

Wards affected:

General

Strategy Group – 9th January 2020

Temporary Accommodation Policy

Housing and Environmental Health Issues

1. Purpose of Report

To seek approval to consult on a Temporary Accommodation Policy in order to assist the Council to make decisions on securing temporary accommodation for homeless households.

2. Advice

That it be RESOLVED:	That a consultation is undertaken with relevant service users, service providers and the wider public on the Temporary Accommodation Policy 2020.
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3. Introduction

Homelessness numbers have been steadily rising over the years. Most recently, the situation is being exacerbated by legislative and policy changes affecting housing, planning and welfare benefits. Daventry saw homelessness applications more than double in the financial years 2016/17 – 2017/18 from 67 applications to 144.

89 of the 144 applicants that applied in 2017-18 were accepted as eligible, unintentionally homeless and had a priority. Potentially, all of these households could have had a need for temporary accommodation. Temporary accommodation for homeless households is a scarce resource and on some occasions the Council is required to place homeless households out of the District (where it has not already been requested by the household or a matter of safety). A Temporary Accommodation Policy is required for this.

4. Information

4.1 Background

A Supreme Court Judgement in 2015 (Nzolameso v Westminster City Council), where a household was offered a property in Milton Keynes, over 50 miles away from her home and support, stated that ideally local authorities should produce, approve and publish policies for the allocation and procurement of temporary accommodation.

Report reference: SG.090120/1

The Council was overruled as they had not considered the practicalities of securing placements and moving schools for the children in the household, and they had also not considered the medical implications of the responsible adult.

The Supreme Court Judgement reiterated the council's statutory duties and stated that local authorities are obliged to:

- Secure accommodation within their district, in so far as is reasonably practicable
- Secure accommodation that is as close as possible to where they were previously living

The Court also stated that local authorities have a duty to safeguard and promote the wellbeing of children, making it clear that this area requires a proactive approach. The Council should explore the impact on the education of the children and not just consider if the children are approaching exams.

Paragraph 17.48 of the Homelessness Code of Guidance for Local Authorities states that 'Housing authorities, particularly those that find it necessary to make out of district placements, are advised to develop policies for the procurement and allocation of temporary accommodation which will help ensure suitability requirements are met. This would provide helpful guidance for staff responsible for identifying and making offers of accommodation, and would make local arrangements, and the challenges involved with sourcing accommodation, clear to applicants.

The Council is committed to assisting those who approach it in crisis due to homelessness situations. This will often require the Council to provide short term or more settled temporary accommodation, or sometimes both. This is becoming increasingly difficult within Daventry District due to the overall supply being inadequate and the cost of local provision exceeding what low income families can reasonably afford.

Although the Council has worked hard to secure and utilise a small number of options available to provide temporary accommodation to households, it does not have a sufficient number in order to keep up with the need from homeless households. In recent months there has been a consistent shortage and there has been occasion where households have needed to be placed outside of the district. The pressures have reached a point where the Council cannot avoid procuring temporary accommodation outside of the Daventry District area.

MHCLG have confirmed on a recent visit to DDC (November) the importance of having a policy in place if we are to continue to make out of area placements. Continuation is apparent through increasing numbers requiring temporary accommodation.

4.2 Draft Strategy

The following is a summary of what is contained within the proposed Temporary Accommodation Policy (Appendix A):

Report reference: SG.090120/1

- The statutory requirements for both interim (Section 118 of the Housing Act 1996) and longer-term (Section 193) placements
- Offers of accommodation and refusals and the right to review
- Suitability considerations of the homeless household i.e. the factors that the Council considers prior to making any placement in or outside of the Daventry District area
- Size of accommodation and standards

4.3 Consultation Arrangements

The homeless are a hard to reach group, and most people who become homeless are such for only a short period of time, therefore it is difficult to reach them directly to ascertain their views on this consultation. However; those that are affected or potentially affected by this policy should have the opportunity to provide feedback and therefore will be provided direction from the Housing Options Team in order to be able to take part. Feedback will be taken into account prior to seeking approval to implement a final version of the policy.

It is therefore suggested that consultation be targeted at charities, voluntary organisations etc. who work with the homeless. All parish councils would be invited to comment, and the consultation would be open to anyone by being placed on the Council's website.

5. Implications

5.1 Financial – The policy will have an effect on the way that temporary accommodation will be procured, therefore the cost to the Council is a relevant factor but should not have any negative implications.

5.2 Personnel - No implications. It is unlikely that the implementation of the proposed policy would have any material effect on personnel.

5.3 Legal/Constitutional – Section 188 (1) of the Housing Act 1996 (as amended) Part VII provides that local authorities are to secure that accommodation is available for an applicant that they have reason to believe is homeless, eligible and has a priority need.

Section 206 and 208 of the Housing Act 1996 affords that homeless households must be provided with suitable accommodation, within reasonable local location.

Section 11(2) sets out the duty to safeguard and promote children's welfare as contained within the Children's Act 2004.

Supreme Court decision for the Case of *Nzolameso v Westminster City Council* ("Nzolameso") reiterates the need for local authorities to have proper regard to its statutory duties under ss206 and 208 of the Act.

Having a policy in place would ensure that the Council is compliant with its statutory requirements to allocate suitable temporary accommodation to fulfil its statutory homelessness duties as contained within legislation.

5.4 Environmental – No implications

5.5 Policy – The preparation of this policy document has taken into account the relevant existing strategies and policies including the strategic housing plan and Housing Allocations Scheme. It would support DDC's Corporate Strategic Plan (2017-2021) specifically:

Priority H1 (Improved access to services)

Priority H3 (People have the housing they need)

5.6 ICT – No implications. No modified ICT would be required.

5.7 Crime and Disorder – No implications. It is unlikely that the implementation of the proposed would have any material effect on crime or disorder.

5.8 Human Rights – Consideration has been given to the Articles of the European Convention on Human Rights and Fundamental Freedoms (Human Rights Act 1998). Taking the proposed action should not have any adverse effect on convention rights.

5.9 Equalities – The Strategy considers the needs of all households requiring temporary accommodation. The nature of homelessness means that some households will be more vulnerable than others and therefore specialist needs are also considered.

6. Conclusions

Having a Temporary Accommodation policy in place would provide greater transparency in defining how decisions are made for temporary accommodation placements and will also provide guidelines to Housing Options Officers in the procurement and allocation of temporary accommodation to homeless households. This will ensure that decisions to place homeless households in temporary accommodation are robust and resistant to legal challenge. A policy has now been drafted and it is suggested that this be issued for consultation.

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Background papers:

N/A

Previous minutes:

N/A

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