

## CABINET

27 January 2015

<b>Title:</b> Temporary Accommodation Placements Policy	
<b>Report of the Cabinet Member for Housing</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> Yes
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<b>Accountable Director:</b> Steven Tucker, Director of Housing	
<b>Summary</b>  It has become increasingly necessary to acquire property out of borough to fulfil the Council's duty to homeless households.  The objective of this report is to present a policy for the placement of homeless households in temporary accommodation. The report sets out the policy and procedure to ensure the Council meets its statutory obligations and in particular the criteria used when considering an out of borough placement.	
<b>Recommendation(s)</b>  The Cabinet is recommended to agree:  (i) The implementation of the Temporary Accommodation Placements Policy set out at Appendix A to the report; and  (ii) To note the Placements Procedure and Equalities Impact Assessment set out at Appendices B and C respectively.	
<b>Reason(s)</b>  To adopt a formal Placements Policy to ensure that when it is necessary to make an out of borough placement the Council is able to fulfil its statutory housing duties to homeless households by securing accommodation that is suitable and reasonable to occupy. This approach will support the vision and priorities for Barking and Dagenham, specifically: <ul style="list-style-type: none"><li>▪ Building civic responsibility and helping residents shape their quality of life.</li><li>▪ Protecting the most vulnerable, keeping adults and children healthy and safe.</li></ul>	

## 1. Introduction and Background

- 1.1 The Council has a statutory duty to assist households presenting as homeless where they are eligible for assistance and in priority need. In the first instance the duty is to endeavour to prevent homelessness where ever possible, this may take the form of mediation with family, intervention with Landlords or Lenders, or pursuing alternative housing options.
- 1.2 One of the most effective options is the Rent Deposit Scheme designed to assist a household into a rented property in any area of their choice. Many applicants seek accommodation out of the borough where rent levels are lower.
- 1.3 However if it is not possible to prevent homelessness the Council has a duty to provide temporary accommodation. Historically the Council was able to meet the demand to accommodate homeless households into temporary accommodation within the private rented sector (PSL) in the borough. However, the situation has changed dramatically since 2010 when following significant changes to both the housing market in East London and housing benefit legislation, available rented accommodation in the Borough has consistently been taken by other London Boroughs at a premium as our rent levels are on average amongst the lowest in London. With reduced supply and increased demand, the Council became dependent upon spot purchasing emergency accommodation (Bed and Breakfast) to fulfil its statutory homeless duty.
- 1.4 The use of Bed and Breakfast accommodation escalated dramatically; in 2010 there were less than 10 single persons in Bed and Breakfast at any given time. By August 2012 there were 226 households 116 of which were families who had been in occupation for more than 6 weeks, placing the Council in breach of statutory homeless duties.
- 1.5 A wide range of initiatives have been put in place to address this unprecedented supply and demand crisis, including the acquisition of accommodation outside of the borough.
- 1.6 The range of accommodation used by the Council to fulfil its obligation now includes:
  - **Hostels (Council owned and managed)**  
The Council owns and manages 3 Hostel facilities offering a range of accommodation comprising of single and family room occupation with shared facilities.
  - **Council owned General Needs stock**  
Council properties that have been identified for regeneration are used as temporary accommodation when they become vacant. They comprise of self contained flats occupied on licence.
  - **Private Sector properties licensed to the Council via a procured tender (PSL)**  
PSL are self contained units of street properties, managed via contracted Managing Agents.

- **Bed and Breakfast**

Bed and Breakfast establishments used by the Council are independently managed. They must however meet certain standards and are regularly inspected to ensure standards are met. This accommodation is not self contained although some rooms have en suite facilities. Occupation by pregnant women or families with children in excess of 6 weeks places the Council in breach of housing regulations.

- **Nightly let accommodation**

Nightly let accommodation constitutes self contained properties provided on a short term nightly basis.

