

LOCAL GOVERNMENT AND HOUSING COMMITTEE

Date:	29 th January 2003
Venue:	Committee Room 2 National Assembly for Wales
Title:	Consideration of the Draft Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness

1. Purpose

This report has been prepared to inform the Committee of the issue of the draft Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness ("the draft Code of Guidance") for consultation, and to provide the Committee with a copy of the draft document.

2. Summary/Recommendations

The Committee is asked to note the content of the draft Code of Guidance.

3. Timing

The draft Code of Guidance was issued to all local authorities and interested parties in October 2002, with a three month consultation period ending on the 17th January 2003.

4. Background

Local housing authorities have a range of statutory duties to people who are in need of accommodation and to homeless people, under the provisions of Parts VI and VII of the Housing Act 1996 ("the 1996 Act") and the Homeless Persons (Priority Need) (Wales) Order

2001 ("the 2001 Order"). These duties have been amended by the recently introduced Homelessness Act 2002 ("the 2002 Act").

Sections 169 and 182 of the 1996 Act state that a local housing authority shall have regard to such guidance as may be issued by the National Assembly for Wales in the exercise of its functions relating to allocation of accommodation, homelessness and the prevention of homelessness. A statutory Code of Guidance was introduced for this purpose which was last revised in February 1997 and issued to local authorities. In the Code of Guidance, authorities were advised that although they should have regard to this guidance, it is not a substitute for the legislation.

As a result of the recent changes made by the 2002 Act to homelessness and allocation of accommodation legislation, the existing statutory Code of Guidance needed to be revised. The revised draft Code of Guidance explains how local authorities should meet their statutory responsibilities and accords with the policy principles established in previous consultations (the Lettings Sounding Board and the report of the Homelessness Commission).

On the 27th February 2001, the National Assembly for Wales made the Homeless Persons (Priority Need) (Wales) Order 2001. The 2001 Order, which came into force on the 1st March 2001, extends the descriptions of persons accepted by the local housing authority as in priority need for accommodation.

The Assembly Government issued Provisional Guidance on the application of the 2001 Order to all interested parties in July 2001 for consultation, and the revised draft Code of Guidance has had due regard to the issues raised during that process. The Homelessness Commission also considered the Provisional Guidance.

The Homelessness Act 2002 received Royal Assent on the 26th February 2002, and on the 4th July 2002 the National Assembly for Wales made the Homelessness Act 2002 (Commencement) (Wales) Order 2002. This Act amends and repeals parts of Part VI (allocation of accommodation) and Part VII (homelessness provisions) of the Housing Act 1996.

The revised draft Code of Guidance reflects the amendments made by the 2002 Act to Part VI (allocation of accommodation), and Part VII (homelessness) of the 1996 Act.

An important aspect of the 2002 Act is the duty placed on each local housing authority to undertake a review of homelessness in its area and produce a Local Homelessness Strategy by the 30th September 2003. The Homelessness Commission considered a draft Local Homelessness Strategies Guidance, which has been incorporated (in a revised format) in the Code of Guidance. The 2002 Act also abolishes the requirement to have a housing register, gives applicant choice greater prominence in housing allocations, removes the ability for authorities to impose residency qualifications and gives transfer applicants the

same rights as those given applicants for housing.

5. Consideration

The Committee is asked to note the Code of Guidance.

6. Compliance

The Assembly may issue guidance to Local Authorities on allocation of housing and homelessness under sections 169 and 182 of the Housing Act 1996. There are no issues of regularity or propriety.

7. Cross Cutting Themes

The Code of Guidance includes many cross-cutting themes, such as social services, health, substance misuse and education. The Code of Guidance was circulated to the appropriate Departments both within the Assembly Government and appropriate external agencies, such as Shelter Cymru and the Welsh Local Government Association.

8. Action for Subject Committee

The Committee is invited to note and comment on the draft Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness, which has been published for consultation purposes.

9. Contact Point

Geoff Marlow/Maureen Haire, Housing Management & Homelessness Branch, Housing Directorate.