

DECENT & AFFORDABLE HOMES PDG
1 DECEMBER 2015

THE HOUSING OPTIONS SERVICE – SUPPLY AND DEMAND POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Head of Housing and Property Services

Reason for Report: On 2nd April 2015, the Supreme Court found against Westminster Council in a case relating to how it had made a decision on where to place a family to which it owed a duty to accommodate under the Housing Act 1996. The *Nzolameso v City of Westminster* judgment has significant ramifications for local authorities who are now required to develop policies to show how they will procure accommodation both in and outside their local authority boundaries and how they will decide who has priority accommodation in or close to their operational districts.

RECOMMENDATION(S): The Cabinet recommends to the Council the new Housing Options Supply and Demand Policy.

Relationship to Corporate Plan: The Council duties are governed by the Housing Act 1996 as amended under the Homelessness Act 2002 Part VII. This legislation sets out what a Council must provide and what duties it might owe a homeless applicant.

Financial Implications: There is a budget set aside for the Housing Options Service. Failure to provide advice and assistance could result in the Council being taken to court.

Legal Implications: As a consequence of the judgment in *Nzolomeso v Westminster City Council*, local authorities must all now develop a policy which:

- Outlines the Council's approach to procuring accommodation both 'in the district, 'close to home' and 'further away'. This must indicate both the anticipated supply and the expected demand over the next year.
- Explains how the Council will decide who will receive priority in the allocation of these properties.

The policy must be compliant with the existing duties of the local authority within the Housing Act 1996 and the Children Act 2004.

Risk Assessment: The Council is responsible for ensuring that the Housing Act 1996 as amended under the Homelessness Act 2002 Part VII is adhered to. Failure to provide advice and assistance under the legislation could lead to financial implications.

1.0 Introduction

1.1 The Council's statutory duties are governed by the Housing Act 1996/ 2002. These are as follows:

- I. To provide advice and assistance to all applicants who come through the door. Applicants are usually seen on the same day or within 28 days of being threatened with homelessness. The emphasis is on prevention work and taking a homeless claim is a last resort. (Section 184)
 - II. To provide temporary accommodation for those we have a statutory duty to whilst we investigate their claim. This can be in bed and breakfast accommodation or hostels managed either by the council or partnership agencies. (Section 188)
 - III. To provide, or assist in providing, temporary or permanent accommodation to those where a full homelessness duty is accepted. (Section 193)
 - IV. To provide assistance to those applicants who aren't accepted in order to maximise their options, and refer on to partnership agencies
 - V. To provide quarterly returns to the Department of Communities and Local Government (DCLG) on performance in areas such as the ages and family make up of applicants, the length of stay and type of temporary accommodation and the number of acceptances. Some of these are also reflected in monthly reporting. Poor performance can mean a reduction in funding
- 1.2 The Council already has its own Homelessness Strategy 2013-2018 which is available on the internet, which sets out the Council's aims and objectives. This new policy sets out the Council's aims and the need to maximise the supply of good quality, affordable housing and make the best use of the District's social housing stock.
- 1.3 The current Choice Based Lettings Scheme (Devon Home Choice) introduced in 2009 allows flexibility to local authorities when allocating properties, whilst ensuring that there is a consistent approach.

2.0 The New Policy

- 2.1 The new policy refers to the Council's statutory obligations that it would owe a homeless applicant. The policy has been written to take account of government guidance and recent case law, the Homelessness (Suitability of Accommodation) (England) Order 2012 and specifically all the statutory requirements in part 1 which cover the suitability of the location of accommodation.
- 2.2 When applying the new policy the Council must have regard to applying the test of suitability when making offers of permanent accommodation.
- 2.3 Authorities have to be satisfied that the accommodation offered is suitable and have considered the following issues which are a requirement to consider under the homelessness legislation, guidance and case law when making any suitable offer of accommodation.

2.4 The consideration includes:

- I. The suitability of the accommodation in relation to its location, proximity and accessibility of the accommodation to local services, amenities and transport
- II. The significance of any disruption which would be caused by the location of the accommodation to children's education.
- III. The proximity and accessibility of the accommodation to medical facilities and other support which are (i) currently used by or provided to members of the household; and (ii) are essential to the well-being of members of the household
- IV. Consideration of any other subjective matters and issues that relate to the household circumstances
- V. Must be satisfied that the accommodation is affordable having fully considered the cost of the rent and any other expenditure relating to the property
- VI. Must consider all existing legislation, statutory guidance and case law relating to making suitable offers of accommodation and specifically paragraphs 17.40 and 17.41 of the Homelessness Code of Guidance
- VII. Considered the provisions of the Housing Act 1985 relating to slum clearance and overcrowding
- VIII. Regard to the availability of properties within the District to suit applicants households requirements
- IX. Reference to the Equality duty covered within the Public Sector Equality Act 2010

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