

Committee: Sustainable Communities Overview and Scrutiny Panel

Date: 23rd February 2023

Subject: Homelessness Prevention and Relief Performance

Lead officer: Elliot Brunton, Interim Head of Housing Needs and Strategy

Lead member: Andrew Judge, Cabinet Member for Housing and Sustainable development

Director: John Morgan, Executive Director Adult Social Care, Integrated Care & Public Health

Contact officer: Elliot Brunton, Interim Head of Housing Needs and Strategy

Recommendations:

A. To note the information contained in the report

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. To provide a summary of homelessness prevention and relief activity in the borough under the terms of Part VII Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017).

2 INTRODUCTION

2.1. Homeless legislation has existed in varying forms since 1977 with a significant update occurring with the Homelessness Reduction Act 2017.

2.2. Where a resident makes a homeless application to the Council the law says that we must look into their circumstances to find out what type of help we can provide.

2.3. Firstly, we have to investigate:

- **If they are eligible for help.** This is a complex area of law and will be decided according to an individuals, nationality, immigration status and residency. If someone is not eligible, we can only provide basic advice and assistance.
- **Whether it is reasonable for a resident to return to their last address, or to continue living there.** We need to be sure that someone is actually homeless or threatened with homelessness. Someone is regarded as being statutorily threatened with homelessness if this is within 56 days.

If we are satisfied that a resident is eligible and homeless (or threatened with homelessness), we have a duty to work with them to draw up a '**Personal Housing Plan**', listing the steps both the Council and the resident can take to solve their identified needs. H

- 2.4. However, we will have further duties to priority need homeless applicants. Priority need is a legal term set out in the Act. To establish a “priority need” we will look at the following:
- Do they have dependent children, or are (or a house-hold member) pregnant? and/ or
 - Are they vulnerable, for example because of age, mental health or disability? and/ or
 - Are they 16 or 17 years old or a care leaver under the age of 20 and / or
 - Have they lost your home because of an emergency such as a fire or flood?
- 2.5. If a resident is in a ‘priority need’ group, have lost their home and they need temporary accommodation, we will provide this for them, while we work together on a solution.
- 2.6. Regardless of whether an applicant is in priority need, we will try and prevent homelessness for 56 days. This is called **the prevention duty**. If we fail to resolve their homelessness during this time and/or they become actually homeless, then we have a further 56 days to relieve their homelessness. This is called **the relief duty**.
- 2.7. If the relief duty is owed, we will also look at whether they have local connection with Merton Council, and this is defined in the law and is based either on residence, employment, or close family members living locally. We may refer a resident to another council for more help, if it is safe to do so & there is insufficient local connection with Merton.
- 2.8. If a resident does have a local connection with Merton, are in priority need and our work with them has failed to relieve their homelessness after 56 days, we will consider whether they have lost their home because of something they have deliberately done (or because of something they have failed to do). This relates to whether or not an applicant is regarded as being intentionally homeless. This is a very complex area of law, and every case will be considered on its individual merits. This will affect whether the Council owes a resident a long-term duty to make a final offer of accommodation.

3 PREVENTION AND RELIEF OF HOMELESSNESS

- 3.1. Under the Homelessness Reduction Act there are a number of specified circumstances where the prevention and relief duties come to an end. The Council records the reasons that the prevention and relief duties end against each separate homeless case.
- 3.2. If the duty ends due to the applicant being able to stay in their current home for 6 months, or because they have found alternative accommodation that is available for at least 6 months, this is recorded as either a positive prevention or relief outcome. It is the case that prevention and relief activities mean the individual’s housing crises are resolved far quicker than those cases who go beyond the 56-day duty. Prevention and relief activities have a cost benefit for the Council in that where this is achieved the Council does

not have a long-term duty to provide temporary accommodation with the associated general fund costs.

3.3. When the Council devises a personalised housing plan it will set out what options and action will be taken to prevent and relive homelessness. These are called **reasonable steps**.

3.4. The Council can prevent and relieve homelessness in a variety of ways such as-

- Advice on security of tenure.
- Advice on Protection from Eviction.
- Legal Advocacy on tenant’s behalf with private landlords.
- Negotiating with hosts to allow clients to continue to stay with them.
- Offering incentives to Landlords to renew tenancies
- Increasing the security of the homes of the victims of domestic violence via the sanctuary scheme to allow them to stay.
- Home visits to confirm the circumstances of the client.
- Rent and mortgage rescue scheme to pay arrears where clients meet the criteria
- Increased priority on the Council’s waiting list where the requirements of the Council’s Housing Allocations and Nominations Policy are met.
- Offers of accommodation from the Council’s Rent Deposit Scheme.
- Arranging local supported housing / hostel places for single people.

3.5. Performance in relation to the number of positive outcomes is recorded below. As the table below sets out, the number of homelessness preventions have remained fairly consistent over the previous years. Merton has historically had the lowest number of cases in temporary accommodation in London and these activities contribute directly to this achievement.

