

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 5

Meeting date: 20 September 2023

Meeting time: 09.30

For further information contact:

Catherine Hunt

Committee Clerk

0300 200 6565

SeneddHousing@senedd.wales

1 Introductions, apologies, substitutions and declarations of interest

(09:30)

2 Papers to note

(Page 1)

2.1 Letter from the Minister for Finance and Local Government – Diversity in local government

(Pages 2 – 3)

2.2 Letter from Councillor Richard John, Monmouthshire County Council – Diversity in local government

(Pages 4 – 6)

2.3 Letter from the Minister for Climate Change – Building safety

(Pages 7 – 11)

2.4 Welsh Government's response to the Committee's report on the Right to Adequate Housing

(Pages 12 – 17)

2.5 Welsh Government's response to the Committee's report on Local Authority Leisure and Library Services

(Pages 18 – 28)

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

(09:35)



4 Diversity in Local Government– consideration of draft report

(Pages 29 – 81)

5 Consideration of forward work programme for Autumn term

Agenda Item 2

Local Government and Housing Committee

20 September 2023 – papers to note cover sheet

Paper no.	Issue	From	Action point
Paper 1	Diversity in Local Government	The Minister for Finance and Local Government	To note
Paper 2	Diversity in Local Government	Councillor Richard John, Monmouthshire County Council	To note
Paper 3	Building Safety	The Minister for Climate Change	To note
Paper 4	The Right to Adequate Housing	Welsh Government	To note
Paper 5	Leisure and Library Services	Welsh Government	To note

Agenda Item 2.1

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



Llywodraeth Cymru
Welsh Government

John Griffiths MS
Chair, Local Government and Housing Committee
Senedd Cymru
Cardiff Bay
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9 August 2023

Dear John

During my attendance at the Committee's evidence session of its Inquiry into Diversity in Local Government on 13th July, we discussed the recognition by the courts that councillors should have a 'thicker skin' when dealing with comments made by others. I confirmed this has arisen out of case law and agreed to provide you with further information.

As I mentioned at Committee, during my recent meeting with the Public Services Ombudsman of Wales ("Ombudsman"), the Ombudsman advised that there is a balancing act when considering where the line between 'thicker skin' and abuse is drawn.

The Case

In the first of a line of cases on this topic, [Calver, R \(On the Application Of\) v The Adjudication Panel for Wales \(Rev 2\) \[2012\] EWHC 1172 \(Admin\) \(03 May 2012\)](#), the Administrative Court held that the decision to censure a Welsh community councillor for comments on his blog was a disproportionate interference with his right to freedom of expression. This right requires a broad interpretation of what counts as "political speech" – even when the speech is sarcastic and mocking.

The judgment was made following an Ombudsman investigation of the councillor which resulted in a referral to the relevant county council's standards committee which decided that a number of the councillor's blogs which criticised individual councillors breached the community council's Code of Conduct. The councillor appealed to the Adjudication Panel for Wales ("APW") on grounds that included violation of Article 10 of the European Convention on Rights (the right to freedom of expression), which the APW dismissed. The councillor then requested judicial review of this decision.

In the judicial review, it was concluded that the APW took an over-narrow view of what amounts to 'political expression' under Article 10. Mr Justice Beatson determined, amongst other things, that no account had been taken in the Panel's decision of what was said in the Strasbourg jurisprudence "about the need for politicians to have thicker skins than others". In particular, he referred to the "enhanced protection" for statements in the political sphere and the expectation that, if the subjects of such statements are politicians acting in their public capacity, they lay themselves open to close scrutiny of their words and deeds and are

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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.

expected to possess a thicker skin and greater tolerance than ordinary members of the public.

Mr Justice Beatson ruled that not allowing criticism of councillors on a personal level was a “disproportional interference of rights enshrined in Article 10 of the European Convention on Human Rights”.

As a result of this case law the Ombudsman, when considering complaints, has the difficult task of distinguishing whether a case includes behaviours which constitute legitimate political debate and challenge (which has been interpreted widely by the Courts), or whether there are steps beyond this which fall into unacceptable behaviour, such as bullying, harassment or intimidation, which we all agree is unacceptable. Mr Justice Beatson recognised that there was no “bright line” between these competing imperatives.

In summary, the European Convention on Human Rights is incorporated into domestic law by the Human Rights Act 1998, and *Calver*, and subsequent relevant cases, show the extent to which local authorities and the APW must make their decisions in accordance with the tenets of the Convention.

Yours sincerely,



Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Agenda Item 2.2



John Griffiths MS
Chair
Local Government and Housing Committee
Senedd Cymru
Cardiff
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Monday 21st August 2023

Dear John,

Re: Diversity In Local Government

I have followed your committee's enquiry into diversity in local government with interest and I'm grateful for the opportunity to provide written evidence on our experiences in Monmouthshire.

It is a source of pride that Monmouthshire was the first council in Wales to have a 50:50 gender balance following the 2022 elections and, following a by-election in October 2022, is Wales' first ever female majority council. The two main groups both have 55% female councillors – 12 out of 22 in the Welsh Labour group and 10 out of 18 in my Welsh Conservative group.

