

Chiltern District Council
and
South Bucks District Council
TEMPORARY ACCOMMODATION FRAMEWORK
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Chiltern District Council
and
South Bucks District Council
TEMPORARY ACCOMMODATION FRAMEWORK

1. Purpose

1.1 The purpose of this framework is to:

- 1.1.1 Ensure that each Council fulfils its statutory duties under Part 7 of the Housing Act 1996 to secure temporary accommodation and
- 1.1.2 Provide a clear and transparent framework for each Council for securing and allocating temporary accommodation

2. Background

- 2.1 Part 7 (Homelessness) of the Housing Act 1996 places a statutory duty on the Council to secure that temporary accommodation is available to homeless households in a range of circumstances. Details of the relevant statutory duties and related guidance are summarised in **Appendix A**.
- 2.2 The Council must secure sufficient temporary accommodation to meet its statutory duty. This accommodation must be utilised and allocated correctly.
- 2.3 The Supreme Court in the case of *Nzolameso v Westminster City Council* (2015) (UKSC 22, (2015) HLR 22) advised that each local authority should have a clear statement on how it procures and allocates temporary accommodation.
- 2.4 In light of the above, this framework has been drafted to provide a clear statement to Members, officers, clients and partner agencies on how the Council secures and allocates temporary accommodation.
- 2.5 Chiltern District Council and South Bucks District Council operate a shared housing service which includes a shared housing options and homelessness service. Therefore, this Framework has been drafted as joint document to be shared by both Councils. Any reference to "the Council" in this Framework document should be taken to mean both Chiltern District Council and South Bucks District Council and their respective duties.

3. Principles of the Framework

The Council will:

3.1 Secure temporary accommodation in compliance with its statutory duties under Part 7 of the Housing Act 1996

3.2 Secure self-contained temporary accommodation wherever possible and only secure B&B (Bed and Breakfast) accommodation when no other suitable self-contained temporary accommodation is available

3.3 Minimise the length of time that any household with family commitments has to spend in B&B accommodation

3.4 Aim to secure temporary accommodation provision within the district

3.5 Ensure that temporary accommodation meets appropriate standards of suitability and fitness

3.6 Minimise the cost of temporary accommodation provision to the Council and maximise income to offset costs where possible

4. Temporary Accommodation – Current Provision

4.1 Appendix B lists the temporary accommodation that is currently utilised by Chiltern District and South Bucks District Council.

5. Temporary Accommodation – Current and Future Demand

5.1 Appendix C shows the demand for temporary accommodation in Chiltern District Council and South Bucks District Council since 1st April 2014. This demonstrates that the demand in both districts has increased significantly over this 30 month period. This reflects the national trend which has shown that local authorities generally have been making increasing numbers of temporary accommodation placements.

5.2 Looking ahead, we can consider what the day to day demand for temporary accommodation will be over the next 12 months. Specifically, how much temporary accommodation will the Councils need to be securing on a daily basis? Based on the figures set down in Appendix C for the last 4 quarters, it is estimated that the Councils will need to ensure that the following levels of temporary accommodation are available at any one time during the next 12 months:

Chiltern DC	=	34 units
South Bucks DC	=	64 units

These figures represent a snapshot of the total number of temporary accommodation units that each Council is likely to have to secure on any given day (e.g. Chiltern DC will be utilising an estimated 34 units on any given day over the next 12 months)

5.3 The estimated figures in paragraph 5.2 are based on the average level of provision over the 12 months up to 30th September 2016. As national trends are showing rising demands for temporary accommodation nationally, it is reasonable to assume that the high demand in both Chiltern District Council and South Bucks District Council will continue into 2017. The Councils also need to consider the potential impact of the Homelessness Reduction Bill if and when it becomes law. This Bill may result in the Council facing increased demands for temporary accommodation. Consequently, it is sensible to estimate a continued high level of demand as put forward in paragraph 5.2.

6. Use of Bed and Breakfast Accommodation

6.1 The Council recognises that B&B (Bed and Breakfast) is not suitable as temporary accommodation for households with family commitments (i.e. households who have or are expecting dependent children). Where possible, it will avoid placing such a household in B&B. However, the high demand for temporary accommodation means that there will be occasions when the Council has no option other than to secure B&B in order to meet its statutory duty.

