



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

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

**Dydd Mercher, 06 Mai 2015
Wednesday, 06 May 2015**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Alun Davies	Llafur Labour
Jocelyn Davies	Plaid Cymru The Party of Wales
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
John Griffiths	Llafur (yn dirprwyo ar ran Gwenda Thomas) Labour (substitute for Gwenda Thomas)
Mike Hedges	Llafur Labour
Gwyn R. Price	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Sam Austin	Cymorth Cymru
Lyn Hambridge	Pennaeth Tai Cyngor Sir Penfro, Cymdeithas Llywodraeth Leol Cymru Head of Housing at Pembrokeshire County Council, Welsh Local Government Association
Andrew Morris	Tribiwnlys Eiddo Preswyl Cymru Residential Property Tribunal Wales
Helen Northmore	Cyfarwyddwr Sefydliad Tai Siartredig Cymru Director, Chartered Institute of Housing
Emma Reeves-McAll	Swyddog Cydraddoldeb ac Amrywiaeth, Tai Pawb Equality and Diversity Officer, Tai Pawb
Stuart Ropke	Cartrefi Cymunedol Cymru Community Housing Cymru

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Jonathan Baxter	Y Gwasanaeth Ymchwil Research Service
Claire Morris	Clerc Clerc
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk
David Smith	Cynghorydd Arbenigol Expert Adviser

*Dechreuodd y cyfarfod am 09:18.
The meeting began at 09:18.*

Ethol Cadeirydd Dros Dro Election of a Temporary Chair

[1] **Ms Morris:** The Chair has been delayed. Therefore, in accordance with Standing Order 17.22, I call for nominations for a temporary Chair.

[2] **Gwyn R. Price:** I nominate Mike Hedges.

[3] **Ms Morris:** I therefore declare that Mike Hedges has been appointed temporary Chair.

*Penodwyd Mike Hedges yn Gadeirydd dros dro.
Mike Hedges was appointed temporary Chair.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[4] **Mike Hedges:** Good morning, everybody, and thank you. I should perhaps go through some housekeeping rules. Hopefully, the Chair will be here for the next item.

[5] The National Assembly operates through the medium of the Welsh and English languages. There are headsets for simultaneous translation, on channel 1, and sound amplification, on channel 2. [*Inaudible.*] As this is a formal meeting, Members do not need to operate the microphones themselves. In the event of an emergency, an alarm will sound and ushers will direct everyone to the nearest safe exit and the assembly point.

[6] Apologies and substitutions: as you are aware, apologies have been received from Gwenda Thomas. John Griffiths is substituting. Apologies have also been received from Mark Isherwood, and we have apologies from the Chair, who is stuck in traffic.

09:16

Y Bil Rhentu Cartrefi (Cymru): Sesiwn Dystiolaeth 4—Y Sefydliad Tai Siartredig, Cartrefi Cymunedol Cymru, Cymdeithas Llywodraeth Leol Cymru Renting Homes (Wales) Bill: Evidence Session 4—Chartered Institute of Housing, Community Housing Cymru, Welsh Local Government Association

[7] **Mike Hedges:** This is the fourth evidence session on the Renting Homes (Wales) Bill. During the first part of this morning's meeting we'll be hearing from the Chartered Institute of Housing Cymru, Community Housing Cymru and the Welsh Local Government

Association. Can I welcome—I wish I had my glasses on—Stuart Ropke and Lyn Hambridge? I assume Helen Northmore is in that traffic that some of us have been in earlier, and which the Chair is currently in now. You just realise how much chaos is caused by the closure of one road. If you'd like to introduce yourselves for the record—.

[8] **Mr Ropke:** I'm Stuart Ropke. I'm chief executive of Community Housing Cymru.

[9] **Ms Hambridge:** I'm Lyn Hambridge, representing the WLGA, but substantively working in Pembrokeshire.

[10] **Mike Hedges:** Okay. If you're happy, we'll move straight to questions. Do you think this Bill is necessary?

[11] **Ms Hambridge:** Yes, I think it is, certainly from the perspective of local authorities. We offer a lot of advice to people, and it is quite confusing for people in the private sector, the registered social landlord sector and the local authority sector where there are so many different options for people to take up as tenancies. I think this Bill is positive in actually levelling out some of that confusion.

[12] **Mr Ropke:** I support the comments of my colleague on my left. We very much welcome the proposals outlined in the Renting Homes (Wales) Bill. I think it is particularly important that it's simplifying the legal framework for tenancy agreements. I think it also provides additional rights and security for tenants, which I also think is a positive step forward as well. It's a fact that the law regarding licences has become so complex that it's caused a number of my members—housing associations—considerable difficulties indeed, ending in court action a number of times. So, absolutely, we think the Bill is necessary and the simplification is very much welcome.

[13] **Mike Hedges:** We passed an Act last year, the Housing (Wales) Act 2014, regarding landlord registration and homelessness duties. How do you envisage this Bill interacting with it?

[14] **Mr Ropke:** I think it's very early days, clearly, in terms of the other Bill, and we don't yet know what the impact of that's going to be, but I think that this Bill, when considered alongside it, really does complement the aims and intentions of the Housing (Wales) Act. I think it should help us to better meet people's housing needs and prevent homelessness, and I think promoting understanding and simplifying legal rights and responsibilities is an important part of that. The aim, of course, has to be that it improves access to good-quality homes and supports tenancy sustainment. Yes, it does complement it. Again, it's around the clarity and fairness for me that it does very well.

[15] **Ms Hambridge:** Similarly, yes, I think it is generally complementary, certainly in terms of the regulatory part of the 2014 Act. There are some concerns that the Welsh Local Government Association has and that local authorities have in terms of the moratorium, which possibly we can explore a little bit later on, and how that links in with our ability on a positive in the 2014 Act to be able to discharge our duty into the private sector. We do feel that, perhaps, the moratorium will potentially limit that, but I agree with what Stuart says. It is quite early days in implementing the Act to know the reality of that.

[16] **Mike Hedges:** Do you think this is an appropriate time to bring this legislation forward?

[17] **Ms Hambridge:** Certainly from my point of view, because of the links with the 2014 Act, members need to be very clear about how that will impact upon it. Perhaps there is a benefit in just doing some future research or taking into consideration how that is working

prior to jumping in, because I know that, with this piece of legislation, you're looking at possibly December/January time for moving it forward, and we will have only been seeing the 2014 Act, certainly the homelessness bit, for about six to eight months.

[18] **Mike Hedges:** Before we move on, can I welcome Helen Northmore, who's managed to join us, having had, I assume, an interesting journey around Cardiff? *[Laughter.]*

[19] **Ms Northmore:** A very long and detoured journey around Cardiff. *[Laughter.]*

[20] **Mike Hedges:** Thank you for joining us. John, you wanted to ask some questions.

[21] **John Griffiths:** Yes. In terms of what you said about the nature of the Bill improving the regulatory environment around housing in Wales and the extent to which it's a tidying up exercise and the extent to which it would achieve improvements in achieving that balance between tenants and landlords, you mentioned the removal of the six-month moratorium, for example. Obviously, there's a general election going on at the moment, which I think we're all very aware of. There are some interesting proposals from the parties. Some of those, I think, that are notable and that have had considerable publicity in terms of housing are around the proposal for a three-year arrangement to provide security of tenure, with no increases beyond inflation for uprating for that three-year period, as well as measures in terms of tackling some of the issues around letting agents and the fees they charge. Obviously, Wales has its own distinct socioeconomic circumstances and housing circumstances, so I just wondered to what extent you think some of those proposals, for example, would be valuable in Wales and might be matters that we could consider in terms of this legislation, or to what extent do you think that the particular circumstances of Wales are sufficiently different to require a different set of proposals through this legislation, or indeed, in general.

[22] **Mike Hedges:** Who'd like to kick off on that?

[23] **Ms Hambridge:** Certainly, in terms of registration, we already have that coming in with the 2014 Act, so I think we're ahead of the game. I think when you look at where this legislation—or this Bill, I should say—has come from, it was very much building upon the work that England did many years ago, but never actually took forward. So, I think, underlying all of this, there's a desire to improve things, and I think this gives Wales the opportunity of actually taking that step ahead of England.

[24] In terms of the three-year arrangements you were mentioning in one of the party's manifestos, I think that, from a local authority point of view, anything that stabilises someone's housing situation for as long as possible is a positive. The unfortunate thing that we have found is that, with the six months, there are landlords—and not all of them—who will change tenants regularly because they're not the ones they want or whatever, and it does destabilise families and it destabilises vulnerable people. So, from that point of view, and in terms of the services we deliver, I think that would be a real positive.

[25] **Mike Hedges:** It really destabilises education as well.

[26] **Ms Hambridge:** Absolutely.

[27] **Mr Ropke:** I'd agree with colleagues' comments that long-term security for tenants is very important. I think you're absolutely right though that the socioeconomic circumstances in Wales are very, very different from many parts of England, and you can argue, actually, that in England, there are distinct parts of that country—if you look at the south-east in particular, where the three-year proposals by that particular party are most aimed at. So, I think it's something to look at, and if we look at rent data across Wales, it's very, very different in different markets in terms of how quickly rents have risen. So, it's something to

learn. But registration is in this; I think Wales is a step ahead on this. I'd also like to—. There are proposals across all parties' manifestos in terms of the Westminster elections around welfare reform and that power clearly remains with Westminster. I do think that some of the impacts of welfare reform, particularly around some of the proposals to allow 16 and 17-year-olds contracts, need to be watched carefully because they could have impacts here in Wales, which could be detrimental.

[28] **Ms Northmore:** I think what we're talking about here is tenant choice, and I think that's what's important to look at, because, as a private rented sector tenant, at the moment, you don't have a choice; you get usually a six-month tenancy and then it rolls on. That suits some people, but some people want security. It's really about giving tenants that opportunity to have a discussion with the landlord and have a range of options open to them, and for the landlord to have a range of options in the type of tenant that they're looking for. I think on the discussion about a six-month moratorium and longer term tenancies, what we need to do is really fundamentally change the tenant/landlord relationship and offer both sides the opportunity to have choice and negotiate and to really change it to a much more adult relationship as opposed to a parent/child lack-of-trust relationship, which most contracts tend to be at the moment.

[29] **Mike Hedges:** Thank you. Christine Chapman has fortunately arrived, so I will hand over.

[30] **Christine Chapman:** Thank you. Apologies everybody; there was a problem with the docks link road this morning. Welcome everybody. I think Jocelyn is due to come in next.

[31] **Jocelyn Davies:** Yes. Thank you for your comments earlier on, because you covered some of the points that I was going to ask you about. I assume that you like this idea of the model contract that then gets negotiated. I wonder whether you'd tell me your view on whether community landlords, or housing associations, are likely to negotiate contract terms with individual contract holders. Is that likely to happen? We talked about this idea of having this sort of more adult relationship; is that how it's going to be in the social housing sector?

09:30

[32] **Mr Ropke:** We welcome the model contract and its intentions. I think an easy-to-read guide and that model will be helpful in assisting the understanding of the rights and responsibilities of tenants and landlords. We're clear on that. Obviously, those documents need to be accessible and easily available. I do think that, in the case of community landlords, ideally, the key matters document will be different for each tenant, dependent on the type of accommodation that is being occupied. Sometimes the community in which that accommodation is based and the rights and responsibilities are different, dependent on—as I say—the type of accommodation: is it self-contained, or not self-contained, for instance.

[33] So, I welcome the model contract, but, yes, flexibility to negotiate around the key matters document would be helpful.

[34] **Jocelyn Davies:** But you think that would be more about the type of accommodation, rather than the negotiation between individual tenants and the landlord. Otherwise, the situation you mention is very complex now; just imagine a landlord, if they've got different contractual arrangements with different tenants, it could get very complicated.

[35] **Mr Ropke:** The vast majority of housing association tenants will be on the secure contract, clearly. Clearly, there needs to be, in my view, some flexibility between landlords, to reflect the circumstances they're managing; you know, stock transfer landlords with large estates, compared to smaller schemes, which might be non-self-contained flats, I think, are

two different things. And supported housing, which I'm sure we will come on to in the course of this discussion, as well, I think is key in this.

[36] **Jocelyn Davies:** How do you see that in relation to the few remaining local authorities that have got their own stock?

[37] **Ms Hambridge:** I think, in general terms, we want to avoid the complication. There are a couple of circumstances—and one of the good points of the Bill is about evening up the playing field for 16 and 17-year-olds, which will be a real bonus for us. But, as we know, 16 and 17-year-olds actually often need a lot of support, and often have a view that they don't need the support. That's how I was when I was 16, 17—it's what we all do. I think there may be circumstances where the additional terms may include, 'As part of this tenancy, you will work with us to receive some support'. That might be something we want to negotiate with an individual. But, in terms of actually getting into detail, as far as changing small bits on one block, and another bit on—. No, we would want to avoid that, because it over-complicates things.

