

Hyndburn Borough Council Policy on the Allocation of Temporary Accommodation

September 2015

1.0 Background

- 1.1 This Policy sets out how Hyndburn Borough Council will meet its responsibilities to provide temporary accommodation to people who are homeless or threatened with homelessness.
- 1.2 This Policy will ensure that Hyndburn Borough Council procures sufficient units of temporary accommodation to meet the anticipated demand annually.
- 1.3 This Policy has been producing have had regard to Hyndburn Borough Council's Homelessness Strategy 2014 – 2018
- 1.4 This Policy has been jointly developed by the following local authorities:
 1. Blackburn with Darwen Council
 2. Burnley Council
 3. Fylde Council
 4. Hyndburn Council
 5. Rossendale Council
 6. South Ribble Council
 7. Wyre Council
- 1.5 This Policy will be reviewed annually or whenever new statute is enacted.
- 1.6 This Policy compliments existing procurement polices operated by the above local authorities.

2.0 Legislative Context

- 2.1. This policy has been drafted having had regard to the following legislation and statutory guidance (this list is not meant to be exhaustive):
1. Housing Act 1996, Part 7 Homelessness
 2. Homelessness Act 2002
 3. Homelessness Code of Guidance for Local Authorities (2006)
 4. Homelessness (Suitability of Accommodation) Order 1996
 5. Homelessness (Suitability of Accommodation) (England) Order 2003
 6. Localism Act 2011 (Commencement No 2 and Transitional Provisions) (England) Order 2012
 7. Homelessness (Suitability of Accommodation) (England) Order 2012
 8. Supplementary Guidance on Changes in Localism Act 2011 and Homelessness (Suitability of Accommodation) (England) Order 2012 (2012)
 9. Supplementary Guidance on Domestic Abuse and Homelessness (2014)
- 2.2 This Policy has been drafted with due consideration to the judgment handed down by the Supreme Court in the case of Nzolamesso v Westminster City Council April 2015
- 2.3 This Policy has been drafted with due consideration to the advice published in 2014 by the Local Government Ombudsman contained within the report 'No Place Like Home: Council's use of unsuitable bed and breakfast accommodation for homeless families and young people'.
- 2.4 This Policy covers the procurement of temporary accommodation by Hyndburn Borough Council to perform duties under the following section of the Housing Act 1996, Part 7:
1. Section 188 – provision of interim accommodation provided to applicants where there is a reason to believe they are homeless, eligible and in priority need pending the conclusion of enquiries
 2. Section 190(2) – provision of accommodation provided for a reasonable period to applicants who are intentional homeless but in priority need to allow a reasonable period of time to identify alternative accommodation
 3. Section 193(2) – provision of accommodation to applicants owed the main housing duty, until this duty is brought to an end.

- 2.5 This Policy also extends to the procurement of temporary accommodation by Hyndburn Borough Council to enact any temporary accommodation powers available to the local authority under Housing Act 1996, Part 7.
- 2.6 For the purpose of the Policy, the act of procuring temporary accommodation is defined as obtaining dwellings by way of purchase and/or lease for the purpose of fulfilling statutory accommodation duties and/or enacting discretionary powers towards homeless applicant households. This definition extends to the same acts undertaken by third parties, which may include other public bodies or private companies. This also encompasses accessing accommodation procured by other public bodies (e.g. Lancashire County Council) for the provision of accommodation-based housing related support services.

3.0 Allocation of Temporary Accommodation

- 3.1 In allocating temporary accommodation Hyndburn Borough Council will treat each case on an individual basis and will endeavor to allocate temporary accommodation considered to be the most suitable for the applicant together with anyone who resides or might reasonably be expected to reside with them, based upon the availability of accommodation within Hyndburn Borough Council's temporary accommodation portfolio.
- 3.2 A separate policy deals with the procurement of dwellings for Hyndburn Borough Council's temporary accommodation portfolio.
- 3.3 No pets will be allowed, except assistance dogs for the disabled. Applicant household will be supported to re-home any pets prior to occupation of temporary accommodation.

4.0 Principles and Objectives

- 4.1 Within the constraints of the local housing market, Hyndburn Borough Council's overall aim is to move residents of temporary accommodation on to permanent accommodation, as quickly as possible whilst also ensuring that this is only done at a time when the household is able to sustain permanent accommodation.

4.2 Hyndburn Borough Council also aims to:

1. Prevent homelessness
2. Minimise the risk of homelessness recurring
3. Not place applicants in temporary accommodation unnecessarily
4. Minimise time spent in temporary accommodation
5. Avoid moves between different dwellings of temporary accommodation, particularly for households with children (unless the move is in the best interests of the family).

