

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL
REPORT OF DIRECTOR (HOUSING AND COMMUNITY)
26 June 2017

HOMELESSNESS REDUCTION ACT 2017 UPDATE

1 Executive Summary

- 1.1 The Homeless Reduction Act received Royal Assent in England and Wales on 27 April 2017
- 1.2 There have been recent changes to legislation in Scotland and Wales which are the precursor to this new Act. In Scotland 'priority need' has been abolished – therefore extending duties to everyone who is homeless, as oppose to only those who are considered to be vulnerable. In Wales additional homeless prevention duties were introduced in 2014.
- 1.3 Homelessness in England is rising. In 2016 59,260 households were accepted as statutorily homeless – this is an increase of 40% since the start of the decade. In the face of growing demand and a reduction in supply of affordable housing, councils have focussed on their statutory duties. The Homeless Reduction Act expands the duties of councils, requiring us to work on preventing homelessness for all homeless households.
- 1.4 A summary of the current duties and the changes being brought in via this Act are set out in Paragraph 3.7.
- 1.5 Whilst the government has promised some money for local authorities to reflect the new burdens placed on the council as a result of this change, the impact on the service is likely to be very high and the costs associated with the implementation are unlikely to be fully met from this money.
- 1.6 A project group will be formed to oversee the implementation, including the review of processes and enhancement of our homeless prevention services and rehousing options.

2 Recommendation(s)

- 2.1 Members note the content of this report.

3 Explanation

- 3.1 The Homelessness Reduction Act 2017, which started life as a Private Members Bill, gained Royal Assent in April 2017 and is likely to become law in 2018.

- 3.2 The Act places a new duty on local authorities to help prevent the homelessness of all families and single people, regardless of priority need, who are eligible for assistance and threatened with homelessness.
- 3.3 The Act places a greater emphasis on intervention and acting quickly to provide advice and prevent homelessness, rather than only intervening when it has become crisis point. It also extends the duties placed on the council to offer more help to people considered to be 'non priority'.
- 3.4 Under current legislation the council has a duty to make housing advice available universally to residents. It has specific duties to provide advice or seek to prevent or relieve homelessness where someone is threatened with homelessness within 28 days.
- 3.5 In terms of housing duties, currently the housing duty will only apply where someone is threatened with homelessness or homeless and they have a 'priority need'. This includes someone with child(ren) who reside with them (or could reasonably be expected to reside with them), someone who is pregnant or are vulnerable due to age or illness/disability or for another reason (such as domestic abuse or being in prison).
- 3.6 The new Act extends these duties, both by increasing the timeframe where help has to be provided, but also extending our duties to people who are 'non priority'.
- 3.7 The key changes are set out as follows:

Current Duties: Housing Act 1996 (as amended by Homelessness Act 2002)	New duties: Homeless Reduction Act 2017
A duty to help someone who is homeless or threatened with homelessness within 28 days	A duty to help someone who is homeless or threatened with homelessness within 56 days
A duty to prevent homelessness for people considered to be in priority need	A new duty to prevent or relieve homelessness for all eligible applicants threatened with homelessness, regardless of priority need
No current duty	A new duty on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless
Duty to secure that advice and information about homelessness and prevention of homelessness is available free of charge to any person in the district	Duty to provide or secure the provision of a service, available free of charge to any person in the authority's district, providing information and advice on preventing homelessness, securing accommodation when homeless, the rights of persons who are homeless or threatened with homelessness and the

Current Duties: Housing Act 1996 (as amended by Homelessness Act 2002)	New duties: Homeless Reduction Act 2017
	duties of the authority and any help that is available from the authority or anyone else for people who are homeless
Duty to provide advice and assistance	Duty to assess every eligible applicant's case and agree a plan. This would include any steps the applicant is required to take in order to secure or retain accommodation plus what the council will do. This plan must be kept under review until the council has decided a duty is no longer owed
Duty to provide interim accommodation where a person is eligible, homeless and in priority need	Initial duty owed to all eligible persons who are homeless. The authority must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for them for at least six months or such longer period not exceeding 12 months

