

	<h2>Housing Committee</h2> <h3>27 June 2016</h3>
<p style="text-align: right;">Title</p>	<p>Temporary Accommodation Placements and Procurement Policies</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director, Growth and Development</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1- Temporary Accommodation Placements Policy Appendix 2-Temporary Accommodation Procurement Policy</p>
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<h2>Summary</h2>
<p>This report outlines proposals to introduce a temporary accommodation placements policy and a temporary accommodation procurement policy to assist the Council in making decisions about procuring and placing homeless households into affordable temporary accommodation.</p> <p>The Supreme Court judgement on <i>Nzolameso v City of Westminster</i> recommended that local authorities produce and publish policies on allocating and procuring temporary accommodation. A placements policy has been in place since 2013 and this has been updated to include the <i>Nzolameso</i> case. This report will ensure that the Council meets the requirements set out in this judgement and will formalise our current practice.</p>

Recommendations

1. That the Housing Committee approves the introduction of the temporary accommodation placements policy as set out in Appendix 1 of this report.
2. That the Housing Committee approves the introduction of the temporary accommodation procurement policy as set out in Appendix 2 of this report
3. That the Committee agree that the temporary accommodation placements policy should be published as a separate document from the Council's Housing Allocations Scheme.
4. That the Committee agree that the temporary accommodation procurement policy policies should be published as a separate document from the Council's Housing Allocations Scheme
5. That approval for any future minor amendments to these policies is delegated to the Commissioning Director for Growth and Development and in consultation with the Chairman of the Housing Committee.

1. WHY THIS REPORT IS NEEDED

- 1.1 Affordable in-borough temporary accommodation has become increasingly scarce which means that the Council has to consider procuring accommodation and placing homeless households into more affordable locations outside of the borough.
- 1.2 A snapshot of the number of units affordable to the Council at Local Housing Allowance (LHA) rates on Rightmove has fallen from 5.6% in September 2014 to 1.4% in February 2016. Let2barnet both sources properties for homeless applicants in the private sector, whilst also providing incentives for households who have found their own accommodation. The number of people finding their own accommodation has reduced. 54% of Let2Barnet customers found their own accommodation in 2013/14. This has reduced to 21%.
- 1.3 Consequently Barnet Council places households into temporary accommodation outside the borough. In order to determine suitability of accommodation, the local authority is required to have regard to the needs of the household and to safeguard the welfare of any children. Failure to meet these requirements brings the risk of costly legal challenge resulting in court orders requiring specific placements and compensation.
- 1.4 The Supreme Court judgement on *Nzolameso v City of Westminster* recommended that local authorities produce, approve and publish policies on allocating and procuring temporary accommodation.
- 1.5 Ms Nzolameso a single mother of 5 children had lived in London since 2000 in the Private Rented Sector (PRS). Ms Nzolameso was benefit capped in 2012

and consequently unable to afford her rent. She was evicted in 2012. Ms Nzolameso made a homelessness application to Westminster Council and was found to be unintentionally homeless. She was offered a 5 bedroom property in Milton Keynes due to the shortage of affordable accommodation in Westminster. Ms Nzolameso rejected the offer as it was too far from her children's school, her GP and support network.

- 1.6 The Supreme Court quashed the Council's decision stating that the Council had not made necessary enquiries into the practicalities of moving school, whether school places were available, and the implication of Ms Nzolameso's medical conditions.
- 1.7 The Supreme Court Judgement stated that local authorities are obliged to:
 - "Secure accommodation within their district, in so far as is reasonably practicable"
 - "Secure accommodation that is as close as possible to where they were previously living".
- 1.8 The Housing Committee is therefore requested to approve the temporary accommodation placements policy (Appendix 1) and procurement policy (Appendix 2).

2. REASONS FOR RECOMMENDATIONS

- 2.1 The introduction of these policies will help the Council meet the recommendations of the Supreme Court.
- 2.2 These policies will give greater transparency in decision making and will provide guidelines to officers procuring and allocating temporary accommodation. This will ensure that decisions to place households in temporary accommodation are more robust and resistant to challenge. It will ensure that the Council takes all reasonable steps to procure accommodation and place households in accommodation in locations that are affordable and take full account of a household's specific needs, including those of any dependent children.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Without these temporary accommodation policies in place Barnet Council will remain open to costly and time-consuming legal challenges. Therefore it is not recommended that the Council proceeds without implementing the temporary accommodation placements and procurement policies.

4. POST DECISION IMPLEMENTATION

- 4.1 The temporary accommodation placement and procurement policies will be implemented with immediate effect once a decision has been made.

