

HSHAWB 27 Cyngor Bwrdeistref Sirol Wrecsam | Wrexham County Borough Council,

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: Cyngor Bwrdeistref Sirol Wrecsam | Evidence from: Wrexham County Borough Council

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).

There is no issue with regard to the general principles of the Bill. Some of the proposals, e.g. with regard to priority need were already used, following Welsh Government's introduction of the 11th category. Similarly, we, as a local authority, have already adopted a policy of accepting and dealing with requests for homelessness assistance up to 6 months before a person is due to lose their home. Legislation will formalise the situation.

We feel that some of the details held within the bill are contradictory and will lead to unintended consequences once enacted.

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).

Section 3 – Assessment of needs

It is possible to carry out an assessment of an applicant's needs and include this with the Prevention, Support and Accommodation Plan. What cannot be

determined is the availability of support or expertise for individuals with specific needs following the assessment. Guidance should be clear around expectations in this area, especially if support is unavailable and needs to be commissioned out of County.

Section 4 - Duty to prepare and maintain a Prevention, Support and Accommodation Plan (PSAP) - As set out in the Bill, the new PSAP no longer appears to be a contract setting out the mutual responsibilities of the council and applicants. Reference to a record of the actions that applicants must carry out appears to help address their housing need has been removed.

Section 5 - New rights of review - To implement the new duties set out in this section, there would need to be a significant increase in resources, staffing and funding, both revenue and capital, in order to purchase properties.

Cases will need to remain open for a minimum of 6 months. For those that are opened 6 months prior to the date when a person is likely to lose their home, this time will increase to 12 months. This does not include the time that it might take for another property to be found, if after 6 months, the person is successful with a request for a review based on suitability.

This will more than double caseloads for officers and the amount of time required for reviews will be unmanageable

There will also be further pressure on accommodation. If, following a review, we must find another property, other households that are homeless and in temporary accommodation will have to wait longer for housing, creating a backlog.

Overall, Housing Options staff expressed concern at the number of additional reviews that may need to be carried out, as a result of the implementation of the Bill and the amount of time that will need to be dedicated to carrying them out. This is time that could potentially be spent assisting those who are in temporary accommodation, or those who are contacting the Council for the first time because they are threatened with homelessness.

Section 8 - Duty to provide interim accommodation - We feel that this is unworkable. As a border local authority and the home of the largest prison in Wales, it will be potentially impossible to provide interim accommodation for everyone who presents and who may be homeless and eligible.

The retention of intentionality in English homelessness legislation, may make presenting to a Welsh Council a more attractive proposition, if only to gain temporary accommodation whilst investigations are carried out.

Section 10 - Removal of the intentionality test - This was seen as worrying. In practice a person's behaviour will be no barrier to being classed as homeless and eligible for help, regardless of the impact that it might have had on local communities.

Many communities, that are often relatively disadvantaged, will be expected to tolerate a further deterioration in their quality of life, as there is the potential for it to be blighted by anti-social behaviour, with little means of quick redress.

Ironically, one of the options open to them, if they want to seek resolution quickly, will be to approach the local council and claim homelessness, on the grounds that they are unable to occupy their property due to the threat or fear of violence.

We feel that this contradicts section 35 Part 2 of the Bill. An applicant could be disqualified for an allocation of social housing as a result of their behaviour but be given a homeless duty. In practice, this means that some households could spend significant periods of time in temporary accommodation.

Sections 9 & 10 - Abolishing entitlement by reference to priority needs and intentionality. Setting an enactment date of 2030 - 31 will not give Local Authorities enough time to prepare for and implement the changes necessary.

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).

These sections will introduce additional levels of bureaucracy and administration. We assume that there will be an option for the applicant to challenge decisions made as a result of these sections. As a result, there will be a need to have a review mechanism and working procedure put in place. It is difficult to see how the requirements of these sections can operate without additional staffing and significant additional funding from Welsh Government.

Section 35 - Classes of person who are not qualifying persons

This section introduces a caveat, which in reality will be very difficult to implement. To consider the likelihood of the re-occurrence of unacceptable

behaviour, could potentially require gathering a person's full history, more than one tenancy reference and in some cases, an assessment of medical history and liaison with other services.

This will create a further layer of bureaucracy, with panels needing to set up to consider cases and a review mechanism put in place.

Does this assessment of the likelihood of re-occurrence cover such behaviour as domestic abuse? I doubt whether any housing officer would feel confident in assessing whether a person may commit abuse again.

Section 36 - Deliberate manipulation test will also introduce a layer of bureaucracy, there will need to be groups set up to consider such cases, to avoid subjectivity and as is the case in other sections of this Bill, there will have to be a right to request a review.

Is there to be any clarification in terms of the expected period of time such a sanction could last and what are staff supposed to do during this period?

This once again, this highlights the need for a revised Code of Guidance to be issued contemporaneously. If this is not done, there is a risk that local policy will be the decider and outcomes may vary greatly, depending on the local authority.

Section 38 Common housing register

We would not welcome the introduction of a common housing register if this negatively impacts on our allocations policy and working procedures.

We agree with the intention of simplifying the applying for housing process for residents but would want to develop our own model, rather than join a regional register.

Some local authorities who have a common housing register scheme have advised that it will take up to 5 years to implement at a cost as new IT systems would need to be procured.

Clarity on accessible housing registers is required. Does reference to area in the section, refer to RSL and privately rented properties that may also have been adapted?

