

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	23 FEBRUARY 2016	4

FYLDE COUNCIL POLICIES ON PROCUREMENT AND ALLOCATION OF TEMPORARY ACCOMMODATION FOR HOMELESS HOUSEHOLDS

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Under the Housing Act 1996 Part VII, Section 188 there is an immediate duty on the local authority to provide interim accommodation for anyone they have reason to believe may be homeless and in priority need whilst they investigate the individual's circumstances.

Local authorities must ensure that suitable temporary accommodation is available for homeless households who are in priority need and unintentionally homeless until settled accommodation can be found. Households found to be intentionally homeless may be provided with temporary accommodation for a 'reasonable period' (normally about 28 days).

Local Authorities need to be able to explain their decisions as to the location and suitability of temporary accommodation they have available and should have in place a policy for the procurement of sufficient units of temporary accommodation to meet anticipated demand and a policy on the allocation of that temporary accommodation that reflect the authority's statutory obligations under the Housing Act 1996.

Policies have been drafted which are attached to the report. These policies should be approved by members and be made publicly available.

RECOMMENDATIONS

Committee is requested to:

1. Approve Fylde Council Policies on Procurement and Allocation of temporary accommodation
2. Request that the policies are updated annually and brought to this Committee as part of the annual updates for the Homelessness Strategy.

CORPORATE PRIORITIES			
To Promote the Enhancement of The Natural & Built Environment (Place)		To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)		To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

Environment, Health and Housing Committee 8th December 2015
Update on the Homelessness Strategy Action Plan 2013-18

REPORT

What is Homelessness?

1. The law defines somebody as being homeless if they do not have a legal right to occupy any accommodation, or if their accommodation is unsuitable to live in. This can cover a wide range of circumstances, including but not restricted to, the following:
 - having no accommodation at all
 - having accommodation that is not reasonable to live in, even in the short-term (e.g. because of violence or health reasons)
 - having a legal right to accommodation that you cannot access (e.g. if you have been illegally evicted)
 - living in accommodation you have no legal right to occupy (e.g. living in a squat or temporarily staying with friends).
2. Many people only associate homelessness with sleeping on the streets, but this conceals the range and scale of the problem. The reality is that the vast majority of homeless people are families or single people who are not 'sleeping rough'. Some may be staying with relatives and friends on a temporary basis. Others live in temporary accommodation, such as bed and breakfast hotels, hostels, night shelters and refuges. For many, this means living in poor quality accommodation that is detrimental to their health and well-being.
3. To understand what homelessness really is, it's important to first consider what a 'home' is. A home isn't just a roof over your head. It's a place that provides security, privacy, and links to a community and support network. It needs to be affordable, with support if necessary.

Relevant legislation and Statutory Guidance for Local Authorities

Legislation

4. Under the Housing Act 1996 Part VII, Section 188 there is an immediate duty on the local authority to provide interim accommodation for anyone they have reason to believe may be homeless and in priority need whilst they investigate the individual's circumstances.
5. To access long-term housing under the homelessness legislation, a household must make an application to a local authority. The local authority has a duty to house individuals or households who meet the following criteria:
 - eligible for assistance – which will not apply to certain people who have lived abroad
 - legally classed as homeless – by having nowhere that is available and reasonable to occupy, anywhere in the world, homeless as a result of an emergency such as flood, fire or other disaster

- in priority need – applying to all households that contain a pregnant woman or are responsible for dependent children;
- to some households made up of a 16- to 17-year-old or a care leaver aged 18 to 21;
- or where someone in the household is vulnerable, e.g. fleeing domestic violence or the threat of violence, because of old age, mental or physical health problems; or by being in prison, care or the armed forces
- unintentionally homeless – those who have not deliberately done, or failed to do, something that caused them to become homeless, such as failing to make rent or mortgage payments when they could have afforded to do so
- You have a local connection – lived in the area for six months out of the past 12, or three years out of the past five, you have close family in the area, you work in the area or other specialist reasons, for example receiving specialist health care or because in the past you lived in the area for a long time.

Temporary accommodation

6. Under current homelessness legislation, local authorities must ensure that suitable temporary accommodation is available for homeless households who are in priority need and unintentionally homeless until settled accommodation can be found. Households found to be intentionally homeless may be provided with temporary accommodation for a 'reasonable period' (normally about 28 days).
7. Temporary accommodation can include local authority's housing stock; short-term housing leased from private landlords; council or registered social landlords' hostels; or bed and breakfast hotels. There is no legal definition of how long temporary accommodation may last for, and for many homeless households their stay in this kind of accommodation is anything but temporary.
8. Authorities also have a duty to continue to provide temporary accommodation for these households until settled accommodation can be found for them.
9. Sections 206 and 208 of the Housing Act 1996 Act impose distinct but related requirements upon the local authority.

Location of accommodation

10. Section 208(1) provides that: 'So far as reasonably practicable a local housing authority shall in discharging their housing functions under this Part secure that accommodation is available for the occupation of the applicant in their district'.
11. The accommodation offered has to be suitable to the needs of the particular homeless person and each member of their household and the location of the accommodation can be relevant to its suitability.

