

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**COMMUNITIES and HOUSING ADVISORY BOARD**

**15 February 2022**

**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**

**1.1 Background**

1.1.1 As Members will be aware from previous reports, the Council has been operating with a high number of households in Temporary Accommodation over the past 18-24 months. The table below shows the number of households in TA at the end of the last 6 months;

Month	July 21	August 21	September 21	October 21	November 21	December 21	21 <sup>st</sup> Jan 22
Number in	147	149	148	159	151	140	144

1.1.2 This report details the outcomes of a piece of consultancy work relating to all aspects of providing temporary accommodation. The consultancy report is attached at **Annex 1** to this report.

**1.2 Andy Gale Housing consultancy report**

1.2.1 Andy Gale Housing was commissioned in October 2021 to undertake a review of the Council's approach to Temporary Accommodation. Their analysis included a series of meetings with operational staff and senior officers including the Chief Executive and the Director of Finance and Transformation. During the commission, meetings were held with the Director of Planning, Housing & Environmental Health and the Head of Housing & Health at regular intervals to review progress and discuss interim measures to be implemented.

1.2.2 The brief for this work contained the following specification information;

TMBC has identified the following areas for review and recommendation on further actions to address the current TA budget position. This list is not exhaustive and we would expect the consultant to review this brief and recommend any additional areas for potential inclusion.

- Review the approach taken to prevention of homelessness initiatives and discharge of legal duties with the aim of streamlining workflow and making processes more efficient where possible
- Assessment process when households are in under relief duty (56 days) – are there any amendments that could be made to process or structures to improve timeliness?
- Discharging duties into the private sector – how can we make this a more effective tool to reduce households going into TA?
- Cost management – are we charging households as much as we are able and in the most efficient way?
- Removal of households from TA – are all correct processes in place for ASB issues and arrears management to ensure these are appropriate tools to discharge/end duties?
- Current projects review – TA procurement exercise, process with Clarion for identifying TA units.
- Acquisition of TA – would purchase of more units for TA assist TMBC in controlling costs, given the required capital outlay? What lessons can be learnt from the current project at Pembury Road?
- Identification of additional projects – what other work could TMBC undertake? Linked to discharging duties into the PRS, is there any scope for a social lettings agency approach?

1.2.3 The sections of the report below cover each section of the consultancy report and discuss each of the recommendations, laying out how they are already being or proposed to be implemented and making recommendations to Members for approval where these are required. The recommendations are then summarised at the end of the report.

### **1.3 Overview of the Service**

1.3.1 The first section of the consultancy report outlines an overview of the Housing Solutions team and highlights that the contributory issues to the current temporary accommodation situation have been building for a few years. The report also comments on data trends and where these are of concern, as well as providing some guidance on the need for more enhanced analysis and use of data to help manage the service. In addition to other training identified in the report, a specific workshop is being run with staff on data analysis and use to ensure that this becomes a valuable tool.

1.3.2 The first recommendation in the report to is agree an overall TA reduction target. This is proposed to be 80 households in TA by October 2022. Discussions with

the consultant have also identified a need to ensure this is a flexible target, as there will be fluctuations, however this has been proposed as a position from which to assess budget provision for TA in future years (please see financial implications below).

- 1.3.3 A TA performance framework, as recommended, is being put in place to monitor the types of decisions. This will be monitored through operational and strategic monitoring meetings, which are already underway. These meetings will be focused on assessing data and reviewing the action plan and will be attended by officers from Housing and Finance.
- 1.3.4 There is a recommendation in this first section of the report regarding base budgeting, which is covered in the Financial Implications section of this report below.

