

Temporary accommodation allocations process

This documents sets out Luton Council's process for the placement of households in temporary accommodation both in and out of the borough.

This document covers placements under the following.

- Section 188 Housing Act 1996 (while homelessness enquires are undertaken)
- Section 193 Housing Act 1996 (temporary accommodation provided as part of a main housing duty owed)
- Placements under other duties for social care
- Housing management placements

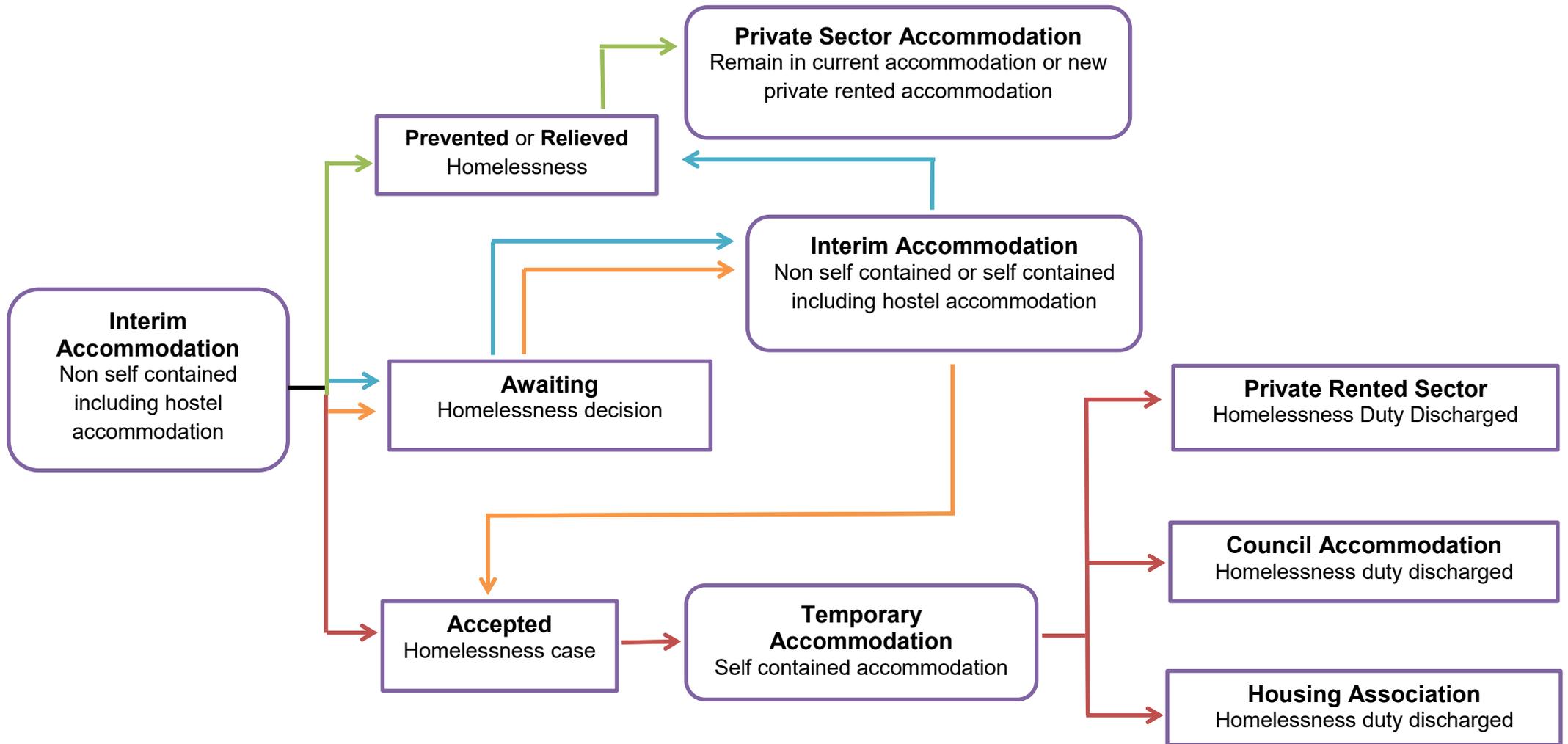
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Housing | Customer and Commercial

Temporary accommodation customer journey



1. Interim accommodation

1.1 Duty

Homeless applicants may initially be housed under the council's interim duty to accommodate (section 188 Housing Act 1996) pending a decision as to what duty (if any) is owed in accordance to the guidelines of this process.

