



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

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

Dydd Mercher, 21 Mai 2014
Wednesday, 21 May 2014

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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
Paul Davies	Ceidwadwyr Cymreig (yn dirprwyo ar ran Janet Finch-Saunders)

Welsh Conservatives (substitute for Janet Finch-Saunders)

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
Maggie Frith	Cyfreithwraig, Gwasanaethau Cyfreithiol, Llywodraeth Cymru Lawyer, Legal Services, Welsh Government
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 Clerc
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Elizabeth Wilkinson	Ail Glerc Second Clerk

*Dechreuodd y cyfarfod am 09:01.
The meeting began at 09:01.*

**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. We have received one apology today, and Paul Davies is standing in for Janet Finch-Saunders, but I know that Janet will join us later in the meeting. So, welcome, Paul.

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

[2] **Christine Chapman:** The only item today is the Housing (Wales) Bill, Stage 2—consideration of amendments. The purpose of this meeting is to consider amendments to the

Bill. At last week's meeting, we covered sections 2 to 6, Schedule 1 and sections 7 to 34, and they were all deemed agreed. So, I welcome Carl Sargeant, Minister for Housing and Regeneration; Ceri Breeze, deputy director of the housing policy division; and Maggie Frith, legal advisor. Welcome to you all.

[3] Members should have before them a copy of the Bill, the marshalled list of amendments and the groupings of amendments for debate. Before we start, may I remind Members that there is an awful lot of ground to cover here, so can they be as concise as possible? I do not want to stifle any debate, obviously, but I think that we need to make very concise points. Members will recall that, at our meeting last week, we debated these groups and we will resume proceedings today with group 24.

Grŵp 24: Y Sector Rhentu Preifat: Cyngor i Denantiaid (Gwelliant 418)
Group 24: Private Rented Sector: Advice for Tenants (Amendment 418)

[4] **Christine Chapman:** We will start with group 24, which relates to the private rented sector and advice for tenants. The only amendment in the group is amendment 418 in the name of Mark Isherwood, so invite Mark to move and speak to his amendment.

[5] **Mark Isherwood:** I move amendment 418 in my name.

[6] This is a simple amendment to add a section on advice for tenants whereby a local authority must secure provision of a service providing tenants with information and advice relating to their rights and responsibilities as tenants. This hopes to provide clarification of how the Bill fits in with Part 1 of the Housing Act 2004, dealing with housing conditions. Specifically, the amendment seeks to require local authorities to provide or commission services to advise tenants on how to take action regarding defective properties. This is because we know from evidence received that the new regime or system will nonetheless be dependent on tenants, in many cases, highlighting problems with the condition of their property. However, many tenants, particularly those in greatest need, may not know how to do that or may even be under pressure from their landlords not to do so. In terms of existing enforcement mechanisms available under the 2004 Act and amendment 436 to this Bill regarding property management, activities are, to a large extent, dependent on tenants feeling confident to bring forward and identify issues with their properties and knowing how to do so. That is, simply, what this amendment seeks to ensure.

[7] **Christine Chapman:** Do any other Members wish to speak?

[8] **Rhodri Glyn Thomas:** Mae'r **Rhodri Glyn Thomas:** This amendment gwelliant hwn yn ymddangos yn synhwyrol i seems sensible to me and we are very happy fi ac rydym yn hapus iawn i gefnogi to support Mark Isherwood's amendment. gwelliant Mark Isherwood.

[9] **Peter Black:** I am also happy to support this. I think that it fits into the general theme of some of the amendments in the Bill so far in terms of how we can drive up the standard of properties as a result of this licensing and registration scheme. I think that it is really important that we put mechanisms in the Bill that will improve the standard, again meeting the Minister's rhetoric on this particular issue. Providing a service whereby tenants can get information and advice relating to their rights is a key part of that, so that people are aware of what exactly they are entitled to.

[10] **Christine Chapman:** Thank you, Peter. I call on the Minister to speak.

[11] **The Minister for Housing and Regeneration (Carl Sargeant):** Good morning, Chair. I thank the committee for the opportunity to come back at this stage for this part of the

Bill. I start by seeking to not support Mark Isherwood's amendment. I listened carefully to the comments made by colleagues this morning. In fact, this is already—in terms of advice services—delivered by local authorities and housing associations. Part 1 of the Bill is not to be taken in isolation, and local authorities give good advice on all sections of housing matters. There are some great examples from the Welsh Local Government Association et cetera, such as the private rented sector toolkit project, that all give advice. We do not believe that we need to strengthen this through legislation, in terms of giving advice by statute. Therefore, we are seeking to reject this. On a point of clarity, Chair, Peter often alludes in his comments to raising standards within the Bill. Of course, the Bill will raise standards, but that is not its sole purpose. He uses the term 'Minister's rhetoric' in relation to driving standards. I have been very clear about what this Bill is and what it should be. I would just like to place that on the record.

[12] **Christine Chapman:** I call on Mark Isherwood to reply to the debate.

[13] **Mark Isherwood:** This is about focusing on practical measures to deal with the issues. The issue, at the end of the day, is those tenants who are living in property of a standard that they should not be living in. We know that they are the least likely to complain, and we know that that is the reason why, often, enforcement is so infrequently carried forward to its full extent under existing powers. We know that the tenants who have the fewest problems are the most likely not only to complain, but to know how to complain and have the confidence to complain. They are not really our concern. Yes, we want everybody to have good standards, but those people generally do not need the extra help. However, the people who I am seeking to help do need it. Unfortunately, current mechanisms clearly do not provide that, as evidence that we have looked at previously has confirmed.

[14] **Christine Chapman:** Okay, thank you. Mark, do you wish to proceed to a vote on amendment 418?

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

[16] **Christine Chapman:** The question is that amendment 418 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

*Gwelliant 418: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 418: For 5, Abstain 0, Against 5.*

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

Black, Peter
Davies, Jocelyn
Davies, Paul
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 418.
Amendment 418 not agreed.*

[17] **Christine Chapman:** I move amendment 312 in the name of the Minister. This amendment was debated in our last meeting as part of group 1. If amendment 312 is agreed,

amendment 419 will fall. The question is that amendment 312 be agreed to. Does any Member object? There is no objection, so amendment 312 is agreed.

*Derbyniwyd gwelliant 312 yn unol â Rheol Sefydlog 17.34.
Amendment 312 agreed in accordance with Standing Order 17.34.*

*Methodd gwelliant 419.
Amendment 419 fell.*

[18] **Christine Chapman:** We now move to dispose of amendment 313. Again, this was debated at the last meeting, so I move amendment 313 in the name of the Minister. The question is that amendment 313 be agreed to. Does any Member object? There is no objection, so amendment 313 is agreed.

*Derbyniwyd gwelliant 313 yn unol â Rheol Sefydlog 17.34.
Amendment 313 agreed in accordance with Standing Order 17.34.*

Grŵp 25: Digartrefedd: Ystyr y Prif Dermau a Thermau wedi eu Diffinio (Gwelliannau 9, 13, 14, 15, 16, 17, 18 a 65)

Group 25: Homelessness: Meaning of Key Terms and Defined Terms (Amendments 9, 13, 14, 15, 16, 17, 18 and 65)

[19] **Christine Chapman:** The lead amendment in the group is amendment 9 in the name of the Minister. I move amendment 9 in the name of the Minister and call on the Minister to speak to this amendment and the other amendments in the group.

[20] **Carl Sargeant:** Thank you, Chair. I seek your support for moving the amendments, as listed in group 25. This group of amendments is largely technical but covers key issues such as clarifying the meaning of ‘homelessness’, as well as ‘abuse’ and ‘domestic abuse’. I am aware of the views of the committee and Welsh Women’s Aid around the terms, and how we are framing the terms ‘abuse’ and ‘domestic abuse’. We believe that we have amended this Bill appropriately through these technical amendments.

[21] **Christine Chapman:** Okay, thank you. Are there other Members who wish to speak? I see that there are not. Minister, do you wish to proceed to a vote on amendment 9?

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

[23] **Christine Chapman:** The question is that amendment 9 be agreed to. Does any Member object? There is no objection, so amendment 9 is agreed.

*Derbyniwyd gwelliant 9 yn unol â Rheol Sefydlog 17.34.
Amendment 9 agreed in accordance with Standing Order 17.34.*

Grŵp 26: Digartrefedd: Technegol a Drafftio (Gwelliannau 10, 21, 102, 39, 45, 46, 60, 61, 64, 76, 77, 78, 79, 80 a 11)

Group 26: Homelessness: Technical and Drafting (Amendments 10, 21, 102, 39, 45, 46, 60, 61, 64, 76, 77, 78, 79, 80 and 11)

[24] **Christine Chapman:** The lead amendment in the group is amendment 10 in the name of the Minister. I move amendment 10 and call on the Minister to speak to his amendment and the other amendments in the group.

[25] **Carl Sargeant:** I seek your support in moving the amendments as listed in group 26. As you mentioned, this is a series of technical amendments. We have gratefully received

support from the Finance Committee and the Constitutional and Legislative Affairs Committee, which gave advice at Stage 1. It has been extremely beneficial, and we have made technical amendments to the Bill, hopefully, in accordance with their views.

[26] **Christine Chapman:** Okay. Are there any other Members who wish to speak? There are not. Minister, do you wish to proceed to a vote on amendment 10?

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

[28] **Christine Chapman:** The question is that amendment 10 be agreed to. Does any Member object? There is no objection, so amendment 10 is agreed.

Derbyniwyd gwelliant 10 yn unol â Rheol Sefydlog 17.34.

Amendment 10 agreed in accordance with Standing Order 17.34.

Grŵp 27: Digartrefedd: Strategaethau (Gwelliannau 354, 420 a 421)

Group 27: Homelessness: Strategies (Amendments 354, 420 and 421)

[29] **Christine Chapman:** The lead amendment in this group is amendment 354. I call on Peter Black to move and speak to amendment 354 and the other amendments in the group.

[30] **Peter Black:** I move amendment 354 in my name.

[31] This amendment is one of three that have been drafted by Gofal. Although we will come to the issue about priority need status for prisoners later in this session, the intention is to try to strengthen the early intervention duties and alleviate some of the concerns about changing that priority need, particularly in relation to prisoners. This particular amendment seeks to mitigate the impact of the proposed change to the priority need definition for former prisoners, as well as referring to other vulnerable groups by providing a specific reference to them in terms of the local housing authority's duties to develop a homelessness strategy. I think it strengthens that duty in terms of homelessness strategies and particularly underlines for local authorities the need to carry out this work. So, I hope that the committee would be able to support that.

[32] **Mark Isherwood:** In terms of amendments 420 and 421, we believe that the existing duties in sections 38, 46 and 48 could be strengthened by including specific requirements for local housing authorities to work with other statutory and non-statutory agencies to address the needs of groups at particular risk of homelessness: groups consisting of people leaving public institutions such as hospitals, prisons, armed forces or foster care. In each case, there are clear opportunities to work with the relevant public authorities and voluntary organisations to ensure that steps are taken to avoid homelessness. Although this could be addressed in the code or guidance, we believe that the inclusion of specific duties within the primary legislation would demonstrate a clear commitment to the prevention agenda. We understand that the Bill cannot place duties on non-devolved functions of the criminal justice system, but believe that it should contain duties on local housing authorities to work with bodies in other sectors. It is also arguable that the amendment to the former prisoner priority needs definition will reduce the support available to former prisoners. As a result, we believe that this should be offset by including specific reference to prison leavers in the section of the Bill that focuses on early intervention and prevention. Of course, this reflects the request for amendments from a coalition of third sector bodies, including Shelter, Tai Pawb, Cymorth Cymru and others.

[33] **Leighton Andrews:** I have some sympathy with the amendments tabled by Peter, which have been drafted by Gofal. They refer specifically to people leaving institutions in some shape or form. I think there are specific issues around that. I wonder whether the

Minister would be able to give us any views on how the Government plans to proceed on this.

[34] **Rhodri Glyn Thomas:** Byddwn yn cefnogi gwelliant 354 yn enw Peter Black. Byddwn hefyd yn cefnogi gwelliant 420 yn enw Mark Isherwood, ond ni fyddwn yn cefnogi gwelliant 421. Nid ydym yn credu bod angen y gwelliant yma, ond rydym yn credu bod y gwelliannau blaenorol yn bwysig ac yn ychwanegu cryn lawer at y ddeddfwriaeth.

Rhodri Glyn Thomas: We will be supporting amendment 354 in the name of Peter Black. We will also support amendment 420 in the name of Mark Isherwood, but we will not be supporting amendment 421. We do not think that that amendment is required, but we think that the previous amendments are important and add quite a lot to the legislation.

[35] **Carl Sargeant:** Thank you for the comments from the committee. First of all, can I address Peter's amendment? I have huge sympathy with this, and the principle of this amendment is something that I can support. However, the drafting of this needs to be amended for some technical reasons. Therefore, I will give the committee assurance that, while I am unable to support the amendment today, my team has been in discussions with Gofal and other organisations to seek a better technical drafting assessment of these amendments, and we will bring something back at Stage 3. I ask Peter either not to move this, or to seek to aid us in the next stage of support when we return to this, when I will bring it back in terms of a different drafting.

09:15

[36] Can I move on to the amendments tabled by Mark Isherwood initially? Amendment 420 introduces a duty on local authorities to work with voluntary organisations and public bodies. This drafting of this amendment just would not work, on the basis that some voluntary organisations may not wish to work with local authorities and therefore the 'must' would not apply. Therefore, it would not work, and we will not be supporting that amendment today. I ask the committee to support me in that process. Similarly, that is the case with Jocelyn Davies and Rhodri Glyn Thomas on amendment 421: we will not be seeking to amend that, as we believe that this is not a requirement within the Bill's section.

[37] **Christine Chapman:** Peter, do you want to reply?

[38] **Peter Black:** Yes. Can I thank the Minister for his response? Clearly, as the Minister has given an undertaking that he will come back at Stage 3 with a reworded version of this amendment, I am happy not to move it—or to withdraw it, as I already have moved it, have I not? Whatever.

[39] However, in that redrafting, I would be looking to ensure that it contains the basic elements of this motion, which is the duty on local housing authorities to ensure that they pay due regard to the list of vulnerable groups, and the duty of local housing authorities to work with the voluntary, statutory and non-statutory bodies. I understand the point that the Minister has made in relation to the drafting of Mark's amendment, which, of course, is also incorporated in this amendment. So, if the Minister can say that he is prepared to do that, I am happy to withdraw this amendment.

[40] **Christine Chapman:** Does any Member object to the withdrawal of amendment 354? I see that there is no objection. Therefore, this amendment is withdrawn.

*Tynnwyd gwelliant 354 yn ôl gyda chaniatâd y pwyllgor.
Amendment 354 withdrawn by leave of the committee.*

[41] **Christine Chapman:** Mark, would you like to move amendment 420?

[42] **Mark Isherwood:** I move amendment 420 in my name.

[43] **Christine Chapman:** The question is that amendment 420 be agreed to. Does any Member object? There is objection, so we will take a vote by show of hands.

Gwelliant 420: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 420: For 5, Abstain 0, Against 5.

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

Black, Peter
Davies, Jocelyn
Davies, Paul
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 420.
Amendment 420 not agreed.*

[44] **Christine Chapman:** Mark, would you like to move amendment 421?

[45] **Mark Isherwood:** Most definitely. I move amendment 421 in my name.

[46] **Christine Chapman:** Okay, the question is that amendment 421 be agreed to. Does any Member object? I see that there is objection, so we will take a vote by show of hands.

Gwelliant 421: O blaid 3, Ymatal 0, Yn erbyn 7.

Amendment 421: For 3, Abstain 0, Against 7.

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

Black, Peter
Davies, Paul
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 421.
Amendment 421 not agreed.*

**Grŵp 28: Digartrefedd: Statws Angen Blaenoriaethol ar gyfer Cyn-garcharorion
(Gwelliannau 134, 135, 136)**

**Group 28: Homelessness: Priority Need Status of Former Prisoners (Amendments 134,
135, 136)**

[47] **Christine Chapman:** The lead amendment in the group is amendment 134, and I call on Peter Black to move this amendment and to speak to it and the other amendments in the group.

[48] **Peter Black:** I move amendment 134 in my name.

[49] These three amendments have been tabled to try to, effectively, strengthen the Bill in relation to the treatment of ex-prisoners. The first amendment relates to a specific recommendation in the committee's report, recommendation 22, which is:

[50] 'that the Minister amends the Bill to make provision for a 90-day homelessness prevention period for prisoners.'

[51] I believe that the committee felt that that additional period was required because of the removal of the duty to rehouse ex-prisoners, or the amendment of that duty, and that, clearly, there needed to be more time to work with former prisoners to try to ensure that proper rehabilitation was put in place.

[52] I have to say that I had a meeting a couple of weeks ago with the rehabilitation unit in Swansea prison, and people there were very concerned about the removal of, or the change to, the duty on ex-prisoners. They felt strongly that it would make their job a lot harder, in terms of rehabilitation. Particularly on amendment 135, I would refer the Minister again to the report from June 2008, 'Necessary but not sufficient: housing for the reduction of re-offending', and in particular to its finding that 75% of those offenders most likely to reoffend had a housing need, compared with 30% of the general offender population. The Minister will know from the discussions on this Bill previously that my concern is that, as the Bill now amends the duty on former prisoners, the definition of 'vulnerability' has to be taken in the context of the vulnerability of a prisoner as compared with other prisoners, as opposed to the general population.

[53] Given that most probably the vast majority of prisoners are vulnerable in some way or another, it seems to me that that very much limits the duty on local authorities in terms of the duty to rehouse former prisoners. It does seem to me that that makes an additional problem in terms of rehabilitation. I do not want to give ex-prisoners a particular advantage; what I am concerned about is trying to reduce reoffending. All the evidence is that accommodation is the key to any action to prevent reoffending. As any work with prisoners involved shows, if they do not have solid accommodation as they come out of prison, they may reoffend very quickly within the first few days. That is the main concern that I have about the Minister's change to this legislation and the reason why I am moving amendment 135. I would ask the committee to support these three amendments.

[54] **Rhodri Glyn Thomas:** Rydym yn hapus iawn i gefnogi'r gwelliannau hyn yng ngrŵp 28 yn enw Peter Black. Byddwn yn cefnogi y tri ohonynt. **Rhodri Glyn Thomas:** We are more than happy to support these amendments in group 28 in the name of Peter Black. We will support all three.

[55] **Jenny Rathbone:** I certainly agree that it is important to get former prisoners rehoused as a way of preventing them from reoffending. I was happy to go along with the recommendation in our report at Stage 1. What I am not clear about is how extending the number of days from 56 days to 90 days is going to do anything around the key issue, as far as I am concerned, which is the quality of the partnership between housing organisations and prisons and any other welfare bodies that need to be involved in the resettlement of prisoners. So, I am not at all clear that these extra days are going to do anything. It is all about the competency and ability of the prisons to predict when they are going to release a prisoner and to be in liaison with the other bodies that need to be involved.

[56] **Jocelyn Davies:** I always felt that the 2003 regulations that were promoted by Peter Black, actually, and agreed by us all in Plenary, set us apart from other administrations and

clearly indicated that our approach was different on these matters. I do not think that all the research that I have seen—and, I have to say, that has been quoted by the Minister to justify his current policy—supports that move. Reoffending rates are high anyway, even with intervention, and they will be even higher without adequate intervention. I totally agree with the points that Peter has made, and I will be supporting his amendments. I like the fact that we mentioned this in our committee report, because I think that this will mitigate the policy change. I think that early intervention measures should be encouraged, and that is unlikely to happen without legislative backing.

