

## Rother District Council

<b>Report to:</b>	Cabinet
<b>Date:</b>	1 March 2021
<b>Title:</b>	Housing First Accommodation for Rough Sleepers
<b>Report of:</b>	Joe Powell - Head of Housing and Community Services
<b>Cabinet Member:</b>	Councillor Byrne
<b>Ward(s):</b>	All
<b>Purpose of Report:</b>	To provide an update on progress within the East Sussex Rough Sleeping Initiative and to seek approval for the Council to let Housing First accommodation to rough sleepers using non-secure tenancy agreements.
<b>Decision Type:</b>	Key
<b>Officer Recommendation(s):</b>	It be <b>RESOLVED:</b> That the Head of Service Housing and Community be granted delegated authority to issue non-secure tenancies and enable the Council to provide Housing First accommodation to rough sleepers in the district.
<b>Reasons for Recommendations:</b>	To improve supported housing provision for rough sleepers and reduce levels of rough sleeping in the district while also reducing the cost to the Council of temporary accommodation.

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### Introduction

1. The accommodation options available to rough sleepers are extremely limited in East Sussex. Many rough sleepers spend years living between insecure sofa surfing arrangements and the streets. The average life expectancy of a rough sleeper is 47 years for men and 43 years for women.
2. Members will be aware of the Council's lead role within the multi-agency Rough Sleeping Initiative (RSI). The RSI is formed of partner service from housing, health, social care, mental health and voluntary sector services to provide holistic support in a range of settings including the street, temporary accommodation and units of Housing First accommodation. The realisation of Housing First accommodation in the Rother area have stalled due to the onset of COVID-19.
3. Following the "Everyone In" instruction from Government issued at the start of lockdown, the Council made additional discretionary temporary accommodation placements for former rough sleepers. The Council currently has 8 former rough sleepers living in emergency accommodation with a further

22 considered to be at risk of rough sleeping given the reduced ability of many to sofa surf between households during the COVID-19 pandemic. The Government has also stated a commitment to preventing the return of these rough sleepers to the streets as we emerge from the COVID-19 pandemic under their Next Steps Accommodation Pathway (NSAP) grant fund.

4. Outreach services continue throughout the pandemic and the number of verified rough sleepers remains low. The average number of people verified on outreach counts in Rother in February was 2. It is estimated there are currently 22 people continuing to rough sleep across East Sussex.
5. In 2020 Rother District Council (RDC) worked with all district and borough councils in East Sussex to develop a consortium bid to the NSAP. The bid built upon our highly regarded approach to tackling rough sleeping; we utilised existing partnership structures including East Sussex Housing Officers Groups, East Sussex Homelessness Cell and the Recovery Sub-Group to engage partners from across health, social care, mental health and substance dependency services in the development of our proposals.

### **NSAP and Housing First Accommodation**

6. The bids to the NSAP were successful and two tranches of funding were awarded to the consortium and an allocation made to RDC commensurate to levels of demand throughout the county. The first tranche was a revenue support grant awarded to meet the costs of the discretionary placements made under the 'Everyone In' instruction. The value of the grant is £112,000 and covers the period up until March 2021. The cost to date of providing additional temporary accommodation to rough sleepers under 'Everyone In' up until January 2021 is approximately £122,000, leaving a deficit to the Council of £10,000 to date, that is likely to increase before yearend. It remains unclear what funding might be available to support these placements beyond March 2021.
7. The Government's NSAP also includes a capital element to which the Council successfully bid for a grant allocation of £267,000 providing 60% match funding towards the purchase of 4 units for use as Housing First accommodation. The 40% contribution from the Council is £178,000, with funds being provided from the £3 million investment for temporary accommodation (Minutes CB19/39 and CB20/63 refer). The 4 units of accommodation are in Bexhill and the sale is likely to complete by April 2021.
8. Support for the units will be provided by existing support services commissioned through the Rough Sleeping Initiative in 2021/22. Units acquired for the purposes intended are not subject to the Right to Buy as they would be acquired for specialist supported housing purposes and therefore be exempt from the legislation.
9. Housing First is a model of supported housing designed for people with high needs and histories of entrenched homelessness to live in their own homes. It has been widely adopted across Europe and the US and the RSI Housing First initiative in East Sussex has equivalent services across the UK. The overall principle of Housing First is to provide a stable, independent home and

intensive personalised support for those experiencing multiple and complex needs.

10. Investing in Housing First units will help to reduce cost pressures on our use of emergency accommodation, by increasing the supply of move on accommodation. The average cost of placements for former rough sleepers is currently £221 per week. Individuals with high level support needs typically spend the longest time living in emergency accommodation.

