



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 2ND SEPTEMBER 2019
Report Number	AGENDA ITEM 8
Subject	TEMPORARY ACCOMMODATION PLACEMENT POLICY
Wards affected	ALL
Accountable member	Councillor Lisa Spivey, Cabinet Member for Housing and Homelessness Email: lisa.spivey@cotswold.gov.uk
Accountable officer	Jon Dearing Group Manager for Resident Services Tel: 01285 623304 Email: jon.dearing@publicagroup.uk
Summary/Purpose	To seek Cabinet approval for the introduction and implementation of a Temporary Accommodation Placement Policy.
Annexes	ANNEX 'A' - The Temporary Accommodation Placement Policy ANNEX 'B' - Equality Impact Assessment
Recommendation/s	<i>That Cabinet approves the introduction of the Temporary Accommodation Placement Policy, as set out in Appendix 'A'.</i>
Corporate priorities	The Corporate Plan is in preparation.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	.

1. BACKGROUND

- 1.1** 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.
- 1.2** Although the Council now owns a property in Ashcroft Road, Cirencester for such placements (and is actively looking for other suitable property elsewhere in the District) 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.
- 1.3** 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 2nd April 2015 judgement of the Supreme Court
- 1.4** The Supreme Court judgement on *Nzolameso -v- City of Westminster* (2015) recommended that local authorities produce, approve and publish policies on procuring and allocating temporary accommodation.
- 1.5** The circumstances of the Supreme Court case were - 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, but rejected the offer as it was too far from her children's school, her GP and support network.
- 1.6** 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".
- 1.7** The recommended Policy seeks to address these issues.

2. FINANCIAL IMPLICATIONS

There are no direct additional resource implications presented by the recommendations

3. LEGAL IMPLICATIONS

The Supreme Court Judgement on Nzolameso -v- City of Westminster (2015) recommended that local authorities produce and publish a policy on procuring and allocating temporary accommodation. The Court also recommended that the policy be up-to-date and should be democratically approved by members.

4. RISK ASSESSMENT

4.1 There is a reputational risk to the Council if it does not have a policy which will provide robust guidelines to the Council for procuring and allocating temporary accommodation.

4.2 The policy will help ensure decisions are properly evidenced and therefore more robust and resistant to challenge.

5. EQUALITIES IMPACT (IF REQUIRED)

Equalities Analysis is attached as Annex B

6. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)

None

7. ALTERNATIVE OPTIONS

The introduction of this Policy will help the Council meet the recommendations of the Supreme Court.

8. BACKGROUND PAPERS

None