

Agenda – Local Government and Housing Committee

Meeting Venue:	For further information contact:
Hybrid meeting, Committee Room 4 and Video Conference via Zoom	Manon George Committee Clerk
Meeting date: 9 March 2022	0300 200 6565
Meeting time: 08.45	SeneddHousing@senedd.wales

Pre-meeting (08.45 – 09.00)

- 1 Introductions, apologies, substitutions and declarations of interest**
- 2 Inquiry into second homes: evidence session 5 – Welsh language**
(09.00 – 10.00) (Pages 1 – 63)
Ruth Richards, Chief Executive, Dyfodol i'r Iaith
Mabli Siriol Jones, Chair, Cymdeithas yr Iaith
Lowri Williams, Senior Policy Officer, Welsh Language Commissioner
Professor Rhys Jones, Department of Geography and Earth Sciences,
Aberystwyth University
Break (10.00 – 10.10)
- 3 Inquiry into second homes: evidence session 6 – second home owners**
(10.10 – 10.40) (Pages 64 – 79)
Jonathan Morrison, Representing the Home Owners of Wales Group
Break (10.40 – 10.50)
- 4 Inquiry into second homes: evidence session 7 – landlords and community groups**
(10.50 – 11.50) (Pages 80 – 114)
Keith Henson, Rural Housing Enabler, Barcud
Ffrancon Williams, Chief Executive, Adra
Shan Lloyd Williams, Chief Executive, Grŵp Cynefin



Karen Holt, Bro Machno Housing Partnership

Douglas Haig, Non-executive Director, National Residential Landlords' Association

5 Papers to note

(Page 115)

5.1 Letter from the Minister for Climate Change in relation to the Renting Homes (Wales) Act 2016

(Pages 116 – 118)

5.2 Letter from the Legislation, Justice and Constitution Committee to the Minister for Climate Change in relation to Statutory instruments made under the Renting Homes (Wales) Act 2016

(Pages 119 – 121)

5.3 Letter from the Counsel General and Minister for the Constitution in relation to the Elections Bill LCM

(Pages 122 – 123)

5.4 Letter from the Children, Young People and Education Committee to all Committee Chairs in relation to engagement with children and young people

(Pages 124 – 153)

5.5 Letter from the Welsh Cladiators in relation to fire safety

(Pages 154 – 157)

5.6 Letter from Travelling Ahead in relation to Gypsy and Traveller sites

(Pages 158 – 160)

5.7 Letter from the Chief Executive of Senedd Cymru to the Chair of the Public Accounts and Public Administration Committee in relation to the use of the acronym B.A.M.E by the Senedd Commission

(Pages 161 – 162)

6 Motion under Standing Order 17.42 (ix) to resolve to exclude the public from the remainder of the meeting

- 7 Inquiry into second homes – consideration of the evidence received under items 2, 3 and 4**

- 8 Consideration of the Supplementary LCM (No.4) on the Building Safety Bill**
(12.00 – 12.15) (Pages 163 – 167)

- 9 Consideration of the draft report on the Supplementary LCM (No.3) Building Safety Bill**
(12.15 – 12.30) (Pages 168 – 176)

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DYFODOL I'R IAITH

SYLWADAU AR GYFER:

YMCHWILIAD I AIL GARTREFI

PWYLLGOR LLYWODRAETH LEOL A THAI

Ionawr 2022

Cyswllt:

Ruth Richards

Prif Weithredwr

Dyfodol i'r iaith

Mae Dyfodol i'r iaith yn fudiad amhleidiol sy'n gweithredu er lles yr iaith Gymraeg. Nod y mudiad yw dylanwadu drwy ddulliau cyfansoddiadol ar sylwedd a chynnwys polisïau cyhoeddus a deddfwriaeth er mwyn hybu twf a ffyniant y Gymraeg ym mhob maes polisi. Bydd yn gweithredu er budd Cymru a'i phobl, gan ennill cefnogaeth a pharch i'r iaith a sicrhau bod y Gymraeg yn fater byw ar yr agenda gwleidyddol.

Croesawn y cyfle hwn i rannu ein sylwadau ar ail gartrefi gyda'r Pwyllgor Llywodraeth Leol a Thai.

Cefndir: Adroddiad Dr Simon Brooks, Ail gartrefi: datblygu polisïau newydd yng Nghymru

Cytunwn â, a byddwn yn argymhell holl ganfyddiadau ac argymhellion yr adroddiad hwn. Cytunwn â Dr Brooks fod angen mynd i'r afael â'r broblem drwy gyfuniad o bolisïau cynllunio uniongyrchol, anuniongyrchol a pholisïau trethiannol.

Byddwn yn pwysleisio'r angen brys i weithredu Argymhelliad 12, sef, "sefydlu Comisiwn i wneud argymhellion am ddyfodol y Gymraeg fel iaith gymunedol." Byddai hyn yn fodd i sefydlu'r cyswllt hollbwysig rhwng polisi tai a strategaeth y Llywodraeth mewn perthynas â'r iaith Gymraeg.

Sylwadau Dyfodol i'r iaith

Mae Llywodraeth Cymru (LIC) yn ymgynghori ar hyn o bryd ar nifer o ddewisiadau polisi ar sut i leihau nifer tai gwyliau ac ail gartrefi mewn cymunedau Cymraeg. Heb os nac oni bai, dyma un o'r bygythiadau mwyaf i'r Gymraeg fel iaith gymunedol a chredwn y byddai colli'r cyswllt hanfodol rhwng iaith a chymuned yn cynrychioli ergyd i'r Gymraeg a holl ymdrechion y Llywodraeth i'w hadfywio. Afraid dweud bod hon yn sefyllfa sydd, i bob pwrpas, yn gwadu cartrefi i bobl leol yn eu cymunedau eu hunain ac felly'n ergyd yn erbyn cyfiawnder cymdeithasol yn ogystal.

Wrth bwysleisio drachefn yr angen i fwrw ymlaen gydag argymhellion Dr Brooks, nodir isod ein sylwadau pellach fel mudiad ynglŷn â gweithredu ar fyrder er mwyn mynd i'r afael â'r broblem. Cynigir hefyd gynllun arfaethedig er mwyn sicrhau modd i'r diwydiant ymwelwyr allu cyfrannu'n uniongyrchol at anghenion tai ac economaidd y cymunedau rheiny sydd dan gymaint o fygythiad yn sgil ail gartrefi.

Nodwn yn ogystal bod rhaid i'r Llywodraeth weithio'n draws adrannol a thraws bwyllgorol er mwyn sicrhau'r canlyniadau cadarnaf posib mewn perthynas â sefyllfa mor gymhleth a dyrys.

1 Angen Buddsoddi

Er mwyn mynd i'r afael o ddifrif ag argyfwng cartrefi mewn ardaloedd lle mae'r Gymraeg yn iaith gymdeithasol fyw, bydd angen buddsoddi cyhoeddus sylweddol. Un o brif achosion yr argyfwng yw'r pwysau allanol, sef gallu pwrcasu cryfach pobl o ganolfannau trefol (yn Lloegr yn bennaf). Adlewyrchiad yw hyn yn ei dro o anghyfartaledd ffyniant economaidd.

Rhaid cyfaddef bod y galw ar y pwrs cyhoeddus o amryw gyfeiriadau yn drwm ac y bydd y realiti hyn yn parhau. Mae Dyfodol i'r iaith yn argymhell dull newydd* o ddefnyddio'r diwydiant ymwelwyr i greu ffrwd incwm ychwanegol i'w defnyddio'n bennaf er mwyn darparu cartrefi i bobl leol ond hefyd i rai datblygiadau eraill.

2 Ffynhonnell Newydd o Gyllid

Mae Dyfodol felly yn galw ar Lywodraeth Cymru i glustnodi £200mn o gyfalaf i'w wario'n bennaf yn yr ardaloedd gorllewinol (Môn, Gwynedd, Ceredigion, Sir Benfro a Chaerfyrddin) lle mae argyfwng tai ar ei fwyaf dwys a'r effaith niweidiol ar yr iaith Gymraeg i'w theimlo gryfaf. A siarad yn fras, fe alluogai hyn i 800 o gartrefi gael eu prynu neu eu hadeiladu.

Byddai'r tai yma'n cael eu defnyddio mewn dwy ffordd

- Cyfran yn **gartrefi cymdeithasol** i ateb y galw lleol, gyda opsiwn rhan-berchnogaeth i'r rhai a ddymunai hynny
- Cyfran yn **dai gwyliau** mewn perchnogaeth gyhoeddus

Byddai'r elw o'r ail gategori yn cael ei ddefnyddio i greu cronfa i sybsideiddio'r cartrefi cymdeithasol a/neu i hyrwyddo datblygiadau o fudd i'r gymdeithas leol ac i'r rhanbarth gorllewinol yn gyffredinol.

Cwestiwn i'w benderfynu yw pa gorff a fyddai'n gyfrifol am oruchwylio'r gwaith yma. Mae'r posibiladau yn cynnwys

- Consortiwm o'r siroedd perthnasol
- Prosiect Arfor, sydd i'w ddatblygu ymhellach dros y blynyddau nesaf
- *Unnos*, y corff y mae Llywodraeth Cymru yn bwriadu ei sefydlu maes o law i ddarparu tai

Yn y dyfodol, gellid ystyried trosglwyddo'r stoc dai yma i berchnogaeth cwmnïau cymunedol, fel y trosglwyddwyd stoc tai cyngor i gymdeithasau tai ond yn y tymor byr a chanolig mae'n bwysig rheoli'r cynllun gan y sector cyhoeddus.

Gweithredu Prydlon

1 Rydyn-ni'n galw ar LIC i gomisynu astudiaeth fanwl, a hynny ar frys, i botensial ac agweddau ymarferol y bras-gynllun uchod. Dylai fod modd cyhoeddi canlyniadau astudiaeth o'r fath erbyn Pasg 2022 er mwyn symud ymlaen wedyn i'w roi mewn gweithrediad

2 Yn y cyfamser, mae'n bwysig peidio gohirio. Tra bod y syniad yn cael ei archwilio a than iddo ddwyn ffrwyth, dylid darparu adnoddau digonol i awdurdodau lleol ymyrryd yn y farchnad, drwy brynu ac adnewyddu neu godi tai newydd fel sy'n addas.

3 Rydyn-ni'n llwyr gefnogol i argymhellion adroddiad Simon Brooks ac yn edrych ymlaen at weld eu gweithredu'n llawn.

Nodyn

*Lansiwyd y syniad y llynedd mewn erthyglau gan Cynog Dafis yn *Golwg a'r Western Mail* – (gweler yr Atodiad isod). Yn dilyn hynny, cafwyd ar ddeall bod Llywodraeth Cymru yn eu hystyried

Atodiad 1

Troi Tai Gwyliau yn Ased Cymreig

Daeth yr argyfwng cartrefu yn y Fro Gymraeg yn destun trafod tanllyd a'r galw am weithredu effeithiol i'w thaclo yn daer. Gadewch i ni'n atgoffa'n hunain o rai o elfennau'r argyfwng.

- Incwm isel cyfartalog pobl leol yn peri eu bod yn cael eu prisio allan o'r farchnad
- Nifer cynyddol o dai yn mynd yn ail gartrefi – ar y cyfan i bobl o ganolfannau trefol
- Gwanhau economïau a hoen cymunedol
- Gwanhau'r Gymraeg drwy broses o ddisodli'r boblogaeth frodorol
- Rheolaeth ar y diwydiant ymwelwyr a'r elw ohono yn cael eu sugno allan o ddwylo pobl a chymunedau lleol

O'r diwedd cafwyd cyfres o flaengareddau gan awdurdodau cyhoeddus i fynd i'r afael â'r broblem: codi treth uwch ar ail gartrefi; codi cartrefi cymdeithasol a chyfran uwch o dai "fforddiadwy"; prynu tai gan Gyngor Gwynedd i'w gosod i bobl leol; galw am yr hawl, drwy ddeddfwriaeth gynllunio, i gyfyngu ar y gyfran o ail gartrefi mewn ardaloedd penodol. Gall fod blaengareddau o'r fath yn werthfawr. Fy marn i serch hynny yw bod eisiau meddwl yn fwy strwythurol-radical o'r hanner.

Dyma awgrym ynghylch sut i wneud hynny gan gipio elfen o reolaeth ar ac elw o'r diwydiant ymwelwyr i gymunedau lleol a diwallu anghenion eu trigolion ar yr un pryd.

Yr allwedd yw cael gafael ar gymaint â phosibl o'r elw sylweddol digamsyniol sy'n cael ei wneud o gartrefi gwyliau, i'w ddefnyddio i ddarparu cartrefi i bobl leol ac i ddibenion cymunedol eraill. Byddai'n gweithio fel a ganlyn:

Byddai corff cyhoeddus neu gymunedol yn pwrcasu eiddo (a'i adnewyddu yn ôl yr angen) ac yna'n gosod cyfran o'r unedau yn dai gwyliau a chyfran yn dai cymdeithasol i bobl leol. Byddai'r elw o'r tai gwyliau yn sybsideiddio'r tai cymdeithasol (gan gofio bod prynu ac adnewyddu am amryw resymau yn ddrutach na chodi tai newydd).

Dychmygwch dŷ tair ystafell-wely yn cael ei brynu am £200,000 (y cyfartaledd Cymreig ar hyn o bryd). Mae rhent wythnosol tŷ felly yn gartref cymdeithasol oddeutu'r £90. Dros flwyddyn dyna £4,680. Mae tŷ felly (byngalo dymunol ond digon diddychymyg) ar arfordir Ceredigion yn codi rhent o £500 yr wythnos. Dros 40 wythnos (dyweder) y flwyddyn, dyna £20,000.

Ffigyrau crynswth amrwd ac anghyflawn wrth gwrs. Rhaid ystyried amrywiol orbenion, treth y cyngor, taliadau morgais, adnewyddu, cost cynnal-a-chadw ac ati ac i dŷ gwyliau gost marchnata a llogi a glanhau wythnosol. Ar y llaw arall gallai fod elfen o gymhorthdal cyhoeddus a/neu fuddsoddi cymunedol yn briodol. Bid a fo am hynny mae'r gwahaniaeth o ran elw rhwng y ddau fath o weithgarwch yn fawr a'r cyfle i groes-sybsideiddio yn amlwg.

Pa fath o gorff neu gyrff a allai wneud hyn? Dyma rai posibiliadau:

- Awdurdodau lleol, yn unigol neu'n gonsortiw, i sefydlu is-gwmni i'r perwyl

- Cymdeithasau Tai i wneud yr un modd.
- Cwmnïau cymunedol nid-er-elw, naill ai o'r cychwyn neu i awdurdod cyhoeddus drosglwyddo stoc iddyn maes o law
- Arfor, prosiect ar-y-cyd rhwng siroedd y gorllewin y mae sôn am ei ail-greu yn asiantaeth ddatblygu go-iawn, i greu is-gwmni.

Byddai rhaid dechrau'n fach a thyfu'n raddol yn y lle cyntaf, ond pam na ddylai corff cyhoeddus/ cymunedol o'r fath dyfu'n sector sylweddol a dylanwadol? Ystyriwch y manteision yma

- Defnyddio cyfran o'r stoc tai i drigolion lleol yn lle cynyddu'r stoc yn barhaus mewn ardal lle mae gormodedd o dai sy'n bod i ateb y galw lleol
- Cadw tir glas yn las a'i ddefnyddio i arddwriaeth neu yn gynefin naturiol neu'n gyfleustra hamdden
- Uwchraddio stoc tai sy'n bod o ran ansawdd, effeithlonrwydd ynni ac ynni adnewyddol graddfa-fach
- Cymryd meddiant cymunedol a chipio'r elw o adran bwysig o'r diwydiant ymwelwyr
- Defnyddio crefftwyr lleol i adnewyddu eiddo a lleihau gafael y datblygwyr masnachol mawr ar y farchnad.

Mae angen gwaith dadansoddi a modelo sylweddol i archwilio ymarferoldeb y syniad rwy'i wedi'i fras-aminellu. Beth am fynnu ymrwymiad gan y pleidiau gwleidyddol wrth iddyn-nhw baratoi eu polisiau erbyn etholiad Senedd Cymru o leiaf i gomisiynu astudiaeth ar frys? Neu beth am i ryw awdurdod lleol fwrw ati wneud hynny rhag blaen?

Cynog Dafis Chwefror 2021.

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

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Tystiolaeth i'r Pwyllgor Tai a Llywodraeth Leol ar Ail Dai Cymdeithas yr Iaith Ionawr 2022

Mae Cymdeithas yr Iaith wedi pwysu ers blynyddoedd am fynd i'r afael ag effaith ail dai a'r heriau sy'n wynebu cymunedau Cymru a'r Gymraeg oherwydd problemau sylfaenol y farchnad tai. Am hynny rydym yn falch o weld camau'n cael eu trafod, ond hoffem weld Llywodraeth Cymru yn mynd ymhellach.

Rydym yn pryderu am rai sylwadau yn ymateb y Llywodraeth i adroddiad *Ail gartrefi: Datblygu polisiau newydd yng Nghymru*:

"rydym am sicrhau y gall pob perchennog ail gartrefi wneud cyfraniad teg i'r cymunedau y maent yn prynu eiddo ynddynt."

Mae'r gosodiad yn awgrymu fod derbyn y bydd nifer uchel o ail dai yn anochel ac mai dim ond lliniaru effaith ail dai ar gymunedau fydd.

Mae allfudiad o Gymru, ac o ardaloedd gwledig yn neilltuol, yn un o'r heriau mwyaf sy'n wynebu'r Gymraeg, gyda 5,200 o siaradwyr Cymraeg yn gadael Cymru bob blwyddyn. Mae'r rhain yn tueddu i fod yn bobl ifanc, sy'n hyderus yn y Gymraeg. Bu i 20% o bobl ifanc Ceredigion adael y sir o fewn blwyddyn; nid yw hyn efallai'n syndod o ystyried bod prisiau tai yn tua deg gwaith cyflog cyfartalog yn y sir. Yr un yw'r stori mewn nifer o siroedd eraill.

Mae'n glir bod pobl y tu allan i'r ardaloedd yn prynu eiddo i'w ddefnyddio fel tŷ haf personol neu i'w rentu fel llety gwyliau a bod hyn yn gyrru prisiau i fyny y tu hwnt i afael trwch y poblogaeth leol. Mae hyn hefyd wedi arwain at brinder llety i'w rentu ac mae'n gyfrifol am daflu tenantiaid o'u cartref, heb iddynt wneud dim o'i le, fel bod y landlord yn gallu gwerthu'r eiddo, ei osod fel llety gwyliau neu ei droi'n AirBnB, sydd yn fwy deniadol na rhentu i denant sefydlog drwy'r flwyddyn gan nad yw llety AirBnB yn cael ei reoleiddio ac nad oes oes safonau diogelwch ac ati yn cael eu gosod arnynt.

Maent yn fwy deniadol yn ariannol hefyd gan fod modd manteisio ar y farchnad dwrsitaidd a gofyn pris uwch am llety AirbnB gan ymwelwyr nag y byddai rhywun ar denant hir dymor.

Mae cryn anniddigrwydd ynglŷn â'r cynnydd yn nifer yr ail gartrefi, yn enwedig gan nad yw pobl leol yn gallu prynu tŷ. Mae'n arwyddocaol bod y nifer o bobl ar y rhestr aros am dai cymdeithasol bron yn cyfateb i'r nifer o dai haf yn Sir Benfro er enghraifft. Mae'n fater o anghyfiawnder sylfaenol bod rhai pobl yn meddu ar fwy nag un tŷ tra bod eraill yn methu cael cartref o gwbl.

Rhaid cofio mai dim ond rhan o'r broblem yw ail dai, a bod angen ymdrin â holl broblemau cysylltiedig ein system tai a chynllunio sy'n golygu nad yw pobl yn gallu fforddio cartref o safon yn eu cymuned, yn dinistrio cymunedau ar draws y wlad ac yn bygwth dyfodol y Gymraeg fel iaith gymunedol.

Er mwyn mynd i'r afael â phroblemau ein system tai a chynllunio, mae Cymdeithas yr Iaith yn galw ar Lywodraeth Cymru i

Gymryd camau brys, gan gynnwys:

- Cyflwyno treth ar dwristiaeth a buddsoddi'r arian a godir mewn cymunedau lleol
- Cyflwyno uwch-dreth ar ail dai ac ar elw landlordiaid i fuddsoddi mewn dod â thai gweigion ac ail dai yn ôl i ddefnydd cymunedau lleol
- Rheoleiddio AirBnB a chyflwyno treth ar dai sy'n cael eu gosod trwy AirBnB
- Cau manau gwan a bylchau yn y gyfraith sy'n caniatáu i bobl osgoi trethi

- Ei wneud yn ofynnol i wneud cais cynllunio am newid dosbarth tŷ o fod yn gartref parhaol i ail gartref neu lety gwyliau, yn cynnwys AirBnB
- Cyflwyno gwaharddiad parhaol ar droi allan di-fai a chryfhau hawliau tenantiaid
- Cyflwyno graddfeydd uwch o Dreth Trafodiadau Tir ar eiddo a brynir fel ail dai neu lety gwyliau
- Diwygio'r cynllun Cymorth i Brynu er mwyn canolbwyntio ar helpu pobl ar gyflogau arferol a'u galluogi i brynu tai sydd eisioes yn eu cymunedau, nid dim ond tai newydd mewn stadau ar y cyrion

Gyflwyno Deddf Eiddo fydd yn cynnwys:

- Gosod cap ar ganran yr ail dai neu dai haf mewn unrhyw gymuned
- Sicrhau bod tai gwag a thai presennol yn cael eu defnyddio cyn datblygu o'r newydd
- Newid y diffiniad o dai fforddiadwy a rheoli prisiau tai a rhent fel eu bod yn fforddiadwy i bobl ar incwm isel a chyflogau lleol
- Cyfarwyddiadau mwy cadarn ac eglur ar gynnal asesiadau effaith iaith
- Datganoli grymoedd cynllunio, gan gynnwys gosod targedau tai, i'r lefel fwyaf lleol sy'n briodol, a gwneud cynllunio ieithyddol yn orfodol er mwyn sicrhau bod datblygiadau yn cael effaith gadarnhaol yn hytrach na negyddol
- Rhoi cymorth penodol i bobl ifanc aros yn eu cymunedau

Yn ogystal, galwn am:

- Ddychwelyd y stoc dai cymdeithasol yn ôl i ddwylo cyhoeddus, a sicrhau bod y mwyafrif o dai newydd mewn dwylo cyhoeddus
- Ddatblygu cynllun strategol ar gyfer tai a thwristiaeth mewn ardaloedd gwledig

O edrych ar argymhellion adroddiad *Ail gartrefi: Datblygu polisiau newydd yng Nghymru* fesul un:

Argymhelliad 1 – datblygu amrywiadau rhanbarthol a lleol mewn polisi cyhoeddus

Nid ydym yn cytuno mai problem ranbarthol yw hon, er ei bod yn effeithio rhai ardaloedd yn fwy nag eraill.

Mae ardaloedd yn y gogledd ddwyrain nad ydyn nhw'n dwristiaid, ond am eu bod yn agos at y ffin yn cael eu troi yn drefi i gymudwyr, sydd yn bwy yno yn ystod yr wythnos cyn dychwelyd i'w 'prif' gartref ar gyfer penwythnosau.

Cytunwn fod angen hyblygrwydd rhanbarthol, a hyd yn oed hyblygrwydd o fewn rhanbarth. Mae ardaloedd o Abertawe, er enghraifft, yn ddibynnol ar y sector twristiaeth ac mae ail dai a thai haf yn broblem yno, tra bod problemau tai gwahanol yn yr ardaloedd mwy dinesig.

Argymhelliad 2 – rheoli niferoedd ail gartrefi

Cytunwn gyda'r argymhelliad hwn. Credwn y dylai fod gan Awdurdodau Cynllunio y gallu i osod cap ar ail dai a llety gwyliau a bod hyblygrwydd ganddyn nhw i amrywio'r cap o fewn eu hawdurdod.

Argymhelliad 3 – diffinio ail gartrefi

Mae ail dŷ wedi ei ddiffinio eisoes yn *Adroddiad Ymchwil ar Ail Gartref a Chartrefi Gwyliau a'r System Gynllunio Defnydd Tir* gan Mark Tewdwr-Jones, Nick Gallent ac Alan Mace (a gomisiynwyd gan Lywodraeth y Cynulliad yn 2002) -

“Ail gartref: annedd a ddefnyddir gan ei berchennog a hwyrach gan ymwelwyr eraill ar gyfer hamdden a dibenion gwyliau ac nad yw'n fan preswyllo parhaol i'r perchennog...”

Credwn fod y diffiand hwn yn ddigonol, ac mynd ati i fynd i'r afael ag effaith ail dai a thai gwyliau sydd ei angen.

Argymhelliad 4 – ymateb i Brexit a Covid-19

Cytunwn â sylwadau Simon Brooks am effaith Brexit a Chofid 19 ar werthiant ail dai.

Rydyn ni eisoes yn gweld bod papurau newydd Llundainig yn hysbysebu Cymru fel lle delfrydol i brynu ail dŷ; daeth hyn fwyfwy amlwg dros y blynyddoedd diweddar.

Nid peth newydd yw ail dai a thai gwyliau yng Nghymru wrth gwrs, mae'n broblem i'r Gymdeithas ac eraill dynnu sylw ati ers degawdau, ond mae gwerthiant tai yn symud ar-lein ac adroddiadau rheolaidd am dai mewn ardaloedd gwledig yn cael eu prynu heb i'r perchennog newydd ymweld â'r ardal, heb sôn am y tŷ ei hun. Cyfrannu at a dwysau'r y broblem mae Brexit a Covid.

Er hynny tystiolaeth anecdotaidd sydd am hyn yn bennaf. Mae'r Llywodraeth yn bwriadu creu Fforwm Asiantaethau Tai, awgrymwn felly bod edrych ar ffigyrau pryniant ail dai dros y 10-15 mlynedd ddiwethaf yn hynod ddefnyddiol fel bod ystadegau i gefnogi'r canfyddiadau.

Argymhelliad 5 – yr angen am gamau gweithredu ar draws ystod o feysydd polisi

Er ein bod ni o blaid codi trethi ar ail dai mae manau gwan amlwg. Rhaid i drethi newydd fod yn rhan o ymateb hollataidd i'r problemau yn y farchnad dai.

Argymhelliad 6 – Premiwm y Dreth Gyngor Leol

Bu'r Gymdeithas yn galw am hyn ers blynyddoedd, ac yn falch o weld ei gyflwyniad fel rhan o'r Deddf Cynllunio 2015. Rydym yn awyddus i weld cynyddu trethi ymhellach, hyd at 200%. Rydym hefyd yn awyddus i weld cynghorau'n defnyddio eu pwerau yn llawn. Er mwyn sicrhau bod hyn yn effeithlon, bydd angen hefyd atal pobl rhag cofrestru ail dai fel busnesau er mwyn osgoi treth cyngor.

Mae nifer o gynghorau wedi penderfynu buddsoddi'r arian a godir i gynlluniau tai fforddiadwy neu gymdeithasol. Mae hynny i'w gymeradwyo, a byddem yn falch o weld yr holl awdurdodau lleol yn buddsoddi'r arian yn y fath fodd.

