

Title of meeting:	Cabinet Member for Housing Decision Making
Date of meeting:	27 th January 2020
Subject:	Temporary Accommodation Placement Policy
Report by:	James Hill, Director of Housing, Neighbourhood and Building Services
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1. To present the Temporary Accommodation Placement Policy which outlines how the council allocates and prioritises temporary accommodation for homeless applicants in priority need.

2. Recommendations

- 2.1. That the Cabinet Member for Housing recognises the important role that temporary accommodation has in supporting people who are in crisis as a result of homelessness.
- 2.2. That the Cabinet Member for Housing recognises that the policy formalises the working practice and ensures the fair allocation of temporary accommodation and meets its legal obligations.
- 2.3. That the Cabinet Member for Housing approves the council's Temporary Accommodation Placement Policy which will then be published on the council's website.

3. Background

- 3.1. The council recognises the vital role that housing plays in helping residents achieve and maintain the life they want to lead. It also recognises that there are times when crisis situations happen, for various reasons, which can lead to residents being without a home. At this time the council may have a duty to provide support to help people get back into a stable home.
- 3.2. The council has a statutory duty to provide temporary accommodation to homeless applicants in certain circumstances whilst assessments are taking place or whilst the applicants awaits an offer of more settled accommodation.

- 3.3. The council continually faces high demand for such accommodation, and this demand has risen in recent years. Between April 2017 and March 2018 the council provided temporary accommodation for 372 households, including 203 with dependent children. Between April 2018 and March 2019 this number grew to 480 households, including 257 with children
- 3.4. Although the council does own and lease a number of properties, this has not been enough to meet the demand, and it is working to resolve this through buying and building the required properties. However it will always be necessary to prioritise the resources available to it by allocating temporary accommodation proportionately and this if formalised within the proposed policy.
- 3.5. The council has previously undertaken its role in this regard without a formalised policy. Having a temporary accommodation placement policy isn't a legal requirement but it was a recommendation of the UK Supreme Court: *"Each local authority should have, and keep up to date, a policy for allocating (temporary accommodation) 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."*
- 3.6. By creating and publishing this policy it:
- 3.6.1. demonstrates its commitment to the fair and legal allocation of temporary accommodation, and
 - 3.6.2. helps to provide customers who use the service with clarity about the role that it undertakes, and
 - 3.6.3. simply and clearly set out the factors to be considered to ensure the temporary accommodation being offered is suitable, and is allocated equitably.
- 3.7. Work is underway to create a Temporary Accommodation Procurement Policy/Strategy to be published later in the year which will outline the policy to procure sufficient units of temporary accommodation to meet anticipated demand.
- 3.8. This policy links with the council's Homelessness and Rough Sleeping strategies, all of which are published on the council's website and are available in hard copy upon request.

4. The Temporary Accommodation Placement Policy

- 4.1. The policy outlines the following key areas from within the formal policy (Appendix 1)
- 4.2. Legislative requirements
- 4.2.1. This policy complies a range of national legislation, and it is the responsibility of the council, and its officers, to be mindful of and comply with it when making relevant decisions.

