

PWYLLGOR CRAFFU CYMUNEDAU, CARTREFI AC ADFYWIO

28 MEDI 2023

PWNC: CYMHWYSO BWRIADOLDEB I ANGEN BLAENORIAETHOL (GORCHYMYN DIGARTREFEDD)

Y Pwrpas:

- Darparu'r cefndir pam rydym yn cynnwys pobl sy'n fwriadol ddigartref yn y 10 categori presennol o Angen Blaenoriaethol, a pham dylem gymhwyso bwriadoldeb i'r 11eg categori a ychwanegwyd.

GOFYNNIR I'R PWYLLGOR CRAFFU:-

- Adolygu ac asesu'r wybodaeth a gynhwysir yn yr adroddiad atodedig; ac
- Ar ôl ystyriaeth, argymhell bod y Cabinet yn cymeradwyo cadw bwriadoldeb ar gyfer pob un o'r 10 categori angen blaenoriaethol a restrir o dan Ddeddf Tai (Cymru) 2014 ac yn cymhwyso bwriadoldeb i'r 11eg categori a ychwanegwyd, sef Digartrefedd Stryd.

Y rhesymau:

Darparu'r cefndir pam rydym yn cynnwys pobl sy'n fwriadol ddigartref yn y 10 categori presennol o Angen Blaenoriaethol, a pham dylem gymhwyso bwriadoldeb i'r 11eg categori a ychwanegwyd.

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:-

Y Cynghorydd Linda Evans, Dirprwy Arweinydd a Deiliad y Portffolio Tai

Y Gyfarwyddiaeth: Cymunedau

Enw Pennaeth y Gwasanaeth:
Jonathan Morgan

Awdur yr Adroddiad:
Rachael Parkinson

Swyddi:

Pennaeth Tai a Diogelu'r
Cyhoedd

Arweinydd Adolygu a
Monitro Annibynnol

Cyfeiriadau e-bost:

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EXECUTIVE SUMMARY

APPLYING INTENTIONALITY TO PRIORITY NEED (HOMELESSNESS ORDER)

1. Introduction

The Housing (Wales) Act 2014 came into force on 27th April 2015. In July 2015 the Authority approved a report to enable intentionality to be applied across the original 10 categories of Priority Need.

Local Authorities apply the intentionality test to consider whether a person presenting as homeless has done, or failed to do something which could be considered to have caused the loss of their settled accommodation and could therefore be deemed to have caused their homelessness 'intentionally'. Where a person has become homeless intentionally, the Authority does not have a statutory duty to secure permanent accommodation for that person.

In October 2022 the Homelessness (Priority Need and Intentionality) (Wales) Regulation 2022 came into force. This added a new category of Priority need known as Street Homelessness.

Since this introduction, the Authority has been unable to apply the intentionality test to any household that presents as Street Homeless thus allowing them to be owed the full housing duties under the legislation.

2. Main Body of the report

The attached report highlights the changes within the Act regarding intentionally homeless decisions.

The Housing (Wales) Act 2014 states;

“A person is intentionally homeless if the person deliberately does or fails to do anything in consequence of which the person ceases to occupy accommodation which is available for the person’s occupation and which it would have been reasonable for the person to continue to occupy”.

If an intentional homeless decision is taken the Council’s housing duties to that household are significantly reduced.

In order to allow Councils to make the decision on whether to apply intentionality, the Welsh Government has split households into the priority need groups.

These groups are where the household;

- includes dependent children or a pregnant woman
- is vulnerable due to old age
- is vulnerable to physical disabilities or mental illness / learning disability
- is vulnerable due to being a care leaver / or a young person at particular risk of sexual or financial exploitation (18-20 year olds)
- is vulnerable due to being a 16 or 17 year old
- is vulnerable due to fleeing domestic violence / abuse or threatened violence
- is vulnerable due to leaving the armed forces
- is vulnerable due to other reasons, this may include ex-offenders vulnerable because of the length of a custodial sentence

In October 2022 Welsh Government has added an additional category of Street Homeless.

The Authority needs to decide based on the information included within the main report if they wish to continue with applying the intentionally homeless test across the current categories and the additional category of Street Homeless.

3. Scrutiny Committee are asked to:

- To review and assess the information contained in the attached report; and
- Following consideration, recommend to Cabinet that it approves the retention of intentionality for all 10 priority need categories listed under the Housing (Wales) Act 2014 and applies intentionality to the additional 11th category of Street Homeless.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Jonathan Morgan** **Head of Housing and Public Protection**

| Policy, Crime & Disorder and Equalities | Legal | Finance | ICT | Risk Management Issues | Staffing Implications | Physical Assets |
|---|-------|---------|------|------------------------|-----------------------|-----------------|
| NONE | YES | YES | NONE | YES | NONE | YES |

2. Legal

The decision and subsequent publication of the decision will meet the requirement of the Housing (Wales) Act 2014 and enable the Council to continue make intentionally homeless decisions across the 11 priority need categories.

3. Finance

Failure to apply the intentionality test will require the Authority to continue owing a duty to accommodate all households, with current pressures in particular the shortage of affordable single person accommodation this may take time. It will also mean the Authority's costs for temporary accommodation will continue to increase.

5. Risk Management Issues

Failure to implement the Intentionality test will mean:

- The Authority will continue to have a duty to accommodate those who have carried out deliberate acts which have led to their homelessness.
- Increased use of temporary, and more expensive accommodation, to meet housing need; and
- Perception that unacceptable behaviour is accepted and that individuals can still access accommodation regardless of their behaviour.

7. Physical Assets

Council housing will be used as solutions for temporary as well as permanent solutions.

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| CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED YES | Include any observations here |
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**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

| Title of Document | File Ref No. | Locations that the papers are available for public inspection |
|---|--------------|---|
| Housing (Wales) Act 2014 | | Housing (Wales) Act 2014 (legislation.gov.uk) |
| Code of Guidance for Local Authorities on the Allocation of Accommodation & Homelessness | | allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf (gov.wales) |
| Code of Guidance - Addendum | | code-of-guidance-addendum.pdf (gov.wales) https://gov.wales/sites/default/files/publications/2019-12/additional-guidance.pdf |