

EDWINA HART – REPORT TO S J & R COMMITTEE – 29 September 2004**Devolution of Responsibility of the Fire and Rescue Service to Wales**

The Fire and Rescue Services Act 2004 received Royal Assent on 22 July 2004. The Act provides for wide ranging powers in relation to the discharge of fire and rescue duties. It:

- determines which body is the fire and rescue authority for an area, and provides for the combination of two or more fire and rescue authorities by order;
- sets out the duties and powers of fire and rescue authorities;
- provides for the preparation of a Fire and Rescue National Framework setting out the strategic priorities of the Fire and Rescue Service, and for the supervision of fire and rescue authorities;
- deals with employment by fire and rescue authorities;
- imposes duties on fire and rescue authorities and water undertakers to ensure an adequate supply of water for fire-fighting activities;
- Deals with the powers of fire and rescue authority employees to undertake rescue work and investigations; and
- devolves responsibility for fire and rescue in Wales to the Assembly.

The requirements of the Act will not come into force in Wales until we commence its provisions, this will be done by order, which is currently planned for coming into force during mid November. Coinciding with the commencement order will also be legislation to continue the existing firefighter pension scheme – the provisions for which will be abolished with repeal of the Fire Services Act 1947 upon commencement of the 2004 Act.

There will be much work to do in relation to exercising the powers under the Act over forthcoming months. We have already made a start by consulting on our proposals for a National Framework (which the Committee has previously considered), the final version of which will be published to coincide with commencement of the Act.

Over the next few months and into early 2005 we will be consulting on our proposals for advisory bodies to work with the Assembly Government on the development of the service and service related policies in Wales.

We will also be consulting on proposals for the statutory duties (non fire related emergencies) and powers to charge by fire and rescue authorities. Proposals upon which the Committee will have the opportunity to comment before orders are made.

Our aim is to develop an effective and efficient service, supporting the needs of service personnel and the people of Wales.

Housing Bill Update

General

The Bill has now completed its passage through the House of Lords Committee stage. The report from the House of Lords Committee and third reading of the Bill is due in October. The House of Commons will consider any amendments by the House of Lords and, all being well, it is anticipated that the Bill will receive Royal Assent in November.

With the exception of the establishment of the Social Housing Ombudsman for Wales (SHOW), the Bill will apply to both England and Wales. Powers to make secondary legislation (on devolved matters) will be vested in the National Assembly for Wales

There are a number of recent developments concerning the Bill, which the Committee will wish to note:

a.

Social Housing Ombudsman for Wales (SHOW)

There is provision in the Bill for the creation of the SHOW. A commencement order and regulations are required to be made by the Assembly to enable the SHOW to become operational by April 2005. Drafting of the regulations will commence as soon as instructions are provided to OCG in accordance with an agreed timetable.

b.

Tenancy Deposit Scheme

The UK Government has introduced an amendment to the Housing Bill (Clauses 198-201) which place a duty on the appropriate national authority (in relation to Wales the National Assembly for Wales and the Secretary of State in relation to England) to make arrangements to secure the availability of one or more tenancy deposit schemes to safeguard deposits paid by tenants in connection with a shorthold tenancy (within the meaning of the Housing Act 1988).

The detailed operation of the scheme is still being considered by ODPM and NAW officials. It is intended that a deposit can only be taken if safeguarded by an authorised scheme. Where such a deposit has been paid, if section 199(6) has not been complied with (ie a landlord does not give tenant information about the scheme that applies to the deposit and operation of the scheme), nor confirmation

received from the scheme administrator that the deposit is being held in accordance with the scheme, the tenant may apply to the county court for an order requiring the landlord to attend court to give evidence showing the deposit is for the time being held in accordance with an authorised scheme [Clause 200(2)]. Clause 201 introduces sanctions for non compliance. Landlords lose the right to serve on a tenant a 'section 21 notice' (ie a notice under the Housing Act 1988 for recovery of possession on termination of shorthold tenancy), until section 199(6) has been complied with.

This is a positive measure to assist tenants, many of whom suffer difficulties each year when their deposits are unreasonably retained by landlords. It should also lead to increased professionalism and transparency in the private rented sector.

It is anticipated that operators of voluntary schemes, such as the Cardiff Custodial Bond Scheme will be interested in operating schemes under the new arrangements.

HACAS are undertaking an evaluation of the Cardiff Custodial Bond Pilot. I will provide further details of the evaluation at the Committee's meeting on 20 October. The Committee will be informed of further developments on the Tenancy Deposit Scheme.

c) Right to Buy

The Bill proposed originally that properties to be demolished within a period of 18 months would be exempt from the Right to Buy where the landlord had followed a prescribed notification procedure. The provision was introduced to prevent tenants from profiting by applying for the Right to Buy at a discount knowing that their home would have to be compulsorily purchased at full market value. However, during debate in Parliament, arguments were put forward for a longer period, to cater for longer term and "phased" regeneration projects.

