

## **CABINET**

<b>DATE</b>	08/09/2021
<b>REPORT OF</b>	Councillor C Procter: Portfolio Holder for Economic Development, Housing and Tourism
<b>RESPONSIBLE OFFICER</b>	Sharon Wroot: Executive Director for Environment, Economy and Resources
<b>SUBJECT</b>	Decision to register as a Registered Provider, apply to be a Homes England Investment Partner, and approve a Temporary Housing Allocations Policy
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	CB 01/21/06

### **CONTRIBUTION TO OUR AIMS**

The recommendations within this report will contribute towards the Council's priorities "stronger economy and stronger community". The Rough Sleeper and Homelessness Strategy sets out an action plan, to improve service delivery for some of our most vulnerable members of the community, those deemed homeless or at risk of becoming homeless.

This report also supports the Council's Empty Property Strategy, by focusing on bringing empty properties back into use, and improving the quality of housing and neighbourhoods in the borough.

### **EXECUTIVE SUMMARY**

In 2019, the Council approved the Rough Sleeper and Homelessness Strategy, setting out the Council's ambitious plans to eliminate homelessness in the borough.

The accompanying action plan established plans to reduce/cease the use of bed and breakfast accommodation, improve the accommodation offer and client journey by allocating them a place to live, along with support to help them live independently and rationalise budgetary spend.

In July 2020, the Government announced its "Next Steps Accommodation Programme", in response to the Government's "Everyone In" campaign during the COVID19 lockdown. The Council were able to apply and accept the first year's funding of £334,000 and, contributed towards the cost of purchasing two long term empty properties.

This paper requests approval to become a Registered Provider and Investment Partner, enabling the Council to access future Homes England funding.

Additional funding will enable the Council to take a different, more innovative approach by purchasing more empty homes, to provide temporary housing at the point of need, reducing the need for bed and breakfast accommodation. This approach will improve outcomes by supporting households to live independently and prepare them to maintain a tenancy once they move to a permanent home.

The Temporary Housing Allocation Policy (Appendix B) sets out how the Council will allocate housing to support households who find themselves at risk of homelessness.

## **RECOMMENDATIONS**

It is recommended that Cabinet:

1. Supports the position for North East Lincolnshire Council to enter the social housing market through the provision of temporary Council housing, and agree to be regulated by the Social Housing Regulator.
2. Gives authority to the Executive Director for Environment, Economy and Resources to apply to become a Registered Provider and obtain Investment Partner status.
3. Approves the Temporary Housing Allocations Policy (Appendix B).
4. Delegates authority to the Executive Director for Environment, Economy and Resources, in consultation with the Portfolio Holder for Economic Development, Housing and Tourism, to implement the Temporary Housing Allocation Policy and to make any amendments as may be required from time to time.
5. Delegates authority to the Executive Director for Environment, Economy and Resources in consultation with the Portfolio Holder for Economic Development, Housing and Tourism, to bid for future funding initiatives and enter into grant funding agreements that support the increase of Affordable Housing.
6. Delegates authority to the Assistant Director of Law, Governance and Assets, the responsibility to execute all documentation arising from the above.

## **REASONS FOR DECISION**

Approval of the above recommendations will enable the Council to become a Registered Provider, apply for Homes England Investment Partner status and allocate acquired assets through the Temporary Housing Allocation Policy. This will allow the Council to provide a more diverse accommodation offer for homeless clients giving them a better opportunity to remain in permanent housing and seek/accept funding from Homes England to support the purchase/refurbishment of future properties, to provide temporary housing solutions to those residents in need.

### **1. BACKGROUND AND ISSUES**

- 1.1 In 2005, the Council transferred its housing stock to Lincolnshire Housing Partnership (formerly Shoreline Housing Partnership).
- 1.2 Since then, the Council have continued to work with Lincolnshire Housing Partnership, Longhurst Housing Association and other registered providers, allocating properties through Home Choice Lincs (HCL). HCL is the portal used by local households to gain an affordable tenancy. Properties are advertised through the system and applicants are encouraged to bid. A points-based system helps to award a property to the most suitable applicant.

