

HSHAWB 16 Cyngor Castell-nedd Port Talbot | Neath Port Talbot 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 Castell-nedd Port Talbot | Evidence from: Neath Port Talbot 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).

Overall, we feel the general principles of the Bill are positive in the main. The removal of Priority Need and the continuation of the 'no one left out' policy is welcomed, as many LA's have been working this way for several years. Also, the removal of s73 duties, and a more streamlined approach to homeless duties ensures that the process is less bureaucratic and easier for clients to understand. The policy intention to increase allocation of social housing to homelessness is a positive step to ensuring the most in need are allocated accommodation.

The overall principles around increased Prevention is a positive, this ensures the process is streamlined and aligns with RHWA. The proposals will ensure prevention activity is increased by moving towards a homelessness system that is trauma informed and person centred. The Policy intention has already been considered and implemented in Neath Port Talbot prior to the introduction of the Bill. This can only have a positive impact on clients and ensures early intervention support is provided and homelessness is rare, brief and unrepeated.

There is a need for clarity and legislation to deliver the policy intention, to ensure all LA's are consistent and working in the same way. However, there are some areas where we feel some principles would require further clarification and consideration, which are highlighted in Q2, Q3:

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).

The majority of provisions set out are positive, and it is evident that many principles have been introduced taking into consideration feedback from LA's at the early stages of the consultation process. However, there are some areas of concern in terms of how the provisions can/will be delivered, and if/how the policy intention will be deliverable, such as:

Removal of intentionality test – whilst many authorities no longer apply the test and the use is rare, the reference to the test it is often used as a valuable Prevention tool. The removal would result in less deterrent and a lack of consequences for repeated tenancy failure, such as failure to pay Rent, as there would be little consequences for repeat applicants. The new Discharge of duty categories do not cover what was included in an intentionality test.

PSAP – this is a positive introduction, however, there appears to be lack of consideration/guidance in terms of the overlap between statutory and HSG funded services. Would homelessness services who receive HSG funding for support be required to complete both PSAPs and HSG support plans which capture reportable outcomes?

New Discharge of duty categories – this is a positive introduction; however, these do not align with RHWA requirements, and this will have implications for LA's who manage their own TA. Homelessness duties can be discharged for certain behaviours, however the temporary accommodation provided which is attached to the duty cannot be easily ended as there is a lengthy legal process to follow. In addition, whilst the new discharge reasons specify 'threatening behaviour to staff', there is no consideration for threatening behaviour to other residents in TA.

Duty to 'Ask and Act' – further clarity will be required in terms of expectations on LA's. How will the compliance of public services be monitored and who will they be answerable to, will it be LA's or WG?

New right to review – the right to review all decisions including the decision not to assess is overall positive, however the increased timescales for suitability reviews to 6 months could inadvertently create issues in emergency accommodation, as this

could perversely encourage people to request a review should they wish to move (e.g , if a friend/associate has been placed elsewhere and they feel it is of a better standard, etc). In addition, the frequency of reviews would increase workload for frontline staff, as a result further staffing resource may be required.

Local connection - The Bill states that ministers would be given powers to make further amendments to specify criteria once the Bill has been implemented. The lack of detail and clarity around this makes it difficult to provide positive feedback, as further changes could be imposed by ministers without any further consultation. These changes could have a negative, detrimental impact on LA's.

Duty to protect property (even after duties discharged) – it will be difficult to anticipate numbers, however this would require sufficient secure storage space for personal belongings, resulting in an increased ongoing cost for LA's in terms of storage and resources. Would there be a maximum time limit requirements for storage?

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).

As in Q2, the majority of provisions set out are positive, and it is evident that many principles have been introduced taking into consideration feedback from LA's at early the stages of the consultation process. However, there are some areas of concern in terms of how the provisions can/will be delivered, and if/how the policy intention will be deliverable, such as:

WG to produce report on use and condition of TA every 5 years – clarity will be required on what data will need to be reported and what standards will be, therefore unable to comment at this stage as it is unknown what additional resources this will require.

