

LONDON BOROUGH OF CROYDON

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|---------------------------------------|--|---|
| REPORT: | CABINET | |
| DATE OF DECISION | 16th October 2024 | |
| REPORT TITLE: | Placement policy for temporary accommodation and Private Rented Sector Offers (PRSO) | |
| CORPORATE DIRECTOR / DIRECTOR: | Susmita Sen, Corporate Director for Housing | |
| LEAD OFFICER: | Beatrice Cingtho-Taylor Director of Housing - Homelessness Prevention and Accommodation Beatrice.Cingtho-Taylor@croydon.gov.uk | |
| LEAD MEMBER: | Councillor Lynne Hale, Cabinet Member for Homes and Deputy Mayor | |
| KEY DECISION? 0324CAB | Yes | REASON Key Decision – Decision significantly impacts on communities living or working in an area comprising two or more Wards |
| CONTAINS EXEMPT INFORMATION? | NO | N/A |
| WARDS AFFECTED: | All | |

1 SUMMARY OF REPORT

- 1.1. As the Local Housing Authority, the Council has statutory responsibilities to secure accommodation, including temporary accommodation, for specified groups of homeless households.
- 1.2. The Council's aim is to provide accommodation within Croydon wherever possible. However, this is not always achievable owing to the shortage of an affordable supply of accommodation.
- 1.3. The proposed Placement Policy for Temporary Accommodation and Private Rented Sector Offers (PRSO) sets out the criteria for prioritising households for housing in Croydon, within the local area and other areas within and outside London.

2 RECOMMENDATIONS

For the reasons set out in the report and appendix, Cabinet is recommended to:

- 2.1 Approve the new draft Placement policy for temporary accommodation and Private Rented Sector Offers (PRSO) attached at Appendix A.
- 2.2 Agree delegated authority to the Corporate Director of Housing to make minor amendments (i.e., slight wording changes to make more accessible, formatting etc.) in consultation with the Executive Mayor and Cabinet Member for Homes.

3 REASONS FOR RECOMMENDATION

- 3.1 Croydon Council does not have a placement policy for Temporary Accommodation and rented sector accommodation. Whilst it is not a statutory requirement to have one, it is sector good practice as it provides transparency and context to the Council's approach to accommodating homeless households, particularly with regard to out of area placements.
- 3.2 The policy is one of the tools for the delivery of the recently adopted Homelessness and Rough Sleeping Strategy 2024 – 2029 aimed at addressing Priority 3 which is to reduce reliance on temporary accommodation. Developing and agreeing a policy which sets out the Council's approach in placing homeless households in various locations is a key action.
- 3.3 Given the exceptionally high costs of the rental market in and around London, the proposed policy would allow the Council to find homes which are affordable and sustainable. Providing affordable properties is essential to prevent repeat incidents of homelessness and to provide stable and settled accommodation for families.
- 3.4 The policy ensures that the most vulnerable households are prioritised for accommodation within and closer to Croydon.

4 BACKGROUND AND DETAIL

The National and London Context

- 4.1 Temporary Accommodation is housing provided by Local Authorities for people who approach the Council for help with homelessness and are assessed as having a housing need. Most temporary accommodation (TA) in London is currently procured from the private sector either on a nightly basis, or on a lease, where a Local Authority or Housing Association takes the lease over a number of years and lets the property to homeless households.
- 4.2 The type of TA that people can be placed in differs and besides nightly paid and leasing also includes hostels, bed and breakfast accommodation, social housing stock used as temporary accommodation and other forms of private accommodation on short term lets by the Council or Housing Associations.
- 4.3 Nationally, the introduction of additional Stamp Duty for second properties in 2016 and the phasing out of Mortgage Interest Relief for those who buy to let between 2017 and 2021 was subsequently compounded by the sharp rise in interest rates leading to many private sector landlords withdrawing from the market. Furthermore, the changes

proposed in the Renters Bill that require higher standards for private landlords (with this legislation due to be re-introduced by the new Government) has also contributed to an exodus of an estimated 400,000 landlords from the UK market (according to a CRBE survey July 2023), with this disproportionately affecting London boroughs.

