



TRAFFORD  
COUNCIL

# Trafford Council

## Allocation of Temporary Accommodation Policy

Last updated: January 2025

## 1. Background

- 1.1 This Policy sets out how Trafford Council will meet its responsibilities to provide temporary accommodation to people who are homeless or threatened with homelessness.
- 1.2 This Policy will ensure that Trafford Council procures sufficient units of temporary accommodation to meet the anticipated demand annually.
- 1.3 This Policy has been produced having had regard to Trafford Council's Homelessness Strategy 2019-2024.
- 1.4 This Policy has been jointly developed with the following local authorities:
  - Bolton Metropolitan Borough Council
  - Bury Metropolitan Borough Council
  - Manchester City Council
  - Oldham Metropolitan Borough Council
  - Rochdale Metropolitan Borough Council
  - Salford City Council
  - Stockport Metropolitan Borough Council
  - Tameside Metropolitan Borough Council
  - Wigan Metropolitan Borough Council

## 2. Legislative Context

- 2.1 This policy has been drafted with due regard to the following legislation and statutory guidance:
  - Housing Act 1996, Part 7 (as amended)
  - Homelessness Reduction Act 2017 (as amended)
  - Localism Act 2011 (England) Order 2012
  - Domestic Abuse Act 2021
  - Homelessness (Suitability of Accommodation) (England) Order 2012
  - Homelessness (Suitability of Accommodation) (England) (Amendment) Order 2023
  - Homelessness Code of Guidance for Local Authorities
  - Supplementary Guidance on Changes in Localism Act 2011 and Homelessness (Suitability of Accommodation) (England) Order 2012 (2012)
  - Supplementary Guidance on Domestic Abuse and Homelessness (2014)
- 2.2 This Policy has been drafted with due consideration to the judgment handed down by the Supreme Court in the case of *Nzolamesso v Westminster City Council* April 2015.
- 2.3 This Policy has been drafted with due consideration to the advice published in 2013 by the Local Government Ombudsman contained within the report '*No Place Like Home: Council's use of unsuitable bed and breakfast accommodation for homeless families and young people*'.
- 2.4 This Policy covers the procurement of temporary accommodation by Trafford Council to perform duties under the Housing Act 1996, Part 7:
  - I. Section 188 – provision of interim accommodation provided to applicants where there is a reason to believe they are homeless, eligible and in priority need pending the conclusion of enquiries

- II. Section 190(2) – provision of accommodation provided for a reasonable period to applicants who are intentional homeless but in priority need to allow a reasonable period of time to identify alternative accommodation
  - III. Section 193 – provision of accommodation to applicants owed the relief duty or subsequent main housing duty and until this duty is brought to an end.
- 2.5 This Policy also extends to the procurement of temporary accommodation by Trafford Council to enact any temporary accommodation powers available to the local authority under Housing Act 1996, Part 7.
- 2.6 For the purpose of the Policy, the act of procuring temporary accommodation is defined as obtaining dwellings by way of purchase, and/or payment for use and/or lease for the purpose of fulfilling statutory accommodation duties and/or enacting discretionary powers towards homeless applicant households. This definition extends to the same acts undertaken by third parties, which may include other public bodies or private companies.

### **3. Allocation of Temporary Accommodation**

- 3.1 In allocating temporary accommodation, Trafford Council will treat each case on an individual basis and will endeavour to allocate temporary accommodation considered to be the most suitable for the applicant together with anyone who resides or might reasonably be expected to reside with them, based upon the availability of accommodation within Trafford Council's temporary accommodation portfolio.
- 3.2 A separate policy deals with the procurement of dwellings for Trafford Council's temporary accommodation portfolio.
- 3.3 Pets will not be allowed, unless prior agreement is provided due to exceptional circumstances. Applicant households will be sign-posted to temporary re-homing agencies, and/or will be supported to re-home any pets prior to occupation of temporary accommodation where appropriate.

