

TEMPORARY ACCOMMODATION PROCUREMENT AND PLACEMENT STRATEGY 2021 - 2023



CONTENTS

INTRODUCTION	Page 3
TEMPORARY ACCOMMODATION PROCUREMENT	
Introduction and Scope	Page 5
Procurement Challenges	Page 6
Procurement Principles	Page 9
Estimating and Meeting Need	Page 9
TEMPORARY ACCOMMODATION PLACEMENT	
Introduction and Background	Page 13
Legal Framework	Page 14
Key Principles	Page 16
Factors to be considered when making Placements	Page 19
Refusals	Page 21
RECOMMENDATIONS	Page 22
APPENDICES	Page 23

INTRODUCTION

1.1 This is East Suffolk Council's first combined Temporary Accommodation (TA) Procurement and Placement Strategy covering the period from January 2021 to December 2023. In accordance with legislation and guidance, the Council will seek to accommodate homeless households within East Suffolk as far as is reasonably practicable and will consider the suitability of any TA offered. However, due to the limited availability of TA, it is sometimes necessary to place households outside of our district as it would not be reasonably practicable to accommodate them within it. The Council's duties under the homelessness legislation do not always require TA to be provided. Further information relating to the Council's duties under the homelessness legislation can be found at Appendix A.

This strategy complies with relevant legislation and case law, including:

- The Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017
- The Localism Act 2011
- Homelessness (Suitability of Accommodation) (England) orders 1996, 2003 and 2012
- Equality Act 2010
- Children Act 2004 and R (G) v London Borough of Southwark (2009)
- R (on the application of Carstens) v Basildon DC [2007]
- Kensington and Chelsea LBC, ex p Kujtim [1999]
- Nzolameso v City of Westminster (2015)

The strategy is aligned to East Suffolk Council's Homelessness and Rough Sleeping Strategy 2019-24 and reflects the increased demand for TA arising from the Homelessness Reduction Act 2017, which introduced new accommodation duties towards homeless households, notably a new 56 day 'relief duty.' The Homelessness and Rough Sleeping Strategy considers the impact on the Housing Needs Service following the change in legislation, and the impact of recent case law, and recognises the need to access a greater number of TA units in the district (and specifically in the south of the district where there is a current shortage). This TA Procurement and Placement Strategy sets out the ways in which the Council will procure sufficient suitable units of accommodation and how it will make decisions on who is placed into which units. This strategy also has the aim of assisting the Council to achieve its objectives laid out in the Homelessness and Rough Sleeping Strategy.



The strategy covers a reasonably short period of two years as the homelessness situation in the district (and indeed regionally and nationally) is very dynamic and TA demand needs to be reviewed with some regularity. A variety of factors can positively or negatively impact on TA requirements including, but not limited to, the Covid 19 global pandemic which gave rise to a public health emergency, changes in Government legislation (the significant impact of the Homelessness Reduction Act 2017 is a case in point), the current economic environment (e.g. Brexit and the potential impact on employment), and the current housing market (reduction in private sector lettings or growth in the new build market).

This strategy covers two main areas:

1. How the Council makes decisions about where and when to place people in temporary accommodation to ensure we meet our legal obligations and adopt good practice. This updates the 2018 Temporary Accommodation Placement Policy;
2. How the Council analyses projected demand for temporary accommodation with regard to numbers, size and location of units, and manages delivery in order to ensure a sufficient supply of suitable accommodation and minimises any financial risk to the Council's General Fund. This part of the strategy uses supporting data to enable projections of demand to be made to help inform future procurement of TA in the district that is appropriate, realistic, and affordable. Recommendations are made as a conclusion to meet the Council's overall strategic and financial objectives.



TEMPORARY ACCOMMODATION PROCUREMENT

2.1 INTRODUCTION AND SCOPE

This part of the strategy sets out:

- The challenges facing the Council in procuring accommodation for homeless households, both for temporary accommodation and for private rented sector (PRS) offers to discharge the Council's homelessness duties (see below for a detailed explanation of the differences between them)
- The general principles that will be followed when procuring private accommodation for homeless households
- An estimate of the number of properties that are needed for these purposes and an action plan for meeting these needs
- A series of recommendations to help the Council meets its statutory, strategic and financial obligations

These principles will be monitored and reviewed at the end of the term of this strategy.

Temporary Accommodation takes the form of two types of accommodation:

- Shorter-term accommodation* for use during the relief stage of homelessness and whilst a household's homelessness application is being assessed. This could be self-contained or shared accommodation, either through a private proprietor arrangement, through a Registered Provider, or within the Council's owned and managed stock.
- Longer-term accommodation* for households where the Council has accepted an ongoing accommodation duty. This accommodation is provided until a suitable offer to discharge that duty can be made.

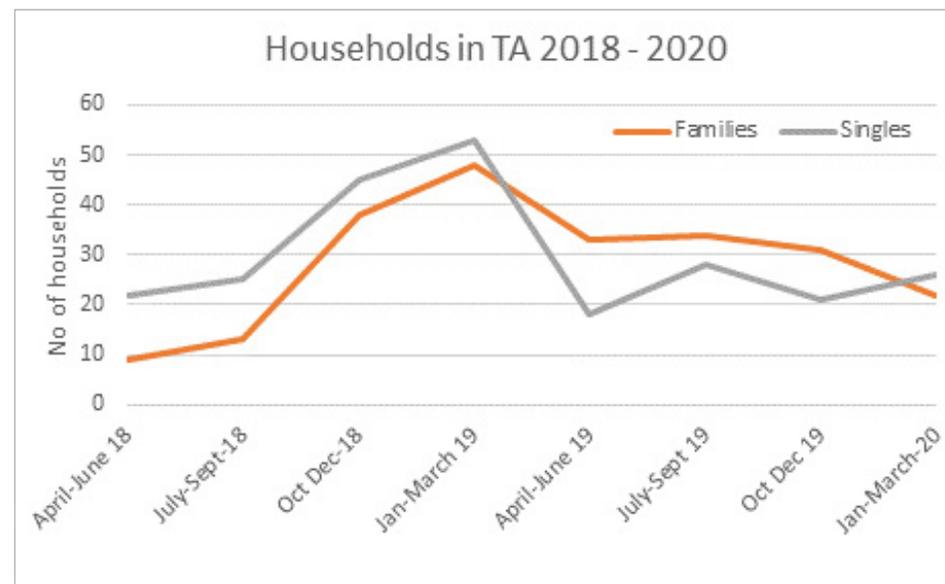
Longer-term accommodation is provided through leasing arrangements we have with local landlords and Registered Providers. In addition to these forms of accommodation the Council also uses units from its retained housing stock within the Housing Revenue Account to alleviate the pressure of demand for housing on the Housing Needs Service and to support the General Fund.

