



**Submission of written evidence to the National Assembly for Wales'
Legislation Committee No. 2**

**The National Assembly for Wales (Legislative Competence) (Housing and
Local Government) Order**

A response by the Chartered Institute of Housing (CIH) Cymru

January 2010

The Chartered Institute of Housing is the only professional organisation representing all those working in housing. Its purpose is to maximise the contribution that housing professionals make to the well being of communities.

In Wales, we aim to provide a professional and impartial voice for housing across all sectors to emphasise the particular context of housing in Wales and to work with organisations to identify housing solutions.

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CIH Cymru – Key Messages

- CIH Cymru is *your organisation* whether you're a front line worker, active tenant board member or senior manager – we all have a critical role to play in delivering housing solutions.
- *One housing system* – our members in local authorities, RSLs, the private sector and Government recognise that no one sector can deliver on its own.
- Because we are cross sector we can both *support* the housing community and *challenge* it to improve.
- We are passionately committed to *learning and development* for all who work in housing
- We promote *housing led regeneration* as a crucial way of bringing sustainable economic, environmental, social and health improvements
- It's important we don't just deal with today's problems but that we *future proof* everything we do

Introduction

The Chartered Institute of Housing (CIH) Cymru is committed to working with our members, the Welsh Assembly Government and all our other partners to deliver safe, warm and affordable homes for all. We welcome the opportunity to provide evidence to the National Assembly for Wales' Legislation Committee No. 2 on the Proposed National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010.

Consultation question responses

What are your views on the general principal that legislative competence in the areas identified in Matters 11.2-11.8, and Matter 12.18 be conferred on the Assembly?

CIH Cymru is wholly in support of legislative competence being conferred on the Assembly in relation to the matters identified. Devolution has given Wales the

opportunity to shape its own housing policies and to develop its policy-making capacity. Over the last ten years, housing in Wales has benefitted from the development of an array of national strategies, sub strategies and policy guidance.

Particular achievements have included a strengthening of the local authority strategic role, changes to homelessness legislation (ahead of England) the development of the Welsh Housing Quality Standard (a higher standard than Decent Homes, the English equivalent) and the development of a Welsh transfer model (the Community Housing Mutual) as a positive means of encouraging tenant ownership and control.

CIH Cymru feels that it is appropriate and necessary for the Assembly to have legislative competence over the areas for which it has devolved policy responsibility. This will allow it to build on the progress made to date and provide greater freedom and flexibility to facilitate the implementation of its policy aims, particular those set down in the National Housing Strategy and other supporting plans.

**What are your views on the terms and scope of the proposed Order?
For example, is it too narrowly or too broadly drawn?**

CIH Cymru welcomes the scope of the order. We feel that the range of themes that are included within the order are sufficiently broad and that the powers included will assist the Assembly to effectively address current housing challenges.

What are your views on each of the eight matters contained in the proposed Order?

We understand that other national organisations have specific areas of expertise in relation to particular matters as set out in the order. CIH Cymru is a cross-sectoral organisation and does not represent the views of one particular interest group or sector. We acknowledge the complex interactions that take place between different elements of the housing system and promote whole-systems solutions in recognition that no one sector can deliver on its own. We have set out our views in relation to each of the eight matters contained in the order, but would also note that many of these matters are inextricably linked and therefore should not be considered in isolation.

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(Legislation Committee No 2) Housing and Local Government)
Matters 11.2 and 11.3
Order 2010

Social Housing Providers / Relevant Social Housing Bodies

CIH Cymru has actively welcomed the new Regulatory Framework that is currently being implemented in response to the Essex Review of Affordable Housing. Our views on this and linked areas such as Domain Regulation were set out in our response to the Assembly's recent consultation on this matter. (<http://www.cih.org/cymru/policy/Regulatory-Framework-For-Welsh-Housing-Associations.pdf>). In this response, we outlined our concerns that the current regulatory framework relates solely to housing associations and not to local authorities or other relevant bodies. This is a different situation to that in Scotland and England where the regulators (The Tenant Services Authority and the Scottish Housing Regulator) have much broader powers. It is our view that the Assembly should be able to legislate in relation to the regulation of all social housing providers, and in this respect the LCO will enable the Government to deliver a regulatory framework that is fit for purpose now and in the future.

Matter 11.4 – Tenure

CIH Cymru recognises that there are differences in secure tenancies held by tenants of local authorities and assured tenancies held by tenants of registered social landlords, and that these differences can pose problems when tenants are asked to move from one form of tenancy to another, for example during stock transfer. It is the view of CIH Cymru that all tenants of social housing should benefit from the same rights and responsibilities regardless of who their landlord is.

