



TEMPORARY ACCOMMODATION PLACEMENT POLICY

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1.0 Definition

Interim and Temporary Accommodation may include various types of accommodation such as hostels managed by the local council, hostels managed by charities, or flats and houses rented through a private property owner.

1.1 Interim Accommodation

Interim accommodation is accommodation provided under section 188 of the Housing Act 1996 where the Council has reason to believe that an applicant may be homeless, eligible for assistance and in priority need.

Usually, the interim duty overlaps with the relief duty. Usually, the relief duty comes to an end after 56 days therefore this accommodation is intended to be short term.

1.2 Temporary Accommodation

Temporary accommodation is accommodation provided following acceptance of the main housing duty under section 193 of the Housing Act 1996.

If prevention and relief duties fail and the household is found to be eligible, unintentionally homeless, and in priority need, the council must provide suitable temporary accommodation until a long-term, permanent housing offer is made

Temporary accommodation should be provided until the homelessness duty is brought to an end in accordance with the Housing Act 1996.

A household occupying interim accommodation may remain in the same accommodation following acceptance of the main housing duty. In such circumstances, the legal basis for the placement changes from interim accommodation to temporary accommodation, although the accommodation itself may remain the same.

For the purposes of this policy, references to temporary accommodation include all accommodation provided under the Council's homelessness duties and powers under Part 7 of the Housing Act 1996 unless explicitly stated otherwise

2.0 Scope

This policy applies to accommodation provided by Broxtowe Borough Council in connection with its homelessness duties and powers under Part 7 of the Housing Act 1996.

This policy does not apply to accommodation provided through the Severe Weather Emergency Protocol (SWEP), Rough Sleeper Accommodation Programme (RSAP) accommodation, or other accommodation provided outside of the Council's statutory homelessness functions, which may be managed under separate policies, procedures or funding requirements.

3.0 Purpose

This policy explains how Broxtowe Borough Council allocates, manages and assesses the suitability of temporary accommodation provided under its homelessness duties and powers contained within Part 7 of the Housing Act 1996.

The Council aims to provide suitable accommodation that is safe, affordable and appropriate to the needs of the household whilst longer-term housing solutions are secured.

4.0 Aims and Objectives

In the provision and management of TA, The Council aims to ensure that its portfolio of local TA is cost effective, affordable and reflects local and individual needs, procuring sufficient TA to meet assessed, projected and anticipated demand arising from its homelessness duties and powers.

Have a published policy for allocating, placing, and managing TA both within and outside of the Borough, where necessary that has due regard for relevant legislation the safeguarding, welfare and best interests of any household placed in any TA. Explain and evidence all the factors that have been considered in reaching its decisions, including any impact on the household wellbeing. Work with other Local Authorities, under Section 208 of the Housing Act 1996 when appropriate.

The Council will seek to:

- provide suitable accommodation that meets the needs of homeless households;
- minimise the use of bed and breakfast and other emergency accommodation wherever possible;
- make effective use of available temporary accommodation stock;
- minimise void periods and promote timely move-on into settled accommodation; and
- reduce reliance on temporary accommodation through prevention activity and early intervention.

The Council will monitor demand, occupancy levels, placement trends and accommodation availability and will utilise homelessness and temporary accommodation data to support service planning, stock management, procurement decisions and the effective use of temporary accommodation resources.

5.0 Regulatory Code and Legal Framework

Broxtowe Borough Council has a statutory duty to provide temporary accommodation to homeless households who qualify within the criteria set out below and the policy is set out to ensure it aligns with the following legislation and Officers also comply to it :

- Housing Act 1996, including sections 188, 190, 193, 199A, 206, 208 and 210
- Homelessness Reduction Act 2017
- Homelessness Code of Guidance for Local Authorities (MHCLG)
- Homelessness (Suitability of Accommodation) (England) Order 2003
- Homelessness (Suitability of Accommodation) (England) Order 2012
- Localism Act 2011
- Equality Act 2010
- Section 11 of the Children's Act 2004
- Section 17 of the Children's Act 2004

Case law stated below has also been taken regard of in this policy :

Nzolameso v Westminster UKSC (2015), Alibkhiat v Brent (2018) and the London Borough of Waltham Forest & Salem (2019)

Working in line with the above legal framework, Broxtowe Borough Council ensures that accommodation is available for an applicant where it has reason to believe they may be homeless, eligible for assistance and in priority need and that all temporary accommodation placements are suitable for the needs and circumstances of the household and will have regard to relevant safeguarding responsibilities, equality duties and statutory guidance when making decisions under this policy.