Social Housing (discretion for LAs to decide qualifying persons for Social Housing allocation) - The Bill states that ministers would be given powers to make further amendments once Bill has been implemented. The lack of detail and clarity around this makes it difficult to provide positive feedback, as further changes

could be imposed by ministers without any further consultation. These changes could have a negative, detrimental impact on LA's.

Deliberate Manipulation test – whilst this is a positive introduction, further clarity would be needed as it will inadvertently have unintended consequences. As this applies to social housing allocation and not homeless legislation, where less/no preference is awarded for Social Housing, this could result in longer stays in TA due to lack of move on options which will incur increased costs for LA's.

Establish a Common Housing Register/Accessible Housing Register – the policy intention to ensure that social housing allocations are made to those eligible and most in need is a positive step forward. However, as we are one of the 3 LA's who do not currently operate a CHR, this will have major implications that need to be considered.

Whilst Neath Port Talbot County Borough Council (the Council) has a statutory obligation to formulate, adopt and amend an allocation scheme and where appropriate consult on proposed changes, the Council in partnership with Tai Tarian Limited (Tai Tarian) has adopted this Lettings Policy. The policy meets the requirements in Part VI of the Housing Act 1996 (the HA 1996) (as amended by the Homelessness Act 2002 and the Housing (Wales) Act 2014) (the HWA), giving reasonable preference to those applicants in greatest need. The Council retains full responsibility for the policy itself including any requirement to consult with stakeholders on any proposed changes to the policy. The Council has transferred to Tai Tarian the administrative functions and operation of a housing register (the Housing Register), which includes: a) The receipt of housing applications. b) All assessment matters and decisions regarding eligibility under the scheme. c) Carrying out any statutory review of a decision made. d) Making sure that advice and information is given on allocations.

The allocation of properties by Tai Tarian will be undertaken in accordance with the provisions of this policy, which incorporates the following:

- Homes by Choice Scheme: applicants included on the Housing Register (or if authorised, the Council's Housing Options Team on behalf of such applicants) will be entitled to "bid" for vacant properties owned by Tai Tarian which are available for letting.
- Banding Scheme: where applicants are placed in one of four bands of housing need according to their circumstances.

There will be major cost implications as a result along with a requirement for a new IT system and additional members of staff required to maintain the list moving forward. The costings anticipated in the Bill do not remotely represent the true costings required. To also note there has previously been some exploratory

work undertaken, however not all RSL's were happy to participate in the CHR at the time. In addition, what mechanisms will be in place to ensure RSL partners cooperate with the requirement?

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).

The majority of provisions set out are positive, and it is evident that many principles have been introduced taking into consideration feedback from LA's at the early stages of the consultation process. However, as detailed in Q2 & Q3, there are some areas of concern in terms of how the provisions can/will be delivered, and if the stated policy intention.

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).

Lack of resources

Financial impact on LA's – the costings forecast does not appear to be a true reflection on the cost that could be incurred as a result of the implementation of all aspects of the Bill.

Timeframe for implementation, this could result in significant pressures for already stretched resources in Homelessness teams and potentially redirect staff, for example, the implementation of a CHR will take frontline resources away from our Rapid Rehousing work. There will also be a requirement for additional training for all existing staff, and potentially recruitment and extensive training of additional new staff.

Inability to recruit experienced members of staff – this has been evident over recent years as many experienced staff have left the sector due to extreme pressures, therefore recruitment has proved difficult.

There may be resistance from other services in terms of co-operation with Homelessness teams. There may be reluctance from some public bodies/services as there will be a significant change for some in how they currently work.

The wider system is not set up to support aspects of the Bill, for example the actual levels of affordable housing and the barriers to development across Wales, the private rented sector market, pressures on NHS and social care services (e.g. MH and substance use services), pressure and changes to probation, early release and 'right person right care, accessibility to welfare.

