

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

10 November 2020

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 TEMPORARY ACCOMMODATION POLICY

Summary:

This report presents a Temporary Accommodation Policy to Members for adoption. The policy sets out the Council's approach to Temporary Accommodation in meeting Statutory Housing Duties, including demand, supply, prioritisation and suitability. There are no expected budget implications beyond those already identified in the Council's budget.

1.1 Background

1.1.1 Current Temporary Accommodation provision includes nightly paid units with private providers, homes with Clarion Housing and Council owned accommodation.

1.1.2 As reported to Members in a Temporary Accommodation paper in November 2019 the number of households in TA has increased over recent years, as shown by the data in Appendix B of the Policy [**Annex 1**].

1.1.3 The increase in the number of households in TA is due to a number of factors including changes in legislative requirements following the introduction of the Homelessness Reduction Act. TA households are in two main categories: relief and main duty. The Council also routinely places rough sleepers during severe weather conditions under our Severe Weather Emergency Protocol (SWEP) and had funding from MHCLG's Cold Weather Fund in 2019/20 to support this work along with recent Next Steps Accommodation Programme funding as part of the COVID-19 pandemic response.

1.1.4 With the use of Temporary Accommodation across types of provision both continuing and increasing it is important to establish the Council's approach to all aspects of the process, from sourcing properties to prioritising and placing households. A Temporary Accommodation Policy will help ensure a clear and consistent approach.

1.2 Temporary Accommodation Policy

- 1.2.1 The Temporary Accommodation Policy in **Annex 1** sets out the principles for making placements/offers of TA, including suitability, along with the options TMBC is pursuing to meet the anticipated need for TA supply.
- 1.2.2 The Policy applies to TA provision for interim placements made under section 188 of the Housing Act 1996 (as amended), and longer term placements for households accepted as homeless under section 193 of the same Act.
- 1.2.3 The Policy outlines TMBC's approach to TA provision, including:
- Placements and prioritising households
 - Accommodation costs and charging households
 - TA procurement to secure provision.
- 1.2.4 The requirements of households in TA properties are governed by the licence agreement they sign with the Council when taking temporary accommodation.

1.3 Legal Implications

- 1.3.1 Case law has highlighted the need for Local Authorities to have clear policies relating to the provision of Temporary Accommodation. The Supreme Court judgement for the case of *Nzolameso v Westminster City Council* on 2 April 2015 recommended Local Authorities produce and keep up to date policies approved by elected members of the Council detailing:
- a) how the Council will secure sufficient units of temporary accommodation to meet the anticipated demand during the coming twelve months
- and
- b) how the Council will allocate units of temporary accommodation as are available to individual homeless households, which would be used to explain the individual factors that have been taken into account when offering such accommodation to households.

1.4 Financial and Value for Money Considerations

- 1.4.1 The budget framework for temporary accommodation is set annually as part of the Council's budget setting process. This is reviewed in light of previous year's spend, need profile and forthcoming projects to manage temporary accommodation. This policy will ensure that those financial considerations have a framework against which to be assessed.
- 1.4.2 The Housing Options and Support Team have recently secured £125,086 funding through the Next Steps Accommodation Programme to help meet the

accommodation needs of rough sleepers as part of the response to the COVID-19 pandemic. This funding is for the following services:

- Extended emergency accommodation costs for 27 people for 30 weeks - £58,006. This will cover the difference in cost between the supplier charge and benefits subsidy the Council is able to claim, therefore reducing the net cost of temporary accommodation
- Winter accommodation for 10 people (Sept-Mar) - £22,080. This is for any additional rough sleepers we accommodate, with the funding covering the difference between supplier cost and benefit subsidy
- PRS Access - £45,000 (to facilitate move on from temporary accommodation to the Private Rented Sector (PRS) where this has been identified as an option for the individual/household).

This funding will help reduce the net cost of temporary accommodation provision.

1.5 Risk Assessment

- 1.5.1 Not having an up to date policy could lead to challenges being made to the Council's approach to temporary accommodation where the Council cannot provide evidence of the framework for decisions made.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Policy Considerations

- 1.7.1 Customer Contact: having a Policy sets out the Council's approach to Temporary Accommodation provision for customers.
- 1.7.2 Asset Management: the Policy gives a framework for the use of Temporary Accommodation, including Council owned provision. This will help make best use of the Council resources.
- 1.7.3 Officers are reviewing policies and procedures within the Housing Service, forming a policy review programme for the next year. The Temporary Accommodation Policy is one of these policies to outline the approach to provision, bringing clarity and consistency.

1.8 Recommendations

- 1.8.1 That the Temporary Accommodation Policy is **AGREED** for adoption.

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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