[57] **Mark Isherwood:** When I visited prisons where offenders from north Wales are incarcerated, I had meetings with them and asked them what their priorities were, and housing was their No. 1 priority each time. Some of the organisations that have lobbied me have said—as I am sure others would say—that we should begin the prevention interventions the day that they go into prison. Clearly, that might be perceived by some as inequitable and not sufficiently penal by others. The issue is the availability of supported housing appropriate to their needs when they come out because, for too many, it can be a revolving door. Even if they go to the top of the list and are given accommodation, without that support project wraparound, which is usually delivered through the third sector, the period will be fairly irrelevant. What is vital is that, whether it is substance misuse—and we know that most crime is related to substance misuse—mental health issues, learning difficulties or whatever, the support needed is specific to those wider needs, as well as the fact that somebody is re-entering mainstream society after a period of being shut away from it, so I think that we can be supportive of this.

[58] **Carl Sargeant:** Again, this has been an interesting debate as we move forward with the progress of the housing Bill and what I have tried to do is listen very carefully to Members' concerns and those of other interest groups.

[59] What I have sought to do, Chair, is to make sure that prison leavers are dealt with consistently and fairly with regard to all members of the public who are seeking homeless provision across Wales, whether they are prisoners, ex-offenders or not. I recognise Peter's issues and he has raised them at every opportunity that he has had to do so, but there are things on which we probably fundamentally disagree. I agree with the principle of supporting vulnerable individuals, whether they are ex-offenders or otherwise. What we are doing within the Bill—and I hope that it is recognised by committee—is putting many interventions in to strengthen the position of vulnerability testing, including testing for ex-offenders, and making sure that the system works in order for that to have a beneficial effect on people leaving incarceration.

[60] I do not accept that we are removing support for prisoners. The fact is that the Pereira vulnerability test, which we will discuss at a later point during the Bill, is something that we are strengthening. In fact, we are putting legislation on the face of the Bill around how we believe vulnerability should be applied and how that should be the interface. We have all experienced the issue of people reoffending and being given priority, purely because of reoffending. Peter suggested that he was not seeking to give advantage to ex-offenders leaving a property; actually, I believe that he probably is doing so with what he is seeking in his amendment in seeking to amend the Bill to give prisoners priority need, regardless of their vulnerability or not. That consideration is something that any other homeless person would not be given.

[61] I gave the committee the first draft of interventions; our working group on prisoners is giving further consideration to how we can ensure that the 56-day process works more effectively, because, quite frankly, it is patchy and it does not work very well at all. Therefore, all of the intervention partners need to be looking at and taking responsibility for bringing forward opportunities to support ex-offenders. I can tell the committee that, only this

week, I approved funding for a pilot scheme project for female prisoners and that will commence in the next couple of weeks in relation to additional support for exit for female ex-offenders.

[62] May I just pick up on one final point that Mark Isherwood raised? He mentioned that he thought that prisoners should, maybe, be thinking about housing solutions when they enter prison. That is something that the working group is looking at—from prisoners' reception to incarceration up to just before they are released. We will discuss with the working group how we can most effectively make that work for prisoners throughout the journey of incarceration.

[63] **Christine Chapman:** Thank you, Minister. I call on Peter to reply.

[64] **Peter Black:** Thank you. There are a number of threads to this debate that I feel that I need to pick up on. First, in terms of Pereira, I very much welcome the fact that the Minister is putting that definition on the face of the Bill but we have to understand that the Pereira test assesses relative vulnerability as defined by a number of court cases. Therefore, when a prisoner comes to be assessed as to whether they are vulnerable or not, they are not being assessed as to whether they are vulnerable by comparison to the general population, but to the cohort of other prisoners. Given that about 75% or 80% of prisoners will have either a mental health or substance misuse issue, I think that, in general, someone would have to be fairly exceptionally vulnerable to be considered vulnerable in the context of that cohort. So, in actual fact, the Bill as it is currently drafted is very limiting in terms of the local authority's duty to assess how vulnerable a prisoner has to be before they are re-housed under that particular aspect.

[65] I reiterate that I am not giving advantage to prisoners. What I am seeking to do through amendment 135, effectively, is to restore the status quo. I do not believe that the status quo has given prisoners an advantage.

09:30

[66] What it has done is very much borne out in the Minister's own research, which was commissioned by the previous Minister in 2008: in terms of the link between accommodation and offending, without having that housing underpinning a prisoner's release, they will reoffend and they will be much more likely to reoffend. If I can just find it, the report carries on to state:

[67] 'around one-third of prisoners do not have a settled home prior to going into prison and around one-third will lose their home during their sentence, making the resettlement role a significant and challenging one. If an offender/ex-offender lacks a suitable place to live, it is more difficult for them to get and keep a job or to engage effectively with any other interventions in relation to their needs.'

[68] That must raise concerns for anyone who is considering this Bill as it is currently drafted. Clearly, there is a strong case to say that, if you do not have the accommodation duty underpinning all of the good work that the Minister is now putting in train in relation to ex-prisoners, you will not have an effective rehabilitation regime. That is borne out when you go into the prisons and talk to the rehabilitation teams about these changes and how they are being brought about.

[69] I wish to say one more thing in relation to amendment 134. Amendment 134 is being moved on the basis that amendment 135 really will not be accepted by the Minister, which is possibly a realistic understanding; the Minister has made that clear. Frankly, the committee's report was quite clear on this. I refer Jenny to paragraph 266 of that report, which states:

[70] 'we believe the 56-day period should be extended in relation to prisoners in order to provide them with an additional time to address their specific accommodation and support needs, particularly in view of the proposed change to their priority need status.'

[71] This is not saying that the process should take 90 days. Ideally, it should take much less than that, but there should be additional time where there is a particular concern or particularly complex circumstances that have to be addressed. It may well be that, in very few cases, the 56-day period will not prove to be sufficient given that this duty to rehouse is now being taken away. In that particular instance, because accommodation is so important, there may be those extra days to find accommodation. Therefore, I very strongly ask, if you are not prepared to accept amendment 135, that you do support amendment 134.

[72] **Christine Chapman:** Do you wish to proceed to a vote on amendment 134, Peter?

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

[74] **Christine Chapman:** The question is that amendment 134 be agreed to. Does any Member object? There is objection, therefore I will take a vote by a show of hands.

Gwelliant 134: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 134: For 5, Abstain 0, Against 5.

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

Black, Peter
Davies, Jocelyn
Davies, Paul
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 134.
Amendment 134 not agreed.*

[75] **Christine Chapman:** I move amendment 13 in the name of the Minister. The question is that amendment 13 be agreed to. Does any Member object? There are no objections. Amendment 13 is agreed.

*Derbyniwyd gwelliant 13 yn unol â Rheol Sefydlog 17.34.
Amendment 13 agreed in accordance with Standing Order 17.34.*

**Grŵp 29: Digartrefedd: Addasrwydd Llety (Gwelliannau 153, 154, 155 a 422)
Group 29: Homelessness: Suitability of Accommodation (Amendments 153, 154, 155 and 422)**

[76] **Christine Chapman:** The lead amendment in the group is amendment 153 in the name of Jocelyn Davies. I invite Jocelyn to move and speak to amendment 153 and the other amendments in the group.

[77] **Jocelyn Davies:** Thank you, Chair. I move amendment 153 in my name supported by Peter Black.

[78] Amendment 153 adds a property having a detrimental effect on health to the list of reasons why it is not reasonable to be expected to continue to occupy that property. So, the link that we know exists between housing quality and health has been demonstrated many times by numerous studies. For those, of course, who are already suffering from poor health, housing can seriously exacerbate existing conditions. So, forcing someone to continue to occupy a property that is affecting their health, I think, would be unreasonable and just plainly wrong. I am sure that we all have casework that clearly demonstrates the effect that housing can have on health.

[79] On amendment 154, when a local housing authority discharges its duty to house someone, I think that it must ensure that it is into a decent standard of property. Property that simply meets the most basic legal requirements is not high enough. I believe that that is not a high enough standard to provide a sustainable and secure housing solution, and is therefore unlikely to be a long-term solution for families. Of course, we want to avoid repeat homelessness, and being confident that someone is going into a decent home, I think, will help on this front. I heard the Minister say earlier that raising standards is not the main aim of the Bill, but I am sure that he would agree that decent is a standard that we would want for families who have been through the homelessness process. Amendment 155 is for clarity, really, and it ensures consistency across the Bill. This amendment ensures the licensing regulations set out in Part 1 of the Bill apply when local housing authorities discharge their duty to someone. I see that Mark Isherwood's amendment has the same intention, but I think I prefer the wording of my own amendment. I hope that Mark does not take that personally.

[80] **Christine Chapman:** Okay. Do any other Members wish to speak? Peter.

[81] **Peter Black:** Yes, thank you, Chair. I am happy to support these amendments tabled by Jocelyn Davies. I think that, again, there is a general trend to try to drive up the quality of accommodation; this time in relation to the ability of local authorities to discharge their duty to the private sector. I will not refer to the Minister's rhetoric again, because I know how much it winds him up, but I think that, in this particular instance, it is very important that we make sure that, if local authorities are discharging their duty in this way, the quality of the accommodation is high. I think that these amendments do this. I will not be supporting Mark Isherwood's amendment because I actually think that this amendment relates to Mark's previous amendments in relation to doing away with the registration and licensing scheme altogether.

[82] **Christine Chapman:** Okay. Minister, do you want to respond? Oh, sorry, Mark, did you want to speak?

[83] **Mark Isherwood:** Is this group 29?

[84] **Christine Chapman:** Yes.

[85] **Mark Isherwood:** I have an amendment to move.

[86] **Christine Chapman:** You can speak to that amendment.

[87] **Mark Isherwood:** Thank you. Amendment 422 states that:

[88] 'In determining whether accommodation is suitable for a person, a local housing authority must have regard to whether or not the landlord has been accredited under a scheme approved'

[89] under this section. This does not just relate to earlier amendments, as Peter indicated.

Well, in part it does. Amendment 415 would enable the Bill to provide for the approval of voluntary accreditation schemes for landlords. Amendment 415 does that, but there is no point seeking approval unless there is a consequence. This amendment would provide that incentive. This and the defeated amendment 421 sought to bring into reality the intent of the recommendations in the Communities and Culture Committee report on the private rented sector.

[90] The National Landlord's Association, which had taken the lead on social letting agencies and landlord accreditation, said that there should be Wales-wide private rented sector access agencies for vulnerable people based on the Agorfa Cefni lettings model—a partnership of trust between the private sector and local authorities, with the National Landlords Association and third sector implementing and delivering more for less rather than replicating for higher cost.

[91] If the wider purposes of this Bill include the ability to discharge the homelessness duty to the private rented sector, we need the additional safeguard of knowing that the landlords themselves are accredited alongside the wider requirements of this Bill, which commits them to achieving and maintaining the standard in terms of their own conduct and the quality of the property under the housing health and safety rating system and otherwise. With regard to Jocelyn's amendments, the decent standard is not enough. As the Minister has indicated, the HHSRS—the housing health and safety rating system—has a number of hazard ratings that are specific to the impact on health as well as overcrowding and many other matters that are directly relevant to this. Therefore, notwithstanding the other points in this Bill—and I do not think that that is the challenge—I seek support for this amendment rather than amendment 154.

[92] **Christine Chapman:** Okay, thank you. Minister, do you want to respond?

[93] **Carl Sargeant:** Thank you, Chair. I am grateful for Members' comments. Again, the principles of what Jocelyn and others are trying to do with regard to this element of seeking to improve standards around homelessness provision in terms of discharge are principles that I am sympathetic to. May I just work through her amendments first? First, section 41 of the Bill states that:

[94] 'A person is not to be treated as having accommodation unless it is accommodation which it would be reasonable for the person to continue to occupy.'

[95] Section 43 of the Bill provides that it is not reasonable for a person to continue to occupy accommodation where it is probable that they would be subjected to abuse, including domestic abuse, were they to do so. It also contains a power for Welsh Ministers to specify other circumstances in which it is automatically reasonable or not reasonable to continue to occupy accommodation.

[96] As has been set out by Jocelyn Davies, her amendment 153 seeks to extend the circumstances when it is not reasonable to continue to occupy accommodation to when to do so would be detrimental to health. The principle of Jocelyn's amendment is something that I am sympathetic to. The concept of it being reasonable to continue to occupy is already an established test under section 43 and, therefore, we believe that the amendment is unnecessary.

[97] Further, it is my view that the phrase

[98] 'a detrimental effect on that person's health'

[99] is very broad and that it would be very difficult, if not impossible, for a local

authority to place anyone in accommodation without risk of legal challenge. Therefore, for example, a flat may be argued to be detrimental to someone's health if there is no garden, or a property at the top of a hill could be detrimental to somebody's health because they could slip in winter. It is a very open-ended, broad phrase that, again, we would find difficult to define. Therefore, we will not be seeking to support that. Again, I am sympathetic to what Jocelyn is seeking to do, but we believe that we already have the powers and guidance in order to achieve on these issues.

[100] Amendment 154 adds another matter, namely 'a decent standard' to which local housing authorities must have regard when assessing suitability. Again, 'a decent standard' is a very broad term, and section 45 already requires local authorities to 'have regard to' housing conditions under the provisions of the Housing Act 2004. Therefore, I think that there is some work still to be done in terms of assessing how we can collectively come to an agreement on what Jocelyn's term 'a decent standard' may be, and it is something that I will seek to work on with her and other members of the committee to look at how we can interpret that in a form of guidance.

[101] May I turn to the issue of Mark Isherwood's amendment 422? I believe, again, that Mark is, understandably, trying to create an environment outside of the licensing scheme that we are seeking to introduce through this amendment. I would refer Members to the fact that the committee has already considered landlord accreditation in group 20 and rejected this proposal at that point and, therefore, it is not appropriate for this amendment to be supported here in group 29.

[102] **Christine Chapman:** Okay, thanks. I call on Jocelyn to reply.

[103] **Jocelyn Davies:** Thank you. In relation to the points made by Peter, I am very grateful for Peter's support for this concept of developing the idea of 'a decent standard' in relation to the discharge of the duty in terms of homeless households. I heard Mark Isherwood's explanation, but I still prefer my amendment, although I understand why he tabled the amendment. The Minister's sympathy does not actually extend to support, so I do not know whether to be grateful or not for the sympathy. I thought that the examples that you gave were pretty weak—silly, almost—and I think that local authorities do understand the term 'reasonable', because they live with it all the time. So, they understand the concept of reasonableness. You mentioned the term 'decent' or exploring that in guidance. That will be an interesting option that, perhaps, we can look at as the Bill progresses, but I would still like for us to vote on my amendments, Chair.

[104] **Christine Chapman:** Okay, so we will proceed to a vote on amendment 153. The question is that amendment 153 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 153: O blaid 3, Ymatal 2, Yn erbyn 5.
Amendment 153: For 3, Abstain 2, Against 5.*

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
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

[105] Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Davies, Paul
Isherwood, Mark

*Gwrthodwyd gwelliant 153.
Amendment 153 not agreed.*

[106] **Christine Chapman:** We will now dispose of amendments 14 to 17 in the name of the Minister. Are you happy to dispose of these en bloc? I see that you are. So, I move amendments 14, 15, 16 and 17 in the name of the Minister. The question is that amendments 14 to 17 be agreed to. Does any Member object? There is no objection, therefore amendments 14 to 17 are agreed.

*Derbyniwyd gwelliannau 14, 15, 16 ac 17 yn unol â Rheol Sefydlog 17.34.
Amendments 14, 15, 16 and 17 agreed in accordance with Standing Order 17.34.*

09:45

Grŵp 30: Digartrefedd: Angen blaenoriaethol (Gwelliannau 97, 106, 157A, 157, 22A, 22, 158, 23, 24, 159, 25, 26, 27, 28, 29, 30, 31, 32A, 32B, 32C, 32 and 33)
Group 30: Homelessness: Priority Need (Amendments 97, 106, 157A, 157, 22A, 22, 158, 23, 24, 159, 25, 26, 27, 28, 29, 30, 31, 32A, 32B, 32C, 32 a 33)

[107] **Christine Chapman:** The lead amendment in this group is amendment 97 in the name of the Minister. I move amendment 97 and call on the Minister to speak to his amendment and other amendments in the group.

[108] **Carl Sargeant:** I seek support from the committee for the amendments in group 30 tabled in my name. I seek to reject the amendments tabled by Jocelyn Davies and Mark Isherwood in this group. Can I briefly go through the amendments? Amendment 32 clarifies the vulnerability test, as requested by the committee in recommendation 19. The test in this amendment has been formulated using existing case law principles as agreed. I ask the committee to support this as drafted. I also ask the committee to reject amendments 32A, 32B and 32C proposed by Jocelyn Davies. These would insert the term ‘ordinary person’ instead of ‘ordinary homeless person’. The latter is a term used in existing case law and is apt as a comparator for the application of the test. I know that the Member is very keen to continue using terms that we have already used, as the Member just referred to regarding the test of reasonableness in her last contribution. Therefore, I ask Members to reject this on that basis.

[109] The proposed amendment around ‘other special reason’ does not achieve the intention of the subsection. With regard to vulnerable persons over the age of 18, they would be subject to the vulnerability test, and consideration would need to be given to the risk of financial or sexual exploitation if under the age of 21. Care leavers will continue to be a priority need up to the age of 21. I ask Members to support our amendments.

[110] **Christine Chapman:** I call Jocelyn.

[111] **Jocelyn Davies:** I have a number of amendments in this group, so it might take me a little while to explain them. Amendment 157 was suggested by Shelter Cymru, and I am grateful for that. Its advice was that rewording this section would expand and clarify the criteria for priority need and avoid the danger of having a list on the face of the Bill, which could be interpreted as being a definitive and exhaustive list. This makes the wording of the Bill consistent with the original formulation of the definition in the 1996 Act, which allows for ‘some other reason’. Of course, this allows for things that we have not yet thought of, and we feel that we should allow for things that might put people at as great a risk as those on the definitive list. The problem with a list is that there is always the danger that you could

possibly leave something very important out.

[112] In relation to amendment 158, this amendment simplifies the age criteria for priority need so that all of those under 21 are considered to have a priority need. It raises the age of young people that would fall into this category generally in line with society as a whole, and 21, I think, is a more appropriate age for obvious reasons. This really acknowledges the fact that young people generally stay at home much longer these days.

[113] Amendment 159 is about those leaving foster care, and would raise that age to 25, when there would be a duty. That reflects the additional vulnerability of care leavers and foster-family leavers. Without this, there is an inequity with regard to foster families being willing to keep youngsters at home. The Chance to Stay campaign recognised that, and that they need special attention and this age of 25 brings this legislation in line with the excellent reasons for extending foster care availability in the recent Social Services and Well-being (Wales) Act 2014. This is a special group. They have no family to fall back on, as other people might.

[114] In relation to 32A, 32B and 32C, these are about the test that we heard about earlier from Peter—the test being with other people in the same category as you. So, the test is the Pereira test, as suggested by the Government, as the test of other homeless people. I think that it needs to be widened, and we need to avoid the stigmatising effect of the stereotype of the ordinary homeless person as conjured up by the Pereira test. Anybody who spends some time reading the judgments in which they use the Pereira test would wonder whether this was a good test. It is a difficult test to apply, and I think that it offers a stigmatising stereotype of what the ordinary homeless person is. For example, mental illness, such as deep or chronic depression, is not considered to make you vulnerable, because homeless people can expect to be depressed—this is what is said in the cases. It has been used, and there is plenty of research to show that this test has been used to encourage gatekeeping practices. So, I think that the test should be against a non-vulnerable comparator, rather than the stereotype of what a street homeless person is like, because it conjures up all sorts of pictures in people's minds. So, I do not accept the Minister's explanation; I think that he should consider having a vulnerability test that is a vulnerability test.

[115] **Christine Chapman:** I call on Peter.

[116] **Peter Black:** There are a lot of amendments here, so I will work my way through them, if I can. First of all, I would be happy to support Jocelyn's amendment 157, as I think it clarifies the criteria for having priority need. I will not, however, support 157A, because I think that the whole point of this particular test is in terms of people who are specifically vulnerable, and when you start adding learning difficulties, you widen it out unacceptably and I think that it makes it very difficult indeed to then apply the test appropriately. Though I understand Mark's reasons in terms of the correctness of applying disability and the terms being used, in this particular case, this is a legal term, and we have to be very narrow in the definition of the vulnerability that we are assessing.

