

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT TO HEALTH, WELLBEING AND PARTNERSHIPS SCRUTINY COMMITTEE

01 December 2020

Report Title: Temporary Accommodation Policy

Submitted by: Partnerships Manager

Portfolios: Community Safety and Wellbeing

Ward(s) affected: All

Purpose of the Report

This Report seeks Members input into the development of a Policy setting out the principles of how Newcastle-under-Lyme Borough Council will seek to meet its responsibilities to people who are homeless or threatened with homelessness in Newcastle-under-Lyme.

The intended Temporary Accommodation (TA) 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*.

This Report therefore highlights a Draft TA Policy for consideration, which will provide the framework for moving forward to ensure that the Borough's use of temporary accommodation is suitable, cost-effective and meets needs. It also seeks Members views on further development of temporary accommodation options for 2021/22 and beyond in the Borough.

Key Matters for the Scrutiny Committee's consideration:

- Are the principles outlined in the Draft TA Policy clear?
- How can the needs of homeless households requiring temporary accommodation best be met?
- What more can be done by the Council to assist homeless and our most vulnerable households?

Recommendations

That the Scrutiny Committee recommend to Cabinet that the Draft TA Policy is approved and that Officers continue to seek Members views on the development of a range of temporary accommodation options for the Borough. This would enable the Council to fulfil its statutory obligations and provide suitable accommodation for the most vulnerable and those eligible for interim accommodation

1. Background

- 1.1 Under housing and homelessness legislation, the Council has duties to provide interim (or temporary) accommodation to certain households who present as homeless and are considered to be in priority need. In the majority of cases, this is when a household presenting as homeless states that they do not have access to housing and therefore they are placed in temporary accommodation whilst the Council investigates their application.
- 1.2 The Homelessness Reduction Act 2017 widened the Council's duties and means that applicants under the Relief Duty may also be eligible for interim accommodation if required, subsequently to Council's use of temporary accommodation, both in terms of frequency and expenditure has increased significantly over the last couple of years.

- 1.3 In addition to households applying to the Council for accommodation under homelessness legislation, other households can require temporary accommodation. This includes people who are rough sleeping, people who require emergency accommodation due to (risk of) fire or flood etc.
- 1.4 Temporary accommodation is an umbrella term and includes supported housing (both social and private rented), hostels and bed and breakfast accommodation.
- 1.5 The use of bed and breakfast accommodation as temporary accommodation is not only expensive and subject to public sector procurement rules, but is considered unsuitable as it is not designed for residential use. In addition, it is unlawful for Councils to allow homeless families with children or pregnant women stay in bed and breakfast accommodation for more than six weeks.
- 1.6 Therefore, the Draft Temporary Accommodation Policy seeks to prevent the use of bed and breakfast accommodation except in emergencies for the minimum period possible by enabling the development and in some cases commissioning of other temporary accommodation options with local providers.
- 1.7 The Council's statutory homelessness duties are delivered under contract by Midland Heart and known as the Newcastle Housing Advice (NHA) service. The NHA service is due to be brought back in house at the Council in April 2021.
- 1.8 Options for temporary accommodation in the Borough are extremely limited because the Council has no accommodation of its own and relies on other arrangements with local providers which can be costly. The majority of single person households presenting for assistance are accommodated in short term Bed and Breakfast in the Borough, pending enquiries. There are no hostels for single people in the Borough and the hostels in neighbouring authorities prioritise placements for customers with a local connection to their area so they are rarely available for Borough use.

2. **Issues for consideration**

- 2.1 A Temporary Accommodation Review was undertaken and reported to the Council's Executive Management Team (EMT) in July 2020. The Review Report highlighted that the use of and cost to the Council for temporary accommodation has increased considerably over the last 12 -18 months, partly due to the impact of the introduction of the Homelessness Reduction Act 2017 and also because of the pressures from the COVID pandemic.
- 2.2 In order to balance the increasing demands on temporary accommodation and to seek to reduce the financial burden on the Council, a number of recommendations were made in the Review Report, which included;
 - Undertake a market testing exercise to ensure that temporary accommodation with support for complex needs singles and Rough Sleepers is available / can be continued on expiry of the current arrangements until the end of 2020/21. *A subsequent exercise followed, which demonstrated that there are limited providers in this specialist field, however a suitable provider was identified and some supported temporary accommodation provision is now in place until the end of March 2021.*
 - Create a Temporary Accommodation Policy for the Borough – *Draft prepared and shared with Scrutiny Members for further discussion.*
 - Seek a steer on the range of supported accommodation in the Borough to be pursued, and identify available budget to be used to encourage a 'spend to save' approach to TA. *This is ongoing and Scrutiny Members are requested to contribute to this discussion in line with the TA Policy.*
 - Recruit to the vacant Housing and Partnership Policy Officer (HPPO) (former Housing Strategy post) to lead work the Council's work on homelessness and homelessness prevention. *Recruitment complete and new post holder started October 2020.*
 - HPPO to lead work on further development of the homelessness strategy action plan and temporary accommodation options for 2021/22, housing partnerships and seeking best practice for the Council. The role will also improve the monitoring arrangements for the usage and expenditure of temporary accommodation for the Council with NHA, particularly as the