Existing tenants can use HCL if they want to move to a more suitable property, as their situation changes. As part of the process, applicants are assessed by providers, to confirm they are suitable for a tenancy with them. Bidders may not be offered a tenancy if they have a history of anti-social behaviour or rent arrears.

- 1.3 Registered providers are now less likely to accept high risk tenants. This change of approach has been partly driven by the perceived commercialisation and independence nationally of our housing providers. In some cases, Housing Associations are perceived to have moved away from their more traditional role of housing people in 'housing need'. They see this as a way of creating mixed and sustainable communities, and also not relying on rental income from a large portion of tenants on Welfare (e.g., Universal Credit) Benefits.
- 1.4 In 2018, Parliament implemented the Homelessness Reduction Act 2017. This placed new duties on housing authorities to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness for all eligible applicants, not just those that have priority need under the Act. The Act did not replace previous housing legislation, but it places more pressure on the Council. The three main aims of the Homelessness Reduction Act 2017 are to.
  - 1.4.1 Prevent more people from becoming homeless in the first place by identifying people at risk and intervening earlier with evidenced solutions.
  - 1.4.2 Intervene rapidly if a homelessness crisis occurs, so it is brief and non-recurrent.
  - 1.4.3 Help more people recover from and exit homelessness by getting them back on their feet.

In the existing housing market, the Council requires more options to support challenging households, who registered providers and charities consider too high risk to house. The recommendations in this report aim to provide the Council with greater options to help provide longer term solutions for accommodation, putting in place support, at the right time to help households sustain their tenancies and find more permanent accommodation, with a good tenant history.

- 1.5 As a Registered Provider and property owner, the Council would be able to charge rent at the Local Housing Allowance level, reclaim 100% of the rent and provide alternative accommodation, reducing the need to use Bed and Breakfast/Hotel accommodation. This will provide cost savings to the Council of approximately £90k per annum (figures based on 2018/19 loss), whilst investing in empty homes and improving neighbourhoods.
- 1.6 During COVID19, in response to the Governments "Everyone In" campaign, the Council worked in partnership with private landlords and took on assured shorthold tenancies, which were then sub-leased to rough sleepers and homeless households in need of accommodation. The Council is currently leasing around 50 properties to provide temporary accommodation units, as well as housing 13 households in bed and breakfast/hotel accommodation, which includes families with children who have been recently evicted.

During the pandemic, rough sleepers were allocated dedicated support upon moving into their new accommodation. This support was funded through the governments Rough Sleeper Initiative and provided valuable face to face engagement with trained officers, who referred them to the most appropriate support. Many rough sleepers have very complex needs, including mental health issues, alcohol, and drug addiction. Providing face to face time with trained officers proved successful during lock down, with several former rough sleepers engaging with services and maintaining a tenancy. These were people who previously had very challenging behaviour.

- 1.7 The Council has accepted first year funding from the Ministry of Housing, Communities and Local Government, to support the purchase and refurbishment of up to six additional rough sleeper units, in the knowledge that it would be required to explore opportunities to become a registered provider. The fund provided an additional £334,000 funding to purchase empty properties, two of which were long term empties with large Council Tax debts, which were recovered as part of this process. A third property has also been identified and the Council are in the process of purchasing the property. Funding contributes towards 55% of the cost to purchase a property and 45% of the total refurbishment costs. To date the Council has utilised existing NELC capital budgets, allocated to bring Empty Homes back into use, to cover any budgetary shortfall.
- 1.8 The recommendations in this report will support current arrangements and provide the Council with alternative solutions to deal with households who need to be assessed for their immediate welfare and housing needs. They are not intended to disaffect key strategic partners who currently provide housing support and homelessness services. Lincolnshire Housing Partnership and Longhurst Housing Association both support this action.

## **2. RISKS AND OPPORTUNITIES**

- 2.1 A robust risk register will be in place, which will include external risks such as national policy issues including, future rent setting policies, and changes to the regulatory framework.
- 2.2 The Council will need to put in place suitable arrangements for the management and maintenance of its housing stock. Given the low number of properties, the Council are currently working with EQUANS, their regeneration partner.
- 2.3 Additional resource is required to cover property conveyancing and entering private sector leasing arrangements. This is factored into the business case.
- 2.4 The risk of tenants claiming a “right to buy” has been assessed. As the Council are providing a non-secure tenancy, through their homeless duty, the Council will avoid the risk that properties could be sold through a right to buy scheme.

