

**Classification:** Public

**Key Decision:** No

### Gravesham Borough Council

**Report to:** Housing Services Cabinet Committee  
**Date:** 19 March 2024  
**Reporting officer:** Kenan Dogan, Housing Options Manager  
**Subject:** Private Rented Sector Offer Policy

#### Purpose and summary of report:

This report is intended to provide Housing Services Cabinet Committee members with an overview of the private rented sector policy.

The purpose of this report is to seek comments from members of Committee on the draft Private Rented Sector Offer policy, which sets out how the Council will use its powers to offer private rented accommodation to homeless households to end its housing duties prior to it being ratified by the Cabinet Member for Housing.

#### Recommendations:

For Members to discuss and provide feedback on the private rented policy prior to being ratified by the Cabinet Member for Housing Services.

Key Implications:	
Item	Implications
Legal	<p>The council has statutory duties to prevent homelessness through the Homelessness Reduction Act 2017 and to provide temporary accommodation for people presenting as homeless under the Housing Act 1996. In discharging these duties the Council has the power under the Local Government Act 1972 and the Localism Act 2011 to carry out activities directly ancillary to the discharge of duties, such as establishing a social lettings agency.</p> <p>The Localism Act 2011 (sections 148 and 149) has amended the 1996 Housing Act, and new statutory regulations have been produced. These 5 provide a new power that allows suitable 'Private Rented Sector Offers' to be used to end the main homeless duty, without requiring the applicant's agreement.</p> <p>There is no requirement under the Act to consult on this policy. The Policy is compatible with primary legislation. Like all good policies, it affords the council the power to review cases on a case- by- case basis and to take account of exceptional</p>

	<p>circumstances. The policy acknowledges a tenant's statutory right to seek a review of the suitability of the accommodation.</p> <p>Offers of accommodation outside the borough are lawful even where undesirable. In addition to making the decision to offer PRS (even within the borough) this has to be explained in a clear, transparent and measurable way. Financial impact on a council should not be the sole determinant of policy but is a matter which can be properly considered.</p>
<b>Finance and Value for Money</b>	The report is intended to outline legally how to discharge our legal duty under the Housing Act 1996 (amended 2002). This will be applicable for households in temporary accommodation and therefore has the potential to reduce the use of this type of accommodation.
<b>Corporate Plan</b>	In line with the objectives of the Corporate Plan 2023-2027 Strategic objective One community under - Meet the housing needs of all residents including vulnerable people.
<b>Climate Change</b>	Whilst the Council already discharges its duties into the private rented sector, this is into accommodation that the applicants find themselves. Having this policy in place will allow the Council to identify and make suitable offers to homeless households in the private rented sector, and if they refuse the Council will be able to discharge its homeless duties to that household and having this policy will minimise the risk of challenge when doing this. This policy demonstrates compliance to the legislation contained within the Housing Act 1996.

## 1. Introduction

- 1.1 As part of managing a Housing Options Service, all local authorities are required to discharge their homeless duty in line with the Homelessness Reduction Act 2017.
- 1.2 The Localism Act 2011 (sections 148 and 149) introduced provisions which enable the Council to bring its statutory housing duty under section 193 of the Housing Act 1996 as amended to an end, by making an offer of a private rented sector tenancy rather than a social housing tenancy.
- 1.3 The Council's Housing Allocation Scheme sets out who will be offered Social Housing and how they will be prioritised. Any revised policy will contain the same provisions. However, to offer Private Rented Accommodation, to a household owed a full housing duty by the Council, the Council must have a separate policy in place, the Private Rented Sector Offer policy.
- 1.4 Amendments under the Homelessness Reduction Act 2017 extended the powers in the Housing Act 1996, encouraging local authorities to embed an approach to use private sector accommodation to discharge its 'Prevention' and 'Relief' duties to homeless households and households threatened with homelessness.
- 1.5 The policy allows the Council to offer accommodation outside of the borough to someone accepted as homeless by Gravesham Borough Council. Offers of suitable accommodation outside of the borough will be made only when appropriate and to households that are already living outside of the borough or cannot stay in Gravesham for a particular reason (e.g., fleeing domestic violence or abuse). Prior to making an out of borough offer to household under this policy, the Council will undertake a suitability assessment which will identify if the

household is already engaged in local services in that area, such as schools and medical services.

