

TEMPORARY ACCOMMODATION POLICY



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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.

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 Sections 188 and 189B of the Housing Act 1996 Pt VII, as amended and longer-term temporary accommodation placements under s.193 where a main housing duty for households has been accepted. Temporary accommodation is for an interim period and households once assessed may be moved on to permanent accommodation in the social or private rented sector.

Additionally, Case Law, specifically *Nzolameso v Westminster (2015)* set out that Local Authorities must produce a policy which sets out how it will procure accommodation for households who are homeless in its district. This is Newcastle-under-Lyme Borough Councils Policy.

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 households and may include bed and breakfast accommodation (B&B), a Private Sector Leasing scheme (PSL), shared 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)*, as far as reasonably practical, Newcastle-under-Lyme Borough Council will seek to accommodate homeless households within Newcastle-under-Lyme and will always consider the suitability of accommodation considering the circumstance of the individual.

However due to a range of factors including the economic downturn, changes to the private sector rented market, the impact of welfare reform, locality of hotels willing to accommodate homeless customers and previous exclusions due to behaviour it is 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 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.

A select list for emergency access temporary accommodation has been created, to facilitate placements with urgent and reactive needs presenting to the service. The select list will be reviewed on a quarterly basis to assess the provision from the range of service providers included within the list.

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:

Emergency access accommodation e.g., 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 may be 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.

It is proposed that level 1 accommodation (above) continues to be procured by officers on an ad-hoc (reactive/urgent needs) basis, establishing an informal 'Select List' of providers.

Bronze temporary accommodation – furnished self-contained family accommodation exclusive use units without support, delivered by Aspire Housing.

Elizabeth House – Domestic Abuse emergency accommodation to be accessed out of hours where no other suitable accommodation can be found.

5. Move on Options

Move on 'Silver' accommodation – furnished self-contained accommodation with a private kitchen and bathroom for singles couples and families with low / medium level housing related support. This service acts as a transition phase and can be used as a stepping-stone for permanent/alternative housing. Support will be delivered utilising Intensive Housing Management (IHM) tiered model, this will be proactive, empowering and utilised as an anchor point for all other agencies/support networks involved with the customer. Customers accessing this scheme are considered as a move on and no longer in Temporary accommodation.

Move on 'Gold' accommodation - furnished self-contained accommodation with a private kitchen and bathroom facilities for singles with high level support and complex needs and/or challenging behaviour, as a progression from the initial emergency accommodation placements. The units of accommodation will create homes and offer some permanence, with an element of community and specialist support for individuals, who are engaging with services. The service comes with a full-time support worker.

The Council will work with willing specialist homelessness and social housing partners, operating in the North Staffordshire conurbation, to create alternative supported temporary

accommodation options for customers with complex needs, to achieve available external funding from DLUHC and Homes England.

Hostel Accommodation – Referrals are made for homeless applicants, sometimes out of area hostel placement may be offered. Even though the applicant has been placed out of area the duty to relieve remains with the Council. However, if an offer has been made under the relief duty, it can be discharged.

Newcastle Housing Advice (NHA) service can discharge some homelessness duties under the above accommodation options.

6. Suitability and Affordability of Accommodation

Newcastle-under-Lyme Borough Council will endeavour to house households in suitable temporary accommodation. The Council sets several standards for different types of temporary accommodation which will be assessed periodically by the Council's Housing 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 care leavers and those fleeing domestic abuse, as per the requirements of the recent Domestic Abuse Act (2021), 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 temporary accommodation (at the time of writing provided by Aspire) 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. On occasion single people who are homeless with no priority need may be encouraged to direct access hostel accommodation in other areas. In most cases this allows a discharge of duty however individuals and families can remain on the housing register if eligible..

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 applicant's 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 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 expect to pay an affordable contribution to costs. This is to ensure that the accommodation is affordable to the household and where Bed and Breakfast is utilised, cost is not a deterrent to households. If a customer has been assessed to having the income and ability to fund their own accommodation, NHA can assist to make the arrangements, but the customer will be recharged for the costs.

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.

Damage to Accommodation - Customers will be recharged for any damage or recharges made to the council for TA placements. If the customer presents again and needs interim accommodation, we may not be able to provide it.

7. Accommodation Offers and Refusals

7.1 Offers and refusals under Section 188

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

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

7.2 Offers and refusals under Sections 193 & 189B

Where customers are accepted for a main housing duty under Section 193 of the Housing Act, longer term suitable temporary accommodation will be provided. The Council will make one offer of suitable accommodation. Where the Council 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 NHA Manager.

8. Ending of Temporary Accommodation

8.1 Discharge of Section 188 [Interim] accommodation duty

Where the Council decides that the applicant/s housed temporarily under Section 188, are no longer owed a housing duty or that they have breached the licence condition, they may be asked, following warnings, to leave the interim accommodation. Accommodation may be ended with immediate effect, subject to individual circumstances and dependent on the reasons.

8.2 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 his 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 principal 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 14 to 28 days or earlier subject to individual circumstances. One warning 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.

8.3 Discharge of Section 189B relief duty

Section 189B (2) may be brought to an end in any of the following circumstances:

- a) Where we are satisfied that an applicant has:
 1. Suitable accommodation available for occupation, and
 2. A reasonable prospect of having suitable accommodation available for occupation for at least 6 months.
- b) We have complied with our duty and the period of 56 days beginning with the day that the authority was first satisfied we owed an applicant the section 189B (2) duty has ended (whether you are still threatened with homelessness).
- c) The applicant has refused an offer of suitable accommodation, and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for occupation for at least 6 months.
- d) The applicant has become homeless intentionally from any accommodation that has been made available because of the authority's exercise of our functions under section 189B (2).
- e) The applicant is no longer eligible for assistance, or
- f) They have withdrawn their application, or
- g) Their deliberate and unreasonable refusal to co-operate with the actions set out in their plan that they are required to take.

9. Policy Review

This document will be subject to ongoing review to reflect any changes in Legislation or operational need but must be reviewed at least every 3 years. Minor changes can be agreed by the Service Director – Regulatory Services. Where there are significant changes, or changes to legislation then this will require the appropriate governance.

10. 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:

<https://www.newcastle-staffs.gov.uk/all-services/advice/complaints-comments-and-compliments>

You can also register your feedback by calling 01782 717717 or in writing (via a letter or email) to the address below.

Address: Castle House
Barracks Road
Newcastle-under-Lyme.
Staffs, ST5 1BL

Email: nha@newcastle-staffs.gov.uk