Accommodation with shared facilities, such as B&B with shared kitchen and/or bathroom facilities will only be used in exceptional circumstances. The Council is legally bound to offer this type of accommodation for a maximum of 6 weeks only to households with dependent children or pregnant women, and it cannot legally be offered at all to 16 and 17 year olds who present as homeless alone. The Council is also seeking to minimise its reliance on 'nightly paid' accommodation, whether this is with shared facilities or self-contained, which is usually spot purchased on the day to meet an urgent need. This is often a lower quality and higher cost option than longer-term accommodation and, as such, the Council aims to either avoid its use or move households out of this type of accommodation as soon as possible when it is used.

Private rented sector offers ("PRSOs")- these are offers made to homeless households where the Council has accepted an ongoing housing duty. An offer of privately rented accommodation can bring that duty to an end if it is let on a 12-month fixed term Assured Shorthold Tenancy and is suitable for the applicant. The Council needs to ensure that it can access as wide a range of accommodation as possible to meet the varying needs of homeless households and the PRS is playing an increasing role in meeting those needs.

PROCUREMENT CHALLENGES

3.1 The Council's TA portfolio comprises a range of provision- leasing arrangements with Registered Providers and private landlords, spot-purchased 'nightly paid' accommodation from B&Bs and other commercial businesses, and units which have been identified within the Council's own stock. As part of the Council's wider Housing Development Strategy, the portfolio of stock is regularly reviewed and appraised against needs in terms of both temporary and permanent accommodation. The Council will pursue opportunities where they are available such as acquiring housing on the open market, developing new homes, and redeveloping existing stock to meet specific needs. However, a key component in the TA Procurement and Placement Strategy is that accommodation will be sourced from the private sector. The Council operates a well-established Private Sector Leasing Scheme (PSL) which offers flexibility in terms of location and is also used when the Council needs a specific type of property which it cannot identify within its own stock.

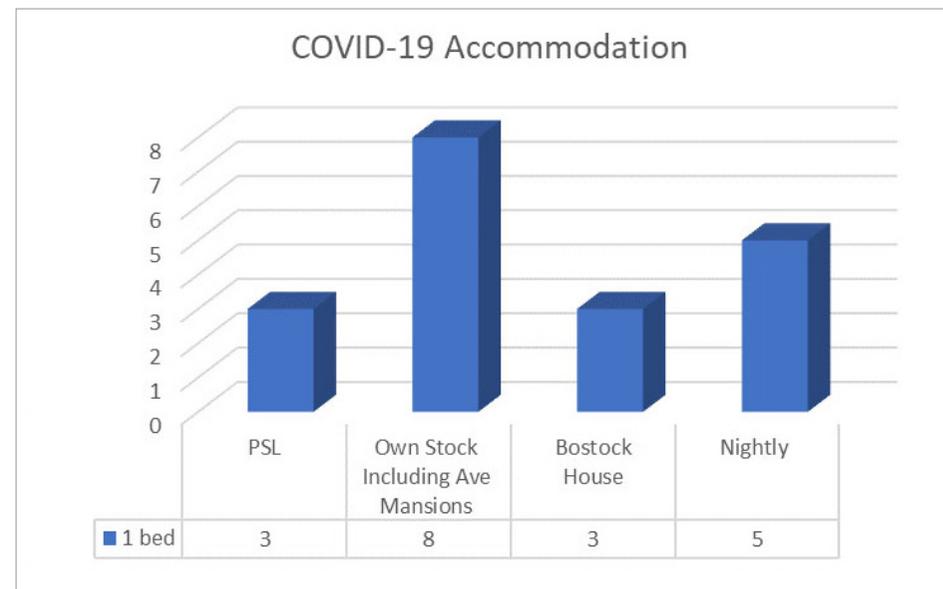


3.2 TA demand over the last two years highlights a peak in early 2019 and a subsequent drive to address potential homelessness and reduce the numbers of households needing TA. These efforts were delivering positive results, especially for families, until the Covid pandemic arrived in March 2020.

TA ACCOMMODATION AS AT 30 JUNE 2020 BY BEDROOM SIZE AND PROVIDER:

	One bed	Two bed	Three bed	Four bed	Five bed	TOTAL
Registered Provider	3	1	1	0	0	5
Private Sector Leasing	11	7	9	1	1	29
Own Stock	18	15	6	0	0	39
Other	11	0	0	0	0	11
Total No of Units	43	23	16	1	1	84

3.3 In March 2020 the Government launched the ‘everyone in’ initiative, requiring local authorities to immediately accommodate anyone rough sleeping, or at imminent risk of rough sleeping in their districts due to the risks presented by the public health emergency. The government also mandated the closure of all night shelter style accommodation and asked Councils to move residents to alternative accommodation without shared sleeping areas. The government at this time updated the Homelessness code of guidance for local authorities requiring housing authorities to carefully consider the vulnerability of applicants from COVID-19 when making decisions about ‘priority need’ when assessing homelessness applications and making decisions about providing temporary accommodation. East Suffolk Council responded to these mandates and implemented temporary measures to mitigate the impact of the public health emergency and protect rough sleepers in the community by moving them off the streets. The Council initially housed 27 single homeless people but this rose to 38 people in total during the lockdown period.