6.2 When the Council has to place a household with family commitments in B&B, it will take full account of the provisions in Statutory Instrument 2003/3326 that the period in B&B should not exceed 6 weeks. The Council will seek to move the household on to alternative self-contained accommodation as soon as possible. These households will be prioritised for a move from B&B as and when suitable self-contained temporary accommodation becomes available for occupation. The process for this is summarised in Appendix D.

7. Location of Accommodation

7.1 The Council will aim to secure temporary accommodation within its district. However, the high demand for temporary accommodation means that it may be necessary for the Council to secure accommodation that is located in another district. In this event, the Council will aim to minimise the distance between the district and the location of

the temporary accommodation. The Council will also prioritise the household for a move to temporary accommodation within the district as and when a suitable vacancy comes available. Any move will be subject to demand from other applicants (see process summarised in Appendix D) and will take account of the wishes of the household concerned (e.g. if the household would prefer to continue being accommodated out of the district).

8. Allocation of Temporary Accommodation

- 8.1 Self-contained temporary accommodation will normally be allocated on the day that it becomes available and using the process summarised in Appendix D
- 8.2 When self-contained temporary accommodation becomes available, existing households with family commitments in B&B will be prioritised over households who have not yet been placed in temporary accommodation.
- 8.3 If no self-contained temporary accommodation is available for a household on the date that the household becomes homeless then the Council will secure bed and breakfast accommodation (see 6.1 above) subject to availability. If no bed and breakfast accommodation is available on the date concerned then the Council may have to utilise hotel accommodation on a short term basis until bed and breakfast or other alternative temporary accommodation becomes available.
- 8.4 The Council will make every effort to secure temporary accommodation that is a suitable size, type and location for the household concerned. In doing so, the Council will have regard to the relevant statutory requirements and guidance (see Appendix A). However, this must be balanced against the demands on the Council's service for homelessness assistance and the pressures on temporary accommodation. The Council's primary focus is to secure accommodation that meets its duties under Part 7 of the Housing Act 1996 even if the household concerned considers that it may not be suitable.
- 8.5 A household may request a review of the suitability of the temporary accommodation secured by the Council if a review is permitted under Part 7 of the Housing Act 1996.
- 8.6 In exceptional circumstances, the Council may depart from the allocation process set down in this Framework. This may arise because of reasons such as:
- safeguarding issues,
 - personal safety concerns,
 - medical issues,
 - household size, or
 - the household has been deemed intentionally homeless and/or has a review or appeal pending into the Council's decision.

Any exceptional allocation will be subject to the agreement of the Senior Housing Options Officer (or the Housing Manager in the absence of the Senior Housing Options Officer).

9. Chiltern District Council and South Bucks District Council – Cross District Provision

9.1 Chiltern District Council and South Bucks District Council operate a shared housing service. Each Council retains its own separate statutory responsibility to fulfil its duties under Part 7 of the Housing Act 1996.

9.2 There may be occasions where one of the Councils (Chiltern District Council or South Bucks District Council) has available capacity within its temporary accommodation while the other authority is facing significant pressures to secure sufficient accommodation. In this situation, the Council with available capacity may make its temporary accommodation available to the other authority to utilise in order to fulfil its Part 7 duties (i.e. Chiltern DC would make its temporary accommodation available too be utilised by South Bucks DC or vice versa).

9.3 The provisions in paragraph 9.2 would be subject to:

- consideration of current and future temporary accommodation demands for both Councils,
- confirmation that the Council which makes the temporary accommodation available will not suffer any detriment to its service delivery or budget as a result, and
- the placement being reviewed on a weekly basis and ending as and when the temporary accommodation is again required by the Council which has made it available.

10. Charging for Temporary Accommodation

10.1 In accordance with the Housing Act 1996, the Council reserves the right to require a household to pay a reasonable charge in respect of the temporary accommodation that has been secured for them. In making any charge, the Council will have regard to the statutory requirement that the temporary accommodation must be affordable to the household concerned.

11. Maintaining and Increasing the Supply of Temporary Accommodation

11.1 The Council will explore the following options over the next 12 months to help maintain and increase the supply of temporary accommodation to meet the current and future needs highlighted in Section 5.

11.1.1 Prevent Homelessness wherever possible to minimise the demand for temporary accommodation

The Council continues to review its housing options service to ensure that all available options are explored to help prevent or relieve homelessness before a client becomes homeless. The Homelessness Reduction Bill will place increased emphasis on this if and when it becomes law.

