

Cabinet 19 December 2018	
Report of: Ann Sutcliffe – Acting Corporate Director, Place	Classification: Unrestricted
Homelessness and Rough Sleeping Strategy 2018 - 2023	

Lead Member	Councillor Sirajul Islam, Cabinet Member for Housing
Originating Officer(s)	Rafiqul Hoque, Head of Housing Options; Mark Baigent, Divisional Director, Housing and Regeneration, and Seema Chote, Statutory and Advocacy Team Manager
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice Published	Yes
Reason for Key Decision	Impact on all Wards
Strategic Plan Priority / Outcome	People are aspirational, independent and have equal access to opportunities

Executive Summary

It is a legal requirement under the Homelessness Act 2002 for local authorities to carry out a Homelessness Review and formulate a Homelessness Strategy based on the results of the review every five years. Following the publication of The Government's Rough Sleeping Strategy in August 2018, the Government indicated that it will require all Local Authorities to have a Homelessness and Rough Sleeping Strategy in place by 2019.

Tower Hamlets 5 year Homelessness and Rough Sleeping Strategy underpins a key priority and area of work on tackling and preventing homelessness in the borough which requires considerable and continuing resources.

The Homelessness and Rough Sleeping Strategy sets out the intentions of the Council and its partners to prevent and address homelessness in the borough.

Information is provided in this report on why the Homelessness and Rough Sleeping Strategy is needed and how it has been developed.

Recommendations:

The Mayor in Cabinet is recommended to

1. Approve a draft of the joint Homelessness and Rough Sleeping Strategy 2018-2023. The draft Strategy is attached at Appendix A.
2. To agree the annual homelessness delivery plan and the annual review of the plan, which will involve taking into account feedback from the Homelessness Partnership Board.

1. REASONS FOR THE DECISIONS

- 1.1 The Council must produce and formulate a Homelessness Strategy at least every five years under Section 1(1) of the Homelessness Act 2002.
- 1.2 The Government has indicated that the Council must produce and formulate a Rough Sleeping Strategy by 2019.

2. ALTERNATIVE OPTIONS

- 2.1 To not adopt a Homelessness and Rough Sleeping Strategy and risk challenge by way of Judicial Review.

3. BACKGROUND

- 3.1 Under the Homelessness Act 2002 all housing authorities must have in place a homelessness strategy. It must be renewed at least every 5 years.
- 3.2 The Ministry of Housing, Communities and Local Government (MHCLG) indicates that it is also a requirement due to recent release of its Rough Sleeping Strategy and the Mayor's Rough Sleeping Plan of action for Local Housing Authorities to have in place a Rough Sleeping Strategy.

The London Borough of Tower Hamlets' current Housing Strategy was adopted by the Council in December 2016, and covers a full range of housing issues that include meeting overall housing need, new housing supply including affordable housing, regeneration, tackling poor conditions in the private rented sector and a commitment to partnership working.

In relation to tackling homelessness, the Strategy committed the council to:

- Refresh our Homelessness Statement into a Strategy and align it with the 2016-21 Housing Strategy
 - Reconvene the Homelessness Partnership Board which will assist with the production and delivery of the action plan, with monitoring being carried out by officers.
- 3.3 The strategy is informed by a Homelessness Review of the resources, diverse needs, trends and partnerships in Tower Hamlets regarding homelessness and prevention. Circumstances that might prompt modification of a homelessness and rough sleeping strategy include but are not be limited to: anything that may affect the composition of homelessness and/or the risk of homelessness in the district; anything that may change the delivery of the strategy; changes to the relationships between the partners involved in the strategy; or changes to the organisational structure of the housing authority.
- 3.4 The Homelessness and Rough Sleeping Strategy along with its action plan will provide a purpose to ensure the council's homelessness service maintains a clear strategic direction for preventing and tackling homelessness.
- 3.5 The Homelessness and Rough Sleeping Strategy 2018-23 will follow on from the Homelessness Statement 2013 to 2017.