The graph opposite shows the number of single people who remained in accommodation provided by the Council purely as a result of the Covid-19 measures on 30 June 2020. The Government has subsequently set out its expectations that Councils will continue to accommodate, and will move on into longer-term accommodation, all those placed under the Covid-19 measures. This additional pressure places a further challenge on the Council in terms of sourcing suitable accommodation. This is a particularly dynamic and fluctuating area and numbers of rough sleepers change on an almost daily basis. There is also a financial pressure on the Council with over £76,000 being spent on COVID-19 related measures by mid-July 2020 and a further £70,000 HRA expenditure anticipated on continuing to use the Hub. Other costs such as keeping properties empty for move-on accommodation also have an impact.

3.4 All local authorities are generally finding temporary accommodation increasingly difficult to procure to meet greater demand and East Suffolk Council is finding that in the south of the district, where there are higher private sector rents, the number of landlords willing to let to households on benefits or low incomes is reducing. The situation is impacted further by COVID-19 and its impact on the housing market and personal finances.

3.5 The table opposite shows the difference between Local Housing Allowance (LHA) rates and average advertised rents in the relevant towns and their immediate areas (April 2020). The LHA is important as this governs the maximum amount of Housing Benefit or the housing element of Universal Credit a household can claim, and so if rents are higher than this level, the property is not likely to be affordable to the tenant. In nearly every scenario the market rents exceed the LHA. The market rates quoted reflect the cheapest average rents in the town on that particular date and therefore can only be indicative. The affordability of a property will form part of the suitability assessment undertaken by the Council when making decisions about where to place households.

3.6 Rising rents and a very competitive market locally, especially in the south of the district, is making it harder to procure new properties. Additionally, there is a need for a wide spread of temporary accommodation across the district to minimise distances that placed households may have to travel. Frequently, given the current demand for rented property, when current leases end landlords often move into the open market for which they can achieve higher rents. It is expected that the impact of the Pandemic will exacerbate this.

3.7 The overall benefit cap for non-working households (of £20,000 for families and couples and £13,400 for single people) makes it harder for the Council to find affordable private rented accommodation for non-working households. The impact of Universal Credit (UC) has also been felt with private landlords being unwilling to take on households claiming UC without additional guarantees or incentives.

	One bed (£/pw)	Two bed (£/pw)	Three bed (£/pw)	Four bed (£/pw)
Felixstowe				
Market	139	156	180	250
LHA rate	112	140	164	205
% higher than LHA	24%	11%	9%	21%
Woodbridge				
Market	154	171	226	442
LHA rate	112	140	164	205
% higher than LHA	37%	22%	38%	215%
Saxmundham				
Market	92	178	199	n/a
LHA rate	112	140	164	205
% higher than LHA	-18%	27%	21%	-
Beccles				
Market	125	148	213	254
LHA rate	92	116	126	166
% higher than LHA	36%	27%	69%	53%
Lowestoft				
Market	97	124	132	246
LHA rate	92	116	126	166
% higher than LHA	5%	7%	4%	48%

Home.co.uk data correct on 15.4.20

Table: East Suffolk locations - comparative rental rates between market and Local Housing Allowance

PROCUREMENT PRINCIPLES

4.1 The Council will follow the key principles outlined below and seek to provide accommodation within the East Suffolk district area. If there is a need to procure accommodation out of district, the Council will seek to achieve this by looking at neighbouring authorities in the first instance. Areas further afield will only be considered if it is necessary to meet a specific need or because there is nothing available closer to home on the day when it is required.

The following principles will apply when procuring properties for both temporary accommodation and private rented sector offers:

- a. The Council will act to ensure the property complies with all relevant legal obligations and have regard to all relevant legal guidance
- b. Properties should be affordable and sustainable in the longer term to the households that occupy them, including to benefit dependent households in receipt of Housing Benefit or Universal Credit, and subject to the benefit cap
- c. Each property offered to a homeless household will be suitable for that household, compliant with health and safety requirements and in a decent condition
- d. Landlords may on occasion be offered incentives in order to procure properties to prevent homelessness and to discharge our homelessness duties, and where the practice will help secure longer-term savings

ESTIMATING AND MEETING NEED

5.1 Demand for temporary accommodation comes from new households approaching the Council for homelessness assistance and households who need to move from one unit of temporary accommodation to another (because they are overcrowded, for example). Homelessness demand in the longer term is difficult to predict as it is driven by a complex range of social, economic, and external factors, as well as changes to national legislation and policy. The recent increase due to the introduction of the Homelessness Reduction Act 2017 (HRA) is a case in point, together with the impact on the housing market by COVID-19 which could not have been foreseen.



5.2 Based on data for the financial year 2019/20, it is possible to assess the impact of the HRA 2017 on demand for temporary accommodation. A comparison has been made between 2017/18 and 2019/20 of households staying in shorter-term and longer-term TA that gives an overview of the numbers involved and the average length of stay in each type of accommodation. These years have been selected as 2017/18 was the year immediately before the implementation of the new Act and 2019/20 is the most recent year offering a realistic perspective following the impact of the Act's implementation in 2018/19.

	Days in occupation	No of household placements 2017/18 (Pre HRA)	Single households	Family households	No of household placements 2019/20 (Post HRA)	Single households	Family households
Shorter Term	1<50	59	23	36	52	38	14
	51 - 100	10	3	7	24	14	10
	>100	9	3	6	9	6	3
Longer Term	1<50	10	7	3	7	4	3
	51 - 100	11	3	8	10	1	9
	>100	31	6	25	15	5	10

The placement of households shows a small overall decline in 2019/20 though with a small increase in shorter term accommodation in 2019-20. This is the result of a proactive approach to prevent and relieve homelessness following the introduction of and adaptation to the HRA 2017. The increase in single homeless households and reduction in family households in the 1 < 50 days accommodation reflects an active approach for the latter group with longer term solutions at an early stage, and a noticeable increase in presentations from single households. However, broad placements over the years show a fall in 2019/20 which give a helpful perspective on future TA demand.