11.1.2 Optimise current temporary accommodation provision

The Council will ensure that it makes the best use of the available temporary accommodation by making appropriate allocations, minimising the time spent by households in B&B and ensuring that households are moved on in a timely and efficient manner to longer term accommodation when possible.

11.1.3 Secure temporary accommodation from Registered Provider stock

The Council will continue to work with Registered Providers to maximise the use of temporary self-contained accommodation from within their existing housing stock and through other initiative and schemes (e.g. new build, private sector leasing etc.)

11.1.4 Explore options for new developments to incorporate new temporary accommodation provision.

The Council will monitor development opportunities on its own land and elsewhere

11.1.5 Explore options for working with the private rental sector to secure temporary accommodation

The Council will review its work with private landlords and letting agents and assess opportunities for partnership working to deliver temporary accommodation and tenancies to help prevent or relieve homelessness.

11.1.6 Explore options for Chiltern District Council and South Bucks District Council to work jointly to secure additional temporary accommodation provision

The Council will assess opportunities for the shared housing service to deliver joint provision that can support both authorities.

11.1.7 Explore options to work with other statutory partners to deliver additional temporary accommodation

The Council will assess opportunities for joint working with other partners including Wycombe District Council and Aylesbury Vale District Council to deliver additional temporary accommodation provision.

12. Review of Framework Document

12.1 This document will be reviewed annually

APPENDIX A

DUTY TO SECURE TEMPORARY ACCOMMODATION

1. SUMMARY OF STATUTORY DUTIES AND POWERS

1.1 Under **Part 7 (Homelessness) of the Housing Act 1996** the Council has a statutory duty to secure that accommodation is available to homeless persons who meet certain criteria and requirements set down in the Act and associated Statutory Instruments and guidance.

1.2 The specific statutory duties set down in Part 7 are summarised below:

(i) *Section 188 – Interim duty to accommodate in case of apparent priority need*

When the Council receives an application for assistance under Part 7 then the Council will have a duty to secure interim temporary accommodation while it assesses the application if it considers that the applicant is homeless and may be in priority need (in accordance with the priority need categories set down in Section 189 of the Act)

(ii) *Section 190 – Duties to persons becoming homeless intentionally*

When the Council has assessed an application and determined that the applicant is homeless and in priority need, but is homeless intentionally, then it will have a duty to secure that accommodation is available for a period to give the applicant a reasonable opportunity to find other housing.

(iii) *Section 193 – Duty to persons with priority need who are not homeless intentionally*

When the Council has assessed an application and determined that the applicant is homeless and in priority need and not homeless intentionally, then it will have a duty to secure that accommodation for occupation by the applicant. There is no time limit on this duty. Section 193 sets down the specific circumstances in which this duty can come to an end.

(iv) *Section 195 – Duties in case of threatened homelessness*

When the Council has assessed that the applicant is threatened with homeless and in priority need (and is not threatened with homelessness intentionally) then the Council shall have a duty to take reasonable steps to secure that accommodation does not cease to be available for his/her occupation.

(v) *Section 198 – Accommodation pending the outcome of a referral to another local authority*

In some cases when the Council has assessed that the applicant is homeless and in priority need and not homeless intentionally, the Council may also decide that the applicant should be referred to another local authority. In this event, the Council will have a duty to secure that accommodation is available pending the outcome of the referral.

- 1.3 In respect of (i) to (v) above, Section 208(1) of the Act states that so far as reasonably practicable the Council shall secure that suitable accommodation is available for occupation within its district.
- 1.4 In addition to the statutory duties summarised above, the Council also has the **power to secure accommodation pending a review or appeal**. Under Sections 188 and 204 of the Act, the Council has the power to secure accommodation for an applicant pending the outcome of a review or appeal on the Council's decision on a homelessness application. This is a power and not a duty and the Council will assess requests for accommodation in these circumstances on a case by case basis. In assessing whether or not to exercise its power to secure accommodation, the Council will have regard to the applicant's circumstances and the relevant guidance and case law.
- 1.5 Under Section 192 (3) of the Act, the Council also has **the power to secure accommodation for an applicant who is homeless, not homeless intentionally and is not in priority need**. Again, this is a power and not a duty. In considering whether or not to use this power, the Council must take into account the demands on local housing and the need to secure accommodation for homeless households who are subject to the statutory duties summarised in (i) to (v) above. The current demands on housing stock in Chiltern and South Bucks and the ongoing demands from homeless households who are subject to statutory accommodation duties means that the Councils are highly unlikely to exercise the power under Section 193(2) of the Act. However, any requests will be assessed on a case by case basis.

