

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Scrutiny Panel B

Date: **Tuesday, 21st November, 2017**

Time: **6.30 pm**

Venue: **Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Julie Robinson

j.robinson@ashfield.gov.uk

01623 457316

SCRUTINY PANEL B

Membership

Chairman: Councillor Helen Hollis

Vice-Chairman: Councillor Mike Smith

Councillors:

Rachel Bissett

Glenys Maxwell

Christine Quinn-Wilcox

Sam Wilson

Christian Chapman

Lauren Mitchell

Paul Roberts

FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457316.

SUMMONS

You are hereby requested to attend a meeting of the Scrutiny Panel B to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

Page

- 1. To receive apologies for absence, if any.**
- 2. Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
- 3. To approve as a correct record the minutes of a meeting of the Panel held on 18th October, 2017.** 5 - 8
- 4. Scrutiny Review of CCTV - Update.** 9 - 14
- 5. Homelessness Reduction Act 2017.** 15 - 30

This page is intentionally left blank

SCRUTINY PANEL B

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Wednesday, 18th October, 2017 at 6.30 pm

Present: Councillor Helen Hollis in the Chair;

Councillors Rachel Bissett, Christine Quinn-Wilcox,
Paul Roberts, Mike Smith and Sam Wilson.

Apology for Absence: Councillor Lauren Mitchell.

Officers Present: Lynn Cain, Mike Joy and Mike Manley.

SB.4 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

There were no declarations of interest made.

SB.5 Minutes

RESOLVED

that the minutes of the meeting of the Panel held on 19th July, 2017 be received and approved as a correct record.

SB.6 Introduction to Scrutiny Review of CCTV

The Chairman introduced the item and advised the Panel that a review of CCTV had been added to the Scrutiny Workplan following a meeting of the Overview and Scrutiny Committee held on 10th September, 2017. It was agreed that the purpose of the review would be to gain an understanding of CCTV, how it contributes to the Council's corporate priorities and what impact they may have within the community. To assist with the review, the Council's Interim Community Protection Manager was in attendance at the meeting.

The Scrutiny Manager advised Members that the meeting would enable them to scope the topic and decide on the length and breadth of the review.

Councillor Wilson took the opportunity to comment that he had taken part in the first scrutiny review of CCTV which had taken place around 9 years' previously. He extolled the benefits of undertaking a site visit to the CCTV control room at an early stage in the review which he believed enhanced Member's insight into the topic and greatly informed the direction of the review and its possible outcomes.

The Council's Interim Community Protection Manager advised the Panel that the new shared Police control room had recently opened. It was now located at the Police Headquarters at Sherwood Lodge, Hucknall following the sale of Kelham Hall by Newark and Sherwood District Council where it was previously located. The new base had been equipped with all the latest technology and the formal launch of the control room would be taking place within the next few weeks.

Whilst speaking, the Interim Community Protection Manager took the opportunity to inform Members about his background as a Police Chief Superintendent with the Nottinghamshire Police Force and his knowledge of the benefits and challenges of CCTV provision.

Ashfield District Council currently owned 29 wireless cameras with 2 of them being the more mobile (rapidly deployable) versions for use at hotspot locations. The cameras were fixed across the District's 3 town centres and other key locations i.e. parks and were monitored 24 hours a day, all year round.

The CCTV provision in Ashfield was part of a collaborative arrangement with Newark and Sherwood District Council and Broxtowe Borough Council. Nottinghamshire Police were also a stakeholder and had direct access to the images as required. A company called Profile Security currently undertook the monitoring and storage of the CCTV images and provided the stakeholders with regular performance and operational data as necessary.

CCTV use nationally was increasing both in the private sector and for personal use. Increasing camera presence promoted community safety and went a long way towards reducing the fear of crime. The 29 cameras provided by Ashfield District Council was a relatively small amount compared to the 79 cameras provided by Newark and Sherwood District Council and the 63 provided by Broxtowe Borough Council, however this was reflected in the cost of providing the service with Ashfield District Council paying a proportional contribution to the agreement of 17%.

From a policing perspective, the use of CCTV assisted with the detection of crime but not in overly large amounts. Studies have shown that crime reduction through CCTV provision is achieved via the deterrent effect rather than the detection of offences. However, significant contributions could be made to the investigations of very serious crimes and for missing persons.

In relation to public perception, there was still no reliable way to report the levels of confidence gained by residents/visitors to town centre and parks with overt CCTV provision and on the reverse side being able to quantify the reduction in confidence and footfall should the CCTV cameras be removed at any time.

Recent newspaper articles had documented comments from the National Surveillance Commissioner expressing his concerns that a number of local authorities had reduced their CCTV provision as a result of the ongoing austerity cuts. The benefits of CCTV provision had been reinforced recently in relation to the protection of town centres and crowded places from potential terrorist threats.

To conclude, the Council's Community Protection Manager advised that a CCTV Strategy for England and Wales had been published to endeavour to address the gap between current national CCTV provision and what should be in place. The document would assist with the co-ordination of local authority provision of CCTV and raise regulatory standards regarding the surveillance of public spaces.

