



London Borough of Havering Council

Draft Homeless Placements Policy

June 2016

Document Control

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1. Policy Summary

1.1. Policy Overview

This is Havering Council's new Homeless Placements Policy which sets out the Council's approach for responding to homelessness in the borough in relation to procurement and placements (allocation) of temporary and settled accommodation. It covers both interim placements under Section 188 of the Housing Act 1996 whilst homeless enquiries are undertaken and longer-term placements into temporary accommodation or settled private rented sector accommodation under Section 193 of the Housing Act 1996.

It is the Council's aim to ensure that it has sufficient and suitable accommodation in Havering to meet its statutory duty towards people who are homeless or are at risk of homelessness. However due to the limited availability of affordable accommodation and increasing demand, it is no longer reasonably practicable to offer accommodation within the borough to all homeless households and the Council intends to increase supply of accommodation by procuring properties wherever available both within and out of borough.

This policy covers:

- Demand and supply of temporary and settled private rented sector accommodation
- The estimated shortfall in supply
- Ensuring sufficient supply of accommodation and the challenges
- Compliance with suitability of accommodation order
- Placements pathway including discharge of duty into private rented sector
- Consequences of refusing a reasonable offer of accommodation
- Support and resettlement.

1.2. Aims and Objectives

Recent case law and legislative developments have affected the way local authorities discharge their homelessness functions. This policy outlines Housing Service's objective:

- Secure accommodation to meet demand from homeless households
- Provide clear information on how decisions about placements are made
- Make best use of the Council's available accommodation resources
- Comply with the Homelessness Code of Guidance 2006, Homelessness (Suitability of Accommodation) Order 2012 and case laws including *Nzolameso v City of Westminster* 2015.

1.3. Policy Impact on Housing Services Delivery

There are five main areas covered by the introduction of a Placements Policy that will have an impact in the way the Housing Service delivers the homelessness service:

- Implementing the accommodation pathway for households seeking help under the homelessness legislation.

- Using the Council's powers under the Localism Act 2011 to discharge its homelessness duty by arranging for a private landlord to make a suitable offer of private rented for a period of at least 12 months.
- Reviewing the procurement approach to ensure that demand is met.
- Implementing the factors that will be taken into account when determining where households will be placed.
- Implementing the factors that will be taken into account where there is an identified need to transfer an existing applicant to alternative temporary or settled accommodation.
- Offering support and resettlement service

1.4. Scope of the Policy

This policy applies to the procurement and placement of homeless households into temporary accommodation and settled private rented sector accommodation. The policy does not cover tenancy management of the accommodation.

The policy applies to people presenting to the Council as homeless, who the Council has reason to believe may be homeless, eligible and in priority need as defined by homelessness legislation. This includes;

- Applicants placed under an interim duty to accommodation (Housing Act 1996 s188)
- Applicants placed under a housing duty to accommodate (Housing Act 1996 s193(2) and 195a)
- Applicants owed a housing duty and the Council intends to discharge the duty by way of a 'private rented sector offer' (PRSO) using the power granted to it (s193(7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011
- Applicants offered accommodation following a referral from Children or Adult Social Care in order to meet the Council's corporate duty.

Housing Services employees will have due regard to this policy in their day-to-day operation of the service. Complementary procedures to this policy will be developed for staff to refer to.

1.5. Strategic and Legal Framework

The Housing Act 1996 and the Homelessness Act 2002 placed statutory duties on local housing authorities to ensure that advice and assistance to households who are homeless or threatened with homelessness is available. A main statutory homelessness duty is owed to homeless applicants, where the authority is satisfied the applicant is eligible for assistance, unintentionally homeless and falls within a specified priority need group.

The priority need groups include households with dependent children, pregnant women or households who are vulnerable, for example because of mental illness or physical disability. In 2002, the Homelessness (Priority Need for Accommodation) Order extended the priority need categories to include applicants aged 16-17, those age 18-20 previously in care, those vulnerable as a result of time spent in care, custody or HM forces or vulnerable as a result of domestic violence (threat or actual).

Where a main housing duty is owed, the Council must provide suitable accommodation for the applicant and his or her household.

The policy takes into account the following legal requirements;

- The Housing Act 1996 specifically
 - Section 205 Discharge of Functions
 - Section 206 Discharge of functions by the local housing authority
 - Section 208 Discharge of function out of area placement
 - Section 210 Suitability of accommodation
- The Homelessness Act 2002
- The Localism Act 2011
- Homelessness Code of Guidance 2006
- Supplementary Guidance on Changes in Localism Act 2011 and Homelessness (Suitability of Accommodation) (England) Order 2012
- Children's Act 2004
- Care Act 2015
- Equality Act 2010
- Applicable and related Council policies including London Borough of Havering Housing Strategy and Housing Allocations Policy
- Recent case law surrounding homelessness and temporary accommodation including *Nzolameso V Westminster City Council* 2015

The Supreme Court case judgment in *Nzolameso v Westminster City Council* 2015 had significant ramifications for local authorities, who are advised to adopt policies as to the procurement and allocation of temporary accommodation. Care should be taken to ensure that the policies reflect the obligations under section 208, the 2012 Order and the associated statutory guidance and under section 11 of the Children Act 2004

1.6. Timescales of Implementation

The approved policy will be effective from July 2016 and will be continually reviewed. The policy in operation will be published on the Council's website.

1.7. Performance Monitoring

The effectiveness of this policy will be monitored over the implementation period. The Council will also monitor on-going changes in the private rental market to inform the development of accommodation products in order to meet prevailing demand.

1.8. Equalities Statement and Monitoring

Havering is home to a number of different communities. The Council is committed to delivering quality services to all by responding positively to the needs of all service users. Homeless applicants can make use of the Council's translation and interpretation services or other available communication services for the visually impaired, hard of hearing or disabled household.

