

## **Agenda – Local Government and Housing Committee**

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Meeting Venue:

**Committee Room 5**

Meeting date: 27 October 2022

Meeting time: 10.35

For further information contact:

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Committee Clerk

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### **Pre-meeting (10.35 – 10.45)**

#### **1 Introductions, apologies, substitutions and declarations of interest**

(10.45)

#### **2 Housing Ukrainian refugees – evidence session with the Minister for Social Justice**

(10.45 – 12.00)

(Pages 1 – 28)

Jane Hutt MS, Minister for Social Justice

Ruth Meadows, Temporary Director of Ukraine Response, Welsh Government

Emma Williams, Director of Housing and Regeneration, Welsh Government

Joanna Valentine, Deputy Director Ukraine Accommodation Division, Welsh Government

Jo Trott, Deputy Director Ukraine Accommodation Division, Welsh Government

#### **3 Papers to note**

(12.00)

(Page 29)

##### **3.1 Letter from the Counsel General and Minister for the Constitution in relation to modernising electoral administration**

(Page 30)

##### **3.2 Correspondence from the Welsh Cladiators in relation to building safety**

(Pages 31 – 37)



**3.3 Letter from the Minister for Rural Affairs and North Wales, and Trefnydd to the Llywydd in relation to the UK Energy Prices Bill**

(Pages 38 – 39)

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

(12.00)

**5 Consideration of the Legislative Consent Memorandum (LCM) on the Levelling-up and Regeneration Bill**

(12.00 – 12.15)

(Pages 40 – 55)

**6 Consideration of the Legislative Consent Memorandum (LCM) on the Social Housing (Regulation) Bill**

(12.15 – 12.30)

(Pages 56 – 66)

**Lunch (12.30 – 13.15)**

**7 Technical briefing from Welsh Government officials in relation to the local government funding formula**

(13.15 – 14.15)

Judith Cole, Deputy Director Local Government Finance Policy & Sustainability, Welsh Government

Emma Smith, Head of Local Government Finance Policy, Welsh Government

Tim Evans, Head of Local Government Funding, Welsh Government

James Koe, Senior Statistical Officer–Future Funding & Settlement Manager, Welsh Government

Leah Whitty, Finance Policy Officer (Revenues and Benefits), Welsh Local Government Association

**8 Consideration of the evidence received**

(14.15 – 14.30)

Document is Restricted

## **WRITTEN EVIDENCE**

### **Welsh local authorities' preparedness to welcome Ukrainians under the Ukraine Family Scheme and the Homes for Ukraine Scheme**

1. Local authorities have a critical role to play in the support for people from Ukraine arriving in Wales. They are best placed to support their local communities to offer these people the warmest possible welcome on their arrival. I want to thank local authorities for their swift response to the Ukrainian humanitarian response as a result of Putin's invasion of Ukraine.
2. The UK Government Homes for Ukraine and Ukraine Family Schemes started at a point in time when there was already significant housing pressure across Wales. Local authorities continue to support our 'no one left out' approach to homelessness, providing temporary accommodation to all those who need it as they transition to a Rapid Rehousing approach to homelessness. They were also supporting the resettlement of Afghan community members since the evacuation in August 2021, in addition to the widening of the asylum dispersal system by the UK Government.
3. Building on learning from previous resettlement schemes, local authorities acted swiftly and effectively to ensure Ukrainians received a warm welcome upon arrival in Wales. Local authority resettlement and resilience teams and local authority housing teams have played a central role in ensuring that services can be delivered across Wales, alongside the NHS and the third sector – a Team Wales approach.
4. The speed of stand-up and the sheer scale of the Homes for Ukraine scheme is far greater than any of the recent refugee support schemes which have operated in the UK. Building capacity at the pace required has been a challenge but local authorities have responded well. The Homes for Ukraine tariff is helpful in ensuring local authorities can provide support. However, delays by the UK Government in clarifying how funding can be used, together with lack of tariff for ESOL and Healthcare (in contrast to other resettlement schemes) remain problematic. We continue to lobby the UK Government to address this deficit.
5. The Ukraine Family Scheme has presented different challenges because data has not been made available by the Home Office to Welsh Government or Welsh local authorities to understand the scale, geographic distribution or contact information for those arriving in Wales. No funding tariff is being provided to support arrivals under this scheme which inevitably puts a strain on support which can be provided.

### **The role of local authorities and the third sector in supporting the operation of the Ukraine settlement schemes**

#### **Local authorities**

6. Local Authorities are the key delivery mechanism for the Homes for Ukraine Scheme, including both the individual and Super Sponsor Schemes. The approach adopted is similar to previous resettlement programmes, and whilst not

all local authorities are involved in providing initial accommodation under the Super Sponsor Scheme (due to lack of suitable accommodation for Welcome Centres etc) all 22 local authority resettlement teams will be involved in supporting those arriving through the Homes for Ukraine Scheme and matching arrivals through both schemes into longer-term accommodation across Wales.