I have always had an interest in the politics of representation. In 2008, for my master's dissertation I wrote a critical analysis of the position of women in the Welsh Conservative Party. I believe there's a copy of it somewhere in the depths of the National Library. At that time, the Conservatives had 17 female MPs in the UK and the Welsh Conservatives had never elected a female MP. At the then most recent Assembly election the party had been 98 votes away from being an all-male group for the second term and only 26% of Welsh Conservative councillors were women. It was an interesting time to write about diversity in the party as David Cameron was introducing a number of reforms to broaden the party's appeal. In the years that followed the little progress that was made in Wales was sadly not sustained. 14 years on, just 28% of Welsh Conservative councillors are women.

In May 2021, having served as a county councillor and cabinet member for four years, I was elected Leader of Monmouthshire County Council. At the time, many Welsh councils were still dominated by older white men, with several councils having as few as three women on the entire authority – that's three more than they would've had nearly 2,000 years ago when the Romans introduced the first form of local government in Wales.

*County Councillor Richard John, Leader of the Opposition /Arweinydd yr Wrthblaid
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Pack Page 4

I appointed Monmouthshire's first female Deputy Leader, Sara Jones, herself a champion and role model for women in public life, as part of Monmouthshire's first gender balanced cabinet. Having been a critic of the lack of progress on diversity in my own party and finding myself in a leadership position, I felt determined to try to make progress. At the first full council meeting after my election, I brought forward the following motion and asked opposition leaders for their support:

This Council:

- *Recognises that a more representative council is better equipped to reflect the views and experiences of the residents of our county.*
- *Regrets that in Wales only 28% of councillors are women and no local authority has ever achieved a 50:50 gender balance.*
- *Welcomes the improvement in female representation amongst Monmouthshire councillors to 35% in 2017.*
- *Resolves that all four political groups will take steps to help Monmouthshire County Council become the first local authority in Wales to achieve gender parity in 2022.*

I had discussed with the WLGA their template motion for councils to self-define as 'diverse councils' but I wanted to make a clearer commitment that we were going to aim for gender parity. It could be said that 'take steps' was a weak wording, but I had no authority to dictate to political parties what those steps should be and I knew they would vary. Gender quotas or any form of positive discrimination were never a realistic option for my party, but my understanding of the steps taken by Welsh Labour is that they were more prescriptive and ruled that all retirement seats had to be reserved for female candidates. I am not aware of any steps taken by either the Liberal Democrat or Independent groups.

Sara Jones and I had already been headhunting potential candidates for the forthcoming election and while we adopted an informal target of 50% female candidates, we did not know if or how it would be met. This target focussed the minds on a shared goal, although it's fair to say that beyond my group, reaction to our target was more mixed. Some in my own party felt our target was unmeritocratic, that it risked prioritising gender over talent and that we should simply allow 'the cream to float to the top'. I think that had we sacrificed calibre it would have completely undermined the argument for diversity. Each of my colleagues was selected on merit and I now have a very high calibre team, which is better equipped to undertake our roles because of the diversity of gender, age and background.

As Conservative group leader, I had a seat on my local party's candidate approval committee but in a non-voting capacity. Selections were undertaken by local branches in online meetings (as we were still mid-pandemic) or by a county-wide electoral college. Therefore, I and those who supported the goal of 50% female candidates had limited influence over the selection process. So our roles were focussed on headhunting, mentoring, supporting and advising female candidates to give them the best chance of being selected for a winnable seat.

The process brought home to me the additional barriers that women face in seeking elected office. In the early stages, we spent a lot of time meeting potential candidates and explaining what was involved in being a county

councillor. A number of potential candidates withdrew due to pregnancy, while others had greater considerations to weigh up before committing.

For some of our female candidates the election was a particularly challenging period, as some tended to juggle more family and caring responsibilities. This was particularly difficult in single parent households and we tried to be as supportive as possible.

In the 2022 election, Monmouthshire had more female candidates than anywhere else in Wales as the Conservatives, Labour and the Greens all had 52% female candidates.

For me, the experience has proven that quotas, all-women shortlists and other forms of positive discrimination are not the only way to create greater diversity in local democracy. I believe the steps that we took in Monmouthshire to ensure we better reflect the electorate should be adopted in my own party in other areas and at other tiers of government.

However, the pace of change in Wales over the past 25 years has been far too slow. The longer we take to affect change, the longer council chambers will be doing a disservice to a large proportion of their local populations. While I still believe that positive discrimination can be patronising and can undermine politicians' credibility, I would urge those in positions of influence to act with greater urgency.

I think those in leadership positions in elected groups on councils and elsewhere as well as in political parties need to show greater leadership and get their whole teams focussed on a target or goal. Due to incumbency, for some councils it may take a few election cycles to get close to parity, but even small steps can help create a critical mass that could accelerate progress.

Thank you once again for the opportunity to share some experiences from Monmouthshire and I wish you and your committee members well with your deliberations.

If there's anything I can do to assist the committee, please do not hesitate to contact me. I will continue to follow your discussions with interest.

*Yours sincerely,
Richard.*

Richard John
Leader of the Welsh Conservative Group
Monmouthshire County Council

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Ein cyf/Our ref: JJ/PO/287/2023

John Griffiths MS
Chair
Local Government and Housing Committee
Welsh Parliament
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24 August 2023

Dear John,

Thank you for your letter in respect to concerns raised by the Welsh Cladiators. I and my officials have replied to correspondence sent by Mark Thomas and Rob Nicholls directly raising these concerns on the 11 July and the 8 August respectively. I have arranged to meet both in October to discuss these issues.

I am pleased to confirm **all** developers expected to sign the legally binding contract have now done so. This represents their commitment and intention to address fire safety issues in buildings they have developed over the last 30 years.