Credwn hefyd fod angen mesurau ehangach na threthi, fel rhoi'r gallu i Awdurdodau Lleol osod cap ar nifer yr ail dai.

Argymhelliad 7 – Llety gwyliau tymor byr a threthi busnes

Cytunwn gydag eithrio llety gwyliau tymor byr rhag bod yn gymwys ar gyfer rhyddhad trethi busnesau bach.

Croesawn ymgynghoriad presennol y Llywodraeth i reoleiddio'r sector llety gwyliau. Dylid gosod disgwyliaid ar berchnogion tai gwyliau/ail dai i gael trwydded yn yr un modd â landlordiaid preifat a hysbysu'r awdurdod am eiddo sy'n wag am yn hirach na thri mis er mwyn i'r awdurdod lleol gadw cofnod o nifer a lleoliad tai gwag yn yr ardal.

O wybod am unrhyw angen am dai rhent i bobl leol, tra bod tai gwyliau, ail dai neu dai gwag mewn lleoliad addas i ddiwallu'r angen neu fod canran sylweddol o stoc dai'r gymuned yn dai gwyliau ac

ail gartrefi dylai fod gan awdurdod lleol y gallu i fynnu bod rhai tai gwyliau, ail gartrefi a thai gwag yn cael eu gosod i bobl leol drwy'r flwyddyn am rent rhesymol. Dylai Awdurdodau Cynllunio allu gosod cap ar ail dai a llety gwyliau hefyd, a dylai fod hyblygrwydd ganddyn nhw i amrywio'r cap o fewn eu hawdurdod.

Credwn fod angen mesurau tebyg i'r uchod yn ogystal â mesurau i osod trethi.

Argymhelliad 8 – Treth trafodiadau tir

Credwn y dylai fod gan Awdurdodau Lleol fwy o rymoedd dros gynllunio felly byddem o blaid dirprwo hawl i gynghorau sir amrywio swm y dreth trafodiadau tir ac y dylai fod gan y Awdurdodau Lleol yr hawl a'r gallu i amrywio'r cyfraddau o fewn yr Awdurdod hefyd.

- i. Gallai Llywodraeth Cymru ddirprwyo i gynghorau sir hawl i amrywio cyfraddau uwch y dreth trafodiadau tir, gan greu'r potensial i ychwanegu cyfradd bellach at y dreth o hyd at 4% o werth yr ail eiddo mewn rhai rhannau o Gymru.
- ii. Neu, gallai Llywodraeth Cymru amrywio cyfraddau uwch y dreth trafodiadau tir yn y dull hwn mewn wardiau llywodraeth leol penodol yr effeithir arnynt yn ddwys gan y broblem ail gartrefi.

Argymhelliad 9 – Polisi 'Tai Marchnad Lleol' cynghorau sir Gwynedd ac Ynys Môn

Dylai'r Cynllun Tai Marchnad Lleol fod yn berthnasol i dai sydd yn dod ar y farchnad, nid yn unig tai newydd. O fod yn berthnasol i dai newydd yn unig mae'n bosibl y byddai pobl leol yn dymuno adeiladu neu brynu tŷ newydd. Byddai'r tŷ mae'n nhw'n ei werthu ar gael ar y farchnad agored, felly does dim sicrwydd y bydd y polisi, fel ag y mae, yn mynd i'r afael â'r broblem.

Rydyn ni hefyd o'r farn bod dod â thai gwag yn ôl i ddefnydd yn bwysicach nag adeiladu o'r newydd, felly byddai rhoi cymorth a chymhelliant i adnewyddu tŷ gwag dan amodau tebyg i Tai Marchnad Lleol yn fwy cynaliadwy.

Rydyn ni hefyd yn argymhell diffiniad mwy caeth o 'berson lleol':

Band 1 ("y band lleol")

Person sydd wedi byw neu weithio yn yr ardal am gyfnod o 10 mlynedd (allan o'r 20 mlynedd diwethaf). Golyga hyn fod rhaid ei fod wedi preswyllo o fewn naill ai yr un plwyf neu gymuned lleol (â'r eiddo dan sylw), neu yr un ardal teithio-i-waith, neu o fewn deng milltir i safle'r eiddo.

Band 2 ("y band lled-leol")

- a. Person sydd wedi derbyn swydd barhaol, amser llawn yn yr ardal (yn ôl y diffiniad uchod).
- b. Person sydd wedi byw yn yr ardal (gweler uchod) am o leiaf deng mlynedd yn ystod ei oes.

Rydyn ni'n derbyn wrth gwrs bod angen ystyried sefyllfa pobl fregus, ac y byddai modd eu cynnwys nhw yn y diffiniadau uchod.

Dim ond os nad yw criteria Band 1 a 2 yn cael eu cyrraedd y dylid ymestyn y tu hwnt i'r dref/pentref i'r sir ehangach.

Argymhelliad 10 – creu dosbarth defnydd newydd ar gyfer llety gwyliau tymor byr

Argymhelliad 11 – treialu dosbarth defnydd newydd ar gyfer ail gartrefi

Mae'r Gymdeithas yn galw am greu dosbarth defnydd newydd ar gyfer ail dai a thai gwyliau ar draws Cymru, er mwyn osgoi symud y broblem i ardal arall, ac yn croesawu'n fawr iawn y cynnig i greu dosbarthiadau C5 a C6 ar gyfer ail dai / tai gwyliau. Mae'r dwysedd a nifer o ail dai mewn cymunedau ar draws Cymru wedi arwain at gynnydd ym mhrisiau tai, fel nad oes modd i bobl leol aros yn eu hardaloedd. Mae'n werth nodi bod nifer o alwedigaethau - athrawon a nyrsys er enghraifft - yn ei chael hi'n anodd aros yn eu hardaloedd oherwydd hyn ac o ganlyniad mae'r problem yn dwysáu trafferthion Llywodraeth Cymru wrth recriwtio siaradwyr Cymraeg i'r fath rolau er mwyn gwella gwasanaethau Cymraeg eu hiaith. Mae hi hefyd yn fater o degwch sylfaenol bod pobl yn gallu prynu cartref yn leol ar gyflog lleol. Mae'r sefyllfa gydag ail dai ac anallu pobl leol i fforddio cartref hefyd wrth gwrs yn gyrru allfudiad ac yn effeithio'n ofnadwy ar seiliau cymunedol y Gymraeg yn gyffredinol.

Byddai greu dosbarth defnydd newydd yn caniatáu i awdurdodau cynllunio reoli'r dwysedd a nifer y tai haf mewn unrhyw ardal, trwy osod trothwyau ac ati yn eu cynlluniau datblygu lleol.

Mae'n werth nodi bod dosbarth ychwanegol ar gael ar dai aml-feddiant yn barod, ar gais trefi prifysgol ac felly ni fyddai cyflwyno dosbarth cynllunio ar wahân yn rhywbeth newydd.

Mae hi hefyd yn anodd i gynghorau amcangyfrif faint o anheddau preswyl sydd eu hangen mewn unrhyw ardal os yw'n bosibl newid llety preswyl yn ail dŷ / tŷ gwyliau heb ddosbarth defnydd ar wahân,

Fodd bynnag, rydym yn pryderu nag yw'r ffordd arfaethedig o weithredu'r polisi yn cyflawni amcanion y polisi. Trwy'r angen i gyflwyno erthygl 4 mewn ardaloedd ar raddfa ficro mae'n cymhlethu'r system ac yn gwneud cynghorau'n llai tebygol o weithredu. Hefyd mae'r argyfwng yn dwysáu yn hynod gyflym mewn nifer o gymunedau, ond o dan y drefn arfaethedig dim ond lle gall awdurdod cynllunio brofi bod difrod sylweddol i'r gymuned yn barod y caniateir erthygl 4. Erbyn i erthygl 4 ddod i rym ac erbyn i hyn cael ei hystyried wrth baratoi'r Cynllun Datblygu Lleol nesaf, gall y nifer o ail dai mewn cymuned godi i lefelau sylweddol. Yn gryno, mae'r drefn arfaethedig yn ymateb pan mae hi efallai'n rhy hwyr yn hytrach na chaniatáu i awdurdodau cynllunio weithredu'n rhagweithiol i warchod cymunedau cyn ei bod yn rhy hwyr.

Argymhellwn yn gryf iawn na ddylai newid defnydd o C3 i C5/C6 fod yn ddatblygiad a ganiateir unrhyw le yng Nghymru.

Argymhelliad 12 – sefydlu Comisiwn i wneud argymhellion am ddyfodol y Gymraeg fel iaith gymunedol

Nid ydym o'r farn bod angen sefydlu Comisiwn newydd i ystyried dyfodol y Gymraeg fel iaith gymunedol. Mae eisoes gan y Llywodraeth, ynghyd ag asiantaethau allanol eraill yn cynnwys Comisiynydd y Gymraeg a Chomisiynydd Cenedlaethau'r Dyfodol, gyfrifoldeb dros y maes hwn a mynediad at ffynonellau tystiolaeth eang ac arbenigedd polisi ymysg unigolion a sefydliadau. Yn ogystal, pwysleisiwn y dylai unrhyw waith ar ddyfodol y Gymraeg fel iaith gymunedol gymyrd golwg Cymru-gyfan.

I gloi, nodwn mai ymchwiliad i ail dai yw hwn, ond hoffem bwysleisio nad yw problemau tai wedi eu cyfyngu i ail dai mewn ardaloedd twristaidd. Y ffordd i sicrhau cartref i bawb a chymunedau cryf, Cymraeg ym mhob rhan o'r wlad yw trwy gyflwyno Deddf Eiddo.

Mae'n hargymhellion ni ar gyfer Deddf Eiddo i'w gweld yn *ein dogfen Cartrefi Fforddiadwy i Bawb*

Yr achos dros ddeddfwriaeth eiddo:

<https://cymdeithas.cymru/sites/default/files/cartrefi.pdf>

Gweler hefyd rhagor am ein galwadau ar gyfer tymor y Senedd hwn yn *Mwy na miliwn - dinasyddiaeth Gymraeg i bawb*

<https://cymdeithas.cymru/mwynamiliwn>

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John Griffiths MS
Chair
Local Government and Housing Committee

SeneddTai@senedd.wales

14 January 2022

Dear Mr Griffiths,

Inquiry into second homes

Thank you very much for the opportunity to take part in the inquiry above. In a letter from my office to the Committee dated 16 July 2021 we expressed our deep concern about the second homes crisis in a number of Welsh-speaking communities across Wales. We are pleased to see the Committee addressing the issue so soon in its work programme.

The first subject of the inquiry is Simon Brooks's report, *Second homes: Developing new policies in Wales*, and the Welsh Government's response to its recommendations.

Since the publication of the Brooks report in March 2021 the Government has published four relevant consultations:

1. Local taxes for second homes and self-catering accommodation
2. Planning legislation and policy for second homes and short-term holiday lets
3. Welsh Language Communities Housing Plan
4. Local variation to land transaction tax rates for second homes, short-term holiday lets and potentially other additional residential properties

My office has responded to the first consultation and we also intend to respond to the other three. In considering these consultations, it becomes clear that together they respond to all the recommendations made by Brooks.

Each consultation responds to **Recommendation 1** – develop regional and local variation in public policy. Each sets a local context for the suggested changes. It could be argued that they also respond to **Recommendation 4** – responding to Brexit and Covid-19. That recommendation asks the Government to take a more proactive approach, taking more radical steps than would otherwise be the case. Together, the four consultations provide a basis for determined Government action. It remains to be seen how radical the actions taken will be following the results of the consultations.

To address the other recommendations, we will discuss them in the context of the individual consultations below.

1. Local taxes for second homes and self-catering accommodation

Recommendation 5 – the need for policy intervention across a range of policy areas

Recommendation 6 – Local Council Tax Premium

Recommendation 7 – Short-term holiday accommodation and business rates

The consultation above responds to these three recommendations. Recommendation 5 refers to taxation policies, amongst other areas, and forms the basis of the consultation. In response to Recommendation 6 about the council tax premium, the Government asks a number of questions about the effectiveness of premiums, how to use them, the maximum premium and increasing the total. Recommendation 7 asks the Government to consult on making short-term holiday accommodation exempt from being eligible for small business rates relief. The Government does so and seeks views on defining properties as self-catering accommodation, the thresholds for accommodation of this type and the possibility of changing them, as well as the tax relief.

In responding to the consultation above, we have expressed the view that, if changes to the local taxation system meant fewer houses being changed into second homes or self-catering accommodation, and if more local people were able to rent or buy those houses, the steps being considered by the Government could have a positive impact on the Welsh language.

2. Planning legislation and policy for second homes and short-term holiday lets

Recommendation 2 – control of the numbers of second homes

Recommendation 3 – the definition of second homes

Recommendation 5 – the need for policy intervention across a range of policy areas

Recommendation 9 – Gwynedd and Anglesey Councils' 'Local Market Housing' Scheme

Recommendation 10 – the creation of a new use class for short-term holiday accommodation

Recommendation 11 – trialling a new use class for second homes

The consultation above responds to these six recommendations. The Government proposes to implement Recommendation 2 by giving local authorities the option of making planning permission a requirement for changing a house into a second home or short-term let accommodation. In response to Recommendation 3, three new use classes are proposed, which include primary homes, secondary homes and short-term lets. Their definitions are based on the number of days that houses are occupied, and by whom. The Government has announced separately, when introducing the Welsh Language Communities Housing Plan, that it has commissioned a piece of work to consider the second part of this recommendation, namely the introduction of a licensing scheme for holiday homes. The proposals for new use classes also relate to Recommendations 10 and 11. The Government has announced separately that it will conduct a pilot in the Dwyfor area to address the impact of second homes. The consultation above will inform part of the pilot, providing an opportunity to implement Recommendation 11.

Recommendation 5 refers to direct and indirect planning policies, amongst other areas. Examples of these are given, namely restrictions on the use of dwelling houses as second homes (direct policy) and affordable housing or local ownership restrictions on property (indirect policies). The Government's response to Recommendation 2 above is relevant to the direct policies referred to in the context of Recommendation 5. By making planning permission a requirement for changing a house into a second home, a local authority could restrict the use of dwelling houses as second homes. In terms of indirect policies, the Government is responding to this by proposing to enable local authorities to impose a condition on each new dwelling restricting its use to that of a primary home. This proposed power for local authorities also applies to Recommendation 9. Brooks encourages Gwynedd Council and the Isle of Anglesey County Council to extend their 'Local Market Housing' policy and encourages other planning authorities to consider whether such a policy would be suitable in their areas. The Government's proposal would facilitate this.

3. Welsh Language Communities Housing Plan

Recommendation 12 – establish a Commission to make recommendations regarding the future of the Welsh language as a community language

Creating a Commission on Welsh language communities is one of a number of Government proposals in the consultation above. The Commission's aim will be to protect Welsh as a community language. The Government responds directly to Brooks's suggestion that the Commission should particularly address the challenges posed by Brexit and Covid-19 and notes that the Commission will make policy recommendations.

4. Local variation to land transaction tax rates for second homes, short-term holiday lets and potentially other additional residential properties

Recommendation 5 – the need for policy intervention across a range of policy areas

Recommendation 8 – Land transaction tax

The consultation above responds to both of these recommendations. As with the consultation on local taxation, which has already been discussed in the context of Recommendation 5, taxation policies are the basis of this consultation. In response to Recommendation 8, the Government proposes to increase tax rates for certain transactions in areas identified as needing assistance to control problems associated with second homes and holiday accommodation. Local variations to the land transaction tax are proposed to reflect the challenges facing some communities. The Government is seeking opinions on the size of the areas in which local variations to tax rates should be introduced. It also asks for possible criteria for introducing new tax rates, how regularly the situation should be reviewed, the types of property to which the proposed rates should apply and possible impacts on the Welsh language.

We consider that the consultations above are a comprehensive response by the Government to the Brooks report recommendations. As noted, it will be the Government's next steps that will demonstrate the extent to which it is prepared to act in practice.

The second subject of the inquiry encompasses the policy objectives, the evidence base for policy change in this area and any gaps in information and data.

In November 2021 a research report commissioned by the Welsh Government was published, *Research to Develop an Evidence Base on Second Homes*. The report shows that there are clear limitations to the evidence in the field. This means that it is difficult to explain the true impact of second homes and provide evidence to demonstrate that. This includes the potential impact of second homes on the Welsh language. Because of this, we support the Government's intention for the proposed Commission on Welsh language communities to develop a model to present evidence to local authorities on the viability of the Welsh language in their communities.

The Commission is intended to ensure that future policy interventions are based on sound evidence, developing models that help define areas of linguistic interest and sensitivity. The Commission will look at empirical evidence that can inform policy recommendations to address the specific issues facing Welsh as a community language. This could contribute to the fields of education policy, planning and other interventions that are tailored or targeted to reflect local linguistic circumstances. This is particularly important given the report's finding that the evidence already available is not sufficiently detailed or objective to

form the basis for action at a local level, which brings us back to Brooks's first recommendation. We urge the Government to act at once to establish the Commission, which we see as one of a number of steps towards finding solutions to what is known as the second homes crisis in Wales. We would like to suggest that it would benefit the Commission to invite the organisations that are campaigning about second homes to contribute to its work too. A number of these organisations have been in contact with my office and with the Future Generations Commissioner, expressing concerns about the situation and pleading for urgent action from the Government.

To conclude, we are of the opinion that the Government's response is positive and its plans promising. We would like to emphasize, at the same time, that it is the implementation of those plans that will be important and that this will highlight the extent to which they succeed. In addition, due to the complexity of this area, the Government needs to remain flexible and ready to respond to changes. Introducing interventions will not be enough in themselves. If they succeed, those interventions could mitigate the negative effects of second homes in the areas where they create problems, and prevent problems from developing in other areas. However, they will not resolve the matter once and for all.

We would like to know what the Government's intention is in terms of monitoring and evaluating the success of its actions and accordingly we urge the Committee to keep the matter under consideration during this Senedd term. We would like to emphasise the need for better data and sophisticated information on people's movement trends in terms of planning for the future. We understand that evidence in this area will be part of the remit of the proposed Commission but would like to know whether local authorities will have a role to play in that context, by improving the information they have. If so, we ask whether the Government will support them with that work. These are matters that we will raise when responding to the consultations above.

We hope that the comments above will be of use to you in your inquiry into this important and complex area. Thank you again for the opportunity to contribute to it.

Yours sincerely,



Aled Roberts
Welsh Language Commissioner

Agenda Item 3

Comments, on behalf of the **Home Owners of Wales Group**, upon the Report by Simon Brooks “Second Homes – Developing new Policies in Wales “
Presented by Mr. J Morrison FRICS FNAEA Chartered Surveyor, Planner and Valuer.
Contact details on the email which had this Response attached.

Comment 1:

The Home Owners of Wales Group represent around 4000 (and growing), concerned home owners who live, part of their lives in Wales and at other times, in other parts of the UK and Europe. It also comprises Chartered Surveyors, Solicitors, Barristers, Doctors, Engineers, Designers, Industrialists and experts in Town Planning and many other businesses and those working for themselves.

The Group are very concerned at what they feel is discriminatory and endemic prejudice, being purposefully targeted at them in terms of proposed legislation, which interferes with moral decency, honesty, equality and their human rights to enjoy their homes without interference, obstruction and malignment, appearing to come from local and national government.

The Group believes that section 12b of the Housing Act 2014 (Wales) is unlawful and needs urgent amendment in order to prevent, potential legal action and compensations claims which could run into many millions of pounds. This section 12b, allows local government to make ad-hoc judgement upon a Council Tax levy of up to 100%, upon certain groups of people. Legal advice appears to support that Section 12b contravenes

The Equality Act 2010

The Consumer Rights Act 2015

Article 8 of the European Convention of Human Rights (Royal Court of Justice 2016).

Council tax is not a personal tax. It was always designed to be a tax on property value within very defined principles. I.e.: Two identical, residential properties adjacent, would have identical council tax assessments. This was graded so that larger properties would pay more council tax than smaller properties.

However certain Councils in Wales have already discriminated against our Home Owners in our group, forcing them (by threatening legal action), to pay 200% council tax on their property. This bullying and unfair compulsion, has not been means tested, nor have any of those known to us, been personally counselled as to why they are being singled out in this unfair manner. Referring back to the design of council tax, two identical residential properties lying adjacent to each other, no longer have the same burdens upon them and it is the owner which is adversely affected. This, on any level is unfair, unjust and discriminatory. Council tax is not an income tax.

If one reads the 3 Statutes above, and sits in the position of such a home owner as our group represents, it can be clearly seen, that such unfair and aggressive action, breaches not one but all 3 of those primary legislations. There is no excuse for badly drafted, secondary legislation. Section 12b is a good example. Primary Legislation must always be respected and taken into account when considering subsequent legislation whether being primary or secondary law.

Our Group also comprises solicitors, barristers and others who are well qualified in Law.

Our group loves Wales, the Welsh culture, the Welsh people, the Welsh language, and has respect for the Welsh Government and those who serve it locally in various councils. But this respect is not being reciprocated and that is very disappointing. Since our introduction to yourselves, none of our suggestions have come to anything and all we are being invited to do, is comment on Simon Brooks’ report which somewhat demonstrates our point.... which is ... (We, the Welsh Government

have already made up our minds, that we will blame second home owners and commission a report on
“The Problem of Second Homes and how they impact on the Terms of Reference mentioned below.” Given that these are the Report's Terms of reference, it is not surprising that the report produced, concentrates upon them.

The group's overwhelming overture to the Welsh Government is that anyone who owns or lives in a residential property in Wales, is an equal member of the local community, should be respected as such and should pay the listed UK Council Tax, subject to the published exemptions. i.e.: One property, one Council Tax; Two properties, two council taxes etc. That is fair and reasonable and has been accepted by the UK voters and populous, since its introduction in 1993 via the Government Finance Act 1992. Hence, section 12b of the Housing Act 2014 should be amended. The consequences of not addressing this urgently could be very serious and very expensive for the Welsh Government.

Comment 2:

Terms of Reference in Simon Brook's report are:

Context

A Regional and local problem – not a national problem

The Impact of second homes on the sustainability of communities and the Welsh language

Brexit and covid – a reason to act

A theoretical model for policy intervention

Taxation policy

Planning policy and the existing housing stock

The future of the Welsh as a community Language

Recommendations

The very report-heading, is prejudicial and discriminatory. It suggests that second home owners need further policies of control and that they are to blame for the issue.

What is the issue? It is of course to investigate why there is a shortage of affordable Homes in certain parts of Wales and what can be done to resolve this. It misses out entirely, the converse truth, being that there is also a shortage of Holiday Homes in certain parts of Wales. What can be done about that? One can see immediately that this subject has been skewed by omitting a major element conveniently absent from the terms of reference. This leaves certain groups of home owners as victims.

It is portraying that the report has been produced by Swansea University. The report says that it has been commissioned by Coleg Cymraeg Cenedlaethol who in turn, are sponsored by the Welsh Government. Some might conclude that there are definite conflicts of interest with the independence of this report. Of course, our respect for freedom and social justice, acknowledges that all parties involved have every right to express their opinions.

Overview:

Comment 3:

Possible Conflicts of interest.

The Report was Funded by Coleg Cymreag Cenedlaethol; founded recently in 2011. Supports the Welsh Language and further Welsh Education and opportunities. It is associated with the Welsh Government and some might say, that it is not, a truly independent review

Moving on, the Report is to scrutinise policy for second homes in Wales and Cornwall (Wales for Taxation and Cornwall for Planning).

In the Report the author does admit he advises the Welsh Government.

Recommendation from our Group:

Any commissioned report upon which a government is basing future policies, should be entirely independent and the Home Owners of Wales Group would recommend that a new survey is commissioned upon “The shortage of affordable accommodation in Wales; The Shortage of Holiday Accommodation in Wales – the way forward.”.

Comment 4:

The Report states:

Page 3 of report **Context**

“(Second Homes) – their presence is therefore a matter of interest from a language planning perspective as well as for town and country planning”.

We do not see any conflict from second home owners upon the Welsh Language. In fact, in North Wales where the subject of second home ownership is at boiling point, there is the highest proportion of the Welsh population, speaking Welsh. Why does Town and Country Planning have any involvement with the Welsh language? The Group has Town Planning experts amongst them who consider language and its effect upon certain home ownerships, largely irrelevant bearing in mind, modern views on diversity. Wales appears to be on its own in this matter. The rest of the world are certainly thinking of inclusion not exclusion.

Comment 5:

Page 3 Table 1

Estimated 24,400 Second Homes in Wales (20/21 stats). Excluding those which have flipped to non-domestic rates status. There are 4,900 in Gwynedd; 4000 in Pembrokeshire; 5000 in Cardiff; 2000 in Anglesey;

We are happy to agree these figures as approximate.

The report says there are 4900 second homes in Gwynedd
Different Government statistics show that 888 or 1,976 of second homes have flipped their status

from paying council tax to paying non-domestic rates. Please can you advise our group of the correct number of properties for Gwynedd and for Wales.

Total number of home owners in Gwynedd is 24,000. The population of Gwynedd is 124,000. Please can you verify these figures.

Comment 5

Page 4

The Report mentions ...” Second homes are unavailable for residential use”.

This is misleading and prejudiced phraseology. Holiday homes are most certainly in residential use as homes. It is just that certain home owners respecting their human rights, choose when they can live there – most in this category occupy them for over 50% of the year. The suggestion in the report, is that 2nd homes reduce the available supply of homes generally; but there is no mention of an obvious shortage of supply of holiday homes in popular areas of Wales. If this had been said, then there would have been balance to the comment.

Comment 6

Page 5

(Table 2: Second homes and Holiday Lets as a percentage of housing stock

Gwynedd 10.76%

Pembrokeshire 9.15%

Anglesey 8.26%

etc.

Rounding these figures up or down could also result in our Group stating that

89% of all housing stock in Gwynedd is available for full time occupancy

91% of all housing stock in Pembrokeshire is available for full time occupancy

92% of all housing stock in Anglesey is available for full time occupancy

In so changing the emphasis, it doesn't suggest any worrying percentages of available homes for full time occupancy. So again, one observes a skew of statistics to lay the foundations of a certain way of thinking. We will further comment on this skew within our further responses.

Page 6

Comment 7

Para 2

“... holiday accommodation has as much to do with economic policy as it does with housing policy. It could be argued that it promotes prosperity in a way which is not the case for second homes..... It is difficult to think of second homes as being part of a coherent economic strategy in the same way.”

Wow!

This sentence clearly demonstrates the direction of this non independent report and more than anywhere else therein loses any credible application.

Our Group undertook a survey asking certain home owners who lived, part time, in their homes, what they had spent in the local community over the last 3 years; the average was £29,000 per ownership. Using published figures of the Welsh Government in context with the number of non-fulltime/ Second Homes in Wales, as approximately 24,400, as mentioned also in the Report, the total income from these, if applying our average figures, amount to £ 707,600,000 divided by 3 years = £235,866,000 per annum on average spent in the local Welsh Economies. One can only

draw certain conclusions from the report as to why this sweeping statement above, was written and why any credit to this substantial part of the Welsh Economy has been rubbished or omitted. Yet again we ask.... is the report biased and therefore, not sufficiently independent?

