

# **Social Justice and Regeneration Committee**

**SJR(2)-14-06(p.2)**

**Date: Thursday 19 October 2006**

**Venue: Committee Room 3, Senedd, National Assembly for Wales**

**Title: Edwina Hart – Report to SJ&R Committee – 19 October 2006**

## **1. Swansea Stock Transfer Proposals**

The requirements on consultation with tenants in a stock transfer ballot situation are set out in Schedule 3a to the Housing Act 1985. These requirements must be complied with before the Welsh Assembly Government may approve the transfer of local authority stock to a new RSL landlord.

The formal consultation process is in two stages. Stage one is the issue of the draft "offer" document to tenants. Swansea Council issued this to tenants on the 28 July 2006 (following approval from my officials), which effectively sanctioned the commencement of the formal consultation process. This stage normally lasts for a period of 28 days after which a Council should formally seek clearance from the Welsh Assembly Government to proceed to stage two, the issue of the final "offer" document. This effectively triggers the ballot process.

Some groups opposed to stock transfer have issued information and leaflets in Swansea which are misleading and factually incorrect. There is evidence that large numbers of tenants are confused and uncertain about the process.

It is essential that tenants are fully aware of the options available to them and receive accurate information so that they can reach the right decision. The achievement of the Welsh Housing Quality Standard is too important to be undermined in this way.

As a result, my officials have not approved the issue of the final "offer" document. Swansea Council has been advised that the issue of the Stage two document should be deferred to ensure that tenants have a clear understanding of the facts before any ballot.

## **2. Right to Buy Sales**

The latest statistical release on local authority Right to Buy Sales was published recently. It covers the quarter April to June 2006 and includes information dating back to the introduction of 'Right to Buy' in 1980. Key results for the quarter show:

- There were 1,163 Right to Buy (RTB) claims during the April to June quarter 2006 - an increase of 83 from the previous quarter and 27 less than the same quarter the previous year.
- There were 318 completed RTB sales during the April to June quarter 2006. This was 62 less

than the previous quarter and 191 less than the same quarter the previous year.

- The number of applications outstanding has also decreased, with 2,500 outstanding at the end of June 2006 compared with 2,819 that were outstanding a year earlier.

The number of claims has now returned to the level that existed prior to the large increase leading up to the change in the maximum discount limit on 2 April 2003.

### **3. Home Information Packs**

At Committee on the 21 September, I agreed to update members on Home Information Packs (HIPs). The UK Government announced in July that Home Condition Reports will not be a compulsory element of HIPs when they are introduced next June. The revised list of compulsory elements now includes an energy performance certificate, details of the legal title and a local search report. Additional documents, which may be attached, include: a Home Condition Report; warranties and guarantees concerning maintenance or repairs; supplementary search information (eg rights of access, ground stability), details of utility services and taxes relating to the property.

The Welsh Assembly Government has lobbied the UK Government on a number of occasions to include information on Welsh speaking communities in HIPs. In response to the latest letter, written after the Committee's meeting on 3 May, DCLG stated that, "The [SJR] Committee's intention regarding information on Welsh speaking communities can be achieved, but not in the way suggested. The Housing Act 2004 (section 163(4)) restricts HIP documents (both required and authorised) to information about a matter connected with the property or the sale of the property. Information on Welsh speaking communities would be outside this. However, there is nothing to prevent such information accompanying the HIP (though not part of it). Thus estate agents in Wales could provide information such as that contained in 'Symud i Gymru' to prospective buyers alongside the HIP."

'Symud i Gymru' is a Welsh Language Board project funded by the Welsh Assembly Government, whose main aim is to provide information on Welsh speaking communities to prospective incomers. This is undertaken through the medium of leaflets, welcome packs and a website [www.movingtowales.com](http://www.movingtowales.com). The Board is co-operating with estate agents within north and west Wales and is currently in discussions with the National Association of Estate Agents to promote the project on a national basis and to make the leaflets available to all prospective homebuyers considering moving to Wales.