These developers are Vistry, Countryside, Persimmon, Taylor Wimpey, Bellway, Barratts, Lovell, Crest Nicholson, McCarthy Stone and Redrow.

The contract sets out strict timelines, requesting periodic updates on remediation plans and an update on works underway.

I am pleased to confirm **all** remediation plans have been received, and all developers are actively engaging with us. I am also aware that the developers for both Celestia (Redrow) and Altamar (Bellway) have written to the Responsible Entity confirming the inclusion of these buildings in the contract with an offer to meet to discuss next steps.

In the case of Celestia, we have been informed that Redrow have requested copies of the surveys commissioned by the Responsible Entity. These are required to establish target dates. We have also been informed of a mediation meeting, which has been arranged for September to enable progress to be made with this development. Similarly, for Altamar, Bellway have advised us of their intention to undertake a PAS 9980 survey, which will specify the works necessary to address the fire risks associated with the External Wall system.

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I strongly believe the collaborative approach adopted here in Wales is proving successful in engaging with and holding developers to account, with several developers already undertaking work:

- Persimmon are on site at Century Wharf and Aurora.
- Bellway are on site at Prospect place and ACM cladding has been removed from Quay side apartments.
- McCarthy Stone have remediated all fire safety works in buildings in Wales.
- Redrow have provided funding for internal fire safety works at Celestia.

As you will appreciate, the remediation of fire safety issues is a complex task, with numerous surveys and assessments required to understand the issues present and the most practicable means of resolving those issues, either by full remediation or the introduction of suitable mitigating measures. The buildings covered by the developer's contract are at various stages, and I have no reason to believe that they are seeking to delay or limit their liabilities.

It is important to remember however, that not all fire safety defects are the fault of developers. While those which arise from poor construction work or unsuitable choice of materials may well be, many other such defects can arise after a building has been completed and become occupied. Defects due to inadequate or defective maintenance, for instance, are the responsibility of the landlord or managing agent, and it would be unreasonable to expect developers to meet the cost of rectifying them.

Developers are expected to work with the Responsible Entity and ensure appropriate communications are in place to keep residents informed about their plans, with responsibilities also placed on the Responsible Entity to ensure information is passed on.

Please be assured that any suspected breach of contract will be dealt with appropriately by Welsh Government. This includes legal action where appropriate. Resources are available to monitor progress of works and ensure appropriate progress is made.

The Building Safety Strategic Stakeholder Group has been established to ensure the views of all key stakeholders inform and advise on aspects of building safety reform and remediation, to ensure that related proposals are targeted, practicable and achievable. Members of the Welsh Cladiators attend this group to represent the views of all Welsh leaseholders.

I also regularly encourage leaseholders to sign up to the Building Safety newsletter for regular updates on progress, and the team have a dedicated email address where leaseholders can, and do, raise concerns / queries for direct response.

Yours sincerely,



Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Julie James MS,
Minister for Climate Change,
Welsh Government

01 August 2023

Dear Julie

Building safety

Please find attached correspondence the Committee has received from the Welsh Cladiators outlining their concerns regarding enforcement of the Welsh Government's contact with developers.

You will be aware that the Committee is committed to following up on the progress made by the Welsh Government on these important issues, and we would be grateful if you could respond to the concerns outlined by the Welsh Cladiators in their letter.

We would appreciate an urgent response so that we can provide an update to the Welsh Cladiators as soon possible.

Yours sincerely



John Griffiths MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

Paper 3

We welcome correspondence in Welsh or English.



From: **Welsh Cladiators**

Date: Mon, Jul 17, 2023 at 12:39 PM

Subject: Senedd Welsh Housing Committee - Welsh Home Fire Cladding Crisis

To: Local Government and Housing Committee | Y Pwyllgor Llywodraeth Leol a Thai

<SeneddHousing@senedd.wales>

Dear Elected Members

We hope you enjoy a well earned summer recess

We thought it important to bring to your attention that some developers in Wales are in clear breach of the contract they signed with the Welsh Government regarding the remediation of some of our fire defective homes. We have detailed below the key contract clauses that state within 40 days of signature, Participant Developers will provide plans and a timetable for remediation works to the Responsible Entity.

In the case of Celestia (Redrow) and Altamar (Swansea) neither groups of leaseholders have received such plans. We therefore kindly ask that you question Minister Julie James on what enforcement actions she intends to take to ensure developers comply with the agreed terms. We believe the Minister is both naive and misguided in her belief that developers "will do the right thing." Without any enforcement actions or compliance monitoring by the WG, there is every likelihood some developers will seek to delay any works and limit their liabilities towards remediating our fire defective homes. It's clear from the Minister's recent responses in the Senedd that she has made little provision to fund and resource an effective enforcement regime.

Such is the fragmented WG approach to Welsh victims and their failure to bring us together, we are not in a position to advise if other developments are suffering similar failings.

Under the terms of the WG' Developers Contract:

Clause 8.1 requires a Participant Developer (PD) *"as soon as reasonably practicable **and in any event not later than 40 Business Days**"* after the date of the Contract and the identification of the Buildings Requiring Works to provide certain information as set out in Clause 8.1 (C).

Under Clause 8.1 (C) (ii) the information to be supplied includes *"the next steps [PD] intends to take to meet its obligations ... and where Clause 6.1(i) and/or 6.1(ii) is applicable, **the target dates for carrying out and completing the Works.**"*

Under clause 8.1 performance of its obligations by PD under Clause 8.1 (C) is subject to the words *"unless the Welsh Ministers in their absolute discretion direct otherwise"*.

