

# Report on the Supplementary Legislative Consent Memorandum (No.6) for the Social Housing (Regulation) Bill

27 March 2023

## 1. Background

1. On 18 August 2022, the Minister for Climate Change laid a Legislative Consent Memorandum ("the LCM") on the Social Housing (Regulation) Bill ("the Bill") before the Senedd. A supplementary LCM ("SLCM (No.2)") was laid on 5 October. A further SLCM ("SLCM (No.3)") was laid on 17 November 2022. We reported on the LCM, SLCM (No.2) and SLCM (No.3) on 13 December 2022. Further SLCMs - SLCM (No.4) and SLCM (No.5) were laid on 6 December 2022 and 15 February 2023 respectively. We reported on SLCM (No.4) on 13 January 2023 and wrote to the Business Committee in relation to SLCM (No.5) on 23 February 2023 stating that we would not be able to issue a report due to the lack of time available for scrutiny.

2. On 9 March 2023, the Welsh Government laid a further SLCM, ("SLCM (No.6)"). On 14 March 2023, the Business Committee referred SLCM (No.6) to the Local Government and Housing Committee ("the Committee") and the Legislation, Justice and Constitution Committee for consideration, with a reporting deadline of 27 March 2023. We considered SLCM (No.6) at our meeting on 23 March 2023.

## 2. SLCM (No.6)

3. Paragraphs 21 to 25 of SLCM (No.6) set out the Welsh Government's updated position since the publication of SLCM (No.5).



### 3. Provisions for which consent is sought

4. Paragraphs 26 and 30 of SLCM (No.6) set out that the Senedd's consent is being sought for clause 21 (as amended in the House of Commons at Report Stage) because it has a purpose within the legislative competence of the Senedd (namely social housing).

#### Clause 21

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5. This clause gives the regulator new powers to set standards relating to the competence and conduct of social housing providers. The clause has been amended to give the regulator a further power to set standards in order to secure that social housing managers have appropriate housing qualifications.

### 4. Reasons for making these provisions in Wales

6. Paragraph 28 of SLCM (No.6) sets out the Welsh Government's reasons for making provisions for Wales in the Bill. It states:

*"The overall intention is that the Bill, as amended at Commons Report stage, will lead to improvements in the performance of RPs, strengthening tenants' rights and driving change in landlord behaviour to focus on the needs of tenants, and ensuring landlords are held to account for their performance. This will lead to positive change for tenants of English RPs, including those in Wales, and therefore I remain content that these provisions should be made in a UK Parliamentary Bill."*

### 5. Committee consideration and conclusion

7. We considered SLCM (No.6) at our meeting on 23 March 2023.

8. We re-iterate the comments we made in our report on the original LCM, SLCM (No.2) and SLCM (No.3), our report on SLCM (No.4) and in our letter to the Business Committee in relation to SLCM (No.5). We strongly believe that the short amount of time allocated to the legislative consent process is insufficient to enable us to fully understand the impact of provisions on the lives of people in Wales.

9. Despite the concerns outlined above, most Members feel that they are able to recommend that the Senedd gives its consent to legislate on these devolved matters on this

occasion. One Member of the Committee, Mabon ap Gwynfor MS, disagrees with the majority view and believes that consent should not be granted. Mabon ap Gwynfor noted concerns that it is not possible to fully understand whether the provisions in SLCM (No.6) are right for the people of Wales as it has not been possible to consult and gather views from Wales.