2. Homelessness demand

- 2.1. The rising demand for TA and settled accommodation is rooted in wider national housing problems. The disparity between the pace of new build accommodation and availability of accommodation in the owner occupied sector has made home ownership increasingly out of reach for local people. The decline in house building has contributed to house price inflation and increasing reliance on the private rented sector, which in turn has increased market rents. Population growth, lack of affordable housing options and low turnover in the social rented sector has made the homelessness demand pressures particularly acute for all London Boroughs.
- 2.2. Recent analysis from the first and secondary quartiles of 2014-2015 and 2015-2016 highlights dramatic changes of rising homelessness, with the number of acceptances and decisions having almost tripled within one year. In 2015/2016 homeless applications doubled with a rate of 36% acceptances. Despite this, the total number of homeless placements into temporary accommodation has reduced from the number of lettings from the previous year; this indicates the difficulties in the limited availability and procurement of private rented accommodation. The supply of social housing in Havering is extremely limited; the Council is therefore reliant on the use of housing in the private rented sector to meet its obligations. As recent trends show, procurement in the private rented sector is becoming difficult and the waiting list from homeless people in need of temporary accommodation is starting to grow.
- 2.3. The demand for temporary and settled accommodation arises not only from new homeless applicants and statutory homeless cases but also from existing tenants of temporary accommodation with an urgent need to transfer into alternative temporary accommodation that is suitable for their household needs. For example this may include people needing to transfer because of threat to life, domestic violence, critical safeguarding, health or medical needs, due to the unsuitability of accommodation, under-occupation, overcrowding or when the landlord of the property requests the property back from the housing service. In addition, the Council works with Social Care to assist in meeting their care duties by arranging accommodation for some client groups including those with No Recourse to Public Funds.
- 2.4. Current demand in Havering is predominantly for one and two bedroom homes (79%) as have been the case for three years; however the demand for three-bed homes are starting to rise. 80% of the Council's stock of longer term temporary accommodation is of one and two bedrooms.
- 2.5. Changes to Local Housing Limits have meant that the Council has found it increasingly difficult to procure accommodation in the private rented sector at Local Housing Allowance rates (housing benefit levels) at which local people can afford, as the rents in London and Havering continue to increase. The difficulty in procuring longer-term temporary accommodation has resulted in limited move-on activity from interim accommodation. As a consequence there has been an increase in the use of emergency temporary accommodation (bed and breakfast accommodation) often at a cost that cannot be fully met through the housing benefit system, resulting in a pressure on the Council's General Fund budget that is unsustainable.

2.6. Over 2011-2012 to 2014-2015 the number of overall homelessness decisions and acceptances has dropped. However, recent trends from 2013-2014 to 2014-2015 show that homelessness acceptances have risen by 18%. Recent analysis from the first quartile of 2014-2015 and 2015-2016 highlights dramatic changes of rising homelessness, with the number of acceptances and decisions having almost tripled within one year.

Table 1 - P1E Homelessness Presentations and Acceptances in Havering (2011-2015)								
	2011-2012	2012-2013	2013-2014	2014-2015	Change 13-14 to 14-15	2014-2015 Q1	2015-2016 Q1	Change %
Statutory Homelessness Acceptances (Eligible and Priority Need)	226	202	163	191	(+) 18%	34	112	(+)258.8%
Total decisions	767	770	779	654	(-) 16 %	85	316	(+) 271.8%
Total number in TA								
Q1	559	490	517	617	19%	617	637	3%
Q2	536	574	486	624	28%			
Q3	511	598	599	637	6%			
Q4	526	617	623	649	4%			

3. Current supply of accommodation

The Council has an overall supply of 949 properties available to meet its homelessness responsibilities. This is used for placements in order to prevent homelessness, as interim and longer term temporary accommodation. Table 2 below provides a summary of the current supply of accommodation.

Table 2 – Current supply of Accommodation	
Type	Supply
Emergency Bed & Breakfast	10
Council owned hostel accommodation	95
Private sector leased accommodation	854
<i>* Of which in-borough</i>	796
<i>* Of which out of borough</i>	58
Total	959

*As of 22/01/2016

3.1. Emergency Bed & Breakfast

Bed and Breakfast is used as a last resort and on an emergency basis and to fill the temporary accommodation gap when the need arises. It is therefore spot purchased at a greater cost to the Council. There are also limited Bed and Breakfast providers in Havering and access is made more difficult due to increased competition from inner London Boroughs making block bookings of B&B's in Havering.

3.2. Council-owned Hostel Accommodation

The Council has three hostel accommodation sites situated in the borough. There are 95 units across the three hostel sites, with mixed compositions of single and family rooms. Throughout 2015-2016, the Council has been fully occupied the rooms.

3.3. Private Sector Leased Accommodation

The Council has a current supply of 854 private sector leased properties, of which the vast majority (93%) are located in borough. The Council acts as a Social Lettings Agency by leasing the properties from private landlords, letting and managing them under a fixed term agreement of 3-5 years.

Table 3 - Current Supply of Private Sector Leased accommodation			
Summary profile	In Borough Procurement	Out of Borough Procurement	Total PSL portfolio (current)
Bedroom size			
1 bed	265 (33.3%)	22 (37.9%)	287 (33.6%)
2 bed	334 (43.2%)	22 (37.9%)	366 (42.9%)
3 bed	175 (22%)	12 (20.7%)	187 (21.9%)
4 bed	12 (1.5%)	2 (3.4%)	14 (1.4%)
Total properties (no.)	796 properties (93.21%)	58 properties (6.79%)	854 Total Properties
Location of out of borough accommodation			
	Thurrock Council	42 (72.41%)	
	Basildon Council	7 (12.07%)	
	London Borough of Barking and Dagenham Council	7 (12.07%)	
	Brentwood Council	2 (3.45%)	

*As of 22/01/2016

Although the Council does not currently operate a Placements Policy for discharging its homelessness duty into the private sector outside of the borough it does place households into temporary accommodation outside the borough. This has been limited because the placements have been on a voluntary basis with the household's agreement.

4. Demand and supply

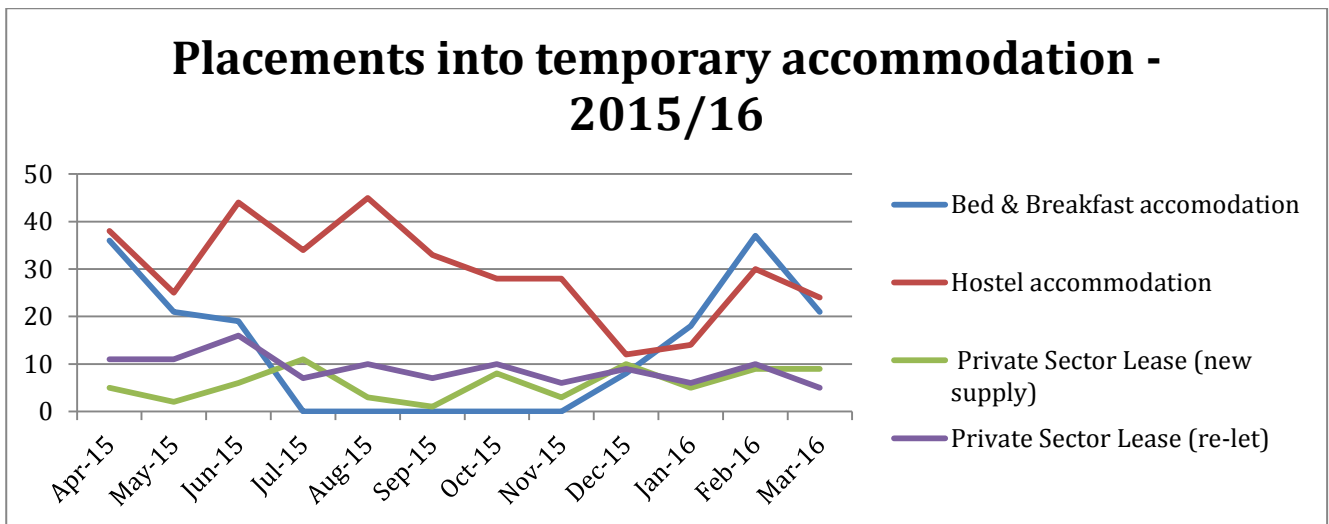
4.1. As can be seen in Table 5 below, the Council has consistently experienced high levels of demand in the borough over the period of 2015-2016. The level of demand has not been met by the amount of accommodation becoming available to let as there has been a total shortfall of 358 properties on an annual basis or 30 properties a month.

