

Councillor Andy Graham: Questions asked of the Leader at the Council meeting on 6 September:

“Does the Leader of this Council believe that this council is fulfilling its legal obligations in supporting the homeless and can he confirm what the latest figures are and how this council is going to counter the abject lack of emergency accommodation in the district and will he join me in positive action by arranging a briefing for all councillors so we can all join together to ensure an effective plan is in place to tackle the homeless need in our district?”

Responses:

There are five key questions here:

- I. As the Housing Authority, what is the Council’s legal duty in relation to Homelessness?
- II. What is WODC doing to meet that duty?
- III. What are the figures in relation to homelessness within the District?
- IV. What are we doing about the lack of emergency (hostel) accommodation in the District?
- V. Can a briefing be arranged for Members?

I have provided responses on those five points (below) but have also included an update on future change; including the introduction of the Homelessness Reduction Act on 1st April 2018.

Homelessness Duty

When a person makes a homelessness application to a local authority, there are five aspects that the authority must consider before making a decision on whether, and how, to assist.

1) Is the Applicant Homeless? A person is considered to be legally homeless if they have nowhere to live in the United Kingdom or anywhere else in the world. A person should be considered homeless if they have somewhere to live but it isn’t reasonable for them to stay there, for example because of violence or threats of violence, or harassment or abuse; or if they have nowhere they can live together with their family; A person who is likely to become homeless within the next 28 days is considered to be 'threatened with homelessness' and is covered under the same legislation.

2) Is the Applicant Eligible for assistance? Certain people who arrive in this country, or who are returning from a period living abroad do not qualify for housing under homelessness law. Groups who are ineligible include Asylum Seekers, people with leave to remain for only a limited period and people who do not satisfy the Habitual Residence test. Many people who travel to the UK have 'No recourse to public funds' stamped in their passports. Those subject to this condition are also not eligible for assistance.

3) Is the Applicant in Priority Need? Homeless applicants are only (legally) entitled to assistance under the homelessness legislation if they are in 'priority need'. To be in priority need, an applicant will need to show that they:-

- are pregnant/have dependent children,
- are homeless due to an emergency (fire, flood etc.),
- are aged 16 or 17 (or aged 18-20 with time spent in care),
- are 'vulnerable' due to old age, physical or mental illness or disability,
- are 'vulnerable' due to time spent in hospital, prison or the armed forces,
- are aged 21 or over and 'vulnerable' due to time spent in care,
- are 'vulnerable' due to violence/abuse/harassment

When deciding whether an Applicant is in priority need because they are ‘vulnerable’ it is necessary to base the assessment on the unique characteristics of the Applicant and assess

their vulnerabilities compared with an 'ordinary person' at risk of being made homeless. If an Applicant is deemed not to be in Priority Need, as defined by the homelessness legislation, the Local Housing Authority still has a duty to give advice and assistance to help the person secure accommodation.

4) *Is the applicant intentionally homeless?* An Applicant may be considered 'intentionally homeless' if they have deliberately done something, or failed to do something, which has made them lose their home. Once again the definition of intentional homelessness is complex. The Local Authority must look at each case individually and take into account all circumstances.

5) *Does the applicant have a local connection?* An Applicant has a local connection with a Local Authority District if the Applicant (or member of their Household) has lived in the District for at least 6 months of the last 12 months or 3 of the last 5 years; or has a job in the District, or has immediate family members who live in the District and have done so for at least 5 years. If an Applicant does not have a local connection, the Local Housing Authority can refer to another Housing Authority where there is a local connection and that Local Authority will take over the full rehousing duty. If it is determined that the Applicant doesn't have a local connection anywhere then the Local Housing Authority cannot refer to another Authority.

An Applicant must meet all five of these tests for us to have the legal duty to assist and secure settled accommodation under the homelessness legislation. However, at West Oxfordshire District Council (and our partner Councils) we offer support and assistance to anyone who approaches us with housing problems.

What is WODC Doing?

We have a Housing Team that includes a variety of housing services. As well as allocations, support and home improvement agency officers we have homelessness officers that intensively support those with current or impending homelessness issues; we have prevention officers who are actively supporting households and individuals (at risk of homelessness) to prevent them from becoming homeless, which is always our primary aim. These officers are supported by our Homelessness Manager; an officer with decades of experience in the prevention and relief of homelessness (including having worked with the homelessness charity 'Shelter').