[117] In terms of Jocelyn Davies's amendment 158, I would be happy to support that, as I think that it again adds some clarity and makes it much simpler in terms of a local authority being able to assess whether or not that person should have any priority need. In terms of the Pereira test, I very much support Jocelyn's amendment. I think that the problem with this term 'vulnerability' is that when you go out to talk to the man in the street and say, 'We're concerned to help vulnerable people', their understanding of someone who is vulnerable will be someone who is more vulnerable than they are, when actually, the legal way of applying this test, and the legal definition of vulnerability, as effectively supported by case law, is that you play vulnerability tests against the cohort of people they belong to. So, in this particular case, as set out quite clearly in the amendment that the Minister has brought forward,

someone who is homeless will be assessed as being vulnerable in the context of other homeless people and not in the context of the people sitting at this table. I think that it is a problem. I understand that, for reasons of resource, it is preferable that Pereira is utilised, but in terms of social justice and helping people who need help and need that support with being rehoused and given priority for rehousing, a much wider vulnerability test is necessary. For that reason, I think that Jocelyn's amendments are absolutely essential.

[118] There are just two more amendments that I want to address. Amendment 355 has been brought forward by me and it is another one of the Gofal amendments. Again, I would be grateful if the Minister could indicate whether he is prepared to accept this amendment or, as with the previous amendment, will bring back a redraft of the amendment. This particular amendment places a duty on local housing authorities to work with bodies in other sectors—authorities and voluntary organisations—to deliver a service providing information, advice and assistance in accessing help public. Again, it refers to people who have been institutionalised and are coming out of those institutions, and it specifically lists them and the fact that help should be provided for them.

[119] Finally, in relation to amendment 156, I think that training for all local authority staff is absolutely—

[120] **Christine Chapman:** Peter, you are probably doing the next group.

[121] **Peter Black:** Sorry, I have gone into the next group, have I?

[122] **Christine Chapman:** Yes.

[123] **Peter Black:** I do apologise in that case. We shall get back to that one. Sorry, Minister.

[124] **Christine Chapman:** Okay; thanks. Mike, we come to you now.

[125] **Mike Hedges:** May I just put this in the context of the desperate shortage of housing? We keep on talking about increasing priority need and priority need boards with an increased number of people. There are local authorities in Wales that are having 10 times as many people joining the waiting lists—they are not just on their waiting lists, but joining their waiting lists each year for the properties they have available. If we keep increasing priority need, it will eventually become meaningless, because the priority-need people will not be able to be housed. That is my concern: we are trying to deal with the people who we need to house, but we do not have anywhere near a sufficient level of housing.

[126] **Mark Isherwood:** In terms of amendment 157 and 158, I want to hear the Minister's response before making a final decision. We will be supporting amendment 159. I will be moving amendments 22A and 157A in relation to definitions of 'mental illness' and 'learning difficulty or disability'. Organisations such as Gofal, in evidence—Peter made reference to this—called for the inclusion of a specific reference to mental illness, and it is now in there. However, Tai Pawb, in its evidence, said that there should be reference to a person who is made vulnerable for a special reason, and such a reference should be included along with 'learning difficulty or disability'.

[127] This is a technical amendment, not an expression of opinion or view, because 'mental illness' and 'learning difficulty' are completely different things, which is why Tai Pawb highlighted this, it is why Disability Wales has highlighted this and why Learning Disability Wales highlights this. The vast majority of people with mental illness—it is an illness—do not have learning difficulties, and the majority of people with learning difficulties do not have mental illness, although some, because of their experiences, might acquire them, as might

anybody else. However, they are entirely and completely different things. As this is currently worded, under those technical definitions, people with learning disabilities would be completely excluded from specific reference in this section and it would be talking only about people with physical or mental illness or physical disability.

[128] Further, in terms of ‘learning difficulty or disability’, that simply seeks to avoid causing offence, because a large number of people who are learning disabled or who have learning difficulties and groups representing them consider the term ‘learning disability’ to breach the social model of disability, to which both the Welsh Government and the National Assembly for Wales have signed up. In fact, I believe that there is even reference to this—although I may be corrected—in the original Government of Wales Act 1998. Therefore, in order to be compliant with our commitment to the social model of disability and to recognise that mental illness and learning disability are completely different things, I call for these technical amendments to reflect that in the Bill.

[129] **Christine Chapman:** I call on the Minister to speak.

[130] **Carl Sargeant:** I know that, once again, this is another heavy section of the Bill in terms of homelessness, and many people have expressed interesting views during the passage of the Bill. I would like to pick up some of the points that Members have raised in terms of their concerns. Once again, I will try to respond by giving the reasons for our rejecting the amendments proposed by Jocelyn Davies and Mark Isherwood.

[131] First, once again, I am very sympathetic—I know that the Member does not appreciate me saying that I am sympathetic, because it does not mean offering full support for her amendments, as she has alluded to in the past—and I get exactly what she is trying to achieve. However, we have to have some structure around some of the processes in relation to the testing of vulnerability. Once again, the Pereira test is a standardised test that is recognised by local authorities, and is a test that she will be familiar with from her time as the Deputy Minister for housing, as will Peter as a result of his involvement in the housing sector. This is not a test that we have made up; it is a test that is considered to be the benchmark for local authorities in terms of determining vulnerability and is well expressed.

[132] In terms of the amendments, when we move to the terminology of an ‘ordinary person’, once again, I recognise what Members are seeking to do, but it is, in effect, outside the boundary of what vulnerability is known to mean. This might mean that everybody is, effectively, vulnerable, and therefore everybody is identified as being at risk of homelessness. If we are comparing one with another, rather than a vulnerable cohort, then it does not have any context.

10:00

[133] I would like to pick up the issue of care leavers. As Members will be aware, care leavers up to the age of 25 are already supported with regard to education, out of term time and on leaving education. However, I was taken by a comment that Jocelyn made around foster carers, which I will give some further consideration to, although I will not be seeking to support her amendment today. I recognise that it is a particularly vulnerable group, without family in general, and it is something that I will give further consideration to.

[134] Peter will be very aware that I and my team are in conversation with Gofal in terms of the amendments that it has tabled. I will be seeking to look at better drafting of some of the amendments that it has tabled, albeit we will have to carefully consider what that structure is, in terms of bringing amendments forward. However, it will be something on which I will be seeking to gain support from colleagues who are like-minded, as are Gofal and I, in terms of making sure that we protect the most vulnerable people in our communities.

[135] **Christine Chapman:** Thank you, Minister. Do you wish to proceed to a vote on amendment 97?

[136] **Carl Sargeant:** I do.

[137] **Christine Chapman:** The question is that amendment 97 be agreed to. Does any Member object? There are no objections, therefore amendment 97 is agreed.

*Derbyniwyd gwelliant 97 yn unol â Rheol Sefydlog 17.34.
Amendment 97 agreed in accordance with Standing Order 17.34.*

[138] **Christine Chapman:** I move amendment 18 in the name of the Minister. The question is that amendment 18 be agreed to. Does any Member object? There are no objections, therefore amendment 18 is agreed.

*Derbyniwyd gwelliant 18 yn unol â Rheol Sefydlog 17.34.
Amendment 18 agreed in accordance with Standing Order 17.34.*

[139] **Christine Chapman:** Jocelyn, would you like to move amendment 154?

[140] **Jocelyn Davies:** I move amendment 154 in my name supported by Peter Black.

[141] **Christine Chapman:** The question is that amendment 154 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

*Gwelliant 154: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 154: 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
Davies, Paul
Hedges, Mike
Isherwood, Mark
Price, Gwyn R.
Rathbone, Jenny

*Gwrthodwyd gwelliant 154.
Amendment 154 not agreed.*

[142] **Christine Chapman:** Jocelyn, would you like to move amendment 155?

[143] **Jocelyn Davies:** I move amendment 155 in my name supported by Peter Black.

[144] **Christine Chapman:** The question is that amendment 155 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

*Gwelliant 155: O blaid 3, Ymatal 2, Yn erbyn 5.
Amendment 155: For 3, Abstain 2, Against 5.*

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

Black, Peter
Davies, Jocelyn

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

Andrews, Leighton
Chapman, Christine

Thomas, Rhodri Glyn

Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Davies, Paul
Isherwood, Mark

*Gwrthodwyd gwelliant 155.
Amendment 155 not agreed.*

[145] **Christine Chapman:** Mark, would you like to move amendment 422?

[146] **Mark Isherwood:** I move amendment 422 in my name.

[147] **Christine Chapman:** The question is that amendment 422 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

*Gwelliant 422: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 422: For 2, Abstain 0, Against 8.*

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

Davies, Paul
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 422.
Amendment 422 not agreed.*

Grŵp 31: Digartrefedd: Gwybodaeth, Cyngor a Chymorth (Gwelliannau 98, 358, 99, 100, 359, 355, 423 a 156)

Group 31: Homelessness: Information, Advice and Assistance (Amendments 98, 358, 99, 100, 359, 355, 423 and 156)

[148] **Christine Chapman:** The lead amendment in the group is amendment 98 in the name of the Minister. I move amendment 98 in the name of the Minister and I call on the Minister to speak to his amendment and the other amendments in the group.

[149] **Carl Sargeant:** I am seeking to gain support for my amendments tabled in group 31. I start with amendments to section 46, which are aimed at providing the applicant with the best possible options in relation to their circumstances. These options may be outside of their local area. Amendment 98 inserts a reference to the area and local connection with regard to section 46 regarding the duty to provide information, advice and assistance in assessing help. This, we believe, ensures that local housing authorities will not be subject to the burden of advising people who have no local connection with their area.

[150] Amendments 99 and 100 remove the restriction on advising about homelessness services outside the area. This reflects the current legislation and keeps to the position that people are able to access additional advice services where they are located.

[151] Turning to amendment 156 tabled by Jocelyn Davies, it aims to professionalise the homelessness service by introducing mandatory accreditation for front-line staff. There is no existing relevant accreditation qualification, and while I have already emphasised the importance that I attach to the training of staff—indeed, I am already supporting training activities in local authorities—I am concerned that the amendment would place an unreasonable duty on local authorities to deliver the service.

[152] Amendments 358 and 359, also tabled in the name of Jocelyn Davies, insert a duty to provide the words ‘free of charge’. I support the broad aims of the amendment, and I would like to thank Jocelyn for bringing this to my attention in terms of how we could work this forward. I will give Jocelyn the assurance that I will come back at the next stage to look at this particular amendment and how it could be drafted to fit in with the scope of the Bill.

[153] Mark Isherwood’s amendment 423 and Peter Black’s amendment 355 are very similar. The aim is that advice and services be delivered to a group that may not normally be able to access services due to being in prison, hospital or care. The purpose of the amendments is to add to a list of persons who must be assessed by local authorities and to place a duty to co-operate with voluntary bodies. The effect of the amendments is partly to duplicate the duties to assess and co-operate and I am sympathetic to the aims of these amendments and, again, will look, at a further stage of the Bill, to consider bringing back a redrafted version of the amendments, subject to the Members not moving their amendments today.

[154] **Jocelyn Davies:** I speak to the amendments in my name in this group. Amendment 358 makes the obvious point that information should be available free of charge. I think that it is important that we say that, and I am glad that the Minister says that this will be addressed at Stage 3. On amendment 156, on the training of local authority staff, we heard a lot of evidence of inconsistent application of the law as it stands. Old habits seem to be passed on from members of staff to members of staff, with new staff members learning from experienced staff who never refer to the law, the code or the guidance. That leads to inconsistent decisions and, sometimes, of course, you then end up in the courts. We heard that there is a complication around housing legislation. We have said that landlords will need training, because they have a lot to know, yet the Minister says that it would be unreasonable of us to expect people who make decisions about whether or not you get a home to need training. I think that the law is complex; we want a consistent approach and I cannot see how we can achieve that without having some sort of mandatory training for local authority staff. Just looking at the case load that comes from this area of law—there are plenty of inconsistencies that lead to court action—I would urge the Minister to look at this again. I do not think that accredited standard training would be difficult to instigate or to deliver, but it would make a huge difference to the way decisions are made. It would be fairer and would provide a lot of protection for staff who are expected to make these decisions every day.

[155] **Mark Isherwood:** I heard the Minister’s offer to redraft a version of amendments at Stage 3 in relation to amendments 43 and 44. I would seek a little further reassurance. Again, these reflect proposals by Gofal, Cymorth Cymru, Tai Pawb and Shelter Cymru. A local authority must work with relevant public and voluntary organisations to ensure that the needs of groups, particularly those at a risk of homelessness, are met, and that groups at particular risk of homelessness can be assessed. This is very much in line with what your colleague the Minister for Health and Social Services frequently refers to as ‘co-production’, which I regularly refer to as ‘co-production’. We need parity in the partnership and equal partnership so that the strategies are devised with the providers and interest groups across the sector and then delivered with them, which is what other aspects of this Bill seek to achieve; we need to ensure that that happens. Otherwise, the danger is that we replicate a partnership of inequality where the local authority is effectively the chair, chief cook and bottle washer and the third sector is there because the local authority has been told that it has to bring it in, but it ends up

being consulted, effectively, after the event and told what it can deliver. So, that is what it seeks to address: meeting the calls of that coalition of third sector bodies.

[156] In the earlier section on priority need when I talked about learning disability or difficulty, the Minister said that he would not be supporting it, but he did not explain why. I would be grateful if he could explain why those technical terms could not be accepted.

[157] **Peter Black:** I very much support amendments 358 and 359 in the name of Jocelyn Davies. Again, I am pleased that the Minister has said that he will come back with a redrafted version of that, or will see how that can be accommodated at Stage 3. I am also happy in terms of amendment 355, which the Minister has given an undertaking to address at Stage 3, and I will not be moving that amendment as a consequence. I want to speak in support of amendment 156. First of all, I have sat on the front desk of the housing options in Swansea to see for myself the professionalism of the staff there. I was very impressed with the work that they did and how they handled the people who came in to see them. I would, however, say that there is always room for improvement, training and accreditation. I take what the Minister says in relation to there being no dedicated accreditation for this particular group of staff. However, I would say that this is an incentive to develop an accredited course for this group of staff. Clearly, there are housing qualifications that staff go through. It seems to me that the development of accredited courses around this particular area of work would benefit everybody, not least the staff themselves, and also those who use these services. Maybe the Minister might want to take this away and work with colleagues in the Welsh Government in terms of developing accredited courses so that staff are able to undertake them in the future.

[158] **Christine Chapman:** Rhodri is next.

[159] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Yn dilyn ymateb cadarnhaol y Gweinidog, ni fyddwn yn symud gwelliant 358 yn enw Jocelyn Davies, ond byddwn yn aros i weld beth fydd gan y Gweinidog i'w gynnig wrth i'r Bil hwn symud yn ei flaen. Ni fyddwn yn cefnogi gwelliant 99 na gwelliant 100 yn enw'r Gweinidog oherwydd y byddant yn cyfyngu'r gwasanaeth i ardal yr awdurdod. Gallai hynny adael pobl, yn enwedig pobl nad oes ganddynt unrhyw gyllid ar gael iddynt, heb wasanaeth. Gallai'r awdurdod ddweud nad oes gwasanaeth ar gael ac felly nad oes ganddo unrhyw gyfrifoldeb lle bo gwasanaeth ar gael y tu allan i ardal yr awdurdod. Gofynnwn i'r Gweinidog ailystyried geiriad y ddau welliant hynny. Ni fyddwn yn cefnogi gwelliant 423 yn enw Mark Isherwood am y rhesymau a gyflwynodd y Gweinidog.

Rhodri Glyn Thomas: Thank you very much, Chair. Following the positive response of the Minister, we will not be moving amendment 358 in the name of Jocelyn Davies, but we will wait to see what the Minister has to propose as this Bill proceeds. We will not support amendment 99 or amendment 100 in the name of the Minister because they will limit the service to the authority area. That could leave people, particularly those people who do not have any funds available to them, without any service. The authority could say that there is no service available to them and that it has no responsibility where that service would be available outwith the authority area. I would ask the Minister to reconsider the wording of both of those amendments. We will not support amendment 423 in the name of Mark Isherwood for the reasons put forward by the Minister.

[160] **Christine Chapman:** Thank you. Mike is next.

[161] **Mike Hedges:** I have a question for the Minister. Has he spoken to the Chartered Institute of Housing, or does he intend to speak the Chartered Institute of Housing, regarding providing a qualification in terms of dealing with homelessness?

[162] **Christine Chapman:** Minister, would you like to reply?

[163] **Carl Sargeant:** Thank you. I will pick up the last question first, if I may. We have had many conversations with organisations related to housing with regard to providing professional services, though not an accreditation service. This is for the very reason that Peter Black alluded to, in terms of the fact that the professional work that goes on in local authorities in dealing with homelessness is of a good quality. However, I also recognise Jocelyn's concerns about consistency. I hope that we are addressing that whole process in terms of the finances that we are applying to training provision for authorities currently, and that we will continue to ensure that we invest in our housing teams across Wales. Effective, quality training can be achieved without accreditation, as we are already seeing and as Peter has experienced in his visits recently.

[164] I thank Members for their support in terms of my team and myself bringing back amendments at a later stage on the basis of their amendments. In terms of drafting provision, that is something that we are seeking to make sure fits in holistically with the Bill. I was a little concerned with a term that Jocelyn used. It was a case where she suggested during her contribution that we are saying staff do not need housing training. In fact, far from it. As I alluded to, we have made major investments in terms of training and support for consistency across local authorities. I know that this is a whole new way of delivering services, and I accept that, traditionally, this is how we used to do it and that it will be quite a challenge for some to move to a different area. I am also working with the WLGA's homeless network to ensure that it is already seeking to work with local authorities in terms of the way they change and operate across Wales.

[165] May I pick up the issue of advice services? I also understand the concerns that Rhodri Glyn raises about people accessing services. However, I am concerned that we would place ourselves at risk, or local authorities at risk, in a mandatory advisory service to individuals without a local connection. If you have to provide a mandatory service of advice, there is an endless scope. Anybody from any area, England or otherwise, could ring an authority in Wales, knowing full well that there is a mandatory duty on them to provide advice services. So that is something that I will be seeking to resist, although I do believe that a robust advice service is required for the people that need it within their local area.

10:15

[166] My final point relates to the two points that Mark Isherwood raised. In terms of the issue around 'must comply' with regard to working with the third sector, this is, as I explained earlier, not workable, due to the fact that a third party may not wish to work with a local authority. Therefore, the word 'must' is wholly inappropriate in terms of drafting. That is why we believe that 'co-operate' is a much stronger term in moving forward. I also recognise the point that the Member raises from the previous group. I would like to address that very briefly with regard to the vulnerability testing around learning difficulties. We are looking to apply consistency from current legislation and we believe that the learning difficulty amendment that Mark Isherwood was seeking to apply would be far too wide-ranging and capture all. Therefore, it would have significant financial effects on local authorities' determination around housing and homelessness. Therefore, we will not be supporting that principle.

[167] **Christine Chapman:** The question is that amendment 98 be agreed to. Does any Member object? There is no objection, therefore amendment 98 is agreed.

Derbyniwyd gwelliant 98 yn unol â Rheol Sefydlog 17.34.

Amendment 98 agreed in accordance with Standing Order 17.34.

[168] **Christine Chapman:** Jocelyn, I just want to check that you do not want to move

amendment 358.

[169] **Jocelyn Davies:** No, nor 359.

[170] **Christine Chapman:** Okay.

Ni chynigiwyd gwelliant 358.

Amendment 358 not moved.

[171] **Christine Chapman:** I move amendment 99 in the name of the Minister. The question is that amendment 99 be agreed to. Does any Member object? There is objection, so we will move to a vote.

Gwelliant 99: O blaid 8, Ymatal 0, Yn erbyn 2.

Amendment 99: For 8, Abstain 0, Against 2.

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

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Paul
Hedges, Mike
Isherwood, Mark
Price, Gwyn R.
Rathbone, Jenny

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

Davies, Jocelyn
Thomas, Rhodri Glyn

Derbyniwyd gwelliant 99.