Applicants placed under a Section 188 duty are exempt from Section 5 of the Protection from Eviction Act 1977 and therefore the Council can ask an applicant to leave or move to different accommodation at very short notice. The UK Supreme

Court has explicitly ruled that there is no requirement for a Council to obtain a court order to end a Section 188 interim placement.

This is detailed in case law relating to the case of (R, (ZH and CN) v London Boroughs of Newham and Lewisham [2014] UKSC 62).

Section 190 of the Housing Act 1996 Part VII provides that the Council must secure accommodation for households with an intentional homeless decision for a period the Council deems reasonable for the household to secure an alternative arrangement.

Section 193 of the Housing Act 1996 provides that the Council must ensure that accommodation is available for an applicant where it determines that they are homeless, eligible for assistance, in priority need, not intentionally homeless, and where it has not successfully 'prevented' or 'relieved' homelessness and has not referred the application to another local authority. This is known as the 'main housing duty' and continues indefinitely until the applicant accepts an offer of a settled home, or until one of another of a list of prescribed events occurs.

Section 199a of the Housing Act 1996 Part VII provides that the council must offer interim accommodation to households who are homeless, eligible for assistance and in priority need, pending notification and referral to another local authority and the offer of accommodation ending when the other local authority accepts that the referral conditions have been met.

Section 206 of the Housing Act 1996 provides that any accommodation provided under section 188 or 193, whether temporary or otherwise, must be suitable.

Chapter 17 of the Homelessness Code of Guidance categorises the factors from various legal instruments which local authorities should consider when determining whether temporary accommodation is suitable. Such factors include the standards, size, affordability, and location of any accommodation.

Section 208 of the Housing Act 1996 provides that, so far as reasonably practicable, accommodation found by the Council should be in the local authority area. When accommodation is provided out of the area, the Council should notify the local authority in whose area the accommodation is situated.

The Homelessness (Suitability of Accommodation) (England) Order 2012 provides that the following factors should be considered when deciding whether accommodation is suitable:

- The distance of the accommodation from the Broxtowe area.
- The level of any disruption to employment, caring responsibilities, or education.
- The proximity and accessibility of the accommodation to medical facilities and support
- The proximity and accessibility of the accommodation to local services and transport

The Homelessness (Suitability of Accommodation) (England) Order 2003 provides that households containing children or pregnant women should only be housed in 'bed and breakfast' accommodation where no other accommodation is available, and even then, such occupation should not exceed 6 weeks.

Section 11 of the Children's Act 2004 provides that, in carrying out its functions, a local authority must have regard to the need to safeguard and promote the welfare of children.

The Equality Act 2010 provides that, in carrying out its functions, a local authority must have due regard to the following :

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Nzolameso v Westminster (2015) UKSC 22, set out that Local Authorities must produce a policy which sets out how it will provide accommodation for households who are homeless in its district.

Birmingham CC v Ali and others : Moran v Manchester CC [2009] UKHL 36, sets out that what is considered suitable accommodation to comply with interim accommodation duties might be different from suitable accommodation offered in discharge of the main housing duty.

6.0 Policy Outline

All types of accommodation are only meant to be temporary, which is for a limited amount of time, until the household either obtains their own housing or is offered a suitable offer in permanent accommodation, if the main housing duty has been accepted by the local authority.

In accordance with the law and homelessness legislation, including the 'Homelessness Code of Guidance for Local Authorities (2018)' so far as reasonably practical, Broxtowe Borough Council will seek to accommodate homeless households within the Broxtowe area and will always consider the suitability of accommodation taking into account the circumstances of the household.

However, due to a range of factors including the economic downturn, changes to the private sector rented market and the impact of welfare reform, it has become increasingly difficult to acquire suitable accommodation within the area. When assessing what accommodation is suitable for a household, local authorities are entitled to take into account the practical constraints imposed by finances. Therefore, where temporary accommodation cannot be secured within the locality at reasonable cost, out of borough accommodation will be sourced, to enable placements to be

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made to fulfil the Council's housing obligations. Additionally, when considering each household's needs it may be more appropriate to place a household outside of the local authority boundaries if there is a risk posed to the household (or any member)

within the Broxtowe area or if this allows better access to established links such as employment, family connections, medical services, adapted units, or schooling thus maintaining the wellbeing of the household. The Council keeps its use of temporary accommodation continually under review, and where a household is placed out of area, the Council will seek to return them to within the Broxtowe area at the earliest opportunity to do so.

6.1 Types of Temporary Accommodation

The Council's preferred approach is to provide self-contained temporary accommodation within its own stock wherever possible. However, a range of accommodation types may be used to meet the Council's homelessness duties and respond to individual household needs.

