



Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 12 September 2017
Present	Councillors Miss Susan Carey, Peter Gane (Chairman), Mrs Claire Jeffrey (Vice-Chair), Michael Lyons, Frank McKenna, Ian Meyers and Russell Tillson
Apologies for Absence	Councillor Clive Goddard, Councillor Ms Janet Holben and Councillor Mrs Rodica Wheeler
Officers Present:	Andy Jarrett (Head of Strategic Development Project), Lian Kaczykowski (Architecct), Jyotsna Leney (Community Services Manager), Sue Lewis (Committee Services Officer) and Sarah Robson (Head of Communities)
Others Present:	

32. **Declarations of Interest**

There were no declarations of interest.

33. **Minutes**

The minutes of the meetings held on 11 and 20 July 2017 were submitted, approved and signed by the Chairman.

34. **Homelessness reduction act overview**

Report OS/17/04 details the proposed changes to homelessness legislation and includes an overview of the implications and risks of these proposed changes to the Council.

Sarah Robson, Head of Communities presented members with a presentation on the changes proposed to the homelessness legislation. A copy of this is attached for information.

Members were informed that there is a higher importance on homelessness and early prevention. The main changes are listed in the attached papers which indicates the new duties the council will need to undertake.

Particular attention was paid to the following:

- Duty to help to secure accommodation for 56 days, with a further 56 days to follow.
- Local impact – significant increase in caseloads by at least 50%. This will be something that will have to be picked up with additional staff being employed to help cover the work.

It is hoped that with changes to processes and procedures, together with using the 'locator' system already in place more effectively there will only be a need to employ 4/5 additional staff.

- London placements – an area members were particularly concerned with and why Kent has a high number of London placements. London authorities receive more allowance for housing and should therefore, not need to send placements. It was also thought that legislation requires councils to inform of placements in writing.

Because of this it was agreed that Councillor Gane, as Chairman of the Committee puts a motion to full Council to ask that a letter is sent to the government minister for housing to address this as a matter of urgency.

- Funding has been confirmed for the next 2 years, with the hope that a third year will also be given. Some of the funding will be used for additional staffing roles and prevention work.
- Health is an ongoing issue and officers are working with GP's to deal with these issues. The council have a number of newly funded roles that are looking at wider support for families and ways to prevent homelessness in the first place.

Proposed by Councillor Peter Gane
Seconded by Councillor Ms Susan Carey and

Resolved:

- 1. To receive and note Report OS/17/04.**
- 2. To receive an update report next year informing how the new legislation is working and the impact this has had on staffing.**

(Voting: For 7; Against 0; Abstentions 0)

35. Safeguarding Activity - Annual Report 16-17

Report OS/17/03 The Council has a statutory safeguarding role within the wider public sector, with responsibilities to children, young people and vulnerable adults. A review of safeguarding activity is presented with detail in Appendix 1. An updated safeguarding policy of the Council has been approved by CMT and will be considered by Cabinet on 13th September 2017.

Jyotsna Leney, Community Services Manager informed members that the Council had recently updated its safeguarding policy which will be considered by Cabinet at their meeting on 13 September, this report provides an outline to the policy and provides members with an overview of the changes made.

The Council is required to have a designated officer to lead on safeguarding concerns with other staff having differing roles and abilities ranging from limited contact to full supervisory contact, leading to consultation with social services when required.

The annual report demonstrated that the Council is dealing with safeguarding concerns appropriately and that they are meeting legislative requirements around safeguarding issues.

Members welcomed the report and its implications but asked that more work and information is given in respect of issues surrounding 'prevent'. Officers suggested that if members wished a number of speakers could be asked to attend a future meeting to inform the committee of the work that is being done and how it affects the district.

Proposed by Councillor Peter Gane
Seconded by Councillor Ian Meyers and

Resolved:

1. **To receive and note Report OS/17/03.**
2. **To receive and note the annual report on activity demonstrating how the council is meeting its obligations to safeguard children and vulnerable adults.**
3. **To note that the Council has been successfully awarded full compliance on the s11 self – assessment audited by the Kent Safeguarding Children's Board.**
4. **To receive a further report on 'prevent' and the effects in the district.**

(Voting: For 7; Against 0; Abstentions 0)

36. **Exclusion of the public**

Proposed by Councillor Peter Gane
Seconded by Councillor Mrs Claire Jeffrey and

Resolved:

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information relating to the financial or business affairs of any particular person (including the authority holding that information). ‘Financial or business affairs’ includes contemplated as well as current activities’.