The 40 Business Day period expired on 13th June.

We would welcome the opportunity to appear before your committee again to share our continued difficulties with both the developers and Welsh Government

Regards

Mark Thomas - Robert Nicholls on behalf of Welsh Cladiators

Agenda Item 2.4

Written response by the Welsh Government to the report of the Local Government and Housing Committee – A Right to Adequate Housing

I would like to extend my thanks to the members of the Local Government and Housing Committee, and all those who took the time to provide evidence based on their experience and expertise, in order to inform the Committee's work on a right to adequate housing.

As set out in the Programme for Government, Welsh Government is committed to publishing 'a White Paper to include proposals for a right to adequate housing including fair rents and new approaches to making homes affordable for those on local incomes.'

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

Recommendation 1

The Committee recommends that:

The Welsh Government should, as part of its Green Paper Consultation process, take account of the oral and written evidence presented to us in response to our inquiry on the Right to Adequate Housing.

Response: Accept

The Welsh Government will consider the oral and written evidence submitted to the Committee as part of the analysis of responses to the Green Paper Consultation. A number of those who gave oral evidence to the Committee are also representatives on our Stakeholder Advisory Group, and their views and evidence have helped to inform the development of the Green Paper. In addition, many of those who gave evidence to the Committee have indicated they intend to formally respond to the Green Paper Consultation before it close on 15th September.

Financial Implications: None.

Recommendation 2

The Committee recommends that:

The Welsh Government should give full consideration to the issues identified in this report as part of its Green and White Paper processes.

Response: Accept

The Welsh Government has considered the issues identified in the report and will respond to them as part of the overall considerations of the evidence of the Green

Paper consultation. The Green Paper evidence, along with the work of the Local Government and Housing Committee's report into adequate housing will inform the development of options to be set out and consulted upon in the subsequent White Paper.

Financial Implications: None.

Recommendation 3

The Committee recommends that:

The Welsh Government should ensure that disability groups and older peoples' representatives are represented on the Welsh Government's stakeholder advisory group.

Response: Accept in principle

Welsh Government will continue to engage with a wide-range of stakeholders as part of the development of this work, including reviewing and expanding membership of the Stakeholder Advisory Group as appropriate.

Welsh Government has extended an invitation to join the Stakeholder Advisory Group to the Older People's Commissioner for Wales. Unfortunately, due to capacity constraints they are not able to join the group at this time. We are continuing to explore representation from other third sector groups, to ensure appropriate representation of the views of disabled people and older people. We will also be undertaking targeted, online consultation sessions, for example workshops with Tai Pawb and Tenant Participatory Advisory Service (TPAS), to ensure a diversity of views.

The Committee may also wish to note that we commissioned Beaufort Research in June, through their Omnibus Survey, to interview tenants renting properties in Wales to better understand issues of affordability and adequacy across different regions. Responses have been broken down based on social grade, age, gender, ethnicity and/or whether a tenant has a limited illness, health problem or disability.

Financial Implications: None

Recommendation 4

The Committee recommends that:

The Welsh Government should undertake or commission further evaluation on the impact of existing housing law and whether the laws are being enforced effectively and people's rights are being claimed.

Response: Accept in principle

A post implementation evaluation of Part 2 of the Housing Act (Wales) 2014 was published in 2018. This research and the subsequent work of the expert Homelessness Action Group have informed the Programme for Government commitment to reform housing law to focus on prevention and rapid rehousing. A White Paper setting out proposals for legislative reform will be published later this year.

The Welsh Government has also commissioned an independent evaluation of the Renting Homes (Wales) Act 2016. The evaluation is currently ongoing and due to complete in the summer of 2025.

Financial Implications: None – the cost of the ongoing evaluation is already in budget.

Recommendation 5

The Committee recommends that:

The Welsh Government should, through its Green and White Papers, gather views and give detailed consideration to how adequate housing should be defined, particularly in a Welsh context. This should include consideration of the definition provided in the draft Bill proposed by the Back the Bill campaign.

Response: Accept

As the Green Paper is a call for evidence, it provides everyone with the opportunity to give their views on how adequate housing might be defined in a Welsh context, and what a minimum standard of adequacy might look like. Welsh Government will therefore consider the views gathered through the consultation process, including the views of groups such as the Back the Bill campaign, in considering and developing the forthcoming White Paper.

Financial Implications: None

Recommendation 6

The Committee recommends that:

The Welsh Government should set out its assessment of how the 20,000 new affordable homes it aims to create will contribute to meeting the overall housing need in Wales. This should include an assessment of how the types of homes being provided will address specific areas of need, such as one-bedroom properties.

Response: Accept in principle

Social housing is a key priority for this Government, and it is why we have set out the challenging commitment to deliver 20,000 homes for social rent during this government term. Our central estimates of additional housing need in Wales show that, between 2019/20 and 2023/24, 7,400 additional homes are needed each year. Approximately 52% (3,900) of the estimated need is for market housing and approximately 48% for affordable housing (3,500). Our commitment to deliver 20,000 social homes for rent goes beyond these affordable housing need estimates and we have been clear that we believe it is right that it does. Having a good quality warm, affordable home is fundamental to our wellbeing. In support of the 20,000 homes target, we have allocated record levels of funding to the Social Housing Grant, which is the key funding mechanism for the delivery of social housing. Local authorities allocate and prioritise Social Housing Grant to schemes within their areas based on their assessment of housing need.