2. GUIDANCE ON EXERCISING STATUTORY DUTIES

- 2.1 When exercising a statutory duty in accordance with (i) to (v) above, the Councils will have full regard to the relevant law, statutory instruments and guidance in assessing whether or not the accommodation concerned is suitable. This includes:

- a) **Homelessness Code of Guidance for Local Authorities (July 2006)**
- b) **SI 1996/3204 Homelessness (Suitability of Accommodation) Order 1996**

This requires that the accommodation must be affordable.

- c) **SI 2003/3326 Homelessness (Suitability of Accommodation)(England) Order 2003**

This highlights that B&B accommodation is not to be regarded as suitable accommodation for an applicant with family commitments and should only be used (i) where no other accommodation is available and (ii) for no more than 6 weeks in total.

d) **SI 2012/2601 Homelessness (Suitability of Accommodation)(England) Order 2012**

This highlights a range of factors that the Council must take into account including:

- distance from district (if placed out of area)
- significance of disruption to employment, caring responsibilities or education
- proximity and accessibility of medical facilities
- proximity and accessibility of local services, amenities and transport

e) **S. 11 of the Children Act 2004**

This requires that where the applicant's household includes children, then the Council's decision on suitability must identify the needs of the children (individually and collectively) and have regard to the need to safeguard and promote the children's needs. However, it is not required that the children's welfare should be given paramount or even primary consideration by the Council in making the decision on the suitability of accommodation.

f) **Equality Act 2010**

This requires that the Council assesses whether or not the applicant has a disability (or another relevant protected characteristic) and, if so, the extent of the disability and whether or not this impacts on suitability of the accommodation.

- 2.2 Overall, the Councils will always aim to minimise disruption to the applicant's household and have full regard to the relevant law and guidance when securing temporary accommodation. However, this will always need to be balanced against the overall demands on the housing and homelessness service and the availability of accommodation. This means that it may not always be possible to avoid disruption to the household concerned. The Council's primary focus will be to ensure that it secures accommodation for the applicant in accordance with its statutory duties under Part 7 of the Housing Act 1996.

END

APPENDIX B**TEMPORARY ACCOMMODATION – CURRENT PROVISION**

This Appendix lists the temporary accommodation that is currently secured by each Council to fulfil its duties under Part 7 of the Housing Act 1996.

CHILTERN DISTRICT COUNCIL

Current Provision – Self Contained Accommodation (No facilities shared with other households)		
Accommodation	Number of Units	Details
Tom Scott House, Pearce Road, Chesham	12 x 1 br flats 8 x bedsits	Scheme owned and managed by Paradigm Housing
Paradigm Housing properties	No fixed number (6 x units in use as at 31/10/16)	Properties in general needs stock utilised as temporary accommodation as and when required

Current Provision – Non-Self Contained Accommodation (Facilities shared with other households)		
Accommodation	Number of Units	Details
Bed and Breakfast/Guest House	No fixed number (10 x placements as at 31/10/16)	Rooms are booked as and when required and charged on a nightly rate. The main providers are located in Slough, High Wycombe and Hemel Hempstead. (In limited cases, it may be possible to secure a self-contained annex or unit for a household via a B&B/Guest House)
Hotels	No fixed number	Hotel rooms are booked when no other options (including B&B) are available. They are generally used for short term emergency placements such as those arising out of hours.

SOUTH BUCKS DISTRICT COUNCIL

Current Provision – Self Contained Accommodation (No facilities shared with other households)		
Accommodation	Number of Units	Details
Oxford Road, Gerrards Cross (Former Police Houses)	8 x Houses	Properties leased by Bucks Housing Association from Thames Valley Police
Totteridge Road, High Wycombe	4 x flats	Former student accommodation owned and managed by L&Q
L&Q properties	No fixed number (9 x units in use as at 31/10/16)	Properties in general needs stock utilised as temporary accommodation as and when required
Other Registered Provider properties	No fixed number (2 x units in use as at 31/10/16)	Properties in general needs stock owned by other Registered Providers (e.g. Paradigm, Bucks HA) and made available to SBDC to use as temporary accommodation on an interim basis pending redevelopment etc.

