

Chelmsford City Council

Temporary Accommodation Policy

1. General

The Council aims to work with households to prevent homelessness. We understand however that in some instances such effort will not succeed and households will require temporary accommodation. However, the Council is mindful of the high cost of temporary accommodation and wishes to avoid placing households into temporary housing that they cannot afford.

The Council also needs to take account of the academic needs of children within some households and of those households where there are employment considerations.

Given these factors, the aim of this policy is to provide a framework for the allocation of a limited supply of suitable affordable accommodation within and outside the Chelmsford City Council area. This policy applies to accommodation secured under Housing Act 1996 Part 7, including accommodation offered in relation to both section 188 and section 193 of the 1996 Housing Act.

The Council's primary aim is to provide accommodation within Chelmsford, whenever possible, but unfortunately this is not always achievable. The Council is dependent on the supply of housing that is available, and on-going welfare benefit changes mean that for many households accommodation in the Chelmsford City Council area will not be affordable. As a result, there is an increasing need to use accommodation that may be some distance from Chelmsford City centre.

There needs, therefore, to be a process in place to ensure the Council prioritises those who have the greatest need to be in, or close to, a particular location.

In assessing the allocation of available accommodation, the Council will comply with the Housing Act 1996 and will have regard to the Homelessness Code of Guidance, the Homelessness (Suitability of Accommodation) Order 2012 and relevant case law. It is also necessary to give consideration as to whether the applicant and his/her family can afford the housing, without being deprived of essentials such as food, clothing, heating, transport. In an emergency, a homeless household can be placed in temporary accommodation in ANY location available on that day.

This policy recognises that individual cases must be assessed on their own merits to establish whether they are sufficiently exceptional to depart from the Policy. The Council will consider the affordability of accommodation in deciding where to provide accommodation.

The award of an in-City or Essex-wide priority does not guarantee the provision of accommodation within those areas. Where the applicant is in receipt of welfare benefits this may place additional constraints on the availability of affordable accommodation.

Chelmsford City Council will seek to comply, wherever possible, with any Inter-Borough Temporary Accommodation agreements.

2. Definition of Placements

For the purposes of this policy the three geographical areas are:

1. In-City i.e. within the Chelmsford City Council area (as shown in Appendix 1)
2. Close to home Essex-wide i.e. within the county of Essex area
3. Any area: Defined as outside Essex. In these instances, the Council will consider the availability of services such as schools and health services to ensure the welfare of any children is fully considered in line with S11 (2) Children's Act 2004

3. In-City Priority

1. Priority for available in-City accommodation will be given to certain households who have a compelling need to be housed within the Chelmsford City Council area (See appendix 1).
2. Such priority does not guarantee an in-City placement, but should suitable and affordable accommodation be available within the Chelmsford City Council area, it does give the household priority over others without that assessed priority.
3. Applicants and their household members to be housed with them who satisfy one or more of the following criteria will qualify for in-City priority.
 - i.* Receiving treatment for a physical or mental health condition from a specialist hospital unit which cannot be transferred to another NHS Service, or they are at a critical point in their treatment.
 - ii.* Longstanding agreement to provide care and support to another family member in the Chelmsford City Council area who is not part of the household. Carers will need to be in receipt of carers allowance and/or the person they care for must be in receipt of middle rate, or high rate, DLA care component or daily living component of PIP.
 - iii.* Children subject to a Child Protection Plan in the Chelmsford City Council area which cannot be transferred to another Local Authority without causing detriment to the child.
 - iv.* Children subject to an Educational Health and Care Plan in the Chelmsford City Council area which cannot be transferred to another LA without causing detriment to the child.
 - v.* Households with children who are enrolled in GCSE, AS or A level courses in Chelmsford City Council area, with such exams to be taken within the next 12 academic months. Wherever possible the Council will seek to place households within 45 minutes travelling distance of their school, or college, by public transport.
 - vi.* Other circumstances which demonstrate a compelling and exceptional need that cannot be met outside the borough.

The Council will also consider the needs of applicants, where one or (more) is in permanent settled employment (for at least six months prior to the date of their homeless application) to reach their normal workplace from where the accommodation is secured.

