

# Temporary Accommodation Policy, July 2024

**Overview & Scrutiny Panel** 16th July 2024

**By** Ashley Jackson

**Cabinet Portfolio Member** Cllr Helen Whitehead, Cabinet Member for Housing

**Key Decision** Yes

**Decision classification** Unrestricted

**Call in status** Yes

**Ward:** All wards could theoretically be affected by the implementation of this Policy as all wards may have individuals who require temporary accommodation (TA) or TA could be within all wards

## Purpose of the Report

This report, presented at a time of higher temporary accommodation usage, is designed to ensure that following the scrutiny of councillors the Council has a robust policy in place that clearly sets out how it sensitively places vulnerable households inside and outside of the district boundary.

## Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to:

Note and scrutinise the report and consider any representations to Cabinet in advance of its meeting on 25th July 2024.

1. To review and note the content of the Temporary Accommodation Policy;

## 1. Summary of Reasons

- 1.1 At a time of heightened temporary accommodation (TA) usage, which is placing a financial strain on all local authorities' General Funds, it is essential that the Council has a strong and transparent policy in place that clearly shows how it approaches the placement of homeless households both inside and outside of the Thanet boundary.
- 1.2 Therefore, the proposed policy is presented to councillors for endorsement so that Thanet District Council can illustrate that it follows its statutory obligations while considering relevant protected characteristics of households and assessing both full and interim duties (as outlined in further detail within the body of the report).

## **2. Background**

- 2.1 The cost of TA is exacerbated by the fact that applicants are having to stay in TA for longer periods of time due to a declining supply of social housing lets and a reduction in the supply of private rented housing being available at an affordable rent level.
- 2.2 The Council has therefore set out a policy that not only takes into account the implications of its natural decision-making process, but also the considerations for TA provided by third-party providers.

## **3. Relevant Issues**

- 3.1 The Council works with households to prevent homelessness occurring wherever possible under its prevention duty. However, regrettably, it is not possible to prevent homelessness in all cases and some households will therefore require the use of TA.
- 3.2 The proposed policy document sets out Thanet District Council's approach to the placement of homeless households in TA inside and, where unavoidable, outside of the Thanet district. It covers both the Council's interim and full housing duties to provide accommodation - as outlined below:
- Interim Housing Duty: this is where the Council is required to have TA available for applicants who they believe are homeless, eligible for assistance and in priority need, while the Council completes its investigations.
  - Full Housing Duty: This applies to longer-term TA placements for households accepted as homeless where the Council has a duty to secure accommodation for applicants who are homeless, eligible for assistance, have a priority need and are not intentionally homeless.
- 3.3 The TA policy sets out the principles the Council will apply to recover some of the cost of providing TA through reasonable charging (i.e. for the use and occupation of the accommodation provided - in many cases those households will be entitled to either full or partial housing benefit payments), as provided within the legislation.
- 3.4 The policy takes into account the statutory requirements on local authorities to find suitable accommodation and relevant case law. It also importantly considers the need to safeguard and promote the welfare of children.
- 3.5 Furthermore, the policy takes into account the Public Sector Equality Duty (section 149 of the Equality Act 2010) which eliminates discrimination, harassment and victimisation for example. Therefore, the council's allocation of temporary accommodation will take into account the need to:
- Eliminate unlawful discrimination, harassment and victimisation

- Advance equality of opportunity between different groups
- Foster good relations between different groups of any household
- Consider 'relevant protected characteristic' when placing in temporary accommodation

3.6 As far as possible, the Council will seek to accommodate homeless households within the Thanet district so as to ensure that they maintain their support networks and access to employment, schooling and medical care. However, due to a lack of accessible accommodation available to the Council, some households may be placed outside the district. This is not the Council's preference.

3.7 When considering whether it is reasonably practical to secure accommodation in the area, the cost of the accommodation is a relevant and proper consideration. The Council will work with households placed out of the area to access support to maintain local ties where it is possible to do so.

3.8 The TA Policy sets out a number of key aspects including the Council's plans to secure suitable TA including the use of supported housing providers and private sector landlords. Types of considerations for suitability include:

- Location of the accommodation
- Size of the property (self-contained accommodation, where possible)
- Access to facilities
- Health implications
- Access to education
- Access to employment
- The safeguarding and welfare of any children in the household
- Higher-risk placements (those on the violent and sex offenders register)
- Pets

3.9 The Policy also includes considerations for those to whom the Council does not have a duty beyond the interim stage, in terms of how soon they are moved on.

3.9.1 Appended to the TA Policy is a Service Specification - a blueprint for the standard of accommodation the Council will accept from third-party providers. Due to the sheer volume of TA required by the Council, it has, in many cases, to accept in good faith the landlord's description of the standard of the properties offered. It will proactively check, however, the suitability of the accommodation where applicants express concerns. Importantly this will be without the need for the applicant to explicitly request a review.

