

Agenda – Local Government and Housing Committee

Meeting Venue:	For further information contact:
Committee Room 4 and video conference via Zoom	Manon George Committee Clerk
Meeting date: 23 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 Papers to note**
(09.05) (Page 1)
- 2.1 Letter from the Public Services Ombudsman for Wales in relation to complaints handled by Welsh Local Authorities**
(Pages 2 – 8)
- 2.2 Paper from an anonymous leaseholder of an apartment in relation to building safety**
(Pages 9 – 13)
- 2.3 Response from the Welsh Government to the report on the Welsh Government Draft Budget 2022–23**
(Pages 14 – 28)
- 2.4 Letter from Gareth Wilson to Councillor Lynda Thorne, Cabinet Member for Housing and Communities, Cardiff Council, in relation to building safety**
(Pages 29 – 33)
- 2.5 Letter from the Climate Change, Environment and Infrastructure Committee in relation to work on the decarbonisation of housing**
(Page 34)

- 3 Motion under Standing Order 17.42 (ix) to resolve to exclude the public from the following items: 4, 5, 6, 7 and 9**



Private meeting (09.05 – 10.00)

- 4 Consideration of approach to work relating to the provision of sites for Gypsies, Roma and Travellers**
(Pages 35 – 50)
- 5 Consideration of approach to work relating to community assets**
(Pages 51 – 62)
- 6 Consideration of approach to work relating to Corporate Joint Committees (CJCs)**
(Pages 63 – 74)
- 7 Consideration of forward work programme**
(Pages 75 – 78)

Break (10.00 – 10.10)

- 8 Inquiry into second homes: evidence session 8 – Minister for Education and the Welsh Language**
(10.10 – 10.55) (Pages 79 – 128)
Jeremy Miles MS, Minister for Education and the Welsh Language
Amelia John, Deputy Director, Housing Policy, Welsh Government
Bethan Webb, Deputy Director, Welsh Language, Welsh Government
Iddon Edwards, Head of Language Planning, Project 2050, Welsh Government

- 9 Consideration of the evidence received under item 8**
(10.55 – 11.10)

Agenda Item 2

Local Government and Housing Committee

23 March 2022 – papers to note cover sheet

Paper no.	Issue	From	Action point
Paper 3	Forward work programme	Public Services Ombudsman for Wales	To note
Paper 4	Forward work programme	Anonymous leaseholder of an apartment	To note
Paper 5	Welsh Government Draft Budget 2022–23	Minister for Climate Change and the Minister for Finance and Local Government	To note
Paper 6	Forward work programme	Gareth Wilson	To note
Paper 7	Decarbonisation of housing	Chair, Climate Change, Environment and Infrastructure Committee	To note

Agenda Item 2.1

Our ref: NB/MM

Ask for: Nick Bennett

Date: 08 March 2022

John Griffiths MS
Chair of Local Government and
Housing Committee
Welsh Parliament
Cardiff Bay Cardiff
CF99 1SN

By email only:
SeneddHousing@senedd.wales

Dear John

I indicated in the past that I am keen to share with the Committee more information about trends arising in our casework, as well as in complaint handling practices of Local Authorities. I believe that such information may not only support the Committee in scrutinising our work but can also point to some areas of performance of bodies in our jurisdiction that could merit the Committee's attention.

Accordingly, I am pleased to attach a briefing paper 'Complaints handled by Welsh Local Authorities - October to December 2021'. This report presents the statistics on Local Authority complaints collected by our Complaints Standards team for quarter 3 of reporting year 2021/22.

I trust that you will find this publication useful. However, please do not hesitate to contact me if you would like to discuss this publication in further detail.

Yours sincerely



Nick Bennett
Ombudsman

CC - Peredur Owen Griffiths MS, Chair of the Finance Committee

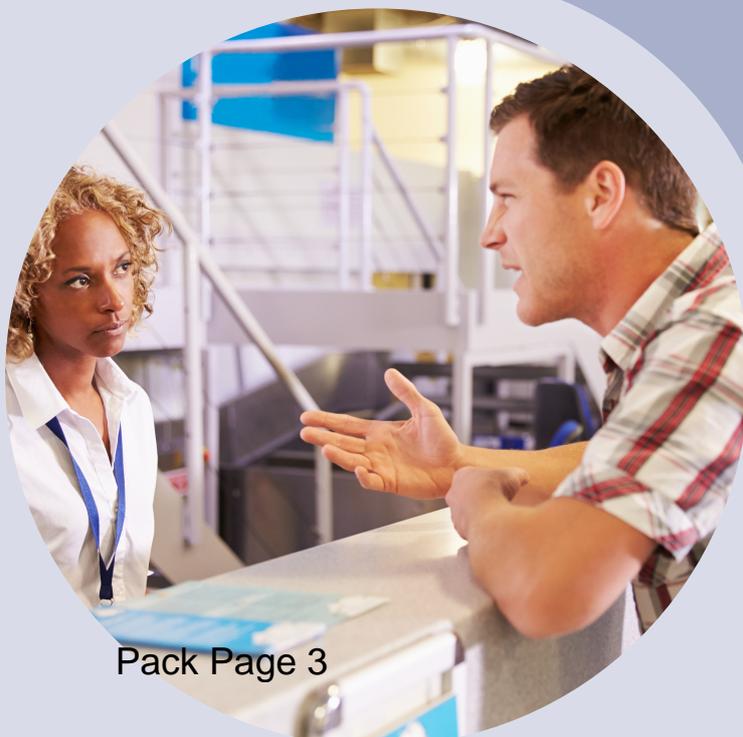
Page 1 of 1

Briefing paper

Complaints Standards Authority

Complaints handled by Welsh Local Authorities -
October to December 2021

March 2022



Pack Page 3

At Public Services Ombudsman for Wales, we have three main aims:

- we handle complaints about public service providers
- we handle complaints about breaches of the Code of Conduct by elected members of Local Authorities
- we drive systemic improvement of public services.

We are independent of all government bodies and the service we provide is free of charge.

Queries about this publication can be directed to:

communications@ombudsman.wales

We can provide copies of this document in accessible formats including Braille, large print or hard copy. To request, please contact us using the details below.

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About this briefing paper

The Complaints Standards Authority (CSA) was created by the Public Services Ombudsman (Wales) 2019 Act.

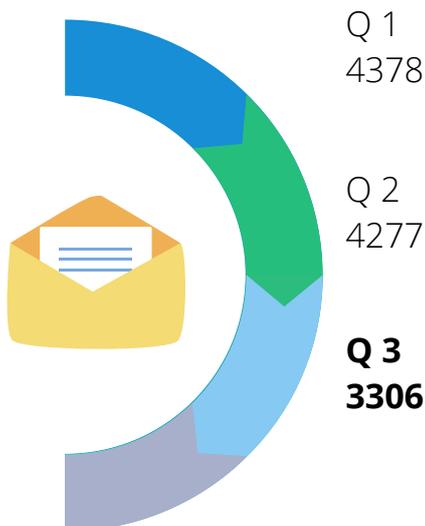
The CSA's task is to support effective complaint handling by Public Bodies within our jurisdiction. The CSA achieves this by:

- setting model complaints policies and guidelines
- offering advice and delivering bespoke training packages
- collecting and publishing data on complaints handled by Public Bodies

After every quarter of the year, the CSA requests complaint handling statistics from Welsh Local Authorities and Health Boards. This briefing paper outlines the main trends in the complaints handled by Welsh Local Authorities in quarter 3 of this reporting year (April 2021 to March 2022). More detailed data is available [on our website](#). We will publish statistics for complaints handled by other bodies in our jurisdiction in due course.

DISCLAIMER We believe that some Local Authorities continue to under-report their complaints. The CSA is working continuously with Local Authorities and other bodies in our jurisdiction to improve the quality of the data available. As this work continues, caution is advised when interpreting the statistics available.

New complaints received by Local Authorities



In quarter 3, Local Authorities received **3306 new complaints** - 4.2 complaints for every 100 residents in Wales.

What this means: Complaint volumes are now higher than before the pandemic. However, the volumes of new complaints dropped noticeably in the third quarter.

Fewer complaints does not necessarily mean better performance. Low numbers of complaints recorded could also point to problems with accessibility.

That said, quarter 3 tends to be the quietest for Local Authority complaints, which could be related to the Christmas period.

Complaints closed by Local Authorities



Q 1
3987 - 78%

In quarter 3, Local Authorities **closed 3158 complaints**. 73% of complaints were closed within 20 working days.