5.3

No of Children in Household	2017/18	2019/20
0	48	90
1	47	37
2	32	10
3	9	10
4	17	3
5+	3	3

An analysis of household composition over the same two years was also undertaken of all the households that presented to the Council as homeless and to whom the Council accepted an ongoing housing duty.

There has been a significant growth in households without children presenting as homeless, and a reduction generally in larger households presenting. This will inform future provision as there has been a change in the size and type of accommodation required. The pressure to provide more smaller units of accommodation has increased again as result of the Covid 19 measures requiring Councils to accommodate many more single people than previously. It is anticipated that this additional demand will remain and increase.

5.4 An analysis of presentations to the Council in 2018/19 and 2019/20 also helps to identify where demand is geographically located in the district, helping to inform TA procurement decisions, see table opposite.

The percentages reflect the proportion of presentations from a locality during each year. The remainder of presentations were external to our district or of no fixed abode. Future procurement needs to be mindful of the geographical spread to minimise the disruption to clients housed in temporary accommodation.

	2018/19		2019/20	
	Nos	%	Nos	%
Lowestoft Town	551	30%	543	51%
Lowestoft Outer Area	125	7%	62	6%
Beccles/Bungay/Halesworth	114	6%	78	7%
Framlingham	43	2%	35	3%
Aldeburgh	38	2%	26	2%
Felixstowe	255	14%	126	12%
Kesgrave & Martlesham	37	2%	13	1%
Woodbridge/Melton	88	5%	57	5%

5.5

	One bed	Two bed	Three bed	Four bed	TOTAL
Short-term					
Lowestoft	14	0	0	0	14

	One bed	Two bed	Three bed	Four bed	TOTAL
Long Term					
Lowestoft	39	8	12	1	60
Southwold	0	2	2	0	4
Beccles	3	0	0	0	3
Bungay	2	0	0	0	0
Halesworth	4	0	0	0	0
Saxmundham	1	0	0	0	0
Felixstowe	3	1	1	0	5
Woodbridge	0	1	0	0	1
TOTAL	52	12	15	1	80

In May 2020 the Council had access to a number of temporary accommodation units available in the district, see table opposite.

Short-term accommodation is primarily focussed in Lowestoft with 14 units available as well as access to nightly let accommodation that is privately owned and managed as well as a further 3 RSI rooms in Felixstowe.

Longer-term accommodation provision is spread across a wider geographical area as the table above shows, though with a very strong focus on Lowestoft. Accommodation is a mix of sizes and involves private landlords, our own housing stock and some Registered Provider owned and managed properties. Collectively there are currently 80 properties (ranging from 1 bed to 4 bed units) available with 64 in the north and only 7 in the south.

5.6 From the data in the previous table, the following can be established to inform a future procurement requirement:

1. We have experienced a growth in single person households or households with one child that need to be accommodated in both shorter term and longer term types of accommodation.
2. There appears to be an over provision of TA in Lowestoft but a need for more in other areas, especially to the south of the district.
3. More one bed and two bed accommodation units may be required across the district (rather than the current focus on Lowestoft) and especially in Felixstowe and Beccles, but three bed accommodation could be reduced in Lowestoft.
4. The period of occupancy of shorter-term TA suggest pressures on the existing accommodation that is available. However, occupancy of long-term TA suggests that we have sufficient units to meet demand.

5.7 Consideration also needs to be given to wider issues also:

1. The probable need to expand accommodation options for single people with complex needs to meet our responsibilities;
2. The balance between the need for short term and long term accommodation has changed because fewer units of longer term TA are needed with fewer applicants progressing to a final full duty obligation;
3. The need to increase the availability of accommodation by moving households out of TA into properties such as long-term private lets or RP and council stock;
4. Increase access to the PRS through developing an effective PRS offer.
5. With an increased demand for Stage 1 accommodation an option of exploring the procurement of more hostel accommodation through converting multiple use shared accommodation should be considered. This will provide low cost emergency accommodation and could be shared with other councils to ensure it is viable.
6. Consider the use of more social housing stock as emergency accommodation given this is a low cost option and will be especially beneficial to reduce the need to place larger families into high cost B&B or nightly let accommodation.



TEMPORARY ACCOMMODATION PLACEMENTS

6.1 INTRODUCTION

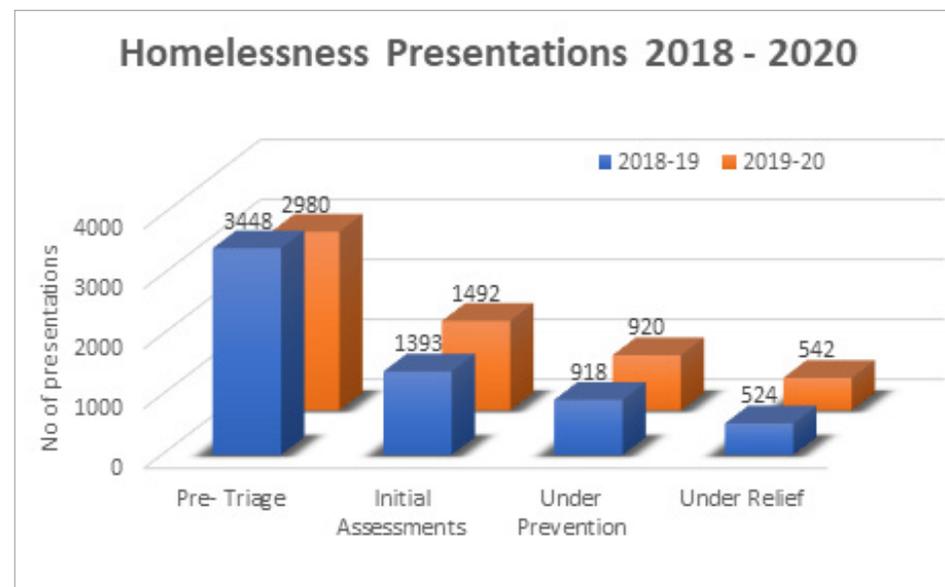
This section sets out East Suffolk Council’s policy towards the placement of homeless households in temporary accommodation. It covers all offers of temporary accommodation made under any of the provisions of the homelessness legislation, which are set out in Part VII of the Housing Act 1996 (as amended) and the HRA 2017 and is guided by the Homelessness Code of Guidance 2018. This policy does not apply to final offers of accommodation to discharge the main homelessness duty made under either Part VI or part VII of the Housing Act 1996 (as amended) or the HRA 2017.