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).

We have no comments to make with regard to this section of the Bill

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).

Phosphate levels in the River Dee are preventing new build again. We have had to stop work on one project funded by SHG and another one, which was planned to remodel a former office has been refused planning consent for the same reason.

This means that our planned accommodation pipeline is currently on hold and we cannot begin to plan, in terms of new accommodation.

As a local authority, we are facing financial challenges both this year and in the immediate future. Without significant additional funding, it is, therefore, difficult to see how these amendments can be implemented without having to move resources from other services, to the detriment of them.

More staff will be needed to implement the proposals, more properties will be needed and additional layers of bureaucracy will be created.

Recruiting skilled staff, for some services. There is therefore, no guarantee that posts, if created, could be filled.

Our Local Housing Market Assessment has identified a clear mismatch between the stock we have and the needs of our applicants. A total of 57% of those registered for council housing are requiring 1 bedroom accommodation. In comparison, only 23% of council stock is 1 bedroom accommodation.

As a local authority we have little land at our disposal for development and much of what remains, has issues in terms of old mine works.

Developers are reluctant to build one bedroom properties and RSLs prefer family type accommodation in order to maximise their rent roll and reduce

management costs. So, this makes sourcing one bedroom accommodation difficult.

The cost of building social homes, is in many cases higher than that of building homes for sale on the open market. The inclusion of carpets, the requirements of WHQS23 and of WDQR, can often make it difficult to purchase properties on new build sites, as they do not meet the required standard.

In practice, this means that council funds do not deliver as many units as in the private sector, due to the additional overheads.

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).

We do have concerns, if subordinate legislation is made, with no consultation. It has the potential to impact on planned spending and work programmes.

In addition, council staff have to explain changes to members of the public and applicants and manage their expectations, when they have no knowledge of the reasons behind them.

The manner in which the amendments to s.55 of Renting Homes (Wales) Act 2016 were enacted, gave us cause for concern and we would not want a similar experience again.

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).

When the requirements of this Bill are considered on a section by section basis, it is difficult to see how it can be introduced without a significant increase in funding from Welsh Government.

Many people in local communities may fail to understand changes such as the removal of intentionality and the concept of adopting a trauma informed approach.

Welsh Government needs to communicate the changes and the reasons behind them. Unless communities are aware of what the aims are, there is a risk that it is likely to be viewed as removing any consequences or responsibilities for people's behaviour and a hardening of attitudes.

It could also lead to a breaking down of relations between Housing Departments and local communities, especially if they view Councils as responsible for implementation.

The potential for rent loss, will increase, in terms of properties refused on viewing, or having to secure them, whilst the contract holder is temporarily away.

With the removal of intentionality there is also the risk that some people will not see paying their rent as a priority.

There is often, unfortunately, a large gap between what 3rd sector organisations see as being deserving of help and the views of some communities. This Bill does nothing to address that.

We did highlight in our white Paper response, the fact that with Wales having far more liberal homeless legislation, there could be a risk of border authorities becoming attractive places to either relocate to, or to present as homeless, from England. Given that there is scope for people from England to be given interim accommodation, if we have reason to believe that a person is homeless and eligible for assistance, this appears to have been ignored.

At a time, when we will have a duty to assist more local people who may be homeless, this seems to be further stretching resources.

Section 35 in its current form provides an open door for future administrations, of different political persuasions not only to include groups of people as qualifying but also to remove them. That is concerning and we feel it should be revisited.

Section 34 has the potential to create problems with RSL partners. Some place great focus on minimising void time at all costs, as it reduces rent loss. It is unlikely that they will welcome this amendment as it has the potential to lead to rent loss, especially if a person does not wish to accept or not at the point of viewing.

It might lead to an unwillingness on the part of RSL partners to accept nominees who are coming through the homelessness route.

We will in effect, be operating a two tier allocations system. If a person is allocated a property via the homelessness route, they have the ability to request to be moved after 6 months, if they feel that it is no longer suitable. If their request for a review is successful, it is assumed that they will be fast tracked to another property.

This is a luxury not afforded to those housed through the general waiting list, which will include young Care Leavers, who are to be housed through the general waiting list route, according to this Bill. If an issue arises that means a property is no longer suitable, they will be advised to apply for a transfer, which is likely to result in them not receiving a great deal of priority.

It will also mean that other households will remain in temporary accommodation for longer periods.

There is a risk that social housing, especially Council housing could be seen by some elements in communities as being seen as an undesirable tenure, one that only accommodates those with the most pressing social issues. This could make it difficult to promote mixed tenure communities.

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).

Without details, this is an estimate rather than an assessment. As a result, it is difficult to comment. Given the competing demands on the time of staff, it is likely that without greatly increasing the size of our Housing Department, it will be difficult to deliver everything that is being expected.

There should also be a consideration of wage inflation occurring. If all Welsh local authorities are competing for staff with similar skills, the highest payer is likely to be the one that is the most successful in recruiting. Staffing costs are likely to increase as a proportion of total expenditure.

The spending on bureaucracy must be factored in. Potential rent loss due to the time a property is void whilst someone is in in custody for example, properties are refused on viewing and applicants request a review of suitability after 6 months will all impact on the HRA.

The effect that this could have on being able to finance WHQS23, provide carpets in void properties and to produce a viable HRA Business Plan are likely to suffer as a consequence.

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).

Housing
