



Chichester District Council

A Policy for

The Procurement and Allocation of Temporary Accommodation for Homeless
Applicants under Part VII of the Housing Act 1996 and Related Legislation

January 2023

(1) Introduction

- 1.1 The purpose of this policy is to set out how Chichester District Council (the Council) as the local housing authority for Chichester District procures temporary accommodation and allocates this to people who present themselves as homeless. Temporary accommodation is usually provided on an ongoing short-term basis.
- 1.2 The Council understands that resources available for use are limited but recognises the need to provide sufficient units of temporary accommodation at affordable prices as well as the need to procure accommodation in other areas.
- 1.3 The Council aims to accommodate homeless people within the local authority area of Chichester District as far as reasonably practicable or as close to where they were previously living.

(2) Scope

- 2.1 This policy covers temporary accommodation provided under sections 188, 189B, 193 or 205(3) of the Housing Act 1996. This policy applies to both Council-owned temporary accommodation, any accommodation used in partnership with other bodies and also the use of bed and breakfast accommodation. The Council seeks to ensure that the standard of the accommodation it provides is in accordance with Chapter 17 of the *Homelessness Code of Guidance for Local Authorities 2018* (as amended periodically) (the *Homelessness Code of Guidance*) as appropriate.
- 2.2 This policy complies with all relevant primary (statutes) and secondary (regulations and orders) legislation, national guidance (notably the *Homelessness Code of Guidance*) and the Council's own strategies and policies. The Council has also had due regard to the guidance provided by the Supreme Court in *Nzolameso v Westminster City Council* [2015] UKSC 22. Accordingly this policy is intended to explain the Council's approach to procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year and to explain how decisions are reached when allocating those units to individual homeless households.

(3) Procurement of Temporary Accommodation

Chichester District Council's Own Temporary Accommodation

- 3.1 The Council has invested in its own self-contained temporary accommodation. It has accommodation available at Westward House and Freeland Close Chichester. The Council carries out regular inspections of these units and ensures that the standard of this accommodation is in accordance with Chapter 17 of the *Homelessness Code of Guidance* as appropriate.
 - (a) In Westward House, there are 44 units which comprise one three-bed house, three three-bed flats, nine two-bed flats (of which six are ground floor), and 31 one-bed units (of which 15 are ground floor and two of which are wheelchair accessible).

- (b) In Freeland Close, there are 17 units which comprise three two-bed flats (of which one is ground floor), one wheelchair accessible flat and 13 one-bed studio flats (of which five are on the ground-floor).

Other Accommodation in the Chichester District

- 3.2 There is no temporary accommodation available in any registered provider stock in this area which can be used for temporary accommodation.
- 3.3 The Council works in partnership with bed and breakfast providers and other hotel chains. Where necessary, Council staff will search online for available vacancies.
- 3.4 It is understood that availability of these local providers fluctuates particularly during a holiday period or when an event (such as festivals on the Goodwood Estate) is being held in the area and in those circumstances staff must search for available accommodation which is further afield.
- 3.5 The appendix to this policy contains a list of checks which are carried out by the Council to monitor the standard of accommodation for any bed and breakfast accommodation and HMO (houses in multiple occupation) accommodation which is routinely used. The Council aims to inspect the accommodation which is routinely used at least every 12 months.

Demand for Temporary Accommodation

- 3.6 The figures below show the demand for temporary accommodation during the last financial year:
 - (a) There were 165 households placed in Council owned temporary accommodation in the last financial year.
 - (b) There were also 120 households placed in bed and breakfast accommodation in the last financial year, of which 27 households included a child. Many of these households will have subsequently moved into Council owned temporary accommodation (and are therefore included within the figure provided at (a) above).
 - (c) The median length of stay in bed and breakfast accommodation in the last financial year was 33 nights.
- 3.7 The Council understands that past demand cannot necessarily be used to predict the future and is mindful of various factors which might affect the number of applicants, including changes to the private rental sector, the increasing cost of energy and other changes in the economy.
- 3.8 The Council will monitor the number of households in temporary accommodation and anticipate demand annually. This allows the Council to know if there is additional demand and if the procurement of additional self-contained units is required.

