
**HOMELESSNESS & HOUSING NEED – STRATEGY DEVELOPMENT
BRIEFING**

Purpose of Report

1. To provide Members with an overview of the Council's duties under the Housing (Wales) Act 2014; as well as a briefing paper, attached as Appendix A.

Background

2. The Housing (Wales) Act 2014¹ introduced a fundamental reform to homelessness legislation. The main changes to homelessness legislation came in to effect in April 2015. The main objective of the law is to ensure people who are homeless or facing homelessness receive help as early as possible
3. The legislation introduced a new, inclusive system designed to help everyone at risk from homelessness, not just those in priority groups². The legislation set out:

¹ <https://gov.wales/topics/housing-and-regeneration/services-and-support/homelessness/new-homelessness-legislation/?lang=en>

² *Households with dependent children; Households with a pregnant woman; People who are vulnerable in some way, for example through mental illness or physical disability; Households made homeless by fire, flood or other disaster; Applicants aged 16 or 17; applicants aged 18 to 20 who were previously in care; applicants vulnerable because of domestic violence or the threat of violence; Applicants vulnerable as a result of leaving the armed forces or leaving prison.*

- a new duty to help anyone threatened with homelessness within the next 56 days
- a duty to provide help to any homeless person to help them secure a home
- a power rather than a duty to apply the intentionality test
- new powers for Local authorities to discharge their homelessness duties through finding accommodation in the private rented sector
- stronger duties on Housing Associations to support Local authorities in carrying out their homelessness duties.

4. The purpose of the legislation is to achieve:

- fewer households experiencing the trauma of homelessness better, more targeted, prevention work
- increased help, advice and information for households who receive limited assistance under the previous legislation
- more focus on the service user, helping them to address the causes of homelessness and make informed decisions on finding solutions to their housing problem
- more effective use of the private rented sector as a solution to homelessness
- a stronger emphasis on co-operation and multi-agency working
- greater protection provided for children in households who are homeless or threatened with homelessness as well as additional help for children leaving care.

5. The legislation also introduced changes to local authority homelessness duties. It therefore stipulated:

- A 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 is 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.

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

Issues

6. Attached as **Appendix A** is briefing paper on “***Developing a Homelessness Review***” for Members consideration. This sets out an overview of:
 - Key Objectives
 - A Partnership Approach
 - Overview of Review *including an initial draft outline of the review (Appendix 1) and a draft timetable (Appendix 2)*
7. In addition, attached as **Appendix B** is a copy of the Consultation Sheet that has been sent to partners.
8. At this meeting, Members will receive a presentation on the process being adopted in developing the Strategy as outlined in **Appendix A**. In addition, Members will receive some details of early findings and progress against the rough sleeper strategy.

Way Forward

9. At this meeting, the following witnesses will be in attendance:

- (i) Councillor Lynda Thorne, Cabinet Member for Communities & Housing;
- (ii) Sarah McGill, Corporate Director for People and Communities; and
- (iii) Jane Thomas, Assistant Director, Housing & Communities

10. Following the presentation, Members will be able to decide if they wish to feed any comments, observations or recommendations to the appropriate Cabinet Member for their consideration.

11. Members of this Scrutiny Committee have previously been involved in a range of pre-decision and policy development activities with this issue, including information and data set out in the HRA and Directorate Business Plans; and quarterly PI results via the Committee's Performance Panel. Other items include:

- Rough Sleepers Strategy – 8 March 2017³
- Cardiff Housing Strategy – 6 July 2016⁴
- Private Rented Sector & Homelessness – 2 March 2016⁵
- Housing Allocations – 2 December 2015⁶
- Street Homelessness in Cardiff – 7 October 2015⁷
- Implementing Part 2 of the Housing Wales Act 2014 – 1 April 2015⁸
- Housing Allocations Policy – 3 December 2014⁹
- Homelessness – preparing for the Housing Act 2014 – 1 October 2014¹⁰

³ <http://cardiff.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=2787&Ver=4&LLL=0>

⁴ <http://cardiff.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=2434&Ver=4&LLL=0>

⁵ <http://cardiff.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=2406&Ver=4&LLL=0>

⁶ <http://cardiff.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=2387&Ver=4&LLL=0>

⁷ <http://cardiff.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=2377&Ver=4&LLL=0>

⁸ <http://cardiff.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=287&Ver=4&LLL=0>

⁹ <http://cardiff.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=177&Ver=4&LLL=0>

¹⁰ <http://cardiff.moderngov.co.uk/CeListDocuments.aspx?CommitteId=141&MeetingId=761&DF=01%2f10%2f2014&Ver=2&LLL=0>

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

It is recommended that the Committee note presentation made at this meeting, and consider the future scrutiny of this item.

DAVINA FIORE

Director of Governance and Legal Services

10 May 2018