

Subject:	Adoption of a Temporary Accommodation Policy	Status:	For Publication
Report to:	Cabinet	Date:	3 rd July 2019
Report of:	Director of Economic Development	Portfolio Holder:	Communities and Customers
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: Yes
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATIONS
1.1	The Cabinet approve the new Temporary Accommodation Policy, along with the appendices.
1.2	All future minor amendments to the Temporary Accommodation Policy are to be delegated to the Director of Economic Development 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 came to the conclusion that each local housing authority should:
- Have and maintain a policy 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 Any financial implications arising from the report or recommendations will be contained within existing budget resources.
- 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.

8.2 The policy was reviewed by the Overview and Scrutiny Committee in March 2019 and it was recommended that Cabinet approve the Policy after minor non-material amendments.

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

Draft Temporary Accommodation Policy

Other formats are available.
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Responsible Section	Strategic Housing	Version / Status	Cabinet Draft
Responsible Author	Mick Coogan	Agreed at ONS	11/03/2019
Date last amended	13/06/2019	Agreed at Cabinet	Due on 03/07/2019
Due for review	03/07/2020		

Rossendale Borough Council's Temporary Accommodation Policy

Rossendale Borough Council's (the Council) temporary accommodation policy is divided into two parts:

- A. The Allocation of Temporary Accommodation (Part A)
- B. The Procurement of Temporary Accommodation (Part B)

A. The Allocation of Temporary Accommodation

1. Background

Part A sets out how the Council will meet its responsibilities to provide temporary accommodation to people who are homeless or threatened with homelessness. Part A will ensure that Rossendale Council procures sufficient units of temporary accommodation to meet the anticipated demand annually. Part A has been produced having had regard to the Council's Prevention of Homelessness Strategy and Review 2018-21.

Part A will be reviewed annually or whenever new statute is enacted, along with Part B which it complements.

2. Legislative Content

Part A has been drafted having had regard to the following legislation and statutory guidance (this list is not meant to be exhaustive):

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. The Homelessness Reduction Act 2017

Part A has been drafted with due consideration to the judgment handed down by the Supreme Court in the case of *Nzolamesso v Westminster City Council* April 2015.

Part A has been drafted with due consideration to the advice published in 2014 by the Local Government Ombudsman contained within the report 'No Place Like Home: Council's use of unsuitable bed and breakfast accommodation for homeless families and young people'.

Part A covers the procurement of temporary accommodation by Rossendale Council to perform duties under the following section of the Housing Act 1996, Part 7:

1. Section 188 – provision of interim accommodation provided to applicants where there is a reason to believe they are homeless, eligible and in priority need pending the conclusion of enquiries
2. Section 190(2) – provision of accommodation provided for a reasonable period to applicants who are intentional homeless but in priority need to allow a reasonable period of time to identify alternative accommodation
3. Section 193(2) – provision of accommodation to applicants owed the main housing duty, until this duty is brought to an end.

Part A also extends to the procurement of temporary accommodation by Rossendale Council to enact any temporary accommodation powers available to the local authority under Housing Act 1996, Part 7.

For the purpose of Part A, the act of procuring temporary accommodation is defined as obtaining dwellings by way of purchase and/or lease for the purpose of fulfilling statutory accommodation duties and/or enacting discretionary powers towards homeless applicant households. This definition extends to the same acts undertaken by third parties, which may include other public bodies or private companies. This also encompasses accessing accommodation procured by other public bodies (e.g. Lancashire County Council) for the provision of accommodation-based housing related support services.

3. Allocation of Temporary Accommodation

In allocating temporary accommodation the Council will treat each case on an individual basis and will endeavour to allocate temporary accommodation considered to be the most suitable for the applicant together with anyone who resides or might reasonably be expected to reside with them, based upon the availability of accommodation within the Council's temporary accommodation portfolio.

The accompanying Part B deals with the procurement of dwellings for the Council's temporary accommodation portfolio.

No pets will be allowed, except assistance dogs for the disabled. The applicant household will be supported to re-home any pets prior to occupation of temporary accommodation.

4. Principles and Objectives

Within the constraints of the local housing market, the Council's overall aim is to move residents of temporary accommodation on to permanent accommodation, as quickly as possible whilst also ensuring that this is only done at a time when the household is able to sustain permanent accommodation.

