

HOUSING SELECT COMMITTEE			
<b>Report Title</b>	Temporary Accommodation		
<b>Key Decision</b>	No	<b>Item No.</b>	
<b>Ward</b>	All		
<b>Contributors</b>	Executive Director for Customer Services		
<b>Class</b>	Part 1	<b>Date:</b> 4 <sup>th</sup> February 2013	

## 1 Summary

- 1.1 This report informs the Housing Select Committee on current policy regarding homeless acceptances into temporary accommodation, the number of households currently in temporary accommodation and details of the forthcoming capital works to the council's hostel stock.

## 2 Recommendations

- 2.1 Members are recommended to note the contents of the report

## 3 Acceptance into Temporary Accommodation

- 3.1 Temporary accommodation is used for households who apply as homeless and in need - we will accommodate while undertaking investigations. Temporary accommodation is also used for households when we have completed our investigations and accepted a duty but for whom suitable permanent or stable accommodation is not currently available.
- 3.2 Acceptance into Temporary Accommodation is determined by statute. Applicants who approach the Council for assistance under the terms of the Housing Act 1996 (Part VII) as homeless households, who can demonstrate that they are eligible to apply, and are homeless and in priority need, must be accommodated within the meaning of Section 188 of the same Act. This is a statutory function of the Authority. The test for who is in priority need is very low, so low that the applicant does not have to demonstrate a clear priority need only to show that they may be in priority need. Priority need is specified in the Housing Act 1996 pt. VII as follows:

(1) The following have a priority need for accommodation:

- (a) pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- (b) a person with whom dependent children reside or might reasonably be expected to reside;
- (c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
- (d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.

- 3.3 Housing authorities must ensure that suitable accommodation is available for people who have priority need, if they are eligible for assistance and unintentionally homeless (certain categories of persons from abroad are ineligible). This is known as the main homelessness duty. The housing authority can provide accommodation in their own stock or arrange for it to be provided by another landlord, for example, a housing association or a landlord in the private rented sector. If settled accommodation is not immediately available, accommodation must be made available in the short term (temporary accommodation) until the applicant can find a settled home, or until some other circumstance brings the duty to an end.
- 3.4 In each case, the authority will need to decide whether the applicant is eligible for assistance, actually homeless, has a priority need, and whether the homelessness was intentional. Housing authorities can also consider whether applicants have a local connection with the local district, or with another district. These are the five key legal tests in the law on homelessness.
- 3.5 **Priority** – An applicant may have a priority need if they are assessed as meeting the thresholds in the following categories:-
- Dependent children
  - Pregnant
  - Vulnerable as a result of old age, physical or mental ill health or a period in prison, armed forces or domestic violence, harassment or other disaster
  - Emergency (fire flood or other disaster)
  - Other special reasons
  - 16/17 year old
  - Some former care leavers depending on age and vulnerability
- 3.6 **Homelessness** - Broadly speaking, somebody is statutorily homeless if they do not have accommodation that they have a legal right to occupy, which is accessible and physically available to them (and their household) and which it would be reasonable for them to continue to live in. It would not be reasonable for someone to continue to live in their home, for example, if that was likely to lead to violence against them (or a member of their family).
- 3.7 **Eligibility** - Certain applicants who are persons from abroad are not eligible for any assistance under Part 7 except free advice and information about homelessness and the prevention of homelessness. Their immigration status will tell us whether we can assist them. If they are not eligible we cannot provide any accommodation, even temporarily.
- 3.8 **Intentionality** - A person would be homeless intentionally where homelessness was the consequence of a deliberate action or omission by that person (unless this was made in good faith in ignorance of a relevant fact). A deliberate act might be a decision to leave the previous accommodation even though it would have been reasonable for the person (and everyone in the person's household) to continue to live there. A deliberate omission might be non-payment of rent that led to rent arrears and eviction.
- 3.9 **Local connection** - Broadly speaking, for the purpose of the homelessness legislation, people may have a local connection with a district because of residence, employment or family associations in the district, or because of special circumstances. The housing authority dealing with the application can ask the housing authority in that other district to take responsibility for the case. However, applicants cannot be referred to another housing authority if they, or any member of their household, would be at risk of violence in the district of the other authority.

