

**Cofnod y Trafodion  
The Record of Proceedings**

[Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol](#)

[The Communities, Equality and Local Government Committee](#)

30/09/2015

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

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Cofnodir y trafodion yn yr iaith y llfarwyd 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
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Sandy Mewies	Llafur (yn dirprwyo ar ran Alun Davies) Labour (substitute for Alun Davies)
Gwyn R. Price	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales

**Eraill yn bresennol**  
**Others in attendance**

Neil Buffin	Uwch Gyfreithiwr, Llywodraeth Cymru Senior Lawyer, Welsh Government
Lesley Griffiths	Aelod Cynulliad, Llafur (y Gweinidog Cymunedau a Threchi Tlodi) Assembly Member, Labour (the Minister for Communities and Tackling Poverty).
Simon White	Rheolwr y Bil, Llywodraeth Cymru Bill Manager, Welsh Government

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

Sarah Beasley	Clerc Clerc
Claire Morris	Ail Clerc Second Clerk
Matthew Richards	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Sarah Sargent	Dirprwy Clerc Deputy Clerk

*Dechreuodd y cyfarfod am 09:00.  
The meeting began at 09:00.*

### **Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions**

[1] **Christine Chapman:** Good morning, everyone, and welcome to the Communities, Equality and Local Government Committee. Can I remind Members and witnesses that if they have any mobile devices that they are put on to silent? We have received apologies from Gwenda Thomas AM, and John Griffiths AM will attend in her place.

### **Bil Rhentu Cartrefi (Cymru): Cyfnod 2—Trafod y Gwelliannau Renting Homes (Wales) Bill: Stage 2—Consideration of Amendments**

[2] **Christine Chapman:** The item we are discussing today—it's the Stage 2, consideration of amendments for the Renting Homes (Wales) Bill. I would like to give a very warm welcome to Lesley Griffiths AM, Minister for Communities and Tackling Poverty; Neil Buffin, senior lawyer, legal services, Welsh Government; and Simon White, Bill manager, Welsh Government.

[3] Before we commence the meeting properly, I just want to remind Members that you should have a copy of the Bill in front of you, the marshalled list of amendments and the groupings of amendments for debate. These groupings were agreed by the committee on 8 July, so we have discussed the order. I just want to give you a couple of reminders. The amendments have been grouped to facilitate debate. There will be one debate on each group of amendments, but the order in which amendments will be called and moved for a decision will be dictated by the marshalled list. Only committee members are able to move amendments and in accordance

with the convention agreed by the Business Committee, as Chair I will move the amendments tabled in the name of the Minister, and unless she indicates otherwise, I will assume the Minister wishes me to move all her amendments.

[4] The debate on each group will follow the same format. I will invite the proposer of the lead amendment in the group to move and speak to that amendment and the other amendments in the group. I will then call other Members who wish to speak. Finally, I will call the Member with the lead amendment to reply to the debate. In those groups where the Minister does not have the lead amendment, I will call her as the penultimate speaker. Following each debate, I will ask the Member who moved the lead amendment to confirm whether they wish to press the amendment to a decision. If not, the Member may seek the agreement of the committee to withdraw the amendment. If it's not withdrawn, I'll put the question on the lead amendment and ask whether any Member objects to the amendment being agreed. If no Member objects, the amendment will be deemed agreed, in accordance with Standing Order 17.34. If any Member objects, I will call for a vote by show of hands and the vote will be recorded in the minutes.

[5] In accordance with Standing Orders 17.37 and 6.20, if there is a tied vote, I will exercise the casting vote against the amendment. I will call on the proposers of the amendments in each group to move their amendments at the appropriate time, in accordance with the marshalled list. If you don't wish to move your amendment, you should say so when your amendment is called and in line with our established practice, advisers to the committee or the Minister are not expected to provide advice on the record. If Members wish to seek legal advice during proceedings, please do so by passing a note to the relevant adviser or by requesting an adjournment to proceedings. So, are you all content with those? Yes. Okay.

**Grŵp 1: Contractau Diogel sy'n codi yn dilyn Contract Safonol (Gwelliannau  
1, 2, 25, 78, 38, 79, 42, 43, 75, 76 a 77)**

**Group 1: Secure Contracts arising following a Standard Contract  
(Amendments 1, 2, 25, 78, 38, 79, 42, 43, 75, 76 and 77)**

[6] **Christine Chapman:** We can now move to the consideration of amendments under item 2. Group 1 relates to secure contracts arising following a standard contract. The lead amendment in the group is amendment 1 in the name of the Minister.

*Cynigiwyd gwelliant 1 (Lesley Griffiths).*

*Amendment 1 (Lesley Griffiths) moved.*

[7] **Christine Chapman:** I move amendment 1 and call on the Minister to speak to the amendments in the group. Minister.

[8] **The Minister for Communities and Tackling Poverty (Lesley Griffiths):** Thanks very much, Chair. I'd just like to start by thanking Members very much for their very considered scrutiny at Stage 1. I've had conversations with many Members outside of committee as well, and I just wanted to reassure Members that I have considered their amendments very carefully.

[9] Turning to the group 1 amendments, they seek to clarify and simplify the arrangements where a secure contract is immediately preceded by a standard contract. For example, this will happen where the introductory period under an introductory standard contract ends and a secure contract takes its place.

[10] It would be easiest for me to start with amendment 2, which is likely to be the most common circumstance that will arise in relation to this group of amendments. This clarifies where an introductory standard contract ends it will be replaced with a secure contract, the occupation date for which falls immediately after the ending of the introductory standard contract. This in turn then provides clarity regarding the time limits for a landlord to issue a written statement, if the landlord has not issued a statement in pursuance of amendments 78 and 79, to which I'll return later. Amendment 38 is consequential to this amendment.

[11] Amendment 25 and consequential amendment 42 make similar provision, albeit covering the situation where a secure contract replaces a prohibited standard contract.

[12] If a community landlord becomes a landlord under an existing standard contract, amendment 1 means the standard contract will end and be replaced by a new secure contract, unless one of the exceptions set out in section 12 applies. For example, if a community landlord adopts a contract that is not related to social housing, then it would be able to issue a secure contract. It also specifies the occupation date of the new contract, which is important for establishing when the new written statement of contract must be given.

[13] Amendments 78 and 79 provide for a written statement to be issued



in relation to an introductory standard contract, which can include the terms of the secure contract that may follow it. It therefore removes the requirement for landlords to issue a separate contract in relation to the secure contract. This reflects the current practice adopted by local housing authorities and housing associations. The amendments also make necessary provision for varying the terms of the secure contract during the introductory period. Amendments 75, 76 and 77 are consequential to amendment 78.

[14] Amendment 43 removes the requirement for the landlord to provide a contact address where a contract holder moves from a prohibited standard contract to a secure contract. In such cases, the parties to the contract will be the same and the landlord's address will not have changed as a consequence. It therefore avoids unnecessary time and expense, when the contract holder will already have that information available.

[15] **Christine Chapman:** Are there any other Members who wish to speak? No. Minister, do you wish to proceed to a vote on amendment 1?

[16] **Lesley Griffiths:** Yes.

[17] **Jocelyn Davies:** You don't want to wait for your Members to arrive.

[18] **Lesley Griffiths:** Well, I'm just a bit—I was thinking that. [*Laughter.*]

[19] **Christine Chapman:** The question is then that amendment—

[20] **Sandy Mewies:** To the rescue. [*Laughter.*]

[21] **Christine Chapman:** The question is then that—so, welcome Sandy Mewies as well. The question is then that amendment 1 be agreed. Does any Member object? [*Interruption.*] Object? No. So, I take it amendment 1 is agreed.

*Derbyniwyd gwelliant 1 yn unol â Rheol Sefydlog 17.34.*

*Amendment 1 agreed in accordance with Standing Order 17.34.*

Grŵp 2: Datrys Anghydfodau (Gwelliannau 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 116, 117, 118, 119, 120, 121, 122, 123, 178, 124, 125, 126, 130, 131, 133, 135, 155, 189, 156, 157, 158 a 193)

Group 2: Resolution of Disputes (Amendments 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 116, 117, 118, 119, 120, 121, 122, 123, 178, 124, 125, 126, 130, 131, 133, 135, 155, 189, 156, 157, 158 and 193)

[22] **Christine Chapman:** Group 2 relates to the resolution of disputes. The lead amendment in the group is amendment 82, and I call on Peter Black to move amendment 82 and to speak to the amendments in the group. Peter.

*Cynigiwyd gwelliant 82 (Peter Black [R]).  
Amendment 82 (Peter Black [R]) moved.*

[23] **Peter Black:** Thank you, Chair. This amendment and, in fact, the group of amendments, which I think comprise the majority of the amendments I tabled, relate to recommendation 36 of the committee's report, which recommends,

[24] 'that the Minister amends the Bill to make provision for adjudication over disputes in relation to rent increases, fitness for human habitation issues, succession rights, failure to supply a contract and alternative dispute resolution/mediation services.'

[25] It suggests that the most effective way of doing this would be to expand the current role of the Residential Property Tribunal Wales.

[26] It seems to me and a number of other Members that the way the Bill is currently set out relies a great deal on the courts to resolve disputes. Given the way that legal aid is going and the lack of availability for legal aid, given the cost of taking these disputes to the courts, and given that many tenants will be daunted by that prospect, it seems to me that there is a built-in bias towards the landlord in terms of resolving these sorts of disputes. I felt, and I think others do, too, that the residential property tribunal offered an opportunity, in an expanded role, to take over much of that, meaning that, in many cases, the tenant would not need legal representation, they would not incur the same sorts of costs, it would be a more informal setting and would also act as, effectively, a housing court for Wales, again, setting the trend, if you like, for the rest of the UK.

[27] I'm aware that the Minister believes that this would cost money to set up. I don't think it would cost a huge amount of money, and it's a matter, I think, of training and recruitment, and, of course, that could be done before these particular clauses were commenced. But I do think that this would be an important reform of housing law, and counter the trend that is in this Bill of actually taking some things into court that weren't there before, and giving tenants that additional security of having a tribunal to which they could take these disputes. Therefore I would hope the committee could support these amendments in line with the recommendation in the report.

[28] **Christine Chapman:** Okay, thank you, Peter. I've got Mike first, and then Jocelyn.

[29] **Mike Hedges:** I think there's some merit in what Peter Black is saying. I think the problem is a capacity one. I mean, what we don't want is to send everything to a tribunal and to have people waiting two or three years to be dealt with by a tribunal. That would be the worst of all possible places we could be in. So, I'm satisfied with the Minister's view that, instead of going to a tribunal, we look to carry on using the law. Peter's right—there are difficulties in legal aid, but I think that there are also voluntary bodies that can support people within the court system from Citizens Advice and Shelter. So, I think that it really does come down to what is achievable.

[30] **Christine Chapman:** Thank you. Jocelyn.

[31] **Jocelyn Davies:** I was quite impressed with the evidence that we had from Llamau on this. What they told us was that going to court was off-putting to a great many people with justifiable cases. I also like the idea of having specialists dealing with housing cases, because it is complex, and having specialists seems to be a good idea. Therefore, I'm going to be supporting Peter's amendments because no better alternative, I don't think, has been proposed. I do think the issue of capacity within the current tribunal is one that can be addressed.

[32] **Christine Chapman:** Okay. Any other Members who wish to speak? Mark?

[33] **Mark Isherwood:** To my amendments in this group.

[34] **Christine Chapman:** Okay, I'll come back to you then. So, I call on

Peter, then, to reply.

[35] **Peter Black:** I think Mark wants to come in.

[36] **Christine Chapman:** Sorry, Mark, yes.

[37] **Mark Isherwood:** Yes, again, we support the objective of Peter's amendments, which seek to achieve similar things to ourselves in amendments in this group. We know that, in the Let Down in Wales manifesto, supported by Tai Pawb and Shelter Cymru, Welsh tenants are calling again for this legislation to be used to empower renters to have the ability and knowledge to gauge how to challenge a bad tenancy. They're calling for the residential property tribunal to be given teeth and muscles to achieve this, and, frankly, if we don't use this legislation to provide means for the most vulnerable tenants to seek and acquire fairness and justice, as well as to tackle criminal landlords, then again we'll have missed the bull's-eye on the board with this legislation. So, this is absolutely critical.

[38] My amendment 178 follows, in effect, an amendment we've yet to discuss—Jocelyn's amendment 48—whereby the Minister must write a number of contracts a landlord could use. If a landlord feels uncertain in using new contracts, they can use one of the contracts issued by the Welsh Minister, meaning that, should a landlord choose, they can rely on the Welsh Government to write a suitable contract for them. It would be especially useful for older landlords, or landlords who are uncomfortable writing contracts under the new system. They could simply use a contract already written by Welsh Government, rather than attempting to grapple with the legal issues and incurring legal costs. If a landlord were to do this, they could be liable to issue compensation to the tenant on the grounds of failure to provide a statement under section 87(4), or an incomplete or incorrect statement under section 87(5). Section 87(6) states how subsections (4) and (5) would apply and the amount payable. So, the objective of this amendment is to enable landlords to use and refer to the model contracts issued by the Welsh Minister, without risk that they may be sued for compensation at a later date.

[39] Amendments 189 and 193 seek to achieve much that Peter seeks to achieve. These other amendments put an obligation on the Minister to appoint a body to carry out the functions specified in the amendment via the affirmative procedure. The Public Services Ombudsman for Wales does have power to investigate complaints against local authority landlords and social

landlords, but not private landlords. This amendment would apply to all landlords and is in accordance with the call by Let Down in Wales and the partner organisations I mentioned earlier.

09:15

[40] Our amendments 189 and 193 follow the model adopted in Scotland, limiting the right of recourse to rent and repair. The amendment puts an obligation on the Minister to appoint a body, such as the RPT, to carry out these functions via the affirmative procedure. As Let Down in Wales have said,

[41] ‘This would encourage and promote mediation between landlords and tenants. It needs to provide a safe, free route for tenants to settle disputes with bad landlords. The Renting Homes Bill originally proposed to make the RPT smaller in scope, but with legal aid being removed...it’s more important than ever that tenants have a safe place to tackle bad landlords.’

[42] So, I urge objective consideration of these amendments and Peter’s amendments, which if omitted from this legislation, will unfortunately limit its ability to achieve the objectives we all seek.

[43] **Christine Chapman:** Okay; thank you, Mark. No other Members. Minister.

[44] **Lesley Griffiths:** Thank you, Chair. I do understand the motivation behind these amendments. The vast majority of housing disputes are currently settled through the court and, in comparison, the residential property tribunal deals with a tiny fraction of the thousands of cases handled by the courts every year. However, if cases were assigned to the tribunal instead of the courts, this would result in a very substantial increase in the workload of the tribunal. It would require significant capacity building and the provision of considerable additional resource, which clearly is not available at the current time. I think, on the point that Jocelyn mentioned, in the longer term it would be possible to have a specialist housing court, maybe, but I don’t think it’s a matter for this Bill.

[45] Amendments 123 from Peter and 178 from Mark are related to other amendments seeking to change the compensation arrangements that would apply when the landlord does not provide required information to the contract holder. I’ll address this issue in more detail when we consider the

relevant group of amendments, but I cannot support these amendments. I do not consider that the alternative arrangements for compensation to be set by the tribunal are either workable or desirable. Compensation arrangements are currently clearly set out in the Bill and landlords will be very clear on the possible repercussions of failing to meet necessary obligations to provide information, including correspondence addresses. A key feature of the Bill is to ensure the parties to occupation contracts are clear on their rights and responsibilities and the Bill, as drafted, ensures this. So, I am opposed to any move away from that principle.

[46] I also note Peter Black's amendment to section 100, suggesting the word 'equitable' should be deleted. However, I believe the current wording should be retained. This is the wording proposed in the Law Commission's draft Bill, which reflects the fact that rules applying to and limiting specific performance are ones that arise in equity. I'm not convinced we should depart from the Law Commission's proposals.

[47] Peter Black's amendments 133 and 135 would have the effect of enabling a contract holder to refer any variation of rent to a tribunal for determination as to whether it's fair. This would greatly alter the current position under which the tribunal may only consider a proposed rent increase under an assured tenancy where there is no mechanism set out in the contract. Since the Bill provides for a mechanism to vary the rent to be included in all contracts, the contracts would not fall within the current remit of the tribunal. Furthermore, since these amendments would apply to both community landlords and private landlords under the Bill, this would further increase the potential workload of the tribunal.

[48] Regarding amendment 155 on alternative dispute resolution, I do not believe it's appropriate for all disputes to be treated in this way; for example, those relating to serious anti-social behaviour. I agree alternative forms of dispute resolution should be encouraged and this can be addressed as an additional term under-occupation contract. It is not clear to me what this is intended to cover, but I would have concerns that it could be read to include, for example, possession claims. I'm also concerned forcing dispute resolution on parties could simply slow up procedures. A key to such forms of resolution and mediation working is a willingness on parties to co-operate in such proceedings. As I've mentioned, I think this is much better dealt with by means of a term in occupation contracts, as opposed to government imposing such obligations on one of the contractual parties.

[49] So, in conclusion, while I accept the spirit of the thinking behind these amendments, I think they would be unworkable in practice.

[50] **Christine Chapman:** Okay. Thank you, Minister. Peter to reply.

[51] **Peter Black:** Thank you, Chair. I think the main argument, it seems, against this proposal is one of capacity. Capacity can be built and capacity can be provided through investment, both in people and resources, and when the residential property tribunal gave evidence to this committee, they seemed comfortable with the prospect of taking on this role, and I don't think they consider that to be a major barrier. Again, I repeat my concern that we are putting tenants in a position where they're going to have to go to court to resolve disputes. The courts, of course, do not offer the sort of mediation which the residential property tribunal offers; they are there to judge and to determine conflict and not to try to resolve conflict. And the idea that maybe tenants could call the citizens advice bureau and Shelter—whilst they are available, I think the capacity issue applies even more to them than it does to the residential property tribunal. If you're going to rely on the third sector to deal with the huge amount of work which might resolve from tenants having to go to court and not being able to access legal aid, then you will have to increase resources available to the third sector because they don't have the capacity to deal with this as well.

[52] The Minister says that this isn't the current remit of the residential property tribunal; that's acknowledged in the amendments. The purpose of the amendments is to make it the remit of the residential property tribunal, because the one thing that Wales could lead the way in, in terms of tenants and housing law, is actually providing a housing court, which tenants are able to access without having to incur huge costs and huge risk, and without having to access legal aid. This Bill enriches lawyers; it does not help tenants, and I think, therefore, that these amendments would help to counter that particular aspect.

[53] **Christine Chapman:** Okay; thank you. Peter, do you wish to proceed to a vote on amendment 82?

[54] **Peter Black:** Yes.

[55] **Christine Chapman:** Okay. So, the question is that amendment 82 be agreed. Does any Member object? [*Objection.*] I'll therefore take a vote by show of hands. Amendment 82—those in favour, please raise your hands.

Those against. Any abstentions? No. So, there are five in favour, five against. I use my casting vote then against the amendment. So, 82 is not agreed.

*Gwelliant 82: O blaid 5 Yn erbyn 5, Ymatal 0*  
*Amendment 82: For 5 Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 82*  
*Amendment 82 not agreed.*

[56] **Christine Chapman:** Peter, do you wish to move amendments 83 to 88?

*Cynigiwyd gwelliannau 83, 84, 85, 86, 87 ac 88 (Peter Black [R]).*  
*Amendments 83, 84, 85, 86, 87 and 88 (Peter Black [R]) moved.*

[57] **Peter Black:** I do.

