

**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 25th January 2024

**Report Title:** Temporary Accommodation Charging Policy

**Report Author:** Ellen Black / Amanda Gill

**Job Title:** Allocation Manager / Service Improvement Manager

**Portfolio Holder:** Cllr. Bill Barrett

**Portfolio Holder for:** Housing



**Summary:**

This report introduced the Temporary Accommodation Charging Policy and seeks approval for its adoption. One of the key changes will be to review all rental charges to ensure the applicant is not having to top up the rent paid to the Council after the Temporary Accommodation Housing Benefit Subsidy (“Subsidy”) has been applied (saving the applicant money). The Council will also ensure that the rents are not set below the subsidy to ensure it maximises recovery of costs.

This policy will help the families and individuals (applicants) that are housed in temporary accommodation to understand how the Council will charge them.

The policy is to protect the applicant and the Council should a dispute arise. It should be noted that many applicants will be entitled to Housing Benefit (“HB”), and this will be applied directly from the Finance department to the rent account.

The Council understands that the families and individuals have found themselves in an unfortunate position and the Council needs to help and support them to move forward, securing a property in the future. This policy sets rents that will be affordable now and reflects rents in the lower end of the rental market (affordable).

The Council will review cases as they come forward and review under exceptional circumstances in some cases. These are highlighted in Section 13 of the policy document.

**Key Decision:** YES

**Significantly Affected Wards:** All

**Recommendations: The Cabinet is recommended to:-**

- I. Agree and adopt the policy in full as of 1<sup>st</sup> April 2024.

**Policy Overview:**

The authority places homeless households into temporary accommodation as part of the assistance owed to them under the Housing Act 1996. We set and charge rent based on a variety of factors, and this is a key part of managing the costs incurred by the authority.

A policy is needed to formally set out the authority's approach to setting the rents on all our temporary accommodation ("TA") stock.

The policy will require a review of all current temporary accommodation tenancies with the aim of setting rental amounts so that they match with the subsidy that the council is able to recoup. This ensures the applicant is not having to top up the rent to the Council if in receipt of Housing Benefit ("HB"). The Council will also ensure that the rents are not set below to ensure it maximises recovery of its costs.

Additionally, the policy will see the service charges (applied to any temporary accommodation with shared facilities or where ABC pay in the first instance) increase from £10 a week to £21 to enable the authority to recoup rising energy costs and to reflect a more realistic sum required to fund household bills in the future. These charges are not covered by the subsidy.

**Financial Implications:**

There is not expected to be any significant financial impact to the general fund as a whole because of implementing the policy. The only negative financial impact is expected to come from exceptional circumstances, this is estimated to be less than £2,000 per annum.

**Legal Implications:**

*Text agreed by  
[Principal Solicitor]  
on [08/12]*

The Council has a statutory duty under Part 7 Housing Act 1996 and also under Section 193 to secure accommodation for homeless applicants, firstly by investigating their entitlement. Where a full housing duty is accepted following investigation, the Council has a duty to provide accommodation for applicants who are homeless, eligible for assistance, have priority need and are not intentionally homeless. This is known as the "main housing duty". The main

housing duty includes a duty to provide temporary accommodation until such time as the duty is ended, either by an offer of settled accommodation or for another specified reason.

Under Section 206(2) of the 1996 Act, the Council is empowered to require applicants to pay such reasonable charges for accommodation secured under Part VII as it may determine. The sole limitation on such charges under the 1996 Act is that they be reasonable.

<b>Equalities Impact Assessment:</b>	See Attached
<b>Data Protection Impact Assessment:</b>	No impact known.
<b>Risk Assessment (Risk Appetite Statement):</b>	Not applicable
<b>Sustainability Implications:</b>	Not applicable
<b>Other Material Implications:</b>	This report does not impact on Environmental, Human Rights, Staffing or Community Safety Issues
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	<b>N/A</b>
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## Report Title: Temporary Accommodation Charging Policy

