

Committee:	Date:
Community and Children's Services	18 th November 2016
Subject: Homelessness Reduction Bill	Public
Report of: Remembrancer	For information
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Summary

This report advises the Committee of the provisions of the Homelessness Reduction Bill, recently introduced into Parliament. The Bill is a Private Member's Bill but has won Government support and therefore stands a good chance of becoming law. If enacted it will significantly reform the duties owed by local housing authorities (including the Common Council acting in that capacity) to those who are homeless or threatened by homelessness. The most important changes are a new 'relief' duty to help eligible applicants to secure accommodation when they first become homeless, irrespective of priority need; a new duty to make personalised assessments and plans for all eligible applicants; a limitation on the duties owed to applicants who deliberately refuse to co-operate; and an extension of the circumstances in which support is to be offered to those who have not yet become homeless. The Director of Community and Children's Services has advised that the Bill will impose some additional costs, but that these are likely to be balanced to some extent by savings resulting from stronger preventative duties and the removal of full housing rights from those who refuse to co-operate.

Recommendation

The Committee is invited to receive this report and note the provisions of the Bill which may affect its work.

Main Report

1. The Homelessness Reduction Bill was introduced into the House of Commons as a Private Member's Bill by Bob Blackman, the Conservative Member for Harrow East. Unlike most such Bills, it gained political momentum. A draft of the Bill was scrutinised by the Communities and Local Government Select Committee (of which Mr. Blackman is a member), which endorsed it, subject to recommended modifications. The Government then indicated that it would support a modified version of the Bill, and assisted in the drafting of the version of the Bill as introduced. This process led to the Bill's passing its Second Reading debate unopposed.

2. The Government's support means that the Bill is likely, although not certain, to become law. The Bill will still be subject to the restricted timetabling applicable to Private Member's Bills, which makes it more prone to delay or obstruction than a Government Bill.
3. The initial draft of the Bill included a duty for local housing authorities to provide 56 days of temporary accommodation to anyone without a safe place to stay and with a local connection. A number of local government bodies, including the Common Council (through a letter by the Chairman of the Policy and Resources Committee to Mr. Blackman), expressed concern about the cost of such a requirement. It does not now appear in the Bill.
4. Nevertheless the Bill makes significant reforms to the homelessness duties owed by local housing authorities (including the Common Council acting in that capacity). The principal changes are summarised in the following paragraphs. The new or amended duties will be made subject to the review procedure in the same way as existing duties.

Initial relief duty

5. The Bill will introduce a new duty of initial relief owed to all eligible applicants for assistance, irrespective of priority need. The duty is to take reasonable steps to help the applicant to secure that suitable accommodation becomes available for his or her occupation for at least six months. The duty persists for 56 days after the authority becomes aware of the homelessness. After that period the position will (subject to the modifications described below) revert to the existing one, where the degree of support which must be provided depends on whether the applicant has 'priority need' and whether he or she has become homeless intentionally.

Assessments and plans

6. The Bill will introduce a new duty to assess the circumstances and needs of every eligible applicant for assistance who is homeless or threatened with homelessness, and to draw up a personalised written plan of the steps which should be taken (by the applicant or by the local housing authority) to try to secure accommodation for the applicant. The plan will have to be agreed with the applicant, if possible. The authority will have to keep the plan under review until it is satisfied that no continuing homelessness duties are owed. For applicants not in priority need, this duty will replace the existing, more limited duty to offer advice and assistance.

Refusal to co-operate

7. The Bill will limit the duties owed to applicants whom the local housing authority consider to have deliberately and unreasonably refused to co-operate with the authority in relation to its homelessness duties, or to take steps set out in the plans referred to in paragraph 6 above. In such a case the authority will be able to give a written warning to the applicant and, if the refusal to co-operate continues, to notify him or her that its duties will now be limited. Once that notification is given, the applicant will no longer be owed the existing duty to try to prevent threatened homelessness or the new duty of

initial relief (described in paragraph 5 above), and the main housing duty owed in cases of unintentional homelessness and priority need will be replaced by a more limited accommodation duty. This limited duty may, unlike the main duty, be discharged by offering the applicant a shorthold tenancy for a term of six months or more.

Threatened and prospective homelessness

8. The Bill will deem a person to be “threatened with homelessness” if it is likely that he or she will become homeless within 56 days. Currently the period is 28 days. The effect is to require support to be offered at an earlier stage, particularly in the form of the new assessment and planning duty (described in paragraph 6 above) and the existing duty to try to prevent threatened homelessness.
9. The Bill will also require a person in private rented accommodation to be treated as prospectively homeless if a notice seeking possession has been served on him or her by the landlord, unless the local housing authority reasonably expects that he or she will be able to stay in the property beyond the date on which possession is sought. The intention is that a person will not have to wait to be evicted before arrangements are put in place for his or her accommodation.

Advisory service

10. The Bill will replace the current duty to offer free advice and information about homelessness and its prevention with a more detailed duty. This will require the advice to cover preventing homelessness, securing accommodation when homeless, rights and duties under the homelessness legislation, and the help that is available and how to access it. It will also require the advisory service to be designed to meet the needs of a number of specified vulnerable groups, such as prison leavers and the mentally ill.

Duty to notify a local housing authority of homelessness cases

11. The Bill will impose a new duty on public authorities to notify a local housing authority if it appears that anyone in relation to whom they exercise functions may be homeless or threatened with homelessness. The person concerned must first agree to the local housing authority’s being notified. The public authorities to which the duty applies will be listed in regulations. These regulations will, when made, be examined by officers for any further implications for the Common Council (for instance if the duty to notify were to apply to it in its capacity as police authority or port health authority).

Care leavers

12. The Bill will provide that, where a local authority owes continuing duties to someone for whom it cared as a child, that person will be deemed to have a “local connection” with the area of the authority. This means that the person can be referred to the local housing authority for the area if he or she applies for assistance to another local housing authority with whose area he or she has no such connection.

National codes of practice

13. The Bill will enable the Secretary of State to issue codes of practice about the exercise of homelessness functions by local housing authorities, including provision about training of staff and monitoring. Local housing authorities will be required to have regard to those codes.

Application to the Common Council

14. The development of the Bill has been monitored in close co-operation with the Director of Community and Children's Services and this will continue during the Bill's passage through Parliament. The Director has made the following comments on the likely practical consequences of the Bill (assuming that it is enacted in its present form) for the work of the Committee:

"Extending the period in which someone is 'threatened with homelessness' from 28 days to 56 days will increase the amount of prevention work but will also hopefully lead to us intervening earlier and with better results.

"The new duties of working to prevent and relieve homelessness for all applicants (rather than just those in priority need) will also have a resource implication. As this is about helping the applicant to secure his or her own accommodation, costs will be in the form of (potentially considerable) officer time and occasional help with deposits, rather than paying for on-going temporary accommodation.

"The Bill also makes it slightly more difficult for priority need applicants to access social housing. Accepting a full housing duty will be delayed while they go through the 56-day relief. If relief is successful, they will no longer be homeless; and if they do not co-operate with relief, we never accept the full duty. Only if applicants co-operate with relief and it fails will they go on to benefit from a full housing duty.

"Together with more and earlier prevention work, this should end up reducing the number of full homeless duties (together with the on-going temporary accommodation provision this requires), which would result in a cost saving further down the line."

15. Developments as the Bill passes through Parliament will be the subject of further reports to the Committee.

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