



# Appendix A

## Policy on the use of Council housing as temporary accommodation

Version 1

Dated: October 2013

Related documents: Homelessness Strategy  
SCDC Tenancy Policy



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## Section 1: Purpose

- 1.1 Since 2010/11 South Cambridgeshire District has seen an increase in homeless acceptances year on year. This can be attributed to the economic downturn, changes to the Local Housing Allowance and the impact of recent welfare reforms and follows a similar trend to the national homelessness picture.
- 1.2 The Homelessness Strategy published October 2013 identifies an urgent need for more temporary accommodation to help meet the increased demand and reduce the need to use bed & breakfast accommodation which is both costly and unsuitable.
- 1.3 The Council has therefore increased the use of its own stock as temporary accommodation and has implemented a programme to purchase empty properties in the private sector to bring back into use as temporary accommodation. This is in accordance with the Council's Corporate Aim "A.6 – *Increase the supply of temporary accommodation, prioritising council-owned properties whilst not restricting options in other sectors*"
- 1.4 The Council's Tenancy Policy also sets out the position on succession and allows discretionary powers to grant a new tenancy to family members to ensure there are safeguards in place to protect the vulnerable. Where this discretion is applied but the existing accommodation does not match their needs, the remaining household may stay on a temporary basis until more suitable alternative accommodation can be found.
- 1.5 The purpose of this policy is set out when a Licence Agreement or a Non Secure Temporary Tenancy Agreement will be granted for use within the Council's stock.



## **Section 2: Reasons for using temporary accommodation in the Council's stock**

2. Council-owned properties will be used as temporary accommodation in the following circumstances:
  - a) Temporary accommodation is to be provided in accordance with Section 188 of the Housing Act 1996 pending a decision on a homeless application, which may also include where a review of the decision is requested.
  - b) Temporary accommodation is provided in accordance with Section 190(2) of the Housing Act 1996 where the local authority are satisfied that an applicant is homeless and is eligible for assistance but have become homeless intentionally.
  - c) Temporary accommodation is provided in accordance with Section 193 of the Housing Act 1996 following a homelessness decision where the local authority has a duty to persons with priority need who are not homeless intentionally.
  - d) Temporary accommodation is provided on an interim basis where the former tenant has died or moved away from Council accommodation. The remaining household has been granted a new tenancy under discretionary powers but is expected to move to alternative suitable accommodation when available that better meets their needs.

## **Section 3: Types of Agreements to be used when allocating temporary accommodation in the Council's stock**

### **3.1 Licence Agreement**

- 3.1.1 A Licence Agreement will be granted in circumstances a) and b) above where a homeless decision is pending or where an applicant is found to be homeless intentionally.
- 3.1.2 This is in accordance with current case law [R(CN) v Lewisham LBC and R(ZH) v Newham LBC handed down on 11 July 2013] which sets a precedent that accommodation can be offered under licence pursuant to s188 and 190(2) of the Housing Act 1996.



- 3.1.3 By granting a licence, households are treated equally and fairly, having the same rights as households placed in bed & breakfast or hostel accommodation.
- 3.14 In terminating a Licence Agreement, the household will be notified in writing of the date they are expected to leave the premises, giving a reasonable amount of time for them to secure alternative accommodation. This will usually be 28 days, but individual circumstances will be taken into account. Possession proceedings in the County Court will not need to be brought and where the property is not vacated by the specified date a certified bailiff will be appointed to assist with eviction.
- 3.15 This approach has been taken to ensure that we have a readily available supply of temporary accommodation without the need to resort to bed & breakfast accommodation. By granting a licence interim temporary accommodation is available only for as long as is required, without the need for lengthy delays while possession is obtained through the Court.

## 3.2 **Non Secure Temporary Tenancy Agreement**

- 3.2.1 A Non Secure Temporary Tenancy Agreement will be granted in circumstances c) and d) above.
- 3.2.2 Subject to the Tenancy Conditions being adhered to, the temporary accommodation will remain available until such time that alternative suitable accommodation is secured.
- 3.2.3 Where a reasonable offer of suitable alternative accommodation is refused, a Notice to Quit will be served giving four weeks' notice in writing. Where the property is not vacated by the date stated on the Notice to Quit, court proceedings will be instigated.