

Waltham Forest Council — Private Rented Sector Offer Policy — April 2021

1. Introduction

- 1.1 This document sets out the Council's policy for offering Private Rented Sector (PRSO) accommodation in the following instances:
 - 1.2 as a discharge of the main homelessness duty.
 - 1.3 To meet the prevention or relief duty
 - 1.4 The Localism Act 2011 changed the way in which the duty on authorities to secure accommodation under section 193(2) of the 1996 Act can be an offer of suitable accommodation in the private rented sector.
 - 1.5 189(B)(2) of the Housing Act 1996 allows the authority to take reasonable steps to help the applicant to secure that suitable accommodation becomes available for the applicant's occupation for at least 6 months
 - 1.6 This change gives local authorities the power to end the main homelessness duty with a PRSO, without the applicant's consent. The duty can only be ended in the private rented sector in this way with a minimum 12 month assured shorthold tenancy in a suitable property.
 - 1.7 This policy applies only to applicants who approached the Council as homeless or threatened with homelessness on or after November 9th 2012.
 - 1.8 Within Waltham Forest there is a high demand for accommodation but a very limited supply of social housing. Like all authorities, we are having to look increasingly at the resources offered by private sector housing. Waltham Forest Council took the decision in December 2012 to use this power to discharge the S 193 homelessness duty into suitable private sector rented accommodation where appropriate.
 - 1.9 The Council anticipates that a private tenancy will be appropriate for most applicants, unless there are exceptional circumstances which mean that this is not possible. We therefore expect to use the power to discharge duty into the private rented sector in the majority of cases where a homelessness duty is accepted.

2. Key Principles

- 2.1 The Council's policy is to make available suitable PRSO accommodation within Waltham Forest wherever reasonably practicable, except in cases where there is a specific reason why the household should not be accommodated within the borough (e.g. those at risk of violence in Waltham Forest).
- 2.2 Accommodation may be acquired from providers by the Council's housing services, or applicants may find their own property through the Self-Help Scheme.
- 2.3 Changes to the local housing market and other factors largely outside the Council's control have made it increasingly difficult to acquire properties for use as PRSO accommodation in the borough and in surrounding areas that meet the standards that are required. The service may therefore acquire properties in a range of other locations where it appears the supply of units in the borough will not be sufficient for the anticipated demand.

- 2.4 All accommodation offered as a PRSO will conform to agreed minimum property standards. Where applicants have found their own properties (see 2.2) which have not been inspected by the Council, the Council will obtain evidence from the landlord that confirms its suitability. These standards take account of the requirements of the Homelessness (Suitability of Accommodation) Order 2012
- 2.5 In assessing the suitability of any property for a PRSO for a particular applicant, the Council will consider whether or not that applicant can afford their housing without being deprived of basic requirements such as food, clothing, heating, transport and other essentials, and in so doing will take account of the costs arising from the location of the accommodation.
- 2.6 The Council will also take account of the distance from the borough, potential disruption to employment, education or caring responsibilities, accessibility of essential medical facilities and support, and accessibility of local amenities, services and transport — see paras 3.5 and 3.8 for details.
- 2.7 Any decisions regarding an offer of a PRSO will have regard to the Council's obligations under the Children Act 2004 including the need to safeguard and promote the welfare of children.
- 2.8 Any decisions regarding an offer of a PRSO will have regard to the provisions of the Homelessness (Suitability of Accommodation) Order 2012.