- 4.4 A multi-party report produced in March 2024 by the London Assembly Housing Committee ('London's Temporary Accommodation Emergency') highlighted that private landlords were either withdrawing or ceasing to let to those on lower incomes. A survey carried out by the London School of Economics in July 2023 found that 40% of landlords who had let to lower income groups had either stopped doing so or had left this area of the market in the last two years. In terms of direct providers of temporary accommodation, the report further cites the receipt of 6,317 notices to quit received from private landlords by London boroughs between September 2022 and June 2023 which amounts to 12% of London's total temporary accommodation stock. Inevitably, the loss of available temporary accommodation has contributed to many Councils' having to procure accommodation further from the applicants' area of residence. Data in Appendix 3 shows a particular reduction in leased accommodation because of private landlords withdrawing from this market.
- 4.5 In the recent National Audit Office 'Value for Money report', 'The effectiveness of government in tackling homelessness' (July 2024) it is stated that overall spending on homelessness services has more than doubled since 2010-11 and in 2022/23 was £2.44 billion, 60% of gross expenditure on all housing services.
- 4.6 In addition, Local Housing Allowance (LHA) rates had been frozen since 2020, making new lettings which are affordable within LHA levels increasingly rare. The uprating from April 2024 will provide a significant boost to affordability but any positive outcome on homelessness trend is yet to be seen. However, the rising cost of temporary accommodation met by Councils remain unchanged as the LHA rate payable for temporary accommodation through the Housing Benefit Subsidy system is capped at 90% of January 2011 LHA rate which does not cover the total cost of temporary accommodation.
- 4.7 A combination of increasing homelessness demand and shortage of affordable accommodation is putting pressure on Local Authorities' budgets. Between 2023/24, London Councils reported a 25% rise in Council spending on temporary accommodation with an estimated £208 million overspend capital wide. In a climate where Homelessness Prevention Grant allocated by the Ministry of Housing, Communities and Local Government (MHCLG) is frozen and where 29 out of 33 London Boroughs reported overspends on their homelessness budgets, Councils were increasingly seeking accommodation in other areas of London and the country.
- 4.8 The Ministry of Housing, Communities & Local Government on 29 August 2024 produced the first release of the "Local authority revenue expenditure and financing England: 2023 to 2024". There was a 27.2% increase in expenditure on Homelessness services. This includes net expenditure relating to temporary accommodation which has increased by 42% in real terms.

- 4.9 These factors in turn means that more households are living outside London where properties are more affordable. The London Assembly Housing Committee highlighted that by September 2023, up to 40% of London households living in temporary accommodation were living outside of their borough with 24,430 applicants no longer residing in London. The number of these out of borough placements had increased by 15% over a 5-year period
- 4.10 The recent quarterly statistics released in August 2024 from Ministry of Housing, Communities and Local Government (MHCLG) shows that 36,360 or 31.0% of households in temporary accommodation were in accommodation in a different local authority district. 78.9% of these out of district placements were from London authorities.

Croydon context

- 4.11 The well documented spiralling cost of private rented accommodation and affordability issues across London is also experienced in Croydon making it more difficult to procure sufficient, suitable, affordable accommodation. The data below from the Greater London Authority (GLA) shows the average median rent for private rented property in Croydon and the Local Housing Allowance (LHA) for each bedroom size per week. The gap between average rents and LHA is widening and making it difficult to procure sufficient affordable accommodation to meet increasing demand.

