

PART 1 – PUBLIC DOCUMENT

ADOPTION OF A TEMPORARY ACCOMMODATION PLACEMENT POLICY FOR HOMELESS HOUSEHOLDS

REPORT OF SERVICE DIRECTOR – HOUSING AND ENVIRONMENTAL HEALTH

EXECUTIVE MEMBER: COUNCILLOR DAVE WINSTANLEY

COUNCIL PRIORITY: PEOPLE FIRST

1. EXECUTIVE SUMMARY

- 1.1. As the local housing authority, the Council has statutory responsibilities to secure accommodation, including temporary accommodation, for specified groups of homeless households.
- 1.2. The proposed temporary accommodation placement policy sets out how and where accommodation will be secured and provisions to ensure that accommodation is suitable for households, in line with legislation and statutory guidance.

2. RECOMMENDATIONS

- 2.1. That Cabinet approves the adoption of the proposed temporary accommodation placement policy.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Adoption of a temporary accommodation placement policy, whilst not a statutory requirement, is sector good practice as it provides transparency and context to the Council's approach to accommodating homeless households.
- 3.2 The Council is seeing increasing legal challenge of its homelessness decisions and case law suggests that authorities with temporary accommodation placement policies are more resilient to legal challenge, particularly with regard to out of area placements.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. The Council leaves itself more vulnerable to successful legal challenge if it does not have an adopted temporary accommodation placement policy.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Housing and Environmental Health, Cllr Dave Winstanley, has been consulted and is supportive of the proposals contained in this report.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a Key Decision that was first notified to the public in the Forward Plan on 28th May 2024.

7. BACKGROUND

- 7.1 The Council has legal duties under the Housing Act 1996 (as amended) to provide temporary accommodation (TA) for homeless households, including those who are owed a main housing duty and are waiting for settled accommodation, and those who are placed in emergency accommodation whilst awaiting the outcome of inquiries. Section 206 of the 1996 Act provides that accommodation secured in the discharge of these duties must be *suitable* for the applicant. The matters that the authority must have regard to in determining suitability is set out in statutory guidance (in particular, the Homelessness Code of Guidance 2018) and regulations.
- 7.2 The purpose-built TA in the district is owned and managed for the Council by settle, the district's largest local affordable housing provider. This comprises just under 80 units of accommodation, mostly for families, with a small number of units for single people. The Council also currently funds a small amount of additional TA within North Herts for single people with complex support needs, provided by other local housing specialists. In addition, the Council has always made a small number of TA placements outside of the district, typically hotel placements for single people whilst further inquiries are undertaken. These provide for flexibility within the North Herts stock, which typically operates at full capacity, particularly when catering for on-the-day approaches.
- 7.3 Homeless approaches to the Council, and consequently the demand for TA, increased significantly during the Covid-19 pandemic and continue to remain high as a result of ongoing cost of living challenges, a shortage of affordable housing and rising demand from outside the district (e.g. people fleeing violence or domestic abuse from elsewhere in the country). Cases are also increasingly complex due to individuals approaching with high support needs (including mental and physical health challenges and histories of abuse, offending and rough sleeping). As a result, the Council has become increasingly reliant on hotel placements, which are typically outside of North Herts as most local hotels will no longer work with us after previous experiences of challenging behaviour from applicants.
- 7.4 Table 1 below summarises the number of TA placements that the Council has made over the past five years. In 2023/24, 58% of TA placements were outside of North Herts, most (65%) being hotel placements to single households. Out of district placements tend to be short-term (lasting 21 days on average in 2023/24), being generally made to households owed an interim accommodation duty whilst further inquiries into their homelessness are made. The vast majority of longer term TA placements, for households to whom the Council owes a main housing duty, are within North Herts in purpose built TA.

Table 1. Temporary accommodation placements

	2019/20	2020/21	2021/22	2022/23	2023/24
Total TA placements	212	434	363	399	365
<i>of which:</i>					
Hotel placements	102	317	215	248	220
Out of district	75	283	175	197	211

- 7.5 Increasing the provision of accommodation and support services for homeless people is a priority of the Council's Housing Strategy and we continue to explore options to increase TA capacity. These are, however, severely constrained by the availability of government grant funding and viable sites locally.