1.5 At the time of writing this report there were 1,400 households in temporary accommodation as follows:

<b>Temporary Accommodation Overview as at 01 December 2014</b>	
Council owned hostel	104
Council stock	249
PSL-Private rented property licensed to the council	798
Bed and Breakfast	80
Nightly lets	115
Miscellaneous HMO/ Mother and baby unit	54
<b>Total</b>	<b>1400</b>

1.6 In so far as is reasonable practical, the Council will seek to accommodate homeless households within Barking and Dagenham and will always consider the suitability of the accommodation taking account of the circumstances of the individual. However during the last 3 years it has become increasingly difficult to secure sufficient suitable accommodation within the borough, particularly when endeavouring to ensure that the council meets its statutory obligations to ensure a family is moved on from bed and breakfast after 6 weeks occupation.

1.7 Consequently in keeping with most London Boroughs, it has become essential to secure out of borough property. However the Council has been able to secure accommodation within a reasonable commuting distance of the borough and not as some London Borough have done, securing accommodation in the north of the country and the south coast.

1.8 Of the 1400 placed above there are 321 out of borough as shown below;

	<b>Nightly Lets</b>	<b>PSL</b>	<b>B/B</b>	<b>Total</b>
<b>Basildon</b>	1	4		5
<b>Epping Forest</b>	2	1		3
<b>Havering</b>	7	55		62
<b>Newham</b>	3	40		43
<b>Redbridge</b>	10	58	20	88
<b>Thurrock</b>	48	67		118
<b>Waltham Forest</b>	2	3		5
<b>TOTALS</b>	<b>73</b>	<b>228</b>	<b>20</b>	<b>321</b>

## **2. The Placements Policy**

- 2.1 The policy attached as appendix A is fully compliant with the Homelessness (Suitability of Accommodation) (England) order 2012. The policy explains the statutory duties and considerations given to all placements made. When the only properties available are out of borough, the policy will be followed in respect of the criteria for location, affordability and health factors when determining who to allocate the property to and the procedure as described in appendix B will be followed at all times.
- 2.2 The Accommodation Team will therefore establish the following factors before allocating an out of borough property:
- The distance to the property from the borough
  - Direction by different modes of transport
  - Travel times by different modes of transport to various destinations such as stations, schools, place of employment.
  - The availability of amenities in the surrounding area of the property, such as shops, medical facilities'

## **3. Consequences of refusal of accommodation**

- 3.1 Should an applicant refuse an offer of accommodation and fail to take up occupation of the property and the offer of accommodation is deemed suitable, the Authority will consider that it has ceased its duty to the applicant having met its statutory obligations.
- 3.2 However pursuant to Section 202 of the Housing Act 1996 Part VII, as amended, the applicant will have the right to request a review of the suitability of the offer, and will be required to submit their reasons for refusing the offer for consideration of the Policy and Reviews Manager.
- 3.3 If a review of the suitability of the offer of accommodation considers that the offer is not suitable, the Authority will be under a duty to make an alternative offer. Applicants are reminded of their right to accept the offer of accommodation and pursue a review of the suitability of the accommodation whilst in occupation.

## **4. Consultation**

- 4.1 Consultation has taken place across the housing advice service, including the Housing Options Service, Choice Homes and with our Review and Policy Manager and Occupational Therapist. We have also consulted with our current managing agents on their ability to provide the necessary properties. We have also trialled the placements with a limited number of customers to ensure that placements are suitable and to deal with any issues that have arisen. Now that the placements criteria has been finalised it is our intentions to consult with the stakeholders and representatives of the affected groups, this includes:
- Children's Services
  - Education Section including the Access and Attendance Officer
  - Adult Services including Mental Health and Complex Needs

- KRI and KCA (Drug and Alcohol Support Services)
- Faith Groups
- Tenant and Resident Association

## **5. Corporate Procurement Comments**

Implications completed by: Euan Beales, Category Manager, Elevate

The paper outlines the policy for Temporary Accommodation and, as such, does not directly relate to procurement matters. Corporate Procurement shall provide advice as required when the provision to purchase is to be progressed.

