

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

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Agenda Item No.

meeting date: THURSDAY, 22 OCTOBER 2015  
title: RIBBLE VALLEY'S HOMELESSNESS TEMPORARY  
ACCOMMODATION POLICY  
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE  
principal author: RACHAEL STOTT – HOUSING STRATEGY OFFICER

## 1 PURPOSE

1.1 To note recent developments in homelessness case law and approve the Ribble Valley Homelessness Temporary Accommodation Policy 2015 as attached at Appendix 1.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To address housing needs for households in the borough.
- Corporate Priorities – To working accordance with case law.

## 2 BACKGROUND

2.1 Under the Housing Act 1996 Part VII s188 the Council may have a legal duty to provide temporary accommodation, if there is reason to believe that the applicant may be homeless, eligible for assistance and have a priority need.

## 3 ISSUES

### 3.1 Development of a Homelessness Temporary Accommodation Policy

In order to meet the guidance issued, a Ribble Valley Temporary Homeless Accommodation Policy has been developed as Appendix 1 in relation to procurement and allocation of temporary accommodation. The proposed policy states:

- It is the Council's policy to ensure that there is sufficient and suitable temporary accommodation available to meet the expected need.
- It is the Council's policy to ensure a fair system when reaching decisions on the allocation of temporary accommodation.

3.2 A proposed policy document considers legislation, case law and guidance in relation to the provision of temporary accommodation and reaches conclusions in relation to procurement and allocations. On considering all the factors which affect procurement and allocations, it is felt that at present, the existing and future requirements for temporary accommodation and allocation are being met.

## 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – There will be no additional resource implications but to continue to use the existing temporary accommodation as provided.

- Technical, Environmental and Legal – The Council must take into consideration the guidance issued in the case law *Nzolameso v Westminster Council*. Failure to do so may risk legal challenge. Failure to respond to the new guidance issued at the Supreme Court may risk the Council's reputation and possibly lead to future legal challenge when making offers of temporary accommodation.
- Political – By approving the policy, the Council is responding to the recent guidance and setting out how temporary accommodation is allocated in a fair and transparent way.
- Reputation – The development of this policy will help to ensure that the Council is able to meet its statutory duties towards homeless households.
- Equality & Diversity – No implications identified.

## 5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Agree to approve the Ribble Valley Temporary Accommodation Policy as set out at Appendix 1.

RACHAEL STOTT  
HOUSING STRATEGY OFFICER

MARSHAL SCOTT  
CHIEF EXECUTIVE

## BACKGROUND PAPERS

(If any)

For further information please ask for Rachael Stott, extension 4567.

REF: RS/EL/H&H/22/10/15

## Ribble Valley Borough Council's Temporary Accommodation Policy

### 1. BACKGROUND

#### Legislation

Under the Housing Act 1996 Part VII – s188 the Council may have a legal duty to provide temporary accommodation, if there is reason to believe that the applicant may be homeless, eligible for assistance and have a priority need.

Sections 206 and 208 of the 1996 Act impose distinct but related requirements upon the local authority. Section 206(1) provides that the authority may discharge their housing functions *only* by securing "suitable" accommodation, albeit by a variety of routes. Section 208(1) provides that: "So far as reasonably practicable a local housing authority shall in discharging their housing functions under this Part secure that accommodation is available for the occupation of the applicant in their district". By virtue of section 205(1) of the 1996 Act, their "housing functions" refers to their functions under Part 7 to secure that accommodation is available for a person's occupation. It is clear, therefore, that these are duties owed to the individual person to whom the main homelessness duty is owed. The accommodation offered has to be suitable to the needs of the particular homeless person and each member of her household and the location of that accommodation can be relevant to its suitability: see *R (Sacupima) v Newham London Borough Council* [2001] 1 WLR 563, CA. This has since been set out in statutory guidance.

#### Guidance

Under section 182(1) of the 1996 Act, local housing authorities are required to have regard to such guidance as may from time to time be given by the Secretary of State. The current general guidance is contained in the Homelessness Code of Guidance for Local Authorities (Department for Communities and Local Government, 2006). As to the duty in section 208(1), this provides:

"16.7. Section 208(1) requires housing authorities to secure accommodation within their district, in so far as is reasonably practicable. Housing authorities should, therefore, aim to secure accommodation within their own district wherever possible, except where there are clear benefits for the applicant of being accommodated outside of the district. This could occur, for example, where the applicant, and/or a member of his or her household, would be at risk of domestic or other violence in the district and need to be accommodated elsewhere to reduce the risk of further contact with the perpetrator(s) or where ex-offenders or drug/alcohol users would benefit from being accommodated outside the district to help break links with previous contacts which could exert a negative influence."

As to suitability, the Code says this about the location of the accommodation:

"17.41. The location of the accommodation will be relevant to suitability and the suitability of the location for all the members of the household will have to be considered. Where, for example, applicants are in paid employment account will need to be taken of their need to reach their normal workplace from the accommodation secured. The Secretary of State recommends that local authorities take into account the need to minimise disruption to the education of

young people, particularly at critical points in time such as close to taking GCSE examinations. Housing authorities should avoid placing applicants in isolated accommodation away from public transport, shops and other facilities, and, wherever possible, secure accommodation that is as close as possible to where they were previously living, so they can retain established links with schools, doctors, social workers and other key services and support essential to the well-being of the household."

