

Cabinet

6<sup>th</sup> March 2018

**Name of Cabinet Member:**

Cabinet Member for Community Development – Councillor L Bigham

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

All

**Title:**

The Implementation of the Homelessness Reduction Act 2017

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**Is this a key decision?**

No

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**Executive Summary:**

The Homelessness Reduction Act 2017 (“the Act”) comes into force on 3<sup>rd</sup> April 2018, and will place new duties on the Council to provide advice and assistance to people who are homeless or threatened with homelessness, to either help to prevent them becoming homeless or to help them to secure alternative suitable accommodation.

The new legislation places two additional duties on the Council:

- **Prevention Duty** - the new Prevention Team would work with customers to understand the circumstances that have led to the threat of homelessness, the customers housing needs and any additional support they may require. Together they would agree a Personal Housing Plan (PHP), including a set of reasonable steps to undertake to prevent homelessness. If safe to do so, the Officer will try to keep the customer in their current tenancy, or to seek alternative accommodation to prevent the customer becoming homeless. This may mean they find a short term solution, such as staying with friends or family, whilst addressing the root cause of why the customer may become homeless and working on a planned move to suitable accommodation. This duty applies for up to 56 days (potentially longer in cases where the household is threatened with homelessness if a valid Section 21 notice is served on the tenant).
- For households who are already homeless, or for those whose homelessness could not be prevented, the **Relief Duty** will apply (regardless of priority need or intentionality, but local connection can be taken into account at this stage). The Council and the applicant must agree ‘reasonable steps’ to help them to secure accommodation which is suitable and available for at least 6 months. This duty applies for up to 56 days (potentially in addition to 56 days under the Prevention Duty).

The Act places an obligation on the Council to ensure it can provide general advice and support

on reducing homelessness to all customers as well as specialist advice for specific customers. There is a real drive to reduce people becoming homeless by working with them before they reach the point of crisis. The guidance builds on the success of The Housing (Wales) Act 2014, which when implemented has been reported to have had a positive impact in preventing homelessness.

This report seeks approval to make the relevant changes to existing council procedures and resources to ensure the Council's compliance with the Act. Further future reports will be brought forward on the wider homelessness strategy, housing supply, and temporary accommodation.

### **Recommendations:**

The Cabinet is requested to:

- 1) Note the new statutory duties arising from the Homelessness Reduction Act 2017 (HRA17) and the actions underway to develop a new service to ensure the Council is able to meet its new statutory duties.
- 2) Approve the proposed change to the Homefinder policy as a result of the new legislation.
- 3) Approve the proposals in relation to discharging duty as result of the new legislation.
- 4) Approve the proposals for use of the funding provided by the Government to prevent and support a reduction in homelessness including appointment to the posts as defined in the report.
- 5) Approve the framework for financial assistance from the prevention pot.
- 6) Instruct a review of the new services within 12 months, to be presented to the Cabinet Member for Community Development.
- 7) Instruct a full review of the Homefinder Policy within 12 months.

### **List of Appendices included:**

Appendix A – Homeless Prevention Pot Framework  
Appendix B – Example of proposed customer journey for the new service  
Appendix C – Proposed changes to the Homefinder Policy  
Appendix D - Draft Policy on discharging the Prevention and/or Relief Duties due to the 'deliberate or unreasonable refusal' of the applicant to participate in the process  
Appendix E – Action plan for the Council's response to the new legislation

### **Background papers:**

None

### **Other useful documents**

Homelessness Reduction Act 2017; available at: [www.legislation.gov.uk](http://www.legislation.gov.uk)

Draft Homelessness Code of Guidance for Local Authorities, available: <https://www.gov.uk/government/consultations/homelessness-code-of-guidance-for-local-authorities>

Flexible Homelessness Support Grant Allocations: 2017-18 to 2018-19; available at:  
<https://www.gov.uk/government/publications/flexible-homelessness-support-grant-2017-18-to-2018-19>

Homelessness Reduction Act New Burdens Funding Allocations; available at:  
<https://www.gov.uk/government/publications/homelessness-reduction-act-new-burdens-funding>