- Formal homeless applications are made at a monthly average of 92 applications. Of which the majority require temporary accommodation either on an interim or long-term basis.
- Placements into temporary accommodation are at a monthly average of 60.
- Supply is based on available stock from mainly hostel or private sector leased temporary accommodation and any shortfall is met through the use of Bed & Breakfast accommodation.
- New supply of private sector leased accommodation has drastically reduced to a monthly average of 6 properties.

- Therefore, there is a monthly average shortfall of 34 properties. This is usually managed through delayed homelessness by negotiating with an excluder to continue to accommodate the applicant either while enquiries are being conducted or while the council identifies a vacancy.

Table 2	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Total 2015/16	Monthly average
Demand														
Homeless approaches	133	242	207	166	132	130	204	176	150	115	167	206	2028	169
Formal homeless applications (PIE)	111	106	98	100	71	55	101	72	87	96	134	73	1104	92
Homeless acceptances	44	20	48	35	26	21	22	27	36	27	40	46	392	33
Supply														
Households placed into TA (total)	90	59	85	52	58	41	46	37	39	43	86	59	695	57.9
Of which placed in B&B	36	21	19	0	0	0	0	0	8	18	37	21	160	13.3
Of which placed in hostels	38	25	44	34	45	33	28	28	12	14	30	24	355	29.6
Of which placed in PSL (new procured supply)	5	2	6	11	3	1	8	3	10	5	9	9	72	6.0
Of which placed in PSL (re-let)	11	11	16	7	10	7	10	6	9	6	10	5	108	9.0
Demand/Supply difference*	-21	-47	-13	-48	-13	-14	-55	-35	-48	-53	-48	-14	-409	-34.1

*This is the difference between the number of homeless applications and the available supply of temporary accommodation (total placements)



As shown in the graph above, the use of Bed & Breakfast accommodation increased from November 2015 to plug the supply gap.

It is projected that this level of demand will continue in 2016/17. Based on the shortfall of 34 properties, usually approximately half (17) can be delayed, leaving additional requirement of 17 properties a month if the use of Bed & Breakfast is continued at the current rate of 40 a month (average excluding July-Nov 2015). To eliminate use of Bed & Breakfast, we would require approximately 57 properties a month.

5. Procurement – ensuring sufficient supply of accommodation

This section sets out the current market challenges and how the Council intends to do in order to meet the on-going homelessness demand. The aim is to acquire sufficient units of accommodation to meet the projected demand for properties each financial year from homeless households.

5.1. The challenges

Havering Council is finding the procurement of self-contained rented properties at or below TA subsidy and local housing allowance (LHA) rates increasingly challenging. Reasons for this include:

- a) The overheated housing market in many areas of London, which is placing downward pressure on the availability of affordable accommodation. Rents are increasing as landlords exit the homelessness market for a variety of reasons, such as to attract different tenants or because of the perceived uncertainties relating to welfare reform
- b) As a result of the above, a difficulty in procuring properties given the current TA subsidy formula (currently 90 per cent of January 2011 LHA, plus a £40 management fee, for self-contained properties). Many boroughs in London are now routinely using the management fee element of TA subsidy to pay agent or landlord fees, and topping up the subsidy from the General Fund.
- c) The £26,000 per year cap on welfare benefits for households in London. This cap is due to be reduced to £23,000 per year (£20,000 per year outside of London). The use of discretionary housing payments (DHPs) to subsidise benefit-capped households in TA as has been the case is not sustainable.
- d) Landlords exiting Private Sector Leased scheme in favour of other products, and most notably nightly-paid models. Nightly-paid accommodation is often considerably more expensive for local authorities than longer-term accommodation.
- e) An increase in popularity of new property management models, such as guaranteed rental income. This offer is often reflected in an increased management fee in the private sector. In the context of reductions in public spending, this acts to limit our ability to compete with the market.
- f) A general lack of tenancy turnover in the private rented sector due to limited move-on options for tenants.
- g) The increase in competition for private rented accommodation across London given the increasing homelessness pressures.

5.2. Availability and affordability

Since 2010 the government has capped the levels at which it pays for housing benefit for households in the private rented sector. The going LHA rate falls significantly behind the rate of rent inflation which has meant more landlords can get higher rents on the open market than by letting to households on Housing Benefit.

The council pay landlords for the private sector leased properties used to accommodate homeless households. The costs are offset against the income the council receives in rent from the tenant. The level of rent set is related to the amount of housing benefit that the household is able to receive. Subsidy arrangements for the private sector leased properties are 90% of the LHA rate in the Broad Market Area BRMA for the size of the

property plus an element for management costs (£40 per week for authorities in outer London). A high proportion of homeless households are in receipt of housing benefit.

The London Borough of Havering is divided into two Broad Rental Market Areas (BRMA), which are used to calculate the LHA rates (Housing Benefit) and household entitlement. The Outer North East London BRMA and the South West Essex BRMA divide Havering. If the property location is out of borough, the cost is based on the BRMA LHA rates in operation in that area.

Whilst the amount the Council is able to receive from tenants in terms of income through housing benefit rates has remained static, the Council has to spend more to secure accommodation in a competitive market environment, as well as retain the existing stock.

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	Total increase	% change
Weekly	£69.73	£75.03	£81.20	£85.72	£91.49	£21.76	31%
Monthly	£302.16	£325.13	£351.87	£371.45	£396.46	£94.29	31%

* Local Authority Average Weekly Rent Changes from 1998, ONS (accessed Jan 15)

Table 6 shows the rising cost of private rented accommodation in Havering over the past five years.