In 2020 Gwynedd and Anglesey Councils produced a report "Managing the use of Dwellings as Holiday Homes"; This was to do with flipped houses only (being those holiday homes which have changed their status from domestic to non-domestic user and hence subject to commercial property rates and not to residential council tax.).

This joint report between the two councils considered the percentage of homes which were full time, primary homes per area. Taking two of the largest Towns in Gwynedd as an example, Pwllheli and Porthmadog, these were 96.3% and 87%, respectively. These figures conclude that there is no crises in regards to holiday accommodation as such. So let us be realistic with the numbers and very small percentages in the vast majority of areas of Wales. The two Towns above are primary tourist destinations and so suggests the matter of too many holiday homes, is being exaggerated.

Comment 8 **Pages 11-14**

This is a rant of vitriol against Second home ownership trying to separate the perception of them, between Second Home owners and Holiday Lets. It is suggesting that: Second home owners – bad; Holiday Letting Ok if controlled.

If this was published in most parts of the educated world it would be branded as discriminatory and prejudiced. Essentially it is rubbishing second home owners. It is very sad to see such opinions in a modern world demanding social justice and parity. You can't fight social injustice with more social injustice. You can't turn these principles on and off to suit your view point. Somewhere the morals of Good, are being lost.

The reality is that many of our Group bought their property for the love of Wales and to treat it with respect, love and reverence, and don't wish to let their home. They are the ones who spend the £236m per annum in their Welsh Communities. They are the ones who currently pay 150% - 200% of unfair and unjust, Council tax for this commitment to Wales, while others who are more commercial, have flipped their properties into a commercial status regime, and today pay no council tax and no property rates. Some even claimed Covid reliefs and grants from the UK government for their loss of potential income.

So, it is true that some of this minority are exploiting Wales but that doesn't apply to the vast majority of second home owners who we think are the real heroes in this debacle. Route-out those exploiters and by all means tax them fairly, as they are not financially contributing to their local, Welsh communities.

For those hard-working home owners, who are peaceably going about their lives (and to protect their mental health and wellbeing), leave them alone and respect Article 8 of the European Convention of Human Rights.

It is immoral and unlawful, to charge any home owner more than one council tax per property.

Comment 9 **Page 15**

3. The impact of second homes on the sustainability of communities and the Welsh Language

As our group has mentioned in comment 4 above, Gwynedd has one of the highest percentage populous, who are Welsh speakers, in the whole of Wales. It is also one of the most popular, property-ownership areas, in North Wales. So, any assumption that these homes dilute the Welsh Language is unproven in Gwynedd. The current evidence suggests the opposite and that it is not a factor in threatening the preservation of the Welsh Language. The Welsh Language has remained

very strong in North Wales and in recent years has even revived.
School Education is the main contributor to the sustainability of the Welsh Language.

Comment 10

Page 15

Assumption 1A: Second homes are responsible for the increase in house prices in specific communities.

Second Homes/Holiday homes/permanent homes are all **part of the community**. They are also part of the “market” which is driven by demand. This isn't just true in Wales but equally applies, all over the world.

To try and suggest that second home owners are not part of the community, is discrimination and very offensive.

This report tries to implant the impression that only second homes might have an arguable impact upon house prices. However, **where are** the “Holiday Homes and Permanent Homes in this debate?? They are **all, part of the market.**

Page 17

Comment 11

Possibly the most offensive area of the report – maybe unintentionally, but report writers need to take the greatest of care.

Assumption 2: If there were fewer Second Homes, local people would move to these communities.

It would appear that the Welsh Government are in agreement with this hugely discriminate and prejudicial assumption. We believe that just before Christmas both Julie James and Mark Drakeford were quoted as saying that there were too many second/holiday homes in certain areas and their intentions were to pilot measures to reduce and control these.

If they said the same about “Black Lives Matter”, the world would consider Wales a no-go area and one of great ignorance. The Home Owners of Wales Group, see us in exactly the same position. In a Freedom- of- Information release, from a Welsh Council (upon the consultancy to increase or not, the council tax upon second home owners), one of our members informed us that 86% of the respondents were English. These, same voters, voted against the increase of council tax in the public consultation. The Council still implemented the increase. So is the prejudice, general or is the R word part of the problem? It all looks very murky.

The world has no tolerance for discrimination of any type and all Governments have to apply this to all their staff, officers and sub-officio.

We repeat that the Welsh Government must treat all home owners, identically, with respect and using all professional skills to carry out their duties to them as part of the community and not to separate them, harass them or interfere with their enjoyment of their homes.

Business will not move into areas where there is prejudice and inaction to resolve such unhappiness and, in such areas, every effort should be made to be inclusive, fair and reasonable with all those concerned. Further investigations should be made as to why certain areas experience disharmony.

Every effort must be made to bring the communities together for their prosperity and sustainability.

Our Group loves Wales, the Welsh culture, the Welsh people, the Welsh language, and has respect for the Welsh Government and those who serve it locally in various councils. But our firm belief is One property, one Council tax! Every householder should pay council tax, irrespective of their status.

Page 18

Comment 12

Assumption 3: Reducing house prices is desirable

This is not an exclusive wish for Wales. It is an international problem and the same, the world over. All popular areas whether being large cities or holiday destinations face high demand and market forces. Successful areas are popular ones. Wouldn't it be better to emulate these where there is economic decline in order to boost those such areas of low economic output?

The report seems to suggest the opposite by recommending to reduce economic activity and deterring inward investment within these areas. Frightening good people away from an area is not the way forward. It is also cruel unkind and aggressive.

One proven way to slow property values is to provide more homes generally. More supply equals more distribution and this in turn, contains prices.

In Wales, in the areas affected by tourism, there are often green sites within a 5-minute walk of the village centers, ripe for development. We have read that some don't want these areas developed.

Well, you have a choice. If you don't develop them, they remain as they are, stuck in the past with no progress. This is a matter of choice. So don't blame certain groups of home owners, when there is no supply and prices increase. It is the Housing Policies which need to be progressive and inclusive. If they are intelligent, they will work. Legislating against certain people is wholly unacceptable.

Page 18

Comment 13

Assumption 4: Second Homes harm the Welsh Language

As our group has mentioned in comment 4 above, Gwynedd has one of the highest percentages of populous, who are Welsh speakers in the whole of Wales. It is also one of the most popular property ownership areas in North Wales. So, any assumption that these homes dilute the Welsh Language is unproven in Gwynedd. The current evidence suggests the opposite and that it is not a factor in the preservation of the Welsh Language. The Welsh Language has remained very strong in North Wales and in recent years has even revived.

School Education is the main contributor to the sustainability of the Welsh Language.

What about offering normal, single council tax to those who enroll for evening classes or distance learning course, in Welsh. Stop beating them with a stick and offer incentives in areas where the Welsh Language is suffering.

Page 22

Comment 14

Recommendation 2 To control the number the number of second homes.

We reject this entirely. It is ridiculous to lessen demand for something which enhances and economically improves a community. You need people and business in order to prosper. By all means monitor permanent and part- time homes. This will allow good analysis of moving trends and allow government (not local government) to act as and when necessary.

Page 22

Recommendation 3 The definition of second homes.

Comment 15

Errors here we think in the report.

No definition of second homes needed. **It would be more acceptable if they were referred to as non-permanent homes. (This is the expression used in the Housing Act Wales 2014)**

As far as we know all rented property has to accord with minimum standards. Successive Housing and connected Acts since 1985 have amended and improved the minimum standards which Landlords and Agencies have to follow. Perhaps every Local Authority should have an enforcement Officer to ensure all their rented stock and those offered for holiday accommodation, are professionally monitored and any enforcements, enacted.

Page 26

Recommendation 4 - Responding the Brexit and Covid

Comment 16

Not relevant to our Group;

We have many complaints however, that Council tax should not be payable if access to our Welsh Homes has been cancelled by border or travel restrictions.

Page 27

Recommendation 5; – Theoretical model for policy intervention

Comment 17

Our Group does not agree with a model of intervention. Business will reject Wales if this model is introduced. Tourism will suffer too as people veto a discriminatory and prejudiced government. Who wants to be where you are not welcome and over taxed? The answer is... no one! Interestingly this very debate has been recently discussed within the National Park of Yorkshire. They have concluded that interference with taxation upon visitors and home owners would adversely affect tourism to their area. They need the income tourism and homes there, introduce to the local economy, year after year.

Recommendation 6 – Taxation policy

Page 30

Comment 18

Our group will support one element of Taxation: One property, one Council Tax.
This to be based upon the UK Council Tax scale.

Recommendation 6 Council tax Premium & Short-term holiday rentals page 33

One Property one Council tax

- ii) Any residential property should pay Council Tax - not rates. Thought should be given to all residential properties which have converted from a residential to commercial regime without planning permission and these should be paying one council tax. Business rates have always applied to Business use properties only. Also, the exemption of business rates below £12,000 on any residential property should be withdrawn if it applies to a residential property. One property, one council tax.

Page 34 Land transaction tax

Table 4 Scales of Purchase price and tax thereon

comment 18

The published scale in the report is accurate and applies to all home purchases in Wales at present. Second Home owners are yet again discriminated against and pay more tax than those wanting a principal home and most buyers of this type would be paying from 7.5% to 16% of the purchase price. The Report suggests that these rates should be increased further and so discouraging the purchase of second homes.

Our group already believe that these rates are too high and discriminate against those who have sensibly saved through their lives to buy a home in Wales. (Some buyers will be on fixed pensions (. So, our recommendation is that all stamp duty on home purchases be at the same percentages with no loadings or levies. Hence everyone will pay the same percentages whether they own one home or two. Otherwise, it is discriminatory.

Page 39 -42

Comment 19

Developing a regional taxation strategy (For local Government)

Taxation is difficult at the best of times for a national Government. So, the worst thing to do, would be to empower more taxation to be applied by local government. So, we are against any new powers invested in local authorities, to apply more taxation to any communities. You will lose voters this way and thousands of them. Taxation is for National Government only.

Again, there are questionable conclusions of the author who once more writes “. the regional nature of the second homes problem.....”

We would ask yet again ... what problem? There isn't a second homes problem. It is a myth and smoke screen. The proof of this is in the actual numbers of properties which are non-permanent homes. On average these might form say, 5%-8% of any given popular area of Wales. This is insignificant.

If any of the large UK Cities started to contemplate all these types of measures and legislation every time Chinese, Indian or Middle Eastern migrants moved into their neighborhood it would be dismissed as bigoted and bullying. It just would not be tolerated.

The Report rattles on and on about why National purchase taxes upon property transactions should rise and powers should also be given for local government to charge further purchase taxes in addition! Where is all this money coming from? This is absolute and outright discrimination which will be fought through the Courts if necessary and those Officers and MS members who support it, held personally liable for losses sustained by those unfairly taxed twice.

If you are serious about change, then be professional and invite us to a few proper policy meetings and include the very crowd of people you are discussing.

Instead, you are in danger of locking yourselves away and considering some extremely inflammatory policies. There is no doubt that the Welsh Government are treading on very thin ice.

Page 42

Recommendation 8 Land Transaction tax Penal tax levies - only to be applied to second home ownerships.

Comment 20

Our group oppose this recommendation as it discriminates against a certain group of people. It would be unlawful to introduce secondary legislation which conflicts with existing primary legislation.

Page 43

Example St Ives / Cornwall

Comment 21

The initiatives in Cornwall and Devon are largely, quite aged, Town & Country Planning conventions. They don't require any further laws or amendments. They are actions which can be applied in certain circumstances by all Local Planning Authorities. The most common one is to introduce a moratorium. This is what they have done in Cornwall. In some cases, they have already withdrawn these where they don't apply any longer. An example would be to apply a moratorium upon all, new- build housing development for any holiday homes.

Such a moratorium could be levied in certain areas or upon all new-build residential development for say 24 months.

They are more often applied to the type of development e.g.: No increase in the number of units allowed on a site where an existing dwelling exists on site i.e.: One for one. This prevents low density areas becoming overrun with mass new development.

They can be turned on and off to suit the circumstances.

They are more used to encourage certain types of development by temporarily, discouraging other types of development.

So, moratoriums are nothing new or special and don't require any new legislation. The Local Planning Authority have to check with other relevant bodies, that such a moratorium would not interfere with any national or regional development initiatives, already agreed and approved. But that is all.

Perhaps the Welsh Government officials did not know of these? National Government can override the moratoriums should they wish to do so.

Our group would be against any further changes to Planning laws in context with the Simon Brooks

report. We would be absolutely against National Government devolving further planning powers to Local Authorities. This allows a National Government, to maintain tight control over National Housing Policies.

Page 45

Comment 22

The Localism Act 2011; Local Authority Neighbourhood Plans;

Prior to 2011 All local Authorities had to prepare a Local Development Plan for their areas. These plans lasted for 10 years and had to be reviewed every 5 years and preferably, annually. They included financial budgets for the initiatives in the Plan. These Plans would form the back-bone of their strategies for their Economy, Housing, Health, Waste, Industry, Water and drainage, Flood protections, Police and emergency services, Education, Social services – in fact everything they needed to manage over the period concerned.

The Localism Act 2011 made these plans more accessible to the public and encouraged local communities to become more involved with the preparation of these plans.

The Report makes mention of the Plan for Cornwall Council, with specific elements for their housing needs. This was part of the report requirements but has no significance to those requirements for the Welsh Government.

The Neighbourhood plan for say any local authority, might for example, include:

(Why is there a shortage of affordable and holiday housing in certain parts of Wales?)

This would be a good question, bearing in mind the last Development Plans for Wales, should have made provision for both of these Housing requirements. Has there been a failure to review these plans, with rigour and application? Where are the amendments and corrective measures recorded? Were these indeed even undertaken? Why have these plans failed?). If they had been successful, this whole debacle, would not be happening.

However, blame is not constructive and we are inviting the Welsh Government to work with our Group rather than against it, to establish and agree workable strategies for the future.

Page 47 & 48

Comment 23

This area of the Report is yet again, subjective.

We wholly challenge, the conclusion that Cornwall's Housing Policy has been changed which might threaten Article 8 of the European Convention of Human Rights.

As we have mentioned above, all Cornwall is doing, is applying a temporary moratorium. This will be relaxed as and when the balance they seek, is restored. E.g.: If they need 200 affordable homes, they will restore the status quo when this target has been achieved. They have noted a defect in their Local Development Plan and sensibly, are taking measures to rectify their original expectations. This is how Local Councils should behave. Councils should check their progress against their budgets and targets for all types of housing needs, regularly and no less than every 5 years. Most councils are now, checking these, annually. This obviously hasn't been undertaken in certain parts of Wales which has led to the present situation.

Cornwall's approach is wholly different to the discriminatory measures recommended in the Brooks report.

Page 51-54
Comment 24

Local Occupancy Policy

Unfortunately, this measure is by design and definition, discriminatory. It discriminates between two identical families or persons, working for the same employer, but one may live outside the area and the other, inside the relevant area.

In a real-live case we have observed, the restriction to selling only, to a local person hasn't been successful either. In the last Development in Abersoch, as an example, the houses reserved for local users only, have taken over 5 years to sell – there were only 6 and one remains unsold after all this time and is heavily discounted. (£190,000 to around £400,000 open market Value). It has had to be rented.

We agree that affordable homes should be offered to all those needing affordable homes to rent and buy. We completely support this moral stance. However, one is not permitted to only render this offer to those, who a Council, term as local. Anyone who lives or wants to live in a community is local. To state otherwise would be in breach of the Equality Action 2010.

The failure to provide enough affordable housing in any given area, has nothing to do with those who own property on the same area. That is a matter of fact.

The answer to this thorny issue, is to do what Cornwall has done, in defining how many homes are needed. These include, affordable **and** holiday homes. There is no discrimination to their action.

We have demonstrated that what the Brooks report term as “Second Home Owners”, introduce around £230m per annum in Wales. This is also true of those similar ownerships in Cornwall. Cornwall Council are enlightened and “open- shouldered” with regards to the economy which tourism creates, each and every year for its coffers and businesses. They may be short of affordable homes but they are doing something about it rather than blaming one sector of the community. They have amended their Development Plan to reflect their housing needs, (which includes affordable and holiday homes), and introduced measures to accomplish their aims. Developers have already been approached and there are projects being built and planned which will deliver their targets in a very short period.

IE: They are not moaning and groaning but getting on with it!

The aim for the areas of Wales which need affordable housing, should progress with the same or similar policy. They must not discriminate or cause prejudice against groups of ownerships.

They must not discourage existing ownerships to sell-up and go.

They may not introduce financial dis-incentives to make it difficult for those groups to survive and may not introduce legislation which interferes with their peaceful enjoyment of their properties.

If we all believe in equality and social justice, we have to apply it to all matters and must not, turn it on and off to suit the argument.

Page 55
Comment 25

Section 8 Planning Policy and the existing housing stock

This section of the Report left our Group, speechless.

It is possibly better that we remain silent. We can't believe that a written report would contain such offensive content. It needs to be struck from the report and the contents dismissed for obvious reasons.

Page 56

Comment 26

Section 9 and 10 Creating a new Use classes Order for Holiday Homes

Our Group rejects this proposal.

The UK Use Classes Order has been recently amended by the UK Parliament and doesn't require further upgrade at this time.

It is obvious that this section of the report is aimed at those home owners who have flipped their properties from a residential holiday home where a council tax is payable, to a commercial undertaking where business rates are payable.

A Business property does not pay any rates if the Rateable Value is under £12,000. As most such residential, flipped holiday homes, have rateable values beneath £12,000, they are not subject to paying rates. They do not pay council tax either. So, for obvious reasons, many owners of these properties are coming under scrutiny from both HMRC and the Welsh Government.

Another complication in this subject which divides the Welsh Government from Welsh Local Councils, is that council tax is paid to the local council who retain it to pay for local services, whereas commercial property rates, while collected by the Council, is paid over to the national Government who then distribute these funds across Wales in various ways.

So, to stress the point, Councils would much prefer the said, flipped houses, to be paying Council tax than property rates. The National Government would prefer the owners to be paying property rates.

One of our contributors, is a rating surveyor and would be happy to assist the Welsh Government in this matter. It is a complicated area of rating and also has occurred from several different legislative sources which suggests to some, that new legislation is necessary in order to change matters.

We do not intend to go into this further at this stage as the matter is far-reaching and doesn't concern those second home owners who are paying the unfair and loaded council tax. Our main message to the Welsh government is "One property, one council tax"! So, we do support a change but do not support the changes muted in the Brooks report. The UK Government have indicated that they would consider amending /retracting the legislation which controls this situation.

Page 58 - 66

Comment 27

Should Planning permission be required in order to convert a dwelling house into a second home?

Our group says No. There is no such Use Classes User as a Second Home. So, no Planning permission is required. The Welsh Government would need to seek permission from the UK Government to alter this as it is a United Kingdom Use Classes Order.

In any case our Group would oppose a new class termed as a Second Home. It is ridiculous, partisan and discriminate. If you own a residential property in the UK and you use it part time, that is the user's decision. It does not require state permission.

On page 66 the matter of Second Home Owners, threatening the use of the Welsh Language is, again, raised. This is pure conjecture and yet again, we point out the fact, that the highest percentage of Welsh speakers in Wales, is found in North Wales, where the majority of Holiday Homes also exist. Therefore, this point is proven to be untrue.

So, if it is thought that the Welsh language is threatened, should the Welsh Government concentrate on expanding the Welsh language in say, South Wales, instead of persecuting second home owners in certain other parts of Wales (Some of who do speak Welsh).

Recommendation 11 – Trialing a new use class for second Homes

page 68

Comment 28

We have challenged this in comment 26 above.

Absolutely no trials of anything until all interested parties have agreed the terms of reference. Our Group is more a supporter for less legislation than more legislation. It would be far better to spend government time with National Builders and to deliver these homes where they are needed, rather than messing around with discriminatory and therefore unlawful, Policies which will be challenged in law and in any case, are not the way forward to founding a new and progressive and tolerant Wales.

Recommendation 9

Page 69

The Future of Welsh as a community Language.

Our Group broadly supports intelligent strategies to maintain/enhance the Welsh language throughout Wales. As residents, we love Wales. the Welsh people and the Welsh Language. Reciprocation our love is mysteriously absent from the Welsh Government.

In recommendation 9, it doesn't take long to be critical of certain groups of home owners.

In fact, paragraph two!

.... “The Welsh Government recognises that second homes are a significant problem from a language planning perspective”.

We assure you that there is no second-home problem or crises in Wales.

This is a subjective statement which as mentioned previously within our responses above and is not supported by the statistics of Welsh speakers in Wales. So let us all please stop being cruel and unkind to second home owners who are part of the community. This continuing persecution of certain groups of people is discriminatory and in a decent society, must cease forthwith.

There are many groups of Welsh speakers, mostly with friendly and professional ideas of how to extend the Welsh language.

For example, the Welsh Government could suggest that all new, such home owners attend distance learning of the Welsh Language. You can't force people to do this but we are sure many such owners would be pleased to participate in say, distance learning, evening courses in Welsh. But no such initiative to our knowledge is even being proffered to such home owners. It would be well received and would also extend friendship and fellowship within the community.

Many in our group have already attended Welsh language courses because they wish to communicate in Welsh while being in Wales. This is quite normal and happens when people holiday in Spain or France. These languages are taught in Schools and as long as there is a good economy in Wales, the language will be essential.

You don't need legislation; you need professionally produced initiatives and market these so that your target audience feels wanted and nurtured.

Recommendation 9 also says that

“..... second homes in Welsh speaking Wales, have risen to the top of the political agenda for two reasons: Firstly, they harm the Welsh Language as a community language. Secondly, they are a symbol that represent economic, social and linguistic injustice on a broader level”.

Wow, this is very bitter and twisted, unfriendly and most importantly, untrue and highly offensive. If anyone really believes this, then there is a very serious problem in Wales which will have to be addressed. But it has nothing to do with home ownerships. Endemic prejudice is a very serious matter.

Our answer to the quote above is;

Second homes should not be at the top of any political agenda. They are part of the market and part of the community. They do not harm or threaten the Welsh Language in any way, shape or form. Indeed, we know, most such owners love the Welsh people and the Welsh Language.

Second homes are not a symbol of social injustice. What is a symbol of social injustice is taxing them a 200% Council tax levy, upon an identical property adjacent, which pays 100% Council tax? Council tax is a property tax graded on the Council Tax listing for fairness.

Fairness cannot be turned off and on to suit your viewpoint. Where any social injustice exists (And they do but not from certain home owners), introducing more social injustice by unlawful legislation, will only increase tensions and lead to massive compensation claims and litigation. All this faffing, does nothing to resolve the problem of how to increase the number of affordable homes in Wales and indeed holiday accommodation, in parts of Wales, also.

We would recommend that all parties involved are invited to a conference where constructive ideas are exchanged and amicable solutions agreed. Would you not prefer to have agreement by all rather than the dissatisfaction which exists at the moment?

Closed minds, over- focused, on prejudice and discrimination will never stand. Indeed, these principles were defeated at the closure of World War 2 when the World said never again.

Inclusion, mutual respect, and friendship is a better way forward.

Recommendation 9 (or rant) also says

“... the assumption that Brexit and Covid will result in increased demand for second homes in the next few years means that public policy intervention is required in order to prevent uncontrolled growth in their numbers”.

Covid traveling restrictions in Europe and other parts of the World, have increased demand for holidaying in the United Kingdom and Ireland. Most of these holiday makers are not second home owners. The said holiday makers are choosing not to travel abroad due to the risks and added costs of testing etc., and are renting through agencies such as Air BnB while covid travelling is difficult.

So, our Group does not consider there is any present need to introduce any intervention policies at this time. Certainly, none that Local Authorities can make. There are no second home crises – albeit there is continuing demand for second homes in Wales. Also there does appear to be a shortage of affordable housing in certain parts of Wales and this can be easily attended to by introducing national builders who would gladly fill this gap, if encouraged to do so – possibly in partnership

with the relevant Local Authorities. Our Group has contacts with national and local builders who we can introduce to you if this of interest.

The numbers of homes required in these pinch areas of Wales are proportionately small in comparison to the homes needed in England, as an example of pressing needs elsewhere in the UK and therefore, could be completed in a relatively short period. One thing these pinch areas have in common is that they all have an abundance of land within a short walk of their Town centres, which could be developed quickly and easily. Moratoriums could be introduced on these developments to ensure the right mix of housing is built. Local Councils or the Welsh government could retain a stake in these homes to allow sufficient control over their future, affordable housing stocks. This idea needs a minimum of legislation and allows a planned increase of all housing needs in the relevant areas of Wales. The demographics of it would also encourage an increase in spoken Welsh.

Recommendation 12 page 70

Do you really need yet another group or department dealing with the Welsh Language? The Welsh Government has been elected and part of its mandate, is to encourage policies which will protect and enhance, spoken Welsh. As far as we know, the Welsh Government can easily maintain the status-quo as part of their manifesto. There is a new Commission already formed who we understand are already undertaking this roll.

Section 10 Further and Conclusive recommendations 1-12.

Our group cannot agree with the recommendations of the Brooks report.

Reason: Because they are discriminatory and will not work in a modern society.

We do agree with efforts to bring together, the communities of Wales (which include second home owners), and to tackle the shortage of certain types of housing, in certain parts of Wales, without over-regulation. We have expressed our opinions which are respectful, decent, good, wholesome, friendly, loving, fair and honest. We have no prejudice and only have love for Wales, the language and the people of Wales.

Let's get together!

Inquiry into second homes- Barcud Cyf. responses

Recommendations from Dr Simon Brooks report

Recommendation 1 – develop regional and local variation in public policy

Second homes and holiday homes tend to be a local issue, specific to coastal and rural areas where the peace and quiet of the countryside is seen as favourable compared to larger urban visitor attractions. Public policy should enable local control measures be made available to counteract further increase with the ability to control numbers in a managed and responsible way which enable the communities to continue to thrive economically and culturally and linguistically.

Closer collaboration with Local authorities to develop mixed tenure sites on potential Rural Exception Sites, with possible local ward intervention , especially where there is a large number of second homes or registered holiday let businesses (such as Airbnb). It is evident in areas such as coastal wards in where the most popular local destinations such as New Quay; Aberporth and Aberaeron are disproportionately affected by influx of people purchasing second homes or renting properties out as Airbnb. This is especially the case where properties have been sold, changing use from residential to rental properties or where tenants have been given 6 months notice to quit as landlord is either selling due to increase in property price.

Barcud is pleased to be a part of various stakeholder groups influencing public policy on a regional and national basis, with excellent lines of communications with Government ministers and local Assembly Member's and Members of Parliament along with Local Authority members alongside Community and Town Council members. Barcud's Chief Executive and Group Director of Housing and Support are members of Strategic Housing Groups in Ceredigion and Powys and are able to influence housing policy within the Mid Wales area through the vast experience of dealing with all types of housing since the inception of Barcud..

Recommendation 2 – control of the numbers of second homes

Public policy should enable a control of numbers be made in specific areas where the second homes issue along with Airbnb has become over exuberant over the years,.

