Temporary Accommodation Placement Policy

Serving people, **Improving lives**

Gedling Borough Council

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1. Aims of the policy

1.1 This Temporary Accommodation Placement Policy explains how the Council places individuals and families who are homeless or threatened with homelessness in emergency and temporary accommodation. The Council aims to prevent homelessness wherever possible and encourages households to seek help as early as possible if they are concerned about their housing situation. Where a household cannot remain in its current home, the Council will seek to help it find settled accommodation before it has to leave.

1.2 Where this is not possible, the Council may have a statutory duty to provide temporary accommodation. The Council will aim to provide safe and suitable accommodation while it assesses the household's housing needs and works towards a longer-term solution. This policy supports consistent, lawful and transparent decisions in accordance with legislation, statutory guidance, case law and good practice.

1.3 It sets out how the Council will meet its statutory responsibilities to provide temporary accommodation for:

- Interim temporary accommodation, which is made under section 188 of the Housing Act 1996, during the relief duty while homelessness enquiries are undertaken.
- Temporary accommodation placements for households accepted as homeless under the main duty under section 193 of the Housing Act 1996.
- Temporary accommodation placements made under section 190 of the Housing Act 1996 following a decision that a household became homeless intentionally.

1.4 For each placement, the Council will assess the household's individual circumstances and the potential effects of the accommodation, including affordability, safety, location, health, education, social needs and employment. It will also assess the suitability and standard of any interim or temporary accommodation offered.

1.5 Gedling Borough Council's Housing Options department delivers the statutory homelessness duties.

2. Legal framework

2.1 Temporary accommodation is a form of housing assistance that local authorities in England may provide to homeless households who are eligible for assistance, in priority need, and not intentionally homeless. The provision of temporary accommodation is governed by Part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.

2.2 The key requirements established by the courts that local authorities must consider can be summarised as:

(1) Have a published policy which covers the following areas -

- Procuring sufficient temporary accommodation within its area to meet assessed and projected demand;
- Allocating temporary accommodation, both within the Borough and outside the local authority area;
- The type and mix of accommodation used by the Council;
- How suitability is assessed, and accommodation quality standards are maintained;
- How temporary accommodation will be monitored and inspected;
- Access to key basic facilities; and
- The duty to notify schools, GPs and health visitors when children are placed in temporary accommodation.

(2) Secure temporary accommodation within its area so far as is reasonably practicable, while taking account of the resources available to the Council and the practical difficulties of procuring affordable temporary accommodation.

(3) Take account of the following factors before concluding that in-area or out-of-area temporary accommodation is suitable:

- The need to secure temporary accommodation as close as possible to the household's previous address;
- All relevant factors set out in the suitability order, including the location of the accommodation and whether the Council considers the offer and location reasonable for the household to accept, giving regard to minimising disruption to support networks and essential services;
- The welfare of any children in the household, in accordance with section 11 of the Children Act 2004, with particular regard to acting in the best interests of the child; and

- The Public Sector Equality Duty when assessing whether the temporary accommodation is suitable. Officers will record how equality and disability-related needs have been considered when assessing suitability.

(4) Be able to properly evidence and explain its decisions, including the assessment of suitability made, and evidence that all of the factors above have been considered in detail, especially the impact on employment, education, support and services essential for the wellbeing of the household and household members.

(5) If out-of-area, have notified the other Council formally under section 208.

3. Local context

3.1 There are several challenges placed on the Council overall in terms of the increased demand for temporary accommodation and challenges in procuring accommodation to ensure there is an adequate supply. Demand for temporary accommodation in the longer term is difficult to forecast as it is driven by a complex range of social, economic, and external factors, as well as changes to national legislation and policy. The introduction of the Homelessness Reduction Act 2017 increased the time that those who are 'intentionally homeless' and 'in priority need' must be accommodated for, through the introduction of the 56-day 'relief duty.' This inevitably increased the use of temporary accommodation. Despite the challenges placed on the Council's homelessness service, the Council is committed to meeting its temporary accommodation duties and providing effective support. The Council will seek to ensure that the provision of temporary accommodation meets local needs.

3.2 The Council prioritises those who have the greatest need to be accommodated within our Borough.

3.3 In assessing the suitability of the location of any property to be used as temporary accommodation for a homeless household, the Council will consider whether the applicant can afford to pay for their temporary accommodation without being deprived of basic essentials such as food, clothing, heating, transport costs and all other reasonable expenditure. We will therefore take into account the rent that the household can afford as well as any additional costs, such as travel costs, resulting from the location of the accommodation.