2.5 Whilst high level financial analysis has taken place, evidencing cost savings, further financial work is required to deliver the operating model to ensure income exceeds expenditure.

2.6 There are many opportunities available to the Council including.

- The opportunity to reduce the cost of housing rough sleepers and homeless households by reducing the use of bed and breakfast/hotel accommodation.
- Improved solution for rough sleepers and homeless households, using the lessons learnt
- Less time spent on sourcing additional accommodation through the private rented sector, which currently places additional workload and pressure on the Homeless Team, who are short of emergency accommodation.
- Opportunity to access Homes England funding, contributing towards purchasing empty homes.

### **3. OTHER OPTIONS CONSIDERED**

3.1 **Do Nothing** – The Council currently has a shortage of emergency and temporary accommodation, for households who find themselves at risk of homelessness. This means the Council currently relies on Bed and Breakfast accommodation.

3.2 **Enter into a Management Agreement with a Registered Provider** – Applying for this status will enable the Council to apply for funding through Homes England, to acquire empty properties. This project supports clients who have been refused accommodation by a registered provider. The Council may consider entering a management agreement in the future.

### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

4.1 There are potential positive reputational implications for the Council resulting from the decision, as it will provide assurance that progress is being made to invest in sustainable, long-term solutions to reduce rough sleeping and homelessness.

4.2 Key stakeholders, including the provision of homeless accommodation will be fully engaged and communications will continue. This proposal takes consideration of the Councils current statutory duty and how it delivers this.

### **5. FINANCIAL CONSIDERATIONS**

5.1 The Council will need to meet the costs of managing its housing stock, meeting the costs of day-to-day responsive repairs, and set aside funding for future planned maintenance works. The Council would receive rental income from the properties' tenants. Whilst high level financial analysis has taken place and shows cost savings, further financial work is required to develop an operating financial model that will test whether this income will be sufficient to meet the operational costs.

### **6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

6.1 The proposal will provide a positive addition to the Council's commitment to

reduce carbon emissions, as properties will be refurbished and measures installed to improve the energy efficiency, thereby reducing carbon emissions and the cost of heating a home for vulnerable households.

## **7. CONSULTATION WITH SCRUTINY**

7.1 The report will be reviewed by the Communities Scrutiny Panel for consideration.

## **8. FINANCIAL IMPLICATIONS**

8.1 The decisions outlined are not expected to have any significant direct financial implications.

8.2 Any subsequent investment requests to purchase, upgrade and maintain properties will be required to be subject to business case approval to ensure that the resultant costs can be funded through rental and subsidy income and from reduced usage and costs of short-term bed and breakfast accommodation.

## **9. LEGAL IMPLICATIONS**

9.1 The Housing and Regeneration Act 2008 (HRA 2008) establishes the Regulator of Social Housing. The HRA2008 also sets out the statutory framework within which a regulator must operate. Section 31 of the HRA 2008 creates a requirement for registration linked to financial assistance from Homes England, such that the landlord in receipt of funding, must be a registered provider.

9.2 Councils that provide social housing are subject to compulsory registration under section 114A of the Housing and Regeneration Act 2008 (HRA 2008).

9.3 Under the Housing Act 1985 (Section 118), a secure tenant has the right to buy. If the Council do not own the freehold of the dwelling, the tenant has a right to be granted a lease. There are several circumstances in which the right to buy/right to lease options cannot be exercised (Housing Act 1985 Section 121). A secure tenant does not attain the right to buy until they have been a secure tenant for a qualifying period which, in accordance with Schedule 4, Housing Act 1985, is three years. In addition, the right to buy does not arise where the landlord (i.e. the Council) itself owns the relevant dwelling under a lease of 21 years or less where the dwelling is a house, or 50 years or less where the dwelling is a flat.

9.4 Under Part VII of the Housing Act 1996, the Council is under a duty to provide temporary housing accommodation to eligible homeless people until such time as that duty is ended, either by the provision of permanent accommodation under the Housing Act 1985, or for some other reason.