The Council uses a variety of accommodation to temporarily house those who are homeless or threatened with homelessness. All occupants of temporary accommodation will have limited security of tenure, depending on the accommodation offered, applicants will have a licence to occupy. Licensees do not have the same rights as secure tenants have, for example they do not have a right to buy, right to exchange, or right to take in lodgers.

Self-Contained Accommodation

Self-contained accommodation is accommodation containing its own kitchen, bathroom and living facilities. This type of accommodation may be used for families, couples and single people where it is considered suitable and available.

The nature of the accommodation provided does not determine the legal status of the occupation. Occupation of temporary accommodation may be provided under a licence agreement or other occupancy arrangement as determined by the Council.

Emergency Accommodation

The Council may utilise hotels, bed and breakfast accommodation or other emergency accommodation where no suitable temporary accommodation is immediately available.

Such accommodation may be used on a short-term basis whilst alternative accommodation is secured.

Households containing dependent children or pregnant women will only be placed in bed and breakfast accommodation where no suitable alternative accommodation is available and in accordance with relevant legislation and statutory guidance.

Hotels and Nightly Paid Serviced Accommodation – this is used in an emergency (including out of office hours) for any homeless household when there is no alternative temporary accommodation available. These accommodation units are usually self-contained bedrooms with private bathrooms but may not have kitchen or living facilities available. This type of Temporary Accommodation has Accommodation Officers available for support. The Council will carry out weekly reviews of the use of this type of accommodation and prioritise moving applicants households containing dependent children or pregnant women for a move to self-contained accommodation as soon as a suitable unit is made available.

Supported Accommodation

The Council may utilise supported accommodation provided by partner organisations where households would benefit from additional support to maintain accommodation and address housing-related needs.

Refuge Accommodation

Refuge accommodation may be used for individuals and households fleeing domestic abuse or other forms of violence where specialist accommodation and support are required.

Refuge accommodation – this is used as safe housing for those fleeing domestic abuse and often those who find themselves homeless. This accommodation type is usually a private bedroom in a shared house with onsite specialist support.

Other Accommodation

The Council may utilise any other accommodation that it considers suitable and appropriate to meet its statutory homelessness duties.

The type of accommodation offered will depend on the individual circumstances of the household, the suitability of the accommodation and the availability of accommodation at the time.

6.2. Suitability of Accommodation

The Council has a duty to ensure that any accommodation secured under Part 7 of the Housing Act 1996 is suitable for the needs of the applicant and their household. Suitability will be assessed on a case-by-case basis, taking account of the individual circumstances of the household and the accommodation available at the time.

When assessing suitability, the Council will consider factors including:

- Household size and composition.
- Physical and mental health needs.
- Disabilities and mobility requirements.
- Domestic abuse, safeguarding and public protection concerns.
- The welfare and educational needs of any children in the household.
- Employment, caring responsibilities and support networks.
- Affordability.
- Access to medical services and other essential facilities.
- Access to cooking facilities, bathing facilities, laundry provision and communication services where relevant.
- The location of the accommodation.
- Any other relevant circumstances identified during the assessment.

The Council will have particular regard to its duties under the Equality Act 2010 and the need to safeguard and promote the welfare of children.

The Council will assess suitability in accordance with section 210 of the Housing Act 1996, relevant legislation, statutory guidance and applicable case law.

The Council will take reasonable steps to ensure accommodation provided as temporary accommodation is safe, suitable and compliant with applicable legal requirements. The Council will seek to reduce reliance on accommodation which is unsuitable, poor quality or costly to manage through effective procurement, quality assurance, prevention activity, stock management and timely move-on into settled accommodation. This includes taking reasonable steps to ensure accommodation is free from Category 1 hazards under the Housing Health and Safety Rating System and complies with relevant requirements relating to gas safety, electrical safety, fire safety and other applicable housing standards.

Where bed and breakfast accommodation is used, the Council will ensure that placements comply with the Homelessness (Suitability of Accommodation) (England) Order 2003.

Households containing dependent children or a pregnant woman will only be placed in bed and breakfast accommodation where no suitable alternative accommodation is available and any such placement will be kept under regular review.

Where accommodation is provided to a household including a child under the age of two, the Council will seek to ensure there is sufficient space for appropriate sleeping arrangements, including adequate space for a cot where required.

Accommodation does not need to be the applicant's preferred option to be suitable.

The Council will have due regard to the principal needs of any children in the household, and the need to safeguard and promote the children's welfare. In particular, regard will be had to any disruption to schools, medical care, social work, other key services, and other support. The Council will have due regard to matters concerning public safeguarding and protection and will work with all relevant organisations to ensure the suitability of accommodation. Where feasible, the Council may reserve units in anticipation of applicants presenting who meet the criteria for an in-area placement. This has been confirmed as a reasonable practice in the 2018 Court of Appeal case *Adam and Alibkhiat v Westminster and Brent Councils*. However, this is unlikely to be possible if it involves additional costs for the Council.