Q 2
4137 - 76%

What this means: During the year, it has been taking increasingly longer for Local Authorities to close complaints within 20 working days.

Q 3
3158 - 73%

This measure of performance is important to people who use complaints services. However, although it is important that complaints investigations are conducted promptly, we stress that investigations should not be cut short simply to meet a target.

The statistics for quarter 3 could be attributed to the difficulties experienced by all public bodies during the winter. However, our data also signals that the growing backlog of complaints may be related to the increased timescales observed.

Uphold rate of complaints closed by Local Authorities



Q 1
50%

In quarter 3, Local Authorities **upheld 39% of complaints** that they considered.

Q 2
48%

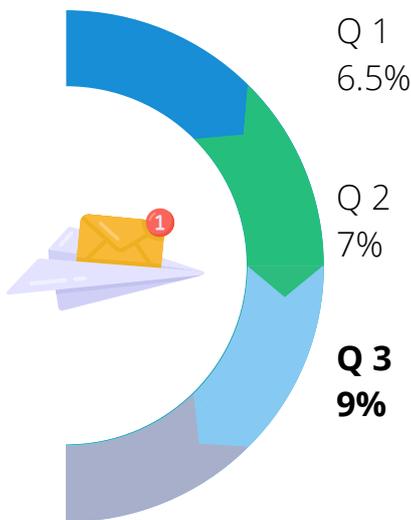
What this means: The proportion of complaints upheld has been decreasing during the year.

Q 3
39%

High uphold rates are not necessarily a sign of poor performance. They can indicate willingness to improve service delivery and admit when something has gone wrong.

The lower uphold rate could be a result of improvements made by Local Authorities (for example, the complaints do not hold merit). However, it could also derive from higher level of defensiveness about performance.

Complaints referred by Local Authorities to us



In quarter 3, **Local Authorities referred to us 9% of the complaints** that they considered.

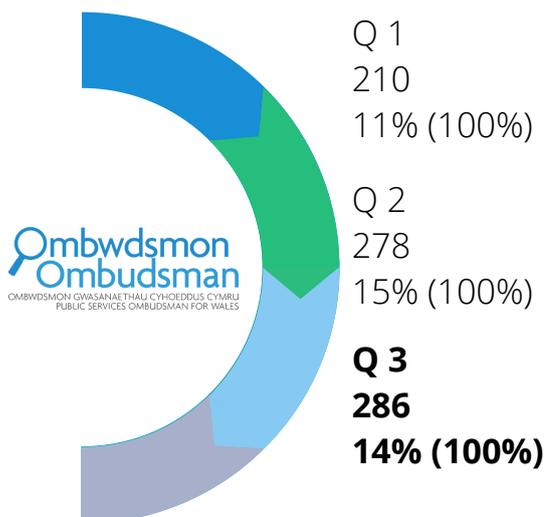
What this means: 9% of people who had their complaints considered by LAs still wanted to continue their complaint. This proportion has been increasing during the year.

This trend could be an indicator of how well complaints are being handled by Local Authorities. If so, the increase in the proportion of referrals is not necessarily a positive trend.

However, people are also more likely to refer complaints to us if they are unhappy with the outcome. Therefore, the lower uphold rate by Local Authorities could also lead to more referrals to us.

Trends in our complaints about Local Authorities

The volume of complaints handled, closed and referred by Local Authorities provides some context for our own caseload about those bodies.



In quarter 3, **we closed 298 complaints about Local Authorities**. Some of those complaints would have been referred to the office during the quarter; others would have been received before that period.

We **intervened in 14% of those cases**, by recommending Early Resolution or upholding a complaint after an investigation. Since the remaining cases were outside our jurisdiction, the actual intervention rate in cases that we could consider was 100%.

What this means: We continue to find opportunities to improve public services in the same proportion of cases. This leads us to believe that there are further improvement required in public service delivery.

Agenda Item 2.2

Building Safety

After the Grenfell tragedy in 2017, where tragically 72 families were affected following a high-rise fire that broke out in the tower, it became apparent after that people were living in unsafe apartment blocks, and still are living in unsafe apartment blocks due to fire safety defects.

Fire safety defects can range from cladding issues (external) and non-cladding issues (internal). Non-cladding issues can include compartmentation (stopping fire from moving from one flat to the next), lack of fire safety breaks/sprinkler systems and the implementation of waking watch. Leaseholders across the UK are being asked to pay for fire safety remediation works.

I write to you as a leaseholder owning an apartment in Cardiff situated in a building deemed to be a fire-safety risk as a result of fire-safety defects asking Welsh Government (WG) to bring forward a timely resolution to the building safety crisis in Wales. Leaseholders are being asked to pay exorbitant fire-remediation costs and are billed in accordance with the square footage of the demised premise and are facing bills up to £50,000 for duplex apartments. Leaseholders are facing bankruptcy and losing their homes with landlords/freeholders having a right to re-entry or forfeiture if payments are not met. My estimated bill for fire safety remediation is £25,000 over 4-5 years which contributes to an overall building bill of £2.5 million per year from 2022-2026. I received an invoice in December for £2,521.33 to be paid by 1st January (less than a 28 day's notice in line with the Landlord and Tenant Act 2007). These bills are issued six-monthly in addition to the 'normal' service charge costs (see Appendix). In addition, leaseholders are being asked to pay for the increased building insurance premiums which has increased by 40% for our building. Across the UK, there are [reports](#) on building insurance premiums exponentially increases of up to 1000%.

These are having huge effect on leaseholder's mental health due to stress of living in an unsafe home and pressures on finding this money at short-notice. A mental health study conducted by the UK cladding Action Group (UKCAG) reports the 23% of social and private sector leaseholders felt suicidal or had a desire to self-harm, 94% reporting anxiety and worry and 32% turning to alcohol as a coping strategy to deal with the situation in their building¹.

A recent study carried out by the UK Collaborative Centre for Housing Evidence where 32 leaseholders in different cities in England and Wales were asked about the impact of the building safety crisis on their lives². The financial impacts were one the biggest drivers of mental harm for leaseholders. These kinds of issues are likely to have a long-lasting impact on leaseholders, irrespective of any policy change on the part of Government as the choices that individuals have had to take or have been unable to make will have a profound impact on the shape of their life in the future. The report makes a number of recommendations including:

1. Government should take responsibility for recouping costs (where there is a reasonable chance of success and this is a suitable course of action). Leaseholders want to see individuals and organisations held to account where failures have been identified.
2. Remediation should be underpinned by comprehensive funding which is not limited by building height, or solely to materials integral to a cladding system.

Amendments to the UK Building Safety Bill currently going through the House of Lords, for example to extend the right to homeowners to challenge defects under the Defective

Premises Act 1972 in homes that are up to 30 years old, will apply in Wales as well as England as will a proposed civil cause of action where defective mis-sold construction products render a dwelling unfit for habitation. In addition, amendments to protect leaseholders if passed by parliament will be brought into law stating that no leaseholder living in medium or high-rise buildings will have to pay a penny for the removal of cladding and protections for leaseholders extended to cover other fire safety defects with leaseholders expected to pay a capped amount towards non-cladding costs only. Leaseholders are expected to pay a capped amount of £10,000 towards non-cladding costs as a last resort if funding is not extracted from developers/freeholders. Any costs already paid by the leaseholders to date that covers fire remediation defects will contribute to the cap.

Michael Gove, the UK Secretary of State for Levelling Up, Housing and Communities announced on 10th January 2022 that residential property developers will be asked to

- make financial contributions to a dedicated fund to cover the full outstanding cost to remediate unsafe cladding on 11-18 metre buildings, currently estimated to be £4 billion
- fund and undertake all necessary remediation of buildings over 11 metres that they have played a role in developing
- provide comprehensive information on all buildings over 11 metres which have historic safety defects and which they have played a part in constructing in the last 30 years³.

Previous funding for leaseholders living in England have had access to £1 billion pounds funding since 2020 to support the remediation of unsafe non-ACM cladding system on residential buildings 18 metres and over in both the private and social housing sectors⁵.

Michael Gove announced on 14th February 2022 that new laws will be brought into the Building Safety Bill to protect leaseholders from exorbitant costs and tough new measures that will force industry to pay to remove cladding

- developers and product manufacturers that do not help fix the cladding scandal could be blocked from housing market
- Government puts its guarantee that no leaseholder living in medium or high-rise buildings will have to pay a penny for the removal of cladding into law
- new powers will allow cladding companies to be sued and subject to fines for defective products
- protections for leaseholders extended to cover other fire safety defects⁴.

