

**REPORT FROM: HOUSING, HEALTH & ECONOMIC DEVELOPMENT  
SERVICES MANAGER**

**TO: EXECUTIVE**

**DATE: 20<sup>th</sup> August 2015**

**Contact Details:** Wayne Forrest  
**Tel. No:** 01282 661044  
**E-mail:** wayne.forrest@pendle.gov.uk

## **PENDLE HOMELESSNESS TEMPORARY ACCOMMODATION POLICY**

### **PURPOSE OF REPORT**

To note recent developments in homelessness caselaw and consider the Pendle Homelessness Temporary Accommodation Policy 2015

### **RECOMMENDATION**

That Council be recommended to adopt Pendle's Homelessness Temporary Accommodation Policy.

### **REASON FOR RECOMMENDATIONS**

To meet guidance issued at the Supreme Court in April 2015

### **1.0 Background**

Under the [Housing Act 1996 Part VII – s188](#) the Council may have a legal duty to provide temporary accommodation, if there is reason to believe that the applicant may be homeless, eligible for assistance and have a priority need.

### **2.0 New Caselaw**

In [Nzolameso v Westminster City Council](#) the Supreme Court has recently issued 'Guidance' which the Council needs to consider.

*The Guidance (page 15) issued in points 38 and 39 state:-*

But how, it may be asked, are local authorities to go about explaining their decisions as to the location of properties offered? It is common ground that they are entitled to take account of the resources available to them, the difficulties of procuring sufficient units of temporary accommodation at affordable prices in their area, and the practicalities of procuring

accommodation in nearby authorities. It may also be acceptable to retain a few units, if it can be predicted that applicants with a particularly pressing need to remain in the borough will come forward in the relatively near future. On the other hand, if they procure accommodation outside their own area, that will place pressures on the accommodation, education and other public services available in those other local authority areas, pressures over which the receiving local authority will have no control. The placing authority are bound to have made predictions as to the likely demand for temporary accommodation under the 1996 Act and to have made arrangements to procure it. The decision in any individual case will depend upon the policies which the authority has adopted both for the procurement of temporary accommodation, together with any policies for its allocation.

Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority's statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of "in borough" units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away. That policy too should be made publicly available.

### **3.0 Development of a Homelessness Temporary Accommodation Policy**

In order to meet the Guidance issued, a Pendle Homelessness Temporary Accommodation Policy has been developed (**Appendix 1**) in relation to procurement and allocation. The proposed policy states:-

- It is the Council's policy to ensure that there is sufficient and suitable temporary accommodation available to meet the expected need.
- It is the Council's policy to ensure a fair system when reaching decisions on the allocation of temporary accommodation.

The proposed policy document considers legislation, caselaw and guidance in relation to the provision of temporary accommodation and reaches conclusions in relation to procurement and allocations. When considering all the factors which affect procurement and allocations, it is felt that at present that existing and anticipated future requirements for temporary accommodation and allocations are being met.

## **IMPLICATIONS**

### **Policy**

The proposed policy meets guidance issued at the Supreme Court.

### **Financial**

There are no financial implications arising from this policy.

### **Legal**

The Council must take into consideration the guidance issued in [Nzolameso v Westminster City Council](#). Failure to do so may risk legal challenge.

### **Risk Management**

Failure to respond to the new guidance issued at the Supreme Court may risk the Council's reputation and possibly lead to future legal challenge, when making offers of temporary accommodation.

**Health and Safety**

There are no known health & safety implications

**Sustainability**

The development of this policy will help to ensure that the Council is able to meet its statutory duties towards homeless households.

**Community Safety**

There are no known community safety implications

**Equality and diversity**

There are no known equality and diversity implications arising from this report and proposed policy.

**APPENDICES**

**Appendix 1 - Pendle Homelessness Temporary Accommodation Policy 2015**