**Has it been or will it be considered by Scrutiny?**

Although this report hasn't been submitted to Scrutiny, a briefing note explaining the new duties was presented to the Communities and Neighbourhoods Scrutiny Board (4) at their meeting on 8<sup>th</sup> November 2017 – document available at: <http://democraticservices.coventry.gov.uk>

In addition a briefing note was presented to Scrutiny Co-ordination Committee on the 24<sup>th</sup> January 2018 providing an overview for the reasons why people present as homeless and the work of partner organisations supporting in this area – document available at: <http://democraticservices.coventry.gov.uk>

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

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## **Title: The Implementation of the Homelessness Reduction Act 2017**

### **1. Context**

- 1.1. There is an increasing demand from people requiring homelessness support nationally. Coventry is also feeling this pressure with an expected demand of 2,300 individuals and families presenting as homeless over 2017/18. During the first three quarters of 2017/18, of the total demand for the service, 407 applications were accepted as statutorily homeless based on the existing guidance.
- 1.2. In 2017/18 the Council estimates a financial pressure of £4.2m against a budget of £1.3m (total spend £5.5m) from homelessness related activity. The majority of this cost relates to the provision of temporary accommodation. In order to address this issue there needs to be an increase in:
  - homeless prevention support,
  - more cost-effective suitable temporary accommodation; and
  - affordable suitable permanent accommodation.
- 1.3. This report focuses on addressing the first point, early intervention through homelessness prevention to:
  - ensure the Council complies with new legislation and
  - decrease the number of people becoming homeless and therefore reduce the volume of temporary accommodation needed and the associated cost pressures within the Council.

Work is underway to reduce the costs of temporary accommodation and consider options for increasing housing supply, but this work falls outside of the scope of this report. The appointment of a Senior Manager to create capacity, skills and to coordinate the wider homelessness agenda will support all the areas of work underway. It is proposed this post is funded from the grant monies awarded for homelessness prevention.
- 1.4. The Homelessness Reduction Act 2017 will place new duties on the Council to provide advice and assistance to people who are homeless or threatened with homelessness, to prevent them becoming homeless.
- 1.5. Similar legislation, The Housing (Wales) Act 2014 was implemented across Wales and has been reported to have had a positive impact, in preventing homelessness. In 2016/17, 62% of households assessed as “threatened with homelessness” had their homelessness successfully prevented and 41% of those that could not be prevented were able to receive support under the relief duty<sup>1</sup>. There was a lower number of cases being seen to receive the main housing statutory duty, after their homelessness could not be prevented under the prevention and relief duty, compared to prior to the change in legislation.
- 1.6. The Department for Communities and Local Government published (on 16 October 2017) a draft Homelessness Code of Guidance which updates the statutory guidance with the provisions of the Homelessness Reduction Act 2017. The statutory guidance will be published in the Spring 2018 for implementation from 3rd April 2018.

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<sup>1</sup> The Homelessness Monitor: Wales 2017, Crisis

[https://www.crisis.org.uk/media/237651/the\\_homelessness\\_monitor\\_wales\\_2017\\_es.pdf](https://www.crisis.org.uk/media/237651/the_homelessness_monitor_wales_2017_es.pdf)