Table 1 - Average rent shortfall/loss per temporary accommodation property

| Property size | Croydon market rents median weekly* | LHA April 2024 | 90% of LHA Jan 2011 (max TA subsidy) | Shortfall per week (market minus max TA subsidy) | Shortfall per year |
|---------------|-------------------------------------|----------------|--------------------------------------|--|--------------------|
| One bed | £ 253.85 | £ 218.63 | £ 140.19 | £ 113.65 | £ 5,909.96 |
| Two beds | £ 311.54 | £ 276.16 | £ 176.54 | £ 135.00 | £ 7,020.18 |
| Three beds | £ 375.00 | £ 345.21 | £ 218.08 | £ 156.92 | £ 8,159.89 |
| Four beds | £ 507.69 | £ 448.77 | £ 295.97 | £ 211.73 | £ 11,009.82 |

Source: Greater London Authority London Rents Map July 2023

Use of temporary accommodation

- 4.12 117,450 households were in temporary accommodation on 31 March 2024 in England, up 12.3% from the same time last year. There were 17.8 households living in temporary accommodation per 1,000 households in London, compared with 2.5 households per 1,000 in the rest of England.
- 4.13 At the end of July 2024, Croydon, the most populous London borough had 3,483 households in temporary accommodation. The information in the table below shows the position across the capital on 31st March 2024.

Table 2 – Temporary accommodation placements by London boroughs 31 March 2024.

| | Temporary Accommodation (TA) households (March 2024) | Households in area (000's)* | Total number of households in TA per (000s) |
|----------------------|--|-----------------------------|---|
| London | 62,280 | 3,660 | 17.84 |
| Newham | 6350 | 120 | 53.09 |
| Southwark | 3792 | 138 | 27.46 |
| Redbridge | 2988 | 112 | 26.79 |
| Hackney | 3287 | 125 | 26.34 |
| Westminster | 3205 | 128 | 25.03 |
| Wandsworth | 3391 | 139 | 24.47 |
| Ealing | 3013 | 124 | 24.30 |
| Enfield | 3140 | 132 | 23.71 |
| Haringey | 2625 | 111 | 23.64 |
| Croydon | 3623 | 157 | 23.50 |
| Tower Hamlets | 2972 | 145 | 20.51 |
| Lewisham | 2702 | 135 | 19.99 |
| Hammersmith & Fulham | 1373 | 84 | 16.41 |
| Barking & Dagenham | 1210 | 80 | 15.07 |
| Greenwich | 1762 | 117 | 15.02 |
| Barnet | 2295 | 157 | 14.58 |
| Hillingdon | 1466 | 113 | 12.98 |
| Harrow | 1087 | 88 | 12.37 |
| Kingston upon Thames | 857 | 71 | 12.13 |
| Sutton | 988 | 85 | 11.64 |
| Bromley | 1646 | 144 | 11.44 |
| Islington | 1239 | 109 | 11.33 |
| Waltham Forest | 1175 | 106 | 11.12 |
| Havering | 1180 | 108 | 10.90 |
| City of London | 33 | 4 | 7.59 |
| Hounslow | 725 | 103 | 7.06 |
| Merton | 529 | 80 | 6.60 |
| Richmond upon Thames | 552 | 86 | 6.42 |
| Bexley | 580 | 102 | 5.68 |
| Lambeth | Not published | 141 | |
| Brent | Not published | 120 | |
| Camden | Not published | 119 | |
| Kensington & Chelsea | Not published | 76 | |

* [Household projections - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Source: MHCLG Homelessness Case Level (Hcllc) data.

Shared accommodation and split households

4.14 The accommodation pressure can also be seen in the increasing trend of families with dependent children living in Bed and Breakfast (B&B) accommodation with shared facilities. This has increased 44.2% to 5,550 households in England as of 31 March

2024. Of the households with children in B&B, 3,250 had been resident for more than the statutory limit of 6 weeks. This was up 79.6% from 1,810 on 31 March 2023.

