

**HOMELESSNESS
AND ROUGH SLEEPING STRATEGY
FOR PENDLE**

2019 - 2024

Introduction

This is Pendle Borough Council's Homelessness and Rough Sleeping Strategy for 2019 – 2024. It will support the delivery of some of the key priorities in Pendle's Strategic Plan 2018 – 2020 and be complementary to other strategies such as the Pendle Housing Strategy 2018 - 2023. Its purpose is to show what we, the Council, will do about homelessness and rough sleeping. It lists the key actions we'll be undertaking, with partners, in order to deliver this strategy.

Aims of the Strategy

The key aims of the Strategy are:-

- To prevent homelessness
- To continue to ensure that there is a safety net of accommodation for people who are or who may become homeless
- To provide support to people who are or may become homeless or who have been homeless and need support to prevent them from becoming homeless again.

How the Strategy was formulated

Under the Homelessness Act 2002, the Council must carry out a homelessness review for their district and formulate a homelessness strategy based on the results of that review. As such, 'Homelessness in Pendle Review – 2019' has been carried out which has considered the levels and likely future levels of homelessness in Pendle. The outcomes from the Review, feeds into this strategy and its recommendations have been used as Key Actions for this strategy (p12- 13). The result is this strategy which has been produced in consultation with various agencies concerned with homelessness across Pendle. These agencies included registered providers, supported housing providers, local advice & support agencies, probation, job centre plus, health services, drugs & alcohol mis-use services, children's social care, Councillors and Council departments.

Legislation and Guidance

In delivering a homelessness service, the Council must adhere to homelessness legislation and consider guidance issued by Government. Homelessness legislation derives principally from the 1996 Housing Act Part VII as amended. Since the last strategy was published in 2017, the Homelessness Reduction Act 2017 commenced in April 2018. The Act introduced new duties, powers and functions in relation to homelessness, and changes to how local housing authorities exercise their current legal duties. The main changes have been:-

- **Meaning of homelessness and threatened with homelessness amended.** This measure extends the period an applicant is “threatened with homelessness” from 28 to 56 days, and in addition ensures that anyone that has been served with a valid section 21 of the Housing Act 1988 eviction notice that expires in 56 days or less is classed as “threatened with homelessness”.
- **Duty to assess all eligible applicants' cases and agree a plan.** This measure requires local housing authorities to carry out an assessment in all cases where an eligible applicant is homeless, or at risk of becoming homeless. Following this assessment the local authority must work with the person who has applied for help, to agree the actions to be taken by both parties to ensure the person has and is able to retain suitable accommodation.
- **Duty in cases threatened with homelessness (prevention).** Homelessness prevention is about helping those at risk of homelessness to avoid their situation turning into a homelessness crisis. The Homelessness Reduction Act 2017 requires the local authorities to take reasonable steps to help prevent any eligible person who is at risk of homelessness from becoming homeless.
- **Duty owed to those who are homeless (relief).** Homelessness relief is action taken to help resolve homelessness. This duty requires local authorities to take reasonable steps to help secure accommodation for any eligible person who is homeless.
- **Duty of Public Authority to refer cases to local housing authority.** Requires public authorities in England specified in regulations to notify the local authority of service users they think may be homeless or at risk of becoming homeless.

As a supplement to the new legislation, a new **Homelessness Code of Guidance** was published in 2018, of which the Council must have regard to when exercising its functions relating to people who are homeless or at risk of homelessness.

Impact of the Homelessness Reduction Act 2017 for the Council

The implementation of the Act has resulted in significant changes to the way the Council undertakes its duty towards people who are homeless or threatened with homelessness and with it, statistical outcomes. This includes:-

- A requirement to work earlier and more in-depth with people who are at risk of, or actually homeless by working to prevent and / or relieve their homelessness. This includes agreeing a plan which includes actions to be taken and by whom.
- A requirement to provide substantially more data to Government in relation to cases. The Council has needed to acquire a new database to capture this data.
- The database itself contains a customer portal, whereby people can submit requests for housing / homelessness assistance online. This has led to significantly greater interaction with people via email, rather than face to face meetings and telephone conversations. It is felt that this development improves the overall service provided.
- There has been a large increase in the number of cases which have triggered homelessness applications (Table 1, p8). It is felt this gives a more accurate picture of homelessness in the borough than prior to the Homelessness Reduction Act 2017.