1.2 Refusal

If an applicant refuses an offer of interim accommodation pending the homeless assessment (section 188 Housing Act 1996) the duty to provide interim accommodation will be discharged, no other accommodation will be offered pending a decision as to what duty (if any) is owed.

1.3 Review

Under (section 188 of the Housing Act 1996) there is no statutory right to request an internal review as to the suitability of interim accommodation offered, applicants may however, apply for judicial review through the courts.

2. Temporary accommodation

2.1 Duty

If the council decides it has a duty to house the applicant under (section 193(2) Housing Act 1996), they may be moved to alternative longer term temporary accommodation in accordance to the guidelines of this process.

2.2 Refusal

If an applicant rejects an offer, they will be asked to provide their reasons for the refusal with supporting evidence where applicable, within one day of the offer - if it's not possible for them to provide this information within one day, they will be asked to notify the council immediately and an extension may be given based on the reasons for the delay and on a case by case basis.

Where the council deems the offer to be suitable and doesn't accept the applicant's reasons for refusal, the applicant will be notified of this in writing and will not be offered further accommodation under that duty.

If the applicant is resident in accommodation under an interim duty they will usually be asked to vacate the property within 14 days, subject to the period of notice set out in the licence agreement and will be required to make their own arrangements for accommodation.

2.3 Review

In instances where the council has accepted a main housing duty under (section 193 Housing Act 1996), applicants will have a right to request a review of the suitability of the accommodation offered (section 202 Housing Act 1996).

A request for a review must be made in writing within 21 days of the offer of accommodation, if it's not possible to provide this information within 21 days, the applicant must notify the council immediately and an extension may be given based on the reasons for the delay and on a case by case basis.

In order for the main housing duty under (section 193 Housing Act 1996) to continue whilst the request for a review is processed, the applicant must accept the offer of accommodation pending a decision of that review.

The council is not under an obligation to provide alternative accommodation whilst it reviews a decision unless there are extenuating circumstances or it believes that a mistake was made on the part of the council when the original offer of accommodation was made.

If alternative accommodation is provided (this includes permission to remain in the existing interim accommodation) pending a review request, the applicant will be notified of this in writing.

Where the outcome of the review finds that the offer made was suitable, the applicant will be notified of this in writing and will not be offered further accommodation under that duty.

If the applicant is resident in accommodation under a main duty they will usually be asked to vacate the property within 14 days, subject to the period of notice set out in the licence agreement and will be required to make their own arrangements for accommodation.

2.4 Removals and storage

Where an offer of interim or temporary accommodation is made and the applicant is unable to arrange removals and/or storage themselves due to extenuating circumstances, the council will arrange this on their behalf - all costs for removals and/or storage are repayable by the applicant to the council.

3. Temporary accommodation types

The council has a number of types of accommodation that it uses to fulfil its duty to households.

- Hostel accommodation such as ‘Rutland Hall’ and ‘Eaton Green’
- Nightly let accommodation that is let on a nightly basis from agents in the private sector
- Private sector leased accommodation - these are procured through the dynamic purchasing system (DPS) or its predecessor
- Women’s Aid hostel

4. Applicants’ responsibilities

4.1 Agreement

The applicant is required to adhere to the terms and conditions of the licence agreement which includes but isn’t exhaustive of the following.

- To read, understand and comply with the terms and conditions contained within the licence agreement for the accommodation provided by the council.
- To inform other relevant departments within the council or host authority and utility companies of their residence.
- To make an application for and notify changes in circumstance to Housing Benefit with the financial assessments team at Luton Council, regardless of whether the

accommodation is outside of the borough, immediately or within one month of the date of move into the interim or temporary accommodation (this includes where an applicant successfully transfers into alternative accommodation whether this is alternative temporary accommodation).

