
Approval to Consult on the Draft Temporary Accommodation Policy

Committee considering report: Executive on 28 July 2016

Portfolio Member: Councillor Hilary Cole

Date Portfolio Member agreed report: 7 July 2016

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Forward Plan Ref: EX3165

1. Purpose of the Report

1.1 To seek approval from Executive to proceed with a consultation on the draft Temporary Accommodation Policy.

2. Recommendation

2.1 Executive to approve the publication of the draft Temporary Accommodation Policy for consultation.

3. Implications

3.1 **Financial:** The Policy sets out a procurement strategy for securing new temporary accommodation. This will require capital investment, however, each and every project would be subject to approval by Capital Strategy Group.

3.2 **Policy:** The Policy sets out the Council's approach to procuring sufficient temporary accommodation and details how units of temporary accommodation will be allocated to individual households.

3.3 **Personnel:** There are no personnel issues arising from this report.

3.4 **Legal:** The Court of Appeal, in the case of *Nzolameso v Westminster City Council* [2015] WLR(D) 165, [2015] PTSR 549, [2015] UKSC 22, stated that local authorities should have a policy for procuring sufficient temporary accommodation to meet demand for the year and a policy for allocating such units to individual households. This policy has been drafted to meet this requirement.

3.5 **Risk Management:** The Council has duties to homeless households and whilst it has a small stock of temporary accommodation, this is insufficient to meet current demands. Families with children should not be placed in Bed & Breakfast for longer than 6 weeks but this is currently highly likely. This Policy sets out a clear Policy by which the Council seeks to mitigate the risk of breaching the 6-week rule.

3.6 **Property:** The Council owns a small stock of temporary accommodation and this Policy provides a strategy to increase this provision by acquiring new assets. Whilst capital investment would be required to procure the units, it is anticipated that ongoing repair and maintenance costs would be met from rental income.

3.7 **Other:** N/A

4. Other options considered

4.1 The Council could decide not to implement a Temporary Accommodation Policy. This could give rise to legal challenge if households are not allocated suitable accommodation under statutory homelessness duties.

5. Executive Summary

- 5.1 The case of *Nzolameso v Westminster City Council* [2015] WLR(D) 165, [2015] PTSR 549, [2015] UKSC 22 at the Court of Appeal, held that there is a statutory duty for local authorities to accommodate homeless households within the district, where reasonably practicable, failing which they should try to place households as close as possible to where they were previously living. In addition, the Court of Appeal stated that *“The question of whether the accommodation offered is “suitable” for the applicant and each member of her household clearly requires the local authority to have regard to the need to safeguard and promote the welfare of any children in her household” (Para.27).*
- 5.2 The Court of Appeal went on to say that *“Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority’s statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of “in borough” units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away. That policy too should be made publicly available” (Para. 39).*
- 5.3 This Policy has been developed to meet the requirements set out by the Court of Appeal. In summary, it provides:
- (1) The strategy for procuring new temporary accommodation to meet demands should include leasing properties from Registered Providers, securing new properties via planning obligations, purchasing back shares in DIYSO (do-it-yourself shared-ownership) properties as and when they become available, buying properties on the open market and reviewing existing temporary accommodation stock to ensure that its use is maximised.
 - (2) That when allocating units of temporary accommodation to individual households, the Housing Service will take account of the full circumstances of the household in relation to the financial, social and medical needs of the household and will prioritize families with the highest overall level of need for local placements, using the following cascade:
 - (a) Homeless households with dependent children in school years 11,12 and 13 who are preparing for, or who are in the process of, taking examinations.
 - (b) Homeless households who have at least one household member in employment within the district.
 - (c) All other homeless households with school age children.

(d) All other homeless households

5.4 It is proposed that the draft policy be published on the Council's website for all members of the public to comment on. In addition, all residents currently in temporary accommodation will be contacted, in writing or by e-mail, asking them for their views, as will all statutory and voluntary stakeholders who have an interest in, or work with households affected by, homelessness. The proposed period of consultation is 6 weeks.

6. Conclusion

6.1 It is recommended that the Executive approve the publication of the draft Temporary Accommodation Strategy for consultation.

7. Appendices

7.1 Appendix A - Supporting Information

7.2 Appendix B – Equalities Impact Assessment

7.3 Appendix C – Draft Temporary Accommodation Strategy