[38] **Jocelyn Davies:** Do you think that, in terms of the individual contract holder—that's what tenants will be known as in the future—they'll have the skills in order to negotiate their—? Because, from what you were saying earlier, it sounded as if landlords might put conditions in for some sorts of tenants, rather than negotiate extra contract terms.

[39] **Ms Hambridge:** I mean, I think it's about working with the individual. I mentioned 16, 17-year-olds, because they do cause us a challenge. We want to work with colleagues in children's services, we want to secure good outcomes for care leavers, and people moving through. But, we also want to help them make a success of the situation they're going into. I mean, whether or not you'd call it a condition, we would hope it would be a negotiated position. Most of the 16, 17-year-olds we deal with—not all—do have advocates, personal advisers, who are there to help sort of demystify the whole thing around going into a tenancy, because a tenancy for the first time is mystical enough. But I think, if we can work in partnership with others, with advocates, and with the individual, I see it being a positive rather than a condition to be beating someone over the head with if they don't comply.

[40] **Christine Chapman:** Jocelyn, before you—. I'd like Alun to come in on the 16 and 17s, and I'll come back to you.

[41] **Jocelyn Davies:** Yes, of course.

[42] **Christine Chapman:** Alun, you had a point on the—

[43] **Alun Davies:** Yes. Ms Hambridge, you say that you welcome the Bill's provision for 16 and 17-year-olds. But I find it difficult to recollect a witness who has welcomed something with so many qualifications.

[44] **Ms Hambridge:** Because we have a number of people we have to find solutions for: homelessness, 16 and 17-year-olds, priority needs—we have to resolve their situation. We have an awful lot of situations where—. Although, certainly from our point of view as local authorities, we provide tenancies, often you won't get that in the private sector, and we have had experiences, although I'm sure not entirely, where some RSLs aren't welcoming. So, yes, we are welcoming, because it gives someone some rights. But, we also need to make sure that we actually do make that a positive solution for them, rather than something that they go into really not knowing what's happening and what they've got to do to keep that tenancy.

[45] **Alun Davies:** Yes, I get that—I understand that. But, it would be irresponsible, of course, to give somebody rights that they are unable to exercise effectively. We heard from

the NUS last week, who described students as being very vulnerable because of lack of life experience and the rest of it. Both yourselves and, I think, the chartered institute as well, have made the case that the groups, if you like, of 16 and 17-year-olds most likely to use these provisions are those leaving care, or in fact having significant difficulties at their home. Now, I would suggest that those two groups are quite vulnerable, over and above an average 16 or 17-year-old. Would it not be more responsible to say, ‘Actually, we don’t want to change the law to give you a tenancy; what we want to actually do is to build support that will enable you to move forward in your life’, but in an environment that has the protections that you’ve described in your, I would say, rather long list of qualifications?

[46] **Ms Hambridge:** I thought there was only one. [*Laughter.*] I think, you know, there will still be supported housing. We’re commissioning some supported housing at the moment within Pembrokeshire for this group. But, I think, somewhere along the line you have to say to an individual, ‘Come on, this is your responsibility. It’s not just about rights; it’s your responsibility. We can help you through this; work with us, get the support, and you’ll come out and you’ll be a successful tenant.’

[47] **Alun Davies:** Can I stop you there, because that’s not what the Bill says though, is it? The Bill says that a 16 and 17-year-old can have, and can enter into, a contract. It doesn’t talk about the sort of support that you’ve just described. It doesn’t qualify it; it simply states in a very bold and direct fashion, ‘You shall have these rights’. You know, the nuances that you’ve described—and which I don’t disagree with, by the way—don’t appear on the face of the legislation. So, in fact, what you’ve said doesn’t appear at all. So, I’ll go back to the question: do you welcome this, without the qualifications, because the qualifications don’t exist in law?

[48] **Ms Hambridge:** Right at the very beginning—I think the simple answer is ‘yes’—but, right at the beginning, I did say that the options that we’ve got with the model contract is that we have the fundamental terms, the key terms, but there are options to consider additional terms, and one of those may be, ‘Come on, work with us and have the support’. So, it’s actually the fundamental right there, but tailoring the situation knowing the individual. We have 16 and 17-year-olds that we deal with, with local authorities and others, that are perfectly okay. Why should they be penalised for those who, perhaps, need that bit of extra assistance or support? So, I think, fundamentally, yes, because you’ve got to start from that, but then you build to make sure that you’re tempering and that you have flexibility to allow people to have the support, depending on their circumstances.

[49] **Alun Davies:** So, would you want to see this Bill amended?

[50] **Ms Hambridge:** No. I don’t see—

[51] **Alun Davies:** So, you would be quite happy to put some very vulnerable people in the situation where they’ll be handling contracts, possibly having difficulties, with utilities and the rest of it and you don’t believe that there need to be any protections in law for them at all.

[52] **Ms Hambridge:** I see those vulnerable people having the support that they can have.

[53] **Alun Davies:** I understand that, but that’s a policy response. We’re talking here about changing the law, and that’s different. Because, what you’re doing—and I don’t disagree with you, by the way—. We’re not talking here about a policy response; we’re talking here about a legal framework, and that’s different. The law doesn’t say that the support that you have described is either necessary or required—it doesn’t say that—and neither does it demand that it happens. So, all we’re doing is changing the law. You’ve just said you’re happy to change the law. You don’t want to see any amendments. So, I have to assume that, having described

the vulnerability of these people, you're also happy for them to be in a situation that could—for a significant proportion of them—lead to significant difficulties. But, if that's your response, there's no issue with that; that's fine.

[54] **Ms Hambridge:** I'm happy with—

[55] **Alun Davies:** I'm surprised by it, but it's fine.

[56] **Ms Hambridge:** —the fundamental of the rights being across all 16 and 17-year-olds, yes, absolutely.

[57] **Alun Davies:** Okay, I know the chartered institute—

[58] **Christine Chapman:** Stuart, you wanted to come in. I'm going to bring Jocelyn in, but Stuart, you wanted to say something.

[59] **Mr Ropke:** Yes, on the 16 and 17-year-olds, I think, like all things, these things are a matter of balance, and I think that it's a positive that 16 and 17-year-olds can be contract holders. I think that that does help essentially to prevent homelessness, which is the aim of a number of bits of legislation across the housing piece at the moment. But, some of those balances there—. There are huge risks, actually, around welfare reform. There are proposals in party manifestos that are currently being put to Westminster about potentially ending housing benefit for those under the age of 21. That would be a big risk, if that legislation was to be enacted in England. In terms of that balance, I don't think that, from my members' point of view, they would—as a party to the contract, remember, with the 16 and 17-year-olds—be happy to sign that contract unless they were confident that a full needs assessment had been undertaken, and that adequate support was in place to enable most tenancies to be sustained and retained.

[60] **Alun Davies:** Would you like to see amendments to this Bill that would provide for that?

[61] **Mr Ropke:** I'm comfortable with the Bill as is, in terms of the fact that my members have been very clear with us and have said that they would ensure that that was in place. I think it's fine. I also think that it's important that, when offering a contract to 16 and 17-year-olds, we ensure that they are housed in appropriate accommodation. The experience of many years of both local authorities and housing associations, in fact, suggests that, for instance, 16 and 17-year-olds don't prosper in isolated flats where there is no social engagement, so it's about the type of accommodation as well.

[62] **Alun Davies:** But this doesn't cover any of that. I don't mind your response, and it's fine. The Bill is simply allowing people to take contracts, so that they can take that bedsit or flat without any of the support that both of you have described. I am, as I say, quite surprised that you feel that, on balance, that is a good thing, but that's your evidence; that's fine.

[63] **Christine Chapman:** Can I ask, obviously, the fact that the policy areas are not in—. Would you want—just to clarify Alun Davies's point—to put something in that the 16 to 17-year-olds can have the accommodation as long as there is support? Are you saying that, or are you just saying it without any reference to support? For the actual Bill.

[64] **Mr Ropke:** My personal view is that you have to acknowledge that 16 and 17-year-olds can be on a continuum, in very different places—from those who have the ability to take contracts to those who need a huge amount of support. I think that within guidance, certainly in terms of advising our members and providing policy guidance, we would be expecting them to make that assessment around 16 and 17-year-olds, but I don't think that it should be

in the legislation, because you have to acknowledge that people are individuals and that they require different things.

[65] **Christine Chapman:** Alright. Right, I'm going to take Helen and then I want to move back on to Jocelyn. Helen, you wanted to respond to Alun.

[66] **Ms Northmore:** Yes, I think that the other factor that we have to think about is that there are 16 and 17-year-olds who would go into the private rented sector, who aren't able to sign contracts, and so are in the situation where they may be living in private rented sector accommodation at the moment on a verbal contract, because they can't sign a contract. I don't think that that's a situation that any of us would want to continue, and so, extending the right to them in order to be able to sign a contract and have those rights and protections is important.

[67] **Jocelyn Davies:** But, you wouldn't be able to enforce a verbal contract with a 16-year-old because you can't contract if you're under 18, so, sorry, that's not a very convincing argument. Can I go on with the issue of the 16 and 17-year-olds?

[68] **Christine Chapman:** Yes, go on.

[69] **Jocelyn Davies:** I haven't heard loads of 16-year-olds asking me to be able to contract for accommodation. Nobody's ever said that. Has this request come from local authorities? Because, currently, these people are your responsibility, and you would hold that tenancy on trust for them until they were 18. Has this request to include 16 and 17-year-olds come from local authorities?

[70] **Ms Hambridge:** Certainly, I can say from local authority perspective that there is a driver that we have to find solutions for 16 and 17-year-olds, especially those who are homeless. We do allow people on our housing registers who are 16, 17 and a lot of those registers, actually, are joint with RSL partners, so, yes.

[71] **Jocelyn Davies:** So, currently, the local authority, which has a responsibility for 16 and 17-year-olds who are vulnerable, homeless, leaving care or whatever, would hold a tenancy in trust for that person until they became 18. So, what you are saying—. You mentioned earlier on why should all 16-year-olds be penalised because of—. What's wrong with the law as it stands at the minute? I think, Alun, that you're probably going to come on to this later in your questions. I just wonder where this request has come from, whether, in fact, this is a big advantage to local authorities to be able to say to 16 and 17-year-old vulnerable people, 'Sorry, but you can take a contract in the private rented sector yourself'. I'm just wondering to whose advantage this is, really.

09:45

[72] **Ms Hambridge:** I would say that there's a big advantage to the 16 or 17-year-old. They are there; they are frustrated, as they come to 16. If we take the more vulnerable end of the continuum away, a 16 or 17-year-old comes, they want to leave home, which is their right, but they have very, very limited options. I think that what this legislation does is it widens those options. So, I think there is a benefit for the individual, as well as there being a benefit for, certainly, local authorities.

[73] **Jocelyn Davies:** And I can take it, then, from the social housing sector, that your members would prefer to see somebody have a proper needs assessment before entering into a contract with somebody under 18, for this particular thing—especially as you know they won't be able to enter into any other contract, for a mobile phone, for utilities. They will all be on pre-payment meters, et cetera, et cetera. This is the only contract they'll be able to enter

into—verbal or otherwise—until they’re 18.

[74] **Mr Ropke:** From the perspective of housing associations, I would say our position is quite clear: there needs to be a full needs assessment, and adequate support does need to be provided to ensure the tenancy can be retained.

[75] **Jocelyn Davies:** So, a statutory needs assessment for somebody using this part of the Bill might be appropriate.

[76] **Mr Ropke:** In many cases, but, again, I wouldn’t apply a blanket to it.

[77] **Jocelyn Davies:** If they request it.

[78] **Mr Ropke:** Yes, I think that’s right.

[79] **Jocelyn Davies:** They should have the statutory right to request a needs assessment before exercising this particular part of the Bill.

[80] What’s wrong with somebody under 18 saying, ‘I want to enter into a contract, and I’m asking my local authority to carry out a needs assessment of my needs if I enter that contract’? That sounds—

[81] **Ms Hambridge:** I think, certainly in terms of needs assessment, there would be a concern in some ways from a local authority that that needs assessment could be an additional burden upon—and I use the word ‘burden’ not in—. It could be a burden upon some of our other services, such as social services, because it is inevitably going to fall more to them. They already have a statutory responsibility to undertake an assessment for a 16 and 17-year-old anyway. So, I think we would need to tease out what the implications of doing that are before jumping in and saying, ‘Yes, that’s what we want’.

[82] **Jocelyn Davies:** Would you think about that and perhaps you could send us additional information on needs assessment for under-18s?

[83] **Ms Hambridge:** Okay.

[84] **Mr Ropke:** When I talk about ‘needs assessments’, I think it’s important to stress that this is not necessarily statutory; this could be a needs assessment carried out by the RSL, the housing association, in terms of people taking their tenancy through them, in terms of what support is required. It wouldn’t necessarily be statutory. I acknowledge the difficulties around resources to do that. This is about RSLs being responsible landlords, particularly.

[85] **Jocelyn Davies:** Do RSLs normally carry out needs assessments of people they are giving tenancies to or entering into contracts with?

