



## **SPECIAL POLICY AND RESOURCES SCRUTINY COMMITTEE – 22ND OCTOBER 2015**

**SUBJECT: THE USE OF BED AND BREAKFAST ACCOMMODATION FOR  
EMERGENCY HOUSING**

**REPORT BY: INTERIM CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 This report has been prepared following a presentation to the meeting of full Council on 21st April 2015 by members of the Argoed Residents for a Safer Community. The residents outlined their concerns in respect of the use of Bed and Breakfast (B&B) accommodation for homeless persons and called upon the Authority to support the Residents Group in bringing about changes to legislation by ceasing its use of B&B accommodation for the housing of vulnerable persons in the county borough. The Chief Executive responded by advising Council that the use of B&B's for temporary accommodation would be examined at a future meeting of the Policy and Resources Committee and it is in response to this commitment that this report has been prepared.

### **2. SUMMARY**

- 2.1 The report provides information in respect of the use of Bed and Breakfast accommodation within the county borough for households presenting to the Authority as homeless. The report provides information relating to the Authority's activities both before and after the implementation of the Housing (Wales) Act 2014, which has introduced major changes to the way in which homelessness clients must be assisted and housed.
- 2.2 The report outlines the statutory obligations placed on Local Authorities when discharging their homelessness functions and describes the procedures operated by officers working within the Housing Advice and Emergency Accommodation teams when dealing with persons presenting as homeless. The various options available to the Authority in respect of where homeless persons are accommodated are also outlined.
- 2.3 Bed and Breakfast accommodation used for the purposes of emergency housing is quite heavily regulated and both the legislative requirements applicable to such accommodation and the manner in which the Authority inspects such accommodation are outlined within the report.
- 2.4 The report highlights the substantial changes introduced by the Housing (Wales) Act 2014 and the subsequent additional responsibilities now placed upon the Authority in relation to the prevention of homelessness. Specific mention is made in respect of Authorities' revised obligations to prison leavers and progress in respect of the development of the recently introduced Prison Leavers Pathway is also provided.
- 2.5 In preparing this report officers have collected data on the provision of emergency accommodation not only on a Caerphilly CBC basis but also a Gwent-wide and national basis

to outline the local, regional and national picture in respect of the use of emergency and temporary accommodation. This data is provided at various points throughout the report as well as in Appendices.

### **3. LINKS TO STRATEGY**

- 3.1 10 Year Homelessness Action Plan For Wales – 2009-2019, which sets out some guiding principles for the development and delivery of homelessness services.
- 3.2 Caerphilly Delivers: The Single Integrated Plan (2013-17); linking to the Prosperous, Safer Caerphilly and Healthier Caerphilly themes.
- 3.3 *People, Property & Places: A Housing Strategy for Caerphilly County Borough*, linking to aims 1 and 4.
- 3.4 Caerphilly Supporting People Local Commissioning Plan 2015-3018.

### **4. THE REPORT**

#### **Emergency and Temporary Accommodation**

- 4.1 The use Bed and Breakfast (B&B) establishments for emergency accommodation has, throughout Wales, proved necessary for many years. This Authority has relied upon the use of privately owned B&B establishments at several locations within and, on occasion, outside the county borough to place individuals and families into B&B for periods of time whilst their homelessness situation is under formal investigation. Following investigation, and depending on whether a full housing duty is owed to the homeless applicant the Authority has either moved clients into temporary accommodation (B&B and Hostel) or directly into a social housing property, either from within the Authority's own stock or that of a Housing Association.
- 4.2 Placement of homeless households within any of the emergency and temporary accommodation is subject to careful consideration of all the risk information available at the time of presentation for emergency accommodation. The process for identifying risk associated with new homeless households has, however, often been limited to the amount of information disclosed by clients at the time of presentation.
- 4.3 The Housing Advice Officer would conduct an interview at the Housing Advice Centre and gather information on the reasons for homelessness, housing history and information to assess whether the household was in one of the priority need categories (and therefore potentially owed a duty to secure accommodation). The homelessness application form would also be used to record involvement with other agencies such as the GP, Psychiatrist, Hospital, Social Worker, Support Worker, Probation Worker, Drug and Alcohol Issues, Health Visitor, Solicitor, and Schools attended by children if any. If the household had any housing history with the Authority, database checks would then be carried out to gather further background information.
- 4.4 The Housing Advice Officer's main duty would be to assess the household's need for emergency accommodation and to work with the Emergency Housing Manager to source a suitable vacancy. Throughout the initial homelessness interview, the Housing Advice Officer would consider any risk to other households placed in the emergency or temporary accommodation and any risk to staff. Risk information would be shared with the Emergency Accommodation Team and thereafter provided to the relevant support agency. Data protection rules restrict the further sharing of personal information with other parties.
- 4.5 The type of Bed and Breakfast accommodation used by Authorities for emergency accommodation purposes are, in housing terms, classified as Houses in Multiple Occupation (HMO's). Unsurprisingly, given their relatively high risk (e.g. in relation to fire safety) they are heavily regulated from a legislative perspective as follows:

