

Item No. 9.	Classification: Open	Date: 18 September 2018	Meeting Name: Cabinet
Report title:		Southwark Homelessness Strategy 2018-22	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Stephanie Cryan, Housing and Modernisation	

FOREWORD – COUNCILLOR STEPHANIE CRYAN, CABINET MEMBER FOR HOUSING AND MODERNISATION

Since 2010 we have seen an increase in homelessness across London and the UK and Southwark has seen one of the largest rises. Over the past year, Southwark Council has been asking for input from partners and residents across the borough in developing a new homelessness strategy. The introduction of the Homelessness Reduction Act in April has meant that we now have new ways of working to prevent Homelessness and as an early adopter of the Act the feedback we have received will help shape the way forward in how the council tackles homelessness. The strategy covers every aspect of risk to homelessness, rough sleeping, vulnerability, supply and demand and how to help those on the council's waiting list for housing.

Whilst the largest cause of homelessness in Southwark continues to be evictions by family and friends we are seeing a worrying rise in evictions in the private sector as the impacts of Welfare Reform including the introduction of Universal Credit and the freeze on the Local Housing Allowance are at odds with the rising rental incomes in this sector.

Tackling rough sleeping is also a priority and our “No first night out” model is helping to reduce the numbers of rough sleepers but we can not be complacent and this must remain a priority for us if we are truly able to reduce homelessness across the borough.

Southwark is a trailblazer borough and is at the forefront of homelessness prevention. We have a strong relationship with our partners and have Shelter and Solace Women's Aid embedded within the Homelessness Service. We have also set up a training academy, training councils across London and the South East.

Homelessness is a huge issue and we want to make sure we continue to be at the forefront of dealing with it, in the most effective ways possible. The impacts of homelessness reach further than needing a safe place to live, put simply homelessness needs all of us to play our part and this strategy helps lay the foundations.

RECOMMENDATION

1. That cabinet approve the draft Homelessness Strategy 2018-22.

BACKGROUND INFORMATION

2. The Homelessness Act 2002 places a duty on housing authorities to conduct a review of homelessness in their area every five years and develop a homelessness strategy based on the findings of that review.
3. Southwark Council's homelessness statutory duties are primarily set out in the Housing Act 1996 (as amended), including:
 - Section 179: Duty to provide advisory services
 - Section 184: Duty to make enquiries in respect of eligibility and duties owed
 - Section 188: Interim duty to accommodate in cases of apparent priority need
 - Section 189B: Help to Secure Accommodation Duty. A new duty to be introduced by the Homelessness Reduction Act.
 - Section 192: Duties to people found not to be in priority need and not homeless intentionally.
 - Section 193: Duties to people found to be in priority need and not homeless intentionally.
 - Section 195: Duties to those threatened with homelessness
 - Section 198: Referral of case to another local housing authority

KEY ISSUES FOR CONSIDERATION

4. The new Homelessness Strategy is a response to a period of unprecedented change, including the Homelessness Reduction Act 2017, which came into force in April 2018, public services facing significant financial challenges and social housing and welfare reforms.
5. The effectiveness of the Homelessness Reduction Act, which has an emphasis on the prevention of homelessness, is twinned with the effectiveness of partnership work with statutory, voluntary and third sector agencies to ensure households' needs are met and that they are assisted as they engage and work through their personalised plans, which is another duty laid out in the Act.
6. The Act also has a focus on helping households to access housing and we need to make sure that we have effective pathways to work collaboratively with and encourage households to secure their own accommodation.
7. Following our homelessness review and with regard to national, regional and local context, policy and strategies including our Housing Strategy we have defined three strategic objectives:
 - to offer a high quality and innovative service to homeless households and households threatened with homelessness,
 - to use our position as a leading trailblazer authority to make a positive contribution to national policy around homelessness and welfare reform,
 - to work collaboratively in finding long-term housing solutions for people threatened with homelessness.

8. In order to achieve these three over-arching objectives we have identified five priorities:

Priority One - Homelessness prevention.

