



# Temporary Accommodation Policy

2020

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## **1. Introduction**

- 1.1 The Council has a duty to provide interim or temporary accommodation for certain households who approach the Council as homeless and who meet the criteria as set out in Part VII of the Housing Act 1996 (as amended) (HA96).
- 1.2 This document sets out the Council's policy for the following;
- The procurement of temporary accommodation. This is defined as the act of acquiring or buying residential dwellings from a local authority's own housing stock or from an external source. The accommodation will be appropriate for its intended purpose and will be procured at the best possible cost to meet the needs of the Council in terms of quality and quantity, time, and location.
  - The allocation or placement of households in temporary accommodation. It covers both interim placements under Section 188 Housing Act 1996 (as amended), while homelessness enquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 of the aforementioned Act.
- 1.3 This Policy does not cover the placement into permanent social housing as a secure or assured tenant, which is covered by the Housing Allocations Policy.
- 1.4 In certain instances, households may require emergency assistance to source accommodation; therefore, the Council must have options in place to deal with this type of situation. Households may have been asked to leave their previous accommodation for a variety of reasons.
- 1.5 This Policy has regard to the statutory framework including:
- Housing Act 1985
  - Housing Act 1996
  - Localism Act 2011
  - Homelessness (Suitability of Accommodation) Order 2012
  - Homelessness Reduction Act 2017

It also has regard to the Homelessness Code Of Guidance (2018)

- 1.6 Whilst the Council will have regard to this Policy when allocating temporary accommodation to applicants, the Council retains the discretion

to take into account any particular personal circumstances of an applicant or the household when allocating accommodation.

## **2. Procurement of Temporary Accommodation**

- 2.1 The Council will procure the provision of temporary accommodation in the following ways:
- The Council itself will provide units of accommodation from its own stock, and/or
  - Social landlords will provide units of accommodation from their own stock, and/or
  - Private landlords will provide units of accommodation from their own stock, and/or
  - A mixture of the above arrangements.
- 2.2 The Council will manage the temporary accommodation by entering into the following arrangements:
- The Council itself will manage the temporary accommodation portfolio, and/or
  - A social landlord will manage the temporary accommodation portfolio, and/or
  - A private company will manage the temporary accommodation portfolio, and/or
  - A mixture of the above arrangements
- 2.3 The Council will endeavour to ensure that it uses homelessness data to determine the number, type and location of temporary accommodation. The Council will aim to ensure that temporary accommodation is convenient to the applicant, being as close as possible to main services such as GP's, dentists and schools.
- 2.5 The suitability of the Council's provision of temporary accommodation will be reviewed as part of future homelessness strategy adopted by the local authority, or when any new statute comes into force.
- 2.6 Local circumstances and stock options available and any constraints this poses will be recognised by the Council when procuring temporary accommodation.

## **Bed & Breakfast Hotel Accommodation**

- 2.7 Bed & Breakfast accommodation will not be used except in an emergency.
- 2.8 Where this does become necessary the Council will aim to have a list of premises within the local area. These Bed & Breakfast premises, where relevant and appropriate, will be inspected by the Council to ensure that they meet the minimum standards as set out within this policy.
- 2.10 It is recognised that in certain circumstances Bed & Breakfast premises that are not on the approved premises list will have to be used. Where an applicant and their household remains within this accommodation for longer than a week the Council will endeavour to inspect this premise providing that it does not place an undue strain on resources. However where an applicant is pregnant and/or has dependent children residing with them, or the applicant is a child aged 16 or 17, the property will be inspected within a week.

## **Standards of Temporary Accommodation**

### 2.11 Minimum standards

1. Be where possible within the Ashfield local authority area; and
2. Have adequate and exclusive toilet and personal washing facilities; and
3. Have adequate bedrooms, cooking facilities and access to a living room;  
and
4. Be useable by the applicant household 24 hours a day.
5. The accommodation should have accessible facilities and services for health and education in the locality, taking account of the distance of travel, access to public transport.
6. The accommodation should be suitable for occupation by an applicant whom is pregnant and/or has dependent children residing with them, or the applicant is a child aged 16 or 17
7. No pets will be allowed, except assistance dogs for the disabled. Applicant households will be supported to re-home any pets prior to occupation of temporary accommodation.
8. Will satisfy any public sector equality duty owed under Equality Act 2010
9. Will satisfy any safeguarding or welfare duty owed under Children Act 2004
10. Will satisfy any inspection carried out by local authority private sector housing teams or environmental health officers

