

Report To: Cabinet

Date of Meeting: 28 July 2015

Lead Member / Officer: Cllr Hugh Irving / Phil Gilroy

Report Author: John Sweeney / Stephen Convill

Title: Implementation of Housing Act Wales 2014

1. What is the report about?

This is a follow up report to the one submitted to Cabinet on 27th February 2015 (appendix A)

The report submitted on 27th February 2015 concerned the Welsh Government's intention to phase out the homelessness intentionality test by April 2019 and the discretion afforded to Councils, within prescribed time bound parameters, to retain until then the "test" in part or full.

The recommendation to retain the "test" in full until April 2019 was endorsed, however, soon after Welsh Government advised of a revision in the prescribed timescale but not the detail of the parameters.

2. What is the reason for making this report?

To inform Members of the revised timescale and of action taken to ensure compliance with it.

3. What are the Recommendations?

It is recommended that the content of the report be noted and that Members endorse their original decision to retain the "intentionality" test in full.

4. Report details.

The reason for the revision in the prescribed timescale was delay on behalf of Welsh Government in finalising and publishing the revised Homelessness Code of Guidance to accompany the Housing (Wales) Act 2014.

Legal advice was sought as to the validity of the Cabinet decision of 27h February 2015 to retain in full the "intentionality test"; given the change to the timescale prescribed by Welsh Government.

Legal opinion was that as there was no change made to the conditions and parameters of discretion afforded to Councils regarding retention of the intentionality test, other than the timescale, the decision remained legally valid. None the less it was recommended that a report be brought back to Cabinet recommending endorsement of the original decision.

The revised Welsh Government timetable required that Council's made their decision in respect of the intentionality test, published it and notified Welsh

Government of this, at least, fourteen days before 1st July 2015.

The Council's original decision was incorporated into a letter to Welsh Government and posted on the Council's website within the revised timescale

5. How does the decision contribute to the Corporate Priorities

The decision will contribute to the Big Plan; outcome 4 of which states:

"Vulnerable families in Denbighshire are supported to live a life free from poverty, where they can be independent and flourish."

6. What will it cost and how will it affect other services?

There will be no additional costs; but the proposed way of working with "intentionally homeless" households should take pressure off other Council services – in particular Adult and Children's Services.

The recommended decision is about retaining the status quo regarding "intentional homelessness" and any costs involved in enabling an "intentionally homeless" household to access a private tenancy will be contained within the budget for the Housing Solutions Team.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

The recommendation not to change "intentionality test" does not discriminate or negatively impact upon people who share "protected characteristics" as defined by the Equality Act 2010.

8. What consultations have been carried out with Scrutiny and others?

Advice from Democratic Services is that consultation with Scrutiny is not required.

9. Chief Finance Officer Statement

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10. What risks are there and is there anything we can do to reduce them?

Accepting the recommended decision does not present any risk.

11. **Power to make the Decision**

Housing (Wales) Act 2014: Part 2 Homelessness: s 78. Deciding to have regard to Intentionality.

Local Government Act 1972: s 111