- 1.7. The current duties relating to homelessness are set out in Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002 and Localism Act 2011). Households who are assessed as being eligible, homeless, in a priority need group, not intentionally homeless, and who have a local connection, are referred to as 'statutory homeless' and are owed the main housing duty – the Council must offer suitable long-term accommodation to them.
- 1.8. There is also a general duty to provide advice and assistance to households who are not owed the main housing duty.
- 1.9. The Homelessness Reduction Act 2017 introduces new statutory duties on Local Housing Authorities, focussed on preventing homelessness where possible, and relieving homelessness where prevention is unsuccessful. It amends Part VII of the Housing Act 1996.
- 1.10. The main duties introduced in the Act include:
  - The Council must assist households who are threatened with homelessness within the next 56 days period (currently it is within the next 28 days).
  - Advice must be available to all people in the district regarding preventing homelessness, securing accommodation, the rights of homeless people, the help which is available, and how to access that help.
  - In addition, there must be specific advice for groups who are more at risk of homelessness (those stated in the legislation are: care leavers; people leaving prison; former members of the armed forces; victims of domestic violence; people leaving hospital; people suffering a mental illness or impairment; and any other group identified as being particularly at risk of homelessness in the district).
  - The local authority will have a duty to assess the housing circumstances of all applicants who are eligible (immigration status and habitual residence) and threatened with homelessness or homeless (regardless of priority need or intentionality) – including the circumstances which have led to homelessness and the housing and support needs of the household.
  - For households who are eligible and threatened with homelessness – the Prevention Duty will apply (regardless of priority need, intentionality or local connection). The Council and the applicant must try to agree 'reasonable steps' to help them avoid becoming homeless. This duty applies for up to 56 days (potentially longer in cases where the household is threatened with homelessness if a valid Section 21 notice is served on the tenant).
  - For households who are already homeless, or for those whose homelessness could not be prevented, the Relief Duty will apply (regardless of priority need or intentionality, but local connection can be taken into account at this stage). The Council and the applicant must agree 'reasonable steps' to help them to secure accommodation which is suitable and available for at least 6 months. This duty applies for up to 56 days (potentially in addition to 56 days under the Prevention Duty).
  - Specified Public Authorities will be under a new duty to refer, meaning that they must notify the local housing authority of anyone they are working with that they believe to be homeless or threatened with homelessness (with the consent of the applicant). Regulations are still to be laid to specify which public bodies this will apply to, but it is likely to include schools, GPs, hospitals, HM Prison Service, Police etc. This obligation is required for October 2018.

- 1.11. For the Prevention and Relief Duties, the Council will have to agree, with the applicant, a 'Personal Housing Plan'. This will set out the steps to be taken by the Council and the steps to be taken by the applicant to prevent or relieve their homelessness. This is a collaborative process that the applicant will be expected to participate in. The steps to be taken by the applicant must be 'reasonable', taking into consideration their individual circumstances and any support needs.
- 1.12. The measures which will need to be put in place for the Council to meet its requirement to take steps to help to prevent or relieve homelessness may include (but won't be limited to):
- Mediation and dispute resolution with family members or landlords.
  - Tenancy sustainment support.
  - Referral to specialist support services for specific advice (eg domestic abuse, debt management, drug and alcohol support etc) or supported housing.
  - Assistance to access the Private Rented Sector (financial or otherwise).
  - Assistance to maximise income, welfare advice, and budgeting advice.
  - A Prevention Fund with officer discretion (within a framework) to make payments where these will prevent/relieve homelessness.
  - Assistance to apply for Discretionary Housing Payments
  - Assistance to apply for Community Support Grants (where relevant)
- 1.13. It is expected that the Prevention and Relief duties will most often be discharged by either resolving issues and enabling the applicant to stay in their current accommodation, or assisting them to access other accommodation which will be available for 6 months or more – this will include Assured Shorthold Tenancies (ASTs) in the Private Rented Sector as well as social housing provided by Housing Associations.
- 1.14. If the applicants' homelessness cannot be resolved within the time that they are under the Prevention and Relief Duties (up to 112 days), the existing assessment to determine the duties that the Council has towards the household must be carried out. This will determine whether the main housing duty applies, taking into account priority need status and intentionality.
- 1.15. The applicant may request a review of all decisions made regarding the duties that are owed by the Local Housing Authority and the way those duties have been discharged. The Review Officer within the new Prevention Team within the Council's Customer Services Team would undertake this review.
- 1.16. There are two sources of funding from the Government which are available for services to prevent and relieve homelessness, and implement the requirements of the Homelessness Reduction Act.
- 1.17. The Flexible Homelessness Support Grant (FHSG) replaces the Temporary Accommodation Management Fee (a top-up payment given to Councils where homeless applicants were placed in temporary accommodation). Some of this funding is required by Housing Benefits to meet the costs they incur, which this funding stream previously would have been used for. Details of this are provided in Table 2. This grant is ring-fenced for an initial period of two years, and must be used only to prevent or deal with homelessness.
- 1.18. The HRA2017 New Burdens fund will provide funding to help to meet additional costs that arise as a result of the new duties.