The most recent figures in relation to surveillance from the Council's cameras indicated that there had been 142 viewings with 29 arrests as a result. There had also been 37 occasions whereby evidence provided from CCTV footage had been used in prosecution cases.

Panel Members then took the opportunity to discuss the topic and ask questions of the Community Protection Manager as follows:-

- slight concerns that the Council should be able to deploy cameras more readily to hotspot areas as they emerge;
- acknowledgement that the Community Protection staff believe the CCTV provision is a valuable tool in the fight against reduction in crime;
- opportunities for the Council to require mandatory provision of CCTV for various types of business premises through its licensing and planning processes to help support crime prevention measures and improve the quality of residents and traders' lives;
- developments in technology allowing for the control room to increase revenue opportunities by offering additional services to the private/commercial sectors linking cameras to smoke and fire alarms and providing monitoring services as required;
- the layout of the control room and how the operators monitor the array of cameras as incidents are detected;
- should additional revenue be obtained in the future via CCTV monitoring for the private/commercial sector, the funding should be invested fairly across the District including the rural areas.

Following conclusion of the presentation and debate, the Chairman took the opportunity to thank the Community Protection Manager for his informative briefing and valuable contributions towards the Panel's review.

RESOLVED that

a) the terms of reference for the review be as follows:-

"To gain an understanding of CCTV within Ashfield, how it contributes to the Council's Corporate Priorities and to discover opportunities for expanding the CCTV monitoring and response service into the local commercial/private sector."

- b) a site visit be facilitated to enable Panel Members to view the new CCTV control room at the Police Headquarters, Sherwood Lodge, Hucknall, prior to the next Panel meeting scheduled for 21st November, 2017;
- c) an officer from the Council's Commercialism team be invited to attend the next Panel meeting to offer their expertise in relation to any potential income opportunities for expanding the collaborative agreement within the commercial/private sector to provide CCTV monitoring and response services through the CCTV control room;
- d) officers from both the Council's Licensing and Planning teams be invited to attend the next Panel meeting to offer advice regarding the potential for securing mandatory provision of CCTV for various types of business/commercial premises through its licensing and planning processes, thus endeavouring to increase coverage and help support future crime prevention measures within the District;
- e) for a future meeting, an invite be extended to an officer from Newark and Sherwood District Council to enable Members to gain an understanding of the activities undertaken in the development of their CCTV commercialism plan.

The meeting closed at 7.10 pm

Chairman.

Report To:	SCRUTINY PANEL B	Date:	21 NOVEMBER 2017
Heading:	SCRUTINY REVIEW OF CCTV - UPDATE		
Portfolio Holder:	SAFER STRONGER COMMUNITIES		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose Of Report

At the last meeting of the Panel, Members agreed the scope and terms of reference to a new Scrutiny Review of CCTV. This is attached as Appendix A. This report provides an update on the review progress.

Recommendation(s)

- Note the information contained in this report
- Identify any further information required to carry out the review

Reasons for Recommendation(s)

CCTV was added to the Scrutiny Workplan in September 2017.

Alternative Options Considered (With Reasons Why Not Adopted)

No alternative options considered yet, any considerations following the review will be detailed to a report to Cabinet in due course.

Detailed Information

At the last meeting of the Panel held on 18 October 2017, Members were introduced to the Community Protection Manager who outlined the Council's current CCTV coverage, which was delivered as part of a collaborative arrangement with Newark and Sherwood District Council and Broxtowe Borough Council.

There are 29 wireless CCTV cameras across the 3 town centres and other key locations. In addition there are 2 cameras that can be moved to hot spot locations. The cameras are monitored 24 hours each and every day at a state of the art control room sited within Nottinghamshire Police headquarters.

As part of the review information gathering, Members requested a visit to the control room, however the launch has been delayed therefore a suitable date is still being considered for a future site visit. Members will be updated on this in due course.

Policing and Community Safety

CCTV can make a very positive contribution to tackling crime and improving community safety and this was recognised in the funding made available to councils and communities in the early 2000's by the then Government. Despite the lack of current funding, the benefits are still being realised in reassuring the public's perception of community safety, deterring anti-social behaviour and in the deterrence and investigation of crime.

The Community Protection Manager informed the Panel at the last meeting that the most recent figures in relation to surveillance from the Council's cameras indicated that there had been 142 viewings with 29 arrests as a result. There had also been 37 occasions whereby evidence provided from CCTV footage had been used in prosecution cases.

National Strategy

At the last meeting, The Community Protection Manager advised that a CCTV Strategy for England and Wales had been published to endeavour to address the gap between current national CCTV provision and what should be in place. The document would assist with the co-ordination of local authority provision of CCTV and raise regulatory standards regarding the surveillance of public spaces.

The National Surveillance Camera Strategy for England and Wales was launched in March 2017 to help keep people safe in public places and respect their right to privacy.

This strategy aims to provide direction and leadership to local authorities to enable system operators to understand good and best practice and legal obligations (such as those contained within the Protection of Freedoms Act, Data Protection Act and Private Security Industry Act).

