

# **Brentwood Borough Council**

## **Non-Cooperation Policy**

**December 2021**

### **Policy**

#### **Introduction**

This policy sets out the guidelines for issuing applicants with a Notice pursuant to Section 193B(2) of the 1996 Housing Act (as amended).

From the 3 April 2018 applicants approaching the local authority as a homeless person (or as a person threatened with homelessness within 56 days) will be subject to a statutory duty to prevent or relieve their homelessness, if they are eligible for assistance pursuant to Part VII of the Housing Act 1996 (as amended).

As part of that duty the Council will work with the applicant to produce a Personalised Housing Plan (PHP). The PHP will contain the reasonable steps that both the council and the applicant should take in order to prevent or relieve the applicant's homelessness.

Chapter 14 of the Code of Guidance 2018 outlines the circumstances under which the Council can bring the prevention or relief duty to an end. One of these circumstances is "deliberate and unreasonable refusal to co-operate". This is a deliberate and unreasonable refusal to take any of the steps that they agreed to take, or to take the steps that the Council set out for them to take where agreement could not be reached in their PHP.

#### **Serving the Non-Cooperation Notice**

Section 193B of the Housing Act 1996 advises on how the Council can end its duty for this reason. S193B requires that the Council serve a notice in these circumstances, the notice should set out why the notice is being served, what steps now need to be taken and the effect of non-compliance.

The notice cannot be served unless a warning has been issued and sufficient time has elapsed to enable the applicant to comply with the steps required.

In deciding whether it is appropriate to serve the notice the council must have regard to the particular circumstances and needs of the applicant.

The Council will not look to end the prevention or relief duty in all cases where the applicant appears not to be co-operating. Each case will be considered on its own merits and a blanket policy will not apply.

The Council will consider an individuals or households vulnerabilities and whether the applicant has any unmet support needs.

Regulation 2 of the Homelessness (Review Procedures etc) Regulations 2018 requires the Council to publish its procedure in connection with s193B notices. This document will be published on the Council's website.

This procedure is required to comply with Regulation 3 of the above regulations. Regulation 3 states that the decision to serve the notice must be ratified by someone in the Council who is at least as senior as the officer recommending the service of the notice.

## **Serving formal notice**

The decision to serve a formal notice must be made by someone who works for the Council, and authorised by someone at least as senior who also works for the Council but was not involved in the original decision. As the line manager may have been involved in the decision making, the decision should be from a different manager.

## **Re-application**

An applicant can make a repeat application to the council if there is a change in circumstances that is not trivial. However, past non-cooperation which has resulted in the applicants homelessness could be taken into account in a subsequent homelessness application (when intentionality is considered). If a fresh application is opened, the prevention and/or relief duty should be met before a decision of intentionality should be made (assuming neither duty can be ended for any other reason).

## **Safeguarding**

If the officer becomes aware of any safeguarding concerns the officer should immediately discuss those with the Safeguarding leads who will advise on next steps.