

Hyndburn Borough Council Policy on the Procurement of Temporary Accommodation

September 2015

Definition of procurement

For the purpose of this policy procurement is defined as the act of acquiring or buying residential dwellings from a local authority's own housing stock or from an external source. The accommodation will be appropriate for its intended purpose and will be procured at the best possible cost to meet the needs of the local authorities in terms of quality and quantity, time, and location.

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. Lancaster 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)
 10. Human Rights Act 1998
 11. Children Act 2004
 12. Equality Act 2010
- 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 Provision of Temporary Accommodation

- 3.1 Hyndburn Borough Council will procure temporary accommodation by establishing the following arrangements:
1. Deploying Hyndburn Borough Council employees to procure temporary accommodation, and/or
 2. Appointing an private company to as an agent to procure temporary accommodation, and/or
 3. A mixture of the two above arrangements

- 3.2. Hyndburn Borough Council will procure the provision of temporary accommodation in the following ways:
1. Hyndburn Borough Council itself will provide units of accommodation from its own stock, and/or
 2. Social landlords will provide units of accommodation from their own stock, and/or
 3. Private landlords will provide units of accommodation from their own stock, and or
 4. A mixture of the above arrangements.
- 3.3 Hyndburn Borough Council will manage the temporary accommodation by entering into the following arrangements:
1. Hyndburn Borough Council itself will manage the temporary accommodation portfolio, and/or
 2. A social landlord will manage the temporary accommodation portfolio, and/or
 3. A private company will manage the temporary accommodation portfolio, and/or
 4. A mixture of the above arrangements
- 3.4 Any two or more of the local authorities cited in section 1.4 of this Policy will reserve the right to jointly procure and manage temporary accommodation. In addition Hyndburn Borough Council reserves the right to procure with other local authorities in Lancashire not cited above.

4.0 Location of Temporary Accommodation

- 4.1 The predominantly used temporary accommodation will be sited within the Lancashire local authority district.
- 4.2. Temporary accommodation will be procured in the areas from which homelessness is known to most commonly occur. Hyndburn Borough Council will use its P1E data and other sources of intelligence to identify the wards from which homelessness occurs and will endeavor to ensure temporary accommodation is made available within these areas or as near as possible, wherever it is practicable to do so. On occasions this may result in the

nearest unit of temporary accommodation being obtained in a neighbouring local authority district.

- 4.3 Hyndburn Borough Council will ensure that temporary accommodation provided is located so that the main services used by an applicant and their household can be reached by foot or by public transport, doctors, dentists or other health providers, advice agencies (where applicable), schools.
- 4.5 The suitability of Hyndburn Borough Council's provision of temporary accommodation will be reviewed as part of future Homelessness Strategy adopted by the local authority, or when any new statute comes into force.
- 4.6 Local circumstances and stock options available and any the constraints this poses will be recognised by Hyndburn Borough Council when procuring temporary accommodation.

5.0 Bed & Breakfast Hotel Accommodation

- 5.1 Bed & Breakfast accommodation will not be used except in an emergency. Where this does become necessary Hyndburn Borough Council will ensure it has a list of approved premises within the local authority area. These Bed & Breakfast premises will be inspected by Hyndburn Borough Council annually (or more often if required) to ensure that they meet the minimum standards as set out within this policy.
- 5.2 Hyndburn Borough Council will write to each B&B owner to advise them of the minimum standards and to confirm whom they should contact if they have any queries or require support.
- 5.3 It is recognised that in certain circumstances Bed & Breakfast premises that are not on the approved premises list will have to be used. Where a an applicant and their household remains within this accommodation for longer than a week Hyndburn Borough Council will endeavor to inspect this premise providing that it does not place an undue strain on resources. However where an applicant who is pregnant and/or dependent children reside, or the applicant is a child aged 16 or 17, the property will be inspected within a week.

- 5.4 Where the premise is situated within another local authority's boundary Hyndburn Borough Council will liaise with the relevant local housing authority regarding an inspection.

6.0 Standards of Temporary Accommodation

6.1 Minimum standards

1. Be where possible within Lancashire local authority area; and
2. Have adequate and exclusive toilet and personal washing facilities; and
3. Have adequate bedrooms, cooking facilities and access to a living room; and
4. Be useable by the applicant household 24 hours a day.
5. The accommodation should have accessible facilities and services for health and education in the locality, taking account of the distance of travel, access to public transport.
6. The accommodation should be suitable for occupation by an applicant whom is pregnant and/or dependent children reside, or the applicant is a child aged 16 or 17, whenever needed
7. 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.
8. Will satisfy any public sector equality duty owed under Equality Act 2010
9. Will satisfy any safeguarding or welfare duty owed under Children Act 2004
10. Will satisfy any inspection carried out by local authority private sector housing teams or environmental health officers

6.2 Physical Standards

6.2.1 All temporary accommodation will: -

1. Meet the physical or sensory disability requirements of any member of the household (where practically possible).
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 / unity 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 an applicant and their household (currently some shared temporary accommodation does not meet this standard, but where it cannot be met, bathrooms are shared by no more than two individuals).
7. Have access to on-site laundry facilities whenever possible. B&B will also be required to provide an on-site facility whenever possible.
8. Have a suitable standard of furniture to meet the applicant and their households' 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.

6.3 Shared Accommodation

6.3.1 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.
Inspections

6.3.2 Hyndburn Borough Council will carry out inspections at least annually of all temporary accommodation to ensure that it meets these physical standards.

6.4 Out of area placements

6.4.1. Hyndburn Borough Council will endeavour to procure all of its temporary accommodation within the Lancashire local authority area, however where this is not possible due to a lack of appropriate accommodation, Hyndburn Borough Council may at times need to procure accommodation outside of the Lancashire local authority area. Where this happens Hyndburn Borough

Council will ensure that any accommodation it procures is as close to the Lancashire local authority area as possible.

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.