Furthermore, it aims to ensure the public are assured that any use of surveillance camera systems in a public place helps to protect and keep them safe, while respecting the individual's right to privacy. That assurance is based upon deployment which is proportionate to a legitimate purpose, and transparency which demonstrates compliance with best and good practice and relevant legal obligations.

The strategy aligns closely to the Home Office responsibilities to keep the UK safe from the threat of terrorism and to reduce and prevent crime and ensure people feel safe in their homes and communities. A copy of the Strategy can be found [here](#).

Licensing

A response from Licensing regarding CCTV requirements for night time economies such as pubs will be provided at the meeting.

Commercialisation Opportunities

At the last meeting of the Panel Members discussed whether there were any opportunities to make the CCTV System more commercial via offering local businesses the opportunity to use the system. Members were informed that the CCTV provision in Ashfield was part of a collaborative arrangement with Newark and Sherwood District Council and Broxtowe Borough

Council. Nottinghamshire Police were also a stakeholder and had direct access to the images as required.

A company called Profile Security currently undertook the monitoring and storage of the CCTV images and provided the stakeholders with regular performance and operational data as necessary. Ashfield District Council currently pay a proportional contribution to the agreement of 17%, therefore any commercialisation opportunities would have to be explored as part of a collaborative approach within the partnership.

Next Steps

In progressing this review, Members of the Panel should consider;

- Potential questions for a future discussion with a representative from Newark and Sherwood District Council to enable Members to gain an understanding of the activities undertaken in the development of their CCTV commercialism plan.
- A site visit be facilitated to enable Panel Members to view the new CCTV control room at the Police Headquarters, Sherwood Lodge, Hucknall. This will be arranged once the official launch has taken place (date to be confirmed).
- Consideration of Performance statistics, research & benchmarking;
- Consider any public feedback required.

Implications

Corporate Plan:

Communities and Environment;

- Ensure the foundations for a good quality of life are in place; reducing crime and anti-social behaviour and facilitating cleaner and more attractive neighbourhoods
- Work with our partners to ensure we deliver services centred on the needs of people and places, rather than existing teams, agencies or institutions

Legal:

In addition to Council policies, procedures, guidelines and Codes of Practice, CCTV and its operation are subject to legislation under:

- Government codes of practice.
- The Data Protection Act 1998 (DPA).
- The Human Rights Act 1998 (HRA).
- The Freedom of Information Act 2000 (FOIA).
- The Regulation of Investigatory Powers Act 2000 (RIPA).
- The Protection of Freedoms Act 2012.

Finance:

There are no financial implications arising from this report at this stage of the review, should any be identified during the course of this Scrutiny Review, appropriate advice will be sought from Finance.

Budget Area	Implication
--------------------	--------------------

General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
There have been no risks yet identified at this stage of the review, any risks identified will be appropriately considered with consideration given to mitigation actions.	None yet identified.

Human Resources:

There are no HR implications identified in this report, any considerations will give attention to HR and seek appropriate advice.

Equalities

Consideration of this topic will take into account any equalities issues resulting from the research, findings and subsequent recommendations.

Other Implications:

None identified at this stage of the review.

Report Author and Contact Officer

Mike Joy
Scrutiny Manager
m.joy@ashfield.gov.uk
01623 457232

Appendix A – Terms of Reference

Subject	CCTV
Purpose of Review	The purpose of the review is to gain an understanding of CCTV, how it contributes to the Council's Corporate Priorities and consider the impact they have within the Community.
What the Review will Consider	<ul style="list-style-type: none"> • Performance • Impact • Community Perception • Best Practice
Methodology	<ul style="list-style-type: none"> • Information gathering • Officer expertise • Performance Information • Site visit
Desired Outcome	<p>To gain a greater understanding of the impact that CCTV has in;</p> <ul style="list-style-type: none"> • Reducing crime; • investigation and successful prosecution of criminal activity; • increasing community perceptions and confidence in Ashfield in relation to safety.
Timescale	October – January 2018

This page is intentionally left blank

Report To:	Scrutiny Panel B	Date:	21st Nov 2017
Heading:	IMPLEMENTING THE HOMELESSNESS REDUCTION ACT 2017		
Portfolio Holder:	PORTFOLIO HOLDER FOR HOUSING & ASSETS - CLLR K MORRISON		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:			

Purpose of Report

This report is the latest report to be considered by Members in respect of the Council's Homelessness Service. Access to homelessness services was previously approved by Members as a topic for consideration and review.

The Homelessness Reduction Act 2017 will bring about fundamental change to the way in which homelessness services are accessed and delivered. This report will identify the main changes and summarise what action the Council, in partnership with Mansfield District Council (MDC) is taking to ensure our service is compliant with the Act.

Recommendation(s)

Members are requested to;

- 1. Take note of the content of this report and the proposed changes to the delivery of the Council's front line statutory homelessness service.**
- 2. To consider and comment upon the actions being taken to implement the requirements of the Homelessness Reduction Act 2017, including priorities for expenditure.**

Reasons for Recommendation(s)

The Homelessness Reduction Act 2017 becomes law in April 2018. Our existing homelessness service needs to adapt to ensure the service MDC provide and for which ADC is statutorily responsible reflects the new requirements.

