

# Cross-Party Rough Sleeping Task and Finish Group

## Briefing Pack

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## **1. Relevant legislation defining Homelessness**

The council has various statutory duties in relation to homelessness. These are broadly covered in Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) and further detailed in the statutory Homelessness Code of Guidance for Local Authorities 2006.

Many elements of the acts have been amended/varied by case law, but the principles remain the same. Section 179(1) of the Housing Act 1996 confirms that housing authorities have a duty to ensure advice and information about homelessness, and the prevention of homelessness, is available free of charge to any person in their district. The provision of comprehensive advice plays an important part in delivering the housing authority's strategy for preventing homelessness in their district.

## **2. Statutory duties towards people we have accepted a duty towards**

### **2.1 Investigations**

Section 184 of the Housing Act 1996 confirms that where the council has reason to believe that an applicant may be homeless or threatened with homelessness, it must make inquiries to satisfy itself whether the applicant is eligible for assistance and, if so, whether any duty and if so what duty is owed to him or her under Part 7 of the Housing Act 1996.

In order to determine this, the council is required to establish whether the applicant is homeless or threatened with homelessness, whether he or she became homeless, or threatened with homelessness, intentionally and whether he or she has a priority need for accommodation.

### **2.2 Homeless or threatened with homelessness**

Section 184 of the Housing Act 1996 confirms that if the council has reason to believe that a person applying to the council for accommodation, or assistance in obtaining accommodation, may be homeless or threatened with homelessness, the housing authority must make inquiries to satisfy itself whether the applicant is eligible for assistance and if so, whether a duty is owed to that person under Part 7 of the 1996 Act.

Under Section 175(4) a person is '*threatened with homelessness*' if he or she is likely to become homeless within 28 days. In many cases, effective intervention can enable homelessness to be prevented or the loss of the current home to be delayed sufficiently to allow for a planned move. The council should not wait until homelessness is a likelihood or is imminent before providing advice and assistance.

There are a number of different factors that determine whether a person is homeless. Under Section 175, a person is homeless if he or she has no accommodation in the United Kingdom or elsewhere which is available for his or her occupation and which that person has a legal right to occupy. A person is also homeless if he or she has accommodation but cannot secure entry to it, or the accommodation is a moveable structure, vehicle or vessel designed or adapted for human habitation (such as a caravan or houseboat) and there is no place where it can be placed in order to provide accommodation. A person who has accommodation is to be treated as homeless where it would not be reasonable for him or her to continue to occupy that accommodation.

### 2.3 Eligibility

Part 7 of the Housing Act 1996 includes provision which make certain persons from abroad ineligible for housing assistance. The council therefore needs to satisfy that applicants are eligible before providing housing assistance.

The council must ensure that staff who are required to screen housing applicant eligibility for assistance are provided with adequate training in the complexities of the housing provisions, the housing authority's duties and responsibilities and how to deal with applicants in a sensitive manner.

A person is not be eligible for assistance under Part 7 if he or she is a person from abroad who is ineligible for housing assistance under Section 185 of the 1996 Act. There are two categories of '*person from abroad*' for the purposes of Section 185:

- *A person subject to immigration control* – such a person is not eligible for housing assistance unless he or she comes within a class prescribed in regulations made by the Secretary of State; and
- *A person from abroad other than a person subject to immigration control* – the Secretary of State can make regulations to provide for other descriptions of person from abroad who, although they are not subject to immigration control, are to be treated as ineligible for housing assistance.

The regulations that set out which classes of persons from abroad are eligible or ineligible for housing assistance are the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006* (SI 2006 No.1294) ('the Eligibility Regulations'). Persons subject to immigration control are not eligible for housing assistance unless they fall within a class of persons prescribed in regulation 5 of the Eligibility Regulations. Persons who are not subject to immigration control will be eligible for housing assistance unless they fall within a description of persons who are to be treated as persons from abroad who are ineligible for assistance by virtue of regulation 6 of the Eligibility Regulations.

### 2.4 Priority Need

Under the homelessness legislation, housing authorities must have a strategy for preventing homelessness and ensuring that accommodation and support are available to anyone in their district who is homeless or at risk of homelessness. They must also provide advice and assistance on housing and homelessness prevention to anyone in their district, free of charge. Stronger duties to secure accommodation exist for households who have a priority need for accommodation.

Since 2002, the priority need categories have embraced a wider range of people whose age or background puts them at greater risk when homeless, including more single people.

The main homelessness duties in Section 193(2) and Section 195(2) of the 1996 Housing Act (to secure accommodation or take reasonable steps to prevent the loss of accommodation) apply only to applicants who have a priority need for accommodation.

Section 189(1) and the *Homelessness (Priority Need for Accommodation) (England) Order 2002* provide that the following categories of applicant have a priority need for accommodation:

- (a) A pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- (b) A person with whom dependent children reside or might reasonably be expected to reside;

- (c) A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
- (d) A person aged 16 or 17 who is not a '*relevant child*' or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989;
- (e) A person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a '*relevant student*');
- (f) A person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a '*relevant student*');
- (g) A person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces;
- (h) A person who is vulnerable as a result of:
  - Having served a custodial sentence;
  - Having been committed for contempt of court or any other kindred offence; or
  - Having been remanded in custody;
- (i) A person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out;
- (j) A person who is vulnerable for any other special reason, or with whom such a person resides or might reasonably be expected to reside; or
- (k) A person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster.

Inquiries as to whether an applicant has a priority need must be carried out in all cases where the council has reason to believe that an applicant may be eligible for assistance and where the Council has reason to believe that the applicant may be homeless or threatened with homelessness, and is eligible for assistance. Moreover, where the housing authority has reason to believe that the applicant is homeless, eligible for assistance and in priority need, they will have an immediate duty to secure interim accommodation, pending a decision on the case.

Once a housing authority has notified an applicant that he or she has a priority need and has been accepted as owed the main homelessness duty (s.193(2)) it cannot – unless the decision is subject to a request for a review – change the decision if the applicant subsequently ceases to have a priority need (e.g. because a dependent child leaves home).

Any change of circumstance prior to the decision on the homelessness application should be taken into account. However, once all the relevant inquiries are completed, the housing authority should not defer making a decision on the case in anticipation of a possible change of circumstances.

## **2.5 Homeless 16 & 17 year olds**

Where the Housing Needs service is approached by a young person who is aged 16 or 17 and is homeless, in order to determine whether they are in priority need they must first be assessed by Children's Social Care to determine whether they are a 'child in need' and owed a duty under the Children's Act 1989.

Referrals are made to Children's Social Care as soon as we are aware of a homeless young

person and where possible a joint assessment will take place.

Where a young person is owed a duty under the Children's Act 1989 they are not considered to be in priority need for assistance and therefore not owed a housing duty, but are accommodated by Children's Social Care.

Where the young person is not owed a duty under the Children's Act 1989 they will be in priority need and interim accommodation is provided while further investigation is undertaken.

## **2.6 Intentionality**

The duty owed towards those who are homeless, or threatened with homelessness, and who have a priority need for accommodation will depend upon whether they became homeless, or threatened with homelessness, intentionally or unintentionally. Section 191 defines the circumstances in which an applicant is to be regarded as having become homeless intentionally. Section 196 frames the same definitions in regard to someone who is threatened with homelessness.