Legislative changes affecting the private rented sector

The Deregulation Act 2015 brought legislative changes to the private rented sector which appears to strengthen the rights of tenants. Initially the following changes were to apply only to tenancies in England granted on or after 1st October 2015, but these changes now apply to all tenancies from October 2018. This includes:-

- new rules to prevent retaliatory evictions
- removal of the requirement to expire a section 21 notice under a periodic assured shorthold tenancy 'after the end of a period of the tenancy'
- time limits when a section 21 can be served from the time a new tenancy is granted
- a 'use it or lose it' provision after service of a section 21 notice
- a new 'prescribed form' (Form 6A) which must be used when serving a section 21 notice
- compliance with certain 'prescribed requirements' before a section 21 can be served
- giving of prescribed information ('how to rent' guide) under any new tenancy – *only applies to tenancies created after 1st October 2015.*

These changes has allowed the Council to support tenants at risk of homelessness where landlords have served notices to quit incorrectly. Whilst its not known statistically whether these changes have reduced homelessness, its likely it will have delayed homelessness for many tenants and perhaps allowed more time for tenants to secure alternative accommodation.

The Tenancy Fee's Act 2019 came into force on 1st June 2019.

- Landlords or their agents are no longer be allowed to charge tenants for anything except: the rent, the tenancy deposit and a holding deposit.
- Landlords are no longer allowed to ask tenants to cover the cost of their own referencing, check-in, inventory or admin fees. Only three fee's are exempt from this: late rent fees, lost keys and changes to tenancy.
- Tenancy deposits, also called security deposits, are limited to five weeks' rent for annuals rents under £50,000. Holding deposits will be limited to one week's rent and is repayable.
- Landlord (or agents) who charge illegal fees face paying large fines.

As this Strategy has only been developed shortly after the commencement of this Act, it is too early to understand what impact this may have on homelessness in Pendle, and in particular whether it affects the ability to rehouse homeless households into private rented accommodation.

Potential new legislation and consultations

There are a number of consultations by government ongoing at present which could affect homelessness in the near future

Tackling Homelessness Together

This consultation seeks views on how the government could improve local accountability for the delivery of homelessness services.

MHCLG is seeking views on:

- the effectiveness of existing non-statutory and statutory local accountability and partnership structures in homelessness services
- whether the government should introduce Homelessness Reduction Boards and, if so, how this could be done most effectively
- how else the government might improve local accountability and partnership working in homelessness services.

The outcome of this consultation may radically change approaches towards homelessness in the futur

Overcoming the Barriers to Longer Tenancies in the Private Rented Sector – Government Response

The government's response proposes:

- to improve security for tenants by repealing Section 21 of the Housing Act (1988), putting an end 'no-fault' evictions. This will protect tenants from having to make frequent and short notice moves, and will enable them to plan for the future.
- amending the Section 8 eviction process, so landlords are able to regain their property should they wish to sell it or move into it themselves. This will provide a more secure legal framework and a more stable rental market for landlords to remain and invest in.
- reforming the court process for housing cases, so that landlords are able to swiftly and smoothly regain their property where they have a legitimate reason – meaning landlords have the security of knowing disputes will be resolved more quickly.

The Government responses in relation to the future of section 21 could potentially result in significant changes to the way private rented assured shorthold tenancies operate and could subsequently result in greater difficulty in accessing private rented accommodation if landlords decide to leave the market.