Amendment 99 agreed.

[172] **Christine Chapman:** I move amendment 100 in the name of the Minister. The question is that amendment 100 be agreed to. Does any Member object? There is objection, so we will take a vote.

Gwelliant 100: O blaid 8, Ymatal 0, Yn erbyn 2.

Amendment 100: For 8, Abstain 0, Against 2.

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

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Paul
Hedges, Mike
Isherwood, Mark
Price, Gwyn R.
Rathbone, Jenny

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

Davies, Jocelyn
Thomas, Rhodri Glyn

Derbyniwyd gwelliant 100.

Amendment 100 agreed.

Ni chynigiwyd gwelliant 359.

Amendment 359 not moved.

[173] **Christine Chapman:** Peter, I understand that you do not want to move amendment 355.

*Ni chynigiwyd gwelliant 355.
Amendment 355 not moved.*

[174] **Christine Chapman:** Mark, would you like to move amendment 423?

[175] **Mark Isherwood:** May I just clarify something, because the Minister's last response confused me a little bit? Did you say earlier that you would consider a redrafted version of this, or did you not?

[176] **Carl Sargeant:** I will not be supporting an amendment that suggests authorities 'must comply', and a mandatory process for local authorities to comply with the voluntary sector. It is a version of co-operation that I believe is the most appropriate.

[177] **Mark Isherwood:** Do you mean 'must co-operate'?

[178] **Carl Sargeant:** No, 'to co-operate'. I will not be including the word 'must'.

[179] **Mark Isherwood:** That shows a complete lack of understanding of what the whole sector has been campaigning for for years in Wales.

[180] **Christine Chapman:** Would you like to move amendment 423?

[181] **Mark Isherwood:** I move amendment 423 in my name.

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

*Gwelliant 423: O blaid 2, Ymatal 1, Yn erbyn 7.
Amendment 423: For 2, Abstain 1, Against 7.*

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

Davies, Paul
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

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Black, Peter

*Gwrthodwyd gwelliant 423.
Amendment 423 not agreed.*

[183] **Christine Chapman:** Jocelyn, would you like to move amendment 156?

[184] **Jocelyn Davies:** I move amendment 156 in my name supported by Peter Black.

[185] **Christine Chapman:** The question is that amendment 156 be agreed to. Does any Member object? There is objection, so we will take a vote.

*Gwelliant 156: O blaid 3, Ymatal 2, Yn erbyn 5.
Amendment 156: For 3, Abstain 2, Against 5.*

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
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Davies, Paul
Isherwood, Mark

*Gwrthodwyd gwelliant 156.
Amendment 156 not agreed.*

[186] **Christine Chapman:** I suggest that we have a very short break now for 10 minutes. Could you make sure that you are back here by 10.30 a.m.?

*Gohiriwyd y cyfarfod rhwng 10:20 a 10:29.
The meeting adjourned between 10:20 and 10:29.*

Grŵp 32: Digartrefedd: Cymhwysra am Gymorth (Gwelliannau 360, 361 a 75)
Group 32: Homelessness: Eligibility for Help (Amendments 360, 361 and 75)

[187] **Christine Chapman:** We will move on now to group 32. This relates to homelessness and eligibility for help. The lead amendment in the group is amendment 360 in the name of Jocelyn Davies. I invite Jocelyn to move and speak to her amendment and the other amendments in the group.

[188] **Jocelyn Davies:** I move amendment 360 in my name.

10:30

[189] This is about those who have no recourse to public funds, at least in part. Those who are not eligible for help with housing can be extremely vulnerable and at risk of destitution. Those with no recourse to public funds include asylum seekers, during the sometimes very lengthy period of their application, migrants who are in the country legally and illegally and UK citizens who have lived abroad for an extended period. Some will also be victims of trafficking and slavery.

[190] Much that can be done to help those facing homelessness with no recourse to public funds is outside the competence of this Assembly, and I accept that. However, these amendments attempt to address the issue by ensuring that local housing authorities have a duty to, at least, offer information and to signpost relevant services and organisations that can provide help and advice, regardless of immigration status, as was mentioned by Rhodri Glyn Thomas, when he was speaking to the previous groups.

[191] Amendment 361 is about the victims of domestic abuse, and they are, of course, extremely vulnerable and often face homelessness. The Bill already offers provision for those fleeing abuse, but it is important for all of those affected to be eligible, regardless of immigration status, and this is particularly important given the complexities of the law surrounding immigration and domestic abuse, and a victim's immigration status might be unclear or undecided, or have changed as a result of the abuse and subsequent breakdown of a relationship. I think that this is particularly important to those who might be escaping

domestic servitude but have no recourse to public funds.

[192] I draw Members' attention to an Amnesty report in 2008, which demonstrated how victims of trafficking were prevented from getting and seeking help because of their status as having no recourse to public funds. So, in my view, those fleeing domestic abuse should receive assistance, regardless of status, because it is better than abandoning the parents and taking children into care, which is often what happens.

[193] I will not be supporting amendment 424. I ask the Minister, when he speaks to his amendment, which I think is amendment 101 in this group, as he mentions two cases that must be subject to review, to clarify whether this means that there would be a review only in those two cases.

[194] **Christine Chapman:** Amendment 424 is in the next group, so we will leave that for the moment.

[195] **Jocelyn Davies:** Sorry. I can come back to those again. I can see now what I have done; they are group 33.

[196] **Christine Chapman:** Okay. Are there any other Members who wish to speak? There are not. I call the Minister.

[197] **Carl Sargeant:** Thank you. At that point, I was starting to panic a little because I thought that my papers were out of sync completely. I recognise that it is—

[198] **Rhodri Glyn Thomas:** It is intentional. [*Laughter.*]

[199] **Carl Sargeant:** Yes, thank you. [*Laughter.*] I will start with amendment 75 in my name, and I will ask for support from you in group 32. I will speak to this. This makes reference to the universal credit replacing housing benefit, which is scheduled to happen by 2016, and those excluded from the universal credit system by virtue of section 115 of the Immigration and Asylum Act 1999 will not be eligible under sections 54, 56, 60 and 62 of the Bill.

[200] I move to amendment 360, proposed by Jocelyn Davies, which inserts a new subsection in section 47 of the Bill, relating to eligibility for assistance. I hope that the Member recognises my commitment to the groups of individuals fleeing domestic violence wherever they are from across the world, but the Member will be aware that immigration legislation is not devolved, as she made reference to in that process on non-recourse to public funds. I, therefore, do not believe that we have the ability to include the amendment in the Bill, in terms of our vision of how we are seeking to address the homelessness aspect of this, and, in particular, advice services around this, but I will give a commitment to the Member and the committee that I will have further conversations with the Minister for local government who has responsibility for individuals suffering from domestic violence and trafficking. I will have further discussions with her around some structures that are already in place in terms of how we can strengthen that, or seek to strengthen that, in moving forward. I will not be seeking to support the amendments today based on the fact that immigration legislation is not devolved and, therefore, not appropriate to be included in our Bill today.

[201] **Christine Chapman:** I call on Jocelyn to reply.

[202] **Jocelyn Davies:** I am obviously disappointed that this is not within the Minister's vision for advice services because we know from work that has been done by outside organisations that people have not just been turned away, but have not been signposted to where they can get help. I think that it should be clear that local housing authorities could

signpost people to where they can get help. These are people in the most desperate of circumstances through absolutely no fault of their own. Perhaps we can return to this when we have other legislation or perhaps the Minister for local government will have a slightly different view on this. This may be something that we will return to again, but I would ask the Minister to ponder on it to see whether it is possible that people can be signposted elsewhere, even if they have no recourse to public funds.

[203] **Christine Chapman:** Do you want to proceed to the vote on amendment 360?

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

[205] **Christine Chapman:** The question is that amendment 360 be agreed to. Does any Member object? There are objections, so we will move to a vote.

*Gwelliant 360: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 360: For 5, Abstain 0, Against 5.*

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 360.
Amendment 360 not agreed.*

[206] **Christine Chapman:** Jocelyn, would you like to move amendment 361?

[207] **Jocelyn Davies:** I move amendment 361 in my name.

[208] **Christine Chapman:** The question is that amendment 361 be agreed to. Does any Member object? There are objections, so we will move to a vote.

*Gwelliant 361: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 361: For 5, Abstain 0, Against 5.*

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 361.
Amendment 361 not agreed.*

[209] **Christine Chapman:** I now move amendment 75 in the name of the Minister. The question is that amendment 75 be agreed to. Does any Member object? There is no objection,

therefore amendment 75 is agreed.

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

Grŵp 33: Digartrefedd: Dyletswydd i Asesu (Gwelliannau 19, 356, 20, 101 a 424)
Group 33: Homelessness: Duty to Assess (Amendments 19, 356, 20, 101 and 424)

[210] **Christine Chapman:** The lead amendment in the group is amendment 19 in the name of the Minister. I move amendment 19 in the name of the Minister and call on the Minister to speak to this amendment and the other amendments in the group.

[211] **Carl Sargeant:** Thank you, Chair. I will start with Government amendments 19 and 20, which help to clarify the local authorities' position in relation to assessing an applicant and I urge Members to vote in these circumstances. We have done a significant amount of work with local authorities and the WLGA in assessing the technical terms around assessment, of which it is supportive, and I ask Members to be supportive of that today. I will pick up the issues around Peter Black and Mark Isherwood's amendments, both of which are well intended but we believe that both are unnecessary in terms of the culture of categorisation of individuals. The issue is that amendments 356 and 424 risk grouping people rather than assessing all individuals who apply for help. I ask the committee to reject the amendments on that principle.

[212] **Christine Chapman:** Thank you. I call on Mark Isherwood.

[213] **Mark Isherwood:** Are we talking about amendment 424?

[214] **Christine Chapman:** Yes, that is right.

[215] **Mark Isherwood:** Could we go in reverse order? I cannot find my notes.

[216] **Christine Chapman:** Okay. I call on Peter.

[217] **Peter Black:** Amendment 356 is another one that I have tabled on behalf of Gofal. I see what the Minister is saying. Having reread the amendment, clearly an assessment takes place against the individual, not against the group, so I can understand the Minister's objection in this particular case, so I will not move this amendment.

[218] **Christine Chapman:** I call on Jocelyn.

[219] **Jocelyn Davies:** I would just like to ask the Minister a question in relation to amendment 101, to which I spoke, mistakenly, in the last group. You mention that,

[220] 'A local housing authority must review its assessment in the following two cases—'

[221] Does that mean only in those cases? Are you excluding everything—? Are you saying that they have to do so in these cases, but that they have discretion in others? I am not quite clear about the intention of that. In relation to Mark Isherwood's amendment 424, which I know that he will speak to in a moment—

[222] **Rhodri Glyn Thomas:** If he finds it.

[223] **Jocelyn Davies:** Yes, if he finds it. It states:

[224] 'A local housing authority must work with relevant public authorities and voluntary

organisations to ensure that groups at particular risk of homelessness can be assessed.’

[225] I cannot see how—. Is that with any voluntary organisation that demands it? It just seems that there are one or two—. I can see the thrust of it, but I just think that maybe there are one or two difficulties with it, so I am not sure that I can support this as it stands at the moment. So, it is a question for the Minister and just that one comment.

[226] **Christine Chapman:** Okay. Thank you. Mark is next.

[227] **Mark Isherwood:** Again, it requires a local authority to work with relevant public authorities and voluntary organisations to ensure that groups that are particularly at risk of homelessness can be assessed to ensure that their needs are met. The key word is not just ‘must’ but ‘relevant’. This is not a case of a local authority being unable to comply because third sector bodies refuse to take part. It is the third sector that is asking for this as part of a longer-standing campaign over the need for genuine cross-sector strategic partnership and delivery.

[228] We are talking here primarily about housing associations and supported housing providers that are already in receipt of Welsh Government funding and are already providing housing and housing-related support to all groups and also the most vulnerable groups that are extremely keen to be fully involved. In many cases, they already have good working partnerships with their local authorities, in some cases, less so, and in too many cases, it is not the partnership of the quality that is needed for the needs of those people whom everybody is working to help—the homeless and the most vulnerable—to be truly met. Otherwise, it is an imbalance of power and, even worse, it is failing to maximise the potential of the expertise and resources available across the piste to deliver the best outcomes for all.

[229] **Christine Chapman:** I call on the Minister.

[230] **Carl Sargeant:** I will address Mark Isherwood’s point first, if I may. Section 78 already puts in place requirements for local authorities to work with relevant parties and to discharge their duty. Again, I urge Members not to support this as it is not required.

[231] In terms of Jocelyn Davies’s specific question on amendment 101 that local housing authorities can only review assessment in those cases, that is not the case. Section 48(8) still requires local housing authorities to keep the assessment under review. So, I hope that that answers your question.

[232] Again, I thank Peter Black for his recognition of the drafting of the amendment, but it is something that I am conscious of and, working with Gofal, we seek to strengthen the Bill in provisions moving forward in terms of Stage 3.

[233] **Christine Chapman:** Minister, do you wish to proceed to a vote on amendment 19?

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

[235] **Christine Chapman:** The question is that amendment 19 be agreed to. Does any Member object? There is no objection, therefore amendment 19 is agreed.

Derbyniwyd gwelliant 19 yn unol â Rheol Sefydlog 17.34.

Amendment 19 agreed in accordance with Standing Order 17.34.

[236] **Christine Chapman:** Peter, would you like to move amendment 356?

[237] **Peter Black:** No.

[238] **Christine Chapman:** You are not going to move amendment 356. Okay.

*Ni chynigiwyd gwelliant 356.
Amendment 356 not moved.*

[239] **Christine Chapman:** I move amendment 20 in the name of the Minister. The question is that amendment 20 be agreed to. Does any Member object? There are no objections, therefore amendment 20 is agreed.

*Derbyniwyd gwelliant 20 yn unol â Rheol Sefydlog 17.34.
Amendment 20 agreed in accordance with Standing Order 17.34.*

[240] **Christine Chapman:** I move amendment 101 in the name of the Minister. The question is that amendment 101 be agreed to. Does any Member object? There are no objections, therefore amendment 101 is agreed.

*Derbyniwyd gwelliant 101 yn unol â Rheol Sefydlog 17.34.
Amendment 101 agreed in accordance with Standing Order 17.34.*

[241] **Christine Chapman:** Mark, would you like to move amendment 424?

[242] **Mark Isherwood:** I move amendment 424 in my name.

[243] **Christine Chapman:** The question is that amendment 424 be agreed to. Does any Member object? There is an objection, therefore we will take a vote.

*Gwelliant 424: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 424: 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 424.
Amendment 424 not agreed.*

10:45

[244] **Christine Chapman:** I move amendment 21 in the name of the Minister. The question is that amendment 21 be agreed to. Does any Member object? There are no objections, therefore amendment 21 is agreed.

*Derbyniwyd gwelliant 21 yn unol â Rheol Sefydlog 17.34.
Amendment 21 agreed in accordance with Standing Order 17.34.*

Grŵp 34: Digartrefedd: Cynorthwyo i Sicrhau bod Llety ar Gael (Gwelliant 362)
Group 34: Homelessness: Help to Secure the Availability of Accommodation
(Amendment 362)

[245] **Christine Chapman:** The only amendment in the group is amendment 362 in the name of Jocelyn Davies. I invite Jocelyn to move and speak to her amendment.

[246] **Jocelyn Davies:** I move amendment 362 in my name.

[247] This amendment is to clarify—[*Inaudible.*]—by placing a duty on Welsh Ministers to issue guidance. I am sure that the Minister intends to do so, but I think that we should that clear on the Bill. I am not sure what ‘help to secure’ means, and it might be a little bit vague for some. I think that it is bound to lead to legal challenges. So, I think that it is better for the Minister to say what ‘help to secure’ is, than for a judge to decide what ‘help to secure’ is. I do not think that perhaps pointing to a list of telephone numbers of landlords within an area would do, or being told that there is a list on a website somewhere if the person who needs help cannot read, does not have internet access, and no access to a telephone. I think that it needs to say a bit more than ‘help to secure’. That is the thrust of my amendment.

[248] **Christine Chapman:** Do any other Members wish to speak? No. I therefore invite the Minister to respond.

[249] **Carl Sargeant:** I thank Jocelyn for the opportunity to respond. The power to issue guidance has already been included in the Bill. This might be because of the way to table amendments. Sometimes Government amendments and opposition amendments pass in the post. However, I have listened carefully to the Member, and I understand the intention of the Member. We will be including this in statutory guidance covering all aspects of homelessness, but it may be something that I wish to return to at Stage 3, on the basis that the Member withdraws her amendment today. On that basis, I think that we can work together to make sure that this reflects the purpose of what her amendment seeks to do.

[250] **Christine Chapman:** Are you happy to withdraw amendment 362, Jocelyn?

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

[252] **Christine Chapman:** Does any Member object to the withdrawal of amendment 362? There are no objections, therefore amendment 362 is withdrawn.

Tynnwyd gwelliant 362 yn ôl gyda chaniatâd y pwyllgor.
Amendment 362 withdrawn by leave of the committee.

[253] **Christine Chapman:** I move amendment 102 in the name of the Minister. The question is that amendment 102 be agreed to. Does any Member object? There are no objections, therefore amendment 102 is agreed.

Derbyniwyd gwelliant 102 yn unol â Rheol Sefydlog 17.34.
Amendment 102 agreed in accordance with Standing Order 17.34.

Grŵp 35: Digartrefedd: Amgylchiadau pan fo Dyletswyddau Digartrefedd yn Dod i Ben neu Pan Gânt eu Cyflawni (Gwelliannau 103, 104, 105, 107, 108, 109, 34, 35, 36, 110, 111, 112, 113, 114, 138, 115, 116, 117 a 44)

Group 35: Homelessness: Circumstances in which Homelessness Duties End or are Discharged (Amendments 103, 104, 105, 107, 108, 109, 34, 35, 36, 110, 111, 112, 113, 114, 138, 115, 116, 117 and 44)

[254] **Christine Chapman:** The lead amendment in the group is amendment 103. I move amendment 103 in the name of the Minister. I call the Minister to speak to the amendments in the group.

[255] **Carl Sargeant:** I seek support for the amendments tabled in my name in group 35. There are quite a few amendments in this section. Amendments 34, 35, 36, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117 together help to strengthen and clarify the duties owed to applicants under sections 54, 56 and 58. In particular, the refusal of interim accommodation will no longer bring other duties to an end. Amendment 44 allows authorities to end a duty owed, where it has been established that the duty has been triggered through in mistake of fact.

[256] I pick up Peter Black's amendment 138, which would impose a minimum term of 12 months for a private sector tenancy in terms of any offer to discharge the section 58 duty. I am concerned, Chair, that this would restrict the supply of accommodation in the sector for homeless people, and I ask Members to reject this amendment today.

[257] **Jocelyn Davies:** *[Inaudible.]*

[258] **Christine Chapman:** I will bring Peter in first.

[259] **Peter Black:** I am happy to support all of the amendments in this section. I think that the Minister's amendments have actually improved the homelessness section quite considerably, and certainly meet some of the concerns that I and others had about it. In relation to amendment 138, the intention here that any assured shorthold tenancy made by a private landlord to an applicant should be for a minimum fixed term of at least 12 months. I noticed, actually, that Ed Miliband, I think, was announcing that he wanted a three-year fixed shorthold tenancy recently. So, this is a very modest proposal by comparison to the Labour Party federally. I think that the intention here is to try to improve the offer to tenants, and to ensure better security for them. I hope that the committee can support this in line with recommendation 23 of the committee's report.

[260] **Christine Chapman:** Thank you. Jocelyn is next.

[261] **Jocelyn Davies:** I very much support Peter's amendment here because, otherwise, we are in danger of having repeat homelessness for families and all the damage that that can do. I am not sure what the Minister means by this reference to it restricting things. Does he mean that we will not have landlords prepared to house people for more than six months? If so, has an assessment been made of that? Really, in order to discharge the homelessness duty to the private rented sector, I would have hoped that local authorities would be building up very good relationships with the very best landlords in their areas in order that families will not have to move every six months. In order that we say that no longer will these families have to have settled accommodation—which means permanent, secure tenancies—are we going to the other extreme of saying that it is acceptable for them to have to move every six months? So, I will be supporting Peter's amendment, but I would like to have a further explanation from the Minister when he sums up.

