

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 4

Meeting date: 3 November 2021

Meeting time: 09.15

For further information contact:

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Committee Clerk

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Pre-meeting (09.15 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

2 Papers to note

(Pages 1 – 2)

2.1 Letter to the Minister for Climate Change in relation to the LCM on the Leasehold Reform (Ground Rent) Bill

(Pages 3 – 4)

2.2 Letter from the Minister for Climate Change in relation to the LCM on the Leasehold Reform (Ground Rent) Bill

(Pages 5 – 7)

2.3 Letter from the Counsel General and Minister for the Constitution in relation to the LCM on the Elections Bill

(Pages 8 – 9)

2.4 Briefing from the Electoral Commission on the UK Government Elections Bill

(Pages 10 – 23)

2.5 Letter from the Chair of the Llywydd's Committee to the UK Government's Minister of State for Levelling Up and Equalities in relation to the Elections Bill

(Pages 24 – 25)

2.6 Letter to the Legislation, Justice and Constitution Committee in relation to the LCM on the Building Safety Bill

(Pages 26 – 27)



- 2.7 Letter to the Minister for Climate Change in relation to the LCM on the Building Safety Bill**
(Pages 28 – 29)
- 2.8 Letter from the Minister for Climate Change in relation to the LCM on the Building Safety Bill**
(Pages 30 – 32)
- 2.9 Letter from the Minister for Finance and Local Government in relation to allocations from the Welsh Government’s Covid Reserve**
(Pages 33 – 37)
- 2.10 Letter from the Petitions Committee in relation to Petition P-05-1056 Give Local Authorities powers to control the housing market in rural and tourist areas of Wales**
(Pages 38 – 39)
- 2.11 Letter from Make UK in relation to manufacturing in Wales**
(Pages 40 – 41)
- 2.12 Letter from the Public Services Ombudsman for Wales in relation to "Homelessness Reviewed: an open door to positive change"**
(Pages 42 – 43)
- 3 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**
- 4 Consideration of the draft report on the LCM on the Elections Bill**
(09.30 – 09.50) (Pages 44 – 52)
- 5 Update on the LCM and Supplementary LCM on the Building Safety Bill**
(09.50 – 10.00)
- 6 Briefing from Dr Simon Brooks, Swansea University, in relation to second homes**
(10.00 – 11.00) (Pages 53 – 58)

7 Consideration of the scope and approach to the inquiry into second homes

(11.00 – 11.30)

Agenda Item 2

Local Government and Housing Committee

3 November 2021 – papers to note cover sheet

Paper no.	Issue	From	Action point
Paper 1	Legislative Consent Memorandum (LCM) on the Leasehold Reform (Ground Rent) Bill	Local Government and Housing Committee	To note
Paper 2	Legislative Consent Memorandum (LCM) on the Leasehold Reform (Ground Rent) Bill	Minister for Climate Change	To note
Paper 3	Legislative Consent Memorandum (LCM) on the Elections Bill	Counsel General and Minister for the Constitution	To note
Paper 4	Forward work programme	The Electoral Commission	To note
Paper 5	Legislative Consent Memorandum (LCM) on the Elections Bill	The Llywydd's Committee	To note
Paper 6	Legislative Consent Memorandum (LCM) on the Building Safety Bill	Local Government and Housing Committee	To note
Paper 7	Legislative Consent Memorandum (LCM) on the Building Safety Bill	Local Government and Housing Committee	To note
Paper 8	Legislative Consent Memorandum (LCM) on the Building Safety Bill	Minister for Climate Change	To note
Paper 9	Ministerial scrutiny sessions	Minister for Finance and Local Government	To note
Paper 10	Petition P-05-1056 Give Local Authorities powers to control the housing market in rural and tourist areas of Wales	Petitions Committee	To note

Paper 11	Forward Work Programme	Make UK	To note
Paper 12	Forward Work Programme	Public Services Ombudsman for Wales	To note

Julie James MS
Minister for Climate Change
Welsh Government

24 September 2021

Dear Julie

Legislative Consent Memorandum (LCM) on the Leasehold Reform (Ground Rent) Bill

At the meeting of the Local Government and Housing Committee on 22 September we considered the LCM on the Leasehold Reform (Ground Rent) Bill. In order to enable the Committee to make an informed decision on legislative consent, we would be grateful for more information about the Welsh Government's progress on wider leasehold reform.

Leasehold reform is an area of interest to the Committee and the Welsh Government's plans for reform was something that we raised with you during the ministerial scrutiny session on 22 September 2021. While we welcome the decision to set ground rent on new leases to a token one peppercorn per year, effectively restricting ground rents to zero financial value, we note that the Bill does not apply to existing leases. We also note that the Bill does not address other weaknesses in the leasehold system, such as service charges and other issues faced by leaseholders. It would therefore be helpful to understand where the changes introduced in the House of Lords sit within the wider programme of leasehold reform and the Programme for Government commitment to enact the recommendations of the Law Commission.

At the meeting on 22 September, you said that other reforms to the leasehold reform system will be brought before the Senedd. In order to aid our consideration of the LCM, we would be grateful if you could provide more detail on these reforms, including timescales and whether they will be made through Welsh legislation or further LCMs.

We understand that amendments to the Bill that confer powers to make delegated powers to Welsh Ministers were tabled on 20 July. Standing Order 29.2(iii) provides that when any relevant amendments to a Bill are tabled, a supplementary LCM should be laid normally no later than two weeks later. In order for us to plan our approach to scrutiny, please can you confirm when the supplementary LCM will be laid.

We would appreciate a response by 1 October so that it can be considered at our meeting on 6 October.

Yours sincerely



John Griffiths MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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1 October 2021

Dear John,

Legislative Consent Memorandum (LCM) on the Leasehold Reform (Ground Rent) Bill

Thank you for your letter of 24 September seeking further information about the Leasehold Reform (Ground Rent) Bill and how it fits with the Welsh Government's plans on wider leasehold reform, including the implementation of the Law Commission's recommendations.

The Leasehold Reform (Ground Rent) Bill represents the first, but significant, step towards the implementation of broad-ranging reforms to leasehold as a tenure. By restricting ground rent to a peppercorn on new leases, the Bill will protect leaseholders from unreasonable ground rents and, at the same time, disincentivise homes being sold on a leasehold basis in order to generate an ongoing income stream for the freeholder. Whilst the Bill is not itself responding to the Law Commission's recommendations for reform, it is paving the way for a wider Leasehold Reform Bill to implement those reforms. The UK Government has already committed to introduce this Bill at a later point in the current Parliamentary term. Whilst this wider Bill has yet to be drafted, it is anticipated it will include provisions to help tackle ground rent issues faced by existing leaseholders. When we receive that Bill, we will review it and consider whether a LCM is required.

Regarding the Law Commission recommendations more generally, these stem from three projects on leasehold reform that were carried out on an England and Wales basis. Following consultation, the Commission concluded that there was no evidence of a need for different provision in the law in England and Wales. Given the complexity of the existing leasehold legislation, I consider it to be more expedient to continue to work with the UK Government on this subsequent legislation and for it to also be developed on an England and Wales basis. My department is therefore working with the Law Commission and UK Government to achieve this.

The Law Commission's reports on Leasehold Enfranchisement, the Right to Manage, and Reinvigorating Commonhold set out far-reaching proposals for reforming leasehold law. In particular, in terms of the right to enfranchisement and the right to manage for existing leaseholders, the recommendations will help make these rights available to more

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

leaseholders than is currently the case, as well as making exercising those rights simpler, fairer and cheaper.

