



Tamworth Borough Council
Strategic Housing Service
Housing Solutions
Temporary Accommodation Policy

TEMPORARY ACCOMMODATION POLICY

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This document is held by Tamworth Borough Council and the document owner is the Corporate Director of Communities, Partnerships and Housing

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Revision History

Revision Date	Version Control	Summary of changes

Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

Distribution

The document will be available on the Intranet and the website.

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1. Introduction and Background

This Policy sets out how Tamworth Borough Council will meet its responsibilities to people who are homeless or threatened with homelessness in Tamworth. The policy meets relevant aims set out in the Tamworth Homeless Prevention Strategy 2016 – 2020.

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 Section 188 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 will 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 Tamworth 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), designated housing stock or guardianship schemes. (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, so far as reasonably practical, Tamworth Borough Council will seek to accommodate homeless households within Tamworth and will always consider the suitability of accommodation taking into account the circumstance of the individual. However due to a range of factors including the economic down turn, changes to the private sector rented market and the impact of welfare reform, 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.

4. Types 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:

Bed and Breakfast – Although there is a target to abolish the use of B&B accommodation as a form of temporary housing it is still utilised by the Council in emergencies. Tamworth Borough Council uses a number of local providers. There are costs attached to B&B which can be paid through housing benefit, but there may be additional service charges that will be need to be paid. Households may face eviction from temporary accommodation if service charges are not paid and the Council can choose then to end its duty to house the homeless household.

Private Sector Leasing Scheme – The PSL scheme offers temporary accommodation for families or individuals in a private dwelling which is managed by the council on behalf of a private landlord. Those housed in the PSL scheme can pay rent either via housing benefit or if they are working from their earnings. The PSL property is only temporary and the family or individual with support from the council will be encouraged to move on to suitable permanent accommodation when it becomes available and if a duty to accommodate has been accepted.

Hostel Accommodation – For single homeless applicants with low or no priority need an out of area hostel placement may be offered. Even though the applicant has been placed out of area the responsibility for the housing or homeless application still remains with the Council and the Housing Solutions Service to support those placed out of area to continue to engage with Tamworth Borough Council and to access housing within the borough, either in the social or private rented sector.

5. Suitability and Affordability of Accommodation

Tamworth Borough Council will endeavour to house households in suitable temporary accommodation. The Council sets a number of standards for different types of Temporary Accommodation which will be assessed periodically by the Councils Private Sector Housing Team. The temporary accommodation standards are available here:

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, 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.

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 – Tamworth Borough Council will do all it can to accommodate families and individuals within the borough. It is unlikely that families who are homeless and have priority need will be placed outside the area into another district, unless at the request of the family, and with assistance from the Housing Solutions Team. On occasion single people who are homeless with no or low priority need may be encouraged to access direct access hostels accommodation in other areas. However Tamworth Borough Council retains the responsibility to that household.

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 applicants 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 on-going treatment or aftercare. Families can be referred to Citizens Advice for further guidance and advice if this is deemed appropriate. All households will be expected to pay the current service charge weekly and where households are working then they will be expected to pay a contribution to costs, which amount to the Local Housing Allowance for the household size to ensure that the accommodation is affordable to the household and where Bed and Breakfast is utilised, cost is not a deterrent to households.

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.

6. Accommodation Offers and Refusals

6.1 Offers and refusals under Section 188

Once a household has been assessed and it has been recognised by the Housing Solutions Service 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 duty will cease and the applicant may not be offered further temporary accommodation and may be required to make their own arrangements.

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

6.2 Offers and refusals under Section 193

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 the Housing Solutions Manager.

7. Ending of Temporary Accommodation

7.1 Discharge of Section 188 [Interim] accommodation duty

Where the Council decides that the applicant/s housed temporarily under section 188, are not owed a main housing duty or that they have breached the licence condition, they will be asked to leave the interim accommodation, usually within 28 days or earlier subject to individual circumstances and dependent on the reasons.

7.2 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 principle 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 28 days or earlier subject to individual circumstances.

8. Policy Review

This document will be subject to on-going review to reflect any changes in Legislation or operational need, but must be reviewed at least every 12 months. Minor changes can be agreed by the Director of Communities,

Partnerships and Housing. Where there are significant changes, or changes to legislation then this will require the appropriate governance.

9. Monitoring the Policy

The policy will be reviewed annually or sooner if there are any changes to legislation that may impact on the policy and its delivery

10. Complaints and Compliments

Tamworth Borough Council operates a policy known as Tell Us so everyone can be clear about how to compliment, comment and complain about services provided by the Council and what will happen to those comments once they are received. A copy of this policy can be found here:

http://www.tamworth.gov.uk/sites/default/files/misc_docs/Tell_Us_policy.DOC

12. More Information

If you would like further information about this policy please contact Tamworth Borough Councils Housing Solutions Service

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