1. Housing Act 2004 - (In relation to physical standards and, where appropriate, licensing).
2. Management of Houses in Multiple Occupation (Wales) Regulations 2006 - (in relation to standards of management).
3. Homelessness (Suitability of Accommodation)(Wales) Order 2006 - (in relation to space standards, amenities, heating and management standards and restrictive placements).
4. Gas Safety Regulations – (in relation to the safety of gas appliances)
5. Electrical Safety Regulations – (in relation to the electrical installation within the premises).

Within the Caerphilly County Borough the Authority operates a risk based, rolling programme of inspection of HMO's. Inspections are undertaken by experienced Housing Environmental Health Officers to ensure legislative requirements are consistently met.

- 4.6 Within the Social Services Directorate the 16 Plus Team work with both Looked After and homeless young people with no recent or current involvement with Social Services. B&B accommodation for young people is only accessed when all other accommodation options are unavailable. The first preference for young people under 18 would be foster care or supported lodgings and the second would be a place within a supported housing project. Homeless young people are always placed in supported accommodation where possible.

There are, however, some young people who unfortunately have exhausted all the supported accommodation options and as a result, placement in B&B becomes the only option available until an alternative can be sought.

- 4.7 Prior to the implementation of the Housing (Wales) Act 2014 in April 2015, households belonging to one of the priority need categories (see Appendix 1), who were either homeless on the day of presentation, or were threatened with homelessness within 28 days of presentation were statutorily entitled to make a homelessness application to the Authority and be provided with emergency accommodation either within B&B or hostel type accommodation. Whilst in the emergency accommodation, the Authority's Housing Advice Officers would investigate the full details of each case and determine whether the homeless applicant was owed a full housing duty.

Those to whom a full housing duty was owed would then be temporarily housed either within accommodation provided via a Private Sector Leasing scheme (a service managed by a Housing Association partner) or else in one of the various other types of supported accommodation available to us i.e. The Countryman for young single homeless clients, Ty Croeso for older single homeless clients, and Ty'r Fesen for families. Due to a shortage of supported accommodation, the Authority has resorted to the use of B&B accommodation in these cases. The time taken for Housing Advice Officers to provide a secure tenancy within the social housing stock, considered to be suitable for the household (such as area and size) has meant that placements in emergency and temporary accommodation have lasted for weeks or even months.

- 4.8 The following table provides data on the number of homelessness households presenting to the Gwent Authorities for housing assistance for the past 3 years:

**Homelessness presentations and acceptances\* across Gwent**

	CCBC		Newport		Torfaen		Mon		BI Gwent	
	Pres'tion	Accepted	Pres'tion	Accepted	Pres'tion	Accepted	Pres'tion	Accepted	Pres'tion	Accepted
2012/13	425	245	1000	475	285	140	415	220	505	135
2013/14	374	225	995	370	255	125	390	170	555	140
2014/15	410	260	930	320	265	120	250	110	495	145

\*Acceptances refers to households who were eligible for housing assistance, unintentionally homeless and in priority need.

