

Appendix A

Homelessness advice - Shelter England

Local authority main housing duty

The main housing duty owed by a local authority to someone who is homeless, eligible, has a priority need and is not intentionally homeless.

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This content applies to **England**

When the main duty applies

The main housing duty is a duty to provide temporary accommodation until such time as the duty is ended, either by an offer of settled accommodation or for another specified reason.

A local authority will owe an applicant the main housing duty when the [duty to relieve homelessness](#) has ended, and they are satisfied the applicant is:[1]

homeless and eligible for assistance

in priority need

not intentionally homeless

The duty is owed by the authority to which the application was made unless the authority makes a local connection referral.[2] Find out more about [local connection referrals](#) on Shelter Legal.

When the main duty does not apply

The main duty does not apply where an applicant applied to the local authority on or after 3 April 2018 and has:[3]

turned down a suitable final accommodation or final Part 6 offer made by the authority in pursuance of its duty to relieve homelessness, or

been served a notice of 'deliberate and unreasonable refusal to cooperate' with a step in their personalised housing plan. In this case, the authority must ensure that accommodation is available to the applicant until such time as either a final accommodation offer or a final Part 6 offer of suitable accommodation is made, or the duty comes to an end in another way.[4] This provides an unintentionally homeless applicant who is in priority need with a 'safety net'

What the local authority must do under the main duty

The main housing duty can be carried out or 'discharged' with an offer of either temporary or permanent accommodation.

Most homeless applicants owed the main duty will be placed in temporary accommodation initially. The local authority may require the applicant to move from one temporary accommodation to another before a permanent offer is made.[5]

Any accommodation secured under the main duty must be suitable. [6] The main housing duty is ongoing, so if one temporary accommodation ends, the authority is under a duty to find the applicant somewhere else to stay on a temporary basis until the duty can be lawfully brought to an end.

Any accommodation must be sufficient to accommodate the applicant and anyone who normally resides, or might reasonably be expected to reside, with them.[7] Normally this duty is met by the provision of a single unit of accommodation, but it could be met by the provision of two separate units of accommodation (such as two adjoining flats or two separate rooms in a hostel, whether self-contained or not), if they are located to enable the family to live together in practical terms.[8]

The authority can discharge its duty to make accommodation available by providing accommodation itself, through another landlord or by providing advice and assistance that is sufficient to secure accommodation.[9] Alternatively, it may be possible for the applicant to be 'homeless at home'.

The authority provides accommodation

If the accommodation is from its own stock, any tenancy offered is non-secure, unless the authority notifies the tenant that it is secure and it is an offer made under Part 6 through its allocation scheme. [10] The authority can consider using its own hostels, where it operates them,[11] or leasing accommodation from private landlords.[12]

Accommodation provided through another landlord

Where the authority provides accommodation through another landlord, this may be a private registered provider of social housing (PRPSH) or a private landlord.[13]

The authority can provide financial assistance, such as a finder's fee or a one-off payment to prevent an eviction, to private landlords in order to secure accommodation for homeless people.[14]

Lodgings, hostels, women's refuges, and mobile homes may also be considered, but authorities must consider the suitability of such accommodation, especially if it is possible that the accommodation will be secured for more than the short term.[15]

Where the accommodation is secured from a PRPSH or private landlord, the tenancy is usually an assured shorthold tenancy, unless the applicant is notified by the landlord that it is an assured tenancy.[16]

Advice and assistance

The authority may discharge its duty by offering advice and assistance that enables the applicant to secure accommodation themselves. This could be, for example, by giving mortgage advice, or by giving advice on shared equity schemes.

The advice and assistance must result in suitable accommodation actually being secured; the duty is not discharged if it does not result in accommodation becoming available.[17]

Homeless at home

If an applicant has been found to be homeless because it is not reasonable for them to continue to occupy accommodation, then remaining in that accommodation, as 'homeless at home' can be a discharge of duty for a period whilst the local authority takes steps to secure other accommodation. How long that period can be depends upon the applicant's particular circumstances, but the point will come where it is unreasonable for the applicant to remain there any longer.[18]

Accommodation for people who normally live in mobile homes

An applicant may be homeless because they normally occupy a caravan, houseboat, or other moveable structure, but have no place where they are entitled to put it.^[19] In such circumstances, the authority is not required to provide equivalent accommodation, or a place for the applicant to put their accommodation.

However, the authority must consider whether this would be the most appropriate solution for the applicant, and whether such options are reasonably available. This is particularly relevant if the applicant is a Gypsy or Traveller who has an aversion to bricks and mortar accommodation.^[20]

Households with 'restricted persons'

Where applicants are not homeless intentionally and have gained priority need status through a household member who is a restricted person, the duty towards them is discharged differently than to other applicants owed the main housing duty.