- 4.15 In Croydon there have been over 100 families in such accommodation over the past year. The Council's approach has been to place households with family commitments in Bed and Breakfast accommodation as a last resort. Where the Council is not able to avoid this, the Council strives to reduce the length of time families spend in such accommodation. An action plan is in place which is reviewed at a monthly meeting with Ministry of Housing, Communities and Local Government Advisors.
- 4.16 Based on recent data, London boroughs with high number of families in Bed & Breakfast accommodation and in breach of the statutory 6 weeks target is shown below:

Table 3 – Families in B&B over 6 weeks – 31 March 2024.

| | | Total number of households in temporary accommodation (000s) | Total households with children resident for more than 6 weeks Bed and breakfast hotels (including shared annexes) |
|---|----------------|---|--|
| 1 | Ealing | 24.30 | 329 |
| 2 | Enfield | 23.71 | 165 |
| 3 | Redbridge | 26.79 | 161 |
| 4 | Greenwich | 15.02 | 157 |
| 5 | Waltham Forest | 11.12 | 130 |
| 6 | Croydon | 23.50 | 128 |
| 7 | Tower Hamlets | 20.51 | 120 |
| 8 | Hounslow | 7.06 | 105 |
| Lambeth, Lambeth, Brent, Kensington & Chelsea & Camden – data not submitted | | | |

Source: MHCLG Homelessness Case Level (Hcllc) data

- 4.17 Another 16 London boroughs also in breach of the statutory target have between 1 – 67 households in B&B accommodation. Only 3 boroughs in London had no families in B&B for over 6 weeks (Sutton, Southwark & Merton).
- 4.18 The shortage of larger size accommodation also means that some families are split into two or more units of accommodation where a property to accommodate the entire family is not available. Most of the households in separate units are within the same block of accommodation. There are currently 147 families living in split accommodation. The council is taking all steps to secure additional supply of accommodation to locate families in one unit of accommodation and the decision to split families is not taken lightly and very carefully considered. Where this cannot be avoided, the Council has made a commitment in the Homelessness and Rough Sleeping Strategy 2024- 2029 to reduce the length of time families spend in such accommodation.

Placements into Croydon

- 4.19 Out of area placements are used by Local Authorities in England to meet their homelessness duties and address the growing demands for housing. They are also

applicable when a Local Authority is supporting a child under Section 17 of the Children Act 1989.

- 4.20 These are capacity and cost-based decisions that reflect the state of the housing market. In fact, some councils are paying hefty incentives to private sector landlords outside of their borough, to secure accommodation. This can undermine an authority's ability to procure housing in the local market, creating a vicious cycle of need.
- 4.21 The Council has no power to stop these placements and can only put voluntary pressure on other authorities to stop placing in Croydon.
- 4.22 The Council can, however, take formal action if the property has hazards which includes being overcrowded and is not suitable for the household placed in the accommodation.
- 4.23 Local Government Association has developed guidance setting out best practice and procedure on out-of-area placements. Moving homeless households away from their home area is something that Councils do reluctantly, and it is acknowledged that this can cause a number of difficulties. For example, some households will need support and guidance to settle successfully in a new area. There are also risks of making inappropriate placements. There can also be the potential for disruption to children's education and to the employment of members of the household. Some households may struggle to get access to the services and facilities they need. Therefore, the guidance is intended to reduce the risks as much as possible by ensuring that placements are appropriate and well managed, and that households who move to new areas have the best chance of making a successful transition.
- 4.24 The information in the table below shows 15 out of 33 London Boroughs have placed over 42% (London average) of their households in temporary accommodation outside of their local area on 31 March 2024.

Table 4 – London authority temporary accommodation placements in another local authority area – 31st March 2024

| | | Total number of households in TA | Total number of households in TA per (000s) of the population | In TA in another local authority district | % in another local authority district |
|---|----------------------|---|--|--|--|
| | London | 68,280 | 17.84 | 28,680 | 42% |
| 1 | City of London | 33 | 7.59 | 33 | 100% |
| 2 | Bromley | 1,646 | 11.44 | 1,311 | 80% |
| 3 | Merton | 529 | 6.6 | 411 | 78% |
| 4 | Richmond upon Thames | 552 | 6.42 | 425 | 77% |
| 5 | Hammersmith & Fulham | 1,373 | 16.41 | 860 | 63% |
| 6 | Westminster | 3,205 | 25.03 | 1,970 | 61% |
| 7 | Waltham Forest | 1,175 | 11.12 | 706 | 60% |
| 8 | Southwark | 3,792 | 27.46 | 2,065 | 54% |