[58] **Christine Chapman:** Are Members happy that they're disposed of en bloc? Okay; happy to do that. So, the question is that amendments 83 to 88 are agreed. Does any Member object? [*Objection.*] Okay. The question is that amendments 83 to 88 are agreed. Those in favour. Those against. Any abstentions? No. So, five in favour, five against. I'll use my casting vote in the negative. Therefore, 83 to 88 are not agreed.

*Gwelliannau 83, 84, 85, 86, 87 ac 88: O blaid 5, Yn erbyn 5, Ymatal 0.*  
*Amendments 83, 84, 85, 86, 87 and 88: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:



Black, Peter	Chapman, Christine
Davies, Jocelyn	Davies, Alun
Finch-Saunders, Janet	Griffiths, John
Isherwood, Mark	Hedges, Mike
Thomas, Rhodri Glyn	Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliannau 83, 84, 85, 86, 87 ac 88.  
Amendments 83, 84, 85, 86, 87 and 88 not agreed.*

*Cynigiwyd gwelliant 2 (Lesley Griffiths).  
Amendment 2 (Lesley Griffiths) moved.*

[59] **Christine Chapman:** I move amendment 2 in the name of the Minister.

[60] **Christine Chapman:** The question is that amendment 2 be agreed. Does any Member object? No. So, amendment 2 is agreed.

*Derbyniwyd gwelliant 2 yn unol â Rheol Sefydlog 17.34.  
Amendment 2 agreed in accordance with Standing Order 17.34.*

**Grŵp 3: Addasu ac Amrywio Contractau Meddiannaeth (Gwelliannau 44, 45, 60, 61, 66, 132, 67, 184, 68, 69, 134, 70, 71, 185, 72, 187, 190, 191 ac 192)**

**Group 3: Modification and Variation of Occupation Contracts (Amendments 44, 45, 60, 61, 66, 132, 67, 184, 68, 69, 134, 70, 71, 185, 72, 187, 190, 191 and 192)**

[61] **Christine Chapman:** Group 3 relates to the modification and variation of occupation contracts. The lead amendment in the group is amendment 44 in the name of Jocelyn Davies and I call on Jocelyn to move amendment 44 and speak to the amendments in this group.

*Cynigiwyd gwelliant 44 (Jocelyn Davies).  
Amendment 44 (Jocelyn Davies) moved.*

[62] **Jocelyn Davies:** Thank you. I move amendment 44. Now, I've tabled

two amendments in this group and they're based on recommendation 4 of the committee's report. The recommendation states that the Bill should be amended to set out more clearly the criteria for judging whether the modification or removal of a fundamental term has improved the position of the contract holder. Now, as it currently stands, the Bill sets out no detail as to what should be considered an improvement of that contract holder's position, or in fact, who should decide that. The evidence that we received during Stage 1 of the Bill was clear that this is a gap in the Bill, and may result in the courts having to decide whether a change represents an improvement or not. Given that the Bill promises simplification of the existing law in order to prevent housing matters reaching the courts, this seems to be a significant omission.

[63] I understand the point the Minister made when questioned by the committee on this issue about not being able to set out criteria for all possibilities on the face of the Bill, because, obviously, an improvement for one person may be harmful for another. There's almost an infinite number of individual circumstances that could influence whether modifying the fundamental terms of a tenancy contract would be in somebody's interest, and to attempt to form a list, I think, would be very difficult. So, I think that, as was raised during the evidence session, there is particular concern, given the state of the private rented sector market in some places, where landlords obviously have an upper hand in negotiations—demand is high and there's a shortage of suitable properties and there's a fast turnover. It may well be that much negotiation on the modification of a contract is likely to be entirely on the landlord's terms. I think there should be some additional legal protection for tenants contained within the Bill, because, clearly, the policy intention here was to benefit the contract holder. So, the amendments I have tabled introduce the established legal concept of the reasonable view of the actual tenant concerned and this would clarify that the modification of the contract must be an improvement in the view of the tenant themselves. While this may not entirely prevent disputes, I think that the clarification would be a valuable addition for the protection of the tenants.

[64] **Christine Chapman:** Thank you, Jocelyn. Peter.

[65] **Peter Black:** Thank you, Chair. I'm happy to support Jocelyn's amendment. I also have two amendments in this group as well relating to the provision of a minimum period of 12 months before a rent-varying notice can be served on the first occasion, which is recommendation 14. I note that the Minister, in her response to our report, says that contract holders have

greater notice of rent increase, but it is my view that we cannot have a situation where tenants take up a tenancy and find very quickly that their rent is going up. I think it's important that we do provide this additional protection for tenants in terms of ensuring that there's a minimum period of 12 months before they can have a rent rise. That's why I'm moving those particular amendments.

[66] **Christine Chapman:** Thank you. Mark.

[67] **Mark Isherwood:** We wish to secure additional protection for tenants, particularly those who need it most, where those who need it least are most likely be able to fight their own corner. I seek clarification, if I may, on whether, if Jocelyn Davies's amendments 44 and 45 were passed, this would cancel any of my amendments or not. Can I have some guidance on that when I've finished my contribution?

[68] On our specific amendments, amendment 184 gives greater confidence and protection to vulnerable groups, such as disabled people, who may require the alteration of fundamental terms in accordance with their particular characteristics. It also provides piece of mind for landlords who may not alter fundamental terms through fear of penalty, despite the alteration benefiting a particular class of contract holder.

[69] Amendment 185 gives greater confidence and protection to vulnerable groups, who may require the alteration of fundamental terms in accordance, again, with their particular characteristics. Again, it provides piece of mind to landlords who may not alter fundamental terms otherwise through fear of penalty.

[70] Amendment 187 gives greater confidence and protection again to vulnerable groups such as disabled people who may require the alteration of fundamental terms in accordance with particular characteristics, and again providing piece of mind to landlords, enabling them to alter fundamental terms.

[71] Amendments 190 and 191 are consequent regulations to amendments 184 and 185. And, finally, amendment 192 is included because without such an amendment, individual contract holders may become liable for rent arrears which they are not personally responsible for, leaving vulnerable contract holders in difficult situations when a joint contract has broken down. I move accordingly.

[72] **Christine Chapman:** Thank you. Jocelyn's amendments don't affect yours, so that's fine.

[73] **Mark Isherwood:** Thank you.

[74] **Christine Chapman:** Are there any other Members who wish to speak? Mike.

[75] **Mike Hedges:** I have a great deal of sympathy with the points being made, but Mark has probably summed up why I'm not going to vote for any of them today. I'm going to ask the Minister if she will look at it when she comes back at Stage 3. We've got a series of amendments that haven't been put together with any coherence, which you would expect because they've come from three different points of view, but they are raising what is effectively a key issue. So, I'm happy to vote against all of them today, but I would hope that the Minister will give an assurance that she will come and look at that and look to bring something in at Stage 3 to deal with a problem that, I think, has been identified by many people here.

[76] **Alun Davies:** Before speaking, can I put my relevant interest on the record, please, as a private landlord? I agree very much with the point that Mike has just made. My concern is that this Bill is not giving sufficient protections to a lot of very vulnerable people. We've had the debate on the place of tribunals and I have to say that I agreed more with the opposition than I did with the Government in that debate. I thought the points that Peter Black, particularly, made were very well put, and actually made a very clear, convincing and compelling case for change. I would, like Mike, ask the Minister to give very serious consideration to these matters before coming back for Stage 3.

09:30

[77] **Christine Chapman:** Okay. Thank you. Minister, do you wish to speak?

[78] **Lesley Griffiths:** Thank you very much. I'll refer to the Government amendments first, which seek to simplify the arrangements relating to giving notices of terms which have been varied in the contract. They remove the need for landlords to provide new written statements in their entirety, in the event of them providing notice of variation of a term of the occupation contract. They also make provision for the terms of the secure contract to be

varied where the terms have been set out in the written statement for an introductory standard contract and are, therefore, connected to amendment 78, which we debated earlier. I do support in principle amendments 44 and 45 tabled by Jocelyn, however I believe the inclusion of the word 'reasonable' would lead to an increase in court cases regarding what was or was not reasonable, and could have the undesired effect of landlords challenging contract holders who refuse to agree modifications of terms, which ultimately must improve the position of contract holders. It would almost invariably be the contract holder who would be in the best position to indicate whether or not his or her position has been approved, so I would ask Jocelyn to withdraw the amendments, and I commit to revising this with a view to bringing back an alternative amendment at Stage 3, which the Members, Mike and Alun, referred to.

[79] Amendments 132 and 134 from Peter Black, limiting a rent increase to not less than one year from the start of the contract, would cause problems in relation to periodic standard contracts, arising after what may be a fixed term of, say, two years. Since it would mean the landlord could not increase the rent for a year following the start of the periodic contract, it would actually encourage the landlord to charge a higher rent from the outset to compensate for that. The Bill broadly reflects current law, but, instead of requiring a one-month notice period before an initial rent increase can be made, doubles the notice period to two months.

[80] Turning to Mark Isherwood's amendments, 184, 185, 187 and 190 to 192, these would not be necessary if a modified version of Jocelyn's amendments to the improved position test is incorporated. These amendments introduce a number of new tests which could actually lead to landlords seeking to make variations, which if not agreed would then be subject to a number of evidential and other tests, which ultimately would have to be determined by the courts. Additionally, it's not clear what is meant by 'average contract-holder'; this would be another matter to be determined by the courts. So, I ask Members to support the Government amendments in this group and I do commit to bringing back at Stage 3 a modified version of Jocelyn's amendments 45 and 46.

[81] **Christine Chapman:** Okay. Thank you, Minister. Jocelyn?

[82] **Jocelyn Davies:** Yes, thank you. I'm very pleased to hear that the Minister sees that there is something that can be done here in terms of ensuring that there is actually an improved position for the tenants

concerned. I've certainly got no problem with the Government's amendments, and I'm happy to withdraw mine so that we can return to this at Stage 3. I know that I depart slightly from Mark's position, you can see his amendment refers to 'the average contract-holder'. I still think it should be the subjective view of the actual tenant that's being affected, rather than—. It might not improve my position if the average person, which is a kind of hard thing to define, I think—. But, as a fallback position, I don't have too much of a problem with Mark's, but I would prefer to return to this at Stage 3 when we might have a Government amendment that might better express the point that I'm trying to make.

[83] **Christine Chapman:** Okay, before I put the question, Rhodri, did you have a question?

[84] **Rhodri Glyn Thomas:** Datgan Rhodri Glyn Thomas: I just wanted to diddordeb fel tenant yng Nghaerdydd declare an interest as a tenant in gan fod y gwelliannau yma'n Cardiff, as these amendments relate ymwneud â thenantiaeth. to tenancy.

[85] **Christine Chapman:** Okay, thank you. So, Jocelyn, you want to withdraw—

[86] **Jocelyn Davies:** I'll withdraw the amendments in this group, yes.

[87] **Christine Chapman:** Amendments 44 and 45.

[88] **Jocelyn Davies:** Yes.

[89] **Christine Chapman:** Okay, are Members content for that to happen? Right. Okay, then.

*Tynnwyd gwelliant 44 yn ôl gyda chaniatâd y pwyllgor.  
Amendment 44 withdrawn by leave of the committee.*

*Ni chynigiwyd gwelliant 45 (Jocelyn Davies).  
Amendment 45 (Jocelyn Davies) not moved.*

*Cynigiwyd gwelliant 60 (Lesley Griffiths).  
Amendment 60 (Lesley Griffiths) moved.*

[90] **Christine Chapman:** So, now I move on to amendment 60, and I move

amendment 60 in the name of the Minister.

[91] The question is that amendment 60 be agreed. Does any Member object? No. So, amendment 60 is agreed.

*Derbyniwyd gwelliant 60 yn unol â Rheol Sefydlog 17.34.*

*Amendment 60 agreed in accordance with Standing Order 17.34.*

**Grŵp 4: Cynyddu Rhenti (Gwelliannau 46 a 58)**  
**Group 4: Rent Increases (Amendments 46 and 58)**

[92] **Christine Chapman:** Group 4 relates to rent increases. The lead amendment in the group is amendment 46 in the name of Jocelyn Davies. I call on Jocelyn to move amendment 46 and speak to the amendments in this group.

*Cynigiwyd gwelliant 46 (Jocelyn Davies).*

*Amendment 46 (Jocelyn Davies) moved.*

[93] **Jocelyn Davies:** Thank you, Chair. Now, the issue of rent controls, I know, is complex, and the public debate about their introduction is, I think, certainly far from being resolved. One the one hand, of course, we see people in some areas struggling to find affordable homes. There's insecurity in not knowing whether the rent you can afford today will not be hugely increased, perhaps, tomorrow; you've no idea whether that is going to happen. With the private rented sector housing ever-greater number of households, particularly the growth, I think, in older people and families with children, I think we should be taking action to promote the availability of long-term stable tenancies and introducing measures to guarantee that any rent increases are predictable and reasonable, and would ensure that no-one finds themselves suddenly priced out of the home that they're actually in.

[94] However, on the other hand, of course, it is a volatile market, and any action that you take here could have unforeseen consequences, and we did hear, earlier on, a rationale from the Minister about rent control, I think. This is a debate that I'm pretty committed to continuing to have, but I don't think we have a clear answer yet about what the right thing to do would be. So, I've tabled these two amendments—numbers 47 and 58—which would, of course, grant Welsh Ministers the power to issue supplementary provisions that specify restrictions on rent increases by landlords. So, that puts the power in the hands of the Government to do something, if they wanted to, at some

point. This would mean that there is a promise of further debate on the issue in future and that Welsh Ministers would have the power to take action to regulate rent increases by landlords if they decided that it was necessary; it doesn't commit us to doing anything, I don't think, but that is, as I said, a debate, perhaps, for another day.

[95] **Christine Chapman:** Okay, thank you. Do any other Members wish to speak? Mike.

[96] **Mike Hedges:** Yes, I think Jocelyn is absolutely right. I'm somebody who is committed to rent controls; I think it's something that is absolutely necessary. If you're going to have a benefits cap and if you don't have rent controls, the gap in the middle, which is food and heating, is going to be constrained further and further. I'm not convinced that here—amendment 46—is the right way to start taking it forward. I think what we do need is to start the debate, because I think we need to discuss this within political parties and with the general public. So, I'll be voting against 46, but I think that we do need to have this debate within Wales, because I think rent controls are something that is going to have to come in; otherwise, in certain areas, what you'll have is the movement of lots of people out of the area because they're unable to afford the rents. You've already seen that in London, and it's in danger of affecting some of the cities in Wales.

[97] **Christine Chapman:** Okay, thank you, Mike. Alun.

[98] **Alun Davies:** I agree very much with the points that Mike Hedges has raised. I remember, as a tenant, having my rent doubled overnight and being forced out of my home. It is enormously—. It is not simply a disruptive experience but a distressing one, and this is the experience of vulnerable people in different parts of the country, as Mike indicated. It is not something that affects all parts of the country equally. There are hotspots that are affected—I assume that Cardiff is one, and I certainly know that there have been issues like this in Aberystwyth, as well.

[99] I believe that we should take the powers to address these issues. These are issues that affect the most vulnerable people, and they are issues that I would anticipate and expect a government to be able to address. I hear and I understand what is said about unintended consequences, but that's why we have lawyers to write law that delivers the sorts of policy objectives that we want. If we don't have the lawyers who can write that law, then perhaps we should find them. My clear wish is that the Government adopts a



radical approach on this—puts itself very clearly on the side of vulnerable people and ensures that we have a housing market that delivers for the people of Wales who really need it. Like Mike, I agree with the points he made on this particular amendment, but voting against the amendment isn't voting against the subject and the ambition.

[100] **Christine Chapman:** Thank you. Minister.

[101] **Lesley Griffiths:** Thanks, Chair. I do hear what Members are saying around having a debate, and I think that debate has already started. But the Bill, as it stands, does already make provision for variation of rent. So, for that reason, I'm unsure how amendment 58 and consequential amendment 46 fit into the Bill. Variation of rent is set out in sections 104 and 123, which are fundamental provisions. With these amendments, there would be an inevitable conflict with supplementary provisions, which wouldn't sit alongside them. Many landlords would consider this amendment to be a provision enabling future rent control and, given existing pressure on housing supply, I do have concerns that an amendment such as this could exacerbate the situation. I've mentioned previously that introducing such provision only in Wales could have unforeseen outcomes, and, therefore, I cannot support these amendments.

[102] I would just like to say that research by the Office for National Statistics also shows that rents in Wales increased by only 0.8 per cent in the year to June of this year, and that is much lower than the 2.1 per cent in Scotland and 2.5 per cent in England, but I know that there is a debate to be had around rent control.

[103] **Christine Chapman:** Okay, thank you. Jocelyn to reply.

[104] **Jocelyn Davies:** Thank you. I think I would say to Alun Davies that I've been in the position on many an occasion of voting against something that I thought was right, so I can sympathise with that position. As I say, this is more a probing amendment, really, to start thinking about the debate that I'm sure we will return to many times in the future, and that's why I wanted to table an amendment that would have put power in the hands of the Welsh Government, should there be a need to take action. I'd make a prediction that, some time in the future, we'll be passing a Bill that's got something very similar to this in it. And, obviously, the provisions that you would pass under that section would have to be very, very carefully drawn up and, as I said, there might be unforeseen circumstances that we need to think about.

[105] Even though the Minister can quote some statistics, it doesn't stop individuals from being faced with huge rent increases, as has been the experience of just one Member around this table. So, across the country, I'm sure that there are people who have been forced out of their homes with rent increases that they couldn't afford and that would have been unreasonable. So, I'm happy to leave those on the table, because we've started the debate, but I think this is something that we will return to in the future, and I wouldn't be surprised if it's not too far away.

[106] **Christine Chapman:** Okay. So, you want to proceed to a vote—

[107] **Jocelyn Davies:** I want to make a correction. I did say in my introduction 'amendment 47', and I did mean amendment 46. I'm sorry for that.

[108] **Christine Chapman:** Fine. So, the question is then that amendment 46 be agreed. Does any Member object? [*Objection.*] So, those in favour—

[109] **Jocelyn Davies:** Well, I was going to withdraw it, but I suppose that means we hold a vote now.

[110] **Christine Chapman:** Those in favour. Those against. Are there any abstentions? Okay. So, three in favour, five against and two abstained. So, therefore, 46 is not agreed.

*Gwelliant 46: O blaid 3, Yn erbyn 5, Ymatal 2.  
Amendment 46: For 3, Against 5, Abstain 2.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

Finch-Saunders, Janet  
Isherwood, Mark

*Gwrthodwyd gwelliant 46.  
Amendment 46 not agreed.*

**Grŵp 5: Datganiad Ysgrifenedig Enghreifftiol o Contract (Gwelliannau 47 a 48)**

**Group 5: Model Written Statement of Contract (Amendments 47 and 48)**

[111] **Christine Chapman:** Group 5 relates to model written statements of contract. The lead amendment in the group is amendment 47 in the name of Jocelyn Davies, so I call on Jocelyn to move amendment 47 and to speak to the other amendment in this group. Jocelyn Davies.

*Cynigiwyd gwelliant 47 (Jocelyn Davies).*

*Amendment 47 (Jocelyn Davies) moved.*

[112] **Jocelyn Davies:** Thank you. I move and speak to the amendments in this group. I think there are just my amendments, actually, in this group—47 and 48. The amendments that I tabled in this group are based on our recommendation 6 of the committee report, and that recommendation states that the Welsh Government's model contract should be used as the basis for a default contract when a landlord fails to provide a written statement of a tenancy agreement within 14 days, as stipulated. Number 47 amends the Bill to ensure that Welsh Ministers must issue a model contract. Currently, of course, as the Bill stands, they have the power to do so but no obligation to follow that through.