3.4 The Council will also consider the distance between any temporary accommodation offered and the household's last settled address. This assessment will take account of any potential disruption to employment, education, or caring responsibilities, as well as access to essential healthcare, support services, local amenities and transport.

3.5 An assessment of these matters will be completed when an applicant is being matched to any available temporary accommodation unit.

4. Temporary accommodation duties and provision

4.1 Local authorities are required to provide temporary accommodation when households are assessed as homeless, are owed a homelessness duty and they have no means of securing their own arrangements whilst their homeless application is being investigated or before settled housing can be sourced.

4.2 Temporary accommodation can be accessed by homeless households and may include hotels, homes owned or leased by the Council, shared accommodation, supported accommodation, and refuges. This list is not exhaustive.

4.3 All types of accommodation are meant to be temporary, until the household either secures their own housing or the Council makes a suitable offer of permanent accommodation, where a homeless duty has been accepted by the local authority.

4.4 In accordance with the law and homelessness legislation, including the 'Homelessness Code of Guidance for Local Authorities (2018)' so far as reasonably practicable, Gedling Borough Council will seek to accommodate homeless households within the Borough and will always consider the suitability of accommodation by considering the circumstances of the household.

4.5 However, due to a range of factors including the economic downturn, changes to the private sector rented market and the impact of welfare reform, it has become increasingly difficult to acquire suitable accommodation within the Borough. When assessing whether accommodation is suitable for a household, local authorities are entitled to consider the practical constraints imposed by finances. Therefore, where temporary accommodation cannot be secured within the locality at reasonable cost, out of borough accommodation will be sourced, to enable placements to be made to fulfil the Council's housing obligations.

4.6 Additionally, when considering each household's needs, it may be more appropriate to place a household outside of the local authority boundaries if there is a risk posed to the household (or any member) within Gedling Borough Council or if this allows better access to established links such as employment, family connections, medical services or schooling thus maintaining the wellbeing of the household.

4.7 The Council keeps its use of temporary accommodation continually under review, and where a household is placed out-of-area, the Council will seek to return them to the Gedling boundary at the earliest opportunity.

5. Types of temporary accommodation

5.1 The Council uses a variety of accommodation to temporarily house those who are homeless or threatened with homelessness. All occupants of temporary accommodation will have limited security of tenure. Depending on the accommodation offered, applicants will have either a licence to occupy or a non-secure tenancy. Licensees and non-secure tenants do not have the same rights as secure tenants have, for example they do not have a right to buy, right to exchange, or right to take in lodgers.

5.2 Temporary accommodation includes, but is not limited to the following:

Dispersed self-contained properties.

The Council owns and leases properties located within the Borough. The size of accommodation ranges from one-bedroom properties to larger family-sized housing and can be either flats or houses.

There is no statutory duty to provide furnished accommodation although the Council may provide assistance in certain circumstances.

Hotels and bed and breakfast accommodation.

The Council utilises hotels and bed and breakfast establishments, although availability can be limited. Some placements are made in other local authority areas. The Council will use this type of temporary accommodation where emergency accommodation is required at very short notice or where there is no alternative accommodation available. This includes requirements to provide support out of normal working hours including weekends and bank holidays.

Whenever a household is placed into a hotel or bed and breakfast, attempts will be made to identify alternative temporary accommodation as soon as possible. These units are usually self-contained bedrooms with private bathrooms but may not have kitchen or living facilities available.

Food and cooking facilities.

The Council has no statutory obligation to provide or pay for the provision of food or to provide cooking facilities, although breakfast may be included as part of a hotel or bed and breakfast booking where this provision is available. There is normally no cooking facilities provided at hotels or bed and breakfast accommodation. Some hotels or bed and breakfasts will provide access to a microwave at their own discretion and have a fridge in the room. As a minimum, a kettle will be provided in each room. The Council works with a number of local charities and agencies. When placements are made, information on these services, including local shops, emergency food services, food banks and any other assistance available in accessing food, will be provided.

Refuge accommodation.
This type of accommodation is used as safe housing for those fleeing domestic abuse. The accommodation is usually a private bedroom in a shared house with onsite specialist support. This accommodation is usually managed by Women's Aid services.

Hostel accommodation.