We will deliver a leading prevention service building on our early adopter trailblazer project to meet the aims and intentions of the Homelessness Reduction Act.

Priority Two - Tackle rough sleeping.

We will use the Rough Sleeping Prevention Trailblazer funding to continue to make even more progress at tackling rough sleeping in Southwark.

Priority Three - Vulnerability and Health.

We will ensure our services remain accessible to the most vulnerable households and can support those who need it most, such as those affected by domestic abuse.

We aim to increase the resilience of households and communities, equip them with the necessary skills to prevent crises, such as homelessness, before they occur.

We aim to end the use of nightly rate (bed and breakfast style) temporary accommodation with shared facilities for homeless families.

Priority Four - Responding to the local housing market.

We will respond to the challenging local housing market conditions by working collaboratively with, and offering advice and support to, households and landlords to develop suitable private rented sector offers for all client groups.

Priority Five - Responding to the Welfare Reforms.

We will work closely in partnership with support agencies and local services to offer solutions that ensure households are able to maintain tenancies and their homes sustainably.

9. This can be summarised into an overall aim to: “deliver an innovative, leading and accessible service to prevent homelessness and assist homeless households in finding long term affordable and sustainable housing”
10. Evidence highlighted in the strategy shows that nationally homelessness levels have steadily increased over the last five years. This is due in part to the impact of the welfare reforms and rising cost of the private rental market making it more difficult to find suitable and affordable accommodation for many households.
11. The timing of this homelessness strategy is particularly relevant in light of the Homelessness Reduction Act which received Royal Assent in April 2017 and came into force in April 2018.
12. The Homelessness Reduction Act changes the way homelessness advice and assistance is provided by local authorities. The Act places additional statutory responsibilities upon local authorities. The strategy therefore sets out what we have already achieved as we prepare for implementation of the Act in addition to setting out an action plan which outlines our ongoing and future aims.
13. Significantly, since 2016, Southwark became one of three early adopter trailblazer local authorities, along with Newcastle and Manchester, to be awarded funding for

trialling and developing new services reflecting the reforms set out in the Homelessness Reduction Act to provide early feedback to the Department for Communities and Local Government.

Policy implications

14. The proposed strategy takes account of the existing overarching Council policies:
 - Achieve budget savings over the next three financial years to achieve the council's Housing Investment Strategy.
 - Contribute to the delivery of the Council's Fairer Future Promises, particularly the promise to deliver 11,000 new council homes by 2043, as well as investment plans for the council's housing stock.
 - Provide clear leadership and management to ensure the council is able to deliver commitments as set out in the Housing Strategy 2013 – 2043 and the action plans contained therein.

Community impact statement

15. Section 149 of the Equality Act, lays out the Public Sector Equality Duty (PSED) which requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The council's Approach to Equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business.
16. Equality Impact Assessment (EIA) is attached at Appendix 3. The EIA identifies that certain groups are more likely to be affected by the policies, as they are more likely to present themselves to the council as homeless, these group are:
 - Black African, Black Caribbean, Asian and Other ethnic groups
 - The 25-44 age group (this group is also more likely to have children)
 - Women
 - Households with children/pregnant women
 - Children
 - Lone parents
 - Low income households.
17. The strategy's focus on preventing homelessness will therefore benefit these groups.
18. Overall the EIA concludes that where potentially negative impacts on households have been identified, not all of these can be mitigated, but that equality implications have been fully considered. It is required to consider the potentially negative impacts on protected groups and whether these impacts are justified by the council's wider objectives in implementing these strategic actions by using its resources to provide the best outcomes for the residents of the borough. The impact of the strategy and in particular the equality impact of the strategy will in any event be kept under regular review.