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).

The lack of detail and clarity around this makes it difficult to provide positive feedback, as further changes could be imposed by ministers without any further consultation. These changes could have a negative, detrimental impact on LA's. These powers could prove to be inappropriate as there could be lack of transparency when additional changes are imposed by ministers in the future. There would need to be a mechanism for scrutiny for any decisions made as the impact/consequences of any changes could result in a significant impact for LA's in managing their resources.

Whilst the Bill acknowledges that feedback from LA's was taken into consideration, one example was the initial proposal to remove the Local connection test. These additional powers for ministers allow for potential changes to exempt categories to this test. This could effectively allow for the Local connection test to be removed gradually with the introduction of further categories at any time. This would be a contradiction to the policy intention of retaining the Local Connection test.

To ensure that LA's are not negatively impacted following any changes, the exercise of any powers for Ministers should be evidence based considering information and data collected from LA's by WG into consideration.

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).

Increase numbers accessing TA, seen as a route to Social Housing

Increased costs associated with increased numbers in TA

Increased caseloads for frontline staff due to extended timeframe for s66 duty, this will have an increase cost for the LA in terms of potential additional resources required

With an increase of cases owed a statutory duty under s66 – this could result in an increase to waiting lists, with a higher saturation of people awarded preferential banding for Social Housing. This would result in less housing options and longer stays on TA due to lack of available accommodation.

Deliberate Manipulation test – whilst this is a positive introduction, it may inadvertently have unintended consequences. This applies to social housing allocation and not homeless legislation, where less/no preference is awarded for Social Housing, this could result in longer stays in TA due to lack of move on options which will incur increased TA costs for LA's.

Lack of consequences/perverse incentive for repeated failed tenancies in relation to deliberate acts resulting in loss of accommodation, as the removal of the intentionality test cannot be referenced when undertaking prevention work.

Increased costs associated with increased prevention work – due to the current economic climate, often successful prevention can only be achieved with financial assistance from the LA – eg, unaffordable top-ups due to low LHA rates, rent arrears etc. In many such cases there has been a requirement for the LA to access homelessness prevention fund to provide financial assistance, as there is a distinct lack of affordable accommodation.

Repeated moves within TA because of increased timescales for suitability review – many clients often do not want to be placed in certain types of TA so this will encourage an increased number of suitability reviews. This will increase workloads for staff undertaking reviews.

PSAPS – will potentially increase/duplicate work for HSG funded staff working with clients in TA, as they will potentially have to complete both a PSAP and a HSG outcomes support plan.

Suitability reviews – with the increase option for a review up to 6 months after rehousing, there are concerns around the expectations of the LA at this point, as the applicant requesting a review could hold a fixed term contract, so there would be contractual legal implications in line with RHWA.

Social Housing Allocations – LA can specify categories of who is eligible for the register – it would be a benefit to WG providing guidance to LAs, to ensure fairness and consistency across all Welsh LA's, as without any clear guidelines this could potentially create a 'postcode lottery' situation to accessing Social Housing.

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).

We feel the costings anticipated in the Bill do not represent the true costings required for some aspects. The proposed costs included in the Bill for establishing a Common Housing Register/Accessible Housing Register appear to be underestimated and do not take into account the significant amount of work this will involve. It will require a dedicated project team and co-operation between all organisations, along with a requirement for a new IT system. There will also be a requirement for additional members of staff to maintain the list moving forward.

There does not appear to have been any consideration for the financial implication of maintaining and administering the register ongoing after initial set-up. We would disagree with the £0 costs anticipated in the Bill for ongoing review of the Common housing register, as the current single RSL review processes will no longer be appropriate for a Common Register.

Duty to protect property (even after duties discharged) – This would require sufficient secure storage space for personal belongings, resulting in an increased ongoing cost for LA's in terms of storage and resources. There does not appear to be any consideration proposed for this additional costs for LAs in the Bill.

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).

Environment;Housing;Local Government;Planning