With regard to the language more generally, Regulation 7 of the Home Information Pack Regulations 2006 states that, where the property is in Wales, pack documents must be in English, Welsh or a combination of English and Welsh."

### **4. Unfit Homes and Homelessness**

On 12 January members raised the issue of unfit homes in connection with homelessness. My officials contacted the Welsh Local Government Association who had no evidence of the impact of unfitness on homelessness. Some authorities have set up schemes to offer improvement grants to

landlords to enable them bring their properties up to an adequate standard, and in return offer nominations to the authority for homeless people. My officials are raising this with authorities during their progress review visits, and encouraging them to be proactive in this area.

## **5. National Health and Homelessness Facilitator**

I am pleased to announce that I have agreed with the Minister for Health and Social Care the appointment of a national Health and Homelessness Facilitator. I have been concerned for some time about the difficulties experienced by homeless people in accessing health care services.

The two-year secondment post will support the development of policy, services and practices to address the health needs of homeless people across Wales.

Recent audits across Wales of six Local Health Boards & six local authorities by Welsh Assembly Government officials, and a survey of voluntary sector homelessness organisations by Homeless Link Cymru, highlighted different approaches across Wales to addressing the health needs of homeless people. Some common themes emerged from the findings from the three surveys which the Facilitator will work to address.

The Facilitator will support the implementation of the Welsh Assembly Government's Designed for Life health strategy which aims to eliminate inequalities in health care and the health objectives in the National Homelessness Strategy.

We are undertaking the recruitment process and we aim to have a secondee in post by early in the New Year.

## **6. Home Energy Efficiency Scheme (HEES) – Introduction of coal central heating**

As the Committee will know a pilot study has been undertaken to consider the effectiveness of coal central heating systems as a measure under HEES.

I have now received the final report (copy at annex A) on the pilot scheme and have decided that coal central heating should be made available as a measure under HEES.

The pilot has shown that there are difficulties in procuring and managing coal installations under HEES, but it has nonetheless allowed us to assist a number of 'hard to heat' households. From a client's perspective there appears to be an acknowledgment that, in some cases, the installation of coal central heating was a positive step.

I have long recognised that some households experiencing fuel poverty may either be more difficult to reach, or expensive to assist than those already helped under HEES. The introduction of solid fuel central heating into HEES will allow the Scheme to offer an option that may be a practical solution for some clients depending on their individual circumstances. This may especially be the case with households that we would normally consider to be "hard to heat" i.e. those homes that do not have access to mains gas supplies.

The Scheme's Regulations will need to be amended to allow coal fired central heating to be introduced into the Scheme and I will be consulting on these shortly with the intention that they come into force early in 2007 if approved by the National Assembly for Wales.

Once the revised Regulations have been made it will then be necessary to make a new Determination for the Scheme as this will need to specify that coal fired central heating is available as a measure. Given this, it is likely that coal fired central heating will be available under the Scheme by mid 2007.

## **7. Supporting People Grant**

I agreed to update Committee regularly on the Supporting People Grant, particularly formula arrangements and would like to inform you that a working group has been established. This group is expected to have drawn initial conclusions on the policy implications of a formula by January and will have drafted a formula by April 2007.

The group will need to understand the experience of England and Scotland relating to redistribution.

The development of a formula will reflect issues such as : -

- Deprivation
- Homelessness
- Social Service distribution formula

The group will also be clear on how to maintain the stability of services by phasing any readjustment to distribution.

## **8. Funding for Polish Welsh Mutual Association Migrant Workers Project**

I am pleased to announce that the Polish Centre founded by the Polish Welsh Mutual Association was opened by myself on the 25 September in Llanelli and has been established with the aim of proving support and practical assistance to the increasing Polish community in Llanelli and district. The objectives of the Association are:

- To facilitate the smooth integration of Polish migrant workers and their families into the West Wales area
- To assist this integration through the provision of English lessons, IT facilities and guidance on matters ranging from completion of forms to dealing with statutory and local authority agencies.
- To assist with the development of the entrepreneurial energy in the Polish community by providing counselling and mentoring assistance to best harness this potential.
- To assist in the mutual understanding of the Polish and welsh culture through the organisation of

cultural events.