The duty owed to applicants who have a priority need for accommodation but have become homeless, or threatened with homelessness, intentionally is less than the duty owed to those who have a priority need for accommodation and have become homeless, or threatened with homelessness, unintentionally. This recognises the general expectation that, wherever possible, people should take responsibility for their own accommodation needs and ensure that they do not behave in a way which might lead to the loss of their accommodation.

Where a housing authority finds an applicant to be homeless, or threatened with homelessness, intentionally they have a duty to provide the applicant (or secure that the applicant is provided) with advice and assistance in any attempts he or she may make to secure that accommodation becomes available (or does not cease to be available) for his or her occupation. Before this advice and assistance is given, the authority must assess the applicant's housing needs. The advice and assistance must include information about the likely availability in the authority's district of types of accommodation appropriate to the applicant's housing needs (including, in particular, the location and sources of such types of accommodation). Authorities should consider what best advice and assistance the authority could provide, for example, providing information about applying for social housing, local lettings in the private rented sector, rent deposit schemes or housing benefit eligibility to help the applicant avoid homelessness or secure accommodation. Where such an applicant also has a priority need for accommodation the authority will also have a duty to secure accommodation for such period as will give the applicant a reasonable opportunity of securing accommodation for his or her occupation.

## **2.7 Local Connection**

When the council makes inquiries to determine whether an applicant is eligible for assistance and owed a duty under Part 7, it may also make inquiries under Section 184(2) to decide whether the applicant has a local connection with the district of another housing authority in England, Wales or Scotland.

Section 199(1) provides that a person has a local connection with the district of a housing authority if he or she has a connection with it:

- (a) Because he or she is, or was in the past, normally resident there, and that residence was of his or her own choice; or
- (b) Because he or she is employed there; or
- (c) Because of family associations there; or
- (d) Because of any special circumstances.

Where the council decides that a s.193 duty is owed to an applicant (i.e. the applicant is eligible for assistance, unintentionally homeless and has a priority need) but it considers that the conditions for referral of the case to another housing authority are met, they may notify the other housing authority (*the notified authority*) of their opinion.

Notwithstanding that the conditions for a referral are apparently met, it is the responsibility of the notifying authority to determine whether s.193 applies before making a referral. Applicants can only be referred to another authority if the notifying authority is satisfied that the applicant is unintentionally homeless, eligible for assistance and has a priority need.

## **2.8 Advice & Assistance To Those Who Are Not Owed A S.193 Duty**

Housing authorities have a duty to ensure that an applicant is provided with advice and assistance to those whom it has decided is not owed a Section 193 duty. These require an assessment to be made of the housing needs of the applicant before advice and assistance is provided.

Among other things, the Secretary of State considers the assessment should identify any factors that may make it difficult for the applicant to secure accommodation for him or herself (for example, poverty, outstanding debt, health problems, disabilities and whether English is not a first language). In particular, housing authorities are advised to take account of the circumstances that led to the applicant's homelessness, or threatened homelessness, since these may impact on his or her ability to secure and maintain accommodation and may indicate what types of accommodation would be appropriate.

Often, even where there is no duty to provide accommodation, advice and assistance may include supporting the applicants to source accommodation. This could be in a hostel setting with one of our housing association partners (e.g. the New Haven). Financial assistance may also be provided where the applicant has secured accommodation but does not have the funds to pay the upfront costs required, or where the applicant has outstanding housing related debt, which excludes them from applying to join the Housing Register. Options are not restrictive and officers are encouraged to be innovative.

## **3. Details of what this means in Peterborough**

### **3.1 The Housing Needs Team**

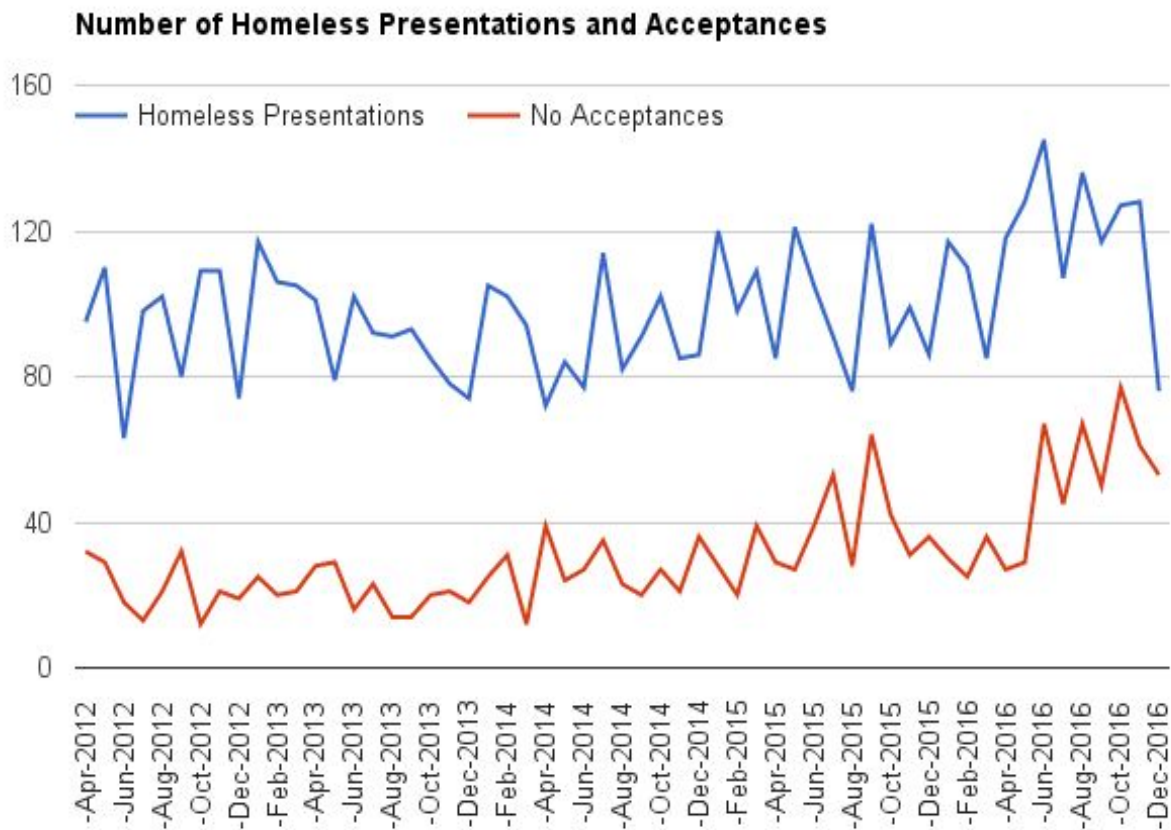
In Peterborough the Housing Needs service provides free advice via telephone (direct dial 01733 864064). In addition telephones are provided in the foyer of the council premises at Bayard Place for those who attend in person. Where a client is unable to communicate with the team because of language difficulties or a disability reasonable arrangements are made for face to face contact.

Many enquiries will be dealt with via telephone advice, however where there is a more complex issue, calls are referred to Housing Needs Officers who may make an appointment to see a client face to face. Housing Needs Officers operate an appointments system, which

can be pre-booked up to seven (7) days in advance; a number of appointment slots are held back for emergency situations (i.e. on occasions where a client presents as homeless on the day).