### Introduction and Background

1. The authority places homeless households into temporary accommodation as part of the assistance owed to them under the Housing Act 1996. We set and charge rent for temporary accommodation based on a variety of factors and this is a key part of managing costs incurred by the authority.
2. A policy is now needed to formally set out the authority's approach to setting the rents on all our temporary accommodation stock considering the increased expenditure on temporary accommodation due to:
  - a. Accommodation being used in higher quantity than ever before due to financial pressures facing households and landlords.
  - b. Providers of accommodation increasing nightly rates.
  - c. Movement into Temporary Accommodation exceeding the flow of movement out into the social and private sectors as demand outweighs supply.
  - d. Emerging increased demand from households that are too large to be accommodated into our standard temporary accommodation.
3. The overall aim of the policy is to ensure that rent charged for temporary accommodation:
  - a) is an affordable option to all;
  - b) does not disadvantage those in work;
4. The principles of the policy are to:
  - a) Comply with legislation and guidance and promote best practice;
  - b) Ensure consistency in the provision of services by providing staff training and implementing detailed procedures and agreed practices uniformly across the service;
  - c) Deliver good quality services which are efficient and adhere to the principles of equal opportunities.
  - d) Help towards the cost of operating temporary accommodation provision.
  - e) Recover income where possible.

## Proposal

5. The policy will require a review of all current temporary accommodation tenancies to ensure they match directly with the subsidy that can be recouped by the Council. This avoids applicants having to make top-up payments to the Council but also increases income where the rents currently fall below the subsidy amount.
6. Additionally, the policy will see the service charges (applied to any temporary accommodation with shared facilities or where the Council is directly responsible in the first instance) increase from £10 a week to £21 to enable the authority to recoup rising energy costs that are reflected in the charges to the authority. The rate also reflects a realistic sum required to fund household bills in the future once the applicant leaves temporary accommodation. These are not recoverable through HB and must be paid by the applicant.
7. The intention is to align the temporary accommodation rental values with that of the subsidy that the Council can recoup. Currently our rental amounts are typically higher than the subsidy for one-bedroom units and lower for two- or three-bedroom units. By levelling these both at the subsidy level those in receipt of HB do not need top-up their rent and those working will be required to pay slightly less for the one bed properties. For those in 2-3 bed properties and in receipt of HB will not need to pay anymore should the rent increase as this will be fully recoverable from the subsidy. This leaves those in 2-3 bed properties that are working and not in receipt of HB. This group may need to pay a bit more. A financial assessment will be carried out for each of these households to ensure that the rental amount set is affordable based on their individual circumstances.
8. There is not expected to be any significant financial impact to the general fund as a whole because of implementing the policy. The only negative financial impact is expected to come from exceptional circumstances, this is estimated to be less than £2,000 per annum.
9. The Council (General Fund) is likely to see less bad debts from this policy change as most applicants will have their rents covered by HB, the only direct charge to the applicant in many cases will be the service charge which covers utility bills, such as electricity and water.
10. Based on the current profile of temporary accommodation as at 9<sup>th</sup> November 2023, implementation of the policy would see:
  - 146 units of accommodation will be subject to a decrease in their rent level, therefore the applicant will be paying less.
  - 37 units of accommodation will be subject to an increase in their rent level. Of these 29 are occupied by applicants claiming HB. These households will

experience no negative impact and all additional rent will be claimed through HB. The remaining 8 are occupied by those responsible for paying their own rent and they will need to increase their weekly rental payment to the Council, it should be noted that this will not increase above the subsidy which is deemed affordable.

- A service charge increase (£21 per week, an increase from £10 per week) that will apply to 72 units of accommodation (those that are occupying shared accommodation and / or where they do not pay their own utility bills), will offset the Council's costs for utilities relating to accommodation, this is expected to see around an additional £41,000 a year.

11. Officers will need to monitor the rent collection rates and seek to support and advise the applicants accordingly. Applicants will be given four weeks' notice of the change with an implementation date of 1<sup>st</sup> April 2024.

12. Once the policy has been approved by Council, officers will write to all applicants giving them at least four weeks' notice of the change. This letter will include advice on Housing Benefits and contact details of the teams should they require additional support or advice, including the welfare officers.

## **Equalities Impact Assessment**

13. Members are referred to the attached Assessment.

14. We have analysed how this policy may affect people with protected characteristics either positively or negatively. There is no known impact either positive or negative for any of these groups.

15. The new policy will be monitored annually in terms of the financial impact and effectiveness of rent collection. Any changes to the policy will result in a review of this EIA.

## **Consultation Planned or Undertaken**

16. No consultation planned with external stakeholders.

17. Comments have been sought from Finance, Legal and from the Portfolio Holder for Housing and are included in this report.

18. Four weeks' notice minimum will be given to applicants to notify them of the change.

## **Other Options Considered**

19. There are no alternative options that can be considered, a policy is a requirement and will minimise the risk of a legal challenge.
20. Options in relation to charging have been considered and this option has been recommended as in many cases it reduces rent payable for the applicant with the Council reducing costs due to receiving the full subsidy. It also reflects the rents payable for affordable housing to prepare the applicant for future rental levels as they move on to accommodation.

