



**DISCHARGE OF LOCAL
AUTHORITY HOMELESS
DUTY INTO THE PRIVATE
SECTOR
POLICY**

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1.0 Scope

This policy applies to customers that are homeless or threatened with homelessness and provides a framework so the Council can assist them to access properties in the private rented sector.

2.0 Purpose

The purpose of this policy is to set out the way in which the Council will control and manage private sector offers to applicants that the Council has accepted a “Prevention”, “Relief” or “Main Accommodation” duty under the Housing Act Part VII as amended by the Homeless Reduction Act 2017.

3.0 Aims and Objectives

- To make the best use of good quality private sector accommodation in the Borough.
- To build positive relations with private landlords.
- To widen the choice and housing options available to customers.
- To enable customers to find appropriate housing solutions more quickly by providing a more varied offer.
- To reduce reliance and pressure on temporary accommodation.
- To ensure movement and relieve pressure on the housing register.

4.0 Regulatory Code and Legal Framework

The Housing Act 1996 Part VII as amended by the Homeless Reduction Act 2017 details the Council’s statutory responsibilities to those that are homeless or threatened with homelessness.

The Homeless Reduction Act 2017 brings a new “Relief Duty”, under this duty a local authority must take reasonable steps to help all homeless eligible applicants to secure accommodation for at least 6 months. This approach gives local authorities greater opportunity to use the private rented sector to satisfy a households housing needs. This should reduce the local authority’s reliance on its own housing register and the demand for temporary accommodation.

5.0 Policy Outline

5.1 Making a Private Sector Offer

Broxtowe Borough Council will consider a “private sector offer” to prevent or relieve homelessness in all cases.

If the Council considers that a private sector offer is appropriate to the needs of the applicant and if suitable accommodation can be secured, then such an offer will routinely be considered. This will usually be made as a direct offer to the applicant

as the properties available in the private rented sector are not part of the Choice Based Lettings system.

The Council will advise those that are homeless or threatened with homelessness that they will be considered for properties that are either in social housing or as part of a private sector offer. This supports the need to prevent and relieve homelessness.

The Council will consider the individual circumstances of each household when deciding whether to make a private sector offer. The Council will consider primarily whether the accommodation is affordable. The affordability assessment will give due considerations to the Housing Benefit and Local Housing Allowance rates and the Benefit Cap that could be applied to the household.

The Council will attempt to secure at least 6 month placements with landlords for private sector offers.

The private sector offer can be made in discharge of the Council's accepted homeless duty. The Council will consider all of the applicants' circumstances and the offer made will be reasonable and suitable to the applicants needs and therefore the offer will be made to discharge any accepted homeless duty. Applicants will have the right of review on the grounds of suitability of any offer made.

5.2 Location of Private Sector Offers

Broxtowe Borough Council will always seek to offer private sector accommodation within the Borough, except in the following circumstances:

- When it considers it beneficial to move the applicant out of area, for example, to reduce the risk of domestic violence, other violence, or harassment; or to assist persons in breaking away from detrimental situations, such as drug or alcohol abuse, or
- When the applicant wishes to move away from Broxtowe, or
- When a person has limited local connection to Broxtowe (for example, they may have approached having fled violence from another area).

If the suitable accommodation is not available within Broxtowe Borough, private sector offers will be made other areas which have reasonable facilities and transport links. In determining whether a location is suitable, Broxtowe Borough Council will consider:

- If the applicant (or their partner) are in employment (usually taken to be at least 16 hours per week). If they are, then the location must be within a reasonable travel to work area of that employment, and have transport links frequent enough to enable this.
- If the applicant is verified as the carer for another person, who cannot readily withdraw this care without serious detriment to the well-being of the other

party, then the location will need to be of sufficient proximity to enable this, although this may require public transport.

- If any members of the household are undertaking GCSEs at school (Years 10 & 11 - children aged 14 to 16), or other proven vital examination, then they should not be required to change schools.
- If the applicant or any member of the household requires specialist medical treatment or support, which can only be provided in Broxtowe, then the location will need to be of sufficient proximity to enable this, although this may require public transport. The Council will also have regard to other medical treatment or support required by the applicant or any member of the household, and where health professionals consider that it will be disruptive or detrimental to change provider or location.

5.3 Property Standards of Private Sector Offers

The Council will inspect all properties it is considering offering as part of a private sector offer before an offer is considered.

If the property is out of the Broxtowe Borough, the Council will request another local authority or agent undertakes an inspection on its behalf.

Inspections will be documented to record condition using the Housing Health and Safety Rating System to ensure consistent quality. All identified Category 1 hazards are considered essential and work must be carried out prior to any let. The Council will make recommendations to landlords on works if they are required.

