

## **HSHAWB 33 Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr | Bridgend County Borough Council**

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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 Pen-y-bont ar Ogwr | Evidence from Bridgend County Borough Council

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#### **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).

Bridgend County Borough Council is supportive of the Government working to improve the system to assist individuals and families with getting faster resolutions. We understand the huge value of trauma-informed decision-making in resolving housing need and providing the best possible support to those who need it. However, we do not agree with a scheme that creates a system of passive involvement.

The Bill will lead to more homelessness cases; whether those can have a positive outcome without the main housing duty being owed, is less clear. There is mention in the White Paper of additional prevention tools being made available but no indication what they are. Without significant additional resources, the most likely outcome will be more households in temporary accommodation who will be owed the main housing duty. Bridgend already has a backlog of 441 households in temporary accommodation awaiting an offer of suitable accommodation; and 3662 households on the waiting list for housing.

The current priority need groups are wide-enough to encompass most households. It is rarely used. The same is so for intentional homelessness. In 2024-25 Bridgend decided that 13 households had become homeless intentionally. That equates to 1.1% of all statutory assessments carried out in that period. Twenty-seven households (2.3%) did not have a priority need for accommodation.

Contrary to what the Expert Review Panel said in their report; when intentional homelessness was introduced as an amendment to the Housing Act 1996, it was not 'to deal with the perverse incentives to apply for homelessness assistance in order to jump the queue for social housing' (Expert Review Panel report p.19). The purpose was both practical and performative.

During the Parliamentary debates, the stated intention was to prevent people from benefitting from homelessness law by losing or leaving accommodation when they did not have to. The additional, performative purpose was to signal to the public that assistance would not be afforded to those who deliberately acted or omitted to act in a way that led to the loss of their home.

While homelessness assistance should be trauma-informed, we need to emphasise the importance of responsibility in the process. Intentional homelessness is not about blaming trauma as being an individual's fault. It is about taking ownership of what has gone wrong, develop strategies, and making conscious choices about the future. In other words, trauma-informed decision-making is recognising the profound impact homelessness has on individuals and families, while personal responsibility empowers them to move forward. There must still be a recognition that, wherever possible, households should take responsibility for their own accommodation needs and not behave in a way which might lead to its loss. Otherwise, repeat homelessness is likely to increase.

There appears to be some confusion as to what the removal of the two tests will achieve. During the Stage 1 Committee consideration of general principles on 4 June 2025, the debate conflated homelessness prevention duties with priority need and intentional homelessness. Priority need does not fall to be considered unless, or until, a household is homeless. It has nothing to do with threatened homelessness. Similarly, intentional homelessness is considered much later. Neither test is a barrier to a local authority providing help for 56-days or 6-months.

The deliberate manipulation test already exists (Housing (Wales) Act 2014 s77(4)). The new s167A is no substitute. It will only apply if a person does something intending to become entitled to help or improve their chances of being allocated housing accommodation. That will be difficult, if not impossible, to evidence. It is very narrow. The wording of that subsection (clause 36) is clumsy. The tenses have been changed and it is difficult to interpret. The Supreme Court had difficulty in *Haile v Waltham Forest LBC [2015] UKSC 34*, without this ne

**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 1(2)(c) would seem to render ss(a) and (b) otiose. The word 'or' at the end of s1(2)(b) can reasonably be deleted. The test must be whether it is more likely than not that a person will become homeless within 6 months.

The word 'likely' in section 3(1A) places the duty too strongly.. The word 'must' earlier in the subsection is sufficient.

Section 3(2)(a) is too wordy and repetitive.

The word 'any' in section 3(2)(b)(ii) places the duty too strongly. A local authority can only do its best. It cannot be expected to do everything no matter what it is.

The prevention, support and accommodation plans in section 4 (new 63A) could be stronger. There is a lot for the local authority to do, but very little for the applicant. They play a passive part in the assessment; they are expected to do very little to help themselves. Section 63A(10) only requires a written statement on why the applicant and local authority cannot agree on what measures to take.

The plan is to be reviewed (at least) every 8-weeks. There is a right of review of each one. Along with the multiple other heads of review, the administrative burden will be great. There also seems to be a right of appeal to the county court after each review.

**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).

For section 167(A), please see comments on the deliberate manipulation test, mentioned earlier. In addition, if a household seeks advice from a local authority but then ignores it, they will seem to be caught by the new s167A(2)(ii). That reintroduces intentional homelessness but only for preference in an allocation of

housing. The deliberate collusion test in Housing (Wales) Act 2014, s77(4) would be adequate.

Preference for young people leaving care: does this apply if a person has a local connection to Wales but was looked after in another UK jurisdiction?