| | | | | | |
|--|----------------|-------------|--------------|-------------|------------|
| 9 | Tower Hamlets | 2,972 | 20.51 | 1,503 | 51% |
| 10 | Haringey | 2,625 | 23.64 | 1,307 | 50% |
| 11 | Islington | 1,239 | 11.33 | 616 | 50% |
| 12 | Greenwich | 1,762 | 15.02 | 863 | 49% |
| 13 | Barnet | 2,295 | 14.58 | 1,091 | 48% |
| 14 | Wandsworth | 3,391 | 24.47 | 1,591 | 47% |
| 15 | Redbridge | 2,988 | 26.79 | 1,261 | 42% |
| 23 | Croydon | 3623 | 23.50 | 1182 | 33% |
| <i>Lambeth, Lambeth, Brent, Kensington & Chelsea & Camden – data not submitted</i> | | | | | |

Source: MHCLG Homelessness Case Level (Hcllc) data.

4.25 Data collected by officers shows that Croydon is a net importer with other London boroughs disproportionately placing their residents in Croydon. This is because Croydon still has lower average prices for private sector properties than many inner London boroughs.

4.26 Tables 5 and 6 below shows the temporary accommodation placements made by Croydon in borough and in other boroughs.

Table 5 – Temporary accommodation placements in Croydon by London boroughs

| Borough | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | Total |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Croydon | 1631 | 1279 | 1588 | 2691 | 1562 | 1385 | 1242 | 1106 | 12484 |
| Lambeth | 218 | 222 | 174 | 236 | 180 | 104 | 167 | 241 | 1542 |
| Lewisham | 312 | 258 | 122 | 188 | 185 | 132 | 145 | 110 | 1452 |
| Bromley | 100 | 125 | 91 | 104 | 83 | 58 | 67 | 47 | 675 |
| Wandsworth | 34 | 35 | 20 | 64 | 78 | 48 | 66 | 72 | 417 |
| Merton | 87 | 49 | 48 | 33 | 15 | 5 | 9 | 15 | 261 |
| Greenwich | 77 | 56 | 23 | 20 | 12 | 3 | 2 | 3 | 196 |
| Southwark | 65 | 44 | 22 | 13 | 16 | 10 | 7 | 2 | 179 |
| Sutton | 10 | 9 | 24 | 18 | 22 | 16 | 20 | 15 | 134 |
| Hounslow | 41 | 7 | 9 | 3 | 7 | 2 | 8 | 3 | 80 |
| Brent | 25 | 6 | 2 | 5 | 3 | 6 | 13 | 13 | 73 |
| Hammersmith & Fulham | 41 | 21 | 3 | 2 | 2 | 1 | | | 70 |
| Bexley | 13 | 10 | 6 | 7 | 2 | 3 | 4 | 2 | 47 |
| Camden | 40 | 4 | | | | | | | 44 |
| Enfield | 6 | 4 | 13 | 6 | 4 | 1 | | 1 | 35 |
| Kingston upon Thames | 3 | 1 | 19 | 6 | 2 | 2 | 1 | | 34 |
| Ealing | 6 | 4 | 9 | 8 | 1 | 1 | 1 | | 30 |
| Redbridge | 3 | 2 | 6 | 6 | | 1 | 7 | 2 | 27 |
| Haringey | 6 | 8 | 5 | 5 | 2 | | | | 26 |
| Waltham Forest | 9 | 5 | 5 | 1 | 1 | | 1 | 1 | 23 |
| Hillingdon | 3 | 1 | 2 | 4 | 9 | 1 | 1 | | 21 |
| Newham | 10 | 5 | | 2 | 2 | | | 1 | 20 |
| Tower Hamlets | 2 | 3 | 7 | 3 | | 1 | 1 | | 17 |