National Context

On 13th August 2018, the government launched its ***Rough Sleeping Strategy*** which lays out plans to help people who are sleeping rough now and to put in place the structures to end rough sleeping for good, with a plan to halve rough sleeping by 2022 and ending it by 2027. The Strategy sets out the 2027 vision to support every person who sleeps rough off the streets and into a home. It includes a range of commitments, intended both to help those who are sleep rough or currently at risk of doing so, and to lay the foundations for a system focused on prevention, early intervention, and a rapid rehousing approach to recovery. The Strategy will be updated annually.

The Strategy has since been supplemented by the ***Rough Sleeping Strategy: Delivery Plan*** in December 2018, which sets out more information on the 61 commitments made in the strategy. One of the commitments is that by Winter 2019, all local authorities update their strategies and rebrand them as homelessness and rough sleeping strategies.

Regional Context

Lancashire Joint Protocol 2017- 2020 - Joint Working Arrangements for homeless 16/17 year olds - The Protocol outlines the joint responsibilities of Children's Social Care and District Housing Authority partners concerning the assessment of need and provision of accommodation services to homeless 16/17 year olds.

Lancashire Prevention & Early Help Fund – help fund supported accommodation services for vulnerable adults in Lancashire to assist people to live as independently as possible. This includes funding for women's refuges, supported accommodation for young people and people with complex needs.

Local Context

This updated Strategy has been developed to deliver elements of the **Housing Strategy 2018–2023**, which itself has been developed to deliver the housing elements of the **Pendle Council Strategic Plan 2018-20**. One of the key objectives of the Housing Strategy 2018 – 2023 is 'to meet the housing and support needs of residents and vulnerable people'.

The last **Pendle Homelessness Strategy 2017** was developed following a review of homelessness in Pendle. Much of the strategy and its objectives remain relevant to this updated Strategy. The 2017 strategy identified a number of actions, most of which were taken forward. The main outstanding actions related to reviewing the B-with-us choice-based lettings allocations policy and reviewing the impact of Brexit on homelessness as its being taken forward. Both of these actions are contained within the updated Action Plan.

The **Pendle Homelessness Temporary Accommodation Policy 2017** was developed as a result of guidance issued in [Nzolameso v Westminster City Council – Supreme Court Judgement – April 15](#) - *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.* The Policy concluded at the time that it was felt that the needs of those using temporary accommodation was being met. However, in light of the recent legislative changes and this updated strategy, this policy will be updated.

The **Pendle Domestic Abuse Action Plan 2016–19** provides a framework that enables partners to work effectively together to ensure that those affected by domestic violence and abuse are supported and protected, and that perpetrators are held to account.

Homelessness and Rough Sleeping in Pendle

Many people believe anyone who is homeless is actually living on the streets. However, this is rarely the case. The legal definition of homelessness which local authorities work to is contained within Part VII, s175 of the Housing Act 1996. Broadly, when assessing whether a person is homeless or not, the Housing Act states that an applicant is not homeless if he/she has accommodation, which is available for the applicant's occupation, to which there are rights of occupation, entry or use to which is not restricted, and which it is reasonable for the applicant to continue to occupy. Consequently many people may be classed as homeless even if s/he is staying temporarily with friends / family.

The precise level of homelessness at any one time is impossible to ascertain due to a number of factors:-

- a person could become homeless at any point or their homelessness be resolved at any point, thus numbers of people potentially homeless may change on a day to day basis.
- it is known that not all homeless people approach the Council for assistance ie they approach a wide number of agencies, who may help to prevent their homelessness
- there may be 'hidden' homelessness ie where some people may decide not to approach the Council or any other agencies for assistance.

