

Housing Policy

Temporary Accommodation Location Policy

Author: Service Development Team
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| This policy affects |
| <ul style="list-style-type: none">Homeless clients seeking housing assistance from the councilCouncil or Housing Association tenants fleeing DV/harassment in need of temporary accommodation |

- Homeless clients seeking housing assistance from the council
- Council or Housing Association tenants fleeing DV/harassment in need of temporary accommodation

1. Background

When making offers of temporary accommodation (TA) under the Housing Act 1996 Part VII, local authorities must take account of the applicant's circumstances and their need to be placed in Islington or as near as possible to Islington. When assessing this, the council can only take account of actual need and not the applicant's preference to be offered temporary accommodation in or near to the borough.

Local authorities have a statutory duty to provide accommodation in their own area "so far as is reasonably practicable". Statutory guidance requires them "where possible" to try and secure accommodation as close as possible to where an applicant was previously living (Housing Act 1996, Part vii, Section 208(1)).

2. Legal framework

- S188 Housing Act 1996
- S 193 Housing Act 1996
- S 208 Housing Act 1996
- Homeless (Suitability of Accommodation) Order 2012
- Localism Act 2011
- Homelessness Code of Guidance for Local Authorities (Department for Communities and Local Government, 2006)
- S.11 Children Act 2004

Supplementary guidance to the homelessness changes in the Localism Act 2011 and the Homeless (Suitability of Accommodation) Order 2012 states the following:

"Where it is not possible to secure accommodation within the district, and an authority has secured accommodation outside their district, the authority is required to take account of the distance of that

accommodation from the district of the authority. Where accommodation which is otherwise suitable and affordable is available nearer to the authority's district than the accommodation which it has secured, the accommodation which it has secured is unlikely to be suitable unless the authority has a justifiable reason or the applicant has expressed a preference."

Case law

- *Nzolameso v Westminster City Council* – Supreme Court Judgment 02.04.15; paragraphs 38 and 39 include that local authorities need to explain their decisions as to the location of properties offered. 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.

The court proposed that 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 reflect the authority's statutory obligations under both the 1996 Act and the Children Act 2004. 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.

- *Birmingham City Council v Ali; Moran v Manchester City Council* [2009] ; the court observed that 'what is regarded as suitable for discharging the interim duty may be rather different from what is regarded as suitable for discharging the more open-ended duty in section 193(2).'

3. Islington Policy Statement

- The council will, wherever possible, offer accommodation within the borough.
- If this is not possible, the council will offer accommodation as near as possible to the borough.
- The council will take account of relevant need factors when assessing the suitability of location of temporary accommodation, including:
 - Affordability: We will take into account a household's income and source a property which has a rent that is affordable, as well as meets the household's needs. Due to high rents within Islington, this will often mean securing a property out of the borough. The household's ability to meet any shortfall between housing benefit paid and the rent charged will be taken into account. We will determine whether a household may be exempt from the general household benefit cap or whether they may be eligible for a Discretionary Housing Payment (DHP) to help pay the rent.
 - Location: Where accommodation is sourced outside Islington, the distance of the property from Islington together with services, amenities and transport links in the new area will be taken into account. The potential impact of the location on family members will be considered. Specifically, the factors below will be taken into consideration;
 - Children's education: Children's ages and key educational stages will be taken into consideration, including any public examinations they will be taking. The practicalities of travel arrangements to existing schools will be considered including the cost and ease/length of time of travel. The possibility of transferring to schools closer to the property offered will also be considered. Children of primary school age may need to move to schools closer to their new home. Support (to be) provided to any children with special educational needs will also be taken into consideration.

- Child care and other caring responsibilities: The feasibility of maintaining existing child care and / or other caring arrangements will be considered. The cost and availability of caring arrangements in the new area will also be explored, including travel time to that care provision.
- Employment: The ease and cost of travel from the location of the new property to existing place of work, including any shift patterns will be taken into account. The possibility of transferring to a workplace in the new area will also be explored.
- Health and support needs: Any medical or support needs will be taken into account, including any existing health or support services provided. We will consider whether moving the client's healthcare or support services would have a detrimental effect. Any needs for accessible accommodation would be addressed. Where there is Children's Services involvement, they will be consulted about transferring a household to an alternative location.
- Cultural and religious requirements: any specific requirements, such as the availability of community centres and places of worship in the new TA area would be explored.
- Children's needs: We will consider the needs of all children in the household and any arrangements for safeguarding those needs (in accordance with Section 11 of the Children Act 2004).
- Risk: Where a household is perceived to be at risk from others, or where there is a history of risk to others, the extent, nature, likelihood and gravity of the risk will be assessed and taken into account.
- Special circumstances: Households with children at risk, on the Child Protection Register or significantly disadvantaged, will be prioritised for an offer of accommodation within Islington. A person suffering from a terminal illness or having a severe disability and receiving regular treatment under the care of a Islington hospital will also be prioritised.

The council will keep daily records of all available properties, and will allocate accommodation to clients which is in, or as near to Islington, as possible.

However, when making any offer of accommodation, the council needs to take into account what accommodation is available at the time and prioritise use of the nearest accommodation to those applicants with the highest needs.

The council will keep details of what properties are available on each day, and file these for three months.

In order to make an offer of accommodation that is suitable to the client, the council will make use of a number of checklists, which will be reviewed from time to time.

Having taken into account all information gathered as part of the suitability and affordability assessment, the council will then make the applicant an offer of accommodation.

The council will explain to the applicant in writing why they have been offered accommodation in a certain location and the factors that have been taken into consideration when making the offer.

Where the council is unable to source temporary accommodation that meets all the client's needs, it will offer available accommodation that meets the applicant's needs as closely as possible.

4. Procurement of temporary accommodation

As there is a thriving private sector rental market in London landlords are often able to obtain more rental income on the open market (in particular in inner-London boroughs including Islington) than from temporary accommodation lettings.

The Council provides temporary accommodation to a large number of homeless applicants each year. During the financial year 2014/15 the Council made 865 placements into temporary accommodation in discharge of s188.

Islington council has been very successful for an Inner London borough in having 63% (as at 31 December 2015) of its temporary accommodation in the borough of Islington, and 36% in greater London. This is achieved by clear and transparent procurement, timely and efficient management and payment, and partnership working with local private landlords, through the Private Landlords Forum.

The council has contracts in place with providers to supply temporary accommodation within Islington and in other boroughs. These include Framework Agreements and Service Level Agreements with private accommodation agencies, estate agents, lettings agents, private sector landlords and Registered Providers.

In addition to the use of private rented accommodation for the use of temporary accommodation, the council also makes use of some of its own stock, including reception centres, properties earmarked for future regeneration and former Right to Buy properties through a Buy Back scheme.

In order to secure a sufficient supply of temporary accommodation we will:

- Agree a budget based on best available cost modelling
- Agree the limited use of council's own stock for temporary accommodation
- Support the Private Landlords Forum in order to maintain and develop supplier relationships
- Re-procure temporary accommodation under a Framework Agreement
- Further develop our Social Lettings Agency, Islington Lettings.