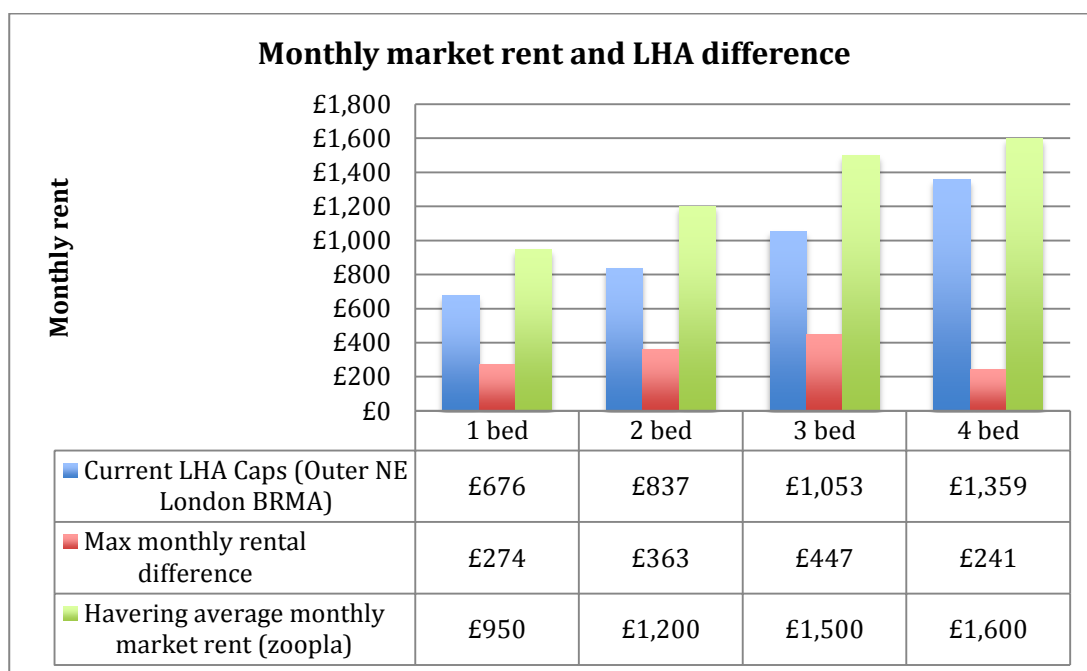
Household type example	Bed size	Average rent	Properties advertised	LHA weekly *Outer North East BRMA	LHA Monthly	Properties within LHA %
single u35/ shared room	shared room	£500	97	£75.15	£325.65	0%
single o35 and couples with children	1 bed	£950	97	£155.17	£672.40	0%
Families with children	2 bed	£1,200	149	£192.62	£834.69	0%
Families with children	3 bed	£1,500	100	£242.40	£1,050.40	0%
Families with children	4 bed	£1,600	36	£312.77	£1,355.34	0%

**LHA has been calculated on location of the Outer North East BRMA.

*LHA Rates from gov.co.uk, Average Rents & Availability extracted from Rightmove.co.uk

The analysis in Table 7 shows the lack of availability of properties that is within housing benefit rate (local housing allowance). Most of the properties advertised on the market are charged at the average market rent for each bedroom size and it shows that most accommodation in Havering is unaffordable for people on low income and/or on full housing benefit.

This will differ depending on the location within Havering, as some areas will still have supply of accommodation with lower quartile rents that can be affordable to people on benefits or on low income.



The chart above shows the difference between the local housing allowance and the average market rent that landlords expect to receive per bed size on a monthly basis. 79% of current demand from homeless households is for one and two bedroom homes and the demand for three bedroom homes is starting to rise. Therefore, the cost disparity is of a major concern which exacerbates the demand and supply pressure.

Table 8 - Placements into Havering from other Local Authorities (April – Nov 15)					
Local authority	Numbers	%	Local authority (cont.)	Numbers	%
Newham	178	39.9%	Hackney	1	0.2%
Kensington & Chelsea	46	10.3%	Haringey	2	0.4%
Barking & Dagenham	50	11.2%	Harrow	1	0.2%
Barnet	7	1.6%	Brent	2	0.4%
Redbridge	32	7.2%	Total	446	100.0%
Waltham Forest	61	13.7%			
Westminster	10	2.2%			
Hammersmith & Fulham	11	2.5%			
Lambeth	2	0.4%			
Lewisham	12	2.7%			
Wandsworth	1	0.2%	Type of TA	Numbers	%
Southwark	5	1.1%	PSL	143	32%
Tower Hamlets	19	4.3%	Hotel/B&B	96	22%
Bexley	1	0.2%	Other (Nightly/Annex)	206	46%
Islington	4	0.9%	Total	445	100%
Bromley	1	0.2%	Type of TA	Numbers	%

**Internal monitoring, data provided from East London Housing Partnership EHLPL 2015*

Monitoring of procurement activity has shown an increase in 2015 of London's local authorities procuring accommodation in Havering at rental levels that are higher than Havering can offer. This has also affected the service's ability to secure the available supply of private rented accommodation.

5.3. Procurement options

The Council already operates as a social lettings agency by procuring and managing private sector leased accommodation in order to compete with other private rented accommodation providers. It maintains competitiveness by:

- Operating from a high street shop in Hornchurch as a way of offering professional service to private landlords
- Offering leased and managed products to meet the individual requirements of landlords
- Offering intensive property management services and conducts inspections
- Offering guaranteed monthly fees of long leases (three to five years)
- Assisting with some costs of minor repairs
- Providing a tenant matching service
- Offering any available grant or initiative to attract landlords
- Undertaking commercial style advertising and marketing campaigns to promote the Council's profile as a viable alternative to local lettings agents. The Council uses newspaper and magazine press, radio, billboards, flyers, events.
- Providing support and housing advice services to both landlords and tenants
- Working collaboratively with the East-London Housing Partnership and at a Pan London level by sharing intelligence in order to maintain knowledge of procurement activity within its borough. This enables the Council to continuously adjust its procurement offer in line with market trends.

Given the difficulties of procuring sufficient units of temporary and settled accommodation at affordable prices in Havering, the Council intends to:

- Continue its procurement efforts as set out above in order to secure properties within the borough, in neighboring localities and further afield.
- Explore the viability of other accommodation products including the development of modular housing on available land.
- Identify existing under-used council accommodation that can be converted into hostel accommodation.
- Work with other accommodation providers in the market who can procure private sector accommodation.
- Develop other schemes to increase the level of prevention activities, for example, rent deposit schemes.

The Council aims to continue to operate within the Pan London Agreement on Inter-borough accommodation placements (IBAA) which is to ensure that where placing boroughs or their agents procure properties in receiving boroughs, they do not offer the landlord or agent for the property more than the receiving borough would. This is to prevent boroughs acting in competition with each other, a situation which could lead to price escalation.

Any decision made to procure further afield will be based on research relating to the affordability and availability of private rented supply in the proposed location. The Council will avoid acquiring accommodation in isolated locations.

