

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

28 February 2017

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 HOMELESSNESS REDUCTION BILL

This report details the proposed changes to homelessness legislation and an overview of the implications and risks of these proposed changes to the Council. It also raises awareness of the growing issue of out of London placements in Kent and the impact of this on the local housing market.

1.1 Background

- 1.1.1 The Homelessness Reduction Bill (HRB) is a Private Member's Bill introduced to Parliament on 29 June 2016 by Bob Blackman, backbench MP for Harrow East. The Bill was published following a homelessness inquiry conducted by the cross-party Communities and Local Government (CLG) Select Committee and takes into account the recommendations of the Committee's pre-legislative inquiry. The Bill has also received government support.
- 1.1.2 Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, sets out the duties of English local housing authorities (LHAs) to someone who is homeless or threatened with homelessness. Current legislation means that people who are not considered to be in priority need or who are found to have made themselves intentionally homeless are owed little in the way of legal duties from local authorities. Although powers to relieve homelessness do exist.
- 1.1.3 The HRB sets out a framework for the most significant changes to homelessness legislation in recent years, proposing several new duties, many of which are likely to require a change in working practices, and additional resources. The aim of the Bill is to propose improvements to the legal framework in order to prevent and tackle single homelessness more effectively in England, without undermining the rights people currently have under the existing system.
- 1.1.4 The Bill has passed the relevant stages in the House of Commons and will now move to the House of Lords for its first reading on the 24 February 2017. It is expected to receive Royal Assent by spring 2017 and be enacted in October 2017, although we may see some of the duties coming through earlier than this.

1.2 Main proposals

- 1.2.1 The Bill places a new duty on local authorities to help prevent the homelessness of all families and single people, regardless of priority need, who are eligible for assistance and threatened with homelessness. A new duty is also placed on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless. The proposed changes are detailed below.
- 1.2.2 **Definition of homelessness and threatened with homelessness:** this clause extends the period within which the LHA should treat someone as threatened with homelessness from 28 to 56 days, and sets out the action LHAs should take when someone applies for housing assistance, having been served with a notice to end an assured shorthold tenancy.
- 1.2.3 **A stronger duty on the Local Housing Authority to provide advice and information:** this clause strengthens and extends the general advice duty, requiring the LHA to design a service that meets the needs of certain groups at risk of homelessness; care leavers, people leaving prison, people who have left the armed forces, victims of domestic abuse, people leaving hospital and people suffering from a mental illness or impairment.
- 1.2.4 **Mandatory code of practice:** currently LHAs are required to have regard to the Homelessness Code of Guidance for Local Authorities when carrying out their Part VII functions. The new clause allows the Secretary of State to provide LHAs with “one or more codes” of practice that LHAs **must** have regard to, on how they exercise and monitor their functions under Part VII and staff training.
- 1.2.5 **A new duty to prevent homelessness for all eligible applicants threatened with homelessness irrespective of priority need status:** this clause includes new duties to those who are homeless or threatened with homelessness, to:
- carry out an assessment;
 - agree a personal housing plan;
 - help prevent homelessness; and
 - help to secure accommodation for all eligible applicants, regardless of priority need.
- Once triggered the prevention duty would continue for 56 days unless it is brought to an end via one of the prescribed conditions. Applicants will have a right to request a review of the decision to end this duty
- 1.2.6 **The Relief Duty owed to those who are homeless:** under this clause the LHA must take reasonable steps to help all homeless eligible applicants to relieve

homelessness for 56 days by helping applicants to secure accommodation regardless of priority need.

- 1.2.7 **Deliberate and unreasonable refusal to cooperate:** this clause places a requirement on all applicants to co-operate with the LHA attempts to comply with their prevention and/or relief duties. If the LHA considers that an applicant has “deliberately and unreasonably refused” to cooperate or take any of the steps set out in the personalised plan, they can serve a notice on the applicant to notify them of their decision.
- 1.2.8 **Local connection of a care leaver:** all care leavers under the age of 21 will be considered as having a local connection with an area if they were looked after, accommodated or fostered there for a continuous period of two years irrespective of who the placing authority is.
- 1.2.9 **Review of decisions:** this clause proposes additional rights of review in relation to new duties in the HRB.
- 1.2.10 **Co-operation between authorities and others:** this new duty applies to all public authorities specified in the regulations to refer cases to the LHA if they consider that a person in England, to whom they exercise functions, may be homeless or is at risk of homelessness.
- 1.2.11 **Other changes:** the twelve month tenancy condition for a private rented sector offer in order to discharge the full homeless duty is amended to a six month tenancy.