[262] **Christine Chapman:** Minister, do you want to reply?

[263] **Carl Sargeant:** Thank you, I will pick up on amendment 138 and Jocelyn and Peter's comments. The amendment as drafted goes beyond existing law on assured shorthold tenancies, as the Members will be aware. Normally, the minimum period is a six-month period. However, the amendment would mean that local authorities could only end their duty to offer tenancies of at least 12 months from a private landlord. That is not what we are seeking to do today. I recognise Peter's point that Ed Miliband has a differing view on this. I am sympathetic to the Labour Party leader's views in the UK. However, we have devolution and we will make our own pathway in terms of housing need and services. May I pick up on the question Jocelyn asked about the supply factor? I think that there is an issue around asking landlords to comply to a 12-month tenancy when the norm is six months. I think that there will be concerns about applying that to the homeless sector. We see already that it is a difficult sector to rehouse and, therefore, additional legislation requiring an additional six months would, we believe, be prohibitive to supply. This is something we are also addressing in the forthcoming renting homes Bill, which we are looking at very carefully as well. Therefore, on that basis, Chair, I ask Members to support the amendment in my name and to reject the amendments tabled by the opposition.

[264] **Christine Chapman:** Okay. Minister, do you wish to proceed to a vote on amendment 103?

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

[266] **Christine Chapman:** The question is that amendment 103 be agreed to. Does any Member object? There are no objections, therefore amendment 103 is agreed.

*Derbyniwyd gwelliant 103 yn unol â Rheol Sefydlog 17.34.
Amendment 103 agreed in accordance with Standing Order 17.34.*

[267] **Christine Chapman:** We will now dispose of amendments 104 to 108 in the name of the Minister. Are Members happy for these to be disposed of en bloc? I see that you are. I move amendments 104, 105, 106, 107 and 108 in the name of the Minister. The question is that amendments 104, 105, 106, 107 and 108 be agreed to. Does any Member object? There are no objections. Amendments 104 to 108 are agreed.

*Derbyniwyd gwelliannau 104, 105, 106, 107 ac 108 yn unol â Rheol Sefydlog 17.34.
Amendment 104, 105, 106, 107 and 108 agreed in accordance with Standing Order 17.34.*

[268] **Christine Chapman:** We will now dispose of amendments 157A and 157. Jocelyn, do you wish to move amendment 157?

[269] **Jocelyn Davies:** Yes. I move amendment 157 in my name.

[270] **Christine Chapman:** Thank you. Before disposing of this amendment, we will deal with the amendment to the amendment. Mark, do you wish to move amendment 157A?

[271] **Mark Isherwood:** Yes. I move amendment 157A in my name.

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

*Gwelliant 157A: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 157A: For 2, Abstain 0, Against 8.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Finch-Saunders, Janet
Isherwood, Mark

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 157A.
Amendment 157A not agreed.*

[273] **Christine Chapman:** We will now dispose of amendment 157. If amendment 157 is agreed, amendments 22A and 22 will fall. The question is that amendment 157 be agreed to. Does any Member object? There is objection, therefore we will take a vote.

*Gwelliant 157: O blaid 3, Ymatal 2, Yn erbyn 5.
Amendment 157: For 3, Abstain 2, Against 5.*

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
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Gwrthodwyd gwelliant 157.
Amendment 157 not agreed.*

[274] **Christine Chapman:** We will now dispose of amendments 22A and 22. I move amendment 22 in the name of the Minister. However, we will deal with the amendment to the amendment first. Mark, do you wish to move amendment 22A?

[275] **Mark Isherwood:** I move amendment 22A in my name.

[276] **Christine Chapman:** The question is that amendment 22A be agreed to. Does any Member object? There is objection. We will take a vote.

*Gwelliant 22A: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 22A: 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 22A.
Amendment 22A not agreed.*

[277] **Christine Chapman:** The question is that amendment 22 be agreed to. Does any Member object? There is no objection, therefore amendment 22 is agreed.

*Derbyniwyd gwelliant 22 yn unol â Rheol Sefydlog 17.34.
Amendment 22 agreed in accordance with Standing Order 17.34.*

[278] **Christine Chapman:** Jocelyn, do you wish to move amendment 158?

[279] **Jocelyn Davies:** I move amendment 158 in my name supported by Peter Black.

[280] **Christine Chapman:** Just for you to be aware, if amendment 158 is agreed, amendment 23 will fall. The question is that amendment 158 be agreed to. Does any Member object? There is objection. We will take a vote.

*Gwelliant 158: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 158: 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 158.
Amendment 158 not agreed.*

[281] **Christine Chapman:** I move amendment 23 in the name of the Minister. The question is that amendment 23 be agreed to. Does any Member object? There is no objection. Amendment 23 is agreed.

*Derbyniwyd gwelliant 23 yn unol â Rheol Sefydlog 17.34.
Amendment 23 agreed in accordance with Standing Order 17.34.*

[282] **Christine Chapman:** I move amendment 24 in the name of the Minister. The question is that amendment 24 be agreed to. Does any Member object? There is no objection. Amendment 24 is agreed.

*Derbyniwyd gwelliant 24 yn unol â Rheol Sefydlog 17.34.
Amendment 24 agreed in accordance with Standing Order 17.34.*

[283] **Christine Chapman:** Jocelyn, do you want to move amendment 159?

[284] **Jocelyn Davies:** I move amendment 159 in my name supported by Peter Black.

[285] **Christine Chapman:** If amendment 159 is agreed, amendment 25 will fall. The question is that amendment 159 be agreed to. Does any Member object? There is objection.

We will take a vote.

*Gwelliant 159: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 159: 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 159.
Amendment 159 not agreed.*

[286] **Christine Chapman:** I move amendment 25 in the name of the Minister. The question is that amendment 25 be agreed to. Does any Member object? There is no objection, therefore amendment 25 is agreed.

*Derbyniwyd gwelliant 25 yn unol â Rheol Sefydlog 17.34.
Amendment 25 agreed in accordance with Standing Order 17.34.*

[287] **Christine Chapman:** Peter, do you wish to move amendment 135?

[288] **Peter Black:** Yes. I move amendment 135 in my name.

[289] **Christine Chapman:** If amendment 135 is agreed, amendment 26 will fall, and if amendment 135 is not agreed, amendment 136 will fall. The question is that amendment 135 be agreed to. Does any Member object? There is objection. We will take a vote.

*Gwelliant 135: O blaid 3, Ymatal 2, Yn erbyn 5.
Amendment 135: For 3, Abstain 2, Against 5.*

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
Hedges, Mike
Price, Gwyn R.
Rathbone, Jenny

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Finch-Saunders, Janet
Isherwood, Mark

*Gwrthodwyd gwelliant 135.
Amendment 135 not agreed.*

[290] **Christine Chapman:** I move amendment 26 in the name of the Minister. The

question is that amendment 26 be agreed to. Does any Member object? There is no objection, therefore amendment 26 is agreed.

*Derbyniwyd gwelliant 26 yn unol â Rheol Sefydlog 17.34.
Amendment 26 agreed in accordance with Standing Order 17.34.*

[291] **Christine Chapman:** We will now dispose of amendments 27 to 29 in the name of the Minister. Are you happy to do so en bloc? I see that you are. I move amendments 27, 28 and 29 in the name of the Minister. The question is that amendments 27 to 29 be agreed to. Does any Member object? There is no objection, therefore amendments 27 to 29 are agreed.

*Derbyniwyd gwelliannau 27, 28 a 29 yn unol â Rheol Sefydlog 17.34.
Amendments 27, 28 and 29 agreed in accordance with Standing Order 17.34.*

*Methodd gwelliant 136.
Amendment 136 fell.*

[292] **Christine Chapman:** I move amendment 30 in the name of the Minister. The question is that amendment 30 be agreed to. Does any Member object? There is no objection, therefore amendment 30 is agreed.

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

[293] **Christine Chapman:** I move amendment 31 in the name of the Minister. The question is that amendment 31 be agreed to. Does any Member object? There is no objection, therefore amendment 31 is agreed.

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

[294] **Christine Chapman:** We will now dispose of amendments 32A, 32B, 32C and 32. I move amendment 32 in the name of the Minister. However, we will deal with the amendments to the amendment first. Jocelyn, do you wish to move amendment 32A?

[295] **Jocelyn Davies:** Yes. I move amendment 32A in my name.

[296] **Christine Chapman:** If amendment 32A is not agreed, amendments 32B and 32C will fall. The question is that amendment 32A be agreed to. Does any Member object? There is objection. We will take a vote.

11:00

*Gwelliant 32A: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 32A: 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 32A.
Amendment 32A not agreed.*

*Methodd gwelliannau 32B a 32C.
Amendments 32B and 32C fell.*

[297] **Christine Chapman:** The question is that amendment 32 be agreed to. Does any Member object? There is no objection, therefore amendment 32 is agreed.

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

[298] **Christine Chapman:** We will now dispose of amendments 33, 109 and 34 to 36 in the name of the Minister. Are you happy to do these en bloc? I see that you are. I move amendments 33, 109 and 34 to 36 in the name of the Minister. The question is that amendments 33, 109 and 34 to 36 be agreed to. Does any Member object? There is no objection, therefore amendments 33, 109 and 34 to 36 are agreed.

*Derbyniwyd gwelliannau 33, 109, 34, 35 a 36 yn unol â Rheol Sefydlog 17.34.
Amendments 33, 109, 34, 35 and 36 agreed in accordance with Standing Order 17.34.*

Grŵp 36: Digartrefedd: Bwriadoldeb (Gwelliannau 37, 38, 137, 40, 41, 42, 43, 160, 161 a 12)

Group 36: Homelessness: Intentionality (Amendments 37, 38, 137, 40, 41, 42, 43, 160, 161 and 12)

[299] **Christine Chapman:** The lead amendment in the group is amendment 37. I move amendment 37 in the name of the Minister and call on the Minister to speak to the amendments in this group.

[300] **Carl Sargeant:** I seek support for the amendments in my name in group 36. May I start by thanking the committee in response to the evidence that was presented, and certainly the evidence that was provided by Dr Simon Hoffman from Swansea University, suggesting that we reverse the approach to applying the intentionality of homelessness test? I have listened carefully to the views of committee and come to the position that such a change should be made to the Bill. My amendments in this group will fundamentally change the way that local housing authorities assess homeless applications.

[301] Amendment 41, if agreed by committee, will mean that the default position is that local authorities do not assess intentionality for any homeless applicant, and should an authority wish to apply the intentionality test, this amendment will require it to publish its decision and reasons for applying the test. There are many consequential amendments with regard to that position. May I pick up on the point about Peter Black's amendment 137? I certainly recognise the issue that Peter is raising in tabling this, trying to protect families by requiring further offers of housing to those who make themselves repeatedly homeless through their own actions. However, I am of the view that local authority stakeholders are consistent in saying that they need to maintain some form of sanction in this case, otherwise particularly dysfunctional families will have no incentive to co-operate with accommodation when they are offered that. So, I sympathise with the approach that Peter is taking, but do not support this amendment on the basis of the principle that I have outlined today.

[302] May I pick up on Jocelyn Davies's amendment 160, to remove the concept of 'intentionally homeless' altogether? This meets with the same objections from local authorities, and, in addition, Welsh Ministers will have the power to remove intentionality when the time is right. This could be before 2019, depending on the success of the Bill and

local authorities' ability to deal with the need for housing. I am not seeking to support the amendment due to the time restrictions placed in the amendment.

[303] Peter Black's amendment 161 seeks to put the commencement of the special protection for homeless families on the face of the Bill. The right place for commencements, in my opinion, is the commencement Order, which will be made when the process of the Bill comes to the appropriate time. For those reasons I urge Members to reject non-Government amendments today.

[304] **Christine Chapman:** I call Jocelyn.

[305] **Jocelyn Davies:** My amendment puts a deadline of the very latest time for the removal of the intentionality test on the face of the Bill. I know that the Government's amendments would enable local authorities to opt in or opt out; I think that is a big improvement, and I am very pleased to see that. I do think, though, that, without a deadline of the latest time written into the legislation, there is a worry that intentionality will limp on for many years. The White Paper, Members will know, certainly envisaged an end to intentionality, and the Minister has indicated that he sees this as an ambition for this Government. So, it is certainly the direction of travel, and the Bill appears to be pointing in that direction, although it is not as strong as the White Paper indicated. However, this amendment gives a clear indication of the very latest that that can happen, and I think that people will then work towards it. It might very well be before—I heard the Minister's reason/excuse for not supporting my amendment, and I would be delighted if this was not needed because it was abolished before, although, Minister, I do not think that you are confident that it will happen before, or you would have put a date on the Bill yourself.

[306] I support Peter Black's amendment. I think that it was based on the evidence that we received. We certainly felt that we wanted to give people a fair chance, and I do not think that Peter is giving an open-ended commitment on this, as there is a restriction on it and we did think that that struck a fair balance. So, I will be supporting Peter's amendment, and I will be pushing my amendment to the vote.

[307] **Peter Black:** I want to press ahead with my amendment 137. As Jocelyn said, I do not think that we are asking for an open-ended commitment. In fact, what we are asking for is that the local authority has discretion

[308] 'to make an offer of accommodation under section 58(3)(d)(i) on more than one occasion within a five-year period'.

[309] I am only asking for two, as opposed to three, four, five or whatever. In its recommendation, the committee did not actually specify a number; it did, however, suggest that one was not sufficient and that there may be individual circumstances where more than one would be appropriate. Of course, that section only relates to a particular group of individuals in any case, so it is not even an open-ended commitment in regard to intentionality.

[310] I think that the Minister is quite right: there are occasions where the authority has to apply sanction, but I think that the authority must have a bit more discretion than just a single offer within a five-year period. For that reason, we are asking for two offers to be considered as part of that section.

[311] In relation to my amendment 161, it amends section 58 in terms of the commencement date and is very similar to Jocelyn's amendment 160. I think that it is important that we do put an end date on this. Again, we are not saying that you have to go right to the end date—you can end it before then—but I think that we do need to set a target

by which we would be looking to end intentionality, as set out by the White Paper. For this reason, I am happy to support Jocelyn's amendment and to promote my own amendment 161, which would do that.

[312] In terms of commencement, there are, of course, cases where commencement has been on the face of the Bill, and I think that there are some commencement provisions contained on the face of this Bill in any case.

[313] **Carl Sargeant:** I listened carefully to the comments that were made by Members. I do not think that I have anything further to add to Jocelyn's comments; my ambition is for this to be ended as soon as possible. I do not think that it is helpful to have an end date, although the Member does. Again, we differ in opinion, and that is sometimes okay, too.

[314] Regarding Peter Black's amendment on interpretation, I think that Jocelyn used the word 'fairness'. I believe that that is an ambiguous term, in that Peter believes that he is fair and I believe that I am fair, so who is right? I did listen to his contribution, actually, and while I will not be supporting his amendment today, I will instruct my team to consider the issue of giving discretion to local authorities in this matter. It is something that I will consider and I may bring back a further amendment at a later stage. However, I will not support the amendment on that principle today.

[315] **Christine Chapman:** Minister, do you want to proceed to a vote on amendment 37?

[316] **Carl Sargeant:** I do.

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

*Derbyniwyd gwelliant 37 yn unol â Rheol Sefydlog 17.34.
Amendment 37 agreed in accordance with Standing Order 17.34.*

[318] **Christine Chapman:** I move amendment 38 in the name of the Minister. The question is that this amendment be agreed to. Does any Member object? There are no objections, therefore amendment 38 is agreed.

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

[319] **Christine Chapman:** I move amendment 39 in the name of the Minister. The question is that this amendment be agreed to. Does any Member object? There are no objections, therefore amendment 39 is agreed.

*Derbyniwyd gwelliant 39 yn unol â Rheol Sefydlog 17.34.
Amendment 39 agreed in accordance with Standing Order 17.34.*

[320] **Christine Chapman:** Peter, would you like to move amendment 137?

[321] **Peter Black:** I move amendment 137 in my name.

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

*Gwelliant 137: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 137: 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 137.
Amendment 137 not agreed.*

[323] **Christine Chapman:** We now move to dispose of amendments 110, 111, 112, 113 and 114. Are you happy to dispose of these en bloc? I see that you are. I move amendments 110, 111, 112, 113 and 114 in the name of the Minister. The question is that amendments 110, 111, 112, 113 and 114 be agreed to. Does any Member object? There is no objection, therefore amendments 110, 111, 112, 113 and 114 are agreed.

*Derbyniwyd gwelliannau 110, 111, 112, 113 a 114 yn unol â Rheol Sefydlog 17.34.
Amendments 110, 111, 112, 113 and 114 agreed in accordance with Standing Order 17.34.*

[324] **Christine Chapman:** Peter, would you like to move amendment 138?

[325] **Peter Black:** I move amendment 138 in my name.

[326] **Christine Chapman:** The question is that amendment 138 be agreed to. Does any Member object? There is objection, therefore we will take a vote.

*Gwelliant 138: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 138: 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 138.
Amendment 138 not agreed.*

[327] **Christine Chapman:** We will now dispose of amendments 115, 116, 117, 40, 41, 42 and 43 in the name of the Minister. I propose that we dispose of these en bloc. Are you happy to do that? I see that you are. I move amendments 115, 116, 117, 40, 41, 42 and 43 in the name of the Minister. The question is that amendments 115, 116, 117, 40, 41, 42 and 43 be agreed to. Does any Member object? There is no objection, therefore amendments 115, 116, 117, 40, 41, 42 and 43 are agreed.

Derbyniwyd gwelliannau 115, 116, 117, 40, 41, 42 a 43 yn unol â Rheol Sefydlog 17.34.

Amendments 115, 116, 117, 40, 41, 42 and 43 agreed in accordance with Standing Order 17.34.

[328] **Christine Chapman:** Jocelyn, would you like to move amendment 160?

[329] **Jocelyn Davies:** I move amendment 160 in my name.

[330] **Christine Chapman:** The question is that amendment 160 be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

*Gwelliant 160: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 160: 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 160.
Amendment 160 not agreed.*

[331] **Christine Chapman:** We will now dispose of amendments 44, 45 and 46 in the name of the Minister. I propose that we dispose of these en bloc. Does any Member object to that? There is no objection. I move amendments 44, 45 and 46 in the name of the Minister. The question is that amendments 44, 45 and 46 be agreed to. Does any Member object? There is no objection, therefore amendments 44, 45 and 46 are agreed.

*Derbyniwyd gwelliannau 44, 45 a 46 yn unol â Rheol Sefydlog 17.34.
Amendments 44, 45 and 46 agreed in accordance with Standing Order 17.34.*

**Grŵp 37: Digartrefedd: Cydweithredu o fewn Awdurdodau Lleol a rhwng Cyrff
(Gwelliannau 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 a 59)**

**Group 37: Homelessness: Co-operation within Local Authorities and between Bodies
(Amendments 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59)**

[332] **Christine Chapman:** The lead amendment in the group is amendment 47. I move amendment 47 in the name of the Minister and call on the Minister to speak to the amendments in this group.

[333] **Carl Sargeant:** I seek support for my amendments in group 37. Amendment 59 inserts a power for Welsh Ministers to be able to amend the list of bodies under section 78(5) by Order. The majority of the other amendments are technical or consequential amendments in relation to this process. I seek support for these, predominantly, technical amendments to the Bill.

[334] **Christine Chapman:** Minister, do you wish to proceed to a vote on amendment 47?

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

[336] **Christine Chapman:** The question is that amendment 47 be agreed to. Does any

Member object? There is no objection, therefore amendment 47 is agreed.