4.3 Principles

4.3.1 Hyndburn Borough Council seeks to:

1. Ensure its temporary accommodation policy and procedures reflect the legal framework, comply with statutory guidance, and other relevant guidance, case law and good practice.
2. Be consistent in the application of the policy
3. Comply with the Equality Act 2010, which covers eight protected characteristics - age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation - and will not discriminate against service users.
4. Comply duties arising from Children Act 2004 section 11
5. Have a policy that is capable of responding to a wide range of complex individual needs and circumstances.

4.4 Objectives

1. To provide good quality temporary accommodation
2. To enable applicants to have a home of their own which, meets their needs and enables them to live independently.
3. To provide for the particular needs of applicants and their families, especially applicants of a young age and persons who currently find it difficult to access or sustain any form of accommodation – such as people with problematic alcohol or drug use, people with mental health problems and people with challenging behaviour.
4. To ensure applicants have the information and support required while in temporary accommodation.

4.5 Standards

4.5.1 Hyndburn Borough Council will:

1. Be sensitive to applicants' individual needs and circumstances, and ensure people are treated with dignity and respect.
2. Work effectively and jointly with other services provided by Hyndburn Borough Council and other public bodies or private and third sector organisations.
3. Provide opportunities for applicants to have their views heard and taken into account.
4. Follow Customer Service Standards at all times and any specific Homelessness Charter that might have been adopted.
5. Will satisfy any public sector equality duty owed under Equality Act 2010
6. Will satisfy any safeguarding or welfare duty owed under Children Act 2004.

4.6 Physical Standards

4.6.1 All temporary accommodation (where possible) will:

1. Meet the physical or sensory disability requirements of applicants and any member of their household.
2. Comply with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
3. Provide units that are secure with individual locks so people feel they and their belongings are safe. The occupancy / tenancy agreement will include an agreed minimum amount of notice a landlord must give before accessing a person's property and under what circumstances they would give such notice. This will be at least 24 hours.
4. Have sufficient bedroom space to meet the needs of the household as far as possible.
5. Have adequate communal living space, which includes, for example, space for children to play or do homework.
6. Have individual bathroom / toilet facilities for a household
7. Have access to on-site laundry facilities.
8. Have a suitable standard of furniture to meet the families' needs.
9. Have a minimum standard of cleanliness and decoration.

10. Have sufficient and affordable heating systems at an acceptable efficiency rating.

11. Be accessible 24 hours a day.

4.6.2 Shared housing for 3 or more unrelated people will have a Housing in Multiple Occupation (HMO) license. This license will be displayed on the premises.

5.0 Allocation Principles

5.1. Suitability

5.1.1 In allocating temporary accommodation Hyndburn Borough Council will consider the applicant and his or her household's particular needs. In ensuring that the accommodation is suitable Hyndburn Borough Council will consider the needs of the applicant together with any other person who is part of the applicant's family who normally resides with him or her, and anyone else who might reasonably be expected to reside with him or her.

5.1.2 Hyndburn Borough Council will determine who resides or might reasonably be expected to reside with an applicant, based on the facts available on the date temporary accommodation is offered.

5.1.3 Following an allocation of temporary accommodation, should new facts emerge about anyone residing with or anyone reasonably be expected to reside with an applicant following the allocation of temporary accommodation, a decision will be made as whether alternative temporary accommodation is required.

5.1.4 At all times Hyndburn Borough Council will ensure temporary accommodation provided to applicants is suitable.

5.1.5 Applicants accessing temporary accommodation will be expected to engage with support services that are available and funded by the local authority during their of occupation temporary accommodation.

5.2 Location

- 5.2.1 Wherever possible households will be allocated temporary accommodation that is in a reasonable proximity to the area from which they became homeless (providing it is safe to do so), recognising the constraints local authorities have when sourcing temporary accommodation based on local circumstances and stock options they have available to them, for example the organisation which is supplying that stock. Hyndburn Borough Council will endeavour to ensure that children are able to continue to access their current school, and where this is not possible will provide advice and assistance in arranging a transfer to an alternative school. Hyndburn Borough Council will also endeavour to ensure that working households are still able to access their employment. On occasions this may result in the nearest unit of temporary accommodation being obtained in a neighbouring local authority district.
- 5.2.2 All temporary accommodation provided is located so that the main services used by a household can be reached by foot or by public transport. Services include supermarket or convenience store, doctors, dentists, schools or other health providers, advice agencies (where applicable).
- 5.2.3 The location of the property will take into account the needs the applicant and all household members in terms of reasonable access to place of employment and formal or informal support networks, and, for applicants with children, easy access to schools or nursery.
- 5.2.4 The location of the allocated accommodation takes into account the social and economic needs of the household. These factors will be equally weighted alongside other matters and will not be the primary or overruling issues used to determine the suitability of accommodation be allocated.
- 5.2.5. Cultural or religious needs will be identified and where possible will be met through the location of accommodation. These factors will be equally weighted alongside other matters and will not be the primary or overruling issues to determine the suitability of accommodation be allocated.
- 5.2.6 While Hyndburn Borough Council will take into account areas of preference expressed by the applicant when allocating temporary accommodation; it will not always be possible to meet such requests due to the fact that only a