7. The Welsh Government Homes for Ukraine Super Sponsor Scheme route opened on 26 March 2022 with an initial target of providing support to 1,000 people. Initially, five Welcome Centres were established with the support of local authorities to provide initial accommodation for a period of up to 3 months. Five Arrival Hubs were established at key transport nodes to welcome people to Wales, support any immediate health and welfare needs and facilitate onward travel plans to Welcome Centres. In addition, specific arrangements have been put in place to enable full provision of wrap around services and the implementation of overall resettlement processes.
8. A Contact Centre was also set-up that is responsible for making contact with people once they have been granted a visa, to support their travel plans. It also provides a 24-hour helpline for people arriving in Wales. The Contact Centre has evolved to include a function to check that Ukrainians arrive safely at their initial accommodation in Wales, and a Case Management Team to manage issues such as re-matching people between hosts in different local authorities.
9. When Welsh Government decided to support more than the initial 1,000 arrivals additional initial accommodation was needed. A far slower than anticipated move-on rate from Welcome Centres into longer term accommodation added further pressure on available capacity. Welsh Government Officials, local authorities and local health boards subsequently worked together to establish additional capacity in hotels, holiday parks and universities to meet the increasing demand. We do not publish the locations of initial accommodation sites in the interests of security and to maintain the privacy of arrivals.
10. For those arriving in Wales as part of the super sponsor scheme, the initial process, facilitated by the Contact Centre, is as follows:
  - Arrival in Wales and allocation into initial accommodation that has been set up across Wales by Welsh Government working in partnership with local authorities
  - local authority and partners including the NHS undertake initial triage on arrival to assess for any emergency needs
  - local authority resettlement partnerships work with Welcome Centres and arrivals to identify immediate and longer-term needs. This will see arrivals receive initial financial support, local information on services and the local area, support with staying in touch with friends and family, advice and support to access benefits and advice and support on accessing health and education services
  - arrivals can access ongoing support through local authority and Third Sector as required

### **Third Sector**

11. Welsh Government has funded the following projects with third sector partners:

**Housing Justice Cymru - £150,000 in 2022/23** to provide host information sessions, training sessions and host-peer support sessions for those supporting this scheme in Wales.

**Wales Sanctuary Service - £222,017 (excluding VAT) for 2022/23** to provide support through an existing consortium led by the Welsh Refugee Council. This provides casework advice, advocacy and peer to peer support for Ukrainians.

**British Red Cross - £246,000 in 2022/23** plus £54,000 from British Red Cross to support Ukrainians and their host families. This draws on expertise and approaches developed by British Red Cross supporting refugee family reunion to provide trauma-informed, preventative and holistic integration.

12. We are co-ordinating a group of third sector organisations including Ukrainian led Facebook and support groups which are collaborating to explore key issues and share information. The Minister for Social Justice has chaired some of these meetings which now occur monthly.
13. Officials are working with County Voluntary Councils to share experiences and discuss common challenges and priorities. Officials also meet regularly with some Facebook group administrators to identify emerging issues and ensure they can access and share the right information.
14. Welsh Government has made a £1m donation to enable Community Foundation Wales to establish the Nation of Sanctuary: Croeso Fund which provides grants to third sector organisations. Almost £500,000 has been awarded to date.

#### **How the Welsh Government plans to source accommodation and support refugees in the longer-term (once they leave the welcome/reception centres)**

15. The Welsh Government proposed the Homes for Ukraine super sponsor route as a means of ensuring that:
  - a. Ukrainians did not need to know a UK-based household before applying;
  - b. Safeguarding risks could be significantly mitigated;
  - c. Wraparound support services could be delivered with economy of scale.
16. Accommodating people in Welcome Centres (and other types of initial accommodation) has ensured that Ukrainians did not need to find a UK-based household before applying for a visa and we are able to ensure all safeguarding checks are completed before the individuals are subsequently matched with a Wales-based household. This significantly mitigates the safeguarding risks inherent in the Homes for Ukraine scheme, for those sponsored by the Welsh Government.
17. The Welsh Government is working very closely with local authorities and wider partners to support the move on of Ukrainians in initial accommodation into longer term, more settled accommodation. There are three main strands to this work:

#### Continuing to expand potential hosts and develop host support

18. Many families and individuals across Wales have volunteered their homes to provide host accommodation. For some people looking to leave initial accommodation host arrangements can provide effective and flexible move on

accommodation particularly where families/ individuals want to stay in an area where affordable accommodation is limited.