9.5 Under the Housing Act 1985 (paragraph 4, Schedule 1), a tenancy granted in pursuance of any function under Part VII of the Housing Act 1996 (ie temporary accommodation), is not a secure tenancy (unless the Council notifies the tenant that the tenancy is to be regarded as a secure tenancy) and thus any tenant occupying temporary accommodation would not be a secure tenant (unless notified otherwise) and the right to buy would not arise.

9.6 The General Consents under section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing) – 2014 (the “2014 General

Consents”) allows local housing authorities to provide financial assistance to private landlords to secure accommodation for people who are homeless or at risk of homelessness. This could include paying rent deposits, or indemnities to ensure accommodation is secured for such households; and making one off grant payments which would prevent an eviction.

## **10. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications

## **11. WARD IMPLICATIONS**

The policy will affect all wards in North East Lincolnshire.

## **12. BACKGROUND PAPERS**

Becoming a Registered Provider Guidance.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/941779/Becoming\\_a\\_registered\\_provider.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941779/Becoming_a_registered_provider.pdf)

Applying to be an Investment Partner Guidance.

<https://www.gov.uk/government/publications/apply-to-be-an-investment-partner-for-the-affordable-homes-programme>

## **13. CONTACT OFFICER(S)**

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**PORTFOLIO HOLDER FOR ECONOMIC DEVELOPMENT, HOUSING AND  
TOURISM**

## Appendix A

# Definition of Consumer Standards

## HOME STANDARD

### QUALITY OF ACCOMMODATION

Registered providers must:

- ensure that tenants' homes meet the standard set out in section five of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard.
- meet the standards of design and quality that applied when the home was built, and were required as a condition of publicly funded financial assistance if these standards are higher than the Decent Homes Standard
- in agreeing a local offer, ensure that it is set at a level not less than these standards and have regard to section six of the Government's Decent Homes Guidance.

### Repairs and Maintenance

Registered providers shall:

- provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time
- meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

## TENANCY STANDARD

### Allocations and mutual exchange

Registered providers must let their homes in a fair, transparent and efficient way. They shall consider the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings:

- make the best use of available housing.
- are compatible with the purpose of the housing.
- contribute to local authorities' strategic housing function and sustainable communities.

There should be clear application, decision-making and appeals processes.

Registered providers shall enable their tenants to gain access to opportunities to exchange their tenancy with that of another tenant, by way of internet-based mutual exchange services.

### Tenure

Registered providers must offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the

sustainability of the community, and the efficient use of their housing stock.

They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

## **SPECIFIC EXPECTATIONS**

### **Allocation and Mutual Exchange**

- Registered providers must co-operate with local authorities' strategic housing function, and their duties to meet identified local housing needs. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements.
- Registered providers shall develop and deliver services to address under-occupation and overcrowding in their homes, within the resources available to them. These services should be focused on the needs of their tenants and will offer choices to them.
- Registered providers published policies shall include how they have made use of the housing register, common allocations policies and local letting policies. Registered providers shall clearly set out, and be able to give reasons for, the criteria they use for excluding actual and potential tenants from consideration for allocations, mobility or mutual exchange schemes.
- Registered providers shall develop and deliver allocations processes in a way which supports their effective use by the full range of actual and potential tenants, including those with support needs, those who do not speak English as a first language and others who have difficulties with written English.
- Registered providers shall minimise the time that properties are empty between each letting. When doing this, they shall consider the circumstances of the tenants who have been offered the properties.
- Registered providers shall record all lettings and sales.
- Registered providers must provide tenants wishing to move with access to clear and relevant advice about their housing options.
- Registered providers must subscribe to an internet based mutual exchange service (or pay the subscriptions of individual tenants who wish to exchange), allowing:
  - a tenant to register an interest in arranging a mutual exchange through the mutual exchange service without payment of a fee.
  - the tenant to enter their current property details and the tenant's requirements for the mutual exchange property they hope to obtain.
  - the tenant to be provided with the property details of those properties where a match occurs.

Registered providers must take reasonable steps to publicise the availability of any mutual exchange service(s) to which it subscribes to its tenants.