A 'restricted person' is someone who is subject to immigration control and is not eligible for assistance under Part 7.^[21]

Revival of duty after PRS offer

If, within two years of acceptance of a private rented sector (PRS) offer in full and final discharge of the main housing duty, an applicant is threatened with homelessness or becomes homeless again and makes a fresh homeless application, they may be owed a new main housing duty regardless of whether they still have priority need.^[22]

The local authority must only satisfy itself that such an applicant is homeless, eligible for assistance and not intentionally homeless in order to owe them the main housing duty.

How the main duty ends

The duty continues until it is ended by one of the circumstances set out in section 193 of the Housing Act 1996. These include where a person accepts or refuses certain types of offer, or stops being eligible for assistance.

Applications made before 3 April 2018

The current Homelessness Code of Guidance was introduced on 3 April 2018 and the references here are to this Code. For applications made before this date, the recommendations of the 2006 Code of Guidance should apply.

Last updated: 17 March 2021

How helpful was this page?



Not helpful
at all

Very helpful

Next

Footnotes

[1] s.193(2) Housing Act 1996.

[2] s.198(1) Housing Act 1996.

[3] s.193(1A) Housing Act 1996 as inserted by s.7 Homelessness Reduction Act 2017.

[4] s.193C Housing Act 1996 as inserted by s.7 Homelessness Reduction Act 2017.

[5] Godson v Enfield LBC [2019] EWCA Civ 486; R v Brent LBC ex p Awua (1995) 27 HLR 453, HL.

[6] s.210 Housing Act 1996.

[7] s.176 Housing Act 1996.

[8] Sharif v Camden LBC [2013] UKSC 10.

[9] s.206 Housing Act 1996.

[10] para 16.11 Homelessness Code of Guidance, MHCLG, Feb 2018.

- [11] para 16.33 Homelessness Code of Guidance, MHCLG, Feb 2018.
- [12] paras 16.25 to 16.28 Homelessness Code of Guidance, MHCLG, Feb 2018.
- [13] paras 16.12 and 16.16 Homelessness Code of Guidance, MHCLG, Feb 2018.
- [14] para 16.17 Homelessness Code of Guidance, MHCLG, Feb 2018.
- [15] paras 16.32, 16.33, 16.41 and 16.45 Homelessness Code of Guidance, MHCLG, Feb 2018.
- [16] para 16.24 Homelessness Code of Guidance, MHCLG, Feb 2018.
- [17] para 16.9 Homelessness Code of Guidance, MHCLG, Feb 2018.
- [18] Birmingham CC v Ali and others: Moran v Manchester CC [2009] UKHL 36.
- [19] s.175(2) Housing Act 1996.
- [20] paras 16.43 to 16.45 Homelessness Code of Guidance, MHCLG, Feb 2018.
- [21] s.184(7) Housing Act 1996 as introduced by s.314 and Sch.15 Housing and Regeneration Act 2008; Housing and Regeneration Act 2008 (Commencement No. 1 and Saving Provisions) Order 2009 SI 2009/415 (C.28).
- [22] s.195A(1) Housing Act 1996, as inserted by s.149(4) Localism Act 2011.



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Appendix B

PowerPoint presentation on temporary accommodation occupancy

Housing Overview & Scrutiny Committee



27 November 2025 Meeting

Subject: Temporary Accommodation
demographics

Paper No. 25-410

Introduction



The following slide deck provides information to the Committee on:

- The legal position around Temporary Accommodation (TA) provision;
- Current TA usage;
- The types of TA in use;
- The location of TA in use;
- Headline demographic information;
- TA expenditure challenges across London;
- Statutory guidance; and,
- TA and effects on children

NB – all data relates to the mid-October 2025 position unless stated otherwise

The legal position - I.



- Legal duty to provide temporary accommodation is to "priority need" homeless households only and against a 'low' test of **'reason to believe' someone may be** homeless and in priority need.
- This makes it essentially unlawful for councils to try and place strict limits on their homelessness expenditure.
- Temporary accommodation is intended to be short-term housing to support vulnerable households with shelter and security when they become homeless, until they can find more settled accommodation.
- For many families, life in temporary accommodation is far from 'temporary', being placed in temporary accommodation for long periods without an offer of a more settled home, due to the chronic shortage of social and affordable housing.

The legal position – II.



- Once full duty is accepted, all TA must be 'suitable' for the specific household's occupation and subject to statutory review ; TA must also be suitable whilst carrying out homeless duties.
- Duty on a local authority to provide suitable accommodation for a homeless person and their family while it carries out enquiries is immediate, non-deferrable and unqualified
- Suitability has been described as a 'floating' test, dependant for example on the expected length of occupation;
- Suitability can be challenged using statutory rights of review and/or appeal to the County Court.

