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**IMPLEMENTING PART 2 OF THE HOUSING WALES ACT 2014: PRE-DECISION  
SCRUTINY**

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**Purpose of Report**

1. To undertake pre-decision scrutiny of the draft report to Cabinet titled 'Implementing Part 2 of the Housing Wales Act 2014', and to pass comments, observations and recommendations to Cabinet for their meeting 2<sup>nd</sup> April 2015, when this report will be considered.

**Background**

2. Part 2 of the Housing Wales Act 2014 is due to be implemented in April 2015. It introduces changes to local authority homelessness duties. The prime purpose is to reduce homelessness by placing greater emphasis on homelessness prevention and improving the safety net for people not in a priority need category. This Committee considered the changes at their meeting 1<sup>st</sup> October 2014 and the papers provided for that meeting may be accessed from:  
<https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/CouncilMeetings/Pages/default.aspx#lists>
3. The main changes to local authority homelessness duties are:
  - a. There will be a local authority duty to 'take reasonable steps' to prevent homelessness for anyone (and those they normally live with) at risk of homelessness within 56 days. However this duty will be subject to the availability of resources. The 'reasonable steps' will need to ensure the applicant has suitable accommodation that is available for occupation for a period of at least 6 months.
  - b. There will be a duty to assess anyone who is homeless or at risk of

homelessness within 56 days or if someone has applied to the authority for help in retaining accommodation. This duty will apply to anyone irrespective of their local connection or intentionality. Authorities will be required to assess the circumstances leading to the person being homeless or at risk of homelessness and the housing needs of the household. The applicant must be informed of the outcome of the assessment.

- c. It gives local authorities the power to use the private rented sector to discharge their homeless duty.

### **Overview of draft Cabinet Report**

4. The draft Cabinet Report, attached at **Appendix 1**, focuses on two main areas: the proposed approach to the use of private rented properties to discharge the Council's homeless duty; and the application of an intentionality assessment to priority needs groups as part of the overall homelessness assessment.
5. The draft Cabinet Report states that a new Housing Solutions Team is being created within the Housing Options Centre *'to improve prevention services and to encourage private sector landlords to let their properties to homeless households'* (**point 9, Appendix A**).
6. The proposed approach to the use of private rented properties to discharge the Council's homeless duties is outlined at **points 17 – 25, Appendix A**. The Cabinet report states that the use of private rented properties is *'subject to careful consideration of the needs of the individual and suitability of the property.'* The Cabinet Report states that *'officers at the Housing Options Service will in effect offer an accommodation finder service'*.
7. The proposed approach to the application of an intentionality assessment to priority needs groups is outlined at **points 26 – 32, Appendix A**. Local authorities have always had a duty to consider intentionality as part of homelessness assessments. The draft Cabinet Report states that in order *'to continue to consider intentionality, the Council must notify the Welsh Government and publish which priority need categories the intentionality test will be applied to.'*

*These categories are set out in appendix A' of the Cabinet Report. **Point 30, Appendix A** states that 'It is proposed that intentionality should be considered for all of the priority need categories with the exception of 16/17 year olds, who it is felt cannot be deemed responsible for any loss of previous accommodation.'*

8. The draft Cabinet Report contains the following Recommendation:  
    'Cabinet is recommended to approve the approach to implementing the homelessness legislation contained within the Housing Wales Act 2014 as outlined in the report with effect from 27<sup>th</sup> April 2015.'
  
9. The Financial Implications section details that the Welsh Government has awarded Cardiff £520,714 for 2015/16 to assist in the implement the new homelessness legislation.
  
10. The Legal Implications section details the requirement to ensure that accommodation secured for the discharge of homelessness duties must be suitable as well as reiterating the need to be clear which priority need categories the intentionality assessment will apply to. This section also details the requirement to undertake an Equalities Impact Assessment and complete a Statutory Screening Tool; these are provided at Appendix B and Appendix C to the Cabinet Report (at Appendix 1).

### **Way Forward**

11. Councillor Susan Elsmore, (Cabinet Member, Health, Housing and Wellbeing) will be invited to make a statement. Sarah McGill (Director of Communities, Housing and Customer Services will also be in attendance to answer Members' questions.

### **Legal Implications**

12. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations

for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

13. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

### **RECOMMENDATIONS**

The Committee is recommended to:

- a. consider the information in the report, appendices and provided at the meeting
- b. decide whether they would like to make any comments to the Cabinet on this matter and
- c. decide the way forward for any future scrutiny of the issues discussed.

MARIE ROSENTHAL

County Clerk and Monitoring Officer

24<sup>th</sup> March 2015