The Council are committed to assessing household needs on an individual basis and ensuring that all households placed in its own units of Temporary Accommodation have access to appropriate facilities including furniture and storage. The Council will ensure that appropriate referrals for support are made and that households have access to essential items upon entry into Temporary Accommodation. This will be assessed and processed in line with the Council's Temporary Accommodation Procedure.

6.3. Location of Accommodation

As far as reasonably practicable, the Council will seek to provide temporary accommodation within the Broxtowe area. However, sufficient supply within the Area is not always available. If the local authority has a duty to secure accommodation, an assessment will be carried out to determine the requirements of the applicant and their household. The assessment will determine whether the applicant has:

- Priority to be located within Broxtowe (in-area)
- No priority to be located (out of area).

The award of an in-area location priority does not guarantee the provision of temporary accommodation within those areas, rather priority for such accommodation when a suitable unit is available.

However, due to housing supply, affordability and availability, it may sometimes be necessary to provide accommodation outside of the area. When considering an out-of-area placement, the Council will have regard to:

- The disruption that may be caused to employment, education or caring responsibilities.
- Access to medical treatment and support services.
- Domestic abuse and safeguarding considerations.

- The location of family and support networks.
- The availability and affordability of suitable accommodation.
- Any other relevant needs of the household.
- Availability of suitable accommodation within the area
- Impact on employment, education, support networks, medical treatment, caring responsibilities, safeguarding and the welfare of children.

Where an out-of-area placement is made, the Council will record the reasons for the placement and why the accommodation is considered suitable in the circumstances of the case.

The Council will keep out-of-area placements under review and, where appropriate, consider whether suitable accommodation closer to the area becomes available.

The Council may prioritise households for local accommodation where there are exceptional medical, safeguarding, educational or welfare reasons for doing so.

Where accommodation is secured outside the area, the Council will comply with its duties under section 208 of the Housing Act 1996 and provide notification to the receiving local authority where required.

Where legislation or statutory guidance requires notification to health bodies, education providers or other relevant agencies, the Council will comply with those requirements subject to any applicable consent and information-sharing provisions. Where vulnerabilities, safeguarding concerns or support needs have been identified which will require services to be provided by another authority, the Council will seek to liaise with the receiving authority and relevant agencies, where appropriate, before the placement is made.

Priority to be located within Broxtowe (in-area)

Applicants or their household members to be housed with them who satisfy one or more of the following criteria will qualify for 'In Area' priority:

- Those who are continuously employed within Broxtowe for 16 hours or more per week in a role which cannot be transferred to another area. Wherever practicable the Local Authority will seek to place such households within 90 minutes travelling distance by public transport from their place of employment which is in accordance with the Universal Credit Regulations 2013, Section 97 (3) on maximum travelling times for employment
- Children who are enrolled in GCSE, AS, or A level courses in the Broxtowe area, with public exams to be taken within the current or next academic year. Wherever practicable the Local Authority will seek to place such households within 75 minutes journey each way using public transport, inclusive of time taken to walk to a pickup point. This is in accordance with timescales recommended by the Department for Education for children of secondary school age.

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- Households with one child (or more) who has a Statement of Special Educational Needs who is receiving education or educational support in our area and where a change of schools would be extremely detrimental to their well-being because of either the impact of moving on that child or that a similar package of support is unlikely to be available. Wherever practicable we will seek to place such households in-area and as close as possible to existing schools to minimise public transport travelling distance and costs
- Households that contain a child where there is current involvement from Children's Services and where an out-of-area placement would be detrimental to their well-being. Wherever practical we will seek to place such households in-area
- In exceptional circumstances, the Council may determine that a household has a compelling need to be accommodated within the local authority area. Such circumstances will be assessed on a case-by-case basis and may include medical, safeguarding, welfare, educational, caring, or employment-related factors.

The award of an in-area priority will be taken into account when sourcing temporary accommodation. However, it does not create an entitlement to accommodation in a specific location, ward, neighbourhood, or within a particular travelling distance of facilities or support services. Placements will be made having regard to the availability, suitability, and affordability of temporary accommodation at the time of placement.

Where suitable accommodation is available within the area, households with an assessed in-area priority will be prioritised above households without such a need.