The Council also aims to:

1. Prevent homelessness
2. Minimise the risk of homelessness recurring
3. Not place applicants in temporary accommodation unnecessarily
4. Minimise time spent in temporary accommodation
5. Avoid moves between different dwellings of temporary accommodation, particularly for households with children (unless the move is in the best interests of the family).

4.1 Principles

The Council seeks to:

1. Ensure its temporary accommodation policy and procedures reflect the legal framework, comply with statutory guidance, and other relevant guidance, case law and good practice.
2. Be consistent in the application of the policy
3. Comply with the Equality Act 2010, which covers eight protected characteristics - age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation - and will not discriminate against service users.
4. Comply duties arising from Children Act 2004 section 11
5. Have a policy that is capable of responding to a wide range of complex individual needs and circumstances.

4.2 Objectives

1. To provide good quality temporary accommodation
2. To enable applicants to have a home of their own which, meets their needs and enables them to live independently.
3. To provide for the particular needs of applicants and their families, especially applicants of a young age and persons who currently find it difficult to access or sustain any form of accommodation – such as people with problematic alcohol or drug use, people with mental health problems and people with challenging behaviour.
4. To ensure applicants have the information, advice and support required while in temporary accommodation.

4.3 Standards

The Council will:

1. Be sensitive to applicants' individual needs and circumstances, and ensure people are treated with dignity and respect.
2. Work effectively and jointly with other services provided by the Council and other public bodies or private and third sector organisations.
3. Provide opportunities for applicants to have their views heard and taken into account.
4. Follow Customer Service Standards at all times and any specific Homelessness Charter that might have been adopted.
5. Will satisfy any public sector equality duty owed under Equality Act 2010
6. Will satisfy any safeguarding or welfare duty owed under Children Act 2004.

4.4 Physical Standards

All temporary accommodation (where possible) will:

1. Meet the physical or sensory disability requirements of applicants and any member of their household.
2. Comply with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
3. Provide units that are secure with individual locks so people feel they and their belongings are safe. The occupancy / tenancy agreement will include an agreed minimum amount of notice a landlord must give before accessing a person's property and under what circumstances they would give such notice. This will be at least 24 hours.
4. Have sufficient bedroom space to meet the needs of the household as far as possible.
5. Have adequate communal living space, which includes, for example, space for children to play or do homework.
6. Have individual bathroom / toilet facilities for a household
7. Have access to on-site laundry facilities.

8. Have a suitable standard of furniture to meet the families' needs.
9. Have a minimum standard of cleanliness and decoration.
10. Have sufficient and affordable heating systems at an acceptable efficiency rating.
11. Be accessible 24 hours a day.

Shared housing for 3 or more unrelated people will have a Housing in Multiple Occupation (HMO) license. This license will be displayed on the premises.

5. Allocation Principles

5.1 Suitability

In allocating temporary accommodation the Council will consider the applicant and his or her household's particular needs. In ensuring that the accommodation is suitable Rossendale Council will consider the needs of the applicant together with any other person who is part of the applicant's family who normally resides with him or her, and anyone else who might reasonably be expected to reside with him or her. The Council will determine who resides or might reasonably be expected to reside with an applicant, based on the facts available on the date temporary accommodation is offered.

Following an allocation of temporary accommodation, should new facts emerge about anyone residing with or anyone reasonably be expected to reside with an applicant following the allocation of temporary accommodation, a decision will be made as whether alternative temporary accommodation is required. At all times the Council will ensure temporary accommodation provided to applicants is suitable and in line with the principles and objectives outlined in section 4 of the policy. Applicants accessing temporary accommodation will be expected to engage with support services that are available and funded by the local authority during their of occupation temporary accommodation.

5.2 Location

Wherever possible households will be allocated temporary accommodation that is in a reasonable proximity to the area from which they became homeless (providing it is safe to do so), recognising the constraints local authorities have when sourcing temporary accommodation based on local circumstances and stock options they have available to them, for example the organisation which is supplying that stock. The Council will endeavour to ensure that children are able to continue to access their current school, and where this is not possible will provide advice and assistance in arranging a transfer to an alternative school. Rossendale Council will also endeavour to ensure that working households are still able to access their employment. On occasions this may result in the nearest unit of temporary accommodation being obtained in a neighbouring local authority district.

All temporary accommodation provided is located so that the main services used by a household can be reached by foot or by public transport. Services include supermarket or convenience store, doctors, dentists, schools or other health providers, advice agencies (where applicable). The location of the property will take into account the needs the applicant and all household members in terms of reasonable access to place of employment and formal or informal support networks, and, for applicants with children, easy access to schools or nursery.