[113] Amendment 48, then, makes the most appropriate issued model contract the default when there is a failure by the landlord to issue their own written statement. I think that it's a positive thing to introduce the right for tenants to have a written statement of the terms of their housing contract. That'll promote greater understanding of the rights and responsibilities of the contract holders when entering an occupation contract, and I understand it's already considered best practice, of course, for landlords across Wales. My concern really is that the provision, as drafted, would be difficult to enforce, and many tenants will not have the resources to challenge a landlord who fails to issue them with a written contract, although they would be entitled to compensation in that scenario.

09:45

[114] I doubt that many tenants would be able to fight to receive the compensation that they are due, and I don't think that it's reasonable to expect the average tenant to go to the courts to enforce their rights to have a written statement of their contract provided. Tenants and landlords, I think,

could be left in limbo as a result. So, I think that if the Welsh Government model contract became the default when one wasn't issued, at least everybody would understand, 'If you do not issue a contract of your own, this is the one that you will be subject to'. I think that that would simplify matters and it would be clearer for everyone, and it negates the need to create more court cases.

[115] **Christine Chapman:** Okay. Thank you, Jocelyn. Do any other Members wish to speak? No. The Minister to speak.

[116] **Lesley Griffiths:** Thanks, Chair. I'm content to support amendment 47 from Jocelyn, which would make the issuing of model written contracts by the Welsh Ministers a duty rather than a power.

[117] I've considered amendment 48 very carefully and have come to the conclusion that it's problematic. It would give rise to considerable legal difficulty and uncertainty in a number of circumstances, particularly where the landlord and the contract holder had negotiated additional terms or modifications in favour of the contract holder. If, subsequently, the landlord failed to provide a written statement, those agreed terms would effectively be overwritten by operation of this provision, which then sets a default. This would be the case even if the contract holder had evidence of such additional terms or modification, such as a text from the landlord, for instance. The failure to provide the written statement would, by virtue of this amendment, override the modification or term in question. So, for example, if a landlord had agreed to replace an old cooker but then failed to issue a written statement of the contract, this amendment would then remove that obligation from the landlord by imposing a contract that did not include such a commitment.

[118] To resolve this problem, the contract holder would then need to go to court, and the aim is obviously to try and reduce the number of disputes that end up in court. If the court agreed with the claim, it would need to resurrect those terms, presumably retrospectively. This could, in turn, give rise to further difficulties. In legal terms, a contract will have arisen, even if not evidenced or fully evidenced, which would be disapplied by virtue of this amendment, and it could only be recreated, or resurrected by reference to the courts. The Bill as it currently stands respects the principle that, in legal terms, a contract will exist, albeit not, or not fully, evidenced.

[119] The amendment would have the counter-effect to what I think is the

intention behind it. It could well act against the interests of the contract holder in such circumstances. So, I am unable to support amendment 48.

[120] **Christine Chapman:** Okay, thank you. Jocelyn to reply.

[121] **Jocelyn Davies:** I take on board the points that the Minister has made. I can see that there's some reasoning and logic behind that. Of course, as the Bill stands, you'd have to go to court anyway if you wanted to enforce your right of not having a written contract within the 14 days. Bearing in mind the reasons that the Minister has given, I'm quite happy to withdraw this amendment—I think that it was amendment 48. Yes, amendment 48.

[122] **Christine Chapman:** Sorry; it's 47.

[123] **Jocelyn Davies:** Amendment 47.

[124] **Rhodri Glyn Thomas:** No, amendment 48.

[125] **Christine Chapman:** Oh, sorry.

[126] **Jocelyn Davies:** No, amendment 48. Amendment 47 is accepted, I think, by the Minister. I am happy to withdraw or not to move.

[127] **Christine Chapman:** Okay. Thank you. Well, we'll put the question that amendment 47 be agreed to, then. Does any Member object? No. So, amendment 47 is agreed. Thank you.

*Derbyniwyd gwelliant 47 yn unol â Rheol Sefydlog 17.34.*

*Amendment 47 agreed in accordance with Standing Order 17.34.*

**Grŵp 6: Y Landlord yn Darparu Gwybodaeth (Gwelliannau 89, 168, 62, 169, 63, 64, 110, 170, 111, 112, 113, 171, 114, 73, 152, 153, 154, 80 ac 81)**

**Group 6: Provision of Information by Landlord (Amendments 89, 168, 62, 169, 63, 64, 110, 170, 111, 112, 113, 171, 114, 73, 152, 153, 154, 80 and 81)**

[128] **Christine Chapman:** Group 6 relates to the provision of information by landlords. The lead amendment in the group is amendment 89. I call on Peter Black to move amendment 89 and speak to the other amendments in the group.

*Cynigiwyd gwelliant 89 (Peter Black [R]).*  
*Amendment 89 (Peter Black [R]) moved.*

[129] **Peter Black:** Thank you, Chair. Amendment 89 seeks to give effect to recommendation 8 in the committee's report, that the issuing of occupation contracts is digital by default. I've taken note of the Minister's comments in response to the report that there was concern that people who are unable to access the internet or are unable to use it may not be able to take advantage of this. So, the amendment clearly states that the tenant is able to request a paper copy. It does seem to me that this Bill, in itself, as well as the consequences, will be generating huge amounts of paper and destroying large amounts of forest land, but I do think that, given the complexities and the size of the documentation, a digital copy should be the default version with, of course, the option for tenants to receive a paper copy if need be.

[130] In terms of other amendments in this group, amendment 110 seeks to replace the previous subsection, which gave the contract holder notice that he or she had become the contract holder, with a requirement for the landlord to give the new contract holder the information required in subsection 31, in other words, the written statement. I think a contract holder should be aware that they've become the contract holder, but, of course, the issue is whether they're aware of the basis on which they have become the contract holder. That's why I think it's important that there's a requirement to give the written statement as part of that.

[131] Amendments 111, 112 and 113 give the residential property tribunal more powers and discretion over compensation amounts, but it also gives tenants a greater understanding of what they could expect in terms of compensation. The tribunal has discretion as to the amount of compensation, but, under these amendments, it must not exceed two months' rent. Of course, the tenant would be required to go to tribunal to gain that compensation. Then 152, effectively, is disapplying sections to enable the electronic statement by default and the same goes in terms of 154.

[132] **Christine Chapman:** Thank you, Peter. Mark, did you want to come in?

[133] **Mark Isherwood:** Thank you, yes. Just to confirm, we're supporting Peter Black's amendments. I'd actually sought to table similar amendments and withdrew them to support Peter's for the reasons that Peter has argued.

[134] In terms of amendments 168, 169 and 170, these arise from concern that 14 days may not provide adequate time to compensate for circumstances, unforeseen or otherwise, that may arise, such as holidays, hospital visits, the need to seek advice from legal professionals, and the gaining of relevant information from superior landlords where there's a landlord hierarchy. This is particularly the case where almost nine out of 10 landlords in Wales are not businesses with staff and offices; they're people with perhaps a maximum of two, often one, premises that may be, effectively, their pension fund or could even be an inheritance, who would be caught in this net. Clearly, it isn't an issue for people who can afford professional letting agencies, and it isn't an issue for people who have businesses with many, many properties and staff accordingly, but, for the majority of landlords, this is a very material issue with possible serious consequences that could damage both the tenant and the landlord if not addressed.

[135] Amendment 171 gives the tribunal more powers and discretion over compensation amounts, but also gives tenants a greater understanding of what they could expect in terms of compensation. Clearly, it relates to the earlier debate we had around the role of a tribunal, but it was fitted into this group, as felt more appropriate.

[136] **Christine Chapman:** Thank you, Mark. Jocelyn.

[137] **Jocelyn Davies:** Yes, I just wanted to make a comment, really, on the Minister's amendment. She wants to amend the Bill to take out 'in the United Kingdom'. I know that Peter's got a view on this, although I don't think you did express it in your contribution. Obviously, I haven't heard from the Minister yet, but I don't think that I'll be supporting this amendment because, clearly, with the current land registry rules on ownership you would have to use a UK address in order to register a property, and I don't see why landlords should be in any different position. So, unless she's got a very good argument, I can tell the Minister now that I will not be supporting that particular amendment.

[138] **Christine Chapman:** Okay, thank you. Any other Members who wish to speak? No. Okay. So, I call on the Minister, then, to speak.

[139] **Lesley Griffiths:** Thank you, Chair. Amendments 89, 152 and 154 from Peter Black relate to making the issue of a contract electronically the default position. I don't support the amendment, as I feel it would disadvantage

those who do not have access to IT. The Bill already provides for the contract to be issued electronically where the contract holder is happy to do this, so I don't consider the amendment necessary.

[140] I also do not consider amendment 153 necessary. The matters are already covered under the Interpretation Act 1978 and the Electronic Transactions Act 2000.

[141] Amendments 168, 169 and 170 from Mark would more than double the time period for a landlord to issue certain information to the contract holder, such as a contract address. If a landlord has entered into an occupation contract, he or she could provide the requisite information before the occupation date. The Bill only provides a time limit by which such information must be provided. That means, if the landlord is aware of other personal commitments that may arise during the 14-day period arising on the occupation date, he or she can take steps to deal with the matters beforehand.

[142] I understand amendment 110 from Peter Black seeks to ensure a new contract holder is aware of their rights and responsibilities and I'm very mindful of the need for such awareness. So, again, I will commit to considering the amendment further with a view to bringing back an amendment to address this at Stage 3.

[143] Amendments 111 to 114 and 171, from Peter and Mark, would alter the compensation arrangements that apply if the landlord does not comply with the requirement to provide information under section 39. Currently, section 87 provides that compensation is equivalent to rent, and section 88 gives a right of set-off to the contract holder. This ensures the contract holders are clear as to their rights and responsibilities, and landlords as to the sanctions that will apply if they do not comply with the requirements.

[144] The amendments would mean that, for each individual case, the residential property tribunal would need to determine the compensation payable. This would give rise to significant resourcing issues, which we've referred to already. Furthermore, it would affect the procedure for setting off the compensation against rent due, as this could not happen until after a determination by the tribunal. For these reasons, I do not support the amendments. It is not clear from what date interest would run as a result of amendment 113.



[145] The Government amendments 62, 63 and 64 address the issue of ensuring the contract holder is provided with a contact address for sending documents to the landlord. Amendments 73, 80 and 81 disapply the requirement for the landlord to provide a contact address in circumstances where this has not changed, for example, when a periodic standard contract arises following a fixed-term standard contract. In specific answer to Jocelyn's point, this is to ensure that there is no doubt the Bill complies with European Union law. So, I ask Members to support the Government amendments.

[146] **Christine Chapman:** Thank you. Peter to reply.

[147] **Peter Black:** Thank you, Chair. Obviously, I'm disappointed the Minister isn't able to support the occupation contracts being digital by default. I think that would be a step forward, again, in terms of tenancy law and enable landlords and tenants to administer these matters far more efficiently.

[148] In relation to 62, I had overlooked mentioning this, and I've heard the Minister's explanation of amendment 62. The issue, as I understand it, is that, if you seek to register land in the United Kingdom, you need to have a UK address. That may not be your own address, but it may be an agent's. It does seem to me allowing a contract holder to have an address outside the UK makes it far more difficult for the tenant to contact that contract holder and puts them in a situation whereby they don't have a UK address or agent on their contract that they would be able to contact in terms of issues. So, I cannot support amendment 62 either.

[149] **Christine Chapman:** Thank you. So, the question is—. Sorry. Peter, do you wish to proceed to the vote then—

[150] **Peter Black:** Yes.

[151] **Christine Chapman:**—on amendment 89? Okay. The question is then that amendment 89 be agreed. Does any Member object? [*Objection.*] Okay, we will—. So, those in favour. Those against. Any abstentions. No. So, five in favour and five against. I use my casting vote against; therefore, 89 is not agreed.

*Gwelliant 89: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 89: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch–Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 89.*

*Amendment 89 not agreed.*

[152] **Christine Chapman:** Amendment 48 is not moved.

*Ni chynigiwyd gwelliant 48 (Jocelyn Davies).*

*Amendment 48 (Jocelyn Davies) not moved.*

[153] **Christine Chapman:** Peter, do you wish to move amendments 90 to 98?

[154] **Peter Black:** Can I just have clarification in terms of amendment 90, because it says if amendment 48 is—oh, it's agreed.

[155] **Christine Chapman:** It is not moved—48.

[156] **Ms Beasley:** It hasn't been moved, so it hasn't—.

*Cynigiwyd gwelliannau 90, 91, 92, 93, 94, 95, 96, 97 a 98 (Peter Black [R]).*

*Amendments 90, 91, 92, 93, 94, 95, 96, 97 and 98 (Peter Black [R]) moved.*

[157] **Peter Black:** That's all right. I move them then.

[158] **Christine Chapman:** So, I propose that amendments 90 to 98 are disposed of en bloc. Does any Member object?

[159] **Mike Hedges:** Object. No, I don't object to you—. I'm objecting to the

next bit.

[160] **Christine Chapman:** Right. Okay. So, the question is then that amendments 90 to 98 are agreed. Does any Member object?

[161] **Mike Hedges:** Object. That was the right time. [*Laughter.*]

[162] **Christine Chapman:** Right, okay. We'll get there. Those in favour of 90 to 98, can you please show your hands? Those against. No abstentions. So, five in favour and five against. I use my casting vote against; therefore, amendments 90 to 98 are not agreed.

*Gwelliannau 90, 91, 92, 93, 94, 95, 96, 97 a 98:  
O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendments 90, 91, 92, 93, 94, 95, 96, 97 and 98:  
For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch–Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliannau 90, 91, 92, 93, 94, 95, 96, 97 a 98.  
Amendments 90, 91, 92, 93, 94, 95, 96, 97 and 98 not agreed.*

[163] **Janet Finch–Saunders:** Madam Chairman, can I just seek clarification, because I'm not speaking in this stage, about declarations of interest because I'm voting? I do have an interest in a rental property, a financial interest, and I just want to make it clear that, if I am supposed to declare, I will declare.

[164] **Christine Chapman:** Yes, I think if—obviously, if you are voting or if you're contributing, you should declare an interest. So, you have declared an

interest.

10:00

[165] **Janet Finch–Saunders:** Okay. I took advice earlier, and it was only if I was speaking.

[166] **Christine Chapman:** Okay, but if you're voting as well—. Well, you've declared your interest now. Sorry, I know you—but can you say what the interest is?

[167] **Janet Finch–Saunders:** Through marriage, a financial interest in a rental property. And my father has, as well.

[168] **Christine Chapman:** Right, okay. So that's on the record, then.

*Cynigiwyd gwelliant 61 (Lesley Griffiths).  
Amendment 61 (Lesley Griffiths) moved.*

[169] **Christine Chapman:** I move amendment 81 in the name of the Minister. So, the question is that—

[170] **Peter Black:** Is it 61?

[171] **Christine Chapman:** Sorry, 61. I move amendment 61 in the name of the Minister. So, the question is that amendment 61 be agreed. Does any Member object? No. So, amendment 61 is agreed.

*Derbyniwyd gwelliant 61 yn unol â Rheol Sefydlog 17.34.  
Amendment 61 agreed in accordance with Standing Order 17.34.*

[172] **Christine Chapman:** Peter, do you wish to move amendments 99 to 107?

*Cynigiwyd gwelliannau 99, 100, 101, 102, 103, 104, 105, 106 a 107 (Peter Black [R]).  
Amendments 99, 100, 101, 102, 103, 104, 105, 106 and 107 (Peter Black [R]) moved.*

[173] **Peter Black:** I do.

[174] **Christine Chapman:** Are you happy to do those en bloc? Okay.

[175] So, the question is that amendments 99 to 107 are agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Okay. No abstentions. So, five in favour, five against. I use my casting vote against, therefore 99 to 107 are not agreed.

*Gwelliannau 99, 100, 101, 102, 103, 104, 105, 106 a 107: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendments 99, 100, 101, 102, 103, 104, 105, 106 and 107: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliannau 99, 100, 101, 102, 103, 104, 105, 106 a 107.  
Amendments 99, 100, 101, 102, 103, 104, 105, 106 and 107 not agreed.*

**Grŵp 7: Technegol a Drafftio (Gwelliannau 3, 5, 6, 11, 12, 13, 14, 16, 17, 28, 31, 33, 37 a 41)**

**Group 7: Technical and Drafting (Amendments 3, 5, 6, 11, 12, 13, 14, 16, 17, 28, 31, 33, 37 and 41)**

[176] **Christine Chapman:** Group 7, then. The amendments in this group are about technical or drafting matters. The lead amendment in the group is amendment 3 in the name of the Minister.

*Cynigiwyd gwelliant 3 (Lesley Griffiths).  
Amendment 3 (Lesley Griffiths) moved.*

[177] **Christine Chapman:** I move amendment 3 and call on the Minister to

speak to the amendments in the group. Minister.

[178] **Lesley Griffiths:** Thank you, Chair. As you say, this group of amendments relates only to technical matters and drafting. Amendments 3, 5, 11, 12, 13, 14, 16, 17, 28 and 37 all relate to removing the phrase 'treated as' and replacing it with wording that more accurately reflects the effect of the circumstances in question. Amendments 6, 31 and 41 similarly remove the phrase 'made with the landlord' to make it clear the relevant provisions refer to periodic standard contracts generally. Amendment 33 replaces, in section 200, the phrase 'comply with the requirements in' with the words 'act in accordance with'. This is because the sections listed, which limit a landlord's ability to make a possession claim, not only impose requirements but also set restrictions. So, I ask Members to support the technical and drafting amendments in this group.

[179] **Christine Chapman:** Okay. Any other Members who wish to speak? No. Okay. So, Minister, do you wish to proceed to a vote on amendment 3?

[180] **Lesley Griffiths:** Yes.

[181] **Christine Chapman:** Okay, so the question is that amendment 3 be agreed. Does any Member object? No. So, amendment 3 is agreed.

*Derbyniwyd gwelliant 3 yn unol â Rheol Sefydlog 17.34.  
Amendment 3 agreed in accordance with Standing Order 17.34.*

[182] **Christine Chapman:** Peter, amendment 108.

*Cynigiwyd gwelliant 108 (Peter Black [R]).  
Amendment 108 (Peter Black [R]) moved.*

[183] **Peter Black:** I move.

[184] **Christine Chapman:** Okay, so the question is that amendment 108 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. 108, then. Those in favour. Those against. No abstentions. So, five in favour, five against; therefore I use my casting vote against. So, amendment 108 is not agreed.

*Gwelliant 108: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 108: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch–Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 108.  
Amendment 108 not agreed.*

[185] **Christine Chapman:** Peter, amendment 109.

*Cynigiwyd gwelliant 109 (Peter Black [R]).  
Amendment 109 (Peter Black [R]) moved.*

[186] **Peter Black:** I move.

[187] **Christine Chapman:** Okay, so the question is that amendment 109 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. No abstentions. So, five in favour, five against. I use my casting vote against, therefore 109 is not agreed.

*Gwelliant 109: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 109: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch–Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 109.  
Amendment 109 not agreed.*

[188] **Christine Chapman:** Mark, amendment 168.

