

# Chichester District Council

CABINET

1 October 2019

## Temporary Accommodation Out of Area Placement Policy

### 1. Contacts

**Report Author:**

Marie Grêlé, Housing Options Manager

Tel: 01243 534734 E-mail: [mgrele@chichester.gov.uk](mailto:mgrele@chichester.gov.uk)

**Cabinet Member:**

Norma Graves, Cabinet Member for Housing

Tel: 01798 342881 E-mail: [ngraves@chichester.gov.uk](mailto:ngraves@chichester.gov.uk)

### 2. Recommendation

**2.1. That Cabinet approves the ‘Temporary Accommodation Out of Area Placement Policy’ set out in the Appendix to this report.**

**2.2. That Cabinet delegates authority for the Divisional Manager of Housing, following consultation with the Cabinet Member for Housing, to make minor amendments to the policy.**

### 3. Background

3.1. The Housing Act 1996, Part 7 (as amended by the Homelessness Reduction Act 2017) sets out the Council’s statutory homelessness duties, including the duty to provide temporary accommodation for certain classes of people and in certain circumstances.

3.2. Section 188 of the Act requires that where the local housing authority has ‘reason to believe’ an applicant may be homeless, eligible for assistance, and have a priority need, it shall secure that accommodation is available for their occupation pending a decision as to the duty (if any) owed to them. This is known as the “interim duty to accommodate in cases of apparent priority need.”

3.3. Section 193(2) of the Act also relates to the provision of temporary accommodation and applies where the Council is satisfied that an applicant is homeless, eligible for assistance, has a priority need, and that the applicant did not become homeless intentionally. In these circumstances, they shall secure that accommodation remains available for occupation by the applicant until the main housing duty can be ended.

3.4. This report is focused on when and how the Council procures and uses temporary accommodation outside of the district in meeting its statutory obligations to homeless people in light of the 2nd April 2015 judgement of the Supreme Court in the case of *Nzolameso v Westminster City Council*.

3.5. The case was concerned with the practice of London Boroughs where homelessness duties are being met through sourcing accommodation outside the local area. Frequently, these placements are made some considerable distance from the respective boroughs. This is not a significant issue for Chichester, however, the resulting judgement suggested that all Councils should have published policies setting out their approach to providing temporary accommodation for homeless people.

3.6. The case concluded that each local authority should:

- Have and maintain a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand from homeless people. The policy should reflect obligations under both the Housing Act 1996 (as amended) and the Children Act 2004.
- Have and maintain a policy for allocating these units to individual homeless households, which includes consideration of how decisions would be taken about placing people out of the local area in the event of a shortfall of suitable accommodation locally.
- Seek approval for the adoption of such a policy by democratically accountable members of the Council.
- Ideally, make the policy publicly available.

#### **4. Outcomes to be achieved**

4.1. That the Council has in place a policy that is effective and complies with its statutory obligations to homeless people.

#### **5. Proposal**

5.1 That the Cabinet approves the 'Temporary Accommodation Out of Area Placement Policy' set out in the Appendix to this report.

#### **6. Policy implications**

6.1. The draft 'Temporary Accommodation Out of Area Placement Policy' set out at Appendix 1 reflects the existing operational approach to sourcing and allocating temporary accommodation outside of the district. This includes due regard to relevant statute and statutory guidance.

6.2. The 'Temporary Accommodation Out of Area Placement Policy' will contribute to a legally robust approach to meeting homelessness duties.

#### **7. Resource and legal implications**

7.1. There are no financial implications identified within the recommendation made in this paper.

## 8. Other Implications

	Yes	No
<b>Crime &amp; Disorder:</b>		X
<b>Climate Change:</b>		X
<b>Human Rights and Equality Impact:</b> Half of applications received by the Council are from households containing dependent children. A significant proportion of applications also include household members with 'protected characteristics' and therefore owed a duty under the Equalities Act.  The proposal will aid the Council to consider and prioritise households without prejudice or discrimination and secure suitable temporary accommodation in line with legislation, regulations and case law.	X	
<b>Safeguarding and Early Help:</b> The policy gives consideration to section 11 of the Children's Act 2004	x	
<b>Other (Please specify):</b> eg Biodiversity		X

## 9. Appendices

9.1. Appendix – Temporary Accommodation Out of Area Placement Policy.

## 10. Background Papers

None