



# Daventry District Council

## Temporary Accommodation Policy

Adopted July 2020

## Contents

Summary .....	page 3.
Introduction .....	page 4.
Policy Aims .....	page 5.
Legislation and Government guidance .....	page 6.
Suitability of Accommodation.....	page 6.
Needs, requirements and circumstances .....	page 6.
Location.....	page 7.
Size and standard of accommodation .....	page 9.
Bed and breakfast accommodation.....	page 9.
Offers and Right to Review .....	page 10.

## Summary

This Policy sets out the approach in the allocation of suitable temporary accommodation within and outside of Daventry District.

There is an insufficient supply of affordable, local, temporary accommodation.

Temporary accommodation offered by the Council may be;

- Within the Daventry District area or outside of the Daventry District area
- Short term or longer term

Daventry District Council (the Council) will only place a household in accommodation that it considers is suitable for the household. However, what is suitable will depend on a number of factors including the household's needs, their circumstances, and the location of the temporary accommodation.

## Introduction

The Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) sets out the statutory obligations relating to the assistance to be given to customers threatened with homelessness or actually homeless; this includes the provision of temporary accommodation.

Local authorities have a duty to secure accommodation for households that have approached them for homelessness assistance and the authority believes they have nowhere to stay and reason to believe they have a priority need under Section 189 of the Housing Act 1996.

Provision may be within temporary accommodation whilst the household awaits the completion of enquiries into their homelessness under Section 188 of the Act, or whilst the household awaits suitable secure housing following acceptance of their homelessness application, under Section 193 of the Act i.e. the period between having a main duty accepted and being housed.

This policy covers accommodation provided under both Section 188 and 193 of the Housing Act 1996. For the purpose of this document, both will be referred to as temporary accommodation.

As per section 208 of the Housing Act 1996, and paragraphs 16.6 and 17.46 of the Homelessness Code of Guidance<sup>1</sup>, so far as reasonably practicable, the Council seeks to accommodate homeless households in Daventry District and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. Due to an acute shortage of affordable temporary accommodation and affordable housing in general within the area, an increasing number of households are likely to be placed outside the area, as it will not be reasonably practicable to provide accommodation within the District.

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<sup>1</sup> Homelessness Code of Guidance (April 2019) MHCLG

## Policy Aims

The aims of this policy are:

- To set out how the Council will provide temporary accommodation that complies with the Homelessness Code of Guidance in relation to the suitability of temporary accommodation;
- To clarify what is taken into consideration to assess the suitability of temporary accommodation;
- To provide a clear approach for Housing Options Officers, in the provision of temporary accommodation to those eligible and in priority need;
- To provide applicants and their households with a clear understanding of how the Housing Options Officers will deal with their case
- To set out the rights of review for applicants relating to the temporary accommodation offered.

## **Legislation and Government guidance**

This policy takes into account the suitability of accommodation as laid out in statutory requirements, Suitability of Accommodation Orders and guidance, namely:

- Housing Act 1996 Section 206 (1) Discharge of functions by local housing authorities
- Homelessness Code of Guidance for Local Authorities (April 2019)
- Suitability Orders including the Homelessness (Suitability of Accommodation) Order 2012
- Section 11 of the Children’s Act 2004, which places a duty to take into account the need to safeguard and promote the welfare of children.

## **Suitability of Accommodation**

In making an assessment of the suitability of accommodation, the Council will make a decision on a case by case basis, having regard to the following main considerations;

- Needs, requirements and circumstances
- Location
- Affordability
- Size of Accommodation

These are all considered in more detail in sections 4-6 below. In addition, over recent years bed and breakfast has increasingly been used to provide temporary accommodation. Section 7 looks in more detail at how assessments are made on the suitability of bed and breakfast for individual applicants/households.

## **Needs, requirements and circumstances**

- Consideration will be given to the suitability of provision for households that have particular medical and/or physical needs.

Accessibility will be sufficiently explored; someone with a physical disability that would normally live in an adapted or level access property will not be placed in temporary accommodation that is anything but ground level or safely accessible.

- Account will also be taken for social considerations that may affect the suitability. This includes any risk of violence, racial or other harassment in a particular locality where it is not suitable for the household to remain (with measures in place). Security, safety and staffing will be considered in these instances.
- When determining whether it is reasonably practicable to secure accommodation in the Daventry District, the amount that the accommodation costs is a relevant and proper consideration. Therefore, affordability will be taken into account including the cost to the authority and the affordability of the accommodation for the applicant by assessing the applicants and their household's income and expenditure.