[86] **Mr Ropke:** Certainly, where support needs have been identified in advance and, sometimes, during the course of a tenancy, yes. If we are seeing 16 and 17-year-olds taking contracts, the majority of our members have reported to us that they would expect to just carry out a needs assessment to make sure that person was in a place to retain that tenancy.

[87] **Jocelyn Davies:** Would you imagine that there would be many people?

[88] **Mr Ropke:** I think, in terms of 16 and 17-year-olds taking contracts, we’re not talking huge amounts of people; it’s not massive, but—

[89] **Alun Davies:** How many, do you think?

[90] **Mr Ropke:** I haven't got that information to hand. Certainly, it's something we can go and ask our members about in terms of the numbers they've had, but it's not something I've got in front of me today. But, it is a minority and in terms of a needs assessment done by the RSL, not a statutory needs assessment, it is doable.

[91] **Christine Chapman:** Do you have any further questions, Jocelyn?

[92] **Jocelyn Davies:** No, I'm fine.

[93] **Christine Chapman:** Just to remind Members, we have just less than half an hour and there's quite a lot to cover, so if we can move on. Rhodri.

[94] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. A gaf i symud y drafodaeth ymlaen i ddarpariaethau'r contract safonol â chymorth? A ydych chi'n credu bod y darpariaethau yma yn taro'r nodyn cywir o ran cydbwysedd rhwng pryderon y rhai sy'n sy'n darparu cymorth a hawliau deiliaid y contractau?

Rhodri Glyn Thomas: Thank you very much, Chair. May I move the discussion on to the provisions of the supported standard contract? Do you believe that these provisions strike the right balance between addressing the concerns of support providers and protecting the rights of contract holders?

[95] **Mr Ropke:** No. From my perspective, I don't think the balance is quite right in the legislation on this matter at the moment. In very specialist cases, in terms of the type of accommodation or the type of client group that is being dealt with, I do think that the ability to retain the use of licences is required. There are a number of reasons why we believe that. Quite often, individuals in this type of supported accommodation—. It is, let's stress, very temporary accommodation, where the intention is to provide support so that people can move on to a secure contract in future. Quite often, with individuals facing chaotic and complex problems, it does mean that, on occasion, they do need to be excluded from that accommodation for a short period of time to protect the rights of other residents and the staff working there. So, I think it is a question of managing risk in very specialist accommodation. That's why I think the balance isn't quite right in this area.

[96] **Christine Chapman:** Jocelyn—

[97] **Rhodri Glyn Thomas:** A allaf i jest ofyn rhywbeth? Rydych chi'n dweud nad yw'r cydbwysedd yn y man cywir. Sut fydddech chi'n newid y darpariaethau er mwyn sicrhau y cydbwysedd cywir?

Rhodri Glyn Thomas: Can I just ask something? You state that the balance isn't quite right. How would you actually change the provisions in order to secure that right balance?

[98] **Mr Ropke:** I think, personally, it's around the definition of the accommodation that we're talking about. So, this is shared accommodation or accommodation that has multiple occupants and, to be clear, with very intensive levels of support required—often 24-hour cover. I think the definition needs to be around the type of accommodation that people are accessing and an acknowledgment made that that accommodation is intended to be a temporary solution, while people are supported to be able to move on to more permanent accommodation. This accommodation was always intended to be move-on accommodation in many respects.

[99] **Rhodri Glyn Thomas:** Sori, jest ar y pwynt yna cyn caniatáu i Jocelyn ddod mewn. Onid ydych chi'n pryderu, felly, bod yna berygl bod hyn yn mynd i arwain at

Rhodri Glyn Thomas: Sorry, just on that point before I allow Jocelyn to come in. Are you not concerned, therefore, that there is a risk that this could lead to a situation where

sefyllfa lle mae pobl yn cael eu cadw ar y contractau safonol â chymorth yn yr hirdymor a ddim yn cael yr hawl i drosglwyddo i gontractau diogel yn awtomatig? Dyna oedd barn Cymdeithas y Gyfraith, er enghraifft.

people are kept on the supported standard contracts in the long term and don't have the right to transfer to secure contracts automatically? That was the view of the Law Commission, for example.

[100] **Mr Ropke:** Yes, I don't disagree that this is a difficult area. Often, it's about the wider supply of accommodation that's available for people to move on, I think, rather than any intention to keep people on contracts that are short term for any period of time. Like all things, these things are a matter of balance. It's about the rights of the contract holder, but it's about the rights of other people and staff who are working in this accommodation and other people who are occupying that accommodation. It's important that licences are only used when strictly necessary, but we do need the ability in some types of accommodation, with complex needs, to continue to do that, in my view.

[101] **Jocelyn Davies:** It is just really a clarification on this. So, on the excluded licences, are you talking about taking those people out of this Bill altogether, so they don't have the protection of this Bill or having a new section about licences?

[102] **Mr Ropke:** No, I think it's very important that people have as much protection as possible around this stuff, but I do think this is a problematic area that would benefit from further definition within the Bill. It is difficult, because, as you know, currently, what we have here is a situation where it's difficult for the licence holder or the contract holder having a right to review, but the difficulty is protecting the rights of other people as well as the person who holds the contract. And in this type of accommodation, that's the real risk here. So, I—

[103] **Jocelyn Davies:** You're talking now about just temporary exclusions. I thought you were talking about excluded licences where you can just tell people to go.

[104] **Mr Ropke:** I think, in particular, I'm talking about temporary exclusions and the ability to be able to do that.

[105] **Jocelyn Davies:** Temporary exclusions. Right, okay.

[106] **Mr Ropke:** Yes. In terms of private people in the long term in their accommodation, that is a different question entirely and, clearly, protection needs to be more rigorous around that, in my view.

[107] **Rhodri Glyn Thomas:** Os ydych chi'n credu bod eisiau cryfhau y gallu i wahardd pobl, a ydych chi'n credu, hefyd, y dylai'r bobl sy'n cael eu gwahardd—ac mae'n debyg rŷm ni'n sôn am bobl yn y fan hyn sydd wedi cael eu cyhuddo o ymddygiad gwrthgymdeithasol—gael hawl i adolygiad o'r gwaharddiad?

Rhodri Glyn Thomas: If you believe that the ability to exclude people should be strengthened, do you also believe that those people who are excluded—and I suppose we're talking here about people who are accused of anti-social behaviour—have a right to a review of that exclusion?

[108] **Mr Ropke:** I think this is an incredibly difficult area. It is about anti-social behaviour and about temporary exclusion. The issue is here—and I come back to the safety of other residents and staff, quite often, in terms of the behaviour we're talking about—that, if the person who was excluded had that ability to seek a review straight away, they went to a lawyer who injuncted the landlord, in this case, and my members and others involved in this area could be forced to take back a person who is judged to be a huge threat to the other occupants. This is not an easy area for legislation, but it's not just about the rights of the

contract holder; for me, it's also the rights of the people they're occupying the property with, who they're working very closely with to deal with the support that they require.

[109] **Rhodri Glyn Thomas:** But a landlord in that position already has the right to apply for an emergency injunction.

[110] **Mr Ropke:** Correct, yes. But I think we were talking about the right of review here. For the person to have that, presumably that right of review would allow them or enable them to come back in to view the property. So, consequently, if you're the person who's being excluded, you also have the right to go and apply to a lawyer and get an injunction for you not to leave. It's a difficult area, but I think there's a balance between the rights of the contract holder—or the licence holder in this case—the other occupants of the property and support workers who are having to work closely with this person. It's difficult. I do think it would benefit from some more definition in legislation—that would help—while accepting it's very difficult and not an easy area.

[111] **Ms Hambridge:** I think I would back that up, actually. The principle of someone having a review is one that is well founded. We do it in homelessness, we do it in allocations, and we do it in lots of areas within housing and other parts of services. So, the principle is there. I think, because these temporary exclusions are so short in time, it's how do you practically something like that and is there anything that the legislation could assist in guiding on that, or is it something that comes out as a result? You know, the fundamental is there in legislation, and then it's teased out a bit later on. I think, fundamentally, the right to review is there, but I accept it's very difficult. If you're looking at excluding someone for 48 hours, with normal rights to review you're talking sort of four weeks or 21 days, which seems not quite balanced on that.

[112] **Jocelyn Davies:** Can I ask a supplementary question on this? If somebody was excluded under those terms, couldn't they turn to the local authority and say, 'I'm this vulnerable person; I've got nowhere to go', and would the responsibility then fall on you to find that person somewhere for those 48 hours? Or are they going to be in the park?

[113] **Ms Hambridge:** It could do. Yes, they could come to us and say, 'I am literally homeless; I have nowhere to sleep tonight', and we have to then look at an appropriate solution in those circumstances. So, yes, there could be that implication.

[114] **Jocelyn Davies:** Thank you.

[115] **Christine Chapman:** Right. Gwyn.

[116] **Gwyn R. Price:** Good morning. Just on succession rights, could I have your views on the proposals relating to succession in the Bill and on whether they simplify the current arrangements? And could CHC expand on their comments that there could be false succession claims from people claiming to be carers?

[117] **Christine Chapman:** Stuart?

[118] **Mr Ropke:** It's onto me to go first again. I think experience suggests, in terms of succession and in terms of the occupation of a home, there are a number of times when it is difficult to establish the validity of that succession claim. So, for instance, for a carer to be able to succeed, which, on the face of it, sounds like a good thing, there are a number of examples given by our members that tenants claim to live in the property and then are renting it out, for instance. If they are, are they actually occupying the home that they claim to be a carer at? Have they got other property elsewhere? I think these are all difficulties. I think it would be costly and difficult to prove, in some cases, whether the carer has given up their

other property at this time when they're providing care. I also think that, for us, the key point here is that extending succession rights to carers will add to the pressures on what is an already limited supply of social housing in many areas of Wales. I think that runs contrary to where Welsh Government policy is going, and the aims and objectives around increasing housing supply in particular.

[119] **Christine Chapman:** Okay. Any other comments? Lyn?

[120] **Ms Hambridge:** Certainly, we welcome the equalising between the RSL sector and the local authorities. Succession is a very, very emotive issue, and I think the reality is that, although the Bill seeks to clarify and equalise the position, you will still get people who reach the end of their succession opportunities, and it won't stop that very emotive position coming where someone then is required to move on, and move onto other premises. They may have lived in their home for many years, but they don't actually have that right to succession. We're seeing a lot of that coming around at the moment, as people who went into tenancies in the 1950s and 1960s are going into residential care or passing away, and all rights to succession have gone. This Bill won't change that, because there's still a finite number of succession opportunities. So, that's the reality of it.

10:00

[121] **Ms Northmore:** I agree with the comments made earlier that it's about equalising the contract so that there is one sort of standard, so that, moving forward—and I completely accept the points there—it's quite clear to people what those succession rights are.

[122] **Christine Chapman:** Okay, thank you. If we can move on now then to Peter Black.

[123] **Peter Black:** Thank you. Moving on to the six-month moratorium, what are your views—and we've touched on this already—in terms of removing that six-month moratorium? What's the likely impact on the sector and on homelessness of doing that?

[124] **Christine Chapman:** Lyn, do you want to start?

[125] **Ms Hambridge:** Certainly, in our written evidence, the local authorities have flagged up a concern that the ability to offer contracts that are for less than six months will impact upon our ability to discharge our duty under section 75 of the Housing (Wales) Act 2014, and it is under that element—the moving from the sort of help to secure, which was the section 73, where there may be an opportunity to use the short-term contracts, but longer term—we have to secure that suitable accommodation is available, and one of the criteria within the legislation is that it must be available for six months. If landlords are able to say, 'Well, I'll give it to you for two months', that will not do the job as far as homelessness is concerned. We may have that situation where we're welcoming private sector landlords on the one hand to give a contract of two months under section 73, but then comes the section 75 duty and we have to go back and say, 'Well, that's no good now; we need to have a six-month—.' It just doesn't fit right with what our duties will be—or, sorry, are now, as of last week, under that section.

[126] **Peter Black:** When the Minister gave evidence, the Bill manager told us that you'd misinterpreted this section of the Act and that, in fact, a contract does not need to be for a minimum period of six months, but you just have to have an assurance from the landlord they'll keep them in the property for six months. Does that work for you?

[127] **Ms Hambridge:** No. I think the reality is that we get challenged regularly as local authorities as to suitability of accommodation. I think we need to be very clear that what we are offering someone as part of our discharge of duty under section 75 is compliant, and I

don't think the ability to say, 'Oh, well, it's okay. The landlord said it's going to be for six months or 12 months. Although he's only said it's two, there's an assurance.' I don't think that's strong enough and I think that would leave local authorities open to challenge.

[128] **Peter Black:** Is it your experience that the Minister's assertion that the six-month moratorium currently makes landlords less likely to rent to higher-risk tenants is correct?

[129] **Ms Hambridge:** Can you just repeat that?