- In making decisions on the acquisition of properties, the service will take into account the following factors:
 - the resources and community facilities in any area including health, medical, education, travel networks, religious sites and opportunities for employment (this list is not exhaustive)
 - the distance of the local authority area from Havering
 - the affordability of accommodation in any area
 - whether providing accommodation in any given area would be cost effective for the Council to deliver and properties acquired represent good value for money when considered in the context of the services overall expenditure on accommodation for homeless applicants
 - whether the acquisition links up to needs arising from homeless applications
 - the practicalities of acquiring and making placements in any location

6. Suitability of accommodation

The Policy sets out the key tests that will be used to ensure that the Council makes suitable offers of accommodation. These include:

- ensuring that a property meets the standards sets out the Suitability Regulations
- ensuring that the circumstances of the applicant have been considered in terms of the location of the property, and
- ensuring that the applicant is able to afford to live in the property taking into account their income once they have paid the rent. Accommodation may be located outside of the borough if this is more affordable.

This will apply to all offers of interim, longer term temporary or settled accommodation and officers will complete an assessment of all household members to inform placement decisions.

- 1 **Test one** - *Is the offer suitable based on the facts of the property itself – i.e. by meeting all requirements laid out in the Homelessness (Suitability of Accommodation) (England) Order 2012 Part 2 relating to property standards i.e. size, condition, space, and type of accommodation being offered?*
- 2 **Test two** - *Is the offer affordable for the applicant household?*
- 3 **Test three**- *Is the property suitable for that particular applicant household, having considered all possible impacts of property location and impact on education, health, employment and support? This will include an assessment of any subjective matters based on the applicant's circumstances*

5.1 Test One – Suitability of the property considerations

- **Type of accommodation**

The Council will consider the type of accommodation available.

For temporary accommodation there may be some circumstances where hostel accommodation is limited and Bed & Breakfast accommodation may have to be used. Wherever possible the Council will limit the use of any emergency B&B placements for families with dependent children, 16-17 year olds and pregnant women. Where such applicants are placed in Bed & Breakfast accommodation with shared facilities, the Council will aim to move them to alternative self-contained accommodation within a period of 5 weeks as outlined within the transfer section of this document.

There may also be some circumstances where a property in the private rented sector may not be suitable for a household owed a statutory duty. Therefore, officers will consider:

- If an applicant requires supported accommodation or has significant health or medical needs and could not adequately sustain a private rented tenancy
- If the applicant requires significant disabled adaptations to make the property suitable and this cannot be arranged with a private landlord.

- **Property Standards and Management**

The Homelessness (Suitability of Accommodation) (England) Order 2012 – Part 2 sets out a list of requirements relating to the property standards and its management that must be met in order for the property to be suitable. The local authority must be of the view that the accommodation is in reasonable physical condition fit for occupation.

The authority must also satisfy itself that the property is suitable in relation to:

- Certain electrical regulations & safety
- Fire Safety provision
- CO Poisoning – there must be adequate carbon monoxide alarms
- HMO licensing regulations
- Valid energy performance certificates EPC
- Gas safety records
- Written tenancy agreement
- The landlord is a fit and proper person to act as a landlord
- Elements of good management
- Household Health and Safety System legislation
- Equality legislation

If the property itself does not meet the property standards in relation to any of the above regulations or requirements, then the property and subsequent allocation of this property will be deemed unsuitable for occupation under Section 193 (F) of the Housing Act 1996.

To ensure temporary accommodation and accommodation in the private rented sector for use of a PRSO is suitable and fit for purpose, appropriate checks will be made by officers at the point of procuring and inspecting the property to ensure compliance with the Homelessness (Suitability of Accommodation) (England) Order 2012. A Housing Officer will assess suitability of the property before the applicant moves in.

- **Size of accommodation**

The Council will provide accommodation that is fit to inhabit with adequate space and room standards for households, taking into account relevant legislation. If accommodation is overcrowded, the Council will ensure that the household is moved to alternative accommodation.

Due to the emergency nature of interim temporary accommodation placements and limited availability of accommodation, households may need to be placed in accommodation one bedroom smaller than their needs with the expectation that the living room provides dual purpose as a living and sleeping area.

- **Property Condition**

The Council will ensure that all temporary and settled accommodation provided is of good standard, fit for living purpose and complies with relevant housing quality standards including health and safety, hygiene and fire safety regulations.

In determining whether the property is in reasonable condition, attention will be paid to signs of serious damp and mould and indications relating to structural defects or cold that would indicate unsuitability. The quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden will not be accepted as 'unsuitable' reasons for refusal.

5.2 Test Two – Suitability and affordability considerations

The Council will always consider the affordability of any offer being made. For the property to be suitable it must be affordable under Homelessness (Suitability of Accommodation) Order 1996/2002. Therefore, the following steps will be undertaken:

- The Council will undertake an income and expenditure assessment on every applicant due to be offered temporary accommodation. The assessment will consider whether the applicant can afford their housing / living expenses without being deprived of essentials such as heating, other household bills, food, clothing, transport and other necessities
- Where an applicant has multiple or priority debts or the applicant has declared issues with budgeting, a referral can be made upon request to the Council's Money and Debt Advice service for support and assistance
- Consideration of the cost of the rent and any other expenditure relating to the property compared to the income available to the applicant, with or without LHA and other benefits. Where an applicant is on benefits and qualifies for LHA, benefits will be calculated with reference to the LHA/BRMA in the area the property is located.
- Where there is a shortfall between the rent required and the amount of benefit the applicant will receive through LHA, the Council will consider how the shortfall can be met by assisting with benefit applications i.e. DHP and making appropriate referrals for housing advice services.

Offer of accommodation or placement will be made based on the outcome of the assessment.

5.3 Test Three – Suitability and property location considerations

Under Section 208 of the Housing Act, the Council is under an obligation so far as is reasonably practicable to provide accommodation in its district.

Due to the current mismatch against available supply and the level of demand due to the economic market conditions, it has become increasingly difficult for the Council to secure accommodation within Havering. Therefore, the Council will seek to increase supply by procurement and offering properties within and outside Havering.

The Council has due regard to The Homelessness (Suitability of Accommodation) (England) Order 2012 which sets out circumstances where an allocation of outer borough accommodation will not be considered suitable. In determining whether a location is suitable, the Council will consider the following factors;

- The particular needs and requirements of the applicant to remain in-borough
- Advantages that some applicants may have over others in being placed in accommodation out of borough
- Availability of affordable accommodation in Havering
- Health & Medical factors
- Welfare and support factors
- Education factors
- Employment factors
- Proximity to local community facilities and transport
- Any other special circumstances

Each of these is further explained below.

- ***Particular needs and requirements to remain in-borough***

If the applicant does not have a significant or specific need (health, medical, welfare, support, education, employment or other special circumstance) to remain in borough, this will be taken into account.

- ***Advantages some applicants may have over others in being placed in accommodation out of borough***

In some cases it may be more financially sustainable for a household to be placed in an affordable out of borough property as the lower rent would result in improved subsistence, household costs and reduced risk of getting into rent arrears.