- 1.19. The table below shows the funding that Coventry City Council will receive from these two funding streams. This funding is time-limited and not guaranteed post 2019/20. It will be important therefore, that use of the funding takes into account the need for sustainable support options, post 2019/20.

**Table 1: Grant funding awarded to support a reduction in homelessness**

<b>Funding</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>Total</b>
Flexible Homelessness Support Grant	£471,057	£516,336	To be confirmed	£987,393
HRA2017 new burdens	£137,130	£117,367	£166,981	£421,478
<b>Total</b>	<b>£608,187</b>	<b>£633,703</b>	<b>£166,981</b>	<b>£1,408,871</b>

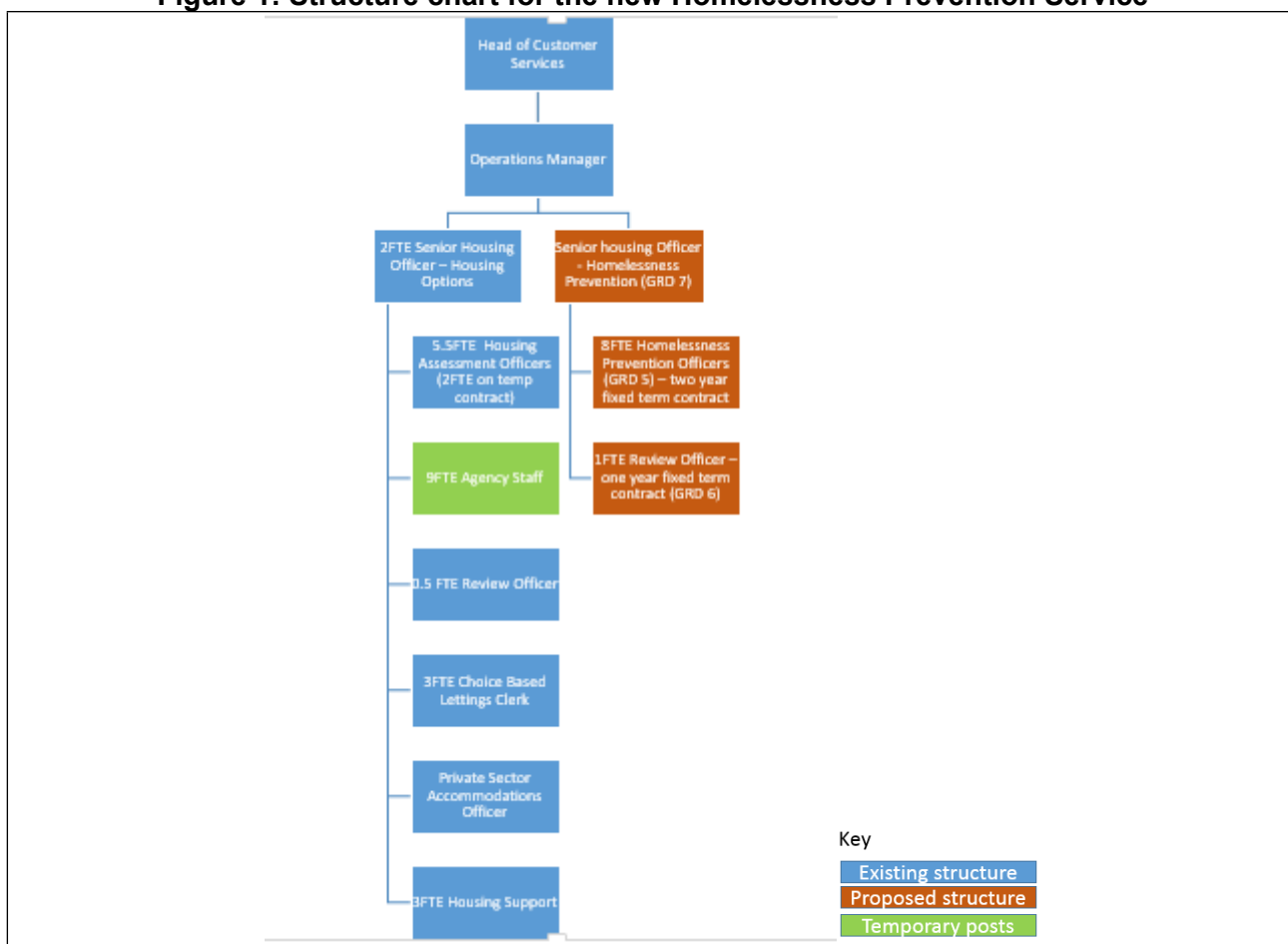
## **2. Options Considered and Recommended Proposal**