(4) Allocation of Temporary Accommodation

- 4.1 The Council recognises that any temporary accommodation offered must be available and suitable for occupation by a homeless applicant and any other person who normally resides with him or her as a member of the applicant's family or any other person who might reasonably be expected to reside with them.
- 4.2 Where bed and breakfast placements are used, the Council will seek to move applicants from bed and breakfast accommodation into short-term self-contained accommodation as soon as reasonably practicable.
- 4.3 In an emergency context and where accommodation is needed at short notice, a homeless household can be placed in temporary accommodation in any location where there is availability on that day until the case can be better assessed as soon as reasonably practicable.

Allocation Principles

- 4.4 When allocating temporary accommodation, the Council's own accommodation is the preferred choice for placing homeless applicants at the interim duty to accommodate stage, provided that this is suitable for the particular applicant. Indeed section 208 (1) of the Housing Act 1996 (discharge of functions: out-of-area placements) requires housing authorities to secure accommodation within their district insofar as is reasonably practicable.
- 4.5 It is recognised, however, that the housing stock within Chichester District is limited and priority must be given to certain applicants on the basis of the individual and collective needs of the household. In making the offer of temporary accommodation, the individual circumstances of the applicant and his or her household will be considered as well as the likely duration of the stay in that accommodation. In making the decision, the Council takes into account homelessness legislation and guidance as well as other relevant legislation such as the Children's Act 2004 and the Care Act 2014.
- 4.6 Furthermore, the Council will also always comply with its public sector equality duty in section 149 of the Equality Act 2010 when making offers of temporary accommodation. For any household with a member with a 'relevant protected characteristic' the Council will have due regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Suitability Factors

- 4.7 When determining the suitability of temporary accommodation, the particular needs of the applicant and his or her household will be considered, including but not limited to the following (where applicable):
- (a) The availability of temporary accommodation within Chichester District - if suitable accommodation is available within this District, it will be the Council's preference to place the household within it.
 - (b) The size and layout of the accommodation based on the needs of the household.
 - (c) The medical/care needs of the household as well as the age and vulnerabilities of members of the household. The impact on health of occupying certain accommodation may be subject to an assessment by an independent medical advisor. It will also be considered whether such medical care is being provided within the district and whether such care could be easily transferred to a different location.
 - (d) Education needs - the impact on schooling and travelling distance to a school will be considered. However, the Council may reasonably suggest that a child enrolls in a school close to the temporary accommodation. Priority will be given to special educational needs and students who are close to taking public examinations in determining priority for in-district placements.
 - (e) Any significant caring responsibilities provided by those in the household and the location of those receiving this care.
 - (f) Employment – the Council will consider the commuting distance for any applicants or members of their household in paid employment.
 - (g) Affordability will be considered as set out at paragraphs 17.46 and 17.47 of the *Homelessness Code of Guidance*.
 - (h) Where there is a risk of violence or harassment, including domestic abuse situations - with due consideration of the Domestic Abuse Act 2021.
 - (i) The welfare of any children within the household within the meaning of the Children Act 2004.
 - (j) Other relevant factors notified to the Council in writing.

Procedure for making offers of Temporary Accommodation

- 4.8 All offers of temporary accommodation will be given in writing, either when the offer is made or, if it is an out-of-hours placement, on the next working day after the placement has begun. The letter making the offer will tell the applicant (a) the address of the accommodation which is being offered and (b) the consequences of refusing the offer.

- 4.9 There is no obligation on the Council to enable applicants to view the interim accommodation prior to its acceptance. Very often an offer of interim accommodation has to be made at short notice following a first contact by an applicant to the Council.
- 4.10 Section 202 of the Housing Act 1996 does not include a right to request an internal review by the Council of the suitability of the interim accommodation which it has offered under section 188 of the Housing Act 1996. However, applicants can request a reconsideration of the suitability of their temporary accommodation at any time either orally or in writing.

Notification Arrangements for Households Placed Outside Chichester District

- 4.11 Where it becomes necessary to place an applicant and, where applicable, his or her household in temporary accommodation and private rented sector accommodation outside Chichester District, the Council is required by section 208 of the Housing Act 1996 (discharge of functions: out-of-area placements) to provide written notification to the LHA for the area where that accommodation is located.
- 4.12 Where applicants have identified social, education or medical needs and it is considered that an offer of suitable accommodation outside Chichester District is appropriate, the Council will make arrangements with the local housing authority for the area with the accommodation to transfer provision of the relevant services etc at the time that the applicant and, where applicable, the household move to the accommodation.