I welcome the announcements and proposed amendments to the UK Building Safety Bill set out by Michael Gove, as developers and manufacturers have a responsibility to remediate fire defect homes. UK Government acknowledge "It is neither fair nor decent that innocent leaseholders, many of whom have worked hard and made sacrifices to get a foot on the housing ladder, should be landed with bills they cannot afford to fix problems they did not cause"⁶. The announcements and proposals made by Michael Gove on 14th February bring some comfort knowing that amendments to the UK Building Safety Bill will bring protections in law to protect leaseholders from exorbitant costs.

I am supportive of WG proposals on the [Building Safety White Paper](#) which sets out proposals for comprehensive reform in relation to building safety for all multi-occupied residential buildings in Wales and welcome WG collaboration with the department of Levelling Up, Housing and Communities on aspects of the draft Building Safety Bill which will apply in Wales. The Building Safety White Paper highlights that the principle of safety must apply to all buildings within the scope of the proposed Building Safety Regime, regardless of

building type or tenure, for the benefit of residents across Wales. A number of semi-detached homes built as part of the Innovative Housing Programme in Wales are constructed with timber frames and external wooden panels; the principle of fire safety must also apply to these new building constructions.

WG recently announced on the 25th February that independent surveys as part of the Fire Remediation Passport will now start on 1st March and this will help ensure any funding brought forward is within the scope of the modifications and remediation of making buildings safe. I encourage WG to bring forward funding for remediation as soon as reasonably practical. In line with the UK Collaborative Centre for Housing Evidence WG should then take responsibility for recouping costs from developers/cladding manufacturers (where there is a reasonable chance of success and this is a suitable course of action). A freedom of information request in September 2021 highlighted that £11m funding has been spent since June 2017 on fire safety remediation to include cladding remedial works in the social housing sector in Wales but no remediation has been done on private sector buildings to date⁷. I recognise that WG has set aside £375m in capital funding over the next three years to support investment in affected buildings however, this is currently not stopping fire remediation costs being passed onto the leaseholder.

Recommendations:

- Leaseholders in Wales require urgent clarification on the UK Building Safety Bill amendments relating to leaseholder protections. UK Government and WG recognise that leaseholders are innocent and are blameless in this crisis and should not pay to put right defects that are not of their making.
- The principle of fire safety must apply to all current and new building constructions.
- WG to ensure that if developers do not take responsibility for removal of dangerous cladding and non-cladding fire safety issues; restrictions will apply to supply of land, introduction of taxes and developers blocked from the housing market.
- At a time of rising living costs, leaseholders in the private sector risk bankruptcy and losing their homes as they are still paying fire safety remediation costs; amendments relating to leaseholder protections in the UK Building Safety Bill currently going through the House of Lords require urgent consent via the Senedd in Wales.
- WG to take a pragmatic approach to using UK Governments Building Safety Bill legislation in relation to leaseholder amendments which will mean that protections to leaseholders will be earlier than would be a possible for a Building Safety Senedd Bill. Without protections in law leaseholders will still be required to pay for fire remediation costs whilst waiting for surveys and funding to be brought forward by WG which may take a number of years.
- WG to bring forward a timely resolution to this building safety crisis in Wales.

References:

1. Cladding and internal fire safety mental health report 2020; UK CAG, May 2020 [accessed Feb 2022]
[REPORT - DRAFT 33 - POWERPOINT \(leaseholdknowledge.com\)](#)
2. Living through the building safety crisis: impacts on the mental wellbeing of leaseholders. UK collaborative centre for housing evidence, University of Sheffield. Preece J. December 2021 [accessed Feb 2022].
["All the other positive things in your life just fall away": leaseholders living through the building safety crisis | Oxford Law Faculty](#)

3. Letter from the DLUHC Secretary of State to the residential property developer industry on a new approach to building safety. Secretary of State for Levelling Up, Housing and Communities Michael Gove. January 2022 [accessed Feb 2022].
[Letter from the DLUHC Secretary of State to the residential property developer industry on a new approach to building safety - GOV.UK \(www.gov.uk\)](#)
4. Press Release: Government to protect leaseholders with new laws to make industry pay for building safety; Department for Levelling Up, Housing and Communities. The RT Hon Michael Gove MP. February 2022 [accessed Feb 2022].
[Government to protect leaseholders with new laws to make industry pay for building safety - GOV.UK \(www.gov.uk\)](#)
5. Guidance: Remediation of non-ACM buildings; Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and local government. March 2020 [accessed Feb 2022].
[Remediation of non-ACM buildings - GOV.UK \(www.gov.uk\)](#)
6. Letter to Residential Property Developer Industry from Department for Levelling Up, Housing and Communities. Michael Gove MP. January 2022 [accessed Feb 2022].
[Letter from the DLUHC Secretary of State to the residential property developer industry \(publishing.service.gov.uk\)](#)
7. Welsh Government. Freedom of Information request. ATISN 15382 - Fire safety remediation work. September 2021 [accessed February 2022].
[atisn15382.pdf \(gov.wales\)](#)

ISSUE DATE: 07 December 2021
INVOICE REFERENCE:XXX
DEMAND DATE: 01 January 2022

INVOICE:

Description	Value
Repair Fund 2022 (50%) due 1 January 2022	£2,521.33
Invoice Amount	£2,521.33
Total Amount Due	£2,521.33

Payment may be made to:

Bank Details:

Agenda Item 2.3

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

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government



Llywodraeth Cymru
Welsh Government

John Griffiths MS
Chair of the Local Government and Housing Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

7 March 2022

Dear John

Thank you for the Committee's report on the Scrutiny of the Welsh Government's Draft Budget 2022-23 outlining 16 recommendations for the Welsh Government.

We would like to thank members of the Committee for their report. Please find enclosed the Welsh Government response to these recommendations in advance of the vote on the Final Budget on 8 March

Yours sincerely

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

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

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Bae Caerdydd • Cardiff Bay
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

Written Response by the Welsh Government to the report of the Local Government and Housing Committee on the 2022-23 Draft Budget

Detailed Responses to the report's recommendations are set out below:

Recommendation

We recommend that the Welsh Government and WLGA work together to explore alternative ways of supporting larger capital budgets for local government in future, including the role of supported borrowing.

Response: Accept

We will continue to work with the WLGA at official level through the Capital Finance and Investment Group and with leaders through the Finance Sub Group to review capital funding provision and the possibility of amalgamating capital grants where appropriate. Authorities have a number of sources of capital funding, the general capital grant, specific capital grants, supported borrowing, unsupported borrowing and internal finance. Welsh Government itself also has a range of sources of capital finance, including traditional capital grants, financial transactions capital, borrowing and mutual investment models, and looks to utilise the cheapest and most appropriate forms first when supporting different sectors.

Specific grants have a role to play in ensuring new priorities are resourced and given sufficient importance in delivery plans. This may be for Programme for government commitments including the Co-operation Agreement or for shorter term policies. There are large multi-year programmes of specific funding such as 21st century schools where Welsh Government works closely with local authorities so that larger schemes can be delivered.

Any type of borrowing, whether supported or unsupported has an ongoing revenue cost to either the local authority or Welsh Government and this needs to be considered as part of any capital funding programme.

Financial Implications: There are no overall financial implications to continued review of capital funding and amalgamation of capital grants where appropriate. Any increase to the provision of supported borrowing carries an ongoing revenue cost.

Recommendation 2

We recommend that the Welsh Government, ahead of the debate on the final budget, provides further information as to how it envisages the £60 million identified by the Minister for reforming the care sector will contribute to the long-term sustainability of the sector.

Response: Accept in Principle

From April 2022 there will be a new Social Care Reform Fund of £45m. Rising to £55m in 2023-24 and £60m in 2024-25. The Social Care Reform Fund will increase the funding available to promote reform and improvement in social care set out following our 'Rebalancing Care and Support' White Paper. The funding will be used to help deliver the Programme for Government commitments to reform social care for looked after children and to protect, re-build and develop our services for vulnerable people. It will improve delivery and increase the sustainability of services across the social care sector.

Detailed plans, within the above context, are being developed and will be announced in due course. At this stage we can confirm that we will invest:

- £10m in 2022-23 in preparation to deliver our commitment to eliminate private profit from the care of looked after children during the next Senedd term; and
- an additional £3m in Social Care Wales in 2022-23, to continue the expansion of the professional registration of the social care workforce and provide ongoing support for the stabilisation and recovery of the sector through delivery of the Health and Social Care Joint Workforce Strategy.