The location of the allocated accommodation takes into account the social and economic needs of the household. These factors will be equally weighted alongside other matters and will not be the primary or overruling issues used to determine the

suitability of accommodation to be allocated. Cultural or religious needs will be identified and where possible will be met through the location of accommodation. These factors will be equally weighted alongside other matters and will not be the primary or overruling issues to determine the suitability of accommodation to be allocated.

While the Council will take into account areas of preference expressed by the applicant when allocating temporary accommodation; it will not always be possible to meet such requests due to the fact that only a limited number of temporary accommodation units will be available at any one time. The limited availability of properties in rural locations might mean on some occasions that temporary accommodation is provided in a nearby town instead.

Where an applicant has to be placed away from their existing networks due to availability of temporary accommodation; the Council may be able to assist them in moving to a more ideally located unit of temporary accommodation should it become available. The Council will also take into consideration the risk of the applicant in suffering harassment or violence and any particular vulnerability of the applicant together with their household, if placed in certain geographic areas when considering suitability.

When allocating temporary accommodation the Council will take the following into consideration

1. The significance of disruption to employment, account will be taken of their need to reach their normal workplace from the accommodation secured.
2. The significance of disruption to caring responsibilities, account will be taken of the type and importance of the care applicants provide, or they or usual household member might receive, and the likely impact the withdrawal would cause.
3. Medical facilities and other support currently provided for the applicant and their household. The Council will consider the potential impact on the health and wellbeing of an applicant or any person reasonably expected to reside with them, were such support removed or medical facilities were no longer accessible. The Council will also consider whether similar facilities are accessible and available near the accommodation being offered and whether there would be any specific difficulties in the applicant or person residing with them using those essential facilities, compared to the support they are currently receiving

5.3 Children

When exercising any temporary accommodation duties the Council will ensure compliance with section 11(2) of the Children Act 2004. On all occasions when offering a dwelling to fulfil a temporary accommodation duty Rossendale Council will have regard to the need to safeguard and promote the welfare of children. For the sake of clarity welfare encompasses physical, psychological, social, educational and economic welfare. This does not, however, mean that the children's welfare will be the paramount or even a primary consideration. However safeguarding and welfare issues will be equally weighted alongside all other evidence to identify suitable accommodation.

5.4 Placements In or Out of Area Criteria

Households will be given priority for a placement in area if they meet the following criteria. Please note this does not mean that they are guaranteed to receive an offer of 'in area' accommodation when any temporary accommodation duty arises. It may be that at the time any temporary accommodation duty is owed there are no

vacancies in area and if this is the case an offer of suitable temporary accommodation will be made as close as possible with priority given to any household that meets one or more of the criteria set out below, to be given a suitable offer of temporary accommodation within area as soon as is reasonably practicable to do so.

The 'in area placement criteria'

- 1) Households with one child (or more) in secondary school in their final year of Key Stage 4 (generally Year 11) with exams to be taken within the next six months. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs.
- 2) Households with one child (or more) who has an Education, Health and Care (EHC) Plan who is receiving education or educational support in our area and where a change of schools would be extremely detrimental to their well-being because either the impact of moving on that child or that a similar package of support is unlikely to be available. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs
- 3) Households with significant medical or severe learning disability where a child attends a special school. Wherever practicable we will seek to place such households within area and as close as possible to existing schools to minimise public transport travelling distance and costs
- 4) Households where one person (or more) has a severe and enduring mental health problem where they are receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network in this area so that a placement outside of this area may severely impact on their well-being.
- 5) Households where one person (or more) is in permanent and settled employment This group will be prioritised for temporary accommodation as close as possible to their workplace. Where this is not possible we will endeavour to place a household no more than 60 minutes by public transport away from their place of employment and will continue to seek suitable accommodation closer to their place of work.
- 6) Households who have a longstanding arrangement to provide care and support to another family member in the local area, and that person would be likely to require statutory health and social care support if that care and support ceased and there are no other relatives willing and able to provide that care and no other suitable alternative arrangements available.

