

Havant Borough Council

Temporary Accommodation Placements

Version 1

11.04.2019

1. Background

- 1.1. The Council has a statutory duty to assist households presenting as homeless where they are considered to be eligible for assistance and in priority need. In the first instance the duty is to endeavour to prevent homelessness where ever possible which may take the form of mediation with family or the accommodation provider, intervention with landlords or lenders, or pursuing alternative housing options.
- 1.2. One of the most effective homelessness prevention options is the Deposit Loan Scheme designed to assist a household into a private rented property in any area of their choice, which could extend to out of borough properties. However, over the past couple of years the local private rented housing market has become more expensive and this coupled with restrictions being imposed on the level of housing benefit awards and the introduction of the benefit cap and Universal Credit, has meant that the ability of households to afford rent levels has become more difficult.
- 1.3. If it is not possible to prevent homelessness, then the Council has a duty to provide temporary accommodation.
- 1.4. The Council must also continue to provide accommodation to households that have been accepted as homeless while longer term accommodation is found and a 'settled housing solution' has been reached or until the duty towards the household has been discharged in one of the ways contained in the Housing Act 1996 (HA96) as amended by the Homelessness Reduction Act 2017 (HRA).

2. Policy Aims

- 2.1. In a recent Supreme Court case, *Nzolameso v Westminster City Council* [2015] UKSC22, it was stated that where a local authority is unable to accommodate homeless households in its own local authority area then it should have a policy to underpin its temporary accommodation placement process.
- 2.2. This document sets out Havant Borough Council's policy for placement of households in temporary accommodation both in and out of borough. It covers both interim placements made under Section 188 HA96/HRA, while homeless enquiries are undertaken, and longer term temporary accommodation placements for households accepted as homeless under Section 193 HA96/HRA.

- 2.3. The policy takes into account the statutory requirements on local authorities in respect of suitability of accommodation, including Suitability Orders, and the Homeless Code of Guidance 2018.
- 2.4. As per section 208 HA96/HRA, and paragraph 17.47 of the Homelessness Code of Guidance, so far as reasonably practicable, the Council seeks to accommodate homeless households within its borough and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to an acute and increasing shortage of temporary accommodation, it is possible that a number of households may potentially be placed initially in accommodation outside of the borough.
- 2.5. When determining whether it is reasonably practicable to secure temporary accommodation within borough, as opposed to simply what is reasonable, the cost of accommodation is also a relevant and proper consideration, due to budget constraints faced by the Council.
- 2.6. The Council currently only has temporary accommodation available within the borough via:
- arrangements with one Bed and Breakfast establishment who has up to 4 units of accommodation that homeless household can be referred to by the Council
 - commercial Bed and Breakfast establishments as and when their capacity allows

3. Temporary Accommodation Offers and Refusals

- 3.1. Due to the shortage of suitable accommodation within the borough, homeless applicants who are housed under the Council's interim duty to accommodate pursuant to Section 188 HA96/HRA may initially be placed in emergency accommodation, including Bed and Breakfast, while enquires are carried out to establish what duties are owed under the Act.
- 3.2. Wherever possible this accommodation will be made available within the borough but in the main it may be secured outside of the borough. If this happens the Council will endeavour to move the household to accommodation within the borough as soon as it becomes available.
- 3.3. Applicants will be given one offer of suitable interim or longer term temporary accommodation.

- 3.4. Where applicants refuse suitable temporary accommodation (which may include out of borough placements) and the Council does not accept their reasons for refusal, and considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own accommodation arrangements.
- 3.5. Whilst there is no right of appeal against the suitability of accommodation offered to applicants under Section 188 HA96/HRA (although they can apply for judicial review through the courts) there are suitability levels which interim accommodation cannot fall below.
- 3.6. For applicants where the Council has accepted a rehousing duty under Section 193 HA96/HRA, (s193 duty) there is a right to request a review of the suitability decision, pursuant to Section 202 HA96.
- 3.7. Where applicants, for whom the Council has accepted duty under s193, refuse a suitable offer and submit a review request, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision, and the personal circumstances of the applicant and the potential impact of the loss of accommodation.
- 3.8. Should an applicant refuse an offer of accommodation and fail to take up occupation of the property and if following a review being considered the offer of accommodation is deemed suitable, the Council will consider that it has ceased its duty to the applicant having met its statutory obligations.
- 3.9. Applicants requesting a review of the suitability of an offer of accommodation under s193 will be advised of their right to accept the offer of accommodation and pursue a review of the suitability of the accommodation whilst in occupation.
- 3.10. If the outcome of a review of the suitability of the offer of accommodation considers that the offer is not suitable, the Council will be under a duty to make an alternative offer of more suitable accommodation as and when it becomes available.
- 3.11. Where a statutory right of review exists if the review upholds the decision that the accommodation is suitable the applicant has the right to appeal to the County Court but only on a point of law.
- 3.12. A property must remain suitable to the applicant and or their household until the Council has discharged its duty by providing permanent accommodation or discharging its duty by providing a private sector offer.

- 3.13. The Council is also legally obliged to ensure that households with children or where a member of the household is pregnant do not remain in accommodation that is not self-contained (such as Bed & Breakfast or other nightly charged accommodation with shared facilities) for a period longer than 6 weeks.

4. Suitability of accommodation – factors to consider

- 4.1. In offering temporary accommodation, the Council will consider the suitability of the offer, taking into account the following factors:

4.1.1. The temporary accommodation available in the district - Applicants will primarily be housed within the borough if suitable accommodation is available, allowing them to maintain any established links with services and social/support networks etc. However, when there is a lack of suitable accommodation within the borough, out of borough placements will be used to meet the Council's housing duty.

4.1.2. Size and location of the property and the availability of support networks in the area - Accommodation must provide adequate space and room standards for the household and be fit to inhabit. The quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are unlikely to be acceptable reasons for a refusal.

Support networks, either through family or professional support, may be considered as a factor if they are essential to the health and wellbeing of the household and to be without them would have a detrimental effect.

4.1.3. Health factors - The Council will consider health factors, such as ability to get up the stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available within the borough. If the applicant or a member of the household is citing medical grounds that were not identified during the initial assessment, the applicant must submit supporting medical information as soon as reasonably possible for this to be considered.

The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. Problems such as depression, asthma, diabetes or back pain would not normally make a property unsuitable, if the problems would persist in any sort of accommodation and would not be affected by or made worse by the accommodation being offered.

4.1.4. Education - Attendance at local schools will not be considered a reason to refuse accommodation, though some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for in borough placements.

4.1.5. Employment - The Council will consider the need of applicants who are in paid employment to reach their normal workplace from the accommodation that is secured whether that the person would be at risk of not being able to continue with the employment. In doing so it will be guided by the Department of Work and Pensions travel to work expectations.

4.1.6. Proximity to Support Services - The council will consider the proximity to public transport, primary care services, and local services in the area in which the accommodation is located if they are essential to the health and wellbeing of the household and to be without them would have a detrimental effect.

4.1.7. Any other special circumstance - The Council will consider any other reasons for refusal put forward by the applicant and come to an overall view about whether the offer is suitable.

5. Duty to inform other local authority

5.1. Under s208 (2) HA96/HRA the council is under a duty to inform a local authority that is has placed a homeless household in temporary accommodation in their area. The information provided is as follows:

- Name of the applicant
- Number and description of other persons who normally reside with the applicant
- The address of the accommodation
- The date the accommodation was made available
- The function that is being discharged in securing the accommodation

5.2. Havant Borough Council will notify the authority into which homeless households are placed and will seek to ensure that services are made available to the household and maintained where required