### **4. Principals and Objectives**

- 4.1 Within the constraints of the local housing market, Trafford Council's overall aim is to move residents of temporary accommodation on to permanent accommodation as quickly as possible whilst also ensuring that this is only done at a time when the household is able to sustain permanent accommodation.
- 4.2 Trafford Council also aims to:
- Prevent homelessness
  - Minimise the risk of homelessness recurring
  - Not place applicants in temporary accommodation unnecessarily
  - Minimise time spent in temporary accommodation
  - Avoid moves between different dwellings of temporary accommodation, particularly for households with children (unless the move is in the best interests of the family)
- 4.3 Principles**
- 4.3.1 Trafford Council seeks to:
1. Ensure its temporary accommodation policy and procedures reflect the legal framework, comply with statutory guidance, and other relevant guidance, case law and good practice.
  2. Be consistent in the application of the policy

3. Comply with the Equality Act 2010, which covers eight protected characteristics - age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation - and will not discriminate against service users.
4. Comply with duties arising from Children Act 2004 section 11
5. Have a policy that is capable of responding to a wide range of complex individual needs and circumstances.

#### **4.4 Objectives**

##### **4.3.2** Trafford Council seeks to:

1. To provide good quality temporary accommodation.
2. To enable applicants to have a home of their own which meets their needs and enables them to live independently.
3. To provide for the particular needs of applicants and their families, especially applicants of a young age and persons who currently find it difficult to access or sustain any form of accommodation – such as people with problematic alcohol or drug use, people with mental health problems and people with challenging behaviour.
4. To ensure applicants have the information and support required while in temporary accommodation.

#### **4.5 Standards**

##### **4.5.1** Trafford Council will:

1. Be sensitive to applicants' individual needs and circumstances, and ensure people are treated with dignity and respect.
2. Work effectively and jointly with other services provided by Trafford Council and other public bodies or private and third sector organisations.
3. Provide opportunities for applicants to have their views heard and taken into account.
4. Follow Customer Service Standards and any specific Homelessness Charter that might have been adopted.
5. Satisfy any public sector equality duty owed under Equality Act 2010.
6. Satisfy any safeguarding or welfare duty owed under Children Act 2004.

#### **4.6 Physical Standards**

##### **4.6.1** All temporary accommodation will:

1. Meet the physical or sensory disability requirements of applicants and any member of their household.
2. Comply with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
3. Provide units that are secure with individual locks, so people feel they and their belongings are safe. The occupancy / tenancy agreement will include an agreed minimum amount of notice a landlord must give before accessing a person's property and under what circumstances they would give such notice. This will be at least 24 hours.
4. Have sufficient bedroom space to meet the needs of the household as far as possible.
5. Have adequate communal living space, which includes, for example, space for children to play or do homework.
6. Have adequate bathroom / toilet facilities for a household.
7. Have access to laundry facilities on-site or nearby.
8. Have a suitable standard of furniture to meet the families' needs.

9. Have a minimum standard of cleanliness and decoration.
  10. Have sufficient and affordable heating systems at an acceptable efficiency rating.
  11. Be accessible 24 hours a day.
- 4.6.2 Shared housing for 3 or more unrelated people will have a Housing in Multiple Occupation (HMO) license. This license will be displayed on the premises.

## 5. Allocation Principals

### 5.1 Suitability

- 5.1.1 In allocating temporary accommodation Trafford Council will consider the applicant and his or her household's particular needs. In ensuring that the accommodation is suitable, Trafford Council will consider the needs of the applicant together with any other person who is part of the applicant's family who normally resides with him or her, and anyone else who might reasonably be expected to reside with him or her.
- 5.1.2 Trafford Council will determine who resides or might reasonably be expected to reside with an applicant, based on the facts available on the date temporary accommodation is offered.
- 5.1.3 Following an allocation of temporary accommodation, should new facts emerge about anyone residing with or anyone reasonably be expected to reside with an applicant, a decision will be made as whether alternative temporary accommodation is required.
- 5.1.4 At all times Trafford Council will ensure temporary accommodation provided to applicants is suitable.

### 5.2 Location

- 5.2.1 Wherever possible, households will be allocated temporary accommodation that is in a reasonable proximity to the area from which they became homeless (providing it is safe to do so). Trafford Council will endeavour to ensure that children are able to continue to access their current school and, where this is not possible, will provide advice and assistance in arranging a transfer to an alternative school. Trafford Council will also endeavour to ensure that working households are still able to access their employment. On occasions this may result in the nearest unit of temporary accommodation being obtained in a neighbouring local authority district.
- 5.2.2 All temporary accommodation provided is located so that the main services used by a household can be reached by foot or by public transport. Services include supermarket or convenience store, doctors, dentists, schools or other health providers, advice agencies (where applicable).
- 5.2.3 The location of the property will take into account the needs the applicant and all household members in terms of reasonable access to place of employment and formal or informal support networks and, for applicants with children, easy access to schools or nursery.
- 5.2.4 The location of the allocated accommodation takes into account the social and economic needs of the household. These factors will be equally weighted alongside other

matters and will not be the primary or overruling issues used to determine the suitability of accommodation to be allocated.

