

THURSDAY, 2 NOVEMBER 2017

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING SERVICES**THE COUNCIL'S APPROACH TO EMERGENCY ACCOMMODATION****EXEMPT INFORMATION**

N/A

PURPOSE

To update Cabinet on the Council's strategic approach to the supply of temporary accommodation and the work already completed following a review of the authority's emergency accommodation. To place this work in the broader context of the Homelessness Reduction Act (HR Act) and the Council's Homelessness Prevention Strategy. Additionally, the report requests Cabinet approval to set up an Emergency Accommodation Register for the procurement of bed and breakfast accommodation, to approve amendments to the Council's Temporary Accommodation Policy ensuring that it complies with new legislative requirements and a new Former Tenant Arrears Policy for temporary accommodation.

RECOMMENDATIONS

That Cabinet approves the development of an Emergency Accommodation Register of emergency accommodation providers.

That Cabinet approve changes to the Temporary Accommodation Policy.

That Cabinet approves a Former Tenant Arrears Policy.

EXECUTIVE SUMMARY

As part of its overall strategic approach to housing and homelessness prevention, the Council has developed a plan to continually improve its approach to temporary accommodation that incorporates Private Sector Leased properties and shorter term in emergency accommodation such as Bed and Breakfast.

It is important to note that this on-going work should be developed in the context of new legislative requirements that the Council will be required to implement as of April 2018. The Homelessness Reduction Bill received Royal Assent on 27th April 2017 and is now an Act of Parliament.

The new Homeless Reduction Act (HR Act) represents the biggest change to homelessness legislation since the introduction of the Housing Act in 1996 and amends part VII of this Act. Under the new legislation there is more emphasis on prevention activity with authorities having new legal duties to provide meaningful support to everyone who is homeless or at risk of homelessness, regardless of whether they are in priority need or 'intentionally homeless', as long as they are eligible.

Under the new legislation each homelessness application will require extensive casework to either prevent a household from becoming homeless or, if they are homeless, to relieve their homelessness. It is anticipated that this new approach will place additional demand on the Housing Solutions Service and require new and innovative ways of working to ensure the new legislative requirements are implemented as intended and homelessness is prevented in Tamworth.

Recent trends have seen an increase in usage of emergency accommodation. The increased demand was in part due to the decant at Tinkers Green and Kerria and a lack of move on accommodation for those in Temporary Accommodation. Numbers in temporary accommodation have decreased now the decant is complete. An increase in new affordable housing supply via the garage site re-development programme and new build acquisitions has also contributed to this decrease. However, as alluded to above, demand on the Housing Solutions Service is expected to increase with the implementation of the HR Act by an estimated 50% (based on evidence from the implementation of similar legislation in Wales and modelling work done both nationally and locally).

Given this anticipated increase in demand, the Council has identified a need to improve standards, diversify the supply of temporary accommodation to limit the use of costly and unsuitable emergency accommodation. To achieve this the Council is proposing the development of an Emergency Accommodation Register, amendments to the existing Temporary Accommodation Policy and the approval of a Former Tenant arrears Policy that will ensure the Council meets its statutory obligations as set out in the Housing Act 1996 (as amended in 2002).

The approach to Temporary Accommodation, should demand increase as anticipated would be to further increase the number of Private Sector Leasing scheme properties required, but to support this the Council is also developing a spot purchase model (as detailed in a complementary report on this agenda) to utilise Council accommodation to back up the PSL should the need arise at times of increased demand.