It is important that Members understand the changes that are being made to the service and the new statutory duties placed on the Council. Likewise, it is important Members have the opportunity to feed into the implementation process and raise any comments or concerns so they can be considered and addressed before the revised service goes live.

Alternative Options Considered (With Reasons Why Not Adopted)

Not to consult with Members. This was not considered as Members wished to be kept informed of progress and their input into the implementation process is important.

Detailed Information

Homelessness Reduction Act 2017 – Key changes

The Homelessness Reduction Act 2017, originated as a Private Members Bill, tabled by Conservative back bencher Bob Blackman, focuses on the need for increased prevention of homelessness. The Act amends Part 7 of the Housing Act 1996.

The main changes to existing legislation / policy are summarised below:

- The Act extends the period during which someone might qualify as threatened with homelessness from 28 days to 56 days.
- There will be a duty to consider an applicant as threatened with homelessness if they present a valid section 21 notice. Such notices are normally served on tenants with an assured shorthold tenancy (where they have not violated the terms of their tenancy agreement).
- Where an applicant is homeless or threatened with homelessness an assessment must be conducted and a personal housing plan agreed. The Council must work with the applicant on the agreed actions with the aim of ensuring the applicant has, and is able to retain suitable accommodation.
- For applicants who are threatened with homelessness, regardless of priority need, the Council will have a duty to take reasonable steps to prevent their homelessness. The prevent duty will last for 56 days.
- For those applicants who become homeless the Council will have a duty to relieve their homelessness. This will apply to all applicants irrespective of their priority need. The relief duty will last for 56 days.
- Free homelessness advice and information should be available to any person in the local authority area. Services should be designed to meet the needs of vulnerable groups, including care leavers, victims of domestic abuse, people released from prison, former HM Armed Forces personnel, etc.
- There will be a duty requiring all specified public authorities to notify the Council of service users they think may be homeless or at risk of homelessness.
- There is an extension to the applicant's right to request a review of homelessness decisions in relation to the new duties.

For further information please see Appendix 1 – Get in on the Act : Homelessness Reduction Act 2017.

Understanding the impact

From an applicant point of view, increased early intervention to prevent and relieve homelessness should result in a greater number of people being assisted to find a solution to their housing needs before they reach crisis point.

We know that once an applicant becomes homeless it can have a significant impact on their health, well-being and a whole range of other personal factors, including employment. It also has wider implications for the local community, economy and for public services. Recovering from the setback of being made homeless can take time and so action to minimise the number of people who find themselves in this position will have far reaching benefits.

From the Council's point of view, we are unlikely to see a significant increase in the number of people who approach us for assistance. A slight increase is likely due to the duty on other public bodies to refer people who they believe to be homeless or threatened with homelessness. The big change will be the level of help and support provided to each person and when that assistance starts. The Government estimate that casework associated with homelessness prevention will increase by 26%. In areas where the new service has been piloted the figure has exceeded 30%. To ensure we can meet the challenge there is a need to work with MDC to review resources, including the structure of the Housing Options Team and roles within the Team, plus a need to review and revise existing procedures.

Other likely impacts on the Council include;

- Greater pressure on temporary accommodation, at least in the short term. The number of applicants accommodated is unlikely to change but there is concern that the average time spent in temporary accommodation will increase due to the extended duties (56 days). The experience in Wales, where the new duties have been in place for some time, show a reduction in the use of temporary accommodation in the long term as more applicants receive assistance before they need to be considered for temporary accommodation.
- Significant increase in the number of requests to review homelessness decisions. The review process is often lengthy and can be resource intensive.
- Significant increase in administrative resources needed to support the service. Extending the duty period and introducing new processes and procedures, such as Personal Housing Plans will create additional administrative work. Utilising new technology, automating the service where possible will hopefully go some way towards minimising the extra burden.
- Need to review and replace the existing homelessness ICT software. The current software reflects the existing service and the homelessness rules and regulations that govern how it is delivered. The software is not capable of accommodating the new prevention and relief duties, nor can it produce Personal Housing Plans or the new homelessness monitoring information the Council will need to submit to the Government each quarter.
- Pressure to develop and make available a wider range of affordable housing solutions. The expectation is that applicants seeking assistance will be helped to remain where they are or be assisted to find suitable alternative accommodation. Pointing applicants in the direction of other housing options will not be enough. Our duty will be to assist the applicant identify and access accommodation meaning a greater need to find solutions in the private sector, including private renting.
- Reduction in the number of homeless applicants who reach the end of the assistance process and who we accept a duty to rehouse in Council accommodation.

Funding the change

The Homelessness Reduction Act 2017 received Royal Assent in April 2017. However, it was only in October 2017 that a draft Code of Guidance was published and that the New Burdens funding, to help local authorities implement the Act, was announced.

Out of the £72.7 million set aside for New Burdens funding Ashfield District Council will receive the following;

	2017/18	2018/19	2019/20	Total
Ashfield	£36,983	£33,877	£43,685	£114,545

There is unlikely to be any additional New Burdens funding after 2019/20.