## Location

1. The location of accommodation will always be a relevant factor when considering the suitability of temporary accommodation. In determining whether or not a location is suitable the main considerations will be:
  - the household's ability to access paid employment,
  - any disruption caused to the education of school aged children and
  - access to key services and support.
2. The Council will seek to avoid placing households in areas where they may become isolated due to no access to transport, education, employment, shops and other necessary facilities.
3. There are circumstances where temporary accommodation will need to be procured outside of the district as it may not be reasonably practicable to secure suitable accommodation within the district. In many cases this would provide accommodation which is more sustainable for the household, with shared kitchen facilities allowing them to better meet their household needs and reduce outgoings.

In cases of out of district placement, consideration will be given to the factors in point 1 above and the distance from the district and how material this is to the households' circumstances.

Where a household that includes a school age child is placed out of the district, the Council will make the receiving authority aware, so that where required, reasonable efforts are or will be in place to meet the child's educational needs.

The Council will notify the authority where the out of area temporary accommodation is located.

The Council will provide reason of how the decision was reached for an out of area placement taking into account the needs of the applicant and their household. This will be detailed within an offer letter.



## **Size and standard of accommodation**

Households may be placed in accommodation that has fewer bedrooms than what they would be entitled to on a permanent basis. The accommodation will, however, need to have a suitable number of bed spaces and adequate space based on the households needs.

## **Bed and breakfast accommodation**

In accordance with the Homelessness (Suitability of Accommodation) (England) Order 2003, bed and breakfast (B&B) accommodation means accommodation (whether or not breakfast is included):

- a) Which is not separate and self-contained premises; and,
- b) In which any of the following amenities is shared by more than one household:
  - i) A toilet;
  - ii) Personal washing facilities; or
  - iii) Cooking facilities.

B&B accommodation can sometimes be the only option available for the Council to be able to fulfil its temporary accommodation duty.

Consideration is given to the code of guidance which states that Bed and Breakfast accommodation is not to be regarded as suitable for 16 and 17 year olds or applicants with family commitments, therefore Bed and Breakfast placements for these applicants are only to be used if no other accommodation is available. The council aims for all Bed and Breakfast placements not to exceed a period of six weeks; however there may be exceptions to this if no other suitable accommodation options can be identified with the six week period.

For any applicant who is pregnant, whose household consists of someone who is pregnant, or whose household has dependent children permanently residing with them, the Council will aim to avoid the use of B&B using it only as a last resort and then only for a maximum of six weeks.

B&B accommodation is not suitable for those aged 16 and 17. Therefore B&B will only be considered where there is absolutely no alternative or where emergency accommodation is required at very short notice.

The Council mitigates the potential placement of 16/17 year olds in B&B by way of family mediation or working with partners under agreed homelessness protocols for this age group.

Households that are placed in B&B will be kept under regular review to ensure suitability of accommodation is regularly assessed and attempts will be made in order to identify alternative temporary accommodation.

## Offers and Right to Review

1. Applicants will be made one offer of suitable accommodation.
2. The Council is under no obligation to allow applicants to view temporary accommodation prior to acceptance, and will not do so except in exceptional circumstances.
3. Applicants who have been accepted as homeless under section 193 of the Act have a right of review and can refuse the offer of temporary accommodation. They will be required to submit a reason for refusal, before doing so the Council will ensure that the consequences of refusal are clearly explained. The reason will be required to be submitted should the applicant wish for the Council to consider alternative temporary accommodation. The reason will be considered by the Housing Options Manager who will decide if the offer is still considered as suitable, should this be the case, no further temporary accommodation will be offered and the Council will cease to be subject to the duty<sup>2</sup>, and provide notification that this is the case. It will be the decision of the applicant if they wish to then accept the offer or to find alternative accommodation themselves.

Should the Council accept the reasons for refusal, the offer will be withdrawn and alternative temporary accommodation options will be considered having regard to this policy.

4. Applicants for interim placements made under Section 188 of the Housing Act 1996 while homelessness enquiries are being undertaken, do not have the right to request a review of the council's decision as to the suitability of an offer.
5. Applicants accommodated under Section 188 that are not owed the main homelessness duty will be required to leave the accommodation following a reasonable notice period after they have been notified of the decision in respect of their homelessness application. Reasonable notice will be dependent on the circumstances of the household and will be at the discretion of the case officer.
6. Applicants are given a reasonable amount of time to consider offers of accommodation outside the Daventry District. Consideration will be given to how familiar the applicant is with the area offered, and the length of time that the household is likely to be living there.
7. The condition of the decoration; furniture in the property (where applicable), the layout or type of accommodation, provision of parking and lack of access to a garden are extremely unlikely to be classed as acceptable reasons for refusals of offers.

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<sup>2</sup> Housing Act 1996 (as amended), Section 193 (5)