OPTIONS CONSIDERED

Development of an Emergency Accommodation Register

Options	Benefits	Risks
Do nothing	Current providers continue to provide emergency accommodation	Challenge from providers the authority does not use Standards fall below those required by the Council Not adhering to procurement rules
Implement Emergency Accommodation Register via an open tender process	All providers can access system and minimises the risk of challenge to the authority Emergency Accommodation used subject to routine checks to ensure standards are in line with the authorities Houses in Multiple Occupation policy Adherence to procurement	Providers fail to join and the authority has no or limited accommodation available to it

	guidelines as agreed with Procurement Team	
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Temporary Accommodation Policy

Options	Benefits	Risks
Do nothing	There are no tangible benefits to the council in not having a TA policy	<p>Legal challenge arising from recent case law applied to out of borough placements</p> <p>No clear approach how the Council places people in TA</p> <p>Council not compliant with case law</p> <p>TA not meeting required standards</p> <p>Weak approach to TA reflected in Gold Standard assessment process and failure to meet set challenges</p>
Update policy	<p>Clear approach in place to placement in TA</p> <p>Risk of legal challenge reduces</p> <p>Compliant with relevant legislation</p> <p>Clarity provided for officers and customers re: approach to TA</p> <p>Provides a framework that supports anticipated proposed legislative change</p> <p>Improved standards in TA</p> <p>Assist in achieving Gold Standard</p>	<p>Lack of suitable TA available to meet increasing demand</p> <p>Increased workload for Private Sector Housing Team</p> <p>TA does not meet required standards and providers don't co-operate to rectify</p>

Agree a Former Tenant Arrears Policy

Options	Benefits	Risks
Do nothing	There are no benefits to having no policy in place	Council has no approach to former tenant arrears in temporary accommodation

		Arrears increase The cost of TA is not transparent
Implement Policy	Council has robust policy approach to collection of its former tenant arrears from Temporary Accommodation Arrears are minimised Council can report more accurately on costs	Potential for Policy to be challenged

RESOURCE IMPLICATIONS

Emergency Accommodation Register

There are no direct financial implications associated with the introduction of this Emergency Accommodation Register, other than expenditure on Bed and Breakfast which is contained within existing budgets. By asking for fixed prices in the tender this may allow for some savings. However demand is expected to increase by around 50% with the introduction of the HR Act in April 2018 so any savings will be offset against this potential increase in demand.

Temporary Accommodation Policy

There are no direct financial costs to the implementation of this policy

Former Tenant Arrears Policy

There are no direct financial costs to the implementation of this policy, however by introducing this, the authority will have robust policy and procedures for the collection of arrears. There will be no associated costs to this as it will be done on a percentage recovery basis.

LEGAL/RISK IMPLICATIONS BACKGROUND

Homelessness, its prevention and Part VII duties are one of the Councils Statutory functions and failure to ensure that the Council has an adequate supply of temporary accommodation which is of a good standard and ensuring the authority does not breach its targets on families and 16/17 year olds could result in the Authority facing significant legal challenge in the form of Judicial Reviews and s202 reviews

SUSTAINABILITY IMPLICATIONS

The Council has for many years taken a prevention approach to tackling homelessness seeking to offer support to households in meeting their own housing needs wherever possible. The proposals within this report offer an opportunity for the Council to continually improve its homelessness prevention services in line with the requirements as set out in the HR Act and reduce the risk of legal challenge.

The vision, priorities, objectives and actions contained in the Homelessness Prevention Strategy will contribute towards meeting legislative requirements, targets and priorities set at national level as well as taking into account local evidence. They also feed into a number of corporate aims, objectives and strategies as well as those of many of the partner agencies involved in delivering housing and related services in the Borough

BACKGROUND INFORMATION

The Council is currently reviewing its strategic approach to housing and wellbeing through the development of an over-arching plan. This is supported by number of key documents, one of which is the Homelessness Prevention Strategy. This sets out the Council's priorities in relation to the prevention of homelessness set out Housing Act 1996 (as amended 2002).

As part of the Council's obligations under this act, the Council has a legal duty to provide accommodation to homeless people in certain circumstances. This legal duty will continue upon implementation of the Homeless Reduction Act in April 2018.

The HR Act represents the biggest change to homelessness legislation since the introduction of the Housing Act in 1996 and amends part VII of this Act. Under the new legislation there is more emphasis on prevention activity with authorities having new legal duties to provide meaningful support to everyone who is homeless or at risk of homelessness, regardless of whether they are in priority need or 'intentionally homeless', as long as they are eligible.