*Cynigiwyd gwelliant 168 (Mark Isherwood).  
Amendment 168 (Mark Isherwood) moved.*

[189] **Mark Isherwood:** I move.

[190] **Christine Chapman:** Okay, so the question is, then, that amendment 168 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote then. Those in favour of 168. Those against. Any abstentions. Okay. So, there are two in favour, six against, two abstentions. Therefore 168 is not agreed.

*Gwelliant 168: O blaid 2, Yn erbyn 6, Ymatal 2.  
Amendment 168: For 2, Against 6, Abstain 2.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Finch-Saunders, Janet  
Isherwood, Mark

Black, Peter  
Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

Davies, Jocelyn  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 168.  
Amendment 168 not agreed.*

*Cynigiwyd gwelliant 62 (Lesley Griffiths).  
Amendment 62 (Lesley Griffiths) moved.*

[191] **Christine Chapman:** I move amendment 62 in the name of the Minister. So, the question is, then, that this be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. So, amendment 62. Those in favour. Those against. Any abstentions. So it's seven in favour, three against, no abstentions. Therefore 62 is agreed.



*Gwelliant 62: O blaid 7, Yn erbyn 3, Ymatal 0.  
Amendment 62: For 7, Against 3, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Chapman, Christine	Black, Peter
Davies, Alun	Davies, Jocelyn
Griffiths, John	Thomas, Rhodri Glyn
Finch-Saunders, Janet	
Hedges, Mike	
Isherwood, Mark	
Price, Gwyn R.	

*Derbyniwyd gwelliant 62.  
Amendment 62 agreed.*

[192] **Christine Chapman:** Mark, amendment 169.

*Cynigiwyd gwelliant 169 (Mark Isherwood).  
Amendment 169 (Mark Isherwood) moved.*

[193] **Mark Isherwood:** I move.

[194] **Christine Chapman:** So, the question is, then, that amendment 169 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, that's two in favour, eight against. Therefore, 169 is not agreed.

*Gwelliant 169: O blaid 2, Yn erbyn 8, Ymatal 0.  
Amendment 169: For 2, Against 8, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Finch-Saunders, Janet	Black, Peter
Isherwood, Mark	Chapman, Christine
	Davies, Alun
	Davies, Jocelyn
	Griffiths, John
	Hedges, Mike
	Price, Gwyn R.
	Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 169.*  
*Amendment 169 not agreed.*

*Cynigiwyd gwelliant 63 (Lesley Griffiths).*  
*Amendment 63 (Lesley Griffiths) moved.*

[195] **Christine Chapman:** I move amendment 63 in the name of the Minister. So, the question is that amendment 63 be agreed. Does any Member object? No. Amendment 63, then, is agreed.

*Derbyniwyd gwelliant 63 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 63 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 64 (Lesley Griffiths).*  
*Amendment 64 (Lesley Griffiths) moved.*

[196] **Christine Chapman:** I move amendment 64 in the name of the Minister. The question is that amendment 64 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then, on amendment 64. Those in favour. Those against. Any abstentions? So, eight in favour, none against, and two abstentions. Therefore, amendment 64 is agreed.

*Gwelliant 64: O blaid 8, Yn erbyn 0, Ymatal 2.*  
*Amendment 64: For 8, Against 0, Abstain 2.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Chapman, Christine  
Davies, Alun  
Davies, Jocelyn  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.  
Thomas, Rhodri Glyn

Finch-Saunders, Janet  
Isherwood, Mark

*Derbyniwyd gwelliant 64.*  
*Amendment 64 agreed.*

[197] **Christine Chapman:** Peter, amendment 110.

[198] **Peter Black:** As the Minister has said she'd address this at Stage 3, I

won't be moving it.

*Ni chynigiwyd gwelliant 110 (Peter Black [R], gyda chefnogaeth Mark Isherwood).*

*Amendment 110 (Peter Black [R], supported by Mark Isherwood) not moved.*

[199] **Christine Chapman:** Okay. So, we won't be moving that, then. Okay. Mark, amendment 170.

*Cynigiwyd gwelliant 170 (Mark Isherwood).*

*Amendment 170 (Mark Isherwood) moved.*

[200] **Mark Isherwood:** I move.

[201] **Christine Chapman:** Okay. So, the question is that amendment 170 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, there are two in favour and eight against. So, amendment 170 is not agreed.

*Gwelliant 170: O blaid 2, Yn erbyn 8, Ymatal 0.*

*Amendment 170: For 2, Against 8, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Finch-Saunders, Janet  
Isherwood, Mark

Black, Peter  
Chapman, Christine  
Davies, Alun  
Davies, Jocelyn  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 170.*

*Amendment 170 not agreed.*

**Grŵp 8: Cyd-landlordiaid (Gwelliannau 4, 15, 18, 22, 23, 30 a 36)**  
**Group 8: Joint Landlords (Amendments 4, 15, 18, 22, 23, 30 and 36)**

[202] **Christine Chapman:** Group eight relates to joint landlords. After we've done this group, I propose that we take a short break. So, group eight relates to joint landlords. The lead amendment in the group is amendment 4 in the

name of the Minister.

*Cynigiwyd gwelliant 4 (Lesley Griffiths).*

*Amendment 4 (Lesley Griffiths) moved.*

[203] **Christine Chapman:** I move amendment 4 and call on the Minister to speak to the amendments in the group. Minister.

[204] **Lesley Griffiths:** Thank you, Chair. Amendments within this group deal with circumstances in which there are joint landlords. They ensure there is no requirement for all landlords to be aware of certain matters before they are required to take certain steps under the Bill, such as carrying out repairs. Additionally, they make provision so one joint landlord may act on behalf of all the joint landlords.

[205] Amendment 4 provides for the requirement to issue information about the parties to the contract when any one of the joint landlords becomes aware of the changes. Amendment 15 provides where, in the event of an unauthorised transfer of the contract by the contract holder to another person, if any one of the joint landlords accepts payment from the person in the circumstances set out in section 71 of the Bill, the transfer will become binding on the joint landlords. Amendment 18 provides for the case of early termination by a successor, where there are joint landlords. If any one of the joint landlords is aware of any potential successor, the requirement under section 82 to notify the person will arise.

[206] Taken together, amendments 22 and 23 apply to situations where there is a joint landlord, so awareness of the need for works or repairs by any one of the joint landlords means the obligations under sections 91(1) and 92(2) would arise in respect of the joint landlords. Amendment 30 provides for restrictions on making a possession claim on estate management ground G, which relates to under-occupation. The period of six months will run from the date any one joint landlord becomes aware of the contract holder's death.

[207] Amendment 36 means where any one of the joint landlords accepts payment from a person who is a trespasser in the circumstances set out in section 235, which relates to implied tenancies and licences, this would give rise to an implied periodic contract.

[208] **Christine Chapman:** Thank you, Minister. Any other Members who

wish to speak? No. Okay. So, Minister, do you wish to proceed to a vote on amendment 4?

[209] **Lesley Griffiths:** Yes.

[210] **Christine Chapman:** Okay. So, the question is that amendment 4 be agreed. Does any Member object? No. Amendment 4, then, is agreed.

*Derbyniwyd gwelliant 4 yn unol â Rheol Sefydlog 17.34.  
Amendment 4 agreed in accordance with Standing Order 17.34.*

[211] **Christine Chapman:** Peter, amendment 111.

*Cynigiwyd gwelliant 111 (Peter Black [R], gyda chefnogaeth Mark Isherwood).  
Amendment 111 (Peter Black [R], supported by Mark Isherwood) moved.*

[212] **Peter Black:** I move.

[213] **Christine Chapman:** Okay. So, the question is that amendment 111 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. So, those in favour. Those against. Any abstentions? So, five in favour and five against, so I use my casting vote against. Therefore, amendment 111 is not agreed.

*Gwelliant 111: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 111: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais  
fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in  
accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 111.*

*Amendment 111 not agreed.*

[214] **Christine Chapman:** Peter, amendment 112.

*Cynigiwyd gwelliant 112 (Peter Black [R], gyda chefnogaeth Mark Isherwood).  
Amendment 112 (Peter Black [R], supported by Mark Isherwood) moved.*

[215] **Peter Black:** I move.

[216] **Christine Chapman:** So, the question is that amendment 112 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, that's five in favour, five against. I use my casting vote against, so amendment 112 is not agreed.

*Gwelliant 112: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 112: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais  
fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in  
accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 112.  
Amendment 112 not agreed.*

[217] **Christine Chapman:** Peter, amendment 113.

*Cynigiwyd gwelliant 113 (Peter Black [R], gyda chefnogaeth Mark Isherwood).  
Amendment 113 (Peter Black [R], supported by Mark Isherwood) moved.*

[218] **Peter Black:** I move.

[219] **Christine Chapman:** Okay. If amendment 113 is agreed, amendment

171 will fall. So, the question is that amendment 113 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then, on 113. Those in favour. Those against. Any abstentions? No. So, five in favour, five against. I use my casting vote, then, against, so amendment 113 is not agreed.

*Gwelliant 113: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 113: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 113.  
Amendment 113 not agreed.*

[220] **Christine Chapman:** Mark, amendment 171.

*Cynigiwyd gwelliant 171 (Mark Isherwood).  
Amendment 171 (Mark Isherwood) moved.*

[221] **Mark Isherwood:** Move.

[222] **Christine Chapman:** Okay. If amendment 171 is agreed, amendment 114 will fall. So, the question is that amendment 171 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then, on 171. Those in favour. Those against. No abstentions. So, five in favour. Five against. I use my casting vote against, so amendment 171 is not agreed.

*Gwelliant 171: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 171: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Black, Peter	Chapman, Christine
Davies, Jocelyn	Davies, Alun
Finch–Saunders, Janet	Griffiths, John
Isherwood, Mark	Hedges, Mike
Thomas, Rhodri Glyn	Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 171.  
Amendment 171 not agreed.*

[223] **Christine Chapman:** Peter, amendment 114.

*Cynigiwyd gwelliant 114 (Peter Black [R], gyda chefnogaeth Mark Isherwood).  
Amendment 114 (Peter Black [R], supported by Mark Isherwood) moved.*

[224] **Peter Black:** I move.

[225] **Christine Chapman:** Okay. So, the question is that amendment 114 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. No abstentions. So, five in favour. Five against. I use my casting vote against, so 114 is not agreed.

*Gwelliant 114: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 114: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch–Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*



*Gwrthodwyd gwelliant 114.*  
*Amendment 114 not agreed.*

[226] **Christine Chapman:** If we do group 9, we'll then have a short break, because we're getting through this quite quickly.

**Grŵp 9: Cynlluniau Blaendal (Gwelliannau 172, 173 a 40)**  
**Group 9: Deposit Schemes (Amendments 172, 173 and 40)**

[227] **Christine Chapman:** Group 9 relates to deposit schemes. The lead amendment in the group is amendment 172. I call on Mark Isherwood to move 172 and to speak to the amendments in the group. So, Mark?

*Cynigiwyd gwelliant 172 (Mark Isherwood).*  
*Amendment 172 (Mark Isherwood) moved.*

[228] **Mark Isherwood:** Thank you. Amendments 172 and 173 are moved because it may not always be possible for a landlord to know how a deposit has been sourced, for example where a contract holder has used funds supplied by a parent. In this circumstance, a landlord may not know that the parent has effectively paid the deposit and should therefore not be liable for informing them. In any event, this is a private matter between tenants and the third party and should not be something that falls on the landlord. I move accordingly.

[229] **Christine Chapman:** Okay, thank you. Any other Members who wish to speak? Mike.

[230] **Mike Hedges:** It's fairly normal, if a student is staying, for the deposit to be paid by the parent, rather than by the student themselves. And I think there are an awful lot of parents out there who are paying deposits now for students to enter accommodation at this time of the year who would be really upset if this amendment got passed.

[231] **Alun Davies:** Absolutely.

[232] **Christine Chapman:** Okay. Any other Members who wish to speak? No. Okay. Minister.

[233] **Lesley Griffiths:** Thanks. I think Mark's amendment appears to be based upon a mistaken belief that a landlord would need to identify any party

involved in the payment of the deposit, including where the party has simply lent or given money to the contract holder to enable him or her to pay the deposit. That's not the case. A landlord would not need to provide the required information to a person who has lent the contract holder money. The Bill requires a landlord to provide this information to anyone who has paid the deposit, in effect, to the landlord, and it would simply be a matter for a landlord to identify this person.

[234] I ask Members to support amendment 40. This is somewhat technical, but it ensures any deposit already paid in respect of certain occupation contracts can carry over to a new occupation contract. It adds to the list of circumstances already covered, but extends the provision to circumstances where a secure contract arises by virtue of a community landlord being the landlord, also where a secure contract replaces an introductory contract, and where a prohibited conduct standard contract replaces a secure contract and vice versa.

[235] **Christine Chapman:** Thank you. Mark to reply.

[236] **Mark Isherwood:** I am a parent who's been paying deposits on my children's university flats for the last decade, and will continue to do so, unfortunately, for many more years to come. So, I'm certainly not offended by my proposal at all. It's rather, perhaps, the unforeseen consequence that could arise and the implications of that, so I move.

[237] **Christine Chapman:** Okay, so we'll proceed to a vote, then, on amendment 172. The question is, then, that amendment 172 be agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. So, those in favour. Those against. Any abstentions? Okay, three in favour. Five against. Two abstentions. Therefore, amendment 172 is not agreed.

10:15

*Gwelliant 172: O blaid 3 Yn erbyn 5, Ymatal 2  
Amendment 172: For 3 Against 5, Abstain 2.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Finch-Saunders, Janet  
Isherwood, Mark

Chapman, Christine  
Davies, Alun  
Griffiths, John,

Davies, Jocelyn  
Thomas, Rhodri Glyn

Hedges, Mike  
Price, Gwyn R.

*Gwrthodwyd gwelliant 172.*  
*Amendment 172 not agreed.*

[238] **Christine Chapman:** Mark, amendment 173.

*Cynigiwyd gwelliant 173 (Mark Isherwood).*  
*Amendment 173 (Mark Isherwood) moved.*

[239] **Mark Isherwood:** I move.

[240] **Christine Chapman:** Okay. So, the question is that amendment 173 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. Any abstentions? So, three in favour. Five against. Two abstentions. Therefore, amendment 173 is not agreed.

*Gwelliant 173: O blaid 3 Yn erbyn 5, Ymatal 2*  
*Amendment 173: For 3 Against 5, Abstain 2.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Finch-Saunders, Janet  
Isherwood, Mark

Chapman, Christine  
Davies, Alun  
Griffiths, John,  
Hedges, Mike  
Price, Gwyn R.

Davies, Jocelyn  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 173.*  
*Amendment 173 not agreed.*

[241] **Christine Chapman:** Okay. We will take a short break now, then, until 10.30 a.m. when we'll continue with the meeting. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:16 a 10:33.*  
*The meeting adjourned between 10:16 and 10:33.*

[242] **Christine Chapman:** Before we move on to the next group, I think it would be a good idea if Members wish to make any declarations of interest, because, obviously, I won't ask for them throughout the proceedings. But, if you want to make your declarations if you haven't already done so.

[243] **Alun Davies:** Could I make a formal declaration that I am a private landlord, and this will affect a number of contributions that I make? In fact, I think it will affect all the contributions that I make. Unless I have advice otherwise, I will regard this declaration as a declaration covering all of those different contributions.

[244] **Peter Black:** I'll make a declaration that I'm a local councillor. It hasn't really impacted so far, but it may have an impact later on in terms of the council's roles in enforcing this legislation.

[245] **Lesley Griffiths:** Chair, could I make a declaration that I'm a tenant?

[246] **Christine Chapman:** Okay. Any others?

[247] **Janet Finch-Saunders:** Can I make a declaration, please? I'm a landlord directly and indirectly through family. I'm also a tenant; as an Assembly Member here, I'm a tenant.

[248] **Mark Isherwood:** Well, in that case—

[249] **Christine Chapman:** We're all tenants. No, I'm not a tenant. Okay, so nobody else then. Right.

[250] **Rhodri Glyn Thomas:** I've already made my declaration earlier in the meeting.

[251] **Christine Chapman:** Yes, you've already done that. Yes, okay. Fine.

**Grŵp 10: Yr hawl i Feddiannu heb Ymyrraeth (Gwelliant 174)**  
**Group 10: Right to Occupy without Interference (Amendment 174)**

[252] **Christine Chapman:** Okay. We'll move on now to group 10. This relates to the right to occupy without interference. The only amendment in the group is amendment 174, so I call on Mark Isherwood to move amendment 174 and to speak to his amendment. Mark?

*Cynigiwyd gwelliant 174 (Mark Isherwood).*  
*Amendment 174 (Mark Isherwood) moved.*

[253] **Mark Isherwood:** Thank you very much indeed. Subsection (4)(b)

currently holds the landlord liable for the actions of any superior landlord, i.e. in hierarchy as opposed to a superior being. This could cause significant issues, especially where disputes arise between two landlords. So, it's quasi-technical; it's to clarify and simplify confusion that may arise and I move accordingly.

[254] **Christine Chapman:** Okay, thank you. Any other Members who wish to speak? No. Minister.

[255] **Lesley Griffiths:** Thank you, Chair. The purpose of the provision in the Bill, as currently drafted, is to protect the contract holder. A landlord will need to have agreed arrangements with any person with a superior interest in the property in order to avoid interference by that person that will affect the contract holder's occupation of the dwelling. Generally, this will be with any superior landlord who, in turn, is renting the property to the sub-landlord. Any such interference will render the sub-landlord liable to the contract holder; in effect, the sub-landlord will assume responsibilities by virtue of subletting. Regardless of any potential dispute between a landlord and superior landlord, a contract holder must be able to hold his or her landlord responsible for interference with their right to occupy the dwelling as their home. So, on that basis, I cannot support the amendment.

[256] **Christine Chapman:** Okay, thank you. Mark to reply.

[257] **Mark Isherwood:** I think the Minister's initial comments, clarifying what the current proposal encapsulates, emphasises the need for this amendment very strongly, where the subordinate landlord could find themselves between the devil and the deep blue sea if they're charged with responsibility for the actions of a superior landlord with whom, through no fault of their own, they are unable to communicate, or communicate effectively, or bring into line to deliver the actions required. This is down to human relationships and circumstances. It's a practical matter, and it needs addressing; I move accordingly.

[258] **Christine Chapman:** Okay, thank you. So, we'll put the amendment to be agreed, then. So, the question is that amendment 174 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote. So, those in favour. Those against. No abstentions. So, three in favour, seven against and no abstentions. Therefore, 174 is not agreed.

*Gwelliant 174: O blaid 3, Yn erbyn 7, Ymatal 0.*

*Amendment 174: For 3, Against 7, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Finch-Saunders, Janet	Davies, Alun	
Isherwood, Mark	Davies, Jocelyn	
	Griffiths, John	
	Hedges, Mike	
	Price, Gwyn R.	
	Thomas, Rhodri Glyn	

*Gwrthodwyd gwelliant 174.*  
*Amendment 174 not agreed.*

**Grŵp 11: Ymddygiad Gwrthgymdeithasol ac Ymddygiad Gwaharddedig Arall  
(Gwelliannau 115, 163, 164 a 165)**  
**Group 11: Anti-social Behaviour and Other Prohibited Conduct (Amendments  
115, 163, 164 and 165)**

[259] **Christine Chapman:** Group 11 relates to anti-social behaviour and other prohibited conduct. The lead amendment in the group is amendment 115, so I call on Peter Black to move amendment 115 and to speak to the amendments in the group. Peter.