#### **1.4 Triage, casework and outcome management**

- 1.4.1 The second section of the report discussed the fundamental importance of triaging cases. It identifies the developing role of Call Centre in this process and notes that having that filter is very helpful. This arrangement was put in place with the Council's Call Centre in July 2020 and the services continue to work closely together to develop scripts and approaches. The report also identifies a key issue of 'failure demand' with a key route into the service, which is driving homelessness applications where there are potentially other housing issues that could be tackled before homelessness becomes a concern. It also lays out a new approach to triaging cases. From a staffing perspective, the report details that caseloads for TMBC Housing Solutions Officers now average 60-80, which is considered to be too high to 'pull back' to a suitable average of around 30-40 without specific interventions.
- 1.4.2 The report proposes a package of additional fixed term staffing provision, to be funded from the Homelessness Prevention Grant (HPG) received from central Government at least annually. The proposed resource is detailed in the table below, along with comments on where resource has already been implemented;

1x Triage Officer	As an interim measure, a full time Housing Solutions Officer has been assigned to this role to ensure the revised approach to triage can be implemented as soon as possible. This has an impact on resources available for day to day casework in the interim however it is hoped that triage will reduce the number of cases coming into the service overall.
1x Homelessness Prevention Officer	In May 2021, the Housing service proposed use of existing funding from the additional Homelessness Prevention Grant in 2021/22 to implement a 2-year fixed term contract for an HPO. This post has been filled since October 2021. The proposal from the consultants is to double this resource to 2 HPOs. It is

	<p>proposed to extend the current fixed term arrangement by a few months to match end dates with the new resource.</p> <p>In addition to this, utilising some additional HPG that was allocated to authorities in November 2021, there is a short-term agency team member already providing a second HPO resource there was an opportunity to consider the longer term proposals. That additional agency resource has been in place since 17 December 2021.</p>
1x additional Housing Solutions Officer	<p>There is currently an establishment of 3.8 FTE Housing Solutions Officers. The proposal is to increase this to 4.8 FTE for the next two years.</p> <p>As above, some of the additionally allocated HPG for 21/22 will be utilised to bring in a short-term agency resource as part of this provision, to work specifically on clearing overdue decisions on homelessness cases where the household is in TA. There has been an unavoidable delay in recruiting to this resource however it is expected to commence on 14 February 2022.</p>
1x Private Rented Sector Officer	<p>The Accommodation team is currently planning a revised inspection regime for TA properties to implement to free up capacity to commence engagement with the PRS through landlords and agents. The approach will be to augment this capacity with an additional officer for 2 years in order to ensure effective and efficient working relationships can be established with the PRS.</p>
Welfare Officer role	<p>The proposed role would undertake visits to TA households to ensure that they were occupying (as not doing so could be a reason to end a housing duty and may also indicate some other concerns that hadn't yet been identified). They would support with encouraging move on options e.g. seeking private rented opportunities and completing housing register applications. This would also be an opportunity to ensure that households were claiming the correct benefits to help manage their housing costs and as such this is being envisaged as role based in Housing but with strong links to the Revenues &amp; Benefits team, to provide some additional capacity in ensuring TA households benefits position is as it should be.</p>

1.4.3 The use of the existing form to record enquiries has been identified as a driver of homelessness applications. The Housing Solutions team are working closely with the consultants and TMBC's IT team on a suitable replacement to ensure that digital efficiency is maintained whilst at the same time ensuring the best possible management of homelessness caseloads.

- 1.4.4 As outlined in the staffing table above, the recommendations regarding the implementation of a revised triage approach are already being implemented in the Housing service.
- 1.4.5 The Prevention Case Framework is currently being implemented by the 2 Homelessness Prevention Officers. A monitoring approach is also being developed so that the number of cases where homelessness is prevented can be effectively captured and monitored, along with an understanding of which tools within that framework are proving most effective.

