Tenantiaeth (Gwelliant 302)
Group 4: Private Rented Sector: Effect on Tenancy Agreements (Amendment 302)

[531] **Christine Chapman:** We will now consider group 4, which moved as a result of amendment 165 being agreed and amendments 120 and 148 falling. This group relates to the private rented sector and tenancy agreements. The lead and only amendment in this group is now amendment 302, so I move amendment 302 in the name of the Minister and call on the Minister to speak to his amendment.

[532] **Carl Sargeant:** Thank you, Chair, for the clarification of where this now stands. I wish Members to support amendment 302 in group 4. I call on the support of the committee, following its careful thought and scrutiny, which has helped in this process. This amendment makes it very clear that a breach of any registration and licensing regime requirements in Part 1 of the Bill will not affect the validity of a tenancy agreement or any obligations under such an agreement, save where a rent stopping order or a rent repayment order could be or is made in that process. I ask for support.

[533] **Christine Chapman:** Thank you. Do any other Members wish to speak?

[534] **Peter Black:** I understand what the Minister is trying to do here, but my concern is that it still refers to rent stopping orders, which I am fundamentally opposed to. For that reason, I cannot support it.

[535] **Christine Chapman:** I call the Minister to reply.

[536] **Carl Sargeant:** Well, the Member will be aware that the rent stopping order element of the amendment was not agreed, and, therefore, we would have to redraft at the appropriate point, subject to rent stopping orders being considered appropriate or not, which is still up for debate. The process set out here protects tenants in any event, should such orders have an effect in future.

[537] **Christine Chapman:** Minister, do you wish to proceed to a vote on amendment 302?

[538] **Carl Sargeant:** In its essence of protecting tenants, I do.

[539] **Christine Chapman:** The question is that amendment 302 be agreed to. Does any Member object? There is objection, so we will take a vote.

*Gwelliant 302: O blaid 5, Ymatal 2, Yn erbyn 3.
Amendment 302: For 5, Abstain 2, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Chapman, Christine
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Black, Peter
Davies, Jocelyn
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 302.
Amendment 302 agreed.*

**Grŵp 22: Y Sector Rhentu Preifat: Cyfyngiad ar Derfynu Tenantiaethau
(Gwelliant 303)
Group 22: Private Rented Sector: Restriction on Terminating Tenancies
(Amendment 303)**

[540] **Christine Chapman:** Group 22 relates to restrictions on terminating tenancies. The

lead and only amendment in the group is amendment 303 in the name of the Minister. I move amendment 303 in the name of the Minister and call on the Minister to speak to his amendment.

[541] **Carl Sargeant:** Thank you, Chair. Again, I seek support for amendment 303, which would insert a new section into the Housing (Wales) Bill to restrict non-compliant landlords from being able to issue notices to evict tenants under section 21 of the Housing Act 1988.

[542] **Christine Chapman:** Okay. Do any other Members wish to speak?

[543] **Mark Isherwood:** May I seek advice on this from the lawyer?

14:45

[544] **Christine Chapman:** We have to do it in writing.

[545] **Ms Beasley:** You can take a short break.

[546] **Christine Chapman:** We will have to take a short break for this. We cannot do it in public, according to the protocols.

[547] **Mark Isherwood:** It will be very short.

[548] **Christine Chapman:** No, we need to—

[549] **Jocelyn Davies:** May I speak to this amendment, while a note goes from Mark to the lawyer?

[550] **Mark Isherwood:** Could I—

[551] **Christine Chapman:** I will bring in Jocelyn first, and then we will ask for legal advice.

[552] **Jocelyn Davies:** I am very pleased to see this, because we did hear from outside organisations, which gave us good evidence, that this would be an effective way of catching landlords who flouted the rules, because if they were not licensed, they could not apply for an eviction order. I think that we all had evidence that, in Scotland, this was effective. Landlords found, when they were trying to evict people, that they had to be registered, so they had to go away to be registered before they could evict people. This did seem to be an effective way, and a clever way as well, of catching those landlords. Minister, I am glad that you listened to that evidence and were able to bring this to us. I do not know whether they have finished over there; I am sure that Peter might have something to say about how pleased he is to see this. I think that it was Shelter that told us that this was a more effective way than the rent stopping orders, so I am very pleased to see it.

[553] **Christine Chapman:** I call on Peter.

[554] **Peter Black:** I think that it is very important that you have these alternative methods. I think that rent stopping orders are a very crude method of doing this, and this is a far more effective way of doing it, as evidenced in Scotland. I certainly would support this amendment.

[555] **Christine Chapman:** I call on Mark.

[556] **Mark Isherwood:** I would seek the Minister's advice or consideration of the principle under common law of inalienability, which protects property owners against

measures or mechanisms that would restrict their ability to sell or dispose of their own property. This amendment may, I understand, be in breach of that, as a matter of law, and I would seek clarification of that.