We will also invest in:

- the establishment of health and social care community hubs to contribute to the prevention and early intervention agenda;
- the ongoing work under the Chief Social Care Officer for Wales to take forward action complementary to the Race Equality Action Plan; and,
- continued support for the provision of funding to enable unpaid carers to access respite care and the intervention fund for supporting child and family well-being to safely divert cases from child protection registration.

Financial Implications: There are no new financial implications

Recommendation 3

We recommend that the Welsh Government continues to take forward the recommendations from the Homelessness Action Group, and actions outlined in the recently published Ending Homelessness Action Plan. We further recommend that the Welsh Government closely monitors the pressures on emergency temporary accommodation to ensure that local authorities have the necessary financial resources and access to sufficient accommodation to continue with the “everyone in” approach.

Response: Accept

We will continue to take forward the recommendations in the Homelessness Action Group reports, as outlined in our Ending Homelessness Action Plan.

We continue to work closely with local authorities to monitor the pressures on temporary accommodation, both through a team of dedicated Relationship Managers and through regular data collection. We have made additional funding available to local authorities in the draft budget to support the continuation of the ‘no-one left out’ approach.

Financial Implications: There are no new/additional financial implications associated with this response beyond those in the draft Budget.

Recommendation 4

We recommend that the Welsh Government works with the UK Government to ensure that, after the public health emergency, it is still able to extend housing related help and support to people with no recourse to public funds.

Response: Accept in Principle

The Welsh Government will continue to engage with the UK Government to urge them to work towards a collaborative No Recourse to Public Funds regime which enables compassionate support to be provided for those who are engaging with the visas or immigration system. We continue to urge UK Government to work with us to work on ensuring sustainable outcomes for people in line with our ambitions to making Wales a Nation of Sanctuary. This includes seeking amendments to the Nationality and Borders Bill to avert an impending human tragedy in our communities.

We are funding a consortium of third sector organisations, led by Housing Justice Cymru, to help us implement the recommendations of the Accommodation for refused asylum seekers feasibility study. This includes commitments to expand ‘hosting’ provision and other forms of temporary accommodation for those with No Recourse to Public Funds.

Financial Implications: There are no new/additional financial implications associated with this response beyond those in the draft Budget.

Recommendation 5

We recommend that the Welsh Government sets out how it will address issues relating to material prices, the supply chain and a skilled workforce in order to meet its target of delivering 20,000 new affordable homes.

Response: Accept

In these unprecedented times, there are several challenges facing the delivery of the 2021-26 housing target including increased costs of building materials and the lengthened supply chain for a number of imported construction materials.

Work with Registered Social Landlords, local authorities and contractors to mitigate these risks saw additional capital provided in 2021-22 to support the delivery of affordable housing schemes with unprecedented increases in materials costs.

There are early signs that prices are starting to ease for some materials. Welsh Government are members of the UK Product Availability Working Group and will continue to monitor the situation, taking actions as necessary and to determine if additional funding needs to be requested over the course of the term of government.

Work to improve and build on the Welsh supply chain and ensuring more Welsh timber is used in the construction of low carbon, social rented homes in Wales will continue. Work is also being undertaken with the housing sector to explore opportunities to deliver, learn and co-ordinate retrofit and wider green skills provision across Wales. This includes utilising existing programmes for current and new house building skills.

It is clear that the target for this term is more challenging, with a crucial focus on homes being low carbon, kind to the climate, warm and affordable. Delivering low carbon homes will cost more than building to a lower energy standard.

Despite these challenges, commitment to delivering more social homes for Wales has and will not waiver. Commitment to delivering this target was demonstrated in the allocation of a substantial budget of £250m to the Social Housing Grant for 2021-22, doubling the budget from 2020-21. The indicative draft budget builds on this with record levels of funding allocations of £310m (a £60m increase on 2021/22 allocations), £330m and £325m in 2022-23, 2023-24 and 2024-25 respectively.

Financial Implications: There are no new financial implications associated with this response.

Recommendation 6

We recommend that once Unnos has been established, the Welsh Government provides an update to the Committee on how it will be monitored and measures put in place to ensure value for money from the investment.

Response: Accept

The terms of reference for Unnos have yet to be established but it is likely that engaging with both public and private organisations will be key to its delivery. The nature of the monitoring and evaluation of Unnos will be driven by its constitution namely if the body sits within or outside of government.

If Unnos is an extension of current Welsh Government departments then there is an established monitoring and evaluation process already in place to monitor value for money. If Unnos is established as an arms-length body then we would look for guidance from the Welsh Government Public Bodies Unit on the best method of assessing its effectiveness. In addition, board members and/or Welsh Government observers will be given full training regarding their role and what will be expected of them.

We will be happy to provide the Committee with a further update on the issue raised within the recommendation as soon as Unnos's proposed form is established, be it inside of government or an arm's length body.

Financial Implications: Unnos' constitution will dictate the monitoring that will need to take place i.e. internal or external to Government. This will have a financial implication but it is not known what that will be at this time. An approved annual revenue budget has been secured for Unnos. A proportion of which will be applied to ensure correct due diligence is maintained in the proposal's development and delivery.

Recommendation 7

We recommend that the Welsh Government, ahead of the debate on the final budget, prioritises the allocation of funding for the Help to Buy scheme.

Response: Accept in Principle

The Help to Buy Wales scheme has funding in place until the end of March 2023.

We have only allocated part of our Financial Transactions capital budget in the final Budget and plan to make further allocations in the Supplementary Budget. This more prudent approach is appropriate while we await the outcome of discussions with HMT regarding the profile of our FT capital budget. It will also enable work to be completed to understand the impact of the ONS classification of the Development Bank of Wales on the Financial Transactions budget we will have available in the years ahead. The Development Bank of Wales manages the majority of our Financial Transactions investments, including the Help to Buy scheme. It is therefore crucial that the outcome of both these pieces of work are understood before making further allocations. The Help to Buy Wales scheme remains a priority and a decision on funding from April 2023 will be made as soon as we are in a position to do so.

Financial Implications: There are no new/additional funding implications relating to this response.

Recommendation 8

We recommend that the Welsh Government sets out how the budget allocation for the Integrated Care Fund will be used to meet increased demand for suitable housing for an ageing population.

Response: Accept

The new Housing with Care Fund replaces the previous ICF capital programme from April 2022. It is a 4 year programme. The fund has two principal objectives:

- To increase the existing stock of housing with care. The majority of these units will be Extra Care housing for older people and people with dementia. The remainder will provide supported living accommodation for adults with a learning disability, other neurodevelopmental conditions and mental health needs.
- To provide new small scale residential accommodation for children with higher needs in order to bring children back from, or avoid, out of county/out of country placements, as well as intermediate care settings in the community e.g. step up/step down and reablement/rehabilitation flats to enable older people to return to independent living in the community, and short to medium term accommodation e.g. for children on the edge of care, young people leaving care, and people with a learning disability learning to live independently.

Housing with care schemes will be subject to the same assessment process as Social Housing Grant schemes, with additional allowance made for accessibility, communal spaces etc.

Financial Implications:

There are no new/additional funding implications relating to this response.

Recommendation 9

We recommend that the Welsh Government continues to work with the UK Government on how work to improve the safety of mid and high-rise building can be progressed at pace to provide certainty for leaseholders and tenants. We further recommend that the Welsh Government ensures that leaseholders will not have to cover the cost of remediation.

Response: Accept in Principle

We believe effective collaboration is essential if we are to provide those affected by the issues of building safety with meaningful and long-lasting solutions. This means developing UK-wide responses where our policy intent aligns, as well as learning from the other devolved administrations. We are working with the UK Government on the UK Building Safety Bill to ensure a number of clauses that align with our policy intent will apply in Wales. We also worked closely with the Home Office on the Fire Safety Act 2021, which corrects some of the most serious deficiencies in fire safety law as it stood, and which is now fully in force in Wales.

However, we have committed to taking a more holistic approach to the remediation of existing buildings in Wales. Whilst this broader approach does make matters even more complex it is only by addressing the range of fire safety issues in an holistic manner that we can be confident that affected buildings are returned to a 'fit for purpose' condition.