- To notify the housing solutions team at Luton Council of any relevant changes in the applicant and or a member of their household's circumstances that may impact the homeless application, immediately or at least within one month of the date of move.
- To notify the council tax departments at Luton Council or the host authority if placed outside of the borough and pay council tax charges and apply for council tax support where applicable.
- To be responsible for themselves, their household members and any visitors, including children and their actions in particular in relation to antisocial behaviour and where damage or loss to the property is caused by them due to neglect or carelessness as any resulting repairs or replacements will be repayable by the applicant in line with 'Luton Council's Recharge Policy 2019'.

4.2 Notice to quit

Any breach of the terms and conditions contained within the licence agreement may result in the issue of a notice to quit.

Examples of breaches include:

- rent arrears where the rent is considered affordable
- damage or disrepair to the accommodation
- antisocial behaviour

This list isn't exhaustive.

The applicant will be given 28 days to vacate the interim and or temporary accommodation after which court proceedings will take place.

For nightly let accommodation the council will terminate the payment of the accommodation after 28 days and the landlord or agent will be required to take action to evict, for PSL accommodation the council will take action to evict.

The applicant also has the right to serve notice where they no longer require the accommodation, this should be made in writing at the address below and a notice period of seven days should be provided.

**Temporary Accommodation Team
Luton Council, 3rd Floor
Town Hall Extension
Upper George Street
Luton
Bedfordshire
LU1 2BQ**

5. Luton Council's responsibilities

5.1 Suitability

The council will consider the suitability of an offer of temporary accommodation, taking into account a number of relevant factors in line with the relevant legislation and guidance issued by the Department of Work & Pensions (DWP) and the Ministry for Housing Communities and Local Government (MHCLG) including:

- type of accommodation
- location
- size
- affordability
- impact upon education
- employment
- special circumstances

When making an offer of accommodation, the council's first and foremost priority will be the suitability of the accommodation and that it meets the needs of the applicant and their household.

The council will then also make consideration on a wide range of accommodation types and the sustainability of that accommodation.

5.2 Type of accommodation

The Council will make consideration on a wide range of accommodation types, the types of accommodation considered include both self-contained and non self-contained accommodation with shared facilities such as shared kitchens and bathrooms.

The council will always ensure that the following provisions are provided where the applicant doesn't already have them:

- fridge freezer
- electric hob or oven
- bed(s)

It's the applicants' responsibility to source any other the furniture that they require.

Accommodation will not normally be deemed as unsuitable due to the type of accommodation eg that isn't self-contained or where the applicant isn't satisfied with the quality of the decoration and/or furniture, layout of accommodation, provision of parking space, garden or white goods as due consideration would have been given to the above and all other relevant factors prior to making the offer.

5.3 Location

If suitable accommodation is available within Luton, applicants will be housed within the borough, allowing them to maintain any established links with services and social and/or support networks.

This includes considering the proximity to schools, public transport, primary care services, GP's and local services in the area in which the accommodation is located.

When there is a lack of suitable accommodation or where there are higher priority needs households awaiting accommodation in the borough, out of borough placements will be used to meet the council's housing duty - in order to comply with the 'Suitability of Accommodation Order' the council will always look at accommodation as close to Luton as possible in the first instance.

Where a placement is required due to domestic violence and abuse, accommodation will be sought outside of the borough in the first instance, for the continued safety of the applicant and their household - if there are extenuating factors which are deemed to prevent a move outside of the borough, these will be considered on a case by case basis.

A placement within Luton, where the applicant's last settled accommodation was also in Luton, is deemed to be suitable where transport links and accessibility/availability of essential services appropriate to the applicant's household needs are concerned.

Accommodation will not normally be deemed as unsuitable due to its location and/or due to it being out of borough as due consideration would have been given to the above and all other relevant factors prior to making the offer.

5.4 Size Criteria

Accommodation offered will be suitable in terms of space and layout taking into account the reasonable and relevant needs, requirements and circumstances of the household with special regard, but not limited to, health and mobility issues.

Due to the lack and demand for suitable and sustainable temporary accommodation, it isn't necessary for the size criteria calculated for social housing proposes to reflect that of the criteria for temporary accommodation.

Special consideration will be made to take into account for there are storage requirements for specialist medical equipment and disabilities requiring separate sleeping quarters for members of the applicant's household.

Accommodation will not normally be deemed as unsuitable due to its layout or size as due consideration would have been given to the above and all other relevant factors prior to making the offer.