- 2.1. **Option 1: Do Nothing.** This option is not recommended as the Council will not be able to meet its new statutory duties under the Homelessness Reduction Act 2017. Failure to meet statutory duties would leave the Council exposed to a significant risk of legal claims. This would increase officer time and cost in defending any such proceedings. It would also potentially have reputation consequences. In addition, costs relating to homelessness are likely to continue to rise. This is not the recommended option.
- 2.2. **Option 2: Contracting out the Council's duties under the new legislation.** The Council could contract out elements of the statutory duties, but would still remain statutorily responsible and accountable for discharging those functions and for making strategic decisions. The Council would have to make sure any contract was effectively managed to deliver the support required and ensure that the Council was meeting the duties under the act. There is not sufficient time to commission a service provider to undertake this role and ensure we have effective contract management in place to meet the new statutory duties from April 2018. This is not the recommended option.
- 2.3. **Option 3: Create a Homelessness Prevention Service (Recommended)** In order to meet the requirements of the Homelessness Reduction Act 2017, additional services will need to be provided either by, or on behalf of, the Council. The Housing Options Team (People – Customer Services) currently provides advice and assistance for homeless people, and officers within the team carry out the homelessness assessments under the current legislation.
- 2.4. A new team of Prevention Officers is currently being created, funded from the grant funding received. This will allow the Council to meet the new duties from April. The new team will sit within Customer Services alongside the Housing Options Team (see Figure 1). Their focus will be to implement the Council's legislative Prevention and Relief duties; to provide advice, to carry out the Housing Assessment, to develop the Personal Housing Plans (PHP), and undertake or organise the steps to be taken by the Council which are agreed in each applicant's Personal Housing Plan. It is proposed that a team of 8 Prevention Officers, a Team Manager and Review Officer are recruited on a two year fixed term basis. The size of the team has been based on the expected demand for the service taking into account the new homelessness legislation and the estimated impact of Universal Credit once implemented in the city.



- 2.5. In addition to the new Prevention Service, a Senior Manager post is required to create capacity and skills, to coordinate the wider homelessness agenda work underway. This post will be recruited on a fixed term basis for two years in line with the grant funding awarded.
- 2.6. Specialist advice and prevention/relief activities will be provided by partner organisations (under existing arrangements or specifically commissioned) and by other services within the Council. The support that various agencies could provide is currently being considered by the Project Team supporting this work, taking into account the current grant aid agreements and contracts we have with the voluntary and community sectors. Part of the grant funding awarded, as outlined in Section 1.18, maybe required to commission external support. It is proposed that the grant funding detailed in Table 1 is ringfenced to support the new prevention and relief duties.

**Figure 1: Structure chart for the new Homelessness Prevention Service**



- 2.7. **Financial assistance** - In order to maximise the effectiveness of the resources available to the Council to prevent and relieve homelessness, the Discretionary Housing Payment funding (DHP) may be used, where appropriate and where the policy allows, to prevent homelessness or move people from emergency accommodation into a suitable tenancy. The tenant must be in receipt of Housing Benefit or the housing element of Universal Credit. Financial assistance provided under DHP to prevent homelessness could be in the form of deposits, rent in advance, administration fees, ongoing DHP to cover the shortfall in rent between the housing benefit (local housing allowance limit) and the actual rental charge due. Consideration is being given to explore the possibility of securing suitable tenancies with private landlords for those in emergency accommodation using

DHP funding to cover any shortfall in rental liability. This is likely to increase the financial pressure on the DHP funding available and consideration may need to be given to topping up this funding stream in the future. If required this would be bought forward for approval through the usual channels.