## **2. Current position**

- 2.1** Gravesham, and Kent more generally, face severe housing pressures across all tenures. A combination of historic and on-going lack of new supply, a reduction in the number of available lets across the social housing stock, welfare reform, and rising property prices and rents, has led to rapidly increasing, and unmet, demand for social housing.
- 2.2** This increasing demand has recently started to translate into acute pressure for temporary accommodation. The latest data from DLUHC show that demand for temporary bed spaces has doubled in two years.
- 2.3** In Gravesham there are currently 131 households in nightly paid accommodation. The number has increased significantly in the two years since April 2022, when there were 89 households in nightly paid accommodation. However, demand remains high and despite a re-focus on preventing homelessness by our front line Housing Options team, the numbers in nightly paid accommodation have not reduced.

## **3. The Policy**

- 3.1** The Private Rented Sector Offer Policy allows the Council to make an offer of accommodation to people experiencing homelessness, working alongside a series of other tools to help prevent people's homelessness and move people on from costly and unsettled temporary accommodation, and bring its statutory duties to an end.
- 3.2** The policy would be applied on a case-by-case basis. However it considers a series of groups that will ordinarily be prioritised for private rented accommodation, such as households who have settled outside Gravesham or those who have settled in temporary accommodation and can now be offered an Assured Shorthold Tenancy.
- 3.3** It also includes groups that would not be prioritised, such as those whose needs cannot be met in the private rented sector, cannot afford to live in this sector and would be unable to manage a private tenancy.
- 3.4** The Policy has a series of guiding principles that will apply when making private rented sector offers, including:
  - 3.4.1** Private rented sector accommodation is appropriate for most households, however there are some circumstances in which this type of accommodation may not be appropriate for the household.
  - 3.4.2** Normally one suitable offer will be made, and the duty will be discharged if a household refuses the offer of accommodation, although households will have the right to request a statutory review of the discharge.
  - 3.4.3** Offers of private rented sector accommodation will have regard to the provisions of the Homelessness (Suitability of Accommodation) Order 2012 (DLUHC, 2012) and will only be made if the Council believes it is a suitable and affordable offer.
  - 3.4.4** Households may be made a private rented sector offer outside of Gravesham, where appropriate, and support may be offered help to move.
- 3.5** Households will mainly be offered Assured Shorthold Tenancy of at least 12 months. A detailed suitability assessment, which will include an assessment of a

- household's income and expenditure to determine what would be affordable, would be made prior to any offer of accommodation. The suitability assessment will have regard to:
- 3.5.1** The household size and bedroom need
  - 3.5.2** Maintenance and security of the property
  - 3.5.3** Location to services, amenities, support and place of work
  - 3.5.4** Public Sector Equality Duty
  - 3.5.5** Affordability
  - 3.5.6** Child welfare considerations (including educational needs).
- 3.6** Households have the statutory right to request a review of the suitability of the accommodation offer. The Council will determine that a property is not suitable if it is 'of the view' that in addition to the above any of the following apply:
- 3.6.1** The property is not in reasonable physical condition.
  - 3.6.2** Any electrical equipment supplied with the accommodation does not meet legal requirements.
  - 3.6.3** The landlord has not taken reasonable fire safety precautions with the accommodation and any furnishings supplied with it.
  - 3.6.4** The landlord has not taken reasonable precautions to prevent the possibility of carbon monoxide poisoning.
  - 3.6.5** The landlord is not a fit and proper person to act in the capacity of landlord.
  - 3.6.6** The accommodation is a house in multiple occupation subject to licensing and or additional licensing and is not licensed.
  - 3.6.7** The accommodation is or forms part of residential property which does not have a valid energy performance certificate.
  - 3.6.8** The accommodation is or forms part of relevant premises which do not have a current gas safety record.
  - 3.6.9** The landlord has not provided to the local housing authority a written tenancy agreement.
- 3.7** The Council will source accommodation to offer households under this policy. As part of its checks prior to making an offer of accommodation, the Council will:
- 3.7.1** Verify the tenancy that is being offered by the landlord to the household
  - 3.7.2** Check the condition and standard of the property.
  - 3.7.3** Ensure that the landlord is a 'fit and proper person.'
  - 3.7.4** Help to sustain a tenancy if things start to go wrong.
  - 3.7.5** Ensure that minimum standard repairs and safety requirements are met.
- 3.8** The policy allows the Council to also offer accommodation outside of the borough to someone accepted as homeless by Gravesham Borough Council. Offers of suitable accommodation outside of the borough will be made only when appropriate and to households that are already living outside of the borough or cannot stay in Gravesham for a particular reason (e.g., fleeing domestic violence or abuse). Prior to making an out of borough offer to households under this policy, the Council will undertake a suitability assessment which will identify if the household is already engaged in local services in that area, such as schools and medical services.
- 3.9** Another example where this policy could apply would be circumstances where the household is already settled in their home, as temporary accommodation, and the landlord has agreed to provide the same accommodation as an Assured Shorthold Tenancy. The Council will engage with the household to help determine if the household has a long-term need to live in the borough. As part of this the