6.2 BACKGROUND

Local authorities have a statutory duty to provide temporary accommodation in their own area “so far as is reasonably practicable” (ref para 17.47 Code of Guidance 2018), and statutory guidance requires councils “where possible” to try and secure accommodation as close as possible to where an applicant was previously living (ref para 17.50 Code of Guidance 2018), although not being constrained by the preference of the applicant. The Council is also required to take into account the suitability of any accommodation offered (Chapter 17 Code of Guidance).

6.3 There has been an increase in homelessness applications since the implementation of the HRA 2017 (which came into effect in April 2018). In 2017/18 the number of homeless enquiries was 2607 but subsequently rose 32% to 3448 in 2018/19. This has created pressures on providing sufficient suitable accommodation in the district to households owed an accommodation duty. The number of days in interim accommodation rose by over 100% (3,881 days to 8,095 days) over this same period, but only by 2% for days in TA (16,167days to 16,596 days).

The graph opposite shows the number of presentations of homeless or potentially homeless households over two financial years (2018/19 & 2019/20) when the legislation was complied with by the Council. Though the ‘Pre-Triage’ (all approaches to the Council concerning homelessness) was lower in 2019/20 than in 2018/19, the subsequent number of cases requiring a homelessness assessment and being owed a duty was slightly higher at each stage.



6.4 The Council currently has access to the following range of options for Temporary Accommodation:

- Units within our own housing stock
- Properties leased by East Suffolk Council from private landlords through our Private Sector Leasing Scheme
- A small number of units of accommodation owned and managed by Registered Providers (RPs)
- Privately owned and managed spot-purchased ‘nightly paid’ self-contained accommodation
- Spot-purchased private B&B rooms with some shared facilities (i.e. kitchens and/or bathrooms)
- Supported and specialist housing including women’s refuges, domestic abuse satellite accommodation and hostel accommodation

LEGAL FRAMEWORK

Statute – We are bound by the legislative framework in the operation of the homelessness service at East Suffolk Council. Parliament amends or introduces new acts that impact on the way the Government expects homelessness to be administered.

7.1 This policy has been developed in accordance with the relevant sections of the following legal and statutory guidance material:-

S188 HOUSING ACT 1996 (AS AMENDED)	HOMELESSNESS REDUCTION ACT 2017	S11 CHILDREN ACT 2004
S193 HOUSING ACT 1996 (AS AMENDED)	THE HOMELESSNESS (SUITABILITY OF ACCOMMODATION) (ENGLAND) ORDER 2003	HOMELESSNESS CODE OF GUIDANCE FOR LOCAL AUTHORITIES 2018
S208 HOUSING ACT 1996 (AS AMENDED)	THE HOMELESSNESS (SUITABILITY OF ACCOMMODATION) ORDER 2012	CARE ACT 2014
EQUALITY ACT 2010	LOCALISM ACT 2011	ASSOCIATED CASE LAW.

7.2 East Suffolk Council has a duty to provide temporary accommodation for households who approach the Council as homeless and who meet the criteria as set out in Part VII of the Housing Act 1996 (as amended) and the Homelessness Reduction Act 2017. Under certain sections of the Acts, councils have a duty to provide short-term accommodation placements whilst homelessness enquires are undertaken. The legislation also sets out duties to provide longer-term temporary accommodation placements for certain households depending on their circumstances. Within this document placements under all the above provisions will be referred to as temporary accommodation placements.

Guidance – In addition to the relevant statute, a statutory Code of Guidance is issued by the Government to give greater detail on all aspects of the relevant legislation. Additional guidance notes are also issued when new Orders or other Statutory Instruments take effect to assist Councils with interpreting and understanding any new duties or changes to legislation.

7.3 Supplementary guidance to the homelessness changes introduced by the Localism Act 2011 and the Homelessness (Suitability of Accommodation) Order 2012 (DCLG November 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 – In addition to the above, there are occasions when courts consider the operation of the legislation and provide revised interpretations of the law which councils must note and comply with. These can be significant and occur from time to time.

7.4 *Nzolameso v Westminster City Council* – *This is the key piece of case law regarding TA procurement and placements. It sets out a range of issues that councils need to consider when allocating temporary accommodation to homeless households and makes certain requirements of councils. These include;*

- A requirement that local authorities need to explain their decisions as to the location of the properties offered.
- Each local authority should have, and keep up to date, a policy for allocating temporary accommodation to homeless households.
- The policy should reflect the authority’s statutory obligations under both the Housing Act 1996 (as amended) and the Children’s Act 2004.
- Where there is an anticipated shortfall of accommodation in the District, the policy should explain the factors to be considered when making decisions on where a household is placed.
- The Supreme Court also proposed that each local authority should have a policy for procuring sufficient units of temporary accommodation to meet anticipated demand for the coming year.

Additional case law in relation to this matter is R (G) v Southwark LBC [2009] UKHL26 with reference to S.20 of the Children’s Act 2004. Case law supports the precedence of the Children’s Act over the Housing Act for 16 and 17 year olds. All the Suffolk Councils operate a joint protocol regarding this client group that fall under the Housing Act and the Children’s Act, ensuring that in the first instance any 16 or 17 year old presenting as homeless alone and not as part of a household is assessed in the initial instance by Children’s services, as that is the proper primary agency for that age group. In certain circumstances, a 16 or 17 year old will go on to make a homelessness application and the relevant district or borough Council will take on responsibility for providing the young person with accommodation. However, in Suffolk this is achieved through co-operation and joint working between the County Council and the districts and boroughs, to ensure that young people do not ‘fall through the gaps’ and are not passed back and forth between agencies.