## **1.5 Management of TA**

- 1.5.1 In this section of the report, the consultants have commented that prior to the introduction of the Homelessness Reduction Act, it seems likely that numbers in TA in TMBC were artificially low. It also talks further about the need for more investment in case officers for prevention at that time. The report also identified that the current approach to granting TA at TMBC is 'relatively generous' and that further staff training and tools are required to shift this culture.
- 1.5.2 As an additional short term process check, the TA Placement Authorisation will be made by either the Director of Planning, Housing & Environmental Health or the Head of Housing & Health, with further 'spot checks' on this process being carried out by the Chief Executive. This is to provide additional rigor on agreement of new TA placements and to offer the Housing Solutions Officers a 'critical friend' in the process, which is often complex and challenging when a household presents as homeless on the day. This will be complemented by a revised approach to assessing priority need on the day of presentation, to minimise the use of TA.
- 1.5.3 This section of the report also covers the proposed approach to reducing officer caseloads. This work is already underway within the service, where the existing cases have all been assessed and reassigned where needed to a Homelessness Prevention Officer or to the additional Housing Solutions Officer who will focus specifically on decisions for TA households. This will allow Officers to focus on Triage and day to day management of their remaining and incoming cases.
- 1.5.4 A TA control and monitoring approach is now in place. All households in TA have been reviewed and assessed for potential move on options including;
- Direct offers to households in TA with a Registered Provider (where the property they are in is suitable as a permanent housing offer or where a property can be identified for them in forthcoming void stock).
  - Assignment of case to additional Housing Solutions officer for decision on duty owed (on the basis that quicker decisions will reduce numbers in TA by virtue of the fact that a percentage of these outstanding cases will not be owed a Main housing duty and therefore will not be entitled to TA once that decision is reached)

- A move into a suitable PRS property once one is found (these household's needs have formed a brief to the Housing Improvement Team, who are now commencing work with the PRS to identify and secure properties).

- 1.5.5 This monitoring tool is the basis for every monitoring meeting; specific cases are discussed and numbers are updated as households move on from TA. With regards to forthcoming social housing vacancies, officers have had detailed and productive discussion with Clarion (as by far the largest Registered Provider in TMBC) and will shortly have a process in place to jointly assess all forthcoming voids for suitability for use as TA, a direct let opportunity or advertising as a general needs property. Maintaining a balance in this process between reducing the requirement for TA, utilising units as TA to reduce costs and ensuring that there are properties available for those on the housing register not in TA to access is a challenge and requires significant officer input and monitoring to implement.
- 1.5.6 Recently implemented digital improvements, including the development of MS Teams, are being utilised to ensure that an accessible and easily updated operational procedure manual is in place. This is being developed and collated as the various recommendations are reviewed and implemented and will be kept under review.

## **1.6 TA Procurement Strategy**

- 1.6.1 A TA procurement strategy has been in development internally and a draft was provided to the consultants to assess as part of their review. The draft strategy and supporting SWOT analysis will be reported to Members at the next meeting of the Finance, Innovation and Property Board in May 2022 and will consider not just the amount of TA required but also the type, location and management, with an emphasis on the unit types that will have the lowest ongoing revenue cost. This will take into account the observations and recommendations made in the procurement section of the consultancy report. It will also reflect the Council's MTFS position.
- 1.6.2 As reported to Members at Cabinet on 25 January, the 12-unit conversion approach has proven to be time and resource challenging, with further rises in construction costs resulting in further project delays and concerns regarding the value for money of proceeding with that option. A revised approach, which incorporates the opportunity to delivery HMO style accommodation as recommended in the TA consultancy report, is being reviewed for presentation to Members as soon as possible. This project option development will also be utilised to inform the TA Procurement Strategy.

## **1.7 Accessing the Private Rented Sector**

- 1.7.1 The report identifies the Private Rented Sector (PRS) as potentially challenging to access but as a major route to reducing TA households. It also notes the importance of communicating the increased use of the PRS to partner and third

sector organisations who might be referring households to TMBC for an assessment of their housing needs.

