

How can housing authorities respond to an emergency?

I happened to be walking along Holland Park Avenue in west London on the day of the fire at Grenfell Tower. Suddenly, its blackened form came into view. It was still burning. It was one of the most horrific sights I have ever seen. The scale of the disaster was almost too great to comprehend.

A few evenings later, I went to join the hundreds of volunteers to sift through and sort the vast quantities of stuff donated by members of the public to the people made homeless by the fire. There was literally tons of material of all kinds. Yet, despite the best efforts of a handful of people wearing high-visibility jackets, it was obvious that there was no overall co-ordination of the relief effort: was there a need for all of these high-heeled shoes?; why was there apparently no clean underwear?; where was all this stuff going to be stored?; would any of it actually get to the victims? The scale of the task of helping these poor people rebuild their lives, also, was almost too great to comprehend.

Meanwhile, the Labour party and lots of outraged citizens on social media were calling for the many empty properties in the surrounding area (an FOI request to Kensington and Chelsea showed that there were 1,857 in the borough) to be requisitioned.

The Civil Contingencies Act 2004 provides the legal framework for preparing for and responding to emergencies. Section 1(1) of the Act defines an "emergency" and it includes, by paragraph (a), "*an event or situation which threatens serious damage to human welfare in a place in the UK*". For the purposes of section 1(1)(a), that definition will be satisfied where the event or situation involves, causes or may cause homelessness: section 1(2)(c).

All local authorities are classed under the Act as a Category 1 Responder. Local authorities will play a critical role in responding to emergencies, and housing authorities in particular will be at the forefront of that response, potentially dealing with large numbers of people made homeless by a disaster. For most housing authorities, responding to a disaster on the scale of Grenfell Tower by finding sufficient suitable emergency accommodation will be an extremely difficult task.

Section 2 of the Act imposes certain general duties to assess the risks of an emergency occurring and to plan for a response. In the wake of the Grenfell Tower tragedy, it is obvious that housing authorities have an important role in contributing to the formulation of emergency plans:

- identifying reception and rest centres to be activated in the immediate aftermath of an emergency
- plans for securing emergency accommodation (most likely in phases: hotel and, subsequently, self-contained) so that victims can be moved out of ad hoc accommodation as soon as possible

- ensuring there is capacity to accept and process large numbers of homelessness applications
- reviewing housing allocation schemes to make provision for people affected by an emergency (and for determining priority among victims)
- applying for emergency funding assistance (which may include the cost of accommodation) from the government under the *Bellwin* scheme

Interestingly, there is an express statutory power to requisition property in cases of emergency (there has long been a common law power, under the Royal Prerogative, which was part of the Supreme Court's consideration of Gina Miller's Article 50 case earlier this year). Section 22(3)(b) of the Act enables an Order in Council to be made for the requisition of property (with or without compensation) where this is urgently necessary for (among other things) mitigating the effect of an emergency.

However, recourse to these draconian powers will only be made in the most exceptional of cases. In response to the Grenfell Tower, it was well publicised that the government opted to purchase 68 flats in a luxury development which had been reserved for affordable housing under a section 106 agreement. The properties in question were purchased and will be managed by the City of London Corporation with allocations delegated to RBKC.

It is, of course, impossible to prepare for every eventuality or to predict when and in what form an emergency will occur. Local authorities all over the country will no doubt be urgently reviewing their emergency planning procedures; housing authorities ought to be contributing to that discussion.

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