

COVID-19 DECISION – CHIEF EXECUTIVE USING URGENCY POWERS

20 APRIL 2020

EXTENSION OF THE USE OF TEMPORARY ACCOMMODATION PROVISION FOR HOMELESS HOUSEHOLDS AND ROUGH SLEEPERS

Portfolio holder: Councillor Howard Doe, Deputy Leader and Portfolio Holder for Housing and Community Services

Report from: Richard Hicks, Director of Place and Deputy Chief Executive

Author: Mark Breathwick, Head of Housing

1. Budget and Policy Framework

- 1.1 Whilst it is the responsibility of Cabinet to ensure that expenditure remains within the budgets approved by the Council, but it remains the responsibility of Council to approve additions to the Revenue Budget.
- 1.2 Therefore, it is proposed that the Chief Executive uses the urgency provisions as set out in paragraph 4.1 of the Employee Delegation Scheme (including consultation with the Leader of the Council and the Leader of the Labour Group) to agree that those measures set out in paragraph 3.1 below should continue in place with necessary implementation funding until further guidance is received from the government confirming that the current social distancing requirements have ceased, with regards to the temporary change of policy and budgetary impact. The use of these urgency provisions will be reported to Full Council on 16 July 2020 for information.

2. Issue

- 2.1 Against the background of the current public health emergency, and to assist in the prevention of the transmission of Covid-19, the government has directed that everyone should stay at home, protect the NHS and save lives. Supporting these aims the government has sent clear guidance to local authorities to ensure that “everyone is in”, with it being an identified priority to ensure that everyone has an offer of accommodation. Alongside this the government has introduced legislative measures that stop most evictions and has directed that the public should be staying in their homes wherever possible, with social distancing measures being introduced.

3. Decision Required

- 3.1 In order to comply with government guidance, the Council's homelessness services have introduced the following measures:
- (i) All rough sleepers have been given an offer of emergency accommodation;
 - (ii) The application of the priority need test which sets the threshold for the provision of TA has been broadened to include cases with an underlying health condition;
 - (iii) For those homeless cases where statutory obligations to accommodate would usually be discharged, they are being considered for an extension of TA on a case by case basis.
- 3.2 However, the guidance provided by the government to local authorities is non-statutory and there are no provisions within the Coronavirus Act 2020 which amends the authority's statutory homeless duties set down in the Housing Act 1996, including those relating to priority need and the threshold for the provision of emergency or temporary accommodation, nor those relating to discharge of accommodation duties for those not owed a main housing duty per section 193(2).
- 3.3 Therefore the measures introduced depart from established policy and procedures to go beyond the statutory minimum and will have a cost which falls outside of the budget set by Council. As a consequence, and if not falling within the Council's powers set down in the Emergency Powers Act, an urgent decision is required to authorise the measures.

Decision type	Risk rating	Can decision be taken under officers' delegated authority?	If not (or if decision is both executive/non-executive), an urgent decision is required
Non-executive functions	H (HSG 1.5)	N	Y – temporary change of policy and budgetary impact

4. Options

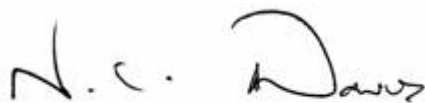
- 4.1 Given the extreme nature of the current crisis and the overriding objective to protect public health there are no alternative options to those set out in 3.1 above.

5. Finance, Legal and Risk Management Implications

- 5.1 It is unclear at this time what the full cost implications of this will be however, as it stands there are currently five households placed due to having underlying health conditions in temporary accommodation at a cumulative cost of £1,085 per week. There are another five households that homeless duty has ended for, but accommodation has been extended at a cost of around £1,225 per week. There is also an increase in the number of rough sleepers accommodated in temporary accommodation at an estimated cost of around £9,121 per week. Although some costs (via Housing Benefit) are recoverable the additional accommodation is roughly costing around £11,431 per week. A request for this additional expenditure to be authorised, in line with the financial authorisation limits agreed with respect to the Covid19 funding, was made by Silver command on 14 April 2020.
- 5.2 If those households with underlying medical conditions were asked to leave this would place them at risk and we could be open to legal challenge from this. This is actively happening with cases that have been refused accommodation.
- 5.3 On 20 March the Secretary of State for Housing, Communities and Local Government announced emergency funding for local government, and Medway Council received an allocation of £6,628,475 to fund expenditure incurred in responding to the Covid-19 emergency. The government set out that this funding was intended to support a range of services, including a specific requirement to “provide additional support for homeless and rough sleepers, including where self-isolation is needed”.

6. Final Decision

- 6.1 The Chief Executive is asked to agree, using urgency powers, that those measures set out in paragraph 3.1 above should continue in place with necessary implementation funding until further guidance is received from the government confirming that the current social distancing requirements have ceased, with regards to the temporary change of policy and budgetary impact



(signed) 21 April 2020 (date)

Neil Davies, Chief Executive