- 1.7.2 Establishing and maintaining working relationships with the PRS requires some specialist capacity. The proposal is to create this through the staffing proposals outlined above as well as creating capacity in the Accommodation team by ceasing routine inspections of TA and developing an updated inspection framework. Work on both PRS relationship building and a revised approach to inspections is already underway within the team.
- 1.7.3 As Members will be aware, CHAB approved a pilot Landlord Incentive Scheme offer in November 2020. In May 2021 this pilot was extended for a further six months. The scheme has been assessed as part of the review and is deemed to be broadly acceptable and comparable with other local authority incentive offers. However, the report highlights the need to have the ability to have some flexibility in securing properties. The draft Landlord Incentive Scheme offer is attached at **Annex 2** to this report for Member approval. It should be noted that we need to fully embed a wider Landlord Offer if we are to be successful in accessing accommodation in a very competitive sector. This wider offer includes help with rent deposits, supporting with insurances and providing support across housing and benefits with the tenancy etc. The current wider landlord offer will be reviewed longer term however in the meantime there is a recommendation to delegate authority to the Director of Planning, Housing & Environmental Health for minor adjustments to the landlord offer (in its widest sense) in particular circumstances, within the agreed budget and policy framework.
- 1.7.4 There is also a need to be clear with households about how a housing duty to them may be discharged into the private sector. As such, the Council's existing PRS Discharge Policy requires a set of procedures to be developed that incorporate the recommendations in the TA consultancy report. The policy lays out the specific circumstances in which a housing duty can be discharged with an offer of a privately rented property and how the Council will go about assessing suitability for this type of offer. It also details how affordability will be taken into account and explains the way in which offers in the private rented sector outside of the borough can be made. This is an operational policy that may require review throughout the implementation of the TA consultancy report to ensure it remains fit for purpose. Therefore it is proposed that agreement of this policy is delegated to the Director of Planning, Housing & Environmental Health, in consultation with the Cabinet Member for Housing, following legal advice from the Director of Central Services.

## **1.8 Housing Allocations Scheme**

- 1.8.1 Members will also be aware that a project is underway in the Housing Solutions Team to review the Housing Allocations Scheme. As part of the consultancy review, a number of recommendations relating to how the Housing Allocations Scheme can assist in managing numbers of households in TA have been made.

- 1.8.2 The first of these is to immediately implement top slicing 50% of properties becoming available via nominations agreements with Registered Providers. This can be implemented under the existing Housing Allocations Scheme under sections 8.4 and 8.5 of the policy and does not require any further Member approval. However, given that it will reduce the number of households moving who are not in TA but on the housing register for a period of time, officers are requesting that Members endorse this approach. Officers had discussions with all relevant Registered Providers in early 2021 regarding their support for accessing units to be utilised as TA and these discussions have been followed up as a result of the consultancy report to seek to accommodate the additional actions within the arrangements agreed. Clearly given that Clarion holds the vast majority of social housing stock in the borough, a bespoke and detailed set of arrangements are being put in place with that organisation and regular strategic discussions are taking place to monitor progress.
- 1.8.3 As outlined earlier in this report, officers will also be making use of the provision in the Housing Allocations Scheme to make direct offers to some households in TA. Both this and the 50% top slice approach are considered to be short term measures whilst other elements of the action plan to effect changes to the TA process and long-term management of TA numbers are progressed and have an impact.
- 1.8.4 The wider revisions to the Housing Allocations Scheme will include the recommendations from consultancy report and will also incorporate any changes considered necessary based on the Housing Needs Survey data and wider initial consultation. A final draft version for consultation will be presented to Members at the May meeting of CHAB. Officers have given consideration to whether this review could be brought forward to Members at this meeting. However, as the Housing Needs Survey data is not yet available and engagement with Registered Providers and other partner organisations is not yet complete, particularly on the additional recommendations emerging as part of the consultancy review, it is considered prudent to make one set of formal changes to the Scheme and to utilise existing provisions to implement the short-term recommendations. As part of the review, officers will consider and recommend options for a revised banding approach to reflect amended priorities. It is important that Members note that some of the changes proposed are likely to affect a number of households with one bedroom overcrowding, but these will be subject to an impact assessment and considered as part of the report to this Board in May.
- 1.8.5 Over the past 2 years, TMBC has seen an increase in the number of applications and the complexity of those applications being made to join the Housing register. In 2019/20 we received 1,485 applications with 1,581 received in 2020/21 and we are on target to receive a similar amount in the current year. Due to the need to verify applications and given the amount of resource available, at its peak waiting times for application assessment were at 41 weeks in May 2021. Additional temporary resource has been put in place and this has had a marked impact on the assessment waiting times, which now stand at 22 weeks with 495 households

waiting to be assessed. 195 applications were received in January 2022 (exceeding previous highest monthly figure of 170). All applications are reviewed on initial submission for any immediate safeguarding or housing concerns and would be passed to the Housing Solutions team should there be a risk of homelessness. In addition to this, given average waiting times for a social housing offer to be made, it is considered unlikely that these waiting times have negatively impacted households as their priority date will be backdated to the date of their application, however officers do appreciate that not having a confirmed application and being able to bid is very unsettling for households.