Registered providers must provide reasonable support in using the service to tenants who do not have access to the internet.

### **Tenure**

Registered providers must publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:

The type of tenancies they will grant.

- Where they grant tenancies for a fixed term, the length of those terms.
- The circumstances in which they will grant tenancies of a particular type.
- Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.
- The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.
- Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.
- The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

Registered providers must grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.

Before a fixed term tenancy ends, registered providers shall provide notice in writing to the tenant stating either that they propose to grant another tenancy on the expiry of the existing fixed term or that they propose to end the tenancy.

Where registered providers use probationary tenancies, these shall be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant can request a review.

Where registered providers choose to let homes on fixed term tenancies (including under Affordable Rent terms), they shall offer reasonable advice and assistance to those tenants where that tenancy ends.

Registered providers shall make sure that the home continues to be occupied by the tenant they let the home to in accordance with the requirements of the relevant tenancy

agreement, for the duration of the tenancy, allowing for regulatory requirements about participation in mutual exchange schemes.

Registered providers shall develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions.

Registered providers shall grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 comes into force, and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).

Registered providers shall grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.

## **NEIGHBOURHOOD AND COMMUNITY STANDARD**

Required outcomes.

### **Neighbourhood Management**

Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.

### **Local Area Co-operation**

Registered providers shall co-operate with relevant partners to help promote social, environmental and economic wellbeing in the areas where they own properties.

### **Anti-social Behaviour**

Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

## **Specific Expectations**

### **Neighbourhood management**

Registered providers shall consult with tenants in developing a published policy for maintaining and improving the neighbourhoods associated with their homes. This applies where the registered provider has a responsibility (either exclusively or in part) for the condition of that neighbourhood. The policy shall include any communal areas associated with the registered provider's homes.

### **Local area co-operation**

Registered providers, having taken account of their presence and impact within the areas where they own properties, shall:

- identify and publish the roles they are able to play within the areas where they have properties
- co-operate with local partnership arrangements and strategic housing functions of local authorities where they are able to assist them in achieving their objectives

### **Anti-social behaviour**

Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.

In their work to prevent and address ASB, registered providers shall demonstrate:

- that tenants are made aware of their responsibilities and rights in relation to ASB
- strong leadership, commitment, and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- a strong focus exists on preventative measures tailored towards the needs of tenants and their families
- prompt, appropriate, and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
- all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
- provision of support to victims and witnesses

### **Tenant Involvement and Empowerment Standard.**

Required outcomes.

#### **Customer service, choice and complaints**

Registered providers shall:

- provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards.
- have an approach to complaints that is clear, simple, and accessible that ensures that complaints are resolved promptly, politely and fairly.

#### **Involvement and empowerment**

Registered providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in:

- the formulation of their landlord's housing-related policies and strategic priorities
- the making of decisions about how housing-related services are delivered, including the setting of service standards.
- the scrutiny of their landlord's performance and the making of recommendations to their landlord about how performance might be improved.
- the management of their homes, where applicable
- the management of repair and maintenance services, such as commissioning and undertaking a range of repair tasks, as agreed with landlords, and the sharing in savings made, and
- agreeing local offers for service delivery.

## **Understanding and responding to the diverse needs of tenants**

Registered providers shall:

- treat all tenants with fairness and respect.
- demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.

## **SPECIFIC EXPECTATIONS**

### **Customer Service, Choice and Complaints**

Registered providers shall provide tenants with accessible, relevant, and timely information about:

- how tenants can access services
- the standards of housing services their tenants can expect.
- how they are performing against those standards
- the service choices available to tenants, including any additional costs that are relevant to specific choices
- progress of any repairs work
- how tenants can communicate with them and provide feedback
- the responsibilities of the tenant and provider
- arrangements for tenant involvement and scrutiny.

Providers shall offer a range of ways for tenants to express a complaint and set out clear service standards for responding to complaints, including complaints about performance against the standards, and details of what to do if they are unhappy with the outcome of a complaint. Providers shall inform tenants how they use complaints to improve their services. Registered providers shall publish information about complaints each year, including their number and nature, and the outcome of the complaints. Providers shall accept complaints made by advocates authorised to act on a tenant's/tenants' behalf.

