



1

UPDATE ON HOMELESSNESS LAW  
JUNE 2018 – JUNE 2019

Liz Davies, Garden Court Chambers

5 JUNE 2019

 GARDEN COURT CHAMBERS

 

@gardencourtlaw

2

## Homelessness Reduction Act 2017

---

- In force for applications for homelessness assistance to local housing authorities in England on or after 3 April 2018;
- Amends Housing Act 1996;
- Statutory instruments:
  - Amended Art 3 Homelessness (Suitability of Accommodation) (England) Order 2012;
  - Homelessness Reduction Act 2017 (Commencement and Transitional and Savings Provisions) Regulations 2018;
  - Homelessness (Review Procedure etc) Regulations 2018;
- Homelessness Code of Guidance for Local Authorities, MHCLG, February 2018, amended June 2018, October 2018, February 2019 and April 2019.

3

## Amendments on eligibility

---

Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 amended by:

- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018;
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No 2) Regulations 2018;
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019.

4

## Homeless statistics: England

---

July – September 2018 and October – December 2018:

- Around 91% of applications result in either prevention or relief duty being owed
- 65% of applicants owed one of those duties were adults without children
- 43% of those were assessed as having support needs
- 2,750 referrals made between 1 October – 31 December 2018 from other public authorities, 18.9% from Jobcentre Plus and 15.6% from National Probation Service
- 1,880 referrals made from public authorities not subject to duty to refer.

5

## Homeless statistics: England

---

Outcome of prevention duty:

- 58% of applicants (17,950) helped to secure accommodation: around one-third helped to stay in existing accommodation and remaining two-thirds helped to find alternative accommodation;
- 0.6% of applicants (200) refused alternative accommodation;
- 17% applicants became homeless and owed the relief duty;
- 0.4% of applicants (120) deliberately and unreasonably refused to co-operate.

6

## Homeless statistics: England

---

### Outcome of relief duty:

- 42% of applicants (12,380) accepted accommodation;
- 1.6% of applicants (360) refused accommodation;
- 33% of applicants had relief duty end after 56 days: not known how many were subsequently owed accommodation duties;
- 0.4% of applicants (120) deliberately and unreasonably refused to co-operate.

7

## Homeless statistics: England

---

### Temporary accommodation December 2018:

- 83,700 households including 124,490 in temporary accommodation, 5% higher than in December 2017 and 74.3% higher than 2010;
- 6,980 households in B&B accommodation;
- 2,460 applicants in B&B had dependent children;
- 810 applicants with dependent children in B&B had been there longer than six weeks.

8

## Homeless statistics: England

---

No data on:

- What happened to applicants who deliberately & unreasonably refused to co-operate;
- What happened to applicants at the end of 56 days;
- How many applicants accommodated under s.190(2) duty to those who had become homeless intentionally;
- How many applicants accommodated under s.193C (deliberately and unreasonably refused to co-operate).

9

## Crisis: *The Homelessness Monitor, England*

---

Personal housing plans ("PHPs") beneficial in assessing how to help individuals.

Statistics:

- 83,700 households accommodated;
- 4,700 rough sleepers
- 3.74 million adults "*concealed homeless*".

10

## Developments in case-law

---

### Applications:

- Capacity: R (Uddin) v Southwark LBC;
- LGSCO Oadby & Wigston Borough Council 4 April 2019.

### Inquiries:

- LGSCO Ealing: failure to notify decision.

11

## Developments in case-law

---

### Duty to secure interim accommodation:

- R (Al-Ali) v Brent LBC;
- LGSCO Ealing: unsuitable B&B accommodation;
- LGSCO Newham failure to secure accommodation;
- LGSCO Newham: failure to secure accommodation;
- LGSCO Cornwall: failure to secure accommodation.

### Decisions:

- R (Sambotin) v Brent LBC.

12

## Developments in case-law

---

### Homeless:

- Lomax v Gosport Borough Council.

### Becoming homeless intentionally:

- Samuels v Birmingham City Council in Supreme Court;
- Oduneye v Brent LBC: rent arrears;
- Radbourne v Peterborough County Council: causation;
- Godson v Enfield LBC: refusal of offer.



GARDEN COURT CHAMBERS

@gardencourtlaw

13

## Developments in case-law

---

### Suitable accommodation s.193(2) HA 1996:

- A v Lewisham LBC: school journeys, best interest of child;
- Kannan v Newham LBC: physical attributes & PSED;
- Alibkhiat v Brent LBC: out of borough placements;
- LGSCO Brighton & Hove Council: remaining in unsuitable accommodation;
- LGSCO Basingstoke & Deane District Council: failing to make decision about unsuitable accommodation.



GARDEN COURT CHAMBERS

@gardencourtlaw

14

## Developments in case-law

---

### Reviews & appeals:

- Kamara v Southwark LBC: no need to elaborate on Reg 8(2) (now Reg 7(2)) information;
- R (B) v Redbridge LBC: no right to 2 reviews of same decision;
- Adesotu v Lewisham LBC (forthcoming): can direct or indirect discrimination be raised within s.204 appeal?
- Tower Hamlets LBC v Al Ahmed: waiting for legal aid not good reason for delay.

15

# Thank you

020 7993 7600    lizd@gclaw.co.uk    @lizdgclaw

16