

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 16

meeting date: 18 JANUARY 2017
title: INTRODUCTION OF THE HOMELESSNESS REDUCTION ACT 2017
submitted by: CHIEF EXECUTIVE
principal author: RACHAEL STOTT, HOUSING STRATEGY OFFICER

1 PURPOSE

1.1 To inform Members of the introduction of new Homeless Legislation, Homeless Reduction Act 2017 and the implications for the Housing Service.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To address the identified housing needs in the borough.
- Corporate Priorities – To be a well managed and efficient Council.
- Other Considerations – None.

2 BACKGROUND

2.1 The Homeless Reduction Act received Royal Assent in England and Wales on 27 April 2017.

2.2 Homelessness in England is rising. In 2016 59,260 households were accepted as statutorily homeless – this is an increase of 40% since the start of the decade. In the face of growing demand and a reduction in supply of affordable housing, councils have focussed on their statutory duties. The Homeless Reduction Act expands the duties of councils, requiring us to work on preventing homelessness for all homeless households.

2.3 A summary of the current duties and the changes being brought in via this Act are set out in Paragraph 3.7.

2.4 Whilst the government has allocated some money for local authorities to reflect the new burdens placed on the council as a result of this change, the impact on the service is not fully known but is predicted to be significant.

3 ISSUES

3.1 The Homelessness Reduction Act 2017, which started life as a Private Members Bill, gained Royal Assent in April 2017 and is becoming law in April 2018.

3.2 The Act places a new duty on local authorities to help prevent the homelessness of all families and single people, regardless of priority need, who are eligible for assistance and threatened with homelessness.

3.3 The Act places a greater emphasis on intervention and acting quickly to provide advice and prevent homelessness, rather than only intervening when it has become

crisis point. It also extends the duties placed on the council to offer more help to people considered to be 'non priority'.

- 3.4 Under current legislation the council has a duty to make housing advice available universally to residents. It has specific duties to provide advice or seek to prevent or relieve homelessness where someone is threatened with homelessness within 28 days.
- 3.5 In terms of housing duties, currently the housing duty will only apply where someone is threatened with homelessness or homeless and they have a 'priority need'. This includes someone with child(ren) who reside with them (or could reasonably be expected to reside with them), someone who is pregnant or are vulnerable due to age or illness/disability or for another reason (such as domestic abuse or being in prison).
- 3.6 The new Act extends these duties, both by increasing the timeframe where help has to be provided, but also extending our duties to people who are 'non priority'.
- 3.7 The key changes are set out as follows:

Current Duties: Housing Act 1996 (as amended by Homelessness Act 2002)	New duties: Homeless Reduction Act 2017
A duty to help someone who is Homeless or threatened with homelessness within 28 days	A duty to help someone who is homeless or threatened with homelessness within 56 days
A duty to prevent homelessness for people considered to be in priority need	A new duty to prevent or relieve homelessness for all eligible applicants threatened with homelessness, regardless of priority need.
No current duty	A new duty on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless.
Duty to secure that advice and information about homelessness and prevention of homelessness is available free of charge to any person in the district	Duty to provide or secure the provision of a service, available free of charge to any person in the authority's district, providing information and advice on preventing homelessness, securing accommodation when homeless, the rights of persons who are homeless or threatened with homelessness and the duties of the authority and any help that is available from the authority or anyone else for people who are homeless.

Current Duties: Housing Act 1996 (as amended by Homelessness Act 2002)	New duties: Homeless Reduction Act 2017
Duty to provide advice and assistance	Duty to assess every eligible applicant's case and agree a personalised housing plan. This would include any steps the applicant is required to take in order to secure or retain accommodation plus what the council will do. This plan must be kept under review until the council has decided a duty is no longer owed.
Duty to provide interim accommodation where a person is eligible, homeless and in priority need	Initial duty owed to all eligible persons who are homeless. The authority must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for them for at least six months or such longer period not exceeding 12 months.

3.8 The Act significantly extends the duties of the council to provide housing advice and homeless prevention advice and specifically states that the service must be designed to meet the needs of the following groups:

- People released from prison or youth detention accommodation
- Care Leavers
- Former members of the regular armed forces
- Victims of domestic abuse
- Person's leaving hospital
- Person's suffering from a mental illness or impairment and
- Any other group that the authority identifies as being at particular risk of homelessness in the district

3.9 The Act specifically defines a private sector tenant who has received a valid Notice of Possession as 'threatened with homelessness' thus ensuring early assistance to people who are threatened with homelessness in these circumstances.

3.10 For applicants who are already homeless or who become homeless at the end of the 56 day prevention period, the new initial duty gives the council a 56 day window in order to resolve the applicant's homelessness. The initial duty can be discharged by securing suitable private sector accommodation for a minimum period of six months.

3.11 The Act increases the opportunities available to the applicant to request a review of decisions made by the council at various stages in the application process.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources - There are no direct financial implications arising from this report, as it is for information only. However members will note that this new legislation places additional burdens on the council, including additional requirements in

terms of how and when homeless prevention and housing advice is provided and an extension to the groups of people to whom we have duties.

The government has allocated a total of £61million per annum for two years nationally in new burdens funding to local authorities. Some local authorities are estimating that the changes to legislation may lead to a 50% increase in demand on current services. This will be kept under review and reported to Committee 12 months after implementation.

- Technical, Environmental and Legal - The government has produced a draft code of guidance. The Act places new burdens on the Council and there will be an associated cost, which we cannot easily estimate at this stage. The housing service will ensure that suitable training to staff and partners; and that the new burdens funding is utilised to support service delivery.
- Political - Assessing and meeting the duties arising from the homeless legislation is a key statutory responsibility for the council. The new Act will bring about a significant change to the current duties and introduces many new opportunities for applicants to seek a review of the council's decision(s). It is very important that the new legislative requirements are fully understood and implemented.
- Reputation – It is important that the council adheres to the new legislative framework and that our staff and stakeholders are knowledgeable about our legal duties. Failure to implement these new duties adequately will be a reputational risk to the council and could leave us vulnerable to legal challenge regarding our decision making.
- Equality & Diversity – A review of the impact of the additional burden will identify which groups of service users are assisted.

5 CONCLUSION

- 5.1 Accept the content of the report and acknowledge the changes the introduction of Homelessness Reduction Act will bring.

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MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

(If any)

For further information please ask for Rachael Stott, extension 3235.

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