8. RELEVANT CONSIDERATIONS

8.1 Recent case law and advice from the Department for Levelling Up, Housing and Communities suggests that it is good practice for local authorities to adopt a temporary accommodation placement policy. The proposed policy (at Appendix 1) has been drafted in response to this and does not constitute any changes to the Council's existing approach, merely formalising existing practice.

8.2 The policy proposes three key objectives, echoing requirements in statutory guidance:

- to provide, wherever reasonably practicable, suitable temporary accommodation within North Hertfordshire;
- otherwise, to make out of area placements as close as possible to the district boundaries or to where the applicant was previously living; and
- to minimise where practicable, the time spent in out of area accommodation.

Otherwise, the policy is purposefully broad in nature as statutory guidance is clear that all offers of temporary accommodation must be made on a case-by-case basis, following consideration of an individual's needs and circumstances.

8.3 Paragraphs 6.4-6.8 of the proposed policy specifies that the following groups will be prioritised for TA within the district, again in line with statutory guidance:

- households with children in secondary school in the district (particularly if children are taking GCSE and other national level exams);
- households requiring medical facilities and other support locally;
- households requiring social services support or a need to maintain links with other essential services in the district;
- households who receive care and/or with caring responsibilities in the district; and
- households working in the district.

8.4 Note that in other circumstances, there may be specific reasons why a household should be accommodated outside of the district. Examples include where an applicant (and/or a member of their household) would be at risk of domestic abuse or other violence in the district or to enable ex-offenders to break links with negative contacts in the district.

8.5 The Council has spent a significant amount of funding on nightly paid placements over recent years, however some of this is recovered from the Department of Work and Pensions (DWP). There are specific requirements of the DWP that may also influence which nightly paid providers are used to ensure the Council maximises subsidy from the DWP.

9. LEGAL IMPLICATIONS

9.1. The Cabinet's Terms of Reference provides at paragraph 5.7.15; *"To oversee the provision of all the Council's services other than those functions reserved to the Council"*.

9.2. The Housing Act 1985 Section 1(1) confirms that the District Council is the Local Housing Authority (LHA).

9.3. LHAs' homelessness duties are contained within the Housing Act 1996 Part VII, as amended by the Homelessness Reduction Act 2017, which placed significant new duties on English LHAs. These include duties to prevent and relieve homelessness as well as accommodation duties for certain priority groups, including an interim (or emergency) accommodation duty.

- 9.4. Section 206 of the Housing Act 1996 provides that where a housing authority secures accommodation in discharge of its duties under Part VII of the Act, the accommodation must be suitable.
- 9.5. Section 208(1) of the Housing Act 1996 requires that local housing authorities shall, in discharging their housing functions under Part VII of the Act, in so far as is reasonably practicable, secure accommodation within the authority's own district.

10. FINANCIAL IMPLICATIONS

- 10.1 None.

11. RISK IMPLICATIONS

- 11.1 There is a risk of the Council being legally challenged successfully if it does not have a published temporary accommodation placement policy.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. A high level Equality Impact Assessment has been undertaken and is included at Appendix 2.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to the proposals in this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 None.

16. APPENDICES

- 16.1 Appendix 1: Proposed temporary accommodation placement policy
- 16.2 Appendix 2: Equalities Impact Assessment

17. CONTACT OFFICERS

- 17.1 Jo Doggett, Service Director – Housing and Environmental Health jo.doggett@north-herts.gov.uk ext 4470
- 17.2 Martin Lawrence, Strategic Housing Manager martin.lawrence@north-herts.gov.uk; ext 4250
- 17.3 Isabelle Alajooz, Legal Manager and Deputy Monitoring Officer isabelle.alajooz@north-herts.gov.uk; ext 4346
- 17.4 Reuben Ayavoo, Policy and Community Engagement Manager reuben.ayavoo@north-herts.gov.uk; ext 4212

17.5 Georgina Chapman, Policy and Strategy Team Leader, georgina.chapman@north-herts.gov.uk, ext 4121

18. BACKGROUND PAPERS

18.1 None.

Appendix 1:

1. Introduction

1.1 This policy sets out North Herts Council's approach to the placement of homeless households in temporary accommodation whether within or outside of the district.

