

Report to Cabinet

7 July 2021

Subject:	Adoption of Temporary Accommodation Policy
Cabinet Member:	Councillor Zahoor Ahmed - Cabinet Member for Quality Homes and Thriving Neighbourhoods
Director:	Interim Director - Housing – Katharine Willmette
Key Decision:	Yes – Temporary Accommodation in the context of supporting homeless households may be utilised across all the wards in Sandwell
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1 Recommendations

- 1.1 That approval be given for the Council to adopt the Temporary Accommodation Policy as set out in Appendix 1
- 1.2 That the Director of Housing, in consultation with the Cabinet Member for Homes, be authorised to review and approve subsequent Temporary Accommodation Policy reviews and amendments except where the changes are major or involve amended legislation.



2 Reasons for Recommendations

- 2.1 It is a statutory requirement for each local authority to produce and publish a Temporary Accommodation Policy setting out the requirements that it needs to consider when allocating and procuring temporary accommodation.

3 How does this deliver objectives of the Corporate Plan?

	<p>People live well and age well</p> <p>Whilst temporary by nature, a decent and affordable temporary home is often a central component from which households affected by homelessness can begin to build a stable life and provide the necessary platform from which to access more longer term sustainable housing.</p>
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4 Context and Key Issues

- 4.1 **Context.** The policy sets out the Council's policy for placement of homeless households in temporary accommodation (TA). It covers both interim placements made under Section 188 of the Housing Act 1996, while homeless enquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 of the Housing Act 1996.
- 4.2 A Supreme Court Judgment (Nzolameso v Westminster City Council) requires that local authorities should have, and keep up to date, a policy for allocating temporary accommodation to homeless households. The policy should cover:



- A set of criteria that sets out a baseline for the decisions taken in allocating the properties offered, reflecting the authority's statutory obligations under both the Housing Act 1996 and the Children's Act 2004.
- Where there is an anticipated shortfall of accommodation in the district, the policy should explain the factors to be taken into account when making decisions on where a household is placed.
- A policy for procuring sufficient units of temporary accommodation to meet anticipated demand.

4.3 **Key issues.** Following developments in case law officers were made aware of the statutory requirement for a local authority to have a Temporary Accommodation Policy. Following extensive consultation with the teams engaged with the administration of temporary accommodation together with members of Sandwell's Homeless Partnership, officers have now drawn up a draft policy. In summary, the draft policy covers:

- Factors to be taken into account when making placements, including type, size and location of accommodation
- Length of stay in temporary accommodation
- Offers and refusals; and,
- Procurement of temporary accommodation

4.4 When considering the factors taken into account when making placements, the policy covers and considers individual risk to households, the needs of children under the Children Act 2004, health and support needs, affordability and access to employment. Specific to the actual property, the policy provides the necessary steer on the type, size and physical condition of property to be offered.



- 4.5 More recently, the Housing Solutions Service has expended a considerable amount of resource to reduce the use of outsourced temporary accommodation (TA). This has involved a focus on sourcing TA from within the Council's own stock (almost exclusively two bedroom flats and around 40 units in total). This approach will be significantly enhanced with the development of the Council's own specific TA facility at Applewood Grove when it becomes operational and will provide a further 21 units of temporary accommodation.
- 4.6 In all instances except where a risk assessment or household need requirement requires otherwise, the new Applewood Grove facility will be the preferred option by the Council for TA. Where the use of Applewood Grove cannot be facilitated, the Council will endeavor to source accommodation from within its own stock, and thirdly from its contracted arrangements to source accommodation from the private rented sector. The fourth and last option would be to use Bed and Breakfast accommodation.

5 Alternative Options

- 5.1 There are no alternative options, it is a statutory requirement for a local authority to publish a Temporary Accommodation Policy. The adoption of the Policy will ensure that the Council is not open to any form of legal challenge in this context.



6 Implications

Resources:	There are no specific financial or staffing implications with regard to the introduction of this policy. The policy will not impact or affect the status of any Council owned property or land.
Legal and Governance:	It is a statutory requirement for all local authorities to have a Temporary Accommodation Policy in the context of discharging its homelessness duties. In terms of governance, it is proposed to introduce delegated powers for the Director of Housing and the Cabinet Member for Homes to review and approve subsequent policy reviews and amendments unless the changes are major or involve amended legislation.
Risk:	The Council has a legal duty to households in priority need at risk of or presenting as homeless and the use of temporary accommodation is essential to meet with relevant legal requirements. If the Council were to not secure this temporary accommodation, it would not be able to meet its legal duties. The adoption of the Policy will ensure that the Council is not open to any form of legal challenge and fulfils a statutory obligation for the Council to have an approved policy. No further significant risks have been identified as part of this policy development.
Equality:	An Equality Impact Assessment has been completed and no adverse impacts were found on any of the protected characteristics.
Health and Wellbeing:	A decent affordable home is a central component from which to build a stable life and to participate more readily in all forms of daily life. The health benefits of living in a decent sustainable home are well documented in improving a wide range of both physical and mental health determinants that will have a direct and positive impact.
Social Value	Properties, where possible will be sourced from within the authority boundary.



7. Appendices

Appendix One: Draft Temporary Accommodation Policy

8. Background Papers

None