- 5.2.5 Cultural or religious needs will be identified and where possible will be met through the location of accommodation. These factors will be equally weighted alongside other matters and will not be the primary or overruling issues to determine the suitability of accommodation to be allocated.
- 5.2.6 While Trafford Council will consider areas of preference expressed by the applicant when allocating temporary accommodation, it will not always be possible to meet such requests due to only a limited number of temporary accommodation units being available at any one time. The limited availability of properties in rural locations might mean, on some occasions, that temporary accommodation is provided in a nearby town instead.
- 5.2.7 Where an applicant must be placed away from their existing networks due to availability of temporary accommodation, Trafford Council may be able to assist them in moving to a more ideally located unit of temporary accommodation should it become available.
- 5.2.8 Trafford Council will take into consideration the risk of the applicant in suffering harassment or violence, and any vulnerability of the applicant together with their household, if placed in certain geographic areas when considering suitability.
- 5.2.9 When allocating temporary accommodation Trafford Council will take the following into consideration:
  - 1. The significance of disruption to employment; account will be taken of their need to reach their normal workplace from the accommodation secured.
  - 2. The significance of disruption to caring responsibilities; account will be taken of the type and importance of the care applicants provide, or they or usual household member might receive, and the likely impact the withdrawal would cause.
  - 3. Medical facilities and other support currently provided for the applicant and their household. Trafford Council will consider the potential impact on the health and wellbeing of an applicant, or any person reasonably expected to reside with them, were such support removed or medical facilities were no longer accessible. Trafford Council will also consider whether similar facilities are accessible and available near the accommodation being offered and whether there would be any specific difficulties in the applicant or person residing with them using those essential facilities, compared to the support they are currently receiving.

### **5.3 Children**

- 5.3.1 Where Trafford Council is under a duty to provide emergency accommodation to children and families with children, the Council will seek to discharge its duty in a manner which promotes and safeguards the welfare of those children, in compliance with section 11(2) of the Children Act 2004.
- 5.3.2 Promoting and safeguarding the welfare of children includes having regard to and making arrangements which are consistent with promoting their physical, psychological, social, educational, and economic welfare.

## **5.4 Out of Area Placements**

- 5.4.1 Trafford Council will endeavour to place all applicants into temporary accommodation within Trafford local authority area. However, in exceptional cases, either for an applicant's own safety, or where no units of temporary accommodation or Bed & Breakfast can be sourced within Trafford local authority area, out of area placements may be necessary.
- 5.4.2 Before an out of area placement is made Trafford Council will assess how practicable it would be for the applicant and their household to move out of the area. This will include whether school places would be available in the area and specialist support where required.
- 5.4.3 If out of local authority area placements are necessary Trafford Council will ensure that the placement is as close to the local authority area as possible and will endeavour to move the applicant together with their household back into Trafford local authority area as soon as is practically possible.
- 5.4.4 Where an applicant is placed out of the local authority area Trafford Council will notify the local housing authority in whose local authority area the accommodation is situated.
- 5.4.5 A notice issued to a housing authority outside of the Trafford area will state:
1. the name of the applicant
  2. the number and description of other persons who normally reside with them as a member of their family or might reasonably be expected to reside with them,
  3. the address of the accommodation,
  4. the date on which the accommodation was made available to them, and
  5. which function Trafford Council was discharging in securing that the accommodation is available for his occupation.
- 5.4.6 The notice will be in writing and will be given before the end of the period of 14 days beginning with the day on which the accommodation was made available to the applicant.

## **5.5 Domestic Abuse & Harassment**

- 5.5.1 In cases where homelessness is due to domestic abuse and the applicant is not able to stay in their current home, Trafford Council may need to consider the need for alternative accommodation whose location can be kept confidential, which has appropriate security measures and appropriately trained staff to protect the occupants.
- 5.5.2 For applicants who have suffered domestic violence who are accommodated in an emergency in hostels or bed and breakfast accommodation, the accommodation should be where possible gender specific as well as have appropriate security measures.
- 5.5.3 In cases where homelessness is due to domestic abuse or other actual violence or threats of violence it may be in the best interests of the applicant to place them in temporary accommodation outside of the Trafford local authority area. This will be agreed with the applicant and any other professionals (i.e. Police or domestic abuse advocates including appropriate MARAC processes for assessment of risk) and a safe location will be identified.