We are currently reviewing the 248 expressions of interest received between September and the end of December, under the first phase of the Wales Building Safety Fund. These will be used to inform the development of building remediation passports. The scheme remains open for submission of further expressions of interest. To ensure consistency and value for money we are procuring surveyors and technical expertise to undertake the passport surveys which will commence very soon. Initial survey work will not necessarily involve intrusive investigation on site, however this will follow in some cases but will of course be preceded by consultation with leaseholders and residents.

Survey outcomes will be made available to all interested parties in a building, including residents and will provide the 'entry' point for buildings seeking support for remediation works in due course.

We maintain our firm line that developers should be putting forward funding and/or undertaking works to remediate the buildings they built. We recognise that some have engaged and provided funding – they are an example to others who have declined to engage.

Engagement with the UK and other Devolved Governments continues on a regular basis. We are exploring the implications of recent announcements and developments at both Ministerial and official level to ensure joint working and collaboration where appropriate.

Financial Implications: There are no new / additional financial implications as a result of this approach. The Welsh Government's Draft Budget includes provision to deliver the full programme of work relating to building safety between 2022/23 – 2024/25 which includes the development and implementation of building remediation passports, remediation and leaseholder support schemes as well as supporting long term policy development and legislative change programmes.

Recommendation 10

We recommend that the Welsh Government outlines how the allocations for building safety will be used to implement the UK government's Building Safety Bill.

Response: Accept in Principle

We are working closely with the UK Government to ensure elements of their Building Safety Bill apply to Wales where they align with our policy intention and vision as set out in our White Paper. This is particularly the case where aspects of the UK Building Safety Bill relates specifically to reforms improving the design and construction of new high-risk buildings and strengthening the way fire risk assessments are carried out. The UK Building Safety Bill also includes provisions which will amend the Defective Premises Act which will see extensions to the time within which a claim can be brought before the courts for defective construction work and will in certain cases have retrospective effect. This is likely to have implications for many developments in Wales.

We took the decision to draw on the LCM process to apply aspects of the UK Building Safety Bill to Wales, as it enabled an expedient way of bringing forward necessary legislation for the design and construction of high-risk buildings in Wales.

In addition to the Building Safety Bill we have committed to taking a holistic approach to the remediation of buildings over 11m in height that goes beyond cladding to compartmentation, fire suppression and evacuation/alert systems. In addition we have committed to an ambitious programme of legislative change. This approach was reflected in the proposals which we consulted on last year, and which achieved wide-spread support.

The Welsh Government's response to the consultation, [Safer Buildings in Wales: A Consultation – A Building Safety White Paper](#) was published in December 2021. The White Paper set out ambitious reforms at every stage of a building's lifecycle; and included proposals for a new regulatory framework; increased accountability for those who design, build, own and manage buildings; and requirements on resident engagement.

We were not provided with the profile of the £3bn funding announced last year specifically for cladding remediation. So there is a lack of clarity on the specific financial implications for Wales of the UK Government's cladding remediation announcements.

However, the £375m we have allocated to spend on building safety over the next three years is more than double what a consequential would have been of the £3bn the UK Government announced for building safety in the Spending Review. The Welsh Government's Budget allocations for Building Safety will be directed towards delivering the full programme of reform and remediation work we have committed to.

Financial Implications: There are no new / additional financial implications as a result of this response. The Welsh Government's Draft Budget includes provision to deliver the full programme of work relating to building safety, which includes the implementation of the UK Government's Building Safety Bill, where relevant.

Recommendation 11

We recommend that the Welsh Government provides detail on how the budget allocation for decarbonisation is sufficient to support local authorities and registered social landlords to progress retrofitting work at the level and pace required.

Response: Accept in Principle

Current funding for decarbonising social homes is available through the Optimised Retrofit Programme (ORP), which has provided funding to 4,500 social homes across Wales to date. ORP also invests funding to address the underpinning factors required to effectively decarbonise homes.

Channelling ORP investment through social landlords supports a 'testing and learning' approach to how to effectively and efficiently decarbonise homes. As well as evaluating the technical and tenant aspects of the work, actual costs will be monitored and used in the assumptions of future models of residential decarbonisation.

This will provide the springboard to rapidly start the decarbonising homes in other tenures by 2023. 1.2 million private homes will need to be decarbonised to meet Net Zero Wales targets and ambitions.

By 2024-2025, ORP investment will have contributed to the decarbonisation journey of 148,000 homes by plugging the finance gap between what social landlords can afford to invest in decarbonising each social home and the current costs of such works.

The Welsh Quality Housing Standard (WHQS) sets the standard for existing social homes in Wales. It is a statutory requirement which applies for both Local Authority and RSL landlords. Currently LA's receive Major Repairs Allowance to support Councils to bring their stock up to the current standards. LSVT landlords receive Dowry payments to ensure homes meet and maintain WHQS. Traditional RSLs fund WHQS works from their own private finance.

The WHQS, is being update to incorporate a new part 3 relating to decarbonisation. Formal Consultation on the proposed standard is expected after local elections are concluded in May 2022. The new standard will not only raise the bar in terms of the quality of social housing in Wales, but will add new elements to make it the most demanding standard for existing social homes in the UK.

Only once the standard is finalised can a fair and equitable funding model be confirmed. The Optimised Retrofit Programme will enable a greater understanding of the pathway to decarbonisation of homes and the actual costs which will be help to develop an evidence base for the cost assumptions to be used in future models of residential decarbonisation.

Financial Implications: Welsh Government is working with partners to consider appropriate funding models to support wide spread, all tenure decarbonisation of homes.

Recommendation 12

We recommend that the Welsh Government provides an update on how the budget allocation for decarbonisation will be monitored and evaluated to demonstrate value for money.

Response: Accept

The budget for residential decarbonisation is being channelled primarily through the Optimised Retrofit Programme. Value for money is a critical selection criteria for the panel on all schemes approved for ORP funding, in line with Grants Centre of Excellence expectations.

The programme has an independent evaluation and monitoring contract with the Active Building Centre, at Swansea University, which considers scheme technical evaluation, the tenants' lived experience and various cost and value for money analysis.

The innovative housing network, comprising around 300 individuals and organisations meets every 6 weeks to share learning and reflection from innovative housing activity, including decarbonisation. This is peer to peer learning, facilitated by Welsh government enables each contributor sharing their experiences and reflect on costs and value issues. The aim of this activity is to expedite learning amongst the sector, and better understand costs and value amongst practitioners.

Similarly, the formal ORP Community of Practice involves groups of social landlords reflecting and sharing good practice between themselves and WG. Cost/value for money being a key theme. This information is beginning to be shared more widely with Welsh Government and is helping inform decarbonisation funding models to ensure continued value for money from the programme.

Financial Implications: The costs of monitoring and evaluation to ensure value for money are met within existing budget lines.

Recommendation 13

We recommend that the Welsh Government provides us with an update on how the new WHQS will be monitored and what measures will be put in place to ensure value for money.

Response: Accept

WHQS is currently monitored using a relationship-based model. This demonstrably effective model will be mirrored and expanded when the new standard is launched in 2023.

Financial and statistical information is used by WG to provide assurance that WHQS continues to represent good value. Data from landlords is analysed to understand the costs of the programme, landlord by landlord, to understand value for money from the programme and compare and contrast financial performance of landlords, identifying outliers. The information is shared with Local Authorities so practitioners can understand their own costs and value from WHQS programme provide, which provides context and challenge to their own WHQS activity.

In order to ensure Major Repairs Allowance & Dowry is spent appropriately in line with grant requirements, regular (at least quarterly) meetings are held with landlords to ensure WHQS compliance and identify and respond to delivery and financial risks to the programme as they emerge.

Welsh Government oversight will be reviewed as part of the development of the new standard to ensure it provides the right level of engagement, technical support and challenge and value for money monitoring.

Financial Implications: The costs of monitoring and evaluation to ensure value for money are met within existing budget lines.

Recommendation 14

We recommend that the Welsh Government sets out how it monitors the standards of service for adaptation services and the impact those standards have made.

Response: Accept

We collect and publish a high level analysis of over 34,000 adaptations completed each year. The most recent publication is on the Welsh Government website. This records key measures for types of adaptations, time taken, age of service user, and tenure. Data for 2020-21 has been collected and validated, and will be published in spring 2022. Data collected from 2021-22 will have additional fields to enable us to report on equalities data and more granular geographic data.

Financial Implications: There are no financial implications associated with this response.

Recommendation 15

We recommend that the Welsh Government explores ways of allocating the budget for regeneration to enable the Welsh Government to introduce legislation to bring empty properties back into use. We further recommend that the Welsh Government promptly publishes a delivery plan, to include a timeline and targets, of how the budget allocations for regeneration will be used.