Please note the following:

1. The above categories do not mean that no other special circumstances will be taken into account. Whenever an applicant is owed an interim or full temporary accommodation duty a full assessment will be carried out of their household's housing needs and circumstances. Following that assessment it may be decided that an applicant should qualify for a local area offer for a special reason despite not meeting the criteria set.
2. The time likely to be spent in the accommodation will also be taken into account when determining the suitability of any offer of temporary accommodation out of area.
3. Where there are no in area temporary accommodation units immediately available which meets the household's identified needs, a homeless household may be placed on an emergency basis into accommodation in any location where there is availability on that day as long as it has been assessed as being suitable.

4. Households in receipt of welfare benefits or who may be on a low income may be subject to restrictions on the amount of benefit they can receive, which may affect their ability to pay their temporary accommodation rent. Placement in a local area is subject to suitable accommodation being available that the applicant can afford.
5. Given the shortage of available properties, it may be required to make a decision regarding how to prioritise the allocation of a particular property on a particular day where more than one household requires temporary accommodation and more than one household meets the local area criteria set out above. The following circumstances will be taken into account when prioritising between households. The circumstances listed are not in descending order of importance and do not form an exclusive set of criteria as other factors may also be relevant:
 - Level of need relating to the welfare and safeguarding of any children in the household
 - Level of educational need
 - Identified risks posed by living in particular areas
 - Permanency/flexibility of employment
 - Access to transport
 - Level of need to be close to services and amenities
 - Level of need to be close to health services
 - Level of need to be close to support networks
 - Level of need to be close to cultural or religious amenities
 - Impact on caring responsibilities
 - Affordability of the accommodation
 - Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of household members
 - Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of any children in the household, having regard to the Council's duty under the Children Act 2004 to safeguard and promote their well-being

The impact of these and any other relevant circumstances will be considered both individually and cumulatively.

5.5 Domestic Abuse & Harassment

In cases where homelessness is due to domestic abuse and the applicant is not able to stay in the current home, the Council may need to consider the need for alternative accommodation whose location can be kept a secret and which has security measures and appropriately trained staff to protect the occupants.

For applicants who have suffered domestic violence who are accommodated in an emergency in hostels or bed and breakfast accommodation, the accommodation should be where possible gender-specific as well as have appropriate security measures. In cases where homelessness is due to domestic abuse or other actual violence or threats of violence it may be in the best interests of the applicant to place them in temporary accommodation outside of the Rossendale local authority area. This will be agreed with the applicant and any other professionals (e.g. Police or domestic abuse advocates) and a safe location will be identified.

5.6 Type of Temporary Accommodation

In allocating temporary accommodation the Council will consider the needs of the applicant together with their household. In particular it will take into account any

physical or mental health needs in identifying any special requirements to the property, and access to specialist services essential to the wellbeing of the applicant and their household, including:

1. Level access
2. Adaptations to kitchens & bathrooms
3. Layout of the accommodation, including any internal stairs
4. Access to the accommodation
5. Location of the accommodation in relation to access to essential health or support services
6. Issues that may exacerbate any issues relating physical or mental health or old age

5.7 Size of Accommodation

Rossendale Council will ensure that when allocating temporary accommodation that it is of an appropriate size for the applicant together with their household. Making a calculation using both the bedroom and space standard tests will be used to inform the overall number of rooms required for each applicant household

When making this decision the Council will take into account any general shortage of accommodation available to the Council and the nature of accommodation available. Due to the emergency nature of temporary accommodation placements and the fact that only a limited number of properties will be available at any given time, living rooms and dining rooms may therefore need to be used as bedrooms. Where households are placed in accommodation that is smaller than their bedroom needs, support and practical assistance (i.e. bunk beds) will be provided until they can be moved to a larger unit of temporary accommodation. Households will not be placed into accommodation of such a size that it would result in statutory overcrowding.

5.8 Physical Condition of the Property

The Council will ensure that all of its temporary accommodation is of a good standard and complies with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.

5.9 Bed & Breakfast

Through effective management of the temporary accommodation the Council's disposal, the use of any Bed and Breakfast establishment will be kept to an absolute minimum. Where Bed & Breakfast accommodation is used it will only be done so in an emergency, where no other suitable accommodation is available. As soon as alternative accommodation is made available the applicant will be moved.

5.9.3 Households with dependent children and/or a pregnant woman will not be placed in Bed & Breakfast accommodation except in an emergency. In situations where they are placed in Bed & Breakfast this will be for no longer than 6 weeks. If Bed and Breakfast accommodation is used, it will be for as short a time period as possible.