## **5.6 Type of Temporary Accommodation**

- 5.6.1 In allocating temporary accommodation Trafford Council will consider the needs of the applicant together with their household. In particular, it will take into account any physical or mental health needs in identifying any special requirements to the property, and access to specialist services essential to the wellbeing of the applicant and their household, including:
1. Level access
  2. Adaptations to kitchens & bathrooms
  3. Layout of the accommodation, including any internal stairs
  4. Access to the accommodation
  5. Location of the accommodation in relation to access to essential health or support services
  6. Issues that may exacerbate any issues relating physical or mental health or old age

## **5.7 Size of Accommodation**

- 5.7.1 Trafford Council will ensure when allocating temporary accommodation that it is of an appropriate size for the applicant and their household.
- 5.7.2 A calculation using both the bedroom and space standard tests will be used to inform the overall number of rooms required for each applicant household.
- 5.7.3 When making this decision Trafford Council will consider any general shortage of accommodation available to Trafford Council and the nature of accommodation available.
- 5.7.4 Due to the emergency nature of temporary accommodation placements, and the fact that only a limited number of properties will be available at any given time, living rooms and dining rooms may need to be used as bedrooms. Where households are placed in accommodation that is smaller than their bedroom need, support and practical assistance (i.e. bunk beds) will be provided until they can be moved to a larger unit of temporary accommodation.
- 5.7.5 Where possible, households will not be placed into accommodation of such a size that it would result in statutory overcrowding.

## **5.8 Physical Condition of the Property**

- 5.8.1 Trafford Council will ensure that all its temporary accommodation is of a good standard and complies with relevant housing quality standards including health and safety, hygiene, and fire legislation and regulations.

## **5.9 Bed and Breakfast**

- 5.9.1 Through effective management of the temporary accommodation at Trafford Council's disposal, the use of Bed and Breakfast will be minimised.
- 5.9.2 Where Bed & Breakfast accommodation is used it will only be done so in an emergency, where no other suitable accommodation is available. As soon as alternative accommodation is made available the applicant will be moved.
- 5.9.3 Where possible, households with dependent children and/or a pregnant woman will not be placed in Bed & Breakfast accommodation except in an emergency. In situations

where they are placed in Bed & Breakfast, this will be for no longer than 6 weeks wherever possible.

5.9.4 If Bed and Breakfast accommodation is used, it will be for as short a time as possible.

## **5.10 Cost**

5.10.1 Trafford Council will ensure that temporary accommodation is affordable.

5.10.2 Trafford Council will consider each household's income and reach a conclusion as to what will be affordable, based on any savings the household might have, plus income received from employment and any benefits they may be entitled to claim.

5.10.3 Trafford Council accepts that accommodation may not be suitable if the applicant's net income, after payment of housing costs, would be significantly less than subsistence benefit levels (e.g. significantly exceeds the Overall Benefit Cap for claimants in receipt of Universal Credit), and where this may be the case, the Council may seek to minimise the applicant's liability to the rent payable and/or cover any associated costs in excess of what may be considered reasonable.

5.10.4 Where possible, applicants who are in low paid employment may not be placed in accommodation where they could only meet the housing costs by resorting to cease to work and instead claim benefits. The Council will support all working households to maximise access to benefits and minimise the applicant's liability to the rent payable and/or cover any associated costs in excess of what may be considered reasonable.

5.10.5 Applicants will be advised of the costs associated with temporary accommodation including eligible and ineligible costs.

## **5.11 Change of circumstances**

5.11.1 Any change of circumstances that affects an applicant's needs in relation to temporary accommodation will be considered on a case-by-case basis. An assessment of what is reasonable with regard to guidance will be made.

5.11.2 Trafford Council's duty is to the applicant and the provision of temporary accommodation to meet their needs. However, Trafford Council recognise that due to the length of time applicants spend in temporary accommodation, their circumstances may change to the extent that alternative temporary accommodation is needed.

5.11.3 Changes in circumstances that make the temporary accommodation unsuitable will be given priority for a move to alternative temporary accommodation.

## **5.12 Management Standards**

5.12.1 Trafford council will ensure:

1. A written occupancy agreement will be provided and explained to the household.
2. Repairs procedures will be provided to the household.
3. Notice periods comply with the law and good practice.
4. When households move in or are relocated, there is minimum disruption to the household.