The Commission's proposals for encouraging commonhold as a workable alternative to leasehold for the ownership of flats, are focused on addressing shortcomings with the current legislation that have contributed to its slow uptake to date. In addition, they will make it easier for leaseholders to convert to commonhold should they so wish, by making conversion available to more leaseholders than is currently the case, as well as making the process simpler, fairer and cheaper.

A summary of the Law Commission's proposals can be found [here](#). These proposals have broadly been accepted by the Welsh Government and are reflected in our new [Programme for Government](#). Importantly, the Law Commission recognises that changes to leasehold law, such as the reduction of ground rents to a peppercorn as being implemented through the current Bill, are required to encourage commonhold as a form of ownership. Without such changes, the potential financial returns to developers from the leasehold model would continue to constrain the growth of commonhold.

In May 2021, the UK Government established a [Commonhold Council](#) - an expert group in which the Welsh Government is also involved - to help ensure the widespread use of commonhold as a positive alternative to leasehold. The principal aim of the Council is to advise on the implementation of a reformed commonhold regime and to bring forward solutions to prepare homeowners and the market for the broad adoption of commonhold for new-build flats. In addition, consideration is being given to the Law Commission's proposals for reforming how existing leasehold buildings could convert to commonhold. The overarching aim is to extend the benefits of freehold ownership to flat owners where possible. It is unlikely that the proposals will lead to leasehold being abolished entirely, as there may be some limited exceptions where a leasehold option is still the most suitable or only workable model available. However, I would anticipate that once these reforms are implemented we will see very few "new" leasehold houses or flats.

In a similar way to the Leasehold Reform (Ground Rent) Bill, there are other potential reforms to leasehold that do not respond directly to the Law Commissions proposals, and it is possible that some of these may also be included in the further Bill planned for introduction later in the current parliamentary term. As with the current Bill, my department will work closely with the UK Government to ensure that, where they would benefit leaseholders in Wales, the legislation is applied to Wales.

An example of such a reform would be banning the unnecessary use of leasehold for houses. Our [research into the sale and use of leasehold in Wales](#) did not identify any advantages to owning a leasehold house, and found that leaseholders of houses who participated in the research were generally more dissatisfied than leaseholders of flats. Indeed, the research indicated there was a 'strong consensus to end the sale of leasehold houses'. The independent [Task and Finish Group](#) also concluded that houses were being offered as leasehold 'without any justifiable reason' and recommended the Welsh Government should 'legislate to introduce a ban on the unjustified use of leasehold in new build houses'. Consequently, I consider there is a compelling case for introducing a statutory ban on the unnecessary use of leasehold as a tenure for houses in Wales. The UK Government has already made a [commitment to ban leasehold houses in England](#), a position that is also supported by the Law Commission. Therefore, I would expect this commitment to be provided for in the further Bill.

There are also likely to be some other important areas of leasehold reform that will be taken forward on a Wales-only basis. For example, in relation to building safety proposals, I intend to introduce a new registration and licensing regime which will be brought forward in the

planned Building Safety Bill during this Senedd term. This work will include consideration as to how those managing building in the future work with residents and leaseholders in relation to remedial works and associated service costs

Finally, whilst the Government amendments to the Leasehold Reform (Ground Rent) Bill, which were tabled on 20th July, delegated some powers to Welsh Ministers and made other appropriate changes, in order for the Bill to work effectively further amendments are necessary in my view. The UK Government has acknowledged the need for further discussion on this and our officials are working closely on appropriate amendments. However, I do not anticipate those amendments being tabled before late November or early December. Whilst a supplementary LCM would normally be laid within a fortnight of any amendments being tabled, on this occasion we are aware further important amendments are due to be tabled and so, to be more helpful to members, will look to issue a supplementary LCM at that point.

Yours sincerely



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Agenda Item 2.3

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/CG/3305/21

Huw Irranca-Davies MS
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12 October 2021

Dear both,

The UK Government introduced the Elections Bill to the UK Parliament on 5 July, and I subsequently laid a Legislative Consent Memorandum (LCM) before the Senedd on 9 September. The memorandum confirmed the Welsh Government would not recommend consent to the Bill as introduced. Business Committee subsequently referred the LCM to both your respective Committees.

As outlined in paragraph 9 of the LCM, whilst provisions relating to European Citizens Voting and Candidacy Eligibility were intended to apply only to reserved elections, clause 11 of and Schedule 7 to the Bill as introduced, amended existing provision in the Representation of the People Act 1983 in such a way that those provisions applying to the devolved franchised were repealed and therefore changed the entitlement to register for and vote at Welsh local government and Senedd elections. Changes to the provisions to correct the unintended consequences for devolved Welsh elections have been discussed with the UK Government and amendments were laid by the UK Government on 16 September 2021, during Commons Committee stage, that limit the application of the changes to reserved elections as was the original intention. The amendments can be found here: [elections_day_pbc_0916.fm \(parliament.uk\)](https://elections.day.pbc.0916.fm/parliament.uk)

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Amendment 8 makes technical amendments to Schedule 7, which amends various provisions of the Representation of the People Act 1983, to clarify that changes affecting the rights of EU citizens to vote in local government elections in England do not affect the position in relation to local government elections in Wales. Amendment 7 is consequential on amendment 8. Amendment 9 clarifies that section 49(5)(b)(iiia) of the Representation of the People Act 1983 (as would be inserted by paragraph 1(8)(a) of Schedule 7) will apply to England only. Amendment 10 clarifies that section 49(5)(b)(iv) of the Representation of the People Act 1983 will continue to apply, but to Wales only.

The Welsh Government is supportive of these amendments to correct the unintended consequences of provisions included in the Bill as introduced.

In my view, as the effect of the amendments is that only the franchise for reserved elections would now be changed, they make provision which is consequential to matters outwith the legislative competence of the Senedd, and does not require Senedd consent by virtue of the exception in Standing Order 29.1(i). I have therefore not laid a supplementary LCM in relation to them. However, given that the provisions to be amended were identified in the LCM as requiring Senedd consent, I wanted to inform you of these changes.

I will continue to keep you updated as the Bill progresses.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style and is positioned above a short horizontal line.

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

Agenda Item 2.4

The Electoral Commission

Briefing: UK Government Elections Bill – impact on elections in Wales

September 2021

Welsh Government has sought views on the proposals set out in the UK Government's Elections Bill. The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity. A key part of our role is to provide advice to governments and parliaments on legislation relating to elections and the regulation of campaigners.

This briefing considers the clauses of the Bill for which we understand the UK Government is seeking legislative consent from the Senedd. It also highlights provisions in the Bill which relate to UK Parliament elections and would therefore have an impact on voters, campaigners and electoral administrators in Wales, including through a resulting divergence of rules for different elections in Wales. It reflects our current understanding of the Bill and of the associated secondary legislation which will follow. We will continue to support Welsh Government as the parliamentary process proceeds.

Bill provisions directly relevant to the Senedd and local government elections in Wales

This section of the briefing is about the parts of the Elections Bill that the UK Government has proposed should apply to the whole elections framework, including Senedd and local government elections in Wales. It has asked the Senedd to consent to some of these changes where the Senedd has competence over the relevant part of the law.

Campaigner regulation and registration

Digital imprints

Digital campaigning accounts for an increasingly large proportion of spending reported by campaigners after elections. Following the 2019 UK general election and European Parliament election, political parties reported that spending on digital advertising represented 53% of their total advertising spending. Party spending returns for the 2021 Senedd elections are due to be submitted in August and November 2021 (dependent on the level of spending) and we will publish this data in due course.