- 4.9 There are various types of emergency and temporary accommodation being utilised across Gwent, with the nature of the provision and support provided being governed generally by local policy and funding availability. Within the Caerphilly County Borough the provision of such accommodation has historically been via a mixture of private providers in the case of B&B's and predominantly Housing Association partners in respect of hostel provision. The Authority has, however, been actively seeking alternatives to B&B accommodation for a number of years, in part due to the changes in legislation but also to improve the level of support that can be provided to homeless clients.
- 4.10 The Authority owns one 10 room single persons hostel at Ty Croeso in Newbridge, however, the costs of providing or adapting accommodation to achieve compliance with the legislation applicable to emergency accommodation are such that the opportunities for the creation of more in-house accommodation such as Ty Croeso are severely limited. Partnership working with our Housing Association colleagues is, therefore, critical and by this arrangement the Authority has been able to secure a 13 unit facility for homeless families at Ty'r Fesen, Caerphilly and more recently an 18 room facility for single homeless persons at Maes y Derwen, Tredomen. Officers are also currently in discussions with a Housing Association partner with a view to securing another 13 unit facility of supported accommodation which it is hoped will further reduce the Authority's reliance on the use of B&B accommodation for emergency purposes.
- 4.11 Support for homeless clients whilst in B&B's is provided on a floating basis, with the various Support Providers being notified each time a new client is placed. Hostel and refuge type facilities provide in-house support and have a 24 hr staff presence. Support for households who have been accepted as owed a full duty of housing and have moved on into the private sector leased accommodation are provided with floating support to assist them with their preparations for their move to independent living in a permanent tenancy. The nature of the support provided depends on the needs of each household but would typically consist of access to education, healthcare, training programmes and financial management skills.
- 4.12 The following table provides data on the use and type of emergency and temporary accommodation across the Gwent region. Within the table, PSL (for the Caerphilly area) refers to Private Sector Leased units, which are properties sourced from private sector landlords and thereafter leased through a partner Housing Association (Hafod) for use by the Authority's Emergency Housing team. The PSL properties are located throughout the county borough and comprise of one, two and three bedroom properties. The property management (repair and maintenance) is undertaken by Hafod and the Authority provides the tenancy support needs. These PSL properties have for many years provided the Authority with the facility to house homeless households to whom we have a statutory housing duty in suitable accommodation whilst they await their allocation of a secure tenancy. The following table shows the use of temporary accommodation in Gwent for the past three years; however Appendix 2 shows the full data set for Wales.

**Use of B&B across Gwent**

	2012/13	2013/14	2014/15
<b>CCBC</b>			
B&B	25	45	35
PSL	35	45	45
Hostels/Refuge**	10	35	35
<b>Newport</b>			
B&B	30	10	25
PSL	105	125	115
Hostels/Refuge	45	45	70
<b>Torfaen</b>			
B&B	*	*	*
PSL	50	35	30
Hostels/Refuge	30	30	20

<b>Mon</b>			
B&B	*	*	15
PSL	90	85	100
Hostels/Refuge	5	15	20
<b>BI Gwent</b>			
B&B	5	*	10
PSL	15	15	25
Hostels/Refuge	15	15	15

\*denotes data either not available or not sufficiently robust for publication

\*\*Hostels and Refuge includes Women's Refuge provision

## 5. REASONS FOR HOMELESSNESS

5.1 The main reasons for a person or household to present as homeless were and still are:

- Family breakup
- Rent arrears
- Mortgage repossession
- Fleeing domestic violence
- Leaving the armed forces or prison with no accommodation to return to
- Parents or family no longer willing to accommodate

The table below outlines some statistics for Gwent during 2014/15:

### Households accepted as homeless in priority need 2014/15

	CCBC	Newport	Torfaen	Mon	BI Gwent
Households with dependant children or pregnant women	60	135	50	50	20
Physical or mental health vulnerability	40	45	10	20	55
Vulnerable young people	30	35	15	5	10
Person fleeing domestic violence	50	60	15	25	15
Prison leavers with no accommodation to return to	70	40	20	5	45

For comparison purposes Appendix 3 shows the same data on an all Wales basis.