This team has a variety of resources at their disposal. Some of the key ones are as follows:

- Access to emergency and temporary accommodation; some of which is sourced by need (in the private sector) and some is provided by Cottsway Housing Association. Local Government Ombudsman guidelines suggest that no household should be in emergency accommodation for more than six weeks. WODC's Housing Team work to ensure that the period is significantly less than six weeks in the vast majority of cases.
- We work very closely with registered providers and private landlords to maximise the accommodation options and availability within the District; and have a very strong relationship with Cottsway Housing Association (in particular), which allows us access to their local resources.
- We have Client Support Officers within the Revenues and Housing Support Service. This team can assist any client with a wide range of issues that can be either contributing or complicating factors in relation to homelessness. These include debt advice and support; assistance with budgeting; tenancy sustainment advice; maximisation of welfare benefits; access to specialist grant funding; support around disability and mental health issues; sign-posting to other specialist organisations offering support (eg: Christians Against Poverty or local Food Banks); and very often a combination of support across several of those issues.
- For entrenched rough sleepers (which isn't a prevalent issue for WODC) we have access to SWEP (Severe Weather Emergency Provision). This ensures that nobody has to sleep rough on any night when the temperature falls below zero. For those 'new' to

the streets, we fund the Connection Outreach Service which was set-up to deliver the Government's No Second Night Out model.

- We contribute to an Oxfordshire-wide contract that gives us instant referral access to specialist support and accommodation for individuals with complex needs (such as drug and/or alcohol misuse; mental health issues; anti-social behaviour etc). This provision is based in Oxford but we continue to work with the individuals, with the aim of moving them on to secure accommodation of their own within West Oxfordshire.
- We have sole referral rights to six beds in a supported hostel in Chipping Norton (known as Horsefair). This is for the sole use of WODC and provides accommodation and support for those with low-level support needs. Again, with the aim of support people to move-on to their own accommodation within the District.
- We are part of an Oxfordshire-wide scheme (known internally as Trailblazer) that works with hospital and prison staff to raise awareness and provide training around homelessness issues. The outcome of this DCLG funded project is that an individual's accommodation needs are considered very early within their interaction with the NHS or HMPS; rather than at the point that they are discharged from hospital or released from prison.
- We have a local contract with the Support Charity 'Connection'. This ensures that we have instant access and referral rights to a team of specialist support officers, providing advice on a wide range of complex issues. This also includes a specific 24/7 service in relation to supporting and accommodating rough sleepers within the District.

WODC Homelessness Statistics

To illustrate the impact of homelessness in West Oxfordshire, the following table provides some headline figures for the period 1st January to 30 June 2017 inclusive. This is an extract from the statistical data that we are required to submit to the DCLG each quarter.

Applicant Households	Number of Decisions
Eligible, unintentionally homeless, and in priority need	36
Eligible, homeless, in priority need but intentionally homeless	3
Eligible , homeless, but not in priority need	42
Eligible but not homeless	20
Total Decisions	101

The last official rough sleeper count (which is a snap shop on a DCLG determined day) was zero. Rough sleeping is not prevalent in West Oxfordshire but we do have occasional instances; but the rarity of these situations means that we can dedicate intensive support for the individuals involved.

The Revenues and Housing Support Service obviously monitor a variety of indicators, aside from the data required for government returns. In particular the Service closely monitors performance in relation to preventions and (as stated above) the number of households in emergency accommodation (and average time in emergency accommodation).