Over the last 5 years Peterborough has seen increasing demand on homelessness services. The number of homelessness declarations being made to the authority has been steadily increasing. In particular, we have seen increases in the number of presentations in 2016.

The graph below shows the number of homelessness presentations and the number of homelessness acceptances made by the Council month by month since April 2012:

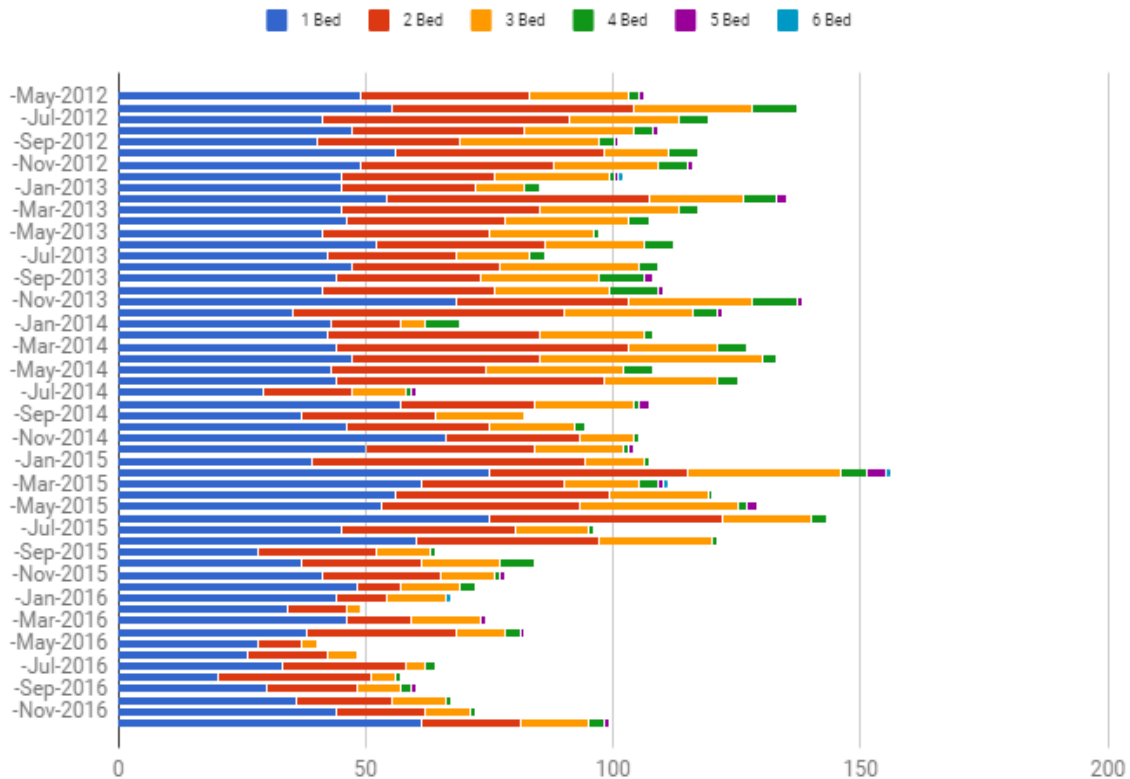


While the increase in homelessness presentations has placed additional pressures on resources in the Housing Needs service, at the same time we have seen a reduction in the availability of accommodation with our partner social landlords.



The graph below shows the number of properties available for let through choice based lettings over the last 5 years.

### Number of Lettings through Choice Based Lettings



Generally, those households to whom the Council accepts a full housing duty will be allocated accommodation with a social landlord, however the Localism Act 2011 gave local authorities the power to discharge the full housing duty by securing suitable accommodation in the private sector.

The Council has previously been successful in utilising the private sector in preventing homelessness and discharging its homelessness duties; however recent increases in the rental costs of private sector accommodation, changes to tax rules for private landlords and a reluctance of landlords accepting households who will be in receipt of Housing Benefit has meant that our ability to discharge our homeless duties is more difficult.

The combination of an increase in the numbers of applicants being homeless, the reduction of available social housing and it being more difficult to access the private sector has resulted in households being accommodated in temporary accommodation for longer periods while we seek to find a permanent solution.

### 3.2 Making Arrangements For Temporary Accommodation

Section 188(1) imposes an interim duty on housing authorities to secure that accommodation is available for an applicant (and his or her household) pending their decision as to what duty, if any, is owed to the applicant under Part 7 of the Act if they have reason to believe that the applicant may:

- (a) Be homeless;
- (b) Be eligible for assistance; and
- (c) Have a priority need.

The threshold for the duty is low as the local authority only has to have a reason to believe that the applicant may be homeless, eligible for assistance and have a priority need.

The s.188(1) duty applies even where the council considers the applicant may not have a local connection with Peterborough and may have one with the district of another housing authority (s.188(2)). Applicants cannot be referred to another housing authority unless the housing authority dealing with the application is satisfied that s.193 applies (i.e. the applicant is eligible for assistance, unintentionally homeless and has a priority need).

The council has an agreement with Cross Keys Homes, which is included in the Large Scale Voluntary Transfer (LSVT) agreement, to provide temporary accommodation to households who are determined to be owed a duty under sections 188 and 193 of the Act.

This is hostel type accommodation - consisting of seventy seven (77) rooms spread over five (5) hostels:

- Hope House, 71 High Street, Fletton, Peterborough, Cambridgeshire, PE2 8EW.
- 69 High Street, Fletton, Peterborough, Cambridgeshire, PE2 8EW.
- 72 London Road, Woodston, Peterborough, Cambridgeshire, PE2 9BP.
- 15 South Parade, West Town, Peterborough, Cambridgeshire, PE3 6BG.
- 10 The Crescent, Orton Longueville, Peterborough, Cambridgeshire, PE2 7DT.

This is currently the primary temporary accommodation provision for households, but where this is fully occupied the council has to make use of bed & breakfast accommodation in the city. Longer stays in temporary accommodation has meant that a bottleneck has formed and the use of B&B type accommodation has increased.

There are three B&B providers in the city who the council work with; when these are full, the council will spot purchase accommodation with other providers such as Travelodge; while all efforts are made to secure accommodation in the city, this is not always possible and it may be outside of the city boundaries. At time of writing no homeless households are accommodated outside Peterborough.

Where B&B accommodation has been used in an emergency situation, applicants should be moved to more suitable accommodation as soon as possible. The Homelessness (Suitability of Accommodation) (England) Order 2003 provides that B&B accommodation is not suitable accommodation for families with children and households that include a pregnant woman unless there is no alternative accommodation available and then only for a maximum of six weeks.

More recently the Council has entered into an arrangement with Stef & Philips Ltd to use accommodation at St Michaels Gate Peterborough for temporary accommodation for homeless households.

Once fully utilised the use of B&B accommodation should be reduced and the client's flow through temporary accommodation will change.

The flowchart below shows the previous journey for households who present as homeless and have a full housing duty accepted:



Talks are also ongoing with our partners with a view to increasing the number of self contained accommodation units for use for homeless households who are being accommodated in temporary accommodation for longer periods.