The UK Government accepted that the provisions should be more flexible and now, instead of the 18-month demolition notice procedure, the Bill proposes a two-pronged approach. Firstly, a landlord may serve a notice suspending its obligation to complete a Right to Buy sale, where it intends to demolish a property within a period of up to 5 years. Such a suspension notice would maintain existing Right to Buy claims, and could not be extended. Secondly, a landlord could serve a final demolition notice in respect of a property that is to be demolished within 2 years, but only if there are existing binding sale agreements to repurchase properties or confirmed compulsory purchase orders in place for all owner-occupiers in the area. A final demolition notice would end any existing right to buy claims, and prevent new ones from being made.

d) Home Buying & Selling – Estate Agents Redress Scheme

The Committee is aware that Part V of the Bill relating to Home Information Packs (HIPs) is not devolved. However, members may wish to be aware that the UK Government proposes to introduce a recent amendment. It is proposed to insert a clause (after Clause 151) whereby the Secretary of State

may by order require every estate agent to be a member of an approved redress scheme. With the introduction from 2007 of home information packs, estate agents are likely to play an increasingly pivotal role in housing transactions and the range of potential grievances by and risks to consumers could increase. The measure is expected to further improve consumer protection in what is usually the most expensive purchase an individual will ever make.

The UK Government wishes to ensure that redress schemes are run by the industry itself but the Secretary of State could, if he wished, establish a scheme himself to cover England and Wales, eg in the event that no proposed scheme is suitable for approval. The UK Government has undertaken to consult the Assembly on any statutory scheme which applies to estate agents in Wales.

e.

Secondary legislation and Use of Executive powers

A grid is attached at **Annex A**, which provides information about the secondary legislation resulting from the Bill. The Committee will be kept updated developments concerning secondary legislation.

Gypsies and Travellers

The Committee will be aware of the Equality of Opportunity Committee's policy Review of Service Provision for Gypsies and Travellers.

In particular, Recommendation 9 in the report states "that there should be a duty to provide, or facilitate the provision of, accommodation for Gypsies and Travellers". This would of course require primary legislation by the UK Government.

I have therefore written to the Rt Hon Keith Hill MP at ODPM regarding the possibility of including in the Housing Bill a duty on local authorities to provide, or facilitate the provision of, accommodation for Gypsies and Travellers.

Leasehold Issues

At the end of the Plenary debate about Leasehold issues on 23 March, I undertook to prepare reports to the Social Justice and Regeneration Committee, with a view to reaching consensus about the issues to be raised with Westminster colleagues. The main issues raised revolved around the leasehold form of tenure itself (and its abolition as a form of tenure); the costs associated with enfranchisement (the purchase price of the freehold and the costs associated with both the purchase and any appeal to a Leasehold Valuation Tribunal) and lack of Assembly power to make primary legislation.

Whilst the discussion recognised that any legislation should ensure that leaseholders are not exploited, at

the same time it was acknowledged that leasehold enfranchisement is, in effect, a compulsory purchase and the interests and costs of the freeholder also need to be properly taken account of.

The matters under debate in March were part of the second Commencement Order of the Commonhold and Leasehold Reform Act 2002 and a significant amount of the Act remains to be brought into force.

The final Commencement Order and related Regulations on the Leasehold aspects of the Act are expected to be brought forward in Wales towards the end of this year/ early 2005. As the Committee and/or Plenary may wish to discuss these further measures, it would be more appropriate for any representations to Westminster colleagues to be put forward collectively, rather than piecemeal. I think that it would be more appropriate for the Committee to consider these when Members have had the opportunity to view all the changes implemented under the 2002 Act.

Analysis of HEES scheme in relation to areas of deprivation

The Housing Directorate has commissioned a two phase analysis of the fuel poverty figures for Wales. The project models information from the English House Condition Survey to fill in the gaps inherent in the most recent Welsh House Condition Survey (1998). The first phase of this is due to complete in September 2004, at which point we will have a more accurate picture of the total number of households in Wales in fuel poverty. Phase 2 of this project will develop a small scale fuel poverty indicator for Wales based on analysis of Census and House Condition Survey data.