The introduction of digital imprint rules has been a long standing Electoral Commission recommendation, which would improve transparency and voter confidence. It was also a recommendation in our [recent report on the 2021 elections in Wales](#).

Our research after the election confirmed that people continue to value transparency about who is responsible for political campaign activity online at elections with a majority (69%) of

people agreeing that it is important for them to know who has produced the political information they see online, and three in five agreeing (59%) they would trust digital campaigning material more if they knew who produced it. To ensure voter confidence in digital campaign regulation, the law should provide for swift action to deal with any campaign material that does not comply with the new imprint requirements. The Bill would create a new duty for social media and digital advertising providers to provide information to the Commission and the police about who has supplied and paid for material, which would help us to secure compliance with the law. It also sets out duties for social media and digital advertising providers, including to remove material without an imprint once a court has found a conviction or the Commission has imposed a sanction on a campaigner.

Key considerations for Welsh Government

- Whether the Senedd decides to consent to the proposals in the Elections Bill or introduce separate legislation, we recommend that digital imprint rules should become a legal requirement at all elections across the UK.
- We understand that the UK Government as well as Welsh and Scottish Governments are currently considering questions of competence relating to the digital imprint proposals. If it is decided that the digital imprint proposals in the UK Government's Bill are a reserved matter, then we understand that the provisions would apply to all elections held in both Wales and Scotland if passed.
- The Commission understands from the recently published legislative consent memorandum that Welsh Government regards imprint policy as a devolved matter and does not plan to recommend that the Senedd give consent to the UK Government's legislation applying to Senedd and Welsh local government elections. If that is the case, we would recommend that Welsh Government legislates on a digital imprint law as soon as possible.
- If the Elections Bill proposals do not apply to Senedd and Welsh local government elections, Welsh Government would need to make a decision on the best way to introduce a digital imprint law in Wales. It should consider the proposals being made by the UK Government on a new digital imprint law, and also the rules that have been already implemented in Scotland.
- Transparency could be improved for voters if future imprint requirements in Wales were to cover all digital material from campaigners including those not registered with us, even if they had not paid to promote it. The proposed UK Government rules would only require imprints to be placed on digital material from unregistered campaigners if it was a paid-for advert. Welsh Government may wish to consider the difference in scope between the existing regime for devolved Scottish elections and that proposed in the UK Government Bill. We think there are benefits for transparency in both approaches – the UK Government's intention to make imprint rules apply generally to digital political material rather than solely to election material, will mean that a broader range of materials promoting parties or candidates will have to include an imprint. But the approach that requires imprints on all digital election material by unregistered campaigners in the Scottish rules provides more transparency than the UK Government's proposals would bring, and is more consistent with the imprint rules for printed election material.

- The digital imprint proposals in the Elections Bill will include takedown provisions for material without an imprint, but they are unlikely to apply swiftly. They could only be used after a court or the Commission has formally determined an offence.
- If the Senedd and the UK Parliament both pass legislation for digital imprint rules, it will be important to avoid the risk of separate legislative regimes applying to the same offence. That result could cause confusion for campaigners, regulators, and prosecutors. For example, depending on the scope of any proposals Welsh Government develops in future, it is possible that two separate imprint regimes could apply to a single piece of digital election material which promotes a candidate or party at a Senedd election, and to a piece of digital political material which promotes a candidate or party more generally. If the campaigner did not include an imprint, the Commission and the Crown Prosecution Service would potentially have to consider which offence should be investigated, and whether a campaigner in that scenario could actually have committed two offences under two separate regimes.

Registration of political parties and non-party campaigners

Requiring new political parties to set out any assets or liabilities they hold over £500 when they apply to register would address a gap in the current rules for party accounts. It should give voters greater transparency by allowing them to see from the outset the level of funds or debts that a new party has.

The Bill will also introduce a prohibition on entities being registered as political parties and registered non-party campaigners at the same time. So far, this situation has been rare, but this proposal would reduce the effective spending limit of parties and other campaigners considering electoral pacts and alliances in future. While there have been past instances of individuals being involved in some capacity in a party and a non-party campaigner simultaneously, there has only been one example in the past ten years of the same entity being registered as both a political party and non-party campaigner at the same time ahead of a UK Parliament general election.

Key considerations for Welsh Government

- The proposed ban on entities being registered as political parties and registered non-party campaigners at the same time is likely to reduce some types of campaign activity at future elections. It would reduce the amount that political parties can choose to spend on supporting or opposing another party or its candidates, including at elections where a party is not fielding any candidates itself. It could have an impact on parties and other campaigners considering electoral pacts and alliances in future.
- The amendment to ban entities being registered as political parties and registered non-party campaigners at the same time would change two sections of PPERA: one is reserved (s22) and the other is devolved (s88). If the Senedd decided not to consent to this amendment, then it appears that the law will apply differently for UK Parliamentary elections compared to Senedd elections. It would mean that a registered non-party campaigner would not be permitted to become a registered political party in any circumstances (s22), but the rules on whether a registered party can be a registered non-party campaigner would be different (s88). It appears that

would be allowed for Senedd elections but not for UK Parliamentary elections. This could be confusing for voters and campaigners and have implications for how the statutory register is maintained. (See the section below on “controlled expenditure by non-party campaigners” for further details.)

A non-party campaigner has to submit a notification when it intends to spend over the legal threshold. When accepting notifications as part of our role as the statutory registrar, the Commission checks if the notifying entity is eligible. It will be important to ensure the law provides clarity and certainty about how to determine when a political party and a non-party campaigner are “the same” entity, so that those applying to register and the Commission can understand and apply the new requirement consistently.

Notional expenditure of candidates and others

Rules about notional spending ensure that campaigners properly account for and report all goods, services and materials that are donated to them, and which they use to help them in any way with their campaign activities.

There is a considerable level of notional spending reported by candidates at elections. [Data on spending from the 2019 UK general election](#) shows the total amount of notional spending reported was £7 million, nearly 40% of the total amount of reported candidate spending.

Candidates, agents and party or campaigner staff need a clear understanding of when something is “notional spending” or “election expenses” because it counts towards their total campaign spend, which must not exceed the specified spending limit. The current law on notional spending is long established and has operated in practice for elections for many years.

The UK Government wants to change the legal test for when a candidate or agent authorises someone else to use benefits in kind on their behalf. The Bill would amend the rules so that candidates only need to report benefits in kind which they have “made use of” themselves or have authorised, directed or encouraged someone else to “make use of” on their behalf. The Bill would also allow an agent to authorise another campaigner to pay for expenses that count towards the candidate’s spending limit (currently, only an agent can pay for these expenses).

These changes would operate alongside existing rules for campaigners which allow them to spend a permitted sum on promoting a candidate in a constituency separately from the agent (e.g. up to £700 at a UK general election).

Key considerations for Welsh Government

- There should be a clear understanding of how expenses or support for a candidate should be treated under the law. Candidates and other campaigners need to be clear how any expenses for campaigning in a constituency should be treated under the proposed changes and the existing legislation.
- Governments should set out how they have tested the proposed changes with campaigners at the elections for which they have legislative responsibility, to help

ensure that there is a common view about how support for a candidate should be authorised and accounted for, whether it is paid for by the agent or someone else. This will also enable the Commission to provide clear guidance for campaigners and update the statutory Codes of Practice on election spending. In the event that the changes proposed in the Bill are not applied to elections in Wales, campaigners may have to plan and account for the same kind of activity and spending differently for different elections. We would ensure that any Commission guidance or Code of Practice best enabled this.

