

PENDLE BOROUGH COUNCIL

# HOMELESSNESS TEMPORARY ACCOMMODATION POLICY 2017



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# Pendle Borough Council

## Homelessness Temporary Accommodation Policy

### 1.0 Background

#### Legislation

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.

Sections 206 and 208 of the 1996 Act impose distinct but related requirements upon the local authority. Section 206(1) provides that the authority may discharge their housing functions *only* by securing “suitable” accommodation, albeit by a variety of routes. Section 208(1) provides that: “So far as reasonably practicable a local housing authority shall in discharging their housing functions under this Part secure that accommodation is available for the occupation of the applicant in their district”. By virtue of section 205(1) of the 1996 Act, their “housing functions” refers to their functions under Part 7 to secure that accommodation is available for a person’s occupation. It is clear, therefore, that these are duties owed to the individual person to whom the main homelessness duty is owed. The accommodation offered has to be suitable to the needs of the particular homeless person and each member of her household and the location of that accommodation can be relevant to its suitability: see *R (Sacupima) v Newham London Borough Council* [2001] 1 WLR 563, CA. This has since been fleshed out in statutory guidance.

#### Guidance

Under section 182(1) of the 1996 Act, local housing authorities are required to have regard to such guidance as may from time to time be given by the Secretary of State. The current general guidance is contained in the *Homelessness Code of Guidance for Local Authorities* (Department for Communities and Local Government, 2006). As to the duty in section 208(1), this provides:

“16.7. Section 208(1) requires housing authorities to secure accommodation within their district, in so far as is reasonably practicable. Housing authorities should, therefore, aim to secure accommodation within their own district wherever possible, except where there are clear benefits for the applicant of being accommodated outside of the district. This could occur, for example, where the applicant, and/or a member of his or her household, would be at risk of domestic or other violence in the district and need to be accommodated elsewhere to reduce the risk of further contact with the perpetrator(s) or where ex-offenders or drug/alcohol users would benefit from being accommodated outside the district to help break links with previous contacts which could exert a negative influence.”

As to suitability, the Code says this about the location of the accommodation:

“17.41. The location of the accommodation will be relevant to suitability and the suitability of the location for all the members of the household will have to be considered. Where, for example, applicants are in paid employment account will need to be taken of their need to reach their normal workplace from the accommodation secured. The Secretary of State recommends that local authorities

take into account the need to minimise disruption to the education of young people, particularly at critical points in time such as close to taking GCSE examinations. Housing authorities should avoid placing applicants in isolated accommodation away from public transport, shops and other facilities, and, wherever possible, secure accommodation that is as close as possible to where they were previously living, so they can retain established links with schools, doctors, social workers and other key services and support essential to the well-being of the household.”

### [Homelessness \(Suitability of Accommodation\)\(England\) Order 2012](#)

Article 2 provides:-

“In determining whether accommodation is suitable for a person, the local housing authority must take into account the location of the accommodation, including -

- (a) where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;
- (b) the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person’s household;
- (c) the proximity and accessibility of the accommodation to medical facilities and other support which - (i) are currently used by or provided to the person or members of the person’s household; and (ii) are essential to the well-being of the person or members of the person’s household; and
- (d) the proximity and accessibility of the accommodation to local services, amenities and transport.”

## **2.0 Recent Caselaw**

[Nzolameso v Westminster City Council – Supreme Court Judgement – April 15](#) – has considered in more detail the issue of suitability and in particular its relation to out of borough placements. The judgment also issued Guidance (page 15) which states in points 38 and 39:-

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 Current Provision of Temporary Accommodation provision**

The Council's Housing Needs service aim to prevent homelessness where reasonably able to do so. Sadly, not all homelessness can be prevented and thus there is a requirement for provision of temporary accommodation.

The Council has always sought to provide temporary accommodation within Pendle but it has proved extremely difficult to do so due to:-

- Lack of funding to provide and manage a dedicated homelessness hostel
- Many bed & breakfast (B&B) providers will not accept placements of people who are homeless within their establishments.
- A number of B&B providers no longer accept placements of those who are homeless due to the previous anti-social behaviour of such clients at their establishments.
- The Council has in the past, acquired specific properties from a housing association and used these as temporary accommodation. However, these properties proved expensive to use and required a significant amount of staffing resource to manage them. Further, there was a lack of demand for such properties which added to costs when they were unoccupied and no rent was received.

The Council has therefore sought to prioritise preventative action such as accessing the large private rented sector which exists within Pendle whilst still ensuring that temporary accommodation options meets need.