Response: Accept in principle

There is already significant legislation in place which enables bringing empty properties back into use. Through our Transforming Towns programme, we are supporting local authorities to use the full range of these powers. Our industry expert has provided specialist enforcement training on tackling long-term empty properties for all local authorities in Wales – around 850 officers and councillors across Wales have undertaken the training. The industry expert also provides a floating resource and support to assist local authorities in dealing with individual empty properties, including determining which legislation is most appropriate. In addition, we have established a £15.2 million enforcement fund to support local authorities in taking enforcement action on empty and dilapidated buildings in town centres.

The Welsh Government's regeneration investment is delivered through the Transforming Towns programme. Chapter 6 of our Infrastructure Finance Plan published along-side the draft budget sets out what we want to achieve through the Transforming Towns programme over the next three years.

Funding under Transforming Towns is available as a rolling-programme to all local authorities and other local delivery partners in any town centre that they wish to prioritise. Individual towns can benefit by identifying the mix of interventions which best suits their specific characteristics, local strengths, culture and heritage, including:

- Support for local authorities and other local delivery partners to develop town/place plans to enable the development of projects, linked to other interventions in that place.

- Enabling local authorities to take enforcement action on empty properties.
- Loan and grant funding to bring vacant and underutilised commercial buildings back into use.
- Grant funding for green infrastructure and biodiversity projects.
- Grant funding for smaller scale 'place-making' interventions.
- Loan and grant funding for new build projects.

This approach provides our local authority partners the flexibility to be responsive to the needs and priorities identified by individual towns, but within a strategic framework set by us. Local authorities will be asked to develop project proposals against the three-year budget allocation for regeneration. Details of approved projects and their achievements against the targets we have set in the Infrastructure Finance Plan will be published over the delivery period of the programme.

Financial Implications: There are no financial implications associated with this response

Recommendation 16

We recommend that the Welsh Government provides us with an update on what interim arrangements will be introduced to protect tenants from no fault evictions until the implementation of the Renting Homes Act.

Response: Accept

The Welsh Government has put in place, and extended, the Tenancy Hardship Grant scheme for tenants who have suffered financially as a result of the pandemic. The Tenancy Hardship Grant (THG) is a £10m grant to support both private and social rented sector tenants who are struggling to repay significant rent arrears which are Covid-related and accrued up until December 2021. The THG is part of a package of support developed at pace during the pandemic, and complements other support provided through the Early alert scheme delivered by Citizen's Advice Cymru, and support and advice offered by Shelter Cymru.

Additional funding of £4.1m across 2020-21 and 2021-22 has also been provided to local authorities to top up DWP allocations for Discretionary Housing Payments to mitigate against cuts to this funding by DWP. This funding is to help those in receipt of housing related benefits and who have arrears to avoid eviction and sustain their tenancies.

The increased notice period of six months that currently applies to 'no fault' evictions was put in place as part of the response to the pandemic under powers provided for in the Coronavirus Act 2020. 'No fault' evictions can, therefore, currently take place but are subject to a longer notice period. As set out above, additional support has already been provided to minimise 'no fault' evictions. We will keep under review whether additional arrangements are required to help prevent evictions.

The increased notice period requirement is currently due to end on 24th March 2022. Any extension of this requirement would need to be taken on the basis of the public health situation and a decision in relation to this will be taken nearer the time.

Financial Implications: There are no financial implications resulting from this response.

Gareth Wilson

Councillor Lynda Thorne
Cabinet Member for Housing and Communities

Dear Lynda,

14 March 2022

Re: What can Cardiff City Council (“CCC”) do to help solve the building safety crisis in Cardiff – without further damaging delay?

Thank you for inviting me to the Zoom meeting on Thursday, 10th March with Vaughan Gething. At the meeting, you expressed your clear desire to assist in solving the building safety crisis in Cardiff, but highlighted CCC’s funding difficulties. You asked for comments and suggestions, and I write to set out a clear path forward for CCC.

Unworkable suggestions

1. **Council tax relief:** CCC does not have funding available to repair buildings itself. Welsh Government (“WG”) has the budget. Any major CCC contribution, for example, to give relief against council tax would necessarily have to be found from elsewhere i.e. other council tax payers. I agree with you that this is a non-starter.
2. **Council funded sprinklers:** Sprinklers are a good thing, but CCC funding simply introduces a layer of unnecessary bureaucracy, delay and cost. WG has the funds. These can be made available direct to CMCL and others rather than through the council.

Summary: Practical low-cost proposals

3. Delay is the key issue. There are proposals in English draft legislation, the Building Safety Bill (“BSB”) that will help leaseholders in Wales. Therefore,
 - 3.1. CCC needs to pressurise WG to ensure that those proposals are enacted into Welsh law at the soonest possible date.
 - 3.2. CCC also needs to enforce the new legislation immediately it is enacted.
 - 3.3. CCC can also pressurise developers and builders even before the measures become law by announcing and demonstrating its intention to take immediate action.

The key legislative proposals

4. Sections 125 and 126 of the Building Safety Bill (attached) contain provisions for “*Remediation Orders*” and “*Remediation Contribution Orders*” to be made against a “*relevant landlord*”, which is widely defined to cover developers and their associated companies.
5. Both Orders can be sought by a local authority. However, because this area is devolved, section 29(2) of the BSB effectively restricts the provisions to England.
6. CCC will therefore be able to apply for Orders provided only that similar legislation is enacted in Wales.

Process and timetable in Wales

7. I have now asked two key Senedd members, including Vaughan Gething at our Zoom meeting what the process and timetable is for enacting this legislation in Wales and intend to continue to ask that question of all Senedd members. As you will have heard from Vaughan, in both cases the answers have been totally unsatisfactory i.e. “*I don’t know.*” I interpret this as “*there is no meaningful plan.*”
8. We all know that the first step is for the BSB to be passed in Westminster and that is not within our control. However, we also know that the BSB is expected to be passed within the next couple of months and the time for detailed planning to take this forward in Wales has long since passed.
9. CCC should be making clear to WG its urgent need to be granted the powers under Sections 125 and 126 of the BSB and its intention to use them immediately. To that end CCC should ask WG to provide it with assurances that will happen and to publish details of : -
 - 9.1. What steps WG has taken to date to prepare Welsh legislation?
 - 9.2. What resources are being devoted to this?
 - 9.3. What the process is for passing the legislation?
 - 9.4. Most importantly (and bearing in mind the legislation has cross-party support) a **detailed timetable for the legislative process and the date** – which could be related to the passing of the BSB i.e. within 6 weeks of enactment of the BSB – on which WG expects the legislation to reach the timetable.
10. My personal view is that you should also seek to dissuade WG government from wasting any time, energy and resource on the plan announced by Julie James to bail out the very small minority of leaseholders worst affected. This will do nothing to repair a single building and will be unworkable. It would be divisive. It is distracting resource and planning. It is a waste of public money.

CCC’s preparations

11. The council itself needs to plan, train and resource so that it is in a position to enforce the legislation – including issuing Remediation Orders and Contribution Orders – from Day 1. This will require a clear legal understanding of the new legislation and an early identification of target developments.
12. As stated above, developers could be notified of the council’s intention to issue Orders even before the new legislation reached the statute books. It is still possible that the threat of the use of the powers will be enough for some developers to take action.
13. CCC will need to liaise with South Wales Fire and Rescue and also with other “interested persons” to prevent duplication of effort. Fire authorities should have power to apply for both Orders. Other interested persons e.g. leaseholders can apply for Contribution Orders.
14. It would be helpful if you could keep us advised of the steps you are taking as this will impact directly on our planning and the financial strains this will put on leaseholders. As I expect you know, I have been in contact with Dave Holland over the last two years and I

am sure he will be keen to move forward on this. I would be happy to contribute in any way I can.