- Any differences in the rules would also affect how voters and the media can access information about this kind of spending. While Returning Officers are responsible for providing public access to candidate spending returns, the Commission would continue to publish summary candidate spending information in the most accessible and transparent way and will continue to encourage others to do the same.
- The rules for spending at devolved elections in Wales are the responsibility of the Senedd. We understand that the UK Government is seeking consent from Welsh Government to apply these amendments to devolved elections in Wales. If Welsh Government wants these changes to apply for Senedd and local government elections in Wales, then they will need to consider how the changes would be made to existing devolved legislation that sets out the rules for candidates, and how changes should be prepared for and implemented.
- There are parallel versions of these provisions set out in S.64 of the National Assembly for Wales (Representation of the People) Order 2007 for Senedd elections. Welsh Government will want to consider whether, and if it wants, to align these with the definition in the UK Government's Bill. (For example, it may be possible for the UK Parliament to amend the rules for Welsh local government elections in the RPA at the same time as amending the rules for elections in UK competence, or it may be required or preferred that all such amendments are made by the Senedd.)

Controlled expenditure by non-party campaigners

Non-party campaigners are a vital part of a healthy democracy and play an important role in sharing information with voters. It is important that these groups can easily participate in the UK's elections. Controls in election law help voters to see and understand how these groups receive and spend money when they are intending to influence an election outcome.

Over recent years, there has been an increase in the number of non-party campaigners. Spending by these groups has risen too. At the 2019 UK general election, there were 61 registered non-party campaigners, and those who were required to report their spending recorded a total spend of more than £6m. Our [recent public attitudes research](#) showed some concerns about the risks of foreign interference. When we asked people to prioritise their concerns from a list of issues, two fifths (40%) said "foreign interference on UK elections results" was a problem.

Reductions to the limits on unregistered campaigning would make it clear that foreign interference in UK elections is not acceptable. During the regulated period before an election, only specific categories of individuals and organisations would be allowed to spend

more than £700 on activities that are intended to influence the election outcome. This would be a significant reduction from the current limits for unregistered campaigning, and would introduce a new principle that campaigners are subject to eligibility criteria even when they are not required to be registered.

Extending the rules on joint spending so they apply to political parties who spend jointly with a non-party campaigner would increase transparency and help ensure the effectiveness of the spending limits. It would need to be clear in practice how this additional rule will sit alongside other spending rules for parties. Parties must be able to clearly tell when the joint spending rule applies, and when other limits or controls apply, such as the existing targeted spending or notional spending rules.

Key considerations for Welsh Government

- Non-party campaigner rules are a devolved policy area. The UK Parliament can amend these rules and how they apply to UK Parliamentary elections, but the Senedd has competence for the rules in relation to Senedd elections. Currently, the rules for non-party campaigners in the Political Parties, Elections and Referendums Act 2000 are broadly the same for all types of elections. If the Senedd or the Scottish Parliament decides not to consent to the proposals in the Elections Bill or to introduce separate legislation with different aims, there will be new kinds of divergence between the rules.
- We would encourage governments to consider with us the implications of future divergence in the non-party campaigner rules and the impact on the statutory register of non-party campaigners. The proposals raise questions such as whether the statutory register of non-party campaigners would better function as four separate registers for each election, what changes to the legal framework would be needed for this to be done and what legislative opportunity could be used if desired.
- It is important for voter confidence to require transparency and to set limits on campaign spending that is intended to influence election outcomes, including where it is done by actors that are not candidates or political parties.
- The changes would provide greater transparency about who intends to campaign, but will not require any additional amounts of non-party campaigner spending to be reported compared to the current rules.
- The proposals mean there would be three separate levels of rules for non-party campaigners that apply to unregistered campaigning, registration of campaigners, and registration and reporting of campaigner spending. In practice, the two upper levels will be the same for campaigners targeting voters in Wales because the Bill proposes a new registration only threshold of £10,000 which is the same as the existing threshold for registration and reporting in Wales. These tiers could add to perceptions of complexity. The rules were last amended by legislation in 2014 and campaigners have highlighted that the changes were complex and deterred some from participating.
- Any government considering applying restrictions on overseas spending should set out how they intend for the restrictions on overseas spending to be enforced. We are not able to take any enforcement action against organisations or individuals outside

the UK that don't follow the law. Criminal law enforcement bodies are also limited in the action they can take against people or organisations based overseas.

- It will be important to ensure that the proposed changes to these rules are proportionate and do not discourage campaigners from participating and informing voters.

Oversight of the Electoral Commission

Strong accountability to, and effective scrutiny by the UK's parliaments are essential for the Electoral Commission to secure confidence in its work across the political spectrum. The role of the Senedd, as well as UK and Scottish Parliaments, is important in achieving this. The Commission must also be able to decide on its priorities and work independent of government influence or controls. It is vital that there should be no actual or perceived involvement from government in our operational functions or decision-making.

The proposed Strategy and Policy Statement would give current and future UK Government Ministers a new and broad scope to align the Commission's activities with the UK Government's strategic objectives, and to shape the exercise of the Commission's functions in relation to future elections and referendums. The proposals, as currently worded, go beyond accountability and scrutiny of the Commission and its decision making by enabling the UK Government to issue statutory guidance for the Commission, therefore, directing and guiding how those decisions are made.

Key considerations for Welsh Government

- The existence of an independent regulator is fundamental to maintaining confidence in our electoral system when the laws that govern elections are made by a small subset of the parties that stand in elections. Our independence must be clear for voters and campaigners to see and preserved in electoral law, as this underpins fairness and trust in the electoral system.
- There is a requirement in the Bill for the Secretary of State to consult with Welsh Ministers before designating a Strategy and Policy Statement. There is also a requirement to consult with the Speaker's Committee of the UK Parliament, to which the Commission is accountable. However, the Secretary of State will not need to amend the statement in response to that consultation, and there is no equivalent requirement to consult with the Llywydd's Committee or the Scottish Parliament Corporate Body to whom the Commission also accounts. It is important for the Commission's accountability and independence to have parity for consultation with all three legislatures.
- Under the Bill proposals, it appears that the Commission will be able to depart from the statement if it reasonably considers that other considerations justify doing so. However, to make this practical, realistic and be upheld in the Courts would need further drafting in the Bill. We would welcome changes to the Bill that reflect the UK Government's commitment to the independence of the Commission, including its independence to act in the interests of voters across the UK.

Offences

Undue influence

Undue influence is a complex electoral offence that is not easy for voters to understand. Simplifying and defining this offence more clearly would help to protect voters against exploitation and would make clear what is and is not acceptable behaviour.

It would also make it easier for the police and prosecutors to enforce the law where appropriate. There is [widespread support for reforming this offence](#) among campaigners, electoral administrators, police and prosecutors.

We understand that the newly defined offence of undue influence would apply to local government elections in Wales but that anyone found guilty of a corrupt practice would be restricted from standing at both local government and Senedd elections. A separate provision for undue influence in relation to Senedd elections is set out in Part 3, Article 81 of the National Assembly for Wales (Representation of the People) Order 2007. When Welsh Government come to review and update the Order ahead of the 2026 Senedd election, there will be opportunity to review that definition of the undue influence offence.

Disqualification of offenders for holding elective office, etc

Following [the 2019 UK general election](#), more than half of the candidates who took part in our post-election research said they were concerned about standing for election because of the risk of intimidation, threats and abuse. Three quarters of respondents said that they had experienced this type of behaviour.

