

LOCAL GOVERNMENT AND HOUSING COMMITTEE

HOMELESSNESS BILL - CONSIDERATION OF THE IMPLICATIONS OF THE HOMELESSNESS BILL FOR WALES

PURPOSE

1. This paper invites the Committee to consider the implications of the Homelessness Bill for Wales.

RECOMMENDATION

2. That the Committee gives its support to the Bill and agrees that the National Assembly make the Order for Commencement at the earliest opportunity following the passage of the Bill

TIMING

3. The third reading of the Bill will probably take place in October, and it is expected to be passed by early in the New Year.

BACKGROUND

4. The Homelessness Bill contains provisions relating to local homelessness strategies, and amendments to the statutory protection of homeless persons. It also abolishes the requirement on local authorities to have housing registers, and requires them to offer choice within their housing schemes.
5. The provisions in the Bill are virtually the same as those on homelessness in the Homes Bill which fell due to lack of parliamentary time before the last general election. The National Assembly has already expressed its support for this measure.
6. The Bill has already been considered in Parliamentary committee, and is due to go third reading very soon. The Bill has all-party support, and there are unlikely to be any significant amendments.

CONSIDERATION

7. The key provisions in the Bill are:

- A new duty on local authorities to carry out homelessness reviews and to formulate homelessness strategies (ss 1-3). Authorities will be required to carry out reviews and publish strategies within twelve months of this provision coming into force. The reviews and strategies must be directed at prevention of homelessness, securing availability of accommodation and provision of support for people who are or are at risk of homelessness.
- Abolition of the maximum period of two years during which local authorities have a duty to secure accommodation for homeless people (s.6).
- The introduction of a right for homeless people to request a review of the suitability of accommodation offered to discharge the statutory duty (s.8).
- Extension of the statutory definition of homelessness to include people at risk of violence from any source, and a duty on local authorities not to refer such people to other authorities where they are likely to be at risk of violence (s.10).
- Abolition of the duty on local authorities to maintain a housing register (s.13(1)).
- Amendments to eligibility for allocation of accommodation, to exclude persons subject to immigration control. In addition there is a new discretionary power for authorities to treat an applicant as ineligible if they have been guilty of unacceptable behaviour(s.13(2)). Authorities will have the duty to notify ineligible applicants of their decision and the grounds on which it is based.
- New duties on local authorities to consider every application for accommodation; to provide advice and information about the right to make an application for

accommodation; and to provide applicants with any necessary assistance in making such an application(s.14).

- A requirement on local authorities to include a statement in their policy on how they will offer a choice of accommodation or the opportunity for applicants to express preferences about the accommodation they want (s.15(2)).
- Some amendments to the categories of people to whom local authorities should give reasonable preference within their allocation schemes (s.15(3)).
- The provisions of the Act will come into force in Wales when the National Assembly passes an Order for commencement (s.19).

8. The main implications include:

- Local authorities will have to produce local housing strategies, which complements the direction of homelessness policy as set out in our National Housing Strategy and the report of the Homelessness Commission. This should ensure that each authority works in partnership with other local organisations to establish the extent and causes of homelessness, and publishes strategies aimed at preventing people becoming homeless, ensuring emergency accommodation is available, enabling people to access suitable permanent accommodation, and helping people to sustain accommodation through provision of support. This measure should help to establish the true extent of homelessness more clearly and tackle homelessness and its causes at the local level. It should also help the National Assembly to gain a better understanding of the problem, and to direct resources to meet identified needs most effectively to achieve our national objectives.
- The Bill will give people who are statutorily homeless greater security by the abolition of the two year limit on the local authority duty.
- It should ensure that people who have to flee their home because of any form of violence must be treated as homeless and cannot be referred back to an area where they would be at risk of further violence. This should particularly benefit victims of domestic violence.
- Local authorities will have more flexibility to provide accommodation for homeless people who do not have priority need.
- Local authorities will have to include some element of choice in their allocation schemes, which supports a specific objective in 'Better Wales'.

- The duty on local authorities to consider all applications should encourage a more open approach to meeting housing need and demand, with less use of 'blanket' exclusions. However, the wording of the Bill allows authorities to take account of local connection and previous behaviour in prioritising housing applications, and they will retain the right to offer housing in accordance with their own scheme. In effect local authorities will probably still be able to exclude applicants they do not wish to house.

9. The Homelessness Commission has recommended guidance to be issued in support of the local homelessness strategies duty. It is proposed that, following consideration of views expressed by the Committee and in plenary, the National Assembly issues such guidance for formal consultation. This guidance would then be adopted and issued within the statutory Code of Guidance on Homelessness and Allocations, which will be reviewed in early 2002.

COMPLIANCE

10. The National Assembly has powers to consider any matter relevant to its functions under s.40 of the Government of Wales Act. Under Section 182 of the Housing Act 1996, the Assembly may give guidance to local authorities on the exercise of their responsibilities in regard to homelessness. The relevant powers under the Housing Act 1996 have been delegated to the Assembly Minister.

11. There are no issues of regularity or propriety.

12. This submission has been copied to the Assembly Compliance Office.

FINANCIAL IMPLICATIONS

13. Local authorities and other organisations:

There will be some costs for local authorities in conducting homelessness reviews and preparing strategies. The National Assembly will provide some assistance to meet the demands identified through the strategies.

14. National Assembly:

There are no immediate financial implications for the Assembly, other than administration costs that can be contained within the Housing Directorate's approved budget. There are likely to be

additional demands on the housing budget once the need for homelessness services is identified through the strategies.

CROSS-CUTTING THEMES

15. The Bill will provide a new framework at the local level for driving forward the agenda to tackle homelessness in Wales. This is one of the most acute forms of social exclusion, and will help to address the broad range of social problems associated with homelessness as identified by the Homelessness Commission.

Management, Homelessness and Support Branch

Housing Directorate

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