

Decision Maker: PORTFOLIO HOLDER FOR CARE SERVICES

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 12 January 2016

Decision Type: Non-Urgent Executive Non-Key

Title: **UPDATED TEMPORARY ACCOMMODATION PROCUREMENT STRATEGY AND PLACEMENT POLICY**

Contact Officer: Lynnette Chamielec, Head of Allocations and Accommodation
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Chief Officer: Assistant Director: Housing Needs (ECHS)

Ward: (All Wards);

1. Reason for report

- 1.1 This report sets out the Council's updated approach to the procurement of and placement into temporary accommodation of clients whom it owes a statutory rehousing duty.
 - 1.2 It presents the Temporary Accommodation Procurement Strategy in Appendix 1 and the Temporary Accommodation Placement Policy in Appendix 2 for consideration and approval.
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2. **RECOMMENDATIONS**

- 2.1 The Care Services Policy, Development and Scrutiny Committee are asked to consider the content of both documents. To comment on and agree, subject to any amendments arising from these comments, that the approaches outlined are acted upon and formalised.
- 2.2 Subject to any agreed amendments the Portfolio Holder for Care Services is asked to approve the Procurement Strategy and Placement Policy in order to enable formal implementation.

Corporate Policy

1. Policy Status: Existing Policy: Complies with the Councils statutory duties and existing overarching policy in relation to the provision of temporary accommodation for homeless households.
 2. BBB Priority: Children and Young People Supporting Independence:
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Financial

1. Cost of proposal: Estimated Cost No Cost Not Applicable: Further Details
 2. Ongoing costs: Recurring Cost Non-Recurring Cost Not Applicable: Further Details
 3. Budget head/performance centre: Temporary Accommodation
 4. Total current budget for this head: £3.365,510
 5. Source of funding: Revenue Budget
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
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Customer Impact

- 1.1 Estimated number of users/beneficiaries (current and projected):

There are currently 1160* households in temporary accommodation.

Location	Average Percentage
In Borough	48%
Out of Borough (within London)	41%
Out of Borough (out of London)	11%

- 1.2 There are approximately 104** households placed into temporary accommodation each month.

*as of the 17/12/15 **figures based on Q3 placements 2015-16.

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Legislation provides that 'so far as reasonably practicable', the authority must secure accommodation within its own area' seeking to ensure 'that authorities do not simply decant homeless persons into areas for which other authorities are responsible'.
- 3.2 There is insufficient accommodation within borough to meet the Council's statutory rehousing duties. This is a not an issue restricted to Bromley and the housing pressures relating to affordability and supply is impacting local authorities both within London and nationally.
- 3.3 The increased use of temporary accommodation across London and in particular the volume of out of borough placements has given rise to a number of legal challenges which have placed increased restrictions and stipulations on the type of accommodation offered and in particular placements made outside of borough boundaries. The case law now requires local authorities to have clearly documented policies for the procurement of and placement into temporary accommodation.
- 3.4 In order to determine suitability the local authority is required to have regard to the need to promote as well as safeguard the welfare of any children in a household. Failure to meet these requirements brings the risk of costly legal challenge resulting in court orders requiring specific placements and compensation.
- 3.5 The number of households who are homeless or threatened with homelessness has continued to rise resulting in a significant financial pressure for the Local Authority. An ever decreasing availability of social housing along with a lack of affordable private sector and new build accommodation within the borough means that a greater number of households are staying in temporary accommodation for increasingly long periods of time, many in locations away from support, schooling and employment.
- 3.6 The attached documents have therefore been produced to fulfil the precedents set out in recent case law and avoid the risk of legal challenge by setting out clearly how the Council seeks to procure a sufficient supply of suitable temporary accommodation and make the most appropriate use of this supply to meet its statutory rehousing duties.
- 3.7 Whilst there are insufficient resources available to ensure that all households receive an allocation of in borough accommodation the Council is committed to ensuring that priority for such placements is given to households whom it has identified as having the greatest need to remain in borough. This includes households employed within the borough, those with children of a critical school age, those whose critical medical care is provided within the borough and those to whom there are safeguarding concerns particularly those relating to child protection.

4. POLICY IMPLICATIONS

- 4.1 The housing objectives are set out in the relevant business plans. These objectives are compliant with the statutory framework within which the Council's housing function must operate and incorporates both national targets and local priorities
- 4.2 Existing policy and practice have been reviewed and updated to ensure that they comply with the latest requirements set out within the statutory framework.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising directly from this report. However the procurement and placements policy documents cumulatively aim to make the most effective use of temporary accommodation resources to meet the Councils statutory duties whilst achieving the most cost effective placements available within the market.

6. LEGAL IMPLICATIONS

- 6.1 The Local Authority has a statutory duty to provide suitable temporary accommodation for priority homeless households in accordance with part VII of the Housing Act 1996 and the accompanying Homelessness (Suitability of Accommodation) (England) Order 2012. This sets out details of standards of accommodation, nature, style, affordability and location.
- 6.2 Following the case of *Nzolameso v Westminster CC* in April 2015 additional guidance has been issued. The Supreme Court held that where local housing authorities offer accommodation outside of their own district in discharge of their duties under Part VII of the Housing Act 1996, they must explain, ideally by reference to published policies, the choices that have been made.
- 6.3 The attached policies have therefore been updated to comply with the latest case law findings.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Part VII of the Housing Act 1996 Homelessness (Suitability of Accommodation) (England) Order 2012 The Housing Allocation Scheme (2015 Revision) The London Borough of Bromley Homeless Strategy (2012-17)