service prepares to come back in house. *Induction of new post holder underway and work is already ongoing.*

3. **Options considered**

- 3.1 Do nothing - without creating a TA Policy and developing options for temporary accommodation in the Borough, the Council will be unable to fulfil its statutory obligations for homelessness and safeguarding vulnerable people – **this option is not recommended.**
- 3.2 Create a Draft TA Policy and seek Members views on the development of a range of temporary accommodation options for the Borough. This would enable the Council to fulfil its statutory obligations and provide suitable accommodation for the most vulnerable and those eligible for interim accommodation - **this option is recommended.**

4. **Key Matters for Scrutiny Consideration**

- 4.1 The TA Review demonstrated that supported temporary accommodation is more cost effective than B&B accommodation, which also doesn't have the added advantage of support services and is most beneficial to assist vulnerable customers access more sustainable housing options.
- 4.2 Following the recent market testing exercise, the current temporary accommodation provision is in place until 31st March 2021. It is recommended that further temporary accommodation proposals are developed and mobilised from 1st April 2021. A financial budget allocation will be required for the provision of temporary accommodation beyond the end of March 2021.
- 4.3 Key matters for the Scrutiny Committee's consideration;
- 4.3.1 Are the principles outlined in the Draft TA Policy clear?
- 4.3.2 How can the needs of homeless households requiring temporary accommodation best be met?
- 4.3.3 What more can be done by the Council to assist homeless and our most vulnerable households?

5. **Legal and Statutory Implications**

- 5.1 The Housing Act 1996, Part VII (as amended) sets out the circumstances when a local authority is required to provide temporary accommodation to homeless households. The expectations for this temporary accommodation are then set out in the Homelessness (Suitability of Accommodation) (England) Order 2012.
- 5.2 Other relevant statutory guidance includes.
- Homelessness Act 2002
 - Homelessness Code of Guidance for Local Authorities 2006
 - Homelessness (Suitability of Accommodation) Order 1996
 - Homelessness (Suitability of Accommodation) (England) Order 2003
 - Localism Act 2011 (Commencement No 2 and Transitional Provisions) (England) Order 2012
 - Supplementary Guidance on Changes in Localism Act 2011
 - Supplementary Guidance on Domestic Abuse and Homelessness 2014
 - The Homelessness Reduction Act 2017.
- 5.3 Not having a fit for purpose service will leave the Council open to a legal challenge.

6. **Equality Impact Assessment**

- 6.1 Temporary accommodation placements are made purely on merit and there are no disproportionate outcomes to any cohort.

7. **Financial and Resource Implications**

- 7.1 The Draft Temporary Accommodation Policy seeks to encourage the Council towards improving the options for temporary accommodation in the Borough and in reducing revenue costs to the Council's General Fund for use of emergency accommodation. It is recognised that this may take some time and some initial investment in capacity will be required to take this work forward with local providers.

8. **Major Risks**

- 8.1 There is a risk that this provision is insufficient to meet rising demand and additional B&B use may be required to assist the Council in fulfilling its statutory obligations.
- 8.2 There is a risk of reputational damage to the Council if it does not deliver its statutory duties lawfully and effectively.

9. **Sustainability and Climate Change Implications**

- 9.1 There are no sustainability or climate change implications.

10. **Key Decision Information**

- 10.1 This report can be considered key in the following ways: -
- It results in the Borough Council committing existing resources for the function to which the decision relates and;
 - To be significant in terms of its effects on communities living or working in an area comprising two or more electoral wards in the Borough.

11. **Earlier Cabinet/Committee Resolutions**

- 11.1 N/A

12. **List of Appendices**

- 12.1 Appendix 1 – Draft Temporary Accommodation Policy – November 2020.

13. **Background Papers**

- 13.1 Temporary Accommodation Review July 2020