The reality of leaseholders' position and potential impact on CCC

15. CMCL is currently trying to raise a small part (20% this year) of our total estimated repair bill from leaseholders. The first half of this £1.2 million (10% of total) should have been paid on 1 January this year. As of now, only 147 of 457 leaseholders have paid in full. 196 leaseholders have paid nothing. A further 33 are falling behind instalment plans that CMCL have agreed with them.
16. A further £1.2 million will be due on 1 July – less than 3 months away. We will have to ask for further substantial payments at the end of the year as the money we are currently attempting to collect will not be sufficient even for Phase 1 of our planned remediation. The prospects for many leaseholders look very bleak.
17. It is CMCL's duty to pursue leaseholders who do not pay and letters before action are going out this month. If we pursue debt action, this will affect credit ratings, further costs will be incurred and ultimately, we will be forced to foreclose. It is a downward spiral and CCC will ultimately be picking up the pieces of potentially hundreds of people rendered homeless. This is happening **now**.
18. Delay will effectively negate any possible benefit of a WG scheme to remediate. A perfect scheme that does not appear in time is not perfect, it is useless. The one thing that could ameliorate a delay is the interim and immediate availability of WG backed or sponsored loan finance, which will enable CMCL to undertake repairs without bankrupting and otherwise destroying the lives of leaseholders in the process.

As there is no process for leaseholders and management companies like ours to contribute to the WG's thinking, it would be helpful if you could do this for us. Better still, persuade WG to set up a process that enables leaseholders to contribute.

I am sure this has wide cross-party support within CCC and am copying this to other councillors listed below. I hope this is helpful and look forward to hearing from you.

Kind regards



Gareth Wilson

CC: Huw Thomas, Adrian Robson, Rhys Taylor, Saeed Ebrahim, Neil McEvoy,

125 Remediation orders

- (1) The Secretary of State may by regulations make provision for and in connection with remediation orders.
- (2) A “remediation order” is an order, made by the First-tier Tribunal, requiring a relevant landlord to remedy specified relevant defects in a specified relevant building by a specified time. 5
- (3) In this section “relevant landlord”, in relation to a relevant defect in a relevant building, means a landlord under a lease of the building or any part of it who is required, under the lease or by virtue of an enactment, to repair or maintain anything relating to the relevant defect. 10
- (4) The following persons may apply for a remediation order –
 - (a) the regulator (as defined by section 2);
 - (b) a local authority (as defined by section 29) for the area in which the relevant building is situated;
 - (c) a fire and rescue authority (as defined by section 29) for the area in which the relevant building is situated; 15
 - (d) any other person prescribed by the regulations.
- (5) In this section “specified” means specified in the order.

126 Remediation contribution orders

- (1) The First-tier Tribunal may, on the application of an interested person, make a remediation contribution order in relation to a relevant building if it considers it just and equitable to do so. 20
- (2) “Remediation contribution order”, in relation to a relevant building, means an order requiring a specified body corporate to make payments to a specified person, for the purpose of meeting costs incurred or to be incurred in remedying relevant defects (or specified relevant defects) relating to the relevant building. 25
- (3) A body corporate may be specified only if it is associated with a landlord under a lease of the relevant building or any part of it.
- (4) An order may – 30
 - (a) require the making of payments of a specified amount, or payments of a reasonable amount in respect of the remediation of specified relevant defects (or in respect of specified things done or to be done for the purpose of remedying relevant defects);
 - (b) require a payment to be made at a specified time, or to be made on demand following the occurrence of a specified event. 35
- (5) In this section –
 - “associated”: see section 123;
 - “interested person”, in relation to a relevant building, means –
 - (a) the regulator (as defined by section 2), 40

- (b) a local authority (as defined by section 29) for the area in which the relevant building is situated,
 - (c) a fire and rescue authority (as defined by section 29) for the area in which the relevant building is situated, or
 - (d) a person with a legal or equitable interest in the relevant building or any part of it; 5
- “relevant building”: see section 120;
 “relevant defect”: see section 122;
 “specified” means specified in the order.

127 Meeting remediation costs of insolvent landlord 10

- (1) This section applies if, in the course of the winding up of a company which is a landlord under a lease of a relevant building or any part of it, it appears—
 - (a) that there are relevant defects relating to the building, and
 - (b) that the company is under an obligation (howsoever imposed) to remedy any of the relevant defects or is liable to make a payment relating to any costs incurred or to be incurred in remedying any of the relevant defects. 15
- (2) The court may, on the application of the liquidator, by order require a body corporate associated with the company to make such contributions to the company’s assets as the court considers to be just and equitable. 20
- (3) An order may be made where proceedings for the winding up of the company were commenced before (as well as after) the coming into force of this section.
- (4) In this section—
 - “associated”: see section 123;
 - “the court” means a court having jurisdiction to wind up the company; 25
 - “relevant building”: see section 120;
 - “relevant defect” : see section 122.

Building industry schemes

128 Building industry schemes

- (1) The Secretary of State may by regulations— 30
 - (a) establish a scheme, and
 - (b) make provision about the scheme.
- (2) Regulations that establish a scheme must prescribe the descriptions of persons in the building industry who may be members of the scheme (“eligible persons”). 35
- (3) Where a scheme is established, the Secretary of State must set and publish the criteria that an eligible person must meet in order to become, and remain, a member of the scheme (“membership criteria”).
- (4) Membership criteria may be set for any purpose connected with—

—
**Climate Change, Environment,
and Infrastructure Committee**

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John Griffiths MS

Chair, Local Government and Housing Committee

18 March 2022

Dear John,

The Climate Change, Environment and Infrastructure Committee has agreed to undertake an initial piece of work on the decarbonisation of housing.

This work will take place on 28 April when the Committee expects to hear from several panels of expert witnesses.

Should you or any other member of the Local Government and Housing Committee wish to attend the meeting, you are welcome to contact the Committee Clerking team who will make the necessary arrangements.

I have asked officials to keep the Clerk of the Local Government and Housing Committee updated on the progress of this work.

Yours sincerely,



Llyr Gruffydd MS,

Chair, Climate Change, Environment and Infrastructure Committee

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



Document is Restricted

WRITTEN EVIDENCE PAPER TO THE LOCAL GOVERNMENT AND HOUSING COMMITTEE

Minister for Education and Welsh Language: March 2022

Introduction

This paper provides evidence to the Committee prior to my attendance at the meeting on 23 March 2022. The invitation requested a discussion on Second Homes.

Affordability, Second Homes and the Welsh Language

The difficulties people – particularly young people – can have in accessing affordable, quality housing, whether to buy or rent has had significant coverage, across Wales, the UK and beyond. Often, in West Wales, those difficulties are related to second homes. This raises questions about the sustainability of our communities and of empty homes that add nothing at all to community life.

We have already proposed a three-pronged approach that seeks to address the core issues of affordability, second homes and the Welsh language. The Minister for Climate Change will present information on these plans in more detail in her evidence paper to this committee. However, I would like to note the announcement that the Dwyfor area has been selected as a pilot area is a significant one. Dwyfor is of course a stronghold of the Welsh language – where the Welsh language is an integral part of daily life. There is a cluster of communities with a high density of second homes in this area. As we pilot a number of interventions, it is vitally important that we create a stronger evidence base of the potential impacts on the local economy, our communities and on the Welsh language.

The areas of affordability, second homes and the Welsh language are areas that have called for us to work closely together across Government. As such, we have established a Ministerial group to discuss and work together to create solutions and take this policy work forward. In addition, a cross-departmental group of officials meet regularly, I also chair a cross-party group in conjunction with the Minister for Climate Change, the Minister for Finance and Local Government and the Minister for the Economy. We are also working closely with the Designated Members on this as part of the Collaboration Agreement.

In my speech ['Cymraeg belongs to us all'](#), I highlighted the various challenges facing the Welsh language. I recognise the threat to our Welsh speaking communities, particularly those with higher numbers of second homes. As such, I am keen to develop a wide range of interventions to address these challenges and this is the basis of the Welsh Language Communities Housing Plan.

Welsh Language Communities Housing Plan

I am leading on the work of establishing the Welsh Language Communities Housing Plan, one of the Welsh Government's key priorities as set out in our *Programme for Government 2021-2026*. The plan aims to introduce a package of interventions as well as consider how the national interventions (a three-pronged approach) could act as a balanced package to protect Welsh-speaking communities. In this way, we want to ensure that they are

sustainable and viable communities for future generations, where the Welsh language can thrive.

In his report, commissioned by Academi Hywel Teifi, [Second homes: Developing new policies in Wales](#), Dr Simon Brooks provided a balanced analysis of the possible effects large concentrations of second homes can have on our communities. He also outlined the challenges facing Welsh-speaking communities and the need to sustain those communities.

