

<b>Subject:</b>	Adoption of a Temporary Accommodation Policy	<b>Status:</b>	For Publication
<b>Report to:</b>	Overview & Scrutiny Committee	<b>Date:</b>	11 <sup>th</sup> March 2019
<b>Report of:</b>	Director of Communities	<b>Portfolio Holder:</b>	Health, Housing, Communities and Customer Service
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	<b>Yes/No</b>	Attached: <b>Yes/No</b>
<b>Biodiversity Impact Assessment</b>	Required:	<b>Yes/No</b>	Attached: <b>Yes/No</b>
<b>Contact Officer:</b>	Mick Coogan	<b>Telephone:</b>	<b>01706 252507</b>
<b>Email:</b>	<a href="mailto:michaelcoogan@rossendalebc.gov.uk">michaelcoogan@rossendalebc.gov.uk</a>		

1.	<b>RECOMMENDATION(S)</b>
1.1	That Overview and Scrutiny Committee considers the new Temporary Accommodation Policy, along with the appendices and recommends its approval to Cabinet.
1.2	All future minor amendments to the Temporary Accommodation Policy are to be delegated to the Director of Communities in consultation with the Portfolio Holder.

## 2. PURPOSE OF REPORT

- 2.1 To propose the report is to adopt a Temporary Accommodation Policy for the Council, which follows the *Nzolameso v City of Westminster* 2015 judgment by the Supreme Court. The case considered the way local housing authorities fulfil their duty to homeless households requiring temporary accommodation, and it was concluded that each local authority should have a policy for both the allocation and procurement of temporary accommodation, and that these policies have approval from members of the Council.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priority:
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 There are no specific risk issues for members to consider arising from this report.

## 5. BACKGROUND AND OPTIONS

- 5.1 The Housing Act 1996, Part VII (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) sets out the Council's statutory duties in relation to homelessness. Section 188 of the Housing Act sets out the duty to provide accommodation when a household is believed to be homeless, eligible for assistance and have a priority need. This accommodation fulfils the "interim duty" whilst enquiries are taking place by the local housing authority in order to make a decision regarding the duty owed to them. Following the main duty decision, if a homelessness applicant is considered to be homeless, eligible for assistance, have a priority need, and was not intentionally homeless, then section 193 of the Housing Act relates to the duty to find accommodation until the main housing duty can be ended. Temporary accommodation placements under the two sections as described above are covered by this policy; however the policy does not cover circumstances in which the council may provide accommodation under powers conferred by the Housing Act on a discretionary basis.

5.2 The Nzolameso v City of Westminster 2015 judgment by the Supreme Court judgement came to the conclusion that each local housing authority should:

- Have and maintain a policy for to ensure that sufficient units of temporary accommodation are procured to meet demand for the anticipated demand for such accommodation.
- Have and maintain a policy for allocating temporary accommodation to households, which includes the consideration of circumstances taken into account when there is a shortfall of suitable accommodation in the area.
- Have the policies adopted by democratically elected members of the Council.
- Have the policies publically available, ideally.

5.3 The Temporary Accommodation Policy includes both allocation and procurement, and ensures the Council meets all four recommendations above, whilst complying with the Housing Act 1996 and the Children Act 2004. Particular consideration has been given to section 208 (1) which requires local housing authorities to secure accommodation within their own district "so far as reasonably practicable". Part A of the Temporary Accommodation Policy covers allocations, and Part B deals with the procurement of, temporary accommodation.

5.4 Part A takes into account; employment, caring, medical, support and educational needs of a household when allocating temporary accommodation, particularly when there is a shortage of accommodation within the district and an out of borough placement needs to be considered. It is recognised that there is a very limited supply of temporary accommodation in the borough, and placements outside the borough will be needed, and in some cases bed and breakfast may need to be utilised, but only if it is an emergency.

5.5 Part B deals with the procurement of temporary accommodation to meet future demand, particularly taking into account the Council's Prevention of Homelessness Strategy and Review 2018-21, and deals with the type, tenure, location and standard of temporary accommodation.

5.6 The policy underpins a legally robust approach to allocating and procuring temporary accommodation, whilst support the Council's aims of preventing homelessness and repeat homelessness. The Council also aims to minimise the use of temporary accommodation, avoid moves between placements, and ensure time spent in temporary accommodation is also minimised by securing suitable settled accommodation at the earliest opportunity.

#### **COMMENTS FROM STATUTORY OFFICERS:**

##### **6. SECTION 151 OFFICER**

6.1 All financial implications are within existing budgets.

##### **7. MONITORING OFFICER**

7.1 All legal implications are covered in the body of the report.

##### **8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

8.1 The policy ensures the Council meets its responsibilities under the Housing Act 1996, the Children Act 2004 and complies with the Equality Act 2010. The policy supports the Council's Prevention of Homelessness Strategy 2018-21.

## 9. CONCLUSION

- 9.1 The policy identifies how the Council will fulfil its duties to homelessness households in relation to allocating and procuring temporary accommodation, and is needed to ensure the Council has a legally robust approach complying with all legislation and good practice.

### Background Papers

Document	Place of Inspection
Draft Temporary Accommodation Policy	Appendix 1
Initial Equality Impact Assessment	Appendix 2