*Cynigiwyd gwelliant 115 (Peter Black [R]).*  
*Amendment 115 (Peter Black [R]) moved.*

[260] **Peter Black:** Thank you, Chair. My amendment 115 is in line with recommendation 25 of the committee's report, which suggests that the Minister should amend section 55 of the Bill to ensure:

[261] 'that it applies to the partner of a contract-holder, where that contract-holder is a perpetrator of domestic abuse and the partner does not live in the dwelling or in the locality of the dwelling.'

[262] I think it's important that the contract holder takes responsibility for the behaviour of people on their own property and the people they associate with, and I think this is an important amendment in line with that. I also want to support the amendments that Jocelyn Davies has tabled in this group as well, which I think are very important in terms of actually ensuring that landlords have the power to tackle anti-social behaviour on their property

and are able to do so without the current problems that many of them face. This, actually, is where my relevance as a local councillor comes into being, as I've actually, as a local councillor, dealt with issues where there has been anti-social behaviour and the local authority has been unable to take action because of the way the law is set out. It's a very long process to be able to take action against that behaviour, so I think these amendments are absolutely crucial.

[263] **Christine Chapman:** Okay, thank you. Jocelyn, did you have—?

[264] **Jocelyn Davies:** Yes, thank you. I fully support Peter Black's amendment in this grouping. I tabled 163, 164 and 165 after discussions with representatives from Community Housing Cymru. Obviously, they had concerns that the Bill, as drafted, had watered down some of the powers that landlords have to address anti-social behaviour in their properties. I know that effectively tackling anti-social behaviour is something that successive Welsh Governments have put a great deal of emphasis on, so I would ask the Minister to listen to the concerns of those within the sector who actually have to manage this on a day-by-day basis. Any of us who have had constituency casework on this will know the long, drawn-out process, as described by Peter as a councillor. If you're trying to help victims, they have had to suffer for a very long time, sometimes, before the landlord has taken action, certainly in the past. I won't be moving amendments 163 and 164 today. The intention behind these amendments was to strengthen section 55 of the Bill so that it resembled the current position found in many occupation contracts, particularly in housing association and local authority properties, where responsibility to the behaviour of household members and visitors is placed on the tenant.

[265] The Bill's current drafting, introducing the wording of to 'allow, incite or encourage' another person, places the onus on the landlord to prove, not only that the anti-social behaviour has taken place at the property, but also that the tenant allowed, incited or encouraged it. I think this is a fundamental change and it could create some uncertainty in the courts and make it harder for landlords to act. Now, I've already heard that landlords already face difficult cases, where tenants argue that they were unaware that anti-social behaviour was happening at their homes. This could make dealing with anti-social behaviour much harder, and I think it's a step backwards. However, I do appreciate that the wording in the amendments is currently not suitable, and I do need a little bit more time, I think, to work on the detail of that. So, I'd like to withdraw those two, if that's okay, and perhaps reintroduce them

at Stage 3, after a bit more thought from me and spending a bit more time with our drafting lawyers so I can make my case to them.

[266] I will be moving amendment 165. This amendment reverses the withdrawal of ground 7A from the Anti-social Behaviour, Crime and Policing Act 2014. Ground 7A is an absolute ground for possession following a tenant's criminal conviction for a serious offence or breach of an existing court order. So, this absolute ground for possession is used only in the more serious cases and offers significant protection, I think, for victims, for neighbours and for witnesses. Without it, they, then, would have to be required to go to court again with the landlord, for a second court proceedings, in order for the landlord to remove the tenant from the property, even though there have already been criminal proceedings resulting in a conviction beyond any reasonable doubt. I know that it's very rarely used, but it is, I think, a vital tool, especially for housing associations, to deal with the most disruptive and dangerous behaviours by their tenants.

[267] I don't think that the Minister probably intended to withdraw ground 7A, and I believe that perhaps this is something that was overlooked, but I'd ask her to clarify that today. So, I think that I would urge the Minister to listen to the warnings that sector are giving us and to reinstate ground 7A.

[268] **Christine Chapman:** Thank you. Are there any other Members who wish to speak? No. Minister.

[269] **Lesley Griffiths:** Thank you, Chair. These amendments propose some significant changes to the current way in which the Bill addresses anti-social behaviour, domestic abuse and other prohibited conduct. Turning first to Peter's amendment, this would make engaging in gender-based violence, domestic abuse or sexual violence a breach of the contract, and, as you know, I'm absolutely passionate about doing more to help victims of such behaviour. Whilst I strongly support the principle underpinning this amendment, I believe it would set a higher threshold for breaching the contract in respect of such behaviour than the Bill currently sets. This is because these behaviours would already fall within the lower level test of behaviour capable of causing nuisance or annoyance to anyone living in the dwelling or the locality.

[270] To illustrate this point, the amendment proposes that gender-based violence would be a breach of contract, and the danger with this as currently drafted is that any gender-based nuisance or annoyance that falls short of



violence would be a breach of subsection (1). However, by expressly identifying gender-based violence as a breach, the court would be unlikely to make an order penalising anything less than violence. So, I believe the test for intervening in such behaviour should be the same as for intervening in other forms of anti-social behaviour, and, therefore, I cannot support the amendment. However, I recognise that we all wish to ensure that contract holders understand that the test of nuisance or annoyance also applies to domestic abuse, and I'm going to consider the matter further with a view to exploring whether any further messages around the unacceptability of such abuse and violence can be made.

10:45

[271] I heard what Jocelyn said about amendment 163, and she's not moving it today. I think that you're right; it doesn't quite work. I was going to consider amendments to section 55 as well. So, I'm very happy to work with Jocelyn before Stage 3.

[272] On amendment 165, I believe that this is seeking to reinstate the mandatory ground for eviction, which was introduced under the Anti-social Behaviour, Crime and Policing Act 2014. The Bill did not include such a ground in line with the Law Commission's recommendations to move away from mandatory grounds wherever possible. This is also the reason why there is no equivalent to mandatory ground 8 in relation to rent arrears included in the Bill. In addition to this being the starting position from the Law Commission, mandatory grounds engage specific considerations in connection with human rights and, therefore, present an additional concern for us. Whilst I appreciate that some would like to see the mandatory ground retained, it does rely on a previous conviction having been made against the individual. Under the discretionary approach set out in the Bill, the landlord does not have to wait for such a conviction and can start possession proceedings immediately after giving a notice specifying the breach to the contract holder. The discretionary ground therefore provides for swifter action to be taken than the mandatory ground.

[273] I understand that there are also concerns from landlords regarding witnesses being reluctant to come forward, for example to help secure a possession order after already giving evidence for the breach of an injunction. However, if the landlord applies for a possession order at the same time as applying for the injunction, this would avoid additional attendances at court by witnesses. Furthermore, if a suspended possession

order was made on the same terms as the injunction, this would also provide a greater incentive for the individual to reform their behaviour. In situations of serious anti-social behaviour, I believe that an accelerated approach is more than justified.

[274] Overall, I believe that it's possible for landlords to take robust action to address anti-social behaviour under the Bill as currently drafted without creating an additional mandatory ground.

[275] **Christine Chapman:** Okay, thank you. Peter to reply.

[276] **Peter Black:** Thank you, Chair. In relation to my amendment 115, I take note of what the Minister says, and, on the basis that she says that she will try to explore that issue further, I probably won't move that amendment. I think, in terms of amendment 165, I understand where the Minister is coming from, but it's quite clear that amendment 165 is based on a conviction. If you have a conviction, then I think the issue of calling witnesses again to court most probably would not apply because the conviction is an absolute test, if you like, or marker that that should follow. So, I think, on that basis, I would still support amendment 165 if Jocelyn is minded to continue to move it.

[277] **Christine Chapman:** Okay. Thank you. So, you want to withdraw amendment 115.

[278] **Peter Black:** I will not move amendment 115.

[279] **Christine Chapman:** Members, are you happy for that to be withdrawn? Right, okay. That's great.

*Tynnwyd gwelliant 115 yn ôl gyda chaniatâd y pwyllgor.  
Amendment 115 withdrawn by leave of the committee.*

[280] **Christine Chapman:** Jocelyn, do you want to withdraw amendments 163 and 164?

[281] **Jocelyn Davies:** Yes.

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

*Ni chynigiwyd gwelliannau 163 a 164.*

*Amendments 163 and 164 not moved.*

[283] **Christine Chapman:** If I move on now, I move amendment 5 in the name of the Minister.

*Cynigiwyd gwelliant 5 (Lesley Griffiths)*

*Amendment 5 (Lesley Griffiths) moved.*

[284] **Christine Chapman:** The question is that amendment 5 be agreed to. Does any Member object? No. So, amendment 5 is agreed.

*Derbyniwyd gwelliant 5 yn unol â Rheol Sefydlog 17.34.*

*Amendment 5 agreed in accordance with Standing Order 17.34.*

[285] **Christine Chapman:** I move amendment 6 in the name of the Minister.

*Cynigiwyd gwelliant 6 (Lesley Griffiths)*

*Amendment 6 (Lesley Griffiths) moved.*

[286] **Christine Chapman:** The question is that amendment 6 be agreed. Does any Member object? No. So, amendment 6 is agreed.

*Derbyniwyd gwelliant 6 yn unol â Rheol Sefydlog 17.34.*

*Amendment 6 agreed in accordance with Standing Order 17.34.*

**Grŵp 12: Contractau Isfeddiannaeth (Gwelliannau 7, 8, 9 a 10)**  
**Group 12: Sub-occupation Contracts (Amendments 7, 8, 9 and 10)**

[287] **Christine Chapman:** We now move on to group 12. This relates to sub-occupation contracts. The lead amendment in the group is amendment 7 in the name of the Minister. I move amendment 7 in the name of the Minister and call on the Minister to speak to the amendments in the group.

*Cynigiwyd gwelliant 7 (Lesley Griffiths)*

*Amendment 7 (Lesley Griffiths) moved.*

[288] **Lesley Griffiths:** Thank you, Chair. The Bill makes provision for subletting by a contract holder. This isn't uncommon but, sometimes, whilst the landlord may in principle agree to subletting, the actual sublease may be issued contrary to conditions imposed by the landlord. These Government amendments will ensure that such arrangements work effectively.

[289] Amendments 7 and 8 relate to where subletting has taken place, but the conditions imposed by the head landlord have not been complied with. For example, the head landlord may have agreed to a subletting arrangement on the basis that the contract would be periodic, but the contract holder sublets the property for a two-year fixed term.

[290] In such a situation, the head landlord can choose to treat the subcontract as a periodic contract. This is with a view to balancing the interests of the head landlord, whose conditions have not been adhered to, with the interests of the person occupying the dwelling on the understanding that it was a fixed-term standard contract. However, as currently drafted, the person occupying the dwelling under the subcontract can remain uncertain as to the level of security applying to their contract. These amendments require the head landlord to give a notice to the sub-holder within two months as to whether the contract is going to be treated as periodic.

[291] Where the head landlord notifies the sub-holder that he or she is going to treat their contract as being periodic, amendments 9 and 10 address when the written statement of the new contractual terms has to be issued.

[292] **Christine Chapman:** Thank you. Any other Members who wish to speak. No. So, Minister, do you wish to proceed to a vote on amendment 7?

[293] **Lesley Griffiths:** Yes.

[294] **Christine Chapman:** So, the question is then that amendment 7 be agreed. Does any Member object? No. Amendment 7, then, is agreed.

*Derbyniwyd gwelliant 7 yn unol â Rheol Sefydlog 17.34.*

*Amendment 7 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 8 (Lesley Griffiths).*

*Amendment 8 (Lesley Griffiths) moved.*

[295] **Christine Chapman:** I move amendment 8 in the name of the Minister. The question is that amendment 8 be agreed. Does any Member object? No. Then amendment 8 is agreed.

*Derbyniwyd gwelliant 8 yn unol â Rheol Sefydlog 17.34.*

*Amendment 8 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 9 (Lesley Griffiths).*

*Amendment 9 (Lesley Griffiths) moved.*

[296] **Christine Chapman:** I move amendment 9 in the name of the Minister. So, the question is that amendment 9 be agreed. Does any Member object? No. Amendment 9 is agreed.

*Derbyniwyd gwelliant 9 yn unol â Rheol Sefydlog 17.34.*

*Amendment 9 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 10 (Lesley Griffiths).*

*Amendment 10 (Lesley Griffiths) moved.*

[297] **Christine Chapman:** I move amendment 10 in the name of the Minister. So, the question is that amendment 10 be agreed. Does any Member object? No. Amendment 10 is agreed.

*Derbyniwyd gwelliant 10 yn unol â Rheol Sefydlog 17.34.*

*Amendment 10 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 11 (Lesley Griffiths).*

*Amendment 11 (Lesley Griffiths) moved.*

[298] **Christine Chapman:** I move amendment 11 in the name of the Minister. The question is that amendment 11 be agreed. Does any Member object? No. So, amendment 11 is agreed.

*Derbyniwyd gwelliant 11 yn unol â Rheol Sefydlog 17.34.*

*Amendment 11 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 12 (Lesley Griffiths).*

*Amendment 12 (Lesley Griffiths) moved.*

[299] **Christine Chapman:** I move amendment 12 in the name of the Minister. The question is that amendment 12 be agreed. Does any Member object? No. Amendment 12, then, is agreed.

*Derbyniwyd gwelliant 12 yn unol â Rheol Sefydlog 17.34.*

*Amendment 12 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 13 (Lesley Griffiths).*  
*Amendment 13 (Lesley Griffiths) moved.*

[300] **Christine Chapman:** I move amendment 13 in the name of the Minister. The question is that amendment 13 be agreed. Does any Member object? No. So, amendment 13 is agreed.

*Derbyniwyd gwelliant 13 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 13 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 14 (Lesley Griffiths).*  
*Amendment 14 (Lesley Griffiths) moved.*

[301] **Christine Chapman:** I move amendment 14 in the name of the Minister. The question is that amendment 14 be agreed. Does any Member object? No. So, amendment 14 is agreed.

*Derbyniwyd gwelliant 14 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 14 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 15 (Lesley Griffiths).*  
*Amendment 15 (Lesley Griffiths) moved.*

[302] **Christine Chapman:** I move amendment 15 in the name of the Minister. The question is that amendment 15 be agreed. Does any Member object? No. Amendment 15 is agreed.

*Derbyniwyd gwelliant 15 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 15 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 16 (Lesley Griffiths).*  
*Amendment 16 (Lesley Griffiths) moved.*

[303] **Christine Chapman:** I move amendment 16 in the name of the Minister. The question is that amendment 16 be agreed. Does any Member object? No. Amendment 16 is agreed.

*Derbyniwyd gwelliant 16 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 16 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 17 (Lesley Griffiths).*  
*Amendment 17 (Lesley Griffiths) moved.*

[304] **Christine Chapman:** I move amendment 17 in the name of the Minister. The question is that amendment 17 be agreed. Does any Member object? No. Amendment 17 is agreed.

*Derbyniwyd gwelliant 17 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 17 agreed in accordance with Standing Order 17.34.*

[305] **Christine Chapman:** Peter, amendments 116 to 118.

*Cynigiwyd gwelliannau 116, 117 a 118 (Peter Black [R]).*  
*Amendment 116, 117 and 118 (Peter Black [R]) moved.*

[306] **Peter Black:** I move.

[307] **Christine Chapman:** So, I propose that these amendments are disposed of en bloc. Are you happy with that, everybody? Okay, so the question is that amendments 116 to 118 are agreed. Does any Member object? [*Objection.*]

[308] **Peter Black:** [*Inaudible.*] [*Laughter.*]

[309] **Christine Chapman:** Okay, we'll take a vote, then. So, those in favour. Those against. Any abstentions. No. So, there's five in favour and five against. I use my casting vote in the negative. Therefore, 116 to 118 are not agreed.

*Gwelliannau 116, 117 a 118: O blaid 5, Yn erbyn 5, Ymatal 0.*  
*Amendments 116, 117 and 118: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais*

*fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliannau 116, 117 a 118.*

*Amendments 116, 117 and 118 not agreed.*

*Cynigiwyd gwelliant 18 (Lesley Griffiths).*

*Amendment 18 (Lesley Griffiths) moved.*

[310] **Christine Chapman:** I move amendment 18 in the name of the Minister. The question is that amendment 18 be agreed. Does any Member object? No. So, amendment 18 is agreed.

*Derbyniwyd gwelliant 18 yn unol â Rheol Sefydlog 17.34.*

*Amendment 18 agreed in accordance with Standing Order 17.34.*

**Grŵp 13: Cydsyniad y Landlord (Gwelliannau 175, 19, 176, 20 a 177)**

**Group 13: Landlord's Consent (Amendments 175, 19, 176, 20 and 177)**

[311] **Christine Chapman:** We move on now to group 13, which relates to the landlord's consent. The lead amendment in the group is amendment 175. I call on Mark Isherwood to move amendment 175 and to speak to the amendments in the group. Mark.

*Cynigiwyd gwelliant 175 (Mark Isherwood).*

*Amendment 175 (Mark Isherwood) moved.*

[312] **Mark Isherwood:** Thank you. Well, amendment 175 again reflects concern expressed to me by the industry—reputable landlord organisations—that 14 days will not be sufficient to gather all the information needed. Again, landlords could be away for a period of time, they could be in hospital and they may need to enquire with a superior landlord or other third parties before progressing further. Yes, the Minister might, as she said previously, state this involves a doubling, but it's a doubling from two weeks to four weeks, so we're not talking about a huge passage of time, simply a practical recognition of the practical issues raised by the industry itself.

[313] Amendments 176 and 177—in special circumstances. A landlord may not be able to give a definitive answer immediately. However, they should be afforded the opportunity to investigate for the benefit of the tenant. The



amendment would therefore allow the relevant period to be extended by agreement between the landlord and the contract holder in the circumstances specified. The amendment would allow the landlord to work with third parties to find a positive resolution for the tenant, as opposed to denying the request because the landlord is denied the time to investigate further. I move accordingly.

[314] **Christine Chapman:** Thank you, Mark. Any other Members who wish to speak. No. Minister. Sorry—Alun.

[315] **Alun Davies:** I was just going to say that I really do not support the approach that the Conservatives are taking to this. I declare an interest as a private landlord. My concern here is that we use this legislation to improve the operation of the market and to support the increase in quality and standards of the functioning of that market, and I mean that in all sorts of different ways. I know it is possible to conjure up a whole series of unlikely and unforeseen circumstances in which 14 days would not be sufficient, but that's not the basis, in my view, of the way that we should make good law. What we should be doing here is making law that improves the quality of the market and the functioning of the market. For me, that means that, if there are exceptional circumstances, then clearly they can be taken into account, but I do not believe that it is right and proper to legislate on the basis of those wholly spurious exceptional circumstances that it is possible, I accept, to conjure up in all sorts of different ways—an entirely unforeseen holiday, or whatever. For me, it is important that we do improve standards here, and that we do so in a way that ensures that both the tenant and the landlord have the sorts of protections that they require. So, I don't simply object to this individual amendment—I object to that whole approach that has been taken in this legislation.

[316] **Christine Chapman:** Okay, thank you. No other Members. Minister.

[317] **Lesley Griffiths:** Thank you, Chair. Government amendments 19 and 20 seek to reduce the time within which a landlord is required to provide consent to a request—so, for example, if somebody requested to put up a satellite dish or take in a lodger. As the Bill stands, a landlord could delay the whole consent process so it takes up to four and a half months, and such a delay could be an obvious means of trying to avoid consent to a genuine request made by the contract holders. So, the Government amendments would reduce the overall period by some two months, which I think is entirely reasonable.