1.2 The policy covers both interim temporary accommodation placements made under Section 188 of the Housing Act 1996, whilst homelessness inquiries are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 of the Housing Act 1996.

1.3 In developing this placement policy, the Council has taken into account the following:

- the Housing Act 1996 (as amended), including Sections 206, 208 and 210;
- relevant case law;
- the Homelessness (Suitability of Accommodation) (England) Orders 1996, 2003 and 2012;
- relevant government guidance, including the Homelessness Code of Guidance for Local Authorities;
- section 11 of the Children Act 2004; and
- the Equality Act 2010.

1.4 This policy should be read in conjunction with the Council's most recent Homelessness and Rough Sleeping Strategy (encompassed within our [Housing Strategy 2024 -2029](#)), which sets out our priorities and plans for securing that sufficient accommodation is available for local homeless households.

2. Aims and Objectives

2.1 The Council aims to ensure that sufficient suitable temporary accommodation is available to meet the needs of local homeless households.

2.2 All offers of temporary accommodation will be made on a case-by-case basis, following consideration of the individual applicant's needs and circumstances to ensure that accommodation is suitable for the household¹, in accordance with relevant legislation and government guidance.

2.3 Wherever reasonably practicable, the Council will provide suitable temporary accommodation within North Hertfordshire, unless there is a specific reason why a household should not be accommodated within the district (most commonly where applicants are at risk of domestic abuse or other violence).

2.4 In instances where suitable temporary accommodation cannot be secured within the district, the Council will seek to make an out of area placement as close as possible to the district boundaries or to where the applicant was previously living. Wherever practicable, the Council will aim to minimise the time spent in out of area accommodation and offer a suitable in-district placement when availability arises.

3. Availability of temporary accommodation

3.1 The Council no longer owns any housing stock and purpose-built temporary accommodation in the district is owned and managed for the Council by a local housing provider, settle. This comprises just under 80 units of accommodation, mostly for families, with a small number of units for single people. In addition, the Council funds a small amount of temporary accommodation, also within North Herts,

¹ Including all members of the household who would normally reside with the applicant or who might reasonably be expected to reside with them.

for single people with complex support needs, provided by other local housing specialists. This is heavily dependent upon the availability of government grant funding and also availability of suitable sites in the district, which become available very infrequently.

3.2 It should also be noted that there is high demand for affordable housing in the district and there are typically around 2,500 households registered to bid for affordable housing at any one time. In contrast, last year, just over 400 lets to affordable housing were made². Households owed a main housing duty may therefore have to remain in temporary accommodation for some time, until a suitable affordable let becomes available. The Council may also discharge its main housing duty via a private rented sector offer³ however accommodation in this sector is also scarce.

3.3 Homeless applicants owed a homelessness duty and requiring temporary accommodation will be placed in settle temporary accommodation or other funded services within the district (as detailed in paragraph 3.1) where there is availability and dependent on suitability for applicants' individual circumstances including support needs.

3.4 Where there are no available suitable placements in settle temporary accommodation or other funded services within the district, either because full capacity has been reached, or because the applicant has needs which cannot be met in the available accommodation, the Council will source alternative suitable temporary accommodation which best meets an applicant's needs and circumstances. This will include placements in:

- hotels - these are likely to be located outside of North Herts because there are very few hotels locally which are willing to work with the Council. The Council has good working relationships with a number of hotels located in surrounding districts and boroughs;
- other nightly paid arrangements – both within and outside of the district; and
- short term placements in specialist accommodation services outside of the district. The Council works hard to foster good relationships with services across the sector and in some instances, we may be able to source temporary accommodation with a specialist service elsewhere.