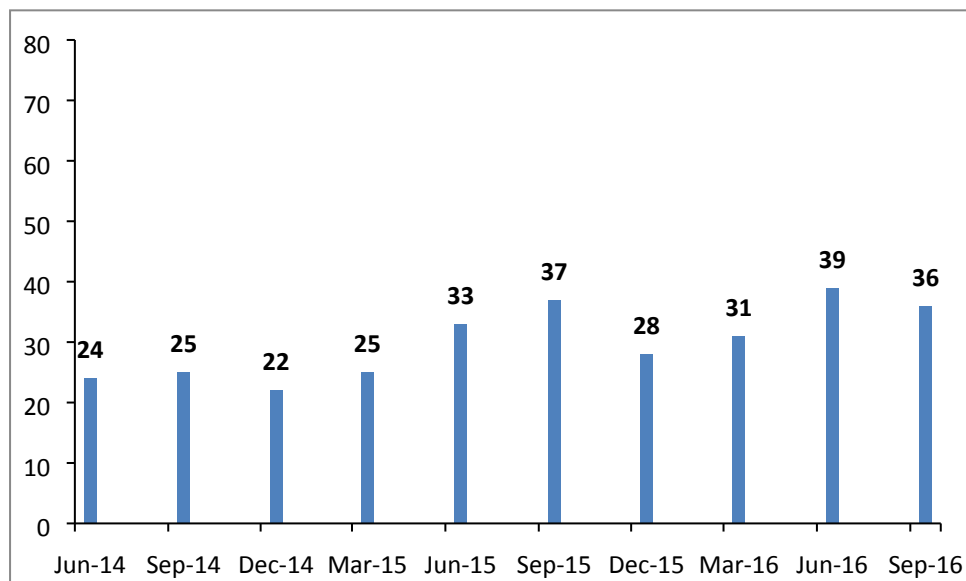
Current Provision – Non-Self Contained Accommodation (Facilities shared with other households)		
Accommodation	Number of Units	Details
Bed and Breakfast/Guest House	No fixed number (39 x placements as at 31/10/16)	Rooms are booked as and when required and charged on a nightly rate. The main providers are located in Slough, High Wycombe and Hemel Hempstead. (In limited cases, it may be possible to secure a self-contained annex or unit for a household via a B&B/Guest House)
Hotels	No fixed number	Hotel rooms are booked when no other options (including B&B) are available. They are generally used for short term emergency placements such as those arising out of hours.