- 4.2.2. Section 206 of the Housing Act 1996 provides that any accommodation provided under section 188 or 193, whether temporary or otherwise, must be suitable.
- 4.2.3. Where an applicant is owed the interim accommodation duty (under section 188 of the Housing Act 1996) and has no suitable accommodation available to them, they will be offered temporary accommodation until a final decision is made regarding their homelessness application.
- 4.2.4. Where an applicant is owed the main housing duty (under section 193 of the Housing Act 1996) and has no suitable accommodation available to them, they will be offered temporary accommodation until they are offered a suitable home or until the main housing duty comes to an end for one of the other prescribed reasons.
- 4.2.5. Section 208 of the Housing Act 1996 provides that, so far as reasonably practicable, accommodation found by the Council should be in the local authority area. When accommodation is provided out of the area, the Council should notify the local authority in whose area the accommodation is situated.
- 4.2.6. Section 11 of the Children's Act 2004 provides that, in carrying out its functions, a local authority must have regard to the need to safeguard and promote the welfare of children and this is considered an over-riding priority.
- 4.3. Offers of Temporary Accommodation
- 4.3.1. In identifying a suitable offer, the household's individual circumstances will be considered, taking into account the factors set out in section 5 of the policy.
- 4.3.2. If the applicant refuses an offer of temporary accommodation they will be asked to give their reasons for refusing. The council will consider the reasons given and if it determines that the accommodation is unsuitable, the offer will be withdrawn and a further offer will be made.
- 4.3.3. If the council hears the applicant's reasons but determines the accommodation is suitable, the applicant will be given the opportunity to reconsider their decision and if they continue to refuse the offer it will be withdrawn and duty may be removed.
- 4.3.4. The Council may consider applicants who have been asked to leave temporary accommodation after breaching the terms of the agreement to have voluntarily 'refused' the accommodation. The Council will consider the nature of the breach, what warnings were given to the applicant and the applicant's personal circumstances when determining whether accommodation has been refused.
- 4.4. Types of temporary accommodation
- 4.4.1. The council has a range of different type of temporary accommodation which are designed to cover the range of customers, and likely length of occupation and overall numbers in need at that time. This means that some accommodation will be provided directly by the Council, whilst others may be owned and/or

managed by an external provider. The types of temporary accommodation available to the Council may include:

- Self-contained, leased accommodation
- PCC-owned accommodation with support, known as the Temporary Accommodation Service (TAS)
- Accommodation with shared facilities such as 'bed and breakfast' accommodation and hotels
- Hostel Accommodation

4.5. Suitability of temporary accommodation

4.5.1. All temporary accommodation secured by the council will be subject to a 'fitness' check. This would include checks around the condition and safety of the accommodation, and the suitability of the landlord.

4.5.2. Any temporary accommodation provided out of the area in performance of the 'main housing duty' is likely to be for a very limited time until accommodation is found in Portsmouth. It would not usually be necessary, for example, for children to have to move school. Housing Needs, Advice & Support service will liaise with the education department to ensure children are able to get to school.

4.5.3. Assessments of the suitability of temporary accommodation are made based on the individual circumstances relating to any given applicant and their household. Assessments consider the applicability and significance of any of the below factors, as well as the competing demands for accommodation and the availability of accommodation at that time. The assessment is a composite one and takes account of the following factors.

- Overcrowding
- Affordability
- Location
- Health and support needs
- Expected length of occupation
- Prevailing conditions
- The Public Sector Equality Duty
- Any other special reasons

4.6. Challenges to the suitability of temporary accommodation

4.6.1. The Council always aims to offer suitable accommodation to the applicant at the first time of offer. Applicants who have any reservations about the suitability of accommodation being offered should initially discuss the matter with the officer managing their homeless application.

4.6.2. The suitability of accommodation provided in performance of the 'main housing duty' is subject to a statutory right to review. Applicants owed such a duty are advised in writing of this right and how to exercise it. If an applicant refuses a suitable offer of such accommodation they may not be owed any further accommodation duty under this section.

5. Reasons for recommendations

- 5.1. To ensure that the council fulfils its statutory duties, under the Housing Act 1996, to provide temporary accommodation for applicants in priority need.
- 5.2. To ensure that the temporary accommodation offered is suitable and that it is allocated equitably.
- 5.3. To outline the factors the council will consider when assessing the suitability of the temporary accommodation being offered.

6. Equality impact assessment

- 6.1. An Integrated Impact Assessment has been completed and is attached.

7. Legal implications

- 7.1. The policy takes in to consideration all relevant legislation and assists the Council in discharging its statutory duties and the policy is in line with recent case law in this area.

8. Director of Finance's comments

- 8.1. There are no direct financial implications as a result of approving the recommendation to adopt the Temporary Accommodation Placement Policy.

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Signed by:
James Hill - Director of Housing, Neighbourhoods and Building Services

Appendices:

Appendix 1 - Portsmouth City Council's Temporary Accommodation Placement Policy

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
UK Supreme Court judgement Nzolameso v City of Westminster :	https://www.supremecourt.uk/cases/docs/uksc-2014-0275-judgment.pdf

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by:
Councillor Darren Sanders - Cabinet Member for Housing