19. To maximise the use of host accommodation, a national system has been established to share hosts' offers of accommodation with all Welsh local authorities to support effective matching and national contracts have been put in place to expedite DBS and property checks. Work is also ongoing with the UK Govt to support a national campaign to encourage more people to volunteer to become hosts. We also continue to lobby the UK Government to increase the £350 thank you payment hosts receive, to reflect cost of living pressures.
20. Welsh Government has grant funded Housing Justice Cymru to provide a support service for hosts (available in English and Welsh). This service is distinct from other support which is in place for guests.
21. The Host Support service provides expert and reliable information, training, advice and guidance for people hosting, or considering hosting which includes: a phone helpline, an email helpline and hosting workshops. Sessions include discussion of trauma, vicarious trauma, managing expectations, setting house rules, safeguarding and helping a Ukrainian guest to orientate to life in Wales.

#### Providing more higher quality transitional accommodation

22. Over the course of the last two and a half years we have worked with our partners through the pandemic and humanitarian crises to ensure accommodation is available for all those in need, successfully helping over 24,000 people into temporary accommodation. However, the Ukraine humanitarian crisis is exacerbating an already extremely challenging situation with a huge demand for housing.
23. It should be noted that only the initial accommodation in hotels and Welcome Centres and host offers are specific to the Ukraine response. All other demands for transitional and longer term accommodation are being managed alongside the existing and growing demand for temporary accommodation.
24. A £60m Transitional Accommodation Capital Programme (TACP) has been set up to provide more good quality, longer term accommodation. This programme is supporting a range of initiatives by local authorities and registered social landlords such as bringing voids back into use, remodelling or conversion of buildings and the use of modular accommodation. This programme should bring more than 1,000 additional homes into use over the next 18 months almost half of which will be long term or permanent homes.

#### Policies and resources to support move on

25. Supporting the move on of Ukrainians from initial accommodation into longer term accommodation is challenging and resource intensive for local authorities. There is a lack of affordable private rental properties coupled with concerns and reluctance of people to move out of initial accommodation.
26. To support this, national communications in relation to move on have been developed, supported by detailed FAQs, a code of conduct and behavioural

policies are also being established to set expectations around expected behaviour and a policy to respond where people turn down multiple suitable offers of move on accommodation is being developed. It seeks to align policies for Ukrainian households more closely with that of other cohorts in housing need.

27. Work is currently ongoing to update the population shares agreed as part of the Accommodation Framework<sup>1</sup> at the start of the crisis. This provides an opportunity to reflect the increased number of arrivals and ensure that the formula takes account of the differing pressures local authorities are facing. Some groups of local authorities are looking to create regional solutions and are starting to coalesce into regional footprints to expedite move-on.

### **The Welsh Government's discussions with the WLGA and Welsh local authorities on the operation of the Ukraine settlement schemes**

28. Engagement at every level of Local Government and Welsh Government, official and political, has been in play from the very beginning of the Ukraine crisis, as our local government partners are key to delivery of our humanitarian response. Over time the frequency of engagement has changed in response to the changing nature of the crisis, and has now settled into a formal rhythm: Ministers now meet local authority Leaders on a fortnightly basis to discuss a range of issues including the Ukraine response (standing agenda item); Welsh Government officials meet local authority officials in a formal Stakeholder meeting again on a fortnightly basis to discuss emerging policy and operational issues and to share good practice; the WLGA hosts a fortnightly meeting to discuss all matters Ukraine; and there are weekly meetings between Welsh Government officials and individual local authorities with Welcome Centres. Other regular meetings such as those with Local Resilience Fora, Chief Executives of local authorities and another, more operational meeting with local authorities – the 'Weekly Wash-up' - have now been stood down as the response settles down. We are working with local authorities to develop an approach to engagement at regional level, in part to support a more strategic approach to move-on.

29. Welsh Government officials also produce a weekly sit-rep with figures on visas granted, arrivals, local authority numbers etc which is shared with key people in local authorities and local health boards.

### **The cost of providing support and services to Ukrainians arriving in Wales and how these costs will be met / The level of funding provided by the UK and Welsh Governments to support local authorities in supporting Ukrainians**

30. As noted above there is a range of support and services available to Ukrainians arriving in Wales under the Homes for Ukraine scheme (including the Welsh Government super sponsor route). This includes arrival hubs, the Contact Centre, and for those arriving under the super sponsor scheme, initial accommodation and wrap around services.