*Derbyniwyd gwelliant 47 yn unol â Rheol Sefydlog 17.34.
Amendment 47 agreed in accordance with Standing Order 17.34.*

[337] **Christine Chapman:** We will now dispose of amendments 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 in the name of the Minister. Are you happy for these to be disposed of en bloc? I see that you are. I move amendments 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 in the name of the Minister. The question is that amendments 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 be agreed to. Does any Member object? No. Therefore, amendments 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 are agreed.

*Derbyniwyd gwelliannau 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 a 61 yn unol â Rheol Sefydlog 17.34.
Amendments 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 agreed in accordance with Standing Order 17.34.*

**Grŵp 38: Digartrefedd: Canllawiau (Gwelliannau 62 a 63)
Group 38: Homelessness: Guidance (Amendments 62 and 63)**

[338] **Christine Chapman:** The lead amendment in this group is amendment 62. I move amendment 62 in the name of the Minister, and I call on the Minister to speak to the amendments in this group.

[339] **Carl Sargeant:** I seek support for the amendments in my name in group 38. Amendment 62 sets out the guidance that will apply to local authorities in relation to all of their functions relating to homelessness. It also incorporates a technical amendment to remove the need to specify social services authorities. This will have an effect on maintaining the current position, as set out in the Housing Act 1996, regarding the need to follow guidance in relation to its homelessness functions, not just those under this chapter of the Bill.

[340] **Christine Chapman:** I see that no Members wish to speak. The question is that amendment 62 be agreed to. Does any Member object? There is no objection, therefore amendment 62 is agreed.

*Derbyniwyd gwelliant 62 yn unol â Rheol Sefydlog 17.34.
Amendment 62 agreed in accordance with Standing Order 17.34.*

[341] **Christine Chapman:** We will now dispose of amendments 63, 64 and 65 in the name of the Minister. Are you happy for these to be disposed of en bloc? I see that you are. I move amendments 63, 64 and 65 in the name of the Minister. The question is that amendments 63, 64 and 65 be agreed to. Does any Member object? There is no objection, therefore amendments 63, 64 and 65 are agreed.

*Derbyniwyd gwelliannau 63, 64 a 65 yn unol â Rheol Sefydlog 17.34.
Amendments 63, 64 and 65 are agreed in accordance with Standing Order 17.34.*

11:15

**Grŵp 39: Sipsiwn a Theithwyr (Gwelliant 139)
Group 39: Gypsies and Travellers (Amendment 139)**

[342] **Christine Chapman:** The only amendment in the group is amendment 139 in the name of Peter Black. I call on Peter to move his amendment and to speak to it.

[343] **Peter Black:** I move amendment 139 in my name.

[344] This amendment relates to Part 3 of the Bill, relating to Gypsies and Travellers. This relates to recommendation 32 of the committee's report, in that when local authorities carry out their assessments in terms of the requirement to provide sites for Gypsy and Traveller communities, they should consult directly with those Gypsy and Traveller communities. This is a common-sense requirement. It may well be already in guidance, but I think that it strengthens it by having it on the face of the Bill. I hope that the committee can support this.

[345] **Christine Chapman:** Does anyone else wish to speak? No. I call the Minister.

[346] **Carl Sargeant:** Again, I recognise the theme behind Peter's amendment. To be very clear with the committee, direct consultation with Gypsy and Traveller communities will be an integral part of the accommodation assessment process. That is very clear and understood. I encourage Members to resist this amendment based on the fact that, when you create lists of individuals on the face of a Bill, it is prohibitive in that other people may not be required to be consulted with. I believe that I have been very robust in the drafting of this element of the housing Bill in terms of the rights of Gypsy and Traveller families. It has always been my intention to ensure that we talk to the individuals we are trying to support. Therefore, we believe that we do not need to put this on the face of the Bill, as statutory guidance will be running alongside Part 3 of the Bill, clearly defining the process of assessment and the need for direct consultation with Gypsy and Traveller communities.

[347] **Christine Chapman:** I call on Peter to reply.

[348] **Peter Black:** I hear what the Minister says and I welcome the fact that there is statutory guidance. I still take the view that having it on the face of the Bill is a far stronger way of expressing it. The fact that we have '(b) such other' does not make this an exhaustive list. It is very important that those who are directly affected by this process are consulted and that that is spelt out very clearly on the face of the Bill. The provision in part (b) of this amendment is so that can extend to other groups as well, without providing an exhaustive list. We have not been shy in putting lists on the face of the Bill in other sections, and I cannot see why we cannot do so here.

[349] **Christine Chapman:** Peter, do you wish to proceed to a vote on this amendment?

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

[351] **Christine Chapman:** The question is that amendment 139 be agreed to. Does any Member object? There is objection, there we will put it to a vote.

Gwelliant 139: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 139: 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 139.
Amendment 139 not agreed.*

**Grŵp 40: Safonau ar gyfer Tai Cymdeithasol (Gwelliannau 140, 141 a 142)
Group 40: Standards for Social Housing (Amendments 140, 141 and 142)**

[352] **Christine Chapman:** The lead amendment in the group is amendment 140. I call on Peter Black to move amendment 140 and speak to the other amendments in the group.

[353] **Peter Black:** I move amendment 140 in my name.

[354] Amendment 140 is not a major amendment. What it is saying is that when the Minister sets standards for local housing authorities in connection with the quality of accommodation, rent for accommodation and service charges for accommodation, those standards should come before the Assembly and be dealt with by the affirmative procedure. I think that it is reasonable, given how the standards are being applied, that we have a vote on them. That is all these amendments in this group seek to do.

[355] **Christine Chapman:** No other Members wish to speak. I call on the Minister to speak.

[356] **Carl Sargeant:** I have looked carefully at the amendments tabled by Peter Black. I am afraid that I will not be supporting amendment 140. This would trigger the need to amend the same legislation that applies to registered social landlords. The whole point of this section is to correct an existing disparity, not to create a new one. The requirement for setting standards should be consistent for RSLs and local housing authorities, and the setting of standards for RSLs under the Housing Act 1996, as amended by the Housing (Wales) Measure 2011, does not require standards to be specified in regulation. In fact, in January 2011, the Constitutional and Legislative Affairs Committee reported that it was content with the arrangements for the setting of standards for RSLs, provided that the standards and related guidance were consulted on upon being set, revised or withdrawn. Therefore, I do not consider that this is something that I can support in the Bill today.

[357] **Christine Chapman:** I call on Peter.

[358] **Peter Black:** Given that the Welsh housing quality standard is effectively being set in law in this Bill for the first time, it is only reasonable that the Assembly has a vote on those standards and is able to discuss them, particularly given the wide-ranging impact of those standards. I would have hoped that the Minister's appropriate response would be to bring forward amendments to actually apply this to RSLs as well—maybe I will do so.

[359] **Christine Chapman:** Peter, would you like to proceed to a vote on amendment 140?

[360] **Peter Black:** Yes, I would.

[361] **Christine Chapman:** If amendment 140 is not agreed, amendments 141 and 147 will fall. The question is that amendment 140 be agreed to. Does any Member object? There is an objection, therefore we will take a vote.

*Gwelliant 140: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 140: For 3, Abstain 0, Against 7.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Black, Peter
Finch-Saunders, Janet
Isherwood, Mark

The following Members voted against:

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

*Gwrthodwyd gwelliant 140.
Amendment 140 not agreed.*

*Methodd gwelliant 141.
Amendment 141 fell.*

[362] **Christine Chapman:** Peter, would you like to move amendment 142?

[363] **Peter Black:** I move amendment 142 in my name.

[364] **Christine Chapman:** The question is that amendment 142 be agreed to. Does any Member object? There is an objection, therefore we will take a vote.

*Gwelliant 142: O blaid 3, Ymatal 2, Yn erbyn 5.
Amendment 142: 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 142.
Amendment 142 not agreed.*

Grŵp 41: Y Dreth Gyngor ar gyfer Anheddau Gwag: (Gwelliannau 66, 66A, 67, 68, 425, 426, 427, 143 a 428)

Group 41: Council Tax for Empty Dwellings: (Amendments 66, 66A, 67, 68, 425, 426, 427, 143 a 428)

[365] **Christine Chapman:** The lead amendment in the group is amendment 66. I move amendment 66 in the name of the Minister and call on the Minister to speak to the amendments in this group.

[366] **Carl Sargeant:** I seek support for the Government amendments in group 41. Amendment 66 increases the amount of council tax premium chargeable for long-term empty dwellings, giving local authorities the discretion to charge any level of premium up to a maximum of 100%. As introduced, the Bill provided for a flat rate of 50%.

[367] Amendment 66A proposes an increase of the additional premium to a maximum of

200% and I do not support this. My amendment 67 allows local authorities to adopt a stepping approach for council tax premiums with incremental increases applying over time. I would ask Members to support the Government amendments today.

[368] **Christine Chapman:** I call on Peter Black.

[369] **Peter Black:** Amendment 66A, as the Minister specified, seeks to increase the maximum to 200%. First of all, I thank the Minister for bringing forward amendment 66. I think that it shows that he has listened to what the committee and others have been saying about this Bill: that we need that staircasing effect—we tend not to use the word ‘staircase’, but I cannot remember what term we decided to adopt—to give local authorities that discretion to apply this in a rational way and to step up the penalties against those who persistently leave their homes empty for long periods of time and to provide a bigger stick, if you like, in terms of longer-term properties, for local authorities to use to, in a sense, bring owners to the table by using the various incentives open to them.

[370] Amendment 66A was, in a sense, pushing at that envelope to see how high the Minister was prepared to go on this. I think that 200% is reasonable, particularly when you look at properties that have been empty for 30 years plus or something like that. However, clearly, I think that it is a matter of judgment. I think that I know what the committee’s judgment will be on that, but we will see how that pans out.

[371] In relation to my amendment 143—is that in this group as well?

[372] **Christine Chapman:** Yes, it is.

[373] **Peter Black:** I am getting confused. We have talked a lot about empty homes and I think that a lot of work has been done on empty homes over the last few years, both by this Government and by the previous Government, in terms of making sure that local authorities have empty homes officers in place and that local councils have empty homes strategies. However, I do not think that the Minister and the First Minister have been consistent on this across Wales. At least one local authority does not even have an empty homes officer or did not the last time I checked—that may well have changed. Certainly the approach to empty homes is different in every local authority, which is fine, but I think that you have to have a minimum approach to this, if you are going to deal with this issue in a consistent way.

[374] My view is that, if we are going to bring all of these initiatives together, it should be in a national empty homes strategy. This amendment puts a duty on the Minister to bring forward a national empty homes strategy that is reviewed in each Assembly. We would then be able to monitor, through the national empty homes strategy, the success or otherwise of the measures being taken by the Minister and by local authorities. It would also give the Minister more powers, if you like, to call on local authorities to play ball in terms of what they should and should not be doing in this regard. I think that this is a reasonable request, and I hope that the committee will support it.

[375] **Christine Chapman:** I call on Mark to speak first.

[376] **Mark Isherwood:** Certainly, we would be keen to support Peter on the latter point. Much as everybody recognises that there has been for a number of years—and that there remains—a need for action and interventions to bring empty homes back as homes for people across Wales, there is a dearth of evidence of monitoring. There are huge inconsistencies—and, effectively, postcode lotteries—across Wales, according to degrees of engagement or disengagement, or even of understanding, by different local authorities and key agencies. My amendments are similarly intended to address some of those points.

[377] Amendments 425 and 426 would have the effect of increasing the time after which a local authority can charge extra council tax for an empty home from one to two years. It would also make the procedure affirmative. This is not to let owners of empty homes off, but rather to recognise that every home has its own story. The key for empty homes officers is to understand why a home is empty and to work closely with the owner to bring it back into use, recognising that it costs the owner money to leave a home empty. An effective empty homes strategy should seek to work with owners, developing services to help them overcome the hurdles that they face—empty homes seen first as empty resources rather than revenue raisers. We know that local authorities in Wales have taken this approach. In particular, I often cite Denbighshire, which has won national Wales and UK awards for this and takes this very approach. Clearly, there will always be some people—a minority of people—who do not wish to engage. However, for the majority, where there is effective intervention through a proper local strategy with an empty homes officer, the owners of the homes welcome the support offered, and a significant number of those homes end up being bought back, usually initially for social rental purposes and affordable housing, therefore also enhancing supply. We should recognise that this is not simply seeking to replicate England for the sake of replicating England—although I believe that the UK is working on a two-year basis—rather, it is about recognising the human stories behind this, which can range from bereavement—a very common feature—and inheritance complications and disputes, through to people who may be trying to sell a house in a dead market and finding that they cannot get a buyer.

[378] Amendment 427 requires local authorities to take every step to help an empty property back onto the market before charging additional council tax. Again, this is very much in keeping with the need for a national strategy. It is not acceptable that we have so many gaps when there is such good practice in so many other areas.

[379] Finally, amendment 428 seeks to produce annual figures on long-term empty dwellings. No legislature, no legislators and no Government should be legislating, whatever their views on the subject matter, without all evidence being available to them. However, we understand from the feedback that we have had from the Welsh Government that it does not monitor how many homes are empty throughout Wales. When we conducted our own freedom of information request to every local authority in Wales, we found that there were 32,000 empty homes reported by Welsh local authorities—over 10,000 more than the previous Minister for housing had reported to us in his statement to the Assembly in January on empty homes. This is not to criticise; it is simply to ensure that the evidence base is as secure and reliable as it possibly can be.

[380] **Christine Chapman:** I call on Mike to speak.

11:30

[381] **Mike Hedges:** To define severe housing need is to have so many empty homes. Whatever number you have there, something has to be addressed. I am very pleased that the previous Minister brought in action on loans in order to help people bring houses back into use. That has worked, but it has not worked as fully as I would have liked. There are still a substantial number of houses that have been left empty. I think the Minister has probably got it right with moving it up to 100% premium. I would hope that, if that does not work, the Minister would come back and look at increasing that. We really have to put pressure on people to bring these homes back into use. It seems morally wrong that you have so many empty houses and flats and so many people that need housing. There is a distinct and massive housing need.

[382] **Jocelyn Davies:** I think everybody agrees that empty properties are a blight if they are empty way too long. We know of many examples of some properties being empty for many years. It is very unpleasant for neighbours if no effort at all is being made to sell them

or to bring them back into use. Of course, competition in the market can bring prices down to more realistic levels. Owners can choose if they want to leave it empty, but there will be financial considerations that may then persuade them to lower the price or to do something with the property. We all too often see speculators buying a property cheaply, leaving it empty, sitting on it and making no effort at all to renovate it or to sell it because it is purely a financial investment. Local authorities can now assist with a range of interventions to help bring properties back into use. Of course, if we had the empty homes strategy, I think that would assist with that, although there is some very good practice across Wales. So, we will certainly be supporting Peter Black's amendment. If that fails, obviously we will be supporting the Government amendment.

[383] **Christine Chapman:** I call on Rhodri.

[384] **Rhodri Glyn Thomas:** Yn sicr, rwy'n ategu'r cyfan y mae Jocelyn newydd ei ddweud. Mae gen i nifer o enghreifftiau yn fy etholaeth i o dai sydd wedi cael eu prynu a'u gadael—rhai ohonynt wedi'u prynu fel buddsoddiad mwy na thebyg a rhai ohonynt oherwydd bod rhyw anghydfod ynghylch y berchnogaeth yn dilyn ewyllys, neu ddiffyg ewyllys mewn rhai achosion. Mae'r rhain yn creu problemau cymdeithasol mawr. Mae'r elfen hon o bobl yn gallu prynu tai ac yna eistedd arnyn nhw i ddisgwyl i'r farchnad wella, lle maen nhw, yn aml iawn, yn cymryd mantais o'r ffaith bod pobl yn cael eu gorfodi i werthu oherwydd amgylchiadau, yna yn peidio â rhoi'r tai nôl i mewn i'r farchnad dai, a disgwyl tan bod y prisiau wedi codi, yn un eithriadol o bwysig. Felly, rwy'n croesawu'r ffaith bod y Gweinidog wedi cyflwyno gwelliant 66. Hoffwn i wybod beth yw ei broblem gyda gwelliant 66A a chodi'r swm y gellir ei godi i 200%, a gadael hynny i'r awdurdodau lleol benderfynu beth sy'n fwyaf priodol. Mae perygl na fydd codi i 100% yn ddigon.

Rhodri Glyn Thomas: I certainly support everything that Jocelyn has said. I have a number of examples in my own constituency of homes that have been bought and left—probably as an investment, others because there has been some sort of dispute regarding ownership following a will, or the lack of a will. These cases do cause social problems. This element of people being able to buy houses and sit on them, expecting the market to improve, when quite often they are taking advantage of the fact that people are being forced to sell because of circumstances, and then not giving those houses back into the market and waiting until prices have increased, is an extremely important point. I welcome the fact that the Minister has introduced amendment 66. I would like to know what his problem is regarding amendment 66A and increasing the sum to 200%, and leaving that to the local authorities to decide what is most appropriate. There is a danger that increasing the sum to 100% will not be enough.

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

[386] **Carl Sargeant:** First, may I place on record my thanks to local authorities on delivering Houses into Homes? I think they are doing a tremendous job in bringing back empty properties back into use. They do great work across the regions. Just because a local authority may not have an empty homes officer, it does not mean that they are not effective in dealing with the issue around empty homes. In terms of a national empty homes strategy, rather than putting a lot of effort into creating a document, what I want to do is to put a lot of effort into creating new homes on the ground. That is why we are making significant investments into that programme.

[387] May I pick up on the issue—I have listened carefully to Members—around amendment 66A? First, we are creating an enabling power for local authorities. I will not be instructing local authorities to increase council tax levels; it will be a duty for local authorities to determine at a local level. It is not my decision, but theirs. Secondly, on the issue around the 200%, we are presenting what we believe is fairness. We have introduced this 100%

premium, based upon the consultation document that we sent, where local authorities referred back to us saying that anything between 50% and 100% was appropriate. That is why we introduced the staircasing system up to a level of 100%. However, listening to colleagues, if colleagues feel that it would be more appropriate for the Minister to make an assessment further down the process of enacting this piece of legislation, then I would consider the ability of a Minister in the next administration, or the next Minister, to have the ability to increase that, subject to evidence being provided that it would be beneficial to do so. I would like the cap to remain at 100%, but giving Ministers flexibility to increase that, subject to evidence that it would be helpful in that process. I will seek to see whether the drafting of that could be created in order to bring an amendment at Stage 3, subject to that being the wishes of the members of the committee today.

[388] **Christine Chapman:** We now move to dispose of amendments 66 and 66A. So, I have moved amendment 66 in the name of the Minister, but we will take the amendment to the amendment first. Peter, do you wish to move amendment 66A?

[389] **Peter Black:** On the basis of that assurance from the Minister, I will not move it.

*Ni chynigiwyd gwelliant 66A.
Amendment 66A not moved.*

[390] **Christine Chapman:** Minister, do you wish to proceed to a vote on amendment 66?

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

[392] **Christine Chapman:** The question is that amendment 66 be agreed to. Does any Member object? There is objection. We will take a vote by show of hands.

*Gwelliant 66: O blaid 8 , Ymatal 0, Yn erbyn 2.
Amendment 66: 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 66.
Amendment 66 agreed.*

[393] **Christine Chapman:** I propose that amendments 67 and 68 in the name of the Minister are disposed of en bloc. Are you happy with that? Yes. I move amendments 67 and 68 in the name of the Minister. The question is that amendments 67 and 68 be agreed to. Does any Member object? There is no objection, therefore amendments 67 and 68 are agreed.

*Derbyniwyd gwelliannau 67 a 68 yn unol â Rheol Sefydlog 17.34.
Amendments 67 and 68 agreed in accordance with Standing Order 17.34.*

[394] **Christine Chapman:** We will now dispose of amendments 425 to 427 in the name of Mark Isherwood. Mark, do you wish to move these amendments.

[395] **Mark Isherwood:** I move amendments 425, 426 and 427 in my name.

[396] **Christine Chapman:** I propose that these amendments are disposed of en bloc. Does any Member object? There is objection, so we will do them separately. The question is that amendment 425 be agreed to. Does any Member object? There is objection. We will take a vote.