### **4.0 Temporary accommodation options currently available**

The Council has access to the following temporary accommodation options in and around the Pendle area

#### ***Safespace Emergency Unit, Leeds Road, Nelson***

The Council has an underwrite agreement with Pendle Action for the Community to access 4 emergency units for homeless young people under 25.

At present, Lancashire County Council (LCC) via its Prevention & Early Help (P&EH) fund is reviewing arrangements with providers of supported accommodation, including Safespace. It is possible that following review, changes may come into place which directly affects the Councils underwrite agreement ie LCC may require more access to these units and / or the units may need to be restricted to those aged 16 – 21 rather than 16 – 25, as is presently the case. Subject to the outcome of the review, the Council will continue to work with Safespace and LCC to develop a way forward regarding future use of the units.

### ***Elizabeth Street Project (ESP), Elizabeth Street, Burnley***

The Council has a service level agreement with ESP and is able to refer to this 20-bed homelessness hostel. There is provision for both families and single people. Calico, which manages ESP, is in the process of developing a 30 bedroom, residential project called Gateway, at Westgate, Burnley with a provisional opening date set for April 2018. The development will provide for the needs of rough sleepers, with supporting facilities, training areas, multipurpose rooms, private external space and medical provision. It is anticipated that the development will receive funding from LCC via its P&EH fund and will be accessible to the Council for placements from the Pendle area.

No decision has, as yet been taken in terms of whether the provision at ESP will continue, following the opening of Gateway. Whilst the new development is very much welcome, unfortunately the scheme will not be able to take families and should ESP not continue, which has provision for families, there will no longer be a potential source of temporary accommodation for families relatively close to Pendle. As such, B&B use, which is seen as unsuitable for households with family commitments, would be expected to be used more frequently.

The Council will work closely with Calico regarding the future of Gateway and ESP in order to try and ensure access to sufficient provision of temporary accommodation available to households from Pendle.

### ***Bed & Breakfast***

The Council refers to a number of B&B establishments but unfortunately availability in Pendle is very limited, therefore most placements are made in Burnley, which is the neighbouring local authority and which has excellent transport links into Pendle and many amenities. On occasion, and particularly when referrals need to be made out of office hours, the Council may have to secure accommodation further afield including the Blackburn area, where availability exists.

### ***Miscellaneous other accommodation***

This mainly comprises ad hoc placements outside of borough such as via neighbouring Council's temporary accommodation provision and / or hostels and refuges for victims of domestic abuse.

## **5.0 Statistical analysis of temporary accommodation usage**

The tables below show usage of various types of temporary accommodation which has been used to discharge the Councils homelessness duties:-

**Table 1: Safespace Emergency Units - occupancy levels 2011-17**

Year	No of placements	Occupancy rate (%)
2011-12* (from Sept 11)	29	88%
2012-13	40	90.6%
2013-14	44	86.57%
2014-15	32	92.3%
2015-16	39	90.1%
2016-17	47	89.4%

**Table 2: Temporary Accommodation Usage 2012-17**

Year	Total placements			Family-only placements		
	Number of placements	Number of nights provided	Average length of stay (nights)	Number of family placements	Number of nights provided	Average length of stay (nights)
<b>Elizabeth Street Project (ESP)</b>						
2012-13	11	413	37.5	3	119	39.6
2013-14	13	551	42.3	1	72	72
2014-15	29	1176	40.6	3	61	20.3
2015-16	25	1276	51	1	1	1
2016-17	28	832	29.7	2	65	32.5
<b>Bed &amp; Breakfast establishments</b>						
2012-13	126	622	4.9	17	106	6.23
2013-14	74	280	3.8	20	55	2.75
2014-15	36	223	6.2	5	51	10.2
2015-16	68	405	5.96	1	3	3
2016-17	44	248	5.64	4	24	6
<b>Miscellaneous other accommodation</b>						
2012-13	2	99	49.5	0	0	0
2013-14	3	89	29.7	0	0	0
2014-15	0	0	0	0	0	0
2015-16	3	170	56.7	0	0	0
2016-17	7	63	9	0	0	0

\*Where a person has moved from one establishment to another, this has counted as two separate placements.

Housing Needs have utilised ESP with more regularity in recent years as a result of placements becoming more available and there being a reduction in the availability of alternative accommodation options such as Houses in Multiple Occupation (HMO's) provided mainly for homeless people. ESP provides supported accommodation which means that residents receive not only accommodation but support to address issues, achieve independent living skills where required and are able to move on with confidence, thus hopefully preventing future homelessness. Consequently, length of stay per client is considerably higher than B&B placements.