limited number of temporary accommodation units will be available at any one time. The limited availability of properties in rural locations might mean on some occasions that temporary accommodation is provided in a nearby town instead.

5.2.7 Where an applicant has to be placed away from their existing networks due to availability of temporary accommodation; Hyndburn Borough Council may be able to assist them in moving to a more ideally located unit of temporary accommodation should it become available.

5.2.7 Hyndburn Borough Council will also take into consideration the risk of the applicant in suffering harassment or violence and any particular vulnerability of the applicant together with their household, if placed in certain geographic areas when considering suitability.

5.2.8 When allocating temporary accommodation Hyndburn Borough Council will take the following into consideration

1. The significance of disruption to employment, account will be taken of their need to reach their normal workplace from the accommodation secured.
2. The significance of disruption to caring responsibilities, account will be taken of the type and importance of the care applicants provide, or they or usual household member might receive, and the likely impact the withdrawal would cause.
3. Medical facilities and other support currently provided for the applicant and their household. Hyndburn Borough Council will consider the potential impact on the health and wellbeing of an applicant or any person reasonably expected to reside with them, were such support removed or medical facilities were no longer accessible. Hyndburn Borough Council will also consider whether similar facilities are accessible and available near the accommodation being offered and whether there would be any specific difficulties in the applicant or person residing with them using those essential facilities, compared to the support they are currently receiving

5.3 Children

- 5.3.1 When exercising any temporary accommodation duties Hyndburn Borough Council will ensure compliance with section 11(2) of the Children Act 2004.
- 5.3.2 On all occasions when offering a dwelling to fulfil a temporary accommodation duty Hyndburn Borough Council will have regard to the need to safeguard and promote the welfare of children. For the sake of clarity welfare encompasses physical, psychological, social, educational and economic welfare.
- 5.3.3. This does not, however, mean that the children's welfare will be the paramount or even a primary consideration. However safeguarding and welfare issues will be equally weighted alongside all other evidence to identify suitable accommodation.
- 5.4 Out of Area Placements
- 5.4.1 Hyndburn Borough Council will endeavour to place all applicants into temporary accommodation within Lancashire local authority area, however in exceptional cases, either for an applicant's own safety, or where no units of temporary accommodation or Bed & Breakfast can be sourced within Lancashire local authority area out of area placements may be necessary.
- 5.4.2 Before an out of area placement is made Hyndburn Borough Council will assess how practicable it would be for the applicant and their household to move out of the area. This will include whether school places would be available in the area and specialist support where required.
- 5.4.3 If out of local authority area placements are necessary Hyndburn Borough Council will ensure that the placement is as close to the local authority area as possible, and will endeavour to move the applicant together with their household back into Lancashire local authority area as soon as is practically possible.
- 5.4.4 Where an applicant is placed out of the local authority area Hyndburn Borough Council will notify the local housing authority in whose local authority area the accommodation is situated.

5.4.5 The notice will state:

1. the name of the applicant
2. the number and description of other persons who normally reside with him as a member of his family or might reasonably be expected to reside with him,
3. the address of the accommodation,
4. the date on which the accommodation was made available to him, and
5. Which function Hyndburn Borough Council was discharging in securing that the accommodation is available for his occupation.

5.4.6 The notice will be in writing, and must be given before the end of the period of 14 days beginning with the day on which the accommodation was made available to the applicant.

5.5 Domestic Abuse & Harassment

5.5.1 In cases where homelessness is due to domestic abuse and the applicant is not able to stay in the current home, Hyndburn Borough Council may need to consider the need for alternative accommodation whose location can be kept a secret and which has security measures and appropriately trained staff to protect the occupants.

5.5.2 For applicants who have suffered domestic violence who are accommodated in an emergency in hostels or bed and breakfast accommodation, the accommodation should be where possible gender-specific as well as have appropriate security measures.