Financial implications

19. The actions and activities set out in the detailed strategy and framework will be funded from existing budgets within the Housing and Modernisation budget.
20. The strategy is based on known funding streams but these are liable to reduce or cease over time. In the event of changes to funding we will review and update the strategy with further consultation.
21. Further details of our resources for tackling homelessness are outlined in Appendix 3 (section 1.0). These include the Homelessness Prevention Grant (anticipated at £1.5m pa and £1,236,085 in DHP funding for 2018-19. The Flexible Homelessness Support grant funding has been confirmed for 2017-18 and 2018-19 as £2,669,863.97 and £3,164,922.16, respectively. Southwark was awarded funding by DCLG for becoming one of three early adopter trailblazers in 2016 and received £1.0m over two years (to mid-2018). The Council successfully bid for a further £0.4m over three years (to 2019) to tackle rough sleeping. Long term it is expected that the trailblazer funding will be superseded by New Burdens funding provided by central government. This funding will help support extended homelessness prevention duties as part of the Homelessness Reduction Act. The funding announced for Southwark was £474,625 (2017-18), £434,757 (2018-19) and £411,240 (2019-20). In addition to this the council obtained the third largest allocation of funding through the Rough Sleeping Initiative funding in July 2018 and this funding totalled £615,000 to help eliminate rough sleeping.
22. The strategy has an overall preventative approach to homelessness and therefore the funding is targeted to be utilised with a spend to save approach in line with the Council's Fairer Future principle *spending money as if it were from our own pocket*.

Legal implications

23. Under the Homelessness Act 2002, all housing authorities must have in place a homelessness strategy based on a review of all forms of homelessness within their district. Failure to produce an up-to-date strategy will be open to legal challenge.
24. As a public authority, the council must take account of the provisions of the Human Rights Act 1998 and not act in a way which is incompatible with a Convention right. Under Article 8, any interference with the right to respect for a person's private and family life and home must be proportionate and Article 14 requires that there must be no unjustified discrimination within the scope of human rights on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
25. In discharging its functions to homeless persons, the council must also have due regard to the Public Sector Equality Duty in s149 Equality Act 2010. S149(1) provides that, in exercising its functions, a public authority must have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
26. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
27. S149(3) provides that having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
28. S149(4) provides that the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
29. Section 149(6) provides that compliance with the duties in section 149 may involve treating some persons more favourably than others.

Risk management implications

30. Increasing levels of homelessness and households being provided with temporary accommodation is a financial risk to the council. This strategy therefore sets out an approach to mitigate these risks including developing our access to the private rental market.
31. As a result of welfare reforms it has become increasingly difficult to procure affordable and suitable accommodation locally. There is a risk of legal challenges where accommodation offers are outside Southwark and London. To minimise this,

an individual suitability assessment will be carried out before an offer is made in line with legislation and statutory guidance.

32. With the ongoing changes being seen with the trailblazer prevention approach and the implementation of the Homelessness Reduction Act, the government is assessing the true cost of providing transformed services to those threatened by homelessness. Therefore, much of the current grant funding has not been committed too beyond 2019 and so the full budget constraints on the service beyond this relatively short term date are not yet known.

Consultation

33. During the formulation of this strategy, the following internal consultation took place with:

Senior Management Team (Housing and Modernisation)
Public Health (Regeneration, Planning & Housing, Programmes)
Strategy & Partnerships (Local Economy)
Children's and Adults' Social Services (Adult Social Care, NHS CCG, Children's Social Care, NRPF, Commissioning, Strategy, Planning & Performance)
Exchequer Services (Strategy & Compliance)
Resident Services (Housing Strategy, Supported Housing Services)
Housing Solutions (all senior managers)
Planning (Policy)
Community Engagement (SASBU, Equalities and Inclusion)
Asset Management (Empty Homes, Investment)
Environment and Social Regeneration (Regulatory Services)

34. The following external stakeholders were also involved in developing this strategy through a series of workshops and consultation on the draft as it developed -

Advising London
Citizens Advice Southwark
Depaul Uk
DWP
Guys and St Thomas Hospital NHS
Homelesslink
Hyde Housing
Lookahead
The Manna Society
Mungos Broadway
Shelter
SLAM
Solace women's aid
Southwark Day Centre for Asylum Seekers
Southwark Disability
Southwark Law Centre
Southwark Carers
St Giles Trust
Thamesreach