(Voting: For 7; Against 0; Abstentions 0)

37. Varne, The Green, Coast Drive; Development Proposal

Outline planning permission was granted last year for 4 large dwellings on this Council owned site. Report C/17/33 comprises an options appraisal to assess how best to meet Council objectives and maximise value for money from the asset.

Andy Jarrett, Head of Strategic Development Projects informed members that planning permission had been granted in 2016. Officers have been working on a number of options to try and achieve a better return on the site. These options are listed in the report. The conclusion was that option 1 - development and holiday lets, as the preferred option.

A number of concerns were raised by members below:

- Homelessness – having received the previous report it was suggested that perhaps the site could be used for additional housing needs.
- Officer time – are resources in place to manage the site build and rental options?
- Selling the site – it was suggested that the option to sell the site would be preferable, receiving the income now rather than over a number of years.

Because of the concerns raised the recommendations are set out for Cabinet to review.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Peter Gane and

Resolved:

- 1. To receive and note report C/17/33.**
- 2. To go for sale of undeveloped land (possibly self builds) as the preferred option of the Overview and Scrutiny Committee to secure the money now rather than risk of holiday rentals.**

(Voting: For 4; Against 2; Abstentions 1;

The Homelessness Reduction Act

Presentation to OSC
Sarah Robson
12 September 2017

Background

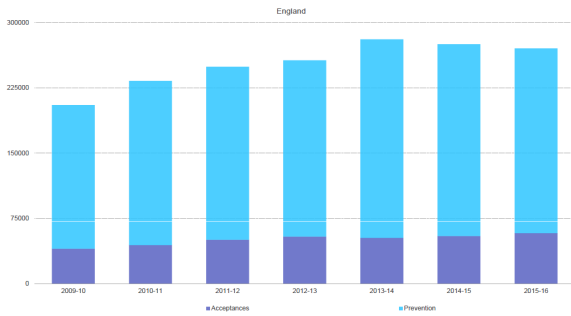
- In 2015, Wales implemented new homeless legislation with a focus on prevention
- Following this, the homeless charity Crisis carried out a mystery shopping exercise to understand rising homeless numbers in England, particularly rough sleepers
- From the findings, 16 Local Authorities showed that the quality of housing advice available to homeless households was generally poor, and often unlawful
- Additionally, the treatment of homeless people by councils was found to be unacceptable
- House of Commons Select Committee undertook an inquiry, with the final report containing far-reaching recommendations published July 2016
- Alongside the report, a Homelessness Reduction Bill (HRB), which aimed to improve the support and advice offered to all homeless people, was produced

Why change is proposed

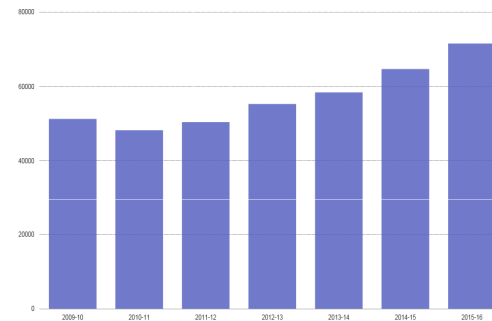
- Nationally, 50% of homeless applicants owed a homeless duty by the local authority (DCLG)
- Current Homelessness legislation does not help a substantial proportion of those people seeking accommodation who are homeless. The main focus is people in **priority need; with a local connection; who are not intentionally homeless**
- Frustration - many local authorities adopt approaches of 'gate-keeping' rather than proactive demand management and prevention
- Increasing visibility of rough sleeping in the UK
- Temporary accommodation use is increasing; 10% national increase in 12 months