## **Reasons for Supporting Option Recommended**

21. The new policy levels out rents to match the Temporary Accommodation HB Subsidy and therefore in most cases there will be a positive or no impact to applicants. This change will also maximise rent in relation to temporary accommodation by maximising the subsidy claimable.
22. Service Charges will be increased to enable the Council to recover costs on a realistic basis. Although this is an additional cost to the applicant the service charge better reflects the amount payable for future accommodation.
23. Assuming ongoing effective rent collection activities, there is not expected to be any significant financial impact to the general fund as a whole because of implementing the policy. Due to matching rent levels to the subsidy amount Council debt levels are expected to decrease.
24. Whilst a small proportion of applicants are expected to be impacted negatively by the increase in charges, they are still lower than private sector charges (2011 LHA rates) and considered affordable. It is considered reasonable to expect that these increased rent and service charges are recoverable from applicants.

## **Next Steps in Process**

25. If approved by Cabinet, Housing will identify all current temporary accommodation residents and advise them of the changes due in relation to their weekly rent and service charge amounts. At least four weeks' notice will be given of this change.
26. Housing and Revenues & Benefits will work together to review the rent account and payment systems that communicate to enable the collection of rent ensuring that all temporary accommodation rent charges are updated ready for go live on the 1<sup>st</sup> April 2024.
27. Letters to applicants will fully explain the changes, how their personal accounts will be affected and contacts for any questions or advice they may need.
28. Housing will monitor the impact of the changes after April 2024 and continue to support applicants and signpost to welfare interventions.

## **Conclusion**

29. In conclusion, the adoption of the new Charging Policy is strongly recommended.
30. There is not expected to be any significant financial impact to the applicant or the Council as a whole because of implementing the policy.
31. There is not considered to be any significant legal impact if adequate notice is provided to applicants and affordability is considered when making placements into temporary accommodation.

## **Portfolio Holder's Views**

32. Having considered the content of this new policy and the supporting documents, I support its introduction as it will enable a fair, consistent and affordable approach to rent setting activity.

## **Contact and Email**

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# Equality Impact Assessment

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

### Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

### Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

<b>Lead officer:</b>	Amanda Gill / Ellen Black
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	<p>The decision requested from Cabinet is concerning adoption of a Charging Policy for temporary accommodation.</p> <p>The policy sits within Housing.</p> <p>This is a new policy.</p>
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	TBC
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p>The policy will require a review of all current temporary accommodation tenancies with the aim of increasing or decreasing the current weekly rental amount so that it matches directly with the Temporary Accommodation Housing Benefit Subsidy (“subsidy”) that the council is able to recoup.</p> <p>Additionally, the policy will see the service charges (applied to any temporary accommodation with shared facilities or where ABC pay in the first instance) increase from £10 a week to £21 to enable the authority to recoup rising energy costs that are reflected in the charges to the authority.</p> <p>The financial implications of this are as follows:</p> <ul style="list-style-type: none"> <li>• 146 units of accommodation will be subject to a decrease in their rent level.</li> <li>• 37 units of accommodation will be subject to an increase in their rent level. Of these 29 are occupied by households claiming Housing Benefit (“HB”). These households will experience no negative impact. The remaining 8 are occupied by those responsible for paying their own rent and they will need to increase their weekly rental payment to the Council.</li> <li>• There is no negative financial impact of the increase except for the risk associated with rent collection in relation to the 8 households who will be expected to cover the new higher rental amount.</li> <li>• The service charge increase will apply to 72 units of accommodation (those that are occupying shared accommodation and / or where they do not pay their own utility bills.</li> <li>• The above is as at 09/11/23 and is subject to change over time as the profile in temporary accommodation.</li> </ul>