3.5 Demand for temporary accommodation is likely to remain high for the foreseeable future. The availability and use of temporary accommodation is kept under review as an action under the Council's Housing Strategy and we continue to explore options to increase capacity. These are, however, heavily dependent on the availability of government grant funding and viable local sites.

4. Suitability of temporary accommodation

4.1 The Council will provide suitable temporary accommodation placements for homeless households in line with legislation and statutory guidance. The placement of homeless applicants and an assessment of the suitability of temporary accommodation will always be made on an individual, case by case basis.

4.2 Placements of temporary accommodation will be made based on the facts available to the Council at the time that duty is discharged, however the Council has a continuing obligation to keep the suitability of accommodation under review and to respond to any relevant change in circumstances which may affect suitability.

² See our [website](#) for latest statistics on local affordable housing lets.

³ See also our [website](#) for Private Rented Sector Offer policy.

4.3 Suitability of accommodation is covered in detail by the [Homelessness Code of Guidance](#) which explains that space and arrangement will be key factors in determining the suitability of accommodation, in light of the relevant needs, requirements and circumstances of the homeless person and their household. Location of accommodation will also be a relevant factor (section 5 below addresses this in more detail), as is affordability of accommodation.

5. Out of district placements

5.1 The Council will secure, so far as is reasonably practicable, suitable temporary accommodation within North Hertfordshire district when it is discharging its housing functions under Part VII of the Housing Act 1996. This is in accordance with section 208(1) of the 1996 Act.

5.2 However, as set out at paragraph 3.4 above, there will be occasions when it is not reasonably practicable to secure suitable temporary accommodation within the district. This is either because of lack of capacity locally or because available accommodation is not suitable for an individual's (or their household members') needs.

5.3 Where out of district placements are made, their duration will be minimised as far as is reasonably practicable.

5.4 In other circumstances, there may be specific reasons why a household should be accommodated outside of the district. Examples include where an applicant (and/or a member of their household) would be at risk of domestic abuse or other violence in the district or to enable ex-offenders to break links with negative contacts in the district.

6. Suitability of out of district placements

6.1 Government guidance sets out the factors that the Council must consider when assessing the suitability of temporary accommodation. Overarching considerations which are particularly pertinent to location include:

Affordability The Council will take into account whether accommodation is affordable to the applicant. This will include consideration of whether they can afford to pay for their temporary accommodation without being deprived of basic essentials such as food, clothing, heating and transport.

North Hertfordshire, in common with many areas across the region, faces a high demand for housing with a resulting shortage of local affordable accommodation in the private sector. Nightly paid accommodation out of district may therefore in some cases be more suitable for an individual household than in-district accommodation.

Distance from North Hertfordshire The Council will aim to secure temporary accommodation as close as possible to the district based on the practicality of sourcing units on any given day. We have established working relationships with a number of accommodation providers who provide accommodation of a reasonable standard, including some who are located in neighbouring districts/boroughs. If an out of district placement is required, we will normally approach one of these providers and will always seek to move the household back to the district at the earliest opportunity.

Distance from last settled accommodation The Council will take this into consideration where there are established links with schools, doctors, social workers and other key services and support. Note that in some instances, placements outside of the district might be closer to where the applicant was previously living.

6.2 In determining the suitability of a placement, the time likely to be spent in that accommodation will also be taken into account. A placement may be suitable for a short period, for example accommodation used to discharge an interim duty pending inquiries, or a placement made on an emergency basis, but may not be suitable for a longer period.

6.3 In addition, in assessing whether an out of area placement would be suitable for a household, the Council will take into consideration the following factors set out in paragraphs 6.4 – 6.8. Households meeting these criteria will be prioritised for temporary accommodation within the district, subject to suitable units being available. It is important to note that this does not mean that such households are guaranteed to receive an offer of accommodation within North Herts. If they are placed out of district however, they will receive priority for a suitable offer of temporary accommodation within the district as soon as is reasonably practicable to do so. Note also that a final assessment will be dependent upon a consideration of all the factors pertinent to suitability including those set out at paragraphs 6.1 – 6.2.