In addition, the Council will receive £51,000 Flexible Homelessness Grant allocation in 2017/18 and a further £54,000 in 2019/20. At this stage funding beyond this date is unknown.

Finally, in October 2017 the Government announced a further pot of £3 million to help local authorities with their ICT system requirements. The council is yet to receive notification of its allocation but it is not expected to be significant (anticipated £9000).

Implementing change

Since April 2017 regular meetings have been held with MDC regarding the implementation of the Act. These meetings will continue up to and beyond the implementation date. An outline Action Plan has been devised. Now that announcements have been made in respect of the Code of Guidance and funding further detail can be added to the Plan.

The focus has been on the following key areas;

- Staffing resources – including the Team size/structure, skills, culture and training requirements.
- ICT software – the need to identify and procure suitable ICT to effectively operate the service, making as many services available online as possible.
- Operational procedures – existing processes, protocols, documents and forms will all need to be reviewed to ensure we are able to meet our new duties.

To help us understand a little more about how the new duties will impact locally MDC conducted an exercise looking at who sought assistance as homeless during a defined period. They considered the assistance each individual received under the current regulations and assessed how much assistance each person would receive under the new duties.

Although it was only a snapshot in time the exercise did back up what has been widely publicised that casework will increase by one third and that more resources will need to focus on prevention services.

MDC are currently reviewing staffing requirements, not just the number of staff needed but also the role of officers within the Team. We know that we will need more officers to focus on early intervention casework, we are also considering if resources are needed to engage with private landlords in order to identify and make available other affordable housing options.

In respect of the structure of the team and the number of officers needed, we hope to work with MDC to finalise this by the end of the year (31/12/17) so that the recruitment of any additional officers can be completed well in advance of the implementation date.

Ensuring officers are appropriately trained and equipped to meet the requirements of the Act is underway and will continue over forthcoming months. Raising awareness training for all officers is complete and further specialist training is planned for November 2017. The changes associated with the Act will be significant and will bring with them a different ways of working, needing different skill sets. As new processes, procedures and ICT are developed so training will run alongside.

To date ICT has been the other main area of focus. The existing software will not be fit for purpose and will not be updated to reflect the requirements of the Act. Moving forward, to minimise additional administration, reduce unnecessary contact and to offer as many self service functions as possible, it is important we have a fully functioning online ICT solution.

The software used to deliver the Lettings Service is a tried and tested online solution. It allows users to set up their own account and to access and manage information. The software

provider offers additional modules, including Homelessness and Enhanced Housing Options modules. These modules have been investigated as fully as possible and they have been identified as our preferred option. Combining the Homelessness service ICT with Lettings will ensure applicants have one place to go to in respect of their housing needs. The only concern is that all new software solutions associated with the Homelessness Reduction Act 2017 are still in development and so are not tried and tested.

In respect of procedures, protocols, documents and forms, MDC has started to review these. They have been able to access a growing library of documents and good practice produced by other local authorities, agencies and Housing Professionals. Discussions have also been ongoing through the countywide Homelessness Managers forum. Importantly, front line officers, those who will be responsible for delivering the new service have been involved in the review process.

A key new duty will be to agree and produce Personal Housing Plans for each applicant seeking assistance. MDC are in the process of drafting Plans, the intention being that they will be finalised, approved and piloted in advance of the Act being implemented.

Other actions under consideration include;

- How we engage with those public bodies who have a duty to refer to us people they consider to be homeless or threatened with homelessness.
- The need for a homelessness prevention fund so that resources are available to assist applicants to stay where they are or helped to access alternative accommodation (rent in advance, deposits, etc).
- The range and focus of advice services. The Act makes it clear that Advice services should be made available free of charge and they should be designed to meet the needs of vulnerable people.

Whilst a lot of good work has already taken place in respect of the implementation of the Act there is a significant amount outstanding and the next 6 months will be challenging for both Council's.

Implications

Corporate Plan:

The content of this report has a direct positive impact on the following commitment to;

'Ensure that we understand the reasons for homelessness and adopt measures to assist those affected and prevent where possible.'

Legal:

The Homelessness Reduction Act 2017 amends Part 7 of the Housing Act 1996. From April 2018 local authorities will have to work to the requirements of the new legislation. As the Council has a shared service with MDC, the Council need to ensure that the SLA and its staffing structure are prepared and financially resourced to deal with the increased demands from the service as the Council still retain the statutory obligations and duties towards homeless households in the District.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	<p>The Flexible Homelessness Grant of £51k for 2017/18 has been received. A further £54k will be forthcoming in 2018/19.</p> <p>In addition, the council will receive New Burdens funding of £36,983 in 2017/18, £33,877 in 2018/19 and £43,685 in 2019/20.</p> <p>An additional small, one-off payment, for an unspecified amount is likely to be received in 2017/18 to help towards ICT development costs.</p>
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

Risk:

Risk	Mitigation
The Council not being in a position to fulfil its statutory homelessness duties.	Effective project planning and management is in place with MDC. Clear priorities agreed and action plan in place with challenging but achievable milestones.