CIH Cymru has for some time been pioneering the concept of flexible tenure as a long-term housing market model. (see policy briefing <http://www.cih.org/cymru/policy/FlexibleTenureMay09.pdf>). Although the concept of flexible tenure is still loosely defined, in essence it means the ability for one occupier to move upward and downward through a range of tenure options (social, intermediate and market rent and sale as well as full

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(Legislative Competence) (with the Welsh Government) The benefits of this are Order 2010

a model which could:

- create greater consumer choice
- help meet the needs of individuals at specific points in their life
- create balanced communities that are truly 'mixed tenure'
- create greater sustainability in the housing market in the future
- help promote renting as a 'valid' choice and overcome the stigma attached to social housing
- contribute to a wider range of policy objectives (including agendas around financial inclusion, health, regeneration and the environment)

There is now a growing interest in the housing sector about the potential benefits and desirability of a model of fully flexible tenure, and the opportunities of such a system are being considered via one of the Essex workstreams.

We believe that it is important that the Assembly has the power to be able to legislate in relation to social housing tenancies, and that legislative competency in this area would allow Wales to develop a more flexible and sustainable housing system that is responsive to people's needs.

Matter 11.5 - Disposals (Right to Buy)

CIH would support the Assembly's proposal to request powers to legislate on the Right to Buy. Our views on this particular matter were outlined in detail in our response to the previous Affordable Housing LCO Committee in January 2008 (<http://www.cih.org/cymru/policy/LCO-Response-Jan08.pdf>). We firmly support the aspirations of social housing tenants for homeownership, but in our view there are other products and initiatives (particularly flexible tenure) that are more fit-for-purpose in today's housing system. CIH Cymru has for some time endorsed the strategic housing role of local authorities and would support any measures which would allow the housing strategic function to carry out its enabling role and make the best use of the housing stock at the local level. Suspending the Right to Buy could add to the policy tools at the disposal of

local authorities and as such we feel it is appropriate that the Assembly should have the power to allow local authorities to suspend the Right to Buy in areas of housing pressure.

Matter 11.6 - Housing-related support

CIH Cymru has strongly welcomed the review in to housing-related support that was recently announced by the Deputy Minister. In our view it is important that the Assembly has the appropriate power to be able to implement any recommendations and proposals generated by this review when it reports back later this year.

Matter 11.7 - Gypsies and Travellers

CIH Cymru is aware that lack of appropriate sites and inadequate service provision has a detrimental effect on the well-being of people within Gypsy and Traveller Communities. We were pleased to see the Gypsy and Traveller Strategy (currently out for consultation) set out a proposed policy framework and incentives to aid local authorities to deliver appropriate sites, however we also feel it is important that the Assembly has the power to legislate in this area should this be required in future.

Matter 11.8 - Homelessness

The Welsh Assembly has a positive track-record of developing a specific policy approach to homelessness in Wales. CIH Cymru was pleased to be included among the organisations that worked with the Assembly to produce the Ten-Year Homelessness Plan, which was launched in 2009 and includes a commitment to explore the current statutory homelessness framework. In order to build on this work and facilitate the implementation of the ten-year plan, we feel it is essential that the Assembly achieves legislative competence in this area.

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Matter 12.8 Council Tax and Empty Homes
(Legislation Committee) (Tax and Empty Homes)
Order 2010

At least 26,000 homes in Wales have been empty for over six months, with this number likely to rise significantly. At the same time, repossessions are rising and people are struggling more than ever to find affordable housing. A recent policy briefing by CIH Cymru on Empty Properties (<http://www.cih.org/cymru/policy/key9.htm>) stressed that while empty properties are not the whole answer to the housing crisis, government and local authorities cannot ignore their potential. There is a need to ensure that owners are both encouraged, and where appropriate, required to unlock the potential of this wasted resource.

The inclusion of this matter in the proposed LCO would allow the Assembly to consider giving local authorities the power to charge a higher council tax on empty properties. This would increase the range of powers available to local authorities in bringing empty homes back in to occupation and would help them to make better use of the housing stock in their area. It is the view of CIH Cymru that any income from additional council tax charged on empty or second homes should be then used for the provision of additional affordable housing.

What are your views on the 'interpretation of this field' paragraph?

It is our view that the definitions included within this paragraph are clearly set out.

Do you have any additional comments relating to the proposed order?

To summarise, CIH Cymru welcomes the proposed LCO. We feel that it is ambitious and far reaching and if successful will result in the Assembly having a greater role in deciding the legislative arrangements that apply to housing in Wales. We look forward to working closely with the Assembly in taking forward this agenda.