## **Property Management**

11. To facilitate the delivery of the 4 Housing First units it will be necessary to issue non-secure tenancies to those needing to access the intensive levels of specialist support on offer. Non-secure tenancies are the standard being utilised across the East Sussex. The tenure ensures that services have the flexibility needed to effectively manage and support those experiencing multiple and complex needs while affording tenants appropriate security of tenure.
12. An eviction procedure is attached at Appendix A that has been adapted from the established eviction procedure used at Wealden District Council in consultation with the Council legal team. The fact that tenants will receive intensive support from dedicated professionals within the RSI will minimise the risk of evictions being necessary; however, it is possible that a managed move to more suitable accommodation may not always be possible and evictions will need to be carefully considered in such cases.
13. The Council is presently in discussions with a range of partners and existing providers regarding the property management functions required to complement the intensive support in place for the tenant. The Housing Needs Team is also working alongside the Environmental Health, Estates and Maintenance teams to prepare the properties for occupation in spring 2021.

## **Conclusion**

14. The accommodation available to rough sleepers are extremely limited and many rough sleepers spend many years living between insecure sofa surfing arrangements and the streets. Homelessness legislation limits the duties owed to many who experience rough sleeping and local authorities often have no duty to provide emergency accommodation. Non-secure tenancy agreements will enable the Council to mirror the approach across East Sussex to facilitate Housing First accommodation effectively.
15. Increasing the supply of affordable accommodation, such as Housing First units is key to reducing our reliance on emergency accommodation. The cost to the Council of continuing to provide emergency accommodation for former rough sleepers under the 'Everyone In' (once the £112,000 government grant is accounted for) is approximately £10,000 up to January 2021 and is likely to rise to approximately £50,000 by yearend.

## **Financial Implications**

16. The financial costs and benefits of the proposed recommendation - to enable the Head of Service Housing and Community to award non-secure tenancies - are detailed within the report.

## Crime and Disorder

17. Most rough sleepers are respectful of others in their community. There are examples of individual rough sleepers who are also antisocial and there is sometimes a correlation between some persons who rough sleep and criminal activity. Therefore, reducing rough sleeping may reduce incidences of crime and antisocial behaviour and the public perception of it.

## Environmental

18. Most rough sleepers do not have a detrimental impact on the environment. However, in some cases where toileting and the disposal of alcohol and drug paraphernalia is not done responsibly there can be a detrimental impact on the environment; therefore, the reduction of rough sleeping will reduce detrimental impacts on the environment. All Housing First units have been assessed by the Council's Environmental Health Team and meet statutory Housing Health and Safety Rating System guidelines that include environmental standards such as energy performance.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	External Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	No	Exempt from publication	No

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Appendices:	Appendix A - Eviction Procedure (non-secure tenancies)
Relevant Previous Minutes:	CB19/39 CB20/63
Background Papers:	None.
Reference Documents:	None.

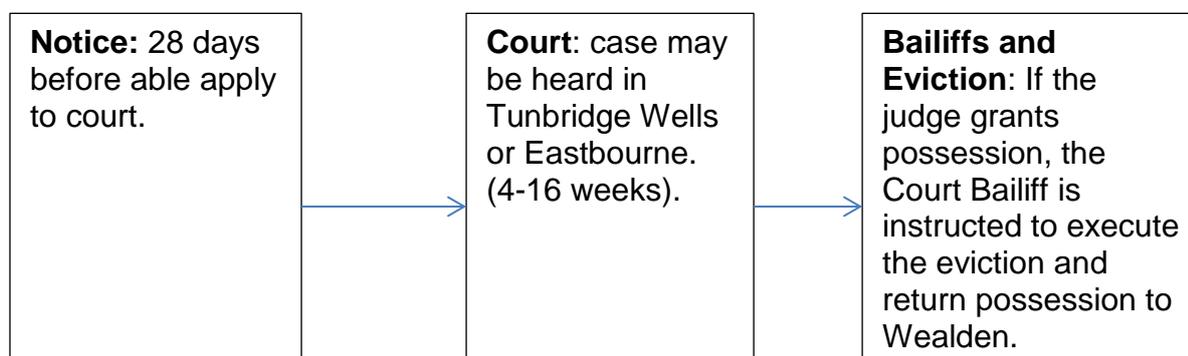
## Eviction Procedure (non-secure tenancies)

An eviction from a Rother District Council (RDC) property can arise from rent arrears or for breach in any other conditions of tenancy, such as anti-social behaviour. It is essential therefore that the RDC representative officer and Income Officer work jointly when planning to serve a notice.

Even if the eviction is due to arrears, the an RDC representative officer must be present at the eviction in order to deal with personal belongings, pets, and gathering evidence for recharges.