5.10 Cost

The Council will ensure that temporary accommodation is affordable, and will therefore consider each household's income and reach a conclusion as to what will be affordable, based on any savings the household might have, plus income received from employment and any benefits they may be entitled to claim.

Rossendale Council accepts that accommodation will not be suitable if the applicant's net income, after payment of housing costs, would be significantly less

than Income Support or Jobseekers Allowance levels (e.g. significantly exceeds the Overall Benefit Cap for claimants in receipt of Universal Credit). Nor will it be suitable if the applicant would not be able to afford basic essentials such as food, clothing, heating or transport as well as the costs of the accommodation. Applicants will be advised of the costs associated with temporary accommodation including eligible and ineligible costs.

5.11 Change of circumstances

Any change of circumstances that affects an applicant's needs in relation to temporary accommodation will be considered on a case-by-case basis. An assessment of what is reasonable with regard to the above guidance will be made.

The Council's duty is to the applicant and the provision of temporary accommodation to meet their needs. However, the Council recognises that due to the length of time applicants spend in temporary accommodation, their circumstances may change to the extent that alternative temporary accommodation is needed. Changes in circumstances that make the temporary accommodation unsuitable will be given priority for a move to alternative temporary accommodation.

5.12 Management Standards

1. A written occupancy agreement will be provided and explained to the household for Council owned or managed TA.
2. Repairs procedures will be provided to the household for Council owned or managed TA.
3. Notice periods will comply with the law and good practice for Council owned or managed TA.
4. When households move in or are relocated the Council will seek to ensure minimum disruption to the household.
5. The Council will provide advice and assistance to protect households personal possessions where required

5.13 Offers and Refusals

An applicant will receive one reasonable offer of TA. The Council considers a reasonable offer of accommodation to be accommodation that meets the applicant household's needs, based on the information held in relation to the applicant's homeless application at the time of allocation. Applicants will be notified of their rights and timescales to seek a review or appeal any decision made about the suitability of temporary accommodation offered or provided. Applicants will be informed where they obtain assistance to take this action and how to go about requesting a review or appeal.

Applicants will be notified of their responsibilities and informed of the penalties that can be imposed by the Courts for withholding or providing false information and the impact that will have on their temporary accommodation provided.

5.14 Length of stay in temporary accommodation

Where there is an interim duty to accommodate (as described in Housing Act 1996 Part 7 Section 188), applicants will be provided with temporary accommodation until:

1. The investigation into their homeless application is complete
2. The outcome of any review is known
3. A penalty will be awarded against applicant household found to be in breach of their occupation agreement

4. Action will be taken against applicant who fraudulently gain temporary accommodation

Where there is a temporary duty to accommodate following a decision of intentional homeless but in priority need (as described in Housing Act 1996 Part 7 Section 190) applicants will be provided with temporary accommodation until:

1. a reasonable period of time has elapsed that will allow them to secure their own accommodation (taking account of the local housing conditions e.g. the availability of alternative accommodation and the personal circumstances of the applicant, which may affect their ability to secure accommodation).

5.14.1 Where there is the main duty to secure accommodation (as described in Housing Act 1996 Part 7 Section 193(2)) applicants will be provided with temporary accommodation until:

1. They cease to be eligible for assistance
2. They become homeless intentionally from the accommodation provided
3. They otherwise voluntarily ceases to occupy the accommodation provided as his/her only or principal home
4. They accept an offer of accommodation under Housing Act 1996 Part 6 (allocation of housing accommodation)
5. They accept an offer of an assured tenancy
6. They accept an offer of suitable private rented sector accommodation (by means to an assured shorthold tenancy which is of a minimum term of 12 months and includes a break clause should the accommodation deemed to be not suitable).
7. They refuse a final offer of suitable accommodation under Housing Act 1996 Part 6 (allocation of housing accommodation) where they has been informed of the possible consequences of refusal and of their right to request a review of the suitability of the accommodation
8. They refuse an offer of suitable private rented sector accommodation (by means to an assured shorthold tenancy which is of a minimum term of 12 months and includes a break clause should the accommodation deemed to be not suitable) where they have been informed of the possible consequences of refusal and been notified them that they have discharged their duty.

An applicant's temporary accommodation will also be brought to an end when an applicant sources his or her own private sector accommodation for a 6 month period and using the local authorities rent bond/rent in advance support?

5.15 Request for change of temporary accommodation

If the temporary accommodation available does not meet the needs of the applicant, this will be assessed by the Housing Options Team Leader/or Strategic Housing Manager.