- 3.8 The Act significantly extends the duties of the council to provide housing advice and homeless prevention advice and specifically states that the service must be designed to meet the needs of the following groups:
- People released from prison or youth detention accommodation
 - Care Leavers
 - Former members of the regular armed forces
 - Victims of domestic abuse
 - Person's leaving hospital
 - Person's suffering from a mental illness or impairment and
 - Any other group that the authority identifies as being at particular risk of homelessness in the district
- 3.9 The Act specifically defines a private sector tenant who has received a valid Notice of Possession as 'threatened with homelessness' thus tackling the issue of local authorities requiring bailiff warrants prior to offering any help to people who are threatened with homelessness in these circumstances.
- 3.10 For applicants who are already homeless or who become homeless at the end of the 56 day prevention period, the new initial duty gives the council a 56 day window in order to resolve the applicant's homelessness. The initial duty can be discharged by securing suitable private sector accommodation for a minimum period of six months.
- 3.11 The Act increases the opportunities available to the applicant to request a review of decisions made by the council at various stages in the application process. There are 33 points in the process where an applicant may ask for a review.

Depending on the number of requests received, this could have significant resource implications.

Implications

4 Financial Implication(s)

- 4.1 There are no direct financial implications arising from this report, as it is for information only. However members will note that this new legislation places additional burdens on the council, including additional requirements in terms of how and when homeless prevention and housing advice is provided and an extension to the groups of people to whom we have duties.
- 4.2 The government has allocated a total of £61million per annum for two years nationally in new burdens funding to local authorities. We have estimated that we are likely to receive in the region of £60,000 per annum for two years, although this has not yet been confirmed.
- 4.3 Some local authorities are estimating that the changes to legislation may lead to a 50% increase in demand on current services. A project team will be set up to oversee the implementation of this new legislation and this will include a full review of current processes and consideration will be given to additional resources that may be required as part of this review.
- 4.4 Key figures relating to the current service are set out below:

Year	Total Enquiries	Total Housing Options Cases	Total accepted full duty	Total rejected (non-priority or intentionally homeless)
2016/17	1454	294	119	55

- 4.5 Further detailed work needs to be done on what the implications will be, but it is likely that more detailed advice and agreed plans will be required for a reasonable proportion of the people making initial enquiries. The new duty to 'help to secure' accommodation applies to all eligible groups. This would represent a 46% increase in the number of people who the council would have an ongoing duty to provide help to.

5 Legal Implication(s)

- 5.1 The Homeless Reduction Act 2017 gained Royal Assent in April 2017 and is likely to be enacted in 2018.
- 5.2 The government has said that guidance will be provided associated with the legislation.

6 Climate Change Implication(s)

6.1 There are no Climate Change implications arising directly from this report.

7 Risk Management Implications

7.1 The risks related to this report are:

7.2 Legal, Reputational and Financial

Legal – assessing and meeting the duties arising from the homeless legislation is a key statutory responsibility for the council. The new Act will bring about a significant change to the current duties and introduces many new opportunities for applicants to seek a review of the council’s decision(s). It is very important that the new legislative requirements are fully understood and implemented. A project group will be formed to oversee the implementation of the Act and relevant training provided to officers. A full process review will be conducted. Risk score subject to controls being in place: Likelihood Low; Impact Medium.

Reputational – it is important that the council adheres to the new legislative framework and that our staff and stakeholders are knowledgeable about our legal duties. Failure to implement these new duties adequately will be a reputational risk to the council and could leave us vulnerable to legal challenge regarding our decision making. A project group will be formed to oversee the implementation of the Act and relevant training provided to officers. A full process review will be conducted. Risk score subject to controls being in place: Likelihood Low; Impact Medium.

Financial – the Act places new burdens on the council and there will be an associated cost, which we cannot easily estimate at this stage. We will seek to mitigate this by reviewing our current team structures and processes and ensuring our service is streamlined; providing suitable training to staff and stakeholders; utilising the new burdens funding to support excellent service delivery; utilising the new homeless prevention grant to provide services where there are current gaps and/or where services need enhancing. Risk score subject to controls being in place. Likelihood High; Impact High.

8 Security and Terrorism Implications

8.1 There are no additional implications arising from this report.

9 Procurement Implications

9.1 There are no implications arising from this report.

10 Link to Corporate Priorities

10.1 I confirm that the subject of this report is linked to the Council’s Corporate Priority, meet the Borough’s housing needs, and specifically to the objective to Prevention Homelessness, as set out in the council’s Housing and Homelessness Strategy 2013-2018.

11 Equality and Diversity

11.1 An Equality Impact Assessment (EIA) has not been carried out in relation to this report as it is for information only. However an EIA will be carried out as part of the service review, prior to implementation of the new legislation.

Name of author: Sian Chambers
Job Title Head of Community and Housing Strategy
Date: 1 June 2017