It is vital that action is taken against those who abuse, threaten or intimidate candidates and campaigners. Proposals in Part 5 of the Bill would enable the courts to impose a ban on standing for elected office. This would be a further sanction in addition to a prison sentence or fine, for example that a court could apply when finding offences under existing criminal law. While this would strengthen the range of sanctions available against those who carry out this type of behaviour, its practical effect as a deterrent will need to be monitored.

Bill provisions directly relevant to reserved elections only

This section of the briefing is about the parts of the Elections Bill that the UK Government has proposed should apply to *reserved* elections. These are: UK Parliamentary elections, Police and Crime Commissioner elections, local government and mayoral elections in England, Northern Ireland Assembly elections and NI local government elections. If the UK Parliament passes the Bill, these changes would apply to UK Parliamentary Elections and PCC elections happening in Wales.

Voter identification

The UK has low levels of proven electoral fraud, and voters should feel confident about their vote. However, our research has highlighted that it is an issue that concerns voters. Two-thirds of people in our [recent public opinion tracking research](#) said they would feel more confident in the security of the voting system if there was a requirement to show identification.

There are already checks in place to confirm a voter's identity when they register to vote and vote by post. However, there are no similar checks in place at polling stations in Great Britain to prevent someone claiming to be someone else and voting in their name. This means that polling station voting in Great Britain is vulnerable to fraud. In Northern Ireland, there has been a requirement to show ID when voting since 1985, updated to a photo ID requirement since 2003.

At the 2018 and 2019 local elections, the UK Government trialled voter ID in a number of areas in England. We undertook [independent, statutory evaluations](#) in both years. Based on the evidence collected, we identified three key areas that need careful consideration if a voter ID requirement is introduced:

- A voter ID requirement should deliver clear improvements to current security levels. It should improve public confidence in the voting system by protecting voters from the risk of personation.
- Any new requirement should ensure accessibility for all voters. This must be considered for all voters, particularly those who are less likely to already have an accepted form of photo ID. The introduction of an ID requirement must not prevent these people from voting.
- The introduction of any ID requirement should be realistically deliverable for local electoral administrators, with manageable timescales and adequate funding.

The Bill sets out proposals for a photo-based identification requirement for polling station voters at UK Parliament elections in Great Britain, Police and Crime Commissioner elections in England and Wales, and local elections in England. Of the approaches tested at the pilots, this provided the greatest improvement in security.

To make sure voting at polling stations remains accessible, this security measure must be balanced with other options for people who do not already have an accepted form of photo ID. The Bill makes clear that a proposed Voter Card must be issued free of charge.

Our recent public opinion tracking research found that 4% of people who were eligible to vote said they do not currently have any of the identification documents that would be required under these proposals. This was higher among some more disadvantaged groups including unemployed people, people who rent from a local authority or housing association, and people with disabilities. The application and issuing process for the proposed Voter Card will be key to ensuring the accessibility of a voter identification requirement, particularly for those people that don't have the required identification.

Ensuring there is no charge for a Voter Card will be important, but significant further details about the application process will be set out in secondary legislation. The UK Government

should set out during the passage of the Bill how it will make sure that applying for the new Voter Card is easy for people who need it.

Electoral Registration Officers will be required to administer applications for a voter card. UK Government will need to consider how this additional responsibility will be funded.

Key considerations for Welsh Government

- If the proposals in the Bill are passed then voters will be required to show ID for UK Parliament elections and Police and Crime Commissioner elections, but not Senedd or local government elections. There is potential for voter confusion, particularly if UK and Welsh elections (including by-elections) are held in close proximity, or indeed on the same day. In undertaking its public awareness activities, the Commission would seek to reduce the risk of voter confusion.

Postal and proxy voting

Postal voting is a useful and popular voting method. Proxy voting is also an important option for people who can't vote in person. Just under 250,000 people appointed a proxy at the 2019 UK general election.

The Bill proposes banning campaigners from handling postal votes, which would formalise the current approach encouraged by a [voluntary Code of Conduct for Campaigners](#). The Bill also proposes extending ballot secrecy rules to include postal votes. These changes should improve trust and confidence in the system without reducing access to voting. Our [recent public opinion research](#) has shown that while 90% of people say they feel voting in a polling station is secure, this compares to 68% of people who believe postal voting is secure and 11% who don't know.

The Bill would also require those voters registered for a postal vote for UK Parliament elections to re-apply for a postal vote after three years, instead of being required to re-provide their personal identifiers after five years as is currently the case. This will help to ensure that postal voters' signatures are up-to-date and accurate, and should reduce the risk of postal votes being rejected because these identifiers don't match when voters return postal ballot packs. However, those voters registered for a postal vote for devolved elections in Wales will continue to be required to re-provide their identifiers after five years unless Welsh Government chooses to legislate to align the processes.

Many postal voters are registered to vote by post at both UK and devolved elections in Wales. Therefore, if the rules are not aligned this will likely lead to voter confusion over when they have re-applied and for which elections. Without an aligned system, there will also be an added burden placed upon electoral administrators, as they will be required to process postal vote applications at different times for the same voters, depending on type of election.

It is not clear how new limits on handing in postal votes at polling stations, and on the number of voters for whom a person may act as a proxy, would offer significant additional protection for voters. Campaigners handing in postal votes would commit an offence under the proposed ban on handling postal ballot packs, and the reformed offence of undue

influence would also apply if voters were forced against their will to hand over their postal votes to someone else or to appoint someone as a proxy.

Key considerations for Welsh Government

- A divergence in regimes being used for postal and proxy voting at elections taking place in Wales, will require clear support for voters to navigate the rules and to avoid the possibility of voter confusion. It would be important to ensure that differences in the rules between elections that fall under the various governments remits, would not create a barrier to participation.
- If postal voters are required to reapply every three years for their UK Parliament postal vote and to re-provide their identifiers every five years for their devolved election postal vote, this could increase the burden on voters to remain registered for their preferred way of voting and increase the risk of them inadvertently failing to ensure a postal vote for a specific set of elections. It would also create an additional burden on Electoral Registration Officers in Wales to maintain the two timetables. Welsh Government should consider whether to align the rules for devolved elections in Wales with the proposals in the UK Government's Bill.
- Changes to limit who can hand in postal votes at polling stations, and the number they can hand in, could create barriers for some voters who genuinely need assistance. They would also add complex new procedures for polling station staff.
- Security would be improved by the Bill's proposal to record who handed in postal votes, without risking an impact on the accessibility by placing new limits on the ability to hand them in.
- Limiting the number of voters for whom a person may act as a proxy could disadvantage some people who rely on someone else to vote on their behalf, including disabled voters.

Assistance with voting for disabled people

These changes would give disabled voters more flexibility in how they are supported at polling stations. Providing a wider range of equipment at polling stations should make it easier for disabled voters to access appropriate support to be able to cast their vote on their own and in secret.

Replacing the current specific requirements set out in law with a broader duty for electoral administrators to provide reasonable equipment would allow disabled voters to use new equipment or technology to support them. This could support innovation and speed up the process of providing different types of support when new ways to meet voters' needs are identified.

[Disabled voters have also highlighted](#) that it can be difficult to find someone who is eligible to help them cast their vote at their polling station. Removing restrictions on who can act as a companion would give disabled voters more flexibility and choice in how they are supported.

The Bill would give electoral administrators a broader responsibility to identify what equipment would be reasonable to provide to support disabled voters at UK Parliament elections. It will be important for the UK Government to make sure there is appropriate funding for local administrators so that this support has the right impact for disabled voters.