[318] Mark Isherwood's amendments would have the exact opposite effect, enabling the landlord to seek to extend the total period from the current four and a half months to nine months. I just think that's unworkable.

[319] **Christine Chapman:** Okay, thank you. Mark to reply.

[320] **Mark Isherwood:** Thank you. I probably agree with Alun Davies that we're supposedly here to seek to make good law and, as he said, improve the functioning of the market. I'm sure Alun is an impeccable landlord who, perhaps, should be advising other impeccable landlords how they can adopt good practice, but this was a real concern raised with me by the industry—not for frivolous reasons, not from the criminal end of the market, but from the respectable, responsible end of the market who support most of what this Bill seeks to achieve and who are only seeking to improve it. We're talking not about a doubling from two weeks to two months or two years or 20 years; we're talking about a doubling from 14 days to 28 days to enable the landlord to work with the tenant towards a positive resolution in these areas. On that basis, I move.

[321] **Christine Chapman:** Okay, thank you, Mark. So, the question is, then, that amendment 175 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Are there any abstentions? No. So, two in favour, eight against and no abstentions. So, 175 is not agreed.

*Gwelliant 175: O blaid 2, Yn erbyn 8, Ymatal 0.  
Amendment 175: For 2, Against 8, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Isherwood, Mark  
Finch-Saunders, Janet

Black, Peter  
Chapman, Christine  
Davies, Alun  
Davies, Jocelyn  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 175.  
Amendment 175 not agreed.*

*Cynigiwyd gwelliant 19 (Lesley Griffiths).*  
*Amendment 19 (Lesley Griffiths) moved.*

[322] **Christine Chapman:** I move amendment 19 in the name of the Minister. The question is that amendment 19 be agreed. Does any Member object? No. Amendment 19 is agreed.

*Derbyniwyd gwelliant 19 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 19 agreed in accordance with Standing Order 17.34.*

[323] **Christine Chapman:** Mark, amendment 176.

*Cynigiwyd gwelliant 176 (Mark Isherwood).*  
*Amendment 176 (Mark Isherwood) moved.*

[324] **Mark Isherwood:** Move.

[325] **Christine Chapman:** Okay. The question is that amendment 176 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Are there any abstentions? No. So, five in favour, five against; I use my casting vote in the negative. Therefore, 176 is not agreed.

*Gwelliant 176: O blaid 5, Yn erbyn 5, Ymatal 0.*  
*Amendment 176: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*  
*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 176.*

*Amendment 176 not agreed.*

*Cynigiwyd gwelliant 20 (Lesley Griffiths).*

*Amendment 20 (Lesley Griffiths) moved.*

[326] **Christine Chapman:** I move amendment 20 in the name of the Minister, so the question is that amendment 20 be agreed. Does any Member object? No. Amendment 20, then, is agreed.

*Derbyniwyd gwelliant 20 yn unol â Rheol Sefydlog 17.34.*

*Amendment 20 agreed in accordance with Standing Order 17.34.*

[327] **Christine Chapman:** Mark, amendment 177.

*Cynigiwyd gwelliant 177 (Mark Isherwood).*

*Amendment 177 (Mark Isherwood) moved.*

[328] **Mark Isherwood:** I move.

[329] **Christine Chapman:** Okay, so the question is that amendment 177 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote. Those in favour. Those against. Are there any abstentions? No. So, five in favour, five against. I use my casting vote in the negative. Therefore, amendment 177 is not agreed.

11:00

*Gwelliant 177: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 177: For 5, Against 5, Abstain 0.*

O blaid:

For:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Yn erbyn:

Against:

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

Ymatal:

Abstain:

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in*

*accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 177.  
Amendment 177 not agreed.*

[330] **Christine Chapman:** Peter, amendments 119 to 122.

*Cynigiwyd gwelliannau 119, 120, 121 a 122 (Peter Black [R]).  
Amendments 119, 120, 121 and 122 (Peter Black [R]) moved.*

[331] **Peter Black:** I move.

[332] **Christine Chapman:** Are you happy, all here, to dispose of these en bloc? Yes. Okay. So, the question is that amendments 119 to 122 are agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote then. Those in favour. Those against. Any abstentions? No. So, five in favour; five against. I use my casting vote in the negative. Therefore, amendments 119 to 122 are not agreed.

*Gwelliannau 119, 120, 121 a 122: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendments 119, 120, 121 and 122: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliannau 119, 120, 121 a 122.  
Amendments 119, 120, 121 and 122 not agreed.*

[333] **Christine Chapman:** Peter, amendment 123.

*Cynigiwyd gwelliant 123 (Peter Black [R], gyda chefnogaeth Mark Isherwood)*

*Amendment 123 (Peter Black [R], supported by Mark Isherwood) moved.*

[334] **Peter Black:** Move.

[335] **Christine Chapman:** Okay. The question is that amendment 123 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. Any abstentions? No. So that's five in favour; five against. I use my casting vote against. So, therefore, amendment 123 is not agreed.

*Gwelliant 123: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 123: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 123.*

*Amendment 123 not agreed.*

[336] **Christine Chapman:** Mark, amendment 178.

*Cynigiwyd gwelliant 178 (Mark Isherwood).*

*Amendment 178 (Mark Isherwood) moved.*

[337] **Mark Isherwood:** I move.

[338] **Christine Chapman:** Okay. If amendment 178 is agreed, amendments 124, 125 and 126 will fall. So, the question is that amendment 178 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, it's two in favour; eight against. Therefore, 178 is not agreed.

*Gwelliant 178: O blaid 2, Yn erbyn 8, Ymatal 0.  
Amendment 178: For 2, Against 8, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Finch-Saunders, Janet Isherwood, Mark	Black, Peter Chapman, Christine Davies, Alun Davies, Jocelyn Griffiths, John Hedges, Mike Price, Gwyn R. Thomas, Rhodri Glyn	

*Gwrthodwyd gwelliant 178.  
Amendment 178 not agreed.*

[339] **Christine Chapman:** Peter, amendments 124 to 126.

*Cynigiwyd gwelliannau 124, 125 a 126 (Peter Black [R]).  
Amendments 124, 125 and 126 (Peter Black [R]) moved.*

[340] **Peter Black:** I move.

[341] **Christine Chapman:** Okay. And are you happy to dispose of these en bloc? Right. The question is that amendments 124 to 126 are agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote then. Those in favour. Those against. Any abstentions? No. So, it's five in favour; five against; no abstentions. I use my casting vote against. So, 124 to 126 are not agreed.

*Gwelliannau 124, 125 a 126: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendments 124, 125 and 126: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter Davies, Jocelyn Finch-Saunders, Janet Isherwood, Mark Thomas, Rhodri Glyn	Chapman, Christine Davies, Alun Griffiths, John Hedges, Mike Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliannau 124, 125 a 126.*

*Amendments 124, 125 and 126 not agreed.*

**Grŵp 14: Cyflwr Anheddau (Gwelliannau 127, 179, 180, 181, 182, 183, 128, 21, 129, 65 a 24)**

**Group 14: Condition of Dwelling (Amendments 127, 179, 180, 181, 182, 183, 128, 21, 129, 65 and 24)**

[342] **Christine Chapman:** We move on now to group 14. This relates to the condition of the dwelling. The lead amendment in the group is amendment 127, and I call on Peter Black to move amendment 127 and to speak to the other amendments in the group. Peter.

*Cynigiwyd gwelliant 127 (Peter Black [R]).*

*Amendment 127 (Peter Black [R]) moved.*

[343] **Peter Black:** Thank you, Chair. This amendment comes back to the fundamental principle that Alun Davies expounded just not so long ago that, if we're going to legislate, we should be legislating to improve the market and to improve the condition of dwellings in that market. It seems to me that the main omission from this Bill is its failure to significantly raise the standard of privately rented accommodation around Wales. As a result of that, I tabled this amendment, which follows recommendation 26 of this committee's report that the Minister reconsider the criteria used for the fitness for human habitation test and sets a more ambitious test and that such criteria should be based on the repairing standard provisions contained in the Housing Scotland Act 2006, and, of course, recommendation 30 in that the Bill should make provision for the installation of carbon monoxide detectors and smoke alarms and the periodic inspection of electrical installations to be mandatory in rental properties.

[344] These are issues that were raised during the last housing Act, and they are now being raised again because that housing Act failed to address these issues. I think it's absolutely crucial that, if we're going to legislate on the rented sector, this is an opportunity to raise that standard and to



improve on that. Another amendment in this group, 129, follows recommendation 31 of the committee's report that the Minister makes provision for penalties to be issued against landlords when breach of contract is serious or there are repeated breaches, leading to revocation of the landlord's licence under the Housing (Wales) Act 2014. This requires licensing authorities to take account of the landlord's breaches of housing law and landlord and tenant law, but the specific reference here to the landlord's repairing obligations under the Renting Homes Bill will put beyond doubt that a failure to comply with these obligations could lead to refusal or withdrawal of a licence. I think that, again, is important in terms of raising the standard of the private rented sector in Wales.

[345] **Christine Chapman:** Thank you. Mark.

[346] **Mark Isherwood:** Thank you. Firstly, we support very much Peter Black's comments reflecting evidence to committee around carbon monoxide detectors, electrical installations and such, and we believe these should be in the Bill and not left to regulations. Our amendments 179 and 180 would bring the standard of the private rented sector into line with the standards again set in Scotland by requiring a landlord to ensure that property was wind and watertight and that fixtures, fittings and appliances provided were all in reasonable state of repair and working order. The Residential Landlords Association doesn't believe that this would burden most landlords, who tend towards the view that these obligations are required in any event. This amendment would link the habitability standard to the building regulations, as is done in Scotland. It is a well-understood measure that chartered surveyors can reference easily. However, in relation to the housing health and safety rating system, the Residential Landlords Association and others consider that this increase in landlords' repairing standards accomplishes the effect of section 94 in a less intrusive manner and in a manner that relies on case law already developed in Scotland, thereby putting Welsh tenants on an equal footing to those in Scotland and above those in England.

[347] Amendment 181 would make the landlord responsible for the parts of the property for which he or she has the power to act upon, providing greater clarity for the tenant as to what they can expect the landlord to do.

[348] With amendment 182, a landlord may well need to impose obligations on the contract holder in order to carry out works. Not permitting this would prevent landlords carrying out works where they need to require a tenant to restrict themselves to part of the property or decant for a short period.

Presumably, in almost all cases, those works would be ultimately for the benefit of the tenant.

[349] With amendment 183, again the Residential Landlords Association believes that the proposed amendment 179 adequately seeks to improve the standard of the private rented sector to benefit both landlords and tenants in Wales. It doesn't seem necessary and would only cause a great deal of uncertainty in the sector to allow an Executive or Government the power to change these standards via regulations.

[350] The housing health and safety rating system is a standard seeking to improve the quality of property more generally. Its use here, therefore, fits badly with the requirement to create a minimum fitness standard. Additionally, there is limited skill and experience in the private sector in assessing properties for the housing health and safety rating system. The same might be said of local authorities, who have seen a significant decrease in the number of qualified environmental health officers employed. Therefore, there's likely to be a considerable period in which surveyors need to develop knowledge in this area, which will increase legal costs, both privately and in the legal aid budget, and create delays in legal proceedings.

[351] I'm also minded to mention—and will—the evidence received in both the Housing (Wales) Bill and this Bill from local government that they would not be seeking to inspect properties unless complaints or concerns were raised by tenants. They hadn't got the resource to be carrying out enforcement under HHSRS or other legislation consequent upon the Housing Act 2004, and therefore, these amendments seek to help to address that and make this a little more practical and deliverable. I move accordingly.

[352] **Christine Chapman:** Okay. Thank you. I've got a number of speakers. A number of Members wish to speak. So, Alun, then Jocelyn and then Mike. Alun.

[353] **Alun Davies:** Yes. I'd be interested to know what the Minister's response is going to be to the points made by Peter Black. This is a Labour Bill from a Labour Government. If it doesn't legislate for more than simply fitness for human habitation, then it should, quite frankly. If we, as Labour Members are going to put this legislation on the statute book, then we need to be doing the best that we can do for vulnerable people and to ensure that we protect the rights of people. All of us, as constituency Members, have witnessed and have seen people living sometimes in quite appalling

conditions. Quite appalling conditions. We need to ensure that if we're going to reform the marketplace, at the heart of that reform has to be the protection of people who require the protection of law. That means that we need to ensure that the points that are being made by Peter Black—. I've got no argument at all with this amendment. I think this is an excellent amendment. I am profoundly disappointed that the Government are seeking to ask us to vote against this. I am profoundly disappointed that this wasn't in the original Bill. I am profoundly disappointed that, after the debate we had in the Chamber, the Government hasn't brought forward its own amendments. The Government must and should bring forward amendments on this basis. The current formulation in the Bill is neither fit for purpose nor adequate to meet the fair demands of people who are in this position. I'm sorry to be so blunt, but I've tried diplomacy and subtlety before. [*Laughter.*] They're not strengths of mine. I do feel that we need to ensure that we put reforms in place that protect the vulnerable. We are not doing that at the moment.

[354] The points that Mark Isherwood made about enforcement, actually, I think, are perfectly fair. We do need an enforcement structure and process as well, which is why I think the earlier amendments on the tribunal make sense as well. But, these are the key elements of a radical piece of reforming legislation, and without these elements in this legislation, this Bill is profoundly disappointing and it is not simply a missed opportunity, but it's a real lost opportunity for a Labour Government to demonstrate that it has a radical edge.

[355] I caught up last night with the speech from our new leader, Jeremy Corbyn, and he was speaking there about the purpose of us as a party and as a movement. To me, this speaks of that purpose as a party and a movement, and I really want to see the Government moving on this prior to this returning to the National Assembly.

[356] **Christine Chapman:** Thank you, Alun. Jocelyn.

[357] **Jocelyn Davies:** Yes, thank you. I don't disagree with anything that Alun said then and I agree with Mark and Peter on this; we do need to improve the standards in rented accommodation. All of us have had constituency cases where, quite frankly, people are ashamed to let you in through their front door and that is really sad when people are ashamed of the home that they come from.

[358] I think Members will recall my attempts in previous legislation to introduce this concept of a decent standard rather than the bare legal minimum that we've got that, if you're in this property, you're not likely to lose your life or your limb. Well, we want living conditions that are a bit better than that, don't we?

[359] I think this repairing standard has been tried and tested in Scotland, and I have to say, 'parity with Scotland' seems to have a nice ring to it to me. That's always quite attractive. I think it's at least a fairly good starting point. So, I'll be supporting all the amendments in this group, because if you improve matters for tenants and you're clear to landlords, you must be in a good place, so I think it would be a good step forward and I'm sure the best and good landlords are already abiding by it. But, really, what this Bill is about is protecting the vulnerable who have very few choices in where they can live. They can't use the market force in order to move somewhere else; they're generally stuck with what they've got.

[360] **Christine Chapman:** Okay, thank you. Mike.

[361] **Mike Hedges:** Yes. I think the majority of us in this room are of a single mind regarding what we want to achieve. I've got two points. One is that I'm hugely disappointed that electrical safety and carbon monoxide are not in the Bill. I'd like an assurance and a guarantee from the Minister that she will deal with it by regulation, because it is a matter of grave concern. It's a grave concern because people are dying; it's not something that's being discussed in the abstract or something that would be nice for people to have; people will lose their lives unless something is done. People have lost their lives because something hasn't been done, previously. That brings it really starkly to me and, I hope, to other Members here. So, I would like the Minister to make a statement that she will deal with this via regulations.

11:15

[362] On housing fitness, I think something needs to be done and I can also understand some of the Minister's problems. If we had been writing this 40 years ago, we certainly wouldn't put double glazing or central heating in as expected. I speak as someone who was brought up in a council house in Sketty Park that didn't have central heating or double glazing; it had metal windows and condensation. I was born in a house in Plasmarl that had an outside toilet and no inside toilet. If you look at the 1971 census, it used to identify how many houses had indoor toilet and bathroom facilities. The

figure now is very close to 100 per cent; they don't collect that data anymore. So, if we're setting this for the future, I can understand that you wouldn't want to set the standards down now because standards will change, and, if we do actually have global warming, maybe we will need every house to have air conditioning. I mean that in all seriousness; it would become the norm that you would need that. Having spent some time in Rhodes in the summer, if I hadn't had air conditioning, I'd have been in an awful state without it. So, I can understand that, but what powers will the Minister have in regulations to bring in and update standards, because of this idea of people living in houses that have got windows and doors with gaps, whereby they spend more to heat their houses than everybody else spends to heat theirs, despite the fact that their houses will probably be colder? That is something that no-one, I think, will want to see, so what can the Minister do in regulation to get some of these houses that bring in £500 a week to the private landlord, often living many, many miles away, who is happy to have their 8 to 10 per cent return on investment monthly plus—sorry, annually, a 10 per cent return, plus capital growth—and have very little interest in what happens to the building that they're renting out? I have constituents living in those conditions; I'm sure other people in this room have constituents living in those conditions. What can you do in regulation to try and bring in standards and update standards, because I think the vast majority of us here are not happy with the fit for human habitation standard?

[363] **Christine Chapman:** Okay. Thank you, Mike. John.

[364] **John Griffiths:** I do think it's very important that we bring the experience of our constituents to the making of legislation, and my own experience very much mirrors what we've already heard. Housing is a basic provision for people; shelter is obviously extremely important and it's very important for health and education and general quality of life. A big proportion of my caseload is about housing issues. There is a shortage of housing. So, as others have said, it's very difficult, actually, for people who are renting to move on to better quality accommodation because there is such a paucity of it and the demand is so great. So, we really do need to improve the standards in private rented accommodation.

[365] The cases I've been involved with very often involve children and young children and actual safety hazards in the property. So, it is really quite stark and very serious. A lot of housing organisations feel—understandably, I think—very strongly about the need to improve the quality of accommodation for all those reasons. It's so basic and important to quality

of life and people's families' ability to lead a reasonable quality of life. So, I do believe that we do need to quite radically improve the standard of private rented accommodation in Wales and I very much agree with the points that have been made today around those issues, Chair, and I would very much like to hear from the Minister how we can deal with these concerns and ensure that there is a radical change and a radical improvement in the quality of private rented accommodation in Wales.

[366] **Christine Chapman:** Okay. Thank you, John. Minister.

[367] **Lesley Griffiths:** Thank you, Chair. I'll speak first to the Government amendments in this group, particularly amendment 21, which I think is the one that Members have passed comment on more. Amendment 21, if you look at the wording, says 'imposed requirements' and it will provide the Welsh Ministers with broader regulation-making powers for determining what constitutes fitness for human habitation. What is 'fit for human habitation'? Well, it's what we make it. It doesn't really have a meaning in its own right; it's what we do with the regulations that's really important and it can be whatever we define. Bringing forward this amendment means that we can be much more responsive and it means that we have the mechanism to be ambitious. It will enable a progressive approach to improving the quality of rented housing, which I know is important to all of us here.

[368] It also provides the basis for responding to the calls that I had from many Members, which I support, to require landlords to carry out periodic electrical safety checks and to fit smoke and carbon monoxide detectors. The Electrical Safety Council confirmed with officials this week that it very much welcomed that approach and also the amendment that the Government brought forward.