[557] **Carl Sargeant:** Chair, thank you for the opportunity to respond to Members. I am grateful that many of the Members are supportive of the principle. A similar provision to this is with unlicensed HMOs where there is provision for a similar action. May I just pick up on the point that Peter made? I still recognise his concerns around the rent stopping orders, but on the point that he raised, this is about a suite of tools in order to have enforcement and for the protection of tenants. So, that is why I still believe that there is a process that we should follow, where we have a suite of options for enforcement teams to ensure that we have effective implementation of this Bill.

[558] With regard to Mark's question, we would not seek to present any drafting of a Bill that was unlawful, but I will give a further note to committee on the basis of his questioning. So, I do not seek to withdraw the amendment that has been moved in my name, Chair.

[559] **Christine Chapman:** Okay, thank you.

[560] **Jocelyn Davies:** Chair, may I just make a point? I have seen houses for sale that have sitting tenants, so just because you have a tenant surely does not prevent anybody—. There is nothing in this legislation that would stop somebody from selling a house with a sitting tenant, is there?

[561] **Christine Chapman:** The Minister is going to provide a note, I think, on that—

[562] **Carl Sargeant:** If I may come in, I have just received some legal advice, Chair. You can still sell with a sitting tenant. That is our belief.

[563] **Jocelyn Davies:** This legislation would not prevent you from doing that.

[564] **Carl Sargeant:** That will not affect it.

[565] **Christine Chapman:** Right, okay. We have had the clarification; that is good. Do you want to proceed to a vote on this, Minister?

[566] **Carl Sargeant:** Yes, please.

[567] **Christine Chapman:** The question is that amendment 303 be agreed to. Does any Member object? There is objection, so we will take it to a vote.

Gwelliant 303: O blaid 8, Ymatal 2, Yn erbyn 0.

Amendment 303: For 8, Abstain 2, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

Ymataliodd yr Aelodau canlynol:

The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 303.
Amendment 303 agreed.*

Grŵp 23: Y Sector Rhentu Preifat: Landlordiaid fel Ymddiriedolwyr (Gwelliant 229)
Group 23: Private Rented Sector: Landlords as Trustees (Amendment 229)

[568] **Christine Chapman:** I am conscious of time, because I know that some Members have other commitments, but we are looking at this as the last group of this meeting. The only amendment in the group is amendment 229 in the name of the Minister. I move amendment 229 in the name of the Minister and call on the Minister to speak to his amendment.

[569] **Carl Sargeant:** Thank you, Chair. This is a largely technical amendment to clarify the situation where trustees would constitute a landlord. In these circumstances, the landlord may be registered and licensed under a collective name. I seek approval by committee.

[570] **Christine Chapman:** I call on Peter.

[571] **Peter Black:** Does this apply to settled land?

[572] **Carl Sargeant:** I am sorry; I did not hear the question.

[573] **Peter Black:** Does this apply to settled land?

[574] **Carl Sargeant:** I believe that it applies to any land that is subject to tenancy.

[575] **Christine Chapman:** Minister, do you wish to proceed to a vote?

[576] **Carl Sargeant:** I do.

[577] **Christine Chapman:** The question is that amendment 229 be agreed to. Does any Member object? No. Therefore, amendment 229 is agreed.

*Derbyniwyd gwelliant 229 yn unol â Rheol Sefydlog 17.34.
Amendment 229 agreed in accordance with Standing Order 17.34.*

[578] **Christine Chapman:** I now move amendment 306 in the name of the Minister. The question is that amendment 306 be agreed to. Does any Member object? No. Therefore, amendment 306 is agreed.

*Derbyniwyd gwelliant 306 yn unol â Rheol Sefydlog 17.34.
Amendment 306 agreed in accordance with Standing Order 17.34.*

[579] **Christine Chapman:** Mark, would you like to move amendment 417?

[580] **Mark Isherwood:** I move amendment 417 in my name.

[581] **Christine Chapman:** The question is that amendment 417 be agreed to. Does any Member object? There is objection, therefore we will take a vote.

*Gwelliant 417: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 417: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 417.
Amendment 417 not agreed.*

[582] **Christine Chapman:** We will now dispose of amendments 307 to 311 in the name of the Minister. Are Members happy for these to be done en bloc? I see that you are. I move amendments 307, 308, 309, 310 and 311 in the name of the Minister. The question is that amendments 307 to 311 be agreed to. Does any Member object? There is no objection, therefore amendments 307, 308, 309, 310 and 311 are agreed.

*Derbyniwyd gwelliannau 307, 308, 309, 310 a 311 yn unol â Rheol Sefydlog 17.34.
Amendments 307, 308, 309, 310 and 311 agreed in accordance with Standing Order 17.34.*

[583] **Christine Chapman:** For the record, sections 2 to 6, Schedule 1 and sections 7 to 34 of the Bill have been deemed to be agreed. I thank you all for today, because it has been quite a long session. The next meeting to dispose of amendments will be held next Wednesday, 21 May. Thank you all for today.

[584] **Leighton Andrews:** What time does that meeting start?

[585] **Christine Chapman:** At 9 a.m.

*Daeth y cyfarfod i ben am 14:52.
The meeting ended at 14:52.*