

Forest Heath District Council

(This report is not a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Cabinet Member for Planning, Housing and Transport

CABINET

18 FEBRUARY 2014

CAB14/138

POLICY TO DISCHARGE HOMELESSNESS DUTIES THROUGH THE PRIVATE RENTED SECTOR (Decisions Plan Reference: FEB14/10)

1. Summary and reasons for recommendation(s)

1.1 The Localism Act 2011 gave Local Authorities the power to discharge their duty to secure accommodation for homeless applicants by way of arrangements with the Private Rented Sector, without the agreement of the applicant and providing it is a "suitable" offer. Currently the Council is restricted to discharging its duties in to Social Housing. The ability to discharge in to the Private Rented Sector will:

- Give the Council more options to house Homeless Households.
- Reduce pressure on Social Housing.
- Reduce pressure on Temporary Accommodation.

1.2 The policy sets out how Forest Heath District Council will apply the legislation.

2. Recommendation

2.1 That the Policy to Discharge Homelessness Duties through the Private Rented Sector be approved, for adoption by Council.

Contact details

Name
Title

Telephone
E-mail

Portfolio holder

Councillor Mrs Rona Burt
Cabinet Member for Planning,
Housing and Transport
01638 712309

rona.burt@forest-heath.gov.uk

Lead officer

Simon Phelan
Head of Housing

01638 719440

simon.phelan@westsuffolk.gov.uk

3. How will the recommendations help us meet our strategic priorities?

- 3.1 Meeting the district's housing needs – this Policy will reduce pressure on the Housing Register and make best use of housing stock in the District.

4. Key issues

- 4.1 This policy will apply to all applicants where, after 1 April 2014, Forest Heath District Council accept a homelessness duty irrespective of whether the applicant has been placed into temporary accommodation, is likely to be placed into temporary accommodation or is able to secure their own temporary accommodation.
- 4.2 Applicants who previously occupied a social rented tenancy and have been accepted as homeless following an application due to fleeing violence; threats of violence; or domestic abuse, will not normally be considered for a Private Rented Sector Offer, unless there is an overriding benefit to the applicant. This is to ensure that those households are not negatively impacted upon in respect of security of tenure for having to escape violence or abuse.
- 4.3 An Applicant who is currently under offer, or who has an offer pending from a Registered Provider will not be considered.
- 4.4 Forest Heath District Council recognise that the number of private rented sector properties within the West Suffolk area that are available for the Council to discharge their homelessness duty is unlikely to be sufficient to meet the demand from all eligible applications. Therefore the decision to offer Private Rented Sector accommodation will be made if a suitable property is available.
- 4.5 An offer of accommodation will be affordable for the household and will be within the Local Housing Allowance Limits.
- 4.6 When considering making an offer of discharge into the private rented sector the Council will first ascertain that the property is suitable and then that it is suitable for the proposed tenant. The assessment of suitability, including an inspection of the property, will be carried out before a formal offer is made to the applicant.
- 4.7 The Policy will be communicated to Homeless households at the point they make an application for assistance with accommodation. It is not necessary to communicate this Policy widely to those generally seeking assistance for housing as the number of households who will be considered for housing under this policy is small, expected to be no more than 30 per year.

5. Other options considered

- 5.1 Not to introduce such a policy. However without such a policy the Council would be unable to house homeless households in the Private Rented Sector. The lack of such a policy would limit the Council's ability to reduce pressure on demand for Social Housing and demand for Temporary Accommodation.

6. Community impact

6.1 Crime and disorder impact *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 The Policy will give the Council scope to access accommodation for homeless households away from areas where they may be at risk.

6.2 Diversity and equality impact *(including the findings of the Equality Impact Assessment)*

6.2.1 The Equality Impact Assessment suggests the Policy would have little impact on the equality target groups. It has been recognised that for rare cases of homeless applicants with restricted mobility discharging into a privately rented property would not be feasible and an offer of long term secure accommodation through the Housing Register would be a far more suitable means of discharging homeless duty.

6.3 Sustainability impact *(including completing a Sustainability Impact Assessment)*

6.3.1 N/a.

6.4 Other impact *(any other impacts affecting this report)*

6.4.1 N/a.

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

7.1 Other Cambridge Sub-Regional and Suffolk District/Borough Housing Options Teams have all been consulted. All have either recently introduced such a policy or are looking to do so shortly. A protocol between Authorities is to be developed to ensure that placements of Homeless Households out of their originating Authority area are appropriate and do not have an undue adverse affect on services in the receiving Authority area.

7.2 The West Suffolk Lettings Partnership is to consult with Landlords at their next Landlords Forum in March 2014.

8. Financial and resource implications *(including asset management implications)*

8.1 The Rent Level will be affordable to the applicant. To ensure this, placements will not be made if the Rent is higher than the maximum amount of Housing benefit the applicant could receive – should they be completely dependant on Benefits. This will make such tenancies sustainable in the longer term for Homeless Households and prevent them becoming homeless again through rent arrears in the future.

8.2 The Policy will assist the Council in reducing Bed & Breakfast expenditure as the Councils Homelessness Duty can be discharged in some cases before the need for temporary accommodation arises.

8.3 The Council will act as Rent Deposit Guarantor for the majority of placements. Where the tenant leaves the property and has defaulted on rent payments or has damaged the property the Council will be liable to reimburse the Landlord

an amount up to the agreed Rent Deposit. Historically approximately 6% of Council Rent Deposit Guarantees default per annum. Across West Suffolk, based on an anticipated 30 placements per annum, we would expect between 2 and 3 claims to be made against the West Suffolk Letting Partnership at a cost to the each individual Council, St Edmundsbury and Forest Heath, of less than £2,000. This amount has been budgeted for and is approximately the cost of assessing and accommodating in temporary accommodation one homeless household.

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Sourcing sufficient properties	Medium	Priority area for the West Suffolk Lettings Partnership	Low
Financial exposure from failed tenancy claims	Medium	Monitoring of claim levels. Regular review of exposure.	Low

10. Legal and policy implications

10.1 Provision to implement such a policy was included in the Localism Act 2011.

11. Ward(s) affected

11.1 All

12. Background papers

12.1 None

13. Documents attached

13.1 Appendix A - Operational Policy Document – Policy to Discharge Homelessness Duties through the Private Rented Sector.

13.2 Appendix B - Equality Impact Assessment Form