Our guidance will help electoral administrators to consider how best to identify and provide the right kind of support to disabled voters under this new responsibility, ensuring that voters are able to receive a consistent level of service wherever they live.

Key considerations for Welsh Government

- There should be no barriers to disabled voters participating in elections and it is right that governments are considering how accessibility can be approved. However, to support disabled voters confidence in participating in elections it will be important to ensure the support they can expect to receive, throughout the registration and voting process at all elections, is clearly communicated and the risks of any divergence across sets of election carefully considered.

Overseas voters at UK Parliament elections

The UK Government is proposing the removal of the 15 year limit on voting rights at UK Parliament elections for British citizens living overseas.

This would mean that any British citizen living abroad who has previously lived in or been registered to vote in the UK would have the right to vote at UK Parliament elections.

Decisions over the franchise for Senedd and local government elections, along with any referendum legislated for by the Senedd, are devolved. However, anyone who is registered to vote in the UK can make donations to political parties and campaigners.

EU Citizens local voting and candidacy rights

The Bill introduces provisions to restrict the criteria for EU citizens who may wish to vote in or stand for local elections, to only include those covered by one of two protected groups; either they were resident before 31 December 2020 or they are covered by a treaty (ie a bilateral agreement).

Local elections in Wales and Scotland are devolved to the Senedd and Scottish Parliament, and the amendments have no application to local elections in Wales or Scotland. No Legislative Consent Motion will therefore be sought with either Welsh or Scottish Government.

However, as Welsh Government outlined in its [Legislative Consent Memorandum](#), the suggested amendments in the Bill would change the current provisions in the Representation of the People Act 1983 in such a way that those provisions applying to the devolved franchise would be repealed, therefore changing those entitled to register for and vote at local government and Senedd elections.

We note that the UK Government has now tabled [amendments](#) for the Committee Stage of 22 September to rectify this and to clarify that changes affecting the rights of EU citizens to vote in local government elections in England and Northern Ireland do not affect the position in relation to local government and Senedd elections in Wales.

Agenda Item 2.5

Senedd Cymru
Welsh Parliament

Welsh Parliament

The Llywydd's Committee

Kemi Badenoch MP
Minister of State for Levelling Up & Equalities
UK Government
Cabinet Office
70 Whitehall
London
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Your reference: MC2021/14148

Dyddiad | Date: 18 October 2021

Pwnc | Subject: The Elections Bill

Dear Minister of State for Levelling Up & Equalities,

I write in response to a letter dated 5 July from the former Minister of State for the Constitution and Devolution (as the then Minister in Charge of the Elections Bill) seeking views on the UK Government's Elections Bill.¹

As identified in the Explanatory Notes to the Elections Bill, various provisions in the bill relate to matters that are devolved to the Senedd. The Senedd is yet to consider whether to provide consent for such provisions, but its decision will be communicated to the UK Parliament in the usual way, and this correspondence does not pre-empt that consideration.

Notwithstanding this decision on consent, the view of the Llywydd's Committee is that the Elections Bill should be amended to require that the Llywydd's Committee to be consulted if the UK Government intends to issue Strategy and Policy Statements which relate to the exercise of the Electoral Commission's devolved Welsh functions. This would provide for parity with the UK Government's required consultation and engagement with the Speaker's Committee.

In accordance with the provisions in Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (PPERA 2000) it is for the Senedd to consider "*the [Electoral] Commission's aims and objectives for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums*"², by way of the Llywydd's Committee's consideration of five-year plans submitted to it by the Electoral Commission. If the Llywydd's Committee is not satisfied that a five-year plan is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved

¹ The letter was originally addressed to the Llywydd of the Senedd, Elin Jones MS. As it is the Llywydd's Committee to which the Electoral Commission is accountable, the Minister's letter was forwarded to the Committee for consideration.

² Paragraph 16B(2) to Schedule 1 of the Political Parties, Elections and Referendums Act 2000



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Welsh elections and devolved Welsh referendums, the Llywydd's Committee must make such modifications to the plan as it considers appropriate for the purpose of achieving that consistency.

The Elections Bill as drafted includes provisions to allow the UK Government to issue Strategy and Policy Statements which may relate to the exercise of the Electoral Commission's devolved Welsh functions. This power appears to create the risk of a conflict with the Llywydd's Committee's responsibilities in relation to the Electoral Commission's five-year plans. It would therefore be appropriate for Section 4C(2) of the Bill to be amended to require that the Secretary of State consults with the Llywydd's Committee before issuing any such Statements rather than the Welsh Ministers.

Providing for the Llywydd's Committee to be consulted would provide for parity between its treatment and that provided to the House of Commons' Speaker's Committee and Public Administration and Constitutional Affairs Committee, and would reflect the accountability of the Electoral Commission to the Llywydd's Committee.

I look forward to receiving your response. This letter has been copied to:

- the Chair of the Senedd's Legislation, Justice and Constitution Committee;
- the Chair of the Senedd's Local Government and Housing Committee;
- the Counsel General for Wales;
- the Welsh Government Minister for Finance and Local Government; and
- the House of Commons' Speaker's Committee.

Yours sincerely



David Rees MS

Chair, Llywydd's Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Cc:

Huw Irranca-Davies MS, Chair, Legislation, Justice and Constitution Committee

John Griffiths MS, Chair, Local Government and Housing Committee

Mick Antoniw MS, Counsel General for Wales

Rebecca Evans MS, Minister for Finance and Local Government

Sir Lindsay Hoyle MP, Speaker, Speaker's Committee on the Electoral Commission



Agenda Item 2.6

Page 6

Y Pwyllgor Llywodraeth Leol a Thai

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Local Government and Housing Committee

Huw Irranca-Davies MS
Legislation, Justice and Constitution Committee
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13 October 2021

Dear Huw

Legislative Consent Memorandum (LCM) and Supplementary Legislative Consent Memorandum (SLCM) on the Building Safety Bill

At the meeting of the Local Government and Housing Committee on 6 October we considered three LCMs, including the LCM and SLCM on the Building Safety Bill. I am writing to you as Chair of the Legislation, Justice and Constitution Committee to share the concerns of some Members of my Committee at the increased use of UK Bills and the legislative consent convention to legislate in devolved areas, rather than via Senedd legislation.

The Building Safety Bill was seen as a prime example of where the Welsh Government could bring forward its own legislation. Reforming building safety is a priority policy area for the Welsh Government. Some Members therefore felt it regrettable that these reforms are not being made through a Senedd Bill. Making such reforms in a UK Bill was viewed as denying the Senedd the ability to fully exercise its functions of holding the Welsh Government to account and legislating for Wales.

Whilst it is appreciated that the provisions in the Bill which fall within devolved competence are largely bespoke to Wales and consistent with the Welsh Government's White Paper "Safer Buildings in Wales", concerns were expressed by some Members that important changes to the law will not be subject to all stages of the legislative process, including detailed scrutiny by all Members and stakeholders. The LCM process and current reporting deadlines provide very little time for meaningful scrutiny. We appreciate that the UK Bill "presents an opportunity to take earlier action", but greater scrutiny makes for better law and a Welsh Bill would certainly allow for greater scrutiny.

We are also writing to the Minister for Climate Change expressing these concerns and will share any response with you for information.

Yours sincerely

John

John Griffiths MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 2.7

Y Pwyllgor Llywodraeth Leol a Thai

Local Government and Housing Committee

Julie James MS
Minister for Climate Change
Welsh Government

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14 October 2021

Dear Julie

Legislative Consent Memorandum (LCM) on the Building Safety Bill

At the meeting of the Local Government and Housing Committee on 6 October we considered the LCM on the Building Safety Bill. In order to enable the Committee to make an informed decision on legislative consent, we would be grateful for more information on the Welsh Government's decision to seek these reforms through a UK Bill and the legislative consent convention.