### **Involvement and Empowerment**

Registered providers shall support their tenants to develop and implement opportunities for involvement and empowerment, including by:

- supporting their tenants to exercise their Right to Manage or otherwise exercise housing management functions, where appropriate
- supporting the formation and activities of tenant panels or equivalent groups and responding in a constructive and timely manner to them
- the provision of timely and relevant performance information to support effective scrutiny by tenants of their landlord's performance in a form which registered providers seek to agree with their tenants. Such provision must include the publication of an annual report which should include information on repair and maintenance budgets

- providing support to tenants to build their capacity to be more effectively involved.

Registered providers shall consult with tenants on the scope of local offers for service delivery. This shall include how performance will be monitored, reported to and scrutinised by tenants and arrangements for reviewing these on a periodic basis.

Where registered providers are proposing a change in landlord for one or more of their tenants or a significant change in their management arrangements, they shall consult with affected tenants in a fair, timely, appropriate and effective manner. Registered providers shall set out the proposals clearly and in an appropriate amount of detail and shall set out any actual or potential advantages and disadvantages (including costs) to tenants in the immediate and longer term. Registered providers must be able to demonstrate to affected tenants how they have taken the outcome of the consultation into account when reaching a decision.

Registered providers shall consult tenants at least once every three years on the best way of involving tenants in the governance and scrutiny of the organisation's housing management service.

#### Understanding and responding to diverse needs

Registered providers shall demonstrate how they respond to tenants' needs in the way they provide services and communicate with tenants.

## Appendix B

# Interim Placement Policy for Temporary Accommodation 2021/22

## Introduction

1. The purpose of this document is policy is to set out North East Lincolnshire Council's policy for accommodating homeless households in temporary accommodation. This covers the following:
  - Interim placements under Section 188 of the Housing Act 1996, while the clients homelessness is investigated.
  - Temporary accommodation placements for those accepted as homeless under Section 193 of the Housing Act and waiting for rehousing.
2. The Policy complies with the following legislation and case law:
  - The Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.
  - The Localism Act 2011.
  - Equality Act 2010
  - Homelessness (Suitability of Accommodation) (England) orders 1996,2003 and 2012
  - Supplementary Guidance on the Homelessness changes in the Localism Act 2011 and the Homelessness (Suitability of Accommodation) (England) Order 2012.
  - Childrens Act 1989
  - R (on the application of Castens) v Basildon DC (2007)
  - Kensington and Chelsea LBC, exp Kujtim (1999)

## Key Principles

3. Homeless applicants who are accommodated under the Council's interim duty to accommodate may be placed in short-term self-contained accommodation such as a hotel, bed and breakfast rooms or independent units for example a flat, while enquiries are carried out. If the Council decides that it has a duty to house the household, they will be moved to longer-term accommodation as soon as a suitable property becomes available.
4. In accordance with legislation and guidance, the Council seeks to accommodate homeless households within North East Lincolnshire as far as is reasonably practicable and considers the suitability of any temporary accommodation offered. However, if the Council are unable to find accommodation within the Borough, then accommodation may be found outside of the borough. If the Council decides it has a duty to house the household, they will be moved to longer-term accommodation as soon as a suitable property becomes available under its duty within the Housing act 1996 Part 7.

5. Statutory guidance and relevant case-law make clear that affordability is a key component of the suitability of accommodation and that unaffordable accommodation may not be regarded as suitable. Cost of accommodation is therefore a relevant consideration when deciding whether it is reasonably practicable to provide temporary accommodation in North East Lincolnshire.
6. The Council will assess the suitability of any offer of temporary accommodation. If there is a particular reason why a household should not be in a certain area, this will be considered.
7. Wherever possible, the Council will avoid placing families with dependent children in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the Council will move these households to self-contained accommodation as soon as possible and always within six weeks.
8. For safeguarding purposes, the Council will divulge any potential risk or safeguarding issues to the provider prior to placement. The Provider is at liberty to refuse any placement.
9. The Council will do all that is reasonably possible to provide temporary accommodation. Each referral will be assessed as to the most appropriate accommodation. Where a referral to a provider is refused, the Council will try other providers. The Council may on occasion, where no provider will accept a referral, or where the most appropriate course of action to meet the applicants needs, provide housing within its own housing portfolio.