Other circumstances where an out of borough accommodation may be considered suitable are to:

- Minimise risk of domestic violence
- Minimise risk of other violence
- Safeguard children
- Safeguard adults
- Promote wellbeing of any household member i.e. through breaking links with previous contacts who could exert negative influence
- Applicants who have their own preference and request to be placed out of Havering borough

- ***Availability of in-borough accommodation***

Availability is a just and appropriate consideration whilst deciding on the suitability of an accommodation offer. Considerations may be applied to prioritise households for in-borough accommodation only if there is an available supply of in-borough accommodation on the day of offer. In order to meet a household's need on the day that accommodation is required, they may be offered any available or suitable accommodation, inside or outside of the borough, temporary or settled private rented sector accommodation in discharge of the Council's specific duty.

If there has been an instance of limited availability and the placement made is deemed unsuitable for a household's continuing occupation then they will be transferred to an alternative accommodation as soon as a more suitable property becomes available.

- ***Health and Medical Factors***

If the applicant or any member of the household requires intensive or specialist treatment which can only be provided in Havering, this will be taken into account. This will include regard to health or medical treatments where a health professional would consider a move disruptive or detrimental to wellbeing.

If the applicant or a member of the household is citing medical grounds that were not identified during the initial homelessness assessment, the applicant will be asked to submit evidence of medical information within 24 hours.

The Council will have regard to the need to safeguard and promote the welfare of any children in the household in making an offer of accommodation.

- ***Welfare and Support needs***

If the applicant is in receipt of a significant package of care or a range of health care options that cannot be easily transferred or if the applicant is verified as the main carer for another person in Havering and the applicant cannot easily withdraw the care without significant detriment to the wellbeing of the other party, this will be taken into account.

- ***Education***

For households with children at key stages of their education or a child with Special Education Needs (SEN), proximity to schools in the area and accessibility of transport where the accommodation is being offered will be considered. This is to minimise disruption of the children's education.

- ***Employment***

The Council will consider the need of applicants who are in paid employment of more than 16 hours a week in terms of travelling distance to reach their normal workplace from the accommodation that is being offered. The decision will be based on a number of factors which when combined can cause hardship including the travelling time, route and the costs associated with this travel and the options of travel links available.

Every case will be considered on individual merit.

- ***Proximity to local facilities or amenities***

The Council will consider the need to be in a reasonable distance to any other community facility such as religious sites.

- ***Any other special circumstances***

Any other reasons put forward by the applicant that may affect the suitability of the location.

7. Placements (Allocations) of temporary and private rented sector settled accommodation

This section covers the management of demand from homeless households by ensuring that the council maximizes the use of available resources.

7.1. Housing Advice and Homelessness Prevention

It is the Council's aim to prevent homelessness in the first instance wherever possible in order to help homeless people to retain their current accommodation or provide them with alternative accommodation before they become homeless. Therefore, at first point of contact the Council will always provide homeless prevention assistance, including;

- **Mediation services** - including working with friends and family to prevent eviction or working with landlords or lenders to negotiate or intervene on issues that are expected to lead to eviction
- **Advisory services** – including money and debt or budgeting advice, which may assist homeless applicants to remain in their current accommodation or with finding affordable accommodation in the private sector. Advisors can help by exploring options to increase revenue or reduce expenditure.
- **Rent deposit schemes** – designed to assist a household into a private rented property of choice by assisting with cost of a deposit.
- **Pursue alternative housing options** – the Council can assist applicants with exploring alternative affordable housing options. For example because of restrictions to housing benefit, single homeless applicants can be offered shared accommodation into Houses of Multiple Occupation.

These options will be made available to all homeless applicants at any stage of the homeless process including when they are in temporary accommodation provided by the Council.

7.2. Placements pathway

Where the Council has not been able to prevent homelessness and a formal homeless application is triggered, the Council will aim to complete the necessary enquiry within 33 days in line with guidance and best practice. However, there are some circumstances where the decision may take longer to ensure that all relevant enquiries are thoroughly completed.

Where a homeless application is taken and there is a duty to provide temporary accommodation, the following guidelines will be applied:

7.2.1. Offers of interim temporary accommodation under Section 188

Offers of interim temporary accommodation are made under section 188 of the Housing Act 1996. When a homeless household makes an application to the Council and there is reason to believe that the applicant may be eligible, homeless and in priority need, they will be provided with temporary pending the outcome of their homeless application.

- Only one offer of accommodation will be offered.
- The offer is likely to be in the following types of temporary accommodation:
 - **Council Owned Hostel** – The Council owns and manages three hostel sites, which comprise of mixed single and family rooms with shared facilities.
 - **Refuge Accommodation** - The Council will use refuge accommodation where available for women who are at risk of violence.
 - **Bed and Breakfast Accommodation Emergency (B&B) Placements** – As a last resort and where there is no vacancy in hostel accommodation, the Council will place households in Bed and Breakfast accommodation.

Wherever the Council places families with dependent children, pregnant women and young people aged 16 to 17 in non-self-contained bed and breakfast accommodation, the Council will aim to move them into self-contained accommodation within 6 weeks.

- **Temporary arrangements with family & friends (Delayed homelessness)** – The Council will continue to work with family and friends to negotiate continued accommodation on a temporary basis whilst a homelessness investigation is being completed to prevent the use of inappropriate temporary accommodation.

If the Council decides following completion of enquiries that there is no duty to assist with re-housing, either because the applicant is not considered to be in priority need or made themselves intentionally homeless, the applicant will be given reasonable notice to make their own accommodation arrangements and the temporary accommodation provided will be cancelled.

7.2.2. Offers of longer-term temporary accommodation

If the Council decides following completion of enquiries that it has an on-going duty to accommodate the household, then they will be moved to longer-term temporary accommodation as soon as a suitable property becomes available.

- Only one offer of accommodation will be offered.
- The offer is likely to be in the following types of temporary accommodation:
 - **Private Sector Leased (PSL) accommodation** – this is accommodation that the Council leases from a private landlord and manages. It is normally a flat or a house which is let to homeless households on a non-secure tenancy agreement.
 - **Council owned general needs accommodation** – In exceptional circumstances where a household may have a specific accommodation need

that is not available through the private sector leased portfolio, the Council will consider offering a general need property as temporary accommodation on a non-secure tenancy agreement. An example may be where a household requires adapted property due to a disability which cannot be provided in a private sector leased property. Such cases will be at the discretion of the Head of Housing Services.