We appreciate that the provisions in the Bill which fall within devolved competence are largely bespoke to Wales and consistent with the Welsh Government's White Paper *Safer Buildings in Wales*. However, as the Welsh Government plans to bring forward its own Building Safety Bill during this Senedd term, it would be helpful to have more information on why the reforms in the UK Bill are not being made in that Bill. We appreciate that the UK Bill "presents an opportunity to take earlier action", but concerns were expressed by some Members that the LCM process and current reporting deadlines do not allow for meaningful scrutiny. A Welsh Bill on the other hand would be subject to all stages of scrutiny and would enable more Members and stakeholders to engage with the legislative process.

During our meeting, some Members expressed concern at the increased use of UK Bills and the legislative consent convention to legislate in devolved areas, due to the fact that there is significantly less scrutiny involved. The Committee is currently considering three LCMs, whereas our predecessor committee only considered six LCMs during the fifth Senedd. The Building Safety Bill was viewed as a prime example of where the Welsh Government could bring forward its own legislation.

We would appreciate a response by 28 October so that it can be considered at our meeting on 3 November.

Yours sincerely



John Griffiths MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 2.8

Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

John Griffiths MS
Chair
Local Government and Housing Committee

SeneddHousing@senedd.wales

22 October 2021

Dear John

Thank you for your letter of 14 October regarding the Legislative Consent Memorandum (LCM) on the Building Safety Bill.

Whilst the committee's concern that legislation within the Senedd's competence is rightly the business of the Senedd the LCM process recognises that circumstances may arise where there are clear benefits from taking a different approach for the benefit of the people of Wales.

The First Minister has made clear that whilst protecting the devolution settlement remains a critical priority and that our general principle should be to legislate in the Senedd in devolved areas, we should be open to taking a pragmatic approach to using UK legislation to achieve the Welsh Government's objectives where necessary.

I believe the Grenfell tragedy and the need to respond to the subsequent independent review of building regulations created such circumstances. The criticisms levelled at the system in England by Dame Judith Hackitt in her report, whilst of a different magnitude to those in Wales, apply equally as it is the same core legislation.

The Building Act 1984 and the Building Regulations 2010 have set the framework for Buildings with very little change since they were brought into force. Whilst functions were transferred to Welsh Ministers in 2012 our focus to date has been on technical changes such residential sprinklers, banning combustible materials and energy performance. The Building Safety Bill (BSB) therefore provides necessary improvements to a system found wanting in a way that puts control firmly in the hands of Welsh Ministers and the Senedd rather than, as you note, something imposed on us. In addition the bill, likely to receive royal assent next year, which will mean the opportunity to bring forward the necessary changes to the building control system can be made earlier than would be possible for the Building Safety Senedd bill.

There are other good reasons for taking the opportunity the BSB presents. The building control system is based on a common approach with England towards regulatory bodies - Local Authorities and the private sector Approved Inspectors. The industry operates either

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

side of the border. The BSB will establish a more robust oversight of both with, for the first time, expectations of competence and standards of performance by the Building Safety Regulator in England. It is therefore crucial that steps are taken in Wales to ensure a level of commonality so that organisations and staff can continue to work across both administrations.

The Bill is bringing greater accountability into building work, with a set of dutyholders across the construction process. These are people who will take clear responsibility for the work, and will be based on the UK system overseen by the Health and Safety Executive for The Construction (Design and Management) Regulations 2015 CDM regulations. This addresses a key 'Hackitt' criticism about the lack of clarity of where responsibilities sit and what competence needs to be demonstrated by client, designer and contractor in taking on those responsibilities. It is our view that a common approach, as is the case with the CDM regulations, would be beneficial and should not be delayed.

The Building Act was drafted in 1984, the BSB will make improvements to the drafting, bringing it up to date in its operation, language and accessibility. These improvements will help all users of the Act, and while they could be brought forward through Welsh legislation they are changes that we believe are necessary irrespective of the legislative route chosen.

The construction industry is gearing up in terms of culture, capacity and competence for the changes the bill proposes. Using the bill as a vehicle for change in Wales means we will benefit from the energy being directed to improvement which runs the risk of being diluted were the opportunity for earlier action not be taken.

To be clear, every provision applicable to Wales in the bill is both a reflection of our view of the necessary changes and the criticisms of the independent report but in a way appropriate to our needs. A good example of this is our decision not to create a new regulatory body as proposed for England but to extend existing functions of local authorities.

It is important to note that the bill will need secondary legislation to have effect. The regulations we subsequently bring forward will be subject to consultation and engagement according to our principles and procedures.

I know the LCM process has to deal with legislation ranging from the straight forward to the complex and that something as comprehensive as the BSB is both technical and complex. I would like to offer to meet with the committee and for my officials to provide as many technical briefing sessions as the committee feels necessary to give the opportunity to understand the detail of what the bill proposes. In addition if the committee wishes I will ask my officials to include the justification for the delegated powers the bill proposes. I would be happy to support a proposal to the Business Committee for extending the deadline for reporting on the LCM if that would help the Committee.

Yours sincerely



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government



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John Griffiths MS
Chair – Local Government and Housing Committee
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14 October 2021

Dear John,

I would like to take this opportunity to update the Committee on the recent allocations which I have been making from the Welsh Government's Covid Reserve.

Annex 1 provides details of the latest areas set to receive support together with the allocations which have previously been made as part of the Draft, Final and Supplementary Budgets for 2021-22. The next Supplementary Budget will be used to formalise the transfers from reserves.

We have recently received confirmation of additional consequentials being transferred to Wales. The amounts are up to £320 million resulting from increases to NHS budgets in England, and on the 30 September the UK Government announced their Household Support Fund which has resulted in a further consequential of up to £25 million. The precise amounts will be confirmed later this financial year as part of the Supplementary Estimate process. This delay in confirming precise amounts demonstrates some of the uncertainty which I outlined to the Finance Committee on the 29 September. It should also be noted that the picture on consequentials does change regularly due to various UK Government announcements which we are not always given advance warning of.

Over the coming months we will continue to monitor expenditure and emerging pressures as part of our normal budget monitoring processes and make additional allocations to budgets as necessary. I will provide further updates to the Committee should further significant allocations be made prior to the next Supplementary Budget.