5.5 Affordability

In all cases the council will determine the affordability of any particular accommodation due regard will be paid to (sections 17.45 to 17.46 of the Code of Guidance 2018) when assessing affordability.

The gross rental charge for accommodation may include costs for communal charges relating to heating and/or lighting which are eligible for 'Housing Benefit' - it may also include ineligible costs, not covered by Housing Benefit, such as costs towards water rates and other utilities for personal use which will be payable by the applicant.

Accommodation will not normally be deemed unsuitable where charges apply which are ineligible for 'Housing Benefit' as these charges will relate to essential utilities and would be applicable whether as part of the gross charge for the accommodation or whether paid for separately to the utility company.

Charges for PSL accommodation will be based on the 2011 'Local Housing Allowance' (less 10 per cent).

Charges for exempt accommodation hostels will take into account intensive housing management and support costs.

5.6 Health & Wellbeing Needs

When offering accommodation the council will consider health and wellbeing factors cited in the application and whether these factors make the accommodation unsuitable.

These factors may include:

- applicants with severe and enduring health conditions including mobility and mental health related conditions requiring intensive and specialist medical treatment and or support that is only available in Luton
- households with children registered on the 'child protection register' in Luton, or families who are linked into local health services or have high social needs, for example are working with 'social services' and where it is confirmed that a transfer to another area would significantly impact their welfare
- households with a child or children with special educational needs, receiving education or educational support in Luton, where those needs can't reasonably be met elsewhere

This list is not exhaustive.

If, upon an offer of accommodation, the applicant or a member of the applicant's household cites medical grounds that were not identified during the initial assessment, the applicant must provide evidence of this with a medical form within one day of the initial offer - If it isn't possible to provide this information within one day, the applicant must notify the council immediately and an extension may be given based on the reasons for the delay and on a case by case basis.

Accommodation will not normally be deemed as unsuitable due to medical conditions such as depression, asthma, diabetes or back pain as these problems would persist in any sort of accommodation and as due consideration would have been given to the above and all other relevant factors prior to making the offer.

5.7 Education

The council understands that disruption to education can be detrimental to a child's development.

Temporary accommodation will normally be considered suitable where it is within 60 minutes travel, by public transport, of the child's or childrens current school - this includes applicants who have a child or children who are enrolled in public examination courses and have exams to be taken within the next 12 months.

Where accommodation isn't available within a 60 minute travel distance, by public transport, it's considered reasonable to assume that the child or children up to year 9 in secondary school can transfer to a local school and that this wouldn't constitute a significant disruption to their education.

Accommodation will not normally be deemed as unsuitable due to travel distance or requirements between the accommodation and the school(s) as due consideration would have been given to the above and all other relevant factors prior to making the offer.

5.8 Employment

When making an offer of accommodation the council will consider the needs of all applicants who are in paid employment and the distance they're required to commute between the accommodation and their usual place of work.

Wherever practicable, any applicant will not be placed more than a 90 minute commute, by public transport, from their usual place of work (or a longer period of time which reflects the applicants normal travel time to work from their last settled accommodation).

Accommodation will not normally be deemed as unsuitable due to commuting distance or requirements between the accommodation and the usual place of work as due consideration would have been given to the above and all other relevant factors prior to making the offer.

6. Appendix

6.1 Equality Act 2010

The council promotes equal opportunities will ensure that any decisions made comply with the 'Equality Act' and that further to this any special circumstance put forward by the applicant and come to an overall view about whether the offer is suitable.

Each case will be considered on the individual circumstances of that case at the time.

The 'Temporary Accommodation Allocation Policy' also complies with and takes into account the statutory requirements placed on local authorities by the following.

- The Housing Act 1996 , as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017
- Section 206, Discharge of functions by local housing authorities, Housing Act 1996
- Homelessness (Suitability of Accommodation)(England) orders 1996 , 2003 & 2012
- The Homelessness Code of Guidance 2018
- The Localism Act 2011
- Supplementary Guidance on the Homelessness changes in the Localism Act 2011 & the homelessness (Suitability of Accommodation)(England)Order 2012
- Children Act 1989 (in particular S.17)
- Children Act 2004 (in particular S.11)
- Suitability Orders
- Luton Council's Homelessness Prevention Strategy 2016-21
- Luton Council's Recharge Policy 2019