There is no limit to the length of time a household may stay in temporary accommodation. The Council will continue to provide temporary accommodation until one of the following happens to bring the duty to an end:

- You are no longer eligible for assistance
- You accept or refuse an offer of Council or Housing Association property
- You voluntarily cease to occupy accommodation
- You become homeless intentionally

7.2.3. Offers of private rented sector accommodation (PRSO)

The Localism Act 2011 (sections 148 and 149) has amended the Housing Act 1996 by providing a new power to local housing authorities that allows suitable 'Private Sector Offers' to be used to end the main homeless duty, without requiring the applicant's agreement, provided this is done through an approved and published policy and a 12 month assured short-hold tenancy is offered.

Therefore a private sector accommodation can be made at any stage in the homeless assessment process, either to prevent homelessness or to discharge the main homelessness duty to those households who applied as homeless from 9th November 2012.

Circumstances determining the private rented sector offer (PRSO) being made

An offer of a private rented tenancy may be made to any statutory homeless household except in the following circumstances

- The household is particularly vulnerable by way of old age, physical disability, mental health/learning difficulty and in need of supported accommodation;
- There is no suitable private sector tenancy available that meets the household's needs, for example where there is a physical disability and the property is not accessible;
- In cases of violence where the property concerned is deemed to be too near the alleged perpetrator and could put the household at risk of harm.
- In cases of racial harassment/hate crime where the property concerned is deemed to be too near the alleged perpetrator and could put the household at risk of harm.
- Any other exceptions circumstances to be considered on a case by case basis.

Selecting Households for Private Sector Properties (PRSO)

Where there are more households owed the full homeless duty than properties available in the private rented sector to end the duty, applicants will be selected to be offered a PRSO using criteria set to meet the operational needs of the service and the financial impact on the authority.

Criteria may change subject to operational or financial circumstances and a copy of the current criteria used will always be available for any applicant, or member of the public, who requests a copy. Criteria may include (the following are examples and are for illustrative purposes only).

Example criteria for selecting applicants to be made a PRSO to fully discharge the homeless duty Include:

Applicants owed a full housing duty that:

- Have expressed a preference to live in a particular area. Area choice will be considered when making a PRSO but cannot be guaranteed.
- Has sufficient capital to meet 12 months' rent payments.
- Are in temporary accommodation where there is a cost to the council
- Are in temporary accommodation where due to the level of rent charged there is a cost to the applicant
- Are in temporary accommodation and require longer term accommodation as a matter of urgency.
- That have been accepted as being threatened with homelessness and owed a full housing duty and where a PRSO will avoid the need for the household to go into temporary accommodation.
- That are owed the full homeless duty and have been waiting longest
- That are owed the full homeless duty and have been waiting shortest

One or several criteria may apply at the same time. Regardless of the fact that an applicant has met the criteria for being considered for a PRSO offer the authority will still ensure that it only makes a PRSO after a full consideration of household's individual circumstances and the facts that apply to that case. Having undertaken this consideration if the council is then satisfied that it is appropriate to exercise the power given to it under the Housing Act 1996 (as amended) it will discharge its duty by arranging for a private landlord to make a suitable offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months.

7.2.4. Other Provisions

Revised standard letters will be issued to homeless applicants stating that any household that is accepted as homeless may have the homeless duty ended through one offer of a suitable private rented sector 12 month assured short hold tenancy. Applicants will be advised of their right to appeal regarding the suitability of the offer.

An applicant may re-apply to the Council should they become homeless again within a 2 year period from the date an offer of a private rented sector tenancy was accepted. Housing Options Officers will ensure that this date is recorded appropriately and the correct legal process is followed.

The statutory homeless duty automatically revives once and only if; an applicant remains eligible, regardless of whether the applicant has a priority need and becomes unintentionally homeless from their private rented tenancy within two years of accepting the tenancy.

In cases where the duty revives and the applicant applies to a different local authority, the applicant can be referred back to the original local authority, unless there is an identified risk of harm to the household. The revived duty may again be discharged through a further offer of private rented accommodation, in accordance with this policy.

8. Consequences of refusing a reasonable offer

The Council is required to secure accommodation for certain homeless households under legal duties which are found in Part VII of the Housing Act 1996 (sections 188 and 193).

The interim accommodation duty under section 188(1) continues until either:

- The applicant abandons the accommodation provided;
- The Council obtains possession of the accommodation because the applicant breaches the terms upon which the accommodation was provided
- Notification to the applicant of the Council's decision on his/her application pursuant to section 184

The temporary accommodation duty under section 193(2) continues until one of the following actions or events occur which by law will bring the duty to an end:

- If the applicant ceases to be eligible for assistance due to their immigration status.
- If the applicant accepts an offer of an introductory, secure or assured (including a flexible) tenancy of social housing under the Council's Allocations Scheme in accordance with Part VI of the Housing Act 1996 or refuses a suitable final offer of such a tenancy
- If the applicant refuses an offer of suitable temporary accommodation and the council inform the applicant that it regards itself as having discharged its duty under Section 193 Part VII of the Housing Act 1996.
- If the applicant accepts or refuses a private rented sector offer (an offer of assured short-hold tenancy in the private rented sector which is arranged for a period of at least 12 months)
- If the applicant becomes intentionally homeless from the suitable accommodation made available for his/her occupation under Section 193 Part VII of the Housing Act 1996
- If the applicant otherwise voluntarily ceases to occupy as their only or principal home, the accommodation made available to them to meet the full housing duty under Section 193 Part VII of the Housing Act 1996.

The duty ceases automatically in any of the above circumstances; with no necessity for the Council to take any action to "discharge" the duty. The applicant however is entitled to seek a review of any decision that a duty has ceased/will cease. For this reason, all offer letters not only inform the applicant of the possible consequences of refusal or acceptance but also:

- that the Council has decided that its duty will cease upon acceptance (or refusal, as the case may be);
- of the right to request a review of the suitability of the accommodation;

- of the right to request a review of the decision that Council's duty has ceased;
- of the right to accept the offer and move in while requesting a review of either decision

An applicant to whom the statutory homeless duty has ended as a result of their refusal or failure to respond to one suitable offer of accommodation will have their Housing Register application dealt with in line with Havering Council's Housing Allocations Scheme. In these circumstances as the homelessness duty will have been discharged, the housing application will be reassessed based on the applicant's other circumstances at that time. This may result in the applicant being moved out of the priority band, into a lower band or the housing register application being cancelled.

Applicants must think carefully about whether to accept or refuse an offer as this could have a big impact on whether, and/or when we will make an applicant another offer.

The consequences of refusing an offer of accommodation depend on the circumstances in which the offer is made as shown in the table below.

