

Committee(s): Enforcement, Environment and Housing	Date: 5 July 2021
Subject: Policy to enable the discharge of the homelessness duty into the private sector	Wards Affected: All
Report of: Tracey Lilley, Corporate Director (Housing and Community Safety)	Public
Report Author/s: Name: Angela Abbott Telephone: E-mail: angela.abbott@brentwood.gov.uk	For Decision

Summary

As part of the review of the Council's Allocation Policy, the approach to discharging the duties to homeless households into the private sector has also been reviewed. Currently there is no written policy covering this area of activity and to clarify the Council's approach to this issue a separate policy is recommended.

This report seeks Member approval for a policy when we assist homeless households into the private rented sector. If adopted, the new policy will formalise our current approach, the approach to implementing the policy, the suitability of offers in the private rented sector and sets out the right to review by the households affected.

If approved this policy will be implemented at the same time as the updated Allocations Policy.

Recommendation(s)

Members are asked to:

R1. To approve the Policy to enable the discharge of the homelessness duty into the private sector.

Main Report

Introduction and Background

1. The Council is required to secure suitable accommodation for applicants who are homeless, eligible for assistance, in priority need and not intentionally homeless, and this duty ordinarily ends following the offer of suitable social housing (affordable housing let through housing associations).
2. The Localism Act 2011 amended Section 193 of the Housing Act 1996 and provides a power to local authorities to discharge the housing duty by way of a

'private rented sector offer'. This offer must include an assured shorthold tenancy for a minimum 12-month period, and the Council must be satisfied that the accommodation is suitable for the household.

3. The private rented sector offer must be made in writing and must inform the applicant of the consequences of refusing or accepting the offer and of the right to request a review of the suitability of the accommodation offered. The requirements placed upon the Council are clear in the legislation and this is reflected in the policy's content.
4. Where the Council ends its housing duty through a private rented sector offer and the household becomes unintentionally homeless within two years of accepting the offer, the Council is obliged to accept the applicant as being homeless regardless of any priority need.
5. This policy details the circumstances in which we intend to exercise our power to end its duties as set out in the Housing Act 1996 through an offer of private rented accommodation rather than social housing.

Policy Aims

6. Across Brentwood, the demand for housing is high and not all residents can readily access affordable housing within the social housing sector. Consequently, the private rented sector has a significant role to play in providing capacity for affordable housing through its choice of good-quality accommodation and flexibility to meet households' needs.
7. The Council is committed to supporting households who experience episodes of homelessness. This is especially the case where emergency temporary accommodation is necessary due to the disruption caused from a stay in temporary accommodation.
8. As such the Council aims to reduce the length of stay in all forms of temporary accommodation, and recognises the role that the private rented sector can play in providing appropriate accommodation for homeless applicants.
9. For some homeless households there is likely to be a delay between accessing the housing register and being offered social housing. It is for these households that a private rented sector offer is likely to provide an important opportunity to secure stable accommodation and consequently reduce the negative impacts of homelessness.
10. The Council provides a range of support and assistance for tenants in the private rented sector, and this support will be prioritised for homeless households who move into the private rented sector in accordance with this policy.

Suitability of accommodation forming part of a private rented sector offer

11. Where the Council intends to discharge its housing duty by way of a 'private rented sector offer' the accommodation must be suitable for an applicant. Any offer of private rented accommodation will be assessed by the Council as being 'suitable' for a particular household, and the Council will always have regard to the relevant regulations and guidance.
12. Where there is a shortfall between the rent and the amount of the Local Housing Allowance (LHA) the applicant will receive or where an applicant is working and is not in receipt of LHA, the Council will consider the applicant's residual income after meeting the costs of the accommodation.
13. The matters that the Council will consider in determining whether a private rented sector offer is suitable for a particular household are set out in detail in the policy under the themes of location, property condition and management, and affordability.

Issue, Options and Analysis of Options

14. To provide clarity on the discharge of duty into the private rented sector the policy sets out the approach and the criteria for this to be implemented. The policy will be a published approved document which can then be made available to the public.
15. The policy will be supported by guidance notes to support the delivery of the policy by the housing options team.

Reasons for Recommendation

16. To ensure that the Housing Department has a policy covering the discharge of the homelessness duty into the private rented sector.

Consultation

17. Consultations have taken place with the Housing Team and with the legal team on the wording of the new policy.

References to Corporate Plan

18. Drive continuous improvement of our housing services
19. Continue a service improvement programme to ensure our services are delivered efficiently.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance and Resources) and S151 Officer

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

20. There are no financial implications arising from this policy. However it is expected that having the right policies and procedures in place will help the Council needs in meeting efficiency savings.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law and Governance) and Monitoring Officer

Tel & Email: 01277 312500 / amanda.julian@brentwood.gov.uk

21. The Council has followed due process and taken legal advice on the contents of the policy and guidance therefore mitigating risk of challenge in a decision to implement.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning and Economy)

Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk

22. There are no direct economic implications arising from this report. The role of the private housing sector and its use for suitable situations arising from this policy could have wider indirect associated benefits to the local economy.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

Background Papers

There are no background papers to this report.

Appendices to this report

Appendix A: Policy for the Discharge of Homelessness Duty into the Private Sector.