



# **Temporary Accommodation Policy**

**November 2020**

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## 1. Introduction and Background

This Policy sets out how Newcastle-under-Lyme Borough Council will meet its responsibilities to people who are homeless or threatened with homelessness in Newcastle-under-Lyme.

The Council's housing advice service and statutory homelessness duties are delivered under contract by Midland Heart and are branded as the Newcastle Housing Advice (NHA) service.

## 2. Legal Framework

The Council has a statutory duty to assist households presenting as homeless where they are eligible for assistance and in priority need. This Policy relates to the placement of homeless households into temporary accommodation under Section 188 of the Housing Act 1996 Part VII, as amended and longer term temporary accommodation placements under Section 193 where a main housing duty for households has been accepted. Temporary accommodation is for an interim period and households once assessed will be moved on to permanent accommodation in the social or private rented sector.

Additionally case law, specifically *Nzolameso v Westminster (2015) UKSC 22*, set out that Local Authorities must produce a policy which sets out how it will provide accommodation for households who are homeless in its district.

## 3. Context

When households have been accepted as homeless or are owed a homelessness duty, or in some cases when their homeless application is being investigated, the household is expected to be housed temporarily.

Temporary accommodation is an umbrella term for a wide variety of accommodation which can be accessed by homeless households and may include use of bed and breakfast accommodation (B&B), a Private Sector Leasing Scheme (PSL), shared temporary accommodation, supported accommodation etc. (this list is not exhaustive).

In all of these types of accommodation, it is only meant to be temporary, which is for a limited amount of time, until the household either locates their own housing in the private sector, or is offered a suitable offer in permanent accommodation if homeless duty has been accepted by the local authority.

In accordance with the law and homelessness legislation, including the '*Homelessness Code of Guidance for Local Authorities (2018)*' so far as reasonably practical, Newcastle-under-Lyme Borough Council will seek to accommodate homeless households within the Borough of Newcastle-under-Lyme and will always consider the suitability of accommodation taking into account the circumstances of the individual.

However, due to a range of factors including the economic down turn, changes to the private sector rented market and the impact of welfare reform, it has become increasingly difficult to acquire suitable accommodation within the Borough. Therefore, where temporary accommodation cannot be secured within the locality, out of Borough accommodation will be sourced, to enable placements to be made to fulfil the Council's housing obligations.

The Council keeps its use of temporary accommodation continually under review, and where a household is placed outside of the Borough, the Council will seek to return them to the Borough at the earliest opportunity to do so.

#### 4. Types of Temporary Accommodation

The Council uses a variety of accommodation to temporarily house those who are homeless or threatened with homelessness. The accommodation includes but is not limited to the following:

- Bed and Breakfast – this is used in an emergency, often out of office hours, when there is no alternative temporary or permanent accommodation available. There are costs attached to B&B and other types of accommodation which can be paid through housing benefit or a contribution from the household and there maybe additional service charges that will need to be paid. Households may face eviction from temporary accommodation if charges are not paid and the Council can choose then to end its duty to house the homeless household.
- Shared temporary accommodation units – this has shared facilities and an element of support. As above there are costs attached which can be paid through housing benefit or a contribution from the household and there maybe additional service charges that will need to be paid. Households may face eviction from temporary accommodation if charges are not paid and the Council can choose then to end its duty to house the homeless household.
- Family temporary accommodation units – these are used subject to availability for families with children to avoid the use of B&B. As above there are costs attached which can be paid through housing benefit or a contribution from the household and there maybe additional service charges that will need to be paid. Households may face eviction from temporary accommodation if charges are not paid and the Council can choose then to end its duty to house the homeless household.
- Refuge accommodation – this is used as a safe house for those fleeing domestic abuse and often those who find themselves homeless. Specialist support is available at refuges to assist residents gain confidence and to rebuild their lives. As above there are costs attached to refuge accommodation, which can be paid through housing benefit or a contribution from the household and there maybe additional service charges that may need to be paid.
- Hostel Accommodation – For homeless applicants with low or no priority need an out of area hostel placement may be offered. Even though the applicant has been placed out of area the duty to relieve homelessness still remains with the Council and Newcastle Housing Advice (NHA) to support those placed out of area to continue to engage with Newcastle-under-Lyme Borough Council and to access housing within the Borough, either in the social or private rented sector.

#### 5. Suitability and Affordability of Accommodation

Newcastle-under-Lyme Borough Council will endeavour to house households in suitable temporary accommodation. The Council sets a number of standards for different types of temporary accommodation which will be assessed periodically by the Council's Housing Strategy Team.

**Use of Bed and Breakfast Accommodation (B&B)** - Wherever possible, the Council will limit the use of B&B accommodation placements for 16/17 year olds, families with dependent children, pregnant women and those with ill health. Where no other suitable accommodation exists and such placements are necessary, the Council will endeavour to move such households to more suitable accommodation within six weeks. The Council's approach is to utilise B&B in an emergency and where possible to use other temporary accommodation options (currently provided by Midland Heart and Open Door) to move households on. When offering longer term temporary accommodation, the Council will consider the suitability of the offer taking account of all relevant factors including the size and location of the property and the individual circumstances of the household.