This type of accommodation may be managed by another local authority and will normally be one or more rooms with shared facilities such as a toilet, bathroom and cooking facilities.

6. Charges and affordability

6.1 You will normally need to pay rent for temporary accommodation. You are responsible for paying the rent and any service charges that apply.

6.2 You may be able to get Housing Benefit to cover some or all of the rent that qualifies for support. If the Council arranges temporary accommodation because you are homeless, help with your rent comes through Housing Benefit, not the housing costs part of Universal Credit. You may still receive

Universal Credit for other living costs. You must pay any rent that Housing Benefit does not cover from your earnings or other income.

6.3 You may also need to pay service charges. These may be included in your total accommodation charge or charged separately. We will give you a breakdown showing the rent, any service charges, what they cover and what you need to pay yourself. Housing Benefit may cover some service charges, but you will need to pay any that it does not cover.

6.4 We will assess whether you can afford the accommodation. We will consider your income, benefits available to you, rent, service charges and reasonable everyday costs, such as food, clothing, heating and transport. This includes any extra travel costs caused by the accommodation's location. We will consider whether you can pay for the accommodation and still afford basic essentials.

6.5 Please contact your Housing Options officer straight away if you are struggling to pay rent or service charges, or if your financial circumstances change. This will help us understand your situation and consider any advice or support available to you.

6.6 Not paying rent or service charges does not automatically end the Council's legal duty to help you with homelessness. However, it may put your temporary accommodation at risk. A decision to end your accommodation is separate from a decision about whether the Council's homelessness duty has ended. We will consider your individual circumstances and the relevant legal requirements before making either decision.

7. Future temporary accommodation supply

7.1 The Council will maintain an ongoing assessment of the demand for temporary accommodation and the availability of suitable accommodation both within Gedling and neighbouring local authority areas.

7.2 The Council will seek, wherever reasonably practicable, to maintain sufficient quantities of suitable accommodation to meet anticipated demand and fulfil its statutory duties to homeless households.

In support of this objective, the Council will regularly review:

- Levels of homelessness demand;
- Use of temporary accommodation;
- Availability of self-contained accommodation;
- Opportunities to increase local accommodation options;
- Move-on arrangements into settled accommodation; and
- Opportunities to reduce the reliance on emergency, nightly charged and out-of-area accommodation.

7.3 This work will be undertaken alongside the Council's Homelessness Strategy and Action Plan, the Council's Bed and Breakfast Elimination Plan and any other relevant supported housing strategy.

8. Assessment of suitability

8.1 The Temporary Accommodation Placement Policy seeks to ensure that all placements are made on the basis of:

- A comprehensive assessment of a household's circumstances and needs; and
- A balanced assessment of the needs of all households requiring temporary accommodation, set against consideration of the type and location of accommodation that is available to be allocated at any given point.

8.2 For the purposes of making an allocation, all units of TA that may be offered to an applicant owed a temporary accommodation duty will be categorised simply as:

'Within the local authority area', or *'Outside the local authority area'* - Defined as temporary accommodation located ideally in a neighbouring local authority but if this is not possible the Council will normally seek accommodation within approximately one hour's travel time where reasonably practicable.

8.4 Where there are insufficient units of temporary accommodation in this Council's geographical boundaries, a suitable offer will be made outside of our Borough.

8.5 As far as reasonably practicable, the Council will seek to provide temporary accommodation within the Borough. However, sufficient supply within the Borough is not always available. Where there are more households requiring in-area placements than there are available units, and/or more households requiring placements than there is self-contained temporary accommodation available, the Council will use its discretion to decide how the placements are prioritised based on each individual household's case, factoring in the level of need and risks and the availability of different types of accommodation.

8.6 The Council is making efforts to ensure that its temporary accommodation portfolio reflects the most common locations for applicants presenting as homeless in our Borough. The Council has increased the number of temporary accommodation properties it owns and manages over the past three years and will continue to review our needs giving consideration to developing new schemes to increase the number of units in areas within our Borough where the evidence indicates there may be a shortage. However, inevitably we cannot always meet the requested location that an applicant presenting as homeless may wish to be temporarily housed in.

8.7 The Council will have due regard to the principal needs of any children in the household, and the need to safeguard and promote the children's welfare. Regard will be had to any disruption to schools, medical care, social work, other key services, and other support.