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<sup>1</sup> The population share that was agreed was based on the initial parameters of the super sponsor scheme intended to support 1,000 Ukrainians and was developed based on the population of each local authority, along with the number of visas issued by the Home Office under the individual sponsor scheme that the local authority was already supporting. This was weighted on an 80:20 basis (current population shares provided at Annex A of the accommodation framework [Homes for Ukraine: framework for accommodation \[HTML\] | GOV.WALES](#)).

31. These services are in the main provided by local authorities, with some direct contracts with Welsh Government, for example initial accommodation provision and the data platform which holds information centrally. The NHS also has a critical role to play in screening on arrival and supporting ongoing health needs, including mental health.
32. The cost of supporting Ukrainians in Wales under the Homes for Ukraine Scheme is met from a combination of funding from the UK Government, Welsh Government and local authorities' existing programme budgets in 2022-23.
33. No funding is available from the UK Government for the Ukraine Family Scheme. Any support given must be absorbed within Local Authority existing services. We continue to petition UKG for parity in this regard.
34. UK Government provides an integration tariff of £10,500 per person under the Homes for Ukraine scheme to support the provision of necessary public services for arrivals from Ukraine for the first year only.
35. UK Government provides an education tariff to local authorities determined by the age of the child (ranging from £3,000 to £8,755 for a full year) and the arrival date in the UK. This is for the first year only and pro rata by arrival date.
36. UK Government provides a host 'thank you' payment of £350 per calendar month for up to 12 months after arrival. We are calling on, alongside the Scottish Government, the UKG to increase these payments and some local authorities in Wales have recently decided to top them up using their own funds. We are considering a national approach to this issue.
37. We are also calling for an uplift in Local Housing Allowances from UKG to give more discretionary financial levers to local authorities to help secure access to the private rented sector for 'move on' accommodation and to help support those in housing need.
38. Welsh Government has invested other funds which cannot be reclaimed from the UK Government. This includes funding to establish and run the initial accommodation sites. Welsh Government retains a pro rata amount of the integration tariff to provide wraparound support services during a stay in initial accommodation, with the remainder passed on to the local authority when arrivals are moved to longer-term accommodation. However, the cost of procuring the venue, any associated capital costs and the cost of food are met by Welsh Government.
39. A Welsh Government funded free helpline on 0808 175 1508 or on +44 (0)204 542 5671 is available for people arriving in Wales from Ukraine and for people who are acting as sponsors to provide advice and guidance.
40. In the first supplementary budget for 2022-23, £20m was allocated to provide support for Ukrainian arrivals. A further £51m has subsequently been allocated taking the total allocated to £71m in 2022-23. It is expected that costs associated with our support through the Super Sponsor scheme will exceed these amounts by the year end. These costs are monitored closely, and reported on a monthly

basis. While further funding is being considered to support this pressure given the significantly constrained budgetary position this risks posing a significant opportunity cost to respond to other budget pressures across Welsh Government.

41. An indicative budget for 2023-24 was published in December 2021; this contained no provision for supporting individuals arriving from Ukraine as the budget pre-dated the crisis. Individuals from Ukraine have leave to remain in the UK for three years; there will therefore be costs associated with supporting them during this time. To date there is no commitment from the UK Government to provide funding beyond the first year of arrival. As part of the 2023-24 Draft Budget process, we are considering how support will be provided to arrivals during the 2023-24 financial year and the corresponding cost of this support.
42. As has been noted by the Minister for Finance and Local Government the heightened expectations for inflation mean that we are likely to see year on year real terms reductions in our Budget in both 2023-24 and 2024-25. This provides what may well be the most challenging context we have faced since devolution, outdoing even the most difficult periods of austerity.
43. Cabinet will consider this pressure alongside other pressures which include implications for delivery of PFG commitments, our response to the cost-of-living crisis, meeting inflationary pressures including public sector pay, and net zero plans. Noting this will likely require difficult choices.
44. All arrivals under the Family Scheme and the Homes for Ukraine Scheme will be able to access public funds, including Universal Credit and homelessness support, as well as Free School Meals if they do not have sufficient income. Despite the lack of UK Government funding for those under the Family Scheme, they too will continue to have access to our essential public services such as education and health services, including mental health.
45. In addition to the direct costs of supporting people on arrival and with initial accommodation it is important to note the longer term financial pressures arising from the additional pressures on longer term housing and related support services.