7.5 *Birmingham City Council v Ali, Moran v Manchester City Council [2009]* – In this case 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)’. This confirms the Code of Guidance’s approach that accommodation which would not be considered to be suitable for a household in the long term may be suitable for that same household in the short term.

KEY PRINCIPLES

8.1 East Suffolk Council came into being in April 2019 via a merger of two former councils- Waveney DC and Suffolk Coastal DC.. The former had retained its own housing stock but Suffolk Coastal DC had transferred theirs 30 years earlier. This has presented ESC with a unique situation with no council housing stock in the south of the district, limiting available options to address homelessness. However, it has also presented an opportunity with the Council being able to seek to develop or acquire housing stock in the south to help alleviate the pressures around homelessness and rough sleeping. Additional challenges include a lack of supported housing, high private rented sector rents in the south which are not sustainable for households on low incomes, and high deprivation and unemployment in the north of the district.

Whilst the Council is exploiting these opportunities to deliver medium to long term accommodation options for homeless households, a pressure on short-term solutions remains. In general terms, the Council seeks to use spot-purchased B&B and nightly paid placements for the minimum period possible due to the costs attached and the lack of security and longevity for the households accommodated. As such this type of accommodation is primarily used when it is required out of normal office hours or at very short notice, and for households who have recently made an application as homeless whilst enquiries are carried out into what, if any, ongoing duty may be owed to them. The Housing Needs Service seeks to move all households placed in this type of accommodation on into longer-term accommodation as soon as possible, and uses a combination of hostels which deliver support, council owned and managed stock, PSLs and RP owned and managed accommodation for this purpose. There will be exceptions to this based on the specific needs of the applicant and the availability of accommodation.

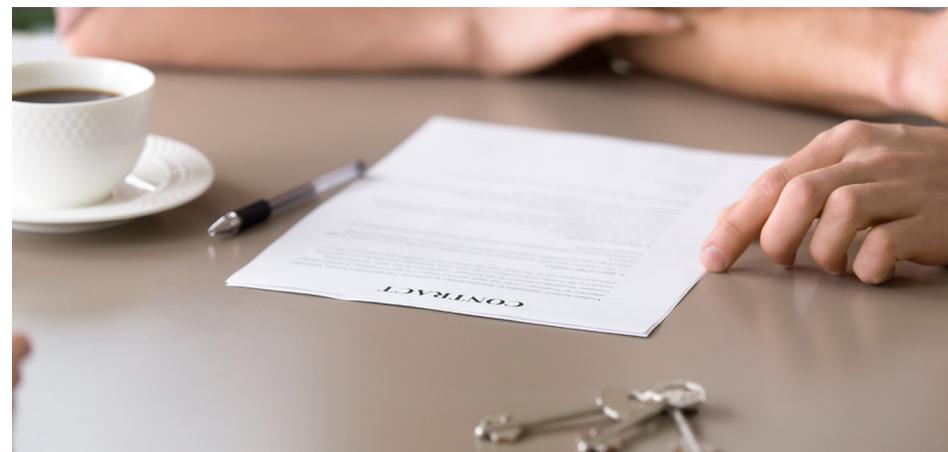


It is regrettable that we have only limited access to 'out of hours' accommodation (usually only B&B and nightly paid placements), and in certain circumstances this may lead to out of district offers being made due to lack of accommodation within district being available.

- 8.2** In accordance with legislation, case law and statutory guidance, the Council seeks to accommodate homeless households within the district area of East Suffolk as far as is reasonably practicable, and as close to where they were previously living as possible, unless the applicant's choice is to move further afield. However, as there is a shortfall of temporary accommodation to meet housing need, particularly in the south of the district, it will not always be practicable to provide accommodation to homeless households close to where they were previously living. There will be a need to use accommodation outside the district, and in the southern part of the district this may in fact be preferable to a placement in the centre or north of the district.
- 8.3** There are occasions where demand for temporary accommodation exceeds the number of available procured self-contained units, or there are other constraints in finding suitable self-contained accommodation. In these circumstances, if there is a duty to accommodate a household, the Council will, as a last resort, place a household in accommodation with shared facilities such as B&B / hotel / guest-house accommodation but in compliance with the Code of Guidance 2018 (Para 17.36) imposing a maximum of 6 weeks in such accommodation for pregnant women and households with dependent children.
- 8.4** The lead authority for 16 and 17 year olds who present as homeless is the Children's Social Care Authority in line with the Southwark judgement (R(G) v Southwark LBC in May 2009). However, if the local housing authority is exceptionally under a duty to provide a 16 and 17 year old with accommodation, any accommodation provided must be suitable. The Secretary of State considers that bed and breakfast or shared accommodation is never suitable under any circumstances for this category of applicants as set out in the statutory guidance (Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation 2018) As such, East Suffolk Council works closely with Suffolk County Council with the aim of avoiding the need for any such placements.
- 8.5** The Housing Needs Service will assess the suitability of every offer of accommodation that is made to individual homeless households, in line with legal requirements including legislation, associated case law and statutory guidance (such as the Suitability of Accommodation Order 2012). We will take account of all relevant factors when assessing the suitability of temporary accommodation regarding size, location, accessibility and facilities.