The flowchart below shows the new model journey for clients who present as homeless and are owed an accommodation duty:

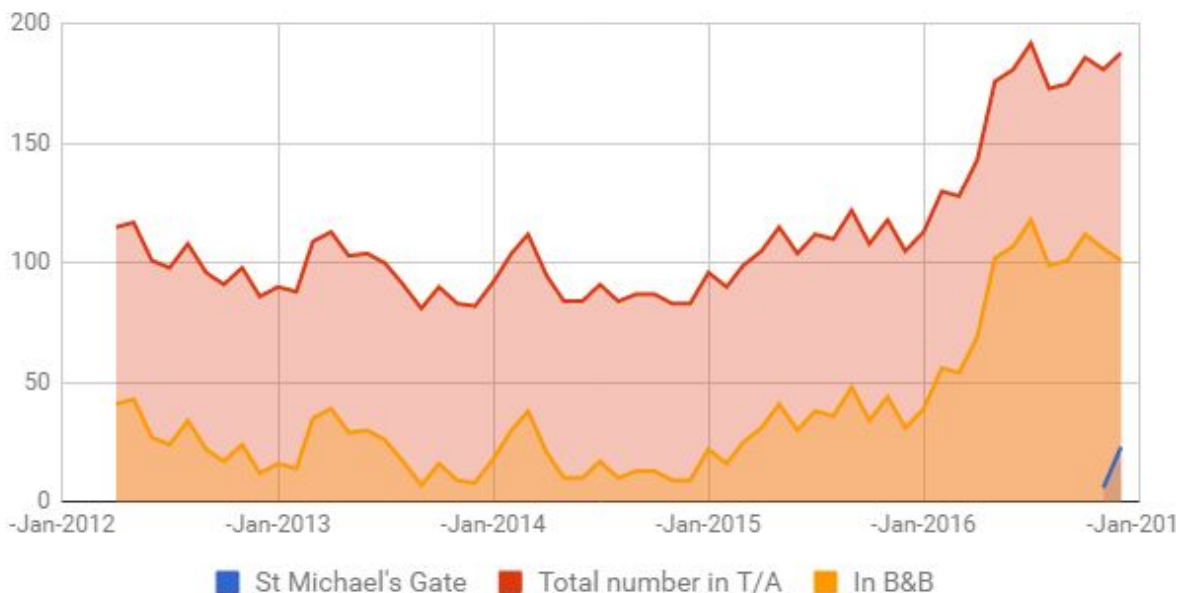


Applicants will often be transferred from B&B to hostel accommodation while investigations into their application are ongoing or while the council are seeking to discharge their Section 193 duty. Transfers often happen at short notice and require a coordinated response.

**4 Data showing the current use of TA by type**

The graph below shows the number of households accommodated in temporary accommodation awaiting a decision on their homelessness application or awaiting a permanent offer of accommodation.

**Total Accommodated in Temporary Accommodation**



## **5. Relevant legislation to deal with Rough Sleeping**

### **5.1 The Rough Sleeper Outreach Service**

The Rough Outreach Officer provides persistent outreach to individuals who find themselves sleeping rough. Rough sleepers can be categorised into three groups:

- New to the streets (flow);
- Entrenched long term rough sleepers (stock); and
- Those who have slept rough before (returners).

Each group requires a personalised approach and persistent outreach to develop a support plan to leave the streets. The flow can be dealt with by means of an assessment and support plan, accessing accommodation via the rent deposit scheme, supported housing, reconnection or interim accommodation routes. If engagement is swift, this group can be prevented from becoming long term entrenched rough sleepers.

The stock requires a long term support plan with the Outreach Officer assessing the mental and physical health of the individual alongside addictions. This group do not only require accommodation but need to access support to empower them to eventually make a decision to leave the streets. Their needs are both complex and multi-faceted and cannot be resolved by purely removing them from the streets.

Finally, returners have been previously supported but now find themselves rough sleeping again. This group can present considerable challenges as they may have lost faith in the support services and will often need an innovative and/or fresh approach that cannot be delivered solely by the Rough Sleeper Outreach Officer. A multi-agency task and targeting group will be established to work on a long term plan to ensure that the individuals are eventually able to leave the streets.

The complexities of this role often mean that the Outreach Officer will need to draw on their housing expertise and be both innovative and persistent to bring about positive change and support individuals to leave street based lifestyles.

The task of empowering rough sleepers to leave the street cannot be resolved by enforcement and requires both time and housing expertise to ascertain the positive path that an individual should take. A heavy enforcement approach will often result in an individual disengaging further, leading to a sharp decrease in both their physical and mental health.

The chaotic nature of this client group means that it is difficult to engage with them via traditional routes and means. The need for flexibility is essential. This will often involve outreach being undertaken at unsociable hours of the day and night, and joint operations with the Police and Home Office amongst other agencies.

### **5.2 Reconnections service**

The Reconnections service provides the opportunity for persons not eligible for services to reconnect to their support networks in their country or town of origin. This service is provided to both EEA and UK nationals.

### 5.3 The Vagrancy Act

Section 4 of the Vagrancy Act 1824 deems it an offence to sleep rough in the open air, subject to certain conditions. Its use nationally has diminished significantly as the statute is old and the language and definitions contained within it are outdated. Crown Prosecution Service charging standards are stringent, and police nationally must apply proportionality tests when considering its use. Without significant aggravating factors, this power is unlikely to be used and there are recent examples of it being subject to legal challenge. The power has been repealed in Scotland and subject to review in England and Wales.

Where anybody, including people sleeping rough, breach other laws the police locally will take appropriate action using other legislation. For example, one current rough sleeper is subject to a Criminal Behaviour Order and was arrested for breaching this. Over the Christmas period three separate offences perpetrated by rough sleepers were dealt with by the police - a fight, drunk and disorderly behaviour and public indecency.

## 6. Relevant legislation to deal with Begging

Rough Sleeping in the most visible form of homelessness. In Peterborough persons can often be seen in the city centre with rucksacks, sleeping bags and blankets asking for money or simply with a vessel in front of them. The public perception is that these person are sleeping rough and this is particularly prevalent in the area from Bayard Place to Bridge Street. On most days, between 8-12 persons can be seen within this area. Unfortunately the vast majority of this group are not street homeless but are begging in order to sustain their street based activities and addictions.

Whilst an officer of the Local Authority can ask an individual to move if they refuse there is currently no further power that the officer has available to them. However, we have recently consulted on the introduction of a Public Space Protection Order for the city centre, which, if approved, will give PES officers the powers to enforce against aggressive begging. The PSPO is not designed to tackle or criminalise rough sleeping or to replace other mechanisms in use to engage with vulnerable people, but will assist in cases where begging is intrusive and persistent.

The proposed PSPO also gives officers powers to deal with other forms of ASB including alcohol-related ASB, people urinating or defecating in the street, and people breaching the busking code.