	Action	Offer of accommodation	Consequence	Right to request a review of the decision
1	Failure to use your temporary accommodation as your only and principal home	N/A	The Council's duty to assist with accommodation will end. The Council does not have to provide temporary accommodation for you whilst your review is being considered	Yes - you should submit your review request within 21 days of receiving the discharge letter.
2	If the applicant becomes intentionally homeless from the suitable temporary accommodation made, for example, by breaching terms of the agreement.	N/A	The Council's duty to assist with accommodation will end. The Council does not have to provide temporary accommodation for you whilst your review is being considered	Yes - you should submit your review request within 21 days of receiving the discharge letter.
3	Refusal of offer of interim temporary accommodation under S188 e.g. in B&B or hostel accommodation.	One offer of accommodation only	The Council's duty to assist with interim accommodation will end until a decision is made on the homeless application. Ending section 188 duty does not prevent a full housing duty subsequently arising under section 193(2). If this happens, then another offer of temporary accommodation can be made at that point. Refer to 4 below for further consequences.	Does not apply
4	Refusal of offer of long term temporary accommodation under S193 e.g. in a private sector leased (PSL) accommodation.	One offer of accommodation only	The Council's duty to assist with accommodation will end. This means that the Council will be	Yes - you can submit your review request within 21 days whether you accept or refuse the property.

			<p>under no further duty to secure suitable accommodation for you.</p> <p>Your current temporary accommodation will be cancelled and you will have to make your own arrangements for accommodation.</p> <p>Accepting means that you can move into the accommodation and still ask us to reconsider our decision that the offer of accommodation is suitable and that the Council's duty has ceased.</p> <p>If we change our view and agree with you that the property is unsuitable, you will be moved to alternative accommodation.</p> <p>If we uphold our original decision that the property is suitable, the Council's duty will end and your temporary accommodation will be cancelled and you will therefore have nowhere to live. Not accepting the offer and moving into the property whilst the review is taking place can be risky as you will have to make your own arrangements for accommodation.</p>	<p>If you believe our decision is unlawful, you will have the right to appeal to the Court.</p>
5	Accepting or refusing the offer of private rented accommodation (PRSO)	One offer of accommodation only	Accepting or refusing the offer of accommodation will result in the Council's duty to assist with accommodation ending,	Yes - you can submit your review request within 21 days whether you accept or refuse the property.

		<p>This means that the Council will be under no further duty to secure suitable accommodation for you.</p> <p>Your current temporary accommodation will be cancelled and you will have to make your own arrangements for accommodation.</p> <p>Accepting means that you can move into the accommodation and still ask us to reconsider our decision that the offer of accommodation is suitable and that the Council's duty has ceased.</p> <p>If we change our view and agree with you that the property is unsuitable, you will be moved to alternative accommodation.</p> <p>If we uphold our original decision that the property is suitable, the Council's duty will end and your temporary accommodation will be cancelled and you will therefore have nowhere to live. Not accepting the offer and moving into the property whilst the review is taking place can be risky as you will have to make your own arrangements for accommodation.</p>	<p>If you believe our decision is unlawful, you will have the right to appeal to the Court.</p>
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9. Criteria for prioritising transfers of applicants between units of temporary accommodation

There are circumstances under which existing temporary accommodation may become unsuitable or unavailable and the Council will have to find alternative accommodation for existing tenants who need to move.

In order to ensure that available resources are effectively managed, the following priority will be applied:

- a. **Serious emergency needs** – where the accommodation is found to be in serious disrepair that poses a threat to life or there is an urgent need to move because of domestic violence, critical safeguarding issues or an evidenced serious health or medical need is presented
- b. **Non self-contained Bed & Breakfast** – where households with children or pregnant women have been in non-self-contained Bed & Breakfast for at least 5 weeks
- c. **Private sector leased property handback** - where the landlord has requested the property to be handed back following the end of the lease.
- d. **Unsuitability** - where the temporary accommodation has become unsuitable following a review
- e. **Disrepair** – where the temporary accommodation is found to be in serious disrepair that cannot be rectified while the tenant is in situ
- f. **Under occupation-**
- g. **Overcrowding**

10. Support and resettlement

All homeless households will be assessed to identify their support needs. Households with identified support needs (for example, mental or physical health, learning disabilities, substance misuse issues, care leavers and older people) will be offered support or referred as appropriate to other organisations for support.

Homeless households will receive guidance and advice packs at the point of placement. If an offer of out of borough accommodation has been made, households will be provided with information about the local facilities and amenities. This information will also include advice on;

- Registering for local Council Tax
- Registering with the local GP & local practices
- How to apply for a school place in the borough
- Accessing support services
- Transport and travel routes to Havering
- Employment services
- Community and leisure opportunities
- Other useful information on the borough's geographic location and relevant contact details of appropriate services

Housing officers will help applicants in settling into any new location and in accessing local services.

11. Duty to inform a receiving local authority where an out of borough placement is made.

The Council is required to provide details of incoming households to the receiving boroughs in which they are placed; if an out of borough placement is made under Section 208 of the Housing Act 1996. The Council will provide the following information to the receiving authority;

- the names of all household members and household composition
- address of accommodation
- date accommodation was made available
- any social care or support needs and any discharge of main housing duty information.

This notification will be provided within 14 days from the date of placement. The Council will seek to develop protocols with other Councils to ensure that services are maintained when required.

12. Complaints

We are committed to responding quickly and effectively to any complaints and comments, and to use these and any compliments about the service to review and improve ways of working.

Where an applicant feels that we have not lived up to our own commitments, they must tell the member of staff that they are dealing with or their supervisor. Often, that is the quickest and easiest way of dealing with things when we do get it wrong. When applicants are unhappy with the response given, or feel uncomfortable doing this, they can make a complaint.

The Council's formal complaints procedures can be found at www.havering.gov.uk/complaints.

13. Actions to be taken to implement the policy

Once this policy is adopted the Housing Service will adopt a policy statement which will be summarised and communicated to all applicants where a homeless application has been made after the 9th November 2012 and where a full housing duty is owed. A copy of this full policy will be available to applicants via the Council's website.

The key messages that will be communicated to applicants and stakeholders are:

- a) Havering Council intends to fully discharge any full housing duty by way of a PRSO made using the power granted to it under the Localism Act 2011.
- b) For all cases subject to a Part 7 Homeless Application from the 9th November 2012 and where that application has resulted in a full housing duty being owed the

presumption will be that the authority intends to discharge that duty by arranging for a private landlord to make an offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months

- c) This is not a blanket application of the new power. A decision will be taken after a full consideration of household's individual circumstances and the facts that apply to that case. Having undertaken this consideration if the council is satisfied that it is appropriate to exercise the power given to it under the Housing Act 1996 (as amended) it will discharge its duty by arranging for a private landlord to make a suitable offer of an assured short-hold tenancy in the private rented sector
- d) Although cases that are owed a full homelessness duty following an application after the 9th November will still be owed reasonable preference priority because of that duty, as soon as a suitable PRSO is made and the full homeless duty discharged the applicant will have their reasonable preference priority removed at that point.
- e) The Council anticipates that the majority of households owed the full duty will have that duty ended with a PRSO.