6.4 Households with children at secondary school in the district As part of its duties to safeguard and promote the welfare of children, the Council will aim to minimise disruption to the education of children and young people, particularly at critical points in time such as leading up to taking GCSE exams and other national level qualifications.

6.5 Households requiring medical facilities and other support locally The Council will consider the potential impact on an household if such facilities or support were no longer accessible following an out of area placement. The availability of alternative facilities will be considered.

6.6 Households requiring social services support or a need to maintain links with other essential services in the district Particular consideration will be given to applicants with a mental illness or learning disability who have a particular need to remain in the district and to families with children who are subject to safeguarding arrangements.

6.7 Caring responsibilities Households with a long standing arrangement to provide care and support to another family member in the district and where that family member would be likely to require statutory health and social care support if the support arrangement ceased. Priority for a local placement will be considered where there are no other relatives able to provide this care and no other suitable alternative arrangements are available.

6.8 Disruption to employment Where possible, the Council will aim to place households with a member(s) in permanent and settled employment in temporary accommodation as close as possible to their place of work.

7. Offers of accommodation

7.1 When making an offer of temporary accommodation, the Council will make it clear in the offer letter why it considers the property to be suitable, taking into account the needs of the applicant (and their household).

7.2 Applicants will be given a reasonable amount of time to consider offers of accommodation outside of the district. This will take into account how familiar the applicant might be with the area offered and the length of time the applicant is likely to be living there.

7.3 Applicants have a right to ask for a statutory review of the suitability of temporary accommodation offered to them under the main housing duty provisions (i.e. longer term temporary accommodation placements). The right to review applies whether or not an applicant accepts the temporary accommodation. Applicants do

not however have the right to ask for a statutory review of the suitability of interim temporary accommodation, but such decisions may be subject to judicial review in the High Court.

Appendix 2: Equality Analysis Template

1. Name of activity:	Temporary accommodation placement policy for homeless households
2. Main purpose of activity:	The proposed temporary accommodation placement policy sets out how and where homeless households will be accommodated in line with temporary accommodation duties set out in homelessness legislation and guidance. Purpose built temporary accommodation in the district typically operates at near to full capacity and the Council therefore has to also make placements out of district, typically in hotels. The policy covers both interim temporary accommodation placements made under Section 188 of the Housing Act 1996, whilst homelessness inquiries are undertaken, and longer term temporary accommodation placements for households accepted as homeless under Section 193 of the Housing Act 1996.

	The policy serves to formalise existing practice and does not constitute changes to the Council's approach to its accommodation duties.		
3. List the information, data or evidence used in this assessment:	NHC Review of homelessness in North Hertfordshire (2024) NHC analysis of temporary accommodation placements, June 2024		
4. Assessment			
Characteristics	Neutral (x)	Negative (x)	Positive (x)
			Describe the person you are assessing the impact on, including identifying: community member or employee, details of the characteristic if relevant, e.g. mobility problems/particular religion and why and how they might be negatively or positively affected. Negative: What are the risks? Positive: What are the benefits?
Community considerations (i.e. applying across communities or associated with rural living or Human Rights)			Negative
			Positive
			x The Council has legal duties to provide temporary accommodation for specified groups of homeless people. The production and publication of a temporary accommodation placement policy provides clarity and context to the Council's decision making. Demand for homelessness services and consequently temporary accommodation is high and the policy sets out how in-district temporary accommodation is prioritised for homeless households in greatest need, for example due to existing requirements for health and education services within the district.
A person living with a disability			Negative
			Positive
			x Homelessness legislation determines that accommodation secured for homeless households must be suitable for them, with regards their needs, requirements and circumstances. Households with a disabled household member may be deemed to be in 'priority need' according to homelessness legislation (if their disability makes them vulnerable) and therefore owed a main housing duty. Temporary accommodation provided under this duty is most likely to be suitable, given its longer-term nature, if it is within the district. The proposed placement policy also allows for people requiring medical facilities and other support locally to have priority for temporary accommodation within the district (paragraph 6.5 of the policy refers).
	x		Negative

