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| Committee: Environment, Enforcement & Housing Committee | Date: 14 January 2020 |
| Subject: Placement Policy Report | Wards Affected: All |
| Report of: Angela Abbott, Housing Services Manager | Public |
| Report Author/s: Name: Stuart Morris, Housing Options Manager Telephone: 01277 312 500 E-mail: stuart.morris@brentwood.gov.uk | For Decision |

Summary

Brentwood Borough Council ('the Council') has statutory and non-statutory duties and powers to provide accommodation to homeless individuals and families.

The policy outlined in this report relates to provision of non-permanent accommodation.

The policy (appendix A) is intended to provide transparency and direction in relation to existing and future out-of-Borough placements and offers.

Recommendation(s)

Members are asked to:

- R1. That the Committee approves and the draft 'Placement Policy 2020' (Appendix A).**

Main Report

Introduction and Background

1. The core duties to provide non-permanent accommodation include those under the Housing Act 1996 and Homelessness Reduction Act 2017, as well as covered in other relevant legislation and case law.
2. The Council predominantly houses such applicants within its own stock, based within the Borough of Brentwood. However, due to lack of immediately available accommodations applicants are also housed in emergency accommodations which can be outside of the Borough.
3. Such housing is intended to be short-term and by regulation is limited to a maximum of 6 weeks for families. It is recognised that different households have different

needs, which is why a transparent policy is required to allow for relevant procedures to be maintained.

4. Under the Localism Act 2011 the Council may also offer permanent accommodation within the private rented sector to discharge its legal duties. A key element of this is affordability. The Borough of Brentwood, like many in London and the South East, is increasingly unaffordable and options in alternate locations should be considered
5. The Council does not by law require a written policy outlining how it will make out of Borough placements or offers, however it is increasingly advised that for reasons of transparency and procedural propriety one is published.

Issue, Options and Analysis of Options

6. With limited resources and increased demand for homelessness assistance it is vital that the Council provides a clear and transparent policy in relation to out-of-Borough placements.
7. Whilst there is no formal requirement for such a policy to be adopted, in line with case law since *Nzolameso v City of Westminster [2015]* it is increasingly recommended.
8. The Ministry of Housing, Communities and Local Government currently advise Local Authorities for the above reasons that they should consider adopting a formal written policy in relation to out-of-Borough placements.

Option 1: Implementation of the Policy:

Implementing the policy will allow for:

- Transparency, particularly for tenants
- Tailored-service provision
- Economic focus
- Future audit compliancy
- Creation of written procedures to underpin the Policy

Option 2: Non-implementation of the Policy:

Non-implementation will potentially:

- Fail to advance Corporate priorities
- Cause confusion for tenants
- Create lack of focus on service provision

Reasons for Recommendation

9. Option 1 is recommended as the most desirable options for the Council, ensuring transparency and legal compliancy. It will provide a clear document for applicants to hold the Council to account.
10. Taking no further action will potentially leave the Council more vulnerable to Judicial Review and would not represent working towards a modern and effective housing service.

Consultation

11. The draft policy was taken to Tenant Talkback on the 26th November 2019. The policy was welcomed as being a transparent approach to homelessness service provision.

References to Corporate Plan

12. The Council's Corporate Plan aims to:

- To deliver safe and comfortable homes which are efficient and sustainable.
- Manage our stock to recognise the limited resources available and supporting those in greatest need.
- Review the future delivery of housing services to provide the best outcomes for Brentwood residents.

Implications

Financial Implications

Name/Title: Phoebe Barnes, Corporate Finance Manager

Tel/Email: 01277 312839/ phoebe.barnes@brentwood.gov.uk

13. There are no direct finance implications arising for this policy. All costs associated with making out of Borough placements or offers are captured within existing budgets.

Legal Implications

Name & Title: Steve Summers, interim Monitoring Officer

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14. The core duties to provide non-permanent accommodation include those under the Housing Act 1996 and Homelessness Reduction Act 2017, as well as covered in other relevant legislation and case law.

Economic Implications

Name/Title: Phil Drane, Director of Strategic Planning

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Beyond the social benefits and responsibility that the Council has to serve the needs of all those in the local community, the benefits of reducing homelessness and rough sleeping also extend to the perceived quality of the local economy, such as the High Street environment.

Approval of the policy, which is in place to reduce homelessness and rough sleeping in line with national legislation, will help contribute to the Council's aims for maintaining a pleasant and prosperous local economy and built environment.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

Background Papers

None.

Appendices to this report

Appendix A: Placement Policy 2020