#### **Issues and pressures resulting from other refugee resettlement schemes and whether lessons learned/best practice can be shared**

46. Approximately 700 Afghans have been supported in Wales under the Afghan Relocations and Assistance Policy (ARAP) and the Afghan Citizens Resettlement Scheme (ACRS) since August 2021. Most of these families have lived in temporary 'bridging accommodation' at hotels. A significant proportion of these people have now been dispersed to local authorities across Wales. A steady flow of arrivals continues to add to the number of residents in hotels with around 350 people currently in hotels.
47. Since the evacuation of Afghanistan, the Home Office has also opened a new tranche of the Afghan Citizens Resettlement Scheme (ACRS) meaning a continuous flow of arrivals into bridging accommodation. There are fortnightly flights from Islamabad of around 250 people per flight. There is no clear strategy from the Home Office on accommodation and move on.

48. Finding accommodation for larger families is also proving to be a challenge. Since the conflict in Ukraine however, the pledges for LAs to support Afghans has slowed with many LAs stating that they have fulfilled their original pledge to support Afghans and others and that a lack of accommodation in their area means they are unable to support ARAP or ACRS resettlement.
49. The Department for Levelling Up, Housing and Communities (DLUHC) has introduced a 'Find your own accommodation' policy which allows Afghan residents to find accommodation within the private rental sector. Welsh Government is currently considering how this policy could be introduced into Wales. Finding affordable private rental sector accommodation will prove to be challenging to Afghan families especially as they want to remain in the city areas of Wales.
50. A co-ordinator within the hotels has proved to be very successful in engaging with Afghans to help them understand their options and to advise on their housing options, often encouraging them to take the offers of accommodation provided. As a result, there have been few refusals to travel and some Afghans have formed communities together in areas they previously refused to travel. Learning from this is being shared with the Ukrainian super sponsor scheme.
51. The Home Office's full asylum dispersal which was introduced earlier this year will see its accommodation provider seek to procure accommodation across Wales expanding from the 4 current LAs to 22. The Home Office is also utilising contingency hotels across Wales although in practice this tends to be Cardiff-based. Onward dispersal is slow due to the lack of accommodation available.
52. In terms of lessons learned, Welsh Government's super sponsor scheme was developed on the basis both of our own and our local authority partners' experience of supporting Afghans and Syrians to settle in Wales, building on good practice and lessons learned. The Team Wales approach remains at the core of all this work.

# Agenda Item 3

Local Government and Housing Committee

27 October 2022 – papers to note cover sheet

<b>Paper no.</b>	<b>Issue</b>	<b>From</b>	<b>Action point</b>
Paper 2	Forward work programme	Counsel General and Minister for the Constitution	To note
Paper 3	Building safety	Welsh Cladiators	To note
Paper 4	Legislative Consent: Energy Prices Bill	Minister for Rural Affairs and North Wales, and Trefnydd	To note

# Agenda Item 3.1

**Mick Antoniw AS/MS**  
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref 11/10/2022

John Griffiths MS  
Chair, Local Government and Housing Committee  
[John.griffiths@senedd.wales](mailto:John.griffiths@senedd.wales)

cc. David Rees MS, Chair, Llywydd's Committee  
[seneddlc@senedd.wales](mailto:seneddlc@senedd.wales)

11 October 2022

Dear John,

I am writing to inform you that today I published a White Paper setting out an ambitious long-term agenda for modernising electoral administration. A link to the publication is attached: <https://gov.wales/electoral-administration-and-reform-white-paper>.

In this Senedd term, it will contribute to the delivery of our Programme for Government commitment to reduce the democratic deficit in local government. It will also support the delivery of our Senedd reform commitments by providing for the modernised administration of reformed Senedd elections in 2026.

The paper includes a mixture of non-legislative propositions to promote engagement in elections and make standing for election safer and more straight forward, legislative proposals to modernise the administration of elections, improve the conduct of electoral and community reviews for local government and consolidate electoral law, and longer-term propositions for electoral reform to support Welsh democracy.

If you would wish to receive more information about the White Paper my officials are available to provide a technical briefing for the Committee.

Yours sincerely,

**Mick Antoniw AS/MS**  
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution

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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.



**Welsh Cladiators Press**  
**Release: 7 October 2022**  
**Response to Welsh Government**  
**Building Safety Pact Statement**