Our [Cymraeg 2050](#) targets of reaching a million Welsh speakers by 2050 and of doubling the daily use of Welsh have a clear narrative about the direction of travel for Welsh language policy. They give context to the national wellbeing goal in the [Well-being of Future Generations \(Wales\) Act 2015](#), *A Wales of vibrant culture and thriving Welsh language*. For the strategy to succeed, we need to work together across government – both national and local – to take a holistic approach to tackling policy issues that are of strategic importance to the language, namely:

- The importance of maintaining Welsh as the primary language spoken in communities in the west and north-west.
- More opportunities for children and adults to learn and, for those who are learning or are already speakers, to become habitual users of the language wherever they live in Wales.

Without maintaining linguistically vibrant geographical communities in the west and north-west, there will be fewer opportunities for people to use the language in everyday social situations. That in turn risks weakening the foundations for the task of creating new speakers across Wales. We therefore need to focus on maintaining the social fabric of these Welsh-speaking communities and avoid creating an imbalance leading to an acceleration of community language shift from Welsh to English.

The Welsh Language Communities Housing Plan will work closely with the pilot in Dwyfor, it is possible that some of the interventions proposed in the plan would also be piloted in Dwyfor.

The proposed interventions that will shape the Welsh Language Communities Housing Plan

The draft document proposed a wide range of schemes to empower communities to secure a supply of affordable housing locally, strengthen the economic base and create opportunities for the Welsh language to thrive.

Community-led co-operatives and social enterprises

Co-operatives and social enterprises are already an important part of the social and economic landscape in Wales. There is a strong tradition of communities coming together to safeguard local amenities and local services, as well as benefiting from the natural resources in providing economic benefits to local communities. There are examples of community-based social enterprises: Cwmni Bro Ffestiniog, Partneriaeth Ogwen and Galeri in Caernarfon, for instance, exemplify how social enterprises can support and provide a valuable service to a local area. The Welsh language is fully integrated within their organisations and provides good quality job opportunities and supporting the local economy. We will encourage other communities to follow their example by providing support and guidance to help establish community-based social enterprises and co-operatives. The

Welsh language will be an intrinsic part of the social business, and will aim to reach beyond the original geographical areas.

We aim to build on the good work already being delivered in Wales by providing additional resources to help drive this work forward within Welsh-speaking communities. This support will provide opportunities for communities, where basic services are likely to disappear, to develop social enterprises, to create new initiatives to strengthen the foundation of the local economy and to develop community-led housing co-operatives.

Social businesses: tourism sector

In response to the COVID-19 pandemic, numerous ideas have been developed for local communities to benefit from the demand for short-term holiday accommodation. We have examples of community-based tourism bunkhouses and short-term holiday accommodation business e.g. Pengwern, Caban Gerlan and Menter y Plu. We will explore ways to support community-based social enterprises to establish and grow short-term holiday accommodation businesses, so that business profits can be re-invested to purchase further stock to be made available on a social rented basis for local people. If the operating model is successful, it could be extended to include wider community ownership within the tourism industry.

Estate Agents' Steering Group

Estate agents play a key role in the property market. Many estate agents in rural, coastal and Welsh-speaking areas are long established businesses which have substantial expertise and knowledge and provide a valuable service to the local communities they serve. How properties are described, and detail about the local community, can be influential in providing prospective buyers with useful context – both on the property and the area, before they make a final decision on purchasing a property.

The aim is to build on work that is already ongoing to raise awareness of the Welsh language and the local communities where properties are located. For example, estate agents, local authorities and the Mentrau Iaith have been co-operating with the Welsh Government, by distributing local information packs. These provide important and useful information for people wishing to purchase a property in the area.

Our intention is to establish an Estate Agents' Steering Group for Welsh-speaking communities – to facilitate potential new projects and research that can be developed in partnership with local estate agents and other key stakeholders.

A 'fair chance' for local buyers and renters

In the current market, we understand concerns that some properties are sold or let before being listed on the market. This has been highlighted in areas where demand for properties is high. Local people can be unaware that potential properties are due to come on the market. Property sellers have a key role and we will therefore explore opportunities to work with them as well as key stakeholders such as estate agents so that properties can be advertised for a limited period to local people first. This would allow people from a clearly defined area to have an opportunity to view and arrange the necessary finance to purchase/rent the property. In the same way, if a local co-operative wished to purchase a property, this would allow them sufficient time to prepare a financial package. As noted, this

would be a voluntary scheme in partnership with property sellers and other key stakeholders, and would need to be carefully planned and piloted.

Cultural Ambassadors

Wales is a welcoming society and we encourage people who visit or decide to move to Wales to actively engage with our unique language and culture. To further facilitate this, we wish to establish a network of Cultural Ambassadors who will actively promote our culture, heritage and Welsh language. The [ecomuseums LIVE](#) is an interesting programme which aims to support coastal communities in the Llŷn Peninsula and Iveragh Peninsula, Ireland to promote their natural and cultural assets, creating opportunities for sustainable tourism. We will consider what the ecomuseums will learn from their interventions and draw on their experiences.

A commission on Welsh-speaking communities

We will establish a commission to safeguard the future of the Welsh language as a community language. The commission will lead on a socio-linguistic analysis of the health of the language in our communities. It will develop a model to provide evidence for local authorities on the vitality of the language in the communities they serve. The commission will consider the challenges facing Welsh-speaking communities and gain a better understanding of the linguistic, socio-economic and social restructuring challenges faced post COVID-19 and leaving the European Union. The commission will make policy recommendations.

Underpinning this, the commission will analyse the 2021 Census results to better understand the language shift over the last decade. In this light, it will consider which interventions are needed today, and ensure that future policy interventions are based on sound evidence. This work links to the development of models that help define areas of linguistic interest and sensitivity. The aim is to make it clear which interventions and support are needed in these areas to protect the language and how the collective approaches are used from a language perspective to ensure policy goals are met.

I have already announced that Dr Simon Brooks will chair the commission and I will be making an announcement shortly on the other members of the commission.

Housing, Work and Language (Tai, Gwaith ac Iaith)

Sustaining a strong economy as well as sufficient supply of affordable homes is necessary in providing a sufficient baseline for the Welsh language to thrive. One of the main challenges facing rural, coastal and Welsh-speaking communities is the constant outmigration of young people. This is a complex, multifactorial issue and is not because of the lack of job opportunities or affordable homes alone – it includes the social and educational aspiration of people needing to explore and gain new experiences. We welcome opportunities for our young people to further attain their educational aims, gain valuable skills and work experiences, both within and outside of Wales. We should also support those young people who want to continue living in the communities in which they were brought up, as well as create and support opportunities for people to return.

The Arfor Programme was funded by the Welsh Government to pilot innovative approaches to promoting entrepreneurship, business growth and community resilience while supporting the Welsh language. The programme has targeted support in Gwynedd, Anglesey, Ceredigion and Carmarthenshire and was delivered over a two year period, 2019-20 and 2020-21, by the 4 local authorities working on local and collaborative projects. As part of the

programme, funding has been set aside for an independent evaluation of the two-year programme, which was published in October 2021.

Work is being carried out on proposals for the Arfor 2 programme in collaboration with the Designated Member, Cefin Campbell MS as part of the Co-operation Agreement between the Welsh Government and Plaid Cymru. We will take account of the experience and evaluation of the previous programme, which is complementary to other existing or planned activity which is of relevance. As part of this work, consideration will be given to developing an appropriate suite of performance measures for the programme.

In 2019, the then Minister for International Relations and Welsh Language established an Economy and Welsh Language Roundtable. This included representatives from local authorities, economic development policy leads and practitioners and Welsh language planners. The roundtable is now chaired by myself. It has recommended numerous actions which can support the rural economy as well as providing the right conditions for the language to thrive. Many of these proposals are already being developed or implemented. We will expand the role of the roundtable to include housing. The new Economy, Housing and Welsh Language Roundtable will also be responsible for overseeing the delivery of the Welsh Language Communities Housing Plan.

Place Names

Place names are integral features of the cultural and historic landscape of Wales, both on a local and a national level. They are particularly important to the visual and aural character of Welsh-speaking areas and communities, and we recognise the special need to value and retain the rich legacy of our Welsh place names.

To address the challenges associated with place names, we will explore how local authorities are fulfilling their roles in this area. We will consider the recent use of covenants to protect house names and explore how these might be used more widely in the future. Central to this work, will be exploring new ways of raising awareness of and promoting the List of Historic Place Names of Wales.

In conclusion

The consultation on the Welsh Language Communities Housing Plan closed on 22 February. We are currently analysing the consultation responses. Once this work has been completed, I will make a further statement and publish the package of interventions we will develop as part of the Welsh Language Communities Housing Plan.

Jeremy Miles MS
Minister for Education and Welsh Language