Legal position – III. Location and offers out of area



As far as reasonably practicable a local authority should secure accommodation in its own area. Where this is not possible it must try to place the homeless household as close as possible to where they were previously living.

When assessing the suitability of out of area accommodation the local authority must consider:

- the effect of disruption to the household's employment or access to essential health facilities;
- the welfare of any children and the potential disruption to education and support networks;
- any risk of violence for the person or any member of their household; and,
- any risk of domestic abuse which might require gender specific accommodation in a secret location.

Use of TA – Nationally and in London



MHCLG statistics for June 2025 record:

- Total number of households (all sizes) in TA by English LAs = 132,410

(an all-time high)

- Of which the 33 London Boroughs had 74,720 in TA or 55% of the total.

(also an all-time high)

TA types



- B&B = rooms in commercial hotels including budget chains with shared use of bathroom and/or kitchen facilities. Spend falls to the General Fund (GF).
- Most other forms of TA listed in slide 8 offer self-contained flats etc.
- Homeless at Home is at no cost and includes addresses from which people are at risk of homelessness e.g. awaiting eviction, in hospital, sofa surfing etc.
- WBC short life, COSTAs and Nightingale Square are the Council's freehold units. Expenditure falls to the Housing Revenue Account (HRA).

TA use by type of TA



TA type	Number 12 months ago	Number now	Change +/-	Year -end Forecast
Nightly Paid/licensed (GF)	1,665	2,047	+22%	1,600
Private leasing scheme (GF)	652	626	-4%	700
Council owned (all types incl hostels) (HRA)	1,335	1,404	+5%	1,320
Other including no cost (GF)	444	515	+14%	377

Borough Comparisons

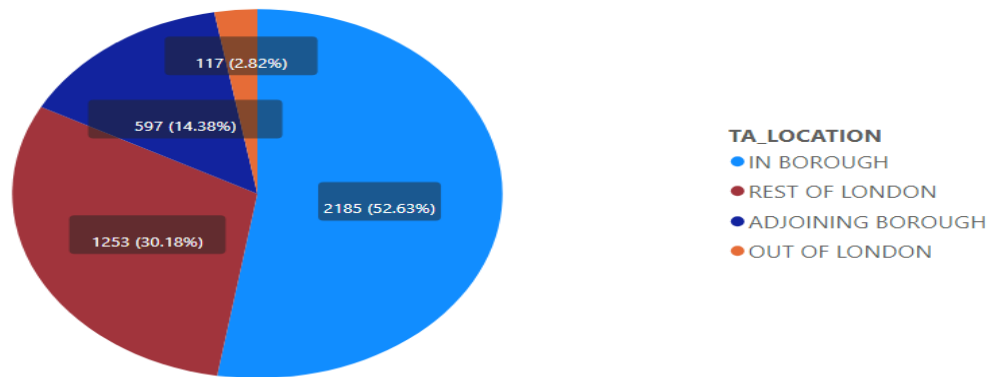


Table 4: number of households in TA by type of TA in London boroughs and percentages in each type of TA, as at 31 March 2025

Borough	Inner/outer	B&B	Nightly paid PRS	Hostels	Private sector leased	LA/HA stock	Other	Total	B&B	Nightly paid PRS	Hostels	Private sector leased	LA/HA stock	Other
Bexley	O	5	93	19	101	169	0	387	1%	24%	5%	26%	44%	0%
Hounslow	O	124	119	34	148	62	4	491	25%	24%	7%	30%	13%	1%
Richmond upon Thames	O	14	412	0	128	41	5	600	2%	69%	0%	21%	7%	1%
Merton	O	44	643	0	8	0	2	697	6%	2%	0%	1%	0%	0%
Barking & Dagenham	O	94	0	186	517	270	0	1,067	9%	0%	17%	48%	25%	0%
Sutton	O	48	500	0	67	415	39	1,069	4%	47%	0%	6%	39%	4%
Havering	O	94	205	209	537	279	10	1,334	7%	15%	16%	40%	21%	1%
Waltham Forest	O	259	506	97	627	79	6	1,574	16%	32%	6%	40%	5%	0%
Islington	I	9	1,024	39	67	597	42	1,778	1%	58%	2%	4%	34%	2%
Bromley	O	2	1,584	18	15	183	0	1,802	0%	88%	1%	1%	10%	0%
Greenwich	I	223	852	0	33	782	4	1,894	12%	45%	0%	2%	41%	0%
Kensington & Chelsea	I	179	109	47	1,537	111	36	2,019	9%	5%	2%	76%	5%	2%
Haringey	O	246	1,539	74	525	305	0	2,689	9%	57%	3%	20%	11%	0%
Barnet	O	119	1,626	9	330	728	7	2,819	4%	58%	0%	12%	26%	0%
Redbridge	O	387	848	198	1,245	141	5	2,824	14%	30%	7%	44%	5%	0%
Enfield	O	80	822	25	1,955	80	72	3,034	3%	27%	1%	64%	3%	2%
Ealing	O	508	539	378	1,152	438	35	3,050	17%	18%	12%	38%	14%	1%
Tower Hamlets	I	315	1,246	1	2	649	910	3,123	10%	40%	0%	0%	21%	29%
Croydon	O	47	1,849	221	777	385	283	3,562	1%	52%	6%	22%	11%	8%
Hackney	I	358	1,593	647	542	340	87	3,567	10%	45%	18%	15%	10%	2%
Wandsworth	I	81	1,631	0	638	1,263	1	3,614	2%	45%	0%	18%	35%	0%
Southwark	I	113	1,559	46	918	1,563	9	4,208	3%	37%	1%	22%	37%	0%
Westminster	I	768	1,684	6	1,470	244	82	4,254	18%	40%	0%	35%	6%	2%
Newham	I	394	3,537	0	1,395	1,654	0	6,980	6%	51%	0%	20%	24%	0%
Average								2,435	Key	>40% of households in this type of TA		<10% of households in this type of TA		

