

## STATUTORY DUTIES, OBLIGATIONS AND SERVICES

## APPENDIX C

Year	Document Name	Summary of Duty	Service affected
1970	Sick and Disabled Person's Act	To have due regard to special needs of sick and disabled when reviewing housing needs	All services
1973	Land Compensation Act	To rehouse occupiers affected by CPOs & housing orders	All services
1976	Rent (Agriculture Act)	To consider applications from occupiers of dwellings required to house agricultural workers	All services
1985	Housing Act	Periodically review the housing needs of the area	Housing Strategy
1989	Children Act Part 3	Duty to co-operate - LHAs must work with and support Children's Services when assessing the needs of children and young people	Homelessness
1996	Housing Act – Part 6	Power to allocate accommodation Specifies who can be housed Duty to provide free advice on applying for housing Requirement to have an Allocations Scheme Specifies who an LHA has a duty to regarding housing ( Allocation of Accommodation: Code of Guidance for Local Housing Authorities (2002))	Allocations Policy Choice Based Lettings Housing Register
1996	Housing Act – Part 7	Key legislation on homelessness duty. Requires LHAs to investigate applicants who are homeless or threatened with homelessness; specifies who the LHA has a duty to and who should be temporarily housed; gives duty to ensure that free advice and information about homelessness is available. 'priority need' groups include <ul style="list-style-type: none"> <li>• A pregnant woman</li> <li>• Dependent children</li> <li>• Someone vulnerable as a result of old age, mental illness or handicap or physical disability</li> <li>• Someone homeless or threatened with homelessness as the result of an emergency such as flood, fire or other disaster</li> </ul>	Homelessness
1998	Human Rights Act 1998	States it is unlawful for public body to act in contravention of articles – inc article 8 – right to respect for private and family life; home...	All services
2002	Homelessness Act	Requirement to publish a Homeless Strategy based on a review of homelessness and repeat review every 5 years. Review to include :-current and future levels of homelessness; prevention work; obtaining accommodation and provision of support. Requirement to work jointly with others.	Homeless Prevention Strategy
2002	Homelessness (Priority Need for Accommodation) (England) Order	Details further categories of people identified as being in priority need to add to those specified in Housing Act 1996 Part 7; <ul style="list-style-type: none"> <li>• aged 16 or 17</li> <li>• aged 18 to 20 who were previously in care</li> <li>• vulnerable as a result of time spent in care, in custody, or in HM Forces</li> </ul>	Homelessness

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		<ul style="list-style-type: none"> <li>vulnerable as a result of having to flee their home because of violence or the threat of violence.</li> </ul>	
2003	Homelessness (Suitability of Accommodation) (England) Order	Prevents LHAs from housing homeless families in Bed and Breakfast for more than 6 weeks.	Homelessness
2004	Housing Act	Requirement to review housing conditions in area Duty to have due regard to the needs of gypsies and travellers	Housing Strategy Homelessness
2004	Children Act	Requirement to have regard to the need to safeguard and promote the welfare of children	All services
Sept 2005	Tackling Homelessness Amongst Ethnic Minority Households published by ODPM	Need to ensure that homelessness strategies and homelessness services pay particular attention to the needs of the ethnic minority communities	Homelessness Prevention Strategy
2006	(Stat guidance) Homelessness Code of Guidance for Local Authorities	Supports the Housing Act 1996 Part 7 and Homelessness Act 2002 and also contains obligations to:- Advice should be comprehensive in its coverage . It should focus on preventing homelessness (and repeat homelessness) amongst those groups most at risk. Ensure sufficient supply of accommodation Provision of 24 hour emergency service cover Timescales for processing – namely initial interview within 24 hrs and completion of inquiries and applicant notified within 33 working days.	Homelessness Homelessness Prevention Strategy
2007	R (Aweys & Others) v Birmingham City Council	Ruled that homeless prevention measures could not lawfully be used to defer an application	Homelessness
2010	Equalities Act	Duty to eliminate discrimination, harassment, victimisation, increase equality of opportunity (including making access to services fair for all) and foster good relations.	All services
Apr 2010	Guidance on provision of accommodation for 16/17 yr olds issued Apr 2010 by DCSF	Gives guidance on LHAs obligations under Children Act 1989 and Part 7 of Hsg Act 1996	Homelessness
2010	Hanton-Rhoulla v Westminster City Council	Ruled that a council who dismissed a homeless application as the applicant had accepted a 12 month tenancy in the private sector whilst her application was reviewed acted appropriately	Homelessness
2011	Localism Act 2011 PART 7	Amends HSG Act 96 with regard to:- definition of eligible people; right to information. Specifies criteria of Allocation Scheme and requires LHAs to produce Tenancy Strategies	Allocations Policy Tenancy Strategy
Nov 2014	DCLG Supplementary guidance on Domestic Abuse and Homelessness	Outlines need to have a Domestic Abuse Policy and recommends the use of security to prevent homelessness and a multi-agency approach to addressing DA.	Homelessness
2015	Nzolameso v City of Westminster	LHAs must provide evidence of a search for accommodation within their home district for homeless households.	Homelessness

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		Must have a policy on the procurement of temporary accommodation approved by Members	
2015	Hotak & Others v London Borough of Southwark and another	Ruled that when assessing a potential homeless applicant for vulnerability, the authority cannot rely on an existing support network to uphold a finding that a person is not vulnerable should they become homeless. The support network cannot be considered to be in place should the person become homeless	Homelessness

### KEY

LEGISLATION	GUIDANCE	CASE LAW
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