## 7. Details of all known rough sleepers in Peterborough today

Person	Gender	Nationality	Comments
1	Male	British	Sleeping rough in the City Centre Chronic alcoholic Evicted from Severe Weather Emergency Provision Refuses to engage and becomes aggressive
2	Female	British	Sleeping rough in the City Centre Alcoholic Has been evicted from Severe Weather Emergency Provision Have offered New Haven and support to access Private Rented Sector

3	Female	British	Sleeping rough in the City Centre Is in Priority Need Trying to engage with her and encourage her into temporary accommodation Leaving Care – Northants and very vulnerable
4	Female	British	Sleeping rough in the City Centre Only recently started to rough sleep Trying to encourage into services
5	Male	British	Sleeping rough in the City Centre Actively begs Trying to find accommodation – has a dog which he will not allow us to foster temporarily whilst he accesses temporary provision MIND engaging
6	Male	British	Sleeping rough in the City Centre Historic rough sleeper and beggar who was housed in 2013 Only recently returned to the streets on and off after being evicted Started to engage
7	Male	British	Sleeping rough outside the city centre Offered accommodation at the New Haven which he has refused twice Does not come into the City Centre in the day time
8	Male	British	Sleeping rough in the City Centre Chronic alcoholic Fails to attend appointments, fails to use accommodation when provided
9	Male	British	Sleeping rough in the City Centre Walking around asking people for money Refuses offer of a room at the New Haven Refuses to move on in the morning
10	Male	Latvian	Sleeping rough outside the city centre Ready to be removed Offered reconnection
11	Male	Lithuanian	Sleeping rough outside city centre Served IS151a (see below) No ID - offered reconnection
12	Male	Lithuanian	Sleeping rough along the embankment Will be served IS151a Not working however need to determine if any other right to reside Offered reconnection and homeless interview
13	Male	Polish	Sleeping rough in the city centre Served IS151a- ready for removal Reconnection offered Homeless appointment offered to establish eligibility

14	Female	Czech	Sleeping rough around the city centre Not eligible for assistance Cannot currently be removed as 2 children in care. Actively begging
15	Male	Lithuanian	Sleeping rough outside city centre Ready to be removed Offered reconnection
16	Male	Polish	Sleeping rough in the city centre Offered reconnection Alcoholic Ready to be removed

*IS151a - This second stage of paperwork served by the Home Office which notifies the EEA national that they will be removed should they continue to sleep rough and not exercise their treaty rights. Appeal paperwork is also served at this point.*

## 8. Data on volumes of rough sleepers

The table below shows the number of rough sleeper count submissions made to DCLG every year for the past 6 years:

2010	2011	2012	2013	2014	2015	2016
21	17	12	11	17	15	21

In 2014 of the 17 sleeping rough, 5 were female and 3 were EEA nationals  
In 2015 of the 15 sleeping rough, 1 was female and 3 were EEA nationals  
In 2016 of the 21 sleeping rough, 6 were female and 7 were EEA nationals

## 9. Details of services available to support rough sleepers

### 9.1 The New Haven

The New Haven Night Shelter is a direct access hostel on Towler Street, Peterborough managed by Axiom Housing Association. The shelter provides 18 single homeless persons with short stay supported accommodation. Each resident is allocated a support worker to assist them to access support services and establish a pathway plan to permanent accommodation.

This is supported by the private rented sector scheme that enables single persons to access rooms in shared accommodation via an interest free loan from the Housing Needs service. There is also an emergency crash bed for persons found rough sleeping.

### 9.2 Winter Night Shelter / Severe Weather Emergency Provision (SWEP)

There is a humanitarian obligation on local authorities to do all they can to prevent deaths on the streets caused by winter weather. This includes the cold but may also include conditions such as high wind and heavy rain.

There is a need to have adequate provision to prevent rough sleeping at any time of year, however, the winter period often presents greatest risks to people's health. It also provides

increased opportunities to engage with entrenched rough sleepers and other hard-to-reach groups, as they may be more likely to accept support at this time of year.

Cold Weather Provision is provided with the following aims:

- To ensure that no one dies on the streets due to severe weather; and
- To ensure that every effort is made to engage individuals with support services during the winter months.

The cold weather provision operates from November until March. Periods of exceptionally cold weather are measured by three (3) consecutive nights or more when the temperature is below zero (0) degrees. This is monitored by the Housing Needs service and is checked daily on the Met Office website ([www.metoffice.gov.uk](http://www.metoffice.gov.uk)).

When the provision is triggered, the council will contact voluntary and statutory partners by email to advise that SWEP is in place, providing contact details to inform of any rough sleepers. The council's website is updated accordingly with the details of who to contact if a member of the public comes across someone sleeping rough during the severe weather.

Each time the SWEP provision is activated, it will run for a minimum of three (3) nights.

### 9.3 Eligibility for SWEP

The council does not apply Part VII Housing Act 1996 criteria (as amended by the Homelessness Act 2002) that governs access to housing when deciding whether to assist an individual sleeping rough during the period of SWEP. This means that the individual concerned is not required to demonstrate eligibility for assistance (including whether they have recourse to public funds), priority need, intentionality or local connection.

The individual concerned must only:

- Be at risk if they continue to sleep rough during a period of severe weather; or
- Have nowhere to sleep indoors during the course of severe weather.

If a rough sleeper meets the above criteria they will be offered emergency shelter for the duration of cold weather. The shelter usually takes the form of a room within a supported housing project with both sleeping mats and bags.

Many entrenched rough sleepers may be wary of services and less likely to engage. The extreme cold weather increases the risk of death or serious illness to people who sleep rough. Given this, a refusal to accept assistance during such times may be grounds to trigger a referral to other services (such as a mental health assessment). The SWEP is visited on a regular basis by the Rough Sleeper Outreach Officer and/or other members of the Housing Needs service.

While the temperatures in Peterborough currently do not continue to meet the SWEP criteria, we took the decision to open this provision on 20 December and it still remains open. This provision takes the form of a night shelter currently being provided in partnership with Axiom Housing Association.

The **Light Project Peterborough** was established in 2015 providing a Church based Winter Night Shelter for Peterborough utilising the Housing Justice rolling Church model. Working in partnership with Peterborough City Council and Axiom Housing Association the project aims to provide additional beds for rough sleepers during the colder months. For one night each week, 7 Churches from a variety of denominations (2 Anglican, 2 Methodist, 2 Baptist and Salvation Army) each provide an evening meal, bed and breakfast and support their guests to attend Housing Needs and work towards resolving their homelessness. The Winter



Night Shelter opened on 12 December 2016 and will run until 12 March 2017. Since its opening the shelter has provided 35 different guests a bed to sleep in. In 2015/2016 46 guests were provided with this assistance.

#### **9.4 Support available to rough sleepers suffering mental health issues**

Many rough sleepers will have complex needs that include poor mental health, substance misuse and a history of poor engagement with support services. The Rough Sleeper Outreach Officer is able to assist rough sleepers to access mental health services through their GP. This includes registering them with a GP and booking an appointment to be referred into services. Rough sleepers with complex mental health issues can be referred to a specialist service operated by MIND. This service primarily works with adults with mental health problems who in the past have found it difficult to access other support within the city. This service works closely with our Rough Sleeper Outreach Officer to encourage engagement and further enhance access into mental health services.

#### **9.5 The Chronically Excluded Adults Service**

In Peterborough, as in most cities in England, there are many individuals that experience a combination of problems such as homelessness, substance misuse, mental health problems and offending. Their multiple needs and chaotic lives mean that they can also face ineffective contact with services which result in significant costs for them and for wider society. A significant number of this cohort will find themselves rough sleeping.