**Location** – Newcastle-under-Lyme Borough Council will do all it can to accommodate families and individuals within the Borough. It is unlikely that families who are homeless and have priority need will be placed outside the area into another district, unless at the request of the family, and with assistance from Newcastle Housing Advice (NHA). On occasion single people who are homeless with no priority need may be encouraged to access direct access hostels accommodation in other areas. However Newcastle-under-Lyme Borough Council retains the responsibility to that household and will work with the applicant via the personal housing plan to ensure a move back to Newcastle-under-Lyme.

**Affordability** – The Council will give due consideration to the affordability of any offer made, taking into account the homeless household's entire income including any welfare state benefits, the cost of additional travel to and from the applicants normal place of work, the cost of additional travel to and from children's school or educational institute and the cost of additional travel to access medical services for ongoing treatment or aftercare. Families can be referred to Citizens Advice Bureau for further guidance and advice if this is deemed appropriate. Where service charges are applied, all households will be expected to pay the fee weekly and where households are working then they will be expected to pay an affordable contribution to costs. This is to ensure that the accommodation is affordable to the household and where B & B is utilised, cost is not a deterrent to households.

**General Health Factors** – The Council will consider health factors, such as ability to climb stairs, care and support provided by other statutory agencies or the need to access any specialist medical services. The Council will determine whether the medical condition itself makes certain accommodation offered unsuitable. For example problems such as depression, asthma, diabetes and / or back pain may not make a property unsuitable, as the problem may persist in any type of accommodation.

## **6. Accommodation Offers and Refusals**

### **6.1 Offers and refusals under Section 188**

Once a household has been assessed and it has been recognised that there is a duty to accommodate temporarily in emergency accommodation, NHA acting on behalf of the Borough Council will make one suitable offer of interim accommodation. There is no obligation upon NHA or the Council to enable applicants to view the accommodation prior to acceptance. If an applicant refuses an offer of accommodation and NHA does not accept the reasons for refusal, and considers that the offer is suitable, the Council's duty will cease and the applicant may not be offered further temporary accommodation and may be required to make their own arrangements.

There is no right of review against the suitability of accommodation offered to applicants, although the applicant can apply for judicial review through the courts, if challenging the suitability of the offer.

### **6.2 Offers and refusals under Section 193**

Where customers are accepted for a main housing duty under Section 193 of the Housing Act, longer term suitable temporary accommodation will be provided. NHA will make one offer of suitable accommodation on behalf of the Council. Where NHA have accepted a main housing duty and have made a suitable offer of accommodation, there is a right to request a review of the suitability of accommodation.

In such circumstances applicants will be encouraged to accept the offer of accommodation whilst a review of the suitability of the offer of accommodation is being considered. Where

applicants refuse to take up the offer of accommodation whilst a review is underway, the current accommodation may only remain available at the discretion of the NHA Manager.

## **7. Ending of Temporary Accommodation**

### **7.1 Discharge of Section 188 [Interim] accommodation duty**

Where NHA decides, on behalf of the Council, that the applicant/s housed temporarily under Section 188, are not owed a main housing duty or that they have breached the licence condition, they will be asked to leave the interim accommodation following warnings and accommodation may be ended with immediate effect, subject to individual circumstances and dependent on the reasons.

### **7.2 Discharge of Section 193 accommodation duty**

The Council shall cease to be subject to the duty under Section 193 [6] of the Housing Act, if the applicant:

- Ceases to be eligible for assistance
- Becomes homeless intentionally from the accommodation made available for their occupation
- Accepts an offer of accommodation under Part VI (allocation of housing)
- Accepts an offer of an assured tenancy (other than an assured short hold tenancy) from a private sector landlord
- Voluntarily ceases to occupy as their principle home, the accommodation made available for occupation
- Having been informed of the possible consequences of refusal and of his right to request a review of the suitability of accommodation, refuses a final offer
- Where the Council decides that their duty has ceased as described above, the applicants housed under Section 193, will be asked to leave the accommodation usually within 28 days or earlier subject to individual circumstances. Two warnings will be issued before the Council ceases its Section 193 duty and accommodation may be ended with immediate effect, subject to individual circumstances and dependent on the reasons.

## **8. Policy Review**

This Policy document will be subject to ongoing review to reflect any changes in legislation or operational need, but will be reviewed as a minimum annually. Minor changes can be agreed by the Director of Commercial Development and Economic Growth. Where there are significant changes, or changes to legislation which impact on the Policy, then this will require the appropriate governance.

## **9. Complaints and Compliments**

To make a complaint regarding the use of this Policy, customers are advised to use the **Newcastle-under-Lyme Borough Council complaints procedure**. Please complete the complaints, comments and compliments online form to register your feedback. Follow the link below:

[www.newcastle-staffs.gov.uk/all-services/advice/complaints-comments-and-compliments](http://www.newcastle-staffs.gov.uk/all-services/advice/complaints-comments-and-compliments)  
or [www.nhaoptions.co.uk](http://www.nhaoptions.co.uk)

You can also register your feedback by calling 01782 717717.