

Committee(s)	Dated:
Community and Children's Services	09/09/2016
Subject: Temporary Accommodation Allocation Policy	Public
Report of: Director of Community and Children's Services	For Decision
Report author: Adam Johnstone, Strategy Officer	

Summary

The City of London Corporation has a duty to secure temporary accommodation for people who apply to it as homeless. Due to increasing numbers of applicants and greater difficulties in securing accommodation within Greater London, most London local authorities have sought accommodation outside their boundaries and many have accommodated applicants some distance outside the capital.

In *Nzolameso v Westminster City Council (2015) UKSC 22*, an applicant successfully challenged her placement in Milton Keynes. This judgment changed the legal landscape concerning out-of-borough placements, and reinforced the obligation on local authorities to seek accommodation as close as possible to the area where the applicant was previously living.

The Supreme Court also urged each local authority to adopt a policy, approved by Members, for procuring sufficient units of temporary accommodation and for allocating them to homeless applicants. This report presents a proposed Temporary Accommodation Allocation Policy for the City Corporation.

Recommendation(s)

Members are asked to approve the Temporary Accommodation Allocation Policy.

Main Report

Background

1. Part 7 of the Housing Act 1996 places a duty on local authorities to provide temporary accommodation for some homeless applicants while their application is investigated, and for all accepted applicants who are waiting for an allocation of permanent housing under Part 6 of the Act. This accommodation is typically leased from a private sector landlord.
2. A buoyant rental market and an increase in the number of households presenting as homeless across Greater London have made temporary accommodation more difficult and costly to secure. As a consequence, many London local authorities have sought temporary accommodation some distance outside the capital, slowing the increase in spending, but causing significant disruption to applicants.

3. The issue came to a head in *Nzolameso v Westminster City Council (2015) UKSC 22*. Ms Nzolameso is a single mother of five who is HIV positive. Westminster City Council assessed her eligibility for temporary accommodation in Westminster, but found that her needs were not severe enough to meet their criteria for this. Instead, they offered her accommodation in Milton Keynes. Ms Nzolameso refused this and began suitability review proceedings, while the council issued a discharge of duty decision on the basis that suitable accommodation had been refused.

4. The Supreme Court found in Ms Nzolameso's favour, noting that while not every applicant could be kept in-borough, the authority was still under an obligation to keep them as close as reasonably possible. Lady Hale, giving the lead judgment of the Supreme Court, quoted from the *Supplementary guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012*, which states in paragraph 48:

"Where accommodation which is otherwise suitable and affordable is available nearer to the authority's district than the accommodation which it has secured, the accommodation which it has secured is not likely to be suitable".

5. Having established that Ms Nzolameso did not meet the criteria for accommodation in Westminster, the council made no efforts to assess whether she might require accommodation close to Westminster and made no efforts to procure it. Ms Nzolameso was offered the next available unit the council had, which was in Milton Keynes.

6. Lady Hale was critical of Westminster's lack of policy in relation to the procurement of accommodation and the location of that accommodation and the lack of instructions given to the temporary lettings team as to how they were to decide which properties should be offered to which applicants. In paragraph 39 of the judgment she went on to recommend that:

"Ideally, each local authority should have... a policy for procuring sufficient units of temporary accommodation... Secondly, each local authority should have... a policy for allocating those households to individual homeless households."

"It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available."

Current Position

7. The City of London Corporation does not currently have a formal policy either for procuring sufficient units of temporary accommodation or for allocating these to individual households. Officers instead work on a custom and practice basis when fulfilling these duties.

8. These established practices are already broadly in line with the Nzolameso judgment. In each case, reasonable efforts are made to accommodate an

applicant as close as possible to where they were previously living. As the City Corporation does not have any long-term leases, and instead relies on spot purchasing accommodation for each applicant, it is possible to search for a placement that suits a household's individual needs.

9. As of June 2016, the City Corporation had 24 households placed in temporary accommodation. Of these, 12 were in Inner London, 11 were in Outer London and 1 household was placed in Surrey at its own request. The first step in challenging a placement is for an applicant to request an internal review under Section 202 of the Housing Act 1996. No temporary accommodation suitability review requests have been made on the grounds of an unsuitable location in the past two years.

Temporary Accommodation Allocation Policy

10. This report proposes that, in line with the Supreme Court's recommendation, the City Corporation should adopt a Temporary Accommodation Allocation Policy. The proposed policy does not represent a substantial change from how officers currently procure and allocate temporary housing. However, having a written policy would offer greater transparency to applicants and the general public. In the unlikely event of a legal challenge, it would be in the City Corporation's favour to be able to show that a policy is in place and is being followed.
11. The policy instructs officers to carry out an assessment of which locations would be suitable for an applicant when a need for temporary housing arises. This will consider factors such as employment, education, caring responsibilities, and medical and social needs. The outcome of this assessment will be used to define the maximum geographic scope of the City Corporation's search for temporary accommodation.
12. Officers will then start to look for temporary housing as close as possible to where an applicant was previously living. Only when reasonable efforts to find suitable and affordable accommodation in their home borough are exhausted will officers move on to looking in neighbouring boroughs. The search in these boroughs must be exhausted before the second tier of neighbouring boroughs is considered.
13. There may be difficult cases where it is not possible to procure suitable accommodation within any of the areas designated as appropriate in the assessment described in paragraph 11. In these cases, officers will consult with applicants as to their preferred course of action.

Corporate & Strategic Implications

14. The City's Corporate Strategy seeks a world-class City which supports our communities through the appropriate provision of housing, and supports a safer and stronger City through supporting community cohesion. Aiming to offer homeless applicants suitable temporary accommodation near their current communities supports both of these goals.

Implications

15. Finance and Legal have been consulted and had no additional comments.

Conclusion

16. This report proposes a Temporary Accommodation Allocation Policy for the City Corporation. Adopting a policy would fulfil the Supreme Court's recommendation, safeguard the City Corporation's legal position, and offer transparency to homeless applicants and the general public. The proposed policy seeks to formalise current practice and does not involve major operational changes.

Appendices

- Appendix 1 – Temporary Accommodation Allocation Policy

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