8.8 The Council will have due regard to matters concerning public safeguarding and protection and will work with all relevant organisations to ensure the suitability of accommodation.

8.9 Where feasible, the Council may reserve accommodation in anticipation of applicants presenting who meet the criteria for an in-area placement. This has been confirmed as a reasonable practice in the 2018 Court of Appeal case Adam and Alibkhiet v Westminster and Brent Councils. However, this is unlikely to be possible if it involves additional costs for the Council.

9. Accommodation quality standards

9.1 When assessing the suitability of temporary accommodation, the Council will seek to ensure that accommodation:

- Is safe and suitable for occupation;
- Complies with relevant housing, management and health and safety legislation;
- Is free from Category 1 Hazards under the Housing Health and Safety Rating System;
- Meets gas, electrical, fire, legionella and damp and mould safety requirements; and
- Is appropriate to the size and needs of the household.

9.2 Consideration will also be given to the condition, repair, cleanliness, security and overall suitability of the accommodation offered.

This work will be undertaken with regard to the Council's:

- Temporary Accommodation Maintenance Policy;
- Landlord Health and Safety Compliance Policy;
- Asbestos Management Plan;
- Damp & Mould Management Plan;
- Electrical Management Plan;
- Fire Safety Management Plan;
- Gas Management Plan; and
- Water (Legionella) Management Plan.

10. Occupancy standards

10.1 Within temporary accommodation, a room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

10.2 The number of people who can occupy an accommodation unit depends upon the number of bedspaces available. Bedspaces include double beds, single beds, bunk beds, sofa beds and z-beds/camp beds.

10.3 The number of bedspaces (excluding cots) expected to be provided in each accommodation unit is as follows:

Size of accommodation unit	Number of bedspaces
Studio / standard hotel room / 1 bedroom house	Minimum 2 Maximum 6
1 bedroom flat	Minimum 3 Maximum 4*
Family hotel room/suite	Minimum 4 Maximum 6
2 bedrooms	Minimum 4 Maximum 8
3 bedrooms	Minimum 6 Maximum 12

4+ bedrooms	Minimum 8 Maximum 16

*Assumes a sofa bed in the lounge as bedspace for 1 or 2 adults.

10.4 The following occupancy assumptions can be made when assessing the appropriate size of an accommodation unit for a household:

- 2 adults within the same household can share a double bed.
- 1 adult (with parental responsibility) and 1 child of the same gender aged over 3 can share a double bed.
- 1 adult (with parental responsibility) and 1 child of a different gender aged 3-9 can share a double bed.
- 1 adult (with parental responsibility) and 1 child of the same gender aged 10 and over can share a double bed.
- 2+ children of the same gender aged 0+ can share a double bed and room.
- 2+ children of different genders 3-9 can share a double bed.
- Children aged 10 and over of different genders should have separate rooms.
- The maximum number of children aged 3 and over in one bedroom is 4. Each should have their own bedspace.
- All children aged under 3 should be in the same room as the adult who has parental responsibility for them.

10.5 These assumptions are indicative only and individual circumstances will always be considered.

11. Access to basic facilities

11.1 The Council will seek to ensure that households placed in temporary accommodation have access to facilities that are appropriate to their assessed needs including cooking facilities, bathing facilities, laundry provision, storage facilities and communication services where relevant.

11.2 Council-owned and leased properties are generally offered unfurnished, allowing households to bring and use their own furniture and white goods where they are able to do so. Where a household does not have access to essential cooking or laundry equipment, the Council will consider what support can reasonably be provided, including sourcing suitable white goods where appropriate.

11.3 The Council may also make referrals for furniture or other essential household items to help meet a household’s basic needs.

11.4 Wherever reasonably practicable, accommodation used for households with babies under two years of age should provide adequate space for a cot and associated infant equipment.

12. Location and priority for an in-area placement

12.1 If suitable accommodation is available in the Borough, that will be the first option considered. However, when there is a lack of suitable accommodation or there are higher priority households awaiting accommodation in the Borough, out of Borough placements will be used to meet the Council's housing duty.

12.2 If there is not a sufficient number of local temporary accommodation units available, a household will be placed in a suitable unit outside of our Borough, but as close to Gedling Borough as possible, based on the practicality of sourcing units on any given day.

12.3 Relevant facts regarding the household's circumstances will be gathered by officers in the course of their enquiries through completing their assessment of an applicant's circumstances under section 189A of the Housing Act 1996.