Emergency Accommodation

We do not have a homeless hostel within the District; although the Horsefair facility (mentioned above) in Chipping Norton does have an emergency bed-space that can be utilised. This means that we have historically used Travelodge accommodation. However, there are

some current actions underway that will resolve this approach to emergency accommodation provision:

- There is a proposal to Cabinet to create a Property Manager post and a Private Rented Sector Liaison Officer. These officers will be dedicated to maximising the accommodation availability/options available to the Housing Officers. Further detail is provided below under the heading of 'Utilisation of the Flexible Homelessness Support Grant'.
- We have dedicated some Revenues resource to work with owners of long-term empty domestic dwellings, with a view to the Council leasing or purchasing these empty homes and bring them back into use. Where appropriate, these homes will be used as emergency or temporary accommodation.
- We are reviewing the way in which we utilise, Council owned, temporary accommodation. The processes around timely 'move-on' can be dramatically improved; meaning that we improve the availability of this accommodation for use as emergency/temporary housing.
- We are working with a specialist emergency accommodation provider; with a view to utilising private rental properties as managed emergency accommodation.

Member Briefing

A written briefing is being put together for circulation to all Members during September. This will update Members on the detail of some of the points responded to here but will also provide an update in relation to the April 2018 introduction of the Homelessness Reduction Act, and the Council's preparation for that change.

The briefing will also include information on who Members should contact in relation to different housing related issues and an offer to hold Member workshops to discuss all of these issues in more detail.

Future Change

Although not specifically mentioned in Councillor Graham's question, the following information relates to two key changes on the horizon; the introduction of the Homelessness Reduction Act and the proposals around utilisation of the Flexible Homelessness Support Grant:

Homelessness Reduction Act

The Homelessness Reduction Bill received Royal Assent on the 27 April 2017 and the Homelessness Reduction Act (HRA) will come into force from 1st April 2018. A brief summary of the requirements of the Act follows:

The homelessness duty is strengthened to provide for detailed advice, especially on prevention and on the rights of homeless people, and targeting that advice at particularly vulnerable groups.

Where the Local Housing Authority is satisfied that an eligible Applicant is homeless or threatened with homelessness within 56 days, it must assess the Applicant's case. It will be necessary to carry out a full assessment which must include: the circumstances that caused the Applicant to become homeless; the housing needs of the Applicant including, in particular, what accommodation would be suitable for the Applicant and his/her household; and what support s/he requires (including the needs and support required by his/her household). A written assessment must be notified to the Applicant. The Local Housing Authority and the Applicant should then agree what steps each will take to secure accommodation – a written, personalised plan. This assessment and plan will inform how the Authority performs its duties to prevent and relieve homelessness.

The Applicants can request a review of **any** decision the local housing authority has made as to what duty is owed, what steps the Local Housing Authority is to take, or that the duty has ended. There are some 35 different points of the process where the Applicant is entitled to request a review.

Many of the new duties require a change in working practices, and substantially more casework will be required for every Applicant who approaches this Council and other Local Housing Authorities in England. It is acknowledged by Government and many housing professionals that implementing this new Act will require additional resources. There are also likely to be a lot of judicial review challenges on Local Housing Authorities not complying with the new duties imposed by this Act.

The HRA will significantly change how this Council and other local authorities in England help people who are homeless or threatened with homelessness. It is anticipated by the DCLG that applications will rise by 50%.

The Welsh Homelessness Reduction Act was introduced in 2014. Being close to the Welsh border, colleagues in the Forest of Dean Housing Team have many contacts in Wales. Housing Officers recently met with Monmouthshire Council, who have provided copies of all of their documentation and processes. This has given us a head-start in preparing for the implementation of the Act.

We are currently waiting for Government notification of reporting requirements (which will have an impact on process design) and an announcement on the level of new burdens funding that will be granted. Once we have these two pieces of information we will be ready to formally report on the impact of the Act and the approach that this Council will take. This is anticipated to be included on the Cabinet agenda for December 2017.

Utilisation of the Flexible Homelessness Support Grant

A report recommending how the Flexible Homelessness Support Grant may be used is to be considered by Cabinet at its meeting on 20 September 2017.

The Flexible Homelessness Support Grant report proposes the creation of three (two year fixed term) posts that will help the Council do three things:

- Create more accommodation opportunities (emergency, temporary and long-term),
- Prevent homelessness, focussing on the major reason for people becoming at risk of homelessness in West Oxfordshire (parents/relatives no longer willing to accommodate adult children), and
- Prepare for the introduction of the Homelessness Reduction Act in April 2108.

That report will be available on the Council's website by the end of Tuesday 12 September, and will be circulated to all members that day.

James Mills
Leader

September 2017