5.2 Apart from a few cases of mortgage repossession and domestic violence, the majority of households presenting as homeless have been in receipt of welfare benefits which includes the housing benefit element. The cost of emergency and temporary accommodation has been largely covered by Housing Benefit except for the cost of B&B for which a small top-up payment is made by the applicant. Initial outlay payments are made by the Emergency Housing Manager to the respective B&B provider and the costs are recovered from the Housing Benefit section.

5.3 The following table shows the annual cost to the Authority of B&B provision:

	2012/13	2013/14	2014/15
Gross Expenditure	£345,638.72	£357,531.39	£432,658.08
Net Expenditure	£15,124.79	£4595.25	£53,324.63

It is noticeable that the figures for 2014/15 are significantly different to those of the previous two years. Gross expenditure increased due to various operational changes undertaken throughout the year which resulted in higher individual B&B costs. In comparison to B&B costs, gross expenditure for the family accommodation Ty'r Fesen was £456,452 (2013/14) and £473,057 (2014/15). The Ty'r Fesen scheme is self financing therefore at nil cost to the Authority

- 5.4 The nightly cost of B&B accommodation varies from establishment to establishment. There are no contractual obligations between the Authority and the individual establishment owner and no prepayment arrangements to reserve or pre allocate rooms for the Authority's use is in place. Prior to making any placement arrangements B&B premises are visited and inspected to establish suitability in accordance with the legislative provisions outlined in section 4.5 above. The proprietors and/or on-site management are also subject to enhanced Disclosure and Barring Service checks prior to the Authority making final decisions regarding the use of the premises. Occupancy at B&B's used by the Authority's homeless clients has been on a needs basis, with no guaranteed or agreed level of income for the various B&B providers. Households placed into B&B have predominantly been single person households whose average length of stay for 2013/14 was 39 days and for 2014/15 was 29 days.

## **6. CHANGES TO THE HOMELESSNESS AGENDA AND REDUCING THE USE OF B&B ACCOMMODATION**

### **The Housing (Wales) Act 2014**

- 6.1 The new Housing Act, specific to Wales, has introduced some major changes to the process of responding to homelessness:
- There is a new duty to take all reasonable steps to prevent or alleviate homelessness actually occurring
  - The Authority can prevent homelessness occurring by sourcing accommodation in the private rented sector
  - If a household cannot be prevented from becoming homeless and the Authority has a duty to house them, the property offered does not have to be a council property but can be in the private rented sector.
  - Prison leavers with no accommodation to return to are no longer owed a duty of housing, unless vulnerability is proven.

The new prevention duty requires the Authority to respond to the threat of homelessness much earlier when a household is threatened with homelessness. The aim is to work with the household and develop a personal housing plan to resolve their accommodation problems by either assisting them to remain at their current accommodation (providing it is suitable) or to source alternative suitable accommodation. The Housing Advice Officers have to demonstrate that they have taken all reasonable steps to prevent or alleviate homelessness; however, the household also have to help themselves and work towards achieving the aims of their personal housing plan.

- 6.2 The duty to assist in the prevention of homelessness applies to anyone approaching the Authority, regardless of whether they are in a priority need category. Priority need only has relevance when the Authority is unable to prevent the household from becoming homeless and they are unintentionally homeless and have a local connection to the area.
- 6.3 The effect of re-focusing our efforts to prevent homelessness occurring in the first instance has meant that fewer clients have needed to be placed into B&B accommodation. To date the average number of households residing in B&B since the legislation changed in April 2015 is 4 per week.

- 6.4 The main change to the priority need categories in Wales is that there is now no longer a duty to accommodate prison leavers who have no fixed address to return to following release (unless they are considered vulnerable). Historically, any prison leaver with a local connection to the borough, having no accommodation available for them to return to, would be accommodated in emergency accommodation whilst investigations were undertaken by the Housing Advice Officers. In the Caerphilly County Borough emergency accommodation for single homeless households, including prison leavers has previously been via B&B, Ty Croeso and private sector leased properties.
- 6.5 Due to the significant number of prison leavers returning to the Caerphilly county borough area following release (37% of single person homeless households in 2014/15) the removal of this group from the automatic priority need status is already having the effect of further reducing the Authority's use of B&B accommodation.