In addition, I have recently agreed funding amounting to ?22,195 across 2 financial years (2006/07 and 2007/08) for a one year pilot designed to encourage the Polish Community in Llanelli to become members of the SaveEasy Credit Union.

## **9. DCA Consultation on the Asylum & Immigration Tribunal (Procedure) (Amendment) Rules 2006**

The Asylum and Immigration Tribunal (Procedure) Rules were introduced in April 2005 with the unified single-tier Tribunal. These rules govern the functioning of the Asylum and Immigration Appeals System according to the provisions within the Asylum & Immigration (Treatment of Claimants etc...) Act 2004. Their objective is to ensure that the proceedings before the Tribunal are handled as fairly, quickly and efficiently as possible. Although the 2005 rules still stand, a number of areas for amendment have been identified and a Consultation exercise was initiated.

I recently responded to this consultation from the Department for Constitutional Affairs. Of the areas for amendment, many are sensible proposals which will improve the handling of proceedings and reduce bureaucracy.

However, I was particularly keen to ensure that the Welsh Assembly Government's concerns were submitted on the areas of:

- Determining appeals on the papers where the appellant is not in the UK/ without a UK based representative.
- Not supporting a ten-day time limit from receipt of the notice of appeal for the Tribunal to notify the appellant and respondent that the appeal will be determined without a hearing. This is because there is potential for delays to creep in, due to factors such as postal communication, language barriers, access to qualified/accredited representatives etc.

## **10. Communities First Trust Fund**

Members will be aware that the Communities First Trust Fund was due to end in March 2007. A review carried out in 2003 by Old Bell 3 was overwhelmingly positive and anecdotal evidence since that time supports the view that the Fund is continuing its good work. I have decided to review the Fund again in 2007/08 which will take approximately six months. In order to continue the Fund during the period of this review and to put it in line with funding for the Communities First Support Network which is due to end in 2008, I have decided to extend the Fund for a further year to March 2008 by ?3million for existing Communities First areas. I have also included for the same period an additional ?230,000 in order to cover the possibility of all the 46 Lower Super Output Areas which now appear in the top 100 of the 2005 Welsh Index of Multiple Deprivation becoming eligible to apply to the Communities First Trust Fund.

## **11. Update on Post Office Issues**

## Small Business Rate Relief

The Welsh Assembly Government's proposals for a new small business rate relief scheme were announced on 21<sup>st</sup> September 2006. The proposals include enhanced relief for post offices in all parts of Wales. Post Offices with a rateable value under ?9,000 will receive 100% relief, and those with a rateable value between ?9,000 and ?11,999 will receive 50% relief. This will make a major contribution to the Welsh Assembly Government's objective of keeping Post Offices open in Wales and increasing the sustainability of small communities. We are consulting on the proposals until Friday 27 October 2006.

## Post Office Card Account

I have written to James Plaskitt MP, Parliamentary Under Secretary of State, Department for Work and Pensions to once again relay the concerns of the Welsh Assembly Government over DWP's decision to withdraw the Post Office Card Account (POca). In my letter I informed him of the increasing concern in Wales for the viability of post offices without the Poca, registered with him the overwhelming vote of the Assembly in favour of retaining the POca and asked that he reconsider the decision not to continue with it after 2010. I will relay any reply I receive to the Committee Chair.

## Future of the Post Office Network

We await the decision of the UK Government on its future funding of the post office network, but we are continuing to work with UK Departments directly, and through the Wales Office, to inform UK Ministers of the situation in Wales.

## 12. Crack Cocaine Misuse

I reported to the Committee in May on the levels of crack cocaine use across Wales and agreed to revisit the figures later in the year to see if there has been any change. At the time, the number of crack cocaine referrals across Wales comprised less than 2% of all referrals for drug misuse, though it was noted that referrals were higher in Cardiff.