12.4 Priority for available in-area accommodation will be given to certain households who the Council has assessed as having a particular need to be housed within the Borough.

12.5 Households who satisfy one or more of the following criteria will be considered as having a priority for accommodation within the Borough boundary:

- Those who are receiving treatment for a physical or mental health condition from a specialist hospital unit within the Borough, where they are at a critical point in their treatment which requires attending appointments at the facility twice or more per week.

- Children subject to a Child Protection Plan in Gedling Borough which cannot be transferred to another local authority without causing serious detriment to a child's welfare.

- Children subject to a Statement of Special Educational Needs in the Borough which cannot be transferred to another local authority without causing serious detriment to the child's welfare.

- In accordance with the criteria set out within the local Allocations Policy, those who have a longstanding or formal arrangement to provide essential care to another resident of the Borough who is not part of the household.

- While families can be placed in hotels or bed and breakfasts from time to time, many of these placements are usually as a result of emergency placement, whereby it has not been possible to prevent homelessness or secure any alternative accommodation. The Council will adhere to the Homelessness (Suitability of Accommodation)(England) Order 2003 and Homelessness Code of Guidance by attempting to not place households with children or who are pregnant in this type of temporary accommodation for a period exceeding six weeks and will seek to move them to more suitable in-area accommodation as soon as possible.

- Other circumstances which demonstrate an exceptional need which cannot be met outside of the Borough boundary.

12.6 The following principles also apply:

1. The above categories do not mean that no other special circumstances will be taken into account. Whenever an applicant is owed an interim or full temporary accommodation duty a full assessment will be carried out of their household's housing needs and circumstances. Following that assessment, it may be decided that an applicant should qualify for a local area offer for a special reason despite not meeting the criteria set.
2. The time likely to be spent in the accommodation will also be taken into account when determining the suitability of any offer of temporary accommodation out-of-area.
3. Where there are no in-area temporary accommodation units immediately available which meet the household's identified needs, a homeless household may be placed on an emergency basis into accommodation in any location where there is availability on that day as long as it has been assessed as being suitable.
4. Households in receipt of welfare benefits or who may be on a low income may be subject to restrictions on the amount of benefit they can receive, which may affect their ability to pay their temporary accommodation rent. Placement in a local area is subject to suitable accommodation being available that the applicant can afford.
5. Given the shortage of available properties, it may be required to make a decision regarding how to prioritise the allocation of a particular property on a particular day where more than one household requires TA and more than one household meets the local area criteria set out above. The following circumstances will be taken into account when prioritising between households. Please note the circumstances listed are not in descending order of importance and do not form an exclusive set of criteria as other factors may also be relevant:

- Level of need relating to the welfare and safeguarding of any children in the household;
- Level of educational need;
- Identified risks posed by living in particular areas;
- Permanency/flexibility of employment;
- Access to transport;
- Level of need to be close to services and amenities;
- Level of need to be close to health services;
- Level of need to be close to support networks;
- Level of need to be close to cultural or religious amenities;
- Impact on caring responsibilities;
- Affordability of the accommodation;
- Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of household members; and
- Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of any children in the household, having regard to the Council's duty under the Children Act 2004 to safeguard and promote their well-being.

12.7 Gedling Borough is surrounded by urban areas. Therefore, exceptions will be considered where available temporary accommodation outside of the boundary is geographically closer and as accessible to a place of need than an in-area placement.

13. Households without priority for an in-area placement

13.1 Households who meet none of the in-area criteria may be offered properties further afield when no suitable property is available within these areas.

13.2 Households who are offered temporary accommodation under section 190 or section 199A of the Housing Act 1996, Part VII will not have a priority for accommodation within or close to the Borough. If households are in temporary accommodation within or close to the area under a different duty which is then ended and the section 190 duty or the section 199A duty begins, the Council reserves the right to move them to accommodation further afield.

14. Priority for self-contained temporary accommodation

14.1 Self-contained accommodation is accommodation where the applicant and their household do not have to share facilities with another household. Priority for self-contained accommodation will be provided to households where:

- There is an identified medical need which the Council has assessed would be best managed within this type of accommodation;
- There are issues relating to safeguarding or public protection;
- A household has belongings that must be protected and where no alternative suitable arrangements to ensure this is available; or
- There is an identified exceptional need which the Council considers would be best met by this type of accommodation.

