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## **The Administrative Court rules on the scope of local authorities' powers to accommodate people with No Recourse to Public Funds during a pandemic**

Today Mr Justice Freedman handed down judgment in the case of R(TN) v Brighton and Hove City Council, Shelter Intervening, in which Lawstop acted for the Claimant with Martin Westgate QC and Joshua Hitchens appearing as counsel. This landmark case has clarified and substantially changed the scope of local authorities' powers to accommodate those with No Recourse to Public Funds and those at risk of rough sleeping during the Covid-19 Pandemic. In particular:

**(a) Covid-19 is an emergency within the meaning of s.138 Local Government Act 1972; and**

**(b) Local Authorities do have a power under s.2B NHS Act 2006 to accommodate rough sleepers during the pandemic.**

Mr Justice Freedman rejected Brighton's contention that Covid-19 did not amount to an emergency under the 1972 Act and that accommodation cannot be provided under s.2B NHS Act 2006. The consequences of this judgment are significant, in particular:

**(a) It is lawful for local authorities to accommodate those with No Recourse to Public Funds during the Covid-19 pandemic, subject to such a step being either to improve the health of people in the authority's area or being for the purposes of improving the health of people in England.**

**(b) If local authorities use their powers under s.2B NHS Act 2006 to accommodate, they may use their ring-fenced public health grant to fund "Everyone In" Covid-19 accommodation.**

In London alone, this is likely to benefit approximately 900 rough sleepers who can now be lawfully accommodated. It is estimated that across the country, thousands of people may be affected. It is also hoped that the availability of ringfenced public health funding may ease financial pressures caused by local authorities providing accommodation to rough sleepers during Covid-19.

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