2.8. A flexible funding pot is required to provide financial support where the tenant is not eligible for DHP or the spend falls outside of the DHP Policy. It is proposed to use a proportion of the grant funding awarded to create a Prevention Pot. It is difficult to determine the size of the resource required until the service goes live. Currently we have allocated c£145k per year of the grant funding awarded to the area. The framework for decisions in relation to the financial support from the prevention pot is attached in Appendix A. Until the service goes live, it is difficult to predict the nature of financial assistance required. The prevention pot could be used to:

- Top up rents, bonds and clearing rent arrears
- Mortgage repayments (interest only) or with a repayment plan to recover support provided
- Cost of replacing key identity documents
- Access to training/ employment related expenditure
- Travel costs
- Repairs to property where damage has occurred as a result of the Tenants actions.

2.9. **Prevention Officers**, as detailed in

2.10. Figure 1, will meet with customers face to face and remain as a single point of contact for that case where possible. As part of the Customer Journey programme in 2016, there were some changes to customer facing element of service delivery. The new legislation will require the customer's journey to be revised to meet the new duties. The proposed new customer journey is attached Appendix B. The new service will be person centred, staff are being recruited based on their behaviours and personality rather than their specific experience and knowledge of homelessness. The team will undertake a programme of training to ensure they are able to make a decision for each customer taking into account their individual circumstances. The initial meeting with the customer will focus understanding:

- the circumstances that caused the applicant to become homeless or threatened with homelessness,
- The housing needs including the type of accommodation that would be most suitable taking into account the whole household,
- any support necessary to retain suitable accommodation.

2.11. The information gathered will then support the steps agreed in the PHP to prevent the customer becoming homeless or relieve the homelessness. The Welsh legislation did not explicitly require personalised housing plans. A report by Shelter2 found that thirteen of twenty local housing authorities were using PHP and they found them to be "very useful". Taking a more person centred approach to service delivery was reported to support a positive change in culture.

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<sup>2</sup> It's a personal thing: what homeless service users need from assessments and personalised housing plans – Homelessness Reduction Act 2017, Shelter and Longleigh Foundation, November 2017.

- 2.12. **Homefinder Policy** - In line with the new legislation a change is required to the Homefinder Policy, which is used to prioritise the various individuals waiting for a property from a Registered Provider. The proposed changes to the policy are detailed in Appendix C. It is proposed that the following changes are implemented into the policy as required by the HRA 2017, with a detailed review of the Homefinder Policy within a 12 month period.
- 2.13. Applicants who are owed the Prevention Duty (under Section 195 of the Housing Act) or the Relief Duty (under Section 189B of the Housing Act) where a Personal Housing Plan is in place and the applicant is constructively engaging with the Prevention Service and Housing Options Service to prevent or relieve their homelessness will be allocated to Band 2B under the existing "homelessness prevention" priority. This priority may also be awarded to applicants where homelessness has been prevented/relieved for at least six months by negotiation with a landlord, family member or friend, but in the long term a move into social housing would be necessary (Section 3.10 of Home finder Policy).
- 2.14. The change in legislation makes it easier for a care leaver who becomes homeless to demonstrate a local connection and receive help in the area they choose, as it can be difficult to demonstrate a local connection based on employment or family association. A local connection will be possible in the area of the local authority where they were looked after and owes them leaving care duties or if the care leaver is under 21, this can be an area different to the local authority that owed them leaving care duties, where they have lived for at least 2 years, including some time before they were 16 years old.
- 2.15. **Discharging duty** - The prevention and relief duties can be brought to an end as a result of the customer's deliberate and unreasonable refusal to cooperate. Where the Prevention Duty is brought to an end for this reason, the customer's entitlement under the Relief Duty and the Main duties are not affected.
- 2.16. The policy setting out the steps required to discharge duty in this way is available in Appendix D. A review of the actions included in the Personal housing Plan would take place to ensure they were reasonable as well as a review of the circumstances.