14.2 A priority for self-contained accommodation does not guarantee such a placement, but should suitable self-contained accommodation be available it does give that household priority over others without this assessed priority.

15. Minimising disruption to support networks and essential services

15.1 In determining the suitability of temporary accommodation, the Council will seek to minimise disruption to:

- Education;
- Employment;
- Healthcare;
- Caring responsibilities;
- Specialist support services; and
- Established support networks.

15.2 Wherever reasonably practicable, households will be accommodated within Gedling Borough or as close as possible to the Borough.

16. Making temporary accommodation offers

16.1 The suitability of accommodation can change over time. The Council may consider somewhere to be suitable for occupation for a short period (i.e. pending enquiries or whilst securing alternative accommodation) that would not be considered suitable in the longer term. The Council always aims to offer suitable accommodation to the household at the first placement, though this may not be the most suitable, subject to availability. Households who have any reservations about the suitability of the temporary accommodation being offered should initially discuss the matter with the officer managing their homeless application.

16.2 All applicants retain the right to make a formal complaint about the service they receive from the Council.

16.3 Once a household has been assessed and it has been recognised that there is a duty to accommodate temporarily in emergency accommodation, the Council will make one suitable offer of interim accommodation. There is no obligation upon the Council to enable applicants to view the accommodation prior to acceptance. If an applicant refuses an offer of interim or temporary accommodation and the Council does not accept the reasons for refusal, and considers that the offer is suitable, the Council's duty is likely to cease, and the applicant may not be offered further temporary accommodation and will be required to make their own arrangements.

16.4 Applicants may have different rights depending on the homelessness duty being performed. The Council will notify applicants of any statutory review rights available in relation to a placement decision. Applicants may also seek independent legal advice regarding any challenge to suitability.

17. Moves between temporary accommodation

17.1 The Council will seek to avoid multiple moves between temporary accommodation placements unless there is a clear benefit to the household concerned or circumstances make a move necessary.

17.2 The Council may move a household where this is necessary to maintain suitability, address risks or respond to changing circumstances.

17.3 A move may be considered where:

- The accommodation is no longer suitable for the household's needs;
- Household circumstances have changed;
- The accommodation requires significant repair works;
- There are safeguarding or risk management concerns;
- The accommodation is no longer available;
- Alternative accommodation becomes available which better meets the needs of the household;
- A move is required because of evidence showing a serious or critical medical need;
- Transfer from bed and breakfast/hotel-type accommodation for families who have been in occupation for at least five weeks (to avoid occupation beyond six weeks);

- Overcrowding or under-occupation of the accommodation; or
- It is necessary to make best use of the Council's temporary accommodation resources.

17.4 When considering a move, the Council will have regard to the suitability of any alternative accommodation and seek to minimise disruption wherever reasonably practicable. However, applicants may be required to move between temporary accommodation placements during the course of the Council's homelessness duties.

17.5 The Councils objective is to eliminate the use of Bed and Breakfast accommodation for households with dependent children or pregnant women, except where unavoidable in an emergency. However, where bed and breakfast accommodation is used, the Council will seek to move households containing dependent children or a pregnant woman into suitable alternative accommodation as soon as reasonably practicable.

18. Notifications to health, education and other services

18.1 Where required by legislation, statutory guidance or local procedure, and subject to applicable information sharing requirements, the Council will notify relevant education and health bodies when a child is placed in temporary accommodation.

18.2 This may include:

- Schools;
- GP practices;
- Health visiting services; and
- Other agencies involved in the welfare of the child.

18.3 The purpose of such notifications is to support continuity of education, healthcare and safeguarding arrangements and to minimise disruptions arising from temporary accommodation placements.

19. Management of temporary accommodation

19.1 Residents are expected to comply with the terms of their occupancy agreement and any reasonable rules relating to the accommodation.

19.2 Residents are responsible for keeping their accommodation in a reasonable condition, reporting repairs promptly and allowing access where required for inspections, repairs, health and safety checks or the proper management of the accommodation.

19.3 The Council may impose reasonable conditions relating to the occupation and management of temporary accommodation. This may include restrictions on visitors where there are anti-social behaviour, safeguarding, safety or management concerns.

19.4 The Council may carry out announced or unannounced visits where this is necessary to ensure the accommodation is being occupied appropriately, to check welfare, to investigate concerns, or to manage the temporary accommodation effectively.

