

## Current Statutory Controls

There is no current legislation specifically covering Bed and Breakfast (B&B) premises. Most B&Bs are covered by legislation for Houses in Multiple Occupation (HMOs). The Housing Act 1985 sets standards in relation to fitness, overcrowding and HMOs (parts 9, 10 and 11 respectively). These provisions will be replaced with new standards under the Housing Act 2004, although it is too early to say how these will affect the use of B&B premises.

In addition, local authorities must have regard to Circular 25/92 on standards for HMOs. The Institute of Environmental Health Officers also sets advisory standards.

Existing legislation is regarded as complex and leaves much discretion for local authorities in how it is interpreted and applied. Authorities often set their own standards. The standards applied across Wales for B&Bs will vary from authority to authority, depending upon market pressures, LA staffing levels and expertise, and attitude of the authority to suitability of accommodation for homeless people.

## Legislation to restrict the use of Bed and Breakfast Accommodation for Homeless People- Preliminary Proposals

All B&B establishments would be covered by the legislation.

### Stage 1

Use of Bed and Breakfast for all groups-

The managing person/proprietor to be subject to risk assessment by local authority

In addition, for

### Families with children, pregnant women and 16 & 17 year olds

B&B to be used for no more than **two weeks (14 nights)**, *except* where the B&B establishment meets specific standards, in which case the limit will be **six weeks**. These will be defined following further advice from the Homelessness Strategies Working Group, but could include:

- self-containment, e.g. exclusive use of washing facilities
- provision of amenities, e.g. adequate cooking facilities
- access to rooms and facilities, e.g. 24 hour access to accommodation living room

- property standards, e.g. Health and Safety rating standards
- risk management, e.g. police checks on staff
- management standards, e.g. information for residents
- proximity to networks and services, e.g. schools, family support
- possible exceptions, such as where applicant prefers local B&B to less local but otherwise suitable alternatives as part of a meaningful choice

## **Stage 2**

For all

**Other households to whom there is a local authority duty to provide temporary accommodation**

B&B to be used for no more than **six weeks**.