



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

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Name and date of Committee	<b>ECONOMIC AND SOCIAL OVERVIEW AND SCRUTINY COMMITTEE 19 SEPTEMBER 2019</b>
Report Number	<b>AGENDA ITEM No. 10</b>
Subject	<b>TEMPORARY ACCOMMODATION PLACEMENT POLICY</b>
Wards affected	All
Accountable member	Cllr Steve Good. Cabinet Member for Communities and Housing Email: <a href="mailto:steve.good@westoxon.gov.uk">steve.good@westoxon.gov.uk</a>
Accountable officer Author	Jon Dearing Group Manager, Residents' Services Mandy Fathers, Business Service Manager for Operational Support and Enabling. Tel: 01993 861232 Email: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a>
Summary/Purpose	To consider and make comment on the implementation of the Temporary Accommodation Placement Policy.
Annexes	Annex A – Temporary Accommodation Placement Policy
Recommendation/s	<i>That the Committee considers the report and the Temporary Accommodation Placement Policy and makes such comments as are considered appropriate.</i>
Corporate priorities	Working with communities to meet the current and future needs and aspirations of residents Provide efficient and value for money services, whilst delivering quality front line services
Key Decision	No
Exempt	No
Consultees/ Consultation	Portfolio Holder S151 Officer Head of Paid Service Monitoring Officer Senior Management Team

## **I. BACKGROUND**

- I.1. Due to the shortage of suitable affordable temporary accommodation within the district, homeless customers who are accommodated under the council's interim duty pursuant to section 188 of the Housing Act 1993 (as amended) may initially be placed in emergency accommodation, including bed and breakfast and short-term shared or self-contained accommodation.
- I.2. Although the Council now owns a property in Chipping Norton for such placements there is sometimes still a requirement to place households into temporary accommodation outside of the district due to limited suitable availability. In order to determine suitability of accommodation, the council is required to have regard to the needs of the household and to safeguard the welfare of any children. Failure to meet these requirements brings the risk of costly legal challenges resulting in court orders requiring specific placements and compensation.
- I.3. In April 2015 the Supreme Court issued judgement on a homeless case "Nzolameso – v- City of Westminster (2015)" recommending that local authorities produce, approve and publish policies on allocating and procuring temporary accommodation.
- I.4. Ms Nzolameso a single mother of 5 children had lived in London since 2000 in the private Rented Sector (PRS). Ms Nzolameso was subject to a benefit cap in 2012 and consequently unable to afford her rent. She was evicted in 2012. Ms Nzolameso made a homelessness application to Westminster Council and was found to be unintentionally homeless. She was offered a 5 bedroom property in Milton Keynes due to the shortage of affordable accommodation in Westminster. Ms Nzolameso rejected the offer as it was too far from her children's school, her GP and support network.
- I.5. The Supreme Court Judgement stated that local authorities are obliged to:
  - Secure accommodation within their district, insofar as is reasonably practicable
  - Secure accommodation that is as close as possible to where they were previously living
- I.6. This policy is therefore focused on how the Council procures and uses temporary accommodation in meeting its statutory obligations to homeless people in light of the 2 April 2015 judgement of the Supreme Court.

## **2. MAIN POINTS**

- 2.1. The introduction of this Policy will help the Council meet the recommendations of the Supreme Court.
- 2.2. This Policy will give greater transparency in decision making and will provide guidelines to officers allocating temporary accommodation. This will ensure that decisions to place households in temporary accommodation are more robust and resistant to challenge. It will ensure that the Council takes all reasonable steps to locate accommodation and place households in accommodation in locations that are affordable and take full account of a household's specific needs, including those of any dependent children.

## **3. FINANCIAL IMPLICATIONS**

- 3.1. There are no direct additional resource implications presented by the recommendations.

## **4. LEGAL IMPLICATIONS**

- 4.1. The Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) sets out the statutory obligations

relating to the assistance to be given to customers threatened with homelessness or actually homeless; this includes the provision of temporary accommodation.

**5. RISK ASSESSMENT**

- 5.1. This policy will provide robust guidelines to the Council for procuring and allocating temporary accommodation.
- 5.2. The policy will help ensure decisions are properly evidenced and therefore more robust and resistant to challenge

**6. EQUALITIES IMPACT**

- 6.1. There no specific legal implications arising from this Strategy but all local authorities involved have a role to play because of their responsibilities under housing or children's legislation.

**7. ALTERNATIVES/OPTIONS**

- 7.1. Without this Temporary Accommodation Placement Policy in place the Council will remain open to costly and time-consuming legal challenges. Therefore it is recommended that the Policy is approved and implemented.

**8. BACKGROUND PAPERS**

- 8.1. None