Whilst families are placed in B&B from time to time, many of these placements are usually as a result of an 'out of office hours' placement whereby it hasn't been possible to prevent homelessness or secure any alternative accommodation other than a B&B. Even so, such stays within B&B have been of a very short-term nature.

The Council continues to adhere to the [Homelessness \(Suitability of accommodation\) \(England\) Order 2003](#) by ensuring that no household with family commitments has stayed in B&B beyond 6 weeks.

## **6.0 Procurement of temporary accommodation**

It is the Council's policy to ensure that there is sufficient and suitable temporary accommodation available to meet the expected need. When calculating the expected need, previous years statistics (inc Table 1 and 2) are considered along with anecdotal evidence such as the difficulties faced in securing suitable temporary accommodation.

Ideally, no family or 16/17year old should be placed in B&B accommodation, which is seen as unsuitable. However, although Housing Needs can refer to ESP 'out of office hours', there is no guarantee that a placement would be available or that even if a place was available, that the household would not pose too high a risk to be offered a placement eg due to problematic addiction.

Table 2 shows that whilst there is a large number of people who access temporary accommodation, on average, the length of stay particularly for B&B accommodation is extremely short, which shows that 'move on' to more suitable accommodation is effective.

All offers of temporary accommodation must be 'suitable' as per homelessness legislation, guidance and caselaw and it is felt that offers being made do meet this standard, following a case by case approach. Whilst placements are for the most part made out of borough, these placements are usually for a very short time, particularly in B&B. Whilst it would no doubt be very advantageous for applicants to secure placements in Pendle, anecdotal evidence suggests that few households have a particularly urgent need to remain in the Borough, especially in light of the often extremely short-term nature of the placement. There is no known evidence to suggest that many applicants with an urgent need to remain in the borough even for such a short period will require temporary accommodation in Pendle in the relatively near future.

### **Conclusion**

Based on previous years utilisation of temporary accommodation, it is felt that the needs of those using temporary accommodation are being met. Whilst ideally, all temporary accommodation would be located within Pendle, unfortunately such accommodation is not available and the need does not appear to justify the significant expense of providing new accommodation in the borough. Many placements are for a very short period and are often within the neighbouring borough where there are excellent transport links into Pendle. However, should the opportunity become available to secure a wider source of temporary accommodation within Pendle, which is of suitable quality and which is affordable, the Council would seek to utilise such accommodation in order to improve its offer in meeting its duties under homelessness legislation.

## **7.0 Allocation of temporary accommodation**

It is the Council's policy to ensure a fair system when reaching decisions on the allocation of Temporary Accommodation. The following approach is taken towards the different types of temporary accommodation:-

### ***Safespace Emergency Units***

As supported accommodation funded by Supporting People, this accommodation is only available for single people under 25. The Council has agreed an allocations policy with Positive Action in the Community (parent charity to Safespace). When a placement becomes available, the selection of a homeless household for the placement is based on whether the applicant is owed a duty under s188 and if so, young people aged 16/17 who are staying in B&B will be prioritised for an allocation above others as B&B accommodation is seen as unsuitable for this age group. Finally, the length of time a person may have been waiting for this accommodation will be taken into account.

### ***Elizabeth Street Hostel***

Referrals of those who are owed a s188 duty are made as and when placements become available. As ESP undertake assessments, they decide who is offered a placement if more than one person applies for the same vacancy.

### ***B&B accommodation***

Due to the limited supply of temporary accommodation available, Housing Needs utilises B&B based mainly on cost and proximity to Pendle, unless there are factors which preclude particular homeless households from staying at some establishments eg risk of violence if they stayed at that location. Where a homeless household is fleeing domestic abuse, Housing Needs try to secure refuge accommodation as this is often the most suitable accommodation particularly as specialist support is provided and security measures are much higher than a B&B. Households who are aged 16-17 or have children / pregnant are prioritised for move on as quickly as possible, although Housing Needs will aim to move on all applicants placed in B&B as soon as possible.

### **Conclusion**

Housing Needs only have input in terms of allocations at Safespace due to the underwrite agreement being in place. For all other forms of temporary accommodation, Housing Needs work with providers to see what is available and make referrals as and when placements become available. The establishments themselves decide whether to accept such referrals. Where households are aged 16/17 or have children/pregnant, such households are prioritised for move on into more suitable accommodation such as hostels as soon as possible.

Although the Council's ability to influence the allocation of these different types of temporary accommodation is very limited, where possible, there is a fair system for allocating temporary accommodation based mainly on the Council's legal duties towards each household.

## **8.0 Monitoring of this policy**

The Council's Housing Needs section will review this policy regularly to ensure that the procurement and allocation of temporary accommodation continues to meet the policies set within this document.