### Notice to Eviction Process

It is important to note that the process described below has indicative timeframes and can take many weeks. In cases which are challenged, and a tenant puts in a stay, this process can last many months.



It is important that the pre court protocol is followed by RDC which takes into account tenant vulnerabilities, support needs and disabilities of the tenant and their household. The preparation at the early stages can help to avoid challenges in court.

### The Commencement of Court Action

RDC complete a claim form and particulars of claim. This sets out what type of court order we are requesting and provides details of our case.

For cases of anti-social behavior, RDC will provide a history of the case, statements and other evidence. For rent arrears cases we include a full schedule of rent payments and a rent statement, and a history of contact between the tenant and RDC.

The Court will send out a copy of RDC claim and particulars of claim to the tenant, and they will also send the tenant a defence form.

The defence form is completed by the tenant and to be returned to the court by them, usually within 14 days. The defence form allows the tenant to give the court an

explanation of their situation and allows the tenant to explain why they think they should stay.

### **Court Summons**

The summons is sent out by the court to the tenant stating the date that their case will be held.

It is only if RDC uses an accelerated possession procedure that a court will not send out details of the court date to the tenant. Otherwise, the tenant should receive at least 21 days notice from the court of the date of the hearing.

### **At the Possession Hearing**

Court hearings for eviction are civil matters and usually held in the county court. At a county court possession hearing the judge decides upon eviction. The hearings usually take place in chambers.

### **The Possession Order**

A possession order is a court order that ends the tenant's right to live in their property. The tenant may apply to court to vary the order, to request that the possession order is set aside, or that the order is suspended or postponed.

The tenant will also need to apply to have the bailiff's warrant suspended to stop an eviction proceeding.

If the order is not challenged, the next stage is for RDC to arrange for a warrant of possession.

### **The Role of the bailiff**

RDC apply to the court for a bailiff's warrant, known as a warrant for possession.

The tenant will be informed of the date and time of the eviction by the court bailiff, the bailiff will usually deliver their papers by hand to the property.

Bailiffs usually attend during working hours, they will ask the tenants to leave and ask for their keys. Some bailiffs may wait a short time to allow tenants to gather some belongings, especially where members of the household are disabled, or there are children.

Bailiffs have the right to enter the property, and if the front door is open or unlocked, they can walk in. Police do not routinely attend an eviction, but the bailiff may call them if there is a risk of violence or breach of the peace.

## **At the Eviction**

Present at this time of eviction should be the RDC representative officer and a Council locksmith to change the locks.

The RDC representative officer should take with them to the eviction a tenant disposal of goods form, a storage of goods letter and a storage of goods notice, the miscellaneous provisions Notice.

The RDC representative officer is responsible for dealing with any belongings left behind and making arrangements for pets left in the property, and the RDC representative officer is responsible for recording photographic evidence of the state and condition of the property.

If the departing tenant is at the eviction, the RDC representative officer should try and obtain a contact phone number and forwarding address. The contact details will be required for any recharges, and if it becomes necessary to put any personal belongings in storage and serve a miscellaneous provisions notice.

It may be that the tenant wants to contact the RDC representative officer to return at a mutually agreed time to remove their belongings. This must be supervised and the tenants not given any keys back or left alone in the property.

If a tenant breaks back in to the property their status becomes that of a squatter.

## **After the Eviction**

Once the eviction has taken place the RDC representative officer is responsible for dealing with personal belongings and serving a miscellaneous provisions notice if there are any belongings of value.

The RDC representative officer is also responsible for returning the keys to the Housing Support Services Officer in order to commence the void process, and to advertise the property through choice based lettings.

## **Procedure for Evictions**

### **Once Bailiffs date received**

1. Arrange Police attendance if necessary, the bailiff may do this.
2. Arrange for contractors to change locks/ board property if necessary.
3. Advise Housing Needs Team/ any known support services (Social Services/ Homeworks etc.)/ Children's Services

### **At eviction**

1. If tenant present, discuss arrangements for any belongings/pets left and ask them to sign the disposal of goods letter.
2. Ask for a forwarding address or contact.
3. RDC representative officer to take inventory of belongings room by room with photos.
4. RDC representative officer to give tenant, if present, Miscellaneous Provisions Notice and letter if there are belongings in property. (If tenant is not present, "reasonable enquiries" must be made for whereabouts of the tenant(s) for serving of the Miscellaneous Provisions Notice).
5. Ensure vacant possession and that property is secure, and locks have been changed.

### **On return to office**

1. RDC representative officer to arrange garages(s) if needed for storage and make arrangements to store.
2. Diarise 4 weeks date for clearing garage.
3. Update Housing Needs Operations Manager.