No Priority For Accommodation Within Area

Households who meet none of the 'In-Area' criteria may be offered properties further afield than 90 minutes travelling distance of the Broxtowe area by public transport, when no suitable property is available within these areas. Households who are offered Temporary Accommodation under s190 or s199a of the Housing Act 1996, Part VII will not have a priority for accommodation within the area. If households are in Temporary Accommodation within the area under a different duty which is then ended and the s190 duty or the s199a duty begins, Broxtowe Borough Council reserves the right to move them to accommodation further afield.

The Council endeavours to appropriately place all households requiring TA within the Borough within the resources available, it may not be possible, particularly in an emergency. In this event, relevant facts regarding the households' circumstances will be gathered by relevant Officers during their enquiries at the time of approach, and an assessment against this Policy will be made to facilitate prioritisation of households requiring in Borough TA. During the assessment, if the household meets one or more of the criteria set out above, they will receive priority for an in-borough placement of suitable TA. However, meeting the criteria does not guarantee any

household, whether in priority need or not, an in-borough placement, it is subject to suitability and availability.

Where more than one household requires TA and meets the above criteria for in borough prioritisation, but there are insufficient placements, to further prioritise, further consideration will be given both individually and cumulatively to:

- Personal Housing Plan (PHP) & subsequent reviews
- Level of welfare and safeguarding needs of any children in the household
- Level of educational need
- Identified risks posed by living in any area.
- Permanence / flexibility of employment
- Access to transport
- Level of need to be close to key services, support networks, cultural and religious amenities, family requiring care.
- Affordability
- Impact of relocation

Moves Between Temporary Accommodation

The Council may move a household where this is necessary to maintain suitability, address risks or respond to changing circumstances.

A move may be considered where:

- The accommodation is no longer suitable for the household's needs.
- Household circumstances have changed.
- The accommodation requires significant repair works.
- There are safeguarding or risk management concerns.
- The accommodation is no longer available.
- Alternative accommodation becomes available which better meets the needs of the household.
- It is necessary to make best use of the Council's temporary accommodation resources.

When considering a move, the Council will have regard to the suitability of any alternative accommodation and seek to minimise disruption wherever reasonably practicable. However, applicants may be required to move between temporary accommodation placements during the course of the Council's homelessness interim duties. At Main Duty we will aim to provide households a longer term of stable temporary accommodation where possible.

6.4 Occupancy Standards

The Council will seek to ensure that temporary accommodation is suitable for the size and composition of the household.

When allocating accommodation, the Council will consider:

- The number of people in the household.
- The age and gender of household members.
- Medical needs and disabilities.
- The welfare of children.
- Any safeguarding concerns.
- The nature and size of the accommodation available.

The Council will seek to avoid overcrowding wherever reasonably practicable and will have regard to relevant legislation, statutory guidance and accepted occupancy standards when determining suitability.

Within temporary accommodation, a room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

The number of people who can occupy an Accommodation Unit depends upon the number of bedspaces available. Bedspaces include double beds, single beds, bunk beds, sofa beds and z-beds/camp beds. The number of bedspaces (excluding cots) expected to be provided in each Accommodation Unit is as follows:

Size of Accommodation Unit	Number of Bedspaces
Studio / Standard hotel room / 1 bedroom house	Minimum 2 Maximum 6
1 Bedroom Flat	Minimum 3 Maximum 6*
Family hotel room/suite	Minimum 4 Maximum 6
2 Bedrooms	Minimum 4 Maximum 8*
3 Bedrooms	Minimum 6 Maximum 12*

*assumes a sofa bed in the lounge as bedspace for 1 or 2 adults.

The following occupancy assumptions can be made when assessing the appropriate size of an Accommodation Unit for a Household:

Household Composition	Requirement
Two adults	May share a double bed
One adult and one child (same gender, age 3+)	May share a double bed
One adult and one child (different genders, age 3-9)	May share a double bed
Two children (same gender, age 3+)	May share a double bed

Household Composition	Requirement
Two children (different genders, age 3-9)	May share a double bed
Children of different genders aged 10+	Should have separate beds
Children aged 3+ in one bedroom	Maximum of 4 children
Children under 3	Should sleep in the same room as their parent/carer

The Council may depart from these standards where exceptional circumstances apply, including but not limited to medical needs, disabilities, safeguarding concerns, or other relevant household circumstances. Any exception will be considered on a case-by-case basis following an individual assessment of the household's requirements

In some circumstances, households may be required to share bedrooms or occupy accommodation that would not represent a long-term housing solution. Where this occurs, the Council will consider whether the accommodation remains suitable having regard to the homelessness duty owed, the individual circumstances of the household and the availability of alternative accommodation.

The Council reserves the right to move households between temporary accommodation placements where this is necessary to make best use of available accommodation stock, address suitability concerns or meet changing household needs.