Human Resources:

Additional staff will be required within the shared service to deal with extra prevention duties and the increased number of reviews. Existing staff roles may also need to be reviewed.

Equalities:

No identified issues.

Other Implications:**Reason(s) for Urgency (if applicable):**

Background Papers

Report Author and Contact Officer

Phil Warrington

Lettings & Strategic Housing Manager

p.warrington@ashfield.gov.uk

01623 457009

This page is intentionally left blank

Get in on the Act

Homelessness Reduction Act 2017

Get in on the Act

Homelessness Reduction Act 2017

Background

The Homelessness Reduction Bill (the Bill) was introduced in the House of Commons on 29 June 2016. The legislation completed its passage through Parliament on 23 March 2017 and received Royal Assent on 27 April.

This was a Private Members' Bill and was sponsored by Local Government Association (LGA) Vice-President Bob Blackman MP, the Conservative Member of Parliament for Harrow East. Private Member's Bills are introduced by MPs and Lords who are not government ministers and a minority become law. The Bill was unique in that it attracted the support of the Government, the cross-party Communities and Local Government Select Committee and the main political parties represented at Westminster.

The Homelessness Reduction Act 2017 (the Act) sets out new duties on English local authorities with the aim of preventing homelessness.

The Act extends to England and Wales, but will only apply in England. It is made up of 12 primary sections.

Section 1: Meaning of “threatened with homelessness”

Section 2: Duty to provide advisory services

Section 3: Duty to assess all eligible applicants' cases and agree a plan

Section 4: Duty in cases of threatened homelessness

Section 5: Duties owed to those who are homeless

Section 6: Duties to help to secure accommodation

Section 7: Deliberate and unreasonable refusal to co-operate: duty upon giving of notice

Section 8: Local connection of a care leaver

Section 9: Reviews

Section 10: Duty of public authority to refer cases to local housing authority

Section 11: Codes of practice

Section 12: Suitability of private rented sector accommodation

This guide aims to provide an introduction to the Act and summarises the positive changes secured by the LGA.

The role of the LGA and local government in influencing the legislation

We worked with MPs and peers during the passage of the Bill to provide information and research on the proposals, support and table amendments to the legislation, and influence government policy.

A draft of the Bill was published on 26 August 2016, at which point the Communities and Local Government Select Committee launched a pre-legislative inquiry to scrutinise its provisions. The re-drafted Bill, which incorporated a number of substantive changes as a direct result of engagement from the LGA, was published on 21 October 2016.

Our campaigning on behalf of local government, developed with the support from, and input of, councils from across the country, led to a number of positive changes in the final Act which have reduced the proposed burdens on councils, including:

- The Government committed to fully funding the new duties under the New Burdens Doctrine. This led to the announcement of £61 million in additional funding to meet new duties in the Act.
- These costings will be based on assumptions that are difficult to predict. The Government has therefore committed to a comprehensive review of the Act's impact two years after implementation.
- The Government confirmed that local government will be given time to prepare for the new duties and that councils will be consulted as secondary legislation is drawn up and codes of guidance updated.
- The 56 day accommodation duty for those with nowhere to stay, regardless of priority need, was scrapped.
- The requirement to recognise an expired section 21 notice (issued by landlords to evict tenants) as proof of homelessness was replaced with a more flexible requirement. Councils now have more flexibility to work with applicants and landlords to find solutions to those threatened with homelessness.

- The duty to help to secure accommodation in 12 month tenancies for people who are homeless regardless of whether or not they have priority need was re-drafted to allow councils to discharge the duty by offering either six or 12 month tenancies depending on local circumstances.
- Proposals relating to the duties owed to homeless people in priority need who fail to cooperate at the prevention and relief stage were re-drafted to clarify that councils no longer owe the main homelessness duty to those who fail to cooperate.
- Proposals for a new mandatory code of practice in legislation have been replaced by new powers for the Secretary of State to have the power to impose a code of practice at a later date if necessary.
- Provisions were re-drafted to clarify that both the relief duty and the main housing duty end for any applicant who, at the relief stage, refuses a suitable offer of settled accommodation that is available for occupation for at least six months.

As the legislation made its way through Parliament:

- The LGA, led by our Chairman Lord Porter, engaged extensively with the Government, and the Bill's sponsors, LGA Vice-Presidents Bob Blackman MP and Lord Best, to shape the legislation to ensure it is workable for local government. Government officials also consulted us on the costings of the new duties in the Bill.
- We worked with MPs and peers to shape the legislation at key stages of the Parliamentary process. This included supporting and tabling a number of successful amendments to the legislation, and providing briefing material and background research.
- We worked closely with councils to identify the implications of the proposed new burdens, which informed our lobbying efforts on behalf of local government.

- We submitted written evidence to assist with the Communities and Local Government's pre-legislative scrutiny inquiry, and provided support to councils to engage with the inquiry.
- To support our work in Parliament, we secured national and trade press coverage and engaged with external stakeholders, including housing charities.