| | | | | | | | | | |
|----------------------|---|---|---|---|---|--|---|---|-----------|
| Barking & Dagenham | 4 | 1 | 2 | 1 | 5 | | | | 13 |
| Havering | 2 | 1 | 2 | 3 | | | | 1 | 9 |
| Barnet | 1 | 2 | 2 | 1 | | | | 1 | 7 |
| Hackney | 2 | | 2 | 1 | 2 | | | | 7 |
| Richmond upon Thames | | | 2 | 1 | 1 | | | | 4 |
| Harrow | | | 1 | | | | 1 | | 2 |

Source: Inter Borough Accommodation Agreement (IBAA) data
Data for 2023/24 being collated

- 4.27 The percentage of total placements by other London boroughs into Croydon remained high ranging from 43% - 63% per year during the last 8 years.
- 4.28 Temporary accommodation placements by Croydon into other areas reduced from 1138 in 2015/16 to 595 in 2022/23 over the same period. However, under the current challenging market conditions, 65% of homeless households are in temporary accommodation within Croydon, 29% in neighbouring areas and 6% in areas outside London. Details is provided in Appendix 3.
- 4.29 All London boroughs have signed up to London Council's 'Inter Borough Accommodation Agreement' (IBAA) principles which Councils should follow when placing out of area. These are:-
- **Not to 'out-bid'**- All boroughs agree not to offer a landlord or supplier more than the host borough offers for a property in its area.
 - **Presumption to inform** - All boroughs placing a household in another borough will inform the host borough of the placement.
 - **Safeguard vulnerable households** – All boroughs will avoid placing the most vulnerable households in other boroughs.
 - **Host borough** – RSLs procuring temporary accommodation will offer the properties to the host borough in the first instance.
- 4.30 It is a statutory requirement under the Housing Act 1996 (as amended) that placing boroughs must notify the host borough of any placements made in their area (s208).
- 4.31 In most cases the placing borough have the legal duty to rehouse the homeless applicant & their household, and all housing benefit claims are processed and paid for by the placing borough. However, there are implications for social care services where those household have care needs or where the household is in private rented accommodation, the responsibility lies with the host borough after 2 years.
- 4.32 However, the pressures of shortage of affordable accommodation means that in many cases the IBAA and the s208 notification requirement is not complied with. Where evidence exists, that boroughs are not adhering to the IBAA, the matter can be escalated through London Councils
- 4.33 To ensure a full understanding of the service and financial impact of placements into Croydon and develop an appropriate response, the Council has set up a Programme

Board led by senior leaders to review information and data available across the council including:

- Temporary accommodation
- CQC registered services
- Children & Young People in Care
- School placements

5 Key aspects of the Placement policy for temporary accommodation and Private Rented Sector Offers (PRSO)

5.1 Ensuring there is sufficient supply of accommodation that is also affordable is central to the continued success and sustainability of the Council's homelessness prevention strategy.

5.2 In response to the accommodation challenges set out above in the report, the Council's placement policy proposes three key objectives, echoing requirements in statutory guidance:-

- to provide, wherever reasonably practicable, suitable temporary and private rented accommodation within Croydon;
- otherwise, to make out of area placements as close as possible to the vicinity or neighbouring boroughs and where this cannot be avoided, place households in other London boroughs or outside London; and
- to minimise where practicable, the time spent in accommodation deemed unsuitable which includes families in Bed & Breakfast accommodation and families living in separate units of accommodation (split household).

5.3 Otherwise, the policy is purposefully broad in nature as statutory guidance is clear that all offers of temporary and private rented accommodation must be made on a case-by-case basis, following consideration of an individual's needs and circumstances.