3 Offering PRSOs

- 3.0 The use of the power to discharge the homelessness duty through a PRSO will be actively considered in all cases where a homeless duty is accepted, taking into account the shortage of social housing in the borough and the cost of providing temporary accommodation to homeless households
- 3.1 The decision about whether to make an offer of private rented accommodation as discharge of the S193 homelessness duty or the prevention or relief duty to a particular household will be made based on a range of circumstances including:
- a) The ability of the applicant to manage a private rented sector tenancy:
 - this will initially be assessed by the service at the point of application but can be reconsidered at any point including when a potential property has been identified
 - we anticipate that a private tenancy will be appropriate for the majority of applicants unless there are some exceptional circumstances which mean that this is not possible.
 - b) The suitability of the applicant's temporary accommodation, including affordability
 - c) the impact of the current temporary accommodation on the Council's finances
 - d) The duration of the lease for the applicant's temporary accommodation
- 3.2 All properties provided to be used for PRSOs will be zoned as follows:

- Zone A — located in the London Borough of Waltham Forest
 - Zone B— , located in Greater London and neighbouring districts in Essex, Hertfordshire, Kent, Surrey, Berkshire and Buckinghamshire'
 - Zone C — located outside of Zones A and B
- 3.3 Where it is not reasonably practicable to offer a property in Zone A within a reasonable time, having regard to the demand and supply of housing and any costs to the Council of maintaining the household in temporary accommodation, a property in Zone B or Zone C may be offered, depending on its suitability for the applicant and his/her household.
- 3.4 Where this policy is being applied by a reviewing officer on a s.202 review and the relevant applicant has accepted another PRSO but requested a review of its suitability, other applicants who have not yet been made a PRSO will be prioritised ahead of the relevant applicant.
- 3.5 Where applicants have expressed a wish to be housed in a particular location outside Waltham Forest, this will be taken into account when identifying properties.
- 3.6 Applicants will be individually assessed prior to any offer to determine the type and location of accommodation that should be offered. The size of property offered will reflect the Council's Housing Allocations Scheme although exceptions may be made subject to affordability. An offer of a property with one bedroom less than the applicant's assessed housing need (or smaller with the applicant's agreement) may be made to minimise costs to the Council of providing temporary accommodation and in order to make the best use of available supply.
- 3.7 Before an offer is made, a matching exercise will be carried out taking into account the requirements of the household and the nature and location of the individual property; the results of this matching exercise will be recorded in full on the applicant's file.
- 3.8 The following households will normally be given highest priority for accommodation within or close to the borough (or close to their place of employment/medical facilities/place of education as appropriate):
- Households with one child (or more) in secondary school in the year at the end of which they take their GCSEs or AS or A level exams
 - Households with one child (or more) who has a Education Health and Care Plan.
 - Households with one child (or more) who is the subject of a Child Protection Plan
 - Households where one person (or more) is receiving NHS treatment for mental health problems from Secondary mental health services , (e.g. from the Community Mental Health team) and/or is on the Care Programme Approach (CPA) I
 - Households where one person (or more) is receiving medical treatment that can only be provided by a specific medical facility: this group will be prioritised for housing as close as possible to the medical facility
 - Households where one person (or more) is in permanent and settled part time or full time employment and has been for at least three months prior to the date of the offer (or in appropriate circumstances the review). part time employment must be for a minimum of either 16 hours for a single

person household or 24 hours for a couple per week— this group will be prioritised for housing as close as possible to their workplace.

¹ <http://www.nhs.uk/CarersDirect/guide/mental-health/Pages/care-programme-approach.aspx>

- Households where a member of the household is caring for another person in the borough who falls into one of the following categories:
 - a) Over 75 years old and living alone, or with no other member of the household under 75 years of age, OR
 - b) In receipt of a registered care package, OR
 - c) In receipt of the medium or higher rate of the care component or the higher rate of the mobility component of the Disability Living Allowance, Attendance Allowance or War Disablement pension

3.9 It should be noted that the above categories and priorities are for guidance only and the individual circumstances of each household must always be taken into account when determining the suitability of a PRSO.

3.10 Given the shortage of available properties, it is likely that officers will need to make decisions to prioritise the offer of particular properties not only between households who fall into one or more categories described in 14 above, but also between households who do not fall into any of the categories.