A register of second homes and properties classed as Business rate eligible to be maintained by local authority. This could also be an opportunity to create an additional market of 'affordable homes' only being available for sale.

This could be aligned to the Housing Register maintained by local authorities within the Mid Wales area (Ceredigion and Powys). Barcud is a Registered Social Landlord within these authorities along with properties in Carmarthen and Pembrokeshire. These are all areas where there are issues with second homes becoming more and more conspicuous within the localities, especially coastal areas and sparse rural locations. Management of the register along with a quota system could be developed to ensure that limits are placed on the development and conversion of second homes within specific areas.

Recommendation 3 – the definition of second homes

Welsh Government needs to ensure that there is a policy in place which ensures the definition of a second home is defined on a pan-Wales basis. A mandatory licensing scheme should be developed to manage the numbers of homes which have been classed as second homes and that there is also the ability to control homes which are bought as second homes where local families have been given notice to quit the property either by absentee landlord who would use as second/holiday home or is selling the property due to increase in property prices.

Agree – a definition is required in order to ensure a Pan-Wales understanding of Second Homes is provided. This is required along with a defined period of time where the second home is used. A simplified taxation system along with the premises not being allowed to use Business Taxation to avoid paying business rates should be introduced.

Recommendation 4 – responding to Brexit and Covid-19

With Brexit and Covid-19 having increased the demand for ‘staycations’ and for people from, normally urban areas, looking for a countryside retreat, the impact on available houses for local families in need of regulated housing has increased as they have been given notice to quit their existing property. Welsh Government needs to take a more radical approach to legislate for circumstances such as this, notwithstanding that there is a current open market for properties such as this. Perhaps the need for an alternative class of property could be developed ensuring that this additional section of properties are kept affordable in perpetuity for those with a local connection, possibly through using a Local Purchasing Policy (similar to a Local Lettings Policy), and through embedding it into the Section 106 agreement for this type of property.

Given that Brexit and the Covid Pandemic having been dominant in the last few years, there is a likelihood that the next two to three years will continue to see a high demand for second homes and staycations causing increased demand and pressures on housing in specifically rural coastal areas. Immediate actions such as new policy and legislation is required in the short term to ensure that we do not see a further increase in properties being changed from residential to business use such as Second Homes or AirBnB. Organisations such as Registered Social Landlords need to be included in the solution to the problems arising. These housing associations can offer solutions by being allowed to build more housing in rural areas and then using Local Lettings/Allocation Policies (dependent on tenure) to ensure that local residents are able to be housed in the areas where they were born and raised and where they want to stay in that particular area.

Recommendation 5 – the need for policy intervention across a range of policy areas

Policy intervention need to be developed across a range of areas. These policy areas include but not exclusive to Direct Planning policy; Indirect Planning policy; Direct Taxation policy; Indirect Taxation Policy; and a Managed ‘Allocations’ policy (similar to Local Authority Allocation Policy and Local Allocations Policy – where certain numbers of holiday homes can be developed in certain areas, in discussion with local community and town council). These policies could then ensure that local economy can continue to thrive and enable local properties be continued to be made available to local families and those employed in the service industries which are vital to support the tourist pound within these areas.

Agree with the need for policy intervention. Local licensing is a must along with the need for local lettings policies for housing associations to ensure that local families in need are housed first and are on the top of the priority lists. Additional tax raising powers is a must in order to ensure that those whose properties are classed as second homes or AirBnB are not able to avoid paying tax through either reduction in premiums or where they have been changed into business class in order to avoid council tax premiums or even avoid business rates.

Recommendation 6 – Local Council Tax Premium

Taxation powers should be provided to local authorities and the limit could be raised to 150% and can be varied on a ward basis ensuring that tourism sector, which is vital to some parts of the local economy can be managed in a structured and responsible manner. With property prices being

affordable for certain sections of society and not for local families in need of housing, the local authority should be able to raise the council tax premium on second homes to 150%, ensuring that the income raised is used solely for affordable housing schemes including developing social housing in those areas where there is limited schemes available. This could also contribute to purchasing sites which may be not viable for RSL's in its current state. The local authorities could also fund a supported mortgage scheme for local residents ensuring that an additional affordable home scheme becomes available in perpetuity.

Recommendation 7 – Short-term holiday accommodation and business rates

The Welsh Government should avoid ambiguity of properties which have changed as a residential property into business class property from being exempt of business rates relief. Stricter control by local authority required where a well-managed and open register of these properties are available. The government should consult with trade bodies and local community councils along with other stakeholders to ensure a fair representation of the situation can be evidenced. Local authority data and evidence shows that a large number of Short term holiday accommodation owners look to change the 'category of use' to avoid paying any form of taxation on the property. Notwithstanding that the holiday accommodation brings in a considerable amount of income to certain areas, there is an additional cost for services which these property require, such as waste collection and street scene cleaning, where there is a reduced or no 'fee income' being received due to tax avoidance. It has also been evidenced that a number of properties have been sold as holiday homes or converted to AirBnB after tenants of these properties causing homelessness for local families in need of housing. Rural homelessness is becoming an ever increasing problem and the increase in number of short term holiday lets is adding to the problem, especially where the lower wage recipients tend to be those working within the tourism sector and associated support industries.

Recommendation 8 – Land transaction tax

The need to vary taxation should be dependent on each local authority ward situation, especially those in coastal areas. The need for housing in rural locations is vital and so is the need to ensure that income is received from Land Transaction Tax for support services within these areas affected by increase in number of short term holiday lets and second homes. The increased taxation receipts from these properties in each ward should be used specifically to spend on housing solutions in those ward areas, such as increasing Social Housing Grant and match funding for purchasing land that is deemed unviable to build on, therefore providing an opportunity to ensure that the increased development costs can be met by increased Land Transaction Tax receipts. .

Recommendation 9 – Gwynedd and Anglesey Councils' 'Local Market Housing' Scheme

Local Authorities should consider Local Market Housing policy and create conditions relevant to each county and ward. This could create market housing of different tenures suitable to the economic conditions pertaining to that area, ensuring that the wages multiplier matches property prices within the region.

The Local Market Housing schemes should be integral to the Local Development Plan. Conditions for the Local Development Plan have changed considerably since last production of the plan, where more area schools have been developed leading to closure of small village schools, which would mean children having to travel to school in these cases. However, families would still want to live in these rural locations. Small rural village shops continue to thrive, especially since Covid, which means that this vital service continues to be offered. Key themes within the development plan need to fit with 21st

century way of life and the need for the LDP to be a continuous work in progress to meet political; economic, sociological; technological; legal; and environmental factors.

The Welsh Government should consider whether planning guidance should be amended or strengthened in order to support or facilitate the process of extending this or similar policies.

Recommendation 10 – the creation of a new use class for short-term holiday accommodation

Create new use class to ensure that tax avoidance and registration requirements are avoided – this ensures that a fair and equitable system is used where owners pay a fair and equal amount of tax in line with holiday accommodation period and also manages/controls the number of properties available, ensuring that the number of residential units available for local families in need is not skewed by the increased numbers of short term holiday lets. Local authority need to manage this category with suitable enforcement procedures in place.

Recommendation 11 – trialling a new use class for second homes

Local Authority data needs to be current and not historical, as the situation is ever changing. Agree that trialling a new use class for second homes would be one of the solutions ensuring that second homes do not take up an increased share of housing within certain areas. Conversions into second homes would then be subject to planning conditions ensuring that development control is key to managing numbers of allocations within ward areas, and even village/town allocation. Where there is a new class of use for second homes being introduced for certain ward areas (or even micro locations within each ward), the need for Social housing and affordable housing should also be considered and possible legislation should be introduced that is then protected in law, where this should then be contemplated at every change of use to holiday let or where it is known that a residential property is used as a second home.

Recommendation 12 – establish a Commission to make recommendations regarding the future of the Welsh language as a community language

Welsh Government should establish a Commission to make recommendations in response to linguistic challenges facing Welsh Language speaking areas. Working with Welsh Language Commissioner and language groups within a Pan/Regional and County level providing granular detail for each community and wards. The Commission should then work with the 'Mentrau Iaith' to work on a local level ensuring that recommendations are relevant to each individual area and not a blanket or scattergun approach. Working with Human Geography experts would also enable the new Commission to understand the impacts of inward migration on communities and the increased demand of certain services along with reduction of certain services, i.e. schools, where there is an influx of retired people into areas, which also means potential increase in other services, such as medical or care support services. This also impacts on availability for housing. This kind of work provides additional evidence for the need of a Local Letting Policy ensuring that local families in need are provided with safe homes. The Commission should protect, stabilise and nurture Welsh Language in Welsh speaking heartlands and also develop new strategies for increasing the use of Welsh language in other areas. There is already evidence of socio-economic and social restructuring taking place post-Brexit and post-Covid.

Inquiry into second homes Local Government and Housing Committee

Adra's response to the recommendations from Dr Simon Brooks report and Welsh Government's response are highlighted in yellow below:

1. Recommendations from Dr Simon Brooks report

Recommendation 1 – develop regional and local variation in public policy

Second homes are primarily a regional and local phenomenon, and the Welsh Government should encourage the development of regional and local policy solutions facilitated by permitting policy variation within a national framework. Public policy solutions should be flexible enough to be applied in different ways in different counties and communities according to regional and local need.

Supportive of the recommendation, but recognise the complexity of setting up a policy framework that is flexible enough to be able to respond to necessary differences between regions and localities within those regions. Whichever revised policy framework is introduced, there will be a need to ensure that decision making and approvals are not overly complicated, bureaucratic and time consuming and do not, inadvertently, contribute to or exacerbate inefficiencies that exist within the current framework (e.g. Planning). This could lead to further delays and increased costs associated with bringing forward solutions or development schemes to address the local housing need, which evidently would be counter-productive.

Recommendation 2 – control of the numbers of second homes

Public policy should aim to ensure stability as regards the numbers of second homes in communities affected by them, or it should aim to reduce their numbers gradually over a number of years.

Supportive of the recommendation, especially the principle of ensuring stability of numbers of second homes in communities affected by them. Any restrictions brought in to curb numbers of second homes, needs to be complemented with policies that increase access to more affordable homes in those affected communities and increase wealth of those living in those affected communities and who wish to remain in those communities. Examples being pro-active and coherent economic development, planning and sustainable communities policy that over time secure higher average earnings for those living in those affected communities.

Recommendation 3 – the definition of second homes

In order to facilitate policy decisions based on objective information, a better definition of second homes is needed. The Welsh Government could consider several ways of doing this but, with this in mind, a Mandatory Licensing Scheme for Holiday Homes should be introduced.

Supportive of the recommendation and the definition should cover those homes let on a business basis, not just those for personal use. However, implementation of other recommendations and development of appropriate policy solutions should not be unduly delayed pending improvement in data that implementing this particular recommendation would bring.

Recommendation 4 – responding to Brexit and Covid-19

In an attempt to mitigate the inevitable effects of Brexit and Covid-19 on the housing market in communities which are heavily impacted by second homes, the Welsh Government should adopt a

more proactive approach, and more radical steps should be taken, than would otherwise have been the case

Supportive of the recommendation but would also add that the acceleration of flexible working and the ability to work from home brought about by the Covid pandemic, now adds to the likelihood of an increase in second homes. 2021 house prices were fuelled in some parts of the UK by an increase in migration from urban areas to more rural areas (e.g from the South East to the South West) with some of these house purchases being second homes.

Recommendation 5 – the need for policy intervention across a range of policy areas Policies should be implemented across a range of policy areas, and in the following three fields in particular: direct planning policies, indirect planning policies and taxation policies.

Supportive of the recommendation but need to see Welsh language policy feature more prominently in the recommendation.

Recommendation 6 – Local Council Tax Premium

County councils that consider second homes to be a serious social problem should use their taxation powers fully, raising the council tax premium on second homes to 100%.

Supportive of the recommendation. However, consideration should also be given to the framework placed on Local Authorities for using the income received through raising the council tax premium on second homes to ensure that that money does go towards activity that addresses the local housing need and not towards other Council priorities.

Recommendation 7 – Short-term holiday accommodation and business rates

The Welsh Government should consult on the possibility of making short-term holiday accommodation exempt from being eligible for small business rates relief.

Supportive of this recommendation

Recommendation 8 – Land transaction tax

It should be possible to vary the higher rates of the land transaction tax in either counties or local government wards in order to reflect local circumstances. To achieve this:

- The Welsh Government could delegate to county councils a right to vary the higher rates of the land transaction tax, potentially adding a further rate to the tax of up to 4% of the value of the second property in some parts of Wales.
- Or, the Welsh Government could vary the higher rates of the land transaction tax in this manner in specific local government wards heavily affected by the second homes problem.

Supportive of the principle of the recommendations put forward here. Whichever recommendation is followed an important principle which should not be understated is not to inadvertently disadvantage investment by landlords in the Private Rented Sector (PRS). The PRS serves an important function in housing supply in any area and must be maintained and quality accommodation provided. Both recommendations address this point in different ways by delegating where to apply the differential increase in tax to a more local geography. However, any move in the direction of either recommendation should take into account the impact austerity has had on weakening capacity of many

strategic housing functions within Local Authorities and the capacity within Welsh Government to determine such granular housing data i.e. the very departments which would probably provide the data upon which such important decisions would be made. There are links here to conclusions drawn as part of the Affordable Housing Review where a more consistent approach to Local Housing Market Assessments, traditionally carried out by Local Authorities, was recommended with a level of oversight from Welsh Government.

Recommendation 9 – Gwynedd and Anglesey Councils’ ‘Local Market Housing’ Scheme

Gwynedd and Anglesey Councils should consider extending the ‘Local Market Housing’ policy in the Gwynedd and Anglesey Joint Local Development Plan to other coastal and vulnerable communities in both counties where there is a concentration of second homes alongside an affordability problem. Other planning authorities in Wales should scrutinise the ‘Local Market Housing’ policy to consider whether such a policy might be beneficial for some of their communities. The Welsh Government should consider whether planning guidance should be amended or strengthened in order to support or facilitate the process of extending this or similar policies.

Supportive of the recommendation. It would be beneficial in support of the recommendation to review the number of new homes first developed under the Local Market Housing policy and later sold on, to determine the smooth flow of housing sale transactions for this category of property especially in less buoyant housing market conditions. In particular, the conditions whereby the original S106 is ‘waived’ when a ‘genuine failure’ over a period of three months to sell a residential unit to another local individual is experienced and the options available. Inability to effect smooth flow of housing sale transactions for this category of property would detract buyers from the attractiveness of the product. It would also be beneficial to review the availability of mortgages offered to purchasers of housing with this type of S106 planning condition attached and any additional constraints and costs placed on mortgagee compared to purchase of a similar property on the open market. This would be useful to establish any differences that exist and to influence mortgage providers to provide more of a level playing field should this not be the case and thereby promote the sustainability of the housing product itself.

Recommendation 10 – the creation of a new use class for short-term holiday accommodation

The Welsh Government should amend the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 by introducing a new use class for short term holiday accommodation.

Supportive of the recommendation

Recommendation 11 – trialling a new use class for second homes

The Welsh Government should conduct a trial in a community or cluster of communities severely impacted by second homes, and where there is community support for doing so, to evaluate the feasibility and impact of introducing a new use class for second homes. This would make the conversion of a dwelling house into a second home subject to planning permission when the percentage of second homes in the housing stock of a specified community crosses a particular threshold.

Supportive of the recommendation to conduct a trial to evaluate the feasibility and impact of introducing a new use class for second homes. The results of the trial should provide recent experiences which can be compared and contrasted with historical concerns around inadvertent creation of a two tier housing market that disadvantages primary home residents.

Recommendation 12 – establish a Commission to make recommendations regarding the future of the Welsh language as a community language

The Welsh Government should establish a Commission to make recommendations in response to the linguistic challenges facing areas where the Welsh language is currently a community language in the face of likely socio-economic and social restructuring. In particular, the Commission should address the challenges of the post-Brexit and post-Covid environment with the aim of protecting, stabilising and nurturing the future of the Welsh language as a community language in Wales

Supportive of the recommendation but would extend its scope to also include the acceleration of flexible working and the ability to work from home brought about by the Covid pandemic, which adds to the likelihood of an increase in second homes with a likely detrimental effect on the Welsh language.

2. Welsh Government activity/response to proposals

Second homes pilot

Starting in January 2022, Welsh Government will run a phased pilot to test a number of interventions in Dwyfor, in Gwynedd. This will be the first time that Welsh Government has intervened in the market to support local people to live in their local communities in this way.

The first phase of the pilot will include a range of practical support to help people access affordable housing and will link to existing and new interventions. Welsh Government are keen to look at shared equity schemes, rental solutions and empty homes, but will announce further details after the draft budget on 20th December 2021.

Phase two we will look at the planning system itself.

Adra are keen to learn more around the detail of the pilot.

Consultations

1. [Local taxes for second homes and self-catering accommodation](#) - Closed

Sought views on:

- the discretionary powers which allow local authorities to levy a higher rate of council tax on second homes and long-term empty properties.
- should the criteria for defining properties as non-domestic self-catering accommodation be strengthened?

Responses appear to be in line with recommendations made in Dr Simon Brooks' report.

2. [Planning legislation and policy for second homes and short-term holiday lets](#) - closes 22nd Feb 2022

Consulting on:

Amendments to the Town and Country Planning (Use Classes) Order 1987 to:

- amend the current use class for 'Dwelling houses',
- create new use classes for 'Second Homes' and for 'Short-term Holiday Lets'
- related amendments to the Town and Country Planning (General Permitted Development) Order 1995
- related amendments to Planning Policy Wales.

Responses appear to be in line with recommendations made in Dr Simon Brooks' report. Adra will endeavour to respond to the consultation within the timescale set either through Community Housing Cymru or individually (or both)

3. [Proposed Welsh Language Communities Housing Plan](#) - closes 22nd Feb 2022

Proposals include to:

- Develop a package of support to help create community-led social enterprises that can:
 - Create job opportunities
 - Secure services within a community.
 - Explore small community led housing interventions under the co-operative model
- Support an existing or newly-established community-based social enterprise to develop a business where a short-term holiday accommodation business can provide sufficient revenue to purchase stock for social rent.
- Establish an Estate Agents' Steering Group to explore the potential for creating innovative approaches to local housing sales. The aim would be to develop these in collaboration with all stakeholders, identifying practical steps to support local buyers to gain fair access to local housing.
- Explore with relevant stakeholders, developing a voluntary plan which allows local people to have a first chance to buy or rent a property.
- Create a commission on Welsh language communities which will look at the different factors that affect the ability of the language to be sustained as a community language.
- Extend the scope of the Economy and Welsh Language Roundtable to include Housing with a role of overseeing the progress of the Welsh Language Communities Housing Plan.

Adra will endeavour to respond to the consultation within the timescale set either through Community Housing Cymru or individually (or both)

4. [Second homes: local variation to land transaction tax rates](#) - closes 28th March 2022

Consulting on the following issues:

- the size of areas in which local variations could take place
- the procedure for identifying the areas where different rates may apply

- the types of transactions that could be subject to different rates in local areas.

Responses appear to be in line with recommendations made in Dr Simon Brooks' report. Adra will endeavour to respond to the consultation within the timescale set either through Community Housing Cymru or individually (or both)

Paper 7

As a Housing Association operating across north Wales and north Powys, we are delighted to give evidence to this inquiry by the Local Government and Housing Committee. We also welcome the recent work and consultations aimed at tackling the housing crisis in rural communities.

Grŵp Cynefin welcomes Dr Simon Brooks' report "Second homes: developing new policies in Wales" and our comments on the recommendations in line with the Inquiry's Terms of Reference are as follows:

Recommendations from Dr Simon Brooks report

Recommendation 1 – develop regional and local variation in public policy

Second homes are primarily a regional and local phenomenon, and the Welsh Government should encourage the development of regional and local policy solutions facilitated by permitting policy variation within a national framework. Public policy solutions should be flexible enough to be applied in different ways in different counties and communities according to regional and local need.

Response: Support the recommendation. Policy solutions should not only look at the second homes issue, but also look at the overall housing solutions including the private rented sector and increasing access to more social and affordable housing. Policy solutions should also look at economic development and proposals to attract good quality employment which would increase the household incomes enabling people to afford to continue to live and work in the local communities affected by the rural housing crisis. Every area is different, and no one set of regional or national policy will offer the bespoke solutions required locally which addresses the housing related issues faced by individual communities.

Recommendation 2 – control of the numbers of second homes

Public policy should aim to ensure stability as regards the numbers of second homes in communities affected by them, or it should aim to reduce their numbers gradually over a number of years.

Response: Support the recommendation. Evidence and experience shows that the fabric of communities begin to fray when young people and their families are unable to afford to rent or buy affordable homes within the communities where they were brought up. When you have examples of ex-Council houses on the market for over £385k, what hope does this give to local people? Also, according to CACI Paycheck and Land Registry Price Paid data, in villages such as Abersoch, 95.3% of the population are priced out of the housing market, unable to afford their first home. However, further research is required into public policy on how to work out what the tipping point will be of when too many second homes have been achieved in a particular community, village or hamlet. Any policy would need to be

- flexible,
- tuned to tackle local circumstances,
- non-bureaucratic to administer and
- easy to understand.

Recommendation 3 – the definition of second homes

In order to facilitate policy decisions based on objective information, a better definition of second homes is needed. The Welsh Government could consider several ways of doing this but, with this in mind, a Mandatory Licensing Scheme for Holiday Homes should be introduced.

Response: Support the recommendation. There is a need to adopt a simple definition, which will not be interpreted differently. Introducing a mandatory licensing scheme for holiday homes would require adequate resources to register properties in the first instance followed by resources to monitor compliance with inspections to ensure compliance with fire regulations, health and safety etc.

Recommendation 4 – responding to Brexit and Covid-19

In an attempt to mitigate the inevitable effects of Brexit and Covid-19 on the housing market in communities which are heavily impacted by second homes, the Welsh Government should adopt a more proactive approach, and more radical steps should be taken, than would otherwise have been the case

Response: Support the recommendation. The ability of people to be able to work from home has been facilitated by technology and makes hybrid working an attractive offer of employment. Increasingly we have seen that more people are moving from urban areas to live in rural and coastal communities to get a better quality of life. This inward migration has undoubtedly led to the rural housing crisis we now face.

Recommendation 5 – the need for policy intervention across a range of policy areas

Policies should be implemented across a range of policy areas, and in the following three fields in particular: direct planning policies, indirect planning policies and taxation policies.

Response: Support the recommendation. Policy intervention is also required to support the Welsh language and culture.

Recommendation 6 – Local Council Tax Premium

County councils that consider second homes to be a serious social problem should use their taxation powers fully, raising the council tax premium on second homes to 100%.

Response: Support the recommendation. To date, some local authorities have been more proactive than others in how they have used council tax premium from second homes. Some have targeted medium – long-term empty properties, and bringing them back into use, through a variety of methods; others have earmarked money towards enabling first time homeowners to purchase their new homes through Homebuy, shared equity etc. It is not clear exactly how local authorities have been using the additional money received through the premium – how much is spent in housing, and how much goes into the Council's central coffers. The income raised through the additional taxation powers should be directed towards addressing the local housing needs and not be used towards funding other council priorities.

On its own, this recommendation will not achieve the expected outcome of curbing the number of second home ownership, as the purchasers quite often have the disposable income already to cover the increased Council Tax Premium. To make a real difference, the intervention to the local housing market will need to be through changes in planning law.

Recommendation 7 – Short-term holiday accommodation and business rates

The Welsh Government should consult on the possibility of making short-term holiday accommodation exempt from being eligible for small business rates relief.

Response: Support the recommendation. The argument that some would make is why self-catering accommodation should be excluded from the rate relief system and differentiated from other sectors. All businesses should contribute some tax, but would it be possible for self-catering accommodation providers to work on a system based on either:

- levels of tenure and will therefore provide another level of accountability in terms of use; and/or

- a tourism tax where a % tax is charged on top of each night the property is rented.

We recommend that additional research is undertaken in one of the pilot areas.

Recommendation 8 – Land transaction tax

It should be possible to vary the higher rates of the land transaction tax in either counties or local government wards in order to reflect local circumstances. To achieve this:

- The Welsh Government could delegate to county councils a right to vary the higher rates of the land transaction tax, potentially adding a further rate to the tax of up to 4% of the value of the second property in some parts of Wales.
- Or, the Welsh Government could vary the higher rates of the land transaction tax in this manner in specific local government wards heavily affected by the second homes problem.

Response: Supportive of both recommendations, whereby the decision is applied locally. It would be expected that a granular level of data would be required to come to a decision whether to trigger such a decision. A consistent approach would be required across all the local authorities where second homes is a severe issue. Over the last 10 years or so, there has been an erosion of strategic housing functions across local authorities, in particular those where the Council housing stock has been transferred, this capacity and skills gap would need to be addressed.

Recommendation 9 – Gwynedd and Anglesey Councils’ ‘Local Market Housing’ Scheme

Gwynedd and Anglesey Councils should consider extending the ‘Local Market Housing’ policy in the Gwynedd and Anglesey Joint Local Development Plan to other coastal and vulnerable communities in both counties where there is a concentration of second homes alongside an affordability problem. Other planning authorities in Wales should scrutinise the ‘Local Market Housing’ policy to consider whether such a policy might be beneficial for some of their communities. The Welsh Government should consider whether planning guidance should be amended or strengthened in order to support or facilitate the process of extending this or similar policies.

Response: We are familiar with and supportive of the ‘Local Market Housing Scheme’ operated in Gwynedd and Anglesey. However, there are some issues around the availability of mortgages, which require addressing. We administer the **Tai Teg** Affordable Housing Register across north Wales and Powys and have experienced issues with individuals trying to access mortgages for affordable units that have a S106 restriction on the property. The number of lenders that lend on affordable properties appears to be low, therefore purchasers are limited in choice when looking for a mortgage. In addition, mortgage companies who would lend will not take the risk of offering mortgages on several units on one

development. Discussions with leading mortgage lenders would be useful, facilitated by Welsh Government.

Recommendation 10 – the creation of a new use class for short-term holiday accommodation

The Welsh Government should amend the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 by introducing a new use class for short term holiday accommodation.

Response: Support the recommendation.

Recommendation 11 – trialling a new use class for second homes

The Welsh Government should conduct a trial in a community or cluster of communities severely impacted by second homes, and where there is community support for doing so, to evaluate the feasibility and impact of introducing a new use class for second homes. This would make the conversion of a dwelling house into a second home subject to planning permission when the percentage of second homes in the housing stock of a specified community crosses a particular threshold.

Response: Support the recommendation that there should be a feasibility study as part of the pilot, possibly targeting a specific community in the first instance before widening the geographical area.

Recommendation 12 – establish a Commission to make recommendations regarding the future of the Welsh language as a community language

The Welsh Government should establish a Commission to make recommendations in response to the linguistic challenges facing areas where the Welsh language is currently a community language in the face of likely socio-economic and social restructuring. In particular, the Commission should address the challenges of the post-Brexit and post-Covid environment with the aim of protecting, stabilising and nurturing the future of the Welsh language as a community language in Wales

Response: Support the recommendation. We welcome the consultation document around a proposed Welsh Language Community Housing Plan issued December 2021 which looks into the possibility of establishing a Commission and will respond in full to the proposals included within the paper. See also response to recommendation 4.