	<p>Officers will need to monitor the rent collection rates and seek to support and advise the customers accordingly. Applicants will be given four weeks' notice of the change.</p>
<p><b>Information and research:</b></p> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	<p><b>Other Options Considered</b></p> <p>There are no alternative options that can be considered. The Policy is a legal requirement that will minimise risk from challenge.</p> <p>A delay in implementation is not recommended as the rent alterations need to come into effect by 1<sup>st</sup> April 2023 so that the accounting process is simple and streamlined as possible due to the complexity of the task itself.</p> <p><b>Reasons for Supporting Option Recommended</b></p> <p>The new policy will limit the risk from legal challenge and provide a clear and robust framework for rent setting.</p> <p>The new policy will maximise rent and service charge collection in relation to temporary accommodation.</p> <p>Whilst a small proportion of customers are expected to be impacted negatively by the increase in charges, they are still lower than private sector charges and considered affordable. It is considered reasonable to expect that these increased rent and service charges are recoverable from customers.</p>
<p><b>Consultation:</b></p> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>Comments have been sought from Legal and from the Portfolio Holder for Housing and are included in the report to Cabinet.</p> <p>Four weeks' notice minimum will be given to customers to notify them of the change.</p> <p>In terms of who this decision and policy affects, our applicants are from diverse backgrounds.</p> <p>There is no anticipated negative impact on any persons in relation to their protected characteristics. The changes being proposed within the new policy will affect everyone equally regardless of their protected characteristics.</p> <p>The determining factor that will cause any negative impact is income which is not a protected characteristic.</p>

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision High/Medium/Low/None</b>	<b>Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral</b>
<u>AGE</u> Elderly	None	Neutral
Middle age	None	Neutral
Young adult	None	Neutral
Children	None	Neutral
<u>DISABILITY</u> Physical	None	Neutral
Mental	None	Neutral
Sensory	None	Neutral
<u>GENDER RE- ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

<p><b>Mitigating negative impact:</b></p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<p>The impact is purely financial and not because of any protected characteristic.</p> <p>However, we will support our applicants as far as is practical as part of our standard rent collection activities.</p>
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<p><b>Is the decision relevant to the aims of the equality duty?</b></p> <p>Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a>, alongside fuller <a href="#">PSED Technical Guidance</a>.</p>	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>We have analysed how this policy may affect people with protected characteristics either positively or negatively. There is no known impact either positive or negative for any of these groups.</p> <p>Advice has been sought from Legal and no unlawful discrimination has been highlighted.</p> <p>This analysis of this policy via this document gives proper consideration and due regard to the needs of diverse groups.</p> <ul style="list-style-type: none"> <li>There is no identified discrimination</li> <li>There is no variation of opportunity or access</li> <li>As there is no identified negative impact it neither fosters no hinders good relations.</li> </ul> <p>There are no impacts to justify in relation to the Equality Act.</p> <p>The new policy will be monitored annually in terms of the financial impact and effectiveness of rent collection. Any changes to the policy will result in a review of this EIA.</p>
<p><b>EIA completion date:</b></p>	<p>09/11/23</p>

<b>Policy:</b>	<b>Temporary Accommodation Charging Policy</b>
<b>Original Implementation Date:</b>	<b>Planned Implementation 01/04/24.</b>



Control Schedule			
<b>Policy Owner:</b>	Sharon Williams		
<b>Policy Author:</b>	Amanda Gill		
<b>Approved By:</b>			
<b>Approval Date:</b>		<b>Minute reference:</b>	
<b>Policy Review Due:</b>		<b>Review Cycle:</b>	
<b>EIA completed:</b>	09/11/23	<b>EIA Review Due:</b>	09/11/24

Version Control				
Version	Date	Author	Comment	Approved by
1.0	09/11/23	AG	First Issue	AG

Decisions affecting this policy			
Date	Committee/Member/Officer	Report title	Minute ref



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### 1. Policy Statement

The Housing Act 1996 places a statutory duty on local authorities to provide temporary accommodation for applicants during the period between initial application and decision to accept or reject the application and if accepted, until the conditions for discharging duty are met. The council has a right, under the same Act to make reasonable charge for the accommodation.

### 2. Scope of the policy

Ashford Borough Council is experiencing complex housing pressures that have impacted on the authority's ability to provide long term settled accommodation for applicants facing homelessness. In response to this voluminous demand, the council is seeking a formalised policy approach to support the charging process and provide a clear statement to applicants on what they need to pay for their accommodation. Ashford Borough Council will apply capped rental rates for this provision in line with the Temporary Accommodation Housing Benefit Subsidy ("Subsidy").

In summary the policy sets out the following:

- The mechanism of how charging is applied and processed to households placed in temporary accommodation.
- A formal approach to a fair charging regime for households recognising those in employment.
- The application of ineligible charges to the rent account and the liability of the applicant to make these payments.
- The mechanism covering robust suitability assessments for every placement to ensure regulatory compliance and affordability.
- The monitoring framework measuring the policy impacts.