### Figures for 2005/6

**Figures for 2005/6 from the Welsh National Database for Substance Misuse First Annual Report 2005/2006 are summarised in the table below:**

	<b>Number of referrals for crack cocaine as primary substance April 2005 - March 2006</b>	<b>Percentage of total referrals for all drug misuse (not alcohol misuse)</b>
<b>All Wales</b>	150	2.2%

<b>Of which Cardiff</b>	90	8.9%
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### Figures for 2006/7

Figures for the first quarter of 2006-07 from the National Database are shown in the table below.

	<b>Number of referrals for crack cocaine as primary substance April 2006 - June 2006</b>	<b>Percentage of total referrals for all drug misuse (not alcohol misuse)</b>
<b>All Wales</b>	40	1.55%
<b>Cardiff</b>	4	4.6%
<b>Swansea</b>	1	0.1%
<b>Newport</b>	5	3%

Early figures from the Drug Intervention Programme are in most cases broadly consistent with the figures from the national database: for the four months to August 2006, for Cardiff 4 out of 51 clients (8%) reported crack cocaine as primary substance. For Swansea, the figure was 3 out of 108 (3%). For Newport, the figure for April – June 2006 is 16 out of 133 (12%). DIP clients who subsequently access treatment will then be included in the National Database figures.

Together with CSPs, we are continuing to keep these figures under constant review and to examine data where crack cocaine is reported as being used as a secondary substance, to see if there is any indication of an increase in use, and to ensure that any such increase is being taken into account in the planning and commissioning of services.

### 13. Data in relation to Positive 'Drug Testing in Drug Testing on Charge' Areas

At the last Committee meeting I agreed to check what happened to the data relating to positive drug testing in the 'Drug Testing on Charge areas' where the individuals testing positive were not subsequently convicted of an offence.

Once clients are positively tested for drugs, regardless of the outcome of the charge, this information remains on the persons' record and can be used to inform future bail decisions. The data is held by

the relevant police division. This policy is determined by the Home Office and will apply in all areas where drug testing on charge is operational.

## **14. Cross-Border Vehicle Recognition Work**

At Committee on 8 June I agreed to report on the work undertaken by the Police Forces in Wales on cross border vehicle recognition work.

Automatic Number Plate Recognition (ANPR) is an established technology that allows vehicles observed by video cameras to have their vehicle registration mark (VRM) `read` using pattern recognition software. When combined with other resources and data, ANPR can be an extremely powerful tool. As the technology has developed over recent years it has been used by a number of agencies in a variety of settings, including road tolling, vehicle tax evasion, congestion warnings; and in particular by the Police Service to tackle crime.

All of the Police Forces in Wales actively use ANPR on a 24 hour basis. Each force has equipped a significant number of their Roads Policing Vehicles with ANPR equipment, in addition to developing a number of fixed ANPR sites at strategic locations in their areas. Whilst ANPR is readily available for use by officers on patrol, each force also undertake regular intelligence led operations where an intercept capability is deployed to work alongside the mobile ANPR units.

The use and development of ANPR is based upon the ACPO Strategy "Denying Criminals Use of the Roads", with the main aims being:

- Denying criminals the use of the roads.
- Gathering intelligence in respect of level 2 criminality.
- Utilising ANPR for Post-Incident investigation.
- Working with partner agencies in order to maximise the opportunities for effective deployment of ANPR and have the ability to collect data for intelligence and Post-Incident investigation.
- Combat terrorism.

Whilst effectively using ANPR on a 24 hour basis in policing their own areas, each of the Welsh Police Forces also work closely with each other and with other agencies in their use of ANPR. Examples include all-Wales operations such as "Operation Mermaid", targeting HGVs in respect of crime, roads policing issues and counter terrorism; the carriage of dangerous goods exercises; Operation V79, a joint exercise with the DVLA, targeting unregistered vehicles; and regular all-Wales "drink-drug drive" campaigns. Each of these major operations take place at regular intervals throughout the year.