It is likely that a very limited number of temporary accommodation options will be available at any one time. For this reason, the applicant will be advised that it may not be possible to meet their preferences in relation to temporary accommodation and, whilst any preferences will be taken into account, there are no guarantees. Applicants will be provided with what is reasonable based on the temporary accommodation that is available.

Any decision to prioritise an applicant already in temporary accommodation for a move to alternative temporary accommodation will take into any special social, medical, employment, family or other issues. If temporary accommodation becomes available, requests for changes will be verified. If the accommodation will meet the

needs of an applicant who has requested a change, this move should be considered. The move can only take place if it will not place an undue strain on remaining resources. The move should not take place, if it will result in the need for another temporary accommodation unit being set up.

6. Refusal of Temporary Accommodation

If an applicant refuses an offer of temporary accommodation any of the following duties may come to an end:

1. Section 188 interim accommodation duty.
2. Section 190(2) duty to accommodate for reasonable period.
3. Section 193(2) main housing duty.

The applicant will be notified in writing of the possible consequences of refusal, and advised of their right to request a review of the suitability of the accommodation. Applicants will be encouraged to accept the offer of temporary accommodation, and request a review of the suitability if they consider it to not be appropriate. On this basis if their review request is unsuccessful they are able to continue to occupy the accommodation.

- 6.1 If the accommodation is refused and upon review the Council is satisfied that the accommodation is suitable the Council will notify the applicant in writing that they are no longer subject the section 193(2) duty. No further offer of temporary accommodation will be made available.

7. Review of Policy

The Council will review part A as often as needed or on an annual basis, or when new legislation is enacted, to ensure that its allocation of temporary accommodation meets need and demand effectively.

B. The Procurement of Temporary Accommodation

1. Background

Part B sets out how Rossendale Council will meet its responsibilities to provide temporary accommodation to people who are homeless or threatened with homelessness. Part B will ensure that Rossendale Council procures sufficient units of temporary accommodation to meet the anticipated demand annually. Part B has been produced having had regard to the Council's Prevention of Homelessness Strategy and Review 2018-21.

Part B will be reviewed annually or whenever new statute is enacted, along with Part A which it complements.

2. Legislative Context

Part B has been drafted having had regard to the following legislation and statutory guidance (this list is not meant to be exhaustive):

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. The Homelessness Reduction Act 2017

Part B has been drafted with due consideration to the judgment handed down by the Supreme Court in the case of *Nzolamesso v Westminster City Council* April 2015.

Part B has been drafted with due consideration to the advice published in 2014 by the Local Government Ombudsman contained within the report 'No Place Like Home: Council's use of unsuitable bed and breakfast accommodation for homeless families and young people'.

Part B covers the procurement of temporary accommodation by Rossendale Council to perform duties under the following section of the Housing Act 1996, Part 7:

1. Section 188 – provision of interim accommodation provided to applicants where there is a reason to believe they are homeless, eligible and in priority need pending the conclusion of enquiries
2. Section 190(2) – provision of accommodation provided for a reasonable period to applicants who are intentional homeless but in priority need to allow a reasonable period of time to identify alternative accommodation
3. Section 193(2) – provision of accommodation to applicants owed the main housing duty, until this duty is brought to an end.

Part B also extends to the procurement of temporary accommodation by Rossendale Council to enact any temporary accommodation powers available to the local authority under Housing Act 1996, Part 7.

For the purpose of Part B, the act of procuring temporary accommodation is defined as obtaining dwellings by way of purchase and/or lease for the purpose of fulfilling

statutory accommodation duties and/or enacting discretionary powers towards homeless applicant households. This definition extends to the same acts undertaken by third parties, which may include other public bodies or private companies. This also encompasses accessing accommodation procured by other public bodies (e.g. Lancashire County Council) for the provision of accommodation-based housing related support services.

3. Provision of Temporary Accommodation

The Council will procure temporary accommodation by deploying Council employees to procure temporary accommodation.

The Council will procure the provision of temporary accommodation in the following ways:

1. The Council itself will provide units of accommodation from its own stock, and/or
2. Social landlords will provide units of accommodation from their own stock, and/or
3. Third sector organisations will provide units of accommodation from their own stock, and or
4. A mixture of the above arrangements.