Grŵp Cynefin appreciates the opportunity to present evidence to the inquiry into second homes by the Local Government and Housing Committee. It is vitally important that these interventions are implemented and supported at National, Regional and Local level.

Shan L Williams
Chief Executive Officer, Grŵp Cynefin
14/01/22

Briefing for policymakers: **Community insights and the impact of second homes in rural Wales**

The recently published 'Research on second homes: evidence review summary' (July 2021)ⁱ, provides a timely review of the currently available data on second homes and their impact in Wales. This briefing highlights the on-the-ground experience of the community at Bro Machno in Conwy as an example of how a dwindling housing stock is a serious threat to Welsh Culture and Community Cohesion.

Bro Machno has a strong community with an impressive ethos of caring for each other 'from cradle to grave'. However, pressure from the housing market is causing alarm within the community and the situation is deteriorating fast.

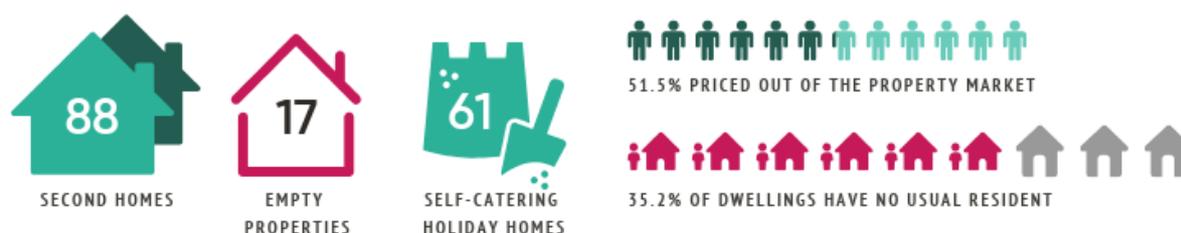
There are 446 household spaces in Bro Machno, but with over a third of the houses now being unavailable for the next generation the threshold of community viability is rapidly approaching. There is a race to save the centre of the village, which has been hollowed out through a mixture of empty, second and holiday homes. With the housing stock in Bro Machno being sold to the highest bidder, the foundation for community life in this rural area is becoming increasingly unstable and less assured.

The Bro Machno Housing Partnership has been formed comprising local authorities, housing associations, community organisations and local residents, and is exploring a range of approaches to support the sustainability of communities falling victim to these impacts. It is hoped that the work of the Partnership to address these issues can provide contextual insights and evidence into the prevalence, implications and impact of a lack of housing stock for communities in Wales – and may inspire Welsh Government to act. Welsh Government have the influence and opportunity to address these issues in Conwy, and for affected communities across the nation.

This briefing has been prepared by the Rural Futures team in collaboration with the Bro Machno Housing Partnership. The Rural Futures team is working alongside the community as part of the National Lottery Community Fund's Rural Futures programme. Rural Futures, which is run by Severn Wye and the BRO Partnership, will support 14 communities across rural Wales.

The impact of second home ownership on Bro Machno

The evidence review on second homes highlights the striking prevalence of second homes in certain localities (Powel 2021, p4). Bro Machno is one such locality. Pressure from the housing market is causing alarm within the community and the situation is deteriorating fast. Out of **446 total households** there are:



With over a third of the houses of Bro Machno now being unavailable for the next generation the threshold of community viability is rapidly approaching. Like falling dominoes the housing crisis has a knock on effect on other key rural challenges such as a fragile rural economy, with less employment opportunities and characterised by low pay, seasonal work and irregular income and the higher cost of living due to the rural premium and poorer access to services.

This not only has a serious impact on the network of community relationships spanning generations, essential to a thriving culture and Welsh language, but of course there is a negative effect on the potential for the prosperity and resilience of future generations. There is a shared stress and anxiety being experienced by the community from the question as to where the next generation of the community will live.

Housing stock sold to the highest bidder prevents younger generations repopulating the village, so the future of the community is uncertain and in jeopardy. There is currently a race to save the centre of the village, which has been hollowed out through a mixture of vacant, second and holiday homes.

At community engagement activities conducted by the Rural Futures programme, the community identified key challenges to the sustainability of Bro Machno:

- The extremely high number of empty, second and holiday homes;
- The lack of housing accessible to families and young people;
- The gulf between housing costs and local income levels;
- There is not a single house available to rent for local people;
- There is a lack of affordable bungalows and sheltered accommodation for the elderly;
- A diverse mix of homes is required for the community to flourish and to limit migration away from the village.

Despite the recognised challenges in isolating the impact of second homes on communities the combined impact with other rural issues is clear and constitutes a major threat to the sustainability of villages and Welsh Culture, which consists of networks of relationships spanning generations, essential to delivering Welsh Government's well-being goals laid out in the Well-being of Future Generations (Wales) Act 2015.

Housing policy decisions must urgently follow, as the lived experience in Bro Machno demonstrates.

Recommended options

There is an urgent need to:

1. Address the extremely high number of empty, second and holiday homes to maintain the supply of housing stock in communities worst affected:

- Establish a statutory requirement to register holiday homes at a national level.
- Change planning legislation to require planning permission to use a house as a holiday home.
- Change housing legislation to require a licence for use as a holiday home, to ensure that the property meets acceptable standards.
- Amend the definition of development in planning terms to include 'change of use' of a dwelling to a short term let property.
- Change the system of taxation of second homes and holiday homes.
- Prevent people from buying second homes in the area as has happened in other areas in the United Kingdom.

2. Address the need for affordable housing and rented accommodation:

- Establish methods to protect worst affected communities from being priced out of local housing market because of strong external demand. Ensure house prices are not pushed beyond the means of local residents.
- Build more quality affordable homes and/or more quality social housing.
- Developing a method of giving priority to local people when buying and selling houses.
- Provide housing for families and young people.

3. Support and empower communities to take positive action:

- Create a fund to support the community purchase of homes that come on the open market with favourable mortgage rate arrangements to ensure houses stay affordable.
- Increase availability of current housing stock by creating a deposit scheme for young people.
- Develop shared ownership purchase schemes.
- Provide grants to help local people to buy or renovate property.
- Develop a scheme to buy and renovate empty houses and buildings to rent to local people.

¹ Powel, D., O'Prey, L., Grunhunt, S., Wyn Edwards, C., and Cunnington Wynn, L., (2021). Research on second homes: evidence review summary. <https://gov.wales/research-second-homes-evidence-review-summary-html> [Accessed on 21 September 2021]

Not a second to spare

Addressing housing in Bro Machno: contributing to the evidence base concerning the impact of second homes on rural Welsh communities

September 2021



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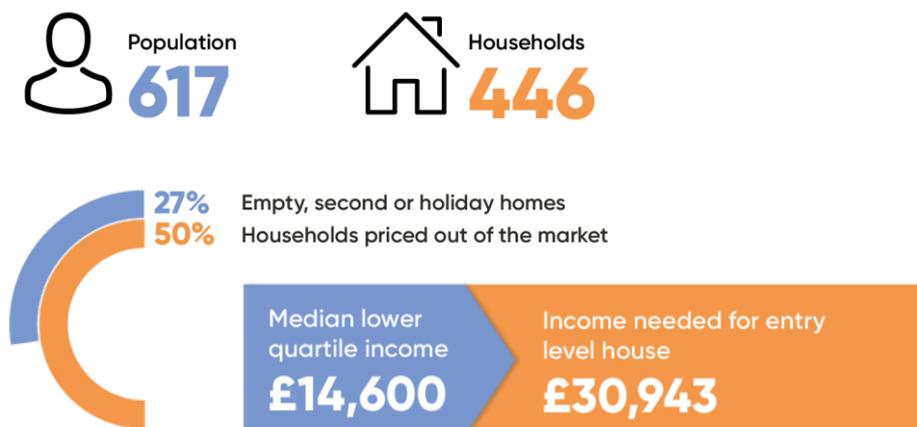
Foreword

The recently published 'Research on second homes: evidence review summary' (Powel et al., 2021)¹, provides a timely review of the currently available evidence base on second homes and their impact in Wales.

This document highlights the on-the-ground experience of the community at Bro Machno in Conwy as an example of how a dwindling housing stock is a serious threat to Welsh Culture and Community Cohesion.

Bro Machno has a strong community with an impressive ethos of caring for each other 'from cradle to grave'. However, pressure from the housing market is causing alarm within the community and the situation is deteriorating fast.

There are 446 household spaces in Bro Machno, but with a quarter of the houses now being unavailable for the next generation the threshold of community viability is rapidly approaching. There is a race to save the centre of the village, which has been hollowed out through a mixture of empty, second and holiday homes. With the housing stock in Bro Machno being sold to the highest bidder, the foundation for community life in this rural area is becoming increasingly unstable and less assured.



This briefing has been prepared by the Rural Futures team in collaboration with the Bro Machno Housing Partnership. The Bro Machno Housing Partnership has been formed comprising local authorities, housing associations, community organisations and local residents, and is exploring a range of approaches to support the sustainability of communities falling victim to these impacts.

The findings and work of the Partnership are herein offered as contextual insights and evidence into the prevalence, implications and impact of second home ownership in Wales.

The Rural Futures team is working alongside the community as part of the National Lottery Community Fund's Rural Futures programme. Rural Futures, which is run by Severn Wye and the BRO Partnership, will support 14 communities across rural Wales.

Bro Machno – A case study response

The recently published Research on Second Homes evidence review (July 2021)¹, highlights a higher prevalence of second homes in certain localities in Wales. Located within Snowdonia National Park, Bro Machno is one such area. The issue of second homes is a serious one for the community, having an impact on housing availability for both present and future generations.

Research conducted by the Conwy County Rural Housing enabler (2020) highlighted that, “there is a high percentage of holiday homes, second homes and empty homes in the area at 36%, and that 51.5% of local people are priced out of the housing market”. Out of 446 total households there are:



Dyffryn Machno is situated within the Uwch Conwy Ward, which has a population of 1,465 people. The ward boundary area is 18,000 hectares and the villages are classified as rural in a sparse setting. Bro Machno is classed as a Secondary Settlement, where 50% of houses on sites of 2 dwellings or more must be for affordable/local needs.

Over 50% of people in Penmachno are fluent in Welsh, which is much higher than the average in Conwy (20.6%). The median income of people in Uwch Conwy compares favourably with the rest of Conwy and Wales, but 5% less than the UK average. 33.5% of households in Uwch Conwy receive below 60% GB median income, which equates to £17,173.

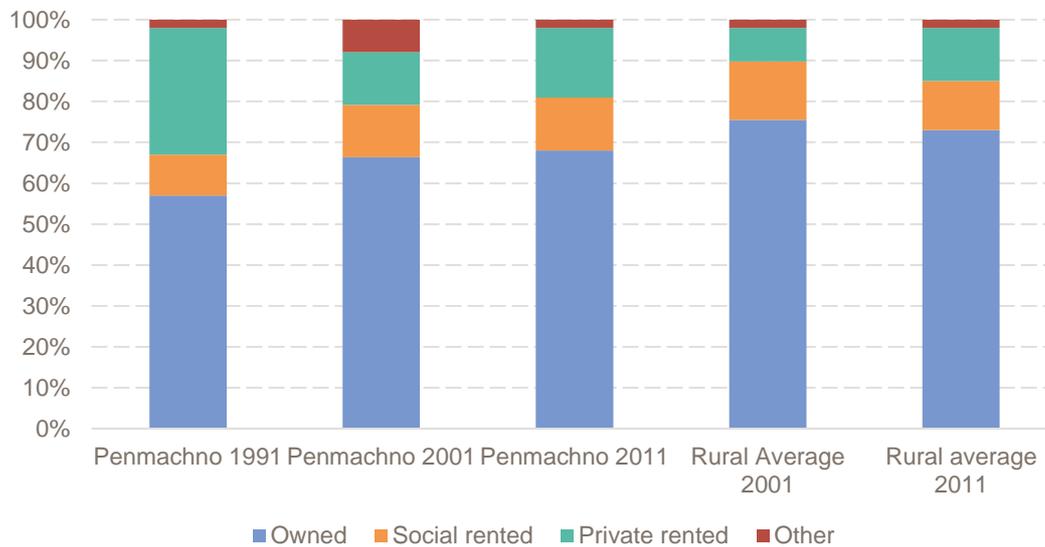
Demographic changes

- Uwch Conwy Ward is in Conwy consisting of a population of 1,465 in 2011 - this is a 56.2% increase from 1991 suggesting population growth in the area has been strong.
- Compared to other rural areas of Wales, Uwch Conwy has a much lower population density of 0.08 persons/hectare in 2011.
- The population is more fluent in Welsh than other rural areas of Wales, however, there has been a decline from 69.8% in 1991 to 53.4% in 2011.
- The percentage of young persons has declined from 21% in 1991 to 14% along with a corresponding increase in older age bands.

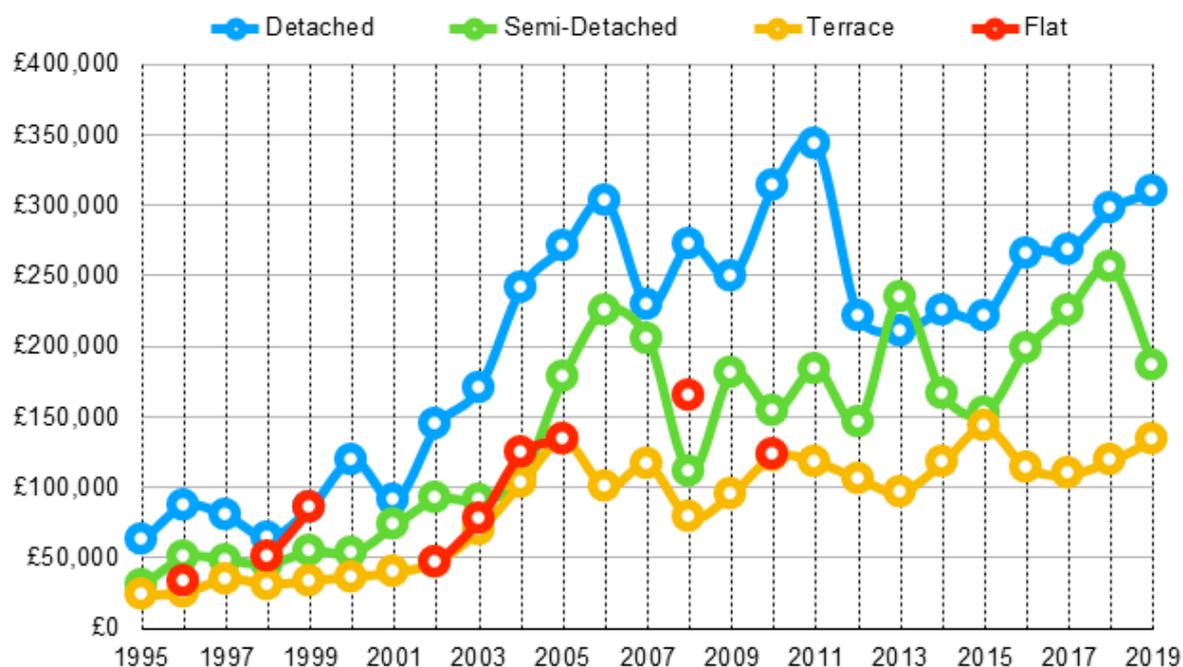
Housing

- Ownership levels have risen between 1991 and 2011 (57% vs. 68%) but are lower than the rural average (73% in 2011) while private rental tenure has declined from 31% to 17%.
- 33.5% Households receive below 60% GB median income - £17k
- Income deprivation levels dropped from 2014 to 2019 and have been consistently lower than the Welsh average (9% compared to 16% in 2019).
- House prices have risen for all house types between 1995 and 2019, with detached housing increasing the most (£62,500 to £309,371).
- The housing market became more volatile in 2007 resulting in fluctuations in house prices for all housing types.

Home Ownership



House price paid by type (£)



Community Voice

The lived experience of the local community is central to the evidence base. Housing issues have been highlighted by the community of Bro Machno through a variety of consultations and community engagement activities conducted by Rural Futures since 2018.

These concern the impact on young people, young families, and the next generation, in terms of being able to secure housing to stay living locally within their community. The dwindling housing stock is compounding the issue. Meanwhile, the population of the school is expanding, and the community is growing, requiring a diverse mix of homes for the community to flourish and to limit migration.

Also, the desire to support elderly people to stay living within the village through elderly care provision has been discussed, with a corresponding need for bungalows or sheltered accommodation.

To summarise, the key issues discussed in Bro Machno since 2018 have been:

- address the extremely high number of empty, second and holiday homes.
- address the need for housing for families and young people.
- address the need for affordable housing and rented accommodation.
- explore opportunities for community purchase of houses to rent to local people.

“Make every effort to stop the houses going into holiday homes or Air BnB or a holiday village and the end of our society is the future.”

“Housing for local people. Solve holiday home problem”.

“Initiatives to fill the empty houses in the valley”.

“Need to solve holiday homes problem, no houses for next-generation”.

“Housing for local people. Insist empty property is used”.

“So many houses are left empty and in disrepair. Potential housing for new families”.

“Need to find housing solutions. Conduct a survey then create a steering group to try to answer needs. Definitely need to give help to the young people trying to buy houses in the village”.

“Houses are too expensive for young people”.

“Parish council assisted buying shared housing scheme – Cotswold example”.

“Try to access funding to enable local people to purchase houses in the village ‘assisted purchase’ shared ownership”.

“Need to control the number of summer homes - especially those that are bought by owners from outside to the village. We need affordable housing for local people”.

“There are many children in this village, too many people keep houses empty. Where will the children live in the future?”.

Key housing-related issues highlighted in Community meetings during 2019 included:

- The disproportionate number of second homes.
- Parking problems are exacerbated during the busy tourist season.
- High house prices.
- Property in the village is predominantly smaller terraced properties and large detached properties. As families out-grow the smaller properties, many are unable to afford larger properties.
- Land needed for self-build. As homes are unaffordable some residents would like the ability to build their own sustainable homes.
- Lack of accommodation options for older people. Social housing bungalows have been lost under Right to Buy / Right to Acquire and have not been replaced.
- Lack of accommodation for families. Those that need larger homes must look at buying in Bangor, for example, for more affordable housing. Typical costs in Penmachno currently for larger homes is around £400,000. Some of the empty homes are unaffordable.

The impact of second home ownership on Bro Machno

Despite the challenge of isolating the impact of second homes on communities what is clear is the combined impact of rural issues which together constitute a major threat to the sustainability of villages and Welsh Culture, consisting of networks of relationships spanning generations, essential to delivering goals of the Well-being of Future Generations Act. The lived experience in Bro Machno demonstrates that housing policy decisions urgently need to be made.

Several issues contribute to challenges facing communities in rural areas, which can include:

- Job insecurity, low income, and seasonal part-time work
- Lack of services, Infrequent public transport
- Lack of affordable housing
- Poor access to employment opportunities
- Access to public services
- Poor broadband

Combinations of the above factors, together with the location of the village within the National Park and an active Airbnb market inflating price, are having a domino effect impacting the bedrock of Bro Machno community, affecting its long-term sustainability. Exacerbating the issue is higher costs of housing located within National Parks and the value of houses is not based on what people can earn locally, but on what rent you can get on Airbnb.

Bro Machno Housing Partnership 2021

In response to the housing-related priorities of the Bro Machno community described above, the Conwy County Rural Housing Enabler decided to conduct a formal Housing Needs Survey, which under their impetus, has then led to the formation of a partnership between the community and supporting organisations including the Conwy County Council, Catreffi Conwy, Tai Teg, The Snowdonia National Park, Grwp Cynefin, the Bro Machno Community Council and The Wales Co-operative.

Current Housing needs in Bro Machno

The 'Research on second homes: evidence review summary' found that Second-home sales may reduce the stock available for local buyers and raise local house prices, pricing local populations out of markets. Key findings of the recent Bro Machno housing needs survey conducted in 2020 by the Conwy County Rural Housing Enabler are that (Please note that these figures can include duplication and that there is no confirmation that those who have identified a need for an Affordable home are eligible):

- 15 households are currently in housing need (Nov 2020).
 - two-bedroom bungalows,
 - five two-bedroom houses,
 - six three-bedroom houses and three four-bedroom houses.
- The two main reasons for housing need were high prices and the size of homes for families.
- The majority of respondents wanted to buy at a discounted rate with resale restrictions.
- 5 people are on the Social Housing register for the area – 1 needs an adapted home; three need two-bedroom units, one needs a three-bedroom unit and one needs a four-bedroom unit.
- 4 people on the Tai Teg register – all require two-bedroom property
- 6 people would consider shared ownership.
- 4 would consider Social renting.
- 7 would consider self-build.
- 17 people would consider discounted purchasing with restrictions on resale.
- 10 people would consider buying a home on the open market, (although affordability is an issue for many).

The first meeting of then Bro Machno Housing Partnership occurred in March 2021.

Key issues raised

1. Community purchase of homes that come on the open market.
2. Develop affordable housing, possibly through self-build methods.
3. Increase availability of current housing stock.

4. Campaign for changes to Legislation

Policies and the design and development of interventions

Bro Machno Housing Partnership concerns with the current housing policy and Planning regulation include:



The effect on the local supply of houses available to meet the need for housing in the area, due to the loss of local housing stock.

In light of the above, the impact on the local community, the Welsh language and the services in the community (and in many cases no Council Tax contribution).



The potential impact on house prices and long-term rent. (Analysis of property data for the 13 national parks in England and Wales by Hamptons International estate agency reveals that a home in a park costs about 62% more than their regional averages).

The impact on local amenities and services.



There is no statutory requirement at a national level to register holiday homes, leading to an oversupply of self-catering accommodation.

The lack of Safety standards for holiday properties.



Planning permission is not required to use a house as holiday home in Wales. It is also difficult to define the use as it is residential.

From a housing legislation perspective, a licence is not required for short-term let use, to ensure that the property meets acceptable standards.



There are no statutory regulations in place to effectively manage the use, or any further increase in the numbers of holiday homes.

Planning Legislation: it is not possible to control the use of a dwelling as a second, or holiday home, as it does not constitute a 'change of use' that requires planning permission.



Interventions

There is a trend towards encouraging community led housing solutions to resolve housing issues, but due to capacity at village scale this can be a challenge, despite there being many excellent examples of where it has worked in the UK. Even if the community do move forward with solutions, it is hard for them to be at a scale necessary to reverse the shockingly large decline in housing availability in many localities. Policy interventions applied at a national scale together with support for communities could provide a foundation to resolve the need for homes for Welsh communities:

1. Address the extremely high number of empty, second and holiday homes to maintain the supply of housing stock in communities worst affected:

- Establish a statutory requirement to register holiday homes at a national level.
- Change planning legislation to require planning permission to use a house as a holiday home.
- Change housing legislation to require a licence for use as a holiday home, to ensure that the property meets acceptable standards.
- Amend the definition of development in planning terms to include 'change of use' of a dwelling to a short term let property.
- Change the system of taxation of second homes and holiday homes.
- Prevent people from buying second homes in the area as has happened in other areas in the United Kingdom.

2. Address the need for affordable housing and rented accommodation:

- Establish methods to protect worst affected communities from being priced out of local housing market because of strong external demand. Ensure house prices are not pushed beyond the means of residents.
- Build more quality affordable homes and/or more quality social housing.
- Developing a method of giving priority to local people when buying and selling houses.
- Provide housing for families and young people.

3. Support and empower communities to take positive action:

- Create a fund to support the community purchase of homes that come on the open market with favourable mortgage rate arrangements to ensure houses stay affordable.
- Increase availability of current housing stock by creating a deposit scheme for young people.
- Develop shared ownership purchase schemes.
- Provide grants to help local people to buy or renovate property.

Conclusion

The way the community of Bro Machno is being impacted by second, empty, and holiday homes is clear. There should be no delay to seeking the effective use of policy interventions to address the situation.

There is no doubt that policies that include planning restrictions, limiting sales to local buyers, limiting the number and type of second homes and regulating the holiday accommodation market would be a reassuring development.

The Bro Machno Housing Partnership would welcome involvement with the semi-structured interview process of the evidence review as Bro Machno provides an important example of where second home ownership is having an acute impact at a community level.

With 121 out of 446 houses already unavailable to the community of Bro Machno now is the time to trial policies and pilot a range of interventions at a community level in Bro Machno. If Policy and interventions can be designed to be effective in the acute example of Bro Machno then they would serve other Welsh communities now and in the future as the same situation worsens in other places.

The lack of available housing for the community is having an impact on the well-being of the community. Thus far, the evidence base supporting understanding of the impact of second homes on communities is mixed. For Bro Machno, the community voice is clear about the impact – “the end of our society is the future.”

¹ Powel, D., O'Prey, L., Grunhunt, S., Wyn Edwards, C., and Cunnington Wynn, L., (2021). Research on second homes: evidence review summary. <https://gov.wales/research-second-homes-evidence-review-summary-html> [Accessed on 21 September 2021]



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Local Government and Housing Committee
Senedd Cymru / Welsh Parliament
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13 January 2022

Subject: Inquiry into second homes

Thank you for the opportunity to respond to the above inquiry.

About the NRLA

The National Residential Landlords Association (NRLA) represents over 95,000 private sector residential landlords in England and Wales. The NRLA provides support and advice to members and seek to raise standards in the Private Rented Sector through our code of conduct, training, accreditation and the provision of guidance and updates on legislation affecting the sector.

To examine the recommendations made by Dr Simon Brooks in his report, Second homes: developing new policies in Wales, and the Welsh Government's response to those proposals.

Thank you for the opportunity to respond to this inquiry. Central to our response is the importance of a clear definition of what a second home is. Members of the committee should be clear over not only the definition of what a second home is.

We recommend that properties should only be classed as second homes where -

- The property is only occupied by the owner of the property but it is not their main residence; OR
- It is available to let as a holiday let for 210 days each year AND has been let as a holiday let for 105 days each year

This definition would classify empty homes and holiday homes as second homes but not Assured Shorthold Tenancies let on the Private Rented Sector.

We believe this is important, as the PRS provides housing options for many people and if the PRS was caught up in the legislation, then housing options could be reduced for many people. This we believe would be unfortunate, as one of the reasons behind the legislation is to increase housing options which are being restricted by holiday lets.

Recommendation 1 – develop regional and local variation in public policy

The extent to which second homes are an issue, very much depends on the circumstances and characteristics of the community. It is clear, that the proliferation of second homes in some communities in coastal areas in the North and West, is far greater than in other parts of Wales.

Statistics from Gwynedd and Ynys Mon County Borough Council's reveals that in the community council area of Llanengan, which includes communities such as Abersoch, the percentage of second homes to overall housing stock is 39.8% However, looking at these stock ratios for local authority areas, there are three local authority areas – Caerphilly, Blaenau Gwent and Torfaen- where holiday lets only account for 0.02% of housing stock.

Clearly a different policy would be required in the coastal areas in the North and to a slightly lesser extent the West of Wales where there is a greater impact than in the industrial South. However, there would need to be a national policy framework to derive local policy from. Included in this would be a clear definition of what a second home and some perimeters where properties in the Private Rented Sector could be rented as short-term lets for a short period of time without being considered in the legislation.