## **4. Alternative Options**

4.1 The Council could choose not to have a specific TA policy as it is not a statutory requirement - but it is best practice to have one and it clearly shows in a transparent way to those we are serving and the Housing Ombudsman that we have a clear

process in place. This also indicates that we want to meet the standards we have set ourselves. With regards the specifics of the policy, to some extent we are bound by the requirements of those from whom we are sourcing the accommodation that is being provided on an emergency basis. This does necessitate that we are unable to allow applicants to take pets with them on occasions. We would very much like to ensure that those with pets could take them with them but we must comply with the terms of the agreement reached with the provider. Of course, pets as therapy dogs or guide dogs would be permitted with prior notification and relevant evidence. As we begin to formally procure TA with providers, we will keep the policy up to date and review it regularly so that if this situation changes it can be adapted in the document wording.

## **5. Consultation**

- 5.1 The Council has not undertaken any specific consultation on this matter. However, it is learning from the feedback from customers using its TA - who provide an honest assessment of the service provided - and through case studies where matters are referred to the Housing Ombudsman. The Ombudsman sets out best practice and challenges the thinking and processes of the authority and engages in reasonable, rational debate with the Council. Through this process, the Council's approach will continue to evolve to meet demands.

## **6. Corporate Implications**

### **6.1 Finance and Resources**

- 6.1.1 During the financial year 2023-24, our Housing Options service incurred an overspend of £1.1m due to the need for temporary accommodation. This was primarily because of an increasing number of homeless individuals being accommodated and a corresponding increase in the cost of nightly stays with external temporary accommodation providers. As of the beginning of 2024-25 there is a consistent increase in the total number of temporary accommodation cases, which is expected to result in a similar overspend as 2023-24. However, the successful completion of our in-house temporary housing projects at Foy House and Truro Road will help us control and reduce overall costs, although not enough to stay within the approved budget. As we get closer to our goal of adding 400 new homes to our housing revenue account, over the next few years, this will lead to a positive impact on our temporary accommodation numbers as our allocations policy means these homes are allocated equally between temporary accommodation tenants and individuals on the housing register.

### **6.2 Legal and Constitutional**

- 6.2.1 In accordance with the provisions set out in Article 6 of the Council's constitution the Overview and Scrutiny Panel may make reports or recommendations to Cabinet in

respect of the discharge of any function. Cabinet must then consider and respond to any recommendations made.

6.2.2 The Council has a statutory duty to provide temporary accommodation. The policy attached to this paper will help ensure that the Council's duties to provide suitable temporary accommodation for homeless households are met.

6.2.3 As evidenced in the body of this report, full regard has been given to the Council's Public Sector Equality Duty in the formulation of this policy.

### **6.3 Council Policies and Priorities**

6.3.1 The housing service presents this policy to Councillors with the Council's corporate priorities and values in mind. This report relates to the corporate priority of "delivering the housing we need".

### **6.4 Risk**

6.4.1 Officers work hard to identify and manage risk throughout the placement of households in TA. In exactly the same way as the Council seeks to deliver the right homes in the right places with its accelerated acquisition programme, it seeks to put the right people in the right homes in the right places when considering the sensitive placement of households in TA.

### **6.5 Climate Change and Biodiversity**

6.5.1 Of course, where the Council is delivering TA itself, it is able to control the specification of those homes to a greater extent than it can through third-party placements. However, where possible the Council will seek to ensure that households placed in TA are still placed in accommodation that considers environmental implications, not forgetting the fact that additional travel to educational and work placements, where applicants are placed outside of their borough also has a negative environmental impact. Though the TA service specification sets modest standards for EPC certificates, the Council will continue to promote energy efficiency to all landlords with whom it engages here.

## **7. Equality, Equity and Diversity Implications**

7.1 As outlined in section 3 of the report, the policy takes into account the Public Sector Equality Duty (section 149 of the Equality Act 2010) which eliminates discrimination, harassment and victimisation for example, while considering relevant protected characteristics when placing in TA.

## 8. Crime and Disorder Implications and Community impact

- 8.1 There will naturally be a concern to a greater or lesser extent that the placement of vulnerable households in communities may conceivably lead to an increase in crime and disorder. However, applicants are placed sensitively into homes (the right people in the right homes in the right places) and aspects such as anti-social behaviour and substance misuse will not be tolerated by the Council.
- 8.2 While the Council will not tolerate antisocial behaviour or alcohol and drug misuse, it does empower clients to engage with specialist services such as Forward Trust, a drug and alcohol agency. The Council has a close working relationship with such organisations and can make direct referrals on the client's behalf. This is to ensure that the Council is providing the client with the best opportunity to sustain their tenancy in the long-term.

## Appendices

- Temporary Accommodation Policy
- Equality Impact Assessment

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