[130] **Peter Black:** The Minister made an assertion that the six-month moratorium currently makes landlords less likely to rent to high-risk tenants. Is that your experience?

[131] **Ms Hambridge:** It's not an experience I have, no. You know, that's where we work very closely with landlords, and actually most of our landlords, I have to say, are pretty good. The ones who are not prepared to take risks are the ones who probably don't want to work with us anyway. So, there would be a pool there. So, I don't think that would be the case.

[132] **Peter Black:** And most of the tenants you're seeking to place in the private sector will be high risk anyway, because they come to you through homelessness et cetera.

[133] **Ms Hambridge:** No, I think that's a generalisation. You can't automatically say—

[134] **Peter Black:** It was a question, but—

[135] **Ms Hambridge:** —people who are homeless are high risk. There clearly is a cohort of that group who are, but, actually, most are people who are, if I dare use the word, 'normal'. They have no vulnerabilities. They just find themselves without a home. You know, that's the issue.

[136] **Peter Black:** Does Stuart or Helen have a comment on this?

[137] **Ms Northmore:** I've a comment relating, again, more to the private rented sector. There is a lack of security for tenants if they're taking a contract that doesn't have a six-month assured tenancy, because it's a financial investment to move into a new property. This comes back to the point earlier from John Griffiths: it's about tenant choice. So, it's about what opportunities there are to have a range of options for the tenants and the landlords, so those who are concerned by that lack of security can look at a longer-term tenancy. There are those who would appreciate less than six months because of their lifestyle, and, at the moment, they don't have that choice. So, I think the issue for us is around the choice for tenants and landlords.

[138] **Mr Ropke:** Just to add, I think it's always very difficult to speculate on how behaviour changes as a result of legislation before you've actually seen the impacts, clearly. I think, from our point of view, the reality is that probably most private landlords would not want to evict in a six-month period; it does not make financial or business sense, generally, to have a rapid turnover of tenancies and evict. If the change in legislation meant that more landlords were willing to let to those in receipt of housing benefit and elsewhere, that could be a benefit in terms of preventing homelessness, but it is difficult to speculate. We don't see how behaviour changes and, clearly, there's no evidence to rely on here.

[139] **Peter Black:** Is there another way of doing this? In the social housing sector, you have probationary tenancies. Would maybe a different way of doing this be having a one-year or two-year tenancy—this is going back to John Griffiths's question—with perhaps a probationary period? Would that be a more effective way of doing this?

[140] **Ms Hambridge:** I certainly think it's worth considering.

[141] **Peter Black:** Okay.

[142] **Christine Chapman:** Okay. Mike?

[143] **Mike Hedges:** Can I talk about retaliatory evictions, and often, the threat of retaliatory evictions, which is perhaps more effective in terms of stopping people complaining? Do you think this legislation will help prevent homelessness, and do you think it'll also increase the number of property inspections local authorities are asked to do on some of the properties that may not be up to anything resembling a good standard?

[144] **Ms Hambridge:** I think there will be elements where it'll help in preventing homelessness. There will always be a very small number, thankfully, of landlords who will do whatever, but I think, certainly, to put this in the legislation actually focuses the mind. There's a message that's going out here, which is, you know, 'Deal with the issue; don't take it out on the tenant or the victim', and I think the legislation is positive in terms of at least consolidating that.

[145] In terms of an increased demand on local authority environmental health resources, I don't think that there would be. Within local authorities, we do take quite a few referrals through about conditions. I think the 2014 Act with regard to registration will help, because, obviously, that will sharpen up the practices within the private sector. So, hopefully, you'll have a very small cohort of these types of threats, which, yes, in terms of local authorities, we'll still have to pick up, but I don't see a massive resource impact on that.

[146] **Christine Chapman:** Okay, Mike? Janet.

[147] **Janet Finch-Saunders:** The Bill requires landlords to keep their property in good repair and ensure it is fit for human habitation. Concerns have been raised about whether that goes far enough, and, of course, in Scotland, they've increased their legislation to include fixtures and fittings and white goods. For me, I think that is a measure too far. We want to see properties that are up to the Welsh housing quality standard, and that seemed to come out at a conference I was at last week. But what impact do you think the proposals in the Bill in relation to disrepair and fitness for human habitation are likely to have on community landlords?

[148] **Mr Ropke:** In terms of community landlords—I think you touched on this in your question—registered social landlords are required to be Welsh housing quality standard-compliant.

[149] **Janet Finch-Saunders:** Yes. Really, I think the question should include private landlords as well.

[150] **Mr Ropke:** Yes. So, commenting from the perspective of my members, 83 per cent of RSL dwellings currently meet that standard—as at the end of March 2014. In terms of the private sector, I think the difficulty is that such is the variability of accommodation across the private sector in terms of type that it's difficult, perhaps, to—. You know, a standard equivalent to the Welsh housing quality standard, to be frank, might be difficult to apply to those, if I'm honest. Speaking from the perspective of my members, all will achieve by 2020 the Welsh housing quality standard.

[151] **Janet Finch-Saunders:** I made the point last week, at the debate that I was at, that there seems to be this stigma attached to private landlords. I think we do, across the whole of Wales, have excellent private landlords, but we do have rather notorious landlords who will

use any loophole that they can, and they're usually landlords who have hundreds of properties in some instances. Do you think that 'human habitation' is too broad a remit that allows that loophole to continue? I've actually succeeded in the past in bringing landlords to account when people have come to me with issues, but on other occasions I've found that it's been very, very difficult to argue with enforcement officers about what 'human habitation' is, especially when you're reporting things like severe damp that might be impacting on the health of the family or the children, and it really is quite difficult to enforce. I just wonder whether 'fit for human habitation', if we're passing new legislation, is strong enough. I'm not really interested in the white goods and the fixtures and fittings, because I think that could become problematic in itself, but I am interested in the condition of the property. And I know that in my own constituency, we've been rather unfortunate on occasion to have people buy into the property market, and it's been a dickens of a job to hold people to account.

[152] **Christine Chapman:** Okay, who would like to go first? Lyn?

[153] **Ms Hambridge:** I think, certainly, the model contract will help because, in there, you will have what someone can expect in terms of repairs and that side of the contract. Again, I think there is that complement with the current legislation, such as the Housing Act 2014, about the registration. There's also existing legislation, the housing health and safety rating system, which actually provides a lot of definition around what are hazards, and what needs to be done to mitigate them, and the role of the local authority will remain in making sure that those standards are upheld.

[154] **Janet Finch-Saunders:** The concerns I have also is the point you've made about there being a shortage, basically, of good property, and whether landlords who have several properties fulfilling a requirement to house largely homeless people—. Almost, they can control the situation by—how shall I put it? They're fulfilling a service, aren't they, almost to the local authority? That gives them almost a lever in itself to not have to be too mindful of what applies—. At the moment, we do have a loophole that I think needs closing, and I'm not sure that this Bill actually closes that loophole. I don't think 'human habitation', with all the technical guidance and everything, fulfils that role. Would I be right in thinking that that's the case?

[155] **Ms Hambridge:** Again, I think that when you're looking at the new legislation with regard to registration, which will ensure that the landlords who are not fit to practise aren't there, one has to have faith and say that those who do register are prepared and want to reach a certain level of delivery. And I think when you put that on the back of what we do already in terms of local authorities and our inspections, I think that that will be there—the model contract will be there. I actually don't see that there's that loophole, but I might be missing something.

[156] **Janet Finch-Saunders:** So, my final point: you think that the local authorities have got sufficient resources to be able to enforce this.

[157] **Mr Hambridge:** There's still a debate, obviously, around the registration side. I think that is the key. If we can get the landlords properly registered and working effectively and trained, that should—should—reduce what we would call the rogue landlord. It won't negate it, and that's where we have to come in and we have to make sure that what people are doing—that they sharpen up their practice.

10:15

[158] **Christine Chapman:** Helen, did you want to respond?

[159] **Ms Northmore:** I think the other key to this and to retaliatory evictions—. One of the

key points and opportunities in this Bill is tenant awareness and education. There are a lot of people who have rented for a very long time who are still not really clear about their opportunities to negotiate or what their rights are. I think that, with the model contract and with the provisions in this Bill, it gives tenants a lot more protection. Unless they're aware of that and it isn't just about what the landlord provides them with as information—. That will be key. The key to your point is for them to be aware that they're entitled to a house that is fit for human habitation and what opportunities they have if it isn't and that, if they do make a request for repairs, they feel they're not going to be evicted. But unless they know that and unless that's made clear to them, they're not going to be the ones driving the change. It will be the landlords who will be offering that accommodation and they won't do anything about it unless the tenant starts exercising their rights.

[160] **Christine Chapman:** We are up to time, but I know that Alun had a very quick question and Gwyn as well. Obviously, we have got another panel coming in, but if you could make it very, very concise—. So, Alun quickly and then Gwyn.

[161] **Alun Davies:** Just for the record, I'm a private landlord, in terms of declarations. You've answered Janet Finch-Saunders on a number of occasions about the issue of quality. Do you think it's realistically possible to introduce something like the quality standard for the private rented sector in the way that we have for registered social landlords? Also, do you think that the Scottish example goes far enough and do you think our ambitions for Wales should be further and higher than that?

[162] **Ms Hambridge:** In terms of a quality standard for the private rented sector, my heart says 'absolutely', because again it is about being even-handed and delivering homes for people. I think the reality will be something different, and I think it would be a step too far to try and introduce a Welsh housing quality standard-type standard. We have standards. We've had standards in the private sector for many, many years, and local authorities in particular have the role of ensuring that those standards are met. It's not an easy job, I can tell you, but we do that. So, there are standards, but, unlike perhaps in the social sectors where you have groups of houses that are all the same, they were all built at the same time, no problem, you've got a myriad of different properties in the private sector, and I think it would be really tough to try and introduce something there, although my heart would say it would be great.

[163] **Christine Chapman:** Okay. Stuart.

[164] **Mr Ropke:** I would agree with Lyn's comments. I think it's difficult. It might be the ideal. I actually think that registration is the way to tackle these issues in Wales, and I think that steps are being taken on that.

[165] **Christine Chapman:** Helen.

[166] **Ms Northmore:** Also, the market will improve if tenants are demanding better properties. Then, in order to meet demand, the standard of properties would need to improve.

[167] **Christine Chapman:** Okay. Thank you. Gwyn, final question.

[168] **Gwyn R. Price:** Yes, just a final question, thank you, Chair. On serious rent arrears, CHC is saying that the impact of welfare reforms is having a great effect. I wonder whether you could expand on that.

[169] **Mr Ropke:** Yes. I think the recent Wales Audit Office report on welfare reform indicated that Wales is suffering a disproportionate impact from welfare reform, which has obviously been rolled out across the country. We've yet to see, actually, the major part of that welfare reform rolled out with the introduction of universal credit. The removal of ground 8 is

what we're talking about here on serious rent arrears. We do have some significant reservations about that. It's true that ground 8 is a last resort. In fact, if you look at the evidence, it is very, very rarely used across Wales, but ground 8 for me, in terms of the RSL sector, is part of the edifice of confidence, and that edifice of confidence includes good governance across the RSL sector, which Community Housing Cymru has been working hard on with our members. It includes an effective regulation system and that includes the confidence of lenders who are absolutely crucial if housing associations are to meet the supply needs across Wales. My worry here is that anything that chips away at that edifice of confidence, and that includes ground 8, which lenders have indicated to us could potentially be an issue if we're not able to act in the pursuit of rent arrears, may result in the cost of lending going up ultimately, which will mean less homes being built across Wales. That's the basis for our worry around this particular section.

[170] **Christine Chapman:** Very quickly, Jocelyn.

[171] **Jocelyn Davies:** Just on that point really, because for those of us who serve on the Finance Committee, Welsh Government came and gave evidence to us last week and completely dismissed the idea that borrowing costs would go up if ground 8 disappeared. And they say that lenders have not indicated to them at all that this was the case.

[172] **Mr Ropke:** I think it's true to say that lenders will not commit absolutely to say lending costs will go up. They may go up, and the reason they may go up is that if rent arrears rise within the sector, there is increased risk to lenders who are active in the market. We can't tell what the actual impact will be. Again, that's a rule of legislation, but I prefer not to take the risk around something that is so crucial to housing supply in Wales.

[173] **Jocelyn Davies:** That's fair enough.

[174] **Christine Chapman:** Can I ask Stuart whether you could send us a letter on the ground 8? That would be, you know, because it's a—. I'm going to leave it there now. Can I apologise to Members, but I think everybody has had an opportunity to ask questions? There are some outstanding questions that we did have, so if we write to you, perhaps you can respond in writing. So, can I thank you for attending? It's been a very useful session; it's a very complex Bill, so we do value your input. We'll send you a transcript of the proceedings so that you can check for any inaccuracies, but thank you very much. We will break now until 10.30 a.m..

