

NAME OF COMMITTEE	Community Services Committee
DATE	17th June 2014
REPORT TITLE	Localism Act and changes to powers under statutory homeless duty to accommodate
Report of	Housing Team Manager
WARDS AFFECTED	ALL

Summary of report:

To seek Member approval on the proposed use of flexibilities created under the Localism Act 2011 by using the Private Rented Sector to discharge the statutory homeless duty.

Financial implications:

It is anticipated there may be some cost savings in the downturn in use of temporary accommodation within time. However there are no financial implications as a result of adopting these flexibilities.

RECOMMENDATIONS:

It is recommended that the Committee approves the use of the flexibilities of the Localism Act 2011 to discharge the homelessness duty into the private rented sector as set out below.

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1. BACKGROUND

- 1.1 There has been an historic link between Part 7 (Homelessness) and Part 6 (The allocation of affordable housing) of the Housing Act 1996. This link was enshrined in legislation through reasonable preference categories. This requires local authority allocations policies to give priority for social housing allocations to, among other prescribed groups, people who are homeless and to people owed the main homelessness duty under S193 of the Act.
- 1.2. The Department of Communities and Local Government advises that the changes to homelessness legislation included in the Localism Act 2011 enable local authorities to take a strategic view of all suitable accommodation available in their area in relation to homelessness duties and social housing allocations,

with the potential to make better use of available accommodation resources to meet housing need.

- 1.3 The intended outcome is to enable local authorities to make better use of the private rented sector to provide suitable accommodation as a settled home that can bring the homelessness duty to an end. This is likely to reduce the need for temporary accommodation and free up more social lets for other people in housing need on the housing register.
- 1.4 Although the numbers of homeless acceptances are low - 19 in 2013/14, we still have stays in temporary accommodation of on average 7 weeks. We are steadily increasing the instances of households where their homelessness was prevented by a move to private rented accommodation- 136 in 2013/14 – an increase from 79 in 2012/13. However once a full duty is owed to a household, in most cases they remain in temporary accommodation until a suitable property is available through Devon Home Choice.

2. ISSUES FOR CONSIDERATION

- 2.1 The Localism Act permits local authorities to meet their homelessness duty by providing good quality private rented homes. This option can provide an appropriate solution for people experiencing a homelessness crisis, whilst freeing up social homes for people in real need on the waiting list (and quite possibly preventing them from becoming homeless in time). The provisions represent powers available to local authorities should they choose to adopt them – local authorities are not under a duty to adopt the provisions.
- 2.2 Private rented offers must meet the following criteria:
 - The tenancy offered must be for at least 12 months
 - The accommodation must be suitable in the view of the Local Authority.
- 2.3 In order to maximise consistency across Devon the Devon Housing Options Partnership of the 10 Devon Local Authorities have agreed a property standard which needs to be met in order to discharge the homeless duty. This standard will apply for all homeless applicants in Devon. A copy of the standard is included at Appendix 1 to this report.
- 2.4 The definition of suitable will include whether the rent is affordable for the household based on a detailed analysis of their income and expenditure and that the rent is broadly in line with the Local Housing Allowance (formally Housing Benefit) where appropriate.
- 2.5 In addition to this, Local authorities will be under a 're-application' duty if accommodation provided under the new S193(7F) of the Housing Act 1996 as amended is lost unintentionally within 2 years. This means we will automatically be required to provide accommodation to any household whose duty had been discharged into the private sector if they become homeless from the address through no fault of their own.

3. LEGAL IMPLICATIONS

- 3.1 Part 6 Of the Localism Act introduces discretionary powers for Councils to meet their obligations in this way and it is therefore necessary for Members to agree that the Council amends its policy accordingly.
- 3.2 Applicants have the right to request a review of the suitability of Private Rented Sector Offers and to appeal to the County Court on a point of law if they remain dissatisfied with the outcome of the review.

4. FINANCIAL IMPLICATIONS

- 4.1 It is not considered that there will be any additional cost to the council of implementing these changes as all applicants receiving this offer would be residing or about to reside in temporary accommodation in any case.

5. RISK MANAGEMENT

- 5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

Corporate priorities engaged:	Community Life; Homes
Statutory powers:	Localism Act 2011 Housing Act 1996 Part 6 &7 (as amended)
Considerations of equality and human rights:	Any offer of accommodation must be deemed as “suitable” within the definition of the Housing Act 1996 (as amended)
Biodiversity considerations:	There are no biodiversity implications as a result of this report.
Sustainability considerations:	There are no sustainability implications as a result of this report
Crime and disorder implications:	There are no crime and disorder implications as a result of this report.
Background papers:	Localism Act 2011 DCLG Providing Social Housing for Local People
Appendices attached:	Appendix 1 Devon Minimum Property Standard.

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Members choose not to implement flexibilities granted under the localism Act 2011	<p>Risk Less ability to house applicants in housing need from the register if social housing continues to be the only way to house homeless households who are owed the full housing duty by the Authority</p> <p>Risk Temporary accommodation costs and usage remains the same or rises due to increased approaches and lack of available social housing.</p>	3	3	9	↑	<p>1. To adopt the flexibilities.</p> <p>2. Review in 12 months to consider implications based on outcomes.</p>	Housing Team Manager
			3	4	12	↑		

Direction of travel symbols ↓ ↑ ⇄