

<b>Meeting:</b>	<b>Cabinet</b>	<b>Date:</b>	<b>7<sup>th</sup> February 2018</b>
<b>Subject:</b>	<b>Homelessness Reduction Act 2017</b>		
<b>Report Of:</b>	<b>Cabinet Member for Housing &amp; Planning</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Helen Chard – Housing Service Manager</b>		
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<b>Appendices:</b>	<b>None</b>		

## 1.0 Purpose of Report

- 1.1 The purpose of this report is to brief Cabinet on the Homelessness Reduction Act 2017 and its pending implementation in April 2018.

## 2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that the content of the report is welcome and be noted.

## 3.0 Background and Key Issues

- 3.1 The Homeless Reduction Act (HRA) received Royal Assent in England and Wales on 27 April 2017. The Act seeks to replicate what has proven to be successful legislation in Wales by placing much greater emphasis on the prevention of homelessness by providing access and meaningful support to everyone who is at risk of homelessness from a period of 56 days ahead of it occurring.
- 3.2 The HRA expands the duties of Councils, requiring the prevention of homelessness for all homeless households. Other provisions include a duty on public services to refer homeless people to homeless services and a requirement of local authorities to take reasonable steps to find accommodation for single people.
- 3.3 Below is a summary of the current duties and the changes being brought in via this Act.

<b>Current Duties: Housing Act 1996 (as amended by</b>	<b>New duties: Homeless Reduction Act 2017</b>
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Homelessness Act 2002)	
A duty to help someone who is homeless or threatened with homelessness within <b>28</b> days	A duty to help someone who is homeless or threatened with homelessness within <b>56 days</b>
A duty to prevent homelessness for people considered to be in priority need	A new duty to prevent or relieve homelessness for all eligible applicants threatened with homelessness, regardless of priority need
No current duty	A new duty on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless
Duty to secure that advice and information about homelessness and prevention of homelessness is available free of charge to any person in the district	The duty to provide or secure the provision of a service, available free of charge to any person in the authority's district, providing information and advice on preventing homelessness, securing accommodation when homeless.
Duty to provide advice and assistance	Duty to <b>assess every eligible applicant's case</b> and agree a plan. This would include any steps the applicant is required to take in order to secure or retain accommodation plus what the council will do. This plan must be kept under review until the council has decided a duty is no longer owed
Duty to provide interim accommodation where a person is eligible, homeless and in priority need	Initial duty owed to all eligible persons who are homeless. The authority must take reasonable steps to help the applicant to secure suitable accommodation that is available to them for at least six months

3.4 The Act significantly extends the duties of the council to provide housing advice and homeless prevention advice and specifically states that the service must be designed to meet the needs of the following groups:

- People released from prison or youth detention accommodation
- Care Leavers
- Former members of the regular armed forces
- Victims of domestic abuse
- Person's leaving hospital
- Person's suffering from a mental illness or impairment and
- Any other group that the authority identifies as being at particular risk of homelessness in the district

3.5 The Act addresses a notable concern from many private sector landlords and provides clarity around the definition of when a private sector tenant, who has received a valid Notice of Possession, is 'threatened with homelessness'. This clarity will overcome the issue of local authorities requiring a bailiff warrants prior to offering any help to people who are threatened with homelessness in these circumstances.

- 3.6 For applicants who are already homeless or who become homeless at the end of the 56 day prevention period, the new 'relief' duty gives the council a 56 day window in order to resolve the applicant's homelessness. The initial duty can be discharged by securing suitable private sector accommodation for a minimum period of six months.
- 3.7 Some local authorities are suggesting that the changes to legislation may lead to a 50% increase in demand on current services, however Gloucester has already provided a service to 'non priority' applicants in comparison with many other authorities who haven't, so it is not thought the increase will be at such a high level.
- 3.8 The Act increases the opportunities available to the applicant to request a review of decisions made by the council at various stages in the application process. There are 33 points in the process where an applicant may ask for a review. Depending on the number of requests received, we anticipate a resource implication.
- 3.9 In order to accommodate the new practices and procedures associated with the legislation, and our desire to re-design services more effectively, a project plan of comprised of various 'work-streams' has been developed and is underway.

#### **4.0 Asset Based Community Development (ABCD) Considerations**

- 4.1 Future work will include engaging with communities to see if mechanisms can be developed for further advice and assistance to be communicated.

#### **5.0 Alternative Options Considered**

- 5.1 The requirements of the new legislation are clearly set out in statute and our operations guided by the 'Homelessness Code of Guidance', therefore no other options are being pursued.