1. It has taken WG just over 6 months to substantially reproduce the pledge signed in England on 5 April. The intent and effect are virtually identical.
2. Given that neither document is legally binding, minor differences in wording are irrelevant.
3. Both envisage further binding legal documentation. Absurd. We know this has run into difficulties in England.
4. WGs wider approach to defects and remediation is not reflected in the document – it covers the same “life-critical fire safety” defects only. Where has this gone?
5. The “Standard” of repair required expressly relies only on PAS9980 where applicable. English pledge refers to PAS9980 but also other applicable standards.
6. Conclusions: -
  - a. Working “at pace” needs to be interpreted by reference to the 6 months it has taken to produce this meaningless fluff – already negotiated by Gove
  - b. We are 6 months behind England and have learnt nothing from English experience e.g., developers’ failure to produce any meaningful proposals in the timescale in the last § of letter i.e.
    - i. “for any of our Buildings which have already been identified by us as falling within the scope of the Agreed Principles, within one month of the date of this Pact, we will deliver to you a proposal (including a proposed schedule listing the buildings identified) for contacting the relevant building owners/responsible parties and leaseholders to confirm that their building is covered by this Pact (and the Agreed Principles) and detailing the next steps that we will take to meet your objectives.
  - c. England has backed up the pledge by Legislation. Even in Wales legislation gives wider but very expensive and time-consuming remedies.
  - d. We need the new remedies in Wales, and we need authorities to use them.
  - e. Turning this into binding agreements is a time consuming and useless exercise.
  - f. On the positive side, this might encourage courts to give indemnity costs awards against developers who fail to comply and where leaseholders are forced to take action



14 October 2022

Dear Minister

On the evening of 12 October members of the Swansea and Cardiff Bay Cladiators, representing most major Welsh developments impacted by the Building Safety Crisis came together to discuss your statement of 7<sup>th</sup> October. **We were unanimous in our view that the Welsh Government needs to legislate to provide Welsh victims with the same legal rights and protections being enjoyed by our fellow English victims.** It should not be left to innocent citizens to have to take on the cost and stress of litigating against those responsible for the crisis.

We have also consistently stated that we are not looking for monies from taxpayers to redress this scandal. Developers and builders who built and sold defective homes should be made to pay.

Our attached letter sets out a detailed response to all aspects of your announcement.

We welcome the Welsh Government's undertaking to refund survey costs to leaseholders. **As Welsh developments submit requests for reimbursement in the coming weeks and months, we will monitor responses to make sure they are being paid in full and in a timely manner.** Reimbursing leaseholders for these costs will make a small contribution to easing some the enormous financial pressures being experienced by many hundreds of innocent victims in Swansea and Cardiff. With mortgage, insurance, service charges, and cost of living price increases we need urgent support.

**Our respectful demand is that in Wales, you enact, the same legal remedies that exist within the English Building Safety Act.** Remedies that mean regulatory authorities rather than individual victims, can legally force those responsible for building defects to remediate. **In the meantime we ask that where developments have already developed fully costed construction & remediation plans, and are ready to proceed, the Welsh Government releases funds from the £375m Welsh Building Fund.** This will ensure that after many years of waiting, developments can begin urgent fire safety and building remediation work. This action not only ensures that our homes are made safe but also that people can sell and buy and move on with their lives. All monies paid out from the fund by taxpayers can be subsequently recovered from responsible developers under new legal powers.

A series of recent and dangerous fire incidents in Cardiff Bay has highlighted the seriousness of the situation and a need for greater urgency & priority from the Welsh Government on this long running crisis. Please legislate to ensure developers remediate!

Yours sincerely,

Welsh Cladiators

# Welsh Cladiators Response to Welsh Government Statement on Building Safety 7<sup>th</sup> October 2022

14 October 2022

Dear Minister

## Re: Welsh Government – Building Safety

Thank you for your statement of 7 October on Welsh Building Safety. Having had time to review your statement in detail we are writing with a detailed response from the Welsh Cladiators.

At the outset, let us make clear that **we welcome the undertaking to reimburse survey costs** incurred by leaseholders at an earlier date. However, that is the only tangible step forward. We regret to say that **the Welsh Government’s approach to the issue of remediating existing buildings is, in our view, simply not fit for purpose** and this announcement only confirms that. We will comment more specifically on the announcement in the order of the letter and using the same sub-headings.

## Welsh Government’s Development Pact

- 1 This is, in all material respects, **the same undertaking as was given to Michael Gove in the “Pledge” entered into by developers over six months ago** (5 April). It uses the same key terminology and suffers from the same defects. It is a document that could and should have been entered into 6 months ago simply by substituting references to England by references to Wales.

The fact that it has taken 6 months to reproduce the same document is a very sad reflection on Welsh Government. The implications for any resolution of the issue of remediating existing buildings in Wales within any reasonable timetable are horrendous. It simply will not happen.

- 2 The Pact itself is useless and (leaving aside the fact that it is not legally binding i.e. expressly “subject to contract”) commits the signatories to doing far less than they are already bound by law to do. When the English Pledge was signed, the Building Safety Act 2022 had not become law. The Pledge, therefore, potentially extended the intentions of the developers beyond simply complying with their legal obligations. That ceased to be the case between April and June this year.