The Council will ensure that applicants are given information as to the type of Temporary Accommodation they are being offered including the size, location and any furniture provided. Sleeping arrangements will be reviewed where there is a change in household composition, accommodation type.

Before any offer of Temporary Accommodation is made the Council will complete an assessment with the applicant to determine the applicant's personal circumstances. The Council understands that applicants may need support in a variety of areas and as such gives due regard to ensuring that applicants individual circumstances are addressed and support is offered where required.

6.5 Offers and Refusals of Temporary Accommodation

Offers of temporary accommodation will be made having regard to the suitability requirements set out above.

The suitability of accommodation may change over time. Accommodation that is suitable as an emergency or short-term placement may not necessarily be suitable as a longer-term placement. The Council may therefore make further offers of accommodation where this is necessary to ensure suitability or make best use of available temporary accommodation stock.

The Council is not required to allow applicants to view accommodation before deciding whether to accept an offer.

Where accommodation is offered under section 188 or S189B duty of the Housing Act 1996, the Council will consider any reasons given by the applicant for refusing the accommodation. If the Council is satisfied that the accommodation offered was suitable and the refusal was unreasonable, the Council may determine that its duty to provide accommodation has come to an end and there will be no right for review but applicants may have a right to seek a judicial review.

Where accommodation is provided under section 193 of the Housing Act 1996, applicants may have statutory rights to request a review of the suitability of accommodation in accordance with the Housing Act 1996.

Decisions relating to temporary accommodation will be made in accordance with relevant legislation, statutory guidance and the circumstances of the household.

6.6 Ending of Temporary Accommodation

The Council may end a temporary accommodation placement where:

- The Council's homelessness duty has come to an end.
- Suitable alternative accommodation has been secured.
- The applicant voluntarily leaves the accommodation.
- The applicant refuses a suitable offer of accommodation.
- The applicant is no longer eligible for assistance.
- The accommodation is no longer considered suitable or available.
- There has been a serious or persistent breach of the occupancy agreement.
- The applicant has become intentionally homeless from the temporary accommodation provided.
- Any other circumstance applies that brings the relevant homelessness duty to an end under the Housing Act 1996.

The action taken by the Council will depend on the homelessness duty owed, the circumstances of the case and the terms of the occupancy agreement.

Discharge Of Section 188 [Interim] Accommodation Duty

Where accommodation has been provided by the Council under Section 188 of the Housing Act 1996 whilst applicants homelessness is assessed, the Council may end the placement if it considers that its duty to provide interim accommodation has ceased or where there has been a serious or persistent breach of the occupancy agreement following warnings the Council may choose to end the placement with immediate effect.

Discharge Of Section 193 (Main) Accommodation Duty

Where accommodation has been provided under section 193 of the Housing Act 1996 under a Main Duty, the Council may end the placement where the main housing duty has come to an end in accordance with the Housing Act 1996 or for one or more reasons below :

- Ceases to be eligible for assistance
- Becomes homeless intentionally from the Temporary Accommodation made available for their occupation
- Voluntarily ceases to occupy as their principal home, the Temporary Accommodation made available for occupation
- Refuses or accepts a final offer of accommodation under Part VI (allocation of housing)
- Refuses or accepts an offer of an assured tenancy from a private sector landlord

- Having been informed of the possible consequences of refusal and of his right to request a review of the suitability of accommodation, refuses a final offer

Where the Council decides that their duty has ceased as described above, the applicants housed under Section 193, will be asked to leave the temporary accommodation usually **within 7 days** subject to individual circumstances. Two warnings will be issued before the Council ceases its Section 193 duty and accommodation may be ended with immediate effect, subject to individual circumstances.

The Council may apply its discretion in withdrawing Temporary Accommodation in circumstances where the Household is accommodated under s190, have refused an offer of accommodation or the reasonable period has ended but are reviewing the Council's decision.

In such circumstances applicants will be encouraged to accept the offer of accommodation whilst a review of the suitability of the offer of accommodation is being considered. Where applicants refuse to take up the offer of accommodation whilst a review is underway, the current temporary accommodation may only remain available at the discretion of the Council's Housing Operations Manager.

Before ending a placement, the Council will consider the circumstances of the household and any relevant legal obligations.

The Council reserves the right to take immediate action where behaviour presents a serious risk to staff, contractors, other residents or members of the public.

6.7 Management of Temporary Accommodation

Residents are expected to comply with the terms of their occupancy agreement and any reasonable rules relating to the accommodation.

Residents are responsible for keeping their accommodation in a reasonable condition, reporting repairs promptly and allowing access where required for inspections, repairs, health and safety checks or the proper management of the accommodation.

