

HB 28

National Assembly for Wales

Communities, Equality and Local Government Committee

Housing (Wales) Bill: Stage 1

Response from: Conwy County Borough Council

Conwy County Borough Council welcomes the Housing Bill and the opportunity it offers to improve housing in Wales which supports the priorities set out within its Local Housing Strategy 2013-2018.

The Council has had the opportunity to contribute to the evidence provided by the Welsh Local Government Association and in large part endorses the evidence submitted; however, there are some areas in which we feel we need to highlight concerns.

Part 1: Registration and Licensing Scheme for Private Landlords and Letting and Managing Agents

According to the 2011 Census data 18.2% of households in Conwy are now living in the private rented sector. The private rented sector has increased by 3.4 percentage points to 18.2% an overall increase of 22.9%. As a result both the owner occupied and social housing sectors have reduced. Therefore the Council does acknowledge and accept the sectors increasingly important role in the housing system and that of private landlords to our strategic housing role.

However, the Council do have some concerns as to whether the aspirations of the Housing Bill in relation to registration of landlords will in fact be achieved by what is proposed.

The Council already have limited resources and would rather these are directed towards the worst properties. By and large we know where our problem properties are and we currently have the tools to deal with them.

There will be a large number of landlords out there with properties in good condition with happy tenants. It seems to be a waste of limited resources to identify all these. In addition landlords are buying and selling properties all the time to keep on top of this will be very difficult.

The Council have some areas subject to additional HMO licensing in the county borough and although these schemes are resource intensive we are confident that we are tackling our worst properties. We would not want to be diverted from this to satisfy what is in effect a bureaucratic exercise.

There is also a risk that private landlords would view the introduction of the compulsory registration and licensing as burdensome and exit the market which would further exacerbate the housing supply issues in the area.

Part 2: Homelessness Legislation

Agree with the evidence submitted by the WLGA, however we wish to highlight some further concerns and emphasise some points made by the WLGA.

We would welcome robust guidance for all parties on the interpretation of paragraph 51(a) to avoid the need for costly case law to settle the remit and scope of this provision.

The provision of accommodation under s.56 for a homeless eligible applicant for up to 56 days while prevention activity is carried out will potentially create a dilemma in relation to securing suitable cost effective accommodation for a term of up to 56 days, and enable the LA to end their duty under s56.

To accommodate applicants as licensees in short term commercially run accommodation may:

- i) increase the length of time individuals are accommodated in B&B style accommodation
- ii) significantly increase the cost of providing 'interim' accommodation. Temporary Accommodation Subsidy paid via Housing Benefit does not meet the full costs for short term/emergency accommodation. But, accommodating households in more cost effective accommodation (e.g in non-secure private sector leased accommodation) may result in costly delay when the duty ends. We may be required to routinely repossess accommodation through the courts, especially if households attempt to raise the new proportionality defence as a short term delay strategy.

A suggestion to overcome this issue may be to clarify the duty in s56 to provide "suitable interim accommodation (similar to s188)".

How do the exclusion from protection under the Protection of Eviction Act 1977 for 'interim' accommodation and the recent Human Rights defences impact on repossession of self contained, temporary accommodation provided under s56 of the new Act?

The provisions in s78 which promote co operation between agencies is welcome.

However, where 78(2) creates an apparent duty using the words 'must comply', it also allows discretion at a) and b). May this result in costly referrals to higher Corporate authority for adjudication? A suggestion to overcome this could be to strengthen the wording of 78(1) to require Councils to make arrangements to "ensure" co operation.

The omission of Health, Prison and Probation services in any requirement to co operate or share information from this legislation in our view weakens the scope of joined up working envisaged; especially in respect of support in the community for the mentally ill and those leaving prison. We would welcome provision for this elsewhere.

Part 3: Gypsies and Travellers

Agree with the evidence submitted by the WLGA.

Part 4: Wales Housing Quality Standard and Standards

Agree with the evidence submitted by the WLGA, however, the Council does have concerns regarding the emerging difference in housing standards between the private and social rented sectors.

Part 5: Housing Finance

Agree with the evidence submitted by the WLGA.

Part 6: Allowing Fully Mutual Housing Associations to grant assured tenancies

Agree with the evidence submitted by the WLGA.

Part 7: Council Tax for Empty Dwellings

The Council welcomes the proposal to provide local authorities with the discretionary power to increase council tax on “dwellings that have been both unoccupied and substantially unfurnished for a continuous period of at least one year”. Conwy currently has around 1,000 long-term empty homes.

During the consultation process Conwy did propose that a charge of up to 200% of council tax to be raised after a property is empty for 12 months as an appropriate maximum level of increase. The Bill as drafted proposes a charge of up to 150%, a level that we hope will be given further consideration to ensure that this power achieves maximum effect.

Conwy also proposed that the additional amount of income raised by this discretionary power be retained locally for the purposes of increasing the supply of affordable housing and provision of community services and that there should be no corresponding reduction in the Authorities Revenue Support Grant as a consequence.