[369] Having a regulation-making power, as I said, rather than detailed provision on the face of the Bill, will enable Welsh Ministers to be much more proactive and responsive to prescribing further requirements and updating existing requirements—for example, I think, really, what Mike Hedges was referring to in response to any technological changes, for instance. So, I do hope that reassures Members that it's absolutely what we do with those regulations that's important, and it does give us the ambition to do what we want to define those regulations.

[370] Amendment 65 is a small but significant change, and that replaces an absolute obligation on landlords to ensure the dwelling is fit for human

habitation at the outset of the contract. The current drafting makes the obligation contingent on the landlord being made aware works or repairs are required. I think it's sensible for the period during which the dwelling is being rented, as the landlord's right of access is restricted. However, prior to occupation by a new contract holder, the landlord will have access to the dwelling and so can and should be expected to ensure it's fit for habitation.

[371] Where a landlord fails comply with the fitness or repairing obligations, amendment 24 clarifies that a permitted occupier may bring proceedings against the landlord in respect of any injury, loss or damage suffered as a consequence.

[372] Turning to the amendments submitted by Peter Black and Mark Isherwood, they seek to extend the landlord's repairing obligations. These provisions are not necessary and potentially confusing, due to the existing provisions covering fitness for human habitation, together with those provisions to make regulations as to what constitutes fitness. The current drafting is based on established statute law relating to repairing obligations and the Bill will benefit from the case law already developed in relation to this. The additional requirements cited, such as ensuring furnishings provided by the landlord are capable of being used safely, as well as further requirements that may be recognised as necessary in future, are better addressed through the broader regulation-making power proposed under Government amendment 21.

[373] **Alun Davies:** Can I come in on that?

[374] **Christine Chapman:** Sorry?

[375] **Alun Davies:** Can I come in on that? Will you take an intervention?

[376] **Christine Chapman:** Okay, go on.

[377] **Alun Davies:** Will you take an intervention, Minister?

[378] **Lesley Griffiths:** Yes.

[379] **Alun Davies:** I'm grateful to you for that. However, you've made a lot of points there about what can be addressed in regulation, and I don't necessarily disagree that much of this can be addressed through regulation, and not on the face of the Bill. I don't think that's a profound disagreement

in terms of where we are. However, we cannot simply vote for this without seeing what those regulations are. I don't think it is fair to expect us to simply say, 'Well, we will vote against what Peter and others are suggesting' without having sight of what the regulations would be, and how regulations would address the issues that you are actually discussing now. Could we see a copy of the regulations?

[380] **Christine Chapman:** Minister, do you want to take advice and reply?

[381] **Lesley Griffiths:** Yes, because the regulations won't be—. We could certainly give an indication of what would be in regulations; I can provide that.

[382] **Alun Davies:** Could you write to the committee, then?

[383] **Christine Chapman:** Yes, would you write?

[384] **Lesley Griffiths:** Yes.

[385] **Alun Davies:** Outlining—. I would like to see a letter that outlined in some detail the issues that regulations would cover in terms of wind and watertight, in terms of electricity, in terms of carbon monoxide and the rest of it, because these are the elements that are actually going to affect people's lives. I think if you want us to vote for a regulation-making power, we have to be very clear what those regulations are going to be before we vote for it, not afterwards.

[386] **Lesley Griffiths:** What I could do, Chair, is I would commit to providing that in writing before next week's scrutiny session.

[387] **Christine Chapman:** Okay. Thank you. Do you want to continue, Minister?

[388] **Lesley Griffiths:** Yes, still referring to the same amendment, the use of the word 'reasonable' opens up avenues of challenge and does not sit comfortably with the idea of repairing matters being assessed by means of specified requirements. Amendment 182 is also problematic. It runs the risk of landlords seeking to impose unreasonable obligations on contract holders, notwithstanding the 'reasonably required' wording, through sharp practice. The onus would be on the contract holder to challenge obligations imposed by landlords.



[389] Amendment 129 from Peter Black seeks to amend the Housing (Wales) Act 2014. This is effectively already covered by the reference to

[390] 'law relating to housing or landlord and tenant'

[391] in section 20(3)(c) of the Housing (Wales) Act 2014. Express reference to specific elements of housing law could affect the generality of the existing reference. Additionally, matters can be covered by guidance issued under section 20(6) of the Housing (Wales) Act. The reference to contravention 'in a serious manner' also causes difficulties. It is expressed as being something

[392] 'that a reasonable person would consider to be more than trivial'.

[393] This would lead to the residential property tribunal having to decide in the event of appeals on licensing decisions made under section 27 of that Act.

[394] Finally, amendment 128 from Peter Black would place a duty on the Welsh Ministers to prescribe matters or circumstances to which regard must be had in determining fitness for human habitation. While I am content with this in principle, I believe the drafting may need to be altered so, again, I will commit to bringing forward a revised wording in Stage 3. But I absolutely agree with Members that what we want to see in this Bill is a raising of standards, and I think this Bill absolutely gives us the power to do that.

[395] **Peter Black:** Sorry, can I just clarify which one you've just given an undertaking to come back on?

[396] **Lesley Griffiths:** 128.

[397] **Peter Black:** 128. Okay.

[398] **Christine Chapman:** Minister, have you finished?

[399] **Lesley Griffiths:** Yes, thank you.

[400] **Christine Chapman:** Okay. I move now to Peter to reply.

[401] **Peter Black:** Thank you, Chair. First of all, I think it's not just constituency Members, of course, who witness poor housing conditions; all

the regional Members have witnessed them, too. [*Interruption.*] I know, I'm just making the point that we've all witnessed these poor housing and living conditions in the private rented sector—and in the public sector, in some cases, as well—and I think it's absolutely crucial that this Bill addresses that particular issue in terms of setting out what we expect rented property should be delivering in terms of quality and safety for the tenants who have to live there.

[402] I noticed the Minister's approach in terms of regulation and, of course, I don't think my amendment is mutually exclusive to that. I will, of course, support the Minister's amendment, because I think having a regulation-making power is very useful and can be delivered. However, I do support what Alun Davies said in terms of we need to see what those regulations are going to be, and, more importantly, I think we need to have some indication of timescale as well. The point of setting this out on the face of the Bill is to say that these are the standards that we expect, clearly set out in the Bill. Regulations can be changed, can be varied in time, and a different Minister might take a different approach in terms of regulation, they might set a different standard in terms of what is a basic right in terms of human habitation, and I think, therefore, we need to ensure—. One reason I'm pursuing my amendments is because I think we need to ensure that, on the face of the Bill, there are clear principles set out as to what we think should be a dwelling that is fit for human habitation.

[403] I noticed the Minister's comment in terms of the use of the word 'reasonable'. Of course, 'reasonable' is a well-founded legal principle that appears in other Bills that the Minister herself has brought forward. So, you can't argue that we can't use 'reasonable' in one case and use 'reasonable' in another case. Because courts understand what that concept is and courts do determine that, because they determine what is reasonable and what is not reasonable when a matter is challenged. So, I think, to be honest, Minister, you really are on very shaky ground in terms of using that particular issue.

[404] **Lesley Griffiths:** It's a woman's prerogative.

[405] **Peter Black:** I just want to make a further comment on amendment 24. I will be voting for this amendment, but I do have to say that the concept of a tenant bringing proceedings in his or her own right against a landlord in respect of injury, loss or damage suffered as a consequence of the landlord not complying with the fitness for human habitation and repairing obligations, et cetera, depends on that tenant having resources. They will not

have access to legal aid, and they will not now have access to the residential property tribunal to do this, because the Minister has said she's not prepared to accept that in this Bill. Really, I think we're living in fantasy land if we think tenants are going to have the resources to do that. Yes, by all means give them the rights, but, to be honest, in the real world, they're not going to be able to do that. That's why I re-emphasised the need to have this housing tribunal—the residential property tribunal—there to actually do that job on behalf of tenants. Thank you, Chair.

[406] **Christine Chapman:** Okay. Thank you, Peter. Peter, do you wish to proceed to a vote on amendment 127?

[407] **Peter Black:** I do.

[408] **Christine Chapman:** Okay. So, if amendment 127 is agreed, amendment 179 will fall. So, the question is that amendment 127 be agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Any abstentions. No. So, five in favour, five against. I use my casting vote against; therefore 127 is not agreed.

*Gwelliant 127: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 127: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 127.  
Amendment 127 not agreed.*

[409] **Christine Chapman:** Mark, amendment 179.

*Cynigiwyd gwelliant 179 (Mark Isherwood).*  
*Amendment 179 (Mark Isherwood) moved.*

[410] **Mark Isherwood:** I move.

[411] **Christine Chapman:** Okay. The question is that amendment 179 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. So, those in favour. Those against. No abstentions. So, five in favour, five against. I use my casting vote against; so 179 is not agreed.

*Gwelliant 179: O blaid 5, Yn erbyn 5, Ymatal 0.*  
*Amendment 179: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*  
*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 179.*  
*Amendment 179 not agreed.*

[412] **Christine Chapman:** Mark, amendment 180.

*Cynigiwyd gwelliant 180 (Mark Isherwood).*  
*Amendment 180 (Mark Isherwood) moved.*

[413] **Mark Isherwood:** I move.

[414] **Christine Chapman:** The question is that amendment 180 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, five in favour. Five against. I use my casting vote against, therefore amendment 180 is agreed. Sorry, not agreed.

11:30

*Gwelliant 180: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 180: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 180.  
Amendment 180 not agreed.*

[415] **Christine Chapman:** Mark, amendment 181.

*Cynigiwyd gwelliant 181 (Mark Isherwood).  
Amendment 181 (Mark Isherwood) moved.*

[416] **Mark Isherwood:** I move.

[417] **Christine Chapman:** The question is that amendment 181 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. No abstentions. So, five in favour. Five against. I use my casting vote against, therefore 181 is not agreed.

*Gwelliant 181: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 181: For 5, Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	

Isherwood, Mark  
Thomas, Rhodri Glyn

Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 181.*

*Amendment 181 not agreed.*

[418] **Christine Chapman:** Mark, amendment 182.

*Cynigiwyd gwelliant 182 (Mark Isherwood).*

*Amendment 182 (Mark Isherwood) moved.*

[419] **Mark Isherwood:** I move.

[420] **Christine Chapman:** Okay. The question is that amendment 182 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, five in favour. Five against. I use my casting vote against, therefore 182 is not agreed.

*Gwelliant 182: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 182: For 5, Against 5, Abstain 0.*

O blaid:

For:

Black, Peter

Davies, Jocelyn

Finch-Saunders, Janet

Isherwood, Mark

Thomas, Rhodri Glyn

Yn erbyn:

Against:

Chapman, Christine

Davies, Alun

Griffiths, John

Hedges, Mike

Price, Gwyn R.

Ymatal:

Abstain:

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 182.*

*Amendment 182 not agreed.*

[421] **Christine Chapman:** Mark, amendment 183.

*Cynigiwyd gwelliant 183 (Mark Isherwood).*

*Amendment 183 (Mark Isherwood) moved.*

[422] **Mark Isherwood:** I move.

[423] **Christine Chapman:** If amendment 183 is agreed, amendments 128 and 21 will fall. So, the question is that amendment 183 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Any abstentions? Okay. So, four in favour. Five Against. One abstention. Therefore, 183 is not agreed

*Gwelliant 183: O blaid 4, Yn erbyn 5, Ymatal 1.*

*Amendment 183: For 4, Against 5, Abstain 1.*

O blaid:

Yn erbyn:

Ymatal:

For:

Against:

Abstain:

Davies, Jocelyn

Chapman, Christine

Black, Peter

Finch-Saunders, Janet

Davies, Alun

Isherwood, Mark

Griffiths, John

Thomas, Rhodri Glyn

Hedges, Mike

Price, Gwyn R.

*Gwrthodwyd gwelliant 183.*

*Amendment 183 not agreed.*

[424] **Christine Chapman:** Peter, amendment 128.

*Cynigiwyd gwelliant 128 (Peter Black [R]).*

*Amendment 128 (Peter Black [R]) moved.*

[425] **Peter Black:** I move.

[426] **Christine Chapman:** The question is that amendment 128 is agreed. Does any Member object? [*Objection.*] Okay. So, those in favour. Those against. Any abstentions? No. So, five in favour. Five against. I use my casting vote against, therefore 128 is not agreed.

*Gwelliant 128: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 128: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 128.  
Amendment 128 not agreed.*

*Cynigiwyd gwelliant 21 (Lesley Griffiths).  
Amendment 21 (Lesley Griffiths) moved.*

[427] **Christine Chapman:** I move amendment 21 in the name of the Minister. So, the question is that amendment 21 be agreed. Does any Member object? No. Therefore, amendment 21 is agreed.

*Derbyniwyd gwelliant 21 yn unol â Rheol Sefydlog 17.34.  
Amendment 21 agreed in accordance with Standing Order 17.34.*

[428] **Christine Chapman:** Peter, amendment 129.

*Cynigiwyd gwelliant 129 (Peter Black [R]).  
Amendment 129 (Peter Black [R]) moved.*

[429] **Peter Black:** I move.

[430] **Christine Chapman:** Okay, the question is that amendment 129 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, five in favour. Five against. I use my casting vote against. Therefore, 129 is not agreed.

*Gwelliant 129: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 129: For 5, Against 5, Abstain 0.*



O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 129.  
Amendment 129 not agreed.*

*Cynigiwyd gwelliant 65 (Lesley Griffiths).  
Amendment 65 (Lesley Griffiths) moved.*

[431] **Christine Chapman:** I move amendment 65 in the name of the Minister. The question is that amendment 65 be agreed. Does any Member object? No. So, amendment 65 is agreed.

*Derbyniwyd gwelliant 65 yn unol â Rheol Sefydlog 17.34.  
Amendment 65 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 22 (Lesley Griffiths).  
Amendment 22 (Lesley Griffiths) moved.*

[432] **Christine Chapman:** I move amendment 22 in the name of the Minister. The question is that amendment 22 be agreed. Does any Member object? No. So, amendment 22 is agreed.

*Derbyniwyd gwelliant 22 yn unol â Rheol Sefydlog 17.34.  
Amendment 22 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 23 (Lesley Griffiths).  
Amendment 23 (Lesley Griffiths) moved.*

[433] **Christine Chapman:** I move amendment 23 in the name of the

Minister. So, the question is that amendment 23 be agreed. Does any Member object? No. So, amendment 23 is agreed.

*Derbyniwyd gwelliant 23 yn unol â Rheol Sefydlog 17.34.*

*Amendment 23 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 24 (Lesley Griffiths).*

*Amendment 24 (Lesley Griffiths) moved.*

[434] **Christine Chapman:** I move amendment 24 in the name of the Minister. The question is that amendment 24 be agreed. Does any Member object? No. Amendment 24 is agreed.

*Derbyniwyd gwelliant 24 yn unol â Rheol Sefydlog 17.34.*

*Amendment 24 agreed in accordance with Standing Order 17.34.*

[435] **Christine Chapman:** Peter, amendment 130.

*Cynigiwyd gwelliant 130 (Peter Black [R]).*

*Amendment 130 (Peter Black [R]) moved.*

[436] **Peter Black:** I move.

[437] **Christine Chapman:** Okay, the question is that amendment 130 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Any abstentions? No. So, five in favour. Five against. I use my casting vote against. Therefore, 130 is not agreed.

*Gwelliant 130: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 130: For 5, Against 5, Abstain 0.*

O blaid:

For:

Black, Peter

Davies, Jocelyn

Finch-Saunders, Janet

Isherwood, Mark

Thomas, Rhodri Glyn

Yn erbyn:

Against:

Chapman, Christine

Davies, Alun

Griffiths, John

Hedges, Mike

Price, Gwyn R.

Ymatal:

Abstain:

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 130.  
Amendment 130 not agreed.*

[438] **Christine Chapman:** Peter, amendment 131.

*Cynigiwyd gwelliant 131 (Peter Black [R]).  
Amendment 131 (Peter Black [R]) moved.*

[439] **Peter Black:** I move.

[440] **Christine Chapman:** The question is that amendment 131 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. No abstentions. So, five in favour. Five against. I use my casting vote against. Therefore, 131 is not agreed.

*Gwelliant 131: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 131: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 131.  
Amendment 131 not agreed.*

*Cynigiwyd gwelliant 66 (Lesley Griffiths).  
Amendment 66 (Lesley Griffiths) moved.*

[441] **Christine Chapman:** I move amendment 66 in the name of the

Minister. The question is that amendment 66 be agreed. Does any Member object? No. Therefore, amendment 66 is agreed.

*Derbyniwyd gwelliant 66 yn unol â Rheol Sefydlog 17.34.  
Amendment 66 agreed in accordance with Standing Order 17.34.*

[442] **Christine Chapman:** Peter, amendment 132.

*Cynigiwyd gwelliant 132 (Peter Black [R]).  
Amendment 132 (Peter Black [R]) moved.*

[443] **Peter Black:** Move.

[444] **Christine Chapman:** Okay. The question is that amendment 132 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. No abstentions. Therefore, five in favour. Five against. I use my casting vote against. Therefore, 132 is not agreed.

*Gwelliant 132: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 132: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 132.  
Amendment 132 not agreed.*

[445] **Christine Chapman:** Peter, amendment 133.

*Cynigiwyd gwelliant 133 (Peter Black [R]).  
Amendment 133 (Peter Black [R]) moved.*

[446] **Peter Black:** I move.

[447] **Christine Chapman:** Okay. The question is that amendment 133 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. Any abstentions? So, five in favour. Five against. I use my casting vote. Therefore, 133 is not agreed.

*Gwelliant 133: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 133: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 133.  
Amendment 133 not agreed.*

*Cynigiwyd gwelliant 67 (Lesley Griffiths).  
Amendment 67 (Lesley Griffiths) moved.*

[448] **Christine Chapman:** I move amendment 67 in the name of the Minister. The question is that amendment 67 be agreed. Does any Member object? No. So, amendment 67 is agreed.

*Derbyniwyd gwelliant 67 yn unol â Rheol Sefydlog 17.34.  
Amendment 67 agreed in accordance with Standing Order 17.34.*

[449] **Christine Chapman:** Mark, amendment 184.

*Cynigiwyd gwelliant 184 (Mark Isherwood).  
Amendment 184 (Mark Isherwood) moved.*

[450] **Mark Isherwood:** I move.

[451] **Christine Chapman:** Okay. If amendment 184 is not agreed, amendment 190 will fall. The question is that amendment 184 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. No abstentions. So, three in favour. Seven against. Therefore, amendment 184 is not agreed.

*Gwelliant 184: O blaid 3, Yn erbyn 7, Ymatal 0.  
Amendment 184: For 3, Against 7, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Finch-Saunders, Janet  
Isherwood, Mark

Chapman, Christine  
Davies, Alun  
Davies, Jocelyn  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.  
Thomas, Rhodri Glyn

*Gwrthodwyd gwelliant 184.  
Amendment 184 not agreed.*

*Cynigiwyd gwelliant 68 (Lesley Griffiths).  
Amendment 68 (Lesley Griffiths) moved.*

[452] **Christine Chapman:** I move amendment 68 in the name of the Minister. The question is that amendment 68 be agreed. Does any Member object? No. So, amendment 68 is agreed.

*Derbyniwyd gwelliant 68 yn unol â Rheol Sefydlog 17.34.  
Amendment 68 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 25 (Lesley Griffiths).  
Amendment 25 (Lesley Griffiths) moved.*

[453] **Christine Chapman:** I move amendment 25 in the name of the Minister. The question is that amendment 25 be agreed. Does any Member object? No. So, amendment 25 is agreed.