This type of joint activity amongst our Police forces also extends to regular collaboration and staging of joint operations with their English counterparts all along the border. In addition to staging joint operations, more recent developments have included the sharing of secured intelligence databases, and effective collaboration to develop fixed ANPR sites at strategic locations. These initiatives are vitally important in the policing of members of the criminal fraternity who travel in and out of Wales.



ANPR technology has improved considerably in recent years and is now an extremely powerful investigative and preventative tool used very effectively by all of our Police Forces.

## **15. Gwenda Thomas Report 'Keeping us Safe' - discussions on information sharing and the Data Protection Act.**

I would like to inform Committee that CAFCASS CYMRU has fully contributed to the Welsh Assembly Government's response to the above Report and has embraced all the recommendations made.

With regards to the issue of inter agency information sharing and Data Protection Act, CAFCASS CYMRU is fully committed to working in accordance with the guidance on "Safeguarding Children: Working Together under the Children Act 2004".

CAFCASS CYMRU are keen to work collaboratively with other organisations and agencies to safeguard and promote children's best interests and has in place protocols and Memorandums of Understandings for appropriate information sharing with relevant agencies. They have, for example, an agreement with the Assistant Directors of Social Services Department.

CAFCASS CYMRU currently requests the four Police Authorities in Wales to share information about cases in Family Courts. A protocol is being developed with the Association of Chief Police Officers for both CAFCASS England and CAFCASS CYMRU to establish mechanisms across England and Wales for the sharing of information.

CAFCASS CYMRU is mindful of its duties with regards to the requirements of the Data Protection Act and is working closely with colleagues from the Assembly's Data Protection Unit to ensure that appropriate arrangements are in place to deal with requests for information from service users. They have in place a Representation and Access to Information Manager who deals with requests from service users to access their personal data held by CAFCASS CYMRU. This ensures that any requests for information are dealt with in accordance with the Freedom of Information and Data Protection Acts, and that principles of "Keeping us Safe" are promoted.

CAFCASS CYMRU will continue to work with other colleagues, agencies and organisations to improve and strengthen the information sharing arrangements.

## **16. British Sign Language Interpreter Scheme Funding – transfer of funds**

The Committee will wish to note that I have agreed to transfer ?100k from the Support for the Voluntary Sector Budget Expenditure Line (BEL) to the Equality BEL - both within my Social Justice and Regeneration Main Expenditure Group (MEG) - for the purpose of continuing to fund the British Sign Language Interpreter Scheme this financial year.

?100k was transferred for similar purposes last financial year, and I have given a commitment to continue to contribute ?100k towards its funding during the next two years.

British Sign Language (BSL) is recognised by the Welsh Assembly Government as a language in its own right. It is the first or preferred language of approximately 3,000 deaf people in Wales. BSL is a visual, spatial language that uses movement of the hands, body, face and head. It has its own grammar, idioms, syntax and regional variations.

In June 2004 I established a Cabinet Task and Finish Group to investigate the situation regarding access to services for Wales BSL using citizens. That group found that BSL users are usually more comfortable and confident communicating face-to-face in BSL than with reading, writing or using a spoken language, such as Welsh or English, of which they may have limited knowledge. The lack of availability of qualified interpreters means that those citizens are socially excluded and don't have effective access to quality public services simply because of the language they use.

This British Sign Language Interpreter project is part of the Assembly Government's response to the published recommendations of that Cabinet Task and Finish Group.

To deliver the project, the Welsh Assembly Government established a Project Board to "provide a fully-supported, salaried training posts to enable at least 30 participants to train and qualify and register as professional BSL/Spoken Language interpreters." The Project Board has costed the Project at ?2.9 million. It is seeking ?1.3 million from European funding sources and ?1.6 million from the Welsh Assembly Government as match funding. Welsh Assembly Government Ministers have agreed to provide funding for the project.