

# Report on the Supplementary Legislative Consent Memorandum (No.4) for the Social Housing (Regulation) Bill

13 January 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.

2. On 6 December 2022, the Welsh Government laid a further Supplementary LCM (Memorandum No.4) ("SLCM (No.4)"). On 13 December 2022, the Business Committee referred SLCM (No.4) to the Local Government and Housing Committee ("the Committee") and the Legislation, Justice and Constitution Committee for consideration. The Business Committee set a reporting deadline of 13 January 2023. We considered SLCM (No.4) at our meeting on 14 December 2022.

## 2. SLCM (No.4)

3. Paragraphs 17 to 25 of SLCM (No.4) set out the Welsh Government's updated position since the publication of SLCM (No.3).

4. Paragraph 20 states that as clause 24, which was inserted at Lords Report stage to add standards regarding energy demand, has been removed from the Bill, the Senedd's consent is no longer required for that clause.



**5.** Paragraphs 24 and 25 state that as clause 11 applies only to premises that are rented in England, the UK Government has since notified the Welsh Government that consent is not required. The Welsh Government agrees.

### 3. Provisions for which consent is sought

**6.** Paragraphs 19, 21 and 22 of SLCM (No. 4) set out that the Senedd's consent is being sought by the UK Government for each of the following clauses (as amended in the House of Commons Committee Stage) because they relate to social housing, which is not reserved under Schedule 7A to the Government of Wales Act 2006.

#### Clause 4

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**7.** This clause has been amended to repeal the provisions of the Housing and Regeneration Act 2008 which provide specific powers to enable the regulator to charge registered providers of social housing fees for inspections.

#### Clause 27

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**8.** This clause has been amended so that where a survey is carried out on premises which include common parts of a building, the effect on the ability of occupiers to use their dwellings and the common parts must be considered in determining whether equipment or materials can be left on the premises while the survey is carried out.

**9.** It has also been amended to adjust the power to leave equipment etc. on premises during a survey, so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

#### Clause 30

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**10.** This clause has been amended in the same way as clause 27, i.e.:

- the ability of occupiers to use their dwellings must be considered when determining whether equipment can be left on premises during emergency remedial action, and
- the power to leave equipment on premises during emergency remedial action is adjusted.

## 4. Reasons for making these provisions in Wales

**11.** Paragraphs 30 and 31 of SLCM (No.4) set out the Welsh Government's reasons for making provisions for Wales in the Bill. SLCM (No.4) states:

*"As outlined in the previous legislative consent memoranda on the Bill, there are relatively few (approximately 530) properties in Wales which are owned and/or managed by an English RP, who will be subject to the changes in regulatory environment described by the Bill.*

*The overall intention is that the Bill, as amended at Commons Committee 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 all tenants of English RPs, including those Welsh tenants who will be impacted by the changes, and therefore I remain content that these provisions should be made in a UK Parliamentary Bill."*

## 5. Committee consideration and conclusion

**12.** We considered SLCM (No.4) at our meeting on 14 December 2022.

**13.** We re-iterate the comments we made in our report on the original LCM, SLCM (No.2) and SLCM (No.3). 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.

**14.** 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.