#### **Offers, refusals and the ending of temporary accommodation.**

10. One offer of temporary accommodation will be made to applicants, and they will be advised to accept this. The council has no obligation to allow applicants to view any temporary accommodation placement.
11. If an applicant refuses an offer, they must provide reasons. The Council will consider any reasons given, making any further enquiries, as necessary. If it is concluded that the offer is indeed unsuitable, the offer will be withdrawn and another suitable offer made.
12. If an offer of temporary accommodation is rejected and the Council is rejected and the Council considers the accommodation suitable, no further accommodation will be offered. In this case, the applicant will be required to make their own arrangements. There is no right of appeal against the suitability of accommodation offered to applicants.
13. If, having been provided with accommodation, the applicant shows by their conduct a persistent and unequivocal refusal to observe the reasonable requirements of the Council, in relation to the occupation of the accommodation, the duty to accommodate will end.
14. If it is found that a duty is not owed to an applicant, they will be asked to leave the temporary accommodation, usually within seven days, after the homelessness decision letter has been received, or 28 days for families, to allow time for

intentionally homeless families, time to find alternative accommodation.

15. Where applicants under the Section 193 duty, request a review of the homelessness decision, they will only be accommodated during the review period at the Council's discretion. Each case will be considered on an individual basis, considering the merits of the review, any new information that may affect the original decision, and the circumstances of the applicant and possible effect of loss of accommodation.

### **Suitability of accommodation**

16. The following factors will be considered when assessing the suitability of a placement:
  - 16.1 The household must have its equivalent level of income support or income based Universal Credit (whether claimed or not), available to spend on reasonable living costs, after accommodation costs have been deducted from the household's income.
  - 16.2 The accommodation must be adequately sized and be fit to inhabit, free from hazards which are harmful to health (Housing Act 2004 – Housing Health and Safety Rating System). An assessment will consider any health or mobility issues. If possible, accommodation will be in an area where support networks can be accessed (see Section 5).
  - 16.3 Health and mobility issues will be taken into consideration, when they will have an impact on the suitability of a temporary accommodation placement. If the medical grounds were not reviled at the initial assessment, a medical form must be submitted. Medical grounds for the unsuitability of the property must be specific. Conditions that would persist in any accommodation will not usually be considered to have an impact on the suitability of temporary accommodation.

### **Priority, and accommodation outside of North East Lincolnshire**

17. Placements outside of the Borough will sometimes be necessary, and will only be used as a last resort, where there is no suitable accommodation within North East Lincolnshire.
18. If a household is placed outside of North East Lincolnshire, the local authority in which they are placed will be notified as quickly as possible, to ensure they have access to the appropriate support networks.
19. Where the availability of temporary accommodation in North East Lincolnshire is limited, the following conditions will be used to prioritise which households are placed in temporary accommodation within the borough:
  - 19.1 Applicants with a severe and enduring physical or mental health condition, or disability that requires specialist treatment only available within the Borough.
  - 19.2 Applicants who are in receipt of a significant package of care, that could not be easily transferred to another area.

- 19.3 Applicants with a severe and enduring physical or mental health condition or disability that requires intensive and/or specialist treatment or aftercare, where a transfer of care would create a serious risk to their safety or the sustainability of their care.
- 19.4 Households in North East Lincolnshire with children on the child protection register, or families with high social needs and are linked in with local social or health care services, and it is confirmed that being accommodated temporarily in another area would significantly affect their welfare.
- 19.5 Households containing a child with special educational needs, who is receiving education or educational support in the borough and where being accommodated temporarily in another area would significantly affect their welfare.
- 19.6 Households where at least one member can demonstrate that they have a longstanding arrangement to provide care and support to another person in North East Lincolnshire.
- 19.7 Households that contain a child in full time education who are currently undertaking examination courses in North East Lincolnshire.
- 19.8 Applicants at risk of domestic abuse or violence, will be accommodated in in an area where the risk is not present, with considerations given to all other aspects of this policy.