Section 160(B)(1) seems to exclude RSLs from having their own housing register. In Bridgend, a local housing partner to the common housing register is able to allocate 25% of its properties through its own allocation policy

## **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).

In Schedule 1, s76(6) is omitted. That means intentional homelessness has been removed as a reason for the main duty ending. That would make temporary accommodation very difficult to manage. Other than serious damage to property or violent or threatening behaviour, the duty to provide temporary accommodation will not come to an end. As a bare minimum, the household should be expected to keep to the terms and conditions of the occupancy agreement.

In cases of violence, threatened violence or serious damage to property, it is unreasonable to expect the local authority to give a warning notice to the applicant and then wait for a reasonable period of time to elapse. That could put staff at risk or result in further damage to property.

## **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).

The assumption is that homelessness will be prevented in many cases. Should a household become homeless, the reforms are expected to increase the speed by which they are rehoused into settled accommodation. That is anticipated to be at

least a 10% year-on-year increase in positive outcomes. Without any additional resources, it is difficult to see how. It also assumes households will contact the local authority immediately upon being threatened with being homeless. That rarely happens.

The increase in temporary accommodation cannot be overstated. Bridgend currently has 453 people from 276 households in temporary accommodation. The average length of stay is 156 days. The average length of stay for those owed the main housing duty is 580 days. 59.2% of those on the waiting list for housing are single people.

Across Wales, on 30 September 2024, 6,495 households were in temporary accommodation – the highest figure since the introduction of the legislation in 2015. Local authorities will need to deal with that backlog, the increase in applications and additional administrative burdens from these amendments.

## **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).

These kinds of powers enable the smooth running of the law (or implementation pathway). It also makes sense to be able to add to, or remove from, the list of public bodies subject to the co-operation duty or amend local connection. The lead-in time and consultation with local authorities, will be crucial.

## **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).

The impact assessment suggests the Bill will be commenced with a phased approach. After an initial preparatory period of 12-months, the Bill will focus on mitigating systemic pressures linked to homelessness applications and to increase flow out of the system. 'Ask and act' will come later, following training. Lastly, priority need an intentional homelessness will be abolished in around 2030-31. Without a more detailed timeline, with information on what resources will be allocated, and when, there will be uncertainty for local authorities.

The Bill uses different mandatory words regarding how guidance is to be used. Social landlords must have regard to guidance on their duty to co-operate as

must others under the “ask and act” duty; whereas local authorities shall have regard to the guidance. Is there a difference?

There is not going to be one central guidance document but a range of guidance documents. That would be unhelpful. Requiring housing officers and others to work across multiple guidance documents, will add to already increased workloads.

There is a power to issue a direction against an RSL which does not comply with the duty to co-operate or does not have a good reason for so doing. This sort of control over RSLs suggests they are becoming a public body for the purposes of judicial review and for accounting purposes, in the same way the ONS did for England in 2015, when it reclassified RSLs. The Government could be saddled with public sector debt

## **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).

The proposal uses data for an increase in presentations ranging from 5% to 30% with a cost range of £10.8m to £13.3m. We have already seen a huge increase on pre-pandemic levels of housing need. The cost of temporary accommodation alone has increased dramatically.

2019/20 - £2,422,177.81

2020/21 - £3,279,152.41

2021/22 - £3,798,976.27

2022/23 - £3,864,271.78

2023/24 - £5,092,919.00

We do not think there is much likelihood that increased prevention activities will lead to ‘significant savings’, at least in the short to medium term. All prevention tools that could be used, are being used. Without additional resources, local authorities will be doing more work with more households but with the same resources.

Much of the analysis in the Impact Assessment is based on pre-pandemic data. It does not reflect current demand on services or the associated cost on delivering a housing options 'plus' service.

The estimate of two-hours work to produce a personalised housing plan (Para 2.8) is misjudged. It excludes the time taken to review the housing plan and the cost of undertaking statutory reviews of the outcome.

The cost analysis uses 2022/23 presentation numbers and questions whether there is double-counting. The analysis should use the expected increase in applications. There is also no double counting because the housing plan does not form part of the application, it is an analysis of the application, the outcome and the next steps. It comes after the application stage and is regularly reviewed to ensure it remains effective.

The Impact Assessment cannot use estimates from adding a category of priority need as a way of estimating the cost of abolishing priority need and intentional homelessness and the additional burdens contained in the proposal. They are vastly different.

The Impact Assessment uses StatsWales and assumes that removing the intentional homelessness decisions made last year will not significantly affect the cost. That ignores the impact on temporary accommodation – both at the initial point of contact and the main duty ending

**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).