This project in Peterborough is a partnership between Peterborough City Council and Cambridgeshire County Council. The service is part of the Making Every Adult Matter (MEAM) national network. MEAM is a coalition of charities representing homelessness, Mental Health and Criminal Justice service. The pilot project in Peterborough started on the 14<sup>th</sup> September 2015 and is due to end on 31st July 2017. This is funded through a successful bid to the Department of Communities and Local Government. However, there is currently no further funding available for this service beyond 31st July..

The chart below shows the true person centred approach adopted by the CEA Co-Ordinator, addressing the complex multi-faceted needs of this cohort. The Operational Group meeting has representation from all directly relevant services in Peterborough. This includes CPFT, Police, BeNCH CRC, Housing Needs, the drug and alcohol service (Aspire) and Adult Social Care, and Cambridgeshire CEA also attend to offer support and advice.

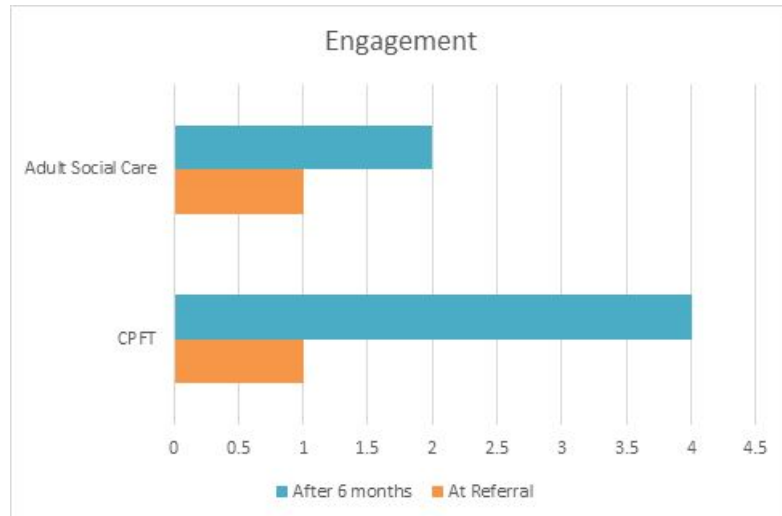
The Operational group discusses new referrals, case concerns and closures as well as monitoring the operational progress of the service and exchanging other relevant information as part of an effective multi-agency approach.



The table below shows the housing status for the 13 clients worked with to date, at the point of referral and at 6 months into the intervention. Those rough sleeping or in insecure or short term accommodation has fallen from 10 to 5. Those in more secure supported or independent accommodation has risen from 2 to 6. One person was in prison at the 6 month stage who CEA continue to work with.



The table below shows changes in engagement rates. Particularly significant is the increase in engagement with mental health services offered by CPFT. Where only one person was engaged at the referral point this has risen to 4 individuals.



## 10. Details of work we undertake where rough sleepers are not engaging

### 10.1 Rough Sleepers refusing to engage

There are a small number of rough sleepers who refuse to engage with services. This cohort may become subject to enforcement actions. Persons found rough sleeping who are from the EEA may be subject to administrative removal if they are not exercising their treaty rights, eligible for services and refusing an offer of reconnection.

### 10.2 Dispelling Myths

*“I can’t claim benefits as I am sleeping rough.”*

If you are entitled to work based benefits you can use the ‘care of’ address facility at Outside Links to make a claim.

*“There’s no help for people like me.”*

We pride ourselves on always making every rough sleeper an offer to leave the streets.

*“The Council can’t help me.”*

We have a dedicated officer to work with rough sleepers to ensure that they can access appropriate accommodation or be reconnected to their support networks.

## 11 Our current process from the point a rough sleeper is reported to us

Referrals are made from an array of sources including, but not limited to:

- Directly from members of the public
- Peterborough City Council’s online referral form
- Streetlink referrals
- Referrals directly from agencies such as Citizens Advice, MIND, Police and Immigration Enforcement

A site visit is conducted at the earliest possible opportunity by the Rough Sleeper Outreach Officer to engage with the rough sleeper.

If the rough sleeper is not there, a note is left stating that they do not need to sleep rough and that they can access support by contacting housing needs. During periods where the

Severe Weather Emergency Provision is activated, the note also explains that they can access that service directly and gives information on how to do so.

If the rough sleeper is there then an assessment is made as to whether they are eligible and in priority need in accordance with the Housing Act (as amended by the Homelessness Act 2002). An assessment is also made on whether they need to be referred to other agencies such as MIND or Aspire.

If they are an EEA national who is not in employment and not deemed eligible according to the Housing Act (as amended by the Homelessness Act 2002) then their details are forwarded to Immigration Enforcement. They are offered reconnection back to their home country. They are then served Minded to Remove notice requiring the rough sleeper to illustrate how they are exercising their treaty rights. If they are deemed not to be exercising their treaty rights then they are then served IS151A paperwork by the Home Office which will ultimately lead to them being administratively removed. If Severe Weather Emergency Provision is activated then they are encouraged to attend.

If they are eligible but would be non priority under the Housing Act (as amended by the Homelessness Act 2002), then the Rough Sleeper Outreach Officer will call the New Haven to see if the crash bed is available. If it is then the rough sleeper will be booked into the room whilst a clear housing pathway is created. This could include getting into supported accommodation, getting the next room at the New Haven or help accessing the Private Rented Sector.

If they are eligible but the crash bed is full then the Rough Sleeper Outreach Officer would encourage them to go to the New Haven to access support in getting into the Private Rented Sector. A referral would be made to the New Haven to request that they are given the next room that becomes available. Numerous visits are conducted both early morning and in the day to reiterate what support can be given to the rough sleeper.

If the rough sleeper does not make contact with services and is not there, then a further site visit is undertaken by the Rough Sleeper Outreach Officer. If a tent or other shelter is in situ a notice is pinned to it advising that it will be removed by a certain date. If the informant advises that the rough sleeper is only there at night then the police are requested to go to the site to make contact.

If no further contact is made, Amey are requested to clear the site if it is on Council land.

## **12 Annual Rough Sleeper Count**

Local authorities are required to submit an annual figure to the Department of Communities and Local Government (DCLG) to indicate the number of people sleeping rough in the local area on a typical night. This figure can be achieved by conducting a count or estimate and enables local authorities to track progress, consider current service provision and new approaches if required.

Local authorities are required to use the '*Count and Estimates Toolkit: Estimates – Evaluating*' the extent of rough sleeping published by Homeless Link.

The definition of rough sleeping is provided by the Department of Communities and Local Government:

*People sleeping, about to bed down (sitting on/in or standing next to their bedding) or actually bedded down in the open air (such as on the streets, in tents, doorways, parks, bus*

*shelters or encampments). People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats, stations, or 'bashes').*

The definition does not include people in hostels or shelters, people in campsites or other sites used for recreational purposes or organised protest, squatters or travellers. It does not include people who were rough sleeping in the area on a previous night or earlier in the evening but who were not there at the time of the count. It does not include people wandering around or empty sleeping sites.

Bedded down is taken to mean either lying down or sleeping. About to bed down includes those who are sitting in/on or near a sleeping bag or other bedding. The intention is to establish that they are or will be rough sleeping on the night of the count.