In respect of specific needs in different areas of Wales, local authorities are responsible for determining local housing requirements and priorities for their areas, and for planning delivery to best meet this need. Housing needs vary across Wales, local authorities have a statutory duty to undertake a periodical review of housing needs, undertaken through Local Housing Market Assessments (LHMAs), and it is appropriate that this assessment continues on a local authority basis. The LHMA process and guidance was updated in 2022 and includes an assessment of affordable housing need by size of property. LHMAs inform Local Development Plans and the Social Housing Grant prospectus. Since 2022, each Local Authority has prepared a "Prospectus" which provides a summary of the housing need in its area and identifies its strategic housing priorities. The Prospectus explains the type of provision, and size of property, that the authority requires to be delivered with Welsh Government Social Housing Grant (SHG). The aim of the Prospectus is to enable the right type of affordable housing development to be delivered in the right places.

Financial Implications: None

Recommendation 7

The Committee recommends that:

The Welsh Government should, as a matter of urgency, work with relevant stakeholders to find a practical solution to delays caused to housing developments due to the targets on phosphates in rivers.

Response: Accept

On 20th March the First minister published a [Written Statement](#) and the [Action Plan](#) to relieve pressures on Special Areas of Conservation (SAC) river catchments to support delivery of affordable housing, which sets out clear actions, timescales, and responsibilities to tackle this multi-faceted issue. Later this year a further River Pollution Summit is planned to drive progress in implementing sustainable solutions to improve water quality in our rivers and drive the implementation of the '*Action Plan to Relieve Pressures on SAC River Catchments to Support Delivery of Affordable Housing.*'

Financial Implications: Any financial implications will be considered and included as part of the development of the Action Plan

Recommendation 8 The Committee recommends that:

The Welsh Government should explore whether there could be a role for housing enablers in urban areas in order to collect information to better understand the housing needs of those communities.

Response: Accept

Rural housing enablers make a valuable contribution to understanding the needs of rural communities, and the role of housing in supporting the longer-term sustainability of smaller rural settlements, as well as delivering affordable housing in the context of the specific challenges of rural areas. As part of their strategic housing function, local authorities are expected to undertake appropriate assessments to ensure they understand the housing needs of urban areas through the Local Housing Market Assessment process. [Welsh Government's Town Centre position statement](#) also sets out a number of actions being taken to reinvigorate town centres, including enabling housing development in appropriate locations within and around town centres, following placemaking principles.

Financial Implications: None

Recommendation 9

The Committee recommends that:

The Welsh Government should, through its Green and White Paper consultation processes, explore how a two-staged approach of introducing the right to adequate housing into Welsh law could work in practice. The Welsh Government should consider the viability of indirect incorporation followed by direct incorporation, which would give the time for appropriate systems to be put in place whilst driving the process forward.

Response: Accept in principle

The Green Paper consultation is seeking evidence on securing a path to Housing Adequacy and how best this can be achieved in Wales. The consultation responses, as well as the Committee report and different approaches to incorporation will be considered and inform development of the forthcoming White Paper.

Financial Implications: None.

Recommendation 10

The Committee recommends that:

The Welsh Government should, in analysing the responses it receives to its Green Paper Consultation, give further consideration to the merits of introducing an annual housing survey.

Response: Accept

The Welsh Government is currently developing a business case for a possible annual survey on housing and housing conditions. It is anticipated the business case will be available by the end of the year.

Financial Implications: Any potential financial implications will be included as part of the development of the business case.

Dawn Bowden AS/MS
Dirprwy Weinidog y Celfyddydau, Chwaraeon a Thwristiaeth
Deputy Minister for Arts, Sport and Tourism



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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/DB/2087/23

John Griffiths MS
Chair, Local Government and Housing Committee
Welsh Parliament
SeneddHousing@senedd.wales

31 August 2023

Dear John,

SENEDD LOCAL GOVERNMENT AND HOUSING COMMITTEE REPORT ON LOCAL AUTHORITY LEISURE AND LIBRARY SERVICES

The Committee's report into local authority library and leisure services is welcome as both libraries and leisure services are highly valued by local communities and key, in different ways, to the health and well-being of our nation. However, the report comes at a time of significant challenges for public services relating to general pressure on public spending following more than a decade of austerity, increased energy costs, and the backdrop of recovery from the impact of the Covid pandemic. Leisure and library services have not been immune to budget reductions as local authorities have sought to balance the needs of essential public services such as education and social care against the provision of other services such as libraries and leisure.

A new Culture Strategy for Wales, which includes local library services, is currently being drafted as part of the Co-operation Agreement with Plaid Cymru and is referenced in the responses to the recommendations. The findings of the Committee are a valuable addition to the work that has been carried out to develop the strategy. However, the Committee should note that at this stage the content of the draft strategy has not yet been approved or tested with stakeholders.

Yours sincerely,

Dawn Bowden AS/MS
Dirprwy Weinidog y Celfyddydau,
Chwaraeon a Thwristiaeth
Deputy Minister for Arts, Sport and Tourism

Rebecca Evans AS/MS
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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 Government response to the Senedd Local Government and Housing report on local authority library and leisure services

Recommendation 1

The Welsh Government explores whether it should strengthen the Public Libraries and Museums Act 1964 to protect libraries from closure.