### 3. Aims

The overall aim of the policy is to ensure that rent charged for temporary accommodation:

- is an affordable option to all.
- does not disadvantage those in work.

### 4. Principles

The principles of the policy are to:

- a) Comply with legislation and guidance and promote best practice;
- b) Ensure consistency in the provision of services by providing staff training and implementing detailed procedures and agreed practices uniformly across the service;
- c) Deliver good quality services which are efficient and adhere to the principles of equal opportunities.
- d) Help towards the cost of operating temporary accommodation provision.
- e) Recover income where possible.

### 5. Charging Policy

The proposed charging framework will reflect the government's subsidy payment regime which has been in place since 2010. The authority can claim a subsidy level which is equivalent to the January 2011 LHA rates, according to certain conditions set out in DWP Circular S1 2011 (Appendix 1)

For applicants who have been placed in Local Authority (LA) hostels such as Christchurch House and Christchurch Lodge that are owned by Ashford Borough Council and outside the Housing Revenue Account 100% subsidy may be claimed up to the agreed level of rent.

11	Hostels, <ul style="list-style-type: none"> <li>Owned by LA,</li> <li>Outside HRA in England,</li> <li>In or outside HRA in Wales and Scotland.</li> </ul>	LA	HRA and/or Non HRA rent rebate	100% subsidy up to level of rent.	023 (non HRA in England & Wales and HRA in Scotland) or 060 (HRA in Wales)
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For applicants who are placed in non-self-contained leased homelessness accommodation, the maximum subsidy will be determined by using 90% of the January 2011 LHA rate for the size and location of the property.

3	Homelessness accommodation: <ul style="list-style-type: none"> <li>Non self-contained,</li> <li>Leased to the LA, (Including hostels on a lease),</li> <li>Period up to 10 years,</li> <li>Outside HRA in England,</li> <li>In or outside HRA in Wales and Scotland.</li> </ul>	LA	Non HRA rent rebate in England, Non HRA or HRA rent rebate in Wales / Scotland	90% <b>one</b> bedroom LHA rate	012 & 013 (non HRA in Wales and HRA in Scotland. 056 & 057 (HRA Wales)
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For applicants who have been placed in self-contained licensed and short-term lease accommodation, the maximum subsidy will be determined by using 90% of the January 2011 LHA rate for the size and location of the property.

The same applies to those placed in council owned stock.

7	<b>England</b> Homelessness accommodation: <ul style="list-style-type: none"> <li>Self-contained,</li> <li>Leased to the LA</li> <li>Period up to 10 years,</li> <li>Outside HRA.</li> </ul>	LA	Non HRA rent rebate in England	90% of appropriate LHA rate	014 & 015
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For applicants placed into non-self-contained accommodation (board and lodging or licensed), the subsidy will be limited to the January 2011 one bedroom self-contained Local Housing Allowance (LHA) rate based on the location of the property.

1	Homelessness accommodation (excluding prevention cases):	LA or RSL	Non HRA rent rebate	One bedroom LHA rate	012 & 013 – LA landlord or
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<ul style="list-style-type: none"> <li>• Board and lodging (B&amp;B).</li> <li>• Commercial hotels</li> </ul>		or Rent Allowance		104 & 105 – RSL
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## 6. January 2011 LHA rates

	One bed	Two bed	Three Bed	Four bed
Ashford	£116.88	£144.23	£167.31	£225.00
90%	£105.19	£129.81	£150.58	£202.50
Medway	£109.62	£137.31	£155.77	£225.00
90%	£98.66	£123.58	£140.19	£202.50
Maidstone	£126.92	£155.77	£183.46	£230.77
90%	£114.23	£140.19	£165.11	£207.69
Folkestone and Hythe	£96.92	£126.92	£150.00	£196.15
90%	£87.23	£114.23	£135.00	£176.54
Dartford (North West Kent)	£121.15	£150.00	£173.08	£253.84
90%	£109.04	£135.00	£155.77	£228.46
Swale	£109.62	£137.31	£155.77	£225.00
90%	£98.66	£123.58	£140.19	£202.50

Where the applicant is eligible for Housing Benefit, this will cover the accommodation cost element up to the threshold of the government subsidy. Applicants placed into accommodation will be assisted to make a Housing Benefit claim. In addition, the applicant will be charged for costs that are ineligible under Housing Benefit e.g. heating, lighting, hot water and cooking facilities.

