

# HOUSING CABINET MEMBER MEETING

## Agenda Item 109

Brighton & Hove City Council

**Subject:** Use of Well-Being Power to Accommodate Households in Exceptional Housing Need

**Date of Meeting:** 21<sup>st</sup> April 2010

**Report of:** Director of Housing Culture and Enterprise

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**Key Decision:** No

**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 As a member of the Local Strategic Partnership, the council is committed to work with its partners in achieving the 8 priorities identified in the 2020 Community Strategy. In the context of homelessness, the most relevant priority is to improve housing and affordability.
- 1.2 The council has a legal duty to provide accommodation to certain groups of homeless persons in Brighton & Hove.
- 1.3 There are a number of groups who fall outside the protection of the statutory schemes but for whom the provision of accommodation would be of significant benefit to individuals as well as the community at large.
- 1.4 Under the Local Government Act 2000, the council has power to do anything which they consider is likely to promote or improve the social, economic or environmental well-being of the local community. The Act also requires the council to have a sustainable community strategy for promoting or improving well-being in the city.

This report sets out proposals on using the council's well-being power to reduce homelessness in Brighton & Hove, and explains how this will support the 2020 Community Strategy and performance measured by Comprehensive Area Assessment.

The proposals will also support actions of council's Crime & Disorder Strategy, as well as helping to meet local area targets, such as reducing the number of beggars.

## **2. RECOMMENDATIONS:**

- 2.1 To use the council's well-being power to provide accommodation to the 10 categories of homeless persons, as defined in 3.5, 3.6, 3.7 and 3.8 below, who normally fall outside the protection of the various statutory schemes.
- 2.2 To work with the council's partners in developing arrangements to deliver accommodation to the identified groups.

## **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Local Government Act 2000 imposes on local authorities a legal duty to produce a sustainable community strategy for promoting or improving the economic, social and environmental well-being of their area. The priorities local to Brighton & Hove have been agreed and set between the council and its strategic partners, now articulated in the 2020 Community Strategy ('2020 Strategy').
- 3.2 The council is committed to working alongside its partners in achieving the eight priorities identified in the 2020 Strategy. The proposals contained in this report would support the council's contribution towards achieving the second priority - Reducing Crime & Improving Safety within the Local Community.
- 3.3 Legislation provides certain categories of homeless persons with rights to accommodation. However, those who fall outside the scope of such statutory schemes remain homeless at detriment to themselves and to the community at large.
- 3.4 The council could use its well-being power to provide accommodation to specific groups of households who are in exceptional housing need who do not benefit from statutory schemes. Doing so is likely to bring about an improvement in the general well-being and quality of life of the local community.
- 3.5 It is proposed that discretionary accommodation assistance be provided to a total of 10 groups, the first 7 of these being

3.5.1 Homeless persons, not in priority need, not owed duties under social services legislation, subject to Multi Agency Public Protection Arrangements (in general only level 3). Local Connection requirement waived with this category due to existing reciprocal referral arrangements between Probation & Police Services and Brighton & Hove City Council.

(This will assist the council in reducing risk to the community posed by violent offenders)

3.5.2 Homeowners whose property is tenanted and need a temporary period in alternative accommodation while they regain occupation of their home. This would be offered as an option to households who would be likely to be in priority need and possess a local connection and where the council is satisfied that they have no other means of sourcing suitable accommodation in the short term.

3.5.3 Homeowners where the property is in such a severe state of disrepair that our Environmental Health Officers have identified that the property is not safe for continued habitation and a temporary period in alternative accommodation is required while repairs are carried out. This would be offered as an option to households who would be likely to be in priority need and possess a local connection and where the council is satisfied that they have no other means of sourcing suitable accommodation in the short term.

3.5.4 Homeowners who have a health problem which means that they are unable to manage residing in their home for a temporary period and so alternative accommodation is required while they recover or suitable adaptations are made to the property. This would be offered as an option to households who would be likely to be in priority need and possess a local connection and where the council is satisfied that they have no other means of sourcing suitable accommodation in the short term.

3.5.5 Verified rough sleepers, who are not owed duties under homelessness legislation or social services legislation, with a local connection, whose vulnerability will increase significantly if they continue to be street homeless, and so therefore in need of temporary accommodation to recuperate. Accommodating this group would be with a view to reducing the impact on health and social care budgets. Additionally, within this group, all rough sleepers who become subject to Severe Weather Protocols regardless of local connection status.

3.5.6 People who are homeless as a result of domestic violence who are not in priority need, who possess a local connection, but who would benefit from a period of temporary accommodation for resettlement.

