

<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JULY 2020</b>
<b>Heading:</b>	<b>POLICY FOR DISCHARGING THE HOMELESSNESS DUTY INTO THE PRIVATE RENTED SECTOR</b>		
<b>Portfolio Holder:</b>	<b>CLLR T HOLLIS, PORTFOLIO HOLDER FOR HOUSING AND ASSETS</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

### **Purpose of Report**

To seek approval of the policy to enable the Housing Options Team to discharge duties owed under the homelessness legislation into the Private Rented Sector (PRS).

### **Recommendation(s)**

**To approve the Policy on Discharging the Homelessness Duty into the Private Rented Sector (PRS).**

### **Reasons for Recommendation(s)**

Homelessness legislation and regulation puts the onus on local Councils to assist residents who are homeless or threatened with homelessness to find a solution to their needs. It is important that a range of options are considered beyond its own stock of housing. This includes accommodation in the PRS. The Council needs to have published a policy on discharging into the PRS in order to utilise this option.

### **Alternative Options Considered**

*(with reasons why not adopted)*

To not develop this policy. Not recommended: this policy is required to enable the Housing Options Team to discharge the homelessness duty into the PRS. This policy will increase the tools available to the Housing Options Team to resolve cases of homelessness.

### **Detailed Information**

The Localism Act 2011 (sections 148 and 149) introduced provisions which enables local housing authorities to bring its statutory housing duty under section 193 of the Housing Act 1996 (as amended) (HA96) to an end, by making an offer of a private rented sector tenancy for a period of 12 months rather than a social housing tenancy.

Amendments under the Homelessness Reduction Act 2017 extended these powers in the HA96 to enable local housing authorities to bring additional accommodation duties to an end through such an offer.

The Policy on Discharging the Homelessness Duty into the PRS details the Council's approach to making Private Rented Sector Offer (PRSO) to those applicants owed an accommodation duty as listed below

- Offer of suitable accommodation to end a prevention<sup>1</sup> or relief duty<sup>2</sup>
- Final accommodation offer to end a relief duty
- Private rented sector offer to end the main housing duty<sup>3</sup>

The policy also describes what factors the Council will take into account when assessing its suitability and what steps an applicant can take if they do not agree with the Council's decision.

Without this policy, the Housing Options Team may make an offer of PRS accommodation to a homeless household. However, the duty owed to them can only be discharged if they agree to the offer. Under this policy, the relief duty and main duty can be unilaterally discharged with an offer of suitable accommodation; households have a right to request a review of the offer by a senior officer.

This policy will apply to residents of temporary accommodation, who currently are largely made an offer of social housing in order to discharge the homelessness duty owed to them.

This policy is technical in nature due to the rights residents have to request a review and/or legally challenge the decisions made by the Council, however, every effort has been made to use plain language when describing the relevant legislative provisions.

## **Implications**

### **Corporate Plan:**

The Corporate Plan states that we will enhance Ashfield's homelessness service to meet the needs of residents within the district through delivery of the homelessness and rough sleeping strategy. Securing PRS tenancies for homeless households supports this aim.

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<sup>1</sup> Where a local authority is satisfied that an applicant is threatened with homelessness and eligible for assistance, it must take reasonable steps to help the applicant secure that accommodation does not cease to be available for their occupation.

<sup>2</sup> Where a local authority is satisfied that an applicant is homeless and eligible, it must take reasonable steps to help the applicant secure that accommodation becomes available for at least six months.

<sup>3</sup> Where the [duty to relieve homelessness](#) has ended, the local authority is subject to an ongoing duty to secure that accommodation is available to an applicant who is: eligible for assistance, in priority need, and unintentionally homeless.

**Legal:**

The report and Policy set out the legislative requirements and duties placed upon the Council as Local Housing Authority in detail.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	No direct financial implications as a result of adopting this policy.
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

**Risk:**

Risk	Mitigation
There is a low risk that a resident could legally challenge a decision made under this policy in the courts	A robust policy has been developed that will guide the work of the Housing Options in discharging relevant duties with an offer of PRS accommodation. This work will be regularly monitored to ensure compliance and consistency.

**Human Resources:****Environmental/Sustainability**

*(to be completed by the author)*

As the PSE team will inspect many of the properties offered under this policy, there will be an opportunity to discuss improving the environmental performance of these properties with the landlord, particularly where they fail to meet the minimum legal requirements. Page 6 of the attached policy document sets out the Council's suitability requirements.

**Equalities:**

*(to be completed by the author)*

Homelessness disproportionately affects households with a range of protected characteristics, and households may be awarded priority need status as a result of their protected characteristic, e.g. being pregnant or having dependent children.

This policy takes into account a number of issues relevant to protected characteristics in ensuring an offer of accommodation is suitable, such as access to established links with schools, doctors, social workers and other key services.

**Other Implications:**

*(if applicable)*

**Reason(s) for Urgency**

*(if applicable)*

**Reason(s) for Exemption**

*(if applicable)*

**Background Papers**

*(if applicable)*

**Report Author and Contact Officer**

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