

**Cherwell District Council**  
**Overview and Scrutiny Committee**

**23 January 2018**

<b>Homelessness Reduction Act 2017</b>
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**Report of Director of Operational Delivery**

This report is public

**Purpose of report**

To consider the new legislation coming into force April 2018, the preparation undertaken for its implementation and the potential risks and challenges in meeting the Council's duties

**1.0 Recommendations**

The Committee is recommended:

- 1.1 To consider the work being carried out to prepare the authority to implement the Homelessness Reduction Act 2017 in 2018;
- 1.2 To consider the potential impacts upon service delivery and resource implications in future years; and
- 1.3 To consider that the Shared Housing Service intend to adopt a collaborative approach to implement the new obligations imposed under the Act

**2.0 Introduction**

- 2.1 The Homelessness Reduction Bill became an Act of Parliament in April 2017 and will come into effect in April 2018. The Act places new legal duties on English councils so that everyone who is homeless or at risk of homelessness will have access to help, irrespective of their priority need status, as long as they are eligible for assistance.
- 2.2 This represents a significant change in the expectations of local authorities in the prevention of homelessness and widens the catchment group of potential customers owed a duty. The Local Government Association anticipates that the imposition of the prevention duty, alone, will increase the workloads of London boroughs by circa 270%. (<http://www.magdalenchambers.co.uk/the-homelessness-reduction-act-2017-initial-thoughts/> . This does not necessarily mean that the same increase is anticipated across all authorities; nonetheless it flags up potential risks and emphasizes the need to be ready when the law is enacted.

- 2.3 The shared Housing Service is ensuring that services at South Northamptonshire and Cherwell District Councils will be ready to implement the legislation. A joint project is underway to address key themes such as IT, staff training and communications given that the planning and strategic work will be the same for both councils.

### 3.0 Report Details

#### 3.1 What are the key changes?

The Homelessness Reduction Act 2017 (the Act) sets out new duties on English local authorities with the aim of preventing homelessness. The Act amends the homelessness provisions within the Housing Act 1996 (part VII). A summary of some key sections the Council must be prepared for is as follows:

##### Meaning of “threatened with homelessness”

- Extends the period during which someone might qualify as being threatened with homelessness from 28 days to 56 days.
- Establishes a duty to treat an applicant as threatened with homelessness if they present a valid section 21 notice that expires in 56 days or less.

The Cherwell Housing Team have always had a prevention focused approach and offered advice prior to the statutory 28 days prior to homelessness, but the Act now imposes this as a duty on all Local Authorities. The Council will now need to be prepared to assess all housing needs earlier and in more depth.

##### Duty to assess all eligible applicants’ cases and agree a plan

- requires local authorities to carry out an assessment in all cases where an eligible applicant is homeless, or at risk of becoming homeless

This means the Council will need to offer the same service and assessment to all households, including couples and single people without health needs.

##### Duty in cases of threatened homelessness

- a duty to take reasonable steps to prevent homelessness for any individual, regardless of priority need, who is at risk of homelessness, either assisting them to stay in their current accommodation, or helping them to find a new place to live.

This means that the Council will have duties to assist more households than under current legislation; however note that this is *a duty to take reasonable steps to prevent homelessness*, not to provide accommodation necessarily.

##### Duties owed to those who are homeless

- A duty on councils to relieve homelessness for all eligible households, regardless of priority need. The duty lasts for up to 56 days.

This means that the Council will have duties to assist more households than under current legislation. However it should be noted that this is *a duty to take reasonable steps to prevent homelessness*, not to provide accommodation necessarily.

#### Deliberate and unreasonable refusal to co-operate

- A council can take action if an applicant who is homeless, or threatened with homelessness, deliberately and unreasonably refuses to take any steps set out in the personalised plan.
- Sets out the procedure and duties which apply if an applicant who is homeless refuses, at the relief stage, a suitable final accommodation offer.

This means that the Council can end its duty to a household in certain circumstances where the applicant does not cooperate in a reasonable personalised housing plan. This is an area likely to be heavily tested by reviews and case law in determining what *deliberate and unreasonable refusal* means.

#### Local connection of a care leaver

- makes it easier for care leavers to show they have a local connection with both the area of the local authority responsible for them and the area in which they lived while in care, if that was different.

This means that care leavers originally from, or accommodated anywhere in the county must be considered as having a local connection with this district.

#### Reviews

- extends an applicant's right to request a review of their local authority's homelessness decisions, so they apply to a number of decisions that a local authority might make when discharging the new prevention and relief duties.