35. Housing Solutions conducted best practice visits to Camden, York and Hart Councils. A further best practice visit to Newport helped staff to understand how the Welsh homelessness legislation, which would broadly reflect the Homelessness Reduction Act, was applied in practice and some of the challenges it posed.
36. A six week public engagement period on the draft strategy took place between June and August 2018. The feedback was integrated into the main body of the strategy report and the action plan. Overall, feedback strongly supported the main objectives. The main themes that came through from the feedback were rough sleeping is a growing concern and more needs to be done to tackle it and educate the public about it. There are also concerns that Southwark could do more with ensuring developments are reserved and affordable for local households.
37. See Appendix 5 'Consultation Feedback' for full analysis and comments received.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

38. Section 1(1) of the Homelessness Act 2002 ('The Act') gives housing authorities the power to carry out a homelessness review for their district and formulate and publish a homelessness strategy based on the results of the review. Section 1(4) requires housing authorities to publish a new homelessness strategy, based on the results of a further homelessness review, within the period of 5 years beginning with the day on which their last homelessness strategy was published.
39. A "homelessness strategy" means a strategy formulated by a local housing authority for: (a) preventing homelessness in their district; (b) securing that sufficient accommodation is and will be available for people in their district who are or may become homeless; (c) securing the satisfactory provision of support for people in their district: (i) who are or may become homeless; or (ii) who have been homeless and need support to prevent them becoming homeless again.
40. The homelessness review forming the evidence base for the proposed new strategy is appended to this report.
41. In formulating or modifying a homelessness strategy a local housing authority must have regard to:
 - (a) its current allocation scheme under section 166A of the Housing Act 1996,
 - (b) its current tenancy strategy under section 150 of the Localism Act 2011, and
 - (c) in the case of a London borough council, the current London housing strategy.
42. The council is required to take its Homelessness Strategy into account in the exercise of its functions.
43. Section 3(8) of the Act requires the council to consult such public or local authorities, voluntary organisations or other persons as they consider appropriate before adopting or modifying a homelessness strategy.
44. Paragraphs 36-39 of the report set out the consultation that has taken place.

45. Cabinet members are referred to the legal requirements of consultation which are that the council must; consult when the proposals are still at a formative stage; include sufficient reasons for the proposals to allow any interested party the opportunity to consider the proposal and formulate a response; allow adequate time for interested parties to consider the proposal and formulate their response; and conscientiously take all the results from interested parties into account when the decision is taken.
46. Housing authorities must keep their homelessness strategy under review and may modify it accordingly. Before modifying the strategy, they must consult on the same basis as required before adopting a strategy.
47. Housing authorities must make copies of their homelessness review and the homelessness strategy available for inspection at their principal office at all reasonable hours and without charge, and the strategy must be available to any member of the public, on request (for which a reasonable charge can be made). In the Homelessness Code of Guidance, housing authorities are advised to publish the strategy and review documents on their website.
48. The decision on the recommendation(s) in this report is reserved to the cabinet under Part 3 of the council's constitution.
49. Cabinet members, when making a decision on the recommendation in this report are required to give due regard to the public sector equality duty (PSED) in section 149 of the Equality Act 2010. This duty requires the council to consider all individuals when carrying out its functions. Specifically, to have due regard to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Cabinet members are referred to the community impact statement of this report and the equality impact assessment appended to this report.

Strategic Director of Finance and Governance

50. The financial implications are set out in the body of this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Southwark Homelessness Strategy 2018 (circulated separately)
Appendix 2	Equality and Health Analysis (circulated separately)
Appendix 3	Review of Homelessness in Southwark (circulated separately)
Appendix 4	Southwark Homelessness Strategy Action Plan 2018-22 (circulated separately)
Appendix 5	Consultation Feedback (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Stephanie Cryan, Housing Management and Modernisation		
Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation		
Report Author	Alex Skerten, Project and Change Manager		
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CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
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