Source: MHCLG live table on homelessness TA1. Note: order: lowest to highest number of households in TA

Location of temporary accommodation





Average time spent in temporary accommodation.

Average for those rehoused in 2024/25 = 43 months

Average across current occupants of TA = 27 months



Who is in TA, by bed-size needed



- Studio/1bed = 2,178 households
- 2 bed = 1,195 households
- 3 bed = 807 households
- 4 bed = 267 households
- 5/6/7/8 bed = 139 households

Who is in TA, by gender & age



- Female headed households = 2,755
- Male headed households = 1,837
- Aged 18-24 = 492 households
- Aged 25-34 = 1,349 households
- Aged 35 to 54 = 2,229 households
- Aged 55 and over = 521 households

Who is in TA – by ethnicity



MHCLG statistics for June 2025 record for Wandsworth and across London.

- Households describing them as White (all groups) = 21% and 21%
- Households describing them as Black (all groups) = 31% and 30%
- Households describing them as Asian (all groups) = 15% and 15%
- Households describing them as Mixed (all groups) = 7% and 5%
- Households describing them as Other (all groups) = 9% and 10%
- Ethnicity not known = 16% and 20%

Who is in TA – Children



- MHCLG statistics for June 2025 record for Wandsworth
- Total households in TA = 3,782
- Total households with children = 2,064 of which:
- Couple with children = 608 or 16% of all households
- Single male with children = 118 or 3% of all households
- Single female with children = 1,081 or 29% of all households
- Total number of Children in TA = 3,947

Impact on Children in TA



<https://publications.parliament.uk/pa/cm5901/cmselect/cmcomloc/979/report.html>

- Moving schools and or long journeys
- Poor attendance
- Not bringing friends back to accommodation impacting on maintaining friendships
- Impact on early years of education – longer term effects
- Impact on learning and development
- Lack of space to study/homework
- Frequent moves impact on learning
- Nowhere to play in accommodation
- Lack of privacy in accommodation
- Health issues – physical and mental /access to healthy food resulting in poor diet
- Poor quality TA – skin issues/respiratory/sleep deprivation/anxiety
- Access to local services/referrals if moved across areas

London financial picture



- Collectively face a funding gap of at least £700m in the financial year 2025-26.
- Boroughs spent almost £1.6bn on homelessness in the last financial year, including £114m per month on temporary accommodation.
- London's worsening homelessness emergency represents the "single biggest risk" to boroughs' finances and is pushing town halls towards bankruptcy.
- London Councils forced to overspend on their homelessness budgets by at least £330m in 2024-25.
- This represents a 60% increase on their original homelessness budget plans for the year.

Wandsworth financial picture



2024/25 OUTTURN POSITION

2024/25 Net Exp on Homelessness Accommodation = £31.1m

2024/25 Govt Grant Support = £6m

2024/25 Net Exp (inc Govt Grant) = £25.1m

2024/25 Net Overspend = £5.3m

Wandsworth financial picture



2025/26 FORECAST POSITION (Mth 6)

2025/26 Net Exp on Homelessness Accommodation = £37.5m

2025/26 Govt Grant Support = £8.9m

2025/26 Net Exp (inc Govt Grant) = £28.6m

2025/26 Net Overspend = £5.2m



Questions and discussions