The Housing Benefit will be paid directly to the applicants rent account. Applicants who are not entitled to any Housing Benefit because they work and/or have 'excess income' will be asked to make an affordable contribution following the affordability assessment. It is expected that this will be up to the level that would have been covered had they been entitled to full Housing Benefit. In addition, the applicant will be charged the full costs of the ineligible charges e.g., heating, water and lighting.

## 7. Service Charges

A service charge is the name used to refer to ineligible charges if an applicant is entitled to full or partial housing benefit. The ineligible charges to be applied for 2023/24 are set out below.

Ineligible Charges: Heating, lighting, hot water

One Room/ self-contained: (flat rate) £3.00 per night or £21.00 per week.

## 8. Housing Needs Assessments

As part of the initial homelessness assessment and prior to placement into an accommodation, an assessment of the applicant's housing needs will be undertaken by the Housing Options Officer. This will include consideration of what accommodation would be suitable for the applicant and for each member of their household.

An assessment of the applicant's and household member's support needs will be holistic and comprehensive, and not limited to those needs which are most apparent or have been advised by a referral agency.

The assessment will consider:

- the size and type of accommodation required.
- any specific requirements for a household containing a disabled person or person with medical needs.
- location of accommodation
- the affordability of accommodation (using the income and expenditure form, and the affordability matrix)

The wishes and preferences of the applicant will also be considered and recorded in the assessment even if these cannot reasonably be met immediately.

## 9. Affordability Assessment

The Homelessness (Suitability of Accommodation) Order 1996 (SI 1996/3204) specifies that "in determining whether it would be, or would have been, reasonable for a person to occupy accommodation and in determining whether accommodation is suitable, a housing authority must take into account whether the accommodation is affordable, and in particular must take account of":

- (a) the financial resources available to that person, including, but not limited to, salary, fees and other remuneration.
- (b) savings and other capital sums which may be a source of income or might be available to meet accommodation expenses.
- (c) the costs in respect of the accommodation and payments which that person is required to make under a court order for the making of periodical payments to a spouse or former spouse, to or for the benefit of, a child and payments of child support maintenance required to be made under the Child Support Act 1991.
- (d) other reasonable living expenses.

The assessment of 'reasonable living expenses' will be undertaken based on an indefinite period of future occupation. This will have regard to the applicants' ability to meet the costs of their essentials, which includes food, clothing, utilities, transport and other essentials specific to the household's circumstances.

When making placements, a review of the affordability assessment will be undertaken by officers. This will be a refreshed assessment to ensure the housing needs assessment remains relevant and the identified accommodation is affordable for the household.

### **10. Financial difficulties**

We will take reasonable steps to help applicants claim their full benefit entitlement and obtain debt and welfare benefit advice, where necessary. We will also consider requests for a reduction in accommodation charges if the person is struggling financially. Reasonable living expenses will be calculated on a case-by-case basis using the affordability assessment procedure.

We may also reduce the charge when inability to pay is unavoidable and not the applicant's fault. However, following a full assessment a person who can afford their daily living costs and housing costs will not receive a reduction in the charge.

### **11. Storage of possessions and pets**

Few accommodation providers will accept pets. Storage and kennelling will be provided through a third-party agency. Subject to an affordability assessment, the cost associated with the safeguarding of personal possessions and pets will be recharged to the applicant.

### **12. Damage to property/Fines**

Where the household wilfully causes damage or receives a fine for misuse of the temporary accommodation or associated property. The costs of repair will be recharged to the applicant.

### **13. Special Provisions**

The charges will not be rigidly applied when providing accommodation to applicants, consideration will be given to any exceptional circumstances relating to the household.

Exceptional reasons could include (but not limited to):

- Travel expenses which are not reasonably covered.
- Severe financial hardship where debt advice has been sought and acted upon.

Reasons could justify a decision more favourable to the applicant than those detailed above. In those circumstances the amount charged should be reviewed and amended. These matters will be referred to the Assistant Director of Housing to consider.

#### **14. Impact and measurement**

The Council will monitor performance in charging and recovering of charges as follows:

- the total amount of emergency accommodation income due
- the total amount of accommodation charges collected.
- the amount of arrears, showing number of accounts and total arrears due the total number of review request on grounds of affordability of charges
- the number of exceptional circumstances payments / reductions, and monitoring of trends.
- the number of applicants evicted due to arrears. Evictions are only actioned in exceptional circumstances once all avenues of support and assistance have failed.

#### **15. Equalities Impact Assessment**

EIA attached.

#### **16. Review of Policy**

Policy to be reviewed yearly.