5. IMPLICATIONS OF DECISION

- 5.1 **Corporate Priorities and Performance**

5.1.1 The temporary accommodation policies ensure officers make robust decisions and mitigate against the risk of greater legal costs and having to provide more costly in-borough temporary accommodation. This aligns with the Council's Corporate Plan:

- Where services are delivered efficiently to get value for money for the taxpayer.

5.1.2 The policies also support the London Borough of Barnet's Housing Strategy 2015-2025 that aims to:

- Provide suitable housing for vulnerable people by providing appropriate housing for homeless households.
- Deliver efficient and effective services by ensuring that the procurement of temporary accommodation is as effective as possible.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 There are no direct additional resource implications presented by the recommendations.

5.2.2 Properties are procured in line with Barnet Homes' procurement rules and consistent with Barnet Homes' Management Agreement.

5.2.3 The average net cost to the Council of a 2 bedroom temporary accommodation in-borough is £2,117pa, whereas an out-of-borough 2 bedroom accommodation has an average net cost to the Council of £1,286pa. Making greater use of out-of-borough accommodation will therefore be of financial benefit to the Council and help to manage General Fund homelessness pressures. In the financial year 2015/16 an overspend of £0.213m resulted despite additional funding of £0.584m being provided.

5.3 Social Value

5.3.1 Having consideration to the Public Services (Social Value) Act 2013, there are no specific social values considerations arising from these policies.

5.4 Legal and Constitutional References

5.4.1 The Supreme Court Judgement on *Nzolameso v City of Westminster* (2015) recommended that local authorities produce and publish policies on allocating and procuring temporary accommodation. The Court also recommended the policies should be up to date and should be democratically approved by members.

5.4.2 Constitution, Part 3, Responsibility for Functions, Appendix A sets out the terms of reference of the Housing Committee. This includes Housing Strategy (Incorporating Homelessness Strategy) and working with Barnet Homes to

ensure the optimum provision of housing and associated facilities for those who require social housing.

5.5 Risk Management

- 5.5.1 The policies will provide robust guidelines to Barnet Homes for procuring and allocating temporary accommodation
- 5.5.2 The policies will help ensure decisions are properly evidenced and therefore more robust and resistant to challenge. Without these temporary accommodation policies in place Barnet Homes will remain open to costly and time-consuming legal challenges.
- 5.5.3 Appeals officers can review decisions made with reference to these published policies to decide if decisions meet with the authorities obligations.
- 5.5.4 Affordability is a key element of suitability; accommodation will not be suitable unless it is affordable a snapshot of the number of units affordable at Local Housing Allowance (LHA) rates on Rightmove shows that the availability of affordable units has remained low: 5.6% of units in September 2014 and 1.4% in February 2016. Barnet Council therefore relies heavily on less expensive out-of-borough placements to help meet demand. These policies will ensure the Council complies with the requirements of the Supreme Court decision, for example, that consideration is given to the impacts of moving on access to health care or a child's schooling. This will help increase the robustness of decisions made, therefore reducing the financial risk of having to provide a greater volume of expensive in-borough temporary accommodation.

5.6 Equalities and Diversity

- 5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
 - advance equality of opportunity between people from different groups
 - foster good relations between people from different groups
- 5.6.2 Analysis of data has shown that women and members of Barnet's black and minority ethnic communities are over represented among those living in temporary accommodation. Of those in temporary accommodation the main applicant is female in 65% of households, and consequently single parent households are predominantly female lead. Over 70% of households in temporary accommodation are from non-white households, compared to around 40% of the Borough's population as a whole.
- 5.6.3 It is not expected that these groups will be adversely affected by implementing the temporary accommodation policies set out in this report. However the impact will be monitored to ensure that these groups are not adversely affected.

- 5.6.4 The policies will enable the Council to make appropriate decisions on placing households who have protected characteristics, particularly women and lone parents who are more likely to be women, fairly and in accordance with their specific requirements. It will also ensure that the Council can meet its obligations under the Children's Act 2004, for example, ensuring that children can still access their education even if they are moved outside of the borough.
- 5.6.5 All units of accommodation that is procured through the temporary accommodation procurement policy will meet minimum standards and in placing households into accommodation out of the borough the Council will consider the needs of protected groups.
- 5.6.6 The allocation to different types of temporary accommodation will also be more transparent as a result of implementing the temporary accommodation placements policy.

5.7 Consultation and Engagement

- 5.7.1 The placements policy was originally introduced in 2013 after extensive consultation. These updates are required to the existing policy as a result of a Supreme Court judgement.

5.8 Insight

- 5.8.1 None

6.0 BACKGROUND PAPERS

- 6.1 None