19.5 The Council may undertake regular inspections, audits, occupancy checks and welfare visits to:

- Confirm authorised occupation;
- Monitor property condition and standards;
- Identify repairs, safety concerns or safeguarding issues;
- Review changing household circumstances; and
- Support households to move on into settled accommodation where appropriate.

20. Behaviour and breaches of occupancy conditions

20.1 Residents must behave in a way that does not cause nuisance, harassment, alarm, distress, damage, risk or disruption to staff, contractors, neighbours, other residents or members of the public.

20.2 Residents are responsible for their own behaviour and, where applicable, the behaviour of household members and visitors.

20.3 Where occupancy conditions are breached, the Council may take action depending on the seriousness of the breach and the circumstances of the household. This may include advice, support, verbal warnings, written warnings, acceptable behaviour arrangements or action to end the accommodation placement.

20.4 The Council reserves the right to take immediate action where behaviour presents a serious risk to staff, contractors, other residents, neighbours, the household itself or members of the public.

20.5 Any enforcement action will be proportionate to the circumstances and seriousness of the breach.

21. Monitoring and review of temporary accommodation

21.1 The Council will maintain oversight of temporary accommodation provision through periodic reviews of the accommodation standards, provider performance and household circumstances.

21.2 This may include:

- Accommodation inspections;
- Occupancy audits;
- Review of household support needs;
- Provider monitoring arrangements; and
- Review of move-on opportunities.

21.3 Information gathered through these reviews may be used to improve temporary accommodation provision, strengthen procurement arrangements and support better homelessness outcomes.

22. Ending temporary accommodation

22.1 Discharge of section 188 [Interim] Accommodation Duty

22.2 The discharge of the section 188 interim accommodation duty, for temporary housing provided to homeless individuals, is triggered by specific events outlined in the Housing Act 1996. Generally, this duty ends when the Council fulfils its obligations, the applicant becomes intentionally homeless, or the applicant is deemed ineligible for further assistance. Additionally, where the applicant has breached the licence condition, they may be asked to leave the interim accommodation following warnings and accommodation may be ended with immediate effect, subject to individual circumstances.

22.3 Discharge of section 193 Accommodation Duty

The Council's duty to provide temporary accommodation under Section 193 of the Housing Act 1996 can be ended (discharged) in several ways. This occurs if the applicant:

- Becomes intentionally homeless or ceases to be eligible for assistance.
- Voluntarily stops occupying the temporary accommodation as their only or principal home.

Refuses or accepts one suitable offer of accommodation, though they maintain the right to request a review of its suitability.

22.5 In such circumstances applicants will be encouraged to accept the offer of accommodation whilst a review of the suitability of the offer of accommodation is being considered. Where applicants refuse to take up the offer of accommodation whilst a review is underway, the current temporary accommodation may only remain available at the discretion of the Council's Housing Options Team Leader.

22.6 The Council shall cease to be subject to the duty under section 193(6) of the Housing Act, if the applicant:

- Ceases to be eligible for assistance;
- Becomes homeless intentionally from the accommodation made available for their occupation;
- Accepts an offer of accommodation under Part VI (allocation of housing);
- Accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private sector landlord;
- Voluntarily ceases to occupy, as their principal home, the accommodation made available for occupation;
  or
- Having been informed of the possible consequences of refusal and of their right to request a review of the suitability of accommodation, refuses a final offer;

22.7 Where the Council decides that their duty has ceased as described above, the applicants housed under section 193, will be asked to leave the temporary accommodation usually within 28 days or earlier subject to individual circumstances. Two warnings will be issued before the Council ceases its section 193 duty and accommodation may be ended with immediate effect, subject to individual circumstances.

22.8 The Council may apply its discretion in withdrawing temporary accommodation in circumstances where the household is accommodated under section 190, has refused an offer of accommodation or the reasonable period has ended and are reviewing the decision.

23. Policy review

23.1 This Policy will be subject to ongoing review and will be amended to reflect any changes in legislation, statutory guidance, case law, or operational practice.

23.2 The Policy will be reviewed annually.

24. Legal appendix

24.1 This policy aligns with a range of national legislation, which it is the responsibility of the Council and its officers to comply with when making relevant decisions. This includes:

- Sections 188, 190, 193, 199A, 206, 208 and 210 of the Housing Act 1996;
- The Homelessness Code of Guidance for Local Authorities;
- The Homelessness (Suitability of Accommodation) (England) Order 2003;
- The Homelessness (Suitability of Accommodation) (England) Order 2012;
- The Homelessness Reduction Act 2017;
- The Equality Act 2010;
- The Localism Act 2011;
- Section 17 of the Children Act 1989;
- Section 11 of the Children Act 2004;
- Section 23 and Section 42 Care Act 2014; and
- Domestic Abuse Act 2021.