This means that the Council may face a higher number of legal challenges to decisions made, and so our processes, decision making and record keeping need to be fit for purpose; another area likely to be heavily tested by reviews and case law.

#### Duty of public authority to refer cases to local housing authority

- requires public authorities to notify a local housing authority of service users they think may be homeless or at risk of becoming homeless.

The Council needs to ensure that our partner agencies are well informed about when to refer cases to it and how, to ensure that appropriate and timely referrals are made.

### **3.2 How is the Council preparing?**

As stated above, officers have commenced a project to ensure that the Council is ready to implement the legislation in April 2018. It includes the following;

- The Council is preparing a Communications Strategy to ensure that all relevant partners are briefed appropriately and public authorities know how and when to make referrals.
- The Council is completing homelessness reviews and will publish a fresh Homelessness Strategy to ensure that it properly understands and plans to meet the demands of the District.

- The Council is developing a training plan to ensure that staff are prepared and confident in their roles; training on the details of Act has already been provided with other related training to follow.
- The Council is working to ensure that the IT systems meet the Council's needs, and support officers in efficiently managing increased workload and ensure legal compliance.
- The Council is a partner with the other Oxfordshire Districts and the City Council in a Trailblazer Project which will support partnership working across the district and county and provide additional resources to implement the new duties under the Act.

These are just some of the tasks due for completion prior to April 2018 to ensure the Council is legally compliant. The Homelessness Strategies will set out further plans for the future to enable the Council to adapt and develop our services to respond to local needs.

The government has recognised the burden of implementing the new Act, making available £72.7M nationally to help authorities meet the new burdens; CDC is receiving £47k in the first year from this fund. This figure is based on an assessment of our local needs. Each Local Authority in England will also receive £9,200 for IT changes. In the context of the new Act and the increased duties on local housing authorities it is important that money allocated to the Council specifically for homeless activities is used for these purposes and provides additionality to the core statutory homelessness services a local housing authority should currently provide. The funding allocated to Cherwell District Council by Central Government for homelessness activities is outlined in Appendix A.

Please note the cost of preparing for implementation of the Act is being met through in-year budgets and funding from central Government associated with the new legislation.

### 3.3 Homelessness in Cherwell

#### Statistics:

Nationally, homelessness is on the increase, with visible signs of homelessness such as rough sleeping on city streets and local authorities receiving more homeless applications. This picture is reflected in Cherwell with an ongoing rise in applications for housing assistance.

#### Number of Homeless Presentations:

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Cancelled	2	1	0	5	10	18
<b>Number of Presentations</b>	<b>124</b>	<b>127</b>	<b>128</b>	<b>166</b>	<b>159</b>	<b>157</b>
Accepted	62	59	51	78	74	69
Non Priority	10	9	22	26	25	30
Intentionally Homeless	30	24	33	26	28	22
Not Homeless	20	27	14	30	12	13
Not Eligible	2	1	3	1	4	2
Pending	0	5	5	0	6	3
Referrals from other areas	0	2	0	1	0	0

## Number of Prevention Cases:

	Total Number Prevention Cases Opened	Prevention Cases closed as casework
2016/17	966	466
2015/16	1011	438
2014/15	841	367
2013/14	1098	398

Nationally the number of households being made homeless due to termination of Assured Shorthold Tenancies has overtaken family evictions as the most common reason for homeless approaches. This is the case in Cherwell and increasingly these tenancies are ending due to the affordability of accommodation for those on low wages or benefits. Locally the rents private landlords can achieve are far above Local Housing Allowance, making private rented accommodation unaffordable for many households. This has a double impact as more households have to be accepted under homeless duties and there are less options in the private sector to resolve housing issues.

Specifically for single people, the Council is working in partnership with Oxfordshire County Council and the other districts to provide the Adult Homeless Pathway. The Council has created additional local resources to meet anticipated increased need. Currently there are 24 bed spaces available to Cherwell clients. Complex needs beds are located in purpose built services in Oxford City and local units provide move back for those who have lower support needs.

This has resulted rough sleeping in figures in Cherwell decreasing from 24 reported in 2014/15 to 17 in 2016/17, but there is no room for complacency. The current partnership arrangements for funding the Adult Pathway are only in place for a further 2 years and the Housing Team need to plan how to meet Cherwell's needs going forward. It may also be necessary to provide additional accommodation for this client group in the future.

