

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

13 November 2017

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 THE HOMELESSNESS REDUCTION ACT

Summary

Following the report to Members earlier this year on the Homelessness Reduction Bill this paper now sets out in more detail the requirements of the Act and the implications for the Council in meeting these new duties.

1.1 Homelessness Reduction Act (HRA)

- 1.1.1 A report was made to the Advisory Board in February 2017 informing Members of changes contained within the Homeless Reduction Bill. Members requested a more detailed analysis of the implications of these new duties. This work has now been undertaken and is detailed below.
- 1.1.2 The Homelessness Reduction Bill received Royal Assent on 27th April 2017 and is now an Act. The date of enactment, based on public statements, is likely to be the 1st April 2018.
- 1.1.3 The HRA sets out a framework for the most significant changes to homelessness legislation in twenty years, proposing several new duties, many of which are likely to require a change in working practices and additional resources. The aim of the Act is to propose improvements to the legal framework in order to prevent and tackle homelessness more effectively in England, without undermining the rights people currently have under the existing system.
- 1.1.4 The HRA amends Part VII of the Housing Act 1996. There are 13 clauses that amend many of the existing duties and bring in a substantial number of new duties.
- It introduces requirements for local housing authorities to carry out homelessness prevention work with all those who are eligible for help and threatened with homelessness.
 - It changes the point at which a person is classed as being threatened with homelessness from 28 days before a person is likely to be homeless, to 56 days.

- It makes changes to the way local housing authorities assess the point at which a person becomes homeless or threatened with homelessness.
- The HRA requires local housing authorities to carry out an assessment of the applicant's needs, and that the steps agreed between the local housing authority and the applicant are set out in writing – in the form of a personalised housing plan.
- A new duty is placed on local housing authorities to take steps for 56 days to relieve homelessness by helping any eligible homeless applicants to secure accommodation.
- A new duty is introduced which will be owed to certain applicants who deliberately and unreasonably refuse to co-operate with local housing authorities.
- The Act specifies that local agencies should refer those who are either homeless or at risk of being homeless to local housing authority housing teams. Specified public bodies are likely to be the Police, Prisons, GPs, Hospitals, Schools and Colleges, Adult Social Care and Children's Services for Kent County Council.
- Provision is also made for certain categories of people leaving care in order to make it easier for them to show they have a local connection with both the area of the local authority responsible for them, and the area in which they lived while in care, if that was different.

1.2 Implications of the Act

1.2.1 The evidence from Wales, where similar legislation has been in place for almost two years, and the Government's own estimates, suggests there will be a considerable increase in homelessness applications for the Council. Following detailed sensitivity testing it is estimated that homelessness applications are likely to rise by at least 50 per cent. The duties that arise out of the Act will require an increase in assessment and casework to address the following matters:

- 1) There are 2 new duties, the first being to prevent homelessness and the second to relieve homelessness for those applicants who become homeless.
- 2) The HRA will require a new assessment process at the point where a person applies for help and is assessed as being at risk of homelessness within 56 days. These duties require an extensive assessment of need and casework to prevent homelessness regardless of whether an applicant may be accepted as being owed a main homeless duty by the authority. This will need to be carried out by way of developing a Personalised Housing Plan for each applicant, a significantly more detailed and holistic assessment.

- 3) There are extensive new notification requirements and the right to request a review of a local authority decision has been considerably extended.
- 1.2.2 The service needs to be ready to manage a large increase in applications and the casework that will be required for each application under the changes contained in HRA. **[Annex 1]** sets out the evidence base for the projected rise in homelessness applications.
- 1.2.3 Additionally the new duties will require us to source and increase the supply of interim, temporary and more permanent accommodation for all household types including single people and families. In addition, the HRA will strengthen the requirement to ensure that any accommodation offered to perform any of the prevention, relief, or temporary accommodation duties is suitable and this will impact on the resources needed to assess the legal test of suitability at the stage accommodation is offered.
- 1.2.4 The HRA will also require us to source new private rented accommodation in significant numbers to maximize the number of successful outcomes arising from any prevention duty that has been accepted. This will require new ways of working and partnerships with landlords and housing providers. Importantly our performance in this area will be a key indicator and is likely to influence future homelessness funding from Government.

1.3 Funding Prevention of Homelessness

- 1.3.1 In recognition of the new duties the government has committed to two additional sources of funding to assist local authorities in meeting these new duties. At the moment it is uncertain whether this will be sufficient to cover the additional duties. They are:
- Flexible Homelessness Support Grant; and
 - New burdens funding.
- 1.3.2 The detail of these funding streams and the resource implications associated with the new duties will be the subject of a detailed report to the General Purposes Committee on 20th November.

1.4 Legal Implications

- 1.4.1 The HRA sets out a framework for the most significant changes to homelessness legislation in 20 years. The new Act will bring significant changes to the current duties and introduces many new avenues for applicants to seek a review of the Council's decisions. It is essential that the new legislative requirements are fully understood and implemented.

1.5 Financial and Value for Money Considerations

- 1.5.1 The HRA places additional duties and responsibilities on Councils and there will be associated costs, which currently are not easy to quantify. We are seeking to mitigate this by utilising the available funding in the most cost effective and streamlined way.
- 1.5.2 Government funding is only for a set period of time, three years from 2017, with no guarantees beyond this period. There is, therefore, potential for budgetary pressures to occur. Furthermore, the resource implications are based on best estimates, but additional staffing resources may be required, following a full impact assessment, 12 months after implementation.

1.6 Risk Assessment

- 1.6.1 Failure to take action early to prepare for these extensive new duties could put the authority at reputational, legal and financial risk. There will be a risk of legal challenge if the authority is unable to meet the new legal duties arising from the HRA. There will also be a financial risk to the Council if there are insufficient resources to manage the increase in demand for the service.
- 1.6.2 In preparing for the HRA we are already embarking on the procurement with neighbouring Councils of a HRA IT system, reviewing our procedures and ensuring that the Housing Options Team are fully trained in the new legislation and its implications for their roles.

1.7 Policy Considerations

- 1.7.1 West Kent Housing and Homelessness Strategy 2016 – 2021.

Background papers:

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Nil

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