The Table below provides some indication of the numbers of people who approach the Council for assistance and outcomes

Table 1 – Housing enquires, homelessness applications and outcomes

Year	Housing Enquiries	Housing enquiries resulting in Homelessness Applications*	Number of cases where homelessness has been prevented or relieved **	Bed & Breakfast (B&B) Use		
				Number of nights provided	Number of placements	Average length of stay (days)
2013/14	1239	191	196	281	72	3.9
2014/15	1090	157	225	223	36	6.19
2015/16	1000	124	177	405	70	5.79
2016/17	968	101	192	248	41	6.05
2017/18	841	130	205	282	71	3.97
2018/19	828	500	300	465	61	7.62

*Homelessness applications are triggered where the Council has reason to believe that the applicant is homeless or at risk of homelessness within 56 days

** This figure relates to Council cases and also cases whereby an external agency which has received funding from the Council has managed to prevent homelessness

Under homelessness legislation, if a household is eligible, homeless and in (or appears to be in) priority need, the Council must provide suitable accommodation pending further enquiries into their homelessness. Such accommodation could take the form of hostel, refuge, B&B or other type of temporary accommodation. The Council currently uses Gateway which is a hostel in Burnley for people with complex needs, refuges, and as a last resort, particularly where out of normal office hours emergencies occur, bed & breakfast accommodation. However, as can be seen from Table 1, whilst the number of placements in B&B is significant, the average length of stay is extremely short as the Council help to move the household onto alternative housing options quickly wherever possible. 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. Further, **Calico - Homeless Families Project** has recently started in Pendle and will provide up to three properties for families to stay temporarily.

Rough Sleeping

Since autumn 2010, all local authorities have been required to submit an annual figure to DCLG (Now MHCLG) to indicate the number of people sleeping rough in their area on a typical night. They can arrive at this figure by means of an estimate or a count. As the Pendle area consistently returns low figures of rough sleepers (Table 2), the Council undertakes estimates in order to determine its submission. In following guidance, the Council selects a 'typical night' between 1st October and 30th November each year. In order to arrive at an 'estimate', all members of the Burnley, Pendle and Rossendale Homelessness Forum are contacted when a night is chosen and ask that they submit any evidence of rough sleeping on that particular night. Evidence must be sufficient to show that a person in all probability actually slept rough that night.

Table 2 - Rough Sleeper Out-turns submitted to DCLG / MHCLG by year

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Out-turn	2	1	2	1	1	2	1	0	0

This indicates that rough sleeping does not appear to be a major issue in Pendle, although the table is a snapshot of one night only and it could be that on a different night, there could be more people sleeping rough. It appears however that over the last couple of years that this, most visual expression of homelessness, has been more prevalent, whether rough sleeping itself, or more commonly, street begging. It should be noted that not all of those begging are found to actually be homeless. Anecdotally, it is believed that by PBC Housing Needs staff that at any one night, there are likely to be between one and three people sleeping rough in Pendle.

Consultation and Partner Involvement

Consultation has occurred with various agencies concerned with homelessness across Pendle. These agencies included registered providers, supported housing providers, local advice & support agencies, Probation, Job Centre Plus, health services, drugs & alcohol mis-use services, Children's Social Care, Councillors and Pendle Borough Council departments.

In May / June 2019 all members of the Burnley, Pendle and Rossendale Homelessness Forum were invited to provide comment/ feedback on the following three questions:

- What do you think are likely to be the biggest challenges over the next 5 years for homelessness services?
- What improvements / changes would agencies like to see in homelessness service provision?
- Any further ideas which you would like to put forward

A wide variety of responses were made by different sections of people, some of which work at agencies who are providing services directed towards preventing homelessness, whilst others are actual people who have been affected by being homeless or at risk of homelessness. The responses received were recorded in the homelessness review along with an indication of how the responses would be acted upon.

Both the homelessness review document and this strategy was circulated to the Burnley, Pendle and Rossendale Homelessness Forum to seek feedback in terms of the content and the recommendations.

Funding / Delivery Challenges

Homelessness provision in Pendle is currently funded through a variety of sources. In addition to support from the Council itself, Government support the council to deliver homelessness services via Preventing Homelessness Grant, Flexible Homelessness Support Grant and 'New Burdens' funding to implement the Homelessness Reduction Act. In addition, the Council received a reimbursement for some costs incurred in providing help to rough sleepers in Pendle over the winter period via the Cold Weather Fund.