## **7. DEVELOPMENT IN THE PRISON LEAVER PATHWAY**

- 7.1 In removing the automatic priority need status for offenders leaving custody with no address to return to, Welsh Government recognised the need to develop the pre-planning of a prisoner's release into the community. The National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate (currently in consultation document format), has made sweeping changes to the process and places duties on various organisations to:
- Commence the accommodation resettlement plan at reception into custody.
  - Provide assistance through the newly established Community Rehabilitation Company to assist the prisoner to resolve any accommodation issues whilst in prison and keep the resettlement plan under review until release.
  - Notify the local authority of prison leavers who will have no address to return to at the point of release, for assessment of vulnerability and assessment of priority need status.
  - An Offender Manager in the Community, assigned to the offender, will be required to complete a risk assessment and this will be used by the Authority to assess the offender's priority need status and statutory entitlement to housing.
- 7.2 Whilst the procedural document has not been finalised at the time of writing, in practice, the prison leaver pathway and joint working practices to plan for the resettlement of offenders has been in place since April 2015. The Multi Agency Public Protection Arrangements (MAPPA) are a distinctly separate set of multi-agency arrangements used to plan the release and resettlement of the more serious offenders.

## **8. SOCIAL LETTINGS**

- 8.1 For some time the Authority has been preparing to develop its own lettings agency, using private sector properties through a partner housing association and providing affordable tenancies with support. To this end Officers are currently actively working with private sector owners in an effort to increase the availability of properties for this purpose. The additional housing resource available to the Homelessness and Housing Advice team will enable a speedier transition from emergency or temporary accommodation into well managed, suitable, affordable properties. The new Housing Act now permits the Authority to also discharge its housing duty into the private rented sector and so access to a local Social Lettings Agency will be a positive mechanism to further reduce the reliance on B&B accommodation.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 This report is for information purposes, so the Council's EqIa process does not need to be applied.

## **10. FINANCIAL IMPLICATIONS**

10.1 The report itself is an information item and so brings no financial implications. Members should be aware, however, that both the existing and proposed activities outlined in this report are potentially under threat as a result of the uncertainty of future funding such as:

- Welsh Government Transitional funding has been made available to assist Authorities in meeting the additional demands of the Housing (Wales) Act. Originally promised as three year funding it has now only secured commitment for the current financial year. The uncertainty of future Transitional funding severely hinders forward planning.
- Supporting People (SP) funding is critical to the successful delivery of many initiatives within the Homelessness field. Cuts are already proposed to future SP funding which may well affect future service delivery.
- The Authority's ambition to move away from the use of B&B accommodation in favour of managed supported accommodation if not carefully considered (in terms of the amount of accommodation we secure) brings the potential for void costs during periods of unoccupation.
- Housing Benefit is constantly under pressure.

## **11. PERSONNEL IMPLICATIONS**

11.1 There are no personnel issues. This report is for information purposes only.

## **12. CONSULTATIONS**

12.1 Any views of the consultees listed below have been incorporated into the report.

## **13. RECOMMENDATIONS**

13.1 That Members note the contents of the report.

## **14. REASONS FOR THE RECOMMENDATIONS**

14.1 To provide the Committee with relevant information in respect of the use of Bed and Breakfast accommodation following a commitment to do so at the full Council meeting of 21st April 2015.

## **15. STATUTORY POWER**

15.1 Housing Act 1996, Homelessness(Suitability of Accommodation)(Wales) Order 2006, Housing Act 2004, Housing (Wales)Act 2014.

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Cllr Hefin David – (Chair) Policy and Resources Scrutiny Committee  
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Appendices:

- Appendix 1 - Priority Need categories of households who may present to a local authority as homeless
- Appendix 2 - Households accommodated temporarily by local authority area and accommodation type
- Appendix 3 - Households accepted as homeless in priority need 2014/15