#### **6.0 Reasons for Recommendations**

The reasons for the recommendations are so that members are aware of the new legislative duties with which the Council is bound to comply.

#### **7.0 Future Work and Conclusions**

- 7.1 The Government provides a Homelessness Code of Guidance associated with the delivery of homelessness services and in October 17 released a new Code for consultation purposes. The Council will now await the release of the new guidance to ensure that it's processes are aligned to the requirements of the Code.
- 7.2 The Government made funding available for a number of local authorities to pilot the new legislation up front i.e. 'Trailblazer' authorities. Part of the purpose of the 'Trailblazer' pilots, was to trial new approaches and disseminate their learning and any good practice. Trailblazers have outlined the greater investment of time necessary in investigating cases at the outset and putting together appropriate 'personalised housing plans'. It has been reported that appointments are taking an average of two hours, thus significantly expanding timescales for planned housing

appointments. The intention is for a greater investment of time at the earliest stage of threatened homelessness, to rescue tenancies or ownership and avoid a person/household becoming homeless. This will avoid the associated personal cost to the individual and financial cost to the authority.

- 7.3 Preparatory work is currently underway with the IT software supplier 'Locator' to update and improve the Homelessness module that we currently use; this is being undertaken for all districts in Gloucestershire and West Oxfordshire as part of the 'Homeseeker Plus' partnership. The Partnership has signed up as a pilot authority which will mean early access to the new module, ahead of the implementation deadline in April. Enhancements to the system include improved case management prompts and the creation of template 'Personalised Housing Plans'. Also the module will ensure the direct upload of statistical data to DCLG (Ministry of Housing) to comply with the quarterly reporting requirements.
- 7.4 In addition to the changes above, a wider housing service transformation plan has been developed and in progress. The housing service will utilise additional support either through Ignite or the County Council to progress with a thorough review of all practices with the aim of improving practice and avoiding waste work or duplication.

## **8.0 Financial Implications**

- 8.1 There are no direct financial implications arising from this report, as it is for information only. However members will note that this new legislation places additional responsibilities on the council, including additional requirements in terms of how and when homeless prevention and housing advice is provided and an extension to the groups of people to whom we have duties.
- 8.2 The Council will receive 'new burdens' funding associated with the implementation of the Homelessness Reduction Act amounting to approximately £160,000.00 to assist with meeting the additional requirements and associated adjustments to IT

## **9.0 Legal Implications**

- 9.1 Secondary legislation will bring the Act into force in due course, with transitional provisions expected (which will presumably explain how the new duties will apply to applications already being processed when the reforms take effect). Although the additional burdens being placed on local authorities are set out in the report, the Act is not without its opportunities to assist the Council in meeting its housing duties.
- 9.2 The Act puts the valuable homelessness prevention work of Housing Options Teams on a statutory footing. For applicants who are threatened with homelessness, local authorities will have a much longer lead-in time in which to carry out prevention work. If prevention work is successful, and homelessness is avoided, then no final duties will arise.
- 9.3 For applicants who are already homeless, or who become homeless at the end of the 56-day prevention period, the new initial duty gives a local authority a further 56-day window to resolve the applicant's homelessness. The initial duty can be discharged by securing suitable private sector accommodation for a minimum

period of 6 months. The Act also imposes express duties on the applicant to cooperate in the processing of their application. A failure to cooperate means that duties can be discharged.

(One Legal have been consulted in the preparation this report.)

## **10.0 Risk & Opportunity Management Implications**

- 10.1 It is important that the requirements of the legislation are met to minimise exposure to judicial reviews and cost avoidance.
- 10.2 The volume of enquiries is relatively well anticipated given the service already provided to 'non priority' homeless cases, however for all authorities there is an element of the 'unknown' in terms of associated timescales for casework and whether the additional resource provision is adequate.
- 103 The legislation provides a prompt for a useful re-evaluation of all current practices and procedures.

## **11.0 People Impact Assessment (PIA) and Safeguarding:**

- 11.1 There are no adverse implications identified from the legislation given it enhances the level of support that is available for all clients.

## **12.0 Other Corporate Implications**

### Community Safety

- 12.1 There are no community safety implications associated with this report

### Sustainability

- 12.2 The aim of the legislation is to sustain tenancies and minimise homelessness.

### Staffing & Trade Union

- 12.3 There are no staffing or trade union implications associated with this report

**Background Documents:** The Homelessness Code of Guidance.