

BROMSGROVE DISTRICT COUNCIL TO DISCHARGE THE HOMELESSNESS DUTY IN THE PRIVATE RENTED SECTOR POLICY

Relevant Portfolio Holder	Cllr Del Booth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Sue Hanley
Wards Affected	All
Ward Councillor Consulted	N/A
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Localism Act 2011 allows local authorities to discharge the main homelessness duty by making an offer of private rented accommodation, with a minimum 12 month assured shorthold tenancy, to the person or persons presenting as homeless. There is no longer a requirement for the applicant to consent to being re-housed in the private sector.
- 1.2 On the 7th November it was resolved that the Council adopts the power available under sections 148 and 149 of the Localism Act 2011 to discharge homelessness duties into the private rented sector. This report brings forward a policy to implement this power.
- 1.3 This new opportunity to discharge the Homelessness Duty into the Private Rented Sector without consent is voluntary and the Council will continue to have the option of placing households in social housing. However, the lack of social housing in Bromsgrove District means that this alternative tenure may enable the Council to accommodate those to whom they owe a duty more easily.
- 1.4 A policy to discharge the Homelessness Duty in the Private Rented Sector has been developed which sets out how the Council intends to utilise the private rented sector wherever possible in order to discharge the full homelessness duty where it is considered appropriate to do so and the property is 'suitable' for the household.
- 1.5 Accordingly, Members are asked to approve the new Policy which is attached as Appendix 1.

2. RECOMMENDATIONS

- 2.1 That Members approve and adopt the Policy to Discharge the Homelessness Duty into the Private Rented Sector.

3. KEY ISSUES

Financial Implications

- 3.1 The increased pressure on the homelessness service due to the economic climate and austerity measures means that the use of temporary accommodation is increasing and more households are being placed in Bed and Breakfast. The cost of this must be met by the Council. The expenditure on Bed and Breakfast for 2011/12 was £594.00 and is anticipated to increase to £7,500 for 2012/13.
- 3.2 There is an expectation through the Homelessness (Suitability of Accommodation) (England) Order 2012, that carbon monoxide safety has been considered. This means that in addition to a gas safety certificate, provided by the landlord, the local authority will provide households with a carbon monoxide alarm. The Council has access to alarms at approx £12 per unit and has existing funding to provide these.

Legal Implications

- 3.3 As set out above, the relevant legislation is the Localism Act 2011. In particular sections 148 and 149 make amendments to the existing legislation on homelessness set out in the Housing Act 1996. The effect of section 148 is to enable local authorities to fully discharge the main homelessness duty to secure accommodation with an offer of suitable accommodation from a private landlord, without requiring the applicant's agreement. Tenancies must be for a minimum fixed term of 12 months. Under section 149 if the applicant becomes unintentionally homeless again within 2 years of accepting a private sector offer and re-applies for accommodation, the main homelessness duty will recur, regardless of whether the applicant has a priority need for accommodation.
- 3.4 As identified in the Risk Management section of this report, Officers are mindful that the use of offers of private sector accommodation to discharge the homelessness duty might lead to an increase in the number of Review applications. The next stage if a Review is unsuccessful is to bring a legal challenge to the Council's decision through the courts. Currently the Council rarely deals with appeal applications to the courts but the adoption of the new policy might lead to an increase in the number of these applications.

Service / Operational Implications

- 3.5 In order to discharge the homelessness duty in the private rented sector the Council will need to increase the number of private sector properties available that comply with statutory requirements. This will require officers to work more closely with landlords and may result in an incentive scheme being developed and may lead to an incentive fund being established.
- 3.6 There may be a need for increased officer time to be spent upon developing the links with the private sector. It is anticipated that this will be accommodated within the existing Strategic Housing Team structure.
- 3.7 Ending the Duty into the Private Rented Sector may lead to more reviews in respect of the suitability of the accommodation. These reviews will be undertaken by officers with assistance if required from an independent housing specialist that assists the Council with homelessness decision reviews.
- 3.8 The private rented sector is less regulated than the social rented sector and may offer a poorer standard of accommodation. In order to mitigate the potential impact of this on homeless households, all properties will be inspected prior to the applicant being made an offer and the Homelessness Duty being discharged in this way.
- 3.9 By securing additional properties in the private rented sector, the local authority may reduce the pressure for temporary accommodation and B&B in the District, than would otherwise exist.
- 3.10 This new policy will be implemented by the Housing Options Team at bdht with support from the Council's Strategic Housing Team and the private tenancy schemes that operate within the District. It is anticipated that this additional workload will be met by existing officers, however, if demand for services continues to increase, there may be a need to increase staffing resources to meet this demand.

Customer / Equalities and Diversity Implications

- 3.11 An Equalities Assessment Record has been completed which identifies areas of potential adverse impact and the measures that will be implemented to mitigate this. For example the provision of landlord training and a landlord pack which sets out the Council's expectations in terms of Equalities groups.

3.12 Consultation has taken place with relevant stakeholders in the production of the policy to Discharge the Homelessness Duty into the Private Rented Sector.

4. RISK MANAGEMENT

Risk	Consequence	Controls
Insecurity of tenure.	May result in increased repeat homelessness.	<ul style="list-style-type: none">• Strong working relationships with landlords• ensuring the property is suitable• Applicant can return if made unintentionally homeless within 2 yrs and offered housing
Standard of accommodation	Impact on health and well being of homeless households.	<ul style="list-style-type: none">• Suitability of accommodation order 2012• Inspections carried out by officers prior to accepting property.
Capacity of the Private Rented Sector	More households in temporary accommodation and bed and breakfast	<ul style="list-style-type: none">• Landlords steering group• Improved relationship with landlords• Development of incentive scheme
Landlord suitability	Landlord not behaving in a professional manner towards homeless households and not understanding their obligations and their tenant's rights. Harassment and illegal eviction	<ul style="list-style-type: none">• Suitability of accommodation order 2012 requires landlord to be 'Fit and Proper Person' as for HMO license• Private Sector Team active engagement with landlords• Private Rented Sector Team Complaints register

More Review claims in respect of the Suitability of Accommodation.	Expense of Reviews in terms of officer time and consultant time. Uncertainty for homeless household.	<ul style="list-style-type: none">• Officers will carry out inspections prior to the offer being made and therefore the property should be suitable for the household.
What happens if a review of suitability claim is upheld?	The households will have signed a 12 month assured shorthold tenancy.	<ul style="list-style-type: none">• Officers will carry out inspections prior to the offer being made and therefore the property should be considered suitable.• Officers will work with the landlord to end the tenancy and secure alternative accommodation for the household and alternative tenant for the landlord

5. APPENDICES

Appendix 1 - Discharging the Homelessness Duty into the Private Rented Sector Policy

Appendix 2 – Discharging the Homelessness Duty into the Private Rented Sector Equalities Assessment Record

6. BACKGROUND PAPERS

Localism Act 2011

Homelessness (Suitability of Accommodation) (England) Order 2012.

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