Under the new legislation each homelessness application will require extensive casework to either prevent a household from becoming homeless or, if they are homeless, to relieve their homelessness.

To support the delivery of the Homeless Prevention Strategy and assist in meeting the legislative requirements as set out in the HR Act, the Council has developed a plan for more effective use of temporary accommodation that ensures it meets its statutory duties. Government guidance advises that Bed and Breakfast accommodation should only be used in an emergency and in some circumstances only for limited periods of time. To ensure statutory compliance and reduce the use of costly and often unsuitable emergency accommodation the Councils plan sets out to increase the availability of good quality affordable temporary accommodation. The plan is consistent with the Councils overall strategic approach. The plan has been developed to be flexible to meet fluctuations in demand for this type of accommodation.

Recent trends have seen an increase in usage of emergency accommodation. The increased demand was in part due to the decant at Tinkers Green and Kerria and a lack of move on accommodation for those in Temporary Accommodation. Numbers in temporary accommodation have decreased now the decant is complete. An increase in new affordable housing supply new build accommodation via the garage site re-development programme and new build acquisitions has also contributed to this decrease. However, with the implementation of the Homelessness Reduction Act in April 2018 demand on the Housing Solutions Service is expected to increase by an estimated 50% (based on evidence from the implementation of similar legislation in Wales and modelling work done both nationally and locally). Given this expected increase in demand there is also an anticipated increase in demand for temporary accommodation.

When the Council has recourse to utilise Emergency Accommodation, it will need to ensure that all emergency accommodation used is of a decent standard, and that people are moved on in a timely fashion into more suitable self-contained accommodation which also reduces the risk of legal challenge to the authority.

The approach to Temporary Accommodation should demand increase as anticipated would be to further increase the number of PSL properties required, but to support this the Council

is also developing a spot purchase model to utilise Council accommodation to back up the PSL at times of increased demand.

B&B will therefore be viewed as being emergency accommodation and the intention is to use this only for very limited periods of time with move on into PSLs and at times of increased demand utilising Council stock on a spot purchase basis. A separate report which considers this model is also being considered for approval on this agenda.

A key aim of the strategic approach to housing is to ensure that standards within the private sector are improved and maintained. This includes emergency accommodation and those properties used for temporary accommodation. To ensure standards within the emergency accommodation used by the Council to fulfil its statutory function, a need has been identified to develop a register of providers offering emergency accommodation.

It was identified that to use a traditional framework method would not be suitable, as this would not allow the flexibility required due to the provision of emergency accommodation being a statutory requirement. This included the sometimes onerous requirements placed on those who may provide the accommodation having to go through a tender process, which may be a barrier to them tendering, thus leaving the authority with no emergency accommodation.

Therefore, to ensure flexibility within the framework and to maximise those providers interested in joining, it is proposed that the authority develops an Emergency Accommodation Register, which is a flexible way of working, which allows for suppliers who meet the tender criteria to be added to list at any time. This allows the Council greater opportunity beyond traditional approaches to procurement.

In addition to this, case law from the Supreme Court (*Nzolameso v Westminster*, 2015) set out that all Councils should have a temporary accommodation policy which circumstances out of area accommodation may be utilised. Cabinet approved Tamworth's Temporary Accommodation Policy in March 2017 and this is being brought back as this has now been amended (as attached at **Appendix A**) to reflect the anticipated changes expected via the implementation of the Homeless Reduction Act in 2018.

To further support the strategic approach to temporary accommodation, the development of the Emergency Accommodation Register and the amendments to the Temporary Accommodation Policy, approval is being requested from Cabinet to implement an Emergency Accommodation, Arrears and Former Tenant Arrears Policy has been produced and this is attached as **Appendix B**. This will give the authority an open, transparent and robust approach to the collection and write offs of former tenant arrears.

REPORT AUTHOR

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LIST OF BACKGROUND PAPERS

APPENDICES

Appendix A: Temporary Accommodation Policy

Appendix B: Emergency Accommodation, Arrears and Former Tenant Arrears Policy