- 1.8.6 Given the likely resource implications of implementing a significantly revised Housing Allocations Scheme in the coming financial year, the staffing arrangements agreed by Management Team retain some of the additional resource for the 2022/23 financial year to ensure that the significant progress made hasn't been in vain and that the potential changes (subject to Member approval) to the Housing Allocation Scheme as a result of the existing internal review project and the consultancy report can be implemented successfully.

## 1.9 Communication activity

- 1.9.1 Communicating the changes to the approach to managing TA will be hugely important in managing expectations of residents and stakeholders. There are a number of key activities proposed;

- MP briefing; a briefing will be provided to the local MPs to enable them to share information with constituents who raise housing matters with them.
- Information page on website; pages relating to TA and Housing Options will be updated to ensure that key messages about potential housing options are clear.
- Partner organisations briefing; similarly to the local MPs, partner organisations and those who refer to TMBC will be provided with a briefing note on changes to approach. This will also be raised via the Welfare Reform Group, chaired by the Director of Finance & Transformation, which is also attended by the Housing Solutions Manager.
- Landlord offer materials; in addition to the Landlord offer attached to this report, offer materials will be produced to promote the offer and opportunity to work with TMBC. It will be important that our website information is easily accessible and meaningful for landlords to use.

## 1.10 Legal Implications

- 1.10.1 Employment rights for fixed term workers is a complex and emerging issue. After 2 years fixed term workers acquire a number of rights including the right to take a claim of unfair dismissal to an Industrial tribunal. However, running alongside this right the Council will need to be mindful of legislation relating to fixed term

employees, as the rights flowing from the legislation are not long-established, significant developments may arise from case law in the next few years that could impact upon the rights of these workers to be considered in any potential future permanent structure proposals.

## **1.11 Financial and Value for Money Considerations**

- 1.11.1 The Temporary Accommodation revised budget for 2021/22 was set at £2,350,000. The net cost to the Council, after recovery of housing benefit subsidy and resident payments, is estimated at £1,275,000. The budget estimate for 2022/23, for approval by Council as part of the budget setting process, is £2,000,000 gross, with a £1,091,000 net cost to the Council.
- 1.11.2 This gross/net position highlights the importance of continuing the cross-service work underway in Housing and Revenues & Benefits to ensure that TA debt recovery is closely managed and that all relevant subsidies are claimed. It also highlights the need to address not just numbers of households in TA, but also the type and cost of the TA provision, which will be a key element of the TA Procurement Strategy.
- 1.11.3 Given that the TA reduction activity should have made a significant impact on spend against by the point of the revised estimates process in August/September, it is proposed that the current budget provision is kept in place and that officers revise this at that stage. In the meantime, within the overall agreed TA accommodation budget for 2022/23, there will be informal allowances made to facilitate a number of recommendation areas from the consultancy report. These allocations will be monitored via the arrangements laid out earlier in this report.
- 1.11.4 The first of these will be the establishment of a Homelessness Prevention budget. This will be utilised where all external or grant allocated funding for prevention activity, for example allocations of Contain Outbreak Management Funding (for housing cases relating to COVID) or Discretionary Housing Payment (for households with a benefit claim), have been explored but are not applicable to the case in order to resolve any financial issues with the prevention of a household's homelessness.
- 1.11.5 In addition to this, there will be a budget allocation for accessing the PRS. This will fund the landlord offer discussed in this report and will be based on the rate of property identification outlined in the TA consultancy report.
- 1.11.6 There will also be a budget allocation for additional staffing resource; this will be funded primarily from the Homelessness Prevention Grant received by TMBC from central Government. This allocation is widely expected (within the Housing industry, a position supported by the TA consultancy report) to be no less than the main allocation for the 2021/22 financial year and therefore will be no less than £382,715.

