



# Housing (Wales) Act 2014

2014 anaw 7

VALID FROM 01/12/2014

## PART 4

### STANDARDS FOR SOCIAL HOUSING

*Standards for housing provided by local housing authorities*

#### 111 Standards

- (1) The Welsh Ministers may set standards to be met by local housing authorities in connection with—
  - (a) the quality of accommodation provided by local housing authorities for housing;
  - (b) rent for such accommodation;
  - (c) service charges for such accommodation.
- (2) Standards set under subsection (1) may require local housing authorities to comply with rules specified in the standards.
- (3) Rules about rent or service charges may include, among other things, provision for minimum or maximum—
  - (a) levels of rent or service charges,
  - (b) levels of increase or decrease of rent or service charges.
- (4) The Welsh Ministers may—
  - (a) revise the standards by issuing further standards under this section;
  - (b) withdraw the standards by issuing further standards under this section or by notice.
- (5) The Welsh Ministers must publish standards or notices under this section.

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## **112 Guidance**

- (1) The Welsh Ministers may give guidance that—
  - (a) relates to a matter addressed by a standard under section 111, and
  - (b) amplifies the standard.
- (2) In considering whether standards have been met the Welsh Ministers may have regard to the guidance.
- (3) The Welsh Ministers may—
  - (a) revise the guidance by giving further guidance under this section;
  - (b) withdraw the guidance by giving further guidance under this section or by notice.
- (4) The Welsh Ministers must publish any guidance or notice under this section.

## **113 Consultation on standards and guidance**

Before setting, revising or withdrawing standards under section 111 or issuing, revising or withdrawing guidance under section 112, the Welsh Ministers must consult—

- (a) one or more bodies appearing to them to represent the interests of local housing authorities,
- (b) one or more bodies appearing to them to represent the interests of tenants, and
- (c) any other persons the Welsh Ministers consider it appropriate to consult.

## **114 Information on compliance with standards**

A local housing authority must provide the Welsh Ministers with any information they request relating to compliance by the authority with standards set under section 111.

## **115 Powers of entry**

- (1) This section applies where it appears to the Welsh Ministers that a local housing authority may be failing to maintain or repair any premises in accordance with standards set under section 111 or guidance given under section 112.
- (2) A person authorised by the Welsh Ministers may at any reasonable time, on giving not less than 28 days' notice of his or her intention to the local housing authority concerned, enter any such premises for the purpose of survey and examination.
- (3) Where such notice is given to the local housing authority, the authority must give the occupier or occupiers of the premises not less than seven days' notice of the proposed survey and examination.
- (4) An authorisation for the purposes of this section must be in writing stating the particular purpose or purposes for which the entry is authorised and must, if so required, be produced for inspection by the occupier or anyone acting on his or her behalf.
- (5) The Welsh Ministers must give a copy of any survey carried out in exercise of the powers conferred by this section to the local housing authority concerned.

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- (6) The Welsh Ministers may require the local housing authority concerned to pay to them such amount as the Welsh Ministers may determine towards the costs of carrying out any survey under this section.

#### **116 Exercise of intervention powers**

- (1) This section applies where the Welsh Ministers are deciding—
- (a) whether to exercise an intervention power,
  - (b) which intervention power to exercise, or
  - (c) how to exercise an intervention power.
- (2) The Welsh Ministers must consider—
- (a) whether the failure or likely failure to meet the standard is, or is likely to be, a recurrent or isolated incident;
  - (b) the speed with which the failure, or likely failure to meet the standard needs to be addressed.
- (3) In subsection (1), an “intervention power” means a power exercisable under sections 117 to 127.

#### **117 Grounds for intervention**

For the purposes of this Part, the grounds for intervention are that a local housing authority has failed, or is likely to fail, to meet a standard set under section 111 which relates to the quality of accommodation.

#### **118 Warning notice**

- (1) The Welsh Ministers may give a warning notice to a local housing authority if they are satisfied that the grounds for intervention exist in relation to the authority.
- (2) The Welsh Ministers must specify each of the following in the warning notice—
- (a) the reasons why they are satisfied that the grounds exist;
  - (b) the action they require the authority to take in order to deal with the grounds for intervention;
  - (c) the period within which the action is to be taken by the authority (“the compliance period”);
  - (d) the action they are minded to take if the authority fails to take the required action.

#### **119 Power of Welsh Ministers to intervene**

- (1) The Welsh Ministers have the power to intervene under this Part if—
- (a) the Welsh Ministers have given a warning notice, and
  - (b) the local housing authority has failed to comply, or secure compliance, with the notice to the Welsh Ministers' satisfaction within the compliance period.
- (2) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.