- 8.6** When assessing the suitability of location for temporary accommodation regard must be had to the Homelessness Code of Guidance 2018. This states that the Temporary Accommodation must be suitable in relation to the applicant and to all members of their household who normally reside with them, or who might reasonably be expected to reside with them. The Guidance sets out the factors that should be considered when deciding whether the accommodation is suitable or not. Households have the right of review on the suitability of accommodation if they are owed the ‘full’ homelessness duty. (See Appendix B – Suitability Matrix).
- 8.7** If it is not possible to provide temporary accommodation within the district, accommodation will be offered in a neighbouring housing authority area wherever possible, considering the distance of that accommodation from where the applicant was previously living. The Council will only look beyond a neighbouring housing authority area if it is not possible to provide anything suitable and/or the applicant has very specific needs which cannot be met within East Suffolk or a neighbouring housing authority area. If this should prove necessary, the Council will endeavour to provide accommodation with good transport links to the area where the applicant was previously living if essential for employment, education or support needs. Households placed outside the district may be considered for temporary accommodation within the district once a suitable unit becomes available, subject to their needs being assessed alongside the needs of other households who are owed a duty at the same time.
- 8.8** Where the Council decides that applicants placed in temporary accommodation whilst enquiries are being carried out are not owed an ongoing housing duty, they will be asked to leave and will be given reasonable notice to vacate the property to enable them to find alternative accommodation. The length of that reasonable notice period will be determined on a case by case basis, and will take account of the particular circumstances of the household.
- 8.9** Applicants will be made one offer of suitable temporary accommodation which will comply with all of the considerations set out within this policy. There is no obligation to enable applicants to view the accommodation prior to acceptance, and in most cases this will not be practically feasible, but the Council will facilitate this in exceptional circumstances where there is a special need to do so. In making the offer of accommodation, the household’s individual circumstances will be considered, considering the factors set out in section 5 of this policy and our criteria on out of district placements.



FACTORS TO BE CONSIDERED WHEN MAKING PLACEMENTS

9.1

EDUCATION

The ages and key educational stages of children will be taken into consideration, including any exams at Key Stage 4 (GCSE) or Key Stage 5 (A Levels or equivalent Stage 3 vocational courses such as BTECs). The practicalities of travel arrangements to existing schools or colleges will be considered including the cost and ease / length of time of travel. Support provided to any children with special educational needs will also be taken into consideration.

CHILDREN' NEEDS

In accordance with Section 11 of the Children Act 2004, the needs of all children in the household will be considered and any arrangements for safeguarding those needs. The key areas that will be considered are risks to health, safety, to enjoyment and achievement and economic well-being. Households with children at risk, on the Child Protection Register or significantly disadvantaged, will be prioritised for an offer of temporary accommodation within the district, ideally close to where they previously lived. In 'out of district' placements Suffolk County Council's Children's Services will be notified about the temporary accommodation placements.

CHILDCARE & CARING DUTIES

Where a placement is made out of district, the practicalities of maintaining existing childcare and / or other caring duties may 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

Where the applicant or their partner is accepted as being in employment and has been working continuously for a period of six months in the district under a written contract of employment (temporary or permanent) which requires at least 16 hours work a week at a site located within the district (i.e. remote or home working is not feasible), the place of employment will be taken into consideration. Parents who are on parental leave who intend to return to work will also have their work location considered under this criterion. The ease and cost of travel to and from the location of the temporary accommodation to an existing place of work, including any shift patterns, may be considered.

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.

HEALTH & SUPPORT NEEDS

Households which contain person(s) suffering from a terminal illness or with a severe disability and are receiving regular treatment under the care of a hospital within the district, will be prioritised for an offer of temporary accommodation within the district, and where possible close to where they previously lived. Any other specialist medical or support needs will be taken into account, including any existing health or support services provided. The Council will consider whether moving the client's healthcare or support services would have a detrimental effect. Any need for accessible accommodation will be addressed.

AFFORDABLE

The Council will take into account a household's income in order to source temporary accommodation which has a rent that is affordable, as well as meeting the household's needs. Due to high rents within some parts of the district (particularly the south) this may mean securing temporary accommodation not in a household's immediate locality. The household's ability to meet any shortfall between Housing Benefit or Universal Credit paid and the rent charged will be considered. The Council will determine whether a household may be exempt from the overall benefit cap or whether they may be eligible for a Discretionary Housing Payment (DHP) to help pay the rent.

TRANSPORT

Where accommodation is sourced outside the district, the distance of the property to the district, together with services, amenities and transport links in the new area may be taken into account. The potential impact of the location on family members will be considered.

UPDATING

The Council will keep weekly records of what properties or units are available on each day and assess the best use of vacancies based on the needs of all households requiring accommodation.

MONITORING

A light-touch desktop review of this strategy will be undertaken annually, taking into account patterns of demand for and availability of temporary accommodation.

REFUSALS

10.1 If an applicant rejects any offer of temporary accommodation provided under any duty, they will be asked to provide their reasons for refusal. This applies to new applicants, as well as those seeking a transfer from existing temporary accommodation, and those in temporary accommodation who are required by the Council to move. The reasons given will be considered and any and further enquiries undertaken as necessary.

If the reasons for refusal are accepted, the offer will be withdrawn and a further offer will be made if a suitable alternative unit of accommodation is available. In some circumstances there may be only one unit of accommodation available on a given day and so no alternative will be offered until something suitable becomes available.

10.2 Any placement made whilst enquiries are being undertaken (under s.188 of Part VII of the Housing Act 1996 (as amended)) provides no security of tenure to the applicant and the placement can be terminated with immediate effect. There is no right of appeal against the suitability of accommodation offered to applicants under this section (although they can apply for judicial review through the courts).

10.3 Where a household is owed the 'full' homelessness duty, which is an ongoing accommodation duty, and the household refuses a suitable offer of temporary accommodation, if the Council does not accept their reasons for refusal, applicants will not be offered further accommodation and will be required to make their own arrangements. However, applicants owed this duty may ask for a review of the decision that the accommodation offered to them is suitable.

An applicant may request a review as to suitability regardless of whether or not they accept the accommodation. This applies equally to offers of accommodation made to discharge the 'full' homelessness duty and to offers of an allocation of private or social rented accommodation that would bring that duty to an end. There are four possible scenarios if a review is requested:

1. The applicant accepts the offer and requests a review, and the review is successful. In this situation an alternative offer of accommodation will be made.
2. The applicant accepts the accommodation and requests a review, and the review is not successful. In this case no further offer of accommodation will be made but the applicant will be able to continue to occupy the accommodation.
3. The applicant refuses the offer of accommodation (i.e. they do not move into it) and requests a review, and the review is successful. In this situation a further offer of accommodation will be made.
4. The applicant refuses the offer of accommodation (i.e. they do not move into it) and requests a review, and the review is not successful. In this case, no further offer of accommodation will be made.