We think that it is essential to have national definitions to ensure the difference between holiday homes and the traditional buy to let properties within the PRS are not included Accordingly, we are calling for a clear definition of second homes that only includes holiday homes. We are also calling for this definition be made through either legislation or through the planning system as it is with affordable housing. However, for the PRS to have some flexibility, there should remain an opportunity for properties ordinarily in the buy to let sector to switch to holiday lets temporarily if the property is void.

Presumably, the purpose of legislating against second homes and holiday lets is the impact they are having on housing options. It would, therefore, be very concerning if the PRS was included in the legislation and further housing options were reduced.

Recommendation 2 – control of the numbers of second homes

Community Council data reveals there are eight community council areas in Gwynedd and Anglesey where holiday lets make up over 20% of total housing stock. It is very likely that housing options are very limited for people living in these communities.

Not only is there likely to be a shortage of housing options for local people, but it is likely that the few housing options available will be unaffordable. For many people, especially young first-time buyers, the prospect of owning their own home is unlikely and with the demand for social housing is outstripping supply. We believe it would be a good opportunity for local authorities with high proportions of holiday lets to engage with PRS landlords to encourage them to let to people with few alternative housing options.

This support could include local authorities providing bonds or using similar incentives proposed in social leasing schemes including guaranteed rent and grants to make properties open to the rental market. Policy makers should also be mindful why some PRS landlords have left the market in favour of short term lets where there are more financial incentives.

Recommendation 3 – the definition of second homes

We believe it is imperative that a clear definition of a holiday let, or second home is made. However, rather than imposing a mandatory licensing scheme, we believe that the definition should be made through legislation through the planning system. This would enable policy planners to consider the impact second homes have on their individual communities.

Recommendation 4 – responding to Brexit and Covid-19

We agree that Covid-19 and perhaps to a lesser extent Brexit, has made housing options more limited. If the main purpose of legislation of second homes is to increase housing supply, then we recommend that the Welsh Government and local authorities look to developing a more positive attitude towards the PRS. By having a better relationship with PRS landlords, then more housing options will be made available, and it is less likely that PRS landlords will move to the holiday let sector.

We also recognise the impact second homes have on the Welsh language, rural communities and the economy, and are supportive of measures to protect these areas.

Recommendation 5 – the need for policy intervention across a range of policy areas

We are generally supportive of the use of Council Tax premiums, providing the PRS is not included in the legislation. As we stated previously, in the PRS is caught up in the legislation, there is a concern that housing options will be further reduced.

We also recommend a fairer taxation system between those landlords who let their properties as holiday lets and those who let them as buy to let properties. Those who let their properties as holiday lets enjoy a far better taxation system than buy to let landlords including:

- Full Mortgage Interest Relief
- 100% relief on business rates
- Exemption from inheritance tax

Council tax can also be written off as expense under holiday lets, making it difficult to argue that it's a true cost for holiday let landlords. By applying a blunt instrument tax rise on all second homes, this could, perversely, incentivise BTL landlords towards holiday homes as, both tax rises being equal, holiday lets will still be better off in terms of tax structure. Most landlords will not sell their properties

As a result of this, if more landlords move into the holiday let sector then it shrinks the available pool of properties for residents who are unable to afford a deposit or apply for a mortgage. Running counter to the aims of the second homes policy. By providing a more progressive taxation system towards buy to let landlords, less will be likely to change over to the holiday let sector.

Recommendation 6 – Local Council Tax Premium

We agree. Where second homes are a serious problem, then local authorities should have the power to implement 100% council tax premiums. This is providing the PRS is not included in the legislation and that there is a caveat to allow the PRS to act as a short term let for a short period of time to ensure the property does not become void. Policy planners should also be mindful that the need for 100% council tax premiums should only be issued in local authorities where the problem is severe including Gwynedd, Ynys Mon and Pembrokeshire.

We do not feel there is a justification for other local authority areas although there might be justification for high council tax premiums in smaller areas.

Recommendation 7 – Short-term holiday accommodation and business rates

We are not necessarily against providers of self-catering being eligible for SBRR. However, it is evident, that changes in Mortgage Interest Relief and Capital Gains Tax for PRS landlords being set by the UK Government, have impacted many landlords leaving the sector and opening holiday homes to take advantage of the more liberal taxation regime and incentives.

In addition to this, the Welsh Government awarded providers of self-accommodation, grants of up to £10,000 to mitigate against the impact of Covid. As HMRC does not recognise PRS landlords as self-employed, such grants were not accessible for the sector. We therefore call on the Welsh Government to level the playing field in the ability to access financial support between those providing PRS accommodation and holiday homes. This we believe would reduce the incentive of leaving the PRS in favour of short-term holiday lets.

Given the challenges the PRS is currently facing and that many landlords invest in properties that have been empty for a long period of time, we believe that landlords should be incentivised to play a part in solving the problem of shortages in housing too.

This can be done by:

- Introducing interest-free council loans or grants in low-value and hard-to-rent areas.
- Offering a holistic package of Council Tax incentives.
- A recognition of the potential impact of sanction and reward in the system, and the unhelpful nature of arbitrary deadlines for premiums.

Recommendation 8 – Land transaction tax

We are not convinced that there is a justification on varying the higher rates of the land transaction tax in either counties or local government wards in order to reflect local circumstances.

The Welsh Government's recent report from Dr Simon Brooks report from Dr Simon Brooks on Second Homes stated (p.41) increasing LTT "might, however, create one problem which would be difficult to solve. Higher rates of LTT are levied on the purchase of properties to rent as well as second homes. There are communities with a second homes problem (Caernarfon, Bangor,

Llangefni, Holyhead, Milford Haven, Haverfordwest for example) where providing a sufficient supply of rented accommodation is more important than limiting the numbers of second homes.” Dr. Brooks states on p.38 “increasing higher rates of LTT [somewhere without a second homes problem] could impact on the availability of other types of properties, such as accommodation to rent.”

Recommendation 9 – Gwynedd and Anglesey Councils’ ‘Local Market Housing’ Scheme

As we have already said previously in this inquiry response, the main aim of the policy should be to increase housing options for local people.

As the report notes, building large amounts of new and additional housing might solve the problem of housing shortages. However, it would also be unsympathetic to the local countryside and environment which is picturesque in character. Therefore, we would recommend that both local authorities consider engaging with PRS landlords to maximise the housing options from current housing stock.

While it is outside of the NRLA remit, the Welsh Government and indeed specific local authorities may wish to consider how they will promote their local tourism sectors.? The probability is that legislation will have an adverse effect on the sector. This could impact jobs and the local economy.

Recommendation 10 – the creation of a new use class for short-term holiday accommodation

We agree that planning permission be required to convert a dwelling house into a second home in some communities where there is a perceived problem with second homes.

However, there should be a caveat for homes where their primary purpose is to be let on the private rented sector. This would enable PRS landlords to use their property as a short-term let to avoid the property from becoming void. This option should only be open for small periods of time and the primary purpose of the property should be as a private rented property. There is a concern that if PRS properties did not have this option, then PRS landlords could sell up and further reduce housing options for vulnerable people.

Recommendation 12 – establish a Commission to make recommendations regarding the future of the Welsh language as a community language

This proposal is outside of the remit of the NRLA. However, in principle we do see potential merit in the establishment of such a commission.

Kind Regards,

Tim Thomas

Campaigns and Public Affairs Officer

National Residential Landlords Association

Agenda Item 5

Local Government and Housing Committee

9 March 2022 – papers to note cover sheet

Paper no.	Issue	From	Action point
Paper 10	SL(6)133 – The Renting Homes (Wales) Act 2016	Minister for Climate Change	To note
Paper 11	SL(6)133 – The Renting Homes (Wales) Act 2016	Legislation, Justice and Constitution Committee to the Minister for Climate Change	To note
Paper 12	Legislative Consent Memorandum (LCM) on the Elections Bill	Counsel General and Minister for the Constitution	To note
Paper 13	Priorities for the Children, Young People and Education Committee	Children, Young People and Education Committee	To note
Paper 14	Forward work programme	Welsh Cladiators	To note
Paper 15	Forward work programme	Travelling Ahead	To note
Paper 16	Priorities for the Sixth Senedd	Chief Executive of Senedd Cymru to the Chair of the Public Accounts and Public Administration Committee	To note



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JJ/xxxx/22

Chair of the Local Government and Housing Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

10 February 2022

Dear John

When I appeared before the Committee's draft budget session on 21 January I promised to write with an outline of the implementation timetable for the Renting Homes (Wales) Act and I also committed to providing details, when available, on the lessons learnt from the legislation. My apologies for the slight delay in responding to you.

The first tranche of six Statutory Instruments (SIs) were laid on 12 January 2022, and these have recently been considered by the Legislation, Justice and Constitution Committee.

The second tranche, comprising of four SIs are scheduled to be laid next month. A third and final tranche of SIs are scheduled to be laid in June. There are currently eight SIs in this final tranche, although if it is possible to combine certain provisions within fewer broader-ranging SIs it may be that the final number is lower. I attach the details of the SIs that are included within each tranche as an annex to this letter, and I have also included the various guidance documents that have already been published, and those that will be published in the coming weeks.

I also confirmed at the evidence session that we will be undertaking a lessons learnt exercise after implementation which I will ensure is shared with the Committee in due course.

Yours sincerely

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

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

Back Page 116
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Annex 1

Renting Homes (Wales) Act - Implementation Timetable

Statutory Instruments

Tranche 1 – Laid 12 January 2022

- Fitness for Human Habitation
- Supplementary Provisions (including for supported standard contracts)
- Model Written Statements of Occupation Contracts and Explanatory Information
- Schedule 9A (further restrictions on Landlords' Notice)

Tranche 2 – scheduled to be laid March 2022

- Prescribed forms and notices
- Reviews of decisions to extend or terminate introductory or prohibited conduct standard contracts
- Deposit Schemes (Prescribed Information)
- Safeguarding property in abandoned dwellings

Tranche 3 – scheduled to be laid June 2022

- Rent Determination (converted contracts)
- Amendments to Schedules 2/3/8A/9/9B
- Amendments to Schedule 12
- Arrangements for Housing Association Secure Tenancies and Long Tenancies
- Consequential Amendments (x2)
- Transitional Provisions

Supporting Guidance and Resources

The following guidance and other documents have already been published on the Welsh Government [Renting Homes](#) webpages:

- Plain english general overview guidance for landlords
- Plain english general overview guidance for tenants
- Fitness of homes for human habitation: guidance for landlords
- Model written statement for secure contracts
- Model written statement for periodic standard contracts
- Model written statement for fixed term standard contracts
- Guidance on contract types for which no Model Written Statements have been prescribed (introductory, prohibited and supported standard contracts)
- Supported Accommodation: temporary exclusion guidance

The following will be published during February:

- Easy read guidance for tenants/contract-holders
- Stakeholder Toolkit
- Guidance on converting an existing tenancy or licence into an occupation contract under Renting Homes (using a periodic standard contract as an example)

To be published by the end of May:

- Fitness for Human Habitation: contract-holder guidance document
- “Your Written Statement”: Plain English guide for contract-holders: Standard Contract
- “Your Written Statement”: Plain English guide for contract-holders: Secure Contract

Julie James MS,
Minister for Climate Change

28 February 2022

Dear Julie

Statutory instruments made under the Renting Homes (Wales) Act 2016

We considered six sets of Welsh Government regulations made under the *Renting Homes (Wales) Act 2016* (the 2016 Act) at our meeting on 31 January 2022 (items 3.1, 4.1-4.4 and 4.6). We are grateful for the relevant government responses received, which we considered at our meeting on 7 February (items 5.1-5.5).

We make the following comments, in light of (among other things) these two stated aims of the 2016 Act:

- providing a clearer, more logical, legal framework, which reflects fairness and equality;
- providing greater understanding by landlords and tenants of their respective rights and responsibilities.¹

In so doing, we recognise that we are not the Senedd Committee which holds responsibility for considering the Welsh Government's policy on housing in Wales.

The Renting Homes (Supported Standard Contracts) (Supplementary Provisions) (Wales) Regulations 2022 and the Renting Homes (Supplementary Provisions) (Wales) Regulation 2022

We reported that these Regulations do not set a timescale during which landlords must take action in response to comments made by contract-holders about inventories. Your response defends that

¹ These, and other aims, are set out in paragraph 8 of the [Explanatory Memorandum](#) to the 2016 Act.

Paper 12

policy by reference to things that are “likely” to happen, things that are “unlikely” to happen and things that “could” happen. This appears to leave significant scope for uncertainty, and it is unclear to us how this fits in with the aims of the 2016 Act.

The Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022

We reported on the lack of clarity of a landlord’s liability to pay compensation where the landlord is late in providing a contract-holder with a written statement. You accept that the position could be clearer but that you will only address that lack of clarity the next time it becomes necessary to amend the Regulations. There is no way of knowing when this will be. Given we believe the lack of clarity to be an important issue, we are concerned that it remains unaddressed. Again, we refer back to the aims of the 2016 Act.

We also reported on the lack of clarity regarding the legislative basis for requiring a landlord to comply with specific restrictions in order to give notice under section 173 of the 2016 Act. You helpfully explained that consequential amendments will be made to the *Housing Act 2004* and the *Housing (Wales) Act 2014*. However, had you originally made reference to these future amendments (for example, in the Explanatory Memorandum), this would have helped our scrutiny considerably.

The Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022

We reported that the model written statement of a fixed term standard occupation contract for a term of less than seven years does not expressly provide for a space for the term of the contract to be included. Your response says that the term of the contract could be set out in several places, but that you accept this could be made clearer.

We remind you that the Explanatory Memorandum to these Regulations says:

“The purpose of the Model Written Statements Regulations is to provide model written statements that encourage consistency in the way written statements are drafted, and provides a reliable aid for the creation of written statements that are compliant with the legal requirements of the 2016 Act.”

You will also be aware of section 32(2) of the 2016 Act, which says that written statements must set out the terms of the contract addressing key matters. The term of a contract is one of a handful of key matters. All other key matters are expressly dealt with in the model written statement, but the key matter of the term of the contract is not. We are particularly concerned that this is not being dealt with as a matter of priority.



Paper 12

Delayed implementation

More generally, we are concerned that it has taken over five years since the 2016 Act received Royal Assent for these regulations to be made in order to implement detailed policy on renting homes.

Should appropriate timetabling opportunities arise, we believe that there would be merit in the 2016 Act being subject to post-legislative scrutiny to learn lessons not only about the reasons for the delay in implementing the regulations but also in determining the practical impact of that delay, and, now they have been made, their impact in delivering improvements for citizens.

I am therefore copying this letter to the Chair of the Local Government and Housing Committee, not only to draw their attention to the outcome of our scrutiny of the regulations, but also in light of our comments about post-legislative scrutiny.

I look forward to receiving a response to the points we raise in due course.

Yours sincerely,

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

Huw Irranca-Davies

Chair

Agenda Item 5.3



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/CG/4516/21

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee

John Griffiths MS
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16 February 2022

Dear Huw and John,

I note that both the Legislation, Justice and Constitution Committee, and the Local Government and Housing Committee published reports on the Welsh Government's Legislative Consent Memorandum (LCM) on the Elections Bill in early December 2021. I would like to thank the Committees for providing their views on the matters raised in the LCM. The Legislation, Justice and Constitution Committee report contained recommendations for the Welsh Government, which I respond to below.

Recommendation 1

Following the completion of the Bill's passage through the UK Parliament, the Counsel General should issue a statement on the implications of the legislation for devolved elections in Wales.

Response: Accept. The UK Government has not confirmed with the Welsh Government when the Bill will complete its passage through the UK Parliament, therefore I am unable to provide a firm indication as to the timing of the statement at this time.

Recommendation 2

The Counsel General should confirm at the earliest opportunity his intention to bring forward a Welsh Bill on electoral law in time for the next Senedd general election in 2026.

Response: Accept. As set out in the LCM, it is my preference to consider some of the issues covered by the Bill in separate Senedd legislation in due course. As you will be aware, our legislative plans are set out on an annual basis through our Legislative Programme. It is my intention to bring forward a Bill in time for the next Senedd election, but this will of course need to be considered alongside other demands on the Legislative Programme.

Recommendation 3

The Counsel General should at the earliest opportunity:

- *confirm the outcome of his discussions with the UK Government about amending the Bill including in relation to clauses 12 and 13 relating to the Electoral Commission;*
- *explain the nature of the amendments being sought, including the extent to which they relate to a devolved purpose;*
- *advise when, if appropriate, he intends to bring forward a Supplementary Legislative Consent Memorandum related to the tabling of amendments in accordance with Standing Orders 29.2*

Response: Accept.

Discussions are ongoing with the UK Government. We are seeking amendments to remove devolved Welsh elections from the scope of the Bill, and I will update the Committee following the conclusion of those discussions.

Recommendation 4

The Welsh Government should include a commentary on the extent of co-operation and engagement with the UK Government in all Legislative Consent Memoranda that are required by virtue of Standing Order 29.

Response: Accept in principle. We will consider the amendment of the formal guidance for completing Legislative Consent Memoranda as part of our engagement with the Business Committee's review of the LCM process to make this a requirement. In the meantime, when preparing Legislative Consent Memoranda, we will ensure they inform Members of the extent of co-operation and engagement with the UK Government. However, as you will appreciate, there is a need to respect confidentiality, and we may not always be in a position to share all the information we receive.

Amendments tabled by UK Government

I also wanted to make you aware that the UK Government has tabled a number of amendments to the Bill during January, relating to online absent voting applications voter identification provisions and digital imprints. I am giving further consideration to these amendments alongside the approach to the wider Bill, and I will update you in due course.

I hope both the above responses to the recommendations and the update on amendments are helpful. I will continue to keep both Committees updated as the Bill progresses.

Yours sincerely,



Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

—
**Children, Young People
and Education Committee**

Senedd Committee Chairs

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18 February 2022

Findings of our 6th Senedd priorities engagement with children and young people

Dear Committee Chairs,

As part of the consultation that we carried out to inform our priorities for the 6th Senedd, the Senedd's citizen engagement team undertook a series of engagement activities with children and young people on our behalf. The purpose of that engagement was to find out more about what matters most to children and young people.

The citizen engagement team heard directly from 127 children across seven sessions. They engaged with children and young people across Wales, in a diverse range of locations and settings. They targeted children that we as a Committee find difficult to reach, such as children under 12 and children from low income families. The team reported their findings back to us during our meeting on 27 January.

I and my fellow Committee members were struck by the clarity with which the children and young people communicated their concerns and priorities. Clear themes emerged from the engagement work, with nuances that reflect the diversity of the children who contributed and their different experiences of the world around them. They spoke about deforestation, littering, social isolation, mental health, poverty, hospital waiting times, infrastructure, diversity, social media and much more. They shared their views - and their visions for a better Wales – clearly and articulately.

After considering the report, we felt strongly that we should share it with you. Everything that the children and young people raised with us is directly relevant to at least one other Senedd Committee. Much of it is relevant to various Committees, and some of it should resonate with us all.

I have therefore attached the citizen engagement team's report to this letter. I hope that you are able to find the time to consider it and incorporate its findings into your work.

I appreciate that there is so much work for Senedd committees to do, and it can seem as if there is never enough time to do it all. The Children, Young People and Education Committee therefore warmly welcomes any opportunities for joint working where it is in our mutual interests – or more importantly, in the mutual interests of children and young people in Wales - to do so.

Yours,



Jayne Bryant MS

Chair of the Children, Young People and Education Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Young People's Priorities for the Committee in the 6th Senedd

Children, Young People and Education Committee

January 2022

Over the summer of 2021 the Children, Young People and Education Committee (*Committee* hereafter) conducted an open consultation aiming to understand stakeholders priorities for the Committee during the length of 6th Senedd term. A summary of the responses was prepared by Senedd Research.

In October 2021, the committee agreed to seek the views of children and young people to further understand the issues that they care about and to inform the Committee's strategic plan.

Due to a breadth of consultation data available in the public domain from engagement conducted with 12 year olds and older (*young people* hereafter), a focused consultation was conducted with 11 year olds and under (*children* hereafter) to fulfil a knowledge gap and therefore have the biggest impact on informing the committee.

To ensure the voices of all ages were heard, the Committee also agreed to speak with one group of young people.



Methodology

The approach conducted for this piece of work facilitated conversations to enable the gathering of information about children's lives and their perspectives. It was primarily a qualitative approach. Using the following principles from participatory frameworks, engagement was designed to:

- **Ensure a safe and communicative space**, where participants didn't feel there was a 'right' or 'wrong' answer to the questions they were being asked as they might be used to this from within a school setting.
- **Include groups that were less visible either generally within Committee consultation or from the research already undertaken**. This was achieved by targeting an under 12 age group and only involving one group of young people. Also, all three schools groups were from schools offering Free School Meals to over 40% of their pupils.
- **Offer a range of options for engagement** that suited individual participants, for example, this approach allowed participants to contribute visually, verbally, in writing or by drawing.

Sample

Seven sessions were held with **127** children and young people. Audiences included:

- **Home Educated children and young people**. A drop-in session was held in the National Botanical Garden of Wales and facilitated by Senedd staff.
- **Primary school educated children**. Three classroom based environment led sessions were conducted by Senedd staff or school staff. Participants came from the following schools; Ysgol Ffordd Dyffryn, Llandudno; Trinant Primary School, Caerphilly and; Ringland Primary, Newport.
- **Nursery school children**. Two nursery based sessions were conducted by nursery staff within the setting and in their local area. Participants came from Thornhill Playgroup, Cwmbran.
- **Young people**. A virtual session was conducted by two Members of the Senedd and supported by Senedd staff. Participants came from The Wales Federation of Young Farmers Clubs (YFC hereafter).

For the style of this approach this sample size should provide enough data to address the aims of this work and complement existing all Wales based research.

Approach

Each group was invited to take part face to face. In total three sessions were delivered by Senedd staff face to face. Two were delivered digitally by Senedd staff and two were delivered by the setting. The two sessions delivered by the setting occurred in the

nursery setting, an approach recommended for this age group as introducing a new person to very young participants can be distracting and affect the collection of genuine results.

Each group session plan was developed around the following overarching questions:

1. If you could make a “perfect vision of Wales” what would you include?
2. What are your favourite things about Wales? And why do you like them?
3. What don't you like about Wales and why would you want to see less of this?
4. What would you change about Wales if you could?

In advance of the session, each group was invited to answer these questions with photography. At each session, other than the virtual event with YFC, A0 maps of Wales and paper people were used as a resource to promote the sharing of their thoughts on these questions. You can see images of some of the maps in Appendix A.

During each session staff would explore the reasoning around what the young people were creating asking non-leading questions. Verbatim quotes were collected to add context to their picture making, mark marking and map making. This allowed the young people to analyse their thoughts and opinions and then verbalise them.

Member involvement and attendance at face to face sessions was limited by the ongoing Covid regulations. However, Jayne Brant MS (Chair of the Committee) and James Evans MS (A member of the Committee) were able to attend the virtual session held with YFC.

Key Findings

The data collected at each session has been analysed and the key findings illustrated below. Key themes were identified as most prevalent themes emerging from the data. Several of the themes link with Articles from the United Nations Convention on the Rights of the Child. Verbatim quotes are highlighted in grey boxes. Themes are displayed in order of the highest prevalence first:

Environmental Concerns

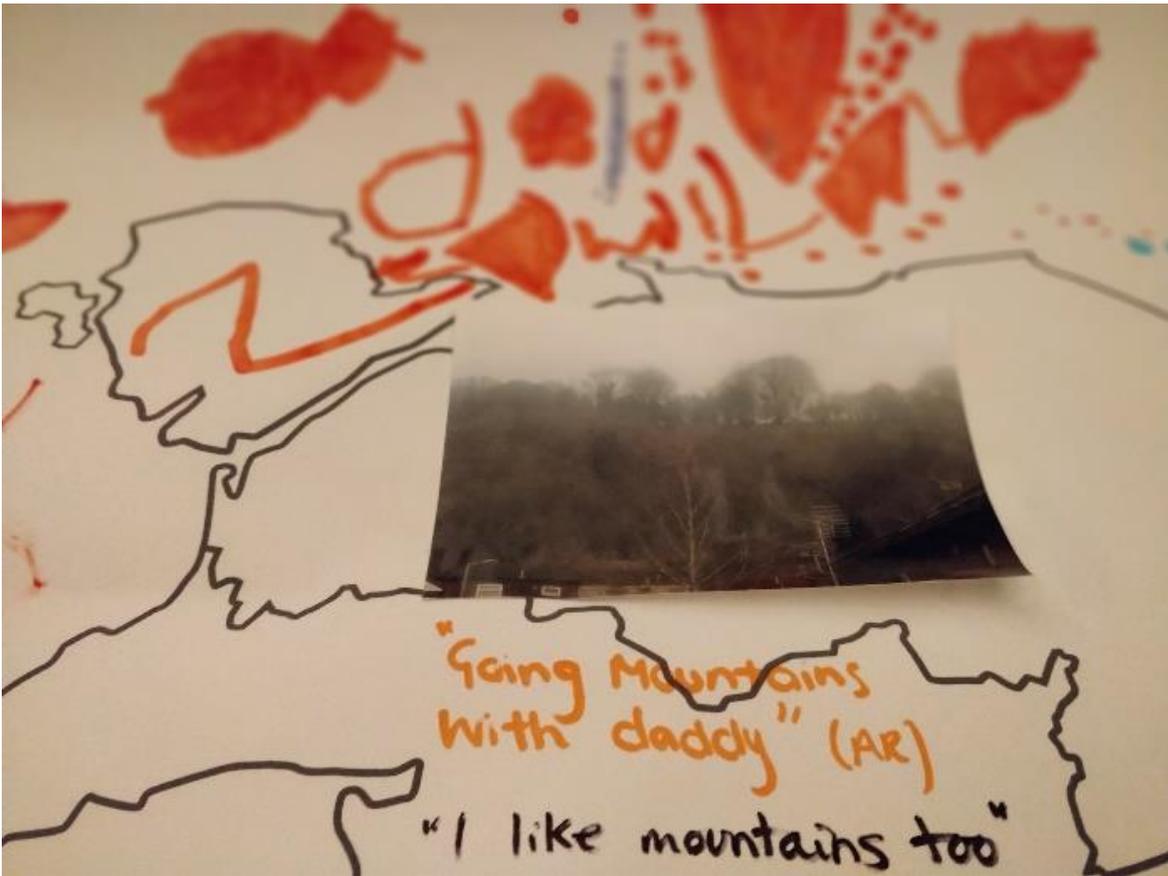
Article 12: Your right to say what you think should happen and be listened to.

Environmental concerns were the primary focus on almost all of the maps as well as raised at the virtual session with YFC and illustrated with photographic images.

Comments could be divided into:

- a) those that demonstrated awareness and appreciation of the environment, nature and wildlife;

Within the nursery setting two children liked the mountains nearby and commented 'going mountains with daddy' and 'I like mountains too'.