### 3.4 What are the challenges?

#### Changed demand

As stated in the introduction, many districts and boroughs are anticipating a significant increase in workload; an increase in case load but also an increase in the depth of work required with that household to try and prevent their homelessness. If the Council properly briefs its partner agencies, this is likely to lead to greater numbers of referrals of homeless or potentially homeless households at early stages.

The Council does not yet know how its customer group will respond to the new legal framework which challenges their expectations. The Act represents a culture change, with the focus on homeless prevention and relief, and active participation from the customer. These may not be the Council's customers expectations when they approach it for help.

The Council has made no forecast of how the new Act will change demand beyond the annual increases already noted above as the Council does not know at present whether there are a large number of households who do not approach it at present

but will do in the future. It will take time for awareness of the changes to develop amongst the public and professional agencies. The Council does not yet know whether officers will see an increased caseload, volume of work, or both.

#### Resources and services to meet demand

- Monitor existing staff and service resources will need to be reviewed in order to ensure the Council has sufficient staff at the right level to meet demand.
- Policies and Procedures will need to be updated to ensure the Council complies with the legal requirements of the Act.
- The initial customer contact point will need to be reviewed to ensure the Council is confident when and if legal duties have been imposed.
- Close working with the Revenues and Benefits service will need to be maintained to make best use of all available DHP funding to prevent / resolve homeless issues.
- The Council will need to ensure the New Burdens Funding and the Flexible Homeless Support Grant meets identified local needs.
- A review of the Allocations Scheme is needed to ensure this meets any new duties under the Act and also continues to support a prevention focused service.
- A review of the current Cherwell Bond Scheme is also needed to make it more attractive to private sector landlords.
- The Council needs to ensure Home Improvement Grants incentivise private landlords to work with it.

A revised Homelessness Strategy will be critical when responding to any changing demand. This current piece of work to review homelessness need and plan for future service changes will respond to the requirements of the new Act. It is anticipated that the revised Strategy will be reported to the Executive in April 2018. This will need to be an evolving strategy to respond to lessons learned during implementation of the Act and the customer reaction to it.

As stated in section 3.3, loss of private rented accommodation and affordability play a key role in causing homelessness. Finding affordable housing solutions in the private market will be a key strategic challenge.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Homeless Reduction Act 2017 represents a significant culture change in homelessness, with the focus on prevention and relief and greater duties to assist households regardless of priority need or local connection. The Council needs to be prepared for implementation to ensure it is legally compliant. A robust and planned approach is in place which will enable the Council to achieve this. However, this is just the beginning.
- 4.2 The scale of the impact on case load and work load at Cherwell is as yet unknown. The Council is currently working on a review of homelessness to inform a revised Homelessness Strategy due for completion in the first half of 2018. This strategy itself will need to be flexible and able to evolve to respond to changing demands. Therefore, it is planned to complete a further review of homelessness after 12 months of the Act coming into effect and the Homelessness Strategy amended accordingly if required.

## **5.0 Alternative Options and Reasons for Rejection**

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To not prepare for the implementation of the Act. This option has been rejected as it would leave the Council unprepared for the Act and the service potentially operationally unlawfully.

Option 2: South Northamptonshire Council and Cherwell District Council to prepare for operational implementation separately. This option has been rejected as Housing shared services efficiencies will be gained in the same shared planning and strategic work even if front line service delivery may differ slightly.

## **6.0 Implications**

### **Financial and Resource Implications**

- 6.1 There are no direct costs to the recommendations within this report. However the Committee is asked to note that the requirements of the Act will likely impact upon future budget setting and strategic planning.

The Committee is also asked to note that the authority is awarded various separate sources of funding for homelessness prevention work and implementing the 'new burdens' of the Act.

Comments checked by Kelly Wheeler Principal Accountant, 01327 332230, [kelly.wheeler@cherwellandsouthnorthants.gov.uk](mailto:kelly.wheeler@cherwellandsouthnorthants.gov.uk)

### **Legal Implications**

- 6.2 There are no direct legal implications arising as a result of this report. The main body of the report captures an overview of the statutory obligations that will be placed on the Council to ensure compliance with the Homelessness Reduction Act 2017, which will come into force in April 2018.

Comments checked by Christopher Mace , Solicitor, 01327322125  
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## **7.0 Decision Information**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

Cherwell: a thriving community

## Lead Councillor

Councillor John Donaldson - Lead Member for Housing

## Document Information

Appendix No	Title
Appendix A	Summary of DCLG Homelessness Funding
Background Papers	
None	
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