3.5.7 People who are homeless as a result of domestic violence, who possess a local connection, who are ineligible EU citizens or non-habitually resident UK nationals that are eligible to benefits (housing benefit, income support) but who due to their immigration status are exempt from homelessness provision and who also are not protected by social services legislation.

3.6 Category 8. It is proposed to make accommodation in the form of up to 29 beds available to ex-offenders as identified by probation as being at risk of re-offending, who are not in priority need, not entitled

to assistance from social services, and who have a local connection to Brighton & Hove. Additional beds could be provided as long as the financial test is met so that there is clearly no additional cost to the Local Authority.

(This should help to reduce crime. The Social Exclusion Unit's report; "Reducing re-offending by ex-prisoners demonstrates a link between homelessness and offending)

- 3.7 Category 9 - Households who we are satisfied are at risk of becoming homeless within 3 months but within no less than 28 days (at which part duties under part VII Housing Act 1996 would become relevant). This would only apply to households where would consider that there would be likely to be a statutory priority need should they become homeless and that they have a local connection in (in line with Brighton and Hove City Council Local Connection Policy).
- 3.8 Category 10 – Households which are identified through the council's 'Overcrowding Project' as lacking in adequate space (but not to the extent that they are statutorily overcrowded) and where assisting them to move from the social housing sector to local authority managed private sector accommodation, would bring about an improvement in their quality of life
- 3.9 Any proposal to use the well-being power for these purposes would be scrutinised on a case by case basis and subjected to a strict financial test, under which it would need to be demonstrated that sufficient financial resources and appropriately costed accommodation were available, for both the short and long term. Additionally, for all the above categories the persons being considered for assistance will have to show a local connection to Brighton & Hove City Council in accordance with the council's Local Connection Policy.

#### **4. Estimation of Demand and Cost**

##### **4.1 Demand**

Using the well-being power in this way will enable us to provide temporary accommodation to vulnerable households who are in need of help with housing but currently fall outside the existing statutory provisions for the Local Authority to provide accommodation but who would require more support from a range of services in the future without such accommodation e.g. from mental health services, adult social care and health. Therefore the range of people to whom we can offer accommodation will broaden. It is therefore difficult to predict exactly what the level of demand will be but in order to anticipate potential demand we have made the following estimations of how many households we have come into contact with over the past 2 financial years who would be eligible to be accommodated under the wellbeing powers according to the criteria set out in the report.

	Total Households from April 2007 to March 2009 (estimated)	Households per year (estimated)
1. MAPPA	16	8
2. Temp. Access issues	5	3
3. Temp. Repair Issues	5	2
4. Temp. Medical Issues	2	1
5. Rough Sleepers	40	20
6. DV – non priority	40	20
7. DV – no recourse to housing	8	4
8. Probation	90	45
9. Very Early Intervention Prevention	50	25
10. Overcrowding	50	25
<b>Total</b>	<b>306</b>	<b>153</b>

4.2 However it should be noted that the level of demand will always be tempered by the financial test we would apply as outlined in paragraph 3.9 of the report. Where someone is on a low income they will be able to claim housing benefit so there should not be a negative impact on corporate budgets and in the longer range we would anticipate savings particularly for adult social care and health budgets because of the wider impact of homelessness on social costs.

#### 4.3 **Costs**

The average cost for the council to provide and manage leased accommodation is currently £212.72 p/w and the average Housing Benefit entitlement is £238p/w (based on the new Housing benefit rules from 1<sup>st</sup> April 2010.)

4.4 For nightly booked temporary accommodation (ie: non leased) the standard LHA rates will apply and this would not attract the housing benefit subsidy. The average cost of providing spot purchased accommodation for a single person is currently £312 p/w and the LHA rate is £150 p/w. The financial test would be applied so that in practice only leased accommodation, attracting the higher housing benefit subsidy, would be used. Our strategy is to move away from using spot purchased accommodation at all and we have already significantly reduced the use of it. However in emergency and exceptional circumstances where no leased accommodation was available spot purchased accommodation could be used until suitable leased accommodation becomes available (for example to prevent a death of a vulnerable service user during severe weather)

- 4.5 In the case of accommodation provided in hostels, these placements will continue to attract supporting people funding in addition to housing benefit which will ensure that costs are fully met.

## **5. CONSULTATION:**

### **5.1 Steven Hird (Benefits Manager) Brighton & Hove City Council Housing Benefits Department**

The Benefits Manager confirmed that individuals/households placed into accommodation under well-being powers would attract same rate of Housing Benefit as is applicable to individuals/households placed into accommodation under the terms of the homeless legislation.

## **6. FINANCIAL & OTHER IMPLICATIONS:**

### **Financial Implications:**

- 6.1 The cost of accommodating the 10 clearly defined categories of homeless persons will have minimal impact upon the housing general fund budget for those clients placed in leased accommodation as per paragraph 4.3. The risk comes from those client placed in spot purchased / nightly accommodation, where the rent cost to the landlord exceeds the level of housing benefit by an average of £162 per week.