	2017/18	2018/19	2019/20	2020/21	21/22	22/23 to date
Preventions	465	504	480	455	452	317 (December)

4 **ROUGH SLEEPING OUTREACH SERVICES**

4.1. Over the last 5 years, the Council has secured just over £2 million of grant funding to develop a range of services specifically for rough sleepers. This group has specific needs above and beyond the provision of accommodation alone. The services include: day-time outreach provided by a team of in-house staff with night-time outreach covered by Thamesreach; emergency accommodation; and day-to-day support and tenancy sustainment for clients. The service has established an accommodation pathway for clients to enable them to move on to more sustainable housing depending on their

needs, including shared housing with support in the private rented sector, supported housing, or tenancies of self-contained accommodation in the private rented sector.

- 4.2. As of November, there were 56 rough sleeper referrals during the month concerning 33 known individuals. Some of these referrals concern rough sleepers already accommodated by the council, or who have refused multiple offers of accommodation. The council continues to try and work with entrenched rough sleepers who have not accepted accommodation alongside other agencies that support them with a view to finding accommodation that meets their needs.
- 4.3. Below is a summary of the rough sleeper cases currently accommodated by the Council as of November 22.

In Accommodation	No of Clients	Of which No recourse to public fund
Nightly Paid Temporary Accommodation	19	6
PRS Shared Housing	26	7
Supported Housing	35	0
Total	80	13

5 TEMPORARY ACCOMMODATION

- 5.1. As noted above when residents make homeless applications, in some circumstances the Council has a legal duty to provide temporary accommodation, typically during the relief period if someone is actually homeless. Not all individuals are entitled to temporary accommodation.
- 5.2. As noted above where people appear to be (a) eligible for assistance; (b) homeless; and (c) in priority need of accommodation, they are owed what is known as the 'interim' duty. This duty provides them with temporary accommodation pending more detailed enquiries into their application and actions taken by the authority to relive their homelessness.
- 5.3. Where on conclusion of those enquiries, (and assuming it is not possible to prevent or relieve homelessness) if officers within the Housing Department are satisfied that the homeless person is eligible; homeless; is in priority need and did not become intentionally homeless; and has a local connection, then they are owed what is known as the 'full' or the 'main' duty.
- 5.4. This is a duty to continue to provide them with suitable temporary accommodation, without limit of time, until the duty is brought to an end in a limited number of prescribed circumstances, most commonly via a reasonable offer of accommodation. This offer is from a registered social landlord or via a private sector landlord.

- 5.5. Accommodation offered under the Act is required to be suitable for homeless households and this is set out in the Homelessness (Suitability of Accommodation) (England) Order 2012. When securing accommodation in relation to either the “interim” or “main” homeless duty, s208(1) of the Housing Act states, so far as reasonably practical, the authority must secure this accommodation in its own area. This was reinforced in the Supreme Court judgement handed down in the case of Nzolameso v Westminster 2015.
- 5.6. Central government policy has restricted the types of temporary accommodation that can be seen as suitable in the discharge of these duties. With effect from 1st April 2004, the use of bed and breakfast for families with children was made unlawful over a 6-week period and the use of this accommodation for persons aged 16 or 17 years old is likewise discouraged.
- 5.7. Merton Council has the lowest number of households in temporary accommodation of a London Borough. However there has been a significant increase in numbers going into temporary accommodation across 2022/23. This is due to a number of factors. From July to September 2022 the number of landlord possession orders through the courts increased from 5,601 to 15,353 (174%) and bailiff’s warrants from £4,552 to 8,505 (87%) across England. This is likely due to the back log of cases from the moratorium on evictions coming to an end following the covid-19 restrictions being lifted.
- 5.8. The Council has submitted data to London Councils who have collated an overall position for the capital. This shows a worsening situation compared to the previous years with recent increases of homeless applications in November and December 2022 of 16.9% and 19.7 respectively.
- 5.9. The Council has also taken a number of applications from people from Ukraine who’s host or family arrangement has or is about to break down. The Council always takes steps to prevent homelessness and current there are only 4 cases in temporary accommodation from the Ukraine. The Council had also accommodated one case from Afghanistan. However, this case was rehoused this month and has left temporary accommodation.
- 5.10. Numbers in Temporary accommodation snapshot at year end

2018-19	2019-20	2020-21	2021-22	2022-23 (to date)
174	199	197	230	333 (December)

6 ALTERNATIVE OPTIONS

None for the purposes of this report

7 CONSULTATION UNDERTAKEN OR PROPOSED

7.1. Consultation is part of the selective and additional licencing process

8 TIMETABLE

8.1. None for the purposes if this report

9 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

9.1. None for the purposes if this report

10 LEGAL AND STATUTORY IMPLICATIONS

10.1. None for the purposes if this report

11 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

11.1. None for the purposes of this report

12 CRIME AND DISORDER IMPLICATIONS

12.1. None for the purpose of this report

13 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

13.1. None for the purposes of this report as information only

14 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

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15 BACKGROUND PAPERS

15.1. None

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