### **3. Results of consultation undertaken**

- 3.1. No formal consultation has been carried out, but Officers have met with relevant partner agencies to formulate the planned services. Council Officers have visited Rugby council and the London borough of Southwark who were both trailblazers, adopting the new legislation as it was being developed. The proposed service builds on the experience from these visits and links with other local authorities and partner agencies who provide support to prevent homelessness including but not limited to Coventry Law Centre, Citizens Advice Bureau and Whitefriars Tenancy Sustainment Team.
- 3.2. We will seek to engage with customer's and partner's to monitor the impact of the new service and the support that we are proposing to implement. This feedback will be used to influence further changes to ensure that we are offering the most effective support we can within the resources that are available to us.

### **4. Timetable for implementing this decision**

- 4.1. The Department for Communities and Local Government has indicated its intention to implement the Homelessness Reduction Act from April 2018. Secondary legislation has confirmed that the new duties will come into force on 3rd April 2018.

4.2. The new service will go live from 3rd April 2018, with further actions underway to build and develop the service in line with the action plan in Appendix E. to the report.

## **5. Comments from Director of Finance and Corporate Services**

### **5.1. Financial implications**

The overall net identifiable cost to the Council for homelessness related activity in 2017/18 is currently forecast to be £5.5m against an overall budget of £1.3m, resulting in a pressure of £4.2m. This has increased over the last three years due in part to the increase in homelessness activity. Going forward costs are likely to increase further. It is anticipated that the work of the Prevention Team will reduce some of this increase and pressure going forward.

As part of the Budget Report additional resources of £2.9m (£2.7m Housing Benefit; £0.2m Housing Options Team) have been allocated towards the on-going financial pressure.

The Council has been awarded £1.4m in grant split over the next three years as detailed in the table at para 1.18. This funding is time-limited and not guaranteed post 2019/20, although it is anticipated that the responsibility for prevention will still sit with local authorities. If no further grant funding is awarded, we will need to re-evaluate how to provide the service and address any resulting financial implications. At this stage we are not entering into any commitments beyond the expiration of the grant funding.

It is proposed that the grant funding is used to create the new prevention service, to meet the new legislative duties. Table 2 provides a high level breakdown of the plans to utilise the grant funding awarded. In time, it is anticipated that this service should reduce the number of customers who require access to temporary accommodation, as a result of the provision of early intervention and support to prevent them becoming homeless in the first place and ensuring that they are able to sustain the tenancies and accommodation they have access to.

**Table 2: Proposed expenditure for the prevention grant**

<b>Grant funding available</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>Total</b>
<b>Total Grant funding</b>	<b>(608,187)</b>	<b>(633,703)</b>	<b>(166,981)</b>	<b>(1,408,871)</b>
Less: Temp accommodation management fee	40,000	40,000	40,000	120,000
<b>Net Grant funding available</b>	<b>(568,187)</b>	<b>(593,703)</b>	<b>(126,981)</b>	<b>(1,288,871)</b>
<b>Grant bought forward from the previous year</b>		<b>(537,809)</b>	<b>(471,929)</b>	<b>(1,756)</b>

<b>Anticipated Costs</b>				
Prevention Team	24,378	330,583	268,154	623,115
Temporary staff to clear current backlog	6,000			6,000
Capacity building/ Senior Manager post		75,000	75,000	150,000
IT system		9,000	9,000	18,000
Funding to cover contract costs		100,000	100,000	200,000
Prevention Pot		145,000	145,000	290,000
<b>Total cost</b>	<b>30,378</b>	<b>659,583</b>	<b>597,154</b>	<b>1,287,115</b>

this grant funding was replaced by the new prevention grants, but is still required by the housing benefits service to meet accommodation costs.

agency staff are working to reduce the backlog in cases waiting for a decision. This has reduced from 400 in November 2017 to 107 in January 2018.