1.3 Implications of the Bill

- 1.3.1 As an Authority we have a good track in homelessness prevention. Nevertheless there will inevitably be an impact on service delivery arising from the proposed new legislation which will need to be carefully managed. Officers are currently working through the detail of the full implications of the Bill but it may take some time before sufficient clarity is available to enable sound forecasting.
- 1.3.2 Early predictions are that once in force the changes will increase both our in house workloads and the use of temporary accommodation. This is due to the additional steps that will have to be taken in every case. It is anticipated that casework will at least double as a result of more detailed discussions, agreements, case monitoring and reviews that will need to be undertaken with each client.
- 1.3.3 There is likely to be an increase in the usage and cost of temporary accommodation as lengths of stay are likely to be longer, for example, the length of time which intentionally homeless households in priority need will have to be accommodated will double. This at a time when local authorities are already struggling to find temporary accommodation placements due to serious shortages and more local provision being used by out of London

placements as detailed in paragraph 1.4 below.

- 1.3.4 Whilst the government has announced that LHA will receive funding to help meet the costs of implementing the legislation and this will be reviewed two years after implementation including resourcing and how it is working in practice, there is real concern that this funding will not adequately cover the additional costs that LHA will incur.
- 1.3.5 As the levels of homelessness continue to rise the number of cases owed the new duties will increase. This, when we are already faced with an acute shortage of affordable housing options both public and private sector. To put this into context, we currently have 38 households accommodated in temporary accommodation, of which 29 are in nightly paid. The majority of these households are in need of two bedroom homes which are in high demand both in the public and private sector. The current waiting time for a 2 bedroomed social housing home is approximately 24 months and the challenge in the private rented sector is that households are more often than not priced out of the market as landlords are able to command rental values well in excess of local housing allowance rates.
- 1.3.6 We continue to explore opportunities to work with our partners to secure alternative temporary accommodation options to reduce both the time households stay in nightly paid temporary accommodation and the cost. We have recently been successful in securing short term private rented sector accommodation in Tonbridge and Snodland, where the rent on the properties is set at local housing allowance levels reducing the cost of temporary accommodation provision to the Council as well as providing a more settled form of accommodation for customers pending a more permanent solution to meet their housing need.

1.4 Out of London Placements

- 1.4.1 A growing issue for Kent authorities is the increase in the placement of homeless families in Kent by London Boroughs. Out of area placements are increasing: national research by Shelter shows that almost half (49%) of all homeless households placed in temporary accommodation by a London borough in the last 12 months were sent out of area. We do not have access to precise data on the number of families placed in Kent, because London Boroughs do not always notify the relevant Authority when they place families, but it is clear that numbers are rising fast.
- 1.4.2 The transfer of homeless households from London into Kent impacts the local accommodation market (in terms of cost) and the availability of housing for local district and boroughs. With much higher temporary housing budgets, London Boroughs are able to significantly outbid local areas, raising local temporary accommodation prices and causing a ripple effect as local homeless families then also have to be housed further afield.

- 1.4.3 A briefing note setting out the issues has been produced by Kent Housing Group and Kent County Council on behalf of the Kent Leaders **[Annex 1]**. This was presented to Kent MPs at a meeting in January 2017. At the meeting it was agreed that Helen Grant MP would meet with the Housing & Planning Minister, Gavin Barwell, on behalf of Kent MPs, to make representations and raise the highlighted concerns. We will keep this Board updated once the outcome of the meeting is known.

1.5 Legal Implications

- 1.5.1 Once the provisions described in this report are enacted the Council will inherit a range of new statutory responsibilities that it will need to observe and carry out.

1.6 Financial and Value for Money Considerations

- 1.6.1 Government has announced that LHA will receive funding to help meet the costs of implementing the legislation and this will be reviewed two years after implementation including resourcing and how it is working in practice. However, there is real concern that this funding will not adequately cover the additional costs that we are likely to incur and we will monitor the situation closely.

1.7 Risk Assessment

- 1.7.1 Failure to properly assess housing need and homelessness would leave the Council open to legal challenge.

1.8 Equality Impact Assessment

- 1.8.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The HRB directly impact on end users and will be fully analysed once there is clarity around the final duties laid down in statute.

1.9 Policy Considerations

- 1.9.1 Addressing and preventing homelessness touches upon a number of key corporate priorities including Housing, Health and Wellbeing, Community Safety and Children and Young People.

1.10 Recommendations

- 1.10.1 Members are requested to **note** the Homelessness Reduction Bill and **endorse** the actions taken by officers to date and the representations made to Kent MPs on out of London Placements.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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