*Gohiriwyd y cyfarfod rhwng 10:21 a 10:34.
The meeting adjourned between 10:21 and 10:34.*

Y Bil Rhentu Cartrefi (Cymru): Sesiwn Dystiolaeth 5—Cymorth Cymru a Tai Pawb
Renting Homes (Wales) Bill: Evidence Session 5—Cymorth Cymru and Tai Pawb

[175] **Christine Chapman:** Welcome back, everyone. This is the fifth evidence session on the Renting Homes (Wales) Bill. For this session, we will be hearing from Cymorth Cymru and Tai Pawb. I would like to give a very warm welcome, first of all, to Sam Austin, Cymorth Cymru, and Emma Reeves-McAll, equality and diversity officer, Tai Pawb. So, welcome to you both. Thank you for the written evidence that you have provided. Members will have read the evidence, so, if you're happy, we'll go straight into questions. As we've said, this is a very complex Bill, so we do value your input and your observations on this.

[176] I just want to start off. Are you actually clear about the Welsh Government's

intentions for this legislation? Is it straightforward, do you think? Or, what do you think?
Sam.

[177] **Ms Austin:** Yes, I think so. I think we very broadly welcome the intention to make it much clearer for tenants across the board in Wales to understand what their rights and responsibilities are. So, we do broadly welcome it. Obviously, as we go through some of the questions, there'll be some things that we'd like some more clarity on, or put some points of view across on, but, yes, we very broadly welcome it.

[178] **Ms Reeves-McAll:** Pretty much the same for us from Tai Pawb. I mean, particularly, housing law and tenancy law has been such a complex area and has developed over time, and this, in terms of giving clarity, is very welcome. Again, there are some things that we think, perhaps, might be either better phrased or where we would look for some changes and some amendments, but those will come up in our questioning, no doubt.

[179] **Christine Chapman:** Yes, okay. Do you think that there are any issues there that the Bill fails to address?

[180] **Ms Reeves-McAll:** Our biggest concern is that, in the Bill as it's currently written, there's no reference to the equality Act and there's no reference to the human rights Act, and we feel that that should be there both in terms of protecting the people of Wales and in protecting providers of housing as well.

[181] **Christine Chapman:** And do you think that, basically, it's going to improve the position of tenants in Wales, particularly vulnerable tenants and those with protected characteristics?

[182] **Ms Reeves-McAll:** There are some concerns that we have in areas that could be strengthened, so we'll probably come on to talk about the issues around abandonment, particularly around home safety and things like landlord access for gas checks and those type of things. We broadly support the supported standard contract, but, again, there is some tightening that we think would be beneficial for everybody, and I think that that's probably the theme throughout most of the areas within the Bill as it currently stands.

[183] **Christine Chapman:** Sam, did you want to say anything? We will be going on to some specifics.

[184] **Ms Austin:** No. I think, echoing Emma's comments, really, Cymorth, particularly around the vulnerability of people going for private rented sector, are concerned about the removal of the six-month moratorium, but I'm sure we can talk more about that later.

[185] **Christine Chapman:** Yes, we're going to come on to that. Before I bring in Jocelyn, Mike wanted to come in first.

[186] **Mike Hedges:** You mentioned gas checks. Do you also support electrical checks?

[187] **Ms Reeves-McAll:** Yes, certainly. When we're talking about checks, it's around those kind of broader home-safety checks that we're looking at.

[188] **Christine Chapman:** Okay. Jocelyn.

[189] **Jocelyn Davies:** Yes, I just wondered if you'd like to tell us your views on whether you think contract holders will have sufficient knowledge about their rights and so on, so that they'll be able to understand the contract, and to be able to negotiate individual terms within it.

[190] **Ms Austin:** I'll start by saying that we welcome that it has been simplified, but what we would like is to have an easy-read version, and certainly, Cymorth would be very happy to be part of the group looking at that. Particularly for people who may have some form of disability: young people, for example, having their first tenancy, it's understanding what the terms and conditions are. I think that the right to vary a contract is great, but you need to understand what you're doing in terms of that, and understand the law around it, so that you don't have an unintended consequence by agreeing to vary a contract—a consequence that you're not aware of that may happen as a result of that.

[191] **Ms Reeves-McAll:** Just to echo that, I think that it's a great step forward, but we do have some concerns that people from particular protected characteristics—disabled people, as we know that about 19 per cent of people overall have some form of disability, people from black and ethnic minority groupings, older people and younger people, particularly, as groups—are potentially going to struggle with a level of understanding. Housing and tenancy law is complex anyway, so, for us, it's about trying to make this as simple as possible. The current model contracts are still quite complex, we feel. The key facts document was much better. We do have some concerns around the—. Because, we've now got the secure contract, the periodic standard, the fixed-term standard and then the supportive standard contract—I have to write them down because I'm still learning them—.

[192] **Jocelyn Davies:** We're very impressed. [*Laughter.*]

[193] **Ms Reeves-McAll:** But, our concern is the level of knowledge that people will have with it being such a change but also still being quite complex and being able to have those negotiations with people. We have some concerns that the default position within the private rented sector will be, for people who are seen as more vulnerable, the periodic standard, and those people may not then be able to negotiate themselves out of that into a better situation. We're also mindful that support providers for advice and guidance are facing difficult times, as well. We would envisage that they're going to have to see an upturn of people coming towards them. It's about how their capacity is going to be able to deal with that. So, there are some concerns.

[194] **Jocelyn Davies:** But, this is a step forward as you see it.

[195] **Ms Reeves-McAll:** Yes.

[196] **Jocelyn Davies:** And you think it's simpler than the current situation and much better than having no contract at all. What about the length and the style of the proposed contract? Some people have said that 30 pages is a lot for somebody to read.

[197] **Ms Austin:** I think 30 pages is a lot. For example, the support workers that we have at Llamau, we would make sure that, obviously, you go through the contract with somebody if they're taking a new contract, but 30 pages is a lot to take in and to understand. I think people who have vulnerabilities and have got a lot of other things going on in their lives, you'd be nodding and say, 'yes, yes, yes', but you're not really taking in the nuances of all the different points within the contract. So, making it shorter and simpler would be a lot better.

[198] **Ms Reeves-McAll:** Yes, we would echo that. Again, we feel that, in terms of looking at the—. There are some design layouts issues: the icons don't necessarily make a whole lot of sense to some groups, so there is some work to be done on that. I think, fundamentally, our biggest concern is that, if the standard contract remains as it is, there is a high likelihood that particularly the social housing sector will re-write it to make it simpler, so it kind of defeats the purpose of having a standard contract. We feel that there is certainly some work that could be done with that and we would be more than happy to help, as I'm sure many other people in

the third sector would be.

[199] **Jocelyn Davies:** Thank you.

[200] **Christine Chapman:** Thank you. John.

[201] **John Griffiths:** I've got some questions about joint contracts and whether you think that the problems that currently exist around joint contracts will be satisfactorily resolved under the terms of the Bill.

[202] **Christine Chapman:** Sam.

[203] **Ms Austin:** Yes, we really welcome the approach to look differently at joint contracts, but we do think there needs to be some more specific guidance about when a joint contract breaks down. Where possible, the intention is for each person to be seen as an individual, but that doesn't really explain at the moment what happens around the rent liability or rent arrears, and that could still be something that could mean that everybody else is really struggling and a contract comes to an end. There needs to be something quite strong in the guidance around that.

[204] **Ms Reeves-McAll:** For us, in terms of guidance, one of the things that we'd be looking at is around domestic abuse issues, so when notice is given that somebody is leaving because of those situations, whether that automatic acknowledgment for the other tenant is the right and proper way to do that and how we safeguard people. So, there are some concerns around that. I think that is for guidance rather than the Bill, but it's something that needs to be looked at. We've also got a few questions, really, again looking at guidance, around the private rented sector and shared accommodation, so joint tenancies versus individual tenancies and the ability for people to have a say in who comes into that shared accommodation, protecting the individuals. The flip side of that, obviously, for us would be that we would be concerned that any joint tenant could technically veto somebody on the grounds that they didn't like whatever protected characteristics, so it would need to be very carefully thought about. Again, it's something for guidance rather than the Bill, as far as we are concerned.

[205] **Ms Austin:** Just to echo that Cymorth also have the same concerns around domestic abuse and joint contracts, as well.

[206] **Christine Chapman:** Okay. Gwyn.

10:45

[207] **Gwyn R. Price:** Thank you, Chair. Good morning. Covering rent increases, really, how do you think the Bill could address the issue of rent increases, and should there be provision for contract holders to request that their rent is reviewed, because they can't at the moment?

[208] **Ms Austin:** If you go first on those points—

[209] **Ms Reeves-McAll:** Yes, I'm happy to carry on. We're particularly concerned about rent increases. Our reading of it at the moment, having talked to colleagues in the third sector, is that rent increases can happen after two months. They can leave the private rented sector if it's likely to be. We're concerned about that. We think there is the potential that people could take on a tenancy agreement with a rent that they've agreed, and then that gets uprated. We are particularly concerned around young people and other vulnerable tenants around that. We know—we facilitate the accessible housing register network, which is a group of people that

either run or are looking at running accessible housing registers across Wales. We know from that group that there is a significant group of disabled people, significant numbers, that won't look at the private rented sector, because they see it's insecure. Our concern is that, with the rent increases, that's not going to help that situation, so we are concerned that it might actually—an unintended consequence of that might be that it's actually another barrier for people with disabilities to use that sector. We're also really concerned about the fact that there is no cap on the rent increases. We have some concerns that, potentially, there is the ability for landlords to increase rent in retaliation for repairs—or for whatever it may be, but for those requests. We're really actually very concerned about that. And then the inability, as it appears at the moment, for people to go tribunal to have those discussions and have that assessed. So, there seems to be an erosion of rights and protection for people, which is something that we think should be considered.

[210] **Christine Chapman:** Can I just ask? The Minister did say that the residential property tribunal is not used in respect of rent increases. Do you know why this is the case?

[211] **Ms Reeves-McAll:** I don't know. I'm sorry, that's not something that we work with. We've just taken some advice from others in the third sector. But we would want to look at ways of making sure that that is used, and promotion of that. I think that's a piece of work that could be improved. Sorry.

[212] **Christine Chapman:** No, that's fine. Gwyn, had you finished?

[213] **Gwyn R. Price:** That's fine, Chair.

[214] **Christine Chapman:** Alun wanted to come in, then.

[215] **Alun Davies:** You seemed to be coming—. Half way through your answer, I thought you were going to conclude that we needed a system of rent control in Wales. You didn't quite get there. I was wondering if that was intentional or unintentional.

[216] **Ms Reeves-McAll:** I'm not sure that it would be the place of Tai Pawb to actually comment on that. I think that, if that was something that was to be considered, then that should be taken back to the sector, and we should all have a say on that, and we should look at that in terms of the equalities perspective of that, and a full equality impact assessment, and things like that. So, at this stage, I don't think that that would be something that we would come down either way on. For us, it's about flagging up that there are potential issues there at the moment.

[217] **Ms Austin:** Cymorth would take the same view. We haven't asked our membership around that question specifically, so we would want to, again, ask our membership for views on that.

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

[219] **Ms Austin:** Sorry, the other thing was that, again, we have similar concerns around the potential of rent increase rises around repairs. I can think of numerous examples where people aren't going to their landlords to ask for repairs to be done because one of their concerns is about their contract being brought to an end in the private rented sector, or about the rent being increased. So, people are living in conditions that they shouldn't be, because of that concern currently.

[220] **Christine Chapman:** Alun.

[221] **Alun Davies:** So, do you think we should have a quality standard for the private

rented sector?

[222] **Ms Austin:** Yes.

[223] **Alun Davies:** You do.

[224] **Christine Chapman:** Emma?

[225] **Ms Reeves-McAll:** Yes, and I think that, actually, we're looking at landlord accreditation and I think there are things that could be done around that. I think that's a piece of work that should be given due consideration.

[226] **Alun Davies:** And what should that standard include?

[227] **Ms Austin:** I think there's a whole range of things that it should include. I think that that, again, is something that actually the sector needs to be consulted on. There should be the basic standard, which is currently written into landlord and tenant legislation anyway. But, at the moment, because of how difficult it is for people to take action against their landlord in the private rented sector, people aren't using that. So, if that was there around landlord registration as well, then—

[228] **Alun Davies:** It's very difficult. A tenant isn't in a powerful enough situation to challenge the landlord, in many occasions, on these matters. You know, if you're going to introduce a quality standard, that needs to be done by statute and enforced by local authorities, I would have anticipated. I wouldn't have seen the tenant as being possibly a part of enforcing it—reporting issues to local authorities and the rest of it, quite possibly, but I would have thought it was a matter for others to design and enforce these matters. Do you not think that the current formulation in this Bill of homes fit for human occupation is lacking in ambition?

[229] **Ms Austin:** It's certainly not something that Cymorth have specifically asked its membership on in terms of the consultation. So, I wouldn't like to speak for the membership, but I think it is something that could be looked at. I'd certainly be happy to go back and ask the membership for their views, if the committee would like that.