4. Homelessness and Rough Sleeping Priorities

- 4.1 The Homelessness and Rough Sleeping Strategy 2018 – 2023 aims to tackle homelessness and respond to key trends on a national and regional basis. Homelessness is increasing on a national basis, particularly due to private rented sector terminations as well as a steep rise in rough sleeping. Tower Hamlets has seen trends which are directly correlated to this. Along with the lack of affordable housing and Local Housing Allowance rates (under Welfare Reform Act), not being able to cover market rents, the challenges to prevent homelessness remain high. Due to this increase there is a requirement to ensure that early intervention and prevention strategies remain our key focus as is the accessibility to affordable homes.
- 4.2 The key aims of the Homelessness and Rough Sleeping Strategy are listed below. Please be aware that they are listed how they appear and not in the order of any importance:

A focus on Prevention of Homelessness:

- Particularly in ensuring that good practice in early intervention and prevention continues and we fully embed the requirements of the Homelessness Reduction Act.

The provisions of the Homelessness Reduction Act 2017 came into effect on 3rd April 2018.

The government through its Rough Sleeping Strategy published in August 2018, makes a commitment to half rough sleeping by 2022 and eliminate Rough Sleeping completely by 2027 and ensuring an action plan is in place to combat the key challenges.

- Ensuring that the focus on prevention continues by increasing our supply of permanent and temporary accommodation

Providing services to homeless households and vulnerable people:

- Reducing and eliminating Rough Sleeping and,
- By supporting families, young people and vulnerable adults.

This clearly focuses the need to strengthen partnership working and collaborating with other key partners and agencies in providing vital services.

5. The development of the Homelessness and Rough Sleeping Strategy

5.1 Tower Hamlets Homelessness and Rough Sleeping Strategy has been developed using findings from a comprehensive review of homelessness undertaken during the first half of 2018.

This involved:

- Setting up of a Homelessness Partnership Board made up of statutory and voluntary organisations to oversee the review and development of the strategy.
- A review and evaluation of outcomes from the previous homelessness statement 2013 - 2017 and action plan
- A review of statistical data and trends about homelessness.
- Analysis of recent Census and MCHLG and GLA population data to understand the demographics and potential growth in population in Tower Hamlets for the future.
- Data on homelessness is captured in the updated LBTH 2018 Housing Evidence base, GLA and CHAIN street homeless data.

A copy of the evidence base is attached at Appendix D.

6 How the 2018–2023 Homelessness and Rough Sleeping Strategy is set out

- 6.1 The Homelessness and Rough Sleeping Strategy has two main themes; Homelessness Prevention, and Response of services, each with two priorities.

Theme 1 – Prevention of Homelessness:

- Preventing homelessness through advice and compliance with the Homelessness Reduction Act.
- Preventing homelessness by access to Affordable Housing Options.

Theme 2 – Response of Services to homeless households and vulnerable people:

- Tackling Rough Sleeping
- Supporting Children, Families and Young People and Vulnerable Adults.

7. Homelessness Strategy and Rough Sleeping Action Plan

- 7.1 An action plan is being implemented which will review and monitor the Homelessness and Rough Sleeping Strategy. This will prove to be a measure on how well Homelessness Services are progressing as well as taking on board what needs to improve to deliver outcomes. The information supplied in the action plan will rely heavily upon the case led data reported to MHCLG for Homelessness Reduction Act cases.

- 7.2 It is vital to note that under the Homelessness Reduction Act, case led data is reported to MHCLG which is administratively burdensome and has caused delays in reporting. Ensuring the accuracy of this data and working through the technical issues with the IT system is key in ensuring that case led data is officially reported. This is likely to improve as each quarter progresses and with MHCLG working closely with Local Housing Authorities in resolving the issues.

8. Consultation

- 8.1 In producing the 2016-2021 Housing Strategy, the Council undertook a comprehensive consultation exercise on all aspects of housing policy which demonstrated substantial support for the Council's approach to meeting housing need and tackling homelessness.