24.2 Section 188 of the Housing Act 1996 Part VII

Provides that the Council must ensure that accommodation is available for an applicant where it has reason to believe they may be homeless, eligible for assistance and in priority need (these are all defined terms in law).

This duty is known as the 'interim duty' and continues until the Council has made a final decision as to whether the applicant is owed the 'main housing duty.' Applicants placed under section 188 are no longer afforded the safeguards identified in the Protection from Eviction Act 1977 Section 5 and therefore there is no requirement for the Council to seek a court order for possession. This is detailed in case law relating to the case of (R, (ZH and CN) v London Boroughs of Newham and Lewisham [2014] UKSC 62).

24.3 Section 190 of the Housing Act 1996 Part VII

Provides that the Council must secure accommodation for households with an intentional homeless decision for a period the Council deems reasonable for the household to secure an alternative arrangement.

24.4 Section 193 of the Housing Act 1996

Provides that the Council must ensure that accommodation is available for an applicant where it determines that they are homeless, eligible for assistance, in priority need, not intentionally homeless, and where it has not successfully 'prevented' or 'relieved' homelessness (these are all defined terms in law) and has not referred the application to another local authority. This is known as the 'main housing duty' and continues until the applicant accepts a final offer of accommodation, or until the Council's duty is discharged for another prescribed reason.

24.5 Section 199A of the Housing Act 1996 Part VII

Provides that the Council must offer interim accommodation to households who are homeless, eligible for assistance and in priority need, pending notification and referral to another local authority and the offer of accommodation ending when the other local authority accepts that the referral conditions have been met.

24.6 Section 206 of the Housing Act 1996

Provides that any accommodation provided under section 188 or 193, whether temporary or otherwise, must be suitable.

24.7 Chapter 17 of the Homelessness Code of Guidance

Codifies the factors, borne from various legal instruments, local authorities should consider when determining whether temporary accommodation is suitable. Such factors include the standards, size, affordability, and location of any accommodation.

24.8 Section 208 of the Housing Act 1996

Provides that, so far as reasonably practicable, accommodation found by the Council should be in the local authority area. When accommodation is provided out of the area, the Council should notify the local authority in whose area the accommodation is situated.

24.9 The Homelessness (Suitability of Accommodation) (England) Order 2012

Provides that the following factors should be considered when deciding whether accommodation is suitable.

- The distance of the accommodation from Gedling Borough;
- The level of any disruption to employment, caring responsibilities or education;
- The proximity and accessibility of the accommodation to medical facilities and support; and
- The proximity and accessibility of the accommodation to local services and transport.

24.10 The Homelessness (Suitability of Accommodation) (England) Order 2003

Provides that households containing children or pregnant women should only be housed in ‘bed and breakfast’ accommodation where no other accommodation is available, and even then, such occupation should not exceed six weeks.

24.11 Section 11 of the Children Act 2004

Provides that, in carrying out its functions, a local authority must have regard to the need to safeguard and promote the welfare of children.24.23

24.12 The Equality Act 2010

Provides that, in carrying out its functions, a local authority must have due regard to the following:
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
Advance equality of opportunity between people who share a protected characteristic and those who do not.
Foster good relations between people who share a protected characteristic and those who do not.

24.13 Section 42 Care Act 2014

If an individual in temporary accommodation is suspected of being abused or neglected, the local authority must initiate a safeguarding enquiry under Section 42, regardless of whether they are also receiving housing assistance.

24.14 Domestic Abuse Act 2021

Amended housing law to deem anyone made homeless by domestic abuse automatically in priority need for temporary accommodation, which came into force in July 2021.

24.15 Associated Case Law, includes the following:

Nzolameso v Westminster (2015) UKSC 22

Sets out that local authorities must produce a policy which sets out how they will provide accommodation for households who are homeless in their Borough.

Birmingham CC v Ali and others: Moran v Manchester CC [2009] UKHL 36

Sets out that what is considered suitable accommodation to comply with interim accommodation duties might be different from suitable accommodation offered in discharge of the main housing duty.