[230] **Ms Reeves-McAll:** I would echo that. I'd just add in that we have the Welsh housing quality standard within the social housing sector. In answer to your previous question about having a standard, that would seem a good place to start, but I would say that is only a start, and that was something that we would want to go back and talk to our membership about, and that we think that you should engage with both the social housing sector and the private rented sector amongst that as well. But we can go back and we can ask our membership.

[231] **Christine Chapman:** If you would. Obviously, during the course of our deliberations, that would be very useful. I'll bring Jocelyn in now.

[232] **Jocelyn Davies:** Yes. I know there's been a lot of talk about that—*[Inaudible.]*—having a decent standard, but the average cost of bringing social rented property up to the Welsh housing quality standard is about £20,000, and local authorities and housing associations are subsidised by the state. Are we putting a burden on private landlords who, let's be fair, are not charities, if we say, 'You have to bring it up to that standard', or do you think that, as a matter of principle, it should be as good as the social rented sector, which is subsidised by the state?

[233] **Ms Reeves-McAll:** We know currently that more vulnerable people are in poor accommodation in the private rented sector. That's something that we are obviously and

rightly very concerned about. In terms of how you tackle that evident inequality, again I think that's something that we do need to go back and speak to our membership about. We would be more than happy to work with any and all of you on any proposals around that, and look into it in much more detail. Because, you are perfectly right, the flipside is looking at the burden within the PRS and making sure that you don't make a PRS—sorry, private rented sector—that is inaccessible for people as well. So, there is a balancing act, and we acknowledge that. So, we would like to talk to our membership.

[234] **Jocelyn Davies:** Okay. Thank you.

[235] **Christine Chapman:** Okay. Thanks. Rhodri.

[236] **Rhodri Glyn Thomas:** Diolch yn fawr iawn, Gadeirydd. A gaf i eich cyfeirio at y darpariaethau ar gyfer y contractau safonol â chymorth? Mae Cymorth Cymru, yn eu tystiolaeth, yn cefnogi yn frwd iawn hawl landlordiaid i wahardd unigolion dros dro. Mae'n sôn am fywydau cymhleth rhai unigolion, ac mae'n sôn am y perygl i denantiaid eraill. Mewn sefyllfa felly, onid y peth naturiol i'w wneud yw galw'r heddlu?

Rhodri Glyn Thomas: Thank you very much, Chair. Could I refer you to the provisions for supported standards contracts? Cymorth Cymru, in their evidence, enthusiastically support the right of landlords to exclude individuals temporarily. They mention the complex lives of certain individuals, and the risk for other tenants. In such a situation, isn't the natural thing to do to call the police?

[237] **Ms Austin:** There are occasions when, obviously, the police would need to be called, but what you need to make sure you're doing is allowing temporary exclusion for a cooling-off period to ensure that the people who are living there alongside that individual feel safe and secure while that's going on. I mean, the police will remove somebody, and that is something that would happen if they were being particularly violent or very destructive, but then it depends what happens with the police. The police might then just release them without charge and allow them to come back to the property. The unintended consequences of something like that are that you've got other people who are very vulnerable in that property, in that shared accommodation, who are then scared to remain in the property, so they're then staying somewhere else and where they may be staying may not be safe and may not be appropriate. So, it's about making sure that you balance the rights of everybody in that property, not just the one individual. Certainly, a temporary exclusion should be virtually the last resort; there should be other work that is being done. I know that my own organisation, and certainly most members of Cymorth, would be working at very best practice to make sure that a temporary exclusion is the very last thing that happens and making sure, wherever possible, that they know where that person's going to be going for that temporary period. But it's about balancing the rights of everybody there.

[238] Yes, the police can be called, but that isn't necessarily solving the situation by calling the police all the time and the police often don't want to be called all the time, either, because they will say, 'Well, actually, as a landlord, or as a support provider, you need to be taking action yourselves and not just calling the police'. So, it's about getting the balance right. We think that what's in the Bill is—. We're really grateful and happy with what's in the Bill and it allows us to manage those situations for a particular—. What we're seeing at the moment is that people who are coming through into those very high need support services—the needs of individuals are growing and becoming more complex and what we don't want to happen is for members then to be saying, 'Right. We can't take this client group', because, otherwise, where would they go then? So, it's about having the tools to be used at the right time as a last resort, rather than having to go down the eviction route.

[239] **Christine Chapman:** Okay. Emma, did you want to come in?

[240] **Ms McAll:** Yes. We fully support the ability for temporary exclusions and management moves within supported standard contracts. There are some equality considerations, which I can expand on later, if you would like, but, particularly in terms of calling the police, our concern is that this is a good functional tool and it is one step away from the police. The police are busy, to begin with, but, secondly, and probably far more importantly, these people are vulnerable; we don't want to put them in a criminal justice system when we simply don't have to, and potentially give them a criminal record where that's not needed and where use of temporary exclusions or use of management moves would be a much softer and much better approach in terms of—. Our view is that supported housing, in particular the type that is referred to within the supported standard contract, it's about move-on accommodation, it's about independent living, it's about getting people back into wider society, and we feel that going to the police in those instances would only add additional barriers to those people, when, actually, they really don't need any additional barriers.

[241] **Christine Chapman:** Thank you. Rhodri.

[242] **Rhodri Glyn Thomas:** Yng nghydestun y cydbwysedd, felly, rhwng hawliau'r landlordiaid, y darparwyr gwasanaethau a'r tenantiaid, a ydych chi'n credu y dylai rhywun sydd wedi cael ei wahardd gael hawl i adolygiad o'r gwaharddiad, neu hyd yn oed i herio'r gwaharddiad? **Rhodri Glyn Thomas:** In the context of the balance between the rights of landlords, service providers and tenants, do you believe that someone who has been excluded should have a right to a review of that exclusion, or even the ability to challenge the exclusion?

[243] **Ms Austin:** Given that the exclusion is for such a short period, I think that, actually, the ability to—. I'm not saying they shouldn't have the right to challenge that, but, actually, that's likely to happen after that short period, after that temporary exclusion has happened anyway. In the Bill, it talks about ensuring there's no more than three temporary exclusions within a six-month period and I think that's a really good way of monitoring that.

[244] I can give many examples of where we, at Llamau, have worked with very vulnerable young people who've been very chaotic, have caused a lot of problems to other young people in the project and the social workers and the other workers involved with that person have decided, 'We didn't think they were going to actually be able to stay within—. We thought their tenancy would break down again'. But that tool of allowing something like the temporary exclusion can allow somebody then to actually work with them and turn the corner and have that cooling-off period so that they can also reflect, but also making sure that you know that they've got somewhere to stay as well at the same time. So, it's about getting that balance and it can be a really good management tool. As Emma said, we don't want to be calling the police all the time.

11:00

[245] We don't want to give people a criminal record. Young people and people who need to access supported housing have enough vulnerabilities. They've had enough crises in their lives without us adding to it. So, this is about moving forward and, sometimes, you need to have a management tool that allows you to take them out of there and give some stability to everybody else in that project. You could still be working with them while they're not in the project, but they're not actually causing problems to the people who are there, and allowing them to come back and, hopefully, things can move on in a more positive way.

[246] **Ms Reeves-McAll:** For us, we think that some form of appeal would be appropriate and would be right. But, again, echoing Sam, that is likely to need to happen afterwards as a review process, rather than before, because it's a very reactionary tool and that's what it's

designed to do; otherwise, it's not going to be functionally useful. But, going slightly further, we would like to see the Bill and subsequent guidance reflect much more strongly the Equality Act 2010 and the need for the equality monitoring of that, of those exclusions, of those management moves, and particularly to give guidance and support to housing providers around issues to do with matters arising from disability, because we have concerns that, if you have individuals who are in supported or move-on accommodation—and that might be around drug and alcohol, that might be designed for younger people, and that may well be designed for people who have been victims of domestic abuse—they're very specialist. Those providers may not necessarily have expert knowledge and understanding around particular disability issues, so, things like autistic spectrum disorder and Asperger's in particular, and the effects that moves can have on those people. We'd like to see reference within the guidance to the Welsh Government's own guidance on autistic spectrum disorder and housing people for practitioners. I can send you the link to that if you need it.

[247] The reason—I'd just like to say this, finally—that we would ask for better equality monitoring is that a 2009 Mind report, called 'Men and mental health', looked at the use of sanctions or exclusions and restraints within the mental health setting. What they found was that very particular groups within black and minority ethnic communities—. So, for them, it was that African-Caribbean were much more likely to be excluded and were much more likely to have physical restraint used upon them, and it's one of those unintended consequences. For us, that monitoring is about knowing what's going on, but also for service providers to be able to use that information to improve service delivery as a really functional tool as well. I think that's really important and that should come right through guidance and also be reflected within the Bill in terms of the Equality Act.

[248] **Christine Chapman:** Okay; thank you. Rhodri.

[249] **Rhodri Glyn Thomas:** A ydych chi'n credu bod yna berygl o ganlyniad i'r Bil yma y bydd pobl yn canfod eu hunain ar gcontractau safonol â chymorth yn barhaol, yn hytrach na'u bod yn symud i sefyllfa yn awtomatig lle maen nhw ar gcontract diogel? **Rhodri Glyn Thomas:** Do you think that there is a risk as a result of this Bill that people will find themselves on supported standard contracts permanently, rather than moving to a situation automatically where they are on secure contracts?

[250] **Christine Chapman:** Emma, do you want to start on this one?

[251] **Ms Reeves-McAll:** Okay. Supported standard contracts shouldn't be used like that. They're only for a very distinct type of accommodation, which is for very relatively short-term accommodation. We do have some concerns with the way that it's written at the moment, in that it appears that, potentially, people who might be in a group setting and have their own tenancy, because they're receiving support due to a high level of disability, may, inadvertently, be caught up in this, and I think that probably needs review. We've talked to Cymorth and we've had our own discussions about whether they are caught up or whether they're not caught up. I think this is probably one for your legal team and your experts to really bottom that out, but there is some concern at the moment that, potentially, those groups of people might be caught up. But, if that was ruled out, then we wouldn't have any problems, because it seems to be quite tightly bound to shorter term accommodation.

[252] **Christine Chapman:** Okay. Sam.

[253] **Ms Austin:** We agree with Tai Pawb's position on this, and have put in our submission our concerns around perhaps some of the wording. We would agree that we'd like the wording to be looked at again to make sure that that doesn't happen. But, other than that, we don't have a concern that that might be the case. The wording at the moment allows for an extension period after six months. It does ask for a month's notice to be given. So, what we

would like to do is perhaps work with you on working out how that whole process with the local authority could work, because it's quite clumsy at the moment, in that you'd have to ask the local authority at month four for an extension to give a month's notice at month five. Our concerns around that are that there could be bedblocking issues, because obviously it's short-term temporary accommodation, and at month four you're not necessarily going to know whether in month six you'll need that extension, based on a whole range of issues that include move-on accommodation, which might be the reason why somebody hasn't moved on in the first place, because of bedblocking, but also because sometimes somebody's support issues don't become completely apparent until they've relaxed more into the property. Something might happen in their lives—their life might become more chaotic between month four and month five, when you haven't actually applied to the council. So, I think there needs to be some work around about how it's done, and Cymorth would be happy to be involved in those discussions.

[254] **Rhodri Glyn Thomas:** Diolch. **Rhodri Glyn Thomas:** Thank you.

[255] **Christine Chapman:** Jocelyn.

[256] **Jocelyn Davies:** I wanted to ask you about—and I asked CHC about this earlier—the excluded licences, although it did seem in my conversation earlier that there seemed to be some confusion between excluded licences and exclusions that are 48 hour can—.

[257] **Ms Austin:** Exclusions are—

[258] **Jocelyn Davies:** I'm not talking about that; I'm talking about excluded licences. Your written evidence seemed to be very clear on this. So, are you advocating then that people in very short-term shared accommodation shouldn't have the protection of this Bill, and that they would just be on licence, so they could be told, 'I'm sorry, I'm changing the locks and you're going'? Is that what you're suggesting in your evidence?

[259] **Ms Austin:** No. We're saying that they should be excluded for that six-month period, and with a right to review it. But, even within that exclusion, there is still good practice that should happen around making sure that somebody isn't just given the, 'We've changed the locks and you've got to go'.

[260] **Jocelyn Davies:** So, when you say 'exclusion', you're not talking about when people are asked to go away for two days.

[261] **Ms Austin:** No, we're talking about going permanently.

[262] **Jocelyn Davies:** It's going permanently. So, they're on licence and they have no rights at all in terms of—

[263] **Ms Austin:** I'm not aware of any support providers that would operate like that currently. For example, where we've got projects for 16 and 17-year-olds, we would never say to somebody, 'Right, you've got to go now'. There's a clear warning system that's put in place, and the good practice in a warning system would be to allow people to improve their situation until that warning would be rescinded, and then that goes through until it gets through to eviction. Certainly, I'm not aware of that, 'Right, you're out'—certainly not in the practice that we have.

