

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-15-17 Papur 3/ Paper 3

Carl Sargeant AM
Cabinet Secretary for Communities and Children

12 May 2017

Dear Carl,

Abolition of the Right to Buy and Associated Rights (Wales) Bill

Thank you for your recent letters providing additional information in relation to the Abolition of the Right to Buy and Associated Rights (Wales) Bill ('the Bill').

At yesterday's meeting, the Committee agreed that I should write to you seeking clarification on a number of issues ahead of your evidence session on 25 May.

- In developing the Bill's proposals:
 - what work did the Welsh Government undertake to consult with tenants and how did you ensure that a broad spectrum of views were captured;
 - whether you sought views of tenants in areas where the right to buy and the right to acquire has already been suspended, and whether their views were sought on lifting the suspension to enable them a final opportunity to purchase their homes ahead of the proposed abolition;



Cynulliad Cenedlaethol Cymru
Bae Caerdydd, Caerdydd, CF99 1NA
SeneddCymunedau@cynulliad.cymru
www.cynulliad.cymru/SeneddCymunedau
0300 200 6565

National Assembly for Wales
Cardiff Bay, Cardiff, CF99 1NA
SeneddCommunities@assembly.wales
www.assembly.wales/SeneddCommunities
0300 200 6565

- We have received evidence from stakeholders noting that tenants residing in local authority areas, where the right to buy (and associated rights) have already been suspended under the Housing Measure 2011, will not be given a further opportunity to exercise those rights. (Under the Bill, other tenants will be given a period of at least one year to exercise their rights.) Could you provide details of what legal consideration has been given by you in terms of:
 - the legitimate expectations of the affected tenants in the suspended areas, if they were only consulted in terms of suspending their rights and not abolishing them ;
 - the tenant’s human rights in terms of Article 1 Protocol 1 of the European Convention on Human Rights. Paragraph 3.33 of the Explanatory Memorandum entitled Human Rights states that the Welsh Government considers twelve months for tenants to exercise their rights as being a period that “strikes the necessary fair balance between the rights of the tenant and the wider public interest in safeguarding the stock of social housing.” How do you justify tenants in those suspended areas having no time to exercise their rights;
 - the tenant’s human rights in terms of discrimination under Article 14 of the European Convention of Human Rights where tenants living in different local authority areas will be treated differently; and
 - the risk of possible Judicial Review litigation being initiated by affected tenants in those areas currently suspended, as highlighted in evidence we have received.
- In your letter dated 30 April, you helpfully clarified the purpose and intended effect of sections 2 and 4 of the Bill. Following on from this, we would like you to outline why these sections have been drafted to refer to restricting the Right to Buy and associated rights unless it’s a dwelling house from ‘previously-let stock’. For clarity could these sections instead



refer to the Right to Buy and associated rights in respect of “dwelling houses that are new to the social housing stock”?

It would be helpful if you could respond ahead of the 25 May meeting and preferably by Thursday 18 May.

Yours sincerely

A handwritten signature in black ink that reads "John". The letters are cursive and fluid.

John Griffiths AM
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