5.4 Paragraph 7.3 of the proposed policy specifies that the following groups will be prioritised for accommodation within the borough:

- Households with one child (or more) who has an Education Health and Care (EHC) plan in Croydon
- Households with one child (or more) subject of a Child Protection Plan; or families who are currently helped by Children Services where it is confirmed and accepted by Housing Service that a transfer to another area would significantly impact on their welfare.
- Care experienced young adult (CEYA)
- Households with significant medical needs or a severe learning disability where one child (or more) attends a special school in Croydon
- Households where one person (or more) has a severe and enduring physical condition requiring intensive and specialist medical treatment and this treatment is only available in Croydon

- Households with one or more persons in receipt of a significant care package administered by the Council, and/or the NHS, which cannot be transferred to another area
- Households who have a longstanding arrangement to provide care and support to another family member in Croydon, who is not part of the resident household, and would be likely to require statutory health and social care support if that care and support ceased and there were no other relatives willing and able to provide that care or other suitable arrangements available. The family member would usually be a parent or sibling, but other relations might also be appropriate if no other relative was willing and able to provide care

5.5 It should be noted that in other circumstances, there may be specific reasons why a household should be accommodated outside of the district. Examples include where an applicant (and/or a member of their household) would be at risk of domestic abuse or other violence in the district or to enable ex-offenders to break links with negative contacts in the area.

5.6 A suitability assessment will be carried out for every household to assess their individual circumstances and determine which of the locational zones a household will be placed in:

- **Zone A** - within Croydon borough
- **Zone B** - Adjacent boroughs within reasonable travelling time of 90 minutes on public transport (based on published times on the TFL website).
- **Zone C** - Other London boroughs and outside of London.

5.7 As this is a challenge faced by other local authorities, officers have carried out a benchmarking exercise of other London boroughs placement policies. This is set out in Appendix 2.

6 ALTERNATIVE OPTIONS CONSIDERED

6.1 No alternative options were considered as the financial pressures from the rising housing market would impact directly on the Council and services to homeless families.

6.2 Section 3 of this report and Section 9 (Legal implications) set out the legal expectation that the needs of every applicant must be considered before placing a household in temporary accommodation. Without a clear and consistent process which sets out the circumstances by which a household will be located, the Council will face legal challenge over the basis of its decisions.

7. CONTRIBUTION TO EXECUTIVE MAYOR'S BUSINESS PLAN

- 7.1 This policy relates to Outcome 4 priority 3 of the Executive Mayors Business Plan 'Invest in council homes to drive up standards and develop a more responsive and effective housing service'
- 7.2 In particular, it is set out in the following priorities:-
- Prevent homelessness by providing advice, guidance and appropriate support.
 - Review procurement of temporary accommodation for homeless people to obtain value for money
- 7.3 Outcome 1 Priority 1 of the Executive Mayor's Business Plan commits the Council to getting a better grip on finances and to introduce robust contract management to ensure efficient, value for money services.

8. CONSULTATION

- 8.1 There is no statutory obligation to have a placement policy and so no formal consultation is required.

9 IMPLICATIONS

9.1 FINANCIAL IMPLICATIONS

- 9.1.1 The Council currently does not have a Placement policy for temporary accommodation and rented sector accommodation. There is, therefore, a risk of challenge due to a lack of transparency for any placements that are required to be made out of borough as the Council manages the continued growth in homelessness. The growth is demonstrated in the report and the financial strain is evident in the budget overspend reported.
- 9.1.2 The Placement policy also addresses the current risks that Croydon faces as a net importer of placements. The policy will provide a level of mitigation against the risk and will enable enforcement of duties on the placing borough to be more rigorously applied to limit the financial impact on Croydon.
- 9.1.3 The Placement policy will form part of the demand management work and associated cost avoidance initiatives.