Cost of commissioning external support to provide specialist advice.

All posts will be recruited on a fixed term basis in line with the grant funding awarded. The Senior Manager post will be across the wider homelessness agenda to create capacity and coordinate the work underway across the Council to reduce homelessness and the associated cost pressures.

It is proposed that any shortfall in the use of grant funding in each year or within each heading in the table above, will be rolled over the following year and maybe reallocated within the service to support a reduction in homelessness.

If services are commissioned/outsourced as part of the service design and delivery, this will be done in line with the Council's Procurement policies.

The service will provide performance data to support the work of the team and to monitor the impact of this intervention, with regular updates to the Strategic Housing Board and the Cabinet Member for Community Development.

## **5.2. Legal implications**

The Homelessness Reduction Act 2017 received Royal Assent in April 2017. Secondary legislation confirms that the new duties will come into force on 3<sup>rd</sup> April 2018 in "The Homelessness Reduction Act 2017 (Commencement and Transitional and Savings Provisions) Regulations 2018. A draft Homelessness Code of Guidance (statutory guidance) was published for consultation in October 2017 and the final Code to be published in the 'spring'.

The Homelessness Reduction Act 2017 introduces new statutory duties relating to the prevention and relief of homelessness, as detailed in the report. In brief summary, these include:

New assessment duty under s189A, Housing Act 1996: this applies where the authority are satisfied that the customer is homeless or threatened with homeless and eligible for assistance. The duty is to: make an assessment, notify the customer in writing of the assessment and seek to reach an agreement with the customer as to what steps both sides will take in securing suitable accommodation. If no agreement is reached, this must be recorded in writing including the reasons why no agreement was reached.

New duty under s189B 'The Relief Duty': where a customer is homeless and eligible then the authority must take reasonable steps to help the customer secure suitable accommodation that is available for his occupation for at least 6 months. Due regard must be given to the s.189A assessment.

Replaced s195: Prevention Duty: The duty is to take reasonable steps to help the customer secure accommodation that does not cease to be available for the applicant's occupation. Due regard must be given to the s.189A assessment.

An applicant has a right to request a review the decisions of a housing authority.

## **6. Other implications**

### **6.1. How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

This will directly contribute to the Council Plan 'Locally Committed' commitment to improve the quality of life for Coventry people, protecting our most vulnerable residents - preventing homelessness and helping people who do become homeless.

### **6.2. How is risk being managed?**

There is a risk that the new service will not adequately meet the new prevention and relief duties for April 2018 due to the resource and time constraints. The action plan in Appendix E shows the progress that will be made prior to and post April to meet the new legal duties on the authority. Ongoing monitoring on the impact of the new service will also support the success of this programme of work. The proposed changes are only one part of a wider programme of work required to address homelessness across the city. Strategic Housing Board is coordinating the wider work underway and any approvals will be sought through the appropriate channels in due course.

### **6.3. What is the impact on the organisation?**

Additional staff will be recruited into Customer Services as part of the Prevention Service to provide the services required to meet the new statutory duties. Further details for these posts are included in the main body of the report.

Specific advice on preventing homelessness will be made available to Care Leavers.

### **6.4. Equalities / EIA**

The service is currently being developed and will be subject to an equality impact assessment. In developing the policies, due regard has been given to the public sector equality duty under s149 of the Equality Act 2010.

The Housing Assessment and Personal Housing Plan (which details reasonable steps to be taken by the applicant and by the Council to prevent or relieve homelessness) must take into account the applicants individual circumstances – this will include any

considerations due to protected characteristics which may determine what is 'reasonable' and also the type of accommodation which would be deemed 'suitable' in order to discharge the duties. Any decisions made should have due regard to the public sector equality duty.

**6.5. Implications for (or impact on) the environment**

None

**6.6. Implications for partner organisations?**

There are no direct implications for partner organisations at this stage. However, it will be essential to work with advice agencies, voluntary organisations, Housing Associations and other providers of housing when delivering the service to meet the new statutory duties.

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Enquiries and requests to review the background papers should be directed to the above person.

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