Response: Accept in principle

The Public Libraries and Museums Act (1964) requires local authorities to provide ‘a comprehensive and efficient’ library service to anyone who wishes to use a library. The relevant Welsh Minister has a responsibility to ‘superintend’ and promote the improvement of library services. This responsibility is currently discharged through a set of detailed Welsh Public Library Standards (WPLS) which do not constrain the ability of local authorities to design and deliver a library service which meets community needs.

The Welsh Government will explore this recommendation further and provide an update to the Committee in due course.

Recommendation 2

The Welsh Government proceeds with its work on the Welsh Public Library Standards framework as a matter of urgency and that it updates the Committee on the timescales for introduction of the framework.

Response: Accept

Work on the 7th Welsh Public Library Framework is about to commence, and it will be implemented from 1 April 2025. Updates on progress can be provided to the Committee.

Recommendation 3

The Welsh Government updates the Committee on progress in developing a new Culture Strategy for Wales and provides clarification on how the strategy will dovetail with the library standards framework. It should also clarify arrangements for collaborative working and streamlining Ministerial responsibilities in relation to library services and culture.

Response: Accept

The draft Culture Strategy acknowledges the importance of fulfilling statutory responsibilities where they exist in the culture sector, and the importance of professional standards to maintain service quality. The draft Culture Strategy and the

7th WPLS Framework are being developed along similar timelines and there is therefore an opportunity to ensure that the role of the WPLS in supporting our libraries is reflected in the Culture Strategy.

The distribution of ministerial responsibilities is a matter for the First Minister.

Recommendation 4

The Welsh Government should review the effectiveness of the Well-being of Future Generations (Wales) Act 2015 in ensuring the provision of public leisure services in Wales. It should share its findings with the Committee.

Response: Reject

The Well-being of Future Generations (Wales) Act 2015 is not designed to ensure the provision of public leisure services in Wales.

The Well-being of Future Generations (Wales) Act 2015 gives a legally-binding common purpose – the seven well-being goals – for national government, local authorities, local health boards and other specified public authorities in Wales. It requires those named public authorities to deliver a public service that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Act sets out the ways in which those public bodies must work, and work together, to improve the well-being of Wales. The Act does not displace or override existing powers or duties of relevant public authorities (known in the Act as ‘public bodies’) but puts a framework around their decision-making processes.

The seven well-being goals for Wales include desired outcomes for a healthier Wales, a more equal Wales and a Wales of cohesive communities – and we recognise that both libraries and leisure services can make a contribution to the health and well-being of our nation and are often the heartbeat of our communities.

The Minister for Social Justice and Chief Whip has committed to explore an evaluation of the Well-being of the Future Generations (Wales) Act 2015, as part of the post-implementation review arrangements. This remains in its scoping stage and will likely include a systematic evidence review and a social impact assessment. Given the broad nature of the Act and its reach in terms of government, public bodies, public services boards and town and community councils, the evaluation will need to involve stakeholders from across the devolved Welsh public sector. The evaluation will also take into account the evidence provided by the Future Generations Commissioner (monitoring duty, review power, and annual, and Future Generations Report), the Auditor General for Wales (examination duty and results of examinations report), and the Public Accounts Committee’s inquiry in 2020-21, which provide rich insight into how the Act is working.

Recommendation 5

The Welsh Government leads a rapid review of the current state of public leisure provision in Wales and works in partnership with key partners such as the WLGA, One Voice Wales, Sport Wales and the WCVA to consider improvements for the future of leisure services.

Response: Accept in principle

The Welsh Government will discuss this recommendation with key partners, especially the Chief Leisure Officers Wales (CLOW) group to determine what assessment of leisure services has already been undertaken, in terms of level and type of provision and condition of facilities. Following this the Welsh Government will engage with the key partners identified to determine if there are gaps in this assessment and consider whether a wider review is needed to assess the opportunities for the improvements of leisure services.

Recommendation 6

The Welsh Government should take all reasonable steps to develop stronger links between public leisure and health services. This should include developing a new policy framework for public leisure, which closely links with health and wellbeing services. As part of the process, the role of Public Services Boards and Regional Partnership Boards in improving joint working between health and public leisure services should also be reviewed.

Response: Accept

The Welsh Government recognises the vital role that public leisure services play in supporting the health and wellbeing of the nation. Many people use them to take part in organised or self-guided activities that support healthier lives. The Welsh Government already has made strong links between the health and leisure agendas through activity such as the National Exercise Referral Scheme and the 60 plus Active Leisure Scheme, which are in turn part of our Healthy Weight Healthy Wales Strategy and Delivery plans. This recognises that our public leisure facilities are an important part of the infrastructure that supports people to be more physically active, in conjunction with other strategies such as active travel.

We also recognise the role that leisure services play in supporting physical and mental wellbeing. Recognising what matters to an individual and how to support their wellbeing needs is the underpinning of social prescribing. The Welsh Government is finalising its Programme for Government Commitment to develop a national framework for social prescribing, that will aim to support Wales-wide standards on areas such as workforce and community assets. Public Leisure assets are an important part of the infrastructure that supports the activities that social prescribing can direct individuals to.

The Programme for Government commitment to keep regional partnership working under review with local partners is expected to report in the autumn of 2023. This

specifically looks at the role of partnerships, including Public Services Boards and Regional Partnership Boards, in aligning more closely to improve well-being.

