
Meeting: Executive

Date: 19 August 2014

Subject: Policy to Discharge the Council's Homelessness Duty to a Suitable Property

Report of: Cllr Carole Hegley, Executive Member for Social Care, Health and Housing

Summary: The report proposes that Executive approve and adopt the proposed Policy to Discharge the Council's Homelessness Duty to a Suitable Property to introduce more flexibility in preventing homelessness through the offer of private sector accommodation.

Advising Officer: Julie Ogle, Director of Social Care, Health and Housing

Contact Officer: Nick Costin, Head of Housing Solutions

Public/Exempt: Public

Wards Affected: All

Function of: Executive

Key Decision Yes

**Reason for urgency/
exemption from call-in
(if appropriate)** N/A

CORPORATE IMPLICATIONS

Council Priorities:

The report supports the following Council Priority:

- Promote health and wellbeing and protecting the vulnerable.

Financial:

1. Currently, the Council receives Homelessness Prevention funding, which is partly used to provide incentives to landlords to work with the Council and provide private tenancies to customers approaching the Council. Budget monitoring ensures that the level of activity does not exceed the external funding provided to the Council. Consequently, there are no budget implications arising from this policy as expenditure is externally funded and contained within existing budgets.
2. Officers will continue to explore all external funding opportunities to maximise the availability of private rented sector accommodation to the Council. This includes, in some case, the return of tenancy deposits, which can be recycled for future customers' deposits.

Legal:

3. The Localism Act 2011 (Part 7) enables local authorities to discharge their duty towards homeless households in priority need by using privately rented housing irrespective of whether the household is in agreement with this. The Council previously had the power to discharge duty to social rented accommodation.

Risk Management:

4. The policy includes suitability criteria to reduce the risk that the Council discharges its homelessness duty to an unsuitable property and consequently, the risk that homeless households may be placed in unsuitable accommodation. The suitability criteria have been subject to consultation, in particular having regard to the Council's equality and diversity duties and Government guidance. The policy also mitigates the risks of failing to deliver the Council's priorities and failing to discharge its statutory responsibilities.

Staffing (including Trades Unions):

5. Not applicable.

Equalities/Human Rights:

6. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
7. The draft policy is subject to an Equalities Impact Assessment (attached at appendix B) and has been presented to the Equalities Forum, whose comments and concerns have helped shape the policy. In particular, there is a commitment that the implementation of the policy will be monitored to ensure that there is not a disproportionately negative effect on people from different ethnic groups, disabled people, women, and children and young people. These groups have been identified as being more likely to be affected by the policy..
8. Applicants considered vulnerable, requiring adaptations to the property due to their disability and those fleeing domestic violence, violence or harassment will be exempt from private sector offers. This will ensure that these groups can receive the support that social housing is typically more readily able to provide. This will also reduce repeat homelessness. The suitable property criteria provide additional protections for vulnerable households so that they are not placed in poor quality accommodation. The risk that homeless households might be placed in unsuitable accommodation will be reduced.

9. Homeless households should benefit from a reduced length of stay in temporary accommodation (TA). This will reduce stress, frustration and the financial impacts. The suitable location criteria will protect children from being moved away from a school during important exam years. Older and disabled people that rely on family and friends delivering care and support will not be detrimentally impacted as homeless households providing this support will be housed within suitable proximity to enable them to continue to deliver this support. Homeless households will not have to make a choice between a home and employment as the criteria takes in to account access to employment.
10. Proximity to cultural and faith resources are not specifically considered in the policy, however under human rights legislation individuals have a right to hold a religious belief but the right to manifest that belief is qualified. To ensure that the Council meets this requirement the policy states “due regard will be given to issues related to the Equality Act protected characteristics’ to take account of access to religion or belief”.

Public Health:

11. Poor housing can have a detrimental effect on the health and well being of householders. The risk that homeless households might be placed in unsuitable accommodation will be reduced through the application of the suitability criteria, which includes the requirement that no category 1 hazards are present within the property.

Community Safety:

12. The draft policy includes particular safeguards for applicants fleeing domestic violence; other violence; or harassment. There are also safeguards concerning younger people, who may be at greater risk in some types of shared accommodation and might need a greater level of support to sustain a tenancy.

Sustainability:

13. The policy will require that a valid energy performance certificate is available and that there are no category 1 hazards relating to Excess Cold. The intention is that accommodation is not unaffordable for tenants to keep warm and safe. This in turn should encourage sustainable tenancies and reduce incidences of repeat homelessness.

Procurement:

14. Not applicable. The policy and legislation requires that a property is affordable to the homelessness applicant. This will determine which properties can and cannot be used to discharge duty.

RECOMMENDATIONS:

The Executive is asked to:

1. **adopt the Policy to Discharge the Council’s Homelessness Duty to a Suitable Property (Appendix A).**

<i>Reason for Recommendation(s):</i>	<i>To introduce more flexibility in preventing homelessness through offers of private sector accommodation and use social housing to maximum effect with an increase in planned allocation.</i>
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Executive Summary

15. The Policy to Discharge the Council's Homelessness Duty to a Suitable Property sets out the Council's approach to discharging its homelessness duty and the definition of a suitable home.
16. The Localism Act 2011 provided local authorities with the power to discharge the homelessness duty to the private rented sector without consent from homeless applicants applying as homeless to the Council. In response to this the Policy to Discharge the Council's Homelessness Duty to a Suitable Property confirms that the Council will use this power if the criteria are met.
17. Statutory regulations require local authorities to take a number of matters into account in determining the suitability of accommodation. The Council's suitability criteria are set out in the policy and include affordability, vulnerability of applicants, suitability and location of the property.
18. The consultation was subject to an Equality Impact Assessment and consultation with stakeholders; the outcomes of which are included as background papers and in Appendix B.
19. The Policy was presented to the Social Care, Health and Housing Overview and Scrutiny Committee on 28 July 2014. The Committee's comments are attached as Appendix C.