5.5.3 In cases where homelessness is due to domestic abuse or other actual violence or threats of violence it may be in the best interests of the applicant to place them in temporary accommodation outside of the Lancashire local authority area. This will be agreed with the applicant and any other professionals (i.e. Police or domestic abuse advocates) and a safe location will be identified.

5.6 Type of Temporary Accommodation

- 5.6.1 In allocating temporary accommodation Hyndburn Borough Council will consider the needs of the applicant together with their household. In particular it will take into account any physical or mental health needs in identifying any special requirements to the property, and access to specialist services essential to the wellbeing of the applicant and their household, including:
1. Level access
 2. Adaptations to kitchens & bathrooms
 3. Layout of the accommodation, including any internal stairs
 4. Access to the accommodation
 5. Location of the accommodation in relation to access to essential health or support services
 6. Issues that may exacerbate any issues relating physical or mental health or old age

5.7 Size of Accommodation

5.7.1 Hyndburn Borough Council will ensure that when allocating temporary accommodation that it is of an appropriate size for the applicant together with their household.

5.7.2. Making a calculation using both the bedroom and space standard tests will be used to inform the overall number of rooms required for each applicant household

5.7.3 When making this decision Hyndburn Borough Council will take into account any general shortage of accommodation available to Hyndburn Borough Council and the nature of accommodation available.

5.7.4 Due to the emergency nature of temporary accommodation placements and the fact that only a limited number of properties will be available at any given time, living rooms and dining rooms may therefore need to be used as bedrooms. Where households are placed in accommodation that is smaller than their bedroom needs, support and practical assistance (i.e. bunk beds) will be provided until they can be moved to a larger unit of temporary accommodation.

- 5.7.5 Households will not be placed into accommodation of such a size that it would result in statutory overcrowding.
- 5.8 Physical Condition of the Property
- 5.8.1 Hyndburn Borough Council will ensure that all of its temporary accommodation is of a good standard and complies with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
- 5.9 Bed & Breakfast
- 5.9.1 Through effective management of the temporary accommodation at Hyndburn Borough Council's disposal, the use of any Bed and Breakfast establishment will be kept to an absolute minimum.
- 5.9.2 Where Bed & Breakfast accommodation is used it will only be done so in an emergency, where no other suitable accommodation is available. As soon as alternative accommodation is made available the applicant will be moved.
- 5.9.3. Households with dependent children and/or a pregnant woman will not be placed in Bed & Breakfast accommodation except in an emergency. In situations where they are placed in Bed & Breakfast this will be for no longer than 6 weeks.
- 5.9.4 If Bed and Breakfast accommodation is used, it will be for as short a time period as possible.
- 5.10 Cost
- 5.10.1 Hyndburn Borough Council will ensure that temporary accommodation is affordable.
- 5.10.2 Hyndburn Borough Council will consider each households income and reach a conclusion as to what will be affordable, based on any savings the household might have, plus income received from employment and any benefits they may be entitled to claim.

5.10.3 Hyndburn Borough Council accepts that accommodation will not be suitable if the applicant's net income, after payment of housing costs, would be significantly less than Income Support or Jobseekers Allowance levels (e.g. significantly exceeds the Overall Benefit Cap for claimants in receipt of Universal Credit). Nor will it be suitable if the applicant would not be able to afford basic essentials such as food, clothing, heating or transport as well as the costs of the accommodation.

5.10.4 Applicants will be advised of the costs associated with temporary accommodation including eligible and ineligible costs.

5.11 Change of circumstances

5.11.1 Any change of circumstances that affects an applicant's needs in relation to temporary accommodation will be considered on a case-by-case basis. An assessment of what is reasonable with regard to the above guidance will be made.

5.11.2 Hyndburn Borough Council's duty is to the applicant and the provision of temporary accommodation to meet their needs. However, Hyndburn Borough Council recognise that due to the length of time applicants spend in temporary accommodation, their circumstances may change to the extent that alternative temporary accommodation is needed.

5.11.3 Changes in circumstances that make the temporary accommodation unsuitable will be given priority for a move to alternative temporary accommodation.

5.12 Management Standards

1. A written occupancy agreement will be provided and explained to the household
2. Repairs procedures will be provided to the household
3. Notice periods will comply with the law and good practice
4. When households move in or are relocated Hyndburn Borough Council will seek to ensure minimum disruption to the household.

5. Hyndburn Borough Council will provide advice and assistance to protect households personal possessions where required

5.13 Offers and Refusals

5.13.1 An applicant will receive one reasonable offer of temporary accommodation. Hyndburn Borough Council considers a reasonable offer of accommodation to be accommodation that meets the applicant household's needs, based on the information held in relation to the applicant's homeless application at the time of allocation.