Collection of data for the Welsh Household and Dwelling Survey 2005 is currently underway. Analysis of the WHDS data to be carried out next year is expected to provide much improved information on fuel poverty in Wales

National Homelessness Strategy

At our 31 March meeting I undertook to review the National Homelessness Strategy and report back to the Committee on the outcome of this review this Autumn. My officials have discussed the review with the Homelessness Strategies Working Group which supports and monitors the implementation of the strategy, and the Group are keen to carry out a more extensive exercise through a more inclusive process than the original timetable would allow. I have therefore agreed to a timetable and methodology that will add value by:

- ensuring that all recent developments and new issues are fully explored; and
- maintaining the sense of momentum and ownership generated in the sector by the Homelessness Commission and the Strategy.

The review will include the use of focus groups and a consultative conference as well as more traditional consultation methods, and will seek the views of service users and the joint responses of existing

networks and partnerships. I therefore now propose to report back to Committee by the end of March 2005 (two years after publication of the initial Strategy). In the meantime, I have asked officials to provide an update on progress against the current strategy and action plan to Committee in the late Autumn.

Grant streams that fund 'youth initiatives'

At the Committee meeting held on 31 March 2004 I said that I would report back further on the issue of grant streams made available by the Welsh Assembly Government that funded 'youth initiatives'. Details of these schemes can be found at **Annex B**.

Changes in funding formula

From the 1 April 2005 all Supporting People Revenue Grant projects, those funded directly by the Assembly Government, will be funded on the basis of the specifications and tariffs awarded to them as a result of a review process. This review set appropriate project specifications for each project on the basis of the service they were providing at the launch of Supporting People in April 2003.

The specifications, which resulted from a full consultation process, are each associated with a tariff to ensure that each service is adequately funded. The tariffs were calculated as a result of an extensive costing exercise undertaken on behalf of the Assembly Government by consultants DTZ Paeda. The resultant tariff figures were further reviewed by a working group which included representation from Cymorth (the umbrella body for support providers). Tariff setting has therefore been thoroughly evidence based, and pursues the principle that the funding allows delivery of the specified service by any organisation's that is in the median range of cost effectiveness.

Tariffs have been set on the basis that all the legacy funding resources will be spent as tariff. The move to tariffs, inevitably will generate losers but these will be equally matched by the winners. Historical variations in funding between providers, which often resulted purely from the ability of the organisation to maximise the approvals made by Housing Benefit officers, are ironed out by matching funding levels to the services actually being provided. The process of setting specifications and tariffs is therefore a manifestation of the policy intention to place funding for accommodation related support into an accountable funding framework, designed to allow scrutiny of the quality and cost of services paid for from the public purse.

Cymdeithas Tai Hafan are one of the losers in this process, their Supporting People funding will reduce from £2,518,369 this financial year to £2,185,718 in 2005/2006 a total of £332,651. Due to the nature of the client group, the specifications and tariffs typically awarded to Tai Hafan projects attract the highest funding levels, many other providers working with the same client group will find themselves as winners from the same process.

It follows from the principle that the specification and tariff system is designed to ensure value for

money, that our chief funding concern can not be the impact on a single organisation. The new funding structure places a new discipline on the supported housing sector, and I expect it to adopt a variety of responses to this discipline, from simple reviews of the cost base, to a drive to maximise economies of scale through merger, group structures etc. We will continue to monitor activity in the sector and the impact of our tariff levels to ensure a healthy range of providers and specialisms, but it must be stressed that the discipline to demonstrably deliver value for money is a discipline I am happy to apply to the sector.

Good Practice in Relation to Community Support Officers and Neighbourhood Wardens

Comparative Roles of Police Community Support Officers and Neighbourhood Wardens

Police Community Support Officers (CSOs)

The Police Reform Act 2002 provided for Police Community Support Officers (PCSOs) – trained civilians with a range of responsibilities which do not require the full powers of police officers. CSOs complement the work of the police by providing high visibility foot patrols to reassure the public. In carrying out these duties they can issue fixed penalty notices; disperse groups of disorderly people and detain an individual for up to 30 minutes. PCSOs patrol in a distinctive uniform and are accountable in the same way as police officers. Home Office funding was first available for PCSOs in 2002-03, although only Gwent Police applied and received funding for 30 PCSOs. Under the second funding round the Home Office provided funding for a further 83 CSOs throughout Wales and, with South Wales funding 13 themselves, this brought the Wales total to 126 CSOs. Welsh forces successfully bid for a further 46 CSOs under Round 3 bringing the total to 172.

Under the Police Reform Act Chief Constables may also accredit or quality assure other community organisations not directly employed by the Police which allows their personnel similar powers as Police Community Support Officers. All accredited staff are required to wear a badge to make them easily identifiable to the public. Accredited staff are given limited but targeted powers, at the discretion of Chief Constables, to deal with low level disorder and public nuisance. These include issuing fixed penalty notices for offences of littering, graffiti and fly – posting. North Wales, South Wales and Gwent Police all now have accreditation schemes in place.