A person of a particular race				Positive
A person of a gay, lesbian or bisexual sexual orientation	x			Negative Positive
A person of a particular sex, male or female, including issues around pregnancy and maternity		x	x	Negative Homeless households comprising of single people (or childless couples) are unlikely to be in priority need unless they are assessed as being vulnerable. These households are more likely to be placed in temporary accommodation outside of the district under interim accommodation duties, as further inquiries are made into homelessness. In-district temporary accommodation typically operates at maximum capacity which means that some temporary accommodation has to be procured from outside of North Herts. The majority of single people approaching as homeless are male (69% of temporary accommodation placements to single people in 2023/24). The Council ensures that all temporary accommodation placements, whether within or outside of the district, are suitable for applicants and their households, in line with homelessness legislation. Positive Households with a pregnant household member will be deemed to be in 'priority need' according to homelessness legislation and therefore owed a main housing duty. Temporary accommodation provided under this duty is most likely to be suitable, given its longer-term nature, if it is within the district.
A person of a particular religion or belief	x			Negative Positive
A person of a particular age	x			Negative Positive
Transgender	x			Negative Positive

5 Results			
	Yes	No	
Were positive impacts identified?	x		<p>All homeless households approaching the Council will be provided with temporary accommodation according to duties set out in homelessness legislation. The temporary accommodation placement policy provides transparency and context to the Council's existing process for meeting these legal duties.</p> <p>Households deemed to be in priority need, including those with dependent children (including pregnancy) and people who are vulnerable due to disability will be owed a main housing duty. Temporary accommodation provided under this duty is most likely to be suitable, given its longer-term nature, if it is within the district.</p>
Are some people benefiting more than others? If so explain who and why.	x		<p>The proposed temporary accommodation placement policy sets out the means by which the Council will carry out its temporary accommodation duties in line with legislation and statutory guidance. Legislation establishes that certain groups of applicants, those in priority need, should have a priority for assistance.</p>
Were negative impacts identified (what actions were taken)	x		<p>Single homeless people, the majority of whom are men are less likely to be deemed to be in priority need and more likely to be placed in interim temporary accommodation outside of the district. The high demand for homelessness assistance means that purpose built temporary accommodation within the district typically operates at near to full capacity, necessitating out of district placements. All accommodation placements, whether within or outside of the district, must meet suitability requirements as set out in legislation and statutory guidance.</p>

6. Consultation, decisions and actions

If High or very high range results were identified who was consulted and what recommendations were given?

Describe the decision on this activity

List all actions identified to address/mitigate negative impact or promote positively

Action	Responsible person	Completion due date
Wherever it is reasonably practicable, suitable temporary accommodation will be secured within North Herts for households to whom the Council owes temporary accommodation duties.	Housing Register and Accommodation Manager	Ongoing
The Council's Housing Strategy 2024-2029 includes a priority to increase the provision of accommodation and support services for homeless people and we will continue to explore options to increase TA capacity as part of this. (Options are, however, severely constrained by the	Strategic Housing Manager	Ongoing

availability of government grant funding and viable sites locally.)		
When, how, and by whom will these actions be monitored?		
Regular monitoring of homelessness services including accommodation placements is undertaken for various purposes including quarterly returns to the Department for Levelling Up, Housing and Communities. An annual plan will accompany the Housing Strategy each year, detailing how high-level priorities will be achieved and setting out monitoring and reporting arrangements.		
7. Signatures		
Assessor		
Name: Tiranan Straughan	Signature** T F Straughan	
Validated by		
Name: Martin Lawrence	Signature** M S Lawrence	
Forward to the Corporate Policy Team		
Signature** G R Chapman		
Assessment date: 20/06/24	Review date: 01/06/25	

**** Please type your name to allow forms to be sent electronically.**

A copy of this form should be forwarded to the corporate policy team and duplicate filed on the council's report system alongside any report proposing a decision on policy or service change.