*Gwelliant 425: O blaid 2 , Ymatal 0, Yn erbyn 8.
Amendment 425: 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 425.
Amendment 425 not agreed.*

[397] **Christine Chapman:** The question is that amendment 426 be agreed to. Does any Member object? There is objection. We will now take a vote.

*Gwelliant 426: O blaid 3 , Ymatal 0, Yn erbyn 7.
Amendment 426: 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 426.
Amendment 426 not agreed.*

[398] **Christine Chapman:** I will now move on to amendment 427. The question is that amendment 427 be agreed to. Does any Member object? There is objection. We will take a vote.

*Gwelliant 427: O blaid 2 , Ymatal 0, Yn erbyn 8.
Amendment 427: 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 427.
Amendment 427 not agreed.*

Grŵp 42: Y Dreth Gyngor ar gyfer Anheddau a Feddiannir yn Achlysurol (Gwelliannau 69, 69A, 69C, 69B, 353, 429, 144, 81, 82, 83, 84, 85, 86)

Group 42: Council Tax for Dwellings Occupied Periodically (Amendments 69, 69A, 69C, 69B, 353, 429, 144, 81, 82, 83, 84, 85, 86)

[399] **Christine Chapman:** This group 42 relates to council tax for dwellings occupied periodically. The lead amendment in the group is amendment 69. I move amendment 69 in the name of the Minister, and I call on the Minister to speak to the amendments in this group.

[400] **Carl Sargeant:** I seek support for the amendments in my name in group 42. Amendment 69 allows for local authorities to charge council tax premiums on second homes occupied periodically within their area. Amendments 81 to 86 are consequential to amendment 69.

[401] I will address amendments 69A and 353 from Peter Black, which seek to exempt mobile homes and homes for people who live in tied accommodation from the premium. We believe that in Scotland they have an exemption for tied accommodation in regulations, and we will be seeking to consider that appropriately as part of the necessary regulations. I will give that further consideration as we move forward in addressing these issues, such as job-related accommodation.

[402] I will pick up on an issue similar to that in the previous discussion. This is an enabling power for local authorities, and it is something that we would seek to give them. I will not be instructing them to enable; it will be a matter for them to discharge their duty.

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

[404] **Mark Isherwood:** Generally, we oppose this proposal. First, we think that the definition of second homes—or whichever term is used for this—is not clear. We do not know whether it applies or should apply to people whose main home may be elsewhere. They may have a home in north-east Wales, Cheshire or the midlands of England where they only spend four months of the year and they may spend eight months of the year in their home in Wales. This does not provide for ensuring that. We do not know—and this will be addressed in other amendments, I know—whether this may relate to somebody for whom this is their only owned home because their employment requires them to live in tied accommodation and this is the only home that they have. It is the home where their only investment exists, the home where they spend as much time as they can and the home where they will ultimately spend the rest of their lives. We do not even know whether there is consideration for Assembly Members—not that it affects me, because I do not own a house in Cardiff; I have always rented. Some Assembly Members own houses in Cardiff that they use in consequence of their work as Assembly Members. Technically, they could be caught in this as well, unless sufficient safeguards are included, although my concern is not Assembly Members, particularly: it is the wider population that could be affected.

[405] There are dangers of different approaches and confusion across Wales. There is the danger that second-home owners who have put their life-savings into realising their dreams will be hit hardest. The people who can afford it—the very wealthy—will shrug this off. It will not make any difference; it will not change anything locally, in terms of access to housing for anybody. The majority of second homes in the hot spots were built as holiday

homes between, usually, the 1920s and 1930s and in more recent decades, or they were renovated derelict buildings, which had been derelict for many decades. We only hear about the small number of examples of housing that could be more affordable locally. Even if these properties were vacated, they would be bought by wealthy people. These are properties that cost hundreds and hundreds of thousands of pounds in the hot spots where the concerns most exist.

[406] We know about representations—I know that Peter will be speaking about this later—made by the Church in Wales specifically. I will not rehearse that, because I know that Peter has things to say. I have had many letters from priests in north Wales who are concerned that their tied accommodation is just that; their only home is their second home elsewhere in north Wales. In their case, those homes are invariably not in a housing hot spot and invariably not an expensive, luxurious home, denying local people access to the marketplace. The regulatory impact assessment presented to this committee in September considered economic scenarios of a 150% community charge on properties that are long-term empty, but the issue of second homes and holiday homes was not grasped there and the figure of 200% was not even on the table. This, therefore, has not been rigorously considered. The Welsh Government carried out a consultation in quarter 4 of 2013 but the results, recently published, give a clear numerical thumbs-down to the proposal of a 200% levy. Only the Welsh Local Government Association and some local authorities—the primary beneficiaries—supported that. The evidence base is very weak and, therefore, flawed and should not be driving policy and legislation until it is better addressed.

[407] The WLGA itself has cited the 2008 Matthew Taylor review, carried out in England, to substantiate its position. It says that, while almost all the respondents who commented on second holiday homes made reference to the impact on rural communities, few respondents provided evidence. It shows that fewer than half of respondents asserted that there were negative impacts of second-home habitation in general. A constituent of mine said that

[408] ‘my main disappointment is potentially being clubbed together with people whose category I do not fit in and I have no way of demanding to be treated fairly as an individual on an individual basis. I pay the full council tax at the moment; I cannot possibly be taking anything away from anybody because my husband and I pay our bills.’

[409] They were proposing to move full time and to open a business locally. They do not have much money and they now feel that that might be threatened as a consequence. She is Dutch and he is from a Welsh family and now their dreams are going up in smoke. The direct impact of this is that it will be shrugged off by the people who may offend some people because of their wealth. It will hit hard those who have simply chosen to put their life savings into this rather than other things.

11:45

[410] Finally, I will move on to my amendments. Amendment 69B substitutes the negative with the affirmative procedure, so that there must be an Assembly debate on regulations to increase council tax on second homes. This is a matter, for reasons explained, for which the arguments need to be evidenced and rehearsed and not simply nodded through at this point or subsequently.

[411] Amendment 69C is to focus on people who use the second dwelling for letting purposes rather than for their own occasional needs, or in readiness for retirement. I am aware that, in the past and currently, a lot of the concern around second homes in certain hot-spot areas relates to this issue, where people are using their second homes for commercial purposes, but are not declaring them as such.

[412] Amendment 429 seeks to identify where increased council tax revenue proceeds from long-term empty properties would go. The Minister has previously indicated that there are no current statutory or legislative requirements for a local authority in receipt of additional resource this way to spend it in any ring-fenced manner, and could therefore use it on any local service. We already know that second-home owners are paying full council tax even though, by definition, they are using services less, so the local authority is still fully funded to provide services locally even during periods of the year when the population is lower. However, we also know that the primary concern in the areas highlighting the issues, particularly Pen Llŷn in north Wales, is the lack of affordable housing for local people. So, if this was to go through, I understand that we could include within this Bill legislation to require any revenue generated to be spent on housing and related regeneration for local people. Therefore, if this does go through, this seeks to achieve at least that.

[413] **Christine Chapman:** I just notify Members that we did consider that this meeting would finish at 12 p.m., because we have another meeting planned, if necessary, but I know that the Minister has agreed that he will stay until 12.30 p.m. The only problem will arise if we still have some groups to work on after 12.30 p.m. We do need to finish at that point, because we all have to attend Plenary and there are other meetings to go to. Therefore, if you are happy, we will go on until 12.30 p.m. If we finish all of the groups, that will be great, but if not, we will have to continue the week after recess. I see that you are all happy with that.

[414] **Mike Hedges:** I just want to say that I think that Mark Isherwood lives in a different Wales to me. There are huge villages in parts of Wales where massive numbers of second homes have been bought up, driving out the people who live there. It is an opportunity for councils to do it if they desire, but it is not mandatory. Some councils have a huge number of second homes and they will do so. There is a situation in Gwynedd, for example, which has about a third of the holiday homes in Wales. It has villages that have been taken over by people in holiday homes. The other thing, of course, is that it might have the effect of reducing prices. When people see that they might be paying more on council tax, they might decide that they will not buy the property, thus making more houses available for the people who live there. I think that it is a brilliant decision of the Minister and I am very pleased with it.

[415] **Christine Chapman:** Thank you, Mike. Peter is next—I am sorry; I should have called you earlier.

[416] **Peter Black:** Thank you, Chair. I think that the figure is that 10% of the homes in Gwynedd are second homes. That is a figure that I saw a few weeks ago.

[417] **Mike Hedges:** No, but a third of them—

[418] **Peter Black:** I am not contradicting you, Mike. I am just giving a figure that I heard a few days ago.

[419] Amendment 69 troubles me in many ways. I think that the issue, really, is what it is aiming to do. If we think that this amendment will discourage people from having second homes, we are deluding ourselves. In particular, those who have a lot of money who are able to live there will just take the extra cost in their stride. I have always been sceptical of those who have argued that we should increase council tax to deter second homes. I think that you could argue that there should be an additional council tax paid to the local community to compensate a community for the disruption caused by a second home and I think that you could also argue that this amendment is relevant as a wealth tax for people who are wealthy and have a second home. You are charging a bit extra, because they happen to have that extra property, but that is another issue. However, I think that what you are aiming to do is a part of this. I have an issue with the drafting of it, and I think that I would like some clarification

from the Minister in relation to the conditions in paragraph 2, which states that the conditions are that there are no residents of the dwelling, and that the dwelling is substantially furnished. I am interested in how you define the resident of a dwelling. My understanding, contrary to what Mark's understanding is, if you are renting a property and it is your second home, you would still be caught by this. Obviously, any Assembly Member who has a home in Cardiff bay—and I am not defending them—would be caught by this because it would, effectively, be a second home. I would be interested to have some clarification on that, and also on how you actually define the term 'resident'. If someone registers to vote in both their first and second homes, which they are entitled to do, of course, does that mean that they are resident? How do you actually define whether someone is a resident in that particular home? Those are issues that need to be addressed and will need to be clarified in terms of how you do this. Perhaps one of the reasons why this has not been done before is because of those difficulties in terms of definition.

[420] In relation to my amendment 69A, I think that there is a definite need in terms of intentionality here to clarify how this will apply. My view is that if you are going to apply this, it should clearly apply to what is a second home, as opposed to a holiday caravan or chalet. I think that, as it is currently drafted, it could apply to that—a holiday caravan or chalet—as opposed to a permanent caravan or permanent mobile home, as defined in my own Bill. We need to be clear that it should not apply to that because I think that that would then amount to an additional tax on the holiday industry. I think that the point of amendment 69A is to seek some clarity on that.

[421] Turning to amendment 353, again there is an issue, I think, in relation to tied accommodation. I think that we have all had representations from the Church in Wales, but it is not just the Church in Wales, of course. Tied accommodation relates to a lot of different occupations; the caretaker of a school, perhaps, might be living in tied accommodation, but may own a property elsewhere. There may well be other individuals who live in tied accommodation outside the church. I think that we do need to be clear that we are not penalising someone who happens to live in tied accommodation because it is a requirement of their job, and happen to maintain a home elsewhere as part of that. So, again, amendment 353 is seeking to do that.

[422] Finally, in this section, I have amendment 144, which actually relates to empty homes as opposed to second homes, and is in line with recommendation 6 of the Finance Committee's report. As the Minister has said in the past, the extra revenue from the council tax on empty properties can be utilised by local authorities. I think that we are looking to have some indication, through publication, of exactly how much money is being raised by local authorities so that that can be monitored, and how that money that is being put to use can be monitored.

[423] **Christine Chapman:** I call Jocelyn.

[424] **Jocelyn Davies:** Perhaps I should say that I am a council tax payer on a property that is not my main residence. I accept Peter's point that we do not want to catch properties unintended. So, I agree with his amendments, certainly on tied accommodation. I also heard what the Minister said earlier. So, I assume that tied accommodation, workers accommodation and so on could be included in the list of exemptions. So, perhaps when the Minister sums up, he would explain how he will be drawing up his list of exemptions so that we would have an idea of that.

[425] On the generality of it, council tax is a property tax. It is not a tax depending on how much or how often you use local services, or you would just charge for local services and you would not have the council tax. Perhaps the people that can least afford to pay for those services are the ones that need to use them the most. We accept that it is a property tax. So, I

do not see this as a measure to discourage second-home ownership. It is not like the empty properties, and no-one is suggesting here that you staircase it up as a deterrent, as we were discussing in relation to empty properties earlier. This is a measure that would allow local authorities to raise extra council tax. Those resources raised, if the local authority wishes to make this charge, can assist that council in its housing duties or for some other purpose that is absolutely clear. I think that, from what we heard earlier, and from the evidence that we received, you would be able to see in the council tax accounts, and the local authority accounts, exactly how much had been raised and what it has been spent on. It is a matter for the local authority to stand accountable for, if it wishes to do so. It is the one that is accountable for this, and it should be publicly scrutinised locally on this matter. So, I do not really agree that we should be fettering local authority spending discretions or that authorities should be accountable to be us for the way that they do that, because that is for local scrutiny. So, I do not think that I will be able to support Mark Isherwood's amendments on this, but I certainly will be supporting Peter and the Minister's.

[426] **Christine Chapman:** Thank you. I call Rhodri.

[427] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. Rwy'n credu bod gamgymeriad sylfaenol yn cael ei wneud yn y fan hon gan Mark Isherwood pan mae'n mynd ati i gyflwyno dadl o blaid neu yn erbyn ail dai a'u heffaith ar y farchnad dai ac ar brisiau tai. Nid dyna yw'r ddadl, ond bod y dreth hon yn cael ei gosod ar bobl sydd mewn sefyllfa i gael mwy nag un tŷ. Yr egwyddor wedyn yw mai'r asesiad priodol ydy'r asesiad gan awdurdodau lleol, sydd yn deall eu sefyllfaoedd nhw a'r hyn sydd angen ei wneud o ran yr hyn sy'n briodol o ran y dreth hon a hefyd sut y dylid defnyddio'r arian hwn er budd y cymunedau hynny. Felly, rwy'n credu bod gwelliant 69B Mark Isherwood yn mynd yn groes i'r hyn mae'r Gweinidog yn ceisio ei wneud, sef gosod y cyfrifoldeb ar awdurdodau lleol i wneud yr asesiad hwnnw, i bennu'r dreth briodol ac i benderfynu sut y gellid defnyddio'r arian hwnnw er mwyn creu cymunedau cynaliadwy. Mae hynny yn cynnwys pris y farchnad am dai.

Rhodri Glyn Thomas: Thank you very much, Chair. I think that a fundamental error is being made here by Mark Isherwood in presenting an argument for or against second homes and the impact that they have on the housing market and on house prices. That is not the debate, but the fact that this tax is being imposed on people who are in a position to own more than one house. Then there is the principle that the appropriate assessment is the assessment carried out by local authorities, which best understand their own situations and what needs to be done in terms of what is appropriate in terms of this tax and how the funding generated should be used for the benefit of those communities. So, I believe that Mark Isherwood's amendment 69B runs counter to what the Minister is trying to achieve, namely placing the responsibility on local authorities to carry out that assessment, to set the appropriate level of taxation and to decide how that income could be used to create sustainable communities. That includes the market price for homes.

[428] **Jenny Rathbone:** I think that amendment 69 already gives the Minister the powers by regulation in subsection (5). They will be able to make regulations, for example, when somebody is serving in the military and stationed elsewhere, but has a home that they wish to return to when they either leave the military or are on leave and, equally, for somebody who is in tied accommodation because they are the caretaker of a school. Presumably, we would not be seeking to penalise them if they had a home elsewhere that they would go to when their employment ceased. So, I think that there is already provision in amendment 69 to enable local authorities to make those judgments about particular individuals for whom it is justifiable not to be living in the property that is their main residence.

[429] **Christine Chapman:** Okay, thank you. I call on the Minister to reply.

[430] **Carl Sargeant:** Thank you. May I pick up, first of all, on Mark Isherwood's contribution? It would be fair to say, I believe, that Mark Isherwood and the Conservative party do not support this proposal within the Bill. I gathered that from his comments, not just here today, but also in the statements that he has made in the *Western Mail* recently.

[431] May I address one of the issues that he mentioned regarding the regulations that would be subject to the negative procedure? This was a process that we took to the Constitutional and Legislative Affairs Committee, and it reported that it was content for these regulations exempting certain properties from the long-term empty property definition to be subject to the negative procedure. Therefore, for the same reason, I will not be supporting Mark Isherwood's amendment today.

[432] I listened very carefully to the comments made by Members today, particularly on the provision around exemptions, and I know that that is certainly one that Members are keen to understand better. Jenny is absolutely right. The process of regulations allows us to make the exemptions in the proposals as they move forward, following Royal Assent. However, to give Members confidence, what we will be doing is undertaking a consultation exercise, post Royal Assent, which would give an opportunity to interested parties, who feel that they are affected by this—one of the examples that may be given consideration to would be that of the clergy, as Members have raised today, where they could be presented an exemption within the Bill structure. So, this does give an opportunity for broader scope and consideration to be given to people whom we believe should be exempted, whether that be through work issues or otherwise around tied accommodation.

12:00

[433] **Carl Sargeant:** I do not believe that the drafting of the Bill is at all—I do not think that Peter used the word 'weak'—unclear. The Bill is very clear in terms of its definitions, and I would ask Members to seek further advice for themselves in terms of understanding the Bill. The definition of 'no resident' and 'substantially furnished' was an issue that Members raised earlier on. There being 'no resident' is defined as being when somewhere is not someone's sole residence or main residence. This already exists in council tax legislation, and other property for which a person is liable for council tax will be their second home. Welsh Ministers will have the power to provide for exemptions, as I said earlier. Another point was raised, and I am grateful to my legal team for passing me some documents that I can read from on this. 'Resident' is defined in section 6 of the Local Government Finance Act 1992. Section 6 also explains who is responsible for paying council tax on a property, so I believe that the drafting of this is appropriate, and I have confidence in the Bill moving forward.

[434] Again, Chair, I know that there is debate about whether exemptions should be on the face of the Bill or in regulations. I believe that regulations are the most appropriate place because there is flexibility there to include or add to these at a later stage rather than changing the whole thrust of the Bill. May I be very clear again? This will be an enabling power for local authorities to consider their local housing need and the pressures on their systems. Therefore, I believe that it is appropriate for them to make the decision, while we provide an enabling power with some control in terms of exemptions moving forward. I seek your approval of these amendments today.

[435] **Christine Chapman:** Okay, thank you, Minister. We now move to dispose of amendments 69, 69A, 69C and 69B. I have moved amendment 69 in the name of the Minister, but we will deal with the amendments to the amendment first. Peter, do you want to move amendment 69A?

[436] **Peter Black:** Yes. I move amendment 69A in my name.

[437] **Christine Chapman:** The question is that amendment 69A be agreed to. Does any Member object? There is objection, so we will take a vote.

*Gwelliant 69A: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 69A: 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 69A.
Amendment 69A not agreed.*

[438] **Christine Chapman:** Mark, do you want to move amendment 69C?

[439] **Mark Isherwood:** Yes. I move amendment 69C in my name.

[440] **Christine Chapman:** The question is that amendment 69C be agreed to. Does any Member object? There is objection, so we will take a vote by show of hands.

*Gwelliant 69C: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 69C: 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 69C.
Amendment 69C not agreed.*

[441] **Christine Chapman:** Mark, would you like to move amendment 69B?

[442] **Mark Isherwood:** Yes. I move amendment 69B in my name.

[443] **Christine Chapman:** The question is that amendment 69B be agreed to. Does any Member object? There is objection, so we will take a vote.

*Gwelliant 69B: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 69B: For 4, Abstain 0, Against 6.*

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

Black, Peter
Davies, Jocelyn
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
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 69B.
Amendment 69B not agreed.*

[444] **Christine Chapman:** Minister, do you wish to proceed to a vote on amendment 69?

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

[446] **Christine Chapman:** The question is that amendment 69 be agreed to. Does any Member object? There is objection, so we will take a vote by show of hands.