Research has found that in many areas, people seen drinking in the street or begging (even if they have a blanket or a sleeping bag) are not necessarily sleeping rough and they should not be included unless they are clearly bedded down or about to bed down at the time of the count.

A Lead Officer must be appointed to oversee the process and liaise with Homeless Link's Strategy and Partnership team for support and verification. The Lead Officer is responsible for deciding if a count or estimate will be conducted. An estimate is a single figure to represent the number of people thought to be sleeping rough in the local authority area on a typical night. It is informed by the Rough Sleeper Outreach Officer and partner agencies. A count is a snapshot of the number of rough sleepers in the local authority area on a single night between 1<sup>st</sup> October and 30<sup>th</sup> November. Either a count or an estimate will not record everyone with a history of rough sleeping within the local area but will provide an important snapshot of levels of rough sleeping on a particular night.

The count or estimate must take place between 1<sup>st</sup> October and 30<sup>th</sup> November and be submitted to the Department of Communities and Local Government by 15<sup>th</sup> December each year.

### **13 Rough Sleeper hotspots visited on the last rough sleeper count**

#### City Centre

- Hereward Tower
- Behind Westgate Church
- St Peters Arcade
- The Works doorway
- Behind the Town Hall
- Old Post Office doorway – Cowgate
- Midgate
- Underpass near the train station/PT building
- St John's Church
- Behind the museum
- Bayard Place - behind planters
- Ghost – New Road under porch
  
- Mitchells Sports Club - Fengate
- 85 Mayors Walk – Sugar Square Development – West Town
- Old DVLA site – Lincoln Road
- Potters Way embankment – Fengate

- Boardwalks
- Alma Road
- Bardney, Orton Goldhay
- Bushes at the bottom of Park Lane
- Chestnut community centre – Norman Road
- Orthodontics, Eastfield Road
- Wharf Road - all along to Sugar Way
- Central Park – near to train in children’s play area
- Mellows Close underpass
- Embankment Asda side heading away from town
- Key theatre embankment
- Old Court Mews
- Stanley Rec bushes
- Hampton Nature Reserve

#### **14 The Homelessness Reduction Bill**

The Homelessness Reduction Bill was tabled by Bob Blackman MP and had its first reading on the 29 June 2016. It has since had its second reading and was due to go to Committee stage on the 18 January 2017.

##### **The Bill’s aims**

The main thrust of the Bill is to refocus English local authorities on efforts to prevent homeless. While many authorities already do this, it would become a duty to prevent as opposed to the current duty to assist when homeless. The Bill is seeking to amend Part 7 of the *Housing Act 1996*. Its measures include:

- An extension of the period during which an authority should treat someone as threatened with homelessness from 28 to 56 days.
- Clarification of the action an authority should take when someone applies for assistance having been served with a section 8 or section 21 notice of intention to seek possession from an assured shorthold tenancy.
- A new duty to prevent homelessness for all eligible applicants threatened with homelessness.
- A new duty to relieve homelessness for all eligible homeless applicants.
- A new duty on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless.

More detailed information can be found in the parliamentary briefing paper:

<http://researchbriefings.files.parliament.uk/documents/CBP-7736/CBP-7736.pdf>

##### **Impacts on services**

Should the bill be introduced in its current form there will be a resource impact locally. While we currently offer advice and assistance to all households who are homeless or threatened with homelessness, for those who are not in priority need our duty currently ends after we have given advice on how the applicant can secure accommodation themselves.

The proposed changes would require us to formulate and work through an action plan with each applicant. This action plan would be owned by the advisor and the applicant and if followed effectively should result in the applicant not becoming homeless or being assisted in securing alternative accommodation before they have to leave their current home.

Where successful this would prevent the need for costly emergency accommodation and would have significant benefits in reducing upheaval for families who are faced with homelessness. However, there is a significant shortage of available accommodation both in the social and private sector. For certain households the chances of us securing alternative accommodation prior to a household becoming homeless is slim at best.

The initial version of the bill also included the proposal of placing a duty on all local authorities to provide emergency accommodation to all homeless households while their homelessness was being investigated and alternative accommodation was being secured. That includes households who would currently not be accommodated as they were not considered to be in priority need.

This proposal was not present in the bill's most recent form, but could be reintroduced before receiving Royal Assent.

While the proposals of the bill make perfect sense and no one working in this field would object to what is trying to be achieved, practically this would place a burden on the authority which would be very difficult to meet. The duty to provide temporary accommodation, particularly for single people, would mean an increase in the use of temporary accommodation and we would need to procure suitable accommodation for single people.

There is likelihood that in order to be successful in preventing homelessness we would need to have the ability to offer financial assistance to households in order to reduce arrears. While we offer this currently this would be extended to non priority groups.

This could be offered by way of a loan, similar to the current rent deposit scheme, but this would likely increase bad debt provision unless additional resource was focussed on debt recovery.

## **15 Homelessness Prevention Programme**

### **Prospectus**

The government has released £40m of funding to support local authorities and other agencies to formulate innovative ideas in order to improve homelessness provision for those who need it. The £40m has been split into three separate areas:

- £20 million for local authorities to pilot new initiatives to tackle homelessness in their area
- £10 million for targeted support for those at imminent risk of sleeping rough or those new to the streets

- £10 million in Social Impact Bonds to help long-term rough sleepers with the most complex needs

Trailblazer funding: This will provide £20 million of grant funding across 2016 to 2017, 2017 to 2018 and 2018 to 2019. Local authorities are invited to bid either singularly, or in collaboration. This will give local authorities the resources to ramp up prevention and take new approaches to reduce homelessness, including:

- collaborating with other services to identify at-risk households, and target interventions well before they are threatened with eviction
- helping people earlier than the statutory 28 days when they are threatened with the loss of their home
- offering that help to a wider group of people than just those owed the main homelessness duty
- testing new, innovative approaches to preventing homelessness to help us build our evidence base on what works and test the effects of these approaches in different areas

Rough Sleeping Grant Funding: DCLG are providing up to £10 million to local authorities over 3 years: 2016 to 2017, 2017 to 2018 and 2018 to 2019. Through the £10 million Rough Sleeping Grant Funding we will help those new to the streets, or at imminent risk of sleeping rough, by:

- reducing the flow of new rough sleepers to the street, through more targeted prevention activity aimed at those at imminent risk of sleeping rough - this will build on the No First Night Out pilot being delivered in the tri-borough of Hackney, Tower Hamlets and City of London
- helping new rough sleepers off the street and into independence, through more rapid crisis interventions and support to access and sustain move-on accommodation - this will build on the rollout of the No Second Night Out approach through our Homelessness Transition Fund

Rough Sleeping Social Impact Bond Funding: DCLG are providing up to £10 million of outcomes funding for locally commissioned Social Impact Bonds. Local authorities will be able to bid for an allocation of the funding to use to commission a Social Impact Bond within a geographic area.

This funding will then be paid out on outcomes achieved by named cohorts of individuals, including outcomes around:

- accommodation
- employment and education
- mental health



- substance misuse

Support will be provided for an anticipated 1,500 to 2,000 individuals through 5 to 10 locally commissioned Social Impact Bonds. These individuals will be long-term rough sleepers, or those entrenched within hostels and temporary accommodation, who we know tend to cycle on and off the streets.