It is inconceivable that any court would find that a “life-critical fire-safety defect” (which is all that the Pact refers to) would not also be a defect within the definition of the Defective Premises Act. Accordingly, since the limitation period under the Defective Premises Act was extended by the Building Safety Act to 30 years (it is no coincidence that the same time limit appears in the Pact) the Pact does nothing.

- 3 In addition, Welsh Government has apparently learned nothing from the subsequent English experience, which is that turning a non-binding letter of intent into several hundred legally binding commitments is a Herculean task. It is impractical and, in our view, impossible on any reasonable timescale. More importantly, it is inappropriate, unnecessary and a waste of taxpayers’ money.

## Survey Work

- 4 The first thing to note is that, as predicted by leaseholders, **the survey work is nowhere near on schedule**. We do not anticipate an end point any time soon, nor do we expect the work to have any significant value opposite developers/builders

The first paragraph of this section seeks to suggest that Welsh Government 's approach is wider than that in Westminster. That is untrue, as the identical wording in the Pact and Pledge show. Westminster has long since abandoned its focus exclusively on cladding. Conversely, it appears Welsh Government is not focused on anything other than the same "life-critical fire related" defects.

- 5 Recent experience at Celestia – one of Wales's largest developments – shows that the "digital surveys" are valueless. The government appointed surveyors, PRP contacted Celestia in late August to arrange surveys of the seven buildings. At that point, PRP clearly had no knowledge of Celestia at all. If any digital survey had been done, PRP were clearly unaware of its contents. Only after further correspondence with Celestia did PRP then acknowledge that further survey work was unnecessary. It appears that the 7 Celestia buildings are still included in the 163 buildings requiring intrusive surveys.

Survey work that has been done by PRP at other large developments is of little value for a number of reasons.

- 5.1 First, the work is limited. It is not sufficiently intrusive and unlikely to discover latent issues within buildings. Either defects will be missed, or the initial work will conclude only that further work needs to be done. All the work does is identify these as "next steps" to Responsible Persons. Who pays for those next steps?

Second, there is no proper communication or preparation opposite "Responsible Persons". We note Welsh Government seeks to blame delays on Responsible Persons. This is not our experience, nor would any Responsible Person other than the developer/builder have any interest in causing delay. Again, with reference to Celestia, we were not contacted until 2 weeks before PRP intended to start work. At that time we were given no indication of what PRP intended to do and no opportunity to put in place necessary site (including safety) arrangements.

- 5.2 Third, the process does not contemplate the involvement of relevant developers and builders. It is axiomatic that, in order to obtain commitment from those likely to have to pay for repairs, they should, at the very least, be invited to attend. A more effective and efficient process would involve the developers and seek their approval of the methodology. At Celestia, both the developer, Redrow and builder, Laing O'Rourke wanted involvement in the process.

- 6 The reference to the provision of EWS1 certificates looks out of date and appears to be a reference back to the original perception that cladding is the only issue. What about the internal factors referred to in the first paragraph of the section?

A key question here: is the survey work being undertaken related only to fire defects? What about other significant life-threatening defects e.g. structural defects. Window falling out (Prospect Place) or render falling off a building (Celestia)?

## Survey Work pre-dating the Welsh Building Safety Fund

- 7 As stated above, we welcome the undertaking to reimburse leaseholders. Some developments e.g. Celestia, have already undertaken significant survey work far in excess of what PRP is currently doing. However, we do not understand the logic behind the eligibility criteria.

Welsh Government's oft stated position is that leaseholders should not pay. Where leaseholders have paid it is invariably in amounts and for processes not within their immediate control. Why should the actions of a third party negate the right of leaseholders? That is one of the major scandals in this crisis: the maximising or overcharging of leaseholders by industry professionals. In any event, it is inappropriate to impose eligibility criteria after the event.

- 8 If Welsh Government is proposing to decide what is and is not an appropriate charge on leaseholders, is Welsh Government also going to recover the overcharged amount from e.g. building owners or managing agents? What about the proportion of the charge that is not excessive where surveys have materially contributed to the process?

## Reforming the current system of building safety

- 9 This section focuses on legislative reform. It is the important section. **The role of government is to legislate. It is not the role of government to negotiate individual contracts with individual companies or to threaten individuals unlawfully.** You will recall that developers took advice from Lord Pannick on this issue earlier this year.

Further, Governments are singularly ill equipped to negotiate commercial contracts, having neither the resource not the experience and expertise. Our criticisms above are the inevitable consequence of Welsh Government losing sight of this basic fact.

- 10 We know from discussions with various politicians that there is no provision in the current legislative timetable for any effective legislation before 2026. Developers and builders will know this. That completely undermines Welsh Government's position.