## **Physical Standards**

- 2.12 All temporary accommodation will, where practically possible:-

1. Meet the physical or sensory disability requirements of any member of the household.
2. Comply with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
3. Provide units that are secure with individual locks so people feel they and their belongings are safe.
4. Have sufficient bedroom space to meet the needs of the household as far as possible.
5. Have adequate communal living space, which includes, for example, space for children to play or do homework.
6. Have individual bathroom / toilet facilities for an applicant and their household.
7. Have access to on-site laundry facilities whenever possible.
8. Have a suitable standard of furniture to meet the applicant and their households' needs.
9. Have a minimum standard of cleanliness and decoration.
10. Have sufficient and affordable heating systems at an acceptable efficiency rating.
11. Be accessible 24 hours a day.

### **Out of area accommodation**

- 2.13 The Council will endeavour to procure all of its temporary accommodation within the local authority area, however where this is not possible due to a lack of appropriate accommodation, the Council may at times need to procure accommodation outside of the local authority area. Where this happens the Council will ensure that any accommodation it procures is as close to the local authority area as possible.

## **3. Temporary Accommodation Allocations**

- 3.1 This Policy takes into account the statutory requirements on Local Authorities in respect of the suitability of accommodation, including the Suitability of Accommodation Order 2012 and has regard to the need to safeguard and promote the welfare of children, as required by Section 11 of the Children Act 2004. When deciding if a temporary accommodation placement is suitable, consideration will be given to Chapter 17 of the Homelessness Code of Guidance for Local Authorities which states that the following factors need to be taken into account:

- 3.2 The needs, requirements and circumstances of each household member will be considered, this includes any identified health or mobility issues, any care or support provided by agencies or the need to access specialist medical services. The key factor to consider when assessing medical issues is whether the condition itself would make the accommodation unsuitable, for example offering an upper floor flat to a household member without the ability to climb stairs. Consideration will be given to whether the accommodation is affordable for the applicant and their household.
- 3.3 Other factors to consider include the ability to access the workplace if in paid employment, avoiding disruption to the education of young people, especially those at critical points in time such as being close to taking GCSE examinations. Where possible the Council would avoid placing applicants in isolated accommodation away from public transport, shops and other facilities in order for them to maintain established links with schools, doctors, key services etc. and to ensure the wellbeing of the household.
- 3.4 The accommodation provided should have adequate space for the household and this would be assessed by taking into account the needs, requirements and circumstances of the household as outlined above. Accommodation provided on a temporary basis may not have the same number of bedrooms that would be considered reasonable for longer-term accommodation.
- 3.5 Consideration will be given to any potential risks posed to the applicant and that an applicant may pose to existing residents or members of the public.
- 3.6 Applicants will be advised of the costs associated with temporary accommodation including eligible and ineligible costs. The Council will aim to ensure all temporary accommodation is affordable.
- 3.7 Any change of circumstances that affects an applicant's needs in relation to temporary accommodation will be considered on a case-by-case basis. If their new circumstances mean their current temporary accommodation is unsuitable a move to more suitable accommodation will be prioritised.

### **Types of Accommodation**

- 3.8 Wherever possible households will be placed in flats or houses from the Council's own stock. These properties are located throughout the district.

- 3.9 The Council will seek to ensure households are not placed into accommodation of such a size that it would result in statutory overcrowding.
- 3.10 The Council will ensure that all of its temporary accommodation is of a good standard and complies with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
- 3.11 Circumstances may arise which require short notice placements of households into emergency temporary accommodation. In addition the properties within the Council's stock may all be occupied. In such cases the use of Bed and Breakfast accommodation may be the only option available to fulfil the Council's temporary accommodation duty. If an applicant contacts the Housing Options team outside of office hours and requires emergency accommodation, Bed and Breakfast accommodation is often the only option. Consideration is given to the Code of Guidance which states that Bed and Breakfast accommodation is not to be regarded as suitable for 16 and 17 year olds or applicants with dependent children residing with them, therefore Bed and Breakfast placements for households of this type are only to be used if no other accommodation is available. The Council aims for all Bed and Breakfast placements not to exceed a period of 6 weeks, however there may be exceptions to this if no other suitable accommodation options can be identified within the 6 week period. Whenever an applicant is accommodated in a Bed and Breakfast, attempts will be made to identify alternative temporary accommodation as soon as possible.

