

## **Atebion i Gwestiynau Ysgrifenedig y Cynulliad i'w hateb ar 12 Mawrth 2012**

### **Answers to the Written Assembly Questions for answer on 12 March 2012**

*Cyhoeddir atebion yn yr iaith y'u darparwyd, gyda chyfieithiad Saesneg o atebion yn y Gymraeg.  
Answers are published in the language in which they are provided, with a translation into English of responses provided in Welsh.*

[R] *yn nodi bod yr Aelod wedi datgan buddiant/signifies that the Member has declared an interest.*

[W] *yn nodi bod y cwestiwn wedi'i gyflwyno yn Gymraeg/signifies that the question was tabled in Welsh.*

### **Cynnwys**

### **Contents**

- 2 Cwestiynau i'r Gweinidog Busnes, Menter, Technoleg a Gwyddoniaeth  
Questions to the Minister for Business, Enterprise, Technology and Science
- 2 Cwestiynau i'r Gweinidog Tai, Adfywio a Threftadaeth  
Questions to the Minister for Housing, Regeneration and Heritage

***Gofyn i'r Gweinidog Busnes, Menter, Technoleg a Gwyddoniaeth  
To ask the Minister for Business, Enterprise, Technology and Science***

**Andrew RT Davies (Canol De Cymru):** Yn dilyn ateb y Gweinidog i WAQ59812, a wnaiff y Gweinidog ddarparu rhestr o'r holl fesurau a gymerwyd gan Lywodraeth Cymru yn ystod Tymor y Cynulliad hwn i hyrwyddo Cymru fel cyfle ar gyfer mewnfuddsoddi. (WAQ59912)

**Andrew RT Davies (South Wales Central):** Further to the Minister's answer to WAQ59812, will the Minister provide a list of all measures taken by the Welsh Government during this Assembly Term to promote Wales as an inward investment opportunity. (WAQ59912)

***Derbyniwyd ateb i'w gyhoeddi ar 08 Mawrth 2012  
Answer received for publication on 08 March 2012***

**The Minister for Business, Enterprise, Technology and Science (Edwina Hart):** All measures taken by the Welsh Government are listed on [www.wales.gov.uk](http://www.wales.gov.uk) under the section on Decision Reports.

***Gofyn i'r Gweinidog Tai, Adfywio a Threftadaeth  
To ask the Minister for Housing, Regeneration and Heritage***

**Mark Isherwood (Gogledd Cymru):** Os bydd tenantiaid Cyngor yn pleidleisio o blaid trosglwyddo stoc, sut y bydd cyflog yn cael ei asesu yn y gymdeithas newydd y trosglwyddir iddi. (WAQ59906)

**Mark Isherwood (North Wales):** If Council tenants vote in favour of stock transfer, how will pay be assessed in the new transfer association. (WAQ59906)

***Derbyniwyd ateb i'w gyhoeddi ar 14 Mawrth 2012  
Answer received for publication on 14 March 2012***

**The Minister for Housing, Regeneration and Heritage (Huw Lewis):** As the transfer of the stock amounts to the transfer of an undertaking, so the new transfer association will need to consider the application of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). When a TUPE-protected transfer takes place, the new employer takes over nearly all rights and obligations in an employee's employment contract – so in this case the transfer landlord will need to meet the employee's terms of the contract with the local authority. Ultimately, the Board of the new transfer association is responsible for ensuring that there is an appropriate Remuneration Policy for setting pay for all staff.

**Mark Isherwood (Gogledd Cymru):** Os bydd tenantiaid Cyngor yn pleidleisio o blaid trosglwyddo stoc, a fydd uwch reolwyr y gymdeithas newydd y trosglwyddir iddi yn cael codiadau cyflog mawr yn awtomatig. (WAQ59907)

**Mark Isherwood (North Wales):** If Council tenants vote in favour of stock transfer, will senior managers in the new transfer association automatically receive big pay rises. (WAQ59907)

***Derbyniwyd ateb i'w gyhoeddi ar 14 Mawrth 2012  
Answer received for publication on 14 March 2012***

**Huw Lewis:** The Welsh Government would wish to satisfy itself that the job descriptions and person specifications properly identify the requisite qualifications and necessary experience for senior manager posts in the new transfer association. The local authority and the transfer association will need to consider TUPE advice to determine whether existing staff meet the criteria for direct appointment. Where this is not the case, the Welsh Government expectation is that the recruitment process will be open and transparent evidenced via an open advertisement to external candidates. Ultimately, the Board of the new transfer association is responsible for ensuring that there is an appropriate Remuneration Policy for setting pay for all staff.

**Mark Isherwood (Gogledd Cymru):** Os bydd tenantiaid Cyngor yn pleidleisio o blaid trosglwyddo stoc, a fydd y cyfrifoldeb corfforaethol yn trosglwyddo i'r cymdeithasau di-elw newydd y trosglwyddir iddynt a fydd yn cael eu rheoleiddio gan Lywodraeth Cymru. (WAQ59908)

**Mark Isherwood (North Wales):** If Council tenants vote in favour of stock transfer, will corporate responsibility pass to the new not for profit transfer associations regulated by Welsh Government. (WAQ59908)

*Derbyniwyd ateb i'w gyhoeddi ar 14 Mawrth 2012*  
*Answer received for publication on 14 March 2012*

**Huw Lewis:** Yes, the corporate responsibility pass to the new not for profit transfer association that will be regulated by Welsh Government. The Board will be accountable to the tenants and service users for an effective and efficient delivery of landlord services, governance and long-term financial viability. The Welsh Government's Housing Regulation Team will be responsible for regulating the new transfer association in accordance with the new Regulatory Framework for Housing Associations Registered in Wales that was published in December 2011.