[264] **Jocelyn Davies:** But, if you're asking for those to be excluded from the occupation contracts, that is a possibility, isn't it?

[265] **Ms Austin:** I think what you could do is make sure that in the guidance that goes

alongside the Bill, it could talk very clearly about what good practice should happen, because I'm not aware of providers operating like that and I would be concerned if they were. But, it does allow for people to move very quickly through that process if things are so chaotic, and other people in the project are being put at risk through behaviours that are unacceptable.

[266] **Jocelyn Davies:** I don't know if you've got a view. Obviously, that's not contained in the Bill, so you wouldn't have—

[267] **Ms Reeves-McAll:** It's not something that we've commented on.

[268] **Jocelyn Davies:** Because it's just a proposal that these particular contracts should be outside of the protections of this Bill.

[269] **Ms Reeves-McAll:** But, again, if you wanted us to go and do some work around that, if you could give us the information and the proposal, then we could have a look at it from those equality perspectives; no problem.

[270] **Jocelyn Davies:** It's just what I've seen in the written submissions from yourselves and from Community Housing Cymru. In their written evidence, they said that they felt very strongly about this—that there should be that ability to do that.

[271] **Ms Austin:** I think there has to be the good practice and making sure that you're going through the warning procedure. There are times, obviously, when that has to go out through the window, and I've given the example of a woman's refuge. If in a women's refuge a woman living there has invited a perpetrator around, or disclosed that address and put other women at risk, then very quickly you would need to actually remove that woman. But, actually, what you would be doing—again, it's good practice—is making sure that that woman has got somewhere else that's safe to move on to. So, you're having the good practice around that, but you might have to go straight to asking her to leave. We wouldn't want that to be protracted, going through certain procedures to do that, because that's putting everybody at risk who's in that project.

[272] In the same way, if somebody's been extremely violent to another resident in the project, the police, perhaps, might not have become involved or the person might not have wanted to press charges, for whatever reason, then you wouldn't want that person to be left in the project, because that person would still be at risk, but also the perpetrator of the violence could also be at risk from other people in the project retaliating. So, there are extreme occasions when you need to be able to go straight through and evict that person, but good practice would be that you would always have warning procedures before you go through that, with an opportunity to change behaviours.

[273] **Jocelyn Davies:** Perhaps we could have a note to the committee on the difference between excluded licences and the exclusions that we were talking about earlier, and the implications in this Bill.

[274] **Christine Chapman:** Thank you. Alun.

[275] **Alun Davies:** I wonder if you have any comments on contract holders aged 16 and 17.

[276] **Christine Chapman:** Emma.

[277] **Ms Reeves-McAll:** I can go first; no problem. We welcome the fact that it's looking at extending provision for 16 and 17-year-olds. We're also very aware that, for some people who are that age, maintaining tenancies can be difficult and that there is potentially a high-

level need for support in that group. We think, going forward, what would be really beneficial is to link up with the education system and look at the way that we teach our young people about rights and responsibilities, holding tenancies or holding occupation contracts, as they will be, and give them some level of understanding and knowledge within that.

[278] We are concerned that, potentially, the use of the private rented sector, which is going to have to increase, will see more 16 and 17-year-olds in the private rented sector without the level of support that they need. So, we'd like to see some form of safety net, ideally, around that and maybe work within the sector around the way that we give and the models we use to give support, because currently support providers tend to give support to their own tenants. Some will do floating support, but there is certainly the potential there to look at and examine what we could do, and we could be quite forward thinking about that, and that would be quite exciting.

[279] I'd just like to reference—and I'll give you the full reference—the Joseph Rowntree Foundation, which has produced some excellent good practice from studies on tenancy sustainability and young people. Again, I think some useful guidance to go along with this would be really useful for providers as well. It is welcome, but I think we need to be cautiously optimistic and make sure that there's a good amount of support for those people.

[280] **Alun Davies:** Which, of course, isn't in the Bill.

[281] **Ms Reeves-McAll:** No.

[282] **Christine Chapman:** Sam, do you want to answer? I know Alun wanted to come back in.

[283] **Ms Austin:** Yes. Cymorth does welcome the ability for 16 and 17-year-olds to hold a tenancy, but again we come back to making sure that the contracts are very clear and that they're not too long, so they're very easy to understand. Many providers, including Llamau, do provide support in the private rented sector for people who move on and also, many providers, including Llamau, run introduction to first tenancy courses. Ours at Llamau has an Agored Cymru ICT qualification attached to it. So, that's something that's really important for people to understand their rights and responsibilities as a tenant, but also to understand what rights and responsibilities the landlord has as well. So, that's something that we advocate through the work that we do, and I know that many other providers that are Cymorth members do as well.

[284] **Ms Reeves-McAll:** I just want to underline that it's really important that we're not setting young people up to fail, because tenancy failure has such a negative impact on your ability to gain secure housing in the future. It's vitally important. You're right that it's not in the Bill now. As to whether that needs to go into the Bill or whether that needs to be in statutory guidance or other guidance, we're open to discussion on that, but we think that that really does need to be addressed, because we don't want to be setting a whole raft of 16 and 17-year-olds up to fail.

11:15

[285] **Alun Davies:** I agree very much with that, but I find it curious. You're the second set of witnesses this morning to say that you agree very much with the principle and then qualify that agreement in a way, which is absolutely fine, of course, but none of those qualifications appears in the Bill.

[286] **Ms Reeves-McAll:** No, they don't appear in the Bill, but that doesn't undermine our agreement in principle with it being there. We're not saying that it shouldn't be there. We're

saying that we actually agree that it's there but that it needs some work. That would be the response from Tai Pawb and also from our members. I think that that is a reasoned way of looking at it. I mean, we wouldn't advocate throwing the baby out with the bathwater, you know? The principles are there and the principles are sound, and that's why we welcome this, but there is still some work that needs doing around certain areas.

[287] **Alun Davies:** So, do you agree this Bill needs to be amended?

[288] **Ms Reeves-McAll:** I think there are certain elements of it that need—. We think that there are certain elements of the Bill that need amendment. We think, as I referred to earlier, a much stronger equality focus throughout the whole Bill—

[289] **Alun Davies:** Sorry, I meant in terms of 16 and 17-year-olds.

[290] **Ms Reeves-McAll:** I think it would benefit either from amendment in the Bill or good statutory guidance. I think there are two ways of achieving that, and that would be down both to the lawyers and to the sector to see what's going to be the most appropriate, and we would be more than happy to work with you guys on that. Sorry—'everybody', not 'guys'. [*Laughter.*] I do apologise.

[291] **Alun Davies:** I've been called worse by my children. [*Laughter.*]

[292] **Ms Austin:** I concur with Emma here. There is provision. Support already happens in the private rented sector for young people, and I think it's really important to link with Supporting People, contracts, et cetera to make sure that the funding for that does include people in the private rented sector. Having said that, obviously, a lot of landlords discriminate on age. They don't want young people going into the private rented sector, so it's difficult for young people to actually get their foot in the private rented sector in the first place, purely because they haven't had that experience of living independently previously, which is why things like tenancy courses are really important to help people understand their rights and responsibilities.

[293] **Alun Davies:** But none of that, sorry, is in the Bill. The Bill is very clear: it just provides the right for people of these ages to take on a contract. It doesn't refer to the issues that you've raised in terms of insurance. It doesn't refer to any other issues in terms of wider contract law or in terms of utilities. It doesn't refer to any of the issues about support, which you've both referred to. It just gives them a clear legal right. Now, Emma, you've been very clear in your evidence that you think that right is more important than perhaps some of the practical aspects of it, and that's fine. Are you equally as clear?

[294] **Ms Austin:** Yes, I think we'd have to go and ask the membership about whether they think that should be in the Bill or in the guidance. I think that there should be guidance around it, but there are examples of good practice happening, and maybe the guidance can make sure that that is shored up, really.

[295] **Alun Davies:** So, would you expect to see statutory guidance?

[296] **Ms Austin:** I can't speak on behalf of all Cymorth members without consulting them first, but we'd be happy to go back and do that, if you'd like us to.

[297] **Alun Davies:** Okay. Fine.

[298] **Christine Chapman:** Okay. We've come to the end of our session. There are a number of questions that Members had, but, if you're happy, we will write to you in due course, and perhaps you can give some further consideration to those. Can I thank you for

attending this morning? We will send you a transcript of the meeting and, as I said, we will write to you in due course with the other questions that we have. Thank you very much.

[299] **Ms Austin:** Thank you for the opportunity.

[300] **Ms Reeves-McAll:** I was just going to say thank you very much for the time and the opportunity and for listening to us. We'll be more than happy to respond to any additional questions you have, or, if there's anything that cropped up during this that you want more clarity on, then please just let us know.

[301] **Christine Chapman:** That'd be great. Thank you very much. I'm going to just break for five minutes. We want to get the next witness in, so I'm just going to break for five minutes.

*Gohiriwyd y cyfarfod rhwng 11:19 a 11:24.
The meeting adjourned between 11:19 and 11:24.*

**Y Bil Rhentu Cartrefi (Cymru): Sesiwn Dystiolaeth 6—Tribiwnlys Eiddo
Preswyl Cymru
Renting Homes (Wales) Bill: Evidence Session 6—Residential Property Tribunal
Wales**

[302] **Christine Chapman:** Okay. If we can start back. This is the sixth evidence session on the Renting Homes (Wales) Bill. During this session, we will be hearing from the residential property tribunal Wales. I would like to warmly welcome Andrew Morris, residential property tribunal Wales. So, welcome, Andrew.

[303] **Mr Morris:** Thank you.

[304] **Christine Chapman:** Obviously, the Members will have read the evidence you've sent. I just want to start off with just one question. I know other Members have questions as well. I just wonder whether you could comment on the view that there is limited awareness of the residential property tribunal's role. We've heard, obviously, from other witnesses on this. I just wondered what your views were on that.

[305] **Mr Morris:** I listened to the evidence that's been given before and, obviously, that is an issue that has been raised. I think, partly, it comes from the fact that what we do is a bit of a niche area. It's not generally known by both lawyers and surveyors exactly what we do. Obviously, the Rent Act 1977 tenancies are dying out gradually because you can't create them anymore. We've found that social landlords have rewritten their tenancy agreements, so as actually to exclude our jurisdiction. Also, I believe that social tenants have begun to learn that we can only set a market rent, which is, generally speaking, above the rents that are benchmarked by the Welsh Government. I think, in private sector housing, tenants are wary of challenging their rents because of the issue of being evicted, or at least their tenancy not being renewed, and we've only had a website since December 2013, which has helped a bit, I think.

[306] We're hoping that the new jurisdictions we were given under the Mobile Homes (Wales) Act 2013 and the Housing (Wales) Act 2014 will increase our profile, but, at the end of the day, it's a question of education and resource, and resources are limited and advice centres, such as citizens advice bureaux and housing help centres, have reduced greatly. So, I think one of the biggest themes in our sector is education, and it's not just educating tenants, it's educating landlords, part of which has started under the Housing (Wales) Act.

[307] **Christine Chapman:** Okay, so obviously, there are issues then, but that's something that could be looked at again. Peter, you had some questions, I think.

[308] **Peter Black:** Yes, I'm a big fan of the residential property tribunal. [*Laughter.*] In terms of this particular Bill, it seems that not only is there no role for the residential property tribunal but, actually, they've taken stuff off you. So, I'm just wondering whether you think there should be a role for the residential property tribunal in this Bill, and what that role would be.

[309] **Mr Morris:** I wouldn't expect the tribunal as it stands to be put into the possession field: the numbers of cases we just couldn't cope with. It would also be a huge change of mindset from the kind of work that we do. It would have to be built up over a period of time. But, as I think I mentioned in my evidence, there are certain elements of the legislation where I would've thought we should have a role, particularly, for instance, things like the fit-for-human-habitation issue, and particularly if the Government goes down the line of making regulations that incorporate the category 1 and category 2 hazards, which we have had some experience of dealing with. So, I wouldn't want to go down the line of possession cases. I did hear there was a comment that, sometimes, repair issues are very much tied into possession cases, and that could be an issue, but I would've thought that on things like disputed succession rights, and I mentioned a few other things, such as failure to supply a contract, there's no reason why we couldn't get involved in that.

[310] **Peter Black:** You could get involved in, say, the resolution of tenants' landlord disputes, which could include repairs, because you do have the option of referring that on to the courts if it—

11:30

[311] **Mr Morris:** Yes, absolutely. Our members have the experience of dealing with inspecting properties, seeing what state of repair they are in, and a lot of experience in relation to improvements, and so on and so forth, and taking that into account in assessing rents, and so on. And, of course, we do visit the properties, so we see the kind of state of repair that they're in.

[312] **Peter Black:** One of my concerns about this Bill is that it, basically, gives the tenants just the courts to go to in terms of a whole range of issues, which can be expensive and can be difficult, whereas you, obviously, have a different sort of service. Do you think you have a role, in a sense, as acting as a tenants' champion, or certainly as someone that tenants could go to to resolve those issues?