The Public Services Boards have published their local well-being plans and supporting communities to live healthier lives and prevent future poor health is a key facet of these plans.

Recommendation 7

The Welsh Government works with local authorities via the WLGA to provide support, guidance and share best practice relating to different models of service delivery.

Response: Accept.

The Welsh Government already works closely with the WLGA on a range of policy areas to share good practice on service delivery.

In 2021-22 the Improvement Programme was launched to support sector-led improvement across local government in Wales. The Welsh Government provides £800,000 per year to the WLGA to provide sector-led improvement, underpinned by peer challenge, support and mutual aid.

Alongside the proposals for recommendation 5, the Welsh Government will include the type of provision in the assessment of leisure services.

Recommendation 8

The Welsh Government, in collaboration with local government partners, undertakes regular analysis and publication of Wales specific data on the social value return on investment in delivery of both leisure and library services.

Response: Accept.

Investing in research is included as a theme in the draft Culture Strategy. There is an increased appetite from the Library Sector and other cultural sectors to collate evidence of social value and return on investment. For libraries, this will be explored with the development of the 7th Framework.

As part of the WPLS submissions, libraries are encouraged to submit case studies/impact statements to illustrate good practice. Culture Division officials will review how these can be utilized to share good practice across the sector. Consideration will be given to hosting an event where good practice across Wales can be shared.

Recommendation 9

The Welsh Government should explore the options for establishing a Libraries Taskforce to promote the value of libraries and the contribution they make to their communities and wider societal benefits.

Response: Reject

Promotion of public libraries is currently undertaken by the Society of Chief Librarians Wales, via the National Digital Library Service which is funded by Welsh Government and has a Marketing Plan as part of its remit, and via the work of officials within the Culture Division. Promotional campaigns are released via the Library Wales social media channels and website and include examples of engagement with users. Culture Division officials work across government departments to promote the value of public libraries in delivering the Well-being of Future Generations Act e.g., with health colleagues to promote the reading well services; with communities and tackling poverty team to help identify the support public libraries play in terms of warm spaces and access to the internet. There is currently no additional resource to support a Libraries Taskforce, and we feel this would duplicate work already being undertaken.

Recommendation 10

The Welsh Government, with local government partners, monitors and evaluates the efficiency and effectiveness of co-location in Wales to date and shares these findings with local authorities.

Response: Accept in principle

For library services the data collected for WPLS returns could be utilised to assess the effectiveness of co-location by comparing before and after data; however, to attribute any changes in service provision to the relocation would require additional research. Where co-location has been funded through Capital Grant Transformation funding, performance indicators are a requirement of that funding. Additional data collection would be required by local authorities to evaluate any efficiencies generated by co-location. Should further research be considered, it may be beneficial to link it to that required in recommendation 7, to ensure efficient use of resources and there are links in the themes.

Regarding leisure services, as part of the discussions proposed with CLOW (Rec 5), we will include a review of the efficiency of existing co-location examples and explore the opportunities of co-locating other/alternative LA services and report back to Committee in due course.

Recommendation 11

The Welsh Government works with local authorities via the WLGA to ensure that transport, including community transport services, is a key consideration in decision-making on the co-location of services.

Response: Accept

We have, and will continue, to work closely with the WLGA and community transport groups to inform decision making on co-location of services. For example, we have involved WLGA in the development of guidance for Regional Transport Plans, which in turn asks the Corporate Joint Committees of Local Authorities to co-develop transport solutions for their communities. We will work to align this transport Plan to the land-use 'Strategic Development Plan' for the same regions to best co-ordinate transport with location of services.

Community transport is an important part of our transport system in Wales, supporting vulnerable people to access essential services. We will, through Transport for Wales, work with our Community Transport partners to look at ways we can best support both the people who use this vital service and those who give their time to run it.

We know that provision of local and community transport makes an important contribution to our strategic commitment to improve accessibility.

Recommendation 12

The Welsh Government allocates the £3.5 million in consequential funding to swimming pools, especially those which may be unviable without additional support. The Welsh Government should update the Committee when a decision about the allocation of the additional £3.5 million has been made.

Response: Reject

We can confirm that the Welsh Government will receive a total consequential of £3.54m in 2023- 24 as a result of this measure, comprising £1.153m revenue and £2.307m capital. There is no consequential anticipated for 2024-25 for this measure. We have yet to receive the funding from HM Treasury, but it is expected to flow through as part of the 2023-24 Main Estimates process, which is currently ongoing. It is an important principle of devolution that consequential funding is not ringfenced for similar purposes in devolved governments. Welsh Ministers are continuing to assess and consider where the greatest impact will be when making funding decisions in line with Welsh circumstances and priorities, noting the range of identified pressures, including active discussions on pay and mitigating the ongoing cost-of-living crisis.

Funding in support of local authorities' services is provided through the Local Government settlement. We agreed significant additional investment for Local Government for 2023-24 which will support local authorities to continue to deliver the services their communities need. In 2023-24, local authorities will receive £5.5 billion from the Welsh Government in core revenue funding and non-Domestic rates to

spend on delivering key services. This equates to an increase of 7.9% or £403 million on a like-for-like basis compared to the current year. No Authority receives less than an 6.5% increase. Nevertheless, in the context of the very high levels of inflation affecting the UK there is a challenging financial situation for Welsh and Local Government with difficult decisions having to be made.