### **Details of bids**

Peterborough have been successful with a joint bid in partnership with the other Cambridgeshire authorities under the trailblazer funding category to support the following initiatives:

1. Creation of a homelessness prevention hub, which will allow landlords and other agencies to highlight households at potential risk of homelessness. Referrals would be handled by a multidisciplinary team who would work collaboratively including the client to formulate client specific action plans in order to prevent their homelessness arising. *1 x FTE post to be based in Peterborough*
2. Introduction of a "Town Hall Lettings" initiative. We will work with private sector landlords in taking over the management of their properties. These properties would then be utilised by the council in support of households who are owed a homelessness duty. *1 x FTE post to be based in Peterborough covering Peterborough & Fenland*
3. Creation of a Private landlord liaison service. This would support landlords who were experiencing issues with current tenants and were contemplating taking eviction action. By acting as a mediator the aim of the service would be to resolve the issue in order to prevent the landlord from having to take eviction action.

A decision is to be made on where these posts will be hosted, but they will cover the whole of cambridgeshire.

Peterborough submitted an individual bid under the rough sleeping category to cover the following areas:

1. Expansion of current winter night shelter provision to be available for up to 2 individuals all year round. The aim of this is to prevent new rough sleepers from hitting the streets. This will be provided by Axiom Housing Association, based in one of their current support accommodation projects.
2. An additional resource to support rough sleeper outreach. There has been an increase in rough sleeping locally and more resource to tackle this will result in more outcomes achieved.

3. Tenancy sustainment support for those who have been helped to leave the street to prevent them from failing in their tenancy and becoming homeless again as a result.

The total value of the bid over the 3 years is as follows:

	2016/17	2017/18	2018/19
Support	£0	£7,500	£7,500
Staffing	£0	£119,403	£79,602
Other	£12,765	£7,449	£7,449
Total	£12,765	£134,352	£94,551

Unfortunately we were not successful in this bid for funding.

## 16 Summary of our work on empty homes

The number of long-term empty homes in Peterborough has shown a significant decline over the past 7 years, falling from over 800 in 2009 to 540 in 2016.

When dealing with empty homes and their owners, a voluntary way forward and solution is always preferred. Advice, assistance and incentives reduce the demand on council resources as well as the need to pursue enforcement action at a later date. Whilst in the vast majority of cases this is sufficient, there are occasions where owners cannot be traced or are simply unwilling to enter into voluntary dialogue. It is here where enforcement action needs to be considered. Although considered a last resort, Peterborough City Council has nevertheless been successful in their application of enforcement action in recent years with Enforced Sales, and in particular with Empty Dwelling Management Orders.

The Council has also seen success over the past five years in working with local registered providers and local investors, seeing a number of long-term empty properties returned to use through negotiation and subsequently used as affordable housing to meet local need and demand.

In the past 4 years

- Over 820 empty homes brought back into use with Council intervention
- The Empty Homes portion of the New Homes Bonus allocation has reached £3 million
- Successfully bid for £1.2 million HCA 'Empty Homes Funding Round 1' in partnership with Cross Keys Homes in March 2012. The Empty Homes Partnership was successful in returning 7 long term and problematic properties back to use, with a combined empty period of 36 years
- The Council and Cross Keys Homes were Highly Commended in 2013 for their

delivery of the Empty Homes Partnership

- Worked in partnership with the charity 'Hope Into Action' to secure HCA funding to bring back into use 4 empty homes in the city, now used to support ex-offenders and drug users during rehabilitation. Two houses were purchased in 2012 and a further 2 houses in 2014
- The Council were successful in securing 6 Empty Dwelling Management Orders applications to the Residential Property Tribunal between July 2014 and August 2016, two of which were revoked as they prompted the owner to take voluntary action.
- Building a successful relationship with investors and buyers of empty homes, resulting in the private sales of a number of short and long term empty houses
- Peterborough City Council's Empty Homes Officer Highly Commended in 2013 by the Empty Homes Network, the Country's foremost empty homes practitioner group
- Peterborough City Council's Empty Homes Officer named 'National Empty Homes Practitioner of the Year 2014' by the Empty Homes Network
- Peterborough City Council's Empty Homes Officer provided case and best practice advice to neighbouring authorities and set up the Eastern Region Forum for empty homes practitioners, bringing together expertise and advice sharing opportunities for all empty homes work in the region
- Peterborough City Council's Empty Homes Officer accepted onto the Empty Homes Network Executive Committee resulting in Peterborough playing a part in driving and implementing new policy and practice nationally

Given the shortage of available housing and current housing demand, the Council is introducing discretionary Empty Homes Assistance (up to a maximum of £20,000 depending on what refurbishment works are required) to act as an incentive to owners to put their empty properties forward to be used as accommodation for families in need of housing on the Council's Housing Register. This initiative will contribute to increasing housing supply in the City making more privately owned homes available to the Housing Needs Service.

To be considered for Empty Homes Assistance, the property must have been empty for a minimum of 6 months prior to application and be of the size and type of accommodation in need by families on the Housing Register. Working in a similar way to Empty Dwelling Management Orders, the Empty Homes Officer will assess the property and the potential refurbishment costs in order to determine the lease period which will be a minimum of 5 years. The Council will initially offer Empty Homes Assistance in order to carry out the necessary repairs and refurbishment which will be delivered by the Home Home Improvement Agency.

Empty Homes Assistance will be secured by attaching a legal charge to the property for the duration of the lease agreement from when the works are complete. If the property is disposed of during the lease period, the Council will seek repayment of the Empty Homes Assistance in full.

The property owner must enter into a lease agreement with the Council and a separate management agreement with the preferred management agent who will manage the property throughout the duration of the agreed lease period. The property owner must make the property available for lease to the Council for nomination to applicants in housing need for the duration of the agreed lease period and immediately after any remedial works have been carried out.

The Council will then offer a guaranteed monthly rent (based on the Local Housing Allowance rate) and will recoup the repairs and refurbishment costs from the monthly rent, minus any fees for the management of the property during the lease period. Any remaining monies at the end of the lease period will be paid back directly to the owner. At the end of the lease agreement the property is handed back to the owner in good repair in order to sell or continue renting it out.

## **17 Details of any work done with RSL and VCS partners**

Rough sleeping is a complex issue and cannot be resolved by simply providing accommodation. This cohort have in the past been encouraged to initially engage with services and then offered accommodation. We recognise that this is not realistic for some members of this cohort and therefore created a 'Housing First' bed with Axiom Housing Association. This bed enables a rough sleeper to be taken from the streets into the bed based at Fairview Court. Services are then wrapped around the individual to empower and encourage them into support services and on a pathway to addressing their physical and mental health needs alongside substance misuse.

An important element of the role of the rough sleeper outreach officer is to educate members of the public, partner agencies and faith groups with regard to the services offered to rough sleepers. Training is undertaken to over 300 members of local churches via the Light project on an annual basis and to police, faith based groups, and partner RSL's.

The Housing Needs services have a strong partnership with Axiom Housing Association providing service to single homeless persons. Partner projects also include the emergency crash bed and the Private Rented Sector scheme to support single persons into rooms in shared houses. This project was initially funded through a joint bid and then integrated into the services provided through the Housing Needs service and the New Haven Night Shelter.