Any moveable electrical items in the property will require a Portable Appliance Test (PAT), or proof that one has taken place within the last year from the landlord.

A property will not be offered until a valid electrical safety certificate has been provided by the landlord.

The inspection of the property will check that it meets fire safety regulations. Should additional fire safety provisions be expected, for example, where a building has common parts, then a copy of the Fire Risk Assessment will be required from the landlord.

All furniture and furnishings supplied by the Landlord must also be shown to comply with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended).

If the property has a gas supply, then all landlords will be asked to supply a current gas safety certificate. A property will not be offered until a valid gas safety certificate has been provided by the landlord.

If the property has an active gas supply (for heating or cooking) or the gas central heating boiler is located in a bedroom, a working carbon monoxide detector should be provided by landlord. There must be a working detector in each room where there is a solid fuel appliance and should be one if a gas appliance is present.

All properties will require a valid Energy Performance Certificate (EPC) to be provided by the landlord.

Should it be requested by the landlord, the Council can carry out works on a landlord's behalf to ensure that a property is safe to be used as part of a private sector offer. Any works carried out by the Council are at a charge to the landlord.

If a private sector offer is a house in multiple occupancy, the Council will ensure that property is properly licensed, if required, and compliant with current regulations.

All landlords will be asked to supply a valid Assured Shorthold Tenancy (AST) agreement. The Council will ensure that an acceptable, written AST is used, clearly setting out the tenants and landlords obligations, rent and charges, and is free from any unfair or unreasonable terms.

The Council will offer advice and assistance to landlords to ensure that their AST's contain appropriate terms.

Landlords will also be informed of the requirements to use Tenancy Deposit Schemes by the Council prior to any letting if the landlord is not utilising the Council's Deposit Guarantee Scheme.

If a landlord employs a managing agent then they must ensure the agent complies with The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and is a member of one of three Government approved redress schemes.

5.4 The Deposit Guarantee Scheme

The Deposit Guarantee Scheme assists households who are homeless or threatened with homelessness to access private rented accommodation. It provides a written guarantee by Broxtowe Borough Council to the landlord that can be used to cover damage to the property or its contents, up to maximum value of one month's rent.

The purpose of the scheme is to assist the Council in discharging its duties in accordance with homeless legislation by securing private sector offers for applicants by providing some further security for landlords.

A person is eligible for the Deposit Guarantee Scheme in the following circumstances;

- The applicant is homeless or threatened with homelessness and the local authority is satisfied that the applicant is owed a duty by the Council in accordance with homeless legislation.
- The applicant has no savings or access to savings

- The applicant is of a low income
- The applicant has a local connection with Broxtowe Borough Council in accordance with statutory guidance
- The applicant is willing to pay back any sum paid by the Council
- The applicant is not an existing tenant of the Council or another Registered Social Landlord.

The length of the Deposit Guarantee Scheme is 1 year. The commitment will be renewed when the landlord confirms that the tenant has abided by their tenancy agreement. The tenant will be encouraged to pay their deposit to their landlord if they are in a position to do so.

If the landlord wishes to make a claim against the Deposit Guarantee Scheme for arrears or loss or damage to property, they will need to submit evidence to support the claim. The Council will consider claims when they are submitted within 14 days of the tenant ceasing to occupy. For any claims that are settled, the applicant will be liable to repay the Council in full.

5.5 Support, Advice and Assistance

Throughout the process of accessing a private sector offer, the Housing Options Team at Broxtowe Borough Council will provide the necessary support, advice and assistance to the applicant.

This will primarily be carried out through the Domestic Abuse and Private Sector Coordinator. The Council's Private Sector Housing Team will assist with ensuring the properties used by the Council in making a private sector offer are safe to occupy and meet the relevant legislative requirements.

To ensure that the offers made in the private sector are successful, particularly when applicants may have limited financial means, the Council will consider using the Homelessness Prevention Fund to assist with financial barriers such as rent in advance.

The Domestic Abuse and Private Sector Coordinator will also provide on-going advice and assistance and support where necessary for applicants that have been made a private sector offer and also in dealing with any issues from the landlord that may arise.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- South Nottinghamshire Homelessness and Rough Sleeping Strategy
- Homelessness Code of Guidance
- Homelessness (Suitability of Accommodation) (England) Order 2012

7.0 Review

This policy will be reviewed every two years. It is not expected that there will be changes to regulation or legislation which will have an impact on the need to review this policy sooner.

8.0 Document History and Approval

Date	Version	Committee Name
8/9/21	1	Housing Committee