

Social Justice and Regeneration Committee SJR-04-03 (p.2)

Date: Wednesday 15 October 2003

Venue: Committee Room 2, National Assembly for Wales

Title: The Draft Annual Reports to Tenants Determination 2003

Purpose

To advise the Committee of the Assembly Government's proposal to issue a new 'Report to Tenants' Determination, under Section 167 of the Local Government and Housing Act 1989.

Summary/Recommendation

The draft Report to Tenants Determination 2003 will repeal the requirement in the 'Report to Tenants (Wales) Determination 1995' for all local authorities to issue an annual performance report to tenants. This requirement has largely been superseded by authorities' obligation under the Wales Programme for Improvement to issue their tenants with a summary of their annual Improvement Plan. The Committee is recommended to note this report.

Background

Section 167 of the Local Government and Housing Act 1989 places a statutory requirement on local authorities to provide all tenants with an annual report on the authority's housing management performance. In Wales, the detailed requirements are set out in Welsh Office Circular 15/95, which incorporates the 'Report to Tenants (Wales) Determination 1995'.

In March this year, Tony McNulty MP, then the Under Secretary of State at the ODPM, wrote to the Minister for Social Justice and Regeneration to advise that the UK Government intends to repeal Section 167 in the forthcoming Housing Bill. This reflects the fact that under the Wales Programme for Improvement and its English equivalent, local authorities' Improvement Plan Summaries have largely superseded the information provided in reports to tenants.

The Assembly Government supports this decision. Officials wrote to all local authorities, to the WLGA and to the Welsh Tenants Federation in March, to advise them that the Assembly

Government would be seeking a new Report to Tenants Determination. This letter confirmed that the effect of the new Determination would be to make the preparation of a separate annual 'Report to Tenants' voluntary, rather than compulsory. This principle was also agreed with representatives of the Welsh Local Government Association and the Welsh Tenants Federation at the Continuous Improvement in Housing Group meeting in March this year.

Under the Wales Programme for Improvement, authorities must produce an Improvement Plan and Summary by 30 June each year. The Summary must be targeted at the general public. It must report on National Assembly performance indicator (NAWPI) results and key priorities for improvement. The housing NAWPIs (see Annex 1) include eight that specifically relate to local authority tenants. The precise content of Improvement Plan Summaries is for local decision. Our Guidance encourages authorities to report on other indicators identified by tenants and local people. The WPI therefore provides an adequate level of performance reporting to tenants.

The Assembly Government has commissioned a comprehensive review of performance measures for local government. This will give tenant and local authority representatives the opportunity to suggest new NAWPIs for council housing. A series of consultative groups has been established, which include representatives from WLGA and the Welsh Tenants Federation. These groups will suggest new housing indicators, including those that should be reported to tenants in the annual Improvement Plan summary. The Local Government Data Unit, which is co-ordinating this review, plans to consult on the revised measures next summer. Local authorities would begin using the new measures from April 2005.

A new Report to Tenants Determination for Wales has been drafted (Annex 2). The Assembly Government intends to introduce this using Standing Order 27. The new Determination will remove the compulsion on local authorities to publish a separate Report to Tenants on top of the requirement to issue a Summary of their Improvement Plan. However authorities will still be able to issue a separate Report to Tenants should they wish to do so.

Compliance

The determination will be processed under Standing Order 27. The Local Government and Housing Act 1989 is delegated to the Minister for Social Justice and Regeneration. Under Section 33 of the Government of Wales Act 1998 the Assembly may consider, and make appropriate representations about, any matter affecting Wales.

Edwina Hart AM MBE

Minister for Social Justice and Regeneration

