

HSHAWB30 Gomisiynydd y Gymraeg | Welsh Language Commissioner

This document provides a translation of correspondence received from the Welsh Language Commissioner

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Gomisiynydd y Gymraeg | Response from: Welsh Language Commissioner

What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

We are responding to this consultation in the context of one of the ambitions of the Welsh Government's Cymraeg 2050 strategy, namely to protect the sustainability of communities in which Welsh is a natural community language. An important part of doing this is enabling and facilitating Welsh speakers to continue living in these communities.

Section 12(2) of the Bill notes the Government's intention to amend the Housing (Wales) Act 2014 to provide the Welsh Ministers with the power, through regulations, to specify the circumstances "(e) that are or are not to be treated as special circumstances connecting a person to an area." The Government should use this power to specify that the ability to speak Welsh is one of those circumstances, in the case of areas or communities that have a higher density of Welsh speakers.

The Commissioner received a legal opinion confirming that Welsh language skills could be included as one of the considerations in social housing letting policies, provided that reasonable priority is given to the categories included in section 167(2) of the Housing Act 1996. When the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness is replaced, the new guidance should acknowledge the significance of the ability to speak Welsh in respect of an individual's connection to their local area.

In its report, 'Empowering communities, strengthening the Welsh language', the Commission for Welsh-speaking Communities recommended that local authorities and planning authorities should consider whether models could be developed for the letting of social housing, where the Welsh language could be one positive consideration. The Government responded by stating that all local authorities in Wales, when deciding on their specific plans, must have regard to the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness. The Government committed to revising the guidance to ensure that it is aligned with the objectives of Cymraeg 2050 (of course, when the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness is replaced, the Government's commitment will apply to the new regulations that will be drawn up as a result of this Act). The Government also said that it would provide further guidance to registered social landlords on the consideration of the Welsh language when letting social housing. We support this commitment and call on the Government to include in the Bill the principle that the Welsh language is a positive consideration when allocating social housing.

There is one aspect of Section 6 of the Bill on which we would like further information, namely subsections (8) and (9), which relate to prisoners. They set out a duty to provide accommodation when a prisoner is released. It is not clear, however, whether the duty applies if the individual has no local connection to Wales. There is one aspect of Section 6 of the Bill on which we would like further clarification, namely subsections (8) and (9), which relate to prisoners. These provisions set out a duty to provide accommodation when a prisoner is released. However, it is not entirely clear at present whether that duty also applies in cases where the individual does not have a local connection to Wales. We would be grateful for some clarity on this issue, and whether this was considered in the Integrated Impact Assessment.

What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

What are the potential barriers to the implementation of the Bill’s provisions and how does the Bill take account of them?

(We would be grateful if you could keep your answer to around 500 words).

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum?

(We would be grateful if you could keep your answer to around 500 words).

Are there any unintended consequences likely to arise from the Bill?

(We would be grateful if you could keep your answer to around 500 words).

What are your views on the Welsh Government’s assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

(We would be grateful if you could keep your answer to around 500 words).

Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

(We would be grateful if you could keep your answer to around 500 words).

The Integrated Impact Assessment within the Explanatory Memorandum acknowledges that homelessness can have negative and traumatic impacts on an individual, along with broader community, cultural and linguistic implications,

particularly for Welsh-speaking communities. The memorandum notes that homelessness can lead to displacement, which can disrupt communities where Welsh is predominantly spoken.

This warning underscores the importance of our recommendation, cited above, that the ability to speak Welsh should be among the considerations included in the definition of the local connection. By giving Welsh speakers the opportunity to stay in their local areas, it is more likely that they will be able to continue using the Welsh language in their everyday lives, and that this will contribute to the viability of the Welsh language in those areas.