10.4 It is important to note that in either in scenario 3 and 4 above, accommodation pending the outcome of the review may or may not be provided. Each case will be assessed on its merits and in line with the principles set out in the primary case law in this area, which is *Camden vs Mohammed* (R. v. Camden L.B.C., ex p. Mohammed. 30 H.L.R) which include the overall merits of the review request, any new information or evidence that may affect the original decision, the personal circumstances of the applicant and the potential impact of the loss of accommodation. Should the outcome of the review determine that the original offer was suitable, the homelessness duty will be discharged.

It is important to note that units of accommodation cannot be held empty for applicants pending review due to the overall demand for temporary accommodation compared to supply. As such, if an offer is refused, the unit will be offered to another household and not held over.

ACTIONS REQUIRED TO IMPLEMENT THE POLICY

11.1

ACTION REF	ACTION DESCRIPTION
1	Additional TA units are required in the south and centre of the district especially 1 and 2 bedroom properties. The Council will actively seek to acquire properties in this area via the PSL scheme and acquisitions into the Housing Revenue Account. The Council will also seek to strengthen existing arrangements with Registered Providers who hold stock in this area in order to lease units or to negotiate nomination agreements with them to use properties as TA.
2	Consideration will be given to ending some of the PSL leases on 3 bedroom properties in Lowestoft as there appears to be over capacity, together with reviewing the use of accommodation that does not meet current council standards.
3	Undertake a frequent review of current usage of the Council's own housing stock as TA to ensure a balanced portfolio of PSL and council stock are used and minimise any reliance on the council's own housing.
4	Consideration to be given to the associated costs of the use of PSL and Council stock to ensure costs are properly accounted for and best value is achieved to minimise loss to the Council.
5	The Council will develop an effective PRS offer across the district to reduce the period of stay in long-term temporary accommodation.

HOMELESSNESS REDUCTION ACT 2017

The Homelessness Reduction Act 2017, which came into force on 3rd April 2018, requires all councils to:

- (i) provide or secure the provision of a service, available free of charge to any person in the district, providing information and advice on
 - a. Preventing homelessness
 - b. Securing accommodation when homeless
 - c. The rights of persons who are homeless or threatened with homelessness, and the duties of the authority
 - d. Any help that is available from the Council or anyone else, whether under this Part or otherwise, for persons in the authority's district who are homeless or may become homeless (whether or not they are threatened with homelessness) and
 - e. How to access that help
- (ii) start assessing an applicant at risk of being made homeless 56 days before losing their home
- (iii) identify all applicants who are homeless or threatened with homelessness and are eligible for assistance and attempt to engage those applicants thereby becoming a proactive rather than reactive service
- (iv) offer every applicant who is homeless or threatened with homelessness and eligible for assistance a Personalised Housing Plan
- (v) take reasonable steps to help all applicants that are homeless and eligible for assistance to secure suitable accommodation for the applicant's occupation for at least 6 months. There is an expectation that councils will have a private sector offer and the ability to step in and assist financially.

APPENDIX B

SUITABILITY CHECKLIST

<p>Impacts considered</p> <p>These start with the statutory regulations which cover the matters that must be taken into account and then look at the more common subjective matters.</p>	<p>Is there an unacceptable adverse impact? If there is an impact but the offer is still considered to be suitable show in the table below or a separate file note how the matter has been considered and the reasons reached why the offer will be suitable with regard to meeting the location regulations and any other subjective matters.</p>	<p>Where an offer has been made and an applicant wishes to refuse it based on a claim that it is not suitable due to location or subjective matters – list them here and your response to them and whether any new information will have an impact on the suitability of the offer.</p>
<p>Significance of any disruption which would be caused by the location of the accommodation to the education of the person or members of the person's household.</p>		
<p>Significance of any disruption which would be caused by the location of the accommodation to the employment of the person or members of the person's household.</p>		
<p>Significance of any disruption which would be caused by the location of the accommodation to the caring responsibilities of the person or members of the person's household.</p>		
<p>The proximity and accessibility of the accommodation to medical facilities and other support which-</p> <ul style="list-style-type: none"> (i) Are currently used by or provided to the person or members of the person's household; and (ii) Are essential to the well-being of the person or members of the person's household; <p>The proximity and accessibility of the accommodation to local services, amenities and transport.</p>		
<p>Where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;</p>		

Other Subjective matters		
<ul style="list-style-type: none"> ✓ Any safety issues relating to possible harassment or domestic abuse that relate to the location of the accommodation offered. ✓ Any medical issues which do not relate proximity and accessibility of the accommodation to medical facilities but are specific to the property to be offered e.g. no lift, stairs, physical mobility issues, and children with ADHD in flatted accommodation. ✓ The size of the accommodation offered in respect of bedroom eligibility under the Local Housing Allowance rules. ✓ Property is too small – show it is of the right size for the household and not overcrowded. ✓ Any physical, mental health, or addiction issues and the impact of the accommodation on any of these issues such as close to other users or addicts. ✓ Property is on an estate/in an area that the applicant doesn't want to live and irrational fear of being harassed or claim that to move would affect depression or mental health. Consider their subjective view. 		
Other subjective matters found to be relevant or raised by the applicant after the offer is made.		

I can confirm that each of the above impacts has been taken into account and that I consider that there are no known circumstances that render the accommodation at not to be a suitable offer of accommodation with regard to the Homelessness (Suitability of Accommodation) (England) Order 2012 – Part 1 and any other subjective matters

Signed

Following the formal offer of this PRSO property the applicant has refused it claiming it is not suitable stating reasons that relate to the location and or other subjective matters. I can confirm that each of the additional reasons stated by the applicant have been considered and taken into account and that I consider that there are no known circumstances that render the accommodation at not to be a suitable offer of accommodation with regard to the Homelessness (Suitability of Accommodation) (England) Order 2012 – Part 1 and any other subjective matters.

Signed