Resourcing the legislation

We lobbied for local authorities to be fully funded for delivering all aspects of the Act, which is crucial to ensuring the legislation achieves its objectives. In response to our calls, we secured a commitment from Government to fully fund the new duties under the New Burdens Doctrine. This led to the announcement of £61 million in additional funding to meet new duties in the Act.

We recognise that it is difficult to accurately predict the impact of the new legislation and the costs it will generate for councils, and raised these concerns with the Government throughout the passage of the legislation. We are pleased the Government has listened to the calls from the LGA by committing to reviewing the implementation of the legislation. This will conclude no later than two years after the commencement of its substantive sections. We will push to secure additional funding should it become clear local authorities have not been sufficiently funded.

Preparing for the new duties

We have made clear that councils will need time to prepare for the new duties. This will include recruiting and training new staff, implementing new procedures and IT systems and capturing the necessary data. We welcome the confirmation from the Government, in response to calls from the LGA, that local government will be given this time and that councils will be consulted as secondary legislation is drawn up and codes of guidance updated.

We will continue to work with the Government to ensure that local authorities are adequately supported to fulfil the new duties outlined in this legislation.

The key provisions and their implications for local government

Section 1: Meaning of “threatened with homelessness”

Section 1 sets out the circumstances whereby households are threatened with homelessness, and therefore when they should be offered support from local authorities to try and prevent them from becoming homeless. It extends the period during which someone might qualify as being threatened with homelessness from 28 days to 56 days. It also establishes a duty to treat an applicant as threatened with homelessness if they present a valid section 21 notice that expires in 56 days or less. For background, a section 21 notice, as set out in the Housing Act 1988, is a notice used by landlords to evict tenants and to gain possession of a property that is let under an assured shorthold tenancy when the tenants have not violated the terms of the tenancy agreement. The prevention duty continues to be owed until the local housing authority brings it to an end for one of the reasons set out in the section 4, even if 56 days have passed.

The requirement to recognise an expired section 21 notice as proof of homelessness is more flexible than the proposal in the original draft of the Bill. This was amended following our lobbying work. This section was further re-drafted in the House of Commons in response to the concerns of stakeholders, including the LGA. Amendments, which we supported, mean that the duties in Section 1 apply in relation to an individual’s only accommodation and where that notice will expire within 56 days. We also secured revisions to this section which provide councils with more flexibility to work with applicants and landlords to find solutions to those threatened with homelessness.

Section 2: Duty to provide advisory services

Section 2 extends the existing duty on local authorities to provide free homelessness advice and information to any person in their local authority area. This should include advice and information on preventing homelessness, securing accommodation when homeless, the rights of homeless people or those threatened with homelessness, the help that is available from the local authority or others and how to access that help. It also requires advice services to be designed with certain vulnerable groups in mind. This includes care leavers, victims of domestic abuse, people released from prison or youth detention accommodation, former members of the armed forces, people leaving hospital and those suffering from a mental illness or impairment.

The Government intends to include advice for local authorities on meeting this duty in new statutory guidance. They have committed to consulting councils as secondary legislation is drawn up and codes of guidance updated.

Section 3: Duty to assess all eligible applicants’ cases and agree a plan

Section 3 sets out the process that councils must undertake with all applicants, regardless of priority need, to agree a homelessness plan. This will require local authorities to carry out an assessment in all cases where an eligible applicant is homeless, or at risk of becoming homeless. Following this assessment the council must work with the person who has applied for help to agree the actions to be taken by both parties to ensure the person has, and is able to, retain suitable accommodation.

Personalised plans have already been introduced in Wales, and some local authorities in England are taking a similar approach. The Department for Communities and Local Government has stated that they will apply the learning from these examples in developing the detailed guidance on how this measure should be implemented.

Section 4: Duty in cases of threatened homelessness

Section 4 sets out a duty on councils to take reasonable steps to prevent homelessness for any individual, regardless of priority need, who is at risk of homelessness. This means either assisting them to stay in their current accommodation, or helping them to find a new place to live. This requirement interacts with section 1, as the duty applies to eligible applicants who are considered as being threatened with homelessness 56 days before they are likely to become homeless. This duty also sits alongside other measures, in particular the non-cooperation measure that will encourage those who are homeless or at risk of becoming homeless to work proactively with their local authority, and the duty on local authorities to provide advice and information.

Section 4 also sets out the circumstances under which an authority's duty to prevent homelessness may be brought to an end by the service of a written notice. This includes the local authority being satisfied that suitable accommodation has been secured where there is a reasonable prospect of that accommodation being retained for six months (or a longer period up to 12 months if prescribed in regulations). The original draft of the Bill set out a duty to help secure accommodation in 12 month tenancies. This was re-drafted in response to the concerns of the LGA.

Section 5: Duties owed to those who are homeless

Section 5 places a duty on councils to relieve homelessness for all eligible households, regardless of priority need. This involves taking reasonable steps to help the applicant to secure suitable accommodation. The duty lasts for up to 56 days. The relief duty

requires councils to take reasonable steps to help secure accommodation for any eligible person who is homeless. This help could be, for example, the provision of a rent deposit or debt advice.

