
**TITLE: ISSUES TO CONSIDER IN THE NEW HOMELESSNESS STRATEGY
- PRESENTATION**

Committee: Scrutiny Committee

Date: 27th November 2012

Author: Jane Hollingworth, Head of Housing

[M174]

1.0 ISSUE

1.1 Consideration of the issues to be considered in developing a new Homelessness Strategy for the district.

2.0 RECOMMENDATION(S)

2.1 Members are requested to consider matters raised in the presentation and instruct officers in the direction to be taken in the development of a new homelessness Strategy policy for the district.

3.0 BACKGROUND/OPTIONS

3.1 The Localism Act 2011 required each local authority to publish a *Tenancy Strategy* which set out matters to which registered providers of social housing for its district are to have regard in formulating policies relating to the kinds of tenancies they grant, the circumstances in which they will grant a tenancy of a particular kind, where they grant tenancies for a certain term, the length of that term, the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy. The Act further modified the Council's duties towards people who become homeless or are threatened with homelessness, giving increased priority to people serving in the armed forces and, from 9th November 2012, allowing the council to discharge its homelessness duties into private sector accommodation.

3.2 Section 1 (3) and 1 (4) of the Homelessness Act 2002 requires local housing authorities to publish a *Homelessness Strategy* and to revise it within five years from the date on which their last homelessness strategy was published.

3.3 The Localism Act 2011 further requires that when producing a new *Allocations Policy* local authorities **must have regard** to their tenancy strategy and their homeless strategy.

3.4 The *Housing Act 1996*, *Homelessness Act 2002*, *Homeless (priority need for accommodation) (England) order 2002*, the *CLG Homelessness Code of Guidance 2005/6 edition* and other legislation and case law impose duties on local authorities towards people who are homeless or who are threatened with homelessness, The authority is required to carry out investigations to determine whether a duty is owed to any homeless person. These investigations can sometimes be extensive and time-consuming. They need to determine whether a person or a family is:-

- Eligible for recourse to public funds
 - Actually homeless
 - In a priority need group
 - Not intentionally homeless
 - Has a local connection to the area
- 3.5 If the authority thinks that a person approaching the authority may fulfil these criteria then certain duties are owed. These may range from a duty to provide only advice and assistance to a full duty to find permanent accommodation. While investigations are under way the council has a duty under s 188 of the *Housing Act 1996* to accommodate in interim accommodation if it is believed that a person is a) eligible, b) actually homeless and c) has a priority need, and this accommodation is usually a hostel or bed and breakfast accommodation. Investigations are then carried out to determine whether the Council owes a permanent duty to house a person or family. Should the council then decide that no duty is owed, for example because a person has made themselves intentionally homeless, then there may still be a duty to accommodate during a period of “reasonable notice” after notice is given. In most cases this “reasonable notice” has been deemed by case law to be 28 days.
- 3.6 Where there is a duty to provide permanent accommodation this is discharged through agreements with Registered Social Landlords (Housing Associations). From 9th November 2012, sections 148 and 149 of the *Localism Act 2011* enabled local authorities to use the new power that will allow them to end the main homelessness duty with a private rented sector offer without the applicant’s consent. Such an offer would have to meet the requirements of the *Homelessness (Suitability of Accommodation) (England) Order 2012 (SI 2012/2601)*.
- 3.7 Homelessness presentations and homeless acceptances have escalated during the last 18 months in East Cambridgeshire district. This presentation explains the reasons for this and tries to predict what will happen in the next 18 month period.
- 3.7 A Homelessness Strategy consultation event was held in August 2012 and representatives of Housing Associations, advice agencies and local churches and charities were present. The proposals from this event have been considered in the light of expected changes to welfare benefits, especially to housing benefit, and the pressing need to reduce the Council’s Bill for Bed and Breakfast accommodation, which is likely to exceed £300,000 in the current year. The results of this process are now presented to committee as a draft action plan in presentation form.
- 3.8 **Priority to those who are working in the district**
- The leading group’s stated priority is to give *priority for housing to those who are working in the district*. This would give rise to a number of potential consequences which will be detailed in the presentation, with a view to agreeing proposals for members when the allocations policy comes to Development and Transport committee for approval on 3rd December 2012. A mechanism for achieving this has been devised and will be presentation to the committee for consideration.
- 3.9 Matters to be raised include:-
- Evidence shows that over half of those housed by this authority are working in the district or in neighbouring districts

- Over half of those in band A and accepted as homeless at 7th November 2012 are in work in the district
- The proposal could prioritise those who live elsewhere and work in the district over those who live in the district and work over its borders. It needs clarification.
- The proposal could have the perverse effect of prioritising for social housing those who can afford private rent while excluding the neediest, who cannot afford private rentals, from social housing. This could give rise to a challenge in the courts.
- The proposal could have a further perverse effect of increasing the backlog of homeless families in temporary accommodation, which is an extra burden on the budget for this council

4.0 ARGUMENTS/CONCLUSIONS

The presentation will present a number of complex issues for members to discuss. The final draft homelessness strategy will take into account any recommendations from this discussion when it is presented to this committee on 3rd December 2012

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 An Equalities Impact/Needs/Requirement Assessment has been carried out and it will be presented to this committee in December 2012.
- 5.2 The financial consequences of not taking action to reduce use of Bed and Breakfast accommodation would be very serious for this council.

6.0 APPENDICES

1. Presentation slides

Background Documents

Location

Room 117
The Grange,
Ely

Contact Officer

Jane Hollingworth
(Position: e.g. Head of Housing
(01353) 616236
E-mail:
jane.hollingworth@[eastcambs.gov.uk](mailto:jane.hollingworth@eastcambs.gov.uk)