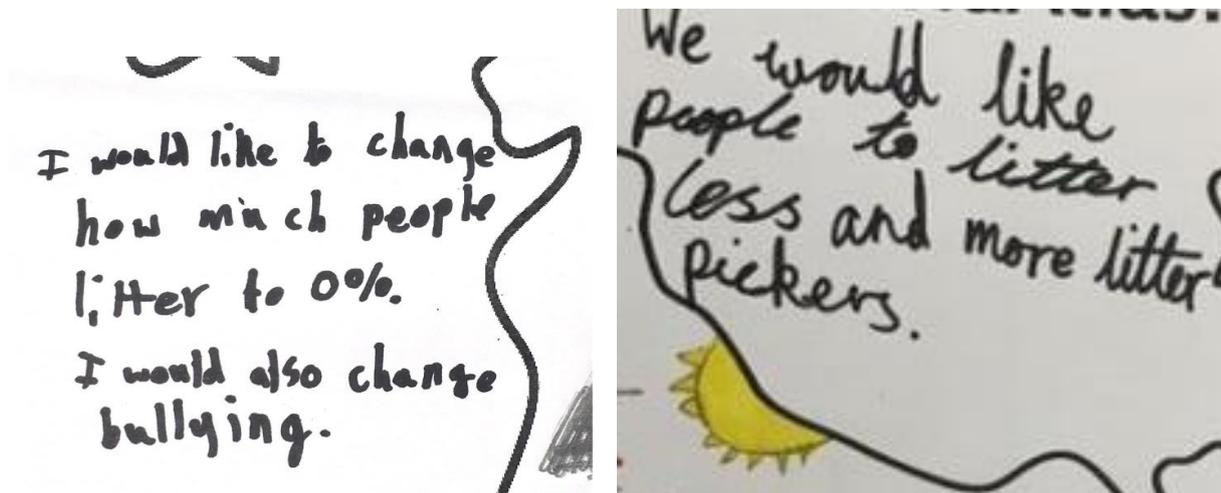
Participants from the schools took pictures in their local areas of natural beauty and mentioned beauty spots they liked to visit.



Wild and captive animals also featured within the images:



b) appeals for improvements to cleanliness in their local area;



Participants in the school drew pictures of litter and shared concerns about the amount in their areas. There was a particular focus on plastics.

Within the nursery setting several children were in agreement that they did not like rubbish and one child said 'rubbish go in bin'.

Dog waste was verbally mentioned several times and photographed once by the children. Only one photo was added to the map (nursery staff commented that 'the map would be covered in poo photos otherwise!') One child commented 'yuck poo!' 'Rubbish go in bin', 'rubbish don't go in there' and 'might tread in it' in reference to dog waste.



Comments to support concerns to the local environment from other children and young people were:

There's litter everywhere and we need more bins. – child aged 9-11

We went out to pick up litter on a litter hunt and picked up so many bags full of plastic. – child aged 9-11

Keep Seas / Beaches clean - Home schooled participant

(Facilitator asked: What don't you like about Wales?) The rubbish because it's effecting all the animals. – child aged 9-11

(Facilitator asked: What don't you like about Wales?) Firstly we have litter, if it goes into the sea it can make our planet more polluted. It can cause more fires, cause more storms that affect us. (Facilitator asked: Where is the litter?) We are one of the best for not littering but I do see when people come out of the shop they just drop their papers on the floor from their things. (Facilitator asked: What can we do about this, what are your ideas?) Maybe add a little bit less plastic to things so some things can come in cardboard or other things because there are lots of plastic things in the shops when you walk in. – child aged 9-11

Stop using plastic, give people a fine for littering and there could be cameras everywhere on every street. – child aged 9-11

We can't ban plastic, we probably still need to use it for different things don't we, but you can get rid of some of it but don't think all of it. We need to be first

in the world for recycling so there is like no litter in the streets anymore. – child aged 9-11

C) And; appeals for action against things that children and young people felt were damaging to the environment.

Comments collected from the maps or shared verbally included:

Stop killing animals and stop using plastic straws – child aged 9-11

Get rid of some plastics – child aged 9-11

Easier ways to recycle and less plastic packaging in Welsh supermarkets - Home school participant

More trees, we shouldn't cut down all the trees. – child aged 9-11

(Facilitator asked: What don't you like about Wales?) Deforestation (Facilitator asked: In Wales or in the world?) In the world (Facilitator asked: Does it affect us here in Wales?) Yes (Facilitator asked: What should we be doing?) Instead of cutting down trees we should be planting – child aged 9-11

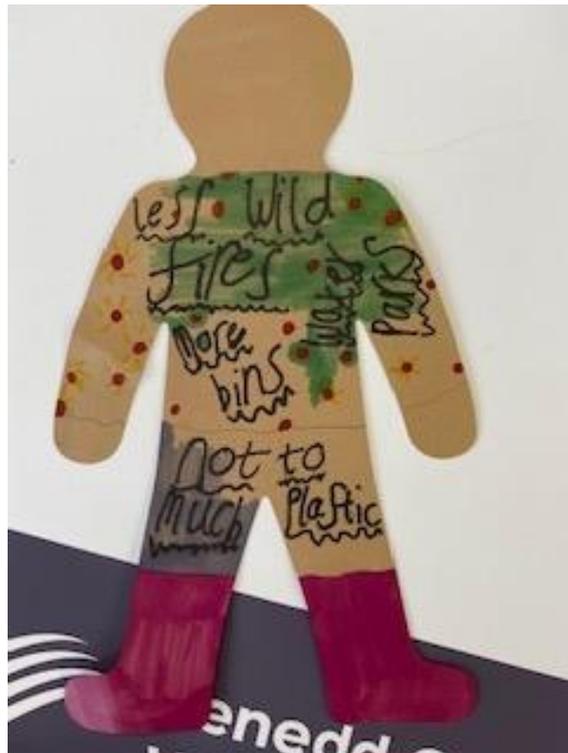
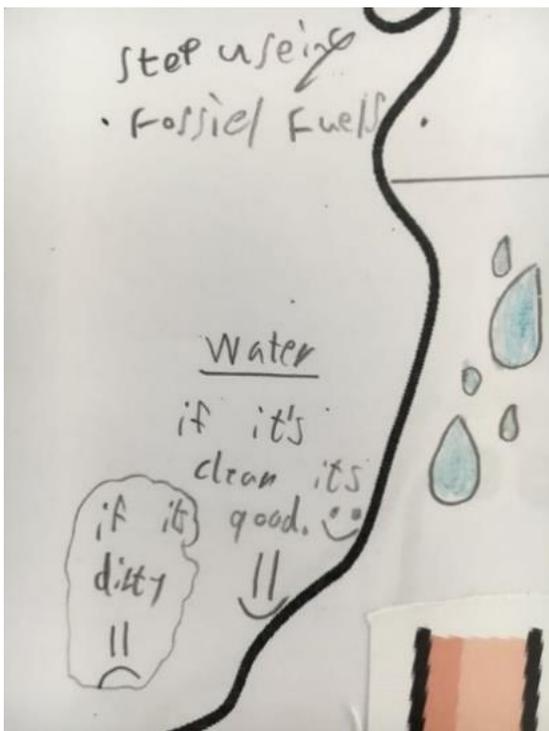
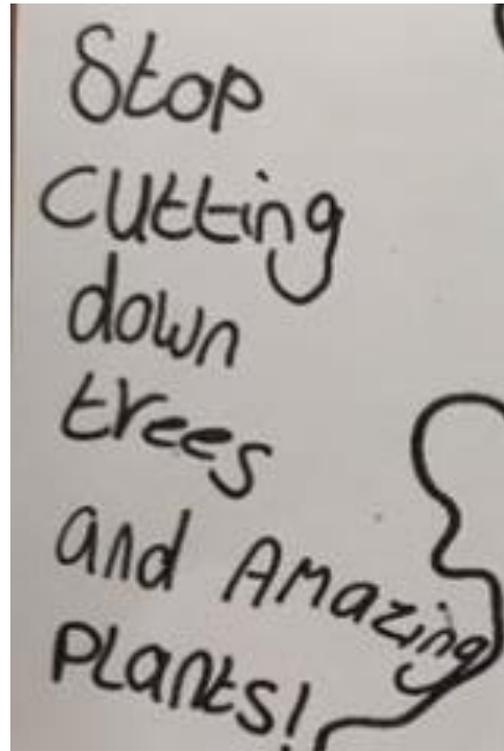
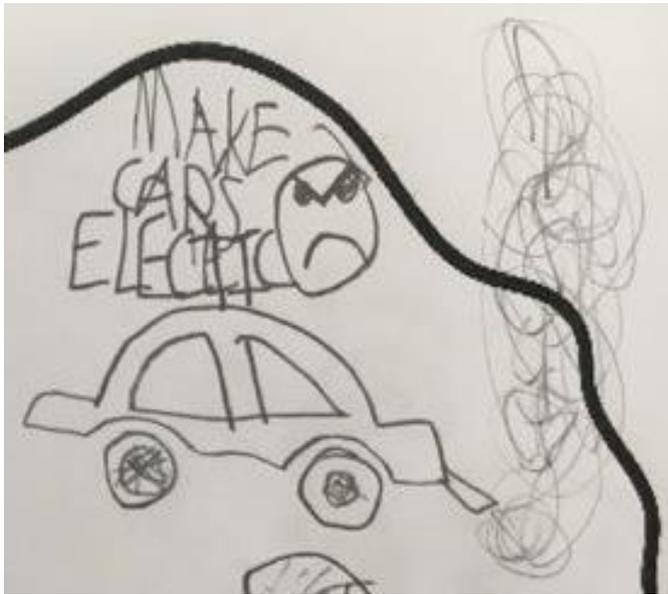
Less wildfires because we have lots of wildfires up on the mountain. They kill the animals and are dangerous for all the people. – child aged 9-11

(Facilitator asked: What don't you like about Wales?) Cars, I don't like them because they cause pollution. More cycling and walking to School, electric cars not gas or fossil fuel. – child aged 9-11

Green Cars only – less building roads - Home schooled participant

I think things like the 5p bag tax does make a lot of difference because before that was in place I can remember going on holiday in England and there was just so much plastic waste compared to Wales. I think it's important we think more about the environment as much now as we did when the 5p bag tax came in. We've got so such a nice environment and landscapes in Wales. I think we do do quite a bit too. But I think there's more we can do. – Participant from YFC

These images were collected from the school sessions:



Participants from schools shared images they'd taken of litter in their area and the presence of renewable energy sources in their local area:



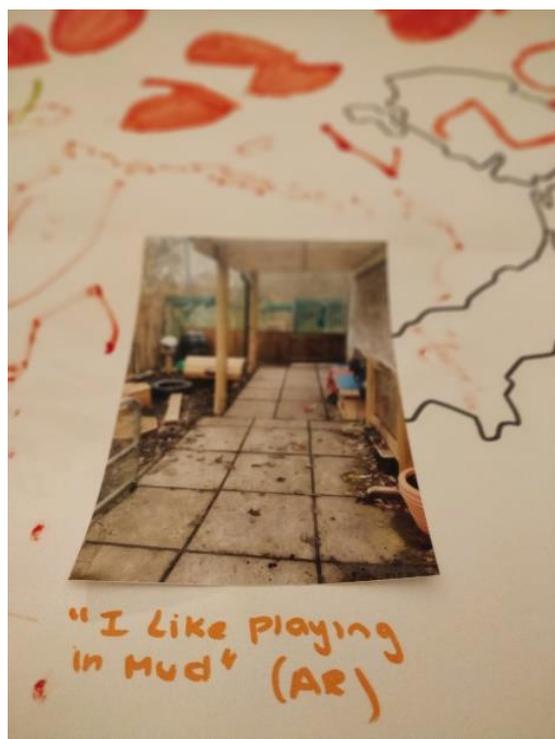
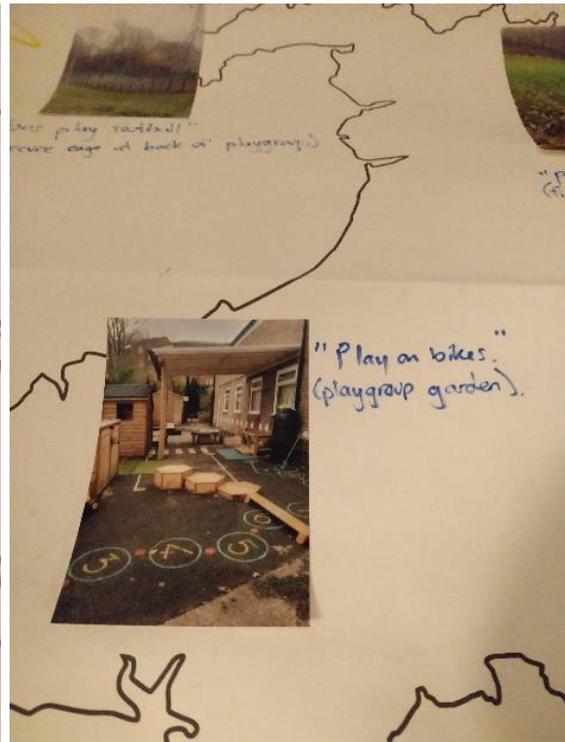
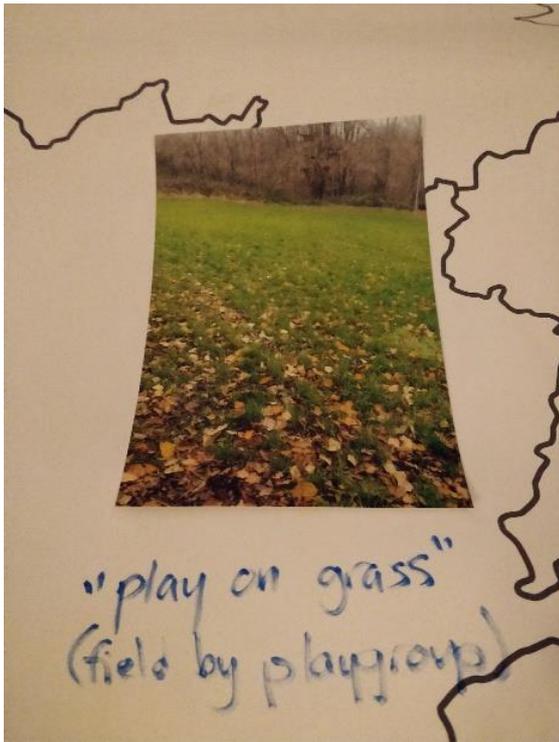
Security in the context of relaxing and playing

Article 31: Your right to relax and play.

Children and young people across many groups expressed how important play was to them.

Words that sum up my best of Wales – freedom, creativity, resilience - Home school participant

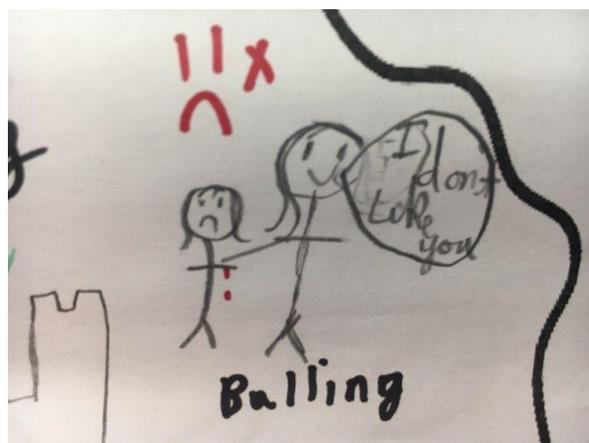
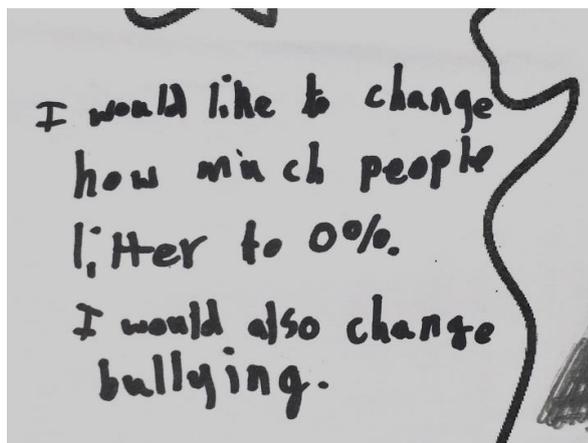
In the nursery sessions there was a clear theme of play and enjoyment at the nursery and in their local area.. The children wanted to take a photo of the playgroup garden saying 'I play in mud'. One of the older children wanted a picture in front of the 'big butterfly' and the other children joined in saying 'play with toys', 'do pictures' and 'stickers'.



However some participants struggled to find places to play for various reasons:

I don't really go out because there's not much to do and my Mam might be moving again. I have three friends, I did have friends before I moved. I moved a lot of times (over 5). I want to make more friends and I'd like to talk to my old friends too. I don't really want to move again. – child aged 9-11

The participants in schools shared experiences and perspectives on when those spaces or their personal safety felt under threat:



There's lots of fighting around here. It's like the Hood up here. It's all the naughty teenagers. They spray spray-paint all over the place and they ruined our swings and jumped all over them. They tell us to get off the swings. They can go far away and not destroy the children's parks. – child aged 9-11

I want a skatepark that doesn't get wrecked by the teenagers, they keep digging it up and trying to set fire to it. – child aged 9-11

Within the nursery session, one child said 'he parked there' pointing out that there was very little space for staff and children to pass by safely on the path:





Other children pointed out overgrown bushes meaning children were unable to walk down a path without moving onto the grass (when holding hands in pairs) 'didn't like the prickles'.

Many children and young people requested an increase in the number, variety and quality of spaces to spend time with family, with particular reference to outside spaces and local parks:



I want more places to go to like places to go on walks with my family. Like Pen y Fan Pond because it's not next to the road. – child aged 9-11

I like indoor places like a museum and trampoline parks. I like going places with my family. – child aged 9-11

Culture 😊 – Better access please but love the opportunities in Wales, castles, theatres, dancing – Home school participant

Health – including access to good physical and mental health

Article 6: You have the right to life and to grow up to be healthy.

At the virtual session with YFC, mental health was discussed in detail. **Isolation as a result of the pandemic, social media and child poverty were identified by young people as instigators for poor mental health.** (Please see the “Diversity and Inclusion” section for data on child poverty):

Mental health support is something I'm really passionate about. In my undergraduate dissertation I wrote about how in general we [society] think it's older people that don't want to come forward and talk about it – perhaps because of a stiff upper lip attitude. However my research actually found it was young people who had more stigma towards it despite being educated on it so much more. – Participant from YFC

COVID has affected levels of mental health. Mental health has been heightened because of isolation. We've been behind computers and the isolation of being away from family and so forth has exacerbated the problem. – Participant from YFC

Social media plays a huge role in young people's mental health – but unfortunately I don't see how we can really police it easily. There are some obvious approaches out there. Like encouraging the young people to unfollow people who don't make them feel happy. But at the end of the day who's actually gone through their social media and taken out the people who don't make them feel good. It's such a big thing in our lives and it's going to be our lives now forever. – Participant from YFC

Unfortunately, we're seeing much more of this issue [poor mental health] than we are seeing the positive sides of social media. – Participant from YFC

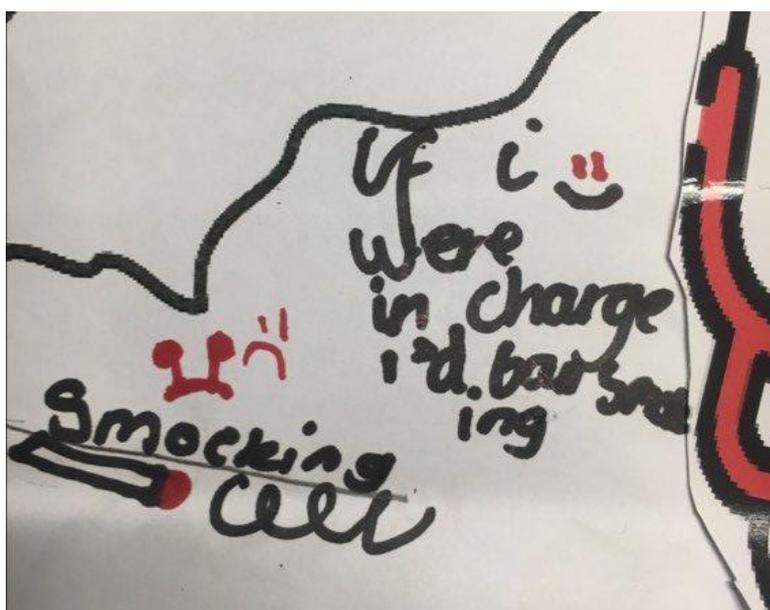
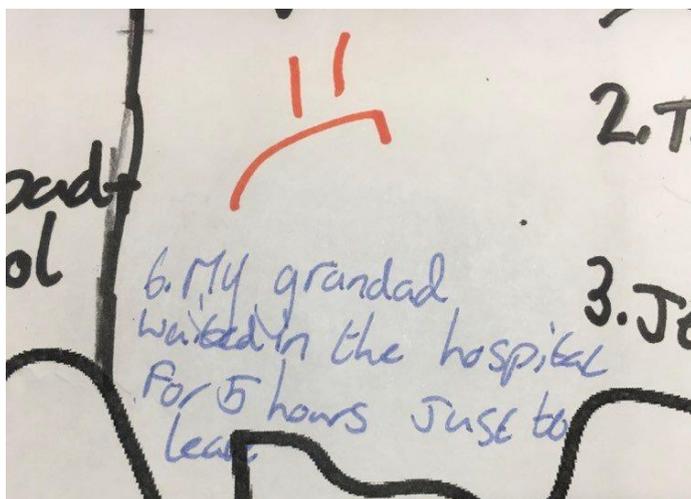
One thing that I would change if I could, if I had a magic power, is that people can only post their real life rather than their ideal vision [...] we [social media users] end up comparing ourselves and feeling hopeless. – Participant from YFC

Participants suggested nature could help mitigate poor mental health:

I love the countryside and beaches – more people should spend more time outside in my opinion – makes people happy! – Home school participant

People can go out to nature they hear the birds singing it helps them calm. – child aged 9-11

References were made by school participants about **waiting times and their dislike of smoking** and under the map titled “what would you change in Wales?” one home schooled participant said “More Carers” and “More Male Carers!”:



Smoking can affect your health, I know it's addictive but it shouldn't be if it affects your health. Why should it be there at all because it's affecting your lungs. – child aged 9-11

(Facilitator asked: What would you like to change?) When you go to into hospital there are gigantic ques. – child aged 9-11

Access to services

Article 29: Your right to become the best that you can be.

Closures of services and centralisation of facilities, lack of affordable homes and poor internet connection were among a range of things that young people felt held them back from being the best they could.

Participants from the YFC group felt that **the future of Wales should focus on children and young people primarily**. Ensuring this group has the security and support to be able to grow up and live in their local area as they felt a lot of services are being centralised or closed. This was echoed by some younger participants who were aware of hospital closures or the need to have services more locally:

I think young farmers have a vision of a better Wales for the future of young people [...] We need to make sure that the future is safe and secure for them in regards to being able to work in agriculture. A lot of young people are moving away from agriculture and moving away from rural areas because they're not able to afford to live in rural areas [...] We've heard of local small schools closing, and we are losing those communities in those areas. I know my local school here has closed and it does feel that you lose the community. –

Participant from YFC

I think that it's important to have something to still bring those young people back into those areas. – Participant from YFC

I put a school on the map too so I can walk to it and my dad has to get up really early in the morning to travel to work. I'd like it if we had everything so we could walk there like a local school and jobs. - child aged 9-11

There was a sense that **participants were grateful for their rural surroundings** but also that they **wanted a good balance with sharing it with people who come from outside the area**. Their reasons for this were to ensure respect for the area and the safety of local people and the economy.

I'm lucky in the area I live in. I live in a rural area of Wales and we've been very very lucky throughout COVID. That's made me appreciate much more of what I have around me. – Participant from YFC

(Facilitator asked: How do you feel living here in the summer?) The summer has loads of great things but way too many tourists. – child aged 9-11

We want our town not to be so messy. Tourists come and leave their rubbish - child aged 9-11

The group shared **dismay at the infrastructure around internet access in rural areas**. They explained how this is prohibiting their lives and ability to stay in these rural areas due to the lack of being able to work successfully from home, something they have observed is more of a norm these days. They also raised concerns of personal safety when they had a lack of signal in rural areas:

Internet access will be something that affects young people's decision to stay in rural areas. Unless we can get that sorted, people are really going to have to move away from those areas due to not being able to work from home as well as someone in urban areas. – Participant from YFC

What I don't like about Wales is the whole Internet and phone signal thing. As someone who works from home at the moment, it's a pain in my bum sometimes. But also, it made me feel less safe going on walks in my area [...] Sometimes this stopped me from going on those walks. – Participant from YFC

Issues around affordable housing were raised with concerns about young people having to leave the areas that they have grown up in:

I think that's very important during the next five years in the Senedd that Members make sure that young people are looked after and young people that have been in those areas over the years are able to stay in those areas. Or rural Wales is going to be more like an old age pensioners area. There is room for both age groups in every area, but I think the priority for support needs to be the younger generation for the future of Wales going forward. – Participant from YFC

Being 22 years old now I'm in the typical age group to look to buy a house but with rising house prices and so forth it is proving very difficult. I know this issue may be difficult to sort out over five years because that's a big job, but I can see it's only getting harder and harder, with holidaymakers coming in all the time. Boosted prices with second homes. It's a hard thing to balance in Wales

because we don't want to segregated ourselves away from the rest of the country. We want people to come in. We want that economic support and money from those holidaymakers. But we don't want those people taking our houses. – Participant from YFC

One participant explained they felt they were at a disadvantage due to becoming a professional even though this was what society needs. This meant they have **'lost their independence'**:

As someone who went to university and therefore didn't have a wage from 16 straight through to what am I now (22) it makes it even harder to buy a house. My brother is hardly 20 years old, and he's buying a house at the moment but it's only because he worked straight from coming out of school. Because I went to university I'm at a disadvantage even though I've got a professional job. I've lost out on my independence because I'm still at home. Perhaps this is a reflection on current wages too. As I'm doing jobs that are stuck on minimum wage. We [society] make it hard for people who go to university to come out the other end financially successful but we [society] need people to go to university to come out with these degrees and training skills because these people are then the future for tomorrow. They will be those teachers teaching children. – Participant from YFC

Education and Welsh language

Article 28: Your right to learn and go to school.

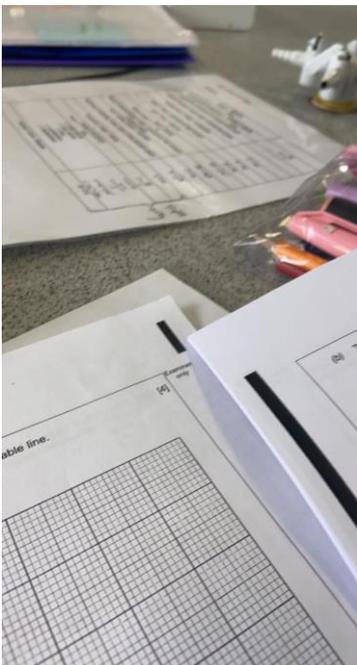
In general young people expressed their satisfaction with their education.