The Council may impose reasonable conditions relating to the occupation and management of temporary accommodation. This may include restrictions on visitors where there are anti-social behaviour, safeguarding, safety or management concerns.

The Council may carry out announced or unannounced visits where this is necessary to ensure the accommodation is being occupied appropriately, to check welfare, to investigate concerns, or to manage the temporary accommodation effectively.

The management arrangements for temporary accommodation may vary depending on the type of accommodation provided and the needs of the household.

The Council may undertake regular inspections, audits, occupancy checks and welfare visits to:

- Confirm authorised occupation;
- Monitor property condition and standards;
- Identify repairs, safety concerns or safeguarding issues;
- Review changing household circumstances; and
- Support households to move on into settled accommodation where appropriate.

6.8 Behaviour and Breaches of Occupancy Conditions

Residents must behave in a way that does not cause nuisance, harassment, alarm, distress, damage, risk or disruption to staff, contractors, neighbours, other residents or members of the public.

Occupants are responsible for both their and their household's members action and behaviour and, where applicable, the behaviour of visitors and pets.

Placement in emergency bed and breakfast TA, is subject to the individual providers policies on incidents of crime and ASB happening on their premises, or damages caused to it by the household whilst in occupation.

Providers of emergency TA can ask the Council to end placements for households who are in breach of their policies on criminal activity, anti-social behaviour and conduct at any time. They may also recharge the Council for any damage caused to their property by the household.

If a provider asks the Council to end a placement in any or all these circumstances, then it will do so unequivocally. Similarly, if consideration is being given to ending the placement of a household in a unit of short-term accommodation owned by the Council on these same grounds, then before deciding on the next steps under The Housing Act 1996, it will, on a case-by case basis, liaise with any TA provider, Police, and any other relevant agencies and partners as necessary, before making a decision. Ultimately, any decision to end any license agreement will be made by the Housing Operations Manager or nominated deputy.

Where occupancy conditions are breached, the Council may take action depending on the seriousness of the breach and the circumstances of the household. This may include advice, support, verbal warnings, written warnings, acceptable behaviour arrangements or action to end the accommodation placement.

The Council reserves the right to take immediate action where behaviour presents a serious risk to staff, contractors, other residents, neighbours, the household itself or members of the public.

Any enforcement action will be proportionate to the circumstances and seriousness of the breach.

Any damage caused to the temporary accommodation either by the main applicant, any of the household members or visitors, will be the responsibility of the main applicant to pay for these damages and the Council reserves the right to recharge these costs back to the applicant.

Once it is decided to end license agreement, the appropriate legal notice will be served, and relevant procedure/s followed for recovering possession. Any costs incurred in regaining possession or remedying any damages caused on any premises will always be recharged to the lead occupant/s and debts managed in accordance with the TA Charging Policy and Income Collection Policy if this becomes applicable.

6.9 Occupation Charges and Service Charges

Occupants may be required to pay an occupation charge and any applicable service charges in respect of their temporary accommodation.

The Council will provide information about payment arrangements at the start of the placement and residents are expected to maintain payments throughout their occupation.

Where a resident is experiencing difficulty paying charges, they should contact the Council as soon as possible. The Council will consider the circumstances of the case and may provide advice, support or signposting where appropriate.

Persistent failure to pay accommodation-related charges without reasonable explanation may result in action being taken in accordance with the occupancy agreement and the Council's procedures.

6.10 Moving & Storage of Goods

Under Section 211 of the Housing Act 1996, the Council has a duty to protect an applicant's moveable property, for example, furniture, personal belongings, and other household goods, if all the three criteria apply:

1. There is a reason to believe that the applicant is homeless, and the applicant is someone who has been provided with interim/temporary accommodation pending inquiries, or will imminently need to be provided with interim accommodation; and
2. There is a reason to believe that there is a likelihood of loss or damage to that moveable property because of the applicant's inability to deal with it, and
3. No other suitable arrangements have been or are being made.

Where the Council does not have any duty to accommodate an applicant and/ or protect personal property, in exceptional cases, for example, because the applicant is extremely vulnerable and / or unable to physically and / or financially protect or deal with their property themselves in the circumstances, it can use its discretion to take any reasonable steps to protect the applicant's property. Any discretionary decision will be taken by The Housing Operations Manager or a nominated deputy, on consideration and assessment of the full facts of each case.

In any case, before any decision is made around storage duties, a full assessment of whether the applicant has any other means of protecting their belongings themselves, and a full income and expenditure assessment will be completed, to establish if the applicant has means to pay the full charge, or will require a contribution towards the costs, from the Council.

