

TPAS Cymru works to improve the lives of social housing tenants in both housing and community matters, by promoting effective participation of tenants with their landlords and with other partners in issues that affect them. We have supported social housing tenants and landlords in Wales for over 25 years and have a strong track record in developing effective participation through training, support, practical projects and policy development. TPAS Cymru welcomes the opportunity to submit written evidence to the External Affairs and Additional Legislation Committee, and we will also be appearing before the Committee to provide oral evidence.

This Response is based on:

- Our experience of working with tenants and tenants groups and listening to their views.
- Our observations and dialogue with our members and partners within the HA sector and Local Authorities.
- Our work to improve partnerships between tenants and residents and their Housing Association and Local Authority landlords and other partners.

TPAS Cymru welcomes the opportunity to respond to the External Affairs and Additional Legislation Committee's on the Regulation of Registered Social Landlords (Wales) Bill and we have responded to each of the terms of reference as set out in the consultation paper.

The general principles of the Bill

Under normal circumstances, TPAS Cymru would have some concerns that the content of the Regulation of Registered Social Landlords (Wales) Bill could weaken the regulatory powers of the Welsh Government. Given that the Office for National Statistics (ONS) expressly cite the powers that the Bill sets out to reduce, as the reason for its reclassification decision, and considering the potentially significant consequences of reclassification, TPAS Cymru acknowledges the need for the enactment of the provisions set out in the Bill.

In supporting the provisions set out in this Bill, TPAS Cymru believes that it is important that the Welsh Government applies the new Regulatory Framework for Housing Associations Registered in Wales, rigorously and transparently. We believe that adopting such an approach will reassure tenants that their homes and the services they receive will remain protected after the enactment of the Bill and that it will ensure that tenants have an opportunity to shape the way that their housing association operates. We believe this is especially important given the findings of the Public Accounts Committee that there is a need for greater transparency within housing associations.

TPAS Cymru does believe that this Bill presents a missed opportunity to clarify the law on social housing regulation. At present, the statutory basis for social housing regulation in Wales is set out in Part 1 of the Housing Act 1996. This has been amended 26 times by legislation enacted by both the UK Government and the Welsh Government. It is therefore very difficult for any individual that does not have access to expensive online legal databases to gain an accurate understanding of the law. TPAS Cymru had therefore, previously called on the Welsh Government to use this Bill as an opportunity to consolidate the law, as opposed to further amending Part 1 of the Housing Act 1996. Whilst understanding that the Welsh Government is eager to enact a piece of legislation quickly, to reverse the ONS's decision, we are disappointed that they have not taken advantage of this opportunity to make the law more transparent.

Does the Bill do anything that either falls short of the changes identified by the Office of National Statistics ('the ONS') or goes further than changes required by the ONS?

TPAS Cymru does not believe that the law either falls short of the changes identified by the ONS or goes further than the changes required by the ONS.

Whilst noting that the Welsh Government does not completely remove its powers exercisable in respect of officers and management of registered social landlord in clauses 6, 7, 8 and 9, we believe that these have been adequately tightened to be sufficient to ensure the reversal of the ONS's decision. Our belief is based on the similarity that exists between these provisions and the ones enacted by the UK Government in the Housing and Planning Act 2016, when seeking to reverse the ONS's decision with regards to English housing associations, and the Cabinet Secretary for Children and Communities statement that a draft version of the Bill has been discussed with the ONS.

We also believe that the changes introduced by clause 16 of the Bill, “Limit on local authority board membership and voting rights” does not go beyond what is required by the ONS. Whilst the ONS only makes explicit reference to the powers of the Welsh Ministers in its reclassification judgment, as published on 29 September 2016, powers exercised by local authorities can also be considered by the ONS when making classification decisions. Given that the ONS expressly cited the power of the Welsh Ministers over the constitution of a housing association as one of its reasons for reclassification it would appear reasonable to conclude that the voting rights of local authority members could also present a similar challenge. It should also be noted that the UK Government took similar steps in England when enacting the Housing and Planning Act 2016, under similar circumstances. We therefore believe that this is a reasonable step.

If it does, how can the Bill be improved to ensure that it conforms with the changes identified by the ONS?

Given our belief that the Bill does not falls short of the changes identified by the ONS or goes further than the changes required we do not believe that there is a need to improve the Bill to ensure that it conforms with the changes identified by the ONS.