4. Essex-wide Priority

1. Priority for accommodation within the county of Essex will be given to certain households who have a compelling need to be housed within that area.

2. Such priority does not guarantee a placement within Essex, but should be suitable and affordable accommodation be available within that area, it does give the household priority over others without that assessed priority.
3. Applicants, or their household members to be housed with them, who satisfy one or more of the following criteria will qualify for Essex-wide priority:
 - a) Households with children who are enrolled in GCSE, AS or A level courses in the Essex area, with exams to be taken within the next 12 academic months. Wherever possible the Council will seek to place households within 60 minutes travelling distance of their school, or college, by public transport.
 - (b) They have been continuously employed within the Essex area for 16 hours or more per week in a role which cannot be transferred to another area. Applicants must have been employed for at least six months prior to date of their homelessness application.
 - (c) They are exempt from the Benefits Cap. Currently, the benefit cap will not apply if someone in the 'benefit household' (the applicant, their partner or a dependent child) receives:
 - i. Carer's Allowance, the underlying entitlement to Carer's Allowance or a Carer Element within Universal Credit (in England, Wales & Scotland this has only been the case since 7th November 2016)
 - ii. Working Tax Credit
 - iii. The support component of Employment and Support Allowance
 - iv. The limited capability for work and work-related activity element of Universal Credit
 - v. Disability Living Allowance (DLA) or Personal Independence Payment (PIP)
 - vi. Attendance Allowance
 - vii. Industrial Injuries Benefit (and equivalent payments under the War Disablement Pension or Armed Forces Compensation Scheme)
 - viii. War widow's or widower's pension
 - ix. Guardian's Allowance (in England, Wales & Scotland this has only been the case since 7th November 2016) or
 - x. If they are claiming Housing Benefit and they are working enough hours to claim Working Tax Credit, so that they are exempt from the Benefit Cap.
- 4 For reference, the number of hours applicants must work to qualify for Working Tax Credit depends on an individual's situation. If they are:
 - A lone parent - 16 hours per week
 - A couple with children, where one half of the couple is entitled to Carer's Allowance - one of them must work 16 hours per week
 - A couple with children - applicant and partner must work a total of 24 hours per week, with one working at least 16 hours per week
 - Single and aged over 25 - 30 hours per week

5. **Any Area**

All other homeless households will be offered accommodation wherever the Council is able to procure it. including outside of Chelmsford and Essex. This applicant group includes:

- Households who would otherwise be an "in-City priority" but who are unable to afford accommodation in the Chelmsford City Council area or within the Essex area, for instance due to benefit restrictions.

6. Moving within temporary accommodation

It may be necessary to move individuals or households to another temporary accommodation property for example when:

1. The Council needs to use emergency accommodation initially, such as bed and breakfast, and subsequently can move the household to more self-contained or more affordable temporary accommodation
2. The Council must hand a property back to a landlord.
3. For unforeseen reasons, such as when a property requires major repairs

When this happens, the Council will make use of the criteria set out in this policy to determine the type of property and where it is located.

7. Consequences of refusal of accommodation

Should an applicant refuse an offer of accommodation made under section 188 of the Housing Act 1996, or fail to take up occupation of the property and the offer is deemed suitable, the Council will not provide further temporary accommodation until enquiries are completed.

If an offer is made under section 193 and is refused the Council will consider it has met its statutory obligations to the applicant and had discharged its duty.

However, in accordance with Section 202 of the Housing Act 1996 Part 7, as amended, the applicant will have the right to request a review of the suitability of offers made under section 193 of the Housing Act 1996. This will require them to submit their reasons refusing the offer for consideration.

If the outcome of review of the suitability is that the offer was not suitable, the Council will be under a duty to make an alternative offer. Applicants are reminded of their right to accept the offer of accommodation and pursue a review of the suitability of the accommodation whilst in occupation.

8. Advice and Support

All households will be offered an interview with a Council Officer to address identified housing related needs and advice will be provided regarding these needs. For example, accessing GP's, health visitors, schools, etc.

Appendix 1

Distance Priority Bands

1 In-City Priority

Anywhere within the Chelmsford City Council area including the towns and villages within the red area of the map below.