Background

20. The Council has embarked upon an ambitious programme of housing reform, driven largely through the opportunities presented by the Localism Act 2011. Following Member seminars held in August 2012, June 2013 and subsequently, the work of a member Task and Finish group, a local Housing Green Paper was developed, setting out the direction of travel and broad aims. The local Green Paper's vision for Housing in Central Bedfordshire includes:
 - (a) Social mobility will be supported with a range of products which will open up home ownership and 'affordable' renting to a greater number of households, helping people onto the 'housing ladder'.
 - (b) The local housing market will offer a good choice of locations, property and tenure types to older people.
 - (c) Well-managed, good quality social housing will be used to provide a strong safety net to those who are vulnerable.
 - (d) Social housing will be allocated fairly, and used to support people's working lives.

(e) Social landlords will support their tenants to make the most of their tenancy as a springboard into work and financial stability.

21. The Localism Act 2011 introduced changes in legislation which gives Local Housing Authorities greater freedom and flexibility in determining who can apply for social housing. The Housing Allocations Policy governs who can apply to join the housing register, the size of the property for which a person can apply and the priority given to housing applications. The same Act also provided local authorities with the power to discharge the homelessness duty to the private rented sector without consent from homeless applicants applying as homeless to the Council. The development of a Policy to Discharge the Council's Homelessness Duty to a Suitable Property is a key step within the scope of the local Housing Green Paper.

Context and demand

22. Demand for Housing advice, including Homelessness is growing. There were 2,206 households approaching the Council in 2013/14, an increase from 1,841 in 2012/13. Whilst the number of Homelessness Cases Determined fell slightly from 176 (in 2012/13) to 160 (2013/14), this was mainly due to increased Homelessness Prevention activity, which increased from 655 households to 727. These cases are where Homelessness is prevented or relieved.

23. There has been success in 2013/14 in preventing homelessness through arranging private rented sector (PRS) tenancies for households approaching the Council. Building relationships with private landlords and having a focused staff resource increased the number of PRS lets from 14 in 2012/13 to 69 in 2013/14. This success in prevention has also seen a small reduction in Bed and Breakfast use, with 57 households being housed in Bed and Breakfast during the year, a reduction from 71 in 2012/13. Both years are, however, higher than 2011/12 when 35 households were placed in Bed and Breakfast.

24. Whilst there is work to identify alternative and less costly temporary accommodation, the approval of the Policy to Discharge the Council's Homelessness Duty to a Suitable Property may provide an extra incentive for households approaching the Council as homeless to consider more closely the prevention options, in particular the PRS, as this is potentially where the duty could be discharged to were the household to be accepted as priority homeless. Evidence suggests that locally the PRS has grown to around 14 to 15% of the housing stock and whilst much will be unaffordable to people approaching as homeless, there will be some supply available to the Council through partnership working with landlords.

Suitable Home Criteria consultation outcomes

25. The draft Policy to Discharge the Council's Homelessness Duty to a Suitable Property (Appendix A) sets out the proposed criteria that the Council will consider in assessing whether an available property (Social Rented or Private Sector) is suitable for a household accepted as Priority Homeless (where the Council has a statutory duty to rehouse that household). The suitability criteria are closely aligned with Government guidance and have been the focus of consultation and stakeholder engagement.

26. Whilst there was not a large response to consultation, for most of the proposed suitability criteria, there was between 91% and 100% support. There were some concerns about discharging homelessness duty to a property in a neighbouring authority area but still 72% agreed with the safeguards being proposed.
27. There was near 100% agreement with the criteria that deemed a property to be unsuitable. Some comments questioned whether there should be a valid Energy Performance Certificate provided. This is, however, a legal requirement for new lettings.
28. The consultation outcome document (Appendix D) also provides some qualitative feedback and comment, particularly those stakeholders who have experience of homelessness or applying for housing with the Council. The document records responses to these comments, and where appropriate, the changes to the policy that have been made. Some comments were concerning finer detail of what needs to be considered by Officers in determining suitability. The finer detail points, aligned with the draft policy, will be included in a Staff Good Practice Guidance document that will be prepared as the Policy is approved.

Conclusion and Next Steps

29. The growing demand from residents approaching the Council, potentially as homeless, has implications on resources and how the Council makes best use of housing stock to meet housing need. The Localism Act encourages local authorities to consider wider options in meeting housing need, in particular the private rented sector, which has grown in Central Bedfordshire.
30. The Housing Green Paper sets strategic direction for Housing in Central Bedfordshire and the Policy to Discharge the Council's Homelessness Duty to a Suitable Property is a key step in meeting the aims of the Green Paper.
31. The policy contains suitability criteria that have been generally accepted through engagement and consultation, and meet Government guidance and legislation. Outcomes from the policy will be monitored to ensure that the Council meeting its Equalities and Human Rights duties.

Appendices:

Appendix A – Draft Policy to Discharge the Council's Homelessness Duty to a Suitable Property

Appendix B – Policy to Discharge the Council's Homelessness Duty to a Suitable Property Equalities Impact Assessment

Appendix C – Comments from Social Care, Health and Housing Overview and Scrutiny Committee meeting.

Appendix D - Consultation and Engagement Outcomes document

Background Papers: (open to public inspection)

None.