



**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

**To
COMMUNITY SERVICES COMMITTEE
21 NOVEMBER 2017**

**CONSULTATION ON DRAFT HOMELESSNESS CODE OF GUIDANCE FOR
LOCAL AUTHORITIES**

1. PURPOSE OF THE REPORT

- 1.1 To present to Members a proposed response to the government's consultation for the proposed Code of Guidance that will accompany the new legislation and an introduction to the impact of these changes.

2. RECOMMENDATION

That the proposed response to the consultation for the proposed Code of Guidance attached as **APPENDIX 1** to this report, be approved.

3. SUMMARY OF KEY ISSUES

- 3.1 The Homelessness Reduction Act (the Act) was introduced as a Private Members' Bill in 2016 and has quickly progressed through stages to be enacted as an act of Parliament to create additional duties to prevent and relieve homelessness, in conjunction with existing duties under the Housing Act 1996 and the Homelessness Act 2002. The new Act makes it a statutory requirement for Local Housing Authorities to actively prevent homelessness wherever possible before considering their existing duties, which is not a new concept to many districts' current practice. It will however create some additional duties including:
- A formal personal plan for anyone at risk of homelessness which has to include helping with support as well as housing needs;
 - A duty on other public bodies to help identify those at risk of becoming homeless and refer them to the relevant local housing authority;
 - A duty for districts to relieve (secure accommodation) for a wider range of applicants who may not be in priority need or have a local connection; and
 - Retain a duty to secure accommodation for households with children who have been found to have made themselves intentionally homeless.
- 3.2 The Act will also introduce several more stages at which a review can be requested, following the same structure that is already in place, i.e. with the first stage being determined by a senior officer with subsequent appeals being heard in court.

- 3.3 Since the 1996 Act, there has been an accompanying Code of Guidance (the Code) which helps outline the intention behind the legislation and also provides examples of good practice that is expected from local housing authorities discharging their duties. The Code is not in itself legislation but may often be referred to in court and is therefore influential on future case law. As an indicator as to how local housing authorities should undertake their duties, it can also open up judicial review where councils fail to comply or deviate without good reason.
- 3.4 The consultation is not an opportunity to consult on the legislation itself and Members will see that in many cases the questions are about clarity and the need to make changes to improve this. Most of the proposed responses relate to the need to improve the clarity or consider aspects that may help improve the context.

4. CONCLUSION

- 4.1 The Code of Guidance is an important element of the Housing and Homelessness Acts. The process of consultation is helpful in giving organisations an opportunity to provide feedback and also to consider in some detail the implications of the new Act.

5. IMPACT ON CORPORATE GOALS

- 5.1 Meeting the housing need of the District – the Code of Guidance provides a helpful structure for the content and development of housing strategies.

6. IMPLICATIONS

- (i) **Impact on Customers** – A wider range and number of people will be provided with a formal assessment of their housing need and a personal plan to help prevent the risk of homelessness.
- (ii) **Impact on Equalities** – The Code specifically details the requirements of the Equalities Act and Human Rights.
- (iii) **Impact on Risk** – The content of the Code is a helpful way of checking the range of new duties and requirements that the Council will be expected to have in place. In many cases these are similar to what already has to be considered but as of April 2018 there is a greater likelihood that some of these considerations will have to be actually provided on a more frequent basis.
- (iv) **Impact on Resources (financial)** – The Government has recognised that the new Act will create additional burdens and additional funding will be made available for a limited period. The greater challenge is likely to be the ability of districts to influence other public bodies who commission associated services such as housing related support, supported housing, etc.
- (v) **Impact on Resources (human)** – It is proposed that there will be a need for additional staff to implement changes at an operational level, there will also be a need to review the way that the Council works at a strategic level.

(vi) **Impact on the Environment** – None.

Background Papers: Draft Homelessness Code of Guidance for Local Authorities – Department for Communities and Local Government (DCLG) October 2017

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