It is correct that the Building Safety Act has amended the Defective Premises Act and provided leaseholders in Wales with potential causes of action and redress that exceed anything intended to be covered by the Pact. In reality, that is the only reason developers are "negotiating" with WG. Rather than continue those interminable negotiations, WG should legislate immediately to increase powers of enforcement.

- 11 Absent from this section is any reference to SS 116-125 of the Building Safety Act. These are key provisions already in force in England that provide a mechanism for authorities and others (including leaseholders) to require safety defects (not just "life-critical fire" defects) to be remedied by developers, builders, and freeholders. This circumvents the need to bring an expensive Defective Premises Act claim.

There are already court application forms available in England that effectively implement these remedies. Media are already reporting their use against developers.

- 12 It defies all logic that there are no plans to bring these provisions into force in Wales. They ought to be brought in via emergency legislation in Wales immediately. This should be a cross-party issue commanding support from all parties, as it did in Westminster.

Welsh Government finances would be better directed to supporting authorities and leaseholders to access legal remedies in the courts against developers either under the Defective Premises Act or ss 123-124. The mere existence of such remedies coupled with appropriate financial resources is likely to produce a step change in developers' attitudes. It has already done so in England.

### Summary

**We have no confidence in Welsh Government's current approach.** We first spelt out the difficulties in March in a letter originally addressed to Linda Thorne of Cardiff City Council, which was subsequently widely shared in government and the Senedd. Events since then have only reinforced our view.

**We are at a loss to understand why Welsh Government does not legislate as a matter of urgency to incorporate ss116-125 of the Building Safety Act into law in Wales.** It would be simple, the sections have already been drafted, subject to wide parliamentary scrutiny and enacted.

**The current approach is a waste of government time and public money.** We do not think it will produce any effect remediation on a reasonable timescale and many, many leaseholders and residents will continue to suffer financial hardship, mental stress, and exposure to unnecessary danger. We need a change of direction.

Yours sincerely,

Welsh Cladiators

Ian Langley	Prospect Place, Cardiff
Sian Cope	Altamar, Swansea
Ruth Wainwright	Celestia, Cardiff Bay
Becky Ashwin	Victoria Wharf, Cardiff Bay
Lynda James	Altamar, Swansea
Lorna Wainwright	Celestia, Cardiff Bay
Karol Kalna	South Quay, Swansea
Geoff Spight	Altamar, Swansea
Linda Wellington	Altamar, Swansea
Gareth Wilson	Celestia, Cardiff Bay
Rebecca Francis	South Quay, Swansea
Phil Lake	Meridian Quay, Swansea
Nicola Roberts	Swansea Point
Mark Thomas	Celestia, Cardiff Bay
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# Agenda Item 3.3

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd  
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru  
Welsh Government

Rt Hon Elin Jones MS  
Llywydd and Chair of the Business Committee  
Senedd Cymru  
Cardiff  
CF99 1SN

[llywydd@senedd.wales](mailto:llywydd@senedd.wales)

18 October 2022

Dear Elin,

You will be aware of the UK Energy Prices Bill (the Bill), which includes relevant provision requiring the consent of the Senedd.

The Bill, which we did not have sight of until the evening before introduction, was introduced in the House of Commons on 12 October 2022. All House of Commons stages took place on 17 October, with no amendments to the Bill. All House of Lords stages are scheduled to complete on 24 October and the Bill is expected to receive Royal Assent on 25 October. Despite representations to the UK Government to seek to extend the timetable, the period available to complete the legislative consent process is, therefore, extremely short. The regrettably limited opportunity for scrutiny in the Senedd arising from the UK Government's timetable and the lack of advance sharing of the Bill, will be pursued further with the UK Government.

In order to provide the Senedd with the opportunity to debate and vote on consenting to the relevant provisions in the Bill, we propose to hold a Legislative Consent Motion Debate on Wednesday, 19 October. Our Legislative Consent Memorandum will be laid today recommending the Senedd gives consent to the relevant provisions in the Bill. This will be followed by the tabling of the Legislative Consent Motion.

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.

In order to allow the debate to take place on 19 October, it will be necessary to suspend Standing Orders upon the tabling of our legislative consent motion. It is possible the motions will need to be tabled less than the requisite one working day before we propose to hold the debate. Consequently, in accordance with Standing Order 33.8 we are seeking your agreement in advance to the tabling of these motions. We would, where possible, always seek to provide the Senedd with as much formal notice of a debate as possible and would wish to avoid suspending Standing Orders, however, in the case of this Bill, and in light of the timing imposed by UK Government, we consider it important the Senedd has its say given the significant impact of its provisions on Wales.

I am copying this letter to all Senedd Committee Chairs and all Members of the Senedd.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

**Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**

# Agenda Item 5

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

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# Agenda Item 6

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

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