Comments approved by Orlagh Guarnori on behalf of the Director of Finance. (Date 05/09/2024)

9.2 LEGAL IMPLICATIONS

- 9.2.1 Part VII of the Housing Act 1996 ("HA96") imposes duties on the Council as a local housing authority to secure suitable temporary accommodation for the homeless while enquiries are made into their entitlement to assistance and thereafter, if certain conditions are satisfied.
- 9.2.2 The Homelessness (Suitability of Accommodation) (England) Order 2012 ("the 2012 Order") and the accompanying Supplementary Guidance issued by the Secretary of State, establishes that the location of the accommodation – including, where the accommodation is out of the borough, its distance from the borough - is relevant to the

issue of the suitability of the accommodation secured. The 2012 Order also sets out other matters related to location that the authority must have regard to in considering suitability of accommodation.

- 9.2.3 Section 208 of the HA96, requires that the Council must, so far as practicable, secure temporary accommodation within its district.
- 9.2.4 Caselaw highlights the need for local authorities to have regard to their statutory duties under ss206 and 208 of the HA96. It confirms that where “in-borough” accommodation cannot be secured, a local housing authority must secure accommodation as close to the borough as reasonably practicable (which may involve considerations of cost to the authority) and be ready to justify in an individual case why the accommodation that was offered was suitable having regard to the statutory duties.
- 9.2.5 The Supreme Court provides guidance for local authorities. It recognises that authorities will predict demand and recommends that: “...Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should reflect the authority's statutory obligations under both the 1996 Act and the Children Act 2004...” and: “...each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an expected shortfall of “in borough” units, that policy would set out the factors which would be considered in offering households those units of accommodation, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors that make it suitable to accommodate a household further away.” The policies need to be approved in accordance with the council’s arrangements and have to be available to the public.
- 9.2.6 The draft policy addresses the council obligations to take account of individual circumstances and provide suitable accommodation.
- 9.2.7 The draft policy also addresses the council’s obligation under section 11 of Children Act 2004, to ensure that the need to safeguard and promote the welfare of children is considered when carrying out the council’s functions.
- 9.2.8 In formulating these policies, the Council has to take account of its public sector equality duty under the Equality Act 2010, which requires it to have due regard to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between people who share a protected characteristic” and people who do not;
 - foster good relations between people who share a relevant “protected characteristic” and people who do not.

The “protected characteristics” are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation. They also cover marriage and civil partnership with regards to eliminating discrimination. Equalities implications are set out below.

Comments approved by Khumo Matthews on behalf of the Head of Legal Services.
(Date 03/09/2024)

9.3 EQUALITIES IMPLICATIONS

9.3.1 The Council has a statutory duty to comply with the provisions set out in Section 149, Equality Act 2010. The Council must therefore have due regard to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.3.2 The protected characteristics defined by law are race and ethnicity, disability, sex, gender reassignment, age, sexual orientation, pregnancy and maternity, religion or belief, marriage and civil partnership.

9.3.3 The Placements Policy is designed to set out a process for the placing of residents in temporary housing. The rise in homelessness has led to an increasing necessity to access temporary accommodation out of the borough. The purpose of the Placements strategy is to introduce a transparent assessment process that allows the Council to demonstrate consistency in decision making. A criteria has been developed that sets out who is likely to receive priority for placing in accommodation in Croydon.

9.3.4 Using data of temporary housing placements both in and out of borough, an Equalities Impact Assessment has examined outcomes of the new policy for protected characteristics groups;

- The data show that in terms of race, Black, White, Asian and people from a mixed group are proportionately represented in terms of being allocated in borough or out of borough accommodation.
- Women are more likely to be placed out of the borough largely because of family size accommodation being harder to source in Croydon.
- Very few people with health needs which require local support have been moved out of the borough but the new criteria sets out a clear framework for decisions about where residents are to be placed.

Comments approved by Ken Orlukwu, Senior Equalities Officer, on behalf of Helen Reeves, Head of Strategy & Policy on 11/09/2024

10 APPENDICES

Appendix 1 - Draft Placement policy for Temporary Accommodation and Private Rented Sector Offers (PRSO)

Appendix 2 – Placements Policies Benchmarking information

Appendix 3 – Placements Policy Additional data

Appendix 4 – Placements Policy EQIA