Our school has a lot of energy, it's nice and positive, they are nice when people are sad – child aged 9-11

Below is a reversible paper person that one participant created of their 'superhero teacher':



A YFC member submitted this photograph saying schools are something that they like about Wales:



Home school educated participants wanted to see **more long term funding for home education** and they requested **free exams** and **free Welsh language lessons**.

Apprenticeships were discussed at the YFC session. Participants felt although they are necessary they need more structure and **should be assessed by demand from the perspective of the employer and apprentice**:

I think apprenticeships are a vital part of rural areas to be honest. With apprenticeships, it's getting the correct apprenticeships in the correct places. Because we're seeing a lot of people that are going for apprenticeships but they might not be old enough to drive. They might be old enough to drive but can't. Catching a bus at the correct time to the correct place is, well, completely impossible in our area anyway. They usually don't turn it or they turn up two hours too late. - Participant from YFC

Social media was also discussed with the emphasis to **include it in the curriculum** in order to mitigate poor mental health:

I definitely think it's important for social media to be part of the curriculum, but I have I worked in a school where time was set aside for talking about this topic, but their form tutor was an old man who clearly didn't understand social media and it's affects. So it's important to get the balance of how to get that message across right and getting the children to actually take notice of it. – Participant from YFC

Young people were positive about Welsh language education:

We want more Welsh language to be included in the world. – child aged 9-11

Love the language!!! More Welsh activities. – Home school participant

Diversity and Inclusion

Article 3: Everyone who works with children should always do what is best for each child.

The topics of **racism** and **gender balance** occurred in several groups, mainly with requests to **'stop racism'** or where participants wanted to highlight that they **felt these topics are 'still' a problem**. Occurrences were verbal and visual:



I want more inclusivity for gender and races – Home schooled YP

I said black lives matter because it's important. – child aged 9-11

I think in schools they [poorer families and children] can be treated differently. From my experience, maybe the school isn't looking out for them as much as other pupils because they've got special education needs and so forth, they then end up with adverse situations when they're older and then unfortunately cost Wales extra money because society should have intervened earlier rather than intervening at crisis point. – Participant from YFC

Inclusivity is not just about in schools. It includes the community. It includes us as a younger generation and the older generations living in rural communities. -Participant from YFC

I've seen a big change in women in agriculture during the last five to 10 years. I think the appreciation of the work women do within agriculture is getting closer to being level with men. [...] We've seen the unions doing a lot of work showing what women do in agriculture. However in my opinion we shouldn't

have to be doing that, we should be on level playing fields by now and it doesn't matter what sex you are because at the end of the day we can all do the work. I'm glad to say that it is going in the right direction. -Participant from YFC

Also, in reference to **Article 27: Your right to a good standard of living**, child poverty was discussed. Children were **concerned child poverty is still prevalent** and they expressed how they felt it was affecting children and young people today:

I think it's bad that some children don't have money for a bike. – child aged 9-11

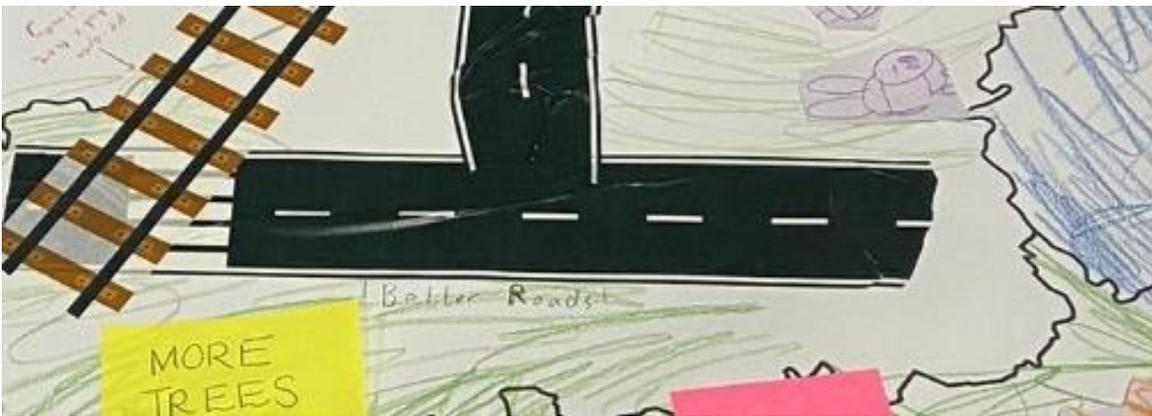
I have to cycle to get to school, it's ok the traffic isn't bad. More should cycle to school but not everyone can afford a bike, we should do something about that. – child aged 9-11

Make more jobs and give more money (Facilitator asked: What do you mean more and better paid jobs?) Yes, so that people don't get homeless so that they can afford what they need. – child aged 9-11

I feel like COVID has segregated people from being people who can afford a laptop, and people who can't, especially for young people. When they don't have a laptop they can't pick up their school work so easily making it more difficult when they go back to school. I work in a school and I have seen how far behind some children have been because of not being able to afford a laptop and that really affects their mental health, not just because they can see they are behind, but because they can see, that they can't afford one like other people. They know they have missed out on two months of education and are asking themselves "Where am I going to be in the future? What's the point in trying for my future?" And this attitude can spiral. – Participant from YFC

Transport and Connectivity

Participants wanted improved public transport, with particular reference given to **better train infrastructure, public transport and increased electric cars** (see comments above):





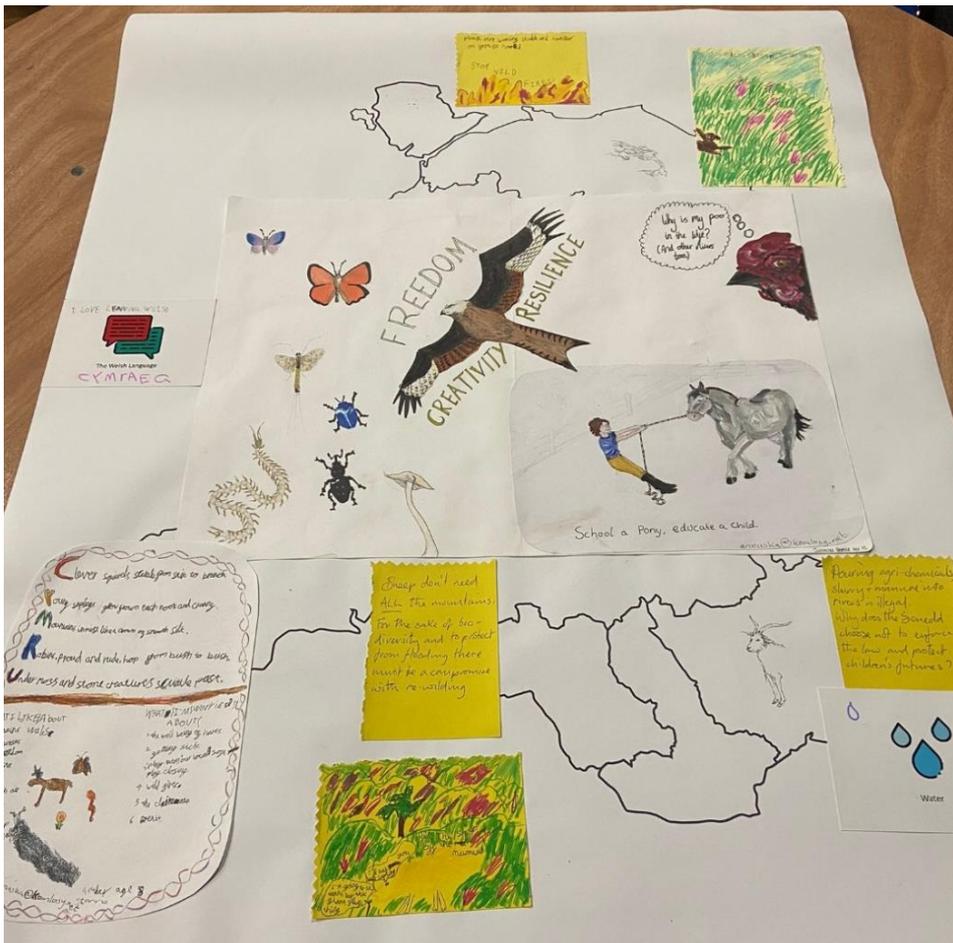
This quote related to the map above on the left:

We need better trains and roads. We put more train places on our map so people can get the train instead of driving. We made it so all the tracks all over Wales connect up. – child aged 9-11

There were also references to north and south road connections (see map above and on the right):

I went up to North Wales for a big bike ride. It took forever and the road was really bad to get there. – child aged 9-11

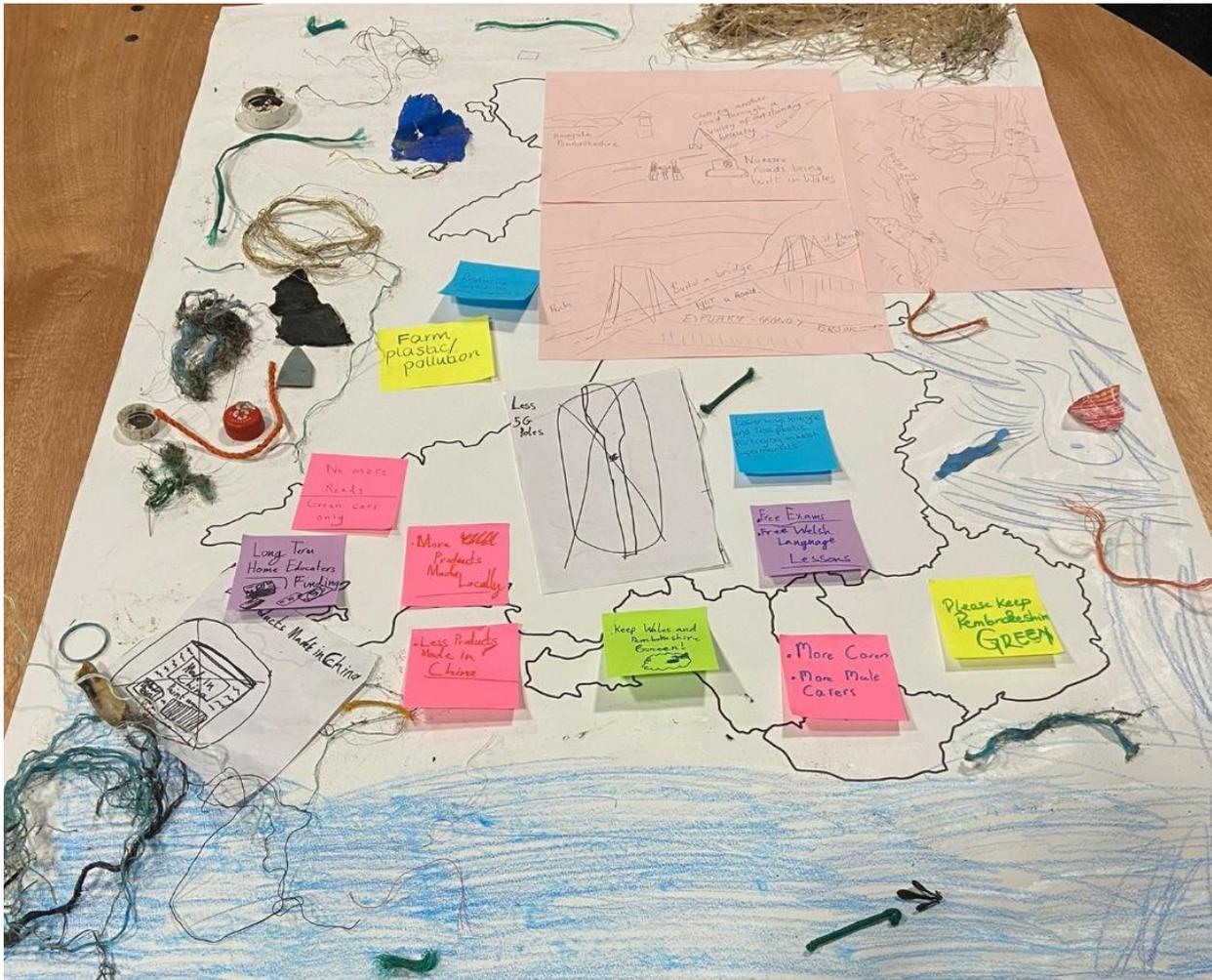
Appendix A:



Above: Map making example from home school group

Below: Detailed shot of map making example with home school group





Above: Map making example from home school group

Below: Above: Map making example from nursery setting





Above and Below: Map making examples from school groups



Welsh Cladiators

Submission to Welsh Local Government and Housing Committee

February 2022

As a group representing many hundreds of Welsh citizens caught up in the Welsh Home Fire Safety Crisis, we submit a:

- *Series of concerns about the Welsh Government's management of the crisis*
- *Request to urgently appear before the Committee.*

At the outset we would also like to stress that most homeowners have no desire to receive tax-payer monies to resolve this crisis. Many are of the clear view that it is the developers and builders who are responsible for remediating their seriously build and fire defective homes. However, in the light of the continued failure of those responsible to accept responsibility and accountability we look to the Welsh Government to urgently support us.

Our Concerns

1. In June it will be five years since the shocking Grenfell Fire Tragedy that resulted in the deaths of 72 innocent people.
2. The crisis initiated what has since become recognised as a systemic failure of the home building and government, local authority, regulatory regime
3. Millions of innocent victims who did everything right are now facing 24/7 financial and mental health pressures as developers continually seek to evade responsibility and accountability for the crisis. The impact of real lives is seriously underestimated.
4. Housing is a devolved responsibility in Wales. We are seriously lagging the UK Government when it comes to proactive & detailed plans to respond to the crisis.
5. From the outset of the scandal the Welsh Government Minister & responsible Julie James insisted that there was very little the WG could do to force developers to remediate their fire and build defective homes. Instead, Ministers made endless appeals to the moral responsibility of developers. At the same time Minister Julie James has constantly complained about how "terribly complex" the crisis is.
6. Like the Welsh Government, the UK Government and Minister Robert Jenrick's initial response was poor and subject to intense media scrutiny and victims / public criticism. The appointment in late 2021 of Michael Gove as the new Minister has resulted in a more robust and assertive approach to the failure of developers to remediate. A developers levy and series of punitive measures and sanctions have been proposed should developers fail to resolve the issues. This includes changing

the law on time limitation periods to allow leaseholders to make claims against developers. Whilst there is still much to be proven with Michael Gove's approach it represents a significant improvement on past efforts.

7. In contrast to England, in devolved housing Wales we still have no Welsh Building Fund that victims can access. Minister Julie James has announced a Building Survey and Passport Scheme that will seek to prioritise developments. A timetable and details of the scheme together with a future Welsh Building Safety Fund remain undefined and adds to the sense of frustration and despair facing many Welsh victims.
8. The Welsh Government has however been funding remediation in social housing developments – one of which (Aquila House) sits just four minutes' walk from the Senedd and was built by Laing O'Rourke. Alongside the same development is the 457 homed Celestia private development, built at the same time by LOR. Leaseholders have been battling with developer Redrow and LOR since 2010 to repair major build and fire defects. It is expected that without WG support leaseholders will have to take legal action against the firms involved. Will the WG be seeking to sue Laing O'Rourke to recover the costs of remediating their social homes sector?
9. Welsh victims have consistently been calling on the WG to find ways to sanction developers who have been benefiting from the massive house building boom in Wales. The same developers are responsible for many hundreds of build and fire defective homes in Wales. For some two and half years Minister Julie James has said she was taking legal advice. In contrast, as well as changing the law, Michael Gove has gone as far as suggesting "putting some developers out of business" should they fail to address their past defects. The contrast in approach between Wales and England is self-evident.
10. Many developments in Wales have already spent tens of thousands of pounds on intrusive surveys. They know what fire and build defectives exist. What they require is not a Building Passport but a WG backed home safety funding scheme so they can get on with the remediation. Failure to do so will only increase the pressure of the crisis:
 - a. Homeowners will be subject to massive increases in building insurance and wakening watch schemes if works are not undertaken
 - b. Legally enforceable Fire Enforcement Notices (FENs) will remain in place
 - c. Homes cannot be bought or sold except to distressed cash investors at less than 50% market value
 - d. Homeowners will receive enormous service charge increases to cover the costs of remediation. This is already happening in Wales. This will lead to bankruptcy for some distressed homeowners
 - e. Without sufficient funding homes will remain defective and unrepaired – the crisis will continue!

11. The Welsh Government has announced a scheme to assist seriously distressed homeowners by purchasing their property and renting it back to them. But this will help only a very small number of victims. In turn the WG will need to decide whether to rent out homes that are not remediated as well as being expected to pay for the remediation of homes it has purchased. The proposal shows a lack of understanding of the gravity and scale of the crisis.
12. We have also been advised that when a WBSF is established it may take up to some twelve months before a system and process can be put in place to administer and distribute months. Many worry that it might not be until the end of 2023 that funding is made available!
13. We perceive a lack of urgency on the crisis by the Welsh Government. Various victims' groups have made positive suggestions such as the provision of Govt financial assistance – perhaps provided by the Development Bank of Wales- as one easy way of getting things moving. We have not received any response to such sensible plans.
14. Throughout the crisis victims have had to deal with a lack of Welsh media coverage and political support. Shockingly key elected representatives in Cardiff Bay have been passive in their approach to supporting victims. The contrast between UK Labour and Welsh Labour has been a source of constant frustration for victims. In the lead up to the March 2021 Welsh elections victims' groups appealed to leaders of Welsh Labour and Plaid Cymru to ring fence any future UK government monies for Welsh home fire safety victims; previous monies having been spent on Covid. Both parties declined to make such a commitment. The whole response of the Welsh political establishment to this crisis remains a source of mystery.
15. It is also clear that victims have been caught up in a devolution squabble between Cardiff Bay and Westminster over consequential finding that has resulted in delays to dealing with the crisis.
16. Welsh victims currently have no formal mechanism by which they can communicate with the Welsh Government. Appeals to Minister Julie James to set up a Welsh Zoom call and a consultation channel have not been addressed. In contrast victims in England meet regularly with a range of Westminster and UK Govt groups and Ministers. We know that the WG is also regularly meeting with other stakeholders involved in the crisis. This is unfair to the thousands of Welsh victims.
17. The plight of Welsh home fire safety victims is a stain on the Welsh Government. Many hundreds of build and fire defective homes are within a few minutes' walk of the Senedd. It is shocking that such a large group of decent, hard-working, and totally innocent homeowners are being left to carry the burden of this crisis on their own.

Our Request

We politely appeal to the Committee to appear before it at the earliest opportunity so that we can publicly raise and discuss our concerns on the crisis. The lack of urgency and the shocking impact on the mental health and lives of many decent people cannot be allowed to drag on for several more years.

With regards

Welsh Cladiators Team

Becky Ashwin

Ian Langley

Sunil Patel

Lorna Wainwright

Colin Cooper

Mark Thomas

Ruth Wainwright

Saturday, 26 February 2022

Agenda Item 5.6

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2 March 2022

Dear John

I am writing on behalf of our coalition of organisations, activists, and race equality groups who have been working together on Part 4 of the 'Police Bill' – the criminalisation of trespass and its impact on Gypsy and Traveller communities across Wales. You can see our recent [briefing](#) to members of the Senedd and subsequent [Travellers Times](#) article

We are writing to you as Chair of the Local Government and Housing Committee to raise concerns about the lack of progress in delivering Gypsy and Traveller sites under the duty brought in by the Housing (Wales) Act in 2016. This correspondence is also copied to Jenny Rathbone as Chair of the Equality and Social Justice Committee as many of the issues are pertinent to the work of that committee too

There are some key issues which we feel the Committee should be aware of and might want to consider:

- a. Section 103 of the Housing Act Wales brought in a duty on local authorities to periodically **assess** the needs of Gypsy and Traveller communities in their areas for residential sites or pitches and to assess the need for transit provision for families to facilitate the nomadic way of life. The duty also requires local authorities to then **meet** that need through the provision of quality sites with decent facilities which provide permanent, or temporary pitches as assessed

The Welsh Government has also made a substantial capital Sites Grant Fund available since that time for local authorities to draw down costs to build new sites as well as re-furbishing old and run-down sites

The first of the new Gypsy and Traveller Assessments (GTAA) took place in 2016, the second assessments were due to be submitted to the Minister on 24 February 2022

- b. We know there has been very slow progress, in some local authority areas there has been none – leaving families (whose need was already well known) waiting on pieces of land with no access to quality facilities, and families overcrowded and doubling up on pitches on existing sites some of which are extremely run down. Many families have sought to meet their own need; bought land and developed their own small sites many of which are struggling to gain permanent planning permission and under constant threat of enforcement

tgpcymru.org.uk



The progress on making transit sites in Wales has been even less productive – there remain ZERO transit sites even proposed, never mind developed, across Wales in 6 years of the duty being in place; this means that travelling families continue to have to encamp on whatever land they can find, without access to facilities and at the mercy of local hostility and the ensuing pressure put on elected members and local authorities to ‘move people on’

- c. There has been a lack of accountability and monitoring at all levels. For many Local Authorities, no action has been taken over the six-year period and is now mostly spurred into action by the requirement to undertake their new assessment and meet the Welsh Government deadline. We have seen local councils and elected members actively campaigning against sites and even incidents of elected members accused of hate speech and discrimination being part of the decision-making process.

All in all, this has led many people from different Gypsy and Traveller communities across Wales losing faith in this process and indeed some refusing to engage in the most recent assessments because they see no evidence that the legal measures lead to any tangible benefit

- d. Of urgent concern is the impact of the UK Government’s Police, Crime, Sentencing and Courts Bill which is likely to proceed within the next few weeks to statute with Part 4 of the Bill in place. This will criminalise trespass with an ‘intent to reside’, changing this from a civil offence as it currently is, giving new powers to the Police to evict, seize vehicles (i.e., people’s homes), fine and potentially imprison anyone found guilty under the new legislation. The Bill also includes the ‘likelihood’ of distress or damage being caused amongst the potential triggers for invoking the powers and having no other place (including being homeless) will not be an exemption. The guidance for Police Forces which accompanies this Bill already published urges the Police ‘not to gold plate human rights’ when making their decisions.

The consequences of this on nomadic life and long held cultural traditions (going back to the 15th century here in Wales as elsewhere) are catastrophic; the increased criminalisation of a protected ethnic group already overrepresented in the criminal justice system; the increased incidence of homelessness and potential for children to go into local authority care (local authorities will have to provide and pay for all of this) and further marginalisation of families who already face huge prejudice and daily as well as structural racism.

The reason this is so relevant is that with the lack of pitches available and NO transit provision available in any part of Wales, families have no other option than to encamp on public and sometimes private land – this will leave families vulnerable to prosecution because local authorities have not met their own duties to provide sites – no wonder Gypsies and Travellers have no faith in the process

- e. In these coming weeks and months, it is crucial in our view that real progress, scrutiny, and challenge, are made so that the Housing Act duty and Wales’s commitment to support and uphold the rights of Gypsy and Traveller communities in Wales translate into tangible benefits and actions

The Minister for Social Justice now has all the 22 GTAA’s in front of her and her officials for assessment and review; of those we have had sight of prior to submission very few have used the opportunity to report on progress or analyse their failure to meet the duty and how they might go about overcoming future barriers.

- f. Extremely concerning is the emerging picture already that a significant number of local authorities have failed to find enough evidence that there is a need for 'transit' provision (permanent facilities in designated places) and are instead reporting that they will opt to adopt the 'negotiated stopping model' or the similar 'Managing Unauthorised Encampments' Welsh guidance. This guidance has been in place for nearly 10 years with no monitoring or consistency of practice across Wales, many local authorities (particularly under community or political pressure) do no more than move people on to another locality where the process is then repeated. The inclusion of these approaches as the *only* provision requires commitment of time and resources; dedicated liaison officers, identifying 'stopping places', positive engagement and relationships with Gypsies and Travellers - necessarily underpinned by political will – almost none of which has been apparent or is guaranteed by the production of a 'fresh' GTAA report

Key areas for action we have identified are:

1. That Welsh Government's review of the GTAAs is used as opportunity to hold local authorities to account and to drive urgent action to make provision under the Housing Act
2. An independent review of the lack of progress to date and the impact this has had on Gypsy and Traveller families across Wales
3. Effective and supportive protocols /local arrangements developed in partnership with Gypsy and Traveller communities with local authorities and the four police forces in Wales
4. The Welsh Government to continue to consider *all* the levers available to us in Wales to combat the UK legislation and its impacts; the Police Bill conflicts with Wales's responsibilities, specifically including our human rights obligations under the Government of Wales Act as well as all the commitments enshrined in the Children and Young People's Rights Measure; the Wellbeing of Future Generations Act and our socio- economic duty
5. The Welsh Government ensures that guidance is created for social workers in supporting human rights and family justice focused welfare assessments.

Please contact us if you require additional information or to discuss further

Mark Isherwood MS
Public Accounts and Public Administration Committee Chair
[by e-mail]

15 February 2022

Dear Mark

Thank you for your letter dated 10 December 2021 regarding the use of the acronym 'B.A.M.E' by the Senedd Commission.

Early during the Autumn term 2021, Commission officials consulted with the Commission's Race, Ethnicity and Cultural Heritage workplace equality network (REACH) regarding its preferences. Network members expressed a number of opinions, and the networks' collective preference was to retain the acronym B.A.M.E. As a result of your letter, the network has worked with the Commission's Diversity and Inclusion team to revisit the position.

The Senedd Commission considered the use of the acronym 'B.A.M.E' at its meeting on 31 January. The Commission considered a paper that set out some of the wider debate surrounding the use of the acronym and recognised the difficulty of capturing the complex histories and cultures of people from ethnic minority backgrounds in a single phrase or acronym.

Commissioners agreed that the Commission would:

- a. Observe context as a key driver for use of terminology and opt for specificity when using terminology wherever possible;
- b. Where specificity is not possible, to replace use of the acronym and collective term B.A.M.E. with the collective term(s) 'ethnic minority' and 'ethnic minority community'; and
- c. regularly review use of terminology and monitor internal and external debate.

In addition they agreed that Commission officials should seek meetings with those Members of the Senedd who are from an ethnic minority background to discuss the matter further, and that the



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information Commissioners had considered should form the basis of a briefing for Members, initially committee chairs.

Commissioners agreed that the guidance contained in the paper would be published internally to support Commission officials in drafting documents.

The Chairs' Forum will consider the item on Thursday 17 February 2022.

You will be aware that the Commission's Sixth Senedd Diversity and Inclusion Strategy is currently being consulted upon. Members have been asked to engage with the consultation process through the Members' Engagement Survey which is currently live. A number of Members have indicated that they would welcome a further discussion with Commission Officials, and these are currently being arranged. Similarly, if Members of the Public Accounts and Public Administration Committee would find a similar conversation helpful, please let me know, and I can make the necessary arrangements.

Yours sincerely



Manon Antoniazzi

Prif Weithredwr a Chlerc y Senedd / Chief Executive and Clerk of the Senedd

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.



Document is Restricted

Agenda Item 9

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

Document is Restricted