

## **Tonbridge and Malling Borough Council**

### **Procedure note for the provision of services to rough sleepers during periods of severe weather in the winter months.**

#### **1. Purpose of this procedure**

It is acknowledged that there are some rough sleepers within the Borough of Tonbridge and Malling. Some of those rough sleepers do not sleep rough every night as they will alternate between sleeping rough and staying with friends whenever possible.

The local housing authority does not have a statutory responsibility to accommodate most rough sleepers, although they do have a statutory responsibility to provide them with advice and assistance. When a rough sleeper approaches the Housing Options Team they will be given advice and assistance in finding accommodation. However it may take some time to secure accommodation and during that time they may have to continue sleeping rough. During periods of severe weather in the winter months (November to March inclusive), the Housing Options Team will offer overnight emergency accommodation for rough sleepers.

Whether accommodation is provided for a rough sleeper, as well as the type and location of the accommodation, is dependent on both the individual circumstances of the rough sleeper meeting the stated criteria and the availability of suitable accommodation. In reaching a judgement on each case the Housing Needs Manager will have regard to the following factors.

#### **2. Trigger for 'severe weather procedure' to be put in place**

For provision of emergency accommodation to be considered by the Housing Options Team, the Meteorological Office ('Met Office') forecast must predict that for the next three consecutive nights or more, temperatures are expected to be at a minimum of zero degrees Celsius or lower.

#### **3. Eligibility for assistance under the severe weather provision**

Anyone sleeping rough will need to contact the Housing Options Team who will determine whether the Council has a statutory duty to accommodate that person. If no housing duty is owed as the rough sleeper is deemed not to be in priority need (as defined in the homelessness legislation), the Housing Options Officer will then establish, as far as possible:

- a) Whether the person is subject to immigration control within the meaning of the Asylum and Immigration Act 1996 and therefore not eligible for assistance (as defined in the homelessness legislation);
- b) Whether the person has anywhere to sleep that night other than outside ("outside" includes cars, sheds, or garages). A person who can stay on

- a friend's floor or sofa is not considered to be street homeless, and will not be considered for this scheme;
- c) Whether the person has a local connection with Tonbridge and Malling (as defined in the homelessness legislation); and
  - d) Whether they are likely to be deemed intentionally homeless (as defined in the homelessness legislation).

If the person is eligible for assistance, has nowhere to sleep that night, has a local connection, and has not become homeless intentionally, they will be offered emergency accommodation during the period of severe weather. Rough sleepers who do not meet these criteria will not generally be offered such accommodation. However the Chief Housing Officer reserves the right to offer emergency accommodation where extenuating circumstances exist.

If the rough sleeper has somewhere to stay for one or two nights during the period of severe weather, but not the other night(s) they should contact the Housing Options Team each day they will be street homeless to check whether the severe weather procedure is in place for that night.

#### **4. Number of nights a rough sleeper will be provided with emergency accommodation**

There is no minimum or maximum number of nights a rough sleeper can be provided with emergency accommodation.

The weather forecast for the Tonbridge and Malling borough will be checked daily at [www.metoffice.gov.uk](http://www.metoffice.gov.uk) and once the minimum temperature predicted has risen above zero degrees Celsius, emergency accommodation will no longer be provided for the rough sleeper, and they will be notified of this before midday on the day they are expected to leave the emergency accommodation. The Chief Housing Officer (or such officer delegated to cover in her absence) will have the discretion to continue providing emergency accommodation if the predicted minimum temperature is to rise above zero degrees Celsius for one or two nights and the following one or more nights the minimum temperature is due to be zero degrees Celsius or below, or if the period of severe weather falls outside the winter months.

#### **5. Finding move-on accommodation whilst being provided with emergency accommodation**

Whilst a rough sleeper is being provided with emergency accommodation during severe weather, they will be offered advice and assistance by the Housing Options Team in finding their own accommodation. This could include referrals to foyers or hostels, registration on the appropriate Council's Housing Register(s), private rented accommodation, and signposting to other agencies and organisations who may be able to assist. However, it should be noted that it may not be possible to find move-on accommodation before the provision of severe weather emergency accommodation ceases.

If suitable accommodation, other than that provided by the Council during severe weather, is secured for the rough sleeper and is ready for them to live in, the Council will no longer provide emergency accommodation under this procedure.

## **6. Type and location of emergency accommodation**

Wherever possible the Housing Options Team will provide emergency accommodation for the rough sleeper as near to Tonbridge and Malling as possible. However, due to the very limited emergency accommodation available it is likely that most rough sleepers will be offered bed and breakfast placements out of the immediate area.

Rough sleepers will be given a written licence agreement for the bed and breakfast placement and will be expected to make a claim for housing benefit (which will not include any service charges, which the rough sleeper will need to pay separately).

## **7. Anti-social or unacceptable behaviour**

Where a rough sleeper loses emergency accommodation arranged under these provisions due to anti-social or unacceptable behaviour, no further emergency accommodation will be provided under the severe weather procedure.

## **8. Monitoring of households placed**

The following information will be recorded and used to monitor the extent of the rough sleeping in the borough:

- Number and composition of rough sleeper households
- Number of nights accommodated (for each household)
- The cost of emergency accommodation per night (for each household)
- The type and location of emergency accommodation used
- Details of any move-on arrangements

If more than ten rough sleepers are accommodated over the winter period a review of the type of emergency accommodation used will be carried out during the summer months.

## **9. Review of Procedure**

The severe weather procedure will be subject to an annual review by the Housing Needs Manager.