Our 2023-24 annual budget, approved by the Senedd on 7th March, provided £16m of capital funding to Sport Wales over the next two years, which will support the sector to upgrade sport facilities, including swimming pool facilities, with energy saving measures.

Recommendation 13

We endorse the recommendation of the Culture, Communications, Welsh Language, Sport and International Relations Committee that the Welsh Government should provide additional targeted funding to the sports and culture sectors to help venues and organisations that face closure but have a sustainable future beyond the immediate crisis.

Response: Reject

In the context of a very challenging situation, the Welsh Government is unlikely to be able to provide additional funding support in 2023-24.

As we said in our formal response to the Senedd Culture, Communications, Welsh Language, Sport & International Relations Committee report - Increasing Costs - Impact on Culture & Sport", the Welsh Government recognises the exceptional inflationary pressures to utility costs and costs of living pressures at the arm's length bodies and also local sector organisations. To assist with these pressures, the Welsh Government agreed to provide £3.75m during the 2022-23 financial year to the National Library of Wales; Amgueddfa Cymru - National Museum Wales; the arts sector via the Arts Council of Wales, the sports sector via Sport Wales; the independent museums and community libraries in Wales; the Books Council of Wales; and the independent creative industries in Wales.

Local museums, libraries, and archives would be eligible to apply to the existing Transformation Capital Grant programme for support to undertake capital works that support organisations' sustainability. Sport Wales provides funding for those who wish to make their clubs more sustainable. This can be through making improvements to facilities, and in creating long-term sustainability through upskilling volunteers and in measures to reach people currently under-represented in sport and physical activity, for example.

Recommendation 14

The Welsh Government updates the Committee on what additional financial support it will provide leisure and library services to deal with the current energy and cost-of-living crises.

Response: Accept

In the context of a very challenging situation, the Welsh Government is unlikely to be able to provide additional funding support in 2023-24.

In 2023-24, local authorities will receive £5.5 billion from the Welsh Government in core revenue funding and non-domestic rates to spend on delivering key services. This equates to an increase of 7.9% or £403 million on a like-for-like basis compared to the current year. No Authority receives less than an 6.5% increase.

Recommendation 15

The Welsh Government updates the Committee on progress to develop a strategy to encourage primary schools to provide free swimming lessons, and how it is working with leisure providers on this strategy.

Response: Reject

While we accept and wholly agree with the intention of the recommendation to encourage more swimming and greater use of swimming pools, we need to be mindful of the financial pressure the recommendation would imply for schools in the current difficult financial circumstances.

The statutory guidance within the Curriculum for Wales, which all schools must consider, includes learners engaging in a range of physical activity, including within water. This provides for swimming, which is likely to be the appropriate activity for most learners. During the next academic year, we aim to help make this expectation clear for schools and raise awareness of the profile of swimming and water safety within the Curriculum for Wales.

We are committed to encouraging schools to support learners to swim and make use of swimming pools in the course of this. Officials are working with Swim Wales to explore further ways of supporting schools and local authorities with their swimming offer. The cost of swimming, including transport can be a significant pressure for schools. In the context of a cost-of-living crisis, it is important that schools are able to commit funding to activities that support their learners' needs and at times, schools may have no option but to pass some of this cost on.

Recommendation 16

The Welsh Government explores how it can raise awareness of the support for decarbonisation of leisure and library facilities.

Response: Accept

The Welsh Government Energy Service was established in 2018 to support renewable energy and energy efficiency schemes. The Energy Service is a key enabler in providing technical and financial help to the public sector to deliver the collective ambition of a net zero public sector by 2030.

A new contract was awarded in 2023 to a consortium led by Carbon Trust and Energy Saving Trust. Local Partnerships lead on the strategic engagement aspects of the service. A new service delivery plan was recently agreed.

Officials are working with the Energy Service contractors and WLGA to raise awareness and develop activities to support decarbonisation of leisure and library facilities.

The draft Culture Strategy emphasises the importance of collective responsibility in terms of the climate emergency. Culture Division is currently investigating the potential of offering decarbonisation support across the cultural sectors and officials are in the process of gathering case studies on current practices to inform this work. Taking this forward will be subject to the budget review currently underway by Welsh Government and to support from the revenue funding allocated to support the implementation of the draft culture strategy.

Recommendation 17

The Welsh Government invests in supporting the decarbonisation and refurbishment of leisure and library facilities across Wales. This should include shorter-term solutions, as well a long-term strategy, to help local authorities and delivery providers improve the energy efficiency of their facilities as a matter of urgency.

Response: Accept

Local Authorities have worked together to co-produce and agree ambitious commitments across procurement, transport, buildings and land use which are now being delivered. Decarbonisation and responding to the climate emergency must be built into every aspect of decision making and funding, not seen as an additional and separate responsibility. Nevertheless, we are providing up to £20m capital each year as part of our support for local authority decarbonisation of their estates. This scheme can include leisure centres where authorities wish to do so.

Additionally, as referred to above, our 2023-24 annual budget, approved by the Senedd on 7th March, provided £16m of capital funding to Sport Wales over the next two years, which will support the sector to upgrade sport facilities, including swimming pool facilities, with energy saving measures.

The Transformation Capital Grants Programme for Museums, Archives and Libraries has sustainable development as one of its priority criteria. This aligns with the Programme for Government Well-being objectives and the aim to reach Net Zero by 2030.

The draft Culture Strategy recognises the importance of developing a long-term capital investment strategy for culture to ensure that funding is allocated in a prioritised manner going forward.

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