

| <b>Bath &amp; North East Somerset Council</b>                         |                                                                   |                                                  |
|-----------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------|
| <b>MEETING/<br/>DECISION<br/>MAKER:</b>                               | <b>Cllr Liz Richardson, Cabinet Member for Homes and Planning</b> |                                                  |
| <b>MEETING/<br/>DECISION<br/>DATE:</b>                                | <b>On or after 24 September 2016</b>                              | <b>EXECUTIVE<br/>FORWARD PLAN<br/>REFERENCE:</b> |
|                                                                       |                                                                   | <b>E 2897</b>                                    |
| <b>TITLE:</b>                                                         | <b>Housing Services Temporary Accommodation Placement Policy</b>  |                                                  |
| <b>WARD:</b>                                                          | <b>All</b>                                                        |                                                  |
| <b>AN OPEN PUBLIC ITEM</b>                                            |                                                                   |                                                  |
| <b>List of attachments to this report:</b>                            |                                                                   |                                                  |
| Appendix 1: Housing Services Temporary Accommodation Placement Policy |                                                                   |                                                  |

## **1 THE ISSUE**

- 1.1 The Council has a statutory duty to provide temporary accommodation (TA) to eligible homeless households. We aim to provide high quality TA located in the district, or if that is not practical, as close as possible to the district. The Temporary Accommodation Placement Policy details the accommodation used and articulates how it is supplied and allocated.

## **2 RECOMMENDATION**

- 2.1 The Cabinet Member is asked to: Approve the adoption of the Temporary Accommodation Placement Policy in Appendix 1.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

3.1 There are three principle cost implications associated with the provision of TA, all within existing budgets, these being:

- the commissioning of the homeless hostel, and individual self-contained units of accommodation, including support package and void guarantee;
- the daily rent charges for TA, including B&B accommodation; and
- the staffing costs associated with administering the system, including statutory homelessness decisions.

3.2 It should be noted that the daily rent charges are expected to be met by the householder, either through their own finances or housing benefit. Until recently, these charges have been recovered by direct payments of Housing Benefit to Housing Services or the provider of the commissioned TA. Indeed in the last financial year Housing Services were able to reclaim over 90% of B&B expenditure.

3.3 However, with the recent introduction of Universal Credit, which incorporates a number of changes, including: making payments directly to the applicant; 7 day eligibility waiting period; 5-6 weeks payment delay; payment limited to Local Housing Allowance rate it is anticipated that there will likely be a significant reduction in future recovery rates. Further research is currently being undertaken on this aspect and if required will be separately reported on in due course.

3.4 It should be noted that whilst the attached policy merely reflects current practice, and so is cost neutral, it does aim to mitigate against any increased expenditure by attempting to reduce the use of B&B accommodation and ensure that the commissioned TA is effectively utilised.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 The main legislative framework to support the Temporary Accommodation Placement Policy is contained in the following Acts of Parliament, statutory guidance and case law:

- a) Housing Act 1996 (as amended) – duty to secure suitable accommodation for the occupation of certain applicants that are homeless which should be as far as reasonably practicable in the local authority's district
- b) Children Act 2004 – we must have regard to the need to safeguard and promote the welfare of children.
- c) *Nzolameso v City of Westminster* [2015] – Supreme Court judgement in response to Westminster Council placing a homeless family in temporary accommodation in Milton Keynes which was outside their local authority district.

## 5 THE REPORT

5.1 This new policy, which reflects existing practice, and sets out the practice that the Council will adopt to fulfil its statutory functions to homeless people with regard to placing them in TA:

- To ensure that suitable TA is available for housing applicants who are eligible, homeless, in priority need and have a local connection as well as some other homeless people.
- To ensure that suitable TA is available within the district apart from in situations when it is not reasonably practical or it is better that the TA is out of district, for example to reduce a risk of violence or break negative connections.
- To ensure that the welfare and safeguarding of children is always considered by both the TA provider and the Council when deciding the suitability of TA.

5.2 The Council's provision of TA includes Bed & Breakfast accommodation, also a hostel and tenancies which are managed by and commissioned from Curo, the largest registered provider of social housing within the district:

- A hostel in south west Bath with 17 x private rooms with shared facilities suitable for single people and small families of up to three people.
- Six properties (1 x one bedroom and 5 x two bedrooms) located within the district and let on Assured Shorthold Tenancies, suitable for families with more than two children.
- Bed & Breakfast accommodation (B&B) mainly within the district but also provided out of district depending on needs and suitable for single people and small families.

5.3 Friends and relatives may provide TA for a homeless person and these placements will need to be suitable and accepted as reasonable to occupy for short periods depending on the circumstances of the case.

5.4 B&B is not suitable for young people. Independent young people aged 16 and 17 are not placed in B&B but may be provided with supported lodgings.

5.5 Families and pregnant women may be placed in B&B for a maximum of 6 weeks if there is no other suitable alternative.

5.6 B&B is located both in and out of the district. The policy aims to always place homeless people in good quality accommodation within the district unless there are exceptional circumstances or no available TA within the district. Only three households were placed in out of area B&B in 2015/16.

5.7 If a homeless person or household has to be placed in B&B outside the district the policy sets out guidance to decide the priority for in area placements and guidance to support out of area placements. People are not placed out of the district unless one of the following reasons applies:



- Other applicants with a particularly pressing need to remain in the district are imminent and must take precedence

- they are subject to a criminal behaviour order or other order which restricts their entry to an area in B&NES
- they have been refused accommodation by Curo or B&B providers in the district
- they risk experiencing violence
- they need to break negative relationships
- they present a risk to other people
- they prefer and choose out of district TA
- there is no suitable TA in the district

5.8 The supply of TA must be sufficient to meet the needs of homeless people and so the number of households needing TA and their demographic is continuously monitored and provision of TA is flexible.

5.9 At present the demand for TA has fluctuated over the last 3 years and the demand for two bedroom TA has increased in the last two years as shown in the table below:

5.10 Households placed in TA 2013-2016

| Households in TA       | 2013/14 | 2014/15 | 2015/16 | Trend                                                                                |
|------------------------|---------|---------|---------|--------------------------------------------------------------------------------------|
| With children/pregnant | 35      | 42      | 66      |   |
| Without children       | 46      | 22      | 50      |  |

5.11 The impact of the increased demand for TA was that the number of families placed in B&B increased from 15 to 19 since 2014. And that the length of stay has increased to an average of 21 days (3 weeks).

5.12 We will continue to focus on preventing homelessness and continuously monitoring the demand and supply of TA to meet the needs of homeless people on a case by case basis with the assistance of our temporary accommodation provider.

## 6 RATIONALE

6.1 The provision of TA is a statutory duty. Recent caselaw has confirmed the need for Councils to have an adopted policy which articulates how TA will be utilised.

## 7 OTHER OPTIONS CONSIDERED

7.1 None

## 8 CONSULTATION

8.1 Given the nature of the policy only limited and informal consultation has been undertaken. It includes consultation with Supporting People and Communities and the Cabinet member for Homes and Planning. The item has been included in a briefing to the Planning, Housing and Economic Development Policy Development and Scrutiny Panel

8.2 The Monitoring Officer and s151 Officer have been given opportunity to review and input into this report.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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| <b>Contact person</b>                                                                              | Mike Chedzoy |
| <b>Background papers</b>                                                                           | None         |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |              |