The Council will manage the temporary accommodation by entering into the following arrangements:

1. Rossendale Council itself will manage the temporary accommodation portfolio, and/or
2. A social landlord will manage the temporary accommodation portfolio, and/or
3. A mixture of the above arrangements

4. Location of Temporary Accommodation

- 4.1 The predominantly used temporary accommodation will be sited within the Council's administrative boundaries;
- 4.2. Temporary accommodation will be procured in the areas from which homelessness is known to most commonly occur. The Council will use its P1E/H-Clic data and other sources of intelligence to identify the wards from which homelessness occurs and will endeavour to ensure temporary accommodation is made available within these areas or as near as possible, wherever it is practicable to do so. On occasions this may result in the nearest unit of temporary accommodation being obtained in a neighbouring local authority district.

The Council will ensure that temporary accommodation provided is located so that the main services used by an applicant and their household can be reached by foot or by public transport, doctors, dentists or other health providers, advice agencies (where applicable), schools. The suitability of the Council's provision of temporary accommodation will be reviewed as part of future Prevention of Homelessness Strategy adopted by the local authority, or when any new statute comes into force.

5. Bed & Breakfast Hotel Accommodation

Bed & Breakfast accommodation will not be used except in an emergency. Where this does become necessary the Council will ensure it has a list of approved premises within the local authority area. These Bed & Breakfast premises will be inspected by the Council annually (or more often if required) to ensure that they meet the minimum standards as set out within Part B. The Council will write to each Bed &

Breakfast owner to advise them of the minimum standards and to confirm whom they should contact if they have any queries or require support.

It is recognised that in certain circumstances Bed & Breakfast premises that are not on the approved premises list will have to be used. Where a an applicant and their household remains within this accommodation for longer than a week the Council will endeavour to inspect this premise providing that it does not place an undue strain on resources. However where an applicant who is pregnant and/or dependent children reside, or the applicant is a child aged 16 or 17, the property will be inspected within a week.

Where the premise is situated within another local authority's boundary the Council will liaise with the relevant local housing authority regarding an inspection.

6. Standards of Temporary Accommodation

6.1 Minimum standards

1. Be where possible within the Council's administrative boundaries; and
2. Have adequate and exclusive toilet and personal washing facilities; and
3. Have adequate bedrooms, cooking facilities and access to a living room; and
4. Be useable by the applicant household 24 hours a day.
5. The accommodation should have accessible facilities and services for health and education in the locality, taking account of the distance of travel, access to public transport.
6. The accommodation should be suitable for occupation by an applicant whom is pregnant and/or dependent children reside, or the applicant is a child aged 16 or 17, whenever needed
7. No pets will be allowed, except assistance dogs for the disabled. Applicant household will be supported to re-home any pets prior to occupation of temporary accommodation.
8. Will satisfy any public sector equality duty owed under Equality Act 2010
9. Will satisfy any safeguarding or welfare duty owed under Children Act 2004.

6.2 Physical Standards

All temporary accommodation will: -

1. Meet the physical or sensory disability requirements of any member of the household.
2. Comply with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
3. Provide units that are secure with individual locks so people feel they and their belongings are safe. The occupancy / tenancy agreement will include an agreed minimum amount of notice a landlord must give before accessing a person's property / unity and under what circumstances they would give such notice. This will be at least 24 hours.
4. Have sufficient bedroom space to meet the needs of the household as far as possible.
5. Have adequate communal living space, which includes, for example, space for children to play or do homework.
6. Have individual bathroom / toilet facilities for an applicant and their household (currently some shared temporary accommodation does not meet this standard, but where it cannot be met, bathrooms are shared by no more than two individuals).
7. Have access to on-site laundry facilities whenever possible. B&B will also be required to provide an on-site facility whenever possible.
8. Have a suitable standard of furniture to meet the applicant and their households' needs.

9. Have a minimum standard of cleanliness and decoration.
10. Have sufficient and affordable heating systems at an acceptable efficiency rating.
11. Be accessible 24 hours a day.

6.3 Shared Accommodation

Shared housing for 3 or more unrelated people will have a Housing in Multiple Occupation (HMO) license. This license will be displayed on the premises.
Inspections

The Council will carry out inspections at least annually of all temporary accommodation to ensure that it meets these physical standards.

6.4 Out of area placements

The Council will endeavour to procure all of its temporary accommodation within the Rossendale local authority area; however where this is not possible due to a lack of appropriate accommodation, The Council may at times need to procure accommodation outside of its administrative boundaries. Where this happens The Council will ensure that any accommodation it procures is as close to Rossendale as possible.