APPENDIX C

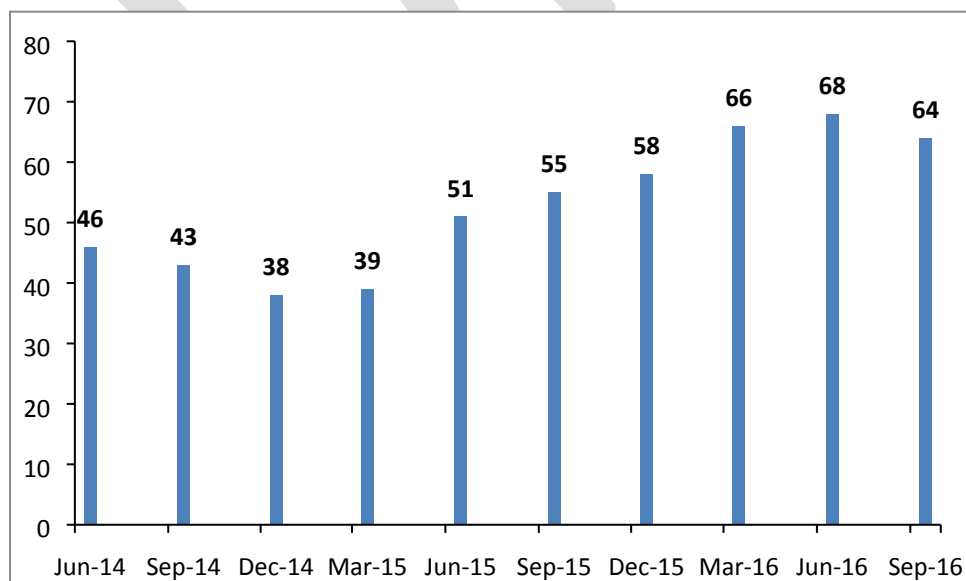
NUMBER OF HOUSEHOLDS IN TEMPORARY ACCOMMODATION

QUARTERLY FIGURES SINCE APRIL 2014

Chiltern District Council

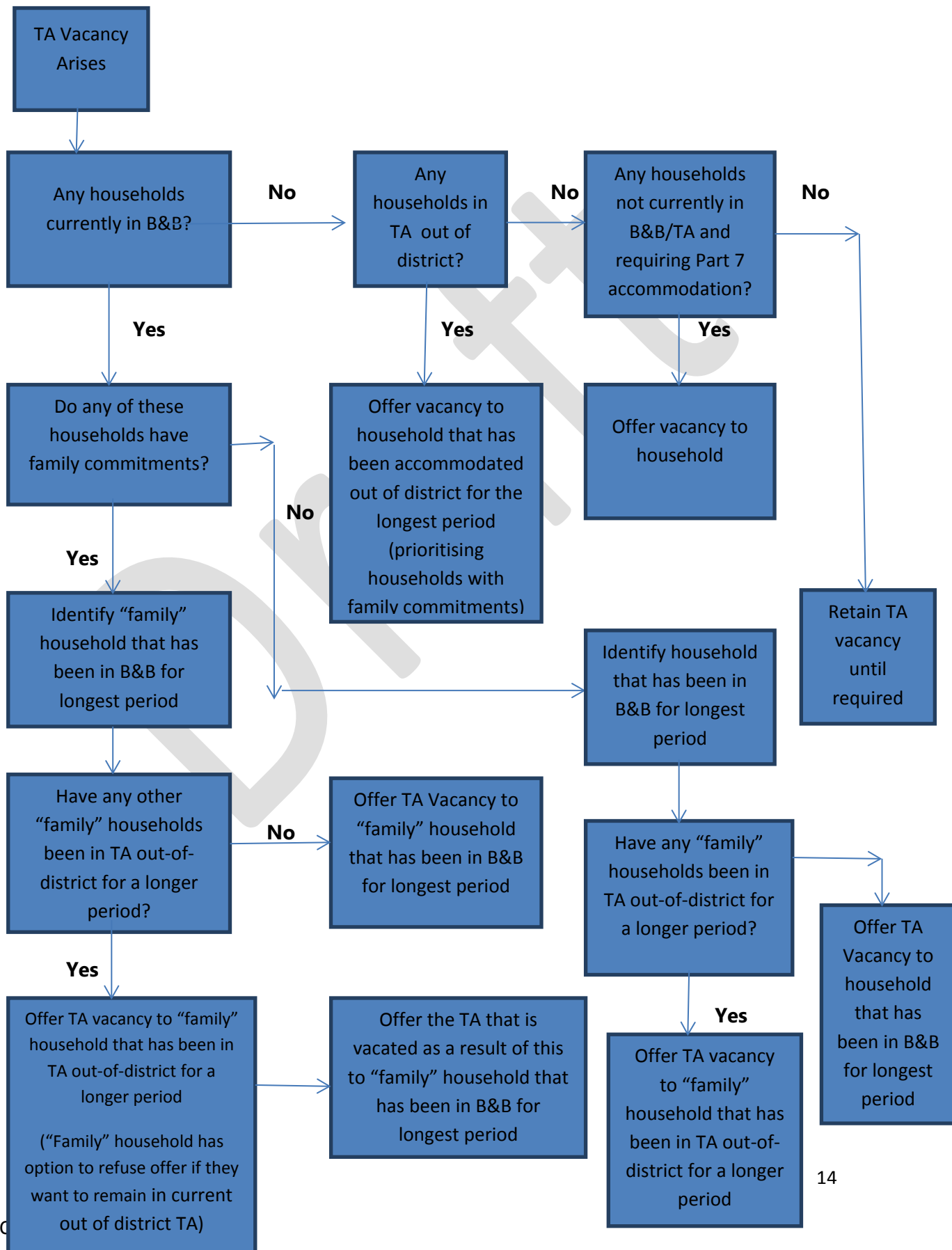


South Bucks District Council



APPENDIX D

PROCESS FOR ALLOCATING SELF-CONTAINED TA VACANCY LOCATED WITHIN DISTRICT



Draft