*Derbyniwyd gwelliant 25 yn unol â Rheol Sefydlog 17.34.  
Amendment 25 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 69 (Lesley Griffiths).  
Amendment 69 (Lesley Griffiths) moved.*

[454] **Christine Chapman:** I move amendment 69 in the name of the Minister. The question is that amendment 69 be agreed. Does any Member object? No. Amendment 69 is agreed.

*Derbyniwyd gwelliant 69 yn unol â Rheol Sefydlog 17.34.  
Amendment 69 agreed in accordance with Standing Order 17.34.*

[455] **Christine Chapman:** Peter, amendment 134.

*Cynigiwyd gwelliant 134 (Peter Black [R]).  
Amendment 134 (Peter Black [R]) moved.*

[456] **Peter Black:** I move.

[457] **Christine Chapman:** Okay. The question is that amendment 134 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. No abstentions. So, five in favour and five against. I use my casting vote against. Therefore, amendment 134 falls.

*Gwelliant 134: O blaid 5, Yn erbyn 5, Ymatal 0.  
Amendment 134: For 5, Against 5, Abstain 0.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Black, Peter	Chapman, Christine	
Davies, Jocelyn	Davies, Alun	
Finch-Saunders, Janet	Griffiths, John	
Isherwood, Mark	Hedges, Mike	
Thomas, Rhodri Glyn	Price, Gwyn R.	

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais  
fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used her casting vote in  
accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 134.*  
*Amendment 134 not agreed.*

[458] **Christine Chapman:** Peter, amendment 135.

*Cynigiwyd gwelliant 135 (Peter Black [R]).*  
*Amendment 135 (Peter Black [R]) moved.*

[459] **Peter Black:** I move.

**Christine Chapman:** The question is that amendment 135 is agreed. Does any Member object? [*Objection.*] Okay. We'll take a vote, then. Those in favour. Those against. No abstentions. So, five in favour. Five against. I use my casting vote against. Therefore, amendment 135 is not agreed.

*Gwelliant 135: O blaid 5, Yn erbyn 5, Ymatal 0.*  
*Amendment 135: For 5, Against 5, Abstain 0.*

O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch-Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*  
*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 135.*  
*Amendment 135 not agreed.*

*Cynigiwyd gwelliant 70 (Lesley Griffiths).*  
*Amendment 70 (Lesley Griffiths) moved.*

[460] **Christine Chapman:** I move amendment 70 in the name of the Minister. The question is that amendment 70 be agreed. Does any Member object? No. Therefore, amendment 70 is agreed.

*Derbyniwyd gwelliant 70 yn unol â Rheol Sefydlog 17.34.*



*Amendment 70 agreed in accordance with Standing Order 17.34.*

**Grŵp 15: Terfynu Contractau Meddiannaeth (Gwelliannau 26, 27, 140, 141, 166, 142, 74, 143, 144, 167 a 34)**

**Group 15: Termination of Occupation Contracts (Amendments 26, 27, 140, 141, 166, 142, 74, 143, 144, 167 and 34)**

[461] **Christine Chapman:** If we move on now, then, to group 15 and this relates to the termination of occupation contracts. The lead amendment in the group is amendment 26 in the name of the Minister.

*Cynigiwyd gwelliant 26 (Lesley Griffiths).*

*Amendment 26 (Lesley Griffiths) moved.*

[462] **Christine Chapman:** So, I move amendment 26 and I call on the Minister to speak to the amendments in the group. Minister.

[463] **Lesley Griffiths:** Thank you, Chair. Government amendments 26, 27 and 34 close up a potential loophole in the Bill, which might allow an unscrupulous landlord to bypass restrictions on terminating an occupation contract. Specifically, section 126 enables a landlord to issue a notice to a contract holder to change a term in a periodic standard contract. If the contract holder does not agree to the change, then the notice can have effect as a notice to end the contract. The amendments ensure this is not possible where the landlord is in breach of the information or deposit protection requirements.

[464] Amendment 74 changes the date on which, under a fixed-term standard contract, the landlord can say possession is required. As currently drafted, the contract could not be ended until the day after the fixed term ends. This would potentially result in a new periodic standard contract being created for just one day. The effect of the amendment is therefore to enable the contract to end on the day that was agreed as the last day of the fixed term, with the contract holder needing to leave by midnight of that day.

[465] Amendments 141 from Peter Black and 166 from Jocelyn Davies seek to make a significant change to when a landlord can regain possession under a periodic standard contract. This also relates to the removal of the six-month moratorium, which I know many Members are concerned about.

[466] The removal of the moratorium has always been acknowledged as one

of the more controversial aspects of this Bill, with strong arguments both for and against. On the one hand, landlords have indicated that removing the moratorium would encourage them to rent to individuals they would not rent to at present, for example individuals with a history of rent arrears. So, removal of the moratorium could therefore help such people with a poor renting history to find a new home, which is important in our desire to prevent homelessness. Additionally, removing the moratorium would not affect the majority of contract holders, as landlords will continue to prefer to issue fixed-term contracts of at least six or 12 months in most cases. On the other hand, I know some Members are very reluctant to see any reduction in the level of statutory security, feeling this could lead to a general increase in shorter term contracts. So, taking into account all the evidence I've received on this issue, and I have received a lot of evidence, I've decided the potential risks arising from removing the moratorium may outweigh the benefits. I am, therefore, proposing to bring forward an amendment at Stage 3, which would maintain the current arrangements. Due to the complex interaction between different sections of the Bill, this has to be drafted very carefully. I therefore ask Members to reject amendments 141 and 166.

[467] Peter Black's amendment 140 would make termination by agreement subject to the agreement being in writing, as opposed to being able to be done verbally as it is now. Providing there is agreement, a verbal basis will suffice. Whilst it may be good practice to have something in writing, for evidential purposes, the agreement to terminate will not set out specific terms, which would necessitate a written document. Additionally, the Bill has overriding effect, notwithstanding what might be in the agreement. Therefore, if the agreement expressed a date other than when possession is actually given up, it could give rise to confusion and a legally uncertain position.

[468] Amendment 142 from Peter imposes a requirement for fixed-term contracts to be a minimum of six months. This would remove the ability, for example, for someone to rent on a fixed-term basis for shorter periods, such as when in-between house moves or if they move to an area for temporary work or education. This would affect significantly the way a landlord could deal with his or her property, so I cannot support the amendment.

[469] Amendment 143 constitutes a reversal of the existing statutory provision, which deals with quarterly rents, but not six-monthly rents, and I do not consider this amendment necessary. Amendment 144, also from Peter, would make possession for rent arrears more difficult to bring where

rent was payable yearly. This could create difficulties, particularly for private landlords, who would have to take a considerable financial hit before being able to seek possession, so I don't support that change.

[470] I'm not entirely clear on the purpose of Jocelyn's amendment 167. However, I believe it could have the effect of encouraging landlords simply to issue periodic contracts, or shorter, fixed-term contracts, as opposed to longer term fixed-term contracts, with break clauses. This could, therefore, disadvantage contract holders.

[471] **Christine Chapman:** Okay. Thank you, Minister. Peter, then Jocelyn and then any other Members who wish to speak. So, Peter first.

[472] **Peter Black:** Thank you, Chair. Can I first of all welcome the Minister's effective u-turn in terms of the six-month moratorium? I'm glad that she's listened to all the representations that have been made. I felt that that was one of the more insidious aspects of this Bill, and the fact that we are keeping that moratorium in Wales, as a result of her future amendment, is very welcome, and I will obviously not move my amendment 141 as a consequence of that.

[473] In terms of the other amendments in this section that I have tabled, amendment 140 relates to evidence from Shelter Cymru, which is recommendation 23 of the committee's report in terms of termination by agreement and lack of requirement for a termination agreement to be in writing. I understand that the Minister said it doesn't have to be in writing. I think that sort of clarity does help because I think it ensures that people fully understand how these issues work and when the termination is taking place. I don't see a harm in putting that in there.

[474] In terms of 142, I assume that it will not be necessary if the Minister does away with the moratorium. In terms of 143 and 144. Amendment 143, in fact, was put in as a result of a request from landlords themselves. It relates to section 184, which gives a landlord grounds for claiming possession on fixed-term standard contracts in cases of serious rent arrears. The Bill defines 'serious' for these purposes as: where the rental period is a week, a fortnight or four weeks, if at least eight weeks' rent is unpaid; where the rental period is a month, if at least two months' rent is unpaid; where the rental period is a quarter, if at least one quarter's rent is more than three months in arrears; and where the rental period is a year, if at least 25 per cent of the rent is more than three months in arrears. The Residential

Landlords Association feel that, in terms of paragraph (c) here, the rental period being a quarter, 'serious' should be defined as one rental payment being more than three months in arrears when the rent is paid quarterly or every six months, and they say that the Bill as drafted makes no provision for serious rent arrears where rent is paid six-monthly. So, the idea is to add that in through this amendment. So, for contract holders who pay their rent quarterly or every six months, they will be in serious arrears where a rental period is unpaid.

[475] Amendment 144 follows on from that and would change the reference in the fourth instance, paragraph (d), from 25 per cent to 50 per cent, so as to introduce some consistency in this. So, a person who pays their rent six-monthly is in serious arrears if a six-month rent is unpaid, and a person who pays an annual rent is in serious arrears if only three months' rent is unpaid. That is inconsistent, so amendment 144 eliminates that inconsistency by saying that a person who pays rent annually would be in serious arrears if 50 per cent of the rent is three months in arrears. This makes the whole of 184 more consistent. So, 144 is an important adjunct to 143 to try and give some clarification as to when a rent is in arrears so that that's understandable by both parties.

11:45

[476] **Christine Chapman:** Okay. Thank you, Peter. Jocelyn.

[477] **Jocelyn Davies:** Thank you. Minister, I'm delighted with the Government's u-turn on that and congratulations on the change of heart; you know that there's been an outcry on the removal of the six-month moratorium in the Bill, and many organisations that advocate for tenants' rights are rightly concerned that it would have left tenants in Wales with less legal protection from eviction than tenants in other parts of the UK. And, bringing in legislation that disadvantages Welsh tenants is, I feel, not the way to go. I'm glad that you've considered it and that you've changed your mind, and I'm very pleased with that.

[478] I have been thinking about the moratorium, of course, and my reason for bringing 166 was partly due to that, but, also, even if the moratorium is returned, is that the only way in which we can promote what many tenants actually want, which is long-term stable contracts? Having the moratorium alone doesn't justify, I think, dismissing my amendment. What many tenants want is greater security later on—so, you move in, you've got your six

months and then you have to look around maybe for something else. So, once they've settled in, I think that what many people want then is to have some security, especially if they've got families. And what my amendment does is set out the reasons under which landlords can justifiably give notice to quit. This, of course, doesn't take into account any situation where the tenant would have breached the contract, but this is assuming that you are a good tenant and you're happy. And what it says there is that every year on the anniversary of taking out the contract, the landlord could give you notice to quit; when the property is no longer suitable for the tenant; if the landlord wants to sell it; if they need it for themselves or their family; to carry out substantial works; or if they no longer want it to be a dwelling and they want to have a change of use. I've taken this from the Irish legislation of 2004—the Residential Tenancies Act 2004—so we've seen this working somewhere else. So, it would give tenants greater security after they've passed that settling in period.

[479] So, I don't think that the reinstatement of the moratorium negates the need for us to begin to establish a dialogue about how we get those longer term stable contracts that are desperately needed.

[480] **Christine Chapman:** Okay. Thank you, Jocelyn. I've got Mark, then Mike.

[481] **Mark Isherwood:** Referring to your statement regarding non-removal of the six-month moratorium, I'll just quote a landlord who was born very near here, who grew up in poverty and deprivation, and who came to see me. He said that he could, once he'd got some money, have invested in an affluent area and made lots of money. But, because of his upbringing, he chose to invest in the most deprived communities, in his case in south Wales, and the removal of the moratorium would enable him to help even more. He said that he very rarely has to take action to remove a tenant; he chooses to house the hardest to home, and, because of the wider support he's able to give them, they are generally successful tenants. But, there are exceptions when he has to take action, and he was very concerned that the retention of the six-month moratorium would prevent him investing in that very housing, at a time when, we know from previous legislation, the Welsh Government seeks to discharge its homelessness duty into the private rented sector.

[482] That was particularly the case where the Welsh Government chose not to pursue a recommendation in a previous Community and Culture Committee report on the private rented sector, to develop social letting

agencies as a partnership with the private rented sector and third sector social enterprises, and chose to remove the national accreditation scheme, which clearly went a lot further than licensing and registration. But, I conclude by referring to something that has not been brought forward in this debate, because there weren't amendments specifically related to it, but can be at Stage 3. The evidence we received from both Shelter Cymru and the Residential Landlords Association proposed a probationary tenancy, perhaps more in line with the social housing sector, linked to the options for longer tenancies, as Jocelyn describes, where that best meets the needs of the tenant and landlord in agreement. So, I would urge the Minister, when bringing forward her amended proposals, to give thought to the suggestions by Shelter and the RLA in this respect.

[483] **Christine Chapman:** Okay, thank you, Mark. Mike.

[484] **Mike Hedges:** There are two points I'd like to make. The first one is, I don't think it helps saying the Minister's made a u-turn, I think it's better to say the Minister's listened to—

[485] **Jocelyn Davies:** I didn't say that.

[486] **Mike Hedges:** I was just looking across there at you—. Sorry, I wasn't looking at you, Jocelyn. I was just looking across, there. As I say, it doesn't really help doing that. I prefer to look at it that the Minister's listened to representations by this committee and others and has come to a conclusion with which I think we're virtually all in agreement. So, I welcome the Minister's decision on that and I think it will benefit very many people.

[487] I can't understand why somebody would want to buy and rent out expensive houses rather than cheap ones, because the rate of return is substantially higher on cheap ones. If you buy a £60,000 house, you can rent it out for £6,000 a year. You buy a £250,000 house, you'll have great difficulty making £25,000 a year, plus everything's tied up in that one property. So, for reasons alone of income, people would want to buy the cheaper property. In fact, they do. I mean, somebody in Basingstoke owns a large chunk of Plasmarl, which he or she rents out.

[488] The other point I'd like to make is that if there is a reduction in the number of houses up for rent, it won't actually reduce the number of houses available, and what we might see is a move back to low-cost owner occupation, which many of us remember and many of us would like to return

to, rather than these people buying up lots of these houses and then renting them out at substantial cost.

[489] To finish off, I was born in Plasmarl, which started off as being full of privately rented accommodation. It then went into a period of being mainly low-cost owner occupation, and it's now moved back to privately rented again. I'd much prefer to see a further return to it being mainly low-cost, privately occupied houses.

[490] **Christine Chapman:** Thank you, Mike. Any other Members. No. Minister.

[491] **Lesley Griffiths:** Thank you, Chair. Yes, I agree with Mike. I don't see it as a u-turn. I came into post a year ago, I picked up this Bill, and I think one of my very first meetings was with Shelter Cymru to discuss it. It was very clear that this was a part of the Bill that did cause great concern amongst people. We've just heard from Mark—somebody who Mark's met—. I've met with somebody very similar who said they thought it should be retained, and it was a bit of a head-and-a-heart decision, really, at the end. Ultimately, there would have been less security for Welsh tenants, and I don't think I could support that. So, that was my reasoning for doing it.

[492] Jocelyn, the point that you raised about, 'Okay, you've got your six-month moratorium and what happens after that?' I did look at whether we could provide a significant increase, for instance, but I think that would have to be widely consulted on. But, I think it is something that perhaps we can look at in future.

[493] In relation to Peter Black's amendments, 143 and 144, that's what the law is now. But, I will look at that further, Peter. Mark also mentioned Shelter Cymru and the Registered Landlords Association, and we are working with both of those organisations to make sure that the approach we're taking does fit in with that Bill. So, I can reassure you that officials are talking to both of those organisations.

[494] **Christine Chapman:** Thank you, Minister. Minister, do you wish to proceed to a vote on amendment 26?

[495] **Lesley Griffiths:** Yes.

[496] **Christine Chapman:** Okay. So, the question is that amendment 26 be

agreed. Does any Member object? No. Amendment 26 is agreed.

*Derbyniwyd gwelliant 26 yn unol â Rheol Sefydlog 17.34.*

*Amendment 26 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 27 (Lesley Griffiths).*

*Amendment 27 (Lesley Griffiths) moved.*

[497] **Christine Chapman:** I move amendment 27 in the name of the Minister. So, the question is that amendment 27 be agreed. Does any Member object? No. Amendment 27 is agreed.

*Derbyniwyd gwelliant 27 yn unol â Rheol Sefydlog 17.34.*

*Amendment 27 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 71 (Lesley Griffiths).*

*Amendment 71 (Lesley Griffiths) moved.*

[498] **Christine Chapman:** I move amendment 71 in the name of the Minister. The question is that amendment 71 be agreed. Does any Member object? No. Amendment 71, then, is agreed.

*Derbyniwyd gwelliant 71 yn unol â Rheol Sefydlog 17.34.*

*Amendment 71 agreed in accordance with Standing Order 17.34.*

[499] **Christine Chapman:** Mark, amendment 185.

*Cynigiwyd gwelliant 185 (Mark Isherwood).*

*Amendment 185 (Mark Isherwood) moved.*

[500] **Mark Isherwood:** I move.

[501] **Christine Chapman:** Okay. If amendment 185 is not agreed, amendment 191 will fall. So, the question is that amendment 185 is agreed. Does any Member object? [*Objection.*] Okay, we'll take a vote, then. Those in favour. Those against. Any abstentions. No. So, five in favour, five against. I use my casting vote against, therefore 185 is not agreed.

*Gwelliant 185: O blaid 5, Yn erbyn 5, Ymatal 0.*

*Amendment 185: For 5, Against 5, Abstain 0.*



O blaid:  
For:

Yn erbyn:  
Against:

Ymatal:  
Abstain:

Black, Peter  
Davies, Jocelyn  
Finch–Saunders, Janet  
Isherwood, Mark  
Thomas, Rhodri Glyn

Chapman, Christine  
Davies, Alun  
Griffiths, John  
Hedges, Mike  
Price, Gwyn R.

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei phleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used her casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 185.  
Amendment 185 not agreed.*

*Cynigiwyd gwelliant 72 (Lesley Griffiths).  
Amendment 72 (Lesley Griffiths) moved.*

[502] **Christine Chapman:** I move amendment 72 in the name of the Minister. So, the question is that amendment 72 be agreed. Does any Member object? No. So, amendment 72 is agreed.

*Derbyniwyd gwelliant 72 yn unol â Rheol Sefydlog 17.34.  
Amendment 72 agreed in accordance with Standing Order 17.34.*

[503] **Christine Chapman:** I'm going to adjourn the meeting—this session—now. We will continue with the meeting next Thursday. We haven't quite finished this issue. The next meeting to dispose of amendments will be held, as I said, on Thursday 8 October. In accordance with Standing Orders, amendments must be tabled no fewer than five working days before they're considered. There is, therefore, further opportunity to table amendments to those sections and Schedules of the Bill that have not yet been deemed agreed. In accordance with Standing Order 26.61(iv), amendments will only be admissible if they're not inconsistent with decisions already taken at the stage at which they're due to be considered, and the committee clerks can provide advice on admissibility as required. The deadline for tabling any further amendments is 5 o'clock tomorrow, Thursday 1 October. If Members wish to table any further amendments, please contact the clerks. So, can I thank you for your time this morning? Thank you. I now close the meeting.

*Daeth y cyfarfod i ben am 11:56.*  
*The meeting ended at 11:56.*