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- (3) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Part would not be appropriate for any other reason, they must notify the local housing authority of their conclusion in writing.
- (4) The Welsh Ministers' power to intervene continues in effect until they give notice under subsection (3).
- (5) Where the Welsh Ministers have the power to intervene, they are not limited to taking the action they said they were minded to take in a warning notice.

#### **120 Power to require local housing authority to obtain advisory services**

- (1) This section applies if the Welsh Ministers have the power to intervene.
- (2) The Welsh Ministers may direct the local housing authority to enter into a contract or other arrangement with a specified person, or a person falling within a specified class, for the provision to the authority, of specified services of an advisory nature.
- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
- (4) In this section and section 121 “specified” means specified in a direction.

#### **121 Power to require performance of functions by other persons on behalf of authority**

- (1) This section applies if the Welsh Ministers have the power to intervene.
- (2) The Welsh Ministers may give such directions to the local housing authority or any of its officers as they think are appropriate for securing that the functions to which the grounds for intervention relate are performed on behalf of the authority by a person specified in the direction.
- (3) A direction under subsection (2) may require that any contract or other arrangement made by the authority with the specified person contains terms and conditions specified in the direction.

#### **122 Power to require performance of functions by Welsh Ministers or nominee**

- (1) This section applies if the Welsh Ministers have the power to intervene.
- (2) The Welsh Ministers may direct that the functions to which the grounds for intervention relate are to be exercised by the Welsh Ministers or a person nominated by them.
- (3) If a direction is made under subsection (2), the local housing authority must comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the functions.

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### **123 Power to direct exercise of other local housing authority functions**

- (1) If the Welsh Ministers think it is expedient, a direction under section 121 or 122 may relate to the performance of functions of the local housing authority in addition to the functions to which the grounds for intervention relate.
- (2) The Welsh Ministers may have regard (among other things) to financial considerations in deciding whether it is expedient that a direction should relate to the functions of the local housing authority other than functions relating to the grounds for intervention.

### **124 General power to give directions and take steps**

- (1) This section applies if the Welsh Ministers have the power to intervene.
- (2) If the Welsh Ministers think it is appropriate in order to deal with the grounds for intervention, the Welsh Ministers may—
  - (a) give directions to the local housing authority or any of its officers, or
  - (b) take any other steps.

### **125 Directions**

- (1) A local housing authority, or an officer of an authority, subject to a direction or instruction under this Part must comply with it.
- (2) This includes a direction or an instruction to exercise a power or duty that is contingent upon the opinion of the authority or an officer of the authority.
- (3) A direction under this Part—
  - (a) must be in writing;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

### **126 Duty to co-operate**

- (1) A local housing authority must give the Welsh Ministers and any person mentioned in subsection (2) as much assistance in connection with the exercise of functions under or by virtue of this Part as they are reasonably able to give.
- (2) The persons are—
  - (a) any person authorised for the purposes of this section by the Welsh Ministers;
  - (b) any person acting under directions under this Part;
  - (c) any person assisting—
    - (i) the Welsh Ministers, or
    - (ii) a person mentioned in paragraph (a) or (b).

### **127 Powers of entry and inspection**

- (1) A person falling within subsection (2) has at all reasonable times—
  - (a) a right of entry to the premises of the local housing authority (other than a dwelling) in question;

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- (b) a right to inspect, and take copies of, any records or other documents kept by the authority, and any other documents containing information relating to the authority, which the person considers relevant to the exercise of his or her functions under or by virtue of this Part.
- (2) The following persons fall within this subsection—
- (a) a person specified in a direction under section 120 or, where the direction specifies a class of persons, the person with whom the local housing authority enter into the contract or other arrangement required by the direction;
  - (b) a person specified in a direction under section 121;
  - (c) the Welsh Ministers in pursuance of a direction under section 122;
  - (d) a person nominated by direction under section 122.
- (3) In exercising the right under subsection (1)(b) to inspect records or other documents, a person (“P”)—
- (a) is entitled to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and
  - (b) may require the following persons to provide any assistance P may reasonably require (including, among other things, the making of information available for inspection or copying in a legible form)—
    - (i) the person by whom or on whose behalf the computer is or has been so used;
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (4) Any reference in this section to a person falling within subsection (2) includes a reference to any person assisting that person.
- (5) In this section “document” and “records” each include information recorded in any form.

*Service charges for social housing*

**128 Exemption from offences relating to service charges for social housing**

In section 25 of the Landlord and Tenant Act 1985, after subsection (2) insert—

- “(3) Subsection (1) does not apply where the person is—
- (a) a local authority for an area in Wales, or
  - (b) a registered social landlord.”

PROSPECTIVE

**129 Application of duties relating to service charges to local authority tenancies**

In section 26(1) of the Landlord and Tenant Act 1985, after “a local authority” insert “ for an area in England ”.

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### *General*

#### **130 Consequential amendments**

Part 3 of Schedule 3 makes consequential amendments relating to this Part.

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