Neighbourhood Wardens

Neighbourhood Wardens provide a uniformed presence in residential areas with the aim of improving the quality of life in a community. Their overall purpose is to build community confidence by reducing crime and the fear of crime; deterring anti social behaviour; caring for the physical environment and fostering social inclusion. However, Wardens do not operate with police powers nor are they under the operational control of the Chief Constable, the powers they do have are derived from by laws and they are not part of the extended police family.

Examples of Best Practice

Neighbourhood Warden Merthyr Tydfil

The Merthyr Tydfil Neighbourhood Warden scheme which covers several areas within Merthyr Tydfil is long established and well regarded. Wardens there are involved in regular patrols; hedge cutting; graffiti clear up; abandoned vehicle removal and the provision of luminous safety bands for children after dark. All of these activities have greatly improved patrolled areas and built up good relationships within the community.

Denbighshire - STARS – Safety, Tolerance, Awareness, Regeneration and Security

STARS comprises of 14 Community Safety Wardens (CSWs) in the Denbighshire area of Prestatyn, Rhyl and Llangollen. The CSWs deal with the removal of abandoned cars; illegal fly tipping; graffiti removal and checking damage to property. They involve themselves with all aspects of the community from working with young people to welfare checks on the elderly and vulnerable. They also carry out security surveys for recent victims of crime who are in fear of crime and supply personal attack alarms to people who feel vulnerable.

Police Community Support Officer Scheme – Gwent

Gwent Police were the first to introduce PCSOs and now have funding for 60 officers. Initially, the first PCSOs were posted to C Division which covers Caerphilly, Blackwood and Blaneau Gwent but PCSOs are now being introduced to other divisions. Gwent is one of 6 Police Forces in England and Wales piloting the power of detention for PCSOs.

Counselling Services

Earlier this year, the committee raised concerns about the provision of counselling services for people with substance misuse problems and I undertook to find out what counselling services are already funded by the Welsh Assembly Government.

I consulted Assembly Ministerial colleagues and responses were passed on to committee as I received them. In summary the current situation is as set out below:

- In Wales, counselling services are normally provided within the primary care sector and referral is via GPs.
- The Assembly's health department also runs a grant scheme for mental health voluntary sector organisations and these operate on an all-Wales basis. The scheme is due to end next March and

arrangements for the future depend upon the outcome of the review of voluntary sector funding.

- The Community Advice and Listening Line (CALL) provides an out of hours mental health telephone helpline. Support is provided through listening and providing information on local and national services but it is not designed to offer structured counselling.
- The NE Wales NHS Trust in partnership with the Local Health Board and the Wrexham & Flintshire Social Services have reached agreement to establish discrete primary Care Mental Health Teams called "First Access". The aim is to provide a gateway between the GP and specialist mental health services, including access to counselling services.
- The Rural Stress Scheme was set up under the Rural Recovery Plan following the foot and mouth crisis and operated until March this year. The Rural Recovery Plan has now been implemented and this scheme has come to an end.
- Walkways Powys Youth Information and Counselling services is part of the Growing Pains Project. The assembly funded a pilot scheme for 2 years that delivered counselling and information services to young people across Powys between the ages of 14 and 19 years. This project was extended and ended in March 2004. As a result Powys Mental Health Alliance have been able to make a case for independent counselling as part of their child and adolescent mental health service and the service looks likely to continue. Funding has been secured until March next year and a steering board is looking at the longer-term viability.

Officials are currently considering ways we can progress taking account of the Information we have been given. This is a crosscutting issue so it will be sensible to work with my Ministerial colleagues. An update report will be provided for the December meeting of committee.

Transfers of Resources from Social Justice and Regeneration (MEG) to the Central Administration (MEG)

The committee is invited to note that the Minister for Social Justice and Regeneration and Minister for Finance, Local Government and Public Services have agreed the transfer of resources from the Social Justice and Regeneration MEG to the Central Administration MEG, to fund a secondee to manage the Living in Wales Survey. Details of the transfer are set out below.

**Amount of
Transfer**

Transfer from

Transfer to

£74,000

MEG:

Social Justice and Regeneration

SEG:

Other Housing Revenue

BEL: Research/Surveys/Evaluations/
Publicity/Fees and Charges

Before transfer: £1,884,000

After transfer: £1,810,000

MEG:

Central Administration

SEG:

Staff Costs and Salaries

BEL:

Staff Costs

Before transfer: £8,594,000

After transfer: £8,668,000