Refusal of offers

- 4.13 If an applicant chooses to refuse an offer of temporary accommodation any of the following duties in Part VII of the Housing Act 1996 may come to an end, depending on the basis upon which the temporary accommodation was offered:
- (a) Section 188: interim accommodation duty
 - (b) Section 190 (2): duty to accommodate for a reasonable period
 - (c) Section 193 (2): main or full housing duty
- 4.14 For example, if temporary accommodation is refused when it is offered pursuant to the local housing authority's duty to provide interim accommodation under section 188 of the Housing Act 1996, this duty will be discharged. No other accommodation will be offered to the applicant while the local housing authority continues to look into which homeless housing duties apply.
- 4.15 If an applicant is concerned about the suitability of the allocated unit of temporary accommodation, it is advised that the offer is accepted but that a request for a reconsideration of the suitability is made. In this way, the applicant may avoid the consequences of refusing an offer.

Discharge of Housing Duties and Temporary Accommodation

- 4.16 Where the Council decides that an applicant who is being accommodated under the interim duty (section 188 of the Housing Act 1996) is not owed a main (full) duty under section 193 (2) of the Housing Act 1996, he or she will be given reasonable notice to move out of the accommodation, subject to the period of notice set out in the licence to occupy agreement.
- 4.17 If the interim duty is brought to an end because of deliberate and unreasonable conduct on behalf of the applicant, he or she will be given reasonable notice to move out of the accommodation, subject to the period of notice set out in the licence to occupy agreement. A separate procedure *Working Together to Stop Homelessness: A Procedure for Dealing with Deliberate and Unreasonable Refusal to Co-operate under Section 193B (2) of the Housing Act 1996* deals with discharging the duty because of deliberate and unreasonable conduct.
- 4.18 Where an interim accommodation duty or a main housing duty is discharged by the Council following a refusal by an applicant of an offer of suitable accommodation, the applicant's temporary accommodation position is as follows:
- (a) If the applicant occupies temporary accommodation under an interim duty (section 188 of the Housing Act 1996) he or she will usually be asked to vacate the property within a reasonable time, subject to the period of notice set out in the licence to occupy agreement.
 - (b) If the applicant occupies accommodation under the main or full duty (section 193 (2) of the Housing Act 1996) and having refused an offer of suitable accommodation has requested a review of that offer, he or she will only continue to be accommodated during the review period in exceptional circumstances. In such cases the Council will consider the overall merits of the review request, any new information or evidence which might affect the original decision to be reviewed, the applicant's personal circumstances and the potential impact of the loss of the accommodation on the applicant and his or her household, for example a health or disability issue or the views of social services.
 - (c) If the applicant is to be provided with accommodation while the review request is considered, the applicant will be informed in writing. If the review request is successful, the accommodation will continue to be provided; if it is not allowed by the Council, the applicant will be asked to vacate the property within a reasonable period of time, subject to the period of notice set out in the licence to occupy agreement.
 - (d) If the applicant's accommodation is not to be extended while the review request is considered, the applicant will be informed in writing. In that case, the applicant will be asked to vacate the property within a reasonable period of time, subject to the period of notice set out in the licence to occupy agreement.

(5) Review of this Policy

- 5.1 This policy will be kept under periodic review and revised or updated as required.

Appendix

Health and Safety Compliance Checks for Temporary Accommodation

Documentation

- ✓ Current gas safety certificate
- ✓ Current electrical installation condition report
- ✓ Current fire safety certificate for any fire safety installations eg fire alarm and emergency lighting systems
- ✓ Fire risk assessment showing evidence of regular reviews
- ✓ A valid energy performance certificate if required
- ✓ Carbon monoxide detectors, where appropriate landlord must make sure the alarms are in working order at the start of each new tenancy
- ✓ Hard wired smoke alarms on each floor of the property
- ✓ Landlords are also required to ensure that furniture and furnishings supplied must comply with The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended)
- ✓ Public liability insurance
- ✓ Houses in multiple occupation (HMO) licence (if required)

Physical Standard

- ✓ Access to individual bathroom/toilet facilities
- ✓ Sufficient bedroom spaces available to meet the needs of the homeless household
- ✓ Accommodation is reasonably secure with individual locks, although it is appreciated that the provider of the accommodation will require access for various purposes such as cleaning and carrying out inspections
- ✓ Free from Category 1 hazards under the Housing Health and Safety Rating System