### **Out of area placements**

- 3.12 There are circumstances in which the Council needs to place households outside of Ashfield, for example, if there is no available accommodation within the district or for the safety of the applicant or others. Under such circumstances this is likely to be bed and breakfast accommodation.
- 3.13 Whenever an applicant and their household is accommodated outside of the local authority area, attempts will be made to identify alternative temporary accommodation within Ashfield as soon as possible.

### **Offers and refusals**

- 3.14 Where the Council decides that households need to be accommodated, they will be given one offer of suitable interim or longer-term temporary accommodation, which should be accepted.



- 3.15 In making an offer, the household's individual circumstances will be considered, taking into account the factors set out in this policy.
- 3.16 If an applicant rejects an offer, they will be asked to provide reasons for the refusal. The Council will consider these reasons and undertake further enquiries as appropriate. If the Council accepts the reasons for refusal, the offer will be withdrawn and a further offer will be made.
- 3.17 Where there is an interim duty to accommodate under Section 188 HA96 applicants will be provided with temporary accommodation until either:
- i) The investigation into their homelessness application is complete,
  - ii) The outcome of any review is known (if accommodation is provided pending the outcome of the review), or
  - iii) The applicant or a member of their household breaches the terms of their occupation agreement.

Where applicants refuse suitable interim accommodation under Section 188 (which may include out of district placements) and the Council does not accept their reasons for refusal, applicants will not be offered further accommodation. There is no right of appeal against the suitability of accommodation offered to applicants under Section 188 HA96 other than by way of a judicial review through the courts.

- 3.18 Where there is a main duty to secure accommodation (as described in Section 193 (2) HA96) applicants will be provided with temporary accommodation until either:
- i) They cease to be eligible for assistance
  - ii) They become intentionally homeless from the accommodation provided
  - iii) They otherwise voluntarily cease to occupy the accommodation provided as his/her only or principal home
  - iv) If they accept or reject a final offer of suitable social housing made through the Council's Housing Register or a suitable final offer of private rented accommodation where the offer has been made to end this duty, or
  - v) They accept an offer of an assured tenancy

In cases where the applicant refuses a suitable offer of temporary accommodation under Section 193 HA96 the homelessness duty will be discharged. They will be advised that no further assistance will be provided. For applicants where the Council has accepted a rehousing duty under

Section 193 HA96 there is a right to request a review of the suitability of the temporary accommodation offered pursuant to Section 202 HA96.

Where the Council has accepted a Section 193 duty and the applicant refuses a suitable offer, e.g. a council tenancy, in discharge of this duty and the applicant submits a review request, the Council has a power, but not a duty, to offer further accommodation. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision and the personal circumstances of the applicant and the potential impact of the loss of accommodation.

- 3.19 Where the Council has decided that no duty is owed under Section 193 HA96 then a household will be given reasonable notice to leave the interim accommodation. If they submit a review request, the Council has a power, but not a duty, to offer further accommodation. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision and the personal circumstances of the applicant and the potential impact of the loss of accommodation.
- 3.20 Where the Council decides that it does not have a duty under Section 188 of the HA96 to provide accommodation to applicants who have been placed in emergency accommodation, they will be asked to leave, usually within fourteen days of receiving their decision letter. If a review request is submitted, the Council has a power, but not a duty, to offer further accommodation and this will be considered on the merits of the case as above.
- 3.21 An applicant's temporary accommodation will also be brought to an end when they source their own alternative accommodation.
- 3.22 Where the Council is satisfied that they are under no further duty to secure interim accommodation or where this duty has ended, the Council will terminate the applicant's right of occupation.

#### **4. Review of Policy**

Ashfield District Council will review this policy as often as needed, on an annual basis, or when new legislation is enacted to ensure that its provision of temporary accommodation continues to meet current and anticipated demand.