## **4 What happens to individuals and households who are not accepted?**

- 4.1 Not everyone who makes an application for assistance is accepted. The most common reason for refusal is that the applicant is not in priority need. Although this is defined for the Council in the Housing Act 1996 pt. VII. The Council is also bound by case law as developed in the High Court, the Court of Appeal and the Supreme Court. The Council is also bound by decisions from the European Court of Human Rights.
- 4.2 The accepted test for vulnerability has been developed in the Court of appeal in the case known as *R v Camden LBC ex p Pereira* [1998] 30 HLR 317. It is stated that:
- The council must ask itself whether Mr. Pereira is, when homeless, less able to fend for himself than an ordinary homeless person so that injury or detriment to him will result when a less vulnerable individual would be able to cope without harmful effects." That test was included in the current Homelessness Code of Guidance for Local Authorities.
- 4.3 For those who are street homeless and not considered to be in priority need the options are difficult (details of the work undertaken by Lewisham's Single Homelessness Intervention and Prevention Service (SHIP) in this area is contained within section 5 below). The Mayor of London's office has set up some projects through Thames Reach and other third sector organisations to try and secure places in hostels and the "no second night out" scheme aims to help people before they become entrenched rough sleepers. Some clients may be able to secure loans through the Credit Union or from the Social Fund to pay for rent in advance or a deposit but many are left to the generosity of friends and family.
- 4.4 If following an application it is found that the individual or household is intentionally homeless, no duty to assist will exist. However, officers will ensure that the household receives information on the private rented sector. Households with children will be directed to Social Services where they may be eligible for assistance.

## **5 Rough Sleeping**

- 5.1 Figures submitted for the recent estimate of Rough Sleepers in Lewisham were higher than last year. These figures, submitted by the 999Club and Deptford Reach show increased activity of rough sleeping in the Deptford area. This is made up of Central and Eastern Europeans (CEE), primarily of Polish and Romanian origin and a small number from Africa. Anecdotal information suggests that many of the CEEs were squatting locally and have recently had to move on from these squatted properties.
- 5.2 According to information supplied by the agencies there is a spread of rough sleeping across the borough with pockets in St Mary's Churchyard, Ladywell, near the river at Saveacentre in Bell Green, Molesworth Street opposite the Lewisham Centre and also at Edward Street and Deptford High Street. However the rough sleeper population is quite transient. The estimate carried out in November was of a 'typical night' and the rough sleepers were not actually seen bedded-down . The figure of 43 submitted to the DCLG has since then, reduced to 31 cases as at 13 December and we continue to monitor the situation.

- 5.3 Day Centres provide advice and support for rough sleepers as well as hot meals, washing facilities etc. They work with Lewisham's SHiP Service and London Street Rescue as well as the local hostels to assist in providing accommodation where possible. This is much more difficult where the client has no recourse to public funds. Many CEE choose not to engage with the agencies apart from accepting hot meals etc.
- 5.4 We are in the process of setting up a 'Staging Post' facility in partnership with Riverside Housing which has 8 placements. It will accept direct referrals from certified rough sleepers for temporary housing while assessment is carried out. This is due to be up and running from early February.
- 5.5 The Supporting People Service has commissioned London Street Rescue to carry out the following before 8 February:
- visit all day centres on a particular date and get names/DOB/contact details/circumstances.
  - Do a late shift that same night to the sites
  - Attend sites with TR Reconnections worker to discuss reconnection with interpreters
- 5.6 We continue to meet on a quarterly basis with support agencies and other agencies including Police, Community Safety Team and Mental Health support workers along with Government agencies to discuss current issues, best practise and strategy. Part of this meeting is used to monitor an ongoing list of known rough sleepers, developing case work and ensuring support to enable rough sleepers to move into accommodation wherever possible. Some of these cases are complex and it can be a lengthy process from initial engagement to final resolution for the client.

## **6 What type of Temporary accommodation is available?**

- 6.1 Temporary accommodation covers a variety of accommodation types Bed & Breakfast (B&B), Hostels, Private Sector Leasing (PSL), Housing Association Leasing (HALs) and the utilisation of Social Stock. Officers seek to match the best accommodation to the individual or household.
- 6.2 B&B accommodation is generally the most expensive and least suitable but may be utilised in the short term and in cases where we need to respond to a particular set of circumstances which require further investigation such as:
- i) is the applicant in priority need;
  - ii) are they homeless but may be intentionally so;
  - iii) may not have a local connection with the area.
- 6.3 The general approach is to use hostel stock. Lewisham is fortunate to have a hostel portfolio as one of the options for temporary re-housing of homeless households. The 25 hostels range from small street properties, housing 4 households, to large hostel accommodation of around 50 units. There are 349 individual units, ranging in size from 1 bedspace (not room) to 7 bedspaces which provide accommodation to a range of homeless households. However sometimes there is a mismatch between the size of the accommodation available and the demand from the presenting households which means that the Council needs to use B&B accommodation in some circumstances. There are also some clients who would not suit hostel living due to the nature of their vulnerability or the nature of their background, including

criminal behaviour . When this occurs, there is no option but to offer B&B accommodation to households who are eligible, homeless, in priority need and entitled to a service from the Council. If the individual or household have been working with the Housing Options officer prior to an eviction and a full duty to re-house has been accepted by the Council they may be placed directly into PSL.