**Mark Isherwood (Gogledd Cymru):** Os bydd tenantiaid Cyngor yn pleidleisio o blaid trosglwyddo stoc, sut y mae cyfrifoldeb democrataidd yn gwella - e.e. tenantiaethau cyfranddalwyr ac aelodau bwrdd tenantiaid. (WAQ59909)

**Mark Isherwood (North Wales):** If Council tenants vote in favour of stock transfer, how is democratic accountability enhanced - e.g. shareholding tenancies and tenants board members. (WAQ59909)

*Derbyniwyd ateb i'w gyhoeddi ar 14 Mawrth 2012*  
*Answer received for publication on 14 March 2012*

**Huw Lewis:** Whilst it is a matter for local authorities and their tenants to ultimately decide on the structure of any new organisation, the composition of the governing body should be such that it has the full range of business and financial skills to be capable of managing a large organisation.

The Welsh Government will normally expect tenant representatives to comprise at least one-third of a transfer landlord's governing board. In no circumstances may local authority members, officers or other nominees exceed one-third of the membership, since borrowing by the transfer landlord would otherwise be classified as public expenditure.

The Welsh Government will, at its discretion, permit tenants to form a majority on the governing board of the transfer association, provided that it can be clearly demonstrated that the governing body is equipped with suitably skilled and experienced individuals. In considering the composition of the Board the requirements of charity law will need to be taken into account.

There is also a Community Mutual type of social landlord that has been successfully employed by a number of local authorities wishing to engage with their tenants in developing their stock transfer proposals. This model, promoted by the Co-operative movement develops the concept of mutuality. It offers a real opportunity to create a structure for Wales that reflects the many communities that comprise every local authority area.

The most important aspect of the Community Mutual is that the people who benefit from the services of the landlord (i.e. the tenants) are also required to be not less than one-half of the members or owners of the Community Mutual and their involvement is required for certain "fundamental" elements of the landlord's business.

A local authority will be required to set up a Shadow Board to represent the potential transferee landlord in negotiations with the local authority prior to the issue of the Offer Document.

Whilst the expectation is that Board membership will be on a third, third, third basis i.e. Council nominees, tenants and independents, there are advantages in having the views of other sectors of the community on the Board particularly leaseholders.

The transferee landlord will be required to produce General and Board Membership policies to the Welsh Government for approval prior to registration.

**Mark Isherwood (Gogledd Cymru):** Os bydd tenantiaid Cyngor yn pleidleisio o blaid trosglwyddo stoc, a yw'r gyfraith sy'n ymwneud â throï allan yr un peth ag y byddai petaent wedi parhau fel tenantiaid y Cyngor. (WAQ59910)

**Mark Isherwood (North Wales):** If Council tenants vote in favour of stock transfer, is the law in respect of evictions the same as it would have been if they had remained Council tenants. (WAQ59910)

*Derbyniwyd ateb i'w gyhoeddi ar 15 Mawrth 2012*  
*Answer received for publication on 15 March 2012*

**Huw Lewis:** As part of the pre-ballot process, a local authority issues a formal consultation document to its tenants which explains what will happen if the council owned housing stock transfers to a registered social landlord, or remains with the council.

For example, the Choices document which has been issued by Flintshire Council to tenants states that in the event of a housing stock transfer to Dee Housing, tenants would continue to enjoy security of tenure and have protection of their key rights as they currently do as a secure tenant of the Council.

Eviction is usually used as a tool of last resort by social landlords in Wales. In 2010-11 there was a fall of 15% in the number of eviction warrants granted to Welsh social landlords and a fall of 11% in the number of tenants (and their families) leaving their homes compared to 2009-10.

**Mark Isherwood (Gogledd Cymru):** Os bydd tenantiaid Cyngor yn pleidleisio o blaid trosglwyddo stoc, a fydd y rhent a godir yn uwch o dan drefn cydgyfeirio rhent Llywodraeth Cymru, na phetaent wedi parhau fel tenantiaid y cyngor. (WAQ59911)

**Mark Isherwood (North Wales):** If Council tenants vote in favour of stock transfer, under the Welsh Government's rent convergence regime will rents charged be higher than if they had remained council tenants. (WAQ59911)

*Derbyniwyd ateb i'w gyhoeddi ar 15 Mawrth 2012*  
*Answer received for publication on 15 March 2012*

**Huw Lewis:** The Welsh Government has had a longstanding policy that council rents and Registered Social Landlord (RSL) rents should converge progressively. Under the current arrangements, I make a decision each year on the level of increase to average guideline rents, which apply to councils and also to rent benchmarks, which apply to RSLs. However it is the responsibility of individual landlords to set the level of rent for individual properties and tenants.

Welsh Government consulted upon a proposed new policy for social housing rents during 2011. It was identified that the underlying policy approach for the setting of rents for the two sectors was entirely different and this limited earlier attempts to achieve greater consistency. The consultation proposed the continuation of the policy to see the convergence of rents between the two sectors and proposed to introduce a new rent framework that would apply consistently to both sectors to reflect the type, size, quality and location of the landlord's properties. It was further proposed that landlords would continue to be responsible for the setting of rents for individual properties and tenants. The steering group, established to oversee the review of rents, is currently considering the options available to revise the policy proposals in light of consultation responses. I will shortly be considering these options with a view to publishing the final policy for implementation in April 2013.

In the case of a potential stock transfer, the formal consultation document sets out the promises made to tenants on a wide range of matters. If council tenants vote in favour of transfer, the new landlord will be committed to delivering all the promises contained therein. Whilst the detail and nature of the promises made will vary from one proposed transfer to another, the details of any specific rent guarantee will be set out in the individual consultation document. When the new landlord is setting the rents for individual tenants and properties, they must honour any promises and rent guarantees that were set out in the transfer consultation document.