The consultation included nearly 20 public engagements, 15 internal and partner meetings including an all Member seminar and over 450 surveys completed by the public. Several strong messages emerged including:

- Major concern over the shortage of affordable housing in the borough and concern that future higher rents set by the Council and housing associations will force people out of the borough.
- Lack of housing choices for young people brought up, living and working in the borough meaning many on average incomes will be forced to stay at home or move out and pay high rents in poor quality private rented housing.
- Support for the development of 'living rent' homes for this group at sub market levels on new build schemes developed on council estates.
- Concern over population growth, impact on the environment and green spaces and whether vital infrastructure including schools, health centres, waste collection and transport links will be developed to match the needs of the population.
- General support for the Council's approach to meeting housing need and homelessness through prioritisation of households in most need and a comprehensive advice service.
- Common themes around how to tackle homelessness by adopting early intervention models.
- Managing expectations of homelessness applicants who approach by educating and putting forward the realities of demand conditions and limited supply of housing.
- Concerns that the Welfare Reform Act is contributing to homelessness.
- More needs to be done to make privately rented accommodation an attractive offer for applicants and landlords.

8.2 The Council has undertaken a lighter touch consultation update to help inform the development of this strategy which has included:

- Four rounds of consultation with Housing Options Staff which included two further sessions held due to staff interest in the development and contribution of the Homelessness Strategy. It should also be noted that the Housing Options team was restructured in 2017 in order to ensure the Council was prepared to meet the challenges of implementing the Homelessness Reduction Act.
- Homelessness Applicant focused Consultation groups
- A web link access to the Draft Homelessness Strategy and an online questionnaire which ran for eight weeks from July to September 2018. Around 50 responses were received; there was overwhelmingly positive support for the Council's approach.

- Circulation of the draft strategy to neighbouring Boroughs, the GLA, the East London Housing Partnership, third sector partners and internal colleagues in Adult services and Health services.

It should be noted that the Government is planning further comprehensive research into Rough Sleeping as part of its new Strategy that the Council will contribute towards.

9. EQUALITIES IMPLICATIONS

- 9.1 An equality impact assessment has been carried out and is attached at Appendix B. The assessment demonstrates that the Homelessness and Rough Sleeping Strategy is expected to have either positive or neutral impacts on the nine protected equalities groups.

10. OTHER STATUTORY IMPLICATIONS

- 10.1 Reducing Homelessness and Rough Sleeping will contribute to improving the street environment and community safety objectives.
- 10.2 A range of support measures are also being made available to help rough sleepers exit the street safely, sustain accommodation and maintain their independence. These include early intervention, provision of advisory services, referrals concerning accommodation, health care, practical support to ensure that risk factors which expose rough sleepers to a higher level of vulnerability and community safety issues are minimised.
- 10.3 Additionally, the council will continue to implement a Support and Enforcement model to support rough sleepers and reduce anti-social behaviour. Genuine offers of support and accommodation will always be the main approach to end rough sleeping but where this approach is consistently unsuccessful, we will work closely with enforcement agencies and the wider community to reduce the anti-social behaviour that some of our rough sleeping population exhibit (e.g. aggressive begging, littering, blocking public byways with encampments, setting up tents in public parks, creating excessive noise).
- 10.4 Offers of support will continue to be made even when enforcement actions are being taken against an individual to ensure the safeguarding of rough sleepers.

11. COMMENTS OF THE CHIEF FINANCE OFFICER

- 11.1 This report seeks the approval of the Mayor in Cabinet of the draft Homelessness and Rough Sleeping Strategy 2018-2023 which is one of a number of policies and statements supporting the Council's overall Housing Strategy which was approved by Council in December 2016.