3.11 The following circumstances will be taken into account when prioritising between households:

- a) Level of need relating to the welfare and safeguarding of any children in the household
- b) Level of educational need
- c) Identified risks posed by living in particular areas
- d) Permanency/flexibility of employment
- e) Access to transport
- f) Level of need to be close to services and amenities
- g) Level of need to be close to health services
- h) Level of need to be close to support networks
- i) Level of need to be close to cultural or religious amenities
- j) Impact on caring responsibilities
- k) Affordability of the accommodation
- l) Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of household members
- m) Impact of the relocation, and of occupying the accommodation on a continuing basis, on the well-being of any children in the household, having regard to the Council's duty under the Children Act 2004 to safeguard and promote their well-being.

3.12 The impact of these and any other relevant circumstances will be considered both individually and cumulatively. Households that have a relatively low level of need when considering the above circumstances are more likely to be offered accommodation in zones B and C. However, even if a household is considered to have a lower level of need than other applicants to be in or close to the borough, they will be offered available units in Zone A or Zone B if these units are not required by higher priority households.

- 3.13 Before an offer of PRSO accommodation is made, an affordability assessment will be carried out to ensure that the offer is suitable for the household. This will take into account Local Housing Allowance levels and the applicant's current and likely future circumstances.
- 3.14 Households in receipt of welfare benefits may be subject to restrictions on the amount of benefit they can receive, which may affect their ability to pay rent. Offers of accommodation in Waltham Forest or nearby boroughs are subject to suitable accommodation being available and the applicant being able to afford accommodation in these areas. If the benefit restrictions (cap) makes properties in Waltham Forest and London unaffordable then they will not be regarded as suitable
- 3.15 Before an offer of PRSO accommodation is made the Council will take into account the support and relocation needs of the household as set out at paragraph 5 below, making such inquiries as necessary to be satisfied that those needs will be met.

4 Rights of Review

- 4.0 Any PRSO offer will contain information for applicants about their right to request a review on the suitability of the accommodation offered.
- 4.1 Applicants can request a review within 21 days of receipt of notification of a PRSO. The Council will consider whether to accept review requests received after 21 days, but will not be obliged to carry out a review. The Council will complete the review within 56 or 21 days of receiving the applicant's original review request (unless a longer period is agreed). The review will be carried out by a senior officer who will not have been involved in the original decision.
- 4.2 The property will not be held open while a review is conducted. An applicant can accept the PRSO and move in and still exercise the right of review. If the review upholds the original offer, then the applicant may remain in the PRSO property. If the review overturns the original offer, a new offer will be made. If an applicant does not move into a PRSO property and requests a review, an assessment will be made on whether to exercise a discretionary power to provide temporary accommodation pending review. This discretion will be exercised only in exceptional cases. If the review upholds the original decision then no further offers will be made and the council's duty will remain discharged. If the review overturns the original decision then a new offer will be made and temporary accommodation will be provided in the interim period.

5. Support and Resettlement

- 5.1 The Council will provide information for applicants placed in PRSO accommodation which covers help with removals and setting up home, how to get repairs done, getting school places, accessing transport and leisure services.
- 5.2 The Council will provide details of incoming households to receiving boroughs as required under section 208 of the Housing Act 1996.

5.3 For any household placed in PRSO accommodation outside of the borough, information will be provided on how to access local services, amenities and facilities in the local area. This will include:

- Claiming local Council Tax support/Housing Benefit
- Registering with the Local GP
- What to do if they need emergency funds
- How to apply for a school place in the borough in which they are going to reside

5.4 Where a particular area outside the borough is used on a regular basis for the provision of PRSO, an information pack will be provided covering local services and facilities in that area. This support information may be provided by local agents in the area.

6. Dealing with Re-applications

6.1 If an applicant re-applies for accommodation within 2 years of accepting a PRSO, and the Council is satisfied that s/he is unintentionally homeless or threatened with homelessness, and eligible for assistance, then a further duty to secure accommodation will fall to the Council, which can be discharged if appropriate by a further PRSO.