7. Review of Policy

The Council will review this procurement policy as often as needed or on an annual basis, or when new legislation is enacted, to ensure that its provision of temporary accommodation continues to meet the current demand and anticipated demand. This aim will be accomplished via the Prevention of Homelessness Strategy 2018-21.

INITIAL EQUALITY IMPACT ASSESSMENT

Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)	Temporary Accommodation Policy	
Lead Officer Name(s) & Job Title(s) :	Mick Coogan – Strategic Housing Manager	
Department/Service Area:	Strategic Housing	
Telephone & E-mail Contact:	michaelcoogan@rossendalebc.gov.uk	
Date Assessment:	Commenced: 14 th February 2019	Completed: 18 th February 2019

We carry out Equality Impact Assessments (EIAs) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.

1. Overview

<p>The main aims/objectives of this policy¹ are:</p> <p>The Temporary Accommodation Policy 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, it was concluded that each local authority should:</p> <ul style="list-style-type: none"> •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. <p>The policy demonstrates how the Council meets it duty to homeless households under s.188 and s.193 of the Housing Act 1996 by providing temporary accommodation</p>
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(Refer to **EIA Guidance** for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

INTERNAL ONLY

¹ Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

MANAGEMENT ACTION REQUIRED (to be completed by the relevant Head of Service following review by Management Team / Programme Board)

- Outcome of EIA agreed/approved by Management Team / Programme Board:
Yes No
- Is a full EIA required Yes No
- Referred back to Assessor for amendment : (date)
- Published/made publicly available on: Rossendale BC Website (date) 28.02.19

Signed: Sam Plum (Head of Service / Director) Date: 27.02.19

Date of Review²: July 2020 – to coincide with the review of the policy.

² This date will be set on an annual basis as default for review unless otherwise specified by you.

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2. Equality Impact

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact **from an equalities perspective** on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified. If you have identified any negative impact and mitigating actions are not sufficient, you will need to complete a Full Equality Impact Assessment.**

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>	Whilst older people could be priority need due to vulnerabilities caused by their age, and therefore the Council would be more likely to have a duty to assist with temporary accommodation, this is not changed by the policy.	<input checked="" type="checkbox"/>
	Younger people and children	<input checked="" type="checkbox"/>	<input type="checkbox"/>	When considering location, where there is a choice, preference may be given to certain households with children and young people for an in borough placement.	<input type="checkbox"/>
Disability	Physical/learning/mental health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	People with disabilities or conditions may be prioritised for temporary accommodation placements closer specialist education or support,	<input type="checkbox"/>
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to this cohort.	<input checked="" type="checkbox"/>
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to this cohort.	<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to people of any ethnicity or nationality compared to population as a whole.	<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to people of any ethnicity or nationality compared to the population as a whole.	<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to people of any ethnicity or nationality compared to the population as a whole.	<input checked="" type="checkbox"/>

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Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts or reasons why it will be of positive benefit or contribution)	No Impact
	White British	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to people of any ethnicity or nationality compared to the population as a whole.	<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to people of any ethnicity or nationality compared to the population as a whole.	<input checked="" type="checkbox"/>
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to people of any ethnicity or nationality compared to the population as a whole.	<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to people of any ethnicity or nationality compared to the population as a whole.	<input checked="" type="checkbox"/>
Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to people of any belief or religion compared to the population as a whole.	<input type="checkbox"/>
Sex	Women	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to this cohort.	<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to this cohort.	<input checked="" type="checkbox"/>
Sexual Orientation	Gay men, gay women / lesbians and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to this cohort.	<input checked="" type="checkbox"/>
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>	No reason to believe any additional positive or negative impact to this cohort.	<input checked="" type="checkbox"/>
Contribution to equality of opportunity		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Positive impact by assisting everyone into suitable accommodation that meets their needs.	<input type="checkbox"/>
Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)		<input type="checkbox"/>	<input type="checkbox"/>	No impact expected.	<input checked="" type="checkbox"/>
Human Rights http://intranet/site/scripts/documents_info.php?categoryID=86&		<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy has a positive impact in relation to the following article of the European	<input type="checkbox"/>

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Equality	Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts <u>or</u> reasons why it will be of positive benefit or contribution)	No Impact
documentID=251			Convention on Human Rights: Article 8 – Privacy – which covers the right to family life which the policy promotes by enabling families to stay together in appropriate accommodation.	

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