- 6.4 When a room becomes available in a hostel it is allocated to an individual or household who are currently in B&B awaiting more suitable accommodation or to an individual or household who have been working with the Housing Options officer prior to an eviction and a full duty to re-house has been accepted by the Council.
- 6.5 Residents in hostels are moved on into either permanent social housing, a PSL or a private sector tenancy when appropriate accommodation is available.
- 6.6 The table below details the current number of households in temporary accommodation.

	Qtr 1 2012/13	Qtr 2 2012/13	Qtr 3 2012/13
<b>B/B</b>	63	70	60
<b>Hostel</b>	257	260	298
<b>LBL PSL</b>	463	466	483
<b>RSL PSL</b>	124	104	121
<b>LBL Stock</b>	97	113	101
<b>RSL Stock</b>	3	3	1
<b>Phoenix</b>	92	84	68
<b>L&amp;Q</b>	37	33	35
<b>Broomleigh</b>	2	1	1
<b>Total</b>	1138	1134	1168

## 7 Single Homelessness Intervention and Prevention Service

- 7.1 The Single Homelessness Intervention and Prevention Service (SHIP) works with applicants who have made a statutory homeless application under the provision of the Housing Act 1996 pt. VII. The SHIP provides a one-stop advice and referral service for all single people presenting as homeless within the borough. Among other activities, it acts as primary referrer into supported housing and floating support services in Lewisham and manages move-on resources. It also has access to a number of PRS schemes both within Lewisham and pan London.
- 7.2 SHIP works alongside and in partnership with a number of key statutory and voluntary agencies to ensure that clients are given the best and most appropriate service. To this aim SHIP works jointly with Supporting People, Children's Social Care, the Youth Offending Team, Probation, Adult Social Care and relevant voluntary organisations to action a joined up approach to peoples needs. SHIP provides a one-stop advice and referral service for all single people presenting as homeless within the borough. Among other activities, it acts as primary referrer into supported housing and floating support services in Lewisham and manages move-on resources. It also has access to a number of private rented sector (PRS) schemes both within Lewisham and pan London.

7.3

- 7.4 The Service offers to intervene and prevent a homeless application being taken, alternatives to homelessness are provided such as access to the private sector and supported lodgings schemes as well as mediation to enable the applicant to return home.
- 7.5 Hostel diversion is used to accommodate people from the above agencies who are not suitable for our supported accommodation providers, people with low to no support needs.
- 7.6 This enables us to place more vulnerable clients with support needs into supported accommodation. The project is also assisting Lewisham to meet wider strategic objectives of crime reduction and reducing the number of rough sleepers in the borough. Over the course of 2011/12 SHiP re-housed approximately 700 individuals and through its mediation and intervention work enabled over 200 individuals to return to their home.
- 7.7 Breakdown of Clients rehoused by SHIP in 2011-12

Rehoused Supported accommodation	411
Rehoused SHIP rent deposit scheme	50
Rehoused - Alternative Supported	23
Rehoused - HA with Floating Support	6
Rehoused - Private Sector	26
Rehoused - Private Sector with Floating Support	5
Rehoused - Council	70
Rehoused - Council with Floating Support	6
Rehoused - HA	52
Rehoused - Semi Independent Accommodation	24
Rehoused via Social Services	22
<b>Rehoused Total</b>	<b>695</b>
Returned Home	201

## 8 Contractual arrangements for PSL

- 8.1 The Private Sector Leasing scheme currently has over 500 properties in its portfolio. These properties are procured from private landlords through a lease arrangement between the Council and the Landlords. The properties are let to homeless households who have been accepted as homeless and in need of temporary accommodation. The properties are mainly houses and in the past 7 years since the scheme's inception, it has provided and continues to provide a more desirable type of temporary accommodation for homeless households and generated income for the department. Also, it has provided business opportunity for private landlords in Lewisham Borough
- 8.2 The Lewisham Landlord Letting Scheme is a comprehensive tenant finding service where Lewisham Council acquires properties from private landlords who are interested in letting their properties on an Assured Shorthold Tenancy and directly managing the properties themselves. The Council refers households to these properties to prevent them from becoming homeless. This scheme offers attractive incentives including a bond and one off cash incentive these tenancies are for 12 months.
- 8.3 Each property that is procured will have an individual lease. There are no overarching contracts. The PSL negotiating team have a rental framework which they

must work within, but within this there is flexibility for them to negotiate the best possible deal.