This section also alters the interim accommodation duty that councils currently owe to homelessness applicants in priority need. We welcomed revisions in the House of Commons which clarify that the interim duty to accommodate an applicant in apparent priority need ends once the council notifies that applicant that the council is satisfied that they are not in priority need, rather than necessarily enduring for a period of 56 days.

The 56 day accommodation duty for those with nowhere to stay, regardless of priority need, which was proposed in the original draft of the Bill was scrapped in response to representations from the LGA.

Section 6: Duties to help to secure accommodation

Section 6 interacts with the new prevention and relief duties outlined in sections 4 and 5. It provides councils with the flexibility to assist in resolving people's housing issues by providing support and advice to households, who would then be responsible for securing their own accommodation. It still remains open to the local authority to secure accommodation for eligible applicants where appropriate. Accommodation must be suitable where the council has secured or helped to secure it.

Section 7: Deliberate and unreasonable refusal to co-operate: duty upon giving of notice

Section 7 sets out the actions a council can take if an applicant who is homeless, or threatened with homelessness, deliberately and unreasonably refuses to take any steps set out in the personalised plan. It also sets out the procedure and duties which apply if an applicant who is homeless refuses, at the relief stage, a suitable final accommodation offer.

Following our engagement on behalf of councils, this section was significantly re-drafted to clarify that councils no longer owe the main homelessness duty to those who

fail to cooperate. We also secured revisions to this section to bring it closer in line with the legislation's overall rationale of focussing on prevention and creating greater parity of treatment for all households approaching councils at risk of homelessness. We lobbied on behalf of councils to ensure the section clarifies that both the relief duty and main housing duty end for any applicant who, at the relief stage, refuses a suitable offer of settled accommodation that is available for occupation for at least six months. This maintains the safeguard that priority need applicants who fail to cooperate with any local authority actions short of an actual offer of suitable accommodation will remain eligible for an offer of settled accommodation.

Section 8: Local connection of a care leaver

Section 8 makes it easier for care leavers to show they have a local connection with both the area of the local authority responsible for them and the area in which they lived while in care, if that was different.

Section 9: Reviews

Section 9 extends an applicant's right to request a review of their local authority's homelessness decisions, so they apply to a number of decisions that a local authority might make when discharging the new prevention and relief duties.

Section 10: Duty of public authority to refer cases to local housing authority

Section 10 requires public authorities, specified in regulations, to notify a local authority of service users they think may be homeless or at risk of becoming homeless. The public authority will need to gain the consent of the individual before referring them. Individuals will be allowed to choose which council they are referred to.

Section 11: Codes of practice

Section 11 enables the Secretary of State to produce mandatory codes of practice dealing with local authorities' functions in relation to homelessness or homelessness prevention. It also allows future codes to apply narrowly to specific councils.

The power for the Secretary of State to impose a code of practice at a later date replaced proposals for a new mandatory code of practice in legislation. This follows our engagement on behalf of councils. We also supported revisions made to this section which ensure that a code of practice must be approved by both Houses of Parliament before being issued.

Section 12: Suitability of private rented sector accommodation

Under section 12 local authorities must ensure certain suitability requirements are satisfied when they secure accommodation for vulnerable households in the private rented sector.

Next steps

Legislative change alone will not reduce homelessness and we will continue to push for councils to be able to build more genuinely affordable homes and for the impact of welfare reforms to be redressed. The LGA's Housing Commission report, published in advance of the Government's Housing White Paper, sets out over 30 recommendations as to how local and central government can work together to resolve our housing crisis and forms the basis of our lobbying work.

We will continue to work on behalf of councils to ensure this legislation is deliverable for councils, particularly as the Government draws up secondary legislation and guidance. We are also working with the Government to ensure councils will be effectively supported to respond to new duties. Alongside this, we will be running our own sector-led improvement offer to assist councils to learn from each other in delivering ambitions to reduce homelessness and the costs of temporary accommodation.

A note of thanks

We extend our thanks to all those parliamentarians that supported us in our detailed work on the legislation and championed the concerns in speaking on behalf of local government during key debates. We also thank the Bill's sponsors, LGA Vice-Presidents Bob Blackman MP and Lord Best, for their positive engagement to ensure the Act is workable for councils.

Useful links

For the full text of the Act and the explanatory notes please refer to: www.legislation.gov.uk

For the LGA's briefings at each stage of the Bill, please go to: www.local.gov.uk/parliament/briefings-and-responses/homelessness-reduction-bill

For more information about the LGA's work on housing and planning, please go to: www.local.gov.uk/topics/housing-and-planning

For more information about the LGA Housing Commission, please go to: www.local.gov.uk/topics/housing-and-planning/housing-commission



Local Government Association

Local Government House
Smith Square
London SW1P 3HZ

Telephone 020 7664 3000
Fax 020 7664 3030
Email info@local.gov.uk
www.local.gov.uk

© Local Government Association, April 2017

For a copy in Braille, larger print or audio, please contact us on 020 7664 3000. We consider requests on an individual basis.