Council will review the household's bidding history to see if they are regularly bidding on accommodation within Gravesham and if not to understand why.

- 3.10** Households will be individually assessed prior to any offer of accommodation being made, considering a range of factors, such as any active welfare or safeguarding concerns of any children in the household, disability, access to transport and the level of need to be close to services in the borough.
- 3.11** The assessment will also determine if the household requires any support to settle into a new area. The support will vary but may include information on how to claim local council tax support, registering with a local GP and applying for a school place in the area.
- 3.12** The Council would also still retain responsibility for households offered accommodation under this policy, including those who have accommodation offered outside of Gravesham. This responsibility means that households that make a homelessness application within two years of the date of their acceptance of a PRSO will be provided suitable interim accommodation, regardless of whether the household has a 'priority need', if the Council is satisfied that there is reason to believe that the household is eligible for assistance, homeless and not intentionally homeless.
- 3.13** The Council will also have a responsibility to secure accommodation for the household, which can be discharged by a further offer of private rented accommodation, if appropriate.
- 3.14** This policy will help the Council to meet its statutory duties outlined Housing Act 1996 (as amended) and Homelessness Reduction Act 2017, enable its Homelessness & Housing Options service to better help people experience homelessness access settled accommodation and support the Council in its delivery of critical financial savings.

#### **4. Conclusion**

- 4.1** Adopting the Private Rented Sector Offer policy will increase the Council's abilities to best meet its statutory duties outlined Housing Act 1996 (as amended) and Homelessness Reduction Act 2017, through providing an additional option to help people access settled accommodation and support the Council to reduce costs.
- 4.2** It will also bring the Council in line with many other Local Authorities who actively make Private Rented Sector Offers to homeless households.
- 4.3** The Policy takes into account the need to make offers on a case-by-case basis and ensure that all offers of accommodation are suitable and affordable for households.
- 4.4** It helps improve people's life chances and move more quickly into settled accommodation, ending their homelessness.
- 4.5** The policy provides a safety net for people who are made an offer of accommodation, including a statutory right to review, a reapplication duty and support if moving out of area.

**Lead Officer:** Kenan Dogan

**Email:** [kenan.dogan@gravesham.gov.uk](mailto:kenan.dogan@gravesham.gov.uk)

<b>Secondary Implications</b>	
<b>Risk Assessment</b>	Having this policy in place will allow the Council to identify and make suitable offers to homeless households in the private rented sector, and if they refuse the Council will be able to discharge its homeless duties to that household and having this policy will minimise the risk of challenge when doing this.
<b>Data Protection Impact Assessment</b>	A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.
	Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data?  No
	A definition of each type of data can be found on the Information Commissioner's Office website via the above links.
	No
<b>Equality Impact Assessment</b>	If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?
	No
	<b>If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.</b>
<b>Crime and Disorder</b>	The provision of an effective discharge of duty policy clearly outlines the council's legal position to provide housing and enables us to bring our duty to an end in the event of anti-social behaviour or not conducting tenancies satisfactory.
<b>Digital and website implications</b>	Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.  No
<b>Safeguarding children and vulnerable adults</b>	The provision of suitable accommodation and good management is essential and in the event of discharging our duty or making a negative legal housing decisions an intentionally homeless protocol will be used to refer vulnerable households in good time to Kent County Council to ensure we safeguard children and vulnerable adults.