Additional funding received which has resulted from successful bids on an East Lancashire basis include the **Homelessness Trailblazer** program which aims to tackle youth homelessness by preventing family breakdown before things reach a crisis point.

Interventions include mediation to help prevent evictions for 14 – 25year olds, development of an interactive website at www.breathingspacelancs.org.uk/ to provide information and advice and 'respite' services' which provides very short term safe places for young people to stay while ongoing work continues to enable them to return home and/or prepare them to leave home in a safe and planned way.

Blackburn with Darwen in partnership with other East Lancashire authorities, including Pendle, have been successful in bidding for **Rapid Rehousing Pathway Funding** from MHCLG. It is anticipated that the scheme will fund a co-ordinator role and four navigator posts, charged with helping support rough sleepers into rehousing across East Lancashire, including Pendle.

Lancashire Reducing Reoffending Fund - East Lancashire authorities including Pendle, have received funding to help rehouse individuals with recent offending history which prevents them being rehoused, or ex-offenders on release from prison

Whilst these funding streams all help with delivering a service, many of these funds, to date, are offered on a year by year basis, therefore it is difficult to plan ahead, or will come to an end on 31st March 2020. Thus future funding for homelessness interventions is not guaranteed and where shortfalls occur, could result in less of a service being provided.

Key Actions

The Pendle Homelessness Review 2019 makes a number of recommendations, which have been used as Key Actions for this strategy (p12- 13). These Key Actions will be taken forward using SMART' criteria – Specific, Measurable, Achievable, Relevant and Time based. It is recognised that there may be 'overlap' with regards some of the actions as reducing homelessness may minimise rough sleeping and meet the housing and support needs of residents.

The delivery plan sets out the key actions for the Council to deliver with its partners. Cumulatively these actions will work towards delivering the overall aim.

Homelessness and Rough Sleeper Strategy 2019 - 2024: Key Actions

STRATEGIC AIM 1: To prevent homelessness

Key Actions

- Review all literature / advice already being given out and update information where required.
- Review 'prevention' work to ensure the Council complies with the new legislative requirement from 56 days
- That the Council contribute towards the review of the B-with-us choice-based lettings scheme allocations policy to ensure sufficient reasonable preference for applicants at risk of, or who are homeless.
- That the 2019 Homelessness Strategy Action Plan is updated on a quarterly basis and circulated to Burnley, Pendle & Rossendale Homelessness Forum.
- Review the impact of Brexit on homelessness as this process is taken forward.

STRATEGIC AIM 2: To continue to ensure that there is a safety net of accommodation for people who are or who may become homeless

Key Actions

- Develop specific policies for when responding to reports of rough sleeping
- Develop an advice pack to leave where its believed rough sleepers have been bedding down
- Work with Calico Homes Ltd regarding the implementation of the Homeless Families Project in Pendle
- To support the implementation of the Rapid Rehousing Pathway scheme in Pendle
- That the Pendle Homelessness Temporary Accommodation Policy is refreshed to coincide with the newly developed 2019-24 Homelessness Strategy.

STRATEGIC AIM 3: To provide support to people who are or may become homeless or who have been homeless and need support to prevent them from becoming homeless again.

Key Actions

- To seek continuation funding for elements of the Homelessness Trailblazer program in Pendle
- That, following review of Prevention and Early Help (P&EH) funded schemes, the Council, along with partners, will need to understand the nature of what changes to service there may be, how this may affect service users and whether there are any options to mitigate the impact of any loss of service
- Undertake ongoing monitoring to ensure the services of PBC Housing Needs is being accessed by ethnic minority populations within the borough.
- To work with partners to undertake a review of 'supported housing move on' to ascertain how effective the process is
- Review 'relief' work to ensure the Council is taking all reasonable steps to help secure accommodation for any eligible person who is homeless