1.11.7 In December 2021, the Council received an additional allocation of Homelessness Prevention Grant of £80,247. Some of this has been agreed by Management Team as funding for temporary resources already in place (and discussed in this report) and to support homelessness prevention work. Any remaining HPG funding from this allocation will be carried forward into the 2022/23 financial year to supplement the new allocation.

## **1.12 Risk Assessment**

- 1.12.1 The paragraphs below lay out the key risks identified in delivery of the recommendations in the TA consultancy report and identify the main mitigations.
- 1.12.2 TA target – meeting the target of reduction to c.80 households in TA by October is dependent on other areas of work developing as envisaged and appropriate resource being in place to carry out those work areas. Officers will utilise consultancy support in the short term should any areas of recommended activity prove particularly challenging to implement and by ensuring sufficient budget provision is in place to deliver against the action plan. It is essential that the monitoring regime already put in place is maintained and used for early identification of issues arising so that these can be addressed in a timely manner.
- 1.12.3 Use of PRS in other boroughs – when accessing housing stock in other boroughs, which is likely to be a requirement in order to discharge duties into suitable and affordable properties in the private sector, there is a need to ensure that relationships with neighbouring boroughs are maintained. A key opportunity to ensure these relationships are well managed is the Kent Housing Group, which is a shared forum across all of the Kent districts and a number of Registered Providers.
- 1.12.4 Recruitment – ensuring the necessary resource is in place will be a key factor in delivery of the action plan and associated process changes in an efficient and sustainable way. Given recruitment timescales, the Council's Management Team has agreed recruitment to the posts proposed under their delegated authority, as these are fixed term appointments and no permanent changes to the establishment are proposed.
- 1.12.5 Staff retention and training - it is of vital importance that our current staff are seen as integral to the success of this hugely challenging piece of work and that their skills are put to good use with appropriate guidance and tools in place. It is crucial that we take staff confidently on this journey in a supportive manner ensuring regular positive communication and appropriate support and training. Failure to do this could delay progress or even lead to a worsening of the situation. The training recommended by the consultancy report has already been implemented or arranged, with refresher/follow up sessions planned to coincide with the start of the additional staffing resource.

### 1.13 Equality Impact Assessment

- 1.13.1 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.

### 1.14 Policy Considerations

1.14.1 Asset Management

1.14.2 Customer Contact

1.14.3 Human Resources

### 1.15 Recommendations

Members are requested to;

- 1.15.1 **NOTE** the contents of the Temporary Accommodation Consultancy report and the work to date to commence implementation of the recommendations.
- 1.15.2 **ENDORSE** the target for reduction of households in Temporary Accommodation to 80 by October 2022, noting that this level will fluctuate and **AGREE** that a range of between 70 and 100 households is considered to be acceptable for the purposes of performance management.
- 1.15.3 **ENDORSE** the additional temporary staffing resource being recruited to support delivery of the recommendations in the Temporary Accommodation consultancy report.
- 1.15.4 **NOTE** that a Temporary Accommodation Procurement Strategy will be presented to Members at the Finance, Innovation & Property Board in May 2022.
- 1.15.5 **APPROVE** the Landlord Incentive Scheme and **AGREE** that authority will be delegated to the Director of Planning, Housing & Environmental Health to approve any minor changes to the scheme required to deliver a complete Landlord offer.
- 1.15.6 **NOTE** the potential requirement to update the Council's PRS Discharge Policy to ensure it remains fit for purpose and **DELEGATE** authority to make the necessary changes to the Director of Planning, Housing & Environmental Health, in consultation with the Cabinet Member for Housing, after taking advice from the Director of Central Services.
- 1.15.7 **NOTE** the actions being taken under the existing Housing Allocations Scheme and also **NOTE** that the proposed revised Housing Allocations Scheme will be presented to Members at the Communities and Housing Advisory Board in May 2022 for approval to formally consult.

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:

contact: Eleanor Hoyle

Nil

Eleanor Hoyle

Director of Planning, Housing and Environmental Health