## **6. Financial Implications**

Implications completed by: Martin Sharp, Principal Accountant, Housing Finance

- 6.1 The current budget for Temporary Accommodation includes a net budget provision of £1.6m. The budget includes provision for various forms of Temporary Accommodation including Private Sector Leased properties, council owned hostels and Bed and Breakfast accommodation as well budget provision for HRA decants and general needs properties currently used for Temporary Accommodation.
- 6.2 The net cost of Bed and Breakfast placements are by far the highest cost form of Temporary Accommodation, particularly as there is currently only one in-borough provider. The implementation of this policy will help to ensure the net cost of Temporary Accommodation can continue to be contained within the existing budgeted level.
- 6.3 The use of bed and breakfast accommodation has reduced significantly in the current financial year but the availability alternative in-borough accommodation is becoming increasingly limited therefore the use of some out of borough accommodation is paramount to maintain the current on-budget position.
- 6.4 The on-going financial monitoring of Temporary Accommodation expenditure and income by accommodation type is vital to ensure any expenditure incurred is in line with the budgeted provision and all income is recovered in a timely manner

## **7. Legal Implications**

Implications completed by: Alison Stuart, Principal Solicitor

- 7.1 The Cabinet must, in reaching its decision, have due regard to the general equality duty imposed by the Equalities Act 2010.
- 7.2 When exercising their functions relating to homelessness and the prevention of homelessness, local authorities are under a statutory duty to ensure that their policies do not discriminate directly or indirectly on protected characteristics. S149 of the Equalities Act consists of a general equality duty and there are specific duties which are imposed by secondary legislation.
- 7.3 Those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

## 8. Other Implications

8.1 **Risk Management** - There is a risk that the Council will be judicially reviewed for opting to place homeless households out of borough in more cost effective B&B. This risk will be mitigated by an equalities impact assessment and consideration given to the suitability order of temporary accommodation when reviewing the circumstances of each individual household are considered in making placements.

8.2 **Corporate Policy and Customer Impact** - Vision and Priorities: Providing residents with suitable accommodation is a key part of the Council's vision and priorities. In so far as possible, the Council will endeavour to house residents within the borough thereby allowing the one borough, one community vision to be realised. However, the shortage of suitable housing means that in order to fulfil its statutory duties the Council has to consider out of borough placements. The priorities identified in the Corporate Delivery Plan place an emphasis on increasing housing development in order to allow the Council to meet its housing obligations. The plan also identifies a number of priority projects around new housing developments as well as implementation of London Inter Borough Accommodation Agreement preventing boroughs from paying rates higher than local LBBB agreed rates thereby limiting the number of external placements within the borough.

Equalities: The Equality Act 2010 sets out the Public Sector Equality Duty (PSED). In discharging this duty the Council must have 'due regard' to a number of equality considerations and the potential impact on groups with protected characteristics under the Act. An Equality Impact Assessment has been carried out for the temporary accommodation placements policy and relevant parties have been consulted during this process. In addition to the impact on groups identified in the EIA, the Council must consider the individual equality impact of each case before making a placement decision. The Placement procedure developed by the Council is compliant with this and makes provision to deal with individual needs arising from each case. It will be important to review the implementation of this policy, ensuring its impact continues to remain compliant with the Equality Act 2010.

8.3 **Safeguarding Children** - Where families have children appropriate attention must be paid to the impact of a move to outside of the Borough on their schooling continuity, friendships and security. Whenever possible schooling should not be disrupted

8.4 **Crime and Disorder Issues** - There are potential positives in this policy for crime and disorder reduction as this could, in specific instances, be a supportive system to safeguard some victims who may need a move outside of the borough for their own safety. However, this could also adversely impact on offenders who may be moved outside of the borough and therefore be more difficult to manage and give access to

interventions. For either process, systems should be in place to manage these moves along with offender and victim management services.

**Public Background Papers Used in the Preparation of the Report: None**

**List of appendices:**

- **Appendix A** - Placement Policy
- **Appendix B** - Placement Procedure
- **Appendix C** - Equality Impact Assessment