## **9 Improving Lewisham's Hostels for the future**

9.1 Lewisham directly manages a hostel portfolio of 25 hostels to house households on a temporary basis who present to the Borough as homeless. These hostels offer the Borough and our residents a much better alternative to Bed & Breakfast within Lewisham.

9.2 As with all housing stock in the Borough there is a need to deliver an ongoing programme of capital works in addition to the day to day repairs service, to keep the hostel stock in a good state of repair. It is proposed that a programme of capital works is undertaken to address:

- required essential maintenance, including the upgrading and redecoration of the communal areas, especially the communal kitchens and bathrooms;
- structural repairs in two of the hostel buildings associated with subsidence and external cracking;
- a programme of works that reconfigures a number of smaller 1 person hostel rooms to deliver larger units to give us much more flexibility of supply to meet an ever changing demand from households presenting to the Council. We are also looking to self contain units where we can, to move away from shared facilities and bring the properties up to more modern standards.

9.3 This programme will include works to 12 out of the 25 hostels currently owned and managed by the Council. The programme has been developed on a worst first basis. The remaining properties will have more detailed surveys over the next year to feed into the development of the capital programme for the remaining 13 hostels going forward.

9.4 The other key aim is to reconfigure the units to make more larger properties within the portfolio. Currently the make up of the twelve hostels in this programme is:

- 47 x 1 beds (spaces)
- 94 x 2 beds
- 13 x 3 beds
- 12 x 4 beds
- 0 x 5 beds
- 0 x 6 beds
- 0 x 7 bed
- Total = 167 Units

9.5 The intention is to change the profile of the units in these twelve hostels to:

- 34 x 1 beds (spaces)
- 68 x 2 beds
- 19 x 3 beds
- 20 x 4 beds
- 4 x 5 beds
- 1 x 6 beds
- 3 x 7 beds
- Total = 149 units

- 9.6 These changes will allow increased flexibility in the housing space available and allow the movement of more families currently housed in expensive B&B, due to a lack of suitable sized units, into the hostels. If we do not have the “right sized” families at any time we can under occupy the larger properties.
- 9.7 The project also addresses the unpopular arrangement of shared facility kitchens, bathrooms and toilets, where the properties allow. Where self containment is not possible the facilities will be substantially improved with the installation of more robust and higher quality kitchens, bathrooms and toilets. Improvements in these areas will have a positive impact on the day to day maintenance budgets as they will last longer and also reduce caretaking cleaning and maintenance costs.
- 9.8 Mayor and Cabinet on 16<sup>th</sup> January agreed to award a contract for to Quinn (London) Limited to deliver these works.

## **10 FINANCIAL IMPLICATIONS**

- 10.1 This report is intended to inform members of current position in respect of policy, availability and usage of temporary accommodation and, as such, has no direct financial implications

## **11 LEGAL & HUMAN RIGHTS IMPLICATIONS**

- 11.1 The majority of the legal implications are contained within the body of the report, save for the following.
- 11.2 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 5 April 2011.
- 11.3 The duty consists of the 'general equality duty' which is the overarching requirement or substance of the duty, and the 'specific duties' which are intended to help performance of the general equality duty.
- 11.4 The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.5 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.

These are often referred to as the three aims of the general equality duty.

- 11.6 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.



11.7 The Equality and Human Rights Commission (EHRC) have issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Equality objectives and the equality duty
3. Equality information and the equality duty
4. Meeting the equality duty in policy and decision-making
5. Engagement and the equality duty

All the guides have now been revised and are up to date. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

11.8 The EHRC guidance does not have legal standing, unlike the statutory Code of Practice on the public sector equality duty which was due to be produced by the EHRC under the Act. However, the Government has now stated that no further statutory codes under the Act will be approved. The EHRC has indicated that it will issue the draft code on the PSED as a non statutory code following further review and consultation but, like the guidance, the non statutory code will not have legal standing.

11.9 The European Convention on Human Rights states in Article 8 that “Everyone has the right to respect for his private and family life, his home and correspondence”. The Human Rights Act 1998 incorporates the Convention. Whilst it does not, however, necessarily mean that everyone has an immediate *right* to a home, (because Article 8 is a “qualified” right and therefore is capable in certain circumstances, of being lawfully and legitimately interfered with,) the provision by an Authority of temporary accommodation does assist to reinforce the Article 8 principles.

## **12 EQUALITIES IMPLICATIONS**

12.1 As this is a general information report, there are no specific practical equalities implications to insert.

## **13 CRIME AND DISORDER IMPLICATIONS**

13.1 There are no specific crime and disorder implications.

## **14 ENVIRONMENTAL IMPLICATIONS**

14.1 The proposed works will improve the performance of the building and therefore have a positive impact on the environment.