- 11.2 The implementation of the various elements of the Strategy will be subject to the availability of funding, and further reports assessing the financial impact of individual proposals will be submitted in future to the Mayor in Cabinet. The Strategy sets out the demands that the service and its partners will face over coming years in an environment of changing need and reforms in legislation. Delivery of the Strategy will require a co-ordinated approach and alignment of funding from all major partners, and will also require that best value is obtained from limited sources of external funding, given that the Council's mainstream resources to support the Strategy are limited.
- 11.3 An action plan to support the delivery of the Strategy has been developed. This contains activities that will contribute towards continued improvements in service delivery and although there are no specific financial consequences arising directly from the recommendations, ultimately the Strategy will underpin key decisions in relation to service provision and must be considered within the context of the Council's funding gap and the Medium Term Financial Strategy.
- 11.4 The costs associated with the development of the Strategy are mainly staffing related and are financed from within existing resources.

12. COMMENTS OF LEGAL SERVICES

- 12.1 The Homelessness Act 2002 states that a local housing authority should exercise its powers to carry out a homelessness review and to ensure that a new homelessness strategy is published within 5 years of the last published strategy. The purpose of the review is to prevent homelessness , secure that accommodation is or will be available in the area for the homeless or those who become homeless and to provide support for people in their area.
- 12.2 The Homelessness & Rough Sleeping Strategy Action Plan which follows from the review includes the involvement of voluntary sector agencies who have been consulted during the course of the review.
- 12.3 A local housing authority has a duty under the Housing Act 1996 to secure that accommodation is available for eligible applicants who are homeless, in priority need and not intentionally homeless.
- 12.4 Once the local housing authority is satisfied that a housing duty is owed, it may discharge its duties by making
- (a) an offer of suitable accommodation under section 193 of the Housing Act 1996;
 - (b) a final offer of suitable accommodation by way of allocation through Part 6 Housing Act 1996; or
 - (c) an offer of an assured shorthold tenancy with a private landlord
 - (d) referring the applicant to another local housing authority
- 12.5 The Authority's previous Homelessness Statement 2013-2017 referred to the commitment to reduce rough sleeping. Exercising it's power in this way, under

S192 gave effect to the requirements of the Homelessness Act 2002 to strategically prevent homelessness. The current review will continue to do so.

- 12.6 The introduction of the Homelessness Reduction Act 2017 has increased the authority's obligations. The Act enables and encourages local authorities to intervene at an earlier stage to prevent homelessness and to improve the provision of support to anyone who is eligible and homeless, regardless of priority need or intentional homelessness. The Act has also changed the timeframe so that "a person is threatened with homelessness if it is likely that he will become homeless within 56 days" instead of 28 days.
- 12.7 The two additional duties introduced are as follows:
a) the "Prevention Duty" where an authority has to take reasonable steps to help the applicant to secure that accommodation does not cease to be available'. i.e prevent the threatened homelessness of anyone eligible (s4)
b) the "Relief Duty" applies to all eligible people who are homeless, where the authority has to take reasonable steps to help the applicant to secure that suitable accommodation becomes available(S5)
- 12.8 The Council is required when exercising its functions to comply with the duty set out in section 149 of the Equality Act 2010, namely to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between those who share a protected characteristic and those who do not, and foster good relations between those who share a protected characteristic and those who do not. An Equality Impact Assessment has been carried out and the review is expected to have either a positive or neutral impact on the protected groups.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

Appendix A: Homelessness and Rough Sleeping Strategy 2018 – 23

Appendix B: Equality Impact Assessment

Appendix C: Evidence Base

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- Housing Strategy 2016 – 2021
https://www.towerhamlets.gov.uk/Documents/Housing/TH_Housing_Strategy_exec_summary.pdf

- MHCLG Rough Sleepers Strategy,
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733421/Rough-Sleeping-Strategy_WEB.pdf
- Homelessness Statement 2013 -2017,
<https://www.towerhamlets.gov.uk/Documents/Housing/Housing-provision/Homelessness/Homeless-statement-July-13-Final.pdf>
- Greater London Authority: Rough Sleeping Plan of action.
https://www.london.gov.uk/sites/default/files/rough_sleeping_plan_of_action_1.pdf
- [Homelessness Reduction Act](#)
<http://www.legislation.gov.uk/ukpga/2017/13/contents/enacted>

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