**Finance Officer Consulted:** Neil Smith

**Date:** 08/04/10

### **Legal Implications:**

- 6.2 In the context of this report, the following provisions of the council's wellbeing power under the Local Government Act 2000 are of particular relevance:

(i) The well-being power may be exercised in relation to or for the benefit of all or any persons resident or present in the council's area. The report notes that providing accommodation to particular groups of homeless people may benefit them and the local community.

(ii) In determining whether or how to use the power, the council must have regard to the 2020 Community Strategy. The link between the proposals in this report and this Strategy is set out in paragraph 3.2 above.

(iii) The well-being power may not be used where this would be contrary to prohibitions, restrictions or limitations imposed by any legislation. However, it is not considered that the proposals set out in 3.4 - 3.8 above are caught by this veto.

**Equalities Implications:**

6.3.1 An Equalities Impact Assessment is included with the background documents Actions to be completed by 31/03/11:

(i) Monitor use of Wellbeing Power in this context by equality streams to identify any barriers to services

(ii) Consult with stakeholders to obtain feedback on the benefits and issues arising from using Wellbeing Power in this context.

6.3.2 Opportunity to tackle social exclusion and improve equality of opportunity for those who fall outside of the remit of statutory services which will benefit the individuals themselves and the community at large.

**Sustainability Implications:**

6.4 The commissioning of these services is in accordance with sustainability objectives.

**Crime & Disorder Implications:**

6.5 Highly favourable, as highlighted in Point 3.5 above, two of the target groups to benefit from these proposals are groups of homeless persons who are also offender groups. These being the 'Prolific and other Priority Offender Strategy (PPO) and those who fall under supervision of 'Multi Agency Public Protection Arrangements' (MAPPA).

Providing accommodation assistance through the exercise of the well-being power to PPO clients will have beneficial affects on reducing the offending rate of prolific and other priority offenders, which links directly to the NI 30 within the National Indicator Scheme.

Providing accommodation assistance through the exercise of Well Being Powers to MAPPA clients will reduce risk to the public.

Both will contribute to the 2020 Community Strategy's second priority; Reducing Crime & Improving Safety within the local community.

**Risk and Opportunity Management Implications:**

6.6.1 Scrutiny and legal challenge by external agencies as to the proposed use of the well-being power. Homelessness is a high profile local issue and the city has within it the largest, independent Housing Advocacy agency on the South Coast - Brighton Housing Trust.

- 6.6.2 Opportunity to support work in reducing crime in other strategic areas, such as the Crime & Disorder Strategy.
- 6.6.3 Opportunity to contribute to achieving National Indicators and Local Area Agreements which will positively feed into Brighton & Hove City Council's star rating within Audit Commission's Comprehensive Area Assessment.
- 6.6.4 Opportunity to reduce costs on local Primary Health Care Trusts, Police Authority and links to corporate budgets.

**Corporate / Citywide Implications:**

- 6.7 Projected as beneficial to the City as contributes to many of the priorities set out in the 2020 Community Strategy. Affecting all corporate and wards in the district.

**7. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

First alternative is to continue current practise – not recommended as the proposed changes to current practise through application of the well-being power represents an improvement of practise and provision and enhanced capabilities to meet objectives set out in the 2020 Community Strategy as well as in Audit Commission Performance Indicators contained within Local Area Agreements and National Indicator Scheme.

**8. REASONS FOR REPORT RECOMMENDATIONS**

This is a significant new initiative which will enable the council to improve the quality of life for the local community. The ability to offer accommodation using the well-being power will allow the council's to intervene at an early stage to accommodate households who are vulnerable, in exceptional housing need or socially excluded. It is anticipated that this early intervention will help prevent future statutory duties arising (e.g. preventing future homelessness, health issues, looked after children, community care act duties). In this way the wider inequalities and social costs of homelessness can be reduced.



**Appendices:**

None

**Documents in Members' Rooms:**

None

**Background Documents:**

1. Protocol for Exercise of the Well-being Power
2. Procedures for Use of the Well-being Power
3. Equalities Impact Assessment
4. MAPPA Referral Form – Housing Options Team (Vulnerable Adults)
5. Referral/Authorisation Form – HPU for Homeless Applicants
6. Standard (WBP) s.184 Decision Letter – Homeless Persons Unit
7. Non-Secure Tenancy for use of Well-being Power (TA Only)
8. 2020 Community Strategy – Summary of Priorities
9. BHCC Local Connection Policy
10. Financial Test for use of Well-being Power