## **5.13 Offers and Refusals**

5.13.1 An applicant will receive one reasonable offer of temporary accommodation. Trafford Council considers a reasonable offer of accommodation to be accommodation that

meets the applicant household's needs, based on the information held in relation to the applicant's homeless application at the time of allocation.

- 5.13.2 Applicants will be notified of their rights and timescales to seek a review or appeal any decision made about the suitability of temporary accommodation offered or provided. Applicants will be informed where they obtain assistance to take this action and how to go about requesting a review or appeal.

#### **5.14 Length of stay in temporary accommodation**

- 5.14.1 Where there is an interim duty to accommodate (as per the Housing Act 1996 Part 7 Section 188), applicants will be provided with temporary accommodation until:

1. The investigation into their homeless application is complete; or
2. The outcome of any review is known; or
3. Any penalty or sanction against the applicant resulting from the household being found to be in breach of their occupation agreement; or
4. Action is taken against an applicant who fraudulently gained temporary accommodation.

- 5.14.2 Where there is a temporary duty to accommodate following a decision of intentional homeless but in priority need (as per Housing Act 1996 Part 7 Section 190) applicants will be provided with temporary accommodation until a reasonable period of time has elapsed that will allow them to secure their own accommodation (taking account of the local housing conditions e.g. the availability of alternative accommodation and the personal circumstances of the applicant, which may affect their ability to secure accommodation).

- 5.14.3 Where the relief duty applies (as per Housing Act 1996 Part 7 Section 189 (as amended)) and/or subsequent main duty to secure accommodation (as per Housing Act 1996 Part 7 Section 193(2)) applicants will be provided with temporary accommodation until:

- a) they cease to be eligible for assistance; or
- b) they become homeless intentionally from the accommodation provided; or
- c) they otherwise voluntarily cease to occupy the accommodation provided as their only and principal home; or
- d) they accept an offer of accommodation under Housing Act 1996 Part 6 (allocation of housing accommodation); or
- e) they accept an offer of an assured tenancy; or
- f) they accept an offer of suitable private rented sector accommodation; or
- g) they refuse a final offer of suitable accommodation under Housing Act 1996 Part 6 (allocation of housing accommodation) where they have been informed of the possible consequences of refusal and of their right to request a review of the suitability of the accommodation; or
- h) they refuse an offer of suitable private rented sector accommodation where they have been informed of the possible consequences of refusal and been notified that they have discharged their duty.

#### **5.15 Request for change of temporary accommodation**

- 5.15.1 If the temporary accommodation available does not meet the needs of the applicant, this will be assessed by an appropriate homelessness / housing options / temporary accommodation Manager or Team Leader.

- 5.15.2 A limited number of temporary properties become available at any one time. For this reason, the applicant will be advised that it may not be possible to meet their preferences

in relation to temporary accommodation and, whilst any preferences will be considered, there are no guarantees.

- 5.15.3 Any decision to prioritise an applicant already in temporary accommodation for a move to alternative temporary accommodation will take into account any special social, medical, employment, family, or other issues.
- 5.15.4 If temporary accommodation becomes available, requests for changes will be verified. If the accommodation will meet the needs of an applicant who has requested a change, this move should be considered. The move can only take place if it will not place an undue strain on remaining resources. The move should not take place if it will result in the need for another temporary accommodation unit being set up and/or additional / excess costs being incurred.

## **6. Allocation Principals**

- 6.1 If an applicant refuses an offer of temporary accommodation any of the following duties may come to an end:
- a) section 188 interim accommodation duty.
  - b) section 190(2) duty to accommodate for reasonable period.
  - c) section 193(2) main housing duty.
- 6.2 The applicant will be notified in writing of the possible consequences of refusal and advised of their right to request a review of the suitability of the accommodation.
- 6.3 Applicants will be encouraged to accept the offer of temporary accommodation and request a review of the suitability if they consider it to be inappropriate. On this basis, if their review request is unsuccessful, they can continue to occupy the accommodation.
- 6.4 If the accommodation is refused and, upon review, Trafford Council is satisfied that the accommodation is suitable Trafford Council will notify the applicant in writing that they are no longer subject the section 193(2) duty. No further offer of temporary accommodation will be made available.

## **7. Review of Policy**

- 7.1 Trafford Council will review this policy on an annual basis, or when new legislation is enacted, to ensure that its provision of temporary accommodation continues to meet the current demand and anticipated demand.

**END**