Yours sincerely,

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Rebecca Evans.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol

Minister for Finance and Local Government

Annex 1

*Previous allocations were made in the Draft and Final Budgets for 2021-22 and as part of the first in-year Supplementary Budget

MEG/Item	Previous* £m	New £m	Total £m	Comments
Health and Social Services				
Contact Tracing	60		60	
NHS Support	380	411	791	
NHS Recovery	100	100	200	
Social Care Recovery		48	48	
Child Development Fund		4.5	4.5	
Support for Children and Play		5	5	Capital
NHS Recovery		40	40	Capital
Children and Young People	2		2	
CYP Play, Sport and Culture		20	20	
Total	542	628.5	1,170.5	
Finance and Local Government				
Free School Meals	23.3		23.3	
LA Hardship Fund	206.6		206.6	
Self Isolation Support		4	4	
Early Help Programme		7	7	
LA Hardship Fund – Social Care		25.5	25.5	
NDR Relief	352.2		352.2	
Total	582.1	36.5	618.6	
Climate Change				
Homelessness	4	10	14	
Bus Support	37.2		37.2	
Rail Support	70		70	
Total	111.2	10	121.2	
Education and Welsh Language				
Schools Catch Up	51.2		51.2	
Children and Young People	4.5		4.5	
FE Catch Up	33		33	
Outdoor Education	2		2	
Education Renew & Reform	19.3		19.3	
Qualifications		3.6	3.6	
Newly Qualified Teachers		1.7	1.7	
Youth Mental Health		2.5	2.5	
Education Research		1.7	1.7	
FE – FSM		4.2	4.2	
Flying Start		15	15	Capital

MEG/Item	Previous £m	New £m	Total £m	Comments
CO2/Ozone Units		6	6	Capital
Outdoor Education	2		2	
Qualifications		8	8	
Student Support Grants		13.4	13.4	
Post 16 Learners		5	5	
Personal Learning Accounts		5	5	
Covid Secure Environment		6.3	6.3	
ALN		10	10	
Welsh Language		2.2	2.2	
Eisteddfodd		0.2	0.2	
Total	112	84.8	196.8	
Economy				
Children and Young People	0.5		0.5	
Apprenticeships	16.5		16.5	
Communities for Work	6		6	
Culture Fund	30		30	
ERF	55		55	
ERF	141		141	
Sport and Leisure Fund		4	4	
Total	249	4	253	
Social Justice				
Discretionary Assistance Fund	10.5		10.5	
Third Sector Support	6		6	
Wales for Africa		1.5	1.5	
VAWDASV		1	1	
Advocacy and Advice		1.5	1.5	
Equalities		1	1	
Total	16.5	5	21.5	
Total Allocations	1,612.8	768.8	2,381.6	

John Griffiths MS
Chair
Local Government and Housing Committee
Tŷ Hywel
Cardiff Bay
CF99 1SN

22 October 2021

Dear John

Petition P-05-1056 Give Local Authorities powers to control the housing market in rural and tourist areas of Wales

The Petitions Committee considered the following **petition** from Osian Jones recently at our meeting on 4 October:

Text of Petition:

In a number of rural and tourist areas, a large proportion of local inhabitants are deprived of homes as house prices have been inflated by demand for second homes and holiday homes. The First Minister could direct the relevant Ministers to engage in urgent discussions with Local Authorities to draw up a strategy to ensure community control of the housing market mainly through amendments to the planning system.

At the meeting members agreed to write to you in order to ask that your Committee consider this issue as part of your programme of work. In writing to you, the Committee also agreed that it would close the petition.

Further information about the petition, including related correspondence, is available on our website at:

<https://business.senedd.wales/ielIssueDetails.aspx?Ild=30064&Opt=3>.

If you have any queries, please contact the Committee clerking team at the e-mail address below, or on 0300 200 6454.

Yours sincerely



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 Deisebau@senedd.cymru

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JACK SARGEANT.

Jack Sargeant MS

Chair



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12 October 2021

Janis Richards
Membership Director- Wales
Make UK

John Griffiths AM
National Assembly for Wales
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Dear Mr Griffiths

I am reaching out to congratulate you in your election as the Local Government and Housing Committee Chair as well as offering you Make UK's support. We recognise the significant role you have through the business committee and the importance of analysing policies of the Government whilst looking at the wider impact across the Welsh economy.

Make UK, the manufacturers' organisation - Make UK is the voice of manufacturing in the UK, representing all aspects of the manufacturing sector, some 20,000 members employing over one million workers.

Manufacturing in Wales - I'm delighted to tell you that in Wales, manufacturing accounts for £10.8bn of output, providing 153,000 jobs, and these are some of the best quality jobs in the country, paying an wages which are an average of 25% higher than the rest of the economy in the region.

We take great pride in our role as the primary source of information and research for those, seeking to better understand the manufacturing sector. Recent research conducted by Make UK highlighted what manufacturers across Wales see as the next 3 priorities for the Welsh Parliament

1. **Investing in skills** that will support the economic and social aims of the nation. Identifying the priorities for the economy of 'tomorrow', creating the national ambition to deliver on the skills and the business environment where manufacturers can grow and thrive to support communities, create good jobs, and allow the nation to take full advantage of projects
2. **Invest in green technologies** like the country's growing renewables sector, to support clean growth for the future and the transition towards a more sustainable economy. We will work with the Welsh Government and new Parliament as it

renews its “Prosperity for All: A Low Carbon Wales” agenda to ensure that manufacturing continues to support the decarbonisation agenda, and the wider opportunities to create a vibrant sector in the economy.

3. Continue to work with the Welsh Government and new Parliament to **help deliver the commitments set out in the Manufacturing Future for Wales – A Framework for Action**. The framework supports manufacturers in Wales to deliver the jobs of the future, both recruiting and retaining the very best talent to boost productivity and deliver shared economic growth across the country

Across Wales manufacturers are leading the way on key societal challenges which we face – from healthcare to climate change, clean transport and green energy. However, in order to do this we need a business environment which allows manufacturers not just to survive but thrive, and a strong relationship with the Senedd and the Welsh Government is critical to this.

Meet our members

We would like to invite you to attend a roundtable with Make UK members from across the various sub-sectors of manufacturing in Wales. This would provide you with an excellent chance to hear the very latest from the sector including the current challenges manufacturers face along with their priorities for the future.

If you would like to find out more about manufacturing in Wales, please don't hesitate to get in touch with me and I would be very happy to set up a meeting at your convenience.

Yours sincerely

Janis Richards
Membership Director- Wales

Cc- john.griffiths@senedd.wales

Our ref: NB/TN/mm

Date: 27 October 2021

John Griffiths MS
Chair Local Government and Housing Committee
Welsh Parliament

By email only:
John.Griffiths@senedd.wales

Dear John

Homelessness Reviewed: an open door to positive change

The [Public Services Ombudsman \(Wales\) Act 2019](#) empowers me to undertake an investigation on my own initiative, investigating a matter beyond its impact on an individual and without having to wait for a complaint. I am delighted to share with you my first report of an investigation undertaken on my own initiative "[Homelessness Reviewed: an open door to positive change](#)", published on 6 October 2021, which focuses on the administration of the homelessness assessment and review process by local authorities in Wales.

Those facing homelessness are amongst the most vulnerable people in society. It is essential that they have a voice and that their lived experiences shape the ongoing improvement of the public services they are entitled to. The investigation focused on three local authority homelessness services, and found unacceptable delays in the review process, inadequate processes, poor communication and vulnerable people being offered unsuitable accommodation, as issues of serious concern.

The challenges of increasing homelessness have been widely recognised by bodies in Wales, including the Welsh Government and third sector organisations. With a consistent increase in demand for accommodation for those classed as homeless and in priority need, local authorities have a critical role in preventing homelessness as well as supporting people who have found themselves homeless.

The report contains several recommendations for the three local authorities investigated and highlights aspects of good practice with regard to homelessness assessments. It invites the other 19 local authorities in Wales to consider the wider learning opportunities for improvement from the report and consider any learning points from the recommendations that would improve their service provision.

I also asked Welsh Government to consider several aspects of housing and homelessness legislation, guidance and documentation, the post-review appeal process, and opportunities for improving and standardising the homelessness service across Wales.

I would be grateful if the Local Government and Housing Committee would note the report and its findings. I would also like to offer to attend a future meeting, should the Committee wish to discuss the evidence and recommendations in the report further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett
Ombudsman

Copy: Clerk to the Local Government and Housing Committee, Senedd
SeneddHousing@senedd.wales

Agenda Item 4

By virtue of paragraph(s) ix of Standing Order 17.42

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