

WLGA Evidence on the Housing Bill to the Communities, Equalities and Local Government Committee 15 January 2014: Notes on matters raised

Whether and if so, how housing benefit records can be used to identify landlords within the private sector

The committee requested information on the ability of Local Authorities to share information on landlords collected by the housing benefit service.

Section 237s Housing Act 2004 allows the local housing authority to use any information obtained by the local authority for Housing Benefit and Council Tax purposes, in exercising their powers or investigating whether an offence has been committed under parts 1 – 4 of the Housing Act 2004. Parts 1 – 4 of the act relate to housing conditions, selective licencing, HMO licencing and management orders. (see below)

Section 237s

Use of information obtained for certain other statutory purposes

(1) A local housing authority may use any information to which this section applies

(a) for any purpose connected with the exercise of any of the authority's functions under any of Parts 1 to 4 in relation to any premises, or

(b) for the purpose of investigating whether any offence has been committed under any of those Parts in relation to any premises.

(2) This section applies to any information which has been obtained by the authority in the exercise of functions under—

(a) section 134 of the Social Security Administration Act 1992 (c. 5) (housing benefit), or

(b) Part 1 of the Local Government Finance Act 1992 (c. 14) (council tax)

It is therefore unlikely that authorities can currently use this data to compile a list of private landlords in their area. However data on individual landlords could be requested in connection with exercising their powers or investigating whether an offence has been committed in relation to parts 1 – 4 of the 2004 Housing Act. For example they could request a list of landlords who rent properties in an area covered by a selective licencing scheme, but not for the whole authority.

We therefore suggest that the opportunity is taken, to ensure appropriate clauses are inserted in the Housing(Wales) Bill to ensure that the powers to access data in relation to the 2004 Act also apply to the proposed requirement for all landlords to register in the housing(Wales) Bill. Authorities

would then be in a position to use housing benefit and council tax records to identify landlords for the whole of their area in order to 'investigate whether any offence has been committed' ie whether they have registered. This would be of great assistance in enforcing the requirement to register.

How the review of need and the strategic planning of homelessness services could be integrated within the Local Service Board's (LSB) Single Integrated Plan

The proposals for new homelessness legislation emphasise the importance of authorities taking a corporate and strategic approach to homelessness, and working with partner organisations to address homelessness and the causes of homelessness.

There is widespread acknowledgement that homelessness is more than just a housing problem. We therefore suggest that the opportunity is taken to integrate strategic planning for homelessness with needs assessment and strategic planning for public services across the authorities' area. This could be achieved by explicitly incorporating the strategic planning duty within the single integrated plan (SIP). This would ensure that strategic planning was integrated with strategic planning of partners such as health, community safety as well as the authority.

We are unable to offer advice on the detailed drafting of legislation or guidance necessary to achieve this, but currently the Welsh Government guidance for the Single Integrated Plan states that the Single Integrated Plan 'should be used to meet the statutory duties in relation to the development of the plans and strategies required under the following legislation:

- Local Government (Wales) Measure (2009) - community strategies
- Children Act 2004 – Children and Young People's Plan
- National Health Service (Wales) Act 2006 – Health, Social Care & Well being strategies
- Crime and Disorder Act 1998 – strategies for the reduction of crime and disorder, combating misuse of drugs, alcohol & other substances and reduction of re offending
- Children & Families (Wales) Measure 2010

The guidance also notes that this list is not intended to be exhaustive.

We suggest that the committee could consider leaving the duty to review need and develop a homelessness strategy on the face of the bill, on the basis that the guidance for the single integrated plan is amended to explicitly include the strategic planning duties for homelessness. This approach could also be supported by the Code of Guidance.

This approach would ensure that strategic planning for homelessness was undertaken at a corporate level and also integrated with wider public service needs assessment and planning. Homelessness would then be taken into

account when developing the long term vision for communities over the next 10 – 15 years and the action plan for the next 3 – 5 years.

How Local Authorities will take into account of the issues raised by Mark Isherwood AM, when meeting their duties to Gypsy Travellers under the Bill

The WLGA will be following up the two areas of concern raised by Mark Isherwood AM regarding Gypsy Travellers. We will provide a note to the Committee when we have further details from the authorities concerned.

Report on Social Lettings in Wales

The report on social lettings agencies in Wales referred to in the WLGA evidence on the housing bill can be found on the WLGA website:

<http://www.wlga.gov.uk/report-social-lettings-agencies-in-wales>

Empty Property Management Orders (EDMO's): Wales

Records of the Residential Property Tribunal for Wales indicate that no applications for interim EDMO's have been made in Wales. The situation in England is not very dissimilar where on average 13 applications are made each year and 8 approved by the Residential Property Tribunal. The majority of applications in England relate to the London area.

EDMO's are designed to be used by authorities as an action of last resort, when all other approaches have failed. It is also widely recognised by Local Authorities in England and Wales that the process of applying for and enforcing an EDMO is complex, time consuming and expensive. Authorities are therefore choosing to use more efficient and effective approaches rather than enforcement through an EDMO and are currently returning approximately 1000 empty properties back into use each year.

Authorities report that the most effective approach is to provide advice and assistance to empty home owners, many of who are individual owners who are uncertain how to overcome the practical difficulties of returning the property to use. Every authority in Wales is now providing advice and assistance as well as loans to bring long term empty homes back into use. The power to increase council tax on empty homes proposed in the housing bill will further assist with this work.