Background – the national picture

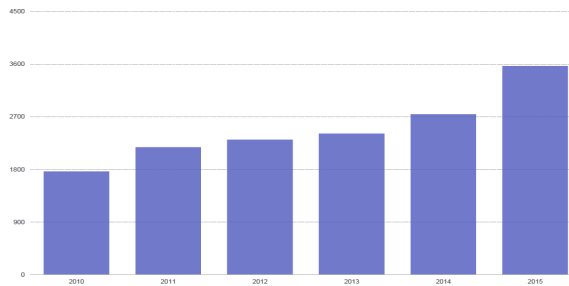
Homelessness Levels



Temporary Accommodation



Rough Sleeping



Homelessness Reduction Act 2017

2017 CHAPTER 13

An Act to make provision about measures for reducing homelessness; and for connected purposes [27th April 2017]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- Became an Act of Parliament on 27 April 2017, but is not likely to be enacted until 1 April 2018
- Sets out a framework for the biggest changes to homelessness legislation since the enactment of the Housing (Homeless Persons) Act 1977
- Amends Part 7 of the Housing Act 1996. There are 13 clauses that amend many of the existing duties and bring in a substantial number of new duties many of which will require a change in working practices and additional resources
- Shelter estimates homelessness applications will rise by up to 50% as a result
- The government is making funds available for local authorities to be able to introduce the new act

Main changes (1)



- Focus on homeless prevention: earlier and more proactively (i.e. casework)
- New Duty to Prevent; and new duty to Relieve (within 56 day period)
- 'Threatened with Homelessness' within 56 days rather than 28 days
- 'Not reasonable to continue to occupy' after expiry of Section 21 notice
- New 'Duty to Refer' on statutory agencies. Police, Hospitals, will be referring more cases to CBC
- Duty to produce Personal Housing Plans; and Duty to Co-operate with applicant – more paperwork!
- New Duties owed regardless of priority need - no longer just families with children and vulnerable adults

Main changes (2)



- New Duties owed regardless of intentionality
- Some new Duties owed regardless of Local connection
- “...*extend homelessness prevention so that help is provided at an earlier stage to all eligible households regardless of priority need status, intentionality and whether they have a local connection...*”
- New abilities to request Review (11 stages)
- Duty to help to secure accommodation for 56 days. However, the new duty to ‘help secure accommodation’ is unclear and is likely to mean more TA needed in the absence of alternatives in such a strong PRS housing market, mindful of the likely cost implication
- Care Leavers – very specific new duty related to ‘choice’

Local impact

- Changes will increase the workload of the HOT by at least 50%, which is unachievable with the current staffing resource
- Increase in the use and cost of temporary accommodation
- Number of homeless cases owed the new duties will increase
- Critical shortage of affordable housing options in the private rented sector and social housing
- Restraints of frozen Local Housing Allowance
- Out of London placements
- Increased legal challenge and costs – no case law

Other contributory factors:

- Impact of welfare reform: Benefit Cap and Universal Credit increasing households presenting as homeless – we're seeing people we don't usually expect to see...

SDC response: Implementation plan

- Member and corporate understanding of impacts
- Ensure robust strategies, policies and procedures are in place (East Kent Homelessness Strategy, Shepway Housing Strategy and Allocations Policy)
- Review Case Management processes and systems – new IT system essential, Personal Housing Plans, establish clear pathways
- Ensure staff are given the tools and training to be able to deliver their job effectively
- Consider the wider publicity of the Council's homelessness policies
- Plan for the demand and supply of accommodation more effectively
- Further enhance the customer experience of homeless applicants
- Clarify the service's approach to how it will deliver its objectives - enabling, advice, solutions, independent living, housing standards
- Work with partners to tackle the issues raised (review protocols with statutory authorities – Police, Health, Mental Health etc.)

Funding

- The Flexible Homelessness Support Grant (FHSG) replaces the Temporary Accommodation Management Fee (TAMF) awarded to local councils
- DCLG confirmed funding allocation to SDC over two years as:
 - £128,068.50 for 2017/18
 - £147,355.24 for 2018/19
- Transitional Funding from DCLG will also be awarded to recognise the new burden the HRA places on local authorities. It is estimated to be between £50,000 to £70,000 per annum over 2 years, commencing 2018/19. The exact figure will not be confirmed until later in 2017
- Funding can be used to support some additional staffing roles and prevention work. However, the Communities service structure has been reviewed to support the staffing resource required to meet the demands of the HRA within existing budgetary constraints

Mitigating the costs of the HRA

- Invest in property/properties to provide temporary accommodation - reduce TA spend/generate income
- Use vacant Council land or sites with planning permission, but start dates not imminent, for portable, modular homes for TA
- Continue Social Lettings Agency, incentivising landlords in the private sector to offer properties to the Council at affordable rent
- Lobby for changes in the Local Housing Allowance rate, frozen until April 2020. Freeze continues to make difficult for councils to find affordable private rented properties to prevent and relieve homelessness

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