Suitability of accommodation

12. Section 206(1) provides that the local authority may discharge their housing functions only by securing 'suitable' accommodation.
13. **The 2011 Localism Act** made significant changes to the homelessness duty in England and Wales. Local authorities are able to fully discharge their duty by offering a private rented sector (PRS) tenancy of 12 months, without the consent of the tenant. Previously the local authority had to offer a social home unless the tenant opted for a private tenancy.

Statutory Guidance

14. Under section 182(1) of the 1996 Act, local authorities are required to have regard to such guidance as may from time to time be given by the Secretary of State. The current general guidance is contained in the Homelessness Code of Guidance for Local Authorities (DCLG 2006

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7841/152056.pdf)

Location of accommodation

15. As to the duty in Section 208(1) regarding location of accommodation the guidance provides:

“16.7 Section 108(1) requires housing authorities to secure accommodation within their district, in so far as is reasonably practicable. Housing authorities should, therefore, aim to secure accommodation within their own district wherever possible, except where there are clear benefits for the applicant of being accommodated outside of the district. This could occur, for example, where the applicant, and/or a member of his or her household, would be at risk of domestic or other violence in the district and need to be accommodated elsewhere to reduce the risk of further contact with the perpetrators or where ex-offenders or drug/alcohol users would benefit from being accommodated outside the district to help break links with previous contacts which could exert a negative influence”.

Suitability of accommodation

16. As to suitability, the Code of Guidance advises;

“17.41 The location of the accommodation will be relevant to suitability and the suitability of the location for all the members of the household will have to be considered. Where, for example, applicants are in paid employment account will need to be taken of their need to reach their normal workplace from the accommodation secured. The Secretary of State recommends that local authorities take into account the need to minimise disruption to the education of young people, particularly at critical points in time such as close to taking GCSE examinations. Housing authorities should avoid placing applicants in isolated accommodation away from public transport, shops and other facilities, and, wherever possible, secure accommodation that is as close as possible to where they were previously living, so they retain established links with schools, doctors, social workers and other key services and support essential to the well-being of the household”.

Fylde BC Policies on the Procurement and Allocation of Temporary Accommodation

17. Local Authorities need to be able to explain their decisions as to the location and suitability of temporary accommodation they have available taking into account factors such as the number and type of homeless presentations, availability of move on permanent accommodation either into the social rented or private sector accommodation (12 month tenancy), being able to procure sufficient units of temporary accommodation at affordable prices in their areas, and the practicalities of procuring accommodation in nearby authorities. If local authorities procure temporary accommodation outside their own area, this will place pressures on the accommodation, education and other public services available in those areas.
18. Local Authorities should have in place a policy for the procurement of sufficient units of temporary accommodation to meet anticipated demand and a policy on the allocation of that temporary accommodation that reflect the authority's statutory obligations under the Housing Act 1996. These policies should be approved by the democratically accountable members of the Council and should be made publicly available.

19. The policies attached set out how Fylde Borough Council will meet its responsibilities to procure and allocate sufficient units of temporary accommodation to meet anticipated demand annually for people who are homeless or threatened with homelessness within the borough of Fylde.
20. The policies have been jointly developed by the following local authorities:
 1. Blackburn with Darwen Council
 2. Burnley Council
 3. Fylde Council
 4. Hyndburn Council
 5. Lancaster Council
 6. Rossendale Council
 7. South Ribble Council
 8. Wyre Council
21. These policies have been drafted having had regard to the following legislation and statutory guidance
 1. Housing Act 1996, Part 7 Homelessness
 2. Homelessness Act 2002
 3. Homelessness Code of Guidance for Local Authorities (2006)
 4. Homelessness (Suitability of Accommodation) Order 1996
 5. Homelessness (Suitability of Accommodation) (England) Order 2003
 6. Localism Act 2011 (Commencement No 2 and Transitional Provisions) (England) Order 2012
 7. Homelessness (Suitability of Accommodation) (England) Order 2012
 8. Supplementary Guidance on Changes in Localism Act 2011 and Homelessness (Suitability of Accommodation) (England) Order 2012 (2012)
 9. Supplementary Guidance on Domestic Abuse and Homelessness (2014)
 10. Human Rights Act 1998
 11. Children Act 2004
 12. Equality Act 2010
22. It is requested the Environment, Health and Housing Committee approve both the Policy on Procuring Temporary Accommodation and the Policy of Allocating Temporary Accommodation and request that the policies are updated annually to ensure sufficient units of temporary accommodation are procured to meet anticipated demand within the Borough

IMPLICATIONS	
Finance	There are no direct financial implications arising from this report. Any future financial implications will be the subject of further reports to Members.
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	TEL	DATE	DOC ID
Kirstine Riding	01253 658569	08/02/2016	

LIST OF BACKGROUND PAPERS		
Name of document Homeless Code of Guidance for Local Authorities	Date	Where available for inspection www.gov.uk

Attached documents:

Appendix 1 Fylde Borough Council - Policy on the Procurement of Temporary Accommodation

Appendix 2 Fylde Borough Council - Policy on the Allocation of Temporary Accommodation