*Gwelliant 69: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 69: 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 69.
Amendment 69 agreed.*

[447] **Christine Chapman:** Peter, would you like to move amendment 143?

[448] **Peter Black:** Yes. I move amendment 143 in my name.

[449] **Christine Chapman:** The question is that amendment 143 be agreed to. Does any Member object? There is objection, so we will take a vote.

*Gwelliant 143: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 143: 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 143.
Amendment 143 not agreed.*

[450] **Christine Chapman:** Peter, would you like to move amendment 353?

[451] **Peter Black:** Yes. I move amendment 353 in my name.

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

*Gwelliant 353: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 353: 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 353.
Amendment 353 not agreed.*

[453] **Christine Chapman:** Mark, would you like to move amendment 428?

[454] **Mark Isherwood:** Yes. I move amendment 428 in my name.

[455] **Christine Chapman:** The question is that amendment 428 be agreed to. Does any Member object? There is objection, so we will take a vote.

*Gwelliant 428: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 428: 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 428.
Amendment 428 not agreed.*

[456] **Christine Chapman:** Mark, would you like to move amendment 429?

[457] **Mark Isherwood:** I move amendment 429 in my name.

[458] **Christine Chapman:** The question is that amendment 429 be agreed to. Does any Member object? There is objection, so we will take a vote.

Gwelliant 429: O blaid 2, Ymatal 0, Yn erbyn 8.

Amendment 429: 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 429.

Amendment 429 not agreed.

[459] **Christine Chapman:** Peter, would you like to move amendment 144?

[460] **Peter Black:** I move amendment 144 in my name.

[461] **Christine Chapman:** The question is that amendment 144 be agreed to. Does any Member object? There is objection, so we will take a vote.

Gwelliant 144: O blaid 3, Ymatal 0, Yn erbyn 7.

Amendment 144: 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 144.

Amendment 144 not agreed.

Grŵp 43: Diwygio Cyfraith Lesddaliad (Gwelliant 146) **Group 43: Leasehold Reform (Amendment 146)**

[462] **Christine Chapman:** The only amendment in the group is amendment 146, and I call on Peter Black to move and speak to this amendment.

[463] **Peter Black:** I move amendment 146 in my name.

[464] This is a bit off the wall, but this amendment has been brought forward because of a private Member's Bill going through the House of Lords, which has UK Government support but which only applies in England. This seemed to me to be an appropriate way to apply it in Wales as well, by adding it to this Bill. It would effectively be—. The Leasehold Reform

(Amendment) Act 2014 received Royal Assent in March of this year. The Act amends previous legislation so that notices served can be signed on the leaseholder's behalf by a person such as a solicitor or relative. This amendment will assist, among others, those who are physically disabled, seriously ill or mentally incapacitated, who are currently unable to exercise their rights. As the Act does not apply to Wales, this amendment would allow the Housing (Wales) Bill to benefit Welsh leaseholders in the same way.

[465] **Christine Chapman:** Do other Members wish to speak? No. I call on the Minister.

[466] **Carl Sargeant:** I support the amendment.

[467] **Christine Chapman:** Do you wish to proceed to a vote, Peter?

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

[469] **Christine Chapman:** The question is that amendment 146 be agreed to. Does any Member object? There is no objection, therefore amendment 146 is agreed.

Derbyniwyd gwelliant 146 yn unol â Rheol Sefydlog 17.34.

Amendment 146 agreed in accordance with Standing Order 17.34.

Grŵp 44: Targedau Cartrefi Fforddiadwy (Gwelliant 145)
Group 44: Affordable Homes Targets (Amendment 145)

[470] **Christine Chapman:** The only amendment in the group is amendment 145, and I call on Peter Black to move and speak to this amendment.

[471] **Peter Black:** I move amendment 145 in my name.

[472] This is not me causing trouble again, but amendment 145 relates to affordable homes. It is right and proper that the Minister sets a target in this Assembly and then increases the target. That has the support of the entire Assembly. In the previous Assembly, the Deputy Minister also set a target, which she kept under review. It just seems to me that this is particularly good practice—that we should be setting targets in terms of affordable homes. I am not trying to put that target on the face of the Bill, and nor am I trying to tie the Minister's hands in any way whatsoever. All I am suggesting is that, in each Assembly, the Minister sets a target for affordable homes, that that should be a duty on the Minister, and that that target is kept under review and reported on during the period of the Assembly. That enables us to monitor the progress against that target, and also to ensure that we are aiming to achieve what is effectively an increase in affordable homes so as to meet the need in Wales.

[473] **Mark Isherwood:** I would support this. It has been said more than once that a target is a goal, and goals, like targets, are subject to review and amendment if circumstances change. However, you need something as a framework, and I think that the key point in this is the definition of 'affordable home'. We know that, over time, in its counting, the Welsh Government has changed its definitions and categories of affordable housing. We know that, in the loosest sense, affordable housing simply means housing that someone can afford, so what I can afford may be different to what you can afford, and vice versa. It could be open market housing, it could be assisted home ownership, intermediate rent, social rent, or any other variation of these. We need to be clear not only what the objective or goal is, but, secondly, what is included and what is excluded from that.

[474] **Christine Chapman:** I call on Jocelyn.

[475] **Jocelyn Davies:** I am all for targets and I think that it is good practice, but, to be

honest, I think that it is a matter for the Government. It is a matter for the National Assembly to scrutinise the Government, and I do not really want to see this on the face of a Bill. On the issue of affordability, we are now finding that social housing rents are not affordable, so they could count as unaffordable to some people. So, this could be something that moved from week to week, or from month to month. I understand that best practice is to have targets, but I really do think that it is a matter for the Government as to whether it has a target, and it is for the rest of us in the Assembly to scrutinise that.

[476] **Carl Sargeant:** This is a well-rehearsed argument. Peter believes that we should have targets and I believe that we do not need them; they are not necessary. We understand exactly what our affordable housing mission is. I have recently increased the target from 7,500 to 10,000—I am sure that that is welcomed by Members across this committee. That was not done by me alone; it was done in partnership, working with RSLs and other bodies to ensure that we can deliver for the people of Wales. I will continue on that journey to increase the housing supply, but I do not believe that we need to have anything on the face of the Bill with regard to targets.

[477] **Christine Chapman:** I call on Peter.

[478] **Peter Black:** Well, I think that it is a matter disagreement on principle. Clearly, we will just vote on it.

[479] **Christine Chapman:** Okay. Do you want to proceed to the vote, then?

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

[481] **Christine Chapman:** The question is that amendment 145 be agreed to. Does any Member object? There is objection, so we will take a vote.

Gwelliant 145: O blaid 3, Ymatal 0, Yn erbyn 7.

Amendment 145: 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 145.
Amendment 145 not agreed.*

[482] **Christine Chapman:** We now move to dispose of amendments 76 to 86 in the name of the Minister. Are you happy to do these en bloc? I see that you are. I therefore move amendments 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 and 86 in the name of the Minister. The question is that these amendments be agreed to. Does any Member object? There is no objection, therefore amendments 76 to 86 are agreed.

Derbyniwyd gwelliannau 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 a 86 yn unol â Rheol Sefydlog 17.34.

Amendments 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 and 86 agreed in accordance with Standing Order 17.34.

Grŵp 45: Gwelliannau i Ddeddf Cartrefi Symudol (Cymru) 2013 (Gwelliannau 118 a 119)
Group 45: Amendments to the Mobile Homes (Wales) Act 2013 (Amendments 118 and 119)

[483] **Christine Chapman:** The lead amendment in this group is amendment 118. I move amendment 118 in the name of the Minister and I call on the Minister to speak to the amendments in this group.

[484] **Carl Sargeant:** I seek support for the amendments in my name in group 45. The lead amendment is about consistency in the fit-and-proper-person test contained in the Mobile Homes (Wales) Act 2013. Amendment 119 is a technical amendment for which I seek your support.

[485] **Christine Chapman:** I see that no other Members want to speak. The question is that amendment 118 be agreed to. Does any Member object? I see that there are no objections, therefore amendment 118 is agreed.

Derbyniwyd gwelliant 118 yn unol â Rheol Sefydlog 17.34.
Amendment 118 agreed in accordance with Standing Order 17.34.

[486] **Christine Chapman:** I move amendment 119 in the name of the Minister. The question is that this amendment be agreed to. Does any Member object? I see that no-one does. Amendment 119 is therefore agreed.

Derbyniwyd gwelliant 119 yn unol â Rheol Sefydlog 17.34.
Amendment 119 agreed in accordance with Standing Order 17.34.

Grŵp 46: Dyletswyddau ar Weinidogion Cymru i Adrodd o dan Ddeddf Tai 2004 (Gwelliannau 430 a 431)
Group 46: Duties on Welsh Ministers to Report under the Housing Act 2004 (Amendments 430 and 431)

[487] **Christine Chapman:** The lead amendment in this group is amendment 430, and I call on Mark Isherwood to move this amendment and to speak to the amendments in this group.

[488] **Mark Isherwood:** I move amendment 430 in my name.

[489] Amendment 430 relates to enforcement under Part 1 of the Housing Act 2004 and the duty to report in relation to a property's condition—well, it states:

[490] '(1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its implementation of this Part.

[491] (2) The Report...must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.

[492] (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales'.

[493] Amendment 431 relates specifically to enforcement in relation to the duty to report selective licensing. Enforcement needs to be targeted, rather than simply used for registering people who are generally compliant. Now, I am not rehearsing what we voted, but how we

can nonetheless, still within the intent of the Bill, target where applicable. The existing powers under Part 1 are little used, due to a lack of resource, and this would highlight what little use is made of existing powers and, again, emphasise the interrelationship between this Bill and the 2004 Act.

[494] It is my understanding from advice received that this Bill does not supersede or repeal provision for selective licensing; it is simply ensuring that Ministers, including Ministers of the Assembly, are aware of whether it is being used, and we can therefore consider for what reasons and how effective it may have been as part of the ongoing learning process and the basis for action in the future resulting from the Bill as it goes forward into an Act.

[495] **Christine Chapman:** I call on the Minister.

[496] **Carl Sargeant:** The intention of the Bill, Chair, is not to increase the burden on local authorities. I fear that these amendments would do just that. Ironically, Mark Isherwood's colleague is often talking about the red tape in local government; this would indeed add a burden on local authorities to produce more red tape. This is not what we are seeking to do within the Bill, and I urge Members to reject this amendment.

[497] **Christine Chapman:** I call on Mark.

[498] **Mark Isherwood:** Red tape is complying with regulations and processes.

12:15

[499] **Carl Sargeant:** It depends what red tape it is.

[500] **Mark Isherwood:** This is just a duty to report; that is it. For example, 'No, we haven't', or 'Yes, we've done it in one area, because we had a high incidence of complaints from tenants', or 'Yes, we did it in a particular area because there are a number of police investigations regarding rogue landlords or a number of complaints about anti-social behaviour by tenants'. Red tape, regulation and bureaucracy is what much of this Bill is about, but this bit is simply about a duty to report so that, in future, we can base policy development and action on the evidence base that is still, sadly, so lacking.

[501] **Christine Chapman:** Do you want to proceed to a vote on amendment 430?

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

[503] **Christine Chapman:** The question is that amendment 430 be agreed to. Does any Member object? I see that there is objection, therefore we shall take a vote.

*Gwelliant 430: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 430: 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 430.
Amendment 430 not agreed.*

[504] **Christine Chapman:** Mark, do you wish to move amendment 431?

[505] **Mark Isherwood:** I move amendment 431 in my name.

[506] **Christine Chapman:** The question is that amendment 431 be agreed to. Does any Member object? I see that there is objection, therefore we will take a vote.

*Gwelliant 431: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 431: 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 431.
Amendment 431 not agreed.*

**Grŵp 47: Gorchmynion a Rheoliadau (Gwelliannau 314, 315, 316, 71, 72 a 147)
Group 47: Orders and Regulations (Amendments 314, 315, 316, 71, 72 and 147)**

[507] **Christine Chapman:** The lead amendment in this group is amendment 314. I move amendment 314 in the name of the Minister, and I call on the Minister to speak to the amendments in this group.

[508] **Carl Sargeant:** I seek support for the amendments tabled by the Government in group 47. These amendments are largely consequential, making provision for the scrutiny of the powers to make Orders and regulations introduced by Government amendments. Peter Black's amendment 147 is consequential to amendment 140, which seeks to make standards applying to local housing authorities under section 94 subject to regulation-making powers and makes any such regulations subject to the affirmative procedure. For the reasons outlined in relation to group 40, the amendment's requirement for standards to be set out in regulations is rejected. Similarly, amendment 147 should also be rejected. I seek support for my amendments.

[509] **Christine Chapman:** I call on Peter.

[510] **Peter Black:** I want to speak in support of amendment 147, which, of course, follows on from recommendation 36 in the committee's report. It states that tenants should be entitled to more than seven days' notice prior to any inspection of their home. That is only reasonable, especially when local housing authorities' tenants have not less than 28 days' notice of any inspection. It is reasonable that tenants in this sector should have a similar level of notice. Therefore, I would like to press this amendment.

[511] **Christine Chapman:** Amendment 147 has fallen.

[512] **Peter Black:** Has it fallen? I am sorry; I am sure that you told me it had fallen. It was

a good try. [*Laughter.*]

[513] **Christine Chapman:** Minister, do you wish to proceed to a vote on amendment 314?

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

[515] **Christine Chapman:** The question is that amendment 314 be agreed to. Does any Member object? I see that there is no objection, therefore amendment 314 is agreed.

*Derbyniwyd gwelliant 314 yn unol â Rheol Sefydlog 17.34.
Amendment 314 agreed in accordance with Standing Order 17.34.*

[516] **Christine Chapman:** We now move to dispose of amendments 315, 316, 71 and 72 in the name of the Minister. Are you happy to dispose of these en bloc? I see that you are.

*Cynigiwyd gwelliannau 315, 316, 71 a 72.
Amendments 315, 316, 71, and 72.*

[517] The question is that amendments 315, 316, 71 and 72 in the name of the Minister be agreed to. Does any Member object? I see that there is no objection, therefore amendments 315, 316, 71 and 72 are agreed.

*Derbyniwyd gwelliannau 315, 316, 71 a 72 yn unol â Rheol Sefydlog 17.34.
Amendments 315, 316, 71 and 72 agreed in accordance with Standing Order 17.34.*

*Methodd gwelliant 147.
Amendment 147 fell.*

[518] **Christine Chapman:** Peter, would you like to move amendment 161?

[519] **Peter Black:** I move amendment 161 in my name.

[520] **Christine Chapman:** The question is that amendment 161 be agreed to. Does any Member object? I see that there is objection, therefore we will take a vote.

*Gwelliant 161: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 161: 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 161.
Amendment 161 not agreed.*

Grŵp 48: Y Sector Rhentu Preifat: Cychwyn (Gwelliant 432)
Group 48: Private Rented Sector: Commencement (Amendment432)

[521] **Christine Chapman:** The only amendment in this group is amendment 432. I call on Mark Isherwood to move and speak to amendment 432.

[522] **Mark Isherwood:** I move amendment 432 in my name.

[523] This amendment would require the power under section 127(3) to be exercised in relation to Part 1

[524] ‘so as to introduce the requirement for the licensing of agents to be introduced at least two years before the requirement for the licensing of landlords is introduced.’

[525] This would introduce, therefore, a process whereby the licensed agents would be in place with their licenses prior to landlords seeking to access their services as a consequence of the Bill, as it becomes an Act. I ask the Minister, in his response, to indicate whether he agrees, or not, with the principle that this should apply to agents before landlords in general, if he does not accept a two-year term, or that it should go for a shorter period, or whether he simply objects overall to a differential time regime, simply for practical implementation purposes.

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

[527] **Jenny Rathbone:** I object to this amendment as it would substantially delay the implementation of the Act. Certainly in my constituency, this Act is needed to regulate the sector. So, I will be voting against.

[528] **Christine Chapman:** I call on the Minister.

[529] **Carl Sargeant:** During the Stage 1 process, this committee heard very clearly that the problems with the management of the rental sector lay with some landlords, as it did with some agents. As such, the licensing requirements should come into force at the same time; it should not be a staged approach. On that basis, the whole purpose of this would just be seeking to delay the process coming forward, and I understand that the Member has concerns with the scheme. However, it is completely opposed to what I believe in, and I will be pushing the committee not to support this amendment to ensure that this piece of legislation comes into force as soon as possible.

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

[531] **Mark Isherwood:** In this amendment’s case, this is not intended to delay the process or the implementation in any way. This amendment is a result of concerns raised by the sector about practical implementation matters, where agents will not be able to manage properties on behalf of landlords where those landlords choose to commission the services of a licensed agent to fulfil that requirement of being licensed, rather than for them to do it. It would not delay the registration process. It would enable the licensing of landlords to proceed from the moment that you require it. It would simply implement some time delay, even if it is not two years, to ensure that landlords could commission agents to manage properties on their behalf at the point that they are required to.

[532] **Christine Chapman:** Mark, do you wish to proceed to a vote on amendment 432?

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

[534] **Christine Chapman:** The question is that amendment 432 be agreed to. Does any Member object? I see there is objection, so we will take a vote.

*Gwelliant 432: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 432: For 2, Abstain 0, Against 8.*

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

Finch-Saunders, Janet
Isherwood, Mark

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

*Gwrthodwyd gwelliant 432.
Amendment 432 not agreed.*

**Grŵp 49: Y Sector Rhentu Preifat: Trosolwg (Gwelliant 162)
Group 49: Private Rented Sector: Overview (Amendment 162)**

[535] **Christine Chapman:** The only amendment in the group is amendment 162. I move amendment 162 in the name of the Minister, and I call on the Minister to speak to this amendment.

[536] **Carl Sargeant:** Before I begin, I thank colleagues for their support across the amendments. It has been quite a task of a Bill, but we have got there it seems, at this stage particularly, although I know that there is some work to be done before Stage 3.

[537] The purpose of this amendment is simply to remove the current section and replace it with a new section to ensure that the overview section reflects the changes made to this Part that have been already agreed by this committee, such as licensing authority fixed-penalty notices and repayment orders. I seek support from the committee.

[538] **Christine Chapman:** I have no other Members who wish to speak. Minister, do you wish to proceed to a vote on amendment 162?

[539] **Carl Sargeant:** I do.

[540] **Christine Chapman:** If amendment 162 is agreed, amendments 363, 364, 365, 366 and 367 will fall. The question is that amendment 162 be agreed to. Does any Member object? There is objection, so we will take a vote.

*Gwelliant 162: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 162: For 8, Abstain 0, Against 2.*

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

Andrews, Leighton
Black, Peter
Chapman, Christine
Davies, Jocelyn
Hedges, Mike
Price, Gwyn R.

Finch-Saunders, Janet
Isherwood, Mark

Rathbone, Jenny
Thomas, Rhodri Glyn

*Derbyniwyd gwelliant 162.
Amendment 162 agreed.*

*Methodd gwelliannau 363, 364, 365, 366 a 367.
Amendments 363, 364, 365, 366 a 367 fell.*

[541] **Christine Chapman:** I propose that amendments 11 and 12 in the name of the Minister are disposed of en bloc. Are you happy with that? I see that you are. I move amendments 11 and 12 in the name of the Minister. The question is that amendments 11 and 12 be agreed to. Does any Member object? There is no objection, therefore amendments 11 and 12 are agreed.

*Derbyniwyd gwelliannau 11 a 12 yn unol â Rheol Sefydlog 17.34.
Amendments 11 and 12 agreed in accordance with Standing Order 17.34.*

[542] **Christine Chapman:** That completes the Stage 2 proceedings. Stage 3 begins tomorrow. The relevant dates for Stage 3 proceedings will be published in due course. Before we finish, I propose that we ask the Minister to produce a revised explanatory memorandum to take account of the amendments agreed during Stage 2 proceedings. Standing Order 26.27 provides for this. Do Members agree? I see that you do.

[543] I close the meeting and thank all of you for this morning.

*Daeth y cyfarfod i ben am 12:25.
The meeting ended at 12:25.*