

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Housing Services Cabinet Committee

**Date:** 03 February 2022

**Reporting officer:** Victoria May, Service Manager (Housing Options)

**Subject:** Temporary Accommodation Policy

### **Purpose and summary of report:**

To outline to the Committee a draft policy that details the councils approach to placements into temporary accommodation, including consideration of the statutory requirements on Councils and introducing charging under s206(2) Housing Act 1996 to charge homeless people for temporary accommodation. Members are requested to provide feedback on the policy prior to being ratified by the Chair of Housing Services Cabinet Committee as Cabinet Member for Housing.

### **Recommendations:**

1. For Members to discuss and provide feedback on the draft Temporary Accommodation Policy prior to being ratified by the Cabinet Member for Housing Services.

## **1. Background**

- 1.1 The Homelessness Code of Guidance for Local Authorities, published by MHCLG states (at paras 17.48 -17.62) that housing authorities are advised to develop policies for the procurement and allocation of accommodation which will help ensure that suitability requirements, including the location of the accommodation, are met.
- 1.2 The draft Temporary Accommodation Policy as shown in Appendix 2 has taken the statutory guidance into account when making decisions about out-of-borough temporary accommodation placements.
- 1.3 The Council has a duty under the Homelessness Reduction Act 2018 to prevent and relieve homelessness. Where homelessness cannot be prevented and cases move to relief duty, temporary accommodation (TA) may be needed until alternative settled accommodation is secured or the relief duty ends.
- 1.4 Whilst the majority of TA placements are currently offered within the borough of Gravesham, increasing demand coupled with the decreasing supply of suitable accommodation locally inevitably means that the service is reliant on nightly-paid options both in and outside the Gravesham borough.
- 1.5 The Council aimed to use its own housing stock however as homeless approaches increase, over time this has had to be supplemented with nightly paid

units managed by private sector housing providers both within and outside the borough. It is important that the council is satisfied that accommodation offered to households is suitable and reasonable to occupy. In addition, with the TA budget overspent it is important to obtain reasonable contributions towards the temporary accommodation costs, which are impacting the general fund.

## **2. Current Position**

- 2.1 There are currently 161 households in temporary accommodation of which 76 are GBC accommodation and 85 are in nightly-paid accommodation. 112 households have been accepted as homeless under the Housing Act 1996 (amended 2202) and therefore there is a duty to find a housing pathway so that the Council can discharge their legal duty to them.
- 2.2 This policy sets out ten key headings and details the Councils approach to the placements of households into temporary accommodation, both in and out of the borough. It covers interim placements made under Section 188 & Section 202 of the Housing Act 1996, whilst investigations are conducted as well as when households are accepted as homeless under Section 193.
- 2.3 The policy takes into account the statutory requirements on local authorities in respect of the suitability of accommodation, including the suitability of Accommodation orders, the Homelessness code of guidance, and any supplementary guidance. It has been formulated having regard to the need to safeguard and promote the welfare of children, as required by section 11 of the Children Act 2004.
- 2.4 The Housing Act 1996 places a statutory duty on local authorities to provide interim accommodation under Section 188 of the act. It also gives the Council the right to make a reasonable charge for the accommodation provided. It is reasonable for the council to raise a charge equivalent to the relevant Local Housing Allowance rate on forms of temporary accommodation.
- 2.5 The Service Manager has shared the draft policy with the Director of Housing, the Housing Options Service and the Cabinet Member for Housing Services to obtain comments and feedback which have been concluded in the draft attached.

## **3. Working Practice**

- 3.1 The Service requires this framework to safeguard their decision-making and to ensure all facts have been taken into consideration. This also provides a transparent way of dealing with customers and removes 'opinion' to ensure consistent 'policy'.
- 3.2 The Temporary Accommodation Officer will monitor charging and arrears and to assist with this piece of work a bolt-on to Locata has been purchased which enables an efficient workflow on temporary accommodation. It will capture tasks such as anti-social behaviour, inspections, arrears and will produce a dashboard which will enable the service to better understand the demands of this role and workflow.

## **4. Summary**

- 4.1 The Service Manager is seeking views on the policy prior to it being ratified by Cabinet Member for Housing Services and implemented by officers.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	The Council has a statutory duty to provide temporary accommodation. The procedure attached to this paper will help ensure that the Council's duties to provide suitable temporary accommodation for homeless households are met.
<b>Finance and Value for Money</b>	The policy is intended to set out the Council's approach to charging customers for temporary accommodation. The Council's overall objective is to minimise the additional financial and other burdens placed on homeless households that require TA by the effective management of the limited number of suitable TA units within the borough and ensuring we maximise income.
<b>Risk Assessment</b>	Failure to provide good quality emergency temporary accommodation could leave the council exposed to legal challenge through judicial review.
<b>Data Protection Impact Assessment</b>	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	<p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p>
	<p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p>
	<p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.  No</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.  Yes. it ensures that all homeless households requiring TA are dealt with in a consistent manner.</p>
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
<b>Corporate Plan</b>	In line with the objectives of the Corporate Plan 2019-23 strategic objective #1, People, the Temporary Accommodation Placement Procedure will help the council to meet the housing needs of all residents including vulnerable people. It will also compliment #2 - Stronger Gravesham and #4 - Sound and self-sufficient council
<b>Climate Change</b>	N/A
<b>Crime and Disorder</b>	The provision of suitable TA enhances the Council's ability to meet the needs of homeless households and helps prevent them being victims of crime or becoming involved in criminal activities

<b>Digital and website implications</b>	N/A
<b>Safeguarding children and vulnerable adults</b>	Safeguarding children and vulnerable adults The provision of suitable TA will contribute towards meeting the needs of / safeguard children and vulnerable adults.