

Agenda item no. 5 - Questions from members of the public

| Question Number | Questioner | Question | Question to |
|-----------------|---------------------------|--|-------------------|
| PQ 1 | Mr Smart, Hereford | <p>Will the Council agree to audit all Housing Solutions cases in order to identify families who have spent more than 6 weeks in unlawful, unsuitable bed and breakfast temporary accommodation at the Bay Horse and/or other premises and offer them the necessary compensation as identified in the following LGSCO case where £13,580 in compensation was paid out by Herefordshire Council:</p> <p>https://www.lgo.org.uk/decisions/housing/homelessness/23-014-021</p> | Cllr Gandy |

Response:

The Housing Solutions Team is very aware of the government guidance set out in the Homelessness Code of Guidance for Local Authorities with regard to the placing of families in B&B/hotel accommodation. The guidance states that B&B/hotel accommodation should only be used for the accommodating of families with dependent children as a last resort and where this is the case it should not carry on for more than 6 weeks.

Unfortunately we do have families that spend longer than 6 weeks in this form of accommodation, the current situation has arisen due to the very large number of applications we have been receiving from households who are homeless and seeking housing assistance from Herefordshire Council. All the self-contained units that the council has been able to procure for the use of households to whom it has an accommodation duty, under homelessness law, are in use and we continue to seek to secure additional units to meet the increasing demand.

In the meantime we have individualised plans in place to move households on from B&B/hotel accommodation into self-contained temporary accommodation. The Temporary Accommodation Officers work closely with the applicant and the applicant's Housing Solutions Officers to support the search for longer term settled accommodation to end homelessness as well as more suitable self-contained temporary accommodation.

The Ombudsman judgement that Mr Smart refers to is one where a large family had to be moved out of their temporary accommodation due to major repairs being required to their self-contained temporary accommodation. The Ombudsman recognises that the council repeatedly sought alternative suitable temporary accommodation for the household but due to their particular circumstances was unable to secure such accommodation and as a result had no other alternative but to place the family in B&B/hotel accommodation until alternative self-contained temporary accommodation could be secured.

The circumstances of the case were quite unique and do not align with the current families we are accommodating in B&B/hotel accommodation until we can secure alternative suitable accommodation. Where a household is owed a duty under S193 of the Housing Act 1996 (Part VII) the applicant

can challenge the suitability of the temporary accommodation provided to meet that duty. The applicant can request a review under S202 of the Housing Act 1996 (Part VII) and we would advise such households who wish to challenge suitability to use this process.

Supplementary question:

Sadly, the response from the Officers has not answered my question about an audit and automatic compensation for the unlawful overstay in unsuitable accommodation.

The officers have instead tried blame “Very large” number of homeless households making homelessness applications for their unlawful stay in unsuitable temporary accommodation.

Blaming innocent households for their unlawful treatment is not acceptable under the council’s constitution and could even be considered evidence of misconduct in a public office.

With this in mind will all the Councillors present today agree to act in accordance with section 2.2.13 (c) and (d) of the Council Constitution and act to:

2.2.13 All councillors must:

(c) represent, and speak up for their communities

(d) deal with individual casework and speak up for citizens

Will the Councillors also agree to undertake some free training on Housing Law (Homelessness Best Practice CIC offers free training for Councillors) so that they can better challenge the unlawful practices being done in their name by Council Officers and the Legal Department.

https://www.eventbrite.co.uk/o/homelessness-best-practice-cic-46993184633?fbclid=IwY2xjawldoe1leHRuA2FibQixMQABHV8Xv_mbsgF6AVtO9uabKX910mM4sq4tVLFiWciXxfJOflg2kHfN7X8XMg_aem_CZUI4G6DYjm7kBZgGpKlKg

Supplementary response:

All Herefordshire Council councillors pledge to fulfil the duties of office when they begin their terms of office as members of Council. There is no requirement to reiterate this oath during their term of office.

The Health, Care and Wellbeing Scrutiny Committee meets regularly to determine both its work programme and the training it requires to discharge its duties. It considers all suggestions for training presented to it, and will include your suggestion as part of its considerations.