[313] **Mr Morris:** I wouldn't like to be described as the tenants' champion. We are impartial. We try to resolve disputes between landlords and tenants. Yes, I think we provide a more informal service, which might be more available, less costly, and, I think, with our experience of dealing with that kind of issue, could be more easily resolved.

[314] **Peter Black:** So, putting possession to one side, if we were to, say, in this Bill, give you a greater role in terms of those whole range of issues, what sort of additional resources would you need to be given to actually deal with that?

[315] **Mr Morris:** I think that's very difficult to know, because it's very difficult to quantify what kind of volume of cases there may be. At the moment, we have, effectively, two members of staff, we have 15 professional members, 16 chairpersons, and five lay members, scattered all over Wales—and England, actually. If we were to be taking on more—and I'm not sure what the risk assessment has said about the volume of cases that is likely to come from this—it might be necessary, certainly, to recruit more staff. Whether we would

need to look at our procedures, to see whether we needed more members, depending on what the kinds of cases were, is another matter.

[316] **Christine Chapman:** Sorry, can I—? Sorry, Peter—

[317] **Peter Black:** I was just going to say, it would be doable, then?

[318] **Mr Morris:** Sorry?

[319] **Peter Black:** It would be doable?

[320] **Mr Morris:** Oh, yes.

[321] **Christine Chapman:** Sorry, can I just ask about the alternative dispute resolution? Do you actually do that now?

[322] **Mr Morris:** No, we don't.

[323] **Christine Chapman:** You don't. Would you consider doing it? Would it be possible?

[324] **Mr Morris:** I think that would be an excellent idea.

[325] **Christine Chapman:** Right, okay.

[326] **Mr Morris:** Insofar as we find that, with a lot of disputes that come to us, not only in this sector, but in relation to service charges, for instance, a lot of the issues arise out of the lack of transparency as to what's going on, and it's when the cards are put on the table—and you can do that in a mediation process—that, all of a sudden, a lot of the issues go away.

[327] **Christine Chapman:** So, your organisation would be happy to take that on?

[328] **Mr Morris:** Absolutely.

[329] **Christine Chapman:** Right, okay. Thank you. Rhodri, you had a question.

[330] **Rhodri Glyn Thomas:** Rwy'n credu y byddem ni i gyd yn cytuno petai modd cymodi drwy gyfrwng tribiwnlys y byddai hynny yn llawer iawn mwy derbyniol na gorfodi pobl i fynd drwy'r llysoedd ac i ddefnyddio cyfreithwyr, ond a ydych chi yn gwbl argyhoeddedig, o fewn yr awyrgylch a fyddai'n bodoli mewn tribiwnlys, y byddai pobl a fyddai'n defnyddio'r tribiwnlys—ac yn ddibynnol ar eu gallu eu hunain i esbonio'u hachos—y byddai eu hawliau nhw yn cael eu diogelu yn llawn o fewn yr awyrgylch hwnnw? **Rhodri Glyn Thomas:** I think we would all agree that, if it were possible to carry out mediation via a tribunal, that would be far more satisfactory than forcing people to go through the courts and to use lawyers, but are you entirely convinced, given the climate that there would be in a tribunal, that those people who would be using the tribunal—and who would be reliant upon their own ability to put their own case—that their rights would be fully safeguarded within that environment?

[331] **Mr Morris:** I think we have experience, over many years, of unrepresented applicants—both landlords and tenants. The kind of disputes that I've been talking about, other than possession cases, are such that they're very similar to the kind of disputes we've had in the past, and our tribunal chairmen and members are very good at teasing out what the issues are, not acting as a tenant's advocate, as such, but making sure that both sides of the argument are heard and the issues are aired. Sometimes we get knocked down for doing that.

The upper tribunal has been quite critical of tribunals taking issues that the parties have not taken, particularly technical issues. We feel that it is our obligation as an expert tribunal to get to the crux of the matter. As I say, not making either side's case, but at the end of the day making sure that the issues are heard.

[332] **Christine Chapman:** Okay?

[333] **Rhodri Glyn Thomas:** Diolch.

[334] **Christine Chapman:** Thank you. Jocelyn?

[335] **Jocelyn Davies:** Yes. Does everybody have to attend in person, or can you deal with some of these things by correspondence?

[336] **Mr Morris:** We do tend to deal with certain issues by correspondence. Recognition of tenants associations, particularly, is one. Very often we deal with rents by way of written representations because the parties don't want to come. Very often, if they do, they've got not a lot to say when they do turn up. So, we're not unused to dealing with simpler issues. We have the power under our rules to require there to be a hearing even if both parties do not want it and if we have issues with the paperwork that we have received. So, we can deal with things on paper.

[337] **Jocelyn Davies:** Because you were coming here today I did look at your website yesterday. You can see the cases, you can see the decisions, and you can see the reasons why and the calculations in there. I thought that that was very useful. Would you be able to judge whether a negotiated term in a contract was an improvement for the tenant? Because this is something that has—. I've been thinking about how that might pan out. Do you think you would have the expertise to say, 'This is an improvement for this person'?

[338] **Mr Morris:** I heard the issue raised—in the previous session I think it was. Yes, I think our lawyer-chairs and our surveyors are experienced enough to know where the benefit lies. As I said in my evidence, I'm dubious about whether there is likely to be any real negotiation.

[339] **Jocelyn Davies:** Okay. Now, you mentioned earlier that when you do cases about rent increases you have to judge that against the market rent in that area. That's obvious from reading the decisions that that's—. You take no consideration at all in relation to the financial positions of either the landlord or the tenant. So, you just look at this; it doesn't matter who they are, what they've borrowed to buy the property, how much they earn, it just goes on the market rent and a fair rent for a property in that condition. Why do you think that there's such a small number of applications currently made to you, and there's that suggestion then that because very few people are using the right to apply to yourselves, that you aren't necessary for this particular work?

[340] **Mr Morris:** I think I listed some of the issues before. There's a question of profile, and there's a question of tenants not wishing to rock the boat—that kind of thing. Yes, the figures are relatively small. I would ask, 'Why take it away?', because that's effectively what we'd be doing. Why would a Welsh tenant have less protection than an English tenant? I do see a bit of a difficulty after—assuming the Bill is enacted as it is—because you're going to have a two-tier situation where, for instance, assured shorthold tenants who become occupiers under standard contracts are not going to have the protection of any kind of rent control if the landlord decides to terminate their contract. So, I can foresee landlords saying, 'Why should we stick in the rent control sector, when all we've got to do is terminate the contract, and we're outside of the rent control sector?' It would be an enormous temptation, I would have thought. Therefore, whilst I have no evidence to support my assertion that the section 30

procedure puts a brake on market rents, I think that to remove it could possibly give rise to a runaway of rents, particularly in areas of great housing pressure.

[341] **Jocelyn Davies:** And, with the experience that you and your members, and the lay members as well, have built up, you, kind of, can work out how landlords might think, and how tenants might think and behave as well.

[342] **Mr Morris:** I think I have an idea. Let's face it, if you're the landlord, your aim is to extract an income and to maximise that income. Why wouldn't you, even if you had a good tenant, just terminate their agreement and then hand them back a new contract, having taken the tenant outside of any rent control?

[343] **Jocelyn Davies:** Okay, thank you.

[344] **Christine Chapman:** I think Gwyn had a further point.

[345] **Gwyn R. Price:** Yes, just to follow up on the answer you gave there. Do you believe that market rents really could be affected were contract holders to have no power to appeal, really? As you said, giving them a free hand.

[346] **Mr Morris:** Yes.

[347] **Christine Chapman:** Okay, thank you. John.

[348] **John Griffiths:** I wonder whether it goes back really to the appropriateness of the tribunal in terms of disputes under the Bill and issues like written statements, tenancy deposits and where the landlord is required to provide consents. Are those areas where you think the tribunal could, and perhaps should, play a role?

[349] **Mr Morris:** Yes, I think it would make more sense to take that part of the dispute back from the courts system. The question is whether it is reasonable to grant consent and I think we're quite used to dealing with that kind of issue.

[350] **John Griffiths:** So, you would see those as, perhaps, prime areas where the tribunal could—

[351] **Mr Morris:** Yes.

[352] **John Griffiths:** Okay, Chair.

[353] **Christine Chapman:** Mike, did you have a question?

[354] **Mike Hedges:** Yes. Can I just move on a stage further than that? You mentioned service charges earlier. What about tenancy deposits? For the people I deal with, those seem to be the two big biggies that people have problems with: getting their deposit back and arguing over service charges. Would that be beneficial for you to deal with those?

[355] **Mr Morris:** Service charges, I would certainly—I mean, we deal with that now under the 1985 Act, both in the rental sector and the leasehold sector. So, I'm not aware that the idea was to take that away from us. I may be wrong. As far as tenants' deposits are concerned, I would have thought that, again, we would be in a good position to take decisions as to whether or not deductions should be made from deposits. I must admit, I hadn't put my mind to that, but I think that is something that we would be in a position to deal with. I understand that there are—from listening to the tenants who were here last time—obviously, big issues about getting deposits back under the current system.

[356] **Mike Hedges:** You'd be easier to deal with than going, perhaps, through the whole court system.

[357] **Mr Morris:** I would have thought so.

[358] **Christine Chapman:** Okay, thanks. I think you covered your questions earlier, Rhodri, didn't you? Okay, Janet.

[359] **Janet Finch-Saunders:** How could the Bill better interact with the Housing (Wales) Act 2014, and the RPT's role under that legislation?

[360] **Mr Morris:** I think the one big issue that I have—besides education—is how you get the two pieces of legislation to interact. What I didn't say in my evidence was: when you've got HMO licensing, the failure to have a HMO licence is a criminal offence, so, when it comes to us, we've got a criminal offence, generally speaking, to work off, to deal with the issues.

11:45

[361] There is no criminal offence in this Bill, and therefore my question is: how would anybody ever know that a landlord was not complying with the legislation and providing contracts, for instance? Although a tenant could apply to the court in each case, as things stand, there's still no link between the court and the local licensing authority, because it's a decision that they would be making—they wouldn't be convicting anybody. So, I question whether there should be, first, a potential complaints procedure to the local licensing authority and, secondly, whether there should be an obligation on a court or tribunal to notify the local licensing authority if they find against the landlord in any particular case. That could be quite difficult to set up, I would have thought.

[362] The other question is: if there is a complaints procedure, how does a tenant know about it? So, you're kind of in a circle because the whole point of the legislation is to ensure that the tenant gets a written contract, which I think is admirable. I did question the form of that agreement, but if all they've got is nothing, how would they know that they could complain? I'd kind of leave that to bigger brains than mine. But I think it is an issue—it's a huge issue. I would have thought that the local licensing authority would make the provision of a written contract a condition of a licence and, therefore, they would be in breach of their licence. The question is how the local licensing authority would ever know.

[363] It's a big issue in the field in which we operate—knowledge. It's not just tenants who don't have the knowledge; its landlords, even quite big social landlords, surprisingly. I had a recent meeting with somebody in the Government because of the difficulties that may arise when the quality standard is enforced to its full extent and the effect that has on service charges for long leaseholders. One of the issues is that a lot of social landlords don't treat their renting tenants any differently from their long leaseholders. So, they don't necessarily go through the major works process. There was a case relatively recently where a very large sum of money was disallowed by us because of that. So, knowledge, I think, is one of our huge issues.

[364] **Janet Finch-Saunders:** Is this Bill going to do what is, theoretically, intended? Is it going to afford greater protection to tenants and tighten up some of those loopholes that already exist?

[365] **Mr Morris:** I don't think, as I said in my evidence, that a 30-page document would be read. I don't think it would be negotiated. I have recently had experience of my three

children all taking out tenancies in various parts of the country, and I can assure you that there was no negotiation whatsoever as to the form of the contract.

[366] **Janet Finch-Saunders:** Take it or leave it.

[367] **Mr Morris:** It was put in front of them and they were given no time to sign it. As I say, I think the issue of a written contract is absolutely spot-on, but it's got to be manageable, I think.

[368] **Janet Finch-Saunders:** Okay. Thank you.

[369] **Christine Chapman:** Okay. Thank you. I don't think there are any other questions—just checking with the Members. Okay. Well, if not, could I thank you very much, Andrew, for attending this morning? We will send you a transcript of the meeting, so that you can check for any inaccuracies. Thank you very much.

[370] **Mr Morris:** Thank you.

11:50

Papurau i'w Nodi Papers to Note

[371] **Christine Chapman:** Before we close the public meeting. There are two papers to note.

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Remainder of the Meeting

Cynnig:

Motion:

bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).

that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).

*Cynigiwyd y cynnig.
Motion moved.*

[372] **Christine Chapman:** Now I'd like to invite the committee to move into private session to discuss the evidence and also to give some further consideration to the approach we are going to use to scrutinise the Historic Environment (Wales) Bill. So, are you content to do that? Yes; okay. Thank you.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:51.
The public part of the meeting ended at 11:51.*