Homelessness (Suitability of Accommodation)(England) Order 2012

Article 2 provides:-

"In determining whether accommodation is suitable for a person, the local housing authority must take into account the location of the accommodation, including-

- (a) where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;
- (b) the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household;
- (c) the proximity and accessibility of the accommodation to medical facilities and other support which – (i) are currently used by or provided to the person or members of the person's household; and (ii) are essential to the well-being of the person or members of the person's household; and
- (d) the proximity and accessibility of the accommodation to local services, amenities and transport."

## 2. RECENT CASE LAW

*Nzolameso v Westminster City Council* – Supreme Court Judgement – April 15 has considered in more detail the issue of suitability and in particular its relation to out of borough placements. The judgement was also issued.

But how, it may be asked, are local authorities to go about explaining their decisions as to the location of properties offered? It is common ground that they are entitled to take account of the resources available to them, the difficulties of procuring sufficient units of temporary accommodation at affordable prices in their area, and the practicalities of procuring accommodation in nearby authorities. It may also be acceptable to retain a few units, if it can be predicted that applicants with a particularly pressing need to remain in the borough will come forward in the relatively near future. On the other hand, if they procure accommodation outside their own area, that will place pressures on the accommodation, education and other public services available in those other local authority areas, pressures over which the receiving local authority will have no control. The placing authority are bound to have made predictions as to the likely demand for temporary accommodation under the 1996 Act and to have made arrangements to procure it. The decision in any individual case will depend upon the policies which the authority has adopted both for the procurement of temporary accommodation, together with any policies for its allocation.

Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority's statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of "in

borough" units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away. That policy too should be made publicly available.

### 3. CURRENT PROVISION OF TEMPORARY ACCOMMODATION PROVISION

#### Current Provision of Temporary Accommodation

The Council's housing needs service aims to prevent homelessness where possible. Unfortunately, homelessness cannot always be prevented and therefore temporary accommodation is required. The Council seeks to provide accommodation within the borough.

The temporary accommodation provision in Clitheroe is owned by the Council. 90 Whalley Road, Clitheroe provides 7 units of temporary accommodation. The units include 4 self-contained flats, 3 flats that share bathroom facilities, a laundry, a communal room, 2 bathrooms and an office. The Council also has nomination rights to 1 self-contained flat in Longridge, which is owned by Ribble Valley Homes. All the temporary accommodation units are managed by Ribble Valley Homes and the households are supported by Places for People through a supporting people contract.

On the occasion that the temporary accommodation is full or the accommodation is not suitable for the service user, then the following options are considered:

- Elizabeth Street project, Elizabeth Street, Burnley
- Emmaus project at Burnley or Preston
- Nightsafe at Blackburn
- Bed & Breakfast or holiday let accommodation
- All other accommodation eg neighbouring council's temporary provision such as a refuge for victims of abuse.

<b>Temporary Accommodation Usage</b>		
<b>Year</b>	<b>Quarter</b>	<b>Number of Households Placed in Council Owned Accommodation in Clitheroe &amp; Longridge</b>
2013	1	8
	2	14
	3	10
	4	8
2014	1	9
	2	11
	3	11
	4	9
2015	1	11
	2	6
	3	
	4	

<b>Use of B&amp;B</b>	
<b>Year</b>	
2013/2014	3 placements
2014/2015	1 placement
2015/2016	3 placements

#### 4. Allocation of Temporary Accommodation

The Council must ensure a fair and transparent approach to the allocation of temporary accommodation. The following approach is taken when considering appropriate accommodation. The Council's first consideration is 90 Whalley Road, Clitheroe. As this is the Council's main temporary accommodation, this is considered for all households. The accommodation is occupied by families with children as the main client group. Therefore, the only circumstances where this may not be offered is where the household may not be compatible to live alongside families or present a risk to any existing occupants. On the occasion the hotel is full other accommodation listed below is considered until a unit is available.

Longridge 1 bed accommodation – any household presenting as facing homelessness from Longridge would first be considered for this accommodation. The distance from Clitheroe to Longridge makes travelling to school or employment etc difficult. Where this is full then the Clitheroe accommodation is offered.

Elizabeth Street, Burnley – the hostel has support staff present 24 hours a day and therefore this is considered for households with higher support needs usually single people.

Nightsafe, Blackburn – offers young people 16-25 year olds, 9 nights of emergency accommodation. The shelter is open 5pm till 10am with on-site support. This is useful for young people who would not be suitable to share accommodation with families.

Bed & Breakfast/holiday let accommodation – on the occasions that emergency accommodation is needed out of hours, then bed and breakfast accommodation is used to place people short term. The accommodation is reviewed the next working day. When all temporary accommodation is full, then bed and breakfast or holiday let accommodation is considered.

#### 5. Conclusion

Based on previous year's utilisation of temporary accommodation, it is felt that the housing needs of households facing homelessness are met. In the majority of cases the temporary accommodation in Clitheroe and Longridge is used to meet the Council's duty under homelessness legislation. This accommodation is appropriate and suitable and means where possible temporary accommodation is provided within the borough.

#### 6. Monitoring of the Policy

The Council's housing needs service will undertake an annual review of the policy to ensure that the procurement and allocation of temporary accommodation continues to meet the borough's needs. This review will be reported to the Strategic Housing Working Group, and should there be any change to provision of temporary accommodation this will be reported to Health and Housing Committee