5.13.2 Applicants will be notified of their rights and timescales to seek a review or appeal any decision made about the suitability of temporary accommodation offered or provided. Applicants will be informed where they obtain assistance to take this action and how to go about requesting a review or appeal.

5.13.3 Applicants will be notified of their responsibilities and informed of the penalties that can be imposed by the Courts for withholding or providing false information and the impact that will have on their temporary accommodation provided.

5.14 Length of stay in temporary accommodation

5.14.1 Where there is an interim duty to accommodate (as described in Housing Act 1996 Part 7 Section 188), applicants will be provided with temporary accommodation until:

1. The investigation into their homeless application is complete
2. The outcome of any review is known
3. A penalty will be awarded against applicant household found to be in breach of their occupation agreement
4. Action will be taken against applicant who fraudulently gain temporary accommodation

5.14.2 Where there is a temporary duty to accommodate following a decision of intentional homeless but in priority need (as described in Housing Act 1996

Part 7 Section 190) applicants will be provided with temporary accommodation until:

1. a reasonable period of time has elapsed that will allow them to secure their own accommodation (taking account of the local housing conditions e.g. the availability of alternative accommodation and the personal circumstances of the applicant, which may affect their ability to secure accommodation).

5.14.3 Where there is the main duty to secure accommodation (as described in Housing Act 1996 Part 7 Section 193(2) applicants will be provided with temporary accommodation until:

1. they ceases to be eligible for assistance
2. they become homeless intentionally from the accommodation provided
3. they otherwise voluntarily ceases to occupy the accommodation provided as his/her only or principal home
4. they accept an offer of accommodation under Housing Act 1996 Part 6 (allocation of housing accommodation)
5. they accept an offer of an assured tenancy
6. they accept an offer of suitable private rented sector accommodation (by means to an assured shorthold tenancy which is of a minimum term of 12 months and includes a break clause should the accommodation deemed to be not suitable).
7. they refuses a final offer of suitable accommodation under Housing Act 1996 Part 6 (allocation of housing accommodation) where they has been informed of the possible consequences of refusal and of thier right to request a review of the suitability of the accommodation
8. they refuse an offer of suitable private rented sector accommodation (by means to an assured shorthold tenancy which is of a minimum term of 12 months and includes a break clause should the accommodation deemed to be not suitable) where they have been informed of the possible consequences of refusal and been notified them that they have discharged their duty.

5.14.4 An applicant's temporary accommodation will also be brought to an end when an applicant sources his or her own private sector accommodation for a 6 month period and using the local authorities rent bond/rent in advance support?

5.15 Request for change of temporary accommodation

5.15.1 If the temporary accommodation available does not meet the needs of the applicant, this will be assessed by Homelessness and Housing Advice Manager and/or Temporary Accommodation Team Leader.

5.15.2 A limited number of temporary properties become available at any one time. For this reason, the applicant will be advised that it may not be possible to meet their preferences in relation to temporary accommodation and, whilst any preferences will be taken into account, there are no guarantees. Applicants will be provided with what is reasonable based on the temporary accommodation that is available.

5.15.3 Any decision to prioritise an applicant already in temporary accommodation for a move to alternative temporary accommodation will take into any special social, medical, employment, family or other issues.

5.15.4 If temporary accommodation becomes available, requests for changes will be verified. If the accommodation will meet the needs of an applicant who has requested a change, this move should be considered. The move can only take place if it will not place an undue strain on remaining resources. The move should not take place, if it will result in the need for another temporary accommodation unit being set up.

6.0 Refusal of Temporary Accommodation

6.1 If an applicant refuses an offer of temporary accommodation any of the following duties may come to an end:

1. section 188 interim accommodation duty.
2. section 190(2) duty to accommodate for reasonable period.
3. section 193(2) main housing duty.

- 6.2 The applicant will be notified in writing of the possible consequences of refusal, and advised of their right to request a review of the suitability of the accommodation.
- 6.3 Applicants will be encouraged to accept the offer of temporary accommodation, and request a review of the suitability if they consider it to not be appropriate. On this basis if their review request is unsuccessful they are able to continue to occupy the accommodation.
- 6.4 If the accommodation is refused and upon review Hyndburn Borough Council is satisfied that the accommodation is suitable Hyndburn Borough Council will notify the applicant in writing that they are no longer subject the section 193(2) duty. No further offer of temporary accommodation will be made available.

7.0 Review of Policy

- 7.1 Hyndburn Borough Council will review this procurement policy as often as needed or on an annual basis, or when new legislation is enacted, to ensure that its provision of temporary accommodation continues to meet the current demand and anticipated demand. This will be accomplished via the local the homelessness strategy.