The duty or discretionary decision to protect an applicant's property ceases when the Council is satisfied there is no longer any likelihood of loss, or damage to it, normally upon securing accommodation where the applicant can receive their possessions.

Notwithstanding section 3.5.5, the duty to protect/store property can be ended at any time before an applicant has been re-housed, if the Council is satisfied that there is no longer a danger of loss or damage to an applicant's property, for example apply where the applicant had:

- Recovered from illness and was no longer considered to be so vulnerable that they were unable to protect their property through their own means.
- Had moved from emergency accommodation, such as a bed and breakfast or hostel, and been placed into larger self-contained TA.
- Found somewhere else to put the property.
- Financial circumstances change, which enables payment of full storage costs and protection of their property by their own means.

Where any decision is made to end storage arrangements, the applicant will always be formally notified, that the duty, or discretionary decision to protect their property, is coming to an end.

The cost of transporting goods from storage to an address of the applicant's choice remains the applicant's responsibility, however financial assistance may be offered at the discretion of The Housing Operations Manager or nominated deputy.

6.11 Arrears and debts

Arrears and debts to the Council in respect of TA costs, will be managed in accordance with the TA Charging Policy, which should be read in conjunction with this policy.

6.12 Tenure

All households placed in either emergency or short-term TA will be required to sign a relevant legal license agreement before they are able to occupy the accommodation. The agreement sets out the particulars and terms of occupancy for the Household, including charges for occupation, how to pay them, conduct and behaviour, and what enforcement action will be taken should the terms of the license agreement be broken.

6.13 Pets

Pets are not usually accommodated by emergency TA providers. Where households are placed with one of the Councils TA providers, and they accept pets, then the lead Occupier/s will be subject to any policies of the accommodation provider relating to acceptance of pets and assistance animals.

Where accommodation does not permit pets, the Council will seek to identify alternative arrangements where possible. Where suitable pet-friendly accommodation cannot be sourced, the Council will support applicants in exploring alternative solutions. Any exception to this approach will only be considered in exceptional circumstances and must be authorised by the Housing Operations Manager.

The Council will allow applicants in TA to keep a pet in its own TA units. The Council will follow the guidance within the existing Pet Policy to consider applicants requests for pets.

Whilst the Council will aim to ensure that applicants are able to allow pets in its own TA units, in accordance with the Council's existing Pet Policy, any requests to keep a pet that is covered by the Dangerous Dogs Act 1991 (Dogo Argentino, Fila Brasileiro, Japanese Tosa or Pit Bull Terrier ect) will be prohibited. Permission will not be granted for XL Bully dogs, even where the owner has an exemption certificate.

Part of the granting of any permission will be a requirement for applicants to take steps to microchip, vaccinate and undertake other relevant treatments as outlined by the Council. In instances where a pet causes repeated nuisance and annoyance to residents or causes damage to the property the Council will give applicants 2 days' notice in writing of the need to rehome their pet and will provide the reasons why the Council has made its decision and will also give advice about how they may go about rehoming their pets.

If a pet attacks a person or another animal, the Council will consider immediate withdrawal of permission and other action possible under the terms of the licence agreement

6.14 Risk

The Council will always consider the risk posed by all individuals in a household being placed in TA. Where there is a high risk, for example of the household to others, the placement is subject to the provider of the TA acceptance of risk.

Providers can and may refuse to accept anyone who is a high risk to others, and it therefore may not be possible place in TA within, or close to the borough.

7.0 Related Policies, Procedures and Guidelines

7.1 Legislation And Guidance

- Homelessness (Suitability of Accommodation) England Order 2012
- Section 11 of the Children Act 2004
- The Housing Act 1996
- Equalities Act 2010

7.2 Related Policies And Procedures

- TA Charging Policy
- Pet Policy

7.3 Equality

The Council promotes equal opportunities in the services it provides.

Our aim is to implement and maintain services which ensure that no resident is treated less favourably on the grounds of gender, being or becoming a transsexual person, being married or in a civil partnership, religion, belief or lack of religion or belief, race, nationality, ethnic or national origin, colour, disability, age, being pregnant or having children or sexual orientation nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law.

The Council will also have regard to the need to safeguard and promote the welfare of children and to protect adults at risk.

Where safeguarding concerns are identified, the Council may work with relevant partner agencies to ensure appropriate support, advice or referrals are considered.

Decisions made under this policy will take account of relevant vulnerabilities, protected characteristics, domestic abuse, medical needs, disability, child welfare and any other relevant circumstances.

8.0 Review

This policy will be reviewed every three years, or sooner where required due to changes in legislation, statutory guidance, case law, operational practice or local housing need.

9.0 Document History and Approval

Date	Version	Committee Name